

Public Hearing on Allowed Uses in Residential Zoning Districts

There was much controversy when the RV park was approved to be built in the Fort DuPont portion of Delaware City. Part of the challenge was this type of land use was allowed “by-right” which means the Mayor and Council had no legal way of not allowing it if the RV park met all the constraints shown in our code for that type of use in the Fort DuPont area.

To potentially prevent something similar from occurring in the future, Mayor and Council decided to review the allowed uses in all districts starting with the Residential Districts. Most of the residential zoning code was written in the 1970’s and it is appropriate for Mayor and Council to review uses to keep them current.

Potential changes to residential uses were discussed at the Mayor and Council meeting on July 18th. While there was a desire to have public input at that meeting, it was recognized after the meeting that the format of regularly scheduled Mayor and Council meetings did not effectively allow citizen input. Handouts were also not available for citizens to follow the discussion. It was decided an appropriate path forward was to have a Public Hearing to allow public input only on allowed residential uses, prior to having further discussions at a future Mayor and Council meeting.

The purpose of this Public Hearing is to allow residents of Delaware City the opportunity to comment and make recommendations on the allowed future uses for properties within the residential districts. Recommendations can be the deletion of a current use, or the addition of a use not shown. The handout is a summary of what is shown in various sections of Chapter 46. It lists the uses that are currently allowed in each residential district and there is a map showing the location of each district.

Please understand any change made does not affect any current property use. For example, if cemeteries are removed as an allowed use in a residential district, this will have no effect on the cemeteries already located in a residential district. They will be “grandfathered” and allowed to operate as they currently operate. It will only prevent someone from building a new cemetery on a lot in that residential district.

Also understand that in the future, anyone may propose a use not shown in the code. An ordinance allowing it can be written by Council and the use inserted in the code after a review by the Planning Commission and public hearings are held to ascertain whether people believe the use is consistent and beneficial to the district.

If Mayor and Council decide to make a change to one or more of the allowed uses as written in the current code, an ordinance will be created. This ordinance will be sent to the Planning Commission where they will hold a separate Public Hearing to obtain any additional public comments. The Planning Commission will then send their recommendation to Mayor and Council to consider. Council will make the final decision on any change.