

**ORDINANCE NO. 2816**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIRE DEPARTMENT SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.54 ACRES, MORE OR LESS**

**WHEREAS, on the 22nd day of September 2021, a conditional use application, denominated Conditional Use No. 2314 was filed on behalf of Millsboro Fire Company; and**

**WHEREAS, on the 4th day of November 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2314 be approved; and**

**WHEREAS, on the 30th day of November 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. 2314 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the northeast corner of Millsboro Highway (Rt. 24) and Lewis Road (S.C.R. 409) and being more particularly described in the attached legal description prepared by Moore & Rutt, P.A., said parcel containing 1.54 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. Any security lighting shall be screened away from neighboring properties and County roads.**
- B. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

**I DO HEREBY CERTIFIED THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2816 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 30TH DAY OF NOVEMBER 2021.**

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**ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL**

- A. This is the application of Millsboro Fire Company for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for a fire department substation to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 1.54 acres, more or less (property lying on the northeast corner of Millsboro Highway [Route 24] and Lewis Road [S.C.R. 409]) (Tax I.D. No. 133-20.00-17.16) (911 Address: 30134 Millsboro Highway, Millsboro).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Rachel Bleshman, Esquire, of Sergovic Carmean Weidman McCartney & Owens, P.A., was present on behalf of the Applicant, Millsboro Fire Company, together with Mr. Dennis Swain, Mr. Ron O’Neal, Mr. Bob Ricker and Mr. Matt Warrington; that Millsboro is growing; that at times the town is in gridlock with traffic; that half of the Millsboro Fire Company’s members reside on the east side of Route 113 where the current fire station is located; that approximately half of the members (30 members) are located on the west side of Route 113; that there is a State standard of an eight minute response time from the time a fire call comes in until a member must respond; that Millsboro Fire Company is doing very well with their response times; that weekend and summer traffic create difficulty; that weekends in the summer are extremely difficult; and that a substation on the western side of Route 113 is needed for the community.**
- C. Council also found that the Applicant is currently under contract with the property owners to purchase the site for the proposed substation; that the proposed location has sufficient onsite well water and sewage treatment; that the buildings currently located on the property are in excellent shape; that no structural changes will be required; that there is a building that was previously used as a garage for a mechanic; that there will not be a fire siren at the location of the substation; that three firetrucks are proposed to be housed on the site; that the Millsboro Fire Company has applied with the State Fire Prevention Commission; that it was approved for a permit to operate a substation at the proposed site; that there are over 80 letters of support of this application from neighbors; and that the letters of support include two letters from neighboring Dagsboro Volunteer Fire Company and Georgetown Fire Company.**

- D. Council also found that under the Sussex County Code, public or governmental buildings and uses, including schools, parks, playgrounds and public boat landings, are permitted Conditional Uses within the AR-1 Agricultural Residential Zoning District; that the proposed site, as well as the surrounding properties, are designated as being located in developing areas, where a careful mixture of homes with light commercial and industrial uses can be appropriate to provide convenient services to allow people to work close to home; that there is a property located to the west side of Millsboro Highway that is zoned Light Industrial; that since 2011, a Conditional Use Application, within a one mile radius, was approved for a trucking business and parking of vehicles; that this Conditional Use would serve the health and well-being of the general public of the Town of Millsboro; that the proposed site is a convenient location for fire prevention coverage; and that the property already had existing structures which can be utilized for the purpose.**
- E. 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 - B), Council found that:**
- 1. The Conditional Use for a fire station is of a public nature, and it will promote the health, safety, and welfare of the residents of Sussex County.**
  - 2. The Fire Company has stated that many of its members live on the west side of Millsboro, which makes this location much closer to their homes. That will reduce fire company response times for emergency calls.**
  - 3. The Fire Company has stated that the substation is necessary to maintain and improve its fire protection and emergency service to current and future residents of this area of Sussex County.**
  - 4. No parties appeared in opposition to this application, and there are many letters in the record in support of this 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 two (2) conditions (A - B) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**