

## **Section 240-32      Nonconforming Uses**

A. Except as otherwise provided herein, the lawful use of a building or structure or the lawful use of any land existing and lawful at the effective date of this Ordinance, or in the case of a change of regulations, then at the time of such change, may be continued although such use does not conform to the provisions hereof. Except as provided in this Section, such nonconforming use may not be enlarged, extended, reconstructed or structurally altered except in compliance with the provisions in this Ordinance.

B. Buildings Non-conforming in Height, Area or Bulk: A building nonconforming only as to height, lot area or yard requirements may be altered or extended, provided such alteration or extension does not increase the degree of nonconformity in any respect.

C. Discontinuance of Nonconforming Use: No building or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of one (1) year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which such building or land is located.

D. Destruction of a Nonconforming Use: Except for residential uses which are continued under Section (i) of this Article, no building which has been damaged by any cause whatsoever to the extent of more than 50% of the fair market value of the building, immediately prior to damage, shall be restored except in conformity with the regulations of this Ordinance and all rights as a nonconforming use are terminated. If a building is damaged by less than 50% of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within 12 months of the date of such damage; however a nonconforming dwelling may be rebuilt within any zoning district.

E. Existence of Nonconforming Use: When evidence available to the Administrator is deemed by him or her to be inconclusive as to whether a nonconforming use exists, this question shall be decided by the Board of Adjustment after public notice and hearing and in accordance with the rules of the Board. The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

F. Nonconforming Lots: The owner of a lot, parcel or tract of land may erect a dwelling or make other improvements on the lot even though the lot does not conform to the requirements of this Ordinance as to area and dimension of lots, provided the lot, parcel or tract of land was lawfully on record prior to the effective date of this Ordinance and provided the improvements conform in all other respects to all other applicable regulations and restrictions.

G. Nonconforming Signs in a Residential District: In a residential district where any sign does not comply with provisions of this Ordinance, such sign and any supporting structures may be maintained but shall not be replaced, reconstructed, moved, structurally altered, or relighted except in compliance with the provisions of this Ordinance and may continue in use unless subject to removal under other provisions of this Ordinance. Removal, replacement, reconstruction, moving or structural alteration for any cause whatsoever shall be considered as a loss of nonconforming status. Supporting structures for nonconforming signs may continue in use for a conforming sign if said support structures comply in all respects to the applicable requirements of these regulation and other codes and ordinances. No permits for additional signs shall be issued for any premises on which there are any nonconforming signs.

H. Nonconforming Dwellings in Business and Industrial Districts: A dwelling nonconforming as to use in a business or industrial district shall be considered as a conforming use in the application of height, area and bulk

requirements of this Ordinance.

I. Nonconforming Uses not Validated: A nonconforming use in violation of a provision of an ordinance unless such use complies with the terms of this Ordinance.

J. Nonconforming Residential Use May be Continued: A nonconforming dwelling may be replaced or rebuilt in any zoning district.

K. Change of Nonconforming Use: If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. Whenever a nonconforming use of land or building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

## ARTICLE V ADMINISTRATION AND ENFORCEMENT

### **Section 240-33 Administration**

It shall be the duty of the Land Use Administrator to enforce the provisions of this Ordinance and to refuse to issue any permit for any building or for the use of any premises which would violate any of the provisions of said Ordinance. It shall also be the duty of all officers and employees of the Town to assist the Administrator by reporting any apparent violation in new construction, reconstruction or land uses. The methods for administering this Ordinance and the procedure to be followed in applying for a permit are covered herein under Sections 240-34 through 240-39.

### **Section 240-34 Certificate of Zoning Compliance**

No premises shall be used, no excavation for any buildings shall occur, and no building erected or structurally altered hereafter shall be used, occupied or changed in use until a Certificate of Zoning Compliance has been issued by the Administrator, stating that the building or proposed use of a building or premises complies with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Administrator.

### **Section 240-35 Building Permits**

A. No building shall be erected, constructed, altered, moved, converted, extended or enlarged without the owner first obtaining a building permit from the Land Use Administrator as outlined in Camden Ordinance #78. No such permit shall be issued until the applicant obtains a Certificate of Zoning Compliance from the Administrator of these regulations in the Town of Camden.

B. No mobile home shall be placed for occupancy without the owner or owners first having obtained a placement permit from the Building Inspector. Separate permits shall not be required for each mobile home as authorized in an approved mobile home park or as authorized within the limits of a mobile home park as established prior to the enactment of applicable zoning regulations. In any case, a placement permit shall not be issued until a Certificate of Zoning Compliance is obtained from the Town of Camden.

### **Section 240-36 Site Plan**

A. Site Plan Requirements: No building permit shall be issued for any residential, industrial, commercial, community commercial, historic, public or quasi-public structure or use until the site plan has been reviewed and approved by the Planning Commission.

- (1) Approval of a site plan for a detached single-family dwelling and its accessory building(s) on a lot

in any zoning district where such use is permitted shall not require site plan review.

(2) Site plan review is required for all projects proposed in Districts R-3, R-4, R-5, C-1, C-2 and I.

(3) Site plan review is required for all conditional uses in all districts.

(4) The Commission shall review the proposal, determine whether or not the applicable standards provided by this zoning ordinance have been observed, note objections to such parts of the plans as do not meet the standards, make corrections and recommendations for desired changes to effect compliance with this ordinance, and be satisfied that the site plan represents the most desirable alternative for development of the site in compliance with this chapter and, when satisfied that proposals requiring both a site plan approval and action by the Board of Adjustment shall be submitted first to the Planning Commission for site plan approval.

(5) Planning Commission reserves the right to add conditions to site plan applications in which there are health, safety and welfare or impact issues to be addressed.

