

Annexation Zoning Districts

- Notes
 - Assumes service by central water and sewer

Sussex County	City of Lewes
AR-1	AX-Res and AX-Mix District
Residential use lot options	Residential use lot options
<ul style="list-style-type: none"> • Conventional – 20,000 SF • Cluster & Residential (by Conditional Use) <ul style="list-style-type: none"> ○ By-Right - Detached dwellings ○ Approximately 2 dwellings acre * ○ 7,500 SF min. lot ○ 30% open space ○ By-Right (w/ Fee) - Detached dwellings ○ Approximately 4 dwellings acre * ○ 7,500 SF min. lot ○ 30% open space ○ Conditional Use – attached, townhouse and multi-family. ○ Approximately 4 dwellings acre w/ fee ○ 40% open space <p>* Tidal wetlands are not included from density calculations for cluster options (12/2018)</p>	<ul style="list-style-type: none"> • Conventional – 20,000 SF • Cluster 1 <ul style="list-style-type: none"> ○ By-Right - Detached, attached, two –family and townhouse dwellings ○ Approximately 2 dwellings acre ○ 7,500 SF min. lot for detached dwellings – others vary. ○ 30% open space <p><i>** multi-family is permitted by conditional use in the AX-Mix District only</i></p> <ul style="list-style-type: none"> • Cluster 2 <ul style="list-style-type: none"> ○ By-Right - Detached, attached, two –family and townhouse dwellings ○ Approximately 2 dwellings acre (plus additional 30%) ○ 5,000 SF min. lot for detached dwellings – others vary. ○ 50% open space <p><i>** multi-family is permitted by conditional use in the AX-Mix District only</i></p>
Maximum building height = 42 feet	Maximum building height = 38 feet
Non-residential uses – By Right <ul style="list-style-type: none"> ○ Churches, rectories ○ Public parks ○ Non-commercial recreation uses ○ Stables ○ Greenhouses ○ Dog kennels ○ Hospitals and clinics Non-residential uses – Conditional Use <ul style="list-style-type: none"> ○ Agriculturally related industry ○ Airports ○ Biotech campus ○ Cemeteries ○ Institutions (educational or philanthropic) 	Non-residential uses – By Right (AX-Mix) <ul style="list-style-type: none"> • Clubs and fraternal and social organizations • Public service organizations • Colleges and universities • Country club • Library • Museum • Places of worship • Schools, private • Schools, public • Recreation facility • Day-care center, adult

<ul style="list-style-type: none"> ○ Parks and campgrounds ○ Public or government buildings ○ Racetrack ○ Recreation facilities ○ Sports arena and stadiums ○ Stores or shops for agricultural products 	<ul style="list-style-type: none"> ● Medical clinic ● Nursing and care facilities ● Surgical center ● Parks and open space ● Public safety facilities ● Public utility service facilities ● Public utility service lines ● Recreation facility, public ● Restaurants ● Hospital ● Government facilities and services, local <p>Non-residential uses – Conditional Use</p> <ul style="list-style-type: none"> ● Restaurants, above street level ● Retail sales establishments, 10,000 square feet or less ● Retail sales establishments, 10,001 square feet or more ● Shopping center ● Bank ● Service establishments, business ● Offices, on street level ● Offices, on floors above street level ● Service establishments, personal ● Service establishments, retail ● Service establishments, social, street level ● Service establishments, social, on any floors above street level ● Research and development ● Theater ● Day-care center, child (7 or more) ● Child care home, family (1to 6 children) ● Community center, public ● Parking facility ● Government facilities and services, nonlocal
<p>Buffers / Setbacks</p> <ul style="list-style-type: none"> ● Wetlands Setback (Tidal = 50'- Nontidal = 25') ● Buffer – Adjacent Residential – 30' or screen ● Buffer – Agriculture – 30' ● Buffer - Any Conditional Uses – 75' 	<p>Buffers</p> <ul style="list-style-type: none"> ● Wetlands Buffer (Tidal = 50'- Nontidal = 25') ● Buffer – Adjacent Residential – 30' or screen ● Buffer – Agriculture – 30'

Key
 Blank Not permitted
 P Permitted use
 SE Special exception required
 CU Conditional use required

	CF(E)	CF (HC)	CF	I	AX-RES	AX-MIX
	Community Facilities (Educational)	Community Facilities (Health Care)	Community Facilities	Industrial	Annexation Residential	Annexation Mix
Uses and Structures						
Agriculture-related						
Agriculture ¹			P		P	P
Community garden			P		SE	SE
Residential						
Bed-and-breakfast					SE	SE
Dwelling, attached ²					P	P
Dwelling, detached ³					P	P
Dwelling, multiple-family						P
Dwelling, townhouse ³					P	P
Dwelling, two-family ²					P	P
Dwelling, single-family detached, including manufactured ³						
Dwelling, single-family detached, including manufactured ³					P	P
Dwelling, single-family detached, manufactured ³					CU	CU
Dwelling unit, apartment in conjunction with other uses, only on floors above street level						P
Home-based business					P	P
Hotel or motel						
Manufactured home park						
Sales and rental of goods, merchandise, and services						
Restaurants						P
Restaurants, above street level						CU
Retail sales establishments, 10,000 square feet or more			CU	P		CU

	CF(E)	CF (HC)	CF	I	AX-RES	AX-MIX
	Community Facilities (Educational)	Community Facilities (Health Care)	Community Facilities	Industrial	Annexation Residential	Annexation Mix
Uses and Structures						
Retail sales establishments, 10,001 square feet						CU
Shopping center						CU
Wholesale trade establishments						
Office, clerical, research, and services						
Bank						CU
Service establishments, business						CU
Offices, on street level			CU			CU
Offices, on floors above street level			CU			CU
Service establishments, personal						CU
Service establishments, retail						CU
Service establishments, social, street level			CU			CU
Service establishments, social, on any floors above street level			CU			CU
Manufacturing and related enterprises						
Manufacturing activities, except as otherwise specified				SE		
Research and development			P	P		CU
Educational, cultural, religious, philanthropic						
Clubs and fraternal and social organizations ⁶			CU			P
Public service organizations			CU			P
Colleges and universities	P					P
Country club						P
Library			P			P
Museum			P			P
Places of worship	P	P	P	P		P
Schools, private	P		SE			P
Schools, public	P		P			P
Public library						
Recreation, amusement, entertainment						
Recreation facility ⁷					P	P
Theater						CU
Institutional care, confinement, medical facilities						
Day-care center, adult		SE				P
Day-care center, child (7 or more)					CU	CU
Child-care home, family (1 to 6 children)					CU	CU
Hospital		P				P

	CF(E)	CF (HC)	CF	I	AX-RES	AX-MIX
Uses and Structures	Community Facilities (Educational)	Community Facilities (Health Care)	Community Facilities	Industrial	Annexation Residential	Annexation Mix
Medical clinic						P
Nursing and care facilities		P				P
Surgical center		P				P
Storage, parking, vehicles						
Automobile repair services						
Automobile sales						
Gasoline station						
Gasoline station and convenience center						
Parking facility		P				CU
Public, semipublic, emergency, homeland security						
Community center, public			P			CU
Government facilities and services, local	P	P	P	P		P
Government facilities and services, nonlocal	P	P	P	P		CU
Parks and open space	P	P	P	P	P	P
Public safety facilities	P	P	P	P		P
Public utility service facilities	P	P	P	P	P	P
Public utility service lines	P	P	P	P	P	P
Recreation facility, public			P			P
Not listed elsewhere						
Accessory uses, see § 197-46	P	P	P	P	P	P
Cemeteries	SE	SE	SE	SE		SE
Gazebo ⁸					P	P
Marina ⁹						
Residential planned community (RPC)						CU

NOTES:

- ¹ Agriculture is for growing crops only.
- ² In the AX-RES and AX-MIX Zones attached, to
- ³ Provided that no more than one principal residen
- ⁴ A pad and permanent foundation is required.
- ⁵ In the AX-RES and AX-MIX Zones, up to 20,00
- ⁶ The minimum lot size for clubs and fraternal and
- ⁷ Noncommercial recreational facilities only.
- ⁸ Within the OS and OS(H) Zones along the Lewe
- ⁹ Within the OS and OS(H) Zones along the Lewe
- ¹⁰ Not permitted in the Residential Low-Density (F-

