

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XIX, SECTIONS 115-83.26, 115-83.27, 115-83.31 AND “115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV”

WHEREAS, on _____, 2018, Sussex County Council adopted an ordinance establishing multiple new business and commercial districts; and

WHEREAS, one of the new districts is the “C-4 ‘Planned Commercial’” District that allows for planned, large scale commercial development including certain limited residential uses with site plan review integrated into the rezoning process; and

WHEREAS, subsequent to adoption, Sussex County has become aware of minor revisions to the “C-4 ‘Planned Commercial’” District to allow its use and implementation to occur, including minimum lot sizes and types and percentages of residential use permitted in the district.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 115, Article XIX, §115-83.26 “Minimum District Dimensions” is hereby amended by deleting the language in brackets and adding the italicized and underlined language:

...

C. The land areas may contain a single parcel or multiple parcels. *The minimum district area is 3 acres.*

...

E. The [parcel] *district* may have a maximum of [20] *40%* of its developable area consist of duplexes, townhomes or multifamily dwellings.

....

Section 2. The Code of Sussex County, Chapter 115, Article XIX, §115-83.27 “Permitted Uses” is hereby amended by deleting the language in brackets:

§115-83.27 Permitted Uses.

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

...

RESIDENTIAL USES

Dwelling, duplex

Dwelling, multi-family

[Dwelling, single family]

Dwelling, townhouses

Home Occupation

Hotel, motel or motor lodge

.....

Section 3. The Code of Sussex County, Chapter 115, Article XIX, §115-83.31 “Height, Area and Bulk Requirements” is hereby amended by deleting the language in brackets and adding the italicized and underlined language:

§115-83.31 Height, Area and Bulk Requirements.

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

Use	Minimum Area** (square feet)	Maximum Area** (square feet)	Width* (feet)	Depth (feet)
Permitted Uses:	[3 acres] <u>7,500</u>	--	75	100

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

**NOTE: Any lot which is not connected to a central sewer system, as defined by §115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of ¾ acre.

.....

Section 4. The Code of Sussex County, Chapter 115, “115 Attachment 4, Sussex County Table IV” is hereby amended by deleting “P⁴” from the line identified as “Dwelling, Single Family Detached, including Modular” within the column identified as “Zone C-4”.

Section 5. Effective Date.

This ordinance shall take effect upon the date of adoption by Sussex County Council.

PROPOSED

ZONING

115 Attachment 4

Sussex County

TABLE IV

Permitted Uses Commercial
Sussex County

Blank =Not permitted P =Permitted use SUE =Special use Exception, see Sec. ** A =Permitted Accessory Use, see Sec. ** D = Definition, see Sec. **	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Agriculture-Related Uses							
Agriculture-Related Business						P ²	
Agricultural Uses (less than 5 acres) Farm, Truck Garden, Orchard or Nursery Uses						P ²	
Aquaculture						P ²	
Greenhouse, commercial	D	P		P,	A	P	
Wholesale, retail, nurseries for sale of products produced on site	D	P	P ¹	P	P	P ²	
Residential Uses							
Residential within structure commercial or office uses	A		A	A ³	A ⁴		
Bed & Breakfast (Tourist Homes)	D	P	P				
Dwelling, Duplex	D				P ⁴		
Dwelling, Manufactured Home	D						
Dwelling, Multi-family	D				P ⁴		
Dwelling, Single Family Detached, including Modular	D				[P ⁴]		
Dwelling, Townhouse	D				P ⁴		
Home Occupation	D	A			P		
Hotel, motel or motor lodge	D	P	P	P	P		
Sales & Rental of Goods, Merchandise, and Equipment							
Convenience store	D	P	A	P ¹	P	P	
Convenience store, Fuel Station (1 to 6 fuel dispensers)(no restriction on number of nozzles)		P		P ¹	P	P	
Convenience store, Fuel Station (7 or more fuel dispensers) (no restriction on number of nozzles)					P	P	
Retail sales establishments 3,500 SF or less	D	P	A	P ¹	P	P	P
Retail sales establishments 3,501 SF to 7,500 SF	D	P	A	P ¹	P	P	P
Retail sales establishments 7,501 SF to 35,000 SF	D	P		P ¹	P	P	
Retail sales establishments 35,001 SF to 75,000 SF	D			P ¹	P	P	

Blank =Not permitted P =Permitted use SUE =Special use Exception, see Sec. ** A =Permitted Accessory Use, see Sec. ** D = Definition, see Sec. **	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Retail sales establishments 75,001 SF or more	D			P	P		
Pharmacy or related uses, 12,000 SF or less	D	P	A	P ¹	P ¹	P	
Pharmacy or related uses, 12,001 SF to 35,000 SF	D	P		P ¹	P ¹	P	
Restaurant 3,500 SF or less		P	A	P ¹	P	P	P ²
Restaurant 3501 SF to 7,500 SF	D	P	A	P ¹	P	P	P ² P
Restaurant 7,501 SF or more	D			P ¹	P	P	
Brew Pub 7,500 SF or less		P	A	P ¹	P	P	
Brew Pub 7,501 SF or more				P ¹	P	P	
Wholesale trade establishment	D			P ¹	P	P	P ²
Office, Clerical, Research, Personal Service and Similar Enterprises Not Primarily Related to Goods							
Business service establishments	D	P	P	P ¹	P	P	P ²
Banks		P	P	P ¹	P	P	
Professional Offices	D	P	P	P ¹	P	P	P ²
Personal service establishments	D	P	P	P ¹	P	P	P ²
Entertainment establishments 7,500 SF or less	D	P	A	P ¹	P	P	
Entertainment establishments more than 7,501 SF	D		A	P ¹	P	P	
Social service establishments	D	P	P	P ¹	P	P	P
Manufacturing, Assembling, Processing							
Winery, Brewery or Distillery under 7500 SF	D	P		P ¹	P ¹	P ¹	P ²
Winery, Brewery or Distillery over 7501 SF							P ²
Manufacturing	D		P ¹				P ²
Material Storage Yard w/ on-site mulching, pulping or manufacturing of material	D						P ²
Educational, Cultural, Religious, Philanthropic, Social, Fraternal							
Bio Tech Campus	D		P				P
Biotech Industry	D		P ¹				P ¹
Recreational Facility, Private	D					P	
Recreational Facility, Commercial (Indoor Only)	D	P		P	P	P	
Recreational Facility, Commercial (Indoor & Outdoor)	D	P			P	P	
Club Indoor, private such as clubs, lodges, and other annual membership clubs	D	P		P	P	P	
Aquariums, commercial						P	
Educational institutions, public and private	D						P

Blank =Not permitted P =Permitted use SUE =Special use Exception, see Sec. ** A =Permitted Accessory Use, see Sec. ** D = Definition, see Sec. **	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Places of worship	D	P	P	P	P	P	P
Institutional, Residence, Care, Confinement & Medical Facilities							
Family Child Day care center (1-6 children)	D	P		P	P	P	
Large Family Child Care Homes (7-12 children)	D	P		P	P	P	
Early Care and Education and school-Age Centers (13 or more children)	D	P	P	P	P	P	P
Residential Child Care Facilities and Day Treatment Programs	D	P		P	P	P	P
Child Placing Agencies	D	P	P	P	P	P	P
Hospital	D						P
Medical clinic	D	P	P	P	P	P	P
Independent Care Facility	D			P	P	P	P
Assisted Living Facility	D	P		P	P	P	P
Extended Care Facility	D	P		P	P	P	P
Intermediate Care Facility	D	P		P	P	P	P
Long-term Care Facility	D	P		P	P	P	P
Graduate Care Facility					P		P
Surgical center	D	P			P	P	P
Fitness / wellness center		P	P	P ¹	P	P	P
Museums, Non-profit art galleries	D	P		P ¹	P	P	P
Community Centers	D	P		P ¹	P	P	P
Transportation-Related Sales & Service							
Motor & non-motor vehicle sales, rental, repair, service and storage					P	P	P ²
Motor-vehicle washes		P			P	P	
Airports and landing fields or seaplane bases, provided that they shall comply with the recommendations of the Federal Aviation Administration							
Storage & Parking							
Distribution center	D		P		P		P ²
Garage, public or commercial parking		A	A	A	A	P	A
Self-storage facility	D	P		P ¹	P	P	P ²
Warehouse	D			P ¹	P	P	P ²
Public, Semi-Public, Utilities, Emergency							
Government facilities and services, local	D	P	P	P ¹	P	P	P
Government facilities and services, non-local	D	P	P	P ¹	P	P	P

Blank	=Not permitted	Zone	Zone	Zone	Zone	Zone	Zone	Zone
P	=Permitted use	B-2	B-3	C-2	C-3	C-4	C-5	I-1
SUE	=Special use Exception, see Sec. **							
A	=Permitted Accessory Use, see Sec. **							
D	= Definition, see Sec. **							
Parks		P	P	P ¹	P	P		P
Public safety facilities including, ambulance, fire, police, rescue, and national security	D	P	P	P ¹	P	P	P	P
Utility service facilities	D	P	P	P ¹	P	P	P	P
Communication Towers		P	P	P	P	P	P	P ¹
Recreational Facility, Government	D	P	P	P ¹	P	P		P
Not Grouped Elsewhere								
Off-Premise Signs					SUE	SUE	SUE	
Cemeteries		P						P
Funeral home		P		P ¹				P
Commercial kennels, provided that no open pens, runs, kennels or cages are located within 200 feet of land that is used or zoned residential and 50 feet from any property line)					P ²		P ¹	
Animal Hospital and Veterinary clinics		P		P ¹	P			P ¹
Technology Center			P			P	P	P
Temporary Removable Vendor Stands		P	P		P	P	P	P

Note: 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. In the event of any discrepancy between the information in this Table and the text of Chapter 115, the text of Chapter 115 shall be controlling.

P Permitted Use

¹ No outdoor sales and or storage permitted

² Uses permitted only with an on-site retail component

³ Mixed use building must consist of at least 25% commercial space

⁴ Residential uses within the C-4 district shall not exceed 12 units per acre or exceed floor area ratio maximums

A Use permitted as the accessory use of the parcel

SUE – Special Use Exception - Only permitted by Board of Adjustment