Chapter 1 Article III of the Town Of Dewey Beach Municipal Code

ARTICLE III Definitions [Adopted 9-7-1984 as Ch. 2 of the 1984 Code]

§ 1-15. General rules of construction.

The general rules of construction shall apply to the regulations of this Code:

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| A. | The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary. |
| B. | Words used in the present tense include the past and future tenses, and the future the present. |
| C. | The word "shall" is always mandatory. The word "may" is permissive. |
| D. | The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure" and the word “structure” includes “building” |
| E. | Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage. |

§ 1-16. Definitions.

As used in this Code, the following terms shall have the meanings indicated:

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|  | ACCESSORY BUILDING — A subordinate building or a portion of the main building the use of which is clearly incidental to or customarily found in connection with the main building or principal use of the land and except as otherwise provided in this Code, located on the same lot or parcel as the main building or principal use of the land. |

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|  | ACCESSORY USE — A use which is clearly incidental to or customarily found in connection with the principal use of the premises and except as otherwise provided in this Code is located on the same lot or parcel as the principal use of the premises. When the term "accessory" is used in the Code it shall have the same meaning as "accessory use". Also referred to as ancillary use. |

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|  | AGGREGATE AREA OR WIDTH — The sum of two or more designated areas or widths to be measured, limited, or determined under the provisions of this Code. |

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|  | ALLEY — A narrow public or private thoroughfare, not exceeding 16 feet in width, which provides for pedestrian and limited vehicular access to abutting properties but is not intended for general traffic circulation. |
|  | ALLEY RETAIL –Retail type businesses for which customer access is via an alley.  ANCILLARY USE – See “accessory use”. |
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|  | Filling STATION – A retail establishment that provides retail sales of gasoline and diesel fuels and possibly provides routine motor vehicle services and operation of a convenience store. |

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|  | AWNING — A temporary or permanent non-load-bearing projection from a building designed to provide shade or protection from the elements and having a pitched surface which may not be used for any other purpose other than decoration or signage. |

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|  | BAR — A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include those facilities otherwise referred to as taverns, night clubs, private clubs, bottle clubs and similar facilities serving alcoholic liquor. No new bars shall be permitted. [Added 4-11-1992 by Ord. No. 228] |

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|  | BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides.. |
|  | BATHROOM, PUBLIC – A permanent bathroom facility which includes a private toilet area and a sink and which is available for used by the general public. Also referred to as a public restroom. |

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|  | BAY — A small gulf with an opening to the sea of less than 24 nautical miles; unless otherwise specified the term “bay” shall be taken as referring to Rehoboth Bay. |
|  | BEACH — That area of land and water where the Atlantic Ocean or Rehoboth Bay and the land of the Town meet at mean low tide and extending into the Ocean or Bay 100 feet and onto the land abutting the Ocean to the crest of the dunes and onto the land abutting the Bay to the paved roadway or the edge of any abutting private property. |

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|  | BED-AND-BREAKFAST — An owneroccupied private home in which up to four bedrooms are used to provide overnight accommodations and a breakfast meal for transient guests for compensation. |
|  | BILLBOARD – Any structure or portion thereof on which lettered or pictorial matter is displayed for advertising purposes, other than on a building or the grounds to which the advertising applies. |

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|  | BOARD — The Dewey Beach Board of Adjustment, unless specifically noted otherwise. |

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|  | BOAT — An open vessel over four feet in length primarily designed for traveling on water including but not limited to all vessels loosely defined as jet skis, canoes, kayaks, sailboats, catamarans, powerboats and rowboats, and rigid inflatable rafts but not including inflatable rafts used primarily by bathers within 50 feet of the ocean or bay shoreline. |



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|  | BUILDABLE AREA — Depending on usage: that part of a lot not included within the yards or open spaces required by Town Zoning Code or the square footage of the aforementioned area. |

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|  | BUILDABLE WIDTH — The width of that part of a lot not included within the yards or open spaces required by Town Zoning Code. |

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|  | BUILDING — Any structure having a roof supported by columns or walls and used primarily for the housing or enclosure of persons or property of any kind. |

