

**ORDINANCE NO. 2689**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MOTOR VEHICLE SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.1657 ACRE, MORE OR LESS**

**WHEREAS, on the 13th day of May 2019, a conditional use application, denominated Conditional Use No. 2187, was filed on behalf of Daniel Ostinvil; and**

**WHEREAS, on the 22nd day of August 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 26th day of September 2019, said Planning and Zoning Commission recommended that Conditional Use No. 2187 be approved; and**

**WHEREAS, on the 24th 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. 2187 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 Broad Creek Hundred, Sussex County, Delaware, and lying on the southwest corner of North Poplar Street and Old Sailor Road, and being more particularly described in the attached legal description prepared by Rodney D. Sweet, Esq., said parcel containing 0.1657 acre, 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 lighted sign shall be permitted. It shall not exceed 32 square feet per side.**
- B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- C. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- D. The site shall be subject to all DeDOT entrance and roadway requirements.**
- E. The cars shall be parked within a fenced area, and the fence and parking area shall be shown on the Final Site Plan.**
- F. The automotive sales hours shall only be from 9:00 a.m. through 3:30 p.m., Monday through Friday, and 9:00 a.m. until 2:30 p.m. on Saturdays. There shall not be any Sunday hours.**
- G. Any violations of the conditions of approval of this Conditional Use may result in the termination of this Conditional Use.**
- H. 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. 2689 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 12TH DAY OF NOVEMBER 2019.**

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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 Daniel Ostinvil for a Conditional Use in an AR-1 Agriculture Residential District for motor vehicle sales to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 0.1657 acre, more or less (Tax I.D. No. 232-12.18-51.00) (911 Address: 31016 North Poplar Street, Laurel).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that the Applicant, Daniel Ostinvil, was present on behalf of his application; that he owns the property subject to this application; that the application is to sell cars on the site; that there would be four (4) or five (5) vehicles for sale which would be parked along the split rail fence located on the property; that no car repairs will be performed at the site; that, in the past, the property was used as a commercial property for furniture sales; that there are other commercial uses in the area; that the existing building would remain to be used as an office; that the hours of operation would be 9:30 a.m. to 3:30 p.m., Monday through Friday, and possibly some Saturday hours from 11:00 a.m. to 2:30 p.m.; that he would like a lighted sign on the property to advertise his business; and that he would have two (2) employees.**

**B. 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 (6A –H), Council found that:**

- 1. This site has had a variety of different business uses over the years.**
- 2. There are other small business and commercial uses in the area. This use is consistent with the area and will not have an adverse effect on it.**
- 3. A car sales facility at this location is of a public or semi-public character and is desirable for the general convenience and welfare of the area.**
- 4. Given the small size of this site, parking in the front yard setback is permitted, provided that all parking shall be contained within a fenced in area.**
- 5. No parties appeared in opposition to this application.**
- 6. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Sussex County Council, the Conditional Use is approved subject to the following eight (8) conditions (A – H), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**