



## **Ordinance 634**

**An Ordinance amending Chapter 225 of the Code of the Town of Elsmere.**

**Sponsored By:** Mayor Eric Thompson

**First and Second Reading:** March 08, 2018 Council Meeting

**Results:** \_\_\_\_\_

**Third and Final Reading:** April 12, 2018 Council Meeting

**Results:** \_\_\_\_\_

# Ordinance 634

## An Ordinance amending Chapter 225 of the Code of the Town of Elsmere.

**WHEREAS**, the Town of Elsmere is a Co-Permittee with New Castle County and DelDOT for their National Pollutant Discharge Elimination System (NPDES) Permit to address storm water management; and

**WHEREAS**, the conditions of the permit require the development of a Water Quality Improvement Program (WQIP); and

**WHEREAS**, the WQIP requires that the plan will propose at least a 3% decrease in untreated Effective Impervious Area (EIA); and

**WHEREAS**, the Mayor and Council wish to make changes to Chapter 225 which will help the town comply with its requirement to decrease its EIA as required I the permit.

### **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE, AS FOLLOWS:**

That the following changes be made to Chapter 225 of the Code of the Town of Elsmere.

1. Remove §225-9 A. in its entirety and replace with a new §225-9 A. as follows:
  - A. Purpose. In order to assure the harmonious development of all areas of the Town of Elsmere in accordance with the intended appearance of each neighborhood as established by the Comprehensive Plan, to assure that maximum care is exercised to preserve and enhance existing natural features, to preclude the creation of traffic flow or traffic safety problems, to conserve the general value of property within the Town, to maximize efforts to assure each property owner the right to safe and comfortable enjoyment of his property, **to ensure compliance with the Town's National Pollutant Discharge Elimination System (NPDES) permit, reduction or treatment of impervious surfaces** and to take into account floodplain management programs in effect in the Town and in neighboring areas. A plan for every use, **increase in lot coverage** or structure proposed within the municipality shall be reviewed by the Planning Commission prior to the issuance of **any permit**, including but not limited to applications for new or replacement water supply systems and/or sanitary sewage systems and/or on-site waste disposal systems.

2. Remove §225-9 B. (with exception of the subsections) in its entirety and replace with a new §225-9 B to read as follows.
  - B. The below-listed items need not be reviewed by the Planning Commission prior to the issuance of a zoning certificate or a permit, provided that in the opinion of the Code Enforcement Officer the request meets all other requirements of the Code, **decreases or maintains the current total of impervious surfaces or includes a storm water treatment plan** and that no variance or special exception would be needed and in the opinion of the Building Official the request will not have a negative impact, on harmonious development within the Town of Elsmere.
  
3. Remove §225-9 C. (with exception of the subsections) in its entirety and replace with a new §225-9 C.
  - C. Procedure. After application for a zoning permit for the construction of any use of or structure and after determination by the Building Official that no variance or special exception from the terms of this chapter will be required as a prerequisite to issuance of such permit, the owner, builder or his or her agent shall submit three copies of the site plan for the entire parcel to be developed, architectural drawings and specifications to include all elevations of proposed buildings, the location of all buildings proposed upon the parcel, the location and type of buffering, screening and landscaping proposed, the size, location and arrangement of all off-street parking areas, driveways and loading areas, the size, location and types of signs proposed accessory to the building or use, **a review by the New Castle Conservation District for stormwater and Sediment Control** and such other information as may be required to permit consideration of the items listed above. Such plans shall be true and accurate, drawn at an appropriate scale and certified by a registered architect or professional engineer licensed in the State of Delaware; however, this requirement may be waived at the discretion of the Building Official or the Chief Code Enforcement Officer. The Building Official shall refer one copy of such plans to each of the Planning Commissioners for review and recommendations.

First and Second Reading  
March 08, 2018

Third and Final Reading  
April 12, 2018

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Eric Thompson, Mayor

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Brian Hurst, Secretary

Approved as to form:

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Town Solicitor

## **SYNOPSIS**

This Ordinance makes changes to Chapter 225 to address the Town's requirement to reduce its effective impervious area by 3%. This ordinance requires that any application which proposes an increase to lot coverage or proposes a structures to be reviewed by the Planning Commission prior to the issuance of a permit. The purpose of this review will be to reduce impervious coverage or implement stormwater treatment plans.

## **Fiscal Impact**

This Ordinance is not expected to have any fiscal impact.