

ORDINANCE NO. 2715

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR INDOOR AND OUTDOOR RETAIL SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.8474 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of July 2019, a conditional use application, denominated Conditional Use No. 2198, was filed on behalf of Jeffrey Myer; and

WHEREAS, on the 14th day of May 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 28th day of May 2020, said Planning and Zoning Commission recommended that Conditional Use No. 2198 be approved with conditions; and

WHEREAS, on the 9th day of June 2020, 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. 2198 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 Nanticoke Hundred, Sussex County, Delaware, and lying on the northwest corner of Seashore Highway and Oak Road and being more particularly described in the attached legal description prepared by David W. Baker, Esq., P.A., said parcel containing 0.8474 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. This use shall be limited to the location and scope of the existing indoor and outdoor sales that occur on the site. This limitation does not affect the pre-existing general store that is also located on this property.**
- B. As requested by the Applicant, one lighted sign shall be permitted. It shall not exceed 32 square feet per side.**
- C. The hours of operation shall be limited to 7:00 a.m. through sundown, seven days per week.**
- D. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- E. The Applicant shall comply with all DeDOT requirements, including any entrance or roadway improvements.**
- F. There shall not be any dumping on the site. Also, no junk or unsold items shall accumulate outdoors on the site.**
- G. Any dumpsters associated with the use shall be screened from view from neighboring properties or roadways.**
- H. The Final Site Plan shall clearly show all parking areas, buildings, storage containers and other structures as well as the areas set aside for the indoor and outdoor sales. The outdoor sales and parking areas shall also be clearly marked on the site itself.**
- I. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.**
- J. 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. 2715 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF JUNE 2020.

**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 Jeffrey Myer for a Conditional Use in an AR-1 Agricultural Residential District for indoor and outdoor retail sales to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 0.8474 acres, more or less (property lying on the northwest corner of Seashore Highway and Oak Road) (Tax I.D. No. 430-22.00-10.01) (911 Address: 10595 and 10609 Seashore Highway, Bridgeville).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that the Applicant, Jeffrey Myer, was present by teleconference on behalf of the application; that the Applicant has been operating this business for 32 years; that he has three employees who do not require parking spaces; that he does not operate the business during inclement weather; that hours of operation are from 7:00 a.m. – 5:00 p.m. and finishes clean-up by 8:00 p.m.; that there are mostly family members on the surrounding properties; that he sells the contents of storage units and homes; that there will be no impact on roads or schools; that there will be no outdoor storage; and that there is sufficient parking for customers.**

- C. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 5) and Conditions (6A – J), Council found that:**
- 1. The use has been in existence for approximately 32 years on this site. The property also separately includes a small general store that has been in existence for decades.**
 - 2. The Applicant's business primarily consists of buying the contents of abandoned storage units and then reselling household furnishings and other household items. This use has provided a source of affordable furniture and other household items to area residents.**
 - 3. With the conditions imposed by the County, the use will not adversely affect neighboring properties, roadways or traffic.**
 - 4. The use has a public or semi-public character that is a benefit to residents of nearby communities and Sussex County.**
 - 5. No parties appeared in opposition to this Application.**
 - 6. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Sussex County Council, the Conditional Use is approved subject to ten (10) conditions (A - J), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**