CLAYTON TOWN OFFICIALS

DECEMBER 14, 1998

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June 8, 2009

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ZONING MAP

A reference copy of the zoning map follows the last page. The official zoning map can be viewed at the Clayton Town Hall located at 414 Main Street, Clayton, Delaware during business hours.

Section 6.1-1. Title, Purpose, and Application

6.1-1.1. Title
This Ordinance shall be known as the Town of Clayton Zoning Ordinance.

6.1-1.2. Purposes
A. To guide the future growth and development of the Town in accordance with the comprehensive plan.
B. To promote, in accordance with present and future needs, the safety, morals, order, convenience, prosperity and general welfare of the citizens of the Town of Clayton.
C. To provide for efficiency and economy in the process of development, for the appropriate and best use of land, for convenience of traffic and circulation of people and goods, for the appropriate use and occupancy of buildings, for healthful and convenient distribution of the population, for protection against destruction of or encroachment upon historic areas, for good civic design and arrangement, including the preservation and enhancement of the attractiveness of the community, and for adequate public utilities, services, and facilities by regulating and limiting or determining the height and bulk of buildings and structures, building lines and setbacks, the area of yards and other open spaces, off-street parking and loading facilities, signs, density of use, and location and use of land for trade industry, residences, and other purposes.

6.1-1.3. Authorization
The zoning regulations and districts in this Ordinance have been made in accordance with a Comprehensive Plan as required by the State of Delaware. They have been made with a reasonable consideration of, among other things, the existing use of property, the character of each district and its peculiar suitability for particular uses and trends of growth or change and with a view toward conserving the value of land and buildings and encouraging the most appropriate use of land throughout the incorporated territory of the Town of Clayton.

6.1-1.4. Components
A. This Ordinance consists of the regulations contained herein and an official map depicting zoning districts.
B. The tables included in this Ordinance are part of the regulations of this Ordinance.
C. The drawings and graphics contained in this Ordinance are illustrations and are not part of the regulations.

6.1-1.5. Compliance Required
A. General. No building or land shall be used, and no building or part of a building shall be erected, reconstructed, converted, enlarged, moved, or structurally altered unless it is done in conformance with the provisions of this Ordinance.
B. 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. No yard or other open space provided for any building for the purpose of complying with the provisions of this Ordinance shall be considered as a yard or open space for any other building; and no yard or other open space associated with a building on one lot shall be considered as a required yard or open space for a building on any other lot.
   3. All required yards and courts shall be open and unobstructed to the sky unless otherwise permitted.

Adopted 12/14/1998 with amendments through 06/08/2009
C. 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.

6.1-1.6. Applicability
This Ordinance shall apply to all land within the incorporated boundaries of the Town of Clayton. 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 the applicability of this
Ordinance.

6.1-1.7. 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.

6.1-1.8. Rules for 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”
F. shall include “constructed,” “reconstructed,” “altered,” “placed,” or “moved.”
G. The meaning of the terms “land use” and “use of land” shall include “building use” and “use of
   building.”
H. The meaning of the word “adjacent” shall include “abutting” and “adjoining.”

6.1-1.9. Interpretation of Zoning Map
A. Map. The incorporated area of the Town is divided into the zoning districts shown on the official
   zoning map. This map and its accompanying notations are adopted by reference and are declared to
   be a part of this Ordinance.
B. Boundaries Established. A district name or letter-number combination shown on the official zoning
   map indicates that the regulations pertaining to that district extend through the entire area in the Town
   bounded by the district boundary lines within which the name or letter-number combination is shown
   except as other wise specified in this Ordinance.
C. Uncertainty as to Boundaries. Where uncertainty exists as to the boundaries of zoning districts as
   shown on the official 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 tracks.
5. Boundaries indicated as approximately following the centerlines of streams, lakes, or other bodies of water shall be construed as following such centerlines.

6. Boundaries indicated as parallel to or extensions of features described in this subsection shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

7. Where physical or cultural features existing on the ground differ from those shown on the official zoning map, or in other circumstances not covered by this subsection, the planning commission shall interpret the zone boundaries.

D. Errors or Omissions. If because error or omission, the Zoning District 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.

6.1-1.10. Parcels Split by Zoning Districts

On unsubdivided property or where a zoning district boundary divides a lot, 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.

6.1-1.11. Building Permits Issued Prior to Ordinance Adoption

A. 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 regulations in effect at the time the permit was issued.

B. Where a building permit has been validly issued within 6 months prior to the adoption of this ordinance, construction may completed as long as it complies with the zoning 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.

C. Construction is begun when excavation and the piers or footings of at 1 or more buildings covered by the permit have been completed.

6.1-1.12. Lots Recorded Before June 22, 1992

A. Any lot, which was legally recorded and which was a buildable lot under the zoning regulations in effect immediately prior to June 22, 1992, is a buildable lot under this Ordinance and does not require a variance for the construction of a 1-family dwelling.

B. This provision applies only to zones in which 1-family dwellings are permitted.

6.1-1.13. Plats Approved Prior to Ordinance Adoption

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.

6.1-1.14. Conflict with Other Regulations

However, where this Ordinance imposes a greater restriction or requirement than is imposed by other resolutions, ordinances, rules, regulations, easements, covenants, or agreements, the provisions of this Ordinance shall govern.

6.1-1.15. Relationship to Private Agreements

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

6.1-1.16. Annexed Lands

Any land annexed into the Town of Clayton shall be classified in the least intense zoning classification until changed by amendment.
Chapter 6.1. 11B General Provisions

6.1-1.17. **Severability**

The provisions of this Ordinance are severable. If any provision or the application of any provision is held invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provisions or applications.

Section 6.1-2. **Definitions**

6.1-2.1. **Interpretation**

Words and terms not defined in this Ordinance shall be interpreted according to their normal dictionary meanings and customary usage.

6.1-2.2. **Definitions**

- **Adjacent.** Physically touching or bordering upon; sharing a common boundary, but not overlapping.
- **Administrator.** Town Foreman, or other person authorized to administer this Ordinance.
- **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 one 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 two axles usually used to transport passengers and licensed by the appropriate state agency as a passenger vehicle.
- **Automobile Repair Facility.** Any building, premises or structure used primarily for the maintenance, servicing, repair, or storage of vehicles.
- **Automobile Service Station.** Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels, servicing and repair of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.
- **Automobile Storage Facility.** A building used for the storage of automobiles which may include vehicle servicing, but not vehicle repair, as an accessory use and the leasing of the stored vehicles.
- **Basement.** A space partly underground and having at least 2 of its height above ground.
- **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.
- **Billboard.** See Section 6.6-2.3. Definitions pertaining to signs.
- **Board.** Board of Adjustment for the Town of Clayton.
- **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. 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.

Canopy. A temporary or portable roof-like structure that projects from a wall of a building and is supported from the ground, deck, floor, or walls of a building for protection from sun and weather.

Carport. A roofed structure, providing space for the parking of motor vehicles, that does not have any supporting structural walls or screen walls over 60 inches high.

Cellar. A space entirely underground or partly underground with at least 2 of its height below grade.

Club, Private. 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.

Cluster Development. See Section 6.5-2.2. Cluster Development.


Community Impact Study. See Section 6.7-5.4. A. Community impact study. (for Site Plan Permits).

Communications Tower. A structure that supports radio, cellular telephone and television transmission antennas; microwave relay towers; monopoles; and similar structures for transmission or reception and retransmission of electronic signals. A communications tower includes accessory equipment buildings that do not have office space, but does not include amateur radio operator antennas or television antennas which are accessory to residential uses.
  — A freestanding tower stands without support of guy wires or cables.
  — A guyed tower depends upon a pattern of supporting cables for its stability.

Community Residential Shelter. A residence providing food, shelter, medical care, legal assistance, personal guidance, and other services to families who temporarily require such services.

Conditional Use. A use permitted in a particular zoning district upon showing that such a use in a specified location will comply with all the conditions and standards for the location or the operation of the use as specified in this Ordinance and authorized by the Town Council after a public hearing. See Section 6.7-4. Conditional Use Permits.

Contractor's Yard. Any space, whether inside or outside of a building, for storing or keeping of construction or other heavy equipment, machinery, vehicles, or vehicle parts used by contractors.


County. Kent County, Delaware.

Court. Any open space, unobstructed from the ground to the sky, that is bounded on 2 or more sides by the walls of a building that is on the same lot.

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

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 structure or portion thereof that is used exclusively for human habitation.

A. Dwelling, Attached. A single-family dwelling that is attached to or shares a common vertical wall with 1 or more single-family dwellings. [Added 03/27/2006]

B. 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. [Added 03/27/2006]

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

D. 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.

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

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

G. Dwelling, Semi-Detached. A 1-family dwelling attached to one other 1-family dwelling by a common vertical wall, with each dwelling located on a separate lot, and often referred to as a “duplex,” or “twin.”

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

I. Dwelling, Townhouse. A 1-family dwelling in a row of at least 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 one or more vertical common fire-resistant walls.

J. 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. [Added 03/27/2006]

K. Dwelling, 2-Family. A building on a single lot containing 2 dwelling units arranged
   EITHER–side by side, where each unit is totally separated from the other by an unpierced wall extending from ground to roof.
   OR–one on top of the other, 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 dwellings. [Revised 03/27/2006]

Dwelling Unit. One 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.

Educational Institution. Any school, educational institution, 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.

Electric Substation: Facility equipment that switches, changes, or regulates electric voltage.

Electric Switching Station. Facility equipment used to tie together two or more electric circuits through switches. The switches are selectively arranged to permit a circuit to be disconnected, or to change the electric connection between the circuits.
**Electric Utility.** A corporation including the Town of Clayton, person, agency, authority, or other legal entity or instrumentality that owns and/or operates facilities within the United States, its territories, or Puerto Rico for the generation, transmission, distribution, or sale of electric energy primarily for use by the public and files forms listed in the *Code of Federal Regulations*, Title 18, Part 141. Facilities that qualify as cogenerators or small power producers under the Public Utility Regulatory Policies Act (PURPA) are not considered electric utilities.

**Environmental Impact Study.** A study which assesses the effect of a proposed development on the environment. See Section 6.7-4.6. E. Uses in the RR and I Zones. where an environmental impact study is required as part of a conditional use permit application.

**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.

**Fence.** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

**Filling Station.** See *Automobile Service Station*.

**Floor Area.**

A. **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 two buildings, but excluding any space where the floor-to-ceiling height is less than 7 feet.

B. **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.

C. **Floor Area Ratio.** The gross floor area of all buildings or structures on a lot divided by total lot area.

**Frontage.** That side of a lot abutting on a street; the front lot line. [Added 03/25/2002]

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

A. **Garage, Parking.** See *Automobile Storage Facility*.

B. **Garage, Repair.** See *Automobile Repair Facility*.

**Hazardous Use.** A building or structure used for:

- the storage, manufacture, or processing of highly combustible or explosive products or materials which are likely to burn extremely rapidly or which may produce poisonous fumes or explosions; or

- storage or manufacturing that involves highly corrosive, toxic, or noxious alkalis, acids, or other liquids or chemicals producing flame, fume, poisonous, irritant, or corrosive gases; or

- the storage or processing of may materials producing explosive mixtures of dust or that result in the division of matter into fine particles subject to spontaneous ignition.

**Home Occupation.** See Section 6.4-4.7. *Home Occupations*.

**Household Pet.** See Section 6.4-4.5. *Pets in Residential Zones*.

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

**Landscape Screen.** See Section 6.5-2.5. *Screening and Landscaping*.

**Laundromat.** An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public.

**Laundry.** A building, other than a laundromat, where clothes and other articles are washed, dried and ironed.

**Loading Space.** See Section 6.6-1.3. *Off-Street Loading*.
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.

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

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

C. 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 one lot from another lot or from a public street or any other public space.

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

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

C. 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 Kent 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.

Manufacturing. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. Manufacturing includes all mechanical or chemical transformations regardless of whether the new product is finished or is semi-finished as a raw material for further processing. [Added 03/08/2004]

Mobile Home. See Dwelling, Mobile Home.

Modular Home. See Dwelling, Modular.

Nonconformities. Use, structures, lots, or signs that were lawful prior to the adoption, revision, or amendment of this Ordinance, but as a result of the adoption, revision, or amendment of this Ordinance no longer comply with the current provisions of this Ordinance. See Section 6.6-3. Nonconformities.

Parking Space, Off Street. See Section 6.6-1.2. Off-Street Parking.

Plot Plan. A sketch, map, or survey of a lot, lots, or a tract or parcel of land that includes the locations and dimensions of lot lines, street rights-of-way, and easements.

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.

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

B. 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.

Regulations. See Section 6.1-1.4. Components.

Relocatable Classroom. A movable or portable structure used to provide supplemental classroom space at an educational institution.

Scenic Corridors. The arterial and collector roads adjoining and within subdivisions.

School. See Educational Institution.

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.

Sign. See Section 6.6-2. Signs.

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 purposed other than storage.

Story, Half. A partial story under a gable, hip, or gambrel floor, the wall plates 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 Kent 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 street lines, whether improved or unimproved.

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

B. Street Frontage. See Frontage.

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

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.

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.

A. Use, Accessory. A use of land or of 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.

B. Use, Principal. The primary or predominant use of any lot or parcel.
Variance. Permission to depart from the literal requirements of this Ordinance. See Section 6.7-3.

