

**ORDINANCE NO. 2616**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LAWNMOWER AND SMALL ENGINE REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.83748 ACRES, MORE OR LESS**

**WHEREAS, on the 8th day of June 2018, a conditional use application, denominated Conditional Use No. 2150 was filed on behalf of Leo Sweeney; and**

**WHEREAS, on the 11th day of October 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2150 be approved with conditions; and**

**WHEREAS, on the 13th day of November 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. 2150 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 Cedar Creek Hundred, Sussex County, Delaware, and lying on the northeast side of Cedar Creek Road (Route 30) approximately 0.788 mile north of Jefferson Road. and being more particularly described in the attached legal description prepared by Moore and Rutt, PA, said parcel containing 0.83748 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. The use shall be limited to a lawnmower and small engine repair business. There shall not be any automobile, truck or large equipment repairs on the site.**
- B. The hours of operation shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturday. There shall not be any Sunday hours.**
- C. The existing unlit sign shall be permitted to remain and shall not exceed 32 square feet.**
- D. All repairs and maintenance shall occur inside of a structure.**
- E. Any new security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- F. All junk and permanently inoperable lawnmowers or engines shall be screened from view.**
- G. The Final 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. 2616 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH OF NOVEMBER 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 Leo Sweeney for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for a lawnmower and small engine repair business to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 0.83748 acres, more or less (lying on the northeast side of Cedar Creek Road (Route 30) approximately 0.788 mile north of Jefferson Road (SCR 38) (Tax I.D. No. 230-21.00-12.01 (portion of) (911 Address 10449 Cedar Creek Road, Lincoln).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Leo Sweeney was present on behalf of his application; that the Applicant has lived at the site for thirty-three (33) years; that he has run the business for the last ten (10) years; that the hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturday; that he could have up to thirty (30) mowers on the site at a time; that all the repairs are done inside his shop; that he has no employees; that he does pick up and deliver the mowers and some are dropped off; that he would like to keep his existing sign; that he has approximately thirty (30) junk mowers he uses for parts; that he will take the scraps two (2) times a year; and that there is no overgrowth at the property.**

- 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 – G), as amended, Council found that:**
- 1. The Applicant lives on this property and has conducted this small business from his property for years.**
  - 2. The use is very nearly a permissible home occupation.**
  - 3. The use is small in nature. It does not generate a lot of traffic and it will not adversely affect the neighborhood.**
  - 4. The use as a lawnmower and small engine repair facility is a service to Sussex County residents from a convenient location.**
  - 5. No parties appeared in opposition to this application.**
  - 6. Based on the record and recommendation of the Planning & Zoning Commission and the record created before the Sussex County Council, the Conditional Use is approved subject to seven (7) conditions (A - G), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**