

ARTICLE I

GENERAL PROVISIONS

SECTION 1. Title. This Ordinance shall be known as the Zoning Ordinance of the Town of Houston.

SECTION 2. Purpose. The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan as required by the laws of the State of Delaware.

This Ordinance is enacted for the following purposes: To promote in accordance with present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of present and future inhabitants of the Town of Houston, Delaware, by among other things, lessening congestion in streets, securing safety from fire and other dangers, providing adequate light and air, preventing on the one hand, concentration of population, and on the other hand, excessive and wasteful scattering population, facilitating the adequate provision of transportation, water supply, drainage, sanitation, recreation, education, and other public requirements, conserving the value of buildings, and encouraging the most appropriate use of land to foster an attractive and harmonious community. These purposes may be achieved by regulating among other things, height and bulk of buildings, size of yards, density of population, building lines and setbacks, signs and location and use of land and buildings for trade, industry, residences, and other purposes.

SECTION 3. Application. This Ordinance shall apply to all of the incorporated area within the boundaries of the Town of Houston.

- A. From and after the date of the final adoption of this chapter, in the manner required by law, the use of all land and any building or portion of a building erected, altered with respect to size and area, added to or relocated, and every use within a building or use accessory thereto in any district shall be in conformity with the provisions of this chapter; provided, however, that the provisions of this chapter shall not apply to the installation, construction or erection of Houston municipal governmental buildings, including, but not limited to, municipal public offices or buildings.
- B. No building, structure or land shall hereafter be erected or altered to exceed the height or bulk of the district in which it exists or is placed; to accommodate or house a greater number of dwelling units; to occupy a greater percentage of lot area; to have a narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance.
- C. No lot existing at the time of adoption and approval of this ordinance shall be reduced in dimension or area below the minimum set forth herein. Lots created after the effective date of the ordinance shall meet at least the minimum requirements established in this ordinance.
- D. All land which may hereafter be annexed to the Town shall have applied to it a zoning classification consistent with the adopted comprehensive plan. Any proposals for zoning of the area being annexed shall be administered as a separate zoning action, which shall be a part of the annexation proceedings, in accordance with the Town Charter and State law.

SECTION 4. Interpretation. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety,

morals, convenience, order, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with, or abrogate or annul any easements, covenants or other agreements between parties, provided however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than imposed or required by other resolution, ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern. If, because of error or omission in the Zoning District Map, any property in the jurisdiction of this Ordinance is not shown as being in a zoning district, the classification of such property shall be classified P, Preservation, until changes by amendment.

SECTION 5. Regulations Applicable to all Districts. The following are regulations generally applicable to all zoning districts.

5.1 Conformance with Regulations Required

No building or land shall hereafter be used, and no building or part thereof shall be erected, reconstructed, converted, enlarged, moved or structurally altered unless in conformity with the regulations as set forth in this Ordinance.

5.2 Location on a Lot Required

No lot shall be used in whole or part unless such lot abuts on a street. In no case shall street frontage be less than 70% of the lot's width at the building points.

5.3 Encroachments: Reduction of lot area

The minimum yards, height limits, parking space, open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area or lot dimensions be reduced below the requirements of these regulations.

5.4 Accessory Building: Use for Dwelling

No accessory building shall be used for dwelling except in accord with the specific provisions of this Ordinance.

5.5 Uses Not Permitted Are Prohibited

For the purpose of this Ordinance, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this Ordinance, uses not specifically listed are prohibited.

5.6 Construction of Commercial Structures Adjacent to Railroad

It shall be unlawful to construct a commercial structure within fifty (50) feet of the right of way of the Pennsylvania Railroad and not within thirty (30) feet of the side or rear lot line on the said lands adjoining the right of way of lands of the Pennsylvania Railroad.

SECTION 6. Unzoned Land. All land which may hereafter be annexed to the Town shall have applied to it a zoning classification consistent with the adopted comprehensive plan. Any proposals for zoning of the area being annexed shall be administered as a separate zoning action, which shall be a part of the annexation proceedings, in accordance with the Town Charter and State law.

