

ORDINANCE NO. 2256

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF EQUIPMENT AND A HOME OFFICE FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.49 ACRE, MORE OR LESS

WHEREAS, on the 27th day of February 2012, a conditional use application, denominated Conditional Use No. 1928 was filed on behalf of Devin Rice; and

WHEREAS, on the 26th day of April 2012, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 10th day of May 2012, said Planning and Zoning Commission recommended that Conditional Use No. 1928 be approved with conditions; and

WHEREAS, on the 15th day of May 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. 1928 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying northwest of Beaver Dam Road (Road 285) 0.3 mile west of Church Street and being more particularly described in Deed Book 3657, Page 26, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 0.49 acre, 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. One unlighted sign, not to exceed 32 square feet in size, shall be permitted.**
- 2. The Final Site Plan shall show the location for parking of trailers, trucks and equipment used for business.**
- 3. All lawn mowers shall be stored inside the pole barn.**
- 4. All maintenance and repair of equipment shall occur inside the pole barn.**
- 5. No junked or inoperable vehicles or equipment shall remain stored on the lot at any time.**
- 6. The hours of operation shall be Monday through Saturday, from 7:30 a.m. through 6:00 p.m.**
- 7. The location for a dumpster shall be shown on the Site Plan. It shall also be screened from the view of neighboring properties or the roadway.**
- 8. Any security lights for the business area shall be screened so that they do not shine on neighboring properties or roadways.**
- 9. No employees shall park on public roads or shoulders. All employee parking shall be on the Applicant's property.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2256 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF MAY 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 storage of equipment and a home office for a landscaping business to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing .49 acres, more or less, lying northeast of Beaver Dam Road (Road 285) 0.3 mile west of Church Street (Tax Map I.D. 3-34-5.00-180.00)**

2. **DelDOT commented that a Traffic Impact Study is not required and that the existing Level of Service “B” of Road 285, Beaver Dam Road, will not change as a result of this Application.**
3. **The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the West Rehoboth Expansion Area; that wastewater capacity is available for the project, if the proposed use does not exceed approximately 1.0 EDU; that the EDU Assessment for the proposed use is not known at this time; that the system design assumption for the parcel is 1.0 EDU reflecting a residential parcel in a residential subdivision; and that Ordinance 38 is not required.**
4. **The Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sedimentation control practices during any construction and to maintain vegetation; that there are no storm flood hazard areas or tax ditches affected; that no off-site drainage improvements are necessary; and that it may be possible that some on-site drainage improvements will be necessary.**
5. **The use is of a public or semi-public character.**
6. **No parties appeared in support of or in opposition to this application.**
7. **The use is a benefit to Sussex County residents and provides a service to the County.**
8. **There is no indication that the use will adversely affect neighboring properties, the community or area roadways. The use will be consistent with other nearby uses which include similar small-scale landscaping companies.**
9. **Based on the record and recommendation of the Planning and Zoning Commission and the record created before Council, the Conditional Use was approved subject to nine (9) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**