

CHAPTER 15 – ZONING, LAND USE AND DEVELOPMENT**ARTICLE 1 - GENERAL PROVISIONS**

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.1.1 Title.

This chapter shall be known and may be cited as the “*Zoning, Land Use and Development Ordinance of the City of Seaford, Sussex County, Delaware*”.

§15.1.2 Authority.

The *Zoning, Land Use and Development Ordinance* has been adopted pursuant to the power granted the City Council by the City Charter Section 36, as enacted by the State of Delaware.

§15.1.3 Intent and purpose.

- A. The zoning regulations and districts set forth in this Chapter are made in accordance with a comprehensive plan study of the City for the general welfare of the City. The Policy Statement contained in the comprehensive plan provides the City’s Community Development Objectives which shall be deemed incorporated herein.
- B. This Chapter is established to regulate and control the subdivision and development of land within the City of Seaford so as to provide sites suitable for human habitation, commercial and industrial operations and other uses for which land may be developed, thereby creating conditions favorable to the health, safety, morals and welfare of the community.
- C. The provisions of this chapter shall be the minimum requirements for the promotion of the public health, safety, morals, convenience, order, comfort, prosperity, or general welfare.
- D. This Chapter sets forth the procedure to be followed by the Planning and Zoning Commission and the City Council in applying and administering these rules, regulations and standards and providing penalties for the violation thereof.

§15.1.4 Applicability.

This chapter shall apply to any parcel, subdivision, and/or land development on all lands within the incorporated boundaries of, and hereafter annexed into, the City of Seaford, Delaware.

- A. Any subdivision which involves the division of a parcel of land into two or more parcels;
- B. Any division of land for the development of separate buildings, buildings structurally joined together or separate areas within a building which will result in separate occupancy or tenancy by separate families, individuals, business, corporations or other entities under a lease, rental, or other arrangement;
- C. Any such division of a parcel of land which involves the installation of streets and/or alleys, whether they’re being dedicated for acceptance by the municipality or not;

- D. Any such division of a parcel of land in which certain parcels might not be divided immediately for purposes of transfer, sale, lease, or any other form of conveyance.
- E. Any realignment of two or more parcels involving a resubdivision or replatting of an existing approved plan even though such plan was recorded prior to the enactment of this Ordinance.

§15.1.5 Components.

This Ordinance consists of:

- A. The regulations, tables, drawings and graphics contained and written herein.
- B. The latest edition of the official *Zoning Map* depicting zoning districts in the City.
- C. The *Comprehensive Plan of the City of Seaford*; and
- D. The *Standard Design Specifications* of the City of Seaford.

§15.1.6 Compliance required.

- A. Tracts, parcels, lots, or property shall be divided, partitioned, or combined, whether by metes and bounds, subdivision, or land development, in conformance with the provisions of this Ordinance. This provision also applies to land offered for sale or lease.
- B. Buildings and land shall be used in conformance with the provisions of this Ordinance.
- C. Buildings and parts of buildings shall be erected, reconstructed, converted, enlarged, moved, or structurally altered in conformance with the provisions of this Ordinance.
- D. Yards and Open Space:
 - 1. No structure shall be located, no existing structure shall be altered, enlarged, moved or rebuilt, and no open space surrounding any structure shall be encroached upon or reduced in any manner that does not conform with the yard, lot, area, and building location regulations designated for the zoning district in which such building or open space is located unless otherwise permitted.
 - 2. A yard or other open space associated with a building on a lot shall not be considered as a required yard or open space for a building on any other lot.
 - 3. All yards and courts shall be open and unobstructed to the sky unless otherwise permitted.
 - 4. All yards shall be maintained in good condition and landscaped with grass at a minimum and, when required by specific sections of this code, be landscaped with regionally appropriate plantings.
- E. Height of Buildings and Structures:

1. No building shall be erected, reconstructed, or structurally altered to exceed the height limits designated for the zone in which such building is located, except as otherwise permitted.

§15.1.7 References to the *Delaware Code*.

References to titles, sections, subsections, and other parts of the Delaware Code are to the Code as existing when this chapter is adopted or as subsequently amended.

§15.1.8 Establishment of controls.

- A. ***Minimum and Uniform Regulations:*** The regulations set by this Chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.
- B. ***For New Uses and Structures:*** In all districts, after ***September 23, 1969***, any new building or other structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each district.
- C. ***For Existing Uses and Structures:*** In all districts, after ***September 23, 1969***, any existing building or other structures, or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as non-conforming and subject to the regulations of Article 51 of this Chapter.
- D. ***Types of Control:*** The following minimum and uniform regulations, as detailed in this chapter, shall apply to the respective districts:
 1. Use regulations, including uses by right, accessory uses and uses by special exception.
 2. Area and bulk regulations, including required front, side and rear yards, maximum permitted height and allowable lot coverage, and floor-area ratio requirements in those districts in which they apply.
 3. Off-street parking regulations, including minimum required parking spaces.
 4. Off-street loading regulations, including minimum required loading berths for specified uses.
 5. Sign regulations, including their sizes, lighting and location.
 6. Special regulations dealing with landscaping, access and traffic control.
 7. Special regulations dealing with Flood Hazard and Source Water Protection.
 8. Performance Requirements, Specific Use Regulations, and Required Improvements.
 9. Phasing of development.
 10. Expiration of development approvals or “Sunset”.

§15.1.9 Establishment of district; lot size.

A. For the purposes of this Chapter, the City is divided into the following districts:

- R-1 Low Density Residential District.
- R-2 Medium Density Residential District.
- R-3 High Density Residential District.
- R-4 Institutional Residential District.
- C-1 General Commercial District.
- C-2 Highway Commercial District.
- C-3 Riverfront Enterprise District.
- M-1 Light Industrial District.
- M-2 Heavy Industrial District.
- SFH Special Flood Hazard Overlay District.
- SWP Source Water Protection Overlay District.

B. Any lot, as well as the open spaces reserved on it, shall equal or exceed the minimum sizes prescribed by this Chapter for the district in which the lot is located.

§15.1.10 Zoning Use District Map; adoption; boundaries.

- A. The areas within the City limits as assigned to each district and the location of the boundaries of the districts established by this Chapter are shown upon the Zoning Map, which together with all explanatory matter thereon is declared to be a part of this Chapter and shall be kept on file with the City Manager. If, and whenever, changes are made in boundaries or other matter included on the Zoning Map, such changes in the map shall be made at the next scheduled revision to the Comprehensive Plan Maps..
- B. The district boundary lines shall be as shown on the Zoning Map. District boundary lines are intended to coincide with lot lines, center lines of streets and alleys, the corporate boundary of the City or as dimensioned on the Map. In case of doubt or disagreement concerning the exact location of the boundary line, the determination of the Board of Adjustment as provided in Article 3 shall prevail.
- C. Where a district boundary line divides a lot held in single and separate ownership on *September 23, 1969*, the use regulations applicable to the more restrictive district shall apply.
- D. The boundaries of the Special Flood Hazard Overlay District are established as shown on the Special Flood Hazard Area maps of the City of Seaford, as adopted in §15.40.4, which is declared to be part of this Ordinance, and which shall be kept on file at the Office of the City Manager.
1. The Special Flood Hazard Overlay Districts shall be overlays to the existing underlying Districts, as shown on the Zoning Map, and as such, the provisions for the Special Flood Hazard Overlay District shall serve as a supplement to the underlying District provisions.
 2. Where there happens to be any conflict between the provisions or requirements of any of the Special Flood Hazard Overlay Districts and those of any underlying District, the more restrictive provisions and/or those pertaining to the Special Flood Hazard Overlay Districts shall apply.

3. In the event any provision concerning a Special Flood Hazard Overlay District is declared inapplicable as a result of any legislative or administrative action or judicial determination, the basic underlying District provisions shall remain applicable.
 4. Initial interpretations of the boundaries of the Special Flood Hazard Overlay Districts shall be made by the Building Official. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Adjustment shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board of Adjustment and to submit his own technical evidence.
- E. The boundaries of the Source Water Protection Overlay District are established as shown on the Source Water Protection Area maps developed by the State of Delaware Department of Natural Resources and Environmental Control, which is declared to be part of this Ordinance and which shall be kept on file at the Office of the City Manager.
1. The Source Water Protection Overlay Districts shall be overlays to the existing underlying Districts, as shown on the Zoning Map, and as such, the provisions for the Source Water Protection Overlay District shall serve as a supplement to the underlying District provisions.
 2. Where there happens to be any conflict between the provisions or requirements of any of the Source Water Protection Overlay Districts and those of any underlying District, the more restrictive provisions and/or those pertaining to the Source Water Protection Overlay District shall apply.
 3. In the event any provision concerning a Source Water Protection Overlay District is declared inapplicable as a result of any legislative or administrative action or judicial determination, the basic underlying District provisions shall remain applicable.
 4. Initial interpretations of the boundaries of the Source Water Protection Overlay District shall be made by the Building Official. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Adjustment shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board of Adjustment and to submit his own technical evidence.

§15.1.11 Interpretation of regulations.

- A. The interpretation of the regulations of this Chapter is intended, in addition to the provisions of §15.1.8, to be such that whenever these requirements are at variance with any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, such as particularly refer to area and bulk regulations and impose higher standards, the most restrictive requirement shall govern.
- B. In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.
- C. When provisions of this Ordinance and all standards and specifications adopted under it impose greater restrictions than those of any statute, other Ordinance or

regulation, the provisions of this Ordinance and its standards and specifications shall be controlling unless specified to the contrary.

D. Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations have the meaning indicated:

1. Words in the singular include the plural and those in the plural include the singular; unless the obvious construction of the wording indicates otherwise.
2. Words used in the present tense include the future tense;
3. the words “person”, “applicant”, “subdivider”, “developer”, and “landowner” include a corporation, unincorporated association and a partnership, other legal entity, as well as an individual;
4. The word “building”, includes structure and shall be construed as if followed by the phrase “or part thereof”;
5. The word “watercourse” includes channel, creek, ditch, dry run, spring, stream, and river;
6. The words “should” and “may” are permissive; the words “shall” and “will” are mandatory and directive.
7. Words used in the masculine gender shall include the feminine and neuter.
8. The meaning of the word "erected" shall include "constructed," "reconstructed," "altered," "placed," or "moved.
9. The meaning of the word “develop” shall include “re-develop”.
10. The meaning of the terms "land use" and "use of land" shall include "building/structure use" and "use of building/structure."
11. The meaning of the word "adjacent" shall include "abutting" and "adjoining."

§15.1.12 Enforcement.

- A. Any Person seeking approval of a plan of Subdivision shall apply in writing on forms provided by the City for approval of such subdivision.
- B. All applications for subdivision shall be accompanied by a sworn affidavit from the applicant stating that the applicant’s plans meet the provisions and requirements of these regulations.
- C. This shall not limit the right of the City to make inspections of construction at any time of a project for which the City has issued a permit.

§15.1.13 Fees.

- A. The City Council shall establish a schedule of fees and a collection procedure for all applicants and other matters pertaining to this ordinance.

- B. No action shall be taken by the Planning and Zoning Commission until all fees are paid and the applications are properly signed.
- C. The applicant(s) must be in compliance with the Financial Good Standing ordinance per § 2.5.1.

§15.1.14 Restrictions.

No subdivision of any lot, tract or parcel of land shall be effected, no street, sanitary sewer, storm water, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings or land abutting thereon, or a building permit issued unless a Final Site Plan, Condominium Declaration Plan, and/or Home Owner's Association Covenants have been approved and recorded.

§15.1.15 Exception.

Where, owing to special conditions, a literal enforcement of this Ordinance and/or its accompanying regulations would result in unnecessary hardship, the City Council may make such reasonable exception thereto as will not be contrary to the public interest and will be in conformance with existing community development.

§15.1.16 Severability.

- A. The City Council Members hereby declare that the sections, paragraphs, sentences, clauses, and phrases of this chapter can be separated from one another.
- B. Should a court of competent jurisdiction decide that any section or provision of this chapter is unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole or any part other than the part determined to be unconstitutional or invalid.

§15.1.17 through §15.1.99 RESERVED

ARTICLE 2 - DEFINITIONS

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.2.1 Interpretation of definitions.

As used in this Chapter:

- A. The word “building” includes “structure” and any part thereof.
- B. The word “includes” or “including” shall not limit the term to the specified example but is intended to extend its meaning to all other instances of like kind and character.
- C. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.

§15.2.2 Definitions.

For the purposes of this chapter, the following definitions shall apply:

Accessory Structure – shall mean a sub-ordinate structure, the use of which is customarily incidental to that of the principal structure and is used for accessory use and is located on the same lot.

Accessory Use or Accessory - Shall mean and include, but are not limited to the following:

- A use conducted on the same lot as a principal use to which it is related and located either within the same structures or in an accessory structure or an accessory use of land.
- A use which is clearly incidental to, and customarily found in connection with a particular principal use.

Alterations - shall mean and include, but are not limited to the following:

- All incidental changes or replacement in the non-structural parts of a building or other structures.
- Minor changes or replacement in the structural parts of a building or other structure, limited to the following examples and others of similar character or extent.
- Alteration of interior partitions to improve livability in non-conforming residential buildings provided no additional dwelling units are created thereby.
- Alteration of interior partitions in all other types of buildings or other structures.
- Making windows or doors in exterior walls.
- Strengthening the load bearing capacity in not more than ten percent (10%) of the total floor area to permit the accommodation of a specialized unit of machinery or equipment.

Apartment - Shall mean a group of multi-family dwellings, up to three stories in height, designed for rental of the individual housekeeping units, having common open spaces, and designed in accordance with the special requirements for such dwellings as set forth in this Chapter.

Applicant - A landowner or developer, as hereinafter defined, who has filed an application for approvals of permits, site plans, variances, special exceptions and may include his heirs, successors and assigns.

Application for Development - Every application, whether preliminary or final, which is required to be filed and approved prior to start of construction or development. This includes but is not limited to an application for a building permit, for the approval of a subdivision plot or plan or for the approval of a development plan.

Architect – An individual licensed to practice the profession of Architecture by the State of Delaware.

Assisted Living Facility - A residence which provides apartment style housing and independent living for those who may need supervision for daily functioning, intervention in the event of a resident experiencing a crisis, supervision in the areas of nutrition and medications and actual provisions of transient medical care but who do not require chronic or convalescent medical or nursing care. It also provides support services including but not limited to an area for residents to congregate for dining, beauty salons, fitness centers, wellness centers, gift shops, luncheonettes and the sale of sundries.

Automobile – See *Motor Vehicle*.

Awning fixed - A permanent non-retractable protective fixture used over windows and doors to shield from the elements, and which may also be used as a form of signage.

Awning, retractable - A folding or roll-up protective fixture used over windows and doors to shield from the elements.

Basement - Any area of the building having its floor sub-grade (below ground level) on all sides. A basement is counted as a story if the ceiling is more than six (6) feet above the average grade, or if subdivided and used for dwelling purposes other than for a janitor employed on the premises.

Block - A tract of land bounded by three (3) or more Streets; a Public Park; Railroad right of way, excluding siding and spurs; and/or Corporate boundary lines of the City.

Bond – An instrument of security furnished to the city by the contractor and his surety to insure the terms of the contract, authorized modifications, and extensions are satisfied.

Bond, Maintenance - A bond which provides assurance as to the quality and maintenance of all included improvements for a period of time. The failure of improvements covered under this type of bond within the time period of the guarantee will result in the City retaining the maintenance bond to satisfy all corrections to the improvements.

Bond, Performance – A bond which guarantees that the contractor shall perform its duties, all the undertakings, covenants, terms, conditions and agreements of said contract during the original term and any extensions thereof, which may be granted by the City. Failure to satisfy all claims and demands incurred under the contract will result in the City retaining the performance bond for reimbursement, repayment or pre-payment to the City for all expenses which the City may incur in making good any default during the period of construction and until acceptance of the project by the City Council, if deemed appropriate or prior to the issuance of a certificate of occupancy.

Buffer planting strip - a strip of required yard space adjacent to the boundary of a property or district, not less in width than is designated in this Chapter, which is landscaped for the full width, and on which is placed a screen of sufficient density not to be seen through, and of sufficient height to constitute an effective screen and give

maximum protection and immediate visual screening to an abutting property or district. The required screen shall be permanently maintained and shall constitute a planting of dense evergreens or a compact evergreen hedge or when approved by City Council, an appropriate wall, fence, suitable planting or combination thereof.

Building - A structure or appendage to a structure which is permanently affixed to the land, has one (1) or more floors or stories, and is bounded by either lot lines or yards. A building shall not include such structures as billboards, fences, or other structures with interior surfaces not normally accessible to human use, such as gas tanks, grain elevators, coal bunkers, or similar structures. A building may accommodate more than one (1) family and have more than one (1) dwelling unit and may be used for residential, commercial, industrial, public or semi-public purposes.

Building height –The vertical distance measured from the average elevation of the proposed finished grades at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip, and gambrel roofs; provided that chimneys, spires, towers, mechanical penthouses, tanks and similar projections of the building not intended for human occupancy, shall not be included in calculating the height. If there are two or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

Bulk - The term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines and includes the size, height and floor area of building or other structure; the relation of the number of dwelling units in a residential building to the area of the lot (usually called density); and, all open areas in yard space relating to buildings and other structures.

Car Washing Facility - A structure used for the purposes of cleaning or reconditioning the exterior and interior surfaces of motor vehicles, but not including an incidental one-bay washing facility in a gasoline service station where washing facilities are purely incidental to the operation of said service station. A self-operated vehicular laundering facility not requiring attendants or employees, regardless of capacity, is also considered to be a Car Washing Facility.

Cartway (Roadway) - The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

Cattery – See *Kennel*.

Cellar - See *Basement*.

Cemetery - Land used or intended to be used for the burial of the deceased, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with the cemetery and within the boundaries.

Certificate of Occupancy - A statement signed by a duly authorized City Officer setting forth that a building, structure or use legally complies with this Chapter and other applicable codes and regulations and that the same may be used for the purposes stated therein.

Church - A building used for public worship by a congregation, excluding buildings used exclusively for residential, educational, burial, recreational or other uses not normally associated with worship.

Clear Sight Triangle – An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

Club - An organization, chartered by the State for social or fraternal purposes, whose buildings and services are for members and their guests only.

Condominium - Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, such as yards, foundations, basements, floors, walls, hallways, stairways, elevators and all other related common elements, together with individual ownership in fee of a particular unit or apartment in such building. It is not confined to ownership of a residential unit such as an apartment, but its use also extends to offices and other types of space in commercial buildings.

Country Club - A private club operated for profit, maintaining and operating but not limited to, a regulation golf course and associated recreational activities, with specified limitations upon the number of members, for the exclusive use of members and their guests.

Cross Walk (Interior Walk) – A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

Dedication - The ownership transfer of a utility system to a delegated agency, public utility, municipality, or private entity, along with all associated easements, escrow funds, and maintenance responsibilities.

Delaware Coordinate System of 1983 - Also referred to as the “State Plane Coordinate System; A transverse Mercator projection of the North American Datum of 1983, having a central meridian 75° 25' west of Greenwich, on which meridian the scale is set at 1 part in 200,000 too small. The origin of coordinates is at the intersection of the meridian 75° 25' west of Greenwich and the parallel 38° 00' north latitude. This origin is given the coordinates: N=0 meters and E=200,000 meters.

Density - The proportionate amount of land allocated for each primary use.

Design Standards – Regulations adopted pursuant to this Ordinance imposing minimum standards in the layout by which a subdivision is developed.

Detached Dwelling – See *Dwelling, Single Family Detached*.

Developer – Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Drainage Facility – Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-ways, parks, recreational areas, or any part of any subdivision or contiguous land areas.

Drainage Plan – A plan showing all present and existing surface and subsurface drainage conditions as described by grades, contours and topography with proposed methods and facilities to collect and convey said drainage.

Driveway – A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

Duplex – See *Dwelling, Two Family Semi-Detached and/or Dwelling, Two Family Detached*

Dwelling, Manufactured Home - A transportable dwelling unit fabricated in an off-site manufacturing facility, built in one or more sections on a permanent chassis, designed for use with or without a permanent foundation when connected to the required utilities and designed to be a permanent residence 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 "Manufactured Home" does not include a "Recreational Vehicle" or "Modular Home".

Dwelling, Mobile Home - A transportable dwelling unit fabricated in an off-site manufacturing facility, designed to be a permanent residence and built prior to June 15, 1976, on which date the Federal Home Construction and Safety Standards became effective. The term "Mobile Home" does not include a "Recreational Vehicle" or "Modular Home".

Dwelling, Modular – A detached dwelling unit fabricated in an off-site manufacturing facility in accordance with the City of Seaford Building Code. Also referred to as a, "Modular Home".

Dwelling, Multi-Family – shall mean a building or structure containing two (2) or more Dwelling Units used or designed as a residence for two (2) or more families living independently of each other and doing their own cooking therein, and shall include Apartments, Condominiums, and Townhouses.

Dwelling, Single Family Detached – A building designed for and occupied exclusively as a residence for only one (1) family and having no party wall in common with an adjacent building and having a yard area on all four (4) sides. Also referred to as a "single family home", "single family dwelling", "detached house", or "one-family dwelling".

Dwelling, Townhouse - A building consisting of a series of three (3) or more non-communicating Dwelling Units each having individual front and rear entrances, no dwelling unit is located over another dwelling unit, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls.

Dwelling, Two Family Detached – A building designed or arranged to be occupied exclusively as a residence by two (2) families living independently, with the structure having only two (2) non-communicating dwelling units and each unit is separated from the other unit by one (1) or more common fire-resistant walls or floors and having a yard area on four (4) sides. Also referred to as a, "duplex", "twin", or "two-family dwelling".

Dwelling, Two Family Semi-Detached – A building designed or arranged to be occupied exclusively as a residence by two (2) families living independently, with the structure having only two (2) non-communicating dwelling units and each unit is separated from

the other unit by one (1) or more common fire-resistant walls and so constructed that one (1) wall is on a side lot line and abuts the neighboring house, and having a yard area on three (3) sides. Also referred to as a “duplex”, “twin”, or “two-family dwelling”.

Dwelling Unit - Consists of one (1) or more rooms for living purposes together with separate cooking and sanitary facilities and is accessible from the outdoors either directly or through an entrance hall shared with other dwelling units and is used or intended to be used by one (1) or more persons living together and maintaining a common household, but no more than three (3) unrelated persons within the unit.

Early Childhood Development and Education Facility - A facility planned to provide learning activities and care for more than forty (40) pre-elementary aged children.

Easement - A right-of-way granted, but not dedicated, for limited use on private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structures but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

Employees, Number of Employees - The greatest number of persons to be employed in the building in question during any season of the year, and any time of the day or night.

Engineer – A professional engineer licensed as such in the State of Delaware, duly appointed as the engineer for the City of Seaford.

Enlargement - An addition to the floor area of an existing building, an increase in size of another structure, or an increase in that portion of a tract of land occupied by an existing use.

Essential Services - The erection, construction, altering or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, stream or water transmission or distribution system, collection, communication, supply or disposal systems.

Family – Five (5) or fewer adults, and minor children in their care, living together in a dwelling unit.

Fire Station - The portion of a building used solely for the housing of firefighting and auxiliary equipment.

Floor Area - The sum of the gross livable area of several floors of a building or buildings measured from the face of exterior walls or from center lines of walls separating two (2) buildings. In particular, floor area includes, but is not limited to the following:

- Basement space, if it meets the requirements of a building story.
- Elevator shafts, stairwells and attic space (whether or not a floor has been laid) providing structural headroom of eight feet or more.
- Roofed terraces, exterior balconies, breezeways or porches, provided that over fifty percent (50%) of the perimeter of these is enclosed.
- Any other floor space used for dwelling purposes, no matter where located within building;
- Accessory buildings, excluding space used for accessory off-street parking or used for loading berths.

- Any other floor space not specifically excluded, excluding space used for air conditioning machinery or cooling towers, and similar mechanical equipment serving the building and cellar space.

Floor Area Ratio - A figure which when multiplied by the lot area will determine the amount of permitted floor area. This figure is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Front Yard - See *Yard, Front*.

Fuel Filling Station - An area of land, together with any structure thereon, used for the retail sale of motor fuels and lubricants with or without a retail store. Also referred to as a "gas station".

Garage, Community - A garage accessory to a principal building (s), shared by common property owners which is used for motor vehicle storage purposes only and in which no business, service, or industry, whether connected directly or indirectly with motor vehicles is conducted.

Garage, Private - A garage accessory to a principal building, used for automobile storage purposes only and in which no business, service or industry whether connected directly or indirectly with motor vehicles is conducted.

Golf Course - An open area and its necessary buildings, used for the playing of golf, not including a driving range, miniature course, or eating facilities in a separate building operated for additional profit.

Goods - A finished product.

Highway Access Points - The distance between any vehicular entrance or exit to a street and the next adjoining vehicular entrance or exit on the same street.

Home Occupation - a use customarily carried on within a dwelling by the inhabitants thereof, which use is incidental and subordinate to the residential use. Home occupations shall not be interpreted to include the following: barber and beauty shops, barber and beauty schools, Licensed Massage Technician/Therapist, tea rooms, tourist homes, convalescent homes, stables or kennels.

Homeowners Association - A legal entity, organized and operated under the Laws of the State of Delaware and United States Code, to provide for the acquisition, construction, management, maintenance, and care of association property by agreement of its' members. The term may include residential, commercial or industrial use properties. The term as used in this code shall also mean to include Condominium Management Associations, Residential Real Estate Management Associations, and the like.

Hospital - A public institution providing public health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility.

Hospital, Veterinary - A structure designed or converted for the care and treatment of sick or wounded domestic animals.

Hotel – A building having six (6) or more rental rooms, without individual cooking facilities, for transient guests.

Improvement - Any type of structure, excavation or paved section, excluding driveway or curb.

Institution - A building and land used partially for the human habitation of more than two (2) unrelated persons who occupy the facility for common purposes other than housekeeping.

Instructional Business or Trade School - A duly organized school, giving instruction in business or vocational trade subjects.

Junk Yard - An area of land, with or without buildings, used for storage, outside a completely enclosed building, of used and discarded materials, including, but not limited to, wastepaper, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two (2) or more unlicensed, wrecked or disabled vehicles, or the major part thereof, shall be deemed to constitute a “junk yard”.

Kennel - Any establishment wherein the owner keeps, grooms, cares for, trains, handles, maintains or boards any dog or cat belonging in a proprietary sense to another, as a business; or an establishment where dogs and cats are kept for a hobby, sporting activity, breeding or sale.

Kindergarten, Pre-School or Day Nursery School - A school which provides daytime care and instruction of two (2) or more children from two (2) or six (6) years of age inclusive, and operates on a regular or seasonal basis.

Land Development – The improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving one or more buildings; or allocation of land between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common area, leaseholds, building groups or other features. Including:

- Structures designed to contain more than one (1) dwelling unit.
- One or more buildings designed for the use of by a single, or multiple, commercial, industrial or institutional establishments; except in the case where such buildings are clearly accessory and incidental to the main building.

Landowner – The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee having a remaining term of not less than forty years, or other person having propriety interest in land, shall be deemed to be a landowner for the purposes of these regulations.

Landscape 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 with specimens having an initial height of not less than five (5) feet and planted at intervals of not more than ten (10) feet on center. The low-level screen shall consist of evergreen shrubs planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet on center. The low-level screen shall be placed in alternating rows to produce a more effective barrier.

Loading space – A paved accommodation off the street for loading and unloading of trucks, in the form of one or more truck berths located either within a building or in open space on the same lot. The area of each berth shall be not less than six hundred (600) square feet, and it shall have a minim clear height, including access to it from the street, of fourteen (14) feet.

Lot - A tract or parcel of land, regardless of size, held in single or separate ownership, intended as a unit for transfer or ownership, which is, or may be occupied by a building, use improvement or for development, including the open space required under this Chapter.

Lot area – The area contained within the property lines of a lot, excluding space within all streets and within all permanent drainage easements, but including the areas of all other easements.

Lot, Corner - A corner lot is one (1) bounded on a least two (2) sides by streets, whenever the lines of such streets, extended, from an interior angle of one hundred thirty-five degrees (135°) or less. The owner or developer of a corner lot may specify which street line shall be the front lot line; he shall be required so to specify at the time of filing application for a zoning permit.

Lot Coverage - The aggregate of the maximum horizontal cross section areas of all buildings on a lot including sun parlors, foyers, porches, breezeways, projecting eaves, gutters, awnings, steps, patios, accessory structures, etc.

Lot Line, Front - The line separating the lot from the street line.

Lot Line, Rear - Any lot line, except a front lot line, which is parallel to, or within forty-five degrees (45°) of being parallel to, and does not intersect any street line. In the case of a corner lot, the owner or developer may make a different designation. See definition of “*Lot, Corner*” for requirements.

Lot Line, Side - Any lot line which is not a front lot line or a rear lot line. In the case of a corner lot, the owner or developer may make a different designation. See definition of “*Lot, Corner*” for requirements.

Lot Width - The horizontal distance between the side lot lines measured at right angles to the lot depth.

Manufacture - A function involving either the processing or production of materials, goods or products.

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

Manufactured Home Park or Subdivision - A parcel (or a contiguous parcel) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) have been provided.

Marker – A metal pipe or pin of at least ½” diameter (preferred ¾” or 7/8”) and at least 24” in length (preferred 30” to 36”).

Marquee - Combination signboard and protective covering from the elements supported solely by the building to which it is attached.

Materials - Articles which are components of a future product.

Medical clinic - A building constructed as a professional building for the offices of three (3) or more medical practitioners.

Mobile Home Dwelling – See *Dwelling, Mobile Home*.

Modular Dwelling – See *Dwelling, Modular*.

Monuments – A stone or concrete monument with a flat top at least four (4) inches in diameter or square containing a copper or brass dowel (plug) and at least twenty four (24) inches in length (preferred 30” to 36”). It is recommended that the bottom sides or radius be at least two (2) inches greater than the top, to minimize movements caused by frost.

Motel; Hotel - A building or a group of buildings, having units containing sleeping accommodations which are available for a temporary, rental occupancy by transients and providing sufficient off-street parking facilities adjacent or convenient thereto. A tourist home containing provisions or facilities for accommodation of more than two (2) transient occupants not normally quartered on the premises shall be considered as a Motel-Hotel facility under the provisions of this Chapter.

Motor Vehicle – A self-propelled or towed device, licensed as a motor vehicle by the appropriate state agency and used for the transportation of people and/or goods over roads. This term includes automobiles, cars, trucks, tractor-trailers, pickup trucks, sport utility vehicles, motorcycles, recreational vehicles, utility trailers and the like. This term can also refer to motorized vehicles, which are not licensed, but are used for recreational and/or agricultural purposes off roads including All-Terrain Vehicles (ATVs), Utility Task Vehicles (UTV), four wheelers, motorcycles, lawn and garden tractors, farm tractors and implements, and the like.

Motor Vehicle Repair Garage - Any premises used for the sale of motor vehicle parts and repair of motor vehicles, tractors, farm implements, including accessories, replacement of normal vehicle wear items such as tires, batteries, oils, fluids, lubricants, etc. and general repair, rebuilding, or reconditioning of engines, transmissions, exhaust, brakes, bodywork, welding, upholstery service, etc., with or without Fuel Filling Stations, but not including automotive wrecking.

Motor Vehicle Sales Facility - Shall mean a building(s) used for the sale of, hire of, remuneration of automotive equipment with or without an outdoor display area, other than a public or private street, or way, used for the display or sale of new and used motor vehicles, trailers, trucks, or farm equipment and where no repair work is done except that which is minor and incidental, not including body and fender work. This shall be interpreted to include auto accessory sales rooms but not the sale of “junked” motor vehicle equipment.

Neighborhood Shopping Center - A group of more than one (1) retail store and/or personal service establishments and/or offices, located away from the central business district, to serve the local shopping needs of the residential areas in which they may be located.

Non-Conforming Building or Structure - Any lawful building or other structure which does not conform to one (1) or more of the applicable area and bulk regulations of the district in which it is located either on *September 23, 1969*, or as a result of a subsequent amendment thereto.

Non-Conforming Land - Any lawful lot which does not conform to one (1) or more of the applicable area regulations of the district in which it is located either on *September 23, 1969*, or as a result of a subsequent amendment thereto. However, no existing use shall be deemed non-conforming solely because of the existence of less than the required supplementary regulations, excluding signs.

Nursing or Convalescent Home, Sanatorium - A facility providing nursing services on a continuing basis and which admits the majority of the occupants upon advice of physicians as ill or infirm persons requiring nursing services and provides for physician's services or supervision and maintains medical records including also provisions for other similar medical or nursing services. Care of the acutely ill, or surgical or obstetrical services shall not be considered similar services under this definition, nor shall hospitals be construed to be included in this definition.

Open Space - That portion of a lot excluding area set aside or used for buildings, parking, loading, and streets. Land areas devoted to recreational uses, and/or play areas with appropriate recreational equipment, swimming pools, tennis courts, and similar recreation, park furniture, landscape plantings.

Off-Site Sanitary Sewage Disposal, Community - A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving only a neighborhood area.

Off-Site Sanitary Sewage Disposal, Public - A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a permanent central treatment and disposal plant, generally serving large areas of the City or the entire City.

On-Site Sanitary Sewage Disposal, Septic System - A covered water-tight settling tank in which raw sewage is bio-chemically changed into solid, liquid, and gaseous states to facilitate further treatment and final disposal on the site, as permitted and regulated by the State of Delaware.

Outdoor Seating Area - An area, whether covered or uncovered, raised or at grade, used in connection with an eating establishment for the placement of tables and chairs at which the patrons of the eating establishment shall be seated and either self-served or served meals and beverages by the employees of the eating establishment.

Parking Lot, Commercial - An area used for the storage or parking of motor vehicles, not including mobile dwelling units, for any period of time and operated for gain.

Parking Space - Paved accommodation for the parking of a motor vehicle on a lot provided for restricted use in connection with a particular business or private enterprise, or as an adjunct to a housing development or private residence, whether operated for gain or not, whether cooperatively established and operated or not. Such parking spaces may consist of parking lots, private garages, or other structures and accessories; they may be surface facilities or facilities above or under the ground. The net area of such parking berth, exclusive of access or maneuvering area, shall be not less than two hundred (200) square feet.

- Exception: Parking spaces associated with residential uses may be reduced to a minimum of nine (9) feet x eighteen (18) feet.

Paved Area - A portion of land paved with a weatherproof surface, including hot or warm mix asphalt, concrete, concrete pavers, stone pavers, brick pavers, pervious pavers, for parking space, driveways or streets. In the computation of such, that area covered by buildings shall be excluded.

Person - Any individual or group of individuals, corporation, firm, partnership, association or other entity, including State and Local Government and Agencies.

Plan, Comprehensive – The Comprehensive Plan of the City of Seaford, adopted by City Council in accordance with House Bill No. 396 of the State of Delaware.

Plan, Final – A complete and exact subdivision and/or land development plan (and including all required supplementary data), prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

Plan, Land Development – A plan indicating the improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving one or more buildings; or allocation of land between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common area, leaseholds, building groups or other features. This includes the provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in these regulations shall mean the written and graphic materials referred to in this definition.

Plan, Preliminary – A tentative land development plan (and including all required supplementary data), in lesser detail than a Final Plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a Final Plan.

Plan, Record – The copy of the approved Final Plan prepared for necessary signatures and recorded with the Recorder of Deeds.

Plan, Sketch – An informal Land Development Plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision.

Planning and Zoning Commission – Shall mean the Planning and Zoning Commission of the City of Seaford.

Premises - Any lot, area, or tract of land, whether used in connection with a building or not.

Private - Any procedure limited to members of an organization or to persons specifically invited where no advertisement of inducement has been made to the general public.

Property - A lot or plot with or without buildings or other improvements located thereon.

Public - Any procedure in which the general public is involved,

- Health: The preservation of the general physical well-being of the public;

- Safety: The protection of the security of the public;
- Welfare: The encouragement of all matters necessary to community life.

Public Grounds – Includes:

- Parks, playgrounds and other public areas; and
- Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

Public Water - A system of providing potable water from a central location for consumption by the public and approved for such use by the State of Delaware.

Recreational area - A private or public space, including essential buildings and structures, used for play and recreational space for individuals.

Recreational Vehicle – A vehicle that is:

- Built on a single chassis.
- 400 square feet or less when measured at the largest horizontal projection.
- Designed to be self-propelled or permanently towable by a light-duty truck or sport utility vehicle; and
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

Rental - A procedure by which services and/or real or personal property are temporarily transferred to another person for a specific time period in exchange for something of value.

Reserve strip – A parcel of ground in separate (sometimes public) ownership separating a street from other adjacent properties, or from another street.

Resident Property Owner – Any individual maintaining a valid address in the municipality, within one thousand (1,000) feet of the proposed subdivision, owning real estate in his own or joint names. A tenancy in common or any other means of joint ownership shall be considered as an individual; however, the signature of any single joint owner shall be considered as binding the others.

Residential Condominium - An ownership regime for real property where a single Dwelling Unit in a multi-unit community, dwelling or structure, is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

Residential Condominium, Detached - A Residential Condominium where the Dwelling Units are individual, separate buildings or structures designed to be similar in appearance to a conventional subdivision of Single- Family Detached Dwellings but are subject to a declaration subjecting the property to the condominium regime identifying the individual Dwelling Units.

Retail - Any public procedure involving the sale of goods and/or services.

Reverse Frontage Lot – A lot extending between and having frontage on two generally parallel streets, (excluding service streets), with vehicular access solely from one street.

Review – An examination of the Sketch Plan, Preliminary Plan, and/or Final Plan by the Planning and Zoning Commission and the City Council, such to determine compliance

with this Ordinance and the administrative regulations, design standards and improvement specifications enacted pursuant thereto.

Rezoning; or Change of Zone – A change of the current zoning designation of any lot, tract or parcel of land and/or part thereof to a different zoning designation.

Right-of-way – The total width of any land reserved or dedicated as a street, alley, crosswalk or for other public purposes.

School, Private - A duly organized school, other than a public school or a parochial school, giving regular instruction in subjects ordinarily taught in the public schools, at least five (5) days a week for either eight (8) or more months a year.

Sanitary Sewage Disposal, Public – A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a publicly owned central treatment and disposal plant, generally serving several neighborhoods or entire municipalities.

Seasonal Stand – A temporary, moveable, open-air stand with at least one open side used solely for the purpose of temporary sales of produce, food, hobby craft items, trees and plants.

Self-Storage Facility – Any building used or designed for storage of personal property by two (2) or more persons independently of each other.

Semi-Detached Dwelling - See *Dwelling, Semi-Detached*.

Setback, Front Yard - The yard extending along the full length of the front lot line and being the minimum horizontal distance between the front lot line (or street line) and the front yard line (of the building or any projection thereof). Also described as an established line, within a property, defining the minimum required distance between the face of any structure to be erected and an adjacent right of way or street line. This face as measured to the major portion of the structure includes sun parlors, foyers, bay windows, porches, projecting eaves, dormers, steps, and any other solid projections and solid entrances.

- Exception: Projecting eaves twelve (12) inches or less shall not be considered as part of the building face, eaves greater than twelve (12) inches shall be used as the building face.

Setback, Rear Yard - A yard extending the full length of the rear lot line and being the minimum horizontal distance between the rear lot line and the rear yard line, (or the rear of the building or any projections).

Setback, Side Yard - A yard extending along the side lot line from the required front yard to the required rear yard and being the minimum horizontal distance between the side lot line and the side yard line (or the side of the building or any projections).

Sight distance - The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurement shall be made from a point 3.0' above the centerline of the road surface to a point 10.0' above the center line of road surface.

Sign - Any letter, word, model, banner, flag, device or representation used as, or which in the nature of, an announcement, direction or advertisement concerning the business conducted on the premises, including interior signs which are visible from the street, and may be of the following types or forms:

- A structure erected on supports or suspended or projecting from a building, including a banner or flag, including “open” flags; or
- The fastening of a board or other pre-painted material having pre-painted or printed thereon letters, words, or insignia; or
- The erecting or superimposing of separate cutout letters on the walls of a building or placing said letters on a plain surface which projects from the wall of the building.

Sign, Advertising - A sign which offers services or goods produced or available somewhere other than on the lot on which the sign is located. The words “advertising sign” include the word “billboard”. Neither, directional, warning, or other signs posted by officials in the course of their public duties, shall be construed as advertising signs.

Sign, Billboard - A sign other than one (1) indicating a business conducted on the premises, and a sign upon which advertising matter of any character is printed, posted, or lettered by any means and are designed for such purposes. A billboard may be either freestanding or attached to a surface of a building or other structure.

Sign, Business - A sign which offers services or goods available on the lot on which the sign is located.

Sign, Height of - The vertical distance measured from ground level to the highest point on the sign, or its’ supporting structure.

Sign, Political – A type of temporary sign identifying a political candidate or ballot measure.

Sign, Temporary - a sign, flag , banner or the like, which offers premises for sale, rent or development, or advertise the services of professionals or building trades during construction or alteration of the premises upon which the sign is located; or advertise a special event, grand opening or used to attract customers to a business establishment.

Single Family Dwelling – See *Dwelling, Detached*.

Special Exception - Special permission, granted only by the Board of Adjustment to occupy land for specific purposes when such use is not permitted by right.

Solar Energy Systems:

- Accessory: Any roof mounted or freestanding solar array that is accessory to and incorporated into the development of a permitted use on a parcel, and which is designed for the purpose of reducing or meeting on-site energy needs,
- Large Scale: A non-accessory commercial facility, including shared community facilities comprised of one or more freestanding ground mounted devices that converts sunlight into electricity for the primary purpose of wholesale or retail sales of generated electricity.

Standard Design Specifications - Regulations adopted pursuant to this Ordinance imposing minimum standards for the construction of the required improvements such as curbs, sidewalks, sewers, etc.

Start of Construction - The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other development was within 180 days of the permit date. The actual start means either the first placement of permanent

construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any site work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction includes land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a structure, without a basement or poured footings, the actual start includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stormwater Best Management Practices - “Best Management Practices (BMPs)” means schedules of activities, prohibition of practices, maintenance procedures, and other management practices or measures to prevent or reduce the discharge of pollutants. BMPs include the following, among other practices and measures: structural and non-structural controls; treatment requirements; operating procedures and practices to control site runoff.

Story - That portion of a building, other than the basement (as defined) including 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 the floor and the ceiling next above it.

Street – A strip of land, including the entire right-of-way or portion thereof (i.e., not limited to the cartway) intended for general public use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot. The word “Street” includes “alley”, “avenue”, “boulevard”, “freeway”, “highway”, “land”, “parkway”, “road”, “street”, “viaduct”, “thoroughfare”, “way” and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified according to the functions they perform:

- **Arterial Street (Major)** - A street serving a large volume of comparatively high-speed and long distance traffic, on which preference is given to the through movement of traffic at the expense of cross traffic.
- **Collector Street (Feeder)** – A street which, in addition to provide a route serving fifty (50) or more dwelling units to give access to community facilities and/or other collector and major streets (streets in industrial and commercial subdivisions shall generally be considered collector streets); which connects a local street system and a major street or highway system.
- **Cul-de-Sac Street** – A minor street intersecting another street at one end and terminating in a vehicular turn-around at the other end.
- **Local Street (Minor)** – A street used primarily to provide access to abutting properties.
- **Service Street (Alley)** – A minor right-of-way, which may or may not be legally dedicated, and is used primarily for vehicle service access to the rear or side of properties abutting on a street.

Street, Center Line - A line which is usually at an equal distance from both street lines, or right of way lines.

Street Line – A right of way line.

Street, Private – A right-of-way which is held by a private entity and is not dedicated to a public entity for long term maintenance.

Structure - Anything constructed or any man-made object having an ascertainable stationary location erected on or in land or water, whether or not affixed to the ground or attached to something having a fixed location on the ground, a walled and roofed building, a swimming pool, a gas or liquid storage tank that is principally above ground as well as a manufactured home.

Structural Alterations - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders or any substantial change in the roof or in the exterior walls.

Structure, Non-Conforming - A structure or portion thereof lawfully existing at the effective date of the Zoning District in which it is located.

Subdivider – Any individual, co-partnership or corporation (or agent authorized thereby) which undertakes the subdivision and/or development of land, as defined by these regulations, as the owner, equitable owner (or agent authorized thereby) of the land being subdivided.

Subdivision or resubdivision – The division, redivision, replatting or resubdivision of any lot, tract or parcel of land and/or a part thereof, into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, sale, transfer of ownership, of leasing of land, or building or lot development.

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial Improvement - Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- Before the "start of construction" of the improvement or repair; or
- If the structure has been damaged and is being restored, before the damage occurred.

This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the purposes of this definition "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- 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 building permit and which are solely necessary to assure safe living conditions; or

- Any alteration of a structure, listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Surveyor – A Professional Land Surveyor licensed by the State of Delaware.

Swimming Club, Private (Commercial) - A private club operated for profit, maintaining and operating a swimming pool and apparatus and equipment pertaining to the swimming pool with specified limitations upon the number of members, for the exclusive use of members and their guests.

Swimming Club, Private (Non-Profit) - A private club organized as a non-profit club or organization, maintaining and operating a swimming pool for the exclusive use of members and their guests.

Swimming Pool, Private – A swimming pool and the apparatus and equipment pertaining to the swimming pool maintained by an individual for the sole use of his household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

Testing - A function involved in the examination of the qualities, performances or capabilities of a product, goods or material

Therapeutic treatment center for adolescents - A full time living facility, for the treatment of disorders by educational, vocational, and other remedial methods for persons under eighteen (18) years of age, in a structured atmosphere with twenty-four (24) hours per day, on site adult supervision. This shall also include accessory uses and structures for educational, vocational and recreational activities related to the center.

Townhouse or Townhome – See *Dwelling, Townhouse*.

Undertaking Establishment - A licensed mortician concerned with the arrangement of cremation or burial of the dead and the overseeing of burials.

Use - Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied or any activity, occupation business, or operation carried on in a building or other structure on a tract of land.

Use, Principal - The main or primary purpose or purposes for which land, a structure, building, or use therefore is designed, arranged, intended or for which they may be occupied or maintained under this Chapter. All other structures, buildings, signs or uses on the same lot and incidental or supplementary thereto and permitted under this Chapter, shall be considered accessory uses.

Used Car Lot - An area used for the storage and display of used motor vehicles advertised for sale.

Variance - Granted only by the Board of Adjustment, shall refer to permissive waivers from the terms of this Chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Chapter will result in unnecessary hardship, and so that the spirit of this Chapter shall be observed and substantial justice done.

Water Distribution System, Public – A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood.

Yard - All open space at grade between a yard line and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward.

Yard Line - A line drawn parallel to the corresponding lot lines at a distance specified for the required depth of yard in each respective case.

Yard Line, Front – Shall bound the front yard and is parallel to the front lot line.

Yard Line, Rear - Shall bound the rear yard and is parallel to the rear lot line.

Yard Line, Side - Shall bound the side yard and is parallel to the side lot line.

§15.2.3 through §15.2.99 **RESERVED**

ARTICLE 3 – BOARD OF ADJUSTMENT

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.3.1 Composition.

There is hereby created a Board of Adjustment which shall be composed of the Mayor, the City Manager and the City Solicitor.

§15.3.2 Powers.

The Board of Adjustment shall have the following powers:

- A. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Official in the enforcement of this Chapter.
- B. Hear and decide exceptions to the terms of this Chapter upon which the Board is required to pass.
- C. Authorize upon appeal in specific cases such variance from the terms of this Chapter as will not be contrary to the public interest, where, due to special conditions, a literal enforcement of the provisions of this Chapter will result in unnecessary hardship or exceptional practical difficulties, and so that the spirit of said code sections shall be observed and substantial justice done.

§15.3.3 Authority of the Board.

- A. In exercising its powers the Board may, in conformity with this Chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed and make such order, requirement, decision or determination as ought to be made, and to that end the Board shall have all the powers of the Building Official.
- B. Any order, requirement, decision or determination of the Board which requires or permits a specific act to be undertaken shall, as a condition thereto, prescribe a reasonable time limit within which such act is to be completed.

§15.3.4 Rules adoption.

The Board of Adjustment shall make and adopt rules governing its procedure.

§15.3.5 Board meetings; records.

- A. Meetings of the Board shall be held at the call of the Chairman and at such other times, as the Board may determine.
- B. The Chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
- C. All meetings of the Board shall be open to the public.
- D. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions.

- E. The record shall be immediately filed in the office of the Board and shall be a public record.

§15.3.6 Filing fee for appeal.

A fee, as determined by the Mayor and Council, shall accompany each appeal to the Board of Adjustment.

§15.3.7 Appeals to Board.

- A. Appeals to the Board may be taken by any persons, aggrieved or by any officer, department, board or bureau of the municipality affected by a decision of the Building Official in the administration of this Chapter.
- B. The appeal shall be taken within thirty (30) days by filing with the Building Official and with the Board of Adjustment a notice of appeal specifying the grounds thereof.
- C. The Building Official shall immediately transmit to the Board all the papers constituting the record upon which the action appealed was taken.

§15.3.8 Effect of appeal; stay.

- A. An appeal shall stay all proceedings to the action appealed from, unless the Building Official certifies to the Board of Adjustment after the notice of appeal is filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.
- B. In such case, proceedings shall not be stayed otherwise than by a restraining order which shall be granted by the Board or by a court of competent jurisdiction on application on notice to the Building Official for due cause shown.

§15.3.9 Board meeting, Public Hearing notice requirements.

- A. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal.
- B. At least fifteen (15) days prior to the Board meeting, the City Manager or designee, shall give notice of the time and place of the public hearing and the nature of the matter to be considered at the hearing, by publishing one (1) public hearing notice in a newspaper of general circulation in the area.
- C. In addition, Public Hearing Notices shall be sent by First Class Mail to parties of interest and owners of properties or parts of properties within three hundred (300) feet of any boundary of the property.
- D. The appeal shall be decided within a reasonable time not to exceed sixty (60) days from the date of the filing of such appeal.
- E. Upon the hearing, any party may appear in person or by agent or by attorney, provided that the agent or attorney produces authorization from his principal for acting in such a capacity.

§15.3.10 Petitions.

- A. Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment may appeal the decision of the Board of Adjustment to the City Council by presenting a petition setting forth the basis for such appeal to the Secretary of the City Council.
- B. Such petition and appeal shall be presented to the Secretary of the City Council within thirty (30) days after the filing of the decision of the Board of Adjustment.
- C. The Secretary of the City Council shall direct the Board of Adjustment to forward to the City Council the entire record of the proceeding before the Board of Adjustment, including all exhibits, which record shall be forwarded to the Secretary of the City Council within twenty (20) days following notice received by the Board of Adjustment from the Secretary of the City Council.
- D. The City Council shall consider the matter in an open session on the record made before the Board of Adjustment and shall render its decision within a reasonable time. All decisions of the City Council shall be in writing. The City Council may reverse or affirm, wholly or partly, or may modify the Board of Adjustment's decision, specifying the grounds for its decision
- E. Nothing in this Section is intended to prohibit or impede the right of a person aggrieved by a decision of the Board of Adjustment to appeal the decision directly to the Superior Court pursuant to 22 Del. C. §328.

§15.3.11 Writ of certiorari; Board's duties.

- A. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ.
- B. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

§15.3.12 Validity.

If any section, subsection, sentence, clause or phrase of this Chapter is held to be invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining provisions of this Chapter.

§15.3.13 through §15.3.99 RESERVED

ARTICLE 4 - (RESERVED)

ARTICLE 5 – ADMINISTRATIVE PROCEDURES

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.5.1 Building Official; powers.

The duty of administering and enforcing the provisions of this Chapter is conferred upon the Building Official who shall have such powers as are conferred on him in accordance with its literal terms. The Building Official shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

§15.5.2 Designation of the Building Official.

The Building Official is hereby appointed to administer and implement these regulations, whose duties and responsibilities shall include but are not limited to:

- A. Examine all applications for permits.
- B. Issues permits only for construction and uses which are in accordance with the regulations of this Chapter and other applicable ordinances as may be subsequently amended.
- C. Record and file all applications for permits with the accompanying plans.
- D. Issue permits for uses by special exception only after such uses and buildings are approved by the Board of Adjustment in accordance with the regulations of this Chapter.
- E. Receive all required fees and issue all necessary stop orders.
- F. Inspect or cause to be inspected non-conforming uses, buildings and signs, and to keep a filed record of such non-conforming uses and buildings as a public record, and to examine them periodically.
- G. Upon the request of the Planning and Zoning Commission, the Board of Adjustment and/or the Mayor and City Council, present such body facts, records, and similar information on specific requests to assist such body in reaching its decision; and
- H. Be responsible for keeping up to date this Chapter and Zoning District Map.

§15.5.3 Appeals from Building Official.

Any appeal from a decision or action of the Building Official shall be made directly to the Board of Adjustment.

§15.5.4 Written complaints; procedure.

Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. The complaint stating fully the causes and basis thereof shall be filed with the Building Official. He shall record promptly such complaints, immediately investigate, and take action thereon as provided by this Chapter.

§15.5.5 Notification of violation.

If the Building Official finds that any of the provisions of this Chapter are being violated, he shall notify in writing, the person responsible for such violation, indicating the nature of the violation and order the action necessary to correct it.

§15.5.6 Enforcement of Chapter.

This Chapter shall be enforced by the designated Building Official of the City. No permit of any kind as provided in this Chapter shall be granted by him for any purpose except in compliance with the provisions of this Chapter, or a decision of the Board of Adjustment, the City Council or a Court of Competent Jurisdiction.

§15.5.7 Enforcement remedies.

In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Council or with the approval of the Council, the Building Official, in addition to other remedies, may institute in the name of the municipality any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

§15.5.8 Penalties.

- A. Any person who violates the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00).
- B. For the purposes of this Chapter each day that a violation continues shall be deemed a separate offense.

§15.5.9 Permit required.

A permit shall be required:

- A. Prior to the erection, construction or alteration of any building, structure, site or any portion thereof.
- B. Prior to the change or extension of a non-conforming use.
- C. Prior to moving of a new building into the City. The relocation of used structures or portions thereof into the City or within the City is prohibited.
- D. In the case where both site work and building construction is taking place, one permit may be issued. Such permit shall include the requirement of compliance with this ordinance.

§15.5.10 Permit application; certification.

- A. Application for permits shall be made in writing to the Building Official on the Building Permit Application form furnished by the City. Such application shall include building and plot plans of a satisfactory nature and shall contain all information necessary for such official to ascertain whether the proposed erection, alteration, use, or change in use complied with the provisions of this Chapter.

- B. No permit shall be considered complete or permanently effective until the Building Official has certified that the work meets all the requirements of applicable codes and ordinances.

§15.5.11 Permit; issuance.

No permit shall be issued except in conformity with the regulations of this Chapter, except after a written order from the Board of Adjustment in the case of a Variance or Special Use Exception or the City Council.

§15.5.12 Permit expiration; renewal.

- A. No permit for the erection, razing, change, alteration or removal of buildings shall be valid or effective after six (6) months from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit has been substantially commenced within six (6) months from the date of issuance and proceeded with due diligence.
- B. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted by reason of any reasonable cause not due to his own negligence, the permit may be renewed without additional cost to the applicant.

§15.5.13 Certificate of occupancy; issuance.

- A. Upon completion of the erection, or alteration of any building or portion thereof authorized by any permit, and prior to occupancy or use, the holder of such permit shall notify the Building Official, or designee, of such completion.
- B. No permit shall be considered complete or permanently effective nor shall any building be occupied or lot used until the Building Official, or designee, has issued a Certificate of Occupancy, or Certificate of Completion, certifying that the work has been inspected and approved as being in conformity with the permit and the provisions of this Chapter.
- C. In Commercial and Industrial Districts in which performance standards are imposed, subject to Article 50 of this Chapter, no Certificate of Occupancy shall become permanent until thirty (30) days after the facility is fully operating when upon a re-inspection by the Building Official, or designee, it is determined that the facility is in compliance with all performance standards.

§15.5.14 Temporary permit; issuance.

- A. A temporary permit may be authorized by the Board of Adjustment as a special exception for a non-conforming structure or use which it deems beneficial to the public health or general welfare or which it deems necessary to promote the proper development of the community.
- B. Such non-conforming structure or use shall be completely removed upon expiration of the permit without cost to the City.
- C. Such a permit shall be issued for a specified period of time not exceeding six (6) calendar months and may be renewed for an aggregate period of not more than two (2) years.

§15.5.15 Sign permit required; issuance; application.

- A. A sign permit shall be required prior to the erection or alteration of any sign, except temporary signs.
- B. Application for permits shall be made in writing to the Building Official, or designee, and shall contain all information necessary for the Building Official to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Chapter.
- C. No sign permit shall be issued except in conformity with the regulations of this Chapter, except after a written order from the Board of Adjustment in the case of a Variance or Special Use Exception or the City Council.
- D. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:
 1. Exact dimensions of the lot or building upon which the sign is proposed to be erected.
 2. Exact dimensions and location of the sign shown on the lot or building.
 3. Any other lawful information which may be required of the applicant by the Building Official.
 4. One copy of the plan or diagram shall be returned to the applicant, after the Building Official has marked such copy either approved or disapproved, and attested to same.

§15.5.16 Schedule of fees; procedures.

- A. The Council shall determine a schedule of fees; charges and expenses, as well as a collection procedure for special permits, variances, amendments and other matters pertaining to this Chapter.
- B. The Council shall be empowered to reevaluate the fee and rate schedule and make necessary alterations to it. Such alteration shall not be considered an amendment to this Chapter and may be adopted at any public meeting of the Council by resolution.
- C. The required fees for zoning district amendments may vary according to advertising costs and thus shall be kept up to date by the Council and the Building Official. All such fees shall be paid into an account to be determined by the City Council.
- D. Special exceptions and variances shall be issued only after fees have been paid in full.
- E. The Board of Adjustment shall take no action on appeals until all applicable fees and charges have been paid in full.

§15.5.17 Ordinance amendment procedures, public hearing.

- A. The Council may, from time to time, amend, supplement, change, modify or repeal the zoning regulations.

- B. No proposed amendment, change, modification, or repeal of any zoning regulations, shall become effective until after a public hearing in relation thereto shall have been held by the Council, at which parties in interest and citizens shall have an opportunity to be heard.
- C. At least fifteen (15) days prior to the first reading of a zoning ordinance amendment, the City Manager or designee, shall give notice of the time and place of the public hearing and the nature of the matter to be considered at the hearing, by publishing one (1) public hearing notice in a newspaper of general circulation in the area. Upon completion of the amendments first reading, the City Council may proceed at their discretion.

§15.5.18 Comprehensive plan.

- A. It shall be the duty of the Mayor and City Council to create a comprehensive plan, in conformance with the Laws of the State of Delaware, for the physical development of the jurisdiction, which shall be permitted to include areas outside its boundaries that bear consideration to the planning of the jurisdiction. The Planning and Zoning Commission may submit recommendations as to the content of the plan.
- B. The City Council may commission a consultant for the creation of, and/or amendments to, the plan.
- C. The comprehensive plan, at a minimum, shall include the elements required by the State of Delaware.
- D. The commission shall be permitted also to recommend amendments to the comprehensive plan regarding the administration or maintenance of this code.

§15.5.19 through §15.5.99 RESERVED

ARTICLE 6 - PLAN REVIEW PROCEDURES

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.6.1 General provisions and classification of plan submission, exception.

- A. Initial submissions of Subdivision, Rezoning and/or Site development plans, shall be submitted to and reviewed by the Building Official, or designee, for the purpose of classifying the submission as one of the following categories:
 - 1. Preliminary Site Plan,
 - 2. Final Site Plan,
 - 3. Subdivision,
 - 4. Rezoning.
- B. Once classified, the submission shall follow the requirements in this Article.
- C. Any approval not processed as required hereafter shall be null and void unless it was made prior to the adoption of these regulations, with the exception to the following:
 - 1. Property surveys which are submitted for the purpose of zoning compliance review, which do not involve a request for subdivision, rezoning or site plan review, and which will be used as an attachment to a Deed of Record transferring property ownership, are exempt from these procedures. The Building Official is authorized to review these submissions and make determinations of zoning compliance at his discretion.
 - 2. Minor Subdivisions that create a total of five or fewer parcels of land (including any residual) that meet the area and bulk requirements for the zoning district they are located within; and do not require extension of water, sewer and electric utilities, are exempt from these procedures. The Building Official is authorized to review these submissions and make determinations of zoning compliance at his discretion.
 - 3. Property consolidation surveys, also be referred to as “reverse subdivisions”, which are submitted for the purpose of expunging existing dividing property line(s) between two (2) or more existing parcels of land thereby creating one (1) parcel of land, and where all of the existing parcels are owned by the same entity, are exempt from these procedures. The Building Official is authorized to review these submissions, make determinations of zoning compliance, and may authorize recordation of such survey at his discretion.
 - 4. Site plans which are submitted for the expansion of, and/or addition to, an existing permitted use, are not required to follow the site plan review procedures of this article in each and every case. The Building Official is authorized to review these submissions, make determinations of code compliance, and may either require the site plan review procedures be followed or may authorize permit issuance at his discretion.

§15.6.2 Preliminary and Final Site Plan submission requirements.

- A. An official submission of a Preliminary Site Plan or Final Site Plan to the City Manager, or designee, shall be comprised of:
 - 1. The application for review of a Site Plan.

2. One electronic copy of the Site Plan in .pdf format.
 3. One electronic copy of the Site Plan in .dwg format.
 4. Five (5) paper copies of the Site Plan and all supplementary data, including all information required in Article 7 of this Chapter; and
 5. Payment of the required review fees.
- B. For Final Site Plan submission, the City Council may permit submission in sections or phases, each covering a reasonable portion of the entire proposed Land Development as shown on the approved Preliminary Site Plan.

§15.6.3 Subdivision submission requirements.

- A. These regulations shall not be construed to require an applicant to comply with subdivision procedures in each and every case for minor shifts in lot lines because of excessive topography, corrections of existing non-conformity, or similar types of development problems. For purposes of review, however, the City Council shall be solely responsible for review and approval of submissions involving lot line changes.
- B. In making any alterations to lot and/or property lines, unless exempted by §15.6.1.C, the following shall be observed:
1. No lot or tract of land shall be created that is smaller than the minimum dimensions required by the City Zoning Ordinance.
 2. Easements reserved for drainage shall not be changed.
 3. No lot shall be created which does not abut a public right-of-way.
 4. The character of the area shall be maintained.
- C. In every case, the applicant shall prepare a Record Subdivision Plan and submit said plan for the endorsements of the City Planning and Zoning Commission and the City Council identifying the previous Record Plan.
- D. An official submission of a Record Subdivision Plan to the City Manager, or designee, shall be comprised of:
1. The application for review of a Subdivision Plan.
 2. One electronic copy of the Subdivision Plan in .pdf format.
 3. One electronic copy of the Subdivision Plan in .dwg format.
 4. Five (5) paper copies of the Subdivision Plan and all supplementary data, including all information required in Article 7 of this Chapter; and
 5. Payment of the required review fees.

§15.6.4 Rezoning submission requirements.

- A. An official submission of a Rezoning to the City Manager, or designee, shall be comprised of:
 - 1. The application for review of a Rezoning.
 - 2. One electronic copy of the property survey in .pdf format.
 - 3. One electronic copy of the property survey in .dwg format.
 - 4. Five (5) paper copies of the property survey and all supplementary data, including all information required in Article 7 of this Chapter; and
 - 5. Payment of the required review fees.

§15.6.5 Public Hearing Notice requirements for Preliminary Site Plan, Final Site Plan, Subdivision and/or Rezoning.

- A. After submission of all items required for a Preliminary Site Plan, Final Site Plan, Subdivision and/or Rezoning application, the City Manager or designee, shall place the application on the next available public hearing agenda for the City Planning and Zoning Commission and the next available public hearing agenda for the City Council, based on the current *Schedule of Public Hearings*.
- B. At least fifteen (15) days' prior to the hearing for a Preliminary Site Plan, Final Site Plan, Subdivision and/or Rezoning application, the City Manager or designee, shall give notice of the time and place of the public hearing and the nature of the matter to be considered at the hearing, by publishing one (1) public hearing notice in a newspaper of general circulation in the area.
- C. In addition, Public Hearing Notices for Subdivision and/or Rezoning applications shall be sent by First Class Mail to the owners of properties or parts of properties within three hundred (300) feet of any boundary of the property proposed for the Subdivision and/or Rezoning.

§15.6.6 Review procedures for Preliminary Site Plan, Final Site Plan, Subdivision and/or Rezoning.

- A. ***PLANNING AND ZONING COMMISSION PUBLIC HEARING:***
 - 1. The Planning and Zoning Commission shall review the Preliminary Site Plan, Final Site Plan, Subdivision and/or Rezoning and shall recommend such changes and modifications as it shall deem necessary or advisable to comply with the provisions of this ordinance and other applicable ordinances of the City of Seaford.
 - 2. Upon the hearing, any party may appear in person or by agent or by attorney, provided that the agent or attorney produces authorization from his principal for acting in such a capacity.
 - 3. Within ten (10) days after such public hearing and review by the City Planning and Zoning Commission, the Chairperson of the Planning and Zoning Commission, or designee, shall send written notice of the Commission's recommendation to the City Council and the Applicant or his agent. Such notice shall specify the date at which time the City Council will consider the application.

B. CITY COUNCIL PUBLIC HEARING:

1. During the City Council meeting, where the Preliminary Site Plan, Final Site Plan, Subdivision and/or Rezoning is on the agenda as a public hearing agenda item, the City Council shall review the submission and the written reports of the Planning and Zoning Commission, and shall require or recommend such changes and modifications as it shall deem necessary or advisable to comply with the provisions of this ordinance and other applicable ordinances of the City of Seaford.
2. Upon the hearing, any party may appear in person or by agent or by attorney, provided that the agent or attorney produces authorization from his principal for acting in such a capacity.
3. Upon the close of the public hearing, the City Council may act on the application at its discretion.
4. Approval of the Preliminary Site Plan, Final Site Plan, Subdivision and/or Rezoning shall constitute an endorsement of the concept proposed by the Preliminary Site Plan, Final Site Plan, Subdivision and/or Rezoning subject to required alterations.
5. For Final Site Plans, Subdivisions and/or Rezoning:
 - a. The City Council shall designate a copy of the Final Site Plan, Subdivision or Rezoning as the official copy. This copy shall include all necessary corrections as required by the City Council. It shall be retained in the City files; and
 - b. If approved, the applicant shall be responsible for recording the Final Site Plan, Subdivision and/or Rezoning in accordance with §15.6.7.

§15.6.7 Recordation of Final Site Plan; Subdivision Record Plan and/or Rezoning Survey.

- A. After completion of the procedures in §15.6.1 through §15.6.6, all endorsements shall be indicated on the Final Site Plan; Subdivision Record Plan and/or Rezoning Survey, hereinafter “Approved Document(s)”, and on as many other copies as may be desired. No Approved Document(s) may be legally recorded unless it bears the seal of the municipality.
- B. The Approved Document(s) shall be a clear and legible reproducible and dimensionally stable print.
- C. After endorsement by the City, the Applicant shall file the Approved Document(s) with the Recorder of Deeds in and for Sussex County within sixty (60) days of the date of the Approval by the City Council. If the Applicant fails to record the Approved Document(s) within such period, the action of the City shall be null and void, unless an extension of time is granted in writing by the City upon written request by the Applicant.
- D. No Permits shall be issued, and no Construction shall commence until the Approved Document(s) are recorded in the office of the Recorder of Deeds in and for Sussex

County Delaware, and an original of the recorded Approved Document(s) are delivered to the City of Seaford.

§15.6.8 Expiration of approved development plans.

- A. The following regulations concerning expiration of recorded and approved plans are applicable to site plans and subdivisions.
- B. Construction of improvements shown on recorded subdivision plans shall commence within two years of the original approval date and continue progressing toward completion.
- C. The Code Department shall notify by certified mail, return receipt requested, owners of properties involving approved plans where construction has not commenced one year prior to the expiration date and again six months prior to the expiration date that they are subject to the expiration provisions and identify their options for possible reapproval.
- D. For the purpose of this section, "commencement of construction" shall mean:
 1. That a building permit or such other permit or approval by The City of Seaford or an applicable state agency has been issued and construction commenced under such permit which is visible on an inspection of the property by a representative of the City. Such construction must be intended to accomplish the installation of improvements under articles 55, 56, and 57 of this chapter, but excludes general earthmoving activities, and such work must have been started with a good-faith intention and purpose then formed to continue the work until completion.
 2. That all bonding requirements for the construction are satisfied under Article 8 of this chapter.
- E. Construction shall be deemed to be progressing toward completion so long as there is no cessation in construction activity for longer than 18 consecutive months. The City shall inspect sites semiannually to determine the progress of construction. If the City determines that construction activity has ceased for a period of 18 consecutive months or more, the staff shall notify the owner by certified mail, return receipt requested, that construction shall recommence within 30 days, or the subdivision shall be considered expired.
- F. For subdivisions and land developments in which a certificate of occupancy has been issued for a dwelling, the phase the dwelling is in shall no longer be subject to expiration. The remainder of the phases are still subject to expiration if they do not meet the requirements of this section.
- G. The owner shall bear the burden of providing evidence to the City establishing that construction has commenced within the two-year period and is progressing toward completion.

- H. Owners who have been notified that their projects may be subject to expiration have the following courses of action available to them:
1. The applicant has the opportunity to provide evidence to the City establishing that construction has commenced;
 2. The applicant may apply to the City for reapproval of the project for an additional two-year period in accordance with the following procedures:
 - a. The City shall review the original approved plan for consistency with all current provisions of this chapter, and the Comprehensive Plan. Based upon that review, the Building Official will determine if the original approved plan meets current standards, or if the original approved plan requires revisions in order to comply with current standards, or if the original approved plan must be resubmitted as a new application subject to all appropriate review procedures, regulations, and fees.
 - b. In the event that the Building Official determines that the original recorded plan is consistent with current policies and regulations, The property owner may submit a letter requesting an extension of the approval to the Building Official. The request will be presented to the Mayor and Council who will then decide if an extension should be granted. Such an extension shall allow the issuance of building permits in accordance with all conditions of the original approval. The owner shall then have two years from the date of such notice of reapproval to obtain building permits and commence construction.
 - c. Should the Building Official determine that the plan requires minor revisions in order to comply with current policies and regulations, such notice shall be provided in writing, and the applicant shall make such adjustments for approval extension. Once the required minor revisions are completed, the property owner may submit a letter requesting an extension of the approval to the Building Official. The request will be presented to the Mayor and Council who will then decide if an extension should be granted. Such an extension shall allow the issuance of building permits in accordance with all conditions of the original approval. The owner shall then have two years from the date of such notice of reapproval to obtain building permits and commence construction.
 - d. Should the Building Official determine that the plan would involve considerable revision to an extent that would change the scope of the project, the plan must be resubmitted for review by the Planning Commission and City Council for compliance with current policies and regulations. The City shall provide written notice to the owner of the specific areas of noncompliance. The owner shall have the opportunity to make the necessary modifications to the plan and apply to the City as a new application in accordance with this chapter. Should new plans compliant with all current Code provisions be submitted, they must receive approval from the Planning Commission, and

City Council, as applicable. Once reapproved, subdivision plans shall be recorded and shall have the effect of superseding the original record subdivision plan. The owner shall then have two years from the date of reapproval to obtain building permits, commence construction, and progress toward completion.

3. All the above-referenced reviews, determinations, and reapprovals must be completed prior to the expiration of the two-year period.
 - I. Minor plan revisions that do not achieve full compliance with all current subdivision and land development provisions shall not reset the two-year time frame for commencement of construction and shall remain subject to expiration.
 - J. Should the two years lapse without the owner pursuing any of the options described in §15.6.8 H (2) above, the plan shall be considered expired. Expired subdivision plans shall be deleted from the City and County property records by deleting individual subdivision lots from the official City and County Tax Map and by eliminating the undeveloped parcels from the assessment records.

§ 15.6.9 through §15.6.99 RESERVED

ARTICLE 7 – PLAN REQUIREMENTS

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.7.1 Phasing requirement for development.

The City of Seaford in order to adequately meet the utility requirements of growth has implemented the following phasing limits. The Phasing limits may be reviewed and adjusted by City administration based upon a project’s unique individual circumstances.

Number of Units.	Phase Limit
0-50	All
51-100	40% Maximum
101-250	33% Maximum
251-500	25% Maximum
501-1000	10% Maximum

§15.7.2 Plan requirements.

- A. The original drawing, and all submitted prints thereof, shall be made on sheets either:
 - 8 ½” X 11”
 - 11” X 14”
 - 11” X 17”
 - 18” X 24”
 - 24” X 36”
 - 30” X 42”
 - 36” X 48”
- B. Specific requirements for each type of plan submission.

<i>Preliminary Site Plan</i>				
↓	<i>Final Site Plan</i>			
	↓	<i>Subdivision Record Plan</i>		
		↓	<i>Rezoning Survey</i>	
			↓ DESCRIPTION OF INFORMATION TO INCLUDE WITH PLAN SUBMISSIONS:	
			GENERAL DRAWING INFORMATION	
<i>P</i>	<i>F</i>	<i>S</i>	<i>R</i>	TITLE OF PROJECT
<i>P</i>	<i>F</i>	<i>S</i>	<i>R</i>	STREET ADDRESS (if assigned)
<i>P</i>	<i>F</i>	<i>S</i>	<i>R</i>	TAX MAP AND PARCEL NUMBER assigned by Sussex County, Delaware
<i>P</i>	<i>F</i>	<i>S</i>	<i>R</i>	OWNER OF RECORD and the source(s) of title to the subject land, as shown by the records of the Sussex County Recorder of Deeds;
<i>P</i>	<i>F</i>	<i>S</i>	<i>R</i>	CONTACT INFORMATION including the Name, Address, Phone Number(s) and email address for the following contacts when applicable: Owner of Record; Developer; Design Engineer; Land Surveyor; Architect; Land Planner; and any other consultants involved with the design being submitted.
<i>P</i>	<i>F</i>	<i>S</i>	<i>R</i>	ZONING REQUIREMENTS for the property under review, including applicable district minimum lot area, frontage, setbacks, lot coverage and proof of any variance or special exceptions which may have been granted.
	<i>F</i>	<i>S</i>	<i>R</i>	SEAL AND SIGNATURE of the Design Engineer or Professional Land Surveyor.

<i>P</i>	<i>F</i>	<i>S</i>	<i>R</i>	DATES , including the month/day/year that the original drawing was completed, and the month/day/year that the original drawing was revised. For each revision a clear and concise description and location of the changes made in each revision.
<i>P</i>	<i>F</i>	<i>S</i>	<i>R</i>	NORTH POINT ARROW (indicate magnetic or true north)
<i>P</i>	<i>F</i>	<i>S</i>	<i>R</i>	DRAWING SCALE , for horizontal plans, shall be indicated on each sheet and shall be legibly drawn at a scale conforming to the following: A minimum scale of: 1" = 20'; and A maximum scale of: 1" = 50'; or as appropriate for detail.
<i>P</i>	<i>F</i>			DRAWING SCALE , for profile sheets, shall be indicated on each detail and shall be legibly drawn at the following sets of scales or any combination thereof: 1" = 10' horizontal; and 1" = 1' vertical; or 1" = 20' horizontal; and 1" = 2' vertical; or 1" = 40' horizontal; and 1" = 4' vertical; or 1" = 50' horizontal; and 1" = 5' vertical; or as appropriate for detail.
<i>P</i>	<i>F</i>	<i>S</i>		DRAWING INDEX (if necessary).
<i>P</i>	<i>F</i>	<i>S</i>		CERTIFICATION STATEMENT by the Owner of Record acknowledging the submitted plan; as well as the offer to dedicate specific land areas shown on the plan to public use; and shall be duly acknowledged and signed by the owner(s) of the property.
	<i>F</i>	<i>S</i>	<i>R</i>	CERTIFICATION STATEMENT by the Design Engineer and/or Professional Land Surveyor to the accuracy of the drawings and placement of any monuments.
	<i>F</i>			CERTIFICATION STATEMENT by a Professional Wetlands Scientist for wetland determination if hydric soils are present.
		<i>S</i>		BLANK SPACE measuring six (6) inches square shall be left on the cover page for City approval stamps.
	<i>F</i>		<i>R</i>	BLANK SPACE measuring six (4) inches square shall be left on the cover page for City approval stamps.
<i>P</i>	<i>F</i>			LOCATION MAP showing location of project site within the City.
		<i>S</i>		KEY MAP , for the purpose of locating the property being subdivided, drawn at a scale of one (1) inch equals eight hundred (800) feet and showing and relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within one thousand (1,000) feet of any part of the property. In addition, a title, scale, and north point shall be indicated.
<i>P</i>	<i>F</i>			LEGEND indicating both existing and proposed components along with all necessary General Notes.
<i>P</i>	<i>F</i>	<i>S</i>		STATEMENT as to the total number of lots/parcels, the intended use of all lots and parcels, the types of structures to be located thereon, reference to private deed restrictions of any type which exist or will exist as covenants in each deed, which may be imposed upon the lots contained in the subdivision as a condition affecting the title to the land being subdivided, including any building setback lines which may be more restrictive than City Code, and the maintenance responsibilities for any undedicated open space.
GENERAL DESIGN COMPONENTS				
<i>P</i>	<i>F</i>	<i>S</i>	<i>R</i>	BUILDINGS AND OTHER STRUCTURES , existing and proposed. Include footprint floor area in square feet, number of stories above grade, building height, if known.
<i>P</i>	<i>F</i>	<i>S</i>		PHASING PLAN (if required, refer to §15.7.1)

<i>P</i>	<i>F</i>			LIMITS OF CONSTRUCTION within each phase, including Stormwater, Sanitary Sewer, Water, Electric, Streets, Curbing, Sidewalk, etc.
	<i>F</i>			STANDARD CONSTRUCTION DETAILS , as shown in the City of Seaford Standard Design Specifications, shall be included on the drawings where applicable.
	<i>F</i>			CONSTRUCTION NOTES pertaining to each specific sheet.
<i>P</i>	<i>F</i>			PARKS, PLAYGROUNDS AND OTHER AREAS dedicated or reserved for public use, with any conditions governing such use.
	<i>F</i>			LANDSCAPING PLAN shall be submitted showing the locations for street trees, the proposed landscape treatment for reverse frontage lots, any required buffer strips and the approximate location of all existing tree masses. The plan will include the names and locations of the different types of plant materials to be used and a description of the areas to be irrigated.
	<i>F</i>	<i>S</i>	<i>R</i>	SURVEY DATA acceptable to the City to determine readily the location of tract boundary lines, street lines and lot lines, of the property and any area being subdivided, showing bearings (in degrees, minutes, and quarters of a minute either by magnetic bearings or by angles of deflection from other lot and street lines) and accurate distances (in feet and hundredths of a foot). These boundaries shall be determined by accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one (1) foot in ten-thousand (10,000) feet; provided, however, that the boundary(s) adjoining additional un-platted land of the subject property (for example, between separately-submitted Final Plan sections) are not required to be based upon field survey, and may be calculated; and a statement of total acreage of the property and/or the area of any land area being subdivided; Location (and elevation, if established) of all boundary line monuments shall be indicated. The names of all abutting subdivisions, if any, with the book and page numbers where they're recorded, and the names of the owners of all adjacent un-plotted land, if any, and the book and page number where they're recorded.
	<i>F</i>	<i>S</i>	<i>R</i>	BENCH MARKS and DATUM shall include a description of the type of monument used, their location, elevation referenced to NAVD 88 and the Delaware State Plane Coordinate System
	<i>F</i>	<i>S</i>		SIGNIFICANT TOPOGRAPHICAL AND PHYSICAL FEATURES , including contour lines at vertical intervals of not more than two (2) feet for land with average natural slope of four percent (4%) or less, and at intervals of not more than five (5) feet for land with average natural slope exceeding four percent (4%), and location of the datum to which contour elevations refer. Physical features shall include but not be limited to culverts, bridges, railroads, water courses, flood plain areas, and other significant man-made or natural features within the proposed Subdivision and within fifty (50) feet from the boundaries of the proposed Subdivision.
<i>P</i>	<i>F</i>	<i>S</i>		FLOOD HAZARD OVERLAY DISTRICT shall be indicated by showing the one hundred (100) year flood elevation, as well as the Flood Hazard Overlay District boundaries (refer to article 40 of this chapter), flood or erosion protective facilities, and other data which shall be pertinent.
<i>P</i>	<i>F</i>	<i>S</i>		SOURCE WATER PROTECTION OVERLAY DISTRICT shall be indicated by showing the Wellhead Protection Area boundaries and/or Groundwater Recharge Area boundaries (refer to article 41 of this chapter).
<i>STREET and STORM SEWER DESIGN COMPONENTS</i>				

<i>P</i>	<i>F</i>	<i>S</i>	<p>EASEMENTS AND RIGHTS-OF-WAY, both existing and proposed, including streets of record (recorded but not constructed) on and abutting the tract, the names of existing streets, the suggested street names for proposed streets and the purpose for which the easement or rights-of-way have been established; any limitations on such easements or rights-of-way and a statement of any conditions governing their use. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the appropriate entity being granted said easement.</p>
<i>P</i>			<p>PRELIMINARY DIMENSIONS including right-of-way widths, cartway (pavement) widths and approximate grades.</p>
<i>P</i>			<p>TENTATIVE PROFILES shall be indicated on the Preliminary Plan along top of cartway (pavement) edges and along the top of curb for both sides of each proposed street shown. Such profiles shall show natural and finished grades, preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the appropriate State agencies and shall be subject to the approval of the City Engineer.</p>
<i>P</i>	<i>F</i>	<i>S</i>	<p>FUTURE STREET LAYOUT shall be included where the preliminary plan submitted covers only a part of the subdivider’s entire holding, a sketch of the prospective future street system of the un-submitted part shall be furnished; and the street system of the submitted part will be considered in the light of adjustments and connections with future streets in the part not submitted.</p>
	<i>F</i>		<p>DIMENSIONS shall include the following data for the cartway edges (curb lines) and right-of-way lines of all recorded (except those which are to be vacated) and/or proposed streets, and for the right-of-way lines of all existing streets, within the property:</p> <ul style="list-style-type: none"> • The length (in feet and hundredths of a foot) of all straight lines and of the radius and the arc (or Chord) of all curved lines (including curved lot lines); and • The width (in feet) of the cartway, right-of-way, and if required, of the ultimate right-of-way, and (in degrees, minutes and quarters of a minute) of the delta angle of all curved lines, including curved lot lines.
	<i>F</i>		<p>PROFILE SHEETS AND CROSS-SECTION DRAWING(S) for all proposed streets within the development shall show the following information, properly labeled.</p> <ul style="list-style-type: none"> • Existing (natural) profile along both cartway edges or along the centerline of each street. • Proposed finished grade of the centerline, or proposed finished grade at the top of both curbs, or proposed finished grade at both cartway (pavement) edges. • Typical street cross-section drawing(s) for all proposed streets. • The length of all vertical curves. • Storm sewer facilities.
	<i>F</i>		<p>STORM SEWER FACILITIES, both existing and proposed, shall be shown in both plan and profile views of the street drawings (when applicable) and include:</p> <ul style="list-style-type: none"> • Location, size, type and slope of all existing and proposed storm sewer facilities, manholes, pipelines, inlets, culverts and catch basins shall be shown and labeled for invert and size with stations corresponding to the profiles. • Manholes with grades between any elevations of flow line, top of each manhole, and all invert elevations. • Profile details shall indicate the location of all drainage facilities and other utilities crossing storm sewer lines including but not limited to electric, telephone, gas, cable, etc. (if applicable) • 10-year Hydraulic Grade Line shall be indicated on the profile drawings.

<i>F</i>			INTERSECTIONS WITH STATE ROADS shall indicate the Intersection Permit number(s) from the State of Delaware.
<i>UTILITY DESIGN COMPONENTS</i>			
<i>F</i>			<p>SANITARY SEWER FACILITIES, both existing and proposed, shall be shown in both plan and profile views and include:</p> <ul style="list-style-type: none"> • Location, size, type and slope of all, manholes, pipelines, service laterals, cleanouts, fittings, manholes with grades between any elevations of flow line, top of each manhole, concrete encasement (if any) • Labeled for invert elevation and size with stations corresponding between the plan and profile drawings. • Any manhole with an interior diameter other than 48 inches, shall be designated as such. • Profile details shall indicate Force Mains as well as stationing. • Profile of existing and proposed ground surface with elevations at the top of manholes and at the flow line shall be shown (if necessary). • Profile details shall indicate the location of all other drainage facilities and utilities crossing sanitary sewer lines including but not limited to electric, telephone, gas, cable, etc. (if applicable)
<i>F</i>			<p>WATER FACILITIES, both existing and proposed shall be shown in both plan and profile views and include:</p> <ul style="list-style-type: none"> • Location, size and type of all, valves, pipelines, fittings, fire hydrants, service valves, service lines and meter pits; and shall be shown and labeled for size. • Profile details shall indicate the location of all Sanitary Sewer Facilities, Storm Sewer Facilities and any other public utilities crossing water lines including but not limited to electric, telephone, gas, cable, etc. (if applicable)
SUPPLEMENTARY DESIGN INFORMATION AND OTHER DOCUMENTS			
<i>P</i>	<i>F</i>		OTHER UTILITY FACILITIES , both existing and proposed, including but not limited to, gas lines, electric utility transmission and service lines, communication lines, cable television lines and telephone lines. The latter should include confirmation from the various utility companies involved that the utility plan has been reviewed by them and is considered feasible.
<i>F</i>			ALTERATION OR RELOCATION OF A STREAM OR WATER COURSE , when proposed, as part of submission of the Final Site Plan, shall also be accompanied by all required permits and related documentation from the Office of Management, Budget, and Planning of the State of Delaware, and any other applicable agency of the State of Delaware. In addition, documentation shall be submitted indicating that all affected adjacent municipalities and the Federal Emergency Management Agency has been notified of the proposed alteration or relocation.
<i>F</i>			DESIGN CALCULATIONS for sanitary sewer and daily flows with the total number of units, lots, etc., if necessary. (Refer to Chapter 3 of the City of Seaford Standard Design Specifications).
<i>F</i>			DESIGN CALCULATIONS for municipal water supply with the total number of units, lots, etc., if necessary (Refer to Chapter 4 of the City of Seaford Standard Design Specifications).

				<p>F</p> <p>SUPPLEMENTARY UTILITY DESIGN INFORMATION shall include identifying any potential impingements and/or inadequate components in the existing downstream sanitary sewer system, Wastewater Treatment Facility, municipal water supply system, municipal storm sewer system, electric distribution system and/or City streets. If any potential impingements are identified, each phase of development shall identify all required improvements to meet the needs of the proposed design and avoid any and all hardships on the existing infrastructure.</p>
				<p>F S</p> <p>PRIVATE STREETS (non-dedicated streets), when proposed by the subdivider, shall be required to submit, and also to record with the plan, a copy of an agreement made with the City Council on behalf of his heirs and assigns, and which shall establish the conditions under which the street may later be offered for dedication, and shall stipulate, among other things:</p> <ul style="list-style-type: none"> • That the street shall conform to the municipal specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the municipal engineer, to restore the street to conformance with the municipal specifications. • That an offer to dedicate the street shall be made only for the street as a whole. • That the method of assessing repair costs be as stipulated. • That agreement by the owners of 51 percent of the front footage thereon shall be binding on the owners of the remaining lots.
				<p>F S</p> <p>COVENANTS, such as Homeowner’s Association or Condominium Association documents.</p>

§ 15.7.3 through §15.7.99 RESERVED

ARTICLE 8 - PROCEDURE FOR ACCEPTANCE OF IMPROVEMENTS BY THE CITY

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.8.1 Performance Bond requirements for infrastructure.

- A. Prior to the issuance of any building permits, the applicants shall deliver to the City Manager, or designee, a “performance bond” or “irrevocable commercial letter of credit”, hereafter referred to as “bond”, in the amount of one hundred fifty percent (150%) of the cost of all improvements required under these regulations and shall be based on a construction estimate which has been reviewed and approved by the Engineer of the City of Seaford. Bonding may be required for street and road improvements, surface and storm drainage facilities, erosion and sedimentation control facilities, water supply facilities, sanitary sewer collection facilities, buffer planting strips, all areas approved as open space as defined in §15.2.2 and other improvements deemed necessary by the City Council.
- B. Where a public agency other than the City has the authority to require performance guaranties, but in the determination of the City Council those guaranties are not adequate to ensure completion of improvements, the City Council may require additional bonds or guaranties in accordance with the provisions of Subsection A of this section.
- C. In addition, the performance bond shall state an agreed upon completion date for the projects at which time the City of Seaford may require the forfeiture of the bond.
- D. The bond becomes effective at the start of construction and remains in effect until released by the City Council. The form of the performance bond and the surety shall be subject to the approval of the City Solicitor.
- E. Surety companies executing bonds must be authorized by law to transact such business in the State of Delaware.
- F. When the improvements have been partially completed, the City Council by formal resolution may reduce proportionally the amount of the bond.
- G. Upon the election of the applicant, and if approved by the City Council, an escrow fund may be established in lieu of the surety guarantee required in Subsection A above. The applicant would be required to deliver a cash deposit to the City of Seaford for the full amount of the performance bond required in Subsection A above. The funds shall be placed in an account of the City’s choosing and held as a bond.
- H. Said bond shall not be released by the City of Seaford until the required Maintenance Surety is delivered to, and approved by, the City Council, as described in §15.8.2.
- I. All bonds which are being renewed must be based on a current construction estimate that has been approved by the City of Seaford.

§15.8.2 Maintenance Bond requirements for infrastructure; Procedure for acceptance.

- A. When the owner has constructed all improvements required under these regulations, and in accordance with the *City of Seaford Standard Design Specifications*, such facilities may be dedicated to the City.

- B. The owner may, in writing, addressed to the City Manager or designee, request the City Engineer to make a semi-final inspection of the said improvements. The Owner shall submit five (5) copies of “as-built” drawings as described in the *City of Seaford Standard Design Specifications*.
- C. The City Engineer shall thereupon make such inspection and shall report, in writing, to the City Manager and the owner the result thereof, specifying the particularity those items of construction, material and workmanship which do not comply with the *City of Seaford Standard Design Specifications*.
- D. When the corrections are made, the owner shall request, in writing, to the City Manager, or designee, that the City Engineer make a final inspection.
- E. Thereupon, the City Engineer shall make a final inspection of the said streets, drainage facilities, curbs, sidewalks, monuments, sanitary sewers, and other improvements and the City Engineer shall in connection with his final inspection, run the finished centerline profile grades of the completed roads or streets and furnish to the City Manager, or designee, his official report thereof and such elevations as approved thereafter by the City shall be affixed to the final profile drawing either by the City Engineer or by the owner’s engineers pursuant to the direction of the City Engineer by providing such owner’s engineers with the approved data, and if the City Engineer, on such final inspection, shall find that the streets, drainage facilities, curbs, sidewalks, monuments, sanitary sewers and other improvements have been constructed in accordance with *City of Seaford Standard Design Specifications*, and the construction detail shown on the plans, and shall be satisfied that the owner has complied fully with the provisions of this resolution, the City Manager, or designee, shall notify the owner to the effect and owner shall thereupon furnish the City with:
 - 1. A “maintenance bond” or “irrevocable commercial letter of credit”, hereafter referred to as BOND, in the amount of twenty percent (20%) of the cost of all infrastructure improvements to be dedicated to the City of Seaford and all improvements affecting said dedicated infrastructure, based on a construction estimate which has been reviewed and approved by the Engineer of the City of Seaford, the purpose of which is to warranty the dedicated infrastructure against other than normal maintenance costs for a period of five (5) years from dedication acceptance.
 - 2. Five (5) complete sets of all plans of the subdivision which will be titled “as-built” drawings including but not limited to drainage and profile plans, showing thereon all approvals required by this resolution and specifically approvals of “as-built” plans.
 - 3. A deed, conveying right-of-ways and/or easements to the City of Seaford as required.
- F. Upon receipt of the above three (3) requirements, and upon performance of all obligations by the owner to be performed under the contract, the City Council may proceed to accept portions of the improvements that will be maintained by the City in the manner provided by law.
- G. The final profile plan drawings hereinabove referred to shall show the centerline profile grades of the streets within the subdivision as originally computed and designed and shown on the plans required by these regulations, and also the final profile grades of said street after the construction thereof.

- H. Surety companies executing Bonds and/or Letters of Credit must be authorized by law to transact such business in the State of Delaware.

- I. In the case where infrastructure is dedicated in portions within a phase, such as when underground utilities are dedicated prior to the street above, a maintenance bond will be posted in accordance with §15.8.2 on the dedicated utility infrastructure and the performance bond required in §15.8.1 will remain in place for the remaining improvements. In this case, all remaining infrastructure within the phase, including final paving of the streets, must be completed within five (5) years of the dedication of the utility infrastructure.

In such a case where a street is completed and dedicated prior to the completion of seventy-five percent (75%) of the lots within a phase, and two (2) years have lapsed since dedication of said streets, the maintenance bond required in §15.8.2 for the dedicated streets shall remain in force beyond the two (2) year limit, and until such time that seventy-five percent (75%) of the lots within the phase are completed.

§ 15.8.3 through §15.8.99 RESERVED

ARTICLE 9 – PENALTIES; APPEALS; VALIDITY; REPEALS

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.9.1 Penalties.

- A. Any person, partnership, or corporation who or which being the owner or agent of any lot, tract or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewers, water main or other improvements for public use, travel or other purposes or for the common use of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this act and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation, or the agent of any of them, responsible for such violation pay a fine not exceeding one hundred dollars (\$100) per lot or parcel or per dwelling within each lot or parcel.
- B. All fines collected for such violations shall be paid over to the City of Seaford whose ordinance has been violated.
- C. The description by metes and bounds in the instrument of transfer or other document used in the process of selling penalties or from the remedies herein provided.

§15.9.2 Appeals to court.

The decision of the City Council with respect to the approval or disapproval of plats may be appealed directly to a court of competent jurisdiction in the same manner and within sixty (60) days of City Council's decision.

§15.9.3 Validity.

If any section, paragraph, subsection, clause, or provisions, of this Ordinance shall be declared, by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

§15.9.4 Repeals.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

§15.9.5 Effective date.

This Ordinance shall be effective thirty (30) days from the date its adoption is advertised in a newspaper of general circulation in the City of Seaford. From and after the effective date of this ordinance, any subdivision and/or land development shall be in conformity with this ordinance and all standards and specifications adopted as part of the Ordinance.

§15.9.6 through §15.9.99 RESERVED

ARTICLE 10 - RESERVED

ARTICLE 11 - R-1 LOW DENSITY RESIDENTIAL DISTRICT

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.11.1 Intent of Article.

It is the purpose of this Article to permit continued single-family residential development at a density that is compatible with existing land use. Uses would be restricted to residential activities.

§15.11.2 Uses by Right.

In any R-1 district, land, buildings or premises shall be used by Right for one (1) or more of the following:

- A. Single family Detached Dwelling; subject to the specific use regulations of Article 52 of this Chapter.
- B. Municipal utilities, towers, water storage tanks, water reservoirs, water pumping stations, water treatment plants, sub-stations, electric facilities, sewage lift stations, distribution and transmission lines, subject to the specific use regulations of Article 52 of this Chapter.

§15.11.3 Uses by Special Exception.

The following uses shall be permitted as a Special Exception when authorized by the Board of Adjustment subject to Chapter 3.

- A. Country club, regulation golf course and customary accessory uses.
- B. Child-care centers, kindergartens, pre-schools, day nursery schools, and orphanages, subject to the specific use regulations of Article 52 of this Chapter.
- C. Nursing or Convalescent Home, Sanatorium, Assisted Living Facility subject to the specific use regulations of Article 52 of this Chapter.
- D. Church or other places of worship, seminary or convent, parish house or Sunday school building.
- E. Public and private elementary, junior, and senior high schools.
- F. Police and fire stations.
- G. Library, museum and art gallery.
- H. Non-municipal utilities, which are located above ground and not within a public Right-of-Way, including but not limited to telephone center offices, sub-stations, electric and gas facilities, cable television facilities, cellular/mobile telephone facilities, towers and windmills, subject to the specific use regulations of Article 52 of this Chapter.
- I. Park, playground, athletic field, recreation building, youth center, senior center and community center operated on a non-commercial basis for recreation purposes.

§15.11.4 Accessory Uses.

Only the following Accessory Uses shall be permitted in an R-1 district and only when incidental to the Uses by Right listed in §15.11.2 and/or Uses by Special Exception listed in §15.11.3:

- A. Normal home occupations, subject to the special requirements:
 - 1. Such home occupations shall include but not be limited to dressmaking and tailoring, ceramics, furniture refinishing and repair, cosmetics, leather crafts, and clock repair. This does not include beauty shops, barber shops, Licensed Massage Technician/Therapist, real estate offices or insurance offices.
 - 2. Such businesses shall be operated by the residential owner or a member of the family, either of which must be living in the home.
 - 3. No signs shall be erected on the property for advertising purposes.
 - 4. The residential character of the structure shall not be altered.
- B. Private garages and storage sheds subject to the specific use regulations of Article 52 of this Chapter.
- C. Swimming pools subject to the specific use regulations of Article 52 of this Chapter.
- D. Private Greenhouses.
- E. Accessory Solar Systems.
- F. Seasonal stands, subject to the specific use regulations of Article 52 of this Chapter.

§15.11.5 RESERVED

§15.11.6 Area and bulk regulations.

- A. The following area and bulk requirements shall be observed:

<i>General requirements in R-1 Zones:</i>	
<i>Lot area</i>	Seven thousand five hundred (7,500) square feet minimum
<i>Lot width</i>	Seventy-five (75) feet minimum
<i>Lot coverage</i>	Thirty percent (30%) maximum
<i>Building height</i>	Thirty-five (35) feet or three (3) stories maximum
<i>Principal Use Structure Setbacks:</i>	
<i>Front yard</i>	Twenty (20) feet minimum except that a structure may be closer to the curb line to conform to adjoining existing structures.
<i>Side yard</i>	Twenty (20) feet aggregate total with an eight (8) foot minimum
<i>Rear yard</i>	Twenty (20) feet minimum
<i>Accessory Use Structure Setbacks:</i>	
<i>Front yard</i>	No closer to the front property line than the front yard setback of the principal structure or in alignment with the front facing wall of the principal structure, whichever results in the greater setback.

<i>Side yard</i>	Five (5) feet minimum
<i>Rear yard</i>	Five (5) feet minimum

§15.11.7 Overlay District regulations.

The following Articles shall be referred to when a parcel of land is located within an Overlay District:

- *ARTICLE 40 – FLOOD HAZARD OVERLAY DISTRICT.*
- *ARTICLE 41 – SOURCE WATER PROTECTION OVERLAY DISTRICT.*

§15.11.8 Use regulations and required improvements.

The following Articles shall be referred to for specific Use regulations and required improvements within this District when said Use is permitted within an R-1 Zoning District:

- *ARTICLE 50 – PERFORMANCE REQUIREMENTS – COMMERCIAL AND/OR INDUSTRIAL USES IN ANY DISTRICT.*
- *ARTICLE 51 – NON-CONFORMING USE REGULATIONS.*
- *ARTICLE 52 – SPECIFIC USE REGULATIONS.*
- *ARTICLE 53 – LAND DEVELOPMENT AND SUBDIVISIONS.*
- *ARTICLE 54 – SIGN REGULATIONS.*
- *ARTICLE 55 – STREETS, SIDEWALKS, CURBS AND GUTTERS.*
- *ARTICLE 56 – STORMWATER MANAGEMENT AND SEDIMENT CONTROL.*
- *ARTICLE 57 – UTILITIES.*
- *ARTICLE 58 – OFF-STREET PARKING AND LOADING.*

§15.11.9 through §15.11.99 RESERVED

ARTICLE 12 - R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.12.1 Intent of Article.

It is the purpose of this Article to limit residential development to lots that will yield a density of approximately nine (9) to ten (10) dwelling units per acre. Several housing types are allowed in addition to professional uses within the district.

§15.12.2 Uses by Right.

In any R-2 district, land, buildings, or premises shall be used by Right only for one or more of the following:

- A. Any Use by Right permitted in the R-1 district, per §15.11.2.

§15.12.3 Uses by Special Exception.

The following uses shall be permitted as a Special Exception when authorized by the Board of Adjustment subject to Chapter 3.

- A. Any Use by Special Exception permitted in an R-1 District, per §15.11.3.
- B. Two-Family Semi-Detached Dwelling or Two-Family Detached Dwelling, as defined in §15.2.2 and subject to the specific use regulations of Article 52 of this Chapter.
- C. Conversion of any existing single unit building into a Two-Family Semi-Detached Dwelling or Two-Family Detached Dwelling, as defined in §15.2.2 and subject to the specific use regulations of Article 52 of this Chapter.
- D. Large Scale Solar Facilities, subject to the specific use regulations of Article 52 of this Chapter.

§15.12.4 Accessory Uses.

Only the following Accessory Uses shall be permitted in an R-2 district and only when incidental to the Uses by Right listed in §15.12.2 and/or Uses by Special Exception listed in §15.12.3:

- A. Any Accessory Use permitted in an R-1 District, per §15.11.4.
- B. Seasonal stands, subject to the specific use regulations of Article 52 of this Chapter.

§15.12.5 RESERVED

§15.12.6 Area and bulk regulations.

- A. The following area and bulk requirements shall be observed:

<i>General requirements in R-2 Zones:</i>	
<i>Lot area</i>	Four thousand five hundred (4,500) square feet minimum
<i>Lot width</i>	Thirty-five (35) feet minimum
<i>Lot coverage</i>	Forty percent (40%) maximum

<i>Building height</i>	Thirty-five (35) feet or three (3) stories maximum
<i>Principal Use Structure Setbacks:</i>	
<i>Detached Dwelling:</i>	
<i>Front yard</i>	Fifteen (15) feet minimum
<i>Side yard</i>	Fourteen (14) feet aggregate total with a six (6) feet minimum
<i>Rear yard</i>	Twenty (20) feet minimum
<i>Two Family Semi-Detached Dwelling and/or Two Family Detached Dwelling:</i>	
Refer to the specific use regulations of Article 52 of this Chapter.	
<i>Accessory Use Structure Setbacks:</i>	
<i>Front yard</i>	No closer to the front property line than the front yard setback of the principal structure or in alignment with the front facing wall of the principal structure, whichever results in the greater setback.
<i>Side yard</i>	Five (5) feet minimum
<i>Rear yard</i>	Five (5) feet minimum

§15.12.7 Overlay District regulations.

The following Articles shall be referred to when a parcel of land is located within an Overlay District:

- *ARTICLE 40 – FLOOD HAZARD OVERLAY DISTRICT.*
- *ARTICLE 41 – SOURCE WATER PROTECTION OVERLAY DISTRICT.*

§15.12.8 Use regulations and required improvements.

The following Articles shall be referred to for specific Use regulations and required improvements within this District when said Use is permitted within an R-2 Zoning District:

- *ARTICLE 50 – PERFORMANCE REQUIREMENTS – COMMERCIAL AND/OR INDUSTRIAL USES IN ANY DISTRICT.*
- *ARTICLE 51 – NON-CONFORMING USE REGULATIONS.*
- *ARTICLE 52 – SPECIFIC USE REGULATIONS.*
- *ARTICLE 53 – LAND DEVELOPMENT AND SUBDIVISIONS.*
- *ARTICLE 54 – SIGN REGULATIONS.*
- *ARTICLE 55 – STREETS, SIDEWALKS, CURBS AND GUTTERS.*
- *ARTICLE 56 – STORMWATER MANAGEMENT AND SEDIMENT CONTROL.*
- *ARTICLE 57 – UTILITIES.*
- *ARTICLE 58 – OFF-STREET PARKING AND LOADING.*

§15.12.9 through §15.12.99 RESERVED

ARTICLE 13 - R-3 HIGH DENSITY RESIDENTIAL DISTRICT

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.13.1 Intent of Article.

It is the purpose of this Article to permit development of multi-family dwelling structures that will yield high densities in selected areas of the City.

§15.13.2 Uses by Right.

In any R-3 district, land, buildings or premises shall be Used by Right only for one (1) or more of the following:

- A. Multi-Family Community; subject to the specific use regulations of Article 52 of this Chapter.
- B. Multi-Family Dwellings, including Apartments and Townhouses; subject to the specific use regulations of Article 52 of this Chapter.
- C. Two-Family Semi-Detached Dwelling; subject to the specific use regulations of Article 52 of this Chapter.
- D. Two-Family Detached Dwelling; subject to the specific use regulations of Article 52 of this Chapter.
- E. Single Family Detached Dwelling; subject to the specific use regulations of Article 52 of this Chapter.
- F. Municipal utilities, towers, water storage tanks, water reservoirs, water pumping stations, water treatment plants, sub-stations, electric facilities, sewage lift stations, distribution, and transmission lines, subject to the specific use regulations of Article 52 of this Chapter.

§15.13.3 Uses by Special Exception.

The following uses shall be permitted as a Special Exception when authorized by the Board of Adjustment subject to Chapter 3.

- A. Detached Residential Condominiums, subject to the specific use regulations of Article 52 of this Chapter.
- B. Non-municipal utilities, which are located above ground and not within a public Right-of-Way, including but not limited to telephone center offices, sub-stations, electric and gas facilities, cable television facilities, cellular/mobile telephone facilities, towers and windmills, subject to the specific use regulations of Article 52 of this Chapter.
- B. Conversion of any existing single unit building into a Two-Family Semi-Detached Dwelling or Two-Family Detached Dwelling, as defined in §15.2.2 and subject to the specific use regulations of Article 52 of this Chapter.

§15.13.4 Accessory Uses.

Only the following Accessory Uses shall be permitted in an R-3 district and only when incidental to the Uses by Right listed in §15.13.2 and/or Uses by Special Exception listed in §15.13.3:

- A. Required Accessory Use. In a Multi-Family Community, each Dwelling Unit shall have a storage area separate and apart from the living area. The storage area shall be a minimum size of 5'x5' with a six-foot ceiling height. The storage area shall be easily accessible. In the event the Multi-Family Community is an Apartment, there shall be no additional charge for the use of the storage area. The City Building Official will work with the developer to determine the most compatible location for the storage areas, taking into consideration the proposed use of the Apartment or Townhouse.
- B. Customary Multi-Family accessory uses.
- C. Swimming pools, subject to the specific use regulations of Article 52 of this Chapter.
- D. Seasonal stands, subject to the specific use regulations of Article 52 of this Chapter.
- E. Screened trash container area.
- F. Accessory Solar Systems.

§15.13.5 RESERVED

§15.13.6 Area and bulk regulations.

