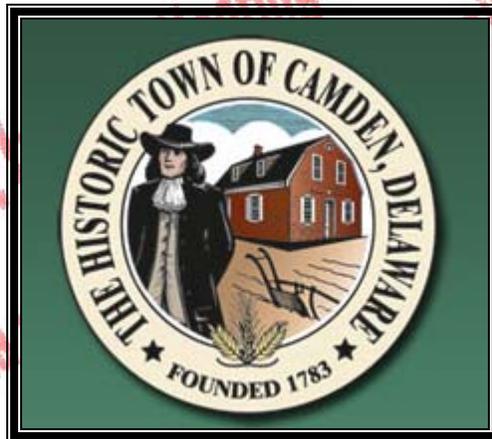


# Zoning Ordinance

of the

# Town of Camden



*Town of Camden  
1783 Friends Way  
Camden, DE 19934*

Adopted February 7, 2011



Prepared by:  
**RV & B** REMINGTON  
VERNICK  
& BEACH  
ENGINEERS

# Table of Contents

| CHAPTER/SECTION     | TITLE  | PAGE |
|---------------------|--|------|
| <b>CHAPTER 240.</b> | <b>ZONING</b>  |      |
| <i>ARTICLE I</i>    | <i>TITLE, PURPOSE, APPLICATION, INTERPRETATION</i>             |      |
| Section 240-01      | Title.....   | 1    |
| Section 240-02      | Purpose.....   | 1    |
| Section 240-03      | Application.....   | 1    |
| Section 240-04      | Interpretation.....  | 1    |
| <i>ARTICLE II</i>   | <i>GENERAL PROVISIONS</i>                                      |      |
| Section 240-05      | Regulations Applicable to all Districts.....                   | 2    |
| Section 240-06      | Unzoned Land.....  | 6    |
| Section 240-07      | Severability.....  | 6    |
| Section 240-08      | Effective Date.....  | 6    |
| <i>ARTICLE III</i>  | <i>ZONING DISTRICT REGULATIONS</i>                             |      |
| Section 240-09      | Establishment of Zoning Districts.....                         | 6    |
| Section 240-10      | Zoning District Map.....                                       | 7    |
| Section 240-11      | Residential Districts.....                                     | 8    |
| Section 240-12      | R-1 Town Residential District.....                             | 12   |
| Section 240-13      | R-2 Single-Family Residential.....                             | 12   |
| Section 240-14      | R-3 Multi-Family Residential.....                              | 12   |
| Section 240-15      | R-4 Manufactured Housing.....                                  | 13   |
| Section 240-16      | Access and Height Standards for Residential Districts.....     | 14   |
| Section 240-17      | Home-Based Businesses.....                                     | 16   |
| Section 240-18      | Signs in Residential Zoning Districts.....                     | 18   |
| Section 240-19      | Off-Street Parking in Residential Districts.....               | 18   |
| Section 240-20      | Major Recreational Equipment & Unlicensed Vehicles.....        | 19   |
| Section 240-21      | Landscaping & Tree Preservation for Residential Districts..... | 20   |
| Section 240-22      | Historic Overlay Zone District.....                            | 21   |
| Section 240-23      | Heritage Overlay Zone District.....                            | 24   |
| Section 240-24      | Non-Residential Zoning Districts.....                          | 36   |
| Section 240-25      | C-1 Community Commercial District.....                         | 36   |
| Section 240-26      | C-2 Highway Commercial District.....                           | 37   |
| Section 240-27      | I Industrial District.....                                     | 38   |
| Section 240-28      | AG Agricultural District.....                                  | 43   |
| Section 240-29      | P Preservation District.....                                   | 43   |
| <i>ARTICLE IV</i>   | <i>SUPPLEMENTARY REGULATIONS</i>                               |      |
| Section 240-30      | Off-Street Parking.....  | 43   |
| Section 240-31      | Off-Street Loading Requirements.....                           | 47   |
| Section 240-32      | Sign Standards and Restrictions.....                           | 49   |

Subject to Public Hearing Feb. 7, 2011  
 Sec. 216.02(1) City Council 2/7/2011

|         |        |  |    |
|---------|--------|--|----|
| Section | 240-33 | Area, Bulk, Height and Screening Requirements..... | 53 |
| Section | 240-34 | Conditional Uses.....                              | 55 |
| Section | 240-35 | Nonconforming Uses.....                            | 56 |
| Section | 240-36 | Open Space.....                                    | 57 |
| Section | 240-37 | Architectural Design Standards.....                | 61 |
| Section | 240-38 | Environmental.....                                 | 70 |
| Section | 240-39 | Landscaping.....                                   | 72 |

*ARTICLE V*

|         |        |   |    |
|---------|--------|---|----|
| Section | 240-40 | Administration.....                       | 77 |
| Section | 240-41 | Certificate of Zoning Compliance.....     | 78 |
| Section | 240-42 | Building Permits.....                     | 78 |
| Section | 240-43 | Site Plan.....                            | 78 |
| Section | 240-44 | Violations and Penalties.....             | 79 |
| Section | 240-45 | Establishment of Board of Adjustment..... | 79 |
| Section | 240-46 | Changes and Amendments.....               | 83 |

*ADMINISTRATION AND ENFORCEMENT*

*ARTICLE VI*

|         |        |                  |    |
|---------|--------|------------------|----|
| Section | 240-47 | Definitions..... | 84 |
|---------|--------|------------------|----|

*DEFINITIONS AND WORD USE*

*LIST OF TABLES*

|       |        |  |    |
|-------|--------|--|----|
| Table | 240-1  | Maximum Sound Pressure Levels.....   | 3  |
| Table | 240-2  | Noise Corrections for Performance Standards.....   | 4  |
| Table | 240-3  | Official Zoning Districts, Abbreviations and Map Symbols.....  | 6  |
| Table | 240-4  | Residential Districts and Purposes.....  | 8  |
| Table | 240-5  | Permitted Uses and Structures in Residential Districts.....  | 26 |
| Table | 240-6  | Accessory Uses and Structures in Residential Zoning Districts.....   | 29 |
| Table | 240-7  | Basic Dimensional & Density Standards in Residential Zones.....  | 30 |
| Table | 240-8  | Dimensional & Density Standards Residential Accessory Buildings & Structures.....                              | 31 |
| Table | 240-9  | Permitted Projections into Required Residential Yards.....   | 31 |
| Table | 240-10 | Sign Measurement Requirements for Residential Districts.....   | 32 |
| Table | 240-11 | Sign Setback and Height Requirements for Residential Districts....   | 32 |
| Table | 240-12 | Required Minimum Off-Street Parking Spaces for Residential Units.....  | 33 |
| Table | 240-13 | Height Limitations for Residential Fences and Walls.....   | 33 |
| Table | 240-14 | Non-Residential Districts and Purpose.....   | 36 |
| Table | 240-15 | Commercial and Industrial Permitted and Conditional Uses.....  | 39 |
| Table | 240-16 | Commercial and Industrial Permitted Accessory Uses and Structures.....   | 41 |
| Table | 240-17 | Basic Dimensional and Density Standards for Commercial and Industrial And other Non-Residential Districts..... | 42 |

*LIST OF FIGURES*

|        |       |  |    |
|--------|-------|--|----|
| Figure | 240-1 | Setbacks, Building Coverage, Building Lines..... | 34 |
| Figure | 240-2 | Corner Visibility.....                           | 35 |

## **CHAPTER 240. ZONING**

### **ARTICLE I TITLE, PURPOSE, APPLICATION, INTERPRETATION**

#### **Section 240-01 Title**

This Ordinance shall be known as the "Zoning Ordinance of the Town of Camden."

#### **Section 240-02 Purpose**

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

#### **Section 240-03 Application**

This Ordinance shall apply to all of the incorporated area within the boundaries of the Town of Camden.

#### **Section 240-04 Interpretation**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience, order, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with, or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than imposed or required by other resolutions, ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of the Ordinance shall govern. If, because of error or omission in the Zoning District Map, any property in the jurisdiction of this Ordinance is not shown as being in a zoning district, the classification of such property shall be classified by the zoning established for the area approved under future Zoning Use.

### **ARTICLE II GENERAL PROVISIONS**

#### **Section 240-5 Regulations Applicable to all Districts**

The following are regulations generally applicable to all zoning districts:

- A. Conformance with Regulations Required. No building or land shall hereafter be used, and no

building or part thereof shall be erected, reconstructed, converted, enlarged, moved, or structurally altered unless in conformity with the regulations as set forth in the Ordinance.

- B. Location on a lot Required. Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this Ordinance.
- C. Street Frontage Required. No lot shall be in whole or in part unless such lot abuts on a street. In no case shall street frontage be less than 70% of lot width.
- D. Proposed streets shall conform to the current edition of the State Department of Transportation design standards.
- E. Encroachment; Reduction of Lot Area. The minimum yards, height limits, parking space, open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area or lot dimensions be reduced below the requirements of these regulations.
- F. Accessory Building Use for Dwelling. No accessory building shall be used for dwelling except in accord with the specific provisions of this Ordinance.
- G. Public Water Supply and Sanitary Sewer Required. No private potable water wells are permitted. No individual on-site septic systems or large on-site wastewater treatment and disposal systems are permitted.
- H. Uses Not Permitted Are Prohibited. For the purpose of this Ordinance, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this Ordinance, uses not specifically listed are prohibited.
- I. Existing non-conformities and non-conformities for existing structures and/or uses resulting from amendments to the Zoning Ordinance shall not constitute grounds by which an applicant proposing an alteration or addition would be required to obtain variance(s) from the requirements to which the existing structures and/or uses do not conform. An application for demolition and/or new construction would require conformance or variance(s) from the applicable sections of the Zoning Ordinance.
- J. 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.

K. 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 240-1 after applying the corrections shown in Table 240-2. 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 240-1 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 240-13.

| <b>Table 240-2 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                             |
| 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.

L. 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 Land Use Department in duplicate on a form prescribed by the Planning Commission and shall be referred by the Land Use Administrator 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 proposed 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.

- M. Performance standards regulations. Where regulations included herein or specifically referenced in District regulations or any other section of this ordinance, overlap regulations of the State Fire Marshals Office, Delaware Department of Natural Resources and Environmental Control, Delaware Department of Transportation, or other state or local agencies, the more restrictive regulations shall apply in case of a conflict.
- N. The Town of Camden shall not be responsible for enforcement of Homeowner Association deed restrictions and/or bylaws.

**Section 240-06            Unzoned Land**

Any land hereafter within the town limits of Camden, whether by annexation or otherwise, shall automatically be zoned in accordance with the Comprehensive Plan’s Future Land Use Map, at the time such land is officially recognized as within Camden Town limits by the Town Council.

**Section 240-07            Severability**

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

**Section 240-08            Effective Date**

By action taken at its regularly scheduled meeting of February 7, 2011, the Town Council adopted this Zoning Ordinance and accompanying Town of Camden Zoning District Map, and established the effective date as February 7, 2011.

**First Reading:**            January 10, 2011  
**Second Reading:**        February 7, 2011  
**Adopted:**                    February 7, 2011

**ARTICLE III ZONING DISTRICT REGULATIONS**

**Section 240-09            Establishment of Zoning Districts**

In order to regulate the location and use of land and buildings for trade, industry, residence and other purposes, the Town of Camden is hereby divided into the following zoning districts:

| <b>Table 240-3            Official Zoning Districts, Abbreviations and Map Symbols</b> |  |                   |
|--|--|-------------------|
| <b>District Abbreviation</b>   | <b>Town of Camden Zoning Districts</b> | <b>Map Symbol</b> |
| R-1  | Town Residential (Closed)              | Tan               |
| R-2  | Single-Family Residential              | Yellow            |
| R-3  | Multi-Family Residential               | Olive Green       |

|     |                       |                 |
|-----|-----------------------|-----------------|
| R-4 | Manufactured Housing  | Brown           |
| C-1 | Community Commercial  | Light Brown     |
| C-2 | Highway Commercial    | Orange          |
| I   | Industrial            | Purple          |
| P   | Preservation          | Turquoise       |
| AG  | Agricultural          | Medium Green    |
| HO  | Historic Overlay Zone | Dot Hatch       |
| HZ  | Heritage Overlay Zone | Three Dot Hatch |

**Section 240-10 Zoning District Map**

- A. The location and boundaries of the districts hereby established are set forth and indicated on a map or maps entitled Town of Camden Zoning District Map. The Zoning District map, and all notations, dimensions, references, and symbols shown thereon pertaining to such districts shall be as much a part of this Zoning Ordinance as if fully described herein. This map, together with subsequent applicable amendments shall be conclusive as to the current zoning status of the land.
- B. In interpreting said map, the following rules shall apply:
- (1) A district name, abbreviation or color shown on the district map indicates that the regulations pertaining to the district designated by that name or abbreviation extend throughout the whole area in the Town bounded by the district boundary lines within which such name or letter is shown or indicated, except as otherwise provided by this section.
  - (2) Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of these regulations, the following rules apply:
    - (a) In cases where a boundary line is given a position within a street or alley, right-of-way easement, navigable or non-navigable stream, it shall be deemed to be in the center of the right-of-way of the street, alley, right-of-way easement, or stream and if the actual location of such street, alley, easement or stream varies slightly from the location as shown on the district map, then the actual location shall control.
    - (b) In cases where a boundary line is shown as being located a specific distance from a street line or other feature, this distance shall control.
    - (c) Where the district boundaries as shown on the Zoning District Map approximately coincide with lot lines, or municipal boundaries, the lot lines, or municipal boundaries shall be construed to be the district boundary line unless otherwise

indicated.

- (d) In cases where district boundaries as shown on the Zoning District Map do not coincide or approximately coincide with street lines, alley lines or lot lines, and no dimensions are shown, the location of such district boundary lines shall be determined by the use of the scale appearing on the map.

**Section 240-11 Residential Districts**

**Table 240-4 Residential Districts and Purposes**

| <b>Table 240-2 Residential Districts and Purposes Comp Plan Land Uses</b> | <b>Zoning District</b>                      | <b>Purpose(s)</b>   | <b>Typical Kinds of Uses in Zone</b>  |
|---|---|---|---|
| Residential   | R-1 Town Residential                        | To accommodate existing residential lots in Town. To maintain the community's small-town character.   | Single-family homes   |
| Residential   | R-2 Single Family Residential               | To provide sufficient space for new residential development and customary accessory uses. To enhance the community character, allow institutional and other mixed uses consistent with residential neighborhoods. | Single-family homes, Two-family dulpexes  |
| Residential   | R-3 Multi-Family Residential                | To provide multi family housing opportunities in appropriate locations throughout the town. To provide alternatives to single family detached homes.  | Single-family homes, detached or attached, and multi-family buildings and townhouses          |
| Residential   | R-4 Manufactured Home Park and Trailer Park | To accommodate manufactured housing units meeting the HUD standard and well-designed mobile home communities in appropriate locations throughout the Town.  | Manufactured homes (i.e. "mobile homes" or "trailers")  |
| Various   | HZ Heritage Homes/ Properties               | To create a residential/commercial corridor that includes a mix of housing choices and that also includes uses to fill shopping, employment and recreational needs.   | Combination of single and multi-family homes, retail business sites and integrated open space |
| Various   | HO Historic Homes / 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 Camden.                           |

**A. General Requirements.**

- (1) A Site Plan and Community Impact Study must be submitted to the Planning Commission for its consideration.
- (2) Evidence of proposed covenants, restrictions and details of maintenance responsibility of common area open space, to show the liability for maintenance of such areas shall be the property owners within the development, and that the same may be enforced by liens against the property owners in favor of the Town of Camden or its assignee.
- (3) Building features shall be in accordance with the architectural standards set forth in Article

IV, Section 240-37 of the Zoning Ordinance.