(6) The site plan shall be drawn to scale by a Delaware licensed surveyor, architect or similar licensed professional in accord with applicable law and shall contain all pertinent information normally associated with site plan design including but not necessarily limited to the following:

- (a) Location, dimensions and elevations of all buildings and structures, existing and proposed.
- (b) Existing and proposed utilities.
- (c) Area for existing and proposed parking and loading spaces.
- (d) Existing and proposed access roads, drives, service roads, easements and right-of-ways.
- (e) Proposed drive aisle and walkways, traffic circulation, signage or paint marks.
- (f) Topography and major vegetation features.
- (g) Proposed grading, and permanent stormwater management structures.
- (h) Location of proposed landscaped areas, landscape screens or buffers.
- (i) Recreation, outdoor living and other open areas.
- (j) All environmentally sensitive areas.

B. Any additional information requested by the Planning Commission.

### **Section 240-37 Violations and Penalties**

A. In case any building is erected, constructed, reconstructed, altered, repaired or converted to any building or land use in violation of this Ordinance, the Administrator is authorized and directed to institute any appropriate action to put an end to such violation.

B. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof or who shall build or alter any building in violation of any

detailed statement or plan submitted and approved thereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$100 or be imprisoned not more than 30 days or both, and each and every day such violation shall continue shall be deemed a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this Ordinance shall be placed or shall exist and any architect, builder, contractor, or agent person or corporation employed in connection therewith and who have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof, shall be fined as herein before provided.

### **Section 240-38      Establishment of Board of Adjustment**

A.      A Board of Adjustment is hereby established and shall consist of five members, each appointed for a term of three (3) years. The persons appointed to the Board of Adjustment shall be residents of the Town of Camden with knowledge and experience in the area of community development who shall be appointed by the Mayor. Any member of the Board may be removed for cause by the Town Council upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

B.      The Board shall adopt rules for the conduct of its business, such rules to be made available to the public. For the conduct of any hearing a quorum shall be not less than three (3) members and an affirmative vote of three (3) members of the Board shall be required to overrule any decision, ruling or determination of the official charged with enforcement of this Ordinance or to approve any variance.

C.      All actions or decisions of the Board shall be taken by resolution, in which at least three (3) members must concur. Each resolution shall contain a statement of the grounds and findings forming the basis of such action or decision, and the full text of said resolution and record of member's votes shall be incorporated into the minutes of said Board. No appeal requesting the same relief in regard to the same property shall be received or heard by the Board for a period of one (1) year following the date of said resolution, except that this limitation shall not affect the right of the Board to grant a rehearing as provided in the Board's Rules of Procedures.

D.      Duties, Powers and Responsibilities of the Board. The Board shall have the following powers:

(1)      To hear and decide appeals where it is alleged there is error in any order requirement, decision or determination made by an administrative official in the administrative enforcement of this Ordinance.

(2)      To authorize upon appeal in specific cases such variance from the specific terms of this Ordinance as will not be contrary to the public interest, when owing to special conditions a strict application of the provisions of this Ordinance will result in peculiar and exceptional practical difficulties or exceptional and undue hardship, provided that the spirit of the Comprehensive Plan and Zoning Ordinance shall be observed, public safety and welfare secured and substantial justice done as hereinafter provided.

(3)      To hear and decide applications for the interpretation of this Ordinance or the District Map where there is any uncertainty as to the location of a district boundary.

E.      Procedures.

(1)      Variances: Applications for variance may be made by any property owner, tenant or governmental official. Such application shall be made in accordance with rules adopted by the Board. The application and accompanying maps, plans or other information shall be transmitted promptly to the Secretary of the Board who shall place the matter on the docket, advertise a public hearing thereon and file written notice of such hearing with the parties of interest. A similar notice shall be posted on the property under consideration. The Secretary of the Board shall also transmit a copy of the application to the Planning Commission which may send a

recommendation to the Board or appear as a party at the hearing.

(2) Appeals:

(a) Appeals to the Board of Adjustment may be taken by any person aggrieved by his inability to obtain a certificate of zoning compliance or by the decision of any administrative officer based upon or made in the course of the administration or enforcement of the provisions of the zoning regulation.

(b) Appeals to the Board of Adjustment may be taken by any officer of the Town affected by the grant or refusal of a certificate of zoning compliance or by the other decision of an administrative officer based on or made in the course of the administration or enforcement of the provisions of the zoning regulations.

(c) Such appeal shall be taken within 30 days after the decision appealed from the filing with the Secretary of the Board.

(d) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Secretary of the Board certifies to the Board that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed except by a restraining order granted by the Board or by a court of record, on application and on notice to the Secretary of the Board and for good cause shown.

(3) General:

(a) The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties of interest and decide the same within 60 days. Public notice of the hearing shall consist of publication of a legal notice at least 15 days prior to the hearing in a newspaper of general circulation in the town. Such notice shall specify the time, place, and nature of the hearing. The hearing shall be held not less than five (5) days, nor more than ten (10) days after final publication. In exercising its powers the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from.

(b) The Board shall designate a secretary to keep minutes of its proceedings and other official actions which shall be filed in the office of the Board and shall be public records. The Chairman of the Board, or in his / her absence the Vice Chairman, may administer oaths and compel the attendance of witnesses. All testimony shall be given under oath or affirmation.

F. Variances. Subject to the provisions of Section (c) of this Article, the Board shall have the power to grant the following variances:

(1) A variance in the yard requirements in any district so as to relieve practical difficulties or particular hardships in cases when and where, by reason of exceptional narrowness, shallowness, size or shape of a specific piece of property, at the time of the enactment of such regulation or restriction or by reason of exceptional topographical conditions or other extraordinary situation or condition of such piece of property or the use of development of property immediately adjacent thereto, the strict application of each regulation or restriction, would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property. Such grant or variance shall comply as nearly as possible in every respect with the spirit, intent and purpose of the comprehensive plan; it being the purpose of this provision to authorize the granting of variation on, for reasons of demonstrable and exceptional hardship, as distinguished from variations sought by applicants for purposes or reasons of convenience, profit or caprice.

(a) No variance shall be authorized by the Board unless it finds:

[1] That the strict application of the Ordinance would produce undue hardship.

[2] That such hardship is not shared generally by other properties in the same zoning district and same vicinity.

[3] That the authorization of such variance will not be a substantial detriment to the public good or to adjacent property and that the character of the district will not be changed by the granting of the variance.

[4] No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.

(2) An exception to the height regulations in an Industrial District.

(3) Exceptions to parking and loading requirements as follows:

(a) Off-street parking areas, adjacent to or at reasonable distance from the premises on which parking areas are required by the parking regulations of Article IV where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would best be served by permitting such parking off the premises.

(b) Waiver or reduction of the parking and loading requirements in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.

(c) Waiver or reduction of loading space requirements where adequate community loading facilities are provided.

(d) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area where construction of existing buildings, problems or access or size of lot make impractical the provision of required loading space.

(4) In cases of uncertainty, a determination of the district classification of any use not specifically named in these regulations provided, however, such use shall be in keeping with uses specifically permitted in the districts in which such use is to be classified.

G. Conditions Attached to Approvals. Where variances are permitted in these regulations they may be limited by such conditions as the case may require, including but not limited to, the imposition of any of the following specifications:

(1) Amount, direction, and location of outside lighting.

(2) Amount and location of off-street parking and loading space.

(3) Type of construction and materials.

- (4) Paving, shrubbery, landscaping or ornamental or screening fences, walls or hedges.
- (5) Time of day or night for operation.
- (6) Control or elimination of smoke, dust, gas, noise or vibration caused by operations.
- (7) Requirements for termination of a use based on lapse of time or such other conditions as the Board may specify.
- (8) Such other conditions as are deemed necessary by the Board of Adjustment.

H. **Amendment of Variance:** The procedure for amendment of a variance already approved or a request for a change of conditions attached to an approval shall be the same as for a new application except that where the Land Use Administrator for the board determines the change to be minor relative to the original approval, he / she may transmit the same to the Board with the original record without requiring that a new application be filed.

I. **Appeals to Courts:** Appeals to courts from a decision of the Board may be filed in the manner prescribed by law.

#### **Section 240-39      Changes and Amendments**

The Town Council may, from time to time, amend, supplement, change or modify by ordinance the number, shape, area or boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the Town Council or by motion of the Planning Commission or by petition of any property owner addressed to the Town Council.

A. All proposed amendments whether an amendment in text or a modification in districts, shall be first submitted to the office of the Land Use Administrator in writing at least 30 days in advance of the next regular meeting of the Board of Adjustment. The Chairman shall then schedule a review of the proposal at the next Board meeting, at which time consideration shall be given to the relation of the proposed change to the general purpose and intent of the ordinances and to the Comprehensive Plan, and the facts existing in the vicinity of the proposed change which may warrant a change to the district boundaries or to the rules and regulations of the ordinance.

B. Subsequent to the Board of Adjustment's review, the Chairman shall notify the Town Council of the applicant's desire to proceed with a formal hearing date and shall cause a notice to be published in a paper of general circulation in the Town of Camden setting forth the time and place of public hearing, not later than 15 days prior to the established hearing date. A similar notice shall be posted on the Town website and bulletin board.

C. **Review of Amendment.**

(1) The Land Use Administrator's report and the Board of Adjustment's recommendation shall accompany the amending ordinance when it is presented to the Camden Town Council for official action. No amendment, supplement, change or modification or repeal by the Camden Town Council shall become effective until after a Public Hearing has been held at which time all interested parties and citizens shall have an opportunity to be heard.

(2) Following its public hearing, the Town Council may make appropriate changes or corrections in an ordinance or proposed amendment, provided however, that no additional land may be zoned to a different classification than as contained in the public notice without an additional public hearing after notice as required in

parts A and B of this Section.

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

## ARTICLE VI DEFINITIONS AND WORD USE

### Section 240-40 Definitions

A. For the purposes in this Ordinance, certain words in the singular number shall include the plural number and words in the plural numbers shall include the singular number, unless the obvious construction of the wording indicates otherwise. Words in the present tense include the past and future tenses, and the future the present. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

B. Furthermore, the word “shall” is mandatory and “may” is permissive; the word “used” shall be deemed also to include “designed, intended or arranged to be used”; the term “erected” shall be deemed also to include “constructed,” “reconstructed,” “altered,” “placed,” or “moved.” The terms “land use” and “use of land” shall be deemed also to include “building use” and “use of building.” The word “adjacent” means “nearby” and not necessarily “contiguous.” The word “town” shall mean the Town of Camden, Delaware. The terms “Town Council, Planning Commission, Town Manager and Board of Adjustment” mean the respective officers, employees and Boards of said town.

C. For the purpose of this Ordinance certain terms and words are hereby defined:

**Accessory Use.** See *Use, Accessory*.

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

**Administrator.** Person authorized to administer and enforce this Ordinance.

**Adult Entertainment.** Relating to, intended for, or befitting adults, usually containing or dealing with explicitly sexual material. This would include but is not limited to live or non-live entertainment; rental and sales of adult materials; arcades; cabarets; dance halls; clubs; bars; taverns; motion picture theaters; motels; nightclubs; restaurants or similar commercial establishments offering adult entertainment. Including the following guidelines:

**Adult Bookstore, Motion Picture Theater:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals or regular schedules of X-rated films, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activity or specified anatomical areas as defined below or an establishment with a segment or section devoted to the sale or display of such material.

