

ORDINANCE NO. 2550

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

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

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

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

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

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

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

§115-4 Definitions and Word Usage.

...

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

ACRE

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

ADJACENT

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

...

ALCOHOLIC BEVERAGE SALES

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

ANIMAL HOSPITAL

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

...

APPLICANT

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

...

AVERAGE DAILY TRAFFIC (ADT)

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

...

BED & BREAKFAST

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

...

BREWERY

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

BREW/ DISTILLING PUB

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

...

BULK REQUIREMENTS

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

CLINIC, MEDICAL

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

CLUB INDOOR, PRIVATE

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

...

COLLECTOR STREET

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

...

COMMUNICATION TOWER

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

COMMUNITY CENTER

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

CONDITIONS OF APPROVAL

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

...

[CONVALESCENT HOME

A building where regular nursing care is provided for more than one person not a member of the family which resides on the premises.]

CONVENIENCE STORE

Any retail establishment offering for sale prepackaged food products, household items, newspapers, and prepared foods usually for off-site consumption.

FUEL STATION

An accessory use for the retail dispensing or sales of vehicular fuels consisting of fuel pumps.

[DAY-CARE CENTER (Day Nurseries Or Child-Care Center).

A center which provides care or instruction for more than six children and operates on a regular basis, excepting those defined under a home occupation as a "family day-care home."]

CHILD CARE (as per Delaware Code)

FAMILY CHILD CARE HOMES

Child care in a private home for one to six children preschool-age or younger and one to three school-age children.

LARGE FAMILY CHILD CARE HOMES

Child care in a private home or commercial (non-residential) setting for seven to twelve children preschool-age or younger and one or two school-age children.

EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS

Child care in a commercial (non-residential) setting for thirteen or more children (includes day care centers, nursery schools, preschools, and before/after school care).

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

CHILD PLACING AGENCIES

Adoption and foster care services.

...

DISTILLERY

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

...

DISTRICT, COMMERCIAL

Any district designated in these regulations as a business or commercial district or special commercial district [under Article II, IX, X or XI] of this chapter or containing the word "business" or "commercial" in its title.

...

DISTRIBUTION CENTER

An establishment that distributes and stores goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

DWELLING, MULTI-FAMILY CONVERTED

A structure converted from a single family dwelling unit into a multifamily dwelling unit.

...

EASEMENT

Authorization by a property owner for another to use the owner's property for a specified purpose.

EDUCATIONAL INSTITUTION

Any school, educational institution or training institution, however designated, which offers a program of college, professional, preparatory, high school, junior high school, middle school, elementary school, kindergarten, or nursery school jurisdiction, or any combination thereof, or any other program of trade, technical or artistic instruction.

FILLING OR SERVICE STATION

Any building, structure or land used for the sale, at retail, of motor vehicle fuels, lubricants or accessories or for the servicing of automobiles or repairing of automobiles or repairing of minor parts and accessories[, but not including major repair work such as motor replacement, body and fender repair or spray painting].

FITNESS CENTER

A private health, athletic or recreational club facility that provides fitness services including, but not limited to gymnasiums (except public), weight training facilities, aerobic floors, tennis/racquetball courts, swimming pools, and similar athletic facilities, with full service amenities including but not limited to showers, lockers, baths and saunas.

...

FUNERAL HOME

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

GARAGE, COMMERCIAL

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

...

GREEN

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

...

GREENHOUSE, COMMERCIAL

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

GREENWAY

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

GROUP HOME

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

...

HOSPITAL

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

...

MAJOR ARTERIAL ROADWAYS

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

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

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

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

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

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

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

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

...

MANUFACTURING

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

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

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

MARINE CONTRACTING

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

...

MATERIAL STORAGE YARD

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

...

NURSING & SIMILAR CARE FACILITIES

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

ASSISTED LIVING FACILITY

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

EXTENDED CARE FACILITY

A long-term facility or distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.

GRADUATE CARE FACILITY

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

INDEPENDENT CARE FACILITY

A residential development of detached single family dwelling units or multifamily dwelling units restricted to individuals or families in which all residents are older adults. Such development may contain compatible commercial elements.

INTERMEDIATE CARE FACILITY

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

LONG-TERM CARE FACILITY

An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours.

OTHER

Including family care homes, group homes, intermediate care facilities for persons with mental retardation, neighborhood group homes, family care homes, and rest residential facilities.

OFFICE

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

...

PARKING STRUCTURE

A parking structure is a building containing two or more stories of parking.

PATH

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

PHARMACY

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

...

PLACE OF WORSHIP

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

...

PUBLIC BUILDING

A building, owned or leased, occupied, and used by an agency or political subdivision of the federal, state, county, or municipal government.

PUBLIC SAFETY FACILITY

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

PUBLIC UTILITY SERVICE

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

PUBLIC UTILITY SERVICE FACILITY

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

PUBLIC UTILITY SERVICE LINES

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

PUBLIC WATER AND SEWER SYSTEM

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

RECREATION FACILITY

A place designed and equipped for the conduct of sports.

