

ORDINANCE NO. 2293

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL\RETAIL SHOP (HANDCRAFTED FURNITURE\GIFTS AND ANTIQUES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.306 ACRES, MORE OR LESS (Tax Map I.D. 2-34-14.00-20.03 and 20.04)

WHEREAS, on the 26th day of October 2012, a conditional use application, denominated Conditional Use No. 1954 was filed on behalf of Robert A. Hermanson; and

WHEREAS, on the 10th day of January 2013, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 24th day of January 2013, said Planning and Zoning Commission recommended that Conditional Use No. 1954 be approved with conditions; and

WHEREAS, on the 5th day of February 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 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. 1954 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 Indian River Hundred, Sussex County, Delaware, and lying northwest of Route 48 (Zoar Road) 150 feet west of Road 315 (Deep Branch Road) and being more particularly described as:

BEGINNING at an iron bar on the northerly right-of-way of Zoar Road, a corner for these lands and lands, now or formerly, of Kathleen Quillen; thence southwesterly along the northwesterly right-of-way of Zoar Road 460.99 feet to a utility pole; thence continuing southwesterly along the northwesterly right-of-way of Zoar Road 87.59 feet to an iron bar at the corner of Sturgis Lane, a private road; thence south 77°03'40" west 101.57 feet

along the northerly right-of-way of Sturgis Lane to a 12" pine tree; thence north 25°13'20" east 247.99 feet along lands, now or formerly, of Mary Amanda Rust and Linda Rust to a point; thence north 54°46'50" west 29.99 feet to a concrete monument; thence north 18°34'09" east 183.31 feet to an iron pipe; thence south 59°10'45" east 51.02 feet along lands of Donald Hylinski to a concrete monument; thence continuing along said Hylinski lands south 57°29'50" east 528.66 feet to the point and place of beginning, and containing 2.306 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 the sale of furniture, gifts, antiques and similar items.
2. The hours of operation shall be Monday through Saturday, with hours of operation of 10:00 a.m. to 6:00 p.m. with no Sunday hours.
3. One lighted sign no larger than 32 square feet per side shall be permitted.
4. The areas to be used for any outdoor displays shall be clearly shown on the Final Site Plan.
5. Areas designated for parking shall be shown on the Final Site Plan and shall be clearly marked on the site.
6. 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. 2293 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 5TH DAY OF FEBRUARY 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 application is made by Robert A. Hermanson pursuant to Section 115-22 of the Sussex County Zoning Code, as a Conditional Use for a commercial/retail shop (hand crafted furniture/gifts and antiques).
2. The use is on a larger tract of land owned by the applicant and his wife, and they also reside on the property.

- 3. The use is very nearly a permitted home occupation; it would be except for the fact the applicant intends to sell some items made by others.**
- 4. The use will not adversely affect neighboring or adjacent properties.**
- 5. There were no parties present in support of or in opposition to the application.**
- 6. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to 5 (five) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**