**Adult Massage Establishment:** An establishment where any person, firm, association or corporation engages in or permits to be engaged in or carried on for pay any of the following activities: placing pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical

apparatus or appliance. This definition includes health clubs, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of a physician, chiropractor, osteopath or physical therapist duly licensed by the State of Delaware nor barber shops nor beauty shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

**Aggregate.** Any hard, inert material composed of fragments in a wide gradational range of sizes, which is mixed with a cementing material to form concrete or the like. The term may also refer to a mass of similar mineral fragments which are used, with or without a binder, in many ways, including some that involve physical and chemical alteration of the aggregate material itself. Aggregates may be classed into two (2) groups: (1) natural materials such as sand, gravel, crushed stone, and pumice; and (2) artificial materials, produced by crushing blast furnace slag or burning and crushing clays or shales. The second group includes most of the lightweight aggregates.

**Age-Defined.** A Development or Community of residential dwelling units, which may include a community center, and is designed as "housing for older persons" as defined in Title 42, Section 3607 of the *Code of Federal Regulations*.

**Alley.** A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation. An alley may not be used as the primary access to any parcel or lot.

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

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

**Apartment or Accessory Apartment.** See *Dwelling Unit, Apartment*.

**Asphalt.** A brownish-black solid or semisolid, cementitious material that consists mainly of bitumens found in nature or left as a residue in the distillation of petroleum. Asphalt is used as a binding material in road, sidewalk, highway, and other types of paving, but is not limited to these uses. The term can also be used to refer to mixed asphalt and crushed stone, gravel or sand, used for paving or roofing.

**Automobile.** A self-propelled, free-moving vehicle, with not more than 2 axles, usually used to transport passengers and licensed by the Delaware Department of Public Safety as a passenger vehicle.

**Basement.** That portion of a building having its finished floor elevation below final grade level on all sides, with a ceiling height minimum of five (5) feet. At least one half of its height is above ground. Walkout basements, daylight basements or terrace levels are usually subgrade on only three (3) sides. See Figure 240-6.

**Bed & Breakfast Establishment.** An accessory use to an owner-occupied, single-family detached dwelling that has been adapted to provide overnight lodging and breakfast to guests or travelers.

**Billboard.** See *Sign, Billboard*.

**Blacktop.** A bituminous material, such as asphalt, used to pave roads, trails, paths or other areas.

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

**Board or BOA.** Board of Adjustment for the Town of Camden. See Section 240-38.

**Buffer.** An undeveloped strip of land between two different land uses, landscaped and maintained in such a way as to reduce the impacts - such as but not limited to environmental, visual, or blockage of light - of the more intense use on the lesser.

**Buildable Area.** The area of a lot remaining after the minimum yard and open space requirements of this Ordinance have been met. See Figure 240-1.

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

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

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

**Building Height.** The vertical distance from finished grade at the front lot line to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. See Figure 240-4.

**Building Line.** A line parallel to the street line, offset by the required front yard setbacks. See Figure 240-1.

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

**Caregiver.** An individual, either a physician, nurse, social worker, parent, foster parent or head of a household, who either assists in the identification, prevention or treatment of an illness or disability, or attends to the needs of a child or dependent adult.

**Canopy.** A detachable roof-like cover supported from the ground or deck, floor or walls of a building for protection from sun and weather.

**Cement.** In its broad meaning includes any cementitious material that is able either to unite portions of substances not in themselves adhesive into a cohesive whole, or to cement nonadhesive materials together. Its purpose is usually as a building material made by grinding calcined limestone and clay to a fine powder, which can be mixed with water and either poured to set as a solid mass or used as an ingredient in making mortar or concrete. Cement in common usage refers to portland cement, but herein can refer to other types of cement,

including but not limited to: Keene's oxychloric, and natural cement.

**Cellar.** That portion of a building having its finished floor elevation below final grade level on all sides, with a ceiling height minimum of five (5) feet. Less than one half of its height is above ground. See Figure 240-6.

**Club.** A group of people, organized for a social, educational, or recreational purpose, operating primarily neither for profit nor to render services customarily carried on by commercial businesses. For the purposes of this Ordinance, this definition specifically excludes adult uses.

**Cluster Development.** A residential development pattern or design technique in which lots are grouped together rather than spread evenly throughout a parcel as in conventional subdivision development. Lot density is averaged for the entire development. Development and infrastructure is compressed and open space is maximized. See Section 240-14.

**Commercial Complexes.** A group of commercial establishments planned, constructed and managed as a total entity with a unified plan for the provision of customer and employee parking, provisions for goods delivery separated from customer access and aesthetic considerations. For the purpose of this ordinance, the term shall also apply to a regional center, where there is a depth of retail goods and services comparable to a central business district, generally anchored by one or two department stores, and to a super regional center, which is larger and contains at least three full-line department stores as its anchors.

**Commission.** The Planning Commission of the Town of Camden.

**Communications Tower.** Also referred to as "*Cellular Tower*". A structure, such as a lattice tower, guy tower or monopole tower, constructed as a freestanding structure, or in association with a building, other permanent structure or equipment, on which is located one or more antennas intended for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication. The term includes microwave towers, common carrier towers and cellular telephone towers. The term does not include television antennas serving individual households.

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

**Community Center, Private.** A building or suite of rooms used for recreational, social, educational and cultural activities, restricted to the residents of a specific community and owned and operated by a private person or entity specifically associated with that community.

**Community Impact Study.** A study related to the quantity and kind of improvement and services to be provided by the community for the proposed development. This study should include an estimate of revenue to the community from proposed development and an estimate of the cost of improvements and services required to serve the development immediately, and should include, where applicable but not be limited to, services and improvements, schools, utilities, including sewerage, water mains, and storm drainage, streets, traffic signals, police and fire protection, refuse collection and disposal, recreation facilities, and any other information deemed necessary by the Planning Commission to make a decision.

**Concrete, Concrete Mixing.** A mixture of sand, gravel, crushed rock or other aggregate held together by a hardened paste of cement and water. Also know as mortar, grout, stucco and cement plaster. As a construction material, concrete consists of sand, conglomerate gravel, pebbles, broken stone or slag in a mortar or cement matrix.

**Conservation District.** Meaning the Kent County (Delaware) Conservation District.

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

**Contractor's Yard.** The use of any space, whether inside or outside a building, for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, which are for use by a contractor.

**Convenience Store.** Any retail establishment offering for sale prepackaged food products, household items, newspapers, and prepared foods usually for off-site consumption. Occasionally they will contain a drive-through window for pick up.

**County.** Herein to mean Kent County, Delaware.

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

**Day Care, Child.**

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

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

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

**DelDOT.** State of Delaware, Department of Transportation

**Development.**

- The division of a parcel of land into two (2) or more parcels,
- The construction, reconstruction, conversion, structural alteration, relocation, enlargement or

affixing, of any building, structure, or prefabricated structure;

- Any mining excavation, landfill, or land disturbance,
- Any use or extension of the use of land. **Development Plan.** Generally, Subdivision or Site Plans. A plan for the development of one or more lots, parcels, tracts, or properties on which is shown the existing and proposed conditions, including, but not limited to, topography, vegetation, drainage, floodplains, wetlands, waterways, landscaping and open spaces, walkways, exits and entrances, circulation, utility services, lot lines, easements, structures and buildings, signs, lighting, parking, screening, surrounding development, and any other information that may be reasonably required so that the Town of Camden can make an informed decision.

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

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

**District.** See *Zoning District*.

**DNREC** State of Delaware, Department of Natural Resources and Environmental Control.

**Dog Kennel.** See *Kennel*.

**Drive-In Use.** An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles. A drive-in use may be subordinate or secondary to a walk-in facility with parking.

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

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

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

**Dwelling, Manufactured Home.** A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at a building site and bearing a label certifying that it is built in accordance with Federal Manufactured Home Construction and Safety Standards which became effective on June 15, 1976. The term also includes mobile homes, park trailers, travel trailers and other similar transportable structures placed on a site for one hundred-eighty (180) consecutive days or longer and intended to be improved property which is usually leased by the week, day, month or year. For the purposes of this Ordinance, a manufactured home dwelling shall be a single-family dwelling.

**Dwelling, Mobile Home.** A transportable dwelling unit fabricated in an off-site manufacturing facility, usually containing a HUD sticker, designed to be a permanent residence, and built prior to June 15, 1976 when the Federal Home Construction and Safety Standards became effective. The term also includes manufactured homes, park trailers, travel trailers and other similar transportable structures placed on a site for one hundred-eighty (180) consecutive days or longer and intended to be improved property which is usually leased by the week, day, month or year For the purposes of this Ordinance, a Mobile Home Dwelling shall be a single-family dwelling.

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

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

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

**Dwelling, Semi-Detached, also Duplex.** One of two (2) dwelling units, located on adjoining lots, attached to the other by an unpierced wall extending from ground to roof.

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

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

**Dwelling, Two-Family.** A building on a tract containing two (2) dwelling units, arranged EITHER:

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

-except for a common stairwell exterior to both dwelling units. **Dwelling Unit.** One (1) or more rooms, designed occupied or intended for occupancy as a separate living quarter or unit, containing cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

**Dwelling Unit, Apartment.** One unit within a multi-family dwelling occupied by a renter or non-owner.

**Dwelling Unit, Accessory Apartment.** A single dwelling unit within a portion of a main building or in an accessory building located on the same lot with the main building, used for servants employed on the premises, or for rent. Such facilities may or may not have separate utility meters.

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

**Educational Use.** Any land, structures or buildings, however designated, established to offer a public or private program of college, professional, preparatory, high school, junior high school, middle school, elementary school, kindergarten, or nursery school jurisdiction, or any combination thereof, or any other program of trade technical, or artistic instruction, excluding schools/institutes for instructing the operation of construction equipment, aviation or helicopters.

**Environmental Impact Study.** A study which evaluates the effect of the proposed development on environmentally sensitive areas, local residents and other land uses, and the general neighborhood. The study shall include such considerations as: effects of noise, dust, odor, traffic, lighting, smoke, erosion, sediment control, flooding, stormwater runoff or infiltration on water quality, change in natural ground cover and any other information deemed necessary by the Planning Commission to make a recommendation, approval or place conditions on a project proposal.

**Environmentally Sensitive Areas.** Land forms, either recognized or delineated, including but not limited to: wetlands, erosion-prone soils, wildlife habitat, environmental hazards (landfills, sinkholes, etc.), floodplain and floodway, groundwater recharge or source water areas for wells, or forest or wooded areas.

**Extraction.** The removal of mineral deposits from the ground by quarrying, mining, digging, dredging, blasting or any other form of excavation.

**Family.** A group of individuals related by blood, marriage, adoption, guardianship or other recognized arraignment, living together in a dwelling unit as a single housekeeping unit under a common housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. The term, "family" shall not include disciplinary group homes, dormitories, boarding houses, rooming houses, fraternity houses, hotels, day care facilities, or any use similar to those specifically excluded.

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

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters; or 2) the unusual and rapid accumulation or runoff of surface waters from any source.

**Floor Area:**

**Floor Area, Gross.** The sum of the gross horizontal areas of the several floors of a building or structure

from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than seven (7) feet, but including:

-Basement space, if it meets the requirement of a building story.

-Elevator shafts, stairwells and attic space, whether or not a floor has been laid, providing structural headroom of eight (8) feet or more.

-Roofed terraces, exterior balconies or breezeways, where over fifty-percent (50%) of the perimeter is enclosed; a closed porch.

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

**Floor Area, Livable.** All spaces within exterior walls of a dwelling unit exclusive of garages, unheated breezeways, unheated porches, unheated attics and cellars. "Livable Floor Area" shall include all spaces not otherwise excluded above, including, but not limited, principal rooms, utility rooms, bathrooms, all closets and hallway opening directly into any rooms within the dwelling unit.

**Floor Area Ratio, FAR.** The ratio of Net Floor Area, in square feet, to total lot area in square feet.

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

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

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

**Hardship.** Inability to use land as permitted under this Ordinance due to property boundary configuration or unusual or outstanding conditions.

