

ORDINANCE NO. 2157

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO PARK/STORE CONSTRUCTION EQUIPMENT AND MATERIALS, AND LIGHT DUTY METAL FABRICATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.622 ACRES, MORE OR LESS

WHEREAS, on the 3rd day of February 2010, a conditional use application, denominated Conditional Use No. 1861 was filed on behalf of Absher Construction, Inc.; and

WHEREAS, on the 14th day of October 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. 1861 be approved with conditions; and

WHEREAS, on the 9th day of November 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 IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1861 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 Little Creek Hundred, Sussex County, Delaware, and lying west of Trussum Pond Road (Road 462) 4,900 feet north of Wooten Road (Road 72) and being more particularly described in Deed Book 3760 – 118 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 2.622 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:

- 1. The use shall be limited to the parking and storage of the Applicant's construction equipment, material and vehicles, as well as light-duty metal fabrication.**
- 2. The hours of operation shall be limited to Monday through Saturday, 8:00 a.m. to 5:00 p.m.**
- 3. One lighted sign shall be permitted, not to exceed 32 square feet per side.**
- 4. No more than 10 vehicles associated with the business shall be permitted at any one time.**
- 5. Any outside storage of materials shall be screened from view of neighboring properties.**
- 6. The location of any dumpsters shall be shown on the Final Site Plan, and any dumpsters shall be screened from view of neighboring properties.**
- 7. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2157 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF NOVEMBER 2010.


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:

- 1. This is an application to consider a Conditional Use of land in an AR-1 Agricultural Residential District to park/store construction equipment and materials, and light duty metal fabrication to be located on a certain parcel of land, lying and being in Little Creek Hundred, Sussex County, containing 2.622 acres, more or less, lying west of Trussum Pond Road (Road 462), 4,900 feet north of Wooten Road (Road 72).**

2. **DelDOT commented that a Traffic Impact Study was not recommended and that the existing Level of Service “A” of Trussum Pond Road will not change as a result of this application.**
3. **The County Engineering Department, Utility Planning Division, commented that the site is not located in a proposed or current County operated and maintained sanitary sewer district; that the site is located in the Western Sussex Planning Area No. 4; that an individual on-site septic system is proposed; and that a Concept Plan is not required.**
4. **There were no parties present in support of or in opposition to the application. There were letters of support for this application.**
5. **The use is of a public or semi-public character and is desirable for the general convenience, health, safety, prosperity, morals and welfare of the residents of Sussex County.**
6. **Based on the record and recommendation of the Planning & Zoning Commission which were adopted by Council, and the record created before Council, the Conditional Use was approved subject to seven (7) conditions, which will serve to minimize any potential impact on the surrounding area and adjoining properties.**