

Sponsor: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Adoption Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

**AN ORDINANCE TO ADD A NEW CHAPTER §425-26 ENTITLED  
“THE REGULATION OF RESIDENTIAL BULK DENSITY IN THE R-1,  
AND THE R-1B ZONING DISTRICTS” TO THE TOWN CODE OF THE TOWN  
OF BETHANY BEACH**

BE IT HEREBY ENACTED by the Town Council of the Town of Bethany Beach, a majority thereof concurring in Town Council duly met, that the following Ordinance be and hereby is adopted:

**CHAPTER §425-26: THE REGULATION OF RESIDENTIAL BULK DENSITY  
IN THE R-1 AND THE R-1B RESIDENTIAL ZONING  
DISTRICTS**

**§ 425-26-1. Findings and (Purpose or Intent)**

- A. The Town Council of Bethany Beach has determined that it is necessary to regulate the bulk density of residential buildings in the R-1 and R-1B Zoning Districts in order to fulfill the intent of Chapter 45, Zoning, of the Town Code, as set forth in Article I, Section §425-1. That section provides that Chapter 45, enacted in accordance with the Town’s Comprehensive Plan, is designed to, among other things:
- (1) Preserve, as far as reasonably can be done, the present unique character of Bethany Beach as a family beach resort.
  - (2) Promote health and the general welfare.
  - (3) Provide adequate light and air.
  - (4) Prevent the development of undesirable noise and other nuisances, as well as the overcrowding of land.
  - (5) Avoid undue concentration of population.
- B. The Town Council has identified a trend toward construction of large, box-shaped residential buildings, which raised a number of serious concerns. For example, some buildings may be considered inconsistent with the historic character of Bethany Beach as a family beach resort; incompatible with the residential homes in the surrounding neighborhood; and may block light and air flow to adjacent homes. In addition, a number of such large buildings concentrated on a street can create an unattractive high-wall “canyon effect” that is inconsistent with some purposes of Section §425-1 of this Chapter and incompatible with other homes in the surrounding neighborhood.

- C. In order to fulfill the intent of Chapter 425 and address the trend and concerns described, new residential buildings and major renovations should incorporate structural elements that are consistent with the best architectural elements that characterize the particular neighborhood involved. Elements to consider in the review of architectural plans include mass, bulk, scale, building height, rooflines, wall planes and lot coverage. Definitions of terms are provided below in Section §425-26-2. In addition, building height should be in proportion to the size and style of the house and to the size of the building lot, as well as compatible with the surrounding homes.
- D. In order to encourage the incorporation of desirable architectural features in plans for new construction and major renovations and balance the interests of property owners, a system of tradeoffs, or construction options, should be created. The tradeoff system described and illustrated in Section §425-26-3 and the related charts below, are designed to provide a range of construction options for planning purposes, depending upon the lot coverage of a building.
- E. The Town Council has further determined that this ordinance shall apply only in the R-1 and R-1B Residential Zoning Districts, where the greatest impact of massing, bulk and scale of new residential projects was found. This is due to factors such as greater density, narrower lots, and lower grades requiring houses to be elevated to meet flood regulations. Residential bulk density is not an issue in the R-2 Residential Zoning District, because the minimum lot size in that District is significantly greater than the size of lots in the R-1 and R-1B Districts, the great majority of which are located east of Coastal Highway (Delaware Route 1).
- F. Finally, the Town Council has determined that this ordinance will take effect one year from the date of adoption by the Town Council.

#### **§425-26.2. Definitions**

##### **Bulk:**

Bulk is a subjective term for the part or parts of a building's mass, which constitute(s) the largest general shape or shapes of a building.

Bulk Density: A numerical ratio of standard dwelling units per ground area especially how it relates to the size and scale of the existing dwelling units that comprise an established neighborhood.

##### **Dormer:**

A framed structure, either gable, shed or eyebrow style, which projects from a roof and has its own roof and sides. No part of a dormer shall extend above the ridge height of the roof from which it projects.

**Exterior Wall Plane:**

A flat two-dimensional exterior surface of a structure with the requirement of having a minimum of two-separate wall planes that are separated by some distance. (See examples on the trade-off charts).

