

ORDINANCE NO. 2558

AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXVIII, §115-222 RELATING TO AMENDMENTS OF PRIOR APPROVALS

WHEREAS, Currently Section 115-222 of the Zoning Code of Sussex County allows certain amendments to conditions imposed on conditional uses and residential planned communities to only be considered by the Planning and Zoning Commission if the condition originated at the Commission; and

WHEREAS, Sussex County Council often adopts the Commission's conditions as being reasonable and appropriate, and that such adoption is a "decision" as much as the creation of a new or revised condition would be; and

WHEREAS, Sussex County Council intends that all conditions of approval imposed as part of a conditional use ordinance or residential planned community ordinance shall be considered by both the Planning and Zoning Commission and Sussex County Council.

WHEREAS, deletions to the text of the existing Code of Sussex County are shown in [brackets] and additions are shown in *italics*.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 115, Article XXVIII, §115-222 "Amendments and Additions to Site Plans" as follows:

§ 115-222 Amendments and additions to site plans.

The procedure for amendment of the boundaries of an approved RPC District or change of the extent of land use for an approved conditional use shall be the same for a new application, except that minor amendments of an approved site plan or of conditions attached to an approved [RPC District, conditional use or] site plan may be approved by the Commission at a regular meeting after written reports by the Director and without a public hearing, provided that such change or amendment:

- A. Does not alter a recorded RPC plat.
- B. Does not conflict with the specific requirements of this chapter.
- C. Does not change the general character or content of an approved development plan or use.
- [D. Applies to an approved condition originating with the Commission and not the County Council.]
- [E.]*D.* Has no [appreciable] *substantially different* effect on adjoining or surrounding property.
- [F.]*E.* Does not result in any substantial change of major external access points.
- [G.]*F.* Does not increase the approved number of dwelling units or height of buildings.
- [H.]*G.* Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

Any amendment to a condition imposed as part of a conditional use ordinance or residential planned community ordinance shall be treated the same as a new application.

Section 2. Effective Date. This Ordinance shall become effective upon its adoption by a majority of all members elected to Council.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2558 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF MARCH 2018.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

