

ORDINANCE NO. 2554

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MODIFICATION OF CONDITIONAL USE NO. 1018 TO ALLOW FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.914 ACRES, MORE OR LESS

WHEREAS, on the 11th day of September 2017, a conditional use application, denominated Conditional Use No. 2115, was filed on behalf of Nanticoke Indian Association, Inc.; and

WHEREAS, on the 8th day of February 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 22nd day of February 2018, said Planning and Zoning Commission recommended that Conditional Use No. 2115 be approved with conditions; and

WHEREAS, on the 13th day of March 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2115 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

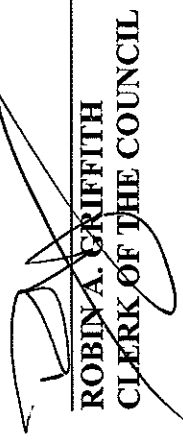
ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the south side of John J. Williams Highway (Route 24) approximately 39 feet east of Rosedale Road, and being more particularly described per the attached deed, said parcel containing 0.914 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- A. The Electronic Message Center sign area shall not exceed 24 feet per side.
- B. A Final Site Plan showing the location of the sign on the site shall be submitted to the Planning and Zoning Commission for approval.
- C. The Electronic Message Center shall comply with all of the sign regulations set forth in the Sussex County Zoning Code including brightness and motion standards.
- D. The Electronic Message Center shall be used as an on-premises Electronic Message Center and shall not be used as an off-premises Electronic Message Center.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2554 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH DAY OF MARCH 2018.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Nanticoke Indian Association, Inc. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a modification of Conditional Use No. 1018 to allow for an on-premises electronic message center sign to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 0.914 acres, more or less [located on the south side of John J. Williams Highway (Route 24) approximately 39 feet east of Rosedale Road] (Tax I.D. No. 234-29.00-53.00) (911 Address: 27073 John J. Williams Highway, Millsboro).
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Seth Thompson, Esquire with Vogel Law Firm, Natasha Norwood Carmine and Mike Harmon were present on behalf of the application; that the prior sign was a letter board and was struck by a car; that they have a lot of events there and use the building as a meeting space; that the American Legion Post down the road has an electronic message center sign; that the need is due to different types of events throughout the year; that the proposed sign is 24 square feet on each side; that they had provided a drawing showing the sign; that the overall height of the sign is 7 1/2 feet tall; that the office hours are Monday through Thursday, 10:00 am to 3:00 pm; that they have events on Monday nights from 5:30 pm to 7:00 pm; that they have meetings on the first Tuesday of the month and another meeting on the third Thursday of the month; that they have activities throughout the year; that usually some events are held on Saturday and some on Sunday afternoons; that the Applicant agrees with turning the sign off at night at a reasonable hour; and that the sign will comply with the electronic message center sign regulations.

C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 5) and Conditions (6A through 6D), Council found that:

1. This is an application for a conditional use to install an on-premises electronic message display sign. This type of application is permitted under Section 115-161.1A(3) of the Zoning Code.
2. The sign will be used to display information about the Nanticoke Indian Association. The Association occupies the site where the sign is located.
3. This sign will replace a prior static-display sign on the site that was destroyed by a car.
4. The proposed sign is similar to others in the area along Route 24.
5. The sign will not adversely affect neighboring properties, roadways or traffic.
6. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to four (4) conditions (A through D) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.