

ORDINANCE NO. 14

TABLE OF CONTENTS

1			1
2	ARTICLE I--TITLE		2
3	ARTICLE II--PURPOSE		3
4	ARTICLE III--DEFINITIONS		11
5	ARTICLE IV--DISTRICTS		12
6	ARTICLE V--R-RESIDENTIAL DISTRICTS		15
7	ARTICLE VI		
8	MR-MEDIUM DENSITY RESIDENTIAL DISTRICT		18
9	ARTICLE VII--NB-NEIGHBORHOOD BUSINESS DISTRICT		20
10	ARTICLE VIII--C-GENERAL COMMERCIAL		23
11	ARTICLE IX-RPC-RESIDENTIAL PLANNED COMMUNITY DISTRICT		29
12	ARTICLE X--LI-LIGHT INDUSTRIAL DISTRICT		31
13	ARTICLE XI--OFF-STREET PARKING		35
14	ARTICLE XII-ADMINISTRATION AND PERMITS		53
15	ARTICLE XIII--GENERAL PROVISIONS		57
16	ARTICLE XIV--NON-CONFORMING USES, STRUCTURES AND LOTS		61
17	ARTICLE XV--SIGNS		66
18	ARTICLE XVI--BOARD OF ADJUSTMENT		69
19	ARTICLE XVII--AMENDMENTS		71
20	ARTICLE XVIII--ENFORCEMENT		73
21	ARTICLE XIX--VALIDITY		
22			
23			

1
2
3
4
5
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ARTICLE III--DEFINITIONS

Section 1. Unless otherwise expressly stated, the words set forth in this ARTICLE shall, for the purpose of this Ordinance, have the meaning indicated in this Section.

(a) **Accessory Building** means a building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

(b) **Accessory Use** means a use on the same lot with, and customarily incidental to, the permitted principal use. Accessory Use shall not include any use which, by its nature, could result in noise, smoke, dust, smell or unsightliness objectionable in a residential district.

(c) **Apartment** means a room or suite of rooms in a dwelling designed for use as a residence by a single family.

(d) **Bed and Breakfast Inn** means a single-family detached owner-occupied dwelling where the owner provides not more than three (3) guest rooms. No cooking facilities shall be permitted in individual rental rooms.

(e) **Block** means any given portion of lands in private ownership lying within the corporate limits of the Town, but in no way intersected by the adjacent lines of any given number of public roads, avenues, streets, lanes, alleys, ways, parks zoning districts or corporate limits of the Town.

1 (f) **Boarding House** means a single-family detached
2 owner-occupied dwelling where the owner provides rooms and meals
3 for not more than six (6) lodgers, but shall not include homes
4 for the mentally retarded, handicapped, alcoholic rehabilitants
5 or any other persons whose fees are paid by persons other than
6 himself.

7 (g) **Building** means and includes the word "structure."

8 (h) **Building Area** means the aggregate of the maximum
9 horizontal cross section areas of the building on the lot.

10 (i) **Building Set-Back Line** means the rear line of the
11 main front yard as herein designated for each district.

12 (j) **Corner Lot** shall mean a lot bounded on at least
13 two (2) sides by streets, whenever the lines of such streets
14 extended form an interior angle of one hundred thirty-five
15 degrees (135°) or less. The owner or developer of a corner lot
16 may specify which street line shall be the front lot line, such
17 specification to be determined at the time of filing an
18 application for any permit.

19 (k) **Deck** shall mean any platform more than six (6)
20 inches above ground level extending horizontally from one or more
21 sides of a structure.

22 (l) **Family** means a single person occupying a dwelling
23 unit and maintaining a household; two (2) or more persons related

1 by blood, marriage or adoption occupying a dwelling unit, living
2 together and maintaining a common household, including not more
3 than one (1) boarder, roomer or lodger; or not more than two (2)
4 unrelated persons occupying a dwelling unit and maintaining a
5 common household.

6 (m) **Front Yard** means the required open space extending
7 along the street line of any street on which the lot abuts.

8 (n) **Height** means the height of a building measured
9 from a point where the center line of the building to be erected
10 intersects with the center line of the street on which the
11 building will face to the highest point of the roof. Air
12 conditioners which are enclosed so as to be obscured from view
13 shall not be included in calculating the height. Chimneys shall
14 not be included in calculating the height.

15 (o) **Home Occupation** shall mean a use customarily
16 carried on within a dwelling by the inhabitants thereof, which
17 use is incidental and subordinate to the residential use. Such
18 business must be operated by the owner or his or her immediate
19 family who must live in the dwelling full time. No more than one
20 unrelated person may be employed in such business. Home
21 occupations shall not be interpreted to include the following:
22 barber and beauty schools, tea rooms, restaurants, convalescent
23 homes, stables or kennels.

1 (p) **Hotel, Motel or Inn** means a building or structure
2 operated for profit, providing lodging, food and/or service to
3 the transient traveling public and may include restaurants,
4 taverns, clubrooms, public banquet halls, ballrooms or meeting
5 rooms, but the individual living units shall not contain kitchen
6 facilities.

7 (q) **Lot** means the parcel of land on which a main
8 building and any accessory building may be placed, together with
9 the required open spaces, and as shown on the Zoning Map.

10 (r) **Manufacture** shall mean a function involving either
11 the processing or production of materials, goods or products.

12 (s) **Mobile Home (House Trailer)** means a moveable or
13 portable dwelling constructed to be towed on its own chassis
14 which can consist of one (1) or more components that can be
15 retracted for towing purposes and subsequently expanded for
16 additional capacity, or two (2) or more units separately towable,
17 but designated to be joined into one (1) integral living unit.

18 (t) **Multi-Family Dwelling** means a building designed
19 for and occupied exclusively as a residence for three (3) or more
20 families living independently of one another which is no more
21 than three (3) stories in height or thirty-five (35) feet in
22 height, whichever is the lesser, and which has adequate open
23 space and landscaping; and no part of such building shall have

1 been formerly used as a cabin, railroad car, mobile home or
2 houseboat.

3 (u) **Parking Lot** means any area privately owned which
4 is used for the storage of motor or other vehicles not in excess
5 of twenty-four (24) hours continuous storage and which is used
6 for more than four (4) vehicles.

7 (v) **Person** shall mean a natural person, a partnership,
8 a corporation, a joint venture, a mutual stock company, or any
9 other group of persons acting together in concert.

10 (w) **Planning and Zoning Commission** shall mean that
11 entity to which proposed amendments and site plans shall be
12 referred for review and recommendations.

13 (x) **Private Garage** means a building accessory to a
14 building for the storage of not more than three (3) motor
15 vehicles.

16 (y) **Public Notice** means the publication in a newspaper
17 of general circulation in The Town of Frankford at least fifteen
18 (15) days prior to any public hearing advising the public of the
19 date, time, place and purpose of the public hearing.

20 (z) **Rear Yard** means the required open space extending
21 along the rear lot line (not a street line) through the whole
22 width of the lot.

1 (aa) Rooming House shall mean a single-family detached
2 dwelling where there is one (1) or more bedrooms which the
3 proprietor can spare for the purpose of giving lodging to such
4 persons as he chooses to receive, but shall not include homes for
5 the mentally retarded, handicapped, alcoholic rehabilitants or
6 any other persons whose fees are paid by persons other than
7 himself.

8 (bb) side Yard means the required open space between a
9 structure and the side lot line and extending through the whole
10 depth of the lot.

11 (cc) sign means and includes any device including
12 flags, banners, pennants and streamers, displaying words,
13 pictures or designs intended to inform or attract the attention
14 of persons.

15 (dd) Sign Advertising, means a sign, including a
16 billboard, directing attention to a business, commodity, service
17 or entertainment conducted, sold or offered elsewhere than upon
18 the property where the sign is maintained.

19 (ee) Sign Business means and includes a sign directing
20 attention to a business, commodity, service or entertainment
21 conducted, sold or offered on the same property on which the sign
22 is maintained.

1 (ff) **Sign Surface Area** means, for the purpose of
2 determining the size of signs, the surface area to be computed as
3 including the entire area when a regular, geometric combination
4 of forms comprising all display matter of the sign and including
5 all the elements of the matter displayed. Frames and structural
6 members not bearing advertising matter shall be included in the
7 computation of surface area.

8 (gg) **Single and Separate Ownership** means the ownership
9 of a lot by one (1) or more persons, which ownership is separate
10 and distinct from that of any abutting or adjoining lot.

11 (hh) **Single-Family Attached Dwelling** means a building
12 for and used exclusively as a residence for one (1) family with
13 party walls in common on both sides and no part of such building
14 shall have been formerly used as a cabin, railroad car, mobile
15 home or houseboat.

16 (ii) **Single-Family Detached Dwelling** means a building
17 designed for and occupied exclusively as a residence for only one
18 (1) family and having no party wall in common with an adjacent
19 building and no part of such building shall have been formerly
20 used for a cabin, railroad car, mobile home or houseboat.

21 (jj) **Special Exception** means the permission or approval
22 granted by the Board of Adjustment in situations where provisions
23 therefor are made by the terms of this Ordinance.

1 (kk) **Street** means a public right of way which provides
2 a means of public access to the abutting property.

3 (ll) **Street Line** means the line of dedication in the
4 case of a dedicated street, avenue, lane or alley of the Town and
5 a line twenty-five (25) feet on each side of the center line in
6 the case of a private road.

7 (mm) **Structure** means anything constructed or erected,
8 including any part thereof, the use of which requires permanent
9 location on the ground, or attachment to something having a
10 permanent location on the ground, including, but not limiting the
11 generality of the foregoing, patios, signs, swimming pools,
12 porches, decks, backstops for tennis courts, fences and light
13 standards.

14 Section 2. Words used in the singular include the
15 plural, words used in the plural include the singular.

ARTICLE IV-DISTRICTS

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Section 1. For the purpose of this Ordinance, The Town of Frankford, and the lands over which it has jurisdiction, are hereby divided into six (6) classes or districts to be designated as follows:

- (a) R-Residential District.
- (b) MR-Medium Density Residential District
- (c) NB-Neighborhood Business.
- (d) C-General Commercial.
- (e) RPC-Residential Planned Community District.
- (f) LI-Light Industrial District.

Section 2. The provisions of this Ordinance shall not apply to lands owned by The Town of Frankford.

Section 3. The districts shall be shown on The Town of Frankford Zoning Map which shall be kept in the Office of the Town and no change of any nature shall be made on The Town of Frankford Zoning Map except in compliance with the procedures set forth in this Ordinance.

1 (1) A minimum width of seventy-five (75) feet.

2 (2) A minimum area of seven thousand five hundred
3 (7,500) square feet; provided however, that the provisions of
4 this Section shall not be applicable to any lot held in single or
5 separate ownership at the effective date of this Ordinance.

6 (b) Any lot to be created after the effective date of
7 this ordinance shall have a minimum area of fifteen thousand
8 (15,000) square feet;

9 Section 5. There shall be:

10 (a) A front yard, the depth of which shall be at least
11 twenty (20) feet.

12 (b) Two side yards, the width of each of which shall
13 not be less than eight (8) feet.

14 (c) A rear yard, the depth of which shall not be less
15 than ten (10) feet; provided however, that in the case of a lot
16 held in single and separate ownership at the effective date of
17 this Ordinance having a depth of less than one hundred (100)
18 feet, the depth of the rear yard may be decreased to not less
19 than five (5) feet.

20 Section 6. Every dwelling hereafter erected on a lot
21 shall have a minimum living area of one thousand ¹²⁵⁰ ~~(1,000)~~ square
22 feet, exclusive of basements, decks and porches, for the first
23 story. A second story shall have a minimum living area of five

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1 hundred (500) square feet exclusive of decks and porches. Any
2 building hereafter altered to contain more than one (1) living
3 unit shall have a minimum living area for each living unit of
4 one thousand (^{1,250}~~1,000~~) square feet, excluding basements, decks and
5 porches for the first story. A second story shall have a minimum
6 living area for each living unit of five hundred (500) square
7 feet exclusive of decks and porches.

1 adjacent to the line of a lot in a Single-Family Residential
2 District shall not be less than twenty (20) feet.

3 (6) The height of a building shall not exceed
4 thirty-five (35) feet in height not more than three (3) stories
5 exclusive of basement.

6 (7) The minimum lot size for multi-family use
7 shall be two (2) acres.

8 (8) Detached garages or car ports shall not be
9 permitted except as shown on the approved site plan with approval
10 shown for the same on site plan review.

11 (9) Unless otherwise restricted by district
12 regulations, not more than eight (8) dwelling units shall be
13 included in any one single-family attached building or multi-
14 family dwelling building.

15 (10) Required off-street parking spaces, two (2)
16 spaces per family dwelling unit, shall be provided on the lot for
17 each dwelling unit or within an on-site parking area within the
18 common area, with approval subject to site plan review.

19 (c) Minimum yard requirements for single-family
20 detached dwelling shall be the same as for the R-Residential
21 District.

1 jewelry, office supplies, paint, sporting goods and stationery,
2 and similar stores and shops.

3 (m) Any accessory use incidental to and subordinate to
4 the principal use.

5 (n) Signs as provided in Article XIV.

6 Section 2. Uses permitted as special exceptions.

7 (a) Museum.

8 (b) Bed and breakfast inn.

9 (c) Public library, public buildings, playgrounds,
10 parks, churches and other places of worship.

11 Section 3. No building or structure shall be erected or
12 enlarged to exceed a height of thirty-five (35) feet.

13 Section 4. No principal or accessory structure shall be
14 closer than twenty-five (25) feet to the boundary line, if such
15 boundary line of a lot abuts a residential zone.

16 Section 5. In case of any building erected, altered or
17 used in whole or in part as a dwelling, the building area shall
18 not exceed seventy percent (70%) of the lot area.

19 Section 6. In the case of a building used in whole or in
20 part as a dwelling, there shall be a rear yard, the depth of
21 which shall be at least ten (10) feet.

ARTICLE VIII--C-GENERAL COMMERCIAL

1
2 In the General Commercial District, the following
3 regulations shall apply:

4 Section 1. A building may be erected, altered or used on
5 a lot or premises and may be used for any of the following
6 purposes and none other:

7 (a) Any use permitted in the Residential District or
8 in the Neighborhood Business District.

9 (b) Amusement facilities where machines or billiard
10 tables, or both, are available for use by the general public.

11 (c) Apartments above commercial businesses.

12 (d) Business machine shops for sales and service.

13 (e) Educational, religious or philanthropic use,
14 excluding sanitarium or correctional institution.

15 (f) Furniture, home furnishing and equipment,
16 including household appliances and stores, hardware, paint and
17 glass stores, radio and television stores, including services and
18 other retail establishments selling products to the general
19 public, including food stores and supermarkets.

20 (g) Laundry, dry cleaning, shoe repair shop or
21 laundromat (attended only).

22 (h) Motel, hotel, restaurant or bed and breakfast inn.

23 (i) Motor vehicle sales agency.

1 (j) Newspaper publishing and job printing.

2 (k) Public garage, sales, service and repair shop,
3 gasoline filling and battery service station, and public parking
4 lot.

5 (l) Restaurant, tea room, bakery, confectionery or ice
6 cream shop.

7 (m) Telephone central office, utility building,
8 railroad passenger station, County, State or Federal use.

9 (n) Theaters and halls for the entertainment of
10 guests.

11 (o) Undertaking and embalming.

12 (p) Private lodges.

13 (q) Radio station.

