

ORDINANCE NO. 2789

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR GUNSMITHING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.96 ACRE, MORE OR LESS

WHEREAS, on the 7th day of January 2021, a conditional use application, denominated Conditional Use No. 2260 was filed on behalf of Ronald Lee Wisseman II, and

WHEREAS, on the 27th day of May 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 10th day of June, 2021, said Planning and Zoning Commission recommended that Conditional Use No. 2260 be approved with conditions; and

WHEREAS, on the 13th day of July 2021, 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, Subsections 115-22, of the Code of Sussex County, be amended by adding the designation of Conditional Use No. 2260 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 side of Fawn Road (S.C.R. 600) approximately 0.5 mile northeast of Sugar Hill Road (S.C.R. 599) and being more particularly described in the attached legal description prepared by Old Republic National Title Insurance Company, said parcel containing 0.96 acre, 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 use shall be professional gunsmithing, and the application of coatings to the surface of firearms and other items.**
- b. The Applicant must comply with all Federal and State licenses and regulations for the use.**
- c. As stated by the Applicant, no firearms shall be discharged on the site.**
- d. As stated by the Applicant, the use shall occur within the Applicant's existing building on the site. No gunsmithing activities shall occur outdoors.**
- e. One unlimited sign, no larger than 4 feet by 4 feet in size, shall be permitted.**
- 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. 2789 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH DAY OF JULY 2021.



**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 Ronald Lee Wisseman, II for a Conditional Use in an AR-1 Agricultural Residential District for gunsmithing to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 0.96 acre, more or less (property lying on the northwest side of Fawn Road (S.C.R. 600) approximately 0.5 mile northeast of Sugar Hill Road [S.C.R. 599]) (Tax I.D. No. 430-11.00-70.00) (911 Address: 10213 Fawn Road, Greenwood).**
- B. Based on testimony before the Sussex County Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Scott Rust and the Applicant, Ronald Lee Wisseman, II, were present on behalf of the application; that the conditional use is more of a hobby than a business; that the process involves disassembling the firearm, removing the coating, putting a new coating, reassembling the firearm and returning it to the owner; that a Federal Firearms License (FFL) is required for this process; that to get the FFL approval, the Applicant must also have County approval; that there may be 1 - 2 customers dropping off firearms daily; that the application is not just for firearms but for other items such as tumblers; that there are no employees; that all supplies will be stored indoors; that there are no odors or noise associated with the process that could affect adjoining properties; that the hours of operation would be 5:00 p.m. – 7:00 p.m. Monday through Friday and 8:00 a.m. – 5:00 p.m. on weekends; and that there will be no shooting of the firearms on the property.**
- 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. – f.), Council found that:**
 - 1. The use is for a gunsmithing business located on the property where the Applicant resides.**
 - 2. The gunsmith process also involves the application of coating material to the surface of guns, rifles and other items.**

- 3. The use is small in nature and is very nearly a home occupation which would be a permitted use on this property.**
- 4. The Applicant has stated that there will be very little interaction with the public except for appointments made for drop-off or pick-up of a firearm that is left at the business for the application of the coating material.**
- 5. The use will not adversely affect neighboring properties or roadways.**
- 6. The Applicant has stated that there will not be a firing range located on the premises and firearms will not be discharged on the premises.**
- 7. The use provides a needed service for residents of Sussex County who own firearms. As a result, the use has a public or semi-public character.**
- 8. No parties appeared in opposition to the application and one neighbor appeared in support of it.**
- 9. 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 six (6) conditions (a. – f.), which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**