

**SYNOPSIS OF ORDINANCE
AMENDING THE CODE OF SOUTH BETHANY,
TO AMEND CHAPTER 145, ZONING, §145-3, 145-14.3(A)
ORDINANCE 223-26 (SECOND READING)
(Sponsored by Mayor Dondero)**

This Ordinance amends the Code of the Town of South Bethany, Chapter 145, Zoning, Article III, §145-3, amending definitions; Article IV, §145-14.3, amending A, regarding pervious ground covering allowed in the setback area.



ORDINANCE NO. 223-26

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BE IT HEREBY ENACTED by the Council of the Town of South Bethany, Sussex County, Delaware, a majority thereof concurring in Council duly met, that the following ordinances be and hereby are amended as follows: (additions are **bold and highlighted in red text** and deletions are ~~bold and marked through~~)

Amend Chapter 145, Zoning, Article III, §145-3 as follows:

§ 145-3 Definitions; word usage.

A. For the purpose of interpreting this chapter, certain terms are herein defined as applicable within the corporate limits of South Bethany. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The term "occupied" or "used," as applied to any building, shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used."

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

...

IMPERVIOUS MATERIALS

~~Materials that prevent precipitation from contacting the existing soil and do not allow water to penetrate the soil.~~ **A surface composed of any material that significantly impedes or prevents the natural infiltration of rainfall into the soil. This includes, but is not limited to roofs, concrete surfaces, asphalt surfaces, structures, non-pervious pavers, sidewalks, swimming pools, and multipurpose courts; and any material that does not meet the definition of "pervious."**

...

PERVIOUS MATERIALS

~~Materials that permit water to enter the ground by virtue of their porous nature or by large spaces in the material.~~ **Any material or surface that allows rainfall to infiltrate into the soil. This includes, but is not limited to, grass, meadows, planting beds, mulch, ¼-inch spaced decking above pervious surfaces, washed gravel and stones greater than 3/8-inch diameter, shells, pervious pavers, porous pavement, and/or any material that, when tested or installed per manufacturer specifications or industry standard, has an infiltration rate greater than two inches per hour. The use of polymeric sand and other synthetic products is not permitted in a permeable paver assembly.**

Amend Chapter 145, Zoning, Article IV, §145-14.3, amending A, as follows:

§ 145-14.3 Ground covering allowed in setback area.

- A. In the R-1 Single-Family Dwelling District (§ 145-26) ~~at least 55%~~ **100%** ~~of the sum of any~~ required building setback area, as defined in Chapter 145, Zoning, Article XI, Setback Requirements, shall be covered with pervious covering materials, **with the exception of walkways up to 36 inches in width that traverse the setback area.** ~~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.**

If any provision(s) of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective date. This ordinance shall become effective upon its passage by a majority vote of the Town Council of the Town of South Bethany.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY, SUSSEX COUNTY, DELAWARE, ON THE 14 OF August 2026.

SEAL:



Edith Dondero, Mayor



Robert Shields, Council Secretary

ATTEST:



Matt Amerling, Notary Public

1st Reading: 7/17/2026
2nd Reading: 8/14/2026

Sponsored by Mayor Dondero
Ordinance 223-26
Second Reading

