

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 applied only around and between plants and shrubs and may not extend more than a radius of 3 feet from the main trunk or stem of a plant or shrub.**

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 ^{of or additions to existing structures} ~~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.

The propose draft ordinance also amends Section 185-54 to include the new green space parking restrictions.



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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

~~but artificial mulches and decorative rock or stone may be applied only around and between plants or shrubs and may not extend more than a radius of 3 feet from the primary trunk or stem of a plant or shrub.~~

Section 23. 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.

Section 2, Amend Chapter 185-54 of the Municipal Code of the Town of Dewey Beach by making highlighted insertions, strikeouts, and substitutions depicted below:

A. ~~Effective May 1, 1990, no~~ No motor vehicle shall be parked in the front yard of any lot except within an established driveway or within a marked parking space accessed from the driveway entrance of the lot, ~~and parking is subject to applicable planting, green space, and open space requirements in Table 2, Bulk Zoning Requirements in All Districts.~~ and parking is subject to applicable planting, green space, and open space requirements in Table 2, Bulk Zoning Requirements in All Districts.

, 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, 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 ⁴
 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 green space, and open space requirements</p> <p>but shall not be expanded.</p> <p>Green space requirements shall be met when an existing structure is 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>Minimum of 25% of gross lot area dedicated to green space.</p> <p>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.</p> <p>Remaining green space area shall be distributed between the two side yard and backyard areas.</p> <p>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.</p>
<p>Driveway and walkway construction</p>	<p>Driveways and walkways shall have borders that contain the materials for those surfaces within the driveway and walkway spaces.</p>

51 **Section 4⁵**. 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.

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56 **Section 5⁶**. 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.

Green Space Calculations

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

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

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