Yard. An open space that lies between the principal building or buildings and the nearest lot line.
A. **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.
B. **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.
C. **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.
Chapter 6.2. Town Planning Commission

Section 6.2-1. Created; Name
A Planning Commission is hereby established, which is referred to as the “Planning Commission” or “Commission” in this Ordinance.

Section 6.2-2. Organization
6.2-2.1. Members
The Planning Commission shall consist of 5, but not more than 9, members.

6.2-2.2. Term of Office
Members shall serve 5-year terms.

6.2-2.3. Appointments
The mayor shall appoint Planning Commission members. The Council shall confirm the appointments by majority vote.

6.2-2.4. Vacancies
A. A vacancy occurring prior to the expiration of an appointed member’s term, shall be filled in the same manner as for the vacating member.

B. A member, who fills a vacancy, shall serve the remainder of the vacating member’s term.

6.2-2.5. Chairperson and Secretary
The Commissioners shall elect annually a chairperson, a vice chairperson, and a secretary from the members.

6.2-2.6. Compensation
Members shall serve without compensation.

6.2-2.7. Quorum
At least 3 members shall be required for the conduct of any business.

Section 6.2-3. Powers and Duties
6.2-3.1. Comprehensive Plan
A. The Commission shall prepare a comprehensive plan for the development of the Town in accordance with Title 22, Chapter 7 of the Delaware Code as existing or hereafter amended.

B. The Commission may prepare changes to the plan.

C. Following preparation of a plan or changes to a plan, the Commission shall forward the plan to the Town Council for adoption.

6.2-3.2. Subdivision Plats
The Commission shall review and take action on every subdivision plat in accordance with the Subdivision Ordinance of the Town of Clayton as existing or hereafter amended.
6.2-3.3. Planning Studies, Reviews, Recommendations
A. The Commission shall review and make a recommendation on every conditional use permit, interpretation, appeal, or amendment that comes before the Board of Adjustment and the Town Council.
B. Upon request, the Commission shall conduct planning, zoning, or other development-related studies at any public hearing.

6.2-3.4. Other Powers and Responsibilities
The Planning Commission shall have the powers and duties set forth in Title 22, Chapter 7 of the Delaware Code as existing or hereafter
Chapter 6.3. Board of Adjustment

Section 6.3-1. Created; Name
A Board of Adjustment is hereby established, which is referred to as the “Board” in this Ordinance.

Section 6.3-2. Organization

6.3-2.1. Members
A. Number. The Board shall consist of at least 3 but no more than 5 members.
B. Qualifications. Board members shall:
   1. Be residents of the Town.
   2. Have knowledge of the problems of urban and rural development.
   3. Not be candidates for or members of the Town Council either at the time of appointment or during their term of office.
   4. Not be employees of the Town.

6.3-2.2. Term of Office
Members shall serve 3-year terms. The terms of the original members shall be established in such a manner that the term of at least 1 member shall expire each year and the successor appointed for a term of 3 years.

6.3-2.3. Appointments
The mayor shall appoint Board members. The Town Council shall confirm the appointments by majority vote.

6.3-2.4. Vacancies
A. A vacancy occurring prior to the expiration of an appointed member’s term, shall be filled in the same manner as for the vacating member.
B. A member, who fills a vacancy, shall serve the remainder of the vacating member’s term.

6.3-2.5. Chairperson
The Board shall elect annually a chairperson and a vice chairperson from the members.

6.3-2.6. Removal
The Town Council may remove a member for cause upon written charges and after a public hearing by majority vote.

6.3-2.7. Compensation
Members shall serve without compensation.

6.3-2.8. Legal Advisor
The Town Solicitor shall serve as legal advisor to the Board.

Section 6.3-3. Powers and Duties

6.3-3.1. Appeals
A. Duty. Hold hearings on and decide appeals where a person alleges error in any order, requirement, decision, determination, or denial of an application by the Administrator.
B. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from unless the Administrator certifies to the Board 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 or a court having jurisdiction.

6.3-3.2. Variances
Hold hearings on and authorize variance from the strict application of the provisions of this Ordinance.
6.3-3.3. Special Exceptions
Hold hearings on and authorize special exceptions.

6.3-3.4. Text and Map Interpretations
A. Hold hearings on and make interpretations of the text of this Ordinance.
B. Hold hearings on and resolve uncertainties in the location of zoning district boundaries.

Section 6.3-4. Meetings and Hearings

6.3-4.1. Rules
The Board shall adopt rules for the conduct of its business.

6.3-4.2. Secretary
The Board shall designate a Secretary to keep minutes of its proceedings, meetings, hearings, and other official actions.

6.3-4.3. Quorum
At least 2 members are required for the conduct of any business.

6.3-4.4. Processing of Applications and Appeals
A. Within 60 days of receiving an application or appeal, the Board shall hold a public hearing, give public notice of the hearing, and make a decision on the application or appeal.
B. Public Notice.
   1. How Given. Public notice shall be given by publishing a legal notice in a newspaper of general circulation at least 15 days prior to a public hearing on an application or an appeal.
   2. Contents. The public notice shall specify the time, place, and nature of the hearing.
C. Hearing. The Board shall schedule a public hearing not less than 5 and not more than 10 days after publication of the legal notice.

6.3-4.5. Testimony Before the Board
A. The Board may compel witnesses to attend hearings.
B. The Board shall include recommendations from the Planning Commission in the testimony taken at public hearings.
C. Applicants and appellants shall have the burden of presenting the information needed by the Board to make its determination.

6.3-4.6. Actions
A. All proceedings and actions of the Board are public records which shall be available to the public.
B. The Board shall take actions or make decisions by written resolution within 7 days of a public hearing. The resolution shall state the grounds and the findings supporting its action or decision. The minutes shall include the full text of resolutions and a record of each member’s vote.
C. Decisions.
   1. Appeals. The Board may reverse or affirm, either wholly or partially, or it may modify the order, requirement, decision, determination, or permit application appealed from.
   2. Applications.
      a) The Board may approve or deny, either wholly or partially, an application.
      b) The Board may impose conditions on approval of an application.

6.3-4.7. Limitation on Reapplication
The Board shall not hear or accept an appeal or an application requesting the same relief for the same property for a period of 12 months from the date of the resolution taking action on the property.
Chapter 6.4. Use Regulations

Section 6.4-1. General

6.4-1.1. Establishment of Zoning Districts
The zoning districts and their identifying symbols are:
OS   Open Space
RS   Residential Suburban
R    Residential 1-Family and Townhouse
R1   Residential Multiple-Family
RMH  Residential Manufactured Housing Community
C1   Neighborhood Commercial
C2   General Commercial
I    Industrial
RR   Railroad.

6.4-1.2. Rules for Interpretation of Uses
A. General. A use not specifically listed as permitted in a zoning district is prohibited unless determined similar in accordance with Rules for Interpretation of Uses, Section 6.4-1.2.
B. Determination of Similar Uses.
   1. 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. All applications for permits for a building or a use not specifically listed among any of the uses or buildings permitted by right in any zone shall be submitted to the Town Council for approval.
   3. The following standards shall govern the determination of a similar use:
      a) That the use is not listed in any other classification of permitted buildings or uses.
      b) That the use is more appropriate and conforms to the basic characteristics of the zoning district to which it is to be added than to any other district and that the use closely resembles and contains the same characteristics as the classification to which it is to be added.
      c) That the use does not create dangers to health and safety, and does not create offensive noise, vibrations, dust, heat, smoke, odor, glare, or other objectionably influences to an extent greater than normally resulting from other uses listed in the classification to which it is to be added.
      d) That the use does not create traffic to a greater extent than the other uses listed in the classification to which it is to be added.
   4. The determination of similar uses shall not apply to off-street parking or signs.

Section 6.4-2. Zoning Districts

6.4-2.1. Open Space District (OS)
A. Intent.
   1. To preserve areas with natural limitations to development such as floodplains and reclaimed landfills as well as other limitations determined by the Council.
   2. To provide areas for certain non-intensive uses such as parks and recreation facilities.
B. Permitted Uses and Structures. Uses and structures shall be allowed as set forth in Table 1. Permitted Uses and Structures.
6.4-2.2. Residential Suburban 1-Family District (RS)

A. Intent
   1. To provide for low-density residential development and such accessory uses as may be necessary or are normally compatible with residential surroundings.
   2. To insure compatibility with existing uses.
   3. To provide sufficiently large parcels that are suitable for cluster developments containing mixes of residential units. [Added 03/27/2006]

B. Permitted Uses and Structures. Uses and structures shall be allowed as set forth in Table 1. Permitted Uses and Structures.

6.4-2.3. Residential 1-Family and Townhouse District (R)

A. Intent.
   1. To provide for medium-density residential development and such accessory uses as may be necessary or are normally compatible with residential surroundings.
   2. To protect existing development from incompatible uses.

B. Permitted Uses and Structures. Uses and structures shall be allowed as set forth in Table 1. Permitted Uses and Structures.

6.4-2.4. Residential Multiple Family District (R1)

A. Intent.
   1. To provide for a variety of housing types, ranging from large single-family-dwellings to townhouses to multiple-family dwellings and such accessory uses as may be necessary or are normally compatible with residential surroundings.
   2. To protect existing development from incompatible uses.

B. Permitted Uses and Structures. Uses and structures shall be allowed as set forth in Table 1. Permitted Uses and Structures.

6.4-2.5. Residential Manufactured Housing Community District (RMH)

A. Intent.
   1. To provide for planned residential manufactured home developments.
   2. To provide locations for manufactured home communities in areas where public facilities are available.
   3. To establish basic standards for the design of manufactured home communities that minimize their impact on surrounding properties.

B. Permitted Uses and Structures. The following uses are permitted in a manufactured home community:
   1. Dwelling, manufactured.
   2. Management headquarters, recreational facilities, open storage areas for boats and campers that:
      a) Are related to the operation of the manufactured home community and do not occupy more than 10% of the minimum tract area.
      b) Are intended to serve only the residents of the community.
      c) Present no visible evidence of their commercial character that would attract customers who are not residents of the community.
6.4-2.6. Town Center District (TC)
A. Intent
   1. To preserve and strengthen Clayton's small town atmosphere by encouraging a mix of retail, office, and residential uses consistent with the scale and existing character of the town center.
   2. To encourage the economic stability and improvement of the town center.
   3. To provide a modification procedure, utilizing site plan review, to alleviate undue hardship relating to parking and other bulk regulations in order to maintain the small town atmosphere of the town center.
   4. To emphasize small-scale retail, office, and service uses.
   5. To provide for a limited amount of multiple-family dwellings in conjunction with retail, office and service uses, but only on the second and third stories of commercial buildings.
   6. To provide for the continuation of single and two family homes typical in town centers.
B. Permitted Uses and Structures. Uses and structures shall be allowed as set forth in Table 1.
   Permitted Uses and Structures.

6.4-2.7. Neighborhood Commercial District (C1)
A. Intent.
   1. To provide primarily for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of a relatively small residential area.
   2. To enhance the general character of the district and its compatibility with its residential surroundings.
B. Permitted Uses and Structures. Uses and structures shall be allowed as set forth in Table 1.
   Permitted Uses and Structures.

6.4-2.8. General Commercial District (C2)
A. Intent. To provide sufficient space and appropriate locations for commercial and service uses serving a wide area but which are not characterized by warehousing, heavy trucking activity, open storage, and do not generate extensive dust, odor, or noise.
B. Permitted Uses and Structures. Uses and structures shall be allowed as set forth in Table 1.
   Permitted Uses and Structures.

6.4-2.9. Industrial District (I)
A. Intent.
   1. To provide sufficient space in appropriate locations for certain types of business and manufacturing uses.
   2. To protect surrounding areas from the adverse effects of industrial uses by encouraging these uses to locate in modern, landscaped buildings.
B. Permitted Uses and Structures. Uses and structures shall be allowed as set forth in Table 1.
   Permitted Uses and Structures.
C. Additional Regulations.
   1. Uses permitted in this district must be conducted within a completely enclosed building.
   2. Raw, in process, and finished materials, supplies, and waste material must be stored in a completely enclosed building.
   3. The Planning Commission must approve a site development plan prior to the issuance of a Certificate of Zoning Compliance.
6.4-2.10. Railroad District (RR)

A. Intent.
   1. To recognize the substantial impact of the railroad presence in the Town.
   2. To establish a review procedure for evaluating the impacts of certain intensive railroad uses on the Town.
   3. To provide for certain non-railroad industrial uses in the Railroad Zone [Added 03/08/2004].

B. Permitted Uses and Structures. Uses and structures shall be allowed as set forth in Table 1. Permitted Uses and Structures.

Section 6.4-3. Permitted Uses and Structures
Permitted uses and structures shall be allowed as set forth in Table 1. Permitted Uses and Structures.

Section 6.4-4. Accessory Uses

6.4-4.1. Purpose
This section provides the general provisions governing accessory uses and specific regulations for certain uses. This section is not intended to limit permitted accessory uses to those described herein.

6.4-4.2. General Provisions
Except as provided otherwise, accessory uses are permitted in all zones as long as such a use is:
   A. Clearly customarily incidental and subordinate to the principal use.
   B. Is operated and maintained under the same ownership and on the same lot as the principal use.
   C. Does not include structures or structural features inconsistent with permitted uses.
   D. Does not include residential occupancy.

6.4-4.3. Commercial Vehicles in Residential Zones
In any residential zone, 1 commercial vehicle, not exceeding 1 ton capacity, may be parked on a lot.

