

**SYNOPSIS OF AMENDING THE CODE OF SOUTH BETHANY,  
CHAPTER 145, ZONING, TO FURTHER DEFINE STRUCTURES  
ALLOWED IN THE SETBACK  
ORDINANCE 154-10 (THIRD READING)  
(Sponsored by Councilman Saxton)**

This ordinance amends Chapter 145 to:

- Further define structures allowed within the setbacks.
- Further define the construction of davits and boat lifts.
- Allow clotheslines and swing sets in the setbacks.
- Allow trash and recycle container bins in the setbacks.



**ORDINANCE NO. 154-10**

**AN ORDINANCE TO AMEND** the Code of the Town of South Bethany, Chapter 145, **Zoning**, to further define structures allowed in the setback.

**BE IT HEREBY ENACTED** by the Council of the Town of South Bethany, Sussex County, a majority thereof concurring in Council duly met, that Chapter 145 ("Zoning") be amended as follows (additions are **highlighted** and deletions **marked through**):

**"ZONING"**

**§ 145-38. R-1 District west of Delaware Route No. 1.**

- A. Residential lots abutting Petherton, Brandywine, Henlopen, New Castle, Layton and Bayshore Drives; Godwin, Kent and Sussex Places; Cleveland Avenue; Peterson, Canal and Anchorage Drives; Evergreen and Russell (east of Canal Drive) Roads; West 1st to West 11th Streets; South Anchorage Avenue; Mays Way, Elizabeth Way and Elizabeth Court (standard lot width: 70 feet). [Amended 2-8-2002 by Ord. No. 106-01; 2-13-2004 by Ord. No. 121-03]
  - (1) Front: 25 feet.
  - (2) Rear: 25 feet.
  - (3) Sides: eight feet.
  
- B. Residential lots abutting Carlisle Drive (standard lot width: 70 feet). [Amended 2-13-2004 by Ord. No. 121-03]
  - (1) Front: 25 feet.
  - (2) Rear: 25 feet.
  - (3) Sides: 10 feet.
  
- C. Boone Road (standard lot width: 70 feet). [Amended 2-13-2004 by Ord. No. 121-03]

- (1) Residential lots abutting west side of Boone Road:
    - (a) Front: 20 feet.
    - (b) Rear: 20 feet.
    - (c) Sides: 10 feet.
  - (2) Residential lots abutting east side of Boone Road:
    - (a) Front: 20 feet.
    - (b) Rear: 10 feet.
    - (c) Sides: 10 feet.
- D. Residential lots west of York Canal and south of Bayshore Canal (contiguous to York Drive, Rebecca Road, Kimberly Road, Tern Drive, Victoria Road, Bristol Road and Plymouth Road) (standard lot width: 70 feet). [Amended 2-13-2004 by Ord. No. 121-03]
- (1) Front: 20 feet.
  - (2) Rear: 20 feet.
  - (3) Sides: 10 feet.
- E. Residential lots west of and abutting on Canal Drive and abutting Cattail Road, Black Gum Drive, Kent Avenue (County Road No. 361), Periwinkle Road, Russell Road (west of Canal Drive), Tamarack Court and Tamarack Drive (standard lot width: 70 feet). [Amended 2-8-2002 by Ord. No. 106-01; 2-13-2004 by Ord. No. 121-03]
- (1) Front setbacks shall be staggered so as to prevent construction of dwellings in a straight line, with a minimum of three feet difference. Front or rear setbacks of dwellings on lots on a street of this subsection shall be determined by the first permit issued on that street.
  - (2) House elevation is 32 feet, to be figured from the mean level of the lot with six sightings. These six sightings shall be taken as follows: one at each of two

rear corners of such lot; one at each of two front corners of such lot; and one each at the midpoint between the two side property lines of such lot, such that no point is in a ditch but is as close as practical to the intended point. Minimum roof pitch: 4/12.

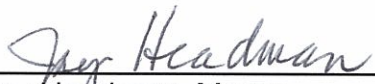
- (3) Maximum footprint: 1,700 square feet, including steps, decks more than six inches above ground level, and porches. However, for every full 100 square feet in lot size over 5,000 square feet, the maximum footprint shall be increased by 20 square feet.
  - (4) Setbacks:
    - (a) Front: 10 feet.
    - (b) Rear: 10 feet.
    - (c) Sides: two feet with a minimum of 10 feet between houses.
- F. Davits are curved metal uprights projecting over waterways used for the purpose of lowering and raising small boats. They shall not be considered structures under the setback provisions of this article. ***The frame of davit lifts, including support pilings, shall not protrude into the canal more than 20% of the canal width, not to exceed 13 feet for canals wider than 60 feet (see § 50-8.1). Davit arms shall not project over the waterways more than 13 feet from the bulkhead, and*** When ***davit arms are*** not in use, they shall be retracted to a line at least four feet parallel to the bulkhead. The installation of such shall require a building permit.
- G. Boat lifts are mechanical devices used to raise and lower boats into the waterways. They shall not be considered structures under the setback provisions of this article. ***The outside frame of boat lifts, including support pilings, shall not protrude into the canal more than 20% of the canal width, not to exceed 13 feet for canals wider than 60 feet, (§ 50-8.1), Outside frame of boat lifts shall not protrude more than 13 feet from the bulkhead,*** and the perimeters of submerged boat lifts shall be clearly identified by reflectors so as not to be a hazard to boat traffic. The boat lift shall also be securely anchored, and the installation of such shall require a building permit.

- H. Structures such as birdhouses, flagpoles, **and clotheslines, and totem poles provided that they do not exceed 30 feet in height, and trash and recycle container bins (see § 114-7)** shall not be considered structures under the setback provisions of this article, provided ~~that they do not exceed 30 feet in height and~~ are maintained in good repair.
- I. All front and rear measurements are taken from the front property line.
- J. Ground-level decks and boardwalks not higher than six inches (see § 145-3 for definition, **and § 145-14.3, G for additional limitations**) shall not be considered structures under the setback provisions of this article. If the ground on which the deck or boardwalk is constructed is sloped or not level, the deck or boardwalk shall be "stepped" so as to not allow its height to exceed six inches above the ground immediately below or adjacent to it. [Added 2-8-2002 by Ord. No. 106-01]
- K. Notwithstanding any other provisions of this article, swing sets are allowed in the rear setback no closer than five (5) feet to the property boundary lines.**

**Effective date:** This ordinance shall become effective upon the date of adoption.

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY, SUSSEX COUNTY, DELAWARE, ON THE 9<sup>th</sup> OF JULY 2010.**

SEAL:

  
Jay Headman, Mayor

  
Rob Youngs, Council Secretary

ATTEST: 

1 <sup>st</sup> Reading:	4/9/10
2 <sup>nd</sup> Reading:	5/14/10
3 <sup>rd</sup> Reading:	7/9/10
Public Hearing:	6/11/10

CERTIFICATION FOR REGULAR ORDINANCES

This is to certify that the notice and brief description of the foregoing ordinance was published in the COASTAL POINT Newspaper on 4/2/10 and posted on the Town's website on 4/1/10, prior to the first reading.

This is to certify that the notice and brief description of the foregoing ordinance was published in the COASTAL POINT Newspaper on \_\_\_\_\_ and posted on the Town's website on \_\_\_\_\_, after its adoption.