
Land Development Ordinance

Town of Blades

Sussex County, Delaware



**Adopted by the
Mayor and Council
April 12, 2004**

Prepared by
Blades Planning Commission

with assistance from
Institute for Public Administration
College of Human Services, Education & Public Policy
University of Delaware

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ZONING MAP

A copy of the Zoning Map follows last page of this Ordinance. This map is for reference only. Consult the official zoning map at the Blades Town Hall to verify zoning classifications.

Article 1. General Provisions

Section 1-1. Title

This ordinance shall be known as the Land Development Ordinance of the Town of Blades, Delaware.

Section 1-2. Authority

This Land Development Ordinance has been made in accordance the grant of power in Title 22, Section 301 of the *Delaware Code*.

Section 1-3. Purposes

- A. Guide the future growth and development of the Town in accordance with the comprehensive plan.
- B. Promote the health, safety, morals or the general welfare of the community.
- C. Lessen congestion in the streets.
- D. Secure safety from fire, panic and other dangers.
- E. Provide adequate light and air.
- F. Prevent the overcrowding of land, to avoid undue concentration of population.
- G. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- H. Conserve the value of land and buildings.
- I. Encourage the most appropriate uses of land.

Section 1-4. Applicability

This Ordinance shall apply to all land within the incorporated boundaries of the Town of Blades. It is the intent of this Ordinance that the extent of its applicability be automatically changed in accordance with the provisions of this Ordinance or provisions of State law which may affect its applicability.

Section 1-5. Components

- A. This Ordinance consists of the regulations written herein and a official map depicting zoning districts in the Town.
- B. The tables contained herein are part of this Ordinance.
- C. The drawings and graphics herein are part of this Ordinance unless otherwise indicated.

Section 1-6. Compliance Required

- A. Tracts, parcels, lots, or property shall be divided, partitioned, or combined, whether by metes and bounds, subdivision, or land development, in conformance with the provisions of this Ordinance. This provision also applies to land offered for sale or lease.
- B. Buildings and land shall be used in conformance with the provisions of this Ordinance.
- C. Buildings and parts of buildings shall be erected, reconstructed, converted, enlarged, moved, or structurally altered in conformance with the provisions of this Ordinance.
- D. Yards and Open Space
 - 1. No structure shall be located, no existing structure shall be altered, enlarged, moved or rebuilt, and no open space surrounding any structure shall be encroached upon or reduced in any manner that does not conform with the yard, lot, area, and building location regulations designated for the zoning district in which such building or open space is located unless otherwise permitted.
 - 2. A yard or other open space associated with a building on 1 lot shall not be considered as a required yard or open space for a building on any other lot.
 - 3. Yards and courts shall be open and unobstructed to the sky unless otherwise permitted.
 - 4. Yards shall be maintained in good condition and, when required, landscaped.

E. Height of Buildings and Structures

1. General

No building shall be erected, reconstructed, or structurally altered to exceed the height limits designated for the zone in which such building is located, except as otherwise permitted.

2. Sloping Lot

On any sloping lot, stories in addition to the number permitted in the zone in which such lot is situated shall be permitted on the downhill side of any building erected on such lot, but the building height limit shall not otherwise be increased above the maximum permitted height for the zoning district.

Section 1-7. Ordinance Provisions are Minimum Requirements

The provisions of this Ordinance shall be the minimum requirements for the promotion of the public health, safety, morals, convenience, order, comfort, prosperity, or general welfare.

Section 1-8. References to the *Delaware Code*

References to titles, sections, subsections, and other parts of the *Delaware Code* apply to the *Code* as existing when this Ordinance is adopted or as amended subsequently.

Section 1-9. Interpretation of Language

- A. Certain words in the singular number shall include the plural number, and certain words in the plural number shall include the singular number, unless the obvious construction of the wording indicates otherwise.
- B. Words in the present tense shall include the past and future tenses, and words in the future tense shall include the present tense.
- C. The word “shall” is mandatory. The word “may” is permissive.
- D. The meaning of the word “used” shall include “designed” or “intended or arranged to be used.”
- E. The meaning of the word “erected” shall include “constructed,” “reconstructed,” “altered,” “placed,” or “moved.”
- F. The meaning of the terms “land use” and “use of land” shall include “building use” and “use of building.”
- G. The meaning of the word “adjacent” shall include “abutting” and “adjoining.”

Section 1-10. Relationship to Prior Ordinance

A. Building Permits

- 1. Where construction has begun in accordance with a building permit validly issued more than 6 months prior to the adoption of this Ordinance, such construction may be completed as long as it complies with the zoning or subdivision regulations in effect at the time the permit was issued.
- 2. Where a building permit has been validly issued within 6 months prior to the adoption of this ordinance, construction may be completed as long as it complies with the zoning or subdivision regulations in effect at the time the permit was issued and as long as construction begins within 6 months of the adoption of this Ordinance.
- 3. Construction is begun when excavation and the piers or footings of at least 1 or more buildings covered by the permit have been completed.

B. Lots

- 1. Any lot, which was legally recorded and was a buildable lot under the zoning or subdivision regulations in effect immediately prior to the effective date of this Ordinance, is a buildable lot under this Ordinance and does not require a variance for the construction of a single-family dwelling.

2. This provision applies to all zones.
3. This provision permits construction of a single-family dwelling only if the owner of the substandard lot owned no adjoining vacant lot or parcel on the effective date of this Ordinance.

C. Plats

Any final subdivision plat, approved by the Planning Commission during the 6 months immediately prior to the adoption of this Ordinance, may be recorded. Any lot, shown on such plat, shall be a buildable lot even though it may contain less than the minimum required area for any residential zone. However, the plat containing such a lot must be recorded within 6 months following the adoption of this Ordinance.

Section 1-11. Conflict with Other Regulations

Where this Ordinance imposes a standard that differs from a standard imposed by other statutes, resolutions, ordinances, rules, regulations, easements, covenants, or agreements, the stricter standard shall govern.

Section 1-12. Relationship to Private Agreements

It is not intended that this Ordinance invalidate or annul any easements, covenants, or other private written agreements between parties.

Section 1-13. Separability

Should a court decide that any section or provision of this ordinance is unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole or any part other than the part judged unconstitutional or invalid.

Article 2. Definitions

Accessory Use. See *Use, Accessory*.

Adjacent. Physically touching or bordering upon; sharing a common boundary, but not overlapping.

Administrator. Person authorized to administer and enforce this Ordinance. See Section 3-3.

Alley. A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Alteration. Any change in or rearrangement of the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from 1 location to another.

Alteration, Structural. Any change in either the supporting member of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

Automobile. A self-propelled, free-moving vehicle, with not more than 2 axles, usually used to transport passengers and licensed by the appropriate state agency as a passenger vehicle.

Basement. A space having less than half of its height below ground.

Bed and Breakfast. A lodging place with no more than 4 guest rooms, or suites of rooms, available for temporary occupancy, whose owner resides at the facility, and where meals are available only to guests at the facility.

Block. A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Board. Board of Adjustment for the Town of Blades. See Section 3-2.

Buildable Area. The area of a lot remaining after the minimum yard and open space requirements of this Ordinance have been met.

Building. Any structure having a roof supported by columns or walls intended for the shelter, housing, or enclosure of any individual, animal, process equipment, goods, or materials of any kind.

Building, Accessory. A subordinate structure on the same lot as a main building in which is conducted a use that is clearly incidental and subordinate to the lot's principal use.

Building, Main or Principal. A building in which is located the principal use of the lot on which it is located.

Building Height. The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

Building Line. A line parallel to the street line touching that part of a building closest to the street.

Bulk Regulations. See *Article 8. Dimensional and Density Standards*.

Cellar. See *Basement*.

Club. A group of people, organized for a social, educational, or recreational purpose, operating primarily neither for profit nor to render services customarily carried on by commercial businesses.

Commission. The Blades Planning Commission. See Section 3-1.

Community Center. A building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

Consolidation. Removal of lot lines between parcels. See also *Subdivision*.

Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, newspapers, and prepared foods usually for off-site consumption.

Council. The Town Council of Blades. See Section 3-4.

County. Sussex County, Delaware.

Day-Care Center. An establishment providing for the care, supervision, and protection of persons away from their homes.

Day Care, Child. Child day care includes:

Family Child-Care Home. A private home in which child care for 1 to 6 children at any one time who are not relatives of the caregiver is provided.

Large Family Child-Care Home. A place that provides care, education, protection, supervision and guidance for 7 to 12 children, including preschool children who are related to the owner and/or caregivers not including care provided exclusively for relatives. Service is provided on a regular basis, for part of the 24-hour day, unattended by parent or guardian, and for compensation.

Child Day-Care Center. A place that provides care, protection, supervision and guidance for 13 or more children, including preschool children who are related to the operator. Service is provided on a regular basis for periods of less than 24 hours per day, unattended by parent or guardian, and for compensation and is licensed by the State Department of Services for Children, Youth and Their Families.

Development. Development means any of the following:

- a. The division of a parcel of land into 2 or more parcels
- b. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure
- c. Any mining excavation, landfill, or land disturbance
- d. Any use or extension of the use of land

Development Plan. A plan for the development of 1 or more lots, parcels, tracts, or properties on which is shown the existing and proposed conditions, including, but not limited to, topography, vegetation, drainage, floodplains, wetlands, waterways, landscaping and open spaces, walkways, exits and entrances, circulation, utility services, lot lines, easements, structures and buildings, signs, lighting, parking, screening, surrounding development, and any other information that may be reasonably required so that the Town can make an informed decision; often called site plan.

Dimensional and Density Standards. Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which a building can be located, including coverage, setbacks, height, floor-area ratio, and yard requirements; also called bulk regulations.

Distribution Center. An establishment that distributes and stores goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

District. See *Zoning District*.

Dog Kennel. See *Kennel*.

Drive-In Use. An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Dwelling. A building, or portion thereof, used as a place of residence, containing sleeping, cooking, and sanitary facilities, excluding commercial lodging facilities.

Dwelling, Attached. A single-family dwelling that is attached to or shares a common vertical wall with 1 or more single-family dwellings.

Dwelling, Detached. A building containing 1 dwelling unit that is not attached to any other dwelling by any means, is surrounded by open space or yards, and does not have any roof, wall, or floor in common with any other dwelling unit.

Dwelling, Duplex. See *Dwelling, Two-Family, one on top of the other.*

Dwelling, Manufactured Home. A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at a building site and bearing a label certifying that it is built in accordance with Federal Manufactured Home Construction and Safety Standards, which became effective on June 15, 1976.

Dwelling, Mobile Home. A transportable dwelling unit fabricated in an off-site manufacturing facility, designed to be a permanent residence and built prior to June 15, 1976, on which the Federal Home Construction and Safety Standards became effective.

Dwelling, Modular. A dwelling fabricated in an off-site manufacturing facility in accordance with the Sussex County Building Code. Modular homes also include, but are not limited to, panelized, pre-fabricated, and kit homes.

Dwelling, Multi-Family. A building containing 3 or more dwelling units, including units that are located one over the other.

Dwelling, Semi-Detached. See *Dwelling, 2-Family, side-by-side.*

Dwelling, Single-Family Detached. A building containing 1 dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, Townhouse. A single-family dwelling in a row of at least 3 such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by 1 or more vertical common fire-resistant walls.

Dwelling, Triple-Attached. One (1) of 3 dwelling units, located side by side on adjoining lots, each of which is totally separated from the other by an unpierced wall extending from ground to roof.

Dwelling, 2-Family. A building on a tract containing 2 dwelling units, arranged EITHER:

- a. **side by side** (referred to in this Ordinance as a **Semi-Detached Dwelling**) where each unit is totally separated from the other by an unpierced wall extending from ground to roof; OR
- b. **one on top of the other** (referred to in this Ordinance as a **Duplex**) where each unit is separated from the other by an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit. One (1) or more rooms, designed occupied or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Easement. Authorization by a property for another to use the owner's property for a specified purpose.

Educational Institution. Any school or training institution, however designated, which offers a program of college, professional, preparatory, high school, junior high school, middle school, elementary school, kindergarten, or nursery school jurisdiction, or any combination thereof, or any other program of trade, technical, or artistic instruction.

Family. A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Filling Station. Building, land, or premises used for the retail dispensing or sales of vehicular fuels; servicing and repair of motor vehicles; may include, as accessory uses, the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Flood Insurance Rate Map (FIRM). An official map of Sussex County on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to Sussex County.

Floodplain. The channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area. Definitions are as follows:

Floor Area, Gross. The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating 2 buildings, but excluding any space where the floor-to-ceiling height is less than 7 feet.

Floor Area, Net. The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

Floor-Area Ratio (FAR). The gross floor area of all buildings or structures on a lot divided by the total lot area.

Frontage. That side of a lot abutting a street; the front lot line.

Garage. A deck, building, structure or part thereof, used for the parking and storage of vehicles.

Government Facilities and Services. Definitions are as follows:

Local. Owned and/or operated by the Commissioners of Bridgeville.

Non-local. Owned and/or operated by a governmental entity other than the Commissioners of Bridgeville.

Greenhouse. Commercial. A structure in which plants, vegetables, flowers, and similar materials are grown for sale.

Home Occupation. See "Home Based Businesses" in Article 7.

Hospital. A place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care, for not less than 24 hours in any week, of 4 or more non-related individuals suffering from illness, disease, injury or deformity or a place devoted primarily to providing for not less than 24 hours in any week of obstetrical or other medical or nursing care for 2 or more non-related individuals requiring a license under license being issued under Title 16, Chapter 10, Section 1003, of the *Delaware Code*, but does not include sanatoriums, rest homes, nursing homes, or boarding homes.

Kennel. A commercial establishment in which dogs or domestic animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

Lot. A designated parcel, tract, or area of land established either by plat, subdivision, or considered as a unit of property by virtue of a metes and bounds description, to be separately owned, used, developed, or built upon. See definitions for “Yard” and Figure 8-2 in *Article 8. Dimensional and Density Standards*.

Lot, Corner. A lot or parcel of land abutting 2 or more streets at their intersection or upon 2 parts of the same street forming an interior angle of less than 135 degrees.

Lot, Double Frontage. A lot, other than a corner lot, that has frontage on 2 streets.

Lot, Interior. A lot other than a corner lot.

Lot, Depth. The average distance measured from the front lot line to the rear lot line.

Lot Line. A line of record bounding a lot that divides 1 lot from another lot, or, a public street, or any other public space.

Lot Line, Front. The lot line separating a lot from a street right-of-way.

Lot Line, Rear. The line opposite and most distant from the front lot line.

Lot Line, Side. Any lot line other than a front or rear lot line.

Lot of Record. A lot that exists either by virtue of a metes and bounds description or by depiction on a plat or deed recorded in the Office of the Sussex County Recorded of Deeds.

Lot, Width. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line, i.e., the buildable width of a lot.

Manufactured Housing. See *Dwelling, Manufactured Home*.

Medical Clinic. An establishment where patients are admitted for examination and treatment on an outpatient basis by 1 or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not lodged overnight.

Mobile Home. See *Dwelling, Mobile Home*.

Modular Home. See *Dwelling, Modular*.

Nonconformities. See Article 5. Nonconforming Situations.

Nursing and Similar Care Facilities. A facility that offers any of the following types of care or services and including, but not limited to, facilities regulated by the State Department of Public Health and Safety:

- a. *Assisted-Living Facility.* Residences for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication and may provide other services such as recreational activities, financial services, and transportation.
- b. *Extended-Care Facility.* A long-term facility or distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.
- c. *Intermediate-Care Facility.* A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides.
- d. *Long-Term-Care Facility.* An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to 2 or more patients who are not related to the governing authority or its member by marriage, blood, or adoption.

- e. *Other.* Including family care homes, group homes, intermediate care facilities for persons with mental retardation; neighborhood group homes; family care homes; and rest residential facilities.

Office. A room or group of rooms uses for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communications equipment.

Overlay Zone. A zoning district that encompasses 1 or more underlying zones and that imposes additional requirements above that required by the underlying zone.

Place of Worship. A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Planning Commission. The Blades Planning Commission. See Section 3-1.

Plat, Record. See Section 4-2.

Premises. A lot, parcel, tract, or plot of land together with the buildings and structures on them.

Public Building. A building, owned or leased, occupied and used by an agency or political subdivision of the Federal, State, County, or Town government.

Public Safety Facility. A building or structure used for the provision of public safety services, such as fire protection, emergency medical service, and rescue operations.

Public Utility Service. The generation, transmission, and/or distribution of electricity, gas, steam, communications, and water; the collection and treatment of sewage and solid waste; and the provision of mass transit to the public.

Public Utility Service Facility. Any use or structure associated with the provision of utility services.

Public Utility Service Lines. The system of lines, pipes, wires, or tracks that distributes, transmits, or provides a utility service. This includes equipment that is incidental and necessary to the lines and that is located on the lines.

Public Water and Sewer Systems. Any system, other than an individual septic tank, tile field, or individual well, that is operated by the Town, a governmental agency, a public utility, or a private individual or corporation approved by the Town and licensed by the appropriate State agency, for the collection, treatment, and disposal of wastes and the furnishing of potable water.

Recorder of Deeds. The Recorder of Deeds for Sussex County, Delaware.

Recreation Facility. A place designed and equipped for the conduct of sports and leisure-time activities.

Recreation Facility, Commercial. A recreation facility operated as a business and open to the public for a fee.

Recreation Facility, Personal. A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

Recreation Facility, Private. A recreation facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.

Recreation Facility, Public. A recreation facility open to the general public.

Restaurant. A restaurant includes the following:

- a. Establishments where food and drink are prepared, served, and sold primarily for consumption within the principal building.
- b. Establishments where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside of the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

Retail Sales. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Characteristics of such uses include:

- a. usually a business place engaged in activity to attract the general public to buy.
- b. buys and receives as well as sells merchandise.
- c. may process or manufacture some of its products—a jeweler or a bakery—but processing is secondary to principal use.
- d. generally sells to customers for personal or household use.

Resubdivision. Any change in a map of an approved or recorded subdivision plat that affects any street layout on an area reserved for public use or any lot line or that affects any map, plan, or plat recorded prior to the adoption of any regulations controlling subdivision; includes the consolidation of parcels.

Self-Storage Facility. A structure containing separate, individual, and private storage spaces of varying sizes, leased or rented individually, for varying amounts of time.

Services. Establishments primarily engaged in providing assistance, as opposed to products, to individuals, businesses, industry, government, and other enterprises, including hotels and other lodging places; personal, business, repair, and amusement services; health, legal, engineering, and other professional services; educational services; membership organizations; and other miscellaneous services.

Services, Business. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal-supply services.

Services, Personal. Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

Services, Retail. Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational and social services, museums, and galleries.

Services, Social. Establishments providing assistance and aid to those persons requiring counseling for psychological problems, employment, learning disabilities, and physical disabilities.

Setback Line. The line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be placed. See also *Yard*.

Sign. See Article 13.

State. The State of Delaware.

Site Plan. See *Development Plan*.

State. The State of Delaware.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. A basement shall be counted as a story for the purpose of height measurement if its ceiling is over 5 feet above the level from which the height of the building is measured or if it is used for business purposes other than storage.

Story, Half. A partial story under a gable, hip, or gambrel floor, the wallplates of which on at least 2 opposite sides are not more than 2 feet above the floor of each story.

