

ORDINANCE NO. 2235

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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.13 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of July 2011, a zoning application, denominated Change of Zone No. 1709 was filed on behalf of Daniel T. and Dale S. Boines; and

WHEREAS, on the 8th day of September 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 22nd day of September 2011, said Planning and Zoning Commission recommended that Change of Zone No. 1709 be approved; and

WHEREAS, on the 27th 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:

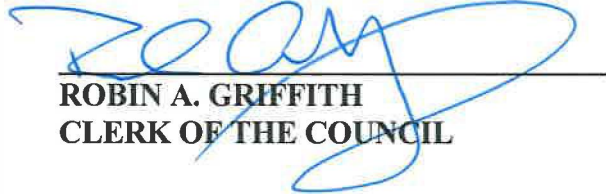
Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation B-1 Neighborhood Business District 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 Broadkill Hundred, Sussex County, Delaware, and lying southwest of Route One and northwest of Pondview Drive, northwest of Red Mill Pond, and 170 feet southeast of Best Lane and being Lots 1A, 2, 3 and 4 of Red Mill Manor and being more particularly described in Plot Book 8, page 292, in the office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.13 acres, 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. 2235 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 24TH DAY OF JANUARY 2012.


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 Facts:

- 1. 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 Broadkill Hundred, Sussex County, containing 1.13 acres, more or less, lying southwest of Route One and northwest of Pondview Drive, northwest of Red Mill Pond, and 170 feet southeast of Best Lane and being Lots 1A, 2, 3 and 4 of Red Mill Manor.**
- 2. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the West Rehoboth Expansion Area; that wastewater capacity is available for the project, indicating three proposed office buildings having a combined total of 7,258 square feet; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$4,590.00 per EDU; that Parcel 25 is served with an 8-inch lateral located near the parcel's southernmost corner; that conformity to the North Coastal Area Planning Study will be required; that the Sewer Planning Study assumption is 1.0 EDU per parcel or 4.0 EDUs total, reflecting four residential parcels in a residential subdivision; that the project is located adjacent to a Sussex County pump station which will serve it directly; that it will have a minimal impact on downstream infrastructure; that connection must be in accordance with County requirements, at the property owner's expense and subject to the County Engineer's approval; and that a Concept Plan is not required.**
- 3. The site is located on the West side of Route One. It is adjacent to existing B-1 zoning and this zoning would be integrated into the B-1 parcel with regard to the use and access, and would be appropriate.**

4. The site is not appropriate for residential use, with its frontage directly onto Route One. Traffic and safety concerns will be more adequately addressed through a business use which requires a formal Site Plan review and more intense review by DelDOT. Site Plan approval for any use of the site will be subject to the review and approval of the Planning and Zoning Commission, as well as relevant State agencies, including DelDOT.
5. The B-1 rezoning is consistent with the orderly growth of the County. There are a number of businesses and commercial uses located in this general area of Route One, including a B-1 zoned property next door.
6. B-1 zoning has limited permitted uses, which will limit the intensity of any development on the property. The Applicant has proposed a small office complex of the type that currently exists on his property that is zoned B-1 next door.
7. The Council found that the site is in a Developing Area according to the current Sussex County Comprehensive Plan. According to the Plan, this area is appropriate for B-1 zoning.
8. The site will be served by central water provided by Tidewater Utilities, and Sussex County sewer.
9. Based on the record and recommendations of the Planning and Zoning Commission and the record created before Council, the Council approved this Application.