

**ORDINANCE NO. 2756**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR RV AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.5 ACRES, MORE OR LESS**

**WHEREAS, on the 17<sup>th</sup> day of July 2020, a conditional use application, denominated Conditional Use No. 2237 was filed on behalf of Sam C. Warrington II; and**

**WHEREAS, on the 24th day of September 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 22nd day of October 2020, said Planning and Zoning Commission recommended that Conditional Use No. 2237 be approved with conditions; and**

**WHEREAS, on the 27th day of October 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. 2237 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Postal Lane, approximately 0.38 mile southwest of Coastal Highway (Route 1), and being more particularly described in the attached legal description prepared by Atlantic Surveying & Mapping, LLC, said parcel containing 2.5 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 storage of boats and RVs. No other storage of vehicles or equipment shall occur on the site.**
- b. The facility shall only be accessible during daylight hours, and the access gate shall be locked to prevent after-hours access to the site.**
- c. The perimeter of the site shall be fenced with a 6-foot high fence that screens the property from neighboring and adjacent properties and roadways.**
- d. There shall be a landscaping buffer between the outside of the fence and Bethpage Drive to screen the use and the fence from Bethpage Drive and the adjacent golf course. The landscaped buffer shall be comprised of 5' - 6' trees and shrubs at the time of planting. The Final Site Plan for this use shall include a landscaping plan for this buffer area.**
- e. No maintenance of boats or RVs shall occur on the site.**
- f. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- g. No more than 60 boats and RVs shall be permitted on the site.**
- h. The storage area shall be covered with a pervious stabilizing material. The location and type of this material shall be shown on the Final Site Plan.**
- i. The use shall be subject to all DelDOT requirements regarding the entrance and roadway improvements necessary to provide access to the site. It is anticipated that DelDOT will require sufficient right-of-way dedication from the Applicant to accommodate the entrance.**
- j. The entrance drive from Postal Lane to this site shall have a paved width of at least 24 feet to accommodate vehicles with boat trailers and RVs and to allow sufficient space for such vehicles to safely wait to exit the premises onto Postal Lane.**
- k. No hazardous materials or fuel shall be stored on the property.**
- l. One unlighted sign shall be permitted on the site. It shall not exceed 9 square feet in size.**
- m. No sales shall occur on the site.**
- n. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2756 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 1ST DAY OF DECEMBER 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 Samuel C. Warrington, II for a Conditional Use of land in an AR-1 Agricultural Residential District for outdoor RV and boat storage to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 2.5 acres, more or less (property lying on the southeast side of Postal Lane, approximately 0.38 mile southwest of Coastal Highway (Route 1) (Tax I.D. No. 334-12.00-55.01 (Portion of) (911 Address: None Available).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Timothy Willard, Esquire, was present on behalf of the applicant, together with Samuel Warrington, II and Samuel Warrington, III; that the Warrington family has owned this property since 1914; that the Applicant and his son live on Postal Lane; that tourism is a big part of Sussex County which is encouraged and that includes boating; that the Conditional Use for boat storage will support and encourage that use in an area where it is needed and that it is an appropriate use for this property; that the Sussex County Comprehensive Plan states that the eastern portion of Sussex County is characterized by popular ocean side seasonal vacation towns; that Sussex County is a draw for seasonal visitors and tourism has become an indispensable part of the local economy; that the Future Land Use Plan encourages tourism; that in 2015 tourism spent 1.8 billion dollars; that the tourism sector employs over 19,000 individuals; that the Future Land Use Plan also encourages recreation; and that the County is famous for beaches and boat launches with access to the ocean and inland bays.**
- C. Council also found that the property is identified as being in the Coastal Area which is a growth area and allows for light commercial; that the property is surrounded by MR and HR which are medium density and high density, respectively; that there are several conditional uses in the area; that this use would not generate a lot of traffic as people would come periodically to pick up or drop off their RVs or boats; that it would be consistent with the land use for the area based on the surrounding uses; that the use would be on 2.5 acres of a 40-acre property; that the entrance to the storage area would be on Postal Lane adjacent to Samuel Warrington, III's residence; and that for all the reasons stated, this is an appropriate use as it will not adversely affect the neighborhood and is semi-public in nature as it supports tourism in the area.**
- D. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 7) and Conditions (a – n), as amended, Council found that:**
  - 1. The Applicant seeks approval for a RV and boat storage facility on approximately 2.5 acres of a much larger 40-acre tract owned by the Applicant and his family. This is one of the last undeveloped tracts in the area between Plantations Road and Route One, and some type of appropriate development is to be expected at this location.**
  - 2. The area of the proposed use is located on the front section of the larger property and it is oriented away from the nearby adjacent residential units.**
  - 3. There is a need for the use proposed by the Applicant in this area of Sussex County.**

- 4. This use is limited in nature and will not involve any new buildings. It is an appropriate transition from the heavier commercial uses that exist within the Route One commercial corridor.**
- 5. The project, with the conditions and stipulations imposed upon it, will not have an adverse impact upon the neighboring properties or community.**
- 6. 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 residents in this area of Sussex County.**
- 7. While there were concerns about traffic and the size of vehicles and trailers leaving the premises, this type of use will generate less daily traffic than nearly any other type of development that could occur on this property. DelDOT will also require the Applicant to make roadway improvements that will enable the safe entrance and exit from this use onto Postal Lane.**
- 8. 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 fourteen (14) conditions (a – n), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**