

Chapter 185. Zoning

Article IV. District Regulations

§ 185-23. NR Neighborhood Residential District.

- A. Purpose of the district. The purpose of this district is to provide for medium-density residential development, together with such churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings.
- B. Permitted uses. See Table 1, Uses in Residential Districts.
- C. Permitted accessory uses. See Table 1, Uses in Residential Districts.

Table 1 Uses in Residential Districts [Amended 4-25-2009 by Ord. No. 656]			
	NR Neighborhood Residential	RR Resort Residential	PR Planned Residential
Permitted uses. A building or land shall be used only for the following purposes:			
Single-family detached dwelling but not mobile home	✓	✓	✓
Multifamily dwelling unit in a building or structure dedicated to residential use, including townhouse and apartment-style configurations, with no more than 3 dwelling units per building		✓	✓
Multifamily dwelling unit in a building or structure dedicated to residential use, including townhouse and apartment-style configurations, with no more than 4 dwelling units per building			✓
Public park	✓	✓	✓
Church, rectory, parish house, convent and monastery, temple, synagogue and like religious uses		✓	
Transmission lines and their supporting elements	✓	✓	
Dewey Beach municipal building and uses		✓	

Table 1			
Uses in Residential Districts			
[Amended 4-25-2009 by Ord. No. 656]			
	NR Neighborhood Residential	RR Resort Residential	PR Planned Residential
Permitted accessory uses (a use clearly incidental to or customarily found in connection with, and located on the same lot as the principal use of the premises).			
Home occupation in main building or accessory building	✓	✓	✓
Playhouse, without plumbing, limited in floor area to 150 square feet and head room limited to five feet	✓	✓	✓
Swimming pool	✓	✓	✓
Domestic storage in main building or in an accessory building	✓	✓	✓
Garage, private	✓	✓	✓
Parking of permitted motor vehicle	✓	✓	✓
Storage of a boat trailer or recreational vehicle or a boat or travel trailer or motor home (but not mobile homes) but not in a front yard or side yard adjacent to a street, provided it is not used for living purposes while so stored	✓	✓	✓
Keeping of domestic animals, but only for personal enjoyment or household use and not as a business, and providing such pets are properly licensed, housed and cared for so as not to be a public or private nuisance or to endanger the welfare of the pet so kept	✓	✓	✓
Home barbecue grill used in compliance with Fire Marshal regulations; electric and piped-in-gas grills permitted, bottled-gas/propane and charcoal grills are prohibited on upper-level decks	✓	✓	✓
Conditional uses, permitted as conditional uses when approved in accordance with the provisions of Chapter 185, Article VII.			
Bed-and-breakfast inn; see § 185-23D(1) for the minimum conditional use requirements for operating a bed-and-breakfast	✓	✓	✓

Table 1			
Uses in Residential Districts			
[Amended 4-25-2009 by Ord. No. 656]			
	NR Neighborhood Residential	RR Resort Residential	PR Planned Residential
Access or egress to adjacent Resort Business District property owned by the same person, corporation or entity. The area for access, ingress and egress shall not exceed 50% of the total area of the resort residential property. The access, ingress and egress area may be used for unloading of materials to the property or adjacent property but shall not be used for storage of any materials. No parking in access, ingress or egress area.		✓	
Automobile parking and unloading area for materials delivered to Resort Business District property owned by the same person, corporation or entity, the area of which does not exceed 25% of the total area of the resort residential property. The storage of any materials in such parking area is prohibited.		✓	
Institutions, educational or philanthropic, including museums, art galleries and libraries		✓	✓
Marinas or yacht clubs and swimming or tennis clubs whether public, private or nonprofit		✓	✓
Public utilities or public services uses, public or governmental buildings and uses, including schools, playgrounds, and public boat landings		✓	✓
Uses permitted by special exception. Use exceptions may be permitted by the Board of Adjustment, and in accordance with the provisions of Article X, Board of Adjustment.			
Private garage for more than four automobiles and floor area of more than 900 square feet	✓	✓	✓
Temporary use of a building as a sales or rental office for an approved real estate development or subdivision to be used for a period of time greater than 7 days		✓	✓
Temporary parking for trailers for special events and/or construction activities, but not along the Coastal Highway right-of-way, permitted from Memorial Day to Labor Day	✓	✓	✓

- (1) Home occupation. Any home occupation which is conducted in a manner such that the dwelling housing the occupation is indistinguishable from dwellings with no business use and which meets the following standards is permitted as an accessory residential use:
[Added 1-9-2016 by Ord. No. 724]
- (a) Home occupation. A home occupation may include activities similar to: the professional office of a physician, dentist, lawyer, business or technology consultant, engineer, architect, accountant or salesman; dressmaking; custom baking; or day care or babysitting for no more than five children, provided the operator is duly licensed by the state for the purpose of providing child day care; but not activities that might be referred to as a nursing home, convalescence home, rest home, restaurant or cafe or tearoom, tourist home or bed-and-breakfast, massage service or therapeutic massage, or such similar establishments; and studio space for an artist or craft person or musician to work in and to provide private instruction to one or two pupils at a time.
 - (b) Licensing. All home occupations shall be registered with the Town of Dewey Beach and hold a valid Town business license and appropriate State of Delaware licensing.
 - (c) Employees. The owner and primary operator (the "operator") of the home occupation shall be a full-time resident of the dwelling unit and, subject to the following exceptions, shall not employ any individuals other than family members who also are full-time residents of the dwelling unit.
 - [1] No more than one nonfamily or nonresident, on-site employee is permitted on the premises at one time.
 - [2] A home occupation which provides a service that occurs off site may have additional employees, provided such employees meet and work off site and not at the subject residence.
 - (d) Customers/clients. The operator may meet with customers at the site, provided that the frequency and consistency of traffic to and from the site in relation to the home occupation does not interfere with the community's comfort, safety, or enjoyment of the neighborhood around the subject property as a residential area or create a visual or traffic annoyance to persons of normal sensibilities such that a public nuisance is created. A high volume of visits and traffic to and from the site shall be prima facie evidence that the home occupation is not indistinguishable from other dwellings and creates a public nuisance in the residential neighborhood, in violation of these requirements.
 - (e) Location, size and modifications. No home occupation shall be conducted outside the dwelling unit. The total area used to accommodate the home occupation shall not exceed 25% of the total gross floor area (GFA) of the principal residential dwelling. No structural alterations or enlargements shall be made to the dwelling unit for the primary purpose of conducting the home occupation.
 - (f) Parking. Adequate on-site, off-street parking shall be provided for all employees, customers, clients and/or pupils. The principal driveway serving the residence shall act as the parking area. Only the principal driveway may be used for parking in conjunction with the home occupation.
 - (g) Hazardous materials. No toxic, explosive, flammable, radioactive or other restricted materials shall be used, sold or stored on the site in connection with the home occupation.
 - (h) Outside storage. No outdoor display or storage of materials, goods, supplies or equipment related to the home occupation shall be permitted.
 - (i) Deliveries and pick-ups. Truck deliveries or pick-ups of supplies or products associated with the home occupation shall occur only within the hours of 8:00 a.m. and 7:00 p.m. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods. No regular tractor-trailer delivery shall be permitted.
 - (j) Signs and displays. No display of any products or operations that would create external evidence of the operation of the home occupation is permitted. No more than one nameplate sign no larger than 1.5 square feet in area displaying the name and street address of the occupant of the property and name of the permitted home occupation is permitted. No marked service vehicle, trailer or

other equipment used in conjunction with the home occupation shall be parked on the property or contiguous street right-of-way so as to identify, advertise or otherwise attract attention to the home occupation.

- (k) Manufacturing, repairing, mechanical work. No manufacturing, repairing or other mechanical work shall be performed outside the dwelling unit. When such activity is conducted inside the dwelling unit, it shall be conducted in such a way that no noise, heat, glare, odor, vibration, electromagnetic interference or smoke shall be perceptible at or beyond the property line.
 - (l) Penalties. Any person who engages in an unregistered home occupation or is found in violation of the requirements listed herein shall be guilty of a civil offense. See Chapter 80, Civil Offenses, for applicable fines and appeal process.
- D. Conditional uses. See Table 1, Uses in Residential Districts. If a conditional use is granted, the planting requirements of § 185-55B shall apply; and where the conditional use property adjoins a residential property, it shall have designated a planting area 2 1/2 feet wide along the common property line.
- (i) Bed-and-breakfasts. The following specific conditions shall apply to all bed-and-breakfasts:
 - (a) The bed-and-breakfast shall be an incidental use to the principal use of the building as a single-family dwelling. The bed-and-breakfast must be owner-occupied during the period of operation, unless a non-owner manager is approved as a part of the approval of the conditional use application.
 - (b) One Class ABC fire extinguisher shall be in each sleeping area or room.
 - (c) Food will only be served to guests staying at the bed-and-breakfast.
 - (d) Only breakfast shall be served on a regular basis.
 - (e) Two means of egress from building or egress windows in each bedroom shall be provided.
 - (f) Smoke detectors shall be provided in each sleeping area.
 - (g) There shall be no cooking facilities of any nature in any room used as a bed-and-breakfast guest room.
 - (h) The owner/operator must supervise any guest cooking in the facility.
 - (i) One sign no larger than seven square feet identifying the bed-and-breakfast and availability of rooms to let shall be permitted. No internal illumination of sign shall be permitted, nor shall moving, blinking or neon signs be permitted.
 - (j) The appropriate business license must be paid.
 - (k) There shall be no more than four guest rooms per bed-and-breakfast. During the period of May 15 through September 15, a bed-and-breakfast shall be operated exclusively as a bed-and-breakfast, such that all designated guest rooms are available for use by transient paying guests.
 - (l) There shall be no more than two adult guests per rental bedroom.
- E. Uses permitted by special exception: See Table 1, Uses in Residential Districts.
- F. Permitted signs: all signs permitted by § 185-29, but limited in area to seven square feet, and signs permitted within the NR District by § 185-31.
- G. Height, area and bulk requirements. See Table 2, Bulk Zoning Standards in All Districts.^[1]
 [1] *Editor's Note: Table 2 is included as an attachment to this chapter.*
- 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]