

Figure 240-3 Typical Residential Lot

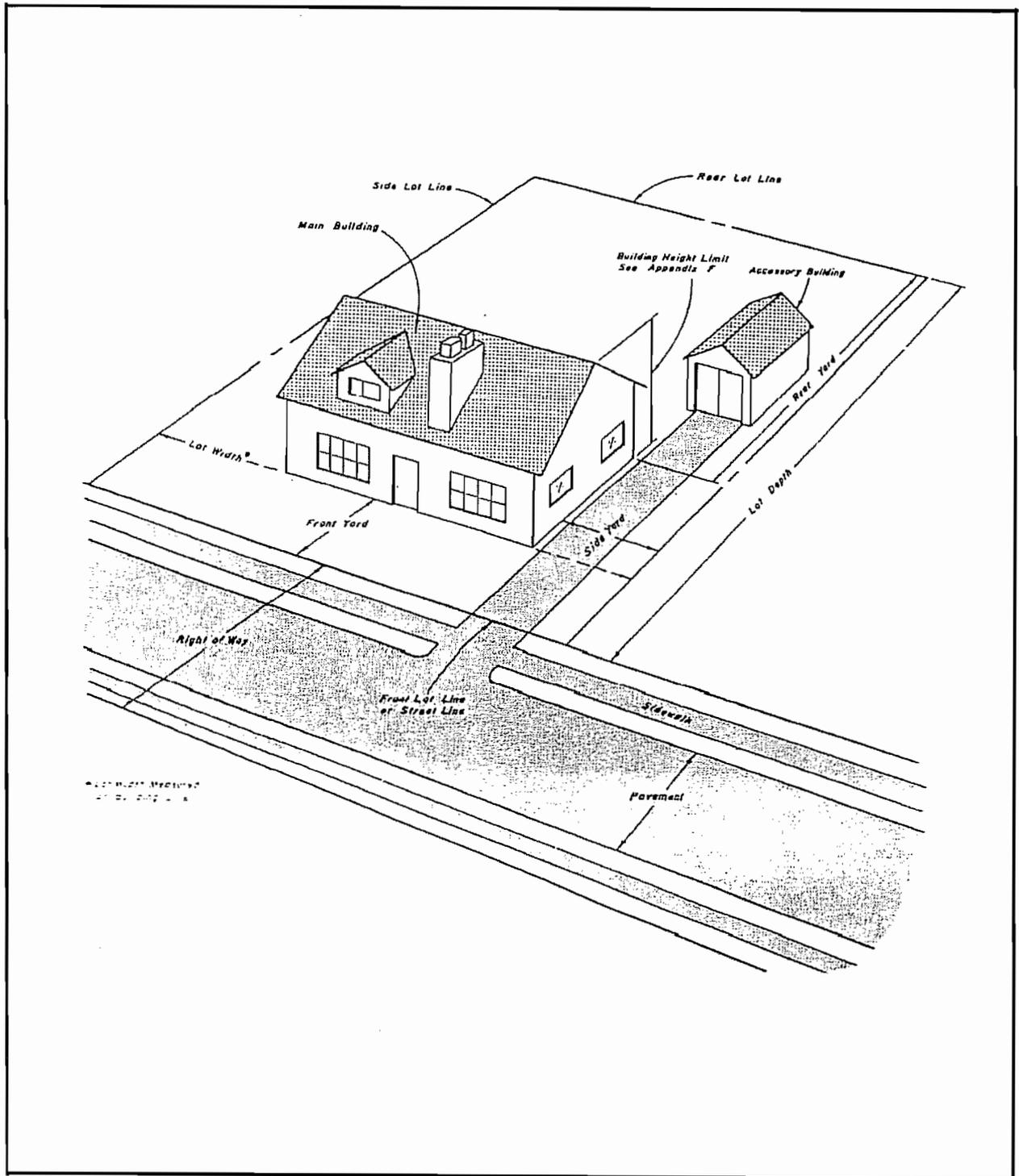


Figure 240-4 Building Height and Roof Styles

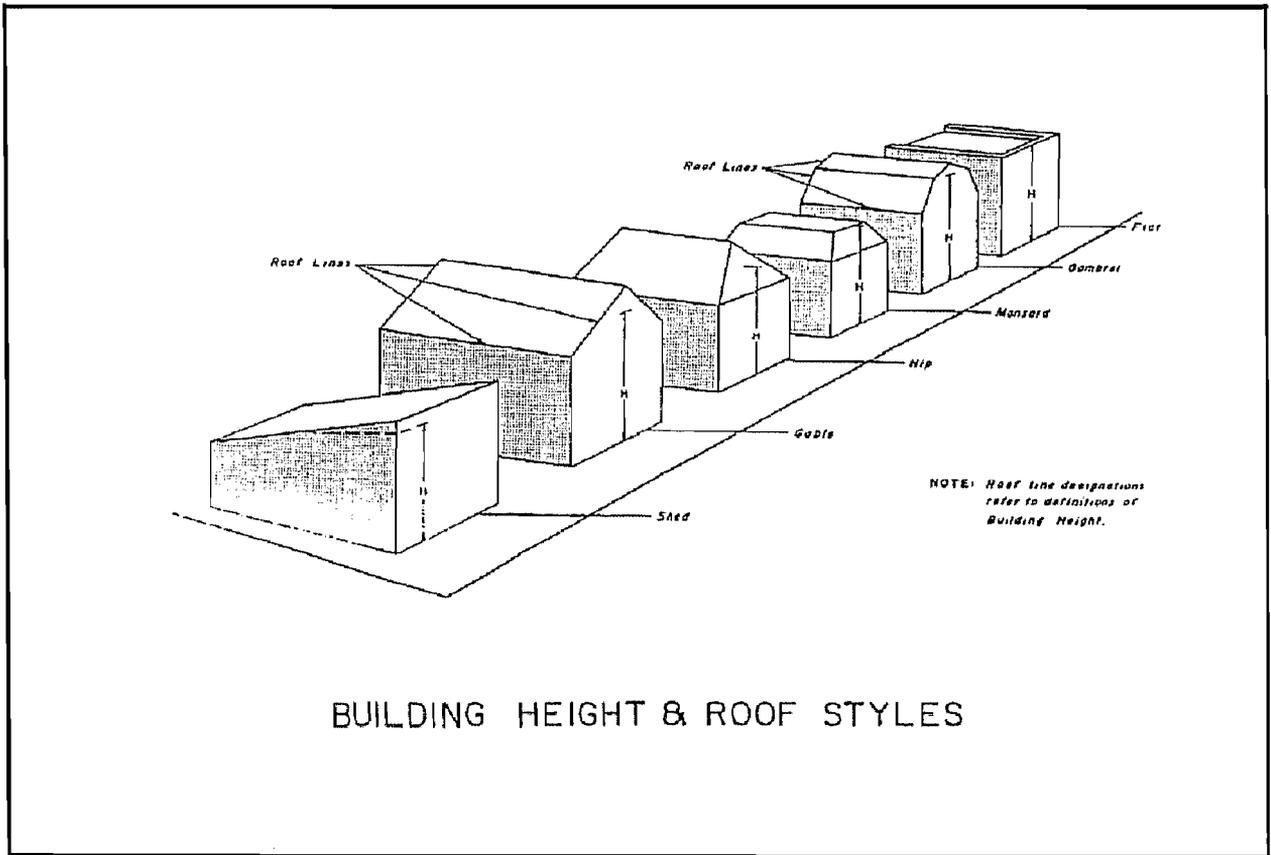
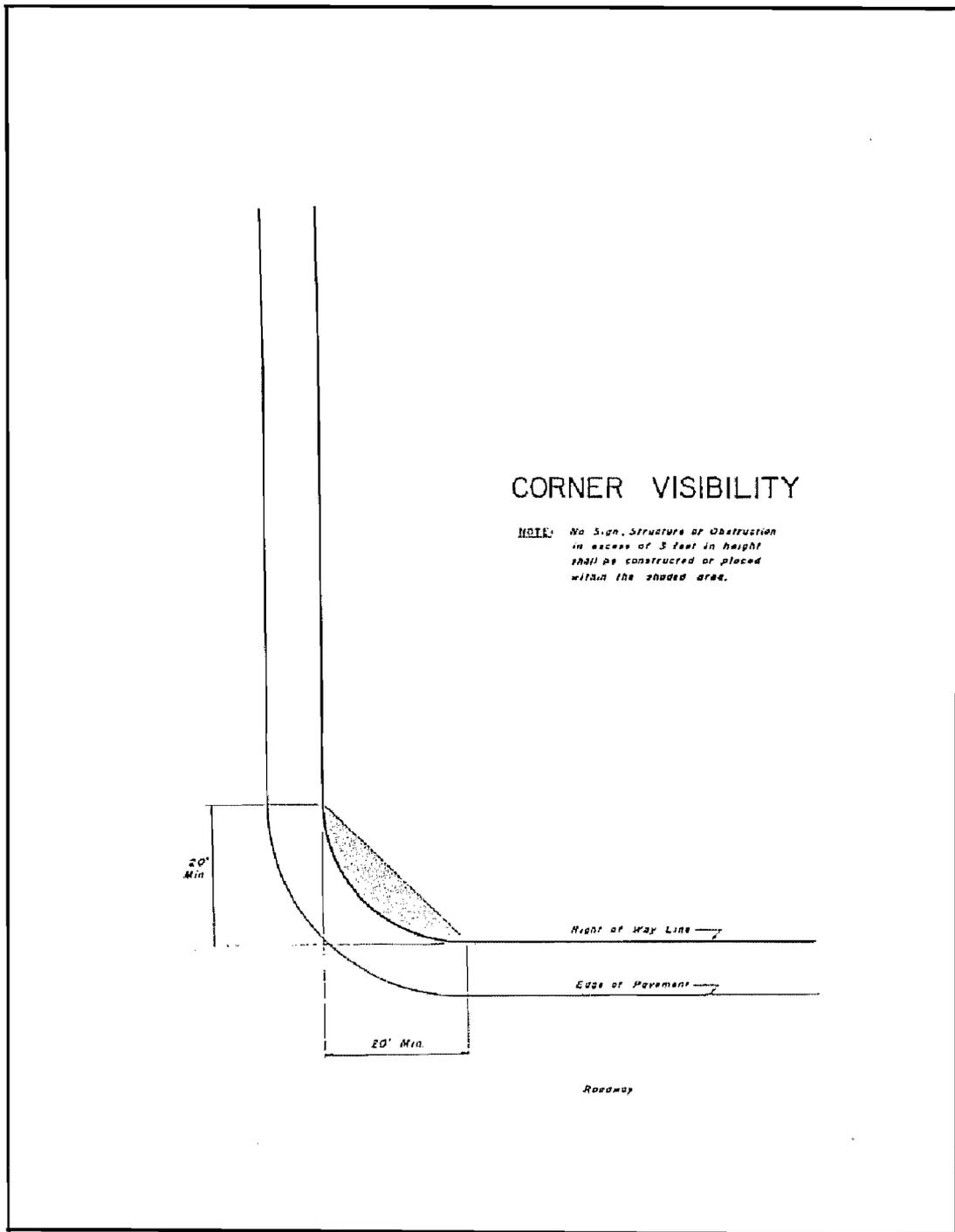


Figure 240-5 Corner Visibility



**Section 240-22 Non-Residential Zoning Districts Table 240-12 Non-residential Districts and Purpose Comp Plan Land Uses**

