

**ORDINANCE NO. 2615**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINISTORAGE WITH CARETAKER RESIDENCE AND OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.31 ACRES, MORE OR LESS**

**WHEREAS, on the 30th day of May 2018, a conditional use application, denominated Conditional Use No. 2148, was filed on behalf of Sussex Farms, LLC c/o Samuel Connors; and**

**WHEREAS, on the 11th day of October 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 25th day of October 2018, said Planning and Zoning Commission recommended that Conditional Use No. 2148 be approved with conditions; and**

**WHEREAS, on the 13th day of November 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. 2148 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 northwest side of John J. Williams Highway (Route 24) approximately 697 feet southwest of Mount Joy Road and being more particularly described in the attached deeds prepared by Larry W. Fifer, Attorney at Law, and the Delaware Department of Transportation, said parcel containing 2.31 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:**

- A. There shall not be any outside storage on the premises. This includes the prohibition against outside storage of building materials, construction materials, boats and RVs within the site.**
- B. Any security lights shall only be installed on the buildings and shall be screened with downward illumination so that they do not shine on any neighboring properties or roadways.**
- C. The perimeter of the storage area shall be fenced and gated. As stated by the Applicant, the fencing shall be vinyl coated or shall utilize a similar material. The location and type of fencing shall be shown on the Final Site Plan.**
- D. There shall be only one lighted sign allowed on the site of no more than 32 square feet per side.**
- E. Stormwater management shall be maintained on the site, using Best Management Practices.**
- F. One caretaker's residence shall be permitted for security.**
- G. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.**
- H. The Final 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. 2615 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH DAY OF NOVEMBER 2018.**

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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. This is the application of Sussex Farms, LLC c/o Samuel Connors for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for ministorage with caretaker residence and office to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 2.31 acres, more or less (lying on the northwest side of John J. Williams Highway (Route 24) approximately 697 feet southwest of Mount Joy Road) (Tax I.D. No. 234-29.00-19.00) (911 Address: 26750 John J. Williams Highway, Millsboro).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Larry Fifer, Esquire, Samuel Connors, owner of Sussex Farms, LLC and Kevin Smith, with The Kercher Group, were present on behalf of the application and stated that the property is located near the intersection of Route 24 and Mount Joy Road; that the proposed use is for an office**

and self-storage facility; that the mini storage with an office is consistent with the area uses; that the Applicant proposes a commercial self-store for all the items that residents are not allowed to have in a homeowners association; that there would be no outdoor storage; that they are proposing to build three buildings; that hours of operation would be 6:00 am or 7:00 am to 7:00 pm or 8:00 pm; that there would be a total of 26 units; that each unit would be 500 square feet and each door would be 12x14; that there would be minimal lighting for security on the east side; that the fencing would be black with vinyl coating and similar to the current fence; that his office is there and there would be no contractor uses; that he would like a lighted sign; and that it is not possible to provide interconnectivity because there is a parcel between his parcel and the gas station.

**C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 8) and Conditions (A – H), Council found that:**

- 1. The use as a small, indoor storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the area.**
- 2. The use is to be located along Route 24, which is an arterial road. It is in an area along Route 24 where several businesses exist. This is an appropriate location.**
- 3. The use is intended to provide space for storage uses for small contractors and subcontractors, as well as for the indoor storage of RVs and boats.**
- 4. There was testimony in the record that there is a need for convenient locations for small contractors and subcontractors to operate from in this part of Sussex County.**
- 5. There are nearby deed restricted residential developments that have limitations on small business storage and on keeping boats and RVs on a lot. This use provides a convenient location for those needs.**
- 6. This type of small storage facility generates a relatively minor amount of traffic when compared with other types of uses. It will not adversely affect traffic on area roadways.**
- 7. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.**
- 8. No parties appeared in opposition to this application.**
- 9. Based on the record and recommendation of the Planning & Zoning Commission and the record created before the Sussex County Council, the Conditional Use is approved subject to eight (8) conditions (A - H), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**