

ORDINANCE NO. 714

AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF DEWEY BEACH, DE TO REZONE FIVE (5) CURRENT RESIDENTIAL-USE PARCELS ON THE SOUTH-SIDE OF THE 100 BLOCK OF RODNEY AVENUE TO RESORT RESIDENTIAL (RR) FROM RESORT BUSINESS-1 (RB-1).¹

WHEREAS, in order to promote the health, safety, and welfare of the present and future inhabitants of Dewey Beach it is appropriate from time to time to amend Town regulations regarding planning and zoning issues within the Town of Dewey Beach, DE; and

WHEREAS, the Town's Resort Business-1 (RB-1) zoning district regulations require commercial-use on the first floor, and therefore do not permit redevelopment or substantial improvements that are solely residential in use; and

WHEREAS, the Town has received requests to rezone five (5) parcels, known as:

106 Rodney Avenue (Tax I.D. Number 334-20.18-131.00)

110 Rodney Avenue (Tax I.D. Number 334-20.18-130.00)

112/114 Rodney Avenue (Tax I.D. Number-334-20.18-129.00)

116 Rodney Avenue (Tax I.D. Number 334-20.18-128.00)

122/124/126 Rodney Avenue (Tax I.D. Number 334-20.18-127.00)

which are located at the edge of the current RB-1 zoning district where it abuts a Resort Residential (RR) zoning district, and which were established and built for residential use, and which are currently exclusively in residential use; and

WHEREAS, the owners of said properties have stated the intent to substantially improve each of these properties for the residential use of their large and extensive families, and so desire to be able to continue to improve their properties and to continue to occupy as conforming vacation homes and/or primary residences; and

WHEREAS, no action has been taken by any adjacent property owner or developer to consolidate these properties to form a planned resort business district development in the past five years; and

WHEREAS, there was no opposition voiced to the proposed rezoning of these properties at a duly noticed Public Hearing before the Dewey Beach Planning Commission; and

¹ **SYNOPSIS.** This ordinance amends the Town's Zoning Map to rezone five (5) residential-use parcels on the South side of the 100 block of Rodney Avenue, known as 106 – 126 Rodney Ave, to Resort Residential (RR) from Resort Business-1 (RB-1).

WHEREAS, it is the desire of the Town Commissioners of the Town of Dewey Beach to support the ability of residential property owners in the Town to continue to occupy and improve their properties.

WHEREAS, pursuant to an application filed by the Town, the State Planning Office conducted a PLUS review hearing which resulted in no objection to the proposed rezoning.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE TOWN COMMISSIONERS OF THE TOWN OF DEWEY BEACH, DELAWARE IN SESSION MET THIS 24th DAY OF JANUARY, 2015, THAT:

1. **SECTION 1. Amend the Town's Zoning Map.** The effective Zoning Map was adopted as Attachment 2 of Chapter 185 Zoning of the Town's Code on 1-10-2009 by Ordinance No. 634. This ordinance hereby amends the effective Zoning Map by rezoning the five (5) parcels circled in the inset below to Resort Residential (RR) from Resort Business -1 (RB-1). These five parcels are known as:

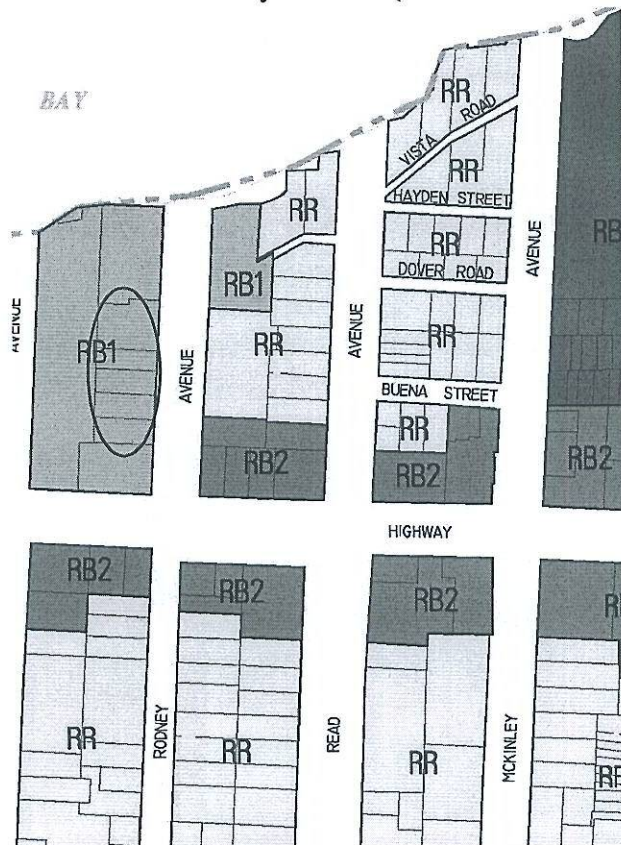
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SECTION 2. Effective date. This Act becomes effective immediately upon its enactment.

SECTION 3. Severability. 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 4. Formatting and minor editorial changes. Minor changes of formatting, grammar, and typography may be made to assist incorporating these changes into the Town Code, including but not limited to redrawing of the Town's Official Zoning Map to incorporate these changes.

SECTION 5. Adoption by. Enactment of this Ordinance shall require 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 January 24th , 2015.

BY: *Diane Hanson*
Mayor Diane Hanson

ATT: *M*
Town Manager Marc Appelbaum