

**ORDINANCE NO. 2215**

**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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS**

**WHEREAS, on the 10<sup>th</sup> day of May 2011, a zoning application, denominated Change of Zone No. 1706 was filed on behalf of Joseph Balsamo; and**

**WHEREAS, on the 23rd day of June 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. 1706 be approved; and**

**WHEREAS, on the 19th day of July 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 Northwest Fork Hundred, Sussex County, Delaware, and lying west of U.S. Route 13 (southbound) 400 feet north of Route 18 (Cannon Road) and being more particularly described in Deed Book 3172, Page 301, in the office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.01 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. 2215 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH 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:**

- 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 Northwest Fork Hundred, Sussex County, Delaware, containing 1.01 acres, more or less, lying west of U.S. Route 13 (Southbound) and 400 feet north of Route 18 (Cannon Road).**
- 2. The Sussex 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 conformity to the Western Sussex Planning Study will be required; that the parcel is within the Growth and Annexation Area of the Town of Bridgeville; that the site is not in an area where the County expects to provide sewer service; and that a Concept Plan is not required.**
- 3. The Council found that DelDOT commented relating to this site and the minutes of a Traffic Impact Study Scoping Meeting of April 11, 2011.**
- 4. The adjacent property is zoned B-1 Neighborhood Business and the Applicant wants to develop both the adjacent property and this property; this site contains approximately one acre and is located just north of the northwest corner of U.S. Route 13 and Route 18; there are no wetlands on this site; and there are many commercial and business uses in close proximity.**
- 5. There were no parties present in support of or in opposition to this Application.**
- 6. B-1 Zoning has more limited uses than CR-1 Zoning which will limit the intensity of any development on the property.**
- 7. The Change of Zone will not adversely affect neighboring or adjacent properties or nearby communities.**

- 8. This rezoning will bring the Applicant's entire property under B-1 Neighborhood Business Zoning.**
- 9. The Site Plan for any use of the property will be subject to the review and approval of the Planning and Zoning Commission.**
- 10. Based on the record and recommendations of the Planning & Zoning Commission and the record created before Council, the Council approved this Application.**