

Sponsor: Mayor Rife
Final Reading: 11/13/17

ORDINANCE #42-17

AN ORDINANCE TO AMEND THE LAND USE AND DEVELOPMENT CODE OF THE TOWN OF WYOMING TO ELIMINATE MULTI-FAMILY DWELLINGS AS A PERMITTED USE IN THE MIXED RESIDENTIAL (R-2) ZONING DISTRICT

WHEREAS, the Town of Wyoming is authorized pursuant to 22 *Del. C.* Chapter 3 and Section 18.20 of the Town Charter to enact zoning regulations, which the regulations were adopted by the Town through the adoption of the Land Use and Development Code of the Town of Wyoming on August 3, 2009 (“LUDC”);

WHEREAS, the Town of Wyoming is authorized pursuant to section 15-6 of the LUDC to amend the text of the LUDC after the Planning and Zoning Committee has reviewed the amendment and made a recommendation to the Town Council and after the Town Council has held a public hearing regarding the amendment that was advertised in a newspaper of general circulation in the town at least 15 days prior to the hearing;

WHEREAS, at a duly noticed meeting held November 1, 2017, the Planning and Zoning Committee reviewed a proposed text amendment to the LUDC that would eliminate multi-family dwellings as a permitted use in the Mixed Residential (R-2) zoning district and recommended approval of the amendment to the Town Council;

WHEREAS, a public hearing on the proposed text amendment was held before the Town Council on November 13, 2017, notice of which was published on October 26, 2017 in the Delaware State News, at which public hearing the recommendation of the Planning and Zoning Committee was presented and incorporated into the record, and all interested members of the public were given an opportunity to comment on the proposed amendment to the LUDC;

WHEREAS, text amendments to the LUDC must be related to the purpose and intent of the LUDC, and the Town Council hereby finds that by reducing the zoning districts in which multi-family dwellings may be located, this amendment will further the purpose and intent of the LUDC to lessen congestion in the streets, to promote health and the general welfare, to prevent the overcrowding of land, and to avoid undue concentration of population;

WHEREAS, text amendments to the LUDC must also be related to the purpose and intent of the Wyoming Comprehensive Plan, and the Town Council finds that by reducing the number of zoning districts where multi-family dwellings are permitted, this amendment will further the purpose and intent of the Comprehensive Plan wherein the Town has expressed its intent to “[f]ocus on development of an appropriate scale and character to preserve Wyoming’s small-town aesthetic within town” This amendment will similarly further the intent of the Comprehensive Plan for the town to maintain its small-town character as a largely residential community consisting primarily of single-family detached and attached homes;

WHEREAS, except with respect to the conversion of single-family dwellings into multi-family dwellings, this text amendment will leave the Town Center (TC) zoning district as the only zoning district in Wyoming that allows multi-family dwellings, which will create a better delineation between the high density Town Center TC district and the medium density Mixed Residential R-2 zoning district; and

WHEREAS, after considering the recommendation from the Planning and Zoning Committee and hearing comments from the public, for the reasons stated herein, the Town Council finds that all the criteria found in § 15-6 of the LUDC to amend the LUDC have been satisfied and has determined that eliminating multi-family dwellings as a permitted use in the Mixed Residential (R-2) zoning district with further the public health, safety, and welfare of the town.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, that the table located in Article 4, section 4-1 of the Land Use and Development Code of the Town of Wyoming be amended to eliminate Multi-Family Dwellings as a permitted use in the Mixed Residential (R-2) zoning district by removing “DP” from the table at the intersection of “Dwelling, Multi-Family” and “R-2 Zone”. The intersecting box shall be left blank to indicate Multi-Family Dwellings are not a permitted use in the Mixed Residential (R-2) zoning district. The updated table is attached hereto as Exhibit A, which table is intended to remain unchanged except as otherwise indicated herein.

BE IT FURTHER ORDAINED that the change in the updated table attached hereto as Exhibit A be incorporated into the Land Use and Development Code.

BE IT FURTHER ORDAINED that this Ordinance shall be effective upon the date of its adoption.

Synopsis

This ordinance amends the Land Use and Development Code of the Town of Wyoming to eliminate Multi-Family Dwellings as a permitted use in the Mixed Residential (R-2) zoning district.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on 11-13, 2017.

Attest: *Laura Come*
Town Clerk

So Certifies:
Tranter Dale Ruff
Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on Nov 17th, 2017.

So Certifies:
Laura Come

11/17/17
Date

Exhibit A

Article 4. Use Regulations

4-1. Permitted Uses and Structures

| Permitted Uses and Structures | | Definition | OS Zone | R-1 Zone | R-2 Zone | TC Zone | CG Zone | I-1 Zone |
|--|--|------------|---------|----------|----------|---------|---------|----------|
| Blank | Not Permitted | | | | | | | |
| P | Permitted Use | | | | | | | |
| DP | Development-Plan Approval required | | | | | | | |
| CU | Conditional Use required | | | | | | | |
| D | See Definition in Article 16 | | | | | | | |
| Residential | | | | | | | | |
| | Bed and Breakfast | D | | CU | CU | CU | | |
| | Boardinghouse | D | | CU | CU | CU | | |
| | Conversion of a single family dwelling into a 2-family or multi-family dwelling | | | CU | CU | CU | | |
| | Dwelling, 2-family | D | | | DP | DP | | |
| | Dwelling, Semi-Detached | D | | | DP | DP | | |
| | Dwelling, Manufactured Home | D | | | DP | | | |
| | Dwelling, Multi-Family | D | | | | DP | | |
| | Dwelling, Single-Family, Including Modular | D | | P | P | DP | | |
| | Dwelling, Townhouse | D | | | DP | DP | | |
| | Home-Based Business | | | CU | CU | CU | | |
| Sales and Rental of Goods, Merchandise, and Equipment | | | | | | | | |
| | Bank with Drive-In | | | | | DP | DP | DP |
| | Bank without Drive-In | | | | | DP | DP | DP |
| | Restaurant with Drive-In | D | | | | | CU | CU |
| | Restaurant without Drive-In | D | | | | DP | DP | DP |
| | Retail Sales Establishments No Larger Than 5,000 Square Feet | D | | | | DP | DP | DP |
| | Retail Sales Establishments - No Size Limit | D | | | | | DP | DP |
| | Wholesale Trade Establishments | D | | | | | DP | DP |
| Office, Clerical, Research, and Services Not Primarily Related to Goods and Services | | | | | | | | |
| | Business Services | D | | | | DP | DP | DP |
| | Offices | D | | | | DP | DP | DP |
| | Personal Services | D | | | | DP | DP | DP |
| | Retail Services | D | | | | DP | DP | DP |
| | Social Services | D | | | | DP | DP | DP |
| Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, and Assembling of Goods, Merchandise, and Equipment | | | | | | | | |
| | Any process or activity involving cleaning, distribution, manufacturing, processing, production, bulk storage or testing | | | | | | | CU |
| Educational, Cultural, Religious, Philanthropic, Social, Fraternal | | | | | | | | |
| | Clubs and Fraternal Organizations | D | | | | CU | CU | CU |
| | Country Club | D | | CU | CU | | CU | CU |
| | Educational Institutions, public and private | D | | CU | CU | CU | CU | CU |
| | Golf Course | D | | CU | CU | | CU | CU |
| | Library | | | CU | CU | DP | DP | |
| | Museum | | | | | DP | DP | |
| | Places of Worship | D | | CU | CU | CU | CU | CU |
| | Recreation Facility, Non-Governmental | | DP | DP | DP | DP | DP | DP |