6.4-4.4. Storage in Residential Zones
A. Heavy Equipment.
   1. Tractors, earth movers, construction machinery, and similar heavy equipment and building supplies are permitted on residential lots only if they are stored in enclosed structures.
   2. The structure, in which heavy equipment or building supplies is stored, may not be used either for human habitation or for the conduct of any business.
   3. The wheels or any other means of transporting such heavy equipment shall not be removed heavy equipment vehicles shall not be affixed to the ground.

B. Boats and Campers. Boat trailers, self-propelled campers, camp trailers, and boats may be stored in the open on residential lots only in the side or rear yards.

6.4-4.5. Pets in Residential Zones
The keeping of household pets is permitted in residential zones. Household pets include dogs, cats, canaries, parakeets, and other kindred animals and fish normally kept as household pets. Household pets do not include mules, donkeys, cows, bulls, swine, sheep, goats, fowl, and other domesticated animals unless located on a parcel of land consisting of at least 20 acres.
6.4-4.6. Satellite Dish Antennas in Residential Zones

A. General.
   1. Only 1 satellite dish antenna, not exceeding 10 feet in diameter, may be installed on a residential lot.
   2. Transmitting satellite dishes are not permitted.
   3. A building permit is required before a satellite dish antenna is installed.

B. Ground-Mounted Dish Antennas.
   1. May be installed only in rear yards.
   2. Must be set back at least 5 feet from a property line.
   3. Must employ, to the extent possible, colors and materials that blend with the surroundings.

C. A Roof-Mounted Dish Antenna may be installed when an applicant for a building permit demonstrates that a ground-mounted dish antenna is unable to obtain sufficiently clear reception.

6.4-4.7. Home Occupations

A. General. A home occupation is an activity carried out for gain by an occupant of a dwelling conducted as an incidental and subordinate use in the dwelling unit.

B. Purpose. This section permits a home occupation as an accessory use if it is compatible with the residential character of the neighborhood in which it is located and is conducted so as not to disturb or cause discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.

C. Permit Requirements.
   1. Permit Required. No home occupation shall be conducted on a premise until a permit is obtained.
   2. Application Procedure
      a) An application for a Home Occupation Permit shall be filed with the Administrator.
      b) The application shall include a description of the proposed home occupation.
      c) The Administrator shall forward the application to the Town Council for review at its next regularly-scheduled meeting.

D. Required Conditions. Home occupations shall comply with the following regulations.
   1. The home occupation use shall be confined to the principal residence of the individual so engaged, shall be excluded from any yard or accessory building, and shall be clearly incidental and subordinate to the primary residential use.
   2. No alteration shall be made in either the internal or external structural form of the residential building or the external appearance for purposes of any home occupation. The removal of partitions or floors or parts thereof, shall be construed as an alteration of the external or internal structural form and is, therefore, prohibited.
   3. No evidence of any home occupation shall be visible from off the lot where it is conducted.
   4. Employees of a home occupation shall be limited to permanent residents of the dwelling unit. This restriction would not apply to independent contractors who make occasional or periodic visits to the site of the home occupation.
   5. There shall be no sales of goods or displays of goods on the premises.
   6. Any commercial vehicle used in conjunction with the occupation shall be subject to the provisions of this Ordinance governing commercial vehicles in residential zones.
   7. No storage of equipment or materials used in a home occupation shall be outside the principal residence.
   8. No change shall be made in any non-communications utility line, meter or service to accommodate a home occupation and utility use shall not unreasonably exceed that normally or previously used at such residence.
9. No equipment or process shall be used in any home occupation which emits radiation or creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the property used for such home occupation. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference.

10. The number of parking spaces available to a dwelling unit housing a home occupation shall comply with Section 6.6-1. Off-Street Parking and Loading.

11. A home occupation shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the district.

12. No vehicle repair or storage associated with the home occupation shall be permitted.

13. The home occupation shall not involve the use of commercial vehicles for the delivery of material to or from the premises.

14. No home occupation shall be open to visitors without prior appointments.

15. If the home occupation is to be conducted on rental property, the property owner's authorization for the proposed home occupation shall be obtained prior to the issuance of a home occupation permit.

16. Home occupations shall be subject to all other State and local laws, ordinances, and licensing requirements.

Section 6.4-5. Temporary Uses

6.4-5.1. Intent and Purpose
The temporary use permit is intended to allow for the short-term placement of activities in temporary facilities or outside of buildings. These activities shall be regulated so as to avoid incompatibility between them and surrounding areas.

6.4-5.2. Permitted Temporary Uses
A. Real estate sales offices within approved development projects.
B. Christmas tree sale lots for a period not to exceed 30 consecutive calendar days; however, a permit shall not be required when a sale is in conjunction with an established commercial business.
C. Other seasonal products sales, such as pumpkins and Christmas trees.
D. Circuses and carnivals.
E. Temporary outdoor display/sales of merchandise in any zone under the following conditions:
   1. No more than 8 such displays/sales are conducted in any calendar year.
   2. The sales/displays are not conducted for a period of more than 4 consecutive days.
   3. The merchandise is customarily sold on the premises.
   4. The premises are utilized for a permanently established business.
F. Fairs, festivals and concerts, when not held within premises designed to accommodate such events, such as auditoriums, stadiums or other public assembly facilities.
G. Farmers' markets and swap meets.
H. On- and off-site contractors' construction yards.
I. Temporary large-scale promotional balloons (e.g., roof mounted hot air balloons) in any zone under the following conditions:
   1. No more than 4 such promotions are conducted in any calendar year.
   2. The promotions are not conducted for a period of more than 7 consecutive days.
   3. The promotions are related to merchandise or services which are customarily available on the premises.
   4. The premises are utilized for a permanently established business.

J. Similar temporary uses which, in the opinion of the Administrator, are compatible with the zoning district and surrounding land uses.

6.4-5.3. Procedure for Obtaining a Temporary Use Permit

A. A temporary use permit is required for every temporary use permitted in this Ordinance.
B. The permit must be obtained prior to the commencement of the use.
C. An application for a temporary use permit shall be filed with the Administrator.
D. Temporary uses may be subject to additional permits, other departmental approvals and licenses and inspections as required by any applicable laws or regulations.

6.4-5.4. Criteria for Issuing a Temporary Use Permit

The Administrator may approve a temporary use permit application when the proposed use meets the following criteria:
A. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
B. The proposed site is adequate in size and shape to accommodate the temporary use.
C. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate.
D. Adequate temporary parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations acceptable to the Administrator.
E. The use would not jeopardize the public peace, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

6.4-5.5. Conditions for Approval

The Administrator may impose the following conditions on the issuance of a temporary use permit as appropriate:
A. Provision of temporary parking facilities, including vehicular access and egress.
B. Regulations to deal with nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat.
C. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.
D. Provision of sanitary and medical facilities.
E. Provision of solid waste collection and disposal.
F. Provision of security and safety measures.
G. Regulation of signs.
H. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested.

I. Submission of a performance bond or other surety devices to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

J. Submission of a site plan indicating any information required by this Ordinance.

K. Requirement that the approval of the temporary use permit is contingent upon compliance with applicable provisions of other ordinances.

L. Such other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accord with the intent and purpose of this Ordinance.
Chapter 6.5. Bulk Regulations

Section 6.5-1. Basic Bulk Regulations
Permitted uses and structures shall be developed in accordance with the standards in Table 2. Basic Bulk Regulations.

Section 6.5-2. Supplemental Bulk Regulations

6.5-2.1. Accessory Buildings and Structures
A. No accessory building shall be located in any required yard that abuts a street. However, an accessory building may be located in a required yard that abuts an alley.
B. An accessory building or structure other than a garage that does not abut a public street:
   1. Location. Only within a rear yard.
   2. Setbacks.
      a) Front. Same as principal building.
      b) Side. 3 feet.
      c) Rear. 5 feet.
C. Garage.
   1. Location. Front, side, or rear yard.
   2. Setbacks.
      a) Front. Same as principal building or structure.
      b) Side. 3 feet.
      c) Rear. 5 feet.
D. Filling Station Pumps and Pump Islands. Filling station pumps and pump islands may be placed within required yards, but they must be located at least 15 feet from any lot line.

6.5-2.2. Cluster Development
[Repealed and Reenacted 03/27/2006]
A. Definition. A form of development that permits a reduction in lot areas and other bulk requirements, provided there is no increase in either the number of lots or the overall density of development allowed in the zone, and the remaining area is set aside for open space.
B. Where Permitted. Only in the RS Zone.
C. Purposes.
   1. To encourage the provision of community open space and recreational amenities.
   2. To provide flexibility in lot layout.
   3. To encourage a mix of housing types.
   4. To promote quality site design.
   5. To reduce construction cost of development, thereby reducing the final costs of the product.
   6. To promote development which is sensitive to the terrain and minimizes impervious surfaces.
   7. To support the preservation of interesting natural features, such as mature tree stands, water features, mature woodland, and animal habitats.
D. Review Criteria.
   1. Individual lots, buildings, streets, and parking areas shall be designed to minimize alteration of the natural site features to be preserved.
   2. The usability of open space intended for a recreation or public use shall be determined by the size, shape, topography and location requirements of the particular purpose proposed for the site.
   3. Open space shall include irreplaceable natural features, such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, wetlands or cultural features.
   4. Open space intended for recreation or public use shall be easily accessible to pedestrians, and accessibility shall meet the needs of the handicapped and elderly.
   5. The suitability of open space intended for scenic value and purposes shall be determined by its visibility from a significant number of units or buildings or length of public or private streets.
   6. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
   7. Individual lots, buildings and units shall be arranged and situated to relate to surrounding properties, to improve the view from the buildings, and to lessen the land area devoted to motor vehicle access.
   8. Individual lots, buildings, units and parking areas shall be situated to avoid the adverse effects of shadows, noise and traffic on the residents of the site.
   9. All residential structures within a subdivision shall front on and gain access from an interior subdivision street, parking area or court. In no instance shall a residential structure in a subdivision be accessible from a County or state highway.

6.5-2.3. Fences, Walls, Hedges, and Shrubbery
A. Setback. The building line and yard requirements of this Ordinance shall not apply to fences, walls, hedges, or shrubbery.
B. Fence Materials.
   1. Generally. Fences shall be constructed of materials specifically designed for fences.
   2. Residential Zones. In residential zones and on property used residentially, barbed wire, razor wire, or any similar material, or wire measuring less than 11 gauge is prohibited.
   3. Non-Residential Zones. Where barbed or razor wire fence is used in a non-residential zoning district, a landscape screen shall be provided between the fence and any street or residential use.
C. Height Limitations

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<tr>
<th></th>
<th>Residential</th>
<th>Non-Residential</th>
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<tbody>
<tr>
<td></td>
<td>Double Frontage Lots</td>
<td>Lots Bordering Alleys</td>
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<tr>
<td>1. Front Property Line</td>
<td>4 feet</td>
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<tr>
<td>2. Side Property Line</td>
<td>6 1/2 feet</td>
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<td>3. Rear Property Line</td>
<td>3 1/2 feet</td>
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<td>4. Corner Lot</td>
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<td>a) Above the curb level of the intersecting streets for a distance of 20 feet from the intersection, and</td>
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<td>b) Within the isosceles triangle formed by connecting the ends of the respective 20-foot distances.</td>
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<td>3 1/2 feet</td>
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D.
E. Lots Bordering Alleys
   1. Gate Required. A fence on a property bordering an alley must have a gate that provides access to the property from the alley.
   2. Setback Required. Fences bordering alleys shall be placed at least 1 foot away from an alley’s right-of-way. Outward swinging gates must also be placed so that they do not swing open into the alley right-of-way or outside the 1-foot required setback.

F. Height Increases Permitted. In non-residential zones, the Planning Commission may authorize, without a variance, increases in fence heights in the side and rear yards as indicated in the standards governing height limitations. In doing so, the Commission must make a finding that safety concerns or the nature of a particular use indicates need for a fence higher than the maximum specified under height limitations.

G. Measurement of Height. Measurements shall be made from the surface of the ground next to the fence, wall, or hedge, and where the yards on the 2 sides differ in elevation, measurements shall be made from the surface of the yard with the higher elevation. [Amended 03/25/2002]

6.5-2.4. Height Limits—Exemptions
The height limitations of this Ordinance do not apply to the following:

- Chimneys
- Ornamental towers or spires
- Smoke stacks
- Church spires
- Public Monuments
- Water towers
- Flag poles
- Radio and television antennas for residential use

6.5-2.5. Screening and Landscaping

A. Landscape Screen in Multi-Family, Commercial, Industrial, and Railroad Zones
   1. When Required. When a lot is occupied by a use permitted in the Multi-Family, Commercial, Industrial, or Railroad Zones and abuts a residential district.
   2. Where Required. Along the side and rear lot lines of the adjacent residential district.
      a) The screen shall consist of a planted visual barrier composed of green plants and trees arranged to form both a high and a low level screen.
      b) High Level. The high level portion of the screen shall consist of evergreen trees planted at an initial height of not less than 5 feet, planted at intervals of not more than 10 feet on center.
      c) 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.
      a) R1 Zone: 15 feet
      b) C2 Zone: 15 feet
      c) I Zone: 15 feet
      d) RR Zone: 25 feet

B. Scenic Corridors.
   1. Applicability. This Section applies to homes on double frontage lots adjacent to scenic corridors.
   2. Standards. Table 6. Landscaping Standards for Lots Adjoining Scenic Corridors sets forth the standards governing landscaping on lots adjacent to Scenic Corridors.
6.5-2.6. Manufactured Homes

A. General. A manufactured housing community shall comply with all sanitary and other requirements prescribed by law or regulations.

