

2014-11-05

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination
122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Name of Municipality: Town of Dewey Beach	
Address: 105 Rodney Avenue Dewey Beach, DE. 19971	Contact Person: Jim Dedes
	Phone Number: (302)227-6363
	Fax Number: (302)227-8319
	E-mail Address: jsdedes@yahoo.com

Date of Most Recently Certified Comprehensive Plan: June 21, 2007

Application Type: Comprehensive Plan Amendment: Zoning Map Amendment

Ordinance: N/A

Other: N/A

Comprehensive Plan Amendment or Municipal Ordinance prepared by:	
Address: 105 Rodney Avenue Dewey Beach, DE. 19971	Contact Person: Dewey Beach Planning Commission
	Phone Number: (302)227-6363
	Fax Number: (302)227-8319
	E-mail Address: jsdedes@yahoo.com

Maps Prepared by: Dewey Beach Planning Commission	
Address: 105 Rodney Avenue Dewey Beach, DE. 19971	Contact Person: Jim Dedes
	Phone Number: (302)227-6363
	Fax Number: (302)227-8319
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Please describe the submission:

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 such properties are currently exclusively in residential use; and

WHEREAS, the owners of said properties desire to be able to continue to improve their properties and to continue to occupy as vacation homes and/or primary residences; and

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.

*see attachment (1) draft Ordinance

*see attachment (2) for property owner information

ORDINANCE NO. _____

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 such properties are currently exclusively in residential use; and

WHEREAS, the owners of said properties desire to be able to continue to improve their properties and to continue to occupy as vacation homes and/or primary residences; and

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.

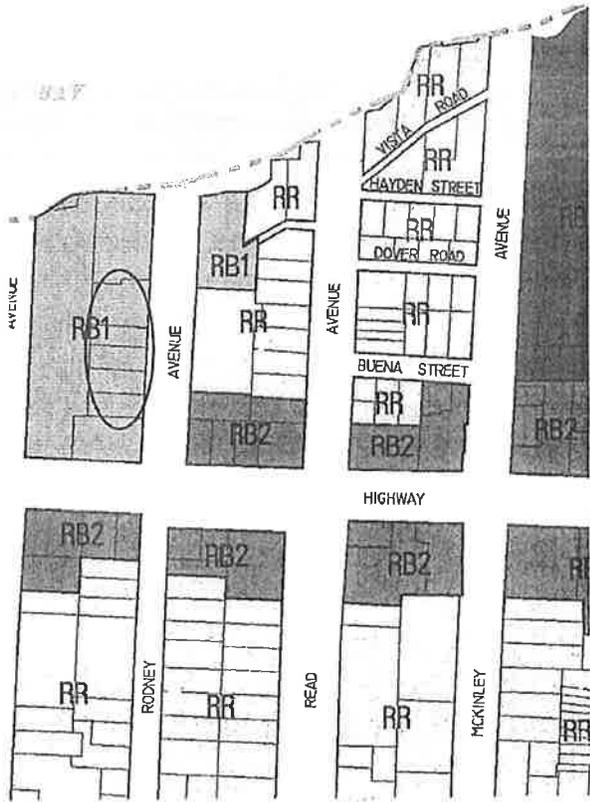
NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE TOWN COMMISSIONERS OF THE TOWN OF DEWEY BEACH, DELAWARE IN SESSION MET THIS ____ DAY OF _____, 2014, THAT:

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).

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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:

- 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)



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SECTION 2. Amend the Town's 2007 Comprehensive Development Plan. Immediately following adoption of this ordinance the Town shall prepare an application to the Delaware State Office of Planning Coordination to amend the Town's 2007 Comprehensive Development Plan by amending Map 8. Future Land Use and Map 9. Proposed Resort Business Districts to reflect the above zoning change.

1 **SECTION 3. Effective date.** Upon notification of approval of said zoning change from the State
2 Office of Planning Coordination, the Town shall immediately modify the maps referenced in
3 Sections 2 and 3 above and they shall become effective 30 calendar days following receipt of
4 notification by the State Office of Planning Coordination of its approval of the Town's rezoning
5 request.

6 **SECTION 4. Severability.** If any provision of this Ordinance shall be deemed or held to be
7 invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall
8 not affect any other provision of this Ordinance which may be given effect without such invalid
9 or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared
10 to be severable.

11 **SECTION 5. Formatting and minor editorial changes.** Minor changes of formatting,
12 grammar, and typography may be made to assist incorporating these changes into the Town
13 Code, including but not limited to redrawing of the Town's Official Zoning Map to incorporate
14 these changes.

15
16 **SECTION 6. Adoption.** Enactment of this Ordinance shall require adoption by a majority vote
17 of the Commissioners of the Town of Dewey Beach and shall be contingent upon and take effect
18 immediately after appropriate amendment of the Town of Dewey Beach's 2007 Comprehensive
19 Development Plan.

20
21 Adopted by at least a majority vote of all Commissioners of the Town of Dewey Beach
22 on _____, 2014.

23
24 BY: _____
25 Mayor Diane Hanson

26
27 ATT: _____
28 Town Manager Marc Appelbaum
29
30

Attachment (2)

Owners' contact information

106 Rodney (Parcel No. 334-20.18-131.00-2051)

Owner's Name: Elizabeth Cahall

Address: 201 West Street

City: Harrington

State: DE

Zip: 19952

Phone: (302) 398- 3089

Fax:

Email:

110 Rodney (Parcel No. 334-20.18-130.00)

Owner's Name: Elinor Apartments, LLC.

Address: 3 Tanglewood Court

City: Lewes

State: DE

Zip: 19958

Phone: (302)645- 0127

Fax:

Email:

112/114 Rodney (Parcel No. 334-20.18-129.00)

Owner's Name: Elinor Apartments, LLC.

Address: 3 Tanglewood Court

City: Lewes

State: DE

Zip: 19958

Phone: (302)645- 0127

Fax:

Email:

116 Rodney (Parcel No. 334-20.18-128.00)

Owner's Name: Elinor Apartments, LLC.

Address: 3 Tanglewood Court

City: Lewes

State: DE

Zip: 19958

Phone: (302)645- 0127

Fax:

Email:

122/124/126 Rodney (Parcel No. 334-20.18-127.00)

Owner's Name: William Raymond Dawson

Address: 405 E. Camden-Wyoming Avenue

City: Camden- Wyoming

State: DE

Zip: 19934

Phone: (302)697- 9501

Fax:

Email: