

ORDINANCE NO. 2187

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BAIT AND TACKLE SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.352 ACRES, MORE OR LESS

WHEREAS, on the 20th day of December 2010, a conditional use application, denominated Conditional Use No. 1885 was filed on behalf of James Mershon; and

WHEREAS, on the 24th day of March 2011, 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. 1885 be approved with conditions; and

WHEREAS, on the 12th day of April 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. 1885 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 southeast of Roxana Road (Route 17) 990 feet northeast of Zion Church Road (Route 20) and being more particularly described in Deed Book 2878, Page 158, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 3.352 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 Applicant's bait and tackle shop. No gun sales or service shall be permitted.**
- 2. The existing vegetated buffer around the area of the shop shall be planted with additional plantings to fill it in and screen the shop from view of neighboring properties.**
- 3. The hours of operation shall be between 5:00 a.m. and 8:00 p.m., seven (7) days per week.**
- 4. One lighted sign not to exceed 32 square feet per side may be permitted.**
- 5. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- 6. Any dumpsters depicted on the site plan shall be screened from view of neighboring properties or roadways.**
- 7. No food sales, other than vending applications, shall occur on the site.**
- 8. No more than two (2) boats or personal watercraft shall be advertised for sale on the site at any one time.**
- 9. 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. 2187 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 12TH DAY OF APRIL 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 is an application for Conditional Use of land in an AR-1 Agricultural Residential District for a bait and tackle shop to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.352 acres, more or less, lying southeast of Roxana Road (Route 17) 990 feet northeast of Zion Church Road (Route 20).**

2. **DelDOT commented that a Traffic Impact Study was not recommended and that the Level of Service C of Roxana Road will not change as a result of this application.**
3. **The County Engineering, Utility Planning Division, commented that the site is located in the Roxana Planning Area; that the use of an on-site septic system is proposed; and that the project is not capable of being annexed into a County operated sanitary sewer district.**
4. **James Merchon was present on behalf of his application and he stated that he wants to start a bait and tackle shop; that a dumpster already exists; that trees have been planted for screening; and that the intended use is primarily seasonal, but will be operated year round.**
5. **The use will be very similar to a home occupation and the Applicant resides on the property.**
6. **Other than the Applicant, there were no parties present in support of or in opposition to the application.**
7. **The use will not adversely affect traffic or area roadways.**
8. **The use will be limited to a building that is existing on the site.**
9. **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 nine conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**