

PLANNING & ZONING

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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: September 5, 2019
RE: Staff Memo for Ord. 19-7 Manufactured Homes

This memo is to provide background and analysis for the Planning Commission to consider as a part of application Ord. 19-7 Manufactured Homes to be reviewed during the September 12, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The proposed ordinance is to provide clarification regarding the placement of a multi-sectional manufactured homes within the AR-1 Zoning District. Currently if a parcel of land has not had a manufactured home on the property it is required to be $\frac{3}{4}$ ac. in size, the home shall not be older than 5 years. The requirement of $\frac{3}{4}$ ac. limits the placement of a manufactured home on existing lots in the AR-1 Zoning District as there are a number of existing lots that are not $\frac{3}{4}$ ac. The ordinance also clarifies the manufactured homes that exist on lots less than $\frac{3}{4}$ ac. It would also increase the age of the house from 5 years to 10 years.



1 **AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY,**
2 **CHAPTER 115, ARTICLES IV, XXV, XXVI, AND XXVII BY**
3 **AMENDING SECTIONS 115-20, 115-23, 115-187, 115-196 AND 115-210**
4 **REGARDING MANUFACTURED HOMES AND MANUFACTURED**
5 **HOUSING.**

6
7 WHEREAS, The Sussex County Planning & Zoning Department, in its
8 regulation of manufactured housing, has determined that there are certain areas
9 of the Zoning Code of Sussex County that can be improved for the benefit of
10 both Sussex County and the public; and

11
12 WHEREAS, The Sussex County Planning & Zoning Department recognizes that
13 manufactured home-type structures are often used for construction trailers or
14 marketing offices for a limited duration while a residential or commercial project
15 is underway and the current approval process for these types of structures is
16 unnecessarily burdensome and time consuming; and

17
18 WHEREAS, The Sussex County Planning & Zoning Department recognizes that
19 regulations governing the replacement of manufactured housing units should be
20 improved to permit these structures to be more readily replaced if certain criteria
21 are satisfied; and

22
23 WHEREAS, The Sussex County Planning & Zoning Department recommends
24 other amendments to the Zoning Code to address inconsistencies or unduly
25 burdensome requirements regarding manufactured homes and similar structures.

26
27 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY**
28 **ORDNAINS:**

29
30
31 **Section 1. The Code of Sussex County, Chapter 115, Article IV, §115-20**
32 **“Permitted Uses” is hereby amended by deleting the language in brackets**
33 **and inserting the italicized and underlined language:**

34
35 **§115-20. Permitted Uses.**

36
37 A. A building or land shall be used only for the following purposes:

38
39 (1) Detached single-family dwellings on individual lots. A manufactured
40 home may be used as a detached single-family dwelling on an individual

41 lot [of $\frac{3}{4}$ of an acre or more], provided that it conforms to the following
42 restrictions:

- 43
- 44 (a) The lot is not within a major subdivision created prior to the effective
45 date of this section [or is not specifically prohibited by recorded
46 covenants].
- 47
- 48 (b) There is a minimum width along any exterior front, side [and] or rear
49 elevation of 24 linear feet, exclusive of any garage area or other
50 attached accessory structures.
- 51
- 52 (c) It is permanently mounted on a solid foundation or pier foundation
53 system and anchored and, in each case, in accordance with the
54 manufacturer's installation instructions.
- 55
- 56 (d) All wheels, axles, transportation lights and removable towing apparatus,
57 if any, shall be removed from the manufactured home when it is placed
58 on the foundation in accordance with Subsection A(1)[(b)](c) above.
- 59
- 60 (e) All utilities shall be permanently connected in accordance with
61 applicable Sussex County Code provisions.
- 62
- 63 (f) The siding of all manufactured homes shall be continuous so as to enclose
64 any joining of two or more sections.
- 65
- 66 (g) It complies with all pertinent provisions of the Housing Code of Sussex
67 County and the Fire and Health Codes of the State of Delaware.
- 68
- 69 (h) All multi-sectional manufactured homes, initially placed pursuant to the
70 provisions of this section, shall be not more than [five] ten (10) years
71 old. All replacement multi-sectional manufactured homes shall not be
72 of an older model than the manufactured home being replaced and shall
73 conform to this section. Any other manufactured home which, at the
74 effective date of this section, does not conform to the requirements of
75 this section, may be replaced with a manufactured home which is not of
76 an older or smaller model than the manufactured home being replaced.
77 A single section manufactured home may be replaced by a single section
78 manufactured home; a single section manufactured home may be
79 replaced by a multi-sectional manufactured home; a multi-sectional
80 manufactured home may be replaced by a multi-sectional manufactured
81 home; a multi-sectional manufactured home shall not be replaced by a
82 single section manufactured home. [A manufactured home, used as a

83 single-family dwelling, and originally placed and permitted on a
84 property of five acres or more prior to March 25, 1997, may be
85 permitted as a Special Use Exception on a property of less than five
86 acres pursuant to Article IV, § 115-23C(16) and Article XXVII, § 115-
87 210A(3)(q).]

88
89 (i) In addition to the requirements herein, a manufactured home shall comply
90 in all respects with the *design and technical* requirements of § [115-187](#).

91
92 **Section 2. The Code of Sussex County, Chapter 115, Article IV, §115-23**
93 **“Special Use Exceptions” is hereby amended by deleting the language in**
94 **brackets and inserting the italicized and underlined language:**

95
96 **§115-23. Special Use Exceptions.**

97
98 Special use exceptions may be permitted by the Board of Adjustment in
99 accordance with the provisions of Article XXVII of this chapter and may
100 include:

101
102 A. Temporary and conditional permits for a period not to exceed five years,
103 such period to be determined by the Board, for the following uses:

104
105 Archery ranges

106 Asphalt batching plants or concrete batching plants

107 Commercial dog kennels

108 Miniature golf courses or driving ranges

109 Outdoor display or promotional activities at shopping centers or elsewhere

110 Pony rings

111 Raising for sale of birds, bees, rabbits and other small animals, fish and other
112 creatures

113 Riding academies

114 Rifle or pistol ranges, trap or skeet shooting

115 Sawmills for cutting timber grown on the premises

116 Temporary buildings for use as a sales or rental office for an approval real
117 estate development or subdivision

118 Tents for special purposes for a period exceeding three days. The Director
119 may, without requiring an application for a special use exception, grant
120 approval for a tent for a special purpose (revival, reception, tent sale as
121 an accessory to a business or commercial use, or other similar
122 activities). If approved by the Director, a tent for special purposes may
123 be utilized on a parcel no more than three times in a calendar year.

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

132 Use of a manufactured-home-type structure for any business, commercial or
133 industrial use

134

135 B. Exceptions to parking and loading requirements as follows:

136

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

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

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

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

153

154 C. Other special use exceptions as follows:

155

156 (1) Private garages for more than four automobiles and with floor area of
157 more than 900 square feet in a residential district.

158 (2) Cemeteries for pets.

159 (3) Commercial greenhouses, wholesale or retail.

160 (4) Convalescent homes, nursing homes or homes for the aged.

161 (5) Day nurseries or child-care centers.

162 (6) Garage/studio apartments, provided that at least one parking space for
163 the exclusive use of the tenant is included on the premises

164 (7) Nurseries for growing of plants, trees and shrubs, including a building
165 for sale of products produced on the premises.

- 166 (8) Public telephone booths in residential areas.
167 (9) Telephone central offices, provided that all storage of materials, all repair
168 facilities and all housing of repair crews are within a completely
169 enclosed building.
170 (10) (Reserved)
171 (11) The alteration, extension or replacement of a nonconforming
172 manufactured home, subject to the provisions of § 115-196.
173 (12) More than one manufactured home may be permitted on a farm of 10
174 acres or more pursuant to § 115-21A(5), provided that all manufactured
175 homes or dwellings on the property are the primary place of residence
176 for persons employed on the premises or immediate members of the
177 family owning or operating the farm, and provided that the granting of
178 this exception will not adversely affect the values or uses of adjacent
179 properties.
180 (13) Farm ponds on less than five acres, subject to § 115-219.[4]
181 (14) Tourist homes (also referred to as bed-and-breakfast inns").
182 [(15) A manufactured home, used as a single-family dwelling, and
183 originally placed and permitted on a property of five acres or more prior
184 to March 25, 1997, may be permitted on a property of less than five
185 acres pursuant to Article XXVII, § 115-210A(3)(q).
186 (16) A multisectional manufactured home as a detached single-family
187 dwelling on individual lots of not less than 1/2 nor more than three-
188 fourths acre existing on the effective date of this ordinance and subject
189 to the provisions of § 115-20A(1)(a) through (g) inclusive.]
190 [(17)] *(15)* Commercial communications towers and antennas.
191 [(18) A multisectional manufactured home used as a single-family dwelling
192 may be permitted on a property of less than 3/4 acre, pursuant to Article
193 IV, § 115-20A(1)(a) through (g) and (i).]
194
195

196 **Section 3. The Code of Sussex County, Chapter 115, Article XXV, §115-187**
197 **“Manufactured Homes” is hereby amended by deleting the language in**
198 **brackets and inserting the italicized and underlined language:**

199
200 **§115-187. Manufactured Homes.**
201

202 The following regulations shall apply to every manufactured home, [except
203 construction and office trailers] *except for manufactured home type*
204 *structures approved for use as construction and/or office trailers:*
205

- 206 A. It shall be designated exclusively for single-family occupancy if used as
207 a dwelling.
- 208
- 209 B. The space between the unit and grade level shall be fully enclosed with a
210 perimeter enclosure wall. A perimeter enclosure wall shall consist of
211 either masonry material, vinyl, metal or wood product, shall be installed
212 in accordance with the manufacturer's installation instructions [shall be
213 approved by the Director as durable and suitable for exterior exposure].
214 The perimeter enclosure wall shall be of a type that will not support
215 combustion. A perimeter enclosure wall shall have a minimum of one
216 opening providing access to any water supply or wastewater
217 connections under the home. Such openings shall be a minimum of 18
218 inches in any dimension and not less than 3 square feet in area. The
219 access panel shall be fastened in such a manner that a special tool to
220 open or remove said panel is not required.
- 221
- 222 C. It shall have a gross floor area, excluding any additions not a part of the
223 original manufactured unit, not less than 450 square feet.
- 224
- 225 D. It shall comply in all other respects with the requirements [including area
226 and bulk requirements] for dwellings in the district in which it is located.
- 227

228 **Section 4. The Code of Sussex County, Chapter 115, Article XXVI, §115-**
229 **196 “Manufactured Homes” is hereby amended by deleting the language in**
230 **brackets and inserting the italicized and underlined language:**

231

232 **§115-196. Manufactured Homes.**

233

234 Except as provided in § 115-20A(1)(h), manufactured homes in lawful use as
235 single-family dwellings at the effective date of this chapter shall be subject to the
236 following:

- 237 A. *When a manufactured home is replaced, the manufactured home being*
238 *replaced shall not be an older or smaller model than the manufactured*
239 *home being replaced. A single section manufactured home may be*
240 *replaced by a single section manufactured home; a single section*
241 *manufactured home may be replaced by a multi-sectional manufactured*
242 *home; a multi-sectional manufactured home may be replaced by a*
243 *multi-sectional manufactured home; a multi-sectional manufactured*
244 *home shall not be replaced by a single section manufactured home.* [A
245 manufactured home granted a special use permit prior to the enactment

246 of this chapter, subject to limitations of time, occupancy or location,
247 shall remain subject to such limitations.

248 B. A manufactured home not subject to a special use permit shall be
249 considered a conforming use in AR and GR Districts.

250 C. A manufactured home not subject to a special use permit shall be
251 considered a nonconforming use in all districts other than AR and GR
252 Districts. The alteration, extension or replacement of a nonconforming
253 manufactured home shall require approval of the Board of Adjustment,
254 after public hearing.

