

Town of Greenwood

(JTJ 1/23/09)
Public Hearing Held: 12/3/2008
Adopted: 1/6/2009

AN ORDINANCE TO REPEAL ORDINANCE A-1 ("ZONING ORDINANCE OF THE TOWN OF GREENWOOD") AND TO REPLACE IT WITH A NEW ORDINANCE A-1 WITH THE SAME TITLE TO ESTABLISH NEW COMPREHENSIVE ZONING REGULATIONS FOR THE TOWN OF GREENWOOD AND TO PROVIDE PROVISIONS FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF IN ACCORDANCE WITH THE PROVISIONS OF 22 DEL. C. CHAPTER 3, AND TO REPEAL ALL ORDINANCES, OR PARTS THEREOF WHICH ARE IN CONFLICT THEREWITH

BE IT HEREBY ENACTED by the Town Council of the Town of Greenwood, a majority thereof concurring in council duly met, that Ordinance A-1, being the "Zoning Ordinance of the Town of Greenwood" be, and hereby is, repealed and that a new Ordinance A-1, also entitled "Zoning Ordinance of the Town of Greenwood" be and hereby is enacted, effective January 6th, 2009, as follows, to wit:

ARTICLE 1 Title & Map

Section 1.1 Title

This Ordinance shall be known as and may be cited as "The Town of Greenwood Zoning Ordinance", and abbreviated as "GWZO."

Section 1.2 Map

The map attached hereto and made a part hereof as though fully set out herein shall be known and cited as "The Town of Greenwood Zoning Map."

ARTICLE 2 General Provisions

Section 2.1 - Purpose.

This ordinance is adopted pursuant to and consistent with the Comprehensive Plan of the Town of Greenwood as certified by the Governor of the State of Delaware on January 8th, 2008. The purpose of this ordinance is to classify, regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of lots, yards, courts and other open spaces, the density of population and the location, use and extent of use of buildings, structures and land for residence, trade, industry and other purposes; to create districts for said purpose, and to impose penalties for violations, all so as to lessen congestion in the streets; secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent undue concentration of population and overcrowding of land on the one hand and excessive and wasteful scattering of population on the other; to facilitate the adequate provision of transportation, water, sewage, drainage, soil conservation, sanitation, schools and educational opportunities, recreation, park and other public requirements by promoting appropriate distribution of land development and utilization; to conserve the value of buildings

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and encourage the most appropriate use of land; to protect the tax base; to secure economy in governmental expenditures; to foster the state's agricultural and other industries; to protect both urban and non-urban developments; and to promote the health, safety, morals and general welfare of the Town of Greenwood.

Section 2.2 Scope. From and after the effective date of this Ordinance, the use of all land and every building or structure or portion of a building or structure erected, altered with respect to height or area, added to, or relocated, and every use within a building or structure or use accessory thereto, in the Town of Greenwood, shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of a building, structure or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming but may be continued, extended or changed subject to the special regulations herein provided with respect to nonconforming buildings, structures, or uses.

Section 2.3 Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any law, other ordinance or regulation, the provisions of this Ordinance shall be controlling.

Section 2.4 Severability. In the event that any section, subsection, paragraph, sentence or clause of this Ordinance is finally determined or declared to be illegal, unconstitutional, or unenforceable, by any Court of competent jurisdiction, the balance hereof shall remain in full force and effect.

ARTICLE 3

DEFINITIONS

Definitions. For the purpose of this ordinance, certain words and phrases shall be interpreted or defined as follows:

3.1. Specific Definitions

ACCESSORY USE OR STRUCTURE — A use, building, or structure subordinate to and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal building or principal use.

ALLEY — A public or private way affording only secondary means of access to abutting property. This definition is not intended to include utility alleys, which are easements not open to public traffic and intended solely for the placement and maintenance of utilities.

ART OR SPECIALTY SHOP/GALLERY — A retail establishment, not exceeding 2,000 square feet of floor area and open to the public only between the hours of 10 a.m. and 8 p.m., which displays and offers for sale works of art, handcrafted items (e.g. jewelry, pottery, "knick-knacks") and similar specialty items, with or without offering the sale of supplies or equipment associated with the making of such items.

BASEMENT — A story partly underground but having at least 1/2 of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if

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used for business or dwelling purposes, other than a game or recreation room.

BEDROOM — A room not less than 80 square feet containing a closet with a minimum size of twenty four (24) inches deep by thirty six (36) inches wide which, because of limited access and separation from the living areas, is intended or may be used for sleeping.

BERTH (LOADING) — A space for an automotive vehicle or truck to load or unload its cargo.

BOARDING HOUSE -- A building, typically designed and constructed as a single family dwelling, occupied by the owner or an agent thereof, which offers sleeping rooms with bathrooms or shared access thereto for let to the public, sometimes offering shared access to other portions of the building, and providing one or more meals served at a common table for the occupants.

BUILDING — Any structure having a roof supported by columns or walls used for the shelter, housing or enclosure of persons, animals or property.

BUILDING, ACCESSORY — A building subordinate to the principal building on the same lot as the principal building and used for purposes customarily incidental to those of the principal building.

BUILDING, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which it is situated.

CELLAR — A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

CERTIFICATE OF OCCUPANCY – A certificate, signed by the Code Enforcement Official, certifying that the use of a lot, building, or structure is in compliance with the use regulations of this ordinance, and as to buildings or structures, certifying that upon inspection performed after completion of all authorized construction for which a Zoning Compliance Certificate was required, that the building(s) and/or structure(s), as built or erected, are in compliance with all of the dimensional and other provisions of this ordinance applicable to buildings or structures.

CODE ENFORCEMENT OFFICIAL – A person or persons appointed and/or employed by the Town to administer and enforce the provisions of this ordinance. The Code Enforcement Official shall be and have all the powers of a "Code Enforcement Official" under 10 Del.C. Chapter 29. The Code Enforcement Official may sometimes be referred to in this ordinance or in other Town ordinances as the "Code Enforcement Official", "Code Official", or "Zoning Compliance Official," or "Building Inspector." All such references shall be to the same official, that being the "Code Enforcement Official."

COMMISSION — The Planning Commission of the Town of Greenwood, Delaware.

COMMUNITY RESIDENTIAL TREATMENT PROGRAM — A planned program of care consisting of full-time or part-time programmatic supervision, counseling and/or therapy; such residence program is provided to persons who are physically disabled, developmentally disabled, psychiatrically disabled, have drug or alcohol problems, are under the legal custody of the state, or are minors with social and/or behavioral problems; or are persons who have disabilities with aging. A community residential program does not include skilled nursing care.

CONDITIONAL USE — A use which is not appropriate in a particular zoning district

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as a matter of right but which may be suitable in certain locations within the district only when specific conditions or requirements prescribed for such cases within this ordinance are met. Conditional uses are allowed or denied by the Town Council after review and comment by the Planning Commission.

COUNCIL - Shall mean the Town Council of the Town of Greenwood.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of modular or manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations, but not including routine or on-going maintenance designed to maintain the current condition of the real estate such as mowing operations.

DWELLING — One or more connected rooms designed and used as a single housekeeping unit for human habitation by not more than one family, and containing facilities for sleeping, a kitchen or facilities for the storage and preparation of meals, and one or more bathrooms. The term "dwelling" shall not be deemed to include an automobile court, boarding house, rooming house, tourist home, hotel, hospital, nursing home, dormitory or fraternity or sorority house. "Dwelling" is further classified as:

- (1) APARTMENT — A room or suite of rooms in a single-owner multi-dwelling-unit building which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.
- (2) SINGLE-FAMILY DETACHED DWELLING — A building, designed and used as a single dwelling unit by not more than one family and having no party walls.
- (3) SINGLE-FAMILY SEMIDETACHED DWELLING — A building containing two separate dwelling units attached side by side through the use of only one party wall, each dwelling unit designed and used as a dwelling by not more than one family.
- (4) TWO-FAMILY DETACHED DWELLING — Two dwelling units accommodating two families, which units are located one over the other, and having two side yards.
- (5) TWO-FAMILY SEMIDETACHED DWELLING — Four dwelling units accommodating four families and consisting of two units located directly over the other two units, being a combination of both the single-family semidetached and two-family detached structures.
- (6) MULTIFAMILY DWELLING — A building containing three or more separate dwelling units, attached side by side through the use of one or more party walls in common with other dwelling units in the building or constructed one above another, each unit designed and used as a dwelling by not more than one family. A "Multi-Family Dwelling" may be classified as either a:
 - (a) GARDEN OR LOW-RISE APARTMENT BUILDING — No Garden or Low-Rise Apartment Building may exceed 35 feet in height, nor contain less than six nor more than twelve dwelling units.

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- (b) TOWNHOUSE BUILDING – No Townhouse Building shall: (a) contain less than three nor more than eight dwelling units; (b) exceed 35 feet in height. Each dwelling unit within a Townhouse Building shall have separate access to the outside from both the front and rear of each dwelling unit.

DOG HOUSE – Any detached building or structure designed or used to contain and/or shelter dogs or other domestic pets

EFFICIENCY UNIT — An apartment dwelling unit which features a combination of certain uses in order to lessen total living area required. An efficiency unit shall not include any apartment dwelling unit containing two or more rooms.

ESSENTIAL SERVICES — The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings, except telephone central office buildings and telephone booths, which shall also be considered as essential service facilities hereunder.

FAMILY — One or more persons related by blood or marriage or adoption, or a group of no more than three unrelated persons living together as a household in a dwelling.

FLOOR AREA, HABITABLE — The aggregate of the horizontal floor area of all portions of a dwelling designed or used for habitation and provided with heat and/or air-conditioning facilities ("HVAC") and excluding: garage space, cellars and attics not served by HVAC, and accessory buildings. Habitable floor area shall be measured from the inside face of exterior or party walls. No area designated as habitable floor area shall have a ceiling height of less than seven feet.

GARAGE, PRIVATE: A building accessory to a dwelling for the storage of vehicles, tools, or other personal property owned or used by the owner or tenant of the dwelling.

GARAGE, PUBLIC – A building available to the general public (with or without charge) for the storage of vehicles.

GASOLINE SERVICE STATION — Any area of land, including structures, that is used for the sale of gasoline or other motor vehicle fuel or for lubricating, washing or otherwise servicing motor vehicles but which shall not include painting or body and fender repairs.

GOVERNING BODY — The Town Council of the Town of Greenwood.

HEIGHT, BUILDING OR STRUCTURE: The vertical measurement from the average finished grade of the lot to the top of the roof surface for flat and mansard roofs and to the vertical midpoint between the base of the roof and its peak for gable, hip, and gambrel roofs; see Section 5.5.1 for exceptions to height regulations.

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HABITABLE ROOM — A room or enclosed floor space serviced by heating and/or air conditioning facilities and arranged for living, eating or sleeping purposes, not including bath or toilet rooms, laundries, pantries, foyers or communicating corridors.

HOME OCCUPATION — A profession or occupation, including a day-care center with up to six children, that is carried on within a dwelling that is incidental and secondary to the residential use. It is carried on only by the residents of the dwelling. There shall be no exterior evidence of the home occupation, except a sign, and adequate off-street parking must be provided as stipulated in this ordinance.

HOSPITAL -- Any building containing facilities for the overnight care and habitation of patients, used for the diagnosis, treatment, and on-going care of those patients by doctors, nurses, and other trained medical personnel, including, by way of example, a clinic, sanatorium, preventorium, or mental asylum.

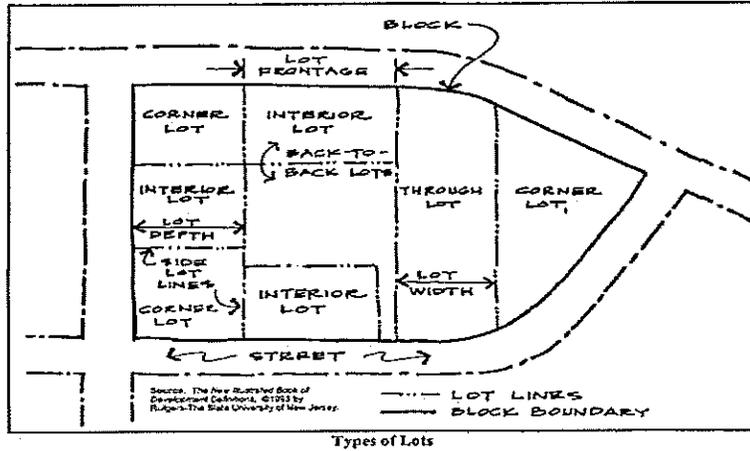
JUNK — Includes all scrap or discarded metals (e.g. iron, tin, brass, copper, lead, zinc, aluminum) and their alloys, as well as bones, rags, and used or discarded cloth, rubber, rope, tinfoil, bottles, vehicles or parts thereof, machinery, tools, appliances, fixtures, utensils, lumber, boxes and crates, pipe or pipe fittings, tires, and other manufactured or processed goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition but subject to being dismantled. Automobiles in operable condition or bearing a current inspection sticker are not included as junk.

JUNKYARD — Buildings, structures or premises where junk, waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards but not including the purchase or storage of used furniture and household equipment, or used cars in operable condition or bearing a current inspection sticker; or recycling facilities.

LOT — A piece or parcel of land identified in a recorded deed or plot as separate and distinct from any other abutting piece or parcel of land.

- (1) **LOT AREA** -- The total horizontal lot area contained within the lot lines of a lot.
- (2) **LOT, CORNER** — A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than 135°.
- (3) **LOT COVERAGE MAXIMUM** — The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located, including covered porches, carports, gazebos, and breezeways but excluding unenclosed steps or ramps, open decks, patios, walkways, boardwalks, driveways, or parking areas (all having a finished surface less than 12 inches above grade), chimneys, air-conditioning compressors, home heating fuel or propane tanks, and overhanging features such as cornices, eaves, and gutters.

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- (4) LOT DEPTH — The mean horizontal distance between the front and rear lot lines.
- (5) LOT LINES — The property lines bounding a lot.
- LOT LINE, FRONT — The line separating the front of a lot from a street.
 - LOT LINE, REAR — Any lot line running between two side lot lines.
 - LOT LINE, SIDE — Any lot line running from a street to any other lot line.
 - LOT LINE, STREET OR ALLEY — A lot line separating the lot from a street or alley.

MANUFACTURED HOME – A transportable single family dwelling unit, contained in one or two units fabricated in an off-site manufacturing facility, with a permanent chassis, designed for installation or assembly into one integral unit at the building site without a permanent foundation, and capable of being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. A manufactured home should bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Section 5401 (C), effective December 27th, 2000,, as amended, or any future corresponding provision of law)

MODULAR HOME — A building as defined at 24 C.F.R. 3282.12 (as amended, or as appearing in any future corresponding provision of law), without a permanent chassis, constructed or assembled in sections or modules at some other location and transported to the site to be affixed to a permanent foundation (also referred to as a "pre-fabricated home"). A building shall be considered as a "modular home" only if it:

- is designed only for erection or installation on a site-built permanent foundation
- is not designed to be moved once erected or installed on a site-built permanent

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foundation

(c) is designed and manufactured to comply with a currently effective version of a nationally-recognized building code (e.g. International Building Code, BOCA, ICBO, Southern Building Code),

(d) to the manufacturer's knowledge, is not intended to be used other than on a site-built permanent foundation, and

(e) does not have a permanent chassis

MUNICIPALITY — The municipal corporation known as the "Town of Greenwood, State of Delaware."

NONCONFORMING LOT — A lot of record which conformed to the lawful minimum street frontage and minimum area requirements for the zone in which it is located prior to the adoption or amendment of this ordinance but which fails to conform to the requirements of this ordinance for the zone in which it is located by reason of such adoption or amendment.

NONCONFORMING USE, BUILDING, OR STRUCTURE — A building, structure or use legally existing at the effective date of this ordinance, or any amendment thereto, or a building, structure or use planned and the construction of which has lawfully begun in compliance with existing laws prior to the effective date of this ordinance, or amendment thereto, and which does not conform to the use or dimensional regulations of the district in which located.

NURSING HOME — Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.

OPEN SPACE - An area of land and/or water (excluding yards and areas less than 8 ft in width) not improved by buildings, structures, streets, roads or parking areas, or containing only such improvements as are complimentary, necessary, or appropriate for the use or enjoyment of the open area or the conservation of natural resources.

PARKING AREA, PRIVATE — A permanently reserved temporary storage area for one vehicle that is not located on, but is directly accessible to, a public street right-of-way by a driveway that affords ingress and egress for a motor vehicle.

PARKING LOT — An area, other than a street or other public way, which contains more than one parking space and is used for the storage or parking of automobiles for any period of time.

