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- (4) Height of principal buildings shall not exceed two & one-half stories or 35 feet, whichever is greater. Accessory buildings, other than private garages, shall not exceed 15 feet in height. Private garages may have a height of 20 feet provided that they have a roof pitch of not less than 8/12.
- (5) Front Yard SetBack: There shall be a front yard setback from each street on which a lot abuts of not less than 30 feet.
- (6) Rear Yard Setback: There shall be a rear yard setback on each lot which shall be not less than 25 feet; provided however, that for corner lots, the rear yard may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
- (7) Side Yard Setbacks: There shall be two side yards on each lot, each of which shall be a minimum of 12 feet.

6.2. R-2 Residential District.

6.2.1. **Purpose.** The purpose of the R-2 District is to permit housing at a greater density than in the R-1 District by providing for the orderly development of low- to medium-density residential housing and related uses into those areas where public services are available. Finally, it protects existing developments of this nature and excludes incompatible ones.

6.2.2 **Permitted uses:** all uses permitted in the R-1 District.

6.2.3 **Accessory Uses:** all accessory uses permitted in the R-1 District.

6.2.4 **Conditional uses:** All uses specified as conditional uses in the R-1 District, as well as the following uses, may be permitted with the approval of a conditional use permit by the Greenwood Town Council in accordance with Article 7 of this ordinance:

(a) Single-family semidetached dwelling.

(i) Ownership.

[A] Dwelling units and individual lots of a single-family semidetached dwelling may be owned separately if separate utility systems are provided and if separate lots for all dwelling units in a building are created at the same time in conformance with the Town Subdivision Ordinance.

[B] Provisions satisfactory to the Town Council shall be made to assure that areas of common use of the occupants, but not in individual ownership, shall be maintained in an acceptable manner without expense to the general public.

[ii] Design requirements. No apartment/dwelling units shall be located within a cellar.

[iii] Site requirements.

[A] The structure shall be so located as to provide proper access to the building for fire-fighting equipment, trash collection, and deliveries.

[B] Off-street parking shall be provided at the rate of 2 ½ spaces for every

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dwelling unit on each lot.

[iv] Facilities.

[A] Outdoor light fixtures shall be provided at locations that will assure the safe and convenient use of walks, steps, parking areas, driveways, streets and other such facilities.

[B] Facilities for temporary trash/refuse storage shall be provided in the rear or side yards in such a manner that is adequate for the dwelling units they must support.

6.2.5. Dimensional Regulations.

(1) For permitted uses and single-family semidetached dwellings not separately titled:

- (a) Minimum interior lot area shall be 8,000 square feet and minimum corner lot area shall be 13,000 square feet
- (b) Maximum lot coverage shall be 40%.
- (c) Minimum street frontage on at least one street shall be 80 feet.
- (d) Height of principal buildings shall not exceed two & one-half stories or 35 feet, whichever is greater. Accessory buildings shall not exceed 15 feet in height.
- (e) Front Yard SetBack: There shall be a front yard setback from each street on which a lot abuts of not less than 30 feet
- (f) Rear Yard Setback: There shall be a rear yard setback on each lot which shall be not less than 15 feet; provided however, that for corner lots, the rear yard may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
- (g) Side Yard Setbacks: There shall be two side yards on each lot each of which shall be a minimum of 8 feet.

(2) For single-family semidetached dwellings separately titled:

- (a) Minimum interior lot area shall be 4,000 square feet and minimum corner lot area shall be 6,500 square feet
- (b) Maximum lot coverage shall be 40%.
- (c) Minimum street frontage on at least one street shall be 40 feet.
- (d) Height of principal buildings shall not exceed three stories or 35 feet, whichever is greater. Accessory buildings, other than private garages, shall not exceed 15 feet in height. Private garages may have a height of 20 feet provided that they have a roof pitch of not less than 8/12.
- (e) Front Yard SetBack: There shall be a front yard setback from each street on which a lot abuts of not less than 30 feet.
- (f) Rear Yard Setback: There shall be a rear yard setback on each lot which shall be not less than 15 feet; provided however, that for corner lots, the rear yard may be reduced 20% in depth to allow for skewing of a residential

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dwelling on the lot.

- (g) Side Yard Setbacks: There shall be one side yard for each lot of not less than 8 feet.

Section 6.3 R-3 Garden Apartment and Townhouse District.

6.3.1. **Purpose.** The purpose of the R-3 District is to provide for the orderly development of existing and proposed medium- to high-density residential housing and related uses into those areas where adequate public facilities exist. The district will permit development of garden-type apartments as well as townhouses that will yield high densities in selected areas, multifamily dwellings, and a variety of housing types.

6.3.2. **Permitted uses.** Permitted uses for the R-3 District shall be as follows:

- (1) All uses permitted in an R-2 District and subject to its area regulations, unless otherwise indicated in this section as provided below:
 - (a) Single-family, single family semi-detached, and two-family detached dwellings shall be subject to the following dimensional regulations:
 - (1) Minimum interior lot area shall be 7,500 square feet
 - (2) Maximum lot coverage shall be 45%.
 - (3) Minimum street frontage on at least one street shall be 60 feet.
 - (4) Height of principal buildings shall not exceed two & one-half stories or 35 feet, whichever is greater. Accessory buildings, other than private garages, shall not exceed 15 feet in height. Private garages may have a height of 20 feet provided that they have a roof pitch of not less than 8/12.
 - (5) Front Yard SetBack: There shall be a front yard setback from each street on which a lot abuts of not less than 30 feet
 - (6) Rear Yard Setback: There shall be a rear yard setback on each lot which shall be not less than 15 feet; provided however, that for corner lots, the rear yard may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
 - (7) Side Yard Setbacks: There shall be two side yards on each lot each of which shall be a minimum of 8 feet, except separately-titled semi-detached structures which shall have at least one side yard per lot, minimum eight feet in width.
- (2) Garden or low-rise apartments and two family semi-detached, subject to site plan review and the following requirements:
 - (a) The number of dwelling units per acre shall not exceed 16.
 - (b) Lot coverage shall be a maximum of 60% for any lot developed for garden apartments.
 - (c) The maximum number of dwelling units per building shall be 12.
 - (d) Distance between buildings or groups of buildings shall be as follows: each

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building or group of buildings shall be at least 30 feet from any other building or group of buildings or any property line.

