

ORDINANCE NO. 2204

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO REPLACE 260 MOBILE HOME LOTS WITH 367 SEASONAL RV/CAMPER SITES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.81 ACRES OF A 138 ACRE TRACT

WHEREAS, on the 2nd day of March 2010, a conditional use application, denominated Conditional Use No. 1862 was filed on behalf of Nanticoke Shores Associates, LLC; and

WHEREAS, on the 24th day of February 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 24th day of March 2011, said Planning and Zoning Commission recommended that Conditional Use No. 1862 be denied; and

WHEREAS, on the 22nd 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. 1862 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 northeast of Long Neck Road (Route 22) 1 mile east of Pot Nets Road (Road 22C) and being more particularly described per attached legal description prepared by Byron H. Jefferson, P. E., said parcel containing 50.81 acres of a 138 acre tract.

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 number of campground/RV sites is 260, the same number as approved, but undeveloped manufactured home sites.**
- 2. All entrances and other road improvements shall be constructed as required by DelDOT.**
- 3. Interior streets shall be designed in accordance with Sussex County Street Design requirements.**
- 4. The project shall be served by the Long Neck Sanitary Sewer District and the Long Neck Water Company.**
- 5. Stormwater management and sediment and erosion control facilities shall be constructed in accordance with applicable State and County requirements, and maintained using best management practices.**
- 6. Any road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.**
- 7. The Applicant shall cooperate and coordinate with the State and County emergency preparedness offices to develop and implement an emergency evacuation plan.**
- 8. The project shall be surrounded by a 50 foot vegetative buffer with a 6-foot earthen berm, planted with indigenous trees, and the perimeter of the property shall be fenced with a security gate at the entrance to the campground/RV park, with appropriate security lighting, and shall include a separate office for this project, with appropriate directional signage.**
- 9. The campground/RV park may open no earlier than March 15 each year and shall close no later than October 31 each year.**
- 10. Since the number of campground/RV sites is being reduced from the requested 367 sites to 260 sites, the Applicant shall provide revised Preliminary Site Plans showing the intended site layout and either depicting or noting the Conditions of Approval on it for review by the Sussex County Planning and Zoning Commission. The project shall comply with all requirements of Chapter 115 Article XXIV Section 115-172 H for Conditional Use park or campground.**

11. There shall not be any tent camping.

12. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission upon receipt of all appropriate agency approvals.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2204 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 21ST DAY OF JUNE 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 in an AR-1 Agricultural Residential District to create a 367 site campground/RV park. The property is owned by Nanticoke Shores Associates, LLC. The project, as applied for, would replace a 260, presently undeveloped, manufactured home lot portion of the manufactured home community known as Rehoboth Shores with a 367 unit camp site/RV park, on 50.81 acres, more or less, in Indian River Hundred, Sussex County, lying on the northeasterly side of Long Neck Road.
- 2) This is a redevelopment of a portion of a manufactured home park and in the Sussex County Comprehensive Plan – 2008 Update, the property is identified for purposes of future land use as a growth zone/environmentally sensitive developing area. The recommended density and uses set out in Table 8 are met by this application.
- 3) The Strategies for State Policies and Spending identify the property as Investment Level 2 and 3, which encourages development of single family dwellings and encourages tourism.
- 4) The Applicant has responded appropriately to the PLUS comments.
- 5) The project is consistent with the purposes and goals of the Sussex County Comprehensive Plan – 2008 Update since it (1) promotes economic development, (2) promotes tourism, and (3) is consistent with the character and trend of development in the Long Neck area.
- 6) There is a demonstrated need for additional campground/RV parks in the area, since all such facilities in the Long Neck area are and have been full for a number of years. Nearby developments, such as Leisure Point and Oak Forest, demonstrate that manufactured homes and RVs and campers work well in the same community if properly designed and planned.
- 7) At present, retail sales and placement of manufactured homes in rental manufactured home communities are slow. In the past two (2) years in this community, only three (3) vacant lots were leased and new manufactured homes put in place, while at the same time, 33 manufactured homes were repossessed by creditors. There will remain 80 vacant developed manufactured homes in this community. Whether this represents affordable housing opportunities in this present economy and lending climate is uncertain.

- 8) Public investment in infrastructure will be avoided because the project will be served with wastewater treatment by Sussex County and with potable water by Long Neck Water Company, a water utility regulated by the Public Service Commission. Additionally, the project will require far less than the 260 sewer EDU's already assigned to the property. More than 160 EDU's will be available for use elsewhere in the Long Neck Sanitary Sewer District if this project is constructed.**
- 9) The concerns and objections of residents, neighbors and manufactured home tenants in the area and the recommendation of the Planning and Zoning Commission have been carefully considered, and with the conditions and limitations imposed on this approval, there will be no adverse impact on property values and the current residents of Rehoboth Shores will be benefitted by the fact that the RV Park will be closed for at least five (5) months during the year and traffic within and outside Rehoboth Shores will be thereby reduced. The community will be no more densely developed than if the 260 undeveloped manufactured home lots were developed and filled with manufactured homes, using the roads and amenities of the community 12 months per year, and revenues from this project will contribute to community improvements for all residents.**
- 10) With the vegetated earthen berm, indigenous trees and fencing, the project will be screened from view for the existing manufactured home community and the neighboring Bay City manufactured home community.**
- 11) There will be no impact on schools or other public facilities, since the project will be seasonal only. In fact, traffic generated by this project and other impacts, if any, will be less than traffic generated by a developed 260 lot manufactured home community.**
- 12) The project meets the requirements of the Environmentally Sensitive Developing District Overlay Zone. No wetlands will be disturbed. No timber or forest of value will be disturbed. Stormwater and sedimentation and erosion control will follow best management practices.**
- 13) The Conditional Use was approved subject to twelve (12) conditions.**