"A Historic Past"

"A Bright Future"

CITY OF DELAWARE CITY
407 Clinton Street – P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

CITY OF DELAWARE CITY
DELAWARE CITY, DELAWARE
Ordinance No. 16 -0620-01

ORDINANCE TO AMEND CITY CODE SECTION 46-63 FOR THE PURPOSE OF CLARIFYING THOSE LOTS SUBJECT TO SUBDIVISION LIMITATIONS

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, Section 46-63 of the Code governs the subdivision of property within the City of Delaware City ("City") limits;

WHEREAS, Section 46-63(b) of the Code restricts any portion of a lot that has been subdivided from being further subdivided for a period of five (5) years;

WHEREAS, the Mayor and City Council desire to amend Code Section 46-63 (the "Amendment") for the purpose of clarifying its position on the applicability of § 46-63(b) to property within the Historic Preservation and Redevelopment ("HPR") zoning classification;

NOW, THEREFORE, making the express finding that the Amendment outlined herein is for and will enhance the health, safety, and welfare of the 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. Amend Section 46-63(b) of the City Code of Delaware City to add the language identified in bold below:

> Any portion of a lot that has been subdivided shall not be further subdivided for a period of five (5) years from the date of the original subdivision. **This provision does not apply to any lands zoned Historic Preservation and Redevelopment (HPR).**

Section 2. **Inconsistent Ordinances and Resolutions Repealed**.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or parts of Ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.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 3. **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 4. **Effective Date**. This Ordinance shall become effective immediately upon its adoption by City Council.

(Signature Page Follows)

ADOPTED BY THE MAYOR AND COUNCIL, this _____ day of _____, 2016.

ATTEST:

_____
City Secretary

_____
Mayor

APPROVED AS TO FORM:

_____
Council Member

_____
City Solicitor

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member