

POTENTIAL AREAS OF NEEDED CHANGE TO THE DEWEY CODE

1.

§ 71-5 Other requirements.

B.

No application for a **building permit** shall be reviewed unless all required **application fees** are paid.

§ 93-1 Building permits and requests; limousines business licenses.

C.

Building permit **application fee**:

(1)

For projects having an estimated permit cost up to \$150: \$50.

(2)

For projects having an estimated permit cost of more than \$150: \$150.

§ 71-3 Building permits.

H. Applications for building permits, when accompanied by the **required application fee**, shall remain valid for a period not to exceed 90 days from date of acceptance.

Questions: *Is this fee to be collected?*

How apply this to §71-4 D: A building permit shall not be required for normal maintenance requiring less than \$1,000 of material costs. [Amended 6-9-2006 by Ord. No. 573]

2.

§ 93-1 Building permits and requests; limousines business licenses.

A.

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

H.

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

L.

Entranceway permits: \$10.

Question: *What is the amount to be collected if the project is for a fence or patio?*

3.

§ 185-51 Accessory 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?

4.

§ 173-2 Removal of trees.

A.

Trees with a circumference of less than 20 inches measured one foot above ground level or trees that are not recognized by the Town as a **native species** may be removed without a permit.

Questions: *Define 'native trees'. It is assumed native to Town of Dewey, State of Delaware or native to the continental US?*

Are 'native trees' protected in the Town regardless of the circumference?

Any tree (native or otherwise) and <20" in circumference is able to be removed without a permit?

C.

The Town Code Enforcement Official shall only permit the removal or destruction of a tree if:

(2)

The removal or destruction of the tree is required to protect persons or property from **immediate harm**; or

Questions: *Immediate harm is not defined.*

From whose perspective is the 'immediate harm' classified or determined?

Is there a time frame for 'immediate harm' to property?

5.

§ 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.

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?

6.

ZONING 185 Attachment 1 Town of Dewey Beach

TABLE 2 BULK ZONING STANDARDS IN ALL DISTRICTS [Amended 5-9-2015 by Ord. No. 718]

Maximum 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)

Question: *Is 1200 sf the maximum?*

7.

HALF-STORY

A partial story located above a full story and underneath a sloping roof, where the roof planes intersect two opposite exterior walls at a height of no more than three feet above the half-story floor level, and window dormers or other projections out from this roof plane do not exceed more than 50% of the horizontal length of the roof, measured along both opposite roof planes at three feet above the half-story floor level or higher. In addition to where the term "half-story" appears in the code, this definition applies in the context of references to "2 1/2 stories" appearing in Table 2, Bulk Standards in all Districts.

[Amended 7-13-2018 by Ord. No. 743]

Comment: *This wording and concept is quite difficult to interpret, to enforce.*

8.

§ 185-30 **Signs prohibited in all districts.**

A.

Signs lighted in any manner which may constitute a traffic hazard or be a nuisance.

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.

Questions: *In §1-16 Definitions, the word nuisance is not defined nor is there a statement (within this section) alluding to if the word is not defined then the dictionary definition prevails. [In §1-15 (General rules of Construction) item E does state “ Words and terms not defined herein shall be interpreted in accord with their normal dictionary meanings and customary usage.” However, this is applicable to construction.] Does §1-15 E also apply to §1-16?*

Digital signs can change no more than 4 times per day however, the time and temperature if on the sign can fluctuate significantly. The business owner may want to advertise their business and products in addition to the time / temperature or perhaps a ‘welcome to Dewey’ holiday message. This wording and concept is difficult to interpret, to enforce.