- A. The following area and bulk requirements shall be observed:

<i>General requirements in R-3 Zones:</i>	
<i>Subdivision site area</i>	Four (4) acre minimum
<i>Dwelling units per acre</i>	Ten (10) maximum
<i>Street frontage of subdivision site</i>	Fifty (50) feet minimum along public street
<i>Lot Depth</i>	One Hundred (100) feet minimum
<i>Building height</i>	Thirty-five (35) feet or three (3) stories maximum
<i>Landscape screen</i>	Along each side or rear property line which directly abuts a residential district in the city or similar district in the county, a landscape screen of not less than fifteen (15) feet in width, as defined in §15.2.2, shall be provided.
<i>Principal Use Structure Requirements:</i>	
<i>Multi-Family Dwelling:</i>	
<i>Dwelling units per building</i>	Twelve (12) maximum
<i>Site coverage</i>	Building Area: Twenty percent (20%) maximum Paved Area: Fifteen (15%) maximum
<i>Front yard setback</i>	Fifty (50) feet minimum
<i>Side yard setback</i>	Fifty (50) feet minimum
<i>Rear yard setback</i>	Fifty (50) feet minimum
<i>Building placement</i>	No part of any Multi-family Dwelling building shall be nearer than twenty-five (25) feet to any other Multi-family Dwelling building on such site.
<i>Townhouse Dwellings and Residential Condominiums Detached:</i>	

<i>Dwelling units per building</i>	Twelve (12) maximum
<i>Lot width, each unit</i>	Sixteen (16) feet minimum
<i>Lot depth, each unit</i>	One hundred (100) feet minimum
<i>Site coverage</i>	Building Area: Twenty percent (20%) maximum Paved Area: Fifteen (15%) maximum
<i>Front yard setback</i>	Twenty-five (25) feet minimum
<i>Side yard setback (end units)</i>	Ten (10) feet minimum
<i>Rear yard setback</i>	Twenty-five (25) feet minimum
<i>Building placement</i>	No part of any Multi-family Dwelling building shall be nearer than twenty-five (25) feet to any other Multi-family Dwelling building on such site.
<i>Two Family Semi-Detached Dwelling or Two Family Detached Dwelling:</i>	
Refer to the specific use regulations of Article 52 of this Chapter.	
<i>Single Family Detached Dwelling:</i>	
<i>Lot area</i>	Seven thousand five hundred (7,500) square feet per Dwelling Unit minimum
<i>Lot width</i>	Seventy-five (75) feet per Dwelling Unit minimum
<i>Lot coverage</i>	Thirty percent (30%) maximum
<i>Front yard setback</i>	Twenty (20) feet minimum
<i>Side yard setback</i>	Twenty (20) feet aggregate total with an eight (8) foot minimum
<i>Rear yard setback</i>	Twenty (20) feet minimum
<i>Accessory Use Structure Setbacks:</i>	
<i>Front yard</i>	No closer to the front property line than the front yard setback of the principal structure or in alignment with the front facing wall of the principal structure, whichever results in the greater setback.
<i>Side yard</i>	Five (5) feet minimum
<i>Rear yard</i>	Five (5) feet minimum

§15.13.7 Overlay District regulations.

The following Articles shall be referred to when a parcel of land is located within an Overlay District:

- *ARTICLE 40 – FLOOD HAZARD OVERLAY DISTRICT.*
- *ARTICLE 41 – SOURCE WATER PROTECTION OVERLAY DISTRICT.*

§15.13.8 Use regulations and required improvements.

The following Articles shall be referred to for specific Use regulations and required improvements within this District when said Use is permitted within an R-3 Zoning District:

- *ARTICLE 50 – PERFORMANCE REQUIREMENTS – COMMERCIAL AND/OR INDUSTRIAL USES IN ANY DISTRICT.*
- *ARTICLE 51 – NON-CONFORMING USE REGULATIONS.*
- *ARTICLE 52 – SPECIFIC USE REGULATIONS.*
- *ARTICLE 53 – LAND DEVELOPMENT AND SUBDIVISIONS.*

- *ARTICLE 54 – SIGN REGULATIONS.*
- *ARTICLE 55 – STREETS, SIDEWALKS, CURBS AND GUTTERS.*
- *ARTICLE 56 – STORMWATER MANAGEMENT AND SEDIMENT CONTROL.*
- *ARTICLE 57 – UTILITIES.*
- *ARTICLE 58 – OFF-STREET PARKING AND LOADING.*

§15.13.9 through §15.13.99 RESERVED

ARTICLE 14 - R-4 INSTITUTIONAL RESIDENTIAL DISTRICT

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.14.1 Intent of Article

It is the purpose of this Article to permit the development of institutional uses in accordance with an approved plan of development. The district is to provide suitable areas and adequate safeguards for such uses to serve the City of Seaford and the surrounding region.

§15.14.2 Uses by Right.

In any R-4 district, land, building, or premises shall be Used by Right only for one (1) or more of the following:

- A. Medical and Surgical Hospitals.
- B. Medical and Dental Centers.
- C. Nursing or Convalescent Home, Sanatorium,
- D. Assisted Living Facility.
- E. Medical Arts Offices and Buildings.
- F. Municipal utilities, towers, water storage tanks, water reservoirs, water pumping stations, water treatment plants, sub-stations, electric facilities, sewage lift stations, distribution, and transmission lines, subject to the specific use regulations of Article 52 of this Chapter.

§15.14.3 Uses by Special Exception.

The following uses shall be permitted as a Special Exception when authorized by the Board of Adjustment subject to Chapter 3.

- A. Detoxification Centers.
- B. Drug Abuse Centers.
- C. Multi-level Parking Facilities.
- D. Non-municipal utilities, which are located above ground and not within a public Right-of-Way, including but not limited to telephone center offices, sub-stations, electric and gas facilities, cable television facilities, cellular/mobile telephone facilities, towers and windmills, subject to the specific use regulations of Article 52 of this Chapter.

§15.14.4 Accessory Uses.

Only the following Accessory Uses shall be permitted in an R-4 district and only when incidental to the Uses by Right listed in §15.14.2 and/or Uses by Special Exception listed in §15.14.3:

- A. Cottages or houses.

- B. Maintenance buildings.
- C. Helicopter landing area.
- D. Ambulance bay facilities.
- E. Screened trash container area.
- F. Accessory Solar Systems.
- G. Seasonal stands, subject to the specific use regulations of Article 52 of this Chapter.

§15.14.5 RESERVED

§15.14.6 Area and bulk regulations.

- A. The following area and bulk requirements shall be observed:

<i>General requirements in R-4 Zones:</i>	
<i>Lot area</i>	One (1) acre minimum
<i>Lot width</i>	Fifty (50) feet minimum
<i>Lot coverage</i>	Fifty percent (50%) maximum
<i>Building height</i>	Sixty (60) feet or five (5) stories maximum
<i>Principal Use Structure Setbacks:</i>	
<i>Front yard (Single Story)</i>	Twenty (20) feet minimum
<i>Front yard (Two or more stories)</i>	Fifty (50) feet minimum
<i>Side yard (Single Story)</i>	Twenty (20) feet minimum
<i>Side yard (Two or more stories)</i>	Fifty (50) feet minimum
<i>Rear yard</i>	Twenty (20) feet minimum
<i>Building placement</i>	On sites with multiple Principal Use Structures, no part of any Principal Use Structure shall be nearer than thirty (30) feet to any other Principal Use Structure on the same site.
<i>Accessory Use Structure Setbacks:</i>	
<i>Front yard</i>	No closer to the front property line than the front yard setback of the principal structure or in alignment with the front facing wall of the principal structure, whichever results in the greater setback.
<i>Side yard</i>	Five (5) feet minimum
<i>Rear yard</i>	Five (5) feet minimum

§15.14.7 Overlay District regulations.

The following Articles shall be referred to when a parcel of land is located within an Overlay District:

- *ARTICLE 40 – FLOOD HAZARD OVERLAY DISTRICT.*
- *ARTICLE 41 – SOURCE WATER PROTECTION OVERLAY DISTRICT.*

§15.14.8 Use regulations and required improvements.

The following Articles shall be referred to for specific Use regulations and required improvements within this District when said Use is permitted within an R-4 Zoning District:

- *ARTICLE 50 – PERFORMANCE REQUIREMENTS – COMMERCIAL AND/OR INDUSTRIAL USES IN ANY DISTRICT.*
- *ARTICLE 51 – NON-CONFORMING USE REGULATIONS.*
- *ARTICLE 52 – SPECIFIC USE REGULATIONS.*
- *ARTICLE 53 – LAND DEVELOPMENT AND SUBDIVISIONS.*
- *ARTICLE 54 – SIGN REGULATIONS.*
- *ARTICLE 55 – STREETS, SIDEWALKS, CURBS AND GUTTERS.*
- *ARTICLE 56 – STORMWATER MANAGEMENT AND SEDIMENT CONTROL.*
- *ARTICLE 57 – UTILITIES.*
- *ARTICLE 58 – OFF-STREET PARKING AND LOADING.*

§15.14.9 through §15.14.99 RESERVED

ARTICLE 15 - RESERVED

ARTICLE 16 - RESERVED

ARTICLE 17 - RESERVED

ARTICLE 18 - RESERVED

ARTICLE 19 - RESERVED

ARTICLE 20 - RESERVED

ARTICLE 21 – C-1 GENERAL COMMERCIAL DISTRICT

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.21.1 Intent of Article.

It is the purpose of this Article to make provisions along certain major arterial routes for limited types of commercial development that complement each other and adjacent land uses.

§15.21.2 Uses by Right.

In any C-1 district, land, building, or premises shall be Used by Right only for one (1) or more of the following:

- A. General merchandise stores including department store, “5 and 10” variety stores, general merchandise discount stores, drug stores, convenience stores, sporting goods and “big box” retailers; and associated warehouse and distribution facilities.
- B. Apparel and accessories stores including shoe stores, furriers, and custom tailors.
- C. Furniture, home furnishing and equipment including household appliance stores, hardware, paint and glass stores; computer stores, radio, television and electronics stores including services.
- D. Food stores including supermarkets, bakeries and confectionery shops where the production of baked goods is to be sold only as retail on the premises; dairy products; and meats.
- E. Eating establishments including restaurants, lunch counters, delicatessens, tearooms, cafe, taverns, confectionery or similar establishments serving food or beverages which are consumed inside the establishment; or within an outdoor seating area; subject to the specific use regulations of Article 52 of this Chapter.
- F. Gift shops, including cameras, books, stationery, antiques, musical supplies, cosmetics, candy, cigarettes and tobacco, flowers, hobby, jewelry, leather and luggage shops.
- G. Offices for the conduct of medical and other professions, real estate and insurance and banks, including branch banks, banks, messenger or telegraph services, general and administrative offices, and medical arts offices and buildings.
- H. Business machine shops, sales and services.
- I. Personal service shops, including dry cleaning, Barber, Cosmetologist, Nail Technician, Massage Therapist and/or Technician, Shoe repair, Laundromat, and tailor.
- J. Government offices serving the public, including a Post Office, or other public or semi-public offices.
- K. Indoor recreational facilities, including theaters and bowling alleys.
- L. Artists and photographers studios.

- M. Car Wash Establishments, subject to the specific use regulations of Article 52 of this Chapter.
- N. Fuel Filling Station subject to the specific use regulations of Article 52 of this Chapter.
- O. Motor Vehicle Repair Garage subject to the specific use regulations of Article 52 of this Chapter.
- P. Motor Vehicle Sales Facility with factory authorized new motor vehicle sales, agencies and services, including repair garages adjacent to and in conjunction therewith.
- Q. Public garage, subject to the specific use regulations of Article 52 of this Chapter.
- R. Mortuaries.
- S. Laboratories for research and development.
- T. Libraries and museums.
- U. Motel-hotels and related facilities such as restaurants, meeting rooms, and auditorium spaces and swimming pools.
- V. Newspaper publishing and job printing.
- W. General service or contractors' shops, including carpenter, cabinet making, furniture repair, light metal working, garment manufacturing, tinsmith, plumbing or similar shop.
- X. Business place of a builder, carpenter, caterer, cleaner, contractor, decorator, dyer, electrician, furrier, mason, painter, plumber, roofer, upholsterer, and similar non-nuisance businesses, excluding open storage of materials and excluding open storage of motor vehicles.
- Y. Municipal utilities, towers, water storage tanks, water reservoirs, water pumping stations, water treatment plants, sub-stations, electric facilities, sewage lift stations, distribution, and transmission lines, subject to the specific use regulations of Article 52 of this Chapter.
- Z. Apartments above commercial businesses.
- AA. Therapeutic treatment centers for adolescents and related facilities.
- BB. Instructional, business or trade schools, higher education facilities and early childhood development and education facilities.
- CC. Seasonal Stand, subject to the specific use regulations of Article 52 of this Chapter.

§15.21.3 Uses by Special Exception.

The following uses shall be permitted as a Special Exception when authorized by the Board of Adjustment subject to Chapter 3:

- A. Child-care centers, kindergartens, pre-schools, day nursery schools, and orphanages, subject to the specific use regulations of Article 52 of this Chapter.
- B. Nursing or Convalescent Home, Sanatorium, Assisted Living Facility, subject to the specific use regulations of Article 52 of this Chapter.
- C. Self-storage facility, subject to the specific use regulations of Article 52 of this Chapter.
- D. Storage containers, subject to the specific use regulations of Article 52 of this Chapter.
- E. Non-municipal utilities, which are located above ground and not within a public Right-of-Way, including but not limited to telephone center offices, sub-stations, electric and gas facilities, cable television facilities, cellular/mobile telephone facilities, towers and windmills, subject to the specific use regulations of Article 52 of this Chapter.

§15.21.4 Accessory Uses.

Only the following Accessory Uses shall be permitted in a C-1 district and only when incidental to the Uses by Right listed in §15.21.2 and/or Uses by Special Exception listed in §15.21.3:

- A. Accessory buildings and uses on the same lot with and customarily incidental to the permitted uses in the C-1 district.
- B. Accessory Solar Systems.

§15.21.5 Prohibited Uses

Any use which is not an authorized use by right, shall be prohibited in a C-1 district, including but not limited to the following:

- A. Marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail adult use marijuana stores. (Medical marijuana facilities shall be permitted)

§15.21.6 Area and bulk regulations.

- A. The following area and bulk requirements shall be observed:

<i>General requirements in C-1 Zones:</i>	
<i>Lot area</i>	Four thousand (4,000) square feet minimum
<i>Lot width</i>	Thirty (30) feet minimum
<i>Lot coverage</i>	One hundred percent (100 %) maximum
<i>Building height</i>	Forty-five (45) feet or three (3) stories maximum
<i>Principal Use Structure Setbacks:</i>	
<i>Front yard</i>	Zero (0) feet
<i>Side yard</i>	Zero (0) feet
<i>Rear yard</i>	Zero (0) feet

<i>Accessory Use Structure Setbacks:</i>	
<i>Front yard</i>	No closer to the front property line than the front yard setback of the principal structure or in alignment with the front facing wall of the principal structure, whichever results in the greater setback.
<i>Side yard</i>	Five (5) feet minimum
<i>Rear yard</i>	Five (5) feet minimum

§15.21.7 Overlay District regulations.

The following Articles shall be referred to when a parcel of land is located within an Overlay District:

- *ARTICLE 40 – FLOOD HAZARD OVERLAY DISTRICT.*
- *ARTICLE 41 – SOURCE WATER PROTECTION OVERLAY DISTRICT.*

§15.21.8 Use regulations and required improvements.

The following Articles shall be referred to for specific Use regulations and required improvements within this District when said Use is permitted within a C-1 Zoning District:

- *ARTICLE 50 – PERFORMANCE REQUIREMENTS – COMMERCIAL AND/OR INDUSTRIAL USES IN ANY DISTRICT.*
- *ARTICLE 51 – NON-CONFORMING USE REGULATIONS.*
- *ARTICLE 52 – SPECIFIC USE REGULATIONS.*
- *ARTICLE 53 – LAND DEVELOPMENT AND SUBDIVISIONS.*
- *ARTICLE 54 – SIGN REGULATIONS.*
- *ARTICLE 55 – STREETS, SIDEWALKS, CURBS AND GUTTERS.*
- *ARTICLE 56 – STORMWATER MANAGEMENT AND SEDIMENT CONTROL.*
- *ARTICLE 57 – UTILITIES.*
- *ARTICLE 58 – OFF-STREET PARKING AND LOADING.*

§15.21.9 through §15.21.99 RESERVED

ARTICLE 22 - C-2 HIGHWAY COMMERCIAL DISTRICT

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.22.1 Intent of Article.

It is the purpose of this Article to make appropriate provision for commercial activities which are basically oriented to automotive use and traffic. This includes service type businesses which ordinarily require major arterial locations and serve regional as well as local customers.

§15.22.2 Uses by Right.

In any C-2 district, land, buildings or premises shall be Used by Right for one (1) or more of the following:

- A. Any Use by Right permitted in the C-1 General Commercial District, per §15.21.2.
- B. Self-storage facilities, subject to the specific use regulations of Article 52 of this Chapter.

§15.22.3 Uses by Special Exception.

The following uses shall be permitted as a Special Exception when authorized by the Board of Adjustment subject to Chapter 3.

- A. Child-care centers, kindergartens, pre-schools, day nursery schools, and orphanages, subject to the specific use regulations of Article 52 of this Chapter.
- B. Nursing or Convalescent Home, Sanatorium, Assisted Living Facility, subject to the specific use regulations of Article 52 of this Chapter.
- C. Self-storage facility, subject to the specific use regulations of Article 52 of this Chapter.
- D. Storage containers, subject to the specific use regulations of Article 52 of this Chapter.
- E. Kennels, when used as an accessory to a Pet Store or Veterinarian's office, subject to the specific use regulations of Article 52 of this Chapter.
- F. Non-municipal utilities, which are located above ground and not within a public Right-of-Way, including but not limited to telephone center offices, sub-stations, electric and gas facilities, cable television facilities, cellular/mobile telephone facilities, towers and windmills, subject to the specific use regulations of Article 52 of this Chapter.
- G. Large Scale Solar Facilities, subject to the specific use regulations of Article 52 of this Chapter.
- H. Adult use retail Marijuana Store, pursuant to a valid license duly issued by the State of Delaware, pursuant to Title IV, Delaware Code, Chapter 13, and removal of marijuana and its related derivatives from the schedule 1 designation at the Federal level by necessary act of the Federal Government. Subject to the specific use regulations of Article 52 of this Chapter.

§15.22.4 Accessory Uses.

Only the following Accessory Uses shall be permitted in a C-2 district and only when incidental to the Uses by Right listed in §15.22.2 and/or Uses by Special Exception listed in §15.22.3:

- A. Accessory buildings and uses on the same lot with and customarily incidental to the permitted uses in the C-2 district.

§15.22.5 RESERVED

§15.22.6 Area and bulk regulations.

- A. The following area and bulk requirements shall be observed:

<i>General requirements in C-2 Zones:</i>	
<i>Lot area</i>	Fifteen thousand (15,000) square feet minimum
<i>Lot width</i>	One hundred (100) feet minimum
<i>Lot depth</i>	One hundred fifty (150) feet minimum
<i>Lot coverage</i>	Fifty percent (50%) maximum
<i>Building height</i>	Thirty-five (35) feet or three (3) stories maximum
<i>Principal Use Structure Setbacks:</i>	
<i>Front yard</i>	Fifty (50) feet minimum
<i>Side yard</i>	Twenty (20) feet minimum
<i>Rear yard</i>	Twenty-five (25) feet minimum
<i>Accessory Use Structure Setbacks:</i>	
<i>Front yard</i>	No closer to the front property line than the front yard setback of the principal structure or in alignment with the front facing wall of the principal structure, whichever results in the greater setback.
<i>Side yard</i>	Five (5) feet minimum
<i>Rear yard</i>	Five (5) feet minimum

§15.22.7 Overlay District regulations.

The following Articles shall be referred to when a parcel of land is located within an Overlay District:

- ARTICLE 40 – FLOOD HAZARD OVERLAY DISTRICT.
- ARTICLE 41 – SOURCE WATER PROTECTION OVERLAY DISTRICT.

§15.22.8 Use regulations and required improvements.

The following Articles shall be referred to for specific Use regulations and required improvements within this District when said Use is permitted within a C-2 Zoning District:

- ARTICLE 50 – PERFORMANCE REQUIREMENTS – COMMERCIAL AND/OR INDUSTRIAL USES IN ANY DISTRICT.
- ARTICLE 51 – NON-CONFORMING USE REGULATIONS.
- ARTICLE 52 – SPECIFIC USE REGULATIONS.
- ARTICLE 53 – LAND DEVELOPMENT AND SUBDIVISIONS.

- *ARTICLE 54 – SIGN REGULATIONS.*
- *ARTICLE 55 – STREETS, SIDEWALKS, CURBS AND GUTTERS.*
- *ARTICLE 56 – STORMWATER MANAGEMENT AND SEDIMENT CONTROL.*
- *ARTICLE 57 – UTILITIES.*
- *ARTICLE 58 – OFF-STREET PARKING AND LOADING.*

§15.22.9 through §15.22.99 RESERVED

ARTICLE 23 - C-3 RIVERFRONT ENTERPRISE DISTRICT

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.23.1 Intent of Article.

It is the purpose of this Article to make appropriate provisions for commercial activities for limited commercial and residential development that complement each other and adjacent land uses; and to preserve retail store fronts on High Street.

§15.23.2 Uses by Right.

In a C-3 district, land, buildings, or premises shall be Used by Right for only one (1) or more of the following:

- A. Retail and specialty stores, including antique shops, clothing shops, electronics, hardware, florists, beauty salons, craft shops, toy and hobby shops, stationery and card, newsstands, bookstores, art and photographic supplies, gift shops, furniture, jewelry (including repair but not pawn shops), specialty food stores (but not supermarkets), and other similar uses.
- B. Retail food stores limited to bakeries, confectionery, candy, gourmet shops, gourmet meat shops and other similar uses.
- C. Restaurant (but not drive-ins), brew pubs, taverns, bakery-restaurants, lunch counters, tearooms, cafes, coffee shops, delicatessens, carryouts, and similar uses.
- D. Package stores.
- E. Financial institutions, banks and loan companies.
- F. Stock brokerage and investment firms.
- G. Medical, professional and business offices, including administrative activities.
- H. Service establishments such as beauty salons, barbershops, interior decorator, photographic, art, craft, dance or music studios, and catering.
- I. Government offices, serving the public, including the Post Office, police and fire stations, municipal offices and other public or semi-public offices.
- J. Libraries, museums, and art galleries.
- K. Instructional, business or trade schools.
- L. Apartments above commercial businesses, provided that no residential dwelling units shall be permitted on the first floor of any building with frontage along High Street.
- M. Multi-family Dwellings, provided that no residential dwelling units shall be permitted on the first floor of any building with frontage along High Street.
- N. Single family Detached Dwellings, except on High Street.
- O. Two Family Semi-Detached Dwellings or Two Family Detached Dwellings, except on High Street: subject to the specific use regulations of Article 52 of this Chapter.

- P. Day care facilities and pre-school facilities.
- Q. Bed and breakfast Inns.
- R. Churches or other places of worship;
 - 1. This shall be limited to existing facilities specifically built as churches or Sunday school buildings.
 - 2. Retail space or residential structures shall not be used to house churches or other places of worship. In such locations which now exist as places of worship, when that use ceases, no other place of worship will be allowed to relocate in that space, as provided in Article 51 of this Chapter.
- S. Motion picture theatre facilities within a completely enclosed building.
- T. Drive-up windows for banks, financial institutions and municipal offices.
- U. Travel agencies.
- V. Telemarketing.
- W. Retail cleaning.
- X. Employment agencies.
- Y. Parking lots and/or Multi-level Parking Facilities.
- Z. Seasonal Stand, subject to the specific use regulations of Article 52 of this Chapter.
- AA. Fuel Filling Station subject to the specific use regulations of Article 52 of this Chapter.
- BB. Municipal utilities, towers, water storage tanks, water reservoirs, water pumping stations, water treatment plants, sub-stations, electric facilities, sewage lift stations, distribution, and transmission lines, subject to the specific use regulations of Article 52 of this Chapter.

§15.23.3 Uses by Special Exception.

The following uses shall be permitted as a Special Exception when authorized by the Board of Adjustment subject to Chapter 3.

- A. Outdoor eating establishments.
- B. Single Family Detached Dwellings on High Street.
- C. Two Family Semi-Detached Dwellings or Two Family Detached Dwellings, on High Street: subject to the specific use regulations of Article 52 of this Chapter.
- D. Non-municipal utilities, which are located above ground and not within a public Right-of-Way, including but not limited to telephone center offices, sub-stations, electric and gas facilities, cable television facilities, cellular/mobile telephone facilities,

towers and windmills, subject to the specific use regulations of Article 52 of this Chapter.

§15.23.4 Accessory Uses.

Only the following Accessory Uses shall be permitted in a C-3 district and only when incidental to the Uses by Right listed in §15.23.2 and/or Uses by Special Exception listed in §15.23.3:

- A. Accessory buildings and uses on the same lot with and customarily incidental to the permitted uses in the C-3 district.
- B. Accessory Solar Systems.

§15.23.5 Prohibited Uses.

Any use which is not an authorized Use by Right or Use by Special Exception, shall be prohibited in a C-3 district, including but not limited to the following:

- A. Car washes.
- B. Pawn shops.
- C. Industrial manufacturing facilities for the purpose of processing, packaging and fabricating, excluding dressmaking, tailoring, and crafts and activities of a similar nature and to be sold only at retail on the premises.
- D. Warehouses.
- E. Retail stores over 30,000 square feet.
- F. Tattoo parlors.
- G. Adult entertainment, including strip tease establishments, stores selling adult merchandise, drug paraphernalia and items of a similar nature.
- H. Medical or recreational marijuana dispensaries and or use facilities.
- I. Medical offices or clinics for the treatment of substance abuse or dispensing of medications for the treatment of substance abuse.

§15.23.6 Area and bulk regulations.

- A. The following area and bulk requirements shall be observed for properties adjacent to High Street:

<i>Lot coverage</i>	One hundred percent (100%) maximum
<i>Front yard setback</i>	Zero (0) feet
<i>Side yard setback</i>	Zero (0) feet
<i>Rear yard setback</i>	Three (3) feet minimum
<i>Building height</i>	Thirty-five (35) feet or three (3) stories maximum
Subdivision of existing lots will not be permitted.	

Subgrade Dwelling Units with habitable rooms are not permitted.

- B. The following area and bulk requirements shall be observed for Non-Residential uses and Single Family Detached Dwellings in the remaining area of the C-3 Zone:

<i>Lot area</i>	Four thousand five hundred (4,500) square feet minimum
<i>Lot width</i>	Thirty-five (35) feet minimum
<i>Lot coverage</i>	Forty percent (40%) maximum
<i>Front yard setback</i>	Fifteen (15) feet minimum
<i>Side yard setback</i>	Fourteen (14) feet aggregate total with a six (6) foot minimum
<i>Rear yard setback</i>	Twenty (20) feet minimum
<i>Building height</i>	Thirty-five (35) feet or three (3) stories maximum
The area and bulk requirements may be modified or waived for any riverfront residential use, with the approval of the City Council when such modification or waiver is found to be appropriate and consistent with the intent of the district.	

- C. The following area and bulk requirements shall be observed for Two Family Semi-Detached Dwelling and Two Family Detached Dwellings in the remaining area of the C-3 Zone:

Refer to the specific use regulations of Article 52 of this Chapter.
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- D. The following area and bulk requirements shall be observed for Multi-Family and Townhouse Dwellings located along the Nanticoke Riverfront within the C-3 Zone:

<i>Dwelling Units per acre</i>	Twenty-five (25) maximum
<i>Dwelling Units per building</i>	Twenty-four (24) maximum
<i>Lot area</i>	Five thousand (5,000) square feet minimum
<i>Lot width</i>	Thirty-five (35) feet minimum
<i>Lot coverage</i>	Sixty percent (60%) maximum
<i>Front yard setback</i>	Fifteen (15) feet minimum
<i>Side yard setback</i>	Fourteen (14) feet aggregate total with a six (6) foot minimum
<i>Rear yard setback</i>	Twenty (20) feet minimum
<i>Building placement</i>	No part of any Dwelling building shall be nearer than fifteen (15) feet to any other Dwelling building on the same lot.
<i>Building height</i>	Fifty (50) feet or four (4) stories maximum
Subgrade Dwelling Units with habitable rooms are not permitted.	
The area and bulk requirements may be modified or waived for any riverfront residential use, with the approval of the City Council when such modification or waiver is found to be appropriate and consistent with the intent of the district.	

- E. The following area and bulk requirements shall be observed for Multi-Family and Townhouse Dwellings located in the remaining area of the C-3 Zone:

<i>Dwelling Units per acre</i>	Twelve (12) maximum
<i>Dwelling Units per building</i>	Eight (8) maximum

<i>Lot area</i>	One (1) acre minimum
<i>Lot width</i>	Thirty-five (35) feet minimum
<i>Lot coverage</i>	Thirty five percent (35%) maximum
<i>Front yard setback</i>	Fifteen (15) feet minimum
<i>Side yard setback</i>	Fourteen (14) feet aggregate total with a six (6) foot minimum
<i>Rear yard setback</i>	Twenty (20) feet minimum
<i>Building placement</i>	No part of any Dwelling building shall be nearer than fifteen (15) feet to any other Dwelling building on the same lot.
<i>Building height</i>	Thirty-five (35) feet or three (3) stories maximum
Subgrade Dwelling Units with habitable rooms are not permitted.	
The area and bulk requirements may be modified or waived for any riverfront residential use, with the approval of the City Council when such modification or waiver is found to be appropriate and consistent with the intent of the district.	

F. The following area and bulk requirements shall be observed for Accessory Use Structures:

<i>Front yard</i>	No closer to the front property line than the front yard setback of the principal structure or in alignment with the front facing wall of the principal structure, whichever results in the greater setback.
<i>Side yard</i>	Five (5) feet minimum
<i>Rear yard</i>	Five (5) feet minimum

§15.23.7 Overlay District regulations.

The following Articles shall be referred to when a parcel of land is located within an Overlay District:

- *ARTICLE 40 – FLOOD HAZARD OVERLAY DISTRICT.*
- *ARTICLE 41 – SOURCE WATER PROTECTION OVERLAY DISTRICT.*

§15.23.8 Use regulations and required improvements.

The following Articles shall be referred to for specific Use regulations and required improvements within this District when said Use is permitted within a C-3 Zoning District:

- *ARTICLE 50 – PERFORMANCE REQUIREMENTS – COMMERCIAL AND/OR INDUSTRIAL USES IN ANY DISTRICT.*
- *ARTICLE 51 – NON-CONFORMING USE REGULATIONS.*
- *ARTICLE 52 – SPECIFIC USE REGULATIONS.*
- *ARTICLE 53 – LAND DEVELOPMENT AND SUBDIVISIONS.*
- *ARTICLE 54 – SIGN REGULATIONS.*
- *ARTICLE 55 – STREETS, SIDEWALKS, CURBS AND GUTTERS.*
- *ARTICLE 56 – STORMWATER MANAGEMENT AND SEDIMENT CONTROL.*
- *ARTICLE 57 – UTILITIES.*
- *ARTICLE 58 – OFF-STREET PARKING AND LOADING.*

§15.23.9 through §15.23.99 RESERVED

ARTICLE 24 - (RESERVED)

ARTICLE 25 - (RESERVED)

ARTICLE 26 - (RESERVED)

ARTICLE 27 - (RESERVED)

ARTICLE 28 - (RESERVED)

ARTICLE 29 - (RESERVED)

ARTICLE 30 - (RESERVED)

ARTICLE 31 - M-1 LIGHT INDUSTRIAL DISTRICT

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.31.1 Intent of Article.

It is the purpose of this Article to encourage industrial development, which is free from offensive noise, vibration, smoke, odors, glare, hazards of fire or other objectionable effects. Industries which can meet the standards imposed in this Article shall be permitted to locate in districts adjacent to commercial and residential adjoining districts, provided that adequate landscaping and screening are provided. Residential uses are prohibited in industrial districts.

§15.31.2 Uses by Right.

In M-1 districts, land, buildings or premises shall be Used by Right for only one (1) or more of the following:

- A. Electronics and small parts assembly and/or manufacture.
- B. Scientific or industrial research, engineering laboratory, testing or experimental laboratory, or similar establishment for research or product development.
- C. Warehouse and distribution facilities.
- D. Administrative activities and offices.
- E. Manufacture, compounding, processing or treatment of such products as: bakery goods, confectionaries, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, and food products except the following: fish, chicken, beef, sauerkraut, pickles, vinegar, yeast and the rendering of oils and fats.
- F. Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, concrete products, cellophane, canvas, cork, cloth, feathers, felt, fiber, fur, glass, hair, horn, leather, paper and paper board, plastic, precious or semi-precious metals or stones, marble, metals, shell, straw, textiles, wood, yarn or paint.
- G. Wholesale business; storage buildings and warehouses of products permitted by right.
- H. Public utility service yard and substation.
- I. Building materials sales yard.
- J. Contractor's equipment storage yard or building or rental of equipment commonly used by contractors.
- K. Municipal utilities, towers, water storage tanks, water reservoirs, water pumping stations, water treatment plants, sub-stations, electric facilities, sewage lift stations, distribution, and transmission lines, subject to the specific use regulations of Article 52 of this Chapter.
- L. Handling, distribution or bulk storage of petroleum, natural gas, propane or similar petroleum products, chemicals and chemical products when properly screened from

view by fencing or natural vegetation and when used in conjunction with one of the other permitted uses listed in §15.31.2 located on the same property.

- M. Blacksmith shops.
- N. Boat Building.
- O. Bulk materials or machinery storage (fully enclosed).
- P. Business cluster facilities (an incubator facility offering space and support services for early-stage companies engaged in the development of products or services with commercial potential).
- Q. Dry-cleaning and laundry plants serving more than one outlet.
- R. Food processing and packing plants.
- S. Fuel oil (storage and sales).
- T. Furniture refinishing shops.
- U. Incidental retail stores, not to exceed 25,000 square feet of gross floor area, associated with building and plumbing supply distribution operations.
- V. Manufacturing/warehousing (including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products) in plants with fewer than 500 employees on a single shift.
- W. Materials sales.
- X. Medical cannabis processing. This use shall not be located within 1,000 feet of any school, lot lines of property containing a place of worship or municipal use.
- Y. Ornamental iron workshops.
- Z. Printing plants.
- AA. Scientific (e.g., research, testing or experimental) laboratories.
- BB. Showrooms.
- CC. Trade shops (including cabinet, carpentry, planing, plumbing, refinishing and paneling).
- DD. Truck terminals.
- EE. Wholesale business and storage.
- FF. Limited low commercial uses and service with the primary purpose of supporting the existing business/employees in the Western Sussex Business Campus:
 - (A) Banks.
 - (B) Barbershop/hairdresser.
 - (C) Coffee shop.
 - (D) Dry cleaner (outlet).
 - (E) Fitness center.
 - (F) Medical office.
 - (G) Non-fast-food restaurants such as cafeterias or deli.
 - (H) Retail sales that do not exceed 25,000 square feet of gross floor area.
 - (I) Nonprofit and for-profit institutional.
 - (J) Public service uses.
 - (K) Satellite parking.
 - (L) Trade schools with only indoor activities.

§15.31.3 Uses by Special Exception.

- A. Non-municipal utilities, which are located above ground and not within a public Right-of-Way, including but not limited to telephone center offices, sub-stations, electric and gas facilities, cable television facilities, cellular/mobile telephone facilities, towers and windmills, subject to the specific use regulations of Article 52 of this Chapter.

§15.31.4 Accessory Uses.

Only the following Accessory Uses shall be permitted in an M-1 district and only when incidental to the Uses by Right listed in §15.31.2 and/or Uses by Special Exception listed in §15.31.3:

- A. Accessory buildings and uses on the same lot with, and customarily incidental to, the permitted uses in the M-1 district and not detrimental to the neighborhood.
- B. Restaurant or cafeteria facilities for employees.
- C. Recreational facilities for employees and occupants.
- D. All materials stored outdoors must be of new materials and must be used in production within a reasonable time frame (6 months).
- E. Accessory Solar Systems.

§15.31.5 Prohibited Uses.

Any use which is not an authorized Use by Right or Use by Special Exception, shall be prohibited in a M-1 district, including but not limited to the following:

- A. The operation and use of drilling for and removal of oil, gas, or other hydrocarbon substances on any property.
- B. Residential
- C. Manufactured Home Parks
- D. Fertilizer or Compost Facilities
- E. Junk Yards
- F. Commercial Excavation of Building or Construction Materials
- G. Distillation of Bones
- H. Dumping, Disposal, Incineration, or Reduction of Garbage, Sewage, Offal, Dead Animals or Refuse
- I. Fat Rendering
- J. Stockyard or Slaughter of Animals
- K. Refining of Petroleum or of its Products
- L. Smelting of Iron, Tin, Zinc, or other Ores
- M. Raising of Pets or Livestock or other animals
- N. Kennel or Dog Pound

§15.31.6 Area and bulk regulations.

