

ORDINANCE NO. 2292

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7.88 ACRES, MORE OR LESS (Tax Map I.D. 1-34-7.00-81.04)

WHEREAS, on the 24th day of October 2012, a conditional use application, denominated Conditional Use No. 1953 was filed on behalf of Thomas Milspaw; and

WHEREAS, on the 10th day of January 2013, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 24th day of January 2013, said Planning and Zoning Commission recommended that Conditional Use No. 1953 be approved with conditions; and

WHEREAS, on the 5th day of February 2013, 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. 1953 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 Baltimore Hundred, Sussex County, Delaware, and lying west of Road 345 (West Beach Road) 0.4 mile north of Route 26 (Vines Creek Road) and being more particularly described in Deed Book 1567, Page 276, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 7.88 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.

The Ordinance was adopted subject to the following conditions:

- 1. Only two (2) units shall be permitted and they shall be located within the existing structure as shown on the Preliminary Site Plan, as well as the Final Site Plan.**
- 2. The units shall be occupied by the Applicant, Thomas Milspaw, and by his brother-in-law. In the event that they no longer occupy a unit on the property as their residence, this Conditional Use shall terminate automatically.**
- 3. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission and that the Final Site Plan shall identify who will occupy each unit as permitted by this recommendation.**
- 4. A copy of the DNREC septic approval shall be provided by the Applicant and referencing two units.**

I DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2292 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 5TH DAY OF FEBRUARY 2013.


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 application is made by Thomas Milspaw, pursuant to Section 115-22 of the Sussex County Zoning Code, as a Conditional Use for a multi-family dwelling structure of two units.**
- 2. The applicant constructed the 2 (two) dwelling units on either end of a large storage or workshop building for himself and his handicapped brother-in-law.**
- 3. The applicant stated that the units are for his family's use only and they will not be rented.**
- 4. The property is adjacent to other property owned or occupied by family members who do not object to this use. The use will not adversely affect neighboring or adjacent properties.**
- 5. DNREC has approved the existing septic system for 2 (two) residential units.**
- 6. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to 5 (five) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**