**Home Occupation.** See "Home Based Businesses" in Section 240-16.

**Homeowners Association.** A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community-owned property. This term is synonymous with Property Owners Association.

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

**Hospital, Animal.** A building or structure used for the treatment, housing or boarding of small domestic animals such as, but not limited to, dogs, cats, rabbits and birds or fowl by a licensed veterinarian.

**Hot-Mix or Hot-Mix Asphalt.** The standard construction of plant-mixed bituminous concrete. See “Asphalt.”

**Hospice.** See “*Nursing Care.*”

**Industrial Use.** Any use of land, building(s) or structure(s) for construction, manufacturing, mixing of materials and transportation, or designated as “*Industry*” by this Ordinance. This definition does not include municipal or state uses or functions such as public works areas/yards and/or roadways.

**Junk Vehicle.** Any vehicle stored outside, which is so disabled, disassembled, dismantled or damaged, as to be incapable of being used safely for its intended purposes, or does not have a current Delaware motor vehicle registration sticker, and is left in such condition for ninety (90) days or more; vehicles stored for their parts, or scrap value.

**Kennel.** A commercial establishment in which dogs or domestic pets, more than six (6) months old, are housed, groomed, bred, boarded, trained, or sold, all for a fee, income or wherein compensation is derived from such services rendered.

**Land Disturbing Activity.** A land change or construction activity for residential, commercial, silvicultural, industrial, and institutional land use which may result in soil erosion from water or wind or movement of sediments or pollutants into State waters or onto lands in the State or which may result in accelerated stormwater runoff, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

**Landfill, Sanitary.** A tract of land used for the permanent storage and disposal of solid wastes, as defined in the regulations promulgated by the State of Delaware.

**Land Owner.** (Also *Landowner*) The legal or beneficial owner or owners of land, the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition) or a lessee if he/she is authorized under the lease to exercise the rights of the owner.

**Landscape, Natural.** A defined area or space wherein the invasive plantings have been removed, but native species are allowed to grow freely. The area is maintained on a seasonal basis. Property owners are prohibited from using natural landscaping, except in defined, municipally approved buffer or other designated areas.

**Landscaped Area.** A defined area or space that has had plants installed and is maintained on a regular basis.

**Landscaped Screen.** A completely planted visual barrier composed of evergreen plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of evergreen trees planted at an initial height of not less than five feet and planted at intervals of not more than ten feet on center. The low level screen shall consist of evergreen shrubs planted at an initial height of not less than two feet and spaced at intervals of not more than five feet on center.

**Landscape Plan.** A plan indicating the placement of trees, shrubs, groundcover and affiliated structures and improvements, including specifications, species, quantities and installation as prepared by a Delaware registered Landscape Architect.

**Leased Land.** A property or site, used as a commercial enterprise, wherein or on which all or some of the buildings or structures, which may or may not be single-family residential, are held in separate ownership. Upon such land customarily sits a manufactured or mobile home or unit.

**Light Rail.** A form of electric lightweight rail (as opposed to heavy rail) passenger public transportation with rail cars operating singly (or in short, usually two-car trains) on fixed rails in a right-of-way that is not separated from other traffic for much of the way. They can have high or low platform loading. May also be known as “Streetcar”, “Trolley car” or “Tramway”.

**Livable Space.** The heated floor area of a building, above finished grade, measured from the outside dimensions of the exterior walls used for dwelling purposes, and excluding all non-dwelling areas such as attic, storage, carport, and garage. Finished living space in a dwelling unit but not including a cellar or garage.

**Loading Space.** A minimum of 540 square feet of durably paved, properly designed for drainage, off-street space used for the loading and unloading of vehicles, except passenger vehicles in connection with the use of the property on which such space is located.

**Lot.** A designated parcel, tract, or area of land established either by plat, subdivision, or considered as a unit of property by virtue of a metes and bounds description, to be separately owned, used, developed, or built upon. See Figure 240-1 and see also *Yard*.

**Lot, Corner.** A lot or parcel of land abutting upon two (2) or more streets at their intersection or upon 2 parts of the same street forming an interior angle of less than 135 degrees. The access shall be on the street of lesser classification.

**Lot, Double Frontage.** A lot, other than a corner lot, that has frontage on two (2) streets. The access shall be on the street of lesser classification.

**Lot, Reverse Frontage.** A lot extending between and having frontage on two (2) generally parallel streets. Also referred to as a double frontage lot.

**Lot, Legal.** A lot which was created and legally recorded prior to the adoption of this Ordinance, or any lot subdivided and legally recorded in full compliance with these regulations subsequent to the adoption of this ordinance.

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

**Lot, Flag.** Also “flaglot”. An interior lot connected to the street by an access corridor/cartway with a minimum width no less than fifteen (15) feet.

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

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

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

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

**Manufactured Home.** See *Dwelling, Manufactured Home*.

**Manufacturing.** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

- Manufacturing includes all mechanical or chemical transformations regardless of whether the new product is finished or semi-finished as a raw material for further processing.
- The processing of farming by-products is manufacturing and not considered an accessory use to farming operations. The processing of farm products grown on a farm is not manufacturing, but rather, an accessory use to farming operations.

**Manufacturing, Light.** Designated to accommodate limited intensity levels of manufacturing and assembly activity, characterized by low levels of noise, with virtually no dust or odor and local delivery or transportation. It could include the assembly of component parts and associated office uses with minimal storage areas.

**Manufacturing, Heavy.** Designated to accommodate intense levels of manufacturing and assembly activity, characterized by high levels of dust, noise, odor and transportation needs. It could include the assembly of parts manufactured on-site and large building areas, including large storage buildings.

