



SPONSOR: Rep. Smith

HOUSE OF REPRESENTATIVES

141st GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1

FOR

HOUSE BILL NO. 621

AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO ZONING, SUBDIVISIONS, AND LAND DEVELOPMENT IN CLAYMONT, NEW CASTLE COUNTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend §301, Title 22 of the Delaware Code by designating the present text as subsection (a) and by
2 adding thereto a new subsection to read:

3 "(b) For purposes of zoning and land use, including subdivision development, the area of New Castle
4 County contained in Zip Code 19703 and known as Claymont is deemed a municipality and an incorporated town called
5 Claymont.

6 (1) A person 18 years old or over who has been a resident of Claymont for 60 or more days
7 immediately preceding the election may vote in the election held on the first Saturday in May in 2003, and every four
8 years thereafter, to elect 5 residents to serve without compensation for 4-year terms as members of the Claymont Land
9 Use Board.

10 (2) New Castle County shall hold the election for Land Use Board members using funds
11 from the County's State revenue sharing funds to offset the expenses of holding the election.

12 (3) New Castle County shall include the Claymont Land Use Board in its distribution of
13 revenue sharing funds made available to civic and other organizations that participate in the County's land use process.

14 (4) New Castle County shall provide legal counsel to the Land Use Board, if the Board does
15 not have funds to hire its own Council.

- 16 (5) The Claymont Land Use Board is empowered to:
- 17 (i) make all land use decisions, including, but not limited to, zoning, subdivision,
- 18 and variance decisions, now made for Claymont by the New Castle County Planning
- 19 Board and the Department of Land Use and New Castle County Council;
- 20 (ii) accept services, equipment, supplies, materials, or funds by way of gift, grant, or
- 21 loan for purposes of defraying the costs of operating the Land Use Board;
- 22 (iii) adopt rules and regulations for the conduct of its business, which must include
- 23 meeting at least once each month unless the Board, by a majority vote, adjusts the
- 24 schedule;
- 25 (iv) maintain an office at such place or places as it may designate;
- 26 (v) retain its own legal counsel if it has sufficient funds to do so.
- 27 (6) With respect to any proposed land use changes, the Claymont Land Use Board shall hold
- 28 at least 1 public hearing, notice of which hearing must be published at least 7 days before the date of the hearing in a
- 29 newspaper of general circulation in Claymont. The notice must contain the time and place of hearing, and specify the
- 30 nature of the proposed change in a general way.
- 31 (7) Decisions made by the Claymont Land Use Board are presented to the New Castle
- 32 County Executive for approval under the same procedure used by the New Castle County Planning Board and Department
- 33 of Land Use and New Castle County Council.
- 34 (8) No power is given or implied regarding taxation and the municipality of Claymont shall
- 35 have no power of direct taxation."

36 Section 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid,

37 such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid

38 provision or application, and, to that end, the provisions of this Act are declared to be severable.

SYNOPSIS

This bill allows the residents of Claymont in New Castle County to control land use decisions in their community.