

**ORDINANCE NO. 2897**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE AND BOAT REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS**

**WHEREAS, on the 17<sup>th</sup> day of November 2021, a conditional use application, denominated Conditional Use No. 2324 was filed on behalf of Zachary Bedell; and**

**WHEREAS, on the 27<sup>th</sup> day of October 2022, 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. 2324 be approved; and**

**WHEREAS, on the 14<sup>th</sup> day of December 2022, 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. 2324 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 Baltimore Hundred, Sussex County, Delaware, and lying on the west side of Central Avenue (S.C.R. 84) approximately 350-ft south of Substation Road (S.C.R. and being more particularly described in the attached legal description prepared by Tomasetti Law, LLC, said parcel(s) containing 5.00 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 and maintenance of vehicles, boats, and equipment.**
- b. There was concern stated during the hearing about burning that has occurred on the site. No outdoor fires or burning shall be permitted on the site.**
- c. No junked, inoperable, untitled, or unregistered vehicles, boats or trailers shall be stored on the site.**
- d. No sales of vehicles, trailers, boats, or equipment shall be permitted from the site.**
- e. The area of the conditional use shall be limited to a one-half acre area on the site. This area shall be fenced with a 6-foot-tall solid fence to be constructed within 6 months of approval to screen the view from neighboring properties and roadways. The “CONEX”-style metal fright containers must be located within this one-half acre fenced area. This fenced-in area shall be completely outside of all setbacks on the property.**
- f. All repairs, maintenance and other work must occur within the one-half acre fenced area. All vehicles, boats, trailers, equipment, or other items associated with the Conditional Use must be located within this fenced area at all times.**
- g. All existing vehicles, boats, trailers, equipment, tractors, machinery, junk and scrap metal or materials of any kind shall be relocated inside of the one-half acre fenced area. None of these items or anything else not used for residential purposes shall be stored outside of the one-half acre fenced area.**
- h. Although a Final Site Plan is required as part of this conditional use, the fence around the one-half acre area shall be permitted and installed within six months of the approval of this Conditional Use by Sussex County Council. Failure to construct this fence within this timeframe shall be grounds for the termination of this Conditional Use.**
- i. The property shall be cleaned up within six months of the approval of this conditional use by Sussex County Council, with all of the existing vehicles, boats, trailers, equipment, tractors machinery, junk and scrap materials of any kind either removed from the property or relocated into the one-half acre fenced area. Failure to abide by this requirement shall be grounds for the termination of this conditional use.**
- j. There shall be no more than 10 vehicles and boats (including trailers) in total on the property at any one time.**
- k. The one-half acre fenced in area of this conditional use shall be clearly shown on the Final Site Plan.**
- l. The violation of any of these conditions of approval at any time may be grounds for termination of this conditional use.**
- m. The Final Site Plan for this conditional use shall be reviewed and approved by the Sussex County Planning & Zoning Commission.**
- n. This conditional use shall be automatically reviewed by the Planning & Zoning Commission with a report from Staff within one year from the date of approval by Sussex County Council to review compliance and determine if its existence has any adverse impacts upon the neighboring and adjacent properties. It shall continue to be reviewed annually by the Commission unless (a) it is terminated or (b) the Commission determines that such annual reviews are no longer necessary.**
- o. All oils, liquids, and other fluids of any kind, which are associated with the use shall be disposed of properly.**

- p. The hours of operation shall be limited to the hours of 7:00 am to 6:00 pm, Monday through Friday, and 7:00 a.m. to 2:00 p.m. on Saturdays. There shall be no Sunday hours of operation.

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2897 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13<sup>TH</sup> DAY OF DECEMBER 2022.**

---

**Tracy N. Torbert**  
**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 Zachary Bedell for a Conditional Use in an AR-1 Agricultural Residential District for an automotive and boat repair business to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 5.00 acres, more or less (property lying on the west side of Central Avenue [S.C.R. 84], approximately 350 feet south of Substation Road [S.C.R. 366]) (911 Address: 34282 Central Avenue, Frankford, DE 19945) (Tax Parcel: 134-16.00-700.02).
- B.** Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Mr. Zachary Bedell spoke on behalf of his Application; that he plans to take older equipment and vehicles and restore them; that he then plans to resell the items; that he does not plan to open up a full automobile repair shop; that he would not have customers in and out every day; that this is on a small scale; that he does not plan to have items in the front of the property for sale; and that he plans to have an area that is fenced in.
- C.** Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 6) and Conditions (7a. – p.), Council found that:
1. The Applicant is seeking approval of a small automobile and boat repair business on property owned by his family. It is a small business started by the Applicant and it has grown to the point where it must have a conditional use approval to continue.
  2. There were many neighbors who appeared and testified with concerns about the Applicant's current operations on the property and the condition of the property in general. The Conditional Use, with the requirements imposed by it, will clean up the property and set limitations on what the Applicant can and cannot do on the property.
  3. The use as a small automobile and boat repair business, if conducted properly, can be a benefit to property owners and businesses in the area by providing a convenient location for the service.
  4. If operated correctly and in compliance with the conditions of approval, this use is consistent with other conditional uses in the area including a boat and RV storage facility.
  5. This small use, with the conditions placed upon it, will not generate a significant amount of traffic on area roadways.
  6. This property is in the Coastal Area according to the Sussex County Comprehensive Plan. A small business use like this can be an appropriate use within this Area according to the Plan.
  7. 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 sixteen (16) conditions (a. – p.), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.