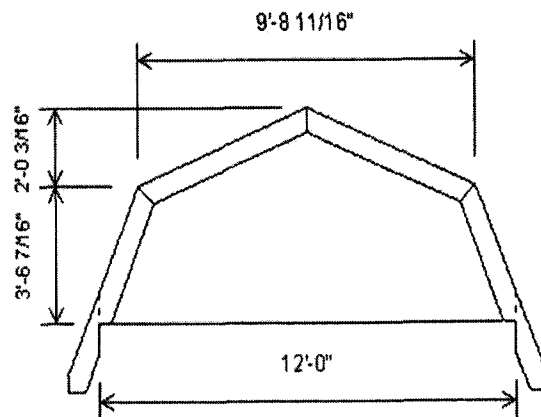
**Form:**

The exterior shape of a building's mass



**Gambrel Roof:**

A gable roof with two slopes on each side and the lower slope being steeper



**Half Story:**

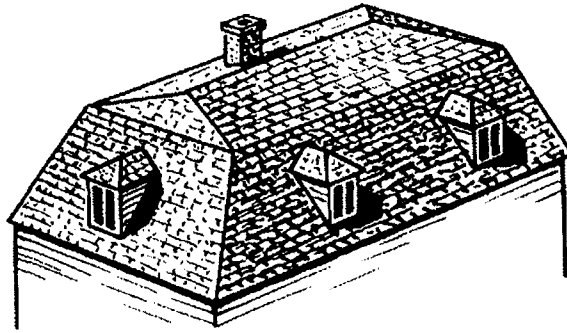
A half story is that space that is between the floor below and the pitched roof above. There is no floor or attic above it. A half story commonly makes use of knee walls with a minimum of five (5) feet for the sloped surfaces under the roof to enclose the space.

**Human Scale:**

The aspect of architecture in which its elements are in proportion to the average human

**Mansard Roof:**

A roof having two slopes on all sides with the lower slope steeper than the upper. Mansard roofs and roofs greater than a 12/12 pitch (45 degrees), are considered as a vertical wall enclosing a living space

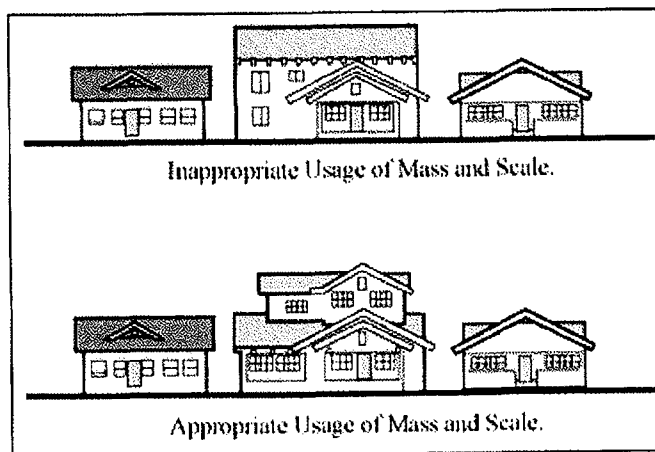


**Mass:**

The three-dimensional bulk of a residential building: its height, width and depth

**Massing:**

The composition and shape of a residential building's mass



**Residential Additions:**

New construction that increases the size and/or footprint of the house

**Roof, main:**

The main roof is the principal roof structure covering the majority of the residential building. The main roof can be made up of several components such as intersecting gables.

**Roof Sun Decks (Widow's Walks):**

Decks located above twenty-five (25) feet from grade or base flood are limited to a size not to exceed but be an addition to ten percent (10%) of the total roof area.

**Scale:**

A residential building and its details, including: garage doors, pedestrian entries, windows, plate heights and balconies as they relate to human scale proportions. Scale also involves a residential building's mass and bulk and the residential building's details proportionately compared with other residential structures in a neighborhood.

**Size:**

The length and height of a residential structure or its elements with a reference to a definite unit of measure

**Story:**

A story is a space in a residential building between two adjacent floor levels or between a floor and the roof. For elevated residential structures, the space that is used primarily for parking cars and storage is not considered to be the first floor of the structure. If the top floor of a residential building is roofed by a dormer(s) that covers fifty percent (50%) or more of floor area it is considered to be a full story. Floor area under a gambrel or mansard roof is also considered to be a full story.

