

RESOLUTION NO. R 059 82

A RESOLUTION TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FARMERS MARKET AND AUCTION SALES (INDOOR AND OUTDOOR) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 12.29 ACRES MORE OR LESS

WHEREAS, on the 30th day of April, A.D. 1982, an application for a Conditional Use of land in an AR-1 Agricultural Residential District for a farmers market and auction sales (indoor and outdoor), denominated C/U #687, was filed on behalf of David L. Wilson and Carolyn D.; and

WHEREAS, on the 10th day of June, A.D. 1982, a public hearing, after notice, was held before the Planning and Zoning Commission of Sussex County and said Commission recommended that C/U #687 be approved; and

WHEREAS, on the 29th day of June, A.D. 1982, a public hearing, after notice, was held before the County Council of Sussex County on C/U #687 and, having heard and considered the public comments made at such hearing and the County Council having found as follows:

(a) That the Conditional Use applied for is for the general convenience and welfare of the inhabitants of Sussex County;

(b) That the location is appropriate for the Conditional Use applied for and not in conflict with the Comprehensive Plan;

(c) That the public health, safety, morals and general welfare of the inhabitants of Sussex County will not be adversely affected;

(d) That adequate off-street parking facilities will be provided;

(e) That the necessary safeguards will be provided for the protection of surrounding property, persons and neighborhood values; and

(f) That the additional standards of Ordinance 1, Article 10, Section 1, et seq., will be complied with,

NOW, THEREFORE,

BE IT RESOLVED that the application of David L. Wilson and Carolyn

D. for a Conditional Use of land in an AR-1 Agricultural Residential District for a farmers market and auction sales (indoor and outdoor) to be located in the Cedar Creek Hundred, Sussex County, be and the same is hereby granted;

BE IT FURTHER RESOLVED that the description of the land which is the subject of this application is more particularly described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in the Cedar Creek Hundred, Sussex County, Delaware, and lying on the westerly side of Route 113, and bounded as follows:

BEGINNING at a point on the westerly right of way of Route 113, a corner for this subject land and lands of Curtis Foraker; thence south  $07^{\circ} 50'$  west 908.17 feet along the westerly right of way of Route 113 to a point, a corner for this subject land and lands of Howard S. Cherry; thence north  $82^{\circ} 10'$  west 225.00 feet along said Cherry lands to a point on line of lands now or formerly of Elton Lynch; thence north  $35^{\circ} 45'$  west 968.83 feet along lands now or formerly of Riley Jefferson to a point; thence north  $75^{\circ} 25' 27''$  east 789.55 feet along lands now or formerly of Riley Jefferson to a point; thence south  $07^{\circ} 50'$  west 94.62 feet along lands now or formerly of Curtis Foraker to a point; thence south  $82^{\circ} 10'$  east 163.00 feet along lands now or formerly of Curtis Foraker to the point and place of beginning and containing 12.29 acres more or less;

BE IT FURTHER RESOLVED that this Conditional Use is granted subject to compliance with Ordinance No. 1, the Comprehensive Zoning Ordinance of Sussex County, as amended;

BE IT FURTHER RESOLVED that this Conditional Use is granted subject to the following special conditions:

(a) Site plan must comply with the Comprehensive Zoning Ordinance and other applicable regulations;

(b) Site plan shall be required to be reviewed and approved by the Planning and Zoning Commission;

(c) Entrance permit shall be required from the State Division of Highways prior to any expansion.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY  
OF RESOLUTION NO. R 059 82 PASSED BY THE COUNTY COUNCIL OF SUSSEX  
COUNTY ON THE 29TH DAY OF JUNE, 1982.

Emogene P. Ellis  
EMOGENE P. ELLIS  
CLERK OF THE COUNTY COUNCIL

ATTACHMENT

A.R. District  
Conditional Use Permit For:

- (1) Farm Equipment Sales (Indoor & Outdoor):
  - (a) Tractors, combines, viners, harvesting & tillage equipment and any farm related equipment.
- (2) Auction Indoor and Outdoor of New and Used:
  - (a) Farm equipment;
  - (b) Trucks and trailers;
  - (c) Cars sales and service;
  - (d) Motorcycles and scooters, go karts;
  - (e) Bicycles;
  - (f) Boats, rafts, canoes, motors and trailers;
  - (g) Indoor and outdoor sporting and recreational supplies;
  - (h) Poultry, pets, experimental animals, chickens, turkeys, ducks, geese, peacocks, pheasants, guineas, quail, pigeons and fowl of similar nature;
  - (i) Produce, any & all kinds of vegetables, fruits, nuts, shrubbery and plants;
  - (j) Livestock, sheep, goats, calves, pigs - NO large animals, such as cows (beef or dairy) or horses;
  - (k) Personal property, antiques, furniture, appliances and housewares;
  - (l) Books, paintings, photos, carvings, castings, sculpture and other art objects;
  - (m) Carpentry, plumbing and electrical supplies;
  - (n) Lawn and gardening supplies;
  - (o) Knitting, weaving, sewing and stitching supplies;
  - (p) Firearms and ammunition sold in compliance with Federal A.T.F. Regulation and State Regulation, under Federal Firearm License #8-51-003-01-83-01125;
  - (q) Sale by auction may be any and ALL types of merchandise (unless prohibited by State or Federal Laws), including all merchandise of a similar nature.

(3) Farmer's Market and Auction Wholesale & Retail:

- (a) Farm and garden produce;
- (b) Fresh vegetables, fruits, nuts, shrubbery, plants;
- (c) Large and small grains;
- (d) Honey;
- (e) Poultry, pets, experimental animals, chickens, turkeys, ducks, geese, guineas, quail, pigeons, peacock, pheasants and fowl of similar nature, rabbits, guinea pigs, hamsters and experimental and laboratory animals;
- (f) No livestock to be sold at Farmer's Market - such as - sheep, goats, calves, pigs, cows or horses;
- (g) Eggs - fresh;
- (h) Personal property, housewares, hardware, paint, plumbing and electrical supplies and tools;
- (i) Handmade and home manufactured products:
  - (1) Canned produce;
  - (2) Jams, jellies, preserves and relishes;
  - (3) Arts, crafts, leather craft products;
  - (4) Knitted, woven, stitched products;
  - (5) Artistic and decorative products;
  - (6) Baked goods, candies, delicatessen items, ice cream, sodas, popcorn, peanuts, sno cones;
  - (7) Other products of a similar nature;
- (j) Barber shop, beauty shop and restaurant (no alcoholic beverages) with space available for any type operation if not prohibited by State or Federal Laws;
- (k) Refrigeration for U.S.D.A. Approved meats, seafoods, dairy products.

(4) Restaurant and Snack Bars:

- (a) For sale of foods and non alcoholic beverages at Auction or Farmers Market.

(5) Enclosed areas to be used for social affairs, church, civic clubs, family gatherings and non profit organizations gratis subject to approval by management.

- (6) Storage and warehousing of ANY and ALL products NOT of a potentially hazardous or noxious nature to be stored in designated area.
- (7) Tent Sales/Special Sale for temporary use only - Not to exceed 75' x 200'.
- (8) All parking areas may be surfaced with clam shells for purpose of fill and base material. D.L.W.