

ORDINANCE NO. 2218

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PORTA-TOILET STORAGE AND SERVICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 7.0 ACRES, MORE OR LESS

WHEREAS, on the 14th day of June 2011, a conditional use application, denominated Conditional Use No. 1907 was filed on behalf of Jacob Kabino/5-J's Sanitation; and

WHEREAS, on the 11th day of August 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 8th day of September 2011, said Planning and Zoning Commission recommended that Conditional Use No. 1907 be approved with conditions; and

WHEREAS, on the 13th day of September 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. 1907 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 west of Road 269A (Simpler Branch Road) 1,850 feet north of Route 47 (Johnson Road) and being more particularly described in Deed Book 1574, Page 129, in the office of the Recorder of Deeds in and for Sussex County, said parcel containing 7.0 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 storage and cleaning of portable toilets only.**
- 2. No portable toilets shall be dumped on the site. They must be pumped and the wastewater hauled to a licensed wastewater treatment facility.**
- 3. The location of storage areas for portable toilets, structures and vehicles associated with the use shall remain screened from view by the vegetation that exists on the site.**
- 4. The areas designated for storage of portable toilets and the vehicles that haul them shall be clearly shown on the Final Site Plan.**
- 5. 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. 2218 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH DAY OF SEPTEMBER 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 a conditional use application for portable toilet storage and service pursuant to Section 115-22 of the Sussex County Zoning Code.**
- 2. The use provides a service to Sussex County and its residents and visitors. The applicant provides portable toilets to individuals, municipalities, parks, boat ramp and marine facilities, and other public and private uses.**
- 3. The site is a large tract of land appropriate for the use.**
- 4. The use has been in existence for many years without incident.**
- 5. No parties appeared in opposition to the application and several parties supported it during the Public Hearing before the Sussex County Planning and Zoning Commission.**

6. The Sussex County Planning and Zoning Commission has recommended approval of this Conditional Use Application, and Council adopted the Commission's Findings of Facts.