



Sussex County Council Public/Media Packet

**MEETING:
February 27, 2018**

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**Sussex County Council
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Georgetown, DE 19947
(302) 855-7743**

MICHAEL H. VINCENT, PRESIDENT
GEORGE B. COLE, VICE PRESIDENT
ROBERT B. ARLETT
IRWIN G. BURTON III
SAMUEL R. WILSON JR.



2 THE CIRCLE | PO BOX 589
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sussexcountyde.gov
ROBIN GRIFFITH
CLERK

Sussex County Council

AGENDA

FEBRUARY 27, 2018

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report

Hans Medlarz, County Engineer

1. Bulk Delivery of Sodium Hypochlorite, Project #18-14
 - A. Bid Award

John Ashman, Director of Utility Planning

1. Arbor-Lyn Expansion - Request to Prepare and Post Notices

Janelle Cornwell, Planning and Zoning Director

1. Time Extension Request – Baylis Estates (2004-55)
2. Report – Change of Zone No. 1834 filed on behalf of Colonial East, L.P.



Old Business

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

Change of Zone No. 1831 filed on behalf of East Gate Farm

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16.669 ACRES, MORE OR LESS” (Tax I.D. No. 330-11.00-73.09) (911 Address: Not Available)

Conditional Use No. 2107 filed on behalf of Galbraith Development Group

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.21 ACRES, MORE OR LESS” (Tax I.D. No. 134-17.00-8.09) (911 Address: Not Available)

Change of Zone No. 1839 filed on behalf of Dale Lomas/Seashore Highway Associates, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS” (Tax I.D. No. 334-4.00-37.04) (911 Address: Not Available)

Grant Request

1. Greater Lewes Foundation (Irish Eyes Foundation) for parade expenses

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Adjourn

Sussex County Council meetings can be monitored on the internet at www.sussexcountypa.gov.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on February 20, 2018 at 5:30 p.m., and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

###

ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
AIRPORT & INDUSTRIAL PARK (302) 855-7774
ENVIRONMENTAL SERVICES (302) 855-7730
PUBLIC WORKS (302) 855-7703
RECORDS MANAGEMENT (302) 854-5033
UTILITY ENGINEERING (302) 855-7717
UTILITY PERMITS (302) 855-7719
UTILITY PLANNING (302) 855-1299
FAX (302) 855-7799



Sussex County

DELAWARE
sussexcountyde.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable I.G. Burton, III
The Honorable Robert B. Arlett

FROM: Hans Medlarz, P.E., County Engineer

RE: **BULK DELIVERY OF SODIUM HYPOCHLORITE**
PROJECT NO. 18-17
BID AWARD

DATE: February 27, 2018

Sussex County contracts the Bulk Delivery of Sodium Hypochlorite to each of the four wastewater facilities and the Airpark for treatment of the wastewater. The current contract is due to expire on June 30, 2018. Bids were requested for the annual procurement of approximately 147,565 gallons, with an alternate bid for 7- 30 gallon drums per year, to begin on July 1, 2018.

Invitations to bid were advertised in two (2) newspapers, viewable on the Sussex County website, and directly sent to businesses on our supplier list. On February 15, 2018, bids for the Bulk Delivery of Sodium Hypochlorite were opened. Four (4) bids were received.

Coyne Chemical bid the lowest price per gallon at \$1.07. Intercoastal Trading bid the lowest price for the 30-gallon drum at \$105.00.

The Engineering Department recommends the first contract year award of the base bid for bulk delivery of sodium hypochlorite to Coyne Chemical at the unit price of 1.07 per gallon and award to Intercoastal Trading for the alternate bid at the unit price of \$105.00 per 30 gallon drum. If both suppliers perform satisfactorily, the contract allows a one year extension at the discretion of the Engineering Department.



BULK DELIVERY OF SODIUM HYPOCHLORITE
SUSSEX COUNTY PROJECT 18-17
BID OPENING, 2:00 p.m., Thursday, February 15, 2018

Bidder	Base Bid (\$/gal)	Alternate Bid (\$/30 gal)
Coyne Chemical	\$1.07 *	\$154.83
Intercoastal Trading	\$1.11	\$105.00 *
Kuehne Chemical	\$4.50	No Bid
Univar	\$1.135	No Bid

*Apparent low bidder

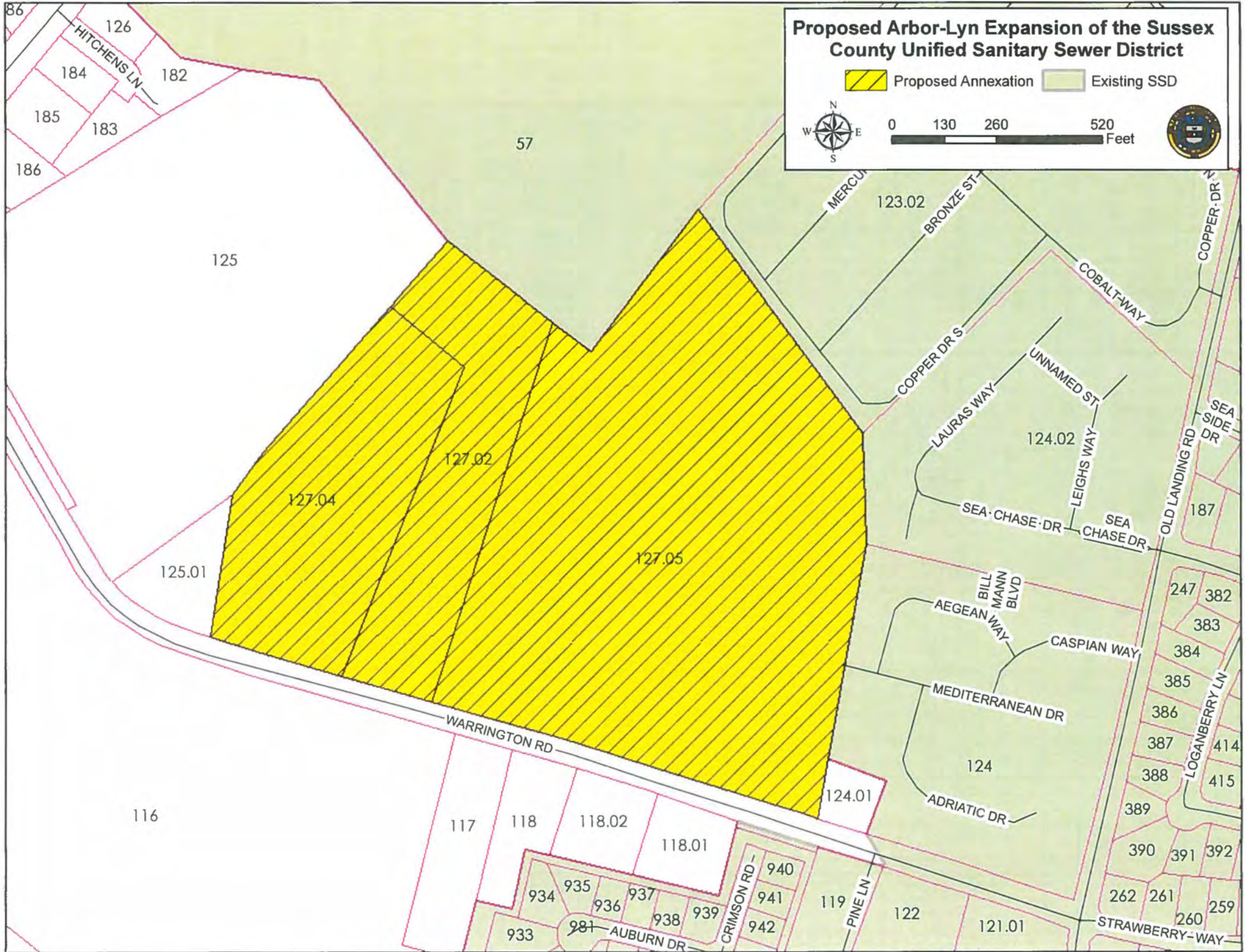
NOTE: Previous contract award @ \$1.05 per gallon to Intercoastal Trading

Proposed Arbor-Lyn Expansion of the Sussex County Unified Sanitary Sewer District

 Proposed Annexation  Existing SSD



0 130 260 520 Feet



Arbor-Lyn Expansion Facts

- Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area).
- Requested by Limitless Development Consultants, LLC for the Arbor-Lyn Subdivision.
- The Engineering Department has worked with the consulting engineers to identify a connection for sewer service.
- Parcels 334-12.00-127.02, 127.04 & 127.05.
- The expansion will consist of 35.46 acres ± and is proposed at 144 EDUs.
- The project will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates.
- A tentative Public Hearing is currently scheduled for March 20, 2018 at the regular County Council meeting.

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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Todd Lawson, County Administrator, Everett Moore, County Attorney, Vince Robertson, Assistant County Attorney, and Hans Medlarz, County Engineer

Date: February 21, 2018

RE: Request for Time Extension – 2004-55 Baylis Estates

The Planning and Zoning Department received a request for an extension for application 2004-55 Baylis Estates. The Subdivision application was granted final approval by the Planning Commission on January 10, 2013 for the construction of 99 single family dwellings. The Planning Commission approved a revised final subdivision plan on January 25, 2018. The property is located on Mount Joy Rd.

This request has been submitted since Ordinance No. 2428, which provides a sunset provision to allow the County Council (Council) to approve an extension of time period as provided in Chapter 99 Article VIII Section 99-40. The Council may grant a time extension for up to six (6) months pursuant to 99-40F based on the following:

- 1) Prior to the expiration of its current approval, any applicant holding a currently valid approval as set forth in 99-40F may request an extension up to six (6) months for the validity of said approval. The six (6) month period shall commence upon the date of expiration of the current approval. Such a request must be in writing and delivered to the Director on or before the expiration date of its current approval. At a minimum, the written request must include the following information:
 - (a) A schedule or plan for the project describing the steps that have been completed through the date of the extension request and describing the remaining steps to be completed. For any steps that remain outstanding, the applicant is to provide the anticipated time frame for completing those remaining steps.
 - (b) A detailed explanation of the reasons in support of the applicant's request for the time extension. Applicant is to include an explanation of whether such reasons were within the applicant's reasonable control. Example of reasons beyond the applicant's reasonable control, include but are not limited to, undue delays in receiving regulatory approvals, litigation affecting the progression of the project, third party economic restrictions of an extraordinary or unreasonable nature, or delays caused by significant medical or health issues impacting applicant's key stakeholders.



COUNTY ADMINISTRATIVE OFFICES
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GEORGETOWN, DELAWARE

- (c) For subdivisions with recorded final plats that are valid in accordance with 99-11 and 99-40 a specific schedule and plan demonstrating that the improvements on the subdivision plat will be “substantially constructed” within six (6) months of the expiration of the current approval.

The following is the status of agency approvals. The DelDOT entrance has been installed. Office of Drinking Water is valid through November 22, 2018. Sussex Conservation District approval is valid. The applicant has approval from the Office of the State Fire Marshal. The applicant is working to finalize the revised plan with the Sussex County Engineering Department.

It is possible for the project to be substantially underway within the next 6 months. The Council may grant a time extension for an additional six (6) months so that the project can proceed with construction and establishing that they have the project substantially underway prior to the termination of the six (6) month time extension, if granted.

If the Council agrees, there should be a motion that based upon the authority granted to the Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning that the Subdivision application, 2004-55 Baylis Estates shall be granted a six (6) month time extension until September 8, 2018, which is six (6) months from March 8, 2018, the original termination date for the subdivision.

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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: February 21, 2018

RE: County Council Old Business Report for CZ 1834 Colonial East, L.P.

The County Council held a public hearing on December 12, 2017. The County Council deferred action for defer action and to leave the record open until January 30, 2018 to allow receipt of the Traffic Impact Study only; once the report is received and reported to Council, to then allow a 15-day period for persons to respond in writing only.

The Planning and Zoning Department received the TIS on February 21, 2018.

The Planning and Zoning Department received an application (CZ 1834 Colonial East L.P.) to allow for a change of zone from AR-1 to B-1. The Planning and Zoning Commission held a public hearing on November 16, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, an exhibit booklet, a site plan and two letters of support.

The Commission found that, David Hutt, Attorney with Morris James Halbrook and Bayard LLP, Ken Christenbury, with Axiom Engineering, Steve Class, owner of Colonial East L.P. and D J Hughes, with Davis Bowen and Friedel were present on behalf of the application; that Mr. Hutt stated that the site is located in front of Sussex East and West manufactured home community; that the property currently has three conditional uses for 350 manufactured homes; that it is a 55 plus community and is more than 95% occupied by 55 plus residences; that 80% of the residences are year round; that they would like to change the zone from AR-1 to B-1; that they hope to provide uses for the development and for the area to come; that several buildings will have a neighborhood business feel; that the hope is to alleviate traffic going to Route 1; that Mr. Christenbury stated that the area in the front of this project is intended to be rezoned to neighborhood business; that the existing amenities will remain AR-1; that the ESDA land use allows for a mix of uses that the site is not that far from commercial zoning; that the property is in Level 2 State Strategies; that the area has grown since 1992; that Minos Conaway Rd. has almost built out; that there are no plans for regional uses but could provide neighborhood uses in the area; that this a potential concept plan if approved; that Mr. Hughes stated that a TIS is required and they are working on with DelDOT to finalize the TIS; that off-site improvements at the intersection of Route 9 and Minos Conway Road are included



in the TIS review; that this is to help provide some services to the area and developments; that a signal at Minos Conaway has been in the plan for a while and they intend to enter into a signal agreement with two other developments; that they are going to create a dedicated left turn lane, lengthen the right turn lane and include bike lanes; that they do have to dedicate ten feet of right-of-way and provide a 15 foot easement for a bike trail; that Mr. Class idea was developed by the residents; that the communities are 55 and older; that they sent a form out with a survey to the residents; that there are no effect on their rents; that the community wanted a place for coffee and donuts, a general store, village for people to bike or walk to the store; that they want to cut down on vehicle traffic; that it could include a professional medical office or pharmacy; that they are going to have interconnectivity with the bike trail; that Mr. Hutt stated B-1 is for relatively small area and area uses; that the Comprehensive Plan encourages growth in this area; and that the property would not accommodate one large building, but it would accommodate multiple smaller buildings.

The Planning Commission found that Patricia Williams was in favor to the application; that she thinks this is wonderful and great.

The Planning Commission found that no one spoke in opposition to the application.

At the conclusion of the public hearings, the Commission discussed this application.

Ms. Stevenson, moved that the Commission recommend approval of Change of Zone #1834 for Colonial East, LP for a change in zone from AR-1 to B-1 based on the record made during the public hearing and for the following reasons:

1. The site is located along Route 9 at the front of a large manufactured home development and it is surrounded by other existing and new residential developments. This makes it an appropriate location for B-1 zoning and it will provide neighborhood business uses in a location that is convenient to many homes. It will also eliminate the current need to travel to Route 1 for all of these needs.
2. According to the County's Comprehensive Land Use Plan, the site is identified as being within the Environmentally Sensitive Developing Area. B-1 Zoning is appropriate within this Area according to the plan.
3. According to the Zoning Code, B-1 Zoning is appropriate "to provide retail shopping and personal service uses, . . . to serve the needs of a relatively small area, primarily nearby rural, low density or medium density residential neighborhoods." This application satisfies this purpose of B-1 Zoning.
4. The B-1 District is the most limited commercial zoning district in the County. It is appropriate in this location since it will limit the type and size of the uses that may occur at the site.
5. The rezoning is consistent with the developing character of the area and will not adversely affect the neighboring properties and roadways.
6. The proposed rezoning meets the purpose of the Zoning Ordinance since it promotes the orderly growth, convenience, order, prosperity and welfare of Sussex County and its residents.
7. The site is served by central water and Sussex County will provide wastewater service to the site.
8. Any future development of the site will require site plan approval by the Sussex County Planning & Zoning Commission as well as entrance and roadway improvements from the Department of Transportation.

9. No parties appeared in opposition to the proposed rezoning.

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to forward this application to Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4-0.

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

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

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

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

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

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

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

§115-4 Definitions and Word Usage.

...

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

42 ACRE

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

44

45 ADJACENT

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

47

48 . . .

49

50 ALCOHOLIC BEVERAGE SALES

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

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55 ANIMAL HOSPITAL

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

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59 . . .

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61 APPLICANT

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

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66 AVERAGE DAILY TRAFFIC (ADT)

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

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72 BED & BREAKFAST

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

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79 BREWERY

80 Establishments that are primarily a brewery, which produce more than 15,000 barrels per year.
81 A regional (small) brewery typically has an annual beer production of between 15,000 and
82 6,000,000 barrels. A large brewery typically has an annual beer production of more than
83 6,000,000 barrels.

84

85 BREW/ DISTILLING PUB

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

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93 **BULK REQUIREMENTS**

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

96
97 **CLINIC, MEDICAL**

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

102
103 **CLUB INDOOR, PRIVATE**

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

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109 . . .

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111 **COLLECTOR STREET**

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

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115 . . .

116
117 **COMMUNICATION TOWER**

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

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122

123 **COMMUNITY CENTER**

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

127 **CONDITIONS OF APPROVAL**

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

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[CONVALESCENT HOME

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

CONVENIENCE STORE

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

FUEL STATION

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

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

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

CHILD CARE (as per Delaware Code)

FAMILY CHILD CARE HOMES

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

LARGE FAMILY CHILD CARE HOMES

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

EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS

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

RESIDENTIAL CHILD CARE FACILITIES AND DAY TREATMENT PROGRAMS services

for children with behavioral dysfunctions; developmental, emotional, mental or physical impairments; and/or chemical dependencies.

CHILD PLACING AGENCIES

Adoption and foster care services.

...

DISTILLERY

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

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DISTRICT, COMMERCIAL

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

...

DISTRIBUTION CENTER

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

DWELLING, MULTI-FAMILY CONVERTED

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

...

EASEMENT

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

EDUCATIONAL INSTITUTION

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

SERVICE ORFILLING STATION

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

FITNESS CENTER

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

...

FUNERAL HOME

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

225
226 GARAGE, COMMERCIAL

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

229
230 . . .

231
232 GREEN

233 A civic space for passive recreation, spatially defined by landscaping rather than buildings.
234

235 . . .

236
237 GREENHOUSE, COMMERCIAL

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

239
240 GREENWAY

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

243
244 GROUP HOME

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

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249 . . .

250
251 HOSPITAL

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

258
259 . . .

260
261 MAJOR ARTERIAL ROADWAYS

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

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

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

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

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

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

272 F. U.S. Route 9 from its intersection with U.S. Route 13 to its intersection with Delaware Route
273 1.

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

276
277 . . .

279 MANUFACTURING

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

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

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

289 MARINE CONTRACTING

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

294
295 . . .

297 MATERIAL STORAGE YARD

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

303
304 . . .

306 NURSING & SIMILAR CARE FACILITIES

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

309 ASSISTED LIVING FACILITY

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

313

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

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

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

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

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

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

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

351
352 . . .

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

356
357 PATH

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

361
362 PHARMACY

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

366
367 . . .

368
369 PLACE OF WORSHIP

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

372
373 . . .

374
375 PUBLIC BUILDING

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

378 PUBLIC SAFETY FACILITY

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

381
382 PUBLIC UTILITY SERVICE

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

386
387 PUBLIC UTILITY SERVICE FACILITY

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

389
390 PUBLIC UTILITY SERVICE LINES

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

394
395 PUBLIC WATER AND SEWER SYSTEM

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

400
401 RECREATION FACILITY

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

403

404 RECREATION FACILITY, COMMERCIAL
405 A recreation facility operated as a business and open to the public for a fee.

406
407 RECREATION FACILITY, PERSONAL
408 A recreation facility provided as an accessory use on the same lot as the principal permitted
409 use and designed to be used primarily by the occupants of the principal use and their guests.

410
411 RECREATION FACILITY, PRIVATE
412 A recreation facility operated by a nonprofit organization and open only to bona fide
413 members and guests of such nonprofit organization.

414
415 RECREATION FACILITY, GOVERNMENT
416 A recreation facility owned, or operated by a government organization

417
418 . . .

419
420 RESTAURANT
421 A restaurant includes the following:

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

428
429 RETAIL SALES
430 Establishments engaged in selling goods or merchandise to the general public for personal or
431 household consumption and rendering services incidental to the sale of such goods.

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

438
439 . . .

440
441 SELF-STORAGE FACILITY
442 A structure containing separate, individual, and private storage spaces of varying sizes leased or
443 rented on an individual basis for varying amounts of time.

444
445 SERVICES, COMMERCIAL
446 Establishments primarily engaged in providing assistance, as opposed to products, to
447 individuals, businesses, industry, government, and other enterprises, including hotels and other
448 lodging places; personal, business, repair, and amusement services; health, legal, engineering,

449 and other professional services; educational services; membership organizations; and other
450 miscellaneous services.

451
452 SERVICES, BUSINESS

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

458
459 SERVICES, PERSONAL

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

462
463 SERVICES, ENTERTAINMENT

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

467
468 ...

469
470 SHOPPING CENTER

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

475
476 ...

477
478 SURGICAL CENTER

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

480
481 ...

482
483 TECHNOLOGY CENTER

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

487
488 ...

489
490 USE

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

493
494 WAREHOUSE

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

496

497 . . .

498

499 WHOLESALE ESTABLISHMENT

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

502

503 WHOLESALE TRADE ESTABLISHMENT

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

508

509 . . .

510

511 WINERY

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

514

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

518 **§ 115-5. District established.**

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

523 A. Residential districts:

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

533 B. Business and commercial districts:

- 534 UB Urban Business District
- 535 B-1 Neighborhood Business District

- 536 C-1 General Commercial District
- 537 CR-1 Commercial Residential District
- 538 B-2 Business Community District
- 539 B-3 Business Research District
- 540 C-2 Medium Commercial District
- 541 C-3 Heavy Commercial District
- 542 C-4 Planned Commercial District
- 543 C-5 Service/ Limited Manufacturing District
- 544 I-1 Institutional District

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

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

559 **§115-75 Reference to additional regulations.**

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

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

573
 574

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

578 **§115-75.1. Purpose.**

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

585 **§115-75.2. Permitted uses.**

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

587 **AGRICULTURE-RELATED USES**

588 **Greenhouse, commercial**

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

590

591 **RESIDENTIAL USES**

592 **Bed and Breakfast (tourist homes)**

593 **Home Occupation**

594 **Hotel, motel or motor lodge**

595

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

597 **Convenience Store**

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

599 **Retail sales establishments 35,000 square feet or less**

600 **Pharmacy or related uses 35,000 square feet or less**

601 **Restaurant 7,500 square feet or less**

602 **Brew Pub 7,500 square feet or less**

603

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

605 **ENTERPRISES NOT PRIMARILY RELATED TO GOODS**

606 **Business service establishments**

607 **Bank**

608 **Professional Offices**

609 **Personal service establishments**

610 **Entertainment establishments 7,500 square feet or less**

611 **Social service establishments**

612

613 **MANUFACTURING, ASSEMBLING, PROCESSING**

614 **Winery, Brewery or Distillery under 7,500 square feet**

615

616 **EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC**

617 **SOCIAL, FRATERNAL**

618 **Recreational facility, commercial indoor and outdoor**

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

620 **Places of worship**

621

622 **INSTITUTIONAL, RESIDENCE CARE, CONFINEMENT**

623 **& MEDICAL FACILITIES**

624 Family day-care center (1-6 children)
625 Large family child care homes (7-12 children)
626 Early care and education and school-age centers (13+ children)
627 Residential child care facilities and day treatment programs
628 Child placing agencies
629 Medical clinic
630 Assisted living facility
631 Extended care facility
632 Intermediate care facility
633 Long-term care facility
634 Surgical Center
635 Fitness/wellness center
636 Museums, non-profit art galleries
637 Community centers

638
639 TRANSPORTATION RELATED SALES & SERVICE

640 Motor vehicle washes

641
642 STORAGE AND PARKING

643 Self storage facility

644
645 PUBLIC, SEMI-PUBLIC UTILITIES, EMERGENCY

646 Government facilities and services

647 Parks

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

649 Utility service facilities

650 Communication Towers

651 Recreational facility, government

652
653 NOT GROUPED ELSEWHERE

654 Cemeteries

655 Funeral home

656 Animal hospital and veterinary clinics

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

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

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

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

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

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

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

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

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

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

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

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

690 **§115-75.3 Permitted Accessory Uses.**

691 Permitted accessory uses are as follows:

692 Residential within structure commercial or office uses

693 Home Occupation

694 Garage, public or commercial parking

695

696 **§115-75.4 Special Use Exceptions.**

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

701

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

703 (1) Off street parking areas, adjacent to or at a reasonable distance from the premises on
704 which parking areas are required by the parking regulations of Article XXII, where practical
705 difficulties, including the acquisition of property, or undue hardships are encountered in locating
706 such parking areas on the premises and where the purpose of these regulations to relieve
707 congestion in the streets would be best served by permitting such parking off the premises.
708

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

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

714 (4) Waiver or reduction of loading space requirements for uses which contain less than
715 10,000 square feet of floor area where construction of existing buildings, problems of access or
716 size of lot make impractical the provision of required loading space.

717
718 **§ 115-75.5 Permitted signs.**
719 See Article XXI, §§ 115-159.4 for signs permitted in the B-2 District and other regulations
720 relating to signs.

721
722 **§ 115-75.6 Height, area and bulk requirements.**
723 A. Minimum lot sizes. Minimum lot sizes shall be as follows:

724

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

725
726 *NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex
727 County of 1964, as revised, shall have a minimum lot width of 150 feet.

728
729 **NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or
730 which is located within a planning area as defined by a sewer planning study approved by the
731 Sussex County Council, shall have a minimum area of 3/4 acre.

732
733 B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in
734 addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E
735 of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

736
737

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

738
739 C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

740

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

741
742 D. Maximum height requirement. Maximum height requirements shall be as follows:

743

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

744

745 **§ 115-75.7 Reference to additional regulations.**
746 *The regulations contained in this article are supplemented or modified by regulations contained*
747 *in other articles of this chapter, especially the following:*
748 *Article I, § 115-4, Definitions and word usage*
749 *Article XX, Tables*
750 *Article XXI, Signs*
751 *Article XXII, Off-Street Parking*
752 *Article XXIII, Off-Street Loading*
753 *Article XXV, Supplementary Regulations*
754 *Article XXVII, Board of Adjustment*
755
756

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

760 **§ 115-75.8 Purpose.**

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

764
765 **§ 115-75.9 Permitted Uses.**

766
767 **A.** *A building or land shall be used only for the following purposes:*

768
769 **RESIDENTIAL USES**

770 *Hotel, motel or Motor Lodge*

771

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

773 **ENTERPRISES NOT PRIMARILY RELATED TO GOODS**

774 *Business service establishment*

775 *Banks*

776 *Professional offices*

777 *Personal service establishments*

778 *Social service establishments*

779

780 **MANUFACTURING, ASSEMBLING, PROCESSING**

781 *Manufacturing (no outdoor sales or storage)*

782

783 **EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC**

784 **SOCIAL, FRATERNAL**

785 *Places of worship*

786 *Biotech campus*

787 *Biotech industry*

788

789 INSTITUTIONAL, RESIDENCE, CARE,
790 CONFINEMENT AND MEDICAL FACILITIES
791 Early care and education and school-age centers (13 or more) children)
792 Child placing agencies
793 Medical clinic
794 Fitness/wellness center

795
796 STORAGE AND PARKING
797 Distribution center

798
799 PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY
800 Government facilities and services
801 Parks
802 Public safety facilities including ambulance, fire, police, rescue and national security
803 Recreational facility, government
804 Utility service facilities
805 Communication towers

806
807 NOT GROUPED ELSEWHERE
808 Technology centers

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

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

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

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

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

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

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

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

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

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

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

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

842
843 C. 50% of the floor area may be for a limited number of auxiliary commercial uses that
844 typically support the office use. Restaurants are permitted as a stand-alone accessory use.
845

846 **§115-75.10 Permitted Accessory Uses.**

847
848 Permitted accessory uses are as follows:

- 849
850 Banks
851 Convenience store
852 Retail sales establishments 7,500 square feet or less
853 Pharmacy or related uses, 12,000 square feet or less
854 Restaurants 7,500 square feet or less
855 Brew pub, 7,500 square feet or less
856 Entertainment establishment
857 Garage, public or commercial parking
858 Hotel, motel or motor lodge

859
860
861 **§115-75.11 Special Use Exceptions.**
862 Special use exceptions may be permitted by the Board of Adjustment and in accordance with the
863 provisions of Article XXVII of this Chapter, and may include:

- 864
865 A. Exceptions to parking and loading requirements, as follows:
866 (1) Off street parking areas, adjacent to or at a reasonable distance from the premises on
867 which parking areas are required by the parking regulations of Article XXII, where practical
868 difficulties, including the acquisition of property, or undue hardships are encountered in locating
869 such parking areas on the premises and where the purpose of these regulations to relieve
870 congestion in the streets would be best served by permitting such parking off the premises.
871 (2) Waiver or reduction of the parking and loading requirement in any district whenever the
872 character or use of the building is such as to make unnecessary the full provision of parking or
873 loading facilities.

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

876 (4) Waiver or reduction of loading space requirements for uses which contain less than
877 10,000 square feet of floor area where construction of existing buildings, problems of access or
878 size of lot make impractical the provision of required loading space.

879
880

881 **§ 115-75.12 Permitted signs.**

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

884

885 **§ 115-75.13 Height, area and bulk requirements.**

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

887

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

888
889

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

892
893

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

897

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

901

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

902

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

904

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

905

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

907

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

908

909 **§ 115-75.13 Reference to additional regulations.**

910

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

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

914 Article XX, Tables

915 Article XXI, Signs

916 Article XXII, Off-Street Parking

917 Article XXIII, Off-Street Loading

918 Article XXV, Supplementary Regulations

919 Article XXVII, Board of Adjustment

920

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

924 **§115-83.10 Reference to additional regulations.**

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

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

928 Article XXI, Signs

929 Article XXII, Off-Street Parking

930 Article XXIII, Off-Street Loading

931 Article XXV, Supplementary Regulations

932 Article XXVII, Board of Adjustment

933

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

938

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

942 **§115-83.11 Purpose.**

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

947 **§115-83.12 Permitted uses:**

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

949 AGRICULTURAL RELATED USES

950 Wholesale, retail, nurseries for sale of products produced on site
951
952 RESIDENTIAL USES
953 Bed & Breakfast (Tourist homes)
954 Hotel, motel or motor lodge
955
956 SALES AND RENTAL OF GOODS,
957 MERCHANDISE AND EQUIPMENT
958 Convenience store
959 Convenience store, fuel station (1 to 6 fuel dispensers; no restrictions on number of
960 nozzles)
961 Retail sales establishments 75,000 square feet or less
962 Pharmacy or related uses 35,000 square feet or less
963 Restaurants
964 Brew Pubs
965 Wholesale trade establishments
966
967 OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE
968 AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS
969 Business service establishments
970 Banks
971 Professional offices
972 Personal service establishments
973 Entertainment establishments
974 Social service establishments
975
976 MANUFACTURING, ASSEMBLING, PROCESSING
977 Winery, brewery or distillery under 7,500 square feet
978
979 EDUCATIONAL, CULTURAL, RELIGIOUS
980 PHILANTHROPIC, SOCIAL, FRATERNAL
981 Recreational facility (indoor)
982 Club indoor, private, such as clubs, lodges, and other annual membership clubs
983 Places of worship
984
985 INSTITUTIONAL, RESIDENCE, CARE
986 CONFINEMENT AND MEDICAL FACILITIES
987 Family day care center (1-6 children)
988 Large family child care homes (7-2 children)
989 Early care and education and school age centers (13+ children)
990 Residential child care facilities and day treatment programs
991 Child placing agencies
992 Medical clinics
993 Independent care facility
994 Assisted living facility
995 Extended care facility

996 Intermediate care facility
997 Long term care facility
998 Fitness/wellness center
999 Museums, non-profit art galleries
1000 Community centers

1001
1002 **STORAGE AND PARKING**

1003 Self-storage facility
1004 Warehouse

1005
1006 **PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY**

1007 Government facilities and services
1008 Parks
1009 Public safety facilities including ambulance, fire, police, rescue and national security
1010 Utility service facilities
1011 Communication towers
1012 Recreational facilities, government

1013
1014 **NOT GROUPED ELSEWHERE**

1015 Funeral home
1016 Animal hospital and veterinary clinics

1017
1018 B. Where, in the judgment of the Commission, a use is not specifically referenced but is
1019 similar to those listed as permitted, it may be permitted by approval of the Commission.

1020
1021 C. No outside storage or sales are permitted in this district.

1022
1023 **§115-83.13 Permitted Accessory Uses.**

1024
1025 Permitted accessory uses are as follows:

1026 Residential within structure commercial or business uses Garage, public or
1027 commercial parking

1028
1029 **§115-83.14 Special Use Exceptions.**

1030 Special use exceptions may be permitted by the Board of Adjustment and in accordance with the
1031 provisions of Article XXVII of this Chapter, and may include:

1032
1033 A. Exceptions to parking and loading requirements, as follows:

1034 (1) Off street parking areas, adjacent to or at a reasonable distance from the premises on
1035 which parking areas are required by the parking regulations of Article XXII, where practical
1036 difficulties, including the acquisition of property, or undue hardships are encountered in locating
1037 such parking areas on the premises and where the purpose of these regulations to relieve
1038 congestion in the streets would be best served by permitting such parking off the premises.

1039 (2) Waiver or reduction of the parking and loading requirement in any district whenever the
1040 character or use of the building is such as to make unnecessary the full provision of parking or
1041 loading facilities.

1042 (3) Waiver or reduction of loading space requirements where adequate community loading
1043 facilities are provided.

1044 (4) Waiver or reduction of loading space requirements for uses which contain less than
1045 10,000 square feet of floor area where construction of existing buildings, problems of access or
1046 size of lot make impractical the provision of required loading space.

1047
1048

1049 **§ 115-83.15 Permitted signs.**

1050 See Article XXI, §§ 115-159.5 for signs permitted in the C-2 District and other regulations
1051 relating to signs.

1052

1053 **§ 115-83.16 Height, area and bulk requirements.**

1054 A. Minimum lot sizes. Minimum lot sizes shall be as follows:

1055

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

1056
1057

1058 *NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex
1059 County of 1964, as revised, shall have a minimum lot width of 150 feet.

1060
1061

1062 **NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or
1063 which is located within a planning area as defined by a sewer planning study approved by the
1064 Sussex County Council, shall have a minimum area of 3/4 acre.

1065

1066 B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in
1067 addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E
1068 of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

1069

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

1070
1071

1072 C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

1073

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

1074

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

1075

Use Feet

All Permitted 42

1076

1077 **§ 115-83.17 Reference to additional regulations.**

1078 The regulations contained in this article are supplemented or modified by regulations contained
1079 in other articles of this chapter, especially the following:

1080 Article I, § 115-4, Definitions and word usage

1081 Article XX, Tables

1082 Article XXI, Signs

1083 Article XXII, Off-Street Parking

1084 Article XXIII, Off-Street Loading

1085 Article XXV, Supplementary Regulations

1086 Article XXVII, Board of Adjustment

1087

1088 **Section 8.** The Code of Sussex County, Chapter 115, is hereby amended by inserting a new
1089 Article XIC “C-3 Heavy Commercial” immediately after Article XIA “CR-1 Commercial
1090 Residential District” and new Article XIB “C-2 Medium Commercial” as follows:

1091 **§115-83.18 Purpose.**

1092 This district is generally intended for larger scale auto-oriented retail and service businesses
1093 along major arterial roads that serve local and regional residents as well as the travelling
1094 public. In addition to most commercial uses found in this zone, automobile, truck, recreational
1095 vehicle and boat sales, rental and major repair facilities may also be located in this district.

1096 **§115-83.19 Permitted uses.**

1097 **A.** A building or land shall only be used for the following purposes:

1098 AGRICULTURE-RELATED USES

1099 Greenhouse, commercial

1100 Wholesale, retail nurseries for sale of products produced on site.

1101

1102 RESIDENTIAL USES

1103 Hotel, motel or motor lodge

1104

1105 SALES & RENTAL OF GOODS,

1106 MERCHANDISE AND EQUIPMENT

1107 Convenience store, fuel station (no restrictions on fuel dispensers or nozzles)

1108 Retail sales establishments

1109 Pharmacy or related use

1110 Restaurants

1111 Brew pubs

1112 Wholesale trade establishment

1113

1114 OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE

1115 AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS

- 1116 Business service establishments
- 1117 Banks
- 1118 Professional offices
- 1119 Personal service establishments
- 1120 Entertainment establishments
- 1121 Social service establishments
- 1122
- 1123 MANUFACTURING, ASSEMBLING, PROCESSING
- 1124 Winery, brewery or distillery under 7500 square feet
- 1125
- 1126 EDUCATIONAL, CULTURAL, RELIGIOUS,
- 1127 PHILANTHROPIC, SOCIAL, FRATERNAL
- 1128 Recreation facility, commercial (indoor and outdoor)
- 1129 Club, indoor, such as clubs, lodges, and other annual membership clubs
- 1130 Places of worship
- 1131
- 1132 INSTITUTIONAL, RESIDENCE, CARE
- 1133 CONFINEMENT & MEDICAL FACILITIES
- 1134 Family child care center (1-6 children)
- 1135 Large family child care homes (7-12 children)
- 1136 Early care and education and school-age centers (13+ children)
- 1137 Residential child care facilities and day treatment programs
- 1138 Child placing agencies
- 1139 Medical clinic
- 1140 Independent care facility
- 1141 Assisted living facility
- 1142 Extended care facility
- 1143 Intermediate care facility
- 1144 Long-term care facility
- 1145 Surgical center
- 1146 Fitness/wellness center
- 1147 Museums, non-profit art galleries
- 1148 Community centers
- 1149
- 1150 TRANSPORTATION-RELATED SALES AND SERVICE
- 1151 Motor and non-motor vehicle sales, rental repair, service and storage
- 1152 Motor vehicle washes
- 1153
- 1154 STORAGE AND PARKING
- 1155 Distribution centers
- 1156 Self-storage facility
- 1157 Warehouse
- 1158
- 1159 PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY
- 1160 Government facilities and services
- 1161 Parks

1162 Public safety facilities including ambulance, fire, police rescue and national security
1163 Utility service facilities
1164 Communication towers
1165 Recreational facilities government
1166

1167 NOT GROUPED ELSEWHERE

1168 Commercial kennels, provided that no open runs, kennels or cages are located within
1169 200 feet of land that is used or zoned residential and 50 feet from a property line

1170 Animal hospital or veterinary clinic

1171 Temporary removable vendor stands, including but not limited to food trucks and similar
1172 vehicles or trailers, located on the premises between March 15 and November 15 for the sale of
1173 food, agricultural products or other food-related goods. Such temporary removable vendor
1174 stands must comply with all of the following requirements:

1175 1. No temporary removable vendor stand shall be permanently affixed to the
1176 premises. All temporary removable vendor stands shall be fully transportable and moveable
1177 within 24 hours.

1178 2. There shall be no more than one temporary removable vendor stand on a parcel
1179 at any one time.

1180 3. No temporary removable vendor stand shall be wider than 8 feet 6 inch nor
1181 longer than 45 feet.

1182 4. No temporary removable vendor stand shall be permanently connected to any
1183 utilities, including water, sewer, electric or gas.

1184 5.. No temporary removable vendor stand shall interfere with vehicular or pedestrian
1185 movement on a parcel or adjacent rights of way.

1186 6. The owner of a proposed temporary removable stand shall present the Director of
1187 Planning and Zoning with written approval of the existence and location of the stand by the
1188 property owner and a drawing showing the location of the stand upon the property. Upon
1189 presentation of this information, the Director may preliminarily approve the stand or require the
1190 owner to apply for a special use exception from the Board of Adjustment if there are concerns
1191 about the location, the size of the property, the effect(s) upon on-site parking, neighboring
1192 properties or roadways, or other good cause.

1193 7. If preliminarily approved, the owner of a proposed temporary removable stand
1194 shall present the Director of Planning and Zoning with evidence of a current State of Delaware
1195 business license.

1196 8. Upon approval by the Director, a Sussex County Vendor Stand sticker shall be
1197 issued in a form established by the Director. This sticker shall be visible on the stand at all
1198 times.

1199 9. The approval of a temporary removable vendor stand shall be valid for one year.

1200 10. The application for a temporary removable vendor stand shall be in a form
1201 established by the Director. The fee for filing such an application shall be \$100.

1202
1203

1204 B. Where, in the judgment of the Commission, a use is not specifically referenced but is
1205 similar to those listed as permitted, it may be permitted by approval of the Commission.

1206
1207 **§115-83.20 Permitted Accessory Uses.**

1208
1209 Permitted accessory uses are as follows:

1210
1211 Residential within structure commercial or office uses

1212 Garage, public or commercial parking

1213
1214 **§115-83.21 Special Use Exceptions.**

1215 Special use exceptions may be permitted by the Board of Adjustment and in accordance with the
1216 provisions of Article XXVII of this Chapter, and may include:

1217
1218 A. Exceptions to parking and loading requirements, as follows:

1219 (1) Off street parking areas, adjacent to or at a reasonable distance from the premises on
1220 which parking areas are required by the parking regulations of Article XXII, where practical
1221 difficulties, including the acquisition of property, or undue hardships are encountered in locating
1222 such parking areas on the premises and where the purpose of these regulations to relieve
1223 congestion in the streets would be best served by permitting such parking off the premises.

1224 (2) Waiver or reduction of the parking and loading requirement in any district whenever the
1225 character or use of the building is such as to make unnecessary the full provision of parking or
1226 loading facilities.

1227 (3) Waiver or reduction of loading space requirements where adequate community loading
1228 facilities are provided.

1229 (4) Waiver or reduction of loading space requirements for uses which contain less than
1230 10,000 square feet of floor area where construction of existing buildings, problems of access or
1231 size of lot make impractical the provision of required loading space.

1232
1233
1234 **§ 115-83.22 Permitted signs.**

1235 See Article XXI, §§ 115-159.5 for signs permitted in the C-3 District and other regulations
1236 relating to signs.

1237
1238 **§ 115-83.23 Height, area and bulk requirements.**

1239 A. Minimum lot sizes. Minimum lot sizes shall be as follows:

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

1240
1241
1242 *NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex
1243 County of 1964, as revised, shall have a minimum lot width of 150 feet.

1244 **NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or
1245 which is located within a planning area as defined by a sewer planning study approved by the
1246 Sussex County Council, shall have a minimum area of 3/4 acre.

1247
1248 B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in
1249 addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E
1250 of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

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

1251
1252 C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

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

<u>Permitted Use</u>	<u>150,000</u>
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1254 D. Maximum height requirement. Maximum height requirements shall be as follows:

<u>Use</u>	<u>Feet</u>
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<u>Permitted Use</u>	<u>42</u>
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1256
1257 § 115-83.24 Reference to additional regulations.

1258 The regulations contained in this article are supplemented or modified by regulations contained
1259 in other articles of this chapter, especially the following:

1260 Article I, § 115-4, Definitions and word usage

1261 Article XX, Tables

1262 Article XXI, Signs

1263 Article XXII, Off-Street Parking

1264 Article XXIII, Off-Street Loading

1265 Article XXV, Supplementary Regulations

1266 Article XXVII, Board of Adjustment

1267
1268 **Section 9.** The Code of Sussex County, Chapter 115, is hereby amended by inserting a new
1269 Article XID “C-4 Planned Commercial” immediately after Article XIA “CR-1 Commercial
1270 Residential District” and new Article XIB “C-2 Medium Commercial” and Article XIC “C-3
1271 Heavy Commercial” as follows:

1272 § 115-83.25 Purpose.

1273 In order to encourage carefully planned large-scale commercial, retail, and mixed use
1274 developments as a means of creating a superior shopping, working and living environment

1275 through unified developments, and to provide for the application of design ingenuity while
1276 protecting existing and future developments and achieving the goals of the Comprehensive Plan.

1277

1278 **§ 115-83.26 Minimum district requirements.**

1279

1280 A. The land area shall have access to an existing or planned arterial or collector road;

1281 B. The land area shall be served by adequate existing or planned infrastructure;

1282 C. The land areas may contain a single parcel or multiple parcels;

1283 D. The land need not be under single ownership, provided that proper assurances are given,
1284 through the procedures contained in this section or elsewhere in these regulations, that the
1285 project can be successfully completed and maintained.

1286 E. The parcel may have a maximum of 20% of its development be duplex, townhouse, or
1287 multifamily dwellings.

1288 F. Site plan review requirements.

1289 (1) A Planned Commercial District will be permitted only in accordance with a
1290 development plan approved by County Council in accordance with the requirements and
1291 procedures contained in this section.

1292 (2) The development plan shall display the requirements identified in § 115-220,
1293 Preliminary site plan requirements. The development plan shall also include:

1294 [a] Land use plan or plans showing location and arrangement of all proposed
1295 land uses, heights of buildings, setbacks and side yards, proposed internal and
1296 external traffic circulation (including widths, driveways and access), pedestrian
1297 circulation, proposed open space dedications and easements.

1298 [b] General landscaping and screening plan showing general types, location and
1299 design of landscaping and screening.

1300 [c] A tabular summary of percentage of site devoted to buildings, open space,
1301 streets and parking areas, and total floor area of all nonresidential structures.

1302 [d] Plan showing proposed generalized parking arrangements.

1303 [e] Architectural sketches of typical proposed structures and typical landscaping
1304 and screening areas.

1305 [f] A plan or report indicating the extent, timing and estimate costs of all off-site
1306 improvements such as roads, sewer and drainage facilities necessary to the
1307 construction of the planned development. Such plan or report shall relate to the
1308 sequence of development.

1309 [g] A report or plan showing the adequacy of public facilities and services such
1310 as water, sewer drainage, streets and roads to serve the proposed development.

1311 [h] General plan for sedimentation and erosion control and stormwater
1312 management.

1313 (3) Upon approval of the Preliminary Plan, the applicant shall submit the final plans
1314 displaying the requirements identified in § 115-221, Final Site Plan requirements.

1315 (4) To further the intent of the district to provide an integrated master plan setting for
1316 uses in the Planned Commercial Development District, the developmnt shall be designed
1317 in accordance with the following:

1318 [a] Designed as an integrated and comprehensively planned area and using a
1319 common parking area, shared ingress and egress, pedestrian walkways, open
1320 space, stormwater management facilities and water and wastewater utilities.

1321 [b] Internal access streets should be provided to serve large scale retail uses).
1322 Individual access points for individual uses onto an existing collector or arterial
1323 roadway shall not be permitted. Interconnectivity with adjacent parcels shall be
1324 required.

1325 [c] The landscaping plan provides a continuous landscape pattern throughout the
1326 entire site. An overall landscape plan for the entire site shall be provided that
1327 provides for this continuity but also allows for flexibility as specific buildings and
1328 accessory uses are located within the site.

1329 [d] To the maximum extent feasible, any provision of utilities, including but not
1330 limited to water, wastewater, storm drainage and stormwater management
1331 facilities shall be provided in a coordinated fashion to address the ultimate needs
1332 of the entire site.

1333

1334 **§115-83.27 Permitted uses.**

1335

1336 A. A building or land shall be used only for the following purposes:

1337

1338 AGRICULTURE RELATED USES

1339 Wholesale, retail, nurseries for sale or products produced on site

1340

1341 RESIDENTIAL USES

1342 Dwelling, duplex

1343 Dwelling, multi-family

1344 Dwelling, single family

1345 Dwelling, townhouses

1346 Home occupation

1347 Hotel, motel or motor lodge

1348

1349 SALES & RENTAL OF GOODS,

1350 MERCHANDISE AND EQUIPMENT

1351 Convenience store

1352 Convenience store, fuel station (no restrictions on fuel dispensers or nozzles)

1353 Retail sales establishments

1354 Pharmacy or related use

1355

1356 Restaurants

1357 Brew Pub

1358 Wholesale trade establishment

1359

1360 OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE

1361 AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS

1362 Business service establishments

1363 Banks

1364 Professional offices

1365 Personal service establishments

1366 Entertainment establishments

- 1367 Social service establishments
- 1368
- 1369 MANUFACTURING, ASSEMBLING, PROCESSING
- 1370 Winery, Brewery or Distillery under 7,500 square feet
- 1371
- 1372 EDUCATIONAL, CULTURAL, RELIGIOUS,
- 1373 PHILANTHROPIC, SOCIAL, FRATERNAL
- 1374 Recreational facility, private, public or commercial, indoor or outdoor
- 1375 Club indoor, private such as clubs, lodges and other annual membership clubs
- 1376 Aquariums, commercial
- 1377 Places of worship
- 1378
- 1379 INSTITUTIONAL, RESIDENCE, CARE
- 1380 CONFINEMENT AND MEDICAL FACILITIES
- 1381 Family child day care center (1-6 children)
- 1382 Large family child care homes (7-12 children)
- 1383 Early care and education and school-age child centers (13+ children)
- 1384 Residential child care facilities and day treatment programs
- 1385 Child placement agencies
- 1386 Medical clinics
- 1387 Independent care facility
- 1388 Assisted living facility
- 1389 Extended care facility
- 1390 Intermediate care facility
- 1391 Long-term care facility
- 1392 Graduate care facility
- 1393 Surgical center
- 1394 Fitness/wellness center
- 1395 Museums, non-profit art galleries
- 1396 Community centers
- 1397
- 1398 TRANSPORTATION-RELATED SALES AND SERVICE
- 1399 Motor and non-motor vehicle sales, rental repair, service and storage
- 1400 Motor vehicle washes
- 1401
- 1402 STORAGE AND PARKING
- 1403 Garage,
- 1404 Self-storage facilities
- 1405 Warehouses
- 1406
- 1407 PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY
- 1408 Government facilities and services
- 1409 Parks
- 1410 Public safety facilities including ambulance, fire, police rescue and national security
- 1411 Utility service facilities
- 1412 Communication towers

1413 Recreational facility government

1414

1415 NOT GROUPED ELSEWHERE

1416 Technology centers

1417 Temporary removable vendor stands, including but not limited to food trucks and similar
1418 vehicles or trailers, located on the premises between March 15 and November 15 for the sale of
1419 food, agricultural products or other food-related goods. Such temporary removable vendor
1420 stands must comply with all of the following requirements:

1421 1. No temporary removable vendor stand shall be permanently affixed to the
1422 premises. All temporary removable vendor stands shall be fully transportable and moveable
1423 within 24 hours.

1424 2. There shall be no more than one temporary removable vendor stand on a parcel
1425 at any one time.

1426 3. No temporary removable vendor stand shall be wider than 8 feet 6 inch nor
1427 longer than 45 feet.

1428 4. No temporary removable vendor stand shall be permanently connected to any
1429 utilities, including water, sewer, electric or gas.

1430 5. No temporary removable vendor stand shall interfere with vehicular or pedestrian
1431 movement on a parcel or adjacent rights of way.

1432 6. The owner of a proposed temporary removable stand shall present the Director of
1433 Planning and Zoning with written approval of the existence and location of the stand by the
1434 property owner and a drawing showing the location of the stand upon the property. Upon
1435 presentation of this information, the Director may preliminarily approve the stand or require the
1436 owner to apply for a special use exception from the Board of Adjustment if there are concerns
1437 about the location, the size of the property, the effect(s) upon on-site parking, neighboring
1438 properties or roadways, or other good cause.

1439 7. If preliminarily approved, the owner of a proposed temporary removable stand
1440 shall present the Director of Planning and Zoning with evidence of a current State of Delaware
1441 business license.

1442 8. Upon approval by the Director, a Sussex County Vendor Stand sticker shall be
1443 issued in a form established by the Director. This sticker shall be visible on the stand at all
1444 times.

1445 9. The approval of a temporary removable vendor stand shall be valid for one year.

1446 10. The application for a temporary removable vendor stand shall be in a form
1447 established by the Director. The fee for filing such an application shall be \$100.

1448

1449 B. Where, in the judgment of the Commission, a use is not specifically referenced but is
1450 similar to those listed as permitted, it may be permitted by approval of the Commission.

1451

1452 §115-83.28 Permitted Accessory Uses.

1453
 1454 Permitted accessory uses are as follows:
 1455 Greenhouses, commercial
 1456 Residential within structure commercial or office uses

1457
 1458 **§115-83.29 Special Use Exceptions.**

1459 Special use exceptions may be permitted by the Board of Adjustment and in accordance with the
 1460 provisions of Article XXVII of this Chapter, and may include:

1461
 1462 A. Exceptions to parking and loading requirements, as follows:

1463 (1) Off street parking areas, adjacent to or at a reasonable distance from the premises on
 1464 which parking areas are required by the parking regulations of Article XXII, where practical
 1465 difficulties, including the acquisition of property, or undue hardships are encountered in locating
 1466 such parking areas on the premises and where the purpose of these regulations to relieve
 1467 congestion in the streets would be best served by permitting such parking off the premises.

1468 (2) Waiver or reduction of the parking and loading requirement in any district whenever the
 1469 character or use of the building is such as to make unnecessary the full provision of parking or
 1470 loading facilities.

1471 (3) Waiver or reduction of loading space requirements where adequate community loading
 1472 facilities are provided.

1473 (4) Waiver or reduction of loading space requirements for uses which contain less than
 1474 10,000 square feet of floor area where construction of existing buildings, problems of access or
 1475 size of lot make impractical the provision of required loading space.

1476
 1477 **§ 115-83.30 Permitted signs.**

1478 See Article XXI, §§ 115-159.5 for signs permitted in the C-4 District and other regulations
 1479 relating to signs.

1480
 1481 **§ 115-83.31 Height, area and bulk requirements.**

1482 A. Minimum lot sizes. Minimum lot sizes shall be as follows:

1483

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

1484
 1485 *NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex
 1486 County of 1964, as revised, shall have a minimum lot width of 150 feet.

1487
 1488 **NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or
 1489 which is located within a planning area as defined by a sewer planning study approved by the
 1490 Sussex County Council, shall have a minimum area of 3/4 acre.

1491
 1492 B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in
 1493 addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E
 1494 of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

1495

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

1496
1497 C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:
1498

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

1499
1500 D. Maximum height requirement. Maximum height requirements shall be as follows:
1501

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

1502
1503 **§ 115-83.32 Reference to additional regulations.**
1504 The regulations contained in this article are supplemented or modified by regulations contained
1505 in other articles of this chapter, especially the following:
1506 Article I, § 115-4, Definitions and word usage
1507 Article XX, Tables
1508 Article XXI, Signs
1509 Article XXII, Off-Street Parking
1510 Article XXIII, Off-Street Loading
1511 Article XXV, Supplementary Regulations
1512 Article XXVII, Board of Adjustment
1513

1514 **Section 10.** The Code of Sussex County, Chapter 115, is hereby amended by inserting a new
1515 Article XIE “C-5 Service/Limited Manufacturing” immediately after Article XIA “CR-1
1516 Commercial Residential District” and new Article XIB “C-2 Medium Commercial”, Article XIC
1517 “C-3 Heavy Commercial” and Article XID “C-4Planned Commercial” as follows:

1518 **§ 115-83.33 Purpose.**

1519 The Service/Limited Manufacturing District is designed to maintain and facilitate the growth and
1520 expansion of small scale light industrial, wholesale distribution and personal service. Use
1521 permitted in this district must have a retail component.

1522
1523 **§ 115-83.34 Permitted uses.**

1524 A. A building or land shall be used only for the following purposes:

1525
1526 AGRICULTURE-RELATED USES
1527 Agriculture-related businesses
1528 Agriculture uses (less than 5 acres) farm, truck garden, orchard or nursery uses
1529 Aquaculture
1530 Greenhouse, commercial
1531 Wholesale, retail, nurseries for sale of products produced on site
1532
1533 SALES & RENTAL OF GOODS
1534 MERCHANDISE AND EQUIPMENT
1535 Wholesale trade establishments
1536
1537 OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE
1538 AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS
1539 Business service establishments
1540 Professional offices
1541 Personal service establishments
1542
1543 MANUFACTURING, ASSEMBLING, PROCESSING
1544 Winery, brewery or distillery
1545 Manufacturing
1546 Material Storage Yard, with on-site mulching, pulping or manufacturing of material
1547
1548 EDUCATIONAL, CULTURAL, RELIGIOUS,
1549 PHILANTHROPIC, SOCIAL FRATERNAL
1550 Places of worship
1551
1552 TRANSPORTATION-RELATED SALES & SERVICE
1553 Motor and non-motor vehicle sales, rental repair, service and storage
1554
1555 STORAGE AND PARKING
1556 Distribution centers
1557 Self-storage facility
1558 Warehouse
1559
1560 PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY
1561 Public safety facilities including ambulance, fire, police, rescue and national security
1562 Utility service facilities
1563 Communication towers
1564
1565 NOT GROUPED ELSEWHERE
1566 Commercial kennels, provided that no open pens, runs, kennels or cages are located
1567 within 200 feet of land that is used or zoned residential and 50 feet from any property
1568 line.
1569 Technology center

1570 Temporary removable vendor stands, including but not limited to food trucks and similar
1571 vehicles or trailers, located on the premises between March 15 and November 15 for the sale of
1572 food, agricultural products or other food-related goods. Such temporary removable vendor
1573 stands must comply with all of the following requirements:

1574 1. No temporary removable vendor stand shall be permanently affixed to the
1575 premises. All temporary removable vendor stands shall be fully transportable and moveable
1576 within 24 hours.

1577 2. There shall be no more than one temporary removable vendor stand on a parcel
1578 at any one time.

1579 3. No temporary removable vendor stand shall be wider than 8 feet 6 inch nor
1580 longer than 45 feet.

1581 4. No temporary removable vendor stand shall be permanently connected to any
1582 utilities, including water, sewer, electric or gas.

1583 5. No temporary removable vendor stand shall interfere with vehicular or pedestrian
1584 movement on a parcel or adjacent rights of way.

1585 6. The owner of a proposed temporary removable stand shall present the Director of
1586 Planning and Zoning with written approval of the existence and location of the stand by the
1587 property owner and a drawing showing the location of the stand upon the property. Upon
1588 presentation of this information, the Director may preliminarily approve the stand or require the
1589 owner to apply for a special use exception from the Board of Adjustment if there are concerns
1590 about the location, the size of the property, the effect(s) upon on-site parking, neighboring
1591 properties or roadways, or other good cause.

1592 7. If preliminarily approved, the owner of a proposed temporary removable stand
1593 shall present the Director of Planning and Zoning with evidence of a current State of Delaware
1594 business license.

1595 8. Upon approval by the Director, a Sussex County Vendor Stand sticker shall be
1596 issued in a form established by the Director. This sticker shall be visible on the stand at all
1597 times.

1598 9. The approval of a temporary removable vendor stand shall be valid for one year.

1599 10. The application for a temporary removable vendor stand shall be in a form
1600 established by the Director. The fee for filing such an application shall be \$100.

1601
1602 **§115-83.35 Permitted Accessory Uses.**

1603
1604 Permitted accessory uses are as follows:
1605 Garage, public or commercial parking

1606
1607 **§115-83.36 Special Use Exceptions.**

1608 Special use exceptions may be permitted by the Board of Adjustment and in accordance with the
1609 provisions of Article XXVII of this Chapter, and may include:

1610
 1611 Exceptions to parking and loading requirements, as follows:
 1612 (1) Off street parking areas, adjacent to or at a reasonable distance from the premises on
 1613 which parking areas are required by the parking regulations of Article XXII, where practical
 1614 difficulties, including the acquisition of property, or undue hardships are encountered in locating
 1615 such parking areas on the premises and where the purpose of these regulations to relieve
 1616 congestion in the streets would be best served by permitting such parking off the premises.
 1617 (2) Waiver or reduction of the parking and loading requirement in any district whenever the
 1618 character or use of the building is such as to make unnecessary the full provision of parking or
 1619 loading facilities.
 1620 (3) Waiver or reduction of loading space requirements where adequate community loading
 1621 facilities are provided.
 1622 (4) Waiver or reduction of loading space requirements for uses which contain less than
 1623 10,000 square feet of floor area where construction of existing buildings, problems of access or
 1624 size of lot make impractical the provision of required loading space.

1625
 1626 Off-premises signs, subject to the provisions of § 115-81A(2)
 1627
 1628

1629 **§ 115-83.37 Permitted signs.**

1630 See Article XXI, §§ 115-159.5 for signs permitted in the C-5 District and other regulations
 1631 relating to signs.
 1632

1633 **§ 115-83.38 Height, area and bulk requirements.**

1634 A. Minimum lot sizes. Minimum lot sizes shall be as follows:
 1635

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

1636
 1637 *NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex
 1638 County of 1964, as revised, shall have a minimum lot width of 150 feet.
 1639

1640 **NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or
 1641 which is located within a planning area as defined by a sewer planning study approved by the
 1642 Sussex County Council, shall have a minimum area of 3/4 acre.
 1643

1644 B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in
 1645 addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E
 1646 of this Code shall apply to all uses other than single-family dwellings and multifamily structures:
 1647

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

1648
 1649 C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

1650	<u>Permitted Uses</u>	<u>Maximum Floor Area</u>
		<u>(square feet)</u>
	<u>Other</u>	<u>50,000</u>

1651
 1652 D. Maximum height requirement. Maximum height requirements shall be as follows:
 1653

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

1654 **§ 115-83.39 Reference to additional regulations.**

1655 The regulations contained in this article are supplemented or modified by regulations contained
 1656 in other articles of this chapter, especially the following:

1657 Article I, § 115-4, Definitions and word usage

1658 Article XX, Tables

1659 Article XXI, Signs

1660 Article XXII, Off-Street Parking

1661 Article XXIII, Off-Street Loading

1662 Article XXV, Supplementary Regulations

1663 Article XXVII, Board of Adjustment

1664

1665 **Section 11.** The Code of Sussex County, Chapter 115, is hereby amended by inserting a new
 1666 Article XIF “I-1 Institutional” immediately after Article XIA “CR-1 Commercial Residential
 1667 District” and new Article XIB “C-2 Medium Commercial”, Article XIC “C-3 Heavy
 1668 Commercial”, Article XID “C-4 Planned Commercial” and “C-5 Service/Limited
 1669 Manufacturing” as follows:

1670 **§ 115-83.40 Purpose.**

1671 The purpose of this district is to recognize the public, quasi-public, and institutional nature of
 1672 particular parcels of land and provide standards and guidelines for their continued use and
 1673 future development; and to ensure that the public, quasi-public, and institutional structures and
 1674 developments in the district will be compatible with surrounding districts and uses.

1675
 1676 **§ 115-83.41. Permitted uses.**

1677 A. A building or land shall be used only for the following purposes:

1678 Bio tech campus

1679 Bio tech industry

1680 Social service establishments

1681 Education institutions, public and private

1682 Places of worship

1683 Early care and education and school-age centers (13+ children)

1684 Residential child care facilities and day treatment programs

1685 Child placing agencies

1686 Hospitals

1687 Medical clinics
1688 Independent care facilities
1689 Assisted living facilities
1690 Intermediate care facilities
1691 Extended care facilities
1692 Long term care facilities
1693 Graduate care facilities
1694 Surgical center
1695 Fitness/wellness center
1696 Museums, nonprofit art galleries
1697 Community centers
1698 Government facilities and services
1699 Parks
1700 Public safety facilities including ambulance, fire, police, rescue and national security
1701 Utility service facilities
1702 Communication towers
1703 Recreational facilities, government
1704 Cemeteries
1705 Funeral homes
1706 Animal hospitals and veterinary clinics
1707 Technology centers
1708 Temporary removable vendor stands, including but not limited to food trucks and similar
1709 vehicles or trailers, located on the premises between March 15 and November 15 for the sale of
1710 food, agricultural products or other food-related goods. Such temporary removable vendor
1711 stands must comply with all of the following requirements:

1712 1. No temporary removable vendor stand shall be permanently affixed to the
1713 premises. All temporary removable vendor stands shall be fully transportable and moveable
1714 within 24 hours.

1715 2. There shall be no more than one temporary removable vendor stand on a parcel
1716 at any one time.

1717 3. No temporary removable vendor stand shall be wider than 8 feet 6 inch nor
1718 longer than 45 feet.

1719 4. No temporary removable vendor stand shall be permanently connected to any
1720 utilities, including water, sewer, electric or gas.

1721 5. No temporary removable vendor stand shall interfere with vehicular or pedestrian
1722 movement on a parcel or adjacent rights of way.

1723 6. The owner of a proposed temporary removable stand shall present the Director of
1724 Planning and Zoning with written approval of the existence and location of the stand by the
1725 property owner and a drawing showing the location of the stand upon the property. Upon
1726 presentation of this information, the Director may preliminarily approve the stand or require the
1727 owner to apply for a special use exception from the Board of Adjustment if there are concerns
1728 about the location, the size of the property, the effect(s) upon on-site parking, neighboring
1729 properties or roadways, or other good cause.

1730 7. If preliminarily approved, the owner of a proposed temporary removable stand
1731 shall present the Director of Planning and Zoning with evidence of a current State of Delaware
1732 business license.

1733 8. Upon approval by the Director, a Sussex County Vendor Stand sticker shall be
1734 issued in a form established by the Director. This sticker shall be visible on the stand at all
1735 times.

1736 9. The approval of a temporary removable vendor stand shall be valid for one year.

1737 10. The application for a temporary removable vendor stand shall be in a form
1738 established by the Director. The fee for filing such an application shall be \$100.

1739
1740

1741 B. Where, in the judgment of the Commission, a use is not specifically referenced but is similar
1742 to those listed as permitted; it may be permitted by approval of the Commission.

1743

1744 **115-83.42 Permitted Accessory Uses.**

1745

1746 Permitted accessory uses are as follows:

1747 Garage, public or commercial parking

1748

1749 **§ 115-83.43 Special use exceptions.**

1750 Special use exceptions may be permitted by the Board of Adjustment and in accordance with the
1751 provisions of Article XXVII of this chapter and may include:

1752

1753 Exceptions to parking and loading requirements, as follows:

1754 (1) Off street parking areas, adjacent to or at a reasonable distance from the premises on which
1755 parking areas are required by the parking regulations of Article XXII, where practical
1756 difficulties, including the acquisition of property, or undue hardships are encountered in locating
1757 such parking areas on the premises and where the purpose of these regulations to relieve
1758 congestion in the streets would best be served by permitting such parking off the premises.

1759 (2) Waiver or reduction of the parking and loading requirements in any district whenever the
1760 character or use of the building is such as to make unnecessary the full provision of parking or
1761 loading facilities.

1762 (3) Waiver or reduction of loading space requirements where adequate community loading
1763 facilities are provided.

1764 (4) Waiver or reduction of loading space requirements for uses which contain less than 10,000
1765 square feet of floor area where construction of existing buildings, problems of access or size of
1766 lot make impractical the provision of required loading space.

1767

1768 **§ 115-83.44 Permitted signs.**

1769 See Article XXI, §§ 115-159.5 for signs permitted in the I-1 District and other regulations
1770 relating to signs.

1771

1772 **§ 115-83.45 Height, area and bulk requirements.**

1773 A. Minimum lot sizes. Minimum lot sizes shall be as follows:

1774

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

1775

1776 *NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex
1777 County of 1964, as revised, shall have a minimum lot width of 150 feet.

1778

1779 **NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or
1780 which is located within a planning area as defined by a sewer planning study approved by the
1781 Sussex County Council, shall have a minimum area of 3/4 acre.

1782

1783 B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in
1784 addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E
1785 of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

1786

l

1787

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

1788

1789 C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

1790

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

1791

1792 D. Maximum height requirement. Maximum height requirements shall be as follows:

1793

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

1794

1795 **§ 115-83.46 Reference to additional regulations.**

1796

1797 The regulations contained in this article are supplemented or modified by regulations contained
1798 in other articles of this chapter, especially the following:

1799 Article I, § 115-4, Definitions and word usage

1800 Article XX, Tables

1801 Article XXI, Signs

1802 Article XXII, Off-Street Parking

1803 Article XXIII, Off-Street Loading

1804 Article XXV, Supplementary Regulations

1805 Article XXVII, Board of Adjustment

1806

1807 **Section 12.** The Code of Sussex County, Chapter 115, Article XXI, §115-156 “Tables of
1808 height, area and bulk requirements” is hereby amended by renaming the Section “Tables”, by
1809 deleting the items in brackets and inserting the italicized and underlined language in subsection
1810 B. therein, and by adding a new subsection C. therein as follows:

1811 **§115-156 Tables [of height, area and bulk requirements].**

1812 . . .

1813 B. The height, area and bulk requirements for multifamily structures when permitted in the
1814 MR, GR, UR, UB, M and C-1, CR-1, C-2, C-3, C-4 and C-5 Districts (as may be applicable)
1815 shall be as set forth in Table II and in the B-1 [and CR-1], B-2 and B-3 Districts(as may be
1816 applicable) shall be as set forth in Table III.

1817 C. The list of Permitted Uses within the B-2, B-3 C-2, C-3, C-4 and C-5 Districts shall be as
1818 set forth in Table IV. In the event of any discrepancy between the information set forth in Table
1819 IV and text of Chapter 115, Articles XA, XB, XIB, XIC, XID, XIE and XIF, the text of those
1820 Articles shall be controlling.

1821

1822 **Section 13.** The Code of Sussex County, Chapter 115, Article XX, §115-159.4 “Signs
1823 permitted in B-1 Neighborhood Business Districts, M Marine Districts and UB Urban Business
1824 Districts” is hereby amended by adding “B-2 Business Community Districts” and “B-3 Business
1825 Research Districts” in the title as follows:

1826 **§115-159.4 Signs permitted in B-1 Neighborhood Business Districts, B-2 Business**
1827 **Community Districts, B-3 Business Research Districts, M Marine Districts and UB Urban**
1828 **Business Districts.**

1829

1830 **Section 14.** The Code of Sussex County, Chapter 115, Article XXI, §115-159.5 “Signs
1831 permitted in C-1 General Commercial, CR-1 Commercial Residential, LI-1 Limited Industrial,
1832 and HI-1 Heavy Industrial Districtsis hereby amended by adding “C-2 Medium Commercial, C-3
1833 Heavy Commercial, C-4 Planned Commercial, C-5 Service Limited Manufacturing and I-1
1834 Institutional” in the title and by inserting the italicized and underlined language in subpart B.
1835 thereof as follows:

1836 **§115-159.5 Signs permitted in C-1 General Commercial, CR-1 Commercial Residential,**
1837 **C-2 Medium Commercial, C-3 Heavy Commercial, C-4 Planned Commercial, C-5 Service**
1838 **Limited Manufacturing, I-1 Institutional, LI-1 Limited Industrial, and HI-1 Heavy**
1839 **Industrial Districts.**

1840 . . .

1841 B. Off premises signs in the C-1 General Commercial, CR-Commercial Residential, C-3 Heavy
1842 Commercial, C-4 Planned Commercial, C-5 Service Limited Manufacturing,LI-1 (Light
1843 Industrial) and HI-1 (Heavy Industrial) Districts, and only after obtaining a special use
1844 exception, pursuant to §115-80C and provided that:

1845

1846

1847 **Section 15.** The Code of Sussex County, Chapter 115, Article XXI, §115-161.1 “Electronic
1848 message centers” is hereby amended by inserting the italicized and underlined language is
1849 subparts A. and B. thereof as follows:

1850 **§115-161.1 Electronic message centers.**

1851 A. On premises electronic message centers:

1852 (1) In the B-1 (Neighborhood Business), B-2 (Business Community), B-3 (Business
1853 Research), M (Marine) and UB (Urban Business) Districts, the ground sign permitted in
1854 §115-159.4A(4) may be an on-premises electronic message center, provided that only
1855 one on-premises ground sign, whether it is a static sign or an electronic message center, is
1856 permitted per street or road frontage per parcel and that the sign area shall not exceed 200
1857 square feet per side. In addition, the on-premises signs permitted in §115-159.4A(5) may
1858 be electronic message centers.

1859 (2) In the C-1 (General Commercial), CR-1 (Commercial Residential), C-2 (Medium
1860 Commercial), C-3 Heavy Commercial), C-4 (Planned Commercial), C-5 (Service/Limited
1861 Manufacturing) and I-1 (Institutional) Districts, the ground sign permitted in §115-
1862 159.5A(4) may be an on-premises electronic message center, provided that only one on-
1863 premises ground sign, whether it is a static sign or an electronic message center, is
1864 permitted per street or road frontage per parcel and that the sign area shall not exceed 200
1865 square feet per side. In addition, the on-premises signs permitted in §115-159.5A(5) may
1866 be electronic message centers.

1867 . . .

1868 B. Off-premises electronic message centers:

1869 (1) In the C-1 (General Commercial), CR-1 (Commercial Residential), C-3 Heavy
1870 Commercial), C-4 (Planned Commercial), C-5 (Service/Limited Manufacturing), LI-1
1871 (Limited Industrial), LI-2 (Light Industrial) and HI-1 (Heavy Industrial) Districts, an off-
1872 premises sign may be an electronic message center, provided that the owner obtains a
1873 special use exception pursuant to §115-80C and complies with the regulations for off-
1874 premises signs pursuant to §115-159.5.

1875

1876

1877 **Section 16.** The Code of Sussex County, Chapter 115, Article XXIII, §115-170.1 “Screening
1878 of loading areas” is hereby amended by inserting the italicized and underlined language in the
1879 introductory paragraph as follows:

1880 **§115-170.1 Screening of loading areas.**

1881 In addition to the other requirements of this article, the following requirements relating to
1882 screening of loading areas shall apply in the large-scale uses C-1 General Commercial District,
1883 the large scale uses CR-1 Commercial Residential District, the C-3 Heavy Commercial District,

1884 the C-4 Planned Commercial District, and the C-5 Service/Limited Manufacturing District for
1885 nonresidential development.

1886

1887

1888 **Section 17.** The Code of Sussex County, Chapter 115, Article XXV, §115-180 “Lot area” is
1889 hereby amended by inserting the italicized and underlined language in subsection C. therein as
1890 follows:

1891 **§115-180 Lot area.**

1892 . . .

1893 C. In a C-1, CR-1, B-2, B-3, C-2, C-3, or C-4 District, an M District and a UB District, the
1894 requirements of lot area per family do not apply to rental units in a hotel, motel or motor lodge,
1895 tourist home or rooms in a rooming, boarding- or lodging house.

1896

1897 **Section 18.** The Code of Sussex County, Chapter 115, Article XXV, §115-194.1 “Combined
1898 Highway Corridor Overlay Zone (CHCOZ)” is hereby amended by inserting the italicized and
1899 underlined language in subsection E.(3). therein as follows:

1900 **§115-194.1 Combined Highway Corridor Overlay Zone (CHCOZ).**

1901 . . .

1902 E. Minimum buffer and setback requirements.

1903 . . .

1904 (3) Setbacks and buffers will be required for all developments in the CHCOZ District in
1905 accordance with the following table:

1906	District	Setback	Buffer
1907		(feet)	(feet)
1908	AR-1 Agricultural Residential	40	20
1909	AR-2 Agricultural Residential	40	20
1910	MR Medium Density Residential	40	20
1911	GR General Residential	40	20
1912	HR-1 High-Density Residential	60	20
1913	HR-2 High Density Residential	60	20
1914	B-1 Neighborhood Business	60	20
1915	<u>B-2 Business Community</u>	<u>60</u>	<u>20</u>
1916	<u>B-3 Business Research</u>	<u>60</u>	<u>20</u>
1917	C-1 General Commercial	60	20
1918	CR-1 Commercial Residential	60	20
1919	<u>C-2 Medium Commercial</u>	<u>60</u>	<u>20</u>
1920	<u>C-3 Heavy Commercial</u>	<u>60</u>	<u>20</u>
1921	<u>C-4 Planned Commercial</u>	<u>60</u>	<u>20</u>

1922	<i>C-5 Service/Limited Manufacturing</i>	<u>60</u>	<u>20</u>
1923	<i>I-1 Institutional</i>	<u>60</u>	<u>20</u>
1924	M Marine	60	20
1925	LI-1 Limited Industrial	60	20
1926	LI-2 Light Industrial	60	20
1927	HI-1 Heavy Industrial	60	20
1928			

1929

1930

1931 **Section 19.** The Code of Sussex County, Chapter 115, Article XXVIII, §115-218 “Procedure
 1932 for RPC District and conditional use site plan approval” is hereby amended by inserting “C-4
 1933 Planned Commercial District” into the Title and inserting the italicized and underlined language
 1934 therein as follows:

1935 **§115-218 “Procedure for RPC District, C-4 Planned Commercial District and conditional**
 1936 **use site plan approval.**

1937 Where the provisions of this chapter require the submittal of site plans for RPC Districts, C-4
 1938 Planned Commercial Districts and conditional uses, the following schedule of procedure shall
 1939 apply:

1940 . . .

1941 F. A preliminary site plan for an RPC or a Planned Commercial District shall be valid for
 1942 the period of time set forth in §99-9B of Chapter 99, Subdivision of Land. A final site plan for
 1943 an RPC or a Planned Commercial District shall be valid for the period of time set forth in §99-
 1944 40A of Chapter 99, Subdivision of Land. An extension of these time periods may be sought in
 1945 accordance with §99-40F.

