

ORDINANCE NO. 2232

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6,000 SQUARE FEET, MORE OR LESS

WHEREAS, on the 1st day of November 2011, a conditional use application, denominated Conditional Use No. 1918 was filed on behalf of Anthony S. Nerlinger; and

WHEREAS, on the 15th day of December 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1918 be approved with conditions; and

WHEREAS, on the 10th day of January 2012, 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 V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1918 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 east of Ocean Drive across from Cove Road and being more particularly described as Lot 84 in Tower Shores Subdivision east of Route One, said parcel containing 6,000 square feet.

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. Only two (2) units shall be constructed upon the property.**
- B. The development of this property shall comply with all County and DNREC setbacks and building restriction lines.**
- C. The units shall be served as a part of a Sussex County Sanitary Sewer District.**
- D. The developer shall comply with all requirements of the Sussex County Engineering Department for connection to the Sewer District.**
- E. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur between the hours of 8:00 a.m. and 6:00 p.m.**
- F. The project shall be served by central water.**
- G. This recommendation is contingent upon consideration by the County Board of Adjustment and issuance of a 10 foot variance from the required 30 foot front yard setback and a variance to allow two (2) multi-family units on a 6,000 square foot lot.**
- H. The 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. 2232 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 10TH DAY OF JANUARY 2012.


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 to consider a Conditional Use of land in a MR Medium Density Residential District for a multi-family dwelling structure (2 units) to be located on a certain parcel of land lying in Baltimore Hundred, Sussex County, containing 6,000 square feet, more or less, lying east of Ocean Drive across from Cove Road and being Lot 84 in Tower Shores Subdivision east of Route One.**

2. **The Sussex County Engineering Department, Utility Planning Division, advised that the site is located in the North Bethany Expansion of the Bethany Beach Sanitary Sewer District; that wastewater capacity is available for the project based on their office's interpretation of Ordinance 508; and that Ordinance 38 construction is not required.**
3. **The Applicant was present and spoke in support of his application.**
4. **The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties, roadways, or community.**
5. **Tower Shores has evolved into a development consisting primarily of multi-family dwelling structures, and there are other similar multi-family structures with two (2) or more units in the immediate vicinity. The project and how it is situated on the lot is very similar to structures along Ocean Road on either side of Lot 84.**
6. **The property is in the Environmentally Sensitive Development District Overlay Zone according to the Sussex County Comprehensive Land Use Plan.**
7. **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 eight (8) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**