Street. Any vehicular way that: (1) is an existing State, County, or Town roadway; (2) is shown upon an approved plat; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the Office of the Sussex County Recorder of Deeds prior to the appointment of the Planning Commission and the grant of power to review plats. A street includes the land between the right-of-way lines, whether improved or unimproved.

Street, Access. A street designed to provide vehicular access to abutting property and to discourage through traffic.

Street, Alley. A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Street, Centerline of. The center line of any street shown on any official Town, County, or State records.

Street, Collector. A street that collects traffic from local streets and connects with minor and major arterials.

Street, Cul-de-Sac. A street with a single common ingress and egress with a turnaround at the end.

Street, Dead-End. A street with a single common ingress and egress.

Street Frontage. See Frontage.

Street Line. The line between a lot, tract, or parcel of land and an adjacent street.

Street, Private. A street that has not been accepted by the Town or the State.

Street, Service. A street running parallel to a freeway or an expressway that serves abutting properties, but restricts access to the freeway or expressway.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Subdivider. Any individual, firm, partnership association, corporation, estate, trust, or any other group or combination acting as a unit that subdivides or proposes to subdivide land as defined in this Ordinance. This also includes agents of subdividers.

Subdivision. Subdivision includes the following:

- a. The division of any tract or parcel of land into 2 or more plots, parcels, units, lots, condominiums, tracts, sites, or interests for the purpose of offer, sale, lease, development, whether immediate or future; either on an installment plan or upon any other plans, terms, or conditions; or for any other purpose.
- b. The division or partition of land or involving the opening, widening, or extension of any streets or access easements and the extension of any electrical, sewer, water, or any other utility line.
- c. The assemblage or consolidation, of tracts, parcels, lots or sites, resubdivision, and condominium creation or conversion.

Supermarket. A retail establishment primarily selling food and convenience or household goods.

Surgical Center. A facility where outpatients come for simple surgical procedures and are not lodged overnight.

Swimming Pool. A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having depth of more than 30 inches designed, used, and maintained for swimming and bathing.

Use. The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Use, Accessory. A use of land or a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Use, Principal. The primary or predominant use of any lot or parcel.

Variance. Permission to depart from the literal requirements of this Ordinance.

Warehouse. A building used primarily for the storage of goods and materials.

Wholesale Trade. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Yard. An open space that lies between the principal building or buildings and the nearest lot line. See Figure 8-2 in Article 8.

Yard, Front. A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building to the closest point of the front lot line.

Yard, Rear. A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Side. A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Zoning District. A specifically delineated area in the Town within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

Article 3. Administrative Structure

Section 3-1. Planning Commission

A. Created, Name

A Planning Commission is hereby created, which is referred to as the Commission.

B. Organization

1. Members

The Planning Commission shall consist of 5 members.

2. Qualifications

- a. Members shall reside in or operate a business within the Town.
- b. Members shall have knowledge of and experience with the problems of rural and urban development.
- c. Members shall be required to read and understand the comprehensive plan, this Ordinance, and other development-related laws, regulations, and policies.

3. Term of Office

- a. Each member shall serve a 5-year term or until a successor takes office.
- b. The terms shall be staggered so that generally only 1 member is appointed or re-appointed each year.

4. Appointments

- a. The Mayor shall appoint members of the Commission.
- b. The Council shall confirm the appointments by majority vote.

5. Chairperson and Secretary

Members shall elect a chairperson and a secretary from among themselves.

6. Vacancies

- a. A vacancy occurring prior to the expiration of a term shall be filled in the same manner as a member appointed to a full term.
- b. The person appointed to complete an unexpired term shall have the same qualifications as members appointed to full terms.

7. Removal

The Council may remove a member for cause by majority vote after a hearing.

8. Compensation

Members shall serve without compensation but may be reimbursed for expenses related to Commission duties.

C. Powers and Duties

1. Comprehensive Plan

- a. The Commission shall prepare and recommend a comprehensive development plan to the Mayor and Council.
- b. The Commission shall prepare updates and amendments to the plan.
- c. The plan, updates, and amendments to the plan shall be prepared and adopted in accordance with Title 22, Chapter 7 of the *Delaware Code*.

2. Annual Report

Each year, the Commission shall report on its activities since the past year's report to the Mayor and Council.

3. Other Duties
 - a. Preparation of the annual report to the Office of State Planning Coordination as required in Title 22, Section 702(g) of the *Delaware Code*
 - b. Recommendations to the Mayor and Council on development plans, amendments to this Ordinance, and changes to the zoning map
 - c. Recommendations to the Board of Adjustment on applications for variances, special exceptions applications, appeals of administrative decisions
 - d. Plans and studies as requested
 - e. Other duties as set forth in Title 22, Chapter 7 of the *Delaware Code*
- D. Meetings and Hearings
 1. Schedule
 - a. The Commission shall hold at least 1 regular meeting each month.
 - b. The Commission may meet at other times at the call of the Chairperson.
 2. Conduct of Meetings
 - a. All meetings shall be open to the public.
 - b. Three (3) members shall be present to constitute a quorum.
 - c. The Commission shall adopt rules for the transactions of business. In the absence of such rules, the most current edition of *Roberts Rules of Order* shall govern.
 3. Minutes
 - a. The Commission shall keep minutes of its resolutions, transactions, findings, and determinations.
 - b. The minutes shall register the vote of each member on each item considered by the Commission. The minutes shall also record when a member is absent or does not vote on an item.
 4. Action
 - a. A majority of those present and voting is required to take official action.
 - b. All official actions of the Commission shall be in writing.
 - c. All actions of the Commission shall be a public record.

Section 3-2. Board of Adjustment

A. Created, Name

A Board of Adjustment is hereby created which is referred to as the Board.

B. Members

The Board of Adjustment shall consist of the Mayor, the Town Solicitor, and the Town Administrator as prescribed in the Town Charter.

C. Powers and Duties

1. Administrative Review

Hear and decide appeals where an error is alleged in any order, requirement, decision, determination, interpretation, or denial of an application by any administrative official in the administration or enforcement of this Ordinance

2. Special Exceptions

Hear and decide applications for special exceptions authorized by this Ordinance

3. Variances
Authorize variance from the strict application of the provisions of this Ordinance
 4. Text and Map Interpretations
 - a. Interpret the text of this Ordinance
 - b. Resolve uncertainties in the location of zoning district boundaries
- D. Meetings and Hearings
1. Schedule
The Board shall hold meetings and hearings in accordance with procedures specified in this Ordinance.
 2. Conduct of Meetings
 - a. The deliberations of the Board of Adjustment shall be open to the public.
 - b. Three (3) members must be present to constitute a quorum.
 - c. The Board shall adopt rules for the transaction of business. In the absence of such rules, the most current edition of *Roberts Rules of Order* shall govern.
 - d. The Chairperson may compel the attendance of witnesses.
 - e. The Chairperson may administer oaths.
 - f. The Chairperson shall afford all parties an opportunity to be heard.
 3. Minutes
 - a. The Board shall keep minutes of its resolutions, transactions, findings, and determinations.
 - b. The minutes shall record the vote of each member on each item considered by the Board.
 4. Action
 - a. A majority of those present and voting is required to take official action.
 - b. All official actions of the Board shall be in writing.
 - c. All actions of the Board shall be a public record.

Section 3-3. Administrator

- A. General Responsibility
Interpretation and securing compliance with the provisions of this Ordinance.
- B. Specific Responsibilities
1. Administering and issuing Certificates of Zoning Compliance
 2. Administering and issuing sign permits
 3. Determining similar uses
 4. Staff support to the Planning Commission, Town Council, and Board of Adjustment
- C. Town Council
1. Administrative Responsibilities
 - a. Appointment of an Administrator for this Ordinance
 - b. Establishing fees and charges
 2. Legislative Responsibilities
 - a. Adoption of comprehensive plan
 - b. Taking action on changes to the text and map of this Ordinance

Article 4. Administrative Processes

Section 4-1. Certificate of Zoning Compliance

A. Purpose

Insure that buildings and proposed uses of buildings comply with the provisions of this Ordinance prior to the issuance of building permits or the recording of plats

B. When Required

1. Whenever a building or structure is erected, moved, added to, structurally altered, or changed in use
2. Following Planning Commission approval of a Site Plan as called for in Section 2 of this Article
3. Prior to the recording of plats

C. Application Requirements

The Administrator shall determine the procedure and information required for obtaining a Certificate of Zoning Compliance.

D. Temporary Certificate of Zoning Compliance

1. The Administrator may issue a Temporary Certificate of Zoning Compliance to allow occupancy of a structure during alterations for up to 6 months.
2. A Temporary Certificate of Occupancy may include conditions to safeguard a structure's occupants and the public.

Section 4-2. Site-Plan Approval

A. Definition of Site Plan

A plan for the development of 1 or more lots, parcels, tracts, or properties on which is shown the existing and proposed conditions, including, but not limited to, topography, vegetation, drainage, floodplains, wetlands, waterways, landscaping and open spaces, walkways, exits and entrances, circulation, utility services, lot lines, easements, structures and buildings, signs, lighting, parking, screening, surrounding development, and any other information that may be reasonably required so that the Town can make an informed decision.

B. Purposes

1. Guide the growth and development of the Town in accordance with the comprehensive plan
2. Establish design standards and procedures for review of site plans
3. Encourage an orderly layout of land uses
4. Insure that public facilities are available, and/or sufficient capacity to service proposed developments
5. Minimize and manage the impact of development on air, water, and other natural resources
6. Provide for open space especially in new developments

C. When Required, Exception

1. Site-Plan Approval Required

- a. Prior to the development of any property
- b. Prior to the recording of subdivision plats
- c. As a pre-requisite to the issuance of a Certificate of Zoning Compliance

2. Exception

When the proposed development is for a single-family home on a single, recorded lot where the owner of such a lot does not own, or have control over, adjoining, vacant land

D. Plan Submission

1. Plans, drawings, and supporting materials shall be submitted to the Administrator.
2. The Administrator shall determine the number of copies needed and may provide forms to facilitate application processing.
3. The Administrator shall refer the plans, drawings, and supporting materials to the Planning Commission in accordance with the schedule set forth in Table 4-1.

E. Required Information

Table 4-2 outlines the information required at each stage of the development plan review.

F. Approval Stages

1. Concept Plan

a. Definition

An informal sketch or drawing of a site plan of sufficient accuracy used for discussion only

b. Submission and Review

Prior to submitting a preliminary site plan, an applicant may submit a concept plan to the Administrator and/or the Planning Commission to be used as the basis for discussion and to receive direction on preparation of the preliminary plan, but not for approval or disapproval.

2. Preliminary Site Plan

a. Definition

A detailed map showing the proposed layout of a subdivision or site plan submitted to the Planning Commission for preliminary approval

b. Compliance with Intergovernmental Coordination Required

No development plan shall receive preliminary approval unless it complies with the requirements of Title 29, Chapter 92 of the *Delaware Code* as well as the provisions of the current memorandum of understanding between the Town and the Office of State Planning Coordination.

c. Referrals to Other Agencies

(1) The Planning Commission may request review and comments on a Preliminary Site Plan from the Town Engineer, pertinent State Departments (such as Natural Resources and Environmental Control, Education, Transportation), Sussex County departments and agencies (particularly infrastructure providers), the City of Seaford, and any other appropriate agency or person.

(2) Before taking action on a Preliminary Site Plan, the Commission shall allow sufficient time for departments and agencies to respond.

d. Review and Approval

(1) The Commission may approve a Preliminary Site Plan with conditions.

(2) The developer is responsible for complying with conditions as a pre-requisite to final plan and/or record plat approval.

3. Final Site Plan

a. Definition

A detailed map showing the layout of a subdivision or site plan submitted to the Planning Commission for final approval and that incorporates the conditions on which approval of the Preliminary Site Plan was based

b. Review and Approval

- (1) The Commission may withhold, postpone, or deny approval of a Final Site Plan that does not incorporate the conditions imposed on its Preliminary Site Plan.
 - (2) The Commission may approve a Final Site Plan with conditions.
 - (3) The developer is responsible for complying with conditions as a pre-requisite to obtaining a Certificate of Zoning Compliance.
4. Record Plat
- a. Definition
A map depicting the details of a subdivision plan that needs to be recorded with the County Recorder of Deeds
 - b. A Record Plan and a Final Site Plan for the same development may be submitted together.
 - c. Review and Approval
 - (1) The Commission shall not approve a Record Plat until it has approved a Final Site Plan. Applicants are encouraged to submit both plans simultaneously.
 - (2) The Commission may withhold, postpone, or deny approval of a Record Plat that does not incorporate the conditions imposed on its Final Site Plan.
 - (3) The developer is responsible for complying with conditions as a pre-requisite to obtaining a Certificate of Zoning Compliance.
- G. Duration, Revocation, and Extensions
See Table 4-2.

Section 4-3. Administrative Reviews, Variances, Special Exceptions

A. Application and Review Process

1. Application Filing
 - a. Applications for administrative reviews, variances, and special exceptions shall be submitted to the Administrator. The Administrator may provide forms to facilitate application processing.
 - b. Applications shall be made in writing and shall provide the following information.
 - (1) Information about the owner and applicant
 - (2) Statement of the type of relief, permission, or review requested
 - (3) Information about the property for which the application or review is being made
 - (4) Information to support the application
 - (a) Information about the property for which the application or review is being applied;
or
 - (b) Identification of the provisions of this Ordinance, with which the application must comply, and statements as to how the application complies with those provisions
 - (5) Plans or drawings that support or clarify the relief or permission requested
 - (6) Other information requested by the Board
2. Burden of Proof on Applicant
An applicant for an administrative review, a variance, or a special exception shall have the burden of presenting the information needed by the Board to make a determination.

3. Referral to Planning Commission
 - a. The Planning Commission shall review the application at a meeting as soon as is practicable following submission of a complete application and shall forward a written recommendation to the Board of Adjustment.
 - b. The Planning Commission may conduct a Site-Plan Review in conjunction with its review of an application and/or may condition its recommendation to the Board of Adjustment on performing, or completing, a Site Plan.
4. Board of Adjustment Hearing
 - a. Scheduling

The Board of Adjustment shall schedule a public hearing on each application to occur as soon as is practicable following the meeting at which the Planning Commission reviews the application.
 - b. Public Notice
 - (1) Contents

The public notice shall specify the time, place, and nature of the hearing.
 - (2) How Given
 - (a) At least 15 days prior to the public hearing, the following notices must be in place.
 - 1) Publication

A legal notice shall be published in a newspaper of general circulation.
 - 2) Property Posting

For an application concerning specific property, a sufficiently large sign shall be posted on the subject property in a visible location.
 - 3) Town Hall

Notice shall be posted at Town Hall.
 - c. Public Hearing
 - (1) The hearing shall take place no fewer than 15 days following publication of the legal notice.
 - (2) The Board's hearing shall be conducted, and applications shall be acted on as specified on Article 3 of this Ordinance.
 - (3) The Board may attach conditions to approvals of applications.
5. Relationship to Site-Plan Review
 - a. Approval of an application by the Board of Adjustment does not supercede or obviate the need for complying with Site-Plan Review standards or requirements.
 - b. The Board of Adjustment may condition approvals on satisfactory compliance with applicable Development Review standards and/or may request that the Planning Commission conduct Site-Plan Review in conjunction with its review and recommendation on an application.
6. Duration, Revocation, and Extension
 - a. The duration of an approved application is 12 months from its approval date.
 - b. If a landowner, developer, agent, representative, or designee fails to make substantial progress in developing the land within 12 months, the application is automatically revoked.
 - c. The Board may grant only one (1), 6-month extension if an applicant can demonstrate that delays were beyond his/her control.
7. Reapplications and Appeals

a. Limitation on Reapplications

The Board shall not hear or accept an application requesting the same relief or permission for the same property for a period of 12 months from that date of a resolution taking action on the application.

b. Appeals to Superior Court

Appeals of the Board's decisions shall be made to the Superior Court as provided in Title 22, Sections 328-332 of the *Delaware Code*.

B. Administrative Review

1. Purpose

Provide a mechanism for appeals where an error is alleged in any interpretation, order, requirement, decision, or determination made by the Administrator or designee in the administration of this Ordinance.

2. Procedure

In order for the Board to conduct an administrative review:

- a. The Administrator must issue a written interpretation, requirement, decision, or determination. The Administrator's written product must include information about the applicant's/property owner's situation, request, inquiry, etc. and references to pertinent sections of this Ordinance to support the interpretation, requirement, decision, or determination.
- b. The Administrator must make every effort to present the written product to the applicant including, but not limited to, return-receipt mailing.
- c. The applicant must file a written request for Administrative Review within 30 days after receiving written notice of the Administrator's action.

3. Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from unless the Administrator certifies to the Board of Adjustment that a stay would cause imminent peril to life or property. In such a case, proceedings shall be stayed only by a restraining order granted by the Board of Adjustment or a court having jurisdiction.

C. Variances

1. Definition

Relief from the strict application of the provisions of this Ordinance when, owing to special conditions or exceptional situations, a literal interpretation of this Ordinance will result in unnecessary hardship or exceptional practical difficulties to the property owner.

2. Required Findings

The Board shall determine whether each variance application meets the following criteria.

- a. The variance relates to a specific parcel of land, and the hardship is not shared generally by other properties in the same zoning district and vicinity.
- b. The variance can be granted without substantial detriment to the public good.
- c. The benefits from granting the variance would substantially outweigh any detriment.
- d. The variance would not substantially impair the intent and purposes of the comprehensive plan or this Ordinance.

3. Additional Standards

a. Use Variances Not Authorized

These provisions governing variances shall not be construed to permit the Board, under the guise of a variance, to authorize a use of land not otherwise permitted in this Ordinance.

b. Nonconforming Situations Not Grounds for Variance

Nonconforming uses lots, structures, uses, or signs shall not be considered grounds for granting variances.

D. Special Exceptions

1. Definition

A permitted use that is appropriate in a zoning district at a particular location only when certain criteria are met.

2. Purpose

To provide an additional level of review for these uses in order to determine their appropriateness at their proposed locations.

3. Required Findings

The Board shall determine whether each special exception application...

- a. Is in harmony with the purposes and intent of the comprehensive plan.
- b. Will be in harmony with the general character of its neighborhood considering density, design, bulk, and scale of proposed new structures.
- c. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties.
- d. Will not cause objectionable noise, vibrations, fumes, odors, dust, glare, or physical activity.
- e. Will have no detrimental effect on vehicular or pedestrian traffic.
- f. Will not adversely affect the health, safety, security, or general welfare of residents, visitors, or workers in the area.
- g. Will not, in conjunction with existing, proposed, or potential development, overburden existing public services and facilities.
- h. Complies with all other applicable standards, laws, and regulations in addition to the provisions of this Ordinance.
- i. Meets all other Additional Requirements for Certain Special Exceptions.

4. Additional Requirements for Certain Special Exceptions

This section contains requirements for certain special exceptions that are in addition to the required findings listed in the previous subsection.

