

## **ARTICLE III**

### **MISCELLANEOUS PROVISIONS**

#### **SECTION 1. Off-Street Parking**

##### **Purpose**

In order to facilitate the movement of police, fire and other emergency vehicles, to lessen congestion in the streets, to prevent obstructing traffic and blocking of streets, alleys, and entrances to buildings, the following regulations are established:

- 1.1** After the effective date of this Ordinance any building or structure erected or structurally altered, or any building or structure converted or changed in use shall provide the required off-street parking facilities.
1. These parking requirements are in addition to required space for storage of trucks or other vehicles used in connection with any permitted uses.
  2. The parking requirements in this article do not limit other parking requirements contained in the district regulations.
  3. The parking requirements in this article do not limit special requirements which may be imposed on approved conditional uses.
  4. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
  5. Except as otherwise provided, the number of employees shall be compiled on the basis of the maximum number of persons employed on the premises at one time on an average day or average night, whichever is greater. Seasonal variation in employment may be recognized in determining an average day.
  6. In the case of mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
  7. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase in parking spaces of 10 percent or more, such additional spaces shall be provided on the basis of the change or enlargement. No additional space shall be required for the first change or enlargement which would result in an increase of spaces of less than 10 percent of those required before the change or enlargement. This exception shall not apply to a series of changes or enlargements which together result in a need for an increase in parking space of 10 percent or more.

## **1.2 Joint Use and Off-Site Facilities**

1. All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained within 300 feet from an institutional building or other non-residential buildings served.
2. Up to 100 percent of the parking spaces required for a church auditorium or a school may be used jointly by banks, retail stores, repair shops, service establishments, and similar uses not normally open or operated during the same hours as churches and schools provided that written agreement thereto is properly executed and recorded as specified below.
3. In any case, where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly used, such parking space shall be established by a recorded covenant or agreement as parking space to be used in conjunction with the principal use. This parking space shall be reserved as such through an encumbrance on the title of the property. Such encumbrance shall be valid for the total period the use or uses for which the parking is needed are in existence.

## **1.3 Specific Requirements By Use**

1. Automobile Filling Stations - One parking space for each gasoline pump plus two additional spaces, plus one space for each employee.
2. Automobile Repair Garage - One parking space for each two hundred square feet of gross floor area, excluding retail sales area which shall meet the requirements for that use as specified below, plus one space for each employee.
3. Barber Shop or Beauty Shop - Two parking spaces for each beauty or barber shop chair, plus one for each employee.
4. Church, Temple, Synagogue, Auditorium - One per four seats or bench seating spaces in the main auditorium only.
5. Private Club, Lodge - One parking space for each two hundred square feet of gross floor space plus one space for each employee.
6. Commercial Establishment Devoted to Retail Sales, Trade, Merchandising or Similar Use - One parking space for each two hundred square feet of gross area used for retail sales, trade, or merchandising plus one space for each employee.

7. Firehouse - One parking space for Fire Chief, plus one space for the Fire Department President.
8. Laundromat - One parking space for each two machines used in the operation of the business, including laundry or dry cleaning.
9. Industrial Building - One space for each two employees for the main shift.
10. Home Occupation and Home Offices - Three spaces, not in the front yard and not closer than five feet to an adjoining property line.
11. Medical Clinic or Dispensary, Doctor's Office – Four parking spaces per doctor, plus one additional space for every two employees.
12. Funeral Home - Thirty-five spaces for each viewing room plus one space for each business vehicle plus one space for each employee.
13. Office Building, Professional Building or Similar Use - One parking space for each two hundred square feet of gross floor area.
14. Public Schools - One parking space per teacher, plus one additional for each regular employee, plus one space for each five students in Grade 10-12, and one off-street loading and unloading area. In no case shall the required parking spaces be part of the loading and unloading area used to satisfy this requirement.
15. Residence - Single Family - Two parking spaces for each unit with an adequate driveway to be considered as providing the required parking.
16. Residence - Two Family or Multi-Family - Two off-street parking places for each dwelling unit if new construction. If the two family or multi-family dwelling is a converted single-family residence, two off-street parking spaces shall be provided for each unit.
17. Restaurant or Similar Place Dispensing Food, Drink, or Refreshments - One parking space for each one hundred square feet of gross floor area plus one space for each employee.

