

**SYNOPSIS OF AMENDING THE CODE OF SOUTH BETHANY, CHAPTER
145, ZONING, ARTICLE IV, ENTITLED "GENERAL PROVISIONS" TO
UPDATE § 145-14.3 TO ALLOW PERMEABLE PAVERS WITHIN THE TOWN
RIGHT-OF-WAY
ORDINANCE 159-11 (THIRD READING)
(Sponsored by Councilman Gross)**

This ordinance amends Chapter 145, ZONING, to:

- Allow permeable pavers within the Town right-of-way.
- Delete the definitions of ICPI and Permeable Interlocking Pavers.
- Add the definition of Permeable Masonry Pavement.



ORDINANCE NO. 159-11

AN ORDINANCE TO AMEND the Code of the Town of South Bethany, Chapter 145, **Zoning**, Article III, entitled "Definitions", Article IV, entitled "General Provisions", to allow permeable pavers within the Town right-of-way.

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.

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

~~**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.**~~

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

PERMEABLE PAVERS – Masonry units made of concrete, clay or stone, which when used to construct pavement, meet the requirements of pervious materials as defined below.

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

**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 55% of ~~any~~ **the sum of** 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~~ **or, when installed per current industry standards or guidelines,** permeable interlocking pavers, **pervious concrete, and porous asphalt. which are installed per current industry standards or by Interlocking Concrete Pavement Institute (ICPI) guidelines shall be allowed.**
- B. Notwithstanding the requirements of Subsection A of this section, only pervious covering material is allowed within a five-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 Subsection A shall be allowed as a ground covering. On residential building lots where the required setback is less than 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 ~~and~~, porous asphalt ~~and permeable interlocking pavers~~ shall not be used in any Town right-of-way. **Permeable pavers may be used within the Town right-of-way along the front of the property, no wider than 50% of the lot width and no closer than 5 feet of any side boundary line. If the pavers are removed for any reason, it will be the owner's responsibility and cost to replace the pavers. At the time of installing or replacing the pavers a 4 inch diameter thick wall conduit (schedule 40 minimum) shall be installed for any future use for utility purposes.**

- 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 ensure 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, except those constructed with pressure-treated lumber, shall have spacing of at least 1/8 inch between floor boards at construction.
- H. Impervious ground coverings existing at the time of enactment of this section may be used and repaired as a nonconforming structure (§ 145-3) but may not be expanded, rebuilt, or replaced with such materials where 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 _____ 2012.

SEAL:

Joseph I. Headman, Jr., Mayor

George Junkin, II, Council Secretary

ATTEST: _____

1st Reading: 11/12/11
2nd Reading: 12/9/11
3rd Reading: 2/10/11
Public Hearing: 2/10/11

Sponsored by Councilman Gross
JG:phs:Ordinance 159-11
1.5.12

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 11/11/11 and posted on the Town's website on 11/4/11, 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.