

ORDINANCE NO. 2679

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL AUTOMOTIVE REPAIR AND DEALER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.87 ACRES, MORE OR LESS

WHEREAS, on the 17th day of April 2019, a conditional use application, denominated Conditional Use No. 2182, was filed on behalf of Samuel G. Thomas; and

WHEREAS, on the 8th day of August 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 22nd day of August 2019, said Planning and Zoning Commission recommended that Conditional Use No. 2182 be approved with conditions; and

WHEREAS, on the 17th day of September 2019, 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. 2182 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 Springfield Road, approximately 336 feet east of Park Avenue and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 2.87 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 the repair of cars that the Applicant intends to sell and the sales of those cars. There shall be no more than four (4) cars for sale or under repair on the property at any time.**
- B. One unlighted sign, not to exceed 16 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 located behind the garage and they shall be screened from view of neighbors. The dumpster location 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, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- G. There shall not be any parking in the front yard setback.**
- H. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself. Vehicles shall only be parked within these designated areas.**
- I. As stated by the Applicant, the property shall retain its residential appearance.**
- J. All oils and other fluids shall be properly stored indoors in appropriate containers. The Applicant shall also comply with all State and Federal requirements for the disposal of these fluids.**
- K. The site shall be subject to all DeDOT entrance and roadway requirements.**
- L. The hours of operation shall be 9:00 a.m. through 7:00 p.m., Monday through Friday, and 9:00 a.m. until Noon on Saturdays. There shall not be any Sunday hours.**
- M. Any violation of these conditions may be grounds for termination of this Conditional Use.**
- N. 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. 2679 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 17TH DAY OF SEPTEMBER 2019.

**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:

- 1. This is an application for a Conditional Use of land in an AR-1 Agricultural Residential District for a small auto repair shop and dealership to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 2.87 acres, more or less.**
- 2. The purpose of a Conditional Use is to provide for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses are generally of a public or semi-public character and are essential and desirable for the general convenience and welfare but, because of the nature of the use, the importance of the relationship to the Comprehensive Plan and possible impact not only on neighboring properties but on a large section of the County, require the exercise of planning judgement on location and site plan.**
- 3. The Applicant has stated that this is a proposal to permit a small auto repair and auto sales facility.**
- 4. The Applicant has stated that there will be a very small number of cars on the premises at any given time, and the sales are via the internet.**
- 5. The record included a map showing the proposed site and the surrounding properties and uses in the area, and properties of land owners in the area.**
- 6. DelDOT has stated that the existing level of service will not change if this application is approved and has stated no objections to the proposed use.**
- 7. The Applicant has stated that the repair facility will not be open to the public. The only vehicles to be repaired are the few that he is prepping to sell.**
- 8. A small auto repair facility with sales is an appropriate Conditional Use within an AR-1 District and is in compliance with the requirements of the Zoning Code.**
- 9. The use of the project is of a public or semi-public character.**
- 10. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on traffic or the neighboring properties or community.**
- 11. Based upon the above findings and the recommendations of the Commission, which were adopted by the Council, the application was approved subject to fourteen (14) conditions (A – N).**