

## Planting and Open Space Requirements in the NR District

The Charter and Code Committee and Planning and Zoning have recommended changes to the planting and open space requirements in the NR district. These proposed changes are intended to reinforce existing driveway requirements and enhance the appearance of properties by decreasing the use of non-driveway space in front yards for parking.

### Existing Town Code Requirements

Section 185-55 of the Town Code defines a planting or beautification area as “an area of land which is not paved but left in its natural condition or improved by planting grass or vegetation.” Table 2 Bulk Standards in All Zoning Districts includes planting and open space requirements in each zoning district, and these requirements vary by district. For the NR district, the requirements are as follows:

“Minimum of 15% of gross lot area dedicated to planting and beautification area; a minimum of 50% of this requirement shall be located in front yard.”

### Proposed Changes

The changes would apply an amended definition of **green space** to new construction and expansion of or additions to existing structures in the NR zoning district. The amended provisions would increase the planting and beautification requirements overall and in the front yard and provide flexibility in the use of plant-based mulches and limited use of non-plant-based coverings. The recommendations include:

- Modify the existing definition in the Town Code for Green Space to read as follows:
  - **Green Space** is defined as land with vegetation, such as grass, trees, shrubs and other plants which are permanently planted into the ground **OR** land that is left and maintained in its natural condition.  
  
**Green Space** may include plant-based mulches, artificial mulches, and decorative rock or stone, but artificial mulches and decorative rock or stone may be used only around and between, and in close proximity to, plants and shrubs.  
  
Use of planters or pots, including those in which the plants contained in the planter or pot are rooted in the ground, shall not qualify as **Green Space**.
- For all new construction and expansions or additions in the NR zoning district:
  - Total **Green Space** shall be 25% of the total lot area.
  - All front yard area shall be **Green Space** except for a 20x18 space for a driveway or two 10x18 driveway spaces and a 4x18 space for a walkway.
  - The remaining **Green Space** area shall be distributed between the two side-yard and backyard areas.

- Driveways and walkways shall have borders that contain the materials for those surfaces within the driveway and walkway spaces.
- Existing yard spaces covered with non- **Green Space** materials may remain, but coverage with such materials may not be expanded.
- Parking is prohibited in **Green Space** areas.



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## ORDINANCE \_\_\_\_\_

### AN ORDINANCE TO AMEND CHAPTER 185, ZONING, AND CHAPTER 1, DEFINITIONS, OF THE MUNICIPAL CODE RELATING TO THE ESTABLISHMENT OF MINIMUM LOT AREA REQUIREMENTS DEVOTED TO PLANTINGS AND OPEN SPACE IN THE NEIGHBORHOOD RESIDENTIAL (NR) ZONING DISTRICT, REGULATING THE BOUNDARIES AND MATERIALS USED IN DRIVEWAYS AND WALKWAYS, AMENDING THE DEFINITION OF "GREEN SPACE," AND PROHIBITING PARKING IN GREEN SPACE

**WHEREAS**, the Town of Dewey Beach Comprehensive Plan calls for the protection and preservation of the natural environment of Dewey Beach and surrounding area; and

**WHEREAS**, the Commissioners wish to clarify requirements for plantings and open space in the Neighborhood Residential (NR) zoning district; and

**WHEREAS**, the Commissioners wish to define "green space" and increase the portion of lot area devoted to green space in the NR district.

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

**Section 1.** Amend Chapter 1-16 of the Municipal Code of the Town of Dewey Beach by making the highlighted insertions, strikeouts, and substitutions depicted below:

#### GREEN SPACE

Land with vegetation

or land left and maintained in its natural condition.

~~Open, vegetated land valuable for wildlife, amenity, or recreation purposes, within or adjoining a built-up area. It may include previously used or undeveloped land. Vegetation, such as grass, trees, shrubs and other plants which are permanently planted into the ground. Use of planters or pots, including those in which the plants contained in the planter or pot are rooted in the ground, shall not qualify as green space. Permissible materials for mulch around and between shrubs and other plants include plant-based mulches, artificial mulches, and decorative rock or stone.~~

Green space may include

Artificial mulches and decorative rock or stone may be applied only in close proximity to plants or shrubs.

**Section 2.** Amend Chapter 185-55 of the Municipal Code of the Town of Dewey Beach by making the highlighted insertions, strikeouts, and substitutions depicted below:

A. Refer to Table 2, Bulk Zoning Requirements for All Districts[1] for open space, and planting and green space requirements.

[1]Editor's Note: Table 2 is included at the end of this chapter.

, that may affect planting, beautification or green space,

35 B. Plots. Every application for a building permit must be accompanied by a plot or sketch, acceptable to  
 36 the Town Building Code Official, showing the location and dimensions of the planting, or beautification  
 37 or green space area.

38 C. Definition. A planting or beautification area is an area of land which is not paved but left in its natural  
 39 condition or improved by planting grass or vegetation.

40 D. The applicant shall provide a list of all plantings to be installed on the lot. Acceptable plantings shall  
 41 include trees, shrubs, ornamental plants and grasses, but not species recognized as invasive or weed or  
 42 vegetable.

43 E. Except in the NR zoning district, ~~P~~ planting requirements may be met using potted trees, shrubs and  
 44 plants, provided the surfaces that such potted species rest on are of permeable materials and are  
 45 designed so as to not be used for commercial use or pedestrian traffic.

46  
 47 **Section 3.** Amend Chapter 185, Table 2, Bulk Zoning Standards for All Zoning Districts, of the Municipal  
 48 Code of the Town of Dewey Beach by making the highlighted insertions, strikeouts, and substitutions  
 49 depicted below:

| Zoning District  | NR  |
|--|---|
| <p>Planting, and <u>green space, and</u> open space requirements</p> <p>but shall not be expanded.</p> <p>Green space requirements shall be met when existing structures are added to or expanded.</p> | <p>Minimum of 15% of gross lot area dedicated to planting and beautification area; a minimum of 50% of this requirement shall be located in front yard.</p> <p><u>Minimum of 25% of gross lot area dedicated to green space.</u></p> <p><u>All front yard area shall be green space except for one 20x18 driveway space or two 10x18 driveway spaces and one 4x18 space for a walkway.</u></p> <p><u>Remaining green space area shall be distributed between the two side yard and backyard areas.</u></p> <p><u>Parking is prohibited in green space areas. Existing front yard spaces covered with non-green space materials may remain, but, except for driveways and walkways, any renewal or replacement of these materials must convert these areas to green space.</u></p> |
| <p><u>Driveway and walkway construction</u></p>  | <p><u>Driveways and walkways shall have borders that contain the materials for those surfaces within the driveway and walkway spaces.</u></p>   |

51 **Section 4.** Severability. If any provision of this Ordinance shall be deemed or held to be invalid or  
52 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any  
53 other provision of this Ordinance which may be given effect without such invalid or unenforceable  
54 provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.  
55

56 **Section 5.** This Ordinance shall take effect immediately upon its approval by the Town Council. Adopted  
57 by at least a majority vote of all Commissioners of the Town of Dewey Beach on July 19, 2024.  
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59 SYNOPSIS  
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61 This Act defines “green space,” requires increased green space requirements for the NR zoning  
62 district, provides maximum allowances for driveways and walkways in the NR district, and  
63 prohibits parking in green space areas.

## Planting and Open Space Requirements in the NR District

Green spaces provide a range of environmental, social and economic benefits including improved air and water quality, enhanced biodiversity, and aesthetic value. They also play a crucial role in mitigating the effects of urbanization such as heat islands and stormwater runoff while contributing to the overall health and well-being of communities.

Table 2 Bulk Standards in All Zoning Districts includes planting and open space requirements in all zoning districts. For the NR district, the requirements are as follows:

“Minimum of 15% of gross lot area dedicated to planting and beautification area; a minimum of 50% of this requirement shall be located in front yard.”

The code does not include a definition for either “planting” or “beautification,” and without better specificity, some approaches to satisfying the requirements may reduce the yard space dedicated to natural plantings. The Charter and Code Committee has recommended changes to the planting and open space requirements in the NR district that are intended to increase the requirements for plantings.

The recommended changes are:

- Add a definition for Green Space
  - Green Space is defined as vegetation, such as grass, trees, shrubs and other plants which are permanently planted into the ground.
- Total greenspace shall be 25% of the total lot area in the NR district.
- For the NR district, all front yard area shall be green space except for a 20x18 space for a driveway and 4x18 space for a walkway.
- The remaining green space area shall be distributed between the two side yard and backyard areas.
- Driveways and walkways shall have borders that contain the materials for those surfaces within the driveway and walkway spaces.
- Existing front yard spaces covered with non-green space materials may remain, but, except for driveways and walkways, any renewal or replacement of these materials must convert these areas to green space.

## Green Space Calculations

|                                       |                       |                 |
|---------------------------------------|-----------------------|-----------------|
| <b>Lot size</b>                       | 50X100                | 5,000 sq ft     |
| <b>Green Space Req</b>                |                       | 25% 1,250 sq ft |
| <b>Front Yard</b>                     | 18X50                 | 900 sq ft       |
| <b>Driveway Space</b>                 | 20X18                 | 360 sq ft       |
| <b>Walkway space</b>                  | 4X18                  | 72 sq ft        |
| <b>Front Yard Green Space</b>         | $900-360-72=$         | 468 sq ft       |
| <b>Max House footprint</b>            | 70X34                 | 2,380 sq ft     |
| <b>Side and Rear yard total</b>       | $12X50 + 8X70 + 8X70$ | 1,720 sq ft     |
| <b>Side and Rear Yard Green Space</b> | $1,250-468=$          | 782 sq ft       |
| <b>Non-green Space side and Rear</b>  | $1,720-782=$          | 938 sq ft       |

|   |        |
|---|--------|
| <b>Lot size</b>                           | 5,000  |
| <b>less front green space</b>             | -468   |
| <b>less Driveway Space</b>                | -360   |
| <b>less Walkway space</b>                 | -72    |
| <b>less Side and Rear Green Space</b>     | -782   |
| <b>less Non-green space side and rear</b> | -938   |
| <b>less max House footprint</b>           | -2,380 |
| <b>Remaining</b>                          | 0      |

**By allocating all non-front green space to the sideyards, space available for a rear-yard pool would be unaffected.**