

ZONING

185 Attachment 1

Town of Dewey Beach

**TABLE 2  
BULK ZONING STANDARDS IN ALL DISTRICTS**

[Amended 5-9-2015 by Ord. No. 718; 2-12-2021 by Ord. No. 759; 1-21-2022 by Ord. No. 780; 5-19-2023 by Ord. No. 811; 9-20-2024 by Ord. No. 843; 2-21-2025 by Ord. No. 849]

Zoning District	NR	RR	PR	RB-3	RB-2	RB-1	PRB-1	PRB-3				
Height	<p>For buildings not in any special flood hazard area: Maximum building height: 35 feet measured from grade. Maximum number of stories: 2 ½. Roof decks are permitted. The floor area of any roof deck shall not exceed 20% of the covered and/or enclosed floor area of the top story; the finished floor elevation of any top floor deck shall be not less than six feet below the elevation of the roof peak. A minimum roof pitch of 4/12 is required for all roofs.</p> <p>For buildings in any special flood hazard area (SFHA): Maximum building height: 32 feet measured from the elevation of the 1% annual flood level on the appropriate effective FEMA Flood Insurance Rate Map plus Town mandatory and up to 1 foot of optional freeboard except in any VE SFHA where one additional foot of height shall be permitted due to the difference in base building elevation reference points for AO and AE SFHAs versus VE SFHAs. Maximum number of stories: 2 ½. Roof decks are permitted. A minimum roof pitch of 4/12 is required for all roofs above the first story unless such roof area is covered by a roof deck. The floor area of any roof deck shall not exceed 20% of the covered and/or enclosed floor area of the top story; the finished floor elevation of any top floor deck shall be not less than six feet below the elevation of the roof peak.</p>	<p>For buildings not in any special flood hazard area: Maximum building height 35 feet measured from grade. Maximum number of stories: 3. Roof decks are permitted with all decks and railings subject to this height standard. All above ground deck railing must be the higher of: 42 inches above the deck surface or in compliance with the most current Town Building Code.</p> <p>For buildings in any special flood hazard area (SFHA): Maximum building height 32 feet measured from the elevation of the 1% annual flood level on the appropriate effective FEMA Flood Insurance Rate Map plus Town mandatory and up to 1 foot of optional freeboard except in any VE SFHA where one additional foot of height shall be permitted due to the difference in base building elevation reference points for AO and AE SFHAs versus VE SFHAs. Maximum number of stories: 3. Roof decks are permitted with all decks and railings subject to this height standard. All aboveground deck railing must be the higher of: 42 inches above the deck surface or in compliance with the most current Town Building Code.</p>										
Exclusions to height restriction	Chimney required to comply with fire code (not to exceed 24 inches above peak of roof); alternative energy systems, where appropriately set back from roof edges so as not to be visible from the street, permitted as special exception but not to exceed 42 inches above roof peak.		Chimney and stand pipe required to comply with fire code (not to exceed 24 inches above peak of roof). Elevator bulkhead where required for safety, and air handling system (appropriately screened) and alternative energy system when appropriately set back from roof edges so as not to be visible from the street, permitted as special exception but not to exceed 42 inches above peak of roof.									
Minimum lot size (square feet)	5,000		100,000		5,000			80,000				
Minimum setback requirements (feet)	<p>Front yard: 18 Rear yard: 12 Aggregate of front and rear yards: 30</p> <p>Side yard: 8 each side, with an aggregate of 16 both sides. Side yard abutting a street: 12.</p>	<p>Front yard: 22 Rear yard: 10 Aggregate of front and rear yards: 32</p> <p>Side yard: 8 each side, with an aggregate of 16 both sides. Side yard abutting a side street: 8.</p>	<p>Street setback: 20 Side yard and rear yard: 12</p>	<p>Residential use: See RR District Requirements Commercial and mixed use:  Front yard: 18 Rear yard: 10  Side yard: 10 unless abutting a street, side yard shall then be 12. Setback to a residential district: 10.</p>	Front yard abutting a street: 6; front yard abutting S.R.1: 8.		Front yard: 8		Front yard: 18			
					Rear yard: 10			Side yard: 0' unless abutting a street. Side yard abutting any street other than S.R. 1: 6; side yard abutting S.R.1: 8.		Side yard: 6		Side yard: 10 unless abutting a street. Side yard abutting a street: 15.
					Setback to a Residential District: 10							

DEWEY BEACH CODE

Zoning District	NR	RR	PR	RB-3	RB-2	RB-1	PRB-1	PRB-3
		Internal setbacks between multiple residential buildings on a single parcel: 20 between front or rear of a building and any face of another building; 10 between sides of adjacent buildings.		Internal setbacks between multiple residential buildings on a single parcel is 20 between front or rear of a building and any face of another building, and 10 between sides of adjacent buildings.				

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Zoning District	NR	RR	PR	RB-3	RB-2	RB-1	PRB-1	PRB-3
Floor area ratio (FAR)	<p>Maximum Building Size/bedrooms or Floor Area Ratio (FAR): For lots less than 7,500 sq. ft., the maximum square footage of any single-family home shall be 4,000 sq. ft. The 4000 sq. ft. limitation shall be calculated by determining the total area above grade and under roof with headroom of 6 ft. or greater. A basement where 4 feet or more of the vertical height of the space is above grade shall also count toward the maximum square footage. The maximum number of bedrooms is six per dwelling. Any deck area under a house raised on pilings, or porch on having at least one side entirely open to light and air except for open mesh screening, railing, partial wall joining floor to railing or combination of these elements shall not be included in the total square footage of the home. The area of any unfinished attic shall not be included in the gross floor area if access is limited to fold-away stairs or other nonpermanent means of access. The first 500 sq. ft. of a single garage that is neither heated nor air conditioned shall not count toward this maximum. Space used for an elevator is not counted toward this maximum.</p> <p>For lots of 7,500 sq. ft. or greater, the maximum square footage shall be 5,200 sq. ft. and shall be calculated in the same manner as above for lots less than 7,500 sq. ft. The maximum number of bedrooms is 8 per dwelling.</p> <p>For nonconforming properties with two single-family structures, the maximums for square footage and number of bedrooms shall apply to the two structures combined.</p>	<p>Maximum Building Size/bedrooms or Floor Area Ratio (FAR): The maximum square footage of any single-family detached dwelling shall be 5,100 sq. ft. calculated by determining the total area above grade and under roof with headroom of 6 ft. or greater. A basement where 4 feet or more of the vertical height of the space is above grade shall also count toward the maximum square footage. Any deck, area under a house raised on pilings, or porch having at least one side entirely open to light and air except for open mesh screening, railing, partial wall joining floor to railing or combination of these elements shall not be included in the total square footage of the home. The area of any unfinished attic shall not be included in the gross floor area if access is limited to fold-away stairs or other nonpermanent means of access. The first 500 sq. ft. of a single garage that is neither heated nor air conditioned shall not count toward this maximum. Space used for an elevator is not counted toward this maximum.</p> <p>Multifamily dwellings located in the RR district shall be limited to 5100 sq. ft. per 5000 sq.ft. of land and square footage shall be calculated in the same manner as the calculation for a single-family dwelling. The maximum number of bedrooms for any dwelling in the RR district is 8.</p> <p>For nonconforming properties with two single-family structures, the maximums for square footage and number of bedrooms shall apply to the two structures combined.</p>	<p>Maximum FAR: 1.20. Roof decks and private garages are included in the FAR calculation; passenger elevators and open decks other than roof decks are not included in the FAR calculation.</p>	<p>Maximum FAR: 1.00 for residential and mixed-use development, with passenger elevators, open decks and roof decks not included in the FAR calculation; 1.20 for dedicated commercial development, with passenger elevators, open decks and roof decks not included in the FAR calculation.</p>	<p>Maximum FAR: 1.20, with passenger elevators, open decks and roof decks not included in the FAR calculation.</p>	<p>Maximum FAR: 1.50, with passenger elevators, open decks and roof decks not included in the FAR calculation.</p>	<p>Maximum FAR: 1.35, with passenger elevators, open decks and roof decks not included in the FAR calculation.</p>	
Maximum building frontage	Single-family detached dwelling only.	Not to exceed 3 dwelling units per structure; street frontage not to exceed 100 feet per structure.	Not to exceed 4 dwelling units per structure; street frontage not to exceed 100 feet per structure.	Not to exceed 3 dwelling units per structure; street frontage not to exceed 100 feet per structure.				

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Zoning District	NR	RR	PR	RB-3	RB-2	RB-1	PRB-1	PRB-3
Residential to commercial use ratio	Residential only			In a mixed-use structure, the first floor shall be 100% commercial and the residential-use square footage may not exceed 2 times the commercial-use square footage. Commercial parking lot area is not included in the commercial-use square footage calculation.		In a mixed-use structure, the first floor shall be 100% commercial and the residential-use square footage may not exceed 2 times the commercial-use square footage. If developed with one or more dedicated 100% residential-use structures, the aggregate total residential-use square footage may not exceed the aggregate total commercial-use square footage.		In a mixed-use structure the first floor shall be 100% commercial; while dedicated residential structures are permitted, the total floor area dedicated to residential use shall not exceed 2 times the total floor area dedicated to commercial use, including decks, storage and open service areas.
Maximum dwelling unit density	1 single-family detached dwelling per lot.	1 dwelling unit per 3,600 square feet of land area; may be a detached single-family dwelling, or one of several residential dwelling units in a townhouse or multifamily dwelling.	1 dwelling unit per 3,600 square feet land area; may be a detached single-family dwelling, or one of several residential dwelling units in a townhouse, multifamily dwelling or mixed-use structure.	1 dwelling unit per 3,600 square feet land area; may be a detached single-family dwelling, or one of several residential dwelling units in a townhouse, multifamily dwelling or mixed-use structure.	No single-family detached homes, townhouses or residential multifamily dwellings are permitted, but 1 residential dwelling unit in a multiuse structure is permitted per 3,600 square feet of land area.		1 residential dwelling unit in a mixed-use or dedicated multifamily dwelling residential structure per 3,000 square feet.	1 dwelling unit per 3,600 square feet of land area; may be a detached single-family residence or one of several residential units in a townhouse, multifamily or mixed-use structure.
Residential parking requirements	2 off-street spaces for the first 4 bedrooms in a dwelling unit plus one additional space for each additional two bedrooms in the same dwelling unit, such that a 5-bedroom or 6-bedroom dwelling unit requires 3 off-street parking spaces, a 7-bedroom or 8-bedroom dwelling unit requires 4 spaces, etc.							
Bed-and-breakfast parking requirements	1 off-street space for every two dedicated bed-and-breakfast bedrooms in addition to such spaces as are required under residential parking requirements for the private portion of the home or townhouse.							
Convention center parking requirements				1 space per 200 square feet of patron area or 1 space for every 4 seats, whichever is greater.		1 space per 200 square feet of patron area or 1 space for every 4 seats, whichever is greater.		
Parking requirements for office, public or institutional use				One space per 400 square feet of gross building area, for staff and visitor parking. However, a minimum of 50% of such spaces must be dedicated for visitor use.				
Dedicated patron parking requirements for other commercial uses				No off-street parking required for other commercial establishments with less than 2,000 square feet of assigned patron area; one space for each 400 square feet of patron area for other commercial establishments with less than 5,000 square feet but more than 2,000 square feet of patron area; one space for each 100 square feet of patron area for other commercial establishments with more than 5,000 square feet of floor area assigned for patron use.		One space dedicated to patron parking per 200 square feet of patron area.		
Restaurant parking requirements				No off-street required for restaurants with less than 2,000 square feet of patron area; one space dedicated to patron parking per 200 square feet of patron floor area for restaurants with 2,000 square feet or more patron area, including all exterior areas where service of patrons is permissible.	Restaurants with 4,000 square feet or less assigned for patron use shall have no off-street parking requirements. Restaurants with more than 4,000 square feet assigned for patron use shall have one space for each 200 square feet assigned for patron use, including open decking.	No off-street required for restaurants with less than 2,000 square feet of patron area; one space dedicated to patron parking per 200 square feet of patron floor area for restaurants with 2,000 square feet or more patron area, including all exterior areas where service of patrons is permissible.		One space dedicated to patron parking per 200 square feet of patron area, including all exterior areas where service of patrons is permissible.
Basements	Basements [all districts]: below grade space permitted in accordance with prevailing federal and state regulation.							

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Zoning District	NR	RR	PR	RB-3	RB-2	RB-1	PRB-1	PRB-3
Planting, green space, and open space requirements	<p>Minimum of 25% of gross lot area dedicated to green space.</p> <p>All front yard area shall be green space except for one 20x18 driveway space or two 10x18 driveway spaces and one 4x18 space for a walkway.</p> <p>Remaining green space area shall be distributed between the two side yard and backyard areas.</p> <p>Parking is prohibited in green space areas. Existing yard spaces covered with non-green space materials may remain, but shall not be expanded. Green space requirements shall be met when an existing structure is added to or expanded.</p>	<p>Minimum of 10% of gross lot area dedicated to planting and beautification area, a minimum of 50% of this requirement shall be located in the front yard, notwithstanding that not more than 50% of the front yard shall be required to be planted.</p>	<p>Minimum of 15% of gross lot area dedicated to planting and beautification area, with a required 5-foot-wide planting strip provided along any portion abutting RR and/or NR Districts.</p>	<p>Minimum of 10% of gross lot area dedicated to planting and beautification area; a minimum of 50% of this requirement shall be located in the front yard, notwithstanding that not more than 50% of the front yard shall be required to be planted.</p>	<p>Minimum of 10% of the S.R. 1 front/side yard setback area dedicated to planting and beautification area; use of planters to meet this requirement is permitted.</p>	<p>Minimum of 10% of the S.R. 1 front/side yard setback area dedicated to planting and beautification area; use of planters to meet this requirement is permitted.</p>	<p>Open space provided for passive recreation, green space and beautification areas to be at least 12.5% of the gross lot/parcel area with 10% located in the S.R. 1 setback. Required public walks, setbacks and green space shall be open to the sky. Unencumbered public access shall be provided to all common areas and beach/bay-front areas.</p>	
Driveway and walkway construction	<p>Driveways and walkways shall have borders that contain the materials for those surfaces within the driveway and walkway spaces.</p>							