

TOWN OF LEIPSIC, KENT COUNTY, DELAWARE
LAND DEVELOPMENT ORDINANCE

SECTION 1. PURPOSE. The purpose of this Ordinance is to exercise the authority granted to the Town of Leipsic, Kent County, Delaware by 22 Del C. § 301 as amended to regulate and restrict the height, number of stories and size of buildings and other structures, percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

SECTION 2. DEFINITIONS. The meaning of the words and phrases contained herein are adjudged to be in their common usage, unless subsequently clarified by Section 2 of this ordinance.

Acre. A measurement of land area equivalent to approximately 43,560 square feet.

Adjacent. Physically touching or bordering upon; sharing a common boundary, but not overlapping.

Alteration, Structural. Any change in either the supporting member of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

Applicant. Any individual submitting a plan for development under the provisions of this ordinance.

Board. Board of Adjustment for the Town of Leipsic.

Building. Any structure having a roof supported by columns or walls intended for the shelter, housing, or enclosure of any individual, animal, process equipment, goods, or materials of any kind.

Building, Accessory. A subordinate structure on the same lot as a main building in which is conducted a use that is clearly incidental and subordinate to the lot's principal use.

Building, Main or Principal. A building in which is located the principal use of the lot on which it is located.

Building Height. The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

Building Line. A line parallel to the street line touching that part of a building closest to the street.

Certified Comprehensive Plan. A document prepared, adopted, and certified according to the provisions of Title 22, Chapter 7 and Title 29, Chapter 92 of the *Delaware Code*.

Conditions of Approval. Conditions, placed on the final approval of an applicant's plan, in accordance with a conditional use hearing.

Commercial Use. Any activity conducted with the intent of realizing a profit from the sale of goods or services to others.

Commission. The Town of Leipsic Planning and Zoning Commission.

County. Kent County, Delaware.

Development.

- (a) The division of a parcel of land into 2 or more parcels,
- (b) The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure,
- (c) Any mining excavation, landfill, or land disturbance,
- (d) Any use or extension of the use of land.

Development Plan. A plan for the development of one or more lots, parcels, tracts, or properties on which is shown the existing and proposed conditions, including, but not limited to, topography, vegetation, drainage, floodplains, wetlands, waterways, landscaping and open spaces, walkways, exits and entrances, circulation, utility services, lot lines, easements, structures and buildings, signs, lighting, parking, screening, surrounding development, and any other information that may be reasonably required so that the Municipality can make an informed decision; often called a site plan.

Dwelling. A building, or portion thereof, used as a place of residence, containing sleeping, cooking, and sanitary facilities, excluding commercial lodging facilities.

Dwelling, Apartment. A room or suite of rooms with toilet and culinary accommodations, used or designed for use as a residence by a family, located in a building containing two or more such rooms or suites or located in a building devoted primarily to nonresidential use.

Dwelling, Duplex. One of two dwelling units, located on adjoining lots, attached to the other by an unpierced wall extending from ground to roof.

Dwelling, Manufactured Home. A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at a building site and bearing a label certifying that it was built in accordance with Federal Manufactured Home Construction and Safety Standards which became effective on June 15, 1976.

Dwelling, Modular. A dwelling unit fabricated in an off-site manufacturing facility in accordance with the relevant local building code. Modular homes also include, but are not limited to, panelized, pre-fabricated, and kit homes.

Dwelling, Single-Family Detached. A building containing 1 dwelling unit that is not attached to any other dwelling unit by any means and is surrounded by open space or yards.

Dwelling Unit. One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within for the exclusive use of a single family maintaining a household.

Easement. Authorization by a property owner for another to use the owner's property for a specified purpose.

Floor Area. The sum of the square footage of all of the floors of a structure or building.

Frontage. That side of a lot abutting on a street; the front lot line.

Home-Based Business. A commercial or light industrial use of a scale greater than a home occupation but which is still secondary to the residential use.

Impervious Surface. A material through which water cannot pass, such as asphalt, brick, stone or concrete in streets, buildings, parking lots and sidewalks.

Industrial Use, Heavy. A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industrial Use, Light. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing. Diesel engine repair, maintenance, installation and all necessary industrial fabrication processes associated with this practice are considered light industrial activities under this ordinance.

Institutional Use. A non-profit or quasi-public use, such as a religious institution, library, public or private school, hospital, or government owned or government operated structure or utility, or land used for public purpose.

