

ORDINANCE NO. 2562

AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-183 RELATING TO DECKS, PORCHES PLATFORMS OR STEPS IN SIDE AND REAR YARDS

WHEREAS, Section 115-183 of the Code of Sussex County currently states “open unenclosed decks, porches platforms or steps not covered by a roof or canopy” and which are at the first floor level of a building may encroach up to five feet into a setback; and

WHEREAS, this requirement for decks, porches, etc., is inconsistent with Chapter 115’s treatment of sheds that do not exceed 600 square feet in size, which may be no closer than five (5) feet from a property boundary line; and

WHEREAS, it is the desire of Sussex County to create uniformity in the application of its Code and eliminate the aforesaid inconsistency between sheds, porches and decks; and

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

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 115, Article XXV, §115-183, “Side and Rear Yards” by amending subsection C. thereof as follows:

§115-183 Side and Year Yards.

...

C. Open unenclosed decks, porches, platforms or steps not covered by a roof or canopy and which do not extend above the first floor of the building [may extend or project into the side or rear yard not more than five feet] *may be constructed in a side or rear yard no closer than five feet from a side lot line and five feet from a rear lot line.* This provision does not apply to manufactured home parks or campgrounds.

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. 2562 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF MARCH 2018.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL