



ORDINANCE 2023-13

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN, CHAPTER 230 THEREOF, ENTITLED ZONING

THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET AND
HEREBY ORDAINS:

Section 1. Chapter 230. Zoning, Article XV HC Highway Commercial District, of the Code of the Town of Georgetown is hereby amended as follows:

§ 230-104 Permitted Uses

Buildings may be erected, altered and used or land may be used for any of the following purposes and none other:

- A. Any use permitted in UR1 Urban Residential District, UR2 Medium Residential District, UB1 Urban Business District, UB2 Neighborhood Business District, UR3 Neighborhood Residential District or UB3 Professional Business District; provided, however, that the provisions of the districts are met, where applicable.
- B. Animal hospital or kennel, boarding or otherwise, with any open pens at least 200 feet from any residential district and 50 feet from any property line.
- C. 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 15 feet from front property line and 25 feet from any intersection.
- D. Bakeries.
- E. Boat and boat trailer sales and storage. Boat displays of more than five feet in height shall be a minimum of 15 feet from front property line and 25 feet from any intersection.
- F. Bottling works, laundry, plumbing and heating shop, painting shop, upholstering shop, cabinet and furniture manufacture, sheet metal shop, tire sales and service (including vulcanizing and recapping but no manufacturing), appliance repairs and general service and repair establishment similar in character to those listed in this item, provided that no outside storage of material is permitted, except as provided in this section.

- G. Business and commercial radio and television stations and studios or recording studios, but no towers more than 150 feet in height.
- H. Car wash or automobile laundry, automatic or otherwise.
- I. Commercial greenhouses, wholesale or retail nurseries for growing of plants, trees and shrubs, including a building for sale of products produced on the premises.
- J. Farm implement sales, service, rental and repair, but not salvage or junk yards, provided that major repair, storage of materials or damaged implements or vehicles shall be inside a completely enclosed building.
- K. Filling stations, subject to the following requirements:
 - (1) A site plan must be submitted to the Planning Commission for approval as provided in this chapter.
 - (2) Design features relative to access to public roads shall be approved by the Delaware State Highway Department.
 - (3) Minimum lot size is 14,000 square feet.
 - (4) Minimum lot depth is 100 feet.
 - (5) Minimum lot width is 120 feet.
 - (6) Minimum distance between gasoline pumps and all accessory equipment and facilities and any public roadway line is 20 feet.
 - (7) Hydraulic hoists, service pits, and all lubrication, greasing, repair and washing equipment must be entirely enclosed within buildings.
 - (8) A solid fence or wall at least six feet high must be erected along all property lines adjoining a residential district. Such fence or wall shall, on a side property line, terminate 20 feet from the front property line.
 - (9) Exterior lighting must not cause glare hazardous to passing motorists and annoying to adjacent properties.
 - (10) Wrecked, junked or stripped vehicles in an inoperative condition are prohibited on the premises.
 - (11) All waste petroleum products must be stored in underground tanks.

(12) Parking of utility trailers and/or small trucks for rent must be a minimum distance of 25 feet from any roadway.

L. Garages, parking or storage.

M. Hospitals or clinics.

N. Hotels, motels or motor lodges.

O. Lawn mower, yard and garden equipment rental, sales and service.

P. Lumber and building materials store and storage.

Q. Monument sales establishments with incidental processing to order, but not including the shaping of headstones.

R. Printing, publishing and engraving establishments.

S. Rooming house.

T. Schools for industrial training, trade or business.

U. Sign fabrication and painting shop.

V. Storage of office supplies or merchandise normally carried in stock in connection with a permitted office, business or commercial use, subject to applicable district regulations.

W. Storage yards, in connection with a permitted use where storage is incidental to the approved occupancy of the building, provided that all products and materials used or stored are in a completely enclosed building or enclosed by a masonry wall or solid fence not less than six feet in height. Storage of all materials and equipment shall not exceed the height of the wall. Storage of cars and trucks used in connection with the permitted trade or business is permitted, including storage of heavy equipment, such as road building or excavating equipment, contractor shop, storage yard and equipment rental.

X. Trailer or mobile homes sales and storage, parked a minimum of 40 feet from front property line.

Y. Used car and truck sales and storage, parked a minimum of 15 feet from front property line and 25 feet from any intersection.

Z. Warehousing within completely enclosed building, provided that such use is not objectionable by reason of odor, dust, noise or similar factors.

AA. Registered compassion center, subject to the following requirements:

- (1) Exterior appearance of the structure must be consistent with the general architectural characteristics of the surrounding area.
- (2) Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m.
- (3) Lighting shall be required such that will illuminate the compassion center, its immediate surrounding area, any accessory uses including storage areas, the parking lot(s), its front facade, and any adjoining public sidewalk. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
- (4) The owner(s) shall remove graffiti from the premises within 24 hours of its occurrence.
- (5) The owner(s) shall provide for removal of litter twice each day of operation from, and in front of, the premises.
- (6) The owner(s) shall ensure the absence of loitering.
- (7) Signs.
 - (a) Exterior signage shall be restricted to a single ground or wall sign no larger than 35 square feet, and a single tenant pylon panel sign, in conformity with the style, character, and size of existing pylon signage at the property.
 - (b) No graphics of any kind will be allowed, except as approved by the Delaware Department of Health and Social Services.
 - (c) Wall identification sign listing the name and emergency contact phone number of the operator or manager in letters of at least two inches in height shall be posted in close proximity to the Fire Department Knox-Box®.
- (8) The facility shall fully comply with all other requirements of the Town of Georgetown and the laws of the State of Delaware.

BB. Retail sales of alcoholic beverages for consumption off the premises.

CC. Retail Marijuana Store, pursuant to a valid license duly issued by the State of Delaware, pursuant to Title IV, Delaware Code, Chapter 13, and additionally subject to the following requirements:

- (1) No retail marijuana establishment shall be located within 1,000 feet of any church, licensed child care facility; school, college, university or educational institution, either public or private; or alcohol or drug rehabilitation service center or facility.**

- (2) Exterior appearance of the structure must be consistent with the general architectural characteristics of the surrounding area.
- (3) Hours of operation shall be limited to 9:00 a.m. to 8:00 p.m., Monday through Friday; 10:00 a.m. to 5:00 p.m. on Saturday, and no retail operations may take place on Sundays.
- (4) Lighting shall be required such that will illuminate the retail store, its immediate surrounding area, any accessory uses including storage areas, the parking lot(s), its front facade, and any adjoining public sidewalk. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
- (5) The owner(s) shall remove graffiti from the premises within 24 hours of its occurrence.
- (6) The owner(s) shall provide for removal of litter twice each day of operation from, and in front of, the premises.
- (7) The owner(s) and operator(s) shall ensure the absence of loitering.
- (8) Signs.

 - (a) Exterior signage shall be restricted to a single ground or wall sign no larger than 35 square feet, and a single tenant pylon panel sign, in conformity with the style, character, and size of existing pylon signage at the property.
 - (b) Content and graphics of all signage shall be in compliance with any applicable regulations issued by the State of Delaware regarding signage for retail marijuana establishments.
- (9) No Outdoor seating areas shall be permitted at a Retail Marijuana Store.
- (10) No drive-through services or sales shall be permitted at a Retail Marijuana Store.
- (11) The facility shall fully comply with all other requirements of the Town of Georgetown and the laws and regulations of the State of Delaware.
- (12) No more than two State-licensed Retail Marijuana Store(s) may operate within Town limits.

Section 2. Chapter 230. Zoning, Article XVI LI-1 Limited Industrial District, of the Code of the Town of Georgetown is hereby amended as follows:

§ 230-110 Permitted Uses

Buildings may be erected, altered and used or land may be used for any of the following purposes and none other:

- A. Any use permitted in UR1 Urban Residential District, UR2 Medium Residential District, UR3 Neighborhood Residential District, UB1 Urban Business District, UB2 Neighborhood Business District or UB3 Professional Business District, provided that the provisions of the districts are met, where applicable.
- B. Auditorium or leisure hall and recreation.
- C. Banks, drive-in or otherwise.
- D. Beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing and canning, packing and processing of fish, meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals, or processing or bulk storage of grain or feeds for animals or poultry.
 - D.1. Breweries, regional (small) and large. Regional (small) and large breweries, as defined in § 230-5, herein, shall comply with the development standards of the zoning district and applicable Development Design Standards.
- E. Compounding of cosmetics, toiletries, drugs, perfumes and pharmaceutical products.
- F. Credit card or application processing or mailing business.
- G. Dwellings for resident watchmen and caretakers employed on the premises.
- H. Farms and farming, nurseries and greenhouses.
- I. Filling station, if located in an area of 50 acres or more, and limited in land area to one acre, and not including truck or trailer storage or mechanical servicing of trucks or trailers.
- J. Hotel, motel or motor lodge, if located in an area of 50 acres or more.
- K. Laboratories, research, experimental or testing, but not testing combustion engines or explosives.
- L. Manufacture of boxes, furniture, cabinets, baskets and other wood products of similar nature.
- M. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, printing and finishing of textiles and fibers into fabric goods.

- N. Manufacture or assembly of boats, bolts, nuts, screws and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardwood products, sheet metal products and vitreous enameled metal products.
- O. Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus.
- P. Motion picture studio.
- Q. Nursery for growing or propagation of plants, trees and shrubs.
- R. Offices and office buildings.
- S. Photographic processing or blueprinting.
- T. Printing and publishing.
- U. Private club.
- V. Railroad spur tracks.
- W. Restaurants.
- X. Telephone central office, provided that all storage of materials, all repair facilities and all housing of repair crews are within a completely enclosed area.
- Y. Telephone station or booth, including drive-in or talking-from-car stations.
- Z. Wholesale merchandising or storage warehouses, provided that such use is not objectionable by reason of odor, dust, noise or similar factors.
- AA. Registered compassion center, subject to the following requirements:
 - (1) Exterior appearance of the structure must be consistent with the general architectural characteristics of the surrounding area.
 - (2) Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m.
 - (3) Lighting shall be required such that will illuminate the compassion center, its immediate surrounding area, any accessory uses including storage areas, the parking lot(s), its front facade, and any adjoining public sidewalk. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
 - (4) The owner(s) shall remove graffiti from the premises within 24 hours of its occurrence.

- (5) The owner(s) shall provide for removal of litter twice each day of operation from, and in front of, the premises.
- (6) The owner(s) shall ensure the absence of loitering.
- (7) Signs.
 - (a) Exterior signage shall be restricted to a single ground or wall sign no larger than 10 square feet.
 - (b) No graphics of any kind will be allowed.
 - (c) Wall identification sign listing the name and emergency contact phone number of the operator or manager in letters of at least two inches in height shall be posted in close proximity to the Fire Department Knox-Box.
- (8) The facility shall fully comply with all other requirements of the Town of Georgetown and the laws of the State of Delaware.

BB. Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, and Marijuana Testing Facilities, pursuant to a valid license duly issued by the State of Delaware, pursuant to Title IV, Delaware Code, Chapter 13, and additionally subject to the following requirements:

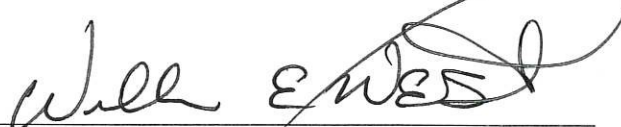
(1) All activities permitted by this subsection shall be conduct indoors only, and out of view of the public;

(2) No retail sales of marijuana products shall be permitted on the licensed premises;

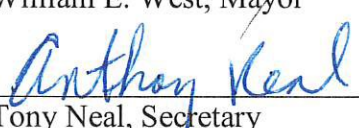
(3) No signage containing graphics referring to the consumption of marijuana products will be permitted;

(4) No more than one of each type of State-licensed Marijuana Facility described in this subsection may operate within Town limits.

BE IT ENACTED by the Town Council of the Town of Georgetown, Delaware on the _____ day of _____, A.D., 2024.



William E. West, Mayor



Tony Neal, Secretary

Planning Commission Public Hearing:
January 17, 2024

Town Council Public Hearing: May 28, 2024

1st Reading: June 24, 2024

2nd Reading: July 8, 2024

Adoption: July 8, 2024