**§ 425-26-3. Tradeoffs**

In residential zoning districts R-1 and R-1B, currently the Town's Zoning Code permits the construction of large homes with minimal restriction on building lots that on average measure only five thousand (5000) square feet in total area. By incorporating the concept of tradeoffs as part of the Town's Zoning Code, for the first time offers a positive approach to the design of future homes as a means of obtaining desirable architectural features that works to all stakeholders' advantage. An example of architectural features that would be considered desirable include such items as dormers, open porches and decks, reduction in lot coverage, steeper roof pitches, less flat planes as well as greater variation in planes.

The tradeoffs are summarized in the following chart:

TRADE OFF CHART FOR R-1 AND R-1B DISTRICT

	ADDIT. SETBACKS	FRONT YARD	REAR YARD	ROOF PITCH	# OF FLOORS PERMITTED	FRONT AND SIDE WALL PLANES
40	<p>Interior lots – Add minimum sum of 2' to either front and/or side setback total (standard 7' side and 20' front apply)</p> <p>Corner lots – not permitted</p>	<p>No front yard encroachment permitted except as permitted by Appendix 3 Footnote (b)</p>	<p>No rear yard encroachment permitted</p>	<p>Minimum roof pitch above ground and/or first floor to be 5:12</p>	<p>2 ½ stories per definition for a maximum coverage of 50% of third floor based on footprint of floor below</p>	<p>Option 1 – A min. of two wall planes each side with a cumulative minimum difference between planes of 4 feet, one of which planes must be no less than 20% of the SF of that wall.</p> <p>Option 2 – A min. of two wall planes at front elev. and one side with a cumulative difference between planes of 4 feet, one of which planes must be no less than 40% of the SF of that wall</p>
38	<p>Interior lots – Add minimum sum of 2 feet to either front and/or side setback total (standard 7' side and 20' front apply)</p> <p>Corner lots – minimum of 7' on interior side and 15' on side abutting a street.</p>	<p>No front yard encroachment permitted except as permitted by Appendix 3 Footnote (b)</p>	<p>No rear yard encroachment permitted</p>	<p>Minimum roof pitch above ground and/or first floor to be 5:12</p>	<p>2 ½ plus for a maximum coverage of 60% of third floor based on footprint of floor below</p>	<p>Option 1 – A min. of two wall planes each side with a cumulative minimum difference between planes of 4 feet, one of which planes must be no less than 20% of the SF of that wall.</p> <p>Option 2 – A min. of two wall planes at front elev. and one side with a cumulative min. difference between planes of 4 feet, one of which planes must be no less than 40% of the SF of that wall</p>

MAXIMUM LOT COVERAGE (%)

TRADE OFF CHART FOR R-1 AND R-1B DISTRICT

	ADDIT. SETBACKS	FRONT YARD	REAR YARD	ROOF PITCH	# OF FLOORS PERMITTED	FRONT AND SIDE WALL PLANES
36	Interior lots – 7' minimum each side Corner lots – minimum of 7' on interior side and 15' on side abutting a street	No front yard encroachment permitted except as permitted by Appendix 3 Footnote (b)	5' rear yard encroachment permitted over 40% of lot width max. and limited to one story in height above ground level	Minimum roof pitch above ground and/or first floor to be 3:12	2 ½ plus for a maximum coverage of 75% of third floor based on footprint of floor below	Option 1 - A min. of two wall planes each side with a cumulative minimum difference between planes of 4 feet, one of which planes must be no less than 20% of the SF of that wall. Option 2 - A min. of two wall planes at front elev. and one side with a cumulative min. difference between planes of 4 feet, one of which planes must be no less than 40% of the SF of that wall
32	Interior lots – 7' minimum each side Corner lots – minimum of 7' on interior side and 15' on side abutting a street.	No front yard encroachment permitted except as permitted by Appendix 3 Footnote (b)	5' rear yard encroachment permitted over 40% of lot width max. and limited to one story in height above ground level	Minimum roof pitch above ground and/or first floor to be 3:12	No max. number of floors (refer to max. height permitted)	Option 1 - A min. of two wall planes each side with a cumulative minimum difference between planes of 4 feet, one of which planes must be no less than 20% of the SF of that wall. Option 2 - A min. of two wall planes at front elev. and one side with a cumulative min. difference between planes of 4 feet, one of which planes must be no less than 40% of the SF of that wall

MAXIMUM LOT COVERAGE (%)

NOTES:

- (b) The front yard (depth) requirement of 20 feet shall not apply where front-yard depths of 10 but no 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 landing have 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 Section 425-85.

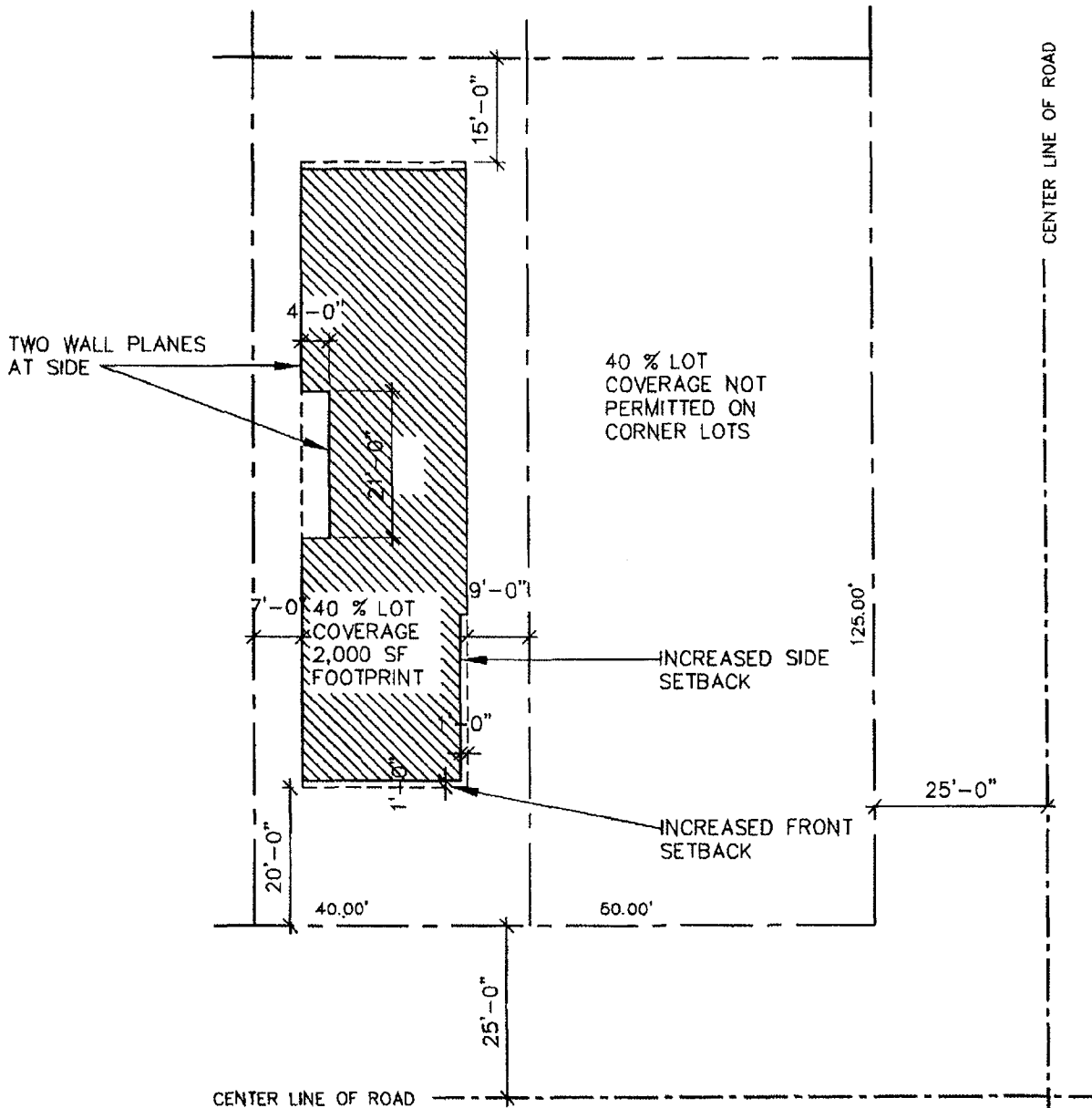
**Notes: Appendix 3 Footnote (b) of the Town's Chart of Dimensional Requirements**

The front yard depth requirement of twenty (20) feet shall not apply where front-yard yard depths of ten (10) feet but not more than twenty (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 ten (10) nor more than twenty (20) feet. With a front door facing and being clearly visible from the street, uncovered steps and landings having a maximum width of forty-two (42) inches and leading from the street to that door may encroach up to ten (10) feet into the front yard setback, but in no case closer than ten (10) feet from the front lot line, as provided in Section 426-85 in the Town Code.

