

**ORDINANCE NO. 2224**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR PARKING, STORAGE AND MAINTENANCE OF EQUIPMENT WITH AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.28 ACRES, MORE OR LESS**

**WHEREAS, on the 16<sup>th</sup> day of May 2011, a conditional use application, denominated Conditional Use No. 1904 was filed on behalf of Joseph Mocci; 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. 1904 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 VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1904 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 288 (Wil King Road) 0.3 mile north of Road 280B (Conley Chapel Road) and being more particularly described in Deed Book 3256, Page 170, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 4.28 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 parking, storage and maintenance of equipment for the Applicant's business with an office. No excavation or construction activities shall occur on site.**
- 2. Any security lighting on site shall be downward screened so that the lights do not shine on neighboring properties or roadways.**
- 3. The entrances shall be secured at all time with gates and fencing.**
- 4. Per the Applicant, no additional buildings shall be constructed on the site.**
- 5. No junked or inoperable construction vehicles shall be stored on the site. Only vehicles and equipment utilized in the excavation business are to be stored and maintained on the site.**
- 6. Regular hours of operation shall be 7:00 a.m. to 6:00 p.m., with additional hours as needed to address snow removal operations in Sussex County.**
- 7. The Applicant shall comply with all DelDOT requirements for the site. The Final Site Plan shall confirm the entrance approved by DelDOT for the property.**
- 8. Planted vegetative buffers shall be provided around the perimeter of the property utilizing native species as recommended by the State Forestry Office. Six (6) foot high stockade fencing shall be erected along Oakwood Village as each phase is developed.**
- 9. The Final Site Plan shall show all areas designated for the storage of vehicles and equipment as well as the vegetative buffer and fencing.**
- 10. 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. 2224 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF OCTOBER 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 a Conditional Use of land in a GR General Residential District for parking, storage and maintenance of equipment with an office to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 4.28 acres, more or less, lying west of Road 288 (Wil King Road) 0.3 mile north of Road 280B (Conley Chapel Road).**
- B. DelDOT commented that a Traffic Impact Study is not required and that the current Level of Service “A” of Road 288 (Wil King Road) will not change as a result of this application.**
- C. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the North Coastal Planning Area; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; and that the proposed project is not in an area where the County currently plans to provide sewer service.**
- D. The Applicant stated that he has used the property for the same use for twelve (12) years; that he stores and maintains his excavating equipment on site; that there are no loud activities; that the site is secure; that lighting is downward illuminated; that all of the equipment on the site relates to his excavation business; that the dwelling will remain on the premise; and that he has no intent to build any additional buildings on the site.**
- E. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.**
- F. The Council found that this use is of a public or semi-public character.**
- G. Based on the record and recommendations of the Planning & Zoning Commission and the record created before the Council, the Conditional Use was approved subject to ten (10) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**