

ORDINANCE 16-01

**AN ORDINANCE TO AMEND** the Town of Millville Code at Chapter 155 relating to Zoning at: Article V Application of District Regulations, § 155-8. Applicability of Zoning Regulations; Article VI District Regulations, § 155-9. AR-Agriculture Residential District, § 155-10. R-Residential District, § 155-13. C1-Route 26 Corridor/Town Center Commercial District, § 155-14. C2-Town Commercial District; Article VII Supplementary District Regulations § 155-28. Off-Street Parking by adding C. Design standards for parking areas; Article X Conditional Uses, § 155-49. Conditional uses enumerated; and Article XIV. Terminology.

**WHEREAS**, The Town Council of Millville has the power to adopt ordinances for the protection and preservation of Town property, rights and privileges; for the preservation of peace and good order; for securing protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents of the Town; and

**WHEREAS**, The Town of Millville has adopted a Zoning Ordinance for the municipality; pursuant to its Charter and Title 22, Chapter 3 of the Delaware Code; and

**WHEREAS**, The Zoning Ordinance Article XIII provides that the Town Council may from time to time amend, supplement or change the regulations and restrictions established by this Ordinance, as required in 22 *Del. C. §§ 304 and 305*;

**BE IT THEREFORE ORDAINED**, by the Town Council for the Town of Millville, Sussex County, Delaware, a majority thereof concurring Council duly met, following a duly noticed public hearing on August 11, 2015, that the following language hereby be adopted and incorporated into the Town of Millville Code and Zoning Ordinance at Chapter 155 with deletions shown by strikethrough and additions shown by black bold and underlined as follows:

ARTICLE V

Application of District Regulations

§ 155-8. Applicability of zoning regulations.

F. For the purpose of this chapter, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists of other regulations of this chapter, uses not specifically listed are prohibited. **Without limiting or affecting the foregoing, and for purpose of clarity, all of the following uses are prohibited in all districts:**

**(1) Adult entertainment establishment;**

**(2) Massage establishment;**

**(3) Tap room.**

## ARTICLE VI

### District Regulations

#### § 155-9. AR-Agriculture Residential District.

A. Purpose of the district. The purpose of this district is to provide for low-intensity agricultural activities and to protect agricultural lands as one of the ~~county's~~ Town's most valuable natural resources from the depreciating effect of objectionable, hazardous and unsightly uses. This district will protect established agricultural operations and activities. This district is also intended for protection of watersheds, water resources, forest areas and scenic values and, at the same time, to provide for low-density, single-family residential development.

B. Permitted uses. In AR-Agriculture Residential Districts, a building may be erected, altered or used on a lot or premises containing a minimum of five acres or more per dwelling unit and may be used for any of the following purposes and none other:

- (1) Single-family detached dwelling;
- (2) Crop land;
- (3) ~~Truck garden;~~ Cultivation of fruits, vegetables and grains;
- (4) Orchard, vineyard;
- (5) ~~Nursery uses;~~ Cultivation of nursery stock;
- (6) Public parks, public or private forests, wildlife preservation or similar conservation projects; ~~or~~
- (7) Community Gardens;
- (8) Temporary removable stands for not over six months use per year, for seasonal sales of products owned or leased by the owner of the premises on which the stand is located, and no business office or store is to be permanently maintained on the premises.

C. Permitted accessory uses. Accessory uses are incidental to and subordinate to the principal use of the lot on a farm of five acres or more. The following are permitted accessory uses:

- (1) Accessory structures for the sale or processing of farm products raised on the premises;
- (2) Accessory structures open or enclosed, for the storage of farm materials, products or equipment;
- (3) Accessory farm buildings, including barns, cribs, stable sheds, tool rooms, shops, bins, tanks and silos; or
- (4) Dwellings for persons permanently employed on the premises, which may not be a mobile home as such is defined in this chapter.

D. Building height. The height of a building shall not exceed 35ft in height or more than three stories, exclusive of a basement.

E. Area and yard requirements. The lot size, height and setback requirements for a dwelling in the AR-Agricultural Residential District shall be the same as for a single-family detached dwelling in the R-Residential District.

#### § 155-10. R-Residential District.

A. Purpose of the district. The purpose of this district is to provide for medium-density, single-family residential development along with churches, recreational facilities, and accessory uses set forth below in Subsection C, Permitted accessory uses.

B. Permitted uses. In a R-Residential District, a building may be erected, altered or used on a lot or premises and may be used for any of the following purpose and none other:

- (1) Single-family detached dwelling, but not including single- or double-wide mobile homes;
- (2) Churches, rectories, parish houses, convents and monasteries, temples, synagogues and other places of worship;
- (3) Cemeteries; or
- (4) Public and private parklands, forests, wildlife reservations, and similar conservation project.

C. Permitted accessory uses.

(1) Accessory uses are incidental to and subordinate to the ~~principle~~ principal use of the lot. The following are permitted accessory uses:

(a) One detached accessory garage in ~~conjunction~~ compliance with the following:

- [1] Any lot of less than 0.75 acre may have a detached accessory garage not to exceed a maximum of 800 square feet.
- [2] Any lot of 0.75 acre or greater may have a detached accessory garage not to exceed a maximum of 1,200 square feet.
- [3] Storage space located in attic areas shall be included in total square footage.
- [4] A detached accessory garage must have a pitched roof and shall exceed neither 1 ½ stories nor 18 feet in height.
- [5] No detached accessory garage shall be located in any front yard area.
- [6] A detached accessory garage shall have the following setbacks from the rear and side property lines:

Setback		
Square Footage	(feet)	Building Height
Up to 800	10	18 feet-not to exceed 1 ½ stories
800 to 1,000	15	18 feet-not to exceed 1 ½ stories
More than 1,000	20	18 feet-not to exceed 1 ½ stories

[7] A detached accessory garage shall not occupy more than 20% of the side or rear yard in which it is located.

[8] All accessory buildings and principal buildings shall not exceed the maximum lot coverage of 30% as stated in § 155-10F (1)(b).

[9] All properties along Route 26 and Route 17 shall follow the Town's Development Design Standards and Guidelines.

(b) Recreational uses, such as tennis courts, swimming pools, and other similar activities operated exclusively for the use of private membership and not for commercial purposes;

(c) Shelters for domestic pets not to exceed 50 square feet exclusive of runs;

(d) Other customary residential accessory structures, such as private swimming pools, fireplaces, trellises, post lights and the like;

(e) Yard sales, provided that no more than two said sales shall be conducted in any one calendar year and provided that each said sale does not exceed two days in length of time;

(f) A structure, other than a primary residence or a detached accessory garage, such as a shed to be used for the storage of equipment to maintain that property on an individual parcel. However, this structure is not to be used for rental income ~~nor~~ or for any type of commercial storage other than personal use. Said structure shall not exceed 400 square feet;

(g) Playhouses, without plumbing, limited in floor area to 150 square feet and limited in head room to five feet;

(h) Storage of a boat trailer, camp travel trailer or a boat not in a front yard; or

(i) Accessory off-street parking and loading spaces. Open or enclosed space for parking one commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.

(2) All permitted accessory structures shall be compatible in style and function with the principal use.

~~D. Uses permitted by special exception. The following uses are permitted as special exceptions when approved by the Board of Adjustment in accordance with the provisions of Article XI of this chapter:~~

~~—— (1) Home occupation, including professional offices, in a principal building or accessory building.~~

~~(2) Bed-and-breakfast inn or boarding house.~~

D. E. Building height. The height of a building shall not exceed 35 feet in height or more than three stories, exclusive of a basement.

E. F. Area and yard requirements.

(1) The following requirements shall apply to all uses in the zone except where otherwise provided:

(a) Minimum:

~~—— [1] Lot frontage: 75 feet. (Note: minimum lot area of 10,000 square feet with a lot frontage of 75 feet is required, provided the parcel is currently served with public-supplied sewer and water, or provided the owner/developer can provide written certification from Sussex County and a franchise water supply company that public sewer and water will be available to the subject parcel within 90 calendar days of the building permit application. Minimum lot area of 21,500 square feet with a lot frontage of 100 feet is required for lots without access to public sewer and water services.)~~

[2] Lot area: 10,000 square feet. (Note: Minimum lot area of 10,000 square feet with a lot frontage of 75 feet is required, provided the parcel is currently served with public-supplied sewer and water, or provided the owner/developer ~~an~~ provides a written certification from Sussex County and a franchise water supply company that public sewer and water will be available to the subject parcel within 90 calendar days of the building permit application. Minimum lot area of 21,500 square feet with a lot frontage of 100 feet is required for lots without access to public sewer and water services.)

[3] Lot depth: 100 feet

[4] Each side yard: 10 feet

[5] Front yard: 40 feet

[6] Livable floor are per residential unit: 1,200 square feet.

(Note: Excluding basements and open porches.)

[7] Rear yard: 10 feet

(b) Maximum: the maximum coverage of the lot, including the principal building and all accessory buildings, shall be 30%.

F.G. Minimum off-street parking. See Article VII, Supplemental District Regulations, §155-28, Off-street parking.

§ 155-13. C1-~~Route 26 Corridor~~/Town Center Commercial District.

A. Purpose of the district. The purpose of this district is to provide a mixed-use district, which functions as the historical hub of the Town and which provides a mixed residential, retail convenience shopping personal service use area. It is not intended as a district to accommodate regional shopping facilities. The district also permits business and professional offices, which can be compatible with residential uses.

B. Permitted uses. In a C1-~~Route 26 Corridor~~/Town Center Commercial District, a building may be erected, altered or used on a lot or premises and may be used for any of the following purposes and none other;

(1) Uses permitted in R-Residential District, in conformity with the permitted residential requirements;

(2) Apartments above commercial businesses ~~occupied by the owner or lessee of said business;~~

(3) ~~Retail business of a convenience nature, including;~~ **Retail sales, such as;**

(a) Bakery;

(b) Pharmacy;

(c) News and bookstore;

(d) ~~Variety store;~~ **Retail store;**

(e) Florist\nursery;

(f) Antique store;

(g) Art gallery or studio;

(h) Liquor store;

(i) Sidewalk sales, provided that no more than two of said sales shall be conducted on one calendar year, nor shall each said sale exceed two days in length of time. These sales are to be conducted on business property with improvements, thereon and confined to the exclusive display only of merchandise the business sells in its establishment;

(j) Restaurant **housed in a permanent building, which may include;**

**[1] Full Service;**

[2] Carry-out;

[3] Drive-through or drive-in;

[4] Food counter;

[5] Tavern and Bar;

[6] Brew Pub, Winery or Distillery, as an accessory use to a restaurant.

~~[1] Any new facility or expansion of an existing facility which is enclosed and is defined by any one of the following general categories:~~

~~[a] Restaurant with the service of alcoholic beverages provided that:~~

~~[i] Alcohol service may be provided to seated dining only from a service bar;~~

~~[ii] Alcoholic beverages to be prepared by employees of the restaurant for delivery to seated dining patrons only;~~

~~[iii] [a] All restaurant owners who will be serving alcoholic beverages must apply with the Alcohol Beverage control Commission (ABCC), which is the final approving authority of licensing establishment for the sale of alcoholic beverages in the Town limits.~~

~~[2] All restaurants, bars and eateries in existence as of the date of the adoption of this chapter may continue to operate the facility as before the adoption of this chapter as a nonconforming (grandfathered) facility. The status of the nonconforming grandfathered facility shall terminate and the facility shall be required to operate in conformity with this chapter if any of the following occur:~~

~~[a] Expansion of or addition to the existing building or existing outside dining service area as required by applicable codes;~~

(k) Coffee, ice cream, or frozen dessert shop; ~~Coffee shop and ice cream, frozen yogurt, etc., parlor;~~

(l) Clothing and apparel shop;

~~(m) Specialty shop;~~

~~(n) (m) Furniture store;~~

- ~~(o)~~ (n) Home center\hardware store;
- ~~(p)~~ (o) Produce market;
- ~~(q)~~ (p) **Landscape Design & Installation Center;**
- ~~(r)~~ (q) Interior furnishings store, including but not limited to fixtures, floor covering, and window treatments;

