

**ORDINANCE NO. 2793**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONSTRUCTION BUSINESS, WORK TRAILER, AND OUTDOOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.968 ACRES, MORE OR LESS.**

**WHEREAS, on the 10th day of November 2020, a conditional use application, denominated Conditional Use No. 2250 was filed on behalf of Paola Pacheco Vazquez; and**

**WHEREAS, on the 24th day of June 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 8th day of July 2021, said Planning and Zoning Commission recommended that Conditional Use No. 2250 be approved with conditions; and**

**WHEREAS, on the 10th day of August 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 IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2250 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 Cedar Creek Hundred, Sussex County, Delaware, and lying on the northwest side of Clendaniel Rd. (S.C.R. 625), approximately 0.65 mile west of Dupont Boulevard (Rt. 113), and being more particularly described in the attached deed, prepared by Parsons and Robinson, P.A., said parcel containing 2.968 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. This use shall be limited to the Applicant's construction business with work trailer and equipment storage. No retail sales or other business shall be conducted from the site.**
- b. No manufacturing or concrete mixing shall occur on the site. This prohibition includes the shredding or grinding of any materials.**
- c. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- d. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- e. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.**
- f. There shall be no dumping or storage of concrete or similar materials on the site.**
- g. All maintenance of vehicles and equipment, except routine light maintenance such as oil changes and power washing, shall be performed indoors or offsite.**
- h. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.**
- i. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.**
- j. 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. 2793 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 10TH DAY OF AUGUST 2021.**

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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 Paola Pacheco Vasquez for a Conditional Use in an AR-1 Agricultural Residential District for a construction business, work trailer, and outdoor storage to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 2.968 acres, more or less (property lying on the northwest side of Clendaniel Road [S.C.R. 625] approximately 0.65 mile west of Dupont Boulevard [Route 113]) (Tax I.D. No. 230-12.00-10.04) (911 Address: None Available).**

- B. Based on testimony before the Sussex County Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that the Applicant, Paola Pacheco Vasquez, was present on behalf of the application; that she is the owner of the lot on Clendaniel Road; that she is requesting a Conditional Use of the land in an Agricultural Residential District to use for a small family-owned construction business and office; that the construction business builds concrete foundations; that they have mini excavators and a truck; that nothing dangerous will be stored on the property; that all work is performed at the job sites; that there are two employees; that the area is quiet; that she has never seen her neighbors; that the area is mostly farmland and trees; that the hours would be from 6:00 am to 5:00 pm; that she would like to have a sign for the business; and that she does plan to place a home on the parcel in the future.**
- C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 6) and Conditions (7a. – j.), as amended, Council found that:**
- 1. The Applicant is in the business of constructing concrete foundations and footers for new buildings. There is a need for this type of use in Sussex County.**
  - 2. There will be no retail sales or similar business conducted from the site. It will only be used for storage of equipment associated with the Applicant's construction business.**
  - 3. The Applicant has stated that all work is performed offsite and that there will not be any dumping or storage of concrete or similar materials on the site.**
  - 4. The use does not require any regular deliveries. The only traffic is typically in the morning and afternoon when employees take the equipment to offsite job locations.**
  - 5. With the conditions and limitations of this approval, the use of the site for storage purposes will not adversely affect neighboring properties, roadways, or traffic.**
  - 6. The applicant has stated that his company provides a service to the construction industry in Sussex County. This use is of a public or semi-public character that will benefit the residents and businesses of Sussex County.**
  - 7. 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 ten (10) conditions (a. – j.), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**