

## ZONING ORDINANCE OF THE TOWN OF LAUREL

### ARTICLE 1 TITLE, PURPOSE, AUTHORITY

#### Section 1.0 -- Short Title.

This Ordinance shall be known and may be cited as the "Zoning Ordinance of The Town of Laurel, Sussex County, State of Delaware."

#### Section 1.1 -- Authority.

The zoning regulations and districts in this Ordinance have been made in accordance with a Comprehensive Plan as required by the State of Delaware. The grant of authority and powers conferred upon The Town of Laurel in the creation and implementation of this Zoning Ordinance is set forth in Title 22 of the Delaware Code Section 301 et seq. Pursuant to the authority and power granted, the Town Council of The Town of Laurel, Sussex County, State of Delaware, hereby ordains, enacts and publishes as follows:

#### Section 1.2 -- Long Title. (Amended 7-17-06)

A Ordinance establishing a comprehensive zoning plan for The Town of Laurel by dividing the territory thereof into certain zoning uses and overlay districts and prescribing regulations and standards for permitted uses, densities and design of buildings, other structures and land therein.

#### Section 1.3 -- Purpose. (Amended 7-17-06)

The purpose of this Zoning Ordinance is to protect the character and preserve the beauty of Laurel. It does so by regulating matters of public health, welfare, safety, access, design, mix of uses, scale, architecture and historical authenticity. This Ordinance has been enacted in accordance with The 2004 Greater Laurel Comprehensive Plan and its vision for Laurel:

*Named for a flowering plant that has symbolized achievement since antiquity, Laurel will be a Garden City of southern Delaware. It will build on its deep roots in agriculture. It will develop the quality of its municipal services for citizens, taxpayers, neighbors, businesses and visitors. It will grow in new ways. It will honor its character as a family town and its heritage as the capital of the Broad Creek Greenway. Its rich relationship with its farming countryside will be protected by a surrounding Greenbelt. Its legacy as a Town founded in the Nanticoke Creek Watershed will be honored. Its connection to Route 13 as a business boulevard will be realized. Its role as a residential center and marketplace in Sussex County will be fulfilled through good partnerships and planning. Its citizens will take pride in the way it maintains its legacy while it builds for a vibrant future. It will truly be a Laurel of Delaware.*

The Zoning Ordinance will facilitate community economic development in terms of job development, retention and investment. The Ordinance promotes public health, safety, and general welfare, conserves the value of land throughout the Town and prescribes the most desirable uses for which the land in each zoning use district may be adapted as well as those uses to be subjected to special regulations. The height, bulk and location of buildings and other structures, the area of yards, courts, setbacks and other open spaces, the density of population and intensity of use of buildings and land, the use and conservation of unique waterfront areas, and the use of structures and land for a diversity of residential choices, a Town center, commercial/business, limited industrial, institutional or other purposes, are hereby restricted and regulated as hereinafter provided.

## ZONING ORDINANCE OF THE TOWN OF LAUREL

In accordance with the Comprehensive Plan, the Town of Laurel will encourage clustering within master-planned subdivision areas, the use of neotraditional or new urbanist design principles and Large Parcel, Planned Unit or Planned Residential Developments where site and neighborhood conditions are suitable.

The Town of Laurel Zoning Ordinance has been enacted to preserve open space; lessen congestion in the streets; protect Broad Creek and its tributaries, help preserve nearby agricultural lands, secure safety from fire, flood, and other dangers; provide adequate light, air, and convenience of access; and facilitate the adequate provision of transportation, water, sewage, schools, parks, public recreational facilities and other public services. It has been made with reasonable regard for the character of each district and the suitability of each district for particular uses as well as to the conservation of the value of buildings, land, and uses in order to promote the most appropriate use of land, preservation of the natural and historic environment and enhancement of the local economy throughout The Town of Laurel.

The provisions contained in this Ordinance have been enacted in accordance with The 2004 Greater Laurel Comprehensive Plan as recommended by the Planning and Zoning Commission of The Town of Laurel on March 24, 2004, adopted by ordinance of the Town Council of The Town of Laurel on October 4, 2004 and certified by the Governor of the State of Delaware on March 29, 2004.

All such zoning regulations and maps shall be enacted for the purposes of:

1. Preserving and promoting the health, safety and welfare of the citizens of The Town of Laurel.
2. Protecting and preserving the architectural and historic character of Laurel's built environment and extending this character as growth occurs within the Town or through annexation.
3. Guiding the future growth and development of the Town in accordance with The Town of Laurel Comprehensive Plan in a manner which results in positive and beneficial land use relationships among residential, nonresidential and public areas.
4. Providing for the orderly growth and development of the Town and its environs in a manner, which will protect, conserve and stabilize the value of land, structures and neighborhoods.
5. Providing adequate light, air and privacy to building areas and lots, securing safety from fire and other dangers and preventing overcrowding of land and undue congestion of population.
6. Providing for coordination between the use of land and structures and the street and highway system in order to avoid congestion in the streets and to promote safe and convenient traffic circulation.
7. Regulating and coordinating development activities to provide for the adequate provision of public facilities and services.
8. Providing for a diversity of housing types in varied living environments.
9. Providing open space to protect the archeological, historic, scenic and natural features of the Town, as well as providing recreation spaces for existing and future needs.
10. Facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public facilities.
11. Preserving and protecting greenspace, waterways and the Broad Creek Greenway corridor.

Minimum and uniform regulations that shall apply in the respective districts include the following:

1. Use regulations establishing permitted principal and accessory uses, and uses allowed by special permit, for each zoning use district.
2. Maximum area, density, and bulk regulations, minimum lot size and yard requirements, minimum lot coverage and maximum structural height, building setback and flood level requirements.
3. Creation of a Town of Laurel Zoning Commission with powers conferred by 22 Delaware Code Section 306.
4. Creation of a Town of Laurel Board of Adjustment with powers conferred by 22 Delaware Code Section 321, et. seq.

# ZONING ORDINANCE OF THE TOWN OF LAUREL

## ARTICLE 2. INTERPRETATION

### Section 2.0 -- Interpretation, Separability and Conflict.

2.0.1 The following rules of construction of language shall apply to the text of this Ordinance:

1. Words used in the present tense include the future tense.
2. Words used in the singular include the plural, and words used in the plural include the singular.
3. Words used in the masculine form shall also include the feminine.
4. The word "lot" includes the word "plot" or "parcel".
5. The word "person" includes an individual, firm or corporation.
6. The word "shall" is always mandatory; the word "may" is always permissive.
7. The words "used" or "occupied" as applied to any land or building shall be interpreted to include the words "intended, arranged or designed to be used or occupied".
8. A "building" or "structure" includes any part thereof.
9. The phrases, "to erect", "to construct", and "to build" a building each have the same meaning and include to excavate for a building and to relocate a building by moving it from one location to another.

2.0.2 If any section, paragraph, subdivision, or provision of this Ordinance shall be held invalid, such invalidity shall apply only to the section, paragraph, subdivision, or provision judged invalid, and the rest of this Ordinance shall remain valid and effective.

2.0.3 Wherever possible this Ordinance shall be interpreted in such a way that the meaning of the words and phrases and sections herein shall make them valid and legal in their effect.

2.0.4 This Ordinance is not intended to abrogate or annul any easement, covenant, or any other private agreement. Such private agreements shall not allow what the Ordinance prohibits.

2.0.5 Whenever the requirements of this Ordinance are at variance with the requirements of other fully adopted rules, regulations or Ordinances, the Ordinance with the most restrictive provisions or those imposing the higher standards shall govern.

### Section 2.1 -- Definitions. (Amended 7-17-06)

The following words or phrases as used in this Ordinance are defined as follows:

ABANDONMENT - To cease or discontinue a use or activity for at least one year.

ACCESSORY STRUCTURE - A structure subordinate to a principal structure on the same lot and used for purposes customarily incidental to those of the principal structure. Accessory structures include but are not limited to, portable, demountable or permanent enclosures, shade structures, carports, above- and below-ground swimming pools, garages and storage sheds.

ACCESSORY USE - A use customarily incidental and subordinate to the principal use or occupancy of a building and located on the same lot with such principal use or building.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**ADULT CARE FACILITY** - An Adult Care Facility shall mean a family-type home for adults, a shelter for adults, a residence for adults or an adult home, which provides temporary or long-term residential care and services to adults.

**ADULT USES** - Any facility or use that exhibits or offers materials of an explicit sexual nature or content for sale or adult use. No such facility may be located within 1,500 feet of any residence, school, library, park or other adult use facility.

**AGGREGATE AREA OR WIDTH** - The sum of two (2) or more designated areas or widths to be measured, limited, or determined under the provisions of this Ordinance.

**ALTERATION** - As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities of such building or structure, or any enlargement thereof, whether by extension on any side, front or rear or by any increase in height, or the moving of such building or structure from one location to another. Alteration also means any appreciable change in the external architectural features of any structure or building, which is visible from adjoining property.

**AMUSEMENT CENTER** - A continuous commercial use in which seven (7) or more mechanical, electrical or electronic machines or devices are used or designed to be operated for entertainment or as a game.

**ANTENNA** - any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**ANTENNA, MINOR** - any antenna not attached to a tower and which does not extend more than forty (40) feet above the ground and which may be approved by the Code Enforcement Officer as an accessory use to any single family home or commercial, industrial, professional, light industry, or multi-family structure.

**APARTMENT** - See DWELLING UNIT

**APPLICANT** - A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

**AREA, BUILDING** - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of terraces and uncovered steps. All dimensions shall be measured between the exterior faces of walls.

**AREA, LOT** - The total area within the lot boundary lines excluding any area included in a public street right-of-way.

**ATTIC** - That space of building which is between the top of the uppermost floor construction immediately below and wholly or partly within the roof framing and that is not finished as habitable space (See also STORY, HALF).

**BAR** - A business establishment licensed by the State of Delaware to serve alcoholic beverages and which establishment is designed primarily for the consumption of such alcoholic beverages on the premises, irrespective of whether or not food and/or entertainment are also provided as accessory uses.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**BASE FLOOD ELEVATION AND BASE FLOOD** - Base flood elevation is that height, or elevation, in relation to mean sea level, which is expected to be reached by the waters of the base flood at pertinent points in the flood plains of coastal and waterfront areas. The base flood, in accordance with the regulations established by the Federal Emergency Management Agency (FEMA) for the National Flood Insurance Program (NFIP), is the flood having a 1% chance of being equaled or exceeded in any given year. The term base flood has the same meaning as the 100-year flood under the regulations of the NFIP.

**BASEMENT** - Any space of a building which is partly below finished grade, but having more than one-half of its height measured from floor to ceiling above average finished grade (See also **CELLAR**).

**BED AND BREAKFAST** - A single-family, owner-occupied dwelling which is used for lodging for up to six (6) transient guests at any one time, none of whom remain for more than five (5) consecutive nights each, and which provides no food or beverage service for the transient guest other than for breakfast provided in the areas of the dwelling generally utilized by the resident family for the consumption of food.

**BILLBOARD** - An outdoor sign, which communicates a commercial or non-commercial message related to an activity conducted, a service rendered or a commodity sold at a location other than the location of the sign.

**BUFFER YARDS** - An area of land forming a visual and/or physical separation or barrier between two uses. In the case of a visual barrier the land shall be covered with natural plantings or man-made material to provide a physical screen limiting visual access and reducing noise.

**BUILDABLE AREA** - The area of that part of the lot not included within the yards or open spaces herein required.

**BUILDABLE WIDTH** - The width of that part of a lot not included within the open spaces herein required.

**BUILDING** - Any structure which is wholly or partially enclosed within exterior walls, is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing or enclosure of persons, animals or chattel.

**BUILDING GROUP** - A group of two or more principal buildings and any buildings accessory thereto, occupying a lot in one ownership and having any yard in common.

**BUILDING HEIGHT** - The vertical distance measured from the average elevation of the proposed or existing finished grade to the highest point of the roof for flat roofs, to the decks of mansard roofs, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

**BUILDING LINE** - The line, established by statute, local law or ordinance, beyond which the exterior surface of a building on any side shall not extend. In the instance of a cantilevered section of a building or projected roof or porch, said line shall coincide with the most projected surface.

**BUILDING, ACCESSORY** - See **ACCESSORY STRUCTURE**.

**BUILDING, DETACHED** - A building surrounded by open space on the same lot.

**BUILDING, PRINCIPAL** - A building in which is conducted the main or principal use of the lot on which said building is situated.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**BUILDING, SEMI-DETACHED** - A building attached by a party wall to another building normally of the same type on another lot, but having one side yard.

**BULK** - A term to describe the size, volume, area, and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the same building; and all open spaces required in connection with a building, other structure, or tract of land.

**CANOPY** - A detachable, roof like cover, supported from the ground, or deck, floor, or walls or a building, not including carports, for protection from sun or weather.

**CAR WASH** - A building, premises or portions thereof where automobiles and other vehicles are washed either by the patron or others either by hand or using machinery and mechanical devices specifically designed for this purpose.

**CELLAR** - Any space in a building the structural ceiling level of which is less than four feet above average finished grade where such grade meets the exterior walls of the building (See also BASEMENT).

**CERTIFICATE OF OCCUPANCY** - A certificate issued by the Code Enforcement Officer upon completion of construction, alteration or change in occupancy or use of a building. Said certificate shall acknowledge compliance with all the requirements of this Ordinance and such adjustments thereto granted by the Board of Adjustment.

**CHILD CARE FACILITY** - Any building or structure operated for the purpose of providing daytime care and instruction for two or more children on a regular schedule and also known as a Day Care Center. (See also DAY CARE)

**CHARACTERISTICS** - unique attributes or qualities of a property.

**CHURCH OR PLACE OF WORSHIP** - A building or premises used for regular public worship by members or representatives of a religious group or organization.

**CLINIC** - A building or portion thereof designed for, constructed or under construction or alteration for, or used by no more than two (2) or more physicians, surgeons, dentists, psychiatrist, physiotherapist, or practitioner in related specialties, or a combination of persons in these professions, but not including lodging of patients overnight.

**CLUB, MEMBERSHIP** - An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which are not conducted primarily for gain, provided they are not conducted as vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club.

**CLUSTERING IN NEW SUBDIVISION PROJECTS AND DWELLING GROUPS** - Clustering gathers together buildings on the portions of a site most appropriate for building. It leaves the other portions open and clear of buildings. The open space should occur on the portions where there are natural features that should be protected or even enhanced. In clustering, the Planning and Zoning Commission is authorized to encourage the modification of the density requirements of the Zoning Ordinance. The overall gross density (based on the total area of the site) must still conform to the standard set by the Zoning Ordinance, usually based on minimum lot size. However, after clustering one portion of the site will have a higher density and others a lower density or no density at all. Approval for clustering occurs at the time of

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

Zoning, Subdivision and Site Plan Approval. Its purpose is to achieve flexibility of design in order to promote the most appropriate use of land, the economical provision of streets and utilities and the protection of the natural environment.

**CODE ENFORCEMENT OFFICER** – The Town official in charge of enforcement of the Zoning Ordinance. The Code Enforcement Officer is the person appointed for this purpose by the Town Council or its designee.

**COMMERCIAL VEHICLE** - A vehicle of a type required to be registered under Title 21 of the Delaware State Code and designed, used or maintained for the transportation of persons or property for hire, compensation or profit, except taxicabs.

**CONDITIONAL USE** – A temporary special exception use which is Non-conforming in nature and which is granted by the mayor and Town Council for a period of one year or less.

**CONDOMINIUM** - A building or group of buildings, in which residential, commercial or industrial units are owned individually while the structure, common areas and facilities are owned jointly by all the owners on a proportional basis.

**CONTRACTOR'S YARD** - Any space, whether inside or outside a building, used for the storage or keeping of equipment, machinery, or vehicles, or parts thereof, which are in active use by a contractor.

**CONVALESCENT HOME** - See **NURSING HOME**.

**CONVENIENCE/MINI-MARKET** - A commercial retail use which combines the sale of beverages, dairy and baked goods, snack foods, prepackaged grocery items and daily household items and which may also be accompanied by the sale of motor vehicle fuel and accessory substances for automobiles.

**COURT, INNER** - An open space enclosed on all sides by exterior walls of a building.

**COURT, OUTER, DEPTH OF** - The average dimension from the open side of the court to the opposite wall.

**COURT, OUTER, WIDTH OF** - The average dimension between the opposite sides of the court.

**COVERAGE** - That lot area or percentage of lot area covered by buildings or structures, including accessory buildings and structures.

**DAY CARE CENTER** – An establishment providing for the care, supervision and protection of children or adults away from their homes. Service is provided on a regular basis for periods of less than twenty-four (24) hours per day, unattended by parent or guardian and for compensation.

**DAY CARE, HOME** – A home occupation providing care, protection, supervision and guidance in private homes for one to six children, excluding care provided by relatives. Service is provided on a regular basis for periods of less than twenty-four (24) hours per day, unattended by parent or guardian and for compensation.

**DEVELOPER** - Any landowner or agent, or such landowner, who makes or causes to be made an application for approval of a site development plan.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**DEVELOPMENT** - The improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension or any street or streets or the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water supply, storm drainage or other public facilities.

**DEVELOPMENT COVERAGE** - The percentage of the area of a site that is covered with impervious surfaces. "Development Coverage" shall include off-street parking, driveways and any public streets proposed in a site development plan.

**DIKE** – Any earthen levy or embankment, concrete flood wall, steel wall or embankment, wall or levy of similar materials which is constructed for the purpose of flood control along the edge of a natural waterway subject to flooding, including the entire area within any permanent easement granted for this purpose.

**DISTRICT OR ZONE** - That portion of the Town within which specific uses are permitted according to the designation applied thereto in Article 3 and in conformity with the provisions of this Ordinance.

**DOCK HOUSE** - A building, the primary usage of which shall be for the storage of marine vehicles and related marine equipment. Such a building shall be built over water and on pilings, and the buildings may have walls, windows, doors, with a roof enclosing the storage space for boats. Part of the building may be restroom and shower facilities provided, however, that such restroom, facilities receive their water supply from and discharge their waste into the municipal water and sewer system. Such building shall not contain any sleeping facilities.

**DRIVEWAY** – A private road that connects a house, garage, or other building to a street.

**DRIVE-IN USE** - Any commercial or business activity which incorporates as a principal or accessory feature a service window, booth or other like arrangement on the exterior of the building or structure designed primarily for drive-through or carry-out service.

**DUPLEX** – The same as DWELLING, TWO-FAMILY.

**DUMP** - A lot or land used primarily for the disposal by abandonment, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste materials of any kind.

**DWELLING** - A building designed or used principally as the living quarters for one or more families in one or more dwelling units.

**DWELLING GROUP** - See CLUSTER HOUSING.

**DWELLING UNIT** - One room or several rooms connected together, consisting of a separate, independent housekeeping establishment for owner occupancy, rental or lease, and containing independent cooking, living, sanitary and sleeping facilities.

**DWELLING, DETACHED SINGLE-FAMILY** - A building containing one dwelling unit and having two side yards. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.



## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**DWELLING, MULTIPLE-FAMILY** - A building containing three or more dwelling units with shared or individual entrances and/or other essential facilities and services. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

**DWELLING, SEMI-DETACHED SINGLE-FAMILY** - A building containing one dwelling unit and having one party wall and one side yard. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

**DWELLING, SINGLE-FAMILY** - A building containing one dwelling unit only. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

**DWELLING, TWO-FAMILY** - A building containing two dwelling units. This term shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy.

**FACADE** - the face or front of a structure or any vertical surface adjacent to a public way.

**FAMILY** - A single person occupying a dwelling unit and maintaining a household, or two (2) or more persons related by blood or marriage or adoption occupying a dwelling unit, living together and maintaining a common household, or not more than three (3) unrelated persons occupying a dwelling unit and maintaining a common household.

**FENCE** - An artificially constructed barrier of wood, masonry, stone, metal or any other permitted manufactured material or combination of materials, erected for the enclosure of yard areas.

**FINISHED GRADE** - The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the finished grade - in computing height of buildings and other structures or for other purposes - shall be the average elevation of all finished grade elevations around the periphery of the building.

**FLOODPLAIN** - The low lands adjoining the channel of a creek, stream or watercourse, pond, lake or other body of standing water, which have been or may be inundated by floodwater. The channel of a stream or watercourse is a part of the flood plain in accordance with the National Flood Insurance Program (NFIP) as administered by the Federal Emergency Management Agency (FEMA).

**FLOODWAY** - The channel of a creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, in accordance with the National Flood Insurance Program (NFIP) as administered by the Federal Emergency Management Agency (FEMA). Also referred to as Regulatory Floodway.

**FLOOR AREA** - The sum of gross horizontal areas of the several floors of the building or buildings or a lot measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings, excluding cellar and basement areas used only for storage or for the operation and maintenance of the building.

**FRONTAGE, LOT** - The distance for which the front boundary line of the lot and the street line are coincident.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**FRONTAGE, STREET** - All of the property on one side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

**FUNERAL HOME** - A building or part thereof used for human funeral services, including chapels, embalming, autopsies, storage of caskets, funeral urns and other related funeral supplies, and the storage of funeral vehicles, but does not include facilities for cremation.

**GARAGE, PRIVATE** - A garage used for storage purposes only and having a capacity of not more than four (4) automobiles. Space therein may be used for not more than one (1) commercial vehicle of not more than one (1) ton capacity.

**GARAGE, SERVICE/REPAIR** - A building or premises used for the repair of motor vehicles, including painting, detailing, cleaning and the sale of related parts and accessories. A junkyard or auto salvage yard is not to be construed to mean or be the same as a garage.

**GASOLINE FILLING STATION** - An area of land, including structures thereon, or any building or part thereof, that is used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor vehicle fuel or oil and other lubricating substances, which may include as accessory uses sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing, (which does not require mechanical equipment) or otherwise servicing motor vehicles, but not including auto body work, welding, or painting.

**GAZEBO** - An accessory structure which is a freestanding, roofed structure which will be open on its sides, such that all areas of the building above four (4) feet shall consist of either windows or screening, except that portion of the structure which houses rest room or shower facilities. The structure shall not contain sleeping facilities.

**GENERAL BUSINESS OFFICE** - A non-retail service-oriented office or agency such as insurance brokers, travel agents, computer programming, consulting organizations, or similar uses.

**GRADE** - Grade elevation shall be determined by averaging the elevations of the finished ground at all corners and/or other principal points in the perimeter wall of the building; except that grade elevation for any building, which is required to be elevated, shall be measured from the minimum elevation required for the site by the Flood Zone.

**GREENHOUSE** - A structure, constructed primarily of glass or similar materials, in which temperature and humidity can be controlled for the cultivation or protection of plants.

**GROSS LEASABLE AREA** - The total floor area designed for tenant occupancy and exclusive use, including basement, mezzanines and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

**GROSS RESIDENTIAL DENSITY** - The number of dwelling units per acre in a proposed development, computed by dividing the number of dwelling units which the applicant proposes to construct by the total number of acres in the site proposed for development.

**GUEST HOUSE** - Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guest of the occupants of the premises, such quarters having no kitchen facilities or separate utility meters, and not rented or otherwise used as a separate dwelling.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**HAZARD AREA** - Area subject to flood hazard, including alluvium soils, as defined and mapped by the Federal Insurance Administration of the Department of Housing and Urban Development.

**HEIGHT** - The vertical distance measured from grade, the average of the finished ground level adjoining the building at the side facing the nearest street to the highest point of the coping of the highest flat roof if the building has more than one (1) flat roof level, or to the highest point of a mansard, gable, hip or gambrel roof building. Chimneys, spires, towers, elevators, penthouses, tanks and other similar projections shall not be included in calculating the "height".

**HOME OCCUPATION** - Any occupation, profession, enterprise or activity conducted solely by one or more members of a family on the premises, which is incidental and secondary to the use of the premises for dwelling, provided that no commodity is stored or sold, except such as it is made on the premises and there shall be no group instruction, assembly or activity and no outside storage or display material on the premises. Within the above requirement, a home occupation includes, but is not limited to the following:

- 1) Art or crafts studio.
- 2) The practice of cosmetology or barbering, limited to one (1) chair.
- 3) Dressmaking, custom baking, day care or baby-sitting.
- 4) Professional office of a physician, dentist, lawyer, engineer, architect, accountant or salesman.
- 5) Private instruction limited to one (1) or two (2) pupils at a time.
- 6) A use with no more than two employees who do not reside on premises.

A home occupation, however, shall not be interpreted to include nursing homes, convalescent homes, rest homes, restaurants, tearooms, tourist homes, or similar establishments.

**HOSPITAL** - An institution for the care and treatment of the sick and injured, equipped with technical facilities, medical, nursing and other professional and technical personnel necessary for diagnosis and treatment of persons suffering from sickness or injury which require bed care, out-patient care or emergency room care.

**HOTEL** - A building, or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may or may not include dining facilities. This term shall not be deemed to include an Inn, Bed & Breakfast, Boarding House, or other such accommodations.

**IMPERVIOUS SURFACES** - Those that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete or asphalt shall be considered "impervious surfaces" within this definition. In addition, other areas determined by the Engineer of The Town of Laurel to be impervious within the meaning of this definition will also be classed as "impervious surfaces".

**INDUSTRIAL/BUSINESS PARK** - A planned, coordinated development of a tract of land with two or more separate parcels or lots for industrial, business or mixed industrial/business development. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with special attention given to site planning and layout, attractive appearance, entrance signage, general landscaping, vehicular circulation, service and delivery, parking, utility needs, building design and orientation, essential equipment storage not including mini-storage facilities, refuse disposal and open space. Typically, an industrial/business park is developed or controlled by one proprietary interest and has an enforceable master plan and/or covenants, conditions, and restrictions.

**INDUSTRIAL USE, LIGHT** - Any activity conducted in connection with the manufacture, assembly, disassembly, fabrication, resource recovery, storage or processing of materials or products, all or any part of which is marketed off the premises or marketed to other than the ultimate consumer.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**INN** - A building containing a single dwelling unit in which more than four and less than fifteen sleeping rooms are provided by the owner/occupant for compensation, for the accommodation of transient guests, with or without meals.

**JUNK** - The outdoor storage or deposit of any of the following shall constitute junk:

- 1) One (1) or more junk motor vehicles.
- 2) One (1) or more abandoned or inoperable appliances including but not limited to washers, dryers, dishwashers, stoves, refrigerators, freezers and televisions.
- 3) One (1) or more abandoned or irreparable damaged pieces of indoor furniture including but not limited to sofas, lounge chairs, mattresses, bed frames, desks, tables, chairs and chests of drawers.
- 4) One or more used parts or waste materials from motor vehicles, which remain outdoors in excess of three months or more.
- 5) Any combination of the above or parts of the above that total one (1) or more items.

**JUNK MOBILE HOME** - A structure, transportable in one or more sections, built on a permanent chassis and designed to be used as a dwelling unit, which is currently not inhabited and is no longer habitable under The Town of Laurel Ordinances. Includes but is not limited to mobile homes, travel trailers and campers.

**JUNKYARD** - Any lot, parcel of land or structure, or part thereof, where junk, waste, discarded or salvaged materials are bought, sold, exchanged, sorted, baled, packed, disassembled, handled, stored or abandoned, including: automobile or other vehicle or machinery, wrecking or dismantling yards; or where any unregistered motor vehicle is held outside of a completely enclosed building, whether for the purpose of resale or sale of used parts there from, for the purpose of reclaiming for use some or all the materials therein, or for the purpose of storage or disposing of the same for any other purpose. A junkyard includes the outdoor storage or deposit of any of the following: 1. One (1) or more junk motor vehicles. 2. One (1) or more junk mobile homes. 3. One (1) or more junk appliances. 4. One (1) or more pieces of junk furniture. 5. Any combination of the above that totals one (1) or more such items.

**KENNEL** - A structure used for the keeping of domestic dogs and cats for sale, breeding, boarding or treatment purposes.

**LAKES AND PONDS** - Natural or artificial bodies of water which retain water year round. Artificial ponds may be created by dams or may result from excavation. The shoreline or such water bodies shall be measured from the maximum condition rather than the permanent pool, if there is any difference.

**LARGE PARCEL, PLANNED UNIT OR PLANNED RESIDENTIAL DEVELOPMENTS** - Large Parcel, Planned Unit or Planned Residential Developments are characterized by the following principles. They occur on large parcels of land three acres or more in size. They occur on sites under the unified development control of a single development entity. They occur in two or more phases over a period of years. They involve master plans to illustrate each phase of development within an overall concept. They involve mixed-uses. Large Parcel, Planned Unit or Planned Residential regulations take the form of floating, or overlay districts in which the basic permitted uses are those allowed by the underlying use districts. This development and zoning technique is voluntary and is applied for by the development entity that controls the site.

**LAUNDROMAT** - A Business that provides washing, drying, and /or ironing machines or drying machines for hire to be used by customers on the premises.

**LIVING QUARTERS** - Accommodations including, but not limited to facilities for cooking, sleeping and disposal of human waste, or any combination thereof.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**LOADING SPACE** - A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum width of twelve (12) feet, and a vertical clearance of at least fourteen (14) feet.

**LODGING HOUSE** - See **BOARDING HOUSE**

**LOT** - A contiguous parcel of land considered as a unit, devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use or ownership, and the customary accessories and open spaces belonging to the same and which abuts and is accessible from a private or public street.

**LOT COVERAGE** - See **COVERAGE**.

**LOT FRONTAGE** - A lot line, which is coincident with the right-of-way line of a public road.

**LOT LINES** - The lines bounding a lot as defined herein.

**LOT WIDTH** - The shortest horizontal distance between the side lot lines measured at the required building setback line. If the angle, between the front and sidelines, is less than ninety (90) degrees, the lot width shall be measured from side to side of right angle to the length of the setback line.

**LOT, CORNER** - A lot situated at the junction of and adjacent to two or more intersecting streets or alleys, when the interior angle of intersection does not exceed 135 degrees.

**LOT, DEPTH OF** - The mean distance from the front street line of a lot to its rear line.

**LOT, THROUGH** - A lot which faces on two streets at opposite ends of the lot and which is not a corner lot.

**MAIN FLOOR** - The largest area found by the projection of a horizontal plane through the livable floor area, which is enclosed by the exterior walls of the building.

**MANUFACTURING** - Any process whereby the nature, size or shape of articles are assembled or packaged in quantity.

**MARINA** - A facility for storing, servicing, fueling, berthing, and securing and launching of private recreational boats.

**MEDICAL CLINIC** - A place where medical or dental care is furnished to persons on an out-patient basis by two (2) or more physicians who have common offices in a building which shall also offer laboratory and diagnostic facilities to patients on an out-patient basis and not just in conjunction with normal professional services.

**MIXED-USE DEVELOPMENT** - Mixed-use development is characterized by combining two or more principal uses (such as retail, entertainment, office, residential, lodging and civic/cultural/recreation) that are mutually supporting; by a significant physical and functional integration of project components, including uninterrupted pedestrian connections; and by development in conformance with a coherent plan that stipulates the type and scale of uses, permitted densities, and related items.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**MODULAR HOME** - A stick-built structure, built in a factory, transportable in two or more sections, which in traveling mode are 12 to 14 feet in width and up to 60 feet in length, and when erected on site contains 1,100 or more square feet of floor area, which is not built on a permanent chassis, but is transported to the site on a temporary removable chassis and designed to be used as a dwelling only when erected on a permanent foundation. Modular Homes in Laurel are required to have a minimum 5/12 roof pitch and one foot wide roof overhangs.

**MOTEL** - A building or group of buildings containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior entrance and a parking space, and is offered for rental and use principally by motor vehicle travelers. The term "motel" includes, but is not limited to, every type of similar establishment known variously as an auto court, motor hotel, motor court, motor inn, motor lodge, tourist court, tourist cabins, or roadside hotel.

**MULTI-FAMILY HOUSING** – Housing designed and used for separate dwelling units for three or more households.

**NEOTRADITIONAL, OR NEW URBANIST, DESIGN** - Emphasizes a mixture of principal uses rather than only one, variation and clustering in densities, traditional street and block patterns, interior streets with smaller widths, more continuous and rectilinear street patterns, streetscapes with rows of facades and front porches close to the street, careful design of alleys and courtyards, continuity of sidewalks, walking trails, paths and other pedestrian-friendly ways, use of vertical curbs, planting of street trees in rows, traditional block configurations, use of town squares, plazas, commons and other open spaces, zero-lot line or small setbacks (as in older villages), transit stops and shelters, landscaped buffers, gateway entrances and treatment of development edges. Neotraditional design emulates traditional village and neighborhood development and is hence referred to as “neotraditional”.

**NON-CONFORMING BULK** - That part of a building, other structure or tract of land which does not conform to one or more of the applicable bulk regulations of this Zoning Ordinance, either following its effective date or as a result of subsequent amendment thereto.

**NON-CONFORMING USE** - Any use of a building, other structure, or tract of land which does not conform to the use regulations for the district in which such use is located, either at the effective date of this Zoning Ordinance or as a result of subsequent amendment thereto.

**NON-RESIDENTIAL PLANNED DEVELOPMENT** - One or more commercial uses proposed as a unit, or one or more Industrial uses proposed as a unit, in conformance with Article 7.

**NURSING HOME** - A building containing accommodations for persons where nursing and convalescent services including meals are furnished.

**NURSERY SCHOOL** - Any place, however designated, operated for the purpose of providing both daytime care and instruction for two or more children from two to five years of age inclusive, and operated for compensation on a regular basis, including kindergartens, day nurseries, and day care centers.

**OPEN SPACE** - An area that is not developed with principal or accessory structures and which is intended to provide light and air, and is designed for environmental, scenic or recreational purposes. Open space may include, but is not limited to, decorative planting, preservation of existing natural areas, walkways, active and passive recreation areas and playgrounds. Open space shall not be deemed to include driveways, roadways, storm water management ponds or parking areas.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**OWNER** – Any person or legal entity possessing a fee simple interest in property.

**PARKING LOT, COMMERCIAL** - Any tract of privately owned land which is used for the storage of motor vehicles and is not accessory to any other use on the same or any other lot, and contains parking space rented to the general public or reserved for a group of individuals by the hour, day, week, month or year.

**PARKING LOT, PRIVATE** - Any tract of privately-owned land which is used for storage of motor vehicles and is accessory to a use on the same parcel or lot or on another parcel or lot, and contains parking spaces reserved or leased in some manner for that principal use and not available to the general public.

**PARKING LOT, PUBLIC** - An off-street parking area where motor vehicles may be stored by the general public, with or without a fee, for temporary, daily or overnight parking.

**PARKING SPACE** - An off-street space available for the parking of one motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

**PARKING STRUCTURE (GARAGE, DECK)** - Any structure in which motor vehicles may be parked or stored that is not accessory to any other use on the same lot, and contains parking spaces rented to the general public or reserved for a group of individuals by the hour, day, week, month or year.

**PARTY WALL** – A wall built along the line separating 2 properties, partly on each parcel. Either owner has the right to use the wall and has an easement over that part of the adjoining owner’s land covered by the wall.

**PERSON** - A natural person, a partnership, a corporation, a limited partnership, a trust, a joint-stock company, a voluntary association, a club, a society or any group of persons acting as a unit.

**PERSONAL SERVICE ESTABLISHMENT** - A commercial operation, office, store or other place of business catering to the personal needs of a customer, such as normally conducted by a beautician, tailor or dressmaker, but not including tattoo parlors or adult uses.

**PREMISES** - A lot together with all the buildings and uses thereon.

**PROFESSIONAL OFFICE** - An office principally occupied by a licensed professional such as a physician, dentist, lawyer, engineer, architect, accountant, insurance or real estate agent, or similar occupation.

**PUBLIC** - Open to common use whether or not public ownership is involved.

**PUBLIC UTILITIES or ESSENTIAL SERVICES** - The erection, construction, alteration, maintenance or operation by utility companies of underground, surface or overhead gas, electrical, steam, wastewater, storm water or water transmission systems, including, but not limited to, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, light stations, telephone lines, hydrants, pumping stations and other similar equipment, structures and accessories thereto, reasonably necessary for the furnishing of adequate service by such companies or agencies or for the public health, safety or general welfare.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**RECREATION USES, COMMERCIAL** - Uses designed as recreational activities operated by private businesses for profit, including privately operated amusement parks or rides, games, miniature golf courses and similar uses.

**REFLECTOR, SOLAR** - A device for which the sole purpose is to increase the solar radiation received by a solar collector.

**REGULATIONS** - The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols, contained or referred to in this Ordinance.

**REHABILITATION** - the act or process of returning a building, object, site, or structure to a state of utility through repair, remodeling or alteration that enables an efficient contemporary use while preserving those portions or features of the building, object, site or structure that are significant to its historical, architectural and cultural values.

**RENTAL UNIT** - A dwelling unit intended for rental to tenants and intended as a permanent dwelling

**REPAIR SHOP, PERSONAL SERVICE** - A store or other place of business at which is conducted the repair of personal customer items, such as shoes, clothing, jewelry, etc.

**RESTAURANT, FAST FOOD** - An establishment whose principal trade is the sale of food and/or beverages in a form for consumption either on or off premises.

**RESTAURANT, STANDARD** - Any establishment, however designated, whose primary use is preparation and sale of food for consumption to patrons seated within an enclosed building or on the premises. However a snack bar or refreshment stand at a public or quasi-public community swimming pool, playground, playfield or park, which is operated by an approved sponsoring group, agency or vendor for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

**RESTORATION** - The act or process of accurately recovering the form and details of a building, object, site or structure and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

**RETAIL SHOP** - A place of business involving the sale of merchandise, stock-in-trade or services for the repair of customer items such as shoes, clothing, jewelry, and furniture directly to and for the public. A retail shop must have the following attributes: a place of business open to the public during normal business hours, a merchandise area open to public visitation, display of merchandise on the exterior and interior of the building, an exterior sign indicating the name of the business, a doorway offering ingress and egress to the public and reasonable access to public parking.

**RETAIL USE** - A business or commercial use or activity involving the sale of merchandise or stock-in-trade or services for the repair of customer items such as shoes, clothing, jewelry, and furniture directly to and for the public

**RIGHT-OF-WAY** - The property under public and or private ownership or easement normally used for movement of vehicles, utilities and or persons, including, but not restricted to any pavement area.

**ROAD** - See STREET.



## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**ROADSIDE STAND** - A light structure with a roof, either attached to the ground or movable, not for year-round use and at which produce, arts and crafts or horticultural products are offered for sale to the general public.

**SATELLITE TELEVISION ANTENNA** - An antenna the purpose of which is to receive television and/or radio signals from orbiting satellites and which is located external to or attached to the exterior of any structure.

**SELF-SERVICE STORAGE FACILITY** – Any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such for the purpose of storing and removing personal property. No occupant shall use a self-service storage facility for residential purposes or operate a business from the rented self-service storage space. A self-service storage facility is not a warehouse.

**SENIOR CITIZEN HOUSING** - A building or group of buildings where occupancy is restricted to persons 55 years or older. In the case of double occupancy of a unit, only one resident is required to be at least 55 years of age.

**SETBACK** - The required distance in feet from:

1. Any survey boundary forming a lot or contiguous parcel, or
2. The right-of-way of a public street.

**SHOPPING CENTER** - A building or group of buildings containing a combination of three (3) or more separate shops, stores or offices on a single lot or adjacent parcels providing primarily retail services with supporting service and office establishments.

**SIGN** - Any structure or part thereof, or any device attached to a structure or painted or represented on a structure which shall display or include any lettering, wording, model, drawing, picture, banner, flag, insignia, device, marking, or representation used as, or which is in the nature of, an announcement, direction or advertisement. A "sign" includes a billboard, but does not include the flag or insignia of any nation or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious or similar organization, or of any campaign, drive, movement, or event which is temporary in nature.

**SIGN, ADVERTISING** - A sign, which directs attention to a business commodity, service or entertainment, conducted, sold or offered elsewhere than on the same lot. This shall include billboards.

**SIGN, BUSINESS** - A sign, which directs attention to a business or profession, conducted or to products sold on the same lot. A "For Sale" sign relating to the lot on which it is displayed is a business sign.

**SIGN, IDENTIFICATION OR PROFESSIONAL** - A sign showing the name and profession, occupation or pursuit conducted on the premises.

**SINGLE OWNERSHIP** - Possession of land under single or unified control, whether by sole, joint, common or other ownership, regardless of any division of such land into parcels for the purpose of financing.

**SITE PLAN** - Maps and supporting information required under Article 6 of this Ordinance.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**SOLAR COLLECTOR** - A device, or combination of devices, structure or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy, and that contributes to a structure's energy supply, together with any components for containing and supporting such device.

**SOLAR COLLECTOR, DETACHED** - A solar collector, as defined herein, which is physically detached from the structure for which solar energy, is to be supplied.

**SOLAR ENERGY SYSTEM** - A complete design or assembly consisting of a solar energy collector (herein called a solar collector), an energy storage facility (where used), and components for the distribution of transformed energy (to the extent that they cannot be used jointly with a conventional energy system), including passive solar energy systems.

**STORY** - The part of a building comprised between a floor and the floor or roof next above it. A basement shall be considered a story. A cellar shall not be considered a story.

**STORY, HALF** - That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to one-half the floor-to-ceiling height of the story below. An attic with a finished floor shall be considered a half story. Half stories have structural headroom of less than 7'6" and shall not be included within the definition of FLOOR AREA for the purposes of this Zoning Ordinance. (See FLOOR AREA).

**STREET** - Street shall mean any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing State, County or Municipal road or a street or way shown upon a plat.

**STREET LEVEL** - The established elevation of the street grade at the point that is opposite the center of the wall nearest to and facing the street line.

**STRUCTURE** - A static construction of building materials, framed of component structural parts for occupancy or use, including buildings, stadiums, platforms, towers, sheds, display stands, storage bins, signs, fences, reviewing stands, gasoline pumps, mobile dwellings, and the like.

**SUBDIVISION** - The division of a lot, tract or parcel of land into two (2) or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development.

**SWIMMING POOL** - Any portable pool or permanent structure containing a body of water eighteen (18) inches or more in depth area, intended for recreational purposes.

**TOPSOIL** - A surface layer of the soil containing more or less organic matter to a depth usually plowed in cultivation. The "A" horizon of the soil solum.

**TOWER** - any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

**TOWNHOUSE** - A building consisting of three or more attached single-family dwelling units each having separate entrances and party walls. (See also BUILDING, SEMI-DETACHED).

**TRAILER** - A non-motorized wheeled vehicle designed to be transportable when towed by a motorized vehicle and which has been designed for human occupancy as a dwelling unit.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**TRAILER, UTILITY** - A non-motorized wheeled vehicle designed to be transportable when towed by a motorized vehicle and which has been designed for the storage of tools and/or equipment.

**TRAVEL TRAILER** - A vehicle which is used or designed to be used, for seasonal and/or temporary living or sleeping purposes, and which is customarily standing on wheels or rigid supports. A recreational vehicle (RV) is also considered a travel trailer.

**TRUCKING TERMINALS** - A building or part of a building or premises for the storage and/or transfer of goods, wares and merchandise for the owner or others by truck transport.

**USE** - This term is employed in referring to:

1. The purpose for which any building, other structure, or land may be arranged, designed, intended, maintained, or occupied;
2. Any occupation, business activity, or operation conducted in a building or other structure, or on land.

**USE, PRINCIPAL** - The main or primary purpose for which a building, other structure and/or lot is designed, arranged or intended or for which it may be used, occupied or maintained under this Ordinance.

**UTILITY EQUIPMENT** - Any structures or facilities owned by a government entity, nonprofit organization, corporation, cooperative or any other entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil, heating and cooling service or electrical power.

**VEHICLE SALES AREA** - A premises, including open areas, other than a street or way, and enclosed showrooms for the display and sale of new or used automobiles, trucks, trailers, motorcycles, boats, and/or recreational vehicles.

**VETERINARY HOSPITAL** - A building for the treatment of animal illness including facilities for boarding animals receiving hospital treatment.

**WAREHOUSE** - A building or premises, for storing of goods, wares and merchandise, whether for the owner or for others, whether publicly or privately owned or used.

**WATERWAY** - Any body of water including any creek, pond, stream, creek, tributary or any other body of water, natural or artificial, except a swimming pool or ornament pool located on a single lot.

**WAY** - A thoroughfare, street, alley or right-of-way, however designated, permanently established for passage of persons or vehicles.

**WHOLESALE (STORE, BUSINESS, ESTABLISHMENT)** - A business establishment engaged in selling to retailers or jobbers rather than directly to consumers.

**YARD, FRONT** - An open area extending the full width of the lot between the street right-of-way and the building line projected to the side lot lines.

**YARD, REAR** - An open area extending the full width of the rear lot line situated between the rear lot line and the building line projected to the side lot lines.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**YARD, REQUIRED** - That portion of the open area of a lot extending open and unobstructed from the ground upward, along a lot line for a setback depth or width as specified by the bulk regulations of the district in which the lot is located. No part of such yard shall be included as part of a yard or other open space similarly required for buildings on another lot.

**YARD, SIDE** - An open area extending between the building line and the side property line of a lot and extending from the front yard rear line (or from the front lot line, if there is no required front yard) to the rear yard front line (or to the rear lot line if there is no required rear yard).

### **ARTICLE 3. -- ESTABLISHMENT OF DISTRICTS**

#### **Section 3.0 -- Application of Regulations.**

No building or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, moved, or altered, unless in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided.

The regulations contained in this Ordinance are supplemented and specifically subject to regulations contained in other Chapters of The Code of the Town of Laurel; see for example:

25	Park And Recreation Commission
33	Planning Commission
49	Animals
55	Bush, Grass And Weeds
59	Building Construction
62	Buildings, Unsafe
66	Cable Television
76	Electrical Standards
80	Floodplain Management
87	Housing Standards
98	Park And Recreation Areas
110	Plumbing
112	Property, Abandoned Or Unclaimed
114	Property Maintenance
125	Sewers
141	Streets And Sidewalks
145	Subdivision Of Land
149	Swimming Pools
165	Vehicles, Inoperable
170	Water

#### **Section 3.1 -- General Regulations.**

3.1.1 No building or structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of dwelling units, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards or side yards, than is specified herein for the district in which such building or structure is located.

3.1.2 No part of a required yard or other open space about any building required for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

3.1.3 No lot shall be so reduced in size that its area or any of its dimensions or open spaces shall be smaller than those required by this Ordinance.

3.1.4 In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare.

3.1.5 Any uses not specifically permitted shall be deemed to be prohibited.

3.1.6 Regardless of any other provisions of this Ordinance, or Chapter, any use that is noxious or offensive by reason of emission of odor, dust, noise, vibration, smoke, gas, fumes or radiation or which presents a hazard to public health safety, is prohibited, in accordance with the standards of Article 7 of this Ordinance.

### **Section 3.2 -- Zoning Use and Overlay Districts.**

In order to fulfill the purpose of this Zoning Ordinance, The Town of Laurel establishes the following Zoning Use and Overlay Districts:

- 1) R-1 Single-Family Residential Use District
- 2) R-2 Single-Family Residential Use District
- 3) R-3 General and Multi-Family Residential Use District
- 4) T-C Town Center Use District
- 5) C-B Commercial and Business Use District
- 6) M-R Marine Resources Use District
- 7) L-I Light Industrial Use District
- 8) LPD-OD Large Parcel Development Overlay District
- 9) HD-OD Historic District Overlay District

### **Section 3.3 -- Official Zoning Map of The Town of Laurel. (Amended 7-17-06)**

The Town is hereby divided into districts or zones as shown on the Official Zoning Map of The Town of Laurel which, together with all explanatory matter thereon, which is hereby adopted by reference and declared to be part of this Chapter.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Secretary of the Town Council and bearing the Seal of the Town under the following words: "This is to certify that this is the Official Zoning Map of The Town of Laurel referred to in Article 3 of The Town of Laurel Zoning Ordinance".