A. The following area and bulk requirements shall be observed:

<i>General requirements in M-1 Zones:</i>	
<i>Lot area</i>	Two (2) acres minimum
<i>Lot width</i>	Two hundred (200) feet minimum
<i>Lot depth</i>	One hundred fifty (150) feet minimum
<i>Lot coverage</i>	Fifty percent (50%) maximum
<i>Paving area coverage</i>	Thirty percent (30%) maximum
<i>Building height</i>	Sixty (60) feet maximum
<i>Building placement</i>	No part of any building shall be nearer than twenty-five (25) feet to any other building on the same lot.
<i>Principal Use Structure Setbacks:</i>	
<i>Front yard</i>	Twenty-five (25) feet minimum
<i>Side yard</i>	Twenty-five (25) feet minimum, each side
<i>Rear yard</i>	Fifteen (15) feet minimum
<i>Accessory Use Structure Setbacks:</i>	
<i>Front yard</i>	No closer to the front property line than the front yard setback of the principal structure or in alignment with the front facing wall of the principal structure, whichever results in the greater setback.
<i>Side yard</i>	Five (5) feet minimum
<i>Rear yard</i>	Five (5) feet minimum

§15.31.7 Overlay District regulations.

The following Articles shall be referred to when a parcel of land is located within an Overlay District:

- ARTICLE 40 – FLOOD HAZARD OVERLAY DISTRICT.
- ARTICLE 41 – SOURCE WATER PROTECTION OVERLAY DISTRICT.

§15.31.8 Use regulations and required improvements.

The following Articles shall be referred to for specific Use regulations and required improvements within this District when said Use is permitted within an M-1 Zoning District:

- ARTICLE 50 – PERFORMANCE REQUIREMENTS – COMMERCIAL AND/OR INDUSTRIAL USES IN ANY DISTRICT.
- ARTICLE 51 – NON-CONFORMING USE REGULATIONS.
- ARTICLE 52 – SPECIFIC USE REGULATIONS.
- ARTICLE 53 – LAND DEVELOPMENT AND SUBDIVISIONS.
- ARTICLE 54 – SIGN REGULATIONS.
- ARTICLE 55 – STREETS, SIDEWALKS, CURBS AND GUTTERS.
- ARTICLE 56 – STORMWATER MANAGEMENT AND SEDIMENT CONTROL.
- ARTICLE 57 – UTILITIES.
- ARTICLE 58 – OFF-STREET PARKING AND LOADING.

§15.31.9 through §15.31.99 RESERVED

ARTICLE 32 - M-2 HEAVY INDUSTRIAL DISTRICT

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.32.1 Intent of Article.

It is the purpose of this Article to provide industrial locations for plants which require a large area for their operations, and which are normally undesirable adjacent to residential and commercial areas.

§15.32.2 Uses by Right.

In M-2 districts, land, buildings or premises shall be Used by Right for only one (1) or more of the following:

- A. Any Use by Right permitted in the M-1 Light Industrial District, per §15.31.2.
- B. Manufacture or storage of food products, petroleum, or petroleum products, chemical and chemical products, rubber and plastic products, stone, clay and glass products, primary metal products, fabricated metal products, machinery including electrical machinery, incinerator, and essential services.
- C. Municipal utilities, towers, water storage tanks, water reservoirs, water pumping stations, water treatment plants, sub-stations, electric facilities, sewage lift stations, distribution, and transmission lines, subject to the specific use regulations of Article 52 of this Chapter.

§15.32.3 Uses by Special Exception.

- A. Non-municipal utilities, which are located above ground and not within a public Right-of-Way, including but not limited to telephone center offices, sub-stations, electric and gas facilities, cable television facilities, cellular/mobile telephone facilities, towers and windmills, subject to the specific use regulations of Article 52 of this Chapter.

§15.32.4 Accessory Uses.

Only the following Accessory Uses shall be permitted in an M-2 district and only when incidental to the Uses by Right listed in §15.32.2 and/or Uses by Special Exception listed in §15.32.3:

- A. Any Accessory Use permitted in the M-1 Light Industrial District, per §15.31.4.

§15.32.5 RESERVED

§15.32.6 Area and bulk regulations.

- A. The following area and bulk requirements shall be observed:

<i>General requirements in M-2 Zones:</i>	
<i>Lot area</i>	Three (3) acres minimum
<i>Lot width</i>	Two hundred (200) feet minimum
<i>Lot depth</i>	One hundred fifty (150) feet minimum
<i>Lot coverage</i>	Fifty percent (50%) maximum

<i>Paving area coverage</i>	Thirty percent (30%) maximum
<i>Building height</i>	Seventy (70) feet or seven (7) stories maximum
<i>Building placement</i>	No part of any building shall be nearer than twenty-five (25) feet to any other building on the same lot.
<i>Principal Use Structure Setbacks:</i>	
<i>Front yard</i>	Twenty-five (25) feet minimum
<i>Side yard</i>	Twenty-five (25) feet minimum, each side
<i>Rear yard</i>	Fifteen (15) feet minimum
<i>Accessory Use Structure Setbacks:</i>	
<i>Front yard</i>	No closer to the front property line than the front yard setback of the principal structure or in alignment with the front facing wall of the principal structure, whichever results in the greater setback.
<i>Side yard</i>	Five (5) feet minimum
<i>Rear yard</i>	Five (5) feet minimum

§15.32.7 Overlay District regulations.

The following Articles shall be referred to when a parcel of land is located within an Overlay District:

- *ARTICLE 40 – FLOOD HAZARD OVERLAY DISTRICT.*
- *ARTICLE 41 – SOURCE WATER PROTECTION OVERLAY DISTRICT.*

§15.32.8 Use regulations and required improvements.

The following Articles shall be referred to for specific Use regulations and required improvements within this District when said Use is permitted within an M-1 Zoning District:

- *ARTICLE 50 – PERFORMANCE REQUIREMENTS – COMMERCIAL AND/OR INDUSTRIAL USES IN ANY DISTRICT.*
- *ARTICLE 51 – NON-CONFORMING USE REGULATIONS.*
- *ARTICLE 52 – SPECIFIC USE REGULATIONS.*
- *ARTICLE 53 – LAND DEVELOPMENT AND SUBDIVISIONS.*
- *ARTICLE 54 – SIGN REGULATIONS.*
- *ARTICLE 55 – STREETS, SIDEWALKS, CURBS AND GUTTERS.*
- *ARTICLE 56 – STORMWATER MANAGEMENT AND SEDIMENT CONTROL.*
- *ARTICLE 57 – UTILITIES.*
- *ARTICLE 58 – OFF-STREET PARKING AND LOADING.*

§15.32.9 through §15.32.99 RESERVED

ARTICLE 33 - RESERVED

ARTICLE 34 - RESERVED

ARTICLE 35 - RESERVED

ARTICLE 36 - RESERVED

ARTICLE 37 - RESERVED

ARTICLE 38 - RESERVED

ARTICLE 39 - RESERVED

ARTICLE 40 – SPECIAL FLOOD HAZARD OVERLAY DISTRICT

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.40.1 General provisions.

Whereas, the Federal Emergency Management Agency (FEMA) has identified special flood hazard areas within the boundaries of the City of Seaford. Special flood hazard areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. Structures that are inadequately elevated, improperly floodproofed, or otherwise unprotected from flood damage also contribute to the flood loss.

The City of Seaford, by resolution, agreed to meet the requirements of the National Flood Insurance Program and was accepted for participation in the program on **February 1, 1979**. Subsequent to that date or the initial effective date of the City of Seaford Flood Insurance Rate Map, all development and new construction as defined herein, are to be compliant with the City of Seaford's floodplain management regulations in effect at the time of construction, and all development, new construction, and substantial improvements subsequent to the effective date of these regulations shall be compliant with these regulations and the flood load and flood-resistant construction provisions of the building code as adopted by the City of Seaford. The provisions of this Article supersede any ordinance currently in effect in flood prone areas.

§15.40.2 Intent of Article.

It is the intent of this Article to promote the public health, safety and general welfare, and to:

- A. Minimize danger to and protect human life, health and welfare.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize flooding of water supply and sanitary sewage disposal systems.
- D. Maintain natural drainage.
- E. Reduce financial burdens imposed on the community, its governmental units and its residents, by preventing unwise design and construction of development in areas subject to flooding.
- F. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- G. Minimize prolonged business interruptions.
- H. Minimize damage to public facilities and other utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges.
- I. Reinforce that those who build in and occupy special flood hazard areas should assume responsibility for their actions.

- J. Minimize the impact of development on adjacent properties within and near flood prone areas.
- K. Provide that the flood storage and conveyance functions of the floodplain are maintained.
- L. Minimize the impact of development on the natural and beneficial functions of the floodplain.
- M. Prevent floodplain uses that are either hazardous or environmentally incompatible.
- N. Meet community participation requirements of the National Flood Insurance Program as set for in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

§15.40.3 Areas to which these regulations apply:

This Article shall apply to all special flood hazard areas within the jurisdiction of the City of Seaford as identified in §15.40.4.

§15.40.4 Basis for Establishing Special Flood Hazard Areas

For the purposes of this Article, and for the purpose of establishing flood hazard areas in the building code Section 1612.3 and the residential code Table R301.2(1), the following are adopted by reference as a part of this Article and serve as the basis for establishing special flood hazard areas:

- A. The FEMA Flood Insurance Study for Sussex County, Delaware and Incorporated Areas dated **March 16, 2015**, and all subsequent amendments and/or the most recent revision thereof.
- B. The following FEMA Flood Insurance Rate Map (FIRM Panels) for Sussex County, Delaware and Incorporated Areas dated **March 16, 2015**, and all subsequent amendments and/or the most recent revision thereof:

<i>FIRM Panels</i>
1000480244K
1000480245K
1000480261J
1000480262K
1000480263K
1000480264K

- C. Other hydrologic and hydraulic engineering studies and/or maps prepared pursuant to this Article or for other purposes, and which establish base flood elevations, delineate 100-year floodplains, floodways or other areas of special flood hazard.
- D. The City of Seaford may identify and regulate new local flood hazard or ponding areas. These areas should be delineated and adopted on a “Local Flood Hazard Map” using best available topographic data and locally derived information such as flood of record, historic high-water marks or approximate study methodologies.

- E. Where field surveyed topography indicates that ground elevations are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a flood hazard map, the area shall be considered as special flood hazard area.
- F. Maps and studies that establish special flood hazard areas are on file at the City of Seaford, City Hall, located at 414 High Street, Seaford, Delaware, 19973.

§15.40.5 Abrogation and greater restrictions.

- A. This Article is not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances or building codes. In the event of a conflict between this Article and any other ordinance, the more restrictive shall govern. This Article shall not impair any deed restriction, covenant or easement, but the land subject to such interests shall also be governed by this Article.
- B. The provisions of all other codes, ordinances and regulations shall be applicable insofar as they are consistent with the provisions of this Article and the need of the municipality to minimize the hazards and damage resulting from the flooding.

§15.40.6 Interpretation.

In the interpretation and application of this Article, all provisions shall be:

- A. Considered as minimum requirements.
- B. Liberally construed in favor of the governing body.
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.
- D. Where a provision of this Article may be in conflict with a State or Federal law, such State or Federal law shall take precedence, where more restrictive.

§15.40.7 Warning and disclaimer of liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and acceptable engineering methods of study. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes such as ice jams and bridge openings restricted by debris. The provisions of this Article do not imply that land outside of the special flood hazard areas or land uses that are permitted within such areas will be free from flooding or flood damage. This Article shall not create any liability on the part of the City of Seaford, its officers, agents, servants or employees thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this Article, or any administrative decision lawfully made there under.

§15.40.8 Severability.

Should any section or provision of this Article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

§15.40.9 Definitions.

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article the most reasonable application. Where terms are not defined in these regulations and are defined in the building code, such terms shall have the meanings ascribed to them in that code.

Accessory structure – Refer to §15.2.2 “Definitions”.

Area of shallow flooding - A designated Zone AO on a community’s Flood Insurance Rate Map with a one percent annual chance or greater of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood - The flood having a one percent (1%) chance of being equaled or exceeded in any given year; the base flood also is referred to as the 100-year flood (or the 1%-annual-chance flood).

Base Flood Discharge – The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

Base Flood Elevation (BFE) - The water surface elevation of the base flood in relation to the datum specified on the community’s Flood Insurance Rate Map.

Basement – Refer to §15.2.2 “Definitions”.

Building Code - The family of building codes specifically adopted by the City of Seaford in § 4.1.2. The code that applies to one- and two-family dwellings is referred to as the “residential code.”

Development – Refer to §15.2.2 “Definitions”.

Dry Floodproofing - A combination of measures which results in a structure, including attendant utilities and equipment, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

Elevation Certificate - The *National Flood Insurance Program, Elevation Certificate* (FEMA Form 086-0-33), used to document building elevations and other information about buildings. When required to be certified, the form shall be completed by a Delaware Licensed Professional Land Surveyor or Delaware Licensed Professional Engineer.

Enclosure below the lowest floor – An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access, or storage, in an area other than a basement.

Federal Emergency Management Agency (FEMA) - The federal agency with the overall responsibility for administering the National Flood Insurance Program.

FEMA Technical Bulletin - A series of guidance documents published by FEMA to provide guidance concerning building performance standards of the National Flood Insurance Program. See sections where specific TBs are identified.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters, and/or
- The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Damage-Resistant Materials - Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. See FEMA Technical Bulletin #2 – *Flood Damage-Resistant Materials Requirements* and FEMA Technical Bulletin #8 – *Corrosion Protection for Metal Connectors in Coastal Areas*.

Flood Insurance Rate Map (FIRM) - An official map on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

- Zone A: Special flood hazard areas inundated by the 100-year flood (1% annual chance flood); base flood elevations are not determined.
- Zones AE: Special flood hazard areas subject to inundation by the 100-year flood (1% annual chance flood); base flood elevations are determined; floodways may or may not be determined.
- Zone AO: Areas of shallow flooding, with or without a designated average flood depth.
- Zone X (shaded): Areas subject to inundation by the 500-year flood (0.2% annual chance flood); areas subject to the 100-year flood (1% annual chance flood) with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
- Zone X (unshaded): Areas determined to be outside the 100-year floodplain (1% annual chance flood) and outside the 500-year floodplain (0.2% annual chance flood).
- Zone VE: Special flood hazard areas subject to inundation by the 100-year flood (1% annual chance flood) and subject to high velocity wave action (also referred to as coastal high hazard areas).
- Limit of Moderate Wave Action (LiMWA): The inland limit of the area affected by waves greater than 1.5 feet during the base flood. Base flood conditions between the Zone VE and the LiMWA will be similar to, but less severe than, those in the Zone VE.

Flood Insurance Study (FIS) - The official report provided by the Federal Emergency Management Agency (FEMA) containing the Flood Insurance Rate Map (FIRM), the water surface elevations of the base flood and supporting technical data.

Floodplain - Any land area susceptible to being inundated by water from any source (see “Flood” or “Flooding”).

Floodproofing Certificate - The *National Flood Insurance Program, Floodproofing Certificate for Non-Residential Structures* (FEMA Form 86-0-34), used by registered professional engineers and architects to certify dry floodproofing designs.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to pass the base flood discharge such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height.

Freeboard - A factor of safety usually expressed in feet above a flood elevation for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Functionally Dependent Use - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water; the term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure - Any structure that is:

- Individually listed on the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- 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.

Hydrologic and Hydraulic Engineering Analysis - An analysis performed by a professional engineer, licensed in the State of Delaware, in accordance with standard engineering practices as accepted by FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Letter of Map Change - A Letter of Map Change is an official FEMA determination, by letter, to amend or revise an effective Flood Insurance Rate Map, Flood Boundary and Floodway Map, and Flood Insurance Study. Letters of Map Change include:

- Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was inadvertently included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
- Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood; in order to qualify for this determination, the fill must have been permitted and placed in accordance with these regulations.

- **Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed flood protection project complies with the minimum National Flood Insurance Program requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies; upon submission to and approval of certified as-built documentation, a Letter of Map Revision may be issued.

Lowest Floor - The lowest floor of the lowest enclosed area, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements specified in the building code for enclosures below the lowest floor.

Manufactured Home – Refer to “*Dwelling, Manufactured Home*” in §15.2.2 “Definitions”.

Manufactured Home Park or Subdivision. – Refer to §15.2.2 “Definitions”.

New Construction - Buildings and structures, including additions, and the placement of manufactured homes, for which the "start of construction" commenced during or after *February 1, 1979*, the initial effective date of the City of Seaford Flood Insurance Rate Map, including any subsequent improvements to such structures.

Person – Refer to §15.2.2 “Definitions”.

Recreational vehicle – Refer to §15.2.2 “Definitions”.

Special Flood Hazard Area (SFHA) - The land in the floodplain subject to flood hazard and shown on a Flood Insurance Rate Map as Zones A, AE, AO, and VE. The term includes areas shown on other flood hazard maps that are specifically listed or otherwise described in §15.40.4.

Start of Construction - The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other development was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any site work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction includes land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms; the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a structure, without a basement or poured footings, the actual start includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure (or Building) – Refer to §15.2.2 “Definitions”.

Substantial Damage – Refer to §15.2.2 “Definitions”.

Substantial Improvement – Refer to §15.2.2 “Definitions”.

Violation - The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time that documentation is provided.

§15.40.10 Designation of the Floodplain Administrator.

The Building Official is hereby appointed to administer and implement this Article and is referred to herein as the Floodplain Administrator. The Floodplain Administrator is authorized to:

- A. Fulfill the duties and responsibilities set forth in this Article.
- B. Delegate duties and responsibilities set forth in this Article to qualified technical personnel, plan examiners, inspectors, and other employees.

§15.40.11 Duties and Responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Review applications for permits to determine whether proposed activities will be located in flood hazard areas.
- B. Interpret floodplain boundaries and provide flood elevation and flood hazard information.
- C. Review applications to determine whether proposed activities will be reasonably safe from flooding.
- D. Review applications to determine whether all necessary permits have been obtained from those Federal, state or local agencies from which prior or concurrent approval is required.
- E. Verify that applicants proposing to alter or relocate a watercourse have notified adjacent communities and the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship) and have submitted copies of such notifications to the Federal Emergency Management Agency.
- F. Issue permits to develop in flood hazard areas when the provisions of this Article have been met or disapprove the same in the event of noncompliance.
- G. Inspect special flood hazard areas to determine compliance with this Article or to determine if noncompliance has occurred or violations have been committed.
- H. Review submitted Elevation Certificates for completeness.
- I. Submit to FEMA data and information necessary to maintain flood hazard maps, including hydrologic and hydraulic engineering analyses prepared by or for the City of Seaford, corrections to labeling or planimetric details, etc.

- J. Maintain and permanently keep all records for public inspection that are necessary for the administration of this Article including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing permits, elevation certificates, other required certifications, variances, and records of enforcement actions taken for violations of this Article;
- K. Enforce the provisions of this Article.
- L. Assist with and coordinate flood hazard map maintenance activities.
- M. Conduct determinations as to whether existing buildings and structures, damaged by any cause and located in special flood hazard areas, have been substantially damaged.
- N. Make reasonable efforts to notify owners of substantially damaged buildings and structures of the need to obtain a permit prior to repair, rehabilitation, or reconstruction, and to prohibit the non-compliant repair of substantially-damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a structure to prevent additional damage;
- O. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures, materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assisting owners with National Flood Insurance Program claims for Increased Cost of Compliance payments;
- P. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Seaford have been modified.

§15.40.12 Permits required.

- A. It shall be unlawful for any person to begin construction or other development which is wholly within, partially within, or in contact with any identified flood hazard area, as established in §15.40.4, including but not limited to: subdivision of land; filling; grading; or other site improvements and utility installations; installation or replacement of storage tanks; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse, until a permit is obtained from the City of Seaford.
- B. The requirements of this Article are intended to be administered and enforced in conjunction with the building code.
- C. No permit shall be issued until the requirements of this Article and, as applicable, the flood load and flood-resistant construction provisions of the building code, have been met.

§15.40.13 Permit application; Required.

Application for a permit shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual start of construction. The application shall be on a form furnished for that purpose.

§15.40.14 Permit application; Contents.

At a minimum, applications shall include:

- A. Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section.
- B. Site plans drawn to scale showing the nature, location, dimensions, existing and proposed topography of the area in question, the limits of any portion of the site that was previously filled, and the location of existing and proposed structures, excavation, filling, storage of materials, drainage facilities, and other proposed activities.
- C. Elevation of the existing, natural ground where structures are proposed, referenced to the datum on the Flood Insurance Rate Map; and an Elevation Certificate that shows the ground elevation and proposed building elevations (identified in Section C of the Elevation Certificate as “Construction Drawings”).
- D. Delineation of special flood hazard areas, floodway boundaries, flood zones, and base flood elevations. Where special flood hazard areas are not delineated or base flood elevations are not shown on the Flood Insurance Rate Maps, the Floodplain Administrator has the authority to require the applicant to use information provided by the Floodplain Administrator, information that is available from other sources, or to determine such information using accepted engineering practices.
- E. Where surveyed natural ground elevations are lower than the base flood elevations, base flood elevations shall be used to delineate the boundary of special flood hazard areas. Where surveyed natural ground elevations are higher than the base flood elevations, the surveyed natural ground elevation of the base flood elevation shall be delineated in the field and used to delineate the boundary of special flood hazard area on the site plan. In either case, the site plan shall indicate both the line of the base flood elevation as shown on the FIRM as well as the field surveyed topography and contour of the natural ground elevations.
- F. If proposed, changes in the delineation of special flood hazard areas shall be submitted to and approved by FEMA in accordance with §15.40.15.
- G. For subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, and where base flood elevations are not shown on Flood Insurance Rate Maps, hydrologic and hydraulic engineering analyses and studies as required by §15.40.31.
- H. Elevation of the lowest floor, including basement of all proposed structures, referenced to the datum on the Flood Insurance Rate Maps.
- I. Such other material and information as may be requested by the Floodplain Administrator necessary to determine conformance with this Article.
- J. For work on an existing structure, including any improvement, addition, repairs, alterations, rehabilitation, or reconstruction, sufficient information to determine if the

work constitutes substantial improvement, including:

1. Documentation of the market value of the structure before the improvement is started or before the damage occurred.
 2. Documentation of the actual cash value of all proposed improvement work, or the actual cash value of all work necessary to repair and restore damage to the before damaged condition, regardless of the amount of work that will be performed.
- K. Certifications and/or technical analyses prepared or conducted by an appropriate design professional licensed in the State of Delaware, as appropriate to the type of development activity proposed and required by this Article and the building code:
1. Floodproofing certification for dry floodproofed non-residential structures, as required by the building code.
 2. Certification that flood openings that do not meet the minimum requirements for non-engineered openings but are designed to automatically equalize hydrostatic flood forces, as required by the building code.
 3. Certification that the structural design, specifications and plans, and the methods of construction to be used, are in accordance with accepted standards of practice.
 4. Technical analyses to document that the flood carrying capacity of any watercourse alteration or relocation will not be diminished, and documentation of maintenance assurances as required in §15.40.42.
 5. Hydrologic and hydraulic engineering analyses demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but has not delineated a floodway, as required in §15.40.41.
 6. Hydrologic and hydraulic engineering analyses of any development proposed to be located in an identified floodway, as required in §15.40.40.
 7. Hydrologic and hydraulic engineering analyses to develop base flood elevations for subdivisions and large-lot developments, as required in §15.40.31 or otherwise required by the Floodplain Administrator.

§15.40.15 Permit application; Submission of new technical data.

- A. The applicant has the right to seek a Letter of Map Change and to submit new technical data to FEMA regarding base maps, topography, special flood hazard area boundaries, floodway boundaries, and base flood elevations. Such submissions shall be prepared in a format acceptable by FEMA and the Floodplain Administrator shall be notified of such submittal. Submittal requirements and FEMA processing fees shall be the responsibility of the applicant.
- B. The Floodplain Administrator shall notify FEMA of physical changes affecting flood hazard areas and flooding conditions by submitting technical or scientific data as

soon as practicable, but not later than six (6) months after the date such information becomes available. The Floodplain Administrator has the authority to require applicants to submit technical data to FEMA for Letters of Map Change.

§15.40.16 Permit application; Review, approval or disapproval.

The Floodplain Administrator shall:

- A. Review applications for development in special flood hazard areas to determine the completeness of information submitted. The applicant shall be notified of incompleteness or additional information required to support the application.
- B. Review applications for compliance with this Article after all information required in §15.40.14 or identified and required by the Floodplain Administrator has been received.
- C. Review all permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits, including but not limited to:
 1. Permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Delaware Department of Natural Resources and Environmental Control under Section 401 of the Clean Water Act.
 2. Permits required by the State of Delaware.
- D. The Floodplain Administrator shall approve applications that comply with the applicable requirements of these regulations. The Floodplain Administrator shall disapprove applications for proposed development that does not comply with the applicable provisions of these regulations and shall notify the applicant of such disapproval, in writing, stating the reasons for disapproval.
- E. A permit is valid provided the actual start of construction occurs within 180 days of the date of permit issuance. If the actual start of construction is not within 180 days of the date of permit issuance, requests for extensions shall be submitted in writing. Upon reviewing the request and the permit for continued compliance with these regulations, the Floodplain Administrator may grant, in writing, one or more extensions of time, for periods not more than 180 days each.

§15.40.17 Permit; Inspections.

The Floodplain Administrator shall make periodic inspections of development permitted in special flood hazard areas, at appropriate times throughout the period of construction in order to monitor compliance. In addition to the inspections required by the building code, such inspections may include:

- A. Stake-out inspection, to determine location on the site relative to the flood hazard area and floodway.
- B. Foundation inspection, upon placement of the lowest floor and prior to further vertical construction, to permit a Delaware Licensed Professional Land Surveyor or

Delaware Licensed Professional Engineer to collect information for certification of the elevation of the lowest floor.

- C. Enclosure inspection, including crawlspaces, to determine compliance with applicable provisions.
- D. Utility inspection, upon installation of specified equipment and appliances, to determine appropriate location with respect to the base flood elevation.
- E. Storage of materials.

§15.40.18 Submissions required prior to issuance of a Certificate of Occupancy.

The following certifications are required to be submitted by the permittee for development that is permitted in special flood hazard areas prior to issuance of a Certificate of Occupancy:

- A. For new or substantially improved residential structures or nonresidential structures that have been elevated, an Elevation Certificate that shows the ground elevation and finished elevations (identified in Section C of the Elevation Certificate as “Finished Construction”).
- B. For nonresidential structures that have been dry floodproofed, a Floodproofing Certificate based on “Finished Construction” (identified in Section II of the certificate).
- C. For all development activities subject to the requirements of §15.40.15, a Letter of Map Revision shall be provided.

§15.40.19 Flood Insurance Rate Map use and interpretation.

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of special flood hazard maps and data:

- A. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified special flood hazard areas, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used. When a Preliminary Flood Insurance Rate Map has been provided by FEMA to identify base flood elevations where such elevations were not previously shown, the base flood elevations on the Preliminary Flood Insurance Rate Map shall be used.
- B. Special flood hazard area delineations, base flood elevations and floodway boundaries on FEMA maps and in FEMA studies shall take precedence over delineations, base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations.
- C. Other sources of data shall be reasonably used, with the approval of the Floodplain Administrator, if they show increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies.

- D. Where field surveyed topography indicates that natural ground elevations are below the base flood elevation, even in areas not delineated as a special flood hazard on a flood insurance rate map, the area shall be considered as special flood hazard area. Where field surveyed topography indicates that natural ground elevations are higher than the base flood elevation, even in areas delineated as a special flood hazard on a flood insurance rate map, the area shall be considered as special flood hazard area until such time as a Letter of Map Change is issued by FEMA. In either case, the procedures for obtaining a Letter of Map Change in §15.40.15 shall be followed.

§15.40.20 Jurisdictional boundary changes.

In areas that have been annexed into the corporate boundary of the City, after the adoption of this Article but prior to development occurring, the community shall review flood hazard data affecting these lands. The City shall enforce these floodplain regulations in areas that have been annexed into the corporate boundary of the City.

§15.40.21 Variance; General provisions.

The City of Seaford Board of Adjustment shall have the power to authorize, in specific cases, such variances from the requirements of this Article, and the flood load and flood-resistant construction of the building code, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of this Article would result in unnecessary hardship.

§15.40.22 Variance; Application.

- A. Any owner, or agent thereof, of property for which a variance is sought shall submit an application for a variance to the Floodplain Administrator.
- B. At a minimum, such application shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request. Each variance application shall specifically address each of the considerations in §15.40.23 and the limitations and conditions of §15.40.24.

§15.40.23 Variance; Considerations.

In considering variance applications, the Board of Adjustment shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of this Article, and the following factors:

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided by the proposed development to the community.
- E. The availability of alternative locations for the proposed use which are not subject to,

or are subject to less, flooding or erosion damage.

- F. The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the comprehensive plan for that area.
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- J. The submission of a report prepared by a Delaware Licensed Professional Engineer supported by hydrologic and hydraulic engineering analyses describing the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

§15.40.24 Variance; Limitations.

An affirmative decision on a variance request shall only be issued upon:

- A. A showing of good and sufficient cause for the variance. A “good and sufficient” cause is one that deals solely with the physical characteristics of the property and cannot be based on the character of the planned construction or substantial improvement, the personal characteristics of the owner or inhabitants, or local provisions that regulate standards other than health and public safety standards.
- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property.
- C. Increased cost or inconvenience of meeting the requirements of this Article does not constitute an exceptional hardship to the applicant.
- D. A determination that the granting of a variance for development within any designated floodway, or special flood hazard area with base flood elevations but no floodway, will not result in increased flood heights beyond that which is allowed in this Article.
- E. A determination that the granting of a variance will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- F. A determination that the structure or other development is protected by methods to minimize flood damages.
- G. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

§15.40.25 Variance; Post hearing procedure.

- A. Upon consideration of the individual circumstances, the limitations and conditions, and the purposes of this Article, the Board of Adjustment may attach such conditions to variances as it deems necessary to further the purposes of this Article.
- B. The Board of Adjustment shall notify, in writing, any applicant to whom a variance is granted for a building or structure with a lowest floor elevation below the base flood elevation that the variance is to the floodplain management requirements of this Article only, and that the cost of federal flood insurance will be commensurate with the increased risk.

§15.40.26 Enforcement.

- A. No structure or land development shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with this Article and all other applicable regulations which apply to uses within the jurisdiction of this Article.
- B. Failure to obtain a permit shall be a violation of this Article and shall be punishable in accordance with Article 5 of this Chapter.
- C. Permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the specific activities set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction of such specific activities that is contrary to that authorized shall be deemed a violation of this Article.
- D. Violations of this ordinance shall be enforced in accordance with Article 5 of this Chapter.

§15.40.27 RESERVED

§15.40.28 RESERVED

§15.40.29 RESERVED

§15.40.30 Requirements in all Special Flood Hazard Areas (SFHA)

The requirements of section §15.40.31 through §15.40.41 apply to all development proposed within special flood hazard areas identified in §15.40.4. Such developments shall be undertaken only in strict compliance with the provisions of this Article and with all other applicable codes and ordinances, such as the Building Code, and the Subdivision Regulations.

§15.40.31 Subdivisions and developments.

- A. All subdivision and development proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in this Article.
- B. All subdivision and development proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- C. All subdivision and developments proposals shall have adequate drainage provided to reduce exposure to the base flood.
- D. All subdivision proposals and development proposals containing at least fifty (50) lots

or at least five (5) acres, whichever is the lesser, in FEMA-delineated special flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway delineations. The analyses shall be prepared by a Delaware Licensed Professional Engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

§15.40.32 Water supply and sanitary sewage systems protection.

- A. New and replacement water supply systems, whether public or private, shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- B. New and replacement sanitary sewage systems, whether public or private, shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters.
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during conditions of flooding.
- D. All other new or replacement public and/or private utilities and facilities shall be elevated or flood proofed to or above the Base Flood Elevation.

§15.40.33 Structures; General requirements.

All new construction of buildings and structures, including placement of manufactured homes and substantial improvements to existing buildings and structures, that are to be located, in whole or in part, in special flood hazard areas shall comply with flood load and flood-resistant construction requirements of the building code.

§15.40.34 Structures; Accessory.

Accessory structures shall meet the requirements of this Article. Accessory structures that have a footprint of no more than two hundred (200) square feet may be allowed without requiring elevation or floodproofing provided such structures meet all of the following requirements:

- A. Useable only for parking or limited storage.
- B. Constructed with flood-resistant materials below the base flood elevation.
- C. Constructed and placed to offer the minimum resistance to the flow of flood waters.
- D. Firmly anchored to prevent flotation; collapse; and lateral movement.
- E. Electrical service and mechanical equipment elevated to or above the level of the base flood elevation plus eighteen inches (18”).
- F. Equipped with flood openings that meet the requirements of this Article and Section R322.2.2 of the residential code; and
- G. For guidance, see FEMA Technical Bulletin #7 – *Wet Floodproofing Requirements*.

§15.40.35 Structures; Historic.

As specified by the building code, repair, alteration, or rehabilitation of historic structures shall be subject to the requirements of the building code and this Article unless a determination is made that compliance with this Article will preclude the structure's continued designation as a historic structure and a variance is granted in accordance with §15.40.21 through §15.40.25 and such variance is the minimum necessary to preserve the historic character and design of the structure.

§15.40.36 Structures; Manufactured Home Dwellings and Mobile Home Dwellings.

In accordance with § 4.1.2 "Adoption of Building Code", which references the adopted Building Code of the City of Seaford, Manufactured Homes and Mobile Homes as defined in this chapter are not a permitted type of construction.

§15.40.37 Recreational vehicles.

Recreational vehicles in special flood hazard areas shall be fully licensed and ready for highway use and are permitted to be stored on private property.

§15.40.38 Structures; Gas or liquid storage tanks.

- A. Underground tanks in special flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- B. Above-ground tanks in special flood hazard areas shall be elevated and anchored to or above the base flood elevation plus eighteen inches (18") or shall be anchored at-grade and designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- C. In special flood hazard areas, tank inlets, fill openings, outlets and vents shall be:
 1. At or above the base flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood.
 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

§15.40.39 Fill.

The placement of fill in special flood hazard areas shall comply with the following:

- A. Disposal of fill, including but not limited to rubble, construction debris, woody debris, and trash, shall not be permitted in special flood hazard areas.
- B. Where permitted by the building code (Zones A, AE, and AO), fill placed for the purpose of raising the ground level and to support a building or structure shall meet the following requirements:
 - 1. Extend laterally from the building footprint to provide for adequate access, as a function of use; the Floodplain Administrator may seek advice from the State Fire Marshal's Office and/or the local fire services agency.
 - 2. Placed and compacted to provide for stability under conditions of rising and falling floodwaters and resistance to erosion, scour, and settling.
 - 3. Consisting of soil or rock materials only. Sanitary landfill shall not be permitted.
 - 4. Sloped no steeper than one (1) vertical on two (2) horizontal, unless approved by the Floodplain Administrator;
 - 5. Designed with provisions for adequate drainage and no adverse affect on adjacent properties.
- C. Fill placed for a purpose other than to support a building or structure shall meet the requirements of §15.40.39(B)(2) through (5).

§15.40.40 Protection of flood-carrying capacity; development in designated floodway.

- A. Within any floodway area designated on the FIRM, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic engineering analysis, performed in accordance with standard engineering practice, that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- B. Such technical data shall be submitted to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a Delaware Licensed Professional Engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.
- C. The proposed development activity may be permitted if the analyses demonstrate that the activity:
 - 1. Will not result in any increase in the base flood elevation; or
 - 2. Will result in an increase in the base flood elevation, provided a Conditional Letter of Map Revision has been issued by FEMA and the applicant completes all of the following:

- Submits technical data required in §15.40.14(K)(5);
- Evaluates alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible.
- Certifies that no structures are located in areas which would be impacted by the increased base flood elevation.
- Documents that individual legal notices have been delivered to all impacted property owners to explain the impact of the proposed action on their properties.
 - **Requests and receives concurrence of the Mayor and City Council of the City of Seaford and the Chief Executive Officer of any other community impacted by the proposed actions; and**
- Notifies the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship).

§15.40.41 Protection of flood-carrying capacity; development in areas without designated floodway.