Table 4-1. Deadlines and Duration of Development Plan Approval

Item	Concept Plan	Preliminary Plan	Final Plan	Record Plat
Deadline for submitting plan to Administrator before next Planning Commission meeting	N/A	15 days	10 days	10 days
Deadline for acting on plan following Planning Commission meeting	N/A	60 days	45 days	45 days
Duration of plan approvals beginning at approval or recording date	N/A	1 Year	1 Year	5 Years
Number/Duration of Extensions Permitted. Provided that the developer can demonstrate that delays were beyond his/her control	N/A	1/6 months	1/1 Year	None

Table 4-2. Information Required for Development Plan Review

Information Required for Development Plan Review Blank No Requirement G General information R Complete data or information required	Concept Plan	Prelim Plan	Final Plan	Record Plat	See also
PLAT INFORMATION					
Name and address of owner and applicant	R	R	R	R	
Subdivision name	R	R	R	R	Sec 9-2D
Signature and seal of a registered Delaware land surveyor or professional engineer		R	R	R	
Name, signature, license number, seal, and address of engineer, land surveyor, architect, planner, and/or landscape architect, as applicable, involved in preparation of plat		R	R	R	
Title block denoting type of application, tax-map sheet, county, municipality, block, and lot, and street location		R	R	R	
A vicinity map at specified scale showing location of tract with reference to surrounding properties, streets, municipal boundaries, etc. within 500 feet; date of current survey		R	R	R	
Schedule of required and provided zoning district standards including lot area, width, depth, yard, setbacks, building coverage, open space, parking, etc.		R	R	R	Art 8
North arrow and scale	R	R	R	R	
Signature blocks for Planning Commission Chairperson and/or pertinent Town official, pertinent Sussex County officials, Town Engineer			R	R	
Certification blocks for surveyor, engineer, architect including: surveyor's or engineer's seal, signature, and certification statement that the final plat, as shown, is a correct representation of the survey as made, that all monuments indicated thereon exist and are correctly shown, and that the plat complies with all requirements of this Ordinance and other applicable laws and regulations			R	R	
Locations and descriptions of all permanent survey monuments.			R	R	Sec 9-2E
Plan sheets no larger than 24 inches by 36 inches including a 1/2 inch margin outside of border lines or other size acceptable to Sussex County				R	
Metes-and-bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords, and central angles for all centerlines and rights-of-way and centerline curves on streets			R	R	
Acreage of tract to nearest tenth of an acre	G	R	R	R	
Date of original and all revisions	R	R	R		
Size and location of existing or proposed structures with all setbacks dimensioned	G	R	R		Art 8
Proposed lot lines and areas of lots in square feet	R	R	R	R	Sec 9-3
Locations and dimensions of existing and proposed streets	G	R	R	R	
Copy and/or delineation of any existing deed restrictions or covenants		R	R	R	
Copies of and a summary of deed restrictions for the new the subdivision, including agreements for the operation and maintenance by the property owners or agency in the subdivision of common areas, open space, recreation facilities, surface drainage facilities, erosion and sedimentation control facilities, water supply facilities, sanitary sewer facilities, forested buffer strips, or other improvements deemed necessary by the Commission		G	R	R	Sec 15-2
Owners' certification, acknowledging ownership of the property and agreeing to the subdivision thereof as shown on the plat and signed by the owner(s)			R	R	
Owners' statement dedicating streets and other public ways for public use (private streets prohibited in Blades)			R	R	Secs 10-1 and 15-2
Existing or proposed easement or land reserved for, or dedicated to, either public use or the residents of the proposed development	G	R	R	R	

Information Required for Development Plan Review	Concept Plan	Prelim Plan	Final Plan	Record Plat	See also
Blank No Requirement					
G General information					
R Complete data or information required					
Development or staging plans	G	G	R	R	
List of required regulatory approvals or permits. Conditional approval may be granted subject to other regulatory approvals	G	R	R	R	
Variances requested	G	R	R	R	Sec 4-3
Special Exceptions required	G				Sec 4-3
Payment of application fees		R	R	R	
SETTING--ENVIRONMENTAL INFORMATION					
Property owners and lines of all parcels within 200 feet identified on most recent tax-parcel map	G	R	R		
Land used primarily for agricultural purposes, lands in Agricultural Preservation Districts, and lands whose development rights have been sold to preserve them for farming (PDRs)	G	R	R	R	
Existing streets, water courses, floodplains, wetlands or other environmentally sensitive areas on and within 200 feet of site	G	R	R	R	
Location of all wetlands and supporting documentation	G	G	R	R	Sec 12-1B
Location of the 100-year floodplain based on current Flood Insurance Rate Map	G	R	R	R	Sec 12-1
Water-resource protection areas	G	R	R	R	Sec 12-2
Existing rights-of-way and/or easements on and within 200 feet of site	R	R	R		
Topographical features of the site from the USC&GS map		R	R		
Existing and proposed contour intervals based on USC&GS data at 1-foot intervals; contours must extend at least 200 feet beyond site		R	R		
Boundary limits, nature and extent of wooded areas, specimen trees, and other significant features	G	R	R		
Existing drainage system of site and of any larger tract or basin of which it is a part		R	R		Sec 12-3
Drainage-area map		R	R		Sec 12-3
Drainage calculations		R	R		Sec 12-3
IMPROVEMENTS AND CONSTRUCTION INFORMATION					
Water supply and distribution plan		R	R		Sec 11-2
Sewage collection and treatment plan		R	R		Sec 11-3
Soil-erosion and sediment-control plan		G	R		Sec 12-5
Grading plan		G	R		Sec 12-5
Permanent stormwater-management plan		G			Sec 12-4
Solid-waste-management plan					
Additional utility infrastructure plans, including gas, telephone, electric, cable TV	G	R	R	R	Sec 11-5
Open-space and recreation plan	G			R	Secs 15-1and2
Detailed lighting plan	G	R	R	R	Sec 11-4
Detailed landscape plan	G	R	R	R	Secs 15-3and4
Site-identification signs, traffic-control signs, and directional signs	G	R	R	R	Art 13
Sight triangles	G	R	R	R	Sec 8-2C
Vehicular and pedestrian circulation patterns	G	R	R	R	Art 12
Parking-and-loading plan showing spaces, size, type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions	G	R	R		Art 14
Spot and finished elevations at all property corners, corners of all structures or dwellings, existing or proposed first floor elevations	G	R	R		
Construction details, such as cross sections and profiles, as required by applicable laws, regulations, and policies	G	R	R		Arts 10-12
Proposed street names	G	R	R	R	Sec 10-1B
New blocks lettered consecutively; lots numbered in consecutive numerical order	G	R	R	R	
Preliminary architectural plans and elevations	G		R		
Other information required by Town of Blades, Sussex County, or other departments and agencies involved in plan approval	G	R	R	R	

Article 5. Nonconforming Situations

Section 5-1. Definition and Intent

A. Definition

Nonconforming situations are existing structures, lots, signs, and uses of land that were lawful before this Ordinance was adopted or amended but would be prohibited, regulated, or restricted under the provisions of this Ordinance.

B. Intent

Nonconforming situations may continue until they are removed, but their survival is not encouraged.

Section 5-2. Nonconforming Lots

A. Definition

A recorded lot, whose area and/or width were lawful before this Ordinance was adopted, revised or amended, that does not meet the lot area and/or lot width standards of this Ordinance

B. Applicability

Zoning districts where single-family dwellings are permitted

C. Regulation

A nonconforming lot, as defined in Subsection A, may be developed without a variance with a single-family home, including customary accessory structures, as long as it complies with the dimensional and density standards of this Ordinance, other than lot area and/or lot width.

Section 5-3. Nonconforming Structures

A. Definition

A structure, whose dimensional and density characteristics were lawful before this Ordinance was adopted, revised, or amended, that does not meet the dimensional and density standards of this Ordinance

B. Continued Existence

1. A nonconforming structure may be continued under the following conditions.

- a. Normal repair and maintenance is permitted.
- b. A nonconforming structure may not be enlarged or altered in a way that increases its nonconformity. It may be altered in a way that decreases its nonconformity.
- c. Nonconforming structures may not be used as grounds for addition of other structures or uses that do not conform to the standards of zoning district.
- d. If a nonconforming structure is moved, it must be located in a manner that conforms to the requirements of the zone in its new location.

C. Termination of Legal Nonconforming Status

1. When a nonconforming structure or a nonconforming portion of a structure is destroyed, by any means, at more than 50% of its replacement cost at the time of destruction, its legal, nonconforming status is terminated.
2. Any subsequent use of such land shall conform to provisions of this Ordinance.

Section 5-4. Nonconforming Uses

A. Definition

A use or activity, that was lawful before this Ordinance was adopted, revised or amended, that is not permitted under the Use Regulations of this Ordinance

B. Continued Existence

Although nonconforming uses are incompatible with permitted uses in their respective districts, a nonconforming use may continue under the following conditions.

1. The use may not be enlarged, increased, or extended to occupy a greater area of land than was occupied on the date when this Ordinance is adopted or amended.
2. The use may not be relocated or partially relocated from its location on the date when this Ordinance is adopted or amended, unless it is placed in a zoning district that allows such use.
3. The use may be extended to any parts of a structure arranged or designed for such use on the date when this Ordinance is adopted or amended, as long as the nonconforming use is not extended to land outside of the structure.
4. Structures may not be enlarged or erected to accommodate the expansion of a nonconforming use.

C. Termination of Legal Nonconforming Status

1. When a nonconforming use of land ceases for any reason for a period of more than 30 days, its legal, nonconforming status is terminated.
2. Any subsequent use of such land shall conform to provisions of this Ordinance.

Section 5-5. Nonconforming Signs

A. Definition

A sign, whose characteristics were lawful before this Ordinance was adopted, revised, or amended, that does not meet the current standards of this Ordinance

B. Continued Existence

A nonconforming sign may be continued under the following conditions.

1. Normal repair and maintenance is permitted.
2. A nonconforming sign may not be enlarged or altered in a way that increases its nonconformity. It may be altered in a way that decreases its nonconformity.
3. Nonconforming signs may not be used as grounds for permission to construct additional signs that do not conform to the standards of this Ordinance.

C. Termination of Legal Nonconforming Status

1. When a nonconforming sign is destroyed, by any means, at more than 50% of its replacement cost at the time of destruction, its legal, nonconforming status is terminated.
2. Any subsequent sign shall conform to provisions of this Ordinance.

Article 6. Zoning Districts and Map

Section 6-1. Establishment of Zoning Districts

A. Base Zones

1. Single-Family Residential (R-1)

a. Purposes

- (1) Provide sufficient space for low-density, single-family residential development and customary accessory uses.
- (2) Provide for other uses, such as churches and recreational facilities, that are normally compatible with residential uses.
- (3) Allow agriculture uses that do not detract from or interfere with residential uses.

b. Permitted Uses and Structures

See *Article 7. Use Regulations.*

c. Dimensional and Density Standards

See *Article 8. Dimensional and Density Standards.*

2. One-and 2-Family Residential (R-2)

a. Purposes

- (1) Provide sufficient space for low-density, single-and 2-family residential development and customary accessory uses.
- (2) Provide for other uses, such as churches and recreational facilities, that are normally compatible with residential uses.

b. Permitted Uses and Structures

See *Article 7. Use Regulations.*

c. Dimensional and Density Standards

See *Article 8. Dimensional and Density Standards.*

3. Multi-Family Residential (R-3)

a. Purposes

- (1) Provide sufficient space for low- and medium-density residential development and customary accessory uses.
- (2) Provide for other uses, such as churches and recreational facilities, that are normally compatible with residential uses.

b. Permitted Uses and Structures

See *Article 7. Use Regulations.*

c. Dimensional and Density Standards

See *Article 8. Dimensional and Density Standards.*

4. Manufactured-Home Park (MHP)

a. Purposes

- (1) Provide sufficient space for and to encourage well-designed mobile-home parks to accommodate manufactured homes intended as single-family residences.
- (2) Provide for accessory, recreational, and personal service uses customary to well-designed manufactured homes.

b. Permitted Uses and Structures

See *Article 7. Use Regulations.*

- c. Dimensional and Density Standards
See *Article 8. Dimensional and Density Standards.*
- 5. Neighborhood Business (NB)
 - a. Purposes
 - (1) Encourage a mix of retail, office, and residential uses, consistent with the existing scale and character of the area, in order to promote the economic stability of the area.
 - (2) Provide for a limited number of apartment dwellings in conjunction with retail, office, and service uses, but only on the second and third stories of commercial or office buildings.
 - (3) Provide for the continuation and improvement of existing residential uses.
 - (4) Encourage redevelopment by permitting residential structures to be used wholly or partially for permitted non-residential uses.
 - (5) Provide a modification procedure, utilizing site-plan review, to alleviate difficulties relating to parking and other dimensional and density standards.
 - b. Permitted Uses and Structures
See *Article 7. Use Regulations.*
 - c. Dimensional and Density Standards
See *Article 8. Dimensional and Density Standards.*
- 6. General Business (GB)
 - a. Purpose
Provide for appropriate locations for commercial, office, and service uses serving a wider area than neighborhood business uses.
 - b. Permitted Uses and Structures
See *Article 7. Use Regulations.*
 - c. Dimensional and Density Standards
See *Article 8. Dimensional and Density Standards.*
- 7. Marine (MAR)
 - a. Purposes
 - (1) Encourage a mix of retail, office, and residential uses that complement and support the Blades Marina.
 - (2) Establish the Blades Marina as the focal point of the Marine Zone.
 - (3) Ensure that the character and scale of development in the Marine Zone is compatible with the Blades Marina.
 - (4) Provide for a limited number of apartment dwellings in conjunction with retail, office, and service uses, but only on the second and third stories of commercial or office buildings.
 - (5) Provide for the continuation and improvement of existing residential uses.
 - (6) Encourage redevelopment by permitting residential structures to be used wholly or partially for permitted non-residential uses.
 - (7) Provide a modification procedure, utilizing site-plan review, to alleviate difficulties relating to parking and other dimensional and density standards.
 - (8) Prohibit the establishment of and the continuation of industrial uses not compatible with the characteristics of a Marine Zone.

- b. Permitted Uses and Structures
See *Article 7. Use Regulations.*
- c. Dimensional and Density Standards
See *Article 8. Dimensional and Density Standards.*
- 8. Industrial (I)
 - a. Purposes
 - (1) Provide sufficient space in appropriate locations for certain types of manufacturing, warehousing, and business uses.
 - (2) Protect surrounding areas from the adverse effects of industrial uses.
 - (3) Prohibit heavy-industrial activities such as petroleum refining, asphalt mixing, and fertilizer processing.
 - b. Permitted Uses and Structures
See *Article 7. Use Regulations.*
 - c. Dimensional and Density Standards
See *Article 8. Dimensional and Density Standards.*
- B. Overlay Zones
 - 1. Flood-Prone (FP)
 - a. General
 - (1) The purpose of the FP Zone is to provide land-development and construction controls for flood-prone lands.
 - (2) Flood-prone lands are those areas of land adjoining a stream, river, estuary, or other watercourse that have been or may hereafter be covered by floodwaters of the 100-year flood or subject to shoreline erosion caused by a 100-year flood.
 - (3) The requirements of the FP Zone are in addition to (i.e., an overlay on) all other standards contained in this Ordinance.
 - b. Boundaries
 - (1) Generally, the boundaries of the FP Zone shall be determined using the most recent Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM).
 - (2) In flood-prone areas, not shown on the FIRM, the zone boundaries shall be delineated by an engineering survey.
 - c. Permitted Uses and Structures
See *Article 7. Use Regulations.*
 - d. Dimensional and Density Standards
See *Article 8. Dimensional and Density Standards.*
 - e. Additional
See *Article 12. Flood-Prone Areas, Drainage, Erosion.*
 - 2. Water-Resource Protection (WRP)
 - a. General
 - (1) The purpose of the WRP Zone is to provide land-development and construction controls for lands under which are located wellhead protection and excellent-recharge areas.
 - (2) The requirements of the WRP Zone are in addition to (i.e., an overlay on) all other standards contained in this Ordinance.

- b. Boundaries. Generally, the boundaries of the WRP Zone shall be determined using the *Delaware Code* as administered by the Department of Natural Resources and Environmental Control.
- c. Permitted Uses and Structures
See *Article 7. Use Regulations*.
- d. Dimensional and Density Standards
See *Article 8. Dimensional and Density Standards*.
- e. Additional
See *Article 12. Flood-Prone Areas, Drainage, Erosion*.

Section 6-2. Zoning Map

A. Interpretation of Zoning Map

The incorporated area of the Town is divided into the zoning districts shown on the Zoning Map. This map and its accompanying notations are adopted by reference and are declared to be a part of this Ordinance.

B. Uncertainty as to Boundaries

Where uncertainty exists as to the boundaries of zoning districts as shown on the Zoning Map, the following rules shall apply.

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Town or County limits shall be construed as following Town or County limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main track(s).
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines. If the shore line changes, the boundary shall be construed as moving with the actual shore line.
6. Boundaries indicated as approximately following the centerlines of streams, lakes, or other bodies of water shall be construed as following such centerlines.
7. Boundaries indicated as parallel to, or extensions of, features described in this subsection shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
8. Where physical or cultural features existing on the ground differ from those shown on the Zoning Map, or in other circumstances not covered by this Section, the Board of Adjustment shall interpret the zone boundaries.

C. Errors or Omissions

If because of error or omission, the Zoning Map does not show a property as being in a zoning district, such property shall be classified in the least-intense Zoning District until changed by amendment.

D. Parcels Split by Zoning Districts

Where a zoning district boundary divides a lot, tract, parcel, or property, the location of the district boundary, unless the Zoning Map indicates its dimensions, shall be determined by applying the map scale shown on the Zoning Map scaled to the nearest foot.

Article 7. Use Regulations

Section 7-1. Permitted Uses and Structures

Permitted uses and structures are in *Table 7-1. Permitted Uses and Structures*.

Section 7-2. Interpretation of Uses

A. General

A use not specifically listed as permitted in a zoning district is prohibited unless determined similar in accordance with Subsection B of this Section

B. Determination of Similar Uses

1. Intent

A determination as to whether a use is similar to a use permitted by right shall be considered an expansion of the use regulations of the zone and not as a variance applying to a particular situation. Any use found similar shall be included in the list of uses permitted by right.

2. Application

- a. Applications for permits involving uses not specifically listed among the uses permitted by right in any zone shall be submitted to the Administrator.
- b. The Administrator may refer the application to the Planning Commission.
- c. Standards governing the determination of a similar use:
 - (1) The use closely resembles and contains the same characteristics as the classification to which it is to be added.
 - (2) The use does not create dangers to health and safety and does not create offensive noise, vibrations, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from other uses listed in the classification to which it is to be added.
 - (3) The use does not create traffic to a greater extent than the do other uses listed in the classification to which it is to be added.
- d. The determination of similar uses shall not apply to off-street parking or signs.

Section 7-3. Accessory Uses

A. Definition

A use is accessory use if it meets all of the following criteria.

1. It is incidental and subordinate to the principal use.
2. It is customary to the principal use.
3. It is operated and maintained under the same ownership and on the same lot as the principal use.
4. It does not include structures or structural features inconsistent with the principal use.
5. It does not include overnight lodging for anyone other than members of the household in which the accessory use is conducted.

B. Where Permitted

Except as otherwise provided, accessory uses are permitted in all zones.