B. Utilities.
   1. All utility lines, including electrical, telephone, and TV cable, shall be underground.
   2. 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.
   3. Each manufactured home site shall have an individual, metered water and sewer connection to a central water and sewer system.

C. Site Design.
   1. Topography of the site shall be engineered to facilitate drainage and drainage facilities shall be provided.
   2. Natural amenities and green area.
      a) The site design shall demonstrate a reasonable effort to preserve the site’s natural amenities.
      b) The site design shall include a landscaped or wooded strip of open space along street frontages and along the borders of adjacent lots as required in the Development Standards for Manufactured Housing Communities.

D. Additional Development Standards. In addition to the applicable standards in Table 2. Basic Bulk Regulations, manufactured home communities must comply with the standards in Table 3. Manufactured Home Bulk Regulations.

E. Access, Circulation, and Parking.
   1. Access to a manufactured home community shall be from a minor residential street.
   2. The number and location of access drives shall be based on traffic safety and the protection of surrounding properties.
   3. Individual manufactured homes shall not have direct access to a street outside the manufactured home community’s boundaries.
   4. Standards for interior access drives.
      a) Interior access drives shall be properly lighted.
      b) Interior access drives shall be hard surfaced and maintained in accordance with applicable specifications and ordinances.
   5. Parking.
      a) See Section 6.6-1. Off-Street Parking and Loading.
      b) The off-street parking spaces located on each manufactured home lot shall be hard-surfaced.

F. Ownership.
   1. The entire land area used for a manufactured home community shall be maintained in single ownership throughout the entire life of the park.
   2. Multiple ownership may be permitted as follows:
      a) If done so under the laws of the State of Delaware dealing with unit properties, and
      b) An applicant for a manufactured home community declares multiple ownership as part of the application to the Town for the establishment of the park.
G. Installation of Manufactured Homes.
   1. Anchoring.
      a) Every manufactured home shall be anchored to a manufactured home stand either prior to its occupation or use, or within 7 days of its placement in a manufactured home community, whichever occurs first.
      b) The anchoring system shall be designed to resist a minimum wind velocity of 90 miles per hour.
   2. Stability.
      a) Prior to occupancy or use, every manufactured home shall have skirts installed. The design of these skirts shall be coordinated throughout the park and shall complement the appearance of the park.
      b) No manufactured home shall rest permanently on the wheels used to transport it.
   3. 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.

H. Site Plan Permit Required.
   1. Prior to the issuance of building permits, a site plan and community impact study for development of the entire manufactured home community shall be submitted to the Planning Commission.
   2. Once the Planning Commission has approved a site plan for an entire manufactured home community development, the Building Inspector may issue building permits for individual manufactured homes whose applications propose minor variations from the approved site plan, such as patios, decks or small storage areas.

6.5-2.7. Projections into Required Yards
Projections into required yards are permitted as set forth in Table 5. Permitted Projections into Required Yards.

6.5-2.8. Townhouses
The following are in addition to the standards in Table 2. Basic Bulk Regulations.
A. Tract Area: 3 acres.
B. Row Design.
   2. The facades of the townhouses in each townhouse group shall be varied in architectural treatment and roof lines.
   3. Offsets.
      a) No more than 2 adjacent townhouses shall have the same front building line.
      b) The variation in the building line must be at least 2 feet.
C. Common Open Space.
   1. A minimum of 25 percent of the gross tract area must be retained in open space and deeded for common use by the residents of the development.
   2. Property owners shall be responsible for the liability and maintenance of common areas.
D. Central sewage and water must be available to the development.
E. When the rear lot lines of townhouses abut one another, a 20-foot wide alley must be provided.
6.5-2.9. Town Center Zone

Except for building height, the Planning Commission shall determine the bulk regulations and parking requirements for new, changed or expanded uses in the TC Zone. In making this determination, the Commission 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 of the project are sufficient to avoid congestion and will not place unreasonable demand on public facilities.

6.5-2.10. Dwellings Adjoining Scenic Corridors

The Planning Commission may recommend and the Town Council may require that homes adjoining a Scenic Corridor be either oriented to face the corridor or subject to the Scenic Corridor Landscaping Standards in Section 6.5-2.5. B.
Chapter 6.6. Regulations Applying to All Districts

Section 6.6-1. Off-Street Parking and Loading

6.6-1.1. Purpose and Scope

A. Purposes.
   1. To relieve congestion and facilitate the movement of vehicular traffic.
   2. To facilitate the movement of police, fire, and other emergency vehicles.
   3. To 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. To protect adjoining residential neighborhoods from on-street parking.
   5. To promote the general convenience, welfare, and prosperity of commercial and other uses which depend upon off-street parking and loading facilities.

B. Scope.
   1. When Required. Off-street parking and loading facilities shall be provided as an accessory use 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 special requirements or conditions that may be imposed on site plan approvals or conditional use approvals.
   4. Parking and loading facilities may not be used for the sale, repair, servicing, or dismantling of any type of vehicle.

6.6-1.2. Off-Street Parking

A. Definition. An off-street parking space is a temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

B. Computation of Required Number of Spaces.
   1. Number. The minimum number of required off-street parking spaces shall be determined according to Table 7. Required Off-Street Parking Spaces. Where the computation results in a fractional space, it shall be counted as 1 additional required space.
   2. 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.

C. Location of Off-Street Parking Facilities.
   1. General. All required parking facilities shall be located on the same lot with the building or use served.
   2. Exceptions. Required parking facilities may be located within 300 feet from 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 2 or more buildings.
   3. Joint Use. Houses of worship, auditoriums or educational institutions may make arrangements with business establishments, which normally have different hours of operation, for sharing up to 100% percent of their required parking facilities.
D. Design Standards.

1. Minimum Size of an Off-Street Parking Space. 200 square feet.

2. Drainage and Maintenance.
   a) Drainage. Off-street parking facilities shall be drained to eliminate standing water and to prevent damage to adjoining public and private properties.
   b) Maintenance. Off-street parking facilities shall be maintained in a clean, orderly, and dust-free condition and not used for the sale, repair, dismantling, or servicing of vehicles, equipment or supplies.

3. Surface Materials. Parking spaces and interior drive aisles shall have all-weather surfaces. Materials used for drainage shall be erosion resistant and in compliance with other Town requirements.

4. Separation from Walkways and Streets. Off-street parking spaces shall be separated from walkways, sidewalks, streets, and alleys by a wall, fence, curbing, sufficient distance, or other approved device so that parked vehicles do not extend into public areas.

5. Entrances and Exits.
   a) General. A parking facility shall have only 1 entrance from and 1 exit onto a single street. The entrance and exit may be separate or combined.
   b) Location and Design. The location and design of entrances and exits shall be in accordance with Town specifications.

6. Interior Drive Aisles. The width of interior drive aisles shall be appropriate to the types of parking spaces provided.

7. Marking. In lots of 10 or more spaces, each space shall be marked with painted lines, curbs, or other means to indicated individual spaces. Signs or other markers shall be posted to ensure efficient traffic operation within the parking lot.

8. Lighting. Adequate lighting shall be provided in parking lots intended to be used at night. Lighting fixtures shall be arranged to minimize glare on adjacent residential properties.

9. Screening.
   a) When Required. When off-street parking areas for 10 or more vehicles are located closer that 50 feet to a lot in a residential district, or to any lot used for residential purposes and where such parking areas are not entirely screened visually from such lot by an intervening building or structure.
   b) Height. 6 feet.
   c) Materials. Screening shall consist of a continuous compact evergreen hedge, foliage, wall, or solid fence.
6.6-1.3. Off-Street Loading

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

B. Computation of Required Number of Spaces.
   1. Minimum Number. The minimum number of required off-street loading spaces shall be determined according to Table 8. Required Off-Street Loading Spaces.
   2. Single and Mixed Uses. A building, occupied by 1 use, shall provide the off-street loading spaces required for the specific use. A building, occupied by 2 or more uses, generally operating during the same hours, shall provide spaces for not less than the sum of the spaces required for each use.
   3. Waiver or Reduction Permitted. The Board of Adjustment 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 unloading facilities unnecessary.
      b) Where community loading facilities are available.
      c) Where providing loading space is impractical.

C. Location of Off-Street Loading Facilities. All required loading facilities shall be located within or on the same lot with the building or use served.

D. Design Standards.
   1. Sizes of Off-Street Loading Spaces.
      a) General Minimum Specifications.
         1) Square Footage. 540.
         2) Width. 12 feet.
         3) Depth. 35 feet.
         4) Vertical Clearance. 14.5 feet.
      b) Funeral Homes.
         1) Width. 10 feet.
         2) Depth. 25 feet.
         3) Vertical Clearance. 8 feet.
   2. Drainage and Maintenance.
      a) Drainage. Off-street loading facilities shall be drained to eliminate standing water and to prevent damage to adjoining public and private properties.
      b) Maintenance. Off-street loading facilities shall be maintained in a clean, orderly, and dust-free condition and not used for the sale, repair, dismantling, or servicing of vehicles, equipment or supplies.
   3. Entrances and Exits.
      a) General.
         1) An entrance to or exit from a building, designed for truck loading and unloading, shall be designed to provide at least 1 off-street loading space.
         2) Off-street loading spaces, designed to be approached directly from a major thoroughfare, shall have required maneuvering space on the premises.
      b) Location and Design. The location and design of entrances and exits shall be in accordance with Town specifications.
Section 6.6-2. Signs

6.6-2.1. Purposes
A. To encourage the effective use of signs as a means of communication in the Town.
B. To minimize the adverse effects of signs on nearby public and private property.
C. To regulate the size, location, height, and construction of all signs placed for public observance.
D. To avoid excessive clutter and competition among sign displays in their demand for public attention.
E. To promote renovation and proper maintenance of signs.

6.6-2.2. Applicability and Effect
A. Applicability. These sign regulations apply within every existing and future zone throughout the Town. A sign may be erected, placed, established, painted, created, or maintained in the Town only in conformance with this Ordinance.
B. Effect
1. Establishes a permit system that allows a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and permit procedures of this Ordinance.
2. Allows certain signs that are small, unobtrusive, and incidental to the principal use of the lots on which they are located, subject to the substantive requirements of this Ordinance.
3. Provides for temporary signs without commercial messages in limited circumstances in the public rights-of-way.
4. Prohibits all signs not expressly permitted by this Ordinance.
5. Provides for the enforcement of the provisions of this Ordinance.

6.6-2.3. Definitions

Animated Sign. Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

Sign Area. The entire face of a sign, including the advertising surface and any framing, trim, molding, by not including the supporting structure.

Banner. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Building Sign. Any sign attached to any part of a building as contrasted to a freestanding sign.

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source. Also any light with one or more beams that rotate or move.

Building Marker. Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Changeable Copy Sign. A sign or portion of a sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign.

Commercial Message. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
**Exempt Sign.** A sign that is not required to comply with the regulations of this Ordinance.

**Flag.** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**Flashing.** Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

**Freestanding Sign.** A sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

**Illuminated Sign.** A sign lighted by or exposed to artificial lighting either by lights on or in the sign directed toward the sign.

**Incidental Sign.** A sign, generally informational, that has a purpose secondary to the use of the premises on which it is located, such as “Entrance,” “Loading Only,” “No Hunting,” “No Parking,” “No Trespassing,” “Posted,” “Private Drive,” “Telephone,” and other similar directives. No sign with a commercial message legible from a position off the premises on which the sign is located shall be considered incidental.

**Marquee.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Marquee Sign.** Any sign attached to, in any manner, or made a part of a marquee.

**Nonconforming Sign.** A sign that does not conform to the requirements of this Ordinance.

**Off-Premises Sign.** A sign containing a commercial message about a business, product, service, or other commercial activity conducted, offered, or sold at a location other than the premises on which the sign is located.

**Pennant.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**Portable Sign.** A sign that is not affixed to a building, a structure, or the ground.

**Projecting Sign.** A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.

**Residential Sign.** Any sign located on a property zoned or used for residential purposes that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located if offering such service at such location conforms with all requirements of this Ordinance.

**Roof Sign.** A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

**Roof Sign, Integral.** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, which that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than 6 inches.

**Sign.** Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

**Suspended Sign.** A sign hanging down from a marquee, awning, or porch that would exist without the sign.
**Temporary Sign.** Any sign that is intended to be displayed for a short period of time and is not permanently mounted

**Wall Sign.** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure.

**Window Sign.** Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

### 6.6-2.4. Computation

**A. Computation of Area of Individual Signs.** The area of a sign face (which is the entire sign area of a wall sign or a sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, 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 with it is place, but not including any supporting framework, bracing, decorative fence or wall when such fence or wall otherwise meets the requirements of this Ordinance and is clearly incidental to the display wall.

**B. Computation of Area of Multifaced Signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When 2 identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

**C. Computation of Height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction; or (2) the newly-established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

### 6.6-2.5. Signs Allowed on Private Property with and without Permits

**A. Types of Signs Allowed.**

1. Signs shall be allowed on private property in the Town only in accordance with Table 9. Regulations Governing Types of Signs.

2. The designations in the table mean the following:
   - “P” means that a sign is allowed in a zone district without prior approval.
   - “S” means that a sign is allowed only with a permit
   - “N” means that a sign is not allowed in the zoning district under any circumstances.

