

DK Comments Article I Title and Purpose

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[§ 185-1 Title.](#)

This chapter shall be known as the "Zoning Code for the Town of Dewey Beach."

[§ 185-2 Applicability.](#)

This chapter shall apply to the Town of Dewey Beach.

[§ 185-3 Purpose.](#)

The zoning regulations and districts as herein established are designed to promote community interest and cooperative commitment to practical planning to contribute to a higher quality of life in the Town of Dewey Beach, Delaware. These regulations establish standards, procedures, and minimum requirements, consistent with the Comprehensive Development Plan. These interests may be promoted by restricting the height, number of stories and size of buildings and other structures; the percentage of lot area that may be occupied; the size of yards, courts, and open spaces; the density of development; and the location, use and extent of use of buildings, structures, and land for residential, trade, industry and other purposes by creating districts for said purposes and by establishing boundaries for such districts; by providing for a Board of Adjustment, and by imposing penalties for the violation of the Zoning Ordinance. This chapter is adopted to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sanitation, sewerage, schools, parks, recreation and other public requirements. Such regulations shall be made with reasonable consideration as to the character of each zoning district and its suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

[§ 185-3.1 Enabling legislation.](#)

The enabling legislation for this chapter is an authorization by the Delaware General Assembly. Delaware Code Title 22, Section 301, permits the legislative bodies of incorporated towns to regulate and restrict such matters as the height, number of stories and size of buildings and other structures, percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and the use of buildings, structures and land for trade, industry, residence or other purposes.

[NCC Lang \(adjusted\)](#)

These regulations are intended to protect the interests of both current and future Town residents, visitors and neighbors from the potential adverse impacts of land uses. At the same time, these

**Commented [1]:** DE Complete Communities Toolbox says: "The purpose of zoning is to protect health safety, and general welfare. It accomplishes this by regulating how land is used and setting standards for building types, sizes, and heights."

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**Commented [JLL(2):** Taken from language in the Comp Plan

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**Commented [3]:** It seems the town has established zoning districts, but not "boundaries"

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**Commented [4]:** Is this list comprehensive and/or complete? Seems to be missing large segments of Chpt 185, including processes.

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**Commented [5]:** More seemingly random attributes

**Commented [JLL(6):** Look at language from the NCC doc provided at the end. May want to use some of that instead.

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**Commented [7]:** So we go from HSW of inhabitants to the value of buildings?

**Commented [8]:** This is what Del Title 22 Section 301 says.

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regulations are intended to respect landowners' rights to the beneficial use of their property. The regulations contained herein were designed to encourage greater flexibility and more development options while minimizing development impact on current property owners and the environment. These regulations are intended to promote and protect the health, safety, prosperity, convenience, general welfare and quality of life for all present and future citizens of the Town.

**Commented [JL(9):** I changed the language slightly i.e. "County" to "Town" and "This Chapter" to "These regulations"

**Commented [10]:** It would be good for someone to review and propose a fresh re-write that is clear and comprehensive. Maybe leveraging what is contained in the DE Complete Communities Toolbox. .