(4) Personal service establishments, ~~including such as;~~

- (a) Barber shop;
- (b) Beauty salon, including day and tanning spa, hair and nail salon;
- (c) Laundromat;
- (d) Dry cleaner **(drop off & pick-up only);**
- (e) Tailor shop;
- ~~(f)~~ ~~Shoe repair shop;~~
- ~~(g)~~ (f) Financial institution;
- ~~(h)~~ (g) Photographic studio;
- ~~(i)~~ (h) Repair shops, **limited to other than automotive, such as appliance or computer repair shops, or similar establishments; shoe, clock and computer;**
- (j) (i) Travel agency; and
- ~~(k)~~ (j) **Health and exercise facility;**

~~(5) Funeral home;~~

~~(6) Business, professional or governmental offices;~~

~~(7) Meeting hall/conference center;~~

~~(8) Day-care and learning centers;~~

~~(9) Gym/fitness center;~~

~~(10) Video/DVD rental store;~~

~~(11) Utility office;~~

~~(12) Newspaper publisher; or~~

~~(13) Computer\online services.~~

**(5) Professional services, such as;**

- (a) Funeral home;
- (b) Business, professional or governmental offices;
- (c) Day-care, learning and educational centers;
- (d) Utility office;
- (e) Newspaper publisher; and
- (f) Computer\online services.

(6) Amusements; indoor and outdoor;

(7) Hotel, Motel, Bed and Breakfast;

(8) Meeting hall/conference center;

(9) Fraternal and Services Organizations; public and private.

C. Permitted accessory uses and structures. Accessory uses are incidental to and subordinate to the principal use of that lot. The following are permitted accessory uses:

- (1) Parking in conjunction with a permitted use, including off-street parking for customers, employees and commercial vehicles used in the permitted activity;
- (2) Indoor storage of merchandise or supplies carried in conjunction with a permitted business or office use; and
- (3) Residences for the owner or employees of the business.
- (4) One detached accessory garage in compliance with the following:
  - (a) Any residentially used lot of less than 0.75 acre may, as an accessory to a single-family dwelling, have a detached accessory garage not to exceed 800 square feet.
  - (b) Any residentially used lot of 0.75 acre or greater may, as an accessory to a single-family dwelling, have a detached accessory garage not to exceed a maximum of 1,200 square feet.
  - (c) Storage space located in attic areas shall be included in total square footage.
  - (d) A detached accessory garage must have a pitched roof and shall exceed neither 1 ½ stories nor 18 feet in height.
  - (e) No detached accessory garage shall be located in any front yard area.
  - (f) A detached accessory garage shall have the following setbacks from the rear and side property lines:

Setback

Square Footage	(feet)	Building Height
Up to 800	10	18 feet-not to exceed 1 ½ stories
800 to 1,000	15	18 feet-not to exceed 1 ½ stories
More than 1,000	20	18 feet-not to exceed 1 ½ stories

(g) A detached accessory garage shall not occupy more than 20% of the side or rear yard in which it is located.

(h) All accessory buildings and principal buildings shall not exceed the maximum lot coverage of 35% as stated in § 155-13H (4).

(i) All properties along Route 26 should follow the town's Development Design Standards and Guidelines.

**(5) Yard waste drop off facility in compliance with the following:**

**(a) Yard Waste drop off facilities in conjunction with a landscaping business, nursery or both, for the temporary storage and transfer of yard waste, must be approved as an accessory use by the Town Council.**

**(b) Items accepted for yard waste collection, limited to:**

- (1) Grass clippings and leaves.**
- (2) Limbs, tree trimmings.**
- (3) Plants, weeds and shrubbery.**

**(c) The yard waste site shall be located no closer than three hundred (300) feet from any residentially used property as measured from the edge of the nearest pile to the nearest residentially used property line.**

**(d) The yard waste site shall be enclosed by fencing or shall reasonably limit vehicular and pedestrian access through the use of fences, trees or other means.**

**(e) Yard waste to be disposed of must be clean of other waste. Individuals who haul the yard waste are responsible for ensuring that their load is secured as to prevent littering along the roadways. However, nothing in this paragraph limits any potential liability of the property owner.**

~~D. Uses permitted by special exception. The following are uses permitted by special exception:~~

- ~~(1) Small engine repair shops;~~
- ~~(2) Veterinary clinics, animal hospitals or commercial kennels, provided that no open pens, runs, kennels or cages shall be located outside the building;~~
- ~~(3) Woodworking and cabinet shops; and~~
- ~~(4) Service establishments, including laundry and dry-cleaning plants.~~

**D. E.** Uses permitted by conditional use. In addition to any other non-prohibited use, ~~t~~The following uses may be permitted as a conditional use when approved in accordance with the provisions of Article X of this chapter:

- (1) Restaurant with an outdoor ~~Outdoor dining service area;~~ ~~must be permanently committed to seated dining, and said seating areas may not be altered, moved or removed.~~
- (2) Small engine repair shop;
- (3) Veterinary clinic;
- (4) Woodworking and cabinet shop;
- (5) Gas station with or without associated convenience store;
- (6) Performing arts theater, with or without a permitted accessory banquet hall.

**F.** ~~Prohibited uses. The following uses are prohibited:~~

- ~~(1) Gas\service station;~~
- ~~(2) Fast-food\drive-through restaurant;~~
- ~~(3) Bed-and-breakfast\inn; and~~
- ~~(4) Tavern\bar\nightclub.~~

**E. G.** Building height. The height of a building shall ~~not~~ neither exceed 42 feet in height ~~or~~ nor more than four stories, exclusive of basement.

**F. H.** Area and yard requirements.

~~(1) The depth of any commercial lot located adjacent to a R-Residential property can only be as deep as the residential lot. For the purpose of this subsection, "single business" is defined as each business having a separate entrance for use by employees or customers; and/or owned, leased or subleased by a separate business entity; and/or having a different business name or otherwise distinguishable from any other business on the same lot; and/or operating only one of the permitted uses given in this section.~~

(1) ~~(2)~~ The following requirements shall apply to all uses in the zone except where otherwise provided:

(a) Minimum:

[1] Lot frontage: 100 feet.

[2] Lot area: 14,000 8,000 square feet.

~~[3] Lot depth: 140 feet.~~

~~[3] [4] Each side yard: 15 feet.~~

~~[4] [5] Front yard: 30 20 feet. (NOTE: The minimum required front yard within a C-Commercial District adjacent to Route 26 shall be 40 feet unless or until the Delaware Department of Transportation shall widen Route 26 at which time the front yard shall be 30 feet from the edge of the right-of-way or the front of the property, whichever shall result in the greatest distance from the travel way of Route 26.)~~ (NOTE: The "Development Design Standards & Guidelines for Route 26 & Route 17" encourages commercial buildings to be placed near the street line with parking located to the side or rear of the primary building.

