

BUILDING ZONE ORDINANCE
for the
TOWN OF BELLEFONTE, DELAWARE

ZONING COMMISSION

Wm. L. Dawes, Chairman
J.E. Goold, Secretary
Howard L. Robertson

BOARD OF ADJUSTMENT

President of Commissioners, Maurice L. Campbell
Alfred S. Patterson
Howard L. Robertson

Passed: April 14, 1947

Approved: By the "Commissioners of Bellefonte"

Maurice L. Campbell, President
Alfred S. Patterson, Secretary
Paul T. Collison
Arthur W. Grimes
Earle N. Stouffer

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FORWARD

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http://www.delcode.state.de.us/title22/c003/index.htm#P-1_0

BUILDING ZONE ORDINANCE for the TOWN OF BELLEFONTE, DELAWARE

AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF BUILDINGS AND STRUCTURES AND THE USE OF BUILDINGS, STRUCTURES AND THE USE OF BUILDINGS, STRUCTURES AND LAND; THE HEIGHT AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE AREAS AND DIMENSIONS OF OPEN SPACES ON BUILDING LOTS; AND THE DENSITY OF POPULATION.

- Section 1. Districts.
- Section 2. General requirements and exceptions.
- Section 3. Resident district and apartment district uses.
- Section 4. Business district uses.
- Section 5. Garages and stables.
- Section 6. Heights.
- Section 7. Setbacks.
- Section 8. Rear yards.
- Section 9. Side yards.
- Section 10. Boundaries of Residential District.
- Section 11. Boundaries of Apartment District.
- Section 12. Boundaries of Business District.
- Section 13. Enforcement.
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- Section 15. Penalty for Violation.

BUILDING ZONE ORDINANCE

For the

TOWN OF BELLEFONTE, DELAWARE

SECTION 1. DISTRICTS

For the purposes of this Ordinance, the Town of Bellefonte, is hereby divided into the following classes of Districts:

Residence Districts – as defined on zoning map and described in Section 10.

Apartment District – as defined on zoning map and described in Section 11.

Business Districts – as defined on zoning map and described in Section 12,

The boundaries of these districts are hereby established as shown on the Building Zone Map which accompanies and is hereby declared to be a part of this Ordinance.

SECTION 2. GENERAL REQUIREMENTS AND EXCEPTIONS

Except as hereinafter specified, it shall be unlawful to use, erect, raise, and enlarge, construct, reconstruct or alter any building, structure or premises, or part thereof, unless in conformity with the provisions of this Ordinance.

No use of Buildings, structures or premises, and no trade or industry, shall hereafter be permitted within the Town of Bellefonte which, when conducted under proper and adequate conditions and safeguards, is likely to produce corrosive, toxic or noisome fumes, gas, vapor, smoke or odors, or obnoxious dust or wastes, or offensive noise or vibrations, so as to be detriment to public health, safety or welfare.

The provisions of this Ordinance shall not require modifying the height or size of any building or structure, existing at the time of enactment of this Ordinance, or changing its location on the lot: nor shall such provisions require a change in the then existing use of any building, structure or premises; but any non-conforming building, structure or premises which shall hereafter be made to conform with any of the requirements of this Ordinance in its use or structure shall never thereafter be reconverted so as to be again non-conforming. (Any non-conforming use which shall have been abandoned for a period exceeding two years shall not thereafter be resumed.)

Nothing in this Ordinance shall prevent the reconstruction and resumption of use of any non-conforming building or structure accidentally or criminally damaged less than 50 percent of its re-placement value, exclusive of foundations, as appraised by the Building Inspector; provided that such reconstruction and resumption shall take place within twelve months of such damage. A non-conforming use may be extended over such portions of the buildings or premises as were manifestly designed or arranged for such use at the time of enactment of this Ordinance.

There are four ways in which the building zone ordinance might affect existing buildings:

1. If the existing use is non-conforming, and is abandoned for more than two years, it cannot be resumed.
2. If the existing non-conforming building should be totally destroyed, as by fire, it could not be rebuilt as such.
3. Special permission of the Board of Adjustment would be necessary if a non-conforming enterprise

were to extend beyond the limits of the present lot.

4. A non-conforming building, once made conforming, cannot be changed back so as to be non-conforming again.

The parking or use of trailers shall hereafter be prohibited in any district of the Town of Bellefonte for use as living quarters, offices, commercial purposes, or any other reason. The term "trailer" is defined as any wagon, cart, or furnished house on wheels, to be pulled by an automobile, truck, etc., exceeding one-half ton capacity.

Nothing in this Ordinance shall prevent the strengthening or restoration of a wall or structural member in a non-conforming building, when such action is lawfully directed by the Building Inspector in the interest of safety or health.

A yard or court located on the same lot, and conforming with all the requirements of this Ordinance, shall be provided to afford light and ventilation to every room where persons live, sleep, work or congregate, unless such room opens directly upon a street or other public open space.

Any lot to be improved for residence occupancy shall have a frontage of not less than 25 feet on a public street. No lot shall hereafter be subdivided so as to reduce the street frontage of any portion thereof which is occupied by a residence to less than 25 feet.

Junk yards shall not be permitted in any District.

SECTION 3. RESIDENCE DISTRICT AND APARTMENT DISTRICT USES

Within any Residence District, no building, structure or premises shall be used or designed or arranged to be used, in any part, unless as hereinafter specified, otherwise than for the following six classes of purposes:

- (a) One dwelling for not more than one family. Nothing herein shall prevent the construction of a private garage integral with a dwelling, under restrictions hereinafter recited. Nothing herein shall prevent the incidental taking of boarders or lodgers by a resident family, provided there is no exterior advertising sign.
- (b) The Board of Adjustment hereinafter constituted, shall have power to permit the erection of a two-family dwelling or to permit the remodeling and conversion of an existing building into a two-family dwelling, provided that separate front and rear entrances are provided for each housekeeping unit, and that such construction is not, in the opinion of the Board of Adjustment, detrimental in any way to the immediate community.
- (c) The office of a physician or similar professional person residing on the premises; provided there be no advertising, other than by an identification sign placed in a window or flat on the dwelling and not exceeding 6 inches by 18 inches. *(Repealed and amended, 10/8/56, see Appendix II – SLM)*
- (d) Customary home occupation, such as dressmaking or millinery, conducted by a resident occupant with the assistance of not more than an average of two employees; provided there be no exterior advertising or display of goods; and provided further that any such occupation be not conducted in any accessory building.
- (e) Real estate signs of not more than eight square feet area, advertising a premise or building for sale or rent.

- (f) Accessory uses, customary with or incidental to any of the aforesaid permitted uses, including private garages as hereinafter specified; provided that no accessory building shall be nearer any street line than the corresponding front line of the principal building;* and provided further that, except as hereinafter specified, accessory buildings shall be erected, only on the same lot with a permitted principal building.

** The set back provisions of the Ordinance would themselves require any accessory building to set back as far from the street line as would be required for the principal building. The effect of the foregoing clause is to require the accessory building to set back at least as far as the principal building actually does set back, so that a garage, for example cannot be built in front of the house.*

No business, service or industry, except operations incidental to gardening carried on on the same lot, shall be conducted in any accessory building, nor shall any walk or driveway giving access to any business, service or industrial establishment, or any advertising sign, constitute a permitted accessory use; except as herein specified.

No accessory building in the Residence District shall extend within less than two feet of any party lot line, or within less than ten feet of any rear line which is a street line of a street 20 feet or more in width nor shall any accessory building in such districts exceed one and one-half stories or 22 feet in height, except that on lots exceeding one acre, an accessory building may be not more than two and one-half stories or 35 feet in height, provided it be not less than 30 feet from every party lot line.

Accessory buildings in the Residence Districts, including rear projections hereinafter permitted, shall not, in the aggregate, occupy ground space exceeding 30 percent of the required rear yard area.

Nothing herein shall prevent the erection or completion by agreement between adjoining property owners, of a common two-car garage across their mutual lot line, provided both free sides of such garage be detached not less than five feet from any other building.

Any accessory building, and any integral garage, which is within 50 feet of any street line, shall be distant not less than ten feet from any party of lot line intersecting such street line.

The Board of Adjustment, hereinafter constituted, shall have power to permit the erection of an accessory building on an otherwise vacant lot, to be later occupied by a conforming use, when in its opinion such accessory

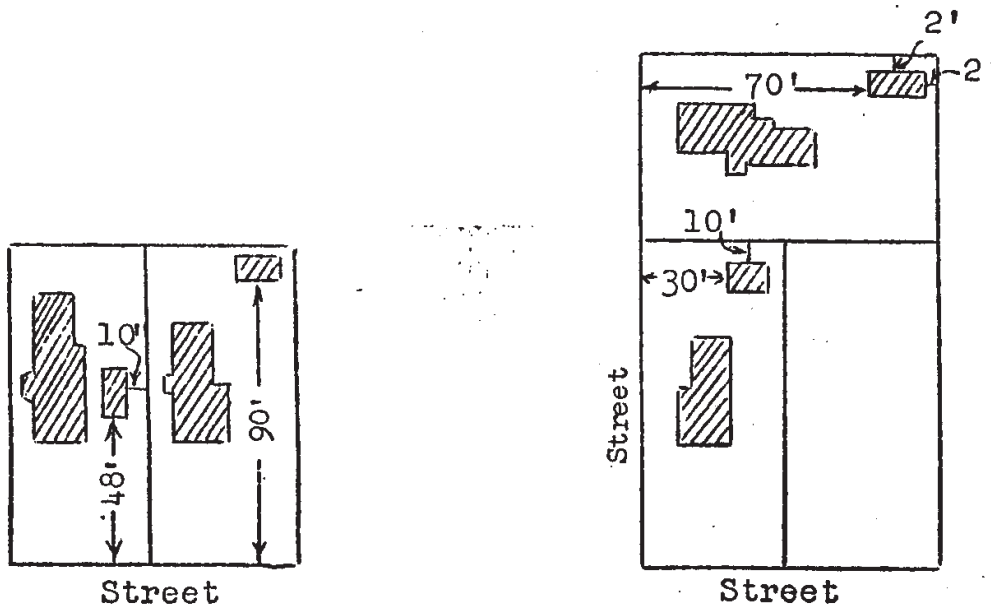


ILLUSTRATION OF ABOVE PROVISIONS

building would not damage surrounding property; provided that such accessory building be so located that the proposed later construction may be in conformity with all the requirements of this Ordinance.

In any Apartment District, no building or premises shall be used or designated or arranged to be used, in any part, unless as hereinafter specified, otherwise than for the following two classes of purposes:

- (a) Any use hereinbefore specified as permissible in any Residence District but without the limitations therein specified as applying to Residence Districts only. No accessory building shall extend within less than two feet of any party lot line except the rear line, or within less than eight feet of any rear line which is a street line of a street 20 feet or more in width;* except that if the established existing alignment, as defined in Section 7, is less than the set-back herein prescribed, the distance of accessory building from the rear street line shall be not less than such established existing alignment; nor shall buildings, including rear projections hereinafter permitted, occupy in the aggregate a ground space exceeding 40 percent of the actual area of the rear yard.

* This is to take care of the preservation of values on a rear street, which may also be the front street for some of the neighbors. Every lot has a principal street line from which a major setback is required. The Ordinance would prevent any builder from using what should be a principal street line as a rear line. It also contains rear yard requirements which would prevent bringing the back door of the house too close to the rear street. The foregoing clause further prevents damaging that street by crowding accessory buildings against it. If the street is very narrow, such protection is scarcely necessary because it becomes a back street pure and simple; and if the houses which face on it have no set-backs, then the accessory building is relieved from the 8 foot rear line setback here prescribed. A similar rule will be found for accessory buildings in Residence Districts.

(Section 3B repealed and restated 10/08/56, see Appendix II – SLM)

(b) An Apartment house or tenement house for any number of families; apartment hotels, lodging and boarding houses not primarily for transients; dormitories and boarding schools; and restaurants operated in conjunction with any of the above; lodge rooms and clubs, not including bowling alleys; the office of a physician or other similar professional person; announcement signs, having a maximum size of 6 inches by 18 inches in a window or flat on a building, relating to any of the foregoing uses conducted on the same premises.

SECTION 4. BUSINESS DISTRICTS USES

(Section 4, a, b, c repealed and restated 12/7/59, see Appendix II – SLM)

Within any Business District, no building, structure or premises shall be used, or designed or arranged to be used in any part except for the following five specified classes of purposes:

- (a) Any use hereinbefore specified as permissible in any Residence District or Apartment District.
- (b) Any officer or retail store or stand where goods are sold or services rendered, including places of recreation or amusement and private and public garages and filling stations, as hereinafter specified; provided, however, that any premises used for the purpose of conducting thereat the business of selling and dispensing gasoline, or other petroleum products, or any motor fuel of any character, or servicing of motor vehicles, commonly known as motor filling or service stations, shall have a lot area of not less than five thousand (5,000) square feet where the same are located at the corner of intersecting streets or highways and not less than six thousand (6,000) square feet for all other locations and provided further, that where said premises are located at the corner of intersecting streets or highways each side thereof which abuts upon any street or highway; shall have an extent of not less than sixty (60) feet and in all other locations each side thereof which abuts upon any street or highway shall have an extent of not less than eighty (80) feet, and provided further, that each such service or filling station shall not have more than one entrance and one exit on each street or highway upon which the same abuts.
- (c) Wholesale or Retail business establishments.
- (d) Storage incidental to any of the above, providing such storage is limited to the premises and not permitted to become unsightly or obnoxious.
- (e) Any manufacturing, converting, fabricating, altering, finishing, or assembling,* not hereinafter prohibited, which is a minor, necessary incident to retail trade or service, which is not conducted on the first floor within 25 feet of any street entrance or exit, which does not occupy more than one-half of the total floor area of the building which does not employ more than 15 pounds steam pressure, except for vulcanizing, and which does not require in its execution more than the aggregate horsepower or average number of employees herein stipulated.

** Strictly speaking, a business district is for business only. These manufacturing operations are permitted as an amelioration of what might be severe technical requirements. It is fair to regulate their magnitude so as to prevent the business district from degenerating into an industrial district.*

SECTION 5. GARAGES AND STABLES

A private garage shall not exceed two cars capacity unless the area of the lot exceeds 5,000 square feet, if in a Residence District, or 2,000 square feet if in an Apartment District; nor shall the capacity exceed one additional car for each 2,500 square feet by which the area of the lot exceeds such areas; nor shall the maximum number of cars exceed four in a Residence District, or six in an Apartment District.