Lot. A designated parcel, tract, or area of land established either by plat, subdivision, or considered as a unit of property by virtue of a metes and bounds description, to be separately owned, used, developed, or built upon. See also *Yard*.

Lot, Depth. The average distance measured from the front lot line to the rear lot line.

Lot, Legal. A lot which was created and legally recorded prior to the adoption of this ordinance, or any lot subdivided and legally recorded in full compliance with these regulations subsequent to the adoption of this ordinance.

Lot Line. A line of record bounding a lot that divides one lot from another lot or from a public street or any other public space.

Lot Line, Front. The lot line separating a lot from a street right-of-way.

Lot Line, Rear. The line opposite and most distant from the front lot line.

Lot Line, Side. Any lot line other than a front or rear lot line.

Lot of Record. A lot that exists either by virtue of a metes and bounds description or by depiction on a plat or deed recorded in the Office of the Kent County Recorder of Deeds.

Lot, Width. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line, i.e., the buildable width of a lot.

Municipal Governing Body. The Council of the Town of Leipsic, as defined in the Town Charter.

Municipality. The Town of Leipsic, Delaware.

Nonconformities. Uses, structures, lots, or signs that were lawful prior to the adoption, revision, or amendment of this Ordinance, but as a result of the adoption, revision, or amendment of this Ordinance no longer comply with the current provisions of this Ordinance.

Premises. A lot, parcel, tract, or plot of land together with the buildings and structures on them.

Recorder of Deeds. The Recorder of Deeds for Kent County, Delaware.

Residential Use. A structure regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.

Resubdivision. Any change in a map of an approved or recorded subdivision plat that affects any street layout or an area reserved for public use or any lot line or that affects any map, plan, or plat recorded prior to the adoption of any regulations controlling subdivision; includes the consolidation of parcels.

Rezoning. Any change in the official zoning map for the Town of Leipsic which will change the permitted use of land activities on the subject parcel.

Setback Line. The line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be placed. See also *Yard*.

Single-Family Development Plan. A plan for the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of either a Single-Family Detached Dwelling on a legal lot or an accessory building to an existing Single-Family Detached Dwelling on a legal lot.

Site Plan. A plan for the subdivision, construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure.

State. The State of Delaware.

Street. Any vehicular way that: (1) is an existing State, County or Municipal roadway; (2) is shown upon an approved plat; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the Office of the Recorder of Deeds prior to the appointment of the Planning Commission and the grant of power to review plats. A street includes the land between the right-of-way lines, whether improved or unimproved.

Street, Access. A street designed to provide vehicular access to abutting property and to discourage thru traffic.

Street, Alley. A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Street, Centerline of. The center line of any street shown on any official Municipal, County, or State records.

Street, Collector. A street that collects traffic from local streets and connects with minor and major arterials.

Street, Dead-End. A street with a single common ingress and egress.

Street Line. The line between a lot, tract, or parcel of land and an adjacent street.

Street, Private. A street that has not been accepted by the Municipality or the State.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Subdivider. Any individual, firm, partnership association, corporation, estate, trust, or any other group or combination acting as a unit that subdivides or proposes to subdivide land as defined in this Ordinance. This also includes agents of subdividers.

Subdivision. Subdivision includes the following:

- (a) The division of any tract or parcel of land into 2 or more plots, parcels, units, lots, condominiums, tracts, sites, or interests for the purpose of offer, sale, lease, development, whether immediate or future; either on an installment plan or upon any other plans, terms, or conditions; or for any other purpose;
- (b) The division or partition of land or involving the opening, widening, or extension of any streets or access easements and the extension of any electrical, sewer, water, or any other utility line;
- (c) The assemblage or consolidation, of tracts, parcels, lots or sites, resubdivision, and condominium creation or conversion.

Subdivision Plan. A plan for the division of any parcel or parcels of land into no more than four (4) parcels.

Use. The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Use, Accessory. A use of land or a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Use, Principal. The primary or predominant use of any lot or parcel.

Variance. Permission to depart from the literal requirements of this Ordinance.

Yard. An open space that lies between the principal building or buildings and the nearest lot line. See also *Lot*.

Yard, Front. A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building to the closest point of the front lot line.

