

Chapter 160 – Zoning:

Chapter 160-2B (Definitions and word use):

Insert new definition:

“VEGETATIVE STORMWATER BUFFER – an area of land maintained in a permanent vegetative state that functions to intercept stormwater runoff. Such buffers must be designed by an engineer who is duly registered and licensed in the State of Delaware.”

Chapter 160-5C(1):

Existing:

Front building limit line. The building limit line shall be set back from the front lot line not less than **25 feet**.

Proposed:

Front building limit line. The building limit line shall be set back from the front lot line not less than **fifteen feet (15')**.

Chapter 160-5C:

Existing:

3. Rear yard. There shall be a rear yard having a minimum depth of 10 feet.

Proposed:

3. ***Rear yard setback requirements:***
 - a) ***The rear yard building limit line shall be set back from the rear lot line not less than ten feet (10'). In addition:***
 1. ***All rear yard setbacks for lots located east of Route 1 shall include a five foot (5') landscaped buffer when abutting lots used for residential purposes.***
 2. ***All rear yard setbacks for lots located west of Route 1 shall include a professionally engineered five foot (5') vegetative stormwater buffer when abutting lots used for residential purposes.***

Chapter 160-5C:

Existing:

4. **The area between the front lot line and the front building limit line may be used for driveways only.** The side yard and rear yard areas may be used for driveways and parking areas,

provided, further, that only limited-access entrances and exits to such driveways and parking areas are permitted from the bordering streets. The limited-access entrances and exits shall be controlled by drop curbs ***or, where no curbs exist, by a fence, wall or other such structure or planting*** between such entrances and exits, and the parking areas shall comply with the parking regulations of this chapter. ***No part of any required building setback area in the front, rear, or side of any lot in the Commercial Zone may be covered or paved with impervious or semi-impervious materials such as concrete, asphalt, brick, flagstone, etc. Such coverings or paving existing at the time of enactment of this subsection may continue to be used and repaired as a nonconforming use, but may not be expanded in any horizontal dimension nor rebuilt or replaced with such materials.***

Proposed:

4. The area between the front lot line and the front building limit line may be used for driveways ***and/or parking spaces provided it complies with § 160-10B(2), (size of parking spaces in the Commercial Zone)***. The side yard and rear yard areas may ***also*** be used for driveways and parking areas, provided, further, that only limited-access entrances and exits to such driveways and parking areas are permitted from the bordering streets. The limited-access entrances and exits shall be controlled by drop between such entrances and exits, and the parking areas shall comply with the parking regulations of this chapter.

Re-number and Insert:

5. ***No part of any required building setback area in the front, rear, or side of any lot in the Commercial Zone may be covered or paved with impervious or semi-impervious materials such as concrete, asphalt, brick, flagstone, etc. Such coverings or paving existing at the time of enactment of this subsection may continue to be used and repaired as a nonconforming use, but may not be expanded in any horizontal dimension nor rebuilt or replaced with such materials.***

Re-number remaining section.

Chapter 160-5F (Sidewalks):

Add:

Sidewalks approved by DELDOT, in compliance with ADA regulations and no less than five feet (5') in width or a DELDOT and ADA approved alternative are required for all new construction and substantial improvements in the Commercial Zone (see § 140-2 – Article II – Sidewalks).

Chapter 160-8A

Existing:

(5) Open deck, not enclosed with any material of any kind, and open stairways, not enclosed with any material of any kind, may be permitted to encroach on the front building limit line not to exceed nine feet. Any open deck or open stairway which is constructed within the above-mentioned permitted nine-foot encroachment area, which is over the top of or in any way covers another deck or stairway shall not be constructed so as to provide a weatherproof or waterproof

covering which would provide for a roof over the open deck or stairway below it. All decks must meet the minimum criteria for a deck as to ingress and egress and be structurally sound to support the use as a deck. The above-mentioned nine-foot encroachment shall not apply to any building which has a front building limit line of less than 25 feet.

