

ORDINANCE NO. 2225

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.1621 ACRES, MORE OR LESS

WHEREAS, on the 10th day of September 2010, a conditional use application, denominated Conditional Use No. 1874 was filed on behalf of Ed Hileman Drywall, Inc.; and

WHEREAS, on the 9th day of December 2010, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 27th day of January 2011, said Planning and Zoning Commission recommended that Conditional Use No. 1874 be approved with conditions; and

WHEREAS, on the 4th day of January 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. 1874 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 Baltimore Hundred, Sussex County, Delaware, and lying northwest of Route 17 (Roxana Road) 800 feet north of Road 388 (Bixler Road) and 0.4 mile south of Road 52C (Phillips Road) and being more particularly described in Deed Book 3175, Page 253, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.1621 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. As stated by the Applicant, the use shall be limited to the Applicant's drywall business under this Conditional Use. The Applicant may still store his personal vehicles and belongings in the building since that is permitted under the AR-1 zoning of the property.**
- 2. There shall be no Sunday hours of operation.**
- 3. An unlighted sign, not to exceed 32 square feet per side, shall be permitted.**
- 4. As stated by the Applicant, the dumpster area shall be enclosed so that the dumpster and any other trash receptacles are screened from view of neighboring properties or roadways.**
- 5. The temporary sanitary septic facility shall be located to the rear of the existing structure and shall be screened from view of neighboring properties and roadways.**
- 6. The parking spaces required by Sussex County Code shall be shown on the Final Site Plan and clearly marked on the site itself.**
- 7. Areas for outside storage of materials shall be shown on the Final Site Plan.**
- 8. There shall only be two (2) small trailers and one (1) tractor-trailer body on the site at any one time.**
- 9. There shall be no unregistered vehicles or trailers, or vehicles or trailers with expired license plates, stored on the premises.**
- 10. The Final Site Plan shall reference the approval by the Sussex Conservation District.**
- 11. 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. 2225 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 18TH 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 an AR-1 Agricultural Residential District for a storage facility to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.1621 acres, more or less, lying northwest of Route 17 (Roxana Road) 800 feet north of Road 388 (Bixler Road) and 0.4 mile south of Road 52C (Phillips Road).**
- B. DelDOT commented that the Department has no contention with the Applicant using the existing entrance to the property for the proposed storage building.**
- C. The Applicant acquired the property in 2005; he obtained a building permit in 2009 for a storage building; his original intent was to store his personal vehicles and belongings in the building; he started using the building for his drywall business for storage of materials, vehicles and equipment; and a security alarm system and security lighting system already exist on the site.**
- E. There were no parties present in support of or in opposition to this Application.**
- G. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.**
- H. The use is of a public or semi-public character.**
- I. 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 (11) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**