

ORDINANCE NO. 2722

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL AUTO REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.75 ACRES, MORE OR LESS

WHEREAS, on the 27th day of January 2020, a conditional use application, denominated Conditional Use No. 2221 was filed on behalf of Dominic Lombardi; and

WHEREAS, on the 28th day of May 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 11th day of June 2020, said Planning and Zoning Commission recommended that Conditional Use No. 2221 be approved with conditions: and

WHEREAS, on the 30th day of June 2020, 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. 2221 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 northeast corner of the intersection of Sheep Pen Road and Godwin School Road and being more particularly described in the attached legal description prepared by Foresight Services, said parcel containing 0.75 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 lighted sign, not to exceed 32 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. All repairs shall be performed indoors. No automobile parts shall be stored outside.**
- E. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- F. There shall not be any parking in the front yard setback.**
- G. The 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.**
- H. No cars shall be sold on the property.**
- I. 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.**
- J. The site shall be subject to all DelDOT entrance and roadway requirements.**
- K. The hours of operation shall be 8:00 a.m. through 8:00 p.m., Monday through Friday, and 9:00 a.m. until 5:00 p.m. on Saturdays. There shall not be any Sunday hours.**
- L. Any violation of these conditions may be grounds for termination of this Conditional Use.**
- M. 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. 2722 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 30TH DAY OF JUNE 2020.

**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 Dominic Lombardi for a Conditional Use of land in an AR-1 Agricultural Residential District for a small auto repair business to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 0.75 acres, more or less (property lying on the northeast corner of the intersection of Sheep Pen Road and Godwin School Road) (Tax I.D. No. 133-16.00-73.04) (911 Address: 24169 Godwin School Rd., Millsboro).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that the Applicant, Mr. Dominic Lombardi was present on behalf of the application; that the application is for a Conditional Use to operate a small auto repair business from his residence; that he is an auto technician by trade and he will be the only employee on site; that a Traffic Impact Study is not required by DelDOT as there will be less than fifty (50) cars per hour; that the immediate neighbors have no opposition to the application; that his hours of operation are 8:00 a.m. – 8:00 p.m. Monday – Friday in order to accommodate customers who have to work until 5:00 p.m., 9:00 a.m. – 5:00 p.m. on Saturday, and no Sunday hours; that all the work will be completed indoors; that the**

Applicant would like to have a sign on the property; that all waste oil and products are disposed of through AutoZone; that the operation will not affect the environment or local streams; and that neighbors will not be adversely affected.

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 (6A - M), Council found that:

- 1. The proposed automobile repair facility is small, and with the conditions and stipulations placed upon it, it will not have an adverse impact on the neighboring properties or community. It is also small enough that it will not negatively impact traffic or nearby roadways.**
- 2. The site is located in a Developing Area according to the Sussex County Comprehensive Plan. This type of use is appropriate in this area according to the Comprehensive Plan.**
- 3. The Applicants live on the site and the use will occur in a pole building. The Applicants intend to keep the residential appearance of the property.**
- 4. The use as an automotive repair facility is of a public or semi-public character and is desirable for the general convenience and welfare of the 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 thirteen (13) conditions (A through M), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**