

ORDINANCE NO. 2802

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLE XX BY AMENDING SECTION 115-156 TO CLARIFY THAT THE LOT AREA WITHIN TABLES II AND III REFERS TO THE LOT AREA WITHIN EACH PARTICULAR ZONING DISTRICT

WHEREAS, pursuant to the provisions of Title 9, Chapter 69 of the Delaware Code, Sussex County has been granted the power and authority to regulate zoning; and

WHEREAS, the Sussex County Zoning Code currently provides that the density calculation for multifamily structures is determined based on an entire parcel of land and not the boundaries and area of the zoning district where those structures will be located; and

WHEREAS, Sussex County wishes to amend the Zoning Code to clarify the calculation of density so that it is clear that only the area of land within a particular zoning district or within the area of a conditional use to allow such structures shall be used to calculate the density for multifamily structures; and

WHEREAS, Sussex County Council believes that this legislation will promote the health, safety, morale, convenience, order, prosperity and/or welfare of its citizens.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 115, Article XX, §115-156 “Requirements”, B thereof, is hereby amended by deleting the language in brackets and inserting the italicized and underlined language:

Section 115-156 Requirements.

...

B. The height, area and bulk requirements for multifamily structures when permitted in the MR, GR, UR, UB, M, [and] *B-1, B-2, B-3*, C-1, CR-1, C-2, C-3, C-4 and C-5 Districts (as may be applicable) shall be as set forth in Tables *II and III.*, and in the B-1, B-2 and B-3 Districts (as may be applicable) shall be as set forth in Table III.] *The “Lot Area (square feet per dwelling unit)” calculation set forth in Tables II and III shall be determined using only the area of land within the zoning district or conditional use where the multifamily structures will be located within the development.*

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2802 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 21ST DAY OF SEPTEMBER 2021.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL