

ORDINANCE NO. 2203

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 30,750 SQUARE FEET, MORE OR LESS

WHEREAS, on the 4th day of April 2011, a conditional use application, denominated Conditional Use No. 1898 was filed on behalf of Bruce Fisher; and

WHEREAS, on the 26th day of May 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1898 be approved with conditions; and

WHEREAS, on the 14th day of June 2011, 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. 1898 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 Northwest Fork Hundred, Sussex County, Delaware, and lying at the southeast corner of Road 532 (Camp Road) and U.S. Route 13 and being more particularly described in Deed Book 3853, Page 195, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 30,750 square feet, 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:

- 1. The use shall be limited to professional offices, specifically a dental, medical, oral surgery or similar type of practice.**
- 2. The office hours will be Monday through Friday from 8:00 a.m. until 6:00 p.m. and 8:00 a.m. to 1:00 p.m. on Saturdays. In addition, emergency hours shall be permitted as necessary.**
- 3. The entrance to the project shall be from Camp Road. The Applicant shall also comply with all DelDOT requirements.**
- 4. There may be two on-premise ground signs on the property, not to exceed 32 square feet in size. One sign shall be on Camp Road and one sign shall be on U.S. Route 13.**
- 5. All narcotics shall be securely stored and maintained in accordance with all Federal and State requirements.**
- 6. 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. 2203 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF JUNE 2011.


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:

- 1. This application is made by Bruce Fisher pursuant to Section 115-22 of the Sussex County Zoning Code as a Conditional Use for professional offices. The Applicant testified that the specific use will be an oral surgery office.**
- 2. The use as an oral surgeon's office will promote the health, safety, welfare and convenience of Sussex County residents.**
- 3. There is a need for dentistry services, especially in Western Sussex County.**
- 4. No parties appeared in opposition to the application.**

- 5. The location along Route 13 is appropriate for a dental or oral surgery office.**
- 6. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Council, the Conditional Use was approved subject to six (6) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**