

**ORDINANCE NO. 2179**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR-RPC GENERAL RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR AN ELEVATED WATER STORAGE TANK/PUBLIC UTILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 24,177 SQUARE FEET, MORE OR LESS**

**WHEREAS, on the 29<sup>th</sup> day of September 2010, a conditional use application, denominated Conditional Use No. 1877 was filed on behalf of Tidewater Utilities, Inc.; and**

**WHEREAS, on the 10th day of February 2011, 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. 1877 be approved with conditions; and**

**WHEREAS, on the 15th day of March 2011, 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. 1877 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 Indian River Hundred, Sussex County, Delaware, and lying south of Angola Road (Road 277), approximately 710 feet west of Angola Beach Road (Road 278), and being more particularly described in the attached Lease Agreement legal description, said parcel containing 24,177 square feet, 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:**

- 1. The maximum capacity of the tower shall not exceed 400,000 gallons.**
- 2. The maximum height of the tower shall be 160 feet.**
- 3. The lighting at the tower shall be limited to normal security lights which shall be shielded from nearby neighbors and roadways and safety lights will be provided as required by the Federal Aviation Administration on the tower.**
- 4. The tower shall be painted white or a sky neutral color and no signage or other lettering shall be permitted on it.**
- 5. The water facilities shall be surrounded by a security fence at least eight (8) feet in height.**
- 6. Structural design and operation of the water facility shall comply, at a minimum, with industry standards, such as the American Water Works Association.**
- 7. The Applicant has offered to allow placement of antenna on the tower by government and public safety agencies at no charge and will reserve 50 percent of antenna space for such use.**
- 8. One lighted ground-level sign shall be permitted identifying the owner and providing emergency contact information.**
- 9. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all applicable agency approvals.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2179 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF MARCH 2011.**

  
**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:**

- 1. The proposed Conditional Use promotes the health, safety, morals and welfare of present and future inhabitants of Sussex County.**
- 2. The proposed Conditional Use is consistent with the Sussex County Comprehensive Use Plan.**

- 3. The water tower will improve fire protection capabilities in this area of Sussex County.**
- 4. The County Council previously approved a Conditional Use for an elevated water storage tank at this site.**
- 5. The use will not adversely affect surrounding properties or roadways.**
- 6. No parties appeared in opposition to the application.**
- 7. The Conditional Use is appropriate based upon the reasoning and recommendation of the Sussex County Planning and Zoning Commission.**