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ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 173 AND CHAPTER 185, TABLE 2 OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH TO ESTABLISH A MINIMUM NUMBER OF TREES REQUIRED FOR NEW CONSTRUCTION OR REDEVELOPMENT PROJECTS

WHEREAS, the Town of Dewey Beach recognizes the environmental, aesthetic, and community benefits provided by trees, including stormwater management, shade, habitat preservation, and enhancement of neighborhood character; and

WHEREAS, the preservation and expansion of the Town’s tree canopy supports sustainability goals and improves overall quality of life for residents, property owners, businesses, and visitors; and

WHEREAS, the existing Code of the Town of Dewey Beach does not require a uniform or minimum standard for trees to be planted on open lots or on lots where trees did not previously exist prior to development; and

WHEREAS, the Town desires to establish clear and consistent standards for tree planting in connection with new construction and redevelopment projects including development on previously open or cleared lots; and

WHEREAS, the Planning and Zoning Commission met on December 15, 2025 to review potential amendments to Chapter 173 and related provisions of Chapter 185 of the Town Code, and has discussed recommendations to protect and enhance the Town’s tree canopy and green space within Town limits.

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 173 of the Code of Ordinances by including a new subsection 173-1.1 to read as follows:

§ 173-1.1 Minimum tree requirements.

New construction of, or additions to, single family detached dwellings on lots in the NR, RR, and RB-3 zoning districts shall be required to satisfy minimum tree requirements.

Each lot shall maintain, at all times, a number of trees equal to or greater than the minimum number determined by dividing the total square footage of the lot by the maximum square footage per required tree in Table 2 of the Zoning Code. Where the minimum number of trees results in a fractional value, any fraction of 0.5 or greater shall be rounded up to the next whole tree, and any fraction less than 0.5 shall be rounded down. Trees planted to meet the minimum number requirement must satisfy the native species and size requirements of §173-3 A.

Section 2. Amend Chapter 185, Table 2 of the Code of Ordinances by including a new line titled “Minimum square footage per required tree,” to read as follows:

Zoning District	NR	RR	PR	RB-3	RB-2	RB-1	PRB-1	PRB-3
Planting, green space, and open space requirements	No changes, keep existing							
Maximum square footage per required tree	<u>1666</u>	<u>2000</u>		<u>2500</u>	2500			
Driveway and walkway construction	No changes, keep existing							

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Section 3. If any provisions of this 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 this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall take effect immediately upon its passage 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 13th day of February, 2026.

SYNOPSIS

This ordinance amends Chapters 173 and 185, Table 2 of the Town of Dewey Beach Municipal Code to establish a clear and consistent minimum tree requirement for new construction ~~and redevelopment projects.~~ The ordinance requires ~~all lots to maintain~~ a minimum number of trees based on standards set forth in Table 2 of the Zoning Code and ensures that required trees meet established species, ~~size, and installation~~ criteria outlined in Chapter 173.

of and additions to single family dwellings in the NR, RR, and RB-3 zoning districts.

and

Mayor, William Stevens

Town Manager, Bill Zolper