The location and boundaries of said zoning use districts are hereby established on the Official Zoning Map of The Town of Laurel which is kept on file and will be available for public viewing in the Town office, and shall be the final authority as to the current zoning status of land and water areas.

In accordance with the provisions of this Ordinance and Chapter 3, Title 22, of the Delaware Code, if changes are in district boundaries or other matter portrayed on the Official Zoning Map of The Town of Laurel, such changes shall be made promptly after the amendment has been approved by the Mayor and Council, together with an entry on the Official Zoning Map as follows: "On (date) by official action of the Mayor and Council, the following change(s) was (were) made in the Official Zoning Map: (brief description of change, which entry has been signed by the Mayor and attested to by the Mayor and Secretary of the Town Council".

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this Chapter and punishable as provided in Article 13 of this Chapter.

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 additions, the Mayor and Town Council may by ordinance adopt a new Official Zoning Map that shall supersede the prior Official Zoning Map.

The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the other members of the Town Council, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted \_\_\_\_\_ as part of Ordinance Number \_\_\_\_\_ of The Town of Laurel".

### **Section 3.4 -- Interpretation of District Boundaries.**

It is the policy of the Town of Laurel not to have Zoning Use District boundaries pass through lots. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

3.4.1 Centerlines and Right-of-Way Lines. Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, public utility easements, or watercourses, said boundaries shall be constructed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a centerline or right-of-way of such street, highway, public utility or watercourse is moved not more than twenty (20) feet.

3.4.2 Lot or Boundary Lines. Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines, or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.

3.4.3 Parallel to Lot or Boundary Lines. Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, lot lines, right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances there from as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.

3.4.4 Lands under tidal or fresh waters are included within zoning districts adjoining those water bodies, and where two (2) or more different zoning districts adjoin the same water body, the boundary between them shall be construed as lying midway between the opposite shores.

3.4.5 Where natural or man-made features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances are not covered by the above subsections, the Board of Adjustment shall interpret the district boundaries.

3.4.6 District boundaries shall be determined by use of an accurate scale, which shall be shown on the Zoning Map. In no instances shall a District boundary be set at less than the minimum lot depth required in Section 5.1, entitled Density Control Table, of this Ordinance.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

3.4.7 In the event of a questionable District boundary, the questionable boundary shall be referred to the members of the Board of Adjustment, and they shall, to the best of their ability, establish the exact boundary.

3.4.8 The copy of the Zoning Map showing any such determinations under this section shall be on file at the Town office.

3.4.9 Precise zone boundary determinations made by the Board of Adjustment in accordance with the above rules shall be considered final and conclusive, and may only be altered by amendment of the Zoning Map by the Town Council of The Town of Laurel.

### **ARTICLE 4. ZONING USE AND OVERLAY DISTRICTS**

#### **Section 4.0 - Delineation of Districts**

For the purpose of this Ordinance, The Town of Laurel and the lands over which its governing body has jurisdiction are hereby divided into zoning use and overlay districts to be designated as set forth herein.

The zoning use and overlay districts are shown on the Official Zoning Map which accompanies this Chapter and which is hereby declared to be part of this Chapter. District map designations, line, figures, letters and symbols shown on said map are hereby declared to be part of this Chapter. District map designations, lines, figures, letters and symbols shown on said map are hereby declared to be a part of hereof.

#### **Section 4.1 -- Single-Family Residential Use District (R-1)**

##### **4.1.1 Intent.**

The intent of the R-1 Single-Family Residential Use District is to delineate areas where predominantly single-family detached, low-density residential development has occurred or is desired and likely to occur in the future and to protect the integrity of these residential areas by encouraging diversity in dwelling styles and construction which preserves existing land features and neighborhood scale. The R-1 district will prohibit the intrusion of any use that is not compatible with this predominant type and intensity as well as clear cutting of trees on the lot or major alteration of existing topography. The R-1 district recognizes the value of such other permissible uses as churches, schools, libraries and other educational buildings, and playgrounds.

##### **4.1.2 Permitted Uses.**

Within the R-1 District, permitted principal, accessory and special uses shall be as specified in the following sections.

##### **4.1.2.a Permitted Principal Uses.**

1. Churches or Places of Worship.
2. Detached single-family dwellings.
3. Government buildings and uses.
4. Libraries.
5. Public parks and non-commercial recreational uses.
6. Public utilities or essential uses.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### 4.1.2.b Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
2. Antennas, minor.
3. Swimming pools.

### 4.1.2.c Special Permitted Uses.

The following uses may be permitted in the R-1 Residential Use District consistent with the provisions of this Ordinance and provided that a Special Use Permit is approved by the Planning and Zoning Commission:

1. Adult care facilities.
2. Bed and Breakfasts.
3. Cemeteries.
4. Funeral homes.
5. Golf courses.
6. Home occupations.
7. Museums.
8. Non-profit membership clubs.
9. Public or private schools.

### 4.1.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled Town of Laurel Zoning Ordinance Density Control Table, which is part of this Ordinance.

### 4.1.4 Off-Street Parking Requirements and Loading Requirements

The off-street parking and loading regulations are specified in Article 7 of this Ordinance.

### 4.1.5 Signage.

Signs are permitted as listed in Article 8 of this Ordinance.

### 4.1.6 Site Plan Review.

Site plan review and approval shall be secured as required in Article 6 of this Ordinance.

## **Section 4.2 -- Single-Family Residential Use District (R-2).**

### 4.2.1 Intent.

The intent of the R-2 Single-Family Residential Use District is to delineate areas for the development of detached or attached single-family residential uses at densities similar to that of the R-1 use district, but with the ability to utilize design and planning concepts to create a planned and desirable residential living environment while protecting existing and future uses. The R-2 district protects the integrity of these residential areas by prohibiting the intrusion of any use which is not compatible with these types and intensities of use.



## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### 4.2.2 Permitted Uses.

Within the R-2 District, permitted principal, accessory and special uses shall be as specified in the following sections.

#### 4.2.2.a Permitted Principal Uses.

1. Churches or places of worship.
2. Detached Single-Family dwellings.
3. Government buildings and uses.
4. Libraries.
5. Public parks and non-commercial recreational uses.
6. Public utilities or essential uses.
7. Semi-detached Single-Family dwelling.

#### 4.2.2.b Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
2. Antennas, minor.
3. Swimming pools.

#### 4.2.2.c Special Permitted Uses.

The following uses may be permitted in the R-2 Residential Use District consistent with the provisions of this Ordinance and provided that a Special Use Permit is approved by the Planning and Zoning Commission:

1. Bed and Breakfasts.
2. Cemeteries.
3. Cluster housing.
4. Condominiums.
5. Funeral homes.
6. Golf courses
7. Home occupations.
8. Museums.
9. Public and Private Schools.
10. Townhouses.

### 4.2.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled Town of Laurel Zoning Ordinance Density Control Table, which is part of this Ordinance.

### 4.2.4 Off-Street Parking Requirements and Loading Requirements.

The off-street parking and loading regulations are specified in Article 7 of this Ordinance.

### 4.2.5 Signage.

Signs are permitted as listed in Article 8 of this Ordinance.

## ZONING ORDINANCE OF THE TOWN OF LAUREL

### 4.2.6 Site Plan Review.

Site plan review and approval shall be secured as required in Article 6 of this Ordinance.

### **Section 4.3 – General and Multi-Family Residential Use District (R-3)**

#### 4.3.1 Intent.

The intent of the R-3 General and Multi-Family Residential Use District is to delineate areas where conditions are favorable for the development of multi-family dwellings and where specific conditions of site size, unitary ownership, topography, utility provisions, street capacity and accessibility, landscaping, buffering and scenic quality, compatibility with neighboring uses and areas and drainage are such that multi-family dwelling development exists or is desired and likely to occur and be appropriate in future years.

#### 4.3.2 Permitted Uses.

Within the R-3 District, permitted principal, special and accessory uses shall be as specified in the following sections.

##### 4.3.2.a Permitted Principal Uses.

1. Detached single-family dwellings.
2. Government buildings and uses.
3. Multi-family dwellings.
4. Churches or places of worship.
5. Libraries.
6. Public parks and non-commercial recreational uses.
7. Semi-detached single-family dwellings.
8. Townhouses.
9. Two-family dwellings.
10. Public utilities or essential uses.

##### 4.3.2.b Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
2. Antennas, minor.
3. Swimming pools.

##### 4.3.2.c Special Permitted Uses.

The following uses may be permitted in the R-3 Residential Use District consistent with the provisions of this Ordinance and provided that a Special Use Permit is approved by the Planning and Zoning Commission:

1. Adult care facilities.
2. Bed and breakfasts.
3. Cemeteries.
4. Cluster housing.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

5. Day care center.
6. Dry cleaning establishments.
7. Golf courses.
8. Home occupations.
9. Museums.
10. Nursery schools.
11. Nursing and convalescent homes.
12. Public or private schools.

### 4.3.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled Town of Laurel Zoning Ordinance Density Control Table, which is part of this Ordinance.

### 4.3.4 Off-Street Parking Requirements and Loading Requirements.

The off-street parking and loading regulations are specified in Article 7 of this Ordinance.

### 4.3.5 Signage.

Signs are permitted as listed in Article 8 of this Ordinance.

### 4.3.6 Site Plan Review.

Site plan review and approval shall be secured as required in Article 6 of this Ordinance.

## **Section 4.4 -- Town Center Use District (T-C) (Amended 7-17-06)**

### 4.4.1 Intent

The intent of the T-C - Town Center Use District is to delineate an area that is historic and pedestrian in scale. It is a district that is utilized for an intensive and traditional mixture of small-scale retail, cultural, conference and meeting, lodging, business, personal service, financial, institutional, office, residential and governmental uses. It provides for and promotes a range of uses that serve the needs of the surrounding population. The intent of the District is to ensure that uses permitted are compatible with this character. It is recognized that much of the development in this District will occur through adaptive reuse of existing buildings. It is also part of the intent of the T-C District to recognize that development along street frontages will require careful traffic control, traffic calming measures, coordinated signage and streetscape planning. The District recognizes the historic character of the Town Center. The T-C district is located within the Town of Laurel Historic District and zoning reviews shall be coordinated with historic preservation reviews by the Town of Laurel.

### 4.4.2 Permitted Uses.

Within the T-C Town Center Use District, permitted principal, special and accessory uses shall be as specified in the following sections.

#### 4.4.2.a Permitted Principal Uses.

1. Antique and craft shops.
2. Art galleries.

## ZONING ORDINANCE OF THE TOWN OF LAUREL

3. Banks and financial institutions.
4. Barber and beauty shops.
5. Cafes.
6. Churches or places of worship.
7. Colleges and institutions of higher education.
8. Day care centers.
9. Detached single-family dwellings.
10. Dry cleaning businesses, drop-off and pick-up service only.
11. Dwelling units above first floor businesses.
12. General merchandise stores.
13. General business offices.
14. Government buildings and uses.
15. Internet centers.
16. Libraries.
17. Museums.
18. Newspaper and publishing facilities.
19. Non-profit membership clubs.
20. Nursery schools.
21. Personal service establishments.
22. Photographic studios.
23. Professional offices.
24. Public parks and recreational uses.
26. Public utilities or essential uses.
27. Repair shops, non-vehicle.
- 28.** Restaurants, standard and fast food
29. Retail shops.
30. Theaters.

### 4.4.2.b. Permitted accessory uses.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
2. Antennas, minor.
3. Swimming pools.

### 4.4.2.c. Special Permitted Uses.

The following uses may be permitted in the T-C Town Center Use District consistent with the provisions of this Ordinance and provided that a Special Use Permit is approved by the Planning and Zoning Commission:

1. Adult care facilities.
2. Amusement centers.
3. Bars and nightclubs.
4. Bed and breakfasts.
5. Convenience/mini-markets.
6. Drive-in uses.
7. Food stores.
8. Funeral homes.
9. Home occupations.
10. Hotels.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

11. Inns.
12. Medical clinics.
13. Mixed-Use development.
14. Parking lots, public and private
15. Parking structures.
16. Public or private schools.
17. Recreation areas, private.
18. Research laboratories.
19. Self-service laundries.

### 4.4.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled Town of Laurel Zoning Ordinance Density Control Table, which is part of this Ordinance.

### 4.4.4 Off-Street Parking Requirements and Loading Requirements.

The off-street parking and loading regulations are specified in Article 7 of this Ordinance.

### 4.4.5 Signage.

Signs are permitted as listed in Article 8 of this Ordinance.

### 4.4.6 Site Plan Review.

Site plan review and approval shall be secured as required in Article 6 of this Ordinance.

## **Section 4.5 -- Commercial and Business Use District (C-B)**

### 4.5.1 Intent.

The intent of the C-B Commercial and Business Use District is to delineate areas in the Town which are currently used or are appropriate for general commercial or business uses which provide a range of retail and personal services in order to fulfill recurring needs of residents and visitors and which by the nature or scale of the operations permitted and careful site planning are compatible with adjoining commercial and residential areas.

### 4.5.2 Permitted Uses

Within the C-B Commercial and Business Use District, permitted principal, accessory and special uses shall be as specified in the following sections.

#### 4.5.2.a. Permitted Principal Uses.

1. Adult care facilities.
2. Amusement centers.
3. Banks and financial institutions.
4. Bed and breakfasts.
5. Car washes.
6. Churches or places of worship.
7. Colleges and institutions of higher education.

## ZONING ORDINANCE OF THE TOWN OF LAUREL

8. Day care centers.
9. Detached single-family dwelling.
10. Drive-in uses.
11. Eating establishments, including but not limited to:
  - a. Coffee shop
  - b. Delicatessens
  - c. Luncheonettes
  - d. Restaurants, standard and fast food
12. Fabrication, extraction, assembly and other handling of material, including offices and showrooms.
13. Food stores, including but not limited to:
  - a. Bakeries
  - b. Confectionery shop
  - c. Convenience/Mini-markets
  - d. Dairy product outlet
  - e. Ice cream blending
  - f. Grocery store
  - g. Liquor store
  - h. Meat, fish or poultry store
  - i. Food take-out or delivery services
  - j. Supermarket
14. Funeral homes.
15. General merchandise stores, including but not limited to:
  - a. Automotive parts store
  - b. Clothing store
  - c. Department store
  - d. Drugstore
  - e. Dry goods
  - f. Hardware store
  - g. Home furnishing store
  - h. Household appliance store
  - i. Marine supplies
  - j. Pet store
  - k. Paint store
  - l. Shoe store
  - m. Sporting goods
  - n. Variety store
16. General business office uses.
17. Government buildings and uses.
18. Greenhouses.
19. Vehicle sales areas.
20. Hospitals.
21. Hotels and motels.
22. Inns.
23. Libraries.
24. Medical clinics.
25. Museums.
26. Newspaper and publishing facilities.
27. Non-profit membership clubs.
28. Nursery schools.
29. Nursing and convalescent homes.
30. Personal service shops, including but not limited to:

## ZONING ORDINANCE OF THE TOWN OF LAUREL

- a. Barbers
- b. Beauticians
- c. Dressmakers
- d. Dry cleaning businesses, pick-up and drop-off only
- e. Laundry, self-service
- f. Laundry service
- g. Shoe repair
- h. Tailors
31. Photographic studios.
32. Professional offices.
33. Public parks and recreational uses.
34. Public utilities.
35. Research laboratories.
36. Recreation areas, private.
37. Repair or craftsman services, including but not limited to:
  - a. Cabinet makers
  - b. Furniture repair
  - c. Household appliance repair
  - d. Lawn mower repair
  - e. Non-vehicle repair shops
  - f. Sign fabrication
38. Retail shops, including but not limited to:
  - a. Antique and craft shops
  - b. Art galleries
  - c. Cosmetic store
  - d. Florist shop
  - e. Gift shop
  - f. Hobby store
  - g. Jewelry store
  - h. Music store
  - i. Newspaper store
  - j. Photography store
  - k. Tobacco store
39. Theaters.
40. Veterinary hospitals.
41. Warehousing and wholesale and retail distribution centers including offices and showrooms.
42. Public utilities or essential uses.
43. Garage service and repair uses
44. Gasoline filling stations.
45. Gasoline/Convenience/Mini-markets.

### 4.5.2.b Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
2. Antennas, minor.
3. Private parking lot.
4. Swimming pools.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### 4.5.2.c Special Permitted Uses.

The following uses may be permitted in the C-B General Commercial Use District consistent with the provisions of this Ordinance and provided that a Special Use Permit is approved by the Planning and Zoning Commission:

1. Bars and nightclubs.
2. Cemeteries.
3. Contractor yard.
4. Dwelling units above first floor businesses.
5. Golf courses.
6. Home occupation.
7. Parking lots, public.
8. Parking structure.
9. Public and private schools.
10. Retail businesses and commercial uses other than those listed above.
11. Self-Service Storage Facilities.
12. Trucking terminal.

### 4.5.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled Town of Laurel Zoning Ordinance Density Control Table, which is part of this Ordinance.

### 4.5.4 Off-Street Parking Requirements and Loading Requirements.

The off-street parking and loading regulations are specified in Article 7 of this Ordinance.

### 4.5.5 Signage.

Signs are permitted as listed in Article 8 of this Ordinance.

### 4.5.6 Site Plan Review.

Site plan review and approval shall be secured as required in Article 6 of this Ordinance.

## **Section 4.6 -- Marine Resources Use District (M-R).**

### 4.6.1 Intent.

The intent of the Marine Resources use district established in this Section is to recognize the unique role which Broad Creek and its waterfront areas have played in the formation, growth and life of The Town of Laurel. The objectives of this District are:

1. To provide for a compatible mixture of waterfront-related uses, including recreational, park, open space and boating uses;
2. To encourage appropriate land development, including the utilization of land and buildings and the adaptive reuse of existing structures, which is in harmony with the conservation of the district's general recreational and open space character and the historic environmental areas adjacent to the creek;



## ZONING ORDINANCE OF THE TOWN OF LAUREL

3. To recognize the sensitivity of the unique waterfront environment in this area and reinforce appropriate safeguards to protect the area from periodic flooding, soil erosion, sedimentation and slope failure due to unregulated construction, removal of vegetation, dredging, filling, damming or channelization;
4. To further protect scenic views of the creek;
5. To encourage public access to the creek.

### 4.6.2 Permitted Uses.

Within the M-R Use District, permitted principal, accessory and special uses shall be as specified in the following sections.

#### 4.6.2.a. Permitted Principal Uses.

1. Antique and craft shops.
2. Art galleries.
3. Boat docks, slips, or piers
4. Churches or places of worship.
5. Government buildings and uses.
6. Public utilities and essential uses.
7. Watercraft sales, rentals and storage.
8. Detached single-family dwellings.
9. Marinas and yacht clubs.
10. Non-profit membership club.
11. Public parks and recreational uses.
12. Restaurants, fast food.
13. Restaurants, standard.
14. Townhouses.

#### 4.6.2.b. Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
2. Antennas, minor.
3. Swimming pools.

#### 4.6.2.c. Special Permitted Uses.

The following uses may be permitted in the M-R Use District consistent with the provisions of this Ordinance and provided that a Special Use Permit is approved by the Planning and Zoning Commission:

1. Aquarium, commercial.
2. Bed and breakfasts.
3. Colleges and institutions.
4. Dwelling units above first floor business.
5. Fabrication, maintenance and repair of watercraft.
6. Golf course.
7. Home occupation.
8. Inns.
9. Hunting and Fishing supply sales.
10. Marine Research Facilities.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

11. Marine Fueling Facilities.
12. Marine Repair Facilities.
13. Museums.
14. Public and Private Schools.

### 4.6.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled Town of Laurel Zoning Ordinance Density Control Table, which is part of this Ordinance.

### 4.6.4 Off-Street Parking Requirements and Loading Requirements.

The off-street parking and loading regulations are specified in Article 7 of this Ordinance.

### 4.6.5 Signage.

Signs are permitted as listed in Article 8 of this Ordinance.

### 4.6.6 Site Plan Review.

Site plan review and approval shall be required for all uses permitted within the M-R district in accordance with Article 6 of this Ordinance.

## **Section 4.7 -- Light Industrial Use District (L-I).**

### 4.7.1 Intent.

The intent of the L-I – Light Industrial Use District is to delineate areas which are used for or suited for limited types of manufacturing and industrial uses that are compatible with adjacent residential and other uses. These types of uses include light manufacturing, distribution, wholesaling, research and testing, warehousing, and processing or other uses that contribute jobs and tax base to the economy of the region. They must be compatible with non-industrial neighboring uses and consistent with the standards described in Article 7.

### 4.7.2 Permitted uses.

Within the L-I Use District, permitted principal, accessory and special uses shall be as specified in the following sections.

#### 4.7.2.a. Permitted Uses.

1. Agricultural processing, storage and service facilities.
2. Beverage blending, distilling, or bottling.
3. Dry cleaning businesses.
4. Fabrication, assembly, packaging and other handling of material.
5. General business offices.
6. Government buildings and uses.
7. Manufacturing of medical, dental, or drafting equipment.
8. Newspaper and publishing facilities.
9. Public utilities and essential uses.
10. Repair shops, non-vehicle.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

11. Self-service storage facilities.
12. Vehicle rental facilities.

### 4.7.2.b Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
2. Antennas, minor.

### 4.7.2.c. Special Permitted Uses.

Within the L-I Use District, special permitted and accessory uses shall be as specified in the following sections.

1. Antennas and towers.
2. Contractor yards and equipment.
3. Garage, service and repair uses.
4. Public and Private Schools.
5. Research laboratories.
6. Trucking terminals.
7. Vehicle Repair.

### 4.7.3 Dimensional Requirements.

The dimensional requirements for this district are specified in Section 5.1, entitled Town of Laurel Zoning Ordinance Density Control Table, that is part of this Ordinance.

### 4.7.4 Off-Street Parking Requirements and Loading Requirements.

The off-street parking and loading regulations are specified in Article 7 of this Ordinance.

### 4.7.5 Signage.

Signs are permitted as listed in Article 8 of this Ordinance.

### 4.7.6 Site Plan Review.

Site plan review and approval shall be secured as required in Article 6 of this Ordinance.

## **Section 4.8 - Large Parcel Development Overlay District (LPD-OD)**

### 4.8.1 Intent

The purpose of the Large Parcel Development Overlay District (LPD-OD) is to develop new and redevelop older sites in a way that reflects the urban design and scale of The Town of Laurel. The LPD-OD District provides for design ingenuity while protecting existing and future developments. In order to encourage large-scale developments as a means of creating a superior living environment, the LPD-OD District shall encourage the following:

- (1) Special and historic relationship with the Town. Awareness of and appreciation for the connection between man-made and natural environments necessitates the protection of public open spaces, wetlands,

## ZONING ORDINANCE OF THE TOWN OF LAUREL

ponds, trees and unique vegetation in the district.

(2) Community of diversity. Diversity is achieved by mixing a variety of housing and building types and uses, architectural styles and dwelling unit densities and ranges of affordability within neighborhoods, while maintaining the principles of good design. The scale and style of the existing Town of Laurel is to be evident in the planning of new LPD-OD communities.

(3) Human Town scale and neighborhood interaction. To create pedestrian access ways in neighborhoods where there are places that can be reached by walking, such as parks, churches and convenience shops, and safe places to walk, such as sidewalks and pedestrian corridors. Connections to create networks of pedestrian access ways to existing streets and neighborhoods is beneficial to provide integration with The Town of Laurel. Appropriately proportioned and continuous streets, shallow or zero setbacks, front porches, open yards, sidewalks, street trees, sidewalk furniture and places for people to gather, just as parks and playgrounds promote neighborhood interaction.