#### **1.4 Design Standards**

##### **1. Minimum Area.**

For the purpose of these regulations, an off-street parking space is an all-weather surfaced area not less than 162 square feet (9' x 18') permanently reserved for the temporary storage of one vehicle and connected to a street or alley by an all-weather surfaced driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.

2. **Drainage and Maintenance.**  
Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable town specifications. Off-street parking areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles, equipment, or supplies.
3. **Separation from Walkways and Streets.**  
Off-street parking spaces shall be separated from walkways, sidewalk, streets, or alleys by a wall, fence, or curbing or other approved protective device, or by distance so that vehicles cannot protrude over publicly owned areas.
4. **Entrances and Exits.**  
Location and design of entrances and exits shall be in accordance with the requirements of applicable regulations and standards. In general, there shall not be more than one entrance and one exit, or one combined entrance and exit along any one street.
5. **Interior Drives.**  
Interior drives shall be of adequate width to serve a particular design arrangement of parking spaces.
6. **Marking.**  
Parking spaces in lots of more than ten spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation of the lot.
7. **Lighting.**  
Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare on adjacent property in a residential district. Required lighting fixtures are defined in Appendix K Lighting Fixtures.
8. **Screening.**  
When off-street parking areas for ten or more automobiles are located closer than 50 feet to a lot in a residential district, or to any lot which there is a dwelling as a permitted use under these regulations, and where such parking areas are not entirely screened visually from such lot by an intervening building or structure, a continuous, visual screen with a minimum height of six feet shall be provided between or upon which there is a dwelling. Such screen may consist of a compact evergreen hedge, foliage screening, or a wall or a fence.

**SECTION 2. Off-Street Loading Requirements**

**Specific Requirements by Use.**

Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected, or structurally altered to the extent of increasing the floor area by 25 percent or more, or any building is hereafter converted for the uses listed below, when such buildings contain the floor areas specified, accessory off-street loading spaces shall be provided as required below or as required in subsequent sections of this article.

<b><u>Use or Use Category</u></b>	<b><u>Floor Area in Square Feet</u></b>	<b><u>Loading Spaces Required</u></b>
Retail store,	2,000-10,000	One
department store,	10,000-20,000	Two
restaurant, whole-	20,000-40,000	Three
sale house, ware-	40,000-60,000	Four
house, general	each additional	One additional
service, manufact-	50,000	
uring or industrial		
establishment		
Offices or office	10,000-100,000	Two
building, hospital	100,000-200,000	Three
or similar each additional	One Additional	
institutions, or	100,000	
or places of public		
assembly		
Funeral Home	2,500-4,000	One
	4,000-6,000	Two
	each additional	One Additional
	10, 000	

**2.2 Interpretation of Specific Requirements**

1. The loading space requirements apply to all districts but do not limit the special requirements which may be imposed in the district regulations.
2. The loading space requirements in this article do not limit special requirements which may be imposed in connection with Conditional Uses.
3. Under the provision of Article V, Section 2, the Board of Adjustment may waive or reduce the loading space requirements whenever the character of the use is such as to make unnecessary the full provision of loading facilities, where provision is made for community loading facilities, or where provision of loading space requirements is impractical under certain conditions for uses which contain less than 10,000 square feet of floor area.

### **2.3 Mixed Uses in One Building**

Where a building is used for more than one use or for different uses, and where the floor area used for each for which loading space is required is below the minimum for required loading spaces but the aggregate floor area used is greater than such minimum, then off-street loading spaces shall be provided as if the entire building were used for that use in the building for which the most spaces are required. In such cases, the Town Council may make reasonable requirements for the location of required loading spaces.

### **2.4 Design Standards**

#### **1. Minimum Size.**

For the purpose of these regulations a loading space is a space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, having minimum depth of 80 feet, a vertical clearance of at least 14.5 feet.

#### **2. Loading Space for Funeral Homes.**

Loading spaces for a funeral home may be reduced in size to 10 by 25 feet and vertical clearance reduced to eight feet.

#### **3. Drainage and Maintenance.**

Off-street loading facility shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material. Off-street loading areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee and not used for the sale, repair, dismantling, or servicing of any vehicles<sup>1</sup> equipment, materials, or supplies.

#### **4. Entrances and Exits.**

Location and design of entrances and exits shall be in accord with applicable requirements of traffic regulations and standards. Where the entrance or exit of a building is designed for truck loading and unloading, such entrance or exit shall be designed to provide at least one off-street loading space. Where an off-street loading space is to be approached directly from a major thoroughfare necessary in and maneuvering a space shall be provided on the lot.

### **SECTION 3. Sign Standards and Restrictions**

For the purpose of this ordinance, signs are recognized to present problems and conditions unique unto themselves and therefore, the following regulations and restrictions are designed to insure that signs which, because of their nature, size, structure, design, color, lighting or location will not have an adverse effect on surrounding properties or on the community in general.

After the effective date of this ordinance and unless herein excepted, no sign shall be erected, constructed, posted, painted, altered, maintained, or relocated, except as provided in this section and in these regulations, until a permit has been issued by the Town Council. Before any permit is issued, an application especially provided by the Town Council shall be filed, together with a sketch or drawing or specification as may be necessary to fully advise and acquaint the Town Council with the location, construction, materials, manner of illuminating and/or securing or fastening, and number of signs applied for.

The Town Council shall remove or cause to be removed any sign erected or maintained in conflict with these regulations if the owner or lessee of either the site or the sign fails to correct the violation within 30 days after receiving a written notice of violation from the Town Council. Removal of a sign by the Town Council shall not affect any proceedings instituted prior to removal of such sign.

### **3.1 Restrictions**

1. No sign over four square feet in area will be permitted in the residential district.
2. No sign over thirty-two (32) square feet in area will be permitted in the commercial and industrial district.
3. General Advertising signs are prohibited in all districts.
4. No signs, banners, pennants, streamers, spinners, or similar devices constructed of cloth, fabric, cardboard, metal or other like material, displayed for attention getting purposes, except where the Town Council has authorized such a use on a temporary basis.
5. No sign shall flash, move, rotate, oscillate, or employ exposed gas filled or illuminated tubing such as neon, or similar type.
6. All signs shall comply with yard setback requirements of the district in which they are located except that free standing signs may be located within the front yard.
7. The owner and/or tenant of the premises shall be held responsible for any violation of these regulations. Where a sign has been erected in accordance with these regulations, the sign company shall be relieved of further responsibility under these regulations.
8. All signs shall be maintained in good condition and appearance. After due notice has been given, the Town Council may cause to be removed any sign which shows gross neglect or becomes dilapidated.
9. No more than one sign for each business per road frontage on the premises shall be allowed. Multiple tenant signs must be ground or monument signs.

### 3.2 Use Regulations

The following sign uses, and no other, are permitted as long as they meet requirements in Section 3.1.

1. Professional, accessory use or name signs indicating the profession or activity of the occupant of a dwelling, or signs indicating the private nature of a driveway or property, providing that no more than two such signs shall be located along one road frontage and that the total combined area on one side of such sign or signs shall not exceed two square feet.
2. Identification signs, announcement signs, or bulletin boards, relating to a church, school, hospital, municipal building, club, or similar public, charitable or religious institution or building, providing that no more than one sign shall be placed on any street frontage of any one property.
3. Business signs or signs which primarily direct attention to the identity of a business, profession, industry, laboratory or similar activity and which may describe in general the nature of the activity conducted on the property.
4. Official signs, erected by a public authority or public utility such as but not limited to highway signs, railroad crossing, danger and other signs that may be required by a governmental or public utility authority or agency in connection with the identification, operation or protection of property or activity.
5. Warning signs may be placed by property owners to warn of dangers, cattle crossings, and traffic directions on private drives.
6. Real Estate signs relating to the advertising of individual properties for sale or rent may be placed on the property. No more than one sign per street frontage shall be placed on a property by any one real estate organization. The sign shall be removed promptly when the properties are sold.
7. Directional signs relating to a use located in the Town may be erected off the property of use. These signs shall not include more than the name, direction and nature of the business or activity referred to. Each sign shall have not more than two square feet on one side and not more the two shall be erected for any one use. Directional signs for activities outside the Town will not be allowed within the Town.
8. Legal notices such as, but not limited to, signs used to "post" property to prevent trespassing, hunting, trapping, ET.
9. Temporary public announcements to advertise public benefits of churches, fire companies, other public charitable religious events and also public sales of an individual's household goods, farm equipment stock or

