

**ORDINANCE NO. 2305**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO MODIFY THE BOUNDARIES OF EXISTING CONDITIONAL USE NO. 1699 (ORDINANCE NO. 1936) FOR A GO-KART TRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.24 ACRES, MORE OR LESS (Tax Map I.D. 2-35-6.00-10.00 & 10.05)**

**WHEREAS, on the 5th day of March 2013, a conditional use application, denominated Conditional Use No. 1960 was filed on behalf of Harry H. Isaacs, Jr./Farm Boys, LLC; and**

**WHEREAS, on the 25th day of April 2013, 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. 1960 be approved with conditions; and**

**WHEREAS, on the 21st day of May 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. 1960 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 Broadkill Hundred, Sussex County, Delaware, and lying north of Reynolds Pond Road (Road 231) and 520 feet west of Route 30 and being more particularly described as follows:**

**BEGINNING, at an iron pipe on the northerly right-of-way of Reynolds Pond Road, a corner for these lands and lands, now or formerly, of Farm Boys, LLC; thence north 07°50'26" east 193.06 feet along said Farm Boys, LLC lands to an iron pipe; thence north 77°50'41" west 200.02 feet along said Farm Boys, LLC lands to a point; thence**

north 12°09'19" east 210.48 feet and south 77°51'49" east 390.52 feet along lands of Harry H. Isaacs, Jr. to a tree; thence easterly and southerly along lands of Farm Boys, LLC the following six (6) courses: south 77°51'49" east 70.15 feet, south 02°37'00" west 95.48 feet, south 07°55'49" west 77.27 feet, south 09°51'02" west 133.35 feet, south 77°41'22" east 20.21 feet, and south 12°18'38" west 98.61 feet to a point on the northerly right-of-way of Reynolds Pond Road; and thence north 77°50'41" west 220.94 feet along Reynolds Pond Road to the point and place of beginning, said parcel containing 3.24 acres, more or less, as plotted by Adams-Kemp Associates, Inc.

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 condition:

1. The conditions imposed by Conditional Use No. 1699 and Ordinance No. 1936 shall remain in effect.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2305 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 21ST DAY OF MAY 2013.



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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 to modify the boundaries of existing Conditional Use No. 1699 (Ordinance No. 1936) for a go-kart track, to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 3.24 acres, more or less, lying north of Reynolds Pond Road (Road 231) and 520 feet west of Route 30 (Tax Map I.D. 2-35-6.00-10.00 and 10.05)
2. Comments were not requested from DelDOT since the only intent of this application is to correct the boundaries of the Conditional Use due to an error found in the surveys.
3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is not in a proposed or current County operated or maintained sanitary

sewer and/or water district; that the site is located in the North Coastal Planning Area; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a Concept Plan is not required.

4. The Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard area or tax ditches are affected; that no off-site drainage improvements will be necessary; and that onsite drainage improvements may be necessary.
5. The original go-kart track (Conditional Use No. 1699) was approved by Council on October 2, 2007 with the following conditions:
  - A. The use shall be limited to go-kart racing only.
  - B. The hours of operation shall be one day per weekend, in other words, only Friday, Saturday or Sunday. On the night of operation, the hours of operation shall be between 12:00 Noon and 12:00 Midnight.
  - C. All lighting shall be directed so that it does not shine onto neighboring properties or State Route 30.
  - D. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.
6. The site plan depicts revisions to the boundaries of the Conditional Use to separate some of the buildings on the farm that were partially within the easterly boundary and to correct the location of the go-kart track which causes a shift in the boundary on the westerly side.
7. The Applicant, Harry H. Isaacs, Jr., was present and stated that approval for Conditional Use No. 1699 was received in 2007; that it was recently discovered that the track was not contained within the original conditional use boundaries; that nothing has changed on the site; that their only intent is to correctly locate the go-kart track within the corrected boundaries; and that family members maintain the acreage around and near the site.
8. This is simply a correction of the boundaries for Conditional Use No. 1699; it does not modify the use that was previously approved by Conditional Use No. 1699; the

**approved use remains in the same location; and this modifies the boundaries to correctly reflect the actual location thereof.**

**9. This modification will not adversely affect neighboring properties, roadways, or the community.**

**10. There were no parties present in support of or in opposition to this application.**

**11. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to one (1) condition, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**