- A. For development activities in a special flood hazard area with base flood elevations but no designated floodways, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting the proposed activity and shall submit such analyses and technical data to the Floodplain Administrator and to FEMA. The analysis shall be prepared by a Delaware Licensed Professional Engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.
- B. The proposed development activity may be permitted if the analyses demonstrate that the cumulative effect of the proposed development activity, when combined with all other existing and potential special flood hazard area encroachments will not increase the base flood elevation more than one (1) foot at any point.

§15.40.42 Deliberate alterations of a watercourse.

- A. For the purpose of this Article, a watercourse is deliberately altered when a person causes a change to occur within its banks. Deliberate changes to a watercourse include, but are not limited to: widening, deepening or relocating of the channel; installation of culverts; construction of bridges, and excavation or filling of the channel or watercourse banks.
- B. For any proposed deliberate alteration of a watercourse, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting such changes and submit such technical data to the Floodplain Administrator and to FEMA. The analysis shall be prepared by a Delaware Licensed Professional Engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.
- C. The proposed alteration of a watercourse may be permitted upon submission, by the applicant, of the following:

1. Documentation of compliance with §15.40.40 if the alteration is in a floodway or §15.40.41 if the alteration is in a watercourse with base flood elevations but no floodway.
2. A description of the extent to which the watercourse will be altered or relocated as a result of the proposed development.
3. A certification by a Delaware Licensed Professional Engineer that the bankful flood-carrying capacity of the watercourse will not be diminished.
4. Evidence that adjacent communities, the U.S. Army Corps of Engineers, and the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship) have been notified of the proposal, and evidence that such notifications have been submitted to the Federal Emergency Management Agency.
5. Evidence that the applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Seaford specifying the maintenance responsibilities; if an agreement is required, the permit shall be conditioned to require that the agreement be recorded on the deed of the property which shall be binding on future owners.

§15.40.43 through §15.40.99

RESERVED

ARTICLE 41 – SOURCE WATER PROTECTION OVERLAY DISTRICT

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.41.1 Intent of Article.

It is the purpose of this Article to establish the City of Seaford's authority and responsibility to manage and otherwise regulate well head protection areas, ground water recharge areas, aquifers and ground water resources in order to protect public health and safety by minimizing the risk of contamination of shallow/surficial aquifers and preserving and protecting existing and potential sources of drinking water supplies.

§15.41.2 Definitions.

For the purposes of this Article, the following definitions shall apply:

Aquifer - A geological formation, group of formations or part of a formation composed of rock, sand or gravel capable of storing and yielding quantities of groundwater usable for municipal or public water supplies.

Contamination - An impairment of water quality by chemicals, radionuclides, biologic organisms, or other extraneous matter whether or not it affects the potential or intended beneficial use of water.

Groundwater - All water below the land surface in the zone of saturation or in rock fractures capable of yielding water to a well.

Groundwater recharge - The infiltration of precipitation through surface soil materials into the groundwater. Recharge may also occur from surface waters, including lakes, streams and wetlands.

Groundwater recharge area (GRA) - The area delineated as excellent recharge areas within which land uses are regulated to protect the quality of the groundwater resource. These areas shall be as shown on the latest version of the Source Water Protection Area map for the City of Seaford as published by the State of Delaware Department of Natural Resources and Environmental Control.

Site coverage - That portion of the entire parcel or site which, through the development of the parcel, is rendered impervious to groundwater infiltration.

Solid waste - Any discharged or abandoned material including refuse, putrescible material, septage, or sludge. Solid Waste includes solid, liquid, semi-solid or gaseous waste materials.

Source Water Protection Area (SWPA) - The entire Source Water Protection Overlay District including the Groundwater recharge area (GRA) and Well head protection area (WHPA).

Spill response plans - Detailed plans for control, containment, recovery, and clean up of hazardous material releases, such as during fires or equipment failures.

Storm water treatment practices (STPs) - Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to storm water runoff and water bodies.

Time of travel distance (TOT) - The distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer.

Toxic or hazardous materials - Any substance which poses an actual or potential hazard to water supplies or human health if such a substance were discharged to land or water of the City. Hazardous materials include: volatile organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies. Also included are pesticides, herbicides, solvents and thinners and other such substances as defined in the Code of Federal Regulations 40CFR 261 as amended.

Well head protection area (WHPA) - The area delineated around wells and/or well fields within which land uses are regulated to protect the quality of the groundwater resource. These areas shall be as shown on the latest version of the Source Water Protection Area map for the City of Seaford as published by the Department of Natural Resources and Environmental Control.

§15.41.3 Applications.

The Source Water Protection Overlay District shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. Applicable uses allowed in any zoning district must additionally comply with the requirements of this district. Uses prohibited in any zoning district shall not be permitted in the Source Water Protection Overlay District.

§15.41.4 Adoption of maps

The Source Water Protection Area (SWPA) maps developed by the State of Delaware Department of Natural Resources and Environmental Control are hereby adopted by reference and made a part of this Ordinance.

§15.41.5 Determination of the Source Water Protection Overlay District:

If the location of a Well Head Protection Area or Excellent Ground Water Recharge Area boundary is disputed by any party, a survey, by a State of Delaware Licensed Professional Surveyor shall serve as the basis of the determination. Final determination shall be made by the City of Seaford Building Official.

§15.41.6 Minimum lot size.

- A. The minimum lot size within the Source Water Protection Overlay District for each newly created lot, shall be the same as allowed in the underlying zoning district.

§15.41.7 Maximum site coverage.

- A. Within the Source Water Protection Area no more than thirty-five percent (35%) of a single lot or building site may be rendered impervious to groundwater infiltration.
- B. For the purposes of this Article, Public Right-of-Ways shall not be included in the impervious site coverage of a development.
- C. Maximum impervious site coverage may exceed thirty-five percent (35%) provided the following performance standards are met:

1. The developer shall submit a storm water drainage plan that includes a climactic water budget prepared by a Professional Engineer licensed in the State of Delaware. Such plan shall provide for the recharge of ground water equal to or greater than the amount that would have occurred had development been limited to a maximum of thirty-five percent (35%) impervious cover. Furthermore, the storm water drainage plan shall address the presence of oil and gasoline from any runoff prior to retention and reuse of the runoff.

§15.41.8. Prohibited uses within the Source Water Protection Overlay District.

- A. Onsite septic systems, bulk storage, disposal, processing or recycling of toxic or hazardous materials or wastes.
- B. Underground storage tanks. Storage tanks, if contained within a basement, are permitted.
- C. Dumping of snow carried from off-site.
- D. Fuel Filling stations, car washes, Motor Vehicle Repair Garage, junk and salvage yards.
- E. Laundry and dry-cleaning establishments.
- F. Industrial uses which discharge contact type wastes on site.
- G. Land applications of wastewater residuals (sludge) or septage.
- H. Landscape improvements for golf courses, greens fairways and tees. Land associated with golf courses maintained without the application of pesticides, fertilizers or other horticultural chemicals is not prohibited.

§15.41.9 Permitted uses.

- A. The following activities may be permitted provided they are conducted in accordance with the intent of this Ordinance:
 1. Any use permitted in the underlying district, except as prohibited by §15.41.8.
 2. Maintenance, repair of any structure, provided there is no increase in impermeable surface above the limit established in §15.41.7.

§15.41.10 Non-Conforming uses.

- A. Expansion of existing nonconforming uses are permitted to the extent allowed by the underlying zoning district. The applicant should consult the Building Official to confirm nonconforming uses. The City reserves the right to review all applications and shall not grant approval unless it finds such expansion does not pose greater potential contamination of groundwater than the existing use.
- B. In Industrial, or Commercial districts where the impervious cover of a property exist prior to the effective date of this ordinance and the applicant desires to re-develop the property, the gross impervious cover shall be equal to or less than the original impervious cover percentage of the original site.

§15.41.11 Performance standards.

- A. All facilities shall conform to the following standards:
1. Any facility involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or wastes, unless granted a special exception, must have a secondary containment system which may be easily inspected and whose purpose is to intercept any leak or release from the primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and inspectable sumps.
 2. Storage of petroleum products in quantities exceeding one hundred (100) gallons at one locality in one tank or series of tanks must be elevated; such tanks must have a secondary containment system as noted above where it is deemed necessary by the Building Official.
 3. All permitted facilities must adhere to appropriate federal and state standards for storage, handling and disposal of any hazardous waste materials.
- B. An acceptable contingency plan for all permitted facilities must be prepared for preventing hazardous materials from contaminating the shallow/surficial aquifer should floods, fire or other natural catastrophes, equipment failure or releases occur.
1. For flood control, all underground facilities shall include but not be limited to a monitoring system and secondary standpipe above the Base Flood Elevation, for monitoring and recovery. For above ground facilities, an impervious dike, above the Base Flood Elevation and capable of containing one hundred percent (100%) of the largest volume of storage will be provided with an overflow recovery catchment area (sump).
 2. For fire control, plans shall include but not be limited to a safe firefighting procedure, a fire retarding system, effective containment of any liquid runoff, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to be considered are pipes, liquids, chemicals, or open flames in the immediate vicinity.
 3. For equipment failures, plans shall include but not be limited to:
 - (a) Below ground level, removal and replacement of leaking parts, a leak detection system with monitoring and an overflow protection system.
 - (b) Above ground level, liquid and leaching monitoring of primary containment systems, the replacement or repair and cleanup and/or repair of the impervious surface.
 4. For any other releases occurring the owner and/or operator shall report all incidents involving liquids or chemical material to the City Manager, or designee.

§15.41.12 Reporting of spills.

- A. Any unauthorized discharge of a Regulated Substance(s) in excess of five (5) gallons, if liquid or twenty-five (25) pounds if solid, shall be reported immediately by the facility owner, operator or other responsible party to the City Manager, or designee.

Such reporting shall in no way relieve the owner, operator, or responsible party from other Local, State or Federal reporting obligations by Law. The owner, operator responsible party or person providing notification shall inform the City of the substance(s) discharged, the amount, location, duration of discharge and potential hazard to groundwater, if known.

- B. A discharge of any quantity of a Regulated Substance must be remedied such that contamination of soils, surface water or groundwater is brought into compliance with local, State and/or Federal standards.
- C. Clean up activities shall begin concurrent with or immediately following emergency response activities. A full written report including the steps taken to contain and clean up the spill shall be submitted to the City within forty-five days of the discovery of the spill.

§15.41.13 Well Head protection standards.

- A. For a public water supply well with a permitted allocation of fifty thousand gallons per day (50,000 gpd) or greater, which draws water from a “confined” or “unconfined” aquifer, as interpreted by the Secretary of DNREC, or his assigned DNREC Agent or a licensed Delaware Professional Geologist, Hydrologist or Engineer registered with the State of Delaware, the state Geologist from the Delaware Geological Survey, or the Division of Water Resources Water Assessment and Protection Program, the following shall apply:
 - 1. A safe zone of no more than a one-hundred-foot (100’) radius from the well shall be maintained.
 - 2. The Safe Zone may include structures, fixtures and controls related to the well, water distribution or water treatment facilities and access to the well for emergency and maintenance vehicles.
 - 3. No other structures may be located within the Safe Zone without City Council approval.
 - 4. Council may approve the location of multi-modal paths, biking paths, walking trails and, in those developments where they are to be specifically permitted by restrictive covenants, golf cart paths, provided all such surface improvements are located in the outer fifty percent (50%) of the Safe Zone and provided further they are not located within any portion of a forested, landscaped or other buffer required by any other City Ordinance.
- B. For a public water supply well with a capacity of less than fifty thousand gallons per day (50,000 gpd) which draws from a “confined” or “unconfined” aquifer, the following shall apply:
 - 1. A Safe Zone of no more than a twenty-foot (20’) radius from the well shall be maintained.
 - 2. This Safe Zone may include electrical controls, access to the well, distribution piping and other facilities/structures for these items continual maintenance.
 - 3. No other structures may be located within the Safe Zone without the approval of City Council.

§15.41.14 through §15.41.99

RESERVED

ARTICLE 42 - RESERVED

ARTICLE 43 - RESERVED

ARTICLE 44 - RESERVED

ARTICLE 45 - RESERVED

ARTICLE 46 - RESERVED

ARTICLE 47 - RESERVED

ARTICLE 48 - RESERVED

ARTICLE 49 - RESERVED

ARTICLE 50 – PERFORMANCE REQUIREMENTS – COMMERCIAL AND/OR INDUSTRIAL USES IN ANY DISTRICT

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.50.1 Observance of regulations.

It is the purpose of this Article to describe the performance requirements of any commercial or industrial use within any zoning district.

§15.50.2 Fire and explosive hazards.

All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazards of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices, in accordance with National Fire Protection Association (NFPA) standards.

§15.50.3 Radioactivity or electrical disturbances.

There shall be no activities which emit radioactivity at any point. There shall be no electrical disturbance adversely affecting the operation of any point of any equipment other than that of the creator of the disturbance.

§15.50.4 Smoke emission.

There shall be no emission at any point from chimney or otherwise for longer than five (5) minutes in any hour of visible gray or visible smoke of any color with a shade darker than No. 3 of the Standard Ringelmann Smoke Chart as issued by the U.S. Bureau of Mines.

§15.50.5 Air pollution prohibited.

There shall be no emission at any point from any chimney or otherwise, which can cause any damage to health, to animals or vegetation or other forms of property, or which cause excessive soiling at any point.

§15.50.6 Liquid and solid wastes.

There shall be no discharge at any point, into any private or public sewage system, or stream or into the ground of any materials, liquids or solid wastes in such a way or of such a nature or of such a temperate as can contaminate or otherwise cause the emission of hazardous materials.

§15.50.7 Noises and vibrations.

There shall be no vibration or noise level at the property line greater than the average noise level occurring on adjacent streets.

§15.50.8 Glare.

No direct or sky-reflected glare, whether from floodlights or from high temperature process shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

§15.50.9 Odor emission.

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive on adjoining streets of adjacent lots.

§15.50.10 Operation.

All primary operations shall be conducted entirely within closed buildings.

§15.50.11 Vehicles restricted.

Any moveable structure, trailer, automobile, truck or parts of these items or any other items of similar nature, allowed to remain on the premises a longer time than is required to load, unload or otherwise discharge its normal functions, shall be considered subject to all regulations set forth in this Chapter for buildings and structures as defined herein.

§15.50.12 through §15.50.99 RESERVED

ARTICLE 51 – NON-CONFORMING USE REGULATIONS

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.51.1 Non-conforming buildings and uses.

- A. Any structure or use legally existing or authorized by a valid, unexpired building permit issued prior to the effective date of this Chapter may be continued although such structure and/or use does not conform to the provisions of this Chapter.
- B. If a non-conforming use ceases for one (1) year, it shall be deemed to be abandoned and any subsequent use shall be in conformity with the provisions of this Chapter, unless the non-conforming use is in a C-3 Riverfront Enterprise District where if the use ceases for six (6) months, it shall be deemed to be abandoned and any subsequent use shall be in conformity with the provisions of that District.
- C. The existence and extent of a non-conforming use shall be a question of fact to be determined by the Building Official. If, after investigation and an on-site inspection, he cannot make a confident determination, he shall deny the existence or extent of the non-conformity and shall notify the property owner of the right to appeal said determination to the Board of Adjustment.

§15.51.2 Changing classifications of non-conforming uses.

- A. A non-conforming use of a structure may be changed to another non-conforming use of the same or a more restricted classification if authorized by the Board of Adjustment.
- B. Whenever a non-conforming use of a structure has been changed to a more restrictive classification or to a conforming use, such use shall not thereafter be changed to a use of a less restrictive classification

§15.51.3 Structural alterations and repairs.

Repairs, re-siding and internal alterations, including structural, may be made in any structure or part thereof which is devoted to a non-conforming use or which was erected in a non-conforming manner, provided that a special exception must be secured if the existing non-conforming use is being changed to a different non-conforming use or the existing non-conforming area within the structure is to be increased.

§15.51.4 Extension of non-conforming use of a building.

- A. A non-conforming use of a building may be extended either on the same lot or a contiguous lot under the same ownership at the time of enactment of this Chapter if approved by the Board of Adjustment, subject to the following special requirements:
 - 1. The extension is for a use which is necessarily incident to the existing use.
 - 2. Such extension shall not encroach on any of the setback or yard requirements for the district in which the use is located.
 - 3. It will not impair the value of the adjoining property or adversely affect the character of the neighborhood.

- B. A building, non-conforming only as to height, area, or bulk requirements may be altered or extended, provided such alteration or extension does not increase the degree of non-conformity in any respect.
- C. A building which does not conform to the required setbacks in any respect shall not be expanded either vertically or horizontally in the setback area.

§15.51.5 Destruction and rebuilding of non-conforming structure or use.

- A. A non-conforming structure or a structure occupied by a non-conforming use which is destroyed by fire, explosion or act of God may be rebuilt and reused for the same purpose, provided that:
 - 1. The reconstruction of the building is commenced within six (6) months from the date the building was destroyed and is carried through completion without undue delay. The Board of Adjustment may grant an extension of not exceeding an additional period of six (6) months, within which the reconstruction may be commenced in any case where the delay has been the result of causes outside the control of the owner of the building so destroyed.
 - 2. The reconstructed building does not exceed the height limit in the zoning district of the building destroyed, except when authorized by a special exception.

§15.51.6 Non-conforming lots; regulation.

In any district wherein a lot unimproved on *September 23, 1969*, and not adjoining either another unimproved lot or an improved lot owned or controlled by the owner of the lot in question, a building may be erected thereon without compliance to the provisions of this Chapter.

§15.51.7 Non-conforming signs.

Signs in existence on *September 23, 1969*, may be continued subject to the regulations prescribed in this Article.

§15.51.8 Non-conforming sign; moving.

No non-conforming advertising sign, billboard, commercial advertising structure or statuary shall be moved to another position on the building or lot on which it is located after *September 23, 1969*.

§15.51.9 Structural alterations.

A non-conforming sign on a non-conforming use may be continued but the area of such sign shall not be increased, and such sign shall not be structurally altered.

§15.51.10 Damage or destruction of sign.

In the event that any non-conforming advertising sign, billboard, commercial advertising structure or statuary is damaged to the extent of fifty percent (50%) of its cost or replacement, whichever is less at the time of destruction; such sign shall not be restored or replaced.

§15.51.11 Discontinuance of sign.

Whenever any use of building or structure or land or of a combination of buildings, structures and land ceases, all signs accessory to such use shall be deemed to become non-conforming and shall be removed within three (3) calendar months from the date of discontinuance of the use.

§15.51.12 through §15.51.99 RESERVED

ARTICLE 52 – SPECIFIC USE REGULATIONS

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.52.1 Intent of Article.

It is the purpose of this Article to describe design regulations for specific Uses within all Districts. These specific use regulations do not imply that the uses contained herein are by Right or Special Exception in any specific Zoning District. The previous Articles in this Chapter regulate the specific Uses permitted in each of the Districts. The following regulations shall apply in addition to any and all other requirements of the Zoning District in which the Use is located, and in addition to any and all other requirements of this Chapter. In the case where there is a conflict between the Zoning District regulations, the Specific Use regulations and/or any other requirements in this Code, the more restrictive regulation shall take precedent.

§15.52.2 Adult Entertainment establishments.

Adult Entertainment establishments, where permitted by this Chapter and as defined in 24 Del. C. §1602(2), shall be subject to the following regulations:

- A. No adult entertainment establishment shall be located:
 - 1. Within nine hundred (900) feet of any residence; or
 - 2. Within fifteen hundred (1,500) feet of any other adult entertainment establishment; or
 - 3. Within three thousand (3,000) feet from any church or school.

§15.52.3 Adult Use Retail Marijuana Store.

Adult Use Retail Marijuana Stores, where permitted by this Chapter, shall be subject to the following regulations:

- A. Adult use dispensaries in the City of Seaford must maintain a minimum distance of two thousand feet from schools, libraries, public parks, childcare centers, playgrounds, and pre-existing dispensaries.
- B. The exterior appearance of the structure must be consistent with the general architectural characteristics of the surrounding area.
- C. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m., Monday through Friday; 10:00 a.m. to 5:00 p.m. on Saturday, and no retail operations may take place on Sundays.
- D. Lighting shall be required such that will illuminate the retail store, its immediate surrounding area, any accessory uses including storage areas, the parking lot(s), its front facade, and any adjoining public sidewalk. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
- E. The owner(s) shall remove graffiti from the premises within 24 hours of its occurrence.

- F. The owner(s) shall provide for removal of litter twice each day of operation from, and in front of the premises.
- G. The owner(s) and operator(s) shall ensure the absence of loitering.
- H. Signs.
 - 1. Exterior signage shall be restricted to a single ground or wall sign no larger than 36 square feet, and a single tenant pylon panel sign, in conformity with the style, character, and size of existing pylon signage at the property.
 - 2. Content and graphics of all signage shall be in compliance with any applicable regulations issued by the State of Delaware regarding signage for retail marijuana establishments.
- I. No outdoor seating areas shall be permitted at an adult-use retail Marijuana Store.
- J. The facility operator shall submit for approval a detailed security plan for the facility that shall include product storage and security, surveillance provisions, employment verification, on-site security guards and other measures to be implemented by the operator.
- K. The facility shall fully comply with all other requirements of the City of Seaford and the laws and regulations of the State of Delaware.

§15.52.4 Car Wash establishments.

Car Wash establishments, where permitted by this Chapter, shall be subject to the following regulations:

- A. The following area and bulk requirements shall be observed:

<i>General requirements:</i>	
<i>Lot area</i>	Twenty four thousand (24,000) square feet minimum
<i>Lot width</i>	One hundred twenty (120) feet minimum
<i>Lot depth</i>	Two hundred (200) feet minimum
<i>Lot coverage</i>	Refer to the Zoning District
<i>Building height</i>	Refer to the Zoning District
<i>Building placement</i>	No part of any building shall be nearer than fifty (50) feet to any other building on the same lot.
<i>Access driveway/entrance placement</i>	Fifty (50) feet minimum to any Residential District
	Ten (10) feet minimum to any adjoining property line
	Two hundred (200) feet minimum to an access driveway/entrance of any church, library, school, college, nursing home, hospital and similar uses.
	Three hundred (300) feet minimum to the intersection of any two (2) street lines.
<i>Principal Use Structure Setbacks:</i>	
<i>Front yard</i>	Forty (40) feet minimum

<i>Side yard</i>	Twenty (20) feet minimum
<i>Rear yard</i>	Twenty (20) feet minimum
<i>Adjacent Residential District</i>	Fifty (50) feet minimum

- B. Dripping vehicles shall not be allowed on streets or highways so as to cause ice hazards in freezing weather. Equipment shall be installed to prevent this condition.

§15.52.5 Commercial and Industrial Use buildings, Design of.

Commercial and Industrial Use buildings, where permitted by this Chapter, shall be subject to the following regulations:

- A. Buildings shall be designed to take advantage of the natural terrain and shall not be physically located to unnecessarily concentrate activity in one (1) portion of the lot.
- B. At least one (1) entranceway shall be maintained at ground level.
- C. All pedestrian entrances shall be paved with an all-weather surface.
- D. A curbing shall be provided to separate parking areas, streets, driveways or other approved technique when approved by the City.
- E. Finish building materials shall be applied to all sides of a building that are visible to the general public as well as from neighboring properties and streets.
- F. A minimum of thirty percent (30%) of an exterior wall, facing a street, proposed street, or interior road, must be finished with one or more of the following approved masonry finishes:
 - 1. Architectural Masonry Units, including split face or ground face block. (Concrete block or cinder block are not considered Architectural Masonry Units).
 - 2. Natural stone.
 - 3. Pre-cast concrete, with approval by the City Council and/or
 - 4. Brick.

The remaining exterior wall areas may be finished with the materials listed above or with any of the following materials:

- 5. Stucco.
- 6. EIFS (Exterior Insulation and Finish System);
- 7. Glass materials.
- 8. Steel.
- 9. Aluminum.
- 10. Vinyl or Cementitious siding or their equivalent.

- G. Exterior rear walls, not facing a street or proposed street, may be finished with Concrete Block or Cinder Block.
- H. Concrete block or cinder block may be used for any wall not facing a street or proposed street, if the masonry block wall is painted and meets the approval of the City Council.
- I. These requirements also apply to accessory buildings.
- J. Outdoor rubbish collection stations (Dumpster areas) shall be provided for garbage, recyclables and trash removal when indoor storage is not provided. Dumpster areas shall be located to avoid being offensive and shall be convenient for both collectors and tenants. Dumpster areas shall be screened from view by means of an accessory structure/enclosure with gated access by the collection vehicle.

§15.52.6 Childcare centers, kindergartens, pre-schools, day nursery schools, and orphanage establishments.

Childcare centers, kindergartens, pre-schools, day nursery schools, and orphanage establishments, where permitted by this Chapter, shall be subject to the following regulations:

- A. At least one hundred (100) square feet of outdoor play space per child shall be provided.
- B. Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited by other usage or natural features for children's active play space.
- C. Fencing or other enclosures shall be a minimum height of four (4) feet and shall be subject to all setback requirements for the district within which it is located.
- D. The minimum lot area for each six (6) or remainder of the multiple over six (6) children shall be the same as the minimum lot area requirement for each dwelling unit in the zoning district in which such uses are to be located; provided however, that:
 - 1. No lot less than seven thousand five hundred (7,500) square feet in area shall be used for such purposes in an R-1, R-2, R-3 or R-4 district.
 - 2. No lot less than four thousand (4,000) square feet in area shall be used for such purposes in a C-1 or C-3 district.
 - 3. No lot less than fifteen thousand (15,000) square feet in area shall be used for such purposes in a C-2 or C-4 district; and
 - 4. Provided further than no more than forty (40) children shall be accommodated at any one time on a single lot.

§15.52.7 Dwelling, Procedure for conversion to non-residential use.

Dwellings being converted to non-residential use, where permitted by this Chapter, shall be subject to the following regulations:

- A. No dwelling shall be converted to non-residential use except in accordance with the provisions of Article 3 of this Chapter, subject also to the standards prescribed in Article 21, 22, 23 and 24 of this Chapter.
- B. The Board of Adjustment may authorize as a Special Use Exception the conversion of any dwelling existing on September 23, 1969, to any non-residential use permitted in any Commercial District provided that:
 - 1. The proposed use shall comply with the yard, area, off-street parking and other requirements of the applicable district, insofar as practicable.
 - 2. No existing yards or required open space shall be reduced to less than the requirements of the applicable district governing a permitted use.
 - 3. No living accommodations or sleeping quarters shall be authorized, except such accessory use as is permitted in the applicable district.
 - 4. The proposed reconstruction and conversion shall be in keeping with the predominant character of the applicable district and shall not detract from the use of an adjoining property for any permitted use.
 - 5. Conversion of the building to non-residential use will require retrofitting the building to comply with the current Building Code of the City of Seaford.

§15.52.8 Dwelling, Single Family Detached.

Single Family Detached Dwellings, where permitted by this Chapter, shall be subject to the following regulations:

- A. Preliminary approval of the site plan must be obtained for the entire proposed development. Final approval may be obtained Phase by Phase, but such development Phases shall be specified on the preliminary plan and must be numbered in the proposed order that they are to be developed. Such order of development must be adhered to, and if changes are required, plans must be re-filed and reviewed and approved.
- B. A storage shed shall be provided, in the absence of a garage, for each Dwelling Unit with, at least one storage area, a minimum size of eighty (80) square feet total area, placed on site. The ceiling height shall not be less than six (6) feet in a minimum of fifty percent (50%) of the area. This storage area shall not be used for the storage of household garbage.
- C. All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and shape of the plot, the character of the adjoining property, and the type and size of the buildings, in order to produce a livable and economical land use pattern. Arrangement of buildings shall be in favorable relation to the natural topography, existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the site.
- D. Paved driveways and/or off-street parking areas shall be provided on the site where necessary and enter public streets at safe locations; and driveways shall be planned for convenient circulation suitable for traffic needs of the residents and their guests without interference with normal traffic and safety.

- E. The off-street parking standards shall be as required in Article 58 of this Chapter;
- F. Grading shall be designed for buildings, lawns, paved areas and other facilities, to assure adequate surface drainage, safe and convenient access to and around the buildings and for the conservation of desirable existing vegetation and natural ground forms. Grading around buildings shall be designed to be in harmony with natural topography, and to minimize earthwork and the need for deep footings.

§15.52.9 Dwelling, Multi-Family, Townhouses, and Residential Condominiums.

Multi-Family, Townhouses, and Residential Condominium Dwellings, where permitted by this Chapter, shall be subject to the following regulations:

- A. Preliminary approval of the site plan must be obtained for the entire proposed multi-family development. Final approval may be obtained Phase by Phase, but such development Phases shall be specified on the preliminary plan and must be numbered in the proposed order that they are to be developed. Such order of development must be adhered to, and if changes are required, plans must be re-filed and reviewed and approved.
- B. Access to the Dwellings and circulation between buildings and other important project facilities for vehicular and pedestrian traffic shall be comfortable and convenient for the occupants.
- C. Access and circulation for firefighting equipment; furniture moving vans, fuel trucks, garbage collection, deliveries and snow removal shall be planned for efficient operation and convenience.
- D. Walking distance from the main entrance of buildings to a street, driveway or parking area shall usually be less than one hundred (100) feet; exception to this standard should be reasonably justified by compensating advantages, such as desirable views and site preservation through adaptation to topography. In no case shall the distance exceed two-hundred fifty (250) feet.
- E. All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and shape of the plot, the character of the adjoining property, and the type and size of the buildings, in order to produce a livable and economical land use pattern. Arrangement of buildings shall be in favorable relation to the natural topography, existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the site.
- F. Paved driveways shall be provided on the site where necessary for convenient access to the living units, garage compounds, parking areas, service entrances of buildings, collection of refuse and all other necessary services. Driveways shall enter public streets at safe locations; and driveways shall be planned for convenient circulation suitable for traffic needs and safety.
- G. Grading shall be designed for buildings, lawns, paved areas and other facilities, to assure adequate surface drainage, safe and convenient access to and around the buildings and for the conservation of desirable existing vegetation and natural ground forms. Grading around buildings shall be designed to be in harmony with natural topography, and to minimize earthwork and the need for deep footings.

- H. Paved parking areas shall be provided to meet the needs of the residents and their guests without interference with normal traffic.
- I. In Multi-Family developments, the appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features.
- K. All exterior walls must be finished with one or more of the following approved finishes:
 - 1. Architectural Masonry Units, including split face or ground face block. (Concrete block or cinder block are not considered Architectural Masonry Units).
 - 2. Natural stone.
 - 3. Pre-cast concrete, with approval by the City Council.
 - 4. Brick.
 - 5. Stucco.
 - 6. Glass materials.
 - 7. Steel.
 - 8. Aluminum.
- J. Outdoor rubbish collection stations (Dumpster areas) shall be provided for garbage, recyclables and trash removal when indoor storage is not provided. Dumpster areas shall be located to avoid being offensive and shall be convenient for both collectors and tenants. Dumpster areas shall be screened from view by means of an accessory structure/enclosure with gated access by the collection vehicle.
- K. Street sidewalks and on-site walks shall be provided for convenience and safe access to all living units from streets, driveways, parking areas or garages and for convenient circulation and access to all project facilities. Width alignment and gradient of walks shall provide safety, convenience and appearance for pedestrian traffic. Small jogs in the alignment shall be avoided. The alignment and gradient of walks shall be coordinated with the grading plan to prevent the passage of concentrated surface water on or across the walk and to prevent the pocketing of surface water by walks.
- L. Streets shall be provided on the site where necessary to furnish principal traffic ways for convenient access to the living units and other important facilities on the property; and streets proposed to be dedicated for public use and maintenance shall conform to the design requirements and specifications of this Ordinance.
- M. Yards shall assure adequate privacy, desirable outlook, adequate natural light and ventilation, convenient access to and around the Dwellings and other essential uses.
- N. Easement areas shall be provided across Townhouse lots for the purpose of allowing access to the rear yard of interior lots from the public way.

- O. Each Dwelling unit shall have a storage area separate and apart from the living area. The storage area shall be a minimum size of five (5) feet by five (5) feet, with a six (6) foot minimum ceiling height. The storage area shall be easily accessible and there shall be no charge for the use of the storage area, in the event the unit is a rental property. The Building Official will work with the developer to determine the most compatible location for the storage areas, taking into consideration the proposed use of the Dwelling.
- P. The habitable floor area shall be One thousand (1,000) square feet minimum per Dwelling unit, excluding stairs, corridors and basement recreation rooms for any Dwelling unit having less than two (2) bedrooms; Twelve hundred (1,200) square feet minimum per Dwelling unit excluding stairs, corridors, basement recreation rooms for any Dwelling unit having two (2) or more bedrooms.
- Q. For sub-grade floor areas, a basement shall not contain habitable rooms except for custodian’s living quarters or basement recreation rooms.
- R. Every development must include.
 - A community center for use by the residents with a minimum square footage of 1,200 sq. ft.
 - A fenced play area and neighborhood park area with pay equipment for the use of the residents a minimum of three acres in area.
 - Walking trails and site fixtures, benches, trashcans and other features.
- S. Safety and Security.
 - Community-wide camera system serving all common and parking areas of the site is required.
 - Fencing of the entire perimeter is required.

§15.52.10 Dwelling, Two-Family Semi-Detached and Two Family Detached.

Two-Family Semi-Detached and Two-Family Detached Dwellings, where permitted by this Chapter, shall be subject to the following regulations:

- A. The following area and bulk requirements shall be observed:

<i>General requirements:</i>	
<i>Lot area</i>	The lot area per dwelling unit shall not be reduced below the required lot area per family for the Zoning District; nor shall the total lot area be less than nine thousand (9,000) square feet for a Two-Family Detached Dwelling; nor less than four thousand five hundred (4,500) square feet per dwelling unit of a Two-Family Semi-detached Dwelling. The combined area of both lots making up the Two-Family Semi-detached dwelling shall not be less than nine thousands (9,000) square feet.
<i>Principal Use Structure Setbacks:</i>	
<i>Front yard</i>	Thirty (30) feet minimum
<i>Side yard</i>	Fourteen (14) feet minimum, each side
<i>Rear yard</i>	Thirty (30) feet minimum
<i>Accessory Use Structure Setbacks:</i>	

<i>Front yard</i>	No closer to the front property line than the front yard setback of the principal structure or in alignment with the front facing wall of the principal structure, whichever results in the greater setback.
<i>Side yard</i>	Five (5) feet minimum
<i>Rear yard</i>	Five (5) feet minimum

- B. Two (2) off-street parking spaces shall be provided for each dwelling unit;
- C. All parking areas shall be paved with approved paving materials of hot-mix pavement, concrete or tar and chip pavement.
- D. Each dwelling unit shall have not less than six hundred (600) square feet of gross habitable floor area, not including stairs and corridors.
- E. The off-street parking standards shall be as required in Article 58 of this Chapter;
- F. Ten percent (10%) of the lot shall be attractively landscaped with a minimum of four (4) shrubs, two (2) trees and other plantings. This area shall be clearly defined and protected from damage. The developer shall also maintain and replace any non-surviving plantings, as a requirement of occupancy.
- G. All landscaping shall be located to be visible from the street frontage of the lot. Lot street frontage shall be determined by the Building Official.
- H. Curbing or parking bumpers shall be provided at all parking spaces to protect all adjacent buildings and landscaped areas.
- I. A screened trash container area shall be provided for all dwelling units. The minimum screened area dimensions per dwelling unit shall be four (4) feet wide, four (4) feet deep, and four (4) feet high and a latch-able gate shall be provided.
- J. A storage shed shall be provided, in the absence of a garage, for each Dwelling Unit with, at least one storage area, a minimum size of eighty (80) square feet total area, placed on site. The ceiling height shall not be less than six (6) feet in a minimum of fifty percent (50%) of the area. This storage area shall not be used for the storage of household garbage.
- K. The habitable floor area shall be four hundred fifty (450) square feet minimum per dwelling unit, excluding stairs, corridors and basement recreation rooms for any dwelling unit having less than two (2) bedrooms; Six hundred (600) square feet minimum per dwelling unit excluding stairs, corridors, basement recreation rooms for any dwelling unit having two (2) or more bedrooms.
- L. For sub-grade floor areas, a basement shall not contain habitable rooms except for custodian’s living quarters or basement recreation rooms
- M. All other requirements of City codes, ordinances, and regulations shall be complied with.
- N. The Board of Adjustment may authorize, as a Special Exception subject to Article 3 of this Chapter, the conversion of a property, in specific zoning districts from single-

family to two-family occupancy, subject to items A through M above and the following requirements.