3. The notes at the bottom of the table describe special conditions.

**B. Area, Size, Location, and Number of Signs Allowed.** Although allowed in accordance with the previous section, a sign designated “P” or “S” must conform to the area, size, location, and number requirements in Table 10. Regulations Governing Area, Size, Location, and Number of Signs.

**C. Sign Characteristics.** In addition to the requirements governing type, area, size, location, and number, signs must comply with the requirements in Table 10. Regulations Governing Area, Size, Location, and Number of Signs.
6.6-2.6. Permit Requirements

A. Permit Required.
   1. A permit is required for every sign that is erected, constructed, posted, painted, altered, maintained, or relocated as specified in this Ordinance.
   2. Signs erected in the public right-of-way shall comply with Section 6.6-2.5. of this Ordinance.
   3. A sign permit will not be issued for any sign that does not comply with the requirements of this Ordinance in every respect.

B. Permit Application Process.
   1. Applications for sign permits shall be filed with the Administrator.
   2. A separate permit application is required for each individual sign.
   3. The application shall include a sketch, drawing, or specifications that contains the following information:
      a) Location of the sign.
      b) Construction materials.
      c) Method of illumination.
      d) Manner of securing or fastening the sign.
      e) Additional information needed to determine compliance with this Ordinance and other applicable laws.

6.6-2.7. Design, Construction, and Maintenance

A. Design and Construction.
   1. All signs shall comply with applicable provisions of the Building Code and Electrical Code of the Town.
   2. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

B. Maintenance Required.
   1. All signs shall be maintained in good appearance, repair, and condition against breakage, discoloration of material components, and structural defects.
   2. All signs shall be in compliance with applicable building codes, electrical codes, and this Ordinance at all times.

6.6-2.8. Signs in the Public Right-of-Way, Exempt Signs, and Prohibited Signs

A. Signs in the Public Right-of-Way. No signs shall be allowed in the public right-of-way, except as follows.
   1. Permanent Signs. Including:
      a) Signs posted by a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
      b) Bus Stop signs erected by a public transit company
      c) Information signs of a public utility nature regarding poles, lines, pipes, or other facilities.
      d) Awnings, projecting, and suspended signs projecting over a public right-of-way in conformance with applicable sections of this Ordinance.
   2. Emergency Signs. Warnings erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
B. Exempt Signs. The following signs shall be exempt from regulation under this Ordinance:
1. Any public notice or warning required by a valid and applicable federal, state, county, or Town law, regulation, or ordinance.
2. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than 3 feet beyond the lot line of the parcel on which such sign is located.
3. Works of art that do not include a commercial message.
4. Holiday lights and decorations with no commercial message, but only between November 15 and January 15.
5. Traffic control signs on private property such as “Stop,” “Yield,” and similar signs, the face of which meet the state Department of Transportation standards and which contain no commercial message.

C. Prohibited Signs
1. Beacons.
2. Pennants.
3. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section.
4. Inflatable signs and tethered balloons.
5. Off-premises signs.

6.6-2.9. Changeable Copy Signs—Special Regulations
[Subsection added 08/13/2007]
A. Changeable copy signs may be incorporated into a sign face when the changeable component of the sign face occupies less than 70 percent of the total area of that sign face.
B. Changeable copy sign area shall be integrated into the sign face and shall be enclosed by a border or similar enclosure so as to form one sign panel.
C. The changeable copy sign area text message and/or graphics shall not change any more than one time in any given 30-second period, except for time and temperature displays which may change more frequently than every 30 seconds.
D. The colors, text styles, graphic patterns, and brightness of the changeable copy sign area shall be compatible with and complimentary to the colors, text styles, graphic patterns and brightness of other signs on the premises, and signs on other properties in the immediate vicinity.

6.6-2.10. Abandoned and Nonconforming Signs
A. Abandoned Signs. A sign is abandoned when any of the following conditions exist:
1. When a sign remains on a property in excess of 30 days after the expiration of a sign permit.
2. Where the condition of the sign indicates abandonment due to breakage, discoloration of material components, or structural defects.
3. When a sign’s content or message bears no relation to the business activity conducted on the property.
B. Nonconforming Signs. See Section 6.6-3.5.

6.6-2.11. Enforcement and Penalties
A. Property Owner Responsible for Compliance. The owner of a property on which a sign is located shall be presumed to be the owner of the signs and is responsible for compliance with these sign regulations.
B. Penalty for Violation. The Administrator shall remove any sign erected or maintained in violation of this Ordinance if the violation is not corrected within 30 days of receiving a written notice describing the violation.
Section 6.6-3. Nonconformities

6.6-3.1. Definition and Intent
A. Definition. Nonconformities are existing structures, lots, signs, and uses of land, which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the current provisions of or future amendments to this Ordinance.

B. Intent. This Ordinance intends to permit nonconformities to continue until they are removed, but not to encourage their survival. However, normal repair and maintenance of nonconforming buildings and signs is permitted. Nonconforming uses are incompatible with permitted uses in their respective districts. Further, nonconformities shall not be enlarged upon, expanded, or extended and shall not be used as grounds for addition other structures or uses prohibited elsewhere in the same zoning district.

6.6-3.2. Nonconforming Uses
A. General.
1. Unless otherwise provided, the use of any building, structure, or land, that legally existed when this Ordinance became effective or when a provision of this Ordinance was amended, may be continued.
2. Nonconforming uses may not be enlarged extended, reconstructed, or structurally altered except as provided in this Ordinance.

B. Continued Existence.
1. The casual, intermittent, temporary, or illegal uses of land or buildings shall not be sufficient to establish the continued existence of a nonconforming use.
2. The existence of a nonconforming use on a part of a lot or parcel shall not be construed as establishing a nonconforming use on the entire lot or parcel.
3. The Administrator shall determine the continued existence of a nonconforming use. When unable to conclude the continued existence of a nonconforming use, the Administrator shall refer the matter to the Board of Adjustment. The Board shall hold a hearing on the matter in accordance with its rules.

C. Discontinuance. When any nonconforming use of land ceases for a period of 1 year, regardless of whether any fixtures or equipment are removed, the legal nonconforming status is terminated. Any subsequent use of land shall conform to the provisions of this Ordinance for the zone in which such land is located.

6.6-3.3. Nonconforming Structures
A. Buildings not Conforming as to Height, Area, or Bulk. A building, that is nonconforming in only height, lot area, or yard requirements, may be altered or extended as long as the alteration or extension does not increase the degree of nonconformity in any respect.

B. Nonconforming Dwellings in Commercial and Industrial Districts. A dwelling, used for nonresidential purposes in a commercial or an industrial zone, shall be considered a conforming structure in the application of height area, and bulk requirements.

C. Replacement of Mobile or Manufactured Home in Nonconforming Mobile Home Parks. In a nonconforming mobile home park, a mobile or manufactured home may be removed and replaced with another manufactured home as long as it is replaced within 1 year of removal. The replacement manufactured home must comply with laws, ordinances, and regulations in effect at the time of replacement.
D. Destruction.

1. A building, which incurs damage amounting to more than 50% of its fair market value immediately prior to the damage, loses its rights as a legal nonconforming structure. Any reconstruction, restoration, or alteration of such a structure must conform to this Ordinance.

2. A building, which incurs damage amounting to less than 50% of its fair market value immediately prior to the damage, may be repaired or reconstructed and used as it was before incurring damage as long as repairs or reconstruction are completed within 12 months of the date damage was incurred.

3. A nonconforming dwelling may be rebuilt in any zoning district regardless of the extent of damage.

6.6-3.4. Nonconforming Lots

A single-family detached dwelling or mobile home may be erected on a nonconforming lot, even though the lot does not meet current dimension and size requirements, in zoning districts that permit these uses under the following conditions:

A. The lot was lawfully recorded prior to the effective date of this Ordinance.

B. The improvements conform to all other applicable requirements of this Ordinance.

6.6-3.5. Nonconforming Signs in Residential Districts

The following applies to nonconforming signs in residential districts.

A. A nonconforming sign in a residential district may be maintained, but it shall not be replaced, reconstructed, moved, structurally relighted, unless in compliance with this Ordinance.

B. A nonconforming sign may continue in use unless subject to removal in accordance with this Ordinance.

C. Removal, replacement, reconstruction, relocation, or structural alteration of a nonconforming sign shall constitute loss of legal nonconforming status.

D. Supporting structures for a legal nonconforming sign may be used for a conforming sign as long as the support structures comply with this Ordinance and other applicable laws and regulations.

E. No permits for additional signs shall be issued for lots having any nonconforming signs.
Chapter 6.7. Administration and Enforcement

Section 6.7-1. Administrator Named
The Town Foreman or designee is the administrator of this Ordinance.

6.7-1.1. Responsibilities
The Administrator is responsible for interpreting and securing compliance with the provisions of this Ordinance.

6.7-1.2. Appeals of Administrative Decisions
A. An appeal from any administrative decision, requirement, interpretation, or determination may be made to the Board of Adjustment.
B. Such appeal must be made within 30 days after the decision to be appealed has been made.

Section 6.7-2. Certificates of Zoning Compliance

6.7-2.1. Purpose
A Certificate of Zoning Compliance is required to insure that a building or the proposed use of a building or premises complies with the provisions of this Ordinance prior to the issuance of a Building Permit.

6.7-2.2. Certificate Required
A Certificate of Zoning Compliance is required prior to:
A. The use of any premises
B. The excavation of any building
C. The erection or structural alteration of any building
D. The use or occupancy of any building
E. Changes in the use of any building
F. The erection of any fence. [Amended 03/25/2002]

6.7-2.3. Application Procedure
A. An application for a Certificate of Zoning Compliance shall be filed with the Administrator.
B. The Administrator shall review the application and issue a Certificate if the application is in compliance with the applicable provisions of this Ordinance.
C. The Administrator shall keep a file of Certificates issued.

6.7-2.4. Building and Manufactured Home Placement Permits
A. Building Permits. No building shall be erected, constructed, altered, moved, converted, extended, or enlarged unless a Building Permit has been obtained from Kent County. However, the County shall not issue a Building Permit without a Certificate of Zoning Compliance.
B. Manufactured Home Placement Permits. No manufactured home shall be placed for occupancy unless a Placement Permit has been obtained from Kent County. Separate Placement Permits shall not be required for each manufactured home in an approved manufactured home park or within a manufactured home park established prior to the adoption of this Ordinance. In any case, the County shall not issue a Placement Permit without a Certificate of Zoning Compliance.

6.7-2.5. Appeals
A. A applicant, whose application for a Certificate of Zoning Compliance is denied, may file an appeal with the Board of Adjustment.
B. Such appeal must be made within 30 days after the denial has been made.
Section 6.7-3. Variances

6.7-3.1. Purpose
The purpose of a variance is to grant relief from the strict application of the provisions of this Ordinance.

6.7-3.2. Application Procedure
A. An application for a variance shall be filed with the Administrator.
B. The Administrator shall review the application for completeness.
C. The Administrator shall forward the application to the Board of Adjustment for scheduling a public hearing.

6.7-3.3. General Criteria for Granting
A variance may be granted 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 owner of property as long as:
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.

6.7-3.4. Criteria for Granting Variance from Parking and Loading Requirements
In addition to the General Criteria for Granting a variance, the Board may permit variance from parking and loading requirements under the following circumstances.
A. Location of Off-Street Parking. The Board may permit required off-street parking to be provided adjacent to or within a reasonable distance from a property when practical difficulties, such as the acquisition of adjacent property or unusual hardships in connection with the property, are encountered in providing required parking on the premises.
B. Number of Spaces. The Board may permit a waiver or reduction in the parking or loading space requirements as follows:
   1. Parking and Loading. When the character of a use or building makes unnecessary the full provision of parking or loading facilities.
   2. Loading.
      a) Where adequate community facilities are provided.
      b) For uses containing less than 10,000 square feet where construction of existing buildings, access problems, or lot sizes make impractical the provision of the required number of loading spaces.

6.7-3.5. 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.

6.7-3.6. Duration and Revocation
A. The duration of a variance is 12 months from the approval date.
B. If a landowner, developer, agent, representative, or designee fails to make substantial progress in developing the land within 12 months, the variance is automatically revoked.
C. The Board of Adjustment may grant only 1, 6-month extension if applicant can demonstrate that delays were beyond his/her control.
Section 6.7-4. Conditional Use Permits

6.7-4.1. Definition and Purpose
A conditional use is a permitted use that is appropriate in a zoning district at a particular location only when certain criteria are met. The purpose of a Conditional Use Permit is to provide an additional level of review for these uses in order to determine their appropriateness at their proposed locations.

6.7-4.2. When Required.
A conditional use permit is required in accordance with Table 1. Permitted Uses and Structures.

6.7-4.3. Application Procedure
A. An application for a Conditional Use Permit shall be filed with the Administrator.
B. The Administrator shall review the application for completeness.
C. The Administrator shall forward the application to the Town Council for scheduling a public hearing.

6.7-4.4. General Criteria for Granting
A. The Town Council may authorize a conditional use when it finds from the evidence of record that the proposed use:
   1. Is in harmony with the purposes and intent of the comprehensive plan.
   2. Will be in harmony with the general character of its neighborhood considering density, design, bulk, and scale of proposed new structures.
   3. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties.
   4. Will not cause objectionable noise, vibrations, fumes, odors, dust, glare, or physical activity.
   5. Will have no detrimental effect on vehicular or pedestrian traffic.
   6. Will not adversely affect the health, safety, security, or general welfare of residents, visitors, or workers in the area.
   7. Will not, in conjunction with existing, proposed, and potential development, overburden existing public services and facilities.
   8. Meets all other applicable standards, laws, and regulations including applicable provisions of this Ordinance.
B. An applicant for a Conditional Use Permit shall have the burden of presenting the information needed by the Town Council to make a determination.

6.7-4.5. Duration and Revocation
A. The duration of a Conditional Use Permit is 12 months from the approval date.
B. If a landowner, developer, agent, representative, or designee fails to make substantial progress in developing the land within 12 months, the Conditional Use Permit is automatically revoked.
C. The Town Council may grant only 1, 6-month extension if applicant can demonstrate that delays were beyond his/her control.
6.7-4.6. Specific Requirements for Certain Conditional Uses

The following requirements are in addition to the General Requirements for Granting Conditional Use Permits.

A. Communications Towers.

1. Bulk and Lighting Regulations.
   a) Setback from all lot lines. Equal to the height of the tower.
   b) Distance from other uses.
      1) From overhead transmission lines: 2 times the height of the tower.
      2) From Residential Zones and institutional uses such as churches, educational institutions, daycare centers: 2 times the height of the tower plus 200 feet.
   c) Lighting. Except as required by the Federal Aviation Administration or other federal or state agencies, a tower may not have artificial or strobe lighting at night.

2. An application to erect a communications tower shall include the following information.
   a) Description of the tower including technical information regarding its design.
   b) A site and landscape plan.
   c) Documentation of the tower's structural integrity.
   d) Proof of ownership of or owner's written authorization to use the property on which the tower is proposed to be located.
   e) Statement of intent on whether space will be made available for other communications service providers.
   f) Written statement showing that there are no existing towers or other elevated structures that can provide the antenna platform and/or that colocation is infeasible of impractical.
   g) Written evidence of how the proposed tower complies with other laws and regulations governing communications towers particularly those of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).
   h) Other information needed for the Council to review the application.

B. Dwellings in the TC Zone.

1. In the TC Zone, the Town Council may authorize more than 1 multiple-family dwelling in conjunction with a commercial building.

2. In addition to determining whether an application meets the General Criteria for Granting, the Board must also make a finding that this conditional use:
   a) is in keeping with the intent of the TC Zone.
   b) would not result in a proliferation of multiple-family dwellings in commercial buildings in the town center.

C. Educational Institutions.

1. An educational institution must comply with the applicable standards, laws, and regulations.

2. The Council may refer applications to appropriate state or other governmental agencies for review and comment.

D. Two-Family Conversions.

When a single-family dwelling is changed to a 2-family dwelling, the following applies:

1. Each 2-family dwelling must have separate direct access to the outside.

2. Interior access between the units is not permitted.

3. Each unit must have its own kitchen and bathroom facilities. These facilities must comply with applicable building and occupancy codes.

4. Minimum floor area for each unit: 800 square feet.

5. Each unit must have its own water and sewer connections.
E. Bus Maintenance Facility.

[Subsection added 08/13/2007]

1. Definition. Any building, structure, premises, or land area used for any of the following activities in connection with buses.
   a) Maintenance, servicing, or repair.
   b) Dispensing, but not sales, of fuels for the buses regularly stored or parked on the subject property.
   c) Storage or parking.

2. Design Standards.
   a) A separate, marked parking space shall be provided for each bus that will be parked or stored at a bus maintenance facility.
   b) Employee Parking Areas.
      1) In addition to the parking spaces for buses, parking for employees shall be provided in accordance with the requirements for industrial uses.
      2) Employee parking areas shall be designed in accordance with the off-street parking standards set forth in Section 6.6-1.2.
   c) Surface Materials. Parking spaces and interior drive aisles shall have all-weather surfaces. Materials used for drainage shall be erosion resistant and in compliance with other Town requirements.
   d) Separation from Walkways and Streets. Bus maintenance facilities shall be separated from walkways, sidewalks, streets, alleys, and other public rights-of-way by a wall, fence, curbing, sufficient distance, or other approved device so that parked vehicles do not extend into public areas.
   e) Entrances and Exits.
      1) General. A bus maintenance facility shall have only 1 entrance from and 1 exit onto a single street. The entrance and exit may be separate or combined.
      2) Location and Design. The location and design of entrances and exits shall be in accordance with Town specifications.
   f) Interior Drive Aisles. The width of interior drive aisles shall be appropriate to the types of parking spaces provided.
   g) Marking. Each space shall be marked with painted lines, curbs, or other means to indicated individual spaces. Signs or other markers shall be posted to ensure efficient traffic operation within the parking lot.
   h) Lighting. Adequate lighting shall be provided when a bus maintenance facility is intended to be used at night. Lighting fixtures shall be arranged to minimize glare on adjacent residential properties.
   i) Screening.
      1) When Required. When a bus maintenance facility is located closer than 50 feet to a lot in a residential district, or to any lot used for residential purposes and where such facility is not entirely screened visually from such lot by an intervening building or structure.
      2) Height. 6 feet.
      3) Materials. Screening shall consist of a continuous compact evergreen hedge, foliage, wall, or solid fence.

3. Development-Plan Review Criteria. The applicant shall submit a site plan that includes the following information.
   a) Site-plan review information listed in Section 6.7-5.4B.
   b) Design standards outlined in Subsection 2 above.
F. Uses in the RR and I Zones.

An application for Conditional Uses Permit in the I and RR Zones must include an Environmental Impact Study. [Revised 03/08/2004]

1. The study shall analyze the effect of the proposed development on natural drainage channels and streams, natural growth, soils, air and water quality.

2. The study shall also analyze the effect of the proposed development on the use and development of the adjoining properties and the general neighborhood by considering the following:
   a) Noise.
   b) Dust.
   c) Odor.
   d) Traffic.
   e) Lighting.
   f) Smoke.
   g) Erosion.
   h) Sediment Control.
   i) Flooding.
   j) Change in natural ground cover.
   k) Other items that the Town Council requires to take action on the application.

Section 6.7-5. Site Plan Permits

6.7-5.1. Purposes

A. To ensure that proposed new developments conform to the Comprehensive Plan.
B. To avoid adverse impacts on neighboring properties and public facilities.
C. To reduce traffic hazards and improve traffic circulation.
D. To preserve existing natural features.
E. To assure adequate light and air to buildings on and off properties subject to site plan review.
F. To provide adequate access and parking.
G. To avoid overcrowding of people and buildings on properties subject to site plan review.
H. To ensure the provision of recreational amenities and open space.
I. To require, where appropriate, the provision of common open space, parking areas, and private drainage systems.

6.7-5.2. When Required

A Site Plan Permit is required in accordance with Table 1. Permitted Uses and Structures.

6.7-5.3. Application Procedure

A. An application for a Site Plan Permit shall be filed with the Administrator at least 15 days prior to a regularly-scheduled Planning Commission meeting.
B. The Administrator shall review the application for completeness.
C. The Administrator shall forward the application to the Commission for review at a regularly-scheduled meeting.
   1. The Commission shall review the application in accordance with the purposes for Site Plan Permits.
   2. In making its decision, the Commission shall state how the proposed site plan complies with the purposes for Site Plan Permits.
   3. The Commission may attach conditions to approval of a Site Plan Permit.
   4. Any conditions imposed by the Planning Commission must be met in order for the Administrator to issue a Certificate of Zoning Compliance.

6.7-5.4. Application Requirements
A Site Plan Permit application must include:
A. Community impact study.
   1. The study shall analyze the immediate and long-term effects that the proposed development would have on public services by assessing the following:
      a) Estimated revenue that the proposed development would generate to the Town.
      b) Estimated costs of the public improvements and services that would be required to serve the proposed development.
   2. The services, that a community impact study should include, are:
      a) Educational institutions.
      b) Utilities, such as water, sewer service, storm drainage.
      c) Transportation services, such as traffic signals, traffic circulation, street and road improvements, and pedestrian facilities.
      d) Public safety services, such as police and fire protection.
      e) Refuse collection and disposal.
      f) Recreation facilities.
      g) Other items that the Planning Commission requires to take action on the proposed development application.
B. A site plan, prepared by a competent professional, drawn to scale that includes at least the following information:
   1. Location, dimensions, and first floor elevations of all buildings and structures.
   2. Existing and proposed parking areas.
   3. Existing and proposed access roads.
   4. Drives and walkways.
   5. Topography and major vegetative features.
   6. Existing and proposed grading
   7. Location of landscape screens.
   8. Recreation and open space areas.
   9. Location of flood hazard areas.
C. Where appropriate, documents governing proposed covenants, restrictions and maintenance responsibilities for common areas and a provision that the Town of Clayton may enforce liens against the common owners for failure to abide by the liability and maintenance provisions.
D. Additional information or drawings required by the Planning Commission or necessary to show how the proposed development fits in with the purposes for site plan review.
6.7-5.5. **Compliance with and Amendments to Approved Site Plans**

A. **Compliance Required.** Land, for which a Site Plan Permit has been approved, shall be developed and used only in accordance with the approved plan. Use and development of such land, not in accordance with an approved Site Plan Permit, is prohibited and is a violation of this Ordinance.

B. **Amendments.**
   1. Requests to amend an approved site plan shall be filed with the Administrator.
   2. The Administrator may approve minor amendments.
   3. Major changes in an approved site plan shall be referred to the Planning Commission for review. The procedure for such review shall be the same as for a new Site Plan Permit.

6.7-5.6. **Duration and Revocation**

A. The duration of a Site Plan Permit is 12 months from the approval date.

B. If a landowner, developer, agent, representative, or designee fails to make substantial progress in developing the land within 12 months, the Site Plan Permit is automatically revoked.

C. The Planning Commission may grant only 1, 6-month extension if applicant can demonstrate that delays were beyond his/her control.

Section 6.7-6. **Amendments**

6.7-6.1. **General**

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

6.7-6.2. **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, a motion of the Planning Commission, or a petition of the owner of the property proposed for a zoning change.

6.7-6.3. **Application Submission**

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

6.7-6.4. **Planning Commission Review**

A. The Planning Commission shall consider the following:
   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) Facts existing in the vicinity of the proposed change which may warrant a change in the zoning text.
   2. For amendments to district boundaries:
      a) Facts existing in the vicinity of the proposed change the relationship of the proposed change to the general purpose and intent of the Comprehensive Plan.
      b) Facts existing in the vicinity of the proposed change which may warrant a change to a district boundary.

B. The Planning Commission shall forward the proposed amendment and its recommendation to the Town Council.
6.7-6.5. Town Council Public Hearing
A. The Town Council shall set a public hearing date.
B. Public Notice.
   1. Prior to the public hearing, a notice shall be published twice in a newspaper of general circulation.
   2. For zoning map amendments, a notice, similar to the notice placed in the newspaper, shall be posted on the property proposed for rezoning.
   3. The notices 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. The public hearing shall be held within 15 days of publication of the second notice.
D. Conduct of Public Hearing.
   1. The Planning Commission’s report and 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.
   3. Following the public hearing, the Council may make changes to a proposed text amendment.
   4. In the case of a map amendment, the council may not add land to what was included in the proposed amendment. In addition, the Council may not place the land in a classification different from the classification applied for without a new public hearing.

6.7-6.6. Limitation on Reapplication
No application for an amendment, supplement, change, or modification or repeal requesting the same relief in regard the same property shall be received by the Planning Commission for a period of one year following the decision in the matter by the Town Council.

Section 6.7-7. Violations and Penalties
6.7-7.1. 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.
6.7-7.2. Penalties for Violations
A. Initial Violation. Any person or corporation, who shall violate any provision of this Ordinance, shall fail to comply with any requirements of this Ordinance, or shall build, alter, or use any building in violation of any detailed statement or plan submitted and approved under this Ordinance, shall be guilty of a 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 that any person or corporation shall violate any provision of this Ordinance, shall fail to comply with any requirements of this Ordinance, or shall build, alter, or use any building in violation of any detailed statement or plan submitted and approved under this Ordinance.
   2. Penalty. An entity, who 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 Clayton.

