

**ORDINANCE NO. 2191**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO OPERATE BUSINESSES RELATED TO GRASS CUTTING, POWER WASHING, MARINE SERVICES AND SALES, AND CONSTRUCTION SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.5188 ACRES, MORE OR LESS**

**WHEREAS, on the 19th day of October 2010, a conditional use application, denominated Conditional Use No. 1881 was filed on behalf of Harold R. Ennis Jr., & Dick Ennis, Inc; and**

**WHEREAS, on the 24th day of February 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 24th day of March 2011, said Planning and Zoning Commission recommended that Conditional Use No. 1881 be approved with conditions; and**

**WHEREAS, on the 22nd day of March 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. 1881 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 Indian River Hundred, Sussex County, Delaware, and lying at the southwest corner of Route 24 (John J. Williams Highway) and Route 277 (Angola Road) and being more particularly described in Deed Book 2926, Page 348, and Deed Book 3253, Page 209, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.5188 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. All parking on the site shall comply with County parking ordinances. The location of the parking areas and spaces shall be shown on the Final Site Plan.**
- 2. The Applicant shall comply with all DelDOT requirements regarding entrances.**
- 3. There may be one (1) lighted sign, not to exceed 32 square feet in size per side. The location of the sign shall be in accordance with County and State regulations, especially setbacks.**
- 4. All security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- 5. There shall be no vehicle or boat parking in the setback areas fronting on Route 24 or Angola Road.**
- 6. There shall not be any off-season boat storage on the site other than boats for sale or boats that are being worked on by the Applicant's business.**
- 7. All areas for boat sales shall be designated on the Final Site Plan.**
- 8. No RVs or other vehicles shall be stored or sold from the site.**
- 9. A landscaping plan for the perimeter shall be included as part of the Final Site Plan.**
- 10. As stated by the Applicant, the hours of operation shall be from 8:00 a.m. until 5:00 p.m. Monday through Saturday, and 9:00 a.m. until 2:00 p.m. on Sundays.**
- 11. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2191 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 10TH DAY OF MAY 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:**

- A. This is an application for Conditional Use of land in an AR-1 Agricultural Residential District to operate businesses related to grass cutting, power washing, marine services and sales and construction services to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, Delaware, containing 1.5188 acres, more or less, lying on the southwest corner of Route 24 (John J. Williams Highway) and Route 277 (Angola Road).**
- B. The County Engineering Department Utility Planning Division commented that the site is located in the Angola Neck Planning Area; that wastewater capacity is not available at this time; that the proposed use will use an on-site septic system; that the site is not capable of being annexed into a sewer district at this time; that when the County does provide sewer service, a connection to the system will be mandatory; and that a concept plan is not required.**
- C. The Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that it will not be necessary for any off-site drainage improvements; and that it may be necessary for some on-site drainage improvements.**
- D. The 1.5188 acre site includes two parcels, one improved with a dwelling/office with accessory buildings and one vacant. The Applicant proposes to construct a one-story structure on the vacant parcel so that he may separate his businesses from his home. The property is located in an Environmentally Sensitive Developing Area and permitted uses include retail and office uses. The Applicant has been operating his businesses for the past ten (10) years. There are a variety of business uses in close proximity, including retail, office and related uses.**
- E. DelDOT did not request a Traffic Impact Study and the Applicant received a Letter of No Objection from DelDOT regarding the proposed entrance.**
- F. In addition to the Applicant, there were two persons present in support of the application; there were no parties present in opposition to the Application.**

- G. The use started as a home occupation and has evolved with the success of the Applicant's businesses. The use will not adversely affect neighboring properties, traffic or the community.**
  
- H. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to eleven conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**