

**ORDINANCE NO. 2378**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.83 ACRES, MORE OR LESS (Tax Map I.D. 2-34-25.00-31.00, 31.02, 31.04)**

**WHEREAS, on the 19th day of March 2013, a conditional use application, denominated Conditional Use No. 1963 was filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey's Landing Park, Inc.; and**

**WHEREAS, on the 23rd day of May 2013, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 27th day of June, 2013, said Planning and Zoning Commission recommended that Conditional Use No. 1963 be approved with conditions; and**

**WHEREAS, on the 18th day of June 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. 1963 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 Indian River Hundred, Sussex County, Delaware, and lying on both sides of the eastern end of Long Neck Road (State Route 23, a.k.a. Route 22) and being more particularly described in the attached legal descriptions, and containing 50.83 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 maximum number of campground/RV sites shall be three hundred twenty-two (322).**
- 2. All entrance and roadway improvements and any other DelDOT requirements shall be completed as required by DelDOT. This includes the Developer's agreement to comply with DelDOT's request to enter into an agreement with DelDOT to fund an equitable portion of the installation of a single-lane roundabout at the intersection of Route 23 and Pot-Nets Road, and other similar improvements.**
- 3. The Development shall be served by the County's Long Neck Sanitary Sewer District. The Applicant shall comply with all Sussex County Engineering Department requirements regarding connection to, and service by, the District.**
- 4. The Development shall be served water for domestic use and fire protection by the Long Neck Water Company.**
- 5. Stormwater management and sediment and erosion control facilities shall be constructed in accordance with applicable State and County requirements and maintained using Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- 6. The Applicant shall cooperate and coordinate with the State and County emergency preparedness offices to develop and implement an emergency evacuation plan.**
- 7. The Development shall be surrounded by a 50 foot landscaped buffer. This shall be installed as part of the 1st phase of the development's construction.**
- 8. The entire facility may open no earlier than April 1st each year and shall close no later than the first Sunday of November of each year.**
- 9. The campground/RV park shall remain vacant and no campers or RVs shall be stored on the campground during the period that the campground is closed.**
- 10. There shall be no accessory buildings located on individual campsites.**
- 11. Campground restrictions shall be submitted as part of the site plan review.**
- 12. All units to be used for the purpose of human habitation on campsites shall be tents, travel trailers, recreational vehicles and equipment manufactured specifically for camping purposes.**

- 13. The Developer shall plan the entrance design to accommodate a DART bus stop and turnabout in consultation and cooperation with DART.**
- 14. One sign, not exceeding thirty-two (32) square feet per side with lighting, shall be permitted. The lighting for the sign shall not shine on any neighboring properties or roadways.**
- 15. All lighting shall be downward screened so that it does not shine on neighboring communities or roadways.**
- 16. All wetlands on the site shall be clearly marked on the site to avoid disturbance. The location and type of these markers shall be shown on the Final Site Plan.**
- 17. The Applicant shall determine, after consulting with the County, whether there are any “dwellings” in the vicinity of the property that require a 400 foot buffer pursuant to Section 115-172H.(3) of the Sussex County Code (in effect at the time of this application).  
  
As part of the Final Site Plan review, the Developer shall include a note on the Plan describing its efforts to make this determination and show the location of any dwelling that would trigger the application of the 400 foot buffer.**
- 18. All campsites must be 2,000 square feet in size according to the Sussex County Code. It does not appear that the campsites at the “Remote Tenting Area” shown on the Preliminary Site Plan comply with this size requirement, and this must be corrected on the Final Site Plan along with any other campsites that do not meet the appropriate dimensional requirements.**
- 19. There shall be a notice at the entrance to the campground stating that it is located within a Flood Prone Area and that certain evacuation and/or relocation procedures are in place and must be followed by all campground visitors in the event of a weather emergency.**
- 20. There shall be a buffer of 200 feet from any structure used for living space on property of lands other than the Applicants; no activities or structures of this use shall be permitted in the 200 foot buffer.**
- 21. The Planning and Zoning Commission shall determine the number of park models, RVs, travel trailers, and tent camping (sites) to be established on the site; the number of transient sites shall also be determined by the Commission.**

22. There shall be no sales of campsites or camping units, i.e., park models, RVs, travel trailers or cabins.
23. There shall be no motorized watercraft for sale or lease from the site and there shall be no launching of motorized watercraft from the site.
24. 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. 2378 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF DECEMBER 2014.**



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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:**

- A. Based on the record, the site is located in the Long Neck Sanitary Sewer District; that wastewater capacity is available; that Ordinance 38 construction is required; that conformity to the North Coastal Planning Study will be required; that connection to the sewer system is mandatory; that the County reserves the right to alter or provide additional comments upon submittal of information regarding flood zones; that the County requires design and construction of an on-site collection system to meet County Engineering Department Standards and Procedures; that coordination of existing public sewer with the project's design is required; that the County Engineer must approve connection points, and requires that a Sewer Concept Plan be submitted for review and approval; and that System Connection Charges will apply.
- B. The record reflects that Delaware Department of Transportation (DelDOT) provided comments on January 28, 2013 in reference to the Traffic Impact Study (TIS), on April 10, 2013 on the Preliminary Site Plan, and on May 13, 2013 provided an Entrance Location Approval Only letter; that, while there were concerns expressed about traffic, DelDOT has not objected to the project or the traffic generated by it on area roadways; that a TIS was

completed in 2005 and has been reviewed and accepted by DelDOT subject to certain recommendations in terms of improvements that the Applicant will be responsible for; that DelDOT found that conditions in the study area have not changed substantially since the 2005 TIS was done, that the development now proposed will be similar in its trip generation and therefore “our findings and recommendations based on the TIS contained in a letter dated November 4, 2005, are applicable to the current development proposals as well and a new TIS is not necessary”; and that the State considered Long Neck Road to be a Major Collector Road, which is an appropriate location for this type of use.

- C. Based on the record, Applicant intends to develop the site with a campground/RV park; that the project is planned on both sides of Long Neck Road and is adjacent to State land, the boat ramp site, the existing Massey’s Landing Manufactured Home Park and the existing Pot Nets Seaside Manufactured Home Park; and that the site contains 50.83 acres of land and does not include Mrs. Faucett’s home.
- D. Based on the record, all of the lands around the site have AR-1 Agricultural Residential zoning and are improved with manufactured home communities or water bodies; that the project will have 322 campsites with sewer, water, and electric hookups, bathhouses, laundry, general store, café, snack bar, and recreational and maintenance facilities, pavilions, an aquatic rental center (no motorized watercraft), concierge, golf cart rental center, welcome center/ administrative offices, swimming pool, nature center/activity lodge, lodge meeting center/conference center, remote tenting area, DART bus stop, interior crabbing and fishing piers, and a dog park; that the recreational amenities support the use of the campground; that there will not be any lot sales; that employee parking will be provided; that Delaware Electric Cooperative will provide electricity; that the site is located in the Indian River Fire Company service area; that the streets within the project will be sized to accommodate the largest emergency vehicle of the Indian River Volunteer Fire Company; that they are proposing to install pervious pavement with filter strips, rather than impervious pavement; that they plan on utilizing green technologies and Best Management Practices; that there are no threatened/endangered species on site; and that the project will have controlled and gated access.
- E. The use as a campground is consistent with the other existing residential uses, campgrounds and manufactured housing communities that currently exist in the Long

**Neck Road and Massey's Landing areas; that campers and RVs are not something new in this neighborhood, so there is a reasonable expectation that RV and campground uses could be developed in the vicinity; and that the use is adjacent to developed Manufactured Home Parks on the west and south, and the bay and the State of Delaware boat launch on the north and east.**

- F. Under the current Sussex County Comprehensive Plan, the site is located in the Environmentally Sensitive Developing Area, which is recognized as a development or growth area on the Future Land Use Map; that the area is almost fully developed and this project could be considered infill; that the development is consistent with the purposes and goals of the Sussex County Comprehensive Plan Update and is beneficial and desirable for the general convenience and welfare of Sussex County and its residents because it promotes tourism and related services, economic growth in a designated development area, full and part-time employment opportunities, significant economic benefits to area businesses, and is consistent with the character of the zoning and development in the area; that the site is an appropriate location for the proposed development since recreational and commercial uses exist in the Long Neck area; and that there will be no negative impact on schools or other similar public facilities since the development will operate only seasonally.**
- G. The Applicant has created a sufficient record in support of the Conditional Use application.**
- H. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to twenty-four (24) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**