

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

ORDINANCE #44-17

AN ORDINANCE TO REZONE 105 N. CAESAR RODNEY AVE. FROM THE ZONING CLASSIFICATION OF SINGLE-FAMILY RESIDENTIAL (R-1) TO MIXED RESIDENTIAL (R-2) AND TO AMEND THE TOWN OF WYOMING ZONING MAP TO REFLECT THIS CHANGE

WHEREAS, the Town of Wyoming is authorized to amend its official zoning map pursuant to 22 Del. C. § 304 and pursuant to Section 15-6 of the Wyoming Land Use and Development Code (“LUDC”);

WHEREAS, the Town of Wyoming received a request to rezone 105 N. Caesar Rodney Avenue, Wyoming, Delaware, Tax Map Parcel # 7-20-09406-04-5900, owned by Wynsome Apartments, LLC, from Single-Family Residential (R-1) to Mixed Residential (R-2);

WHEREAS, pursuant to procedures established in § 15-6 of the LUDC, the Town of Wyoming may amend the Zoning Map after the proposed map amendment has been reviewed by the Planning and Zoning Committee and the Town Council has held a public hearing that was advertised in a newspaper of general circulation in the town at least 15 days prior to the hearing;

WHEREAS, the Planning and Zoning Committee reviewed the proposed map amendment at a meeting held on October 11, 2016 and recommended approval of the rezoning to the Town Council. The Planning and Zoning Committee reviewed the proposed map amendment a second time at a meeting held on July 26, 2017 and recommended to the Town Council that the proposed map amendment not be approved and the parcel remain zoned as Single-Family Residential (R-1);

WHEREAS, a public hearing on the proposed Zoning Map 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 Zoning Map amendment;

WHEREAS, amendments to the Zoning Map must be supported by facts existing in the vicinity of the proposed change, and the Town Council finds that the property is currently situated in a largely undeveloped area that is zoned for residential uses, and rezoning this property to Mixed Residential (R-2), in conjunction with the rezoning of other nearby properties being proposed for rezoning to Mixed Residential (R-2), will create a tract of land suitable for medium density residential dwellings, which will satisfy an important housing need in the Town of Wyoming;

WHEREAS, amendments to the Zoning Map must be related to the general purpose and intent of the Comprehensive Plan, and the Town Council finds that this rezoning will further the purpose and intent outlined in 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. This rezoning will also further the purpose and intent of the LUDC and the Mixed Residential, R-2 zoning district by helping to provide additional area in the Town of Wyoming for low- and medium-density residential development;

WHEREAS, amendments to the Zoning Map must be consistent with land uses provided for in the Comprehensive Plan, and the Town Council finds that this property is designated in the 2011 Town of Wyoming Comprehensive Plan, as amended, for residential use, which use is consistent with the Mixed Residential, R-2 zoning district classification; and

WHEREAS, after hearing comments from the public, the recommendation of the Planning and Zoning Committee, and considering the proposed Zoning Map amendment, the Town Council finds, for the reasons stated herein, that all the criteria found in § 15-6 of the LUDC to amend the Zoning Map to rezone 105 N. Caesar Rodney Ave. have been satisfied and that it is in the best interest of the public health, safety, and welfare to amend the Zoning Map to rezone 105 N. Caesar Rodney Avenue from Single-Family Residential (R-1) to Mixed Residential (R-2).

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Wyoming, a majority thereof concurring in Council duly met, that the Town of Wyoming Zoning Map be amended by rezoning 105 N. Caesar Rodney Ave., Wyoming, Delaware, Tax Map Parcel # 7-20-09406-04-5900, from Single-Family Residential (R-1) to Mixed Residential (R-2). The Town's official Zoning Map shall be amended as soon as practical to reflect this rezoning.

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

SYNOPSIS

This ordinance rezones the property located at 105 N. Caesar Rodney Ave., Wyoming, Delaware from Single-Family Residential (R-1) to Mixed Residential (R-2).

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 November 13, 2017.

Attest: *Shana Cornea* So Certifies: *Frankie Dale Puff*
Town Clerk Mayor

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

11/17/17 So Certifies: *Shana Cornea*
Date