

ZONING

115 Attachment 4

Sussex County

**Table IV**  
**Permitted Uses, Commercial**  
 [Added 2-27-2018 by Ord. No. 2550; amended 10-22-2019 by Ord. No. 2684;  
 7-27-2021 by Ord. No. 2792; 5-14-2024 by Ord. No. 3016]

Blank = Not permitted P = Permitted use SUE = Special Use Exception, see section A = Permitted Accessory Use, see section D = Definition, see section							
	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
<b>Agriculture-Related Uses</b>							
Agriculture-related business						P <sup>2</sup>	
Agricultural uses (less than five acres) farm, truck, garden, orchard or nursery uses						P <sup>2</sup>	
Aquaculture						P <sup>2</sup>	
Greenhouse, commercial D	P			P	A	P	
Marijuana cultivation facilities				P			
Marijuana product manufacturing facilities				P			
Marijuana testing facilities				P			
Wholesale, retail, nurseries for sale of products produced on site D	P		P <sup>1</sup>	P	P	P <sup>2</sup>	
<b>Residential Uses</b>							
Residential within-structure commercial or office uses	A		A	A <sup>3</sup>	A <sup>4</sup>		
Bed-and-breakfast (tourist homes) D	P		P				
Dwelling, duplex D					P <sup>4</sup>		
Dwelling, manufactured home D							
Dwelling, multifamily D					P <sup>4</sup>		
Dwelling, single-family detached, including modular D							
Dwelling, townhouse D					P <sup>4</sup>		
Home occupation D	A				P		
Hotel, motel or motor lodge D	P	P	P	P	P		
<b>Sales and Rental of Goods, Merchandise, and Equipment</b>							
Convenience store D	P	A	P <sup>1</sup>	P	P		

SUSSEX COUNTY CODE

<b>Blank = Not permitted</b> <b>P = Permitted use</b> <b>SUE = Special Use Exception, see section</b> <b>A = Permitted Accessory Use, see section</b> <b>D = Definition, see section</b>								
	<b>Zone B-2</b>	<b>Zone B-3</b>	<b>Zone C-2</b>	<b>Zone C-3</b>	<b>Zone C-4</b>	<b>Zone C-5</b>	<b>Zone I-1</b>	
Convenience store, fuel station (one to six fuel dispensers) (no restriction on number of nozzles)	P		P <sup>1</sup>	P	P			
Convenience store, fuel station (seven or more fuel dispensers) (no restriction on number of nozzles)				P	P			
Retail marijuana store				CU <sup>5</sup>				
Retail sales establishments 3,500 square feet or less	D P	A	P <sup>1</sup>	P	P	P		
Retail sales establishments 3,501 square feet to 7,500 square feet	D P	A	P <sup>1</sup>	P	P	P		
Retail sales establishments 7,501 square feet to 35,000 square feet	D P		P <sup>1</sup>	P	P			
Retail sales establishments 35,001 square feet to 75,000 square feet	D		P <sup>1</sup>	P	P			
Retail sales establishments 75,001 square feet or more	D			P	P			
Pharmacy or related uses, 12,000 square feet or less	D P	A	P <sup>1</sup>	P <sup>1</sup>	P			
Pharmacy or related uses, 12,001 square feet to 35,000 square feet	D P		P <sup>1</sup>	P <sup>1</sup>	P			
Restaurant 3,500 square feet or less	P	A	P <sup>1</sup>	P	P	P <sup>2</sup>		
Restaurant 3,501 square feet to 7,500 square feet	D P	A	P <sup>1</sup>	P	P	P <sup>2</sup>	P	
Restaurant 7,501 square feet or more	D		P <sup>1</sup>	P	P			
Brew pub 7,500 square feet or less	P	A	P <sup>1</sup>	P	P			
Brew pub 7,501 square feet or more			P <sup>1</sup>	P	P			
Wholesale trade establishment	D		P <sup>1</sup>	P	P	P <sup>2</sup>		
<b>Office, Clerical, Research, Personal Service and Similar Enterprises Not Primarily Related to Goods</b>								
Business service establishments	D P	P	P <sup>1</sup>	P	P	P <sup>2</sup>		