6.7-7.3. 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 who have assisted in the commission of any such violation, shall be guilty or a separate offense and upon conviction thereof, shall be fined as herein before provided.
Table 1. Permitted Uses and Structures

<table>
<thead>
<tr>
<th>Permitted Uses and Structures</th>
<th>OS Zone</th>
<th>RS Zone</th>
<th>R Zone</th>
<th>R1 Zone</th>
<th>RMH Zone</th>
<th>TC Zone</th>
<th>C1 Zone</th>
<th>C2 Zone</th>
<th>I Zone</th>
<th>RR Zone</th>
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<tr>
<td>Accessory uses and structures See Section 6.4-4. Accessory Uses.</td>
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<tr>
<td>Antique shop</td>
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<td>Appliance sales, service, and repair limited to 2,500 square feet of gross floor area</td>
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<tr>
<td>Automobile filling or service station</td>
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<td>SPP</td>
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<tr>
<td>Automobile, truck or bus sales, storage, or service within enclosed building</td>
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<td>Bakery, commercial</td>
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<td>Bakery, retail provided that products prepared on premises are sold on the premises</td>
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<td>Bank, including drive-in facilities that provide sufficient storage space for drive-in vehicles</td>
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<td>Barber or beauty shop</td>
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<td>Bicycle sales and repair shop</td>
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<td>Building materials store with enclosed storage area</td>
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<td>Building materials supply or distribution facility</td>
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<td>Bus Maintenance [Added 08/13/2007]</td>
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<td>Clothing manufacture</td>
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<td>Common open areas for storage of recreational vehicles</td>
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<td>Communications towers</td>
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<td>Contractor's construction equipment, supplies, storage yard</td>
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<td>Delicatessen including catering services</td>
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<td>Drug store</td>
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<td>Dry cleaning and laundry establishments limited to 2,500 square feet</td>
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<td>Dwelling, manufactured</td>
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<td>Dwelling, multiple-family</td>
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<tr>
<td>1 unit located only on second or third story of a commercial building</td>
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<td>More than 1 unit located only on second or third story of a commercial building</td>
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<td>Dwelling, semi-detached when incorporated into a cluster development [Added 03/27/2006]</td>
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<tr>
<td>Dwelling, single-family including modular</td>
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<td>SPP</td>
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<tr>
<td>Dwelling, townhouse</td>
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<td>SPP</td>
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<td>Dwelling, triple-attached when incorporated into a cluster development [Added 03/27/2006]</td>
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<tr>
<td>Dwelling, two-family</td>
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<td>SPP</td>
<td>SPP</td>
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<tr>
<td>Eating and drinking establishments, excluding drive-in</td>
<td>SPP</td>
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<td>Educational institution</td>
<td>D</td>
<td>CUP</td>
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<tr>
<td>Electrical equipment fabrication</td>
<td>SPP</td>
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<tr>
<td>Farm equipment sales and service</td>
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<td>Fertilizer storage in bags or bulk storage of dry fertilizer, but not manufacture or processing</td>
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<td>Florist shop</td>
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<tr>
<td>Food and beverage stores</td>
<td>SPP</td>
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<td>Food production, processing, packaging, and canning</td>
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<td>Funeral home</td>
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<tr>
<td>Furniture and carpet stores</td>
<td>SPP</td>
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<tr>
<td>Garages, parking or storage with enclosed storage area</td>
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Adopted 12/14/1998 with amendments through 06/08/2009

49
### Table 1. Permitted Uses and Structures

<table>
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<tr>
<th>Blank</th>
<th>CUP</th>
<th>SPP</th>
<th>D</th>
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<tbody>
<tr>
<td>Not Permitted</td>
<td>Permitted</td>
<td>Conditional Use Permit [Sec. 6.7-4]</td>
<td>Site Plan Permit [Sec. 6.7-5.5]</td>
</tr>
<tr>
<td>See Sec. 6.1-2 Definitions</td>
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</table>

<table>
<thead>
<tr>
<th>OS Zone</th>
<th>RS Zone</th>
<th>R Zone</th>
<th>R1 Zone</th>
<th>RMH Zone</th>
<th>TC Zone</th>
<th>C1 Zone</th>
<th>C2 Zone</th>
<th>I Zone</th>
<th>RR Zone</th>
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</thead>
<tbody>
<tr>
<td>Garden supply store</td>
<td>SPP</td>
<td>P</td>
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<tr>
<td>Garden, orchard, or nursery, but not commercial greenhouses</td>
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<td>P</td>
<td>P</td>
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<td>SPP</td>
<td>P</td>
<td>P</td>
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<tr>
<td>General farming, cultivation of field crops</td>
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<td>Grain and feed supply</td>
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<td>Grain storage, blending, and packing, but not milling</td>
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<td>Grocery store</td>
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<td>Guest house</td>
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<td>Hardware store</td>
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<td>Hobby supply store</td>
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<td>Ice manufacture and storage, including dry ice</td>
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<td>Laundromat, self-service limited to 2,500 square feet of gross floor area</td>
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<td>Liquor store</td>
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<td>Lumber and building materials store with enclosed storage area</td>
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<td>Manufacture of products raw or previously prepared materials [Revised 03/08/2004]</td>
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<td>Manufactured housing community</td>
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<tr>
<td>Office machine sales, service, and repair limited to 2,500 square feet of gross floor area</td>
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<tr>
<td>Office supply store</td>
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<tr>
<td>Offices, general business</td>
<td>SPP</td>
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<td>Offices, professional</td>
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<td>Paint store</td>
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<td>Parking facilities</td>
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<tr>
<td>Pet shop, including grooming provided that all operations are conducted within a completely enclosed, soundproofed building</td>
<td>SPP</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Placement and maintenance of track and auxiliary facilities for track operations limited to the movement of rolling stock through Town limits, but excluding switching marshalling, or classification and similar activities</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Places of worship</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>SPP</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Printing, publishing, engraving, photographic processing, or blueprinting</td>
<td>SPP</td>
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</tr>
<tr>
<td>Private club, lodge, or meeting hall</td>
<td>SPP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Public buildings</td>
<td>D</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>SPP</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public park and recreation areas</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>SPP</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Public safety facility</td>
<td>D</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public utility service facilities except electric substations and relay stations</td>
<td>D</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Public utility service facilities including electric substations</td>
<td>D</td>
<td>CUP</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td>Public utility service lines</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Railroad fueling, sanding, and watering stations</td>
<td>CUP</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Railroad passenger or freight terminals</td>
<td>CUP</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Railroad power houses</td>
<td>CUP</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Railroad repair shops</td>
<td>CUP</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Railroad roundhouses</td>
<td>CUP</td>
<td></td>
<td></td>
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<td>Railroad switching operations</td>
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<td></td>
<td></td>
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<tr>
<td>Recreational facilities</td>
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<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Retail sales and personal services, general</td>
<td>SPP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Shoe repair shop limited to 2,500 square feet of gross floor area</td>
<td>SPP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Similar uses in accordance with Section 6.4-1.2</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>SPP</td>
<td>P</td>
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</table>

Adopted 12/14/1998 with amendments through 06/08/2009
<table>
<thead>
<tr>
<th>Table 1. Permitted Uses and Structures</th>
<th>OS Zone</th>
<th>RS Zone</th>
<th>R Zone</th>
<th>R1 Zone</th>
<th>RMH Zone</th>
<th>TC Zone</th>
<th>C1 Zone</th>
<th>C2 Zone</th>
<th>I Zone</th>
<th>RR Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specialty shop</td>
<td>SPP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Sporting goods store including small arms ammunition smokeless powder and primers used in small arms ammunition as defined under the National Fire Protection Association Code</td>
<td>SPP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stationery store</td>
<td>SPP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studios for artists, photographers, teachers, sculptors, or musicians</td>
<td>SPP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Television, radio, electrical equipment sales, service, and repair limited to 2,500 square feet of gross floor area</td>
<td>SPP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Temporary uses in accordance with Section 6.4-5. Temporary Uses</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Tobacco shop</td>
<td>SPP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Truck terminal</td>
<td>SPP</td>
<td>CUP</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Variety and dry goods stores</td>
<td>SPP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterinarian office, kennels, animal hospital</td>
<td>SPP</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehousing or storage excluding hazardous materials</td>
<td>SPP</td>
<td>CUP</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wearing apparel store</td>
<td>SPP</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wholesale establishment with enclosed storage area</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Yard, garden, and farm equipment sales rental and service with enclosed storage area</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Uses permitted in the RR Zone revised 03/08/2004
C2 Uses added to I Zone 06/08/2009
## Table 2. Basic Bulk Regulations

<table>
<thead>
<tr>
<th>Zone</th>
<th>D.U. Type</th>
<th>Min. Tract Area</th>
<th>Max. Density Per Acre</th>
<th>Lot Area Per D.U. (sq. ft.)</th>
<th>Lot Width, Corner or End Unit (feet)</th>
<th>Front Yard Depth (feet)</th>
<th>Side Yard Depth, Corner (feet)</th>
<th>Rear Yard Depth (feet)</th>
<th>Green Area</th>
<th>Max. Bldg. Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>OS</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>RS</td>
<td>1-Family</td>
<td>None</td>
<td>4 D.U.</td>
<td>10,000</td>
<td>75</td>
<td>85</td>
<td>20</td>
<td>10</td>
<td>15</td>
<td>30</td>
</tr>
<tr>
<td>R</td>
<td>1-Family</td>
<td>None</td>
<td>4.2 D.U.</td>
<td>8,000</td>
<td>50</td>
<td>50</td>
<td>20</td>
<td>10</td>
<td>10</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>Townhouse See also Sec. 6.5-2.8.</td>
<td>3 acres</td>
<td>8 D.U. Inner: 2,000 End: 3,000</td>
<td>20</td>
<td>30</td>
<td>20</td>
<td>N/A</td>
<td>10</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>R-1</td>
<td>1-Family</td>
<td>None</td>
<td>4.2 D.U.</td>
<td>8,000</td>
<td>50</td>
<td>50</td>
<td>20</td>
<td>10</td>
<td>10</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>Townhouse See also Sec. 6.5-2.8.</td>
<td>3 acres</td>
<td>8 D.U. Inner: 2,000 End: 3,000</td>
<td>20</td>
<td>30</td>
<td>20</td>
<td>N/A</td>
<td>10</td>
<td>20</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>Multi-family</td>
<td>None</td>
<td>15 D.U. 1,700 80 per unit</td>
<td>80 per unit 80 per unit</td>
<td>25</td>
<td>10</td>
<td>10</td>
<td>30</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td></td>
<td>RMH</td>
<td>See Table 3. Manufactured Home Bulk Regulations.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TC</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>35</td>
</tr>
<tr>
<td>C1</td>
<td>N/A</td>
<td>8,000</td>
<td>50 50 20 15 15 30</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td></td>
<td>35</td>
</tr>
<tr>
<td>C2</td>
<td>N/A</td>
<td>9,000</td>
<td>60 60 40 15 15 30</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td></td>
<td>35</td>
</tr>
<tr>
<td>I</td>
<td>N/A</td>
<td>44,000</td>
<td>100 100 50 25 50 40</td>
<td>35</td>
<td>35</td>
<td>35</td>
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<td>35</td>
</tr>
<tr>
<td>RR</td>
<td>N/A</td>
<td>44,000</td>
<td>100 100 50 25 50 40</td>
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<td>35</td>
<td>35</td>
<td>35</td>
<td></td>
<td>35</td>
</tr>
</tbody>
</table>

### Notes Applying to Entire Table
1. When a lot abuts a public alley, one-half of the alley width may be considered as a portion of a required yard.
2. Where the street frontage in a block, or within 400 feet of the lot in question, is partially built-up, the minimum front yard for a new building shall be the average of the existing front yards on either side of the lot with a variation of 5 feet permitted.
3. Front Yards Abutting Future Streets. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of the front or side yard setback shall be measured from the official line to the nearest line of the building. Where no official line is established, the right-of-way of any major thoroughfare designated on the Major Thoroughfare Plan shall be assumed to extend at least 30 feet on each side of the center line of the existing right-of-way for the purpose of measuring front or side yards.
4. Reverse frontage lots must have a front yard setback on each street.
5. Front yard setback required on each street side of a corner lot as long as the buildable width remains at least 30 feet for lots of record at the time of passage of this Ordinance.
6. The Zoning Administrator or the Planning Commission may recommend and the Town Council may approve exceptions to the above-noted setback requirements as relief for construction upon lots adjacent to a Scenic Corridor.

[RS Setbacks revised 02/10/2002]
Table 3. Manufactured Home Bulk Regulations

<table>
<thead>
<tr>
<th>Standard</th>
<th>Basic Requirement</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum tract area</td>
<td>20 acres</td>
<td></td>
</tr>
<tr>
<td>Maximum density</td>
<td>5.5 dwellings per acre</td>
<td></td>
</tr>
<tr>
<td>Minimum number of home sites</td>
<td>40 sites</td>
<td></td>
</tr>
<tr>
<td>Lot area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-wide manufactured home</td>
<td>5,000 square feet</td>
<td></td>
</tr>
<tr>
<td>Double-wide manufactured home</td>
<td>6,000 square feet</td>
<td></td>
</tr>
<tr>
<td>Lot depth</td>
<td>110 feet</td>
<td></td>
</tr>
<tr>
<td>Yards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>25 feet</td>
<td></td>
</tr>
<tr>
<td>Side</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 side</td>
<td>5 feet</td>
<td></td>
</tr>
<tr>
<td>sum of both sides</td>
<td>25 feet</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>7.5 feet</td>
<td></td>
</tr>
<tr>
<td>Distance between manufactured homes</td>
<td>30 feet</td>
<td>Must be increased proportionately if additions are anticipated. Unenclosed exterior decks or patios with supporting structures less than 3 feet high may encroach on the required minimum distances between manufactured homes.</td>
</tr>
<tr>
<td>Landscape buffer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjoining arterial street</td>
<td>50 feet</td>
<td></td>
</tr>
<tr>
<td>Adjoining non-arterial streets or adjacent lots</td>
<td>25 feet</td>
<td></td>
</tr>
<tr>
<td>Interior access drive</td>
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<tr>
<td>Total width</td>
<td>50 feet</td>
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<tr>
<td>Paved width</td>
<td>24 feet</td>
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Table 4. Cluster Development Bulk Regulations

<table>
<thead>
<tr>
<th>Standard</th>
<th>Single-Family</th>
<th>Semi-Detached</th>
<th>Triple-Attached</th>
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<tbody>
<tr>
<td><strong>Tract Standards</strong></td>
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</tr>
<tr>
<td>Tract Area</td>
<td>25 Acres</td>
<td></td>
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</tr>
<tr>
<td>Maximum Density</td>
<td>4 DUs per Acre</td>
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</tr>
<tr>
<td>Street Frontage (feet)</td>
<td>Municipal or DelDOT Standards as Applicable</td>
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</tr>
<tr>
<td><strong>Lot Standards</strong></td>
<td></td>
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</tr>
<tr>
<td>Lot Area Per DU (SF)</td>
<td>7,000</td>
<td>3,500</td>
<td>Interior 2,000; End 3,000</td>
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<tr>
<td>Street Frontage (feet)</td>
<td>30</td>
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<td>N/A</td>
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<tr>
<td>Lot Width at Front Bldg. Line (feet)</td>
<td>70</td>
<td>30</td>
<td>Interior 20; End 30</td>
</tr>
<tr>
<td>Setbacks (feet)</td>
<td></td>
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</tr>
<tr>
<td>Front Yard</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Side Yard</td>
<td>10</td>
<td>10</td>
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</tr>
<tr>
<td>Rear Yard</td>
<td>25</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Maximum Building Height</td>
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</tr>
<tr>
<td>Stories</td>
<td>2 ½</td>
<td>2 ½</td>
<td>2 ½</td>
</tr>
<tr>
<td>Feet</td>
<td>35</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>35%</td>
<td>40%</td>
<td>50%</td>
</tr>
</tbody>
</table>

Notes Applying to Entire Table
1. DU means Dwelling Unit.
2. SF means Square Feet.
3. See Table 3 in the Clayton Subdivision Ordinance for open space requirements.
[Table added 03/27/2006]
Table 5. Permitted Projections into Required Yards

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

Note: Selection of above noted Plant Unit alternatives and species may be subject to approval by the Zoning Administrator and/or the Planning and Zoning Committee. The Administrator and Planning and Zoning Committee may require certain plant unit alternatives and species, depending upon special circumstances such as visibility for safe automobile operation or the extension of an existing Greenway.