C. Regulations Governing Certain Accessory Uses**1. Major Recreational Equipment****a. Definition**

Includes boats, boat trailers, travel trailers, pick-up campers, or coaches designed to be mounted on motor vehicles, motorized dwellings, tent trailers, and similar equipment, as well as cases or boxes used for transporting major recreational equipment regardless of whether the equipment is inside of the boxes

b. Regulation

On a lot in a residential zone, major recreational equipment...

(1) May be parked or stored in a carport, within an enclosed building, or behind the nearest portion of a building to a street.

(2) May not be used for living, sleeping, or other housekeeping purposes.

(3) May be parked anywhere for a maximum of 24 hours while loading and unloading.

2. Unlicensed Vehicles and Trailers

On any residentially zoned property, a vehicle or a trailer without valid license plates must be parked or stored in a completely enclosed building.

3. Commercial Vehicles

In any residential zone, only 1 commercial vehicle, not exceeding 1-ton capacity, may be parked on a lot.

Section 7-4. Home-Based Businesses**A. Definition**

Any business, occupation, or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit

B. Permitted Home-Based Businesses

1. Offices for professionals, including architects, brokers, counselors, clergy, dentists, doctors, draftspersons and cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract managers, graphic designers, construction contractors, landscape designers, surveyors, cleaning services personnel, salespersons, manufacturers' representatives, and travel agents
2. Personal services, including barbershops, beauty parlors, manicure and pedicure shops, pet grooming, catering, and chauffeuring services
3. Instructional services, including music, dance, art and craft classes, tutoring
4. Babysitting services defined as the occasional care of children
5. Studios for artists, sculptors, musicians, photographers, and authors
6. Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and woodworking
7. Repair services including watches and clocks, small appliances, computers, electronic devices, lawnmowers, and small engines
8. Garage and yard sales, Tupperware® parties or similar parties

C. Prohibited Home-Based Businesses

1. Family- and large-family day care
2. Kennels, stables, veterinary clinics and hospitals
3. Medical clinics, dental clinics, hospitals

4. Restaurants, bars, and night clubs
 5. Funeral homes and undertaking establishments
 6. "Adult" uses
- D. Operational Standards
1. General

Businesses such as those listed in the previous subsection shall be considered as operating within the home-based business standards as long as they do not cause undue traffic congestion, and comply with the standards governing equipment used or operated by home-based businesses.
 2. Operating Hours
 - a. Customer and client visits to the home-based business are limited to the hours from 7:00 A.M. to 9:00 P.M.
 - b. These operational standards recognize that some home-based businesses occasionally rely on client/customer visits that last beyond 9:00 P.M. Examples of such home-based businesses include babysitting services, instructional services, and Tupperware®-type parties.
 3. Employees
 - a. On-Premise Employees

A home-based business shall have not more than 2 non-resident employees on the premises at any 1 time.
 - b. Off-Premise Employees

The number of non-resident employees, working at locations other than the home-based business (i.e., off-premise), is not limited.
 4. Equipment

The operation of the home-based business, including equipment used therein, shall not...

 - a. Create any vibrations, heat, glare, dust, odors, or smoke discernible at the property lines.
 - b. Generate noise that violates any Town ordinance or regulation pertaining to noise.
 - c. Create any electrical, magnetic, or other interference off the premises.
 - d. Consume utility quantities that negatively impact the delivery of those utilities to surrounding properties.
 - e. Use and/or store hazardous materials in excess of quantities permitted in residential structures.
 5. Signs

See *Article 13. Signs*.

Table 7-1. Table Permitted Uses and Structures

Permitted Uses and Structures									
Blank Not Permitted									
P Permitted Use									
A Permitted Accessory Use									
SP Site-Plan Review required. See Art. 4, Sec. 2.									
SE Special Exception required. See Art. 4, Sec.3.									
SE-A Requirements in addition to general Special Exception standards.									
D See Art. 2.									
	R-1 Zone	R-2 Zone	R-3 Zone	RMH Zone	NB Zone	GB Zone	MAR Zone	I Zone	
Agriculture-Related Uses									
Farms, Accessory farm buildings including barns, cribs, stable sheds, tool rooms, shops, bins, racks, and silos	A								
Farms, Accessory open or enclosed storage of farm materials, products, or equipment	A								
Farms, Accessory structures for sale or processing of farm products raised on the premises	A								
Farms, Customary and conventional farming operations including the raising of livestock, poultry, vegetables, flowers, and horticultural materials on lots of 5 acres or greater	P								
Farms, Dwellings for persons permanently employed on the premises	A								
Greenhouse, Commercial	D								
Residential Uses									
Apartment above commercial or office uses					SP		SP		
Bed and breakfast	D	SE			SP		SP		
Dwelling, 2-Family, Duplex	D	P	P		SP		SP		
Dwelling, 2-Family, Semi-detached	D	P	P		SP		SP		
Dwelling, Multi-family	D		SP				SP		
Dwelling, Multi-family, Coin-operated vending machines, located inside a main building for the exclusive use of the occupants of a multi-family development			A				A		
Dwelling, Multi-family, Laundry room for the exclusive use of the occupants of a multi-family development			A				A		
Dwelling, Multi-family, Office located in a main building for administration of a multi-family development containing 10 or more dwelling units			A				A		
Dwelling, Single-Family, including modular	D	P	P		SP		SP		
Dwelling, Townhouse	D		SP		SP		SP		
Dwelling, Triple-Attached	D		SP		SP		SP		
Home Based Businesses	D	A	A	A	A		A		
Hotel, Motel					SP	SP	SP		
Manufactured Home Park				SP					
Residential Accessory structures including private swimming pools, fireplaces, trellises, post lights	A	A	A		A		A		
Sales and Rental of Goods, Merchandise, and Equipment									
Bank, with or without drive-in					SP	SP	SP		
Lumberyard								SP	
Antique Store					SP	SP	SP		
Apparel Store					SP	SP	SP		
Appliance Store					SP	SP	SP		
Bakery					SP	SP	SP		
Convenience Store	D				SE	SE	SE		
Department Store						SP			
Drug Store					SP	SP	SP		

Permitted Uses and Structures									
Blank Not Permitted									
P Permitted Use									
A Permitted Accessory Use									
SP Site-Plan Review required. See Art. 4, Sec. 2.									
SE Special Exception required. See Art. 4, Sec.3.									
SE-A Requirements in addition to general Special Exception standards.									
D See Art. 2.									
	R-1 Zone	R-2 Zone	R-3 Zone	RMH Zone	NB Zone	GB Zone	MAR Zone	I Zone	
Dry-Goods Store					SP	SP	SP		
Florist					SP	SP	SP		
Furniture Store					SP	SP	SP		
Hardware Store					SP	SP	SP		
Jewelry Store					SP	SP	SP		
News Dealer					SP	SP	SP		
Restaurant D					SP	SP	SP		
Sales of goods not made on the premises	SE	SE							
Supermarket D					SP	SP	SP		
Variety Store					SP	SP	SP		
Wholesale trade D									SP
Office, Clerical, Research, Personal Service and Similar Enterprises Not Primarily Related to Goods and Services									
Office D					SP	SP	SP		A
Barber Shop					SP	SP	SP		
Beauty Shop					SP	SP	SP		
Dry Cleaners					SP	SP	SP		
Laundromat					SP	SP	SP		
Photographic Studio					SP	SP	SP		
Shoe Repair					SP	SP	SP		
Tailoring Shop					SP	SP	SP		
Repair shops other than automotive					SP	SP	SP		SP
Repair shops, small engine					SP	SP	SP		SP
Manufacturing, Assembling, Processing									
Bottling operations									SP
Cabinet shop									SP
Carpet and rug cleaning									SP
Contractors' Yards including outside storage of construction equipment and supplies									SP
Electronic component and assembly									SP
Jewelry, watches, clocks, optical goods, musical, professional, and scientific equipment manufacturing									SP
Laundry and dry cleaning plants									SP
Light metal processing including finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing and heat treatment, fabrication, small products assembly									SP
Manufacturing of beverages, ceramic products, clothing, cosmetics, electrical appliances, silverware, tobacco products, tools, hardware, toys									SP
Millwork operations									SP
Plants, fabrication, assembly, and testing of electronic equipment and components									SP
Scientific research laboratories									SP
Textile processing and manufacturing excluding bleaching									SP
Wood products manufacturing, including boxes, furniture, cabinets, baskets									SP

Permitted Uses and Structures									
Blank Not Permitted P Permitted Use A Permitted Accessory Use SP Site-Plan Review required. See Art. 4, Sec. 2. SE Special Exception required. See Art. 4, Sec.3. SE-A Requirements in addition to general Special Exception standards. D See Art. 2.		R-1 Zone	R-2 Zone	R-3 Zone	RMH Zone	NB Zone	GB Zone	MAR Zone	I Zone
Educational, Cultural, Religious, Philanthropic, Social, Fraternal									
Club, private such as golf, swimming, and tennis clubs, lodges, and other annual membership clubs	D	SE	SE	SE		SP	SP	SP	
Educational institutions, public and private	D	SE	SE			SE	SE		
Places of worship	D	SP	SP	SP		SP	SP	SP	SP
Institutional, Residence, Care, Confinement, and Medical Facilities									
Day-Care Center	D			SE	SE	SE	SE		
Day Care, Family (1-6 children)	D	SE	SE	SE	SE	SE			
Day Care, Large Family (7-12 children)	D	SE	SE	SE	SE	SE			
Hospital	D	SE	SE	SE			SE		
Medical Clinic	D					SE	SE	SE	
Nursing and care facilities	D	SE	SE	SE			SE		
Surgical Center	D					SE	SE	SE	
Transportation-Related Sales and Service, except Marine-Related Uses									
Motor-vehicle filling stations including repair service, and storage subject to the same requirements as "Motor-vehicle sales, repair, service and storage"							SE	SE	SE
Motor-vehicle sales, repair, service and storage provided that: (a) All repair work is conducted within an entirely enclosed building (b) Vehicle lifts or pits, dismantled and disabled automobiles and all parts or supplies are stored within an entirely enclosed building (c) The storage of gasoline or flammable oils in bulk shall not be located nearer than 20 feet to any street line (d) No equipment for the service of gasoline or oil shall be located within a distance of 200 feet of any school, church, hospital, or place of public gathering.							SE		SE
Storage and Parking									
Distribution center	D						SP		SP
Garage, private parking		A	A	A		A	A	A	A
Garage, public or commercial parking						SP	SP	SP	SP
Self-storage facility	D						SP		SP
Storage, bulk grains, fuel or fertilizers, excluding processing, refining, or manufacturing of fertilizer products									SE
Warehouse	D								SE
Public, Semi-Public, Emergency									
Community center	D	SP	SP	SP	SP	SP	SP	SP	SP
Government facilities and services, local	D	P	P	P	P	P	P	P	P
Government facilities and services, non-local	D	SP	SP	SP	SP	SP	SP	SP	SP
Parks and open space		P	P	P	P	P	P	P	P
Public-safety facilities including, ambulance, fire, police, rescue, and national security	D	P	P	P	P	P	P	P	P
Public-utility service facilities	D	P	P	P	P	P	P	P	P

Permitted Uses and Structures Blank Not Permitted P Permitted Use A Permitted Accessory Use SP Site-Plan Review required. See Art. 4, Sec. 2. SE Special Exception required. See Art. 4, Sec.3. SE-A Requirements in addition to general Special Exception standards. D See Art. 2.	R-1 Zone	R-2 Zone	R-3 Zone	RMH Zone	NB Zone	GB Zone	MAR Zone	I Zone
Public-utility service lines	D P	P	P	P	P	P	P	P
Recreation facility	D				SP	SP	SP	SP
Not Grouped Elsewhere					SP	SP	SP	SP
Accessory uses, generally	D P	P	P	P	P	P	P	P
Mixed use developments					SP	SP	SP	SP
Cemeteries	P	P	P	P	P	P	P	P
Funeral home					SP	SP		
Shelters for domestic pets not in excess of 50 square feet, exclusive of runs	A	A	A					
Veterinary clinics, animal hospitals, or commercial kennels, provided that no open pens, runs, kennels or cages are located within 100 feet of land that is used or zoned residential						SE		SE
Marine-Related Uses								
Boat storage, on land or in-water including anchorages, docks, moorages, piers, and wharves					SE	SP	SP	SP
Marina and related services					SE	SP	SP	SP
Marine educational uses					SE	SP	SP	SP
Marine filling stations							SP	
Marine institutional uses, such as museums or sailing clubs					SE	SP	SP	SP
Marine repair and service on land or in-water						SP	SP	SP
Marine sales and service establishments					SE	SP	SP	SP

Article 8. Dimensional and Density Standards

Section 8-1. Basic Dimensional and Density Standards

- A. Residential Zones—Table 8-1
- B. Manufactured-Home Park—Table 8-2
- C. Non-Residential Zones—Table 8-3
- D. Accessory Buildings and Structures—Table 8-4
- E. Projections into Required Yards—Table 8-5

Section 8-2. Supplemental Dimensional and Density Standards

A. Street Access of Structures

1. Lots, on which new structures are built or to which a structure is relocated, must be adjacent to a public street.
2. Structures shall be placed on lots in a manner that provides safe and convenient access for utility servicing, fire protection, and required off-street parking.

B. Fences, Walls, Hedges, and Shrubbery

1. Setbacks

Fences, walls, hedges, and shrubbery may be placed anywhere on a residential lot as long as they comply with the height limitations stated in this subsection.

2. Height Limitations.

- a. Front Property Line—2½ feet
- b. Side Property Line—6½ feet
- c. Rear Property Line—6½ feet

3. Non-Residential Uses

The Planning Commission may allow or require fences, walls, hedges, or shrubbery that are higher than the limitations stated in this Subsection. In making such a determination, the Commission must find that exceeding the height limitations is necessary due to the type of use, security concerns, or the protection of adjacent properties.

C. Visibility at Intersections Within “Sight Triangle”

At street intersections, nothing shall be built, placed, planted, or allowed to grow higher than 2½ feet within the “sight triangle” measured along the right-of-way line above the curb level of the intersecting streets for a distance of 20 feet from the intersection and formed by connecting the respective 20-foot distances.

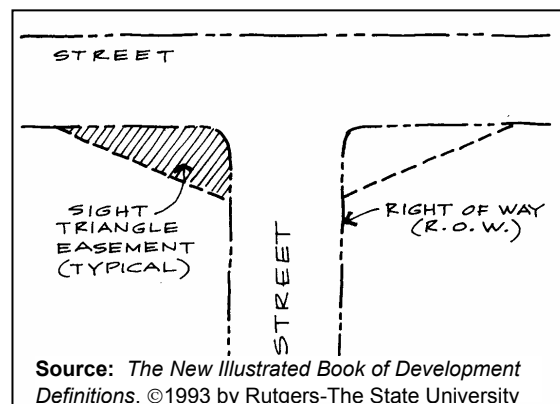


Figure 8-1. Sight Triangle

D. Height Limits—Exemptions

The height limitations of this Ordinance do not apply to appurtenances usually required to be placed above the roof level and not intended for human occupancy. Such appurtenances include, but are not limited to, the following.

Belfries	Public monuments
Chimneys	Radio and television antennas for residential use
Cupolas	Smoke stacks
Flag poles	Spires
Ornamental towers	Water towers

E. Townhouses

The following standards are in addition to the standards in Table 8-1.

1. Row Design

- a. The maximum number of townhouses in a row shall not exceed 6.
- b. The facades of the dwellings in each townhouse group must be varied in architectural treatment and roof lines.

2. Offsets Required

- a. No more than 2 adjacent townhouses may have the same front building line.
- b. The variation in the building line must be at least 2 feet.

3. When the rear lot lines of townhouses abut one another, a 20-foot-wide alley must be provided.

F. Manufactured Home Park

The standards in this subsection are in addition to those in *Table 8-2. Dimensional and Density Standards for Manufactured-Home Parks*.

1. Definition

A tract of land used or offered for use for the location of manufactured homes.

2. General

A manufactured-housing community shall comply with all sanitary and other requirements prescribed by law or regulations governing the manufacture, transport, or installation of manufactured-housing units.

3. Site Design

- a. Topography of the site shall be engineered to facilitate drainage, and drainage facilities shall be provided.
- b. Natural amenities and green area
 - (1) The site design shall demonstrate a reasonable effort to preserve the site's natural amenities.
 - (2) The site design shall include a landscaped or wooded strip of open space along street frontages and along the adjacent lot borders as required in *Table 8-2. Dimensional and Density Standards for Manufactured-Home Parks*.

4. Utilities

- a. All utility lines, including electrical, telephone, and TV cable, shall be underground.
- b. All utilities, other than electric power and except for short, lateral spurs connecting individual homes, shall be located within a street right-of-way, unless the Town directs otherwise.
- c. Each manufactured-home site shall have an individual, metered connection to a central water and sewer system.

5. Access, Circulation, and Parking
 - a. Access to a manufactured-home community shall be from a public street.
 - b. The number and location of access drives shall be based on traffic safety and the protection of surrounding properties.
 - c. Individual manufactured-homes shall not have direct access to a street outside the manufactured home community's boundaries.
 - d. Standards for interior access drives
 - (1) Interior-access drives shall be properly lighted.
 - (2) Interior-access drives shall be constructed and maintained in accordance with applicable specifications and ordinances.
 - e. Parking

See *Article 14. Off-Street Parking and Loading.*
6. Ownership
 - a. The entire land area used for a manufactured-home community shall be maintained in single ownership throughout the entire life of the park.
 - b. Multiple ownership may be permitted as follows:
 - (1) If done so under the laws of the State of Delaware dealing with unit properties, and
 - (2) An applicant for a manufactured-home community declares multiple ownership as part of the application to the Town for the establishment of the park.
7. Manufactured-Home Installation
 - a. Anchoring
 - (1) Every manufactured-home shall be anchored prior to its occupation or use, or within 7 days of its placement in a manufactured home community, whichever occurs first.
 - (2) Each manufactured-home shall be anchored to resist flotation, collapse, or lateral movement.
 - (3) Anchoring Methods

Acceptable methods of anchoring include, but are not limited to, over-the-top and frame ties to ground anchors, such as the following:

 - (a) Over-the-top ties provided at each of the 4 corners of the manufactured home, with 2 additional ties per side for manufactured homes less than 50-feet-long.
 - (b) Frame ties provided at each corner of the home, with 5 additional ties per side at intermediate points, with manufactured homes less than 50-feet-long requiring 4 additional ties per side.
 - (4) Wind Resistance

In addition to applicable state and local anchoring requirements for resisting wind forces, all components of a manufactured-home anchoring system shall be capable of withstanding a force of 4,800 pounds.
 - (5) Manufactured Homes in Floodplains

In addition to other applicable requirements of this Ordinance, manufactured homes within any floodplain area shall be...

 - (a) Elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated to or above the base flood elevation; and
 - (b) Securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(6) No manufactured home shall rest permanently on the wheels used to transport it.

b. Perimeter-Enclosure Walls (Skirts)

(1) Prior to occupancy or use, a perimeter-enclosure wall must be installed in the space between the manufactured home and the ground level.

(2) The design of these walls shall be coordinated throughout the park and shall complement the appearance of the park.

(3) Materials

Perimeter-enclosure walls must consist of a masonry material, or a vinyl, metal, or wood product that is not easily combustible.

(4) Utility Access

Each perimeter-enclosure wall must have an opening that provides access to water and wastewater connections under the home. The opening must be at least 18 inches in all dimensions, but not more than 3 square feet in area.

c. Hitch

The hitch or tow bar, used to transport a manufactured home, shall be removed when the manufactured home is placed on its manufactured-home stand.

G. Landscape Screen

See *Article 15. Recreation, Open Space, Screening, Shade.*

Table 8-1. Basic Dimensional and Density Standards in Residential Zones

Standard Zone DU Type	R-1					R-2					R-3					RMH
	Single-Family	Single-Family	2-Family	Semi-Detached	Triple-Attached	Single-Family	2-Family	Semi-Detached	Triple-Attached	Town-house	Multi-Family	Multi-Family	MH Park			
Tract Standards																
Tract Area	10,000 SF	7,000 SF	7,000 SF	7,000 SF	8,000 SF					20,000 SF	40,000 SF					
Maximum DUs Per Acre	4.2	6.2	12.4	12.4	16.3					8.0	14.5					
Average DUs per Building or TH Row	N/A	N/A	N/A	N/A	N/A					6	24					
Distance between Buildings or TH Rows (feet)	N/A	N/A	N/A	N/A	N/A					N/A	50					
Street Frontage (feet)																
Lot Standards																
Lot Area Per DU (SF)	10,000	7,000	7,000	3,500	Interior 2,000 End 3,000	SAME AS R-2	SAME AS R-2	SAME AS R-2	SAME AS R-2	Interior 2,000 End 3,000	3,000		SEE TABLE 8-2			
Street Frontage (feet)	30	30	30	30	N/A					N/A	125					
Lot Width at Front Bldg. Line (feet)	75	60	60	30	Interior 20 End 30					Interior 20 End 30	N/A					
Setbacks (feet)																
Front Yard	25	25	25	25	25					25	30					
Side Yard																
One or End TH	10	5	10	10	10					10	20					
Sum of Both	20	15	20	20	N/A					N/A	40					
Rear Yard	30	30	30	30	30					30	40					
Maximum Building Height																
Stories	2 ½	2 ½	2 ½	2 ½	2 ½					2 ½	3					
Feet	35	35	35	35	35					35	35					
Maximum Building Coverage (Lot area)	30%	40%	40%		N/A					50%	60%					
Additional Standards					Sec. 8-2G								Sec. 8-2H			

Notes:

1. All dimensions are minimum standards unless specified otherwise.
2. N/A means not applicable.
3. DU means dwelling unit.
4. SF means square feet.
5. TH means townhouse.
6. MH means manufactured home.
7. See Article 12 for standards governing structures in flood-prone areas.

Table 8-2. Dimensional and Density Standards for Manufactured-Home Parks

Standard	Basic	Additional
Tract Standards		
Minimum Tract Area	5 acres	
Minimum Tract Width	200 feet	
Max DUs per Acre	8.0	
Street Frontage	50 feet	
Interior Access Drive Width	50 feet	Must be properly lit and built and maintained in accordance with specifications for municipal streets
Landscape Buffer	50 feet	Structures and streets not permitted in buffer
Open Space per Home Site	300 SF	Must be usable recreational space accessible to residents of the park
Lot Standards		
Lot Area per Home Site	5,000 SF	Permanent, numbered marker required at each corner
Lot Width	50 feet	
Yards		
Front	10 feet	
Side	10 feet	Each side yard
Rear	10 feet	
Gross Floor Area of Manufactured Home	400 SF	
Maximum Height	35 feet	
Maximum Lot Coverage	35%	Includes manufactured home and accessory structures
Distance Between Manufactured Homes	20 feet	
Extensions and Projections	4 feet	Applies only to steps with related landing; must not exceed 28 SF; permitted in all yards
Additional Standards		See Subsection F in this Article

Notes:

1. All dimensions are minimum standards unless specified otherwise.
2. N/A means not applicable.
3. DU means dwelling unit.
4. SF means square feet.
5. See Article 12 for standards governing structures in flood-prone areas.

Table 8-3. Dimensional and Density Standards in Non-Residential Zones

Standard	NB Zone	GB Zone	MARINE Zone	I Zone
Minimum Tract Area				
Street Frontage (feet)				
Lot Width at Front Building Line (feet)		100		100
Lot Depth (feet)	SEE	100	SEE	100
Setbacks (feet)				
Front		30		40
Side	NOTES		NOTES	
One		10		10
Sum of Both		20		20
Rear	4	25	4	
Adjoining Residential Zone				25
Adjoining Non Residential Zone	and		and	50
Maximum Building Height				
Stories	5	2	5	2
Feet		35		35
Maximum Building Coverage (% of Lot)		50%		50%
Green Area (% of Lot)				

Notes:

1. All dimensions are minimum standards unless specified otherwise.
2. N/A means not applicable.
3. SF means square feet.
4. Except for building height, the Town Council, with Planning Commission recommendation, shall determine the development standards and parking requirements for new, changed, or expanded uses in the NB and Marine Zone. In making such determinations, the Council shall make the following findings:
 - a. That the placement of buildings and structures is compatible with the neighborhood and with existing development in character and scale.
 - b. That proposed parking spaces, building coverage, and overall design are sufficient to avoid congestion and will not place unreasonable demands on public facilities.
5. The Dimensional and Density Standards of the R-3 Zone shall be used for permitted residential uses in the NB and MAR Zones.
6. See Article 12 for standards governing structures in flood-prone areas.

Table 8-4. Dimensional and Density Standards for Accessory Buildings and Structures

Standard	Attached Accessory Buildings	Detached Garage	Other Detached Accessory Buildings	Service-Station Pumps and Pump Islands
Location	Side and rear yards	Rear yard	Rear yard	Within any yard
Setbacks				
Front	Same as principal building	Same as principal building	Same as principal building	15 feet
Side-interior	Same as principal building	5 feet	2 feet	15 feet
Side-corner	Same as principal building	Same as principal building	Same as principal building	15 feet
Rear	Same as principal building	5 feet	2 feet	15 feet
Distance from main building	N/A	10 feet	10 feet	
Distance from dwelling on adjacent Residential Lot	N/A	20 feet	20 feet	N/A
Maximum Height	Same as principal building	15 feet	12 feet	N/A
Maximum Lot Coverage	Same as principal building	25% of rear yard	25% of rear yard	N/A

Notes:

1. All dimensions are minimum standards unless specified otherwise.
2. N/A means not applicable.
3. SF means square feet.
4. See Article 12 for standards governing structures in flood-prone areas.

Table 8-5. Permitted Projections Into Required Yards

Type of Projection	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Air conditioners and heat pumps either free-standing or wall-mounted	Not permitted	5 feet	5 feet	5 feet
Aluminum siding, brick veneer, and similar applications to existing structures	9 inches	9 inches	9 inches	9 inches
Awning in commercial or industrial zones	5 feet	5 feet	5 feet	5 feet
Balconies, bay windows, entrances, oriels, and vestibules less than 10 feet wide	3 feet	3 feet	3 feet	3 feet
Carports	5 feet	3 feet	3 feet	5 feet
Chimneys	2 feet	2 feet	2 feet	2 feet
Cornices and eaves	2 feet	2 feet	2 feet	2 feet
Decks, platforms, or similar raised structure	Not permitted	Not permitted	Not permitted	6 feet
Fire escapes	5 feet	5 feet	5 feet	5 feet
Outside stairways	Not permitted	Not permitted	Not permitted	6 feet
Ornamental features, such as sills, leaders, belt courses	6 inches	6 inches	6 inches	6 inches
Porches, steps, stoops, terraces, and similar features				
Open	9 feet	3 feet	3 feet	9 feet
Roof covering porches, steps, stoops, terraces	4 feet	Not permitted	Not permitted	4 feet
Enclosed, including screened-in porches	Not permitted	Not permitted	Not permitted	Not permitted

Notes:

1. All dimensions are minimum standards unless specified otherwise.
2. N/A means not applicable.
3. SF means square feet.
4. See Article 12 for standards governing structures in flood-prone areas.

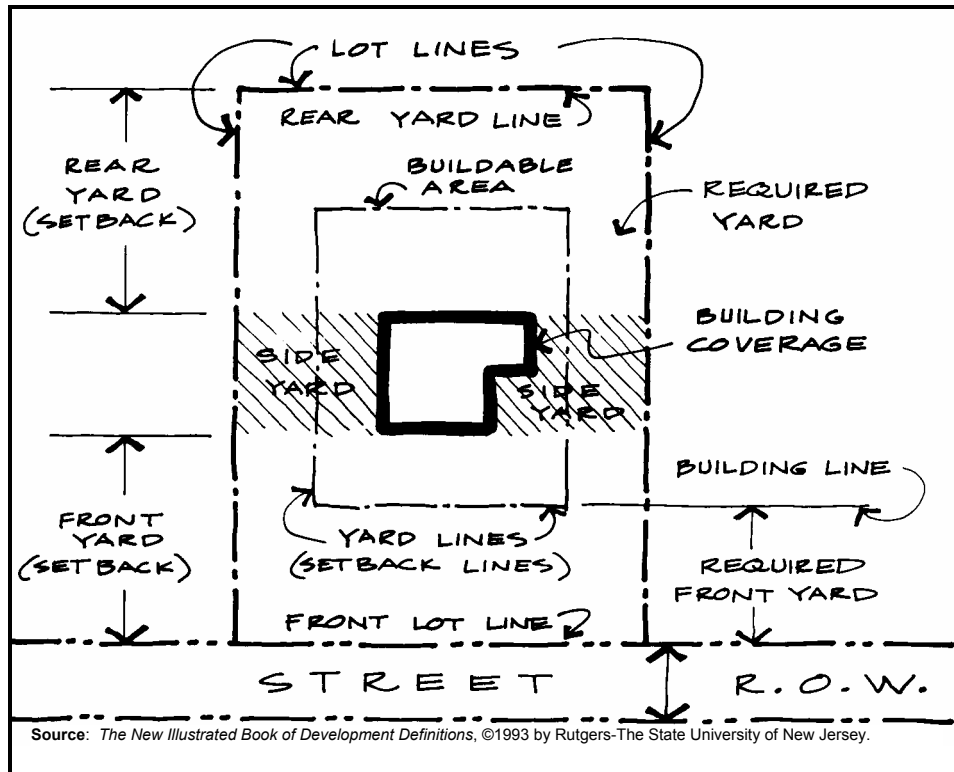


Figure 8-2. Yards, Setbacks, Building Coverage, Building Lines

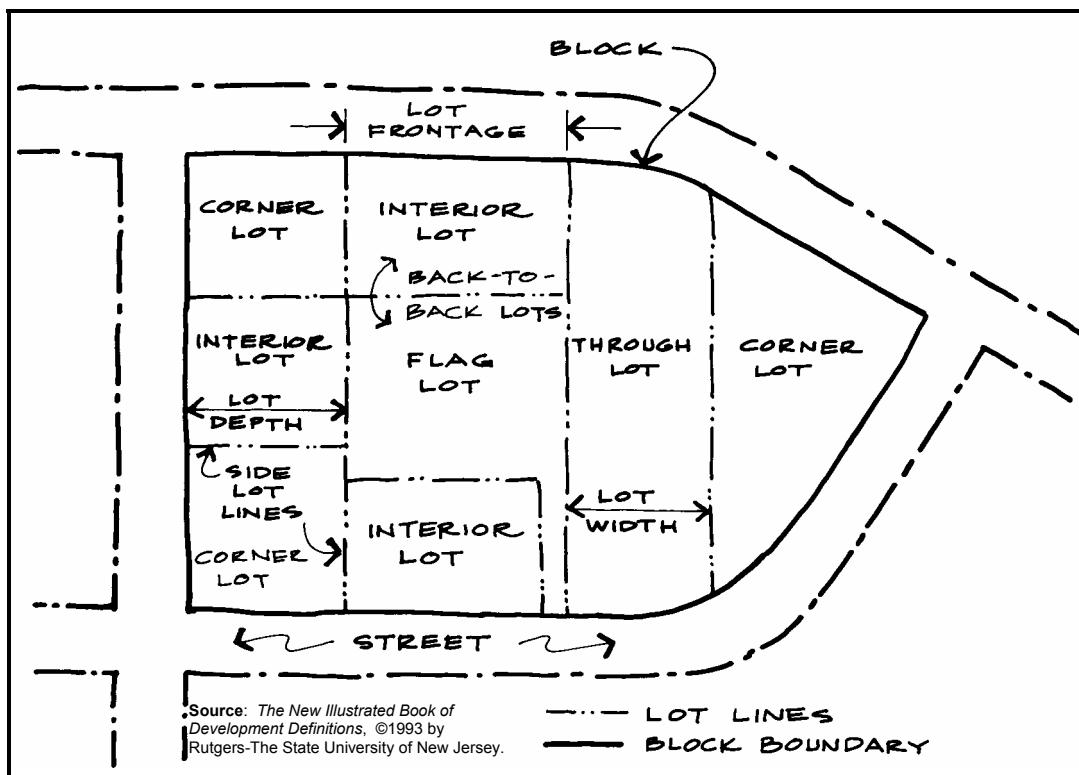


Figure 8-3. Types of Lots

Article 9. Subdivision and Land Development

Section 9-1. Applicability

A. Applicability

The provisions of this Article govern the preparation of site plans, development plans, and subdivision plats. It applies to all development plans whether or not they result in the subdivision of land.

B. Relationship to Sussex County Subdivision Ordinance

It is intended that the provisions of this Ordinance concerning subdivision closely parallel those of Sussex County, in order to avoid confusion among subdividers and provide an orderly pattern of development.

Section 9-2. General Requirements

A. Conformance to Applicable Rules and Regulations

In addition to the requirements established in this Ordinance, all subdivisions shall comply with the following laws, rules, and regulations. If a subdivision plan does not comply with these laws, rules, and regulations, it may be disapproved and building permits may be withheld.

1. The provisions of this Ordinance, building and housing codes, and all other applicable laws of the County, State, and Federal governments
2. The municipal comprehensive plan
3. Standards and regulations adopted by any Town boards, committees, or commissions
4. Rules, regulations, and standards of applicable County, State, or Federal agencies

B. Adequate Public Facilities

1. No preliminary plan shall be approved unless the Commission determines that public facilities are or will be adequate to support and service the area of the proposed subdivision.
2. Upon request, the applicant shall provide information needed by the Commission to evaluate the adequacy of public facilities.
3. The following services shall be examined for adequacy.
 - a. Roads
 - b. Sewer service
 - c. Water service
 - d. Other public services as applicable to the size and type of development

C. Self-Imposed Restrictions

If the owner, applicant, or subdivider places restrictions on any land included in a subdivision that are different from, more strict than, or in addition to those required by this Ordinance, the Commission may require that such restrictions be indicated on the Subdivision Plan and/or that restrictive covenants be recorded with the Recorder of Deeds. The owner, applicant, or subdivider shall grant the Town the right to enforce the restrictive covenants.

D. Subdivision Name

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by this Ordinance. The Council shall have final authority to designate the name of a subdivision.

E. Reference Monuments

1. Permanent reference markers shall be at such locations as approved by a registered land surveyor and represent common surveying practices.
2. Monuments shall be located on street right-of-way lines, at street intersections, angle points of curves and block corners. They shall be spaced so as to be within sight of each other, the site lines being wholly contained within the street lines.
3. The external boundaries of a subdivision should be monumented in the field. These monuments should be placed not more than 1,400 feet apart in any straight line, at all corners, at each end of all curves, at the point where a curve changes its radius, and at all angle points in any line.

F. Character of Land

1. General Standard

Land that the Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features, which will be harmful to the safety, health, and general welfare of the current or future inhabitants of and/or its surrounding areas, shall not be subdivided or developed.

2. Mitigating Circumstances

Unsuitable lands, as described in Section 9-2F1, may be developed when acceptable methods for solving the problems rendering the land unsuitable are recommended by the Administrator and approved by the Commission.

Section 9-3. Lot and Block Design

A. Block Design

1. Spacing

Streets shall be spaced so that blocks meet the dimensional requirements of this Ordinance and to minimize the number of intersections with existing or proposed State-maintained roads.

2. Shape

The lengths, widths, and shapes of blocks shall be appropriate for the character of the Town, the surrounding neighborhood, and the proposed development.

3. Easements

The subdivision plan shall provide for the reservation of easements through a block to accommodate utilities, drainage facilities, or pedestrian traffic.

B. Lot Design

1. General Requirement

Lots shall be arranged so that there will be no foreseeable difficulties, because of topography or other conditions, in securing building permits.

2. Lot Access

Every lot shall abut and have access to a public street.

3. Lot Dimensions

a. General

Lot dimensions shall comply with the minimum size, width, depth, and other applicable dimensional and density standards of the zone in which they are located.

- b. Side Lot Lines
In general, side lot lines shall be at right angles to street lines or radial to curving street lines unless a deviation from this rule will produce a better street or lot plan.
 - c. Corner Lots
Corner lots shall have sufficient extra width to permit the building setback from both streets required in this Ordinance.
 - d. Depth and Width
Excessive lot depth in relation to lot width shall be avoided.
 - e. Lot Area
The area of all lots shall be the minimum required for the zone in which the subdivision is located.
 - f. Lots Used for Single-Family Homes
The size and shape of lots intended for single-family use shall be sufficient to permit the construction of a garage for a single automobile.
 - g. Non-Residential
The depth and width of properties proposed for non-residential uses shall be sufficient to provide parking, loading, landscaping, other facilities specified in this Ordinance, and other applicable requirements.
 - h. Double the Minimum Area
Where lots are more than double the required minimum area, the Commission may require that these lots be arranged to permit further subdivision and the opening of future streets.
4. Drainage
- a. Lots shall be laid out so as to provide positive drainage away from all buildings.
 - b. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area in which the subdivision is located.
 - c. Drainage systems shall be designed to avoid concentration of water runoff from adjacent lots onto any single lot.
5. Lot Orientation
- a. The lot line common to the street right-of-way shall be the front lot line.
 - b. All lots shall face the front line and a similar line across the street.
 - c. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line on an adjacent lot.
6. Lot Frontage
- a. Street frontage of any lot shall be as specified in *Article 8. Dimensional and Density Standards* measured along the right-of-way line. Where street frontage is not specified in the dimensional and density standards, it shall be 30 feet.
 - b. Double-Frontage and Reversed-Frontage Lots
Double-frontage and reversed-frontage lots shall be avoided, except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

Section 9-4. Easements

A. Required to Accommodate Public Utilities

1. General Requirement

Easements shall be provided where necessary to meet public-utility requirements.

2. Along Lot Lines

All subdivision lots shall have 5-foot-wide easements along all lot lines for a total easement width of at least 10 feet along a lot line common to 2 lots. Easements of greater width may be required along lot lines or across lots, where necessary.

3. Along Perimeter Boundaries

Easements along perimeter boundaries of the subdivision shall be at least 10 feet wide on the interior side of the boundary.

B. Required to Accommodate Waterways and Drainageways

Where a proposed subdivision is traversed by any stream, waterway, or drainageway, the subdivider shall make adequate provision for the proper drainage of surface water, including the provision of easements, along such waterways and drainageways.

C. Permanent Obstructions Prohibited

No building, structure, or other permanent obstruction shall be placed on any easement.