PARKING SPACE — An accommodation used for parking motor vehicles on a public street in conformance with the design standards referenced in Section 9.2.1.

PERMITTED USE — Any use of a lot, building, or structure which is authorized as a use permitted as of right (without further administrative approval) for the zoning district in which the lot, building, or structure is located. The term "permitted use" shall not include "non-conforming use", "conditional use", or "special exception".

PROFESSIONAL OFFICE — Includes the office of a physician, dentist, optometrist, minister, architect, landscape architect, municipal planner, engineer, insurance agent, realtor, accountant, lawyer, author or similar professional activity.

PUBLIC USE — Includes governmental-owned uses such as schools, parks, civic

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centers, historical properties, fire stations, municipal buildings, essential public services that require enclosure within a building, water supply facilities, wastewater treatment and discharge/disposal facilities, airports, and easements for alleys, bicycle and pedestrian paths, sidewalks, streets and public utility rights-of-way.

RESIDENTIAL CONVERSION — A structural alteration and/or internal remodeling of a previously single-family home to one that may accommodate two or more families in independent, self-contained units. Each unit should provide at least 800 square feet of habitable floor area. The change to a two-family or multifamily structure must be done in accordance with special requirements enumerated in this ordinance.

RESIDENTIAL PLANNED COMMUNITY ("RPC") --An area or tract of land that covers at least 10 contiguous acres that is to be developed as a single entity, and providing necessary or appropriate open spaces, recreational and/or community facilities. An RPC may, as approved by the Town Council, provide housing of various densities, lot sizes, lot coverage, and types, and may include those commercial facilities deemed necessary or appropriate to serve the RPC.

RIGHT-OF-WAY — Land reserved for use as a street, alley or interior walk or for other public purpose.

ROOMING HOUSE — A building, typically designed and constructed as a single family dwelling, occupied by the owner or an agent thereof, which offers sleeping rooms with bathrooms or shared access thereto, for a fee to the public, and sometimes offering shared access to other portions of the building, but not providing meals.

SANATORIUM — An institution for the care and treatment of invalids and convalescents.

SETBACK – A minimum distance required by zoning to be maintained between two structures or between a structure and property lines.

SIGN, ADVERTISING/BUSINESS — A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

SIGN, GROSS SURFACE AREA OF — The entire area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

SINGLE AND SEPARATE OWNERSHIP – The ownership of a lot by one or more persons or legal entities which ownership is separate and distinct from that of any abutting lot.

SKEWING — The design of a lot where a straight lot line is not practical. Therefore, a lot line or lines will run at a slant, and the lot will not be perfectly equal on all sides.

SPECIAL EXCEPTION – A use which is not generally appropriate throughout a zoning district but which is specified by this ordinance as a use which may be permitted by the Board of Adjustment upon a finding of specified circumstances and subject to such conditions as imposed by the Board in order to protect the character of the district in which it is located.

STORAGE FACILITIES, PUBLIC – Buildings or structures designed and

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constructed to provide one or more secure and weather-proof enclosures for lease to the public for storage of personal property; sometimes referred to as "mini-storage" facilities.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

- (1) **STORY, HALF** — A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.
- (2) **STORY, FIRST** — The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

STREET FRONTAGE — That portion of a lot line that is contiguous with a public street.

STREET, PUBLIC — A public way intended for purposes of vehicular travel (including not only the traveled way but also the entire area within the right-of-way) which is either: (a) dedicated to and accepted by the Town or (b) is maintained by Sussex County or the State of Delaware.

STRUCTURAL ALTERATION — Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

STRUCTURE — Anything constructed or installed, the use of which requires a substantially fixed location on or in the ground or attachment to something having a substantially fixed location on or in the ground. Structures include, by way of example and not in limitation: buildings, porches, gazebos, decks, fences, retaining walls, satellite antennas, swimming pools, tennis courts, stationary barbeque grills, hot-tubs, flagpoles, signs, and carports.

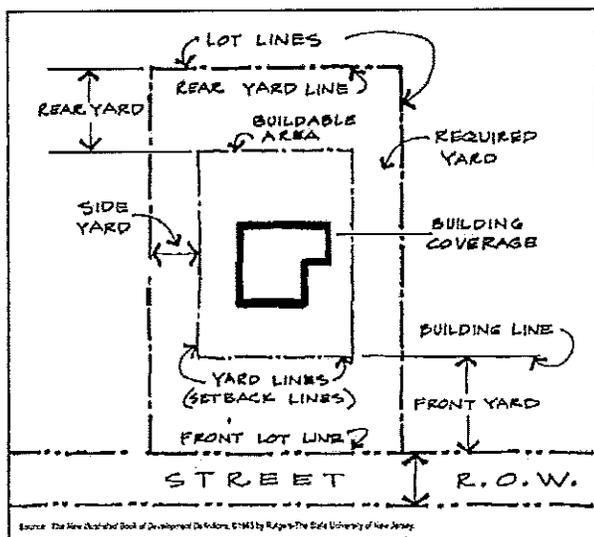
TRAVEL TRAILER — A vehicle less than 30 feet in length and used for temporary living or sleeping purposes and standing on wheels.

VARIANCE — The Board of Adjustment's authorized departure to a minor degree from the text of this ordinance in direct regard to a hardship or exceptional practical difficulty peculiar to an individual lot, in accordance with the procedures set forth in this ordinance.

YARD — The area of a lot located between the property line and the building setback line on any lot measured horizontally from the lot line to the building setback line, and measured vertically from the ground to the sky; except for rain gutters, roof eaves, and soffit, no cornice, overhang, or other architectural feature shall be permitted to extend into or protrude over any required yard space. Roof eaves, rain gutters, and soffit may extend up to 18 inches into the required setback. Additionally, residential heating oil tanks, propane tanks, and heating/cooling units/compressors may extend up to 42 inches into a required side or rear yard setback if: (a) set within six inches of the foundation, (b) not more than six feet in length or five feet in height, and (c) easily removable in the event of emergency. Chimneys may extend up to 24 inches into the required setback provided that they are set against the exterior wall and are less than 6 feet in length (measured

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parallel to the wall).



