

ORDINANCE NO. 2684

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, V, VI, VII, VIII, IX, X, XA, XB, XI, XIA, XIB, XIC, XID, XIE, XIF, XII, XIII, XIV, XV AND XXVII BY AMENDING SECTIONS 115-20, 115-23, 115-29, 115-32, 115-40 115-48, 115-53, 115-56, 115-64, 115-69, 115-72, 115-75.2, 115-75.4, 115-75.9, 115-75.11, 115-80, 115-83.6, 115-83.11, 115-83.13, 115-83.18, 115-83.20, 115-83.26, 115-83.28, 115-83.33, 115-83.35, 115-83.40, 115-83.42, 115-88, 115-94, 115-97, 115-105, 115-114, 115-210 AND TABLE IV TO ESTABLISH ADMINISTRATIVE APPROVAL PROCESSES FOR THE USE OF A MANUFACTURED HOME-TYPE STRUCTURE FOR A BUSINESS, COMMERCIAL OR INDUSTRIAL USE, FOR GARAGE/STUDIO APARTMENTS AND MANUFACTURED HOME-TYPE STRUCTURES IN AN EMERGENCY OR HARDSHIP SITUATION

WHEREAS, The Zoning Code of Sussex County currently requires an applicant to obtain a special use exception for the use of a manufactured home in an emergency or hardship situation, and this current approval process can be unnecessarily burdensome and time consuming; and

WHEREAS, garage/studio apartments are often sought within an existing structure or lot to create housing for family members or alternatively to provide affordable housing alternatives to Sussex County residents which require approvals from the Board of Adjustment that can also be unnecessarily burdensome and time consuming; and

WHEREAS, there are frequent applications to the Board of Adjustment to permit the use of manufactured home-type structures for business, commercial or industrial uses which require approvals from the Board of Adjustment that can also be unnecessarily burdensome and time consuming; and

WHEREAS, it is the recommendation of the Sussex County Planning & Zoning Department to establish a process whereby these types of uses can be approved administratively without the need for a special use exception, while keeping that approval process available from the Board of Adjustment if an administrative approval is not granted; and

WHEREAS, these amendments promote the health, safety and welfare of Sussex County and its residents; and

WHEREAS, The Sussex County Planning & Zoning Department recommends the approval of this amendments to the Zoning Code.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDNAINS:

Section 1. The Code of Sussex County, Chapter 115, Article IV, §115-20 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-20 Permitted Uses.

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

...

(14) Use of a manufactured home as a single-family dwelling to meet an emergency or hardship situation that is administratively approved by the Director or his or her designee and subject to the following:

(a) The applicant must provide an affidavit from a doctor confirming the existence of the emergency or hardship situation.

(b) There shall be a fee of \$50 to request the administrative approval which shall be credited towards a Board of Adjustment application fee should consideration by the Board become necessary.

(c) The applicant shall submit a survey signed and sealed by a surveyor licensed in the State of Delaware to the Director showing the location of the proposed manufactured home.

(d) The Director shall give written notice to adjacent property owners of the requested manufactured home and accept written statements within 10 working days from the date of mailing. If any objection is received, the Director shall refer the application to the Board of Adjustment for a Special Use Exception.

(e) The Director shall consider factors including whether the manufactured home will have a substantially adverse effect on neighboring properties.

(f) Within 30 working days after the request is submitted, the Director or his or her designee may approve the manufactured home or advise the applicant that an application must be submitted to the Board of Adjustment for a Special Use Exception.

(g) Such an approval shall not exceed two years. The Director may grant an extension for an emergency or hardship situation upon receipt of a subsequent affidavit from a doctor stating that the emergency or hardship situation still exists. Such an extension may be granted annually as long as the emergency or hardship still exists.

(15) Garage/studio apartment with at least one parking space for the exclusive use of the tenant included on the premises that is administratively approved by the Director or his or her designee, and subject to the following:

(a) There shall be a fee of \$50 to request the administrative approval which shall be credited towards a Board of Adjustment application fee should consideration by the Board become necessary.

(b) The applicant shall submit a survey signed and sealed by a surveyor licensed in the State of Delaware to the Director showing the location of the garage/studio apartment.