The following diagrams illustrate the positive impact that the tradeoffs have on both interior lots as well as corner lots starting with the current maximum building lot coverage of forty percent (40%) as compared to maximum building lot coverages of thirty-eight percent (38%), thirty-six percent (36 %) and thirty-two percent (32) respectively:



THE FOLLOWING DIAGRAMS ILLUSTRATE THE POSITIVE IMPACT THAT THE TRADEOFFS HAVE ON BOTH INTERIOR LOTS AS WELL AS CORNER LOTS STARTING WITH THE CURRENT MAXIMUM BUILDING LOT COVERAGE OF 40% AS COMPARED TO MAXIMUM BUILDING LOT COVERAGES OF 38%, 36% AND 32% RESPECTIVELY

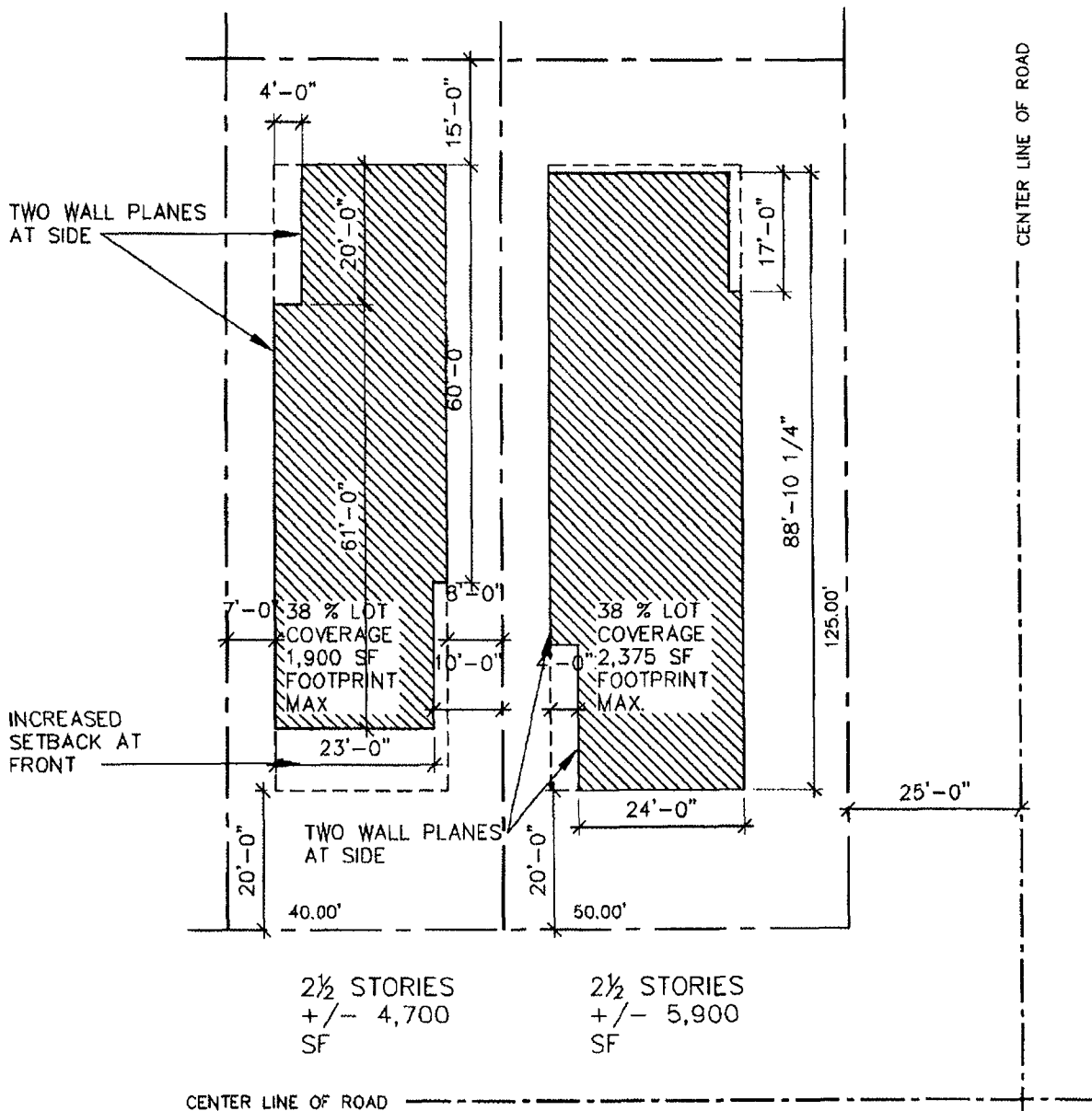


### 40 % LOT COVERAGE

MAX. NUMBER OF STORIES PERMITTED - 2 1/2

POSSIBLE FOOTPRINT - 2,000 SQUARE FEET

POSSIBLE SIZE OF HOME - 5,000 SQUARE FEET

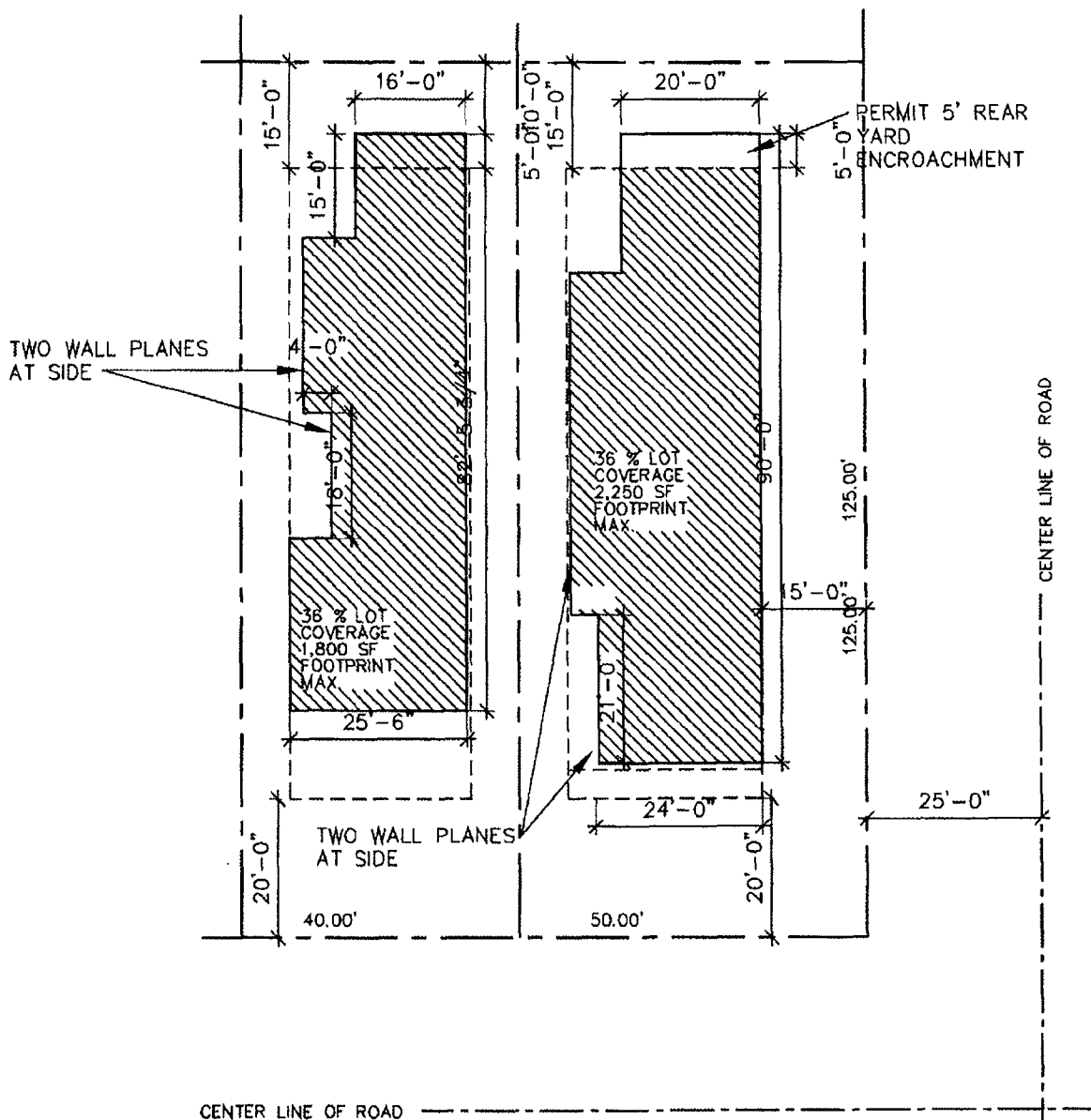


### 38 % LOT COVERAGE

MAX. NUMBER OF STORIES PERMITTED - 2 1/2

POSSIBLE FOOTPRINT - 1,900 SQ.FT.(INTERIOR)  
2,375 SQ.FT.(CORNER)

