

ORDINANCE NO. 2385

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VETERINARY PRACTICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 32,671 SQUARE FEET, MORE OR LESS

WHEREAS, on the 19th day of August 2014, a conditional use application, denominated Conditional Use No. 2001 was filed on behalf of Christina Abramowicz; and

WHEREAS, on the 13th day of November 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 11th day of December 2014, said Planning and Zoning Commission recommended that Conditional Use No. 2001 be denied; and

WHEREAS, on the 2nd day of December 2014, 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. 2001 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying southeast of Old Mill Road (Road 265-A), 1,900 feet northeast of Route One (Coastal Highway) and being more particularly described in Deed Book 4274, Page 333, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 32,671 square feet.

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 limited to veterinary services which shall be provided to only one animal at a time.**
- B. There shall be no kennels or overnight stays at the location.**
- C. No surgeries will be performed at the location.**
- D. All medical wastes shall be properly disposed of in accordance with State regulations.**
- E. The hours of operation shall be between 9:00 a.m. and 8:00 p.m. Monday through Friday, and 8:00 a.m. and 2:00 p.m. Saturdays. No Sunday hours shall be permitted.**
- F. One lighted sign, not to exceed 32 square feet per side, shall be permitted on the premises.**
- G. There shall be adequate parking on the site and the parking shall comply with the Sussex County Zoning Code parking requirements.**
- H. Any and all dumpsters shall be screened from view of neighboring properties and roadways.**
- I. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- J. The Applicant shall comply with all DelDOT requirements regarding entrances to the property.**
- K. The Applicant shall be required to reside on the property.**
- L. 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. 2385 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF JANUARY 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 Christina Abramowicz to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a veterinary practice to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 32,671 square feet, more or less, land lying southeast of Old Mill Road (Road 265-A), 1,900 feet northeast of Route One (Coastal Highway) (911 Address: 16403 Old Mill Road, Lewes, DE) (Tax Map I.D. #334-1.00-23.00).**
- B. Council found that DelDOT commented that a Traffic Impact Study is not recommended and that the Level of Service “A” of Old Mill Road will not change as a result of this application.**
- C. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the North Coastal Planning Area for the West Rehoboth Expansion; that central sewer service is not available at this time; that an on-site septic is proposed; that conformity to the North Coastal Planning Area Study will be required; that the parcel is located within a sewer planning area of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that the County does not have a schedule to provide central sewer service to the parcel 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.**
- D. 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 there are no storm flood hazard areas affected; that it is not likely that off-site drainage improvements are necessary; that it is possible that any on-site drainage improvements will be necessary; and that there are no tax ditches affected.**
- E. Based on testimony before the Planning & Zoning Commission and the Public Hearing before the Sussex County Council, Council found that Dr. Christina Abramowicz was present on behalf of her application for a veterinary practice and she stated that she is the owner/operator of Veterinary Alternative Care, LLC; that she is a Doctor of**

Veterinary Medicine; that she has earned a Certified Acupuncture Certificate; that she operates a holistic practice focusing on Chinese and alternative medicine, including acupuncture, massage, herbal therapy, etc.; that she offers equine chiropractic services; that she is one of two acupuncturists in Sussex County; that she currently has no employees and one intern; that the main purpose of being able to see dogs, cats, and other small animal patients in her home is to eliminate the additional charge of a call fee associated with her making home visits; that pet owners have advised her that cost is a concern when she has to travel to the site of the pet owner; that she will only see one animal at a time; that sufficient parking is available for overlapping appointments; that she does not propose any kennels or overnight stays even as her business grows; that there will be no drop-offs; that appointments can last from 1 hour to 3 hours; that she does not perform any surgeries; that emergencies are referred to other veterinary clinics; that she has adequate room in her house for this use; and that this proposal is just a stepping-stone in her business as she hopes to move to another, larger site in the future.

- F. Council found that the proposed use is limited in scope and will have little or no impact on traffic, area roadways, neighboring properties or the community.**
- G. Council found that the proposed use promotes the health, safety, welfare and general convenience of Sussex County and its residents.**
- H. Council found that the proposed use is akin to a home occupation because the Applicant resides on the property and will continue to reside there throughout the use, has no employees and only one intern.**
- I. Based on the record created before the Sussex County Council, the Conditional Use was approved subject to twelve (12) conditions (A through L) which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**