

DK Comments Article I Title and Purpose

Article I Title and Purpose

§ 185-1 Title.

This chapter shall be known as the "Zoning Code for the Town of Dewey Beach."

§ 185-2 Applicability.

This chapter shall apply to the Town of Dewey Beach.

§ 185-3 Purpose.

The zoning regulations and districts as herein established are designed to promote community interest and cooperative commitment to practical planning to contribute to a higher quality of life in the Town of Dewey Beach, Delaware. These regulations establish standards, procedures, and minimum requirements, consistent with the Comprehensive Development Plan. These interests may be promoted by restricting the height, number of stories and size of buildings and other structures; the percentage of lot area that may be occupied; the size of yards, courts, and open spaces; the density of development; and the location, use and extent of use of buildings, structures, and land for residential, trade, industry and other purposes by creating districts for said purposes and by establishing boundaries for such districts; by providing for a Board of Adjustment, and by imposing penalties for the violation of the Zoning Ordinance. This chapter is adopted to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sanitation, sewerage, schools, parks, recreation and other public requirements. Such regulations shall be made with reasonable consideration as to the character of each zoning district and its suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

§ 185-3.1 Enabling legislation.

The enabling legislation for this chapter is an authorization by the Delaware General Assembly. Delaware Code Title 22, Section 301, permits the legislative bodies of incorporated towns to regulate and restrict such matters as the height, number of stories and size of buildings and other structures, percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and the use of buildings, structures and land for trade, industry, residence or other purposes.

NCC Lang (adjusted)

These regulations are intended to protect the interests of both current and future Town residents, visitors and neighbors from the potential adverse impacts of land uses. At the same time, these

- Commented [1]:** DE Complete Communities Toolbox says: "The purpose of zoning is to protect health safety, and general welfare. It accomplishes this by regulating how land is used and setting standards for building types, sizes, and heights."
- Formatted:** Highlight
- Commented [JL(2):** Taken from language in the Comp Plan
- Formatted:** Highlight
- Formatted:** Highlight
- Commented [3]:** It seems the town has established zoning districts, but not "boundaries"
- Formatted:** Highlight
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- Commented [4]:** Is this list comprehensive and/or complete? Seems to be missing large segments of Chpt 185, including processes.
- Formatted:** Highlight
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- Commented [5]:** More seemingly random attributes
- Commented [JL(6):** Look at language from the NCC doc provided at the end. May want to use some of that instead.
- Formatted:** Highlight
- Formatted:** Highlight
- Commented [7]:** So we go from HSW of inhabitants to the value of buildings?
- Commented [8]:** This is what Del Title 22 Section 301 says.

DK Comments Article I Title and Purpose

regulations are intended to respect landowners' rights to the beneficial use of their property. The regulations contained herein were designed to encourage greater flexibility and more development options while minimizing development impact on current property owners and the environment. These regulations are intended to promote and protect the health, safety, prosperity, convenience, general welfare and quality of life for all present and future citizens of the Town.

Commented [JL9]: I changed the language slightly i.e. "County" to "Town" and "This Chapter" to "These regulations"

Commented [10]: It would be good for someone to review and propose a fresh re-write that is clear and comprehensive. Maybe leveraging what is contained in the DE Complete Communities Toolbox. .

Jimmy O O'Connor <jimmyo29@comcast.net>

Sat 2/15, 9:47 PM David King

Hi David,

My homework was Article II Districts & District Maps.

After reading through the homework I didn't see any parts of the article that would be contradictory, ambiguous, difficult to navigate, and/or out of date. The only part that I think would need clarification would be 185-6 paragraph c. and the description of (FEMA - designated VE, AE & AO)

I am sure that when we get into the other areas of our review we might find some areas relating or referring to districts & maps that may be out of date, difficult & contradictory.

Please let me know if this is what you were looking for?

Thanks,
Jimmy O

It looks pretty good overall

Items that should be addressed.

185-12

says at end nor shall any lot area or lot dimensions be reduced below the requirements of these regulations nor any non-conformance be increased.

I thought there were situations where the non conformance can be increased.

There are many lots that have 2,3 or more small cottages on one lot. I believe those can increase square footage by up to 50 percent, even though they are non-conforming. Also does the code allow for non-conformance to be increased to allow additions like stairways or elevators to meet current code. Example, a stairway to second floors is only 30 inches wide, owner wants to increase to 36 which would increase non conformance. This needs to be looked at.

185-15

says everything is kept on file in Town Office. Should confirm they are there and readily avail for inspection.

185-21

Requires ALL properties to have hard-wired smoke detectors.

This seems unreasonable for existing properties

Recommend it require for new construction, additions, major alterations

Review of Chapter 185 Article IV District Regulations

Guiding Principles

- Restructure to facilitate simplification (e.g., nest discussions of NR, RR, and PR rather than listing sequentially over multiple sections)
- Simplify entries in Tables 1 & 3; divide tables to include a single type of use (e.g., permitted uses); duplicate definitions from Chapt 1; and enter clarifications/minor restrictions in text below each section of table
- Move more complex discussions of criteria and processes for accessory uses, conditional uses, and uses by special exceptions to Article VII and be sure to clearly reference
- Move portions of text to/from other chapters/sections to be sure that all related discussions are co-located; to improve use and understanding and to, hopefully, minimize of conflicts
- Liberal use of comments to highlight potential vagueness or ambiguity, and to suggest issues that need to be addressed to improve utility

This document was constructed by first copying text from the existing code and then enabling track changes to show changes made to that text. Unfortunately, when moving text within this document I didn't track as a move, but you will see the deleted text tracked as a deletion and the relocated text in black (showing up as unedited text).

In some places I have added qualifying or clarifying language, consistent with my interpretation of the intent of the code. Clearly these are open to discussion or revision by the committee, the Planning Commission, or the Town Commissioners.

Path forward. I see a couple of decisions that need to be made:

- Is this a better organization?
- Is there support to reorganize the code to put all discussions of specific issues in one place?
- Resolution of the issues raised in the comments and consensus around the added text
- Amending all other areas of the code affected by this reorganization

Article IV District Regulations

§ 185-23 Residential Districts

A. Purpose of the District.

1) NR Neighborhood Residential District. The purpose of zoning in this district is to provide for the lowest level of residential development within the Town in an area characterized largely by single family homes situated on individual 5,000 square foot lots, together with such accessory uses, conditional uses, and uses permitted by special exception as may be compatible with such residential surroundings.

2) RR Resort Residential District. The purpose of zoning in this district is to provide for residential development of greater variety and density than that provided for in an NR District, in an area characterized by buildings housing single- and multi-family dwelling units on individual lots as well larger condominium and townhouse developments, together with such accessory uses, conditional uses, and uses permitted by special exception as may be compatible with such residential surroundings.

3) PR Planned residential District. Purpose. The purpose of zoning in this district is to allow overall residential development for a large block of land rather than requiring separate residential structures on individual lots as a means of creating a superior living environment without, however, increasing the dwelling-unit density which would be permitted in the larger NR or RR District in which such a PR overlay is located, provided such a unified development is determined to protect the public welfare, safety and benefit. Accessory uses, conditional uses, and uses permitted by special exception are allowed as may be compatible with such residential surroundings. General considerations, review standards, and the processes for application and approval of a PR planned residential development are presented in Section 185-25 Planned Developments.

B. Permitted Uses, Permitted Accessory Uses, Conditional Uses, and Uses Permitted by Special Exception.

1) Penalties. The violation of the requirements herein listed for any permitted use, accessory use, conditional use, or use by special exception shall be prosecuted as a civil offense. See Chapter 80, Civil Offenses, for applicable fines and appeal process.

2) Permitted Uses. Permitted uses in NR, RR and PR zoning districts are listed in Table 1 Permitted Uses in Residential Districts.

Commented [DSK1]: This might go somewhere else

Table 1 Permitted Uses in Residential Districts

Permitted uses.	NR Neighborhood Residential	RR Resort Residential	PR Planned Residential
Single-family detached dwelling	x	x	x
Multifamily dwelling		x	x
Public park	x	x	x
House of worship		x	
Electricity transmission lines and their	x	x	

supporting elements			
Dewey Beach municipal buildings and uses		x	

a) Single-family detached dwelling. As defined in Section 1-16 Definitions, “[a] fully detached building with one kitchen designed for or occupied exclusively by one family or one group of persons living together as a household or by a person living alone. Single-family detached dwellings may also be referred to as a single-family home, building or residence or a detached single-family home, building or residence.” The term detached single family detached dwelling does not include mobile home. Neither the storage of nor the use of a mobile home as a dwelling unit shall be permitted in any residential district.

b) Multifamily dwelling. As defined in Section 1-16 Definitions, “[a] building containing two or more dwelling units.” While there is no restriction on the type of ownership or organization of units within a building housing multiple dwelling units, there are limits on street frontage and the number of dwelling units permitted within any such multifamily building, which are listed under Maximum Building Frontage in Table 2 Bulk Zoning Standards in All Districts.

c) Above-ground electricity transmission lines. New electricity transmission lines in any PR district are expected to be buried and therefore electricity transmission lines and their supporting elements shall not be permitted uses in any PR district.

3) Permitted Accessory Uses. Permitted accessory uses in NR, RR and PR zoning districts are listed in Table 3 Permitted Accessory Uses in Residential Districts.

Accessory uses are uses, located on the same lot as and clearly incidental to, or customarily found in connection with the above listed permitted uses.

Table 3 Permitted Accessory Uses in Residential Districts

Permitted accessory uses.	NR Neighborhood Residential	RR Resort Residential	PR Planned Residential
Home occupation	x	x	x
Playhouse	x	x	x
Swimming pool	x	x	x
Domestic storage	x	x	x
Garage, private	x	x	x
Parking of motor vehicle	x	x	x
Storage of a boat and/or boat trailer, recreational vehicle, travel trailer or motor home (but not mobile home).	x	x	x
Keeping of domestic animals as pets	x	x	x
Home barbecue grill	x	x	x

a) Home occupation. As defined in 1-16 Definitions, “[a]ny service, profession or trade which is conducted within a residential dwelling and conducted in a manner

Commented [DSK2]: The existing section on Home Occupations is a real mish-mash, and there is only one current registered home occupation. This entire section should be referred back to P&Z for its review and recommendations on elimination/revision/up dating.

which does not change the essential character of the residential use and makes the dwelling with said home occupation indistinguishable from dwellings with no business use.” All home occupations shall be registered with the Town of Dewey Beach and hold a valid Town business license. Additional clarifications and restrictions, along with a description of the registration/licensing process, are provided in Article VII Conditional Uses, Uses Permitted by Special Exception, and Special Events. [[Possibly rename Accessory Uses, Conditional Uses]]

b) Playhouse. As defined in Section 1-16 Definitions, “[a] small building designed expressly for children to play in with a gross floor area not to exceed 200 square feet.” A playhouse is an accessory building without plumbing and shall not be used for living purposes. See Article VIII Supplementary Height, Area and Bulk Section 185-51, Accessory buildings and structures, for restrictions on size and placement.

c) Swimming pool. As defined in 1-16 Definitions, “[a]ny structure that is intended for swimming or recreational bathing and contains water over 24 inches deep, including, but not limited to, in-ground, aboveground, and on-ground swimming pools and hot tubs, but not including children's wading pools, ornamental reflecting pools or fish ponds or other types of pools located and designed so as not to create a hazard or be used for swimming or wading. Swimming pool requirements shall also apply to any related equipment, structures, areas and enclosures that are intended for the use of persons using or operating the swimming pool.” Swimming pools shall meet all State regulations under DEL _____. Additional Town zoning and safety regulations regulating placement and operation of swimming pools are included in Article VIII Supplementary Height, Area and Bulk in Section 185-51 B. under Accessory buildings and structures.

d) Domestic storage. Storage of normal household items is permitted in main and accessory buildings, but not in any open area nor in any temporary structure.

e) Private garage. Defined in Section 1-16 Definitions, as “[a]n enclosed or partially enclosed space intended to be used primarily to provide temporary storage or shelter for passenger automobiles, motorcycles and mopeds, and boats and trailers and the like. In residential zoning districts, the space therein may be used for parking or storage of not more than one commercial vehicle of not more than one ton capacity.” For a private garage to qualify as a permitted accessory use in a residential district it shall have a floor area of 900 square feet or less. Any private garage of more than 900 square feet shall only be permitted in a residential zoning district by special exception (See Article VII Conditional Uses, Uses Permitted by Special Exception, and Special Events).

f. Parking of motor vehicles. The locations and types of motor vehicles permitted herein are regulated by Section 185-54, Parking and storage of certain vehicles.

g) Storage of a boat and/or boat trailer, recreational vehicle, travel trailer or motor home (but not mobile home). No boat or boat trailer, recreational vehicle, travel trailer or motor home shall be used for living purposes while so stored. Zoning regulations regarding placement of such items relative to property lines are given in Article VIII Supplementary Height, Area and Bulk Section 185-51 C. under Accessory buildings and structures. Storage of a mobile home is prohibited.

h) Keeping of domestic animals as pets. Domestic animals may be kept as pets for personal enjoyment or household use but not as a business, and providing such pets are properly licensed, housed and cared for so as not to be a public or private nuisance or to endanger the welfare of the pet so kept.

i) Home barbecue grill. When used in compliance with Fire Marshal regulations (See DEL) electric and piped-in gas grills are permitted, bottled-gas/propane and charcoal grills are prohibited on upper-level decks.

4) Conditional Uses. Conditional uses in NR, RR and PR zoning districts are listed in Table 4 Conditional Uses in Residential Districts.

Conditional use applications are reviewed by the Planning Commission and approved by the Town Commissioners. For some conditional uses a set of minimum conditions shall apply to all such conditional uses. A list of such minimum conditions and a description of the processes for application, approval, and appeal are provided in Article VII Conditional Uses, Uses Permitted by Special Exception, and Special Events. Additional conditions may be imposed, dependent on size and location of the property, as part of the conditional use approval process, to protect the health, safety and welfare of the community.

Conditional uses.	NR Neighborhood Residential	RR Resort Residential	PR Planned Residential
Bed-and-breakfast	x	x	x
Access from and use of a residential district property adjacent to a Resort Business District property owned by the same person, corporation or entity.		x	
Institutions, educational or philanthropic, including museums, art galleries and libraries		x	x
Marinas or yacht clubs and swimming or tennis clubs		x	x
Public utilities or public services uses, public or governmental buildings and uses, including schools, playgrounds, and public boat landings		x	x

a) **Bed-and-Breakfast.** Defined in Section 1-16 as “[a]n owner-occupied private home in which up to four bedrooms are used to provide overnight accommodations and a breakfast meal for transient guests for compensation.” A bed-and-breakfast may be either an incidental use or the principal use of a detached single-family dwelling or a dwelling unit within a multiunit residential building but shall not comprise several such dwelling units. The bed-and-breakfast must be owner-occupied during the period of operation, unless a non-owner manager is approved as a part of the approval of the conditional use application. See Article VII Conditional Uses, Uses Permitted by Special Exception, and Special Events.