- (4) Variation in side yard setbacks must be at least two feet.
- (5) All dwelling units must have direct access to the outside from each unit.
- (6) No interior connection between units.
- (7) Each unit must have its own kitchen and bathroom facilities.
- (8) Eligibility Requirements: No land area shall be zoned Residential unless the following conditions are met:
  - (a) The land area shall have access to an existing or planned arterial or collector road;
  - (b) The land area shall be served by adequate existing or planned infrastructure;
  - (c) The land area may contain a single or multiple parcels;
  - (d) The rezoning application for the land area shall be filed jointly by all owners of the involved land area; and,
  - (e) The Land Use Administrator shall perform an administrative review of subsequent Site Development Plans or Subdivision Plans for compliance with the approved Implementation Plan in accordance with the following:
    - [1] Site Development Plan: The application for townhomes, villas, condominium complexes, and apartment buildings shall adhere to the site development plan submission materials identified in Article V, Section 240-43 of the Zoning Ordinance.
    - [2] Subdivision Plat: The application for subdivision of residential parcels shall adhere to the Town of Camden Land Subdivision Regulations submission requirements and the approved Implementation Plan shall be considered as the approved Preliminary Plan required in the Land Subdivision Regulations.

B. Plan Amendments: The Land Use Administrator will review amended plans, and render a determination as to whether the amendment is a minor or major amendment of the design plans. In general, adjustments to existing plan details without a change in project scope will be considered minor amendments. Any additions, removals or significant relocations of design features shall be considered major amendments. Design features shall be defined as proposed structural improvements including, but not limited to: buildings, streets, driveways, sidewalks, trails, curbs, stormwater management facilities, proposed constructed open space, etc. Significant relocation shall be defined as relocation of a design feature of more than ten (10) feet, or any relocation that results in encroachment of open space (developed or undeveloped) or other area outside the limit of disturbance shown on the current design plan. Any major amendments, as determined by the Land Use Administrator, will be required to be reviewed by the Town Engineer and approved by the Planning Commission.

- C. Fee: Each application for Site Development Plan or Subdivision Plat to be approved under this section shall be accompanied by a fee of five hundred dollars (\$500.00).
- D. The Land Use Administrator shall determine whether an application submitted for Residential Zones meets the minimum requirements of this Section, including but not limited to the site design, subdivision design and the elements of the Comprehensive Development Standards Manual, prior to submitting the application to the Planning Commission for review.
- E. Townhouse developments shall have a mixture of attached townhouse dwellings and single family dwellings. The ratio of townhouse dwellings to single family dwellings shall be a maximum of 8 to 1.
- F. Permitted Uses: In a Residential zone no buildings or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following:
- E. Uses allowed in Residential Zones:
- (a) All residential uses, accessory uses, and conditional uses currently permitted in the residential zones of the Town identified in Table 240-5.
  - (b) Proposed conditional uses shall be identified in the application to the Planning Commission and shall follow requirements in Section 240-34.
  - (c) Accessory dwelling units in conjunction with detached-single family houses.
    - [1] A maximum of one accessory dwelling unit shall be permitted in conjunction with a detached single-family house.
  - (d) Open Space.
  - (e) Civic uses including, but not necessarily limited to:
    - [1] Government Buildings;
    - [2] Education Buildings;
    - [3] Libraries;
    - [4] Meeting Halls;
    - [5] Museums; Recreational Facilities;
    - [6] Places of Worship;
    - [7] Other Cultural, Civic or Social use as designated on the approved implementation plan.
- J. Performance Standards: All uses are subject to the performance standards in Section 240-05.

- K. Emergency access requirements. All applicable regulations, requirements and approvals from the Delaware State Fire Marshal's Office, Department of Natural Resources and Environmental Control, and Delaware Department of Transportation shall apply.
- L. The Preliminary Lot Layout Plan and Final Plat Plan applications shall include the following components:
- (1) A brief written and graphic description of the owner/developer's proposed approach.
  - (2) The architectural, lighting, signage and landscape examples may be vignettes of styles with graphic and narrative descriptions for this submission.
  - (3) The extensive use of photographs, drawings and other graphic methods is strongly encouraged.
  - (4) The results of this work may be organized in a manner that best represents the owner/developer's intent as long as all the items are substantively addressed.
  - (5) Circulation:
    - (a) Classification and illustration of a system of streets, alleys, and pedestrian and bicycle routes that creates an integrated network serving the Residential Development and links it to adjacent areas.
    - (b) Streets within the Development shall be in accordance with DelDOT Standards and Regulations for Subdivision Streets and State Highway Access, latest revision.
    - (c) Detailed design standards and illustrations for each component of the system are required.
    - (c) A plan of the circulation systems shall be included.
  - (6) Building Lots:
    - (a) Classification and illustration of a full range of proposed lot types, sizes and setbacks, locations of potential accessory buildings, and access by auto and foot.
    - (b) A plan of their location throughout the development shall be included.
  - (7) Buildings:
    - (a) Classification of the full range of buildings, residential, i.e. townhome, villa, condominium and/or apartment complex to be constructed.
    - (b) Detailed guidelines addressing their architectural character and essential required elements, such as size, composition and massing, windows, doors, porches, roof design, fenestration, and all materials.
    - (c) A plan of their location by use type throughout the development shall be included.

- (d) Accessory Structures: Detailed design guidelines for accessory structures including, but not limited to, fences, sheds (<144 square feet), pools, garages, and gazebos shall be included and compatible with the Architectural design principles.
- (8) Open Spaces: Classification of a system of landscaped open spaces (in addition to private yards) with a plan of the network created by the open spaces and pedestrian and bicycle circulation systems.
- (9) Landscape Design:
  - (a) A palette of hard (paving) and plant materials along with street furniture, major focal elements and ornamentation shall be provided.
  - (b) These elements shall be located on a plan of the development.
  - (c) Details of plant species and hard materials shall be included.
- (10) Lighting Design: Placement of public and private lighting throughout the development and design of the lighting fixtures, globes, illumination patterns and intensities.
- (11) Signage:
  - (a) Provide the design, size, height and placement of all signs for public and private uses in the neighborhood.
  - (b) Include standards for street signs, parking signs, fire lanes, and signs for civic uses in the districts.

**Section 240-12 R-1 Town Residential District**

- A. Permitted Uses. For permitted uses see Table 240-5.
- B. Accessory Uses. For accessory uses see Table 240-6.
- C. General Requirements. See Tables 240-7, 240-8, 240-9, 240-10, 240-11 and 240-12.

**Section 240-13 R-2 Single-Family Residential**

- A. Permitted Uses. For permitted uses see Table 240-5.
- B. Accessory Uses. For accessory uses see Table 240-6.
- C. General Requirements. See Tables 240-7, 240-8, 240-9, 240-10, 240-11 and 240-12.

**Section 240-14 R-3 Multi-Family Residential**

- A. Permitted Uses. For permitted uses see Table 240-5.

- B. Accessory Uses. For accessory uses see Table 240-6.
- B. General Requirements. See Tables 240-7, 240-8, 240-9, 240-10, 240-11 and 240-12.

**Section 240-15 R-4 Manufactured Housing**

- A. Permitted Uses. For permitted uses see Table 240-3.
- B. Accessory Uses. For accessory uses see Table 240-4.
- C. General Requirements. See Tables 240-7, 240-8, 240-9, 240-10, 240-11 and 240-12.
- D. Other Requirements.
  - (1) The installation of manufactured homes shall occur only on fee simple lots fulfilling all requirements of this ordinance.
  - (2) No more than one manufactured home may be installed on any lot subject to the regulations of this ordinance.
  - (3) Each manufactured home shall have a minimum body width as set by the Department of Defense (DOD) and/or Delaware State Manufactured Home Inspection and Installation Code (DSMHII).
  - (4) Site Plan and Community Impact Statement must be submitted to the Planning Commission for its consideration.
  - (5) Access to the manufactured home development shall be from a collector street.
  - (6) No lot shall be designated for direct access to a street outside the boundaries of the park.
  - (7) All of proposed home sites must be shown on the proposed site plan.
  - (8) All utility lines shall be underground, including electrical wiring and telephone lines.
  - (9) The development must be surrounded by a landscaped or wooded buffer of at least one hundred (100) feet wide. This buffer is to be continuous along the street frontage with an arterial street or major highway and at least thirty (30) feet wide along all other lot lines or street frontage.
  - (10) Each manufactured home development shall be provided with electrical outlets installed in accordance with applicable codes and regulations.
  - (11) Management headquarters, recreational facilities, open storage areas for boats and campers, community building, toilets, showers, coin operated laundry and dry cleaning may be included within the boundaries of the development, provided:
    - (a) Such establishments and parking areas primarily related to their operation shall not

occupy more than 1.0% of the area of the development.

- (b) Such establishments shall be intended for the use of occupants of the development.
- (c) Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the development.

(12) Homes placed at property line borders, existing use must be shown on individual site plans.

E. Placement. Every manufactured home shall be installed on a permanent foundation prior to its occupation or use, such that the following the DSMHII requirements are fulfilled.

- (1) The manufactured home is supported on a properly designed and constructed foundation system that is adequate to support all loads.
- (2) The manufactured home is anchored adequately to resist all loads.
- (3) The towing hitch and all running gear have been removed.
- (4) There is a properly enclosed crawl space or basement with permanent foundation type construction.

E. Anchoring: Each manufactured home shall be anchored by the DSMHII standards to resist flotation, collapse or lateral movement.

- (1) Anchoring Methods: Each manufactured home shall be anchored according to the home manufacturer's instructions for a permanent foundation installation.
- (2) Wind Resistance: In addition to applicable state and local anchoring requirements for resisting wind forces, all components of a manufactured home anchoring system shall be capable of carrying a force of four-thousand (4,000) pounds.

#### **Section 240-16 Access and Height Standards for Residential Districts**

A. Structures to Have Access.

- (1) Lots on which new structures are built or to which a structure is relocated, must be adjacent to, or have access to, a public street.
- (2) Structures shall be placed on lots in a manner that provides safe and convenient access for utility servicing, fire protection, and required off street parking.

B. Building Heights. See Table 240-7.

C. Fences, Walls, Hedges & Shrubbery.

- (1) Setbacks. Fences, walls, hedges, and shrubbery may be placed anywhere on a residential lot with height limitations show in Table 240-13.

- (2) Height Limitations for hedges and shrubbery.
  - (a) Hedges and/or shrubbery shall not exceed three (3) feet in height and comply with the following criteria: There is no height limitation for hedges and shrubbery if:
    - [1] The hedges and shrubbery are well maintained.
    - [2] The hedges and shrubbery do not encroach on another property.
    - [3] The hedges and shrubbery fulfill the requirements set forth in this section regarding comer visibility within the "sight triangle" as shown in Figure 240-2.
- (3) Non-Residential Uses: The Administrator may allow or require fences, walls, hedges, shrubberies that are higher than the limitations stated in this subsection. In making such a determination, the Administrator must find that exceeding the height limitations is necessary due to the type of use, security concerns, or the protection of adjacent properties.

D. Visibility at Intersections.

- (1) At street intersections, nothing shall be built, placed, planted, or allowed to grow higher than three (3) feet within the "sight triangle."
- (2) Subdivision intersection sight triangles shall be measured along the curb line of the intersecting streets for a distance of 30 feet from the intersection and formed by connecting the respective 30-foot distances as shown in Figure 240-2.
- (3) Sight distance regulations for intersections with State maintained streets shall be governed by the DelDOT Standards for Regulations for Subdivision Streets and State Highway Access, Section 5.4.

E. Height Limits Exemptions.

- (1) The height limitations of this Ordinance do not apply to appurtenances usually required to be placed above the roof level and not intended for human occupancy. Such appurtenances include, but are not limited to, the following:

|                   |   |
|-------------------|---|
| Belfries          | Public monuments  |
| Chimneys          | Radio and television antennas or satellite dishes for residential use |
| Cupolas           | Smoke Stacks  |
| Flag poles        | Spires  |
| Ornamental Towers | Water Towers  |

## Section 240-17 Home-Based Businesses

- A. Definition: Any business, occupation, or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit.
- B. Permitted Home-Based Businesses.
- (1) Offices for Professionals including architects, brokers, counselors, clergy, dentists, doctors, draftspersons and cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic *design*, construction contractors, landscape design, lawn care business (materials not be stored externally), consultants, surveyors, cleaning services, salespersons and manufactures' representatives, travel agents.
  - (2) Personal Services including barbershops, beauty parlors, manicure and pedicure shops, pet grooming, catering and chauffeuring services.
  - (3) Instructional Services including music, dance, art and craft classes, tutoring.
  - (4) Babysitting Services defined as the occasional care of children.
  - (5) Studios for artists, sculptors, musicians, photographers, and authors.
  - (6) Workrooms for tailors, dressmakers, milliners, and craft persons including weaving, lapidary, jewelry a along, cabinetry, and woodworking.
  - (7) Repair services including watches and clocks, small appliances, computers, electronic devices, lawnmowers, and small engines.
  - (8) Garage and yard sales, "Tupperware", "Party Lite", "Pampered Chef" and companies of the like offering parties.
  - (9) No greater than two (2) home based business shall be based in a single residential home provided that the businesses are run by a single owner or owner's of immediate relation (spouses and their children).
- C. Prohibited Home-Based Businesses.
- (1) Kennels, Veterinary clinics and hospitals.
  - (2) Medical clinics, dental clinics, hospitals.
  - (3) Restaurants, bars, and night clubs.
  - (4) Funeral homes and undertaking establishments.
  - (5) Adult uses.
- D. Operational Standards.

- (1) Operating Hours.
- (a) General Standard. Customer and client visits to the home-based business are limited to the hours from 8:00 A.M. to 8:00 P.M.
- (2) Additional Provisions.
- (a) These operational standards recognize that some home-based businesses occasionally rely on client/customer visits that last beyond 8:00 P.M. Examples of such home based businesses include babysitting services, instructional services, and "Tupperware parties."
- (b) Businesses such as those listed in the previous subsection shall be considered as operating within the home-based business standards as long as they do not cause undue traffic congestion, and comply with the standards governing equipment used or operated by home-based businesses.
- (3) Employees.
- (a) On-Premises Employees: A home-based business shall have not more than 2 nonresident employees on the premises at any one time.
- (b) Off-Premises Employees: The number of non-resident employees, working at locations other than at the home-based business, is not limited.
- (4) Equipment.
- (a) Equipment used in the operation of a home-based business, shall not:
- [1] Create any vibrations, heat, glare, dust, odors, or smoke discernible at the property lines.
- [2] Generate noise that violates any Municipal ordinance or regulation pertaining to noise.
- [3] Create any electrical, magnetic or other interference off the premises.
- [4] Consume utility quantities that negatively impact the delivery of those utilities to surrounding properties.
- [5] Use and/or store hazardous materials *in excess* of quantities permitted in residential structures.
- (5) Minimum Required Parking: Minimum required: Three (3) spaces, not in the front yard and not closer than five (5) feet to an adjoining property line.
- (6) Signs: See Section 240-18, Signs in Residential Zoning Districts.

- (7) No external storage of equipment shall be permitted without exception.

**Section 240-18 Signs in Residential Zoning Districts**

- A. Administration. *See Article IV, Section 240-32.*
- B. Permit Fees shall be collected for the processing and issuing of sign permits in accordance with the Town's Fee Schedule.
- C. Sign Measurement Requirements for Residential Districts. See Table 240-10.
- D. Sign Setback and Height Requirements for Residential Districts. See Table 240-11.

**Section 240-19 Off-Street Parking in Residential, Zoning Districts**

- A. General Requirements.
  - (1) Off-street parking facilities shall be provided as accessory uses under the following conditions:
    - (a) When any use is established or changed.
    - (b) When any building or structure is erected, altered, renovated, or expanded.
  - (2) The parking requirements in this part of the Ordinance do not limit requirements or conditions that may be imposed on development plan approvals or other approvals.
  - (3) Parking layout shall be reviewed and approved by the Town Fire Chief and the State Fire Marshal.
  - (4) Parking facilities may not be used for the sale, repair, servicing, or dismantling of any type of vehicle, equipment, material, or supplies.
- B. Definition: An off-street parking space is a permanently-reserved, temporary storage area for one motor vehicle that is not located on, but is directly accessible to, a dedicated street right-of-way by a paved driveway which affords ingress and egress for a motor vehicle without requiring another motor vehicle to be moved.
- C. Required Number of Spaces for Residential Use. See Table 240-12.
  - (1) Fractional Spaces: Where the computation of spaces results in a fractional space, the fractional space shall be counted as 1 (one) additional required space.
  - (2) Home based Businesses: One additional space for each non-resident employee shall be required.
  - (3) Conditional. Uses: Off-street parking requirement shall be based on specific use, per Article IV, Section 240-30.

