

ORDINANCE NO. 2571

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE SALES WITH MINOR REPAIRS AND CONTRACTOR OFFICE WITH STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.909 ACRES, MORE OR LESS

WHEREAS, on the 11th day of October 2017, a conditional use application, denominated Conditional Use No. 2119, was filed on behalf of Chad Hayes; and

WHEREAS, on the 8th day of March 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 22nd day of March 2018, said Planning and Zoning Commission recommended that Conditional Use No. 2119 be approved with conditions; and

WHEREAS, on the 17th day of April 2018, 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. 2119 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 Georgetown Hundred, Sussex County, Delaware, and lying on the north side of Lewes-Georgetown Highway (Route 9) approximately 812 feet east of Sand Hill Road and being more particularly described as follows:

BEGINNING at a point on the northerly right of way of Route 9, a corner for these lands and lands of Edward J. Soboczinski; thence north 10 degrees 07 minutes 25 seconds west 263.29 feet and north 82 degrees 30 minutes 13 seconds east 158.40 feet along said Soboczinski lands to a point; thence south 08 degrees 13 minutes 22 seconds east 250.96 feet along other lands of Charles H. Hayes, Jr., to a point on the northerly right of way of Route 9; thence westerly 150.04 feet along the arc of the northerly right of way of Route 9 to the point and place of beginning, said parcel containing 39,610 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 hours of operation shall be from 8:00 a.m. to 6:00 p.m., Monday through Saturday.**
- B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- D. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- E. All repairs shall be performed indoors. No automobile parts shall be stored outside.**
- F. No junked or permanently inoperable or salvaged vehicles or trailers shall be stored on the site.**
- G. No more than 20 cars shall be on the site at any one time excluding customer or employee vehicles.**
- H. All display areas, parking and storage areas shall be clearly depicted on the Final Site Plan.**
- I. The use shall be subject to any DelDOT entrance and roadway requirements.**
- 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. 2571 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 17TH DAY OF APRIL 2018.

**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 Chad Hayes to consider the Conditional Use of land in an AR-1 Agricultural Residential District for automotive sales with minor repairs and contractor office with storage to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 0.909 acres, more or less (located on the north side of Lewes-Georgetown Highway (Route 9) approximately 812 feet east of Sand Hill Road) (Tax I.D. No. 135-15.00-40.00) (911 Address: 22091 Lewes-Georgetown Highway, Georgetown).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Chad Hayes was present on behalf of the application; that he stated they have had go-kart sales for sixteen (16) years; that they want to sell cars instead of go-karts and keep the contractor's office; that the site is mainly for sales; that they would change batteries and clean the cars up; that there would be four (4) to five (5) employees and will start out with two (2) to three (3) employees; and that they would be selling used cars.**

C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 5) and Conditions (A through J), Council found that:

- 1. Conditional Use #1465, approved in 2002 as Ordinance #1571, permitted the sale of go kart and go kart parts as well as the storage of contractor building materials. This use is consistent with that prior approved use on this property.**
- 2. The Applicant no longer desires to service and sell go-karts from this site. Instead, the Applicant wants to sell cars and do minor repairs on cars he plans to sell. The Applicant desires to keep the existing contractor's office on the site.**
- 3. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.**
- 4. The use as a small automotive sales facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.**
- 5. The automotive repairs that will occur on the site will be minor and will be on vehicles that the Applicant is prepping to sell from the property.**
- 6. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to ten (10) conditions (A through J), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**