Table 6. Landscaping Standards for Lots Adjoining Scenic Corridors

<table>
<thead>
<tr>
<th>Buffer Width</th>
<th>Required Plant Units</th>
<th>Plant Unit Alternative</th>
<th>Number</th>
<th>Size and Type</th>
<th>Illustration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per setback required</td>
<td>6 plant units per 100 linear feet</td>
<td>Standard Plant Unit</td>
<td>1</td>
<td>canopy tree</td>
<td>[Illustration]</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>1-1/2&quot; to 2&quot; caliper understory</td>
<td>[Illustration]</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td>1-1/2&quot; to 3&quot; high shrubs</td>
<td>[Illustration]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alternative Unit A*</td>
<td>1</td>
<td>canopy tree</td>
<td>[Illustration]</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1-1/2&quot; to 2&quot; caliper understory</td>
<td>[Illustration]</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>5' to 6' high evergreen tree</td>
<td>[Illustration]</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>11</td>
<td>1-1/2' to 3' high shrubs</td>
<td>[Illustration]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alternative Unit B</td>
<td>2</td>
<td>1-1/2&quot; to 2&quot; caliper understory</td>
<td>[Illustration]</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td>5' to 6' high evergreen trees</td>
<td>[Illustration]</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>7</td>
<td>1-1/2' to 3' high shrubs</td>
<td>[Illustration]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alternative Unit C</td>
<td>4</td>
<td>5' to 6' high evergreen trees</td>
<td>[Illustration]</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>15</td>
<td>1-1/2' to 3' high shrubs</td>
<td>[Illustration]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Alternative Unit D</td>
<td>2</td>
<td>canopy trees</td>
<td>[Illustration]</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td>1-1/2' to 3' high shrubs</td>
<td>[Illustration]</td>
</tr>
</tbody>
</table>

Note: Selection of above noted Plant Unit alternatives and species may be subject to approval by the Zoning Administrator and/or the Planning and Zoning Committee. The Administrator and Planning and Zoning Committee may require certain plant unit alternatives and species, depending upon special circumstances such as visibility for safe automobile operation or the extension of an existing Greenway.

[Table added 02/13/2006]
### Table 7. Required Off-Street Parking Spaces

<table>
<thead>
<tr>
<th>Building and Use</th>
<th>Required Off-Street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile Filling Stations</td>
<td>1 space for each gasoline pump, plus 2 additional spaces, plus 1 space for each employee.</td>
</tr>
<tr>
<td>Automobile Repair Garage</td>
<td>1 space per 200 square feet of gross floor area used for automobile repair, plus 1 space per employee, plus additional spaces for the gross floor area devoted to retail sales as required in this table.</td>
</tr>
<tr>
<td>Beauty Parlor or Barber Shop</td>
<td>2 spaces per chair, plus 1 space per employee.</td>
</tr>
<tr>
<td>Dwelling: All Categories</td>
<td>2 spaces per dwelling unit.</td>
</tr>
<tr>
<td>Eating and Drinking Establishments</td>
<td>1 space per 100 square feet of gross floor area, plus 1 space per employee.</td>
</tr>
<tr>
<td>Educational Institutions</td>
<td>1 parking space per teacher, plus 1 space per non-teaching employee, plus 1 space per 5 students in Grades 10-12</td>
</tr>
<tr>
<td>Fire Station</td>
<td>1 space for the fire chief, plus 1 space for the fire department president, plus 2 spaces for each shift of regularly-employed fire fighters.</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>35 spaces for each viewing room, plus 1 space per business vehicle, plus 1 space per employee.</td>
</tr>
<tr>
<td>Home Occupation</td>
<td>3 spaces located in other than the required front yard and not closer than 5 feet to an adjoining lot line.</td>
</tr>
<tr>
<td>Industrial: General</td>
<td>1 space per 2 employees on the largest shift.</td>
</tr>
<tr>
<td>Industrial: Wholesale, distribution, general services, machine shops, manufacturing plants or similar establishments.</td>
<td>1 space per 2 employees on the largest shift.</td>
</tr>
<tr>
<td>Laundromat</td>
<td>1 space per 2 machines used in the operation of the business</td>
</tr>
<tr>
<td>Mobile Home</td>
<td>2.2 spaces per mobile home lot</td>
</tr>
<tr>
<td>Offices: General, Professional, Business, Non-Medical, Non-Dental</td>
<td>1 space per 200 square feet of gross floor area</td>
</tr>
<tr>
<td>Offices: Medical and Dental</td>
<td>4 spaces per doctor, plus 1 space per 2 employees.</td>
</tr>
<tr>
<td>Place of Worship, Auditorium</td>
<td>1 space per 4 seats or bench seating spaces in the principal assembly area.</td>
</tr>
<tr>
<td>Private Club or Lodge</td>
<td>1 space per 200 square feet of gross floor area, plus 1 space per employee.</td>
</tr>
<tr>
<td>Retail Sales and Services Not Listed Separately</td>
<td>1 space per 200 square feet of gross floor area, plus 1 space per employee.</td>
</tr>
</tbody>
</table>

### Table 8. Required Off-Street Loading Spaces

<table>
<thead>
<tr>
<th>Building and Use</th>
<th>Gross Floor Area in square feet</th>
<th>Required Off-Street Loading Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail store, department store, eating and drinking establishment, wholesale establishment, warehouse, general service, manufacturing, or industrial establishment</td>
<td>2,000-10,000</td>
<td>1 space</td>
</tr>
<tr>
<td></td>
<td>10,000-20,000</td>
<td>2 spaces</td>
</tr>
<tr>
<td></td>
<td>20,000-40,000</td>
<td>3 spaces</td>
</tr>
<tr>
<td></td>
<td>40,000-60,000</td>
<td>4 spaces</td>
</tr>
<tr>
<td></td>
<td>Each additional 50,000</td>
<td>1 space</td>
</tr>
<tr>
<td>Offices, office building, hospital or similar institution, places of public assembly</td>
<td>10,000-100,000</td>
<td>2 spaces</td>
</tr>
<tr>
<td></td>
<td>1000,000-200,000</td>
<td>3 spaces</td>
</tr>
<tr>
<td></td>
<td>Each additional 100,000</td>
<td>1 space</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>2,500-4,000</td>
<td>1 space</td>
</tr>
<tr>
<td></td>
<td>4,000-6,000</td>
<td>2 spaces</td>
</tr>
<tr>
<td></td>
<td>Each additional 10,000</td>
<td>1 space</td>
</tr>
<tr>
<td>Educational Institutions</td>
<td>All sizes</td>
<td>1 space</td>
</tr>
</tbody>
</table>
### Table 9. Regulations Governing Types of Signs

<table>
<thead>
<tr>
<th>Sign Types</th>
<th>OS Zone</th>
<th>RS Zone</th>
<th>R Zone</th>
<th>R1 Zone</th>
<th>RMH Zone</th>
<th>INS (a)</th>
<th>TC Zone</th>
<th>C1 Zone</th>
<th>C2 Zone</th>
<th>I Zone</th>
<th>RR Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freestanding</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential (b)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>S</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Incidental (c)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Other</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Building</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Marker (d)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Canopy</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>S</td>
<td>S</td>
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<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Identification (e)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Incidental (c)</td>
<td>P(f)</td>
<td>P(f)</td>
<td>P(f)</td>
<td>P(f)</td>
<td>P(f)</td>
<td>P(f)</td>
<td>P(f)</td>
<td>P(f)</td>
<td>P(f)</td>
<td>P(f)</td>
<td>P(f)</td>
</tr>
<tr>
<td>Marquee (g)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Projecting (g)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Residential (b)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Roof</td>
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<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Roof, Integral</td>
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<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Suspended</td>
<td>N</td>
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<td>N</td>
<td>N</td>
<td>N</td>
<td>S</td>
<td>S</td>
<td>S</td>
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</tr>
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<td>Temporary</td>
<td>P</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Wall</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<td>Window</td>
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<td>S</td>
<td>S</td>
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<td>S</td>
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<tr>
<td>Miscellaneous</td>
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</tr>
<tr>
<td>Banner</td>
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<td>P</td>
<td>P</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Flag (h)</td>
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<td>P</td>
<td>P</td>
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<td>P</td>
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<tr>
<td>Portable</td>
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<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

**Notes:**

(a) This column does not represent a zoning district. It applies to institutional uses permitted in residential zones such as churches, educational institutions, funeral homes, cemeteries.

(b) No commercial message allowed on sign.

(c) No commercial message of any kind allowed on sign if such message is legible from any location off the premises on which the sign is located.

(d) May include only building name, date of construction, or historical data on an historic site; must be etched into masonry, bronze, or similar material.

(e) Only name and address of occupant allowed on sign.

(f) No commercial message of any kind allowed on sign.

(g) Suspended signs.

(h) Includes flags of the United States, the State of Delaware, the Town of Clayton, foreign nations having diplomatic relations with the United States, and any other flags adopted or sanctioned by the Town of Clayton. Such a flag shall not exceed 60 square feet in area. The pole on which such flag is flown shall not be higher than 40 feet. Such flags shall be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these criteria shall be considered a banner and shall be subject to regulation as such.
Table 10. Regulations Governing Area, Size, Location, and Number of Signs

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>OS Zone</th>
<th>RS Zone</th>
<th>R Zone</th>
<th>R1 Zone</th>
<th>RMH Zone</th>
<th>INS Zone</th>
<th>TC Zone</th>
<th>C1 Zone</th>
<th>C2 Zone</th>
<th>I Zone</th>
<th>RR Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freestanding</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area in square feet</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>12</td>
<td>32</td>
<td>32</td>
<td>32</td>
<td>32</td>
<td>32</td>
<td>32</td>
<td>32</td>
</tr>
<tr>
<td>Height in feet</td>
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<td></td>
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<td></td>
<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Setback in feet</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Number permitted per lot</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area in square feet</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>10</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>Number permitted</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Maximum sign area in square feet</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(sum of &quot;Area in square feet&quot;)</td>
<td>4</td>
<td>4</td>
<td>4</td>
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<td>32</td>
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<tr>
<td>Total number of signs permitted</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(sum of &quot;Number Permitted&quot;)</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
<td>?</td>
</tr>
</tbody>
</table>

Notes Applying to Entire Table:
1. The column titled "INS" does not represent a zoning district. It applies to institutional uses permitted in residential zones such as churches, educational institutions, funeral homes, cemeteries.
2. In addition to the setback requirements in this table, signs shall be located such that there is at every street intersection a clear view between heights of 3 feet and 10 feet in a triangle formed by the corner and points on the curb 30 feet from the intersection or entranceway.
3. Lots fronting on 2 or more streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and use on one street in excess of that allowed for lots with only one street frontage.

Table 11. Regulations Governing Sign Characteristics

<table>
<thead>
<tr>
<th>Sign Characteristic</th>
<th>OS Zone</th>
<th>RS Zone</th>
<th>R Zone</th>
<th>R1 Zone</th>
<th>RMH Zone</th>
<th>INS Zone</th>
<th>TC Zone</th>
<th>C1 Zone</th>
<th>C2 Zone</th>
<th>I Zone</th>
<th>RR Zone</th>
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<tbody>
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<td>P</td>
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</tr>
</tbody>
</table>

Notes Applying to Entire Table:
1. The column titled "INS" does not represent a zoning district. It applies to institutional uses permitted in residential zones such as churches, educational institutions, funeral homes, cemeteries.
2. No direct light or significant glare from the sign shall be cast onto any adjacent lot that is zoned or used for residential purposes.
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