

31 Residential Planned Community Districts from the Low Density Areas;
32 and

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34 WHEREAS, this ordinance has been drafted to prohibit “cluster”
35 subdivisions and Residential Planned Communities with smaller lot sizes
36 within the Low Density Area of the Sussex County Future Land Use Map
37 while retaining the ability to subdivide land in that Area; and
38

39 WHEREAS, it has been determined that this Ordinance promotes and
40 protects the health, safety, convenience, orderly growth and welfare of the
41 inhabitants of Sussex County.

42 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY**
43 **ORDAINS:**

44

45 **Section 2. The Code of Sussex County, Chapter 115, Article IV, §115-**
46 **25 “Height, Area and Bulk Requirements” is hereby amended by**
47 **adding the language in italics and by deleting the language in**
48 **brackets as follows:**

49

50 § 115-25 Height, area and bulk requirements.

51
52 A. Minimum lot sizes for lots using a wastewater disposal system
53 located entirely on that lot and generally defined as an on-site septic
54 system.

55 (1) Standard lot option:

District (square feet)	Area (feet)	Width* (feet)	Depth
AR-1	32,670	100	100

NOTES:

A lot fronting on a numbered road shown on the latest revision of the General Highway Map for Sussex County shall have a minimum width of 150 feet.

57 (2) Cluster development option. The minimum lot size may be reduced
58 to one-half acre (21,780 square feet) where soil conditions are suitable as
59 approved by DNREC. The total number of lots allowed shall not exceed
60 the number of lots that would be permitted under the standard lot option.
61 The number of dwelling units permitted shall be determined by dividing
62 the gross area by 32,670 square feet. "Gross area" shall include the lot
63 area and the area of land set aside for common open space or recreational
64 use but shall exclude any area designated as a tidal tributary stream or
65 tidal wetlands by § 115-193. However, if the proposed cluster
66 development lies within a Low-Density Area as described within the Land
67 Use Element and as shown on the Future Land Use Plan of the adopted
68 Sussex County Comprehensive Plan, the total number of lots permitted
69 shall be determined by first reducing the gross area by 25%.

70 B. Minimum lot sizes, dimensions and open space for lots using a
71 central sewer system as defined by § 115-194A:

72 (1) Standard lot option:

District	Area** (square feet)	Width* (feet)	Depth (feet)
AR-1	20,000	100	100

73 (2) Cluster development option, but only in the Town Center, a
74 Developing Area, or the Coastal Area as described within the Land Use
75 Element and as shown on the Future Land Use Map of the adopted Sussex
76 County Comprehensive Plan [(subject to § 115-25F)]:

Minimum Tract Size (acres)	Minimum Lot Size (square feet)	Required Open Space
10	7500	30%

NOTES:

* A lot fronting on a numbered road shown on the latest revision of the General Highway Map for Sussex County shall have a minimum width of 150 feet.

** For lots located in the Coastal Area, the Development Districts or the Town Center Districts, the overlay ordinance for that district shall determine the minimum lot size.

78 (3) The number of dwelling units permitted shall be determined by
79 dividing the gross area by 21,780 square feet. When a cluster development
80 lies within a Town Center, a Developing Area, or the Coastal Area as
81 described within the Land Use Element and as shown on the Future Land
82 Use Plan of the adopted Sussex County Comprehensive Plan, and the
83 developer has proffered to Sussex County for the purpose of creating open
84 space preservation/active and passive recreation areas a development fee
85 per unit for every unit in excess of two units per acre, then the maximum
86 number of dwelling units that may be permitted by the Planning and
87 Zoning Commission shall be determined by dividing the gross area by
88 10,890 square feet. The development fee shall not be less than the
89 minimum established by the Sussex County Council and shall be paid
90 prior to recording any lot based upon the fee in effect at the time the
91 application was filed. "Gross area" shall include the lot area and the area
92 of land set aside for common open space or recreational use but shall
93 exclude any area designated as a tidal tributary stream or tidal wetlands
94 by § 115-193. The Sussex County Council prior to the signing of a
95 contract to purchase, shall approve all such land or conservation easement
96 purchases which utilize monies paid to the County under the terms of this

97 act. All such approvals by the Council shall be by a four-fifths majority
98 vote. It is understood that the County shall control all monies and the
99 Sussex County Land Trust will act as a recommending body and partner
100 at the discretion of the County Council.

101
102 **Section 3. The Code of Sussex County, Chapter 115, Article XVI,**
103 **§115-120 “Superimposed District; Effect on Other Provisions” is**
104 **hereby amended by adding the language in italics as follows:**

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106 § 115-120 Superimposed district; effect on other provisions.

107 A. To enable the district to operate in harmony with the plan for land
108 use and population density embodied in these regulations, the RPC
109 District is created as a special district to be superimposed on other districts
110 contained in these regulations and is to be so designated by a special
111 symbol for its boundaries on the Zoning District Map. *Provided, however,*
112 *that the RPC District shall only be available in the Town Center, a*
113 *Developing Area, or the Coastal Area as described within the Land Use*
114 *Element and as shown on the Future Land Use Map of the adopted Sussex*
115 *County Comprehensive Plan.*

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118 **Section 3. Effective Date.**

119 This ordinance shall become effective upon adoption. Provided however,
120 that it shall not apply to subdivision or residential planned community
121 district applications that have had a Preliminary Conference pursuant to
122 §99-7 of the Code of Sussex County and that have submitted a PLUS
123 application to the Office of State Planning Coordination and received a
124 PLUS comment letter from the Office of State Planning Coordination
125 following the PLUS meeting on the application.