

CHAPTER 1111. RESIDENTIAL DISTRICT REGULATIONS

1111.01. Purpose.

Residential districts and their regulations are established to achieve the following purposes:

- (a) To provide residential areas for neighborhoods consistent with the land use designations of the City of Delaware Comprehensive Plan.
- (b) To provide a range of housing types and densities that serve all economic segments of the community and emphasize high quality developments.
- (c) To provide for the proper location of certain neighborhood businesses, institutions, and other community facilities that complement residential development to increase general convenience, safety, and amenities.
- (d) To meet the goals and objectives of the City of Delaware Comprehensive Plan.

1111.02. Relevant Complementary Chapters

Title	Chapter
Definitions	1102
Procedures (for approval)	1105
Conditional Uses	1105
Subdivision regulations	1106
Landscaping and screening	1121
Parking and Loading	1123
Lighting	1124
Accessory Dwelling Units	1131
Home Occupation	1132
Bed and Breakfast	1133

1111.03. Residential Districts.

- (a) The Agricultural District (A-1) is established to provide for agricultural activities, open recreational uses, and other open land uses, and is primarily located near the periphery of the urban area to protect agricultural areas from encroachment of urban-type uses until such time as the area is ready for more intense development.
- (b) The Residential Single Family (R-SF) district is established to provide land for low-density and medium-low density single-family residential development and is located throughout the urban area to provide traditional suburban housing options.
- (c) The Residential Neighborhood Transition (R- NT) district is established primarily to provide land for one and two-family uses on smaller lots, enabling residential development similar in character to the walkable historic neighborhoods of the City, with a variety of housing types permitted in proximity to each other.
- (d) The Residential Neighborhood Mixed (R-NX) district is established to provide land for a variety of residential uses complemented by incidental, limited commercial uses like corner stores, counter service restaurants or similar low impact uses.

PART ELEVEN - PLANNING AND ZONING CODE
 TITLE TWO - USE DISTRICT REGULATIONS
 CHAPTER 1111. RESIDENTIAL DISTRICT REGULATIONS

- (e) The Residential Multi Family (R-MF) district is established to provide land for multi-family residential uses which are generally consistent in scale and character with the surrounding uses and development patterns.

1111.04 Permitted Uses.

- (a) Uses permitted by right. A use listed in Schedule 1111.04 shall be permitted by right as a principal use in a district when denoted by the letter "P", provided that all requirements of other City ordinances and this Zoning Ordinance have been met.
- (b) Conditional uses. A use listed in Schedule 1111.04 shall be permitted as a conditional use in a district when denoted by the letter "C", provided the Planning Commission first makes the determination that the Conditional Use requirements have been met according to the procedures set forth in Sections 1105.16-1105.18.
- (c) Use not listed in schedule. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in these zoning districts and shall only be permitted:
- (1) Upon amendment of this Ordinance and/or the Zoning Map as provided in Section 1105.03; or
 - (2) Upon finding that a use is substantially similar as provided in Section 1105.31.

SCHEDULE 1111.04
 PERMITTED USES

	A-1	R-SF	R-NT	R-NX	R-MF
(a) Residential Uses					
(1) One-family dwelling	P	P	P	P	
(2) Two-family dwelling			P	P	
(3) Three-family dwelling			C	P	P
(4) Four-family dwelling				C	P
(5) Cluster single family dwelling					C
(6) Mobile and mfd. home parks					C
(7) Multi-family, greater than 4 units					P
(8) Accessory dwelling unit	P	P	P	P	
(9) Home occupation	P	P	P	P	P
(b) Institutional/Public Uses					
(1) Cemetery	C				
(2) Cultural institution or art gallery			C	C	C
(3) Public service & safety facilities	P	P	P	P	P
(4) Library			C	C	C
(5) Place of Religious Assembly	C	C	C	C	C
(6) Public or private recreational facility				C	
(7) Public or private school	C	C	C	C	C
(8) Residential Care Facility				C	P
(9) Wireless telecommunication tower	C	C	C	C	C
(c) Commercial Uses					
(1) Assisted living facility			C	C	P
(2) Bed and breakfast	P		C	P	
(3) Boutique hotel			C	C	

PART ELEVEN - PLANNING AND ZONING CODE
 TITLE TWO - USE DISTRICT REGULATIONS
 CHAPTER 1111. RESIDENTIAL DISTRICT REGULATIONS

(4) Daycare, adult or child				C	
	A-1	R-SF	R-NT	R-NX	R-MF
(5) Entertainment, indoor				C	
(6) Funeral homes				C	
(7) Offices					
i. Clerical				C	
ii. Medical				C	
iii. Veterinary, no kennel				C	
(8) Neighborhood retail establishment				C	
(9) Nursing home					P
(10) Restaurant - Counter service only				C	
(a) Agricultural Uses					
(1) Farm activity, including sales of goods grown or raised on premises	P				
(2) Nursery with retail structure	C				
(3) Nursery without retail structure	P				
(4) Kennel or cattery	P				

1111.05 Additional requirements for neighborhood retail establishments.

- (a) Neighborhood retail establishments shall be those uses as defined in Chapter 1102 and should be low-impact, considerate of surrounding residential uses, and intended to service the surrounding neighborhood.
- (b) The Planning Commission shall determine if the proposed use is consistent with the definition set forth in Chapter 1102 in conjunction with the evaluation of all requirements of Conditional Use Approval as outlined in Chapter 1105.

1111.06 Yard and lot requirements.

- (a) All new lots in residential districts shall comply with the minimum requirements set forth in Schedule 1111.05.
- (b) Every primary structure within the residential districts shall be located on a lot in compliance with the building setback and spacing requirements set forth in Schedule 1111.05

(DRAWING OF YARD AND LOTS)

PART ELEVEN - PLANNING AND ZONING CODE
 TITLE TWO - USE DISTRICT REGULATIONS
 CHAPTER 1111. RESIDENTIAL DISTRICT REGULATIONS

SCHEDULE 1111.05
 YARD AND LOT REQUIREMENTS

	A-1	R-SF	R-NT	R-NX	R-MF ⁴
(a) Yard and Lot Requirements					
(1) Minimum area	5 acres	8,000 sf	6,000 sf	6,000 sf	10,400 sf
(2) Lot width at front yard setback	300 feet	65 feet	55 ft	50 ft	80 ft
(3) Lot width at right-of-way	100 feet	35 feet	30 ft	30 ft	50 ft
(4) Setbacks ¹					
i. Front yard	60 feet	30 feet	25 ft	25 ft	25 feet
ii. Side yard ²	30 feet	8 feet	6 ft	6 ft	8 feet
iii. Rear yard	70 feet	40 feet	35 ft	30 ft	35 feet
(b) Primary Structure Requirements					
(1) Minimum footprint	1,000 sf	1,000 sf	1,000 sf	1,000 sf	N/A
(2) Maximum building height ³	35 feet	35 feet	35 feet	35 feet	35 ft/45ft
(3) Primary structures per lot	1	1	1	1	N/A
1. See 1111.05 (c). 2. Side yard setbacks for shared wall dwellings shall be zero. 3. See 1111.05 (d). 4. see 1111.06 for additional requirements					

(c) Projections into Required Yards. Architectural features may project into required yards as follows:

(1) Required Front and Required Rear Yards.

- A. Cornices, canopies eaves, or other architectural features may project a distance not to exceed two and one-half (2 ½) feet.
- B. Fire escapes may project a distance not to exceed four and one-half (4 ½) feet.
- C. An uncovered stair and necessary landing may project a distance not to exceed six (6) feet provided that such stair and landing shall not extend about the entrance floor of the building, except for a railing not to exceed three (3) feet in height.
- D. Bay windows, balconies, and chimneys may project a distance not to exceed three (3) feet, provided that such features do not occupy, in aggregate, more than one-third of the length of the building wall on which they are located.
- E. Additions to the principal structure that are not fully enclosed (i.e. decks, patio covers, pergolas, three-season rooms, etc.) shall be permitted to encroach up to twelve (12) feet into a required rear yard.
 - i. Patio covers may be permitted to encroach into a required front yard up to six (6) feet provided there is a minimum of twelve (12) feet between the front of the primary structure and the front property line.
 - ii. Any addition encroaching into the required yard setback shall not be converted into habitable living space at any time.

(2) Required Side Yards. All features outlined in A-E above may project into a required side yard but may not encroach more than three (3) feet in any case.

(d) Exceptions to Height Limitations.

PART ELEVEN - PLANNING AND ZONING CODE
TITLE TWO - USE DISTRICT REGULATIONS
CHAPTER 1111. RESIDENTIAL DISTRICT REGULATIONS

- (1) Non-occupied appurtenances. The height limitations contained in schedule 1111.05 do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, or other appurtenances, excluding wireless telecommunication and WECS facilities, except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport. Exceptions to height limitations shall not exceed 90 feet, unless approved by the Board of Zoning Appeals, or as further provided elsewhere in this code.
- (2) Ham or amateur radio towers. Towers located on parcels less than five acres in total area shall not exceed 65 feet in height, whether ground mounted or mounted to a residential structure. On parcels five acres or larger in total area, said Ham radio towers shall not exceed 90 feet in height, whether ground mounted or mounted to a residential or accessory structure.
 - A. Any guy wire anchor supporting the tower must be located on the same property as the tower. The anchor must be set back a minimum of ten feet from any property line and shall not be located in the front yard.
 - B. The horizontal antenna, typically on the top of the tower, must be set back a minimum of ten feet from any property line.

1111.07 Additional Residential Multi-Family (R-MF) requirements.

- (a) Building Arrangement. Single-family cluster, two-family, single-family attached, and multiple-family buildings may be arranged in a group and need not directly front onto a street.
- (b) Building height shall not exceed 35 feet within 100 feet of an abutting residential district. Then, the maximum permitted height shall be 45 feet.
- (c) Site Development Requirements.

Schedule 1111.06
SITE DEVELOPMENT REQUIREMENTS

REQUIREMENTS	R-MF
(1) Setback from street right-of-way	
A. Building	25 feet
B. Parking	20 feet
(2) Setback from private interior streets	5 feet
(3) Minimum setback from side and rear property lines	20 feet
(3) Maximum impervious surface	60%
(4) Minimum required open space	20%

1111.08. Mobile and manufactured home parks.

- (a) Mobile and manufactured home parks require conditional use approval in the Residential Multi-Family District (R-MF) and shall meet the following minimum development requirements. Additional development requirements may be established at the time the mobile home park application is reviewed.
 - (1) Park size. A mobile home park shall contain a minimum of five (5) acres.

PART ELEVEN - PLANNING AND ZONING CODE
TITLE TWO - USE DISTRICT REGULATIONS
CHAPTER 1111. RESIDENTIAL DISTRICT REGULATIONS

- (2) Width and depth. The minimum width of the mobile home park shall not be less than 250 feet. The ratio of width to depth shall not exceed one to five.
 - (3) Minimum Setbacks. All mobile homes or accessory buildings shall be located no closer than fifty (50) feet from the front property lines, nor closer than twenty-five (25) feet from the side or rear property line.
 - (4) Access. All mobile home parks should have access to adequate collector streets with a right-of-way not less than sixty (60) feet in width.
 - (5) Streets. The design and construction of the interior street system shall conform to City street specifications. No street shall be located closer than ten (10) feet to any property line of a mobile home park.
 - (6) Sidewalks. All mobile home parks shall have paved sidewalks at least three (3) feet in width on one side of parallel interior streets. A private sidewalk, with a minimum width of two (2) feet providing a sidewalk from a mobile home to a roadway or the common sidewalk system, shall be required by the Commission and may vary relative to locations, intensity of use and location of recreational areas and service buildings.
 - (7) Recreation and Open Space. A safe, usable recreation area of at least 1,000 square feet per mobile home or ten percent (10%) of the gross land area of the mobile home park, whichever is greater, shall be reserved for recreational and open space uses. At least one-half of the required recreation and open space area shall be developed as one recreation area. This figure is in addition to any other open areas required by minimum yard requirements or other sections of the chapter.
 - (8) Screening Buffer. The outer boundaries of a mobile home park shall contain a buffer zone planted and maintained by the park operator. This buffer zone shall be composed of a green strip, not less than ten (10) feet in width, planted and maintained with an evergreen hedge of dense planting of evergreen trees or shrubs not less than four (4) feet in height, located along all park boundaries.
- (b) Mobile and manufactured home lots. Individual mobile home lots within mobile home parks shall conform to the following development requirements:
- (1) Lot Size. Each mobile home lot shall contain a minimum area of 4,000 square feet.
 - (2) Lot Width. The minimum width of each mobile home lot shall be forty (40) feet. The minimum width of corner lots, however, shall be fifty (50) feet.
 - (3) Clearance. There shall be a minimum clearance of twenty (20) feet between individual mobile homes.
 - (4) Mobile Homes. The minimum length of a mobile home shall not be less than forty (40) feet, excluding the hitch and other transporting appurtenances with a total floor area of not less than 400 square feet. Mobile homes shall meet or exceed federal and state mobile home codes.
 - (5) Parking. Automobile parking spaces shall be provided for each mobile home lot as follows:
 - A. One (1) space shall be provided for each mobile home lot for the exclusive use of the occupants thereof.
 - B. The size of the driveway shall not be less than 400 square feet. It shall be located not more than 100 feet from the mobile home site it is intended to serve.
 - (6) Mobile Home Foundation. Each mobile home lot shall be provided with a stable base upon which to place the mobile home. This base shall consist of two paved runways each at least five inches deep with re-rods, two feet wide and sixty feet long. Other acceptable mobile home foundations may be permitted, if approved by the Planning Commission. Each mobile home lot shall be provided with anchors and

PART ELEVEN - PLANNING AND ZONING CODE
TITLE TWO - USE DISTRICT REGULATIONS
CHAPTER 1111. RESIDENTIAL DISTRICT REGULATIONS

tiedowns for securing the stability of the mobile home and shall be attached and used at all times when the lot is occupied.

- (7) Patio. Each mobile home lot shall be provided with a paved patio area at least 200 square feet in area.
 - (8) Storage. Suitable facilities, constructed of weather-resistant materials with a minimum of ninety (90) cubic feet of space per lot, shall be provided on each lot, or in compounds within 100 feet from each lot. When fuel oil storage is desirable, a tank shall be required for each user.
 - (9) Corner Markers. The four corners of each mobile home lot shall be visibly marked
 - (10) Skirting. Each mobile home shall be securely skirted, entirely enclosing the bottom section at the time of occupancy. The skirting shall be of a visually impervious material, and consistent with the characteristics of the mobile home.
 - (11) Landscaping. On half of the mobile home lots proposed, at least one deciduous hardwood tree, a minimum of one and one-half caliper inches, shall be planted.
 - (12) Floor Area. Each mobile home placed within the mobile home park shall have a minimum area of 400 square feet.
 - (13) Height. The maximum height of mobile homes and accessory buildings shall not exceed twenty (20) feet.
- (c) Park facilities and services. Mobile home park utilities, facilities and other services shall conform to the following requirements:
- (1) Storm Drainage. Within each mobile home park, storm drainage shall be provided in accordance with all City and State regulations.
 - (2) Water. Within each mobile home park, the source of water supply shall be from the municipally owned water system. The installation of water lines and the connection of individual mobile homes to the mobile home park water system shall be made in accordance with the standards of the City.
 - (3) Sewage Disposal. Within each mobile home park, sanitary waste disposal shall be by means of the municipally owned and operated sewerage system. The installation of sewer lines and the connection of individual mobile homes to the mobile home park sewerage system shall be made in accordance with the standards of the City.
 - (4) Electrical System. Within each mobile home park, there shall be installed an electrical distribution system in conformance with the National Electric Code.
 - (5) Lighting. All interior streets shall be lighted in accordance with a plan approved by the City.
 - (6) Antennas. Individual antennas not anchored to the ground shall not exceed twenty (20) feet in height from ground level.
 - (7) Underground Utilities. Within each mobile home park, all utility lines, including those for electricity and telephone service, shall be located underground.
 - (8) Garbage and Refuse Storage. The storage and collection of garbage and refuse within each mobile home park shall be conducted as to create no health hazards, rodent harborage, insect breeding areas, fire hazards or air pollution. All garbage shall be stored in fly-tight, rodent-proof containers.
 - (9) Fire Protection. Within each mobile home park, adequate water mains, fire hydrants, gaited connections and other fire prevention and fire safety facilities shall be installed. Standard fire hydrants shall be located in accordance with the City Fire Hydrant Specifications. Portable fire extinguisher and smoke detectors shall be required in each mobile home by the park management.

- (10) Service Buildings. Suitable facilities may be required by the City for repair, storage and laundry services.
- (d) Inspection procedures. Inspection of public improvements shall be required as per Chapter 1106. A final inspection shall be required for each unit prior to occupancy

1111.09. Landscaping and screening requirements.

Landscaping, visual screening and landscape buffers shall be provided for all properties in accordance with the provisions set forth in Chapters 1121 and 1122.

1111.10. Development plan review.

Development in residential districts shall be permitted only after development plans or certificates of building and zoning compliance have been reviewed and approved by the City according to the procedures and review criteria set forth in Chapter 1105.

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