SECTION 7. Severability. If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 8. Effective Date. By action taken at its regularly scheduled meeting of July the Town Council adopted this Zoning Ordinance and accompanying Zoning District Map of the Town of Houston, and established the effective date as July 2, 1987.

SECTION 9. Definitions

For the purposes of this chapter, certain terms or words used herein shall be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- B. The present tense includes the future tense; the singular number includes the plural; the plural number includes the singular.
- C. The word "shall" is mandatory; the word "may" is permissive.
- D. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- E. The word "lot" includes the words "plot" or "parcel."
- F. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY USE or STRUCTURE — A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. An accessory structure attached to the principal building shall comply in all respects with the requirements applicable to the principal building.

AGRICULTURAL BUILDING – A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises. The term “agricultural building” shall not include dwellings.

ALCOHOLIC BEVERAGE SALES – The retail sale of beer, wine, or other alcoholic beverages for on- or off-premises consumption.

ALLEY – A narrow public or private thoroughfare, which provides only a secondary means of vehicular access to abutting properties.

ANTENNA — A device used for the transmission retransmission or reception of wireless communications, electromagnetic waves, ham radio, microwave, or radio signals including panels, microwave dishes, and single poles known as "whips."

ANTENNA LAND SITE — A tract or parcel of land that contains wireless communications facilities and associated parking, and may include other uses associated with and ancillary to wireless communication transmission.

ANTENNA SUPPORT STRUCTURE — Any pole, telescope mast, tower, tripod, lattice construction steel structure or any other structure which supports or has attached to it, an antenna(e)

and external to or attached to the exterior of any building.

ANTENNA SUPPORT STRUCTURE HEIGHT — The vertical distance measured from the base of an antenna support structure at grade to the highest point of the structure, including any antenna (e) affixed thereto. If the antenna support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna support structure height.

APARTMENT – A grouping of dwelling units sharing common elements which may include common outside access. The dwelling units share a common lot area, which is the sum of the required lot areas of all dwelling units within the building. A room or suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence by a family. No more than 20 dwelling units shall be permitted in a single apartment building.

BAR – A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic beverages.

BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDABLE AREA — The portion of a lot remaining after required yards have been provided.

BED and BREAKFAST — A single-family detached owner-occupied dwelling where the owner provides rooms for not more than three (3) rental guest rooms. No cooking facilities shall be permitted in individual rental rooms.

BLOCK — Any given portion of lands in private ownership lying within the corporate limits of the Town, but in no way intersected by the adjacent lines of any given number of public roads, avenues, streets, lanes, alleys, ways, parks, zoning districts or corporate limits of the Town.

BOARDING HOUSE – A single-family detached owner-occupied dwelling where the owner provides rooms and meals for not more than six (6) lodgers/renters, but shall not include homes for the mentally retarded, handicapped, alcoholic rehabilitants or any other persons whose fees are paid by persons other than him.

BUILDING HEIGHT — The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story of a flat roof, to the deck line of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof. Air conditioners which are enclosed so as to be obscured from view shall not be included in calculating the height. Chimneys, spires, belfries, cupolas, antennas, water tanks, ventilators, or other appurtenances usually required to be placed above roof level and not intended for home occupancy, shall not be included in calculating the height.

BUILDING LINE — A line parallel to the street line and distance from it at least the minimum depth of the required front yard.

CAMPER TRAILER – A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.

CLUSTER DEVELOPMENT- A form of residential development that concentrates buildings or lots on a part of the site to allow the remaining land to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster development will consist of one or more *cluster groups* surrounded by common open space.

CLUSTER GROUP - A group of single-family detached dwellings within a cluster development, surrounded by common open. The outer boundary of a cluster group shall be defined by the rear lot lines of the lots within the group.

CONCEPT PLAN – An informal sketch or drawing of a site or subdivision plan of sufficient accuracy to be used for discussion only.

CONVALESCENT HOME - A facility that provides nursing services and custodial care on a 24-hour basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age, require such services.

DAY CARE CENTER - Any facility operated for the purpose of providing care, protection and guidance to 10 or more individuals during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses, but excludes public and private educational facilities or any facility offering care to individuals for a full 24- hour period.

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

DWELLING, MULTIPLE-FAMILY — A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE-FAMILY — A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

DWELLING, TWO-FAMILY — A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

DWELLING UNIT — One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

FAMILY — A single person occupying a dwelling unit and maintaining a household; two (2) or more persons related by blood, marriage or adoption occupying a dwelling unit; or not more than one (1) boarder, roomer or lodger; or not more than two (2) unrelated persons occupying a dwelling unit and maintaining a common household.

FLOOD — A temporary inundation of normally dry land areas.

FLOOD, ONE-HUNDRED-YEAR PLAN — A flood that has one chance in 100 or a one-percent chance of being equaled or exceeded in any given year.

FLOODPLAIN —

- (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; or
- (2) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

FLOOR AREA, GROSS — The sum of the horizontal areas of the floor of a building which are enclosed and usable for human occupancy. Said areas shall be measured from the inside face of exterior walls, or from the center line of walls separating two dwelling units. Said areas shall not include unfinished basement or cellar space, garage space, or accessory building space, porches or decks.

FLOOR AREAS, RATIO — The floor area in square feet of all buildings on a lot divided by the area of such lot in square feet.

HISTORIC STRUCTURE — Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in a community with an historic preservation program which has been certified by a state program as determined by Secretary of the Interior.

HOME OCCUPATION — Any occupation, profession, enterprise, or activity conducted solely by no more than two members of the immediate family on the premises, provided that such use meets the following minimum conditions:

- (1) The home occupation is clearly incidental and subordinate to the residential character and use of the dwelling;
- (2) The person engaged in the home occupation must reside in the dwelling in which the home occupation is practiced or in the dwelling attached to a permitted accessory building in which the home occupation is practiced;
- (3) There shall be no external alterations inconsistent with the residential use of the dwelling. The use shall be conducted entirely within a dwelling or permitted accessory building. The total area used for the home occupation shall not exceed 1/4 the floor area of the user's living area;
- (4) There shall be no outside storage of materials or products;
- (5) No woodworking, manufacturing, repairing, mechanical or other work shall be performed outside the dwelling or accessory structure. Such activity conducted inside the dwelling or accessory structure shall be conducted so that no noise, odor, glare, vibration, electromechanical interference, dust or smoke are perceptible outside the enclosed structure in which the home occupation is conducted;
- (6) There shall be no group instruction, assembly or activity;
- (7) Such home occupation shall not include the following: barber and beauty schools, tearooms, restaurants, convalescent homes, day-care centers for adults or children, stables or kennels, nursing homes, or similar establishments;
- (8) No parking shall be allowed on a public street abutting the property;
- (9) There shall be no more than two (2) spaces for the parking of patron vehicles on the property;
- (10) There shall be no more one (1) unrelated person employed in such business; and
- (11) A business license is required.

HOSPITAL - An institution, licensed by the State Department of Health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

HOTEL, MOTEL or INN — A building or structure operated for profit, providing lodging, food and/or service to the transient traveling public and may include restaurants, taverns, clubrooms,

public banquet halls, ballrooms or meeting rooms, but the individual living units shall not contain kitchen facilities.

LOADING SPACE, OFF-STREET — Space logically and conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

LOT — A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; or
- (4) A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

LOT FRONTAGE — The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "yards" in this section.

LOT MEASUREMENTS —

- (1) **DEPTH OF A LOT** — The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (2) **WIDTH OF A LOT** — The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the 80% requirement shall not apply.

LOT OF RECORD — A lot which is part of a subdivision recorded in the Office of the Recorder of Deeds, in and for Kent County, Delaware, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES —

- (1) **CORNER LOT** — A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135°.
- (2) **INTERIOR LOT** — A lot other than a corner lot with only one frontage on a street.
- (3) **THROUGH LOT** — A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as "double frontage lots."
- (4) **REVERSED FRONTAGE LOT** — A lot on which frontage is at right angles or approximately right angles (interior angle less than 135°) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot, or a through lot.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

MANUFACTURE — A function involving either the processing or production of materials, goods or products.