(4) Busy days and quiet nights. Neighborhood Businesses, Commercial and institutional uses should be limited in size and intensity so as to enhance a predominantly residential neighborhood.

### 4.8.2 Permitted Principal Uses

1. Single-Family detached dwellings.
2. Semi-detached Single-Family dwellings.
3. Multi-family dwellings.
4. Mixed residential and business uses in the same building.
5. Government, social, civic, or charitable organization meeting halls and offices.
6. Churches.
7. Public or private schools.
8. Parks, playgrounds, athletic recreation facilities, noncommercial swimming pools and community centers.
9. Fire stations.
10. Libraries or museums.
11. Bed & Breakfast/Inns.
12. Day-care centers, day nurseries and preschool centers.
13. Continuing care, assisted living and retirement uses that provide a combination of living accommodations for older adults, generally 55 years of age and older, together with a “continuum of care”, i.e., care that progresses or increases as the needs of the individual resident increases.
14. Educational and cultural uses that enrich and benefit the residents of The Town of Laurel through:
  1. College or University primary or continuing education courses.
  2. Musical or theatrical venues for rehearsals, performances, and the like.
  3. Individual professional development programs.
  4. Art galleries and art studios.
15. Commercial and neighborhood business uses of convenience and necessity to the development as a whole, such uses and accessory off-street parking and loading spaces incident to such commercial uses not to exceed one (1) acre for each fifty (50) dwelling units in the planned LPD-OD.
16. Townhouses.

### 4.8.3 Permitted Accessory Uses, Buildings and Structures.

1. Accessory uses and structures customarily incident to any of the uses mentioned for this use district, and on the same lot.
2. Antennas, minor.
3. Parking lots, private.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### **4.8.4 Superimposed District.**

To enable the LPD-OD to operate in harmony with the plan for land use within The Town of Laurel Land Use Plan, the LPD-OD District is created as a special district to be superimposed on other districts contained in The Town of Laurel Zoning Ordinance and is to be so designated by a special symbol for its boundaries on the Official Zoning District Map.

### **4.8.5 Minimum District Area.**

The minimum area for an LPD-OD District shall be 3 acres.

### **4.8.6 Concurrent Establishment of Other Districts.**

An application for approval of an LPD-OD District may show and be processed concurrently with separate applications for establishment of any other District established by this Ordinance, in accordance with the regulations that apply to those districts.

### **4.8.7 Master Plan Submission. (Amended 7-17-06)**

An applicant for the LPD-OD District shall submit a master plan to the Laurel Planning & Zoning Commission and The Town of Laurel Town Council for approval; this plan shall include the following:

1. The total number of dwelling units.
2. Parking requirements for each housing type.
3. Accessory building requirements.
4. Height, area and bulk requirements related to each proposed land use.
5. Proposed landscaping.
6. Proposed sidewalks.
7. Proposed street lighting.
8. Signage.
9. Open space.
10. Recreation facilities.
11. Trash containment.

In addition to the foregoing, all of the requirements imposed upon a preliminary site plan application, as set forth in Section 6.1.5 of the zoning ordinance shall be applicable to the master plan submission, as well as the public hearing requirements found in Section 6.1.6 of this ordinance. The approval by the Planning and Zoning Commission of a final master plan submission meeting the above requirements shall also constitute preliminary site plan approval under Section 6.1 of this ordinance.

The Planning and Zoning Commission and The Town of Laurel Town Council shall review the conformity of the proposed development with the standards of the Laurel Comprehensive Plan and recognized principles of land use planning and landscape architecture.

The minimum lot and yard requirements and maximum height requirements of the zoning district in that the LPD-OD is located need not apply except that the Town shall ensure an appropriate relationship between proposed land uses and existing land uses near the boundaries of the proposed LPD-OD District.

The Planning and Zoning Commission and the Town Council may impose conditions regarding the layout and design of the proposed development to assure compliance with the development plan presented by the applicant.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### **4.8.8 Procedure for Master Plan Approval.**

When a Preliminary Master Plan is approved by The Town of Laurel Council, it shall be returned to the Laurel Planning and Zoning Commission pending preparation of the Final Master Plan by the applicant. A Final Master Plan incorporating all of the requirements, amendments and conditions of The Town of Laurel Council shall be reviewed by the Laurel Planning and Zoning Commission and shall be placed on record after such approval.

No public hearing shall be required for approval of amendments to the Record Master Plan unless changes proposed significantly alter a provision of the approved Record Master Plan.

### **4.8.9 Prohibited Uses.**

In the LPD-OD Large Parcel Development Overlay district, uses specifically prohibited are:

- (1) Business uses with bulk storage of hazardous materials.

### **4.8.10 Ownership.**

The land in an LPD-OD-Large Parcel Development Overlay District need not be under single ownership, provided, however that proper assurances are given through the procedures contained in this Ordinance that the project can be successfully completed.

### **4.8.11 Schedule of Construction.**

Before the approval of the LPD-OD-Large Parcel Development Overlay District, the Town may request a sequence and schedule of construction from the applicant.

### **4.8.12 Additional Land Area.**

If, after approval and recording of the master plan, the owner/developer desires to incorporate additional land or after-acquired adjacent land area into the development plan, a conference shall be held with zoning officials for purpose of reviewing the additional land. If an application is filed, the procedural requirements shall be as for all other LPD-OD - Large Parcel Development Overlay Districts and shall be considered as the establishment of a new and separate district.

### **4.8.13 Minimum Lot Area and Width.**

The minimum lot area and minimum lot width of detached single family dwelling lots shall be no less than five thousand (5,000) square feet or less than fifty (50) feet. The minimum lot area and minimum lot width of lots for semi-detached single family dwellings shall be no less than three thousand (3,000) square feet or less than thirty (30) feet. The minimum lot area and minimum lot width of lots for townhouses shall be no less than two thousand five hundred (2,500) square feet or less than twenty (20) feet.

### **4.8.14 Number of Dwelling Units Permitted.**

The maximum number of dwelling units permitted shall be determined by dividing the net development area (total acreage) by the minimum lot area per dwelling unit required by the district or districts in that the area is located. Net development area shall be determined by subtracting the area set aside for state

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

wetlands and twenty five percent (25%) of the remainder for streets or the actual area for proposed streets, which ever is less. The area of land set aside for common open space or recreational use shall be included in determining the number of dwelling units permitted.

### **4.8.15 Requirements regarding Parking, Streets, Alleys and Driveways.**

Design of parking areas, streets, alleys and driveways intended to be dedicated to The Town of Laurel shall meet the minimum construction requirements of The Town of Laurel with respect to pavement section, material and tabulation of structural numbers.

### **4.8.16 Modification of Development Standards.**

The Planning & Zoning Commission, using the Large Parcel Development Overlay District, may allow the following development standards to be modified:

1. Building setbacks (Section 5.1 – Density Control Table);
2. Required number of off-street parking spaces (Section 7.2 – Off-Street Parking Requirements);
3. Landscaping requirements (Section 7.13 – Buffer and Landscaping Requirements);
4. Sign requirements (Article 8 – Signage); and
5. Street width, design and layout; however, construction requirements with respect to pavement sections, material and tabulation of structural numbers may not be modified (Section 7.1 – Streets, Roads, and Sidewalks).

Basis for Approval of Alternative Development Standards. Approval of alternative development standards using the Large Parcel Development Overlay District differs from the variance procedure described in Article 11 of this ordinance in that rather than being based upon a hardship or unusual circumstance related to a specific property, the approval of alternative development standards proposed by a Large Parcel Overlay Development shall be based upon the criteria listed in this paragraph. In evaluating a LPD-OD that proposes to modify the development standards, Planning and Zoning shall consider and base its findings upon the ability of the proposal to satisfy the following criteria:

1. The proposed planned development’s compatibility with surrounding properties, especially related to:
  - a. Landscaping and buffering of buildings, parking, loading and storage areas,
  - b. Public safety,
  - c. Site access, on-site circulation and off-street parking,
  - d. Light and shadow impacts,
  - e. Number, size and location of signs,
  - f. Generation of nuisance irritants such as noise, smoke, dust, odor, glare, vibration or other undesirable impacts,
  - g. Architectural design of buildings and harmonious use of materials;
2. The unique characteristics of the subject property;
3. The unique characteristics of the proposed use(s);
4. The arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development;
5. Visual impact of the planned development upon the surrounding area;

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

6. Public improvements proposed in connection with the planned development;
7. Preservation of unique natural features of the property;
8. The public benefit derived by allowing the proposed alteration of development standards.

### **Section 4.9 Historic District Overlay District (HD-OD)**

#### 4.9.1 Intent.

The intent of the Historic District Overlay District (HD-OD) is to provide for a special review of historic preservation design and development factors within the federally-designated Town of Laurel National Historic District, as listed on the National Register of Historic Places, and to base this review on the Secretary of the United States Department of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

#### 4.9.2 Permitted Principal Uses.

Any use permitted in the Zoning Use District in which the property is located.

#### 4.9.3 Permitted Accessory Uses, Buildings and Structures.

1. Any permitted accessory uses, buildings and structures permitted in the Zoning Use District in which the property is located.

#### 4.9.4 Special Permitted Uses.

Special permitted uses may be permitted in the HD-OD District which can normally be permitted in the underlying base district, consistent with the provisions of this Ordinance and provided that a Special Use Permit is approved by the Planning and Zoning Commission.

### **Section 4.10 -- Activities Prohibited in all Districts.**

4.10.1 No effluent or matter of any kind shall be discharged into any stream or body of water which violates established stream standards of the Delaware Department of Natural Resources and Environmental Control or otherwise causes objectionable odors or fumes or which is poisonous or injurious to human, plant or animal life.

4.10.2 No person, firm or corporation shall strip, excavate or otherwise remove top soil for sale, or for use other than on the premises from which the same shall be taken except in connection with the construction or alteration of a building in such premises and excavation or grading incidental thereto.

4.10.3 No use shall be permitted which will produce corrosive, toxic or noxious fumes, glare, fire, explosion, electromagnetic disturbance, radiation, smoke, cinders, odors, obnoxious dust or waste, undue noise or vibration or other objectionable features so as to be detrimental to the public health, safety, or general welfare unless conducted under proper and adequate standards.

4.10.4 Dumping or storage of material in a manner that facilitates the breeding of vermin or endangers health in any way shall not be permitted.

4.10.5 No Adult Use will be allowed within 1500 feet of any residential, use, school, library or park.



## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### **ARTICLE 5. AREA AND BULK REGULATIONS - DENSITY CONTROL**

#### **Section 5.0 -- Purpose.**

In order to provide a sound environment including adequate open spaces for access to light and air, to facilitate the prevention of fire, to prevent undue concentration of population, and to lessen congestion in the streets, no building or premises shall be erected, altered or used except in accordance with the standards set forth in this Article.

#### **Section 5.1 -- Town of Laurel Density Control Table (Height, Area and Bulk Schedule).**

The Section 5.1 Town of Laurel Density Control Table which is hereby adopted and declared to be part of this Town of Laurel Zoning Ordinance shows height, area and bulk requirements within each Zoning Use District within The Town of Laurel.

#### **Section 5.2 -- Corner Lots.**

There shall be a front yard of at least fifteen (15) feet on the side street of a corner lot in any district.

#### **Section 5.3 -- Projections Into Required Yards.**

5.3.1 The following projections from the primary structure into required yards are permitted subject to dimensional restrictions designed to protect adjacent areas:

1. Awnings or movable canopies and overhangs - six feet into any yard.
2. Cornices, eaves, retaining walls and roofs - three feet into any yard.

5.3.2 Utility equipment may project five feet (5') into the side yard or rear yard setbacks.

5.3.3 Any open porch or deck shall be considered a part of the building and may encroach up to one half (1/2) the distance on the side yard or rear yard setback. Paved terraces that are not covered shall not be considered a part of the building.

5.3.4 Accessory uses and buildings may be located in accordance with Article 7 of this Ordinance.

#### **Section 5.4 -- Compliance with Maximum Residential Density.**

5.4.1 In all districts where residences are permitted, a lot held in single ownership may be improved for residential use according to the minimum lot size per dwelling unit and area bulk regulations for the district as set forth in the Density Control Table, provided that there shall be no more than one principal building and use on each lot except as provided herein. If two or more residential structures are proposed to be located on the same lot, the maximum average density requirement must be complied with and the lot shall be subdivided so as to provide adequate width and yards.

#### **Section 5.5 -- Side Yard for Multi-Family Dwelling Units.**

Side yards for semi-detached, townhouses or multi-family dwelling units, where permitted, shall be required at the ends of the total structure only.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### **Section 5.6 -- Exceptions to Front Yard Requirements.**

On a street or road with existing buildings having a front yard setback that is less than that required in the district, any new or relocated building may have a front yard setback that is equal to the average setback of those existing buildings located on the same side of the street or road and being within 300 feet of the new or relocated building. Any vacant lot shall be calculated as having the required setback for the district.

### **Section 5.7 -- General Exception to Height Regulations.**

Projections such as chimneys, silos, church spires, domes, elevator shaft housings, water tanks, antennae, aerials, flagpoles, solar energy collectors and equipment used for the mounting and operation of such collectors, and other similar objects not used for human occupancy shall be subject to site plan approval prior to issuance of a building permit.

### **Section 5.8 -- Through Lots.**

In the case of a lot running through from one street to another street or alley, the frontage on which the majority of the buildings in the block front shall be considered the primary frontage for the purposes of this Ordinance. In cases where there is no clearly defined frontage, the owner, when applying for a building permit, shall specify which lot line is considered the primary frontage. The rear portion of such a lot shall, however, be treated as a lot front for the purposes of determining required setbacks and locations of permitted structures and uses.

### **Section 5.9 -- Transition Yard Requirements.**

Where a residential district and a non-residential district are separated by a street, there shall be provided in the non-residential district, a landscaped setback or yard area a minimum of fifteen feet (15') in depth.

## **ARTICLE 6 - PLANNING AND ZONING COMMISSION SITE PLAN REVIEW AND SPECIAL USE PERMITS**

### **Section 6.0 -- Special Uses.**

#### **6.0.1 Purpose and Intent.**

The purpose of special use approval is to allow the proper integration into the community of uses that may be suitable only under certain conditions and at appropriate locations. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, special uses require special consideration so that they may be properly located with respect to the objectives of this Zoning Ordinance and their effect on nearby properties.

#### **6.0.2 Authorization to Grant or Deny Special Uses.**

The Planning and Zoning Commission is authorized to approve special uses. The special uses listed in this Zoning Ordinance may be permitted, permitted with conditions or not permitted by the Planning and Zoning Commission in accordance with the standards and procedures set forth in this section. In permitting a special use or the modification of a special use, the Planning and Zoning Commission may impose those standards and requirements expressly specified by this Ordinance and any additional conditions which the Planning and Zoning Commission considers necessary and reasonable to protect the best interests of the surrounding property, the neighborhood, or the Town as a whole. These conditions

## ZONING ORDINANCE OF THE TOWN OF LAUREL

may include, but are not limited to, size or controlling the location and number of vehicle access points, increasing the street width, limiting the number, size and location of signs, limiting hours of operation, and required fencing, screening and landscaping or other facilities to protect adjacent or nearby property. In the case of a use existing prior to the effective date of this Ordinance and classified in this Ordinance as a special use, any change in use or in lot area or an alteration of structure shall conform to the requirements dealing with special uses.

On application and after public notice and hearing, the Planning and Zoning Commission may authorize the issuance, by the Code Enforcement Officer, of a permit for any of the special uses for which this Ordinance requires such permits.

### 6.0.3 Procedures for special uses.

- a. A property owner(s) or his agent(s) may initiate a request for a special use or modification of a special use by filing an application which includes a legal description of the property, a proposed current site plan showing the size and location of the lot, the location of all buildings and proposed facilities, including access drives, parking areas and all streets within two hundred and fifty (250) feet of the lot, plans and elevations necessary to show the proposed development, other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties and a filing fee.
- b. In the case where a special use has been approved a building permit shall be issued after the granting of the special use by the Planning and Zoning Commission, and then only in accordance with the terms and conditions of the special use permit.
- c. Before a special use is permitted the proposed special use shall be subject to public notice and a public hearing.
- d. The Planning and Zoning Commission, on its own motion, may revoke any special use permit for noncompliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing. The forgoing shall not be the exclusive remedy and it shall be unlawful and punishable for any person to violate any condition imposed by a special use permit. In such cases a period of sixty (60) days shall be granted the applicant for full compliance prior to revocation of the said permit. In cases where there is imminent danger to the public health, safety or welfare, the revocation of the special use permit shall be immediate.
- e. The Planning and Zoning Commission may require that special use permits be periodically renewed after notice and a public hearing to determine if the original conditions have been complied with or whether conditions have changes since the original special use permit was granted.
- f. The Planning and Zoning Commission may, at its discretion, waive any submission requirements that it deems to be not relevant to the proposed use and site.

### 6.0.4 Standards Governing Special Uses.

A special use shall comply with the standards of the district in which it is located. In approving such uses, the Planning and Zoning Commission shall take into consideration the public health, safety and welfare and comfort and convenience of the public in general and of the residents of the immediate neighborhood in general and shall, to the maximum extent possible further the expressed intent of this Ordinance and the accomplishment of the following objectives:

## ZONING ORDINANCE OF THE TOWN OF LAUREL

- a. In order to grant any special use, the Planning and Zoning Commission shall find that the request is in compliance with the general purpose and intent of this Zoning Ordinance, taking into account the location and size of use, the nature and intensity of the operations involved in or conducted in connection with the use and the size of the site with respect to streets giving access thereto.
- b. In order to grant any special use, the Planning and Zoning Commission shall find that the establishment, maintenance, or operation of the use applied for, under the circumstances of the particular case, will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or will not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the Town.
- c. The proposal will not result in the destruction, loss, or damage of any natural, scenic or significant historical resource.
- d. The proposal will not create excessive additional requirements of public cost for public facilities and services; and will not be detrimental to the economic welfare of the community.
- e. The proposal will be served adequately by essential public facilities such as highways, streets, police and fire protection, stormwater drainage, water and sewer, schools or that the applicant for the proposed special use shall otherwise provide that these services be adequately obtained.
- f. The proposal is essentially in accordance with the Comprehensive Plan.
- g. All proposed structures, equipment or material shall be readily accessible for fire and police protection.
- h. The proposed use shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and shall not be detrimental to the orderly development of adjacent properties, in accordance with the zoning classification of such properties.
- i. The proposal conforms to all applicable requirements of Article 7, Development Guidelines.

In addition to the above, in the case of any use located in, or directly adjacent to, a residential district:

- a. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to existing streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood.
- b. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### **Section 6.1 -- Site Plan Review and Approval**

#### 6.1.0 Intent.

The intent of site plan approval is to authorize The Town of Laurel Planning and Zoning Commission to review and approve site plans for uses otherwise permitted by this Ordinance in order to determine full compliance with the intent of the standards of this Ordinance. The objective is to evaluate site plans in order to minimize conflicts between the site layout and design of proposed uses and existing uses and natural site conditions and thereby minimize any adverse effects affecting the health, safety, and overall welfare of the community.

#### 6.1.1 Authorization.

The power to approve, approve with modification, or disapprove site plans as required by this Ordinance is vested in The Town of Laurel Planning and Zoning Commission. Prior to issuing a building permit for construction, expansion or change in use of any use, a site plan and supporting documentation shall be submitted to the Planning and Zoning Commission for its review and approval. The Planning and Zoning Commission shall require that the site plans be prepared by a licensed architect, surveyor or professional engineer. The Planning and Zoning Commission may waive or adjust site plan submission requirements based on the complexity of the site features and of the proposed structure(s) or land use.

#### 6.1.2 Applicability and Exceptions.

Under this Article, all new development, or renovations which result in significant changes to external character or appearance or land use activities within the Town shall require site plan review before being undertaken, except the following:

1. Construction or expansion of a single one family dwelling and ordinary accessory structures, and related land use activities.
2. Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this Ordinance.
3. Ordinary repair or maintenance or interior alterations to existing structures or uses.
4. Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than 500 square feet.
5. Agricultural or gardening uses not involving substantial timber cutting.
6. All signs except in conjunction with new construction.
7. Garage, yard and porch sales if such sales take place no more often than three (3) times in any calendar year.
8. Home Businesses.

#### 6.1.3 Concept Plan Conference.

Concept plan submittal is optional. The purpose of concept plan submittal is to encourage applicants to consult early and informally with the Planning and Zoning Commission in order to save time and money and to make the most of opportunities for desirable development.

##### 6.1.3.1 Requirements. (Amended 7-17-06)

If a concept plan is prepared, the applicant shall submit twelve (12) copies to the Planning and Zoning Commission. Before preparing a concept layout, the developer may discuss with the Code Enforcement

## ZONING ORDINANCE OF THE TOWN OF LAUREL

Officer the general requirements as to design of streets, reservations of land, drainage, sewage, water supply, fire protection, and other improvements as well as procedural matters.

Developers of land adjoining state or county highways are advised to consult with the Town Engineer and the Delaware State Department of Transportation at the concept stage to resolve problems of street openings or storm water drainage at the earliest possible stage in the design process. The Planning and Zoning Commission shall provide written comments on the concept plan of a proposed development and in the course of its review may consult with other interested public agencies.

The concept plan shall include the following information:

1. An area map showing:
  - a. Applicant's entire holdings, that portion of the applicant's property under consideration for development and any adjacent parcels owned by the applicant.
  - b. All adjoining properties, subdivisions, streets, and adjacent buildings.
2. A site development plan, including but not limited to:
  - a. Existing natural features such as water bodies, watercourses, wetlands, wooded areas, flood hazard areas.
  - b. All existing built features.
  - c. All proposed buildings, structures and public improvements.
3. Name and address of Owner (s) or record
4. Name of Developer
5. Name of Surveyor or Engineer preparing the plan
6. Scale
7. Date of preparation
8. North Arrow
9. Boundaries of the project in shown in heavy outline
10. Dimensions of the property
11. Sussex County Property Identification Number
12. Location of proposed lots
13. Open space (parks, parkways, playgrounds)

### 6.1.4 Preliminary Site Plan Application.

Application for preliminary site plan approval shall be made in writing to the Code Enforcement Officer. An application shall be submitted a minimum of twenty-one (21) calendar days prior to the next regularly scheduled Planning and Zoning Commission meeting. The Code Enforcement Officer shall notify the Town Clerk of receipt of the application and shall refer the application to the Planning and Zoning Commission for review and approval.

### 6.1.5 Preliminary Site Plan Requirements.

The preliminary site plan application shall include the information listed below. The Planning and Zoning Commission may at its discretion waive any preliminary requirements that are not relevant to the proposed use and site.

## ZONING ORDINANCE OF THE TOWN OF LAUREL

1. An area map showing the portion of the applicant's property under consideration for development, any adjacent parcels owned by the applicant, and all streets, zoning districts, easements and adjacent buildings within five hundred (500) feet of the applicant's property.
2. A preliminary site plan shall include the following items of information:
  - (a) Proposed name of project and name and address of the developer as well as the name and address of the owner, surveyor or engineer preparing the plan.
  - (b) North arrow, scale and date.
  - (c) Boundaries of the project must be submitted as a scale drawing with the scale used indicated on the drawing and be shown in heavy outline.
  - (d) Existing natural features such as watercourses, water bodies, wetlands, wooded areas and individual large trees, showing features to be retained.
  - (e) Existing and proposed contours at intervals of one (1) foot.
  - (f) Location of proposed land uses and their areas in square feet or acres, the uses proposed and the height of each existing and proposed structure.
  - (g) Location of all existing or proposed site improvements including streets, drains, culverts, retaining walls, fences and easements, whether public or private.
  - (h) Description of sewage disposal and water systems and the location proposed for such facilities.
  - (i) Provision for buffer areas and other landscaping.
  - (j) Delineation of residential areas, if proposed, indicating the general extent of each area, a description of the dwelling unit types proposed, and a calculation of residential density in dwelling units per gross acre for each such area.
  - (k) Location of all parking and truck-loading areas, showing access and ingress drives.
  - (l) The location, design and size of all signs and lighting facilities.
  - (m) The approximate locations and dimensions of areas proposed for neighborhood parks or playgrounds, or other permanent open space.
  - (n) Building orientation, proposed building materials, building footprint and elevations.
  - (o) The location and design of all energy distribution facilities, including electrical, gas and solar energy.
  - (p) Provision for energy efficiency.
  - (q) Grading and erosion control measures including the proposed location of sediment ponds and interceptor swales,
  - (r) Location of stormwater management facilities.
  - (s) The lines and dimensions of all property offered, or to be offered, for dedication for public use, with the purpose indicated thereon, and of all property proposed to be reserved by deed covenant for the common use of the property owners of the development.
  - (t) Right-of-way lines.
  - (u) Easements, if any.
  - (v) Notations and descriptions of deed restrictions, if any.
  - (w) Dimension from centerline of site entrance to centerline of nearest road intersection
  - (x) A "Data Column" with the following information:
    - (y) Total acreage within the project
    - (z) Total acreage within open space
    - (aa) Total acreage within lots
    - (bb) Number of lots
    - (cc) Dwelling units (Type & No.)
    - (dd) Average lot area
    - (ee) Minimum lot area
    - (ff) Maximum lot area
    - (gg) Density

## ZONING ORDINANCE OF THE TOWN OF LAUREL

- (hh) Zoning classification of property
  - (ii) Number of permanent monuments (also locate & describe on plan)
  - (jj) Sussex County Property Identification Number
  - (kk) Percentage of impervious surface coverage of parcel.
  - (ll) Paving
  - (mm) Buildings
  - (nn) Name of adjacent property owners
  - (oo) Location of proposed lots
  - (pp) Setback Lines
  - (qq) Open space (parks, parkways, playgrounds)
  - (rr) Easements
  - (ss) Major excavations
  - (tt) General location, size, height & material orientation of proposed & existing signs
  - (uu) In case of proposed streets being dedicated to public use add the following note:  
“Subdivision streets constructed within the limits of the right-of-way dedicated to the public use shown on this plan are to be maintained by The Town of Laurel following the completion of the streets by the Developer to the Satisfaction of the Town. The Town assumes no maintenance responsibilities within the dedicated street right-of-way until the Town has accepted the streets.”
  - (vv) Owner’s Certification as follows: I, \_\_\_\_\_, hereby certify that I am the owner of the property described and shown on this plan, that the plan was made at my direction\*, and that I acknowledge the same to be my act and desire the plan to be recorded according to Ordinance.  
\*In the case of proposed streets to be dedicated, the following should be added after the word “direction” to the above certification:  
“...that all streets shown hereon and not heretofore dedicated are hereby dedicated to the public use and that all proposed monuments and markers shown hereon will be set at the location indicated,”
  - (ww) Engineers, Land Surveyors or Architect Certification as follows:  
I, \_\_\_\_\_, hereby certify that I am a registered engineer, land surveyor, or architect in the State of Delaware, that the information shown hereon has been prepared under my supervision and to my best knowledge and belief represents good engineering, surveying, and/or architectural practices as required by the applicable laws of the State of Delaware.  
Date \_\_\_\_ Seal \_\_\_\_\_ Signature \_\_\_\_\_
3. The Planning and Zoning Commission may require additional information which appears necessary for a complete assessment of the project.
  4. The Planning and Zoning Commission's review of the preliminary site plan shall include, but is not limited to the following considerations:
    - a. Adequacy and arrangement of vehicular traffic access and circulation, including emergency vehicle access
    - b. Location, arrangement, appearance and sufficiency of off-street parking and loading.
    - c. Location, arrangement, size and design of buildings, lighting and signs.
    - d. Relationship of the various uses to one another and their scale.
    - e. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and noise buffer between adjacent uses and adjoining lands.
    - f. Adequacy of storm water and sanitary waste disposal.
    - g. Adequacy of structures, roadways and landscaping in areas susceptible to flooding and ponding or erosion.
    - h. Compatibility of development with natural features of the site and with surrounding land uses.
    - i. Adequacy of flood proofing and flood prevention measures consistent with the flood hazard prevention regulations of the Federal Emergency Management Agency (FEMA).



## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

- j. Adequacy of building orientation and site design for energy. The extent to which the proposed plan conserves energy use and energy adequate sunlight for use by solar energy systems.
- k. Adequacy of open space for play areas, informal recreation and the retention of natural areas such as wildlife habitats, wetlands and wooded areas.
- l. Adequacy of pedestrian access, circulation, convenience and safety, including compliance with the requirements for access by the physically challenged which are incorporated in the American Disabilities Act (ADA).
- m. Those requirements that apply that are found in Articles 7 and 8.

In its review of a preliminary site plan, the Planning and Zoning Commission may consult with the Code Enforcement Officer, the Town Engineer, Fire and Police Departments, other local and Sussex County officials, and any designated private consultants, in addition to representatives of federal and state agencies including, but not limited to, the Sussex Conservation District, the Delaware Department of Transportation (DelDOT) and the Delaware Department of Natural Resources and Environmental Control (DNREC).

### **6.1.6 Public Hearing. (Amended 7-17-06)**

Upon the Planning and Zoning Commission's certification that the preliminary site plan application is complete and satisfactory, the Planning and Zoning Commission shall schedule a public hearing allowing a minimum of 15 days notice. The applicant shall mail notices of such public hearings to the owners of all lands within a radius of two hundred (200) feet from all boundary lines of the property for which site plan review is requested, allowing a minimum of 15 days notice. The Town will provide the applicant with the required information to be included in the notification letter. Such notices shall be mailed, certified and postmarked at least ten (10) days prior to the date scheduled for the public hearing. A list of properties notified, copies of proof of mailings and return receipts shall be provided to the Planning and Zoning Commission prior to the public hearing.

### **6.1.7 Notification of Decision on Preliminary Site Plan.**

Within thirty (30) days of the public hearing at which a preliminary site plan is considered, the Planning and Zoning Commission shall act upon it. The Planning and Zoning Commission's action shall be in the form of a written statement to the applicant stating whether or not the preliminary site plan is approved, conditionally approved, or disapproved. A copy of the appropriate minutes of the Planning and Zoning Commission shall be a sufficient report. The Planning and Zoning Commission's statement may include recommendations as to desirable revisions to be incorporated in the final site plan application. If the preliminary layout is disapproved, the Planning and Zoning Commission's statement will contain the reasons for such findings. In such a case the Planning and Zoning Commission may recommend further study of the proposal and resubmission of the preliminary site plan. The approval for a Preliminary Site Plan shall expire one (1) year after the date of the approval by the Planning and Zoning Commission. The Planning and Zoning Commission may grant an extension for a period of up to one (1) year if the applicant shows just cause for the extension.

### **6.1.8 Final Site Plan Application.**

After receiving approval, with or without conditions, from the Planning and Zoning Commission on a preliminary site plan, and approval for all necessary permits and curb cuts from responsible local, county and state officials, the applicant may prepare its final site plan and submit it to the Planning and Zoning Commission for its review and approval. Final site plan approval shall include the same items as required for Preliminary plan approval.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

If more than one (1) year has elapsed between the time of the Planning and Zoning Commission's report on the preliminary site plan and submission by the applicant of a final site plan application, and if the Planning and Zoning Commission finds that conditions have changed significantly in the interim, it may require a resubmission of the preliminary site plan for further review and possible revisions prior to accepting the proposed final site plan application for review. The final site plan shall conform to the approved preliminary site plan, and shall incorporate any revisions or other features that may have been recommended by the Planning and Zoning Commission at the preliminary review. All revisions shall be clearly indicated by the applicant. A Final Site Plan Approval shall expire one (1) year after the date of its approval by the Planning and Zoning Commission unless substantial construction has commenced.

### **6.1.9 Notification of Decision on Final Site Plan.**

Within sixty (60) days of the submission of the final site plan, the Planning and Zoning Commission shall render a decision.

1. Upon approval, the Planning and Zoning Commission shall endorse its approval on a copy of the final site plan and shall forward it to the Code Enforcement Officer who shall then issue a building permit if the project conforms to all other applicable requirements.
2. Upon disapproval, the Planning and Zoning Commission shall so inform the Code Enforcement Officer who shall deny a building permit. The Planning and Zoning Commission shall also notify the applicant in writing of its decision and its reason or reasons for disapproval. A copy of the appropriate minutes may suffice for this notice and shall be filed in Town Hall.
3. Specifications for improvements shown on the site plan shall be those set forth in this Ordinance and in other Ordinances, rules and regulations, or in construction specifications of The Town of Laurel.

### **Section 6.2 -- Appeal.**

The applicant or any interested person may appeal a decision of the Planning and Zoning Commission. The appeal is made to the Mayor and Town Council and shall be filed within sixty (60) days from the Planning and Zoning Commission's decision.

### **Section 6.3 -- Fees for Required Special Use Permits or Site Plan Review.**

The Town Council may require the payment of fees to The Town of Laurel by applicants whose proposals require special use permits or site plan review as described by this article. Fees for special use permits or site plan review in accordance with this Article shall be established from time to time in a fee schedule adopted by resolution of the Town Council. The applicant will be responsible for reimbursing The Town of Laurel for all expenses incurred by The Town of Laurel related to processing the application including engineering fees, legal fees and any other fees for professional services required by The Town of Laurel.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### **ARTICLE 7. DEVELOPMENT GUIDELINES AND GENERAL PROVISIONS**

#### **Section 7.0 -- General.**

The Planning and Zoning Commission, in reviewing a site plan, shall take into consideration the prospective character of the development and require that improvements be designed to be consistent with reasonable protection of the public health, safety, or welfare. The Code Enforcement Officer shall ensure compliance with this Article and any other applicable Ordinances, Articles or Sections.

#### **Section 7.1 -- Streets, Roads, and Sidewalks.**

Street systems shall be designed with due regard to the needs for: convenient traffic access and circulation; traffic control and safety; access for fire fighting, snow removal, and street maintenance equipment; patrolling by the Police Department; and stormwater drainage and sewage disposal. Streets shall be designed to accommodate the prospective traffic, and so arranged as to separate through traffic from neighborhood traffic insofar as it is practicable. The regulations contained in this Ordinance are supplemented and are specifically subject to regulations contained in other Ordinances of The Town of Laurel; see for example Chapters 16 and 17 of The Town of Laurel Town Code.

#### **Section 7.2 -- Off-Street Parking Requirements.**

##### **7.2.1 General Requirements.**

1. Parking shall not be permitted in front yard setback areas except following site plan review as provided for in Article 6 of this Zoning Ordinance. For single-family homes parking may be permitted in the front yard setback area on approved driveways. Under all circumstances, except for single-family homes, a four (4') foot wide area shall be provided between the adjacent sidewalk or public right-of-way and all permitted parking areas.
2. It shall be the responsibility of the owner of a property to provide the total number of off-street parking spaces required by this Ordinance for any uses that are enlarged, erected or structurally altered after the effective date of this Ordinance.
3. A parking space shall be a minimum of 10 feet by 20 feet for perpendicular parking and 10 feet by 22 feet for parallel parking, exclusive of parking aisles and driveways appurtenant to and giving access thereto.
4. An area containing one or more parking spaces shall have direct access to a public street or alley.
5. No exit or entrance drive connecting a parking area and a street shall be permitted within thirty (30) feet of the intersection of two public rights-of-way.
6. Where appropriate, the Planning and Zoning Commission may, upon the presentation of evidence, vary the number and circumstances of the following parking space requirements, in order that the general welfare be served and the proposed uses be equitably treated.
7. The outdoor lighting of off-street parking lots shall be designed to shield adjacent properties from glare.
8. If the uses, structures or parcels for which parking is provided are under separate ownership, the right to joint use of parking spaces shall be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use. Upon application by an owner or owners, the Planning and Zoning Commission may, without requiring a variance, authorize the joint use of parking facilities upon a finding that up to fifty (50) percent of the parking spaces required for a specified use which is primarily a daytime activity may be used to satisfy the parking requirements for a specified use which is primarily an evening activity. Applicants seeking such authorization shall submit written documentation justifying their requests.

**ZONING ORDINANCE OF THE TOWN OF LAUREL**

- 9. The use of off-street parking areas in residential areas for the parking or storage of commercial vehicles of 10,000 lbs. or more shall be prohibited.
- 10. Parking shall be prohibited in the lawn area in front of a residence in any district, except on the driveway of such residence.

7.2.2 Required Off-Street Parking Spaces. (Amended 7-17-06)

The minimum number of parking spaces required shall be determined by the number or amount of dwelling units, bedrooms, floor area, members, equipment, employees, and/or seats contained in such new buildings, uses or structures, or added by alteration of buildings or structures, and such minimum number of spaces shall be maintained by the owners of such buildings or structure, as follows:

Table of Required Off-Street Parking Spaces, By Permitted Use

Single-Family Dwelling Unit	2 spaces per unit
Two-Family Dwelling	2.5 spaces per unit
Townhouses or Multi-Family Dwelling Units	2.5 spaces per unit
Hospitals, Nursing Homes	1 space per 200 gross square feet
Bed and Breakfasts, Inns	1 space for each bedroom within the facility plus 2 for the property owners
Motels/Hotels	1 space for each unit plus 1 space per 500 square feet of common area
Offices	1 space for each 300 gross square feet
Retail Establishments, Veterinary Hospitals, Banks, and Related Commercial Establishments of a Personal Service nature	1 space for each 200 gross square feet
Restaurants	1 space per 100 gross square feet
Health Club	1 space per 100 gross square feet
Warehouse	1 space per 500 gross square feet
Assembly	1 space per 200 gross square feet
Medical Office	1 space per 200 gross square feet
Schools	1 space per 3.5 seats in assembly rooms plus 1 space per faculty member
Industry	1 space per 500 square feet
Funeral homes	1 space per 20 square feet of floor area used for seating accommodations, plus 1 space per employee

7.2.3 Calculation of Required Parking Spaces.

In the case of combination of uses, the total requirements for off-street automobile parking spaces shall be the sum of the requirements for the various uses, unless it can be proven that staggered hours of use would permit joint use of parking areas or other modifications. Whenever a major fraction of a space is required, a full space shall be provided.

## ZONING ORDINANCE OF THE TOWN OF LAUREL

### 7.2.4 Location of Required Parking Spaces.

1. Residential Districts (R-1, R-2 and R-3 Districts):
  - a. Required parking spaces shall be provided on the same lot as the residence. This space shall be graded for parking use and readily accessible from the street.
  - b. Open parking areas may encroach on any required side or rear yard to within three (3) feet of a property line except that in existing lots with six foot (6') side yards, required parking spaces may, upon approval of the Planning and Zoning Commission, extend to the side and/or rear lot lines.
2. Commercial Districts (T-C and C-B), Light Industrial Districts (L-I) and Marine Resources (M-R) Districts:
  - a. Required parking spaces shall be provided on the same lot as the business, residential, institutional or industrial use, or not more than 400 feet distant from them.
  - b. Where such parking is situated adjacent to a residential use it shall be set back a minimum of six (6) feet from the residential lot line, and an adequate landscape buffer in conformance with Section 7.13 shall be provided within such setback area.

### 7.2.5 Off-Street Parking Waiver.

Off-street parking requirements may be waived in whole or in part upon finding by the Planning and Zoning Commission that:

1. Adequate public off-street parking facilities are available within 400 feet of the lot containing the subject use, or
2. Evidence of satisfactory off-site parking arrangements has been documented, or
3. The area in question is located within the Town Center District.

### 7.2.6 Construction of Parking Areas.

All off-street parking areas shall be paved with a suitable all-weather, dust-free surface with the exception of those for single family residences, shall meet the following construction standards:

1. The individual spaces shall be visibly marked with paint or other durable material.
2. Be provided with curbing or wheel stops to keep parked vehicles within proper boundaries.
3. Be designed, graded and surfaced for proper drainage.

### 7.2.7 Landscaping.

At least 10 percent of the area of a lot usable for off-street parking shall be devoted to landscaping with lawn, trees, shrubs or other plant material. All loading berths and parking areas of three or more spaces that abut a residential lot line, and any parking lot for more than 20 cars shall be screened adequately, as set forth in Section 7.13, from adjoining properties. All parking areas and landscaping shall be properly maintained in accordance with applicable Town Ordinances.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### **Section 7.3 -- Off-Street Loading and Unloading Requirements.**

7.3.1 In all districts, wherever a lot or structure which is to be occupied by manufacturing, commercial, business or other similar uses requires the receipt and distribution by vehicles of materials or merchandise, there shall be provided and maintained, on said lot, off-street loading berths:

7.3.2 Loading berths shall be located to the rears of structures in such a way as not to unreasonably interfere with the movement of people and vehicles on public rights-of-way. The Planning and Zoning Commission may allow use of public rights-of-way to satisfy loading berth requirements.

7.3.3 Landscaping shall be as required in Section 7.13.

### **Section 7.4 -- Accessory Building and Uses.**

7.4.1 Accessory Buildings.

Accessory buildings not attached to principal buildings shall comply with the following:

1. All accessory buildings shall require a building permit.
2. Accessory buildings shall only be located on the same lot as the principal use stated in the Density Control Table.
3. Accessory buildings shall only be located in a rear or side yard and the minimum setback from the side and rear property line shall be a minimum of six (6) feet.
4. Accessory buildings shall not be located closer than five (5) feet to the principal building or any other permitted accessory structure.

7.4.2 Accessory Uses. In a residential district, accessory uses not enclosed in a building, including swimming pools and tennis courts, shall be erected only on the same lot as or on a lot adjacent to the principal structure, shall not be located in front yard on such lots; and shall be located not less than six (6) feet from side and rear lot lines and shall not adversely affect the character of any residential neighborhood or any other accessory structure by reason of noise or glare or safety.

### **Section 7.5 -- Driveway Standards.**

7.5.1 Portions of driveways which lie within public rights-of-way shall be constructed in conformance with specifications set forth by the Town and the Delaware State Department of Transportation.

7.5.2 All work and materials within public rights of way shall be furnished as required to meet specifications set forth by the Town and the Delaware State Department of Transportation.

7.5.3 No more than two driveways to a single commercial establishment entering on one street shall be permitted, except as permitted by the Delaware State Department of Transportation or Planning and Zoning Commission.

1. Any curb cuts will require approval by the Town in accordance with fees established by The Town of Laurel Town Council, as well as any state permits required.
2. For a single-family residence driveway and parking area, a suitable all-weather dust free surface shall be provided and shall be designed, graded and surfaced for proper drainage.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### **Section 7.6 -- Fences and Walls. (Amended 7-17-06)**

Fences and walls are permitted as follows:

7.6.1 Where a driveway meets a street no hedge, wall, fence or other planting shall be installed and maintained which exceeds three (3) feet in height above grade or street pavement, whichever is greater, to within 8 feet of the public right-of-way.

7.6.2 The minimum distance for clear vision at a street intersection shall be twenty-five (25) feet measured from the intersection along the lot lines of the lot.

7.6.3 Fences, walls, hedges or screen plantings may be required, as specified elsewhere in this Ordinance for multi-family, commercial or industrial uses, as is necessary to protect the residential quality of adjacent property.

7.6.4 Fence and wall regulations.

1. All Residential Districts – A maximum height of three (3) feet above street pavement shall be allowed for fences and/or walls located in a front yard. Fences and walls shall be constructed of materials that shall not hinder clear vision in conformance with Section 7.6.2. Fences in side and rear yards shall not exceed six (6) feet in height above grade. Front yard is the distance from the front of the property to the required building line.
2. Light Industrial District, Marine Resource District, and Commercial Business District - there shall be no restrictions, except that any fence or wall shall not exceed eight (8) feet in height and that fences and walls located in a front yard at a street intersection shall be constructed of materials that shall not hinder clear vision in conformance with Section 7.6.2.
3. The finished, or decorative, side of a fence shall face toward the neighboring property.

7.6.5 The clear vision area shall contain no plantings, fences, walls, structures, or temporary or permanent obstructions exceeding three (3) feet in height measured from the top of the street pavement, unless such plantings have all branches and foliage removed to a height of eight (8) feet above the finished grade.

### **Section 7.7 -- Design.**

Every effort should be made to preserve unique physical features such as historic landmarks, stream banks, forested areas, natural lookouts, desirable views of hills as well as other major natural features and other unique natural features of the Town environment. Storm drainage, erosion and sediment control shall conform with specifications set forth by the Town Engineer or other appropriate agencies.

### **Section 7.8 -- Open Space, Parks and Playgrounds.**

The Planning and Zoning Commission may, as a condition of site plan approval, require that specific areas be designated for recreational purposes. Such designation shall depend upon the magnitude and character of the project, and accessibility to existing public recreational areas. All lands proposed for park or recreation purposes shall meet the following minimum standards.

7.8.1 Such lands shall be held in corporate ownership and maintained by an established organization.

7.8.2 Such lands shall have locational and physical characteristics that render them readily usable for appropriate recreation purposes, and their locations shall be selected with a view to minimizing hazards

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

and vehicular traffic conflict for children walking between such facilities and their homes in the neighborhood.

7.8.3 Any such area shall be located at a suitable place on the edge of the development so that additional land may be added at such time as the adjacent land is developed.

7.8.4 A detailed development plan shall be submitted with the final site plan for each neighborhood park or playground.

7.8.5 The development plan shall show how the entire area is to be graded, drained, and landscaped to make it a useful and attractive feature of the neighborhood.

### **Section 7.9 -- Utilities.**

7.9.1 Provision for water supply and sanitary sewer shall conform to specifications set forth by the Town.

7.9.2 Utility Easements. An easement shall be provided for all utility lines wherever those utility lines do not fall within a dedicated right-of-way. All utility easements shall be plotted on the site plan submitted to the Planning and Zoning Commission. Utility easements shall have a minimum width of twenty feet (20). All utility lines which are primarily intended to provide service to the lots within a subdivision shall be installed underground at a depth and at such locations as will minimize risk of interruption of services.

1. Additional Easements. The Planning and Zoning Commission shall have the right to require additional easements when the purposes of the easements are found to be in the public interest.
2. The regulations contained in this Ordinance are supplemented by and are subject to regulations contained in other Ordinances of The Town of Laurel; for example, see Chapters 15 and 19 of the Town Code of The Town of Laurel.

### **Section 7.10 -- Light Industrial District Regulations.**

7.10.1 Design Standards.

1. General Standards: The following general standards are hereby adopted for the control of any Industrial Use:
  - a. Smoke shall not be emitted when the shade of such smoke is darker than No. 2 on the Ringlemann's Scale for Grading the Density of Smoke published by the U.S. Bureau of Mines.
  - b. Noise levels shall not exceed 85 dba measured at the boundaries of the lot occupied by such use causing the same.
  - c. Discharge of effluent into any sanitary sewer system shall not occur except in accordance with the provisions of the Code of The Town of Laurel.
  - d. No outside storage or stacking of any hazardous materials shall be permitted.
  - e. Any inside storage of hazardous material shall be in accordance with the standards of the Delaware Department of Natural Resources and Environmental Control.
2. Specific Standards: The following specific standards are hereby adopted and must be complied with, for any use in any Light Industrial District and before the same be permitted, established, maintained or conducted:
  - a. Storage Facilities: Materials, supplies, or semi-finished products shall be screened wherever possible in conformance with Sections 7.6, 7.12 and 7.19.
  - b. Wherever possible, provisions for handling of all freight shall either be on those sides of any building that do not face on any street or proposed streets or be suitably screened there from.



## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

- c. Buffers and Landscaping:
  - (1) Landscaping: All areas of the site not occupied by buildings, parking, driveways or walkways, or storage shall be landscaped with lawn, trees, shrubs, or other plant material. Such landscaping shall take into consideration the natural growth presently on the premises, and the nature and condition of the terrain, as well as the situation of the lands and premises themselves and with regard to adjoining lands and premises, and shall be provided in conformance with Article 7.13.
- d. Off-Street Parking and Loading: Shall conform to Sections 7.2 and 7.3.
- e. Signs: Shall conform to the requirements of Article 8, Signage.
- f. Utilities: All water and sewer facilities shall be designed and installed according to Town standards as per Section 7.9.

### **Section 7.11 -- Home Occupation Uses.**

7.11.1 Home occupation uses shall conform to the following standards that shall be minimum requirements:

7.11.2 No more than 25% of the total floor area of a dwelling unit, or 500 square feet, whichever is less, shall be used for such use.

7.11.3 The use shall be carried on wholly within the enclosed walls of the dwelling unit or an accessory building.

7.11.4 No stock, merchandise, equipment or displays of any kind shall be visible from outside the dwelling unit or accessory building.

7.11.5 No external structural alternations that are not customary to a residential building shall be allowed.

7.11.6 The use shall not result in or cause vehicular traffic that will create a nuisance to abutting properties or be detrimental to the character of the neighborhood.

7.11.7 Professional offices of a physician, dentist, lawyer, engineer, architect, surveyor or other like profession shall be subject to the following special conditions:

1. The professional use is clearly incidental to the residential use of the dwelling and does not change its basic residential character.
2. The occupation is practiced at home.
3. There shall be no display of products visible from outside of the dwelling.
4. There shall be no external alterations inconsistent with the residential character of the dwelling.
5. There shall be no storage of materials or products outside of the dwelling unless completely housed.

7.11.8 No manufacturing, repairing or other mechanical work shall be performed outside of the dwelling. Such activity conducted inside the dwelling shall be conducted so that no noise, odor, glare, vibration, electromechanical interference or dust and smoke are perceptible beyond the property line.

### **Section 7.12 - Gasoline Stations, Service and Repair Garages, Automobile Sales Areas.**

Where permitted, a gasoline station, service and repair garage, automobile sales area or any business dispensing retail fuel shall conform to the following standards that will be regarded as minimum requirements:

## ZONING ORDINANCE OF THE TOWN OF LAUREL

7.12.1 Minimum lot dimensions shall be:

1. Minimum design standards for driveways, curb cuts and other design features relative to access to public roads shall be those of the Delaware State Department of Transportation.
2. Minimum lot size shall be fifteen thousand (15,000) square feet.
3. Minimum lot depth shall be one hundred (100) feet.
4. Minimum lot width shall be one hundred twenty (120) feet.
5. Maximum lot coverage shall be forty percent (40%).
6. Minimum setback line from all street lines shall be fifty (50) feet.
7. Minimum distance between any buildings and any lot zoned for residential use shall be fifty (50) feet.
8. Minimum distance between any access driveway or curb cut and any lot zoned for residential use shall be fifty (50) feet.
9. Minimum distance between gasoline pumps or pump islands, compressed air equipment, tire racks and similar equipment and facilities and any street right-of-way shall be twenty-five (25) feet.

7.12.2 All automobile parts, including tires, are to be stored within a building. Tires that are offered for sale may be placed outside during normal business hours, but must be stored in a rack. Old tires to be scrapped or sold for junk must be stored either inside a building or behind an 8' high fence, wall or natural screen in conformance with Section 7.14 and at no point be visible over the screening.

7.12.3 All repair work is to be performed within a building. Automobiles waiting to be serviced on the premises shall not encroach on any required yard area. Wrecked automobiles being held for insurance adjustor inspection may be stored for a period not to exceed thirty (30) days and must be stored in the rear of the premises and screened to the greatest extent possible either inside a building or behind an eight (8) foot high fence, wall or natural screening in conformance with section 7.6.

7.12.4 A site plan must be submitted to the Planning and Zoning Commission.

7.12.5 Hydraulic hoists, service pits and all lubrication, greasing, repair and washing equipment must be entirely enclosed within buildings.

7.12.6 A compact evergreen screen or a fence either solid or with narrow openings not more than one (1) inch for each ten (10) inches of length and not less than six (6) feet in height shall be placed along all property lines separating the establishment from any lot in an adjoining residential district.

7.12.7 Except for permitted curb cuts, a solid vertical curb in accordance with the Town standards and DelDOT standards if required must be provided along all street lines.

7.12.8 Exterior lighting must be located, designed and shielded so that it will not cause glare hazardous to passing motorists and annoying to adjacent properties.

7.12.9 Junked or stripped vehicles in an inoperative condition are prohibited on the premises.

7.12.10 All waste petroleum products must be stored in tanks meeting the approval of the National Fire Protection Association and State Fire Marshall.

7.12.11 A minimum of two (2) off-street employee parking spaces and one (1) off-street parking space for each service bay must be provided.

7.12.12 No vehicles shall be parked or equipment placed, goods displayed or sign or light erected within the street right-of-way.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

7.12.13 The entire service area of all access driveways and parking places must be paved with a suitable all weather dust free surface and be graded to direct all water away from adjoining lots.

7.12.14 The minimum distance between any gasoline station and any school, day nursery, hospital, nursing home, library or similar use must be two hundred (200) feet, measured along the same street line in the same block from the nearest property line of the gasoline station.

7.12.15 Where the storage and sale of liquefied petroleum gases is carried on as an accessory use to a gasoline station, the required service station site plan must clearly show the number, locations and capacities of liquefied petroleum gas storage tanks. No tank shall be installed and no truck carrying tanks shall be parked closer than twenty-five (25) feet from the street line or any property line.

7.12.16 Where the rental of utility trailers and/or small trucks is carried on as an accessory use to a gasoline station, the required site plan must clearly show the location and dimensions of the parking area for these vehicles. No more than fifteen percent (15%) of the total lot area may be devoted to parking for rental utility trailers and trucks, and no trailer or truck may be parked closer to any street line than the setback distance required for gasoline pump islands. Parking areas for rental utility trailers and trucks must be clearly marked on the ground and must be located to avoid interference with normal customer traffic flow onto, within and from the service station lot and with traffic visibility at road intersection.

7.12.17 Parking:

1. No vehicle shall be parked, stored or left standing within 15 feet of the street line and/or fuel pump islands.
2. Parking requirements shall be in conformance with Section 7.2. Such parking areas shall not conflict with the traffic pattern established for the use of the fuel pumps. Additional parking area may be required by the Planning and Zoning Commission to accommodate tractor-trailer delivery.
3. Where parking areas abut a residential use, they shall be screened by a buffer area no less than ten (10) feet in depth composed of densely-planted plant material, solid fencing, or a combination of both which, in the opinion of the Planning and Zoning Commission, will be adequate to prevent the transmission of headlight glare across the zone boundary line. Such buffer screen shall have a minimum height of six (6) feet above finished grade at the highest point of the parking area. The materials used shall be in keeping with the character of the adjacent residential area. If said shrubbery or fences becomes decayed and fails to provide an adequate screen, the Code Enforcement Officer may direct the property owner to replace said shrubs or fences.

7.12.18 All storage and display areas shall be provided with a hard, dust-free surface, shall be adequately drained.

7.12.19 A maximum of two driveways and curb cuts shall be permitted per lot frontage. These shall be no less than 20 feet and no wider than 30 feet, and located a minimum of 30 feet from any street intersection. A minimum distance of 30 feet shall be maintained between such driveways or curb cuts.

### **Section 7.13 -- Buffer and Landscaping Requirements.**

7.13.1 Intent.

The objective of this Section is to ensure consideration of the physical and visual elements of land use development in The Town of Laurel which require, or may be improved, by buffering, setbacks and landscaping in order to enhance the appearance, screen or effectively separate different land uses and

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

minimize impacts on adjoining uses such as dirt, litter, noise, glare and incompatible buildings or uses (such as outdoor storage, loading and parking areas). The Planning and Zoning Commission may require that a professional licensed Landscape Architect prepare plans under this Section.

### **7.13.2 Buffer and Landscaping Techniques.**

The particular type of buffer and landscaping treatment shall be as determined by the Planning and Zoning Commission to meet the intent of this Section. The following types of treatment may be considered:

1. Landscaping and other screening including tree planting, use of berms, and planting of shrubs designed to separate, obscure or soften an incompatible view or use.
2. Visual setting, including ground cover and plant materials designed to stabilize the landform and provide an appropriate foreground or setting.
3. Physical separation, including setbacks from public streets or adjacent uses in combination with plant materials or features designed to separate land use types or activities.

### **7.13.3 Planting Standards.**

1. Trees. All trees shall be plant species having an average crown spread of greater than fifteen (15) feet and having trunks which can be maintained in a clean condition, free of branches from grade to five (5) feet above grade. Trees having an average mature spread of less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown. Tree species shall be a minimum of seven (7) feet of overall height immediately after planting. Tree plantings along public rights-of-way shall be of native species.
2. Shrubs and hedges. Shrubs shall be a minimum of two (2) feet in height when measured immediately after planting. Hedges, when measured, shall be planted and maintained so as to form a continuous visual screen within two (2) years after time of planting.
3. All disturbed soil areas on the site shall be replaced or reseeded.
4. No landscape feature shall be erected, placed or maintained in such a manner as to interfere with clear vision and/or the safe movement of vehicular traffic.
5. All landscaping shall be adequately and regularly maintained and replaced as necessary.

### **7.13.4 Storm Water Management Ponds.**

1. Storm water management ponds shall be landscaped by the property owner/home owners association. The use of the storm water management areas for other than parkland or additional open space shall be prohibited. The landscaping of the storm water areas shall be approved by the Planning and Zoning Commission and Sussex Conservation District.

## **Section 7.14 -- Fast Food Restaurants.**

Where permitted, fast food restaurants meeting the definition of this Ordinance shall conform to the following standards that shall be regarded as minimum requirements.

### **7.14.1 Minimum Lot Size shall be 15,000 sq. ft.**

## ZONING ORDINANCE OF THE TOWN OF LAUREL

7.14.2 At least one lot frontage shall be a minimum of 100 feet.

7.14.3 Access.

1. A maximum of two driveways and curb cuts shall be permitted on each street frontage.
2. All drives shall be no less than 20 and no wider than 30 feet in width.
3. Drives shall be located a minimum of 30 feet from any street intersection and shall maintain a minimum of 30 feet between such driveways or curb cuts.
4. Driveways shall create minimal conflict with pedestrian access to the building from the parking lots and sidewalk abutting the property.

7.14.4 Parking.

1. The number of parking spaces shall be as specified in Section 7.2.
2. Parking lots shall be designed to provide pedestrian safety.

7.14.5.1 Loading and Unloading.

1. Adequate space shall be provided for loading and unloading as specified in section 7.3.
2. Off-street loading and unloading spaces shall be designed to provide pedestrian safety

7.14.6 Landscape Requirements.

A landscape area contiguous to the public right-of-way and extending a depth of 10 feet shall be provided. Landscaping, including trees, shall also be used to screen or buffer parking, dumpsters, freezers and other accessory uses as per Section 7.13.

### **Section 7.15 -- Drive-In Use Regulations**

Where permitted either as accessory to other permitted uses or as principal use, these facilities as defined in this Ordinance shall conform to the following standards that shall be regarded as minimum requirements.

7.15.1 All drive-through lanes shall be distinctly marked and shall be separate from circulation lanes.

7.15.2 To the extent possible, lanes shall not cross any principal pedestrian access to the building or site.

7.15.3 Stacking or Queuing Requirements.

1. Fast food Restaurants: A minimum of 140 feet between start of lane to service window.
  - a. Minimum 80 feet from start of lane to order station.
  - b. Minimum 60 feet from order station to service window.
2. Banks and other businesses:
  - a. Minimum of 100 feet from start of lane to service window.
3. Multiple drive-through lanes: The Planning and Zoning Commission may allow reductions for businesses with multiple drive-through lanes based on review of proposed traffic circulation and usage.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

4. All uses shall maintain a minimum distance of 60 feet from the service window to the public right-of-way or interior parking aisles.

### **Section 7.16 -- Commercial Parking Lots and Structures.**

All commercial parking lots and structures shall conform to the following standards that shall be regarded as minimum requirements.

7.16.1 Any parking garage facade fronting on a primary street shall achieve architectural unity/compatibility with the surrounding structures that it is intended to serve.

7.16.2 A minimum of 8 percent of the lot area shall be devoted to landscaping, including tree planting, which shall be provided in conformance with Section 7.13.

7.16.3 Adjacent sidewalks shall be rebuilt as necessary and shall be designed to promote pedestrian safety.

7.16.4 Ingress and egress shall be designed to promote the orderly flow of traffic to and from Town streets. Directional signs shall be used as necessary to ensure this flow.

### **Section 7.17 -- Swimming Pool Regulations.**

No swimming pool whether of the above ground or in ground type, shall be located, installed, constructed or maintained on any lot, except in conformity with the following requirements:

7.17.1 Where swimming pools are permitted as an accessory use, the following regulations must be complied with:

7.17.2 Fences

In ground swimming pools shall be completely enclosed by a fence of not less than four (4) feet in height. Said fence shall have a gate with a lockable latch to control access to the pool area. Above ground pools less than forty-six (46) inches in height shall be similarly fenced. Above ground pools that are forty-six (46) inches or more above the ground shall not require a fence. All accesses to above ground pools shall be provided with a lockable gate or removable steps. A walk space of at least three (3) feet in width shall be provided between the pool walls and the protective fence.

7.17.3 Setbacks and Coverage

Outdoor swimming pools shall be located in rear or side yards and shall maintain a minimum of ten (10) feet of distance from the property lines.

7.17.4 Drainage

No permit shall be issued for such pool unless the applicant can show that the proposed drainage of such pool is adequate, makes maximum use of public highways, streets and area drainage facilities, and will not interfere with the property of others.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### **7.17.5 Lighting**

No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance to surrounding properties.

### **7.17.6 Overhead Wiring**

No swimming pool will be placed under any overhead wiring or within an area surrounding the swimming pool which extends ten (10) feet horizontally from an edge of the pool, diving structures, observation stands, towers or platforms.

### **7.17.7 Permits**

A building permit shall be required for all swimming pools including those that are to be installed above ground and those to be installed partially or entirely below ground level.

Applications for swimming pool permits shall comply with these regulations and with all other applicable requirements of the Municipal Code of The Town of Laurel. Where the regulations are inconsistent, the more restrictive requirements shall govern.

## **Section 7.18 Limitation on Conversion Of Single- Or Two-Family Dwellings.**

### **7.18.1 Prohibited conversions.**

- (1) In all districts, except as otherwise specified in this section:
  - (i) No building currently used as a single-family dwelling may be altered or changed to be used for occupancy for multi-family occupancy; and
  - (ii) No building currently used as a two-family dwelling may be altered or changed to be used for occupancy for multi-family occupancy.
- (2) For purposes of this subsection, an empty building is considered to be a single-family dwelling unless it was last lawfully used, in compliance with the normal density control requirements of the zoning use district in which it is located, as a dwelling for multi-family occupancy.

### **7.18.2 Authorization of Special Use conversion by the Board of Adjustment.**

- (1) In all districts except the R-1 and R-2 Districts, the Board of Adjustment may authorize, as a special use, the conversion of a building for multi-family occupancy, as long as the number of dwelling units permitted conforms with the applicable density control requirements for the zoning use district in which the building is located.
- (2) When authorizing a conversion, the Board may impose conditions and restrictions that include a limit on the number of occupants, in accordance with the standards of the Housing Code.
  - (i) Under no circumstances may the Board approve the conversion of a single-family dwelling to a multi-family use unless the property meets the minimum lot size requirements.
  - (ii) The Board may waive the requirements of item (i) of this paragraph (2) for carriage houses, Non-conforming uses and vacant buildings.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### 7.18.3 Special use permission for conversion - procedures.

- (1) In addition to the requirements of this Ordinance for Special Uses, the following procedures apply to a special use requested under this section.
- (2) When an application is filed for conversion to multi-family use, the applicant must submit to the Code Enforcement Officer of the Town of Laurel plats and construction and floor plans adequate for Town review.
- (3) The Code Enforcement Officer must submit to the Board a written advisory recommendation stating his or her findings and recommendation, including a finding as to the impact of the proposed conversion on the character of the neighborhood. The Board may proceed without the recommendation of the Code Enforcement Officer if the Code Enforcement Officer fails to submit its recommendation within 3 weeks of the date it received the plats and plans.

### **Section 7.19 - Antennas & Towers for Wireless Telecommunications**

No satellite television antenna of any kind may be erected or established in the Town except in conformance with the standards in this section.

#### 7.19.1 Applicability.

1. New Towers and Antennas. All new towers or antennas in the Town of Laurel shall be subject to these regulations, except as provided in this Section.
2. Amateur Radio Station Operators/Receive Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.
3. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance.
4. AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

#### 7.19.2 General Requirements.

1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
2. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Zoning Officer an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Town or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Officer may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the Town,



## ZONING ORDINANCE OF THE TOWN OF LAUREL

provided, however that the Zoning Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. Aesthetics. Towers and antennas shall meet the following requirements: (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness; (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible; (e) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. (f) State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense; (g) Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
5. Signs. No signs shall be allowed on an antenna or tower.
6. Multiple Antenna/Tower Plan. The Town encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
7. Public Schools and Parks. No Tower shall be permitted within 1,000 feet of a public school or park.

### 7.19.3 Permitted Uses.

General. The uses listed in this Section are deemed to be permitted uses and shall not require administrative approval or a special use permit:

1. Minor Antennas or towers located on property owned, leased, or otherwise controlled by the Town provided a license or lease authorizing such antenna or tower has been approved by the Town.
2. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or commercial use district.
3. Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.
4. Minor Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Code Enforcement Officer as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided: (a) The antenna does not extend more than thirty (30) feet above the highest point of the structure; (b) The

## ZONING ORDINANCE OF THE TOWN OF LAUREL

antenna complies with all applicable FCC and FAA regulations; and (c) The antenna complies with all applicable building codes.

5. For a single user, up to ninety (90) feet in height; for two users collocating together at a single location, up to one hundred twenty (120) feet in height; and for three or more users collocating, up to one hundred fifty (150) feet in height.

### 7.19.4.1 Information required for special permit applications for antennas and towers:

1. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), zoning classification of the site and all properties within the applicable separation distances set forth in Section 5.10, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Officer to be necessary to assess compliance with this ordinance.
2. Legal description of the parent tract and leased parcel (if applicable).
3. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
4. The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
5. A landscape plan showing specific landscape materials.
6. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
7. A description of compliance with the requirements of this Zoning Law and with all applicable federal, state or local laws.
8. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
9. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
10. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
11. A description of the feasible location(s) of future towers or antennas within the Town based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

7.19.5 The Planning and Zoning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning and Zoning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning and Zoning Commission concludes that the goals of this ordinance are better served thereby:

1. Height of the proposed tower;
2. Proximity of the tower to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress; and
8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 7.19.6 of this ordinance.

## ZONING ORDINANCE OF THE TOWN OF LAUREL

7.19.6 Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's a proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area that meet applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
8. Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:

### 7.19.7 Design Standards:

1. Height: No tower shall exceed a maximum height of 50 feet above ground level, whether mounted on a structure or directly mounted on the ground. No building-mounted masts shall exceed a height of 10 feet above the highest part of the building.
2. Setbacks: Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.
3. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
4. Separation: The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this ordinance would be better served thereby. The following Table 7.19.1 shows the separation distances which are required from off-site uses/designated areas:

**ZONING ORDINANCE OF THE TOWN OF LAUREL**

Table 7.19.1 Separation Distance Requirements for Wireless Towers

<u>Off-site Use/Designated Area</u>	<u>Separation Distance</u>
Single-family or duplex residential units	200 feet or 300% of the height of the tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% of the height of the tower whichever is greater
Vacant unplatted residentially zoned lands	100 feet or 100% of the height of the tower whichever is greater
Existing multi-family residential units greater than duplex units	100 feet or 100% of the height of the tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

5. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 7.20.1, except as otherwise provided in Table 1.
6. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device, provided however, that the Planning Commission may waive such requirements, as it deems appropriate.
7. Landscaping. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound. In addition, existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.

**ARTICLE 8 -- SIGNAGE**

**Section 8.0 -- General.**

8.0.1 Intent.

The purpose of this article is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of designated areas, and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, and curb the deterioration of natural beauty and community environment. Any sign which is greater in size than 32 square feet and which is to be placed along a state maintained road must receive approval from DelDOT prior to installation.

8.0.2 Sign Definitions

Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**ABANDONED SIGN.** A sign structure that has ceased to be used for the display of sign copy, or as otherwise defined by state law.

**ANIMATED SIGN.** A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this Ordinance, include the following types: Electrically activated, animated signs producing the illusion of movement by means of electronic, electrical or electro- mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

1. **Flashing.** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this Ordinance, flashing will not be defined as occurring if the cyclical period between on off phases of illumination exceeds 4 seconds.
2. **Patterned illusionary movement.** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.
3. **Environmentally activated.** Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/ or other devices or displays that respond to naturally occurring external motivation.
4. **Mechanically activated.** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

**ARCHITECTURAL PROJECTION.** Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also “Awning”; “Backlit awning”; and “Canopy, attached and freestanding.”

**AWNING.** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

**AWNING SIGN.** A sign displayed on or attached flat against the surface or surfaces of an awning. See also “Wall or fascia sign.”

**BANNER.** A flexible substrate on which copy or graphics may be displayed.

**BANNER SIGN.** A sign utilizing a banner as its display surface.

**BILLBOARD.** See “Off- premise sign” and “Outdoor advertising sign.”

**BUILDING ELEVATION.** The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

**CANOPY (Attached).** A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also “Marquee.”

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**CANOPY (Free-standing).** A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and/or soffit of a free- standing canopy may be illuminated by means of internal or external sources of light.

**CANOPY SIGN.** A sign affixed to the visible surface(s) of an attached or free- standing canopy. For reference, see Section 8.0.3.

**CHANGEABLE SIGN.** A sign with the capability of content change by means of manual or remote input, including signs which are:

1. Electrically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light- emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also “Electronic message sign or center.”
2. Manually activated. Changeable sign whose message copy or content can be changed manually.

**COMBINATION SIGN.** A sign that is supported partly by a pole and partly by a building structure.

**COPY.** Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

**DEVELOPMENT COMPLEX SIGN.** A free- standing sign identifying a multiple- occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance the requirements of this Ordinance.

**DIRECTIONAL SIGN.** Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

**DOUBLE- FACED SIGN.** A sign with two faces, back to back.

**ELECTRIC SIGN.** Any sign activated or illuminated by means of electrical energy.

**ELECTRONIC MESSAGE SIGN OR CENTER.** An electrically activated changeable sign whose variable message capability can be electronically programmed.

**EXTERIOR SIGN.** Any sign placed outside a building.

**FASCIA SIGN.** See “Wall or fascia sign.”

**FLASHING SIGN.** See “Animated sign, electrically activated.”

**FREE-STANDING SIGN.** A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. For visual reference, see Section 8.0.3.

**FRONTAGE (Building).** The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**FRONTAGE (Property).** The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

**GROUND SIGN.** See “Free- standing sign.”

**ILLUMINATED SIGN.** A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

**INSTITUTIONAL SIGN.** A sign identifying an institutional use.

**INTERIOR SIGN.** Any sign placed within a building, but not including “window signs” as defined by this Ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

**MANSARD.** An inclined decorative roof-like projection that is attached to an exterior building facade.

**MARQUEE.** See “Canopy (attached).”

**MARQUEE SIGN.** See “Canopy sign.” Manually activated. Changeable sign whose message copy or content can be changed manually.

**MENU BOARD.** A free- standing sign orientated to the drive through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification.