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

**Mobile Home.** See *Dwelling, Mobile Home* or *Dwelling, Manufactured Home*.

**Modular Home.** See *Dwelling, Modular* or *Dwelling, Manufactured Home*.

**Municipal Facilities and Services, Camden.** A use conducted by the Municipality, such as parks, playgrounds, and other recreational, cultural and conservation areas, or other public facilities, but excluding

maintenance and storage facilities.

**Municipal Facilities and Services, All Other.** A use conducted by any other governing body. Includes post offices, parks, playgrounds, and other recreational, cultural and conservation areas, or other public facilities, but excludes maintenance, storage and postal distribution facilities.

**Municipal Governing Body.** The legislative body for the Town of Camden.

**Municipality.** In this ordinance, to mean the Town of Camden.

**Nonconformities.** Use, structures, lots, or signs that were lawful prior to the adoption, revision, or amendment of this Ordinance, but as a result of the adoption, revision, or amendment of this Ordinance no longer comply with the current provisions of this Ordinance. See Article IV, Section 240-32, Nonconforming Uses.

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

*Assisted Living Facility.* Residences for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication and may provide other services such as recreational activities, financial services, and transportation.

*Extended Care Facility.* A long-term facility or distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.

*Intermediate Care Facility.* A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides, such as convalescent services or sanatorium.

*Long-Term Care Facility.* An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its member by marriage, blood, or adoption.

*Other Similar Care Facilities.* Including family care homes, group homes, intermediate care facilities for persons with mental retardation; neighborhood group homes; family care homes; and rest residential facilities or hospice facilities.

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

**Open Space.** Land area to be left undeveloped as part of a natural resource preservation, recreation, buffers or other open space provision of this Ordinance. Open space excludes areas in lots, street rights-of-way, or parking.

**Overlay Zone.** A set of additional requirements or conditions that may be superimposed over a zoning district.

**Permit, Building.** A license or certificate issued by the Town of Camden or its designated Agent for the construction of any building, structure or addition to an existing building or structure.

**Permit, Demolition.** A license or certificate issued by the Town of Camden or its designated Agent for the dismantling or razing of any building, structure or any portion of an existing building or structure.

**Permit, Excavation or Grading.** A license or certificate issued by the Town of Camden or its designated Agent for any earth moving activities that alter the existing contours of any property or portion thereof or cause the removal of existing top soil, even if temporarily.

**Permit, Occupancy.** Sometimes called “*Use and Occupancy Permit.*” A license or certificate issued by the Town of Camden or its designated Agent for the occupancy or use of land or any building or structure.

**Permit, Zoning.** A license or certificate issued by the Town of Camden or its designated Agent to insure the use and area and bulk standards are in compliance with municipal regulations.

**Phase.** An area or tract which is part of a proposed development which will be constructed according to a timetable for development over a pre-approved period of years, included by the applicant in the subdivision and/or land development plan.

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

**Plat, Record.** Final drawing and documents for an approved development plan to be used for recordation at the Recorder of Deeds.

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

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

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

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

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

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

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

**Ready-Mix.** See “Concrete.”

**Recharge Area or Areas.** The recharge water resource protection areas are designed as having the best potential for groundwater recharge. They were delineated using methodology described in a report prepared by the Delaware Geological Survey entitled, “Ground-Water Recharge Potential Mapping in Kent and Sussex Counties, Delaware” and a recent DGS Hydrologic Map publication: Hydrologic Map 11, covering Kent County.

**Recorder of Deeds.** The Recorder of Deeds for Kent County, Delaware.

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

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

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

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

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

**Restaurant.** A restaurant includes the following:

-Establishments where food and drink are prepared, served, and sold primarily for consumption within the principal building.

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

**Retail Food Establishments.** Establishments engaged in selling goods or merchandise to the general public specifically relating to food, but not selling food for consumption on the premises.

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

include:

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

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

**Sanatorium.** See *Nursing & Similar Care Facilities*.

**Sediment.** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

**Sediment, Erosion Control and Stormwater Management Plans.** Structures and designs for the control of soil erosion, sedimentation, stormwater quantity, and water quality impacts which may result from any land disturbing activity. Regulated and approved by the Kent Conservation District.

**Self-Storage Facility.** Also called “*mini-storage*”. A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying amounts of time. It may be supported by a small office and is usually fenced for security purposes.

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

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

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

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

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

**Setback Line.** The line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be placed. See Figure 240-1 and see also *Yard*.

**Shopping Center.** A group of commercial establishments planned, constructed and managed as a total entity with a unified plan for the provision of customer and employee parking, provisions for goods delivery separated from customer access and aesthetic considerations. For the purposes of this Ordinance, the term shall also apply to a Regional Center, where there is a depth of retail goods and services comparable to a central business district, generally anchored by one or two department stores, and to a Super Regional Center, which is larger and contains at least three full-line department stores as its anchors.

**Sign.** Any devices on which lettered, figured or pictorial matter is displayed for the purposes of visually bringing the subjects to which it is appealing to the attention of the public while viewing the same from outdoors. National, state or municipal flags displayed by a governmental agency or otherwise displayed for patriotic purposes, or any flag or banner of and displayed by any civic, charitable, religious, patriotic, fraternal, or similar organization is not considered a sign. Any lighting used to delineate any part of a building except any temporary lighting displayed as a part of holiday decorations, shall be deemed to be sign display.

**Sign, Free-standing:**

**Billboard** – Sign elevated above sightline level, fixed in position and mounted on one or more pylons or poles, used as rented or leased space for general advertising.

**Monument** - Sign set at or below sightline level, fixed in position and part of a base with permanent foundation that is equal or wider than the sign itself, for providing a identifying name at an entrance, or on a lot. Such signs shall have the longer dimension oriented horizontal and the shorter dimension oriented vertical.

**Portable** - Sign set at or below sightline level, set on the ground or staked into the ground with posts, for providing tenant or occupant listing. Often a  $\Delta$ -shape.

**Pylon** – Sign elevated above sightline level, fixed in position and mounted on one or two pylons, for providing tenant or occupant listing for a shopping center, office park or other jointly used development. The support structure is narrower than the sign itself.

