

State and County Data on Current Land Use and Town Boundaries

Review of the maps included in the draft comprehensive plan that is now under State review raised some questions about the accuracy of the data underlying these maps. As discussed at the Commissioners' February 10 meeting, the maps do not accurately represent part of the southern boundary of the Town, and there are questions about the categorization of use (single-family, multi-family, etc.) for certain lots in the Town. As agreed at the February meeting, language was added to the comprehensive plan that highlights the need to address both the boundary and land use issues.

The research needed to identify changes to the data upon which the maps are based could be costly if the Town planner's firm is asked to conduct the work. **Instead, the Commissioners may wish to consider:**

Using Town resources to research the data sources, identify the changes necessary, and then seek assistance from the Town planner in contacting the appropriate state or county offices to gain approval of the changes.

Data sources to be examined include:

- <http://opendata.firstmap.delaware.gov/> (the source cited for several maps in the comprehensive plan)
- <https://sussexcountyde.gov/zoning-and-sales-information>

Firstmap.Delaware Data

The first source includes the following disclaimer:

This data set is not intended to be used as a definitive boundary for any municipality. The municipal charter and other legal documents give the legal boundaries of each municipality.

This source also indicates that land use information was developed through interpretation of 2012 aerial imagery. The Town may wish to have data reflect a more detailed and better documented source for land use.

Sussex County Zoning and Sales Data

The second source is maintained by the County and includes data "compiled from recorded deeds, plats, tax maps, surveys, and other public records and data." These data show that some parcels of land not included within the boundaries depicted by the maps nevertheless are listed as part of Dewey Beach and their use is governed by Town zoning.

Dewey Beach Town Charter

Section 2 (b) of the Town Charter includes a description of the boundaries of the Town. The highlighted section indicates that the Town's southern boundary extends 65 feet south of Anchor Way even though maps show that street as the boundary. In addition, the western boundary north of Rehoboth Bay is defined in large part by the boundaries of Rehoboth-by-the-Sea as reflected in its plot plan.

The Charter

Chapter C. Charter of the Town of Dewey Beach

Section 1. Incorporation.

The inhabitants of the Town of Dewey Beach in Sussex County, are hereby constituted a municipal corporation and body politic by and under the name of "Commissioners of Dewey Beach," (hereinafter referred to as the "corporation" or "town") with power to govern themselves by such ordinances, rules, resolutions and regulations for municipal purposes as they, through their duly-elected officers and agents, may deem proper, not in conflict with the provisions of this Charter of government, nor with the Constitution and Laws of the State of Delaware, or of the United States.

Section 2. Territory and Limits.

- (a) The limits and bounds of the Town of Dewey Beach are hereby established and declared to be as follows:
- (b) Starting at a point at the low water mark of the Atlantic Ocean shoreline, said point being the northerly boundary of Rehoboth-by-the-Sea; thence easterly into the Atlantic Ocean 500 feet; thence southerly and parallel to the shoreline to a point which is on an easterly extension of the southern boundary of Collins Street; thence in a westerly direction along the southern boundary of Collins Street to Route No. 1; thence in a southerly direction along the easterly right-of-way of Highway One, to a point approximately 65 feet south of Anchor Way; thence in a westerly direction to the eastern shore of the Rehoboth Bay; thence in a northerly direction and with the meanderings of the Rehoboth Bay shoreline to a point on the Rehoboth Bay westerly of Bayard Avenue, said point being the boundaries of Rehoboth-by-the-Sea; thence with the boundaries of Rehoboth-by-the-Sea Bayard Avenue, northerly across Route 1; thence with the westerly boundaries of Comegys to its easterly side; thence across Route 1 to the southerly edge of Silver Lake; thence with Silver Lake and the boundaries of Rehoboth-by the-Sea to a point; thence easterly with the boundaries of Rehoboth-by-the-Sea, said boundary being the southerly line, and extensions thereof, of Block 51 as shown on the plot plan of Rehoboth-by-the-Sea, to the low water mark of the Atlantic Ocean, the point and place of beginning.

The area designated by this description includes all of Rehoboth-by-the-Sea (as shown on a plot plan on file in Georgetown, Delaware) and all the area south of Rehoboth-by-the-Sea which is bounded on the east by the Atlantic Ocean, on the west by the Rehoboth Bay and which extends southward to the south side of Collins Street on the ocean block and 65 feet southerly of Anchor Way on the bay side and also includes 500 feet of the Atlantic Ocean adjacent to the shoreline.