



Resolution No.: 04-21-15-070

Date: 04-21-2015

**RESOLUTION PROPOSING PUBLIC HEARING FOR REVIEW
OF A REVISION TO THE LAND USE ORDINANCE
BY THE
ADDITION OF THE R-5 ZONING CODE
TO CREATE AN AGE DEFINED COMMUNITY ZONING DISTRICT
AND THE
DELETION OF THE AGE DEFINED RESIDENTIAL OVERLAY**

Whereas; the Charter of the Town of Cheswold, Section 4.2.48, authorizes the Town Council to make, adopt and establish, alter and amend all such Ordinances, Regulations, Rules and By-Laws not contrary to the laws of the State and the United States, as the Town Council may deem necessary to carry into effect any of the provisions of the Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for their protection and good government of the Town.....; and

Whereas; the Land Use Ordinance of the Town of Cheswold, Section 16-1 authorizes the Town Council to approve changes to a proposed text amendment; and

Whereas; the Land Use Ordinance of the Town of Cheswold, Section 16-3 directs said Council to conduct a Public Hearing to obtain comment from all interested parties and citizens; and

Whereas; the Mayor and Council of the Town of Cheswold pursuant to the requirements of the Town Charter and the Land Use Ordinance, deem it in the best interest of the Town of Cheswold to solicit public comment and opinion on the recommendation of the Planning Commission, (Memo 15-001, dated April 16, 2015), to amend the September 10, 2007 Edition and subsequent changes to the Land Use Ordinance by the addition of the R-5 Zoning Code to create an age defined community zoning district and the deletion of the age defined residential overlay; and

Whereas; the purpose of the revision is to provide a specific Zoning District to specify the requirements of an age defined community in alignment with the current residential zoning codes of the Town of Cheswold and to eliminate the age defined residential overlay to be in alignment with the direction of the Office of State Planning Coordination to eliminate overlays that may result in unequal requirements and/or benefits in like situations; and

Whereas; the revision will comply with all requirements for Zoning as specified by the currently approved Town of Cheswold Comprehensive Plan;

Whereas, the Mayor and Town Council will give proper notification of the proposed revision to the property owners and the residents of the Town adoption of this resolution;

Be it resolved, that:

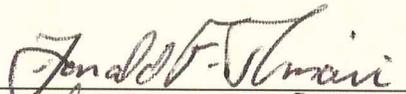
1. A Public Hearing is to be held by the Town Council, who shall sit to hear comments and opinions from any concerned party regarding the proposed revision of the September 10, 2007 Edition of the Land Use Ordinance Town of Cheswold of the Town of Cheswold, Kent County, State of Delaware.
2. The Public Hearing shall be held before the Town Council Workshop Meeting scheduled for the **18th day of May, 2015**, beginning at **6:00 p.m.**, in the **Cheswold Town Hall, 691 Main Street, Cheswold, DE 19936**.

The purpose of the hearing is to obtain public comment and legislative fact finding from any concerned party, on the question of adding and deleting text of the Land Use Ordinance concerning age defined residential communities within the corporate limits of the Town of Cheswold. The Town Council is not bound to react in response to any comments or information offered at the hearing.

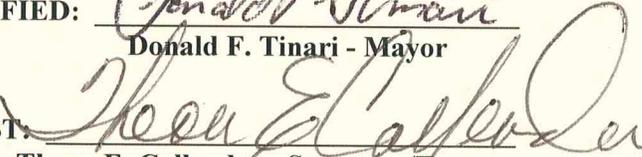
Anyone desiring to provide comments must submit their names to the Town Clerk at 302-734-6991, by close of business on Thursday, April 2, 2015.

This resolution was duly adopted by the Town Council at the Town of Cheswold Town Council Meeting, held on Tuesday, April 21, 2015.

I, Donald Tinari, Mayor of the Town of Cheswold, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by an affirmative majority vote of all elected members of the Town Council of Cheswold at a properly scheduled Town Council Workshop Meeting, held on, Tuesday, April 21, 2015 at which a quorum was present and voting throughout, and that the same is still in force and effect.

CERTIFIED: 
Donald F. Tinari - Mayor

Date: April 21, 2015

ATTEST: 
Theon E. Callender - Secretary/Treasurer

Date: April 21, 2015

Agreed: Robert W. Sine
Vice-Mayor Robert W. Sine

Date: April 21, 2015

Agreed: Sherry Lambertson
Councilperson Sherry Lambertson

Date: April 21, 2015

Agreed: Position Vacant
Councilperson

Date: April 21, 2015

Agreed: Position Vacant
Councilperson

Date: April 21, 2015

NOTARIZED: Shadina Jones
Shadina Jones - Town Clerk

Date: April 21, 2015

Primary Sponsor: Land Use Administrator Theon E. Callender

Co-Sponsor: n/a

Introduction: April 21, 2015