POSSIBLE SIZE OF HOME - 4,940 SQ.FT.(INTERIOR)  
6,175 SQ.FT.(CORNER)



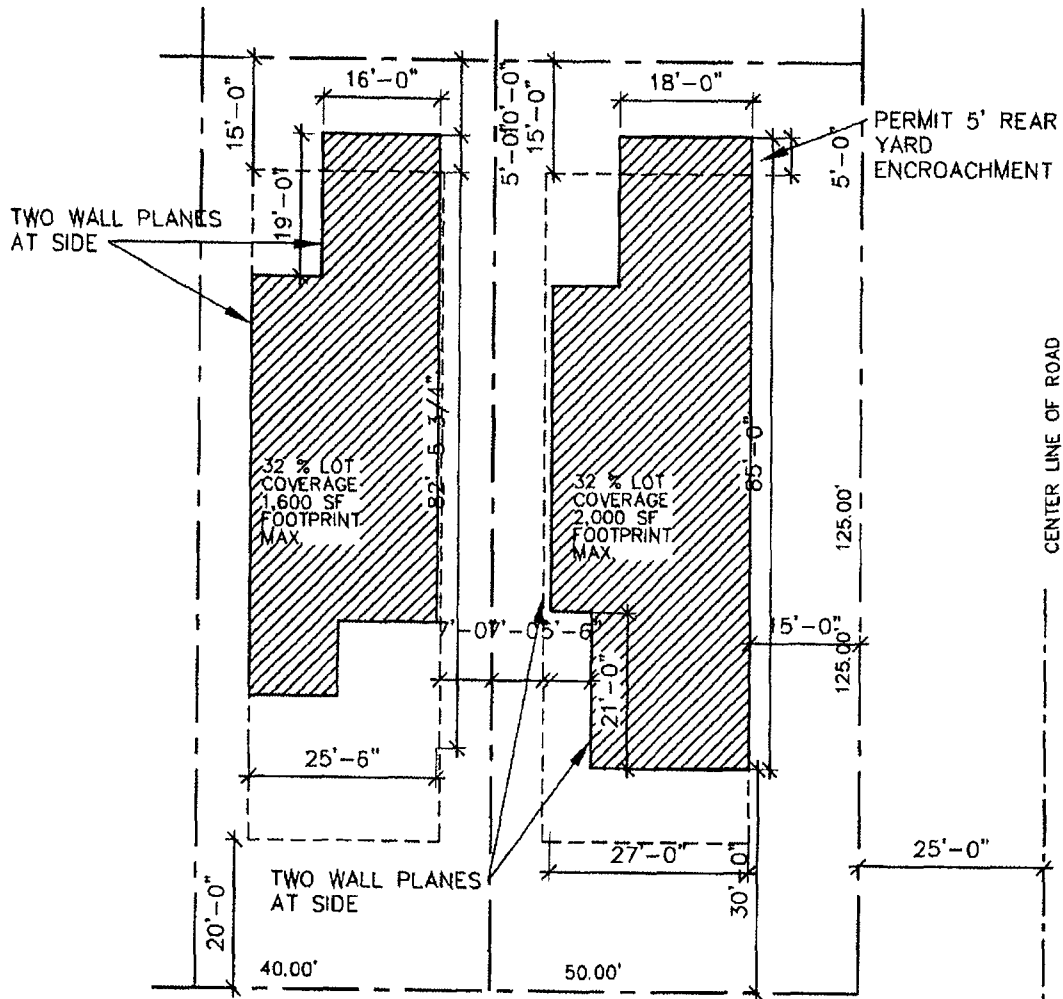
CENTER LINE OF ROAD -----

### 36 % LOT COVERAGE

MAX. NUMBER OF STORIES PERMITTED - 2 1/2

POSSIBLE FOOTPRINT - 1,800 SQ.FT.(INTERIOR)  
2,250 SQ.FT.(CORNER)