Yard, Rear. A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Side. A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Zoning District. A specifically delineated area in the Municipality within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

SECTION 3. Zoning Districts. The following zoning districts are hereby established and are depicted in the attached official zoning map for the Town of Leipsic:

3.1 Agricultural and Open Space (A/O). The purpose of the Agricultural and Open Space Zoning District is to protect sensitive natural resources and adjacent lands associated with the town and its unique relationship with the Leipsic River and also to promote the continuance of economically viable agriculture practices.

3.1.1 Permitted Uses. All general agricultural pasture, minimum tillage cropland, and other existing agricultural uses; agricultural structures; natural resources such as wetlands and floodplain areas; parks and other passive or active recreational open spaces.

3.1.2 Prohibited Uses. Animal husbandry, such as the housing or raising of livestock or poultry.

3.1.3 Conditional Uses. One residential dwelling unit per parcel.

3.2 Residential (R). The purpose of the Residential Zoning District is to provide an area of the Town for maintenance and creation of single-family housing that is compatible with the small town character of Leipsic.

3.2.1 Permitted Uses. Residential uses as defined in Section 2 of this ordinance comprised of single-family detached residential dwellings and those structures accessory to single-family detached residential structures. Modular and manufactured dwellings are permitted. All manufactured dwellings must be at least 24 feet in width, have all hitches and running gear removed, and be installed on a permanent foundation.

3.2.2 Prohibited Uses. RESERVED

3.2.3 Conditional Uses. Homes on pilings that are architecturally compatible with the historic character of the town. The council may impose conditions on homes constructed on pilings, including but not limited to:

3.2.3.1 The pilings should not be visible.

3.2.3.2 The first floor should be fully enclosed.

3.2.3.3 The home should be designed in such a way that it is similar in appearance to other homes nearby, and in a way that it is not readily

apparent that it is constructed on pilings rather than on a traditional foundation.

3.3 Residential / Commercial (R/C). The purpose of the Residential/Commercial Zoning District is to allow residents of the Town who maintain a single-family residential home the ability to operate a small home based business as described in the Town's comprehensive plan.

3.3.1 Permitted Uses. All permitted uses in the R Zoning District; other residential dwelling units including apartments and duplexes as defined in Section 2 of this ordinance.

3.3.2 Prohibited Uses. RESERVED

3.3.3 Conditional Uses. Home based businesses as defined in Section 2 of this ordinance that do not adversely impact neighboring properties; homes on pilings.

3.3.3.1 Town council may impose conditions on home based businesses to ensure that they operate in harmony with the neighborhood and the character of the town. Such conditions may include, but are not limited to:

3.3.3.1.1 Home based businesses must not create excessive noise.

3.3.3.1.2 Home based businesses must have adequate parking for both the residence and business use.

3.3.3.1.3 Council may impose hours of operation on the home based business.

3.3.3.1.4 Any gear, boats, heavy equipment or vehicles associated with a home based business must be located or parked in a rear or side yard if practical.

3.3.3.2 Homes on pilings must be architecturally compatible with the historic character of the town. The council may impose conditions on homes constructed on pilings, including but not limited to:

3.3.3.2.1 The pilings should not be visible

3.3.3.2.2 The first floor should be fully enclosed.

3.3.3.2.3 The home should be designed in such a way that it is similar in appearance to other homes nearby, and in a way that it is not readily apparent that it is constructed on pilings rather than on a traditional foundation.

3.4 Commercial (C). The purpose of the Commercial Zoning District is to accommodate commercial and light industrial business and service uses in appropriate locations throughout the town, to provide employment and to meet the needs of the residents in the town and surrounding areas.

3.4.1 Permitted Uses. Any commercial or light industrial use as defined in Section 2 of this ordinance provided that the floor area of a single structure may not be greater than 8,000 square feet; all permitted uses in the R Zoning District;

other residential dwelling units including apartments and duplexes as defined in Section 2 of this ordinance.

3.4.2 Prohibited Uses. Heavy industrial uses as defined in Section 2 of this ordinance; any use that involves the production or recycling of asphalt or concrete.

3.4.3 Conditional Uses. Non-residential structures with a floor area greater than 8,000 square feet.

3.5 Institutional (I). To provide sufficient space for utilities, public facilities, and institutions.

3.5.1 Permitted Uses. Any institutional use as defined in Section 2 of this ordinance.

3.5.2 Prohibited Uses. RESERVED

3.5.3 Conditional Uses. RESERVED

SECTION 4. LOT AREA, WIDTH, AND DEPTH. The following table establishes the minimum lot area, width, and depth for each zoning district.

