

ORDINANCE NO. 2570

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE WITH CONTRACTOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.6425 ACRES, MORE OR LESS

WHEREAS, on the 25th day of September 2017, a conditional use application, denominated Conditional Use No. 2118, was filed on behalf of John W. Davidson; and

WHEREAS, on the 8th day of March 2018, 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. 2118 be approved; and

WHEREAS, on the 20th day of March 2018, 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. 2118 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 the northeast of Harbeson Road, approximately 1,932 feet northwest of Hollyville Road, and being more particularly described in attached deed prepared by Tunnell & Raysor, P.A.

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 (same as Ordinance No. 2340, Conditional Use No. 1978):

- A. The use shall be limited to professional offices and contracting, including the Applicants' masonry, dumpster rental, and house moving business.
- B. Although permitted for use as the Applicant's house moving business, the site shall not become a sales facility for used or relocated houses, mobile homes or manufactured homes.
- C. All security lighting shall be screened from view so that it does not shine on neighboring properties or roadways.
- D. No junked or unregistered vehicles, trailers or similar equipment shall be stored on the site.
- E. The Final Site Plan shall depict all areas used for outside storage, including:
 - a) Vehicles, trailers and similar equipment storage and parking.
 - b) Storage of house moving materials such as beams, axles, dunnage, jacks, etc.
 - c) Materials associated with the masonry business;
 - d) Construction dumpsters
 - e) Structures temporarily moved to the site while in transit between locations.
 - f) Any other outside storage associated with the Applicant's business.
- F. The Final Site Plan shall contain the approval of the Sussex Conservation District for all required storm water management governed by that office.
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.
- H. The project shall be subject to all DeIDOT requirements regarding entrances and roadway improvements.
- I. The hours of operation on this site shall be from 6:00 a.m. until 6:00 p.m.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2570 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF MARCH 2018.

**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 John W. Davidson for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for a professional office with contractor storage to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 4.6425 acres, more or less (located on the northeast of Harbeson Road, approximately 1,932 feet northwest of Hollyville Road) (Tax I.D. No. 234-10.00-70.16) (911 Address: Not Available).
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that John Davidson was present on behalf of the application; that he stated he had issues with stormwater management and DeIDOT; that he has been working with Engineering and needs a new Conditional Use for the final plan; that the use is for a contractor storage and the only access to the property is off of Route 54; that he has eight employees; that there will be no customers; that this is only a place to pick up equipment and leave; that the hours of operations are 6:00 am until 6:00 pm; that he would like a non-lighted sign; that only employees go to the site; that this is the same plan and he is okay with the same conditions; and that he is okay with incorporating the prior approval into the public hearing before the Sussex County Council.

C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 6), Council found that:

- 1. This application is identical to Ordinance No. 2340 for Conditional Use No. 1978, that the Conditional Use lapsed while the Applicant was seeking his agency approvals.**
- 2. The Applicant has stated that he is willing to abide by all of the conditions imposed as part of Ordinance No. 2340.**
- 3. The proposed use is still consistent with nearby uses, which include other businesses, offices, and contractors.**
- 4. The Findings of Fact contained in Ordinance No. 2340 support this current recommendation of approval.**
- 5. No parties appeared in opposition to this application.**
- 6. This recommendation is subject to all of the conditions imposed upon Ordinance No. 2340, and those conditions are incorporated into this recommendation in their entirety.**