

ORDINANCE NO. 2530

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL FLOWER SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS

WHEREAS, on the 25th day of April 2017, a conditional use application, denominated Conditional Use No. 2100, was filed on behalf of Catherine Schultz; and

WHEREAS, on the 28th day of September 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 12th day of October 2017, said Planning and Zoning Commission recommended that Conditional Use No. 2100 be approved with conditions; and

WHEREAS, on the 31st day of October 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. 2100 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 Baltimore Hundred, Sussex County, Delaware, and lying on the southwest side of Camp Barnes Road, approximately 425 feet west of Millers Neck Road, and being more particularly described per the attached deed prepared by Raymond E. Tomasetti, Esquire, said parcel containing 1.35 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 Applicant shall comply with any DelDOT requirements associated with the use.**
- b. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- c. One unlighted sign, not to exceed 16 square feet per side, on the roadway edge, shall be permitted, and one illuminated sign of the same size to be attached to the building shall be permitted.**
- d. The areas for parking shall be shown on the Final Site Plan and clearly marked on the site itself.**
- e. The failure to abide by these conditions shall result in the termination of this Conditional Use.**
- f. 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. 2530 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 31ST DAY OF OCTOBER 2017.

**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 Catherine Schultz to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a retail flower shop to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.35 acres, more or less (located on the southwest side of Camp Barnes Road, approximately 425 feet west of Millers Neck Road) (Tax I.D. No. 134-19.00-117.01) (911 Address: 36570 Camp Barnes Road, Frankford).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Catherine Schultz, owner, was present on behalf of her application; that she wants to relocate her flower shop to her residence; that she lives at the entrance to the Wildlife Refuge; that she has operated the business on Route 1 for the past thirty-two (32) years and the lease will be up in two (2) years; that she does not grow any flowers on site; that eighty (80) percent of the orders are call-ins and internet orders; that she does weddings and floral holidays; that the only foot traffic would be wedding consultations; that they do deliveries; that the truck leaves and comes back when done with the deliveries; that a minivan delivers supplies which comes on Monday, Wednesday, Thursday, and Friday around 10:00 a.m.; that summer time is not a very busy time of the year; that the busy time will be in the off-season (such as Christmas, etc.); that the driveway can fit eight (8) to ten (10) parking spaces; that the hours of operation are 9:00 a.m. to 5:00 p.m. or 8:00 a.m. to 4:00 p.m.; that she would like a sign; that there will be two (2) employees; and that there used to be a few home businesses 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 8) and Conditions (9a through 9f), as amended, Council found that:**
- 1. The Applicant stated that she has an existing flower business that she desires to relocate to her home. She has stated that there are very little on-site retail sales, as most of her business involves off-site events and deliveries.**
 - 2. The business is small nature, with only the owner and two employees.**
 - 3. Deliveries to and from the business are small in nature, typically from a minivan or similar vehicle.**
 - 4. Because there is very little walk-in traffic, and the number and type of deliveries is small, the use will not adversely affect roadways or traffic.**
 - 5. Given the size of the business, the small number of employees, and the off-site nature of the product sales, the use will not have any negative impact on neighboring properties.**
 - 6. There was testimony from a neighbor in favor of the application, stating that the use has no adverse effect on his property, and that he supports the application.**
 - 7. The floral shop is desirable for the general convenience and welfare of the area.**
 - 8. No parties appeared in opposition to this application.**
 - 9. Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to six (6) conditions (a – f), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**