



TITLE #: 76

Ordinance #: 04-01-15-042

Date: April 1, 2015

ORDINANCE
of Previously Approved Land Use Ordinance
Text Amendments – Various Definitions

DESCRIPTION: This Ordinance shall be known as the Land Use Ordinance Text Amendment of Various Definitions, as it cites revisions to definitions as suggested by the Planning Commission and approved by the Town Council of the Town of Cheswold, to clarify previously ambiguous definitions.

Section 1. PURPOSE

This Ordinance records the changes to existing definitions and adds some new definitions to Article 2 – Definitions of the Land Use Ordinance of the Town of Cheswold. The amendment, additions, revisions were required as some definitions were too open to interpretation and others were required to clarify situations.

Section 2. AUTHORITY TO ACT

The authority to amend the Comprehensive Plan 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 text amendments authorized by an unanimous vote of the Town Council applies to the list of definitions attached to this Ordinance and in the document dated, October 29, 2013. These definitions went into effect on December 2, 2013, following a majority vote of the Town Council at their monthly Town Council meeting.

Whereas, the Town of Cheswold properly posted, published and conducted a Public Hearing on December 13, 2013, as instructed in Article 16 of the Town of Cheswold Land Use Ordinance, to receive public comment on the proposed definition additions and revisions; and

Whereas, the Town Council, at their regularly scheduled Town Council meeting, on December 2, 2013, held at 7:30 p.m., in the Cheswold Fire Hall, 371 Main Street, Cheswold, DE 19936, voted unanimously to approve the definition additions and revisions, as shown on the attached document, dated October 29, 2013, Pages 1-4;

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Now Therefore Be It Resolved, that the Town Council of the Town of Cheswold hereby confirms the authorization of the additions and revisions to Chapter 2 – Definitions of the Town of Cheswold Land Use Ordinance as specified in the attached October 29, 2013 document and approved by unanimous vote of the Town Council on December 2, 2013.

I, **Donald F. Tinari, Mayor of the Town of Cheswold**, do hereby certify that the foregoing is a true and correct copy of the Ordinance passed by an affirmative majority vote of Town Council members of the Town of Cheswold, at which a quorum was present and voting throughout, and that the same is still in force and effect.

Certified: Donald F. Tinari Date: May 4, 2015
Mayor

ATTEST: Theon E. Callender Date: May 4, 2015
Secretary/Treasurer

Agreed: Robert W. S. Date: May 4, 2015
Vice-Mayor

Agreed: Sherry Lamberton Date: May 4, 2015
Councilperson

Agreed: Position Vacant Date: May 4, 2015
Councilperson

Agreed: Position Vacant Date: May 4, 2015
Councilperson

NOTARIZED: James Date: May 4, 2015
Town Clerk

Sponsored by: THEON E. CALLENDER - Councilperson
Co-Sponsor: _____ - Councilperson

DATE: October 29, 2013

TO: TOWN COUNCIL

FROM: Sam Callender – Land Use Administrator

RE: LIST of APPROVED LAND USE ORDINANCE REVISIONS by PLANNING COMMISSION for PUBLIC HEARING on DECEMBER 2, 2013

ARTICLE/TITLE	FROM:	TO:
Preface	Insert a new paragraph at end of current paragraph.	The Town of Cheswold Land Use Ordinance, adopted April 2005, including the September 10, 2007 Edition, replaces and encompasses where applicable, in its entirety the Town of Cheswold Zoning Ordinance and all other land use ordinance documents.
Preface	Correct various grammatical and typing errors.	ordinance to Ordinance; Mr. Dennis Coker, chair, to Mr. Dennis Coker-Chairperson; Mr. Robert Sine-Councilperson; Ms. Gerry Harkness-Councilperson.....
Definitions	Dwelling, Manufactured Home – A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at a building site and bearing a label certifying that it is built in accordance with Federal Manufactured Home Construction and Safety Standards, which became effective on June 15, 1976. The term also includes mobile homes, park trailers and other similar transportable structures placed on a site for one hundred-eighty, (180), consecutive days or longer and intended to be improved property which is usually leased by the week, day, month or year. For the purposes of this Ordinance, a manufactured home dwelling shall be a single-family dwelling.	Dwelling, Manufactured Home – A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at a building site and bearing a label certifying that it is built in accordance with Federal Manufactured Home Construction and Safety Standards, which became effective on June 15, 1976. The term also includes mobile homes, park trailers and other similar transportable structures placed on a site for one hundred-eighty, (180), consecutive days or longer and intended to be improved property which is usually leased by the week, day, month or year.
Definitions	Dwelling, Mobile Home – A transportable dwelling unit fabricated in an off-site manufacturing facility, usually containing a HUD sticker designed to be a permanent residence, and built prior to June 15, 1976 when the Federal Home Construction and Safety Standards became effective. The term also includes manufactured homes, park trailers, and other similar transportable structures placed on a site for one hundred, (180), consecutive days or longer and intended to be improved property which is usually leased by the week, day, month or year. For the purposes of this Ordinance, a manufactured home dwelling shall be a single-family dwelling.	Dwelling, Mobile Home – A transportable dwelling unit fabricated in an off-site manufacturing facility, usually containing a HUD sticker designed to be a permanent residence, and built prior to June 15, 1976 when the Federal Home Construction and Safety Standards became effective. The term also includes manufactured homes, park trailers, and other similar transportable structures placed on a site for one hundred, (180), consecutive days or longer and intended to be improved property which is usually leased by the week, day, month or year.

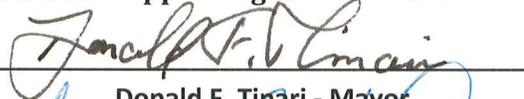
ARTICLE/TITLE	FROM:	TO:
<p>Definitions</p>	<p>Dwelling, Modular – A dwelling fabricated in an off-site manufacturing facility in accordance with Kent County Building Code. Modular homes also include, but are not limited to, panelized, pre-fabricated, and kit homes.</p>	<p>Dwelling, Modular Home – A dwelling fabricated in an off-site manufacturing facility in accordance with Kent County Building Code. Modular homes also include, but are not limited to, panelized, pre-fabricated, and kit homes. Modular homes must be installed on a permanent, load bearing, perimeter support foundation, identical to the foundations used by conventional, site-builders, designed not to be removed once it is installed.</p>
<p>Definitions</p>	<p>Insert new definition between definitions of Dwelling, Multi-Family and Dwelling, Single-Family Detached</p>	<p>Dwelling, “On-Frame” Modular Home – is a home built in a manufactured housing factory on a permanent metal chassis and is built in accordance with the Kent County, Delaware Building Code. Placement of On-Frame Modular Homes, in the Town of Cheswold, is only permitted in the R-4 Zoning District.</p>
<p>Definitions</p>	<p>Insert new definition between and definitions of Floor Area and Frontage</p>	<p>Foundation, Permanent – A permanent foundation must:</p> <ol style="list-style-type: none"> 1. Be constructed in accordance with the prescriptive provisions of the adopted Kent County Building Code or, where required, designed by a licensed professional engineer. A permanent foundation shall have attachment points to anchor and stabilize the home to transfer all code required loads to the underlying soil or rock. In either case, a permanent foundation shall be designed for the following: <ol style="list-style-type: none"> a. Vertical Stability: <ol style="list-style-type: none"> i. Footing sized to prevent overloading of the soil and to avoid excessive soil settlement. ii. Minimum depth of footings below undisturbed ground surface shall be 12 inches or as required by the Kent County code, whichever is greater. iii. Shallow foundation footings shall be constructed of cast-in-place concrete. iv. Masonry walls and piers shall be mortared.

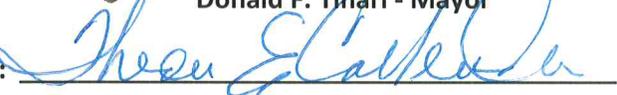
ARTICLE/TITLE	FROM:	TO:
<p>Definitions</p>	<p>Insert new definition between and definitions of Floor Area and Frontage</p>	<p>Foundation, Permanent <i>continued</i> – b. Lateral Stability: i. Anchorage capacity to prevent uplift, sliding, and overturning in both orthogonal directions. ii. Shall not utilize tension-only steel straps. iii. Shall not utilize screw-in-soil anchors. 2. Be constructed of durable materials, i.e., concrete, mortared masonry, or treated wood, (this includes pre-cast foundation systems). A permanent foundation does not include any alternative systems or components labeled only for use under one or more of the following standards: 1. 24 CFR 3280, Manufactured Home and Safety Standards (MHCSS) (http://www.access.gpo.gov/nara/cfr/waisidx_09/24cfr3280_09.html) 2. 24 CFR3286, Manufactured Home Installation Program (MIS)(http://www.access.gpo.gov/nara/cfr/waisidx_09/24cfr3286_09.html) 3. NFPA 225 Model Manufactured Home Installation Standard 4. ANSI A225.1 NFPA 501A Manufactured Home Installations 5. International Residential Code, Appendix E</p>
<p>Article 4 Section 4-8 Page 28 Administrative Procedures</p>	<p>Administrative Review and Variances</p>	<p>Administrative Variances and Appeals</p>
<p>Article 4 Section 4-8 Sub-Section: B Page 29 Administrative Procedures</p>	<p>Administrative Review</p>	<p>Appeal Process</p>
<p>Article 4</p>	<p>Figure 4-1 Review Process for Single Lot, Residential Projects</p>	<p>Complete revision of flow chart</p>

ARTICLE/TITLE	FROM:	TO:
Article 11 Section 11-2 Sub-Section: A Requirement Page Utilities	Add Paragraph 3 under Paragraph 2	3. Existing Wells Requiring Replacement - The replacement of an existing well, prior to the installation of either a Municipally-approved or Municipally-owned water supply and distribution system shall be exempt from the requirements of Article 11; Section 11-2; A-1 and A-2, above.
Article 11 Section 11-2 Sub-Section: A Requirement Page Utilities	Add Paragraph 4 under Paragraph 3	4 New and Existing Wells - Properties requiring the installation of new wells, without access to a Municipally-approved or Municipally owned water supply and distribution system shall be exempt from the requirements of Article 11; Section 11-2; A-1 and A-2. At such time as the installation of such water supply and distribution system becomes available, each lot and each principal use not previously connected shall be required to connect.

The text and drawings specified in this document are to be added as permanent revisions to the Land Use Ordinance of the Town of Cheswold, Kent County, Delaware. These revisions are authorized by a majority vote of the Town Council present and acting as a quorum, at the Public Hearing, sitting to hear public comments on the revisions, on Monday, December 2, 2013, at 7:00 pm, at the Cheswold Fire Hall, 371 Main Street, Cheswold, DE, 19936.

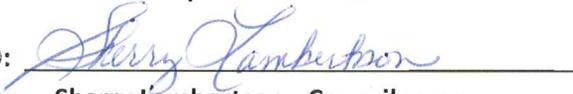
The Council members approving the revisions are as follows:

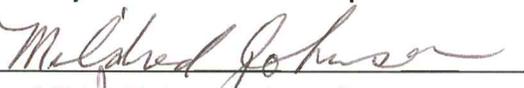
CERTIFIED:  Date: December 2, 2013
 Donald F. Tinari - Mayor

ATTEST:  Date: December 2, 2013
 Theon E. Callender - Secretary/Treasurer

AFFIRMED:  Date: December 2, 2013
 Robert W. Sine - Vice Mayor

AFFIRMED: _____ Date: December 2, 2013
 Councilperson - Position Vacant

AFFIRMED:  Date: December 2, 2013
 Sherry Lambertson - Councilperson

AFFIRMED:  Date: December 2, 2013
 Mildred Johnson - Councilperson

NOTARIZED:  Date: December 3, 2013
 Shadina Jones - Town Clerk