1946

1947 **Section 20.** The Code of Sussex County, Chapter 115, is hereby amended by amending the
 1948 heading of “115 Attachment 3, Sussex County Table III” by inserting the italicized and
 1949 underlined language therein as follows:

1950

1951 **115 Attachment 3**

1952 **Sussex County**

1953 **Table III**

1954 **Table of Height, Area and Bulk Requirements for Multifamily Structures**
 1955 **When Permitted in B-1, B-2, [and] CR-1, C-2, C-3 and C-5 Districts**

1956

1957

1958 **Section 21.** The Code of Sussex County, Chapter 115, is hereby amended by inserting a new
 1959 “115 Attachment 4, Sussex County Table IV” as said Table is attached hereto as Exhibit A.

1960 *See Exhibit A, attached hereto and incorporated herein.*

1961

1962 **Section 22.** Effective Date.

1963 This Ordinance shall take effect _____ days from the date of adoption by County
1964 Council.

1965

1
2
3
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7

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 ^{4,5}		
Bed & Breakfast (Tourist Homes)	D	P	P				
Dwelling, Duplex	D				P ^{4,5}		
Dwelling, Manufactured Home	D						
Dwelling, Multi-family	D				P ^{4,5}		
Dwelling, Single Family Detached, including Modular	D				P ^{4,5}		
Dwelling, Townhouse	D				P ^{4,5}		
Home Occupation	D	A			P		
Hotel, motel or motor lodge	D	P	P	P	P		
Sales & Rental of Goods, Merchandise, and Equipment							
Convenience store	D	P	A	P ¹	P	P	
Convenience store , Fuel Station (1 to 6 fuel dispensers)(no restriction on number of nozzles)		P		P ¹	P	P	
Convenience store , Fuel Station (7 or more fuel dispensers) (no restriction on number of nozzles)				P	P		
Retail sales establishments 3,500 SF or less	D	P	A	P ¹	P	P	P
Retail sales establishments 3,501 SF to 7,500 SF	D	P	A	P ¹	P	P	P
Retail sales establishments 7,501 SF to 35,000 SF	D	P		P ¹	P	P	
Retail sales establishments 35,001 SF to 75,000 SF	D			P ¹	P	P	

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

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

Blank =Not permitted 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

8
9 **Note: Where, in the judgment of the Commission, a use is not specifically referenced but is similar to those**
10 **listed as permitted, it may be permitted by approval of the Commission.**

11 P Permitted Use

12 ¹ No outdoor sales and or storage permitted

13 ² Uses permitted only with an on-site retail component

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

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

16 ⁵ Residential uses within the C-4 district when developed must be a minimum of 25% of the total square

17 footage and not exceeding 50% of the total square footage of the parcel or site

18 A Use permitted as the accessory use of the parcel

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

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Sussex County

DELAWARE
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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: February 21, 2018

RE: County Council Old Business Report II for CZ 1831 East Gate Farm, Inc.

The County Council held a public hearing on November 28, 2017. The County Council deferred action for further consideration.

The following are the minutes and motion for the Change of Zone from the October 26, 2017 and November 16, 2017 Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, comments from the Sussex Conservation District, results from the DelDOT Service Level Evaluation that stated a TIS is not required, a site plan, and an exhibit book.

The Commission found that Dennis Schrader, Esquire of Morris James Wilson Halbrook and Bayard, LLP, Anthony Concurso, principal owner of East Gate Farm, Inc., Ken Christenbury, with Axiom Engineering, and D. J. Hughes, with Davis, Bowen, & Freidel Inc. were present on behalf of the application; that Mr. Schrader stated that the 16.7 acre parcel is near Milford; that the property is unique in size; that the property is located across from the new Bayhealth Medical Campus; that the property is currently zoned AR-1 and the applicant would like to rezone the property to B-1; that the development of this property is for professional or general offices; that it is in State Strategy Level 3; that the Comprehensive Plan identifies the property as a Town Center land use; that Mr. Christenbury stated that the property is different than it is today with the interchange; that other properties are zoned Highway Commercial by the City of Milford; that the property is not eligible for annexation and are not able to get their utilities; that there are no wetlands on the property and it is suitable for on-site septic; that any use will be limited to low water users; that restaurants are not suitable for this property but professional offices with low water usage are suitable; that in the future the property could be annexed into the City of Milford; that Mr. Hughes spoke that the property is located near the access bridge and do not have access to Route 1; that if the rezoning is approved, a site plan will be submitted to DelDOT for approval of the entrance; that Mr. Concurso stated that he has owned the property since 2002; that he lost less than one acre to DelDOT; that he has been growing shrubs and some trees which are located in the back corner of the property; that he found another property sufficient to have a nursery; that he agrees with the proposed uses; that the staff analysis concluded that this application, if granted would be consistent with the Comprehensive



Plan; that the project did not require PLUS review; that they cannot go above 50,000 square feet on this site; and that a proposed Findings of Facts were submitted in the exhibit book.

The Commission found that there was no one in support of or in opposition to the application.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting on November 16, 2017, the Planning Commission discussed the application which had been deferred since October 26, 2017.

Ms. Stevenson, moved that the Commission recommend approval of Change in Zone # 1831 for East Gate Farm, Inc. for a change in zone from AR-1 to B-1 based upon the record made during the public hearing and for the following reasons:

1. The site is located near the boundary of the City of Milford along Cedar Neck Road close to the intersection with Route 1, which is a principal arterial highway. This is a new grade-separated intersection that provides direct access to the new Bayhealth Campus.
2. According to the County's Comprehensive Land Use Plan, the site is identified as being part of a Town Center Area. B-1 Zoning is appropriate within the Town Center Area.
3. The site is basically surrounded by the City of Milford, but because of roads and other factors is not contiguous to the City. This makes it an appropriate location for B-1 zoning.
4. According to the Zoning Code, B-1 Zoning is appropriate "to provide retail shopping and personal service uses, ... to serve the needs of a relatively small area, primarily nearby rural, low density or medium density residential neighborhoods." This application satisfies this purpose of B-1 Zoning.
5. The B-1 District is the most limited commercial zoning district in the County. It is appropriate in this location since it will limit the type and size of the uses that may occur at the site.
6. The rezoning to B-1 will be in character with the developing nature of the area in that it will serve the residents of the greater Milford community by creating an office center in the area of the soon-to-be-completed Health Campus. New medical and general offices on this site will be integrated in this area that is developing with residential and healthcare uses.
7. No parties appeared in opposition to the proposed rezoning.

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4-0. Mr. Wheatley was absent.

Introduced 07/25/17

**Council District No. 3 – Burton
Tax I.D. No. 330-11.00-73.09
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16.669 ACRES, MORE OR LESS

WHEREAS, on the 6th day of June 2017, a zoning application, denominated Change of Zone No. 1831, was filed on behalf of East Gate Farm, Inc.; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1831 be _____; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of B-1 Neighborhood Business District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying on the south side of Cedar Neck Road, approximately 900 feet east of Coastal Highway (Route 1), and being more particularly described per the attached deed prepared by Delaware Department of Transportation, said parcel containing 16.669 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: February 21, 2018

RE: County Council Old Business Report for CU 2107 Galbraith Development Group

The County Council held a public hearing on December 12, 2017. County Council deferred action for a recommendation by the Planning Commission.

The Planning and Zoning Department received an application (CU 2107 Galbraith Development Group) to allow for mini-storage to be located on Muddy Neck Rd. The Planning and Zoning Commission held a public hearing on November 16, 2017 and made a recommendation on December 14, 2017. The following are the minutes and motion for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, an exhibit booklet, a site plan, comments from the Sussex County Utility Planning Division, the results from the DelDOT Service Level Evaluation that stated a TIS is not required, a letter from a Realtor and 13 letters in opposition.

The Commission found that David Hutt, Attorney of Morris James Wilson Halbrook and Bayard, LLP, Ken Christenbury, with Axiom Engineering, and Mark Galbraith, with Galbraith Development Group were present on behalf of the application; that Mr. Hutt stated the property is located along Muddy Neck Road; that the property is zoned AR-1; that they are proposing a 46,000 square foot mini-storage facility; that the applicant owns a home and proposes to live in the area; that the maximum height of the buildings will be 15 feet; that the entrance to the facility will not be barbed wire or a chain link fence; that the facility will not have 24 hour access; that there will be no towering lights; that Mr. Christenbury stated that the Comprehensive Plan identifies this property as a Developing Area; that it is adjacent to the Town of Ocean View; that there is MR and B-1 zoning in the area; that the property is State Strategies Level 3 and is surrounded by Level 2; that there are houses in the area but the only house within a 100 feet of the property; that the site consists of 3.2 acres; that the entrance will be located at the far end of the site for sight distance; that the office hours will be from 7:00 am to 9:00 pm; that the lighting will be motion sensor and downward screened; that they propose one 32 square foot non-illuminated sign; that an ornamental fence will be along the road; that the buildings will be earth tone color; that the site will be significantly landscaped around the perimeter; that there will be a bike path along the front of the property; that DelDOT did not require a TIS; that a Medium Density Residential development would generate



more traffic through this area; that Mr. Galbraith stated that he has owned a residence nearby for 13 years and plans to move here within the next four years; that he wants to build something nice to live nearby; that he sees a need in the area for storage; that Mr. Hutt stated the hours will be 6:00 am to 9:00 pm and not 24 hour access; that one pole light will be at the entrance to the site similar to a street light and a landscape plan will be included to alleviate lighting concerns; that lighting will be downward screened; that there will be no chain link fence along the front of the property; that a potential chain link fence would be along the sides and rear but it will be screened from view; that a letter from a Realtor stating other mini-storage facilities have not impacted property values; that the Melson funeral home and the Inlands Bay garden center are in the area; that the applicant is trying to blend in with the other commercial uses in the area; that Mr. Christenbury stated that some of the backs of the buildings would act as buffers with fence between buildings; that there will be a buffered landscaping along the side and rear property lines; that Mr. Galbraith stated there would be an employee there every day from 6:00 am to 9:00 pm; that the property will be paved; and that they could remove some interior buildings to allow for more outdoor storage for boats etc.

The Planning Commission found that no one spoke in favor of the application.

The Planning Commission found Ron Golden, Thomas Maly, William Anderson, Stephen Shoffner, Damien Golden, Mike Atkins, Bill Clemons, Natalie Reatig, and Russell Ruble spoke in opposition to the application; that Mr. Golden stated that he has a petition signed by other neighbors and other exhibits stating this does not comply with conditional use requirements; that this is not consistent with the area; that this property is two miles from the beach; that a conditional use as warehousing is not in keeping with the AR-1 zoning and not compatible with residential uses; that he has concerns with traffic; that the use is out of character for the area and road classification; that he has concerns with safety; that he has concerns with the lighting and chain link fence; that a similar application was recommended to be denied from the Planning and Zoning Commission and was denied by County Council in 2014; that Mr. Maly stated he is representing Hunters Run and nine members are present; that warehousing is not appropriate for the area and not compatible; that he has concerns with crime and safety; that he has with concerns with impact on property values; that Mr. Anderson stated that this does not fit the area; that one of five things worst thing to go there is mini storage; Mr. Shoffner stated he has concerns with stormwater management and run off; that Mr. Golden stated that he agree with the others; that Mr. Atkins stated he agree with the others; that Mr. Clemons stated that it is his brother in law selling the property; that he agrees with the others; that Ms. Reatig stated she is in agreement with the others; that she has concerns with traffic; that Mr. Ruble stated he agree with the others; that if only 15 feet between the buildings that it will read as one massive 15 foot tall building and the fencing is a matter aesthetic; and that the lighting even if it is downward, will reflect up off the buildings.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to defer action for further consideration. Motion carried 4-0. Mr. Wheatley was absent.

At their meeting of December 14, 2017, the Commission discussed this application which has been deferred since November 16, 2017.

Mr. Wheatley stated he has reviewed the application and record, has listened to the audio and is prepared to vote.

Mr. Hudson, moved that the Commission recommend approval of Conditional Use #2107 for Galbraith Development Group for a to operate a mini-storage facility and office based upon the record made during the public hearing and for the following reasons:

1. The use as a mini-storage facility is of public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the area.
2. The County Comprehensive Plan designates this location as a Developing Area. The type of use proposed by the applicant appropriate within the Developing Area according to the plan.
3. The use is to be located along Muddy Neck Road, approximately 1,000 feet from the intersection of Beaver Dam Road. It is in an area where several residential communities and several businesses exist. This is an appropriate location.
4. There was testimony in the record that there is a need for mini storage in this area. There are several nearby deed-restricted residential developments and townhouse developments that have limitation on the amount of space available for storage within a home or lot. This use serves that need in a convenient location, avoiding the creation of additional traffic on Route 26 and other area roadways.
5. There was testimony in the record from a licensed Delaware realtor that mini storage facilities do not negatively affect property values.
6. A mini storage facility generates less traffic than other commercial, retail, or residential uses on the site. As a result, this will not adversely affect traffic on the roadways.
7. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
8. This recommendation for approval is subject to the following conditions and stipulations:
 - A. As stated by the applicant, the maximum square footage of the storage building shall not exceed 46,350 square feet. Also, none of the buildings shall exceed 15 feet in height, and they shall be clad in earth-tone colors. These requirements shall be noted on the Final Site Plan.
 - B. There shall not be any building contractor's or subcontractor's offices or workshops within the project.
 - C. There shall not be any storage outside of the building at all. Including RV, boats, automobiles, or building materials.
 - D. Any security lights shall only be installed on the buildings and shall be screened with downward illumination so that they do not shine on any neighboring properties.
 - E. A landscape buffer shall be installed and planted along Muddy Neck Road and the border of the project. The buffer shall be sufficient to screen the mini storage facility from view from any adjacent residential property. A landscape plan for the buffer areas shall be included with the Final Site Plan.
 - F. The perimeter of the Storage area shall be fenced and gated. As stated by the Applicant, the fencing shall be decorative along Muddy Neck Road. The type of fencing shall be shown on the Final Site Plan.
 - G. There shall be only one lighted sign allowed on the site with no more than 32 square feet per side.
 - H. The driveway and parking areas outside of the storage buildings shall be paved.
 - I. Stormwater management shall be maintained on site, using Best Management Practices.
 - J. One office shall be permitted for security.
 - K. As stated by the Applicant, the hours of operation and access shall be between 7:00 am to 9:00 pm daily.