- (4) Joint Use: Where more than one use occupies a single structure the parking requirements shall be computed by adding together the number of required parking spaces for each use.
- (5) Shared Facilities: Houses of worship, auditoriums or educational institutions may make arrangements with business establishments, which normally have different days or hours of operation for sharing up to 100% percent of their required parking facilities.
- (6) Uses Not Specifically Listed: The required number of parking spaces for uses not specifically listed in Article N, Section 240-30 shall be the same as for a similar listed use as determined by the Town.

D. Location.

- (1) Parking facilities shall be located on the same lot with the building or use served.
- (2) Parking facilities may be located within required side yard or rear yard building setback areas.
- (3) Parking spaces or zones for use by persons with disabilities shall be provided in accordance with the Americans with Disabilities Act.

E. Design Standards.

- (1) Parking Space Dimensions.
  - (a) Vertical and Diagonal Parking: See Table 240-12.
  - (b) Parallel Parking: 8 feet by 22 feet.
- (2) Backing onto Public Road Prohibited: Off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, except for dwelling units each having an individual driveway.
- (3) Drainage: Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys.
- (4) Surface Material: Off-street parking facilities shall be surfaced with erosion-resistant material in accordance with applicable municipal specifications.
- (5) 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 used areas.
- (6) Maintenance: Off-street parking areas shall be maintained in a clean and orderly condition at the expense of the owner or lessee.

**Section 240-20 Major Recreational Equipment & Unlicensed Vehicles**

A. Major Recreational Equipment.

- B. Definition: Includes boats, personal watercraft (PWC), boat trailers, travel trailers, all terrain vehicles (ATV's), utility trailers, pick-up campers or coaches designed to be mounted on motor vehicles, motorized dwellings, tent trailers, and similar equipment as well as cases or boxes used for transporting major recreational equipment regardless or whether the equipment is inside of the boxes.
- C. Regulation. On a lot in a residential zone, major recreational equipment:
- (1) May not be parked within the front yard setback.
  - (2) May not be used for living, sleeping or other housekeeping purposes.
  - (3) May be parked anywhere for a maximum of 24 hours while loading and unloading.
- D. Unlicensed Vehicles and Trailers. On any residentially zoned property, a vehicle or a trailer that is not used in support of customary farming operations and does not have current license plates may be parked or stored only in a completely enclosed building.

**Section 240-21 Landscaping & Tree Preservation for Residential Districts**

- A. Landscaping & Tree Preservation.
- (1) The developer shall plant at least two (2) trees on each new single-family lot.
    - (a) These trees shall be in place before the time that a certificate of occupancy is issued for the structure on that lot.
- B. Trees along Dedicated Streets.
- (1) Street trees shall be in accordance with Article IV, Section 240-39.
- C. Protection & Retention of Large Trees.
- (1) Every development shall retain all existing trees 12 inches in diameter or more unless the retention of such trees would, according to Camden Town Council's determination, unreasonably burden the development.
  - (2) No excavation or subsurface disturbance may be undertaken with the drip line of any tree 12 inches in diameter or more.
  - (3) No impervious surface may be located within 12.5 feet, measured from the center of the trunk, of any tree 18 inches in diameter or more, unless compliance with this subsection would according to the municipal governing body's determination, unreasonably burden the development.
  - (4) For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of tree where precipitation falling from the branches of that tree lands on the ground.

**Section 240-22 Historic Overlay Zone District**

- A. The Camden Historic Overlay Zone District shall consist of properties that are designated on the official map adopted by the Town Council.
- B. Purpose: The purpose of this overlay is to establish a Historic overlay district within the incorporated limits of the Town of Camden that will protect, perpetuate and preserve the character of the buildings that make up Camden cultural, social, religious and architectural history, to maintain and improve property values within the Historic District and to protect and enhance the Town's attraction to residents and visitors.
- C. Use Regulations.
  - (1) An application for variance will be necessary for any uses that require review before the Architectural Review Commission in accordance with the standards set forth in this article and the standards and procedures set forth in Article V, Section 240-37.
  - (2) The Board of Adjustment will not make a decision without a recommendation from the Architectural Design Commission.
- E. Permitted Uses.
  - (1) Any use, accessory use, or sign permitted in the zoning district in which the premises are situated and upon which the Historic Overlay Zone is superimposed.
  - (2) Any condition or use permitted in the zoning district in which the premises are located in accordance with the purpose stated above, and the standards of the Historic Overlay hereinafter described.
- F. Application of the District.
  - (1) To enable the District to operate in harmony with the plan for land use and density embodied in this ordinance the Historic Overlay is created as a special overlay to be superimposed on the other districts contained in this ordinance or amendments thereto and is to be so designated by a symbol for its boundaries on the Zoning District Map.
- G. Historic Overlay Standards.
  - (1) The following standards shall be used by the Town of Camden in dealing with any application or request concerning property within the Historic Overlay:
    - (a) New construction shall be in accordance with Article IV, Section 240-37(C) – Architectural Standards for the Heritage Overlay Zone District. The architectural standards for the Heritage Overlay Zone shall apply to the Historic Overlay Zone in the event of approved redevelopment.
    - (b) Alterations and repairs proposed for structures within the Historic Overlay District shall follow the guidelines set forth in the Secretary of the Interior's Standards for Rehabilitation.

- (2) The standards shall be strictly or narrowly construed with respect to structures deemed to have historic or architectural value, but shall be broadly or loosely construed for those structures deemed to have little historic value, or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area new construction, alterations or repairs are not required to be limited to the architectural style clone period.
- (3) Every reasonable effort shall be made to provide a compatible use for a property within the historic overlay, which would require minimal alteration to the exterior front structure.
- (4) The distinguishing original qualities or characteristics of a building shall not be destroyed.
  - (a) The removal or alteration of any historic material or distinctive architectural feature should be avoided.
  - (b) Photos or drawings with measurements shall be submitted to the Town prior to the destruction of any historical feature.
- (5) All buildings shall be recognized as a product of their own time and no alterations shall be made to the facade that do not have historical basis or seek to create an earlier appearance.
  - (a) Changes that may have taken place over time are part of the history of development of a building and such changes should be recognized for their significance.
- (6) The view of the structure or area from a public street shall be considered and taken into account.
- (7) The probable effect of proposed construction on trees, wooded areas, or historic site shall be considered and taken into account.

#### H. Building Permits.

- (1) No building permit shall be issued without a hearing before the Board of Adjustment for:
  - (a) New construction in the Historic Overlay without a review of plans by the Architectural Design Commission to ensure the facade of the new construction will lend itself in style to the surrounding building. In reviewing such application, the Architectural Design Commission shall consider:
    - [1] Exterior architectural features.
    - [2] General design, scale and arrangements.
    - [3] Relationship to the sizing of neighboring structure.
    - [4] Relationship to the size, design and landscape of the district.

- (b) The demolition of a building located in the Historic Overlay that is more than fifty (50) years old.
  - (c) An addition to a building located in the Historic Overlay that attaches to the front of the building.
- (2) A building permit may be issued without a hearing for:
- (a) Repairs for a portion of the structure, such as the roof shingles, windows, porches or portico which does not alter the facade. NOTE: All renovations and/or repairs must fit with the Historic character of the dwelling.
  - (b) Temporary alterations, such as those required to serve persons with disabilities (i.e., wheelchair ramps).
  - (c) Demolition of a building that has been condemned.
  - (d) Building permits for additions or alterations to the rear of a building shall be treated in to same manner as those in any other district.
    - [1] No hearing shall be required as long as there is no variance or conditional use application required under the Zoning Ordinance.
- (3) Permits for signs shall be issued in accordance with. Article IV Section 240-32, Table 240-10 and Table 240-11, depending on the underlying zoning district and use.

I. Demolition Permits.

- (1) No building within the Historic Overlay shall be destroyed without first being photographed, measured and recorded for historical purposes.
- (2) No building within the Historic Overlay shall be demolished unless the owner has fast made a bona fide offer to sell such building for a reasonable price for a reasonable period of time for the sale of a structure of similar nature.
  - (a) For purposes of this section a reasonable price and reasonable period of time shall be determined by the opinions of three independent realtors, whose opinions shall be obtained by the Town Manager.

G. Hardship.

- (1) A property owner may be exempted from strict application of the provisions of this Section if the property owner demonstrates that such strict application causes the property owner to suffer substantial hardship, financial or otherwise.
- (2) Any property owner seeking to be exempt from this section shall apply for relief to the Architectural Review Commission, which shall issue a recommendation to the Board of Adjustment. No fee shall be charged with the exception of those incurred for Public notification.

**Section 240-23 Heritage Overlay Zone District**

- A. The Camden Heritage Overlay Zone District shall consist of properties that are designated on the official map adopted by the Town Council.
- B. Purpose: The purpose of this overlay is to establish a Heritage overlay district within the incorporated limits of the Town of Camden that will protect, perpetuate and preserve the character of the buildings that make up developments within proximity of Route 13 and Alternate Route 13 within the Town in order to set forth the character of the community and provide continuity along the most heavily traveled corridors in the Town.
- C. Developments within 500 feet of Route 13 or Alternate Route 13, and within 1,000 feet of highway interchanges shall be considered part of the Heritage Overlay Zone District.
- D. The portion of the Town which is contained within the Heritage Overlay Zone District is shown on the official Zoning District Map.
- E. Use Regulations.
  - (1) An application for variance will be necessary for any uses that require review before the Architectural Review Commission in accordance with the standards set forth in this article and the standards and procedures set forth in Article V, Section 240-37.
  - (2) The Board of Adjustment will not make a decision without a recommendation from the Architectural Review Commission.
- E. Permitted Uses.
  - (1) Any use, accessory use, or sign permitted in the zoning district in which the premises are situated and upon which the Heritage Overlay is superimposed.
  - (2) Any condition or use permitted in the zoning district in which the premises are located in accordance with the purpose stated above, and the standards of the Heritage Overlay hereinafter described.
- F. Application of the District.
  - (1) To enable the District to operate in harmony with the plan for land use and density embodied in this ordinance the Heritage Overlay is created as a special overlay to be superimposed on the other districts contained in this ordinance or amendments thereto and is to be so designated by a symbol for its boundaries on the Zoning District Map.
- G. Heritage Overlay Zone Standards.
  - (1) The following standards shall be used by the Architectural Design Commission and Town of Camden in dealing with any application or request concerning property within the Heritage Overlay:
  - (2) The architectural standards shall be in accordance with Article IV, Section 240-37 of the Zoning Ordinance.

## H. Building Permits.

- (1) No building permit shall be issued without a hearing before the Board of Adjustment for:
  - (a) New construction in the Heritage Overlay without a review of plans by the Architectural Design Commission to ensure the facade of the new construction will lend itself in style to the surrounding buildings. In reviewing such application, the Architectural Design Commission shall consider:
    - [1] Exterior architectural features.
    - [2] General design, scale and arrangements.
    - [3] Relationship to the sizing of neighboring structure.
    - [4] Relationship to the size, design and landscape of the district.
  - (b) The demolition of a building located in the Heritage Overlay that is more than fifty (50) years old.
  - (c) An addition to a building located in the Heritage Overlay that attaches to the front of the building.
- (2) A building permit may be issued without a hearing for:
  - (a) Repairs for a portion of the structure, such as the roof shingles, windows, porches or portico which does not alter the facade.
  - (b) Temporary alterations, such as those required to serve persons with disabilities (i.e., wheelchair ramps).
  - (c) Demolition of a building that has been condemned.
  - (d) Building permits for additions or alterations to the rear of a building shall be treated in to same manner as those in any other district.
    - [1] No hearing shall be required as long as there is no variance or conditional use application required under the Zoning Ordinance.
- (3) Permits for signs shall be issued in accordance with. Article IV Section 240-32, Table 240-10 and Table 240-11, depending on the underlying zoning district and use.

## I. Hardship.

- (1) A property owner may be exempted from strict application of the provisions of this Section if the property owner demonstrates that such strict application causes the property owner to suffer substantial hardship, financial or otherwise.
- (2) Any property owner seeking to be exempt from this section shall apply for relief to the

Architectural Design Commission, which shall review and make recommendation to the Board of Adjustment. No fee shall be charged with the exception of those incurred for Public notification.

**Table 240-5 Permitted Uses and Structures in Residential Districts**

| TABLE KEY:<br>Blank Not Permitted<br>P Permitted Use<br>Site Plan review required for all subdivisions,<br>projects proposed for R3, R-4, and Conditional-<br>Uses. CU Conditional Use- See Section 240-34<br>See definitions in Art. VI Section 240-47 | Zone R-1 | Zone R-2 | Zone R-3 | Zone R-4 |
|---|----------|----------|----------|----------|
| <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   |          | P        |          |          |
| <i>Greenhouse, Commercial</i>   |          |          |          |          |
| Lawn Care Services, Equipment or Other  | CU       | CU       | CU       | CU       |
| <b>Residential Uses</b>   |          |          |          |          |
| Apartment above commercial or office uses   |          |          |          |          |
| Accessory apartment in conjunction with SF detached home  |          |          |          |          |
| Bed & breakfast   |          | CU       |          |          |
| Dwelling, Two Family  |          | P        | P        |          |
| Dwelling, Manufactured Home   |          |          |          | P        |
| Dwelling, Multi-family  |          |          | P        |          |
| Dwelling, Single Family including modular homes   | P        | P        | P        | P        |
| Dwelling, Townhouse   |          |          | P        |          |
| Home Based Businesses - See Section 240-17  | CU       | CU       | CU       | CU       |
| <b>Sales &amp; Rental of Goods, Merchandise, and Equipment</b>  |          |          |          |          |
| Convenience Store   |          |          |          |          |
| Retail Food Establishments  |          |          |          |          |
| Retail Sales Establishments   |          |          |          |          |
| Retail Sales Establishments with drive-through  |          |          |          |          |
| Supermarket   |          |          |          |          |
| Restaurant  |          |          |          |          |
| Restaurant with drive though  |          |          |          |          |
| Wholesale trade establishments  |          |          |          |          |

|  |  |  |  |  |
|--|--|--|--|--|
| Shopping Center  |  |  |  |  |
| <b>Office, Clerical, Research, Personal Service and Similar Enterprises Not Primarily Related to Goods</b> |  |  |  |  |
| Business Service Establishments  |  |  |  |  |
| Offices  |  |  |  |  |
| Office complex of multiple buildings   |  |  |  |  |
| Lodging and Miscellaneous Service Establishments   |  |  |  |  |
| Personal Service Establishments including self serve 500 SF or less  |  |  |  |  |
| Retail Service Establishments incl. self serve more than 500 SF  |  |  |  |  |
| Social Service Establishments  |  |  |  |  |
| Research, Design and Testing Laboratories  |  |  |  |  |
| Banks  |  |  |  |  |
| Banks with drive through   |  |  |  |  |

|  |                 |                 |                 |                 |
|--|-----------------|-----------------|-----------------|-----------------|
| <u>TABLE KE.Y:</u> Blank Not Permitted P Permitted Use Site Plan review required for all subdivisions, projects proposed for R3, R-4 and R-5, and Conditional Uses. CU Conditional Use - see Section 240-34 See definitions in Art. W Section 240-47 | <b>Zone R-1</b> | <b>Zone R-2</b> | <b>Zone R-3</b> | <b>Zone R-4</b> |
| Adult-Entertainment, Bookstores, Cabarets  |                 |                 |                 |                 |
| <b>Manufacturing, Assembling, Processing</b> -see also   |                 |                 |                 |                 |
| Manufacturing, Light   |                 |                 |                 |                 |
| Manufacturing, Heavy   |                 |                 |                 |                 |
| Asphalt, Aggregate, Hot Mix  |                 |                 |                 |                 |
| Concrete, Cement, stone and gravel bulk storage  |                 |                 |                 |                 |
| Commercial composting, materials recycling   |                 |                 |                 |                 |
| Sanitary transfer station  |                 |                 |                 |                 |
| <b>Educational, Cultural, Religious, Philanthropic, Social, Fraternal</b>  |                 |                 |                 |                 |
| Club, private such as golf swimming, and tennis clubs, lodges, and other annual membership clubs   |                 | P               | CU              |                 |
| Educational institutions, public   |                 | CU              | CU              |                 |
| Places of worship  | CU              | CU              |                 | CU              |
| Community Center, Private  |                 | CU              | CU              | P               |
| <b>Institutional, Residence, Care, Confinement &amp;</b>   |                 |                 |                 |                 |
| Day Care Center  |                 | CU              | CU              | CU              |
| Day Care, Family (1-6 children)  |                 | CU              | CU              | CU              |

|  |                 |                 |                  |                 |
|--|-----------------|-----------------|------------------|-----------------|
| Day Care, Large Family (7-12 children)   |                 | CU              |                  |                 |
| Hospital   |                 |                 |                  |                 |
| Medical  |                 |                 |                  |                 |
| Nursing and care facilities  |                 |                 | P                |                 |
| Surgical Center  |                 |                 |                  |                 |
|  |                 |                 |                  |                 |
| <b>Transportation-Related Sales &amp; Service</b>  |                 |                 |                  |                 |
| Motor vehicle filling stations   |                 |                 |                  |                 |
| Motor vehicle <i>sales</i> , repair, service and storage   |                 |                 |                  |                 |
|  |                 |                 |                  |                 |
| <b>Storage &amp; Parking</b>   |                 |                 |                  |                 |
| Distribution center  |                 |                 |                  |                 |
| Garage, public or commercial parking   |                 |                 |                  |                 |
| Self-storage facility  |                 |                 |                  |                 |
| Warehouse  |                 |                 |                  |                 |
|  |                 |                 |                  |                 |
| <b>Public, Semi Public, Emergency</b>  |                 |                 |                  |                 |
| Government facilities and services, local  | CU              | CU              | CU               | CU              |
| Government facilities and services, non local  | CU              | CU              | CU               | CU              |
| Parks & open space   | P               | P               | P                | P               |
| Public <i>safety</i> facilities including, ambulance, &e, <i>police</i> , rescue, and  | CU              | CU              | CU               | CU              |
| Public utility service facilities. See Performance Standards, Sections   | CU              | CU              | CU               | CU              |
| Recreation facility  | CU              |                 | CU               | CU              |
|  |                 |                 |                  |                 |
| <b>Not Grouped Elsewhere</b>   |                 |                 |                  |                 |
| <i>Accessory</i> Uses, generally. See Table 240-6  | CU              | CU              | CU               | CU              |
| <b>TABLE KEY:</b>  |                 |                 |                  |                 |
| Blank Not Permitted  |                 |                 |                  |                 |
| P Permitted Use  |                 |                 |                  |                 |
| Site Plan review required for all subdivisions, projects proposed for R-3, R-4, and Conditional Uses.  | <b>Zone R 1</b> | <b>Zone R-2</b> | <b>Zone R-3*</b> | <b>Zone R-4</b> |
| CU Conditional Use-see Section 240-34  |                 |                 |                  |                 |
| See definitions in Art. VI Section 240-47  |                 |                 |                  |                 |
| Cemeteries   | CU              | CU              | CU               | CU              |
| Funeral Home   |                 |                 |                  |                 |
| Mixed-use and mixed density developments   |                 | CU              | CU               |                 |
| 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 |                 |                 |                  |                 |

**Table 240-6 Accessory Uses and Structures in Residential Zoning Districts**

| <b>TABLE KEY:</b>  |                                      | <b>Zone<br/>R 1</b> | <b>Zone<br/>R 2</b> | <b>Zone<br/>R-3*</b> | <b>Zone<br/>R-4</b> |
|--|--------------------------------------|---------------------|---------------------|----------------------|---------------------|
| Blank  | Not Permitted                        |                     |                     |                      |                     |
| P  | Permitted Use                        |                     |                     |                      |                     |
| SP   | Site Plan Review Required            |                     |                     |                      |                     |
| CU   | Conditional Use - see Section 240-34 |                     |                     |                      |                     |
| See definitions in Art. VI Section 240-47  |                                      |                     |                     |                      |                     |
| <b>Accessory Uses</b>  |                                      |                     |                     |                      |                     |
| Boat, not exceeding 25 feet in length  |                                      | P                   | P                   | P                    |                     |
| Detached home workshop / Pole Building   |                                      | P                   | P                   | P                    |                     |
| Garden House   |                                      | P                   | P                   | P                    |                     |
| Greenhouse   |                                      | P                   | P                   |                      |                     |
| Home-based business - see Section 240-17   |                                      | P                   | P                   | P                    | P                   |
| Junk Vehicles  |                                      |                     |                     |                      |                     |
| Playhouse  |                                      | P                   | P                   | P                    |                     |
| Private courts for non-commercial swimming pools and/or games                                  |                                      |                     | P                   |                      |                     |
| Private Garage   |                                      | P                   | P                   | P                    |                     |
| Radio or TV receiving tower not more than 50 feet in height                                    |                                      |                     |                     |                      |                     |
| Recreational Vehicle or Motorhome  |                                      | P                   | P                   |                      |                     |
| Shed (<144 Square Feet)  |                                      | P                   | P                   | P                    | P                   |
| Trailer for storage or towing boats, camping or other vehicles not exceeding 25 feet in length |                                      | SP                  | SP                  | SP                   |                     |

\* For Single Family Units in R-3, Accessory Uses are the Same as R-2 Single Family.

**Table 240-7 Basic Dimensional & Density Standards in Residential Zones**

| ZONING DISTRICTS                                     | R-1<br>Single<br>Family | R-2<br>Single<br>Family | R-3<br>Single<br>Family | R-2/R-3<br>Duplex | R-3<br>Townhouse       | R-3<br>Multi-Family<br>Converted | R-3<br>Multi-<br>family | R-3<br>Multi-<br>Family<br>Mid-Rise | R-4<br>Manufactured |
|--|-------------------------|-------------------------|-------------------------|-------------------|------------------------|----------------------------------|-------------------------|-------------------------------------|---------------------|
| <b>Minimum living space per DU(SF)</b>               | 900                     | 1,000                   | 1,000                   | 1,000             | 1,000                  | 1,000                            | 750                     | 750                                 | 900                 |
| <b>Tract Standards</b>                               |                         |                         |                         |                   |                        |                                  |                         |                                     |                     |
| Tract Area   | 5,000<br>SF             | 12,000<br>SF            | 12,000<br>SF            | 8,000<br>SF       | 6 AC                   | 6 AC                             |                         | 12,500 SF                           | 30 AC max           |
| Required minimum open space                          | 20%                     | 20%                     | 20%                     | 20%               | 20%                    | 20%                              | 20%                     | 20%                                 | 20%                 |
| Max. Dwelling Units per gross Acre                   | N/A                     | 3                       | 3                       | 6                 | 6                      | N/A                              | 8                       | N/A                                 | 3                   |
| <b>Minimum Lot Standards</b>                         |                         |                         |                         |                   |                        |                                  |                         |                                     |                     |
| Lot Area per Dwelling Unit (SF)                      | 5,000                   | 11,000                  | 11,000                  | 3,600             | Int-2,000<br>End-3,000 | 3,000                            | 3,000                   | N/A                                 | 5,000               |
| Street Frontage (Feet)                               | 50                      | 100                     | 100                     | 36                | Int.-20<br>End-30      | 30                               | 125                     | 125                                 | 125                 |
| Lot width at front building line (Feet)              | 50                      | 100                     | 100                     | 36                | Int.-20<br>End-30      | 30                               | N/A                     | N/A                                 | 50                  |
| Minimum lot depth                                    | 100                     | 110                     | 110                     | 100               | 100                    | 100                              | 100                     | 100                                 | 100                 |
| <b>Setbacks (Feet)</b>                               |                         |                         |                         |                   |                        |                                  |                         |                                     |                     |
| Front yard   | 15                      | 25                      | 25                      | 25                | 25                     | 25                               | 25                      | 25                                  | 25                  |
| Side Yard  |                         |                         |                         |                   |                        |                                  |                         |                                     |                     |
| One  | 8                       | 15                      | 15                      | 5                 | 10                     | 5                                | 10                      | 20                                  | 8                   |
| Sum of Both  | 20                      | 40                      | 40                      | 16                | N/A                    | 10                               | 25                      | 45                                  | 20                  |
| Rear yard  | 30                      | 40                      | 40                      | 30                | 30                     | 25                               | 25                      | 35                                  | 25                  |
| <b>Building Standards</b>                            |                         |                         |                         |                   |                        |                                  |                         |                                     |                     |
| Stories  | 2 ½                     | 2 ½                     | 2 ½                     | 2 ½               | 2 ½                    | 3                                | 3                       | 6                                   | 2 ½                 |
| Feet   | 35                      | 35                      | 35                      | 35                | 35                     | 35                               | 35                      | 70                                  | 35                  |
| Maximum Impervious coverage<br>Bldg/Total (% of lot) | 33/60                   | 25/50                   | 25/50                   | 25/50             | 45/65                  | 33/65                            | 60/80                   | 25/75                               | 30/50               |
| Maximum units with common walls                      | 1                       | 1                       | 1                       | 2                 | 4                      | 1                                | 6                       | 12                                  | 1                   |

1. Tract Area is the minimum acreage or square footage needed to subdivide and/or develop land for each District and dwelling unit type.
2. Lot Area is the minimum lot size for each dwelling unit type.
3. DU means dwelling units.
4. SF means square footage.
5. Int. means interior.

**NOTE:** Permissible use in Townhome developments in which on street parking is not permitted however rear alley and parking facility including garage are in the design.

**Table 240-8 Dimensional & Density Standards for Residential Accessory Building and Structures Standards for Residential Accessories:**

|                                     | <b>Detached Garage (Rear Yard)</b>   | <b>Other Detached (Rear Yard)</b>  |
|-------------------------------------|--|--|
| Side Yard Setback (interior)        | 10 feet  | 5 feet   |
| Side Yard Setback (Corner)          | Same as principle building   | Same as Principle building   |
| Rear Yard Setback                   | 10 feet  | 5 feet   |
| Distance from Principle Building    | 10 feet  | 10 feet  |
| Distance from Adjacent Lot Dwelling | 20 feet  | 20 feet  |
| Maximum Height                      | 20 feet  | 20 feet  |
| Maximum Lot Coverage                | Per Zoning District, must be calculated including principle building and all accessories | Per Zoning District, must be calculated including principle building and all accessories |

**Table 240-9 Permitted Projections into Required Residential Yards**

| <b>Type of Projection:</b>  | <b>Into Front Yard</b> | <b>Into Interior Side Yard</b> | <b>Into Corner Side Yard</b> | <b>Into Rear Yard</b> |
|---|------------------------|--------------------------------|------------------------------|-----------------------|
| Balconies, bay windows, canopies, entrances, oriels and vestibules less than 10 feet wide | 3 feet                 | 3 feet                         | 3 feet                       | 3 feet                |
| Chimneys  | 2 feet                 | 2 feet                         | 2 feet                       | 2 feet                |
| Cornices and eaves  | 2 feet                 | 2 feet                         | 2 feet                       | 2 feet                |
| Decks, platforms, or similar raised structure   | Not Permitted          | Not Permitted                  | Not Permitted                | 6 feet                |
| Outside Stairways   | Not Permitted          | Not Permitted                  | Not Permitted                | 6 feet                |
| <b>Porches, steps, stoops, terraces and similar features:</b>                             |                        |                                |                              |                       |
| Open to sky   | 9 feet                 | 6 feet                         | 6 feet                       | 9 feet                |
| Roof covering porches, steps, stoops, terraces, decks or platforms                        | 4 feet                 | Not Permitted                  | Not Permitted                | 6 feet                |
| Enclose, including screened-in porches  | Not Permitted          | Not Permitted                  | Not Permitted                | Not Permitted         |
| Fences  | 10 feet                | To Property Line               | To Property Line             | To Property Line      |

**Table 240-10 Sign Measurement Requirements for Residential Districts**

| <b>Location / Use in Residential Zones R 1, R-2, R-3 and RZ 4</b> | <b>Total Signs Allowed</b>         | <b>Maximum Sign Area (per sign)</b> | <b>Permit Required (Yes/No)</b> |
|---|------------------------------------|-------------------------------------|---------------------------------|
| Home Based Business:  | 1 Freestanding,<br>1 Wall-Mounted  | 16 SF                               | Yes                             |
| Institutional Use   | 1 Free-standing,<br>1 Wall-Mounted | 32 SF                               | Yes                             |
| Subdivision Entrance:   | Free Standing                      | 32 SF                               | Yes                             |
| Real Estate/Temporary:  | Free Standing                      | 16 SF                               | Yes                             |

**Table 240-11 Sign Setback and Height Requirements for Residential Districts**

|                            | <b>Free-Standing</b>  | <b>Wall-Mounted</b>   |
|----------------------------|-----------------------|-----------------------|
| <b>Setbacks (feet)</b>     |                       |                       |
| Front Yard                 | 10                    | 10                    |
| Side Yard                  | Same as Principle Use | Same as Principle Use |
| <b>Maximum Sign Height</b> |                       |                       |
| Feet                       | 5                     | Below Eave            |

Subject to Public Hearing Feb. 7, 2011  
Second Reading Approval by Council 2/7/2011

**Table 240-12 Required Minimum Off-Street Parking Spaces for Residential Units**

| ZONING DISTRICTS                     | R-1           | R-2,R-3       | R-3    |           |                        |              |                       | R-4          |
|--------------------------------------|---------------|---------------|--------|-----------|------------------------|--------------|-----------------------|--------------|
|                                      | Single Family | Single Family | Duplex | Townhouse | Multi-Family Converted | Multi-Family | Multi-Family Mid-rise | Manufactured |
| Required Area per Parking Space (ft) | 10x20         | 10x20         | 10x20  | 10x20     | 10x20                  | 10x20        | 10x20                 | 10x20        |
| Minimum Off-street Spaces per DU     | 2             | 2             | 2      | 2         | 1.5                    | 2            | 2                     | 2            |
| Minimum Visitor Spaces per DU        | N/A           | N/A           | 0.25   | 0.5       | 0.25                   | 0.5          | 0.5                   | 0.1          |

