

Approved First Reading: January 26, 2024
Public Hearing: February 22, 2024
Proposed Second Reading: February 23, 2024

**AN ORDINANCE
OF THE TOWN COUNCIL OF
THE TOWN OF FENWICK ISLAND, DELAWARE,
ADOPTING THE TOWN OF FENWICK ISLAND'S 2024 COMPREHENSIVE PLAN**

WHEREAS, Title 22, Section 702(a) of the Delaware Code provides, in relevant part, that “[a] planning commission established by any incorporated municipality under this chapter shall prepare a comprehensive plan for the city or town or portions thereof as the commission deems appropriate”;

WHEREAS, a comprehensive plan for the Town of Fenwick Island, Delaware (the “Town”) was last certified by the State of Delaware as of October 27, 2017 (the “2017 Comprehensive Plan”);

WHEREAS, Title 22, Section 702(e) of the Delaware Code provides, in relevant part, that “[a]t least every 5 years a municipality shall review its adopted comprehensive plan to determine if its provisions are still relevant given changing conditions in the municipality or in the surrounding areas” and that “[t]he adopted comprehensive plan shall be revised, updated and amended as necessary, and re-adopted at least every 10 years.”

WHEREAS, since 2022 the Town, through its planning commission (the “Planning Commission”), has been actively engaged in proposing and drafting necessary and appropriate revisions, updates and amendments to the 2017 Comprehensive Plan, including by way of regular, public meetings of the Planning Commission and monthly reports of the Planning Commission to the Town Council;

WHEREAS, on May 20, 2023, the Planning Commission conducted a public, Comprehensive Plan Open House, during which (1) materials (PowerPoint presentation, handouts, and comment cards) were provided to attendees and (2) attendees were provided an opportunity to interact with, ask question of, and provide feedback to, members of the Planning Commission regarding the process and content.

WHEREAS, On June 5, 2023, the Planning Commission made available to the public a copy of a draft comprehensive plan (the “June 5 Draft Plan”) both in Town Hall and via the Town’s website;

WHEREAS, the Planning Commission received public comment on the June 5 Draft Plan from June 5 through June 12, 2023, and presented the June 5 Draft Plan to the Town Council and the public during a special meeting of the Town Council on June 8, 2023;

WHEREAS, based on comments received from the public and the Town Council, the Planning Commission prepared a revised, draft Comprehensive Plan (the “June 16 Draft Plan”), which was provided to the Town Council was posted on the Town’s website;

WHEREAS, on June 26, 2023, the June 16 Draft Plan was submitted for review to (1) the Director of Sussex County Planning and Zoning Review and (2) the State of Delaware Office of State Planning Coordination (“OSPC”);

WHEREAS, OSPC conducted a public review (“PLUS Review”) of the June 16 Draft Plan on July 26, 2023;

WHEREAS, by letter dated August 23, 2023 (the “PLUS Letter”), OSPC provided certain certification comments and recommendations with regard to the June 16 Draft Plan;

WHEREAS, based on the certification comments and recommendations contained in the PLUS Letter, the Planning Commission prepared another, revised draft comprehensive plan (the “December 5 Draft Plan”), which is available on the Town’ website and which was submitted to OSPC on December 11, 2023 for final review;

WHEREAS, the Town Council has deemed it desirable to consider whether it is in the public interest to adopt the December 5 Draft Plan (attached hereto as Exhibit A), including by way of introducing an ordinance to adopt the December 5 Draft Plan and conducting a public hearing thereon;

NOW THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Fenwick Island, Delaware, in session met, a quorum at all times pertaining thereto, this ___ day of ___, 2024, as follows:

Section 1. A first reading of this ordinance (the “Ordinance to Adopt Fenwick Island’s 2024 Comprehensive Plan”) was conducted on ____ 2024.

Section 2. A public hearing on the Ordinance to Adopt Fenwick’s Island’s 2024 Comprehensive Plan was conducted on ____, 2024.

Section 3. A second reading of this Ordinance to Adopt Fenwick Island’s 2024 Comprehensive Plan was conducted on ____ 2024.

Section 4. There being no substantial change to the December 5 Draft Plan since the first reading of this Ordinance to Adopt Fenwick Island’s 2024 Comprehensive Plan, the Town Council of the Town of Fenwick Island, Delaware, hereby adopts the December 5 Draft Plan, attached hereto as Exhibit A, as the Town of Fenwick Island’s 2024 Comprehensive Plan.

Section 5. The Town Council of the Town of Fenwick Island hereby requests that the Governor of the State of Delaware, or his designee, certify the Town of Fenwick Island’s 2024 Comprehensive Plan.

Section 6. This Ordinance shall become effective immediately upon the Governor's (or his designee's) certification of the Town of Fenwick Island's 2024 Comprehensive Plan.

Adopted by the Town Council
of the Town of Fenwick Island, Delaware
_____, 2024

[Secretary] of the Town Council of
the Town of Fenwick Island, Delaware