The following are the numbers of cars permissible in various districts for various sizes of lots:

PRIVATE GARAGE SPACE PERMISSIBLE ON ORDINARY SMALL LOTS

| Lot Area | Residence | Apartment |
|---------------|-----------|-----------|
| 2,000 sq. ft. | 2 | 2 |
| 4,500 | 2 | 3 |
| 5,000 | 2 | 3 |
| 7,000 | 2 | 4 |
| 7,500 | 3 | 4 |
| 9,500 | 3 | 5 |
| 10,000 | 4 | 5 |
| 12,000 | 4 | 6 |

A community garage or garages, consisting of a series of stalls under a continuous roof, may be permitted by the Board of Adjustment in any Apartment or Business District on an occupied or unoccupied lot facing a street front, provided assent thereto be expressed in writing by the owners of all lots which extend within less than forty feet of the lot on which such proposed community garage is to be built, including the owners of any street frontage directly opposite the street frontage or access frontage of the lot on which the garage is proposed to be built. If said community garage is to be constructed in the interior of a block, the written assent of a majority of the property owners, by lot frontage, surrounding such lot on which the said garage is to be constructed, including therein the owners across the street opposite the entrance or driveway thereto shall be obtained and filed; not including, in either case, the owners of lots wholly within any business or industrial district or the owners of lots on which similar or non-conforming uses are conducted.

Such community garage may be built up to the party lot lines on every side, excepting that its entrances shall be distant not less than 30 feet from any party lot which they face. No commercial business service shall be conducted in a community garage, nor shall there be any power equipment or any sign displayed, except as hereinbefore specified. No community garage shall have a height exceeding 15 feet above the ground. Any such garage, or set of garages, on one lot, having a capacity for more than six cars shall also be subject to all the restrictions herein-after prescribed for public garages.

Horse Stables are prohibited in any District, except that the Board of Adjustment, when in its opinion such use would not damage surrounding property may permit such a private stable upon the written expression of consent of adjacent property owners.

No public garage in any Business District shall consume in the aggregate, more than ten horsepower, exclusive of power employed for charging batteries and operating lifts. No part of any public garage shall be occupied for residence purposes. No public garage in any Business District shall have any part of its shop or vehicle storage space on the first floor within 20 feet of any street entrance or exit; except that the Board of Adjustment shall have the power to waive this restriction with respect to any street line which is not a principal street line, when in the opinion of such Board such waiver will not damage surrounding property.

No public garage and no garage having a capacity for more than six motor vehicles shall have an entrance or exit for vehicles within 200 feet along the same street of the grounds of a church, school, hospital or institution for children. No public garage, except a community garage, as herein specified, shall have an entrance or exit for vehicles within 50 feet along the same street of any Residence District or Apartment District, unless permission therefore be granted on the Board of Adjustment, after such Board shall have determined that the use will not damage surrounding property.

SECTION 6. HEIGHT

Except as herein otherwise specified, heights shall be measured above the reference level, which is defined as the average curb level adjacent to the lot, except that if the average curb level be not established, or if the average natural ground level within five feet of the proposed building or structure is higher than such average curb level, then such average natural ground level shall be the reference level.

Heights of buildings shall be measured up to the mean level of the highest roof thereon. In all other cases, the height is defined as the maximum height.

No story shall be deemed a first story if its floor level is more than four feet above the reference level. Any basement which is occupied for sleeping purposes by other than a janitor or watchman shall be deemed a first story. A mezzanine story shall be deemed a full story if the mezzanine floor covers more than one-third the area of the ground floor, or the height of the story which includes the mezzanine is greater than 24 feet. An attic story shall be deemed a full story.

No builder should be allowed to derive the equivalent of a four-story building, where three is the limit, by erecting a high basement. Figure below shows how the phraseology of the Ordinance discourages this. If the first floor level is placed seven feet above the ground, the building indicated is a four-story building rather than a three-story building.

In Residence Districts, no building or structure shall have a height exceeding three stories or 47 feet except institutional buildings, such as libraries, clubs and churches, may be not more than four stories or 61 feet high, provided that if in the Residence District such buildings be distant from every street line not less than five feet more than is herein otherwise required.

The provisions of this Ordinance with respect to height shall not apply, in any district, to domes, spires, cupolas, belfries, monuments or chimneys, provided the area of the base of any such structure does not exceed 20 percent of the lot area; nor, under the same provision, to windmills, transmission towers, flag staffs, radio towers, water tanks or towers, or hose towers, provided further that if within any Residence District or Apartment District, they be not within 30 feet of any street line or party lot line.

In Apartment District, and or Business District, building or structure shall not have a height exceeding four stories or 61 feet.

In any Apartment District and Business District the provisions of this Ordinance with respect to height shall not apply to roof bulkheads, elevator enclosures or monitors; provided, in any ease, that the area of the base of any such structure does not exceed 30 percent of the lot area.

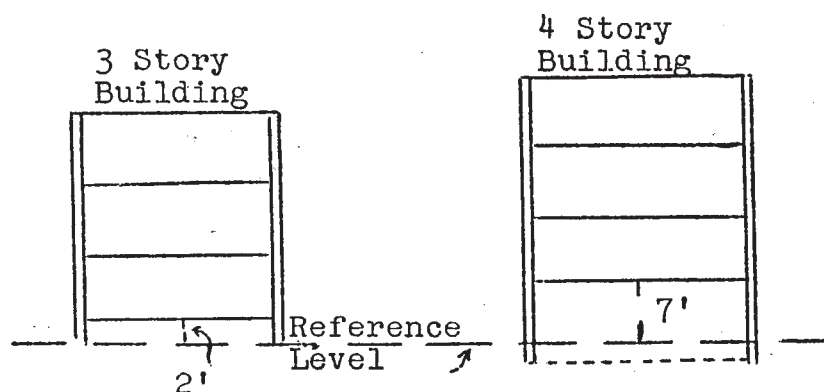


ILLUSTRATION OF ABOVE PRINCIPLE

SECTION 7. SETBACKS

For the purposes of this Ordinance, a street line is any dividing line between a lot and a public street. A principal street line is the adjacent street line most nearly parallel with the principal facade of the building. The Board of Adjustment shall have the power to prescribe which shall be the principal street line, in any particular case where the lot has more than one street line, so as to carry out the intent and purpose of this Ordinance.

The term “established existing alignment” is the average setback from any particular street line, of buildings, or their corresponding stories or parts, on lots extending to the same street within 100 feet, street widths being disregarded, of any lot on which it is proposed to build; all such lots being within the same district as the lot in question, and one-half or more by frontage of the aforesaid lots being improved by buildings at the time of application for a building permit.

The provisions of this section shall not apply to any fence, steps, retaining wall or railing which is less than one foot high above the ground, or less than one-fourth solid and less than four feet high above the ground; or to cornices or eaves projecting not more than three feet. Neither shall these provisions apply, in any Business District to any fence which is less than six feet high above the ground and less than one-fourth solid.

Except as otherwise herein specified, no building or structure or part thereof shall extend within less than 20 feet of the principal street line (Property Line) in the Residence District, or within less than 10 feet in the Apartment District. Buildings in Business District may extend to property line. If the established existing alignment is less than the setback herein prescribed, the setback shall be not less than the established existing alignment.

For the purposes of this sub-section, the setback building line is a line drawn parallel with the street line, and distant therefrom by the amount of the required setback for the district and lot in question; except that if the lot is occupied by a principal building, the setback building line shall not be deemed to be farther distant from the street line than the actual distance from the main front wall of such then existing building to the street line.

No building on any interior lot shall be required to set back further from any street line than that one of two then existing buildings on immediately adjacent lots which is farthest from such street line.