~~[5] [6] Rear yard: 30 20 feet.~~

[a] When the rear lot line of a C1-Route 26 Corridor/Town Center Commercial District parcel abuts a residentially zoned parcel or residential use, the rear building setback along the common property line shall be expanded to a minimum of 30 feet. A landscape buffer area of no less than 10 feet in width shall be provided in the 30 foot setback area.

[b] A buffer planting strip not less than 10 feet wide shall be provided along all side lot lines which form a common lot line with any residential district or residential use.

~~(b) Side yard requirements may be waived so that the resulting space in said side yard may be utilized to create the appearance of continuous building if there is compatible design and the lot complies with all the other requirements, including but not limited to maximum building coverage, parking, and access.~~

~~(b) (c)~~ All portions of the property not utilized by buildings or paved surfaces shall be landscaped, utilizing combinations such as fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage, and the planting of conifers and/or deciduous trees native to the area in order to either maintain or reestablish the tone of the vegetation of the area and lessen the visual impact of the structures and paved areas. The established grades on any site shall be planned for both aesthetic and drainage purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent erosion and

silting, as well as to assure that the capacity of any natural or man-made drainage system is sufficient to handle the water generated and anticipated both from the site and contributing upstream areas.

~~(2)~~ ~~(3)~~ See Article VII, Supplementary District Regulations, for additional requirements.

~~(3)~~ ~~(4)~~ ~~Maximum building coverage: the maximum coverage of the lot, including the principal building and all accessory buildings, shall be 35%.~~  
**Maximum coverage: the maximum coverage of the lot, including all buildings, parking areas, and other impervious surface areas shall not exceed 60%. Maximum coverage may be increased to 70% if the applicant presents a plan placing the building near the street with parking located to the side or rear of the primary building and the additions of streetscape, plazas, courtyards and permanent site furnishings such as benches, tables, bike racks, trash cans, planters, lighting and additional landscaping, etc. Such increase in coverage will be at the discretion of the Town Council based on the findings by the Planning and Zoning Commission that the above improvements are incorporated and are in excess of the minimum requirements established in the "Development Design Standards & Guidelines for Route 26 & Route 17", and provide increased development quality to the site.**

~~(4)~~ ~~(5)~~ ~~Area regulations. Only one business may be established per 14,000 square feet of the lot area within and regardless of the size of any existing structure.~~

~~(5)~~ ~~(6)~~ ~~No individual building in the C1 Town Center District shall be larger than 20,000 square feet in area.~~

**(G)** ~~H.~~ Minimum off-street parking.

(1) See Article VII, Supplemental District regulations, § 155-28.

§ 155-14. C2-Town Commercial District.

A. Purpose of the district. The purpose of this district is to provide for **well-planned and attractive** larger scale **commercial and** shopping facilities.

B. Permitted uses. In a C2-Town Commercial District, a building **or buildings** may be erected, altered or used on a lot or premises and may be used for any of the following purposes and none other:

~~(1) Gas/service stations and auto repair shops;~~ **Any uses permitted in C1-Route 26 Corridor/Town Center Commercial District;**

~~(2) Restaurants, including fast-food/drive-in, drive-through and carry-out restaurants;~~

(a) Any new facility or expansion of an existing facility which is enclosed and is defined by any one of the following general categories:

~~[1] Restaurant with the service of alcoholic beverages provided that:~~

~~[a] Alcohol service may be provided to seated dining only from a service bar;~~

~~[b] Alcoholic beverages to be prepared by employees of the restaurant for delivery to seated dining patrons only;~~

~~[c] All restaurant owners must apply with the Alcohol Beverage control Commission (ABCC), which is the final approving authority of licensing establishment for the sale of alcoholic beverages in the Town limits.~~

~~[b] All restaurants, bars and eateries in existence as of the date of the adoption of this chapter may continue to operate the facility as before the adoption of this chapter as a nonconforming (grandfathered) facility. The status of the nonconforming grandfathered facility shall terminate and the facility shall be required to operate in conformity with this chapter if any of the following occur:~~

~~[1] Expansion of or addition to the existing building or existing outside dining service area as required by applicable codes;~~

(2) Restaurant: housed in a permanent building, which may include:

[a] Full Service;

[b] Carry-out;

[c] Drive-through or drive-in;

[d] Food counter;

[e] Tavern and Bar;

[f] Brew Pub, Winery and Distillery, as an accessory use to, a restaurant.

[g] All restaurant owners who will be serving alcoholic beverages must apply with the Alcohol Beverage control Commission (ABCC), which is the final approving authority of licensing establishment for the sale of alcoholic beverages in the Town limits.

- (3) Supermarkets;
- (4) Shopping Centers;
- ~~(5) Professional and business offices;~~
- (5) (6) Motels and hotels and bed-and-breakfast inns;**
- ~~(7) Retail and wholesale stores;~~
- ~~(8) Wholesale, storage and warehousing operations;~~
- (6) (9) Building materials stores; Home improvement stores;**
- (7) (10) Nursery, garden and farm supply sales;**
- ~~(11) Furniture sales;~~
- ~~(12) Indoor entertainment, including theatres or bowling alleys;~~
- (8) (13) Clinics, hospitals, urgent care facilities;**
- ~~(14) Funeral homes;~~
- ~~(15) Dry cleaning (but not processing plants);~~
- ~~(16) New and used car sales;~~
- (9) (17) Car wash;**
- ~~(18) Retail liquor store;~~
- ~~(19) Learning and educational studios;~~
- ~~(20) Health and exercise clubs; or~~
- ~~(21) Churches, synagogues or other places of religious worship or parish houses~~
- (10) Conference centers.**

C. Permitted accessory uses. Accessory uses are incidental to and subordinate to the principal use of the lot. The following are permitted accessory uses:

- (1) Parking in conjunction with a permitted use, including off-street parking for customers, employees and commercial vehicles used in the permitted activity;
- (2) **Indoor** storage of merchandise or supplies carried in conjunction with a permitted business or office use;
- (3) Accessory uses to churches, synagogues or other places of religious worship, such as religious instructional activities, day-care center and pre-school.

