



ORDINANCE NO _____

AN ORDINANCE TO AMEND CHAPTER 185, ZONING, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE, 2005, AS AMENDED, BY AMENDING TABLE 3 OF SECTION 185-25 B. USES IN RESORT BUSINESS DISTRICTS TO PERMIT TENTS OVER OUTSIDE SERVICE AREAS.

BE IT ENACTED AND ORDAINED, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows:

change authorized to permitted

Section 1. Chapter 185, Zoning of the Municipal Code of the Town of Dewey Beach, Delaware, 2005, as amended, is hereby further amended by adding the below language in section 185-25 B. Table 3, with a new authorized use inserted in Table 3 after "Public Park" and before "Transmission line and required supporting elements" as follows:

canopies, and awnings

and shall not constitute an addition, expansion, or extension as referenced in 185-25D.(1)(c) or 185-60

"Tents covering 1) conditional use approved outside service areas or 2) existing nonconforming outdoor service areas, shall be permitted subject to all building code, fire marshal and setback requirements."

PRB no checks?

Section 2. This use shall be permitted in all RB districts. The required check marks in Table 3 shall be inserted next to this new permitted use.

Change to 4

Section 3. Severability. If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable. Adoption. This Ordinance shall take effect immediately upon its adoption by a majority vote of the Commissioners of the Town of Dewey Beach. Adopted by at least a majority vote of all Commissioners of the Town of Dewey Beach on _____, 2022.

Section 3. Under Uses Permitted by Special Exception in Section 185-25 B. Table 3, strike the phrase "Tents of all types" and replace with "Tents other than those covering a conditional use approved or existing nonconforming outdoor service area as a permitted use"

Recommended synopsis by FT:
This Act authorizes the construction of tents and canopies to temporarily enclose or cover approved outside service areas operated by restaurants approved via the conditional use process and does so as well for existing nonconforming restaurants with respect to their outdoor services areas as authorized and approved by relevant state law.

Mayor, William Stevens

Town Manager, Bill Zolper