

**ORDINANCE NO. 1959**

**AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY TO DEFINE A GARAGE / STUDIO APARTMENT AND TO PERMIT SUCH APARTMENTS WITH PARKING AS SPECIAL EXCEPTIONS IN AR-1, AR-2, AND MR DISTRICTS**

**WHEREAS, the Sussex County Council is desirous of providing an additional type of affordable housing in residential districts to its constituents; and**

**WHEREAS, the Sussex County Council is desirous of providing an additional means by which people who work in the local area may afford housing near their workplaces; and**

**WHEREAS, the Sussex County Council is desirous of providing homeowners with a potential to derive additional income from their residences; and**

**WHEREAS, the Sussex County Council believes that the homeowners of Sussex County may use income generated from the rental of garage apartments to pay for upgrades to their residences;**

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

**PART ONE**

**ARTICLE I, General Provisions**

**SECTION 1. Add to §115-4 B, Definitions, the following:**

**§115-4. Definitions and word usage.**

**B. General definitions. For the purpose of this Chapter, certain terms and words are hereby defined as follows:**

*Garage/Studio Apartment – A building or use designed and used as a single apartment unit containing not more than 800 square feet of total floor area and accessory to the single-family dwelling. Garage/Studio Apartments do not include duplexes, tourist homes, servant quarters, or guest homes. Prior to use, a garage/studio apartment shall obtain a Special Use Exception under the provisions of ARTICLE XXVII, Board of Adjustment, and all necessary State and local permits.*

**PART TWO**

**ARTICLE IV, AR-1 and AR-2, Agricultural Residential Districts**

**SECTION 2. Add to §115-23, Special Use Exceptions, the following:**

**§115-23. Special use exceptions.**

**Special use exceptions may be permitted by the Board of Adjustment in accordance with the provisions of Article XXVII of this Chapter and may include:**

**C. Other special use exceptions as follows:**

- (1) Private garages for more than four automobiles and with a floor area of more than 900 square feet in a residential district.**
- (2) Cemeteries for pets.**

- (3) Commercial greenhouses, wholesale or retail.
- (4) Convalescent homes, nursing homes or homes for the aged.
- (5) Day nurseries or child-care centers.
- (6) [~~Reserved~~] *Garage/Studio Apartments provided that at least one parking space for the exclusive use of the tenant is included on the premises.*
- (7) Nurseries for growing of plants, trees and shrubs, including a building for sale of products produced on the premises.
- (8) Public telephone booths in residential areas.
- (9) Telephone central offices, provided that all storage of materials, all repair facilities and all housing of repair crews are within a completely enclosed building.
- (10) (Reserved)
- (11) The alteration, extension or replacement of a nonconforming mobile home, subject to the provisions of §115-196.
- (12) More than one mobile home may be permitted on a farm of 10 acres or more pursuant to §115-21A(5), provided that all mobile homes or dwellings on the property are the primary place of residence for persons employed on the premises or immediate members of the family owning or operating the farm, and provided that the granting of this exception will not adversely affect the values or uses of adjacent properties.
- (13) Windmills and wind-powered generators on less than five acres.
- (14) Farm ponds on less than five acres, subject to §115-219.
- (15) Tourist homes (also referred to as “bed-and-breakfast inns”).

### PART THREE

#### In ARTICLE V, MR Medium Density Residential Districts

#### SECTION 3. Add to §115–32, Special Use Exceptions, the following:

##### §115-32. Special use exceptions.

Special use exceptions may be permitted by the Board of Adjustment and in accordance with the provisions of Article XXVII of this Chapter and may include:

C. Other special use exceptions as follows:

Alteration, extension or replacement of a nonconforming mobile home, subject to the provisions of §115-196.

Cemeteries for pets.

Commercial communications towers and antennas.

Commercial greenhouses, wholesale or retail.

Convalescent homes, nursing homes or homes for the aged.

Day nurseries or child-care centers.

**Farm ponds on less than five acres, subject to §115-219.**

***Garage/Studio Apartments, provided that at least one parking space for the exclusive use of the tenant is included on the premises.***

**Nurseries for growing plants, trees and shrubs, including a building for sale of products produced on the premises.**

**Private garages for more than four automobiles and with a floor area of more than 900 square feet in a residential district.**

**Public telephone booths in residential districts.**

**Telephone central offices, provided that all storage of materials, all repair facilities and all housing of repair crews are within a completely enclosed building.**

**Tourist homes (also referred to as "bed-and-breakfast inns").**

**Windmills and wind-powered generators.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 1959 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 18TH DAY OF MARCH 2008.**



**ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL**

