

ORDINANCE NO. 2714

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.75 ACRES, MORE OR LESS

WHEREAS, on the 5th day of February 2020, a conditional use application, denominated Conditional Use No. 2224 was filed on behalf of Pamela Price; and

WHEREAS, on the 12th day of March 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 26th day of March 2020, said Planning and Zoning Commission recommended that Conditional Use No. 2224 be approved with conditions; and

WHEREAS, on the 9th day of June 2020, 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. 2224 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 Little Creek Hundred, Sussex County, Delaware, and lying on the west side of Sussex Highway (Rt. 13) approximately 0.25 miles north of the intersection of Whitesville Road and Sussex Highway (Rt. 13) and being more particularly described in the attached legal description prepared by David W. Baker, Esq., said parcel containing 1.75 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. The use shall be limited to a real estate office.**
- B. As stated by the Applicant, the hours that the office shall be open to clients shall be between 8:30 a.m. and 7:00 p.m. This shall not prohibit the Applicant or other real estate agents from working in the office at other hours.**
- C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- D. Any dumpsters shall be screened from view of neighboring properties and roadways.**
- E. There shall not be any outside storage on the site.**
- F. The Applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements.**
- G. All parking areas for the Conditional Use shall be shown on the Final Site Plan and clearly marked on the site itself.**
- H. 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. 2714 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF JUNE 2020.

**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 Pamela Price for a Conditional Use in an AR-1 Agricultural Residential District for a real estate office to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 1.75 acres, more or less (property lying on the west side of Sussex Highway (Route 13) approximately 0.25 miles north of the intersection of Whitesville Road and Sussex Highway (Route 13) (Tax I.D. No. 332-7.00-22.00) (911 Address: 34590 Sussex Highway, 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, Ms. Pamela Price, was present by teleconference on behalf of the application; that there are seven (7) part-time employees and two (2) full-time employees who will be on site; that the use will have no impact on roads or on schools; that the hours of operation are Monday to Friday 8:30 a.m. – 5:00 p.m. with occasional weekend use; that the use will not create noise issues; that there will be no outside storage; that a lighted sign is requested for the property; that there is a commercial greenhouse across the highway from the property; that the only nearby residence is next door; and that the next door neighbors have submitted a note in support of the application.**
- 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 Conditions (6A - H), Council found that:**
 - 1. The Applicant is seeking approval of a conditional use for a small real estate office with approximately 7 agents. This type of professional office space is a low impact use that will not adversely impact nearby properties or roadways.**

- 2. The proposed Conditional Use is located on a site that has frontage on Route 13 near the intersection with Whitesville Road. This is an appropriate location for this use.**
- 3. The Applicant stated that the real estate office space will not generate much traffic other than the few employees who will work there. Meetings and property visits with the business' clients typically occur offsite.**
- 4. The property is in a "Low Density Area" according to the Comprehensive Plan. Small office uses such as this one are appropriate in this Area according to the Plan.**
- 5. No parties appeared in opposition to this application, and the next-door property owner submitted a letter in support of the application.**
- 6. 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 eight (8) conditions (A - H), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**