A one-story open porch, in the Residence District, may project not more than 5 feet beyond the setback building line herein established. A similar open porch, in an Apartment District or Business District, may project not more than 5 feet.

In Apartment Districts, the Board of Adjustment may permit the construction of a multiple story open front porch attached to apartment houses, projecting not more than hereinbefore specified, provided that the railings of porches above the first story shall extend not less than thirty-six inches above the porch floor.

A bay window or oriel window having a width not more than half the width of the building, may project not more than three feet beyond the setback building line herein established.

No building or structure in any district shall have any part of its first story, other than a pillar or post covering not over four square feet of ground area and removed not less than four feet from any other part of the first story, within less than 43 feet of the intersection of the center lines of any streets or portions of a street, any of which is more than 30 feet wide between which the acute angle exceeds 45 degrees. Within

such radius there shall be no structure, grading or planting which would interfere with clear traffic visibility. No structure or planting other than lawns shall be permitted outside the limits of any lot in any District.

This would have no effect where the street was over 68 feet wide. If it were 50 feet wide, the rule would cut ten feet back from the corner in the direction of the street length.

Where, because of irregular outlines or topography, it would be impracticable to construct a building on a particular lot in accordance with these requirements, the Board of Adjustment shall have power to modify them in harmony with the spirit of this Ordinance.

SECTION 8. REAR YARDS

The rear line of a lot is that boundary line of such lot which is most nearly opposite the principal street line; but in no case shall the rear line be deemed to be farther back than a line drawn parallel with the principal street line, distant as far as possible therefrom, entirely on the lot, and not less than ten feet long. Any lot boundary [sic] line which is not principal street line or a rear line is a side line. A rear line or a side line may also be a street line.

The depth of a lot is the mean distance from the principal street line to the rear line, measured in the mean direction of the side lines.

A rear yard is an open space, unoccupied except as herein specified, extending from the principal building to the rear line of the lot between side lines. The depth of a rear yard is its least depth measured perpendicularly to the rear line from any point on the principal building or buildings.

Except as hereinafter specified, a rear yard is required in any district. The depth of the rear yard shall be not less than 30 feet in the Residence District and 15 feet in Apartment District.

In Business Districts, the minimum requirements for rear yards shall be the same as in Apartment District, except as follows:

In buildings not occupied on the first story for residence purposes, the buildings may occupy the entire lot up to the level of second-story window sills.

In any Residence District or Apartment District, a one-story rear projection, not more than 12 feet high or covering more than 192 square feet of area, is permitted, subject to all the stipulations hereinbefore recited as to accessory buildings. Nothing herein shall prevent the projection of an open iron fire escape or a fire tower to an extent not exceeding five feet, or of cornices or eaves not over two feet, into or over any required rear yard. Nothing herein shall prohibit the erection of a rear line fence, provided such fence conforms to the requirements for fences recited in Section 7 thereof.

SECTION 9. SIDE YARDS

The width of a lot is its mean width, measured at right angles with its depth.

A side yard is an open, unoccupied space, extending from the setback building line, corresponding with the principal street line or from such principal street line if there be no such setback building line, to a rear yard, or if there be no rear yard to a rear street line or a rear lot line.

The width of a side yard, except as hereinafter specified is the least distance from any part of the building or structure on the lot to any side lot line.

In the Residence District, a side yard is required on each side of each lot. No side yard in any such district except side yards adjoining streets, as hereinbefore specified, shall be less than five feet wide, and the sum of the widths of the two side yards shall be not less than 12 feet in any ease.

If the building is to be used for other than a one-family dwelling, three feet shall be added to the herein specified minimum width, and nine feet shall be further added to the required sum of the widths of the two side yards.

In the Apartment District, except as hereinafter specified, a side yard is required on each side of each lot. No side yard shall be of less width than eight percent of the lot width, or, except as hereinafter specified, less than three feet wide. Two feet shall be added to the required width of any side yard in such district, for each story by which the height [sic] of the building exceeds two stories.

Side yards are not required in Business District, except where a portion of the building is used for residence occupancy, in which case side yards widths hereinafter specified for the Apartment District shall apply.

The provisions of this section shall not apply to open iron fire escapes, caves or cornices; or to bay windows or oriel windows extending not more than three feet, provided they be not wider in the aggregate than one-third the depth of the side yard; provided further, in any case, that they do not extend across more than half the width of the side yard or within three feet of the vertical plane of any side lot line; nor shall they apply to any boundary fence or wall which conforms with the requirements of Section 7 hereof.

SECTION 10. RESIDENCE

The Residence District of the Town of Bellefonte shall consist of all the area within the corporate limits.

SECTION 11. APARTMENTS

The Apartment District of the Town of Bellefonte shall consist of the area bounded on the southwest by Rodman Road and lands formerly of the W.D. Blackburn estate on the northwest by a line parallel to and 230 feet northwest of the northwesterly side of Brandywine Boulevard (at 65 feet wide), on the northeast by Bellefonte Avenue, and on the southeast by Rosedale Avenue.

SECTION 12. BUSINESS *(This Section repealed and restated, 4/14/47, Appendix II – SLM)*

The business District of the Town of Bellefonte shall consist of two areas described as follows:

- (1) Bounded on the southwest by the northeast side of Maple Avenue, on the northwest by a line parallel to and 105 feet northwest of the northwesterly side of Brandywine Boulevard, on the northeast by the southwestly [sic] side of Bellefonte Avenue and the division line between Montrose Addition and Montrose Terrace Addition, and on the southeast by a line parallel to and 110 feet southeast of the southeasterly side of Brandywine Boulevard (at 65 feet wide);
- (2) Bounded on the southwest by Bellefonte Avenue, on the north the Wilmington and Philadelphia Turnpike, on the northeast by lands of the Mount Pleasant School, and on the southeast by a line parallel to and 140 feet southeast of the southeasterly side of the Wilmington and Philadelphia Turnpike (at 80 feet wide).

SECTION 13. ENFORCEMENT (repealed and replaced by Ordinance 2006-04 - **SLM**)

This Ordinance shall be enforced by the Building Inspector. Such inspector shall investigate and, in the first instance, determine questions relating to conformity with this Ordinance, and shall in no case grant any permit for acts in violation of this Ordinance.

All applications for building permits, hereafter made in accordance with the Building Ordinances of the Town of Bellefonte, shall be accompanied by plans in duplicate, drawn to a scale of not less than one-eighth inch per foot, in ink or by blue printing, showing all dimensions, radii and angles of the lot, the size and location thereon of every building or accessory building, whether existing or proposed, and such other information as may be necessary to indicate whether the proposed construction and use are in conformity with all the provisions of this Ordinance. One set of such plans shall be returned by the Building Inspector to the applicant at the time of granting a permit. (*Amendment made to this paragraph, 12/7/59, see Appendix II – SLM*)

It shall be unlawful to use or permit the use of any building or premises [sic] or part thereof, hereafter created, erected, reconstructed or enlarged, or of any building or premises or part thereof hereafter changed or converted to a different use, until a Certificate of Occupancy shall have been issued therefore by the Building Inspector. Such certificate shall show whether such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Ordinance. It shall be the duty of the Building Inspector to issue such certificate within ten days after application has been made therefore, provided the applicant was entitled to such certificate at the time of making application.

