

ORDINANCE NO. 2234

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE LOCKER UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.996 ACRES, MORE OR LESS

WHEREAS, on the 4th day of August 2011, a conditional use application, denominated Conditional Use No. 1911 was filed on behalf of Forrest Webster; and

WHEREAS, on the 22nd day of September 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 13th day of October 2011, said Planning and Zoning Commission recommended that Conditional Use No. 1911 be approved with conditions; and

WHEREAS, on the 11th day of October 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. 1911 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 Broadkill Hundred, Sussex County, Delaware, and lying north of Route 16 (Broadkill Road) east of Milton, Delaware, and across from Route 22A (Country Road) and being more particularly described in Deed Book 3032, Page 21, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.996 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. Any security lighting shall be screened so that they do not shine on neighboring properties or roadways.**
- 2. There shall be no outside storage and no outside storage of boats or RV's shall be permitted on the site.**
- 3. One lighted sign, not to exceed 32 square feet per side, shall be permitted on the premises.**
- 4. The Final Site Plan shall indicate all parking and driveway areas.**
- 5. The Final Site Plan shall confirm that the Applicant and his customers have the right to use the gravel drive shared with the neighboring property owner for purposes of this Conditional Use. If notarized confirmation is not received from the neighboring property owners, this Conditional Use is void.**
- 6. Access to the storage area shall be controlled by a gate or similar method.**
- 7. There shall be a curb, fence, landscaping or some other barrier between the road and the storage building so that vehicles loading and unloading do not back directly onto the access road. This shall be shown on the Final Site Plan.**
- 8. Any dumpsters or trash receptacles associated with the storage facility shall be screened from neighboring properties or roadways.**
- 9. 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. 2234 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 17TH 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 Facts:

- 1. This is an application to consider the Conditional Use of land in an AR-1 Agricultural Residential District for mini storage locker units to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 1.996 acres, more or less, lying north of Route 16 (Broadkill Road) east of Milton, Delaware, and across from Route 22A (Country Road).**

2. **DelDOT commented that a Traffic Impact Study is not required and that the existing Level of Service “C” will not change as a result of this Application.**
3. **The Sussex County Engineering Department, Utility Planning Division, commented that the project is not in a proposed or current County operated and maintained sanitary sewer district; that the site is in the North Coastal Planning Area; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study is required; that the proposed use is not in an area where Sussex County provides sewer service; and that a Concept Plan is not required.**
4. **Larry Fifer, Esquire, and Donald Webster were present on behalf of this application and stated that the proposed mini storage is an appropriate use; that 60 units are proposed; that DelDOT has indicated that there are no concerns with the entrance; that the proposed entrance will be from the existing gravel driveway for which the Applicant and an adjoining property owner are parties to a prescriptive easement agreement; that the Applicant and his family reside on the site; and that the use will not have an adverse impact on the neighboring properties or community.**
5. **The use is of a public or semi-public character.**
6. **Based on the record and recommendations of the Planning and Zoning Commission and the record created before Council, the Conditional Use is approved subject to nine (9) conditions, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**