

ORDINANCE NO. 2219

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR STORAGE OF TRANSPORTATION SCHOOL VANS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.44 ACRES, MORE OR LESS

WHEREAS, on the 21st day of June 2011, a conditional use application, denominated Conditional Use No. 1908 was filed on behalf of Green's Bus Service; 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. 1908 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 VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1908 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 Dagsboro Hundred, Sussex County, Delaware, and lying at the northwesterly corner of Indian Branch Road and Tramway Road 750 feet west of Route 82 and being Lot 10 in John C. Hudson Subdivision and being more particularly described in Deed Book 3218, Page 276, in the office of the Recorder of Deeds in and for Sussex County, said parcel containing 3.44 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 a school transportation van storage yard.**
- 2. There shall be no more than 15 vans on the property at any time.**
- 3. The Final Site Plan shall show the location of all van parking, and parking for 10 employees. These parking spaces shall be clearly designated on the property as well.**
- 4. There shall not be any junked, untagged or inoperable vans or other vehicles on the premises.**
- 5. No maintenance shall be permitted on the site.**
- 6. The hours of operation shall be 6:00 a.m. to 5:00 p.m., Monday through Saturday.**
- 7. There shall not be any outside storage of bus, van or automobile parts.**
- 8. 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. 2219 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 application is for a Conditional Use for the storage of school transportation vans pursuant to Section 115-39 of the Sussex County Zoning Code.**
- 2. The Applicant's bus and transportation service has been in operation for approximately 28 years, and has successfully evolved from a home occupation.**
- 3. The use is a benefit to Sussex County and its residents and school systems by providing a local source of transportation for the public schools and their students.**
- 4. This property is located across the road from a very similar bus service for approximately 20 years.**

5. The Sussex County Planning and Zoning Commission has recommended approval of this Conditional Use application and the Council adopted the Commissions' Findings of Fact.