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|  | BUILDING HEIGHT — The vertical distance from some specific reference point to the highest point of the building or structure not specifically listed in the “Exclusions to height restriction” standards in Chapter 185 Zoning Table 2. Bulk Standards in All Districts. For any property located in a special flood hazard area (SFHA) as designated on an effective Flood Insurance Rate Map (FIRM) this specific reference point shall be taken as the elevation defined by FEMA’s Base Flood Elevation plus Town mandatory freeboard. For any property outside such SFHAs this specific reference point shall be taken as the elevation of the crown of the roadway abutting the property, or alley accessway if there is no primary roadway, taken at the center point of the lot frontage, i.e., grade. |
|  | BOTTLE CLUB – A commercial establishment in which alcoholic liquors or mead (as those terms are defined in 4 Del. C. § 101) are not legally sold but are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term “bottle club” shall not be applied to any establishment licensed by the Delaware Alcoholic Beverages Control Commission. |

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|  | BULK — A composite characteristic of a given building or structure. The term “bulk” is not definable as a single quantity but includes consideration of, but not necessarily limited to, the following characteristics: size, shape and height , location of exterior walls in relation to lot or parcel lines or streets or other buildings or structures, floor-to-lot area ratio, amount of lot or parcel area provided per dwelling unit, and all open spaces Associated with said building or structure. |

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|  | BUSINESS DISTRICT — See “district.” |

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|  | BUILDING RESTRICTION LINE — he distance from a road where a building may be positioned, which appears in the original plat of subdivision, restrictive covenants, or in zoning ordinances and building codes. Also, the building line designated on Department of Natural Resources and Environmental Controls maps that regulates development near the beach. |

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|  | CABARET — A commercial enterprise as defined by and licensed by the Delaware Alcoholic Beverage and Control Commission pursuant to 4 Del. C. § 101(7) et seq., which presently defines “cabaret” as “an establishment where patrons are entertained by performers who dance, sing, play instruments or perform other legal acts for entertainment, but not to include a dinner theater, and where such entertainment may be performed during or after service of food and beverage, and where a minor, as defined in § 708 of this title, is to be denied admission to or permission to remain on premises after 9:00 p.m. (official Eastern Time) unless accompanied by a parent or by a legal guardian.” Cabarets must cease operations on Sundays no later than 11:00 p.m. |

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|  | CANOPY — A detachable, roof-like cover supported from the ground, deck, or floor or walls of a building for protection from sun or weather. |

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|  | CERTIFICATE OF OCCUPANCY — A statement signed by a duly authorized Town officer setting forth that a specific building or structure andits proposed use legally comply with the regulations of Town Code Chapter 185. Zoning. |

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|  | CLINIC — A building or portion thereof designed for and/orused by two or more State-licensed medical practitioners, e.g. physicians, surgeons, dentists, psychiatrists, physiotherapists, or practitioners in related specialties or a combination of persons in these professions but not including the lodging of such practitioners or patients overnight. |

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|  | CLUB, PRIVATE — Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily done as a business. A private club shall not be defined to include uses otherwise referred to as an "after hours" club, a nightclub or other similar establishment intended to be a location for congregation of persons to socialize between the hours of 1:00 a.m. and 6:00 a.m. [Amended 8-10-2001 by Ord. No. 456] |

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|  | COMMERCIAL UNIT — A portion of a building or structure set aside for commercial use and being self contained. (See SELF-CONTAINED UNIT.) |
|  | COMMERCIAL USE — Building types which include the distribution and sale or rental of goods; and the provision of services. |

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|  | CONSTRUCTION, STARTING OF — The combining of labor and material into any portion of the structure, on the site thereof, not including grading or staking. |

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|  | CONSTRUCTION, SIGNIFICANT PROGRESS – Work performed on a construction or development/redevelopment project in an amount or to an extent that comprises at least 50% of the total amount of work to be performed for the project, as determined by the Town building official or designee. |
|  | CONSTRUCTION, COMPLETION – Construction performed on a costruction or development/redevelopment project that has been certified by the Town building official or designee as being complete and in full compliance with all project plans, specifications, drawings, and any other pertinent documents. |
|  | CONTIGUOUS LAND, LOTS AND PARCELS – Tracts of land that share one or more common boundaries |

