

ORDINANCE NO. 2683

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, V, VIII, X, XA, XB, XIB, XIC, XID, XIE, XIF, XIII, XIV, AND XV BY AMENDING SECTIONS 115-21, 115-30, 115-54, 115-70, 115-75.3, 115-75.10, 115-83.12, 115-83.19, 115-83.27, 115-83.34, 115-83.41, 115-95, 115-103, 115-112 AND TABLE IV REGARDING THE USE OF MANUFACTURED HOME-TYPE STRUCTURES AS TEMPORARY BUILDINGS INCIDENTAL TO CONSTRUCTION OPERATIONS OR THE SALE OF LOTS

WHEREAS, The Sussex County Planning & Zoning Department recognizes that manufactured home-type structures are often used for construction trailers or marketing offices for a limited duration while a residential or commercial project is underway and the current approval process for these types of structures is unnecessarily burdensome and time consuming; and

WHEREAS, The Sussex County Planning & Zoning Department recognizes that the use of these structures on a temporary basis is necessary for construction management, security, safety, sales and other similar purposes on construction sites; and

WHEREAS, the Sussex County Zoning Code currently permits temporary structures for use as offices or construction purposes while a project is underway in certain zoning districts, but the current Code language does not specifically permit the use of manufactured home- type structures for this purpose; and

WHEREAS, the use of these manufactured home- type structures are necessary on virtually every construction site, yet they require an approval as a special use exception from the Board of Adjustment, which is time consuming and almost never denied; and

WHEREAS, The Sussex County Planning & Zoning Department recommends the approval of this amendments to the Zoning Code.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDNAINS:

Section 1. The Code of Sussex County, Chapter 115, Article IV, §115-21 “Permitted Accessory Uses” is hereby amended by inserting the italicized and underlined language:

§115-21. Permitted Accessory Uses.

...

B. Other Permitted Accessory Uses As Follows:

...

Temporary Buildings, including manufactured home-type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two years of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.

Section 2. The Code of Sussex County, Chapter 115, Article V, §115-30 “Permitted Accessory Uses” is hereby amended by inserting the italicized and underlined language:

§115-30. Permitted Accessory Uses.

Permitted accessory uses are as follows:

...

Temporary Buildings, including manufactured home-type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two years of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.

Section 3. The Code of Sussex County, Chapter 115, Article VIII, §115-54 “Permitted Accessory Uses” is hereby amended by inserting the italicized and underlined language:

§115-54. Permitted Accessory Uses.

Permitted accessory uses shall be as follows:

...

Temporary Buildings, including manufactured home type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two years of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.

Section 4. The Code of Sussex County, Chapter 115, Article X, §115-70 “Permitted Accessory Uses” is hereby amended by inserting the italicized and underlined language:

§115-70. Permitted Accessory Uses.

Permitted accessory uses are as follows:

Storage of office supplies or merchandise normally carried in stock in connection with a permitted office or business use, subject to applicable district regulations.

A wind turbine which meets §115 – 194.4 as a permitted use.

Temporary Buildings, including manufactured home type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two years of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.

Section 5. The Code of Sussex County, Chapter 115, Article XA, §115-75.3 “Permitted Accessory Uses” is hereby amended by inserting the italicized and underlined language:

§115-75.3. Permitted Accessory Uses.

Permitted accessory uses are as follows:

A. Residential within-structure commercial or office uses.

B. Home Occupation.

C. Garage, public or commercial parking.

D. Temporary Buildings, including manufactured home type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two years of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.

Section 6. The Code of Sussex County, Chapter 115, Article XB, §115-75.10 “Permitted Accessory Uses” is hereby amended by inserting the italicized and underlined language:

§115-75.10. Permitted Accessory Uses.

Permitted accessory uses are as follows:

...

I. Temporary Buildings, including manufactured home type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.

Section 7. The Code of Sussex County, Chapter 115, Article XIB, §115-83.12 “Permitted Accessory Uses” is hereby amended by inserting the italicized and underlined language:

§115-83.12. Permitted Accessory Uses.

Permitted accessory uses are as follows:

A. Residential within-structure commercial or office uses.

B. Garage, public or commercial parking.

C. Temporary Buildings, including manufactured home type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two years of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.

Section 8. The Code of Sussex County, Chapter 115, Article XIC, §115-83.19 “Permitted Accessory Uses” is hereby amended by inserting the italicized and underlined language:

§115-83.19. Permitted Accessory Uses.

Permitted accessory uses are as follows:

- A. Residential within-structure commercial or office uses.
- B. Garage, public or commercial parking.
- C. Temporary Buildings, including manufactured home type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two years of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.*

Section 9. The Code of Sussex County, Chapter 115, Article XID, §115-83.27 “Permitted Accessory Uses” is hereby amended by inserting the italicized and underlined language:

§115-83.27. Permitted Accessory Uses.

Permitted accessory uses are as follows:

- A. Greenhouses, commercial.
- B. Temporary Buildings, including manufactured home type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two years of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.*

Section 10. The Code of Sussex County, Chapter 115, Article XIE, §115-83.34 “Permitted Accessory Uses” is hereby amended by inserting the italicized and underlined language:

§115-83.34. Permitted Accessory Uses.

Permitted accessory uses are as follows:

- A. Garage, public or commercial parking.

B. Temporary Buildings, including manufactured home type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two year of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.

Section 11. The Code of Sussex County, Chapter 115, Article XIF, §115-83.41 “Permitted Accessory Uses” is hereby amended by inserting the italicized and underlined language:

§115-83.41. Permitted Accessory Uses.

Permitted accessory uses are as follows:

A. Garage, public or commercial parking.

B. Temporary Buildings, including manufactured home type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two years of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.

Section 12. The Code of Sussex County, Chapter 115, Article XIII, §115-95 “Permitted Accessory Uses” is hereby amended by inserting the italicized and underlined language:

§115-95. Permitted Accessory Uses.

Permitted accessory uses are as follows:

A. Storage of office supplies or merchandise normally carried in stock in connection with a permitted office or business use, subject to applicable district regulations.

B. A single-family dwelling or single-family manufactured home accessory to a farm of 10 acres or more.

C. A wind turbine which meets §115 – 194.4 as a permitted use.

D. Temporary Buildings, including manufactured home type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two years of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.

Section 13. The Code of Sussex County, Chapter 115, Article XIV, §115-103 “Permitted Accessory Uses” is hereby amended by inserting the italicized and underlined language:

§115-103. Permitted Accessory Uses.

Permitted accessory uses are as follows:

A. Storage of office supplies or merchandise normally carried in stock in connection with a permitted office or business use, subject to applicable district regulations.

B. A single-family dwelling or single-family manufactured home accessory to a farm of 10 acres or more.

C. A wind turbine which meets §115 – 194.4 as a permitted use.

D. Temporary Buildings, including manufactured home type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two years of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.

Section 14. The Code of Sussex County, Chapter 115, Article XV, §115-112 “Permitted Accessory Uses” is hereby amended by inserting the italicized and underlined language:

§115-112. Permitted Accessory Uses.

Permitted accessory uses are as follows:

A. Storage of office supplies or merchandise normally carried in stock in connection with a permitted office or business use, subject to applicable district regulations.

B. A single-family dwelling or single-family manufactured home accessory to a farm of 10 acres or more.

C. A wind turbine which meets §115 – 194.4 as a permitted use.

D. Temporary Buildings, including manufactured home type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two years of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.

Section 15. The Code of Sussex County, Chapter 115, Table IV “Permitted Uses, Commercial” is hereby amended by inserting the italicized and underlined language to correspond with the foregoing Code Amendments as shown on the amended Table V “Permitted Uses, Commercial” attached hereto and incorporated herein.

Section 16. Effective Date.

This Ordinance shall take effect immediately upon its adoption by Sussex County Council.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2683 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 8TH DAY OF OCTOBER 2019.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL