

# ZONING

## 425 Attachment 3

### Town of Bethany Beach

#### Appendix 3 Table of Dimensional Requirements

[Amended 4-15-1983 by Ord. No. 114; 11-18-1983 by Ord. No. 121; 8-19-1988 by Ord. No. 202; 11-18-1988 by Ord. No. 209; 8-17-1990 by Ord. No. 251; 5-15-1998 by Ord. No. 325; 3-21-2003 by Ord. No. 373; 6-20-2003 by Ord. 375; 2-10-2006 by Ord. No. 405; 4-21-2006 by Ord. No. 410; 4-21-2006 by Ord. No. 412; 8-7-2006 by Ord. No. 413; 8-18-2006 by Ord. No. 417; 8-15-2008 by Ord. No. 443; 6-18-2010 by Ord. No. 456; 6-23-2011 by Ord. No. 466; 4-20-2012 by Ord. No. 477; 5-17-2013 by Ord. No. 491 ; 5-17-2013 by Ord. No. 494; 8-16-2013 by Ord. No. 498; 3-18-2016 by Ord. No. 522<sup>1</sup>; 10-21-2016 by Ord. No. 526]

District	Minimum Lot Area (square feet)	Minimum Street Frontage (feet)	Maximum Lot Coverage by Buildings(a) (percent)	Minimum Yard Depth (setback) (n)			Maximum Height (p)(q)	
				Front (feet)	Rear (feet)	Side (feet)	Main (feet)	Accessory (feet)
<b>R-1 and R-1B (Residential)</b>								
Single-dwelling-unit building	5,000 per lot	40 interior 50 corner	40%	20(b)	15	7(h)	31(r)	15
Multi-dwelling-unit building	5,000 per dwelling unit	40 per dwelling unit 50 per dwelling unit, corner	40%	20(b)	15	(c)	31(r)	15
<b>R-2 (Residential)</b>		(s)						
Single-dwelling-unit building	7,000 per lot	60 per lot	40%	20(b)	15	7(h)	31	15
Multi-dwelling-unit building	7,000 per dwelling unit	40 per dwelling unit, interior 50 per dwelling unit, corner	40%	20(b)	15	(c)	31	15
<b>R-1A (Residential)</b>	2,500 per dwelling unit	40 per lot (k)	40%	0	15	(l)	31	15
<b>C-1 (Central Commercial)</b>								
Commercial/Residential	5,000 per lot	40 per lot, interior 50 per lot, corner	(d)(i)	None	15	(g)	(q)	15

<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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District	Minimum Lot Area (square feet)	Minimum Street Frontage (feet)	Maximum Lot Coverage by Buildings(a)	Minimum Yard Depth (setback) (n)			Maximum Height (p)(q)	
				Front (feet)	Rear (feet)	Side (feet)	Main (feet)	Accessory (feet)
<b>C-2 (Neighborhood Commercial)</b> Commercial	7,000	60 per lot	80%		20	(f)	(q)	15
<b>CL-1 (Commercial Lodging)</b>	3,750 per lot; 300 per commercial lodging unit	40 per lot, interior; 50 per lot, corner	(s)	0	15	(0)(g)	31(t)	15
<b>MORE (Municipal Open Space, Recreation Facilities and Educational)</b>	None	None	80%	0	5(o)	5(o)		

**NOTES:**

- (a) Includes principal and accessory buildings. Coverage is the maximum horizontal cross-section areas of the buildings on a lot, including covered arches and open-deck porches built more than 12 inches above the ground, measured from the ground immediately below to the top of the finished floor, but excluding cornices, eaves, gutters, and chimneys; and any of the following where the topmost finished surface is less than 12 inches above the ground (measured from the ground): outside steps, open-deck porches, patios, walkways, or driveways.
- (b) The front yard depth requirement of 20 feet shall not apply where front-yard depths of 10 feet but not more than 20 feet have been established by at least three existing buildings on any one side of any one block. In no case shall the front-yard requirement be less than 10 nor more than 20 feet. With a front door facing and being clearly visible from the street, uncovered steps and landings having a maximum width of 42 inches and leading from the street to that door may encroach up to 10 feet into the front yard setback, but in no case closer than 10 feet from the front lot line, as provided in § 425-85 of the Town Code.
- (c) Single standard dwelling units may be joined with common walls in the R-2 Zone or R-1 Zone if there is a minimum of 5,000 square feet per standard dwelling unit [e.g., 10,000 square feet for two standard dwelling units; 20,000 for four standard dwelling units]; and no more than four standard dwelling units can be in any one continuous building or structure. Each side-yard requirement shall be seven feet times the number of standard dwelling units [e.g., the minimum distance between adjacent four-unit buildings shall be 56 feet].
- (d) Total lot area, less the required off-street loading and yard setbacks required by this Code.
- (e) All buildings containing residential uses shall be provided with a minimum lot area of 5,000 square feet. Buildings containing more than one unit or a combination of units shall be provided with lot area for each unit as follows:
  - 1. Standard dwelling units: 2,500 square feet.
  - 2. Apartments.
    - a. One bedroom: 1,600 square feet.
    - b. Two or more bedrooms: 2,500 square feet.
  - 3. Commercial lodging rooms:
    - a. Three hundred square feet per commercial lodging unit.
- (f) None required, unless the commercial structure adjoins a residential district. In such cases, a side yard of not less than 20 feet is required.
- (g) None required, unless the commercial structure adjoins a residential district. In such a case, a side yard of not less than seven feet is required.

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- (h) Building must conform to requirements of Article IV, § 425-14. With an entrance door facing and being clearly visible from the street, uncovered steps and landings having a maximum width of 42 inches and leading from the street to that door may encroach up to five feet into the street facing side yard setback, but in no case closer than 10 feet from the street facing side lot line, as provided in § 425-85.
- (i) Provided that the parking and loading requirements of this code are met.
- (j) Side-yard requirements shall be waived in the case of apartments or commercial lodging rooms located above a commercial structure.
- (k) In R-1A District, the boardwalk shall be treated as a street for purposes of calculating minimum street frontage.
- (l) None required, unless the lot abuts the R-1 Residential or R-2 Residential District, in which case a side yard of not less than seven feet is required.
- (m)(Reserved)
- (n) Anything in this chapter to the contrary notwithstanding, no construction of any building (residential, commercial, recreational, principal or accessory) shall be permitted within seven feet of the eastern property line of any lot fronting the beach or strand abutting the Atlantic Ocean, provided that this setback shall not prohibit any structure, device or facility devoted to the enhancement, preservation and protection of beaches, the sole jurisdiction over which has been delegated exclusively to DNREC, or the construction of any boardwalk or deck.
- (o) Only if abutting residential; does not include fencing.
- (p) Any structure located in a flood zone regulated by Chapter 453, Flood Damage Prevention, of the Town Code, the roof of which has a roof pitch throughout of not less than 5/12, may, at the option of the owner thereof, have its height measured from the elevation of the base flood elevation plus freeboard to the highest point of such building or structure rather than from grade.
- (q) All land, buildings and structures now or hereinafter located on any parcel of land in the C-1 Central Commercial, C-2 Neighborhood Commercial or CL-1 Commercial Lodging Districts are subject to the "Bethany Beach Nonresidential Design Guidelines, dated August 15, 2004," attached as Appendix 4 to the Town Zoning Code (as such guidelines may from time to time be revised or amended by the Town Council). Any person or entity contemplating the construction, reconstruction, alteration, or modification of any such land, building or structure with the C-1 Central Commercial, C-2 Neighborhood Commercial or CL-1 Commercial Lodging Zoning District shall refer to such Guidelines prior to commencing work, including the preparation of architectural, engineering and landscaping plans.
- (r) For street frontage requirements for lots fronting on a cul-de-sac, see § 425-56.
- (s) Total lot area less the required off-street parking and loading requirements and requisite yard setbacks.
- (t) Allowable maximum height of the top plate/eave is 31 feet, with a maximum of three stories. The height of nonhabitable sloping roof elements may extend to a maximum height of 35 feet with the approval of the Non-Residential Design Review Committee (NRDRC). No flat roofs are permitted above 31 feet. Height shall be measured from FEMA base flood elevation or average grade whichever is higher. HVAC equipment shall be allowed up to a maximum height of 35 feet with the approval of the NRDRC. Cupolas not larger than four feet by four feet may extend to a maximum height of 37 feet above base flood level with the approval of the NRDRC.