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3 **ORDINANCE NO. 1**  
4

5 **AN ORDINANCE TO AMEND CHAPTER 185, ZONING, OF THE MUNICIPAL CODE**  
6 **OF THE TOWN OF DEWEY BEACH, DELAWARE, 2005, AS AMENDED, BY**  
7 **AMENDING §185-25 AND §185-25.2 RELATING TO THE RB-1 AND RB-3 RESORT**  
8 **BUSINESS ZONING DISTRICTS AND §185-26, §185-26.1 AND §185-26.2 RELATING**  
9 **TO PR, PRB-1 AND PRB-3 PLANNED RESORT BUSINESS ZONING DISTRICTS**  
10 **CONCERNING RELAXED BULK STANDARDS.**

11  
12 **BE IT ENACTED AND ORDAINED**, by the Commissioners of the Town of Dewey  
13 Beach, Sussex County, Delaware, in session met, as follows:  
14

15 **Section 1.** Amend Chapter 185, Zoning of the Municipal Code of the Town of Dewey  
16 Beach, by striking §185-25A(2) in its entirety as depicted below:  
17

18 ~~(2) Relaxed bulk standards (setbacks, lot coverage, etc.) are available for contiguous~~  
19 ~~tracts consisting of at least 80,000 square feet with a detailed commercial, mixed use, and~~  
20 ~~multifamily dwelling land use development plan review and an overlay district or alternate~~  
21 ~~method of development, provided that there is public access to all common areas of the~~  
22 ~~development and any waterfront area shall be for public use. Commercial land use is required on~~  
23 ~~the first floor (or, if the first floor is substantially below grade, the street level floor) in all~~  
24 ~~structure within a mixed use overlay district.~~  
25

26 **Section 2.** Amend Chapter 185, Zoning of the Municipal Code of the Town of Dewey  
27 Beach, by striking §185-25.2A(2) in its entirety as depicted below:  
28

29 ~~(2) Relaxed bulk standards (setbacks, lot coverage, etc.) are available for contiguous~~  
30 ~~tracts consisting of at least 80,000 square feet with a detailed commercial, mixed use, and~~  
31 ~~multifamily dwelling land use development plan review and an overlay district or alternate~~  
32 ~~method of development, provided that there is public access to all common areas of the~~  
33 ~~development and any waterfront area shall be for public use. Commercial land use is required on~~  
34 ~~the first floor (or, if the first floor is substantially below grade, the street level floor) in all~~  
35 ~~mixed use structures within any RB-3 Mixed Use Overlay District and the aggregate residential-~~  
36 ~~use floor area cannot exceed two times the aggregate commercial use floor area within any such~~  
37 ~~overlay complex.~~  
38

39 **Section 3.** Amend Chapter 185, Zoning of the Municipal Code of the Town of Dewey  
40 Beach, §185-26K(1) by striking the existing paragraph in its entirety as indicated below and by  
41 substituting in lieu thereof the following underlined provision:  
42

43 ~~(1) Relaxed bulk standards from those required in the larger NR and RR Districts,~~  
44 ~~including setbacks between neighboring structures and interior streets and walkways, floor area~~  
45 ~~ratio and number of dwelling units, frontage per structure and tiered setbacks, are available to the~~  
46 ~~PR Planned Residential District under the guidelines set forth in this section, provided there is~~

47 ~~public access to all common areas of the development and any waterfront areas shall be for~~  
48 ~~public use. However, as detailed in this section, the maximum zoning standards for height,~~  
49 ~~dwelling unit density, floor area ratio and external setback from front and side streets shall not be~~  
50 ~~relaxed from those included in Table 2, Bulk Zoning Standards in all Districts.~~

51  
52 (1) Relaxation of specified bulk standards is permissible in accordance with and as  
53 restricted by Table 2, Bulk Zoning Standards in all Districts for the PR Zoning District provided  
54 there is public access to all common areas of the development and any waterfront areas shall be  
55 for public use. However, as detailed in Table 2, the maximum zoning standards for height,  
56 dwelling unit density, floor area ratio and external setbacks from front and side streets shall not  
57 be relaxed from those maximum standards indicated therein.

