

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY

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

**ORDINANCE 19-0520-01**

**ORDINANCE TO AMEND CITY CODE SECTION 46-31 REGARDING CERTAIN  
MAXIMUM HEIGHT REQUIREMENTS IN HPR ZONING DISTRICT**

**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, § 2-1 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**, Chapter 46, Section 46-31 of the Code provides for regulations regarding the dimensional requirements including, but not limited to, the maximum height of buildings in the HPR zoning district;

**WHEREAS**, Chapter 46, Section 46-31 of the Code provides that the maximum height of buildings located in the Marina Village district within in the HPR zoning district is 99 feet;

**WHEREAS**, the Mayor and City Council of Delaware City desire to amend Chapter 46, Section 46-31 by reducing the maximum height permitted in the Marina Village district from 99 feet to 50 feet;

**NOW, THEREFORE**, the Mayor and City Council believe this amendment is in the best interest of the City and necessary to enhance the health, safety, and welfare of the City of Delaware City, especially as to sight line views and the City's aesthetic appeal, the Mayor and the City Council of The City of Delaware City hereby ordain and adopt the following Code changes and revisions:

**Section 1. Amendment.** Amend Section 46-31 of the Code by modifying the table contained therein by deleting the number "99" under the column entitled "Max Height" and subtitled "Height" and replacing same with the number "50" as shown in bold and strike-out text on Exhibit A attached hereto.

**Section 2. 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.

**ADOPTED BY THE MAYOR AND COUNCIL, this \_\_\_\_ day of \_\_\_\_\_, 2019.**

**ATTEST:**

\_\_\_\_\_  
**City Secretary**

\_\_\_\_\_  
**Mayor**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Council Member**

\_\_\_\_\_  
**City Solicitor**

\_\_\_\_\_  
**Council Member**

\_\_\_\_\_  
**Council Member**

\_\_\_\_\_  
**Council Member**

\_\_\_\_\_  
**Council Member**

First Reading on \_\_\_\_\_,

Second Reading, Public Hearing, and Final Passage on \_\_\_\_\_.

**EXHIBIT A**

## Section 46-32

## Zoning

## Section 46-35

HPR Dimensional Requirements	Zoning										
	Area	Frontage	Front Setback	Rear Primary	Rear Accessory	One Side	Both Sides	Min sf/family	Max lot coverage by Building	Max Height	
	Sq ft	ft	ft	ft	ft	ft	ft	Sq ft	%	Stories	Height
<b>District</b>											
<u>Canal District</u>											
One-family, Detached	6000	60	20	20	5	5	15	6000	50	2.5	45
One-family, Attached*	1760	22	10	20	5	5	10	1760	60	3	45
<u>Officers Row</u>											
One-family, Detached	7500	75	20	20	5	15	30	6000	35	3	45
Two-family, Attached*	7500	75	20	20	5	15	30	3000	40	3	45
<u>Marina Village</u>											
Multifamily and Commercial Mixed Use	5000	50	5	5	n/a	n/a	n/a	n/a	n/a	8	<del>99</del> 50
<u>Theater District</u>											
Commercial	5000	35	10	20	n/a	5	n/a	n/a	n/a	3	45
<u>Quartermaster Place District</u>											
Two-family Attached*	4000	30	20	20	5	15	30	2000	60	3	45
Multifamily and Commercial Mixed Use	5000	35	10	20	n/a	5	n/a	n/a	n/a	2.5	45
<u>Barracks District</u>											
Two-family Attached*	4000	30	10	20	5	5	10	2000	60	3	45
Multifamily and Commercial Mixed Use	5000	50	10	20	n/a	n/a	n/a	n/a	n/a	3	45
<u>Battery Row District</u>											
One-family, Detached	6000	60	20	20	5	5	15	6000	50	2.5	45
Two-family Attached*	4000	30	20	20	5	15	30	2000	60	3	45
Commercial al	5000	35	10	20	n/a	5	n/a	n/a	n/a	3	45
<u>Reeves Farm District</u>											
One-family, Detached	6000	60	20	20	5	5	15	6000	50	2.5	45
Two-family Attached*	4000	30	20	20	5	15	30	2000	60	3	45
Multifamily and Commercial Mixed Use	5000	50	10	20	n/a	n/a	n/a	n/a	n/a	3	45

Footnotes:

\*For "Attached" dwellings, the interior buildings shall have a zero (0) setback.<sup>12</sup>

<sup>12</sup> HPR Dimensional Requirements was adopted with Ordinance 17-0227-03 on March 20, 2017 and amended by Ordinance 19-[TO BE ADDED] on [ ,2019].