Commented [DSK3]: There is almost a page of restrictions that seem likely to be covered elsewhere (e.g., signage), or are pretty standard for any residence (e.g., Fire Marshal requirement for a window/2 exits from a bedroom). Also, the use of various rental homes for short term and group rentals, some including chefs and other services, blurs the line between traditional vacation homes and B&Bs, and there are currently no B&Bs licensed for business in town. It is time for P&Z to revisit this issue. At any rate, all of this detail should move to Article VII Conditional Use, Uses Permitted by Special Exception, and Special Events

b) Access from and use of a residential district property adjacent to a Resort Business District property owned by the same person, corporation or entity. A portion of a residential district property such as a driveway may be used to provide vehicle and personal access to an adjacent Resort Business district property. In addition a portion of the residential district property may be used for the parking of vehicles associated with the Resort Business property, however there shall be no parking in the designated access area(s). The access and parking area(s) may be used for unloading of materials to the adjacent property but shall not be used for storage of any such materials. See Article VII Conditional Uses, Uses Permitted by Special Exception, and Special Events.

5) Uses Permitted by Special Exception. Uses permitted by special exception in NR, RR and PR zoning districts are listed in Table 5 Uses Permitted by Special Exception in Residential Districts.

Special exception use applications are reviewed and approved by the Board of Adjustment in accordance with the provisions of Article X, Board of Adjustment. For some special exception uses a set of minimum restrictions shall apply. A list of such minimum conditions and a description of the processes for application, approval, and appeal are provided in Article VII Conditional Uses, Uses Permitted by Special Exceptions, and Special Events. Additional restrictions may be imposed during the review/approval process to protect the health, safety and welfare of the community.

Table 5 Uses Permitted by Special Exception in Residential Districts.

Uses permitted by special exception.	NR Neighborhood Residential	RR Resort Residential	PR Planned Residential
Private garage of more than 900 square feet	x	x	x
Temporary use of a building as a sales or rental office for a period of time greater than 7 days		x	x
Temporary parking for trailers for special events and/or construction activities	x	x	x

a) Private garage of more than 900 square feet floor area. As described above in Section 1-23 3) e), a private garage of 900 square feet or greater may only be permitted in a residential zoning district by special exception (See Article VII Conditional Uses, Uses Permitted by Special Exception, and Special Events).

b) Temporary use of a building as a sales or rental office for a period of time greater than seven (7) days. A special exception may be made for such a sales or rental office associated with an approved real estate development or subdivision project. Any such temporary use shall not be approved for a period exceeding _____ days.

c) Temporary parking for trailers for special events and/or construction activities shall not be permitted along the Coastal Highway right-of-way at any time, nor on the right of way of any other street from Memorial Day to Labor Day.

G) Reference to additional regulations. The regulations contained in this section are supplemented by regulations contained in other articles of this chapter and other chapters of the Town's municipal code, especially the following:

- (1) Article V, General Sign Regulations.
- (2) Article VI, Off-Street Parking.
- (3) Article VII, Conditional Uses, Uses Permitted by Special Exceptions, and Special Events.
- (4) Article VIII, Supplementary Height, Area and Bulk Regulations and Table 2 Bulk Zoning Standards in All Districts.
- (5) Article IX Nonconformities
- (6) Article X, Board of Adjustment.
- (7) Definitions contained in Section 1-16 Definitions.
- (8) Restrictions specific to development in flood-prone areas (including FEMA-designated VE, AE and AO flood zones) contained in Chapter 101, Article IV Utilization of the Coastal Floodplain Area.

§ 185-24 Resort Business Districts

§ 185-25 Planned Developments

Some Feedback:

- Take Signs out of Planning and Zoning section of Code. Have its own section.
- Mathematic aspect of figuring out display signs too complicated
- Displays verses signs. (Fruckman Case)
- Enforcement not happening
- Led — signs (only flash four times a day)

Town of Dewey Beach, DE / The Code / Part I: Administrative Legislation / General Provisions

Article III Definitions (1-16)

FLASHING SIGN

An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color. Any sign that revolves or moves shall also be considered a flashing sign.

Commented [MOU1]: Update definitions of signs for the digital age.

Commented [MOU2]: Check Comprehensive Plan vision for look of town. Signs are only able to flash 4 times a day.

SIGN

A structure, constant in intensity and color, that is arranged, intended, designed, or used as an advertisement, announcement, identification, description, or direction.

Commented [MOU3]: The legal definition of a sign? Important not to reinvent it. Here you have to ask is a banner a sign. Businesses replacing hard construction with Banners – a lot cheaper.

SIGN, ADVERTISING

A sign, including a billboard, directing attention to a business located in the Town of Dewey Beach. During the off-summer business season, businesses may advertise other businesses owned by the same ownership outside the Town.

Commented [MOU4]: Do we allow billboards in Dewey. I think there is one entering Dewey, but billboard should be better legally defined.

SIGN, CHURCH

A sign erected on the property where the church is located for the purpose of displaying the time and date of services and/or meetings. A church shall be permitted to erect one freestanding sign for this purpose. Such sign shall not exceed 12 square feet in area and may not exceed six feet in height. In addition, the property shall have at least one sign that clearly names the church and the religious denomination of said church.

Commented [MOU5]: Not sure why this is a policy?

Commented [MOU6]: Should there be a distinction for a Church?

SURFACE AREA

Commented [MOU7]: Please explain how this definition is used by the Town. And show the calculation.

For the purpose of determining the size of a **sign**, the measurement shall be the width times the length and shall include any integral part of the **sign** in the calculations. Lettering affixed on a surface shall be considered signage and shall be computed by measuring the width times length from the outside point of any letters or numbers to determine the square footage of the area encompassing the lettering or numbers. For structures not specifically designed as a **sign**, such as an awning or gasoline station island, the calculation shall only include the areas covered with lettering or other design material. Frames and structural members not bearing advertising matter shall not be included in the computation of the surface area.

BANNER

A temporary **sign** that contains information or advertising related to a specific product, event or events, and is not to exceed a combined total of 30 square feet per business and is subject to approval by the Town Manager or Building Official.

STRUCTURE

That which is built or constructed, including, without limitation because of enumeration, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, trailers or manufactured homes, swimming pools, backstops for tennis courts, pergolas, telecommunications equipment and enclosures, water tanks, towers, open-grade steps, sidewalks or stairways, tents or anything erected and framed to component parts which is fastened, anchored or rests on a permanent foundation or on the ground. For floodplain management purposes, a "structure or building" shall mean a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

OUTDOOR DISPLAY PERMIT

A permit required for the purpose of temporarily displaying any merchandise, not otherwise considered a **sign**, out of doors on the private property of a licensed retail business. If approved, the permit is valid for up to one calendar year. The permit is renewable annually, upon satisfactory compliance with the permit terms and conditions and all regulations as provided by Chapter **185**, Article **V**, of the Code of the Town of Dewey Beach. A permit, once having been issued or renewed, may be revoked, upon due notice delivered from the Building Official citing a violation of the Code of the Town of Dewey Beach regarding the size, placement or content of an outdoor display. Any business that has an outdoor display shall not be permitted to use a sandwich board.

Commented [MOU8]: Need an example of how this is used by Town. Does a banner definition make sense using exact sqf per business? Where did this definition come from?

Commented [MOU9]: Material that make a sign permanent sign verses a banne. Sign material?