<b>Definition</b>	<b>Zoning District</b>	<b>Purpose(s)</b>	<b>Typical Kinds of Uses in Zone</b>
Commercial	C-1 Community Commercial	To accommodate commercial business and service uses in appropriate locations adjacent to residential areas throughout the town.	Retail stores, offices, service establishments
Commercial	C-2 Highway Commercial	To accommodate large or combined commercial uses that benefit from shared parking, service roads, drives and entrances.	Retail and wholesale establishments with drive-through services.
Industrial	I Industrial	To accommodate light industrial businesses that will provide employment.	Small repair or fabrication operations, warehousing or distribution
Agriculture/ Open Space	AG Agricultural	To preserve undeveloped areas such as open space and agricultural lands, or areas of special environmental quality.	Parks, dedicated environmental easements, farming
Various	HO Historic Properties	Additional protections for notable historic or cultural structures or locals regardless of the location within the Town of Camden.	Typically residential or local commercial and businesses in central Camden.

**Section 240-23 C-1 Community Commercial District**

A. Purpose and Intent: The regulations for the Community Commercial Use District provide opportunities for residential, office, personal, and business development and services subject to standards that will ensure land use compatibility with adjacent residential areas. (Residential Uses within this zone shall follow the standards and/or regulations of the R1 Town Residential Zone)

B. Permitted Uses. For permitted uses see Table 240-15.

C. Accessory Uses. For accessory uses see Table 240-16.

D. General Requirements.

(1) Dimensional and Density Standards. See Table 240-17. A Site Plan review is required for all uses in the C-1 district.

(2) Conditional Use Permit Requirements: If a Conditional Use Permit is required, it is indicated in Table 240-15.

(a) A Site Plan review is required for all Conditional Uses in C-1 district.

(b) A Community Impact Statement is required for all Conditional Uses as part of the Site Plan submission.

E. Off-street parking and loading and sign use are per Article IV, Supplementary Regulations.

**Section 240-24 C-2 Highway Commercial District**

A. Purpose: The purpose of this district is to provide sufficient space in appropriate locations for a variety of

commercial activities generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activities now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material or the nuisance factor of dust, odor and noise associated with manufacturing.

B. Permitted Uses. For permitted uses see Table 240-15.

C. Accessory Uses. For accessory uses see Table 240-16.

D. General Requirements.

(1) Dimensional and Density Standards. See Table 240-17. A Site Plan review is required for all uses in the C-2 district.

(a) Conditional Use Permit Requirements: If a Conditional Use Permit is required, it is indicated in Table 240-15.

E. Off-street parking and loading and sign use are per Article IV, Supplementary Regulation

F. Additional requirements for Conditional Uses. The following may be permitted as conditional use if approved by the Town Council:

(1) Adult entertainment establishments, bookstores and massage establishments and other like businesses PROVIDED:

(a) Minimum distance between this use and a lot that is zoned residential, including lots zoned residential in Kent County, or between this use and a school, place of worship, playing field, park, playground or other area where large numbers of minors regularly travel or congregate, library or other recreational facility whether commercial or nonprofit shall be 1,000 feet; and

(2) Minimum distance between this use and another establishment of this type shall be 1,000 feet; and

(3) An application for conditional use approval shall be accompanied by a letter from the Delaware Commission on Adult Entertainment indicating the Commission's intent to issue a license to the applicant when such a license is required by Chapter 16, Title 24, Delaware Code; and

(4) All building openings, entries and windows, etc., shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semi-public area; and

(5) Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public, and such displays shall be considered as signs and therefore subject to any Town of Camden Sign Regulations. One sign no larger than 32 square feet in area of any type as may be listed in Town of Camden Regulations shall be permitted.

## **Section 240-25 Industrial District (I)**

A. Purpose: The purpose of this district is to provide sufficient space in appropriate locations for certain types of commercial business and manufacturing uses relatively free from offense, in modern landscaped buildings, and to make available attractive locations for these businesses and industries. Typical development in this district would be that which is commonly known as an industrial or business park. In order to preserve the land for such uses and to avoid future conflicts between such uses and residential use, future residential uses are restricted.

B. Permitted Uses. See Table 240-15 for permitted uses.

C. Signs.

(1) One sign facing each street from which access to the lot is provided announcing the name or insignia, or both, of the company or companies housed in the development on the lot. Monument or pylon sign permitted, with conditional approval by the Planning Commission.

(2) One wall mounted sign, not to exceed an area of 50 square feet is permitted per building.

(3) If illuminated at night, such illumination shall be indirect, with all light sources shielded from the view of adjacent lots and streets and shall be extinguished not later than 9 p.m.

(4) One identification sign at each point of access to the lot with an area of not more than 3 square feet, and internal direction signs, each with an area of not more than 2 square feet, shall also be permitted.

D. Prohibited Uses: The following uses are specifically prohibited.

(1) Residences, except those existing at the time of adoption of this amendment.

(2) Manufacturing uses involving primary production of the following products from raw materials: Hot mix paving or asphalt cement, cement, charcoal, and fuel briquettes.

Chemicals: Aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxyline, rayon yarn; hydrochloric, nitric, phosphoric, picric, and sulfuric acids; coal, coke, and tar products including gas manufacturing; explosives, fertilizers, glue, and size (animal); linoleum and oil cloth; matches, paint, varnishes, and turpentine; rubber (natural or synthetic), soaps, including fat rendering.

(3) The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting, and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil; distillation of wood or bones; reduction and processing of wood pulp and fiber, including paper mill operations.

(4) Operations involving stock yards, slaughter houses, and slag piles.

(5) Storage of explosives. Bulk or wholesale storage of gasoline above ground.

(6) Dumps.

(7) Quarries, stone crushers, screening plants, and storage of quarry screenings, accessory to such uses.

