

ORDINANCE NO. 2214

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.86 ACRES, MORE OR LESS

WHEREAS, on the 8th day of February 2011, a zoning application, denominated Change of Zone No. 1704 was filed on behalf of Seashore Highway Associates, LLC; and

WHEREAS, on the 12th day of May 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 9th day of June 2011, said Planning and Zoning Commission recommended that Change of Zone No. 1704 be approved; and

WHEREAS, on the 7th day of June 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 C-1 General Commercial District] and adding in lieu thereof the designation CR-1 Commercial Residential 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying north of Route 9 (Lewes Georgetown Highway) and 1,000 feet east of Road 281 (Josephs Road) and being more particularly described in Deed Book 3645 at Page 66 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 3.86 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. 2214 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 an AR-1 Agricultural Residential District and a C-1 General Commercial District to a CR-1 Commercial Residential District to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, containing 3.86 acres, more or less, lying north of Route 9 (Lewes - Georgetown Highway) and 1,000 feet east of Road 281 (Josephs Road).**
- 2. DelDOT commented that a Traffic Impact Study was prepared by Pennoni Associates for this Application and that they would not object to the County accepting the Developers' application for processing.**
- 3. The Applicant had submitted an Application for review by the Preliminary Land Use Service (PLUS).**
- 4. The front portion of the property is zoned C-1 General Commercial and the rear portion is zoned AR-1 Agricultural Residential; the new structure will be moved back further from Route 9, a major arterial roadway; and moving the building back further from Route 9 will allow for improved parking for the site. This Change of Zone to CR-1 Commercial Residential is to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activities now exists, but which are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of materials or the nuisance facts of dust, odor and noise associated with manufacturing.**
- 5. The property that is the subject of this Application has C-1 General Commercial Zoning that has been in place for many years over a portion of it.**

- 6. The rezoning of the entire parcel to CR-1 Commercial Residential will bring the property under one zoning classification that matches the boundaries of the Applicant's property.**
- 7. The Applicant has stated that they cannot reasonably redevelop their land under the current division of C-1 General Commercial and AR-1 Agricultural Residential zoning districts since any new construction on the parcel would require the dedication of additional rights-of-way to DelDOT for Route 9 and greater setbacks. This would severely limit the buildable area under the boundaries of the existing C-1 General Commercial zoning.**
- 8. There were no parties present in support of or in opposition to this Application.**
- 9. Based on the record and recommendations of the Planning & Zoning Commission and the record created before Council, the Council approved this Application.**