

## ***Code Discrepancies for Review***

***Prepared by Building Official Daune Hinks, 02/03/2023***

### **§185-87 Streets and rights-of-way.**

H. Driveways.

- (1) Driveway entrances may be constructed no closer than 50 feet to any intersection.
- (2) The maximum width of any driveway entrance shall be 20 feet.
- (3) Sites with a frontage of 50 feet or less shall have no more than one twenty-foot-wide driveway entrance, or two ten-foot-wide driveway entrances with a minimum of 20 feet of unencumbered space between such entrances to provide for public parking. In no case shall a site have more than two driveway entrances on any street.

Questions:

1. What if the parcel has 75 feet of frontage, what is the size OR number of the driveway entrances?
  2. Can a corner lot have more than two driveway entrances? Two on one street then a third entrance around the corner?
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### **§ 185-70 Lapse of special exception or variance.**

After the Board of Adjustment has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of one year unless construction is completed or the use has taken place in accordance with the plans for which such special exception or variance was granted, or if the Board of Adjustment does not specify some longer period than one year for good cause shown, and the provisions of these regulations shall thereafter govern.

Questions:

- I may have several BOA variance approvals applying for permitting AFTER the one year 'expiration' time. It has been questioned if the one year time frame is fair especially if:
1. The applicant was not told they must complete construction in one year.
  2. The BOA decision paperwork was never signed by the BOA members.
  3. The building plans for the project (IE: hotel renovation) require months of architectural design preparation and actual construction of the project may take over 1 year.
  4. The code allows permit renewal.
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**§ 71-3 Building permits.**

G. Building permits shall be valid for one year from date of issue, and may be renewed one time for one additional year for a fee of \$50, provided renewal is applied for prior to expiration date, except in extraordinary circumstances, an additional renewal may be allowed subject to Commissioners approval.

**§ 185-80 Building permits; fee.**

C. Building permits shall be valid for one year from date of issue, and may be renewed on each anniversary date thereafter for the fee of \$50. Failure to renew shall void the permit.

Comment: Ambiguous text in code, ordinance drafted to refer to 71-3 (KLB)

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**§ 185-30 Signs prohibited in all districts.**

A. Signs lighted in any manner which may constitute a traffic hazard or be a nuisance.

C. Signs that provide moving spotlights that might distract pedestrians or motorists, revolving lights, animation, or blinking or moving lights. However, digital signs that change message no more than four times per day, and time and temperature lights are permitted.

Comment: Digital signs can change no more than 4 times per day however, the time and temperature if on the sign can fluctuate significantly. The business owner may want to advertise their business and products in addition to the time / temperature or perhaps a 'welcome to Dewey' holiday message. This wording and concept is difficult to interpret, to enforce. Numerous current businesses have digital signs with changing messages that conflict with this code.

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## Ordinance 759/Zoning Section 4

**Section 4.** Amend Chapter 185, Zoning of the Municipal Code of the Town of Dewey Beach, by striking from Table 2 the provisions labelled “**Floor Area Ratio**” as applied to NR and RR zoning districts and by substituting in lieu thereof the following:

“Maximum Building Size/bedrooms or Floor Area Ratio (FAR)

[NR]: For lots less than 7,500 sq. ft., the maximum square footage of any single family home shall be 4,000 sq. ft. The 4000 sq. ft. limitation shall be calculated by determining the total area above grade and under roof with headroom of 6 ft. or greater. A basement where 4 feet or more of the vertical height of the space is above grade shall also count toward the maximum square footage. The maximum number of bedrooms is six per dwelling. Any deck area under a house raised on pilings, or porch on having at least one side entirely open to light and air except for open mesh screening, railing, partial wall joining floor to railing or combination of these elements shall not be included in the total square footage of the home. The area of any unfinished attic shall not be included in the gross floor area if access is limited to fold-away stairs or other nonpermanent means of access. The first 500 sq. ft. of a single garage that is neither heated nor air conditioned shall not count toward this maximum. Space used for an elevator is not counted toward this maximum.

For lots of 7,500 sq. ft. or greater, the maximum square footage shall be 5,200 sq. ft. and shall be calculated in the same manner as above for lots less than 7,500 sq. ft. The maximum number of bedrooms is 8 per dwelling.

[RR]: The maximum square footage of any single family detached dwelling shall be 5,100 sq. ft. calculated by determining the total area above grade and under roof with headroom of 6 ft. or greater. A basement where 4 feet or more of the vertical height of the space is above grade shall also count toward the maximum square footage. Any deck, area under a house raised on pilings, or porch having at least one side entirely open to light and air except for open mesh screening, railing, partial wall joining floor to railing or combination of these elements shall not be included in the total square footage of the home. The area of any unfinished attic shall not be included in the gross floor area if access is limited to fold-away stairs or other nonpermanent means of access. The first 500 sq. ft. of a single garage that is neither heated nor air conditioned shall not count toward this maximum. Space used for an elevator is not counted toward this maximum.

Multi-family dwellings located in the RR district shall be limited to 5100 sq. ft. per 5000 sq.ft. of land and square footage shall be calculated in the same manner as the calculation for a single family dwelling. The maximum number of bedrooms for any dwelling in the RR district is 8.

### Questions:

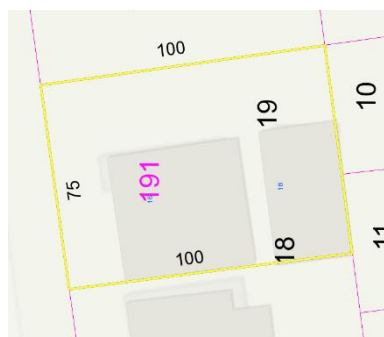
On non-conforming lots with non-conforming structures (more than one dwelling), for  $\geq 7500$  s.f. lots, will the maximum of 5,200 s.f. allowed be for:

1. each dwelling on that lot      **OR**
2. will the maximum of 5200 s.f. be for both dwellings combined

On non-conforming lots with non-conforming structures (more than one dwelling), for  $\geq 7500$  s.f. lots, will the maximum number of bedroom (8) be for:

3. each dwelling on that lot      **OR**
4. will the maximum of 8 bedrooms be for both dwellings combined

Graphic provided as example:



**§ 71-3 Building permits.**

C. No building permit shall be issued for the construction or alteration of any building or structure within the area east of the easterly right-of-way of Route 1 or King Charles Avenue unless the applicant has first obtained and submitted to the Town a permit from the Department of Natural Resources and Environmental Control of the State of Delaware (hereinafter referred to as the DNREC) or a letter from the DNREC stating that a permit from the DNREC is not required.

Comments:

**DNREC REVISION AS OF (possibly 08/2016)**

5102 Regulation Governing Beach Protection and the Use of Beaches

“Beach” means that area from the Delaware/Maryland line at Fenwick Island to the Old Marina Canal immediately north of Pickering Beach, which extends from the mean high water line of the Atlantic Ocean and Delaware Bay landward 1,000 feet and seaward 2,500 feet, respectively.

“Regulated Area” means the specific area within the defined beach that the Department is directed to regulate construction to preserve dunes and to reduce property damage. The regulated area shall be from the seaward edge of the beach as defined above to the landward **edge of the third buildable lot** in from the mean high water line.

4.8 Construction Activities Landward of the Building Line and Within the Regulated Area

4.8.1 No person shall commence or conduct construction of any structure or the alteration, digging, mining, moving, removal or deposition of any substantial amount of beach or other **materials landward of the Building Line and within the beach area without** a letter of approval from the Division. To obtain the written approval, the applicant shall furnish to the Division a completed application on forms available from the Division.

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