~~(4) Separate buildings, or the use of a portion of the main building, shall be permitted for accessory uses to any hotel or motel. Such separate buildings or parts of the main building shall be restricted to accessory uses customarily incident to the operation of a hotel or motel, such as rest rooms, offices, swimming pools, cabanas, meeting rooms, lounge, and restaurants which shall be permitted in such accessory building or portion of the main building thereof. These buildings shall have permanent walls and windows as may be necessary for ventilation. The complete sales transaction and delivery of merchandise shall be conducted inside the walls of the building.~~

D. Uses permitted by conditional use. In addition to any other non-prohibited use, ~~t~~The following uses may be permitted as a conditional use when approved in accordance with the provisions of Article X of this chapter:

~~(1) Restaurant with an outdoor Outdoor dining service area. ~~Must be permanently committed to seated dining, and said seating areas may not be altered, moved or removed.~~~~

(2) Gas station with or without associated convenience store;

(3) Auto repair shops;

(4) Small engine repair shops;

(5) Veterinary clinics;

(6) Woodworking and cabinet shops;

(7) Performing arts theaters, with or without a permitted accessory, banquet hall;

(8) Automobile and boat sales, services; and

(9) Marine construction and repair establishments.

~~E. Uses permitted by special exception. The following are uses permitted by special exception:~~

~~(1) Boat sales, service, repair or storage, including docks, wharves and marine engine repairs;~~

~~(2) Gas\service station\convenience store;~~

~~(3) Bed-and-breakfast\inn;~~

~~(4) Restaurant with alcoholic beverage sales; or~~

~~(5) Tavern\nightclub.~~

~~E. F.~~ Building height. The height of a building shall ~~not~~ neither exceed 42 feet in height ~~or~~ nor more than four stories, exclusive of a basement.

~~G. F.~~ Area and yard requirements:

(1) Shopping centers:

(a) Minimum lot frontage: 400 200 feet.

(b) Minimum lot area: five acres.

(c) Minimum building setbacks:

[1] Front: 50 feet.

[2] Side; 25 feet.

[3] Rear: 25 30 feet.

(d) Maximum impervious surface coverage (including buildings): 70%.

~~(e) Maximum building coverage: 35%.~~

(e) ~~(f)~~ All buildings within the shopping center shall be either in a group or groups, either physically attached or if separated, having a separation of at least 10 feet. Sidewalks and walkways adjacent to buildings may be protected from the weather by overhead roofs, which may extend between separated buildings as long as the structure(s) meet the requirements of the State of Delaware State Fire Marshal's Office.

~~(2) Motel or hotel:~~

~~(a) Minimum lot frontage: 150 feet.~~

~~(b) Minimum lot size: one acre.~~

~~(c) Minimum setbacks:~~

~~[1] Lot depth: 150 feet.~~

~~[2] Front yard: 50 feet.~~

~~[3] Rear yard: 30 feet.~~

~~[4] Side yard: 20 feet.~~

~~(d) Maximum building coverage: 30%.~~

~~(e) Any motel or hotel that may be constructed on a lot or parcel of land must contain a minimum of at least 20 units of accommodation, exclusive of a permanent, on-site superintendent's living quarters. There shall be no separate single units of accommodation built. The minimum number of units of accommodation in any single building shall be 10.~~

(2) ~~(3)~~ For all other uses:

(a) Minimum lot frontage: 100 feet.

(b) Minimum lot area: 15,000 square feet.

(c) Minimum building setbacks:

~~[1] Lot depth: 150 feet.~~

~~[1] [2] Front yard setback: 35 feet.~~

~~[2] [3] Rear yard setback: 25-30 feet.~~

~~[3] [4] Each side yard: 40 15 feet.~~

(d) ~~Maximum building coverage: 35%.~~ **Maximum impervious surface coverage (including buildings): 70%.**

~~H. I.~~ When **the rear yard of** a C-2 zoned parcel abuts a residentially zoned parcel or residential use, the minimum building setback along the common property line shall be expanded to a minimum of ~~50-60~~ feet. A landscaped buffer area of no less than 25 feet in width shall be included ~~within~~ the ~~fifty sixty~~-foot setback area.

~~I.~~ ~~The maximum size of any building in this district shall be 75,000 square feet.~~

J. A buffer ~~planted~~ **planting** strip not less than 10 feet wide shall be provided along all lot lines which form a common boundary with any residential district.

K. See Article VII, Supplementary District Regulations, for additional requirements.

L. All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing combinations, such as fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage, and the planting of conifers and/or deciduous trees native to the area in order to either maintain or reestablish the tone of the vegetation of the area and lessen the visual impact by the structures and paved areas. The established grades on any site shall be planned for both aesthetic and drainage purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent erosion and silting, as well as to assure that the capacity of any natural or man-made drainage system is sufficient to handle the water generated and anticipated both from the site and contributing upstream areas.

M. All buildings in a single project shall conform to a single architectural style.

N. Minimum off-street parking. See Article VII Supplemental District Regulations, §155-28. **See attachment 1.**

O. Minimum off-street loading.

(1) A minimum of one space per business or one space for the first 5,000 square feet plus one space for each additional 10,000 square feet, whichever is more.

(2) See Article VII, Supplemental District Regulations, § 155-28. **See attachment 1.**

~~P. Temporary commercial structures or shelters for the purpose of conducting business related to the primary permitted use on the premises shall be permitted~~

~~while construction of the premises is in progress. Conditions placed on the use of a temporary commercial structure or shelter may include but are not limited to the regulations/process imposed by Article X, the date upon which such structure or shelter may be installed originally, extent of time anticipated for remaining on the premises, lighting, signage, access, utilities, location, buffering/landscaping, obtaining any license or building permit deemed necessary by the Town Council, and paying any impact or other fee that the Town Council may deem necessary before placement of the temporary commercial structure or shelter is permitted.~~

## ARTICLE VII

### Supplementary District Regulations

#### § 155-28. Off-street parking.

A. 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.

B. Specific requirements by use. Any building or structure erected or structurally altered, or any building or structure converted or changed to the uses provided below shall provide the required off-street parking facilities.

C. Design standards for parking areas:

- (1) An off-street parking space is an all-weather, surfaced area;
- (2) Not located in any street or alley;
- (3) Off-street parking spaces shall not be less than 10 feet by 20 feet in size, exclusive of driveways and maneuvering areas;
- (4) Permanently reserved for the temporary storage of one vehicle;
- (5) Connected with a street or alley by a paved driveway which affords ingress and egress;
- (6) Each parking space shall be set back a minimum of 20 feet from the public right-of-way;
- (7) There shall be no more than one driveway per 100 feet of lot frontage;
- (8) Off-street parking facilities shall be drained to eliminate standing water, prevent damage to abutting property and/or public streets or alleys;
- (9) Surfaced with erosive-resistant material in accordance with the specifications of the Delaware Department of Transportation;
- (10) Off-street parking facilities shall be maintained in a clean and orderly condition at the expense of the owner or lessee of the premises;

(11) May not be used for the sale, repair or dismantling or servicing of any vehicles, equipment, material or supplies;

(12) Parking spaces in lots of more than five spaces shall be marked by painted lines or curbs or by other means as necessary to insure efficient traffic operation of parking facilities;

(13) Parking may be permitted in the setback areas, provided that no more than 50% of any setback area may be used for off-street parking and the remaining portion of the setback area shall be landscaped. Parking shall be permitted in rear yard setback areas; provided, however, that a fifteen-foot landscaped buffer is required between parking and adjacent residential uses. Parking is not permitted in front yard setback areas; ~~and~~

(14) Parking lots with 25 spaces or more shall plant one shade tree for every 10 spaces on the parking lot premises; and

(15) C1 and C2 commercial district parking designs are as follows:

(a) For buildings over 5,000 square feet accommodating ~~several~~ multiple ~~distinct~~ principal uses (such as those in small shopping centers) the total amount of required parking may be reduced by up to 5% for each additional 5,000 square feet of floor area. Thus a 5,000 square foot retail building would require 16.67 spaces (at 1 per 300 square feet) but a mixed use 10,000 square foot building would require only 30 spaces.

(b) When a site plan is submitted for a proposed commercial property and shows significant improvements to the designated parking area, the Town Council may approve a reduction in the number of required parking spaces for good cause shown. Improvements and good design (in excess of minimum requirements) to the parking lot area includes landscaping, site amenities, improved access and flow, safe pedestrian walkways and alternative pervious pavement treatments.

D. Location of parking. A private parking area shall not be located in any required front yard space, except that nothing shall prohibit an owner of a home from counting his driveway as one parking space per dwelling unit.

## ARTICLE X

### Conditional Uses

§ 155-49. Conditional uses enumerated.

A. ~~The following~~ As appropriate, buildings, structures, and uses shall ~~may~~ be approved by the Town Council as conditional uses in any district from which they are prohibited, except as otherwise provided, in accordance with the procedures and standards of this article, provided 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 safeguards will be provided for the protection of surrounding property, persons, and neighborhood values, and further provided that the additional standards of this article are complied with. Unless otherwise specified in this article 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.

~~(1) Aquariums, commercial;~~

~~(2) Bus terminals;~~

~~(3) Cemeteries, including a crematorium if located at least 200 feet from the boundaries of the cemetery, provided that:~~

~~(a) The minimum area of the cemetery shall be five acres unless associated with a church or limited to use by a family; and~~

~~(b) Arrangements are made satisfactory to the Town Attorney for perpetual maintenance of the cemetery;~~

~~(4) Temporary circus or carnival grounds, amusement park, or midway, for a specified time period;~~

~~(5) Heliports or helistops;~~

~~(6) Hospitals, convalescent, or sanitariums, but no animal hospitals;~~

~~(7) Institutions, educational or philanthropic, including museums, art galleries and libraries;~~

~~(8) Private clubs, such as golf, swimming and tennis clubs, lodges and other annual membership clubs;~~

~~(9) Public and private schools;~~

~~(10) Day nurseries or child-care centers;~~

~~(11) Public or governmental buildings and uses, including schools, parks, parkways, playgrounds, and public boat landings;~~

~~(12) Sports arenas or stadiums, commercial athletic fields or baseball parks;~~

~~(13) Swimming or tennis clubs, private, nonprofit, or commercially operated, provided that:~~

~~(a) Facilities shall be limited to those for games and outdoor uses such as swimming pool, shuffle board, croquet or tennis courts. Indoor facilities shall include only meeting rooms and locker rooms. Games and building locations shall not be located within 25 feet of the side lot lines, nor within 25 feet of the rear lot line;~~

~~(b) Appropriate fencing and screening from abutting property of all outdoor activity areas shall be required. If parking areas are outside this fencing are outside this fencing, then appropriate screening of at least 3 ½ feet in height shall be constructed around parking areas to protect adjoining property from headlights. The Town Council shall require the applicant to file with the Town Clerk a performance bond during the period of construction, reconstruction, or alteration, such bond to be in an amount determined by the Town Council to be sufficient to insure completion of landscaping and parking plans as submitted;~~

~~(c) Any pumps and filters which are located above ground shall be at least 50 feet from abutting properties;~~

~~(d) Dispensing of food, beverages, candy, and tobacco shall be from coin-operated machines only;~~

~~(e) All lights shall be shielded to reflect or direct light away from adjoining property; and~~

~~(f) The required off-street parking space shall be computed on the basis of one space for each 70 square feet of pool area. The parking layout and surfacing shall be approved by the administrative official;~~

~~(14) Mixed residential and commercial uses, provided that the ratio of lot area of residential use to lot area of commercial use shall be 50% to 50%, lessee-owner-occupant only.~~

~~(15) Temporary residential real estate sales center, provided that, in addition to any other conditions the Town Council shall attach, the following conditions are met: [Added 6-12-2012 by Ord. No 13-01]~~

~~(a) Structures shall be traditional site-built, modular units, or manufactured units;~~

~~(b) Only one temporary residential real estate sales center may be located within, or five hundred (500) feet from, any residential development in any district;~~

~~(c) The activities of such office shall pertain only to the selling of lots within the residential development upon which the office is located, and the office shall contain no cooking or sleeping accommodations;~~

~~(d) A temporary residential real estate sales center may be located off-premises as long as it is contiguously located on property owned by the developer of the residential development being marketed and is within five hundred (500) feet of the development being marketed;~~

~~(e) The use of a structure as a temporary residential real estate sales center is subject to the issuance of a temporary conditional use permit, which shall be valid for not more than one (1) year, but can be renewed upon application;~~

~~[1] A temporary conditional use permit shall include those conditions and requirements deemed necessary to protect the public safety and the general welfare of the residents of the development, along with adequate guarantees that the structure and facilities will be removed after the expiration of the permit.~~

~~(f) A performance bond of \$25,000 shall be filed with the Town within thirty (30) days after the grant of a temporary conditional use permit, to be used for the purpose of cleaning the site upon which the temporary residential sales center is located on should the developer fail to remove the structure after the one-year time frame;~~

~~(g) Preliminary plans submitted as part of applications for a temporary conditional use permit for a temporary residential real estate sales center shall show the following information:~~

- ~~[1] Architectural elevations of the proposed structure;~~
- ~~[2] A pitched roof or façade, as no flat roofs will be permitted;~~
- ~~[3] Off-street parking, with adequate vehicular and pedestrian circulation;~~
- ~~[4] Adequate handicap access to the structure and parking areas;~~
- ~~[5] A Landscaping Plan; and~~
- ~~[6] A Signage Plan.~~

~~(h) A temporary residential real estate sales center shall maintain a current General Plan, Zoning Map, and project approval prominently displayed to inform potential purchasers of the planned land uses surrounding the development;~~

~~(i) The structure shall comply with the following parking requirements:~~

- ~~[1] A minimum of six (6) parking spaces per temporary residential real estate sales center structure or model unit;~~
- ~~[2] Handicap parking space(s) per ADA requirements; and~~
- ~~[3] All parking area being improved with an appropriate surface.~~

~~(j) All structures built along Route 26 or Route 17 corridor must meet design requirements set forth in Development Design Standards & Guidelines for Route 26 and Route 17, as applicable;~~

~~(k) Said improvements and installations shall be in exact accordance with the plan approved by the Town Council and on file with the Code & Building Administrator; and~~

~~(l) The Town shall not release a certificate of occupancy for the temporary residential real estate sales center until the off-street~~

~~parking, lighting, handicapped spaces and landscaping are completed, along with any other conditions required by Council.~~

~~B. The following conditional uses may be permitted in a commercial zone subject to the approval and imposition of appropriate conditions:~~

~~(1) Bowling alleys, fire stations, funeral homes, lumber company, and social clubs.~~

~~(2) Outdoor dining service area. Any person desiring an outdoor dining service shall furnish the following information: [Added 4-13-2010 Ord. No. 10-07]~~

~~(a) The plan of the proposed outdoor dining service area or proposed expansion of an existing outdoor dining service area. Said plan shall show the following information:~~

~~[1] The location of the outdoor dining service area.~~

~~[2] The locations zoning classification.~~

~~[3] The outdoor dining service area's floor plan.~~

~~[4] A detail depicting how the outdoor dining service area will be screened.~~

~~[5] The location of sound reproduction systems.~~

~~[6] The designated areas for unamplified musical instrument performance if applicable.~~

~~[7] The distance to the nearest property line of the nearest lot-zoned residential from the proposed outdoor service area or existing restaurant property.~~

~~(b) A statement that the outdoor dining service area's primary purpose shall be that of a permanent seated dining as defined in Article XIV of this chapter.~~

~~(c) All restaurants, bars and eateries in existence as of the date of the adoption of this chapter may continue to operate the facility as before the adoption of this chapter may continue to operate the facility as before the adoption of said ordinance as a nonconforming (grandfathered) facility. The status of the nonconforming grandfathered facility shall terminate and the facility shall be required to operate in conformity with this chapter if any of the following occur:~~

~~[1] Expansion of or addition to the existing building or existing outside dining service area as required by applicable codes.~~

~~(3) Performing arts theaters, with or without a permitted accessory, banquet hall.~~

## Article XIV

### Terminology

§ 155-79. Definitions and word usage.

For the purposes of this chapter, certain terms or words used herein shall be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- B. The present tense includes the future tense; the singular number includes the plural; the plural number includes the singular.
- C. The word "shall" is mandatory; the word "may" is permissive.
- D. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- E. The word "lot" includes the words "plot" or "parcel."
- F. As used in this chapter, the following terms shall have the meanings indicated:

**ADULT ENTERTAINMENT ESTABLISHMENT - Any establishment within the definition of "adult entertainment establishment" in title 24, § 1602 of the Delaware Code.**

**AMUSEMENTS, INDOOR AND OUTDOOR- Indoor amusement places include, but not limited to, bowling alleys, skating rinks, miniature golf, laser tag, model racing tracks and similar activities conducted entirely within a closed structure. Outdoor amusement places include, but not limited to, batting cages, skating rinks, waterslides, miniature golf, paint ball, model racing tracks and similar recreational activities.**

~~BAR-A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, private clubs, bottle clubs, and similar facilities serving alcoholic beverages.~~

~~BOARDING HOUSE - A single-family detached, owner-occupied dwelling where the owner provides rooms and meals for not more than six lodges/renters, but shall not include homes for the developmentally disabled, handicapped, alcoholic rehabilitants or any other person whose fees are paid by persons other than himself. [Amended 12-14-2010 by Ord. No. 11-03]~~

**CLINIC, URGENT CARE FACILITY - A facility for examining and treating patients with medical problems on an outpatient basis, including ambulatory care or similar medical services that generally require a stay of**

less than 24 hours, and includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

COMMUNITY GARDEN - A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

COMMERCIAL NURSERY - The growing, storage, and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales of related products conducted from within a building.

DECK - A roofless outdoor space, with or without railings, built as an above ground platform projecting from the wall of a building and is connected by structural supports at grade or by the building structure.

DISTILLERY, WINERY and BREW PUB - Mean the premises whereon alcohol or spirits is distilled or rectified, wine is fermented or beer is brewed, and including the blending and bottling or other handling and preparation of alcoholic liquor in any form.

FLOOD or FLOODING- A general and temporary condition of partial or complete inundation of normally dry land areas;  
(1) The overflow of inland or tidal waters, and/or  
(2) The unusual and rapid accumulation or runoff of surface waters from any source.

