

**ORDINANCE NO. 2246**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MANUFACTURED HOME INSTALLATION BUSINESS AND RELATED EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 3.0 ACRES, MORE OR LESS**

**WHEREAS, on the 7th day of October 2011, a conditional use application, denominated Conditional Use No. 1915 was filed on behalf of Michael Van Drunen; and**

**WHEREAS, on the 8th day of December 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 26th day of January 2012, said Planning and Zoning Commission recommended that Conditional Use No. 1915 be approved with conditions; and**

**WHEREAS, on the 3rd 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 IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1915 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 Georgetown Hundred, Sussex County, Delaware, and lying southeast of Road 293 (Dodd Town Road) 1/4 mile southwest of Route 5 and being more particularly described in Deed Book 2484, Page 163, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 30 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 Applicant shall install a solid wood or vinyl covered barrier fence at least six (6) feet in height to screen the property and the use from neighboring properties and roadways. There shall not be any dirt piles, dumpsters, equipment, debris, etc. outside of the fenced-in area.**
- 2. Any dumpsters on the site shall be covered at all times to prevent the scattering of construction waste or other trash and debris onto the site or neighboring properties.**
- 3. As stated by the Applicant, landscaping must be installed along the perimeter of the driveway; parking and storage areas to improve the property's appearance and to have it blend in with nearby residential properties. A landscaping plan showing these areas shall be supplied at the same time as the Final Site Plan.**
- 4. Any security lights shall be downward screened so that they do not shine on neighboring properties or roadways.**
- 5. One unlighted sign, not to exceed 32 square feet in size, shall be permitted.**
- 6. The location of all parking, storage areas, fences, and dumpsters shall be shown on the Final Site Plan.**
- 7. No mobile or manufactured homes shall be stored or located on the site at any time without a valid placement permit from Sussex County.**
- 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. 2246 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 27TH DAY OF MARCH 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 the Conditional Use of land in an AR-1 Agricultural Residential District for a manufactured home installation business and related equipment storage to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 3.0 acres, more or less, lying**

southeast of Road 293 (Dodd Town Road) ¼ mile southwest of Route 5.

2. DelDOT commented that a Traffic Impact Study is not recommended and that the current Level of Service "A" of Dodd Town Road will not change as a result of this Application.
3. The Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that there are no storm flood hazard areas or tax ditches affected; that the project will not necessitate any off-site drainage improvements; and that it may be possible that on-site drainage improvements will be required.
4. The Applicant, Michael Van Drunen, was present along with James Waehler, Esquire of Steen, Waehler & Strider-Fox, LLC who stated that the parcel is located in a Low Density Area according to the Comprehensive Land Use Plan; that there are other business uses in the immediate area; that employees arrive between 7:00 a.m. and 8:00 a.m. daily, leave for job sites, and then return around 5:00 p.m.; that trucks and equipment would be stored on the site on nights and weekends; that the existing storage building is used for storage of materials and equipment; that the Applicant will be contracting for one small dumpster to handle regular trash pick-ups; that the Applicant is agreeable to reasonable limits to his hours of operation; that the Applicant does do work out of state on occasion and sometimes his employees do return to the site after 5:00 p.m.; and that the Applicant currently lives in a modular home on the property.
5. The Applicant's father started the business almost 30 years ago as a mobile home installation business; that it has been operated from the Applicant's property as well as his father's property throughout this time and it has evolved over the years.
6. The location of the business is appropriate since it will be centrally located to serve municipalities, developments and business customers desiring the type of services offered.
7. The use is of a public or semi-public character.
8. With the proposed conditions, the use will be as secure and unobtrusive as possible and will not adversely affect neighboring properties or the community.

9. **Most of the Applicant's business activities occur off-site, so there will not be a great deal of noise or other activities occurring on the site.**
10. **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 eight (8) conditions, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**