

ORDINANCE NO. 2838

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SIGN AND VEHICLE GRAPHICS BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.34 ACRES, MORE OR LESS

WHEREAS, on the 4th day of October 2021, a conditional use application, denominated Conditional Use No. 2317 was filed on behalf of William E. Martin, II; and

WHEREAS, on the day of 10th day of February 2022, 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. 2317 be approved; and

WHEREAS, on the 1st day of March 2022, 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 VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2317 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 northwest side of Wolfe Neck Road (S.C.R. 270), west of the intersection of Wolfe Neck Road (S.C.R. 270) and Munchy Branch Road (S.C.R. 270A) and being more particularly described in the attached legal description prepared by Giordano, Delcollo, Werb & Gagne, LLC, said parcel containing 0.34 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 subject to the following conditions as amended:

- A. The property shall be used for a sign construction and vehicle graphic business.**
- B. All sign fabrication and production shall occur indoors.**
- C. There shall not be any outdoor storage of materials associated with the use, including signs waiting for installation and old or damaged signage. This prohibition also includes all paints, inks, and chemicals, which shall be stored and disposed in accordance with state and federal requirements.**
- D. Any dumpsters on the site are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- E. The Applicant shall comply with all DelDOT requirements for entrance and roadway improvements.**
- F. One 32 square foot lighted sign shall be permitted. As requested by the Applicant, it shall be located on the building.**
- G. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.**
- H. The Final Site Plan shall provide for interconnectivity with adjacent properties if and when those properties may be used for business or commercial purposes.**
- I. Failure to abide by any of these conditions of approval may result in the termination of this conditional use.**
- 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. 2838 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 1ST DAY OF MARCH 2022.

Tracy N. Torbert
Clerk of the Council

The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Facts:

- A. This is the application of William E. Martin, II for the consideration of a Conditional Use of land in a GR General Residential District for a sign and vehicle graphics business to be located on a certain parcel of land lying and being in Lewes And Rehoboth Hundred, Sussex County, containing 0.34 acres, more or less (property lying on the northwest side of Wolfe Neck Road [S.C.R. 270], west of the intersection of Wolfe Neck Road [S.C.R. 270] and Munchy Branch Road [S.C.R. 270A]). (911 Address: 35583 Wolfe Neck Road, Rehoboth Beach). (Tax Parcel: 334-6.00-340.00).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Mr. William Martin, II was present on behalf of the Application, together with Mrs. Melissa Martin; that they are the Applicants; that they agree with the information Mr. Whitehouse read into the record; that he grew up in the area; that they live close to the property and he desires to bring his business as close to his home as possible while staying within the area he currently serves; that he would like to take the preexisting building and turn it into office and production space; that the driveway would have to be moved to widen it according to DelDOT; that he currently has two employees; that his mother occasionally assists with bookkeeping; that he employs one to five Sussex**

Central interns; that the proposed hours of operation would be 9:00 a.m. until 5:00 p.m. Monday through Thursday and 9:00 a.m. until 4:00 p.m. on Fridays; that there would be no weekend work; that one building sign up to 32 square feet was included in the recommendation by the Planning and Zoning Commission which meets his needs; that the fabrication and production are performed inside the building; that materials are kept in a small shed located on the property; that all chemicals and paints are stored inside the building; and that he properly disposes all material and chemical waste.

- C. 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. - j.), as amended, Council found that:
1. The site is zoned GR-General Residential. There have been other business uses in the vicinity, including Blue Hen Towing that previously operated next door. There are also several small businesses and commercial uses in this area of Munchy Branch Road and Wolfe Neck Road. This is an appropriate location for a small business like this.
 2. The property is located within the Coastal Area according to the Sussex County Comprehensive Plan. Small business uses like this one are appropriate within this Area according to the Plan.
 3. Traffic generated by the proposed use will be minimal and will not have a negative impact on the neighboring properties or roadways.
 4. The Applicant has stated that all material storage, fabrication, and sign production will occur inside of the buildings on the site.
 5. The Applicant has stated that most of the work occurs off-site at the time of installation at a customer's property.
 6. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County.
 7. No parties appeared in opposition to the 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 ten (10) conditions (a. through j.), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.