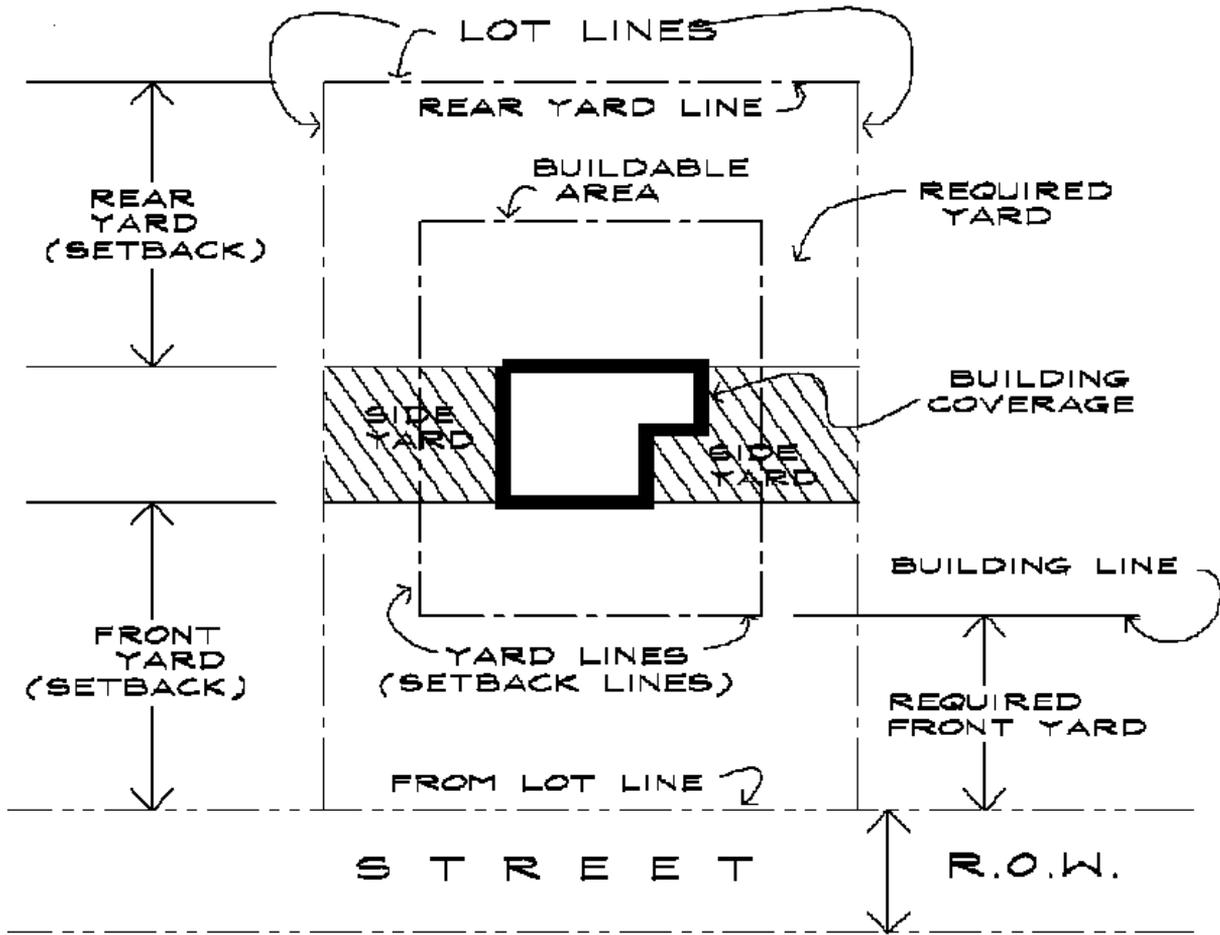
Notes:

1. R-1 is a closed zone, that is no new lands shall be zoned R-1.
2. Accessible Parking may be required for multi-family units more that 24 required parking spaces. Parking must comply with the Americans with Disability Act.
3. Minimum number of off-street spaces for R-1, R-2 and R-3 single family dwellings does not include garage parking.
4. Visitor parking in residential zones may be provided by way of parking space clusters along the developments' streets, a series of larger parking areas, a large centralized parking lot, or a combination thereof subject to review by the Land Use Administrator and the Town Engineer.
5. Parking space length may be shortened to seventeen (17) feet when adequate vehicle overhang is provided over a landscaped area, and the space is curbed or includes a concrete wheel stop. Parking spaces with curb that has pedestrian sidewalk abutting the curb shall be twenty (20) feet in length as the vehicle overhang may encroach in the pedestrian access route.

**Table 240-13 Height Limitations for Residential Fences and Walls**

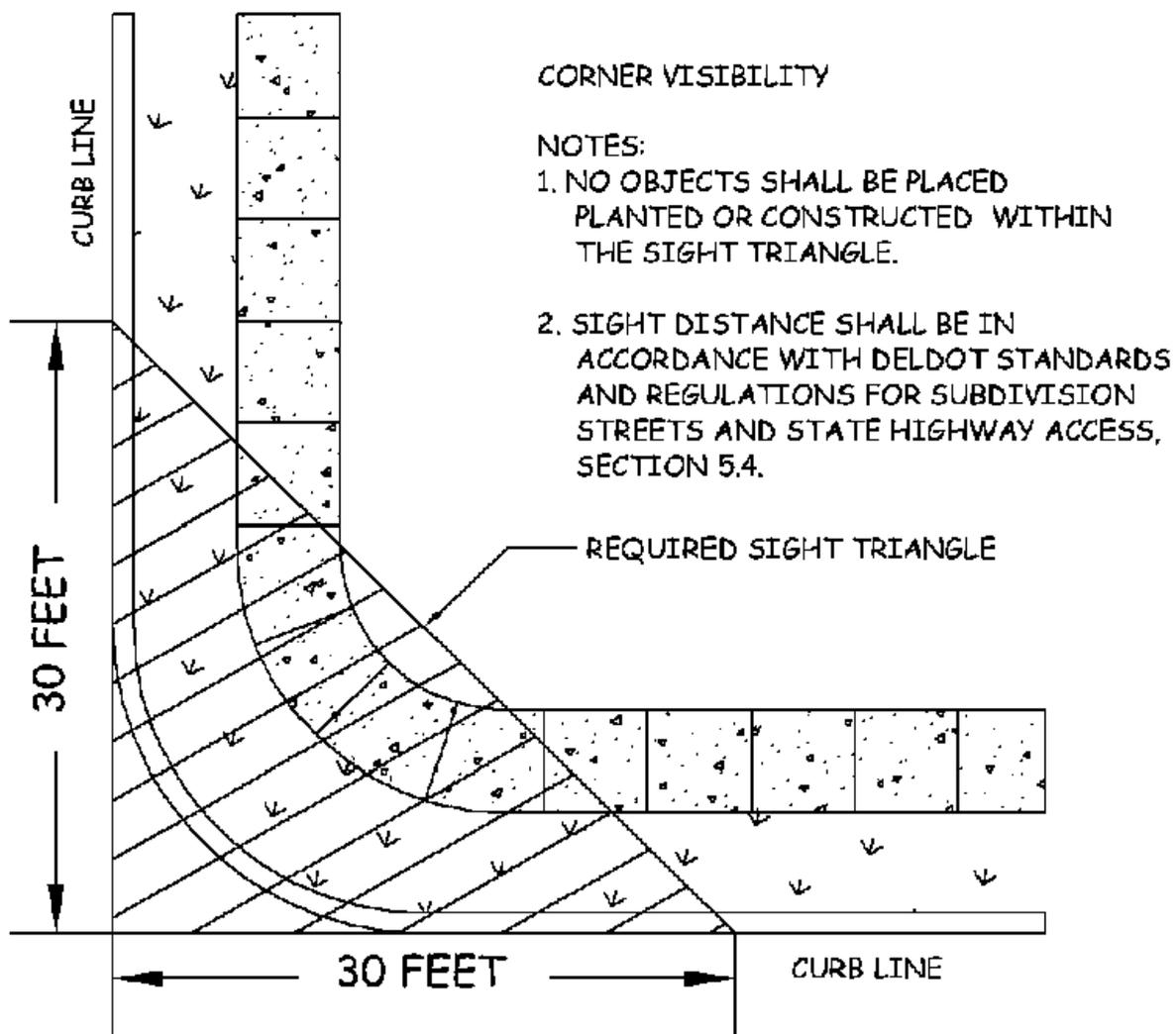
| Location           | Maximum Height | Maximum Height on Corner Lot |
|--------------------|----------------|------------------------------|
| Front Yard         | Not Permitted  | Not Permitted                |
| Corner Side Yard   | 3 feet         | Not Permitted                |
| Interior Side Yard | 6 feet         | Not Permitted                |
| Rear Yard          | 6 feet         | 6 feet                       |

Figure 240-1 Setbacks, Building Coverage, Building Lines



Second Re.

Figure 240-2 Corner Visibility



**Section 240-24 Non-Residential Zoning Districts**

**Table 240-14 Non-residential Districts and Purposes**

| <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, and R-1 Residential Uses. | R-1 Residential Uses, 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       | AG Agricultural          | To preserve undeveloped areas such as open space, or agricultural lands.  | Agricultural   |
| Preservation      | P Preservation           | To preserve undeveloped areas such as open space, or areas of special environmental quality.  | Parks; dedicated environmental easements                             |

**Section 240-25 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 R-1 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 240-26 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

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

(c) 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

(d) 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

- (e) 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 240-27 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.
  - (3) 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.
  - (4) 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.

- (5) Operations involving stock yards, slaughter houses, and slag piles.
- (6) Storage of explosives. Bulk or wholesale storage of gasoline above ground.
- (7) Dumps.
- (8) Quarries, stone crushers, screening plants, and storage of quarry screenings, accessory to such uses.
- (9) 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.

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

| TABLE KEY:<br>Blank Not Permitted<br>P Permitted Use<br>CU Conditional Use - see Section 240-34<br>Site Plan review required in C-1, C-2 and I for all permitted and conditionals uses.<br>See definitions in Art. VI Section 240-47                     | Zone<br>C-1 | Zone<br>C-2 | Zone<br>I | Zone<br>AG | Zone<br>P |
|--|-------------|-------------|-----------|------------|-----------|
| <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   |             |             |           | P          |           |
| <b>Residential Uses</b>  |             |             |           |            |           |
| Apartment above commercial or office uses  | P           |             |           |            |           |
| Bed & breakfast  | CU          |             |           |            |           |
| Dwelling, Two Family   |             |             |           |            |           |
| Dwelling, Manufactured Home  |             |             |           |            |           |
| Dwelling, Multi-family   |             |             |           |            |           |
| Dwelling, Single Family including modular homes  | P           |             |           | CU         | CU        |
| Dwelling, Townhouse  |             |             |           |            |           |
| Home Based Businesses - See Section 240-16   | P           |             |           |            |           |
| <b>Sales &amp; Rental of Goods, Merchandise, and Equipment</b>   |             |             |           |            |           |
| Convenience Store  | P           | P           |           |            |           |
| Retail Food Establishments   | CU          | P           |           |            |           |

|  |                     |                     |                   |                    |                   |
|--|---------------------|---------------------|-------------------|--------------------|-------------------|
| Retail Sales, Service and Repair Establishments 2,500 SF or less   | P                   | P                   |                   |                    |                   |
| Retail Sales, Service and Repair Establishments more than 2,500 SF   |                     | P                   |                   |                    |                   |
| Retail Sales Establishments with drive-through Supermarket   |                     | P                   |                   |                    |                   |
| Restaurant   | P                   | P                   |                   |                    |                   |
| Restaurant with drive through  | CU                  | P                   |                   |                    |                   |
| Wholesale Trade Establishments   |                     | P                   | P                 |                    |                   |
| Shopping Center  |                     | P                   |                   |                    |                   |
|  |                     |                     |                   |                    |                   |
| <b>Office, Clerical, Research, Personal Service and Similar Enterprises Not Primarily Related to Goods and Services</b>  |                     |                     |                   |                    |                   |
| Business Service Establishments  | P                   | P                   |                   |                    |                   |
| Offices  | P                   | P                   |                   |                    |                   |
| Office Complex of multiple buildings   |                     | P                   | P                 |                    |                   |
| Lodging and Miscellaneous Service Establishments   |                     | P                   |                   |                    |                   |
| Personal Service Establishments, including self serve 2,500 SF or less   | CU                  | P                   |                   |                    |                   |
| Personal Service Establishments incl. self-serve more than 2,500 SF  |                     | P                   | P                 |                    |                   |
| Social Service Establishments  | CU                  | P                   | P                 |                    |                   |
| Research, Design and Testing Laboratories  |                     |                     | P                 |                    |                   |
| Banks  | CU                  | P                   |                   |                    |                   |
|  |                     |                     |                   |                    |                   |
|  |                     |                     |                   |                    |                   |
| TABLE KEY:<br>Blank Not Permitted<br>P Permitted Use<br>CU Conditional Use - see Section 240-34<br>an review required in C-1, C-2 and I for all permitted and conditional uses. See<br>ons in Art. VI Section 240-47 | <b>Zone<br/>C-1</b> | <b>Zone<br/>C-2</b> | <b>Zone<br/>I</b> | <b>Zone<br/>AG</b> | <b>Zone<br/>P</b> |
| Banks with drive through; space for waiting vehicles on-site   | CU                  | P                   |                   |                    |                   |
| 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  |                     |                     | P                 |                    |                   |
| Concrete, Cement, Stone and Gravel Bulk Storage  |                     |                     | P                 |                    |                   |
| Commercial Composting, Materials Recycling   |                     |                     | 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  |                     |                     |                   |                    | CU                |
| Educational Institutions, public and private   |                     | P                   |                   |                    |                   |
| Places of Worship  | CU                  | CU                  |                   |                    | CU                |
| Community Center, Private  | CU                  | P                   |                   |                    |                   |
|  |                     |                     |                   |                    |                   |

|   |    |    |    |    |    |
|---|----|----|----|----|----|
| <b>Institutional, Residence, Care, Confinement &amp; Medical Facilities</b>   |    |    |    |    |    |
| Day Care Center   | CU | P  |    |    |    |
| Day Care, Family (1-6 children)   | CU |    |    |    |    |
| Day Care, Large Family (7-12 children)  | CU |    |    |    |    |
| Hospital  | CU | P  |    |    |    |
| Medical Clinic  | CU | P  |    |    |    |
| Nursing and Care Facilities   | CU | P  |    |    |    |
| Surgical Center   | CU | P  |    |    |    |
| <b>Transportation-Related Sales &amp; Service</b>   |    |    |    |    |    |
| Motor vehicle filling stations  | CU | P  |    |    |    |
| Motor vehicle sales, repair, service and storage  |    | P  | CU |    |    |
| <b>Storage &amp; Parking</b>  |    |    |    |    |    |
| Distribution Center   |    | CU | P  |    |    |
| Garage, Public or Commercial Parking  |    | CU |    |    |    |
| Self-storage Facility   |    | P  | P  |    |    |
| Warehouse   |    | CU | P  |    |    |
| <b>Public, Semi-Public, Emergency</b>   |    |    |    |    |    |
| Government Facilities and Services, local   | P  | P  | P  |    |    |
| Government Facilities and Services, non-local   | CU | P  | P  |    |    |
| Parks & Open Space  | P  | CU |    | P  | P  |
| Public Safety Facilities including, ambulance, fire, police, rescue, and national security  | P  | P  | P  |    |    |
| Public Utility Service Facilities   | CU | CU | P  |    |    |
| Recreation Facility   |    | P  |    | CU | CU |
| <b>Not Grouped Elsewhere</b>  |    |    |    |    |    |
| Accessory Uses, generally, see Table 240-16   | P  | P  | P  | P  | P  |
| Cemeteries  | CU |    |    | CU | CU |
| Funeral Home  |    | P  |    |    |    |
| Mixed use and mixed density developments  |    | 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  |    |    |

Subject to Public Hearing Feb. 7, 2014  
 Second Reading Approval by Council 2/7/2014

**Table 240-16 Commercial and Industrial Accessory Uses**

|   |    |   |   |    |    |
|---|----|---|---|----|----|
| <b>Accessory Uses</b>   |    |   |   |    |    |
| Accessory Farm Buildings e.g. barns, stables, silos           |    |   | P | CU |    |
| Accessory Maintenance and Storage for Recreational Facilities |    |   | P |    | CU |
| Boat, not exceeding 25 feet in length                         | CU |   |   |    |    |
| Detached home workshop  | P  |   |   |    |    |
| Garden House  | P  |   |   | P  |    |
| Greenhouse  | P  |   |   | P  |    |
| Home-based business - see Section 240-17                      | P  | P |   |    |    |
| Junk Vehicles and Junk Vehicle Storage, unenclosed            |    |   |   |    |    |
| Playhouse   | 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              | CU | P | P  |    |  |
| Tool house  | P  | P |    |    |  |
| Trailer not exceeding 25 feet in length                     | P  | P |    |    |  |
| Trailer for storage or towing exceeding 25 feet in length   |    | P | P  |    |  |
| Materials Stockpile, un-enclosed                            |    |   | CU | CU |  |
| Materials Stockpile, enclosed or covered                    |    |   | p  | CU |  |
| Material or Equipment Storage, un-enclosed                  |    |   | CU | CU |  |
| Material or Equipment Storage, enclosed                     | P  | P | P  | CU |  |

**Table 240-17 Basic Dimensional and Density Standards for Commercial, Industrial and other Non-Residential Districts**

| ZONING DISTRICT  | Residential   | C-1            | C-2         | I        | AG       | P        |
|--|---------------|----------------|-------------|----------|----------|----------|
|  |               | All Other Uses | All Uses    | All Uses | All Uses | All Uses |
| <b>Tract Standards</b>   |               |                |             |          |          |          |
| Tract Area (SF)  |               | 7,500          | 9,000       | 43,560   | 43,560   | 43,560   |
| Required Minimum Open Space                                    |               | 20%            | 20%         | 20%      | 20%      | 20%      |
| <b>Min. Lot Standards</b>                                      |               |                |             |          |          |          |
| Lot Area Per DU (SF)   |               | 7,500          | 9,000       | 43,560   | 43,560   | 43,560   |
| Street Frontage (feet)   | Same as R-1   | 50             | 60          | 100      |          |          |
| Lot Width at Front Bldg. Line (feet)                           | Single Family | 50             | 60          | 100      |          |          |
| <b>Setbacks (feet)</b>   | with          |                |             |          |          |          |
| Front Yard   | Tract Area of | 25             | 40          | 50       | 100      | 100      |
| Side Yard  | 5,000 SF      | 10             | 10          | 15       |          |          |
| Interior Yards (each)  |               | 10             | 15          | 25       | 100      | 100      |
| Corner Yard  |               | 20             | 30          | 50       | 100      | 100      |
| Rear Yard  |               | 20             | 20          | 40       | 100      | 100      |
| <b>Maximum Building Height</b>                                 |               |                |             |          |          |          |
| Stories  |               | 2-1/2          | 3-1/2 or *6 | 2-1/2    | 2-1/2    | 2-1/2    |
| Feet   |               | 35             | 45 or *70   | 45       | 35       | 35       |
| Maximum Building Coverage/Total Impervious Coverage (% of Lot) |               | 40/80          | 40/80       | 55/80    | 10/20    | 10/20    |
| Minimum Lot Depth  |               | 100            | 100         | 150      | 200      | 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 240-28            Agricultural District (AG)**

A. Purpose. The purpose of this district is to preserve undeveloped areas such as open space and agricultural lands 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.
- (2) All structures, meeting facilities or active recreation equipment shall be setback 100 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.

**Section 240-29            Preservation District (P)**

C. 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.

D. Other Requirements.

- (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 240-30            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.
- (4) Use of required parking lot area for any use other than motor vehicle parking and circulation shall not be permitted except when reviewed and approved by the Land Use Administrator. Such uses may include storage of materials for sale, sale of materials, presentation/display of materials for sale, or any other use which will cause required parking spaces and vehicle circulation aisles to be occupied.

D. Specific Requirements by Use.

- (1) See Table 240-12 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.
- (5) 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.
- (6) Barber Shop or Beauty Shop: two (2) parking spaces for each beauty or barber shop chair, plus one for each employee.
- (7) Churches, Places of Worship, Auditorium: one (1) per four (4) seats or bench seating spaces in the main assembly area only.
- (8) Private Club, Lodge: one (1) parking space for each 200 square feet of gross floor space plus one space for each employee.
- (9) 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.
- (10) Firehouse: Minimum of 25 parking spaces.
- (11) Laundromat or other Self-Serve Service Establishments: one (1) parking space for each two (2) machines used in the operation of the business.
- (12) Industrial or Manufacturing Building: one (1) space for each two (2) employees for the main shift.
- (13) Medical Clinic or Dispensary, Doctor's Office: four (4) parking spaces per doctor, plus one (1) additional space for every two (2) employees.
- (14) Funeral Home: 35 spaces for each viewing room plus one (1) space for each business vehicle plus (1) space for each employee.
- (15) Office Building, Professional Building, or Similar Use: one (1) parking space for each 200 square feet of gross floor area.
- (16) 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.
- (17) 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.

- (18) 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 200 square feet (10' x 20') 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: Screening shall be in accordance with Article IV, Section 240-39.

**Section 240-31 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 | 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                  |

| 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) The Planning Commission 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 240-32 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 ensure 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, and 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 sixteen (16) square feet in area will be permitted for home occupations in the residential district.
  - (2) No sign in the C-1 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.
- (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 two (2) 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 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 in the Commercial Zoning Districts.

- (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 25 feet.
- (4) Double-faced signs shall not exceed 200 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 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 25 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 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.

**Section 240-33 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 240-34.
- 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) Rights-of-way shall be established in accordance with the DeIDOT Functional Classification Map and Section 3.6.5 of DeIDOT's Standards and Regulations for Subdivision Street and State Highway Access. Front yard setbacks shall be offset from the current legal right-of-way line.
  - (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 nine (9) 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.

F. 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) At street intersections, nothing shall be built, placed, planted, or allowed to grow higher than three (3) feet within the "sight triangle."
- (2) Subdivision intersection sight triangles shall be measured along the curb line of the intersecting streets for a distance of 30 feet from the intersection and formed by connecting the respective 30-foot distances as shown in Figure 240-2.
- (3) Sight distance regulations for intersections with State maintained streets shall be governed by the DeIDOT Standards for Regulations for Subdivision Streets and State Highway Access, Section 5.4.

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.

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;
- (8) Satellite Dishes.

**Section 240-34 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.

**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 240-5.
- (3) Commercial/Industrial: See Tables 240-15 and 240-16.

**Section 240-35 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.

## **Section 240-36      Open Space**

- A. Open Space shall be incorporated into all planned development projects so to provide opportunity for passive and active recreation as well as protect and preserve environmentally sensitive areas.
  - (1) All planned development projects containing six (6) or more dwellings shall be required to dedicate to public use a minimum of ten (20%) percent of the gross tract area.
  - (2) A minimum of fifty (50%) percent of the required open space shall be suitable for active recreation.

- (3) Opportunity for active recreation shall be integrated with passive recreation and preserved natural areas.
- (4) Open space shall not include lots having residential improvements thereon or stormwater management areas, but may include floodplains, riparian buffers or other vegetated areas if provided with recreational amenities such as playgrounds, recreational trails, picnic areas, or other amenities for the community.
- (5) All lands in any planned development in any zone that are constrained by site limitations, environmental features, dedicated to stormwater management, or unimproved buffers as regulated by other sections of this ordinance shall be set aside as preserved open space. Preserved open space areas may either be left in a natural state, or enhanced using appropriate and environmentally sustainable planting, reforestation, or stabilization methods. Preserved open space shall not contribute to the passive and active open space required to be provided on the tract being developed. However, the preserved open space area shall factor into total tract area when calculating open space area requirements.
- (6) Development in the vicinity of undeveloped open space shall be designed to protect the site's sensitive natural resources. The undeveloped open space shall be utilized to provide protection for critical ecosystems within the project site and to preserve in perpetuity the natural assets of the project area.

B. In planned development projects designated open space areas shall be centrally located or evenly dispersed throughout the development and accessible to all residents of the community.

- (1) The minimum recreational facilities for planned residential developments shall be as follows:
  - (a) Up to seventy-five (75) units: A complex of active recreation in conjunction with passive parks developed with walkways, benches, and trees and lawn areas and; An active recreation area with one (1) basketball court, and/or one (1) swimming pool, and/or similar facility(s). There shall also be one (1) playground.
  - (b) Seventy-five (75) to two hundred (200) units: A complex of active recreation in conjunction with passive parks developed with walkways, benches, and trees and lawn areas and; at least one (1) multi-purpose field with dimensions able to provide baseball (or softball), football, and soccer with overlapping play areas. One (1) basketball court, and/or one (1) swimming pool, and/or similar facility(s). There shall also be one (1) playground.
  - (c) More than two hundred (200) units: A complex of active recreation in conjunction with passive parks developed with walkways, benches, and trees and lawn areas and; either two (2) separate multi-purpose fields, or single, larger area to accommodate two (2) such fields on one (1) site, together with improvements for at least two (2) court games. There shall also be at least one (1) playground. The multi-purpose field(s) shall locate a baseball or softball field separate from a football or soccer field.

- (d) For developments greater than four hundred (400) units: A complex of active recreation in conjunction with passive parks developed with walkways, benches, and trees and lawn areas and; at least three (3) multi-purpose fields, either three (3) separate parcels, or one (1) or two (2) larger fields providing equivalent area. Baseball or softball field(s) shall be separate from football or soccer field(s). There shall also be at least two (2) basketball courts, two (2) tennis courts, and two (2) playgrounds. One (1) or two (2) swimming pools are optional in lieu of one (1) multi-purpose field. One (1) skate/bicycle park is optional in lieu of one (1) multi-purpose field.
- C. Open space areas may be in the form of one large area, or numerous smaller areas spread throughout a community provided each is a minimum area of one thousand (1,000) square feet.
- D. The design of open space shall consider the use of vest pocket parks where larger contiguous space is not available. Pocket parks provide passive recreation in the form of a landscaped area with seating, small play equipment, monuments or historic markers, or a combination thereof at the designer's discretion. Pocket park features are subject to the approval of the Town, Town Manager, and the Town Engineer.
- E. Design of open space areas shall take into account the age range of potential users of the area to ensure proposed amenities provide opportunity for enjoyment and the promotion of public health for all age groups.
- F. Open space areas shall be connected to residences and to other open space areas by a contiguous system of sidewalks, walking trails, pathways or any pedestrian facility designed into the community. Design of these pathways shall consider the use of landscaping or other aesthetic features to create identifiable physical ties between each open space area, as well as between open space areas and residential areas. Trail and walkway features are subject to the approval of the Town, Town Manager, and the Town Engineer.
- G. For planned developments proposed ten (25) or more units, the developer shall provided at least one (1) area suitable, and designated for active open space shall be large enough to have inscribed within it a circle with a diameter of 250 (two-hundred fifty) feet.
- H. The developer shall be responsible to design and construct open space and recreation landscaping and amenities so as to provide usable space with positive drainage. Improvements shall be designed to meet regulation sizes for fields, courts, and other recreational facilities, as applicable. All open space and recreation improvements shall be subject to the approval of the Town Engineer.
- I. Fields and courts shall be provided with all appurtenant equipment typical for the proposed use(s).
- J. Recreational facilities shall be designed and constructed with the appropriate grading, seeding, sod, asphalt, concrete, synthetic, or other appropriate surface material as found acceptable by the Town Engineer. Such facilities shall also be equipped with lighting, fencing, bicycle racks, benches and trash receptacles, as appropriate.
- K. All trails, walkways and recreational facilities shall meet all ADA for handicapped accessibility.

- L. A Homeowners Owners Association (HOA), or other open space organization, shall be responsible for the maintenance of privately held open space. Such organization shall not be dissolved, nor shall it dispose of any common open space by sale or otherwise.
- M. Design of all open space and recreation areas and amenities is subject to review and approval by the Town Engineer.
- N. Open space offered for dedication to the Town shall be usable open space that is of suitable size, dimension, topography and general character for the purpose. Land is considered usable open space if it meets the following criteria.
- (1) The land is not encumbered with any substantial structures.
  - (2) The land is not encumbered by use restrictions imposed after state or federal environmental clean up actions that would prevent the use of the area.
  - (3) The land is not devoted to use as a roadway, parking area or sidewalk.
  - (4) The land, if wooded, is left in its natural undisturbed state. This does not include removal of invasive plant species, hazardous trees and/or the construction of trails or boardwalks for recreational purposes.
  - (5) The land, if not wooded, is suitable for open space use and landscaped with the objective of creating recreational facilities.
  - (6) The land is legally and practically accessible to the residents of the development out of which the required open space is taken.
- O. Any land designated for dedication to the Town for use as open space shall be shown and marked on the plan as, "Dedicated for Parks and Recreation".
- P. The Town reserves the right to require dedication of land when a need is specifically included in the Town of Camden Comprehensive Plan, as most recently adopted.
- Q. The method of preserving open space shall be a determination of the Town.
- R. The developer may post a fee in lieu of the cost of construction of some or all of the required open space improvements where it can be demonstrated that a physical characteristic specific to the site substantially impedes the installation of recreation improvements.
- (1) The Town reserves the right to reject any monetary contribution in lieu of open space, based on review of the developer's claim of hardship by the Town Engineer.
  - (2) Payments in lieu of open space improvements shall be deposited in a dedicated trust fund. The proceeds of the trust fund shall be used solely for the purpose of capital improvements for park and/or recreation purposes.
  - (3) Payments in lieu of open space shall be made a condition of final approval, and payments shall be made prior to issuance of any construction permits.

- (4) Payments in lieu of open space shall be in the amount of \$5,000.00 per lot or unit.
  - (5) Where the developer elects to construct a portion of the open space and recreation required, but not all, the difference shall be made up through a per lot or unit cash contribution applied to the number of lots or units equal to the total number of lots or units in the development multiplied by the percentage of open space area NOT provided in relationship to the area of open space required.
- S. All open space shall be recorded in the master deed for each project to reflect its permanent reservation. Such document shall be submitted to the Town for final approval.

**Section 240-37 Architectural Design Standards**

- A. Design shall promote architectural interest, flexibility in design, and incorporate elements of the vernacular architecture. Architectural design is to the extent feasible complimentary with the design of nearby existing structures.
- B. Architectural design standards apply to new construction, voluntary renovations by current ownership, as well as renovations and alterations due to change of ownership and/or change of use.
- C. Developments within proximity to DuPont Highway (Route 13) and Alternate Route 13 (Old Camden Road, North Main Street, South Main Street, and Upper King Road) have been classified as the Heritage Zone Overlay District of the Town.
  - (1) Developments within five hundred (500) feet of the highways and one thousand (1000) feet of highway interchanges shall incorporate architectural elements reflective of one of the following design themes.
    - (a) Colonial.
    - (b) Victorian.
    - (c) Federal.
    - (d) Elizabethan.
  - (2) Elements of design within the Heritage Zone Overlay District include the type of materials, colors, textures, and the relative scale of the elements that constitute a building design.
  - (3) Building materials for the Heritage Zone Overlay District include the following.
    - (a) Wood (siding, shingles, trim, shutters, railings, porch floors and frontages, etc.).
    - (b) Glass (windows and doors).
    - (c) Brick (walls, exposed foundation walls, trim, stoops, chimney enclosures).

- (d) Textured blocks (walls, exposed foundation walls). Flat block walls are not permitted.
  - (e) Other similar building materials, subject to approval of the Town.
- (4) The configuration of a building shall provide a variety of features and a well balanced combination of architectural elements.
  - (5) Visual patterns shall be employed to break down building mass into smaller elements.
  - (6) The massing of buildings shall be such that the transitional techniques can be employed where buildings of differing heights are proposed and/or where the proposed development is in proximity to existing buildings. Typical transitional techniques may include spatial interval, gradual increases in building height and incorporation of horizontal human scale features.
  - (7) The size and proportion of building elevations shall be compatible with adjacent structures.
  - (8) Building façades shall have varying setbacks and be segmented with architectural details such as overhangs, recesses, projections, moldings, canopies or porticos, raised cornice parapets and other similar features.
    - (a) Façade recesses or projections shall extend a maximum of eighteen (18) inches from the building wall.
    - (b) Awnings, balconies and canopies, where provided, are to project a minimum of eighteen (18) inches.
    - (c) No solid, blank, windowless walls or service areas shall be visible to the public from common or public areas. Where the construction of a blank or substantially blank wall is necessary, the façades shall be articulated by the provision of false windows, articulated masonry, or, recessed or projecting display window cases.
  - (9) Complimentary street side rhythms shall be provided through fenestration, roof segments, wall patterns, lighting fixtures, signs and landscaping.
    - (a) The use of streetscape elements including benches, tables, trash receptacles, bike racks, pedestrian walkways, planters and lighting consistent with the Town character is encouraged, where applicable.

