

ORDINANCE NO. 2161

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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.51 ACRES, MORE OR LESS

WHEREAS, on the 30th day of August 2010, a zoning application, denominated Change of Zone No. 1698 was filed on behalf of Frank J. Emmi, Jr.; and

WHEREAS, on the 28th day of October 2010, 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. 1698 be approved; and

WHEREAS, on the 16th day of November 2010, 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 Indian River Hundred, Sussex County, Delaware, and lying northwest of Route 24 (John J. Williams Highway), 850 feet west of Love Creek and being more particularly in Deed Book 2286 at Page 175 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 0.51 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. 2161 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 16TH DAY OF NOVEMBER 2010.


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 for a Change of Zone to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a B-1 Neighborhood Business District for a certain parcel of land lying and being in Indian River Hundred, Sussex County, land lying northwest of Route 24 (John J. Williams Highway), 850 feet west of Love Creek, to be located on 0.51 acre, more or less.**
- 2. DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service E of John J. Williams Highway will not change as a result of this Application.**
- 3. The Sussex County Engineering Department, Utility Planning Division, commented that the project site is located in the Angola Neck Planning Area; that the proposed use will utilize an on-site septic system; and that when the County provides sewer service to the area, a connection to the system will be mandatory.**
- 4. The Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that there are no storm flood hazard areas or tax ditches affected; and that it is not likely that any on-site or off-site drainage improvements will be necessary.**
- 5. The Applicant and his attorney indicated that the area has changed; and that there are many neighborhood businesses in said area; and that the site is surrounded by businesses and commercial uses and zonings.**

- 6. The Council found that the site is appropriate for the Change of Zone to B-1 Neighborhood Business given its location on Route 24 in the vicinity of other business and commercial uses.**
- 7. The site is located in a growth area according to the Comprehensive Plan Update and the permitted B-1 uses are appropriate and will benefit the nearby residents.**
- 8. The Change of Zone will not adversely affect road conditions in the area.**
- 9. The Change of Zone will not adversely affect neighboring or adjacent properties. The site is surrounded by existing or proposed business uses, including the Pelican Landing Shopping Center, zoned B-1, which borders the site on the west and north, and a motel to the east.**
- 10. The Final Site Plan for any proposed use of the property will be subject to review and approval of the Planning and Zoning Commission.**
- 11. The application was approved based on the above Findings and the recommendation of the Planning and Zoning Commission.**