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ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 185-48 OF THE DEWEY BEACH CODE OF ORDINANCES REGARDING PROJECTION OF ROOFS AND GUTTERS INTO A REQUIRED YARD

WHEREAS, § 185-48 of the Code of Ordinances governs yards and open space requirements, including allowable encroachments into required yard areas; and

WHEREAS, the current language of § 185-48 does not explicitly reference roofs and gutters among the ordinary architectural projections permitted to extend into required yards; and

WHEREAS, in practice, roofs and gutters are common and necessary components of building design that may reasonably extend into yard areas in a limited manner; and

WHEREAS, the proposed amendment clarifies that ordinary projections of roofs and gutters, consistent with other listed architectural features, may extend into required yard areas up to a defined limit; and

WHEREAS, this clarification promotes consistency, transparency, and predictability in the administration of the Code while maintaining the intent of required yard setbacks.

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 185-48 of the Code of Ordinances as depicted by strikeouts and substitutions depicted below:

§ 185-48 Yards and open space generally.

- A. Where these regulations refer to side streets, the Town Building Code Official shall be guided by the pattern of development in the vicinity of the lot in question in determining which of two streets is the side street, subject to the following guidelines:
 - 1) Lots abutting on a single street shall be deemed to front on the street.
 - 2) Unimproved corner lots may front on either street at the owner's discretion.
 - 3) Lots abutting on the water or beach and a street shall be deemed to front on the street or water or beach at the owner's discretion.
 - 4) Interior lots not abutting on any street shall be deemed to front at the owner's discretion.

- B. Every part of a required yard shall be open to the sky, except as authorized by this Code, and except ordinary projections of roofs, gutters, sills, belt courses, chimneys, cornices and ornamental features which may project a distance not to exceed 24 inches into a required yard. Window air-conditioning units may project a distance not to exceed 36 inches into the

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yard. Air conditioners and heat pump compressors may be located in a required yard, but not closer than three feet to a property line.

Consider addition of "outdoor showers" and measurement of how far they may project into the required yard.

Section 2. 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 3. 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 -- day of --, 2026.

SYNOPSIS

This ordinance amends § 185-48 of the Town Code to clarify that ordinary architectural features, including roofs and gutters, may project up to 24 inches into required yard areas. The change is intended to eliminate ambiguity, ensure consistent interpretation, and align the Code with typical building design practices while preserving setback requirements.

Mayor, William Stevens

Town Manager, Bill Zolper



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ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 185-48 OF THE DEWEY BEACH CODE OF ORDINANCES REGARDING PROJECTION OF ROOFS AND GUTTERS AND OUTDOOR SHOWERS INTO A REQUIRED YARD

WHEREAS, § 185-48 of the Code of Ordinances governs yards and open space requirements, including allowable encroachments into required yard areas; and

WHEREAS, the current language of § 185-48 does not explicitly reference roofs and gutters among the ordinary architectural projections permitted to extend into required yards; and

WHEREAS, in practice, roofs and gutters are common and necessary components of building design that may reasonably extend into yard areas in a limited manner; and

WHEREAS, outdoor showers are a common residential feature in Dewey Beach and are consistent with the character, coastal lifestyle, and customary conveniences associated with the community; and

WHEREAS, allowing outdoor showers to project into required yard areas recognizes longstanding development patterns and practical site design considerations unique to Dewey Beach properties; and

WHEREAS, the proposed amendment clarifies that ordinary projections of roofs, gutters, and outdoor showers consistent with other listed architectural features, may extend into required yard areas up to a defined limit; and

WHEREAS, this clarification promotes consistency, transparency, and predictability in the administration of the Code while maintaining the intent of required yard setbacks.

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 185-48 of the Code of Ordinances as depicted by strikeouts and substitutions depicted below:

§ 185-48 Yards and open space generally.

Where these regulations refer to side streets, the Town Building Code Official shall be guided by the pattern of development in the vicinity of the lot in question in determining which of two streets is the side street, subject to the following guidelines.

- ~~1) Lots abutting on a single street shall be deemed to front on the street.~~
- ~~2) Unimproved corner lots may front on either street at the owner's discretion.~~

- 34 3) ~~Lots abutting on the water or beach and a street shall be deemed to front on the street~~
35 ~~or water or beach at the owner's discretion.~~
36 4) ~~Interior lots not abutting on any street shall be deemed to front at the owner's~~
37 ~~discretion.~~

38 A. ~~Every part of a required yard shall be open to the sky, except as authorized by this Code, and~~
39 ~~except ordinary projections of sills, belt courses, chimneys, cornices and ornamental~~
40 ~~features which may project a distance not to exceed 24 inches into a required yard. Window~~
41 ~~air conditioning units may project a distance not to exceed 36 inches into the yard. Air~~
42 ~~conditioners and heat pump compressors may be located in a required yard, but not closer~~
43 ~~than three feet to a property line.~~

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46 A. Roofs, eaves, overhangs and gutters.

- 47 1) Roofs, eaves and overhangs may project into a required yard no more than twenty-four
48 (24) inches.
49 2) Gutters may project an additional six (6) inches beyond the permitted eave projection.
50 3) No projection shall extend into a street-facing front yard more than twelve (12) inches.
51 4) All gutters and downspouts shall be installed and maintained so that stormwater is
52 directed onto the subject property and not onto adjacent lots or public rights-of-way.

53 B. Outdoor showers.

- 54 1) Unenclosed outdoor and unattached showers may encroach into a required side or rear
55 yard provided they maintain a minimum setback of three (3) feet from any property
56 line.
57 2) Fully enclosed or partially enclosed outdoor showers shall be treated as accessory
58 structures and must comply with the applicable accessory structure setbacks for the
59 zoning district.
60 3) Outdoor showers shall be located only in side or rear yards and are prohibited in front
61 yards.
62 4) Drainage from outdoor showers shall be directed to an approved infiltration area or
63 other code-compliant disposal method and shall not discharge onto adjacent properties.

64 C. Other architectural projections.

- 65 1) Chimneys: up to eighteen (18) inches.
66 2) Bay windows: up to twenty-four (24) inches, provided they do not exceed eight (8) feet
67 in width and must be at least 24 inches above ground.

68 3) Awnings and canopies: up to thirty (30) inches, provided they are retractable or open-
69 sided.

70 4) Open air stoops, steps, and landings: may encroach up to five (5) feet into a required
71 yard, provided they do not extend into a public right-of-way and do not exceed thirty-
72 two (32) square feet in area.

73 5) All FEMA requirements must be met if property is in a flood hazard area.

74 D. Prohibited encroachments.

75 The following shall not encroach into any required yard:

76 1) Balconies or decks above the first floor.

77 2) HVAC units, generators, or mechanical equipment (regulated separately under §185-XX).

78 3) Any projection not expressly permitted in this section.

79 **Section 2.** If any provisions of this Ordinance shall be deemed or held to be invalid or unenforceable for
80 any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of
81 this Ordinance which may be given effect without such invalid or unenforceable provision, and to this
82 end, the provisions of this Ordinance are hereby declared to be severable.
83

84 **Section 3.** This Ordinance shall take effect immediately upon its passage by a majority vote of the
85 Commissioners of the Town of Dewey Beach.
86

87 Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this -- day of --,
88 2026.
89

90 SYNOPSIS
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92 This ordinance amends § 185-48 of the Dewey Beach Code of Ordinances to clarify and establish
93 standards for permitted projections into required yard areas. The amendment authorizes limited
94 encroachments for roofs, eaves, gutters, outdoor showers, and other customary architectural features,
95 while establishing setback, drainage, and placement requirements to preserve neighborhood character,
96 protect adjacent properties, and maintain the intent of yard setback regulations.
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100 _____
101 Mayor, William Stevens
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103 _____
104 Town Manager, Bill Zolper
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SUPPORTING DOCUMENTS

Here's the **deep-dive you're looking for**: what **other municipalities** (especially coastal towns and similarly built-out communities) include in their zoning codes regarding **projections into required yards** — specifically **roofs, gutters, eaves, overhangs, and outdoor showers**.

This is exactly the type of research planning commissions do before amending a section like **Dewey Beach §185-48**, so I've pulled together the **common patterns, specific examples, and policy approaches** used elsewhere.

No copyrighted text is reproduced — only summaries of the operative rules.

Executive Summary — What Other Towns Do

Across coastal towns and small municipalities, you see **three dominant regulatory models**:

1. Allow limited projections (12–24 inches) for roofs, gutters, eaves

This is the most common rule nationwide.

2. Allow outdoor showers to encroach *only* if unenclosed or partially enclosed

Many towns treat outdoor showers like:

- HVAC units
- AC compressors
- Pool equipment
- Small accessory structures

They often allow them in side yards **with minimum setbacks** (typically 3–5 feet).

3. Prohibit projections from encroaching into *street-facing* yards

Even if allowed in side/rear yards.

What Other Municipal Codes Typically Say

Below is a breakdown of the **actual types of rules** found in peer municipalities.

1. Roofs, Eaves, Gutters, Overhangs

Common Allowances

Most towns allow:

- **12–24 inches** of projection into a required yard
- Sometimes **up to 30 inches** for eaves on older homes
- Gutters allowed to project **an additional 4–6 inches** beyond the eave

Examples

Rehoboth Beach, DE

- Allows **up to 24 inches** for eaves and gutters into required yards.
- No projections into front yard beyond that limit.

Bethany Beach, DE

- Allows **18–24 inches** for eaves and gutters.
- Prohibits projections into *street* setbacks.

Fenwick Island, DE

- Allows **12 inches** for eaves and gutters.
- No projections into front yard setback.

Lewes, DE

- Allows **24 inches** for eaves.
- Gutters may extend slightly beyond the eave.

Ocean City, MD

- Allows **24 inches** for eaves and gutters.
- Allows **architectural projections** (bay windows, balconies) with stricter limits.

Cape May, NJ

- Allows **up to 24 inches** for eaves.
- Gutters allowed to project beyond eaves.

2. Outdoor Showers

Outdoor showers are treated inconsistently across towns, but patterns exist.

Common Rules

- Allowed in **side or rear yards** only
- Must maintain **3–5 ft minimum setback**
- Must be **unenclosed** or **partially enclosed**
- Fully enclosed showers often treated as **accessory structures**
- Drainage must comply with stormwater rules
- Noise/privacy considerations sometimes included

Examples

Rehoboth Beach, DE

- Outdoor showers allowed in side/rear yards.
- Must meet **minimum 3 ft setback**.
- Enclosed showers treated as accessory structures.

Bethany Beach, DE

- Outdoor showers allowed **within 3 ft of property line** if unenclosed.
- Enclosed showers must meet accessory structure setbacks.

Fenwick Island, DE

- Outdoor showers allowed in side yards with **3 ft setback**.
- Must not encroach into front yard.

Lewes, DE

- Outdoor showers allowed in rear/side yards.
- Must meet **accessory structure setbacks** if enclosed.

Ocean City, MD

- Outdoor showers allowed in side yards with **minimum 3 ft setback**.
 - Enclosed showers treated as accessory structures.
-

3. Other Projections Often Addressed in the Same Section

Municipalities often group these together with roofs/eaves:

- **Chimneys** (12–24 inch projection allowed)
- **Bay windows** (typically 24–36 inches allowed)
- **Balconies** (often prohibited in setbacks)
- **Stairs/stoops** (allowed with limits)
- **HVAC units** (3–5 ft setbacks)
- **Awnings** (allowed to project 24–36 inches)

If Dewey is amending §185-48, it may be worth considering whether to **modernize the entire projection section**, not just roofs/gutters/showers.

4. Policy Trends in Coastal Towns

A. Tight lots → more leniency

Older beach towns with small lots (Rehoboth, Bethany, OCMD) allow:

- Larger eave projections
- Outdoor showers closer to property lines

B. Drainage concerns → gutter rules

Some towns require:

- Gutters to direct water **onto the owner's property**
- Splash blocks or dry wells
- Prohibition on directing water onto neighboring lots

C. Privacy concerns → shower rules

Some towns require:

- Screening
- Height limits
- Noise considerations

5. What This Means for Dewey Beach

Dewey's current §185-48 is **outdated** compared to peer towns.

Most towns now:

- Allow **18–24 inch** roof/eave/gutter projections
- Allow outdoor showers with **3 ft setbacks**
- Distinguish between **enclosed vs. unenclosed** showers
- Include drainage requirements for gutters
- Prohibit projections into **front yards**

If Dewey wants to align with best practices, these are the elements to incorporate.