(8) Junk yards, automobile dismantling plants or storage of used parts of automobiles or other machines or vehicles or of dismantled or junked automobiles.

E. Site Development Plan Approval: Site development plan approval shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of

occupancy for any change of use.

F. Performance Standards.

(1) No land or building in any zone shall be used or occupied in any manner so as to cause any one or more of the following conditions to exist and to be dangerous, injurious, noxious, or offensive beyond the boundaries of such premises in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises: fire, explosive or other hazard; noise, or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness or electromagnetic disturbance; glare, liquid or solid refuse or wastes, or other substance, conditions or element (referred to hereinafter as “dangerous or objectionable elements”), provided that any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.

(2) Uses Requiring Performance Standards Procedure: Only those in the C-2 Highway

Commercial and I Industrial Districts and uses accessory thereto, are subject to the procedure specified herein obtaining a Zoning Permit. The Building Inspector may, after showing reasonable grounds to believe that another proposed use is likely to violate performance standards, require other uses or uses in other districts to comply with performance standards procedure.

(3) Enforcement Provisions Applicable to Other Uses: Even though compliance with performance standards procedure in obtaining a zoning permit is not required for some particular uses, initial and continuing compliance with the performance standards themselves is required of every use, and provisions for enforcement of continued compliance with performance standards shall be invoked by the Building Inspector against any use if there are reasonable grounds to believe that performance standards are being violated by such use.

G. Fire and Explosion Hazards: All activities involving and all storage of inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazards of fire and explosion and adequate fire fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of the State and local laws and regulations shall also apply.

(1) Radioactivity or Electromagnetic Disturbance: No activities shall be permitted which emit dangerous radioactivity at any point, or electromagnetic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

(2) Noise: The maximum sound pressure level radiated by any use of facility (other than transportation facilities) at the property line shall not exceed the values in the designated octave bands given in Table 240-13 after applying the corrections shown in Table II. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Bank Analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standards Association, Inc., New York, NY and American Standards Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953. American Standards Association, Inc., New York, NY shall be used)

**Table 240-13 Maximum Sound Pressure Levels**

Octave Band Range in Cycle per Second	Sound Pressure in Decibels Re 0.002 dyne/cm <sup>2</sup>
30-300	60
300-2,400	40
Above 2,400	30

If the noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m. and 7:00 a.m., one or more of the corrections in Table 240-14 shall be applied to the decibel levels given in Table 240-14.

<b>Table 240-14 Noise Corrections for Performance Standards Operation and location Character of Noise</b>	<b>Correction in Decibels</b>
1. Daytime operation only	5
2. Noise source operates less than:*	
a. 20% of any 1-hour period	5
b. 05% of any 1-hour period	10
3. Noise of impulsive character, hammering et cetera	-5
4. Noise of periodic character, hum, screech, et cetera	-5
5. Corrections for specific district:	
a. C-2 Highway Commercial	5
b.	
6. Property is located within an Industrial Park, district I	10
* Apply only one correction.	

(3) No vibration shall be permitted which is discernible without instruments at the property line.

(4) Smoke: No emission shall be permitted at any point, from any chimney or otherwise, or visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro Ringlemann Chart published by McGraw-Hill Publication Company, Inc., and copyright 1954 (being a direct facsimile reduction of the standard Ringlemann Chart as issued by the United States Bureau of Mines), except that visible gray smoke shall also apply to visible smoke of a different color but with an apparently equivalent opacity.

(5) Odors: No emission shall be permitted of odorous gases or other offensive odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any offensive odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, "Odor Thresholds", in Chapter 5, "Air Pollution Abatement Manual" copyright 1951 by Manufacturing Chemists' Association, Inc., Washington D.C., and said manual and/or table as subsequently amended.

(6) Fly Ash, Dust, Fumes, Vapors, Gases, and other forms of Air Pollution: No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling, at any point; and in no event any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion standard corrections shall be applied to a stack temperature of 500° Fahrenheit and 50% excess air.

(7) No direct or sky-reflected glare whether from flood lights or from high temperature processes such as combustion welding or otherwise shall be permitted. This restriction shall not apply to signs otherwise permitted by the provisions of this ordinance.

(8) Liquid or Solid Wastes: No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, except in accord with standards approved by the State Department of Health or standards equivalent to those approved by such department for similar uses, of any materials of such nature of temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements.

#### H. Performance Standard Procedure.

(1) Application: An application for a building permit or a certificate of occupancy for a use subject to Performance Standards procedure shall be submitted to the Building Inspector in duplicate on a form prescribed by the Planning Commission and shall be referred by the Building Inspector to the Planning Commission. The applicant shall also submit in duplicate, a plan of the proposed machinery, operations, products, and specifications for the mechanisms and techniques to be used in restricting the emission of Dangerous and Objectionable Elements referred to in Section F (1) in accordance with rules prescribed by the Commission specifying the type of information required in such plans and specifications, and an affidavit by the applicant acknowledging his understanding of the applicable performance standards and agreement to conform with same at all times. No applicant will be required to reveal any secret processes, and any information submitted will be treated as confidential, if requested. The fee for such application shall include the cost of the special reports required to process it, described below.

(2) Report by Expert Consultants: The Planning Commission, if there is any reasonable doubt as to the likelihood of conformance, shall refer the application for investigation and report to one or more expert consultants, qualified to advise as to whether a proposed use will conform to the applicable Performance Standard specified herein. Such consultant or consultants shall make such report within 20 days after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.

(3) Decision of the Planning Commission: At the next regular meeting of the Planning commission, but in no event more than 30 days after the Commission has received the aforesaid report, or within such further period as agreed to by the applicant, the Commission shall decide whether the proposed use will conform to the applicable performance standards and on such basis shall authorize or refuse to authorize the issuance of a building permit or certificate of occupancy, or require a modification of the propose plan of construction. Such decision of the Commission shall be in the form of a written report. Any building permit or certificate of occupancy so authorized and issued shall be conditioned on, among other things:

(a) the applicant's completed buildings and installations in operation conforming to the applicable performance standards; and

(b) the applicant's paying the fees for services expert consultant or consultants deemed reasonable and necessary by the Planning Commission for advice as to whether or not the applicant's completed building and installations will in operation conform to the applicable performance standards.

**Table 240-15 Commercial and Industrial Permitted and Conditional Uses**

TABLE KEY: Blank Not Permitted P Permitted Use CU Conditional Use – see Section 240-31 Site Plan review required in C-1, C-2 and I for all permitted and conditional uses. See definitions in Art. VI Section 240-40	Zone C-1	Zone C-2	Zone I	Zone P	Zone R-5 Commercial or Office TND
<b>Agriculture-Related Uses</b>					
Farms, Customary and conventional farming operations including the raising of vegetables, flowers, and horticultural materials not to be construed to include commercial poultry and swine production, cattle feeder lots, and fur bearing animal farms.		P		P	
Greenhouse, Commercial					
<b>Residential Uses</b>					
Apartment above commercial or office uses	P	P			P
Bed & breakfast	CU				P
Dwelling, Two Family	CU				
Dwelling, Manufactured Home					
Dwelling, Multi-family					
Dwelling, Single Family including modular homes	P			CU	
Dwelling, Townhouse					
Home Based Businesses – See Section 240-16	CU				
<b>Sales &amp; Rental of Goods, Merchandise, and Equipment</b>					
Convenience Store		P			P
Retail Food Establishments	CU	P			P
Retail Sales, Service and Repair Establishments 2,500 SF or less	P	P			P
Retail Sales, Service and Repair Establishments more than 2,500 SF		P			CU
Retail Sales Establishments with drive-through		P			
Supermarket		P			P
Restaurant	P	P			P
Restaurant with drive through		P			
Wholesale Trade Establishments		P	P		
Shopping Center		P	P		CU
<b>Office, Clerical, Research, Personal Service and Similar Enterprises Not Primarily Related to Goods and Services</b>					
Business Service Establishments	P	P			P
Offices	P	P			P
Office Complex of multiple buildings		P	P		P
Lodging and Miscellaneous Service Establishments	CU	P	CU		CU
Personal Service Establishments, including self serve 2,500 SF or less	P	P	P		P
Personal Service Establishments incl. self-serve more than 2,500 SF					CU
Social Service Establishments	CU	P	P		P
Research, Design and Testing Laboratories			P		
Banks	P	P	P		P

TABLE KEY: Blank Not Permitted P Permitted Use CU Conditional Use – see Section 240-31 Site Plan review required in C-1, C-2 and I for all permitted and conditional uses. See definitions in Art. VI Section 240-40	Zone C-1	Zone C-2	Zone I	Zone P	Zone R-5 Commercial or Office TND
Banks with drive through; space for waiting vehicles on-site	CU	P	P		CU
Adult Entertainment, Bookstores, Cabarets		CU			
<b>Manufacturing, Assembling, Processing – see also Section 240-25</b>					
Food Processing, Packaging and Baking		P	P		
Manufacturing, Light		P	P		
Manufacturing, Heavy		P	P		
Asphalt, Aggregate, Hot Mix					
Concrete, Cement, Stone and Gravel Bulk Storage					
Commercial Composting, Materials Recycling		P	P		
Sanitary Transfer Station			P		
<b>Educational, Cultural, Religious, Philanthropic, Social, Fraternal</b>					
Club, private such as golf, swimming, and tennis clubs, lodges, and other annual membership clubs				P	P
Educational Institutions, public and private	CU	P		CU	P
Places of Worship					P
Community Center, Private	CU	P			P
<b>Institutional, Residence, Care, Confinement &amp; Medical Facilities</b>					
Day Care Center	CU	P			P
Day Care, Family (1-6 children)	CU	CU			P
Day Care, Large Family (7-12 children)	P	P			P
Hospital	CU	CU			
Medical Clinic	CU	CU			
Nursing and Care Facilities	CU	CU			CU
Surgical Center	CU	CU			CU
<b>Transportation-Related Sales &amp; Service</b>					
Motor vehicle filling stations	CU	CU			
Motor vehicle sales, repair, service and storage		P	CU		
<b>Storage &amp; Parking</b>					
Distribution Center		CU	P		
Garage, Public or Commercial Parking		CU			CU
Self-storage Facility					
Warehouse		CU	P		
<b>Public, Semi-Public, Emergency</b>					
Government Facilities and Services, local	P	P	P		P
Government Facilities and Services, non-local	CU	P	P		P
Parks & Open Space	P	CU		P	P
Public Safety Facilities including, ambulance, fire, police, rescue, and national security	P	P	P		P
Public Utility Service Facilities, see Sections 240-05 H and 240-25 F	CU	CU	P		CU
Recreation Facility		P		P	P
<b>Not Grouped Elsewhere</b>					

Accessory Uses, generally, see Table 240-16	P	P	P	P	P
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TABLE KEY: Blank Not Permitted P Permitted Use CU Conditional Use – see Section 240-31 Site Plan review required in C-1, C-2 and I for all permitted and conditional uses. See definitions in Art. VI Section 240-40	Zone C-1	Zone C-2	Zone I	Zone P	Zone R-5 Commercial or Office TND
Cemeteries	P			P	
Funeral Home		P			
Mixed use and mixed density developments		P	P		P
Veterinary clinics, animal hospitals, or commercial kennels, provided that no open pens, runs, kennels or cages are located within 200 feet of land that is used or zoned residential		P	P		

TABLE KEY: Blank Not Permitted P Permitted Use CU Conditional Use – see Section 240-31 See definitions in Art. VI Section 240-40	Zone C-1	Zone C-2	Zone I	Zone P	
<b>Accessory Uses</b>					
Accessory Farm Buildings e.g. barns, stables, silos				CU	
Accessory Maintenance and Storage for Recreational Facilities				CU	
Boat, not exceeding 25 feet in length	CU	P			
Detached home workshop	P	P			
Garden House	P	P			
Greenhouse	P	P			
Home-based business – see Section 240-16	P	P			
Junk Vehicles and Junk Vehicle Storage, unenclosed					
Playhouse	P	P			
Private courts for non-commercial swimming pools and/or games	CU	P			
Private Garage with non-residential use		P			
Radio or TV receiving tower not more than 50 feet in height	P	P			
Recreational Vehicle or Mobile Service Vehicle	P	P	P		
Tool house	P	P			
Trailer not exceeding 25 feet in length	P				
Trailer for storage or towing exceeding 25 feet in length		P	P		
Materials Stockpile, un-enclosed			CU		
Materials Stockpile, enclosed or covered			P		
Material or Equipment Storage, un-enclosed			CU		
Material or Equipment Storage, enclosed	P	P	P		

**Table 240-17 Basic Dimensional and Density Standards**

Commercial and Industrial and other Non-Residential Districts ZONING DISTRICT	C-1		C-2	I	P
	Residential	All Other Uses	All Uses	All Uses	All Uses
<b>Tract Standards</b>					
Tract Area					
Required Minimum Open Space					
<b>Min. Lot Standards</b>					
Lot Area Per DU (SF)		7,500	9,000	43,560	43,560
Street Frontage (feet)	Same as R-1 Single Family	50	60	100	100
Lot Width at Front Bldg. Line (feet)		50	60	100	100
<b>Setbacks (feet)</b>					
Front Yard	with Tract Area of 5,000 SF	25	40	50	50
Side Yard					
Interior Yards (each)		10	15	25	10
Corner Yard		20	30	50	50
Rear Yard		20	20	40	40
<b>Maximum Building Height</b>					
Stories		2 ½	3 ½ or *6	2 ½	2 ½
Feet		35	45 or *70	45	45
Maximum Building Coverage (% of Lot)					
Minimum Lot Depth		100	100	150	200

Notes:

- 1 Tract Area is the minimum acreage or square footage needed to subdivide and/or develop land for each District.
- 2 Lot Area is the minimum lot size for each use type.
- 3 SF means Square Feet
- 4 AC means Acre.
- 5 \* Lodging and/or hotels only. Property owner will be required to submit a site plan for stories and/or height over 45.

**Section 240-26 Preservation District (P)**

A. Purpose. The purpose of this district is to preserve undeveloped areas such as open space and agricultural lands, areas of special environmental quality, recreation potential, natural beauty or ecological importance, to enhance the quality of life in Camden, including the opportunity for privacy, natural environment and beauty, rural and low density surroundings and recreational assets.

- (1) Permitted and Conditional Uses, Accessory Uses. See Table 240-15 and Table 240-16.

B. Other Requirements.

- (1) Minimum lot size: 1 acre.

- (1) Minimum lot size: 1 acre.
- (2) All structures, meeting facilities or active recreation equipment shall be setback 50 feet from the front property line.
- (3) Building heights should not exceed those of the surrounding area, unless specifically necessary to provide economically viable farm storage.
- (4) Off-street parking and loading and sign use are per Article IV, Supplementary Regulations.

## ARTICLE IV SUPPLEMENTARY REGULATIONS

### **Section 240-27 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:

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 regulation.
- (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% or more, such additional spaces shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than 10% 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 spaces of 10% or more.

C. Joint Use and Off-Site Facilities.

(1) All parking spaces required herein shall be located on the same lot with the buildings 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 nonresidential buildings serve.

(a) Exception: Required parking facilities may be located within 300 feet from the building or use served when:

[1] A change in use or an enlargement of a building requires an increase in the number of parking spaces.

[2] Spaces are provided collectively to serve two (2) or more buildings.

(2) Up to 100% 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. In all cases, the off-site area allocated to parking shall be compatible for such use and all other requirements pertaining to parking shall be satisfied.

D. Specific Requirements by Use.

(1) See Table 240-10 for required off-street parking for residential units, by zoning district. See Section 240-16 for home-based business requirements.

(2) Accessible Parking: Parking spaces or zones for use by persons with disabilities shall be provided in accordance with the Americans With Disabilities Act.

(a) Accessible parking spaces shall be signed in accordance with the following:

[1] Such signs shall be vertical and placed at a height of at least five (5) feet from grade but no more than seven feet when measured from the surface directly below the sign to the top of the sign for each parking space.

[2] Such signs shall comply with federal specifications for identification of parking spaces reserved for persons with disabilities which limit or impair the ability to walk.

[3] A sign at least 12 inches wide (horizontal) and 18 inches tall (vertical) that includes the universal handicapped (wheelchair) symbol of access shall be required for each parking space reserved for use by persons with disabilities.

[4] These requirements shall not be construed to preclude additional markings, such as the international wheelchair symbol or a striped extension area painted on the space, or a tow-away warning sign.

(3) Automobile Filling Stations: one (1) parking space for each gasoline pump plus two additional spaces, plus one space for each employee. (4) Automobile Repair Garage: one (1) parking space for each 200 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.

(5) Barber Shop or Beauty Shop: two (2) parking spaces for each beauty or barber shop chair, plus one for each employee.

(6) Churches, Places of Worship, Auditorium: one (1) per four (4) seats or bench seating spaces in the main assembly area only.

(7) Private Club, Lodge: one (1) parking space for each 200 square feet of gross floor space plus one space for each employee.

(8) Commercial Establishment Devoted to Retail Sales, Trade, Merchandising, or Similar Use: one (1) parking space for each 200 square feet of gross floor space plus one space for each employee.

(9) Firehouse: Minimum of 25 parking spaces.

(10) Laundromat or other Self-Serve Service Establishments: one (1) parking space for each two (2) machines used in the operation of the business.

(11) Industrial or Manufacturing Building: one (1) space for each two (2) employees for the main shift.

(12) Medical Clinic or Dispensary, Doctor's Office: four (4) parking spaces per doctor, plus one (1) additional space for every two (2) employees.

(13) Funeral Home: 35 spaces for each viewing room plus one (1) space for each business vehicle plus (1) space for each employee.

(14) Office Building, Professional Building, or Similar Use: one (1) parking space for each 200 square feet of gross floor area.

(15) Public Schools: One (1) parking space per teacher, plus one (1) additional for each regular employee, plus one (1) space for each five (5) students in grade 10-12. Also requires one (1) 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.

(16) Restaurant or Similar Place Dispensing Food, Drink, or Refreshments: Eight (8) parking spaces for each 1000 square feet of gross floor area plus one (1) space for each employee. Restaurant with drive-through or fast food restaurant: A minimum of 15 spaces.

(17) Warehouse or Goods Storage: one (1) parking space per 1000 square feet of gross floor area or one (1) parking space per every two employees, whichever is greater.

E. Design Standards.

(1) Minimum Area: For the purpose of these regulations, an off-street parking space is an all weather surfaced area not in a street or alley and having an area not less than 162 square feet (9' x 1 8') 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. See district regulation for specific area requirements.

(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 any vehicles, or equipment or supplies.

(3) Separation from Walkways and Streets: Off-street parking spaces shall be separated from walkways, sidewalks, 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 (10) 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) Wheel-stop: All perimeter parking spaces shall have curbing or concrete parking bumpers to create a positive stop for parking vehicles.

(8) 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.

(9) 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 upon 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 the parking area and the said lot in a residential district or upon which there is a dwelling. Such screen may consist of a compact evergreen hedge, foliage screening, or a wall or a fence.

Use or Use Category	Floor Area in Square Feet	Load Spaces Required
Retail store, department store, restaurant, wholesale house, warehouse, general service, manufacturing or industrial Establishment.	2,000 – 10,000	One
	10,000 – 20,000	Two
	20,000 – 40,000	Three
	40,000 – 60,000	Four
Each Additional	50,000	One

**Section 240-28 Off-Street Loading Requirements.**

A. 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% 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.

Use or Use Category	Floor Area in Square Feet	Loading Spaces Required
Offices or office building, hospital or similar institutions or places of public assembly	10,000 – 100,000	Two
	100,000 – 200,000	Three
Each Additional	100,000	One

Use or Use Category	Floor Area in Square Feet	Loading Spaces Required
Funeral Home	2,500 – 4,000	One
Funeral Home	4,000 – 6000	Two
Each Additional	10,000	One

B. 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 provisions of loading space requirements is impractical under certain conditions for uses which contain less than 10,000 square feet of floor area.

C. 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 use 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 space 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 Administrator may make reasonable requirements for the location of required loading spaces.

D. 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 of the standing, loading, or unloading of trucks, having minimum area of 540 square feet, minimum width of 12 feet, a minimum depth of 45 feet, and 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 (8) 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, 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 (1) off-street loading space. Where an off-street loading space is to be approached directly from a major thoroughfare, necessary maneuvering space shall be provided on the lot.

### **Section 240-29 Sign Standards and Restrictions**

A. 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.

B. 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 had been issued by the Administrator. Before any permit is issued, an application especially provided by the Administrator shall be filed, together with a sketch or drawing or specification as may be necessary to fully advise and acquaint the Administrator with the location, construction, materials, manner of illuminating and/or securing or fastening, and number of signs applied for.

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

D. Restrictions.

(1) No sign over two (2) square feet in area will be permitted for home occupations in the residential district.

(2) No sign in the C1 zone shall exceed 20 square feet.

(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 Administrator has authorized such a use on a temporary basis.

(5) No sign shall flash, move, rotate, oscillate, or employ gas filled or illuminated tubing such as neon, or similar type or computer generated or electronic message boards.

(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. 78

(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 conditions and appearance. After due notice has been given, the Administrator may cause to be removed any sign which shows gross neglect or becomes dilapidated.

(9) No more than one (1) sign for each business on the premises shall be allowed.

E. Use Regulations: The following sign uses, and no other, are permitted as long as they meet requirements in Section D.

(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 (2) such signs shall be located along one (1) road frontage and that the total combined area on one (1) side of such sign or signs shall not exceed two (2) square feet.

(2) Identification signs, announcements signs, or bulleting boards, relating to a church, school, hospital, municipal building, club, or similar public, charitable or religious institution or building, providing that not more than one sign shall be placed on any street frontage of any one (1) 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 no 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, such as but not restricted to hidden driveways, 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 (2) square feet on one (1) side and not more than two (2) shall be erected for any one use. Directions 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, etc.

(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 16 square feet in area, to be removed within seven (7) days; and
- (c) the notices are removed within 48 hours following the event.

(10) Temporary non-illuminated political signs not more than 16 square feet in area, to be removed within seven (7) days after the election. Removal shall be the responsibility of the candidate and/or erector of the sign.

F. Signs on Divided Highways Route 13 in the Commercial Zoning District.

(1) On-premises signs permitted:

(a) One (1) single-faced wall mount sign for each business which fronts on Route 13. Such sign will be no larger than 15% of the area of the building front, which each business occupies.

(b) One (1) double-faced sign, no more than 200 square feet in area, in accordance with the following setbacks: Distance from Front Property Line   Maximum Size Permitted

0-5 Feet	None
Permitted 5-15 Feet	48 Square Feet
15-25 Feet	99 Square Feet
25 – 35 Feet	100-160 Square Feet
35 + Feet	200 Square Feet

(2) Sign height shall not exceed 35 feet.

(3) Off-premises signs shall be prohibited.

(4) Temporary signs shall be no larger than 100 square feet in area, nor more than 1,000 feet of streamers, flags or pennants.

(5) No billboards will be permitted.

(6) All other restrictions pertaining to signs apply.

G. Sign in Shopping Complexes (Shopping and Strip Centers).

(1) A commercial complex consists of three (3) or more business occupying the same parcel of land.

(2) Such complexes are limited to one (1) double-faced sign naming the complex and listing the tenants, located no closer than 25 feet from a property line.

(3) Sign height shall not exceed 30 feet.

(4) Double-faced signs shall not exceed 300 square feet in area.

(5) A free-standing building separate from the shopping (pad site) shall be allowed one double-faced sign, not closer than 15 feet from a front property line and not more than 64 feet in area, and sign height shall not exceed 25 feet.

- (6) No more than two (2) double-faced pad site signs are permitted in one shopping complex.
- (7) All other restrictions to signs shall apply.

H. Signs in Business Complex.

- (1) On premises signs permitted:

- (a) One (1) single-faced, wall-mounted sign for each business which fronts on Route 13 divided highway. Such sign shall be no larger than 10% of the area of the building front which each business occupies.

- (b) One double-faced sign, no more than 100 square feet in area in accordance with the

- (4) Temporary signs shall be no larger than 100 square feet in area, nor more than 1,000 square feet of streamers, flags or pennants.

- (5) Signs for the sale of real estate shall be no larger than 160 square feet in area and must be removed within 14 days after settlement.

- (6) No billboards will be permitted.

- (7) All other restrictions pertaining to signs apply following setbacks:

Distance from Front Property Line	Maximum Size Permitted
0 - 5 Feet	None Permitted
5 - 15 Feet	48 Square Feet
15-25 Feet	99 Square Feet
25-35 Feet	160 Square Feet
35 + Feet	200 Square Feet

- (2) Sign height shall not exceed 30 feet.

- (3) Off premises signs shall be prohibited.

**Section 240-30 Area, Bulk, Height and Screening Requirements**

A. General Provisions: The following chart indicates specific minimum requirements relating to lot area bulk, height and screening requirements in various districts. Uses permitted as conditional have different requirements, which may be found in Section 5 of this Article.

B. Yards and Open Space (General).

- (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 24 inches into a required yard.

(3) More than one (1) main building may be located on a lot in the case of institutional building, public or semi-public buildings, and commercial or industrial building 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 development to either side of the parcel under consideration.

#### C. 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 a 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 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 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 (6) 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 (5) 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% or more of the street frontage is improved with building(s) that have no front yard, no front yard shall be required for the remainder of the street frontage.

#### D. 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 (6) feet.

(2) For the purpose of the side yard regulations, a group of businesses or industrial separated by common or party walls shall be considered as one (1) building occupying one (1) lot.

E. Rear Yards: 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 (5) feet, but only where the same are so placed as not to obstruct light and ventilation.

F. Corner Visibility: As an aid to freer 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 limitations on the height of fences, walls, gateways, ornamental structures, hedges, 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 (3) feet above the established elevation of the nearest curb, for a distance of 25 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 20 foot distances, all the fixtures, construction, hedges, shrubbery and other planting shall be limited to a height not over three (3) feet above the elevation of the curb level at the said intersecting streets.

(4) Within the said triangle, the ground elevations of such front yards shall not exceed three (3) 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 validly existed before the effective date of this Section, may be removed by any lawful means selected by the town.

G. Accessory Buildings and Structures.

(1) Except as herein provided, no accessory building shall project beyond a required yard line along any street.

(2) Filling station pumps and pump islands may occupy the required yards; provided that they are not less than 15 feet from the street lines.

(3) An ornamental fence or wall not more than three (3) 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 six and one half (6-1/2) feet.

(4) No accessory storage of boats, boat trailers, campers, or camp trailers shall be permitted in a front yard.

H. Height limitations (General). 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

**Section 240-31      Conditional Uses**

A.      The purpose of the conditional use procedure is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses either have unusual characteristics or are generally of a public or semi-public character and are essential and desirable for the general convenience and welfare of the public. However, because of the nature of the use, the importance of its relationship to the Comprehensive Plan, and its possible impact not only on neighboring properties, but on the entire community, exercise of planning judgment on location and site plan is required.

(1)      A conditional use should be approved only if it is found that the location is appropriate and not in conflict with the Comprehensive Plan, that the public health, safety, morals and general welfare will not be adversely affected that adequate off-street parking facilities will be provided, and that necessary safeguard will be provided for the protection of surrounding property, persons and neighborhood values, and further provided that the additional standards of this section are complied with.

(2)      Unless otherwise specified in this section or specified as a condition of approval, the height limits, yard spaces, lot area, and sign requirements shall be the same as for other uses in the district in which the conditional use is located.

(3)      All applications for Conditional Uses must conform to design standards for the zoning district and/or the Land Subdivision Ordinances. If there is a conflict, the stricter standard shall apply.

(4)      Planning Commission may add conditions, as they feel necessary, to preserve the character of residential neighborhoods.

B.      Specific Conditional Use Requirements.

(1)      Communications Towers.

(a)      Every effort shall be made to co-locate on an existing structure with the Town and its environs.

(b)      A Letter of Denial from the owner(s) of any existing structure will be required prior to permitting of new tower locations.

(2)      Residential: See Table 240-3.

(3)      Commercial/Industrial: See Tables 240-15 and 240-16.