

AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF SELBYVILLE, BY REVISING EXISTING CHAPTER 200, ZONING, § 200-3, DEFINITIONS AND WORD USE, TO INCLUDE A DEFINITION OF “SHORT-TERM RENTAL”, AND BY REVISING § 200-11, PROHIBITED USES, TO PROHIBIT THE SHORT-TERM RENTAL OF ALL TYPES OF RESIDENTIAL DWELLINGS IN ALL DISTRICTS WITHIN THE JURISDICTIONAL LIMITS OF THE TOWN OF SELBYVILLE.

WHEREAS, the Town of Selbyville (“Town”) is a community that has traditionally been comprised of mostly full-time residents, distinguishing the Town from other Sussex County communities located closer to the beach that attract more seasonal tourists and workers in need of temporary lodging; and

WHEREAS, as a traditionally full-time residential community, the residential dwellings in the Town have, generally and historically speaking, been used for long-term rental purposes, with a minimum duration of occupancy of one (1) year or more; and

WHEREAS, in order to retain the full-time residential character of the Town and formally memorialize the standard, historical practice concerning residential rentals within the Town, the Planning and Zoning Commission has recommended that the Mayor and Town Council amend the Zoning Chapter of the Town Code to prohibit the short-term rental of residential dwellings in the Town; and

WHEREAS, the Mayor and Town Council agreed with the recommendation of the Planning and Zoning Commission, finding that prohibiting the short-term rental of residential dwellings in the Town will not only help preserve the full-time residential character of the Town, but such a prohibition will also help prevent potential nuisances, overcrowding, and the overburdening of municipal services (e.g., police protection, trash removal, and utility services) often associated with short-term rentals; and

WHEREAS, therefore, the Mayor and Town Council also found that it is necessary to amend the Zoning Chapter of the Town Code to clearly define what is a “short-term rental” and to clearly state that the short-term rental of residential dwellings in the Town is prohibited; and

WHEREAS, the Mayor and Town Council held a public hearing on July 7, 2025, pursuant to existing statutory authority which requires that no amendment to the Zoning Code shall become effective until after a public hearing following fifteen (15) days’ notice thereof by publication in an official paper or a paper of general circulation within the municipality; and

WHEREAS, following the public hearing, the Mayor and Town Council continue to conclude that the above-described amendments of the Town Code are necessary for the promotion of the public health, safety and welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Selbyville, in session met, a quorum pertaining at all times thereof, that the Zoning Code of the Town of Selbyville be and is hereby amended as follows, to wit:

Item 1:

Amend § 200-3. **Definitions and word use., subsection B.**, by adding the following new definition thereto, which shall be inserted alphabetically into the existing list of defined terms, as appropriate:

SHORT-TERM RENTAL – All or any portion thereof of a residential dwelling unit used as a place regularly rented for dwelling, lodging, or sleeping purposes to one party with a duration of occupancy of less than one (1) year. For purposes of this definition, a residential dwelling unit shall include apartments, duplexes, dwelling units, garden apartments, multifamily dwellings, single-family dwellings, single-family detached dwellings, townhouses, trailers or mobile homes, and two-family dwellings, as those terms are defined in this chapter, as well as any other structure used for single-family or multi-family residential purposes. For purposes of this definition, a residential dwelling unit shall not include bed-and-breakfasts, boardinghouses, hotels, motels, rooming houses, or tourist homes, as those terms are defined in this chapter.

Item 2:

Amend § 200-11. **Prohibited uses.**, as follows (removed language is stricken through; new language is underlined):

For purposes of this chapter, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists of permitted uses or other provisions of this chapter, uses not specifically listed are prohibited. Without limiting or affecting the foregoing, and for purposes of clarity, the following uses are prohibited in all districts:


A. Marijuana establishment, including a marijuana product manufacturing facility, marijuana testing facility, marijuana cultivation facility, and any retail marijuana store, as such establishments are defined in 4 Del.C. § 1302; and

B. Any commercial establishment, such as a marijuana smoking lounge or café, that allows patrons to consume, smoke or partake in marijuana products; and

C. Short-term rentals, as such are defined in § 200-3 of this chapter.

AND BE IT FURTHER RESOLVED, that the Town Administrator be and she is hereby authorized and directed to cause a Notice which shall consist of a true copy of this Ordinance, by title only, or a summary thereof, to be published in a newspaper of general circulation of the Town of Selbyville.

I, Deborah L. McCabe, Secretary of the Town Council of the Town of Selbyville, do hereby certify that the foregoing is a true and correct copy of an Ordinance passed by the Town Council at its Regular Meeting held on July 7, 2025, at which a quorum was present and voting throughout and that the same is still in full force and effect.


Deborah L. McCabe, Secretary