

**ORDINANCE NO. 2186**

**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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.93 ACRES, MORE OR LESS**

**WHEREAS, on the 6<sup>th</sup> day of December 2010, a zoning application, denominated Change of Zone No. 1702 was filed on behalf of S. J. Y, LLC; and**

**WHEREAS, on the 10th day of March 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. 1702 be approved; and**

**WHEREAS, on the 29th 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 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 Cedar Creek Hundred, Sussex County, Delaware, and lying north of Route 16 and 720 feet west of Road 595A (Spruce Road) and being more particularly described as follows:**

**BEGINNING at a point on the northerly right-of-way of Route 16, a corner for these lands and other lands of S. J. Y., LLC, said point being 720 feet west of the centerline of Road 595A; thence westerly 715.86 feet along the northerly right-of-way of Route 16 to a**

point at centerline of a ditch and lands, now or formerly, of M. H. Howard; thence northeasterly along the meandering centerline of said ditch 862.50 feet to a point, a corner with lands, now or formerly, of Milton Fletcher and Judith E. Webb; thence south 20° 33' 26" east 226.19 feet along said Webb lands to a point; thence south 07° 47' 41" west 370.64 feet along other lands of S. J. Y., LLC to the point and place of beginning and containing 5.93 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. 2186 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 29TH 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:

1. This is an application to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential District to B-1 Neighborhood Business District to be located on a certain parcel of land, lying and being in Cedar Creek Hundred, Sussex County, Delaware, containing 5.93 acres, more or less, lying north of Route 16, and 720 feet west of Road 595A (Spruce Road).
2. DelDOT commented that it would be amendable to the County acting on this application without the results of a Traffic Impact Study, with the understanding that any future site plan will still require a Letter of No Objection and an Entrance Permit.
3. The County Engineering Department, Utility Planning Division, commented that the site is located in the Western Sussex Planning Area #1; that an on-site septic system is proposed; that the site is not capable of being annexed into a County operated sanitary sewer district; and that conformity to the Western Sussex Planning Study will be required.

4. **The Applicant indicated that this property was previously the subject of a Conditional Use; that the Applicant has been attempting to sell the property; and that the Applicant has found no buyers interested in purchasing a Conditional Use property.**
5. **Other than the Applicant, there were no parties present in support of or in opposition to the Application.**
6. **The proposed use will not adversely affect the neighboring and adjacent properties, traffic or the neighboring community.**
7. **This site is located along Route 16 which is a major thoroughfare in Sussex County and is appropriate for this type of zoning, especially given the prior uses of the property.**
8. **Any specific use of the property would be subject to DelDOT review.**
9. **The Planning and zoning Commission will have an opportunity to review and approve any proposed revisions to the site plan.**
10. **Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Council, the Change of Zone was approved.**