

ORDINANCE NO. 2207

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL SUNROOM DISPLAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 10.22 ACRES, MORE OR LESS

WHEREAS, on the 25th day of May 2011, a conditional use application, denominated Conditional Use No. 1903 was filed on behalf of Terri L. Martin; and

WHEREAS, on the 14th day of July 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 28th day of July 2011, said Planning and Zoning Commission recommended that Conditional Use No. 1903 be approved with conditions; and

WHEREAS, on the 2nd day of August 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. 1903 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 Broadkill Hundred, Sussex County, Delaware, and lying south of Route 9 (Georgetown Highway) 0.6 mile east of Route 5 at Harbeson and being more particularly described as Tract #1 in Deed Book 3601, Page 137, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 10.22 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:

- A. The use shall be limited to the display of a sample sunroom only. No retail or wholesale sales shall occur on the site.**
- B. The sample sunroom must be located within the front and side yard setbacks.**
- C. One lighted sign, not to exceed the size of the 12 square foot current sign, shall be permitted. Its location shall be in accordance with County regulations.**
- D. 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. 2207 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 2ND DAY OF AUGUST 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 a Conditional Use of land in an AR-1 Agricultural Residential District for a commercial sunroom display to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 10.22 acres, more or less, lying south of Route 9 (Georgetown Highway) 0.6 mile east of Route 5 at Harbeson.**
- 2. DelDOT commented that a Traffic Impact Study was not recommended and that the Level of Service E of Seashore Highway, Route 9, will not change as a result of this application.**
- 3. The Engineering Department, Utility Planning Division, commented that the site is located in the North Coastal Planning Area; that the use of an on-site septic system will be required; that the project is not in an area where the County currently plans to provide sewer service; and that a Concept Plan is not required.**
- 4. The Applicant stated that she is a small farm operator and trying to make ends meet with additional income for her farm; that a friend is in the sunroom business and the friend asked if she could display a sunroom and a sign on her property; and that it is her intent to lease the area around the sunroom for display purposes only.**

5. The purpose and use of this application is very limited. It is only for the display of a sample sunroom on the Applicant's property. No sales will occur on the site and it will not generate any additional traffic.
6. The use will not adversely affect the neighboring properties or community.
7. The location is appropriate along Route 9 which has other small to medium sized business and commercial uses.
8. Other than the Applicant, there were no other parties present in favor of or in opposition to the application.
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 four (4) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.