

ORDINANCE NO. 2174

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIRE DEPARTMENT SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16.62 ACRES, MORE OR LESS

WHEREAS, on the 6th day of October 2010, a conditional use application, denominated Conditional Use No. 1880 was filed on behalf of Ellendale Volunteer Fire Company, Inc.; and

WHEREAS, on the 9th day of December 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. 1880 be approved with conditions; and

WHEREAS, on the 4th day of January 2011, 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. 1880 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 Cedar Creek Hundred, Sussex County, Delaware, and lying east of North Old State Road (Road 213C) 400 feet north of Lofland Drive (Road 38A) and being more particularly described in Deed Book 3771, Page 104, as recorded in the office of the Recorder of Deeds in and for Sussex County, said parcel containing 16.62 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. Any security lighting shall be screened away from neighboring properties and County roads.**
- 2. 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. 2174 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 4TH DAY OF JANUARY 2011.


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 application is made by the Ellendale Volunteer Fire Company, Inc., pursuant to Section 115-22 of the Sussex County Zoning Code, as a Conditional Use for a fire department substation.**
- 2. The site is presently vacant and used for farming.**
- 3. The site is capable of providing adequate on-site water and on-site sewage treatment to support the proposed fire substation.**
- 4. This application is appropriate at the subject site because it is in the Lincoln area where fire and emergency services can be better provided by having this substation.**
- 5. The Conditional Use will promote the health, safety and welfare of present and future inhabitants of Sussex County by providing a substation with fire and emergency services.**
- 6. The use is consistent with the County Comprehensive Land Use Plan and State Strategies for Spending.**
- 7. The Sussex County Planning and Zoning Commission has recommended approval of this Conditional Use Application, and Council adopted the Commission's Findings of Fact.**