- L. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5-0

Introduced 07/18/17

**Council District No. 4 – Cole
Tax I.D. No. 134-17.00-8.09
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.21 ACRES, MORE OR LESS

WHEREAS, on the 21st day of June 2017, a conditional use application, denominated Conditional Use No. 2107, was filed on behalf of Galbraith Development Group; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2107 be _____; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2107 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the northeast side of Muddy Neck Road, approximately 980 feet northeast of Beaver Dam Road, and being more particularly described per the attached deed prepared by David W. Baker, Esq., said parcel containing 3.21 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: February 21, 2018

RE: County Council Old Business Report for CZ 1839 Dale Lomas/Seashore Highway Associates, LLC

The County Council held a public hearing on January 23, 2018. County Council deferred action for further consideration.

The following are the minutes and motion for the Change of Zone from the December 21, 2017 and January 11, 2018 Planning and Zoning Commission meetings.

The Planning and Zoning Department received an application (CZ 1839 Dale Lomas/Seashore Highway Associates, LLC) to allow for a change in zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) located on Rt. 9. The Planning and Zoning Commission held a public hearing on December 21, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Mr. Robertson recued himself.

Ms. Cornwell advised the Commission that submitted into the record were an staff analysis, exhibit booklet, survey, comments from the Sussex Conservation District, and the results of the DelDOT Service Level Evaluation.

The Commission found that Mark Davidson, Pennoni Associates, and Dale Lomas of Seashore Highway Associates, LLC were present of behalf of the application; that the request to change the zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District); that the parcel is approximately 4 ac.; that the property was purchased in 2016, that the property is adjacent to other properties that Seashore Highway Associates owns that are zoned CR-1; that the site has a building supply business on it; that the property was purchased so Mr. Lomas could expand his business on the adjacent parcel; the Land Use classification per the Comprehensive Plan is Low Density; that CR-1 can be considered in the Low Density Areas classification; that there is a railroad to the rear of the property; that there are several commercial properties in the area, including an antique shop and a gun shop; that there are several Conditional Uses in the area; US Rt. 9 is a major collector road; that the Comprehensive Plan states that development should occur on or near a major road; a TIS was not required by DelDOT; however; once a site plan is completed a TIS



may be required; that there is an existing entrance on Mr. Lomas' property where his business is and would comply with any requirements of DelDOT; that Mr. Lomas would like to add the 4 ac. to his existing site; that he has owned the adjacent parcel since 2008; that he has made significant improvements to the site; that he purchased the property from the adjacent property owner to the west; that that adjacent property owner did not have any objection to the change in zone; that he submitted proposed finding of fact; that the change in zone meets the general purpose of the Zoning Ordinance; that it is in an appropriate location per the Comprehensive Plan to provide a wide variety of uses along a thoroughfare such as Rt. 9; that it is a general mixture of commercial and residential uses; that it is adjacent to other commercial activity; that it will not diminish or impair property values in the area; and that it is to allow for an expansion of the existing business.

The Commission found no on in support of the application.

The Commission found that Mr. Jim Griffin spoke in opposition to the application; that he owns property across the street from the proposed rezoning; that over the last 20 years the parcel proposed to be rezoned has been used as agricultural use; that the owner purchased the land with the AR-1 zoning and could have put a condition on the sale of the property that he would be purchase it if rezoned; that it is adjacent to a 3.7 ac. parcel that is already zoned CR-1 and does not make it reason to rezone the parcel; that he believes that the expansion of the CR-1 zoning will impair the property value; that it will create more traffic; that the comprehensive plan identifies the area in Low Density; that uses in the Low Density Areas should be focused on uses that are convenient to the neighborhood around it; that the use is not a convenient use to serve the area and is a broader commercial use; that while Rt. 9 is a major collector road the land is not located within a growth area per the comprehensive plan; that this complies with only 1 out of the 8 criteria for development per the comprehensive plan; that the State Strategies map identities it in Level 4; that the gun shop, antique shop is old C-1 zoning; that the model home across the street was closed and put up for sale; that a slow creep of commercial does not make a good argument for commercial; that if approved there would be commercial across from his parcel; that within 1000 ft. on the north side there are about 21 single family homes and 66 mobile homes and 23 single family homes across Rt. 9; that there are only about 6 commercial zoned uses in the area; that there are traffic concerns, especially during the summer; and that there is a concern with the number of uses that are permitted within the CR-1 zoning district.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 4-0. Mr. Ross was absent.

At their meeting on January 11, 2018, the Planning Commission discussed the application which had been deferred since December 21, 2017.

Mr. Wheatley moved that the Commission recommend denial of Change in Zone #1839 for Dale Lomas/Seashore Highway Associates, LLC for the change in zone from AR-1 to CR-1 based upon the record made during the public hearing and for the following reasons:

1. The site is located along Route 9. It is surrounded be residential and older commercial uses. This does not make it an appropriate location for CR-1 zoning. That CR-1 zoning is a very broad zoning classification and allows all manner of things. This is a concern. The other

- commercial zoned properties were zoned over 20 years ago and the character of the area is different now than when the other properties were rezoned.
2. Many nearby properties, including the adjacent property to the west and properties across Route 9, are zoned Agricultural Residential and the purposes of the AR zoning district regulation seek to prevent untimely scattering of more-dense urban uses, which should be confined to areas planned for efficient extension of public services. The proposed rezoning is contrary to the general zoning in this area.
 3. According to the County's Comprehensive Land Use Plan, the site is identified as being within the Low Density Areas. CR-1 Zoning can be considered within this land use classification; however, business development should be largely confined to businesses that address the needs of single family residences and agriculture. This rezoning may not meet the needs of the single family residences and agriculture.
 4. According to the Zoning Code, CR-1 Zoning is appropriate "to provide sufficient space in appropriate location for a wide variety of commercial and miscellaneous service activities generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists..." This application does not satisfy this purpose of CR-1 Zoning as the area is primarily residential. Additionally, sewer is not available to this property.
 5. The CR-1 District is the most intense commercial zoning district in the County. It is not appropriate in this location as there are 44 single family residences and 60 manufactured homes within 1000 ft. of the property.
 6. The rezoning is inconsistent with the developing character of the area and will adversely affect the neighboring properties and roadways.
 7. The proposed project does not meet the purpose of the Zoning Ordinance since the proposed rezoning will not promote the orderly growth, convenience, order, prosperity and welfare of Sussex County and its residents.
 8. There was opposition to the proposed rezoning and the arguments raised by the opposition were compelling.

Motion by Mr. Wheatley, seconded by Mr. Hudson and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be denied for the reasons stated. Motion carried 4-0. Mr. Ross was absent.

Introduced 08/08/17

**Council District No. 3 – Burton
Tax I.D. No. 334-4.00-37.04
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS

WHEREAS, on the 28th day of June 2017, a zoning application, denominated Change of Zone No. 1839, was filed on behalf of Dale Lomas/Seashore Highway Associates, LLC; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1839 be _____; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of CR-1 Commercial Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Lewes Georgetown Highway (Route 9), approximately 590 feet east of Josephs Road, and being more particularly described on the attached survey prepared by Pennoni Associates, Inc., said parcel containing 4.0 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

PROPOSED



SUSSEX COUNTY GOVERNMENT GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Irish Eyes Foundation

PROJECT NAME: Milton St. Patrick's Day Parade

FEDERAL TAX ID: 51-0400365 NON-PROFIT: YES NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION:

To raise funds for local organizations and provide a family friendly event for Sussex County

ADDRESS:

105 Union Street
Milton DE 19968
(CITY) (STATE) (ZIP)

CONTACT PERSON:

Maryellen Kiernan

TITLE:

Parade Committee President

PHONE:

302.684.5100 EMAIL: mare@irisheyespub.com

TOTAL FUNDING REQUEST: \$5000.00

Has your organization received other grant funds from Sussex County Government in the last year? YES NO

If YES, how much was received in the last 12 months?

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? YES NO

Are you seeking other sources of funding other than Sussex County Council? YES NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 20%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- Fair Housing
- Infrastructure¹
- Health and Human Services
- Other
- Cultural
- Educational

BENEFICIARY CATEGORY

- Disability & Special Needs
- Elderly Persons
- Minority
- Victims of Domestic Violence
- Low to Moderate Income²
- Other
- Homeless
- Youth

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:

3

SECTION 3: PROGRAM SCOPE

A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

Please see attached.

Program Scope

We host this parade to fund local organizations such as the Milton Fire Department, the Milton Chamber of Commerce and the Gladys Wilkins Seeding the Future Scholarship Fund. A lack of funding for the fire department could prove to be detrimental to our community. The chamber funds many events throughout the year including Movies in the Park and Truckin' Tuesday. The Gladys Wilkins Fund has given over \$5000 to local students who are pursuing degree in the field of agriculture.

- B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$15,000 (sponsors/donations)
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Operating Costs	\$10,000
TOTAL EXPENDITURES	\$10,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$5,000.00


SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the MSPDPC agrees that:
(Name of Organization)


- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**



 Applicant/Authorized Official



 Witness

2.19.18

 Date

2.19.18

 Date

Completed application can be submitted by:

Email: gjennings@sussexcountype.gov

Mail: Sussex County Government
 Attention: Gina Jennings
 PO Box 589
 Georgetown, DE 19947



[Handwritten signature]

**SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING**

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Marjellen Kiernan
Applicant/Authorized Official

[Handwritten signature]
Witness

Parade Committee President
Title

2.7.18
Date

*Burton
2/20/18*



Exempt Organizations Select Check

[Exempt Organizations Select Check Home](#)

Organizations Eligible to Receive Tax-Deductible Charitable Contributions (Pub. 78 data) - Search Results

The following list includes tax-exempt organizations that are eligible to receive tax-deductible charitable contributions. Click on the "Deductibility Status" column for an explanation of limitations on the deductibility of contributions made to different types of tax-exempt organizations.

Results are sorted by EIN. To sort results by another category, click on the icon next to the column heading for that category. Clicking on that icon a second time will reverse the sort order. Click on a column heading for an explanation of information in that column.

1-1 of 1 results

Results Per Page

« Prev | 1-1 | Next »

<u>EIN</u> ▲	<u>Legal Name (Doing Business As)</u> ▲	<u>City</u> ▲	<u>State</u> ▲ <u>Country</u> ▲	<u>Deductibility Status</u> ▲
51-0400365	Greater Lewes Foundation	Lewes	DE United States	PC

« Prev | 1-1 | Next »

<u>E</u>	<u>Organization</u>	<u>City</u>	<u>State</u> <u>Country</u>	<u>Deductibility Status</u>
51-0400365	Greater Lewes Foundation	Lewes	DE United States	PC

To Be Introduced 2/27/18

**Council District No. 2 - Wilson
Tax I.D. No. 530-9.00-4.00 & 530-4.00-23.00
911 Address: 6939 Hickman Road, Greenwood**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY AS A RETIREMENT COMMUNITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 43.748 ACRES, MORE OR LESS

WHEREAS, on the 12th day of December 2017, a conditional use application, denominated Conditional Use No. 2123, was filed on behalf of Mark Yoder, Jr.; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2123 be _____; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2123 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Northwest Fork Hundred, Sussex County, Delaware, and lying at the southeast corner of Hickman Road and University Drive and being more particularly described in the attached deeds prepared by Smith & McCartney, LLC, said parcel containing 43.748 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

To Be Introduced 02/27/18

**Council District No. 3 – Burton
Tax I.D. No. 234-2.00-23.03 (portion of)
911 Address: 33077 Walker Farm Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR SITE CONTRACTING EXCAVATING SERVICES - STORAGE REPAIR AND MAINTENANCE – LIGHT MATERIAL AND STORAGE AND GENERAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 13.76 ACRES, MORE OR LESS

WHEREAS, on the 9th day of February 2018, a conditional use application, denominated Conditional Use No. 2138, was filed on behalf of Walker Construction, Inc.; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2138 be _____; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2138 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the west side of Robinsonville Road, approximately 671 feet south of Kendale Road and being more particularly described in the attached deed prepared by Pennoni Associates, Inc., said parcel containing 13.76 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.