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|  | COOKING FACILITIES — Any appliances or equipment provided for the purpose of food preparation, with the exception of a microwave, refrigerator and/or coffee maker. |
|  | COURTYARD – An area wholly or partly surrounded by walls or buildings and open to the sky. |
|  | CRAWL SPACE – Apace between the first finished floor and the average level of the adjoining ground which usually contains pipes, ducts, and wiring, permits access, and where the distance between the average level of the adjoining ground and the first finished floor is not greater than five (5) feet. A crawl space shall not be considered a story, and people are prohibited from sleeping in a crawl space. |

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|  | DAY-CARE CENTER — A State licensed center which provides care or instruction for more than six children and operates on a regular basis. |
|  | DINNER THEATER — A portion of the building must be used for the presenting of public performances featuring live actors in dramatic or musical productions. A dinner theater must also serve before, during or immediately after such performance(s) a full meal consisting of, but not limited to, appetizers, entrees, salads, vegetables, desserts and beverages other than alcoholic. There shall also be an adequate and sanitary kitchen restroom facilities. |

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|  | DISTRICT — Any section of the Town of Dewey Beach in which zoning requirements are uniform. |

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|  | DRIVE-IN — A term used to describe an establishment designed or operated to serve food to patrons seated in an automobile parked in an off-street parking space. |

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|  | DRIVE WAY ENTRANCE — Any improved or unimproved area serving as an area of access, entrance, exit or approach from any street to any parcel of land, regardless of public or private ownership. |
|  | DUNE LINE — Shall mean a row of dunes, which may blend in with a berm or berms and which are roughly parallel to the ocean and serve as a protective barrier against exceptional high tides and storm surge. |
|  | DWELLING OR DWELLING UNIT — A building or self-contained portion thereof intended for residential use as the self-contained living quarters for a family or other group of persons living together as a household or by a person living alone and containing a kitchen and adequate bathroom facilities, including indoor shower or bathtub, and adequate sleeping accommodations but not including trailers, mobile homes, hotels, bed and breakfasts, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes. (See SELF-CONTAINED UNIT.) |

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|  | DWELLING, MULTI-FAMILY — A building containing two or more dwelling units.The definition of Multi-Family Dwelling shall include, but not be limited to, apartments and garden apartments, condominiums, duplex or townhouse buildings and similar structures. Multi-family dwellings may also be referred to as multi-family buildings, multi-family structures, multi-family units, or dedicated-residential buildings, dwellings or units. |

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|  | DWELLING, SINGLE-FAMILY DETACHED — 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. |
|  | DWELLING, TOWNHOUSE —Two or more dwelling units on a single lot or parcel connected by party walls between the units and side yards on the end units only. Townhouse dwellings may also be referred to as townhouses or townhouse buildings, structures or units. |

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|  | EATERY — A commercial enterprise located within a building or portion thereof set aside for the preparation and carry-out sale and/or eat-in service of food and beverages excluding alcoholic beverages, and which has been approved by the Town Commissioners as a conditional use.. |

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|  | EFFICIENCY HOTEL/MOTEL UNIT — A one roomed accommodaton for transient guests that includes cooking facilities and an enclosed bathroom, the total floor area not exceeding 300 square feet gross floor area. An open porch, balcony or deck next to an efficiency motel unit shall not be screened, windowed or enclosed in any manner. If a motel room or suite of rooms contains more than 300 square feet of gross floor area, and is equipped with cooking facilities, it shall be classified as a dwelling unit for purposes of determining density and parking requirements. No new hotel or motel units shall be permitted as per Ordinance No. 430, 4/8/2000 . |
|  | ELDER CARE – Social and medical services, programs and facilities that are intended for the care and maintenance of the aged (generally persons 65 years of age and older). |
|  | ENTITY — A corporation, association, person or partnership of persons. |
|  | FACILITY — Something that is built, installed or established to serve a particular purpose. |

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|  | FAMILY — An individual or two or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single culinary facilities on a nonprofit cost-sharing basis. Domestic servants employed and residing on the premises shall be considered as part of the family.  FILLING STATION . |

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|  | FLOOD ZONE — All areas subject to inundation by the floodwaters of the 1%-annual-chance flood, otherwise known as the “one-hundred-year flood”. The source of delineation shall be the most recent Flood Insurance Study for the Town of Dewey Beach prepared by the Federal Emergency Management Agency. These areas shall be separated into the following three categories:   1. Coastal High Hazard Area – An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms. Coastal high hazard areas also are referred to as “Zone V” or “V Zones” and are designated on FIRMs as flood insurance risk Zone VE. 2. General Floodplain Area – That area of the one-hundred-year floodplain not included in coastal high hazard areas or areas of shallow flooding and designated as flood insurance risk Zone AE. 3. Areas of Shallow Flooding – A designated Zone AO on a community’s Flood Insurance Rate Map with a one percent annual chance or greater of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. |

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|  | GROSS FLOOR AREA   |  |  | | --- | --- | | A. | COMMERCIAL, BUSINESS AND INDUSTRIAL BUILDINGS OR BUILDINGS CONTAINING MIXED USES — The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings but not including attic or basement storage areas, mechanical or utility rooms, patron restrooms and interior stairs. See Table 2 for other exclusions. | | B. | RESIDENTIAL BUILDINGS — The sum of the gross horizontal areas of the several floors of a dwelling measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings . See Table 2 for exclusions. | |



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|  | FLOOR AREA RATIO (FAR) — The quotient obtained by dividing the aggregate gross floor area of all buildings and accessory buildings on a lot or parcel, excluding those areas specifically excluded from the Floor Area Ratio standard in Chapter 185, Zoning, Table 2, by the gross area of said lot or parcel. |

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|  | FRONTAGE, LOT — The distance for which the front boundary line of the lot and the street line are coincident. |

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|  | FRONTAGE, STREET — All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street. |

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|  | GARAGE, PRIVATE — An enclosed or partially enclosed space intended to be used primarily to provide temporary storage or shelter for passenger automobiles, motorcycyles 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. |
|  | GARAGE, PUBLIC — A garage intended to be used for temporary parking or passenger cars and trucks and available for public use. |

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|  | GRADE OR GRADE ELEVATION — The elevation of the crown the roadway or alley accessway abutting the property taken at the center point of the lot frontage. |
|  | GREENSPACE — Open, vegetated land valuable for wildlife, amenity, or recreation purpose, within or adjoining a built-up area. May include previously used or undeveloped land. |
|  | GROUP HOME – A supervised long-term group living arrangement licensed by the State or other appropriate licensing authority for persons including, but not limited to, those with mental or physical handicaps, substance abusers, criminal offenders, juvenile offenders or delinquents, or others who have been found to be a danger to society or are under the jurisdiction of the criminal justice system, a governmental bureau of corrections or similar agency or institution. |
|  | HALF-STORY – A partial story under a gable or hip roof, excluding mansard and gambrel roofs, the knee walls of which on at least two directly opposite sides are not more than three (3) feet above the floor of such story. |

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|  | HOME OCCUPATION — Any service, profession or trade which is conducted within a residential dwelling and conducted in a manner which 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.   |  |  | | --- | --- | | A. |  | | B. |  | |

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|  | HOTEL or MOTEL — A business providing lodging for transient patrons and regulated under Delaware State Code \_\_\_\_\_\_\_\_\_\_\_\_\_. The term shall also include providers of accommodations doing business as a motor court, tourist court, motor lodge or motor inn and other such names. N o new hotels or motels shall be permitted as per Ordinance No. 430, 4/8/2000. |

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|  | JUNK — Dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, dilapidated wagons, trailers and other kinds of vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron machinery, rags, paper, excelsior, hair, mattresses, beds or bedding, any other kind of scrap or waste material which is stored, kept, handled, or displayed. |

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|  | KIOSK, INFORMATION — An interactive display or terminal which provides a service. |
|  | KIOSK, GOODS OR SERVICE – A small structure, including tents, often open on one or more sides, used as a place to sell goods or services, the sale of which requires a business license.  Knee wall – http://s1.hubimg.com/u/6077288_f260.jpgA short wall on the topmost floor of a home that connects from the floor to the slope of the roof, creating a short wall with a small cavity behind it. These types of walls are typically found in cape or gambrel style homes and range in height from 3 to 6 feet. The cavities behind these spaces can also range from small, inaccessible spaces, to spaces large enough to be considered a small room. For the most part they are small triangular spaces used for storage |

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|  | LAUNDROMAT — A business that provides washing, drying and/or ironing machines or dry-cleaning machines for use by customers on the premises. |

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|  | LOADING SPACE — A space within the main building or on the same lot or parcel providing for the standing, and loading or unloading of trucks, and having a minimum width of 12 feet, a minimum depth of 40 feet, and a vertical clearance of at least 14 feet. |

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|  | LOT — A fractional portion of a subdivision, measured, surveyed and plotted, and set apart, for separate use and occupancy, from contiguous parcels of land, and having its principal frontage upon a street. |

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|  | LOT AREA, GROSS — The total horizontal area within the lot lines of the lot. |

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|  | LOT, CORNER — A lot abutting upon two or more streets at their intersection. |

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|  | LOT, COVERAGE — That portion of the lot area that is covered by buildings; the building gross floor area divided by the lot area. For example, ifa lot containing 10,000 square feet has principal and accessory buildings whose area is 2,500 square feetthe lot coverage is 25%. |

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|  | LOT, DEPTH OF — The average horizontal distance between the front and rear lot lines. |

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|  | LOT, FRONT — The portion of a lot facing and fronting on a street, road or alley accessway. |

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|  | LOT, INTERIOR — A lot other than a corner lot. |

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|  | LOT LINE — The boundary line of a lot. |

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|  | LOT, THROUGH (DOUBLE FRONTAGE) — A lot having a frontage on two approximately parallel streets. |

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|  | LOT WIDTH — The shortest horizontal distance between the side lot lines measured at the required building setback line. If the angle between the front and side lines is less than 90°, the lot width shall be measured from side to side at right angle to the length of the setback line. |

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|  | MAJOR STREET OR HIGHWAY — A street or highway designed as a primary highway by the Delaware State Division of Highways and including Coastal Highway, King Charles Highway and Bayard Avenue. |

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|  | MARINA — A place for docking boats or providing services to boats and the occupants thereof, including service, storage and repair to boats, sale of fuel and supplies, and provision of lodging, food, beverages, and entertainment as accessory uses. A yacht club shall be considered as a marina, but a hotel, motel, or similar use, where docking of boats and provision of services thereto is incidental to other activities, shall not be considered a marina, nor shall boat docks accessory to single and multi-family dwellings where no boat-related services are rendered and yards only providing for boat storage be so considered. |
|  | MIXED-USE — A combination of residential use and commercial used in a building or group of buildings on a lot or parcel. Municipal use may be included in a mixed use development.. |

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|  | MANUFACTURED HOME (FORMER, MOBILE HOME) — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". No new manufactured homes shall be permitted as per Ordinance No. XXX, DD/MM/YYYY. |
|  | MOVIE THEATER — A venue, usually in a building, commercially operated for the purpose of showing motion pictures to the general public. Such a venue may also be termed a cinema or movie house and may include specifically designated areas for the preparation and sale of food and non-alcoholic beverages to customers. A movie theater may contain one or more separate movie projection screens for simultaneous commercial operation. |
|  | MULTI-FAMILY DWELLING or MULTI-FAMILY BUILDING — See DWELLING, MULTI-FAMILY.  MULTI-UNIT — A building divided in such a manner as to provide two or more units for sale or lease. A multi-unit building may be dedicated to a single occupancy type or contain a mix of residential and commercial uses depending on the parcel’s zoning restrictions. |
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|  | NONCONFORMING BUILDING — A building which does not conform with the height, area, or other bulk zoning standards of the district in which it is located. |

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|  | NONCONFORMING USE — The use of a building or land which does not conform with the permitted uses, permitted accessory uses, conditional uses, or uses permitted by special exception of the district in which it is located. |

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|  | OPEN AREA — That portion of a lot or parcel excluding areas set aside or used for buildings, parking, loading, and streets. Land devoted to recreation purposes, including areas for swimming pools, tennis courts, children’s playgrounds and similar recreation uses, shall be considered open area for the purpose of this definition. |

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|  | ORDINANCE — A rule, regulation or law adopted by the Town Commissioners. |

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|  | OUTSIDE SERVICE AREA — A porch, patio, deck or area of land which is not within the permanent, outside walls of a restaurant or eatery and is used for seated dining |

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|  | PARCEL — Any lot or lots having common boundaries and owned by the same person or entity. [Added 7-13-1985 by Ord. No. 67] |

