

ORDINANCE NO. 2880

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, BY AMENDING SECTION 115-77.1 (LARGE SCALE USES) TO CLARIFY HOW FLOOR AREA IS CALCULATED

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 in Section 115-77.1 (Large Scale Uses) that “total gross building area” is to be used for the purposes of calculating the maximum floor area of a building or a group of buildings within a General Commercial (C-1) Zoning District.

WHEREAS, the Sussex County Zoning Code currently provides in Section 115-83.2 and 83.3 that the “total floor area” is to be used for the purposes of calculating the maximum floor area of a building or group of buildings within a Commercial Residential (CR-1) Zoning District.

WHEREAS, Sussex County wishes to amend the Zoning Code to ensure consistency in the way in which maximum floor areas are calculated.

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, §115-77.1 “Large-scale uses”, A thereof, is hereby amended by deleting the language in brackets and inserting the italicized and underlined language:

Section 115-77.1 Large-scale uses.

...

A. It is recognized that there may be large-scale commercial, or retail uses planned in the C-1 General Commercial District, generally serving a regional area. Such uses are defined as those where the total [gross building] floor area of any building or group of buildings shall be equal to or exceed 75,000 square feet. Such uses shall be adjacent to a major arterial roadway, as defined in § 99-5 of the Subdivision Ordinance, Chapter 99 of the Code of Sussex County, and be located where adequate infrastructure is existing, planned or funded and shall be completed prior to the issuance of a certificate of compliance. Such uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of materials or the nuisance factors of dust, odor and noise associated with manufacturing. Such uses must comply with the provisions contained within this section.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2880 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 23RD DAY OF AUGUST 2022.

**Tracy N. Torbert
Clerk of the Council**