

**ORDINANCE NO. 2884**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND SHOWROOM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.65 ACRES, MORE OR LESS**

**WHEREAS, on the 26<sup>th</sup> day of August 2021, a conditional use application, denominated Conditional Use No. 2312 was filed on behalf of G. Fedale; and**

**WHEREAS, on the 25<sup>th</sup> day of August 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. 2312 be approved; and**

**WHEREAS, on the 20<sup>th</sup> day of September 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. 2312 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 north side of DuPont Blvd. (Route 113) approximately 730 feet northwest of Speedway Road (S.C.R. 325) and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 0.65 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 based on the following conditions:**

- a. The use shall be limited to use as an office and showroom.**
- b. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.**
- c. The applicant shall comply with any DelDOT entrance and roadway improvement requirements.**
- d. Parking areas for all vehicles and equipment shall be shown on the Final Site plan and clearly marked on the site itself.**
- e. All dumpsters shall be screened from view of neighboring properties and roadways.**
- f. All security lighting shall be directed downward so that it does not shine on neighboring properties or roadways.**
- g. Failure to comply with these conditions may result in the revocation of the Conditional Use approval.**
- h. 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. 2884 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20<sup>TH</sup> DAY OF SEPTEMBER 2022.**

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**Tracy N. Torbert  
Clerk of the Council**

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

- B. This is the application of G. Fedale for a Conditional Use of land in an AR-1 Agricultural Residential District for an office and showroom to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 0.65 acres, more or less (property lying on the north side of DuPont Blvd. [Rt. 113], approximately 730 feet northwest of Speedway Road [S.C.R. 325]) (911 Addresses: 24207 & 24217 DuPont Boulevard, Georgetown) (Tax Parcel: 133-2.00-38.00).**
- C. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Mr. Matthew Wiley was present on behalf of the Application for G. Fedale; that he is the General Manager at G. Fedale in Sussex County; that he obtained the building in 2021; that the building was already an existing commercial building; that the building had existed for 15 years; that prior to that it was used for a flower gift shop; that the previous uses had operated in violation to the Code without a Conditional Use; that there is a residential farmhouse located adjacent to the site; that there are no other residential homes or businesses located in the area, all the way down to the speedway where there is another residential dwelling; that the Krugers own agricultural fields across the street; and that Kruger's Trailers is also located across the street.**
- D. Council also found that the Applicant spent over \$400,000 in improvements to the building, as well as the dwelling on the property; that they have improved the septic system, siding, and made interior renovations; that there are seven employees; that not all seven employees are on the property at the same time; that the employees come and go; that there are about two to three employees present on a regular basis; that there will be approximately 10 parking spaces; that this will allow parking spaces for employees, as well as customers; that there is a sign already existing on the property;**

that a permit was obtained for the sign; and that all storage is kept within the two-car garage and there is no storage outside.

**E. 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. – h.), Council found that:**

- 1. This site has a history of small business uses. It was previously occupied by Shore Electric for the past 15 years, and a flower and gift shop prior to that. This use will be consistent with the prior usage of this property.**
- 2. The property is located along Route 113, which is one of the main highways in Sussex County. This location is appropriate for this business use.**
- 3. The applicant has stated that this site will only be for office and showroom purposes. Although the applicant owns and operates a roofing company, all of the construction work will occur off-site.**
- 4. The proposed use will not generate a significant amount of traffic, and it will not have any adverse effect on area roadways.**
- 5. The proposed use is very limited in nature, and it will not have any adverse impact on neighboring properties or the community.**
- 6. No parties appeared in opposition to the 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 the eight (8) conditions (a. – h.), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**