14 (r) Veterinarian/animal hospitals not to include
15 boarding kennels.

16 (s) Any accessory use incidental to and subordinate to
17 the principal use.

18 (t) Signs as provided in Article ^{XV}~~XIV~~.

19 Section 2. Uses permitted as special exceptions.

20 (a) Museum.

21 Section 3. No building or structure shall be erected or
22 enlarged to exceed a height of thirty-five (35) feet.

1 Section 4. No principal or accessory structure shall be
2 closer than twenty-five (25) feet to the boundary line, if such
3 boundary line of a lot abuts a residential zone.

4 Section 5. In case of any building erected, altered or
5 used in whole or in part as a dwelling, the building area shall
6 not exceed seventy percent (70%) of the lot area.

7 Section 6. In the case of a building used in whole or in
8 part as a dwelling, there shall be a rear yard, the depth of
9 which shall be at least ten (10) feet.

10 Section 7. The expansion or extension of any use
11 permitted in the General Commercial District which could cause or
12 exacerbate any noise, dust, odor, traffic or other problem or
13 condition must be approved in advance by the Board of Adjustment
14 as a special exception. In such case, the expansion or extension
15 may be permitted if the Board of Adjustment finds that, as a
16 matter of fact, such exceptions will not substantially affect
17 adversely the uses of the adjacent and neighboring properties.
18 The Board of Adjustment may impose conditions upon approval,
19 such as requiring the owner to improve or upgrade the existing
20 facilities or uses in a manner which will result, with the
21 expansion or extension, in a net improvement.

1 ARTICLE IX-RPC-RESIDENTIAL PLANNED COMMUNITY DISTRICT

2 Section 1. In order to encourage large-scale
3 developments as a means of creating a superior living environment
4 through unified developments, and to provide for the application
5 of design ingenuity while protecting existing and future
6 developments and achieving the goals of this ordinance, the RPC
7 District is hereby established.

8 Section 2. Uses permitted in an RPC-Residential Planned
9 Community District under this Article shall be as follows:

10 (a) Uses, accessory uses and signs permitted in any
11 residential district in accord with the additional requirements
12 and specific provisions of this Article.

13 (b) Commercial uses of convenience and necessity to
14 the development as a whole, such uses and accessory off-street
15 parking and loading spaces incident to such commercial uses not
16 to exceed one (1) acre for each one hundred (100) dwelling units
17 in the planned development.

18 Section 3.

19 (a) To enable the district to operate in harmony with
20 the plan for land use and population density embodied in these
21 regulations, the RPC-Residential Planned Community District is
22 created as a special district to be superimposed on other
23 districts contained in these regulations and is to be so

1 designated by a special symbol for its boundaries on the Zoning
2 District Map.

3 (b) The housing types, minimum lot requirements,
4 maximum height, minimum yard requirements and accessory uses and
5 accessory signs shall be determined by the requirements and
6 procedure set forth in this Article, which shall prevail over
7 conflicting requirements of these regulations or ordinances
8 governing the subdivision of land.

9 Section 4.

10 (a) The minimum area for an RPC-Residential Planned
11 Community District under this Article shall be as follows:

12 (1) In the R-Residential, MR-Medium Density
13 Residential, NB-Neighborhood Business and C-Commercial Districts:
14 ten (10) acres.

15 (2) In any residential district if the only
16 development proposed is single-family detached dwellings: ten
17 acres.

18 Section 5. The land in an RPC District need not be under
19 single ownership, provided that proper assurances are given,
20 through the procedures contained in this Article or elsewhere in
21 these regulations, that the project can be successfully
22 completed.

1 Section 6. The procedures for establishment of an RPC
2 District and approval and amendment of the site plans are
3 contained in Article XI, Administration and Permits. The
4 proposed development shall follow all applicable procedures,
5 standards and requirements of the ordinance or ordinances and
6 regulations governing the subdivision of land. No building
7 permit shall be issued until a final plot of the proposed
8 development or part thereof is approved, filed and recorded.

9 Section 7. An application for approval of an RPC
10 District may show and be processed concurrently with separate
11 applications for establishment of a General Commercial, an NB-
12 Neighborhood Business District or residential district in accord
13 with regulations applicable to those districts. Establishment of
14 the district boundaries shall be in accord with the procedures
15 for changes and amendments contained in Article XVI Amendments.

16 Section 8.

17 (a) The Town Council shall review the conformity of
18 the proposed development with the standards of the goals and
19 objectives of this ordinance, recognized principles of civic
20 design, land use planning and landscape architecture. The
21 minimum lot and yard requirements and maximum height requirements
22 of the zoning district in which the development is located need
23 not apply, except that the Town Council shall ensure an

1 appropriate relationship between uses of high intensity or height
2 within the RPC District and uses of low intensity or height,
3 existing or future, outside the proposed RPC District and to this
4 end may require that the regulation for minimum lots and yards
5 and maximum height shall be complied with inside of and near the
6 boundaries of the RPC District.

7 (b) The Town Council may impose conditions regarding
8 the layout and design of the proposed development and, where
9 applicable, shall require that appropriate deed restrictions be
10 filed to assure compliance with the development plan.

11 (c) The Town Council shall review the location of
12 proposed single-family detached dwellings, single-family attached
13 dwellings, multi-family dwellings or commercial uses, where
14 allowed, and shall determine the appropriate character of such
15 uses.

16 Section 9. The number of dwelling units permitted shall
17 be determined by dividing the net development area by the minimum
18 lot area per family or dwelling unit required by the district or
19 districts in which the area is located. Net development area
20 shall be determined by subtracting the area set aside for
21 churches, schools, state wetlands as defined by State law or
22 commercial use from the gross development area and deducting
23 twenty-five percent (25%) of the remainder for streets or the

1 actual area of proposed streets, whichever is less. The area of
2 land set aside for common open space or recreational use shall be
3 included in determining the number of dwelling units permitted.

4 Section 10. The minimum lot area and minimum lot width of
5 detached single-family dwelling lots established within the
6 development shall not be less than two-thirds (2/3) of the normal
7 minimum lot area and minimum lot width required for detached
8 single-family dwellings in the district in which the lot is
9 located. In no case shall a detached single-family lot be
10 created with an area of less than fifteen thousand (15,000)
11 square feet or a lot width of less than seventy-five (75) feet.

12 Section 11. Off-street parking shall be provided meeting
13 the minimum requirements of these regulations. Design and
14 improvements of parking lots and garages shall also conform to
15 these regulations and other applicable regulations or ordinances.
16 Design, arrangement and improvement of streets and driveways
17 shall conform to the ordinance or ordinances and regulations
18 governing the subdivision of land.

19 Section 12. Before approval of the development plan, the
20 Town Council may recommend or require a contract with safeguards
21 approved by the municipal attorney guaranteeing completion of the
22 development plan in a period to be specified by the Council in
23 approving the site plan.

1 Section 13. In approving an RPC District, the Town
2 Council may recommend and adopt a schedule of construction. If
3 such a schedule is adopted, no permits for construction shall be
4 issued except in accordance with the adopted schedule. Where
5 both single-family and multi-family dwelling types are part of
6 the development or where nonresidential uses are part of the
7 development, the schedule of construction may require concurrent
8 construction of a given type, number or use in that proportion
9 recommended and adopted by the Council.

10 Section 14. If, after approval and recording of the final
11 site plan, the permit holder desires to incorporate additional or
12 after-acquired adjacent land area into the development plan, an
13 informal conference with the Town Council shall be requested
14 pursuant to Section 7 for the purpose of outlining the scope of
15 the applications. If an application is filed for inclusion
16 approval, the general procedural requirements of this Article
17 shall apply, with the application being deemed an application to
18 extend or amend an existing RPC. Any application for an
19 extension or an amendment of an RPC District to incorporate
20 additional land area into a previously approved plan shall be
21 considered within the parameter of the establishment of a new and
22 separate RPC District.

1 ARTICLE X--LI-LIGHT INDUSTRIAL DISTRICT

2 In the Light Industrial District, the following regulations
3 shall apply:

4 Section 1. Land, buildings, and structures may be used,
5 erected or altered on a lot or premises, subject to Section 2,
6 below, for any of the following purposes and none other:

7 (a) Any commercial building, structure or use
8 permitted in the General Commercial District.

9 (b) Feed mills and any other light industrial
10 buildings or structures (such as storage bins, loading platforms,
11 etc.) or office buildings or other accessory uses so long as such
12 building, structures or uses are typically incidental to feed
13 mills. Provided, however, that any poultry or other meat-
14 processing plant shall not be deemed to be typically incidental
15 to feed mills and shall not be allowed in a Light Industrial
16 District.

17 Section 2. The expansion or extension of any use
18 permitted in the Light Industrial District which could cause or
19 exacerbate any noise, dust, odor, traffic or other problem must
20 be approved in advance by the Board of Adjustment as a special
21 exception. In such case, the expansion or extension may be
22 permitted if the Board of Adjustment finds that, as a matter of
23 fact, it would not substantially affect adversely uses of the

1 adjacent and neighboring property. The Board of Adjustment may
2 impose conditions upon approval, such as requiring the owner to
3 improve or upgrade the existing facilities or uses in a manner
4 which will result, with the expansion or extension, in a net
5 improvement.

6 Section 3. No building shall be erected or enlarged to
7 exceed the height of the taller of (i) the tallest existing
8 building or structure on a given lot or (ii) thirty-five (35)
9 feet, and no structure shall be erected or enlarged to exceed
10 such height. This Section shall control to the extent that its
11 application may be inconsistent with Article XIII, Section 1.

12 Section 4. No principal or accessory structure shall be
13 erected or enlarged closer than twenty-five (25) feet to the
14 boundary line, if such boundary line of a lot abuts a residential
15 zone, unless a special exception is granted in accordance with
16 the provisions of Section 2 of this Article.

ARTICLE XI--OFF-STREET PARKING

Section 1. When any building or structure is hereafter erected, off-street parking shall be provided as follows:

<u>USE</u>	<u>PARKING REQUIREMENT</u>
(a) Single-family detached dwellings, multi-family dwelling units and single-family attached dwellings	Two (2) spaces per family dwellings
(b) Hotel, motel	One (1) space per rental room or suite, plus one (1) space for each three (3) employees and two (2) spaces for any resident family.
(c) Eating place, tavern, restaurant	One (1) space for each fifty (50) square feet assigned for patron use, plus one (1) space for each two (2) employees on the largest shift.
(d) Food service drive-in facility	Fifteen (15) spaces minimum, plus one (1) space for each one hundred fifty (150) square feet of floor area.
(e) Office, office building, bank or other financial office	One (1) space per two hundred (200) square feet of floor area, exclusive of basement if not used for office or customer service purposes.
(f) Retail store; supermarket	One (1) space per two hundred (200) square feet of floor area used for sales or display of merchandise purposes, plus one (1) space for each two (2) employees on the largest shift.
(g) Beauty and barber shop;	One (1) space per two hundred

1	other personal services	(200) square feet of floor
2		area.
3	(h) Shopping Center	Five (5) parking spaces per
4		thousand (1,000) square feet
5		of gross leasable area.
6	(i) Funeral home	One (1) space per twenty (20)
7		square feet of floor area used
8		for seating accommodations,
9		plus one (1) space per
10		employee.
11	(j) Commercial nurseries, sales	Two (2) spaces per salesman of
12	outdoor equipment or	during peak period of furniture,
13	sales of new and employment.	
14	used cars, trucks, boats,	
15	manufactured homes,	
16	trailers and campers	
17	(k) Gasoline service station	Two (2) spaces for employees,
18		plus one (1) space for each
19		service pump.
20	(l) Automobile service and re-	One (1) space per five hundred
21	pair shop and public	(500) feet of floor area, plus
22	parking garage	one (1) space per employee
23		during peak period of
24		employment.
25	(m) Public Library/public	One (1) space per four hundred
26	building	(400) square feet of floor
27		area for public use, plus one
28		(1) space per two (2)
29		employees.
30	(n) Church or other place of	One (1) space for each five
31	worship	(5) seats.
32	(o) Rooming house, boarding	One (1) space per rental room
33	house or bed and breakfast	plus two (2) spaces for the
34	inn.	resident family unit.

1 Section 2. Off-street parking facilities shall be
2 provided on the premises to which they are applicable.

3 Section 3. The following design standards are required
4 for all parking areas:

5 (a) An off-street parking space is an all-weather,
6 surfaced area not located in any street or alley and having an
7 area of not less than two hundred (200) square feet, ten (10)
8 feet in width and twenty (20) feet in length, exclusive of
9 driveways and maneuvering areas, permanently reserved for the
10 temporary storage of one (1) vehicle and connected with a street
11 or alley by a paved drive-way which affords ingress and egress.

12 (b) Off-street parking facilities shall be drained to
13 eliminate standing water, prevent damage to abutting property
14 and/or public streets or alleys and surfaced with erosive-
15 resistant material in accordance with the specifications of The
16 Town of Frankford.

17 (c) Off-street parking areas shall be maintained in a
18 clean and orderly condition at the expense of the owner or lessee
19 of the premises and may not be used for the sale, repair or
20 dismantling or servicing of any vehicles, equipment, materials or
21 supplies.

22 (d) Parking spaces in lots of more than ten (10)
23 spaces shall be marked by painted lines or curbs or other means

1 to indicate individual spaces. Signs or markers shall be used as
2 necessary to insure efficient traffic operation of the parking
3 facilities.

1 ARTICLE XII-ADMINISTRATION AND PERMITS

2 Section 1. It shall be the duty of the Code Enforcement
3 Officer, and he is hereby given the power and authority to
4 enforce the provisions of this Ordinance.

5 Section 2. The Code Enforcement Officer shall require
6 that the application for a zoning/building/alteration permit
7 (hereafter referred to as building permit) and accompanying plot
8 shall contain all the information necessary to enable him to
9 ascertain whether the proposed building or the alteration thereof
10 complies with the provisions of this Article and this Ordinance.

11 Section 3. No permit shall be issued until the Code
12 Enforcement Officer has certified that the proposed building or
13 its alteration complies with all the provisions of this
14 Ordinance.

15 Section 4. It shall be unlawful for any person to
16 commence work for the erection or construction of a building or
17 the alteration of any existing building or any addition thereto
18 until a permit has been duly issued therefor and the fee as
19 established paid, on receipt of which a suitable placard shall be
20 issued to be prominently displayed while construction is in
21 progress.

22 Section 5. If a variance is granted by the Board of
23 Adjustment and the variance is not exercised for a period of one

1 (1) year from the date of the decision by the Board of
2 Adjustment, the variance shall lapse and be void.

3 Section 6.

4 (a) The procedures for approval of an RPC District are
5 the same as those prescribed for changes and amendments in
6 Section 2, Article XVI, Amendments.

7 (b) A preliminary site plan shall be filed with Town
8 Council. The preliminary site plan shall comply with the
9 requirements of this Article and be accompanied by such other
10 written or graphic material as may be necessary or desirable in
11 aiding the decisions of the Town Council. The number of copies
12 of the plan to be submitted shall be determined by the Town
13 Council.

14 Section 7. Where the provisions of this chapter require
15 the submittal of site plans for RPC Districts, the following
16 schedule of procedure shall apply:

17 (a) When the preliminary site plan is approved by the
18 Town Council, it shall be returned to the applicant pending
19 preparation of the final site plan by the applicant. If a
20 schedule of construction phases has been approved by the Town
21 Council, the first of the final site plans need cover only the
22 designated initial construction phase, with an additional site
23 plan for each of the scheduled succeeding construction phases.

1 The Council may permit changes in the boundaries of the
2 construction phases insofar as they do not affect the external
3 boundaries of the approved preliminary site plan.

4 (b) The Town Council shall review the final site plan
5 for compliance with the requirements of this ordinance. The
6 final site plan shall be amended in accordance with the
7 requirements of the Town Council and shall be placed on record
8 after such approval.

9 (c) No public hearing shall be required for approval
10 of any final site plan unless changes in the final site plan
11 significantly alter a provision of the preliminary site plan.

12 (d) If required by the Town Council, a security bond
13 shall be filed for or deposited in escrow with the Town in an
14 amount sufficient to insure completion of requirements as may be
15 imposed by the Town Council.

16 Section 8.

17 (a) For the purpose of assuring a good arrangement and
18 appearance and ensuring harmony with the goals of this ordinance,
19 site plans for the following major uses, not a part of an RPC
20 District or otherwise subject to separate procedures, shall be
21 subject to review by the Council:

- 22 (1) Multi-family dwellings.
- 23 (2) Single-family attached dwellings.

- 1 (3) Churches and other places of worship.
2 (4) Hotels and motels.
3 (5) Business and office buildings and commercial
4 buildings.

5 (b) A preliminary site plan for the above uses shall
6 be submitted to the Code Enforcement Official, who shall review
7 the plans for compliance with these regulations and the
8 requirements for preliminary site plans and shall transmit said
9 plans to the Council with comments for review at the next regular
10 meeting of the Council if the plans are submitted twenty (20)
11 days prior to said meeting. The number of copies of the plan to
12 be submitted shall be determined by the Town Council.

13 (c) If the Council determines that the proposed
14 development may have substantial impact on the physical, economic
15 or social environment or may require a more detailed technical
16 review, it may request additional information as necessary.
17 Council shall refer such application to the Planning and Zoning
18 Commission for its recommendations and report. Failure of the
19 Planning and Zoning Commission to report within twenty-five (25)
20 days after of the submission of the proposal to it shall be
21 deemed approved.

22 (d) The Council shall examine the proposed development
23 with respect to the traffic and circulation patterns, internal

1 and external, utilities, drainage and community facilities,
2 existing or proposed, surrounding development, existing or
3 future, the preservation of trees or historic sites, provision
4 for open space and, in general, with the objective of ensuring a
5 durable, harmonious and appropriate use of the land in accord
6 with the objectives of this ordinance. A public hearing shall
7 be required; the plans shall be returned to the applicant within
8 ten (10) working days following the next meeting of Council
9 following the public hearing as approved, approved subject to
10 conditions or disapproved. If specified conditions are met in
11 revised plans, the code enforcement official may approve issuance
12 of building permits in accord with the revision without returning
13 the plans for further Council review. The code enforcement
14 official may approve minor changes in site plans after approval
15 by the Council and approve issuance of building permits
16 accordingly if, in his opinion, such changes do not substantially
17 affect the original approval of conditions attached thereto.

18 (e) Nothing in this section shall be interpreted to
19 permit the granting of variance or exception to the regulations
20 of this chapter or to abridge the procedures or requirements of
21 the laws and ordinances governing the subdivision of land.

22 Section 9.

1 (a) The preliminary site plan shall show the North
2 point, scale and date.

3 (b) The preliminary site plan shall show the
4 following:

5 (1) Plans shall show the seal and signature of a
6 registered Delaware land surveyor, and all drawings shall be on
7 sheets no larger than twenty-four by thirty-six (24 x 36) inches
8 and at a scale of not more than one hundred (100) feet to one (1)
9 inch.

10 (2) Geographical location, showing existing
11 zoning district boundaries.

12 (3) Proposed changes in zoning, if any.

13 (4) Topographic contours at one-foot intervals,
14 unless waived by the Council as clearly unnecessary to review the
15 project or proposal.

16 (5) The location and nature of all proposed
17 construction, excavation or grading, including but not limited to
18 buildings, streets and utilities.

19 (6) Net development area.

20 (7) The approximate number of dwelling units to
21 be included in each type of housing: single-family detached
22 dwellings, multi-family dwellings and single-family attached
23 dwellings.

1 (8) Proposed buildings and structures, with
2 dimensions, setbacks and heights designated.

3 (9) The approximate location and size of
4 nonresidential areas, if any (parking areas, loading areas or
5 other).

6 (10) The approximate location and size of
7 recreational areas, if any.

8 (11) The approximate location of point of ingress
9 and egress to existing public highways.

10 (12) The number of construction phases proposed,
11 if any, with the plot showing the approximate boundaries of each
12 phase and the proposed completion date of each phase.

13 (c) The Council may establish additional requirements
14 for preliminary site plans and may waive a particular requirement
15 if, in its opinion, the inclusion of that requirement is not
16 essential to a proper decision on the project. If a preliminary
17 site plan is approved by the Council without inclusion of a
18 particular requirement, the Council is deemed to have waived that
19 requirement.

20 Section 10.

21 (a) The final plot plan shall comply with all existing
22 laws, regulations and ordinances governing the approval of
23 subdivisions and provide sufficiently accurate dimensions and

1 construction specifications to provide the date necessary for the
2 issuance of construction permits. The final site plan shall show
3 the North point, scale and date. The scale shall be as specified
4 in Section 8.

5 (b) The final site plan shall show the following:

6 (1) The proposed title of the project and the
7 names of the engineer, architect, designer or landscape architect
8 and the developer.

9 (2) The geographical location, showing the
10 existing zoning district and boundaries; the boundaries of the
11 property involved, the location of all existing easements and
12 property lines, existing streets, buildings or waterways and
13 other existing physical features in the project; and the location
14 and sizes of sanitary and storm sewers, water mains, culverts and
15 other underground structures in or near the project.

16 (3) The net development area.

17 (4) The number of dwelling units to be included
18 in each type of housing: single-family detached dwellings,
19 multi-family dwellings and single-family attached dwellings.

20 (5) The location and character of construction of
21 proposed streets, alleys, driveways, curb cuts, entrances and
22 exits, parking and loading areas, including numbers of parking

1 and loading spaces, outdoor lighting systems, storm drainage and
2 sanitary facilities.

3 (6) The location of proposed lots, setback lines
4 and easements and proposed reservations for parks, parkways,
5 playgrounds, school sites and open spaces.

6 (7) The location, with respect to each other and
7 to lot lines and height, of all proposed buildings and
8 structures, accessory and main, or major excavations. The
9 locations should be drawn to scale, and full dimensioning is
10 required.

11 (8) The plans and elevations of the several
12 dwelling types and other buildings, as may be necessary.

13 (9) The location, height and material of all
14 fences, walls, screen planting and landscaping.

15 (10) The proposed location and character of
16 nonresidential uses, commercial or industrial uses, accessory or
17 main.

18 (11) The location, character, size, height and
19 orientation of proposed signs.

20 (12) A tabulation of the total number of acres in
21 the project, gross or net, as required in the district
22 regulations, and the percentage thereof proposed to be devoted to
23 the several dwelling types, commercial uses, other nonresidential

1 uses, off-street parking, streets, parks, schools and other
2 reservations.

3 (13) A tabulation of the total number of dwelling
4 units of various types in the project and the overall project
5 density in dwelling units per acre, gross or net, as required by
6 district regulations.

7 (c) The Council may establish additional requirements
8 for final site plans and may waive a particular requirement if,
9 in its opinion, the inclusion of that requirement is not
10 essential to a proper decision on the project. If a preliminary
11 site plan is approved by the Council without the inclusion of a
12 particular requirement, the Council is deemed to have waived that
13 requirement.

14 Section 11. The procedure for amendment of the boundaries
15 of an approved RPC District shall be the same for a new
16 application, except that minor amendments of an approved site
17 plan or of conditions attached to an approved RPC District or
18 site plan may be approved by the Council at a regular meeting and
19 without a public hearing, provided, that such change or
20 amendment:

21 (a) Does not alter a recorded RPC plat.

22 (b) Does not conflict with the specific requirements
23 of this chapter.

1 (c) Does not change the general character or content
2 of an approved development plan or use.

3 (d) Applies to an approved condition originating with
4 the Council.

5 (e) Has no appreciable effect on adjoining or
6 surrounding property.

7 (f) Does not result in any substantial change of major
8 external access points.

9 (g) Does not increase the approved number of dwelling
10 units or height of buildings.

11 (h) Does not decrease the minimum specified yards and
12 open spaces or minimum or maximum specified parking and loading
13 spaces.

14 Section 12.

15 (a) No vacant land shall be occupied or used until a
16 certificate of compliance shall have been issued by the code
17 enforcement official.

18 (b) No premises shall be used and no buildings
19 hereafter erected or structurally altered shall be used, occupied
20 or changed in use until a certificate of compliance shall have
21 been issued by the code enforcement official that the building or
22 proposed use of a building or premises complies with the building
23 laws and the provisions of these regulations.

1 (c) Certificates of compliance shall be applied for
2 coincident with the application for building permit and shall be
3 issued within ten (10) days after the erection or structural
4 alteration of such buildings shall have been completed in
5 conformity with the provisions of these regulations. A record of
6 all certificates shall be kept on file in the office of the Town.

7 (d) No permit for excavation for any building shall be
8 issued before application has been made for a certificate of
9 compliance.

10 (e) Upon written request from the owner, the code
11 enforcement official shall issue a certificate of compliance for
12 any building or premises existing at the time of adoption of this
13 chapter or any changes or amendments thereto, certifying after
14 inspection and investigation the extent and kind of use made of
15 the building or premises, and whether such use conforms to the
16 provisions of this chapter or is to be deemed a non-conforming
17 use.

18 Section 13.

19 (a) No building and/or manufactured home shall be
20 erected, constructed, altered, moved, converted, placed, extended
21 or enlarged without the owner or owners first having obtained a
22 building permit therefor from the code enforcement official, and

1 such permit shall require conformity with the provisions of this
2 chapter.

3 (b) A filing fee shall accompany each application for
4 a building permit, in such amount as may be determined by the
5 Town Council, a schedule of such fees to be filed with the code
6 enforcement official. Any building permit lawfully in force at
7 the effective date of this chapter, pursuant to which actual
8 construction has not begun prior to that effective date, requires
9 payment of such filing fee prior to the start of construction.

10 (c) A building permit issued in accordance with the
11 provisions of this chapter shall become void twelve (12) months
12 after the date of its issuance if the construction for which it
13 was issued has not been started or has been substantially
14 discontinued.

15 (d) No building permit lawfully issued by the code
16 enforcement officer prior to the effective date of this chapter
17 shall be invalidated by the passage of this chapter, provided
18 that actual construction, pursuant to the permit's own terms and
19 provisions and ordinances and regulations thereto, shall have
20 begun within the effective date of the permit.

21 (1) Grading of a lot and/or staking shall not be
22 construed as actual construction.

1 (2) One (1) permit issued to cover more than one
2 (1) building remains valid for all of the buildings covered by
3 the permit if actual construction as provided above shall have
4 commenced prior to the expiration of the permit, subject only to
5 Subsection D(3) below.

6 (3) In any event, the permit shall be invalidated
7 if actual construction is discontinued for reasons other than
8 those beyond the permit holder's control.

9 (e) All building permit applications for new
10 construction or substantial improvements in the flood-prone
11 districts shall include the elevation, in relation to mean sea
12 level, of the lowest habitable floor, including basement, and
13 whether or not such new construction or substantial improvement
14 contains a basement, and whether or not the new construction or
15 substantial improvement has been floodproofed and, if the reply
16 is affirmative, the elevation, in relation to mean seal level, to
17 which it was floodproofed.

18 (f) If any subdivision or other new developments are
19 proposed within the flood-prone districts, a building permit
20 shall be issued only after the following items are submitted and
21 approved:

22 (1) A plan which accurately located the
23 construction proposal with respect to the flood-prone

1 developments. Included shall be all plans for proposed
2 subdivision and/or land development to assure that:
3

4 (aa) All such proposals are consistent with
5 the need to minimize flood damage.

6 (bb) All public and private utilities and
7 facilities, such as sewer, water, on-site waste disposal, gas and
8 electrical systems, are located and constructed to minimize or
9 eliminate infiltration of floodwaters into the systems and
10 discharges from the systems into floodwaters.

11 (cc) Adequate drainage is provided so as to
12 reduce exposure to flood hazards.

13 (2) Such a plan shall also include existing and
14 proposed contours and elevations of the ground, storage
15 elevations, structure, size, locations and elevations of streets,
16 water supply, sanitary facilities, soil types and floodproofing
17 measures.

18 (3) A document certified by a registered
19 professional engineer or architect that adequate precautions
20 against flood damage have been taken with respect to the design
21 of any building or structure and that the plans for the
22 development of the site adhere to the requirements and provisions
of this ordinance.

1 (h) If a watercourse is to be altered or relocated as
2 a result of any development, no permit shall be issued by the
3 code enforcement official until the code enforcement official has
4 received from the developer the following:

5 (1) Evidence that the carrying capacity of the
6 watercourse will be maintained; and

7 (2) Evidence that the adjacent communities and
8 the State Office of Planning have received prior notification of
9 the proposed relocation/alteration and that copies of such
10 notifications shall be submitted to the Federal Insurance
11 Administrator.

12 (i) Any permitted development in the flood-prone
13 districts is subject to all applicable state and federal codes
14 and regulations.

15 Section 14. All application for building permits shall be
16 accompanied by a drawing or plat in duplicate or as required by
17 the Council, showing, with dimensions, the lot lines, the
18 building or buildings, the location of buildings on the lot and
19 such other information as may be necessary to provide for the
20 enforcement of these regulations, including, if necessary, a
21 boundary survey and staking of the lot by a competent surveyor
22 and complete construction plans. The drawings shall contain
23 suitable notations indicating the proposed use of all land and

1 buildings. A careful record of the original copy of such
2 applications and plats shall be kept in the office of the Town,
3 and a duplicate copy shall be kept at the building at all times
4 during construction.

5 Section 15.

6 (a) All persons, firms or corporations appealing to
7 the Board of Adjustment shall be required to pay, in advance,
8 such amount as may be required by the Town Council.

9 (b) All persons, firms or corporations applying for an
10 amendment to the Zoning Ordinance or a change in the
11 classification of a district or a portion thereof shall be
12 required to pay, in advance, such amount as may be required by
13 the Town Council.

14 (c) The payment of such money in advance shall be
15 deemed a conditional precedent to the consideration of such
16 appeal, conditional use permit or amendment. Fees shall be
17 refunded on request if an application is withdrawn before
18 publication of required notices in the newspaper.

19 Section 16. In interpreting and applying the provisions
20 of this chapter, they shall be held to be the minimum
21 requirements for the promotion of the public safety, health,
22 convenience, comfort, prosperity or general welfare. It is not
23 intended by this chapter to interfere with or abrogate or annul

1 any easement, covenants or other agreement between parties;
2 provided, however, that where this chapter imposes a greater
3 restriction upon land development or construction or the use of
4 buildings or premises or upon the height of buildings or requires
5 larger open spaces than are imposed or required by other
6 resolutions, ordinances, rules or regulations or by easements,
7 covenants or agreements, the provisions of this chapter shall
8 govern, If, because of error or omission the Zoning District
9 Map, any property in the jurisdiction of this chapter is not
10 shown as being in a zoning district, the classification of such
11 property shall be classified R-Residential, until changed by
12 amendment.

1 line than the rearmost portion of the main building being located
2 not less than three (3) feet from the rear line of said lot.

3 Section 6. On any corner lot, no wall, fence, or other
4 structure shall be erected or altered and no hedge, tree, shrub
5 or other growth shall be maintained which may cause danger to
6 traffic on a street by obscuring the view.

7 Section 7. Accessory uses may be conducted on any lot.

8 Section 8. An accessory building may be erected on any
9 lot provided it complies with the provisions of this Ordinance.

10 Section 9. Only one (1) principal use shall be located
11 on any lot in any district; however, more than one use will be
12 permitted in a Commercial District with one use per ten thousand
13 (10,000) square feet of land to a maximum of four (4) uses.

14 Section 10. On any corner, the front of the building
15 shall be determined by the owner and the front yard requireme
16 shall be determined by that selection. The front of the buildi
17 as determined by the owner of any corner lot shall not be u
18 for the storage of motor vehicles nor garbage or trash cans
19 shall have an entranceway into the building.

20 Section 11. Whenever the provisions of any other stat
21 ordinance or regulation imposes higher standards than
22 required by any provisions of this Ordinance, the provisio
23 said statute, ordinance or regulation shall govern.



1 Section 12. Whenever the provisions of this Ordinance
2 imposes higher standards than are required by any other statute,
3 ordinance or regulation, the provisions of this Ordinance shall
4 govern.

5 Section 13. For any multi-family dwelling, there shall be
6 a lot area of not less than 7,500 square feet for each dwelling
7 unit.

8 Section 14.

9 (a) From the date of any annexation of territory to
10 the incorporated area of the Town of Frankford, that territory
11 shall be included in the R-Residential District.

12 (b) Any lot or parcel recorded in the Office of the
13 Recorder of Deeds, in and for Sussex County, in Georgetown,
14 Delaware, or pending approval in the subdivision process under
15 the regulation of Sussex County as of December 31, 1991, said lot
16 or parcel may be used for the erection of a structure conforming
17 to the use regulations of the Residential District even though
18 area and lot width requirements are less than the minimum
19 required in the ordinance.

20 Section 15. There is herewith established a Planning and
21 Zoning Commission which shall consist of five (5) members who
22 shall be appointed by the President of the Town Council and
23 confirmed by a majority of Town Council for a term each of three

1 (3) years, except that a member appointed to fill a vacancy
2 occurring for any reason other than expiration of term, shall be
3 appointed for the unexpired term. Each member shall reside or be
4 a property owner of real property in the Town of Frankford.
5 Originally, two (2) members shall be appointed for three (3)
6 years, two (2) members for two (2) years and the remaining member
7 for one (1) year. The members shall serve with no compensation.
8 The purpose of the Planning and Zoning Commission is, upon
9 referral to it by Town Council, to review proposed amendments and
10 other site plans and make recommendations in accordance with the
11 terms of this Ordinance to Town Council pursuant to the terms of
12 this Ordinance.

1 ARTICLE XIV--NON-CONFORMING USES, STRUCTURES AND LOTS

2 Section 1. All uses located either within a building or
3 other structure or part thereof, or on the land, or any
4 combination of both, which, on the effective date of this
5 Ordinance, become non-conforming may be continued so long as they
6 remain otherwise lawful, including subsequent sales of property.

7 Section 2. Non-conforming buildings, structures or land
8 shall not be added to nor enlarged upon in any manner unless the
9 building, structure or land, including additions and enlargements
10 thereof, are made to comply with all the regulations of the
11 district in which they are located. No structural alterations
12 may be made other than those ordered by the Code Enforcement
13 Officer to assure the safety of a non-conforming building or
14 structure.

15 Section 3. If a building or structure is conforming as
16 to use, but non-conforming to area or setback restrictions, or
17 off-street parking requirements, the building or structure may be
18 enlarged or added to provided that the enlargement or addition
19 complies with the area and setback requirements of the Ordinance
20 in the district in which it is located and the existing
21 buildings, plus its addition complies with the off-street parking
22 regulations of the district in which the building or structure is
23 located.

1 Section 4. No non-conforming building or structure shall
2 be moved in whole or in part to another location on the lot
3 unless every portion of the building or structure is made to
4 comply with all the regulations of the district in which it is
5 located.

6 Section 5. If a non-conforming use of a building or land
7 ceases for a continuous period of more than one year, the non-
8 conforming use shall be deemed to be abandoned and any subsequent
9 use of the building or land shall comply with the provisions of
10 this Ordinance. The casual, intermittent, temporary or illegal
11 use of land or buildings shall not be sufficient to establish the
12 existence of a non-conforming use, and the existence of a non-
13 conforming use on a part of a lot or tract shall not be
14 construed to establish a non-conforming use on the entire lot or
15 tract.

16 Section 6. A non-conforming use of a building or
17 structure may be changed to another non-conforming use of the
18 same or in a more restrictive classification if authorized as a
19 special exception by the Board of Adjustment. If a more
20 restrictive use is authorized, the preceding use shall not be
21 restored even if the ownership changes.

22 Section 7. A non-conforming use of a building or
23 structure shall not be expanded into any other portion of such

1 conforming building or structure nor changed, except to a
2 conforming use. If a non-conforming use or portion thereof is
3 discontinued as provided for in this Ordinance or changed to a
4 conforming use, any future use of such building, structure or
5 portion thereof shall be in compliance with the provisions of
6 this Ordinance.

7 Section 8. In the event that a non-conforming use of a
8 building in any district is destroyed or partially destroyed by
9 any cause, such non-conforming use of the property may be
10 continued provided that the reconstruction, replacement or
11 repair of the building is commenced within six (6) months from
12 the date of such destruction or partial destruction and completed
13 within one (1) year from that date of such destruction; and
14 provided that the floor area of the new structure does not
15 exceed the area of the non-conforming use that was destroyed or
16 partially destroyed. Any extension required may be requested
17 from the Board of Adjustment.

18 Section 9. When a conforming or non-conforming building
19 is destroyed by fire, explosion, or by any other cause, the
20 debris from such building shall be removed from the premises
21 within thirty (30) days so that the same shall not remain as a
22 nuisance thereon.

1 Section 10. Except as herein provided, in any residential
2 district where the owner of a lot at the time of the adoption of
3 this ordinance or his successor in title thereto does not own
4 sufficient land to enable him to conform to the minimum lot area
5 and/or frontage requirements of this ordinance, such lot may be
6 used as a building site for a single family residence, provided
7 that all requirements for the district in which said lot is
8 located are maintained.

9

ARTICLE XV--SIGNS

1
2 Section 1. No sign shall be erected or maintained in any
3 district other than signs of the character, size and construction
4 expressly authorized by this Ordinance.

5 Section 2. The following signs are permitted in all
6 districts:

7 (a) Signs of duly constituted governmental bodies,
8 including traffic, parking or similar regulatory devices, legal
9 notices, directional signs and street name signs.

10 (b) Signs required to be maintained or posted by law
11 or governmental regulation.

12 (c) Signs which are not visible off the lot on which
13 they are situated.

14 (d) Signs not exceeding one and one-half (1 1/2)
15 square feet in area, displayed strictly for the direction, safety
16 or convenience of the public, including signs identifying parking
17 area entrances and exits, freight entrances, public restrooms and
18 similar types of signs.

19 (e) A contractor's sign not exceeding four (4) square
20 feet in area erected only during the time that construction work
21 is in progress.

22 ~~*~~Section 3. Signs shall not be lighted in any manner
23 which may constitute a traffic hazard or be a nuisance.

1 ~~*~~Section 4. No sign that provides blinking, moving,
2 animation, revolving, chaser lights or moving spotlights shall be
3 erected in any district.

4 Section 5. The following signs shall be permitted in an
5 R-Residential District and an MR-Medium Density Residential
6 District.

7 (a) One (1) name plate sign no larger than one and
8 one-half (1 1/2) square feet in area displaying the name and
9 street address of the occupant of the property, the name and
10 street address of a building, or the name of a building manager,
11 or the name of a permitted use.

12 (b) One (1) temporary sign for the purpose of
13 advertising the sale, lease or rental of the property; provided
14 however, that in the case of a property facing on more than one
15 (1) street, two (2) "For Sale" signs may be erected, one such
16 sign on each street. Such sign shall not exceed 1080 square
17 inches in area and not more than thirty (30) inches in height
18 above ground.

19 (c) One (1) temporary real estate development sign
20 advertising property in the process of development. If the
21 property faces on more than one (1) street, one (1) such sign may
22 be erected on each such street. Such sign shall not exceed 1080

1 square inches in area and not more than thirty (30) inches in
2 height above ground.

3 (d) One (1) professional sign displaying the name and
4 occupation or professional person or group of persons for the
5 identification of a permitted occupation. Such sign shall not
6 exceed 216 square inches in area and not more than thirty (30)
7 inches in height above ground.

8 (e) One (1) announcement board displaying the
9 announcements of a religious, educational, philanthropic or
10 fraternal organization. Such sign shall not exceed 1080 square
11 inches in area and not more than thirty (30) inches in height
12 above ground.

13 (f) One temporary sign per subdivision or Planned
14 Residential Community indicating the sale of property within such
15 subdivision; this sign shall not be larger than twelve (12)
16 square feet in area, nor shall be more than four (4) feet in
17 height above ground and not illuminated. Permission for this
18 sign shall be for three hundred and sixty (360) days beginning at
19 the date of recording of the signed plat of the subdivision or
20 planned residential community. An extension of an additional one
21 hundred eighty (180) days may be granted the Code Enforcement
22 Official, but in no case shall any such temporary sign remain or
23 be erected on the property after five hundred and forty (540)

1 days from the date of recording of the signed plat of the
2 subdivision or planned residential community.

3 (g) Signs indicating the names of subdivisions,
4 provided such signs are of permanent type construction and do not
5 contain any information pertaining to sales or rentals of
6 property, shall be based on the sign not exceeding a size
7 adequate for identification, not exceeding four (4) feet in
8 height, and are approved by the Code Enforcement Official prior
9 to construction.

10 Section 6. The following type sign shall be permitted in
11 LI-Light Industrial, C-General Commercial and NB-Neighborhood
12 Business District.

13 (a) All signs permitted in the R-Residential District
14 and the MR-Medium Density Residential District shall be permitted
15 in a NB-Neighborhood Business District, a C-General Commercial
16 District and a LI-Light Industrial District.

17 (b) No sign shall be erected which is higher than the
18 top of the first lowest roof line or the top of any false front,
19 whichever is the higher; provided, however, that the maximum
20 height shall not exceed thirty-five (35) feet.

21 (c) The maximum size of any sign shall be one (1)
22 square foot for each foot of building frontage on the lot, but
23 shall not exceed one hundred fifty (150) square feet.

1 Section 7. No sign shall be enlarged or altered in any
2 way which increases its non-conformity.

3 Section 8. If any non-conforming sign is destroyed by
4 any means to an extent of more than fifty percent (50%) of its
5 size, it shall not be reconstructed except in compliance with the
6 provisions of this Ordinance.

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ARTICLE XVI--BOARD OF ADJUSTMENT

Section 1. There is herewith established the Board of Adjustment which shall consist of three (3) members, appointed pursuant to the provisions of Chapter 3, Title 22, Del. C., which shall have the powers therein defined and conferred.

Section 2. The Board of Adjustment may:

(a) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by a code enforcement official in the enforcement of this Ordinance.

(b) Special exceptions exist in order to provide for adjustments in the relative location of uses and buildings, to promote the usefulness of these regulation and to supply the necessary elasticity to the efficient operation of these regulations. Special use exceptions, limited as to locations and terms described in this ordinance, as special yard and height exceptions as are permitted by the terms of this ordinance may be permitted if the Board of Adjustment finds that, as a matter of fact, such exceptions will not substantially affect adversely the uses of the adjacent and neighboring property. The Board of Adjustment may add such additions conditions and safeguards as are appropriate under the general intent of this ordinance or to deny special exceptions when the particular use or structure

1 cannot be accommodated to a particular site without violating the
2 intent of this code.

3 (b) Hear and decide special exceptions to the terms of
4 this Ordinance upon which the Board is required to pass pursuant
5 to the terms of this Ordinance.

6 (c) Authorize, in specific cases, such variance from
7 any zoning ordinance, code or regulation that will not be
8 contrary to the public interest, where, owing to special
9 conditions or exceptional situations, a literal interpretation of
10 any zoning ordinance, code or regulation will result in
11 unnecessary hardship or exceptional practical difficulties to the
12 owner of property so that the spirit of the ordinance, code or
13 regulation shall be observed and substantial justice done,
14 provided such relief may be granted without substantial detriment
15 to the public good and without substantially impairing the intent
16 and purpose of any zoning ordinance, code, regulation or map.

17 (d) In exercising the powers conferred by this
18 Section, the Board of Adjustment may, in compliance with the
19 provisions of this Ordinance, reverse or affirm, wholly or
20 partly, or may modify the order, requirement, decision or
21 determination appealed from and may make such order, requirement,
22 decision or determination as ought to be made, and to that end

1 shall have all the power of the official from whom the appeal is
2 taken.

3 Section 3. Filing fee for appeal. A filing fee shall
4 accompany each appeal or application to the Board of Adjustment
5 in such amount as may be determined by Town Council, a schedule
6 of such fees to be filed with the Code Enforcement Official.

1 any proposed amendment, supplement or change to the regulations
2 and restrictions of this Ordinance, the boundaries of the various
3 districts, any site plan and application for residential planned
4 communities to the Planning and Zoning Commission for its
5 recommendations and report. Failure of the Planning and Zoning
6 Commission to report within twenty-five (25) days after
7 submission of the proposal to it shall be deemed approval. The
8 Planning and Zoning Commission shall hold a public hearing on any
9 proposed amendment, supplement or change, any site plan and any
10 application for a residential planned community before submitting
11 its report to the Town Council, and for this purpose may request
12 the submission of all pertinent data and information by any
13 person concerned.

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ARTICLE XVIII--ENFORCEMENT

Section 1. The provisions of this Ordinance shall be enforced by the Code Enforcement Officer.

Section 2. For any and every violation of the provisions of this Ordinance, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which such violation has been committed or shall exist and the general agent, architect, builder, contractor or any other person who knowingly commits, takes part or assists in any or who maintains any building or premises in which such violation shall exist shall be deemed to have committed a misdemeanor and upon conviction thereof shall be fined not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) for each and every offense.

Section 3. For the purpose of this Ordinance each day that a violation continues shall be deemed to be a separate offense.

Section 4. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in

1 violation of the provisions of this Ordinance, the Code
2 Enforcement Officer may, in addition to any other remedy,
3 institute any appropriate action or proceeding to prevent such
4 unlawful erection, construction, reconstruction, alteration,
5 repair, conversion, maintenance or use to restrain, correct or
6 abate such violation and to prevent the occupancy of the
7 building, structure or land, to prevent any illegal act, conduct,
8 business or use in or about such premises.

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ARTICLE XIX--VALIDITY

Section 1. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or of any other part thereof.

Ordinance No. 14 was adopted by the Council of the Town of Frankford, Delaware on the twelfth day of November, A.D. 1992.

Steven C. Brought
Steven C. Brought, President
of the Town Council of the
Town of Frankford, Delaware

Bernard P. Lynch
Bernard P. Lynch
Secretary/Treasurer of the
Town Council of the
Town of Frankford, Delaware