Section 9-5. Plans and Profiles

A. Approval Required Prior to Start of Construction

Plans, profiles, and specifications for the required improvements shall be prepared by the subdivider and submitted for approval by the appropriate public authorities prior to construction.

B. Required Information

The plans and profiles to be submitted for all new construction shall include the following.

1. Plans and profiles of each street, showing proposed grades and street-intersection elevations of each street
2. A typical cross-section of proposed streets showing the width of roadways. Such cross-section shall extend laterally to the point where the proposed grade intersects the existing grade, except that in no case shall less than the full width of the street right-of-way be shown.
3. Construction and specification plans of proposed sanitary sewers and storm drains shall be approved by the Town, County, or the Delaware Department of Transportation where it has jurisdiction.
4. Construction and specification plans of the proposed water-distribution system, showing pipe sizes and the locations of all valves and fire hydrants, shall be in accordance with the Delaware State Fire-Prevention Regulations.
5. Plans and specifications for any forested buffer strips, if required.

Section 9-6. Inspections and Fees

A. Inspections, As-Built Drawings Required

1. All construction work on improvements required in this Ordinance shall be subject to inspection and approval by the Town Engineer, and/or other authorized individuals, during and upon completion of such construction work.
2. Upon the completion of each improvement, the subdivider shall furnish the appropriate official with an accurate and detailed description of location and the completion date of the improvement as it was actually constructed.

B. Fees for Inspections

1. The Town Council shall establish a schedule of fees to be paid by the subdivider in order to reimburse the Town for the cost of inspecting all construction work on improvements required in this Ordinance.
2. Costs reimbursed shall be only those actually incurred by the county in inspecting work for which the county has the authority to establish design standards or has need to ensure that future efficient maintenance can be accomplished adequately.

Section 9-7. Bonds and Guaranty

A. Performance Bond or Guaranty Required

1. As a condition of approval of improvement plans, the Town Council shall require the subdivider to post a performance bond or other guaranty for any improvements required by the application of this Ordinance in an amount sufficient to construct the improvements and in a form acceptable to the Town Attorney.
2. The amount of such bond shall be no less than 125% of the cost of improvements. Bonding and guaranties may be required for street and road improvements, surface-drainage facilities, erosion- and sedimentation-control facilities, water-supply facilities, sanitary-sewer facilities, forested buffer strips, or other improvements deemed necessary by the Town.

B. Additional Bonds or Guarantees Authorized

Where a public agency other than the County has the authority to require performance guaranties, but in the determination of the Town Council those guaranties are not adequate to ensure completion of improvements, the Town Council may require additional bonds or guaranties in accordance with the provisions of Subsection A of this section.

Article 10. Streets, Sidewalks, Curbs and Gutters

Section 10-1. Roads and Streets

A. General Requirements

Every property shall be served by a dedicated public street. There shall be no private streets platted in any subdivision.

B. Street Names

1. All new streets shall be named.
2. Street names shall be selected so as not to duplicate or closely resemble existing names within the Town, the same hundred, or postal district.
3. The continuation of any street shall have the same name.
4. The developer shall be responsible for the placement of all new street name signs.
5. The Council shall have final authority over street names in every subdivision.

C. Grading and Improvement Plan

Roads shall be graded and improved in conformance with the construction standards of the applicable government agency. Applicable government agencies shall approve design specifications prior to final plat approval.

D. Classification

Each road shall be classified as either a State-maintained road or a municipal street. Municipal streets shall be further classified as either access streets or collector streets.

E. Access to State-Maintained Roads

Where a subdivision borders on or contains an existing or proposed State-maintained road, the State shall determine how access shall be provided from the subdivision to the State-maintained road.

F. Design Standards

1. Streets

- a. Streets shall be laid out to create desirable building sites while respecting existing topography, minimizing street grades, avoiding excessive cuts and fills, and preserving trees.
- b. Access streets, intended primarily for access to individual properties, shall be arranged to discourage their use by through traffic.
- c. Cul-de-sac streets should not exceed 1,000 feet in length.
- d. Fire lanes shall be provided in all areas deemed necessary by the State Fire Marshal.
- e. Collector Streets

(1) Collector streets shall be laid out to continue existing, planned, or platted streets on adjacent tracts unless the Commission determines that...

- (a) Topography or other physical condition prevents continuation.
- (b) Coordination between the 2 subdivisions is unnecessary.
- (c) Access between the 2 adjacent subdivisions should be restricted.

(2) Access to Undeveloped Adjacent Tracts

Collector streets shall be extended to the boundary lines of adjacent subdivisions. Temporary turnarounds shall be provided within the subdivision at the ends of the collector streets via temporary easements or other means approved by the Commission.

- f. Alleys
 - (1) Commercial and Industrial Developments

Private alleys shall be provided in commercial and industrial areas unless adequate access to parking and loading areas is provided by other means.
 - (2) Residential Areas

Private alleys are not permitted in residential developments except to provide rear access to townhouses or where required by topographic or unusual physical conditions.
- 2. Construction Standards
 - a. Streets to be maintained by the State shall be constructed to applicable State standards.
 - b. Streets to be maintained by the Town shall be constructed to applicable Town standards.
- 3. Sidewalks
 - a. Requirement

Sidewalks are required in all subdivisions unless the subdivision is served by a classification street for which sidewalks are generally not provided. Sidewalks shall be dedicated as part of the right-of-way of all streets.
 - b. Design

Sidewalk design shall be governed by the type of street on which the sidewalk borders.
 - c. Construction Standards
 - (1) Sidewalks, included in a State-maintained right-of-way, shall be constructed to applicable State standards.
 - (2) Sidewalks, included in a Town-maintained right-of-way, shall be constructed to applicable Town standards.
- 4. Curbs and Gutters
 - a. Requirement

Curbs and gutters may be required for the purposes of drainage, safety, and the delineation or protection of pavement edges.
 - b. Design

Curb and gutter design shall be governed by the type of street on which they border.
 - c. Construction Standards
 - (1) Curbs and gutters, included in a State-maintained right-of-way, shall be constructed to applicable State standards.
 - (2) Curbs and gutters, included in a Town-maintained right-of-way, shall be constructed to applicable Town standards.

Article 11. Utilities

Section 11-1. General Requirements

A. Connections Required

1. Provision shall be made for each lot and principal use in the Town to be connected to utility services.
2. Developers/subdividers shall provide required utilities at their expense and dedicate them to the Town, County, or other entity as applicable.

B. Location

1. All utility facilities shall be located underground.
2. Existing Facilities
Existing utility facilities, located aboveground, shall be removed and placed underground except those located on public roads and rights-of-way.
3. Connections
The subdivider shall install underground service connections to the street property line of each platted lot at his/her expense.

C. Easements

1. Easements shall be provided for public and private utilities.
2. Easements shall be at least 10 feet wide.
3. The subdivider or developer and the applicable utility companies shall coordinate the establishment of utility easements established in adjoining properties.

Section 11-2. Water Facilities

A. Requirement

1. Each lot and each principal use in the Town shall be connected to the Town's water supply and distribution system.
2. Every subdivision shall be provided with a community water supply-and-distribution system that is connected to Town's water supply-and-distribution system.

B. Design and Construction Standards

1. Water facilities, including appropriately-spaced fire hydrants, shall be designed and constructed in accordance with standards and specifications established by the Town, the County, another municipality, the State Department of Natural Resources and Environmental Control, or the State Fire Marshal as applicable.
2. Required water-supply systems shall be constructed without cost to the Town and shall become a part of the Town system upon satisfactory completion of the work.

Section 11-3. Sanitary Sewer Facilities

A. Requirement

1. Each lot and each principal use in the Town shall be connected to the Town's sanitary-sewer collection-and-disposal system.
2. Every subdivision shall be provided with a community sanitary-sewer system connected to the Town's municipal-sewage system.

B. Design and Construction Standards

1. Sanitary-sewer facilities shall be designed and constructed in accordance with standards and specifications established by the Town, the County, or the State Department of Natural Resources and Environmental Control as applicable.

2. Required sewage facilities shall be constructed without cost to the Town and shall become a part of the Town system upon satisfactory completion of the work.

Section 11-4. Lighting

A. Requirement

All public streets, sidewalks, and other common areas or facilities shall be sufficiently illuminated to ensure the security of property and the safety of persons utilizing such streets, sidewalks, and other common areas or facilities.

B. Design and Construction Standards

1. Lighting on facilities to be maintained by the State shall be constructed to applicable State standards.
2. Lighting on facilities to be maintained by the Town shall be constructed to applicable Town standards.
3. Lighting of private areas shall be provided in accordance with applicable Town standards.

Section 11-5. Other Utilities

A. General Requirement

Provision shall be made for each lot and principal use in the Town to be connected to utility services, including, but not limited to, gas, electricity, telephone, fiber-optic, and cable television.

B. Electric and Telecommunications

1. Electrical and telephone wires and cables, both main and service lines, shall be placed underground in accord with the rules and specifications of the Public Service Commission laws on utility service in developments and any applicable ordinances of Sussex County.
2. All main underground cables that are within the right-of-way of a street shall be located as specified by the Town, County, or the Delaware Department of Transportation. Underground electric and telephone lines may be located in front yards. Where alleys are used, the utilities should, if possible, be located in the alleys.

C. Gas or Other Underground Utilities

Gas or other underground utilities should be planned in coordination with other utilities and easements for all utility locations.

Article 12. Flood-Prone Areas, Drainage, Erosion

Section 12-1. Flood-Prone Areas

A. Definitions

Unless otherwise indicated, the following definitions pertain only to this Section.

Area of Shallow Flooding—A designated AO, AH, or VO zone on a community's FIRM with a 1%-or-greater annual chance of flooding to an average depth of between 1 and 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident, typically characterized by ponding or sheet flow

Base Flood. The flood having a 1% chance of being equaled or exceeded in any given year

Basement. Any area of a building with its floor subgrade (below ground level) on all sides

Breakaway Wall. A wall that is not part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral-loading forces, without causing damage to the elevated portion of the building or supporting foundation system

Construction. Any new construction, reconstruction, modification, extension or expansion of buildings or structures; placement of fill; dumping; storage of materials; land excavation; land clearing; or any combination thereof; or, affixing any prefabricated structure to a permanent site or foundation

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations, or storage of equipment or materials

Fill. Any nonstructural composition used to artificially alter the contours of the original land surface

Flood Insurance Rate Map (FIRM). See Article 2. Definitions.

Floodplain. See Article 2. Definitions.

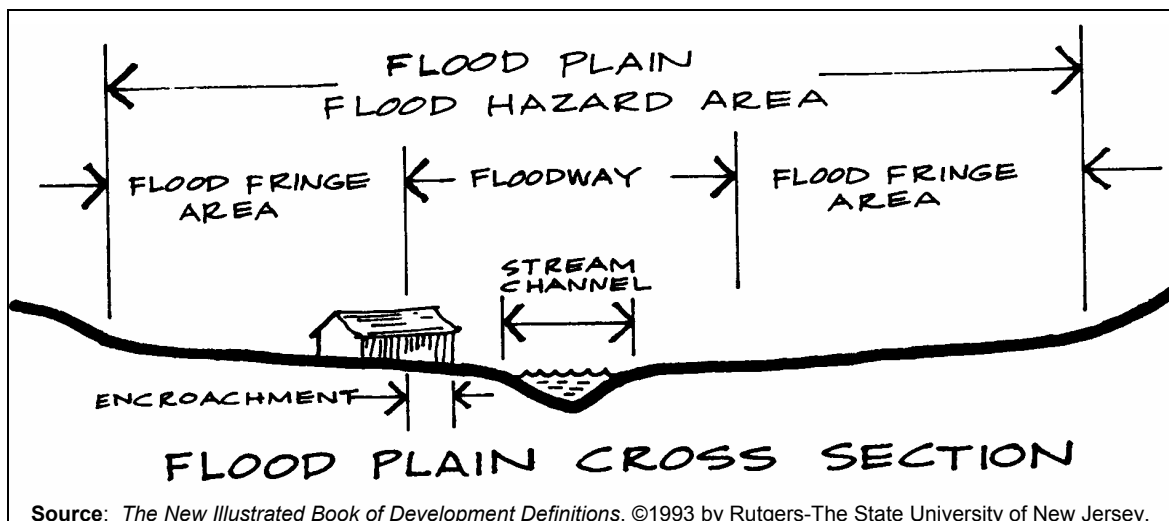


Figure 12-1. Floodplain Cross-Section

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures that reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, all other facility and utility systems, structures, and their contents.

Floodway. See Article 2. Definitions.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement)
An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's "lowest floor," provided that such enclosure is not built in a way that makes the structure in violation of the applicable non-elevation design requirements.

Manufactured Home. See *Dwelling, Manufactured* in Article 2.

100-Year Flood. The highest level of flooding that is likely to occur, on the average, once every 100 years (i.e., has a 1% chance of occurring each year), without implication that a greater flood is likely to occur or that such a flood will not happen more often than once every 100 years

Recreational Vehicle. A vehicle that is built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

Structure (for floodplain-management purposes). A walled and roofed building, including a gas or liquid-storage tank, that is principally above ground

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred

Substantial Improvement. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before beginning construction of the improvement

- This definition includes structures that have incurred substantial damage, regardless of the actual repair work performed.
- This definition does not include any...
 - Project or improvement of a structure to correct existing violations of state or local health, sanitary or safety-code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions
 - Alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure

B. Delineation Required on Site Plans and Record Plats

1. Plans for land development within flood-prone areas shall comply with applicable laws, regulations, policies, and standards of the County, State, and Federal government and this Ordinance.
2. Identification on Development Plans
 - a. Development plans shall delineate the locations of both State and Federal wetlands by legal description with bearings and distances and with each flag point numbered, signed, and dated. A statement by an experienced, qualified professional shall be provided, verifying the accuracy of the delineation.
 - b. If a tract proposed for development contains no wetlands, the plan must include a statement thus affirming from an experienced, qualified professional.
 - c. Building lots containing wetlands shall be identified by a notation stating that "construction activities within these sites may require a permit from the United States Army Corps of Engineers or the State of Delaware."

C. Construction Controls

The following construction controls shall be in effect throughout the flood-prone districts wherever more stringent controls do not prevail.

1. Plans for construction within flood-prone areas shall comply with applicable laws, regulations, policies, and standards of the County, State, and Federal government and this Ordinance.
2. Floor Elevation
 - a. The lowest floor, including basement of new construction or substantial improvements of residential structures shall be elevated to or above the level of the 100-year flood.
 - b. The lowest floor, including basement of new construction or substantial improvement of non-residential structures, shall be...
 - (1) Elevated to or above the level of the 100-year flood
 - (2) Designed so that below the 100-year-flood level the structure is watertight and has structural components capable of withstanding hydrostatic and hydrodynamic loads and effects of buoyancy, including attendant utility and sanitary facilities
 - c. Placement of Structures
New structures erected within the flood-prone districts shall be aligned to offer minimum resistance or obstruction to the flow of the 100-year floodwaters.
 - d. Anchoring
 - (1) New structures shall be firmly anchored to prevent lateral movement, flotation, or collapse.
 - (2) Air ducts, large pipes, and storage tanks located at or below the first-floor level shall be firmly anchored to prevent lateral movement, flotation, or collapse.
 - e. For all new construction and substantial improvements, those fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria.
 - (1) Two (2) openings, having a total net area of no less than 1 square inch for every square foot of enclosed area subject to flooding, shall be provided.
 - (2) The bottom of all openings shall be no higher than 1 foot above grade.
 - (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
 - f. Interior Floors, Walls, and Ceilings
 - (1) Wood flooring used at or below the first-floor level shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.
 - (2) All finished flooring used at or below the first-floor level shall be made of materials that are stable and resistant to water damage.
 - (3) All carpeting or carpet cushions employed as a finished flooring surface at or below the first-floor level shall be made of materials that are resistant to water damage.
 - (4) Plywood used at or below the first-floor level shall be of an exterior or marine grade and either water-resistant or waterproof.
 - (5) Basement ceilings in non-residential structures shall have sufficient wet strength and be installed to survive inundation.

g. Electrical Systems

- (1) All electric water heaters, electric furnaces, and other permanent electrical installations shall be permitted only at or above the level of the 100-year flood.
- (2) All electrical distribution panels and breaker boxes shall be elevated to or above the level of the 100-year flood (base flood elevation).
- (3) Separate electrical circuits shall serve lower levels and come through the ceiling.
- (4) Plumbing
Water heaters, furnaces, and other permanent mechanical installations shall be permitted only at or above the level of the 100-year flood.

h. Storage

No materials that are buoyant, flammable, explosive, or, in times of flooding, could be injurious to human, animal, or plant life shall be stored below the level of the 100-year flood.

Section 12-2. Water-Resource-Protection Areas

A. Wellhead-Protection Areas

1. Definition

Wellhead-water-resource protection areas are surface and subsurface areas surrounding public water-supply wells or wellfields where the quantity or quality of groundwater moving toward such wells or wellfields may be adversely affected by land-use activity. Such activity may result in a reduction of recharge or may lead to introduction of contaminants to groundwater used for public supply (“wellhead”).

2. Regulations Governing Development

SECTION RESERVED PENDING DEVELOPMENT OF STATE GUIDANCE.

B. Excellent-Recharge Areas

1. Definition

A recharge area is a water-resource-protection area designated as having the best potential for groundwater recharge. Recharge areas possess high percentages of sand and gravel that have “excellent” potential for recharge as determined through a Stack Unit Mapping Analysis performed originally by the Delaware Geological Survey. Recharge areas were delineated using methodology described in a report prepared by the Delaware Geological Survey, entitled “Delineation of Ground-Water Recharge Resources Protection Areas in the Coastal Plain of New Castle County, Delaware,” dated January 1993 (“recharge resource area”).

2. Regulations Governing Development

SECTION RESERVED PENDING DEVELOPMENT OF STATE GUIDANCE.

Section 12-3. Drainage

A. Natural Drainage System Utilized to Maximum Extent Feasible

1. To the extent practical, development shall conform to the natural contours of the land. Natural and pre-existing man-made drainage ways shall remain undisturbed.
2. To the extent practical, lot boundaries shall coincide with the natural and pre-existing, man-made drainage ways within subdivisions. Developers must avoid creating lots that can only be built upon by altering such drainage ways.

B. Proper Drainage Required

1. Developments, lots, and properties shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the site.
2. Surface water may not be channeled or directed into a sanitary sewer.

3. Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.

Section 12-4. Permanent Stormwater Management

A. Requirement

1. Developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such development.
2. No development or property may be constructed or maintained in a way that unreasonably hampers the natural flow of water from higher adjacent properties across the development or property thereby unreasonably causing substantial damage to the higher adjacent property.
3. No development or property may be constructed or maintained so that surface waters from such development or property are collected and channeled onto lower adjacent properties at such locations and at such volumes so as to cause substantial damage to lower adjacent properties.

B. Design and Construction

1. Stormwater-drainage systems shall be separate from and independent of sanitary-sewer systems.
2. Stormwater-drainage systems shall be designed and constructed in accordance with standards and specifications of the Sussex Conservation District.
3. Off-Site Runoff
 - a. Where subdivision and/or development results in increased quantities of stormwater runoff from the area to be developed, the subdivider shall demonstrate that off-site drainage improvements are adequate to handle the additional water and all new or expanded swales, pipes, or other off-site improvements are located in dedicated easements that permit efficient access for maintenance.
 - b. Standards of the Sussex Conservation District or the State Department of Transportation, where it has jurisdiction, shall be used to assess the adequacy of off-site drainage systems.

Section 12-5. Erosion and Sediment Control

A. Requirement

Development plans shall include adequate provision for controlling temporary flooding, soil erosion, and sediment deposits during and after construction.

B. Design and Construction

1. All development or land-disturbing activity is subject to the requirements of the *Delaware Erosion and Sediment Control Handbook*.
2. Topsoil

No topsoil shall be removed from a site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least 6 inches of cover to all areas of the subdivision and stabilized by seeding and planting.

Article 13. Signs

Section 13-1. Applicability and Purposes

A. Applicability

These sign regulations apply within every existing and future zoning district in the Town. A sign may be erected, placed, established, painted, created, or maintained in the Town only in conformance with this Ordinance.

B. Purposes

1. Encourage the effective use of signs as a means of communication in the Town.
2. Avoid visual clutter and competition among sign displays in their demand for public attention.
3. Promote the safety and convenience of pedestrians and motorists.
4. Minimize the adverse effects of signs on nearby public and private property.

Section 13-2. General

A. Sign Area Measurement

The sign area is the entire portion of the sign that can be enclosed within a single rectangle. The area includes the extreme limits of the letters, figures, designs, and illumination, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

1. Supports

The structure that supports a sign is not included in measuring the sign area unless the structure is designated and used as an integral part of the display. A support having a perimeter larger than 4 feet at the widest point is an integral part of the display.

2. Multiple Sections

The area of a sign that consists of more than 1 section includes the space between the sections plus the measurement of the sections of the sign.

3. Multiple Faces

The area of a sign with more than 1 face or plane is measured as follows:

a. General

All sides of a sign that can be seen at any one time from any vantage point outside the property line of the site where the sign is located are included in the computation of sign area.

b. Parallel Faces

- (1) A parallel sign is one whose faces or sides are equidistant from one another at all points.
- (2) When the faces of a parallel sign are separated from each other by fewer than 2 feet or are double faced or back to back, the larger of the parallel faces is used in the computation of sign area.
- (3) When the faces are more than 2 feet apart, the sum of both faces or sides is used in the computation of sign area.

c. "V" Shaped

The area of a 2-sided sign constructed in the form of a "V" is calculated by the same method as parallel faces if the angle of the "V" is less than 30 degrees and the distance between the sides does not exceed 5 feet at any point. If the angle is equal to or greater than 30 degrees or the distance between the sides is greater than 5 feet, the sum of all the planes will be used in the computation of the sign area, unless the applicant demonstrates that only 1 side of the sign will be visible from any single vantage point.

d. 3-Dimensional

Where 3-dimensional signs are used, the area of the sign equals the total surface area of the sides that can be seen from a single vantage point outside the property lines of the site where the sign is located.

B. Placement

1. Setbacks

Setbacks are measured from the portion of the sign nearest the property line.

2. Height

Height is measured from the portion of the sign that is vertically the farthest from the ground.

C. Color

1. Interference with Traffic Safety

A sign must not use color combinations that may be confused with a traffic sign or signal.

2. Non-Display Sides of Signs

In order for the sign back or non-display side of a sign to be excluded from consideration as sign area, it must be a single, neutral color, if the back or non-display side is visible from outside the property lines of the property where the sign is located.

D. Illumination

1. Prevention of Glare

a. Definition

Glare is a direct or reflected light source creating a harsh brilliance that causes the observer to squint or shield the eyes from the light.

b. Prevention Requirement

Signs must be illuminated using an enclosed lamp design or indirect lighting from a shielded source in a manner that prevents glare from beyond the property line.

2. Interference with Traffic Safety

A sign must not be illuminated with a pattern or lighting combination that resembles a traffic signal.

3. Flashing

A sign must not contain or be illuminated by flashing, revolving, or intermittent lights, or lights that change intensity.

4. Near a Residence

Any sign on a lot or parcel within 150 feet of a residential use must not exceed a sign area of 100 square feet and may be illuminated only during the hours the entity is open for public business, unless the applicant demonstrates that the sign is located so that no adverse impact will affect the residence.

E. Structural Limitations

1. Interference with Traffic Safety

A sign must not be shaped like a traffic sign or signal, or use wording similar to traffic signals, or interfere with traffic safety.

2. Shaped Like Humans or Animals

A sign must conform to a geometric shape. It must not be shaped to resemble any human or animal form.

- 3. Wind-Activated
A sign must not be set in motion or powered by wind.
- 4. Moving Parts
A sign must not have moving parts.

Section 13-3. Permanent Signs

- A. Definition
A permanent sign is a sign intended to be displayed for an indefinite period of time and constructed in a manner and of materials that will withstand long-term exposure to the elements.
- B. Requirements by Zones
 - 1. Residential Zones
See Table 13-3 at the end of this Article.
 - 2. Non-Residential Zones
See Table 13-4 at the end of this Article.

Section 13-4. Real Estate, Development and Construction Signs

- A. Definition
Real estate, development and construction signs are signs displayed on private property while such (1) property is offered for sale, rental, or lease or being developed or (2) an individual or company is engaged in construction.
- B. General Requirements
 - 1. Where Allowed
Real estate, development, and construction signs may be erected in any zone.
 - 2. Display Period
Real estate, development, and construction signs may be displayed while a property is being offered for sale, while land is being developed and construction is taking place.
 - 3. Removal
Real estate, development, and construction signs must be removed within 30 days of the sale of a property, the completion of a land-development project, or the termination of an individual's construction activity.
 - 4. Materials
Real estate, development, and construction signs must be made of materials sufficiently durable for the time that they are displayed.
 - 5. Additional Requirements by Sign Type
See Table 13-3 at the end of this Article.

Section 13-5. Temporary Signs

- A. Definition
A temporary sign is a sign displayed on private property for fewer than 30 days, usually made of non-permanent material such as canvass, cardboard, paper, or wood.
- B. Requirements by Zone
See Table 13-4 at the end of this Article.

Section 13-6. Prohibited Signs**A. General****1. Definition**

A prohibited sign is one that cannot be erected or maintained.

2. The Board of Adjustment is not authorized to grant a variance permitting the erection of a sign that this Article prohibits.

B. List of Prohibited Signs**1. Obscene Signs**

A obscene sign contains obscene statements, words, or depictions that are construed to offend public morals or decency.

2. Obstructive Signs

A sign must not be placed in a location that obstructs the view of traffic signs, traffic signals, oncoming traffic, pedestrians, or that interferes, in any way, with placement or function of any traffic-control device.

3. Roof Signs

A roof sign is a sign painted on the roof of a building, supported by poles, uprights, or braces extending from, or attached to, the roof of a building, or projecting above the roof of a building.

4. Unsafe Sign

A unsafe sign is one that creates a safety hazard due to structural or electrical conditions or inadequate maintenance. A sign that becomes unsafe after erection must be repaired to meet safety requirements or removed within 30 days of notice of the unsafe condition.

5. Wind-Activated

A wind-activated sign is a banner, pennant, streamer, ribbon, spinner, balloon, string of lights, or other device that moves in the wind.

6. Signs in the Public Right-of-Way

Generally, signs may not be placed in public rights-of-way. An exception to this regulation includes signs erected by a governmental agency or utility company in the performance of its official public duties.

7. Attached to the Property of Others

A sign must not be attached or affixed to a structure or property such as a fence, wall, antennas, other signs, trees, or other vegetation, or any public structure, such as a utility pole, without permission of the owner.

8. Abandoned or Obsolete Sign

An abandoned or obsolete sign is a legally erected sign, other than a temporary sign, including structural supports and electrical connections, directing attention to a business, commodity, service, or entertainment in a building that has not been used for 6 months or more.

9. Off-Site Sign (Billboard)

An off-site sign is a sign directing attention to a business, commodity, service, or entertainment conducted, sold, or ordered at a location other than the premises on which the sign is located is considered an off-site sign.

Section 13-7. Exempt Signs**A. Definition**

An exempt sign is a sign that is not required to comply with the size, location, and number standards of this Article but must comply with the applicable provisions governing Prohibited Signs.

B. List of Exempt Signs**1. Measuring 2 Square Feet or Less****a. Residential-Living Sign**

A sign on private property, customarily associated with residential living or decoration.

b. Newspaper and Mailbox

A sign that is part of a mailbox or a newspaper tube and conforms with applicable government regulations

c. Warning Signs

A sign warning the public about trespass, danger, or safety considerations

2. Regardless of Size**a. Not Visible Outside of Property**

A sign not visible beyond the property lines of the property on which the sign is located

b. Official Duties of Government or Utilities

A sign used by a government agency or utility company erected by, or on the order of, a public officer or utility official in the performance of official duties, such as controlling traffic, identifying streets, warning of danger, providing information.

c. Required by Law

A sign whose display is required by law or regulation.

d. Flags on Flagpoles

A flag displayed on a flagpole.

e. Commemorative Sign

A sign that is cut into the masonry surface or constructed of bronze or other material and made an integral part of the structure, such as a cornerstone, memorial, plaque, or historical marker

f. Part of a Dispenser

A sign that is an integral part of a dispensing mechanism, such as a beverage machine, newspaper rack, or gasoline pump

g. Holidays

A sign, including lighting in accordance with applicable electrical requirements, displayed in connection with the observance of any holiday, provided that it is removed within 10 days of the end of the holiday

h. Adornments and Decoration

Any adornments or seasonal decoration

Section 13-8. Nonconforming Signs

See Article 5. Nonconforming Situations.

Section 13-9. Administration

A. Permits Required

See Tables 13-1 and 13-2 at the end of this Article.

B. Application Procedure

Applications shall be submitted to the Administrator.

C. Planning Commission Review

The Administrator may request Planning Commission review prior to issuing a sign permit.

D. Permit Fees

The Town may adopt fees for the processing and issuing of sign permits.

Table 13-1. Standards for Permanent Signs in Residential Zones

Sign Type	Standard	Regulation	
Freestanding Sign Not wholly or partially attached to a building <i>Supported</i> —Attached to pole, column, frame, or brace as its means for support <i>Ground</i> —Erected on the ground; bottom edge is within 12 inches of the ground, support structure is integral part of sign	Number Allowed	1 per lot	
	Maximum Area	3 SF	
	Maximum Height	5 feet	
	Minimum Height	None	
	Placement	5 feet from property line	
	Illumination	Not Permitted	
	Permit Needed	No	
	Wall Sign Parallel to the wall of the building to which it is attached and not extending more than 12 inches from the building <i>Flat</i> —Parallel to the wall of a building to which it is attached, but does not extend more than 12 inches from the building face <i>Projecting</i> —A sign that is attached to a wall of a building and extends more than 12 inches from the building face	Number Allowed	1 per lot
Maximum Area		3 SF	
Maximum Height		N/A	
Minimum Height		N/A	
Placement		5 feet above ground level	
Illumination		Not Permitted	
Permit Needed		No	
Entrance Sign for Subdivisions and Multi-Family Developments – Erected at entrance to subdivision or multi-family development – Identifies location of the subdivision or a building – Must be either a ground or a wall sign		Number Allowed	2 for each entrance
	Maximum Area	40 square feet per sign	
	Maximum Height	26 feet	
	Placement	At entrance to a subdivision or building <i>These signs may be placed in the public right-of way as long as the appropriate governmental jurisdictions allow and/or issue permits allowing such placement.</i>	
	Illumination	See Section 15-2-D	
	Permit Needed	Yes	
	Entrance Sign for Public Facilities and Places of Assembly – Examples include places of worship, schools, libraries, museums, hospitals – Identifies location of the facility for its users – Must be either a ground or a wall sign	Number Allowed	2 at each entrance
		Maximum Area	40 square feet per sign
Maximum Height		26 feet	
Placement		5 feet from property line at an entrance to the building or driveway <i>These signs may be placed in the public right-of way as long as appropriate governmental jurisdictions allow and/or issue permits to allow such placement.</i>	
Illumination		See Section 15-2-D	
Permit Needed		Yes	

Table 13-2. Standards for Permanent Signs in Non-Residential Zones

Sign Type	Standard	Regulation
Freestanding Sign Not wholly or partially attached to a building Supported —Attached to pole, column, frame, or brace as its means for support Ground —Erected on the ground; bottom edge is within 12 inches of the ground, support structure is integral part of sign	Number Allowed	1 at each customer entrance to the building or driveway
	Maximum Area	Generally, 2 square feet for each linear foot of street frontage – Multiple Frontage EITHER – One (1) sign may be erected facing each street. Each sign may have 1-square foot for each 2 linear feet of its respective frontage OR – One (1) sign may be erected at a location that permits it to be seen from along each frontage street. The single sign may have 1 square foot for each linear foot of total frontage – Minimal Frontage For a lot with less than 50 feet of frontage, sign area is based on the length of the lot line closest to the street toward which the sign is oriented
	Maximum Height	Not higher than the tallest building on the same premises or 26 feet, whichever is least
	Minimum Height	None
	Placement	¼ of the setback for the zone
	Illumination	See Section 15-2-D
	Permit Needed	Yes
Wall Sign Parallel to the wall of the building to which it is attached and not extending more than 12 inches from the building Flat —Parallel to the wall of a building to which it is attached, but does not extend more than 12 inches from the building face Projecting —A sign that is attached to a wall of a building and extends more than 12 inches from the building face	Number Allowed	1 for each customer entrance <i>A customer entrance includes, but is not limited to, a direct outside entrance to a shop or store, and a direct outside entrance to an enclosed mall or shopping center.</i>
	Maximum Area	2 square feet for each linear foot of building frontage <i>A shop or store with an outside entrance is considered to have its own building frontage, which is the front width of the portion of the building occupied for that use. A dimension must not be counted more than once as a building frontage.</i>
	Maximum Height	26 feet May not extend above roof line or be placed on roof
	Minimum Height	– 10 feet for signs projecting over pedestrian walkway – 18 feet for signs projecting over streets and driveways
	Placement	Flat Not more than 12 inches from wall including its supporting structure Projecting Not more than 42 inches from building, no closer than 8 feet to a curb line
	Illumination	See Section 15-2-D
	Permit Needed	Yes
Entrance Sign – Erected at entrance to a building or development – Identifies location of the building or development – Must be either a ground or a wall sign	Number Allowed	1 on each face of the building having building frontage and 1 at each customer entrance to the building and parking area
	Maximum Area	100 square feet per sign
	Maximum Height	Ground Sign Same as for freestanding signs Wall Sign Same as for wall signs
	Placement	Ground Sign Same as for freestanding signs Wall Sign Same as for wall signs
	Illumination	See Section 15-2-D
	Permit Needed	Yes
Canopy Sign Forms an integral part of a permanent or semi-permanent shelter for sidewalks, driveways, windows, doors, seating area, or other customer-convenience areas, such as awnings or umbrellas	Number Allowed	Not limited
	Maximum Area	2 square feet for each linear foot of building frontage not to exceed 200 square feet for each canopy
	Maximum Height	N/A
	Placement	N/A
	Illumination	See Section 15-2-D
Permit Needed	Yes	

Table 13-3. Real Estate Sign Standards

Sign Type	Standard	Regulation
Real Estate Sign Indicates sale, rental or lease of the premises on which it is located	Number Allowed	1 sign for each street frontage
	Maximum Area	10 square feet per side
	Max Number of Sides	2, must be back-to-back
	Maximum Height	N/A
	Minimum Height	N/A
	Placement	N/A
	Illumination	Not Permitted
Development Sign Advertises the sale or rental of a structure being built as part of a land development project Construction Sign Identifies those engaged in construction	Permit Needed	No
	Number Allowed	Temporary Development Sign 1 for each street entrance Temporary Construction Sign 1 for each street frontage
	Maximum Area	128 square feet
	Max Number of Sides	N/A
	Maximum Height	15 feet
	Minimum Height	N/A
	Placement	0-32 Square Feet 5-foot front yard setback 32-128 Square Feet 25-foot front yard setback
	Illumination	Non-illuminated or Indirectly Illuminated
	Permit Needed	No

Table 13-4. Temporary-Sign Standards

Requirement	Residential Zones	Non-Residential Zones
Number Allowed	Not limited	No limit
Maximum Area	Total of 10 square feet on property	50 square feet, each sign Total sign area off 100 square feet
Maximum Height	5 feet	10 feet
Placement	5 feet from property line	5 feet from property line
Illumination	Not permitted	Not Permitted
Permit Needed	No	No

Article 14. Off-Street Parking and Loading

Section 14-1. Purposes and Scope

A. Purposes

1. Relieve congestion and facilitate the movement of vehicular traffic
2. Facilitate the movement of police, fire, and other emergency vehicles
3. Promote the safety and convenience of pedestrians and shoppers by locating parking areas so as to lessen vehicle movements in the vicinity of intensive pedestrian traffic
4. Protect adjoining residential neighborhoods from the negative effects of on-street parking
5. Promote the general convenience, welfare, and prosperity of commercial and other uses that depend on off-street parking and loading facilities

B. Scope

1. When Required

Off-street parking and loading facilities shall be provided as accessory uses under the following conditions.

- a. When any use is established or changed
- b. When any building or structure is erected, altered, renovated, or expanded
2. The parking and loading requirements in this part of the Ordinance are in addition to requirements in other parts of this Ordinance.
3. The parking and loading requirements in this part of the Ordinance do not limit requirements or conditions that may be imposed on site-plan or special-exception approvals.
4. Parking and loading facilities may not be used for the sale, repair, servicing, or dismantling of any type of vehicle, equipment, material, or supplies.

Section 14-2. Off-Street Parking

A. Definition

An off-street parking space is a permanently reserved, temporary storage area for 1 motor vehicle that is not located on, but is directly accessible to, a dedicated street right-of-way by a paved driveway that affords ingress and egress for a motor vehicle without requiring another motor vehicle to be moved.

B. Computation of Required Number of Spaces

1. Minimum Number

See Table 14-1 at the end of this Article.

2. Fractional Spaces

Where the computation of spaces results in a fractional space, the fractional space shall be counted as 1 additional required space.

3. Number of Employees

The number of employees shall be based on the maximum number of persons employed on the premises at one time on a typical day or night, whichever is greater. Seasonal variations in employment may be considered in determining an average day or night.

4. Joint Use

Where more than 1 use occupies a single structure, the parking requirements shall be computed by adding together the number of required parking spaces for each use.

5. Shared Facilities

Houses of worship, auditoriums, or educational institutions may make arrangements with business establishments, which normally have different days or hours of operation, for sharing up to 100% percent of their required parking facilities.

6. Uses Not Specifically Listed

The required number of parking spaces for uses not specifically listed in Table 14-1 shall be the same as for a similar listed use.

7. Modification of Required Spaces

The Planning Commission may modify the parking requirements when the Commission determines that the requirements are clearly excessive and unreasonable.

C. Location

1. General

- a. Parking facilities shall be located on the same lot with the building or use served.
- b. Parking facilities may be located within required building setback areas.

2. Exception

Required parking facilities may be located within 300 feet of the building or use served when...