property are permitted providing that (a) the event is held within the Town (b) the notices are not posted for more than three weeks prior to the event, and (c) the notices are removed within forty-eight hours following the event.

10. Temporary non-illuminated political signs not more than sixteen square feet in area, to be removed within 7 days after the election. Removal shall be the responsibility of the candidate and/or erector of the sign.

#### **SECTION 4. Area, Bulk, Height, Screening and Modular Home Requirements**

##### **4.1 General Provisions.**

The following indicates specific minimum requirements relating to lot area, bulk, height, screening, modular home size, roof pitch and foundation requirements in various districts. Uses permitted as conditional have different requirements which may be found in Article IV Conditional Use and Non-Conforming.

##### **4.2 Yards and Open Space Generally.**

1. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.
2. Every part of a required yard shall be open to the sky, except ordinary projections of sills, window air conditioning units, chimneys, cornices, ornamental features and the like which may project to a distance no more than twenty four inches into a required yard.
3. More than one main building may be located on a lot in the case of institutional buildings, public or semi-public buildings, and commercial or industrial buildings as long as the total minimum lot area is increased proportionately to the number of buildings. In no case shall the location or erection of any building or portion of a building be outside the buildable area of the lot.
4. Where the majority of front setbacks have been established by existing development within a block, the average depth of said front setbacks shall apply. Where there is considerable irregularity in said setbacks, the Board of Adjustment may determine the appropriate setback which will be the most compatible to the established setback of existing to either side of the parcel under consideration.

##### **4.3 Front Yards.**

1. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of front or side yard shall be measured from such official line to the nearest line of the building. Where no official line is established, the right-of-way of any major thoroughfare, so designated as 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 yards required by this Ordinance.

2. In the case of through lots, the required front yard shall be provided on each street.
3. There shall be a front yard on each street side of a corner lot in any district; provided, however, that the buildable width of a lot of record at the time of passage of this Ordinance shall not be reduced to less than 30 feet.
4. Open, unenclosed porches, platforms or paved terraces, not covered by a roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the front yard not more than six feet.
5. 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 thereof in the same block with a variation of five feet permitted; provided, however, that no front yard in a residential district shall be less than 20 feet or need be more than 75 feet. Where 40 percent or more of the street frontage is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage.

#### **4.4 Side Yards.**

1. Open unenclosed porches, fire escapes, platforms or paved terraces, not covered by roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the side yard not more than six feet.
2. For the purpose of the side yard regulations, a group of business or industrial buildings separated by common or party walls shall be considered as one building occupying one lot.

#### **4.5 Rear Yards.**

1. Open fire escapes, outside stairways, and balconies, and the ordinary projections of chimneys and flues may project into the required rear yard for a distance of not more than five feet, but only where the same are so placed as not to obstruct light and ventilation.

#### **4.6 Corner Visibility**

As an aid to free safe movement of vehicles at and near street intersections and in order to promote adequate protection of the safety of children, pedestrians, operators of vehicles and for property, the following provisions shall apply:

1. There shall be limitation on the height of fences, shrubbery and other fixtures, construction and planting, in all districts where front yards are required on corner lots.
2. Such barriers to clear unobstructed vision at corners of intersecting streets shall be limited to a height of not over three feet above the established elevation of the nearest curb, for a distance of twenty feet along both the front and side lot lines, measured from the point of intersection, of the said lot lines.
3. Within the isosceles triangle formed as required in Item 2, by connecting the ends of the respective twenty foot distances, all the fixtures, construction, hedges, shrubbery and other plantings shall be limited to a height not over three feet above the elevation of the curb at the said intersecting streets.
4. Within the said triangle, the ground elevations of such front yards shall not exceed three feet above established curb elevation at said intersecting streets. This limitation shall be effective from and after the effective date of this Ordinance.
5. Any barriers to clear unobstructed vision within the said triangle which validity existed before the effective date of this Section, may be removed by any lawful means selected by the Town.

