



ORDINANCE NO. 835

AN ORDINANCE TO AMEND CHAPTER 185-51 AND 1-16 OF THE DEWEY BEACH CODE OF ORDINANCES RELATING TO IMPERVIOUS SURFACE REQUIREMENTS.

WHEREAS, the Commissioners of the Town of Dewey Beach recognize the importance of pervious surfaces for storm water management; and

WHEREAS, the Commissioners wish to clarify the specific requirements for installation of pervious surfaces for residential and mixed use commercial and residential properties; and

WHEREAS, on February 17, 2024 the Dewey Beach Planning Commission met at a properly-noticed hearing and recommended the amendments provided below.

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 §185-51(f) of the Code of Ordinances as depicted by highlighted insertions, strikeouts, and substitutions depicted below:

F. 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 any ground level surface, including driveways, parking spaces, or and sidewalks, or any other structure not directly under roof. A swimming pool walk space required in §185-51(b) may have an impervious surface, but the walk space may be no wider than 3 feet. 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.

Section 2. Amend Section 1-16 of the Code of Ordinances as depicted by highlighted insertions, strikeouts, and substitutions depicted below:

PERVIOUS

A material or surface that allows water or other fluids to pass through it and infiltrate into the ground, reducing runoff and helping to recharge ground water. Pervious surfaces include but are not limited to gravel, porous concrete, or permeable pavers.

IMPERVIOUS

A material or surface that does not allow water or other fluids to pass through it, preventing water infiltration that leads to increased runoff which can contribute to flooding and erosion. Impervious materials include but are not limited to asphalt, concrete, and plastic.

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 March 15, 2024 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 15th day of March, 2024.

SYNOPSIS

This Act clarifies requirements for pervious ground level surfaces on any part of a residential or mixed residential and commercial building lot, and defines the terms "pervious" and "impervious."



William Stevens, Mayor

Bill Zolper, Town Manager