- (1) YARD, FRONT -- The required open space located in the front area of a lot.
- (2) YARD, REAR — The required open space located in the rear area of a lot.
- (3) YARD, SIDE — The required open space located in the side area(s) of a lot.

ZONING COMPLIANCE CERTIFICATE. A certificate issued and signed by the Code Enforcement Officer certifying that an existing or proposed use, building, or structure is or will, when erected, constructed, or used, be in compliance with the provisions of this ordinance.

ZONING MAP — The Official Zoning Map of the Town of Greenwood, Delaware.

- 3.2. **Words not defined in Section 3.1.** Words not defined above shall have the meanings given in Webster's Unabridged Dictionary.
- 3.3. **Word usage.** Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "building" includes the word "structure"; the word "occupied" includes the words "designed or intended to be occupied"; and the word "used" includes the words "arranged or intended to be used."

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ARTICLE 4
Establishment of Districts; Zoning Map

Section 4.1. Establishment of Districts.

The Town of Greenwood is hereby divided into the following 9 zoning districts:

Designation	Characteristic Description
R-1	Low Density Single-Family Residential District
R-2	Medium Density Residential District
R-3	High Density Residential District
D-C	Downtown Commercial
H-C	Highway Commercial District
M/LI	Manufacturing & Light Industrial
RPC	Residential Planned Community
UT	Utility
OS	Open Space

Section 4.2 . Official Zoning Map.

The above districts are bounded and defined as shown on the Official Zoning Map of the Town of Greenwood which shall consist of a scaled map of the Town, and which shall be prepared and adopted contemporaneously with the adoption of this ordinance. The Zoning Map shall be identified by the signature of the Mayor and Town Council members and shall bear the words "Adopted as the Official Zoning Map of the Town of Greenwood on the __ day of ____." A copy of the Zoning Map shall be filed in the Town Hall. The Official Zoning Map and all explanatory information that it contains are made a part of this ordinance by reference.

Section 4.3 Determining District Boundaries. Where uncertainty exists with respect to the boundaries of any of the districts shown on the Zoning Map, the following rules shall apply:

4.3.1 Where district lines are indicated as being in close proximity to and following the center or right-of-way lines of streets, such center lines or right-of-way lines shall be construed as the district boundary.

4.3.2 Where district lines are in close proximity to and approximately following lot lines, said lot lines shall be construed to be the district boundary.

4.3.3 Where district lines are indicated as being in close proximity to and following the center or edge of a natural feature (such as a creek or pond), the center or edge (as appropriate) of the natural feature shall be construed as the district boundary.

4.3.4. Where district boundaries do not follow the lines of any street, lot, or natural feature, unless dimensioned or otherwise clearly indicated, they shall be determined by use of the scale on the Zoning Map.

4.3.5. All determinations concerning the location of district boundary lines shall be made by the Town Council, applying the foregoing guidelines.

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Section 4.4 Boundary Tolerances. Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Ordinance, the use of the regulations applicable to the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than fifty (50) feet beyond the district boundary line.

Section 4.5. Zoning Map Amendments – If, in accordance with the provisions of this ordinance and the laws of the State of Delaware, changes are made in the zoning district boundaries, such changes shall promptly be made on the official Zoning Map by the Town Council.

The amending ordinance shall require that such change or amendment be duly entered on the Official Zoning Map, and shall require that Public Notice of the change shall be published in a newspaper of general circulation in the Town (in compliance with 10 Del.C. Section 8126, as it may be hereafter amended, or in accordance with any future corresponding provision of law) within 30 days of the date of such amendment; provided that inadvertent failure to enter such amendment on the Official Zoning Map or to publish such notice shall not invalidate the amendment.

Section 4.6 Zoning of Annexed Lands. In the event that the Town Council hereafter annexes any lands into the Town, the Town Council shall, prior to or contemporaneous with the adoption of any ordinance or resolution effecting such annexation, undertake such proceedings (e.g. public notice and hearing) as required by law as a condition precedent to the adoption of any ordinance or resolution to assign such annexed lands to a zoning district classification under this ordinance. Such zoning designation shall be consistent with the Town's certified Comprehensive Plan and shall conform, as applicable, to 22 Del.C. Section 101 and/or 29 Del.C. Ordinance 92 (as those statutes may hereafter be amended, or in accordance with any future corresponding provisions of law).

Section 4.7 Replacement of Official Zoning Map.

4.7.1 In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and/or additions thereto, the Town Council may, by resolution, adopt a duplicate of the then-current Official Zoning Map which shall supercede the prior Official Zoning Map.

4.7.2 The new Official Zoning Map shall be identified by the signatures of the Mayor and members of the Town Council and shall bear the following words: "This is to certify that this Official Zoning Map dated [insert date of new zoning map] supercedes and replaces the Official Zoning Map adopted [insert date of adoption of map being replaced] as the Zoning Ordinance of the Town of Greenwood."

Article 5 – Use Regulations

Section 5.1 Classification of Use.

The principal use of an unimproved lot shall be the use classification of that lot. The principal use within a building or structure shall be the use classification of that building or structure. For the purposes of this ordinance, dwelling units shall be classified as a residential use (whether occupied by the owner or by a tenant). The sale or rental of merchandise, equipment, or services, and the rental of boarding rooms or lodging rooms shall be classified as a commercial use. Rental of dwelling units shall be classified as a residential use.

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Section 5.2. One Principal Building Per Lot

Within residential districts, *unless authorized as a conditional use by the Town Council*, no more than one principal building, with its customary accessory buildings or structures may occupy or be constructed on any lot of record.

Section 5.3 Accessory uses, Buildings, and Structures

- 5.3.1 Accessory uses, buildings, and structures shall be permitted only on the same lot with the building to which they are accessory. All accessory uses shall be such as do not alter the character of the premises on which they are located or impair the neighborhood.
- 5.3.2 No more than two accessory buildings shall be permitted on any lot, including a detached garage.
- 5.3.3. Accessory buildings or structures attached to a principal building shall comply in all respects with the yard requirements for the principal building.
- 5.3.4. No detached accessory building shall be located within the front yard or within the side yards forward of the front-yard setback line. Provided that they are not less than 5 feet from any property line, detached accessory buildings may be constructed in a rear yard or side yard behind of the rear-yard setback line. These restrictions on accessory structures shall not apply to permitted fences under this ordinance.

Section 5.4 Fences.

5.4.1 Existing Fences. Any fence lawfully existing as of the effective date of this ordinance may be repaired, reconstructed, or replaced in the exact same location as the existing fence and using substantially the same type of materials as the existing fence, but not exceeding the height limitations for new fences as provided herein. The repair, replacement, or reconstruction of any existing fence under this section shall not require a zoning compliance certificate.

5.4.2 New Fences. Any fence erected after the effective date of this ordinance, other than as provided in 5.4.1 above, shall require a zoning compliance certificate and shall be subject to the following restrictions:

(a) Fences may be erected up to or on (but not beyond) the owner's property line.

(b) A fence erected on any property located within any R-1 or R-2 district which is contiguous to another property located within any R-1 or R-2 district shall not exceed four feet in height (excluding the fence posts), measured from the finished grade abutting the fence to the topmost point of the fence, except that fences may be constructed to a height of six feet: (i) along the rear property line and along the side property lines up to the rearyard setback line or (ii) with the written consent of the abutting residential property owner, along the side property line up to the frontyard setback line.

(c) Where any property in a residential district (R-1, R-2, or R-3, or RPC) abuts a property in any Commercial District (DC or HC) or in any Manufacturing & Light Industrial District (M/LI), a fence up to six feet in height may be erected along their common rear and/or side property lines.

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(d) At the intersection of two or more streets, no fence or wall over three feet shall be permitted that would interfere with vehicular sight distance as determined by the Code Enforcement Official.

Section 5.5 Exceptions to dimensional regulations.

5.5.1 Height of buildings; exceptions to height limitations. In any district the maximum height provisions shall not apply to spires, domes, cupolas, belfries, chimneys, smokestacks, flagpoles, town-owned water tanks or towers, silos, antennas, public utility poles or solar collectors (defined as any device or combination of devices, structures or part of a device or structure that collects solar energy for the purpose of heating water, buildings, or generating electricity); nor shall these provisions apply to elevator enclosures or water tanks on roofs.

5.5.2 Building setback lines.

- (1) In any district, when the average setback of existing buildings within 200 feet of the side lot lines, and within the same block and zoning district as the subject lot, is less than the required distance, such building need not be set back from the front street line any further than such average setback, provided that where any business or industrial building is erected within 50 feet along the same street frontage of a residential district, such building shall be set back a distance of not less than 75% of the setback required for that residential district.
- (2) Exceptions for approved plots recorded prior to adoption of ordinance. In case of a lot on a subdivision plot approved by the Town Council and of public record as of the effective date of this ordinance, no rear yard need have a depth greater than 25% of the depth of the lot.

Section 5.6 Reduction in Lot Area.

Subject to the provisions of this ordinance governing non-conforming lots, no lot of record, whether created by subdivision of an existing lot, or by the subdivision of acreage, shall have an area less than that required for the district in which it exists.

Section 5.7 Lots Fronting on Two Or More Streets.

For purposes of determining whether or not a lot meets minimum street frontage requirements, the street frontage on each side of the lot shall be viewed independently of street frontage on any other side of the lot; a lot shall meet the minimum street frontage requirement on at least one side.

Section 5.8 Street Access.

5.8.1 Subject to the provisions of this Ordinance governing non-conforming lots, no building shall be constructed on any lot which does not have the required minimum street frontage on a public street.

5.8.2 All alleys and private ways shall be connected directly to one or more public streets.

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Section 5.9 Interference With Traffic Control Devices. No temporary or permanent sign, structure, tree, planting, or vehicle shall protrude from any property, create confusion around, obstruct vision, or otherwise interfere with any traffic control device, sign, or signal.

Section 5.10 Vision Clearance at Street Intersections.

No fence, wall, building, structure, sign, hedge, tree, planting, vehicle or other obstruction above a height of three feet shall be permitted within fifteen feet of the intersection of the right-of-way lines of two or more intersecting streets.

Section 5.11 Prohibited uses.

The following uses and activities shall be specifically prohibited in any zone in the Town of Greenwood:

- 5.11.1 Automobile wrecking yards, junkyards or the sorting and baling of scrap metal, paper, rags, glass or other scrap material.
- 5.11.2 The parking, storing or keeping of a dismantled, inoperative or discarded motor vehicle or any parts thereof, unless within an enclosed building.
- 5.11.3 Any uses not permitted by this ordinance.
- 5.11.4 All establishments involving the sale of alcoholic beverages either on or off premises which are located within 500 feet of any public or private school, day-care or child care center or church.

Section 5.12 Multiple permitted uses and mixed uses.

In any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to such special requirements as reasonably imposed by the Town Council.

Section 5.13 Community residential treatment programs.

- 5.13.1. These are minimum requirements, and community residential treatment programs shall be subject to such additional requirements as reasonably imposed by the Planning Commission and/or the Town Council.
 - (1) Prior to occupancy of the facility, the program will obtain any applicable license from the State of Delaware. Town approval is conditional upon the Zoning Office receiving state confirmation that an appropriate license has been issued or certification that a license is not required by the state. If a license is not required by the State of Delaware, minimum standards may be required by the Town.
 - (2) The program will require a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy and assistance in the development of daily skills.
 - (3) The program shall include a description of client population, services provided, staffing schedule and client/staff ratio.
 - (4) The program will be operated under the authority of a reputable governing board, proprietor or government official to whom staff are responsible and who will be available to Town officials, if necessary, to resolve complaints pertaining to the

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facility. Each provider shall send complaint procedures to every property owner within 200 feet of the property within 45 days subsequent to Town approval to facilitate good neighbor relations. The operators will have a workable, written plan that includes a method for recording and resolving complaints by neighbors pertaining to the operation of the program. Complaints, efforts to resolve complaints and the results of such efforts shall be recorded.

- (5) The design of the facility will be compatible with the neighborhood within which it is located, including its landscaping and architecture.
- (6) The health and safety of the residents will be protected. Community residential programs shall meet all Town ordinances and regulations, including review by the Office of the State Fire Marshal and the Department of Public Health.
- (7) Community residential programs shall be located a minimum of 1,500 feet from any other community residential program or school.
- (8) The following documentation will be required to be submitted with the application:
 - (a) Site plan, including parking area and landscaping plan.
 - (b) Floor plan, with elevation drawings or photographs of existing building.
 - (c) List of board members, proprietors or governmental officials to whom staff are responsible.
 - (d) Written neighborhood relations plan.
 - (e) Complaint recording and resolution plan.

5.13.2 Off-street parking design standards shall be as follows:

- (1) One per employee during the period of greatest employment.
- (2) One per four clients.
- (3) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).
- (4) Have a buffer strip at least five feet wide between it and any adjacent residential lot.
- (5) Be attractively landscaped and screened from neighboring residential lots.
- (6) Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.
- (7) Not extend into any required front yard area, except for driveways.
- (8) Parking spaces shall be a minimum of 15 feet from any street line.
- (9) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.
- (10) Parking space size shall be a minimum of ten feet by 20 feet.

Section 5.14 Temporary Buildings or Structures During Construction; Construction Vehicles.

5.14.1 Temporary buildings or structures (including "construction trailers") not for habitation used in connection with and during construction, and located on the property upon

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which construction is taking place shall be permitted, but shall be removed upon completion or cessation of construction.

5.14.2 Construction vehicles may be parked or stored subject to the following conditions:

(a) Non-self-propelled vehicles shall be kept on the property upon which construction is being done at all times.

(b) Self-propelled vehicles shall be kept on the property on which construction is being done except during permitted construction hours at which times such vehicles may be parked on public streets.

Section 5.15 Yard Sales.

Yard sales may be permitted, with reasonable restrictions concerning traffic safety and nuisance control. No yard sale shall exceed three consecutive days in duration.

Section 5.16 "For Sale By Owner Items".

A property owner or resident may be permitted to display not more than two items "for sale by owner" for not more than 30 cumulative days in any calendar year.

Section 5.17 Restoration or Removal of a Damaged or Destroyed Building or Structure.

Any building or structure which is destroyed or damaged by fire, explosion, natural catastrophe, or Act of God, to the extent that, in the judgment of the Code Enforcement Official, the building or structure is non-habitable or constitutes a hazard to public health, life, or safety shall be removed from the premises, or restoration begun within one hundred and eighty (180) days of the date of destruction or damage.

Section 5.18 Dog Houses.

Dog houses shall be located on the lot on which a principal building is erected or is being erected and shall be limited in number to one. A dog house may be located in, or project into the rear or side yard. A dog house shall not be less than:

- (a) ten (10) feet from a property line; and,
- (b) twenty-five (25) feet from a street line.

No dog house shall be used to house or contain in excess of two animals unless approved by Town Code Enforcement Official in the exercise of his reasonable discretion based upon the particular circumstances (e.g. type and size of animals, size of lot, location of dog house on lot, proximity to neighboring property, objection or lack of objection from neighboring property owner or occupant).

5.19 Compliance with Federal, State, and Sussex County statutes, ordinances, and regulations.

All buildings, structures, and uses shall comply with all governing and applicable federal, state, and Sussex County statutes, ordinances, and regulations, provided that where any matter is subject to an ordinance or regulation of both the Town and Sussex County, the Town ordinance or regulation shall control unless the Town ordinance or regulation provides otherwise.

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ARTICLE 6 DISTRICT Regulations

Section 6.1. R-1 Single-Family Residential District.

6.1.1. **Purpose.** The intent of the R-1 Residential District is to preserve the spacious residential atmosphere and quality of living of existing low-density residential development, to provide for the orderly and appropriate development of new low-density housing and to allow related uses that would not be detrimental to the residential character of the district.

6.1.2. **Permitted uses.** Permitted uses for the R-1 District shall be as follows:

- (1) A single-family detached residential dwelling (including modular homes but excluding manufactured homes).
- (2) Farming, agricultural activities and roadside stands for the sale of farm and nursery products produced on the property where offered for sale.
- (3) Municipal and public buildings, including Town Hall or library, and the following municipal and public facilities: water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility distribution lines, public transportation bus or transit stops.
- (4) Non-commercial parks, playgrounds, athletic fields, recreation buildings, swimming pools and community recreational centers operated on a noncommercial/ non profit basis for recreation purposes.

