

AN ORDINANCE IMPOSING A MORATORIUM ON DEVELOPMENT REQUESTS AND APPLICATIONS

WHEREAS, the General Assembly has, through the Frederica Town Charter, granted the Town Council home rule authority, particularly with regard to planning and zoning decisions; and

WHEREAS, pursuant to Title 22, Chapter 3, Sections 301 - 305 of the *Delaware Code*, the Town is engaged in the process of amending the Frederica Land Development Ordinance to include a new Town Center District Zone; and

WHEREAS, the Frederica Town Council and Planning Commission desire sufficient time to complete amendments to the Land Development Ordinance and zoning map; and,

WHEREAS, the Frederica Town Council recognizes that it would be destructive to the process of formulating and adopting revised ordinances and maps if development-related requests and applications are considered during the same time that the ordinances and maps are being prepared; and,

WHEREAS, the Frederica Town Council desires to maintain the integrity of the legislative process, to avoid an artificial influence on the development process, and to ensure the fair and just application of the pending ordinance.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF FREDERICA HEREBY ORDAINS that

1. A moratorium is hereby imposed upon the acceptance or consideration of requests for subdivisions, site plans, new construction, major alterations, changes in use, and all other development-related permissions, requests, and applications in the all lands designated on the attached map for a period of 180 days following adoption of this Ordinance.
2. The following situations are exempt from the provisions of this ordinance:
 - a. Situations that threaten public health, safety, or welfare;
 - b. The construction of customary extensions, projections and accessory uses, such as sheds, porches, garages for single-family homes;
 - c. Additions to single-family homes as long as the additions conform to the prevailing setbacks and bulk standards found in the neighborhood;
 - d. Structures constructed by governmental agencies or utility providers that are deemed necessary to assurance the provision of adequate and uninterrupted public services or utilities to the community.
3. This ordinance shall be effective upon adoption.

4. This ordinance shall terminate upon the expiration of 180 days after its adoption or upon adoption of all amendments to the Frederica Land Development Ordinance and zoning map by Town Council.

5. The provisions of the ordinance are severable and if any of its provisions or any sentence, clause or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or in violation of the laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not invalidate or impair any of the remaining provisions which can be given effect without the invalid provision or application.

ADOPTED this 20th day of OCTOBER, A.D. 2010.

William C. Glanden

William C. Glanden
Mayor

ATTEST:

Robert L. Sullivan
Secretary of Council