

**ORDINANCE NO. 2327**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.033 ACRES, MORE OR LESS (Tax Map I.D. 1-35-10.00-56.03)**

**WHEREAS, on the 26th day of July 2013, a conditional use application, denominated Conditional Use No. 1970 was filed on behalf of Matthew A. Carr; and**

**WHEREAS, on the 10th day of October 2013, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 24th day of October 2013, said Planning and Zoning Commission recommended that Conditional Use No. 1970 be approved with conditions; and**

**WHEREAS, on the 19th day of November 2013, 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 fact, 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. 1970 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 east of Sand Hill Road (Road 319) and 0.3 miles south of Wilson Road (Road 244) and being more particularly described in Deed Book 4087, Page 128, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.033 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. The use shall be limited to an automobile repair facility, with repairs to agricultural equipment, as needed. There shall not be any boat repair or large truck repairs permitted on the site.**
- 2. No towing operations shall occur from the site.**
- 3. No junked, permanently inoperable, or unregistered vehicles shall be stored on the site.**
- 4. No more than four (4) vehicles awaiting repair shall be stored outside on the site at any one time, other than the owner's personal vehicles. Any vehicles awaiting repair shall be either in the building or located behind it.**
- 5. All repairs shall occur within the building.**
- 6. The application shall comply with State and Federal requirements regarding the storage, use and disposal of all fluids associated with the use.**
- 7. One un-lit sign shall be permitted, not to exceed 32 square feet per side.**
- 8. The hours of operation shall be from 8:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 12:00 Noon on Saturday.**
- 9. All dumpsters or trash receptacles shall be screened from view of neighboring properties or roadways.**
- 10. The Final Site Plan shall show the location of all parking areas, dumpster areas, outside containers, and screening required by this approval. The existing landscape screening shall be maintained and replaced as necessary.**
- 11. No used car sales or retail operations shall be conducted from the site.**
- 12. The Final Site Plan will 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. 2327 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 19TH DAY OF NOVEMBER 2013.**

  
**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 to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an auto repair shop to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 1.033 acres, more or less, lying east of Sand Hill Road (Road 319) and 0.3 mile south of Wilson Road (Road 244) (Tax Map I.D. 135-10.00-56.03)**
- 2. DelDOT commented that a Traffic Impact Study is not recommended and that the current Level of Service “B” of Sandhill Road will not change as a result of this application.**
- 3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the North Coastal Planning Area; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a Concept Plan is not required.**
- 4. Tim Willard, Esquire, and Matthew A. Carr, the Applicant, were present on behalf of the application and stated that the application is for a small car repair business out of an existing garage; that since purchasing the property, he has added an addition which became a dwelling for Mr. Carr; that the garage building can house five vehicles; that there is ample parking for at least four (4) vehicles; that the parking area is not visible from the road; that he proposes to operate the business part-time; that all conditions recommended by the Commission are acceptable to the Applicant; and that an outside dumpster is not proposed as everything will be contained inside.**
- 5. The site was previously used for business purposes and it was occupied by a sign and lawn service company until that business relocated. The site is currently the residence of the Applicant. The Applicant testified that he intends to relocate his residence to the lot he owns next door. Based upon the testimony of the Applicant, the use will be a family-run business and the size and scope of the auto repair business will be very consistent with that of a home occupation.**

- 6. The Applicant will be required to comply with all waste disposal regulations and requirements associated with oils, lubricants, etc. associated with the auto repair business.**
- 7. The use, particularly in a location where a business previously existed, will not have any adverse impact on traffic on area roadways. The use, with the conditions and stipulations placed upon it, will not have any adverse impact on neighboring properties or the community.**
- 8. The use as an auto repair facility is of a public or semi-public character that promotes the convenience of providing an auto repair service to Sussex County residents. The Applicant stated that he could perform work on agricultural equipment of nearby farmers and he stated that all repair work will be performed within the building located on the site.**
- 9. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to 12 (twelve) conditions which will serve to minimize any potential impact on the surrounding area and adjoining properties.**