

ORDINANCE NO. 2822

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR RETAIL SALES OF ANTIQUES AND COLLECTIBLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 9.7 ACRES, MORE OR LESS

WHEREAS, on the 15th day of March 2021, a conditional use application, denominated Conditional Use No. 2275 was filed on behalf of Christopher L. Hooper and Lisa A. Hooper; and

WHEREAS, on the 18th day of November 2021 and on the 9th day of December 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 9th day of December 2021, said Planning and Zoning Commission recommended that Conditional Use No. 2275 be approved; and

WHEREAS, on the 14th day of December 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 115, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2275 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 south side of Seashore Highway (Route 18/404), approximately 2.32 miles west of DuPont Boulevard (Route 13), and being more particularly described in the attached legal description prepared by D. Stephen Parsons, P.A., said parcel containing 9.7 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 use shall be limited to the retail sales of antiques and collectibles.**
- B. All merchandise shall be stored indoors.**
- C. The required parking shall be depicted on the Final Site Plan and clearly marked on the site itself.**
- D. All outdoor lighting shall be screened and shielded so that it does not shine on neighboring properties or roadways.**
- E. One lighted sign shall be permitted. It shall not be any larger than 32-square feet on each side.**
- F. Any dumpsters shall be screened from view of neighboring properties and roadways.**
- G. The Applicant shall comply with any requirements of the Sussex Conservation District regarding stormwater management and drainage.**
- H. The Applicant shall comply with any DelDOT entrance or roadway improvement requirements.**
- I. The failure to comply with any of these conditions of approval may be grounds for termination of this Conditional Use.**
- 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. 2822 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF DECEMBER 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 Christopher L. Hooper and Lisa A. Hooper for a Conditional Use in an AR-1 Agricultural Residential District to allow for retail sales of antiques and collectibles to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 9.7 acres, more or less (property lying on the south side of Seashore Highway (Route 18/404), approximately 2.32 miles west of Dupont Boulevard (Route 13) (Tax I.D. No. 231-7.00-36.00) (911 Address: 16842 Seashore Highway, Georgetown).**
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Applicant, Christopher Hooper, was present on behalf of the Application, together with his mother, Ms. Lisa Hooper; that Christopher and Lisa Hooper own the property where they would like to open an antique business; that his mother has worked at the post office for 35 years and is looking to retire to the area; that his mother has dabbled in**

antiques, and he is trying to help her start the business; that originally they proposed to do online auctions, but he is unsure if they will move forward with that; that if they do proceed with online auctions, it would be limited to one or two auctions a year; that a parking lot has already been established on the property and there will be four exits; that there is an existing 60' x 100' pole building; that all antiques will be stored in the pole building; that the employees will only be family members; that Applicants would like a sign; and that the proposed business hours are Thursday through Sunday, 9:00 a.m.to 5:00 p.m.

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 (A – J), Council found that:

1. The site is located along Seashore Highway (Route 18 and 404) approximately 2.3 miles from Route 13. This is an appropriate location for this low-intensity use.
2. The Applicant has stated that this will be a family-run business, with most, if not all, of the employees being family members.
3. This use will be located on a small portion of the Applicant's 9.7-acre property.
4. This low-intensity use will not adversely affect neighboring properties or area roadways.
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 the ten (10) conditions (a. – j.) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.