ZONING

<b>Blank = Not permitted</b> <b>P = Permitted use</b> <b>SUE = Special Use Exception, see section</b> <b>A = Permitted Accessory Use, see section</b> <b>D = Definition, see section</b>								
		<b>Zone B-2</b>	<b>Zone B-3</b>	<b>Zone C-2</b>	<b>Zone C-3</b>	<b>Zone C-4</b>	<b>Zone C-5</b>	<b>Zone I-1</b>
Banks		P	P	P <sup>1</sup>	P	P		
Professional offices	D	P	P	P <sup>1</sup>	P	P	P <sup>2</sup>	
Personal service establishments	D	P	P	P <sup>1</sup>	P	P	P <sup>2</sup>	
Entertainment establishments 7,500 square feet or less	D	P	A	P <sup>1</sup>	P	P		
Entertainment establishments more than 7,501 square feet	D		A	P <sup>1</sup>	P	P		
Social service establishments	D	P	P	P <sup>1</sup>	P	P		P
<b>Manufacturing, Assembling, Processing</b>								
Winery, brewery or distillery under 7,500 square feet	D	P		P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>2</sup>	
Winery, brewery or distillery over 7,501 square feet							P <sup>2</sup>	
Manufacturing	D		P <sup>1</sup>				P <sup>2</sup>	
Material storage yard with on-site mulching, pulping or manufacturing of material	D						P <sup>2</sup>	
<b>Educational, Cultural, Religious, Philanthropic, Social, Fraternal</b>								
Biotech campus	D		P					P
Biotech industry	D		P <sup>1</sup>					P <sup>1</sup>
Recreational facility, private	D					P		
Recreational facility, commercial (indoor only)	D	P		P	P	P		
Recreational facility, commercial (indoor and 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
Places of worship	D	P	P	P	P	P	P	P
<b>Institutional, Residence, Care, Confinement and Medical Facilities</b>								
Family child day-care center (one to six children)	D	P		P	P	P		
Large family child-care homes (seven to 12 children)	D	P		P	P	P		

SUSSEX COUNTY CODE

<b>Blank = Not permitted</b> <b>P = Permitted use</b> <b>SUE = Special Use Exception, see section</b> <b>A = Permitted Accessory Use, see section</b> <b>D = Definition, see section</b>								
		<b>Zone B-2</b>	<b>Zone B-3</b>	<b>Zone C-2</b>	<b>Zone C-3</b>	<b>Zone C-4</b>	<b>Zone C-5</b>	<b>Zone I-1</b>
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 <sup>1</sup>	P	P		P
Museums, nonprofit art galleries	D	P		P <sup>1</sup>	P	P		P
Community centers	D	P		P <sup>1</sup>	P	P		P
<b>Transportation-Related Sales and Service</b>								
Motor and nonmotor vehicle sales, rental, repair, service and storage					P	P	P <sup>2</sup>	
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								
<b>Storage and Parking</b>								
Distribution center	D		P		P		P <sup>2</sup>	
Garage, public or commercial parking		A	A	A	A	P	A	A
Self-storage facility	D	P		P <sup>1</sup>	P	P	P <sup>2</sup>	
Warehouse	D			P <sup>1</sup>	P	P	P <sup>2</sup>	
<b>Public, Semipublic, Utilities, Emergency</b>								
Government facilities and services, local	D	P	P	P <sup>1</sup>	P	P		P
Government facilities and services, nonlocal	D	P	P	P <sup>1</sup>	P	P		P
Parks		P	P	P <sup>1</sup>	P	P		P

## ZONING

<b>Blank</b> = Not permitted <b>P</b> = Permitted use <b>SUE</b> = Special Use Exception, see section <b>A</b> = Permitted Accessory Use, see section <b>D</b> = Definition, see section								
		Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Public safety facilities including ambulance, fire, police, rescue, and national security	D	P	P	P <sup>1</sup>	P	P	P	P
Utility service facilities	D	P	P	P <sup>1</sup>	P	P	P	P
Communication towers		P	P	P	P	P	P	P <sup>1</sup>
Recreational facility, government	D	P	P	P <sup>1</sup>	P	P		P
<b>Not Grouped Elsewhere</b>								
Off-premises signs					SUE	SUE	SUE	
Cemeteries		P						P
Funeral home		P		P <sup>1</sup>				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 <sup>1</sup>		P <sup>1</sup>	
Animal hospital and veterinary clinics		P		P <sup>1</sup>	P			P <sup>1</sup>
Technology center			P			P	P	P
Temporary removable vendor stands		P	P		P	P	P	P
Manufactured-home-type structures used as construction/sales office		A	A	A	A	A	A	A
Manufactured-home-type structure used for business, commercial or industrial uses when approved by the Director		P	P	P	P	P	P	P

**NOTE:** Where, in the judgment of the Commission, a use is not specifically referenced but is similar to those listed as permitted, it may be permitted by approval of the Commission. In the event of any discrepancy between the information in this table and the text of Chapter 115, the text of Chapter 115 shall be controlling.

P Permitted use

<sup>1</sup> No outdoor sales and/or storage permitted.

<sup>2</sup> Uses permitted only with an on-site retail component.

<sup>3</sup> Mixed-use building must consist of at least 25% commercial space.

<sup>4</sup> Residential uses within the C-4 district shall not exceed 12 units per acre or exceed floor area ratio maximums.

<sup>5</sup> Subject to the requirements of § 115-194.7.

A Use permitted at the accessory use of the parcel

SUE — Special use exception - only permitted by Board of Adjustment

SUSSEX COUNTY CODE