58  
59

60 **Section 4.** Amend Chapter 185, Zoning of the Municipal Code of the Town of Dewey  
61 Beach, §185-26.1K(1) by striking said paragraph in its entirety as indicated below and by  
62 substituting in lieu thereof the following underlined provision:

63  
64 ~~(1) Relaxed bulk standards from those required in the larger RB-1 District, including~~  
65 ~~setbacks between neighboring structures and interior streets and walkways, floor area ratio and~~  
66 ~~number of dwelling units, frontage per structure and tiered setbacks, are available to PRB-1~~  
67 ~~Planned Resort Business District-1 under the guidelines and restrictions set forth in this section,~~  
68 ~~provided there is public access to all common areas of the development and any waterfront areas~~  
69 ~~shall be for public use. However, as detailed in this section, the maximum zoning standards for~~  
70 ~~height, dwelling unit density, floor area ratio and external setback from front and side streets~~  
71 ~~shall not be relaxed from those indicated in Table 2, Bulk Zoning Standards in all Districts, for~~  
72 ~~PRB-1 Zoning District.~~

73  
74 (1) Relaxation of specified bulk standards is permissible in accordance with and as  
75 restricted by Table 2, Bulk Zoning Standards in all Districts for the PRB-1 Zoning District,  
76 provided there is public access to all common areas of the development and any waterfront areas  
77 shall be for public use. However, as detailed in Table 2, the maximum zoning standards for  
78 height, dwelling unit density, floor area ratio and external setbacks from front and side streets  
79 shall not be relaxed from those maximum standards indicated therein.

80  
81 **Section 5.** Amend Chapter 185, Zoning of the Municipal Code of the Town of Dewey  
82 Beach, §185-26.2K(1) by striking said paragraph in its entirety as indicated below and by  
83 substituting in lieu thereof the following underlined provision:

84  
85 ~~(1) Relaxed bulk standards from those required in the larger RB-3 District, including~~  
86 ~~setbacks between neighboring structures and interior streets and walkways, floor area ratio and~~  
87 ~~number of dwelling units, frontage per structure and tiered setbacks, are available to PRB-3~~  
88 ~~Planned Resort Business District-3 under the guidelines and restrictions set forth in this section,~~  
89 ~~provided there is public access to all common areas of the development and any waterfront areas~~  
90 ~~shall be for public use. However, as detailed in this section, the maximum zoning standards for~~  
91 ~~height, dwelling unit density, floor area ratio and external setback from front and side streets~~

92 shall not be relaxed from those indicated in Table 2, Bulk Zoning Standards in all Districts, for  
93 PRB-3 Zoning District.

94  
95 (1) Relaxation of specified bulk standards is permissible in accordance with and as  
96 restricted by Table 2, Bulk Zoning Standards in all Districts for the PRB-3 Zoning District,  
97 provided there is public access to all common areas of the development and any waterfront areas  
98 shall be for public use. However, as detailed in Table 2, the maximum zoning standards for  
99 height, dwelling unit density, floor area ratio and external setbacks from front and side streets  
100 shall not be relaxed from those maximum standards indicated therein.

101  
102 **Section 6.** If any provision of this Ordinance shall be deemed or held to be invalid or  
103 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect  
104 any other provision of this Ordinance which may be given effect without such invalid or  
105 unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to  
106 be severable.

107  
108 **Section 7.** This Ordinance shall take effect immediately upon its adoption by a majority  
109 vote of the Commissioners of the Town of Dewey Beach.

110  
111 Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on  
112 \_\_\_\_\_, 2018.

113  
114  
115 \_\_\_\_\_  
116 TJ REDEFER  
117 Mayor

118  
119  
120  
121 Attest: \_\_\_\_\_  
122 SCOTT KOENIG  
123 Town Manager

124  
125  
126 **SYNOPSIS**

127  
128 This Act is a housekeeping amendment to the zoning code which strikes internal  
129 inconsistencies relating to the relaxation of bulk standards as depicted in the provisions of the  
130 NR, RR, RB-1 and RB-3 districts and their counterpart provisions in the PR, PRB-1 and PRB-3  
131 as well as eliminates inconsistencies between the text and the specifications and restrictions  
132 concerning relaxation of bulk standards appearing in Table 2, Bulk Zoning Standards in all  
133 Districts.