

RESOLUTION NO. R 013 83

A RESOLUTION TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR MULTI-FAMILY DWELLINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 40,408 SQUARE FEET MORE OR LESS

WHEREAS, on the 30th day of November A. D. 1982 an application for a Conditional Use of land in a B-1 Neighborhood Business District for multi-family dwellings, denominated C/U #713, was filed on behalf of Beach Plum Associates, Inc.; and

WHEREAS, on the 13th day of January, A. D. 1983 a public hearing, after notice, was held before the Planning and Zoning Commission of Sussex County and said Commission recommended that C/U #713 be ; and

WHEREAS, on the 7th day of December, A. D. 1983 a public hearing, after notice, was held before the County Council of Sussex County on C/U #713 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 97, Article 10, Section 1, et seq. will be complied with,

NOW, THEREFORE,

BE IT RESOLVED that the application of Beach Plum Associates, Inc. for a Conditional Use of land in a B-1 Neighborhood Business

District for multi-family dwellings to be located in the Baltimore 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 Baltimore Hundred, Sussex County, Delaware, and lying on the north of Fifth Street and west of Pennsylvania Avenue and bounded as follows:

BEGINNING at a point on the northwest corner of Fifth Street and Pennsylvania Avenue; thence north $08^{\circ} 10' 00''$ west 200.0 feet along the westerly right of way of Pennsylvania Avenue to a point, a corner for lands now or formerly of East Coast Resorts, Inc.; thence south $81^{\circ} 50' 00''$ west 185.38 feet to a point on the easterly right of way of Route 1; thence south $24^{\circ} 30' 00''$ west 27.07 feet along the easterly right of way of Route 1 to a point; thence south $08^{\circ} 10' 00''$ east 182.97 feet to a point on the northerly right of way of Fifth Street; thence north $80^{\circ} 11' 00''$ east 200.08 feet along the northerly right of way of Fifth Street to the point and place of beginning and containing 40,408 square feet more or less;

BE IT FURTHER RESOLVED that this Conditional Use is granted subject to compliance with Ordinance No. 97, 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:

(1) The structures shall be located 40 feet from Route 1, 40 feet from Pennsylvania Avenue, 40 feet from Fifth Street, 10 feet from the interior lot line, and 40 feet between buildings;

(2) The units be restricted to the size as shown on plot and twelve units are allowed.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF
RESOLUTION NO. R 013 83 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY
ON THE 15TH DAY OF MARCH, 1983.

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