POSSIBLE SIZE OF HOME - 4,950 SQ.FT.(INTERIOR)  
6,187 SQ.FT.(CORNER)



CENTER LINE OF ROAD

### 32 % LOT COVERAGE

MAX. NUMBER OF STORIES PERMITTED - 3

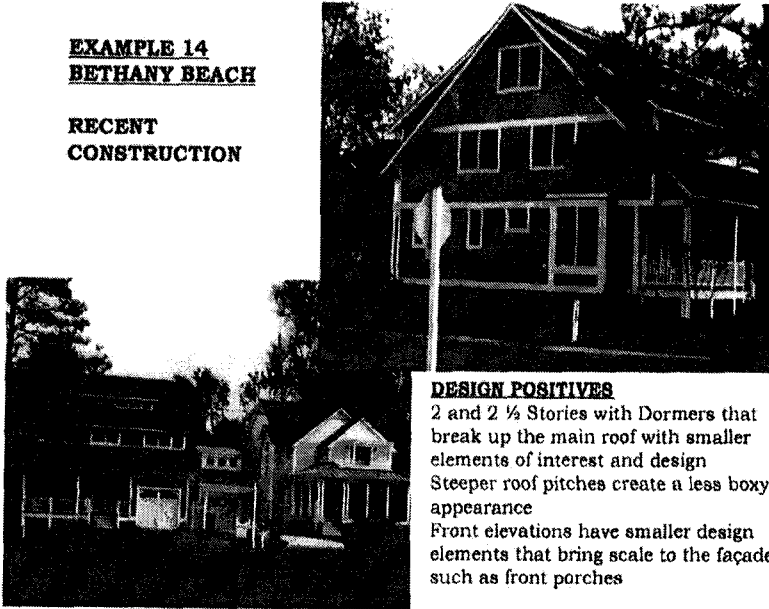
POSSIBLE FOOTPRINT - 1,600 SQ.FT.(INTERIOR)  
2,000 SQ.FT.(CORNER)

POSSIBLE SIZE OF HOME - 4,800 SQ.FT.(INTERIOR)  
6,000 SQ.FT.(CORNER)

Attached are photos of new construction in Bethany Beach that clearly demonstrate the benefits of architectural diversity that can be achieved and enhanced by the addition of tradeoffs to the Town's Zoning Code.

**EXAMPLE 14**  
**BETHANY BEACH**

**RECENT  
CONSTRUCTION**



**DESIGN POSITIVES**

2 and 2 ½ Stories with Dormers that break up the main roof with smaller elements of interest and design  
Steeper roof pitches create a less boxy appearance  
Front elevations have smaller design elements that bring scale to the façade, such as front porches



**EXAMPLE 11**  
**BETHANY BEACH**

**RECENT  
CONSTRUCTION**

**DESIGN POSITIVES**  
**(BLDG. ON RIGHT)**

2 ½ Story Design with Dormers creates more interest in Front Elevation

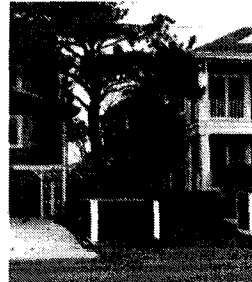
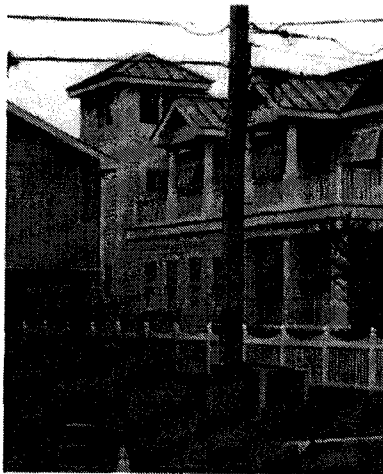
Roof slopes vary and create interest and scale

East Elevation broken up – breaks up canyon effect



**EXAMPLE 12**  
**BETHANY BEACH**  
**RECENT CONSTRUCTION**

**DESIGN POSITIVES**  
2 story designs that are in  
scale with older adjoining 1  
story cottages  
Roof line variations break up  
the overall building bulk



**EXAMPLE 21**  
**BETHANY BEACH**  
**DESIGN POSITIVES**  
Variation in side elevations create  
more room between houses