~~FLOOD—A temporary inundation of normally dry land areas.~~

~~FLOOD, ONE-HUNDRED-YEAR PLAN—A flood that has one chance in 100 or a one-percent chance of being equaled or exceeded in any given year.~~

~~FLOODPROOFING—Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.~~

HISTORIC STRUCTURE—Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

~~(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or~~

~~(4) Individually listed on a local inventory of historic places in a community with an historic preservation program which has been certified by a state program as determined by Secretary of the Interior.~~

**IMPERVIOUS SURFACE - Are mainly artificial structures such as pavements (roads, sidewalks, driveways and parking lots) that are covered by impenetrable materials such as asphalt, concrete, brick, or stone.**

~~LOWEST FLOOR-The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.~~

**MASSAGE ESTABLISHMENT - Any business or enterprise which offers, sells or provides, or which holds itself out as offering, selling, or providing, massages which include bathing, physical massage, rubbing, kneading, anointing, stroking, manipulating or other tactile stimulation of the human body, by either male or female employees or attendants, by hand or by an electrical or mechanical device, on or off the premises, except that this term shall not include the following licensed businesses or occupation: a chiropractor, chiropodist, podiatrist, barber, nurse, optometrist, cosmetologist, dentist, physician, massage and bodywork practitioner, physical therapist, operator of a funeral establishment, athletic coach or trainer.**

~~OPEN PORCH-Any first floor porch entirely open to light and air on all sides thereof and from the floor to ceiling, except any or all of the following:~~

- ~~(1) Those sides thereof which adjoin an outer wall or walls of the main building;~~
- ~~(2) A guard rail not exceeding 36 inches in height from the floor level;~~
- ~~(3) Railing or solid wall between the guard rail and floor;~~
- ~~(4) Open mesh screening against insects extending substantially from the floor to the guard rail to ceiling, together with the necessary framework required to support the same; and~~
- ~~(5) Necessary posts or pillars required to support the roof thereof.~~

**PATIO - A level, surfaced area adjacent to a principal building at or within 1 foot from finished grade, without a permanent roof intended for outdoor lounging, dining and the like. Patios are typically surfaced with concrete, bricks, pavers or stone.**

PERSONAL SERVICES - An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature.

~~REGULATORY FLOODWAY-A channel or a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.~~

RESTAURANT-RELATED, BREW PUB, WINERY OR DISTILLERY-A restaurant that sells beverages brewed or distilled on the premises.

RESTAURANT-RELATED, FOOD COUNTER-A counter in a shop, bar, cafeteria, etc., where food is sold, served or both.

RESTAURANT-RELATED, TAVERN OR BAR-An establishment licensed and operated primarily for the sale and consumption of alcoholic beverages on the premises with the sale of food as a secondary object.

RETAIL STORE-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 and merchandise.

~~SEATED DINING-That portion of the patron area designated and used primarily for the service and consumption of food while seated at tables and chairs or booths. [Added 4-13-2010 by Ord. No. 10-07]~~

~~SEATED DINING PATRON-A customer of a restaurant who is seated in the seated dining portion of the patron area for the purpose of ordering and consuming food served by the restaurant. [Added 4-13-2010 by Ord. No. 10-07]~~

~~SERVICE BAR-A bar, countertop, table, platform or other substantially flat surface, not exceeding five feet in length, behind and upon which alcoholic liquor and beverages are prepared by employees of the restaurant. Restaurant patrons shall not be served alcoholic beverages at any service bar. [Added 4-13-2010 by Ord. No. 10-07]~~

SUBSTANTIAL IMPROVEMENT-Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code

enforcement officer and which are the minimum necessary to assure safe living conditions.

TAPROOM-An establishment provided with special space and accommodations and operated primarily for the sale by the glass and for consumption on the premises of alcoholic liquors with the sale of food as a secondary object as distinguished from a restaurant where the sale of food is the primary object.

TAVERN-See "bar."

WHOLESALE ESTABLISHMENT - For the purposes of this Chapter a wholesale establishment is a wholesale warehouse type of retail store establishment.

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 11th DAY OF AUGUST, 2015.**

**SEAL:**

  
GERALD HOCKER, JR., MAYOR

**ATTESTED:**

  
STEVE MANERI, SECRETARY



ZONING

Section 155-28 Supplemental Regulations

Town of Millville

Attachment 1

Off-Street Parking Requirements by Use

Use	Number of Spaces per Square Foot of Floor Area	Number of Spaces per Employee	Number of Spaces per Seats	Miscellaneous
Automobile and Boat Service and Repair Shop	1 per 500	1		
Bowling Alley		1		1 per alley
Car Wash		1 per 2		Minimum of 1
Church or Other Place of Worship			1 per 3	
Clinics and Urgent Care Facilities	1 per 300	1		
Commercial Nurseries		1		
Convalescent Homes or Sanatoriums		1		1 per 2 beds
Dual and Multifamily Dwellings				2 per unit
Funeral Home/Mortuary		1	1 per 5	
Gasoline Service Station		1		1 per service pump
Gasoline Service with Convenience Store	1 per 300	1		
Home Occupation				2 additional spaces
Hospital		1		2 per bed
Hotel/Motel		1		1 per unit
Offices and Professional Services	1 per 300 (exclusive of basement if not used for office or customer service purpose)	1		

Personal Services	1 per 300	1		
Public Library	1 per 400 (of area intended for public use)	1 per 2 employees		
Restaurant*	1 per 300	1	1 per 4	Whichever is greater
Retail Store	1 per 300 (used for sales or display of merchandise purposes)	1		
Rooming, Boarding House or Bed-and-Breakfast				1 per rental room; 2 per family unit
Shopping Center	1 per 300 (of gross rentable area)			
Single-Family Dwellings				2 per family unit
Supermarket	1 per 300 (used for sales or display of merchandise purposes)	1		
Theatre		1	1 per 4	
Veterinary Clinic				5 per doctor
Wholesale Establishment	1 per 1,000			
Woodworking and Cabinet Shop	1 per 600			

NOTES:

Handicapped spaces must meet ADA requirements.

Off-street loading areas do not count toward parking spaces.

Number of employees is determined by the maximum number of employees on a shift during peak periods.

Multiuse businesses (i.e. hotels with restaurants) add spaces for all uses.

Fractions of parking spaces rounded off to the next highest number.

\*Restaurants are defined as being housed in a permanent building, such as full service, take-out, drive-through, food counter, tavern and bar, and brew pubs, wineries and distilleries in conjunction with restaurant