

ORDINANCE NO. 2226

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 16,025 SQUARE FEET, MORE OR LESS

WHEREAS, on the 8th day of August 2011, a conditional use application, denominated Conditional Use No. 1912 was filed on behalf of William A. Bell and Kathleen M. Sperl-Bell; and

WHEREAS, on the 22nd day of September 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 13th day of October 2011, said Planning and Zoning Commission recommended that Conditional Use No. 1912 be approved with conditions; and

WHEREAS, on the 11th day of October 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. 1912 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying southeast of Savannah Road, 250 feet northeast of Quaker Road and 160 feet southwest of Woodland Avenue and being more particularly described in Deed Book 3774, Page 110, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 16,025 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. As stated by the Applicants, there shall be no more than one employee on the site, in addition to the Applicants.**
- 2. Parking shall be in accordance with the parking requirements set forth in the Sussex County Zoning Code.**
- 3. The property shall maintain its residential character and appearance.**
- 4. One lighted sign shall be permitted. The sign shall not exceed 32 square feet per side.**
- 5. The hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday.**
- 6. 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. 2226 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 8TH DAY OF NOVEMBER 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:

- A. This is an application for a Conditional Use of land in an AR-1 Agricultural Residential District for a professional office to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 16,025 square feet, more or less, lying southeast of Savannah Road, 250 feet northeast of Quaker Road and 160 feet southwest of Woodland Avenue.**
- B. DelDOT commented that a Traffic Impact Study is not required and that the existing Level of Service "E" will not change as a result of this Application.**

- C. The Sussex County Engineering Department, Utility Planning Division, commented that the System Design Assumption is 1.0 EDU per residential parcel less than 1.0 acre; that the site is located in the West Rehoboth Expansion Area Sanitary Sewer District; that wastewater capacity is available if the proposed use does not exceed approximately 1.0 EDU based on a residential use on a residentially zoned parcel of less than 1.0 acre; that the area is currently used as a home occupation office area; and that a Conditional Use approval is proposed to add an employee.**
- E. The Applicants reside at the site; a multi-purpose room has been converted into an office; the office has been used as a home occupation and a Conditional Use is needed since they would like to hire another employee; the existing entrance off of Savannah Road will be utilized; there is room to park five vehicles; and the office has a separate entrance for the dwelling.**
- F. There were no parties present in support of or in opposition to this Application.**
- G. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.**
- H. The use is of a public or semi-public character.**
- I. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to the six (6) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**