**MULTIPLE- FACED SIGN.** A sign containing three or more faces.

**OFF- PREMISE SIGN.** See “Outdoor advertising sign.”

**ON- PREMISE SIGN.** A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

**OUTDOOR ADVERTISING SIGN.** A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

**PARAPET.** The extension of a building facade above the line of the structural roof.

**POLE SIGN.** See “Free- standing sign.”

**POLITICAL SIGN.** A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

**PORTABLE SIGN.** Any sign not permanently attached to the ground or to a building or building surface.

**PROJECTING SIGN.** A sign other than a wall sign that is attached to or projects more than 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign. For visual reference, see Section 8.0.3.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**REAL ESTATE SIGN.** A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

**REVOLVING SIGN.** A sign that revolves 360 degrees about an axis. See also “Animated sign, mechanically activated.”

**ROOF LINE.** The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

**ROOF SIGN.** A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference, and a comparison of differences between roof and fascia signs, see Section 8.0.3.

**SIGN.** Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

**SIGN AREA.** The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

**SIGN COPY.** Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

**SIGN FACE.** The surface upon, against or through which the sign copy is displayed or illustrated not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. See Section 8.0.3.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed.
3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy.
4. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

**SIGN STRUCTURE.** Any structure supporting a sign.



## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

**TEMPORARY SIGN.** A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

**V SIGN.** Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a “V” shape with an angle between faces of not more than 90 degrees with the distance between the sign faces not exceeding 5 feet at their closest point.

**WALL OR FASCIA SIGN.** A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. For a visual reference and a comparison of differences between wall or fascia signs and roof signs, see Section 8.0.3.

**WINDOW SIGN.** A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

### **8.0.3 General Sign Types**

General sign types and the computation of sign area shall be as depicted in Figures (1) through (4).

**ZONING ORDINANCE OF THE TOWN OF LAUREL**

Figure 1 – General Sign Types – General Types (Source: 2003 International Zoning Code)

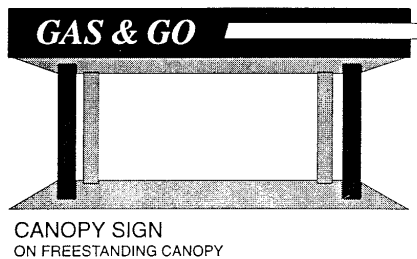
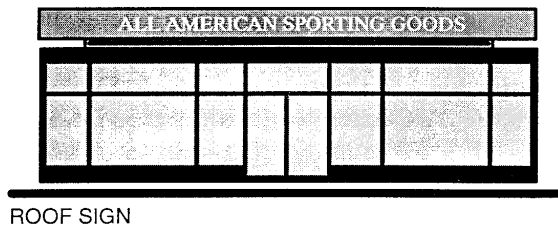
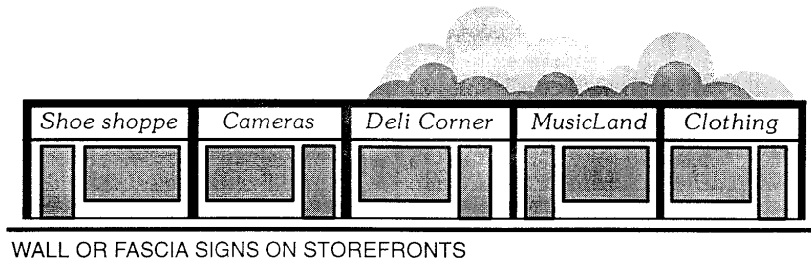
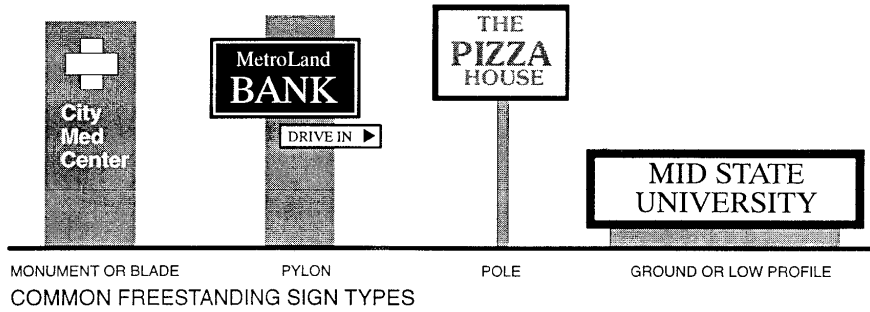
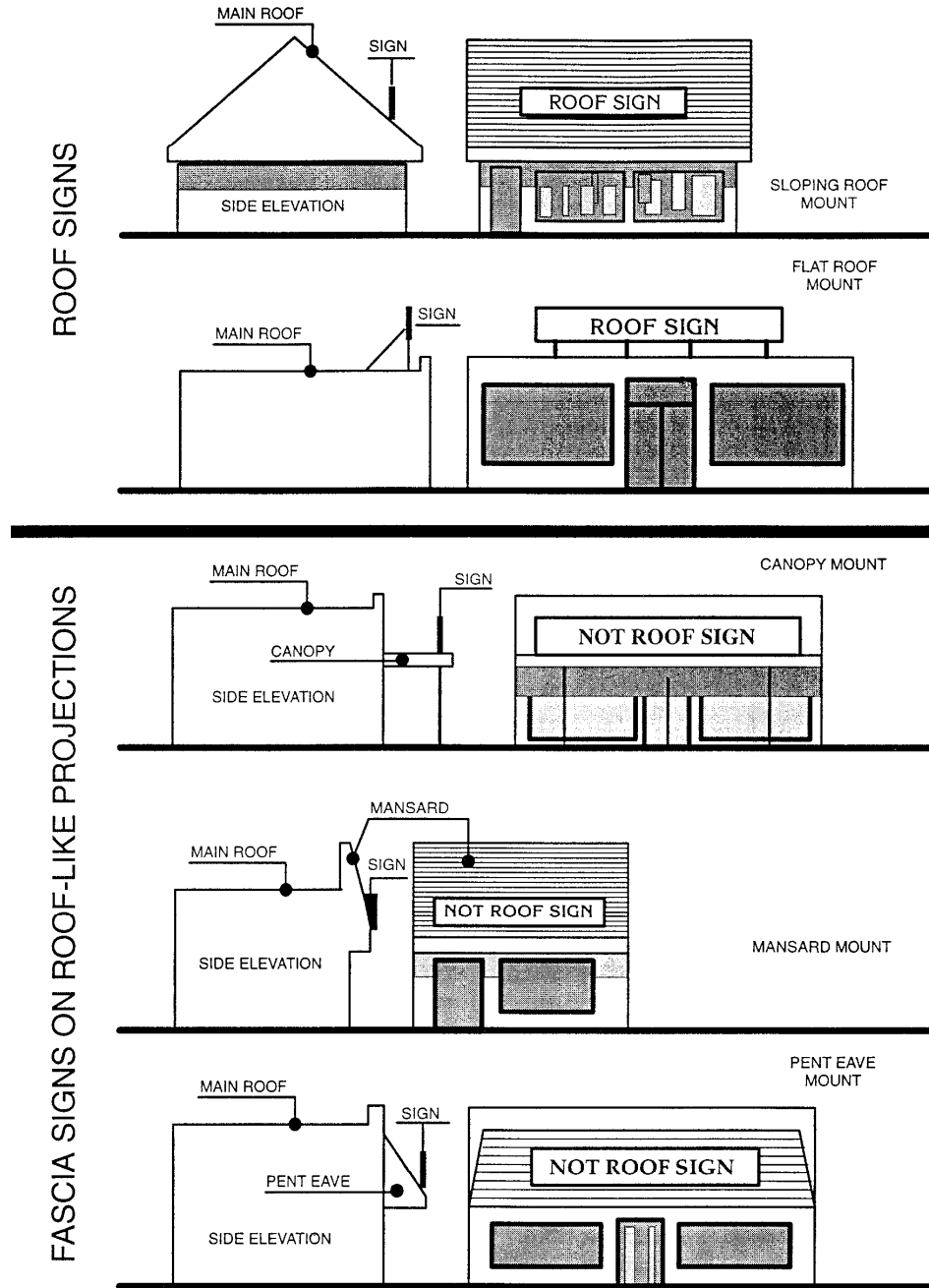


FIGURE 1003.1(1)  
GENERAL SIGN TYPES

**ZONING ORDINANCE OF THE TOWN OF LAUREL**

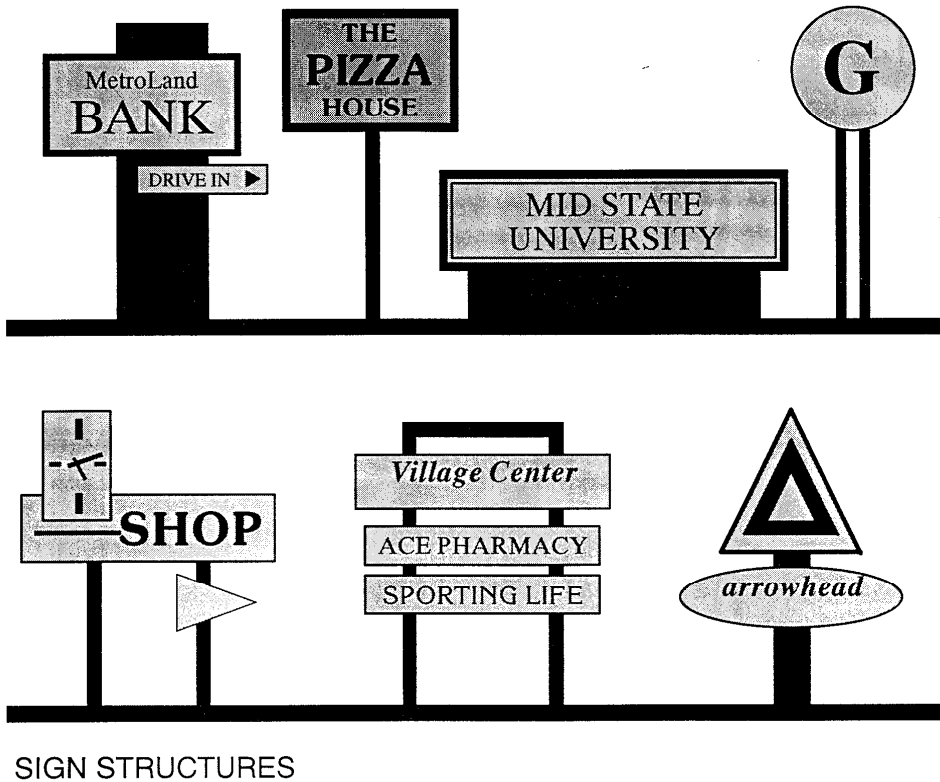
Figure 2 – General Sign Types – Roof and Wall and Fascia Signs



**FIGURE 1003.1(2)  
COMPARISON—ROOF AND WALL OR FASCIA SIGNS**

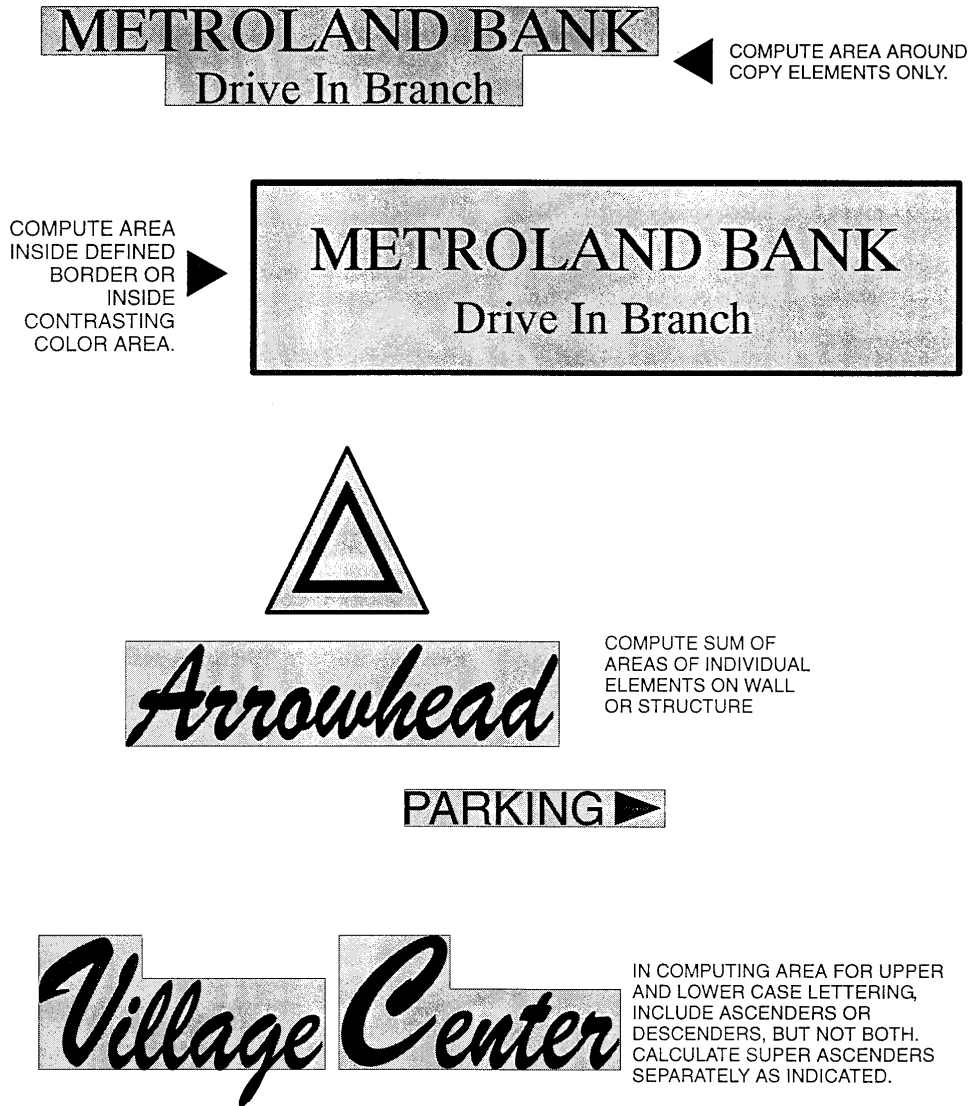
ZONING ORDINANCE OF THE TOWN OF LAUREL

Figure 3 – General Sign Types – Sign Area Computation Methodology



**ZONING ORDINANCE OF THE TOWN OF LAUREL**

Figure 4 – General Sign Types – Computation Methodology



Notes: Sum of shaded areas only represent sign area for code compliance purposes. Signs consisting of individual letters, elements or logos placed on building w or structures.

FIGURE 1003.1(4)  
SIGN AREA—COMPUTATION METHODOLOGY

## ZONING ORDINANCE OF THE TOWN OF LAUREL

### 8.0.4 Signs restricted.

1. The construction, erection, alteration, reconstruction, display, ownership, maintenance or operation of any sign within the Town except as provided by this article is hereby prohibited.
2. Signposts are specifically prohibited from the public right-of-way with the exception of those that are necessary or recommended by the State of Delaware Manual of Uniform Traffic Control Devices.
3. Signs overhanging the public right-of-way are specifically prohibited except as provided by this article.
4. Signs judged offensive by the Planning and Zoning Commission are prohibited.
5. No electric sign or electrically illuminated sign, or any sign board, signpost, portion of any advertising nature or otherwise shall be permitted or allowed to remain on the sidewalk nor on any portion of the Town streets.
6. No animated, electronic message sign or center is permitted in any district.

### 8.0.5 Institutional signs.

Institutional signs shall not exceed thirty-two (32) square feet in size nor shall there be more than one such sign per institution.

### 8.0.6 Temporary banners within rights-of-way.

Signs, other than official street or traffic signs, shall not be erected within the right-of-way lines of any street, except that temporary banners may be permitted for festivals or special events with the requirement that special permits for such banners shall be issued for periods no longer than ten (10) days be issued by the Code Enforcement Officer. Applicants are responsible for ensuring the safety of the public and the Town of Laurel takes no liability for the sign.

### 8.0.7 General Provisions: (Amended 7-17-06)

1. Permits required: A sign permit shall be required before any sign or billboard may be erected, altered, reconstructed or displayed within the Town except as provided by this Article.
2. Application for permit: Written application shall be made to the Code Enforcement Officer on a form provided by the Code Enforcement Officer and shall be accompanied by complete plans and specifications showing the construction, method of support and materials to be used. Application may be made by the owner of the property upon which such sign is to be placed. The Code Enforcement Officer may require the plans and specifications be signed by a professional engineer or architect registered in the state.
3. Permit fees. Each application shall be accompanied by a fee as established by the Town Council that may be amended or modified from time to time. The Code Enforcement Officer of The Town of Laurel may require proof of the monetary value of sign.
4. Upon the approval of the Code Enforcement Officer of such application and of the place and manner of erecting the sign therein mentioned, and upon writing or stamping thereon the amount of the fee required for the sign applied for, the applicant shall pay to the Code Enforcement Officer the fee prescribed by this division, and thereupon shall issue to the applicant a permit for the sign applied for.
5. Unsafe, unlawful and deteriorating signs: Whenever it shall appear to the Code Enforcement Officer that any sign has been constructed or erected or is being maintained in violation of the terms of this article, or is unsafe or insecure, or is a menace to the public, or has been allowed to deteriorate, the Code Enforcement Officer shall give written notifications to the property owner and/or tenant. Said sign shall be removed or repaired and placed in a safe condition within ten (10) days after receipt of the written notification. If the foregoing is not complied with, the Town

## ZONING ORDINANCE OF THE TOWN OF LAUREL

will have the sign in question removed and the bill for the cost of removal sent directly to the property owner. If the Town is not reimbursed by the property owner or tenant within 60 days from the mailing of a statement setting forth the amount owed to the Town by the property owner and/or tenant, then such amount, plus interest at the legal rate from the expiration of such 60 day period, shall constitute a lien against the property where the subject sign is presently or was previously located.

6. In the event a sign has been damaged and presents an immediate threat to the public, the Code Enforcement Officer may order the immediate removal of said sign and take appropriate action to protect the public and recover costs. Any time a business goes out of business or moves, the owner or company shall remove all signs and structural supports of said business.
7. Sign mounting: All exterior signs shall be securely mounted and anchored.
8. Restrictions. Signs shall not in any way obstruct the required door or window area of any building or structure. Signs shall not be attached to or placed upon any portion of a fire escape. Signs shall not be erected that will in any way interfere with the activities of the fire department. Signs constructed or erected after the adoption of this Zoning Ordinance shall not be rotating or contain any moving parts.
9. Traffic control signs. Signs necessary for traffic control on private property and containing no advertising may be erected, not to exceed an area of twelve (12) square feet per sign.
10. Exemptions. The provisions of this article shall not apply to the following signs:
  - a. Traffic signs erected by governmental bodies.
  - b. Railroad warning signs.
  - c. Municipal signs.
  - d. Memorial signs or tablets, names of buildings and date of erection when cut in any masonry surface or when constructed of bronze or other non-combustible materials.
  - e. Occupational signs denoting only the name and profession of an occupant in commercial buildings and the name and nature of the occupancy in public and institutional buildings. Such signs shall not exceed four and one half (4 1/2) square feet in area.
11. Illumination: Signs may be illuminated at night by back lighting or direct lighting only provided the latter is so screened as not to cast any direct light upon any residence or street right-of-way. No sign or lighting device shall be of the flashing, intermittent or reciprocating type.
12. Illuminated signs must bear the National Underwriters Seal of Approval or must be inspected and approved by the Code Enforcement Officer.
13. Glass in any wall sign must be safety glass or comparable material.
14. Attaching to trees, poles or structures: It shall be unlawful for any person to paint, post, place or fix any business or commercial advertisement, paper, handbills or circulars, or cause the same to be done upon any utility poles, structures or trees within the limits of the Town.
15. No Non-conforming sign may be replaced without conforming to the provisions of this Article.

### 8.0.8. Temporary signs.

Temporary "For Sale", "To Let" or "Household Sale" signs relating to the premises and containing the name, address and telephone number of the owner or authorized agent, or both, and not exceeding four (4) square feet in area. Not more than one (1) such sign shall be permitted for each street frontage and may not be illuminated or impede pedestrian traffic. Temporary signs must be removed within forty-eight (48) hours after the intent of business of the sign is complete. No permit is required.

### 8.0.9 Political signs.

1. No artificially illuminated signs of any type are allowed.
2. Size is limited to six (6) square feet per side.
3. Signs must be free standing.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

4. No more than one sign per candidate is allowed per lot.
5. Signs may be erected no sooner than thirty (30) days before an election and shall be removed within forty eight (48) hours following the election.
6. No sign shall be placed closer than twenty five (25) feet to an intersection.
7. No political signs shall be erected in a right-of-way.
8. No permit is required.

### **Section 8.1 -- Signs in the R-1, R-2 and R-3 Residential Use Districts.**

Signs in R-1, R-2 and R-3 districts shall conform to the following regulations:

#### **8.1.1 Identification signs.**

Identification signs shall be permitted as an accessory use in any residential district as follows:

1. Customary professional or home occupation identification signs not over four and one-half (4.5) square feet in size, related solely to the profession or home occupation conducted on the premises by a resident thereof.
2. No more than one (1) such identification sign shall be permitted for each professional or other person so engaged and residing in the premises; but if a dwelling has frontage on more than one (1) street, an additional identification sign shall be permitted for each additional frontage.
3. Such identification sign may be affixed to the face of the building or may be erected on a post or posts not over four (4) feet high, located in the yard but at least five (5) feet from the property line and not to impede pedestrian traffic.
4. The sign may not be illuminated.
5. A permit is required.

#### **8.1.2 Bulletin boards.**

1. Permanent bulletin boards or similar announcement signs are allowed only for churches and other nonprofit institutions. They may not exceed thirty-two (32) square feet in gross area and shall be located at least five (5) feet from the property line. One (1) such sign shall be permitted for each street frontage.
2. Signs may be illuminated at night by back lighting or by direct lighting provided the latter is so screened as not to be visible from an adjacent residence.
3. A permit is required.

### **Section 8.2 -- Signs in the T-C Town Center District.**

The intent of the sign standards for the T-C Town Center District is to provide guidelines for the overall size and dimensions, design, illumination, and placement of signs that allows for variety while at the same time maintains the historic character and pedestrian scale of the town center district.

8.2.1. The following types of signs are permitted in the T-C Town Center District:

1. Window signs.
2. Wall signs.
3. Projecting signs.
4. Ground signs.
5. Awnings.
6. Sandwich Board Signs.



## ZONING ORDINANCE OF THE TOWN OF LAUREL

### 7. Signs permitted in Section 8.1.

#### 8.2.2. Size limitations.

The total display area of all signs, including window, wall, ground and awnings and excluding sandwich board signs, permitted on a single lot shall be 1.5 square feet of display area for each lineal foot of building frontage facing the main street or highway.

#### 8.2.3. Window Signage.

1. No window sign shall occupy more than 40% of the total area of the window upon which it is located.

#### 8.2.4. Wall Signs.

1. No wall sign shall extend above the roofline of the building upon which it is attached.
2. No wall sign shall cover, wholly or partially, any wall opening.
3. No wall sign shall include moving, flashing, or animated parts.
4. No wall signs shall be painted directly on the face of a building.
5. Wall signs shall be at least 8' above the sidewalk.
6. Only one wall sign shall be permitted per façade.
7. The sign may not be illuminated.

#### 8.2.5. Ground Signs

1. One ground sign shall be allowed per location.
2. Signs shall be no more than 8' in height.
3. Total display area shall not exceed 24 square feet.
4. Any lighting of the ground sign shall be directed to the sign itself or intentionally illuminated so as not to impact surrounding properties.
5. No ground sign shall be located in the public right of way.
6. No ground signs shall present a physical or visual obstruction to vehicular or pedestrian traffic.

