

**ORDINANCE NO. 2185**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR OFFICES (GENERAL BUSINESS OR PROFESSIONAL) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 32,410 SQUARE FEET, MORE OR LESS**

**WHEREAS, on the 17<sup>th</sup> day of November 2010, a conditional use application, denominated Conditional Use No. 1882 was filed on behalf of John Lingo; and**

**WHEREAS, on the 10th day of March 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. 1882 be approved with conditions; and**

**WHEREAS, on the 29th 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 IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1882 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 Broadkill Hundred, Sussex County, Delaware, and lying south of Route 9, 201 feet east of Route 5 at Harbeson and being more particularly described in Deed Book 3787, Page 107, in the Office of the Recorder or Deeds in and for Sussex County, said parcel containing 32,410 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 offices shall be limited to general business or professional offices.**
- 2. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on any neighboring properties or Route 9.**
- 3. The use shall comply with all DelDOT regulations and requirements. The entrance shall be from Route 9 as approved by DelDOT.**
- 4. Signage shall be limited to one lighted ground sign not to exceed 32 square feet per side.**
- 5. All trash containers shall be placed at the rear of the building and shall be screened from view. The location of the containers shall be shown on the site plan.**
- 6. The site plan shall be designed to accommodate all necessary parking spaces, right-of-ways, setbacks and landscaping.**
- 7. The project shall comply with all applicable Sussex Conservation District requirements.**
- 8. 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. 2185 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 29TH 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. This is an application for a Conditional Use of land in an AR-1 Agricultural Residential District for offices (general business or professional) to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, Delaware, containing 32,140 square feet, more or less, lying south of Route 9, 201 feet east of Route 5 at Harbeson.**

2. **DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service E of Route 9 will not change as a result of this application.**
3. **The County Engineering Department, Utility Planning Division, commented that the site is located in the North Coastal Planning Area; that the use of an on-site septic system is proposed; that the site is not capable of being annexed into a County operated Sanitary Sewer District; and that conformity to the North Coastal Planning Study will be required.**
4. **The area includes several business uses, commercial uses, and a public utility (electrical substation) and the site is not conducive to residential use since it is surrounded by the business and commercial uses.**
5. **There are similar uses in the area and this project will not have an adverse impact on the neighboring properties or community.**
6. **Other than the Applicant, there were no parties present in support of or in opposition to the application.**
7. **The use is of a public or semi-public character.**
8. **The Applicant performs services for both residential and agricultural uses in this area of Sussex County.**
9. **The use will not adversely affect traffic or area roadways.**
10. **Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Council, the Conditional Use was approved subject to the eight (8) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**