

ORDINANCE NO. 2865

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 7.03 ACRES, MORE OR LESS

WHEREAS, on the 4th day of April 2022, a conditional use application, denominated Conditional Use No. 2363 was filed on behalf of Laurel Wesleyan Church c/o Reverend M. Scott Conn; and

WHEREAS, on the 26th day of May 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. 2363 be approved; and

WHEREAS, on the 14th day of June 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 IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2363 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 Broad Creek Hundred, Sussex County, Delaware, and lying on west side of Seaford Road (Rt. 13A), approximately 0.53-mile northwest of Discount Land Road (S.C.R. 468), and being more particularly described in the attached deed prepared by Moore & Rutt, P.A., said parcel containing 7.03 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 Electronic Message Display shall not exceed 32 feet per side.**
- B. A final site plan showing the location of the sign on the site shall be submitted to the Sussex County Planning and Zoning Commission for approval.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2865 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF JUNE 2022.

Tracy N. Torbert
Clerk of the Council

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

- A. This is the application of the Laurel Wesleyan Church - c/o Reverend M. Scott Conn for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District to allow for an electronic message center sign to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 7.03 acres, more or less (property lying on the west side of Seaford Road [Rt. 13A] approximately 0.53 mile northwest of Discount Land Road [S.C.R. 468]) (911 Address: 30186 Seaford Road, Laurel) (Tax Parcel: 232-12.10-3.00).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Reverend M. Scott Conn was present on behalf of the Application; that he is the Pastor at Laurel Wesleyan Church; that the current sign located on the property is 21 years old; that the sign has become aged; that they did consider replacing the sign with a similar style sign; that since technology has changed, he does wish to have an LED sign; that the upgrade to an LED would allow them to relay information better to events of the church; that Kent Sign Co. designed the proposed sign; that the proposed sign size is 84-in. wide and 96-in. tall; that the LED portion of the sign is proposed to be 31-in. tall and 81-in. wide; that electric is supplied to the proposed sign area; and the sign would be controlled and programmed through WIFI.**
- 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 (a. – b.), Council found that:**
 - 1. This is an application for a Conditional Use to install an on-premises electronic message display sign. This type of application is permitted under Section 115-161.1 A. (3) of the Zoning Code.**
 - 2. The sign will be used to display information about the Laurel Wesleyan Church and its activities. The Church occupies the site where the sign is located.**
 - 3. This sign will replace a prior static-display sign on the site.**
 - 4. The sign will be required to comply with all of the sign regulations in the Zoning Code, including brightness and motion.**
 - 5. The sign will not adversely affect neighboring properties or area roadways and traffic.**
 - 6. No parties appeared in opposition to this Application.**
 - 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 two (2) conditions (a. through b.) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**