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ARTICLE II--PURPOSE

Section 1. The Frankford Town Council deems it necessary to enact a Zoning Ordinance to preserve the unique characteristics of the Town of Frankford as a family-oriented community situated next to a rapidly expanding resort area; to provide for the general welfare and health of the people; to control congestion; to prevent overcrowding of land; to increase safety for fire, flooding, panic, traffic and other dangers; to provide for orderly population and business growth; and to facilitate the efficient and economic provision of transportation, water, sewerage, schools, parks and other public requirements.

Section 2. The Frankford Town Council deems it necessary to provide appropriate regulations with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality in order to make the Town a better place in which to live and to provide for the well being of those who live in the Town of Frankford.
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.
(f) Boarding House means a single-family detached owner-occupied dwelling where the owner provides rooms and meals for not more than six (6) lodgers, but shall not include homes for the mentally retarded, handicapped, alcoholic rehabilitants or any other persons whose fees are paid by persons other than himself.

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

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

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

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

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

(l) Family means a single person occupying a dwelling unit and maintaining a household; two (2) or more persons related
by blood, marriage or adoption occupying a dwelling unit, living
together and maintaining a common household, including not more
than one (1) boarder, roomer or lodger; or not more than two (2)
unrelated persons occupying a dwelling unit and maintaining a
common household.

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

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

(o) Home Occupation shall mean a use customarily
carried on within a dwelling by the inhabitants thereof, which
use is incidental and subordinate to the residential use. Such
business must be operated by the owner or his or her immediate
family who must live in the dwelling full time. No more than one
unrelated person may be employed in such business. Home
occupations shall not be interpreted to include the following:
barber and beauty schools, tea rooms, restaurants, convalescent
homes, stables or kennels.
(p) Hotel, Motel or Inn means a building or structure operated for profit, providing lodging, food and/or service to the transient traveling public and may include restaurants, taverns, clubrooms, public banquet halls, ballrooms or meeting rooms, but the individual living units shall not contain kitchen facilities.

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

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

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

(t) Multi-Family Dwelling means a building designed for and occupied exclusively as a residence for three (3) or more families living independently of one another which is no more than three (3) stories in height or thirty-five (35) feet in height, whichever is the lesser, and which has adequate open space and landscaping; and no part of such building shall have
been formerly used as a cabin, railroad car, mobile home or houseboat.

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

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

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

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

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

(z) **Rear Yard** means the required open space extending along the rear lot line (not a street line) through the whole width of the lot.
(aa) Rooming House shall mean a single-family detached dwelling where there is one (1) or more bedrooms which the proprietor can spare for the purpose of giving lodging to such persons as he chooses to receive, but shall not include homes for the mentally retarded, handicapped, alcoholic rehabilitants or any other persons whose fees are paid by persons other than himself.

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

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

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

(ee) Sign Business means and includes a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered on the same property on which the sign is maintained.
(ff) Sign Surface Area means, for the purpose of determining the size of signs, the surface area to be computed as including the entire area when a regular, geometric combination of forms comprising all display matter of the sign and including all the elements of the matter displayed. Frames and structural members not bearing advertising matter shall be included in the computation of surface area.

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

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

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

(jj) Special Exception means the permission or approval granted by the Board of Adjustment in situations where provisions therefor are made by the terms of this Ordinance.
(kk) **Street** means a public right of way which provides a means of public access to the abutting property.

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

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

Section 2. Words used in the singular include the plural, words used in the plural include the singular.
ARTICLE IV-DISTRICTS

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.
ARTICLE V--R-RESIDENTIAL DISTRICTS

In R-Residential Districts, the following Regulations shall be applicable:

Section 1. In a R-Residential District, a building may be erected, altered or used on a lot or premises and may be used for any of the following purposes and none other:

(a) Single-family detached dwelling.

(b) Home occupation.

(c) Farming uses limited to: cropland, truck garden, orchard; provided, moreover, no commercial raising of animals shall be permitted.

(d) Accessory use incidental to and subordinate to the principal use of the lot.

(e) Signs as provided in Article XIV.

Section 2. Uses permitted as special exception:

(a) Bed and breakfast inn.

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

Section 3. The height of a building shall not exceed thirty-five (35) feet in height nor more than three (3) stories, exclusive of basement.

Section 4.

(a) Every lot shall have:
(1) A minimum width of seventy-five (75) feet.

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

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

Section 5. There shall be:

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

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

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

Section 6. Every dwelling hereafter erected on a lot shall have a minimum living area of one thousand (1,000) square feet, exclusive of basements, decks and porches, for the first story. A second story shall have a minimum living area of five
hundred (500) square feet exclusive of decks and porches. Any
building hereafter altered to contain more than one (1) living
unit shall have a minimum living area for each living unit of
one thousand (1,000) square feet, excluding basements, decks and
porches for the first story. A second story shall have a minimum
living area for each living unit of five hundred (500) square
feet exclusive of decks and porches.
ARTICLE VI

MR-MEDIUM DENSITY RESIDENTIAL DISTRICT

Section 1. The purpose of this district is to permit variety in housing types and provide for residential densities appropriate for areas which are or will be served by public sanitary sewer and water systems and which are well-located with respect to major thoroughfares, shopping facilities and centers of employment.

Section 2. Permitted uses are as follows:

(a) Any use permitted in the R-Residential District.
(b) Multifamily dwellings
(c) Single family attached dwellings
(d) Signs as provided in Article XIV.

Section 3. Uses permitted as special exception:

(a) Bed and breakfast inn

Section 4. Permitted accessory uses are as follows:

(a) Any accessory use permitted in the R-Residential District.
(b) An office located in a main building for administration of a group of dwelling units.

Section 5. Height, area and bulk requirements shall be as follows:
adjacent to the line of a lot in a Single-Family Residential
District shall not be less than twenty (20) feet.

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

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

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

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

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

(c) Minimum yard requirements for single-family
detached dwelling shall be the same as for the R-Residential
district.
jewelry, office supplies, paint, sporting goods and stationery, and similar stores and shops.

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

(n) Signs as provided in Article XIV.

Section 2. Uses permitted as special exceptions.

(a) Museum.

(b) Bed and breakfast inn.

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

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

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

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

Section 6. In the case of a building used in whole or in part as a dwelling, there shall be a rear yard, the depth of which shall be at least ten (10) feet.
ARTICLE VIII--C-GENERAL COMMERCIAL

In the General Commercial District, the following regulations shall apply:

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

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

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

(c) Apartments above commercial businesses.

(d) Business machine shops for sales and service.

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

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

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

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

(i) Motor vehicle sales agency.
(j) Newspaper publishing and job printing.

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

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

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

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

(o) Undertaking and embalming.

(p) Private lodges.

(q) Radio station.

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

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

(t) Signs as provided in Article XIV.

Section 2. Uses permitted as special exceptions.

(a) Museum.

Section 3. No building or structure shall be erected or enlarged to exceed a height of thirty-five (35) feet.
Section 4. No principal or accessory structure shall be closer than twenty-five (25) feet to the boundary line, if such boundary line of a lot abuts a residential zone.

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

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

Section 7. The expansion or extension of any use permitted in the General Commercial District which could cause or exacerbate any noise, dust, odor, traffic or other problem or condition must be approved in advance by the Board of Adjustment as a special exception. In such case, the expansion or extension 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 properties. The Board of Adjustment may impose conditions upon approval, such as requiring the owner to improve or upgrade the existing facilities or uses in a manner which will result, with the expansion or extension, in a net improvement.
ARTICLE IX-RPC-RESIDENTIAL PLANNED COMMUNITY DISTRICT

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

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

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

(b) Commercial 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 one hundred (100) dwelling units in the planned development.

Section 3.

(a) To enable the district to operate in harmony with the plan for land use and population density embodied in these regulations, the RPC-Residential Planned Community District is created as a special district to be superimposed on other districts contained in these regulations and is to be so
designated by a special symbol for its boundaries on the Zoning
District Map.

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

Section 4.

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

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

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

Section 5. The land in an RPC District need not be under
single ownership, provided that proper assurances are given,
through the procedures contained in this Article or elsewhere in
these regulations, that the project can be successfully
completed.
Section 6. The procedures for establishment of an RPC District and approval and amendment of the site plans are contained in Article XI, Administration and Permits. The proposed development shall follow all applicable procedures, standards and requirements of the ordinance or ordinances and regulations governing the subdivision of land. No building permit shall be issued until a final plot of the proposed development or part thereof is approved, filed and recorded.

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

Section 8.

(a) The Town Council shall review the conformity of the proposed development with the standards of the goals and objectives of this ordinance, recognized principles of civic design, land use planning and landscape architecture. The minimum lot and yard requirements and maximum height requirements of the zoning district in which the development is located need not apply, except that the Town Council shall ensure an
appropriate relationship between uses of high intensity or height
within the RPC District and uses of low intensity or height,
existing or future, outside the proposed RPC District and to this
end may require that the regulation for minimum lots and yards
and maximum height shall be complied with inside of and near the
boundaries of the RPC District.

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

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

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

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

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

Section 12. Before approval of the development plan, the
town council may recommend or require a contract with safeguards
approved by the municipal attorney guaranteeing completion of the
development plan in a period to be specified by the council in
approving the site plan.
Section 13. In approving an RPC District, the Town Council may recommend and adopt a schedule of construction. If such a schedule is adopted, no permits for construction shall be issued except in accordance with the adopted schedule. Where both single-family and multi-family dwelling types are part of the development or where nonresidential uses are part of the development, the schedule of construction may require concurrent construction of a given type, number or use in that proportion recommended and adopted by the Council.

Section 14. If, after approval and recording of the final site plan, the permit holder desires to incorporate additional or after-acquired adjacent land area into the development plan, an informal conference with the Town Council shall be requested pursuant to Section 7 for the purpose of outlining the scope of the applications. If an application is filed for inclusion approval, the general procedural requirements of this Article shall apply, with the application being deemed an application to extend or amend an existing RPC. Any application for an extension or an amendment of an RPC District to incorporate additional land area into a previously approved plan shall be considered within the parameter of the establishment of a new and separate RPC District.
ARTICLE X—LI-LIGHT INDUSTRIAL DISTRICT

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

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

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

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

Section 2. The expansion or extension of any use permitted in the Light Industrial District which could cause or exacerbate any noise, dust, odor, traffic or other problem must be approved in advance by the Board of Adjustment as a special exception. In such case, the expansion or extension may be permitted if the Board of Adjustment finds that, as a matter of fact, it would not substantially affect adversely uses of the
adjacent and neighboring property. The Board of Adjustment may impose conditions upon approval, such as requiring the owner to improve or upgrade the existing facilities or uses in a manner which will result, with the expansion or extension, in a net improvement.

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

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

<table>
<thead>
<tr>
<th>USE</th>
<th>PARKING REQUIREMENT</th>
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<tbody>
<tr>
<td>(a) Single-family detached dwellings,</td>
<td>Two (2) spaces per family dwellings</td>
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<tr>
<td>multi-family dwellings</td>
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<tr>
<td>dwelling units and single-family</td>
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<tr>
<td>family attached dwellings</td>
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<tr>
<td>(b) Hotel, motel</td>
<td>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.</td>
</tr>
<tr>
<td>(c) Eating place, tavern, restaurant</td>
<td>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.</td>
</tr>
<tr>
<td>(d) Food service drive-in facility</td>
<td>Fifteen (15) spaces minimum, plus one (1) space for each one hundred fifty (150) square feet of floor area.</td>
</tr>
<tr>
<td>(e) Office, office building, bank or</td>
<td>One (1) space per two hundred (200) square feet of floor area, exclusive of basement if not used for office or customer service purposes.</td>
</tr>
<tr>
<td>other financial office</td>
<td></td>
</tr>
<tr>
<td>(f) Retail store; supermarket</td>
<td>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.</td>
</tr>
<tr>
<td>(g) Beauty and barber shop;</td>
<td>One (1) space per two hundred</td>
</tr>
</tbody>
</table>
other personal services (200) square feet of floor area.

(h) Shopping Center Five (5) parking spaces per thousand (1,000) square feet of gross leasable area.

(i) Funeral home One (1) space per twenty (20) square feet of floor area used for seating accommodations, plus one (1) space per employee.

(j) Commercial nurseries, sales outdoor equipment or Two (2) spaces per salesman of sales of new and during peak period of employment.

used cars, trucks, boats,
manufactured homes,
trailers and campers

(k) Gasoline service station Two (2) spaces for employees, plus one (1) space for each service pump.

