

TOWN OF FREDERICA
ORDINANCE NO. 19-04

“AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE OF TOWN OF FREDERICA, ARTICLES 6, 7 AND 8 BY AMENDING SECTIONS 6.1, 6.2, TABLE 7.1, SECTION 8.2 AND TABLE 8.2, TO CREATE A NEW “PCD PLANNED COMMERCIAL” DISTRICT;

WHEREAS, Town of Frederica Town Council has found that the current Land Development Ordinance provisions for Commercial Zoning Districts cannot be accommodated for lands bordering State Maintained Roads; and

WHEREAS, in zoning applications, a primary concern of the Town of Frederica Town Council and the public has been the uncertainty about what may actually be constructed on commercial sites that are adjacent to State Maintained Roads within the incorporated areas of the Town of Frederica; and

WHEREAS, Town of Frederica Town Council desires to create more specific zoning district appropriately located that will provide well-planned areas for large-scale retail and commercial uses to promote better design, planning and management within the Town of Frederica; and

WHEREAS, TITLE 22, Chapter 3, Subchapter 1, Section 301 of the Delaware Code grants the legislative body of incorporated towns the power to regulate and restrict the height, number of stories and size of buildings and other structures, percentage of lot that may be occupied, the size of yards, courts and other open spaces, and the location and use of buildings, structures and land for trade, industry, residence or other purposes for the purpose of promoting health, safety, morals or the general welfare of the community; and

WHEREAS, TITLE 22, Chapter 3, Subchapter 1, Section 301 of the Delaware Code states “The legislative body of the municipality shall provide for the manner in which the regulations and restrictions and the boundaries of the districts shall be determined, established and enforced and from time to time amended, supplemented or changed”; and

WHEREAS, these amendments will promote the public health, safety, morals, convenience, order, prosperity or general welfare of the Town of Frederica, its residents, visitors and businesses.

2. Accessory Uses. Uses accessory and incidental to the operation of approved uses listed heretofore shall be allowed.

3. General Requirements.

- a. The minimum district area in the PCD Planned Commercial District shall be 15 acres.
- b. Building height shall not exceed 35 feet, except that the maximum permitted height of a Hotel/Motel structure in this district shall not exceed five (5) stories and not exceeding 60 feet in height.
- c. Access to a PCD will be from a State Maintained Road.
- d. The minimum setback from State Route 1 shall be 50 feet. The minimum setback from other state-maintained roads shall be 30 feet. The minimum setback from other roads shall be 15 feet. The minimum setback from Riparian Buffers Areas shall be 50 feet.
- e. Parking space sizes can be reduced to a minimum of 9' x 18' with 24' wide drive aisles. No single parking area shall exceed 200 spaces unless divided into two or more subareas separated from each other by landscaping, access drives or public streets, pedestrian walkways, or buildings. Hotels shall be permitted to maintain a parking ratio of one parking space per room.
- f. Impervious coverage shall not exceed 85% of the area of the parcel or phase.
- g. Buffer and Landscaping Requirements are to be followed as listed in Article 12: Sections 12-5 *Screening* and 12-6 *Landscaping and Tree Preservation*.
- h. Signage Requirements are to be followed as listed in Article 13 *Signs*.

4. General Design Elements. The Town considers the following design features to be desirable elements of planned commercial development, and the standards and guidelines set forth in subsequent sections of this article are intended to facilitate the incorporation of as many of these features into a proposed project as feasible and appropriate.

- a. Visual compatibility with development on adjacent sites.
- b. Building scale and mass that is compatible with adjacent or nearby development, especially residential.
- c. Preservation of natural site features.

- r. Screening of any visible outdoor storage, loading, or equipment areas.
 - s. Exterior lighting that confines light spread and minimizes glare.
5. Building and parking area location/orientation.
- a. The height, scale, and mass of buildings should be compatible with the neighboring area especially when located near residential development, or as approved by the town council when sufficient buffering is proposed.
 - b. Where surrounding development is of a smaller scale, larger-scale buildings should be located internal to the site and transition down in scale to the outer edge of the site.
 - c. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
 - d. Attractive landscape transition to adjoining properties shall be provided.
 - e. Multiple buildings in a single project shall create a positive functional relationship to one another. Where possible, multiple buildings shall be clustered to achieve a "village" scale. This creates opportunities for plazas and pedestrian areas while preventing long "barracks-like" rows of buildings. When clustering is impractical, a visual link shall be established between buildings with the use of an arcade system, trellis, colonnade, covered walkways, landscaping, enhanced paving, building articulation and detailing, or similar features.
 - f. Orienting buildings closer to the street to screen parking in the interior of the site and providing strong pedestrian connections to buildings is encouraged where appropriate (e.g., does not negatively impact any abutting residential areas).
 - g. If the design of a site does not lend itself to a functional storefront along the street(s), the building facade facing the street shall be designed with enhancements comparable to that of the primary facade. Design enhancements may include real and/or faux windows, awnings/pedestrian arcades, outdoor seating/public plaza, landscape features, or other design elements that meet the intent of this guideline.

- i. Provide cross-access easements between adjacent lots to facilitate the flow of traffic between complementary users.
- j. The required number of safe and conveniently accessible parking spaces should be provided for the physically handicapped in accordance with ADA standards. Locations shall be near building entrances and where parking space sides abut landscape islands.
- k. Applicants may request that the Town consider designs that provide for shared parking between different uses with staggered peak parking demand in order to reduce the total number of spaces within the development.
- l. Applicants may request that the Town consider the use of properly designed grass or pervious paved overflow parking areas for developments that have only periodic parking demand.

7. Pedestrian amenities.

a. All commercial developments with multiple buildings or tenants should be designed to include:

- (1) Pedestrian plazas and courtyards that are of such scale, design and/or locations to be a focal point of activity and/or interest. Such areas should not just be aesthetically pleasing, but they should also be designed (e.g., providing ample covered/shaded areas) to serve as truly functional and desirable places of public interaction and enjoyment.
- (2) Outdoor dining areas and sidewalk cafes should be used to bring activity to plans and courtyards, as well as should be placed at the edge of open spaces or located along building and street frontages. Where feasible, create a sense of enclosure for such outdoor dining areas.
- (3) Walkways and breezeways that provide connections between buildings and other site amenities. When located along storefronts, walkways should be of sufficient width to accommodate potential sidewalk cafes and shall be primarily covered with building overhangs, trellises, awnings, or a combination thereof.

- a. Provide separate vehicular, pedestrian, and cart path circulation systems where applicable with a strong emphasis on pedestrian linkages between uses. Separation of systems should be created through design elements such as changes in grade, materials (e.g., decorative pavers), landscaping screens, structures/barriers, etc.
 - b. Link developments with surrounding areas and uses by extending sidewalks, bike paths, cart paths and other trails directly into and across the development, and across property lines, thereby providing convenient, direct pedestrian and bicycle access to adjoining development.
 - c. Continuous internal pedestrian walkways, no less than five feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. Out parcels shall be connected to each other, to the main shopping center and to the public sidewalk system by pedestrian walkways.
 - d. Internal pedestrian walkways shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
 - e. Provide well-identified connections from perimeter sidewalks and bike paths to the primary pedestrian and bicycle paths within the development. Pursuant to ADA requirements, all developments shall be designed with a minimum of one designated pedestrian path from each abutting street to the primary entrance(s) of the development.
 - f. Align walkways directly and continuously to connect pedestrian destinations.
 - g. Internal pedestrian walkways should be designed to avoid the crossing of drive-through lanes and service drives.
 - h. Locate bicycle parking spaces near both customer and employee building entrances but be careful not to obstruct said entrances or the flow of pedestrian traffic.
 - i. All sidewalks and pedestrian ways should be designed to be compliant with ADA requirements and recommendations.
10. Landscaping design. All applicable requirements of Article 12, 12-5, 12-6, Performance standards, must be met, in addition to the following:

- i. Dense landscaping and/or architectural treatments should be provided to screen unattractive views and features such as storage areas, trash enclosures, utility cabinets and other similar elements.
- j. Landscaping and accent paving should be used to help define and beautify main project entrances. Entries to multitenant projects should be designed as special statements reflective of the character and scale of the project in order to establish identity for tenants, visitors, and patrons. Landscaping consisting of natural vegetation should be the predominant component of the design of such entries versus hardscape components such as walls, fountains, and signage. Planting design should have focal points at project entries, plaza areas, and other areas of interest using distinctive planting and/or landscape features.
- k. The site design for projects located at street corners should provide special landscape treatment at street intersections to anchor the corner while also considering sight-line issues. Improvements should complement driveway entry landscaping and enhance the character/design of the overall development.

11. Exterior lighting.

- a. Parking area light fixtures should be designed with a concealed/recessed light source that shields light downward and confines light spread within a site's boundaries and does not adversely impact any adjoining residential areas.
- b. Site lighting should provide consistent levels of illumination, avoiding pockets of very high or low levels of illumination.
- c. All building entrances and other areas of special security concern should be well lit.
- d. A photometric lighting plan is required for all proposed commercial developments to ensure adequate and appropriate light levels are provided for each site condition.
- e. Lighting sources shall be color-correct types such as halogen or metal halide.

- e. Every sign shall have good scale and proportion on its design and in its visual relationship to buildings and surroundings.
- f. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- g. The colors, materials, and lighting of every sign shall be harmonious with the building and site to which it principally relates.
- h. All signs not on a building face shall be accompanied by landscaping in scale to the size of the sign, and the sign shall not overwhelm the landscaping.
- i. Permitted signs.
 - (1) Signs permitted in all districts.
 - (2) Each side of a commercial building facing a public street may have one internally or externally illuminated or unlighted wall, awning, projecting, or marquee sign. One pylon sign with a height not to exceed fifty (50) feet, measured at grade, shall be permitted along State Route 1. One pylon sign with a height not to exceed fifty (50) feet, measured at grade, shall be permitted at the entrance.
 - (3) Each commercial use may have one illuminated or unlighted window sign.
 - (4) One internally illuminated or unlighted ground/monument sign is allowed for each side of a commercial unit that runs along a major arterial or collector road.
 - (5) Conditional use. All integrated complexes in the PCD shall establish a uniform sign program for compatibility between signs. Any proposed complex of three or more principal structures located on one or more contiguous properties, under common management and operation, is required to submit an application for comprehensive signage approval. Such application may be submitted for any commercial structure that has more than 400 linear feet of frontage on a principal arterial street.

13. Utilities, mechanical and telecommunications equipment.

- a. Install all permanent utility lines underground.

17. Additional land area. If, after approval and recording of the master plan, the owner/developer desires to incorporate additional land or after-acquired adjacent land area into the development plan, a conference shall be held with the Planning Commission for purpose of reviewing the additional plan. If an application is filed, the procedural requirements shall be as for all other PCD Planned Commercial Districts and shall be considered as the establishment of a new and separate district.

Section 5. Section 7-1 of the Land Development Ordinance of the Town of Frederica is hereby amended by inserting the following table showing permitted Uses and Structures in the PCD:

Table 7-1. Permitted Uses & Structures

P = Permitted Use SP = Site Plan review required, see Art. 4 CU= Conditional use, see Sec. 4-8 D = See definition in Art. 2	Zone R-1	Zone R-2	Zone R-3	Zone R-4	Zone R-5 (TND)	Zone TC-1	Zone C-1	Zone C-PCD	Zone LI	Zone AO	Zone I
Agriculture - Related Uses											
Farms, customary and conventional taming operations including the raising of vegetables, flowers, and horticultural materials; not to be construed to include commercial poultry and swine production, cattle feeder lots, and fur bearing animal farms		P			P ²		C U	CU		P	
Farms, housing or raising of livestock for commercial or non-commercial purposes					P ²					P	

Motor vehicle filling stations	D					P		P	P	P		
Motor vehicle sales, repair, service, and storage	D					CU ₁	P	P	P	P		
Storage & Parking												
Distribution center	D							P	P	P		
Garage, public or commercial parking						P ¹	CU	P	P	P		
Self-storage facility	D							P	P	P		
Warehouse	D							P	P	P		
Public, Semi-Public, Emergency												
Government facilities and services, local	D	CU	CU			P	P	P	P		CU	P
Government facilities and services, non-local	D	CU	CU			P	P	P	P		CU	P
Parks & open space		P	P	P	P	P	P	P	P	P	P	P
Public safety facilities including, ambulance, fire, police, rescue, and national security	D	CU	CU	CU	CU	P	CU	CU	CU			P
Public utility service facility	D	CU	CU	CU	CU	P	CU	CU	CU	P		P
Recreation Facility	D	CU	CU	CU	CU	P	P	CU	P			P
Not Grouped Elsewhere												
Cemeteries												P
Funeral home								P	P			P
Veterinary clinics, animal hospital, or kennels, provided						P ¹		P	P			

Sum of Both	40	40	40	40
Rear				
Adjoining Residential Zone	30	25	30	50
Adjoining Non-Residential Zone	25	25	25	25
Maximum Building Height				
Stories	2 1/2	5	2 1/2	2 1/2
Feet	35	35 ¹	35	35
Maximum Building Coverage (% of Lot)	50%	35%	50%	50%
Green Area (% of Lot)	15%	15%	15%	15%

(¹) - A hotel or motel may have a height of over 3 stories, but not to exceed 5 stories, and not exceeding 60 feet.

Section 7. The Town Clerk shall be permitted to administratively disperse sections of this Ordinance throughout the Land Development Ordinance to facilitate ease of use.

BE IT FURTHER ORDAINED that this Ordinance shall take effect thirty days from its adoption by a majority vote of all members of the Town Council.

ORDAINED AN ENACTED INTO THE LAW by a majority vote of the Town Council of Frederica, Delaware on August 7, A.D. 2019.

First Reading: July 17, 2019

Public Hearing and Second Reading: August 7, 2019

Published: ~~AUGUST 10, 2019~~

William C. Glanden

 William C. Glanden
 Mayor

I, Bethany DeBussy, Town Clerk of the Town of Frederica, do hereby certify that the foregoing is a true and correct copy of the Ordinance passed by the Town Council