

TOWN OF BRIDGEVILLE

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ORDINANCE NO. 14-2

**AN ORDINANCE TO AMEND THE ZONING DISTRICT DESIGNATION FOR
THE LANDS OF PASSWATERS HOLDING COMPANY, LLC, FROM C-1
COMMERCIAL DISTRICT TO C-1/AIOZ COMMERCIAL
DISTRICT/AGRICULTURAL-INDUSTRIAL OVERLAY ZONE FOR CERTAIN
PARCELS OF LAND LYING AND BEING IN THE TOWN OF BRIDGEVILLE
CONSISTING OF 20.827 ACRES, MORE OR LESS**

WHEREAS, on the 1st day of July, 2013, an application was filed on behalf of Passwaters Holding Company, LLC; and

WHEREAS, on the 18th day of February, 2014, a public hearing was held before the Planning and Zoning Commission and the Commission recommended to the Commissioners of Bridgeville that the application be granted, with conditions; and

WHEREAS, on the 10th day of March, 2014, a public hearing was held, after notice, before the Commissioners, and based on the Finding of Facts, it determined that said application for amendment to the zoning district designation promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Bridgeville and that the change of zone is for the general convenience and welfare of the inhabitants of Bridgeville;

**NOW THEREFORE, THE COMMISSIONERS OF BRIDGEVILLE
HEREBY ORDAIN:**

Section 1. Pursuant to the Bridgeville Land Use and Development Code, an amendment to the zoning district designation from C-1 Commercial District to C-1 Commercial District/AIOZ Agricultural-Industrial Overlay Zone is granted to the property hereinafter described, to wit:

ALL that certain tract, piece or parcel of land lying and being situate in the Town of Bridgeville, Sussex County, Delaware, designated on the Tax Maps of Sussex County Department of Finance as Map No. 1-31-14.00-44.06, containing 20.827 acres, more or less, being the same lands conveyed unto Passwaters Holding Company, LLC, by deed of Jeffrey S. Christopher, Sheriff of Sussex County, dated March 27, 2012, and of record in the Office of the Recorder of Deeds, in and for Sussex County, in Deed Book 3984, at page 256.

Section 2. This approval is subject to the Conditions of Approval, attached hereto and made a part hereof, and to all other applicable rules and regulations, ordinances, statutes and laws.

Section 3. This Ordinance shall take effect immediately upon its adoption by a majority vote of all the members elected to the Commissioners of Bridgeville.

COMMISSIONERS OF BRIDGEVILLE

By: Patricia M. Correll
President

Attest: Lauren G. Sane
Secretary

Adopted: March 10, 2014

FINDINGS OF FACT

1. The subject property is owned by Passwaters Holding Company, LLC.
2. The property contains 20.827 acres, more or less and is located within the municipal limits of the Town of Bridgeville.
3. The subject property was a portion of the Heritage Shores Project that was owned by Heritage Rocks Properties Two, LLC, and was designated as C-1 Commercial District. Passwaters Holding Company, LLC acquired the property by Sheriff's Deed on March 27, 2012, after the property had been sold by virtue of a writ of *levari facias* issued out of the Superior Court, in Georgetown, Sussex County.
4. The subject site is no longer a part of any project and it is the intention of the applicant to use the site for agricultural, agribusiness, or commercial purposes.
5. This application has been reviewed and recommended for approval by the Planning and Zoning Commission.

CONDITIONS OF APPROVAL

To be determined as recommended by the Planning and Zoning Commission to the Commissioners of Bridgeville for their decision and by the Commissioners of Bridgeville.

It is noted that no Conditions of Approval were recommended by the Planning and Zoning Commission at their February 18, 2014 Planning and Zoning Commission meeting.

It is noted that no Conditions of Approval were placed on the application upon Ordinance approval by the Bridgeville Commissioners at their March 10, 2014 Commission meeting.