(l) Automobile service and repair shop and public parking garage One (1) space per five hundred (500) feet of floor area, plus one (1) space per employee during peak period of employment.

(m) Public Library/public building One (1) space per four hundred (400) square feet of floor area for public use, plus one (1) space per two (2) employees.

(n) Church or other place of worship One (1) space for each five (5) seats.

(o) Rooming house, boarding house or bed and breakfast inn. One (1) space per rental room plus two (2) spaces for the resident family unit.
Section 2. Off-street parking facilities shall be provided on the premises to which they are applicable.

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

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

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

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

(d) Parking spaces in lots of more than ten (10) spaces shall be marked by painted lines or curbs or other means
to indicate individual spaces. Signs or markers shall be used as necessary to insure efficient traffic operation of the parking facilities.
ARTICLE XII—ADMINISTRATION AND PERMITS

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

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

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

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

Section 5. If a variance is granted by the Board of Adjustment and the variance is not exercised for a period of one
(1) year from the date of the decision by the Board of
Adjustment, the variance shall lapse and be void.

Section 6.

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

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

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

(a) When the preliminary site plan is approved by the
Town Council, it shall be returned to the applicant pending
preparation of the final site plan by the applicant. If a
schedule of construction phases has been approved by the Town
Council, the first of the final site plans need cover only the
designated initial construction phase, with an additional site
plan for each of the scheduled succeeding construction phases.
The Council may permit changes in the boundaries of the construction phases insofar as they do not affect the external boundaries of the approved preliminary site plan.

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

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

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

Section 8.

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

(1) Multi-family dwellings.

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

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

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

(d) The Council shall examine the proposed development 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.
(a) The preliminary site plan shall show the North point, scale and date.

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

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

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

(3) Proposed changes in zoning, if any.

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

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

(6) Net development area.

(7) The approximate number of dwelling units to be included in each type of housing: single-family detached dwellings, multi-family dwellings and single-family attached dwellings.
(8) Proposed buildings and structures, with dimensions, setbacks and heights designated.

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

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

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

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

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

Section 10.

(a) The final plot plan shall comply with all existing laws, regulations and ordinances governing the approval of subdivisions and provide sufficiently accurate dimensions and
construction specifications to provide the date necessary for the
issuance of construction permits. The final site plan shall show
the North point, scale and date. The scale shall be as specified
in Section 8.

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

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

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

(3) The net development area.

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

(5) The location and character of construction of
proposed streets, alleys, driveways, curb cuts, entrances and
exits, parking and loading areas, including numbers of parking
and loading spaces, outdoor lighting systems, storm drainage and
sanitary facilities.

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

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

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

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

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

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

(12) A tabulation of the total number of acres in
the project, gross or net, as required in the district
regulations, and the percentage thereof proposed to be devoted to
the several dwelling types, commercial uses, other nonresidential
uses, off-street parking, streets, parks, schools and other reservations.

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

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

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

(a) Does not alter a recorded RPC plat.

(b) Does not conflict with the specific requirements of this chapter.
(c) Does not change the general character or content of an approved development plan or use.

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

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

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

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

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

Section 12.

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

(b) No premises shall be used and no buildings hereafter erected or structurally altered shall be used, occupied or changed in use until a certificate of compliance shall have been issued by the code enforcement official that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations.
(c) Certificates of compliance shall be applied for coincident with the application for building permit and shall be issued within ten (10) days after the erection or structural alteration of such buildings shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Town.

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

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

Section 13.

(a) No building and/or manufactured home shall be erected, constructed, altered, moved, converted, placed, extended or enlarged without the owner or owners first having obtained a building permit therefor from the code enforcement official, and
such permit shall require conformity with the provisions of this chapter.

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

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

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

(1) Grading of a lot and/or staking shall not be construed as actual construction.
(2) One (1) permit issued to cover more that one building remains valid for all of the buildings covered by the permit if actual construction as provided above shall have commenced prior to the expiration of the permit, subject only to Subsection D(3) below.

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

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

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

(1) A plan which accurately located the construction proposal with respect to the flood-prone
developments. Included shall be all plans for proposed subdivision and/or land development to assure that:

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

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

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

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

(3) A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure and that the plans for the development of the site adhere to the requirements and provisions of this ordinance.
(h) If a watercourse is to be altered or relocated as a result of any development, no permit shall be issued by the code enforcement official until the code enforcement official has received from the developer the following:

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

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

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

Section 14. All application for building permits shall be accompanied by a drawing or plat in duplicate or as required by the Council, showing, with dimensions, the lot lines, the building or buildings, the location of buildings on the lot and such other information as may be necessary to provide for the enforcement of these regulations, including, if necessary, a boundary survey and staking of the lot by a competent surveyor and complete construction plans. The drawings shall contain suitable notations indicating the proposed use of all land and
buildings. A careful record of the original copy of such
applications and plats shall be kept in the office of the Town,
and a duplicate copy shall be kept at the building at all times
during construction.

Section 15.

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

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

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

Section 16. In interpreting and applying the provisions
of this chapter, they shall be held to be the minimum
requirements for the promotion of the public safety, health,
convenience, comfort, prosperity or general welfare. It is not
intended by this chapter to interfere with or abrogate or annul
any easement, covenants or other agreement between parties; provided, however, that where this chapter imposes a greater restriction upon land development or construction or the use of buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by other resolutions, ordinances, rules or regulations or by easements, covenants or agreements, the provisions of this chapter shall govern. If, because of error or omission the Zoning District Map, any property in the jurisdiction of this chapter is not shown as being in a zoning district, the classification of such property shall be classified R-Residential, until changed by amendment.
ARTICLE XIII--GENERAL PROVISIONS

Section 1. No building shall exceed thirty-five (35) feet in height, but this limitation shall not apply to the height of a church spire, church belfry, clock or wireless tower, water tank, chimney or similar structure.

Section 2. In the case of a lot extending through from one (1) street to another, front yard requirements shall be observed on both streets.

Section 3. No building and no part of a building shall be erected within or shall project into the front yard.

Section 4. No building and no part of a building shall be erected within nor project into any side yard, except cornices, eaves, gutters or chimneys projecting not more than eighteen (18) inches, provided that an accessory building may be built or constructed within one (1) of the side yards if entirely separated from the main building and located at least ten (10) feet further back from the front street line than the rearmost portion of the main building.

Section 5. No building and no part of a building shall be erected within nor shall project into the rear yard; provided however, that an accessory building may be constructed within the rear yard if entirely separated from the main building and if located at least ten (10) feet further back from the front street
line than the rearmost portion of the main building being located
not less than three (3) feet from the rear line of said lot.

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

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

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

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

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

Section 11. Whenever the provisions of any other sta
ordinance or regulation imposes higher standards than
required by any provisions of this Ordinance, the provisi
said statute, ordinance or regulation shall govern.
Section 12. Whenever the provisions of this Ordinance imposes higher standards than are required by any other statute, ordinance or regulation, the provisions of this Ordinance shall govern.

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

Section 14.

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

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

Section 15. There is herewith established a Planning and Zoning Commission which shall consist of five (5) members who shall be appointed by the President of the Town Council and confirmed by a majority of Town Council for a term each of three
(3) years, except that a member appointed to fill a vacancy occurring for any reason other than expiration of term, shall be appointed for the unexpired term. Each member shall reside or be a property owner of real property in the Town of Frankford. Originally, two (2) members shall be appointed for three (3) years, two (2) members for two (2) years and the remaining member for one (1) year. The members shall serve with no compensation. The purpose of the Planning and Zoning Commission is, upon referral to it by Town Council, to review proposed amendments and other site plans and make recommendations in accordance with the terms of this Ordinance to Town Council pursuant to the terms of this Ordinance.
ARTICLE XIV--NON-CONFORMING USES, STRUCTURES AND LOTS

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

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

Section 3. If a building or structure is conforming as to use, but non-conforming to area or setback restrictions, or off-street parking requirements, the building or structure may be enlarged or added to provided that the enlargement or addition complies with the area and setback requirements of the Ordinance in the district in which it is located and the existing buildings, plus its addition complies with the off-street parking regulations of the district in which the building or structure is located.
Section 4. No non-conforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of the building or structure is made to comply with all the regulations of the district in which it is located.

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

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

Section 7. A non-conforming use of a building or structure shall not be expanded into any other portion of such
conforming building or structure nor changed, except to a
conforming use. If a non-conforming use or portion thereof is
discontinued as provided for in this Ordinance or changed to a
conforming use, any future use of such building, structure or
portion thereof shall be in compliance with the provisions of
this Ordinance.

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

Section 9. When a conforming or non-conforming building
is destroyed by fire, explosion, or by any other cause, the
debris from such building shall be removed from the premises
within thirty (30) days so that the same shall not remain as a
nuisance thereon.
Section 10. Except as herein provided, in any residential district where the owner of a lot at the time of the adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the minimum lot area and/or frontage requirements of this ordinance, such lot may be used as a building site for a single family residence, provided that all requirements for the district in which said lot is located are maintained.
ARTICLE XV--SIGNS

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

Section 2. The following signs are permitted in all districts:
(a) Signs of duly constituted governmental bodies, including traffic, parking or similar regulatory devices, legal notices, directional signs and street name signs.
(b) Signs required to be maintained or posted by law or governmental regulation.
(c) Signs which are not visible off the lot on which they are situated.
(d) Signs not exceeding one and one-half (1 1/2) square feet in area, displayed strictly for the direction, safety or convenience of the public, including signs identifying parking area entrances and exits, freight entrances, public restrooms and similar types of signs.
(e) A contractor's sign not exceeding four (4) square feet in area erected only during the time that construction work is in progress.

Section 3. Signs shall not be lighted in any manner which may constitute a traffic hazard or be a nuisance.
Section 4. No sign that provides blinking, moving, animation, revolving, chaser lights or moving spotlights shall be erected in any district.

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

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

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

(c) One (1) temporary real estate development sign advertising property in the process of development. If the property faces on more than one (1) street, one (1) such sign may be erected on each such street. Such sign shall not exceed 1080
square inches in area and not more than thirty (30) inches in height above ground.

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

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

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

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

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

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

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

(c) The maximum size of any sign shall be one (1) square foot for each foot of building frontage on the lot, but shall not exceed one hundred fifty (150) square feet.
Section 7. No sign shall be enlarged or altered in any way which increases its non-conformity.

Section 8. If any non-conforming sign is destroyed by any means to an extent of more than fifty percent (50%) of its size, it shall not be reconstructed except in compliance with the provisions of this Ordinance.
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
cannot be accommodated to a particular site without violating the intent of this code.

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

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

(d) In exercising the powers conferred by this Section, the Board of Adjustment may, in compliance with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end
shall have all the power of the official from whom the appeal is taken.

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

Section 1. The regulations and restrictions set forth herein that the boundaries of the various districts may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such changes, signed by the owners of twenty percent (20%) or more, either of the area lots included in such proposed change, or of those immediately adjacent thereto extending one hundred (100) feet therefrom, or of those directly opposite thereto, extending one hundred (100) feet back from the street frontage of such opposite lots, such amendments shall not become effective except that by the favorable vote of three-fourths (3/4) of all the members of the Town Council.

Section 2. The Town Council may, from time to time amend, supplement or change the regulations and restrictions established by this Ordinance and the boundaries of the various districts established herein. However, no such amendment, no site plan, and no residential planned community shall become effective until after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in a paper of general circulation in The Town of Frankford. Town Council shall refer
any proposed amendment, supplement or change to the regulations and restrictions of this Ordinance, the boundaries of the various districts, any site plan and application for residential planned communities to the Planning and Zoning Commission for its recommendations and report. Failure of the Planning and Zoning Commission to report within twenty-five (25) days after submission of the proposal to it shall be deemed approval. The Planning and Zoning Commission shall hold a public hearing on any proposed amendment, supplement or change, any site plan and any application for a residential planned community before submitting its report to the Town Council, and for this purpose may request the submission of all pertinent data and information by any person concerned.
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
violation of the provisions of this Ordinance, the Code
Enforcement Officer may, in addition to any other remedy,
institute any appropriate action or proceeding to prevent such
unlawful erection, construction, reconstruction, alteration,
repair, conversion, maintenance or use to restrain, correct or
abate such violation and to prevent the occupancy of the
building, structure or land, to prevent any illegal act, conduct,
business or use in or about such premises.
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
President
of the Town Council of the
Town of Frankford, Delaware

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