[1] Pedestrian walkways may consist of one or a combination of the following materials:

- i. Concrete: (Plain, Colored and/or Stamped);
- ii. Pavers: (Brick, Concrete, Stone);
- iii. Bound Natural Aggregate Surfaces

iv. Pervious Material: (Concrete, Pavers, Bound Aggregate)

v. Other material approved by the Town Engineer.

[2] Benches and tables may consist of one or a combination of the following materials, and shall be painted black unless otherwise approved:

i. Steel;

ii. Wood;

iii. Recycled Plastic;

iv. Other material approved by the Town Engineer.

[3] Bike racks shall be of a style considered “decorative”, and shall compliment the adjacent streetscapes and/or those throughout the Town. Bike racks shall be mounted on either a concrete pad, concrete sidewalk or concrete subbase under paver sidewalks. All bike rack styles and colors are subject to the approval of the Town Engineer.

[4] Planters and tree pits shall consist of a firm but pervious surface to accept rain water, while providing a surface suitable for pedestrians. Tree grates shall be heel safe.

(b) All equipment providing services to the building whether roof or ground mounted, shall be screened by appropriate architectural/landscaping features.

(c) Lighting fixtures shall compliment building architecture and landscaping. Lighting shall also be provided with cutoff luminaires so as to control light pollution and offsite glare and is to be designed in such a manner as to promote a dark sky condition.

(d) New lighting fixtures shall be predominantly “Acorn Style” fixtures, unless otherwise approved.

D. Development design of properties at the Town Gateways is to communicate a sense of arrival as well as community character. The Town Gateways shall constitute any and all entranceways into the Town of Camden.

(1) The placement of distinctive Town of Camden Welcome Signs is encouraged; all such signs are to be identical.

(2) Landscaping comprised of trees, shrubs, and flower beds is to be provided forward of the building line. Unimproved areas not provided with plant materials are to be grass covered. The landscaping design is to be compatible with the scheme found on properties which are adjacent or opposite so to create the look and feel of a corridor.

- (3) Buildings at each Gateway shall be compatible in design and incorporate aspects of the vernacular architecture.
  - (4) All designs shall be reviewed and approved at the discretion of the Town Engineer and Town Manager.
- E. Design of buildings in proximity to the Heritage Zone Overlay District shall be complimentary to buildings in the Heritage Zone, other surrounding buildings while providing a transition from the Heritage Zone Overlay District of the Town to the adjacent zones.
- F. General design standards for commercial and residential buildings within or outside of the Heritage Zone Overlay District of the Town are as follows.
- (1) Commercial and residential buildings with multiple uses shall be designed with a complex massing that includes varying rooflines, projections and recesses, smaller additions to a main building, and/or separate, smaller structures.
  - (2) Buildings shall avoid monotonous wall or roof planes by modulating the façade to give the appearance of several smaller scale buildings. Wall façades exceeding thirty feet (30') in length and oriented towards the public view shall include windows, entrances or similar architectural features appropriately spaced.
  - (3) Uninterrupted windows shall not occupy more than thirty-five percent (35%) of a building façade.
  - (4) Façade treatments shall include traditionally designed storefronts, doorways, windows and related design features. Each façade must be treated architecturally, not just the main entrance façade. The entire front, sides and rear of the building should be coordinated in compatible traditional colors and materials. Street façades, in the public view, should receive greater architectural emphasis.
  - (5) Storefronts shall be designed with variations where possible in widths, setbacks, and traditional architectural façades. Wider storefronts on existing and proposed lots should receive particular emphasis to create multiple façade variations.
  - (6) Architectural design of franchise style commercial development shall be adapted, to the greatest extent possible, to reflect the character of the Town and incorporate elements of the vernacular architecture.
  - (7) Gable roofs with a minimum pitch of 5:12 are encouraged, and should be provided with eaves. Two-story or taller buildings shall be provided with cornice treatment. Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, verandas, masonry chimneys, cupolas, clock towers, and other similar elements are encouraged.
  - (8) Buildings shall have an inviting, identifiable entrance and, to the greatest extent possible, provide shade and weather protection. Building entrances shall be at grade, whenever possible.

G. General material and construction standards for commercial and residential buildings within or outside of the Heritage Zone Overlay District of the Town are as follows.

(1) Building walls – Elevations and façades.

- (a) Façades and elevations of any one principle building and outbuilding(s) shall be made of the same materials, similarly detailed.
- (b) Front and side façades of any building at the corner of a grouping shall be made of the same materials, and shall be similarly detailed. Corner buildings are those at the intersection of streets, access drives and pedestrian paths.
- (c) Walls constructed of more than one material shall only change material along a horizontal line.
- (d) Foundation walls of parged block may be exposed to no more than eighteen inches (18”) above grade.
- (e) Building walls of shingles or siding shall have all openings trimmed in two-inch (2”) to four-inch (4”) nominal width boards. Corners shall be trimmed in 4” to 6” nominal width boards.
- (f) Brick shall be in a horizontal running bond pattern with raked mortar joints not greater than one-half inch (1/2”) in height.
- (g) Gables atop brick walls shall be finished in siding or brick.

(2) Building roofs – roofing, gutters and downspouts.

- (a) Roof material shall be steel standing seam, copper or cedar shakes.
- (b) Gutters and downspouts shall be wood, copper, steel or aluminum. All gutters on one building shall be the same profile (cross-section). All gutters other than wood shall have a half-round profile.
- (c) Roofs shall be simple and symmetrically pitched, and only in the configuration of gables and hips. The minimum pitch of the roof shall be 5:12, and the maximum roof pitch shall be 14:12.
- (d) Dormers shall be roofed with a symmetrical gable, barrel or shed roof.
- (e) Skylights shall be flat in profile.
- (f) Skylights, solar panels, vent stacks, satellite dishes, and other roof protrusions shall not be placed on a roof facing frontages nor shall they be visibly obtrusive from nearby streets.

- (g) Roof penetrations (vents, attic ventilators, turbines, flues, etc.) shall be painted to match the color of the roof or flat black. Such penetrations shall be located on roofs not facing frontages.
- (3) Building elements – piers, arches, porches, stoops, decks and chimneys.
- (a) Piers and arches shall be brick. Masonry arches shall not be less than eight inches (8”) in thickness. Keystones in masonry arches shall be centered on the arch and have sides radial to the arch. Masonry piers shall be no less than twelve inches (12”) in width and eight inches (8”) in depth.
- (b) Porch floors shall be wood or brick. Porch railings shall be a single material, either wood, cellular PVC, steel or wrought iron (painted black).
- (c) Porch foundations shall be brick piers with framed wood, wood boards or cellular PVC.
- (d) Posts or columns shall be wood or fiber-reinforced composite. Posts shall be no less than six inches (6”) nominal width and depth with chamfered corners.
- (e) Deck floors shall be wood. Deck railings shall be a single material, wood or wrought iron (painted black). Decks are prohibited on frontages.
- (f) Chimney enclosures at frontages shall be brick. Chimneys two stories or more above grade and not within four feet (4’) of an exterior wall may be simulated brick or stucco. Flues shall be tile or metal.
- (g) Uninhabitable space below porches and decks shall be skirted by wood, lattice with not greater than one and one-half inch (1-1/2”) spaces between the boards.
- (4) Windows and doors – windows, doors, awnings, shutters, glass, garage doors.
- (a) Windows shall be built of wood and may be clad in aluminum or vinyl. Windows shall be square or vertical in proportion. Windows may be circular or semi-circular, but only one such window may be placed on each façade.
- (b) Windows shall be single hung, double hung, or fixed in decorative applications. Bay windows at frontages shall extend to the ground or be visually supported by brackets.
- (c) Doors shall be wood, and use of glass panels is subject to approval by the Town. Doors shall have raised panels arranged in a traditional pattern, and in a style consistent with the primary building.
- (d) Glass shall be clear and free of color. Stained, frosted and tinted glass are permitted except at frontages. One stained glass application may be permitted at frontages with the approval of the Town.

- (e) Shutters shall be wood or cellular PVC. Shutters shall be applied to all or none of the typical windows on a given façade or elevation. They shall be shaped, sized and proportioned to the opening they serve.
  - (f) Awnings shall be canvas or a synthetic woven material resembling canvas. Residential awnings shall be triangular in section with a free hanging drip edge.
  - (g) Garage doors shall be built of wood embossed steel, or fiberglass, and use of glass panels is subject to approval by the Town. Garage doors shall have raised panels arranged in a traditional pattern, and in a style consistent with the primary building.
  - (h) Sliding doors are permitted except at frontages. Storm doors and screen doors shall be full view and free of decorative trim, and shall be finished to match the window or door they serve or the trim around it.
- (5) Gardens and Fences – gardens, fences, retaining walls, gates, walkways, driveways, patios.
- (a) Fences shall be built of wood pickets, cellular PVC, wood lattice, wood board, steel or wrought iron. Wood and cellular PVC fences shall be painted white, and steel or wrought iron fence shall be painted black. Solid fences are not permitted in front yards. Fence locations and patterns are subject to the approval of the Town.
  - (b) Gates in fences shall be built of the fence material. Gates in garden walls shall be wood, cellular PVC, steel or wrought iron.
  - (c) Garden and retaining walls shall be brick or stone. Retaining walls not visible from nearby streets, paths, or public areas, shall be brick, stone, concrete, concrete block or treated wood.
  - (d) Brick walls shall be eight inches (8”) to twelve inches (12”) wide and capped. The cap shall overhang the wall one-half inch (1/2”) to one inch (1”) on each side.
  - (e) Garden walls of brick or stone shall be capped in a brick rowlock course of brick, curt brick or dressed coping stone one and one-half inches (1-1/2”) to three inches (3”) thick.
  - (f) Walkways at frontages shall be brick or stone, and must be built flush with the ground.
  - (g) Driveways shall be brick, brick pavers, crushed shells, pea gravel or gray granite, or a combination of asphalt and one of the other accepted materials. Driveways at frontages shall be no wider than twelve feet (12’).
  - (h) Patios shall be of brick, brick pavers, stone, slate, concrete pavers, or stonedust. Patios are permitted except at frontages.

H. Leadership in Energy and Environmental Design (LEED) Design Incentives.

- (1) Green building practices are encouraged for all developments in the Town.

- (2) The following incentives are offered for LEED certified designs.
- (a) Residential proposals including a completed LEED for Homes project checklist demonstrating LEED for Homes certification shall be eligible for expedited permitting for Town Building Permits. Upon verification of receipt of all applicable approvals from the State, County and Town, the Town building permits for LEED for Homes certified projects will be processed ahead of those without said certification.
  - (b) Residential designs which demonstrate LEED for Homes certification shall receive a fifty percent (50%) reduction in Town building permit fees.
  - (c) Commercial, industrial, institutional and multi-residential designs which achieve LEED Silver or better shall receive a twenty five percent (25%) reduction in Town building permit fees.

I. Architectural Design Commission.

(1) Purpose

- (a) The purpose of the Architectural Design Commission is to safeguard the architectural heritage of the Town by promoting buildings and sites which reflect the Town of Camden's cultural, social, and unique architectural characteristics by maintaining said portion of Camden as an area of special charm and interest.
- (b) The powers of the Commission shall be limited to the exterior of the building as can be seen from the street in front of or adjacent to the side of the house, in all areas found in the Heritage Zone Overlay District.

The Commission shall review and act upon requests for a building permit application in the Heritage Zone Overlay District. The Commission shall use drawings, elevations, and other information pertaining to the appearance of the building to evaluate the requested certificates. A map that delineates the boundaries of the Heritage Zone Overlay District can be found on the adopted Town of Camden Zoning Map.

(2) Membership

- (a) The membership requirements for the Architectural Design Commission are as follows:
- (b) The commission shall be appointed by the Mayor with the approval of Council and consist of five members, who, shall be residents of the Town:

- [1] An architect, holding membership in the AIA and having an interest and knowledge of preservation techniques and philosophy;
- [2] A member of Town Council;
- [3] A Planning Commission member;

[4] Two residents having municipal voting privileges.

- (c) The terms of office for members appointed to fill (a) and (d) above shall be for three (3) years. The terms of the others (b) and (c) shall run concurrently with their terms as members of their organizations. Members may, after public hearing, be removed from the commission by the Mayor, with approval of Council, for inefficiency, neglect, or malfeasance in office. In cases where there is a conflict of interest, the member deemed to have a conflict shall not be allowed to vote on the issue in conflict.

(3) Application Process

- (a) Approval by the Architectural Design shall be required for the demolition, erection, reconstruction, alteration, restoration, or where general repairs are made within the Heritage Zone Overlay District.

[1] An architectural review, recommendation and report are required for:

- i. All exterior changes to a building that can be seen from the street in front of or adjacent to the side of the house;
- ii. Demolition of all or part(s) of buildings, accessory buildings, porches and all other architectural features;
- iii. Additions to buildings;
- iv. Added architectural features (such as porches, windows, doors and shutters);
- v. New structures;
- vi. Changes to surface treatments (siding, stucco, brick facing, roofing);
- vii. Repairs that do not have the appearance of “being in kind.”

[2] The procedure for obtaining a architectural design review, recommendation and report is as follows:

- i. Obtain an application for a building permit and/or zoning permit from the Land Use Department.
- ii. Fill out the appropriate sections. Provide all details of the proposed work (design, style, measurements, materials, etc.). For fences, site work, additions, and outbuildings, scaled plot plans are required. Detailed elevation drawings are also required for all additions and new construction. Applicants are encouraged to submit photographs with application.

- iii. Submit the complete application, together with application fee, to the Town Land Use Administrator 7 to 10 days preceding the Architectural Design Commission's monthly meeting.
- iv. You are not required to attend the meeting at which your application is to be considered. However, it is often helpful if you (or a representative) are present to clarify any unclear points or to agree suggested modifications. In the event a permit does not include sufficient information to act upon, the permit may be returned to the applicant for additional information.
- v. The Architectural Design Commission will decide on your application in one of four ways: The application will be approved, approved with conditions, tabled for further information, or denied. Upon approval of an application, the Architectural Design Commission shall transmit a report to the Land Use Administrator stating the conditions upon which approval was granted, and cause a historic review certificate to be issued. Final action shall be taken within sixty (60) days after filing of the request; if not, the application shall be deemed to be approved, except when there is mutual agreement between the Commission and the applicant has been made for an extension of the time limit.
- vi. Upon receipt of notification of approval, you may obtain your building permit at the Land Use Department upon payment of the required building permit fee. No work may be started until the permit has been obtained. In emergency situations in which there is a threat to persons or property, an owner may make those repairs required to offset the threat by obtaining an emergency permit from the Mayor or Town Manager.
- vii. Decisions of the Commission may be appealed to the Board of Adjustment. Such appeals must be filed with the administrative official and the Board of Adjustment within twenty (20) days of the receipt of the Commission's written decision.

**Section 240-38 Environmental**

- A. Purpose: To ensure that development projects incorporate Best Management Practices (BMPs) for environmental protection that benefits the Town of Camden and environs.
  - (1) Environmentally sensitive areas and scarce resources. All land areas which contain one of the following natural features or combination of these features shall be considered to be an environmentally sensitive area or an area of scarce resources subject to specific requirements for environmental protection and conservation: flood hazard areas, steep slopes, water bodies and wetlands, wet soils, woodlands, excellent recharge areas, wellhead protection areas and designated scenic areas.
    - (a) *Flood hazard areas.* All flood hazard areas shall remain as permanent open space,

except for the construction of roads for which design approval is obtained from the Delaware Department of Natural Resources and Environmental Control and the Delaware Department of Transportation. Lot lines shall not be platted within flood hazard areas.