- (e) Minimum street frontage on any public street shall be at least 50 feet.
 - (f) Minimum lot size shall be one acre for garden apartment properties or complexes, with a minimum of 2,500 square feet of lot area for each dwelling unit.
 - (g) Front yard setback: There shall be a front yard setback from each street on which a lot abuts of not less than 30 feet.
 - (h) Rear Yard Setback: There shall be a rear yard setback on each lot which shall be not less than 30 feet; provided however, that for corner lots, the rear yard may be reduced 20% in depth to allow for skewing of a residential building on the lot.
 - (i) Side Yard Setbacks: There shall be two side yards on each lot each of which shall be a minimum of 30 feet, except separately-titled semi-detached structures which shall have at least one side yard per lot, minimum thirty feet in width.
 - (j) A minimum of 15% of the total area developed for garden apartments shall be designated as open space. The Mayor and Council shall have the option to require all or a portion of the open space to be public open space or dedicated open space, with appropriate conditions for maintenance and use.
 - (k) Height of buildings shall not exceed 2 ½ stories or 35 feet. Accessory buildings, other than private garages, shall not exceed 10 feet in height.
- (3) Townhouses or row dwellings, subject to site plan review and the following requirements:
- (a) The number of dwelling units per group shall not exceed eight nor be fewer than three.
 - (b) The number of dwelling units per acre shall not exceed 12.
 - (c) Maximum lot coverage shall be 60%.
 - (d) Minimum street frontage on any public street shall be at least 50 feet.
 - (e) No group of townhouses shall be closer than 60 feet as to facing walls and 30 feet as to end walls from any other group of such dwellings.
 - (f) There shall be within any contiguous group of townhouses at least three different architectural plans having substantially different designs and building materials. In addition, no more than three continuous townhouses shall have the same front setback, and the variations in front setback shall be at least four feet.
 - (g) The minimum width of any side yard abutting a street, driveway or parking area within the townhouse area shall not be less than 30 feet.
 - (h) Height of buildings shall not exceed two & one-half stories or 35 feet. Accessory buildings, other than private garages, shall not exceed 10 feet in height.
 - (i) Alleys in the rear of townhouse groups are required for access to units by owners and to facilitate Town services, trash collection, meter reading and parking.

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- (j) Minimum lot size shall be one acre for townhouse projects or complexes, with a minimum of 2,000 square feet of lot area for each dwelling unit.
- (k) A minimum of 15% of the total area developed for townhouses shall be designated as open space. The Mayor and Council shall have the option to require all or a portion of the open space to be public open space or dedicated open space, with appropriate conditions for maintenance and use.
- (l) Front Yard SetBack: There shall be a front yard setback from each street on which a lot abuts of not less than 30 feet
- (m) Rear Yard Setback: There shall be a rear yard setback on each lot which shall be not less than 30 feet; provided however, that for corner lots, the rear yard may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.
- (n) Side Yard Setbacks: Subject to subparagraph (g) above, there shall be a side yard of not less than 15 feet between the end unit of any townhouse building and the abutting side property line.

6.3.3 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 of Article 7 of this ordinance:

- (a) Rooming or boarding houses.
- (b) Business offices for administrative purposes only.
- (c) Professional offices (nonresident).
- (d) Medical clinics.
- (e) Sanatoriums or nursing homes.
- (f) Art or specialty shops/galleries.
- (g) Studio workshop for artists, designers, photographers, musicians, sculptors, & related uses, including sales
- (h) Police, ambulance, paramedic, or fire station, with associated parking areas

Section 6.4 DOWNTOWN COMMERCIAL DISTRICT ("DC").

6.4.1. Purpose. The purpose of the DC District is to create an atmosphere that encourages the preservation and revitalization of the Downtown Commercial District. Specifically, the regulations are designed to encourage the development and opening of new businesses that can be compatible in a neighborhood setting to provide goods and services to local residents in those areas where public services are available. The district regulations also recognize the unique circumstances that are peculiar to the downtown area.

6.4.2. Permitted uses. Permitted uses for the DC District shall be as follows:

- (1) Single-family and multifamily dwellings.
- (2) Branch offices only of financial institutions; ,Banks, and Loan Companies.
- (3) Barbershops and beauty shops.

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- (4) Studio – workshop for artists, designers, photographers, musicians, sculptors and related uses including sales.
- (5) Retail food stores, including bakeries, confectionery, candy or gourmet shops, small convenience grocery shops (without gas pumps) and meat, fish or produce stores.
- (6) Restaurants, excluding fast-food service or franchised food service operated restaurants.
- (7) Retail sales and specialty stores.
- (8) Public parking lot.
- (9) Off-street parking as an accessory use.
- (10) Antique shop or bookstore.
- (11) Municipal and public services and facilities, including Town Hall, 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, police, ambulance, paramedic, and fire stations (together with their associated parking, fund-raising, and community hall activities).
- (12) Community recreation center, as a nonprofit community service.
- (13) Laundromats.
- (14) Neighborhood shopping centers, to include only those uses permitted in this section, as listed above, and subject to the following special requirements:
 - (a) Maximum lot size for the grouping of stores shall be 1 1/2 acres.
 - (b) Maximum floor area for any single permitted establishment within the neighborhood shopping center shall be 30,000 square feet.
 - (c) Minimum street frontage shall be at least 250 feet.
 - (d) Minimum distance between any building or accessory use, except parking, and any residential district shall be 50 feet.
 - (e) Minimum distance between any access driveway (including ingress or egress points) and any residential district shall be 50 feet.
 - (f) Front yard setback: Minimum of 50 feet
 - (g) Rear yard setback: Minimum of 50 feet
- (15) General merchandise stores, including such uses as department stores, apparel and accessories, hardware, shoes, drugs and variety stores.
- (16) Specialty retail stores, including such uses as gifts, antiques, crafts, newspapers, tobacco, flowers, sporting goods, books, jewelry, leather goods and stationery stores.
- (17) Personal service establishments, including such uses as barbers, beauticians, shoe repair and tailors.
- (18) Taverns and tap rooms.
- (19) Professional services and administrative activities, including such uses as offices of agents, brokers, physicians, dentists, attorneys, architects, engineers, musicians and artists and governmental offices serving the public.

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- (20) Libraries, museums, art galleries and public information centers.
- (21) Churches and other places of worship
- (22) Tourist home, boardinghouse, rooming house or lodging house.
- (23) Commercial parking lot, public garage or multilevel parking garage and off-street parking.
- (24) Publishing, printing and reproduction establishments.
- (25) Repair and servicing as an accessory activity of any article for sale in the same establishment.
- (26) Indoor storage facilities as an accessory use to any of the permitted uses in this district.
- (27) The outdoor display of merchandise, if done in a reasonable manner and if the display is kept neat and orderly as determined by the Code Enforcement Official. Furthermore, the outdoor display may not interfere with the safe and efficient flow of pedestrian traffic.
- (28) Family day care, which shall involve a maximum of six full-time and two after-school children, as specified by state regulations.

6.4.3. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the Town Council as provided in Article 7 of this ordinance.

