

**ORDINANCE NO. 2619**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL VEHICLE STORAGE AND CAR SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 9.54 ACRES, MORE OR LESS**

**WHEREAS, on the 7th day of December 2017, a conditional use application, denominated Conditional Use No. 2126, was filed on behalf of Nikolajs Lituinenkous; and**

**WHEREAS, on the 10th day of May 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 24th day of May 2018, said Planning and Zoning Commission recommended that Conditional Use No. 2126 be approved with conditions; and**

**WHEREAS, on the 4th day of December 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. 2126 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 on the south side of Vines Creek Road, approximately 0.44 mile east of Armory Road, and being more particularly described per the attached deed prepared by Griffin & Hackett, P.A., said parcel containing 9.54 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 existing signage shall be permitted.**
- B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- C. Any dumpster shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- D. All repairs shall be performed indoors.**
- E. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- F. The site shall be subject to all DeDOT entrance and roadway requirements.**
- G. The automotive sales hours shall only be from 9:00 a.m. through 7:00 p.m., Monday through Saturday. The garage hours shall only be between 9:00 a.m. and 6:00 p.m. on weekdays, and 9:00 a.m. until 3:00 p.m. on Saturdays. There shall not be any Sunday hours.**
- H. 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 vehicle sales and vehicle storage.**
- I. No vehicles for auto sales shall be parked within 25 feet of the front right-of-way line.**
- J. The Applicant shall be required to maintain and/or plant, where necessary, a 20 foot tree buffer along all property lines which do not front on Vines Creek Road. No trees in the buffer area may be cut. A tree buffer shall not be required where Applicant's 8-foot fence currently exists. Applicant shall maintain the fence in good condition at all times.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2619 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 4TH DAY OF DECEMBER 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 Nikolajs Lituinenkous to consider the Conditional Use of land in an AR-1 Agricultural Residential District for commercial vehicle storage and car sales to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 9.54 acres more or less (lying on the south side of Vines Creek Road, approximately 0.44 mile east of Armory Road) (Tax I.D. No. 233-11.00-172.00) (911 Address: 30028 Vines Creek Road, Dagsboro).**

- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Nikolajs Lituinenkous was present on behalf of the application; that he stated that he already has car sales at the front of the property and wants to remove some trees in the middle of the property to use rear parking and middle parking to store construction vehicles, boats, tractors, etc. as commercial vehicle storage; that the site has been used for vehicle sales for about five (5) years; that the repairs and parking are pre-existing prior to zoning; that he has two (2) employees in sales, three (3) mechanics, and one (1) secretary; that all repairs are performed inside with appropriate waste disposal and only car cleaning takes place outside; that the hours are 9:00 a.m. to 7:00 p.m. for sales, Monday through Saturday, the garage hours are Monday through Friday 9:00 a.m. to 6:00 p.m. and Saturday 9:00 a.m. to 3:00 p.m.; that they have a sign for the repair shop and for sales on-site; that a 32 square foot sign will be sufficient; and that they will store the equipment behind the ditch and in front of the cars.**
- C. 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 (5A through J), as amended, Council found that:**
- 1. This site has been used for automobile repairs and sales for decades. As such, it is a legally nonconforming, or grandfathered use.**
  - 2. There are other small business uses and commercial or business uses in the area, and the next-door property appears to be used currently as some sort of junk or storage yard. This use is consistent with the area and will not have an adverse effect to it.**
  - 3. The used car sales facility at this location, which has been used for this type of purpose for many years, is of a public or semi-public character and is desirable for the general convenience and welfare of the area.**
  - 4. No parties appeared in opposition to this application.**