- (b) *Slopes.* In areas of steep slopes above eight percent, no more than 40 percent of the land shall be developed and/or regraded or stripped of vegetation.
- (c) *Water bodies and wetlands.* Lakes, ponds, rivers, and streams and wetlands shall be left as permanent open space. No development, filling, piping or diverting shall be permitted, except for required roads, to be approved by the Delaware Department of Transportation and the Delaware Department of Natural Resources and Environmental Control, US Army Corps of Engineers or pertinent regulatory agency. No structures, except stairs and ramps, fences, open decks, patios or docks with a combined area of 200 square feet or less are permitted to be constructed within 75 feet of the shore line of any permanent fresh water lake over one-fourth acre in size or within 100 feet of the mean high tide line for tidal wetlands. No structures are permitted within 50 feet of the centerline of permanent or intermittent streams or within 25 feet beyond the limits of the floodplain, whichever is greater. Within these same areas, the clearing or removal of natural ground cover or vegetation, including the cultivation of the soil for agricultural purposes, is prohibited.
- (d) *Wet soils.* No construction shall be permitted where the seasonally high water table is within 2 feet of the surface unless crawl space, piles or slab on grade with provisions to prevent water seepage will be used to prevent water damage to the building. The proposed construction techniques must be approved by the building inspector and must meet or exceed the standards of the Federal Housing Administration. No basements or cellars shall be permitted to be constructed at a depth greater than two feet above the seasonal high water table, unless special measures are taken to prevent water damage to the building. Such measures must be approved by the building inspector and must meet or exceed the standards of the Federal Housing Administration.
- (e) *Scenic resources.* Scenic resources shall consist of the following: mature woodlands and most especially the edges of wooded areas adjacent to open fields, wetlands or urbanized areas; other areas of mature natural vegetation such as marsh grasses; the historic district; [and] freestanding historic buildings and sites and other buildings or districts of the city exhibiting particular architectural or visual merit buildings and places of special public or cultural significance, and significant views and view corridors to buildings or places of architectural, visual, public or cultural value and to attractive natural areas. Application for subdivision plan or site development plan approval shall include, as a part of the documentation of existing site conditions, the presence of and location of all scenic resources. The preservation and enhancement of the scenic resources potentially affected by the proposed development shall be considered as an important factor in the approval or disapproval of the proposed development by the planning commission.
- (f) *Excellent recharge areas.* Excellent recharge areas will be protected by limiting

impervious surfaces within the mapped areas. Facilities that would be suitable for Excellent Recharge areas include but are not limited to: landscaped buffers, parking utilizing pervious paving, recreational fields or parks.

- (g) *Wellhead Protection areas.* Land use proposals for areas mapped as wellhead protection areas must meet the requirements of Camden Ordinance #77 and shall be reviewed with the Camden Wyoming Sewer and Water Authority. A Letter of No Objection to the land use proposal from the CWSWA shall be included in the agency approvals for final approval.
  - (h) *Combinations of environmentally sensitive features and scarce resource.* Wherever more than one environmentally sensitive feature or scarce resource is present on a site in combination, special care shall be taken in both the documentation of existing conditions on a site being considered for development and in the planning commission's review of a specific subdivision plan or site development plan application. In general, the use of available development options such as planned residential developments, cluster developments and rural residential cluster developments is strongly encouraged to take advantage of the design and the planning feasibility in new development projects afforded by these options to preserve and protect environmentally sensitive features and the natural processes associated with these features to the maximum extent possible.
  - (i) *Rare, threatened or Endangered Species (RTE's) and Species in need of Greatest Conservation Need (SGCN).* Areas identified as sensitive regarding RTE's or SGCN during site environmental evaluations shall be identified on land development plans, and protected in accordance with the DNREC Division of Fish and Wildlife's Natural Heritage and Endangered Species Program.
  - (j) *Key Wildlife Habitats (KWH's).* Areas identified as KWH's in the Delaware Wildlife Action Plan shall be considered environmentally sensitive areas warranting conservation efforts. These areas along with proposed protection measures shall be shown on the land development plan.
- (2) Stormwater Management. All applicable regulations and requirements of Delaware Department of Natural Resources and Environmental Control and the Kent Conservation District's stormwater management and sediment and erosion control programs shall apply. As well as the Town Of Camden Land Use and Development Requirements outlined in this section.
- (3) An Environmental Impact Study shall be submitted for all developments.

### **Section 240-39      Landscaping**

- F. Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, other paving, sidewalks, and designated storage areas shall be landscaped with an all season groundcover, trees and shrubs, or shall be left in its natural state, all as set forth in a Landscaping Plan approved by the Town.
- G. The Landscaping Plan shall be prepared by a registered Landscape Architect or other qualified

professional, and shall be reviewed by the Town's consultant.

H. Design standards for landscape plans shall include the following principles:

- (1) Landscaping will be used to accent buildings. For example, groupings of trees will break up long, low buildings while lower plants will provide a visual base for taller buildings.
- (2) Plants should be appropriate to the space to be landscaped, with mature sizes that will fill the area without excess maintenance.
- (3) Landscape plantings should provide a variety of plant types and species. The varieties used should take into consideration susceptibility to disease, color, seasonal interest, texture, shape blossoms, and foliage.
- (4) Local soil conditions and water availability must be evaluated in choosing plant material.
- (5) Entrances to developments and businesses deserve special landscape treatments.
- (6) Where possible, landscape materials should provide climate control. For example, shade trees on the south side will shield structures from sun and evergreens on the north side will provide wind breaks.
- (7) Street trees, buffer areas, and other required planting shall be in accordance with this and other referenced sections of this ordinance.
- (8) Street trees and other required plant material shall not be planted until the finished grading of the development has been completed.
- (9) All landscaped areas shall have an automatic irrigation system. The irrigation system shall be designed by a qualified professional and should reflect practices consistent with good irrigation design and water conservation, including but not limited to the use of automatic rain gauges and moisture sensors, as required. The installed system shall permit no overspray of paving or roadways.
- (10) All plantings shall be guaranteed from the date of planting until the Town accepts all the improvements in the development and the plantings shall be certified to be alive and healthy by the Town's agent prior to the expiration of the guarantee period. Such guarantee shall be released no sooner than the end of the second growing season following planting.
- (11) All mechanical and electrical equipment not enclosed within a building shall be fully and completely screened from view from any public street in a manner compatible with the architectural and landscaping style approved on the remainder of the lot. Such screening shall be part of the Landscaping Plan.
- (12) Landscaping Plans should show care in selection of plant material. Native species are encouraged wherever possible. Plants must be hardy for this area and for the proposed growing conditions, and must be true to species and variety. Plant material must meet or exceed American Association of Nurserymen standards for size, habit, and general health.

I. Parking Facilities.

- (1) Screen planting shall be provided along each perimeter of a parking area. In addition, no less than ten percent (10%) of the interior of a proposed parking area must consist of buffer areas and islands and must be landscaped and continually maintained.
- (2) Any area for off-street parking or for display, storage, sale, or movement of three (3) or more motor vehicles shall be enclosed, except at entrances or exits and the required sight triangles, and an ornamental fence or wall consistent with the architectural character of the surrounding uses, or by a compact evergreen hedge, not less than four feet (4') in height.
- (3) Where a planted screen is proposed, it shall incorporate the planting of staggered and overlapping evergreen and deciduous shrubs of such species and size as will produce a screen at least four feet (4') higher than the elevation of the adjacent parking area, and of such density as will obscure seventy-five percent (75%) of the light emitted from automobile headlights on the premises. These provisions shall not, however, interfere with the requirement for clear sight triangles.
- (4) Within a parking lot, parking areas of a 20-vehicle width shall be separated from one another by planting strips not less than ten feet (10') in width.
- (5) All parking areas shall have at least one (1) tree of 3-1/2 inch caliper minimum for every five (5) parking spaces in single bays and for every (10) parking spaces in double bays.
- (6) All areas between the parking areas and buildings shall be planted according to the approved Landscaping Plan with trees, shrubbery, ground cover and grassed lawn.
- (7) In parking areas it is recommended that trees, shrubs, and groundcover plants be selected for appropriate growth habit and suitability to carbon monoxide and other noxious gases, and road salt.
- (8) A planted island, sized the same as the allotted parking spaces, shall be provided for every ten (10) parking spaces to break up the rows of parked vehicles. If a connecting path or sidewalk is required to connect the various rows of parking through any planting island, the island shall be increased accordingly to maintain full planting size.

E. Multi-Family Developments

- (2) For all Multi-Family developments, the following minimum landscaping shall be shown on the Landscaping Plan in addition to all other required street tree, parking and buffer requirements.
  - (a) Any combination of the following shall be required for each dwelling unit.
    - [1] Either: one (1) 2 – 3” caliper shape tree, or;
    - [2] One (1) 6’ evergreen tree, or;

[3] Two (2) 8' high ornamental trees, or;

[4] Eight (8) 2-1/2 – 3" shrubs.

F. Street Trees.

- (1) Street trees and associated planting shall be required for any development as part of the design and construction of:
  - (a) New streets;
  - (b) New sidewalks or pedestrian or bicycle ways;
  - (c) Existing streets, sidewalks, pedestrian ways, highways, bicycle or other trails or pathways when the abut or lie within the development; and
  - (d) Access driveways to residential developments serving more than four (4) dwellings.
- (2) Trees shall not, at maturity, obstruct existing overhead utilities nor visibility of traffic control signs or signals, or visibility at street intersections or driveway entrances.
- (3) Plant material shall be selected to minimize future maintenance costs, including but not limited to considerations of pruning, tree removal and sidewalk repair.
- (4) Plant material shall not interfere with underground utilities, storm water management facilities, or restrictions with easements.
- (5) Plant material shall be adaptable to the specific planting site and achieve the specified design objectives of the plan. Tree species shall be selected from the current nursery stock suitable for local growing conditions, using native species whenever possible, that are hardy for the area, not susceptible to disease or environmental stress, and will exhibit full, symmetrical form at maturity. Trees with invasive root systems shall not be selected.
- (6) Plant material shall be spaced to permit healthy growth of each plant. As a general rule, trees with a narrow growth habit shall be placed closer together than those with a spreading growth habit.
- (7) Street trees, generally shall be at intervals not to exceed twenty feet (20') along the street right-of-way as part of a residential or non residential development. Trees shall alternate from one side of the street to the other with forty foot (40') maximum spacing between trees on the same side, or as otherwise specified.
- (8) The mature tree size and planting intervals shall be as follows:
  - (a) Large trees (40' mature height or greater) 40' planting interval.
  - (b) Medium trees (30'-40' mature height) 30' planting interval.
  - (c) Small trees (less than 30' mature height) 20' planting interval

- (9) Street trees shall be provided at maximum intervals of forty feet (40') along a median divider or within a landscaped island in a cul-de-sac.
- (10) An equivalent number of trees may be planted in an informal arrangement as approved on the Landscaping Plan.
- (11) At intersections, trees shall be located no closer than thirty feet (30') from the intersection of the curb lines.
- (12) Street trees shall be provided by the applicant and planted on lots a minimum distance of five feet (5') inside the lot lines paralleling the right-of-way line, rather than within the right-of-way.
- (13) Tree caliper at the time of planting shall be between 3 and 3-1/2 inches measured six inches above the top of the root ball or ground level.
- (14) Invasive species as defined by DNREC shall not be included as any part of a Landscaping Plan.

G. Buffers.

- (1) Buffer areas are required along all lot lines and street lines which separate a nonresidential zoning district from a residential zoning district; in residential areas between single family and multi-family developments; in commercial areas between light commercial and heavy industrial uses; and in all zones where there is reverse frontage design along public streets. Buffer areas shall be designed by a Landscape Architect.
- (2) Buffers may be designed to meet one of the following circumstances:
  - (a) Nuisance Buffer – This type of landscape buffer is appropriate in areas between commercial or residential uses and adjacent commercial or different residential uses, or zones where a continuous screen is appropriate. These buffers will ideally provide a visual screen of mixed evergreen trees, evergreen shrubs and deciduous shrubs.
  - (b) Filtered Buffer – This buffer can soften the impact of a land use while still allowing views beyond the buffer area. For example, this is the type of buffer that shall be provided around the perimeter of parking areas, internal site access roads, and the perimeter of a site which abuts a street, road or highway, or an adjacent site where a complete visual screen is not appropriate. Ideally this type of buffer shall provide screening of safety distractions such as glare from automobiles and light standards; it will provide a visually pleasing environment; and it will provide spatial definition. It will likely include low – medium sized (4') evergreen shrubs and perennials.
  - (c) Windbreak/heavy screening – This type of buffer is appropriate in areas where the addition of a windbreak to stop windborne debris from leaving a site is necessary, or where objectionable facilities or utility structures require a complete visual

screen. This would include buffer areas around outdoor storage facilities, loading areas, or solid waste disposal facilities.

- (d) Reverse frontage buffer – This type of buffer will be required where the rear yards of residential units and/or lots face or front on a roadway, and when any yard or residential unit or lot faces or fronts on an expressway or arterial highway. These buffers shall be planted in such a way as to provide a living screen between the roadway and the development within a reasonable time. The buffer shall be planted within the twenty five foot (25') strip along the right-of-way for the full length of the development and shall include a row of canopy and/or flowering trees that is nursery grown stock. Evergreen trees shall be staggered behind those trees, spaced no more than fifteen feet (15') apart and shall be at least five feet (5') in height at planting.
- (e) Alternatively, where topography permits, earthen berms shall be encouraged at a sufficient height to establish a buffer between the development and the highway. Berms shall be asymmetrical, undulating mounds of varying heights. They shall be planted with evergreens and deciduous trees according to the Landscaping Plan.
- (f) Minimum size of plant material at the time of installation shall be as follows:
  - [1] Shade tree: 2-1/2" to 3-1/2" caliper
  - [2] Ornamental trees: Eight feet (8') in height
  - [3] Evergreen trees: Six feet (6') in height
  - [4] Tall evergreen and deciduous trees: 2-1/2' to 3' in height
  - [5] Low evergreen and deciduous trees: 18" to 24" in height
- (g) Plant quantity shall be determined adequate if it will provide the required screening within two growing seasons.
- (h) Buffers between Industrial (I) or Highway Commercial (C-2) and all Residential uses shall include a solid free standing wall in addition to the required buffer plantings. Design of walls for the purpose of buffering residential areas from Industrial and Commercial uses shall be subject to review by the Land Use Administrator and the Town Engineer.

ARTICLE V ADMINISTRATION AND ENFORCEMENT

**Section 240-40 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 240-41 through 240-46.

**Section 240-41 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 240-42 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 Land Use Administrator. 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 240-43 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 by the Planning Commission.
  - (2) Site plan review is required for all projects proposed in all districts.
  - (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, Engineer, 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.
  - (k) Any additional information requested by the Planning Commission.

**Section 240-44            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 240-45            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 Land Use Administrator 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 240-45 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.
  - (4) Type of construction and materials. (Requires recommendation from the Architectural Design Commission)
  - (5) Paving, shrubbery, landscaping or ornamental or screening fences, walls or hedges.
  - (6) Time of day or night for operation.
  - (7) Control or elimination of smoke, dust, gas, noise or vibration caused by operations.
  - (8) Requirements for termination of a use based on lapse of time or such other conditions as the Board may specify.
  - (9) 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 240-46 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 240-47 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 Transportation 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.

**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 240-45.

**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.

**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.

**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.

**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.

**DeIDOT.** 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 hallways 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."

**Impervious Coverage.** Impervious surface calculations shall include the square footage of buildings, driveways, sidewalk, walkways, patios, decking (without open joints), game courts, or any other facility constructed with a surface that does not allow water to permeate directly into the subsoil.

**Industrial Use.** Any use of land, building(s) or structures) 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.

**Kenel.** 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 A-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 A-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 Management.** Structural or non-structural methods by which stormwater runoff is reduced in both volume and flowrate from a development site. These methods shall be in accordance with DNREC regulations.

**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 De1DOT 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 De1DOT 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 #2008-O-02)

**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-land 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.

**Subject to Public Hearing Feb. 7, 2011**  
**Second Reading Approval by Council 2/7/2011**