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|  | PARKING LOT, COMMERCIAL — An area used for the storage or parking of motor vehicles, not including mobile dwelling units, for any period of time and operated for gain. |

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|  | PARKING SPACE, OFF-STREET — Refer to Chapter 185, Article VI, § 185-38. |

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|  | PATRON AREA — That area of a restaurant or commercial establishment open and accessible to customers, including seated dining areas and standing bar areas, bartop areas, hallways and foyers accessible to customers, customer waiting areas, and recreational facilities areas, and excluding rest room, service, kitchen, storage and office areas. Patron area shall include all exterior areas where service of patrons is permissible. [Added 12-11-2004 by Ord. No. 524] |

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|  | PERSON — Any individual, partnership, corporation, association or any other legal entity. |

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|  | PLACE — An open, unoccupied space other than a street or alley, permanently reserved as a principal means of access to abutting property. |
|  | PLANNED DEVELOPMENT DISTRICT – A large-scale development which is planned as a means of creating a superior living environment through unified development and achieving the goals of the current Comprehensive Plan. |
|  | PLAYHOUSE — A small building designed expressly for children to play in. Gross floor area shall not exceed 200 square feet. |

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|  | PREMISES — A lot or parcel, together with all buildings and structures thereon. |

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|  | PUBLIC SANITARY SEWERAGE SYSTEM — Any sanitary sewerage system provided and maintained by the county, a municipality, or a utility company which a governmental agency has specifically approved as acceptable. |

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|  | PUBLIC WATER SYSTEM — Any water system provided and maintained by the county, a municipality, or utility company which a governmental agency has specifically approved as acceptable. |

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|  | REGULATIONS — The whole body of requirements, including text, charts, tables, diagrams, maps, notations, references, and symbols, contained in or referred to in the Municipal Code of the Town of Dewey Beach. |

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|  | RENTAL ROOM — A room or group of rooms intended for rental to transient guests on a day-to-day or week-to-week basis, but not intended for use or used more than 120 days during any calendar year and not including cooking facilities. |
|  | REPAIR, STRUCTURAL — Includes all work done with the purpose of augmenting or replacing components of a building’s structural system. |

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|  | RESTAURANT — A commercial establishment whose primary activity is the service of complete meals from a representative menu subject to the provisions of § 185-25D(11)(a)[1]. [Added 4-11-1992 by Ord. No. 228 Editor's Note: Amended at time of adoption of Code (see Art. I of this chapter). ] . |

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|  | ROOMING HOUSE — See “tourist home.” |

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|  | SATELLITE ANTENNA — A parabolic dish antenna, including its structural supports, used by consumers for home reception (television receivers only) of various satellite television programming signals. |
|  | SELF-CONTAINED UNIT – A building, or part of a building, that has been constructed or adapted for use as a separate living accommodation including sanitary and cooking facilities, or as a separate space for the conduct of a permitted and licensed business and containing all entrance/exit and sanitary facility requirements for such an operation. |

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|  | SETBACK — An area extending from the lot lines to the building setback lines within which no buildings or other structures may be erected, except as authorized otherwise by this Code. |



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|  | SETBACK LINE or BUILDING SETBACK LINE — A line parallel to a lot’s front boundary line or street line and setback onto the lot by a distance equal to the minimum required front yard setback; a line parallel to a side boundary line or street line and distant from it by the required side yard setback; a line parallel to the rear boundary line or street line and distant from it by the required rear yard setback. |
|  | SETBACK, TIERED — A system of determining the minimum building setback(s) for above grade stories. |

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|  | SHALL — Mandatory. |
|  | SIDEWALK — The portion of a highway, road or street right of way specifically constructed for the use of pedestrians on the outside edge of the vehicular travel way. Sidewalks are typically, but not always, curb-separated from the roadway and made of concrete, brick or other hard surface materials. |

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|  | SIGN — See Chapter 185, Article V. |

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|  | SINGLE-FAMILY DETACHED DWELLING or BUILDING – See DWELLING, SINGLE-FAMILY DETACHED.  SITE PLAN — A drawing or set of drawings illustrating a proposed development and prepared in accordance with the specifications of Chapter 185, Article X. |
|  | SKETCH PLAN — Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision or land development approval. |
|  | SPA — A unit containing water primarily designed for non-therapeutic recreational use which is not drained, cleaned or refilled for each individual. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles or any combination thereof. The term spa includes, but is not limited to, hot tubs. |

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|  | STORY — That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor next above it, then the space between such floor and the ceiling next above it. For the purpose of determining the number of stories above ground, the following shall be included:   1. Any story having its finished floor surface entirely above grade plane (i.e., a reference plane representing the average of finished ground level within the buildable area); 2. Any story for which the finished surface of the floor next above is more than six (6) feet above grade plane (or, if in a flood zone, more than six (6) feet above the minimum elevation required by federal and local floodmanagement requirements); 3. A story having a clearance of seven feet six inches or more at any point under a roof, such as a gambrel or mansard roof, that is suitable for residential use . |
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|  | STREET — A public or private thoroughfare which affords the principal means of access to abutting properties, whether designated as freeway, expressway, highway, road, avenue, boulevard, lane, place, circle, or otherwise. |

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|  | STREET LINE — A dividing line separating a lot, tract, or parcel of land and a contiguous street, and also referred to as “right-of-way line.” |

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|  | STREET, SIDE — A street or right-of-way which is not a major street. |
|  | STREETSCAPE — The elements within and along the street right-of-way that define its appearance, identity, and functionality, including adjacent buildings and land uses, street furniture, landscaping, trees, sidewalks, and pavement treatments, among others. |

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|  | STRUCTURAL ALTERATIONS — Any change in the supporting members of a building, such as footings, bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls, excepting such repair as may be required for the safety of the building. |

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|  | 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. |

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|  | SUBDIVIDE — The act of selling, conveying, transferring, leasing or assigning any part of a lot or parcel of land. [Added 7-13-1985 by Ord. No. 67] |

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|  | SUMMER SEASON — The summer season is the period commencing at 8:00 a.m. on May 15 of each year and ending at 5:00 p.m. on September 15 of each year. [Amended 5-8-2004 by Ord. No. 512] |

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|  | SWIMMING POOL — Any 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 type 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. |
|  | TAVERN — Any establishment with special space or accommodation for sale by the glass and for consumption on the premises of beer. No new taverns are permitted as per Ordinance No. XXX, DD/MM/YYYY. |

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|  | TEMPORARY STRUCTURE — A building erected for a one-time temporary use, not to exceed four months, usually lacking a permanent foundation, not connected to water and sewer, often with open walls, such as open sheds, produce stands, barbecue pits, lean-to, and tents of all types, in contradistinction to permanent structures that must conform to the current adopted building code. Exception: Contractors may use temporary or portable structures for an on-site office or for storage of materials only during the course of a construction project. |

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|  | TOWNHOUSE or TOWNHOUSE DWELLING, BUILDING or UNIT – See DWELLING, TOWNHOUSE.  TOURIST HOME or ROOMING HOUSE — A dwelling having fewer than six rental rooms, without cooking facilities, for transient guests. |

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|  | TRAILER, BOAT — A trailer used primarily for transporting a vessel including, but not limited to all vessels loosely defined as jet skis, canoes, kayaks, sailboats, catamarans, powerboats and rowboats.  Trailer, utility – A trailer used primarily for hauling various materials, such as appliances, furniture, and yard waste and construction debris, but not for storage of such materials. |

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|  | TRAILER, CAMPING — A trailer used for camping and not containing lavatory facilities or cooking facilities. |

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|  | TRAILER, HOUSE — A movable or portable dwelling, constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round occupancy, which can consist of one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or more units separately towable but designed to be joined into one integral unit. |

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|  | WETLAND(S) -- An area of land that is wet during the growing season, including areas designated by DNREC as salt and brackish marsh or freshwater tidal marsh.  TRANSIENT GUEST – Any person who exercises occupancy or is entitled to occupancy of lodging space by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days or less, and including any person who actually physically occupies the lodging space by permission of any other person entitled to occupancy. |

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|  | YARD — The area extending between the lot lines, and respective building set back lines on a lot or parcel. To avoid confusion: any portion of a yard that lies both in the front yard and a side yard shall meet any and all front yard requirements; any portion that lies in both the rear yard anda side yard, the rear yard requirements. |

Lot frontage

Front yard Front yard

Rear yard

Side yards