

ORDINANCE NO. 2667

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WELDING AND FABRICATION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.605 ACRES, MORE OR LESS

WHEREAS, on the 18th day of March 2019, a conditional use application, denominated Conditional Use No. 2178, was filed on behalf of Steven and Carrie Coleman; and

WHEREAS, on the 13th day of 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. 2178 be approved with conditions; and

WHEREAS, on the 16th day of July 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. 2178 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 Broad Creek Hundred, Sussex County, Delaware, and lying on the south side of Laurel Road (Route 24), approximately 0.46 mile west of Jestice Farm Road, and being more particularly described in the attached legal description prepared by Moore & Rutt, P.A., said parcel containing 1.605 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. No outside repair work shall be performed on site.**
- B. All used, junked parts, equipment, etc. shall be screened from view of neighboring properties and roadways and shall be appropriately discarded or recycled.**

- C. The property shall have security lighting that is downward screened so that it does not project onto neighboring properties or roadways.
- D. If desired by the Applicant, one lighted sign not to exceed 32 square feet per side shall be permitted.
- E. The Applicant shall comply with all DelDOT requirements concerning access and roadway improvements.
- F. All dumpsters or trash disposal containers shall be screened from view from neighboring properties, adjacent properties and roadways.
- G. 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. 2667 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 16TH DAY OF JULY 2019.

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

The Council found that the Proposed Ordinance was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Steven and Carrie Coleman for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for a welding and fabrication business to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 1.605 acres, more or less (land lying on the south side of Laurel Road (Route 24) approximately 0.46 mile west of Jestice Farm Road (Tax I.D. No. 232-19.00-30.00) (911 Address: 14716 Laurel Road, Laurel).
- 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. Steve Coleman, was present on behalf of his application; that the business started as an in-home occupation with himself and his son, and that they have added employees; that he is outgrowing the current shop on the parcel and would like to build a larger shop on the adjoining parcel in order to expand his business; that he would like to add more employees; that he would continue to use the existing porta-johns until he adds more employees; that there would be four employees' vehicles parked on the site during the hours of operation; that he has five personal vehicles and one of the five vehicles is a company work vehicle; that he has three work trailers; that all equipment, including the fork lift and small crane, is stored indoors; that all the work would take place undercover and inside the building; that there would be a steel rack stored outside for external storage of lengths of raw materials; that the hours of operation are from 7:00 a.m. to 5:30 p.m., Monday through Friday, and 7:00 a.m. to 3:30 p.m. on Saturdays; that they do not usually work on the weekends, but they may work on an occasional Saturday; that he would like a sign on the building but not on the road; that he would add security lighting on the outside of the building; that he has a dumpster on the site; and that there are no known complaints from the adjoining neighbors.
- C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 6) and Conditions (7A through 7G), Council found that:

- 1. The use started by the Applicant on this property as a home occupation. The business was successful, and it has added employees which triggered the need for a Conditional Use.**
- 2. The use is needed in this area of Sussex County by farmers. The Applicant performs repairs on all sorts of agricultural equipment.**
- 3. By providing a service to the Sussex County agricultural community this Application meets the purpose of granting a conditional use as set forth in the Sussex County Zoning Code.**
- 4. The proposed use will not adversely affect traffic on area roadways. It will also not adversely affect neighboring or adjacent properties.**
- 5. No parties objected to the use and no parties appeared in opposition to the application during the public hearing.**
- 6. Several people appeared in favor of this application and explained that it is needed to support the agricultural economy of western Sussex County.**
- 7. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Sussex County Council, the Conditional Use is approved subject to seven (7) conditions (A through G) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**