#### **4.7 Accessory Buildings and Structures.**

1. Except as herein provides, any accessory building shall not project beyond a required yard line along any street.
2. Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than 15 feet from the street lines.
3. An ornamental fence or wall not more than three and one-half feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences or walls may project into or enclose other required yards, provided such fences and walls do not exceed a height of seven feet.
4. No accessory storage of boats, boat trailers, campers, or camp trailers shall be permitted in front yard.

#### **4.8 Height Limitations Generally**

The height limitation of this Ordinance shall not apply to the following:

1. Flag poles.
2. Public monuments.

3. Water towers.
4. Ornamental towers or spires.
5. Chimneys.
6. Church spires.
7. Smoke stacks.

#### **4.9 Minimum Requirements of Modular Homes**

The minimum requirements for the placement of a modular home are as follows:

1. Must be new (no previous owner(s),) modular home
2. Minimum width of modular home - (24') twenty-four feet.
3. Minimum Area of modular home - nine hundred square feet.
4. Minimum Roof Pitch of modular home - 3:12
5. Must be attached to a permanent masonry (8" concrete block) foundation; on a continuous poured concrete footing (8" deep, 16" wide). All wheels and hitched to be removed.

### **SECTION 5. Lighting**

#### **5.1 General Provisions**

The following regulations must be followed to provide a safe and secure lighting area for the residents of the Town:

1. Street poles must comply with the standard street pole light as shown in Appendix K Lighting Fixtures. Fixtures not pictured in the Appendix must be approved by the Town Council.
2. Residential street lights shall not exceed 12 feet in height, unless otherwise approved by the Town Council.
3. All residential lighting shall be of a style compatible and consistent with the architectural style and historic context of the structure or development.
4. Building mounted lights shall be installed below the eave line and no higher than 14 feet unless used to illuminate a second story entry, eave, balcony, or outside stairway or door where in such case is should be no higher than 8 feet above the floor elevation of the second story.
5. Residential pole mounted (other that street lights) or wall mounted fixtures shall be limited to 8 feet in height above finished grade.

6. All lighting shall be glare free and shielded from the sky and adjacent properties and structures, either through exterior shields or through optics within the fixture.

## **5.2 Prohibited**

1. Flashing lights-any light that flashes, moves, revolves, rotates, scintillate, blinks, vary in intensity or color, or use intermittent electric pulsation.
2. The following light fixtures are prohibited in all new or redevelopment projects:

Cobra Style Fixtures	Open Bottom Fixtures
Flood Light Fixtures	Mongoose Fixtures
Other non-fully shielded fixtures	
3. Colored lighting unless approved by the Town Council.

## **SECTION 6. Streets and Sidewalks**

### **6.1 General Provisions for Streets**

1. Internal roads and aisles within multi-building developments shall provide clearly discernable and safe circulation throughout the development and especially within the parking areas.
2. Proposed subdivision street layout plans shall incorporate provisions for linkage streets which shall be designed to provide future access and street connection to adjacent vacant or undeveloped lands which may be developed in the future.
3. Linkage Street stubs shall be provided on average of at least one linkage street right-of-way stub to adjacent vacant or undeveloped land greater than 5 acres. Land under five acres may be subject to the same requirement, if determined necessary by the Town Council.
4. All street specifications shall be designed as stated in the Department of Transportation standards and specifications for the State of Delaware.
5. All streets must be in alignment with other streets (existing and proposed).

### **6.2 General Provisions for Sidewalks**

1. Sidewalks shall be provided along all street frontages and connection to adjacent parcels and development.
2. The sidewalk specifications shall be designed as stated in the Department of Transportation standards and specifications for the State of Delaware.
3. All newly constructed sidewalks shall be ADA compliant and installed on both sides of the street.