- a. A change in use or an enlargement of a building requires an increase in the number of parking spaces
- b. Spaces are provided collectively to serve more than 1 building

D. Design Standards

1. Parking Space Dimensions

- a. Vertical and Diagonal Parking—10 feet by 20 feet
- b. Parallel Parking—10 feet by 22 feet

2. Interior-Drive Aisle Width—25 feet

3. Entrances and Exits

- a. The location and design of entrances and exits shall be in accord with the requirements of applicable state regulations and standards.
- b. Landscaping, curbing, or approved barriers shall be provided along lot boundaries to control entrance and exit of vehicles or pedestrians.

4. Backing Onto Public Road Prohibited

Off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for dwelling units each having an individual driveway.

5. Drainage

Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys.

6. Surface Material

Off-street parking facilities shall be surfaced with erosion-resistant material in accordance with applicable State or Town specifications.

7. Separation from Walkways and Streets
 - a. Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, curbing, or other approved protective device or by distance so that vehicles cannot protrude over publicly used areas.
 - b. Parking within front-yard setbacks shall be discouraged and subject to site-plan review.
8. Marking

Parking spaces in lots of more than 10 spaces shall be marked by painted lines, curbs, or other means to delineate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation within the lot.
9. Lighting

Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare into residential areas.
10. Screening and Interior Landscaping

See *Article 15. Recreation, Open Space, Screening, Shade.*
11. Maintenance

Off-street parking areas shall be maintained in a clean and orderly condition at the expense of the owner or lessee.

Section 14-3. Off-Street Loading

A. Definition

An off-street loading space is a space or berth that is not on a dedicated street that is used for the loading or unloading of cargo, products, or materials from vehicles.

B. Computation of Required Number of Spaces

1. Minimum Number

See Table 14-2 at the end of this Article.

2. Joint Use

Where more than one use occupies a single structure, off-street-loading space shall be computed by assuming that the entire building is occupied by the use for which the most spaces are required.

3. Modification Permitted

The Planning Commission may waive the requirement for or reduce the number of required loading spaces for buildings containing less than 10,000 square feet under the following circumstances.

- a. When the character of a particular use makes loading and unloading facilities unnecessary
- b. Where community loading facilities are available
- c. Where providing loading space is impractical

C. Location

1. Off-street-loading spaces shall be located on the same lot as the building or use served.
2. They shall be situated on the lot served so as to minimize their visibility from public roads and adjacent residential areas.

D. Design Standards

1. Loading-Space Dimensions

a. General Specifications

- (1) Width—12.0 feet
- (2) Depth—40.0 feet
- (3) Vertical Clearance—14.5 feet

b. Funeral Homes

- (1) Width—10.0 feet
- (2) Depth—25.0 feet
- (3) Vertical Clearance—8.0 feet

2. Entrances and Exits

The location and design of entrances and exits shall be in accord with applicable State traffic regulations and standards.

3. Surface Material

Off-street-loading areas shall be surfaced with erosion-resistant material in accordance with applicable County specifications.

4. Drainage

Off-street -loading areas shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys.

5. Maintenance

Off-street-loading areas shall be maintained in a clean and orderly condition at the expense of the owner or lessee and not used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.

6. Screening

See *Article 15. Recreation, Open Space, Screening, Shade.*

Table 14-1. Required Off-Street-Parking Spaces

Use	Parking Spaces Required
Car-wash establishments Coin-do-it yourself Coin-operated automatic drive-through Employee-operated	2 at waiting area for each lane; 1 at exit area for each lane 4 at waiting area for each lane; 2 at exit area for each lane 8 at waiting area for each lane; 2 at exit area for each lane
Day-care centers	1 per 1,000 square feet of floor area, plus 1 per employee
Dwellings—multi-family dwellings and townhouses	3 per family unit
Dwellings—single-family dwellings, single-family mobile homes and apartments	2 per family unit
Eating places, taverns, bars, and nightclubs	1 for each 50 square feet assigned for patron use, plus 1 per 2 employees on the largest shift
Educational Institutions—elementary, junior high, and middle schools	1 per classroom, plus 3 per room used for administrative purposes, plus 1 for each 5 seats in the auditorium or gymnasium or other facility open to the public
Educational Institutions—senior high, trade and vocational schools, colleges, and universities	3 per room used for administrative offices, plus 1 for every 10 pupils enrolled, plus 1 for each 5 seats in the auditorium, gymnasium or other facility open to the public
Funeral homes	1 per 20 square feet of floor area used for seating accommodations, plus 1 per employee
Furniture and appliance stores	1 per 400 square feet of floor area used for sales or merchandise display
Hospitals	1 for each 3 patient beds, except bassinets, plus 1 per medical staff member, plus 1 per 2 employees on the largest shift
Hotels, motels or lodging inns	1 1/2 per rental room or suite, plus 1 per 3 employees <i>If a restaurant open to the public is operated in connection with such use, additional off-street parking space meeting the minimum requirements for a restaurant must be provided.</i>
Indoor commercial recreation	1 per 150 square feet of floor area or 1 per 4 seats for patron use, whichever is applicable to the particular use
Medical offices and clinics, dental offices and clinics, surgical centers, veterinary clinics and offices	1 for each 2 employees, plus 4 per doctor or dentist
Motor-vehicle and marine sales establishments	2 per salesman during peak period of employment
Motor-vehicle and marine service and repair	1 per 500 square feet of floor area, plus 1 per employee during peak period of employment
Motor-vehicle filling stations	2 for employees, plus 1 for each service bay
Nursing and care facilities	1 for each 4 patient beds, plus 1 per 2 employees on the largest shift
Offices and personal service establishments not primarily related to goods and services	1 per 200 square feet of floor area
Places of Assembly—stadiums, assembly halls, theaters, community centers	1 per 4 fixed seats in the assembly area or for each 50 square feet of floor area for rooms having movable seats
Places of worship	1 for each 4 seats
Public libraries	1 per 400 square feet of floor area for public use, plus 1 per 2 employees
Retail sales establishments including supermarkets	1 per 200 square feet of floor area used for sales or merchandise display, plus 1 for each 2 employees on the largest shift
Rooming, boarding- or tourist houses	1 per rental room, plus 2 for the resident owner or manager
Wholesale or manufacturing establishments	1 for every 2 employees on the major shift

Table 14-2. Required Off-Street-Loading Spaces

Use or Category	Square Feet	Loading Spaces Required
Retail store, department store, eating and drinking establishment, wholesale establishment, warehouse, general service, manufacturing, or industrial establishment	2,000-10,000	1 space
	10,000-20,000	2 spaces
	20,000-40,000	3 spaces
	40,000-60,000	4 spaces
	Each additional 50,000	1 space
Apartment building, hotel, motel, offices, office building, hospital or similar institution, places of public assembly	5,000-25,000	1 space
	25,000-100,000	2 spaces
	100,000-200,000	3 spaces
	Each additional 50,000	1 space
Funeral home or mortuary	N/A	1 berth for each chapel

Article 15. Recreation, Open Space, Screening, Shade

Section 15-1. Recreation and Open Space Required

A. Requirement

1. For every development or subdivision, either...
 - a. Land shall be dedicated for open space, parks, playgrounds, or other recreational purposes in locations designated on the comprehensive plan or where such dedications are appropriate.
OR
 - b. A cash payment in lieu of land dedication shall be deposited with the Town.
2. The land or fees received in accordance with this Subsection shall be used to provide open space, park, and recreational facilities to serve the subdivision for which the land was dedicated or the fee was collected. The location of the land and the amount of fees shall bear a reasonable relationship to the use of the park or recreation facilities by the future residents of the subdivision.

B. Land Dedications

1. Each dedication shall be usable open space that is of suitable size, dimension, topography, and general character. Land is considered usable open space if it meets the following criteria.
 - a. It is not encumbered with any substantial structure.
 - b. It is not devoted to use as a roadway, parking area, or sidewalk.
 - c. It is left in one of the following states at the time of development.
 - (1) If wooded, it is left in its natural, undisturbed state, except for the cutting of trails for walking, jogging, or biking.
 - (2) If not wooded, it is landscaped for ball fields, picnic areas, or similar facilities, or is properly vetted and landscaped with the objective of creating a wooded area.
 - (3) It is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation.
 - (4) It is legally and practically accessible to the residents of the development out of which the required open space is taken.
 - (5) No more than 25% of the land lies within a floodplain or floodway.
2. The dedicated area shall be shown and marked on the subdivision plat "Dedicated for Park and Recreation Purposes."
3. The amount of land to be dedicated shall be calculated in accordance with Table 15-1.

C. Fee in Lieu of Land Dedication

1. When land to be dedicated is either insufficient to satisfy the requirements or not suitable for open space, parks, or recreation uses, a cash payment may be made in lieu of land dedication.
2. Fee in lieu of land dedication shall be calculated in accordance with Table 15-2.
3. The Town shall use the fee to provide open space, park, or recreation facilities that will be available to and generally benefit the residents of the subdivision for which the fee is collected.

D. Other Recreation Dedications

The provisions of this section are minimum standards. A developer may set aside additional land or provide additional facilities for park or recreational use.

Section 15-2. Maintenance of Recreation and Open Space

A. Generally Not Dedicated to Town

1. The recreation facilities and open space to be dedicated under Section 15-1 of this Article shall not be dedicated to the public.

2. They shall remain under the ownership and control of the developer, his/her successor, a homeowners' association, or similar legal entity.

B. Homeowner Associations

1. Before any lot in a development is sold, provision shall be made for the establishment of a homeowners' association or similar legal entity that...
 - a. Has clear legal authority to maintain and exercise control over common areas and recreational facilities
 - b. Has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of the common areas and facilities
2. The Town shall review documents pertaining to the establishment and maintenance of each homeowners' association, or similar legal entity, as part of the development approval process.

C. When Public Dedication is Appropriate

1. The Town may require land dedication for public purposes, including but not limited to, schools and fire stations.
2. The Town shall use the following criteria to determine when land shall be dedicated for other public uses.
 - a. Where a need is included in the comprehensive plan
 - b. Where the Town's adopted capital-improvement plan or budget has identified a need
 - c. Where the type of development proposed in a subdivision requires such a facility
 - d. When land or facility is recommended for public use in the adopted plans or capital-improvement programs of the State, County, or Federal governments

Section 15-3. Screening and Landscaping

A. Purposes for Screening Requirements

1. Shield neighboring properties from the adverse effects of that development
2. Protect developments from the negative impacts of adjacent uses, such as streets or railroads

B. Screening Requirements

1. When Required
 - a. When a lot is occupied by a multi-family development or a manufactured-home park
 - b. When any non-residential use abuts a residential district
 - c. When an off-street parking area for 10 or more automobiles is located closer than 50 feet to a lot in a residential district or to any lot upon which there is a dwelling as a permitted use under this Ordinance, and where the parking area is not entirely screened visually from such lot by an intervening building or structure
 - d. For any loading area consisting of 1 or more loading spaces, loading docks or vehicular lanes leading to loading spaces or loading docks
2. Location
Along the lot border separating it from the residentially zoned or used lot
3. Screen Materials
 - a. The screen shall consist of a continuous, visual barrier composed of fencing and/or green plants and trees arranged to form both a high- and a low-level screen.
 - (1) High Level
The high-level portion of the screen shall consist of...

- (a) A 6-foot solid wall or fence
OR
 - (b) A compact evergreen hedge or foliage, at least 4-feet-high when planted, that achieves the same visual impact as a solid wall or fence
- (2) Low Level
- The low-level portion of the screen shall consist of evergreen shrubs planted at an initial height of not less than 2 feet and spaced at intervals of not more than 5 feet on center.

4. Width of Screen—15 feet

C. Interior-Parking-Area Landscaping

1. Applicability

Interior-parking-lot landscaping provisions apply to large-scale, non-residential development in the CG (General Commercial) Zone.

2. Intent

Reduce the visual impact of large, expansive parking areas

3. Requirements

- a. One (1) landscaped island shall be required once 25 single or 25 double spaces have been exceeded.
- b. Collector drives shall be separated from parking drives by landscaped islands. Interior-parking-lot landscaping shall be in addition to required landscaped buffers.
- c. Landscaping materials may consist of either grass, ornamental landscaping, or shade trees and shall be designed and maintained for safe pedestrian access and movement.

Section 15-4. Shading

A. Trees Along Dedicated Streets

1. Municipal Streets

On streets to be maintained by the Town, the developer shall plant or retain sufficient trees along the paved portion of the street.

- a. One (1) deciduous tree, whose trunk will be at least 12 inches in diameter when fully mature, shall be placed every 30 feet.
- b. The trees to be planted shall be those that can generally be expected to thrive in the area and shall have a root system that will not damage adjacent sidewalks, underground infrastructure, or the streets themselves.

2. Other Streets and Roadways

Trees shall be planted or retained in accordance with the specifications of the government or entity that will own, or be responsible for, maintaining the street or roadway.

B. Protection and Retention of Large Trees

- 1. Every development shall retain all existing trees 18 inches in diameter or more unless the retention of such trees would unreasonably burden the development.
- 2. No excavation or subsurface disturbance may be undertaken within the drip line of any tree 18 inches in diameter or more, and no impervious surface may be located within 12.5 feet, measured from the center of the trunk, of any tree 18 inches in diameter or more, unless compliance with this subsection would unreasonably burden the development. A drip line is a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

Table 15-1. Calculation of Land to be Dedicated for Recreation and Open Space

Development Density		Percentage of Gross Tract Area to Be Dedicated
1 DU per acre or more		0.60%
2 DUs per acre	½ acre to 1 acre (40,000 SF) lots	1.20%
3 DUs per acre	10,000 sq. ft. to ½ acre (20,000 SF) lots	1.73%
4 DUs per acre	9,000 to 9,999 sq. ft. lots	2.70%
5 DUs per acre	8,000 to 8,999 sq.ft. lots	3.01%
6 DUs per acre	7,000 to 7,999 sq. ft. lots	3.40%
7 DUs per acre	6,000 to 6,999 sq. ft. lots	3.90%
8-9 DUs per acre	5,000 to 5,999 sq. ft. lots	4.58%
10 to 19 DUs per acre		5.79%
20 to 29 DUs per acre		9.30%
30 to 39 DUs per acre		12.56%
40 to 49 DUs per acre		15.58%
50 to 59 DUs per acre		18.40%
60 to 69 DUs per acre		21.05%
70 to 79 DUs per acre		23.54%
80 to 89 DUs per acre		25.85%
90 to 99 DUs per acre		28.00%
100 DUs and over per acre		29.07%

Note: DU means dwelling unit.

Table 15-2. Calculation of Fee in Lieu of Dedicating Land for Open Space and Recreation

Formula: \$200.00 multiplied by the number of times that the total area of the subdivision is divisible by the required minimum lot size of the zoning district in which the tract to be subdivided is located

Examples: 5-acre subdivision with minimum lot sizes varying from 2,000 square feet to 10,000 square feet

Base	X	[(Acres X SF in Acre) / Min Lot Size]	=	Fee
\$200	5.0	43,560	10,000	\$4,356
\$200	5.0	43,560	7,000	\$6,223
\$200	5.0	43,560	3,500	\$12,446
\$200	5.0	43,560	3,000	\$14,520
\$200	5.0	43,560	2,000	\$21,780

Note: SF means square feet.

Article 16. Text and Map Amendments

Section 16-1. General

The Town Council may amend, supplement, change, or modify the number, shape, area, boundaries of the zoning districts, or the text of the regulations contained in this Ordinance.

Section 16-2. Types of Amendments and Who May Initiate

A. Text Amendment

An amendment to the text of this Ordinance may be initiated by a resolution of the Town Council or at the request of the Planning Commission.

B. Zoning Map Amendment

An amendment to the Zoning Map may be initiated by a resolution of the Town Council, at the request of the Planning Commission, or a petition of the owner of the property proposed for a zoning change.

Section 16-3. Application Submission

A. Administrator to Accept Applications

An application for map or text amendment shall be submitted to the Administrator at least 15 days prior to the Planning Commission's next regular meeting.

B. Referral to Planning Commission

The Administrator shall forward the application to the Commission for review and recommendation prior to the Town Council's public hearing.

Section 16-4. Planning Commission Review

A. Review Criteria

1. For text amendments

- a. The relationship of the proposed change to the general purpose and intent of this Ordinance and the Comprehensive Plan
- b. Information as to why the existing zoning text warrants change

2. For amendments to district boundaries (rezonings)

- a. Facts existing in the vicinity of the proposed change and the relationship of the proposed change to the general purpose and intent of the Comprehensive Plan
- b. Whether the proposed zoning classification is in accordance with the land uses provided for in the comprehensive plan

B. Recommendation to Council

The Planning Commission shall forward its recommendation to the Town Council.

Section 16-5. Town Council Review

A. Council to Hold Hearing

The Town Council shall set a public hearing date.

B. Public Notice

1. Prior to the public hearing, a notice shall be published in a newspaper of general circulation in the Town.
2. The notice shall provide information about the nature of the proposed amendment and announce the time and the place for the Town Council's public hearing.

C. Timing of Public Hearing

The public hearing shall be held within 15 days of publication of the notice.

D. Conduct of Public Hearing

1. The Planning Commission's recommendation shall be presented at the public hearing and made a part of the hearing record.
2. All interested parties and citizens shall be given an opportunity to be heard.

E. Review Criteria

1. Text Amendment

During the public hearing, the Council may make changes to a proposed text amendment.

2. Map Amendment (Rezoning)

- a. Land must be placed in a zoning classification that is in accordance with the uses of land provided for in the comprehensive development plan.
- b. The Council may not add land to what was included in the proposed amendment.

Section 16-6. Limitation on Reapplication

No application for an amendment, supplement, change, modification, or repeal requesting the same relief with regard to the same property shall be received by the Planning Commission for a period of 1 year following the decision in the matter by the Town Council.

Article 17. Violations and Penalties

Section 17-1. Administrator Authorized to Institute Action

The Administrator is authorized and directed to institute appropriate actions to put an end to any violations of this Ordinance.

Section 17-2. Penalties for Violations

A. Initial Violation

1. Defined

An initial violation is the first time that any person or corporation...

- a. Violates any provision of this Ordinance
- b. Fails to comply with any requirements of this Ordinance
- c. Fails to comply with the conditions of the approval of site or subdivision plans, variances, special exceptions, or other development-related permits
- d. Builds, alters, or uses any building in violation of any detailed statement or plan submitted and approved under this Ordinance

2. Penalty

An entity, which commits a initial violation, shall be charged with such violation and shall be liable to a fine of not more than \$50.00.

B. Subsequent Violations

1. Defined

A subsequent violation is defined as each and every day, following the initial violation, that any person or corporation...

- a. Violates any provision of this Ordinance
- b. Fails to comply with any requirements of this Ordinance
- c. Fails to comply with the conditions of the approval of site or subdivision plans, variances, special exceptions, or other development-related permits
- d. Builds, alters, or uses any building in violation of any detailed statement or plan submitted and approved under this Ordinance

2. Penalty

An entity, which commits a subsequent violation, shall be charged with such violation and shall be assessed for a violation in the amount of \$100.00 each day without the necessity of a separate citation or summons issued by the Town of Blades.

Section 17-3. Responsible Parties

The owner or owners of any building or premises, or part of such building or premises, where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection with such building or premises, and having assisted in the commission of any such violation, shall be guilty of a separate offense and, upon conviction thereof, shall be fined as provided for in this Ordinance.