

Introduced on -
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ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 115, SECTION 172, OF THE CODE OF SUSSEX COUNTY, IN RESPECT TO THE REPLACEMENT OF SMALL ACCESSORY BUILDINGS, COMMONLY REFERRED TO AS “SHEDS”.

WHEREAS, Sussex County Council (“Council”) has the power and jurisdiction to regulate zoning and the uses of land in those portions of Sussex County which are not included within the corporate limits of any City or Town; and

WHEREAS, Council deems it appropriate to amend the zoning ordinance to provide a method by which small accessory buildings covering a ground area of 120 square feet or less within a trailer park or a mobile home park can be replaced without requiring the applicant to obtain a variance from the Board of Adjustment if certain conditions set forth herein are met; and

WHEREAS, Council is of the opinion that this amendment will promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County; and

WHEREAS, any material that is to be deleted from Section 115-172 will be enclosed in brackets [] and that any new material to be inserted will be indicated by underlining.

NOW, THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Article XXIV, Chapter 115, Section 115-172.G. (7) is hereby amended by adding the following subsection:

- (1) Accessory buildings containing 120 square feet or less of area may be replaced without requiring an application for or the granting of a variance if:
 - (a) The replacement building is of the same or lesser size and is to be located substantially within the same footprint as the building it replaces; and
 - (b) The owner and/or applicant applies for and obtains a building permit for the replacement building before it is installed; and
 - (c) The accessory building being replaced was allowed by grandfathering or was installed pursuant to a valid building permit issued by the County.

Section 2. This ordinance shall become effective upon its adoption by a majority of the members elected to Council.

Synopsis:

The purpose of this ordinance amendment is to provide a method by which small accessory buildings known as sheds can be replaced without a variance or the costs associated therewith, provided the size of the replacement building is 120 square feet or less and located substantially within the footprint of the building it replaces and the owner/applicant obtains a County building permit before the replacement shed is installed and the accessory building to be replaced was either grandfathered or installed pursuant to a valid building permit issued by the County.