

AN ACT TO ADD SECTION D TO EXISTING CHAPTER 9 OF THE CODE OF THE TOWN OF BETHEL, DELAWARE, RELATING TO BUILDING AND SITE DESIGN STANDARDS

Be it enacted by the Town Council of the Town of Bethel:

Add new Section D to Chapter 9, entitled “Building and Site Design Standards”.

CHAPTER 9D – BUILDING AND SITE DESIGN STANDARDS

Article 1: Purpose

This Article is established to create specific building and site design standards for construction of all new structures that are consistent with the Town’s historical character of existing buildings and its Comprehensive Plan.

Article 2: Lot Location Standards

9D.2.1. – Lot Location Standard

All lots shall front on a public street or a dedicated open space.

9D.2.2 – Utilities

All utilities, including but not limited to phone, cable, electric, sewer, water, and necessary drainage structures, shall be installed in accordance with County standards.

Article 3: Commercial Building and Site Design Standards

9D.3.1. – Commercial Building Standards: Area

Each new commercial building shall have a minimum of 1,500 square feet and a maximum of 5,000 square feet, and accessory structures shall be compatible with commercial buildings on the lot.

9D.3.2. – Commercial Structures: General Design Principles

New commercial structures shall be similar in design to existing commercial structures and consistent in their architectural character with respect to the scale, proportion, and style of existing residential structures.

9D.3.3. – Commercial Structures: Roofs and Eaves

New commercial structures shall be designed with traditional sloping roofs with a minimum pitch of 8/12 and overhanging eaves. Flat roofs shall be prohibited.

9D.3.4. – Shop Fronts and Signage

Shop front designs shall be based upon existing historic examples in the Town, with large display windows, low sills, and high lintels. All commercial signs shall comply with Section 9A.4.6 of these Ordinances.

9D.3.5. – Landscaping

Landscaping around commercial structures and their parking lots is required and should emphasize native species of trees, shrubs, flowers, and lawn grasses.

Invasive species of flora, as identified by the Delaware Invasive Species Council from time to time, are prohibited.

9D.3.6. – Driveways and Parking Lots

Driveways and parking lots on commercial lots are preferred and should be constructed with porous materials. In all cases, commercial driveways and parking lots shall comply with Chapter 9A.3 of these Ordinances.

Article 4: Residential Building and Site Design Standards

9D.4.1. – Minimum Living Space and Roof Pitch

All new residential buildings shall comply with the minimum square footage and roof pitch requirements of Chapter 9A.3.1 of these Ordinances.

9D.4.2. – Residential Buildings: Gabled Roofs

New primary residential structures shall have gabled roofs. The orientation of gable ends should be diverse, with some ridge lines parallel to the street and others perpendicular to the street.

9D.4.3. – Other Residential Building Design Standards

New primary residential structures shall be designed to include features that reinforce the historic character of the Town and are consistent with the architectural character of existing primary residential structures in the Town,

including but not limited to Colonial, Federal, and Victorian styles. For purposes of this Chapter 9D, new residential structures shall contain at least three of the following specific design features, all of which shall be deemed appropriate:

1. Front of primary residential structure faces the street
2. Shutters on windows
3. Front porch
4. Lintels
5. Gingerbread trim
6. Architectural shingles
7. Brick foundation on street side
8. Brick chimneys

9D.4.4. – Landscaping

Landscaping around residential structures is required and should emphasize native species of trees, shrubs, flowers, and lawn grasses. Invasive species of flora, as identified by the Delaware Invasive Species Council from time to time, are prohibited.

9D.4.5. – Driveways

Driveways are not required but, if they are constructed, porous materials should be used. Driveways shall comply with Chapter 9A.3 of these Ordinances.

9D.4.6. – Fences

Fences on the front of a residential lot facing the street shall be from 2.5 feet to 4.5 feet in height, and shall be similar in design to existing fences on Town streets, *provided, however*, that chain link fences on residential lots are prohibited. Fences on the side or rear of a residential lot shall not exceed 6 feet in height.

Article 5: Street and Streetscape Design Standards

9D.5.1. – Street Design

All new streets created as part of any new construction in the Town may be public streets dedicated to the State Department of Transportation (DelDot) and, in such case, shall be built to State standards in accordance with DelDot's *Rules and Ordinances for Subdivision Streets*. If a new street is dedicated to the Town, it shall be built to such State standards except for street width, which must be surfaced to a minimum of 20 feet. If a new street is not dedicated to either the State or the Town, it shall be built to such State standards except for street width, which must be surfaced to a minimum of 20 feet.

9D.5.2. – Lighting

Lighting on all new streets shall be installed in accordance with applicable State or County standards.

9D.5.3. – Streets and Shade Trees

Invasive species of shade trees, as identified by the Delaware Invasive Species Council from time to time, are prohibited along streets in the Town.

Article 6: Enforcement, Administration and Penalties

9D.6.1. – Enforcement and Administration

The provisions of this Chapter 9D shall be enforced and administered in accordance with the provisions of Chapter 9A.2 of these Ordinances, except as otherwise provided in this Article 6.

9D.6.2. – Notice and Correction of Deficiencies

If the zoning enforcement officer appointed by the Town finds upon inspection that a new building, structure, or other improvement has not been constructed in accordance with this Chapter 9D, the owner or other applicant shall be responsible for remedying the deficiencies and properly completing the construction. The enforcement officer or the Council shall give written notice to the owner or other applicant of any defects or violations found during the inspection. The owner or other applicant shall cure all defects and violations within 90 days. If the owner or other applicant fails to make such cure to the Council's satisfaction, a stop work order may be issued, and the Council may seek equitable relief.

9D.6.3. – Other Penalties

In addition to equitable relief, the owner or other applicant shall reimburse the Town for all legal fees and other costs incurred by the Town to administer and enforce this Chapter 9D. For each violation of this Chapter 9D that remains unremedied at the end of the 90-day cure period identified in Section 9D.6.2, the owner or other applicant shall be subject thereafter to the civil penalty specified in Section 9A.2.8A of this Ordinance.

First Reading: July 5, 2022

Patricia Kough (Signature of Secretary)