ZONING

197 Attachment 7

City of Lewes

Table of Dimensional Regulations Annexation Zones (AX-RES and AX-MIX)
[Added 5-14-2018; amended 8-13-2018]

Zoning Code	Residential										Nonresidential		
	Conventional Lot Dwelling, Detached	Cluster Lot Option No. 1			Cluster Lot Option No. 2			Residential Planned Community (AX-MIX only)	Multifamily (AX-MIX only) Dwelling, Multiple-Family	Agriculture	All Other Uses		
Lot/Use Type	Dwelling, Detached	Dwelling, Detached	Townhouse	Dwelling, 2-Family	Dwelling, Detached	Townhouse	Dwelling, 2-Family						
Tract standards													
Minimum tract area (acres)	None	10	10	10	10	10	10	20	2.5	10	None		
Minimum street frontage (feet)	100	60	20	30	50	20	30	Detached: 50 Townhouse: 20 unit	N/A	N/A	None		
Required open space	10%	30%	30%	30%	50%	50%	50%	20%	50%	None	10%		
Lot standards													
Minimum lot area (square feet)	20,000	7,500	N/A	8,000	5,000	N/A	6,000	Detached: 5,000 Commercial: 20,000	N/A	435,600	20,000		
Minimum square feet per dwelling unit	20,000	N/A	2,000	N/A	N/A	2,000	N/A	Townhouse: 2,000	1,250	N/A	N/A		
Minimum lot width (feet)	100	60	25	40	50	25	30	Detached: 50 Townhouse: 25/unit Commercial: 100	N/A	N/A	100		
Minimum lot depth (feet)	150	60	60	60	75	60	60		N/A	N/A	100		
Minimum setbacks (feet)													
Front yard	30 or EBL	30 or EBL	20	20	25 or EBL	20	20	Residential: 20 Commercial: 30	30	N/A	40 or EBL		
Side yard	15	10	10	10	8	10	10		20	N/A	10		
Rear yard	25	15	15	15	15	15	15		30	N/A	20		

Impact of exclusion of wetland on density within AX zones

1/2/2019
Draft 4

A	B	C	D	E	F		G	H		I	J		K	L
					Property Gross Area acres	Wetland sq/ ft/		Open Space % of gross	Conventional and AX Option 1		Maximum Number of family Units AX Option 2	SC Cluster Townhouses		
SECTION A														
Current City Ordinance and Previous County Ordinance [Brittingham Development]														
1	Current AX -Res	34.64	1,508,918.40	11.41	497,019.60	50.00	69.28	90.064						17.32
2	County - fee paid	34.64	1,508,918.40	11.41	497,019.60	30.00	69.28		138.56					24.25
3	County - no fee paid	34.64	1,508,918.40	11.41	497,019.60	40.00	69.28					138.56		20.78
SECTION B														
Brittingham Development														
4	Amended County***	34.64	1508918.4	7.794	339,506.64	40	53.69					107.384		20.78
5	Modify AX -RES*	34.64	1508918.4	7.794	339,506.64	50	53.69	69.80				107.384		17.32

Note

- * Assume 22.5% of gross acreage to be tidal wetlands
- *** Assume 22.5% of gross acreage to be tidal wetlands and 30% open space for conventional and 40% open space for townhouses

- (f) No main residential structure or accessory structure shall exceed an overall height of 15 feet. Steps with related landing may project four feet into the required setback.
 - (g) Two off-street parking spaces shall be provided on each manufactured home site.
 - (h) Support operations intended primarily for occupants of the park, such as a management office and laundry facilities, shall be permitted within the park area.
 - (i) Proper provision shall be made for public water supply, sanitary sewers, electric connections, fire protection, laundry, toilet and bathing facilities. Open unenclosed landings and steps required to provide access into the main residential structure shall not be calculated as part of the lot coverage requirement of 40%.
 - (j) All manufactured homes must meet the Manufactured Home Construction and Safety Standards of the United States Department of Housing and Urban Development (HUD) Code as approved June 15, 1976.
 - (k) No part of any accessory building shall extend closer than five feet to the boundaries of another manufactured home site, or within 10 feet of a main residential structure on another manufactured home site, or within eight feet of an accessory building on another manufactured home site, or exceed an overall height of 15 feet.
 - (l) All placement of new manufactured homes must be located outside of the flood hazard area.
 - (m) Any manufactured home may be replaced with another manufactured home as long as the above conditions are satisfied.
- (3) Residential planned community (RPC). [Added 8-13-2018]
- (a) Permitted only in the Annexation Mix Zone (AX-MIX).
 - (b) The minimum tract area shall be 20 acres or greater.
 - (c) The minimum required open space shall be 20% of the tract area.
 - (d) The RPC must be developed so that total overall land area meets the following criteria:
 - [1] Townhouse residential shall not be greater than 50% of the total family units in the development.
 - [2] Area dedicated to commercial space shall be limited to 6% and office space shall be limited to 10%, or a combination of commercial and office space not to exceed 16% both including any accessory uses, of the overall land area including any common parking or utility areas that are required in connection with the uses.