- (1) Small convenience grocery shops with gas pumps.
- (2) Community residential treatment program
- (3) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.
- (4) Dry-cleaning establishments.
- (5) Undertakers, Funeral Home/Mortuaries
- (6) Motels and hotels.
- (7) Instructional, business or trade stores.
- (8) Fast-food or franchised food service operated restaurants.
- (9) Day-care centers.
- (10) Charitable and Philanthropic organizations
- (11) Liquor Store
- (12) Residence apartments in conjunction with any nonresidential use.
- (13) Fraternal, social service, union or civic organization; Private social club

6.4.4. Dimensional regulations.

- (1) Minimum lot area shall be 3,500 square feet.
- (2) Maximum lot coverage shall be 80%.
- (3) Minimum street frontage shall be 30 feet.

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- (4) Height of buildings shall not exceed two and half stories or 35 feet.
- (5) Minimum front building setback shall be 10 feet.
- (6) Side yards may be 0 feet.
- (7) Minimum rear yard shall be 25 feet.

Section 6.5 HC Highway Commercial District.

6.5.1. **Purpose.** The purpose of the HC District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact in those areas where public services are available. These uses generally require locations on major arterial routes and serve both local and regional customers.

6.5.2. **Permitted uses.** Permitted uses for the HC District shall be as follows:

- (1) Offices for banking & financial institutions, technical centers, research/data centers, emergency service centers (police, fire, rescue), corporate offices, and other professional offices.
- (2) Dry Cleaning Establishments
- (3) Funeral Home, Mortuary, Crematorium, Undertaker
- (4) Furniture refinishing & furniture restoration shop
- (5) Laundromat
- (6) Professional Services & Administrative Activities including offices for professionals (real estate brokers and agents, physicians, dentists, attorneys, architects, engineers, musicians & artists, and government offices serving the public)
- (7) Sign Fabrication and painting shops
- (8) Veterinary Clinics
- (9) Large Retail Outlets
- (10) Neighborhood Shopping Centers, subject to special requirements
- (11) Community Recreational Center, as non-profit community service
- (12) Athletic Club, including facilities for tennis, handball, racketball, swimming, fitness
- (13) Indoor storage facilities as an accessory use to any of the permitted uses in this district
- (14) Restaurants, including fast-food or franchised restaurants and drive-in restaurants.
- (15) Warehouses
- (16) Tourist home, boarding house, rooming house, or lodging house
- (17) Roadside produce market.
- (18) Memorial stone shop.
- (19) Bus Station
- (20) Charitable & philanthropic organizations
- (21) Medical Arts Offices & Buildings

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- (22) Business machine shops for sales & service
- (23) Professional Schools, Non-industrial
- (24) Publishing, printing, and reproduction establishments
- (25) Central office for telephone or cable television service
- (26) Television and radio studios (without towers)
- (27) Supermarkets
- (28) Public parking lot
- (29) Off – street parking as an accessory use
- (30) Libraries, museums, art galleries and public information centers
- (31) Churches or other places of worship
- (32) Municipal & public buildings including Town Hall or library and the following municipal and public facilities, water storage, 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
- (33) Police, ambulance or paramedic station and fire stations with associated parking areas, fund raising and community hall activities
- (34) Building Contractors' Yards

6.5.3. **Conditional uses subject to special requirements.** The following uses are permitted subject to receiving a conditional use permit by the Town Council as provided in Article 7 of this ordinance.

- (1) Motels or hotels with a minimum lot size of three acres.
- (2) Commercial greenhouse.
- (3) Wholesale establishment.
- (4) Newspaper publishing or printing establishment.
- (5) Contractors', craftsmen's or general service shops, including welding and similar shops.
- (6) Research, design, testing and development laboratories.
- (7) Car repair shops.
- (8) Used car lots.
- (9) Service station, automobile sales or rental agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:
 - (a) All facilities shall be located and all services shall be conducted on the lot.
 - (b) All repair work shall be conducted within an entirely enclosed building.
 - (c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 30 feet.
 - (d) No portion of such structure or its equipment shall be located within 500 feet of the property line of any school, hospital, church or public recreation building.

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- (e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.
 - (f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.
- (10) Shopping center, subject to site plan review and the following site requirements:
- (a) The total shall not be less than one acre.
 - (b) The site must be served by public water, sewer and electricity.
 - (c) An application for a Shopping Center shall include a proposed tenant mix. Permitted tenant uses shall be limited to those uses permitted in Section 6.5 or such other uses specifically approved as part of the Conditional Use application for a Shopping Center. Any change in the tenant mix which involves a use other than a use permitted under Section 6.5 or previously-approved as part of the Shopping Center Conditional Use approval shall require approval as a Conditional Use.
 - (d) Storm-water drainage. Facilities shall be provided by the developer to handle the increase in storm-water runoff, and the developer shall make a financial contribution towards the cost of any off-site storm-water management facilities necessitated by the shopping center.
 - (e) Traffic and parking.
 - [1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be regulated through traffic control devices and appropriate site design.
 - [2] Access to state highways shall be controlled by the State Department of Transportation.
 - [3] The minimum distance between accessways and a residential district shall be 50 feet or the minimum requirement established by DeIDOT, whichever is greater.
 - [4] Spacing of accessway.
 - [a] From adjoining property: 50 feet.
 - [b] From minor intersections: 50 feet.
 - [c] From major intersections: 100 to 150 feet.
 - [5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.
 - [6] Parking lots shall be attractively landscaped in accordance with the recommendations of a licensed landscape architect or other qualified landscaper as shown on the general site plan.
 - (f) Setback.
 - [1] From street right-of-way: 30 feet.
 - [2] From nonresidential districts: 30 feet.
 - [3] From residential districts: 100 feet.
 - (g) Buffering and landscaping.

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- [1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be not less than six feet high near residential districts.
 - [2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.
 - [3] At least one tree, not less than 3 inches in diameter when measured 36 inches above abutting grade, shall be planted for every seven off-street parking spaces located within the shopping center parking lot.
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- (11) Day-care centers, with site plan required.
 - (12) Car wash, all types (staffed, automatic, self-service, etc.).
 - (13) Convenience stores with gas pumps.
 - (14) Community residential treatment program.
 - (15) Liquor Store
 - (16) The outdoor display of merchandise, if done in a reasonable manner and kept neat and orderly and does not interfere with the safe and efficient flow of pedestrian traffic
 - (17) Commercial parking lot, public garage, or multilevel garage and off street parking
 - (18) Outdoor commercial recreation facilities, not motorized vehicles
 - (19) Indoor recreation, including amusement arcades, indoor theatres, billiard tables, youth clubs, and similar facilities
 - (20) Fraternal, social service, union or civic organization; Private social club
 - (21) Civic and or conference centers
 - (22) Schools
 - (23) Health Center & clinic (medical or dental)
 - (24) Medical/ dental laboratories
 - (25) Medical and surgical hospitals, subject to site plan review
 - (26) Nursing Homes and Sanatoriums
 - (27) Warehouses, distribution centers
 - (28) Printing, publishing, binding ,packaging, storage, warehousing, distribution
 - (29) R-1 & R-2 uses when accessory to a commercial use
 - (30) R-3 uses

6.5.4. Dimensional Regulations.

- (1) Minimum lot area shall be one acre.
- (2) Maximum lot coverage shall be 80%.
- (3) Minimum street frontage shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.
- (4) Height of buildings shall not exceed two & one-half stories or 35 feet.

