



**DRAFT 3
SUBMITTED BY GP**

ORDINANCE _____

AN ORDINANCE TO AMEND CHAPTER 185-87, STREETS AND RIGHTS-OF-WAYS, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE RELATING TO THE MINIMUM ALLOWABLE DISTANCE BETWEEN DRIVEWAY ENTRANCES AND INTERSECTIONS.

WHEREAS, Chapter 185-87(h) of the municipal code provides specifications for the location, number, and size of driveway entrances; and

WHEREAS, the Commissioners have expressed safety concerns regarding the spatial difference between driveway entrances and highway intersections, compounded by the high volume of traffic through the Town; and

WHEREAS, Chapter 1.6.1 of the Delaware Department of Transportation Coordination Manual relating to location of driveway entrances specifies that where feasible, entrances shall not be located within 40 feet of an intersection radius; and

WHEREAS, on October 7, 2023 the Dewey Beach Planning & Zoning Commission met at a properly-noticed public hearing and recommended the amendments provided in this ordinance.

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

Section 1. Amend §185-87 of the Code of Ordinances as depicted by highlighted insertions, strikeouts and substitutions depicted below:

H. Driveways.

(1) Driveway entrances may be constructed no closer than 50 **40** feet to any intersection. **The measurement shall be taken from the lot corner closest to the two intersecting streets. The Building Official may approve a distance shorter than 40 feet if adherence to the requirement would prevent driveway access to the property.**

Section 2. If any provisions 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.

Section 3. This Ordinance shall take effect immediately upon its passage by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 17th day of November, 2023.

SYNOPSIS

This Act reduces the minimum distance that a driveway may be constructed from an intersection from 50 feet to 40 feet, and specifies where such measurement will be taken.

Mayor, William Stevens

Town Manager, Bill Zolper