1. There shall be no extension or structural alteration of the building exterior except as may be necessary for reasons of safety.
2. No dwelling shall be converted unless, in connection therewith, it is placed in a reasonable state of repair and modernization.
3. The Board of Adjustment may prescribe such further conditions with respect to the conversion, development and use of buildings or property as it deems appropriate.
4. A development plan showing all necessary improvements shall be submitted to the Board of Adjustment for approval.

§15.52.11 Eating establishments, outdoor seating area.

Outdoor seating areas which are used in conjunction with a food or beverage service establishment, where permitted by this Chapter, shall be subject to the following regulations:

- a. A site plan shall be submitted illustrating the location of tables, chairs, fencing, landscaping, etc.
- b. The boundaries of the outdoor seating area shall be clearly defined and shall be separated from the parking area with fencing, planters, a landscape barrier or other visual means that compliment the surrounding environment. Where seating is directly adjacent to the curb, a vehicular barrier is required to protect the patrons from moving traffic.
- c. Outdoor seating areas, not connected to the restaurant, must have clearly defined walkways that allow safe pedestrian access.
- d. Seating shall not hinder access by persons with disabilities.
- e. No outdoor seating area shall be used or otherwise occupied except during normal business hours. The City Council may place restrictions on the hours of operations of the outdoor seating area where it determines surrounding land uses or other conditions justify restriction to ensure compatibility and public welfare.
- f. The seating capacity shall not exceed twenty-five percent of the indoor seating area or fifty (50) seats, whichever is less.
- g. The design of tables, chairs, and umbrellas shall be visually attractive and of high quality.
- h. Umbrellas should be safely anchored and affixed to tables to ensure stability.
- i. No outdoor preparation or cooking of food is allowed.
- j. The outdoor seating area shall be kept free of trash. Trash receptacles shall be emptied daily.

- k. All exterior surfaces of the outdoor seating area shall be easy to maintain and kept clean at all times. The outdoor seating area should be pressured washed at least once monthly or at shorter intervals to maintain a reasonably clean area.
- l. There shall be no live entertainment in the outdoor seating area.
- m. Ambient lighting shall be provided to illuminate the outdoor seating area after dusk.
- n. There shall be no beverage bar in the outdoor seating area, except at private clubs.
- o. The establishment must strictly adhere to the City's Noise Ordinance. All outdoor loudspeakers shall be oriented away from residential areas.
- p. Proper clearance shall be maintained at all times around fire emergency facilities.

§15.52.12 Fences.

- A. Any fence, hedge or wall for residential use, not more than 3 ½ 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 front yard setback. Any fence, hedge, or wall for residential use may project into or enclose other required yards, provided that such fences, hedges and wall do not exceed a height of 8 feet. This height limit does not apply to fences or walls used for commercial, industrial, screening of pickle ball or tennis courts.
- B. Fences may be installed directly on the property line.

§15.52.13 Garages - Private and/or Community.

A Private and/or Community Garage constructed as an accessory use in a Residential District, where permitted by this Chapter, shall be subject to the following regulations:

- A. It may be constructed within a rear or side yard provided that a five (5) foot setback is maintained from the side and rear lot line.
- B. An attached garage shall be subject to the yard requirements of the principal building.
- C. A private garage or group of private garages accessory to multi-family dwelling units shall be setback a minimum of five (5) feet from the side or rear property line;
- D. Community garages when built on the same lot as a principal building shall be located in conformance with the requirements of this Section for private garages, but when built as the principal use on a separate lot they shall conform with all the setback provisions for a principal building for the district within which it is located, and in any case there shall be a distance of six (6) feet between separate structures housing such garage space.

§15.52.14 Garbage and refuse container screening.

- A. Garbage, recyclables and trash containers (Trash cans, Toters®, Dumpsters and the like) shall be concealed by means of a fence or screening wall of materials similar to and compatible with that of the building.

- B. These elements shall be integral with the concept of the building plan, be designed so as not to attract attention, and shall be located in the most inconspicuous manner possible.
- C. This section shall not apply to Single Family Detached Dwellings.

§15.52.15 Height limitation exception.

The height limitations of this Chapter shall not apply to church spires, belfries, domes, monuments, observation towers, radio and television towers, windmills, chimneys, smokestacks, flag poles, masts and aerials, barns and silos, elevators, tanks and other projections neither intended nor used for human occupancy.

§15.52.16 Junk yards and/or outdoor storage.

- A. Junk yards as defined in this Chapter are deemed a nuisance and shall be prohibited in all districts.
- B. The City's Building Official is hereby authorized to issue a written notice, in accordance with Chapter 10, Article 4 "Rubbish", to the property owner as determined by the City's tax rolls to abate the nuisance.

§15.52.17 Kennel and/or Cattery.

Kennel and/or Cattery establishments, where permitted by this Chapter, shall be subject to the following regulations:

A. *Floor surfaces.*

1. All floor surfaces in cage areas must be smooth, non-absorbent, easily cleanable and must be free of cracks and chips. Acceptable floor surfaces include commercial grade sheet vinyl or sealed concrete, float finish.
2. No carpet shall be allowed in any area except the administrative office.

B. *Wall surfaces.*

1. Walls will be smooth, nonabsorbent, easily cleanable. Wall surfaces in areas free from water exposure may be epoxy painted sheetrock, ceramic tile, pre-finished baked-on enamel panels, or epoxy painted block.
2. Areas subject to water and splash and such as near bathtubs and/or sinks must have a nonabsorbent panel extending to the highest level of splash.

C. *Ceilings.*

1. Ceilings must be free of damage, holes, crevices, and must be tight-fitting if acoustical ceiling panels are used and should be of a light color.
2. Epoxy painted sheetrock and/or prefinished panels may be used.

D. *Automatic sprinklers.*

1. Automatic sprinkler systems will be installed in each divided room including the storage room and administrative office.

E. *Plumbing.*

1. All kennel runs will be provided with adequate drains with hair traps and shall drain into an approved sewage system.
2. Kennel runs will have an overhead cover for the purpose of preventing rainwater from entering the sewage system.
3. Gutters and drains must be kept clean and operable at all times.
4. No excess wash/wastewater will be allowed on adjacent property, streets or highways.

F. *Heat.*

1. During cold weather a minimum temperature of seventy-five (75) degrees Fahrenheit for infant animals and sixty-five (65) degrees Fahrenheit for adult animals is required.

G. *Ventilation.*

1. Animal areas must have forced fan ventilation adequate to ventilate odors and prevent moisture buildup.

H. *Cooling.*

1. In summer months, if cooling is provided, it must have fresh air intake and exchange adequate to ventilate odors and prevent moisture buildup.

I. *General sanitation; requirements for daily cleaning.*

1. All kennels, cages and outside runs shall be washed with hot water and a cleaning solution each day.
2. A disinfectant, effective for disease control, shall be used a minimum of twice a week to cover all areas the animals may come in contact with.
3. Food and water bowls and trays must be washed and disinfected on a daily basis.
4. Ongoing sanitation is required by the proper clean up during the day of animal waste, urine, and other excrement, including hair from grooming.
5. Hot and cold-water supply must be available to all cages, runs and grooming areas.
6. All rooms must be kept free of debris, trash and dirt.
7. All open areas used for the exercise of animals must be kept clean and free of feces, to minimize fly and rodent attraction.

8. Adjacent grounds within the premises must be kept mowed and free of standing water, trash and debris.

J. *Insect and rodent control.*

1. All precautions will be taken to minimize the entrance of flies and rodents.
2. Approved chemicals and baits will be utilized as needed, or a licensed, bonded exterminator will be employed or contracted with.

K. *Toilet facilities.*

1. Each facility will be provided with adequate commodes, urinals, and sinks and a shower, with hot and cold running water to both.
2. A utility sink will be provided for the cleaning of tools such as squeegees, mops, waste cans and other tools pertinent to the operation of the kennel. Hand towels and soap dispensers will be provided.

L. *Minimal animal enclosure sizes.*

1. Large breed dogs (over fifty (50) pounds) will have a minimum of four (4) feet by six (6) feet or twenty-four (24) square feet of floor area per animal.
2. Medium breed dogs (twenty-six (26) through fifty (50) pounds) will have a minimum of four (4) feet by five (5) feet or twenty (20) square feet of floor area per animal.
3. Small breed dogs (five (5) through twenty-five (25) pounds) will have a minimum of three (3) feet by four (4) feet or twelve (12) square feet of floor space per animal.
4. In multi-animal dog kennels, no more than two (2) large breeds, two (2) medium breeds, or three (3) small breed dogs shall be permitted in fifty (50) square feet of floor area.
5. Cats shall have a minimum of two (2) feet by three (3) feet or six square feet of floor space per animal.

M. *Kennel equipment.*

1. Kennels must have water receptacles and food bowls or self-feeders. The feed bowls or self-feeder bowls must be aluminum or stainless steel.
2. Moisture-proof resting boards are needed if the floors are not heated.
3. Additional holding cages must be available for animals when rooms or cages are being cleaned.
4. All grooming tables must be constructed of durable, nonabsorbent, corrosion proof material. These tables may be stainless steel, polished aluminum, synthetic polymer board or formica. Formica tables must be free of scratches, pits, or cracks. Rubber or vinyl mats may be used on an approved grooming table to reduce slipping.

5. All bathtubs must be corrosion proof and must be capable of proper sanitization. There shall be a splash guard installed on all walls adjoining the tub. The splash guard must extend approximately three (3) feet above the top rim of the tub. Elevated frames or platforms for the tubs must be constructed of metal.
6. Outdoor kennels are required to have a minimum thirty (30) foot setback from any property line.

N. *Food storage room.*

1. A separate food storage room must be provided.
2. It must be moisture-proof and insect- and rodent-proof.
3. Food sacks and/or containers must be stored off the floor on duct boards, to allow for cleaning.
4. If perishable food is provided, adequate refrigeration will be available.

O. *Lighting.*

1. Indoor housing facilities for dogs shall have at least thirty (30) foot candles in each room where dogs are housed.
2. Such lighting shall provide uniformly distributed illumination to permit routine inspection and cleaning during the entire working period.
3. Primary enclosures (cages) shall be so placed as to protect the animals from excessive illumination.

P. *Waste disposal.*

1. All garbage, trash, hair, debris and feces picked up from graveled or grassy parts of the compound will be placed in metal cans or plastic garbage bags, tied securely and put in a dumpster approved by the city.
2. If an animal should die in the kennel it shall not be placed in the garbage can or dumpster but returned to its owner if being boarded, or if for sale, it shall be disposed of in accordance with the laws of the State of Delaware.

§15.52.18 Large Scale Solar Facilities.

Large Scale Solar Facilities, where permitted by this Chapter, shall be subject to the following regulations:

- A. No storage of materials and trucks, and no repair facilities or housing of repair crews except within completely enclosed buildings.
- B. The architectural design of the exterior of any building shall subject to §15.52.4.
- C. Perimeter fencing of the entire site minimum of Eight (8) feet in height.

- A. A buffer planting strip shall be provided and maintained by the owner or lessee of a large-scale solar facility. Buffer planting strips shall be developed as defined in §15.2.2 of this Chapter. All plants not surviving three (3) years after planting shall be replaced.
- D. Setbacks as required in §15.22.6.
- E. Maximum Height: Fifteen (15) feet as measured from the grade at the base of the structure to the apex of the structure.
- F. Shall not be located in special flood hazard areas without the proper review and approval by the Floodplain Administrator.
- G. Maximum generation capacity 1 Mega Watt (MWac).
- H. Maximum land area shall be 3 acres.
- I. Bonding for 100% of removal costs.
- J. A development plan showing all necessary improvements shall be submitted to the Board of Adjustment for approval.
- K. The installation of a solar facility shall benefit the residences and/or businesses of the City of Seaford and not be contrary to the health, safety or welfare of the City of Seaford.

§15.52.19 Motor Vehicle Repair Garage and/or Fuel Filling Station.

Motor Vehicle Repair Garage and/or Fuel Filling Station establishments, whether combined or separate uses and where permitted by this Chapter, shall be subject to the following regulations:

- A. The following area and bulk requirements shall be observed:

<i>General requirements:</i>	
<i>Lot area</i>	Thirty-one thousand seven hundred eighty (31,780) square feet minimum
<i>Lot width</i>	One hundred forty (140) feet minimum
<i>Lot depth</i>	One hundred (100) feet minimum
<i>Lot coverage</i>	Refer to the Zoning District
<i>Building height</i>	Refer to the Zoning District
<i>Building placement</i>	No part of any building shall be nearer than fifty (50) feet to any other building on the same lot.
	The distance between structures of any Motor Vehicle Repair Garage and/or Fuel Filling station and another Motor Vehicle Repair Garage and/or Fuel Filling station shall be four hundred (400) feet, measured along the same street line in the same or adjoining block. For similar use establishments located in confronting adjacent blocks, the point of beginning measurement shall off-set to the opposite street line, except that this provision shall be applicable when the common street is separated by a divider strip, median strip or other similar control devise.

<i>Access driveway/entrance placement</i>	Fifty (50) feet minimum to any Residential District
	Ten (20) feet minimum to any adjoining property line
	Twenty (20) feet minimum to any other access driveway/entrance
	Two hundred (200) feet minimum to any access driveway/entrance of any church, library, school, college, nursing home, hospital and similar uses, measured along the same street line in the same block.
	Width of curb cuts shall be thirty-five (35) feet maximum, except a combined entrance and exit may total fifty (50) feet.
<i>Principal Use Structure Setbacks:</i>	
<i>Front yard</i>	Forty (40) feet minimum
<i>Side yard</i>	Twenty-five (25) feet minimum
<i>Rear yard</i>	Twenty-five (25) feet minimum
<i>Adjacent Residential District</i>	Fifty (50) feet minimum
<i>Accessory Use Structure Setbacks:</i>	
<i>Fuel pump islands, compressed air connections, similar equipment or facilities</i>	Twenty (20) feet minimum to any right-of-way line.

- B. Except for access driveway openings where the curb shall be depressed, a raised curb of at least six (6) inches in height shall be provided along all street lines.
- C. Hydraulic hoists, pits, and all lubrication, greasing, washing, and repair equipment shall be entirely enclosed within buildings.
- D. Exterior lighting shall be shielded so that it is deflected away from adjacent properties and from passing motorists.
- E. Wrecked, junked or stripped vehicles in an inoperative condition shall not be allowed on the premises.
- F. No gasoline or petroleum products shall be allowed to enter the City sanitary sewage or storm water drainage systems.
- G. All waste petroleum products shall be stored in tanks, aboveground or underground, as approved by the Delaware State Fire Protection Regulations and/or Delaware Department of Natural Resources and Environmental Control.
- H. All fuel pump petroleum products shall be stored in underground tanks, as approved by the Delaware State Fire Protection Regulations and/or Delaware Department of Natural Resources and Environmental Control.

§15.52.20 Nursing or Convalescent Home, Sanatorium, Assisted Living Facility.

Nursing or Convalescent Homes, Sanatoriums and/or Assisted Living Facilities, where permitted by this Chapter, shall be subject to the following regulations:

- A. In R-1 districts, Nursing or Convalescent Homes, Sanatoriums and Assisted Living Facilities, shall be subject to the following special regulations:

1. The minimum lot area required for each four (4) or remainder over a multiple of four (4) resident patients or resident guest shall be the same as the minimum lot area required for each dwelling unit in the District in which the use is to be located, provided, however, that no lot contains less than seven thousand five hundred (7,500) square feet.
 2. The minimum lot width shall be one hundred fifty (150) feet.
 3. No more than forty (40) patients or resident guests shall be accommodated at one time in any one establishment.
- B.** In R-4, and Commercial districts, Nursing or Convalescent Home, Sanatorium, Assisted Living Facility, shall be subject to the following special regulations:
1. The maximum lot density shall not be more than fifteen (15) dwelling units per acre.
 2. The minimum lot size shall not be less than three (3) acres.
 3. The minimum gross floor area shall not be less than one hundred fifty (150) square feet for the first occupant and one hundred (100) square feet for the second occupant.
 4. Accessory uses shall include but not be limited to, fitness centers, wellness centers, beauty salons, gift shops, luncheonettes, and the sale of sundries, housed within the same structure.
 5. A storage building for storage of maintenance equipment and supplies related to the maintenance of the facility shall be located not less than five (5) feet from the side and rear property lines.
 6. Off-street parking requirements shall be one space for each three (3) dwelling units plus one (1) space for each two employees on the largest shift.

§15.52.21 Outdoor vending machines.

Any outdoor vending machine placed on a site shall be subject to the following regulations:

- A.** Vending machines shall be restricted to R-4, C-1, C-2, C-3, C-4, M-1 and M-2 Districts.
- B.** Vending machines shall not be placed in any location which restricts or in any way blocks emergency egress paths, fire lanes, utility access, fire department access, accessibility paths, required signage or required parking.

§15.52.22 Satellite antenna.

Satellite antennas, where permitted by this Chapter, shall be subject to the following regulations:

- A.** A satellite antenna shall be defined as a parabolic disk antenna or other device or equipment of whatever nature or kind, including its structural supports, the primary

purpose of which is to receive television, radio, microwave, or other electronic signals from space satellites; also referred to as a Direct Broadcast Satellite, Broadband Radio Service, and Television Broadcast Antennas.

- B. No satellite antenna shall be installed, constructed or erected upon any property within the City of Seaford except in compliance with the provisions of this section.
- C. A satellite antenna shall be permitted only as an accessory use on a lot that contains a principal structure and for which a building permit has been issued by the Building Official.
- D. Satellite antennas shall be less than one (1) meter (39.37") in diameter and shall comply with 47 C.F.R. Section 1.4000.
- E. The provisions of this section shall not apply to satellite antennas utilized by State, Federal or Local Governmental agencies.

§15.52.23 Seasonal Stand Permit.

Seasonal stands, as defined in §15.2.2 and where permitted by this Chapter, shall be subject to the following regulations:

- A. A permit from the City of Seaford is required. Seasonal Stands are considered a Conditional Use and said permit shall not exceed six (6) months within a calendar year.
- B. In each new calendar year, the property owner where the stand is located, must apply for a new permit, either in person or by written letter submitted to the Building Official designating an authorized agent to act on his behalf who may obtain the seasonal permit.
- C. The permit application shall be filed with the Building Official on a form furnished for that purpose and shall contain a general description and sketch of the proposed stand and its location on the property.
- D. The permit application shall indicate the proposed use of the stand and all products or goods to be displayed.
- E. The permit issued shall only be for the stated purpose of the stand.
- F. The fee for a Seasonal Stand permit shall be as determined by City Council.
- G. Any person who commences operation of a stand before obtaining a permit shall be subject to a penalty of 100% of the usual permit fee in addition to the required permit fee.
- H. The Seasonal Stand shall be removed upon expiration of the permit.
- I. Products for sale shall be restricted to produce, food, hobby craft items, trees, and plants.
- J. Only one seasonal stand and/or vendor shall be permitted on a single property at a time.

- K. If requested, a portable toilet will be permitted, if properly maintained and screened. It must meet all regulations herein.
- L. The following setback requirements from property lines shall be observed:

<i>In Residential Districts:</i>	
<i>Front yard</i>	Five (5) feet minimum
<i>Side yard</i>	Five (5) feet minimum
<i>Rear yard</i>	Five (5) feet minimum
<i>In Commercial Districts:</i>	
<i>Front yard</i>	In conformance with Commercial District setbacks
<i>Side yard</i>	Five (5) feet minimum
<i>Rear yard</i>	Five (5) feet minimum

- M. Any temporary roofed display structure placed on a property zoned R-1, R-2, R-3, or C-3 for the sale of goods under the Seasonal Stand permit, may not exceed one hundred (100) square feet in area.
- N. Any temporary roofed display structure placed on a property zoned R-4, C-1, C-2 or C-4 for the sale of goods under the Seasonal Stand permit, may not exceed two hundred (200) square feet in area.
- O. If a display area is used, outside of a temporary roofed display structure, the display area shall not exceed one hundred (100) square feet.
- P. The maximum area of the structure and display area combined may not exceed two hundred (200) square feet.
- Q. If a Seasonal Stand is placed on a vacant lot, lot coverage shall be compatible to the lot coverage requirements in the zoning district in which the stand is placed.
- R. A maximum of one sign shall be permitted.
 - 1. The sign shall not exceed four (4) feet by eight (8) feet or thirty-two (32) square feet.
 - 2. The sign shall comply with Article 53 of this chapter.
- S. If a stand is to be operational after dusk, an electrical service in accordance with the adopted edition of the National Electric Code shall be installed to provide adequate lighting. A separate service with an electric meter must be provided.
- T. If food is prepared on-site for human consumption, provisions shall be made for handwashing for anyone handling food. The stand operator must display on-site a current State of Delaware Temporary Food Vendor License.
- U. Parking requirements:
 - 1. Employee parking: One (1) space for every two (2) employees on the largest shift.

2. In Residential Districts, off street parking shall be provided if feasible.
 3. A minimum of two (2) parking spaces shall be provided.
- V. Seasonal Stands shall not be placed to obstruct fire hydrants, emergency access lanes, and required parking spaces for the principal structure.
- W. Non-profit organizations which sell food and/or products as a fund raiser for a single day will not be required to obtain a Seasonal Stand Permit.
- X. ***Violations and Penalties:***
1. Any person, firm, corporation, or agent who violates the provisions of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall install or move into the City any structure shall be guilty of a misdemeanor.
 2. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued and upon conviction of any such violation such person shall be punished within the limits and as provided by State Law.
 3. The penalty for such offense shall be one hundred dollars (\$100.00) per day per each separate offense.

§15.52.24 Storage containers; regulations.

Storage containers, where permitted by this Chapter, shall be subject to the following regulations:

- A. Any moveable container or trailer shall be allowed to be placed on the premises for a period of time not to exceed one hundred twenty (120) days.
- B. The maximum number of containers shall be established by the Board of Adjustment.
- C. The containers shall not be placed in fire lanes and parking spaces nor placed to interfere with access to manholes, water valves or other utilities.
- D. The containers shall only be placed on the side or rear of the property.
- E. All containers shall be in good condition and kept in good repair.
- F. The Building Official shall have the authority to require relocation or removal of any container that is in violation of the special exception requirements.
- G. All applications for a special exception shall be accompanied by a diagram showing the exact location for placement of the containers.

§15.52.25 Self-storage facilities.

Self-storage facilities, where permitted by this Chapter, shall be subject to the following regulations:

- A. The following area and bulk requirements shall be observed:

General requirements:	
<i>Lot area</i>	One (1) acre minimum
<i>Lot width</i>	One hundred fifty (150) feet minimum
<i>Lot depth</i>	One hundred fifty (150) feet minimum
<i>Lot coverage</i>	Refer to the Zoning District
<i>Building height</i>	Refer to the Zoning District
<i>Building placement</i>	No part of any building shall be nearer than twenty-five (25) feet to any other building on the same lot.
Principal Use Structure Setbacks:	
<i>Front yard</i>	Thirty (30) feet minimum
<i>Side yard</i>	Thirty (30) feet minimum, each side
<i>Rear yard</i>	Thirty (30) feet minimum
<i>Adjacent Residential District</i>	Fifty (50) feet minimum

- B. A self-storage facility shall have plantings of trees and shrubs or privacy fencing on all sides except for the side of the property considered the front yard, where no plantings or privacy fencing shall be required.
- C. A self-storage facility shall be enclosed with a fence not less than six (6) feet in height nor more than eight (8) feet in height.
- D. There shall be at least one (1) parking space in front of each storage compartment, or unit, for use by the person occupying the storage unit.
- E. Any exterior lighting shall be shielded so that it is deflected away from adjacent properties and passing motorists.
- F. All access drives shall be at least twenty-five (25) feet in width.
- G. All parking spaces and access drives shall be paved with a water-proof material.

§15.52.26 Shopping cart storage.

Shopping cart storage, where permitted by this Chapter, shall be subject to the following regulations:

- C. Any establishment which furnishes carts or mobile baskets as an adjunct to shopping shall provide definite areas within the required parking space areas for storage of the carts.
- D. Each designated storage area shall be clearly marked for storage of shopping carts.

§15.52.27 Swimming pools.

Swimming pools, where permitted by this Chapter, shall be subject to the following regulations:

- A. Any person desiring to build or construct a swimming pool, three hundred (300) gallons or more in size, within the jurisdiction of the City and before beginning such construction, shall obtain a building permit from the City of Seaford.
 - 1. The application for such permit shall be approved by the Building Official.
 - 2. The application shall show the proposed location, depth, shape and size of the swimming pool, materials to be used therein as well as its enclosure and any other information deemed necessary by the Building Official to determine that the pool complies with this Chapter.
- B. Any swimming pool constructed or maintained within the city limits shall be completely enclosed by an adequate non-removable barrier or fence at least four (4) feet in height.
 - 1. Any openings in such barrier or fence shall be supplied with a self-locking gate capable of being securely closed.
 - 2. Such barrier, fence and gate shall be sufficient to protect small children and stray animals from wandering into the area of the swimming pool and the grounds immediately surrounding same.
 - 3. The type, quality and method of construction of the fence shall be approved by the Building Official with the intent that it shall act as a safeguard and protection to children.
 - 4. Above ground pools with sides at least four (4) feet in height do not require a fence if a ladder is provided which has the ability to be locked to prevent access.
- C. Any private swimming pool constructed within the City shall be located so that:
 - 1. No portion of such pool is closer than twenty (20) feet to a front property line.
 - 2. If constructed on a corner lot, no portion of such swimming pool shall be closer than twenty (20) feet to each City street or highway forming the intersection;
 - 3. No portion of such swimming pool shall be closer than five (5) feet to any side property line.
 - 4. No portion of such swimming pool shall be closer than five (5) feet to the rear property line.
- D. Any swimming pool constructed or maintained within the City limits shall comply with any and all rules and regulations of the State Board of Health.

§15.52.28 Temporary structures.

Temporary structures shall be subject to the following regulations:

Temporary buildings, for real estate or construction offices, as well as temporary storage of materials outside, may be permitted on a temporary basis, provided that such use is located on the lot where construction is taking place or on a lot adjacent or part of the development site thereto, and that such temporary use is to be terminated upon completion of construction.

§15.52.29 Utilities – Municipal: towers, water storage tanks, water reservoirs, water pumping stations, water treatment plants, sub-stations, electric facilities, sewage lift stations, distribution, and transmission lines.

Municipal Utilities, such as towers, water storage tanks, water reservoirs, water pumping stations, water treatment plants, sub-stations, electric facilities, sewage lift stations, distribution, and transmission lines, where permitted by this Chapter, shall be subject to the following regulations:

- A. No storage of materials and trucks, and no repair facilities or housing of repair crews except within completely enclosed buildings or screened by a buffer planting strip.
- B. The architectural design of the exterior of any building shall be in keeping with other structures in the neighborhood.

§15.52.30 Utilities – Non-municipal: telephone center offices, sub-stations, electric and gas facilities, cable television facilities.

Non-municipal Utilities, such as telephone center offices, sub-stations, electric and gas facilities, cable television facilities, where permitted by this Chapter, shall be subject to the following regulations:

- A. No storage or materials and trucks and no repair facilities or housing of repair crews except within completely enclosed buildings or screened by a buffer planting strip.
- B. The architectural design of the exterior of any building shall be in keeping with other structures in the neighborhood.

§15.52.31 through §15.52.99 RESERVED

ARTICLE 53 - LAND DEVELOPMENT AND SUBDIVISIONS

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.53.1 General requirements for all development.

- A. The standards and requirements contained in Articles 53 through 58 of this Chapter, are intended as the minimum for the promotion of the public health, safety and general welfare, and shall be applied as such by the City of Seaford in reviewing all land development and/or subdivision plans.
- B. Whenever other City regulations impose more restrictive standards and requirements than those contained therein, such other regulations shall be observed.
- C. Land subject to hazards to life, health, or property, such as may arise from fire, floods, disease, or other causes, shall not be subdivided for building purposes unless such hazards have been eliminated or unless the subdivision plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.
- D. Subdivision plans shall give due recognition to the “Comprehensive Plans” of the City or to such parts thereof as may have been adopted by statute.
- E. The standards and requirements of these regulations may be modified in accordance with the law by the City Council in the case of plans for completed communities, neighborhood units or other large-scale developments which, in the judgment of the City Council, achieve substantially the objectives of these regulations and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the subdivision plan.
- F. Physical improvements to the property being subdivided shall be provided, constructed, and installed at the expense of the developer as shown on the Record Plan, in accordance with the requirements of the City.
- G. As a condition to review of a Final Plan by the City Planning and Zoning Commission and City Council, the subdivider shall agree with the municipality as to installations of all improvements shown on the Plan and required by these regulations.
- H. All improvements installed by the subdivider shall be constructed in accordance with the *City of Seaford Standard Design Specifications*. Where there are no applicable municipal specifications, improvements shall be constructed in accordance with specifications furnished by the City Engineer, or such County/State Agency as is applicable.
- I. Supervision of the installation of the improvements required by this section shall in all cases be the responsibility of the City or of the appropriate State regulatory agency.

§15.53.2 General requirements for non-residential developments.

- A. Plotting of individual lots for non-residential purposes shall be avoided in favor of a comprehensive design of the land to be used for such purposes.

- B. Additional width of streets adjacent to areas proposed for non-residential use may be required as deemed necessary by the City of Seaford to assure the free flow of through traffic from vehicles entering or leaving parking areas.
- C. When adjacent lots proposed for non-residential uses front on a collector or arterial street, the owner may be required to provide a service road for ingress and egress or in lieu thereof, the owner may be required to provide an area adjacent to the proposed lots for off-street parking purposes.
- D. Dead-end alleys shall be avoided, but where this proves impossible, they shall be terminated with a paved turnaround or adequate dimensions.
- E. Every effort shall be made to protect adjacent residential areas from potential nuisance of the proposed non-residential developments, including the provisions of extra depths in parcels backing up on existing or potential residential developments and provisions for a permanently landscaped buffer planting strip.
- F. Streets carrying non-residential traffic shall not normally be extended to the boundaries of the adjacent existing or potential residential areas or connected to streets intended for predominantly residential traffic.
- G. Parking areas shall be located or designed in such a manner that they are visibly secluded from eye level of the surrounding area. Grading to depress the parking area, raised berms, landscaping, or fencing are satisfactory methods to create such seclusion.

§15.53.3 General standards for lots and parcels.

- A. The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated.
- B. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
- C. Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.
- D. Generally, the depth of residential lots shall be not less than one (1) nor more than two and one-half (2 ½) times their width.
- E. Depth and width of parcels intended for non-residential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.
- F. If, after subdividing, there exist remnants of land, they shall be either:
 - 1. Incorporated in existing or proposed lots; or
 - 2. Legally dedicated to public use, if acceptable to the City; or
 - 3. Maintained by a Homeowner's Association or other legal Association.

§15.53.4 Lot frontage.

- A. All lots shall have direct access to a public street, or to a private street if it meets the requirements of these regulations.
- B. Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation.
- C. All residential reverse frontage lots shall have a rear yard with a minimum depth of seventy-five (75) feet. Measured in the shortest distance from the proposed dwelling unit to the ultimate right-of-way, and shall, within such rear yard and immediately adjacent to the right-of-way, have a buffer planting strip of at least ten (10) feet in width, across which there shall be no right of access.

§15.53.5 Block layout.

- A. The length, width and shape of blocks shall be determined with due regard to:
 - 1. Provision of adequate site for buildings of the type proposed.
 - 2. Zoning requirements.
 - 3. Topography.
 - 4. Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.

§15.53.6 Block length.

- A. Blocks shall have a minimum length of five hundred (500) feet.
- B. In the design of blocks longer than one thousand (1000) feet, special consideration shall be given to the requirements of satisfactory fire protection.
- C. Where practicable, blocks along arterial and collector streets shall not be less than one thousand (1,000) feet long.

§15.53.7 Block depth.

- A. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except:
 - 1. Where reverse frontage lots are required along a major traffic street, or
 - 2. Where prevented by the size, topographical conditions or other inherent conditions of property, in which case the City of Seaford may approve a single tier of lots.

§15.53.8 Monuments.

- A. Permanent stone or concrete monuments shall be accurately placed at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property being subdivided.

- B. All monuments shall be placed by a competent Licensed State of Delaware Professional Engineer or Professional Land Surveyor so that the scored (by and indented cross in the top of the monument) point shall coincide exactly with the point of the intersection of the lines being monumented.
- C. Monuments shall be set with their top level with the finished grade of the surrounding ground, except:
 - 1. Monuments which are placed within the lines of existing or proposed sidewalks shall be so located (preferably beneath the sidewalks) that their tops will not be affected by lateral movement of the sidewalks, and
 - 2. Where monuments are located beneath a sidewalk, proper access shall be provided for their use.
- D. All streets shall be monumented (preferably on the right-of-way lines) at the following locations:
 - 1. At least one monument at each intersection,
 - 2. At changes in direction of street lines, excluding curb arcs at intersections,
 - 3. At each end of each curbed street line, excluding curb arcs at intersections,
 - 4. At such other places along the line of streets as may be determined by the City Engineer to be necessary so that any street may be readily defined in the future.

§15.53.9 Public open spaces.

- A. In reviewing subdivision plans, the City of Seaford shall consider whether community facilities, especially schools, in the area are adequate to serve the needs of the additional dwellings proposed by the subdivision, and shall make such report thereon as it deems necessary in the public interest.
- B. Subdividers shall give earnest consideration to the desirability of providing or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools and other public buildings; parks, playgrounds and playfields; shopping and local business centers.
- C. Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed.
- D. In subdivisions which are intended to provide housing for more than fifty (50) families, the City of Seaford shall consider the need for suitable open areas for recreation and shall make a recommendation thereon.
- E. Standards to be used by the City of Seaford in requesting the reservation of space for recreation shall be as follows:

<i><u>Families to be served</u></i>	<i><u>Minimum playground and neighborhood open space to be recommended</u></i>
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50-174	3.0 acres
175-375	5.5 acres
375-624	6.5 acres
625-800	8.0 acres
For each additional 175 families	1.5 acres

§15.53.10 Community assets.

- A. Consideration shall be shown for all natural features, such as large trees, water courses, historic areas and structures, and similar community assets which, if preserved, will add attractiveness and value to the remainder of the subdivision.
- B. Trees shall be preserved wherever possible.

§15.53.11 Topsoil or sod removal.

The following regulations shall apply in all districts:

- A. Topsoil or sod may be removed only under the following conditions:
 - 1. As a part of the construction or alteration of a building or the grading incidental to such building.
 - 2. In connection with normal lawn preparation and maintenance.
 - 3. In connection with the construction or alteration of a street or utility improvements.

§15.53.12 Landscaping.

- A. No trees shall be planted between the sidewalk and the curb or within fifteen (15) feet of overhead electric lines.
- B. Any part or portion of the site which is not used for buildings, other structures, loading or unloading areas, parking spaces, drive aisles, sidewalks, or designated storage areas, shall be planted with an all season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with natural surroundings. A replacement program for non-surviving plants should be included.
- C. The plot plan must show a satisfactory method of irrigating all planted areas. .
- D. Any single parking area with fifty (50) or more spaces shall utilize at least five percent (5%) of its area in landscaping, which shall be in addition to open area requirements of the District.

§15.53.13 through §15.53.99

RESERVED

ARTICLE 54 – SIGN AND AWNING REGULATIONS

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.54.1 Intent of Article.

Any sign or awning hereafter erected or maintained within the City of Seaford shall conform to the provisions of this Article and any other ordinance or regulations of the City relating thereto.

§15.54.2 Definitions.

For the purposes of this Section, outdoor advertising displays shall be defined as one of the following types of signs:

Ground sign - An outdoor advertising display sign supported by uprights or braces in or upon the ground, this includes pylon signs.

