

**ORDINANCE NO. 2166**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6,000 SQUARE FEET, MORE OR LESS"**

**WHEREAS, on the 4th day of August 2010, a conditional use application, denominated Conditional Use No. 1872 was filed on behalf of Kim Swann; and**

**WHEREAS, on the 18th day of November 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. 1872 be approved with conditions; and**

**WHEREAS, on the 7th day of December 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 V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1872 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 north of Admiral Road, 200 feet east of Route One and being Lot 14 within Tower Shore Subdivision and being more particularly described as Lot 14 of Tower Shores Subdivision as recorded in Plot Book 3 Page 14A in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 6,000 square feet, 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. Only two units shall be constructed upon the property.**
- 2. The development shall be served as part of a Sussex County Sanitary Sewer District.**
- 3. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 7:00 a.m. and 6:00 p.m. or shall be subject to the requirements of Tower Shores, if more restrictive.**
- 4. The Site Plan shall be subject to the approval of the Planning and Zoning Commission.**
- 5. The Conditional Use shall expire unless it is substantially underway within three (3) years of the Council's approval.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2166 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 7TH DAY OF DECEMBER 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 for a Conditional Use of land in a MR Medium Density Residential District for a multi-family dwelling structure (2 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, containing 6,000 square feet, more or less, lying north of Admiral Road, 200 feet east of Route One and being Lot 14 within Tower Shores Subdivision.**
- 2. DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service C of Route One will not change as a result of this application.**

3. **The Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that it may not be necessary for any off-site drainage improvements; and that it is not likely that on-site drainage improvements will be required.**
4. **The Sussex County Engineering Department Utility Planning Division commented that the site is located in the North Bethany Expansion of the Bethany Beach Sanitary Sewer District; that wastewater capacity is available for the project; and that Ordinance 38 construction will not be required.**
5. **There will be no adverse impact on the neighborhood or community since the use is similar to the residential character of the subdivision.**
6. **The Conditional Use will have no significant impact upon traffic.**
7. **Other than the Applicant and his representative, there were no parties present in support of or in opposition to this Application.**
8. **Based on the above record, the recommendation of the Planning & Zoning Commission, and the record created before the Council, the Conditional Use was approved subject to five (5) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**