

ORDINANCE NO. 2557

AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-182 AND §115-183, AND TABLE 1 RELATING TO FRONT, SIDE AND REAR YARD SETBACKS IN SMALL, LEGALLY NONCONFORMING LOTS

WHEREAS, there are many legally nonconforming small lots that exist individually and in older developments throughout Sussex County; and

WHEREAS, the yard setback requirements as applied to these legal, nonconforming lots often make the lots difficult, if not impossible, to reasonably improve; and

WHEREAS, the Sussex County Board of Adjustment frequently considers and approves yard setback variance applications for these small, legally nonconforming lots; and

WHEREAS, the Sussex County Council desires to create reduced setbacks for pre-existing, legally nonconforming lots with less than 50 feet of frontage or that are less than 10,000 square feet in size so that they are all treated uniformly; 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, §115-182, “Front Yards” by amending subsection C thereof as follows:

§115-182 Front Yards.

...

C. On a street or road with existing buildings having a front yard setback that is less than that required in the district, any [new or relocated] building may have a front yard setback that is equal to the average setback of those existing buildings located on the same side of the street or road and being with 300 feet of the [new or relocated] building. Any vacant lot shall be calculated as having the required setback for the district. *No front yard setback reduced pursuant to this subsection shall be reduced to less than 5 feet. The provision of this subsection shall not apply to any lot in a cluster subdivision, ESDDOZ cluster subdivision or Residential Planned Community.*

Section 2. Amend Sussex County Code, Chapter 115, Article XXV, §115-183, “Side and Rear Yards” by adding a new subsection D. thereto as follows:

§115-183 Side and Year Yards.

...

D. *For any existing approved lot that is less than 10,000 square feet in size, the side yard setbacks shall be reduced to five feet and the rear yard setback shall be reduced by five feet. For any lot with side or rear setbacks reduced by operation of this Section 115-183D, no structures shall extend or project closer than five feet from the lot line. The provision of this subsection shall not apply to any lot in a cluster subdivision, ESDDOZ cluster subdivision or Residential Planned Community.*

Section 3. Amend “Table I, General Table of Height, Area and Bulk Requirements, Sussex County” by adding a new footnote (16) to the columns “Depth of Front Yard (feet)”, “Width of Side Yard (feet)” and “Depth of Rear Yard (feet)” as follows:

NOTES:

...

(16) *For any existing approved lot which is not located in a cluster subdivision, ESDDOZ cluster subdivision or Residential Planned Community, and consists of less than 10,000 square feet, the following setbacks shall apply: the side yard setback shall be reduced to 5 feet and the rear yard setback shall be reduced by 5 feet. For any lot with side or rear yard setbacks reduced by operation of Section 115-183D, no structures shall extend or project closer than five feet from the lot line. The front yard setback may be reduced to the average front yard setback of the existing buildings located on the same side of the street or road and being within 300 feet of the structure, provided, however, the front yard setback is not less than 5 feet. Any vacant lot within 300 feet of the structure shall be calculated as having the required setback for the district.*

Section 4. 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. 2557 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF MARCH 2018.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL