

ORDINANCE NO. 2142

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF AN EXISTING CEMETERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.205 ACRES, MORE OR LESS

WHEREAS, on the 21st day of May 2010, a conditional use application, denominated Conditional Use No. 1866 was filed on behalf of the Trustees of Church of Christ; and

WHEREAS, on the 22nd day of July 2010, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1866 be approved with a condition; and

WHEREAS, on the 10th day of August 2010, 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 VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1866 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 Baltimore Hundred, Sussex County, Delaware, and lying southwest of Frankford School Road (Route 92) 0.5 miles southeast of Thatcher Street and being more particularly described as:

BEGINNING at an iron pipe set on the southwesterly right-of-way of Frankford School Road, a corner for these lands and Shrieves lands; thence southeasterly 321.43 feet along the southwesterly right-of-way of Frankford School Road to an iron pipe; thence south 58°09'35" west 342.83 feet and south 61°48'28" west 50.55 feet along Harmon lands to an iron pipe set on centerline of a ditch; thence northwesterly by and along the centerline of a ditch

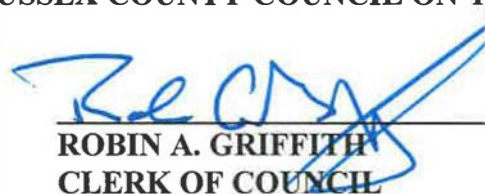
separating these lands and Colona lands 172.09 feet to a point; thence north 35°43'08" east 378.50 feet along Shrieves lands to the point and place of beginning and containing 2.205 acres, more or less, per survey by Adams-Kemp Associates, Inc.

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:

1. The Final Site Plan will be subject to the review and approval of the Planning and Zoning Commission.
2. In accordance with Section 115-174 of the Sussex County Code, approval of a Conditional Use under this Article shall be valid for a period of three years after the date of approval and thereafter shall become null and void unless construction or use is substantially underway during said three-year period. Any Conditional Use shall expire upon abandonment or expiration of the use.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2142 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 10TH DAY OF AUGUST 2010.


ROBIN A. GRIFFITH
CLERK OF COUNCIL

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

1. This is an application to consider the Conditional Use of land in a GR General Residential District for an expansion of an existing cemetery to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 2.205 acres, more or less, lying southwest of Frankford School Road (Road 92), 0.5 mile southeast of Thatcher Street.
2. DelDOT's comments were not requested since the application is for an expansion of an existing cemetery.

- 3. The County Engineering Department, Utility Planning Division, commented that the site is not in a proposed or current County operated and maintained sanitary sewer and/or water district; that the site is located in the Roxana Planning Area; and that a concept plan is not required.**
- 4. This is an expansion of an existing cemetery and will allow two sites to be joined as one large cemetery.**
- 5. There were no parties present in support of or in opposition to the application.**
- 6. The use will not adversely affect the neighboring or adjacent properties.**
- 7. The use will not adversely affect traffic or area roadways.**
- 8. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Council, the Conditional Use was approved subject to two conditions which will serve to minimize any potential impact on the surrounding area and adjoining properties.**