

ORDINANCE NO. 2222

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 31,980 SQUARE FEET, MORE OR LESS

WHEREAS, on the 30th day of June 2011, a zoning application, denominated Change of Zone No. 1707 was filed on behalf of Dorothy Somerville; and

WHEREAS, on the 25th day of August 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1707 be approved; and

WHEREAS, on the 20th day of September, 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 B-1 Neighborhood 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 southeast of Route 26, 200 feet westerly of Irons Lane (Road 348) and being more particularly described in Deed Book 2371, Page 152, in the office of the Recorder of Deeds in and for Sussex County, said parcel containing 31,980 square feet, 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. 2222 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF SEPTEMBER 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 31,980 square feet, more or less, lying southeast of Route 26, 200 feet westerly of Irons Lane (Road 348).**
- B. DelDOT commented that the current Level of Service “E” of Route 26 will not change as a result of this Application.**
- C. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Beaver Dam Planning Area; that 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 currently has a schedule to provide sewer service at this time.**
- D. The Applicant was present and stated that she is an antique dealer; that she lives in one portion of the house and displays antiques in the other portion of the house; that DelDOT is taking a portion of her front yard and that her property will no longer look residential due to the close proximity of her house to the right-of-way of Route 26; that she has had a Conditional Use for the antique store for approximately 12 years; that the neighboring property to the east is zoned B-1 Neighborhood Business and is occupied by the A.C.T. Thrift Shop; that other business uses exist in close proximity to the west and east, i.e. auto repair, auto parts sales, pottery, etc.; that the Applicant has signed an agreement with DelDOT for approximately 34 feet of her front yard for right-of-way.**
- E. There were no parties present in support of or in opposition to this Application.**
- F. B-1 Zoning is appropriate for this location along Route 26.**
- K. Based on the record and recommendations of the Planning & Zoning Commission and the record created before Council, the Council approved this Application.**