

TOWN OF ODESSA
THE MAYOR AND COUNCIL OF THE TOWN OF ODESSA
ODESSA, DELAWARE 19730

ORDINANCE 2022-02

AN ORDINANCE TO AMEND ORDINANCE 97-1, THE ZONING ORDINANCE OF THE TOWN OF ODESSA, TO ESTABLISH THE “I” INSTITUTIONAL ZONING DISTRICT

WHEREAS, the 2012 Town of Odessa Comprehensive Plan designates various parcels in Town for institutional land use;

WHEREAS, the Town of Odessa does not have an institutional zoning district in the Odessa Zoning Ordinance; and

WHEREAS, in the opinion of the Town Council of the Town of Odessa, it is in the best interest of the public health, safety, and welfare to establish an institutional zoning district in order to promote and safeguard institutional uses throughout the Town.

NOW, THEREFORE, BE IT HEREBY ADOPTED, by the Town Council of the Town of Odessa, a majority thereof concurring in council duly met, that Ordinance 97-1, the Town of Odessa Zoning Ordinance, is hereby amended as follows:

Section 1. Section 43 is hereby amended by making insertions as shown by underline and deletions as shown by strikethrough as follows:

SECTION 43. CHANGES IN THE ZONING MAP

If, in accordance with the provision of ARTICLE ~~XIV (Board of Adjustment)~~ XVI (AMENDMENTS) of this ordinance and Chapter 3, Title 22, of the Delaware Code Annotated, changes are made in the zoning district boundaries, such changes shall be made on the Official Zoning Map promptly after the change has been approved by the Mayor and Council, provided that any delay or failure to amend the Official Zoning Map shall in no way invalidate the rezoning or the effective date of the rezoning as specified in the rezoning ordinance. ~~The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map.~~

Section 2. Section 40 is hereby amended by making insertions as shown by underline and deletions as shown by strikethrough as follows:

SECTION 40. CLASSES OF DISTRICTS

For the purpose of this Ordinance, the Town of Odessa is hereby divided into the districts designed as follows:

R-1 District: Single Family Residential

C-1 District: General Commercial

H District: Historic

NE District: Non-Profit Estate District

C-2 District: Restricted Downtown Commercial District

PND District: Planned Neighborhood Development District

PCD District: Planned Commercial Development District

I District: Institutional

Section 3. A new Section 88 is hereby created as follows:

Section 88. Institutional (I) District

88.1 PURPOSE AND INTENT

The Institutional (I) District is intended to implement the Town of Odessa Comprehensive Plan by establishing a zoning district for the various public and semi-public uses situated throughout Town, while simultaneously permitting low intensity uses similar in character to public uses when approved through the special exception process. It is intended that those parcels in this district will primarily maintain their character as public and semi-public uses.

88.2 PERMITTED USES

The following uses shall be permitted by right:

1. Governmental offices and buildings, structures, facilities, and uses including, but not limited to, law enforcement stations, fire houses, and ambulance stations.
2. Public and institutional uses including but not limited to libraries, courthouses, transit centers, schools, colleges, universities, school administrative offices, places of public assembly, philanthropic and charitable institutions, parks, and playgrounds.
3. Public utility uses and rights-of-way and structures, provided that:
 - a. Such facilities are essential to the service of the community;
 - b. No vehicles or materials shall be stored on the premises; and
 - c. All dangerous apparatus shall be enclosed by an approved security fence of at least six (6) feet in height.
4. Museums.

88.3 USES PERMITTED AS SPECIAL EXCEPTIONS

The following uses are permitted subject to special exception approval by the Board of Adjustment:

1. Single family dwellings.
2. Professional services, such as offices of physicians, dentists, lawyers, architects, accountants, real estate offices, financial planners, travel agents, consultants, and insurance agents.
3. Commercial personal services, expressly limited to barber shops, beauty shops, shoe repair shops, and photographic studios.

No special exception use shall be granted that will generate excessive noise, smoke, dust, odors, or other conditions detrimental to the character of the area or the health of its operators, customers, or others living or working in the immediate vicinity.

88.4 PERMITTED SIGNS

1. All signs permitted in the C-1 General Commercial District shall be permitted in the I Institutional District.

88.5 AREA AND BULK REGULATIONS

The following regulations shall be observed:

1. Lot Size – minimum 0.5 acres
2. Lot Width – 50 feet minimum
3. Lot Coverage – 50 percent maximum

88.6 SETBACK AND HEIGHT REGULATIONS

Setback and height requirements shall be as follows:

1. Building Setback Line - minimum of 20 feet
2. Side Yards – minimum of 0 feet, subject to notes (a) and (b)
3. Rear Yard - minimum of 20 feet, subject to notes (a) and (b)
4. Height – 40-foot maximum (principal building); 25-foot maximum (accessory building)

Notes: (a) Side and rear yards may be used for parking or loading.

(b) Upon any side or rear lot line which abuts a residential district, there shall be provided a side yard of not less than twenty (20) feet. There shall also be provided a six-foot high, densely planted buffer strip. No such buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining lot.

88.7 PARKING REGULATIONS

See Article X regarding off-street parking requirements.

Section 4. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town Council’s intent.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its adoption.

SYNOPSIS

This ordinance establishes a new zoning district, I – Institutional, to provide for and regulate institutional uses within the Town of Odessa. This ordinance clarifies that the delay or failure to amend the Official Zoning Map to reflect an amendment to the map shall not invalidate the rezoning.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Odessa at its regular Council meeting on _____, 2022.

Public Hearing: 4/4/22

First Reading: 4/4/22

Final Passage: _____

Voice Vote:

John Freeman,
Betts Jackson,
Ed Pollard,
Lionel Hynson,
Harvey Smith,

TOWN OF ODESSA

Mayor

Attest:

Secretary