

1 ORDINANCE NO. _____

2
3 AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115,
4 ARTICLES I, X, XIA, XX, XXI, XXIII, XXV AND XXVII BY AMENDING SECTIONS 115-
5 4, 115-5, 115-75, 115-83.10, 115-156, 115-195.4, 115-159.5, 115-161.1, 115-170.1, 115-180,
6 115-194.1, AND 115-218, AND BY CREATING NEW ARTICLES XA, XB, XIB, XIC, XID,
7 XIE, AND XIF AND ADDING NEW SECTIONS 115-75.1 THROUGH 115-75.13 AND 115-
8 83.11 THROUGH 115-83.46 TO CREATE A NEW “B-2 BUSINESS COMMUNITY”
9 DISTRICT; “B-3 BUSINESS RESEARCH” DISTRICT; “C-2 MEDIUM COMMERCIAL”
10 DISTRICT; “C-3 HEAVY COMMERCIAL” DISTRICT; “C-4, PLANNED COMMERCIAL”
11 DISTRICT; “C-5, SERVICE/LIMITED MANUFACTURING” DISTRICT, AND “I-1,
12 INSTITUTIONAL” DISTRICT; AND TO CLOSE THE CR-1 AND B-1 DISTRICTS.

13 WHEREAS, Sussex County Council has found that the current County Code provisions
14 for Commercial and Business Zoning Districts can be overly broad, with a wide variety of
15 permitted uses in each; and

16 WHEREAS, in many prior zoning applications, one of the primary concerns of County
17 Council and the public has been the uncertainty about what may actually be constructed on a site
18 rezoned to CR-1 or B-1, since the application is not use-specific and may change; and

19 WHEREAS, Sussex County Council desires to create more specific zoning districts with
20 smaller, more related uses within each District to promote better planning and predictability
21 within Sussex County; and

22 WHEREAS, Sussex County has engaged the services of a land use planning consultant to
23 study current and potential future zoning categories to determine the best way to consider
24 amending the Zoning Code to create more specific commercial and business zoning districts; and

25 WHEREAS, it is necessary to establish that the current CR-1, Commercial Residential,
26 and B-1, Neighborhood Business Districts shall become “Closed Districts”; and

27 WHEREAS, this amendment will not affect lands currently zoned C-1, General
28 Commercial, CR-1, Commercial Residential, or B-1, Neighborhood Business, which will remain
29 as they are currently zoned, with all of the permitted uses allowed therein; and

30 WHEREAS, these amendments will promote the public health, safety and welfare of
31 Sussex County, its residents, visitors and businesses.

32 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

33 **Section 1.** The Code of Sussex County, Chapter 115, Article I, §115-4.B “Definitions and Word
34 Usage” is hereby amended by inserting the italicized and underlined language in alphabetical
35 order within the Section as follows:

36 **§115-4 Definitions and Word Usage.**

37 . . .

38 B. General definitions. For the purpose of this chapter, certain terms and words are hereby
39 defined as follows:

40 ACRE

41 A measurement of land area equivalent to approximately 43,560 square feet

42

43 ADJACENT

44 Physically touching or bordering upon; sharing a common boundary, but not overlapping.

45

46 . . .

47

48 ALCOHOLIC BEVERAGE SALES

49 The retail sale of beer, wine, or other alcoholic beverages for on- or off-premises consumption in
50 compliance with the The Office of the Delaware Alcoholic Beverage Control Commissioner
51 (OABCC).

52

53 ANIMAL HOSPITAL

54 A place where animals are given medical care and the boarding of animals is limited to short-
55 term care incidental to the hospital use.

56

57 . . .

58

59 APPLICANT

60 Any individual submitting a plan for development under the provisions of this ordinance.

61

62 . . .

63

64 AVERAGE DAILY TRAFFIC (ADT)

65 The total volume of traffic during a given time period in whole days greater than one day and
66 less than one year, divided by the number of days in that time period.

67

68 . . .

69

70 BED & BREAKFAST

71 A lodging place with no more than 6 guest rooms, or suites of rooms, available for temporary
72 occupancy, whose owner resides at the facility, and where meals are available only to guests at
73 the facility.

74

75 . . .

76

77 BREWERY

78 Establishments that are primarily a brewery, which produce more than 15,000 barrels per year.
79 A regional (small) brewery typically has an annual beer production of between 15,000 and
80 6,000,000 barrels. A large brewery typically has an annual beer production of more than
81 6,000,000 barrels.

82

83 BREW/ DISTILLING PUB

84 An establishment in which beer or liquor is manufactured on the premises of the licensed
85 establishment, limited to restaurants owned or leased by the pub applicant; and where alcohol is
86 manufactured in the establishment, and is sold for on-premises consumption, in conjunction with
87 the service of complete meals.

88
89 ...

90
91 **BULK REQUIREMENTS**

92 A term used in this chapter to describe the size and shape of a building or structure and its
93 relationship to other buildings, to the lot area for a building and yards. See: 115 Attachment 1.

94
95 **CLINIC, MEDICAL**

96 A building or portion thereof designed for, constructed or under construction or alteration for or
97 used by two or more physicians, surgeons, dentists, psychiatrists, physiotherapists or
98 practitioners in related specialties or a combination of persons in these professions, but not
99 including lodging of patients overnight

100
101 **CLUB INDOOR, PRIVATE**

102 Buildings and facilities owned or operated by a corporation, association, person or persons for a
103 social, educational or recreational purpose but not primarily for profit which insures to any
104 individual and not primarily to render a service which is customarily looked on as a business.
105 For outdoor private recreational clubs See: Recreational Facility, Private

106
107 ...

108
109 **COLLECTOR STREET**

110 A street which is intended to collect traffic from the minor streets within a neighborhood or a
111 portion thereof and to distribute such traffic to major thoroughfares.

112
113 ...

114
115 **COMMUNICATION TOWER**

116 The antenna(e), antenna support structure, wireless communications equipment building,
117 parking and/or other structures, building, cabinets and equipment involved in receiving or
118 transmitting wireless communications or radio signals.

119
120 **COMMUNITY CENTER**

121 A building used for recreational, social, educational, and cultural activities, open to the public
122 or a designated part of the public, usually owned and operated by a public or nonprofit group or
123 agency.

124
125 **CONDITIONS OF APPROVAL**

126 Conditions, placed on the final approval of an applicant's plan, that are both consistent with the
127 Guidelines for Development Review and do not allow for the denial of a plan that is consistent
128 with the objectives of the Guidelines for Development Review and appropriate uses and
129 intensities of use set forth in this Ordinance.

130
131 ...
132
133 [CONVALESCENT HOME
134 A building where regular nursing care is provided for more than one person not a member of the
135 family which resides on the premises.]

136
137 CONVENIENCE STORE
138 Any retail establishment offering for sale prepackaged food products, household items,
139 newspapers, and prepared foods usually for off-site consumption.

140
141 FUEL STATION
142 An accessory use for the retail dispensing or sales of vehicular fuels consisting of fuel
143 pumps.

144
145 [DAY-CARE CENTER (Day Nurseries Or Child-Care Center).
146 A center which provides care or instruction for more than six children and operates on a regular
147 basis, excepting those defined under a home occupation as a "family day-care home."

148
149 CHILD CARE (as per Delaware Code)
150 FAMILY CHILD CARE HOMES
151 Child care in a private home for one to six children preschool-age or younger and one to
152 three school-age children.

153
154 LARGE FAMILY CHILD CARE HOMES
155 Child care in a private home or commercial (non-residential) setting for seven to twelve
156 children preschool-age or younger and one or two school-age children.

157
158 EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS
159 Child care in a commercial (non-residential) setting for thirteen or more children (includes
160 day care centers, nursery schools, preschools, and before/after school care).

161
162 RESIDENTIAL CHILD CARE FACILITIES AND DAY TREATMENT PROGRAMS services
163 for children with behavioral dysfunctions; developmental, emotional, mental or physical
164 impairments; and/or chemical dependencies.

165
166 CHILD PLACING AGENCIES
167 Adoption and foster care services.

168
169 ...
170
171 DISTILLERY
172 A facility that distills alcoholic beverages or spirits and may include the intake of grains, fruits,
173 sugars or other products, their fermentation, distilling, aging, and bottling. Products may
174 include liquors, liqueurs, brandies, etc. Such facilities may include a tasting room or retail
175 space to sell the products to patrons on site.

176
177 ...
178
179 DISTRICT, COMMERCIAL
180 Any district designated in these regulations as a business or commercial district or special
181 commercial district [under Article II, IX, X or XI] of this chapter or containing the word
182 "business" or "commercial" in its title.
183
184 ...
185
186 DISTRIBUTION CENTER
187 An establishment that distributes and stores goods, products, cargo, and materials, including
188 transshipment by boat, rail, air, or motor vehicle.
189
190 DWELLING, MULTI-FAMILY CONVERTED
191 A structure converted from a single family dwelling unit into a multifamily dwelling unit.
192
193 ...
194
195 EASEMENT
196 Authorization by a property owner for another to use the owner's property for a specified
197 purpose.
198
199 EDUCATIONAL INSTITUTION
200 Any school, educational institution or training institution, however designated, which offers a
201 program of college, professional, preparatory, high school, junior high school, middle school,
202 elementary school, kindergarten, or nursery school jurisdiction, or any combination thereof, or
203 any other program of trade, technical or artistic instruction.
204
205 SERVICE [FILLING] STATION
206 Any building, structure or land used for the sale, at retail, of motor vehicle fuels, lubricants or
207 accessories or for the servicing of automobiles or repairing of automobiles or repairing of minor
208 parts and accessories, but not including major repair work such as motor replacement, body and
209 fender repair or spray painting.
210
211 FITNESS CENTER
212 A private health, athletic or recreational club facility that provides fitness services including, but
213 not limited to gymnasiums (except public), weight training facilities, aerobic floors,
214 tennis/racquetball courts, swimming pools, and similar athletic facilities, with full service
215 amenities including but not limited to showers, lockers, baths and saunas.
216
217 ...
218
219 FUNERAL HOME

220 A building or part thereof used for human funeral services, including chapels, embalming,
221 autopsies, storage of caskets, funeral urns and other related funeral supplies, and the storage of
222 funeral vehicles, but does not include facilities for cremation.

223
224 GARAGE, COMMERCIAL

225 A deck, building, structure, or part thereof, used for the parking and storage of vehicles for a
226 commercial application.

227
228 . . .

229
230 GREEN

231 A civic space for passive recreation, spatially defined by landscaping rather than buildings.
232

233 . . .

234
235 GREENHOUSE, COMMERCIAL

236 A structure in which plants, vegetables, flowers, and similar materials are grown for sale.

237
238 GREENWAY

239 An open space corridor in largely natural conditions which may include trails for bicycles and
240 pedestrians.

241
242 GROUP HOME

243 A residential facility licensed or approved by a state agency serving three to ten developmentally
244 disabled persons on a 24 hour per day basis pursuant to 16 Del. C. 1101 and must meet
245 minimum acceptable standards for living conditions and supports.

246
247 . . .

248
249 HOSPITAL

250 A building or group of buildings having room facilities for overnight patients, used for providing
251 services for the inpatient medical or surgical care of sick or injured humans and which may
252 include related facilities, central service facilities and staff offices; provided, however, that such
253 related facility must be incidental and subordinate to the main use and must be an integral part of
254 the hospital operations. This use Requires a license issued under DE Code, Title 16, Chapter 10,
255 Sec. 1003; but does not include sanatoriums, rest homes, nursing homes or boarding homes.

256
257 . . .

258
259 MAJOR ARTERIAL ROADWAYS

260 Those roadways in the unincorporated areas of Sussex County or subject to the zoning
261 regulation of Sussex County, Delaware, which because of the traffic patterns of Sussex County
262 operate at capacity and which are designated as follows:

263 A. Delaware Route 1 from the Kent County line to the Worcester County, Maryland, line.

264 B. U.S. Route 113 from the Kent County line to the Worcester County, Maryland, line.

265 C. U.S. Route 13 from the Kent County line to the Wicomico County, Maryland, line.

266 D. Delaware Route 404 from the Caroline County, Maryland, line to its intersection with
267 Delaware Route 18.

268 E. Delaware Route 18 from its intersection with Delaware Route 404 to its intersection with U.S.
269 Route 113.

270 F. U.S. Route 9 from its intersection with U.S. Route 13 to its intersection with Delaware Route
271 1.

272 G. U.S. Route 9 from its intersection with Delaware Route 1 to the southwesterly town limit of
273 the Town of Lewes.

274

275 ...

276

277 MANUFACTURING

278 Establishments engaged in the mechanical or chemical transformation of materials or
279 substances into new products, including the assembling of component parts, the creation of
280 products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

281 (a) Manufacturing includes all mechanical or chemical transformations regardless of
282 whether the new product is finished or semi-finished as a raw material for further
283 processing.

284 (b) The processing of farm products grown on a farm is not manufacturing, but rather, an
285 accessory use to farming operations.

286

287 MARINE CONTRACTING

288 Development, redevelopment or renovation development in or adjacent to a water body,
289 including but not limited to any original construction or extension, modification or alteration of
290 any dock, seawall, retaining wall, pier, finger pier, dolphin, bulkhead, dock house, boat house or
291 boat lift.

292

293 ...

294

295 MATERIAL STORAGE YARD

296 An outdoor area where vehicles, equipment, merchandise, raw materials, or other items are
297 accumulated and stored for an indefinite period until needed. Storage yards are often used in
298 conjunction with a warehouse, storage buildings, sheds or other structures and may be public or
299 private. Unless a function of a government agency or public utility, storage yards are
300 considered accessory to a business or other principal use.

301

302 ...

303

304 NURSING & SIMILAR CARE FACILITIES

305 A facility that offers any of the following types of care or services and including, but not limited
306 to, facilities regulated by the State Department of Health and Social Services:

307 ASSISTED LIVING FACILITY

308 Residences for the elderly that provide rooms, meals, personal care, and supervision of
309 self-administered medication and may provide other services such as recreational
310 activities, financial services, and transportation.

311

312 EXTENDED CARE FACILITY
313 A long-term facility or distinct part of a facility licensed or approved as a nursing home,
314 infirmity unit of a home for the aged, or a governmental medical institution.

315
316 GRADUATE CARE FACILITY
317 Contains elements of elderly independent living, assisted living and nursing homes.
318 Residents can take advantage of the full range of services available and the ease of
319 transfer to a different type of facility as his or condition and needs change without
320 needing to look for a new facility, relocate or adapt to a new setting. The resident may
321 begin in the independent living residences, move to assisted living as he or she needs help
322 with activities of daily living, and eventually move to the nursing home as ongoing care
323 becomes necessary.

324
325 INDEPENDENT CARE FACILITY
326 A residential development of detached single family dwelling units or townhouse dwelling
327 units restricted to individuals or families in which all residents are older adults. Such
328 development may contain compatible commercial elements.

329
330 INTERMEDIATE CARE FACILITY
331 A facility that provides, on a regular basis, personal care, including dressing and eating
332 and health-related care and services, to individuals who require such assistance but who
333 do not require the degree of care and treatment that a hospital or skilled nursing facility
334 provides.

335
336 LONG-TERM CARE FACILITY
337 An institution or a distinct part of an institution that is licensed or approved to provide
338 health care under medical supervision for 24 or more consecutive hours.

339
340 OTHER
341 Including family care homes, group homes, intermediate care facilities for persons with
342 mental retardation, neighborhood group homes, family care homes, and rest residential
343 facilities.

344
345 OFFICE
346 A room or group of rooms used for conducting the affairs of a business, profession, service,
347 industry, or government and generally furnished with desks, tables, files, and communications
348 equipment.

349
350 . . .

351
352 PARKING STRUCTURE
353 A parking structure is a building containing two or more stories of parking.

354
355 PATH

356 A pedestrian way traversing open space or rural area, with landscape consistent with the
357 preservation of ecological functions of the open space, ideally connecting directly with the
358 sidewalk network.

359
360 PHARMACY

361 A building or structure that is intended to provide prescribed or non-prescribed medication
362 along with medical equipment and other items that can be used for improving health and quality
363 of life.

364
365 ...

366
367 PLACE OF WORSHIP

368 A building or structure, or groups of buildings or structures, that by design and construction are
369 primarily intended for conducting organized religious services and associated accessory uses.

370
371 ...

372
373 PUBLIC BUILDING

374 A building, owned or leased, occupied, and used by an agency or political subdivision of the
375 federal, state, county, or municipal government. VERIFY FOR CONSISTENCY- SEE HEIGHT
376 LIMIT

377

378 PUBLIC SAFETY FACILITY

379 A building or structure used for the provision of public safety services, such as police protection,
380 fire protection, emergency medical service, and rescue operations.

381

382 PUBLIC UTILITY SERVICE

383 The generation, transmission, and/or distribution of electricity, gas, steam, communications, and
384 water; the collection and treatment of sewage and solid waste; and the provision of mass transit
385 to the public.

386

387 PUBLIC UTILITY SERVICE FACILITY

388 Any use or structure associated with the provision of utility services.

389

390 PUBLIC UTILITY SERVICE LINES

391 The system of lines, pipes, wires, or tracks that distributes, transmits, or provides a utility
392 service. This includes equipment that is incidental and necessary to the lines and that is
393 located on the lines.

394

395 PUBLIC WATER AND SEWER SYSTEM

396 Any system, other than an individual septic tank, tile field, or individual well, that is operated by
397 the a governmental agency, a public utility, or a private individual or corporation licensed by
398 the appropriate State agency, for the collection, treatment, and disposal of wastes and the
399 furnishing of potable water.

400

401 RECREATION FACILITY

402 A place designed and equipped for the conduct of sports and leisure-time activities.

403

404 RECREATION FACILITY, COMMERCIAL

405 A recreation facility operated as a business and open to the public for a fee.

406

407 RECREATION FACILITY, PERSONAL

408 A recreation facility provided as an accessory use on the same lot as the principal permitted
409 use and designed to be used primarily by the occupants of the principal use and their guests.

410

411 RECREATION FACILITY, PRIVATE

412 A recreation facility operated by a nonprofit organization and open only to bona fide
413 members and guests of such nonprofit organization.

414

415 RECREATION FACILITY, GOVERNMENT

416 A recreation facility owned, or operated by a government organization

417

418 . . .

419

420 RESTAURANT

421 A restaurant includes the following:

422 a) Establishments where food and drink are prepared, served, and sold primarily for
423 consumption within the principal building.

424 (b) Establishments where food and/or beverages are sold in a form ready for consumption,
425 where all or a significant portion of the consumption takes place or is designed to take
426 place outside of the confines of the restaurant, and where ordering and pickup of food
427 may take place from an automobile.

428

429 RETAIL FOOD ESTABLISHMENT

430 Establishments selling food or beverages for consumption off premises either immediately or
431 with further preparation. Such establishments may include, but not be limited to, grocery store,
432 bakery, candy store, butcher, delicatessen, convenience store, and similar establishments.

433

434 RETAIL SALES

435 Establishments engaged in selling goods or merchandise to the general public for personal or
436 household consumption and rendering services incidental to the sale of such goods.

437 Characteristics of such uses include:

438 (a) Usually a business place engaged in activity to attract the general public to buy.

439 (b) Buys and receives as well as sells merchandise.

440 (c) May process or manufacture some of its products—a jeweler or a bakery—but processing
441 is secondary to principal use.

442 (d) Generally sells to customers for personal or household use.

443

444 . . .

445

446 SELF-STORAGE FACILITY

447 A structure containing separate, individual, and private storage spaces of varying sizes leased or
448 rented on an individual basis for varying amounts of time.

449

450 SERVICES, COMMERCIAL

451 Establishments primarily engaged in providing assistance, as opposed to products, to
452 individuals, businesses, industry, government, and other enterprises, including hotels and other
453 lodging places; personal, business, repair, and amusement services; health, legal, engineering,
454 and other professional services; educational services; membership organizations; and other
455 miscellaneous services.

456

457 SERVICES, BUSINESS

458 Establishments primarily engaged in rendering services to business establishments on a fee
459 or contract basis, such as advertising and mailing; building maintenance; employment
460 services; management and consulting services; protective services; equipment rental and
461 leasing; commercial research; development and testing; photo finishing; and personal
462 supply services.

463

464 SERVICES, PERSONAL

465 Establishments primarily engaged in providing services involving the care of a person or his
466 or her personal goods or apparel.

467

468 SERVICES, ENTERTAINMENT

469 Establishments providing services or entertainment, as opposed to products, to the general
470 public for personal or household use, including bowling alleys, miniature golf, indoor
471 amusements, motion pictures, amusement and recreation services, museums, and galleries.

472

473 ...

474

475 SHOPPING CENTER

476 A group of commercial establishments planned, constructed and managed as a total entity in
477 accordance with an approved plan, with customer and employee parking provided on site,
478 provision for goods delivery separated from customer access, aesthetic considerations and
479 protection from the elements, and landscaping and signage.

480

481 ...

482

483 SURGICAL CENTER

484 A facility where outpatients come for simple surgical procedures and are not lodged overnight.

485

486 ...

487

488 USE

489 The purpose or activity for which land or buildings are designed, arranged, or intended or for
490 which land or buildings are occupied or maintained.

491

492 USE, PRINCIPAL OR PRIMARY

493 The primary or predominant use of any lot or parcel.

494

495 USE, SECONDARY

496 Secondary to principal use of any lot or parcel. WAREHOUSE

497 A building used primarily for the storage of goods and materials.

498

499 . . .

500

501 WHOLESALE ESTABLISHMENT

502 For the purposes of this chapter, a wholesale establishment is a wholesale warehouse type of
503 retail store establishment.

504

505 WHOLESALE TRADE

506 Establishments or places of business primarily engaged in selling merchandise to retailers; to
507 industrial, commercial, institutional, or professional business users; to other wholesalers; or
508 acting as agents or brokers and buying merchandise for, or selling merchandise to, such
509 individuals or companies.

510

511 . . .

512

513 WINERY

514 A facility where wine is manufactured and packaged. Such facilities may include a tasting room
515 or retail space to sell the products to patrons for on-site or off-site consumption.

516

517 **Section 2.** The Code of Sussex County, Chapter 115, Article I, §115-5 “Districts Established” is
518 hereby amended by inserting the italicized and underlined language therein as follows:

519 **§ 115-5. District established.**

520 In order to regulate and restrict the location and use of buildings and land for trade, industry,
521 residence and other purposes and to regulate and restrict the location, height and size of buildings
522 hereafter erected or structurally altered, the size of yards and other open spaces and the density
523 of population, the following zoning districts are hereby established:

524 A. Residential districts:

- 525 AR-1 Agricultural Residential District
- 526 AR-2 Agricultural Residential District
- 527 MR Medium-Density Residential District
- 528 GR General Residential District
- 529 HR-1 High-Density Residential District
- 530 HR-2 High-Density Residential District
- 531 UR Urban Residential District
- 532 RPC Residential Planned Community District
- 533 VRP Vacation-Retirement-Residential-Park District

534 B. Business and commercial districts:
535 UB Urban Business District
536 B-1 Neighborhood Business District
537 C-1 General Commercial District
538 CR-1 Commercial Residential District
539 B-2 Business Community District
540 B-3 Business Research District
541 C-2 Medium Commercial District
542 C-3 Heavy Commercial District
543 C-4 Planned Commercial District
544 C-5 Service/ Limited Manufacturing District
545 I-1 Institutional District

546 C. Industrial districts:
547 M Marine District
548 LI-1 Limited Industrial District
549 LI-2 Light Industrial District
550 HI-1 Heavy Industrial District
551 D. Flood-prone districts:
552 FP Coastal Floodplain
553 HA Coastal High-Hazard Area
554 FW Floodway
555 FF Floodway Fringe
556

557 **Section 3.** The Code of Sussex County, Chapter 115, Article X, §115-75 “Reference to
558 additional regulations” is hereby amended by re-labeling the existing language as subsection
559 “A.” and adding a new subsection “B” thereafter as follows:

560 **§115-75 Reference to additional regulations.**

561 A. The regulations contained in this article are supplemented or modified by regulations
562 contained in other articles of this chapter, especially the following:
563 Article I, § 115-4, Definitions and word usage
564 Article XXI, Signs
565 Article XXII, Off-Street Parking
566 Article XXIII, Off-Street Loading
567 Article XXV, Supplementary Regulations
568 Article XXVII, Board of Adjustment
569

570 B. Closed district. As of _____, the B-1 Neighborhood Business District shall be
571 considered a closed district and shall not be applied to any additional lands in Sussex County.
572 The district and its various provisions and regulations shall continue to exist as they apply to a B-
573 I District established under the procedures of this chapter.
574
575

576 **Section 4.** The Code of Sussex County, Chapter 115, is hereby amended by inserting a new
577 Article XA “B-2 Business Community” immediately after Article X “B-1 Neighborhood
578 Business” as follows:

579 **§115-75.1. Purpose.**

580 *The purpose of this district is to provide primarily for office, retail shopping and personal*
581 *service uses, to be developed either as a unit or on individual parcel, to serve the needs of a*
582 *relatively small area, primarily nearby rural, low-density or medium density residential*
583 *neighborhoods. To enhance the general character of the district and its compatibility with its*
584 *residential surroundings, signs are limited to those accessory to businesses conducted on the*
585 *premises, and the number, area and type of signs are limited.*

586 **§115-75.2. Permitted uses.**

587 **A. A building or land shall only be used for the following purposes:**

588 **AGRICULTURE-RELATED USES**

589 Greenhouse, commercial

590 Seasonal Sales of Products/temporary Removable Stands (6 months out of the year)

591 Wholesale, retail, nurseries for sale of products produced on site

592

593 **RESIDENTIAL USES**

594 Bed and Breakfast

595 Boarding House

596 Home-based business

597 Hotel, motel or motor lodge

598

599 **SALES & RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT**

600 Convenience Store

601 Convenience Store, Fuel Station (less than 6 pumps)

602 Retail food establishments 7,500 square feet or less

603 Retail sales establishments 7,500 square feet or less

604 Pharmacy or related uses 12,000 square feet or less

605 Restaurant 7,500 square feet or less

606 Brew Pub 7,500 square feet or less

607

608 **OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE AND SIMILAR**

609 **ENTERPRISES NOT PRIMARILY RELATED TO GOODS**

610 Business service establishments

611 Bank

612 Professional Offices

613 Personal service establishments

614 Entertainment establishments 7,500 square feet or less

615 Social service establishments

616

617 **MULTIPLE USE PARCELS**

618 Multiple use development less than 4 business units

619

- 620 MANUFACTURING, ASSEMBLING, PROCESSING
621 Winery, Brewery or Distillery under 7500 sqft
622
623 EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC
624 SOCIAL, FRATERNAL
625 Recreational facility, commercial indoor
626 Club, indoor, such as clubs, lodges, and other annual membership clubs
627 Educational institutions, public and private
628 Places of worship
629 INSTITUTIONAL, RESIDENCE CARE, CONFINEMENT
630 & MEDICAL FACILITIES
631 Family day-care center (1-6 children)
632 Large family child care homes (7-12 children)
633 Early care and education and school-age centers (13+ children)
634 Residential child care facilities and day treatment programs
635 Child placing agencies
636 Medical clinic
637 Assisted living facility
638 Extended care facility
639 Intermediate care facility
640 Long-term care facility
641 Surgical Center
642 Fitness/wellness center
643 Museums, non-profit art galleries
644 Community centers
645
646 STORAGE AND PARKING
647 Self storage facility
648 Warehouse
649
650 PUBLIC, SEMI-PUBLIC UTILITIES, EMERGENCY
651 Government facilities and services
652 Parks and open space
653 Public safety facilities including fire, police, rescue and national security
654 Utility service facilities
655 Recreational facility, government
656
657 NOT GROUPED ELSEWHERE
658 Cemeteries
659 Funeral home
660 Animal hospital and veterinary clinics
661
662 B. Where, in the judgment of the Commission, a use is not specifically referenced but is
663 similar to those listed as permitted, it may be permitted by approval of the Commission.
664
665 §115-75.3 Permitted Secondary Uses.

666
667 Permitted secondary uses are as follows:

- 668
669 Apartment above commercial or office uses
670 Garage, public or commercial parking

671
672 **§115-75.4 Special Use Exceptions.**

673 Special use exceptions may be permitted by the Board of Adjustment and in accordance with the
674 provisions of Article XXVII of this Chapter, and may include:

675
676 A. Exceptions to parking and loading requirements, as follows:

677 (1) Off street parking areas, adjacent to or at a reasonable distance from the premises on
678 which parking areas are required by the parking regulations of Article XXII, where practical
679 difficulties, including the acquisition of property, or undue hardships are encountered in locating
680 such parking areas on the premises and where the purpose of these regulations to relieve
681 congestion in the streets would be best served by permitting such parking off the premises.

682 (2) Waiver or reduction of the parking and loading requirement in any district whenever the
683 character or use of the building is such as to make unnecessary the full provision of parking or
684 loading facilities.

685 (3) Waiver or reduction of loading space requirements where adequate community loading
686 facilities are provided.

687 (4) Waiver or reduction of loading space requirements for uses which contain less than
688 10,000 square feet of floor area where construction of existing buildings, problems of access or
689 size of lot make impractical the provision of required loading space.

690
691 B. Other special use exceptions as follows:

692 Any temporary removable vendor stand for the sale of food, agricultural products or other food-
693 related goods that is not a permitted use under the provisions of § 115-69; provided, however,
694 that the use shall not operate until the owner presents the Director of Planning and Zoning with
695 evidence of a current State of Delaware business license. Upon approval and submission of the
696 business license, the Director shall issue a Sussex County Vendor Stand sticker in a form
697 established by the Director. This sticker shall be visible on the stand at all times.

698
699 **§ 115-75.5 Permitted signs.**

700 See Article XXI, §§ 115-159.4 for signs permitted in the B-2 District and other regulations
701 relating to signs.

702
703 **§ 115-75.6 Height, area and bulk requirements.**

704 A. Minimum lot sizes. Minimum lot sizes shall be as follows:

705

<u>Use</u>	<u>Minimum Area**</u> <u>(square feet)</u>	<u>Maximum Area**</u> <u>(square feet)</u>	<u>Width*</u> <u>(feet)</u>	<u>Depth</u> <u>(feet)</u>
<u>Permitted Uses</u>	<u>3,000</u>	<u>3 acres</u>	<u>30</u>	<u>100</u>

706
707 *NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex
708 County of 1964, as revised, shall have a minimum lot width of 150 feet.

709
710 **NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or
711 which is located within a planning area as defined by a sewer planning study approved by the
712 Sussex County Council, shall have a minimum area of 3/4 acre.

713
714 B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in
715 addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E
716 of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

717
718

<u>Use</u>	<u>Depth of Front Yard</u> <u>(feet)</u>	<u>Width of Side Yard</u> <u>(feet)</u>	<u>Depth of Rear Yard</u> <u>(feet)</u>
<u>Permitted Uses</u>	<u>10</u>	<u>2</u>	<u>5</u>

719
720 C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

721

<u>Use</u>	<u>Maximum Floor Area</u> <u>(square feet)</u>
<u>Permitted Uses</u>	<u>30,000</u>

722
723 D. Maximum height requirement. Maximum height requirements shall be as follows:

724

<u>Use</u>	<u>Feet</u>
<u>Permitted Uses</u>	<u>42</u>

725
726 **§ 115-75.7 Reference to additional regulations.**

727 The regulations contained in this article are supplemented or modified by regulations contained
728 in other articles of this chapter, especially the following:

- 729 Article I, § 115-4, Definitions and word usage
730 Article XXI, Signs
731 Article XXII, Off-Street Parking
732 Article XXIII, Off-Street Loading
733 Article XXV, Supplementary Regulations
734 Article XXVII, Board of Adjustment

735
736

737 **Section 5.** The Code of Sussex County, Chapter 115, is hereby amended by inserting a new
738 Article XB “B-3 Business Research” immediately after Article X “B-1 Neighborhood Business”
739 and the new Article XA “B-2 Business Community” as follows:

740 **§ 115-75.8 Purpose.**

741 The purpose of this district to provide locations for a range of business research and business
742 park uses, including office and administrative uses, designed to be conducted wholly within
743 enclosed buildings.

744

745 § 115-75.9 Permitted Uses.

746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788

A. A building or land shall be used only for the following purposes:

AGRICULTURE-RELATED USES

Bio Tech campus

Biotech Industry

SALES & RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT

Wholesale trade establishment

Brewpub 7,500 square feet or less

OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS

Business service establishment

Banks

Professional offices

Personal service establishments

Entertainment establishments

Social service establishments

MULTIPLE USE PARCELS

Development requiring shared internal roads

Multiple use development less than 4 business units

Multiple use development more than 4 business units

EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC SOCIAL, FRATERNAL

Places of worship

INSTITUTIONAL, RESIDENCE, CARE, CONFINEMENT AND MEDICAL FACILITIES

Residential child care facilities and day treatment programs

STORAGE AND PARKING

Distribution center

Garage, commercial or parking

Government facilities and services, local

Government facilities and services, non-local

Parks and open space

Public safety facilities including ambulance, fire, police, rescue and national security

Recreational facility, government

B. Where, in the judgment of the Commission, a use is not specifically referenced but is similar to those listed as permitted, it may be permitted by approval of the Commission.

791
792 C. 50% of the floor area may be for a limited number of auxiliary commercial uses that
793 typically support the office use. Restaurants are permitted as a stand-alone use.
794

795 **§115-75.10 Permitted Secondary Uses.**

796
797 Permitted secondary uses are as follows:

- 798
799 Retail food establishments
800 Retail sales establishments 7,500 square feet or less
801 Pharmacy or related uses, 35,000 square feet or less
802 Supermarkets
803 Restaurants 7,500 square feet or less
804 Brew pub, 7,500 square feet or less (WHAT IS THIS ACCESSORY TO)
805 Manufacturing
806 Family child day care center (1-6 children)
807 Large family child care homes (7-12 children)
808 Early care and education and school age centers (13+ children)
809 Child placing agencies
810 Medical clinic
811 Motor vehicle washes

812
813 **§115-75.11 Special Use Exceptions.**

814 Special use exceptions may be permitted by the Board of Adjustment and in accordance with the
815 provisions of Article XXVII of this Chapter, and may include:

816
817 A. Exceptions to parking and loading requirements, as follows:

818 (1) Off street parking areas, adjacent to or at a reasonable distance from the premises on
819 which parking areas are required by the parking regulations of Article XXII, where practical
820 difficulties, including the acquisition of property, or undue hardships are encountered in locating
821 such parking areas on the premises and where the purpose of these regulations to relieve
822 congestion in the streets would be best served by permitting such parking off the premises.

823 (2) Waiver or reduction of the parking and loading requirement in any district whenever the
824 character or use of the building is such as to make unnecessary the full provision of parking or
825 loading facilities.

826 (3) Waiver or reduction of loading space requirements where adequate community loading
827 facilities are provided.

828 (4) Waiver or reduction of loading space requirements for uses which contain less than
829 10,000 square feet of floor area where construction of existing buildings, problems of access or
830 size of lot make impractical the provision of required loading space.

831
832 B. Other special use exceptions as follows:

833 Any temporary removable vendor stand for the sale of food, agricultural products or other food-
834 related goods that is not a permitted use under the provisions of § 115-69; provided, however,
835 that the use shall not operate until the owner presents the Director of Planning and Zoning with
836 evidence of a current State of Delaware business license. Upon approval and submission of the

837 business license, the Director shall issue a Sussex County Vendor Stand sticker in a form
838 established by the Director. This sticker shall be visible on the stand at all times.

839
840 **§ 115-75.12 Permitted signs.**
841 See Article XXI, §§ 115-159.4 for signs permitted in the B-3 District and other regulations
842 relating to signs.

843
844 **§ 115-75.13 Height, area and bulk requirements.**
845 A. Minimum lot sizes. Minimum lot sizes shall be as follows:

<u>Use</u>	<u>Minimum Area**</u> <u>(square feet)</u>	<u>Maximum Area**</u> <u>(square feet)</u>	<u>Width*</u> <u>(feet)</u>	<u>Depth</u> <u>(feet)</u>
<u>Permitted Uses</u>	<u>--</u>	<u>--</u>	<u>75</u>	<u>100</u>
<u>Multifamily-type structure</u>	<u>(See Table II, included at the end of this chapter.)</u>			

848
849 *NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex
850 County of 1964, as revised, shall have a minimum lot width of 150 feet.

851
852
853 **NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or
854 which is located within a planning area as defined by a sewer planning study approved by the
855 Sussex County Council, shall have a minimum area of 3/4 acre.

856
857 B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in
858 addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E
859 of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

<u>Use</u>	<u>Depth of Front Yard</u> <u>(feet)</u>	<u>Width of Side Yard</u> <u>(feet)</u>	<u>Depth of Rear Yard</u> <u>(feet)</u>
<u>Permitted Uses</u>	<u>40</u>	<u>10</u>	<u>10</u>

860
861
862 C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

<u>Use</u>	<u>Maximum Floor Area</u> <u>(square feet)</u>
<u>Permitted Uses</u>	<u>--</u>

863
864
865 D. Maximum height requirement. Maximum height requirements shall be as follows:

<u>Use</u>	<u>Feet</u>
<u>Permitted Uses</u>	<u>42</u>

866
867 **§ 115-75.13 Reference to additional regulations.**

868
869

870 The regulations contained in this article are supplemented or modified by regulations contained
871 in other articles of this chapter, especially the following:
872 Article I, § 115-4, Definitions and word usage
873 Article XXI, Signs
874 Article XXII, Off-Street Parking
875 Article XXIII, Off-Street Loading
876 Article XXV, Supplementary Regulations
877 Article XXVII, Board of Adjustment

878
879 **Section 6.** The Code of Sussex County, Chapter 115, Article XIA, §115-83.10 “Reference to
880 additional regulations” is hereby amended by re-labeling the existing language as subsection
881 “A.” and adding a new subsection “B” thereafter as follows:

882 **§115-83.10 Reference to additional regulations.**

883 A. The regulations contained in this article are supplemented or modified by regulations
884 contained in other articles of this chapter, especially the following:
885 Article I, § 115-4, Definitions and word usage
886 Article XXI, Signs
887 Article XXII, Off-Street Parking
888 Article XXIII, Off-Street Loading
889 Article XXV, Supplementary Regulations
890 Article XXVII, Board of Adjustment

891
892 B. Closed district. As of _____, the CR-1 Commercial Residential District shall
893 be considered a closed district and shall not be applied to any additional lands in Sussex County.
894 The district and its various provisions and regulations shall continue to exist as they apply to a
895 CR-1 District established under the procedures of this chapter.

896
897 **Section 7.** The Code of Sussex County, Chapter 115, is hereby amended by inserting a new
898 Article XIB “C-2 Medium Commercial” immediately after Article XIA “CR-1 Commercial
899 Residential District” as follows:

900 **§115-83.11 Purpose.**

901 This District supports uses that include retail sales and performance of consumer services. It
902 permits a variety of retail, professional and services businesses. The district shall be primarily
903 located near arterial and collector streets. It accommodates community commercial uses that do
904 not have outside storage or sales.

905 **§115-83.12 Permitted uses:**

906 A. A building or land shall only be used for the following purposes or uses:

907 RESIDENTIAL USES

908 Boarding house or bed and breakfast with 10 rooms or less for rent

909 Hotel, motel or motor lodge

910

911 SALES AND RENTAL OF GOODS,

912 MERCHANDISE AND EQUIPMENT
913 Convenience store, fuel station (less than 6 pumps)
914 Retail food establishments 7,500 square feet or less
915 Retail sales establishments 35,000 square feet or less
916 Pharmacy or related uses 35,000 square feet or less
917 Supermarkets
918 Restaurants
919 Brew Pubs
920 Wholesale trade establishments
921 OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE
922 AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS
923 Business service establishments
924 Banks
925 Professional offices
926 Personal service establishments
927 Entertainment establishments
928 Social service establishments
929
930
931 MULTIPLE USE PARCELS
932 Multiple use development less than 4 business units
933
934 MANUFACTURING, ASSEMBLING, PROCESSING
935 Winery, brewery or distillery under 7500 sqft
936
937 EDUCATIONAL, CULTURAL, RELIGIOUS
938 PHILANTHROPIC, SOCIAL, FRATERNAL
939 Recreational facility (indoor and outdoor)
940 Club indoor, private, such as clubs, lodges, and other annual membership clubs
941 Places of worship
942
943 INSTITUTIONAL, RESIDENCE, CARE
944 CONFINEMENT AND MEDICAL FACILITIES
945 Family day care center (1-6 children)
946 Large family child care homes (7-2 children)
947 Early care and education and school age centers (13+ children)
948 Residential child care facilities and day treatment programs
949 Child placing agencies
950 Medical clinics
951 Independent care facility
952 Assisted living facility
953 Extended care facility
954 Intermediate care facility
955 Long term care facility
956 Fitness/wellness center
957 Museums, non-profit art galleries

958 Community centers

959

960 **STORAGE AND PARKING**

961 Self-storage facility

962 Warehouse

963

964 **PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY**

965 Government facilities and services

966 Parks and open spaces

967 Public safety facilities including ambulance, fire, police, rescue and national security

968 Utility service facilities

969 Recreational facilities, public

970

971 **NOT GROUPED ELSEWHERE**

972 Funeral home

973 Animal hospital and veterinary clinics

974

975 B. Where, in the judgment of the Commission, a use is not specifically referenced but is
976 similar to those listed as permitted, it may be permitted by approval of the Commission.

977

978 C. No outside storage or sales are permitted in this district.

979

980 **§115-83.13 Permitted Secondary Uses.**

981

982 Permitted secondary uses are as follows:

983

984 Garage, public or commercial parking

985

986 **§115-83.14 Special Use Exceptions.**

987 Special use exceptions may be permitted by the Board of Adjustment and in accordance with the
988 provisions of Article XXVII of this Chapter, and may include:

989

990 A. Exceptions to parking and loading requirements, as follows:

991 (1) Off street parking areas, adjacent to or at a reasonable distance from the premises on
992 which parking areas are required by the parking regulations of Article XXII, where practical
993 difficulties, including the acquisition of property, or undue hardships are encountered in locating
994 such parking areas on the premises and where the purpose of these regulations to relieve
995 congestion in the streets would be best served by permitting such parking off the premises.

996 (2) Waiver or reduction of the parking and loading requirement in any district whenever the
997 character or use of the building is such as to make unnecessary the full provision of parking or
998 loading facilities.

999 (3) Waiver or reduction of loading space requirements where adequate community loading
1000 facilities are provided.

1001 (4) Waiver or reduction of loading space requirements for uses which contain less than
1002 10,000 square feet of floor area where construction of existing buildings, problems of access or
1003 size of lot make impractical the provision of required loading space.

1004
1005 B. Other special use exceptions as follows:
1006 Any temporary removable vendor stand for the sale of food, agricultural products or other food-
1007 related goods that is not a permitted use under the provisions of § 115-69; provided, however,
1008 that the use shall not operate until the owner presents the Director of Planning and Zoning with
1009 evidence of a current State of Delaware business license. Upon approval and submission of the
1010 business license, the Director shall issue a Sussex County Vendor Stand sticker in a form
1011 established by the Director. This sticker shall be visible on the stand at all times.

1012
1013 § 115-83.15 Permitted signs.
1014 See Article XXI, §§ 115-159.5 for signs permitted in the C-2 District and other regulations
1015 relating to signs.

1016
1017 § 115-83.16 Height, area and bulk requirements.

1018 A. Minimum lot sizes. Minimum lot sizes shall be as follows:

1019

<u>Use</u>	<u>Minimum Area**</u> <u>(square feet)</u>	<u>Maximum Area**</u> <u>(square feet)</u>	<u>Width*</u> <u>(feet)</u>	<u>Depth</u> <u>(feet)</u>
<u>All Permitted</u>	<u>15,000</u>	<u>--</u>	<u>75</u>	<u>100</u>

1020
1021
1022 *NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex
1023 County of 1964, as revised, shall have a minimum lot width of 150 feet.

1024
1025
1026 **NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or
1027 which is located within a planning area as defined by a sewer planning study approved by the
1028 Sussex County Council, shall have a minimum area of 3/4 acre.

1029
1030 B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in
1031 addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E
1032 of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

1033

<u>Use</u>	<u>Depth of Front Yard</u> <u>(feet)</u>	<u>Width of Side Yard</u> <u>(feet)</u>	<u>Depth of Rear Yard</u> <u>(feet)</u>
<u>All Permitted</u>	<u>60</u>	<u>5</u>	<u>5</u>

1034
1035
1036 C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

1037

Use Maximum Floor Area
(square feet)

All Permitted 75,000

1038 D. Maximum height requirement. Maximum height requirements shall be as follows:
1039

Use Feet

All Permitted 42

1040

1041 **§ 115-83.17 Reference to additional regulations.**

1042 The regulations contained in this article are supplemented or modified by regulations contained
1043 in other articles of this chapter, especially the following:

1044 Article I, § 115-4, Definitions and word usage

1045 Article XXI, Signs

1046 Article XXII, Off-Street Parking

1047 Article XXIII, Off-Street Loading

1048 Article XXV, Supplementary Regulations

1049 Article XXVII, Board of Adjustment

1050

1051 **Section 8.** The Code of Sussex County, Chapter 115, is hereby amended by inserting a new
1052 Article XIC “C-3 Heavy Commercial” immediately after Article XIA “CR-1 Commercial
1053 Residential District” and new Article XIB “C-2 Medium Commercial” as follows:

1054 **§115-83.18 Purpose.**

1055 This district is generally intended for larger scale auto-oriented retail and service businesses
1056 along major arterial roads that serve local and regional residents as well as the travelling
1057 public. In addition to most commercial uses found in this zone, automobile, truck, recreational
1058 vehicle and boat sales, rental and major repair facilities may also be located in this district.

1059 **§115-83.19 Permitted uses.**

1060 A. A building or land shall only be used for the following purposes:

1061 AGRICULTURE-RELATED USES

1062 Greenhouse, commercial

1063 Wholesale, retail nurseries for sale of products produced on site.

1064

1065 RESIDENTIAL USES

1066 Hotel, motel or motor lodge

1067

1068 SALES & RENTAL OF GOODS,

1069 MERCHANDISE AND EQUIPMENT

1070 Convenience store, fuel station

1071 Retail food establishments

1072 Retail sales establishments

1073 Pharmacy or related use

1074 Supermarkets

- 1075 Restaurants
- 1076 Brew pubs
- 1077 Wholesale trade establishment
- 1078
- 1079 OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE
- 1080 AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS
- 1081 Business service establishments
- 1082 Banks
- 1083 Professional offices
- 1084 Personal service establishments
- 1085 Entertainment establishments
- 1086 Social service establishments
- 1087
- 1088 MULTIPLE USE PARCELS
- 1089 Development requiring shared internal streets
- 1090 Multiple use development less than 4 business units
- 1091 Multiple use development more than 4 business units
- 1092
- 1093 MANUFACTURING, ASSEMBLING, PROCESSING
- 1094 Winery, brewery or distillery under 7500 sqft
- 1095
- 1096 EDUCATIONAL, CULTURAL, RELIGIOUS,
- 1097 PHILANTHROPIC, SOCIAL, FRATERNAL
- 1098 Recreation facility, commercial (indoor and outdoor)
- 1099 Club, indoor, such as clubs, lodges, and other annual membership clubs
- 1100 Places of worship
- 1101
- 1102 INSTITUTIONAL, RESIDENCE, CARE
- 1103 CONFINEMENT & MEDICAL FACILITIES
- 1104 Family child care center (1-6 children)
- 1105 Large family child care homes (7-12 children)
- 1106 Early care and education and school-age centers (13+ children)
- 1107 Residential child care facilities and day treatment programs
- 1108 Child placing agencies
- 1109 Medical clinic
- 1110 Independent care facility
- 1111 Assisted living facility
- 1112 Extended care facility
- 1113 Intermediate care facility
- 1114 Long-term care facility
- 1115 Fitness/wellness center
- 1116 Museums, non-profit art galleries
- 1117 Community centers
- 1118
- 1119 TRANSPORTATION-RELATED SALES AND SERVICE
- 1120 Motor and non-motor vehicle sales, rental repair, service and storage

1121 Motor vehicle washes

1122

1123 STORAGE AND PARKING

1124 Distribution centers

1125 Garage, public or commercial parking

1126 Self-storage facility

1127

1128 PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY

1129 Government facilities and services, local

1130 Government facilities and services, non-local

1131 Parks and open space

1132 Public safety facilities including ambulance, fire, police rescue and national security

1133 Utility service facilities

1134

1135 NOT GROUPED ELSEWHERE

1136 Communication towers

1137 Recreational facilities public

1138 Commercial kennels, provided that no open runs, kennels or cages are located within 200
1139 feet of land that is used or zoned residential and 50 feet from a property line

1140 Animal hospital or veterinary clinic

1141

1142 B. Where, in the judgment of the Commission, a use is not specifically referenced but is
1143 similar to those listed as permitted, it may be permitted by approval of the Commission.

1144

1145 §115-83.20 Permitted Secondary Uses.

1146

1147 Permitted secondary uses are as follows:

1148 Apartment above commercial or office uses

1149

1150 §115-83.21 Special Use Exceptions.

1151 Special use exceptions may be permitted by the Board of Adjustment and in accordance with the
1152 provisions of Article XXVII of this Chapter, and may include:

1153

1154 A. Exceptions to parking and loading requirements, as follows:

1155 (1) Off street parking areas, adjacent to or at a reasonable distance from the premises on
1156 which parking areas are required by the parking regulations of Article XXII, where practical
1157 difficulties, including the acquisition of property, or undue hardships are encountered in locating
1158 such parking areas on the premises and where the purpose of these regulations to relieve
1159 congestion in the streets would be best served by permitting such parking off the premises.

1160 (2) Waiver or reduction of the parking and loading requirement in any district whenever the
1161 character or use of the building is such as to make unnecessary the full provision of parking or
1162 loading facilities.

1163 (3) Waiver or reduction of loading space requirements where adequate community loading
1164 facilities are provided.

1165 (4) Waiver or reduction of loading space requirements for uses which contain less than
 1166 10,000 square feet of floor area where construction of existing buildings, problems of access or
 1167 size of lot make impractical the provision of required loading space.

1168
 1169 B. Other special use exceptions as follows:

1170 Off-premises signs, subject to the provisions of § 115-81A(2)

1171 Any temporary removable vendor stand for the sale of food, agricultural products or other food-
 1172 related goods that is not a permitted use under the provisions of § 115-69; provided, however,
 1173 that the use shall not operate until the owner presents the Director of Planning and Zoning with
 1174 evidence of a current State of Delaware business license. Upon approval and submission of the
 1175 business license, the Director shall issue a Sussex County Vendor Stand sticker in a form
 1176 established by the Director. This sticker shall be visible on the stand at all times.

1177
 1178 **§ 115-83.22 Permitted signs.**

1179 See Article XXI, §§ 115-159.5 for signs permitted in the C-3 District and other regulations
 1180 relating to signs.

1181
 1182 **§ 115-83.23 Height, area and bulk requirements.**

1183 A. Minimum lot sizes. Minimum lot sizes shall be as follows:

1184

<u>Use</u>	<u>Minimum Area**</u> <u>(square feet)</u>	<u>Maximum Area**</u> <u>(square feet)</u>	<u>Width*</u> <u>(feet)</u>	<u>Depth</u> <u>(feet)</u>
<u>Other</u>	<u>1 acre</u>	<u>--</u>	<u>75</u>	<u>100</u>

1185

1186 *NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex
 1187 County of 1964, as revised, shall have a minimum lot width of 150 feet.

1188 **NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or
 1189 which is located within a planning area as defined by a sewer planning study approved by the
 1190 Sussex County Council, shall have a minimum area of 3/4 acre.

1191

1192 B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in
 1193 addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E
 1194 of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

<u>Use</u>	<u>Depth of Front Yard</u> <u>(feet)</u>	<u>Width of Side Yard</u> <u>(feet)</u>	<u>Depth of Rear Yard</u> <u>(feet)</u>
<u>Permitted Use</u>	<u>60</u>	<u>5</u>	<u>5</u>

1195

1196 C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

1197

<u>Use</u>	<u>Maximum Floor Area</u> <u>(square feet)</u>
<u>Permitted Use</u>	<u>150,000</u>

1198 D. Maximum height requirement. Maximum height requirements shall be as follows:
1199

<u>Use</u>	<u>Feet</u>
------------	-------------

<u>Permitted Use</u>	<u>42</u>
----------------------	-----------

1200

1201 **§ 115-83.24 Reference to additional regulations.**

1202 The regulations contained in this article are supplemented or modified by regulations contained
1203 in other articles of this chapter, especially the following:

1204 Article I, § 115-4, Definitions and word usage

1205 Article XXI, Signs

1206 Article XXII, Off-Street Parking

1207 Article XXIII, Off-Street Loading

1208 Article XXV, Supplementary Regulations

1209 Article XXVII, Board of Adjustment

1210

1211 **Section 9.** The Code of Sussex County, Chapter 115, is hereby amended by inserting a new
1212 Article XID “C-4 Planned Commercial” immediately after Article XIA “CR-1 Commercial
1213 Residential District” and new Article XIB “C-2 Medium Commercial” and Article XIC “C-3
1214 Heavy Commercial” as follows:

1215 **§ 115-83.25 Purpose.**

1216 In order to encourage carefully planned large-scale commercial, retail, and mixed use
1217 developments as a means of creating a superior shopping, working and living environment
1218 through unified developments, and to provide for the application of design ingenuity while
1219 protecting existing and future developments and achieving the goals of the Comprehensive Plan.

1220

1221 **§ 115-83.26 Minimum district requirements.**

1222

1223 A. The land area shall have access to an existing or planned arterial or collector road;

1224 B. The land area shall be served by adequate existing or planned infrastructure;

1225 C. The land areas may contain a single parcel or multiple parcels;

1226 D. The land need not be under single ownership, provided that proper assurances are given,
1227 through the procedures contained in this section or elsewhere in these regulations, that the
1228 project can be successfully completed and maintained.

1229 E. The parcel may have a maximum of 20% of its development be, duplexes, townhouse, or
1230 multifamily dwellings.

1231 F. Site plan review requirements.

1232 (1) Applying the Planned Commercial District will be permitted only in accordance with
1233 a development plan, which is approved by the County Council in accordance with the
1234 requirements and procedures contained in this section.

1235 (2) The development plan shall display the requirements identified in § 115-220,
1236 Preliminary site plan requirements. The development plan shall also include:

1237 [a] Land use plan or plans showing location and arrangement of all proposed
1238 land uses, heights of buildings, setbacks and side yards, proposed internal and

- 1239 external traffic circulation (including widths, driveways and access), pedestrian
 1240 circulation, proposed open space dedications and easements.
 1241 [b] General landscaping and screening plan showing general types, location and
 1242 design of landscaping and screening.
 1243 [c] A tabular summary of percentage of site devoted to buildings, open space,
 1244 streets and parking areas, and total floor area of all nonresidential structures.
 1245 [e] Plan showing proposed generalized parking arrangements.
 1246 [d] Architectural sketches of typical proposed structures and typical landscaping
 1247 and screening areas.
 1248 [f] A plan or report indicating the extent, timing and estimate costs of all off-site
 1249 improvements such as roads, sewer and drainage facilities necessary to the
 1250 construction of the planned development. Such plan or report shall relate to the
 1251 sequence of development.
 1252 [g] A report or plan showing the adequacy of public facilities and services such
 1253 as water, sewer drainage, streets and roads to serve the proposed development.
 1254 [h] General plan for sedimentation and erosion control and stormwater
 1255 management.
 1256 (3) Upon approval of the Preliminary Plan, the applicant shall submit the final plans
 1257 displaying the requirements identified in § 115-221, Final site plan requirements.
 1258 (4) To further the intent of the district to provide an integrated master plan setting for
 1259 uses in the Planned Commercial Development District shall be designed in accordance
 1260 with the following:
 1261 [a] Designed as an integrated and comprehensively planned area and using a
 1262 common parking area, shared ingress and egress, pedestrian walkways, open
 1263 space, stormwater management facilities and water and wastewater utilities.
 1264 [b] Internal access streets should be provided to serve uses in a (Large Scale
 1265 Retail). Individual access points for individual uses onto an existing collector or
 1266 arterial roadway shall not be permitted.
 1267 [c] The landscaping plan provides a continuous landscape pattern throughout the
 1268 entire site. An overall landscape plan for the entire site shall be provided that
 1269 provides for this continuity but also allows for flexibility as specific buildings and
 1270 accessory uses are located within the site.
 1271 [d] To the maximum extent feasible, any provision of utilities, including but not
 1272 limited to water, wastewater, storm drainage and stormwater management
 1273 facilities shall be provided in a coordinated fashion to address the ultimate needs
 1274 of the entire site.

1275
 1276 **§115-83.27 Permitted uses.**
 1277

1278 **A. A building or land shall be used only for the following purposes:**
 1279

- 1280 **RESIDENTIAL USES duplexes**
 1281 **townhouse**
 1282 **multifamily dwellings.**
 1283 **Hotel, motel or motor lodge**
 1284

- 1285 SALES & RENTAL OF GOODS,
1286 MERCHANDISE AND EQUIPMENT
1287 Retail food establishments
1288 Social service establishments
1289 Retail sales establishments
1290 Pharmacy or related use
1291 Supermarkets
1292 Restaurants
1293 Brew Pub
1294 Wholesale trade establishment
1295
1296 OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE
1297 AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS
1298 Business service establishments
1299 Banks
1300 Professional offices
1301 Personal service establishments
1302 Entertainment establishments
1303 Social service establishments
1304
1305
1306 MULTIPLE USE PARCELS
1307 *Development requiring shared internal streets*
1308 *Multiple use development less than 4 business units*
1309 *Multiple use development more than 4 business units*
1310 *Tenting Area*
1311 *Exposition center or fair ground*
1312
1313
1314
1315 EDUCATIONAL, CULTURAL, RELIGIOUS,
1316 PHILANTHROPIC, SOCIAL, FRATERNAL
1317 Recreational facility, private, public or commercial, indoor or outdoor
1318 Places of worship
1319
1320 INSTITUTIONAL, RESIDENCE, CARE
1321 CONFINEMENT AND MEDICAL FACILITIES
1322 Family child day care center (1-6 children)
1323 Large family child care homes (7-12 children)
1324 Early care and education and school-age child centers (13+ children)
1325 Residential child care facilities and day treatment programs
1326 Child placement agencies
1327 Medical clinics
1328 Independent care facility
1329 Assisted living facility
1330 Extended care facility

- 1331 Intermediate care facility
- 1332 Long-term care facility
- 1333 Fitness/wellness center
- 1334 Museums, non-profit art galleries
- 1335 Community centers

- 1336
- 1337 TRANSPORTATION-RELATED SALES AND SERVICE
- 1338 Motor and non-motor vehicle sales, rental repair, service and storage
- 1339 Motor vehicle washes

- 1340
- 1341 STORAGE AND PARKING
- 1342 Garage, public or commercial parking
- 1343 Warehouses

- 1344
- 1345 PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY
- 1346 Government facilities and services, local
- 1347 Government facilities and services, non-local
- 1348 Parks and open space
- 1349 Public safety facilities including ambulance, fire, police rescue and national security
- 1350 Utility service facilities

1351

1352 B. Where, in the judgment of the Commission, a use is not specifically referenced but is

1353 similar to those listed as permitted, it may be permitted by approval of the Commission.

1354

1355 **§115-83.28 Permitted secondary Uses.**

- 1356
- 1357 Permitted secondary uses are as follows:
- 1358 Apartment above commercial or office uses
- 1359 Self storage facilities
- 1360 Communications towers

1361

1362 **§115-83.29 Special Use Exceptions.**

1363 Special use exceptions may be permitted by the Board of Adjustment and in accordance with the

1364 provisions of Article XXVII of this Chapter, and may include:

- 1365
- 1366 A. Exceptions to parking and loading requirements, as follows:
- 1367 (1) Off street parking areas, adjacent to or at a reasonable distance from the premises on
- 1368 which parking areas are required by the parking regulations of Article XXII, where practical
- 1369 difficulties, including the acquisition of property, or undue hardships are encountered in locating
- 1370 such parking areas on the premises and where the purpose of these regulations to relieve
- 1371 congestion in the streets would be best served by permitting such parking off the premises.
- 1372 (2) Waiver or reduction of the parking and loading requirement in any district whenever the
- 1373 character or use of the building is such as to make unnecessary the full provision of parking or
- 1374 loading facilities.
- 1375 (3) Waiver or reduction of loading space requirements where adequate community loading
- 1376 facilities are provided.

1377 (4) Waiver or reduction of loading space requirements for uses which contain less than
1378 10,000 square feet of floor area where construction of existing buildings, problems of access or
1379 size of lot make impractical the provision of required loading space.

1380 B. Other special use exceptions as follows:
1381 Off-premises signs, subject to the provisions of § 115-81A(2)

1382 Any temporary removable vendor stand for the sale of food, agricultural products or other food-
1383 related goods that is not a permitted use under the provisions of § 115-69; provided, however,
1384 that the use shall not operate until the owner presents the Director of Planning and Zoning with
1385 evidence of a current State of Delaware business license. Upon approval and submission of the
1386 business license, the Director shall issue a Sussex County Vendor Stand sticker in a form
1387 established by the Director. This sticker shall be visible on the stand at all times.

1388 **§ 115-83.30 Permitted signs.**

1389 See Article XXI, §§ 115-159.5 for signs permitted in the C-4 District and other regulations
1390 relating to signs.

1391 **§ 115-83.31 Height, area and bulk requirements.**

1392 A. Minimum lot sizes. Minimum lot sizes shall be as follows:

<u>Use</u>	<u>Minimum Area**</u> <u>(square feet)</u>	<u>Maximum Area**</u> <u>(square feet)</u>	<u>Width*</u> <u>(feet)</u>	<u>Depth</u> <u>(feet)</u>
<u>Permitted Uses</u>	<u>3 acres</u>	<u>--</u>	<u>75</u>	<u>100</u>

1393 *NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex
1394 County of 1964, as revised, shall have a minimum lot width of 150 feet.

1400 **NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or
1401 which is located within a planning area as defined by a sewer planning study approved by the
1402 Sussex County Council, shall have a minimum area of 3/4 acre.

1403 B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in
1404 addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E
1405 of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

<u>Use</u>	<u>Depth of Front Yard</u> <u>(feet)</u>	<u>Width of Side Yard</u> <u>(feet)</u>	<u>Depth of Rear Yard</u> <u>(feet)</u>
<u>Permitted Uses</u>	<u>60</u>	<u>5</u>	<u>5</u>
<u>Multifamily-type</u> <u>structure</u>	<u>(See Table II, included at the end of this chapter.)</u>		

1410 C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

1411

1412

Use Maximum Floor Area
(square feet)

Permitted Uses --

1413
1414
1415

D. Maximum height requirement. Maximum height requirements shall be as follows:

Use Feet

Permitted Uses 42

1416
1417
1418
1419
1420
1421
1422
1423
1424
1425
1426

§ 115-83.32 Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this chapter, especially the following:

Article I, § 115-4, Definitions and word usage

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

1427 **Section 10.** The Code of Sussex County, Chapter 115, is hereby amended by inserting a new
1428 Article XIE “C-5 Service/Limited Manufacturing” immediately after Article XIA “CR-1
1429 Commercial Residential District” and new Article XIB “C-2 Medium Commercial”, Article XIC
1430 “C-3 Heavy Commercial” and Article XID “C-4 Planned Commercial” as follows:

1431 **§ 115-83.33 Purpose.**

1432 The Service/Limited Manufacturing District is designed to maintain and facilitate the growth and
1433 expansion of small scale light industrial, wholesale distribution and personal service. Use
1434 permitted in this district must have a retail component.

1435
1436 **§ 115-83.34 Permitted uses.**

1437 A. A building or land shall be used only for the following purposes:

1438
1439
1440
1441
1442
1443
1444
1445
1446
1447
1448

AGRICULTURE-RELATED USES

Agriculture-related businesses

Aquaculture

Greenhouse, commercial

SALES & RENTAL OF GOODS

MERCHANDISE AND EQUIPMENT

Wholesale, retail, nurseries for sale of products produced on site

Wholesale trade establishments

- 1449 OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE
 1450 AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS
 1451 Business service establishments
 1452 Professional offices
 1453 Personal service establishments
 1454 Entertainment establishments
 1455
 1456 MANUFACTURING, ASSEMBLING, PROCESSING
 1457 Winery, brewery or distillery
 1458 Manufacturing
 1459 Material Storage Yard, with on-site mulching, pulping or manufacturing of material
 1460
 1461 EDUCATIONAL, CULTURAL, RELIGIOUS,
 1462 PHILANTHROPIC, SOCIAL FRATERNAL
 1463 Places of worship
 1464
 1465 TRANSPORTATION-RELATED SALES & SERVICE
 1466 Motor and non-motor vehicle sales, rental repair, service and storage
 1467 Motor vehicle washes
 1468
 1469 STORAGE AND PARKING
 1470 Distribution centers
 1471 Garage, public or commercial parking
 1472 Warehouse
 1473
 1474 PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY
 1475 Government facilities and services, local and non-local
 1476 Parks and open space
 1477 Public safety facilities including ambulance, fire, police, rescue and national security
 1478 Utility service facilities
 1479 Recreational facility, government
 1480
 1481 NOT GROUPED ELSEWHERE
 1482 Commercial kennels, provided that no open pens, runs, kennels or cages are located
 1483 within 200 feet of land that is used or zoned residential and 50 feet from any property
 1484 line.
 1485
 1486 **115-83.35 Permitted Secondary Uses.**
 1487
 1488 Permitted secondary uses are as follows:
 1489 Seasonal sales of products/temporary removable stands (6 months out of the year)
 1490 Retail food establishments
 1491 Retail sales establishments 3,500 square feet or less
 1492 Restaurants 3,500 square feet or less
 1493 Communication towers
 1494

1495 **§115-83.36 Special Use Exceptions.**
1496 *Special use exceptions may be permitted by the Board of Adjustment and in accordance with the*
1497 *provisions of Article XXVII of this Chapter, and may include:*

1498
1499 *Exceptions to parking and loading requirements, as follows:*

1500 *(1) Off street parking areas, adjacent to or at a reasonable distance from the premises on*
1501 *which parking areas are required by the parking regulations of Article XXII, where practical*
1502 *difficulties, including the acquisition of property, or undue hardships are encountered in locating*
1503 *such parking areas on the premises and where the purpose of these regulations to relieve*
1504 *congestion in the streets would be best served by permitting such parking off the premises.*

1505 *(2) Waiver or reduction of the parking and loading requirement in any district whenever the*
1506 *character or use of the building is such as to make unnecessary the full provision of parking or*
1507 *loading facilities.*

1508 *(3) Waiver or reduction of loading space requirements where adequate community loading*
1509 *facilities are provided.*

1510 *(4) Waiver or reduction of loading space requirements for uses which contain less than*
1511 *10,000 square feet of floor area where construction of existing buildings, problems of access or*
1512 *size of lot make impractical the provision of required loading space.*

1513
1514 *Off-premises signs, subject to the provisions of § 115-81A(2)*

1515
1516
1517 **§ 115-83.37 Permitted signs.**

1518 *See Article XXI, §§ 115-159.5 for signs permitted in the C-5 District and other regulations*
1519 *relating to signs.*

1520
1521 **§ 115-83.38 Height, area and bulk requirements.**

1522 *A. Minimum lot sizes. Minimum lot sizes shall be as follows:*

1523

<u>Use</u>	<u>Minimum Area**</u> <u>(square feet)</u>	<u>Maximum Area**</u> <u>(square feet)</u>	<u>Width*</u> <u>(feet)</u>	<u>Depth</u> <u>(feet)</u>
<u>Permitted Uses</u>	<u>15,000</u>	<u>--</u>	<u>75</u>	<u>100</u>

1524
1525 **NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex*
1526 *County of 1964, as revised, shall have a minimum lot width of 150 feet.*

1527
1528 ***NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or*
1529 *which is located within a planning area as defined by a sewer planning study approved by the*
1530 *Sussex County Council, shall have a minimum area of 3/4 acre.*

1531
1532 *B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in*
1533 *addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E*
1534 *of this Code shall apply to all uses other than single-family dwellings and multifamily structures:*

1535

<u>Use</u>	<u>Depth of Front Yard</u> <u>(feet)</u>	<u>Width of Side Yard</u> <u>(feet)</u>	<u>Depth of Rear Yard</u> <u>(feet)</u>
------------	---	--	--

Permitted Uses 60 10 10

1536
1537
1538

C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

<u>Permitted Uses</u>	<u>Maximum Floor Area</u> <u>(square feet)</u>
<u>Other</u>	<u>50,000</u>

1539
1540
1541

D. Maximum height requirement. Maximum height requirements shall be as follows:

<u>Use</u>	<u>Feet</u>
<u>Permitted Uses</u>	<u>42</u>

1542
1543
1544
1545
1546
1547
1548
1549
1550
1551

§ 115-83.39 Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this chapter, especially the following:

Article I, § 115-4, Definitions and word usage

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

1552 **Section 11.** The Code of Sussex County, Chapter 115, is hereby amended by inserting a new
1553 Article XIF “I-1 Institutional” immediately after Article XIA “CR-1 Commercial Residential
1554 District” and new Article XIB “C-2 Medium Commercial”, Article XIC “C-3 Heavy
1555 Commercial”, Article XID “C-4 Planned Commercial” and “C-5 Service/Limited
1556 Manufacturing” as follows:

1557 **§ 115-83.40 Purpose.**

1558 The purpose of this district is to recognize the public, quasi-public, and institutional nature of
1559 particular parcels of land and provide standards and guidelines for their continued use and
1560 future development; and to ensure that the public, quasi-public, and institutional structures and
1561 developments in the district will be compatible with surrounding districts and uses.

1562
1563 **§ 115-83.41. Permitted uses.**

1564 A. A building or land shall be used only for the following purposes:

1565 Bio tech campus

1566 Bio tech industry

1567 Social service establishments

1568 Places of worship

1569 Early care and education and school-age centers (13+ children)

1570 Residential child care facilities and day treatment programs

1571 Hospitals

1572 Medical clinics

- 1573 Independent care facilities
- 1574 Assisted living facilities
- 1575 Intermediate care facilities
- 1576 Extended care facilities
- 1577 Long term care facilities
- 1578 Graduate care facilities
- 1579 Surgical center
- 1580 Private schools, charter schools
- 1581 Garage, public or commercial parking
- 1582 Government facilities and services
- 1583 Parks and open spaces
- 1584 Public safety facilities including ambulance, fire, police, rescue and national security
- 1585 Utility service facilities
- 1586 Recreational facilities, public
- 1587 Cemeteries
- 1588 Funeral homes
- 1589 Animal hospitals and veterinary clinics

1591 B. Where, in the judgment of the Commission, a use is not specifically referenced but is similar
 1592 to those listed as permitted; it may be permitted by approval of the Commission.

1593
 1594 **115-83.42 Permitted Secondary Uses.**

- 1595
 1596 Permitted secondary uses are as follows:
- 1597 Greenhouses, commercial
 - 1598 Seasonal sales of products/temporary removable stands (6 months out of the year)
 - 1599 Family child care center (1-6 children)
 - 1600 Large family child care homes (7-12 children)
 - 1601 Child placing agencies

1602
 1603 **§ 115-83.43 Special use exceptions.**

1604 Special use exceptions may be permitted by the Board of Adjustment and in accordance with the
 1605 provisions of Article XXVII of this chapter and may include:

- 1606
 1607 Exceptions to parking and loading requirements, as follows:
- 1608 (1) Off street parking areas, adjacent to or at a reasonable distance from the premises on which
 1609 parking areas are required by the parking regulations of Article XXII, where practical
 1610 difficulties, including the acquisition of property, or undue hardships are encountered in locating
 1611 such parking areas on the premises and where the purpose of these regulations to relieve
 1612 congestion in the streets would best be served by permitting such parking off the premises.
 - 1613 (2) Waiver or reduction of the parking and loading requirements in any district whenever the
 1614 character or use of the building is such as to make unnecessary the full provision of parking or
 1615 loading facilities.
 - 1616 (3) Waiver or reduction of loading space requirements where adequate community loading
 1617 facilities are provided.

1618 (4) Waiver or reduction of loading space requirements for uses which contain less than 10,000
 1619 square feet of floor area where construction of existing buildings, problems of access or size of
 1620 lot make impractical the provision of required loading space.

1621
 1622
 1623

1624 **§ 115-83.44 Permitted signs.**

1625 See Article XXI, §§ 115-159.5 for signs permitted in the I-1 District and other regulations
 1626 relating to signs.

1627

1628 **§ 115-83.45 Height, area and bulk requirements.**

1629 A. Minimum lot sizes. Minimum lot sizes shall be as follows:

1630

<u>Use</u>	<u>Minimum Area**</u> <u>(square feet)</u>	<u>Maximum Area**</u> <u>(square feet)</u>	<u>Width*</u> <u>(feet)</u>	<u>Depth</u> <u>(feet)</u>
<u>Permitted Uses</u>	<u>--</u>	<u>--</u>	<u>75</u>	<u>100</u>

1631

1632 *NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex
 1633 County of 1964, as revised, shall have a minimum lot width of 150 feet.

1634

1635 **NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or
 1636 which is located within a planning area as defined by a sewer planning study approved by the
 1637 Sussex County Council, shall have a minimum area of 3/4 acre.

1638

1639 B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in
 1640 addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E
 1641 of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

1642

I

1643

<u>Use</u>	<u>Depth of Front Yard</u> <u>(feet)</u>	<u>Width of Side Yard</u> <u>(feet)</u>	<u>Depth of Rear Yard</u> <u>(feet)</u>
<u>Other</u>	<u>60</u>	<u>10</u>	<u>10</u>

1644

1645 C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

1646

<u>Use</u>	<u>Maximum Floor Area</u> <u>(square feet)</u>
<u>Other</u>	<u>--</u>

1647

1648 D. Maximum height requirement. Maximum height requirements shall be as follows:

1649

<u>Use</u>	<u>Feet</u>
<u>Single Family Dwelling</u>	<u>42</u>
<u>Other</u>	<u>42</u>

1650

1651 **§ 115-83.46 Reference to additional regulations.**

1652
1653 *The regulations contained in this article are supplemented or modified by regulations contained*
1654 *in other articles of this chapter, especially the following:*

1655 Article I, § 115-4, Definitions and word usage

1656 Article XXI, Signs

1657 Article XXII, Off-Street Parking

1658 Article XXIII, Off-Street Loading

1659 Article XXV, Supplementary Regulations

1660 Article XXVII, Board of Adjustment

1661
1662 **Section 12.** The Code of Sussex County, Chapter 115, Article XXI, §115-156 “Tables of height,
1663 area and bulk requirements” is hereby amended by deleting the items in brackets and inserting
1664 the italicized and underlined language in subsection B. therein as follows:

1665 **§115-156 Tables of height, area and bulk requirements.**

1666 . . .

1667 B. The height, area and bulk requirements for multifamily structures when permitted in the
1668 MR, GR, UR, UB, M and C-1, CR-1, C-2, C-3, C-4 and C-5 Districts (as may be applicable)
1669 shall be as set forth in Table II and in the B-1 [and CR-1], B-2 and B-3 Districts (as may be
1670 applicable) shall be as set forth in Table III.

1671

1672 **Section 13.** The Code of Sussex County, Chapter 115, Article XX, §115-159.4 “Signs permitted
1673 in B-1 Neighborhood Business Districts, M Marine Districts and UB Urban Business Districts”
1674 is hereby amended by adding “B-2 Business Community Districts” and “B-3 Business Research
1675 Districts” in the title as follows:

1676 **§115-159.4 Signs permitted in B-1 Neighborhood Business Districts, B-2 Business**
1677 **Community Districts, B-3 Business Research Districts, M Marine Districts and UB Urban**
1678 **Business Districts.**

1679

1680 **Section 14.** The Code of Sussex County, Chapter 115, Article XXI, §115-159.5 “Signs
1681 permitted in C-1 General Commercial, CR-1 Commercial Residential, LI-1 Limited Industrial,
1682 and HI-1 Heavy Industrial Districts is hereby amended by adding “C-2 Medium Commercial, C-
1683 3 Heavy Commercial, C-4 Planned Commercial, C-5 Service Limited Manufacturing and I-1
1684 Institutional” in the title, and by inserting the italicized and underlined language in subpart B.
1685 thereof as follows:

1686 **§115-159.5 Signs permitted in C-1 General Commercial, CR-1 Commercial Residential,**
1687 **C-2 Medium Commercial, C-3 Heavy Commercial, C-4 Planned Commercial, C-5 Service**
1688 **Limited Manufacturing, I-1 Institutional, LI-1 Limited Industrial, and HI-1 Heavy**
1689 **Industrial Districts.**

1690 . . .

1691 B. Off premises signs in the C-1 General Commercial, CR-Commercial Residential, C-3 Heavy
1692 Commercial, C-4 Planned Commercial, C-5 Service Limited Manufacturing, LI-1 (Light
1693 Industrial) and HI-1 (Heavy Industrial) Districts, and only after obtaining a special use
1694 exception, pursuant to §115-80C and provided that:

1695

1696

1697 **Section 15.** The Code of Sussex County, Chapter 115, Article XXI, §115-161.1 “Electronic
1698 message centers” is hereby amended by inserting the italicized and underlined language is
1699 subparts A. and B. thereof as follows:

1700 **§115-161.1 Electronic message centers.**

1701 A. On premises electronic message centers:

1702 (1) In the B-1 (Neighborhood Business), B-2 (Business Community), B-3 (Business
1703 Research), M (Marine) and UB (Urban Business) Districts, the ground sign permitted in
1704 §115-159.4A(4) may be an on-premises electronic message center, provided that only
1705 one on-premises ground sign, whether it is a static sign or an electronic message center, is
1706 permitted per street or road frontage per parcel and that the sign area shall not exceed 200
1707 square feet per side. In addition, the on-premises signs permitted in §115-159.4A(5) may
1708 be electronic message centers.

1709 (2) In the C-1 (General Commercial), CR-1 (Commercial Residential), C-2 (Medium
1710 Commercial), C-3 Heavy Commercial), C-4 (Planned Commercial), C-5 (Service/Limited
1711 Manufacturing) and I-1 (Institutional) Districts, the ground sign permitted in §115-
1712 159.5A(4) may be an on-premises electronic message center, provided that only one on-
1713 premises ground sign, whether it is a static sign or an electronic message center, is
1714 permitted per street or road frontage per parcel and that the sign area shall not exceed 200
1715 square feet per side. In addition, the on-premises signs permitted in §115-159.5A(5) may
1716 be electronic message centers.

1717 . . .

1718 B. Off-premises electronic message centers:

1719 (1) In the C-1 (General Commercial), CR-1 (Commercial Residential), C-3 Heavy
1720 Commercial), C-4 (Planned Commercial), C-5 (Service/Limited Manufacturing), LI-1
1721 (Limited Industrial), LI-2 (Light Industrial) and HI-1 (Heavy Industrial) Districts, an off-
1722 premises sign may be an electronic message center, provided that the owner obtains a
1723 special use exception pursuant to §115-80C and complies with the regulations for off-
1724 premises signs pursuant to §115-159.5.

1725

1726

1727 **Section 16.** The Code of Sussex County, Chapter 115, Article XXIII, §115-170.1 “Screening of
1728 loading areas” is hereby amended by inserting the italicized and underlined language in the
1729 introductory paragraph as follows:

1730 **§115-170.1 Screening of loading areas.**

1731 In addition to the other requirements of this article, the following requirements relating to
1732 screening of loading areas shall apply in the large-scale uses C-1 General Commercial District,
1733 *the large scale uses CR-1 Commercial Residential District, the C-3 Heavy Commercial District,*
1734 *the C-4 Planned Commercial District, and the C-5 Service/Limited Manufacturing District* for
1735 nonresidential development.

1736

1737

1738 **Section 17.** The Code of Sussex County, Chapter 115, Article XXV, §115-180 “Lot area” is
1739 hereby amended by inserting the italicized and underlined language in subsection C. therein as
1740 follows:

1741 **§115-180 Lot area.**

1742 . . .

1743 C. In a C-1, *CR-1, B-2, B-3, C-2, C-3, or C-4* District, an M District and a UB District, the
1744 requirements of lot area per family do not apply to rental units in a hotel, motel or motor lodge,
1745 tourist home or rooms in a rooming, boarding- or lodging house.

1746

1747 **Section 18.** The Code of Sussex County, Chapter 115, Article XXV, §115-194.1 “Combined
1748 Highway Corridor Overlay Zone (CHCOZ)” is hereby amended by inserting the italicized and
1749 underlined language in subsection E.(3). therein as follows:

1750 **§115-194.1 Combined Highway Corridor Overlay Zone (CHCOZ).**

1751 . . .

1752 E. Minimum buffer and setback requirements.

1753 . . .

1754 (3) Setbacks and buffers will be required for all developments in the CHCOZ District in
1755 accordance with the following table:

1756 District	1757 Setback	1758 Buffer
	1759 (feet)	1760 (feet)
1758 AR-1 Agricultural Residential	40	20
1759 AR-2 Agricultural Residential	40	20
1760 MR Medium Density Residential	40	20
1761 GR General Residential	40	20
1762 HR-1 High-Density Residential	60	20
1763 HR-2 High Density Residential	60	20
1764 B-1 Neighborhood Business	60	20
1765 <i>B-2 Business Community</i>	<i>60</i>	<i>20</i>
1766 <i>B-3 Business Research</i>	<i>60</i>	<i>20</i>
1767 C-1 General Commercial	60	20

1768	CR-1 Commercial Residential	60	20
1769	<u>C-2 Medium Commercial</u>	<u>60</u>	<u>20</u>
1770	<u>C-3 Heavy Commercial</u>	<u>60</u>	<u>20</u>
1771	<u>C-4 Planned Commercial</u>	<u>60</u>	<u>20</u>
1772	<u>C-5 Service/Limited Manufacturing</u>	<u>60</u>	<u>20</u>
1773	<u>I-1 Institutional</u>	<u>60</u>	<u>20</u>
1774	M Marine	60	20
1775	LI-1 Limited Industrial	60	20
1776	LI-2 Light Industrial	60	20
1777	HI-1 Heavy Industrial	60	20
1778			

1779

1780

1781 **Section 19.** The Code of Sussex County, Chapter 115, Article XXVIII, §115-218 “Procedure for
 1782 RPC District and conditional use site plan approval” is hereby amended by inserting “C-4
 1783 Planned Commercial District” into the Title and inserting the italicized and underlined language
 1784 therein as follows:

1785 **§115-218 “Procedure for RPC District, C-4 Planned Commercial District and conditional**
 1786 **use site plan approval.**

1787 Where the provisions of this chapter require the submittal of site plans for RPC Districts, C-4
 1788 Planned Commercial Districts and conditional uses, the following schedule of procedure shall
 1789 apply:

1790 . . .

1791 F. A preliminary site plan for an RPC or a Planned Commercial District shall be valid for
 1792 the period of time set forth in §99-9B of Chapter 99, Subdivision of Land. A final site plan for
 1793 an RPC or a Planned Commercial District shall be valid for the period of time set forth in §99-
 1794 40A of Chapter 99, Subdivision of Land. An extension of these time periods may be sought in
 1795 accordance with §99-40F.

1796

1797 **Section 20.** Effective Date.

1798 This Ordinance shall take effect _____ days from the date of adoption by County
 1799 Council.

1800