

1 AN ORDINANCE TO REVISE AND AMEND THE ZONING DISTRICT CLASSIFICATION AND ACCORDINGLY
2 AMEND THE DEWEY BEACH ZONING MAP REFERRED TO AT CHAPTER 185, SECTION 185- 6 OF THE
3 MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE BY CHANGING THE EXISTING
4 ZONING DISTRICT DESIGNATION FROM RR, RESORT RESIDENTIAL TO RB-2, RESORT BUSINESS FOR A
5 PROPERTY LOCATED AT 26 BELLEVUE STREET, DEWEY BEACH, DELAWARE, TMP 334-20.18-150.00.

6 WHEREAS, the Town Council of the Town of Dewey Beach have deemed it desirable to consider the
7 question of whether it is in the public interest to change the zoning district designation for the property
8 located at "26 Bellevue Street" TMP 334-20.18-150.00 from Resort Residential (RR) to Resort Business
9 (RB2) as follows;

10 WHEREAS, Title 22, Chapter 3, Section 301 of the Delaware Code provides that "[f]or the purpose of
11 promoting health, safety, morals or the general welfare of the community, the legislative body of cities
12 and incorporated towns may regulate and restrict the height, number of stories and size of buildings and
13 other structures, percentage of lot that may be occupied, the size of yards, courts and other open
14 spaces, the density of population, and the location and use of buildings, structures and land for trade,
15 industry, residence or other purposes":

16 WHEREAS, Article XV, Chapter 185, Section 73, Changes and Amendments, of the Municipal Code of
17 the Town of Dewey Beach provides that any amendment to the Zoning Ordinance shall be made after a
18 public hearings conducted by both the Planning Commission and the Town Council;

19 WHEREAS, the Planning Commission following a duly noticed public hearing recommended approval
20 of the application to rezone said parcel at their meeting on [insert date];

21 WHEREAS, a public hearing was conducted by Town Council on [INSERT DATE]:

22 WHEREAS, at least fifteen (15) days' notice of such hearing was provided by publishing notice of the
23 time and place of such hearing in an official paper or paper of general circulation in the Town; and

24 WHEREAS, the proposed amendment will promote the health, safety, and general welfare of the
25 Dewey Beach community.

26 BE IT ORDAINED by Town Council, in session met, a quorum pertaining at all times thereto, in the
27 manner following to-wit:

28 Section 1. The Dewey Beach Zoning Map referred to in Chapter 185, Section 185-6 of the Municipal
29 Code of the Town of Dewey Beach, Delaware, be and the same is hereby further amended as follows:

30 (A) The property located at "26 Bellevue Street" TMP 334-20.18-150.00 from Residential (RR) in to
31 Resort Business -2 (RB-2); and

32 (B) The zoning classification applicable to said parcel be changed and amended to RB-2

33 Section 2. If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable
34 for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision
35 of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this
36 end, the provisions of this Ordinance are hereby declared to be severable.

37 Section 3. This Ordinance shall take effect immediately upon its adoption by the Commissioners of
38 the Town of Dewey Beach.

39 Adopted by the Commissioners
40 of the Town of Dewey Beach
41 _____, 2021

42 I, [insert name], Clerk of the Town of Dewey Beach, do hereby certify that the foregoing is a true and
43 correct copy of the ordinance passed by Town Council at its regular meeting on _____, at which a
44 quorum was present and voting throughout and the same is still in full force and effect.

45

46 _____

47 Town Clerk

48 SYNOPSIS: This Ordinance amends the zoning designation for TMP 334-20.18-150.00 from RR to
49 RB-2 and makes the corresponding revision to the Zoning Map of the Town of Dewey Beach.