RECREATION FACILITY, COMMERCIAL

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

RECREATION FACILITY, PERSONAL

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

RECREATION FACILITY, PRIVATE

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

RECREATION FACILITY, GOVERNMENT

A recreation facility owned, or operated by a government organization

...

RESTAURANT

A restaurant includes the following:

- a) Establishments where food and drink are prepared, served, and sold primarily for consumption within the principal building.
- (b) Establishments where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside of the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

RETAIL SALES

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Characteristics of such uses include:

- (a) Usually a business place engaged in activity to attract the general public to buy.
- (b) Buys and receives as well as sells merchandise.
- (c) May process or manufacture some of its products—a jeweler or a bakery—but processing is secondary to principal use.
- (d) Generally sells to customers for personal or household use.

...

SELF-STORAGE FACILITY

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

SERVICES, COMMERCIAL

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

SERVICES, BUSINESS

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

SERVICES, PERSONAL

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

SERVICES, ENTERTAINMENT

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

...

SHOPPING CENTER

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

...

SURGICAL CENTER

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

...

TECHNOLOGY CENTER

A repository that primarily houses computing facilities such as servers, routers, switches and firewalls, as well as supporting components like backup equipment, fire suppression facilities and air conditioning

...

USE

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

WAREHOUSE

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

...

WHOLESALE ESTABLISHMENT

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

WHOLESALE TRADE ESTABLISHMENT

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

...

WINERY

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

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

§ 115-5. District established.

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

A. Residential districts:

AR-1 Agricultural Residential District
AR-2 Agricultural Residential District
MR Medium-Density Residential District
GR General Residential District
HR-1 High-Density Residential District
HR-2 High-Density Residential District
UR Urban Residential District
RPC Residential Planned Community District
VRP Vacation-Retirement-Residential-Park District

B. Business and commercial districts:

UB Urban Business District
B-1 Neighborhood Business District
C-1 General Commercial District
CR-1 Commercial Residential District
B-2 Business Community District
B-3 Business Research District
C-2 Medium Commercial District
C-3 Heavy Commercial District
C-4 Planned Commercial District
C-5 Service/ Limited Manufacturing District
I-1 Institutional District

- C. Industrial districts:
 - M Marine District
 - LI-1 Limited Industrial District
 - LI-2 Light Industrial District
 - HI-1 Heavy Industrial District
- D. Flood-prone districts:
 - FP Coastal Floodplain
 - HA Coastal High-Hazard Area
 - FW Floodway
 - FF Floodway Fringe

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

§115-75 Reference to additional regulations.

- A. 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

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

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

§115-75.1. Purpose.

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

§115-75.2. Permitted uses.

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

AGRICULTURE-RELATED USES

Greenhouse, commercial

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

RESIDENTIAL USES

Bed and Breakfast (tourist homes)

Hotel, motel or motor lodge

SALES & RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT

Convenience Store

Convenience Store, Fuel Station (1 to 6 fuel dispensers; no restrictions on nozzles)

Retail sales establishments 30,000 square feet or less

Pharmacy or related uses 30,000 square feet or less

Restaurant 7,500 square feet or less

Brew Pub 7,500 square feet or less

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

Business service establishments

Bank

Professional Offices

Personal service establishments

Entertainment establishments 7,500 square feet or less

Social service establishments

MANUFACTURING, ASSEMBLING, PROCESSING

Winery, Brewery or Distillery under 7,500 square feet

EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC SOCIAL, FRATERNAL

Recreational facility, commercial indoor and outdoor

Club, indoor, such as clubs, lodges, and other annual membership clubs

Places of worship

INSTITUTIONAL, RESIDENCE CARE, CONFINEMENT & MEDICAL FACILITIES

Family day-care center (1-6 children)

Large family child care homes (7-12 children)

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

Residential child care facilities and day treatment programs

Child placing agencies

Medical clinic

Assisted living facility

Extended care facility

Intermediate care facility

Long-term care facility

Surgical Center

Fitness/wellness center

Museums, non-profit art galleries

Community centers

TRANSPORTATION RELATED SALES & SERVICE

Motor vehicle washes

STORAGE AND PARKING

Self storage facility

PUBLIC, SEMI-PUBLIC UTILITIES, EMERGENCY

Government facilities and services

Parks

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

Utility service facilities

Communication Towers

Recreational facility, government

NOT GROUPED ELSEWHERE

Cemeteries

Funeral home

Animal hospital and veterinary clinics

Temporary removable vendor stands, including but not limited to food trucks and similar vehicles or trailers, located on the premises between March 15 and November 15 for the sale of food, agricultural products or other food-related goods. Such temporary removable vendor stands must comply with all of the following requirements:

1. No temporary removable vendor stand shall be permanently affixed to the premises. All temporary removable vendor stands shall be fully transportable and moveable within 24 hours.

2. There shall be no more than one temporary removable vendor stand on a parcel at any one time.

3. No temporary removable vendor stand shall be wider than 8 feet 6 inch nor longer than 45 feet.

4. No temporary removable vendor stand shall be permanently connected to any utilities, including water, sewer, electric or gas.

5. No temporary removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights of way.

6. The owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with written approval of the existence and location of the stand by the property owner and a drawing showing the location of the stand upon the property. Upon presentation of this information, the Director may preliminarily approve the stand or require the owner to apply for a special use exception from the Board of Adjustment if there are concerns about the location, the size of the property, the effect(s) upon on-site parking, neighboring properties or roadways, or other good cause.

7. If preliminarily approved, the owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with evidence of a current State of Delaware business license.

8. Upon approval by the Director, a Sussex County Vendor Stand sticker shall be issued in a form established by the Director. This sticker shall be visible on the stand at all times.

9. The approval of a temporary removable vendor stand shall be valid for one year.

10. The application for a temporary removable vendor stand shall be in a form established by the Director. The fee for filing such an application shall be \$100.

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.

§115-75.3 Permitted Accessory Uses.

Permitted accessory uses are as follows:

Residential within structure commercial or office uses

Home Occupation

Garage, public or commercial parking

§115-75.4 Special Use Exceptions.

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

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

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

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

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

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

§ 115-75.5 Permitted signs.

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

§ 115-75.6 Height, area and bulk requirements.

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>3,000</u>	<u>3 acres</u>	<u>30</u>	<u>100</u>

*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 3/4 acre.

B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E 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>

There shall be a side yard not less than 20 feet in width on the side of the lot adjoining a residential district and there shall be a rear yard not less than 30 feet in depth on the rear side of a lot adjoining a residential district.

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>30,000</u>

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

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

§ 115-75.7 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 XX, Tables

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

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

§ 115-75.8 Purpose.

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

§ 115-75.9 Permitted Uses.

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

RESIDENTIAL USES

Hotel, motel or Motor Lodge

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

Business service establishment

Banks

Professional offices

Personal service establishments

Social service establishments

MANUFACTURING, ASSEMBLING, PROCESSING

Manufacturing (no outdoor sales or storage)

EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC SOCIAL, FRATERNAL

Places of worship

Biotech campus

Biotech industry

INSTITUTIONAL, RESIDENCE, CARE, CONFINEMENT AND MEDICAL FACILITIES

Early care and education and school-age centers (13 or more) children)

Child placing agencies

Medical clinic

Fitness/wellness center

STORAGE AND PARKING

Distribution center

PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY

Government facilities and services

Parks

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

Recreational facility, government

Utility service facilities

Communication towers

NOT GROUPED ELSEWHERE

Technology centers

Temporary removable vendor stands, including but not limited to food trucks and similar vehicles or trailers, located on the premises between March 15 and November 15 for the sale of food, agricultural products or other food-related goods. Such temporary removable vendor stands must comply with all of the following requirements:

1. No temporary removable vendor stand shall be permanently affixed to the premises. All temporary removable vendor stands shall be fully transportable and moveable within 24 hours.

2. There shall be no more than one temporary removable vendor stand on a parcel at any one time.

3. No temporary removable vendor stand shall be wider than 8 feet 6 inch nor longer than 45 feet.

4. No temporary removable vendor stand shall be permanently connected to any utilities, including water, sewer, electric or gas.

5. No temporary removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights of way.

6. The owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with written approval of the existence and location of the stand by the property owner and a drawing showing the location of the stand upon the property. Upon presentation of this information, the Director may preliminarily approve the stand or require the owner to apply for a special use exception from the Board of Adjustment if there are concerns about the location, the size of the property, the effect(s) upon on-site parking, neighboring properties or roadways, or other good cause.

7. If preliminarily approved, the owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with evidence of a current State of Delaware business license.

8. Upon approval by the Director, a Sussex County Vendor Stand sticker shall be issued in a form established by the Director. This sticker shall be visible on the stand at all times.

9. The approval of a temporary removable vendor stand shall be valid for one year.

10. The application for a temporary removable vendor stand shall be in a form established by the Director. The fee for filing such an application shall be \$100.

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.

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

§115-75.10 Permitted Accessory Uses.

Permitted accessory uses are as follows:

Banks

Convenience store

Retail sales establishments 7,500 square feet or less

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

Restaurants 7,500 square feet or less

Brew pub, 7,500 square feet or less

Entertainment establishment

Garage, public or commercial parking

§115-75.11 Special Use Exceptions.

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

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

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

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

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

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

§ 115-75.12 Permitted signs.

See Article XXI, §§ 115-159.4 for signs permitted in the B-3 District and other regulations relating to signs.

§ 115-75.13 Height, area and bulk requirements.

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>75</u>	<u>100</u>
<u>Multifamily-type structure</u>	<u>(See Table II, included at the end of this chapter.)</u>			

*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 3/4 acre.

B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E 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>

There shall be a side yard not less than 20 feet in width on the side of the lot adjoining a residential district and there shall be a rear yard not less than 30 feet in depth on the rear side of a lot adjoining a residential district.

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>	--

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

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

§ 115-75.13 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 XX, Tables

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

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

§115-83.10 Reference to additional regulations.

A. 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

B. Closed district. As of July 1, 2018, the CR-1 Commercial Residential District shall be considered a closed district and shall not be applied to any additional lands in Sussex County. The district and its various provisions and regulations shall continue to exist as they apply to a CR-1 District established under the procedures of this chapter.

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

§115-83.11 Purpose.

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

§115-83.12 Permitted uses:

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

AGRICULTURAL RELATED USES

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

RESIDENTIAL USES

Bed & Breakfast (Tourist homes)

Hotel, motel or motor lodge

SALES AND RENTAL OF GOODS,
MERCHANDISE AND EQUIPMENT

Convenience store

Convenience store, fuel station (1 to 6 fuel dispensers; no restrictions on number of nozzles)

Retail sales establishments 75,000 square feet or less

Pharmacy or related uses 35,000 square feet or less

Restaurants

Brew Pubs

Wholesale trade establishments

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

Business service establishments

Banks

Professional offices

Personal service establishments

Entertainment establishments

Social service establishments

MANUFACTURING, ASSEMBLING, PROCESSING

Winery, brewery or distillery under 7,500 square feet

EDUCATIONAL, CULTURAL, RELIGIOUS
PHILANTHROPIC, SOCIAL, FRATERNAL

Recreational facility (indoor)

Club indoor, private, such as clubs, lodges, and other annual membership clubs

Places of worship

INSTITUTIONAL, RESIDENCE, CARE
CONFINEMENT AND MEDICAL FACILITIES

Family day care center (1-6 children)

Large family child care homes (7-2 children)

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

Residential child care facilities and day treatment programs

Child placing agencies

Medical clinics

Independent care facility

Assisted living facility

Extended care facility

Intermediate care facility

Long term care facility

Fitness/wellness center

Museums, non-profit art galleries

Community centers

STORAGE AND PARKING

Self-storage facility

Warehouse

PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY

Government facilities and services

Parks

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

Utility service facilities

Communication towers

Recreational facilities, government

NOT GROUPED ELSEWHERE

Funeral home

Animal hospital and veterinary clinics

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.

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

§115-83.13 Permitted Accessory Uses.

Permitted accessory uses are as follows:

Residential within structure commercial or business uses Garage, public or commercial parking

§115-83.14 Special Use Exceptions.

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

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

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

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

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

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

§ 115-83.15 Permitted signs.

See Article XXI, §§ 115-159.5 for signs permitted in the C-2 District and other regulations relating to signs.

§ 115-83.16 Height, area and bulk requirements.

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

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

*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 3/4 acre.

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

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

There shall be a side yard not less than 20 feet in width on the side of the lot adjoining a residential district and there shall be a rear yard not less than 30 feet in depth on the rear side of a lot adjoining a residential district.

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

<u>Use</u>	<u>Maximum Floor Area (square feet)</u>
<u>All Permitted</u>	<u>75,000</u>

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

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

§ 115-83.17 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 XX, Tables

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

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

§115-83.18 Purpose.

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

§115-83.19 Permitted uses.

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

AGRICULTURE-RELATED USES

Greenhouse, commercial

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

RESIDENTIAL USES

Hotel, motel or motor lodge

SALES & RENTAL OF GOODS,
MERCHANDISE AND EQUIPMENT

Convenience store, fuel station (no restrictions on fuel dispensers or nozzles)

Retail sales establishments

Pharmacy or related use

Restaurants

Brew pubs

Wholesale trade establishment

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

Business service establishments

Banks

Professional offices

Personal service establishments

Entertainment establishments

Social service establishments

MANUFACTURING, ASSEMBLING, PROCESSING

Winery, brewery or distillery under 7500 square feet

EDUCATIONAL, CULTURAL, RELIGIOUS,
PHILANTHROPIC, SOCIAL, FRATERNAL

Recreation facility, commercial (indoor and outdoor)

Club, indoor, such as clubs, lodges, and other annual membership clubs

Places of worship

INSTITUTIONAL, RESIDENCE, CARE
CONFINEMENT & MEDICAL FACILITIES

Family child care center (1-6 children)

Large family child care homes (7-12 children)

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

Residential child care facilities and day treatment programs

Child placing agencies

Medical clinic

Independent care facility

Assisted living facility

Extended care facility

Intermediate care facility

Long-term care facility

Surgical center

Fitness/wellness center

Museums, non-profit art galleries

Community centers

TRANSPORTATION-RELATED SALES AND SERVICE

Motor and non-motor vehicle sales, rental repair, service and storage

Motor vehicle washes

STORAGE AND PARKING

Distribution centers

Self-storage facility

Warehouse

PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY

Government facilities and services

Parks

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

Utility service facilities

Communication towers

Recreational facilities government

NOT GROUPED ELSEWHERE

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

Animal hospital or veterinary clinic

Temporary removable vendor stands, including but not limited to food trucks and similar vehicles or trailers, located on the premises between March 15 and November 15 for the sale of food, agricultural products or other food-related goods. Such temporary removable vendor stands must comply with all of the following requirements:

1. No temporary removable vendor stand shall be permanently affixed to the premises. All temporary removable vendor stands shall be fully transportable and moveable within 24 hours.

2. There shall be no more than one temporary removable vendor stand on a parcel at any one time.

3. No temporary removable vendor stand shall be wider than 8 feet 6 inch nor longer than 45 feet.

4. No temporary removable vendor stand shall be permanently connected to any utilities, including water, sewer, electric or gas.

5. No temporary removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights of way.

6. The owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with written approval of the existence and location of the stand by the property owner and a drawing showing the location of the stand upon the property. Upon presentation of this information, the Director may preliminarily approve the stand or require the owner to apply for a special use exception from the Board of Adjustment if there are concerns about the location, the size of the property, the effect(s) upon on-site parking, neighboring properties or roadways, or other good cause.

7. If preliminarily approved, the owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with evidence of a current State of Delaware business license.

8. Upon approval by the Director, a Sussex County Vendor Stand sticker shall be issued in a form established by the Director. This sticker shall be visible on the stand at all times.

9. The approval of a temporary removable vendor stand shall be valid for one year.

10. The application for a temporary removable vendor stand shall be in a form established by the Director. The fee for filing such an application shall be \$100.

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.

§115-83.20 Permitted Accessory Uses.

Permitted accessory uses are as follows:

Residential within structure commercial or office uses
Garage, public or commercial parking

§115-83.21 Special Use Exceptions.

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

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

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

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

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

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

§ 115-83.22 Permitted signs.

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

§ 115-83.23 Height, area and bulk requirements.

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

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

*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 3/4 acre.

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

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

There shall be a side yard not less than 20 feet in width on the side of the lot adjoining a residential district and there shall be a rear yard not less than 30 feet in depth on the rear side of a lot adjoining a residential district.

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>
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<u>Permitted Use</u>	<u>150,000</u>
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D. Maximum height requirement. Maximum height requirements shall be as follows:

<u>Use</u>	<u>Feet</u>
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<u>Permitted Use</u>	<u>42</u>
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§ 115-83.24 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 XX, Tables

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

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

§ 115-83.25 Purpose.

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

§ 115-83.26 Minimum district requirements.

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

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

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

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

E. The parcel may have a maximum of 20% of its developable area consist of duplexes, townhouses or multifamily dwellings.

F. Site plan review requirements.

(1) A Planned Commercial District will be permitted only in accordance with a development plan approved by County Council in accordance with the requirements and procedures contained in this section.

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

[a] Land use plan or plans showing location and arrangement of all proposed land uses, heights of buildings, setbacks and side yards, proposed internal and external traffic circulation (including widths, driveways and access), pedestrian circulation, proposed open space dedications and easements.

[b] General landscaping and screening plan showing general types, location and design of landscaping and screening.

[c] A tabular summary of percentage of site devoted to buildings, open space, streets and parking areas, and total floor area of all residential and nonresidential structures.

[d] Plan showing proposed generalized parking arrangements.

[e] Architectural sketches of typical proposed structures and typical landscaping and screening areas.

[f] A plan or report indicating the extent, timing and estimate costs of all off-site improvements such as roads, sewer and drainage facilities necessary to the construction of the planned development. Such plan or report shall relate to the sequence of development.

[g] A report or plan showing the adequacy of public facilities and services such as water, sewer drainage, streets and roads to serve the proposed development.

[h] General plan for sedimentation and erosion control and stormwater management.

(3) Upon approval of the Preliminary Plan, the applicant shall submit the final plans displaying the requirements identified in § 115-221, Final Site Plan requirements.

(4) To further the intent of the district to provide an integrated master plan setting for uses in the Planned Commercial Development District, the development shall be designed in accordance with the following:

[a] Designed as an integrated and comprehensively planned area and using a common parking area, shared ingress and egress, pedestrian walkways, open space, stormwater management facilities and water and wastewater utilities.

[b] Internal access streets should be provided to serve large scale retail uses). Individual access points for individual uses onto an existing collector or arterial roadway shall not be permitted. Interconnectivity with adjacent parcels shall be required.

[c] The landscaping plan provides a continuous landscape pattern throughout the entire site. An overall landscape plan for the entire site shall be provided that provides for this continuity but also allows for flexibility as specific buildings and accessory uses are located within the site.

[d] To the maximum extent feasible, any provision of utilities, including but not limited to water, wastewater, storm drainage and stormwater management facilities shall be provided in a coordinated fashion to address the ultimate needs of the entire site.

§115-83.27 Permitted uses.

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

AGRICULTURE RELATED USES

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

RESIDENTIAL USES

Dwelling, duplex

Dwelling, multi-family

Dwelling, single family

Dwelling, townhouses

Home occupation

Hotel, motel or motor lodge

SALES & RENTAL OF GOODS,

MERCHANDISE AND EQUIPMENT

Convenience store

Convenience store, fuel station (no restrictions on fuel dispensers or nozzles)

Retail sales establishments

Pharmacy or related use

Restaurants

Brew Pub

Wholesale trade establishment

OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE

AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS

Business service establishments

Banks

Professional offices

Personal service establishments

Entertainment establishments

Social service establishments

MANUFACTURING, ASSEMBLING, PROCESSING

Winery, Brewery or Distillery under 7,500 square feet

EDUCATIONAL, CULTURAL, RELIGIOUS,

PHILANTHROPIC, SOCIAL, FRATERNAL

Recreational facility, private, public or commercial, indoor or outdoor

Club indoor, private such as clubs, lodges and other annual membership clubs

Aquariums, commercial

Places of worship

INSTITUTIONAL, RESIDENCE, CARE

CONFINEMENT AND MEDICAL FACILITIES

Family child day care center (1-6 children)

Large family child care homes (7-12 children)

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

Residential child care facilities and day treatment programs

Child placement agencies

Medical clinics

Independent care facility

Assisted living facility

Extended care facility

Intermediate care facility

Long-term care facility

Graduate care facility

Surgical center

Fitness/wellness center

Museums, non-profit art galleries

Community centers

TRANSPORTATION-RELATED SALES AND SERVICE

Motor and non-motor vehicle sales, rental repair, service and storage

Motor vehicle washes

STORAGE AND PARKING

Garage,

Self-storage facilities

Warehouses

PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY

Government facilities and services

Parks

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

Utility service facilities

Communication towers

Recreational facility government

NOT GROUPED ELSEWHERE

Technology centers

Temporary removable vendor stands, including but not limited to food trucks and similar vehicles or trailers, located on the premises between March 15 and November 15 for the sale of food, agricultural products or other food-related goods. Such temporary removable vendor stands must comply with all of the following requirements:

1. No temporary removable vendor stand shall be permanently affixed to the premises. All temporary removable vendor stands shall be fully transportable and moveable within 24 hours.

2. There shall be no more than one temporary removable vendor stand on a parcel at any one time.

3. No temporary removable vendor stand shall be wider than 8 feet 6 inch nor longer than 45 feet.

4. No temporary removable vendor stand shall be permanently connected to any utilities, including water, sewer, electric or gas.

5. No temporary removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights of way.

6. The owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with written approval of the existence and location of the stand by the property owner and a drawing showing the location of the stand upon the property. Upon presentation of this information, the Director may preliminarily approve the stand or require the owner to apply for a special use exception from the Board of Adjustment if there are concerns about the location, the size of the property, the effect(s) upon on-site parking, neighboring properties or roadways, or other good cause.

7. If preliminarily approved, the owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with evidence of a current State of Delaware business license.

8. Upon approval by the Director, a Sussex County Vendor Stand sticker shall be issued in a form established by the Director. This sticker shall be visible on the stand at all times.

9. The approval of a temporary removable vendor stand shall be valid for one year.

10. The application for a temporary removable vendor stand shall be in a form established by the Director. The fee for filing such an application shall be \$100.

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.

§115-83.28 Permitted Accessory Uses.

Permitted accessory uses are as follows:

Greenhouses, commercial

§115-83.29 Special Use Exceptions.

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

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

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

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

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

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

§ 115-83.30 Permitted signs.

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

§ 115-83.31 Height, area and bulk requirements.

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>75</u>	<u>100</u>

*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 3/4 acre.

B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E 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 structure</u>	<u>(See Table II, included at the end of this chapter.)</u>		

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>	--

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

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

§ 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 XX, Tables

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

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

§ 115-83.33 Purpose.

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

§ 115-83.34 Permitted uses.

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

AGRICULTURE-RELATED USES

Agriculture-related businesses

Agriculture uses (less than 5 acres) farm, truck garden, orchard or nursery uses

Aquaculture

Greenhouse, commercial

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

SALES & RENTAL OF GOODS

MERCHANDISE AND EQUIPMENT

Wholesale trade establishments

OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE

AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS

Business service establishments

Professional offices

Personal service establishments

MANUFACTURING, ASSEMBLING, PROCESSING

Winery, brewery or distillery

Manufacturing

Material Storage Yard, with on-site mulching, pulping or manufacturing of material

EDUCATIONAL, CULTURAL, RELIGIOUS,

PHILANTHROPIC, SOCIAL FRATERNAL

Places of worship

TRANSPORTATION-RELATED SALES & SERVICE

Motor and non-motor vehicle sales, rental repair, service and storage

STORAGE AND PARKING

Distribution centers

Self-storage facility

Warehouse

PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY

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

Utility service facilities

Communication towers

NOT GROUPED ELSEWHERE

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.

Technology center

Temporary removable vendor stands, including but not limited to food trucks and similar vehicles or trailers, located on the premises between March 15 and November 15 for the sale of food, agricultural products or other food-related goods. Such temporary removable vendor stands must comply with all of the following requirements:

1. No temporary removable vendor stand shall be permanently affixed to the premises. All temporary removable vendor stands shall be fully transportable and moveable within 24 hours.

2. There shall be no more than one temporary removable vendor stand on a parcel at any one time.

3. No temporary removable vendor stand shall be wider than 8 feet 6 inch nor longer than 45 feet.

4. No temporary removable vendor stand shall be permanently connected to any utilities, including water, sewer, electric or gas.

5. No temporary removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights of way.

6. The owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with written approval of the existence and location of the stand by the property owner and a drawing showing the location of the stand upon the property. Upon presentation of this information, the Director may preliminarily approve the stand or require the owner to apply for a special use exception from the Board of Adjustment if there are concerns about the location, the size of the property, the effect(s) upon on-site parking, neighboring properties or roadways, or other good cause.

7. If preliminarily approved, the owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with evidence of a current State of Delaware business license.

8. Upon approval by the Director, a Sussex County Vendor Stand sticker shall be issued in a form established by the Director. This sticker shall be visible on the stand at all times.

9. The approval of a temporary removable vendor stand shall be valid for one year.

10. The application for a temporary removable vendor stand shall be in a form established by the Director. The fee for filing such an application shall be \$100.

115-83.35 Permitted Accessory Uses.

Permitted accessory uses are as follows:

Garage, public or commercial parking

§115-83.36 Special Use Exceptions.

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

Exceptions to parking and loading requirements, as follows:

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

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

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

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

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

§ 115-83.37 Permitted signs.

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

§ 115-83.38 Height, area and bulk requirements.

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

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

*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 3/4 acre.

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

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

There shall be a side yard not less than 20 feet in width on the side of the lot adjoining a residential district and there shall be a rear yard not less than 30 feet in depth on the rear side of a lot adjoining a residential district.

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

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

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

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

§ 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 XX, Tables

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

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

§ 115-83.40 Purpose.

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

§ 115-83.41. Permitted uses.

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

Restaurant, 7,500 square feet or less

Bio tech campus

Bio tech industry

Social service establishments

Education institutions, public and private

Places of worship

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

Residential child care facilities and day treatment programs

Child placing agencies

Hospitals

Medical clinics

Independent care facilities

Assisted living facilities

Intermediate care facilities

Extended care facilities

Long term care facilities

Graduate care facilities

Surgical center

Fitness/wellness center

Museums, nonprofit art galleries

Community centers

Government facilities and services

Parks

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

Utility service facilities

Communication towers

Recreational facilities, government

Cemeteries

Funeral homes

Animal hospitals and veterinary clinics

Technology centers

Temporary removable vendor stands, including but not limited to food trucks and similar vehicles or trailers, located on the premises between March 15 and November 15 for the sale of food, agricultural products or other food-related goods. Such temporary removable vendor stands must comply with all of the following requirements:

1. No temporary removable vendor stand shall be permanently affixed to the premises. All temporary removable vendor stands shall be fully transportable and moveable within 24 hours.

2. There shall be no more than one temporary removable vendor stand on a parcel at any one time.

3. No temporary removable vendor stand shall be wider than 8 feet 6 inch nor longer than 45 feet.

4. No temporary removable vendor stand shall be permanently connected to any utilities, including water, sewer, electric or gas.

5. No temporary removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights of way.

6. The owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with written approval of the existence and location of the stand by the property owner and a drawing showing the location of the stand upon the property. Upon presentation of this information, the Director may preliminarily approve the stand or require the owner to apply for a special use exception from the Board of Adjustment if there are concerns about the location, the size of the property, the effect(s) upon on-site parking, neighboring properties or roadways, or other good cause.

7. If preliminarily approved, the owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with evidence of a current State of Delaware business license.

8. Upon approval by the Director, a Sussex County Vendor Stand sticker shall be issued in a form established by the Director. This sticker shall be visible on the stand at all times.

9. The approval of a temporary removable vendor stand shall be valid for one year.

10. The application for a temporary removable vendor stand shall be in a form established by the Director. The fee for filing such an application shall be \$100.

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.

115-83.42 Permitted Accessory Uses.

Permitted accessory uses are as follows:

Garage, public or commercial parking

§ 115-83.43 Special use exceptions.

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

Exceptions to parking and loading requirements, as follows:

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

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

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

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

§ 115-83.44 Permitted signs.

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

§ 115-83.45 Height, area and bulk requirements.

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

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

*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 3/4 acre.

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

1

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

There shall be a side yard not less than 20 feet in width on the side of the lot adjoining a residential district and there shall be a rear yard not less than 30 feet in depth on the rear side of a lot adjoining a residential district.

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

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

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

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

§ 115-83.46 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 XX, Tables

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

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

§115-156 Tables [of height, area and bulk requirements].

...

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

C. The list of Permitted Uses within the B-2, B-3 C-2, C-3, C-4 and C-5 Districts shall be as set forth in Table IV. In the event of any discrepancy between the information set forth in Table IV and text of Chapter 115, Articles XA, XB, XIB, XIC, XID, XIE and XIF, the text of those Articles shall be controlling.

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

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

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

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

...

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

....

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

§115-161.1 Electronic message centers.

A. On premises electronic message centers:

- (1) In the B-1 (Neighborhood Business), *B-2 (Business Community), B-3 (Business Research)*, M (Marine) and UB (Urban Business) Districts, the ground sign permitted in §115-159.4A(4) may be an on-premises electronic message center, provided that only one on-premises ground sign, whether it is a static sign or an electronic message center, is permitted per street or road frontage per parcel and that the sign area shall not exceed 200 square feet per side. In addition, the on-premises signs permitted in §115-159.4A(5) may be electronic message centers.
- (2) In the C-1 (General Commercial), CR-1 (Commercial Residential), *C-2 (Medium Commercial), C-3 Heavy Commercial), C-4 (Planned Commercial), C-5 (Service/Limited Manufacturing) and I-1 (Institutional)* Districts, the ground sign permitted in §115-159.5A(4) may be an on-premises electronic message center, provided that only one on-premises ground sign, whether it is a static sign or an electronic message center, is permitted per street or road frontage per parcel and that the sign area shall not exceed 200 square feet per side. In addition, the on-premises signs permitted in §115-159.5A(5) may be electronic message centers.

...

B. Off-premises electronic message centers:

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

....

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

§115-170.1 Screening of loading areas.

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

....

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

§115-180 Lot area.

...

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 requirements of lot area per family do not apply to rental units in a hotel, motel or motor lodge, tourist home or rooms in a rooming, boarding- or lodging house.

....

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

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

...

E. Minimum buffer and setback requirements.

...

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

District	Setback (feet)	Buffer (feet)
AR-1 Agricultural Residential	40	20
AR-2 Agricultural Residential	40	20
MR Medium Density Residential	40	20
GR General Residential	40	20
HR-1 High-Density Residential	60	20
HR-2 High Density Residential	60	20
B-1 Neighborhood Business	60	20
<i><u>B-2 Business Community</u></i>	<u>60</u>	<u>20</u>
<i><u>B-3 Business Research</u></i>	<u>60</u>	<u>20</u>
C-1 General Commercial	60	20
CR-1 Commercial Residential	60	20
<i><u>C-2 Medium Commercial</u></i>	<u>60</u>	<u>20</u>
<i><u>C-3 Heavy Commercial</u></i>	<u>60</u>	<u>20</u>
<i><u>C-4 Planned Commercial</u></i>	<u>60</u>	<u>20</u>
<i><u>C-5 Service/Limited Manufacturing</u></i>	<u>60</u>	<u>20</u>
<i><u>I-1 Institutional</u></i>	<u>60</u>	<u>20</u>
M Marine	60	20
LI-1 Limited Industrial	60	20
LI-2 Light Industrial	60	20
HI-1 Heavy Industrial	60	20

....

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

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

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

...

F. A preliminary site plan for an RPC *or a Planned Commercial District* shall be valid for the period of time set forth in §99-9B of Chapter 99, Subdivision of Land. A final site plan for an

RPC or a Planned Commercial District shall be valid for the period of time set forth in §99-40A of Chapter 99, Subdivision of Land. An extension of these time periods may be sought in accordance with §99-40F.

Section 20. The Code of Sussex County, Chapter 115, is hereby amended by amending the heading of “115 Attachment 3, Sussex County Table III” by inserting the italicized and underlined language therein as follows:

115 Attachment 3

Sussex County

Table III

**Table of Height, Area and Bulk Requirements for Multifamily Structures
When Permitted in B-1, B-2, [and] CR-1, C-2, C-3 and C-5 Districts**

Section 21. The Code of Sussex County, Chapter 115, is hereby amended by inserting a new “115 Attachment 4, Sussex County Table IV” as said Table is attached hereto as Exhibit A.

See Exhibit A, attached hereto and incorporated herein.

Section 22. Effective Date.

This Ordinance shall take effect on July 1, 2018.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2550 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 27TH DAY OF FEBRUARY 2018.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

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

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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

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Parks	P	P	P ¹	P	P		P
Public safety facilities including, ambulance, fire, police, rescue, and national security	D	P	P ¹	P	P	P	P
Utility service facilities	D	P	P ¹	P	P	P	P
Communication Towers	P	P	P	P	P	P	P ¹
Recreational Facility, Government	D	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 ¹		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