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ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 1, DEFINITIONS OF THE DEWEY BEACH CODE OF ORDINANCES REGARDING FRONT BUILDABLE AREA AND CHAPTER 185, ZONING PROHIBITING THE PLACEMENT OF SWIMMING POOLS AND HOT TUBS IN THE FRONT BUILDABLE AREA

WHEREAS, the Mayor and Commissioners find it necessary to provide a definition of “Buildable Area, Front” to more clearly delineate the portion of a lot that may be considered buildable, thereby improving consistency in interpretation and application of zoning regulations; and

WHEREAS, the Mayor and Commissioners recognize the importance of maintaining the character of front yard areas and preserving open space and sightlines along public rights-of-way; and

WHEREAS, the proposed amendment clarifies that swimming pools and hot tubs shall not be located within the front buildable area in residential districts, thereby reinforcing the intended use and appearance of front yard spaces; and

WHEREAS, the Mayor and Commissioners further find that establishing clear placement standards for swimming pools and hot tubs promotes public safety, orderly development, and compatibility with surrounding properties; and

WHEREAS, the Dewey Beach Planning & Zoning Commission convened a duly noticed public hearing on April 21, 2026 and the recommendations provided herein are based upon the Commission’s review and deliberation at that hearing.

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 Code of Ordinances as depicted by strikeouts and substitutions depicted below:

BUILDABLE AREA, FRONT

The portion of a lot lying between the foremost façade of the primary structure and the required front yard setback line, excluding the required front yard itself. The front buildable area includes any part of the buildable envelope situated forward of the foremost façade of the primary structure.

39 **Section 2.** Amend Chapter 185-51 of the Code of Ordinances as depicted by strikeouts and substitutions
40 depicted below:

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42 **§185-51 Accessory buildings and structures.**

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44 B. Accessory swimming pools, open and unenclosed, may occupy a required rear yard or
45 side yard, provided they are not located closer than 10 feet to an interior side lot line or
46 six feet to a rear lot line. In residential districts, no swimming pool or hot tub may be
47 located within the front buildable area. A walk space at least three feet wide shall be
48 provided between pool walls and protective fences or barrier walls. Every swimming
49 pool shall be protected by a safety fence or barrier at least 4.5 feet in height and
50 constructed of concrete, stockade wood or material of equal quality.

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52 **Section 3.** If any provisions of this Ordinance shall be deemed or held to be invalid or unenforceable for
53 any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of
54 this Ordinance which may be given effect without such invalid or unenforceable provision, and to this
55 end, the provisions of this Ordinance are hereby declared to be severable.

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57 **Section 4.** This Ordinance shall take effect immediately upon its passage by a majority vote of the
58 Commissioners of the Town of Dewey Beach.

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60 Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 15th day of
61 May, 2026.

62
63 SYNOPSIS

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65 This Ordinance defines “front buildable area,” and restricts the placement of pools and hot tubs within
66 the front buildable area in residential districts.

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69 _____
70 Mayor, William Stevens

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73 _____
74 Town Manager, Bill Zolper

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