

ORDINANCE NO. 2653

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AMENDMENTS TO CONDITIONS OF APPROVAL OF CU 1645 (ORDINANCE NO. 1843) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS

WHEREAS, on the 18th day of December 2018, a conditional use application, denominated Conditional Use No. 2168, was filed on behalf of Michael Mears; and

WHEREAS, on the 11th day of April 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. 2168 be approved; and

WHEREAS, on the 14th day of May 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. 2168 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the north side of Paradise Road, approximately 0.26 miles west of Governor Stockley Road and being more particularly described in the attached legal description prepared by Schab & Barnett, said parcel containing 1.0 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 to amend Conditions 1 and 7 of Conditional Use No. 1645 (Ordinance No. 1843) as follows:

- 1. Condition 1 is amended to state that there shall be no more than 14 business vehicles or trailers parked at any one time; and**

2. **Condition 7 is amended to state that there shall be no more than 14 non-relative employees.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2653 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF MAY 2019.

**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 Michael S. Mears to consider the Conditional Use of land in an AR-1 Agricultural Residential District for amendments to conditions of approval of CU 1645 (Ordinance No. 1843) to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 1.0 acre, more or less (land lying on the north side of Paradise Road, approximately 0.26 miles west of Governor Stockley Road) (Tax I.D. No. 133-10.00-10.16) (911 Address: 22159 Paradise Road, Georgetown).**
- B. **Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that the Applicant, Mr. Michael Mears, was present on behalf of his application; that the original conditions of approval permitted two employees and a limited number of vehicles; that the Applicant operates a plumbing business with two to seven non-relative employees and seven vehicles; that the business has grown since 2004; that the Applicant is looking to add up to seven employees and increase the number of vehicles on the site; that the Applicant has made the driveway larger and has added a fence where the trees use to be; that two of the employees do take their work vehicles home; that there would be three vehicles at night time; that the Applicant has a mini excavator and a skid loader and both are transported on trailers; that the Applicant would need 10 vehicles and four trailers; and that there would be no customers on the site.**
- C. **Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings, for the reasons and stipulations stated in the Motion, Council approved the application to amend Conditions 1 and 7 of Conditional Use No. 1645 (Ordinance No. 1843).**