6.1.3 **Accessory Uses, Buildings, Structures.,**

The following are permitted provided that they are subordinate and accessory to the principal building or use in existence or under construction on the same lot and incidental thereto:

- (a) Private residential garages not exceeding 750 square feet of ground space.
- (b) Residential storage sheds or related outbuildings shall not exceed 150 square feet of ground space
- (c) Fences and Retaining Walls
- (d) Decks, Boardwalks and Walkways
- (e) Gazebos, Stationary Grills
- (f) Swimming Pools, Tennis Courts, Handball Courts
- (g) Flagpoles, Mailboxes, Birdhouses
- (h) Satellite Antennas

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- (i) Residential Playground Equipment (e.g. swingsets, slides, seesaws, climbing apparatus)
- (j) Dog Houses for Up to 2 Animals
- (k) Home Occupation (subject to the following special requirements):
 - (i) All employees are to be of the immediate family residing in the dwelling
 - (ii) the home occupation shall maintain the residential character of the building, and shall be clearly incidental and secondary to the use of the building for residential purposes
 - (iii) The area used for the home occupation shall not exceed 30% of the total floor area of the dwelling, unless, as in the case of family day care, the state has final jurisdiction of the area requirements.
 - (iv) No storage of products or associated materials shall be allowed in accessory structures/buildings, and no products are to be stored where they are outwardly visible to the public view.
 - (v) Family day care shall involve a maximum of six full-time and two after-school children, as specified by state regulations.
 - (vi) The occupation will not cause excessive vehicular traffic, parking issues, or noise beyond that customarily associated with a single-family residential use
 - (vii) The occupation will not involve animal boarding and/or care.
 - (viii) A maximum of one non-illuminated sign (size and setback specified in Article 11 of this Ordinance) may be affixed to the building or placed within the front property line.

6.1.4 **Conditional Uses** subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Greenwood Town Council in accordance with the provisions in Article 7 of this ordinance:

- (1) Police, ambulance or paramedic station, and fire stations (with associated parking areas, fund-raising, and community hall activities)
- (2) Churches and other places of worship and cemeteries.
- (3) Public and private elementary, junior or senior high schools.
- (4) Day-care centers.
- (5) Residential conversion of a single-family dwelling into multiple dwelling units, if

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such dwelling is structurally sound but too large to be in demand for single-family use and if that conversion would not impair the character of the neighborhood, subject to conformance with the following requirements:

- (a) There shall be at least 2,000 square feet of lot area for each dwelling unit to be accommodated
 - (b) There shall be a gross habitable floor area of at least 800 square feet per family to be accommodated.
 - (c) No dwelling shall be converted unless it complies with all applicable housing and building construction codes of the Town.
 - (d) No addition shall extend within the front yard, side yards or rear yard required for the district within which it is located.
 - (e) Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of the building and shall not be located on any building wall facing a street.
 - (f) Two off-street parking spaces shall be provided for each dwelling unit in the converted building.
- (6) Professional occupation restricted to the owner/occupant, subject to conformance with the following requirements:
- (a) There shall be three off-street parking spaces in addition to those otherwise required.
 - (b) No more than two persons shall be employed by the practitioner of the professional occupation to provide secretarial, clerical, technical or similar assistance.
 - (c) No storage of materials or products outside the dwelling shall be permitted unless completely housed.
 - (d) The area used for the practice of a professional occupation shall occupy no more than 50% of the total floor area, including garages or other accessory buildings.
 - (e) The professional use shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
 - (f) No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.
 - (g) No display of products shall be visible from outside the building.
 - (h) A maximum of one non-illuminated sign (size and setback specified in Article 11 of this Ordinance) may be affixed to the building or placed within the front property line.
- (7) Customary home occupation or a studio for artists, designers, photographers, musicians, sculptors and other similar persons, subject to conformance with the following requirements:
- (a) The area used for the practice of the home occupation or studio shall occupy

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no more than 50% of the total floor area of the dwelling unit in which it is located.

- (b) No storage of materials or products outside the dwelling shall be permitted unless completely housed.
 - (c) The home occupation or studio shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
 - (d) No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.
 - (e) No display of products shall be visible from outside the building.
 - (f) A maximum of one non-illuminated sign (size and setback specified in Article 11 of this Ordinance) may be affixed to the building or placed within the front property line.
 - (g) A maximum of two employees shall be permitted in the operation of the home occupation or studio.
- (8) Art or specialty shops/galleries.
- (i) The residence shall remain as the predominant feature of the site.
 - (ii) The shop or gallery shall occupy only 40% of the residence.
 - (iii) Public parking shall be available, with the determination of said parking requirements being made by the Planning Commission during the site plan review hearing. These determinations and recommendations must be done in conjunction with any state regulations concerning traffic control within the given site area.
 - (iv) The Fire Marshal review must be applied for and recommendations made by the agency must be presented two weeks prior to the hearing date. All requests or recommendations shall be adhered to.
- (9) Social club or fraternal, social service, union or civic organization, provided that: (1) the chief activity shall not be one which is customarily carried on as a business, and (2) the buildings and services shall be for the exclusive use of members and their guests.
- (10) Cultural facilities, including a museum or an art gallery.
- (11) Country club, regulation golf course, including customary accessory uses, provided that all buildings have a minimum setback of 120 feet from all street and property lines.
- (12) Public utility structures and facilities, including: substations for electric, gas and telephone facilities; overhead electric transmission lines and towers

6.1.5. Dimensional Regulations.

- (1) Minimum lot area. Minimum lot area shall be 10,000 square feet.
- (2) Maximum lot coverage shall be 40% (See definition of "Maximum Lot Coverage").
- (3) Minimum street frontage on at least one street shall be 80 feet.