

**ORDINANCE NO. 2274**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WORKSHOP FOR A FAMILY ELECTRICAL BUSINESS AND A BUTCHER SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.347 ACRES, MORE OR LESS (Tax Map. I.D. # 1-30-6.00-45.02)**

**WHEREAS, on the 8th day of May 2012, a conditional use application, denominated Conditional Use No. 1935 was filed on behalf of John Herholdt; and**

**WHEREAS, on the 26th day of July 2012, 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. 1935 be approved with conditions; and**

**WHEREAS, on the 21st day of August 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. 1935 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 Cedar Creek Hundred, Sussex County, Delaware, and lying east of Route 42 (North Union Church Road) 900 feet north of Road 207 (Fitzgerald Road) and being more particularly described as:**

**BEGINNING at an iron pipe on the easterly right-of-way of Route 42 (North Union Church Road), said pipe being 300 feet north of lands of Robert W. Smith, Jr.; thence north 16°40'44" east 331.74 feet along the easterly right-of-way of Route 42 to an**

iron pipe; thence by and along lands of Dorothy M. Holden (for Life) and Nancy A. Holden the following three (3) courses; south 73°19'16" east 308.21 feet to an iron pipe; south 16°40'44" seconds west 331.74 feet to an iron pipe; and north 73°19'16" west 308.21 feet to the point and place of beginning, said parcel containing 2.347 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 butcher shop shall be seasonal, from September 1 through March 1.
2. No retail sales shall occur from the butcher shop.
3. There shall not be any outside storage of electrical equipment and all work shall occur inside.
4. One lighted sign, not to exceed 32 square feet in size, shall be permitted.
5. The hours of operation for the electrical business shall be Monday through Friday from 7:00 a.m. to 6:00 p.m.
6. 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. 2274 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 21ST DAY OF AUGUST 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 workshop for a family electrical business and a butcher shop to be located on a certain parcel of land, lying and being in Cedar Creek Hundred, Sussex County, containing 2.347 acres, more or less, lying east of Route 42 (North Union Church Road) 900 feet north of Road 207 (Fitzgerald Road).
2. DelDOT commented that a Traffic Impact Study is not recommended and that the current Level of Service "A" of North Union Church 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 Western Sussex Planning Area #1; that the use of the on-site septic system is proposed to serve the site; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where Sussex County currently has a schedule to provide sewer service at this time; and that a Concept Plan is not required.**
4. **The Applicant, John Herholdt, was present and stated that the site is family owned; that they plan to move Satterfield Electric to the site and open a small seasonal butcher shop for deer butchering only with no retail sales; that the butcher shop would be open seven (7) days per week during the deer hunting season; and that the electrical business would allow for a warranty center for electric generators with minimal repairs and storage of electrical supplies to be open during normal business hours Monday through Friday.**
5. **There were no parties present in opposition to this application.**
6. **The use for an electrical business is a minor expansion of the Applicant's nearby electrical business, which already has its own Conditional Use approval. There are other small businesses in the area and that this use will be consistent with those uses.**
7. **The proposed uses, with the conditions and stipulations placed upon them, will have little or no impact on the neighborhood because the butcher shop is seasonal and the electrical business is basically for storage of generators.**
8. **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 six (6) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**