

*"A Historic Past"*



*"A Bright Future"*

**CITY OF DELAWARE CITY**

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**CITY OF DELAWARE CITY  
DELAWARE CITY, DELAWARE  
Ordinance No. 18-0716-01**

**ORDINANCE TO AMEND THE CITY OF DELAWARE CITY CODE, CHAPTER 46  
RELATING TO THE HPR DISTRICT, AND SECTION 24-13 OF THE DELAWARE  
CITY CODE RELATING TO CERTAIN AGRICULTURAL USES**

**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**, the Mayor and City Council desire to amend Chapter 46 of the Code allow certain agricultural related uses in the Historic Preservation and Redevelopment ("HPR") district ("Zoning Revisions");

**WHEREAS**, the Mayor and City Council believe that making the Zoning Revisions is in the best interest of The City of Delaware City;

**WHEREAS**, the City Council also desires to amend Section 24-13 of the Code for the express allowance of agricultural uses in the HPR District.

**NOW, THEREFORE,** making the express finding that the below changes enhance the health, safety, and welfare of the City of Delaware 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 Chapter 24, Section 13 of the City Code by adding the underlined text identified below:

a.) Generally. No person shall own, keep or harbor farm animals or wild animals within the corporate limits of Delaware City, Delaware, the presence of such farm animals or wild animals constituting a nuisance or health hazard. Provisions of this Chapter notwithstanding, farm animals and agricultural uses shall be permitted in non-residential areas of the HPR zoning district. Farm animals, however, shall not be permitted in the development areas of the HPR district outlined in Section 46-31 of the Delaware City Code.

**Section 2.** Amend Chapter 46, Section 28(a), of the City Code by adding a new subsection (41), which shall read as follows:

(41) Harboring and keeping of livestock, aquaculture, the growing and harvesting of crops, and other similar agricultural uses in non-residential areas.

**Section 3.** **Inconsistent Ordinances and Resolutions Repealed.** All Ordinances or parts of Ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.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 4.** **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 8. Effective Date.** This Ordinance shall become effective immediately upon its adoption by City Council.

ADOPTED BY THE MAYOR AND COUNCIL, this 20 day of August 2018.

ATTEST:

Dominic Lynn Hanna  
City Secretary

Stanley E. Green  
Mayor

APPROVED AS TO FORM:

Betty Bennett  
Council Member

Mark Walras  
City Solicitor

Robert J. Malinowski  
Council Member

Elizabeth A. Kentus  
Council Member

Margaret C. Tetus  
Council Member

[Signature]  
Council Member

First Reading on July 16, 2018

Second Reading, Public Hearing, and Final Passage on August 20, 2018