ARTICLE V
Sign and Outdoor Display of Merchandise Regulations¹

§ 185-27. Definitions.²

§ 185-27.1. Displays. [Amended 7-10-2010 by Ord. No. 681; 6-12-2015 by Ord. No. 719]

- A. Purpose. The purpose of this section is to establish reasonable regulations of size and placement of the temporary outdoor display of signs, banners, flags, products, goods, wares and merchandise in conjunction with legally operating businesses.
- B. Outdoor display of merchandise. Outdoor display of merchandise shall only be permitted in conjunction with an existing permitted use that occupies the subject property. Display items shall be limited to merchandise sold by the business or decorative items which relate to or complement the business. Outdoor displays shall not be included in the calculations of permitted signage. Outdoor displays of merchandise shall not be permitted on public property.
- C. Height and area for displays.
- (1) Outdoor display of merchandise shall only be permitted on the private property of a business holding an outdoor display permit for such outdoor display(s). No outdoor display shall encroach or trespass any public right-of-way or sidewalk or block any patron accessway, fire exit, or parking area directly accessible from the business.
- (2) No merchandise or other items that are part of an outdoor display shall be displayed at a height higher than 12 feet from grade.
- (3) The maximum area for the staging of an outdoor display shall be determined by the Building Official, using the following formula:
- (a) The maximum area for the staging of an outdoor display shall be determined by measuring the linear footage of the business's property which abuts a street or streets reduced by the linear footage directly accessing any

Commented [MOU10]: Correct spelling.

Commented [MOU11]: Does this need to be changed or modified? Wasn't there a lawsuit over this very issue?

Commented [MOU12]: Didn't this cause confusion for businesses?

Commented [MOU13]: Are businesses getting permits for outdoor displays? Cost and are they online.

Commented [MOU14]: That is being violated?

Commented [MOU15]: I'm assuming this is the area Jim finds too complicated. Shouldn't there be a formula, or this be simplified. Suggested changes to this area should come from Town.

1. Editor's Note: The title of this article was amended 7-10-2010 by Ord. No. 681 to change "General Sign Regulations" to "Sign and Outdoor Display of Merchandise Regulations."
2. Editor's Note: Pursuant to Ord. 724, adopted 1-9-2016, all definitions throughout the Code were transferred to Ch. 1, Art. III, Definitions.

parking area or lot ("length") and the average width of that portion of the business's open area which extends from the inside edge of a public sidewalk, or, if a public sidewalk does not exist, from the right-of-way to the business's building facade ("width"). The maximum area usable for the staging of an outdoor display shall not exceed 30% of the area calculated by multiplying the abovementioned length by width. All properties must have one unblocked handicap ramp. Display items may not block any fire exits or entrances to the business.

(b) Notwithstanding the amount of a business property's yard determined usable for an outdoor display, the maximum lot area for the staging of an outdoor display of merchandise for any business shall be 500 square feet.

D. Coordinated events. Sidewalk sales may be coordinated by the Chamber of Commerce or community groups involving individual retail establishments on a maximum of three separate occasions per calendar year, with each separate occasion extending for a period not to exceed four consecutive days, provided that no sidewalk sales may occur between the Friday of Memorial Day weekend through Labor Day. A sidewalk sale shall only be conducted by the retail establishment located on the property and shall only include merchandise that is regularly offered for sale inside that retail establishment.

E. Sales benefiting nonprofit organizations. Outdoor sales by local resident nonprofit organizations are permitted, provided that written documentation of charitable status and written permission from the property owner are provided to the Building Official prior to the outdoor sale.

F. Unimpeded public access. All portions of the public sidewalk shall continuously provide for unimpeded pedestrian access, and shall not be blocked at any time without Town approval.

Commented [MOU16]: Our businesses coming in and getting their banners approved/

Commented [MOU17]: Does this ever come up? Do we ever have sidewalk sales? Why is this in this section?

Commented [MOU18]: Should this be in this section?

Commented [MOU19]: Layout -- Spacing issue.

§ 185-28. General provisions for signs.

A. Signs permitted in all districts.

(1) No sign shall be erected or maintained in any district other than signs of the character, size and construction expressly authorized by this article.

§ 185-29. Signs permitted in all districts.

The following signs are permitted in all districts:

- A. Signs of duly constituted governmental bodies, including traffic, parking or similar regulatory devices, legal notices, directional signs and street name signs.
- B. Signs required to be maintained or posted by law or governmental regulation.
- C. Signs which are not visible off the lot on which they are situated.
- D. Signs not exceeding 1 1/2 square feet in area, displayed strictly for the direction, safety or convenience of the public, including signs identifying parking area entrances and exits, freight entrances, public rest rooms and similar types of signs.
- E. One sign relating to the contractor/subcontractors plus one sign relating to the developer of a construction project may be erected only during the time that construction work is in progress, and the size of such signs shall not exceed 32 square feet each.

Commented [MOU20]: Is there a work sheet for our Building Inspector to easily checklist these code regulations?

§ 185-30. Signs prohibited in all districts.

The following signs are prohibited in all districts:

- A. Signs lighted in any manner which may constitute a traffic hazard or be a nuisance.
- B. Signs located and so illuminated as to provide a background of colored lights blending with traffic signal lights to the extent of confusing a motorist when viewed from a normal approaching position of a vehicle at a distance of 30 feet.
- C. Signs that provide moving spotlights that might distract pedestrians or motorists, revolving lights, animation, or blinking or moving lights. However, digital signs that change message no more than four times per day, and time and temperature lights are permitted.
- D. Signs which produce noise, sounds or emit visible smoke, vapor, particles, or odor.
- E. Signs with intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger or such as are customarily used by police, fire, or ambulance vehicles or for navigation purposes.

Commented [MOU21]: This is too general to enforce.

Commented [MOU22]: Do we need this when we have "E" below?

Commented [MOU23]: We regular have a spotlight from North Beach, and Digital Signs message definitely change more than four times/day.

- F. Signs attached to trees or utility poles.
- G. Signs attached to any vehicle, parked primarily for display purposes.
- H. Inflated objects larger than seven feet in any dimension. Temporary exceptions may be granted by the Town Commissioners on a case-by-case basis for a period not to exceed seven days, upon showing that they will not adversely affect the use or value of surrounding properties.

§ 185-31. Permitted signs in NR, RR and PR Residential Districts.

The following signs are permitted in NR, RR and PR Residential Districts:

Commented [MOU24]: Always spell this out for reader convenience in top of sections?

- A. One name plate sign no larger than 1 1/2 square feet in area displaying the name and street address of the occupant of the property, or the name of the building manager, or the name of a permitted use. The identity of a multifamily dwelling building or group of buildings may be erected, provided the size does not exceed 18 square feet.
- B. Real estate advertising signage.
 - (1) Single-family detached dwelling parcel.
 - (a) One portable, nonpermanent, freestanding sign no larger than seven square feet in total signage area and not greater in height than four feet above ground level may be placed upon each single-family detached dwelling parcel, as determined by the Building Official, for the exclusive purpose of advertising the sale, rental, or lease of that premises.
 - (b) No sign shall be placed further than seven linear feet from the foundation of the principal residential structure, unless the Building Official renders a determination that, because of the irregular size or shape of the lot or location of the structure, the sign may be placed otherwise. Signage may not be affixed to the interior windows or exterior surface of any building in the districts, including exterior decks and roofing. Signage may not be affixed or attached to utility poles, traffic signs, trees, or any other structure. In no event shall signage be placed within the right-of-way of a street or roadway.

Commented [MOU25]: Really that big?

- (c) The sign shall be placed parallel to the street on which the parcel is located.
 - (d) In the event that the parcel abuts two or more streets, one sign may be placed on each side of the parcel abutting a street.
 - (e) Each sign must be constructed of a durable material. Signage constructed of cardboard, paper, or other nondurable material is prohibited.
 - (f) The signage shall not be illuminated by lights affixed to the sign.
 - (g) Signage shall not advertise an off-site sale. Pamphlet displays shall promote exclusively the parcel upon which the signage is located.
- (2) Multifamily dwelling unit parcels.
- (a) One temporary real estate advertising sign, as identified hereinabove in Subsection B(1)(a), or one permanent real estate advertising sign, identified hereinafter as a "master sign," no larger than 20 square feet in total signage area and not greater in height than six feet above ground level may be placed in a location approved by the Building Official upon a parcel containing a group of townhouses or multifamily dwelling units consisting of one or more buildings designed or developed as a single entity, such as a condominium or townhouse community, for the exclusive purpose of advertising the sale, rental, or lease of any unit within that parcel.
 - (b) The master sign may be freestanding, provided that it is placed parallel to the street on which the parcel is located. No freestanding master sign shall be placed further than seven linear feet from the foundation of one of the principal residential units, unless the Building Official renders a determination that, because of the irregular size or shape of the lot or location of the structure, the sign may be placed otherwise.
 - (c) The master sign shall be placed parallel to the street on which the parcel is located. In the event that the parcel abuts two or more streets, only one sign shall be placed on the premises.

