

Understanding South Bethany Town Code Chapter 145-14.3: Ground Covering Allowed in Setback Area

What is the recently amended text of Chapter 145-14.3?

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

What are “setback areas”?

The areas extending from the lot (property) lines to the exterior building lines within which no other building or other structure may be erected.

How much of my lot is setback area?

That depends on where your home is located. See Chapter [145-37](#) (east of Rt. 1) or [145-38](#) (west of Rt. 1) to learn the size of setback areas on your street.

Is my driveway in the setback area?

Yes, your driveway is located, at least in part, within the front setback area.

What are pervious (and impervious) materials?

Please see the definitions of pervious and impervious in the Definitions section of the Zoning Code, Chapter 145-3. ([Link here.](#)) A non-comprehensive list of example materials is also included below for easy reference.

What if my current driveway is concrete or asphalt? Do I have to remove it?

No, you do not have to remove an existing driveway. However, whenever 50% or more of the driveway needs major repair or replacement, you will need to convert the driveway to pervious materials.

An exception is given for walkways. Can the walkways be constructed of impervious materials?

Yes, the code allows an exception for walkways that are 36 inches or less in width to be constructed of impervious material. This ensures a hard surface for universal accessibility. Exempted walkways can traverse any setback area (front, rear, or sides).

The following is a list of commonly used pervious materials that are suitable for use in South Bethany. This list is not all-inclusive and is expected to change over time with developing technologies. It has been compiled for informational purposes only. If you are planning a construction or renovation project, please contact the Code Enforcement staff for information on the conformity or non-conformity of any specific material or product.

Paving Units & Pavers

- Permeable Interlocking Concrete Pavers (PICP): Specially designed concrete pavers with wider joints or built-in spacers filled with clean aggregate to allow water drainage into a clean stone bed below. The manufacturer's specification of a water infiltration rate greater than two (2) inches per hour must be supplied.
- Natural Stone Pavers: Flagstone, slate, granite, or limestone laid with unsealed, open joints filled with gravel or growing medium. The manufacturer's specification of a water infiltration rate of greater than two (2) inches per hour must be supplied.

Aggregate & Loose Materials

- Crushed Stone / Gravel: A permeable option available in various sizes (e.g., #57 stone or pea gravel) used for paths, driveways, and French drains. Gravel must be 3/8-inch or larger.
- River Rock: Smooth, larger stones ideal for decorative garden borders and areas with heavy water flow.
- Crushed Shells (Oyster or Clam): A sustainable, coastal alternative to gravel.

Ground Grids & Reinforcement Systems

- Geocells / Plastic Turf Grids: Interlocking plastic honeycomb matrices placed on the ground and filled with gravel or turf. The manufacturer's specification of a water infiltration rate of greater than two (2) inches per hour must be supplied.
- Concrete Grid Pavers (Grass Pavers): Open-celled concrete blocks where the voids are planted with grass or filled with gravel, combining structural load-bearing strength with a green aesthetic. The manufacturer's specification of a water infiltration rate of greater than two (2) inches per hour must be supplied.
- Plastic Permeable Paver Grids: Lightweight, interlocking grids designed to stabilize gravel driveways or overflow parking areas. The manufacturer's specification of a water infiltration rate of greater than two (2) inches per hour must be supplied.

Organic & Living Materials

- Wood Mulch (bark or woodchips)
- Pine Straw/Pine needles

Other

Ground level decks that are less than six (6) inches above grade, with a minimum of 1/4-inch spacing between boards, are permitted. If any weed barrier is placed below a ground level deck, the manufacturer's specification of a water infiltration rate of greater than two (2) inches per hour must be supplied.