

(DRAFT) Ordinance No. \_\_\_\_\_

**AN ORDINANCE TO AMEND CHAPTER 185, ZONING OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE, 2005, AS AMENDED BY AMENDING 185-51. ACCESSORY BUILDING AND STRUCTURES BY ADDING A NEW SECTION G. TO SPECIFY CONSTRUCTION REQUIREMENTS FOR DRIVEWAY ENTRANCES ON THE PUBLIC RIGHT OF WAY.**

**WHEREAS**, the Town continues to explore and make enhancements in storm water management throughout the Town;

**WHEREAS**, the Town requires paved surfaces in the front, side and rear yards to be covered/paved designed to create a permeable surface (§185-54 C.), which includes driveways within the property setbacks;

**WHEREAS**, the Town has specified that no portion of any building lot area developed with a residential use or a mixed commercial and residential use in any district of Dewey Beach shall be covered or paved with impervious materials, including but not limited to poured concrete, asphalt, bricks, impervious pavers, or flag stones, installed in a manner as to create an impervious surface for driveways, parking spaces, or sidewalks. Impervious surfaces existing before March 14, 2009, may continue as a nonconforming structure, and may be repaired, but shall not be expanded horizontally or vertically, nor rebuilt or replaced with impervious materials.(§185-51 –F Accessory Buildings and Structures) [Added 3-14-2009 by Ord. No. 654]; and

**WHEREAS**, the Town has design standards for drainage and maintenance for off-street parking on all new exterior parking areas, except underground or multilevel parking lots, requiring to be paved in a manner so as to create a permeable paving surface (§ 185-38 Design standards).

**BE IT ENACTED AND ORDAINED**, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session as follows:

**Section 1.** Chapter 185, Zoning of the Municipal Code of the T own of Dewey Beach, Delaware, 2005 is hereby further amended by adding a new subsection to the existing § 185-51 Accessory buildings and structures to read as follows:

“G. No portion of any driveway entrance constructed on the public right of way may be covered or paved with impervious materials, including but not limited to poured concrete, asphalt, brick, impervious pavers, or flag stones, installed in a manner as to the create and impervious surface.”

**Section 2.** If any provision of the Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any

other provision of the Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of the Ordinance are hereby declared to be severable.

**Section 3.** This Ordinance shall take effect immediately upon its adoption by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority of the commissioners of the Town of Dewey Beach on this \_\_\_\_ day of \_\_\_\_\_, 2018.

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TJ Redefers, Mayor

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Scott Koenig, Town Manager

### **SYNOPSIS**

**This Act** amends the 185-51 by adding a section requiring driveways on public right of way be constructed of permeable materials. The Town requires all driveway entrances constructed on public right of way be paved in such a manner to create a permeable surface consistent with the Town’s existing design standards for driveways in mixed commercial and residential use districts. This Act does not require the paving of driveway aprons or entrances in the public right-of-way; rather, it prohibits the use of nonporous materials on the right-of-way.”