Commented [MOU26]: Needs to be added to definitions

Commented [MOU27]: Should look to see how this is enforced at Hyatt?

Commented [MOU28]: Should it say "one" or was it supposed to say 2. Notice B 1 (d)

- (d) The master sign may be affixed to an exterior wall of the multiunit structure, provided that it is placed parallel to the street on which the structure is located.
- (e) Each master sign shall be constructed of wood or a durable material approved by the Building Official and shall be designed to permit the insertion of signs commonly known as "slip signs," being six inches in height and 12 inches in length, to advertise each unit for sale, lease or rent. The master sign shall display signage on one side only, and shall be constructed with a solid backing to prevent displacement of signage. The approved design of master sign construction shall be kept on file by the Building Official, and said approved design shall be considered by the Building Official when reviewing master sign placement permit applications.
- (f) A master sign placement permit must be acquired from the Building Official prior to installation. Unless amended by subsequent ordinance, no fee shall be imposed for a master sign placement permit.

Commented [MOU29]: The "master sign" just real estate needs to be broadened? And approved sign designs are on file at town hall. That is great.

Commented [MOU30]: Delete is that needed?

(3) Supplementary provisions.

- (a) Residential real estate advertising signage shall not be considered in the calculation of total permitted commercial signage where residential and commercial uses exist upon the same premises.
- (b) Temporary "Open House" signage, including but not limited to flags, banners, inflatable objects and any other form of advertising material, not to exceed seven square feet in area may be placed upon a parcel proximate to the street frontage during an open house promotion which shall be supervised by a licensed real estate agent. In no event shall the open house signage remain continuously on the parcel in excess of the duration of the open house promotion.
- (c) Signage not permitted pursuant to this chapter and this Subsection B of § 185-31 is prohibited.
- (d) The provisions of this chapter shall apply to all real estate advertising signage located within the NR Neighborhood Residential, RR Resort Residential, and PR Planned Residential Districts of the Town of Dewey Beach, and no

Commented [MOU31]: Need to check why this is important.

Commented [MOU32]: Need to understand this number

Commented [MOU33]: Is this needed?

existing temporary real estate advertising signage shall be exempt from the requirements set forth herein.

(e) The Building Official is authorized to remove any signage which violates the provisions of this section without prior notice to the owner or owners of the parcel(s) or signage and may subsequently notify the owner(s) to claim the signage. In the event that no person or entity who or which owns the violating signage claims said signage within 30 days of written notification by the Building Official, the Building Official may dispose of the signage without liability to the Building Official or the Town of Dewey Beach. The provisions stated hereinabove shall not prevent the Town of Dewey Beach from commencing appropriate criminal and/or civil proceeding pursuant to § 185-84 of this Code.

Commented [MOU34]: Where are these signs kept?

C. One temporary real estate development sign, no larger than 32 square feet in area, advertising property in the process of development. If the property abuts more than one street, one such sign may be erected on each street.

D. One professional sign, no larger than one square foot in area, displaying the name and the occupation of a professional person or group of persons for the identification of a permitted home occupation.

Commented [MOU35]: This is under real estate, but isn't this for all professions working at home?

E. One announcement board, no larger than 12 square feet in area, displaying the announcements of a religious, educational, philanthropic or fraternal organization.

Commented [MOU36]: Again, in real estate?

§ 185-32. Permitted signs in RB Commercial Districts.

The following apply to signs permitted in the RB Commercial Districts:

A. All signs permitted in the residential districts shall be permitted in the RB Districts.

Commented [MOU37]: Think this is incorrect. Can everyone selling their unit hang a for sales sign on their balcony.

B. All signs shall be permitted to advertise solely a Dewey Beach business, commodity, service or entertainment.

C. Each property in the RB Districts shall be entitled to one master sign per 75 feet of street frontage.

Commented [MOU38]: David, I stopped here reviewing. There is a couple more comments below.

D. Each property fronting on Coastal Highway (S.R. 1) may display one sign for a Dewey Beach business located in either an RB or

RR District but not fronting onto S.R. 1, subject to an agreement negotiated with the property owner.

- E. The size of signs which are freestanding shall be limited to one square foot of sign for each linear foot of street frontage, but not to exceed 85 square feet on a single surface, and may consist of two surfaces back-to-back to be visible from opposite directions. Properties eligible for freestanding signs shall have a minimum of 10,000 square feet of land per sign. All such freestanding signs shall conform to the structural specifications of the Outdoor Advertising Division of the Delaware State Department of Transportation.
- F. The size of signs attached to a wall of a building, or painted on the wall or with raised letters mounted on an exterior wall shall not exceed one square foot of sign for each linear foot of frontage on a street or streets.
- G. Signs erected on the roof of a structure shall not exceed the height restriction on structures of 35 feet, and the structure must be approved by a registered Delaware engineer or architect.
- H. Signs, including the supports, shall not encroach on any of the required setback areas nor on the corner visibility triangles specified in the Code.
- I. Signs advertising a product for sale on the premises shall be permitted if the advertising of the product forms a part of the sign advertising the Dewey Beach business.
- J. A group of stores, as in a mini-mall, shall be permitted one freestanding sign naming the center or mall and listing the businesses. This sign shall not exceed 25 feet in height nor more than 60 square feet in area. In addition, each business located in the center shall be permitted one sign attached or painted on the building.
- K. Included within the calculation of permitted sign area as described in Subsections C, D, E, F, G, H and J hereinabove are temporary signs, banners, flags, menu boards, and posters as more particularly defined in § 185-27. The calculating of total square footage of all such permanent and temporary signs shall not exceed the permitted square footage. Temporary signs, posters and banners may be placed directly over permanent signage so as not to increase the total square footage of the sign area.

§ 185-33. Nonconforming signs maintained.

In any district, any sign in existence as of the passage of this chapter which does not comply with the provisions of this chapter may be maintained subject to the provisions of Article IX, Nonconformities.

§ 185-34. Temporary political signs.

Temporary political signs shall be permitted in all districts two months prior to election and one week after election if:

- A. Placed on private property only, with the owner's permission.
- B. Not in excess of seven square feet in size, except in the Business District signs shall not exceed 32 square feet in size.
- C. Not placed on the public right-of-way

Commented [MOU39]: From this point forward "sign" mentioned in other sections.

Everything Below this is not in the Sign section but address some sign issue

§ 21-1 Incorporation of state law.

The following sections of Title 21 of the Delaware State Code, as amended from time to time, are hereby incorporated into the Municipal Code of the Town of Dewey Beach:

Section 5. Marking of Highways and Erection of Traffic Signals and Other Signs

§ 80-12 Smoking.

[Added 5-11-2013 by Ord. No. 702]

Commented [MOU40]: Town Hall question was this done in 2013. Who keeps up the signage in town.

C.

Signage. The Town shall place signs visible to the public in appropriate areas at or near the entrance(s) to those areas where smoking is prohibited.

Chapter 108: Handbills

§ 108-13 Distribution of handbills prohibited where premises properly posted.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by anyone thereon not to do so or if there is placed on such premises in a conspicuous position near the entrance thereto

§ 185-32

a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement" or any similar notice indicating in any manner that the occupants of such premises do not desire to be annoyed or to have their right of privacy disturbed or to have any such handbills left upon their premises.

