

INTRODUCED BY: Commissioner Joanne Masten
DATE INTRODUCED: August 6, 2024
PUBLIC HEARING DATE: September 24, 2024
PUBLIC HEARING TIME: 7:00 p.m.
ADOPTION DATE: September 24, 2024
EFFECTIVE DATE: Upon Adoption

Ordinance 24-23
Parking

An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by deleting Article XVII – Parking and amending Part II, General Legislation to create a new chapter specific to parking standards.

THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1. That the Kent County Code, Vol. II, is amended by adding the following underlined language as a new Chapter 171 Parking:

Chapter 171
Parking

§ 171-1 Purpose.

The purpose of this ordinance is to establish design standards while enabling flexibility, promote vehicular and pedestrian safety, and promote compatibility between parking facilities and surrounding neighborhoods by providing landscaping and buffers.

§ 171-2 General requirements.

- A. The parking or loading spaces required by this article shall be reserved for the particular use or structure for which they are required and may not be located on or extended into any public right-of-way.
- B. Except for single-family residential uses all parking or loading spaces shall have direct access from an interior driveway and may not necessitate backing into any public right-of-way.
- C. A commercial vehicle or vehicle used for commercial purposes may not be parked on a public right-of-way or on a lot in a residential district, except:

- (1) When part of a permitted use in the particular zoning classification wherein located;
 - (2) When providing temporary service; or
 - (3) When the vehicle is an automobile, nonrefrigerated truck or van having a manufacturer's rating capacity of not more than two tons and the vehicle is used as transportation to and from place of employment, provided that in such cases only one vehicle may be so parked in connection with any one lot.
- D. All parking areas, loading areas and driveways shall be graded and drained to dispose of surface water accumulation and shall be improved with a durable dust-free surface considered appropriate by the Department of Planning Services. All drainage shall be collected and given appropriate treatment to ensure water quality that, upon release to surface waters, will allow compliance with DNREC Surface Water Quality Standards.
- E. The owner and occupant of the property shall maintain off-street parking areas in a clean, orderly, dust-free condition, not to be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials, or supplies.
- F. Bulk vehicular storage yards, outside display areas, and depots shall be considered storage uses and are not subject to the provisions of this chapter.
- G. Electric Vehicle (EV) Charging Spaces shall be installed in compliance with the Delaware Code. Additional space permitted, and encouraged, to be designed as part of the site development process.
- (1) If charging station installation would not currently be needed, then pre-wiring should be considered as part of the site development.
 - (2) Shared EV spaces between multiple adjacent uses should be considered.
 - (3) Directional signage may be provided on site to direct EV owners to these designated spaces.
- H. Bicycle parking may be required for any land development project requiring review by the Regional Planning Commission or Levy Court. The amount needed is subject to review of the specific business and

site design. The size and location of bicycle racks will be determined by the Planning Commission.

§ 171-3 Accessibility.

- A. Parking spaces or zones for use by persons with disabilities shall be provided in accordance with the International Building Code as amended and adopted by Kent County Levy Court.
- B. Each reserved accessible parking space shall be a minimum of 9 feet wide accompanied by a striped access aisle of at least 5 feet wide. Van accessible spaces must provide an additional 3 feet of width. This extra space can be added to either the parking space or the access aisle. and shall be located as close as possible to elevators, ramps, walkways and entrances. Parking spaces should be located so that physically disabled persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways or elevators.
- C. Accessible parking spaces shall be signed in accordance with the following:
- (1) Such signs shall be vertical and placed at a height of at least five feet from grade but no more than seven feet when measured from the surface directly below the sign to the top of the sign for each parking space.
 - (2) Such signs shall comply with federal specifications for identification of parking spaces reserved for persons with disabilities which limit or impair the ability to walk. A sign at least 12 inches wide (horizontal) and 18 inches tall (vertical) that includes the universal handicapped (wheelchair) symbol of access shall be required for each parking space reserved for use by persons with disabilities.
 - (3) These requirements shall not be construed to preclude additional markings, such as the international wheelchair symbol or a striped extension area painted on the space, or a tow-away warning sign.
 - (4) Compliance with the provisions of this section is required. The owners of record of properties found to be in violation of these provisions shall be provided with a written notice of violation and corrective order. Failure to achieve and maintain

compliance with the provisions of this section may result in the issuance of a summons and associated penalties and fines as set forth in Chapter 90, Violations and Complaints, of the Kent County Code and in accordance with applicable provisions of Delaware Code.

§ 171-4 Design standards.

A. Dimensions of parking spaces.

- (1) Each parking space shall be at least nine feet wide by 18 feet long.

B. Loading Spaces

- (1) Each loading space shall be designed to meet the location and size needed for the proposed land use.
- (2) Off-street loading spaces shall be provided in close proximity to the principal or accessory use served.
- (3) Each loading space shall be clearly marked on the site plan or plot plan as applicable.

C. Width of drive aisles.

- (1) Each two-way interior parking and loading drive aisle for two-way traffic shall be at least 24 feet wide.
- (2) Each one-way drive aisle for one-way traffic shall be at least 12 feet wide for parallel parking and diagonal parking when less than 45°, and at least 20 feet wide for perpendicular parking and diagonal parking that is 45° or greater.

D. Each parking and loading entrance and exit shall:

- (1) Comply with DelDOT design standards on state-maintained roads.
- (2) Include landscaping and curbing to prevent conflicts between vehicular and pedestrian traffic.

E. Interconnectivity

- (1) Within land developments, street linkages shall be provided as practicable among adjoining parcels to allow convenient and effective travel among and between land uses. Benefits include ease of access, association with neighbors, alternative travel routes for residents, sidewalk networks on local streets, and internal circulation routes for service providers such as school buses, sanitation vehicles, transit, and emergency management personnel.
- (2) Proposed street layout plans shall incorporate provisions for linkage streets which shall be designed to provide future access and street connection to adjacent vacant or undeveloped lands which may be developed in the future. Linkage street stubs shall be provided at a ratio of at least one linkage street right-of-way stub per 1,200 linear feet of land development boundary line or fraction thereof, which adjoins vacant or undeveloped land, unless determined to be unnecessary by the Department or the Regional Planning Commission as applicable.
- (3) When a proposed land development is being planned adjacent to previously subdivided or developed land and the previously subdivided or developed land has incorporated linkage street stubs to its perimeter as part of its recorded or approved plan, the proposed subdivision or land development must incorporate street connections to the existing linkage street right-of-way stubs as part of its street system.

§ 171-5 Parking and loading accessibility.

- A. Off-street parking shall be provided on the property with a principal use. However, the required parking may be allowed on a reserve parcel, provided that:
- (1) The reserved parking area is compatibly zoned to accommodate the use.
 - (2) The location of the reserved parcel shall not require pedestrians to cross a roadway unless accomplished at a signalized intersection controlled for pedestrian crossings or by a marked pedestrian crossing above or below the grade of the roadway.

(3) The reserve parking area is located no more than 600 feet from the principal use parcel.

(4) The conditions of this arrangement are included in the final site plan of the principal use parcel with a note to the effect that the reserve parcel parking is designated as required off-street parking space for the principal use and shall remain so for the total period of time the principal use is in existence.

B. For purposes of Subsection A(1) of this section, parcels of the same specific zoning classification shall be presumed to be compatible. In all other cases, the Department of Planning Services, Division of Planning, shall determine whether the zones are compatible by comparing the nature of the proposed parking to that which is or would be authorized in the reserved parcel's zoning classification.

§ 171-6 Setbacks.

A. This section does not apply to parking provided for an individual dwelling on a private individual lot.

B. Each off-street parking area and loading area, which includes all interior driveway and drive aisles, shall be set back as follows:

(1) 15 feet from the front property line or right-of-way.

(2) 10 feet from side or rear property lines when abutting a non-residentially zoned or developed property.

(3) 15 feet from any residential property line where the adjacent property is developed or capable of being residentially developed.

C. To encourage interconnectivity, the required setbacks do not apply to drive aisles connecting uses on adjacent properties or for joint entrances authorized by the Department of Planning Services and/or DelDOT.

§ 171-7 Screening and landscaping.

A. Perimeter Planting

(1) All parking lots shall have a minimum five (5) foot wide buffer, which shall be increased to seven (7) feet if parking is

perpendicular to the buffer (for vehicular overhangs). The buffer shall surround the perimeter of the parking area and conform to the following:

- a. 3' minimum height along rights-of-way and property lines adjacent to properties zoned for nonresidential uses, except where pre-existing trees or planned additional trees require breaks.
 - b. 6' minimum height along property lines adjacent to properties zoned for residential uses, except where pre-existing trees or planned additional trees require breaks.
 - c. Be located solely on private property and allow for a clear sight triangle for drivers.
 - d. The perimeter plantings shall include a variety of materials including ground cover, shrubs, trees, hedges, fencing, and berming to provide interest and separation from the site's impervious surface.
 - e. A variety of plant material shall be used and all landscaping material shall be native to Delaware. A variety of tree species is encouraged.
 - e. Where space permits, berming is encouraged as part of the perimeter landscaping to allow for diversity of interest.
- (2) For lots with 20 or more spaces, the perimeter of the parking lot may incorporate up to 35 percent of the required interior parking lot trees.
 - (3) For lots with fewer than 20 spaces, the perimeter of the parking lot may incorporate up to 100 percent of the required interior parking lots trees.

B. Interior Planting

- (1) The interior surface parking lot is encouraged to be well landscaped to interrupt the pavement expanse, reduce the heat island effect, improve the visual appearance, and to shade the parked cars and pedestrians. A variety of plant material shall be

used, and all landscaping material shall be native to Delaware and a variety of tree species is encouraged.

(3) Parking lots shall incorporate no less than one deciduous tree (minimum 6 feet in height) per four (4) parking spaces.

(4) Pedestrian needs shall be accommodated within parking lots. Parking lots shall include design elements to address:

a. How pedestrians will be protected from high volume vehicular traffic;

b. How main entrances are linked to the parking lot; and

c. How traffic will be properly managed and controlled. Large planting medians should incorporate pedestrian cross paths and.

C. The owner and occupant of the property shall be responsible for the perpetual maintenance and replacement of landscape material. Each fence or wall shall be maintained in a safe and visually attractive condition.

D. This section does not apply to parking provided for an individual dwelling on a private residential lot.

E. Gas Stations.

1. Due to their large canopies and underground storage tanks and associated concerns for landscaping, gas stations will be treated on an individual basis by the Regional Planning Commission through the site plan review process.

2. While trees may not be appropriate in some landscaped parking areas, shrubs, flowers, and grasses shall be incorporated into the landscaping plan where trees are not suitable.

3. Perimeter screening – such as a hedge, berm, or decorative fencing or wall – shall visually compensate for the amount of impervious surface in a gas station lot.

4. Where feasible, taller trees shall be incorporated along the perimeter to soften the effect of illuminated canopies.

F. Vehicle and Equipment Dealerships

1. Due to inventory being displayed on the parking lot and associated maintenance concerns for landscaping, auto dealerships may be treated on an individual basis by the Regional Planning Commission through the site plan review process.
2. Employee parking, customer parking, and service parking areas shall be subject to the landscaping requirements of this section.
3. While trees may not be appropriate in some circumstances, angled parking displays provide opportunities for shrubs, flowers, and grasses to be incorporated into the dealership's landscaping plan.
4. Perimeter screening – such as a hedge, berm, or decorative fencing or wall – shall visually compensate for impervious surface in an auto dealership lot.

§ 171-8 Determination of parking and loading requirements.

- A. Off-street parking shall be provided to meet the demand for the proposed land use. The applicant shall calculate this demand based on accepted standards, such as published in the Institute of Transportation Engineer's Parking Generation Reports. Mixed-use projects shall provide parking according to a shared parking analysis that projects parking needs based on the peak hour of parking demand. For example, a building with first-floor retail and office space and upper-floor residential will be able to adjust total parking demand to address the fact that peak residential parking demand will occur in the evening, while peak office parking demand will occur during the day. This analysis shall be based on accepted methodologies, such as the Urban Land Institute Shared Parking Study.
- B. Loading spaces shall be provided to meet the demand for the proposed land use. Each loading space shall be designed to meet the location and size needed for the proposed land use. Off-street loading spaces shall be provided near the principal or accessory use served without disrupting traffic flow on the site or blocking parking spaces. Each loading space shall be clearly marked on the site plan or plot plan as applicable.

§ 171-9 Variance.

Any request for relief from the strict application of this chapter shall be heard by the Board of Adjustment and subjected to the same criteria applicable to variances from provisions of Chapter 205 Zoning.

Section 2. That the Kent County Code Vol II, Chapter 205, Zoning, Article XVII – Parking is hereby amended by deleting the Article in its entirety.

Section 3. Severability.

The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Section 4. Effective Date.

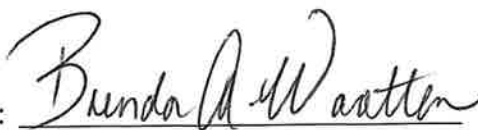
This Ordinance shall be effective upon the date of adoption.

ADOPTED BY THE LEVY COURT OF KENT
COUNTY, DELAWARE



President, Kent County Levy Court

This 24th day of September, 2024

ATTEST: 
Clerk of the Peace

Synopsis: The ordinance removes parking standards from Chapter 205, Zoning, creates a new Chapter 171, Parking, eliminates minimum parking standards, and revises the parking lot landscaping and buffer requirements.