

**ORDINANCE NO. 2638**

**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 0.91827 ACRE, MORE OR LESS**

**WHEREAS, on the 25th day of October 2018, a conditional use application, denominated Conditional Use No. 2160, was filed on behalf of Procino, Wells and Woodland, P.A.; and**

**WHEREAS, on the 28th day of February 2019, 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. 2160 be approved with conditions; and**

**WHEREAS, on the 19th day of March 2019, 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. 2160 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 Savannah Road, approximately 878 feet west of Dove Road, and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 0.91827 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. The use shall be limited to professional offices only.**
- B. As stated by the Applicant, the use shall occur within the existing structure that will be renovated by the Applicant, while maintaining its residential appearance from Savannah Road.**
- C. The hours of operation will be between 7:00 a.m. and 7:00 p.m., Monday through Friday, and weekends by appointments.**
- D. Any dumpsters shall be located to the rear of the property and screened from view of neighboring properties and roadways.**
- E. The Applicant shall comply with all DeIDOT requirements concerning entrance, traffic and roadway improvements.**
- F. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- G. As stated by the Applicant, the existing fencing shall be maintained around the site.**
- H. With the exception of the required handicapped spaces, all parking shall be located in the rear of the property behind the office. The parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.**
- I. One lighted sign will be permitted on the property. The sign shall be no larger than 32 square feet per side.**
- J. 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. 2638 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 19TH DAY OF MARCH 2019.**

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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 Procino, Wells and Woodland, P.A. for the consideration of the 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 0.91827 acre, more or less (lying on the north side of Savannah Road, approximately 878 feet west of Dove Road) (Tax I.D. No. 335-12.06-3.00) (911 Address: 1519 Savannah Road, Lewes).**

**B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Tim Willard, Esquire, with Fuqua, Willard, Stevens, & Schab, P.A., and Amber Woodland, Esquire, partner of Applicant, properly known as Procino-Wells & Woodland, LLC, were present at the Planning and Zoning Commission hearing, and Mr. Willard and Michele Procino-Wells, Esquire, partner of Applicant were present at the Council hearing on behalf of this application; that the Applicant will maintain the residential appearance of the existing house, but will use it as an office; that there are a lot of offices on Savannah Road; that the house was built in 1934 and had housed an old magistrate's office from the 1930's to the 1940's; that the home consists of approximately 1,700 square feet which is the proposed office space; that it would have nine parking spaces with most of the parking in the back of the site; that there may be one or two employees at the site; that there would not be a lot of traffic; that the Applicant intends to keep as many of the existing trees as possible; that a Traffic Impact Study (TIS) was not warranted; that Applicant would like a downward lighted sign; that the proposed Conditional Use would not adversely affect the neighborhood; that the hours of operation are from 8:00 a.m. to 4:30 p.m., Monday through Friday, but Applicant is proposing the hours of operation to be 7:00 a.m. to 7:00 p.m., Monday through Friday and weekends by appointment only; and that handicap parking would be provided in the front and a ramp would be located in back of the property.**

**C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 5) and revised Conditions (6A through 6J), Council found that:**

- 1. The proposed Conditional Use is similar in character to many other offices in this area of Savannah Road. It is in character with the long history of development of medical and professional office space along Savannah Road.**
- 2. The use as a professional office in this location will benefit the health, safety, and welfare of present and future residents of Sussex County by providing such a use in a convenient location.**
- 3. The Applicant intends to utilize the existing structure on the property as a law office. This is consistent with other business and professional uses along Savannah Road.**
- 4. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.**
- 5. The use is in a Developing Area according to the Sussex County Comprehensive Land Use Plan. This use is appropriate in that area according to the Plan.**
- 6. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to ten (10) conditions (A - J) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**