

ORDINANCE NO. 2181

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.3328 ACRES, MORE OR LESS

WHEREAS, on the 27th day of October 2010, a zoning application, denominated Change of Zone No. 1700 was filed on behalf of Stephen Bilobran; and

WHEREAS, on the 24th day of February 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 10th day of March 2011, said Planning and Zoning Commission recommended that Change of Zone No. 1700 be approved; and

WHEREAS, on the 22nd day of March 2011, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone 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,

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of B-1 Neighborhood Business District 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 south of Road 353 (Burbage Road) 0.25 mile west of Road 352 (Windmill Drive) and being more particularly described in Deed Book 2394, Page 186, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.3328 acre, 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.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2181 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 22ND DAY OF MARCH 2011.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:

- A. This is an application to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential District to a B-1 Neighborhood Business District to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, containing 1.3328 acres, more or less, lying south of Road 353 (Burbage Road) 0.25 miles west of Road 352 (Windmill Road).**
- B. DelDOT granted a Letter of No Objection to the entrance location.**
- C. The Sussex County Engineering Department Utility Planning Division commented that the site is located in the North Millville Expansion of the Bethany Beach Sanitary Sewer District; that wastewater capacity is available to the project as long as the parcel does not exceed 8.25 EDUs or if annexed into the Town of Millville or 5.32 EDUs if the parcel is developed under County Zoning; that the current System Connection Charge Rate is \$5,768.00 per EDU; that the parcel has been provided with two 6-inch laterals along the parcels frontage on Burbage Road; that sewer service is not available at this time; that additional off-site construction must be completed; that conformity to the South Coastal Area Planning Study 2005 Update will be required; and that connection to the sewer system is mandatory when sewer service becomes available.**
- D. The Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that it is not likely that off-site drainage improvements will be required; and that it will be necessary for on-site drainage improvements.**

- E. Stephen Bilobran was present and stated that he is a licensed Real Estate Agent and he proposes to relocate his office and a shop; that the parcel is located across the street from a 13 acre commercial zoned parcel; that he will be conforming to seven other commercial/business uses along Burbage Road; and that the proposed building will contain his real estate office, his wholesale business which is operated on-line and a third rental store front.**
- F. The proposed use will not adversely affect traffic or area roadways.**
- G. The site is appropriate for the change of zone to B-1 Neighborhood Business District given its location, which is in close proximity to other business and residential uses.**
- H. The permitted B-1 uses are appropriate and will benefit the nearby residents of the adjacent communities and will eliminate the need for residents to travel to Route 26 for the retail shopping and personal service uses that can occur on the property.**
- I. The proposed rezoning to B-1 is consistent with the County's current Comprehensive Land Use Plan.**