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ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 1, DEFINITIONS OF THE DEWEY BEACH CODE OF ORDINANCES REGARDING FRONT BUILDABLE AREA AND CHAPTER 185, ZONING RESTRICTING ACCESSORY STRUCTURES AND USES IN SPECIFIED BUILDABLE AREAS

WHEREAS, the Commissioners wish to clarify requirements for usage of the buildable area of a lot for accessory structures; and

WHEREAS, the Commissioners wish to define the usage accessory structures and uses in specified buildable areas; and

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

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows:

Section 1. Amend Chapter 1-16 of the Code of Ordinances as depicted by strikeouts and substitutions depicted below:

BUILDABLE AREA, FRONT

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

Section 2. Amend Section 185-51 of the Zoning Code of the Town of Dewey Beach by inserting a new subsection “H” as outlined below:

§185-51 Accessory buildings and structures.

H. In residential districts, no accessory structure or use that is prohibited in the required front yard of a lot may be located within the front buildable area.

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

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

43 Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this TBD day of
44 TBD, 2026.

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SYNOPSIS

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48 This Ordinance restricts structures and uses from being located in areas within the building envelope of
49 a lot and its required front yard.

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Mayor, William Stevens

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Town Manager, Bill Zolper

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