

**ORDINANCE NO. 2755**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR A CAMPGROUND FOR MOBILE CAMPERS, CAMP TRAILERS, TOURING VANS AND THE LIKE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 73.91 ACRES, MORE OR LESS**

**WHEREAS, on the 10th day of March 2020, a conditional use application, denominated Conditional Use No. 2228 was filed on behalf of M.L. Joseph Heirs Farm Account, LLC; and**

**WHEREAS, on the 22nd day of October 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 12th day of November 2020, said Planning and Zoning Commission recommended that Conditional Use No. 2228 be approved with conditions; and**

**WHEREAS, on the 17th day of November 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. 2228 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 Georgetown Hundred, Sussex County, Delaware, and lying on the north side of Lewes-Georgetown Hwy. (Rt. 9) approximately 0.66 miles east of the intersection of Sand Hill Rd. and Lewes-Georgetown Hwy. (Rt. 9) and being more particularly described in the attached legal description prepared by Pennoni Associates, Inc, said parcel containing 73.91 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. There shall be no more than 304 camping and RV sites and no more than 46 cabins within the campground.**
- b. All entrance and roadway improvements and any other DelDOT requirements shall be completed as required by DelDOT.**
- c. The campground shall be connected to the Town of Georgetown's central sewer system.**
- d. The campground shall be connected to the Town of Georgetown's water system for domestic use and fire protection.**
- e. Stormwater management and sediment and erosion control facilities shall be constructed in accordance with applicable State and County requirements and maintained using Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- f. The Development shall be surrounded by a 50-foot landscaped buffer.**
- g. The campground shall remain vacant and no campers or RVs shall be stored on the campsites during the period that the campground is closed. This prohibition shall not include designated storage areas shown on the Final Site Plan, or the cabins, which may remain unoccupied in their respective locations.**
- h. There shall be no accessory buildings located on individual campsites.**
- i. Campground restrictions shall be submitted as part of the site plan review.**
- j. All units to be used for the purpose of human habitation on campsites shall be tents, travel trailers, recreation vehicles and equipment manufactured specifically for camping purposes.**
- k. The Developer shall plan the entrance design to accommodate a DART bus stop and turnabout in consultation and cooperation with DART.**
- l. One sign not exceeding thirty-two (32) square feet per side with lighting shall be permitted at the entrances to Route 9 and Sand Hill Road. The lighting for the signs shall not shine on any neighboring properties or roadways.**
- m. All lighting shall be downward screened so that it does not shine on neighboring communities or roadways.**
- n. Any wetlands on the site shall be clearly marked to avoid disturbance. The location and type of these markers shall be shown on the Final Site Plan.**

- o. The Applicant shall identify all “dwellings” in the vicinity of the property that require a 400 foot buffer pursuant to Section 115-172H(3) of the Sussex County Code. All campsites and cabins shall be a minimum of 400 feet from any dwelling that exists at the time of Final Site Plan approval.
- p. All campsites must be 2000 square feet in size and at least 40 feet wide.
- q. No cabin or campsite shall have direct access to any road outside of the boundaries of the campground. Access to the campground shall be gated and restricted so that the only access shall be from the established entrance points.
- r. There shall be no sales of campsites or camping units, including park models, RVs, travel trailers or cabins.
- s. The campground shall comply with all of the requirements of Section 115-172H.
- t. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2755 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 17TH DAY OF NOVEMBER 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 M.L. Joseph Heirs Farm Account, LLC for a Conditional Use of land in an AR-1 (Agricultural Residential District) for a campground for mobile campers, camp trailers, touring vans and the like to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 73.91 acres, more or less (property lying on the north side of Lewes-Georgetown Highway (Route 9) approximately 0.66 mile east of the intersection of Sand Hill Road (S.C.R. 319) and Lewes-Georgetown Highway (Route 9) (Tax I.D. No. 135-15.00-55.01) (911 Address: 22349 Lewes-Georgetown Highway, Georgetown)
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that David C. Hutt, Esquire, of Morris James, LLP, was present on behalf of the Applicant, M.L. Joseph Heirs Farm Account, LLC, together with Ken Adams and Mark Davidson; that this application is for a Conditional Use for a campground on a 73.91-acre parcel in an Agricultural Residential (AR-1) zoning district; that the subject property is located between Sandhill Road and Route 9; that the property was the location of Georgetown Raceway in the 1970s where harness horseracing, training and boarding occurred; that there are stables remaining on this property today; that following the use as a raceway, the property was used as a private equine facility for the Joseph family; that the tourism in Sussex County is not just limited to the beaches and Inland Bays but also Sports at the Beach which draws over 80,000 people annually; that similarly there is another sports complex (Sussex Sports Center) in close proximity to the

subject property; that the Recreational Vehicle (“RV”) industry is one that has performed well during the pandemic as it allows families to travel and still maintain social distancing; and that Sports at the Beach and the Sussex Sports Center have submitted letters of support for this application.

- C. Council also found that RV parks are only allowed by Conditional Use in two zoning districts with Sussex County, one is the AR-1 Zoning District and the other the Marine Zoning District; that Section 115-22 of Sussex County Code describes an RV park or campground and regarding conditional uses, further lists some special requirements; that a portion of the subject property is adjacent to the town limits of Georgetown and has been identified as a potential annexation area; that as Georgetown does not have a zoning district for RV parks and campgrounds, the subject property would not be considered for annexation into the town boundaries; that the Town of Georgetown submitted a letter of support for the project; that within the County’s boundaries, there are a number of commercial properties adjacent to this property both on Sandhill Road and on the Lewes Georgetown Highway; that the 2015 Delaware Strategies for State Policies and Spending Map identifies this property as being in Investment Levels 2 and 3; that Investment Level 2 reflects an area where growth is anticipated by local, county and state in the near-term future and Investment Level 3 reflects an area where growth is anticipated by local, county and state in the longer-term future; and that the 2045 Future Land Use Map in the 2019 Comprehensive Plan shows that this property is in the Developing Area which is one of the County’s growth areas.
- D. Council further found that the proposed Conditional Use is for 304 RV sites and 46 cabins/safari cabins; that the RV resort proposes to use both roads as access points; that the Applicant proposes a phasing plan for this project and the first phase would be the western portion of the property which would use Sandhill Road entrance for access; that DelDOT’s response was that this proposal would have a minor impact on area roadways; that this area is currently undergoing road improvements that is referred to as the Georgetown East Gateway Improvements; that the Applicant intends to offer shuttle service to the sporting venues in addition to other area attractions; that water and sewer will be provided by the Town of Georgetown even though it is outside the boundary of the town; that there are no wetlands on the property; that it is in Flood Zone X as seen on the FEMA’s insurance rates; and that there are no historical or archeological sites that are listed on the National Register of Historical Places on the subject property.
- E. Council also found that RV resorts and campgrounds are subject to special requirements per 115-172(H) of the County Code; that the first requirement is that the access to the site must be from a public highway or an easement having a width of at least 50 feet and this property has access from two public roadways which are at least 50 feet in width; that the second requirement is that there is adequate drainage on the site and there are ponds on the site which will be utilized for drainage; that the third requirement is that the campsites be at least 400 feet from any existing dwelling on property of other ownership and shall be at least 100 feet from any public road and this site meets those requirements; that the fourth requirement is that each campsite shall have an area of 2000 square feet and a width of not less than 40 feet and that the park have a landscaped buffer of 50 feet wide and the Applicant will meet the campsite dimensions and the 50 feet buffer requirements; that the fifth requirement is that proper provisions be made for public water supply, toilets and bathing facilities and electric connections and as described earlier, these services will be provided and there are a number of bathhouses shown on the site plan; that the sixth requirement is that small retail businesses intended primarily for occupants of the park area shall be permitted within the park area and the campground will include a camp store that will be shown on the Final Site Plan; that the seventh requirement is that proper provision shall be made for refuse storage and collection, subject at all times to County regulations and there will be areas shown on the site plan for refuse storage and there will be a contract with a commercial hauler to remove refuse from the resort.

- F. Council also found that there will be no accessory structures on the site except for one dwelling for the campground manager; that conditional uses are of a public or semipublic character and require the exercise of planning judgment on location and site plan; that a conditional use should be found to be desirable for the general convenience and welfare of the County; that the location of the two sports venues in close proximity to the site show the desirability of the location of this RV resort; that tourism is the number two economic generator in Sussex County and this RV resort would contribute to the prosperity and welfare of the County by providing another option for visitors to the County; and that this use is desirable for the convenience, orderly growth, prosperity and welfare of the County.**
- G. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 12) and Conditions (a – t), as amended, Council found that:**
- 1. The subject property was once the Georgetown Raceway used for harness horse racing, training and boarding. It has historically been used for commercial purposes.**
  - 2. This Conditional Use is for the creation of a 350-site campground/resort to provide lodging opportunities for tourists to Sussex County, and particularly those visitors playing sports at Sports at the Beach and the Sandhill Sports Complex. These facilities are located across the street from this site, and both of them support the Conditional Use.**
  - 3. The use is consistent with other existing uses in the area, including the two sports complexes and other commercial and business uses. The zoning of the area includes AR-1 and C-1 within Sussex County and HC (Highway Commercial) and UR-3 Neighborhood Residential) within the Town of Georgetown.**
  - 4. Under the current County Comprehensive Plan, the site is located in the Developing Area, which is recognized as a development or growth area on the Future Land Use Map.**
  - 5. The Town of Georgetown's Future Land Use Map designates this area as being "Commercial".**
  - 6. The development is consistent with the purposes and goals of the Sussex County Comprehensive Plan Update since it (1) promotes economic development; (2) promotes tourism; and (3) is consistent with the character of the zoning and development in the area.**
  - 7. The site has direct access to both Route 9 and Sand Hill Road. Route 9 is classified by DelDOT as a "Principal Arterial". The intersection of these two roads is currently undergoing extensive improvements and access to the campground will occur via an upgraded signalized intersection.**
  - 8. The proposed Conditional Use will not adversely affect the congestion of roads or streets as confirmed by DelDOT. In accordance with the MOU between Sussex County and DelDOT, the campground would only have a "Minor" impact on area roadways.**
  - 9. There will be no negative impact on schools or other similar public facilities since the development will operate seasonally.**
  - 10. The Town of Georgetown will provide water and sewer service to the campground.**
  - 11. The proposed campground complies with the requirements of Section 115-172H of the Sussex County Zoning Code for the approval, design and operation of campgrounds.**

- 12. The proposed use is beneficial and desirable for the general convenience and welfare of Sussex County and its residents, since it will provide tourism and related services, economic growth in a designated development area, full- and part-time employment opportunities, and significant economic benefits to area businesses.**
- 13. 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 twenty (20) conditions (a – t), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**