

**ORDINANCE NO. 2331**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT AND 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 1.43 ACRES, MORE OR LESS (Tax Map I.D. 134-11.00-184.02 and 185.00)**

**WHEREAS, on the 29th day of August 2013, a zoning application, denominated Change of Zone No. 1738 was filed on behalf of Atlantic Community Thrift Shop, Inc.; and**

**WHEREAS, on the 24th day of October 2013, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 14th day of November 2013, said Planning and Zoning Commission recommended that Change of Zone No. 1738 be approved; and**

**WHEREAS, on the 3rd day of December 2013, 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 MR Medium Density Residential District and 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 Baltimore Hundred, Sussex County, Delaware, and lying south of Route 26 (Atlantic Avenue) 100 feet southeast of Road 348 (Irons Lane) and being more particularly described as Tract No. 1 and Tract No. 2 in Deed Book 3956, Page 137 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.43 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. 2331 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 3RD DAY DECEMBER 2013.**

  
**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:**

- 1. This is an application to amend the Comprehensive Zoning Map from a MR Medium Density Residential District and 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 1.46 acres, more or less, lying south of Route 26 (Atlantic Avenue) 100 feet southeast of Road 348 (Irons Lane) (Tax Map I.D. 134-11.00-184.02 & 185.00).**
- 2. DelDOT commented that the Department has reviewed the site plan and has no objection to its recordation.**
- 3. The Sussex County Engineering Department, Utility Planning Division, commented that this site is located in the Millville Expansion of the Bethany Beach Sanitary Sewer District; that sewer service has not been extended to the parcels at this time; that the County is coordinating with DelDOT and the project has been bid and a contractor identified; that sewer service could be available as early as the Spring of 2015; that a sanitary sewer lateral is proposed to be installed to each parcel's property line along Route 26; that conformity to the South Coastal Area Planning Study – 2005 Update and Route 26 West Technical Memorandum will be required; that connection is mandatory; that improvements on parcels are required to connect within one year of sewer service becoming available; and that a Concept Plan is required.**
- 4. Karen Lesperance, President of Atlantic Community Thrift Shop, Inc. (ACTS) was present with Tom Ford of Land Design, Inc. and they stated that ACTS is a non-profit organization that is maintained by volunteers and no salaried employees; that ACTS has been in operation for 25 years, is supported by 20 churches, and contributes to many charitable organizations; that the building utilized has had minimal growth in the past; that they do not desire to expand the operation, only to improve efficiency and to improve the site for the safety and protection of their clientele; that the requested rezoning will permit them to expand their parking layout and improve**

circulation; that the business is operational five (5) days per week for three (3) hours each day; that volunteers work approximately fifteen (15) hours per week in two (2) shifts from 8:00 a.m. to 12:00 Noon, and 12:00 Noon to 3:00 p.m.; that normally, only fifteen (15) volunteers are on the premises at any one time; that volunteers receive and process goods at the rear of the building; that they are proposing to rezone two (2) parcels as extension to the existing ACTS parcel; that there are no wetlands on the property; and that a Sediment/Erosion Control permit has been issued for a pipe to cross the ditch between the sites.

5. The site is appropriate for a change of zone to B-1 Neighborhood Business; it is located on the south side of Route 26; it is a reasonable expansion of the Applicant's use on its adjacent property that is already zoned B-1; the B-1 zoning is consistent with the orderly growth of the County; there are a number of business and commercial uses located in the immediate vicinity; several properties are also zoned C-1 General Commercial and B-1 in close proximity to the site; and B-1 zoning has more limited uses than CR-1 zoning which will limit the intensity of any development on the property.
6. The change of zone will not adversely affect neighboring or adjacent properties or nearby communities.
7. The site will have sewer service as part of a Sussex County sewer district.
8. The Change of Zone is in accordance with the Comprehensive Plan Update and site plan approval for any use of the property will be subject to review and approval by the Planning and Zoning Commission.
9. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Council, the Council approved the application.