§ 185-33

§ 158-12 Street entrance permits.

A.

Prior to the issuance of a building permit for multifamily projects over two units, or for a commercial project, the applicant shall first obtain approval of his entranceway design from the appropriate agency in charge thereof. Entranceways and associated curbing, grading, and parking shall be physically complete prior to the issuance of a certificate of occupancy on more than 50% of the units. Paving and sign erection may be completed subsequent to issuance of the final certificate of occupancy.

§ 185-23 NR Neighborhood Residential District.

A. Purpose of the district. The purpose of this district is to provide for medium-density residential development, together with such churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings.

(i)

Signs and displays. No display of any products or operations that would create external evidence of the operation of the home occupation is permitted. No more than one nameplate sign no larger than 1.5 square feet in area displaying the name and street address of the occupant of the property and name of the permitted home occupation is permitted. No marked service vehicle, trailer or other equipment used in conjunction with the home occupation shall be parked on the property or contiguous street right-of-way so as to identify, advertise or otherwise attract attention to the home occupation.

(i)

One sign no larger than seven square feet identifying the bed-and-breakfast and availability of rooms to let shall be permitted. No internal illumination of sign shall be permitted, nor shall moving, blinking or neon signs be permitted.

F.

Permitted signs: all signs permitted by § 185-29, but limited in area to seven square feet, and signs permitted within the NR District by § 185-31.

H.

Reference to additional regulations. The regulations contained in this section are

:

§ 185-33
supplemented or modified by regulations contained in other articles of this and other chapters of the Town's municipal code, especially the following:

(1)

Article V, General **Sign** Regulations.

§ 185-34

§ 185-24RR Resort Residential District.

A.

Purpose of the district. The purpose of this district is to provide for residential development of greater density than that provided for in an NR District, together with low-impact community and municipal functions and servicing of adjacent resort business properties owned by the same person, corporation or entity. See Table 1, Uses in Residential Districts.Ⓜ

F.

Permitted **signs**: all **signs** permitted by § **185-29**, but limited in area to seven square feet, and **signs** permitted within the RR District by § **185-31**.

H.

Reference to additional regulations. The regulations contained in this section are supplemented or modified by regulations contained in other articles of this and other chapters of the Town's municipal code, especially the following:

(1)

Article V, General **Sign** Regulations.

§ 185-26.1PRB-1 Planned Resort Business District-1.

A.

Purpose of the district. The purpose of this planned resort business overlay is to allow overall commercial and/or mixed-use development for a large block of land rather than requiring separate commercial and/or mixed-use structures on individual lots. This overlay will permit large-scale entirely commercial or mixed-use developments as a means of creating a superior business and living environment through unified developments of large contiguous tracts of land and to provide for the application of design ingenuity while protecting existing and future developments when determined to be for the public welfare, safety and benefit.

G.

Permitted **signs**: all **signs** as permitted by Article V regarding signage for the RB-1 District.

§ 185-32

§ 185-33

§ 185-38 **Design standards.**

D.

Marking. Except for parking on a single-family lot, all parking spaces in residential and/or commercial parking areas shall be marked by painted lines or curbs or other means to indicate individual spaces. **Signs** or markers shall be used as necessary to ensure efficient traffic operation of the lot.

Town of Dewey Beach, DE / The Code / Part III: Land Use and Zoning / Zoning

Article VIII **Supplementary Height, Area and Bulk Regulations**

185-50 **Corner visibility.**

No **sign**, fence or wall, or shrubbery or any obstruction to view (excepting parked motor vehicles with valid registration) extending to a height in excess of three feet above the established street grade shall be erected, permitted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 15 feet distant from the intersection of the street lines.

§ 185-56 Nonconforming use of land and buildings.

§ 185-56 Nonconforming use of land and buildings.

§ 185-57 **Nonconforming signs.**

§ 185-57 **Nonconforming signs.**

A.

In any district, any **sign** and any supporting structure, other than the building, in existence as of January 10, 2009, which does not comply with the provisions of this chapter shall be deemed a nonconforming **sign**. Such nonconforming **sign** may continue in operation and may be repaired, modified, and replaced so long as the overall size of the structure is not increased and the nonconformity not increased.

B.

:

§ 185-33

If a nonconforming **sign** is destroyed by any means to an extent of more than 50% of its size, it shall not be reconstructed except in compliance with the provisions of this chapter.

C.

Signs advertising out-of-Town businesses, existing prior to the adoption of this chapter, may remain for a period not to exceed two years following the effective date of this chapter, but then must be removed, except that out-of-Town realtors may continue to advertise Dewey Beach property with portable **signs** specified above.

§ 185-34

§ 185-86 **Land development and construction requirement**

(d)

The Town shall be notified prior to each of the following phases of work so that it or a qualified representative may inspect the work relating to road subgrade, curb and curb forms, curb and gutters, roadway paving, sidewalk forms, sidewalk, drainage pipes and other drainage construction, street name **signs**, monuments, stormwater basins, topsoil and seeding, and plantings.

[Town of Dewey Beach, DE / The Code / Part II: General Legislation](#)

Chapter 75 **Buildings, Numbering of**

Result 20 of 55 *signs* ([Return to Results](#)) ([Clear Search](#))

[Next Result](#)

Article II **Applicability of County Standards**

[Adopted 12-6-2008 by Ord. No. 635]

§ 75-5 **Recommendations.**

The Sussex County Addressing Department will recommend to the Town standards for naming roadways, posting street **signs** and assigning numbers to all dwellings, principal buildings, businesses and industries, to assist emergency service agencies, the United States Postal Service and the public in the timely and efficient provision of services to residents and businesses of the Town of Dewey Beach.

Article I **General Fee Schedule**

[Last amended 1-8-2005 by Ord. No. 527]

Building permits and requests; limousines business licenses.

§ 185-32

A.

Building permits: 3% of the total construction cost for all required permits, with a \$50 minimum permit fee.

B.

Fifty cents per square foot of sign area, but not less than \$50 per sign.

H.

Fences, signs, driveways in excess of \$100, including flag poles, towers, sidewalks, and paved patios: \$30.

158-3 Public parking

No person shall park a vehicle on the public streets in the Town of Dewey Beach in violation of the official traffic control signs regulating parking. Where there are no signs regulating parking, parking shall be parallel to the street's right-of-way in accordance with state regulations and statutes.

§ 158-4 Permits required; unauthorized permit.

[Amended 5-9-1992 by Ord. No. 231; 12-12-1992 by Ord. No. 249; 7-9-1993 by Ord. No. 270; 8-13-1993 by Ord. No. 272; 4-20-1996 by Ord. No. 346]

A.

No person, during the summer season, as defined in Chapter 1, Article III, and herein below, shall park any vehicle on any unmetered zone of any public right-of-way from the hours of 10:00 a.m. to 5:00 p.m. and 11:00 p.m. to 2:00 a.m. the following each day on Mondays, Tuesdays, and Wednesdays, and from the hours of 10:00 a.m. to 2:00 a.m. the following day on Thursdays, Fridays, Saturdays, and Sundays unless a valid parking permit is appropriately displayed on the vehicle and unless official traffic control signs otherwise permit or regulate.

§ 185-69 Conditions attached to approvals.

Where, in these regulations, special exceptions are permitted, provided they are approved by the Board of Adjustment, and where the Board of Adjustment is authorized to decide appeals or approve certain uses, and where the Board of Adjustment is authorized to approve variances, such approval, decision, or authorization shall be limited by such conditions as the case may require, including the imposition of any of the following specifications:

A.

No outside signs or advertising structure except professional or directional signs.

B.

§ 185-33

Commented [MOU41]: Jim please explain.

Commented [MOU42]: Jim please explain.

Commented [MOU43]: The whole section on public parking and signs should be under Public Parking and not be moved to sign section even though

§ 185-33

Limitation of signs as to size, type, color, location or illuminations.

§ 185-34

Disposition of Legislation on Signs in title
Ordinance 610 – 3-8-2008, Approval of
freestanding sign

Ord. No. 748 – New Law May 11, 2019

the miniature golf facility shall be restricted in height in accordance with limits
imposed by the sign ordinance and as proposed in applicants testimony and
application materials; F. Outside amplified ...

Proposed Areas To Discuss / Change
Chapter 185, Article 6 Off-Street Parking, 185-35-38

Easy Low Hanging Fruit Items

Section 185-35. A. (1)

Change: "...a minimum number of off-street parking spaces equal to the sum of two spaces allocated for the first three bedrooms plus one additional space per additional bedroom."

To: "...a minimum number of off-street parking spaces equal to the requirements as specified in Table 2."

Section 185-35. A. (2)

Change "Operation of a bed-and-breakfast inn shall require one off-street space for every two dedicated bed-and-breakfast inn bedrooms in addition to such spaces as are required under residential parking requirements for the private portion of the home or townhouse."

To: "...shall require a minimum number of off-street parking spaces equal to the requirements as specified in Table 2."

Sections 185-35. A. (3) – (6)

Changed similar as above

Issue: 185-35. A. (5) conflicts and is confusing with 185-35. B. (1), (2), and (3)

For all the items in 185-35. A. (1)-(6), there is a corresponding item in Table 2. However, 185-35. B.(1), (2), and (3) seem to be a catch all for "other commercial". The issue is that 185-35. A. (5) is ALSO a catch all for "other commercial", and there are no corresponding Table 2 entries for B. (1), (2), and (3).(See below)

A. (5) reads "Dedicated patron use. Operation of commercial uses other than restaurant, convention center, office, public or institutional uses shall require one space dedicated to patron parking per 200 square feet of patron area."

B. (1) – (3) read

(1) Where 5,000 square feet or more are assigned for patron use, including open deck, one space for each 100 square feet assigned for patron use shall be required.

(2) Where less than 5,000 square feet but more than 2,000 square feet are assigned for patron use, including open decking, one space for each 400 square feet assigned for patron use shall be required.

(3) Where 2,000 square feet or less are assigned for patron use, including open deck, there shall be no off-street parking requirements

Rationale: The amount of parking should only be defined in one place to avoid confusion. But it needs to be referenced here I presume to 'activate' the application of Table 2? Especially for residential as the 'altered' language is key. Should the 'altered' language also be included for commercial for consistency?

Commented [DSK1]: This addresses a known conflict between 185-35 and Table 2, which we heard about as being a problem from the Town Manager at our first meeting.

When sending this to me Dave J. raised the question as to the role Table 2 should play in the zoning code, e.g., to summarize all standards in Chapter 185 (which would result in duplication of all standards) or to be the one place to put all such standards.

More Complex Items:

(My thoughts on these items are that the code committee discuss, and then get feedback from commissioners and / or P&Z rather than proposing a change upfront).

Section 185-38. B.

Drainage and maintenance. Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. All new exterior parking areas, except underground or multilevel parking lots, shall be paved in a manner so as to create a permeable paving surface. Off-street parking areas shall be maintained in a clean and orderly condition at the expense of lessee or of the owner and shall not be used for the sale, repair, or dismantling or servicing of any vehicles, equipment, materials or supplies.

Thoughts: The code is saying all off street parking is required to be “paved”. If the intent is only for commercial (RB) zoned parking to be “paved”, the code should say so. If a different standard for residential is desired (such as Paving permeable, and gravel is acceptable, but dirt and sand are not acceptable the code should say so.).

Section 185-38 Missing a standard

Thoughts: A design standard is missing for residential parking which specifies whether not ‘stacked’ (or Tandem as it is frequently called) design of spaces is allowed. And if it is allowed, by how many spaces can parking be stacked? By the standards as written a home requiring 4 parking spaces, could simply “Stack” 4 spaces in a single row down a side yard.

Things Related to Parking, but not in Article VI
CH 158

Thoughts: Chapter 158 “Streets and Driveways” is not part of the zoning code section. Regardless of whether it stays here or not, the zoning code is silent on whether a property owner can pave the right of way from the street to their property line. Whether this is allowed or not should be specified somewhere, and when specified it should include differentiation as needed between commercial and residential districts, and what surfaces and permeability are allowed.

Article XII Design Guidelines 185-87 Streets and rights-of-way Item H. Driveways

Issues:

By prohibiting all driveways within 50’ of an intersection, corner lots where the “short side” of the lot is desired for a driveway, cannot have one at all. In fact, they could not meet the parking requirement unless for example they put a driveway in Bayard or on King Charles in the NR district.

Recommendation: Consider changing 185-87. H. to “**Driveway** entrances may be constructed no closer than 50 feet to any intersection, *except where a residentially zoned lot in question abuts the intersection a single driveway may be placed beginning 30’ from the intersection on a street so long as that street is not DE Rt 1, or King Charles Ave*”

(We should address any potential safety concerns , especially with lots abutting busier streets).

§ 185-5. Reference to district names.

A. The term "flood-prone areas" shall include all areas within the onehundred-year floodplain, including FEMA-designated VE, AE and AO flood zones. Almost all of the properties in RR, RB-1, RB-2 and RB-3 lie in flood-prone areas. [Amended 1-11-2014 by Ord. No. 708]

B. The term "**residential**" used in reference to zoning districts shall include NR Neighborhood Residential and RR Resort Residential Districts unless otherwise indicated. **Should we also include Mixed Use areas where residences are included?**

C. The terms "commercial," "business" or "resort business" used in reference to zoning districts shall include all resort business districts, RB-1, RB-2 and RB-3 Districts, unless otherwise indicated.

§ 185-13. Prior construction of accessory building.

No accessory building/**trailer?** shall be constructed upon a lot for more than six months prior to beginning construction of the main building. No accessory building/**trailer?** shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction.

§ 185-21. Smoke detectors.

Every bedroom and sleeping area in a dwelling, including a single-family detached dwelling or dwelling unit within a multifamily dwelling or mixed-use multiunit building, and every guest room in a motel, hotel, bed-and breakfast, or other similar provider of temporary accommodations shall be provided with an approved smoke detector that is hard-wired into the building's electrical system and provided with battery back-up as per applicable fire and building codes, and installed in accordance with manufacturer's recommendations. When activated, the detector shall emit an audible alarm. The smoke detectors shall be tested in accordance with and meet the requirements of Underwriters Laboratories #217, Single and Multiple Smoke Detectors. **Should Carbon Monoxide Detectors be included?**

~~185-25. RB-1 Resort Business District. 185-24 RR Resort Residential District~~

F. Permitted signs: all signs permitted by § 185-29, **but limited in area to seven square feet**, and signs permitted within the RR District by § 185-31.

G. Height, area and bulk requirements. See Table 2, Bulk Zoning Standards in All Districts.6

H. Reference to additional regulations. The regulations contained in this section are supplemented or modified by regulations contained in other articles of this and other chapters of the Town's municipal code, especially the following:

(1) Article V, General Sign Regulations.

(2) Article VI, Off-Street Parking.

Commented [DSK1]: This language is unique to 185-23 and 185-24, but not 185-25.

- (3) Article VII, Conditional Uses.
- (4) Article VIII, Supplementary Height, Area and Bulk Regulations.
- (5) Article X, Board of Adjustment.
- (6) Definitions contained in Chapter 1, Article III.
- (7) Restrictions specific to development in flood-prone areas (including FEMA-designated VE, AE and AO flood zones) contained in Chapter 101, Article IV. [Amended 1-11-2014 by Ord. No. 708]

185-25. RB-1 Resort Business District.

A. Purpose of the district.

(1) The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities. This district permits the most intense development of such activities. Its features include structures that are both entirely dedicated to commercial use or mixed-use structures with floor area square footage of not less than 1/3 commercial land use and not greater than 2/3 residential land use. Single-family detached dwellings and buildings or structures dedicated to residential uses are prohibited.

(2) Relaxed bulk standards (setbacks, lot coverage, etc.) are available for contiguous tracts consisting of at least 80,000 square feet (is this something you wish to look at?) with a detailed commercial, mixed-use, and multifamily dwelling land use development plan review as an overlay district or alternate method of development, provided that there is public access to all common areas of the development and any waterfront area shall be for public use. Commercial land use is required on the first floor (or, if the first floor is substantially below grade, the street-level floor) in all structures within a mixed-use overlay district

Commented [DSK2]: This subsection was deleted by ordinance 749 in 2018.

Table 3

Uses in Resort Business Districts Should boxes be checked for permissible expansions?

§ 185-25

(3) No new hotels/motels. Defined as any business providing lodging for transient patrons and regulated under Delaware State Code Chapter 81 -§ 6101, Definitions - Hotel and Motel Add? _____, no new hotels or motels shall be permitted in the Town of Dewey Beach per Ordinance No. 430 enacted 4/8/2000. Existing hotels/motels shall conform to the following: [Added 1-9-2016 by Ord. No. 724]

185-25.2. RB-3 Resort Business District-3.

(2) Relaxed bulk standards (setbacks, lot coverage, etc.) are available for contiguous tracts consisting of at least 80,000 ? square feet with a detailed commercial, mixed-use, and detached single-family and/

Commented [DSK3]: Ditto

or dedicated multifamily residential land use development plan review as an overlay district or alternate method of development,

Table 3, permitted uses

Signs larger than 85 square feet on a single surface (ok in all business districts)??

Definitions

Driveways should be spelled out and specified as to dimensions. Do we want to clarify how they are to be constructed? We really have no clear defined construction requirements other must be defined area and have to be permeable. 9 x 18 ft. is what the town considers. Is parking on grass driveway a driveway?

Entrances to property specify that you can have two, 10ft or one 20ft. entrance to your property. This seems to work well for 50 x 100ft properties. May not work well in all districts, eg. (Planned residential and business districts). This might need a closer look.?

§ 185-21Smoke detectors.

Every bedroom and sleeping area in a dwelling, including a single-family detached dwelling or dwelling unit within a multifamily dwelling or mixed-use multiunit building, and every guest room in a motel, hotel, bed-and-breakfast, or other similar provider of temporary accommodations shall be provided with an approved smoke detector that is hard-wired into the building's electrical system and provided with battery back-up as per applicable fire and building codes, and installed in accordance with manufacturer's recommendations. When activated, the detector shall emit an audible alarm. The smoke detectors shall be tested in accordance with and meet the requirements of Underwriters Laboratories #217, Single and Multiple Smoke Detectors.

Question: *The International Building Code requires Carbon Monoxide alarms to be installed in all buildings with Residential occupancies (i.e., single family dwellings, duplexes, hotels, etc.) which contain a fuel-burning appliance or an attached garage. IBC 908.7 & IRC 315.*

Could the Town Code be expanded to include Carbon Monoxide alarms in order to possibly provide additional safety for homeowners, renters?

§ 185-51Accessory buildings and structures.

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]

Questions: *In light of the Federally mandated Stormwater Management requirements, will only driveways, parking spaces or sidewalks NOT be allowed to be impervious?*

§93-1 H speaks of 'paved' patios. Are the patios pervious or impervious?

Does 'resealing' an existing driveway constitute replacing "with impervious materials" thus creating an impervious surface?

FUTURE CODE REVISION CONSIDERATIONS

185-35. Off-street parking requirements.

- A. (1) Residential parking requirements. Every dwelling unit in a residential structure, whether a detached single-family detached dwelling or one of several dwelling units in a multifamily residential or mixed-use structure, in each zoning district shall require a minimum number of off-street parking spaces equal to the sum of two spaces allocated for the first ~~three~~ **four** bedrooms plus one additional space ~~per~~ **each** additional **two** bedrooms.

This corresponds to Table 2 Zoning “Residential parking requirements

Table 2 Under Zoning District

~~Maximum~~ **Minimum** floor area per dwelling unit (multiunit structure) 1,200 square feet of living area (including covered decks in the floor area calculation, but not including the floor area of open decks and adjacent storage areas)

§ 185-59

Damage or destruction of nonconforming use or building.

[Amended 1-11-2014 by Ord. No. 710]

If a nonconforming building is damaged by fire, storm, infestation, or other peril not caused intentionally by the property owner, it may be repaired or reconstructed to essentially the same configuration as existed prior to the damage, provided that application for all required building permits be made within one year and six months of the date of the damage. If a different configuration or an expansion of the original building is proposed, it must conform to all applicable regulations, including all applicable setbacks, height and elevation requirements.

A.

Except that in the process of repairing or reconstructing **a non-residential or** residential-use structure located in a flood-prone area (e.g., a FEMA-designated VE, AE, or AO flood zone) that does not conform to the required setbacks in any respect and does not meet Town building-elevation standards and has suffered substantial damage, said structure shall be elevated to the relevant minimum building-elevation requirement as per § 185-60B of this chapter.

§ 185-80 C

Building permits shall be valid for one year from date of issue and may be renewed on each anniversary date thereafter for the fee of \$50. Failure to renew shall void the permit. (NOTE: This section deals with flood zone properties)

§71-3 G. Building permits shall be valid for one year from date of issue, and may be renewed one time for one additional year for a fee of \$50, provided renewal is applied for prior to expiration date, except in extraordinary circumstances, an additional renewal may be allowed subject to Commissioners approval.

[Added 7-15-1988 by Ord. No. 121; amended 9-12-1992 by Ord. No. 245]

185-80 C and 71-3 G. need to be reconciled

Other things to consider:

No Swimming pools in front yard in NR district

Eliminate half story in NR district and consider a reduced FAR to .67 or .7

Consider reducing the number of bedrooms in NR District

Consider using the ICC- Building Valuation Code as a check on construction costs for permit fees. This is a national standard applied to construction costs. Construction costs in Dewey Beach would use this calculation to check against construction costs provided by the property owner/contractor. Local costs in Beach Resorts typically will exceed this ICC Building Valuation Code.

§ 185-75. Procedures for approval of site plan.

Site plan review and approval from the Town Commissioners shall be required for the development of two dwelling units or any mixed-use structure.

- A. Where the provisions of this chapter require the submittal of site plans, the following schedule of procedure shall apply: A submission for subdivision or land development approval shall be considered a duly filled application only when all required information, including plans, studies, forms, permits, completed application, and fees, is submitted to the Town Commissioners. The Town shall have ~~five~~ (20 days due to 5 days not sufficient for a reasonable view) working days from the date of the submission to check the submission to determine if, on face value, it is in proper form and contain the required information. If complete, the date of the submission shall be considered the date the application was duly filed. If the submission is found to be incomplete or defective, a statement of rejection itemizing the deficiencies will be mailed to the applicant within five working days and the submission will be returned. Acceptance for filing shall not constitute a waiver of any deficiencies or irregularities. The applicant may appeal a decision made under this section to the Town Commissioners. Submissions for approval of a

subdivision or land development plan shall be submitted to the Town Building Code Official during normal working hours. The Town Building Code Official, upon completion of his acceptability review, will then send copies of the submission to the Town Planner and Town Commissioners for review.