

ORDINANCE NO. 2728

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT & RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.93 ACRES, MORE OR LESS

WHEREAS, on the 5th day of February 2020, a conditional use application, denominated Conditional Use No. 2223 was filed on behalf of A&W Burbage, LLC; and

WHEREAS, on the 11th day of June 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 25th day of June 2020, said Planning and Zoning Commission recommended that Conditional Use No. 2223 be approved with conditions; and

WHEREAS, on the 11th day of August 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. 2223 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 Baltimore Hundred, Sussex County, Delaware, and lying on the north east corner of Burbage Road & Jones Road, approximately 0.72 miles east of Omar Road and being more particularly described in the attached legal description prepared by Delaware Surveying Services, said parcel containing 3.93 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 site shall be limited to boat and RV storage only.
- B.** The perimeter of the site shall be fenced with a 7-foot high chain linked type of fencing.
The entrance shall be gated with electronic access.

- C. No maintenance of boats or RVs shall be performed on the site.**
- D. Security lighting shall be provided on the site and shall be directed away from neighboring properties.**
- E. No junked or inoperable boats, boat trailers or RVs shall be kept on the site.**
- F. There shall be no more than 145 spaces for boat and RV storage. Those parking or storage spaces shall be shown on the Final Site Plan and marked on the site itself.**
- G. One lighted sign shall be permitted near the entrance. It shall not be larger than 32 square feet per side.**
- H. Violation of any condition of approval may be grounds for terminating this conditional use approval.**
- I. 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. 2728 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF AUGUST 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 A&W Burbage, LLC for a Conditional Use in an AR-1 Agriculture Residential District for boat and RV storage to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.93 acres, more or less (land lying on the northeast corner of Burbage Road and Jones Road, approximately 0.72 miles east of Omar Road) (Tax I.D. No. 134-14.00-36.00) (Part of) (911 Address: 32855 Jones Road, Frankford).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Mr. Gerald Burbage was present on behalf of his company, A&W Burbage, LLC, at the Planning and Zoning Commission hearing by teleconference and in person at the Sussex County Council hearing; that the request is for a Conditional Use for boat and RV storage; that approximately 4 acres of the property will be used for 145 storage areas; that a sign of no larger than 32 square feet is being requested; that the hours of operation will be 24/7; that the site will be monitored by an electronic controlled automatic gate at the entrance of the storage area; and that there will be no impact on traffic or schools as the entrance will be approximately 50 ft. from the highway.**
- C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 4) and Conditions (a - i), Council found that:**

- 1. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.**
- 2. The use as a boat storage facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.**
- 3. The site is conveniently located near several residential developments that do not permit the storage of boats or RVs within them. This facility will serve that need.**
- 4. No parties appeared in opposition to this application.**
- 5. 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 nine (9) conditions (A - I), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**