

SPONSOR: \_\_\_\_\_  
PLANNING REVIEW COMMISSION: \_\_\_\_\_  
PUBLIC NOTICE: \_\_\_\_\_  
PUBLIC HEARING: \_\_\_\_\_

**AN ORDINANCE TO AMEND SECTION 425-108 AND SECTION 425-109 OF  
THE BETHANY BEACH TOWN CODE**

**WHEREAS**, the Town of Bethany Beach has a duly enacted Zoning Code;

**WHEREAS**, the Town Council desires to amend 425-108 and 425-109 of the Bethany Beach Town Code by addressing Public Hearing requirements addressed in the Town Code.

**BE IT HEREBY ENACTED** the Town Council of the Town of Bethany Beach, a majority thereof concurring in Council duly met, that the Town Code be and hereby is amended as follows:

**Section 1.** Amend Section 425-108 by changing the following (Amendments and additions and punctuation highlighted in bold with a solid line striking through should be deleted):

§ 425-108Amendment authorized; effect of pending amendment.  
[Amended 11-16-2001 by Ord. No. 358]

**A.**

The regulations, restrictions, boundaries and provisions of this chapter may from time to time be amended, supplemented, changed, modified or repealed by the Town Council of the Town of Bethany Beach, ~~upon the recommendation of the Planning and Zoning Commission~~, according to the following sections.

**B.**

Effect of pending amendments on applications filed during pendency of amendment. Whenever the Town Council acts to schedule any proposed amendment to this chapter for a public hearing ~~in accordance with § 425-107~~, such amendment shall be deemed to be a “pending ordinance.” Whenever any amendment is pending:

**(1)**

No building permit, license, site plan approval, or subdivision approval which would not be permitted under the proposed amendment shall be issued unless and until:

**(a)**

The proposed amendment fails to receive the necessary votes for adoption when presented to the Town Council for final adoption; or

**(b)**

Thirty-one days have elapsed since such proposed amendment became pending and no final vote has been taken thereon by the Town Council; and

**(2)**

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No building permit, license, site plan approval, or subdivision approval which would be allowed under the proposed amendment (but not allowed without the proposed amendment) shall be issued until the proposed amendment has received the necessary votes for adoption when presented to the Town Council for final adoption.

**Section 2.** Amend Section 425-109 by adding the following (Amendments and additions are highlighted in bold below):

§ 425-109 Public hearing required.  
[Amended 1-21-1983 by Ord. No. 108]

- A.** Public Hearing. No amendment, supplement or change shall become effective until after a public hearing held by the Town Council in relation thereto. Parties in interest and other citizens shall have an opportunity to be heard. Notice of the public hearing shall be published in accordance with 22 Del. C. § 304, as amended.
- B. Requirements and Time of Notice. Any public hearing required by this chapter shall be published in two (2) newspapers of general circulation in the county. Notice shall be published at least fifteen (15) days before the date of the hearing and posted in five (5) public places within the corporate limits of Bethany Beach.**

**Synopsis**

This ordinance amends Section 425-108 and 425-109 by updating and correcting language as to requirements when amending regulations, restrictions, boundaries and provisions of this Chapter and Public Hearing requirements.

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This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Bethany Beach at a duly-noticed and convened meeting at which a quorum was present on \_\_\_\_\_

Attest: \_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Mayor

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This shall certify that a public hearing concerning the foregoing ordinance was held before the Town Council of the Town of Bethany Beach on \_\_\_\_\_, and that notice of such meeting was posted at five public places in the Town on \_\_\_\_\_, 2023 and published in a newspaper of general circulation in the Town on \_\_\_\_\_, 2023.

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So Certifies:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Clerk

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This shall certify that the title, synopsis, date of adoption, and effective date of the foregoing ordinance was published in \_\_\_\_\_ on \_\_\_\_\_, 2023 and that a copy of the foregoing ordinance was posted at the Town Hall on \_\_\_\_\_, 2023.

So Certifies:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Clerk

Draft