SECTION 14. BOARD OF ADJUSTMENT (repealed and replaced by Ordinance 2006-01 - **SLM**)

A Board of Adjustment, constituted in accordance with the provisions of law, shall have the powers specified in “AN ACT GRANTING TO MUNICIPALITIES OF DELAWARE AUTHORITY TO ADOPT ZONING REGULATIONS” approved March 14, 1923, and any amendments thereto. Its procedure shall be governed and its duties defined in accordance with the provisions of such aforesaid Act.

Any person aggrieved or affected by any decision of the Building Inspector may appeal from such decision to the Board of Adjustment as provided by law. Notice of appeal, specifying the grounds thereof, shall be given in writing to the Building Inspector and to the Board within thirty days from the date of the decision of the Building Inspector. Thereupon, the Board shall fix a reasonable time for the hearing of the appeal and shall publish notice of said hearing in a newspaper generally circulated in the Town of Bellefonte, at least once before said hearing. The Board shall also give due notice of said hearing to the parties in interest. At such hearing any resident or property owner of the Town of Bellefonte may appear in person or by agent, or by counsel and intervene in said hearing. The Board shall consider all testimony offered by said intervenor and his witnesses in rendering its decision. The decision of the Board shall be in writing and a copy thereof shall be sent to the parties in interest and to any intervening party.

In filing an appeal from the decision of the Building Inspector, the appellant shall pay the sum of \$5.00 to the Board of Adjustment to cover the cost of said appeal, including advertisement costs, stenographic costs and any other costs.

Such Board may, in particular cases where unnecessary hardship would otherwise result, authorize variance from the terms of this Ordinance in harmony with its general purpose and intent, and with the public interest; and for these purposes and within these limitations, in accordance with powers already enumerated or granted it by law, shall have the following authority:

- (a) To hear and decide appeals from any decision or act of any administrative officer, in connection with any matter under this Ordinance, as provided in Section 7 of the Act hereinbefore mentioned;
- (b) To authorize, after public notice and hearing, the extension of a non-conforming use or building, even to another lot or even to a lot directly across a street therefrom, which was under the same ownership at the time of enactment of this Ordinance, in cases where such extension is for a use which is a necessary incident to the existing use, and does not exceed in value 50 percent of the replacement valuation of existing buildings;
- (c) To authorize the granting, in undeveloped sections of the Town, of temporary and conditional permits for buildings or uses prohibited in such sections but which are temporarily necessary for the development thereof;
- (d) To authorize the change of a non-conforming use to another non-conforming use which is not more detrimental to the neighborhood; or the alteration of a non-conforming building; but not the extension of a non-conforming building in connection with a change of use, unless the extension itself be conforming in its use and construction;
- (e) To determine the correct location of district boundaries in any disputed case;
- (f) To authorize the construction of a residence building on any lot in any district;
- (g) To permit the extension, reconstruction or alteration of any building or premises for any use herein conditionally permitted in any district, or to permit such use only under, specific further limitations or conditions to be by it prescribed, if such proposed use is deemed by it likely to be otherwise detrimental [sic] to the health, safety or welfare of the neighborhood;
- (h) To vary any provision of this Ordinance in so far as such provision shall apply to any lot or structure which is the property of a public utility corporation, in cases where the convenience and welfare of the public are shown to be promoted by such variance; which shall be exercised only after public hearing and in definite and limited terms;
- (i) Along and within ten feet of any district boundary line between two districts, to permit that limitations of setbacks, rear yard depths, side yard widths and heights, within the more restricted district, be not more severe than the average of the corresponding requirements in the two districts.

Any person aggrieved by any decision of the Board of Adjustment shall have the remedies prescribed by law.

In exercising its powers, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify, any order, requirement, decision or determination appealed from, and to that end shall have all the powers of the officer from whom the appeal is taken.

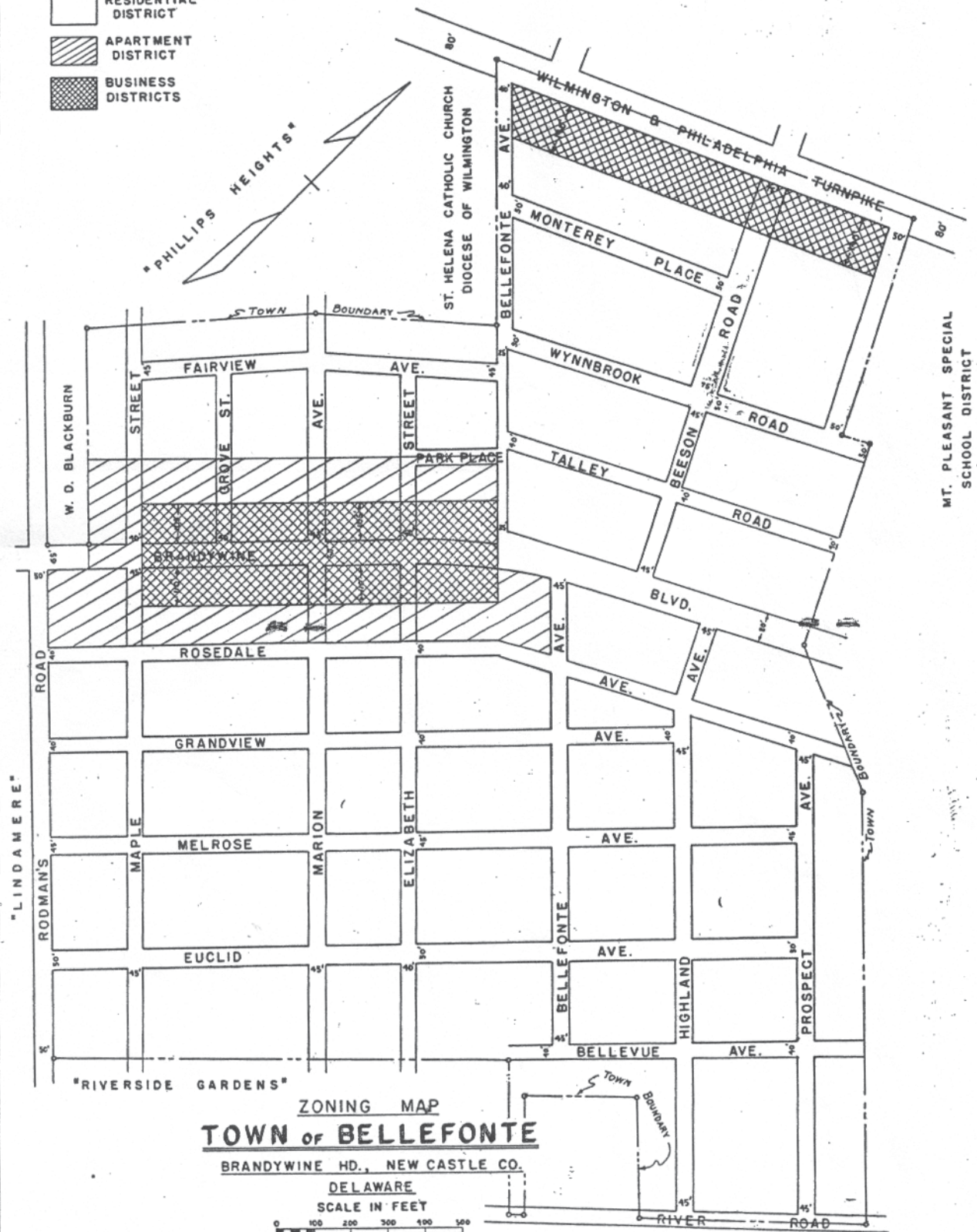
SECTION 15. PENALTY FOR VIOLATION

Whoever violates any provision of this Ordinance, or is accessory [sic] to any such violation, shall be punished by a fine not exceeding \$200.00 for each offense and not exceeding the further sum of \$50.00 for each and every day that wilful [sic] violation shall continue. Prosecutions shall be before any Justice of the Peace in Brandywine Hundred or an adjoining Hundred.

SECTION 16. ZONING COMMISSION. In order to avail itself of the powers conferred by this Act, the Mayor or the Chief Executive of such cities or towns shall appoint a commission to be known as the Zoning Commission, of three members, said appointments to be confirmed by the Legislative body, to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Said commission to consist of not more than two members from one party and appointments to be made for two, four, and six years, and for six-year terms thereafter. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report; and such legislative body shall not hold its public hearings or take action until it has received the final report of such commission.

LEGEND

-  RESIDENTIAL DISTRICT
-  APARTMENT DISTRICT
-  BUSINESS DISTRICTS



ZONING MAP
TOWN OF BELLEFONTE

BRANDYWINE HD., NEW CASTLE CO.
 DELAWARE

SCALE IN FEET
 0 100 200 300 400 500

NOVEMBER, 1945
 PREPARED BY
 HOWARD L. ROBERTSON, C.E.
 WILMINGTON, DEL.

**AN AMENDMENT TO THE BUILDING ZONE ORDINANCE
FOR THE TOWN OF BELLEFONTE, DELAWARE**

Be it enacted by the Commissioners of Bellefonte, Delaware:

That Section 3 of the Building Zone Ordinance be and the same is hereby amended by repealing (c) thereof relating to any Residence District and inserting in lieu thereof the following paragraph to be styled (c) Section 3 (Residence District),

(c) Section 3.- The office of a physician, clergyman, or similar spiritual leader, residing on the premises; a place of meeting for worship or religious instruction, such as a church; provided there be no advertising, other than as stated below:

For each physician, clergyman, or spiritual leader residing at a residence, an identification sign not exceeding 144 square inches in area bearing name and academic degree may be placed in a window or flat on the dwelling or entrance door, except that in the case of a physician two identification signs are permitted, one of which may be illuminated and suspended from a support, attached at right angles to the dwelling or from a post detached from the dwelling. Excepting further, that in the case of a physician one of the aforementioned signs may state the physician's office hours or such office hours may be stated on a separate sign not exceeding 144 square inches in area placed in a window or flat on the dwelling or entrance door.

A church or other place of worship may display such identification signs and/or bulletin board notices as may be the custom of the particular faith.

It is not the intention of this ordinance to preclude the display of lawn markers or mail boxes bearing the name and/or address of the occupant.

PASSED BY THE COMMISSIONERS 10/8/56

**AMENDMENT TO THE BUILDING ZONE ORDINANCE
FOR THE TOWN OF BELLEFONTE, DELAWARE**

Be it enacted by the Commissioners of Bellefonte, Delaware:

That Section 3 of the Building Zone Ordinance be and the same is hereby amended by repealing (b) thereof relating to any Apartment District and inserting in lieu thereof the following paragraph to be styled (b) Section 3 (Apartment District).

(b) Section 3. An Apartment house or tenement house for any number of families, apartment hotels, lodging or boarding houses not primarily for transients, dormitories and boarding schools, and restaurants operated in conjunction with any of the above, lodge rooms and clubs, not including bowling alleys, the office of a physician, clergyman, or spiritual leader, announcement signs, having a maximum size of 144 square inches in a window or flat on a building, relating to any of the foregoing uses conducted on the same premises.

PASSED BY THE COMMISSIONERS 10/8/56

**AN ORDINANCE AMENDING THE BUILDING ZONE ORDINANCE
FOR THE TOWN OF BELLEFONTE, DELAWARE,**

BY REINSTATING THE CENTRAL BUSINESS DISTRICT ALONG BRANDYWINE BOULEVARD
AND ALTERING THE BUSINESS USES PERMITTED IN SUCH ZONE

BE IT ENACTED by the Commissioners of “The Commissioners of Bellefonte”, a municipal corporation of the State of Delaware that the Building Zone Ordinance for “The Commissioners of Bellefonte” heretofore adopted on April 14, 1947, as amended, be and the same is hereby further amended as follows:

1. Section 12 of said Building Zone Ordinance is hereby repealed and the following is hereby inserted in lieu thereof to be known hereafter as Section 12 of said ordinance.

SECTION 12. BUSINESS

The business District of the Town of Bellefonte shall consist of two areas described as follows:

- (1) Bounded on the southwest by the northeast side of Maple Avenue, on the northwest by a line parallel to and 105 feet northwest of the northwesterly side of Brandywine Boulevard, on the northeast by the southwesterly side of Bellefonte Avenue and the division line between Montrose Addition and Montrose Terrace Addition, and on the southeast by a line parallel to and 110 feet southeast of the southeasterly side of Brandywine Boulevard (at 65 feet wide);
- (2) Bounded on the southwest by Bellefonte Avenue, on the northwest by the Wilmington and Philadelphia Turnpike, on the northeast by lands of the Mount Pleasant School, and on the southeast by a line parallel to and 140 feet southeast of the southeasterly side of the Wilmington and Philadelphia Turnpike (at 80 feet wide).

2. Section 4 of said Building Zone Ordinance is hereby repealed and the following is hereby inserted in lieu thereof to be known hereafter as Section 4 of said ordinance.

SECTION 4. BUSINESS DISTRICT USES

Within any Business District, no building, structure or premises shall be used, or designed or arranged to be used in any part except for the following three specified classes of purposes:

- (a) Any use hereinbefore specified as permissible in any Residence District or Apartment District.
- (b) Retail establishment, shop for the performance of personal services, office, library, community center building, church or other religious purpose.
- (c) Storage incidental to any of the above, providing such storage is within the building on the premises and is not permitted to become unsightly or obnoxious and complies with other codes.

Provided, however, with respect to District 1, Section 12 “Business” (and not to be construed as applying to District 2) no gasoline service station, automobile agency, retail or wholesale, public garage liquor store, taproom or any business use where noxious odors, fumes, noises or other unpleasant emissions from the subject premises are likely to result (as determined in the discretion of the Building Inspector) shall be permitted unless and until a referendum is conducted among qualified voters of the Town (at the expense of the applicant for a permit) and a majority of those voting at such referendum approve of the issuance of such

permit and provided further that three-fourths of the owners of properties within 200 feet of the premises for which a permit is sought also consent in writing to the granting of such permit.

If a referendum is held under the provisions of this section and a permit is not approved by the voters, then no permit for the same type of business shall be put to a referendum vote until after the lapse of one year from the last referendum.

The costs and expenses of any referendum to be held hereunder shall be fixed by the Commissioners and the amount so fixed shall be deposited with the Commissioners prior to the submission of the issue to the voters. The notice to be given (which shall be not less than fifteen days) and the manner in which it shall be given and the manner, place and time of taking the referendum vote as herein provided shall be determined by the Commissioners at any regular or special meeting of the Commissioners.

PASSED BY THE COMMISSIONERS: 10/14/57

**AMENDMENT TO THE BUILDING ZONE ORDINANCE
FOR THE TOWN OF BELLEFONTE, DELAWARE**

BE IT ENACTED by the Commissioners of Bellefonte, Delaware:

That Section 13 of the Building Zone Ordinance for the Town of Bellefonte, Delaware, be and the same is hereby amended by adding the following to the second paragraph thereof:

Building permits shall become null and void upon the expiration of six months from date of issue in the event the proposed construction for which said permit was issued has not been started, and applicants shall reapply for a new permit. Fees paid for permits which have expired shall be forfeited.

FIRST READING: 11/9/59 SECOND READING: 11/9/59 THIRD READING: 12/7/59

PASSED BY THE COMMISSIONERS: 12/7/59

**NO. 88-1 - AN AMENDMENT TO THE BUILDING ZONE ORDINANCE
FOR THE TOWN OF BELLEFONTE**

BE IT ENACTED BY THE COMMISSIONERS OF BELLEFONTE, DELAWARE

Section 2 Paragraph 5 of said Building Zone Ordinance is hereby repealed and the following is hereby inserted in lieu thereof:

Any lot to be improved for residence occupancy shall have a frontage of not less than 40 feet on a public street and a minimum lot size requirement of 4000 square feet.

Section 7 Paragraph 3 of said Building Zone Ordinance is amended as follows:

Fence heights requirements shall be not more than four feet high above the ground on the front yard and six feet high above the ground on the rear and side yards and removes the less than one-fourth solid requirement of fences.

PASSED BY THE COMMISSIONERS: April 11, 1988

ATTEST Kenneth E. Fink, SECRETARY

ORDINANCE NUMBER 89-1

THE COMMISSIONERS OF BELLEFONTE

**AN ADDITION TO THE BUILDING AND PLUMBING
RULES AND REGULATIONS ORDINANCE OF THE
TOWN OF BELLEFONTE**

Be it ordained by the Commissioners of the Town of Bellefonte that the Building and Plumbing Rules and Regulations ordinance for the Town of Bellefonte is hereby amended by substituting the following language in the title of the ordinance:

“An Ordinance providing for Building, Plumbing and Drainage Regulations for the Commissioners of Bellefonte”

and adding the following language including subtitle at the conclusion of the Building Code and Regulations Section.:

“DRAINAGE CODE AND REGULATIONS

No structure shall be erected in the Town of Bellefonte unless its yard(s) shall have been graded to carry water away from that structure and dispose of all water without ponding.

No improvement, change or use shall be made to any land within the Town of Bellefonte unless such land is graded to dispose of surface water without ponding of water on that land or any adjoining land.

Prior to the commencement of the erection of any new structure, the improvement of real property or the change in existing use of real property which may cause a change in drainage, the Building Inspector must receive and approve plans which demonstrate the feasibility of the proposed grading and its compliance with this Ordinance.

No certificate of occupancy shall be issued for a structure of any sort whose yard(s) have not been graded to comply with this Ordinance.

The Town of Bellefonte as well as any aggrieved landowner shall have the right to enforce this Ordinance in any Court of competent jurisdiction by way of money damages or injunctive relief. Any judgment obtained under this Ordinance shall include an award for reasonable attorney’s fees in addition to the costs normally awarded a prevailing party. The entirety of such judgment, including an award for attorney’s fees shall constitute a lien upon the real estate where the violation occurs as well as any other real estate owned by the offending party within the Town of Bellefonte. This remedy shall be in addition to any other remedy available at law or equity.

FIRST READING: 12/11/89

SECOND READING: 12/11/89

THIRD READING: 1/8/90

PASSED BY THE COMMISSIONERS: 1/8/90

**“AN ORDINANCE TO AMEND THE ZONING CODE
OF THE TOWN OF BELLEFONTE, DELAWARE,
BY ESTABLISHING A MINIMUM LOT SIZE OF SIX THOUSAND FIVE HUNDRED
SQUARE FEET FOR SUBDIVISION PURPOSES.”**

WHEREAS, the current minimum lot size under the Bellefonte zoning code is only Four Thousand (4,000) square feet in contrast to a current minimum lot size under the New Castle County Code of Six Thousand Five Hundred (6,500) square feet;

WHEREAS, the clear majority of residential parcels in the Town of Bellefonte exceed Six Thousand (6,000) square feet in area and 42.7% of the residential parcels in the Town of Bellefonte exceed Six Thousand Five Hundred (6,500) square feet in area;

WHEREAS, the Commissioners of Bellefonte have determined that the subdivision of existing lots into lots of less than 6,500 square feet would be grossly inconsistent with the development of the residential district of Bellefonte as well as the residential areas surrounding the Town of Bellefonte;

NOW, THEREFORE, THE TOWN OF BELLEFONTE HEREBY ORDAINS:

- (1) No owner(s) of real property situate in the Town of Bellefonte, nor their heirs, assigns, agents, attorneys or any other person acting in the stead of such owner(s) nor any other person or entity acting on behalf of any person or entity shall be permitted to seek or cause subdivision of any existing parcel of real estate where such subdivision would result in the creation of at least one subdivided parcel less than Six Thousand Five Hundred (6,500) square feet in area;
- (2) No owner(s) of real property situate in the Town of Bellefonte, nor their heirs, assigns, agents, attorneys or any other person acting in the stead of such owner(s) nor any other person or entity acting on behalf of any person or entity shall be permitted to seek subdivision of any existing parcel of real estate without first providing forty-five (45) days written notice of an intent to do so sent by certified mail to the Building Inspector of the Town of Bellefonte. Included in such written notice must be five (5) copies of a survey depicting the proposed subdivision which has been prepared by a professional land surveyor who is licensed by the State of Delaware and demonstrating compliance with this ordinance. Failure to provide such written notice shall be deemed a waiver of the equitable defenses of laches and/or estoppel where applicable.
- (3) Any subdivision of a larger parcel which results in the creation of at least one subdivided parcel less than Six Thousand Five Hundred (6,500) square feet in area shall be entirely void, notwithstanding the fact that one or more of other parcels might be larger than Six Thousand Five Hundred (6,500) square feet in area;
- (4) This ordinance may be enforced civilly in any court of competent jurisdiction either by the Town of Bellefonte at its own instance, or by any person who is a record owner of land situate in the Town of Bellefonte. In any successful action based on this ordinance, the defendant shall be assessed reasonable attorney's fees.
- (5) If any part of this ordinance shall be declared unconstitutional or invalid by a judgement or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining parts of this ordinance.
- (6) This ordinance shall become effective immediately upon its adoption and approval.

FIRST READING: August 12, 1991 SECOND READING: August 12, 1991

THIRD READING: September 10, 1991

PASSED BY THE COMMISSIONERS: September 10, 1991

ORDINANCE NO. 2006-01
THE COMMISSIONERS OF THE TOWN OF BELLEFONTE,
DELAWARE

“AN ORDINANCE TO AMEND SECTION 14 OF THE BUILDING
ZONE ORDINANCE, ESTABLISH THE COMPOSITION OF THE
BOARD OF ADJUSTMENT, AND TO ENUMERATE THE POWERS
AND AUTHORITY OF THE BOARD OF ADJUSTMENT OF THE
TOWN OF BELLEFONTE, DELAWARE”

Section 14 of the Building Zone Ordinance (as amended) is hereby repealed in its entirety and is reinstated as set forth below:

Section 14. BOARD OF ADJUSTMENT

Composition of Board: The Board of Adjustment shall consist of five (5) members, who shall be residents of the town who have knowledge of the problems of urban and rural development.

Term: Each member of the Board of Adjustment shall be appointed for a period of three (3) years, except that one (1) of the initial members shall be appointed for a one (1) year term, two (2) of the initial members shall be appointed for a two (2) year term, and two (2) of the initial members shall be appointed for a three (3) year term. All subsequent appointments to the Board of Adjustment shall be for a period of three (3) years. A vacancy occurring otherwise than by the expiration of term shall be filled for the remainder of the unexpired term in the same manner as an original appointment.