Projecting sign - An outdoor advertising display sign affixed to the wall of any building and projecting more than twelve (12) inches from the buildings.

Portable sign - An outdoor advertising display sign affixed to a self-supporting frame placed upon, but not anchored to the ground or grade surface.

Wall painted sign - An outdoor advertising display sign painted on the exterior wall surface of a building.

Wall sign - An outdoor advertising display sign affixed to the wall of any building projecting not more than twelve (12) inches from the building.

§15.54.3 Exempt signs.

The following signs shall be exempted from these regulations:

- A. Directional, information or public service signs such as those advertising availability of rest-rooms, telephone or similar public conveniences, and signs advertising meeting times and places of non-profit service or charitable clubs or organizations, may be erected or maintained provided that such signs do not advertise any commercial or industrial establishment, activity, organization. Such signs shall not exceed two (2) square feet in area.
- B. Trespassing signs, or signs indicating the private nature of a road, driveway or premises, may be erected and maintained provided the sign area does not exceed two (2) square feet.
- C. Election Campaign signs shall be placed only on private property with the permission of the property owner (No more than 30 days prior to the election), candidates may place signs at City owned polling places the day of the election in conformance with Delaware Department of Elections laws and with the approval of the election judge. Signs at polling places shall be removed within 24 hours of closing of the polls and all other campaign signs shall be removed within 30 days following an election.

§15.54.4 Temporary signs.

In an effort to control visual clutter throughout the City, the following regulations shall be observed in all districts:

(1) Temporary signs shall be permitted, provided that:

1. All such signs are kept in good repair at all times and any temporary sign that falls into disrepair, becomes torn, tattered or faded, shall be removed from the property immediately.
2. No such signs shall be illuminated except by concealed or indirect lighting attached to the sign itself.
3. No such signs shall be placed in any right-of-way.
4. All signs shall be located at least five (5) feet from any property and/or right-of-way line.
5. The property shall be restored to its original condition upon removal of such signs.

(2) The following types of temporary signs shall be permitted in all zoning districts:

1. Real estate signs shall not exceed fifteen (15) square feet in area and not more than two (2) such signs shall be erected for any property held in single or separate ownership.
2. Construction site signs shall not exceed thirty-six (36) square feet in area; and all such signs in any location in the City shall be removed and properly disposed of promptly within thirty (30) days after issuance of a certificate of occupancy.

(3) The following types of temporary signs shall be permitted in all zoning districts except R-1 and R-2:

- (E) All other temporary signs shall not exceed forty-five (45) square feet in area, shall not exceed fifteen (15) feet in height and the total area of one side of all temporary signs combined, on any one street frontage, shall not exceed one hundred fifty (150) square feet.

§15.54.5 Signs in Residential Districts.

The following types of signs and no others shall be permitted in R-1, R-2 and R-3 zoning districts except as provided in §15.54.3 and §15.54.4. All signs must conform to the requirements in §15.54.7.

A. Identification signs for farms or estates, schools, churches, hospitals, and similar permitted uses other than dwellings; provided that:

1. The size of any such sign shall not exceed eighteen (18) square feet.
2. Not more than two (2) such signs shall be placed on premises held in single and separate ownership, unless such premises fronts on more than one (1) street in which case two (2) such signs may be erected on each street frontage.

B. Non-conforming use signs, provided that:

1. The total area of all such signs relating to a single use on *September 23, 1969*, or at the effective date of any amendment of this Ordinance by which any sign shall be made non-conforming, shall not be increased; and
2. No such sign shall be changed or replaced except when authorized as a Special Exception by the Board of Adjustment.

§15.54.6 Signs in Commercial, Industrial and R-4 Institutional Residential Districts.

The following types of signs and no others shall be permitted in a Commercial, Industrial or R-4 Institutional Residential District, except as otherwise provided in §15.54.3 and §15.54.4. All signs must conform to the requirements in §15.54.7.

A. Ground signs, including pylon signs, provided that:

1. The total area of one side of such sign shall not exceed one hundred fifty (150) square feet.

Exception: Electronic message boards shall be included in the total square footage of a ground sign.

2. The maximum height from the ground to the top of the sign shall not exceed forty (40) feet.
3. The minimum distance from the property line shall be five (5) feet measured from the leading edge of the sign.

B. Walls signs provided that:

1. The total area of one side of such sign shall not exceed thirty six (36) square feet. In determining the total area, the area of individual letters affixed to the wall of a building shall be added to determine the total area in square feet.
2. No such sign nor any part thereof shall extend more than two (2) feet above the roof or parapet wall of a building.
3. Not more than one such sign shall be placed on any one street frontage of any one business or industry.

C. Projecting signs provided that:

1. The total area of one side of such sign shall not exceed fifteen (15) square feet.
2. No such sign or any part thereof shall extend more than two (2) feet above the roof or parapet wall of a building.
3. Not more than one (1) such sign shall be placed on any one street frontage of any one business or industry.

D. Portable signs provided that:

1. The total area of one side of such sign shall not exceed sixteen (16) square feet.

2. Not more than two (2) such signs shall be placed on any one street frontage of any one business or industry.
 3. The minimum distance from the property line shall be five (5) feet measured from the leading edge of the sign.
- E. Wall painted signs provided that:
1. The total area shall not exceed ten percent (10%) of the wall surface (including window and door area) on which such sign is painted.
 2. Not more than one such sign shall be painted on any one street frontage on any one business or industry.
 3. In determining the total area of the sign when individual letters are painted on the wall of a building without an outline or background the area of the individual letter shall be totaled to determine the square footage.
- F. Electronic message board signs provided that:
1. The sequence of messages and the rate of change are electronically programmed to change no more than every five (5) seconds.
 2. Such signs are prohibited if they contain, include or are illuminated by flashing lights.
 3. Such signs may not contain obscene or lewd images or gestures.
 4. No more than two electronic message boards may be placed on any one property.
 5. Any electronic message board installed as part of a ground sign or pylon sign shall be a maximum of thirty-two (32) square feet.
 6. The minimum distance from the property line shall be five (5) feet measured from the leading edge of the sign.
 7. Electronic message boards affixed to a wall shall be no larger than thirty-two (32) square feet. No such sign or any part thereof shall extend more than two (2) feet above the roof or parapet wall of a building.
 8. Such signs abutting residential districts shall be permitted by special exception when authorized by the Board of Adjustment. The lights shall be dimmed by sixty percent (60%) between the hours of 9:00 p.m. and 7:00 a.m.
- G. The total area on one side of all signs placed on or facing any one street frontage of any one business or industry shall not exceed ten percent (10%) of the area of the wall surface (including window and door areas), or three (3) square feet for each lineal foot of building frontage on any one street, whichever is the greater.

§15.54.7 General limitations on signs.

- A. The following regulations and limitations shall be observed:

1. No sign shall be erected within eighteen (18) inches of the curb line, except traffic signs and similar regulatory notices of a duly constituted governmental body.
2. No artificial light or reflecting device shall be used as a part of a sign where such light or device interferes with, competes for attention with, or may be mistaken for, a traffic signal.
3. Floodlighting shall be arranged so that the source of light is not visible from any point off the lot and that only the sign is directly illuminated thereby.
4. No sign shall be erected except on the property to which it is related.
5. No signs shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of this Chapter.
6. Flashing lights are expressly prohibited; flashing means any sign which by any method of conveyance produces or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.
7. Every sign permitted except temporary signs shall be constructed of durable material and kept in good condition and repair. Any sign which is allowed to become dilapidated shall constitute a nuisance and shall be removed by the owner or lessee of the property on which the sign is located. If the sign remains, after proper notification of the Owner or lessee to remove the sign, the City may remove the sign at the expense of the owner or lessee in accordance with the enforcement procedures of Article 5 of this Chapter.
8. No sign which emits smoke, visible vapors or particles, sound or odor shall be permitted.
9. Non-conforming signs once removed physically, may be replaced only with conforming signs; every sign erected shall also comply with the yard requirements for buildings for the Zoning District in which the sign is erected.
10. No business or industrial sign shall be placed to face abutting Residential Districts.
11. If a use ceases for a period of six (6) months, signs advertising the ceased business or businesses, shall be removed by the property owner. If the sign remains, after proper notification of the Owner or lessee to remove the sign, the City may remove the sign at the expense of the owner or lessee in accordance with the enforcement procedures of Article 5 of this Chapter.

§15.54.8 Exceptions for signs and awnings in the C-3 District.

- A. The exceptions of this subsection are related to signs and awnings on properties in the C-3 District, located along the High Street right-of-way, from New Street to Market Street and from High Street south to the Nanticoke River. These limitations are specific to properties in the area described and are considered an exception to the other regulations in this Article.

- B. Signs and awnings may be erected in front of properties where the sign or awning extends or projects over the right-of-way of the City, but no part of the sign or awning shall be lower than eight (8) feet in height to the underside when measured vertically from the sidewalk surface to the lowest part of the sign or awning. Nor may a sign or awning be erected so as to interfere with a required sight visibility triangle area. In such locations the minimum dimension listed above, is increased to ten (10) feet.
- C. Signs and awnings may project from the property horizontally into the right-of-way no more than five (5) feet when measured perpendicular to the right-of-way line, nor may the projection be closer than eighteen (18) inches to the face of curb.
- D. No sign or awning may be erected so as to interfere with any public or private utilities.
- E. Signs and awnings which project into the right of way may not have any structural supports projecting into the areas listed in B and C above, including support posts or guys. The sign or awning must be supported by a structure which does not encroach into the right-of-way.

§15.54.9 through §15.54.99

RESERVED

ARTICLE 55 – STREETS, SIDEWALKS, CURBS AND GUTTERS

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.55.1 General standards.

- A. The location and width of all streets shall conform to the Comprehensive Plans and Official Map or to such parts thereof as may have been adopted by the City.
- B. The proposed street system shall extend existing or recorded streets at the same width, but in no case at less than the required minimum width.
- C. Where, in the opinion of the City, it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property.
- D. New minor streets shall be so designed as to discourage through traffic, but the subdivider shall give adequate consideration to provision for the extension and continuation of major and collector streets into and from adjoining properties.
- E. Private driveways, where provided, shall be located not less than forty (40) feet from the intersection corner of corner lots and shall provide access to the street of lower classification when a corner lot is bounded by streets of two (2) different classifications as herein defined.
- F. Where a subdivision abuts an existing street of improper width or alignment, the City may require the dedication of land sufficient to widen the street or correct the alignment.
- G. Private streets (streets not to be offered for dedication) are prohibited, unless they meet the design standards of these regulations.

§15.55.2 Interior circulation, access and control of traffic.

- A. The interior circulation of traffic shall be designed so that no driveway or street providing parking spaces shall be used as a through-street.
- B. If parking spaces are indicated by lines with angles other than ninety (90) degrees, then traffic lanes shall be restricted to one way permitting head in parking.
- C. No driveway or street used for interior circulation shall have traffic lanes less than fifteen (15) feet in width.
- D. Areas provided for loading and unloading delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel and other service vehicles shall be adequate in size and shall be so arranged that they may be used without blockage, or interference with the use of access ways or automobile parking facilities.
- E. All access ways to any public street or highway shall be located at least forty (40) feet from the intersection of any two (2) property or right of way lines and shall be designed in a manner conducive to safe ingress and egress.
- F. Where practicable entrances/exits shall be located on minor, rather than major streets or highways.

- G. No design shall be approved which is likely to create substantial traffic hazards endangering the public safety.
- H. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings and signs. At the City's discretion the design may be reviewed by the City's engineer.
- I. The developer shall be responsible for the construction of all such traffic control devices required by City Council.

§15.55.3 Names.

- A. Proposed streets, which are obviously in alignment with other existing named streets, shall bear the names of the existing streets.
- B. In no case shall the name of a proposed street duplicate an existing street name in the City and in the postal district, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc.
- C. All street names shall be subject to the approval of the City Council and Sussex County.

§15.55.4 Signage.

- A. Street name signs shall be installed at all street intersections.
- B. The design and placement of such signs shall be subject to approval by the City Council.

§15.55.5 Lighting.

Streetlights, meeting City specifications, shall be provided on all Public and/or Private streets in accordance with the requirements of Chapter 6 of this Code and §15.58.4.

§15.55.6 Partial and half.

- A. New half or partial streets will not be permitted, except where essential to the reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained.
- B. The subdivider shall provide the entire required right-of-way or as much thereof as is possible within his property, along all existing streets which traverse or abut his property.

§15.55.7 Cul-de-sac.

- A. Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
- B. Any street dead-end for access to an adjoining property or because of authorized stage development shall be provided with a temporary all-weather turnaround within

the subdivision, and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.

- C. Cul-de-sac streets, permanently designed as such, shall not exceed five hundred (500) feet in length and shall not furnish access to more than twenty (20) dwelling units.
- D. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.
- E. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround.
 - 1. If parking will be prohibited on the turnaround, the minimum radius to the pavement edge or curb line shall be forty (40) feet, and the minimum radius of the right-of-way line shall be fifty (50) feet.
 - 2. If parking will be permitted on the turnaround, the minimum radius to the pavement edge or curb line shall be fifty (50) feet, and the minimum radius of the right-of-way line shall be sixty (60) feet.
- F. Drainage of cul-de-sac streets shall preferably be towards the open end.
- G. The centerline grade on a cul-de-sac street shall not exceed ten (10) percent, and the grade of the diameter of the turnaround shall not exceed five (5%) percent.

§15.55.8 Service roads, alleys.

- A. Service streets are prohibited in subdivisions for single-family detached residences, except where required to avoid direct driveway access to major streets.
- B. No part of any dwelling, garage or other structure shall be located within sixteen (16) feet of the centerline of a service street.
- C. Except where other adequate provision is made for off-street loading and parking consistent with the use proposed, service streets shall be required in commercial and industrial districts and shall have a minimum paved width of twenty-two (22) feet.
- D. Dead-end service streets shall be avoided, but where this proves impossible, dead-end service streets shall be terminated with a paved circular turnaround; or
 - 1. With a minimum radius to the outer pavement edge (curb line) of forty (40) feet if parking is prohibited on the turnaround; or
 - 2. With a minimum radius to the outer pavement edge (curb line) of fifty (50) feet if parking is permitted on the turnaround.
- E. Service street intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded or cut back sufficiently to permit safe vehicular circulation.

§15.55.9 Widths.

- A. Minimum street right-of-way and cartway (pavement) widths shall be as shown on the “Official Plans” or Comprehensive Plan, or if not shown on such plans, shall be as follows:

Street Type	Required widths (Based on the average lot frontage measured at the building setback line.)
<i>Arterial Street (Major)</i> Right of Way: Cartway:	one hundred (100) feet sixty (60) feet
<i>Collector Street (Feeder)</i> Right of Way: Cartway:	eighty (80) feet forty (40) feet
<i>Cul-de-Sac Street</i> Right of Way: Cartway:	fifty (50) feet thirty (30) feet
<i>Local Street (Minor)</i> Right of Way: Cartway:	fifty (50) feet thirty (30) feet
<i>Service Street (Alley)</i> Right of Way: Cartway:	twenty (20) feet twenty (20) feet

- B. Additional right-of-way and Cartway widths may be required by the City for the purposes of promoting public safety and convenience, or to provide parking in commercial and industrial areas and in areas of high-density residential development.

§15.55.10 Grades.

- A. All streets shall be graded in accordance with City regulations and good Engineering practices.
- B. There shall be a minimum centerline grade of three-quarters percent ($3/4\%$).
- C. Centerline grades shall not exceed the following:
1. Arterial Street: Six percent (6%)
 2. Collector Street: Six percent (6%)
 3. Cul-de-Sac Street: Ten percent (10%)
 4. Local Street: Ten percent (10%)
 5. Service Street: Ten percent (10%)
 6. Street Intersection: Two percent (2%)
- D. Grades up to twelve percent (12%) may be permitted on a through Local Street where access to the street is possible over streets with grades of ten percent (10%) or less.
- E. Street grades at pedestrian crosswalks must also meet accessibility requirements.

§15.55.11 Horizontal curves.

- A. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.

- B. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:
 - 1. Arterial Street: five hundred (500) feet.
 - 2. Collector Street: three hundred (300) feet.
 - 3. Cul-de-Sac Street: one hundred fifty (150) feet.
 - 4. Local Street: one hundred fifty (150) feet.
 - 5. Service Street: one hundred fifty (150) feet.
- C. A tangent of at least one hundred (100) feet shall be introduced between all horizontal curves on Collector and Arterial Streets.

§15.55.12 Vertical curves.

- A. At all changes of street grades where that algebraic difference exceeds one percent (1%), vertical curves shall be provided to permit the following minimum sight distance:
 - 1. Arterial Street: four hundred (400) feet.
 - 2. Collector Street: three hundred (300) feet.
 - 3. Cul-de-Sac Street: two hundred (200) feet.
 - 4. Local Street: two hundred (200) feet.
 - 5. Service Street: two hundred (200) feet.

§15.55.13 Intersections.

- A. Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than sixty (60) degrees, or more than one-hundred and twenty (120) degrees.
- B. No more than two streets shall intersect at the same point.
- C. Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least one-hundred fifty (150) feet between centerlines, measured along the centerline of the street being intersected.
- D. Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed five (5%) percent within fifty (50) feet of the intersection of the nearest right-of-way lines.
- E. Intersections with Arterial Streets shall be located not less than one (thousand (1,000) feet apart, measured from centerline to centerline, along the centerline of the Arterial Street.
- F. Street curb intersection shall be rounded by a tangential arc with a minimum radius of:
 - 1. Twenty (20) feet for all intersections involving Local and/or Service Streets.
 - 2. Thirty (30) feet for all intersections involving a Collector Street.
 - 3. Forty (40) feet for all intersections involving an Arterial Street.
- G. Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

§15.55.14 Crosswalks.

- A. Crosswalks may be required wherever necessary to facilities pedestrian circulation and access to community facilities as well as in blocks of over one thousand (1,000) feet in length.
- B. Such crosswalks shall have a width of not less than ten (10) feet and a paved walk of not less than four (4) feet, or the most current MUTCD Standard.

§15.55.15 Visibility at intersections.

- A. Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision obstructing object shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:
 1. Seventy-five (75) feet from the point of intersection of the centerlines, except that,
 2. Clear sight triangles of one hundred fifty (150) feet shall be provided for all intersections with Arterial streets.
- B. Wherever a portion of the line of such triangles occurs behind (i.e., from the street) the building reserve (setback) line, such portion shall be shown on the Final Plan of the subdivision and shall be considered a building setback (reserve) line.
- C. On the corner lot or any point of entry on a public road, nothing shall be erected, placed, planted or allowed to grow in such a manner which obscures the vision above the height of two and one-half (2 ½) feet and below ten (10) feet, measured from the centerline grade of the intersecting streets or driveways and within the area bounded by the street lines of such corner lots and a line joining points on these street center lines seventy five (75) feet from the intersection along the property lines.

§15.55.16 Cartway paving.

All streets intended to be dedicated to public use shall be paved in accordance with the City of Seaford Standard Design Specifications.

§15.55.17 Restriction of access.

- A. Whenever a subdivision abuts or contains an existing or proposed street with an ultimate right-of-way of eighty (80) feet or more, the City may require restriction of access to the Arterial Street by:
 1. Provision of reverse frontage lots, or
 2. Provision of service streets along the rear of the abutting lots, together with prohibition of private driveway intersections with the Arterial Streets.
- B. Except as specified above, reserve strips shall be prohibited.

§15.55.18 Curbs.

- A. Curbs shall be installed along both sides of all streets.
- B. Curbs shall be either the vertical type or the rolled curb-and-gutter type, except that rolled curbs shall not be used on streets whose grade exceeds six percent (6%), or on any Collector or Arterial Streets.
- C. The transition from one type to another shall be made only at a street intersection, and adequate provision shall be made for driveway entrances.

§15.55.19 Sidewalks.

- A. Sidewalks may be required parallel with the street, adjacent to properties which are being developed or redeveloped, running the full length of said property.
- B. Sidewalks shall be five (5) feet in width where required. The following criteria shall apply:
 - 1. No sidewalks shall be required along Service Streets,
 - 2. Wherever sidewalks are required, curbs may also be required.

§15.55.20 Driveways.

Driveways constructed within street right-of-ways shall be subject to the following requirements:

- A. Private driveways on corner lots shall be located at least forty (40) feet from the point of intersection of the nearest street right-of-way lines.
- B. In order to provide a safe and convenient means of access, grades on private driveways should not exceed fourteen percent (14%).
- C. In order to provide safe and convenient ingress and egress, private driveway entrances should be rounded at a minimum radius of five (5) feet or should have a flare constructed that is equivalent to this radius, at the point of intersection with the Cartway edge (curb line).

§15.55.21 through §15.55.99 RESERVED

ARTICLE 56 – DRAINAGE

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.56.1 Drainage.

- A. All storm drains and drainage facilities such as gutters, inlets, bridges and culverts shall be installed at the expense of the developer and the land graded for adequate drainage as shown on the drainage plan submitted and approved with the preliminary and final plans.
- B. A detailed plan of storm drainage culverts, drains and inlet shall be required.
- C. All such plans must be approved by the City Engineer and Sussex Conservation District.
- D. Storm sewers, culverts and related installations should be provided, as necessary to:
 - 1. Permit unimpeded flow of natural water courses.
 - 2. Ensure adequate drainage of all low points along the line of streets.
 - 3. Intercept storm water run-off along streets at intervals related to the extent and grade of the area drained.
 - 4. Provide positive drainage away from on-site sewage disposal facilities.
- E. Storm sewers and related installations shall be required only when the run-off storm water cannot be satisfactorily handled within the street Cartway.
- F. Where existing storm sewers are reasonably accessible, proposed subdivisions shall be required, if necessary, to connect therewith.
- G. In the design of storm drainage facilities, special consideration shall be given to avoidance of problems which may arise from the concentration of storm water runoff onto adjacent developer or undeveloped properties.
- H. Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the same watershed is fully developed.
- I. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water-course, drainage way, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities. Any changes in the existing drainage way shall be subject to the approval of the City Council.
- J. All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.
- K. The slope of the crown on proposed streets shall be not less than one-eighth (1/8th) of one (1) inch per foot and not more than one-third (1/3rd) of one (1) inch per foot.

- L. Adequate facilities shall be provided at low points along streets and where necessary to intercept run-off.
- M. Storm Drainage Systems must be designed to contain the 10-year storm within all catch basins on public streets, private streets, and any parking area without surcharge. The 10-year Hydraulic Grade Lines must be indicated on Site Plan drawings.

§15.56.2 Flood hazard areas.

Within the Flood Hazard Overlay District, and/or non-designated areas subject to flooding, the following provisions shall apply:

- A. All sanitary sewer systems located in any designated Flood Hazard Overlay District, whether public or private, shall be flood proofed up to the Base Flood Elevation as delineated in the City's Flood Insurance Study.
- B. All water systems located in any designated Flood Hazard Overlay District, whether public or private, shall be flood proofed up to the Base Flood Elevation.
- C. All other public and/or private utilities and facilities, including gas and electric, shall be elevated or flood proofed up to the Base Flood Elevation.

§15.56.3 Municipal Liability.

The grant of a permit of approval of a plan for any proposed Subdivision and/or development to be located within any designated Flood Hazard Overlay District and/or non-designated area subject to flooding, shall not constitute a representation, guarantee or warranty of any kind by the municipality or by an official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the municipality, its officers, agents, servants or employees.

§15.56.4 through §15.56.99 RESERVED

ARTICLE 57 – UTILITIES

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.57.1 Sanitary sewage disposal.

- A. The Developer shall provide sanitary sewers in accordance with this Section.
- B. All sanitary sewage disposal facilities shall connect to the City's sanitary sewer system at the expense of the developer, and it shall be the applicant's responsibility to provide for the installation of lines to connect to the City existing network.
- C. The design and installation of all lines shall be subject to the approval of the City Engineer and such lines shall be further subject to satisfactory provision for the maintenance thereof. When required by the City Engineer, the Developer shall be responsible for providing a downstream analysis of the existing sanitary sewer system being connected thereto.
- D. It shall be the Developers responsibility to obtain all State and/or Federal agency approvals for the construction of the sanitary sewer system, including but not limited to the Delaware Department of Natural Resources and Environmental Control.
- E. The construction and installation of any sanitary sewer system shall be pursuant to plans and specifications approved by the City, and no such construction or installation shall be undertaken until such plans and specifications have been approved in writing by the City. If a conflict arises between the approved plans and the *City of Seaford Standard Design Specifications*, the City Specifications shall take precedent.

§15.57.2 Water supply.

- A. All water supply systems shall be installed in accordance with this Section. All water mains and lines and required fire hydrants as indicated on the approved preliminary and final plans shall be installed from each lot in the subdivision and connected to the municipal water supply.
- B. Main sizes and fire hydrant locations shall meet the specifications of the Delaware State Fire Prevention Regulations and the *City of Seaford Standard Design Specifications*.
- C. A copy of the approval of such system by the City shall be submitted with the Final Plan.
- D. Suitable agreements shall also be established for the ownership and maintenance of such distribution system.
- E. All water supply systems shall connect to the City's water system at the expense of the developer, and it shall be the applicant's responsibility to provide for the installation of lines to connect to the City existing network.
- F. The design and installation of all lines shall be subject to the approval of the City Engineer and such lines shall be further subject to satisfactory provision for the maintenance thereof.

- G. It shall be the Developers responsibility to obtain all State and/or Federal agency approvals for the construction of the municipal water system, including but not limited to the Delaware Department of Health Office of Drinking Water.
- H. The construction and installation of any municipal water system shall be pursuant to plans and specifications approved by the City, and no such construction or installation shall be undertaken until such plans and specifications have been approved in writing by the City. If a conflict arises between the approved plans and the *City of Seaford Standard Design Specifications*, the City Specifications shall take precedent.

§15.57.3 Fire hydrants.

Wherever a public or community water supply system is provided, fire hydrants shall be installed in accordance with the Delaware State Fire Prevention Regulations and the City of Seaford Standard Design Specifications.

§15.57.4 Easements.

- A. Easements with a minimum width of fifteen (15) feet for a single utility or twenty feet for multiple utilities shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements.
- B. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- C. There shall be a minimum distance of twenty (20) feet, measured in the shortest distance, between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission line which traverses the subdivision.
- D. Subdividers are urged to avail themselves of the services provided by the various public utility companies in determining the proper location for utility line easements, and to determine compliance with legislation regarding the placement of utilities underground.

§15.57.5 through §15.57.99

RESERVED

ARTICLE 58 – OFF-STREET PARKING AND LOADING

[Amended on 05/13/2025 by Ordinance #2025-03]

§15.58.1 Parking design standards.

- A. Parking spaces shall be clearly delineated by painted lines or markers.
- B. Stalls shall be provided with bumper guards or wheel stops when necessary for safety or protection to adjacent structures or landscaped areas.
- C. Surface drainage shall be connected to the existing or proposed drainage system.
- D. All vehicular entrances and exits to parking areas shall be clearly designated for all conditions.
- E. If spaces are used during evening hours, lighting shall be provided in accordance with the requirements of §15.58.4.
- F. Every parking space, outdoors or in a garage, shall consist of not less than the following usable area for each motor vehicle as required in §15.54.29. The required parking area shall be measured exclusive of interior driveways or maneuvering areas:
 - 1. Residential uses = nine (9) feet x eighteen (18) feet minimum usable area.
 - 2. All other uses = ten (10) feet x twenty (20) feet minimum usable area.
- O. Every driveway and parking space, outdoor parking or service areas for uses open to the public and the approaches thereto, shall be paved with laid hot mix, poured concrete, porous pavers or porous concrete and shall be graded, properly drained, and maintained in good condition.
- P. All parking spaces and access driveways shall be paved with a stable, firm, slip resistant and weatherproof material. Stable surfaces resist movement, while firm surfaces resist deformation by applied forces. Accessible surfaces remain unchanged by external forces, objects, or materials.
- L. Residential off-street parking spaces shall consist of a driveway, and/or covered carport, garage or combination thereof and shall be located on the lot they are intended to serve.
- M. If a garage is utilized for the required parking area, the minimum outdoor storage space requirement must also be maintained.
- N. In computing the number of parking spaces required in §15.20.14, if the computation shall result in a fraction, a space shall be required for each such fractional amount.
- O. An off-street parking facility existing on ***September 23, 1969***, shall not subsequently be reduced to an amount less than required under this Chapter for a similar new building or new use. An off-street parking facility provided to comply with the provisions of this Chapter shall not subsequently be reduced below the requirements of this Chapter.

P. Every parking lot shall be subject to the following buffer requirements:

1. In the case of a parking lot which is necessary to a permitted use and which has facilities for five (5) or more automobiles, any boundary or property line which abuts a residential district or a lot used for residential purposes shall be screened from the adjacent property by a buffer planting strip not less than five (5) feet in width, as defined in §15.2.2, except where the Board of Adjustment shall determine as a Use by Special Exception that such screening is not necessary or practicable. Any buffer requirement of this Section shall be subject to any more stringent requirement of the district in which such lot is located.
2. In the case of a parking lot which is a main use, such lot shall be enclosed, except for entrances or exits, by an ornamental fence or wall of an approved material or by a compact evergreen hedge, not less than three (3) feet in height.

§15.58.2 Parking requirements.

- A. Subject to the general requirement for off-street parking, off-street parking space, with proper access from a street, alley or driveway, shall be provided in all districts in the amounts indicated below.
 1. The off-street parking requirements of this Chapter may be reduced or waived in any C-3 Zoning District for any permitted use with the approval of City Council.
- B. Such parking space shall be provided on any lot on which a dwelling is hereafter erected or converted, or, in the case of any other use, on the lot on which any main building is hereafter erected or converted.
- C. Nothing in this Section shall be construed to prevent the collective provisions of off-street parking facilities for two (2) or more buildings or uses, provided that the total of such off-street parking facilities provided collectively shall be not less than the sum of other requirements for various individual uses computed separately.
- D. In no case shall the number of parking spaces provided, or the area devoted to parking, be less than the minimum requirements for the uses listed below:

1.	Single- and Two-Family Dwelling Units	Two (2) parking spaces per dwelling unit
2.	Multi-Family Dwellings and Townhouses	Two (2) parking spaces per dwelling unit, located as close to the unit as possible for apartments or on the units private property for townhomes, plus one (1) in a common parking area located on the property accessible to all of the residents of the property.
3.	Tourist, Rooming or Boarding House:	One (1) space for each rental room, plus one (1) space for the resident family.
4.	Hotel, motel, or inn:	One (1) space for each rental room or suite. If a restaurant in connection with such a use is open to the public, the off-street parking facilities for such restaurant shall not be less than those required for a restaurant.

5.	Restaurant or similar establishment:	One (1) space for each fifty (50) square feet of floor area devoted to patron use.
6.	Theater, church, lodge, meeting place, etc.:	One (1) space for every three (3) fixed seats, or where the capacity is not determined by the number of fixed seats, one (1) space for each sixty (60) square feet of floor area devoted to patron use.
7.	Retail store:	One (1) space for each two hundred (200) square feet of floor area, exclusive of basement areas if not used for sale or display of merchandise.
8.	Shopping Center:	Seven (7) spaces for each one thousand (1,000) square feet of floor area exclusive of basement areas if not used for sale or display of merchandise.
9.	Office, Office Building, or Bank:	One (1) space for each two hundred (200) square feet of floor area, exclusive of basement if not used for office purposes.
10	Personal Service Establishments:	One (1) space for each one hundred (100) square feet of customer service area in addition to one (1) space for each employee.
11.	Medical and Dental offices and clinics:	One space for each two hundred (200) square feet of floor area, exclusive of basement if not used for office purposes.
12.	Wholesale Establishment or Industrial Building:	One (1) space for each 1,000 square feet of floor area, exclusive of basement areas not used for the sale or display of merchandise or manufacturing.
13.	Motor Vehicle Service Station or Public Garage:	Two (2) spaces, either within or without the structure, for each two hundred (200) square feet of floor or ground area devoted to repair, sales or service facilities, and in addition, such space as is necessary for the normal vehicles. In no case shall the spaces for permitted motor vehicle storage in conjunction with a service station be less than five.
14.	Hospital, Nursing or Convalescent Home, Sanatorium:	One (1) space for each six hundred (600) square feet of floor area, exclusive of basement areas not devoted to patient use or living quarters of student nurses; or one (1) space for each two (2) patient beds, whichever is the greater.
15.	Car Wash Establishment:	Sufficient parking space to prevent the use of the adjoining public street for the storage or holding of motor vehicles before or after servicing. A waiting or stacking area on the lot for incoming automobiles accessible to the entrance end of the washing equipment, to accommodate at least fifteen (15) automobiles for each lane provided in the washing area. An area beyond the exit end of the washing equipment for at least six (6) automobiles for each lane provided in the washing area.
16.	Bowling Alley:	Three (3) spaces for each alley.
17.	Mortuary:	One (1) space for each one hundred (100) square feet of floor area devoted to assembly room purposes.

18.	Child-care centers, kindergartens, pre-schools, day nursery schools, and orphanages:	One (1) space for each six hundred (600) square feet of floor area.
19.	Building or Use, Other than Specified Above:	For any building or open area used for a purpose not covered above. At least one (1) space for each one thousand (1,000) square feet of gross floor area, or lot area, whichever is the larger, except when otherwise authorized as a special exception consistent with the principles set forth herein for comparable buildings.
20.	Employee Parking:	For every use, other than an office building, for which there are regular employees, there shall be one (1) parking space provided for each two (2) employees, on the largest shift, in addition to the above parking requirements.

§15.58.3 Parking screening requirements.

- B. A buffer planting strip shall be provided and maintained by the owner or lessee of a property between any district and contiguous residentially zoned districts, except where natural or physical man-made barriers exist. Buffer planting strips shall be developed as defined in §15.2.2 of this Chapter. All plants not surviving three (3) years after planting shall be replaced.
- C. All visual barriers or landscape screens shall be in accordance with the following minimum widths:
 - 1. Commercial districts: Five (5) feet minimum.
 - 2. Industrial districts: Ten (10) feet minimum.
- D. Any existing business affected by these regulations on *September 23, 1969*, shall not be required to comply with the above screening requirements except in case of enlargement or major alteration of such business. Similarly, for any zoning district boundary change after *September 23, 1969*, initiated by a residential developer abutting a Commercial or Industrial zoned district property for which these regulations apply, these screening requirements shall not be imposed upon such Commercial or Industrial property.

§15.58.4 Parking lighting requirements.

- A. All parking areas, driveways, and loading areas shall be provided with a lighting system which shall furnish a minimum amount of illumination complying with the IESNA Recommended Practices, RP-33-99, *Lighting for Exterior Environments* which recommends 0.2 Fc min illumination and a max Uniformity Ratios of 20:1 (max/min) and 4:1 (avg/min) for public parking lots at any point during hours of operation.
- B. All lighting shall be completely shielded from traffic on any public right of way and deflected away from adjacent properties and from passing motorists.

§15.58.5 Loading regulations.

- A. At least one (1) off-street loading space shall be provided for all commercial and industrial uses in excess of three thousand five hundred (3,500) square feet of floor area.

- B. The number of loading and unloading spaces shall be left to the discretion of the developer. However, the standards of this Section shall be maintained, and the number of proposed spaces approved by City Council.
- C. Off-street loading and unloading spaces, with proper and safe access from the street or alley, shall be provided on each lot where it is deemed that such facilities are necessary to adequately serve the uses within the district. Each loading and unloading space:
 - 1. Shall be at least fourteen (14) feet wide, sixty (60) feet long and shall have at least fifteen (15) feet of vertical clearance.
 - 2. Shall have a sixty (60) foot maneuvering area.
 - 3. Shall have an all-weather surface to provide safe and convenient access during all seasons.
 - 4. Shall not be constructed between the street right of way line and the building setback line.
- D. Required off street parking space (including aisles) shall not be used for loading and unloading purposes except during hours when business operations are suspended.
- E. Loading and unloading facilities shall be designed so that trucks need not back in or out, or park in any public right of way.
- F. No truck shall be allowed to stand in:
 - 1. A right of way.
 - 2. Automobile parking area (including aisles).
 - 3. In any way, block the effective flow of persons or vehicles.

§15.58.6 through §15.58.99

RESERVED

END OF CHAPTER