



TITLE #: 94

Ordinance #: 08-30-23-072

Date: August 30, 2023

ORDINANCE for Revisions to Article 7 & 8 of the Land Use Ordinance of the Town of Cheswold

DESCRIPTION: This Ordinance describes revisions and updates to the following articles within the Land Use Ordinance:

- Article 7. Section 7.5 Home Based Businesses
- Article 8. Dimensional and Density Standards

These revisions and updates were recommended and approved by roll call votes of the Planning Commission at their regularly scheduled meetings held on May 11, 2023 and July 13, 2023, respectively.

Section 1. PURPOSE The purpose of this ordinance is to clarify and specify the requirements for home-based business approvals in Article 7, Section 7.5 and to revise the limits for some Accessory Buildings and Structures in Article 8. Table 9-4 and Permitted Projections into Rear Yards in Article 8. Table 8-5.

Section 2. AUTHORITY TO ACT

The Town Charter of the Town of Cheswold, **Section 4.2.25**, authorizes the Town Council to provide for and preserve the health, peace and safety, cleanliness, ornament, good order and public welfare of the Town and its' inhabitants.

Additionally, 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 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.

Ordinance #: 08-30-23-072

Date: August 30, 2023

Page 1 of 9

Section 3. APPLICABILITY

This Ordinance shall be applicable to all land use requests, applications, reviews, and/or approvals, with the full authority of the Land Use Ordinance.

Section 4. DEFINITIONS

As used in this Ordinance, all definitions may be found in Article 2 of the Land Use Ordinance.

Section 5 REVISE ARTICLE 7. SECTION 7.5 –

FROM: PART A - HOME-BASED BUSINESSES

Section 7-5. Home-based businesses

A Permitted Home-Based Businesses

1. Offices for Professionals including architects, brokers, counselors, clergy, draftspersons and cartographers, educational tutoring, engineers, instructional services including art and craft classes, insurance agents, lawyers, real estate agents, accountants, tax preparers, editors, publishers, journalists, contract management, graphic design, , landscape design, salespersons and manufactures' representatives, travel agents.
2. Babysitting services defined as the occasional care of children.

TO: PART A - HOME-BASED BUSINESSES

Section 7-5. Home-based businesses

A Permitted Home-Based Businesses

1. Offices for Professionals including architects, brokers, counselors, clergy, draftspersons and cartographers, educational tutoring, engineers, instructional services including art and craft classes, insurance agents, lawyers, real estate agents, accountants, tax preparers, editors, publishers, journalists, contract management, graphic design, , landscape design, salespersons and manufactures' representatives, travel agents.
2. Babysitting services defined as the occasional care of children.
3. **Any licensed home-based business committed over the internet, by phone or by mail.**

Ordinance #: 08-30-23-072

Date: August 30, 2023

Page 2 of 9

FROM:

Section 7-5. PART D - PROHIBITED HOME-BASED BUSINESSES

D. Prohibited Home-Based Businesses

- Barbershops, beauty parlors, manicure and pedicure shops
- Dentists, doctors, massage therapy, psychologists
- Cleaning services, construction contractors, surveyors
- Kennels, veterinary clinics and animal hospitals
- Medical clinics, dental clinics, and hospitals
- Studios for musicians, photographers and sculptors, shops for cabinetry and woodworking
- Restaurants, bars, and night clubs
- Funeral homes and undertaking establishments
- Adult uses

TO:

Section 7-5. PART D - PROHIBITED HOME-BASED BUSINESSES

D Prohibited Home-Based Businesses

- Barbershops, beauty parlors, manicure and pedicure shops
- Dentists, doctors, massage therapy, psychologists
- Cleaning services, construction contractors, surveyors
- Kennels, veterinary clinics and animal hospitals
- Medical clinics, dental clinics, and hospitals
- Studios for musicians, photographers and sculptors, shops for cabinetry and woodworking
- Restaurants, bars, and night clubs

Ordinance #: 08-30-23-072

Date: August 30, 2023

Page 3 of 9

Section 7-5. PART D - PROHIBITED HOME-BASED BUSINESSES – "continued"

D Prohibited Home-Based Businesses

- Funeral homes and undertaking establishments
- Adult uses

Exception: On a case-by-case basis the above prohibited businesses may be permitted, if the function of the business is related totally to the internet, phone or mail services.