**Sign, Wall-mounted.** A sign, fixed or painted upon the wall of the building that provides tenant or occupant listing for that specific building. A wall-mounted sign may not extend beyond the ends of the wall on which it is located.

**Sign, Temporary.** A sign that is not permanently fixed in place and is erected for a time limit not to exceed six (6) months.

**Sign Area.** The entire area that encloses the physical limits of the message or copy area. It does not include the structure supporting the sign. Only one side of a double sided or  $\Delta$ -shaped sign shall be used in area calculations.

**Sign, General Advertising.** Any sign, other structure, devise, surface, or display used for advertising purposes which are not located on the premises of the business.

**Significant Features/Other Significant Features.** Recognized or delineated areas, including but not limited to: Environmentally sensitive areas, roads, viewsheds, historical or archaeological significant areas or structures, or any other site, area or feature that provides a unique character.

**Site Plan.** See “*Development Plan.*”

**Stabilization.** The prevention of soil erosion by surface runoff or wind through the establishment of a soil cover through the implementation of vegetative or structural measures. Examples include, but are not limited to, straw mulch with temporary or permanent vegetation, wood chips, and stone or gravel ground cover.

**State.** The State of Delaware.

**Stick-Built.** Of a house or other building or structure. Built piece-by-piece at the construction site, as opposed to factory-built.

#### **Stormwater Pond Management Basins.**

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

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

**Street.** Any vehicular way that: (1) is an existing State, County or Municipal roadway; (2) is shown upon an approved plat; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the Office of the County Recorder of Deeds prior to the appointment of the Planning Commission and the grant of power to review plats. A street includes the land between the right-of-way lines, whether improved or unimproved. All streets constructed in the Town of Camden following the adoption of this Ordinance shall be constructed to DelDOT standards and inspected during construction.

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

**Street, Alley.** A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation, or for use as primary access to any parcel or lot.

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

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

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

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

**Street Frontage.** See *Frontage*.

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

**Street, Private.** A street, built to DelDOT standards and inspected by Town of Camden during construction that has not been accepted by the Town or the State, and which is wholly maintained by the property owner or through a Homeowners Association (HOA) agreement, and which shall be approved by the Town Council as part of a subdivision or land development process.

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

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

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

**Subdivision.** Subdivision includes the following:

□ - The division of any tract or parcel of land into 2 or more plots, parcels, units, lots, condominiums, tracts, sites, or interests for the purpose, of offer, sale, lease, development, whether immediate or future; either on an installments plan or upon any other plans, terms, or conditions; or for any other purpose.

□ - The division or partition of land or involving the opening, widening, or extension of any streets or access easements and the extension of any electrical, sewer, water or any other utility line.

□ - The assemblage or consolidation, of tracts, parcels, lots or sites, resubdivision, and condominium creation or conversion. **Supermarket.** A retail establishment primarily selling food and other convenience and household goods. They may contain an in-house pharmacy, bank, photo processing, florist or eat-in area, but not a restaurant.

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

**Swimming Pool, Private.** A water-filled enclosure, permanently constructed or portable, having a depth of

more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches designed, used, and maintained for swimming and bathing. All fencing requirements contained in the most recent Building Code, as amended and adopted by the County, shall apply.

**Townhouse.** See *Dwelling, Townhouse*.

**Traffic Noise Sensitive Land Use.** Lands on which community members carry out their day-to-day activities of life, where traffic noise is considered undesirable.

**Trailer.** See *Dwelling, Mobile Home or Dwelling, Manufactured Home*.

**Unbuildable.** For purposes of this Ordinance, an approved record plan for a subdivision or land development shall be deemed unbuildable if, immediately prior to the adoption of this Chapter, such plan did not comply with all applicable laws, including zoning and subdivision regulations, and no longer fell within any period of protection under former Code provisions, so that a valid building permit could not have been issued for construction of development or improvements.

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

**Use, Accessory.** A use of land or a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. A use is an accessory use if it meets all of the following criteria:

- (a) is incidental and subordinate to the principal use;
- (b) is customary to the principal use;
- (c) is operated and maintained under the same ownership and on the same lot as the principal use;
- (d) does not include structures or structural features inconsistent with the principal use; and
- (e) does not include overnight lodging for anyone other than members of the household in which the accessory use is conducted.

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

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

**Warehouse.** A building used primarily for the storage of goods and materials. Not to be used for the sale of goods and materials. Not to be confused with “mini” or “self-storage”.

**Wellhead Protection Area.** Surface and subsurface areas surrounding public water supply wells or wellfields where the quantity or quality of groundwater moving toward such wells or wellfields may be adversely affected by land use activity. (See Camden Ordinance #77)

**Wetland.** Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in

saturated soil conditions; or areas that are defined and delineated in accordance with

the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands”, dated January 10, 1989, and as may be amended from time to time; or as further defined and delineated by the U.S. Army Corps of Engineers (ACOE), the U.S. Environmental Protection Agency (EPA), or the Delaware Department of Natural Resources and Environmental Control (DNREC).

**Wildlife Habitat.** A community of plants that provide food, moisture or water, cover, nesting and foraging or feeding conditions necessary to maintain populations of wild animals.

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

**Yard.** An open space that lies between the principal building or buildings and the nearest lot line. See Figure 240-1 and see also *Lot*.

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

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

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

**Zoning, Certificate of Compliance.** Required to insure that buildings and structures and their proposed uses comply with the provisions of this Ordinance. May also be called a ‘Zoning Certificate’.

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

**Zoning Map.** The map showing the location and boundaries of the zoning districts established by this Ordinance. This map is entitled, “Town of Camden Zoning District Map.”

**Zoning Permit.** A written permit issued by the municipality or its designated agent prior to the issuance of a Building Permit, which certifies that the proposed use of the land will be in compliance with this Ordinance.