

ORDINANCE NO. 2364

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL ENGINE AND LAWN MOWER REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 42,961 SQUARE FEET, MORE OR LESS

WHEREAS, on the 25th day of April 2014, a conditional use application, denominated Conditional Use No. 1989 was filed on behalf of Bruce Sentman, Jr.; and

WHEREAS, on the 10th day of July 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 24th day of July 2014, said Planning and Zoning Commission recommended that Conditional Use No. 1989 be approved with conditions; and

WHEREAS, on the 16th day of September 2014, 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. 1989 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 southeast of Road 328 (Sheep Pen Road) 250 feet northeast of Road 410 (Godwin School Road) and being more particularly described as Lot 2 of the “Karl R. and Linda C. Smith” subdivision, as recorded in Plot Book 92, Page 92, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 42,961 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:

- A. The use shall be limited to the repair of small engines, generators, and lawn mowers. No automobiles, boats, trucks, or other similar vehicles shall be repaired on the site as part of the Applicant's business.**
- B. No outside repair work after 9:00 p.m. No Sunday hours.**
- C. The business shall not have any employees aside from the Applicant and his family.**
- D. No repair work shall be performed outside, except for limited testing of the engines.**
- E. There shall not be any retail sales.**
- F. All waste oils and similar fluids shall be disposed of properly or taken to the appropriate State Recycling Center.**
- G. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- H. Any dumpster on the site shall be screened from view of neighboring properties and roadways.**
- I. Any security lights associated with the Conditional Use shall be downward screened so that they do not shine on neighboring properties or roadways.**
- J. 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. 2364 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 16TH DAY OF SEPTEMBER 2014.



**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 the Application of Bruce Sentman, Jr. to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a small engine and lawn mower repair shop to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 42,961 square feet, more or less, land lying southeast of Road 328 (Sheep Pen Road) 250 feet northeast of Road 410 (Godwin School Road) (911**

Address – 24230 Sheep Pen Road, Millsboro, Delaware) (Tax Map I.D. 1-33-16.00-73.03).

- B. Council found that DelDOT commented that a Traffic Impact Study was not recommended, and that the current Level of Service “A” of Sheep Pen Road will not change as a result of this application.**
- C. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the site is not located in a proposed or current County operated and maintained sanitary sewer and/or water district; that the site is located in a Town of Millsboro growth area; that an onsite septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the site is not located in an area where the County will provide sewer service; that the Applicant can contact the Town of Millsboro for information relating to sewer service; and that a Concept Plan is not required.**
- D. Based on testimony before the Planning & Zoning Commission and the public hearing before the Council, Council found that the Applicant, Bruce Sentman, Jr., was present on behalf of his application and stated that he lives on the property; that he just completed the erection of a pole building; that he plans on being open for business Monday through Friday after 5:30 p.m. and on Saturday from 8:00 a.m. to 5:00 p.m.; that he will not have any employees; that the only repair work that will be performed outside will be testing the engines; that he has no intent to get into lawnmower sales; that he will be working on small engines, lawn equipment, and generators; that waste oils and fluids will be taken to the State Recycling Center; that he would like to erect a lighted sign, not to exceed 32 square feet per side; that if he installs a dumpster, it will be screened; and that the landscaping trees to the rear of his lot are on the neighbor’s property.**
- E. Based on the Findings (1 through 6) of the Planning & Zoning Commission, Council found that:**

 - 1. The Applicant intends to operate this business in his spare time on his own property. There will not be any employees. The use is very similar to a home occupation.**
 - 2. The use will occur within existing structures on the property.**

- 3. The Conditional Use will not adversely affect neighboring properties, the community or area roadways and traffic.**
- 4. The use will promote the convenience of residents of Sussex County by providing a local small engine and lawn mower repair service to area residents in need of such a service.**
- 5. No parties appeared in opposition to the application.**
- 6. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to ten (10) conditions (A-J) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**