

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

5  
6 WHEREAS, pursuant to the provisions of Title 9, Chapter 69 of the Delaware Code,  
7 Sussex County has been granted the power and authority to regulate zoning; and

8  
9 WHEREAS, the Sussex County Zoning Code currently provides that the density  
10 calculation for multifamily structures is determined based on an entire parcel of land  
11 and not the boundaries and area of the zoning district where those structures will be  
12 located; and

13  
14 WHEREAS, Sussex County wishes to amend the Zoning Code to clarify the  
15 calculation of density so that it is clear that only the area of land within a particular  
16 zoning district or within the area of a conditional use to allow such structures shall  
17 be used to calculate the density for multifamily structures; and

18  
19 WHEREAS, Sussex County Council believes that this legislation will promote the  
20 health, safety, morale, convenience, order, prosperity and/or welfare of its citizens.

21  
22 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

23  
24 **Section 1. The Code of Sussex County, Chapter 115, Article XX, §115-156**  
25 **“Requirements”, B thereof, is hereby amended by deleting the language in**  
26 **brackets and inserting the italicized and underlined language:**

27  
28 Section 115-156 Requirements.

29  
30 . . .

31  
32 B. The height, area and bulk requirements for multifamily structures when permitted  
33 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  
34 Districts (as may be applicable) shall be as set forth in Tables II and III.], and in the  
35 B-1, B-2 and B-3 Districts (as may be applicable) shall be as set forth in Table III.]  
36 The “Lot Area (square feet per dwelling unit)” calculation set forth in Tables II and  
37 III shall be determined using only the area of land within the zoning district or  
38 conditional use where the multifamily structures will be located within the  
39 development.