

BILL NO. 99-10

1st Reading 4/26/99

2nd Reading 5/24/99

BILL NO. 03-35 AMENDED

1st Reading 11/10/03

2nd Reading 12/08/03

**CITY OF NEWARK
DELAWARE**

ORDINANCE NO. 99-14

AMENDMENT 1. Amend Section 32-4, Definitions, subsection (a), by renumbering the existing subparagraph (123.1) to (123.2) and inserting a new subparagraph (123.1) to read as follows:

"Student home: A single-family detached dwelling occupied by three post-secondary students, regardless of age, unrelated by blood or legal adoption, attending or about to attend a college or university, or who are on a semester, winter, or summer break from studies at a college or university, or any combination of such persons. Student homes shall not include RM zoning-permitted boarding houses or rooming houses; nor shall they include the taking of non-student, non-transient boarders or roomers in any residence district; nor shall they include single-family detached, semi-detached, or row dwellings located within the following subdivisions or fronting on the following streets:"

- a. White Clay Drive
- b. North Street
- c. Prospect Avenue
- d. Wilbur Street
- e. North College Avenue to White Clay Drive
- f. East Cleveland Avenue west of North Chapel Street
- g. West Cleveland Avenue
- h. New London Road, south of Corbit Street and the University's Laird Campus i. West Main Street, east of Hillside Road
- j. Cherry Hill Manor
- k. Blair Court
- l. Williamsburg Village
- m. Madison Drive and Lincoln Drive
- n. East side of South College Avenue, between the Amtrak Railroad right-of-way and East Park Place o. South Chapel Street, south of Delaware Avenue to Wyoming Road
- p. Wyoming Road, west of South Chapel Street
- q. Chambers Street
- r. Ashley Road
- s. Benny Street
- t. Haines Street, south of Lovett Avenue
- u. North Chapel Street, north of Main Street
- v. Choate Street
- w. George Read Village

- x. White Chapel townhouses
- y. West Delaware Avenue
- z. Holton Place
- aa. West side of South College Avenue, south of Park Place to the Amtrak Railroad right-of-way
- bb. Annabelle Street
- cc. Margaret Street
- dd. Courtney Street
- ee. Wilson Street
- ff. Haines Street, south of Delaware Avenue to Continental Avenue
- gg. Church Street

AMENDMENT 2. Amend Section 32-9, RH districts (one-family detached residential, including RH, RT and RS districts), subsection (a)(2), by adding thereto the words "but not including student homes" after the word "premises" in the first sentence so that it reads, in part, as follows:

"The taking of nontransient boarders or roomers in a one-family dwelling by an owner-occupant family resident on the premises, but not including student homes, provided there is no display or advertising on the premises in connection with such use"

AMENDMENT 3. Amend Section 32-9, RH districts (one-family detached residential, including RH, RT and RS districts), subsection (a)(3), by adding thereto the words "but not including student homes" after the word "premises" in the first sentence so that it reads, in part, as follows:

"The taking of nontransient boarders or roomers in a one-family dwelling by a nonowner occupant family resident on the premises, but not including student homes, is not a use as a matter of right, but is a conditional use, provided there is no display or advertising on the premises in connection with such use"

AMENDMENT 4. Amend Section 32-10, RD districts (one-family semidetached residential), subsection (a)(6), by adding the words "but not including student homes" after the word "premises" in the first sentence so that it reads, in part, as follows:

"The taking of nontransient boarders or roomers in a one-family dwelling by an owner-occupant family resident of the premises, but not including student homes, provided there is no display or advertising on the premises in connection with such use"

AMENDMENT 5. Amend Section 32-10, RD districts (one-family semidetached residential), subsection (a)(6.1), by adding the words "but not including student homes" after the word "premises" in the first sentence so that it reads, in part, as follows:

"The taking of nontransient boarders or roomers in a one-family dwelling by a nonowner-occupant family resident on the premises, but not including student homes, is not a use as a matter of right, but is a conditional use, provided there is no display or advertising on the premises in connection with such use"

AMENDMENT 6. Amend Section 32-11, RM districts (multifamily dwellings - garden apartments), subsection (a)(12), by adding the words "but not including student homes" after the word "premises" in the first sentence so that it reads, in part, as follows:

"The taking of nontransient boarders or roomers in any one-family dwelling by a family resident on the premises, but not including student homes, is not a use as a matter of right, but is a conditional use provided there is no display or advertising on the premises in connection with such use"

AMENDMENT 7. Amend Section 32-13, RR districts (row or town houses), subsection (a)(17), by adding the words "but not including student homes" after the word "premises" in the first sentence so that it reads, in part, as follows:

"The taking of nontransient boarders or roomers in any one-family dwelling by a family resident on the premises, but not including student homes, is not a use as a matter of right, but is a conditional use provided there is no display or advertising on the premises in connection with such use"

AMENDMENT 8. Amend Sections 32-9, 10, 11, and 13, subsection (a), by adding thereto new subparagraphs (17), (17), (23), and (20), respectively, which new subparagraphs shall read as follows:

"Student home, provided the following requirements are met:

- a. Rental permits are applied for and issued as provided in Chapter 17, Housing and Property Maintenance, of this code;
- b. The owner or owner's agent make and continue to make reasonable efforts to ensure that tenants comply with applicable noise, disorderly conduct, alcoholic beverage, and other requirements of such rental permits, as stipulated in Chapter 17 of this code;
- c. The owner and owner's agent, if any, shall be responsible for compliance with the occupancy limitations set forth in this code;

d. A student home shall be located on a lot any portion of which is no closer to any portion of another lot lawfully used for another student home than a distance determined by multiplying times 10 the required lot width for a single-family detached dwelling in the district in which the building lot is located; for purposes of this calculation, nonowner-occupant single-family detached, semidetached, and row homes with rental permits for the taking of boarders and roomers and existing on the date of adoption of this ordinance, shall be considered student homes; and
e. A student home shall be occupied by no more than three persons."

**An Ordinance Amending Chapter 32, Zoning,
Code of the City of Newark, Delaware, By
Establishing a Definition of a Student
Home and Regulations for the Same**

THE COUNCIL OF THE CITY OF NEWARK HEREBY ORDAINS:

That Chapter 32, Zoning, Code of the City of Newark, Delaware, be hereby amended in the following respects:

MOTION for Acceptance as First Reading on April 26, 1999,

by Council Member Clifton.

Second Reading and Final Passage on May 24, 1999.

VOTE: 6 to 1.

Mayor

Attest:

City Secretary

Approved as to Legality & Form:

City Solicitor