

**ORDINANCE NO. 2607**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.0381 ACRES, MORE OR LESS**

**WHEREAS, on the 3rd day of January 2018, a conditional use application, denominated Conditional Use No. 2128, was filed on behalf of Larry Martin; and**

**WHEREAS, on the 24th day of May 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 14th day of June 2018, said Planning and Zoning Commission recommended that Conditional Use No. 2128 be approved with conditions; and**

**WHEREAS, on the 12th day of June 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. 2128 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 Little Creek Hundred, Sussex County, Delaware, and lying on the east side of Horsey Church Road and on the south side of Shadow Point Lane, and being more particularly described per the attached deed prepared by Haller & Hudson, said parcel containing 3.0381 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:**

- A. One unlighted sign, not to exceed 16 square feet per side, shall be permitted.**
- B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- C. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- D. Except for the property owner's personal vehicles located on site, no more than 10 vehicles shall be parked on the site.**
- E. No sales of automobiles shall be permitted.**
- F. All repairs shall be performed inside the existing pole building located on the property. No other buildings on the property shall be used for the auto repair shop. No automobile parts or equipment shall be stored outside.**
- G. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- H. The site shall be subject to all DeIDOT entrance and roadway requirements.**
- I. Handling and disposal of all hazardous waste from the auto repair shop shall comply with all local, state, and federal laws, rules, and regulations.**
- J. The automotive repair hours shall only be from 7:00 a.m. through 6:00 p.m., Monday through Saturday. There shall not be any Sunday hours.**
- K. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the areas set aside for parking.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2607 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 23RD DAY OF OCTOBER 2018.**

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**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 Larry Martin to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an auto repair shop to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 3.0381 acres, more or less (Tax I.D. No. 532-19.00-12.21) (911 Address: 9534 Shadow Point Lane, Delmar).**

- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Larry Martin was present on behalf of his application; that he would like to use his three-bay, 40-foot by 60-foot building for auto repair; that there is a transmission shop two miles down the road; that there is a used car lot and Delmar Auto in the area; that there is a butcher shop in the area; that there will be no employees at this time, but there may be one additional employee in the future; that the hours of operation will be 7:00 a.m. through 6:00 p.m., Monday through Friday, and Saturday by appointment only in the a.m.; that all of the work will be done inside and nothing will be done outside; that he will store cars short term, but no parts or equipment will be stored outside; and that there is no proposed sales of used cars at this time, but there may be in the future.**
- C. Council also found that there is proper disposal of waste and oil; that he would like to put a sign on the building; that he would like a lighted ground sign; that he would repair automobiles and light trucks but no semi-trucks; that it is a local customer base; that the entrance is shared, but the driveway is not shared; that the private lane is not State-maintained; that DelDOT has approved the entrance; that there are six parking spaces shown on the site plan; and that he would like to store up to a maximum of 10 cars.**
- D. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 4) and Conditions (A through K), as amended, Council found that:**
- 1. The Applicant proposes to operate a small auto repair shop on his property which consists of 3.032 acres, more or less, The Applicant has no employees and typically works on an average of 3 cars per day.**
  - 2. The use as an auto repair shop at this location is of a public or semi-public character and is desirable for the general convenience and welfare of the area.**
  - 3. The project, with the conditions and stipulations so placed upon it, will not adversely affect area roadways.**
  - 4. No parties appeared in opposition to this application.**
  - 5. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to eleven (11) conditions (A – K), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**