

ORDINANCE NO. 2649

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRANSITIONAL HOME TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.3028 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of January 2019, a conditional use application, denominated Conditional Use No. 2172, was filed on behalf of Iris Downing; and

WHEREAS, on the 14th day of March 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 28th day of March 2019, said Planning and Zoning Commission recommended that Conditional Use No. 2172 be approved; and

WHEREAS, on the 16th day of April 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. 2172 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 Cedar Creek Hundred, Sussex County, Delaware, and lying on the south side of Wild Cherry Street approximately 141 feet west of S. Old State Road and being more particularly described in the attached legal description prepared by the United States Department of Agriculture, said parcel containing 0.3028 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. Transitional housing shall be available on this site to no more than 12 individuals plus the staff required to operate the facility.

- B. As proposed by the Applicant, the housing will be on a temporary or transitional basis and it shall not become a long-term boarding house. No residents shall remain in the home for more than 18 months, except for support staff.**
- C. The use shall maintain its residential appearance.**
- D. The facility shall be staffed on a 24-hour, 7 day per week basis to control compliance with the occupancy limitations and to ensure that it is operated in a clean and organized manner at all times.**
- E. The use shall comply with all Sussex County parking requirements.**
- F. The site shall comply with any requirements of the Sussex Conservation District.**
- G. No signage shall be permitted.**
- H. As stated by the Applicant, staff at the home shall partner with a local organization familiar with the homeless to assist in the qualification, referral, and placement of residents to the home.**
- I. The operator of the home shall comply with all Federal State and local laws governing the operation of the home.**
- J. The site shall comply with all requirements of the Delaware Department of Transportation.**
- K. 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. 2649 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 16TH DAY OF APRIL 2019.

**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**

The Council found that the Conditional Use is appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Iris Downing to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a transitional home to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 0.3028 acres, more or less (lying on the south side of Wild Cherry Street, approximately 141 feet west of South Old State Road) (Tax I.D. No. 230-26.20-18.00) (911 Address: 18366 Wild Cherry Street, Ellendale).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that the Applicant, Ms. Iris Downing, and Mr. John Roach, with John B. Roach Engineering, were present at the Planning and Zoning Commission hearing, and Timothy G. Willard, Esquire, with Fuqua, Willard, Stevens & Schab, P.A., and the Applicant were present at the Sussex County Council hearing, on behalf of the application; that the Applicant is requesting a Conditional Use for a transitional home to help the homeless; that the transitional home**

would be a private home which would have up to 10 rooms, that it would provide support for education and housing, and would be able to give support as needed; that once the home is renovated, it would include security, staff to accommodate residents' needs, transportation, and computers to help find employment; that the home was once used as a daycare facility with a Special Use Exception, but it is no longer being used as one now; that there are single-family residents in the area; that there is a daycare in the area; that there would be 24-hour staffing each day; that the staffing would include the Applicant and others; that the Applicant is working with a person who has a shelter drafting guidelines to determine who will be eligible to stay at the shelter; that the Applicant has talked to her neighbors and has made them aware of the proposal; that there would be adequate parking using the existing driveway for a parking lot; that there is a DART bus stop in the area; and that the Applicant does not want a sign.

C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 7) and Conditions (8A through K), Council found that:

- 1. The Applicant is proposing a transitional housing facility to provide housing, food, transportation, employment and counseling assistance to homeless residents of Sussex County. The housing will be on a temporary or a transitional basis until the residents can find more permanent housing.**
- 2. The use is of a public or semi-public character in that it provides a service to homeless residents of Sussex County. This is an important service, and there is a great need for it in Sussex County.**
- 3. The application is for a site that has been approved for a daycare center. This use will be no more intensive than the prior use.**
- 4. There was no evidence that the use will adversely affect neighboring properties.**
- 5. The site will have little or no impact upon traffic or area roadways.**
- 6. No parties appeared in opposition to this application.**
- 7. The use will be served by central sewer provided by Sussex County.**
- 8. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to eleven (11) conditions (A - K), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**