Proposed:

(5) Open deck, not enclosed with any material of any kind, and open stairways, not enclosed with any material of any kind, may be permitted to encroach on the front building limit line not to exceed nine feet ***in the Residential Zone only***. Any open deck or open stairway which is constructed within the above-mentioned permitted nine-foot encroachment area, which is over the top of or in any way covers another deck or stairway shall not be constructed so as to provide a weatherproof or waterproof covering which would provide for a roof over the open deck or stairway below it. All decks must meet the minimum criteria for a deck as to ingress and egress and be structurally sound to support the use as a deck. The above-mentioned nine-foot encroachment shall not apply to any building which has a front building limit line of less than 25 feet.

Existing:

(9)(b) An exception to Subsection A(9)(a) above is that a ***fence, wall, hedge, partition or other such structure along the rear lot line within the limits of any lot zoned commercial which fronts on Route 1, and/or along the corresponding property line in the Residential Zone comprising such property line, shall be permitted***, not to exceed seven feet in height above the curb or crown level of the adjoining street of such structure, except that, in the case of corner lots fronting on Route 1, the structure from the side street property line to a point 15 feet in from said property line shall not exceed four feet in height above the curb or crown level of the adjoining street of such structure. A solid foundation or retaining wall for such structure shall be permitted, not to exceed two feet in height above the crown of the side streets adjacent to the commercial property. The remainder of the fence, ***wall or partition or other such structure*** shall not be solid but shall have openings approximately 20% to 30% of the total surface area to provide for the flow-through of air. A detailed design drawing of the structure shall be submitted with the application for a building permit.

Proposed:

The following are exceptions to Subsection A(9)(a) above:

[1] Fences:

[a] A fence is required for new construction along the rear property line on any lot in the Commercial Zone, used for commercial purposes, where designated parking spaces and/or an open area used for parking abuts adjacent property used for residential purposes. Said fence shall be no less than six feet (6'), nor more than seven feet (7'), in height above the curb or crown level of the adjoining street.

[b] Fences are prohibited in the front setback area of all lots in the Commercial Zone.

[c] Fences along the side property line of all lots in the Commercial Zone shall not exceed four feet (4') in height above the curb or crown level of the adjoining street and shall not encroach into the front setback area.

[d] A solid foundation or retaining wall for such fence structure along the side property line shall be permitted, not to exceed two feet in height above the crown of the side streets adjacent to the commercial property. The remainder of the fence shall not be solid but shall have openings approximately 20% to 30% of the total surface area to provide for the flow-through of air. A detailed design drawing of the structure must be submitted with the application for a building permit.

[2] Sidewalks and structures in an area 10' from the curb along Route 1:

[a] New construction and substantial improvements in the Commercial Zone:

[a.1] A five foot (5') wide sidewalk constructed in compliance with all ADA and DELDOT approved standards is required for new construction. Such sidewalk must be five feet (5') wide, measured from the back of the existing curb along Route 1. Where no curb exists, the five feet (5') shall be measured from the plane of the back of the curb from adjacent properties in the same block along Route 1. All existing entrances are subject to DELDOT approval and may or may not be allowed to remain.

[a.2] A five foot (5') wide sidewalk constructed in compliance with all ADA and DELDOT approved standards or a DELDOT approved alternative is required for substantial improvement construction.

[a.3] All landscaping, permanent structures, and/or temporary or portable structures located in the area five feet (5') in width, measured from the edge of the sidewalk required by subparagraph [a.1] above and projecting into the commercial property, shall not exceed three feet (3') in height from ground elevation.

[b] Existing commercial properties in the Commercial Zone:

[b.1] No new landscaping, vegetation, permanent structures, and/or temporary or portable structures on a parcel along Route 1 in the Commercial Zone, located ten feet (10') or less from the edge of the curb, shall exceed three feet (3') in height from ground elevation.

[b.2] Existing designated parking spaces located in the ten foot (10') area described in subparagraph [b.1] above may continue until such time as a total destruction and removal of the existing commercial building occurs and new construction commences.