

**SYNOPSIS OF AMENDING THE CODE OF SOUTH BETHANY, CHAPTER 145,  
ZONING, ARTICLE IV, ENTITLED “GENERAL PROVISIONS ” TO ADD § 145-14.3.  
ORDINANCE 153-10 (FIRST READING)  
(Sponsored by Councilman Headman and Councilman Fields)**

This ordinance adds § 145-14.3, “Ground covering allowed in setback area” to Chapter 145, ZONING, Article IV, General Provisions, to:

- Require that at least fifty-five percent (55%) of any required setback area be covered with pervious materials.
- Require that *only* pervious material is permitted within five (5) feet of the property boundary line (or at least 50% of the required setback where the required setback is less than ten (10) feet) on any building lot.
- Require advance approval to install impervious ground covering on building lots.



**ORDINANCE NO. 153-10**

**AN ORDINANCE TO AMEND** the Code of the Town of South Bethany, Chapter 145, **Zoning**, Article IV, entitled "General Provisions", to add § 145-14.3.

**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"**

**ARTICLE III  
Definitions**

**§ 145-3.** Definitions and word use.

B. As used in this chapter, the following terms shall have the meanings indicated:

***PERVIOUS MATERIALS – Materials that permit water to enter the ground by virtue of their porous nature or by large spaces in the material.***

***PERMEABLE INTERLOCKING PAVERS – Permeable interlocking concrete pavement (PICP) is comprised of a layer of concrete pavers separated by joints filled with small stones.***

***ICPI – The Interlocking Concrete Pavement Institute (ICPI) is a trade association representing the interlocking concrete paving industry. ICPI engages in a broad range of technical, marketing, educational, government relations and communications activities. ICPI guidelines are available on the Internet.***

***IMPERVIOUS MATERIALS – Materials that prevent precipitation from contacting the existing soil and do not allow water to penetrate the soil.***

***BUILDING LOT ORIENTATION – The terms front, rear, and sides as used in this subsection shall have the same meaning as in Chapter 145, ZONING.***

**ARTICLE IV**  
**General Provisions**

**§ 145-14.3. Ground covering allowed in setback area.**

- A. In the R-1 Single-Family Dwelling District (§ 145-26) at least fifty five per cent (55%) of any required building setback area, as defined in Chapter 145, ZONING, ARTICLE XI, Setback Requirements, shall be covered with pervious materials. Pervious materials, such as but not limited to, sand, gravel, mulch, grass, shells, natural vegetation, or pervious concrete, porous asphalt, and permeable interlocking pavers which are installed per current industry standards or by Interlocking Concrete Pavement Institute (ICPI) guidelines shall be allowed.**
- B. Notwithstanding the requirements of paragraph (A) of this subsection, only pervious covering material is allowed within a five (5) foot wide perimeter strip adjacent to the property boundary line on the sides and rear of any residential building lot within the town limits of South Bethany. The front of the lot is exempt from this requirement. Only pervious materials listed in paragraph (A) shall be allowed as a ground covering.**
- On residential building lots where the required setback is less than ten (10) feet, the required perimeter strip shall be at least 50% of the setback.**
- C. Only materials such as but not limited to gravel, shells, sand, and grass shall be allowed as a ground covering in any Town right-of-way. Pervious concrete, porous asphalt, and permeable interlocking pavers shall not be used in any Town right-of-way.**
- D. Impervious paving is permitted in the construction of a boat ramp as defined in § 50-6, Ramp specifications.**
- E. Impervious surfaces planned in the setback area require a building permit. The application for a permit shall include a plot or sketch, showing the location and dimensions of all existing and planned impervious surfaces, including a description of the materials to be used.**

- F. Construction of permeable interlocking pavers must have prior Town building or paving permit approval and must be inspected by the Town after the gravel base has been completed but before pavers have been installed to insure that current industry standards have been met.***
- G. Any ground-level boardwalk or ground-level deck as defined in Chapter 145, ZONING, ARTICLE III, Definitions, shall have spacing of at least one-eighth inch (1/8") between floor boards at construction.***
- H. Impervious ground coverings existing at the time of enactment of this subsection may be used and repaired as a Nonconforming Structure (§145-3) but may not be expanded, rebuilt, or replaced with such materials where fifty per cent (50%) or more of such structure requires repair (§145-17).***

**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 \_\_\_\_ OF \_\_\_\_\_ 2010.**

SEAL:

\_\_\_\_\_  
Gary L. Jayne, Mayor

\_\_\_\_\_  
Diane Matera, Council Secretary

ATTEST: \_\_\_\_\_

1<sup>st</sup> Reading: 2/12/10  
2<sup>nd</sup> Reading:  
3<sup>rd</sup> Reading:  
Public Hearing:

Sponsored by Councilman Headman and Councilman Fields

JH:JF:phs:Ordinance 153-10.First Reading.2.12.10

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 **2/5/10** and posted on the Town's website on **2/3/10** 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.