255 D.]B. When a nonconforming manufactured home, existing either on a
256 nonconforming lot or with nonconforming yards, is replaced, it shall be
257 located on the lot in such a way so that, to the greatest extent possible,
258 it conforms to all appropriate yard requirements.

259
260

261 **Section 5. The Code of Sussex County, Chapter 115, Article XXVII, §115-**
262 **210 “Special Exceptions” is hereby amended by deleting the language in**
263 **brackets and inserting the italicized and underlined language:**

264
265
266

§115-210. Special Exceptions.

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

276
277
278

A. Special use exceptions:

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

282
283
284

- Archery ranges
- Asphalt batching plants or concrete batching plants

- 285 Commercial dog kennels
- 286 Miniature golf courses or driving ranges
- 287 Nonaccessory tents for special purposes
- 288 Outdoor display or promotional activities at shopping centers or elsewhere
- 289 Pony rings
- 290 Raising for sale of birds, bees, rabbits and other small animals, fish and other
- 291 creatures
- 292 Riding academies, public stables or private stables
- 293 Rifle or pistol ranges, trap or skeet shooting
- 294 Sawmills for cutting timber grown on the premises
- 295 Temporary buildings for use as a sales or rental office for an approved real
- 296 estate development or subdivision
- 297 Use of a manufactured home as a single-family dwelling in any district to
- 298 meet an emergency or hardship situation, such permit not to exceed two
- 299 years. The Director may, without requiring an application for a special
- 300 use exception, grant an extension for an emergency or hardship situation
- 301 previously approved by the County Board of Adjustment upon receipt
- 302 of an affidavit from a doctor stating that the emergency or hardship
- 303 situation still exists. Such extension may be granted annually as long as
- 304 the emergency or hardship still exists.
- 305 Use of a manufactured-home-type structure for any business, commercial or
- 306 industrial use.
- 307 (2) Exceptions to parking and loading requirements as follows:
- 308
- 309 (a) Off-street parking areas, adjacent to or at a reasonable distance from the
- 310 premises on which parking areas are required by the parking regulations
- 311 of Article XXII, where practical difficulties, including the acquisition
- 312 of property, or undue hardships are encountered in locating such parking
- 313 areas on the premises and where the purpose of these regulations to
- 314 relieve congestion in the streets would best be served by permitting such
- 315 parking off the premises.
- 316 (b) Waiver or reduction of the parking and loading requirements in any
- 317 district whenever the character or use of the buildings is such as to make
- 318 unnecessary the full provision of parking or loading facilities.
- 319 (c) Waiver or reduction of loading space requirements where adequate
- 320 community loading facilities are provided.
- 321 (d) Waiver or reduction of loading space requirements for uses which
- 322 contain less than 10,000 square feet of floor area where construction of
- 323 existing buildings, problems of access or size of lot make impractical
- 324 the provision of required loading space.
- 325 (e) Waiver of or reduction in interior drive width.
- 326

- 327 (3) Other special use exceptions as follows, which are specified in each
328 district:
329
- 330 (a) Private garages for more than four automobiles and with floor area of
331 more than 900 square feet in a residential district.
 - 332 (b) Cemeteries for pets.
 - 333 (c) Commercial greenhouses, wholesale or retail.
 - 334 (d) Convalescent homes, nursing homes or homes for the aged.
 - 335 (e) Day nurseries or child-care centers.
 - 336 (f) (Reserved).
 - 337 (g) Nurseries for growing of plants, trees and shrubs, including a building
338 for sale of products produced on the premises.
 - 339 (h) In any HI-1 Heavy Industrial District, those heavy industrial uses upon
340 which the Board is required to pass under Article XV.
 - 341 (i) A determination, in cases of uncertainty, of the district classification of
342 any use not specifically named in these regulations; provided, however,
343 that such use shall be in keeping with uses specifically permitted in the
344 districts in which such use is to be classified.
 - 345 (j) Telephone central offices, in any AR, MR, GR, HR, UR, RPC and VRP
346 Districts, provided that all storage of materials, all repair facilities and
347 all housing of repair crews are within a completely enclosed building.
 - 348 (k) Structures of mixed use, commercial and residential, in B-1 and UB
349 Districts, subject to the provisions of Articles IV through XX and § 115-
350 219.
 - 351 (l) (Reserved).
 - 352 (m) The alteration, extension or replacement of a nonconforming
353 manufactured home, subject to the provisions of § 115-196.
 - 354 (n) More than one manufactured home may be permitted on a farm of 10
355 acres or more pursuant to § 115-21A(5), provided that all manufactured
356 homes or dwellings on the property are the primary place of residence
357 for persons employed on the premises or immediate members of the
358 family owning or operating the farm, and provided that the granting of
359 this exception will not adversely affect the values or uses of adjacent
360 properties.
 - 361 (o) Tourist home (also referred to as "bed-and-breakfast inns") in any AR,
362 MR, GR, UR and B-1 Districts.
 - 363 (p) In any C-1 General Commercial District, off-premises signs, not
364 exceeding 600 square feet total, subject to the provisions of § 115-
365 81A(2).
 - 366 [(q) A manufactured home, used as a single-family dwelling, and originally
367 placed and permitted on a property of five acres or more prior to March

368 25, 1997, may be permitted on a property of less than five acres pursuant
369 to Article IV, § 115-23C.
370 (r) A multisectional manufactured home as a detached single-family
371 dwelling on individual lots of not less than 1/2 nor more than 3/4 acre,
372 existing on the effective date of this ordinance and subject to the
373 provisions of § 115-20A(1)(a) through (g) inclusive.]
374

375
376 **Section 6. Effective Date.**

377
378 This ordinance shall take effect upon adoption by Sussex County Council.
379

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: September 5, 2019
RE: Staff Memo for Ord. 19-8 Construction Trailers

This memo is to provide background and analysis for the Planning Commission to consider as a part of application Ord. 19-8 Construction Trailers to be reviewed during the September 12, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The proposed ordinance would make manufactured home-type structures used as construction trailers or model home a permitted accessory use within the Zoning Districts. Currently manufactured home-type structures used as construction trailers or model homes require a Special Use Exception from the Board of Adjustment. Per the proposed ordinance the use would be permitted for two years and if needed for longer than 2 years the Director would have the ability to extend the timeframe of the manufactured home-type structures used as construction trailers or model home.



1 **AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY,**
2 **CHAPTER 115, ARTICLES IV, V, VIII, X, XA, XB, XIB, XIC, XID, XIE, XIF,**
3 **XIII, XIV, AND XV BY AMENDING SECTIONS 115-21, 115-30, 115-54, 115-**
4 **70, 115-75.3, 115-75.10, 115-83.12, 115-19, 115-83.27, 115-83.34, 115-83.41, 115-**
5 **95, 115-103, 115-112 AND TABLE IV REGARDING THE USE OF**
6 **MANUFACTURED HOME-TYPE STRUCTURES AS TEMPORARY**
7 **BUILDINGS INCIDENTAL TO CONSTRUCTION OPERATIONS OR THE**
8 **SALE OF LOTS.**

9
10 WHEREAS, The Sussex County Planning & Zoning Department recognizes that
11 manufactured home-type structures are often used for construction trailers or
12 marketing offices for a limited duration while a residential or commercial project is
13 underway and the current approval process for these types of structures is
14 unnecessarily burdensome and time consuming; and

15
16 WHEREAS, The Sussex County Planning & Zoning Department recognizes that the
17 use of these structures on a temporary basis is necessary for construction
18 management, security, safety, sales and other similar purposes on construction sites;
19 and

20
21 WHEREAS, the Sussex County Zoning Code currently permits temporary
22 structures for use as offices or construction purposes while a project is underway in
23 certain zoning districts, but the current Code language does not specifically permit
24 the use of manufactured home- type structures for this purpose; and

25
26 WHEREAS, the use of these manufactured home- type structures are necessary on
27 virtually every construction site, yet they require an approval as a special use
28 exception from the Board of Adjustment, which is time consuming and almost never
29 denied; and

30
31 WHEREAS, The Sussex County Planning & Zoning Department recommends the
32 approval of this amendments to the Zoning Code.

33
34 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDNAINS:**
35
36

37 **Section 1. The Code of Sussex County, Chapter 115, Article IV, §115-21**
38 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**
39 **underlined language:**

40
41 **§115-21. Permitted Accessory Uses.**

42
43 ...

44
45 B. Other Permitted Accessory Uses As Follows:

46
47 ...

48
49 Temporary Buildings, *including manufactured home-type structures*, the use
50 of which is incidental to construction operations or sale of lots during
51 development being conducted on the same or adjoining tract or subdivision
52 and which shall be removed upon completion or abandonment of such
53 construction or upon expiration of a period of two years of the time of
54 erection of the temporary building, whichever is sooner. *If construction*
55 *operations or the initial sale of lots remain actively underway, the Director*
56 *may grant extensions to this time period.*

57
58 **Section 2. The Code of Sussex County, Chapter 115, Article V, §115-30**
59 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**
60 **underlined language:**

61
62 **§115-30. Permitted Accessory Uses.**

63
64 Permitted accessory uses are as follows:

65
66 ...

67
68 Temporary Buildings, *including manufactured home-type structures*, the use
69 of which is incidental to construction operations or sale of lots during
70 development being conducted on the same or adjoining tract or subdivision
71 and which shall be removed upon completion or abandonment of such
72 construction or upon expiration of a period of two years of the time of erection
73 of the temporary building, whichever is sooner. *If construction operations or*

74 the initial sale of lots remain actively underway, the Director may grant
75 extensions to this time period.

76
77
78 **Section 3. The Code of Sussex County, Chapter 115, Article VIII, §115-54**
79 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**
80 **underlined language:**

81
82 **§115-54. Permitted Accessory Uses.**

83
84 Permitted accessory uses shall be as follows:

85
86 . . .

87
88 Temporary Buildings, including manufactured home type structures, the use
89 of which is incidental to construction operations or sale of lots during
90 development being conducted on the same or adjoining tract or subdivision
91 and which shall be removed upon completion or abandonment of such
92 construction or upon expiration of a period of two years of the time of erection
93 of the temporary building, whichever is sooner. If construction operations or
94 the initial sale of lots remain actively underway, the Director may grant
95 extensions to this time period.

96
97
98 **Section 4. The Code of Sussex County, Chapter 115, Article X, §115-70**
99 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**
100 **underlined language:**

101
102 **§115-70. Permitted Accessory Uses.**

103
104 Permitted accessory uses are as follows:

105
106 Storage of office supplies or merchandise normally carried in stock in
107 connection with a permitted office or business use, subject to applicable
108 district regulations.

109
110 A wind turbine which meets §115 – 194.4 as a permitted use.
111

112 Temporary Buildings, including manufactured home type structures, the use
113 of which is incidental to construction operations or sale of lots during
114 development being conducted on the same or adjoining tract or subdivision
115 and which shall be removed upon completion or abandonment of such
116 construction or upon expiration of a period of two years of the time of erection
117 of the temporary building, whichever is sooner. If construction operations or
118 the initial sale of lots remain actively underway, the Director may grant
119 extensions to this time period.

120
121
122 **Section 5. The Code of Sussex County, Chapter 115, Article XA, §115-75.3**
123 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**
124 **underlined language:**

125
126 **§115-75.3. Permitted Accessory Uses.**

127
128 Permitted accessory uses are as follows:

- 129
130 A. Residential within-structure commercial or office uses.
131
132 B. Home Occupation.
133
134 C. Garage, public or commercial parking.

135
136 D. Temporary Buildings, including manufactured home type structures,
137 the use of which is incidental to construction operations or sale of lots during
138 development being conducted on the same or adjoining tract or subdivision
139 and which shall be removed upon completion or abandonment of such
140 construction or upon expiration of a period of two years of the time of erection
141 of the temporary building, whichever is sooner. If construction operations or
142 the initial sale of lots remain actively underway, the Director may grant
143 extensions to this time period.

144
145
146 **Section 6. The Code of Sussex County, Chapter 115, Article XB, §115-75.10**
147 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**
148 **underlined language:**

150 **§115-75.10. Permitted Accessory Uses.**

151

152 Permitted accessory uses are as follows:

153

154 . . .

155

156 I. Temporary Buildings, including manufactured home type structures,
157 the use of which is incidental to construction operations or sale of lots during
158 development being conducted on the same or adjoining tract or subdivision
159 and which shall be removed upon completion or abandonment of such
160 construction or upon expiration of a period of two of the time of erection of
161 the temporary building, whichever is sooner. If construction operations or
162 the initial sale of lots remain actively underway, the Director may grant
163 extensions to this time period.

164

165

166 **Section 7. The Code of Sussex County, Chapter 115, Article XIB, §115-83.12**
167 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**
168 **underlined language:**

169

170 **§115-83.12. Permitted Accessory Uses.**

171

172 Permitted accessory uses are as follows:

173

174 A. Residential within-structure commercial or office uses.

175

176 B. Garage, public or commercial parking.

177

178 C. Temporary Buildings, including manufactured home type structures,
179 the use of which is incidental to construction operations or sale of lots during
180 development being conducted on the same or adjoining tract or subdivision
181 and which shall be removed upon completion or abandonment of such
182 construction or upon expiration of a period of two years of the time of erection
183 of the temporary building, whichever is sooner. If construction operations or
184 the initial sale of lots remain actively underway, the Director may grant
185 extensions to this time period.

186

187

188 **Section 8. The Code of Sussex County, Chapter 115, Article XIC, §115-83.19**
189 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**
190 **underlined language:**

191
192 **§115-83.19. Permitted Accessory Uses.**

193
194 Permitted accessory uses are as follows:

195
196 A. Residential within-structure commercial or office uses.

197
198 B. Garage, public or commercial parking.

199
200 C. Temporary Buildings, including manufactured home type structures,
201 the use of which is incidental to construction operations or sale of lots during
202 development being conducted on the same or adjoining tract or subdivision
203 and which shall be removed upon completion or abandonment of such
204 construction or upon expiration of a period of two years of the time of erection
205 of the temporary building, whichever is sooner. If construction operations or
206 the initial sale of lots remain actively underway, the Director may grant
207 extensions to this time period.

208
209
210 **Section 9. The Code of Sussex County, Chapter 115, Article XID, §115-83.27**
211 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**
212 **underlined language:**

213
214 **§115-83.27. Permitted Accessory Uses.**

215
216 Permitted accessory uses are as follows:

217
218 A. Greenhouses, commercial.

219
220 B. Temporary Buildings, including manufactured home type structures,
221 the use of which is incidental to construction operations or sale of lots during
222 development being conducted on the same or adjoining tract or subdivision
223 and which shall be removed upon completion or abandonment of such
224 construction or upon expiration of a period of two years of the time of erection
225 of the temporary building, whichever is sooner. If construction operations

226 or the initial sale of lots remain actively underway, the Director may grant
227 extensions to this time period.

228
229

230 **Section 10. The Code of Sussex County, Chapter 115, Article XIE, §115-83.34**
231 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**
232 **underlined language:**

233

234 **§115-83.34. Permitted Accessory Uses.**

235

236 Permitted accessory uses are as follows:

237

238 A. Garage, public or commercial parking.

239

240 B. Temporary Buildings, including manufactured home type structures,
241 the use of which is incidental to construction operations or sale of lots during
242 development being conducted on the same or adjoining tract or subdivision
243 and which shall be removed upon completion or abandonment of such
244 construction or upon expiration of a period of two year of the time of erection
245 of the temporary building, whichever is sooner. If construction operations or
246 the initial sale of lots remain actively underway, the Director may grant
247 extensions to this time period.

248

249

250 **Section 11. The Code of Sussex County, Chapter 115, Article XIF, §115-83.41**
251 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**
252 **underlined language:**

253

254 **§115-83.41. Permitted Accessory Uses.**

255

256 Permitted accessory uses are as follows:

257

258 A. Garage, public or commercial parking.

259

260 B. Temporary Buildings, including manufactured home type structures,
261 the use of which is incidental to construction operations or sale of lots during
262 development being conducted on the same or adjoining tract or subdivision
263 and which shall be removed upon completion or abandonment of such

264 construction or upon expiration of a period of two years of the time of erection
265 of the temporary building, whichever is sooner. If construction operations or
266 the initial sale of lots remain actively underway, the Director may grant
267 extensions to this time period.
268
269

270 **Section 12. The Code of Sussex County, Chapter 115, Article XIII, §115-95**
271 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**
272 **underlined language:**
273

274 **§115-95. Permitted Accessory Uses.**
275

276 Permitted accessory uses are as follows:
277

278 A. Storage of office supplies or merchandise normally carried in stock in
279 connection with a permitted office or business use, subject to applicable
280 district regulations.
281

282 B. A single-family dwelling or single-family manufactured home
283 accessory to a farm of 10 acres or more.
284

285 C. A wind turbine which meets §115 – 194.4 as a permitted use.
286

287 D. Temporary Buildings, including manufactured home type structures,
288 the use of which is incidental to construction operations or sale of lots during
289 development being conducted on the same or adjoining tract or subdivision
290 and which shall be removed upon completion or abandonment of such
291 construction or upon expiration of a period of two years of the time of erection
292 of the temporary building, whichever is sooner. If construction operations or
293 the initial sale of lots remain actively underway, the Director may grant
294 extensions to this time period.
295
296
297

298 **Section 13. The Code of Sussex County, Chapter 115, Article XIV, §115-103**
299 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**
300 **underlined language:**
301

302 **§115-103. Permitted Accessory Uses.**

303

304 Permitted accessory uses are as follows:

305

306 A. Storage of office supplies or merchandise normally carried in stock in
307 connection with a permitted office or business use, subject to applicable
308 district regulations.

309

310 B. A single-family dwelling or single-family manufactured home
311 accessory to a farm of 10 acres or more.

312

313 C. A wind turbine which meets §115 – 194.4 as a permitted use.

314

315 D. Temporary Buildings, including manufactured home type structures,
316 the use of which is incidental to construction operations or sale of lots during
317 development being conducted on the same or adjoining tract or subdivision
318 and which shall be removed upon completion or abandonment of such
319 construction or upon expiration of a period of two years of the time of erection
320 of the temporary building, whichever is sooner. If construction operations or
321 the initial sale of lots remain actively underway, the Director may grant
322 extensions to this time period.

323

324

325 **Section 14. The Code of Sussex County, Chapter 115, Article XV, §115-112**
326 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**
327 **underlined language:**

328

329 **§115-112. Permitted Accessory Uses.**

330

331 Permitted accessory uses are as follows:

332

333 A. Storage of office supplies or merchandise normally carried in stock in
334 connection with a permitted office or business use, subject to applicable
335 district regulations.

336

337 B. A single-family dwelling or single-family manufactured home
338 accessory to a farm of 10 acres or more.

339

340 C. A wind turbine which meets §115 – 194.4 as a permitted use.

341

342 D. Temporary Buildings, including manufactured home type structures,
343 the use of which is incidental to construction operations or sale of lots during
344 development being conducted on the same or adjoining tract or subdivision
345 and which shall be removed upon completion or abandonment of such
346 construction or upon expiration of a period of two years of the time of erection
347 of the temporary building, whichever is sooner. If construction operations or
348 the initial sale of lots remain actively underway, the Director may grant
349 extensions to this time period.

350

351

352 **Section 15. The Code of Sussex County, Chapter 115, Table IV “Permitted**
353 **Uses, Commercial” is hereby amended by inserting the italicized and**
354 **underlined language to correspond with the foregoing Code Amendments as**
355 **shown on the amended Table V “Permitted Uses, Commercial” attached hereto**
356 **and incorporated herein.**

357

358 **Section 16. Effective Date.**

359

360 This ordinance shall take effect immediately upon its adoption by Sussex County
361 Council.

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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
<u>Manufactured home-types structures used as construction/sales office</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>

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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