

**ORDINANCE NO. 2520**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRODUCE STAND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.9 ACRES, MORE OR LESS**

**WHEREAS, on the 30th day of March 2017, a conditional use application, denominated Conditional Use No. 2092, was filed on behalf of Timothy Robinson; and**

**WHEREAS, on the 24th day of August 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 14th day of September 2017, said Planning and Zoning Commission recommended that Conditional Use No. 2092 be approved with conditions; and**

**WHEREAS, on the 26th day of September 2017, 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. 2092 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 on the east side of Gordy Road, on the west side of Sussex Highway (U.S. Route 13) at the intersection, and being more particularly described per the attached Deed prepared by Haller & Hudson, said parcel containing 5.9 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. Sales shall only occur during daylight hours.**
- B. Sales shall be limited to one week prior to Easter Sunday through November 1.**

- C. The Applicant shall comply with any DelDOT requirements associated with the use.**
- D. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- E. One sign, not to exceed 32 square feet per side, shall be permitted.**
- F. The Applicant shall provide for interconnectivity if the adjacent properties are ever developed.**
- G. The failure to abide by these conditions shall result in the termination of this Conditional Use.**
- H. The Final Site Plan shall be subject to 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. 2520 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 26TH DAY OF SEPTEMBER 2017.**

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**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 Timothy Robinson for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for a produce stand to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 5.9 acres, more or less (located on the east side of Gordy Road, on the west side of Sussex Highway (U.S. Route 13) at the intersection) (Tax I.D. No. 332-1.00-67.01) (911 Address: 32129 Gordy Road, Laurel).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Mr. Timothy Robinson was present on behalf of the application; that this is his retirement; that he is planning on having handicap accessible greenhouses on site and a pick-your-own section; that there is currently one (1) greenhouse on the site along with a stand; that he will be bringing in other produce to the site; that he is looking to be open during the summer from after Easter to Labor Day with possible fall functions and events; that his hours will be from sun up to sun down with the exception of the fall events; that he currently has a sign on the site he would like to keep; that he has done some fundraising events on Saturdays; that there is potential interconnection with the parcel to the north; and that there are commercial zoning and uses in the area.**
- C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 4) and Conditions (5A – 5H), as amended, Council found that:**
  - 1. The property is zoned AR-1. The use as a produce stand with retail sales is consistent with this zoning. Sales of produce grown by the Applicant would be a permitted use; the Conditional Use is only necessary because the Applicant intends to sell other products.**
  - 2. The produce stand promotes local agriculture and is desirable for the general convenience and welfare of the area.**

- 3. The proposed use is located adjacent to Route 13 at the intersection with Gordy Road. This is an appropriate location for a produce stand with retail sales.**
- 4. This use is consistent with other zonings and uses in the area, including C-1 zoning directly across the highway from this site.**
- 5. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to eight (8) conditions (A - H), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**