§ 185-5. Reference to district names.

A. The term "flood-prone areas" shall include all areas within the onehundred-year floodplain, including FEMA-designated VE, AE and AO flood zones. Almost all of the properties in RR, RB-1, RB-2 and RB-3 lie in flood-prone areas. [Amended 1-11-2014 by Ord. No. 708]

B. The term "residential" used in reference to zoning districts shall include NR Neighborhood Residential and RR Resort Residential Districts unless otherwise indicated. Should we also include Mixed Use areas where residences are included?

C. The terms "commercial," "business" or "resort business" used in reference to zoning districts shall include all resort business districts, RB-1, RB-2 and RB-3 Districts, unless otherwise indicated.

§ 185-13. Prior construction of accessory building.

No accessory building/trailer? shall be constructed upon a lot for more than six months prior to beginning construction of the main building. No accessory building/trailer? shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction.

§ 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. Should Carbon Monoxide Detectors be included?

185-24 RR Resort Residential DistrictF. Permitted signs: all signs permitted by § 185-29, but limited in area to seven square feet, and signs permitted within the RR District by § 185-31.

G. Height, area and bulk requirements. See Table 2, Bulk Zoning Standards in All Districts.6

H. Reference to additional regulations. The regulations contained in this section are supplemented or modified by regulations contained in other articles of this and other chapters of the Town's municipal code, especially the following:

(1) Article V, General Sign Regulations.

(2) Article VI, Off-Street Parking.

(3) Article VII, Conditional Uses.

(4) Article VIII, Supplementary Height, Area and Bulk Regulations.

(5) Article X, Board of Adjustment.

(6) Definitions contained in Chapter 1, Article III.

(7) Restrictions specific to development in flood-prone areas (including FEMA-designated VE, AE and AO flood zones) contained in Chapter 101, Article IV. [Amended 1-11-2014 by Ord. No. 708]

185-25. RB-1 Resort Business District.

A. Purpose of the district.

(1) The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities. This district permits the most intense development of such activities. Its features include structures that are both entirely dedicated to commercial use or mixed-use structures with floor area square footage of not less than 1/3 commercial land use and not greater than 2/3 residential land use. Single-family detached dwellings and buildings or structures dedicated to residential uses are prohibited.

(2) Relaxed bulk standards (setbacks, lot coverage, etc.) are available for contiguous tracts consisting of at least 80,000 square feet(is this something you wish to look at?) with a detailed commercial, mixed-use, and multifamily dwelling land use development plan review as an overlay district or alternate method of development, provided that there is public access to all common areas of the development and any waterfront area shall be for public use. Commercial land use is required on the first floor (or, if the first floor is substantially below grade, the street-level floor) in all structures within a mixed-use overlay district

Table 3

Uses in Resort Business Districts Should boxes be checked for permissible expansions?

§ 185-25

(3) No new hotels/motels. Defined as any business providing lodging for transient patrons and regulated under Delaware State Code \_Chapter 81 -§ 6101, Definitions - Hotel and Motel Add?\_\_\_\_, no new hotels or motels shall be permitted in the Town of Dewey Beach per Ordinance No. 430 enacted 4/8/2000. Existing hotels/motels shall conform to the following: [Added 1-9-2016 by Ord. No. 724]

185-25.2. RB-3 Resort Business District-3.

(2) Relaxed bulk standards (setbacks, lot coverage, etc.) are available for contiguous tracts consisting of at least 80,000 ? square feet with a detailed commercial, mixed-use, and detached single-family and/

or dedicated multifamily residential land use development plan review as an overlay district or alternate method of development,

Table 3, permitted uses

Signs larger than 85 square feet on a single surface ( ok in all business districts)??

Definitions

**Driveways** should be spelled out and specified as to dimensions. Do we want to clarify how they are to be constructed? We really have no clear defined construction requirements other must be defined area and have to be permeable. 9 x 18 ft. is what the town considers. Is parking on grass driveway a driveway?

Entrances to property specify that you can have two, 10ft or one 20ft. entrance to your property. This seems to work well for 50 x 100ft properties. May not work well in all districts,eg. (Planned residential and business districts). This might need a closer look.?

 [§ 185-21**Smoke detectors.**](https://ecode360.com/8864171#8864171)

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?*

§ 185-51**Accessory buildings and structures.**

[**F.**](https://ecode360.com/8864528#8864528)

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.**](https://ecode360.com/34357578#34357578)

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?*