



## ORDINANCE NO \_\_\_\_\_

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN BY CHANGING THE ZONING DESIGNATION OF THE PROPERTY LOCATED AT 100 BUENA STREET, DEWEY BEACH, DELAWARE, TMP 334-20.18-74.00 FROM RESORT BUSINESS-2 (RB-2) TO RESORT RESIDENTIAL (RR) AND TO ACCORDINGLY AMEND THE DEWEY BEACH ZONING MAP CLASSIFICATION REFERRED TO IN CHAPTER 185, SECTION 185-6 OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH.**

**WHEREAS**, the Town Council of the Town of Dewey Beach have deemed it desirable to consider the question of whether it is in the public interest to change the zoning district designation for the property located at "100 Buena Street" TMP 334-20.18-74.00 from Resort Business 2 to Resort Residential as follows;

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

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

**WHEREAS**, the Planning Commission following a duly noticed public hearing recommended approval of the application to rezone said parcel at their meeting on December 17, 2022;

**WHEREAS**, a Public Hearing was conducted by Town Council on November 18, 2022;

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

**WHEREAS**, the proposed amendment will promote the health, safety, and general welfare of the Dewey Beach Community.

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

**Section 1.** The Comprehensive Plan zoning designation of parcel TMP 334-20.18-74.00 located at 100 Buena Street is hereby changed and amended from Resort Business 2 (RB-2) to Resort Residential (RR); and the Dewey Beach Zoning map referred to in Chapter 185, Section 185-6 of the Municipal Code of the Town of Dewey Beach, Delaware, for the property at 106 Read Avenue be hereby amended to RR, Resort Residential.

**Section 2.** 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.

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

Adopted by the Commissioners of the Town of Dewey Beach on January 13, 2023.

SYNOPSIS

This Ordinance amends the Dewey Beach Comprehensive Plan and the Dewey Beach Zoning Map designation for TMP 334-20.18-74.00 by changing it from RB-2 to RR.

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Mayor, William Stevens

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Town Manager, Bill Zolper