

ORDINANCE NO. 2286

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICE USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.03 ACRES, MORE OR LESS (Tax Map I.D. 3-34-1.00-7.01)

WHEREAS, on the 4th day of September 2012, a conditional use application, denominated Conditional Use No. 1948 was filed on behalf of Sharon L. Sherwood and Van Sherwood; and

WHEREAS, on the 15th day of November 2012, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 6th day of December 2012, said Planning and Zoning Commission recommended that Conditional Use No. 1948 be approved with conditions; and

WHEREAS, on the 11th day of December 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. 1948 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 northeast of Route One, 150 feet southeast of Millcreek Court, a private street in Millcreek Manor Subdivision at 16649 Coastal Highway and being more particularly described in Deed Book 3863, Page 1, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.03 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 use of the property shall be limited to small scale professional offices, such as doctors, lawyers, artist studios, accountants or similar uses.**
- 2. There will only be one unlighted sign on the premises that shall not exceed 32 square feet on each side.**
- 3. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties. There shall be no more than two offices on the property.**
- 4. No outside storage shall be allowed on the premises.**
- 5. A 6-foot tall screening fence shall be installed along the northern boundary line of the property.**
- 6. The parking shall comply with all Code requirements for the particular use of this property. The Final Site Plan shall clearly show all required parking and the parking areas must be clearly marked on the site.**
- 7. The Site Plan shall be subject to approval of the Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2286 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF DECEMBER 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 professional office use, to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 1.03 acres, more or less, lying northeast of Route One, 150 feet southeast of Millcreek Court, a private street in Millcreek Manor Subdivision at 16649 Coastal Highway (Tax Map I.D. 3-34-1.00-7.01).**
- 2. The Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation after construction; and that no storm flood hazard area or tax ditches are affected.**

3. **DelDOT commented that Route One at this location is considered a Level of Service “D” and that a Traffic Impact Study was not recommended.**
4. **The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the North Planning Area of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that Ordinance 38 construction will not be required; that central sewer service is not available to the parcel at this time; that an on-site septic system must be utilized; that conformity to the North Coastal Area Planning Study will be required; that the County does not have a schedule to provide central sewer service to the parcel at this time; that when the County does provide sewer service, it is required that the on-site system be abandoned and a connection made to the central sewer system; and that a Concept Plan is not required at this time.**
5. **The Applicant, Sharon Sherwood, was present and stated that they purchased the property approximately 2 (two) years ago; that they have worked to restore the property and maintain its residential character; that they propose to use the home on the site that sits on Route One for professional use; that they propose to use the studio located behind the house as an art studio for their own personal use and not as a business; that it is not their intent to rent the studio; that they would like some leeway in establishing the hours of operation to allow for more flexibility in renting to a professional business; and that they will be improving the privacy fence on the north side of the site along the neighboring properties back to the rear property corner.**
6. **The Applicant also stated that there is a furniture store, a lighting store, an auto repair and muffler shop, a restaurant, along with offices and warehousing uses in the immediate area along the east side of Route One from Old Mill Road north to Red Mill Pond; and that the property is more viable as a business use, rather than residential use, due to the location immediately adjacent to Route One.**
7. **The proposed Conditional Use is generally similar to other uses in the vicinity of the property.**
8. **The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community and that the use of the property for small professional offices will not generate a significant increase in traffic or noise.**

- 9. The Applicant stated that they intend to maintain the residential appearance of the property, the site, with direct frontage on Route One, is no longer reasonably useable as a residence.**
- 10. There were no parties present in support of or in opposition to this application.**
- 11. The application meets the purposes of a Conditional Use in that it is of a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.**
- 12. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to 7 (seven) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**