

ORDINANCE NO. 2344

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE FOR A CLEANING SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,205 SQUARE FEET, MORE OR LESS (Tax Map I.D. 334-12.00-Parcel 25 & 26)

WHEREAS, on the 7th day of January 2014, a conditional use application, denominated Conditional Use No. 1981 was filed on behalf of Robert & Julie Norwood; and

WHEREAS, on the 13th day of March 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 27th day of March 2014, said Planning and Zoning Commission recommended that Conditional Use No. 1981 be approved subject to eight conditions; and

WHEREAS, on the 8th day of April 2014, 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. 1981 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 at the northwest corner of Route 24 and Retz Lane (a private street) 280 feet southwest of Road 284 (Mulberry Knoll Road) and being more particularly described as Lots 13 and 14 in Country Village Subdivision as recorded in Plot Book 8, Page 162, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 24,205 square feet, 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:

- A. The use shall be limited to a cleaning service business and the offices for such a business.**
- B. The hours of operation shall be 8:00 a.m. through 7:00 p.m.**
- C. The entrance, subject to any DelDOT requirements and/or approvals, shall be from Retz Lane as it currently exists.**
- D. One lighted sign shall be permitted. The sign shall not exceed 32 square feet in size per side.**
- E. All parking areas for company vehicles and employee vehicles shall be shown on the Final Site Plan and clearly marked on the site.**
- F. No mechanical work on any vehicles shall occur on site.**
- G. Any storage of equipment, cleaning supplies, chemicals and other items associated with the business shall be located inside of buildings.**
- H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2344 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 8TH DAY OF APRIL 2014.


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 an office for a cleaning service business to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 24,205 square feet, more or less, land lying at the northeast corner of Route 24 and Retz Lane (a private street) 280 feet southwest of Road 284 (Mulberry Knoll Road).**
- 2. DelDOT commented that it had reviewed an application for this site as a rezoning to CR-1 and determined that a Traffic Impact Study was not recommended; and, that the current Level of Service "E" of Route 24 at this location would 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 Goslee Creek Planning Area; that the proposed office will use an existing on-site septic system; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that conforming to the North Coastal Planning Area Study will be required; that when the County provides sewer service, the on-site system must be abandoned and a direct connection to the central system is mandatory; and that a Concept Plan is not required.**
- 4. Based on the Applicant's testimony before the Planning and Zoning Commission and the Sussex County Council, the Council found that the Applicant, Robert Norwood, wants to operate an office for his window cleaning business and to park his three (3) company trucks on the site; that he plans on converting the garage into an office; that the existing dwelling is in need of a lot of repairs and improvements and may become a rental; that there will not be any mechanical work on vehicles on site; that there will be a standard household trash receptacle for business trash; that he would like to erect a lighted sign; that the one security pole light on the premises is sufficient since it is located between the garage and the dwelling; that normal business hours are from 8:00 a.m. to 7:00 p.m.; and that he currently has three (3) employees, but the number of employees increases to eight (8) during the summer season.**
- 5. The Applicant, Robert Norwood, was present at the Public Hearing and he stated that there is no work performed on the site, except some office work; that access to the site will be from Retz Lane, with no direct access to Route 24; that his employees will be parking and meeting on the site to go to job sites; and that he plans on creating a stone parking area with parking bumpers to mark the parking spaces.**
- 6. Based on the Findings of the Planning and Zoning Commission, the Council found that:**

 - A. This business will have little or no impact on neighboring or adjacent properties.**
 - B. There are other small business uses in the area, including doctors' offices, a screen printing business, a lamp store, a small seafood business, and others. Most of these are conditional uses, as well.**
 - C. The use will involve use of the existing garage as an office to coordinate the cleaning service. The actual business activities consisting of cleaning and window cleaning occur off site.**

- D. This location along Route 24 is appropriate for a small business use such as this.**
- E. No parties appeared in opposition to this Conditional Use application and one neighbor supports it.**
- F. Although this property is located in a subdivision, the deeded documents reference commercial use of the parcel.**
- G. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Council, the Conditional Use was approved subject to eight conditions (A – H) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**