(c) The Director shall give written notice to adjacent property owners of the requested garage/studio apartment and accept written statements within 10 working days from the date of mailing. If any objection is received, the Director shall refer the application to the Board of Adjustment for a Special Use Exception.

(d) The Director shall consider factors including whether the garage/studio apartment will have a substantially adverse effect on neighboring properties.

(e) Within 30 working days after the request is submitted, the Director or his or her designee may approve the garage/studio apartment or advise the applicant that an application must be submitted to the Board of Adjustment for a Special Use Exception.

(16) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the following:

(a) There shall be a fee of \$50 to request the administrative approval which shall be credited towards a Board of Adjustment application fee should consideration by the Board become necessary.

(b) The applicant shall submit a survey signed and sealed by a surveyor licensed in the State of Delaware to the Director showing the location of the manufactured-home-type structure.

(c) The Director shall give written notice to adjacent property owners of the requested manufactured-home-type structure and accept written statements within 10 working days from the date of mailing. If any objection is received, the Director shall refer the application to the Board of Adjustment for a Special Use Exception.

(d) The Director shall consider factors including whether the manufactured-home-type structure will have a substantially adverse effect on neighboring properties.

(e) Within 30 working days after the request is submitted, the Director or his or her designee may approve the manufactured-home-type structure or advise the applicant that an application must be submitted to the Board of Adjustment for a Special Use Exception.

Section 2. The Code of Sussex County, Chapter 115, Article IV, §115-23 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-23 Special Use Exceptions.

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

A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

...

Use of a manufactured home as a single-family dwelling in any district to meet an emergency or hardship situation when not approved administratively by the Director or his or her designee, such permit not to exceed two years. The Director may, without requiring an application for a special use exception, grant an extension for an emergency or hardship situation previously approved by the County Board of Adjustment upon receipt of an affidavit from a doctor stating that the emergency or hardship situation still exists. Such extension may be granted annually as long as the emergency or hardship still exists.

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

C. Other special use exceptions as follows:

...

(5) Garage/studio apartments, when not approved administratively by the Director or his or her designee, provided that at least one parking space for the exclusive use of the tenant is included on the premises.

.....

Section 3. The Code of Sussex County, Chapter 115, Article V, §115-29 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-29 Permitted Uses.

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

...

(J) Use of a manufactured home or garage/studio apartment as a single-family dwelling to meet an emergency or hardship situation that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(14).

(K) Garage/studio apartment with at least one parking space for the exclusive use of the tenant included on the premises that is administratively approved by the Director or his or her designee, and subject to the the requirements set forth in Article IV, Section 115-20A.(15).

(L) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the the requirements set forth in Article IV, Section 115-20A.(16).

Section 4. The Code of Sussex County, Chapter 115, Article V, §115-32 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-32 Special Use Exceptions.

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

A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

...

Use of a manufactured home as a single-family dwelling in any district to meet an emergency or hardship situation when not approved administratively by the Director or his or her designee, such permit not to exceed two years. The Director may, without requiring an application for a special use exception, grant an extension for an emergency or hardship situation previously approved by the County Board of Adjustment upon receipt of an affidavit from a doctor stating that the emergency or hardship situation still exists. Such extension may be granted annually as long as the emergency or hardship still exists.

...

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

C. Other special use exceptions as follows:

...

Garage/studio apartments, when not approved administratively by the Director or his or her designee, provided that at least one parking space for the exclusive use of the tenant is included on the premises.

Section 5. The Code of Sussex County, Chapter 115, Article VI, §115-40 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-40 Special Use Exceptions.

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

A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

...

Use of a manufactured home as a single-family dwelling in any district to meet an emergency or hardship situation when not approved administratively by the Director or his or her designee, such permit not to exceed two years. The Director may, without requiring an application for a special use exception, grant an extension for an emergency or hardship situation previously approved by the County Board of Adjustment upon receipt of an affidavit from a doctor stating that the emergency or hardship situation still exists. Such extension may be granted annually as long as the emergency or hardship still exists.

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

C. Other special use exceptions as follows:

...

Garage/studio apartments, when not approved administratively by the Director or his or her designee, provided that at least one parking space for the exclusive use of the tenant is included on the premises.

.....

