

1 Ordinance No: \_\_\_\_\_

2

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

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

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

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

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

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

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

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

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

30 Section 1. The Comprehensive Plan zoning designation of parcel TMP 334-20.18-150.00 located at 26  
31 Bellevue Street is hereby changed and amended from Residential (RR) to Resort Business -2 (RB-2); and  
32 the Dewey Beach Zoning Map referred to in Chapter 185, Section 185-6 of the Municipal Code of the  
33 Town of Dewey Beach, Delaware, for the property at 26 Bellevue Street be hereby amended to RB-2,  
34 Resort Business.

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

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

41 Adopted by the Commissioners of the Town of Dewey Beach September 10, 2021.

42

43 I, Bill Zolper, Town Manager of the Town of Dewey Beach, do hereby certify that the foregoing is a true  
44 and correct copy of the ordinance passed by Town Council at its regular meeting on September 10,  
45 2021, at which a quorum was present and voting throughout and the same is still in full force and effect.

46

47

48

---

49

Mayor

50

51

---

52

Town Manager

53

54 SYNOPSIS: This Ordinance amends the Dewey Beach Comprehensive Plan and the Dewey Beach Zoning  
55 Map designation for TMP 334-20.18-150.00 by changing it from RR to RB-2.