

**ORDINANCE NO. 2730**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF UTILITIES EQUIPMENT AND VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 6.16 ACRES, MORE OR LESS**

**WHEREAS, on the 11th day of December 2019, a conditional use application, denominated Conditional Use No. 2217, was filed on behalf of Israel Bravo; and**

**WHEREAS, on the 9th day of July 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 23rd day of July 2020, said Planning and Zoning Commission recommended that Conditional Use No. 2217 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. 2217 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 Seaford Hundred, Sussex County, Delaware, and lying on the east side of Sanfilippo Road, and being more particularly described in the attached legal description prepared by Glynis MacAnanny, P.A., said parcel containing 6.16 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 the parking and storage of vehicles, equipment, trailers, and conduit reels associated with the utility installation company, all of which is to be located and confined to the current cleared area.**

- B. There shall not be any inoperable vehicles or equipment stored on the site. Also, no unregistered vehicles or trailers shall be stored on the site.**
- C. There shall be either a privacy fence or landscape buffer behind the house and in front of the proposed storage area.**
- D. As confirmed by the Applicant, no sign for the business shall be located on the site.**
- E. All chemicals associated with the use shall be stored indoors and in appropriate containers.**
- F. The parking and storage areas shall be shown on the Final Site Plan, and clearly marked on the site itself.**
- G. The failure to abide by these conditions shall result in the termination of the conditional use approval.**
- 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. 2730 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF AUGUST 2020.**

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**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 Israel Bravo for a Conditional Use of land in an AR-1 Agricultural Residential District for storage of utilities equipment and vehicles to be located on a certain parcel of land lying and being in Seaford Hundred, Sussex County, containing 6.16 acres, more or less (land lying on the east side of Sanfilippo Road approximately 0.85 mile north of Eskridge Road (S.C.R. 531) (Tax I.D. No. 331-2.00-44.07) (911 Address: 20871 Sanfilippo Road, Bridgeville).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Mr. Israel Bravo was present on behalf of his application; that he is requesting a Conditional Use to store cable and equipment on his property; that cable is used for installing cable TV; that the business has been in operation for 11 years; that he has ten (10) employees; that there is adequate parking onsite; that a sign is not necessary as he contracts for Comcast; that adjacent to this property is a logging business; that there are no chemicals stored outdoors; and that only business equipment will be onsite.**
- 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 – H), as amended, Council found that:**

- 1. This use is limited in nature. The Applicant only seeks to park or store equipment associated with his utility installation company on the site. No construction activities occur on the site.**
- 2. The use as a location for parking and storage of equipment will not require extensive deliveries to or from the site, and the use does not generate a significant amount of traffic.**
- 3. With the conditions and limitations placed upon the use, it will not have an adverse impact upon traffic, roadways or area properties.**
- 4. No parties appeared in opposition to the 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 eight (8) conditions (A – H), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**
  - a. The use shall be limited to the parking and storage of vehicles, equipment, trailers and conduit reels associated with the utility installation company, all of which is to be located and configured in the current cleared area.**
  - b. There shall not be any inoperable vehicles or equipment stored on the site. Also, no unregistered vehicles or trailers shall be stored on the site.**
  - c. There shall be either a privacy fence or landscape buffer behind the house and in front of the proposed storage area.**
  - d. As confirmed by the Applicant, no sign for the business shall be located on the site.**
  - e. All chemicals associated with the use shall be stored indoors and in appropriate containers.**
  - f. The parking and storage areas shall be shown on the Final Site Plan, and clearly marked on the site itself.**
  - g. The failure to abide by these conditions shall result in the termination of the Conditional Use approval.**
  - h. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**