MOBILE HOME/SINGLE OR DOUBLEWIDE — A structure, movable or portable dwelling over 450 square feet in size, constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round occupancy, which can consist of one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity or of two or more units separately towable but designed to be joined into one integral unit.

MULTI-FAMILY – An attached dwelling unit, which may be arranged in a variety of configurations: side by side, back to back, or vertically. The dwelling units share a common lot area, which is the sum of the required lot areas of all dwelling units within the building. The essential feature is the small number of units attached.

ONE-HUNDRED-YEAR FLOOD — A flood that has one chance in 100 or a one-percent chance of being equaled or exceeded in any given year. See also the definition of "flood, one-hundred-year plan" in this section.

OPEN PORCH — Any first floor porch entirely open to light and air on all sides thereof and from the floor to ceiling thereof, except any or all of the following:

- (1) Those sides thereof which adjoin an outer wall or walls of the main building;
- (2) A guard rail not exceeding thirty-six (36) inches in height from the floor level;
- (3) Railing or solid wall between the guard rail and floor;
- (4) Open mesh screening against insects extending substantially from the floor to the guard rail to ceiling, together with the necessary framework required to support the same; and
- (5) Necessary posts or pillars required to support the roof thereof;

OUTDOOR ADVERTISING BUSINESS — Provision of outdoor displays or display space in a lease or rental basis only.

PARKING SPACE, OFF-STREET —

- (1) Consists of a space adequate for parking an automobile with room for opening the doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated so that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another automobile.
- (2) For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the Town.

PREMISES – An area of land occupied by the buildings or other physical uses which are an integral part of the activity conducted upon the land and such open spaces as are arranged and designed to be used in conjunction with that activity.

PRIVATE GARAGE — A building accessory to a partnership, a corporation, a joint venture, a mutual stock company, or any other group of persons acting together in concert.

PUBLIC FACILITIES – Transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police, and emergency systems or facilities, electric utilities, gas utilities, cable facilities, or other public utilities.

PUBLIC NOTICE — The publication in a newspaper of general circulation in the Town of Houston at least fifteen (15) calendar days prior to any hearing advising the public of the date, time, and place of the public hearing.

RECREATIONAL VEHICLE — A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily as temporary living quarters for recreational, camping, travel or seasonal use.

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

RESIDENTIAL PLANNED COMMUNITY – A master planned residential community providing a mixture of residential housing types, community recreational facilities, and common open space areas.

RESTAURANT – Any establishment where food and drink are prepared, served, and consumed and whose design or principal method of operation is characterized by customers being provided with an individual menu and being served their food and drink by a restaurant employee at the same table or counter at which said items are consumed. A minimum of 51 percent of gross sales must be created by the sale of food.

RESTAURANT, CARRY-OUT – Food is prepared for consumption off the premises only.

RESTAURANT, DRIVE-IN AND DRIVE-THROUGH – A building and adjoining parking area used for the purpose of furnishing food and beverages to the public normally for consumption outside the confines of the principal permitted building, or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided inside for the patrons. Services are affected principally while patrons remain in their vehicles.

SERVICE STATION (also referred to as Gas Stations) –

- (1) Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:
 - (a) Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
 - (b) Tire servicing and repair, but not recapping or regrooving;
 - (c) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
 - (d) Radiator cleaning and flushing;
 - (e) Washing and polishing, and sale of automotive washing and polishing materials;
 - (f) Greasing and lubrication;
 - (g) Minor servicing and repair of carburetors;
 - (h) Emergency wiring repairs;
 - (i) Adjusting and repairing brakes;
 - (j) Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
 - (k) Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation; and
 - (l) Provision of road maps and other informational material to customers; provision of rest room facilities.

Uses permissible at a service station do not include major mechanical and body works, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage; it is not a body shop.

SHOPPING CENTER – A group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

SIGN —

- (1) Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulation herein:
 - (a) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of the occupants of the premises, or other identification of the premises not having commercial connotations;
 - (b) Flags and insignia of any government except when displayed in connection with commercial promotion;
 - (c) Legal notices;
 - (d) Identification, informational, or directional signs erected or required by governmental bodies;
 - (e) Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights; and
 - (f) Signs directing and guiding traffic or parking on private property, but bearing no advertising matter.
- (2) See Article IX for additional sign definitions.

SIGN ADVERTISING — A sign, including a billboard, directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than the property where the sign is maintained.

SIGN BUSINESS — A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered on the same property on which the sign is maintained.

SIGNS, NUMBER AND SURFACE AREA —

- (1) For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- (2) The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall be included in computation of surface area.

SIGN, OFF-SITE — A sign other than on-site sign.

SINGLE and SEPARATE OWNERSHIP — The ownership of a lot by one (1) or more persons, which ownership is separate and distinct from that of any abutting or adjoining lot.

SPECIAL EXCEPTION — A use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order,

comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, by the Board of Adjustment, if specific provisions for such special exceptions are made in this chapter.

STREET — A public right-of-way which provides a means of public access to the abutting property.

STREET LINE — The right-of-way line of a street. The line of dedication in the case of a dedicated street, avenue, lane or alley of the center line in the case of a private road.

STRUCTURE — Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, poster panels, patios, signs, pools porches, backstops for tennis courts, fences and light standards.

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

SUBSTANTIALLY COMPLETE – A structure, development or other project that is approximately eighty-percent (80%) completed or greater.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUPERMARKET – A retail establishment primarily selling food, as well as other convenience and household goods, which occupies more than 25,000 square feet of gross floor area.

TOWNHOUSE – A multi-family dwelling unit with one dwelling unit from ground to roof, forming one of a group or series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls and having roofs which may extend from one of the dwelling units to another having individual outside access.

TAVERN – See “Bar”.

VARIANCE — A relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship or an exceptional practical difficulty. As used in this chapter, a variance is authorized only for height, area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district.

WATER AND WASTEWATER FACILITIES – Water and wastewater utility facilities shall

include facilities providing service, maintenance, or repair of essential public utilities to one or more developments including but not limited to wells, pumping stations, boosters, reservoirs, repeaters, water storage tanks, lift stations, regulators, and other similar facilities; and which are not a minor or major utility facility.

WIRELESS COMMUNICATIONS EQUIPMENT BUILDING — A building or cabinet in which electronic receiving, relay or transmitting equipment for a wireless communications facility is housed.

WIRELESS COMMUNICATIONS FACILITY — The antenna(e), antenna support structure, wireless communications equipment building, parking and/or other structures, building, cabinets and equipment involved in receiving or transmitting wireless communications or radio signals.

YARD — A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD, FRONT —

- (1) A yard extending between side lot lines across the front of a lot adjoining a public street.
- (2) In the case of through lots, unless the prevailing front yard patterns on adjoining lots indicate otherwise, if a front yard that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Town Council may waive the requirements for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.
- (3) Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

YARD, REAR — A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. No fence or wall along the rear sides or rear edge of any yard shall be over six feet in height. Depth of a required yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

YARD SALE — Any public procedure involving the offering for barter, purchase, or exchange of goods and chattels in a front, side, or rear yard as defined by this section.

YARD, SIDE — A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full- and half-depth front yards have been established shall be considered side yards. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot lines.

YARD, SPECIAL — A yard behind any required yard adjacent to a public street, required to perform the same function as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the Town Council shall require a yard with minimum dimensions as generally required for a side yard or rear yard in the district determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

VILLAGE HOME – A single-family detached dwelling unit on an individual lot with private yards on all sides of the house. A village house differs from other forms of detached housing in its lot size and placement on the lot. It is similar to houses found in historic villages and towns. The house is placed close to the street and is additionally distinguished by planting or architectural treatments such as front porches and fences.