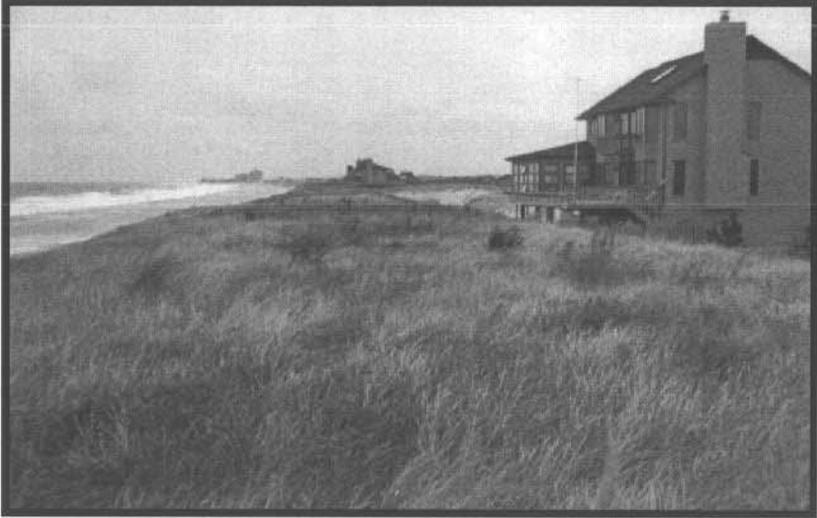


The Four Step Process

For Construction on Delaware's Atlantic Ocean and
Delaware Bay Shorelines



*For more information, contact the Shoreline and
Waterway Management Section at (302) 739-4411*



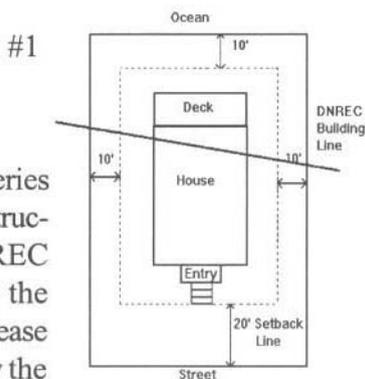
**Department of Natural Resources and
Environmental Control**

Division of Soil and Water Conservation
Shoreline and Waterway Management Section

Senate Bill No. 425, signed by the Governor on June 27, 1996, Amends Chapter 68, the Beach Preservation Act, by adding a new sentence at the end of subsection 6805(d) that reads as follows:

“ If any structure proposed to be built in whole or in part seaward of the building line could reasonably be reduced in size or otherwise altered in order to eliminate or diminish the amount of encroachment over the building line, the Department shall require such reduction or alteration as a condition of granting the permit or letter of approval.”

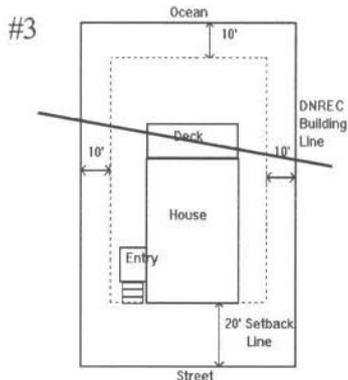
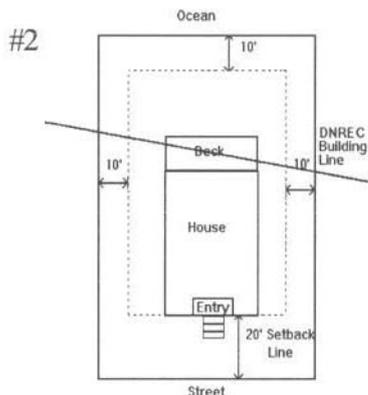
As a result of this legislation, the Shoreline and Waterway Management Section's Construction Regulatory Program requires design modifications of Permit applications which propose construction seaward of the DNREC Building Line as in example #1.



These modifications will be made in a series of sequential considerations until all construction is located landward of the DNREC Building Line or encroachment over the DNREC Building Line is minimized. Please note, these requirements will be used by the Shoreline and Waterway Management Section solely for meeting the requirements of the Beach Preservation Act and the Regulations Governing Beach Protection and the Use of Beaches. These changes do not relieve the applicant from following other permitting procedures or from adhering to County and local rules and regulations.

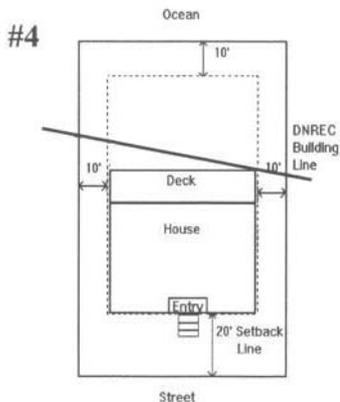
Step 1.

All structures proposed seaward of the DNREC Building Line must be located as far to the landward side of the lot as possible. The exterior wall of the living space shall be on the setback line. Porches, decks and entrance ways will not be allowed along this wall of the building, except those which are recessed into the exterior wall of the structure (#2) or alongside the structure (#3). Steps may extend into setback as long as permissible by County and local regulations.



Step 2.

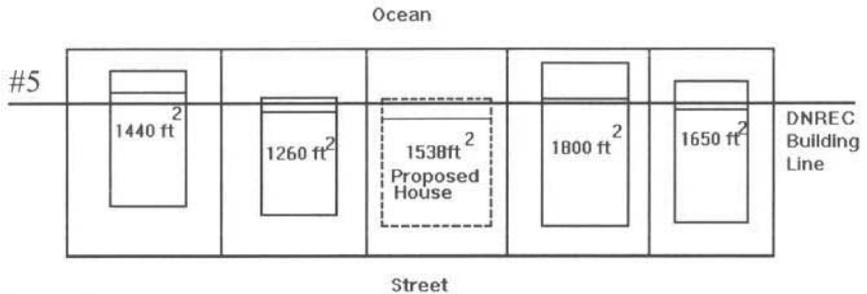
If the considerations taken in Step 1. fail to bring the structure entirely landward of the DNREC Building Line, then the structure must be redesigned to use all of the buildable area landward of the DNREC Building Line. Specifically, the building design must utilize the area to the side yard setbacks (#4).



By completing Steps 1 & 2, the structure is now located landward of the DNREC Building Line.

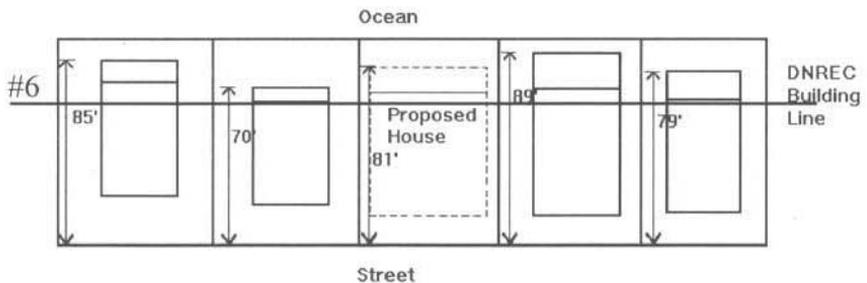
Step 3.

If Steps 1 & 2 do not eliminate encroachment over the DNREC Building Line, measures will be taken to reduce the square footage of the structure. This will be accomplished by determining the average square footage (living area only) that exists among the adjacent structures within the smallest subset of lots*.(#5) This information is to be supplied by the applicant. The footprint of the proposed structure may not exceed the average square footage found in the smallest defined area.



Step 4.

If construction over the line is not eliminated with Step 3, the average encroachment over the DNREC Building Line that exists among adjacent structures, within the smallest subset of lots, will be determined.(#6) Penetration over the line may not exceed the average determined for the smallest defined area.



*Smallest subset of lots- Smallest identifiable group of lawfully subdivided, contiguous lots that exist within a subdivision, development or community separated by either dedicated public walkways, roads, or subdivision boundaries. If there are no roads or walkways separating groups of lots, then the smallest set of lots shall be limited to seven (7) lots.