Section 6. The Code of Sussex County, Chapter 115, Article VII, §115-48 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-48 Special Use Exceptions.

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

A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

...

Use of a manufactured home as a single-family dwelling in any district to meet an emergency or hardship situation when not approved administratively by the Director or his or her designee, such permit not to exceed two years. The Director may, without requiring an application for a special use exception, grant an extension for an emergency or hardship situation previously approved by the County Board of Adjustment upon receipt of an affidavit from a doctor stating that the emergency or

hardship situation still exists. Such extension may be granted annually as long as the emergency or hardship still exists.

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

C. Other special use exceptions as follows:

...

Garage/studio apartments, when not approved administratively by the Director or his or her designee, provided that at least one parking space for the exclusive use of the tenant is included on the premises.

Section 7. The Code of Sussex County, Chapter 115, Article VIII, §115-53 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-53 Permitted Uses.

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

...

(G) Use of a manufactured home as a single-family dwelling to meet an emergency or hardship situation that is administratively approved by the Director or his or her designee the requirements set forth in Article IV, Section 115-20A.(14).

(H) Garage/studio apartment with at least one parking space for the exclusive use of the tenant included on the premises that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(15).

(I) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the the requirements set forth in Article IV, Section 115-20A.(16).

Section 8. The Code of Sussex County, Chapter 115, Article VIII, §115-56 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-56 Special Use Exceptions.

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

A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

...

Use of a manufactured home as a single-family dwelling in any district to meet an emergency or hardship situation when not approved administratively by the Director or his or her designee, such permit not to exceed two years. The Director may, without requiring an application for a special use exception, grant an extension for an emergency or hardship situation previously approved by the County Board of Adjustment upon receipt of an affidavit from a doctor stating that the emergency or hardship situation still exists. Such extension may be granted annually as long as the emergency or hardship still exists.

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

C. Other special use exceptions as follows:

...

Garage/studio apartments, when not approved administratively by the Director or his or her designee, provided that at least one parking space for the exclusive use of the tenant is included on the premises.

.....

Section 9. The Code of Sussex County, Chapter 115, Article IX, §115-64 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-64 Special Use Exceptions.

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

A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

...

Use of a manufactured home as a single-family dwelling in any district to meet an emergency or hardship situation when not approved administratively by the Director or his or her designee, such permit not to exceed two years. The Director may, without requiring an application for a special use exception, grant an extension for an emergency or hardship situation previously approved by the County Board of Adjustment upon receipt of an affidavit from a doctor stating that the emergency or hardship situation still exists. Such extension may be granted annually as long as the emergency or hardship still exists.

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

C. Other special use exceptions as follows:

...

Garage/studio apartments, when not approved administratively by the Director or his or her designee, provided that at least one parking space for the exclusive use of the tenant is included on the premises.

.....

Section 10. The Code of Sussex County, Chapter 115, Article X, §115-69 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-69 Permitted Uses.

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

...

(16) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).

(17)[(16)] Offices, general business or professional.

(18)[(17)] Private clubs, lodges or meeting halls.

(19)[(18)] Radio and television broadcasting stations or studios.

(20)[(19)]Restaurants, drive-in or otherwise.

(21)[(20)]Shoe-repairing shops.

(22)[(21)]Shops for the sale, service or repair of home appliances, office machines, electrical and television and radio equipment.

(23)[(22)]Stores and shops for the conduct of retail business, including sale of accessories, antiques, apparel, appliances, beverages, books, carpets, drugs, fabrics, food, furniture, general merchandise, hardware and lumber and building material, garden supplies, hobby supplies, jewelry, office supplies, paint, sporting goods and stationery, and similar stores and shops.

(24)[(23)]Telephone stations or booths, including drive-in or talk-from-car stations, and telephone central offices, provided that all storage of materials, all

repair facilities and all housing of repair crews are within a completely enclosed area.

(25)[(24)]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:

(a) 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.

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

(c) No temporary removable vendor stand shall be wider than eight feet six inches nor longer than 45 feet.

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

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

(f) 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.

(g) 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.

(h) 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.

(i) The approval of the temporary removable vendor stand shall be valid for one year.

(j) The application for a temporary removable vendor stand shall be in a form established by the Director. The fee for filing the application shall be \$100.

(26)[(25)]Undertaking businesses or establishments or funeral homes.

(27)[(26)] Studios for artists, photographers, teachers, sculptors and musicians.

(28)[(27)]Special events.

(a) Special events held outdoors or within a temporary structure for a purpose different from the permitted use and usual occupancy of a premises or site that are administratively approved by the Director or his or her designee, when the event: will not impair the purpose and intent of the Zoning Ordinance; is not so recurring in nature as to constitute a permanent use not otherwise permitted in the district; and will not significantly affect the surrounding properties. Events that are consistent with the permitted use and usual occupancy of a site or that occur on land owned by the United States of America, the State of Delaware, Sussex County, municipalities and educational institutions are permitted. "Special events" include circuses, carnivals, midways, promotional and tent sales events, fairs, festivals, concerts, rodeos, shows, races/walks or any other event or mass gathering.

(b) No more than three special events shall be approved for the same property or premises during a calendar year. Each special event shall be counted as one calendar day, not including reasonable set up and removal time when the event is not otherwise underway.

(c) In determining whether to administratively approve a special event, the Director or his or her designee shall consider the following:

- [1] The estimated number of attendees;
- [2] The size of the parcel where the special event is to be located;
- [3] The parking requirements of the special event;
- [4] Roads and traffic patterns providing access to the special event;
- [5] Prior events conducted by the applicant;
- [6] Noise, light, odor, and dust generated by the special event;
- [7] Proposed hours of operation and number of consecutive days; and
- [8] Such other considerations that may be applicable to the requested event.

(d) The Director or his or her designee may impose conditions upon an administrative approval.

(e) All special events, regardless of size, location, use or duration, shall be subject to the requirements of the Sussex County Special Event and Public Safety Services Policies and Procedures. Failure to abide by the Sussex County Special Event and Public Safety Services Policies and Procedures may result in the termination of the special event's administrative approval.

(f) Special events that do not meet these requirements or which are not administratively approved shall require a conditional use.

Section 11. The Code of Sussex County, Chapter 115, Article X, §115-72 "Special Use Exceptions" is hereby amended by inserting the italicized and underlined language:

§ 115-72 Special Use Exceptions.

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

A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

...

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

Section 12. The Code of Sussex County, Chapter 115, Article XA, §115-75.2 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-75.2 Permitted Uses.

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

...

(11) Not grouped elsewhere.

...

(e) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).

Section 13. The Code of Sussex County, Chapter 115, Article XA, §115-75.4 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-75.4 Special Use Exceptions.

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

...

B. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

Section 14. The Code of Sussex County, Chapter 115, Article XB, §115-75.9 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-75.9 Permitted Uses.

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

...

(8) Not grouped elsewhere.

...

(c) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).

Section 15. The Code of Sussex County, Chapter 115, Article XB, §115-75.11 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-75.11 Special Use Exceptions.

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

...

B. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

Section 16. The Code of Sussex County, Chapter 115, Article XI, §115-80 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-80 Special Use Exceptions.

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

A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

...

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

Section 17. The Code of Sussex County, Chapter 115, Article XIA, §115-83.6 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-83.6 Special Use Exceptions.

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

A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

...

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

Section 18. The Code of Sussex County, Chapter 115, Article XIB, §115-83.11 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-83.11 Permitted Uses.

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

...

(10) Not grouped elsewhere.

...

(c) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).

Section 19. The Code of Sussex County, Chapter 115, Article XIB, §115-83.13 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-83.11 Special Use Exceptions.

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

...

B. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

Section 20. The Code of Sussex County, Chapter 115, Article XIC, §115-83.18 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-83.18 Permitted Uses.

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

...

(11) Not grouped elsewhere.

...

(d) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).

Section 21. The Code of Sussex County, Chapter 115, Article XIC, §115-83.20 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-83.20 Special Use Exceptions.

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

...

B. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

Section 22. The Code of Sussex County, Chapter 115, Article XID, §115-83.26 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-83.26 Permitted Uses.

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

...

(11) Not grouped elsewhere.

...

(c) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).

Section 23. The Code of Sussex County, Chapter 115, Article XID, §115-83.28 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-83.28 Special Use Exceptions.

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

...

B. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

Section 24. The Code of Sussex County, Chapter 115, Article XIE, §115-83.33 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-83.33 Permitted Uses.

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

...

(9) Not grouped elsewhere.

...

(d) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).

Section 25. The Code of Sussex County, Chapter 115, Article XIE, §115-83.35 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-83.35 Special Use Exceptions.

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

...

C. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

Section 26. The Code of Sussex County, Chapter 115, Article XIF, §115-83.40 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-83.40 Permitted Uses.

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

...

(33) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).

Section 27. The Code of Sussex County, Chapter 115, Article XIF, §115-83.42 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-83.42 Special Use Exceptions.

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

...

B. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

Section 28. The Code of Sussex County, Chapter 115, Article XII, §115-88 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-88 Special Use Exceptions.

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

A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

...

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

Section 29. The Code of Sussex County, Chapter 115, Article XIII, §115-94 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-94 Permitted Uses.

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

...

(T) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the the requirements set forth in Article IV, Section 115-20A.(16).

Section 30. The Code of Sussex County, Chapter 115, Article XIII, §115-97 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-97 Special Use Exceptions.

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

A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

...

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

Section 31. The Code of Sussex County, Chapter 115, Article XIV, §115-105 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-105 Special Use Exceptions.

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

A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

...

Use of a manufactured-home-type structure for any business, commercial or industrial use or residence for a caretaker or watchman when not approved administratively by the Director or his or her designee.

Section 32. The Code of Sussex County, Chapter 115, Article XIV, §115-114 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-114 Special Use Exceptions.

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

A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

...

Use of a manufactured-home-type structure for any business, commercial or industrial use or residence for a caretaker or watchman when not approved administratively by the Director or his or her designee.

Section 33. The Code of Sussex County, Chapter 115, Article XVII, §115-210 “Special Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-210 Special Exceptions.

In order to provide for adjustments in the relative location of uses and buildings, to promote the usefulness of these regulations and to supply the necessary elasticity to their efficient operation, special use exceptions, limited as to locations described in this Article, and special yard and height, exceptions are permitted by the terms of these regulations. The following buildings and uses are permitted as special exceptions if the Board finds that, in its opinion, as a matter of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring property:

A. Special use exceptions:

(1) Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses, which are specified in each district:

...

Use of a manufactured home as a single-family dwelling in any district to meet an emergency or hardship situation when not approved administratively by the Director or his or her designee, such permit not to exceed two years. The Director may, without requiring an application for a special use exception, grant an extension for an emergency or hardship situation previously approved by the County Board of Adjustment upon receipt of an affidavit from a doctor stating that the emergency or hardship situation still exists. Such extension may be granted annually as long as the emergency or hardship still exists.

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

(3) Other special use exceptions as follows, which are specified in each district:

...

(r) Garage/studio apartments, when not approved administratively by the Director or his or her designee, provided that at least one parking space for the exclusive use of the tenant is included on the premises.

.....

Section 34. Effective Date.

This Ordinance shall take effect immediately upon adoption by Sussex County Council.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2684 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 22ND DAY OF OCTOBER 2019.

**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 3,501 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 7,500 SF	D	P		P ¹	P ¹	P ¹	P ²	
Winery, Brewery or Distillery over 7,501 SF							P ²	
Manufacturing	D		P ¹				P ²	
Material Storage Yard with on-site mulching, pulping or manufacturing of material	D						P ²	
Educational, Cultural, Religious, Philanthropic, Social, Fraternal								
Bio Tech Campus	D		P					P
Biotech Industry	D		P ¹					P ¹
Recreational Facility, Private	D					P		
Recreational Facility, Commercial (Indoor Only)	D	P		P	P	P		
Recreational Facility, Commercial (Indoor & Outdoor)	D	P			P	P		
Club Indoor, private such as clubs, lodges, and other annual membership clubs	D	P		P	P	P		
Aquariums, commercial						P		
Educational institutions, public and private	D							P

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

Blank =Not permitted 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
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
Manufactured home-types structures used as construction/sales office	A	A	A	A	A	A	A
<i>Manufactured home-type structure used for business, commercial or industrial uses when approved by the Director</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>

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.

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