

ORDINANCE NO. 2416

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VETERINARIAN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.52 ACRES, MORE OR LESS

WHEREAS, on the 4th day of June 2015, a conditional use application, denominated Conditional Use No. 2023 was filed on behalf of Frank Miranda; and

WHEREAS, on the 30th day of July 2015, 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. 2023 be approved with conditions; and

WHEREAS, on the 15th day of September 2015, 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. 2023 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 Baltimore Hundred, Sussex County, Delaware, and lying northeast of Lighthouse Road (Route 54) 1,112 feet northwest of Road 389, near Williamsville Intersection and being more particularly described as follows:

BEGINNING at a point on the northeast right-of-way of Lighthouse Road (Route 54), a corner for these subject lands and lands of Taylor and Peggy Dickerson; thence North 61°24'00" West 326.00 feet along the northeasterly right-of-way of Lighthouse Road to a point; thence North 28°36'00" East 675.00 feet along lands of Sussex County to a point; and thence South 02°49'16" West 744.05 feet along the aforementioned Dickerson lands to the point and place of beginning, said parcel containing 2.52 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 a veterinarian's office, in addition to the existing kennel operations. Retail sales ancillary to a veterinarian's office shall be permitted.**
- B. The applicant shall comply with any DelDOT entrance requirements associated with the veterinarian's office.**
- C. The applicant shall utilize the existing sign for this use. No additional signage shall be permitted.**
- D. The parking shall comply with the Sussex County parking requirements for the uses as a kennel and a veterinarian's office. The parking spaces shall be clearly marked on the site.**
- E. Any security lights shall be downward screened so that they do not shine on neighboring or adjacent roadways or properties.**
- F. All dumpsters associated with the use shall be screened from view of neighboring properties and roadways.**
- G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2416 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF SEPTEMBER 2015.



**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 Frank Miranda for a Conditional Use of land in an AR-1 Agricultural Residential District for a veterinarian office to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 2.52 acres, more or less. The property is located northeast of Lighthouse Road (Route 54) 1,112 feet northwest of Road 389, near Williamsville Intersection (911 Address: 33053 Lighthouse Road, Selbyville) (Tax Map I.D. 533-18.00-12.00).**
- B. Council found that DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service "C" of Route 54 will not change as a result of this application.**
- C. Council found that the Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas are affected; that off-site drainage improvements will not be necessary; that any new construction may require additional on-site drainage improvements; and that no tax ditches are affected.**

- D. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Roxana Planning Area; that use of an on-site septic system is proposed; that conformity to the South Coastal Area Planning Study, 2005 Update will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; that when the County provides sewer service, it is required that the on-site system be abandoned and a connection made to the central sewer system; and that a Concept Plan is not required.**
- E. Based on testimony before the Planning & Zoning Commission and the Public Hearing before the Sussex County Council, Council found that Frank Miranda was present with Joseph Baker, the property owner, and they stated that Mr. Baker has had a commercial dog kennel business on this site for approximately 25 years; that Mr. Miranda wants to purchase the property and extend the use to provide veterinary services by creating a veterinary clinic in the dwelling and to provide retail sales of accessory products normally sold in a veterinary clinic; that the area is predominately agricultural; that DelDOT has voiced no objections; that there are no veterinary clinics in the area; that the closest veterinary clinics are in West Ocean City, Selbyville and Ocean View; that the use will provide a service for the residents of the area; that they would be providing health care for small animals; that medications are controlled by State laws and will be kept secure; that the building will be alarmed; that the existing gun safe should be adequate for medication storage; that the maximum number of employees will not exceed ten; that appointments will be staggered by at least 45 minutes; that the existing signage on the premises will be altered to include references to the veterinary clinic; that the County owns the adjacent property; and that part of the driveway is on County property.**
- F. Based on the Planning and Zoning Commission's Findings (1 through 7) and Conditions (A – G), Council found that:**
- 1. The property is currently used as a home with a commercial kennel. The proposed use as a veterinarian office is an expansion of the existing use, and similar to the existing use. The kennel is a Special Use Exception that has been in existence for approximately 25 years.**
 - 2. This is an appropriate location for this use. The property is surrounded by other lands used for farming. The use will not have any impact on these nearby and adjacent properties.**
 - 3. The use as a veterinarian's office is consistent with the underlying AR-1 Agricultural Residential zoning of the property.**
 - 4. DelDOT has no objection to this use, and it will not adversely affect nearby roadways.**
 - 5. The use will provide a service to residents/guests and their pets in this area of Sussex County. It is a public use which satisfies the purpose of a conditional use under the Zoning Code.**
 - 6. No parties appeared in opposition to this application.**
 - 7. Based on the record and recommendation of the Planning & Zoning Commission and the record created before the Sussex County Council, the Conditional Use is approved subject to seven (7) conditions (A – G) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**