

ORDINANCE NO. 2564

AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXIII, §115-168 RELATING TO MODIFICATION OF OFF-STREET LOADING REQUIREMENTS

WHEREAS, currently Article XXIII establishes certain off-street loading requirements for a variety of specified uses, and Section 115-168 thereof states that modification or waiver of those requirements must proceed before the Board of Adjustment; and

WHEREAS, currently Article XXII establishes certain off-street parking requirements for a variety of specified uses, and Section 115-164 thereof states that modification or waiver of those requirements may be considered by the Planning and Zoning Commission; and

WHEREAS, the design and location of parking and loading areas are similar in nature and use, and the process for modifying these requirements should be treated consistently; and

WHEREAS, the Planning and Zoning Commission is the most appropriate body to consider waivers of off-street loading requirements during the site plan review process, just like it does for parking requirements; and

WHEREAS, Sussex County Council intends to amend Section 115-168 of the Zoning Code to provide that waivers and modifications of off-street loading requirements shall be considered by the Planning and Zoning Commission; and

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 XXIII, §115-168 “Interpretation of requirements; modification of requirements”, subsection C thereof, as follows:

§115-168 Interpretation of requirements; modification of requirements.

...

C. [Under the provisions of Article XXVII, the Board of Adjustment may waive or reduce the loading space requirements whenever the character of the use is such as to make unnecessary the full provision of loading facilities, where provision is made for community loading facilities or where provision of loading space requirements is impractical under certain conditions for uses which contain less than 10,000 square feet of floor area.] *Where, in the judgment of the Planning and Zoning Commission, the loading space requirements listed in this Article XXIII are clearly excessive and unreasonable, the Commission may modify the requirements.*

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. 2564 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF MARCH 2018.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL