

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE CONDITIONS OF APPROVAL
FOR 115.59 ACRES, MORE OR LESS,
ANNEXED INTO THE TOWN LIMITS BY ORDINANCE NO. 282,
ORDINANCE NO. 321, AND ORDINANCE NO. 353
BEING THE LANDS OF SILVERSTOCK BUILDERS, LLC**

WHEREAS, the Town Council annexed into the town limits of the Town of Ocean View 115.59 acres, more or less, by Ordinance No. 282, entitled “An Ordinance Annexing into the Town Limits of the Town of Ocean View of 115.59 Acres, More or Less, Being the Lands of Silverstock Builders, LLC”; and

WHEREAS, the territories so annexed were rezoned and designated MXPC, Mixed Use Planned Community District; and

WHEREAS, the conditions of Ordinance No. 282 were amended by Ordinance No. 321, adopted March 10, 2015 and entitled “An Ordinance Amending the Conditions of Approval for 115.59 Acres, More or Less, Annexed into the Town Limits by Ordinance No. 282, Being the Lands of Silverstock Builders, LLC”; and

WHEREAS, the conditions of Ordinance No. 282, as amended by Ordinance No. 321, were then amended by Ordinance No. 353, adopted on October 9, 2018 and entitled “An Ordinance Amending the Conditions of Approval for 115.59 Acres, More or Less, Annexed into the Town Limits by Ordinance No. 282 and Ordinance No. 321, Being the Lands of Silverstock Builders, LLC”; and

WHEREAS, Silverstock WP LLC, the owner/developer of the annexed territory, has requested that the conditions of approval be amended, relating to lot coverage and other matters; and

WHEREAS, on the ___ day of _____, 2022, a hearing was held before the Planning and Zoning Commission and that Commission recommended to the Council that the application be granted; and

WHEREAS, on the ___ day of _____, 2022, public hearings were held, after notice, before the Town Council and based on findings of fact, it determined that the proposed further amendment of the conditions of approval for the MXPC, Mixed Use Planned Community

District is for the general convenience and welfare of the present and future inhabitants of the Town of Ocean View.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN VIEW:

Section 1. Amend Ocean View Ordinance No. 282 at Section 2, as amended by Ordinance No. 321 and as amended by Ordinance No. 353, by amending the conditions of approval of the rezoning and designation of the territory annexed as a MXPC, Mixed Use Planned Community District, by deleting the text in bold and strikethrough and by adding the text in bold and underlined, as follows:

1. Setbacks **for a single-unit detached dwelling** shall be:

20' front yard
20' rear yard
5' side yard

2. The Minimum separation between dwelling units and attached accessory buildings/structures shall be 15'.
3. A drainage easement, equal to the minimum separation of 15' required between dwelling units shall be provided.
4. **A.** Maximum lot coverage for single ~~family~~ **-unit detached dwelling** lots shall be 45% with an exception of 50% lot coverage for single ~~family~~ **-unit detached dwelling** lots on which [the Ryan Homes Springhaven model is erected] selected models may be erected on non-adjacent lots and comply with all other conditions set out herein.

B. Maximum lot coverage for a townhouse dwelling unit lot shall be 75%. The Setbacks applicable to a townhouse dwelling unit shall be the setbacks applicable to an R-3 Zone except that a 20' rear yard setback shall apply to each townhouse dwelling unit and all patios,

decks, and accessory structures, whether attached to or detached from the townhouse dwelling unit.

5. Detached accessory buildings/structures are not permitted in front or side yards and they shall be located no closer than a minimum of 10' from rear lot lines **(or 20' on townhouse dwelling unit lots)** and 5' from any other structure.
6. Individual wells are not permitted on residential lots.
7. **Two parking spaces, not including the garage, shall be provided on each townhouse dwelling unit lot.**
8. **The following conditions shall apply:**
 - A. **The 20' rear yard setback that applies to each townhouse dwelling unit and all patios, decks, and accessory structures, whether attached or detached from the townhouse dwelling unit, shall be included in the restrictive covenants governing the townhouse district.**
 - B. **A separate set of restrictive covenants shall govern the townhouse district from the single-unit detached dwelling district.**
 - C. **Construction of the recreational facilities, e.g., expanded pool deck, picnic pavilion, bocce ball courts, pickleball courts and walking trails, for the single-unit detached dwelling district and the townhouse district as depicted on the approved preliminary and final site plan for the townhouse district shall commence prior to construction of the townhouse district and shall be constructed and open to use by the residents of each district no later than the time of the issuance of the fifty-fourth (54th) Certificate of Occupancy in the townhouse district.**
 - D. **Landscaping for the single-unit detached dwelling district as depicted on the approved final site plan for such district shall start prior to construction of the townhouse district and be completed no**

later than the time of the issuance of the fifty-fourth (54th) Certificate of Occupancy in the townhouse district.

Section 2. Except as amended herein, all other conditions of approval shall remain in full force and effect.

Section 3. This Ordinance shall be effective upon its adoption by the Town Council of Ocean View.

TOWN OF OCEAN VIEW

{Seal}

By: _____
Mayor

Attest: _____
Town Clerk

Adopted: _____

TOWN OF OCEAN VIEW

201 CENTRAL AVENUE
OCEAN VIEW, DE 19970

TO: Planning and Zoning Commission

DATE: November 10, 2022

FROM: Kenneth L. Cimino – Director of Planning, Zoning & Development

SUBJECT: COMMENTS ON APPLICATION P-343

Application **P-343**, Ordinance Review, to amend the conditions of approval for 115.59 acres, more or less, annexed into the Town limits by Ordinance #282, and amended by Ordinances #321 & #353, being the lands of Silverstock Builders, LLC, located on Beaver Dam Road (Silverwoods Mixed-Use Planned Community, PIDN: 413.000 / CTM# 134-16.00-various).

Comments

1. The original annexation ordinance adopted in 2011 (Ordinance 282) rezoned and reclassified the land as an MXPC, but did not specifically stipulate modified dimensional standards as the code allows for Planned Communities. Therefore, all the dimensional standards for the MXPC were to be the same as those required by R-3 Zoning. This is not consistent with other Planned Communities in town. It has been customary and routine for modified dimensional standards to be set for planned communities, be they RPC or MXPC, at the time of the reclassification.

Realizing that the typical R-3 zoning requirements weren't compatible with the proposed development of the land, the developer returned in 2015 requesting to revise the ordinance to include modified dimensional standards for the single-family portion of the community. Ordinance 321 was adopted by Town Council establishing those standards. This ordinance did not include modified dimensional standards for any of the other portions of the MXPC.

This new ordinance revision includes modified dimensional standards for the townhouse portion of the MXPC. The Department believes that, although these modifications are typically made with the original reclassification ordinance, they are still an appropriate application of the intent of the Planned Community allowances within the code. The change in lot coverage from a maximum lot coverage of 45% to 75% is consistent with other planned communities that offer townhouse units.

2. As proposed, the base house footprint, driveway and lead walk will occupy the vast majority of the 75% lot coverage allowed by the new ordinance. In the Department's experience, new residents in similar communities have been surprised by the limited opportunity for additions and accessory structures. This has led to frustration and a significant number of variance applications.

TOWN OF OCEAN VIEW

201 CENTRAL AVENUE
OCEAN VIEW, DE 19970

To better inform the home buyers and attempt to avoid this situation in the future to the greatest extent possible, an additional stipulation should be added to the ordinance language requiring that an exhibit shall be included within the seller's disclosure documents required by Delaware law specific to each individual lot depicting the following information:

- a. Metes and bounds of the subject property
- b. Specific building footprint of the base house model proposed for the subject property with size dimensions
- c. Specific building footprint of any builder's options proposed for the subject property with size dimensions
- d. Designation of any area available outside of the overall proposed building footprint for addition of code compliant structures with size dimensions
- e. A note specifying that any structures proposed outside of the designated area would first require a waiver of the requirements of the restrictive covenants from the Homeowner's Association, and a variance from the Town of Ocean View Board of Adjustment.

Recommendation

For the reasons outlined in comment #1 above and contingent upon the inclusion of the additional stipulation outlined in comment #2 above, the office of Planning, Zoning and Development does not object to the setting of dimensional regulations for the townhouse portion of the planned community.

SINCE 1889



TOWN OF OCEAN VIEW

201 Central Avenue – 2nd Floor

Ocean View, DE 19970

Land Use • Permitting • Licensing • Code Enforcement • Public Works

302 539-1208 (office) • 302 537-5306 (fax)

kcimino@oceanviewde.gov / www.oceanviewde.gov

SINCE 1889



November 2, 2022

Medina, James W. & Andrea J.
13 Luzerne Dr.
Ocean View, DE 19970

413.001

TOWN OF OCEAN VIEW PUBLIC NOTICE PLANNING AND ZONING COMMISSION

Application P-343: Ordinance Review

Silverwoods Mixed-Use Planned Community (MXPC)

NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission of the Town of Ocean View will review an ordinance to amend the conditions of approval for 115.59 acres, more or less, annexed into the Town limits by Ordinance #282, and amended by Ordinances #321 & #353, being the lands of Silverstock Builders, LLC, located on Beaver Dam Road (Silverwoods Mixed-Use Planned Community, PIDN: 413.000 / CTM# 134-16.00-various).

The Town will hold this review on **Thursday, November 17, 2022 at 4:00pm** or as soon as possible thereafter in the Ocean View Community Center located at 32 West Avenue, adjacent to John West Park. All interested parties are welcome to attend. The meeting will be available online via livestream on the Town's YouTube channel. The link to the livestream will appear on the posted agenda for the meeting and in the calendar portion of the Town's website, www.oceanviewde.gov. Please note that the meeting agenda is subject to change.

The material may be examined by interested parties on the second floor of the Wallace A. Melson Municipal Building located at 201 Central Avenue between 8:30 a.m. and 12:00 p.m. and 1:00 p.m. through 4:00 p.m., Monday through Friday. For additional information, please contact Kenneth L. Cimino, Director of Planning, Zoning & Development, at (302) 539-1208 or via email at kcimino@oceanviewde.gov.

413.001	134-16.00-849.00	13	Luzerne Drive	Medina, James W. & Andrea J.	13	Luzerne Dr.	Ocean View	DE	19970
413.002	134-16.00-850.00	15	Luzerne Drive	Marques, Carlos S. & Norma A.	15	Luzerne Dr.	Ocean View	DE	19970
413.003	134-16.00-851.00	17	Luzerne Drive	Milner, Kenneth E. & Marie B.	17	Luzerne Dr.	Ocean View	DE	19970
413.004	134-16.00-852.00	19	Luzerne Drive	Walters, Jeffery A. & Laura J.	38	Impala Dr.	Dillsburg	PA	1351
413.005	134-16.00-853.00	21	Luzerne Drive	Kramer, Gayle A.	1487	Cherry Ln.	Pottstown	PA	19464
413.006	134-16.00-854.00	23	Luzerne Drive	Wroblewski, Joseph A.	23	Luzerne Dr.	Ocean View	DE	19970
413.007	134-16.00-855.00	25	Luzerne Drive	Chew, Curtis S. & Margaret T.	25	Luzerne Dr.	Ocean View	DE	19970
413.008	134-16.00-856.00	27	Luzerne Drive	McDermott, Daniel J. & Judith E.	27	Luzerne Dr.	Ocean View	DE	19970
413.009	134-16.00-857.00	29	Luzerne Drive	Grosser, Monika H. & McGraw, Constance	31	Rose Tree Village	Media	PA	19063
413.010	134-16.00-858.00	31	Luzerne Drive	Van Winter, Carl B. & Pamela J.	31	Luzerne Dr.	Ocean View	DE	19970
413.011	134-16.00-859.00	33	Luzerne Drive	Flick, Daniel J. & Caroline P.	33	Luzerne Dr.	Ocean View	DE	19970
413.012	134-16.00-860.00	35	Luzerne Drive	Newson, Maria L. & Ricky D.	738	Cronin Dr.	Aberdeen	MD	21001
413.013	134-16.00-861.00	39	Luzerne Drive	Carr, Mark E. & Scott H.	8038	Flora Ln.	Pasadena	MD	21122
413.014	134-16.00-862.00	41	Luzerne Drive	Sanders, Matthew B. & Cindy L.	41	Luzerne Dr.	Ocean View	DE	19970
413.015	134-16.00-863.00	45	Luzerne Drive	Schoenbeck, Douglas & Connie Volk, Mary J.	45	Luzerne Dr.	Ocean View	DE	19970
413.016 *	134-16.00-864.00 *	47 *	Luzerne Drive *	Thornton, Robert L.	47	P.O. Box 449	Ocean View	DE	19970
413.017	134-16.00-865.00	30 *	Thornton Drive *	Kincaid, John B. & Nora J.	8432	Bates Dr.	Bethany Beach	DE	19930
413.018	134-16.00-866.00	28	Thornton Drive	Glavinic, Simun & Rose Marie	26	Thornton Dr.	Bowie	MD	20720
413.019	134-16.00-867.00	26	Thornton Drive	Shartle, John & Wendy	24	Thornton Dr.	Ocean View	DE	19970
413.020	134-16.00-868.00	22	Thornton Drive	Meiklejohn, Shelby	22	Thornton Dr.	Ocean View	DE	19970
413.021	134-16.00-869.00	20	Thornton Drive	O'Connell, Samuel & Carol L.	20	Thornton Dr.	Ocean View	DE	19970
413.022	134-16.00-870.00	18	Thornton Drive	Hanks, Peter & Patricia	18	Thornton Dr.	Ocean View	DE	19970
413.023	134-16.00-871.00	16	Thornton Drive	Longhi, Paula M.	2942	Yarling Ct.	Falls Church	VA	22042
413.024	134-16.00-872.00	13	Thornton Drive	Rasnake, Billy L. & Valerie H.	13	Thornton Dr.	Ocean View	DE	19970
413.025	134-16.00-873.00	15	Thornton Drive	Butz, Ronnie L. & Deborah A.	15	Thornton Dr.	Ocean View	DE	19970
413.026	134-16.00-874.00	17	Thornton Drive	Janssen, Leonard J. & Ella W.	17	Thornton Dr.	Ocean View	DE	19970
413.027	134-16.00-875.00	19	Thornton Drive	DiVenzano, Joseph & Julia	8825	Victory Ave.	Parkville	MD	21234
413.028	134-16.00-876.00	21	Thornton Drive	Gorney, Keith A. & Paul, Philip C.	7740	Desiree St.	Alexandria	VA	22315
413.029	134-16.00-877.00	23	Thornton Drive	Daluaisio, Jeanette R.	23	Thornton Dr.	Ocean View	DE	19970
413.030	134-16.00-878.00	25	Thornton Drive	Shea, James C. & Daniela	103	Carnaby Circle	Ocean View	DE	19970
413.031	134-16.00-879.00	27	Thornton Drive	McIntyre, Matthew & Anita	8	Country Ln.	North Wales	PA	19454
413.032	134-16.00-880.00	29	Thornton Drive	Beatty, Marjorie A.	29	Thornton Dr.	Westhampton	NJ	8060
413.033 *	134-16.00-881.00 *	49 *	Luzerne Drive *	Knoll, Ann M. & Richard S.	13040	Bourne Pl.	Ocean View	DE	19970
413.034	134-16.00-882.00	51	Luzerne Drive	Hulse, Craig S. & Deborah L.	51	Luzerne Dr.	Bristow	VA	20136
413.035	134-16.00-883.00	53	Luzerne Drive	Villa, Thomas F. & Marybeth McCusker	2	Concord Ct.	Ocean View	DE	19970
413.036	134-16.00-884.00	59	Luzerne Drive	Lackey, Charles W. & Tina L.	59	Luzerne Dr.	Ocean View	DE	19970
413.037	134-16.00-885.00	61	Luzerne Drive	Lowe, Martha H.	61	Luzerne Dr.	Ocean View	DE	19970
413.038	134-16.00-886.00	63	Luzerne Drive	Johnson, Floyd K. & Eileen G.	63	Luzerne Dr.	Ocean View	DE	19970
413.039	134-16.00-887.00	65	Luzerne Drive	Niederhauser, Veina	65	Luzerne Dr.	Ocean View	DE	19970
413.040	134-16.00-888.00	67	Luzerne Drive	MacDowell, Lisa M.	67	Luzerne Dr.	Ocean View	DE	19970
413.041	134-16.00-889.00	66	Luzerne Drive	Mentzel, Thomas C. & Jennifer Z.	49	Old Forge Dr.	Ocean View	DE	19970
413.042	134-16.00-890.00	60	Luzerne Drive	Hope, Ronald & Faith M.	321	Amoroso Way	Newark	DE	19970
413.043	134-16.00-891.00	58	Luzerne Drive	Ali, Ryad A. & Candice L.	1664	Linda Drive	Westchester	PA	19380
413.044	134-16.00-892.00	50	Luzerne Drive	Magera, Sandra G.	50	Luzerne Dr.	Ocean View	DE	19970
413.045	134-16.00-893.00	48	Luzerne Drive	Williams, Richard W. J. & Jane E.	48	Luzerne Dr.	Ocean View	DE	19970
413.046	134-16.00-894.00	46	Luzerne Drive	Williams, Janice M. & Richard W.	46	Luzerne Dr.	Ocean View	DE	19970

413.047	134-16.00-895.00	44	Luzerne Drive	Miller, Andrew S. & Juliet H.	7901	Roldrew Ave.	Towson	MD	21204
413.048	134-16.00-896.00	40	Luzerne Drive	Loney, James & Carole	563	Fairmount Rd.	Linthicum	MD	21090
413.049	134-16.00-897.00	38	Luzerne Drive	Warren, Calvin E.	1950	E. 84th St.	Cleveland	OH	44103
413.050	134-16.00-898.00	36	Luzerne Drive	Durivage, Edward & Frances	36	Luzerne Dr.	Ocean View	DE	19970
413.051	134-16.00-899.00	32	Luzerne Drive	Merski, Joy L.	32	Luzerne Dr.	Ocean View	DE	19970
413.052	134-16.00-900.00	30	Luzerne Drive	Sarmast, Mianjeh & Sadeghi, Seyed	12820	Pincrest Rd	Hermidon	VA	20171
413.053	134-16.00-901.00	28	Luzerne Drive	Rose, Bruce & Rosemary	25381	Lisa Ter.	Aldie	VA	20105
413.054	134-16.00-902.00	26	Luzerne Drive	Davids, Ruck G. & Robin D.	26	Luzerne Dr.	Ocean View	DE	19970
413.055	134-16.00-903.00	24	Luzerne Drive	Kelly, Edward J. & Doreen A.	1829	Danforth St.	Philadelphia	PA	19152
413.056	134-16.00-904.00	22	Luzerne Drive	Scott, Douglas & Patricia	22	Luzerne Dr.	Ocean View	DE	19970
413.057 *	134-16.00-905.00 *	20 *	Luzerne Drive	Bognar, Marcos & Barbara A.	20	Luzerne Dr.	Ocean View	DE	19970
413.057 *	134-16.00-905.00 *	1 *	Favata Place	Thornton, Robert L.		P.O. Box 449	Bethany Beach	DE	19930
413.058	134-16.00-906.00	3	Favata Place	Bogovich, Wayne M. & Jacqueline W.	1975	Cotter Run	Sugar Run	PA	18846
413.059	134-16.00-907.00	5	Favata Place	Derr, Michael F. & Gaelyn C.	5	Favata Pl.	Ocean View	DE	19970
413.060	134-16.00-908.00	7	Favata Place	Giorgianni, Joseph & Laura S.	7	Favata Pl.	Ocean View	DE	19970
413.061	134-16.00-909.00	8	Favata Place	Douglass, Joseph R. & Elizabeth G.	8	Favata Pl.	Ocean View	DE	19970
413.062	134-16.00-910.00	6	Favata Place	Bosse, Patricia M.	6	Favata Pl.	Ocean View	DE	19970
413.063	134-16.00-911.00	4	Favata Place	Balaska, Pavel J.	4	Favata Pl.	Ocean View	DE	19970
413.064	134-16.00-912.00	16	Luzerne Drive	Stein, Margaret M. & Kenneth	16	Luzerne Dr.	Ocean View	DE	19970
413.065	134-16.00-913.00	14	Luzerne Drive	Granruth, Brian S. & Elena	6229	Longleaf Pine Rd.	Sykesville	MD	21784-4917
413.066	134-16.00-914.00	46	Old Forge Drive	Schauman, Michael J.	46	Old Forge Dr.	Ocean View	DE	19970
413.067	134-16.00-916.00	44	Old Forge Drive	Shoenhard, James H. & Leslie J.	44	Old Forge Dr.	Ocean View	DE	19970
413.068	134-16.00-917.00	42	Old Forge Drive	Lorenz, Timothy J. & Schott, Darlene M.	42	Old Forge Dr.	Ocean View	DE	19970
413.069	134-16.00-918.00	40	Old Forge Drive	Wisneski, Ronald J. & Barbara J.	40	Old Forge Dr.	Ocean View	DE	19970
413.070	134-16.00-919.00	38	Old Forge Drive	Allenspach Trust, Sue M.	38	Old Forge Dr.	Ocean View	DE	19970
413.071	134-16.00-920.00	36	Old Forge Drive	D'Eramo, Dennis A. & Elizabeth M.	36	Old Forge Dr.	Ocean View	DE	19970
413.072	134-16.00-921.00	34	Old Forge Drive	Casparriello, Joseph & Karen	34	Old Forge Dr.	Ocean View	DE	19970
413.073	134-16.00-922.00	32	Old Forge Drive	Volk, Elizabeth L.	32	Old Forge Dr.	Ocean View	DE	19970
413.074	134-16.00-923.00	30	Old Forge Drive	Fritts, Glenn D. & Jayne A.	5260	Suncrest Cr.	Whitehall	PA	18052
413.075	134-16.00-924.00	28	Old Forge Drive	Ware, Terence J.	28	Old Forge Dr.	Ocean View	DE	19970
413.076	134-16.00-925.00	26	Old Forge Drive	Seeger, Joseph M. & Diane L.	26	Old Forge Dr.	Ocean View	DE	19970
413.077	134-16.00-926.00	24	Old Forge Drive	Kandt, David R. & Eileen A.	24	Old Forge Dr.	Ocean View	DE	19970
413.078	134-16.00-927.00	22	Old Forge Drive	Corte, Leandro & Rosangela	4966	Cloister Dr.	Rockville	MD	20852
413.079	134-16.00-928.00	20	Old Forge Drive	Lackaye Family Trust C/O Lackaye, Donald & Karen	20	Old Forge Dr.	Ocean View	DE	19970
413.080	134-16.00-929.00	18	Old Forge Drive	Ford, Walter K. & Lisa M.	18	Old Forge Dr.	Ocean View	DE	19970
413.081	134-16.00-930.00	16	Old Forge Drive	Crowell, Barbara A.	5927	Brookview Drive	Alexandria	VA	22310
413.082	134-16.00-931.00	14	Old Forge Drive	Bruneau, Steven M., Colleen E. & Kelsey M.	14	Old Forge Dr.	Ocean View	DE	19970
413.083	134-16.00-932.00	12	Old Forge Drive	Marley, James F. & Jessica J.	1016	Gordon Rd.	Rotterdam	NY	12306
413.084	134-16.00-933.00	10	Old Forge Drive	Overton, Laura & Obie, John	10	Old Forge Dr.	Ocean View	DE	19970
413.085	134-16.00-934.00	8	Old Forge Drive	Coad, Noel k. Claudia S.	8	Old Forge Dr.	Ocean View	DE	19970
413.086 *	134-16.00-935.00 *	1 *	Old Forge Drive *	Thornton, Robert L.		P.O. Box 449	Bethany Beach	DE	19930
413.086 *	134-16.00-935.00 *	2 *	Luzerne Drive *	Warren, Roy C. & Leida A. H.	2	Luzerne Dr.	Ocean View	DE	19970
413.087	134-16.00-936.00	4	Luzerne Drive	Sevier, John B. & Teresa L.	4	Luzerne Dr.	Ocean View	DE	19970
413.088 *	134-16.00-937.00 *	6 *	Luzerne Drive *	Timmons, William J. & Zell, Tracy L.	6	Luzerne Dr.	Ocean View	DE	19970
413.089	134-16.00-938.00	65	Old Forge Drive	Leman, Lance & Jessica	1701	W. Street Rd	West Chester	PA	19382
413.090	134-16.00-939.00	63	Old Forge Drive	Marks, David B. & Karen L.	7068	Melstone Valley Way	Marriottsville	MD	21104

413.091	134-16.00-940.00	61	Old Forge Drive	Burrows, David & Sharon	61	Old Forge Dr.	Ocean View	DE	19970
413.092	134-16.00-941.00	59	Old Forge Drive	Mauro, Michael S. & Besack, Lisa A.	59	Old Forge Dr.	Ocean View	DE	19970
413.093	134-16.00-942.00	57	Old Forge Drive	Fritz, Wayne R. & Papazian, Susie D.	12703	Kincaid Ln.	Bowie	MD	20715
413.094	134-16.00-943.00	55	Old Forge Drive	Casey, Jennifer	55	Old Forge Dr.	Ocean View	DE	19970
413.095	134-16.00-944.00	53	Old Forge Drive	Lilly, James M.	838	Thomas St.	Stroudsburg	PA	18360
413.096	134-16.00-945.00	51	Old Forge Drive	Healey, Patricia A.	2515	Gulf Gate Dr.	Sarasota	FL	34231
413.097	134-16.00-946.00	49	Old Forge Drive	Mentzel, Thomas C. & Jennifer Z.	49	Old Forge Dr.	Ocean View	DE	19970
413.098	134-16.00-947.00	45	Old Forge Drive	Reinhold, Gary A. & Rosier, Jennifer J.	21	Shybrook Ct.	Elizabethtown	PA	17022
413.099	134-16.00-948.00	43	Old Forge Drive	DeVoe, Thomas C. & Diane P.	50	Pleasantview Dr.	Wayne	NJ	07470
413.100	134-16.00-949.00	41	Old Forge Drive	Pierozio, Fred V. & Dolores	1998	Pimlico Ct.	Forest Hill	MD	21050
413.101	134-16.00-950.00	29	Old Forge Drive	MacDougall, William D. & Lynda J.	408	Coote Dr.	Avondale	PA	19311
413.102	134-16.00-952.00	25	Old Forge Drive	Lopez, Richard	25	Old Forge Dr.	Ocean View	DE	19970
413.103	134-16.00-953.00	23	Old Forge Drive	Hoecherl, Courtney C.	23	Old Forge Dr.	Ocean View	DE	19970
413.104	134-16.00-954.00	19	Old Forge Drive	Hargett, Calvin L. & Gertrude T.	19	Old Forge Dr.	Ocean View	DE	19970
413.105	134-16.00-955.00	17	Old Forge Drive	DePrince, Steven F. & Jayne L.	17	Old Forge Dr.	Ocean View	DE	19970
413.106	134-16.00-956.00	15	Old Forge Drive	Oseredzuk, Rosemarie S.	15	Old Forge Dr.	Ocean View	DE	19970
413.107	134-16.00-957.00	13	Old Forge Drive	Boesman, John A. & Christina M.	7315	Longbranch Dr.	New Carrollton	MD	20784
413.108	134-16.00-958.00	11	Old Forge Drive	Esgro, Carmen A. & Elizabeth L.	11	Old Forge Dr.	Ocean View	DE	19970
413.109	134-16.00-959.00	9	Old Forge Drive	D'Elia, Anthony & Christine R.	9	Old Forge Dr.	Ocean View	DE	19970
413.110	134-16.00-960.00	7	Old Forge Drive	Valencia, Maria E. & Julio	8214	Ironclad Ct.	Gaithersburg	MD	20877
413.111	134-16.00-961.00	5	Old Forge Drive	Vance, Daniel L. & Judy E.	1543	Helmsdale Rd.	Bel Air	MD	21015
413.112	134-16.00-43.03	6	Old Forge Drive	Sussex County		P.O. Box 589	Georgetown	DE	19947
413.113	134-16.00-43.02	7	Luzerne Drive	Thornton, Robert L.		P.O. Box 449	Bethany Beach	DE	19930
413.115	134-16.00-43.01	0	LuzerneAve	Thornton, Robert L.		P.O. Box 449	Bethany Beach	DE	19930

CODE REQUIREMENTS

MAXIMUM COVERAGE OF LOT AREA (AKA Lot Coverage) is stipulated in the Lot Standards outlined in the Dimensional Regulations for each zoning type. The lot coverage includes all buildings and structures.

Building is defined in the code as any structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any individual, animal, process equipment, goods or materials of any kind. The definition notes that every building is a structure, but not every structure is a building and references the definition for structure.

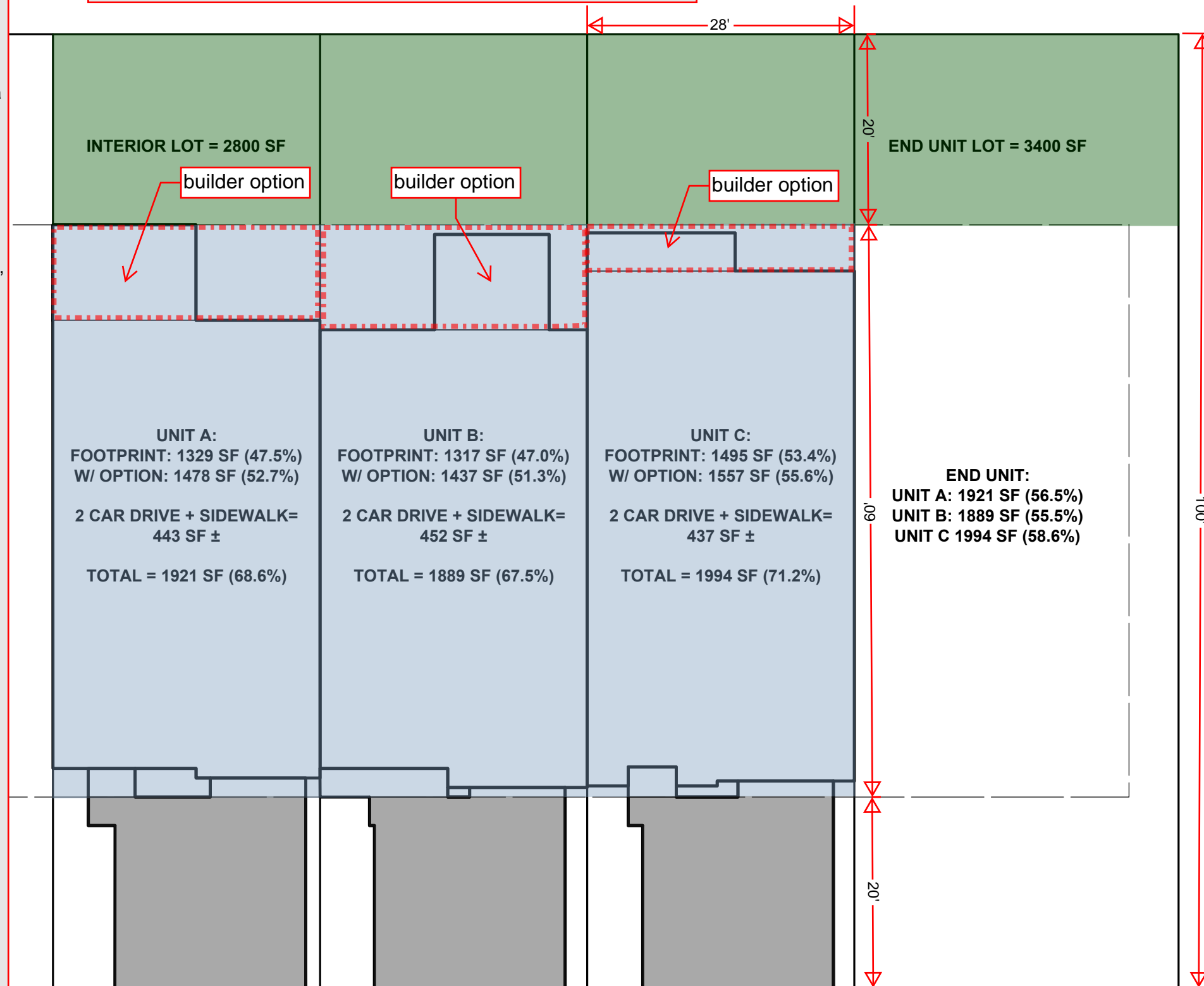
Structure is defined in the code as a combination of materials that forms a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water, including but not limited to buildings, sheds, outbuildings, fences.

Based on these two definitions lot coverage has been interpreted to include all impervious surfaces constructed on the lot including buildings, sidewalks, driveways, decks, patios, etc.

SPECIFIC TO THIS APPLICATION

- The interior lots are proposed at 2,800 sq.ft. (28' x 100')
- 75% lot coverage would equate to 2,100 sq. ft. of impervious cover. (2,800 x 0.75)
- The buildable envelope on each interior lot is 1,680 sq. ft. (28' x 60'). This is based on required front and rear setbacks of 20' and side setbacks for the interior lots of 0'.
- If the entirety of the buildable envelope was covered with impervious, an additional 420 sq.ft. of impervious could be placed on the lot. (2,100 - 1680)
- As currently shown here, the maximum amount of impervious associated with the driveways and lead walks is approximately 410 sq.ft.
- Therefore, assuming that the driveways and lead walks would be consistent and proposed for each unit as shown (<= 420 sq. ft.), the entirety of the buildable envelope could be covered by impervious and still meet the maximum lot coverage proposed of 75%.
- Once the buildable envelope was completely covered by impervious, any additional impervious, regardless of its location on the lot, would require a variance from the maximum lot coverage of 75%.
- Also, the proposed revision to the ordinance requires any impervious proposed within the 20' rear yard to obtain a variance from the required rear setback of 20', and a deed restriction change or waiver of the deed restriction requirement by the HOA.
- Note that the models currently proposed by the developer do not take up the entirety of the maximum allowable impervious. Small areas remain within the buildable envelope depending on the unit type and options chosen.

**TOV - PZ&D DEPT. EXHIBIT
75% Lot Coverage Analysis - Interior Lots**



LEGEND

- REQUIRED REAR YARD (by code & covenants)
- BUILDABLE ENVELOPE
- DRIVEWAY/LEAD WALK OUTSIDE OF BUILDABLE ENVELOPE
- AREA OUTSIDE OF BASE FOOTPRINT AVAILABLE FOR ADDITIONAL IMPERVIOUS

BMG: 2012119-02
 SCALE: N/A
 DATE: 09/15/2022
 DRAWN BY: CDC
EXHIBIT

ARCHITECTURE
 ENGINEERING
DOVER, DE
 309 S. Governors Ave.
 Dover, DE 19904
 Ph. 302.734.7950
 Fax 302.734.7965

BECKER MORGAN GROUP

NOTE: THE SINGLE FAMILY TOWNHOUSE DISTRICT EXHIBIT PROVIDED BY BECKER MORGAN WAS USED AS A BASE FOR THIS ANALYSIS. ADDITIONAL INFORMATION HAS BEEN ADDED BY PZ&D TO CREATE THIS EXHIBIT FOR THE PLANNING & ZONING COMMITTEE.

SILVERWOODS SINGLE FAMILY TOWNHOUSE DISTRICT
 OCEANVIEW DELAWARE

F:\AutoCAD\Projects\2012\119-02\DWG\Misc\201211902-TYP-LOT-COVER_recover.dwg, Sep 15, 2022 - 8:45am