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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

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

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39 Consider addition of "outdoor showers" and measurement of how far they may project into
40 the required yard.
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43 **Section 2.** If any provisions of this Ordinance shall be deemed or held to be invalid or unenforceable for
44 any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of
45 this Ordinance which may be given effect without such invalid or unenforceable provision, and to this
46 end, the provisions of this Ordinance are hereby declared to be severable.

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

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51 Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this -- day of --,
52 2026.

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54 SYNOPSIS

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

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63 _____
64 Mayor, William Stevens

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68 Town Manager, Bill Zolper
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