

**SYNOPSIS OF AMENDING THE CODE OF SOUTH BETHANY, CHAPTER 145,
ZONING, ARTICLE III, "DEFINITIONS", ARTICLE V, "NONCONFORMING USES AND
STRUCTURES", AND ARTICLE X, "DIMENSIONAL REQUIREMENTS"
ORDINANCE 181-16 (THIRD READING)
(Sponsored by Mayor Pat Voveris)**

This ordinance amends Chapter 145, "Zoning", to:

- Eliminate the restrictions on bathrooms in houses in the Town of South Bethany.



ORDINANCE NO. 181-16

AN ORDINANCE TO AMEND the Code of the Town of South Bethany, Chapter 145, **Zoning**, Article III, "Definitions", Article V, "Nonconforming Uses and Structures", and Article X, "Dimensional Requirements" to Eliminate the Restrictions on Bathrooms in Houses in the Town of South Bethany.

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**):

**ARTICLE III
Definitions**

§ 145-3. Definitions and word use.

SINGLE-FAMILY DWELLING – A single-family detached unit providing complete living facilities for one or more individuals, including permanent provisions for living, sleeping, eating, cooking and sanitation with a maximum of one kitchen. ~~and four full and/or half bathrooms.~~
[Amended 3-12-2004 by Ord. No. 122-03]

**ARTICLE V
Nonconforming Uses and Structures**

§ 145-18. Destruction.

A. Accidental destruction. A building or structure of nonconforming dimension or use which is 50% or more destroyed by fire, explosion or act of God, as determined by the Code Enforcement Constable, or Town Manager, or, if with a lesser percentage of destruction, condemned by the State Fire Marshal, may be rebuilt only if the rebuilt structure conforms to all the dimensional requirements of Articles X, XI, XII, XIII and XIV; provided, however, anything herein to the contrary notwithstanding, any single-family residence legally constructed or having a building permit issued prior to March 12, 2004, which was nonconforming with regard to Subsections G ("Maximum floor-to-area ratio"), H ("Maximum livable area ratio"), I ("Maximum building area"), and/or K ("Maximum number of ~~bathrooms and~~ kitchens") of § 145-35 ("R-1 Single-Family Dwelling District") may (subject to any controlling federal flood insurance requirements) be reconstructed or restored to the same size, dimensions, area(s) and number of ~~bathrooms and~~ kitchens as existed prior to such accidental destruction if such reconstruction commences within 120 days and is completed within 365 days from the date of commencing the reconstruction. The burden shall be on the applicant to establish the existence of such previously existing nonconformity.

**ARTICLE X
Dimensional Requirements**

§ 145-35. R-1 Single-Family Dwelling District.

- K.** Maximum number of ~~bathrooms and~~ kitchens: No single-family dwelling in the R-1 Single-Family Dwelling District shall contain more than one kitchen ~~and more than four bathrooms and/or half bathrooms~~ constructed for occupancy as a single-family residence.

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 23RD OF JUNE 2016.**