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- (5) Minimum building setback shall be 30 feet.
- (6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet each, with a minimum aggregate width for two side yards of 50 feet.
- (7) Minimum rear yard shall be 50 feet.

Section 6.6 MANUFACTURING & LIGHT INDUSTRIAL DISTRICT ("M/LI").

6.6.1. **Purpose.** The purpose of the Manufacturing & Light Industrial District shall be to provide locations, in those areas where public services are available, for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with adjacent or nearby residential areas. An additional purpose of this district is to provide guidelines and performance standards which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.

6.6.2. **Permitted uses.** Permitted uses of the M/LI District shall be as follows:

- (1) Building Contractor's Materials Storage Yards
- (2) Warehouses
- (3) Wholesale storage, warehousing, and distribution facilities
- (4) Research, design, testing and development laboratories.
- (5) Boat Manufacture and Repair (Vessels less than 5 tons); Boat Sales and Service
- (6) Farm Machinery and truck manufacture, sales, storage, service, and repairs
- (7) Light manufacturing, assembling, converting, altering, finishing, baking, cooking or any other type of processing or storage of an industrial nature for the production and/or distribution of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees.
- (8) Printing, publishing, binding, packaging, storage, warehousing and distribution.
- (9) Municipal and public services and facilities, such as utility supply areas (i.e. water, sewer, electric), public utility distribution and transmission facilities, and substations.

6.6.3. **Prohibited uses.** The following are expressly prohibited in the M&I District:

- (1) Residences, except those in existence at the time of adoption of this amendment.
- (2) Manufacturing uses involving production of the following products from raw materials: asphalt, bituminous concrete, cement, charcoal and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal); linoleum and oil cloth, matches, paint, varnishes and turpentine; rubber (natural and synthetic); and soaps, including fat rendering.

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- (3) Dumps, junkyards, automobile salvage and dismantling plants/yards, storage areas or operations for the storage or resale of used automotive or other machine parts.
- (4) Operations involving slaughterhouses, stockyards or slag piles.
- (5) Storage of explosives and bulk or wholesale storage of gasoline above ground.
- (6) Quarries, stone crushers, screening plants and all associated uses.
- (7) The following processes: large-scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.

6.6.4. **Conditional uses.** The following uses are permitted in the M/LI District, in accordance with the provisions within Article 7 (conditional use portion) of this ordinance:

- (1) Trucking terminal Operations, tractor-trailer storage, vehicle repair facilities, parking facilities, and trucking schools
- (2) Radio-television facilities, with towers.
- (3) Recycling or Collection Facilities for paper, glass, plastic, and metals
- (4) Trash Compaction, transfer station, and solid waste management system, not to include hazardous wastes

6.6.5 **Design standards and requirements.** These are minimum requirements for all activities that are permitted or permitted as conditional uses. In addition, conditional use activities are subject to such greater restrictions as may be reasonably required by the Planning Commission during site plan review.

- (1) Accessory uses shall not be permitted without a principal use.
- (2) Any uses not permitted, as previously listed, are prohibited.
- (3) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items may be shielded from public view by a landscaped screen, fence or wall.
- (4) In a planned industrial park or any lands designated as an M/LI District, no building/structure, accessory structure or sign shall be located closer than 200 feet to any non industrial district boundary.
- (5) Adequate off-street parking shall be provided for all employees and traffic to the buildings. The minimum requirements are given in Article 9 of this ordinance and are to be deemed as minimum standards only. Standards in excess of those stated in Article 9 may be stipulated by the Planning Commission during the site plan review.
- (6) All fencing shall be properly maintained.
- (7) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.
- (8) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.

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- (9) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control, as well as all applicable federal environmental regulations.
- (10) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of the DNREC, State of Delaware, or in accordance with applicable federal regulations.
- (11) All internal roads, driveways and parking areas (for public, in-house employee or truck/vehicular traffic) shall be paved.
- (12) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.
- (13) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.
- (14) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.
- (15) All M/LI District projects and proposals are subject to site plan review by the Planning Commission.

6.6.6. Dimensional regulations.

- (1) Minimum lot area shall be two acres.
- (2) Maximum lot coverage shall be 60%. A minimum area of 10% shall be grass and/or landscaped area. Parking areas shall be landscaped.
- (3) Minimum street frontage shall be 150 feet.
- (4) Maximum building height shall be 35 feet.
- (5) Minimum front yard setback shall be 75 feet.
- (6) Minimum side yard setback shall be 40 feet.
- (7) Minimum rear yard setback shall be 45 feet.
- (8) Landscape screening. See Article 10 of this ordinance.
- (9) Accessory structures shall occupy no more than 10% of the lot area.
- (10) Accessory structures shall be located in the rear yard/lot area.
- (11) Accessory structures shall be located at least 45 feet from the rear lot line.

SECTION 6.7 RESIDENTIAL PLANNED COMMUNITY ("RPC") AND RESIDENTIAL PLANNED COMMUNITY ANNEXED LANDS ("RPC-A") OVERLAY DISTRICTS.

