

ORDINANCE NO. 2559

AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-181 RELATING TO YARDS AND OPEN SPACES GENERALLY

WHEREAS, in order to make it easier for Sussex County residents to obtain yard setback or building separation variances in the event of a prior error of Sussex County in the administration of its Zoning Code, Sussex County is amending its Administrative Variance process; and

WHEREAS, the Director of Planning and Zoning may grant an Administrative Variance upon the submittal of a survey signed and sealed by a surveyor licensed in the State of Delaware and proof of the need to correct a prior error of Sussex County in the administration of its Zoning Code.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 115, Article XXV, §115-181, “YARD AND OPEN SPACES GENERALLY” by adding a new subsection E.(7) as follows:

E. Administrative Variances.

...

(7) Notwithstanding the process outlined in subparts (1) through (6) above, upon submission of a survey signed and sealed by a surveyor licensed in the State of Delaware and proof satisfactory to the Director or the Director’s designee of a prior error of Sussex County in administration of Chapter 115 of the Code of Sussex County, the Director or the Director’s designee may administratively grant a yard setback or building separation variance. There shall not be any fee for this request, nor shall any notice to adjacent property owners be required.

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. 2559 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF MARCH 2018.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL