

*Sussex County, DE
Tuesday, July 20, 2021*

Chapter 115. Zoning

Article XI. C-1 General Commercial District

§ 115-77. Permitted uses.

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

Animal hospitals or kennels with any open pens at least 200 feet from any residential district and 50 feet from any property line

Any use permitted in an AR District and the B-1 District

Automobile or truck sales, service and repair, body or fender repair, but not auto salvage or junk, and any major repairs shall be inside a completely enclosed building. All displays shall be a minimum of twenty-five feet from front property line

Bakeries

Boat and boat trailer sales and storage. Boat displays of more than five feet in height shall be a minimum of 25 feet from the front property line

Bottling works, dyeing and cleaning works or laundry, plumbing and heating shops, painting shops, upholstering shops, cabinet and furniture manufacture, sheet metal shops, tire sales and service (including vulcanizing and recapping but no manufacturing), appliance repairs and general service and repair establishments, similar in character to those listed in this item, provided that no outside storage of material is permitted, except as provided in this section

Business and commercial radio and television stations and studios or recording studios, but not towers more than 150 feet in height, except as provided in Article **XXVII**

Car washes or automobile laundries, automatic or otherwise

Commercial greenhouses, wholesale or retail, and nurseries for growing of plants, trees and shrubs, including a building for sale of products produced on the premises

Farm implement sales, service, rental and repair, but not salvage or junk, and provided that major repair or storage of materials, damaged or unusable implements or vehicles shall be inside a completely enclosed building. Displays of materials and equipment of more than five feet in height shall be a minimum of 25 feet from the front property line.

Garages, parking or storage

Hotels, motels or motor lodges

Indoor amusement places and theaters, except open-air drive-in theaters. Indoor amusement places include bowling alleys, dance halls, subject to applicable County regulations, skating rinks, swimming pools, miniature golf, billiard or pool parlors, indoor model racing tracks and similar activities conducted entirely within a closed structure.

[Added 8-22-2006 by Ord. No. 1870]

Lawn mower, yard and garden equipment, rental, sales and services

Lumber and building materials stores

Manufactured home sales and storage, parked a minimum of 40 feet from the front property line
[Amended 10-12-2010 by Ord. No. 2152]

Monument sales establishments with incidental processing to order, but not including the shaping

of headstones

Multiple-family dwellings and structures of mixed commercial and residential use, subject to the mixed-use provisions of Articles **XXII**, **XXIII** and **XXV**.

Nursing and similar care facilities

[Added 4-16-2019 by Ord. No. 2645]

Printing, publishing and engraving establishments

Schools for industrial training, trade or business

Special events

[Added 9-18-2018 by Ord. No. 2599]

- (1) Special events held outdoors or within a temporary structure for a purpose different from the permitted use and usual occupancy of a premises or site that are administratively approved by the Director or his or her designee, when the event: will not impair the purpose and intent of the Zoning Ordinance; is not so recurring in nature as to constitute a permanent use not otherwise permitted in the district; and will not significantly affect the surrounding properties. Events that are consistent with the permitted use and usual occupancy of a site or that occur on land owned by the United States of America, the State of Delaware, Sussex County, municipalities and educational institutions are permitted. "Special events" include circuses, carnivals, midways, promotional and tent sales events, fairs, festivals, concerts, rodeos, shows, races/walks or any other event or mass gathering.
- (2) No more than three special events shall be approved for the same property or premises during a calendar year. Each special event shall be counted as one calendar day, not including reasonable set up and removal time when the event is not otherwise underway.
- (3) In determining whether to administratively approve a special event, the Director or his or her designee shall consider the following:
 - (a) The estimated number of attendees;
 - (b) The size of the parcel where the special event is to be located;
 - (c) The parking requirements of the special event;
 - (d) Roads and traffic patterns providing access to the special event;
 - (e) Prior events conducted by the applicant;
 - (f) Noise, light, odor, and dust generated by the special event;
 - (g) Proposed hours of operation and number of consecutive days; and
 - (h) Such other considerations that may be applicable to the requested event.
- (4) The Director or his or her designee may impose conditions upon an administrative approval.
- (5) All special events, regardless of size, location, use or duration, shall be subject to the requirements of the Sussex County Special Event and Public Safety Services Policies and Procedures. Failure to abide by the Sussex County Special Event and Public Safety Services Policies and Procedures may result in the termination of the special event's administrative approval.
- (6) Special events that do not meet these requirements or which are not administratively approved shall require a conditional use.

Tourist homes or rooming house

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

[Added 5-19-2015 by Ord. No. 2397]

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

hours.

- (2) There shall be no more than one temporary removable vendor stand on a parcel at any one time.
- (3) No temporary removable vendor stand shall be wider than eight feet six inches nor longer than 45 feet.
- (4) No temporary removable vendor stand shall be permanently connected to any utilities, including water, sewer, electric or gas.
- (5) No temporary removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights-of-way.
- (6) The owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with written approval of the existence and location of the stand by the property owner and a drawing showing the location of the stand upon the property. Upon presentation of this information, the Director may preliminarily approve the stand or require the owner to apply for a special use exception from the Board of Adjustment if there are concerns about the location, the size of the property, the effect(s) upon on-site parking, neighboring properties or roadways, or other good cause.
- (7) If preliminarily approved, the owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with evidence of a current State of Delaware business license.
- (8) Upon approval by the Director, a Sussex County Vendor Stand sticker shall be issued in a form established by the Director. This sticker shall be visible on the stand at all times.
- (9) The approval of the temporary removable vendor stand shall be valid for one year.
- (10) The application for a temporary removable vendor stand shall be in a form established by the Director. The fee for filing the application shall be \$100.

Used car and truck sales and storage, parked a minimum of 25 feet from the front property line
Warehousing within a completely enclosed building, provided that such use is not objectionable by reason of odor, dust, noise or similar factors

B. The total gross building area of any building or group of buildings shall be less than seventy-five thousand square feet.

[Added 7-20-1999 by Ord. No. 1328]