

RESOLUTION NO. R 015 84

DECLARING A NINETY (90) DAY MORATORIUM ON THE ACCEPTANCE OF
CONDITIONAL USE APPLICATIONS FOR DENSITIES OF MORE THAN TEN (10)
UNITS PER ACRE

WHEREAS, the Sussex County Comprehensive Zoning Ordinance
provides for Conditional Uses; and

WHEREAS, the purpose of a Conditional Use is to provide for
certain uses which cannot be well adjusted to their environment
in particular locations with full protection offered to surrounding
properties by rigid application of the district regulations; and

WHEREAS, these uses are generally of a public or semipublic
character and are essential and desirable for the general
convenience and welfare, but because of the nature of the use,
the importance of relationship to the Comprehensive Plan, and
possible impact, not only on neighboring properties, but on a
large section of the County, require the exercise of planning
judgment on location and site plan; and

WHEREAS, the Sussex County Council is becoming increasingly
concerned about the number of Conditional Uses being applied for
and granted; and

WHEREAS, the Sussex County Council is becoming increasingly
concerned that these Conditional Uses are attempts to circumvent
the Sussex County Comprehensive Zoning Ordinance; and

WHEREAS, the Sussex County Council is concerned that proper
land use planning would be better served if these Conditional
Uses were handled as zoning changes; and

WHEREAS, Conditional Uses were created to handle hardships
and not major policy shifts in land use,

NOW, THEREFORE,

BE IT RESOLVED by the Sussex County Council that a ninety
(90) day moratorium, effective immediately, is being placed on
acceptance by the Planning and Zoning Commission of any Conditional
Use involving density of ten (10) units or more per acre; and

BE IT FURTHER RESOLVED by the Sussex County Council that the Planning and Zoning Commission recommend a change in the Sussex County Comprehensive Zoning Ordinance that will control the use of Conditional Use permits so that these Conditional Uses do not become a method of circumventing the Comprehensive Zoning Ordinance; and

BE IT FURTHER RESOLVED that the Planning and Zoning Commission is to make their recommendation as to a more suitable definition and application of Conditional Use to the Sussex County Council in ninety (90) days; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be sent to John L. Allen, Chairman of the Sussex County Planning and Zoning Commission, and Roland L. Derrickson, Director of Planning and Zoning.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 015 84 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 24TH DAY OF JANUARY, 1984.

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