

ORDINANCE 24-02

AN ORDINANCE IMPLEMENTING A MORATORIUM ON DEVELOPMENT APPLICATIONS

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

WHEREAS, the Mayor and Council of the Town of Frederica is entrusted with ensuring the harmonious development of the Town of Frederica and with preserving, protecting and enhancing the present and future health, safety, order, convenience, prosperity, and general welfare of the citizens of the Town; and

WHEREAS, in an effort to promote the above-referenced public policies, the Mayor and Council desires sufficient time to research and implement amendments to its zoning ordinance and/or adoption of new standards and amendments relating to impact fees and other assessments; and

WHEREAS, in an effort to consider population and structural growth within the Town, Mayor and Council desires sufficient time to research and implement staffing, budget, and other safety and order concerns necessary to provide adequate public service resources to residents; and

WHEREAS, a temporary suspension of the acceptance of formal, Code-compliant major and minor applications is necessary and appropriate to protect the integrity of the rule making process, and is in the best interest of the Town and its residents, to allow Mayor and Council to comprehensively review the Town's Code and the Town's need for increased resources to adequately accommodate growth.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL
OF THE TOWN OF FREDERICA IN COUNCIL MET:**

Section 1. The Town of Frederica hereby enacts a temporary suspension of the process of accepting and acting upon Code-compliant applications for subdivisions, site plans, new construction, major alterations, changes in use, and

all other development permissions, requests, and applications (moratorium) to terminate 180 days after the adoption of this Ordinance.

The following situations are exempt from the provisions of this Ordinance:

1. Situations which threaten health, safety and welfare;
2. Customary extensions, projections, and accessory uses, such as sheds, porches, garages, for existing single-family homes;
3. Additions to existing single-family homes, as long as the addition conforms to the prevailing setbacks and bulk standards found in the neighborhood;
4. New single family, stick built homes constructed or placed on existing lots, provided that:
 - a. the new home conforms to the prevailing setbacks and bulk standards found in the neighborhood;
 - b. the property owner neither owns, nor has control over, any lot within 1000 feet of the property lines of the lot upon which the home will be constructed or placed; and
 - c. the lot was recorded prior to the effective date of this Ordinance.
5. Structures constructed by governmental agencies or utility providers that are deemed necessary to assure the provision of adequate and uninterrupted public services or utilities to the community.

Section 2. Severability. The provisions of this 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 violative of the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not a or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Section 3. Effective date. This Act shall become effective thirty days after adoption.

ORDAINED AND ENACTED INTO THE LAW by a majority vote of the Council Members present at a regular session of Frederica Town Council, Delaware on the 19 day of June, 2024.

First Reading: June 5, 2024

Public Hearing and Second Reading: June 19, 2024

Published: July 19, 2024

William C. Glanden
William C. Glanden,
Mayor

I do hereby certify that the foregoing is a true and correct copy of the Ordinance passed by the Town Council at its meeting on _____, 2024 at which meeting a quorum was present and voting throughout that the same is still in full force and effect.

Rita W. Poirer
Council Secretary

Synopsis:

This Ordinance establishes a Moratorium against the acceptance of development applications during a specified period of time during which research and revisions to the Code and Land Development Ordinance, and other public safety concerns are considered.