

ORDINANCE NO. 2244

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LAWN CARE AND MAINTENANCE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.51 ACRES, MORE OR LESS

WHEREAS, on the 28th day of December 2011, a conditional use application, denominated Conditional Use No. 1922 was filed on behalf of Edgar Polite; and

WHEREAS, on the 9th day of February 2012, 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. 1922 be approved with conditions; and

WHEREAS, on the 20th day of March 2012, 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. 1922 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 west of Old Landing Road (Road 274) 300 feet north of the dead end of Old Landing Road and being more particularly described in Deed Book 2844, Page 124, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 0.51 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 lawn care business and maintenance of his equipment.**
- 2. No waste materials, such as grass clippings, dirt, etc. shall be deposited or stored on the site.**
- 3. All maintenance or equipment servicing shall occur within the garage building.**
- 4. No disabled, junked or abandoned pieces of equipment shall be allowed on the site.**
- 5. The Final Site Plan shall be subject to the review and approval of the County Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2244 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF MARCH 2012.


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 to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a lawn care and maintenance business to be located on a certain parcel of land lying and being in Lewes & Rehoboth Hundred, Sussex County, containing 0.51 acres, more or less, lying at the west of Old Landing Road (Road 274) 300 feet north of the dead end of Old Landing Road.**
- 2. DelDOT commented that a Traffic Impact Study is not recommended and that the current Level of Service "D" of Old Landing Road will not change as a result of this Application.**
- 3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the West Rehoboth Expansion Area; that wastewater capacity is available for the project, if the proposed use does not exceed approximately 1.0 EDU; that the EDU assessment for the use is not known at this time; that the system design assumption for the parcel is 1.0 EDU reflecting a residential parcel in a residential subdivision; that Ordinance 38 construction is not required; that the current System Connection Charge Rate is \$4,590.00 per EDU;**

that the parcel is served with one 6-inch lateral located along the parcel's frontage on Old Landing Road; that the existing single family use is connected to the sewer system; that conformity to the North Coastal Planning Study will be required; and that a Concept Plan is not required.

- 4. The use is of a public or semi-public character.**
- 5. There were no parties present in support of or in opposition to this Application.**
- 6. There is no indication that the use will adversely affect neighboring properties or roadways.**
- 7. The property is bounded by the Old Landing Golf Course, the equipment shed and landscaping equipment associated with the golf course business, and a landscaping company operated from the golf course.**
- 8. Based on the record and recommendations of the Planning and Zoning Commission and the record created before Council, the Conditional Use is approved subject to five (5) conditions, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**