

Charter and Code Committee Suggestions Regarding Impervious Surface Requirements in Section 185-51 Accessory Buildings and Structures

- The town should establish a 'standard' or stated direction to comply with the federal storm water management requirements. This should provide guidance on the installation of surfaces such as driveways, patios, walkways and pools. Any ground level surface should be pervious.
- The committee suggested that the code be revised to better define what should be pervious on a building lot. For example, a roof or a pool cannot be pervious.
- The code should not call out specific materials as pervious or impervious; it is possible to install an impervious item such as a paver in a method that will allow for the (application) installation to meet the pervious federal storm water requirements.
- Consider whether the definition of pervious or impervious materials should be added to the code. However, there is a general piece of text existing in the code that if a term is not specifically defined the town adopts the common usage of the term.
- Exempt pool decking areas from pervious requirements. As a result of rain water, pools are contaminated by stones and debris surrounded by previous applications.
- Resealing of existing impervious installations such as driveways should be 'grandfathered' as it is repaired. Should a driveway be razed or enlarged, the change must then conform to pervious requirements.

§ 185-51 **Accessory buildings and structures.**

A.

A hedge, fence or wall not more than 3.5 feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Any fence, hedge, or wall for residential use may project into or enclose other required yards, provided such fences, hedges, and walls do not exceed a height of seven feet. This height limit does not apply to fences or walls used for commercial screening or tennis courts.

B.

Accessory swimming pools, open and unenclosed, may occupy a required yard or side yard, provided they are not located closer than 10 feet to an interior side lot line or six feet to a rear lot line. A walk space at least three feet wide shall be provided between pool walls and protective fences or barrier walls. Every swimming pool shall be protected by a safety fence or barrier at least 4.5 feet in height and constructed of concrete, stockade wood or material of equal quality.

C.

Accessory storage of a boat trailer or camp trailer shall not be allowed in a front yard. Accessory storage of mobile homes is prohibited.

D.

An accessory building which is not a part of the main building may be constructed in a rear yard three feet from the side lot line and three feet from the rear lot line, provided such accessory building contains not more than 200 square feet of area, is not more than 12 feet in height and is used exclusively for storage and not for residential purposes.

E.

A satellite antenna not exceeding four feet in diameter shall be permitted as a freestanding structure only in the rear yard and shall be subject to the same setbacks and height restrictions as an accessory building. A satellite antenna not more than four feet in diameter shall be permitted on the roof of a residential, commercial or mixed-use structure; however, any satellite antenna greater than four feet in diameter to be installed on any building in all districts requires a conditional-use approval.

F.

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.

[Added 3-14-2009 by Ord. No. 654]

G.

No portion of any driveway entrance constructed on the public right-of-way developed with a residential use or a mixed commercial and residential use in any district of Dewey Beach 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 create an impervious surface.

[Added 8-24-2018 by Ord. No. 744]