#### 8.2.6. Projecting Signs

1. Total area shall not exceed 20 square feet.
2. No projecting sign shall extend above the roofline of the building to which it is attached.
3. No projecting sign shall cover, wholly or partially, any wall opening.
4. No projecting sign shall include moving, flashing or animated parts.
5. Projecting signs shall be at least 8' above the sidewalk.
6. Only one projecting sign shall be permitted per facade.

#### 8.2.7. Awnings

1. The outer edge of an awning shall not extend within 12" of the inside curb line.
2. The lowest edge of the awning shall be attached no lower than 8' above the sidewalk.
3. Awnings shall be constructed of fabric or metal (no plastic awnings).
4. The sign may not be illuminated.

#### 8.2.8. Sandwich Board Signs

1. Sandwich board sign display area shall not exceed 6 square feet per side, or a total of 48" in height.
2. No sandwich board sign shall be taller than 4' from the level of the sidewalk.
3. Sandwich board signs shall be designed so as not to be an obstruction to any public space or walkway.

## ZONING ORDINANCE OF THE TOWN OF LAUREL

4. No sandwich board sign shall be illuminated.
5. Display hours will be from dawn to dusk.

### 8.3 Signs in the C-B Commercial and Business Use District

8.3.1. The following types of signs are allowed in the C-B Commercial and Business Use District:

Each business establishment shall be allowed the following types of signs only and which shall be installed at the business location only. Further, any area allowed in a ground sign or a pole or pylon type shall be deducted from the total area allowed under Section 8.3.2., "Size Limitations."

1. Wall sign.
2. Projecting.
3. Ground sign.
4. Monument and pole or pylon sign.
5. Roof sign.
6. Canopy sign.
7. Awning sign.
8. Window signs.

8.3.2 Size limitations.

The total display area of all signs, including wall, projecting, ground, pole, pylon, roof, canopy, awning and window, permitted upon a single lot shall be two (2) square feet of display area for each lineal foot of building frontage facing the main street or highway.

8.3.3. Wall signs.

1. Any sign attached to a building shall not extend more than fifty (50) percent above the roofline immediately behind the sign, and in no case shall the sign extend above same roofline by more than five (5) feet.
2. Wall signs shall not extend more than twelve (12) inches from the face of the building into any street, alley, sidewalk, thoroughfare or other public space.
3. Wall signs projecting six (6) inches or more into any public space from the face of a building shall have a clearance of not less than eight (8) feet between the bottom of such sign and the sidewalk level of any public thoroughfare.

8.3.4. Projecting signs.

1. Total area shall not exceed 30 square feet.
2. No projecting sign shall extend above the roofline of the building to which it is attached.
3. No projecting sign shall cover, wholly or partially, any wall opening.
4. No projecting sign shall include moving, flashing or animated parts
5. Projecting signs shall be at least 8' above the sidewalk.
6. Only one projecting sign shall be permitted per façade.

8.3.5. Ground signs.

Two (2) ground signs may be permitted not exceeding sixty-five (65) square feet in total area and subject to the following regulations:

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

1. Shall not be more than ten (10) feet each in height as measured from the ground.
2. Any open space between the ground and the bottom of the sign shall not exceed three (3) feet.
3. Ground signs may not be located in any area that shall affect visibility for motor vehicle traffic.

### **8.3.6. Monument pole or pylon signs.**

One (1) monument pole or pylon sign may be permitted per street frontage but no more than two and not exceeding seventy-two (72) square feet each in area and subject to the following regulations:

1. The height of the monument pole or pylon shall not be more than twenty-eight (28) feet above the ground or curb, whichever is lower.
2. An open space of not less than ten (10) feet for pole or pylon sign shall be maintained between the ground level and the bottom of such sign.

### **8.3.7. Roof signs.**

1. No roof sign shall extend above the peak of the roofline of the building upon which it is attached.
2. No roof sign shall cover, wholly or partially any wall opening.
3. No roof sign shall include moving, flashing or animated parts
4. Only one projecting sign shall be permitted.
5. Total area shall not exceed 48 square feet.

### **8.3.8. Canopy signs and Awnings.**

1. Canopy signs and awning signs shall be no lower than 8' above the sidewalk and 12' above any area used by motor vehicles.
2. No canopy or awning sign shall include moving, flashing, or animated parts.
3. The outer edge of an awning shall not extend within 12" of the inside curb line.
4. Awnings shall be constructed of fabric or metal (no plastic awnings).
5. Awning signs shall not be illuminated.

### **8.3.9 Window signs.**

1. No window sign shall occupy more than 40% of the total area of the window upon which it is located.

## **8.4 Signs in the M-R - Marine Resources Use District.**

Within the M-R - Marine Resources Use District, all signs shall conform to the requirements of Section 8.1, or as approved by the Planning and Zoning Commission but in no case shall a sign be greater in area than permitted by Section 8.3.

## **8.5 Signs in the L-I – Light Industrial Use District.**

8.5.1 Within the L-I – Light Industrial Use District signs shall conform to the C-B use district regulations.

## **Section 8.6 - Administration and Violations.**

8.6.1. Billboards and off-premises advertising signs.

Billboards and off-premises advertising signs are not permitted.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### 8.6.2. Variances.

Notwithstanding any other provision of this Article, upon application to the Board of Adjustment, the Board may vary or adopt the strict application of any of the requirements of this Article.

## **ARTICLE 9. NON-CONFORMING USES, BUILDINGS AND LOTS**

### **Section 9.0 -- Continuance of Non-conforming Uses, Buildings and Lots. (Amended 7-17-06)**

Any lawful use, building or lot existing at the effective date of the prior Zoning Ordinance of The Town of Laurel, as approved by the Laurel Town Council in November 1999, or any subsequent amendment thereof applying to such use, building, or lot, may be continued although such use, building or lot does not conform to the provisions of this Ordinance, provided however:

9.0.1 Nothing herein contained shall be construed to render lawful any use, building or lot not lawfully conforming to provisions of The Town of Laurel Zoning Ordinance.

9.0.2 Any extension of a Non-conforming use, building or lot must conform to the provisions of this Ordinance and not impair the value of the adjoining properties or adversely affect the character of the neighborhood.

9.0.3 No Non-conforming use, building or lot shall be enlarged, extended or increased during its life to an extent exceeding fifteen (15) percent of its existing area or in aggregate value fifty (50) percent of its replacement cost, whichever is greater, unless said use, building or lot is changed to conform to the requirements of this Ordinance.

9.0.4 A building or structure containing a Non-conforming use may be repaired or strengthened sufficiently to remove a hazard to public safety, as such hazard may be determined by the Code Enforcement Officer, but not so as to perpetuate the Non-conforming use or character of the structure. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Code Enforcement Officer.

9.0.5 If a building used to house a Non-conforming use is damaged or destroyed by fire, flood, earthquake or other act of God, substantial restoration shall be initiated within six months of the occurrence of the damage, otherwise, the non-conforming use shall be deemed abandoned or lost.

9.0.6 No Non-conforming use shall be maintained, renewed, changed or extended without a Certificate of Occupancy having first been issued by the Code Enforcement Officer.

### **Section 9.1 -- Discontinuance of a Non-conforming Uses, Buildings and Lots**

9.1.1 Any non-conforming use, building or lot which is changed to or replaced by a conforming use, building or lot, shall not thereafter be used for or occupied by a Non-conforming use.

9.1.2 When a Non-conforming use, building or lot has been discontinued for a period of one year, it shall be deemed discontinued and shall not thereafter be continued and the future use, building or lot shall be in conformity with the provisions of this Ordinance.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### **Section 9.2 -- Necessary Maintenance and Repairs.**

A Non-conforming building or structure may be repaired or restored to a safe condition except as specified in Section 9.0.5.

### **Section 9.3 -- Prior Construction.**

Any building or structure for which a building permit was issued prior to the effective date of this Ordinance, or any subsequent amendment thereof applying, may be completed and used in accordance with the plans and specifications for such building and structure.

### **Section 9.4 -- Reduction in Lot Area.**

A building permit shall not be issued for any lot that has been reduced in area so that it creates a Non-conforming lot in violation of the regulations contained in this Ordinance.

## **ARTICLE 10. GENERAL EXCEPTIONS**

### **Section 10.0 -- Public Properties.**

Nothing in this Ordinance shall restrict construction or use in the exercise of a governmental function of public buildings, lands or property.

### **Section 10.1 -- Public Utilities.**

Nothing in this Ordinance shall restrict the construction or use of underground or overhead distribution facilities of utilities that serve the public operating under the laws of the State of Delaware. Other facilities may be constructed subject to a site plan approval.

## **ARTICLE 11. BOARD OF ADJUSTMENT**

### **Section 11.0 -- Establishment and Duties**

11.0.1 Pursuant to the Laws of the State of Delaware, as amended, The Town of Laurel shall establish a Board of Adjustment. The Board of Adjustment shall consist of not less than 3 nor more than 5 members who shall be residents of the Town and who shall have knowledge of the problems of urban and rural development and who, at the time of appointment and throughout the term of office, shall not be members of the legislative body nor employees of the town. The Mayor of the town shall appoint such members of the board of adjustment, and all such appointments shall be confirmed by a majority vote of the elected members of the Town Council.

1. All appointments shall be for a period of 3 years, provided that the terms of the original members shall be established in such a manner that the term of at least 1 member shall expire each year and the successor shall be appointed for a term of 3 years. The board of adjustment so selected shall elect from among their own number a chairperson and a secretary.

2. Any member of the Board of Adjustment may be removed from office by the Town Council for cause after a hearing by a majority vote of all the elected members of the Council of the town. A vacancy occurring otherwise than by the expiration of term shall be filled for the remainder of the unexpired term in the same manner as an original appointment. “

## ZONING ORDINANCE OF THE TOWN OF LAUREL

11.0.2 Powers and Duties. The Board of Adjustment shall have all the powers and duties prescribed by this Ordinance, which are more particularly specified as follows:

1. Interpretation.  
It shall be the responsibility of the Board of Adjustment to hear and decide appeals from, and review, any order, requirement, decision, or interpretation made by the Code Enforcement Officer.
2. Area variances.
  - a. The Board of Adjustment, on appeal from the decision or determination of the Code Enforcement Officer, shall have the power to grant area variances, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of this Ordinance.
  - b. In making its determination, the Board of Adjustment shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board of Adjustment shall also consider:
    - (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; and/or
    - (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; and/or
    - (3) Whether the requested area variance is substantial; and/or
    - (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and/or
    - (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Adjustment, but shall not necessarily preclude the granting of the area variance.
    - (6) Whether the proposed change could be made on another portion of the lot without recourse to a variance.
3. If the Board of Adjustment, in its discretion, shall grant an area variance, it shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
4. Imposition of conditions. The Board of Adjustment shall, in the granting of area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this Ordinance and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community. All work which is authorized by variances granted shall be commenced and completed within one year of the granting of the variance by the Board of Adjustment.

11.0.3 Procedure. (Amended 7-17-06)

1. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Board of Adjustment shall have the power to vary or modify the application of any of the regulations or provisions of this Ordinance relating to the use, construction, structural changes in, equipment or alteration of buildings or structures, or the use of land, so that the spirit of the Ordinance shall be observed, public safety and welfare secured and substantial justice done.
2. All appeals and applications made to the Board of Adjustment shall be in writing, on forms prescribed by said Board and accompanied by a fee as determined by local law or ordinance of the Town Council. Every appeal or application shall refer to the specific provision of the Ordinance

## ZONING ORDINANCE OF THE TOWN OF LAUREL

involved, and shall exactly set forth the interpretation that is claimed, or the details of the variance that is applied for, and the grounds on which it is claimed that the variance should be granted, as the case may be.

3. The Board of Adjustment shall hold a public hearing on appeals within 60 days after receipt and give due notice of such public hearing by advertising in the official newspaper at least 10 days prior to the date scheduled for the public hearing.
4. The applicant shall mail notices of such public hearings to the owners or occupants of all lands within a radius of two hundred (200) feet from all boundary lines of the property for which the appeal is being requested. The Town will provide the applicant with the required information to be included in the notification letter. Such notices shall be mailed certified and postmarked at least ten (10) days prior to the date scheduled for the public hearing. A list of properties mailed to, copies of proof of mailings and return receipts shall be provided to the Code Enforcement Officer five (5) days prior to the public hearing.
5. Copies of the appeal or application document shall be delivered to the members of the Board of Adjustment. The Board of Adjustment shall meet within sixty (60) days of the date of filing the appeal or application to conduct the required hearing and review the matter.
6. The Board of Adjustment shall decide on appeals and on other matters referred to it within 60 days after final public hearing.
7. Every decision of the Board of Adjustment shall be by resolution, each of which shall contain a full record of said Board in the particular case.
8. The Board of Adjustment shall have no power to vary or modify the application of the provisions and requirements of the Delaware State Fire Prevention Regulations, other State regulations or Building Code adopted by Sussex County.
9. Appeals from Board of Adjustment findings shall be in accordance with Title 22 Chapter 3 Section 328 of the Delaware Code.

### 11.0.4 Rules of Procedure, By-Ordinances, Forms.

1. Meetings Open To The Public. All meetings of the Board of Adjustment shall be open to the public.
2. Minutes of Meetings. Such Board shall keep minutes of each of its meetings which it shall at its next meeting certify as accurate and which describe the factors considered by the Board in reaching its decision and which show the vote of each member on every application to the Board. Each member present at any meeting of the Board shall have a vote on every question brought before the Board for its consideration. If a member is absent or abstains from voting the minutes shall indicate such fact.
3. Quorum and Majority Vote. A majority vote of the Board shall constitute a quorum and a majority vote on any matter upon which said Board is required to pass under the provisions of this Ordinance. A split vote shall constitute a denial of the application.
4. Additional Procedures and By-Laws. The Board of Adjustment shall have the power to make, adopt, and promulgate such additional written rules of procedure, by-laws, and forms as it may deem necessary for the proper execution of its duties and to secure the intent of this Ordinance.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### **ARTICLE 12. ADMINISTRATION**

#### **Section 12.0 -- Enforcement. (Amended 7-17-06)**

12.0.1 This Ordinance shall be enforced by the Code Enforcement Officer, who shall be appointed by the Mayor and Council of The Town of Laurel. No building permit shall be issued or reissued except where all the provisions of this Ordinance have been complied with. The Code Enforcement Officer shall keep the Planning and Zoning Commission advised of all matters pertaining to the enforcement of this Ordinance other than routine duties, and shall submit a monthly report to the Mayor and Council enumerating the applications received, inspections made, permits issued or refused, and other actions taken.

12.0.2 Where sufficient cause exists to believe that the terms of this Ordinance have been violated and where corrective action has not been taken nor an appropriate variance application to the Board of Adjustment filed, within fourteen (14) days of the issuance of a written notice of violation mailed by certified mail return receipt requested to the record owner(s) of the property where the violation occurs, the Code Enforcement Officer is authorized to issue summons, either in person or by certified mail, directing the alleged violator to appear in a designated local criminal court at a designated future time in connection with the alleged and designated offense.

#### **Section 12.1 -- Building Permits.**

12.1.1 No building or structure shall be erected, added to, or structurally altered until a permit therefor as specified herein has been issued by the Code Enforcement Officer. No building permit shall be issued for any building under the Building Code adopted by Sussex County and The Town of Laurel where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Ordinance.

12.1.2 For zoning purposes, there shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected, and such other information as may be necessary to determine and provide for the enforcement of this Ordinance.

12.1.3 One copy of such layout or plot plan shall be returned when approved by the Code Enforcement Officer, together with such permit to the applicant, upon the payment of a fee as set by the Mayor and Council of The Town of Laurel.

12.1.4 No building permit will be issued for a parcel until all fees due to The Town of Laurel has been paid in full. Fees include but are not limited to, property taxes, water fees, sewer fees, trash fees, or other fees.

#### **Section 12.2 -- Certificate of Occupancy.**

12.2.1 No land shall be occupied or used and no building or other structure erected, altered, extended, enlarged or, if a Non-conforming use, restored, occupied, used, or changed in use until a Certificate of Occupancy has been issued by the Code Enforcement Officer stating that the building, other structure or proposed use thereof complies with the provisions of the Zoning Ordinance of the Town. Vacated existing commercial properties may not be used or occupied until a certificate has been issued to ensure that the new use or occupancy is permitted.



## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

12.2.2 All Certificates of Occupancy for new or structurally altered buildings or structures shall be applied for coincident with the application for a building permit therefor. Such Certificate of Occupancy shall be issued within thirty (30) days after the erection or alteration has been approved as complying with the provisions of this Ordinance.

12.2.3 The Code Enforcement Officer is hereby empowered to cause any building, other structure or tract of land to be inspected and examined and to order, in writing, the remedying of any condition found to exist therein or there at in violation of any provision of this Ordinance. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to comply with such order. No new structure on a parcel that has had a site plan approval may be occupied before a Certificates of Occupancy has been issued.

### **ARTICLE 13. REMEDIES**

#### **Section 13.0 -- Complaints of Violations. (Amended 7-17-06)**

Whenever a violation of this Ordinance is alleged to have occurred, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Code Enforcement Officer, who shall properly record such complaint and investigate and report thereon in a timely manner.

#### **Section 13.1 -- Procedure for Abatement of Violations. (Amended 7-17-06)**

13.1.1 Whenever in the opinion of the Code Enforcement Officer, after proper examination and inspection, there appears to exist a condition which is a violation of any provision of this Ordinance, or of any rule or regulation adopted pursuant thereto, the Code Enforcement Officer shall serve a written notice of violation upon the owner of the property in violation. Fourteen (14) days after notification the condition shall be considered a violation and shall be subject to appropriate penalties and other remedies as provided for herein and under the laws of the State of Delaware.

13.1.2 Such notice of violation shall (1) inform the owner of the nature and details of the condition and the reason why it is a violation and (2) state the date by which the violation must be remedied or removed in order to be in compliance with this Ordinance.

13.1.3 In the event the violation is not remedied within the time allowed, then the person notified of such violation shall be subject to conviction for a violation as defined by the Laws of the State of Delaware punishable by a fine not to exceed five hundred dollars (\$500.00) or sixty (60) days imprisonment or both for a conviction of a first offense. Each day that the violation continues shall constitute a separate offense. For a conviction of a second offense, in which both first and second offenses were committed within a period of five (5) years, punishable by a fine of not less than three hundred fifty dollars (\$350.00) nor more than seven hundred dollars (\$700.00) or imprisonment for a period not to exceed fifteen (15) days or both; and upon a third or subsequent offense, in which all three offenses were committed within a period of five (5) years, punishable by a fine of not less than seven hundred dollars (\$700.00) nor more than one thousand (\$1,000.00) or imprisonment for a period not to exceed fifteen (15) days or both.

13.1.4 In addition to the owner, the general agent, lessee or tenant of the building, other structure or tract of land or any part thereof or an architect, builder, contractor, or anyone who commits or assists in any violation of any of the provisions of this Ordinance shall be subject to the procedure and penalties imposed by this Article.

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

### **Section 13.2 -- Alternative Penalty.**

13.2.1 A violation of any of the provisions of this Zoning Ordinance by an owners of land and/or a builder or contractor shall constitute an offense which may alternatively be punishable by the imposition of a Civil Penalty in the above amounts, which said penalty may be assessed and recoverable against the violator in a Small Claims Proceeding instituted by the Town, pursuant to the Laws of the State of Delaware. Each week that the violation continues shall constitute a separate offense.

13.2.2 In addition to the foregoing remedies, in the case of any violation or threatened violation of any of the provisions of this Ordinance, or conditions imposed by the Town Council or Planning and Zoning Commission of The Town of Laurel, in addition to other remedies herein provided, the Town Council may institute any appropriate action or proceeding in a court of competent jurisdiction to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

## **ARTICLE 14. AMENDMENTS**

### **Section 14.0 -- Procedure.**

The Town Council of The Town of Laurel may, from time to time, on its own motion, or on petition, or upon recommendation by the Planning and Zoning Commission, amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established under this Article after public notice and hearing in each case. All proposed amendments of the regulations or districts herein established shall be filed in writing in a form required by the Town Council.

### **Section 14.1 -- Advisory Report to the Town Council of The Town of Laurel.**

Every proposed amendment, unless initiated by the Planning and Zoning Commission, shall be referred by the Town Council to the Planning and Zoning Commission. The Planning and Zoning Commission shall report in writing its recommendations thereon to the Town Council and the Code Enforcement Officer, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. If the Planning and Zoning Commission fails to report within a period of forty-five (45) days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Town Council, the Town Council may act without such report. If the Planning and Zoning Commission recommends disapproval of the proposed amendment, or recommends modification thereof, the Town Council shall not act contrary to such disapproval or recommendation except by a four-fifths vote.

### **Section 14.2 -- Petition by Owners of 50 Percent of Frontage.**

Wherever the owners of 50 percent of the frontage directly adjacent to a property subject to a proposed amendment shall present a petition duly signed and acknowledged to the Town Council, requesting an amendment, supplement, change or repeal of the regulations prescribed for such district or part thereof, it shall be the duty of the Town Council to vote upon said petition within ninety days after filing of the same by the petitioners with the Town Clerk.

### **Section 14.3 -- Public Notice and Hearing.**

The Town Council of The Town of Laurel shall, by resolution, fix the time and place of the public hearing and cause notice to be given as follows:

## **ZONING ORDINANCE OF THE TOWN OF LAUREL**

14.3.1 By publishing notices of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the Town, not less than fifteen (15) days prior to the date of public hearing.

14.3.2 By giving written notice of hearing to any required municipal, county, state or federal agency in a manner prescribed by law.

14.3.3 The applicant shall notify all owners, within two hundred (200) feet of the boundaries of the property which is the subject matter of the petition, of the time and date for the public hearing on the proposed change or amendment or proposed land use by sending such property owners a copy of the notice that is published in a paper of general circulation. Such notices shall be sent Certified Mail Return Receipt Requested to property owners a minimum of ten (10) days prior to the date scheduled for the public hearing. A list of properties mailed to, copies of proof of mailings and return receipts shall be provided to the Code Enforcement Officer five (5) days prior to the public hearing.

### **Section 14.4 -- Protest by Owners.**

If a protest against the proposed amendment is presented to the Town Council, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of land included in such proposed amendment, or by the owners of twenty (20) percent or more of the area of land immediately adjacent extending 100 feet therefrom, or by the owners of twenty (20) percent or more of the area of land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of at least a three-fourths majority of the Town Council.

### **Section 14.5 -- Decision by Town Council.**

The Town Council shall set the public hearing as required and shall render its decision within 60 days of the receipt of the Planning and Zoning Commission's report. If the Town Council deems it advisable, it may require as a condition for approval of the amendment, that the amended area be put to use within a reasonable length of time.

### **Section 14.6 -- Notification of Decision.**

The Town Council shall notify the applicant for and amendment of its decision in writing within five (5) days after the decision has been rendered.

## **ARTICLE 15. FEE SCHEDULE**

A schedule of fees for all permits and applications required by this Ordinance shall be set from time to time by the Mayor and Town Council of The Town of Laurel by resolution.

## **ARTICLE 16. REPEAL**

Chapter 175 of The Town of Laurel Municipal Code, entitled "Zoning", as originally enacted by ordinance of the Town Council in November 1999, together with all subsequent amendments thereto, is hereby repealed in its entirety as of the effective date of this Ordinance. In the event of an inconsistency between this Ordinance and any other Town ordinance or resolution, the provisions of this Ordinance shall be controlling. Such repeal or modification shall not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time such repeal or modification takes effect.

**ZONING ORDINANCE OF THE TOWN OF LAUREL**

**ARTICLE 17. ADOPTION**

This Zoning Ordinance of The Town of Laurel was adopted by the Town Council of The Town of Laurel, Delaware on the 3<sup>rd</sup> day of January 2005 and shall take effect twenty days from this date.

THE TOWN OF LAUREL

BY: \_\_\_\_\_  
MAYOR

ATTEST \_\_\_\_\_  
SECRETARY