Section 6 REVISE ARTICLE 8. DIMENSIONAL and DENSITY STANDARDS

FROM:

Table 8-4 Dimensional and Density Standards for Accessory Buildings and Structures

Standard	Attached Accessory Buildings	Detached Garage	Other Detached Accessory Buildings	Service Station Pumps and Pump Islands
Location	Side and rear yards	Rear yard	Rear yard	Within any yard
Setbacks				
Front	Same as principal building	N/A	N/A	15 feet
Side-interior	Same as principal building	5 feet	2 feet	15 feet
Side-corner	Same as principal building	Same as principal building	Same as principal building	15 feet
Rear	Same as principal building	5 feet	2 feet	15 feet
Distance from main building	N/A	10 feet	10 feet	
Distance from dwelling on adjacent Residential Lot	N/A	20 feet	20 feet	N/A
Maximum Height	Same as principal building	15 feet	12 feet	N/A
Maximum Lot Coverage	Must be included in coverage for principal building	25% of rear yard	25% of rear yard	N/A

Section 6 **REVISE ARTICLE 8. DIMENSIONAL and DENSITY STANDARDS – “continued”**

TO:

Table 8-4 Dimensional and Density Standards for Accessory Buildings and Structures

Standard	Attached Accessory Buildings	Detached Garage	Other Detached Accessory Buildings	Service Station Pumps and Pump Islands
Location	Side and rear yards	Rear yard	Rear yard	Within any yard
Setbacks				
Front	Same as principal building	N/A	N/A	15 feet
Side-interior	Same as principal building	5 feet	5 feet or 10 feet	15 feet
Side-corner	Same as principal building	Same as principal building	Same as principal building	15 feet
Rear	Same as principal building	5 feet	5 feet or 10 feet	15 feet
Distance from main building	N/A	10 feet	10 feet	
Distance from dwelling on adjacent Residential Lot	N/A	20 feet	20 feet	N/A
Maximum Height	Same as principal building	15 feet	12 feet	N/A
Maximum Lot Coverage	Must be included in coverage for principal building and no more than	25% of rear yard	25% of rear yard	N/A

Ordinance #: 08-30-23-072

Date: August 30, 2023

Page 5 of 9

Section 7. REVISE ARTICLE 8. DIMENSIONAL and DENSITY STANDARDS

FROM:

Table 8-5 Permitted Projections into Required Yards

Type of Projection	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Air conditioners and heat pumps either free-standing or wall-mounted	Not permitted	5 feet	5 feet	5 feet
Aluminum siding, brick veneer, and similar applications to existing structures	9 inches	9 inches	9 inches	9 inches
Awning in commercial or industrial zones	5 feet	5 feet	5 feet	5 feet
Balconies, bay windows, entrances, oriels, and vestibules less than 10 feet wide	3 feet	3 feet	3 feet	3 feet
Carports	5 feet	3 feet	3 feet	5 feet
Chimneys	2 feet	2 feet	2 feet	2 feet
Cornices and eaves	2 feet	2 feet	2 feet	2 feet
Decks, platforms, or similar raised structure	Not permitted	Not permitted	Not permitted	6 feet
Fire escapes	5 feet	5 feet	5 feet	5 feet
Outside stairways	Not permitted	Not permitted	Not permitted	6 feet
Ornamental features, such as sills, leaders, belt courses	6 inches	6 inches	6 inches	6 inches
Porches, steps, stoops, terraces, and similar features				
Open	9 feet	3 feet	3 feet	9 feet
Roof covering porches, steps, stoops, terraces	4 feet	Not permitted	Not permitted	4 feet
Enclosed, including screened-in porches	Not permitted	Not permitted	Not permitted	Not permitted

Ordinance #: 08-30-23-072

Date: August 30, 2023

Page 6 of 9

TO:

Table 8-5 Permitted Projections into Required Yards

Type of Projection	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Air conditioners and heat pumps either free-standing or wall-mounted and generators	Not permitted	5 feet	5 feet	5 feet
Aluminum siding, brick veneer, and similar applications to existing structures	9 inches	9 inches	9 inches	9 inches
Awning in commercial or industrial zones	5 feet	5 feet	5 feet	5 feet
Balconies, bay windows, entrances, oriels, and vestibules less than 10 feet wide	3 feet	3 feet	3 feet	3 feet
Carports	5 feet	3 feet	3 feet	5 feet
Chimneys	2 feet	2 feet	2 feet	2 feet
Cornices and eaves	2 feet	2 feet	2 feet	2 feet
Decks, platforms, or similar raised structures, pools; hot tubs	Not permitted	Not permitted	Not permitted	6 feet
Fire escapes	5 feet	5 feet	5 feet	5 feet
Outside stairways	Not permitted	Not permitted	Not permitted	6 feet
Ornamental features, such as sills, leaders, belt courses	6 inches	6 inches	6 inches	6 inches
Porches, steps, stoops, terraces, gazebos , and similar features				
Open	9 feet	3 feet	3 feet	9 feet
Roof covering porches, steps, stoops, terraces	4 feet	Not permitted	Not permitted	4 feet
Enclosed, including screened-in porches	Not permitted	Not permitted	Not permitted	Not permitted

Section 8 Severability

If any provision of this Ordinance or any application of this Ordinance to any particular entity or circumstance shall be deemed invalid, such invalidity shall not affect any other provision or application of this Ordinance, or the Land Use Ordinance, which may otherwise be given effect and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 13. 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 immediately and after the date of its final passage and adoption.

Section 14.

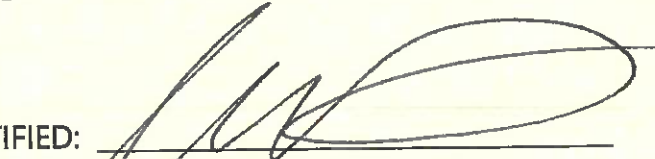
PASSAGE of ORDINANCE

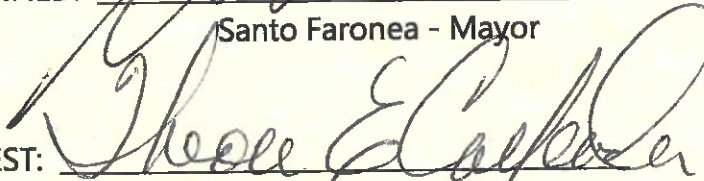
Whereas, the Town Council of the Town of Cheswold, approved Resolution 04-04-24-120 , on May 6, 2024 and then properly posted and held a Public Hearing on June 3, 2024, at 5:00 p.m., in the Cheswold Town Hall, at 691 Main Street, Cheswold, DE 19936, to receive public comment on this Ordinance; and

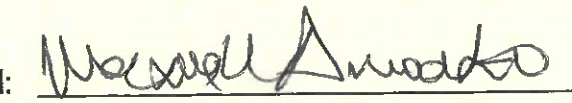
Whereas, there was not any negative or adverse public comments made against the said Ordinance, at the above mentioned Public Hearing; and

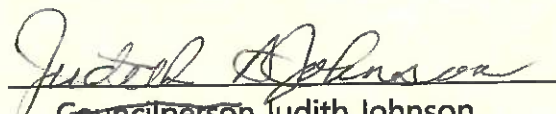
Whereas, the Town Council at their regularly scheduled Town Council meeting, on June 3, 2024, held at 5:30 p.m., in the Cheswold Town Hall, at 691 Main Street, Cheswold, DE 19936, voted unanimously to approve this Ordinance; and

I, Santo Faronea, 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 regularly scheduled Town Council Meeting, held on, Monday, June 3, 2024, at which a quorum was present and voting throughout, and that the same is still in force and effect.

CERTIFIED:  Date: June 3, 2024
Santo Faronea - Mayor

ATTEST:  Date: June 3, 2024
Theon E. Callender - Secretary/Treasurer

Agreed:  Date: June 3, 2024
Vice-Mayor Maxwell Amoako
Council person

Agreed:  Date: June 3, 2024
Council person Judith Johnson
Vice Mayor

Agreed: 
Councilperson Mark Moxley

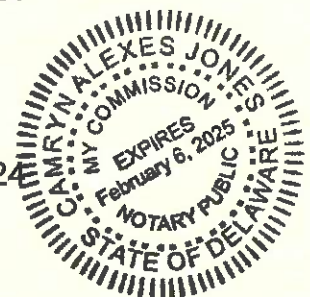
Date: June 3, 2024

Agreed: Excused
Councilperson Robin Ridgway

Date: June 3, 2024

NOTARIZED: 
Camryn Jones – Assistant Town Clerk

Date: June 3, 2024



Primary Sponsor: Secretary/Treasurer Theon E. Callender Introduction: Aug. 30, 2023

READINGS & REVIEWS:

Review by Planning Commission	September 11, 2023
Introduction to Council via E-Mail	November 9, 2023
Attorney Review	Not Required
2 nd Council Reading/1 st Public Reading	December 4, 2023
3 rd Council Reading/2 nd Public Reading	January 8, 2024
Resolution for Public Hearing/3 rd Public Reading	May 6, 2024
Public Hearing	June 3, 2024
Council Vote	June 3, 2024

REVISION LOG

<u>Revision Date</u>	<u>REVISION REASON</u>