

#4513

Sponsor:

Council
Member
Harlee

AN ORDINANCE TO (1) ANNEX AND REZONE THE FOLLOWING EIGHT (8) PARCELS OF LAND: (A) TERRITORY 1, BEING 800 SOUTH MARKET STREET (TAX PARCEL ID NO. 10-001.00-015), 810 SOUTH MARKET STREET (TAX PARCEL ID NO. 10-001.00-016), 800 SOUTH WALNUT STREET (TAX PARCEL ID NOS. 10-001.00-077, 10-001.00-019, AND 10-001.00-020), 0 GARASCHE LANE (TAX PARCEL ID NO. 10-001.00-022), AND A SEPARATE BUT ADJACENT PROPERTY ALSO KNOWN AS 0 GARASCHE LANE (TAX PARCEL ID NO. 26-057.00-050), CONTAINING APPROXIMATELY 4.51 ACRES CONTIGUOUS WITH THE CITY BOUNDARY IN THE VICINITY OF THE SOUTH WILMINGTON ANALYSIS AREA, NEW CASTLE COUNTY, DELAWARE FROM NEW CASTLE COUNTY H I (HEAVY INDUSTRIAL) ZONING CLASSIFICATION TO CITY OF WILMINGTON M-1 (LIGHT MANUFACTURING) ZONING CLASSIFICATION; AND (B) TERRITORY 2, BEING 787 SOUTH MADISON STREET (TAX PARCEL ID NO. 07-040.30-001), CONTAINING APPROXIMATELY 3.72 ACRES CONTIGUOUS WITH THE CITY BOUNDARY IN THE VICINITY OF THE BROWNTOWN/HEDGEVILLE ANALYSIS AREA, NEW CASTLE COUNTY, DELAWARE FROM NEW CASTLE COUNTY H I (HEAVY INDUSTRIAL) ZONING CLASSIFICATION TO CITY OF WILMINGTON W-2 (WATERFRONT MANUFACTURING/COMMERCIAL) ZONING CLASSIFICATION; AND (2) AMEND THE BOUNDARIES OF THE FOURTH COUNCILMANIC DISTRICT, THE OFFICIAL BUILDING ZONE MAP, AND THE SUPPLEMENTAL BUILDING ZONE MAPS TO ADD THE ANNEXED TERRITORIES INTO THE CITY'S CORPORATE BOUNDARIES

WHEREAS, the City of Wilmington is authorized to extend its corporate limits pursuant to the provisions of 22 Del. C. § 101A by an ordinance duly enacted by the City Council; and

WHEREAS, the City of Wilmington has received Petitions for Annexation from the Riverfront Delaware Corporation of Delaware, Baul's Towing Services, LLC, and Richard L. Dyton, owners of various parcels, as described herein, situated in New Castle County and contiguous to the City boundaries in the vicinities of the South Wilmington Analysis Area and the Browntown/Hedgeville Analysis Area; and

WHEREAS, Baul's Towing Services, LLC and Richard L. Dyton have each entered into an agreement to sell their respective parcels to the Riverfront Corporation of Delaware, with the closing on each sale scheduled to occur in the near future; and

WHEREAS, the City of Wilmington desires to annex certain parcels which are currently owned by or which will soon be owned by the Riverfront Development Corporation of Delaware, more particularly described as approximately 4.51 acres contiguous to the South Wilmington Analysis Area, being 800 South Market Street (Tax Parcel ID No. 10-001.00-015), 810 South Market Street (Tax Parcel ID. No. 10-001.00-016), 800 South Walnut Street (Tax Parcel ID Nos. 10-001.00-077, 10-001.00-019, and 10-001.00-020), 0 Garasches Lane (Tax Parcel ID No. 10-001.00-022), and a separate but adjacent property also known as 0 Garasches Lane (Tax Parcel ID No. 26-057.00-050), and being more particularly described in Exhibit “A” attached hereto and incorporated herein by this reference (collectively, “Territory 1”); and

WHEREAS, in connection with the proposed annexation of Territory 1, the City Planning Commission, at its meeting held on April 17, 2018, reviewed this Ordinance and its provisions that the Official Building Zone Map (Exhibit “B”), the Supplemental Building Zone Map (Exhibit “C”), and the Map of the Fourth Councilmanic District (Exhibit “D”) of the City of Wilmington be amended to reflect the annexation of Territory 1 and that a City of Wilmington zoning classification of M-1 (Light Manufacturing) be assigned to all of Territory 1, and approved the same via City Planning Commission Resolution 10-18; and

WHEREAS, the City of Wilmington further desires to annex another parcel owned by the Riverfront Development Corporation of Delaware, more particularly described as approximately 3.72 acres contiguous to the Browntown/Hedgeville Analysis Area, being 787 South Madison Street (Tax Parcel ID No. 07-040.30-001), being more particularly described in Exhibit “E” attached hereto and incorporated herein by this reference (“Territory 2”); and

WHEREAS, a small portion of Territory 2 was previously conveyed by the

Riverfront Development Corporation of Delaware to the Delaware Department of Transportation (“DelDOT”) for the purpose of building adjacent roadways, and DelDOT has informed the City that it does not object to the proposed annexation of Territory 2; and

WHEREAS, in connection with the proposed annexation of Territory 2, the City Planning Commission, at its meeting held on April 17, 2018, reviewed this Ordinance and its provisions that the Official Building Zone Map (Exhibit “F”), the Supplemental Building Zone Map (Exhibit “G”), and the Map of the Fourth Councilmanic District (Exhibit “H”) of the City of Wilmington be amended to reflect the annexation of Territory 2 and that a City of Wilmington zoning classification of W-2 (Waterfront Manufacturing/Commercial) be assigned to all of Territory 2, and approved the same via City Planning Commission Resolution 11-18.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. The City of Wilmington annex Territory 1 as described in Exhibit “A” attached hereto and incorporated herein by this reference.

SECTION 2. Section 48-97 of the Wilmington City Code and the “Building Zone Map of Wilmington, Delaware” dated January 19, 2006 (as subsequently amended) are hereby amended by: (i) adding Territory 1 to the Building Zone Map, as illustrated on Exhibit “B” attached hereto and incorporated herein by this reference; (ii) assigning the City of Wilmington zoning classification of M-1 (Light Manufacturing) to Territory 1, as illustrated on the Building Zone Map attached hereto as Exhibit “B” and incorporated herein by this reference; and (iii) adding Territory 1 to the Supplemental Building Zone Map, as illustrated on the Map attached hereto as Exhibit “C” and incorporated herein by this

reference.

SECTION 3. The description of the Fourth Councilmanic District in Section 2-31(4) of the City Code is hereby amended to include Territory 1, as illustrated on the Map attached hereto as Exhibit “D” and incorporated herein by this reference.

SECTION 4. The corporate boundaries of the City of Wilmington as set forth in 40 Del. Laws Ch. 179 and 46 Del. Laws Ch. 236 and Section 1-1 of the City Code, as amended, be and the same are hereby altered to include Territory 1, which territory consists of approximately 4.51 acres of land either currently owned by or which will soon be owned by the Riverfront Development Corporation of Delaware.

SECTION 5. The City of Wilmington annex Territory 2 as described in Exhibit “E” attached hereto and incorporated herein by this reference.

SECTION 6. Section 48-97 of the Wilmington City Code and the “Building Zone Map of Wilmington, Delaware” dated January 19, 2006 (as subsequently amended) are hereby amended by: (i) adding Territory 2 to the Building Zone Map, as illustrated on Exhibit “F” attached hereto and incorporated by this reference; (ii) assigning the City of Wilmington zoning classification of W-2 (Waterfront Manufacturing/Commercial) to Territory 2, as illustrated on the Building Zone Map attached hereto as Exhibit “F” and incorporated herein by this reference; and (iii) adding Territory 2 to the Supplemental Building Zone Map, as illustrated on the Map attached hereto as Exhibit “G” and incorporated herein by this reference.

SECTION 7. The description of the Fourth Councilmanic District in Section 2-31(4) of the City Code is hereby amended to include Territory 2, as illustrated on the Map attached hereto as Exhibit “H” and incorporated herein by this reference.

SECTION 8. The corporate boundaries of the City of Wilmington as set forth in 40 Del. Laws Ch. 179 and 46 Del. Laws Ch. 236 and Section 1-1 of the City Code, as amended, be and the same are hereby altered to include Territory 2, which territory consists of approximately 3.72 acres of land, the majority of which is owned by the Riverfront Development Corporation of Delaware and a small portion of which is owned by DeIDOT.

SECTION 9. This Ordinance shall be deemed effective immediately upon its date of passage by City Council and approval by the Mayor.

First Reading.....April 19, 2018
Second Reading.....April 19, 2018
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2018.

Mayor

SYNOPSIS: This Ordinance provides for the annexation and rezoning of 800 South Market Street, 810 South Market Street, 800 South Walnut Street, 0 Garasches Lane, and a separate but adjacent property also known as 0 Garasches Lane, being Tax Parcel ID Nos. 10-001.00-015, 10-001.00-016, 10-001.00-077, 10-001.00-019, 10-001.00-020, 10-001.00-022, and 26-057.00-050, containing approximately 4.51 acres contiguous with the City boundary in the vicinity of the South Wilmington Analysis Area, New Castle County, Delaware (collectively, the “South Wilmington Parcels”) from New Castle County H I (Heavy Industrial) zoning classification to City of Wilmington M-1 (Light Manufacturing) zoning classification. This Ordinance also provides for the annexation and rezoning of 787 South Madison Street, being Tax Parcel ID No. 07-040.30-001, containing approximately 3.72 acres contiguous with the City boundary in the vicinity of the Browntown/Hedgeville Analysis Area, New Castle, County Delaware (the “Browntown/Hedgeville Parcel”) from New Castle County H I (Heavy Industrial) zoning classification to City of Wilmington W-2 (Waterfront

Manufacturing/Commercial) zoning classification. In addition, this Ordinance amends the description of the Fourth Councilmanic District, the Official Building Zone Map, and the Supplemental Building Zone Maps to add the annexed South Wilmington Parcels and the annexed Browntown/Hedgeville Parcel into the City's corporate boundaries.

FISCAL IMPACT STATEMENT: Fiscal impact estimates there is no expenditure cost to either the City of Wilmington's General Fund or its Water/Sewer Fund for the next three fiscal years and beyond.