

ORDINANCE NO. 2779

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OUTDOOR BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.5 ACRES, MORE OR LESS

WHEREAS, on the 15th day of September 2020, a conditional use application, denominated Conditional Use No. 2245 was filed on behalf of Jonathan Plump; and

WHEREAS, on the 22nd day of April 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 13th day of May 2021, said Planning and Zoning Commission recommended that Conditional Use No. 2245 be approved with conditions; and

WHEREAS, on the 15th day of June 2021, 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 115, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2245 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 Broadkill Hundred, Sussex County, Delaware, and lying on the northeast side of Milton Ellendale Highway (Route 16), approximately 0.55 southeast of Holly Tree Road (S.C.R. 226), and being more particularly described in the attached legal description prepared by The Smith Firm, LLC, said parcel containing 4.5 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 be accessible on a 24-hour basis and the access gate shall be locked to prevent unauthorized 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 the adjacent residential properties to screen the use and the fence from those adjacent homes. The Final Site Plan for this use shall include a landscaping plan for this buffer area.**
- e. No sales or 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 90 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.**
- j. No hazardous materials or fuel shall be stored on the property other than what may be in the tanks of boats and RVs located on the site.**
- k. One lighted sign shall be permitted on the site. It shall not exceed 32 square feet in size.**
- l. No junked or unregistered boats, boat trailers or RVs shall be stored on the site.**
- m. 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. 2779 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF JUNE 2021.

**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 Jonathan Plump for a Conditional Use in an AR-1 Agricultural Residential District for outdoor boat and RV storage to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 4.5 acres, more or less (property lying on the northeast side of Milton Ellendale Highway [Route 16] approximately 0.55 mile southeast of Holly Tree Road (S.C.R 226) (Tax I.D. No. 235-13.00-2.02 & 2.03) (911 Address: 20723 and 20715 Milton Ellendale Highway, Ellendale).
- B. Based on testimony before the Sussex County Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Chad Lingenfelder, Esq., of The Smith Firm, LLC, and the Applicant, Jonathan Plump, were present on behalf of the application; that the property consists of 4.5 acres and the request is for a 90-space storage facility for boats and recreational vehicles; that the storage area would be on 1.44 acres towards the rear of the property; that it would be secured with a locked gate and a 6-foot high chain link fence around the entire lot; that the lighting would be inward facing; that the Captains Way subdivision adjacent to the subject property will have a buffer; and that the Applicant intends to keep the trees on the north and west of the subject property as an additional buffer.
- C. Council also found that no maintenance of RV's and boats will be allowed on the site; that there will be no retailing of boats or RV's on the site; that no inoperable or junked boats or RV's will be allowed on the property; that all RV's and boats stored on the property must have current registration; that there will be a mobile office on site; that the Applicant is requesting a lighted sign no greater than 32 square feet per side; that there will be no impervious surfaces on the property; that the only digging on the site will be for the poles for lighting; that there is a commercial property approximately 0.25 mile from the subject property and a church in the area; that this is a low-impact request; that DelDOT has submitted a Letter of No Objection; and that this use will not affect traffic.
- 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 (8a – m), Council found that:
 1. The Applicant seeks approval for a RV and boat storage facility on approximately 4.5 acres.
 2. The proposed Conditional Use is located along Route 16, which is an appropriate location for this type of use.
 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.
 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 and RV 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. No parties appeared in opposition to this application.
 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 thirteen (13) conditions (a – m), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.