



TITLE #: 78

Ordinance #: 04-01-15-045

Date: April 1, 2015

ORDINANCE
for the Addition of Article 4.9
Re-Zoning to the Land Use Ordinance of the
Town of Cheswold

DESCRIPTION: An Ordinance for the Town of Cheswold to amend the Land Use Ordinance by the addition of Article 4.9 Re-Zoning.

This Ordinance shall be commonly known as the Re-Zoning Ordinance.

Section 1. PURPOSE

This Ordinance is designed to provide the process and procedures required when a property owner or the Town of Cheswold desires to use land in a way that is not permitted by the current Zoning designation of the property.

Section 2. AUTHORITY TO ACT

The authority to amend the Land Use Ordinance of the Town of Cheswold is granted by Section 4.2.48 of the Town Charter which provides for the Town Council to make, adopt, and establish, alter and amend all such Ordinances, Resolutions, Rules and By-Laws not contrary to the laws of this State and the United States as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the order, protection and good government of the Town, the protection and preservation of persons and property, and of the public health and welfare of the Town and its inhabitants.....

Section 3. APPLICABILITY

The applicant, (only a title land owner may submit a Re-Zoning application, (2014-01-23-007 LDU), or the Town of Cheswold may request to Re-Zone the property to a classification which permits the desired use. Generally, Re-Zonings are permitted under one of the following three, (3), circumstances:

Section 4. DEFINITIONS

4.1 As used in this ordinance, the following terms shall have the specified meaning:

4.1.1. Applicant – is the titled land owner according to Kent County Property Records; majority vote of the Town Council, or recommendation from either the Planning Commission or Land Use Administrator.

4.1.2. Re-Zone – is the change of a current Zoning Code to another.

4.1.3. Town of Cheswold – are the current sitting members of the Town Council.

Section 5. DESCRIPTION OF RE-ZONING CIRCUMSTANCES

Generally, Re-Zonings are permitted under one of the following three, (3), circumstances:

- 5.1 When the requested Re-Zoning is consistent with the current Town of Cheswold Comprehensive Plan, adopted by the Town of Cheswold and approved by the Office of State Planning Coordination, per the requirements of Delaware Annotated Code §702, Title 22.
- 5.2 When there was an error or oversight in the original Zoning classification of a property.
- 5.3 When changes have occurred to conditions in the vicinity of the property which prevent the reasonable use of the property as currently Zoned.

Section 6. ADDITIONAL RE-ZONING INFORMATION

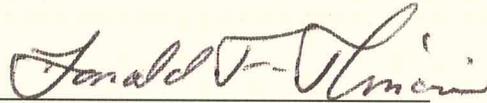
Additional information related to the processes and procedures associated with Re-Zoning may be found in Article 4.9 of the Town of Cheswold Land Use Ordinance.

Section 7 - EFFECTIVE DATE

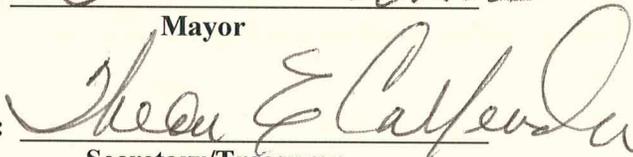
This ordinance and the rules, regulations, provisions, requirements, orders, administration and management and matters established and adopted hereby shall take effect and be in full force and effect on April 6, 2015, from and after the date of its final passage and adoption.

Ordinance No. 04-01-15-045 entitled, Addition of Article 4.9 Re-Zoning to the Land Use Ordinance, was duly adopted by a majority vote of the Cheswold Town Council at the Council meeting held on Monday, April 6, 2015 at 6:30 p.m., in the Cheswold Town Hall, 691 Main Street, at which a quorum was present.

I, **Donald F. Tinari**, Mayor of the Town of Cheswold, do hereby certify that the foregoing is a true and correct copy of the Act passed by affirmative vote of all elected Members of the Cheswold Town Council at the regularly scheduled Town Council Meeting, noted above, at which a quorum was present and voting throughout, and that the same is still in force and effect.

Certified: 
Mayor

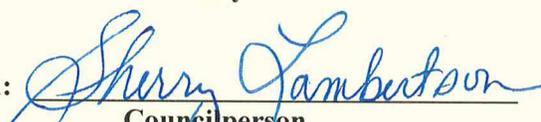
Date: April 6, 2015

ATTEST: 
Secretary/Treasurer

Date: April 6, 2015

Agreed: 
Vice-Mayor

Date: April 6, 2015

Agreed: 
Councilperson

Date: April 6, 2015

Ordinance No: 04-01-15-045

Date: April 1, 2015

Agreed: Position Vacant
Councilperson

Date: April 6, 2015

Agreed: Position Vacant
Councilperson

Date: April 6, 2015

NOTARIZED: *James*
Town Clerk

Date: April 6, 2015

Sponsored by: Planning Commission – Dennis Coker, Councilperson
Co-Sponsor: Theon E. Callender - Councilperson