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- 6.7.1 **Overlay District.** The RPC District and RPC-A districts are “overlay” districts that may, following those procedures required to amend the zoning map, be superimposed by action of the Town Council, upon any parcel of land in the R-1, R-2, or R-3 zoning districts where such parcel meets the minimum requirements established by this section and where the Town Council determines that the use of that parcel as an “RPC” (or “RPC-A”) is appropriate for the development of that parcel as an RPC (or “RPC-A”) and will not have an undue negative impact on neighboring properties or the town’s infrastructure. Except as modified by this section, all regulations regarding the underlying R-1, R-2, or R-3 district shall apply and govern the use and dimensions of land and buildings in the RPC (or “RPC-A”) districts. Whenever the Town Council shall act to designate an area as an RPC (or “RPC-A”) Overlay District, the Town zoning map shall be amended to show such designation.
- 6.7.2 **Purpose.** The purpose of the RPC and RPC-A Overlay Districts is to provide flexibility in design and use standards in order to accomplish the goals of the Comprehensive Plan, encourage a mix of uses, a variety of lot sizes and residential housing types, provision of common open space and public facilities, all in order to maintain a rural/small town character. Lands within the municipal boundaries of the Town as those boundaries existed as of the adoption of this ordinance (January 6th, 2009) may be considered for approval as an RPC; lands annexed into the Town after the adoption of this ordinance may be considered for approval as an RPC-A. Except for minimum area requirements, the RPC and RPC-A overlay districts are identical in all respects.
- 6.7.3 **Permitted uses.** Uses, accessory uses and signs permitted in any residential district shall be permitted in accordance with the additional requirements and provisions of this article.
- 6.7.4 **Minimum requirements, area and width.** No parcel of land shall be approved as an RPC-A unless it covers at least 10 contiguous acres, and no parcel of land shall be approved as an RPC unless it covers at least 5 contiguous acres, that are to be developed as a single entity, and providing necessary or appropriate open spaces, recreational and/or community facilities. An RPC (or “RPC-A”) 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. In a residential planned community, minimum lot area and width may be less than that required by the district regulations, except that no lot intended for a single family dwelling shall be less than 4,000 square feet in area nor less than 40 feet in width. The width of the lot shall be between side lot lines at the front building setback line as determined by the Planning Commission.
- 6.7.5 **Density.** Generally, and subject to the “density bonus” for the RPC overlay district, a residential planned community is not intended to increase density, but to allow flexibility in the design of the number of dwelling units permitted. If a parcel or parcels have more than one zoning classification, the total permitted density may be located throughout the parcel or parcels. The total permitted density shall be determined by dividing the development area by the minimum lot area per dwelling unit required by the zoning district in which the land is located. Provided however, anything herein to the contrary notwithstanding, the total permitted density for development in the RPC Overlay district shall be 7,500 square feet per dwelling unit. Development area shall not include any wetlands, floodway or similar area not suitable for building as determined by the Planning Commission.
- 6.7.6 **Other requirements.** Off-street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and

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building separation shall be as determined by the Planning Commission. Maximum height shall not exceed 35 feet and two & one-half stories maximum.

6.8 Utility District ("UT").

The Utility District is to provide for an areas exclusively set aside for Town and public services and facilities, including Town Hall, Town administration buildings, Town storage buildings and garages, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, police and fire stations, and substations for electric, gas, and telephone.

6.9 Open Space ("OS")

The Open Space District is to provide areas for both "passive" and "active" open space for use by the general public or only for residents and property owners of a designated area or subdivision.

Passive Open Space shall consist primarily of undeveloped vacant lands for use as parks, walking, jogging, or bicycle trails, dog parks, and nature trails. Lands designated as Open Space may be used for such purposes as a matter of right.

Active Open Space shall consist primarily of lands which have been or are to be improved for recreational uses including, by way of example and not in limitation, baseball, football, soccer, lacrosse and field hockey fields (with or without bleachers, dug-outs and small concession stands), tennis, handball, and basketball courts, running tracks, and similar recreational/sports activities. Lands designated as Open Space may only be used for such purposes if approved as a Special Exception by the Board of Adjustment and following Site Plan Review by the Planning Commission.

Both Active Open Space and Passive Open Space lands may be improved by appropriate parking areas, rest-room facilities, fences and similar features, but where Passive Open Space is involved, site plan approval for such improvements shall be required.

ARTICLE 7 Conditional Uses

Section 7.1 Purpose

- 7.1.1 The intent of the conditional use is to maintain a measure of control over uses that are likely to have an impact on the entire community. Generally, conditional uses may be desirable in certain locations for the general convenience and welfare. Owners must use the property in a manner that assures neither an adverse impact upon adjoining properties nor the creation of a public nuisance. In short, because of the nature of the use, it requires sound planning judgment on its location and site arrangement.
- 7.1.2 Conditional use permits may be issued for any of the conditional uses as enumerated by the provisions of this ordinance, provided that the Town Council shall find that the application is in accordance with the provisions of this ordinance after duly advertised hearings held in accordance with the provisions of Section 16.1.4 and 16.2.

Section 7.2 Application, fees, and approval procedures.

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- 7.2.1 The application for a conditional use shall first be made with the Code Enforcement Official, who shall then forward the materials to the Planning Commission. The application shall be accompanied by the appropriate filing fee as set out in the Fee Schedule adopted by the Town Council. No application shall be accepted until the filing fee has been paid.
- 7.2.2 The Planning Commission shall study such information and make recommendations to the Town Council within 60 days of the Code Enforcement Official's referral to the Commission after holding a public hearing.
- 7.2.3 The Council shall then act within 60 days of the receipt of the Commission's recommendation to either approve with conditions or deny such use after holding a public hearing. The Council's decision shall be based on the determination that the location of the use is appropriate, it is not in conflict with the Comprehensive Plan and it is consistent with the purpose and intent of this ordinance.

Section 7.3. Criteria for evaluation.

The following criteria shall be used as a guide in evaluating a proposed conditional use:

- 7.3.1 The presence of adjoining similar or compatible uses.
- 7.3.2 An adjoining district in which the use is permitted.
- 7.3.3 There is a need for the use in the area proposed as established by the Comprehensive Plan.
- 7.3.4 There is sufficient area to screen the conditional use from adjacent different uses.
- 7.3.5 The use will not significantly detract from permitted uses in the district.
- 7.3.6 Whether sufficient safeguards, such as traffic control, parking, screening, setbacks, and architectural characteristics can be implemented to remove potential adverse influences on adjoining uses.
- 7.3.7 Due consideration of the objections, if any, of adjoining landowners.

Section 7.4. Conditions for approval; expiration.

- 7.4.1 In granting any conditional use permit, the Town Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in Section 7.3 and that such use will continue to do so.
- 7.4.2 Construction or operation shall be commenced within one year of the date of issuance of the conditional use permit or the conditional use permit shall become void.
- 7.4.3 A reapplication for a conditional use permit for the same lot or use shall not be considered by the Town Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a conditional use permit on its own motion.
- 7.4.4 If a conditional use permit is granted under the provisions of this article, the Town Council shall direct the Code Enforcement Official to officially notify the applicant, in writing, of all conditions approved by the Council.
- 7.4.5 The approval of a conditional use is valid for one year. Unless permits are obtained and construction or use is substantially underway prior to the expiration of one year from the date of issuance, conditional use approval shall expire. Permits may be revoked by the

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Council for failure to comply with the stated conditions of approval or applicable regulations.

ARTICLE 8

NON-CONFORMING USES, LOTS, BUILDINGS AND STRUCTURES

Section 8.1 Non-Conforming Uses

8.1.1 **Continuation** Any lawful use of a building, structure, or land existing at the effective date of this Ordinance may be continued although such use does not conform to the provisions of this Ordinance.

8.1.2 Extension

(a) **Land.** The non-conforming use of unimproved land may be extended up to fifty percent (50%) of the total area of the lot or parcel occupied by such use as of the effective date of this ordinance if approved by the Board of Adjustment as a *special exception* provided that such extension or enlargement is immediately adjacent to the existing non-conforming use and conforms to the dimensional requirements for the district in which it is situate.

