

**ORDINANCE NO. 2216**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOBILE SERVICE AND REPAIR GARAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 14,613 SQUARE FEET, MORE OR LESS**

**WHEREAS, on the 28<sup>th</sup> day of April 2011, a conditional use application, denominated Conditional Use No. 1901 was filed on behalf of Christopher Lopez; and**

**WHEREAS, on the 23rd day of June 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 28th day of July 2011, said Planning and Zoning Commission recommended that Conditional Use No. 1901 be approved with conditions; and**

**WHEREAS, on the 19th day of July 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. 1901 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 Dagsboro Hundred, Sussex County, Delaware, and lying northeast of U.S. Route 113 1,420 feet south of Road 321 (Woodbranch Road) and being more particularly described in Deed Book 3567, Page 95, in the office of the Recorder of Deeds in and for Sussex County, said parcel containing 14,613 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. The Final Site Plan shall show all required parking areas.**
- 2. There shall not be any outside storage of junked vehicles, automobile parts, equipment, tires, or other materials used to repair cars.**
- 3. No vehicles for sale shall be displayed on the premises.**
- 4. The only repair work allowed in the shop will be for automobiles and light trucks.**
- 5. The shop will only be operated between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 7:00 a.m. and 2:00 p.m. on Saturday.**
- 6. There may only be one lighted sign on the property advertising the business, not to exceed 32 square feet in size on either side.**
- 7. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties or roadways.**
- 8. The area for a dumpster shall be located to the rear of the garage building and shall be screened from view. The location of the dumpster area shall be shown on the Final Site Plan.**
- 9. The 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 2216 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH DAY OF SEPTEMBER 2011.**

  
**ROBIN A. GRIFFITH**  
**CLERK OF THE COUNCIL**

**The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:**

- 1. This is an application for a Conditional Use of land in an AR-1 Agricultural Residential District for an automobile service and repair garage to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, Delaware, containing 14,613 square feet, more or less, lying northeast of U.S. Route 113, 1,420 feet south of Road 321 (Woodbranch Road).**

- 2. DelDOT commented that the Department does not recommend a Traffic Impact Study and that the property is located adjacent to U.S. Route 113 and is subject to the Corridor Capacity Preservation Program.**
- 3. The Sussex County Engineering Department Utility Planning Division commented that the site is located in the North Coastal Planning Area; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed project is not in an area where the County currently plans to provide sewer service; and that a Concept Plan is not required.**
- 4. The site contains an unoccupied dwelling that they are making improvements on; there are no wetlands on the site; they are proposing to expand the building by adding a 1,650 square foot two-bay vehicle repair garage and a 200 square foot office space; the site is located in a Developing Area according to the Sussex County Comprehensive Plan 2008 Update; an on-site well and on-site septic will be utilized or upgraded; and the entrance will be built in compliance with DelDOT requirements.**
- 5. There were no parties present in support of the Application.**
- 6. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.**
- 7. The use is of a public or semi-public nature.**
- 8. Based on the record and recommendations of the Planning & Zoning Commission and the record created before Council, the Conditional Use is approved subject to the following conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**