

**SYNOPSIS OF AMENDING THE CODE OF SOUTH BETHANY,  
CHAPTER 145-14.3 Paragraph C  
“Ground covering allowed in setback area”  
ORDINANCE 205-21 (FIRST READING)  
(Sponsored by Councilmember William Shaw)**

This ordinance amends Chapter 145-14.3, “Ground covering allowed in setback area”, paragraph C, to permit the use of permeable pavers in the setback area and over the full width of the lot. It also eliminates a requirement to install conduit.



## ORDINANCE NO. 205-21

**AN ORDINANCE TO AMEND** the Code of the Town of South Bethany, Chapter 145-14.3, paragraph C, **Ground covering allowed in setback area** to permit the use of permeable pavers in the Town right of way and eliminates a requirement to install conduit if paver replacement becomes necessary.

**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 145-14.3, paragraph C (“Ground covering allowed in setback area”) be amended as follows (additions are **bold and highlighted in red text and underlined** and deletions are highlighted and ~~marked through~~):

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

- A. In the R-1 Single-Family Dwelling District (§ 145-26) at least 55% of the sum of required building setback area, as defined in Chapter 145, Zoning, Article XI, Setback Requirements, shall be covered with pervious covering materials. The building setback area is the total of the front, rear and side setbacks expressed in square footage (i.e.: 25 feet x 50 feet + 25 feet x 50 feet + 8 feet x 50 feet + 8 feet x 50 feet = 3,300 square feet. 3,300 square feet x 55% = 1,815 square feet minimum pervious coverage). Pervious covering materials, such as, but not limited to, sand, gravel, mulch, grass, shells, natural vegetation, or, when installed per current industry standards or guidelines, permeable pavers, pervious concrete, and porous asphalt.
- 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 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 five feet to any side boundary line.~~ If the **permeable** 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 four-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 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 floorboards 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 \_\_\_\_\_ 2022.**

SEAL:

\_\_\_\_\_  
Timothy D. Saxon, Mayor

\_\_\_\_\_  
Richard Oliver, Council Secretary

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

1<sup>st</sup> Reading: 12.10.21  
2<sup>nd</sup> Reading:

Sponsored by Councilmember William Shaw  
WS:jp: Ordinance 205-21  
First Reading