(b) **Buildings & Structures.** The non-conforming use of a building or structure may be extended *within* the interior of such building or structure if approved by the Board of Adjustment as a *special exception*; and provided that neither the exterior dimensions (height, length, width), lot coverage, or cubic volume of the building or structure is increased, and that such extension meets all other dimensional and supplementary requirements of this Ordinance for either the district in which it is located or the type of use involved, whichever is more restrictive (e.g. off-street parking, signs, yard space).

8.1.3 **Changes.** A non-conforming use of a building or land may be changed to a non-conforming use of the same or more restrictive classification. Whenever a non-conforming use of a building or land has been changed to a use of a more restricted classification or to a conforming use, such use shall not thereafter be changed to a use of a less restricted classification.

8.1.4 **Restoration.** A building or structure containing a non-conforming use wholly or partially destroyed by fire, explosion, flood, windstorm or other Act of God, may be reconstructed and used for the same non-conforming use, provided that building reconstruction shall be commenced within six (6) months from the date the building was destroyed and shall be carried on without interruption to completion within one year of commencement.

8.1.5 **Abandonment.** If a non-conforming use of a building or land is voluntarily abandoned and ceases for a continuous period of one (1) year or more, subsequent use of such land or building shall be in conformity with the provisions of this Ordinance.

The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a non-conforming use, and the existence of a non-conforming use on a part of a lot, or within part of a building, shall not be construed to establish a non-conforming use on the entire lot or within the entire building.

Section 8.2 Non-Conforming Buildings, Structures

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8.2.1 Continuation. Any building or structure lawfully existing as of the effective date of this Ordinance may be continued although such building or structure does not conform to the dimensional requirements of this Ordinance.

8.2.2 Extension. Any non-conforming building or structure may be enlarged or extended provided that such extension or enlargement complies with the dimensional provisions of this Ordinance.

8.2.3 Restoration.

(a) No non-conforming building or structure which is wholly or substantially destroyed by voluntary demolition or removed from a premises shall be restored, reconstructed, or replaced except in compliance with the height, yard setback, and lot coverage requirements of this Ordinance. For purposes of this subparagraph the gradual replacement of fifty percent (50%) or more of the structural members of a building or structure within any twenty-four (24) consecutive months shall be deemed to be a "voluntary demolition" of that portion of the non-conforming building or structure and shall be prohibited unless in compliance with the height, yard setback, and lot coverage requirements of this Ordinance.

(b) Any non-conforming building or structure which is wholly or substantially destroyed by fire, explosion, flood, windstorm, or other Act of God (to the point where it is not economically feasible to repair) may be replaced or reconstructed in the same location and dimensions as the building or structure existed just previous to its destruction, provided that reconstruction shall be commenced within six (6) months from the date of destruction and carried on without interruption to completion within one year of commencement. Such restoration shall not increase the previous degree of dimensional non-conformity in any way.

Section 8.3 Non-Conforming Lots; Merger of Abutting Non-conforming Lots.

8.3.1 Lots in Single and Separate Ownership. Any lot which is not of the required minimum street frontage or area, or is of such dimensions that the owner would have difficulty providing the required yard setbacks, may be improved by the construction or alteration of a principal building or structure (and permitted accessory buildings or structures) for any use permitted in that district if:

(a) such lot was held in single and separate ownership as of the date of adoption or amendment of this ordinance creating such non-conformity *or*

(b) As of the date of adoption or amendment of this ordinance creating such non-conformity, such lot and any abutting lot not held in single and separate ownership have characteristics or features which significantly preclude their being "merged" to meet the lot area or street frontage requirements of this Ordinance. By way of illustration and not in limitation, the following are examples of characteristics or features which would permit contiguous non-conforming lots held by the same identical owner to be treated as separate lots: a valid enforceable easement in favor of a third party separating the two existing lots; existing detached buildings containing dwelling units or commercial uses on each of the contiguous non-conforming lots; significant differences in natural features, elevations, or contours such that contiguous non-conforming lots could not, as practical matter, be merged and utilized as one lot.

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8.3.2 Approval by Board of Adjustment. Where any building or accessory building is constructed on any non-conforming lot as permitted under § 8.3.1 above, a variance from the Board of Adjustment shall be required where such construction or alteration cannot meet any other requirements of this Ordinance; provided however, that the Board of Adjustment shall not be obligated to grant any variance but shall decide each variance on the particular circumstances.

8.3.3 Non-conforming Lots in Existing Approved Subdivisions

Anything in Section 8.3.1 to the contrary notwithstanding, any lot shown on a subdivision plan which has been given final approval by the Town and which is of public record shall be exempt from the "merger" provisions of Section 8.3.1, provided that subdivision approval for that publicly-recorded plan has not expired or been revoked in accordance with the provisions of the Town's Subdivision and Land Development Ordinance.

8.3.4 "One-Time, One Lot" Subdivision of "Merged" Lots in Prior R-1 Zoning District by Special Exception

Anything in Section 8.3.1 to the contrary notwithstanding, where any parcel of land (including two or more abutting lots) held of record by the same entity in the R-1 zoning district immediately prior to the adoption of this ordinance and accompanying zoning map (January 6th, 2009) contained sufficient frontage and area to meet the minimum lot frontage and lot area requirements for at least two lots under the prior R-1 district regulations (i.e. 75-foot street frontage and 7,500 square foot lot area per lot), and such parcel of land became "merged" under the provisions of Section 8.3.1 upon the adoption of this ordinance and accompanying zoning map, such parcel of land may, *if approved by the Board of Adjustment as a special exception*, be subdivided once (and only once) to create two or more lots as follows: (a) where there is sufficient land to create only two lots both meeting or exceeding the minimum lot area and frontage requirements for the R-1 district under the prior zoning ordinance, two lots may be created, both of which shall meet or exceed the minimum requirements of the prior zoning ordinance; (b) where there is sufficient land to create more than two lots meeting or exceeding the minimum lot area and frontage requirements of the prior zoning ordinance, one lot may be created meeting such prior requirements and the remainder of such lands shall meet or exceed the minimum lot area requirements (10,000 square feet) and lot frontage requirements (80 feet) for lots in the R-1 zoning district under this ordinance. No parcel of land subdivided under this Section 8.3.4 may be subsequently re-subdivided unless all lots resulting from such subsequent re-subdivision shall meet the minimum lot area and lot frontage requirements of this ordinance.

Section 8.4 Construction Previously Commenced

Nothing in this ordinance shall require any change in the plans, construction or designated use of any building or part thereof, the construction of which shall be lawfully in progress at the time of passage of this ordinance or for which a permit shall have been issued pursuant to law, provided that construction shall be promptly and diligently pursued.

Section 8.5 Manufactured Homes.

Any manufactured home lawfully existing as of the effective date of this Ordinance may be continued in place although such manufactured home does not conform to the dimensional or land use requirements of this Ordinance. No existing manufactured home may be modified, enlarged, or added to; provided however, that any existing manufactured home may be

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removed and replaced by a new manufactured home. A "new manufactured home" for purposes of this section shall mean a manufactured home that: (a) was manufactured not more than 3 calendar years prior to the year in which the replacement is made and (b) has not been previously occupied. Anything in section 8.1.5 to the contrary notwithstanding, whenever an existing manufactured home is voluntarily removed or demolished, non-conforming use of the lot for a manufactured home shall be deemed abandoned unless a new manufactured home is installed thereon within 30 days from the date the previously-existing manufactured home was removed or demolished. Nothing in this section shall exempt any existing manufactured home from complying with all applicable housing, health, plumbing, electrical, or safety codes.

ARTICLE 9 Off-Street Parking and Loading

Section 9.1 General provisions.

- 9.1.1 **Establishment of off-street parking area.** The establishment of any off-street parking area having a capacity of four or more automobiles shall be subject to the approval of the Code Enforcement Official and further subject to the following requirements. It shall:
- (1) Have a buffer strip at least five feet wide between it and any adjacent residential lot.
 - (2) Be attractively landscaped and screened from neighboring residential lots or public street right-of-way.
 - (3) Not extend into any required front yard areas, except for the driveways.
 - (4) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.
- 9.1.2 **Parking space size.** A parking space shall not be less than 200 square feet, with a minimum of 10 feet wide, for any use permitted in this ordinance. Upon appeal, however, the Board of Adjustment may grant variances from this size if a particular hardship will occur or if the design of a parking arrangement may be determined to justify a smaller parking space size than is provided for in this article.
- 9.1.3 **Parking spaces in driveways.** Driveways shall be considered as constituting off-street parking space for one-family detached, semidetached or townhouse dwellings in residential districts, provided that sufficient space is available in such driveways to meet the requirements of this section.
- 9.1.4 **Location of parking spaces.** All parking spaces shall be set back 15 feet from any street; provided that in residential zoning districts, the set back shall be 10 feet. Parking spaces shall be located so that no spaces are a greater distance than 400 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for shopping centers, auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishment.
- 9.1.5 **Backing Onto Public Street Prohibited.** Except for the driveways of individual dwelling units, off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited
- 9.1.6 **Parking spaces assigned to more than one use.** Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required

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for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.

- 9.1.7 **No off-street parking required in the D-C Downtown Commercial District.** No on-site, off-street parking shall be required in the DC Downtown Commercial District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking areas for downtown shoppers. The location of the municipal parking lots are:
- (1) Mill Street and Market Street.
 - (2) S. Church Street and Market Street.
- 9.1.8 **Parking lot and garage maintenance.** 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.
- 9.1.9 **Surface Materials.** Off-street parking facilities shall be surfaced with erosion-resistant materials.
- 9.1.10 **Drainage.** Off-Street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and /or public streets and alleys.
- 9.1.11 **Lighting** - Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare into residential areas.
- 9.1.12 **Fractional spaces.** When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.
- 9.1.13 **Boat, trailer, bus, and RV parking.** In any residential district, no house trailer, camper, bus, recreational vehicle (RV) exceeding 20 feet in length, boat, boat trailer, or jet ski shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile.
- 9.1.14 **Points of ingress and egress.** When the parking buffer strip is adjacent to any public street upon which the lot has street frontage, the fifteen-foot buffer strip (ten-foot buffer strip in R-1, R-2, and R-3 zones) which extends for the full frontage of the lot may be interrupted only at points of ingress and egress. Only one accessway shall be permitted for each 100 feet of street frontage upon a public road. Such accessway shall be not less than 25 feet and not more than 32 feet in width. No two accessways on the same lot shall be placed within 75 feet of each other. The location and design of entrances and exits shall be in accord with the requirements of applicable state regulations and standards.

Section 9.2 Parking and loading standards.

9.2.1 Design standards (general).

- (1) Parking spaces and aisle ways shall be designed in accordance with the standards set out in "The Dimensions of Parking, 4th ed." published by the National Parking Association and the Urban Land Institute (a copy of which is on file at the Town Hall) or in accordance with such other standards as may from time to time hereafter be adopted or amended resolution of the Town Council and on file at the Town Hall.

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- (2) 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).
- (3) All parking spaces for use in conjunction with public parking lots, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.
- (4) On-Street parking spaces must be situated so as not to obstruct any driveway, alley, walkway, pathway or any other curb out.

9.2.2 Use standards. All uses permitted in this ordinance shall be subject to the following minimum off-street parking requirements in addition to any special requirements as indicated in each zoning district.

Types and Uses	Required Off-Street Parking Spaces
Retail stores and shops, all types, supermarkets, retail food stores and undertakers	1 per 200 square feet of floor area used or designed for sales on the ground floor, plus 1 per 300 square feet of floor area used or designed for sales on all other floors, plus 1 for each 2 employees
New and used car and boat sales, mobile dwelling unit sales, truck and trailer sales, outdoor equipment and machinery sales, commercial nurseries and auctions	4 per salesperson, plus 1 per per 2 employees during the period of greatest employment
Personal service establishments, laundromats and dry cleaning	1 per 200 square feet of gross floor area
Banks and other financial institutions	1 per 200 square feet of gross floor area, plus 1 for each employee
Business, governmental and professional offices	1 per 250 square feet of gross floor area
Medical and dental offices or clinics	1 per 250 square feet of gross floor area for medical and dental offices or clinics
Hospitals	1 for each bed of planned patient capacity, plus 1 per 3 employees or the shift of greatest employment
Sanatorium or nursing home	1 for every 4 beds
Churches and other places of worship	1 per 5 seats
Indoor and commercial outdoor recreation	1 for each 150 square feet of gross floor, building or ground area devoted to such use or 1 per 4 seats of facilities available for patron use, whichever is applicable to the facility
Restaurants, taverns and similar uses	1 per 3 seating accommodations, plus 1 per 2 employees on the shift of greatest employment
Dwelling, one-family detached,	2 1/2 per dwelling unit

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semidetached or manufactured home	
Dwelling, townhouse, garden apartment or multifamily dwelling	2 1/2 per dwelling unit
Rooming and boarding house or converted unit	1 per rented unit
Museum, art gallery and similar use	1 per 4 seats in rooms for public assembly or for each 150 square feet of gross floor area for use by the public, whichever is greater, plus 1 for each 2 employees on the shift of greatest employment
Public library	1 per 400 square feet of gross floor area for public use, plus 1 per 2 employees on the shift of greatest employment
Fire station	25
Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center	1 per 4 fixed seats in the largest assembly room area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or 1 per 150 square feet of gross floor area, whichever is applicable to the facility
Social club and fraternal, social service, union and civic organization building	1 per adult attendant, plus 1 per 100 square feet gross floor area devoted to such uses
Public or private school	3 per room used for administrative offices, plus 1 per room used for class instruction, plus 1 for each 5 seats in the auditorium and other places of assembly or facility available to the public
Industrial, manufacturing or wholesaling establishment	1 per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales
Hotel and motel	1 for each guest room plus 1 for each 3 employees

