

ORDINANCE NO. 2172

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE REPAIR, WELDING AND FABRICATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.52 ACRES, MORE OR LESS

WHEREAS, on the 29th day of September 2010, a conditional use application, denominated Conditional Use No. 1876 was filed on behalf of Douglas R. Morgan; and

WHEREAS, on the 9th day of December 2010, 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. 1876 be approved with conditions; and

WHEREAS, on the 4th day of January 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. 1876 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 Cedar Creek Hundred, Sussex County, Delaware, and lying south of Road 207 (Johnson Road) 150 feet east of U.S. Route 113 and being more particularly described in Deed Book 1193, Page 334, as recorded in the office of the Recorder of Deeds in and for Sussex County, said parcel containing 3.52 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. Any security lights shall be installed or maintained on the buildings, and they shall be screened so that they do not shine on neighboring properties or roadways.**
- 2. No repair or fabrication work shall be performed outside.**
- 3. The use shall be limited to automotive repair, metal fabrication, welding and related activities.**
- 4. There may be one lighted sign on the property advertising the business. The sign shall not exceed 32 square feet in size on either side.**
- 5. The location of dumpsters shall be shown on the Final Site Plan and shall be screened from view of neighboring properties and roadways.**
- 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. 2172 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 4TH DAY OF JANUARY 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. The proposed use will support the County's agricultural, residential and business uses.**
- 2. The proposed use is in the immediate vicinity of U.S. Route 113 which is an appropriate location for this type of use.**
- 3. The site is adjacent to land zoned B-1 and the use is consistent with neighboring zoning and uses.**
- 4. The Sussex County Planning and Zoning Commission recommended approval of this Conditional Use Application, and Council adopted the Commission's Findings of Fact.**
- 5. No parties appeared in opposition to the application and two individuals spoke in favor of it.**