

ORDINANCE NO. 2505

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.974 ACRE, MORE OR LESS

WHEREAS, on the 21st day of December 2016, a conditional use application, denominated Conditional Use No. 2078, was filed on behalf of Sunlight Ventures, Ltd.; and

WHEREAS, on the 18th day of May 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 8th day of June 2017, said Planning and Zoning Commission recommended that Conditional Use No. 2078 be approved with conditions; and

WHEREAS, on the 20th day of June 2017, 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. 2078 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 on the north side of Lewes-Georgetown Highway (Route 9), approximately 791 feet west of Arabian Acres Road, and being more particularly described per the attached deed prepared by Brady, Richardson, Beauregard & Chasanov, said parcel containing 0.974 acre, 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. There will only be one lighted sign on the premises that shall not exceed 16 square feet on each side.**

- b. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties or roadways.
- c. This approval is limited to the office proposed during the public hearing. The Sussex County Planning and Zoning Commission shall consider whether any future proposed expansion shall require a new public hearing.
- d. The structure on the site shall maintain a residential character and appearance.
- e. The use shall be limited to professional office uses such as the architecture office proposed by the Applicant. There shall not be any contractor's offices or uses that primarily involve retail sales.
- f. The Applicant must comply with all DelDOT requirements concerning the entrance and roadway improvements.
- g. The Final Site Plan shall include a landscape plan for the property.
- h. 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. 2505 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF JUNE 2017.

**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. This is the application of Sunlight Ventures, Ltd. for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for a professional office to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.974 acre, more or less (located on the north side of Lewes-Georgetown Highway (Route 9) approximately 791 feet west of Arabian Acres Road) (Tax I.D. No. 334-4.00-84.00) (911 Address: 29003 Lewes-Georgetown Highway, Lewes).
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Freddy Bada and Robert Rollins with Moonlight Architecture, Inc. were present on behalf of the application; that they purchased the lot to build a home to sell; that they decided to use it for the architecture firm; that the office does not generate a lot of traffic; that they generally go to the clients; that they are already operating the business; that there are four (4) full-time and two (2) part-time employees; that maybe two (2) or three (3) clients a week may come to the office; that they would like a small sign similar to a real estate sign; that they have on-site septic and well; and that they have had between five (5) to six (6) employees over the eighteen (18) years of business.
- E. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 6) and Conditions (7A through H), as amended, Council found that:
 - 1. The proposed Conditional Use is generally similar to other uses in the vicinity of the property along Route 9. There are other small business uses and this office will maintain a residential character that is consistent with the residences that also exist in this area.

- 2. The use as an office for an architecture firm will not generate a lot of traffic.**
- 3. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties, community or traffic.**
- 4. The use as an office for an architectural firm provides a convenient location for this service that will benefit the health, safety and welfare of Sussex County residents.**
- 5. No parties appeared in opposition to this application.**
- 6. The approval of this small office use should not be considered an endorsement of future rezoning or conditional use applications for large or more intensive uses along the Route 9 corridor.**
- 7. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to nine (9) conditions (a – h), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**