

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
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Delaware City, Delaware 19706
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**CITY OF DELAWARE CITY
DELAWARE CITY, DELAWARE**

Ordinance 18-0521-02 (Revised)

**REVISED ORDINANCE TO AMEND AND MODIFY THE CITY
DELAWARE CITY CODE CHAPTER 48, SECTIONS 21, 32 AND 34**

WHEREAS, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter ("Charter"), and pursuant to the "Powers of the City," outlined in Article II, § 2-01 of the Charter, the Mayor and the Council of The City of Delaware City ("City Council") possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code ("Code");

WHEREAS, the Mayor and City Council desire to amend Chapter 48, Section 21 by replacing the section in its entirety to have it conform with the definition of "substantial improvement" in Chapter 48 of the Delaware City Code;

WHEREAS, the proposed amendment to the Code is consistent with the definition of "substantial improvement" in 44 C.F.R. § 59.1;

WHEREAS, the Mayor and Council also desire to amend Sections 48-32 and 48-34 to make technical corrections;

WHEREAS, following the introduction of this Ordinance, the Delaware Department of Natural Resources and Environmental Control (“DNREC”) provided comments, and DNREC’s proposed changes are underline below in this amended ordinance; and

WHEREAS, under Article V, Section 5-02(B) of the Charter, the Amendments were introduced at a regular meeting, duly read in full or in abstract, and prominently posted for ten (10) days in The City of Delaware City.

NOW, THEREFORE, making the express finding that the changes to the Code is necessary to enhance the health, safety, and welfare of the City of Delaware City, the Mayor and the City Council of The City of Delaware City hereby ordain and adopt the following Code changes and revisions:

Section 1. Strike the entirety of the existing text of Section 48-21 of the Code, entitled “Historic Structures” and replace the text as follows:

Repair, alteration, or rehabilitation of a historic structure shall not be deemed a substantial improvement, provided that the proposed alteration will not preclude the structures continued designation as a historic structure. The Applicant, however, shall be required to demonstrate that the repair, alteration, or rehabilitation of a historic structure shall, to the maximum extent possible, substantially comply with the requirements of this Chapter 48; provided, however, that no alteration required by the Floodplain

Administrator shall have the effect of precluding the structures continuing designation as a historic structure. The Floodplain Administrator shall be permitted to rely on guidance from the Delaware Division of Historical and Cultural Affairs or other similar agency, body, authority, or similar historical expert in making a permit decision.

Section 3. Change the cross reference citations in Section 48-32 (a)(2), entitled “Variances” from 48-29(B) and 48-29 (C) to 48-31(B) and 48-31(C) respectively.

Section 4. Change the cross reference citations in Section 48-34 entitled “Appeals” from “Article 6” to “Article VII.”

Section 5. Restate the phrase “Article II Requirements in All Special Flood Hazard Areas,” located just prior to § 48-16, to read as follows: “Article IV Requirements In All Special Flood Hazard Areas”.

Section 6. Inconsistent Ordinances and Resolutions Repealed. All Ordinances or parts of Ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.

Section 7. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City

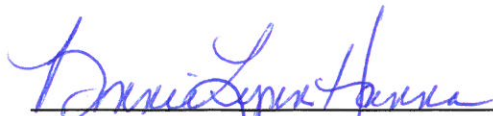
Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its adoption by City Council.

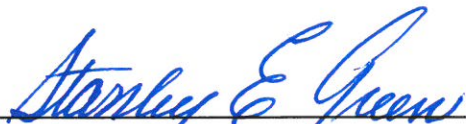
(Signature Page to Follow)

ADOPTED BY THE MAYOR AND COUNCIL, this 18th day of June, 2018.

ATTEST:



City Secretary




Mayor


APPROVED AS TO FORM:




City Solicitor




Council Member



Council Member



Council Member



Council Member



Council Member

First Reading - May 21, 2018
Second Reading & Adoption - June 18, 2018