Appointment: The President of the Commissioners of the Town of Bellefonte (acting as the chief executive officer for the town) shall appoint all members of the Board of Adjustment. No member of (or appointees to) the Board of Adjustment shall be candidates or members of the Commission or employees of the Town of Bellefonte. All appointments to the Board of Adjustment must be confirmed by a majority vote of the Commissioners of the Town of Bellefonte.

Removal: Any member of the Board of Adjustment may be removed from office by the Commissioners for cause after a hearing by a majority vote of all the elected Commissioners.

Election Of Chairperson And Secretary: The Board of Adjustment, once confirmed by a majority vote of the Commissioners of the Town of Bellefonte, shall elect from among their own number a Chairperson and a Secretary. Each year after appointment or reappointment of a member, the Board of Adjustment shall elect a Chairperson and Secretary.

Powers Of The Board Of Adjustment: The Board of Adjustment shall adopt rules as to the manner of filing appeals and applications for special exceptions, for a variance from the terms of the Building Zone Ordinance (as amended), for the conducting of hearings and for the giving of such notice or notices as may be required or deemed advisable by the Board. All of the rules and regulations shall conform to the requirements of State law and all ordinances governing the Town of Bellefonte. Rules of conduct may be adopted or amended by majority vote of the Board of Adjustment.

Procedure For Filing An Appeal: Any person aggrieved or affected by any decision of the Building Inspector may appeal from such decision to the Board of Adjustment as provided by law. Notice of appeal, specifying the grounds thereof, shall be given in writing to the Building Inspector and to the Board of Adjustment within thirty (30) days from the date of the decision of the Building Inspector. Thereupon, the Board of Adjustment

shall fix a reasonable time for the hearing of the appeal and shall publish notice of said hearing in a newspaper generally circulated in the Town of Bellefonte, at least once before said hearing. At such hearing, any resident or property owner of the Town of Bellefonte may appear in person or by agent, or by counsel. The Board of Adjustment shall consider all testimony offered by any witnesses in rendering its decision. The decision of the Board of Adjustment shall be in writing and a copy thereof shall be sent to the parties in interest. The written decision of the Town of Bellefonte shall be final upon the filing of the decision in the office of the Board of Adjustment.

Costs Of Appeal: In filing an appeal from the decision of the Building Inspector, or in seeking a variance, the appellant or applicant shall pay the sum of \$500.00 to the Board of Adjustment to cover the cost of said appeal or application, including advertisement costs, stenographic costs and any other costs. No appeal shall be considered filed until full payment is made by the applicant.

Powers: The Board of Adjustment may, in particular cases where unnecessary hardship or exceptional practical difficulty would otherwise result, authorize variance from the terms of the Building Zone Ordinance (as amended) in harmony with its general purpose and intent, and with the public interest; and for these purposes and within these limitations, in accordance with powers or standards enumerated or granted it by law, shall have the following authority:

- (a) To hear and decide appeals from any decision or act of any administrative officer or Building Inspector in connection with any matter under the Building Zone Ordinance (as amended);
- (b) To authorize, after public notice and hearing, the extension of a non-conforming use or building, in cases where such extension is for a use which is a necessary incident to the existing use, and does not exceed in value fifty percent (50%) of the replacement valuation of existing buildings;
- (c) To authorize the change of a non-conforming use to another non-conforming use which is not more detrimental to the neighborhood; or the alteration of a non-conforming building; but not the extension of a non-conforming building in connection with a change of use, unless the extension itself be conforming in its use and construction;
- (d) To determine the correct location of district boundaries in any disputed case;
- (e) To permit the extension, reconstruction or alteration of any building or premises for any use conditionally permitted in any district, or to permit such use only under specific further limitations or conditions to be by it prescribed, if such proposed use is deemed by it likely to be otherwise detrimental to the health, safety, or welfare of the neighborhood;
- (f) To authorize, in specific cases, such variance from the Building Zone Ordinance (as amended) that will not be contrary to the public interest, where, owing to special conditions or exceptional situations, a literal interpretation of any zoning ordinance, code, or regulation will result in unnecessary hardship or exceptional practical difficulties to the owner of a property, provided that the spirit of the Building Zone Ordinance (as amended) shall be observed and substantial justice done;
- (g) To hear any appeal of any decision of the Building Inspector as permitted by law or ordinance; and
- (h) To hear and decide any appeal, matter, or application proscribed by State law or Town Ordinance that permits an appeal to or decision by the Board of Adjustment.

Authority To Act: In exercising its powers, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify, any order, requirement, decision, or determination appealed from, and to that end shall have all the powers of the officer from whom the appeal is taken.

Appeal To A Court Of Law Or Equity: Any party aggrieved by any decision of the Board of Adjustment shall have the remedies prescribed by State law. Any applicant appealing a decision of the Board of Adjustment shall be required to pay the full cost of preparing the record for appeal.

Rehearing On Reversal: Any applicant or appellant that has any decision reversed by a court of law shall have the right to reapply to the Board of Adjustment for a rehearing, even if the applicable time period for appeal to the Board has expired.

Severability: If any clause or provision of this ordinance shall be adjudged invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, it shall not affect the validity of any other clause or provision, which shall remain in full force and effect.

Effective Date: This Ordinance shall be effective immediately upon adoption.

FIRST READING: March 13, 2006 SECOND READING: March 28, 2006

PASSED BY THE COMMISSIONERS: March 28, 2006

Dave Wishowsky
David Wishowsky, President

ATTEST:

SL MacKenzie
Scott MacKenzie, Secretary

Signed copy on file at Bellefonte Town Hall. SLM

**ORDINANCE NO. 2006-04
THE COMMISSIONERS OF THE TOWN OF BELLEFONTE,
DELAWARE**

**AN ORDINANCE TO AMEND SECTION 13 OF THE BUILDING
ZONE ORDINANCE, ENTITLED "ENFORCEMENT"**

WHEREAS, on this date, the Commissioners of Bellefonte are considering the adoption of a revised Building, Plumbing, and Mechanical Ordinances for the Town; and

WHEREAS, to make the revised Building, Plumbing, and Mechanical Ordinance consistent with the Building Zone Ordinance, the Commissioners of Bellefonte find that Section 13 of the Building Zone Ordinance should be amended.

AND NOW, THEREFORE, BE IT ORDAINED THAT Section 13 of the Building Zone Ordinance (as amended) is hereby repealed in its entirety and is reinstated as set forth below:

1. SECTION 13. ENFORCEMENT

This Ordinance shall be enforced by the Building Inspector. The Building Inspector shall investigate and, in the first instance, determine questions relating to conformity with the Building Zone Ordinance, and shall in no case grant any permit for acts in violation of the Building Zone Ordinance or other ordinance of Bellefonte.

All applications for building, plumbing, and mechanical permits shall be hereafter made in accordance with applicable Ordinances passed by the Commissioners of Bellefonte.

* * * * *

2. If any clause or provision of this Ordinance shall be adjudged invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, it shall not affect the validity of any other clause or provision, which shall remain in full force and effect.

3. This Ordinance shall be effective immediately upon adoption.

FIRST READING: 08-14-06

SECOND READING: 09-11-06

PASSED BY THE COMMISSIONERS: __09-11-06__

____Dave Wishowski_____ President

____Scott L. MacKenzie_____ Secretary

[Original signed copy on file at Town Hall]