Table 4.1 Lot Area, Width and Depth

Zoning District	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth
A/O	871,200 square feet	50 feet	100 feet
R	5,000 square feet	50 feet	100 feet
R/C	5,000 square feet	50 feet	100 feet
C	10,000 square feet	75 feet	100 feet
I	10,000 square feet	75 feet	100 feet

SECTION 5. SETBACKS AND BUILDING HEIGHT. The following table establishes minimum setbacks and maximum building height for each zoning district.

Table 5.1 Minimum Setbacks and Building Height

Zoning District	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Building Height
A/O	50 feet	50 feet	50 feet	35 feet
R	10 feet	5 feet	30 feet	35 feet
R/C	10 feet	5 feet	30 feet	35 feet
C	10 feet	10 feet	10 feet	35 feet
I	10 feet	10 feet	10 feet	35 feet

SECTION 6. SUBDIVISION STANDARDS. All major or minor subdivisions of land must comply with the following criteria:

6.1 Compliance with Minimum Standards. All lots must comply with the minimum standards for area, width and depth found in Table 4.1

6.2 Subdivisions Permitted. New subdivision plans as defined in Section 2 of this ordinance are permitted.

6.3 Access Requirements. All lots must have access to a public street.

6.4 Street Layout. New streets must be designed in a traditional grid-style street pattern and connect to existing Town streets wherever possible. Dead end streets and cul-de-sacs are discouraged, and in no case may be longer than 300 feet.

6.5 Street Standards. All new streets must be constructed to the applicable DelDOT standards, regardless of whether they will be dedicated to the Town or the State upon completion. Private streets are not permitted.

6.6 Recordation. Upon final approval by the Town Council, all subdivisions of land shall be recorded at the Kent County Recorder of Deeds. It is the responsibility of the applicant to record the subdivision. All necessary plan drawings and legal descriptions must be provided to the County to enable the creation of new tax parcel maps in accordance with the standards defined by the County.

SECTION 7. DESIGN GUIDELINES. New structures must be compatible with the historic architectural character of Leipsic. The Town Council shall have the right to review construction plans to ensure that all structures meet the following criteria:

7.1 Home Design. New homes should have the following characteristics:

7.1.1 Front Setback. The front setback should be similar to the other homes on the same street.

7.1.2 Garages and Outbuildings. All garages, outbuildings, and accessory structures must be placed behind the front setback line.

7.1.3 Foundation. Manufactured homes must be placed on permanent foundations, and all hitches and running gear must be removed.

7.2 Non Residential Structures. All non-residential structures should have the following characteristics:

7.2.1 Front Setback. The front setback should be similar to the other structures on the same street.

7.2.2 Truck Docks and Loading. All truck docks and loading facilities should be located on the side and rear of the structure wherever practical.

7.2.3 Accessory Structures. All accessory structures must be placed behind the front setback line where practical.

SECTION 8. ENVIRONMENTAL PROTECTION. The Town of Leipsic has a vested interest in protecting the water quality in the Leipsic River. New development plans shall comply with the following regulations:

8.1 Sanitary Sewer System – Connection Required. All development projects must be connected to the Sanitary Sewer System.

8.2 Procedure for Approval of Sanitary Sewer Connections. A letter confirming the approval of the request for a connection to the Sanitary Sewer System must first be received from Leipsic Town Council, before application can be made to the Kent County Department of Public Works. Once Leipsic Town Council has approved the request, then a second letter confirming the availability of Sanitary Sewer System service from the Kent County Department of Public Works is required, prior to the approval of any development project. In approving any request for connection to the Sanitary Sewer System, Leipsic Town Council will make its decision based on the recommendation of the Leipsic Planning Commission and in addition Town Council will make its decision based on Town Council's judgment of what is desirable for the good of the Town of Leipsic and therefore in the best interest of the Town of Leipsic.

8.3 Criteria for the Approval of Sewer Connections. The Leipsic Town Council has the discretion to allocate new sewer connections.

8.3.1 Policy Background. The Town of Leipsic is served by a Sanitary Sewer System constructed and managed by the Kent County, Delaware government. Pursuant to County Resolution 2747 approved by Kent County Levy Court on March 27, 2007, the Town of Leipsic has the right to approve any requests for connection to the Sanitary Sewer System that serves The Town of Leipsic. Because of capacity limitations designed into the System at the time of construction, there are only a limited number of additional connections available in this system.

