

ORDINANCE NO. 2189

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MONUMENT SALES AND DISPLAY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.2 ACRES, MORE OR LESS

WHEREAS, on the 7th day of January 2011, a conditional use application, denominated Conditional Use No. 1887 was filed on behalf of Mayola A. Clark; and

WHEREAS, on the 14th day of April 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. 1887 be approved with conditions; and

WHEREAS, on the 3rd day of May 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. 1887 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 Route 24 and east of Swan Creek approximately 2 miles east of the Town of Millsboro and being more particularly described in Deed Book 826, Page 54, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.2 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:

- 1. The use shall be limited to the Applicant's business of monument sales and displays.**
- 2. The Final Site Plan shall show the area designated for monument displays. There shall be no more than four (4) monuments on display. No monuments are to be displayed in the front yard setback.**
- 3. One lighted sign, not to exceed 32 square feet in size per side, shall be permitted.**
- 4. The Applicant shall comply with all DelDOT requirements.**
- 5. The hours of operation shall be between 9:00 a.m. and 6:00 p.m. or by appointment.**
- 6. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2189 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 3RD DAY OF MAY 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 the Conditional Use of land in an AR-1 Agricultural Residential District for a monument sales and display to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 1.2 acres, more or less, lying south of Route 24 and east of Swan Creek, approximately 2 miles east of the Town of Millsboro.**
- 2. DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service E of John J. Williams Highway will not change as a result of this application.**
- 3. The Engineering Department, Utility Planning Division, commented that the site is located in the Oak Orchard Sanitary Sewer District; that wastewater capacity is available; that there is no sewer service available to the parcel at this time; that conformity to the North Coastal Planning Study will be required; that the parcel is in an area recently annexed into the Oak Orchard Sanitary Sewer District; that sewer service has not been extended to the parcel at this time; that the parcel will**

receive sewer service when development of an adjoining parcel occurs; that the adjoining project is known as Ferry Cove; that the schedule for providing sewer service is unknown at this time; that when sewer service becomes available, connection to the sewer is mandatory and must occur within the first year of service being available.

4. There has been a sign on the property for over 20 years and Mayola Clark acts as a salesperson for a monument sales company.
5. Other than the Applicant, there were no parties present either in support of or in opposition to the Application.
6. The use is of a public or semi-public use of the property.
7. The use will not adversely affect traffic or area roadways.
8. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Council, the Conditional Use is approved subject to six conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.