

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-179B OF THE CODE OF SUSSEX COUNTY, ENTITLED "HEIGHT REGULATIONS" IN REGARD TO THE HEIGHT OF CERTAIN BUILDINGS.

WHEREAS, Sussex County Code, Chapter 115, Article XXV, Section 115-179B currently permits (except in airport approach zones defined by the FAA) "public and semi-public, or public service buildings, hospitals, institutions and schools, when permitted in a district" to be constructed to a height not exceeding 60 feet; and

WHEREAS, Sussex County Code, Chapter 115, Article I, Section 115-4 defines "Public" as merely "open to common use- whether or not public ownership is involved" and said definition is very broad and would apply to many different types of buildings where the public is invited when applied to Section 115-179B of the Sussex County Zoning Code; and

WHEREAS, Sussex County Council desires to amend the Sussex County Code, specifically Section 115-179B thereof, to state that only government buildings, hospitals, institutions and schools may be constructed to a height of 60 feet when those uses are permitted in a district and are not located in an airport approach zone.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County is hereby amended by deleting the phrase "public and semi-public, or public service buildings" from Section 115-179B as shown in brackets and adding the phrase "buildings owned by a political subdivision of the State of Delaware, the Federal Government or any agency thereof" as shown underlined:

§ 115-179. Height Regulations.

B. Except within an area defined as an airport approach zone by the Federal Aviation Administration, [public and semipublic or public service buildings,] buildings owned by a political subdivision of the State of Delaware, the Federal Government or any agency thereof, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet and churches and temples may be erected to a height not exceeding 75 feet when the required side and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

Section 2. This Ordinance shall take effect upon its adoption by Sussex County Council. It shall not apply to any structures or buildings exceeding 42 feet that have a valid Building Permit issued by Sussex County prior to the adoption of this Ordinance.

#### Synopsis

This Ordinance modifies Section 115-179B of the Sussex County Zoning Code to only allow government buildings, hospitals, institutions and schools to be built to a maximum height of 60 feet when those structures are permitted in the underlying zoning district. Churches and Temples are unaffected by this amendment. It applies to any new building not currently approved with a valid Sussex County Building Permit.

Deleted text is shown in brackets, additional text is underlined.