8.3.2 Criteria to be followed in Allocating Sewer Connections. Leipsic Town Council must approve any new sewer connections based on the criteria in this section. Considering the limited capacity of the sanitary sewer system, preference will be given to existing small lots in town rather than newly created lots in new subdivisions. Existing small lots are defined as any lot less than 1 acre in size that has been legally recorded prior to the effective date of this ordinance. Approvals of sewer connections for newly created lots shall not create a deficit of capacity available to existing small lots in town.

8.3.3 Environmental Factors that Limit Sewer Connections. There may be cases where it is difficult or impractical to provide sanitary sewer to a parcel due to wetlands or other sensitive environmental features. The

Council reserves the right to consult with Kent County Levy Court, Kent County Engineering, the Delaware Department of Natural Resources and Environmental Control or other relevant agencies in making a determination about allocating a sewer connection in these cases.

8.4 Responsibility for Costs Associated with Sewer Connections. Any cost of connection to the Sanitary Sewer System, including without limitation, any cost of plan preparation or construction required shall be the expense of the applicant for this connection.

8.5 Floodplains. All structures in the 100 year floodplain as defined by FEMA must be constructed according to relevant building standards found in the Town's Flood Ordinance and in relevant Kent County building codes.

SECTION 9 NON-CONFORMING SITUATIONS. There are uses, structures, or lots that were lawful prior to the adoption, revision, or amendment of this Ordinance, but as a result of the adoption, revision, or amendment of this Ordinance no longer comply with the current provisions of this Ordinance.

9.1 Grandfather Clause. Any non-conforming situation may continue as it currently exists until:

9.1.1 Uses. If a non-conforming use ceases for a period of more than one (1) calendar year its non-conforming status is terminated. Any future use must comply with all provisions of this ordinance.

9.1.2 Structures.

9.1.2.1 Removal. If a non-conforming structure is removed it may be rebuilt as it existed before it was removed if construction begins within one (1) calendar year of the removal. If construction is not substantially underway within one (1) year, the structure may only be replaced with a structure that complies with the requirements of this ordinance.

9.1.2.2 Damage or Destruction. If a non-conforming structure is damaged or destroyed by fire or by an act of nature it may be rebuilt as it existed before the damage provided that reconstruction must begin and be substantially underway within one (1) calendar year of the damage. If reconstruction is not substantially underway within one (1) year, the structure must be replaced with a structure that complies with the requirements of this ordinance.

9.2 Expansion Prohibited. Non conforming uses or structures may not be expanded in any way unless a variance has been granted by the Board of Adjustment.

9.3 Non-Conforming Lots. Lots in existence prior to the enactment of this ordinance that do not meet the width, depth or area requirements of this ordinance

are considered legal lots. Legal lots may be constructed upon, provided that structures must meet all setbacks and other requirements of this ordinance.

SECTION 10 AMENDMENTS. The Town Council may amend, supplement, change, or modify the number, shape, area, or boundaries of the zoning districts or the text of the regulations contained in this Ordinance.

10.1 Text Amendments. Text amendments may be initiated by the Town Council.

10.2 Map Amendments for Individual Parcel(s). Map amendments may be initiated by the Town Council or by a petition from the owner of the property proposed for the map amendment. Map amendments for individual parcels are typically called "rezonings."

10.3 Map Amendments in Accordance with a Comprehensive Plan, Plan Amendment or Update. Map amendments must be initiated by the Town Council in order to bring the official zoning map into compliance with an adopted Comprehensive Plan, Plan Amendment or Update. Map amendments of this type may include one or many properties, may be town-wide in scope, and are typically called "comprehensive rezonings."

10.4 Notification and Public Hearing Required. The Town must notify property owners of any text or map amendment that may affect the regulations governing their property.

10.4.1 Public Hearing Required. Town Council must hold a public hearing on the proposed text amendment, map amendment for an individual parcel, or map amendment in accordance with an adopted Comprehensive Plan, Plan Amendment or Update.

10.4.2. Notice of Text and Map Amendments. The Town must notify all affected property owners in writing. The notification shall be mailed through the U.S. Postal Service at least seven (7) days prior to the required public hearing, and include information about the nature of the text or map amendment and the time and place of the public hearing. The Town must also post the meeting in accordance with the requirements of the Freedom of Information Act (FOIA) found in 29 Del C. c 100 as amended.

10.4.3 Compliance with Comprehensive Plan. Text and map amendments must be in compliance with the Towns' adopted comprehensive plan.

SECTION 11. VIOLATIONS AND PENALTIES. The Town Council is authorized and directed to institute appropriate actions to put an end to any violations of this Ordinance.

11.1 Violations. Violations of this ordinance include:

11.1.1. Violations of any provision of this ordinance.

11.1.2. Failure to comply with any requirements of this ordinance.

11.1.3 Failure to comply with the conditions of any site plan, conditional use, variance, or permit.

11.1.4 The construction or use of any structure or lands in violation of this ordinance.

11.1 Initial Violation. An entity who commits an initial violation shall be charged with such violation, issued a summons, shall be liable to a fine of not more than \$50, and granted a reasonable amount of time to correct the violation.

11.2 Subsequent Violation. An entity who has not resolved the violation at the expiration of the initial time period granted by the Council shall be liable to a fine of not more than \$100 for each and every day the violation exists. It is not necessary for the Town to issue a separate summons for each and every day the violation exists following the expiration of the initial time period.

11.3 Responsible Parties. The property owner is responsible for violations that occur on his or her property. The Town Council may also issue a summons to any contractor, builder, architect, engineer, realtor, agent, or equitable owner that in its judgment is responsible for any violations as described in this section. All entities described in this section are liable for penalties that occur due to initial and subsequent violations.

SECTION 12. PLANNING COMMISSION. The Town hereby establishes a Planning Commission consisting of five (5) members. Appointment of the Planning Commission shall be made in accordance with the provisions of 22 Del. C. c. 7 as amended. The Planning Commission shall have the powers delegated to it by the same Chapter 7.

SECTION 13. BOARD OF ADJUSTMENT. The Town hereby establishes a Board of Adjustment whose membership shall conform to the provisions of 22 Del. C. c. 3 as amended. The Board of Adjustment shall have the powers delegated to it by the same Chapter 3.

SECTION 14. PROCEDURES. All development applications shall be reviewed according to the following procedures.

14.1 Planning Commission Review. The Planning Commission shall review proposed developments and development plans and make a recommendation to the Town Council. Due to the fragile nature of the environment in and surrounding the Town of Leipsic and the vested interest the Town of Leipsic has in protecting the water quality of the Leipsic River, the Town relies on the advice of the Leipsic Planning Commission in making development decisions for the Town. Nothing in this Ordinance shall be construed as limiting the authority of the Leipsic Planning Commission to make decisions it deems to be in the best interest of the Town of Leipsic and to render such advice to Town Council that it considers appropriate in the situation.

14.2 Town Council Action. The Leipsic Town Council shall consider the recommendation of the Leipsic Planning Commission and render a final action on

each proposed development application. All final actions must be consistent with this ordinance, the Town's most recent adopted and certified comprehensive plan, and other ordinances of the Town of Leipsic. If the Town Council makes a final action that is contrary to the recommendation of the Planning Commission, each member of council voting on the action must state his or her reasons for the record. The official minutes of the meeting must report the reasons stated for the action.

SECTION 15. SEVERABILITY. Should a court decide that any section or provision of this ordinance is unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any part other than the part judged unconstitutional or invalid.

SECTION 16. EFFECTIVE DATE. This Ordinance shall be in full force and effect upon adoption by the Town Council.

Passed and approved this _____ day of _____, 200____ by the Town Council of the Town of Leipsic, Kent County, Delaware.

Mayor

Attest:

Town of Leipsic

Kent County, Delaware



Legend

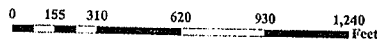
- Zoning**
- Residential (R)
 - Residential/Commercial (R/C)
 - Commercial (C)
 - Agricultural/Open Space (A/O)
 - Institutional (I)
 - Municipal Boundaries
 - Parcel Boundaries
 - Rivers and Streams

Town of Leipsic

Kent County, Delaware

OFFICIAL ZONING MAP

JULY, 2009



This map was developed by the Town of Leipsic with technical and mapping assistance from the Delaware Office of State Planning Coordination.

Sources

- Zoning - Town of Leipsic/GSPC
- Parcels - Kent County Department of Planning Services, GIS Department, May 2006
- Municipal Boundaries - Office of State Planning Coordination, 2006
- Roads - Delaware Department of Transportation, March 2004
- Hydrology - National Hydrology Dataset (NHD), developed from USGS, merged with EPA Stream Reach data.

Note

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