

ORDINANCE NO. 2171

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE SALES LOT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.73 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of September 2010, a conditional use application, denominated Conditional Use No. 1875 was filed on behalf of Frederick J. Taylor, Jr.; and

WHEREAS, on the 9th day of December 2010, 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. 1875 be approved with conditions; and

WHEREAS, on the 4th day of January 2011, 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. 1875 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 Little Creek Hundred, Sussex County, Delaware, and lying at the southeast corner of Route 24 and Road 461 (Old Stage Road) and being more particularly described in Deed Book 2267, Page 280, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 2.73 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:

- 1. No more than six (6) vehicles shall be displayed for sale on the property at any one time.**
- 2. No junked or inoperable vehicles shall be stored on the property.**
- 3. The vehicles for sale shall be located only in those areas designated as areas for the display of vehicles for sale on the site plan.**
- 4. The hours of operation shall be limited to 7:00 a.m. until 5:00 p.m. Monday through Saturday.**
- 5. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- 6. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- 7. The Applicant shall comply with all DelDOT entrance requirements.**
- 8. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2171 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 4TH DAY OF JANUARY 2011.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Conditional Use is appropriate legislative action based on the following Findings of Fact:

- 1. This application is made by Frederick J. Taylor, Jr. pursuant to Section 115-22 of the Sussex County Zoning Code, as a Conditional Use for an automotive sales lot.**
- 2. The use, with the conditions placed upon it, is limited, and the applicant will continue to reside on the property.**
- 3. The property is located on Route 24, which is an appropriate location for this type of use.**
- 4. No parties appeared in opposition to the application and several parties signed a petition in support of it.**

5. **The use will not adversely affect neighboring or adjacent properties or traffic in the area.**
6. **The Sussex County Planning and Zoning Commission has recommended approval of this Conditional Use Application, and Council adopted the Commission's Findings of Fact.**