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TOWN OF DEWEY BEACH

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ORDINANCE NO. 704**AN ORDINANCE TO REVISE, UPDATE, AND AMEND
THE COMPREHENSIVE PLAN OF THE TOWN OF DEWEY BEACH**

WHEREAS, by Ordinance No. 597 adopted on June 29, 2007, the Commissioners of the Town of Dewey Beach (the "Commissioners") did adopt a new Comprehensive Plan for the Town of Dewey Beach (the "Comprehensive Plan"); and

WHEREAS, pursuant to 22 Del. C. § 702, the Commissioners have the power and authority to revise, update, and amend the Comprehensive Plan, as necessary; and

WHEREAS, pursuant to 22 Del. C. § 702, the Planning Commission of the Town of Dewey Beach (the "Planning Commission") has considered and recommended to the Commissioners that the Comprehensive Plan be revised, updated, and amended in certain respects; and

WHEREAS, the Commissioners deem it desirable to revise, update, and amend the Comprehensive Plan in certain respects;

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

Section 1. Amend Section 1-1 of the Comprehensive Plan by striking the last sentence of the third paragraph on page 2 and substituting in lieu thereof the following:

"The Plan is intended to cover a ten-year planning period. In accordance with the provisions of 22 Del. C. § 702(e), the Plan shall be reviewed at least every five years, to determine if its provisions are still relevant given changing conditions in the Town or in the surrounding areas. The adopted Plan shall be revised, updated, and amended as necessary, and readopted at least every ten years (unless an extension of such deadline is granted by the Cabinet Committee on State Planning Issues pursuant to 22 Del. C. § 702(e))."

Section 2. Amend Section 1-2b of the Comprehensive Plan by striking the third sentence of the fifth paragraph on page 3 and substituting in lieu thereof the following:

"Today, Dewey Beach boasts a vibrant tourist trade and has become a popular summer destination for approximately 1.2 million visitors each year."

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Section 3. Amend Section 1-2b of the Comprehensive Plan by striking the bullet regarding Sunset Park on page 4 and substituting in lieu thereof the following:

"Sunset Park on Dagsworth Street and Monigle Park on Road Avenue. These parks provide residents and visitors beautiful unobstructed views of one of the most important assets of this beach community, sunsets over the bay."

Section 4. Amend Section 2-1 of the Comprehensive Plan by striking Table 1 (Total Population) on page 7 and substituting in lieu thereof the following new Table 1:

Table 1 – Total Population, 1960-2010

Place	1960	1970	1980	1990	2000	2004 (est.)	2010
Dewey Beach	-	--	--	204 (--)	301 (+47.5%)	309 (+2.7%)	341 (13.3%)
Sussex County	73,195	80,356 (+9.8%)	98,004	113,847 (+16.2%)	157,430 (+38.3%)	172,216 (+9.4%)	197,145 (+12.4%)
Delaware	446,292	548,104 (+22.8%)	594,338 (+8.4%)	669,069 (+12.6%)	786,448 (+17.5%)	830,069 (+5.5%)	897,934 (+8.6%)

Source U.S. Census 1960-2010 & 2004 population estimate

Section 5. Amend Section 2-1 of the Comprehensive Plan by striking Table 4 (Racial Composition) on page 9 and substituting in lieu thereof the following new Table 4:

Table 4 – Racial Composition (%), Dewey Beach, 1990-2010

Race	1990	2000	2010
White	99.0%	91.7%	90.0%
Black	0.5%	0.3%	2.1%
Asian	0.0%	3.7%	0.3%
Other	0.5%	4.3%	7.6%

Source: U.S. Census 1990-2010

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Section 6. Amend Section 2-2 of the Comprehensive Plan by striking Table 12 (Total Housing Units) on page 14 and substituting in lieu thereof the following new Table 12:

Table 12 -- Total Housing Units, 1960-2010

Year	Dewey Beach	Sussex County	Delaware
1960		29,122	
1970		34,287 (+17.7%)	180,233 (+25.4%)
1980		54,694 (+59.5%)	238,611 (+32.4)
1990	1,314	74,253 (+35.8%)	289,919 (+21.5%)
2000	1,356 (+3.2%)	93,070 (+25.3)	343,072 (+18.3%)
2004 (est.)		103,475 (+11.2%)	367,448 (+7.1%)
2010	1,490 (+9.9%)		

Source: U.S. Census 1960-2010 & 2005 estimate

Section 7. Amend Section 2-2 of the Comprehensive Plan by adding the following sentence at the end of the first paragraph appearing under the heading "Occupancy and Use" on page 16:

In the 2010 U.S. Census Report, 180 (12.1%) of the 1,490 housing units were occupied.

Section 8. Amend Section 2-3 of the Comprehensive Plan by striking the second sentence of the second paragraph appearing under the heading "Commercial" on page 19 and substituting in lieu thereof the following:

"If the property owners and visitors to Dewey Beach increasingly spend more time in Town during the shoulder seasons, a need may develop for local commercial establishments that are open year-round and offer goods and services that are appropriate and necessary for off-season living."

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Section 9. Amend Section 2-3 of the Comprehensive Plan by striking the paragraph appearing under the heading "Goal Statement-Land Use and Annexation" on page 21 and substituting in lieu thereof the following:

"The Town of Dewey Beach will pursue a strategy of growth and redevelopment that protects the Town's resources and ensures its economic vitality while retaining the existing sense of community."

Section 10. Amend Section 2-3 of the Comprehensive Plan by deleting paragraph #4 appearing under the heading "Plan Recommendations-Land Use and Annexation" on page 21, i.e. delete the sentence starting : "The Town of Dewey Beach should continue to negotiate with Highway One Limited Partnership

Section 11. Amend Section 2-3 of the Comprehensive Plan by striking the last two sentences of the paragraph which appears at the bottom of page 21 under the heading "Plan Recommendations-Land Use and Annexation" on pages 21-22; i.e. the paragraph should read:

"Utilizing these elements, the following criteria are presented for consideration for new Commercial Overlay Districts."

Section 12. Amend Section 2-3 of the Comprehensive Plan by inserting the following phrase before the period at the end of the first sentence of the sixth bullet point appearing under the heading "Resort Business-1 (RB-1)" on page 22:

"; provided, however, that notwithstanding any other provision to the contrary herein, 'relaxed bulk standards' shall not include height, it being the intention of this Comprehensive Plan to retain, in any and all events, that no building or structure shall be permitted to exceed 35 feet in height despite any pre-existing exceptions.

Section 13. Amend Section 2-3 of the Comprehensive Plan by inserting the following phrase before the period at the end of the first sentence of the sixth bullet point appearing under the heading "Resort Business-2 (RB-2)" on page 22:

"; provided, however, that notwithstanding any other provision to the contrary herein, 'relaxed bulk standards' shall not include height, it being the intention of this Comprehensive Plan to retain, in any and all events, that no building or structure shall be permitted to exceed 35 feet in height despite any pre-existing exceptions.

Section 14. Amend Section 2-3 of the Comprehensive Plan by inserting the following phrase before the period at the end of the first sentence of the fifth bullet point appearing under the heading "Resort Business-3 (RB-3)" on page 23:

"; provided, however, that notwithstanding any other provision to the contrary herein, 'relaxed bulk standards' shall not include height, it being the intention of this Comprehensive Plan to retain, in any and all events, that no building or structure shall be permitted to exceed 35 feet in height despite any pre-existing exceptions.

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Section 15. Amend Section 3-1 of the Comprehensive Plan by striking the paragraph appearing under the heading "Goal Statement" on page 36 and substituting in lieu thereof the following:

"The Town of Dewey Beach will pursue a strategy of growth and redevelopment that protects the Town's resources and ensures its economic vitality while retaining the existing sense of community."

Section 16. Amend Section 3-1 of the Comprehensive Plan by deleting paragraph #4 appearing under the heading "Plan Recommendations-Land Use and Annexation" on page 37, i.e. delete the sentence starting : "The Town of Dewey Beach should continue to negotiate with Highway One Limited Partnership

Section 17. 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 18. This Ordinance shall take effect immediately upon its adoption by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority vote of all Commissioners of the Town of Dewey Beach on April 6, 2013.

BY: Janet Hanson
Mayor

ATT: Marc Appella
Town Manager