9.2.3 Loading spaces.

- (1) No building or structure shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following requirements:
 - (a) For retail stores, markets, wholesale and jobbing establishments and storage warehouses, the number of berths based on the gross floor area devoted to such use shall be as follows:
 - [1] Five thousand to 7,999 square feet of floor area: one berth.
 - [2] Eight thousand to 19,999 square feet of floor area: two berths.
 - [3] Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of floor area: one additional berth.
 - (b) For hotels and motels, the number of berths based on the gross floor area

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devoted to such uses shall be as follows:

- [1] Eight thousand to 20,000 square feet of floor area: one berth.
 - [2] Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of floor area: one additional berth.
- (c) Each manufacturing, office research and industrial establishment with a total of 3,500 square feet or more of gross floor area devoted to manufacturing, research and/or industrial uses shall provide loading space adequate to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.
- (2) Loading spaces shall not be allowed in any front yard of any property.
 - (3) Anything in Section 9.2.3 (1) to the contrary notwithstanding, off-street loading spaces shall not be required for any property in the Downtown Commercial District where such property is located within 300 feet of a designated on-street loading space.
 - (4) Anything in Section 9.2.3 (1) to the contrary notwithstanding, off-street loading space requirements may be met through the shared use of one or more off-street loading spaces provided that: (a) the Town is provided with a copy of the written authorization for such shared use from the title owner or lessee of the lands upon which the off-street loading space(s) is located; (b) such off-street loading space is located within 300 feet of all properties making use of such shared space; and (c) not more than three properties are sharing use of such space. No authorization for shared off-street loading space shall be terminated on less than one year's notice from the title owner or lessee of the lands upon which the space is located to the Town and to the party(s) previously entitled to share such space. Any party receiving such notice of termination may seek a variance from the off-street loading requirements of this ordinance, but shall, as a condition of obtaining such variance, demonstrate that it has exhausted all reasonable efforts to provide or obtain off-street loading space as necessary to meet the requirements of this ordinance.

ARTICLE 10 Landscape Screening

Section 10.1. District requirements.

10.1.1 Residential districts.

- (1) In any R-1, R-2 or R-3 District a landscape screen a minimum of six feet in height shall be planted to separate any permitted nonresidential use from any existing residential use on a contiguous lot. Such landscape screen may extend into the front yard setback, side yard and rear yard.
- (2) In any R-3 District, for any lot developed for garden apartments or townhouses, a landscape screen a minimum of six feet in height shall be planted to separate any contiguous lot developed as a single-family detached or semidetached residential dwelling on any contiguous lot zoned R-1 or R-2. Such landscape screen may extend into the front yard setback, side yard and rear yard.

10.1.2 **Commercial districts.** In any DC & HC District a fifteen-foot buffer area shall be provided within which a landscape screen a minimum of six feet in height shall be

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planted or erected to separate any permitted use from any contiguous lot zoned R-1, R-2 or R-3 or any contiguous lot developed or approved for development for any residential use. Such landscape screen may extend into the front yard setback, side yard or rear yard.

10.1.3 **Manufacturing & Light Industrial District ("M/LI")**. At the boundary line between an M/LI District and any R-1, R-2 or R-3 District or any lot developed or approved for development for residential use, there shall be a fifty-foot buffer area which shall include a landscape screen a minimum of six feet in height. Such landscape screen may extend into the lot setback, side yard or rear yard.

Section 10.2 Installation and Maintenance.

It shall be the responsibility of the property owner of record or his delegated representative(s) to install and properly maintain and care for any landscape screen or buffer required hereunder. Trees, bushes, shrubs and other vegetation shall be selected and planted to meet the purpose of these provisions.

ARTICLE 11 Signs

Section 11.1 Applicability and Purposes

11.1.1. Applicability. These sign regulations apply within every existing and future zoning district in the Town. A sign may be erected, placed, established, painted, created, or maintained in the Town only in conformance with this ordinance.

11.1.2 Purposes. This ordinance has been enacted to:

- (a) Encourage the effective use of signs as a means of communication in the Town.
- (b) Avoid visual clutter and competition among sign displays in their demand for public attention.
- (c) Promote the safety and convenience of pedestrians and motorists
- (d) Minimize the adverse effects of signs on nearby public and private property.

Section 11.2 General

11.2.1. Sign Area Measurement. The sign area is the entire portion of the sign that can be enclosed within a single rectangle. The area includes the extreme limits of the letters, figures, designs, and illumination, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

Supports. The structure that supports a sign is not included in measuring the sign area unless the structure is designated and used as an integral part of the display. A support having a perimeter larger than 4 feet at the widest point is an integral part of the display.

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Multiple Sections. The area of a sign that consists of more than 1 section includes the space between the sections plus the measurement of the sections of the sign.

Multiple Faces. The area of a sign with more than 1 face or plane is measured as follows:

(a) **General.** All sides of a sign that can be seen at any one time from any vantage point outside the property line of the site where the sign is located are included in the computation of sign area.

(b) **Parallel Faces.**

[1] A parallel sign is one whose faces or sides are equidistant from one another at all points.

[2] When the faces of a parallel sign are separated from each other by fewer than 2 feet or are double faced or back to back, the larger of the parallel faces is used in the computation of sign area.

[3] When the faces are more than 2 feet apart, the sum of both faces or sides is used in the computation of sign area.

(c) **"V" Shaped.** The area of a 2-sided sign constructed in the form of a "V" is calculated by the same method as parallel faces if the angle of the "V" is less than 30 degrees and the distance between the sides does not exceed 5 feet at any point. If the angle is equal to or greater than 30 degrees or the distance between the sides is greater than 5 feet, the sum of all the planes will be used in the computation of the sign area, unless the applicant demonstrates that only 1 side of the sign will be visible from any single vantage point.

(d) **3-Dimensional.** Where 3-dimensional signs are used, the area of the sign equals the total surface area of the sides that can be seen from a single vantage point outside the property lines of the site where the sign is located.

11.2.2. Placement.

Setbacks Setbacks are measured from the portion of the sign nearest the property line.

Height Height is measured from the portion of the sign that is vertically the farthest from the ground.

11.2.3 Color.

(a) **Interference with Traffic Safety.** A sign must not use color combinations that may be confused with a traffic sign or signal.

(b) **Non-Display Sides of Signs.** In order for the sign back or non-display side of a sign to be excluded from consideration as sign area, it must be a single, neutral color, if the back or non-display side is visible from outside the property lines of the property where the sign is located.

11.2.4. Illumination.

(a) **Prevention of Glare.**