

ORDINANCE NO. 2217

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR SCHOOL BUS PARKING AND MAINTENANCE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 42,370 SQUARE FEET, MORE OR LESS

WHEREAS, on the 7th day of June 2011, a conditional use application, denominated Conditional Use No. 1906 was filed on behalf of Clinton Hoffer; and

WHEREAS, on the 11th day of August 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 8th day of September 2011, said Planning and Zoning Commission recommended that Conditional Use No. 1906 be approved with conditions; and

WHEREAS, on the 13th day of September 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 VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1906 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 at the northeast corner of Indian Branch Road and Tramway Road 500 feet west of Route 82 and being more particularly described as Lot 7 in the John C. Hudson Subdivision in Plot Book 8, Page 459, in the office of the Recorder of Deeds in and for Sussex County and containing 42,370 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 use shall be limited to a school bus storage yard for no more than 7 school buses operated by the Applicant and 2 school buses on site at any one time for maintenance.**
- 2. The Final Site Plan shall show the location of all school bus parking, and parking for at least 6 employees. These parking areas shall also be clearly marked on the property, as well.**
- 3. There shall not be any junked, untagged or inoperable school buses or other vehicles stored on the premises.**
- 4. The hours of operation shall be 6:00 a.m. to 5:00 p.m., Monday through Saturday.**
- 5. All bus repairs shall be performed inside the shop building that exists on the site.**
- 6. There shall not be any outside storage of bus, van or automobile parts.**
- 7. 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. 2217 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 Conditional Use was appropriate legislative action based on the following Findings of Fact:

- 1. This application is for school bus parking and a school bus maintenance and repair shop pursuant to Section 115-39 of the Sussex County Zoning Code.**
- 2. The applicant has operated the bus service for approximately 20 years and the maintenance and repair shop for approximately 28 without any issues.**
- 3. The use is a benefit to Sussex County and its residents and school systems by providing a local source of transportation for the public schools and their students.**

- 4. This property is located across the road from a similar bus and transportation service that has been in existence for approximately 20 years.**
- 5. The Sussex County Planning and Zoning Commission has recommended approval of this Conditional Use application and Council adopted the Commission's Findings of Facts.**