TOWN OF DEWEY BEACH
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Gordon E. Elliott
Town Manager

ORDINANCE NO. 613

AN ORDINANCE TO ENACT A MORATORIUM OR ACCEPTANCE OF MINOR AND MAJOR SUBDIVISION APPLICATIONS, CONDITIONAL USE SITE PLANS APPLICATIONS AND OTHER RESIDENTIAL OR COMMERCIAL LAND DEVELOPMENT REQUIRING REVIEW OR APPROVAL BY THE BOARD OF ADJUSTMENT, PLANNING AND ZONING OR THE COMMISSIONERS OF THE TOWN OF DEWEY BEACH.

WHEREAS, the 2007 Comprehensive Plan was adopted by the Town of Dewey Beach on June 29, 2007; and

WHEREAS, the Office of the State Planning approved the plan on July 29, 2007 by letter of August 3, 2007; and

WHEREAS, the Town has up to Eighteen (18) months to enact new zoning ordinance consistent with the Comprehensive Plan; and

WHEREAS, the Town has subsequently hired a Town Planner to assist with the Comprehensive Plan; and

WHEREAS, Ordinance 593 was enacted to provide a moratorium the conversion of commercial to residential development until the Comprehensive Plan was approved and new zoning ordinances enacted; and

WHEREAS, it has been deemed desirable to extend the moratorium to include minor and major subdivision applications, conditional use site plan applications and any other residential or commercial land development requiring approval by the Board of Adjustments, Planning and Zoning or the Commissioners of the Town of Dewey Beach is necessary and appropriate to protect the integrity of the rule making and Comprehensive plan development processes.

NOW THEREFORE: The Commissioners of the Town of Dewey Beach hereby enacts the following:

Moratorium on acceptance of minor and major subdivision applications, conditional use site plan applications and any other residential or commercial land

development requiring review or approval by the Board of Adjustments, Planning and Zoning or the Commissioners of the Town of Dewey Beach until May 10, 2008.

A. Purpose:

A moratorium is hereby enacted upon the acceptance of applications for minor and major subdivision applications, conditional use site plans, and any other residential or commercial land development requiring review or approval by the Board of Adjustments, Planning and Zoning or the Commissioners of the Town of Dewey Beach to permit the Town to establish new zoning ordinances consistent with the 2007 Comprehensive Plan of the Town of Dewey Beach.

B. Duration:

The moratorium shall be imposed to and including September 13, 2008. During this time period, no application except for those permitted in (c) below shall be accepted.

C. Exemptions:

The following items shall be exempted from the effects of this moratorium ordinance:

(1) Any complete application filed before the effective date of this ordinance for a minor or major subdivision application, or any other residential or commercial land development application requiring review or approval by the Board of Adjustments, Planning and Zoning or the Commissioners of the Town of Dewey Beach; or

(2) Any person who was in the process of inquiring of the Town for permits or procedures to be followed for an application covered under "A" prior to November 10, 2007; or

(3) Any application for a single family residential dwelling on a lot of 5,000 square feet or greater; or

(4) Any conditional use application for a restaurant; or

(5) Any application for a variance of special exceptions based on a disability of a homeowner or resident.

D. Effective Date:

This ordinance shall be effective upon enactment.

E. Termination:

This ordinance shall terminate on September 13, 2008 unless extended or repealed prior to that date.

F. The Planning and Zoning Commission recommends the adoption of this ordinance.

Section 2. Severability. The provisions of the ordinance are severable and if any of its provisions or any sentence, clause or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or in violation of the laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not invalidate or impair any of the remaining provisions which can be given effect without the invalid provision or application.

BE IT ENACTED AND ORDAINED by the Commissioners of the Town of Dewey Beach into law this 9th day of February, 2008.

Dell Tush

DELL TUSH
Mayor

ATTEST: Gordon E Elliott

GORDON ELLIOTT
Town Manager