- (e) The base permitted residential units for an RPC shall be determined based on the following formula (Note: Convert all values into square feet):

$$\frac{[\text{Gross Area} - \text{Commercial Area} - \text{Office Area} - \text{Open Space Area}]}{\text{Residential Units}} = \text{Base Permitted}$$

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- (f) All lots shall be configured to be contained completely outside of all wetlands as defined by this chapter.
- (g) A minimum of 25 feet of permanent setback buffer must be maintained around the outer boundaries of all wetlands, except for tidal waters, tidal tributary streams and tidal wetlands and from the ordinary high-water line of perennial nontidal rivers and nontidal streams where a fifty-foot permanent buffer is required. No building or paving shall be placed within these buffers. The "buffer zone" shall be maintained in natural vegetation but may include planted vegetation where necessary to protect, stabilize or enhance the area.
- (h) Buildings or structures located within 50 feet of an existing residential development shall provide adequate transition in density or shall provide a thirty-foot buffer meeting the standards below and maintained by a designated entity.
- [1] A planting strip at least 30 feet wide near the property line which shall include two canopy trees, four understory trees and 10 shrubs per 100 linear feet of buffer; or
 - [2] A landscaped rolling berm at least four feet in height; or
 - [3] A solid fence or wall a minimum of six feet in height designed with durable materials, texture and colors compatible with adjacent residential development.
- (i) Open space for any RPC shall comply with open space criteria for cluster developments as defined in § 197-50C.

§ 197-97. Relationship to development plan approval.

- A. Approval of an application by the Mayor and City Council does not supersede or obviate the need for complying with any development plan review standards or requirements.
- B. The Mayor and City Council may condition approvals on satisfactory compliance with applicable development review standards and/or may request that the Planning Commission conduct development plan review in conjunction with its review and recommendation on an application.

§ 197-98. Duration; expiration.

- A. Duration.

§ 197-43.1. Annexation Residential Zone (AX-RES). [Added 5-14-2018]

- A. Symbol: AX-RES.
- B. Purposes: The purpose of the AX-RES Zone is to:
- (1) Provide opportunities for residential development in areas not currently within existing City borders to be annexed into the City in accordance with adopted Comprehensive Plan policies;
 - (2) Conserve open land, including those areas containing unique and sensitive natural resources such as woodlands, streams, floodplains, and wetlands, by setting them aside from development;
 - (3) Provide development options for landowners which minimize impacts on sensitive environmental resources, reduce disturbance of natural and cultural features, and conserve scenic views; and
 - (4) Provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce the length of roads, utilities, and the amount of paving and impervious surface required for residential development.

§ 197-43.2. Annexation Mix Zone (AX-MIX). [Added 5-14-2018]

- A. Symbol: AX-MIX.
- B. Purposes: The purpose of the AX-MIX Zone is to:
- (1) Provide opportunities for a mix of residential uses and a limited number of types of nonresidential uses in areas not currently within existing City borders to be annexed into the City in accordance with adopted Comprehensive Plan policies;
 - (2) Establish density standards that respect not only residential uses in the zone but also adjacent residential neighborhoods;
 - (3) Restrict the size and intensity of nonresidential uses to a scale that is compatible with adjacent and intervening residential uses; and
 - (4) Provide residential character by requiring structures to maintain a residential appearance.

ARTICLE IV
Use Regulations

§ 197-44. Permitted uses and structures.

[The Table of Permitted Uses and Structures is included at the end of this chapter.]