

ORDINANCE NO. 2241

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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.1185 ACRES, MORE OR LESS

WHEREAS, on the 30th day of November 2011, a zoning application, denominated Change of Zone No. 1711 was filed on behalf of James Moses; and

WHEREAS, on the 26th day of January 2012, 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. 1711 be approved; and

WHEREAS, on the 14th day of February 2012, 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 classifications 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 Baltimore Hundred, Sussex County, Delaware, and lying at the southwest corner of Route 54 and Road 396 (Westline Road) and being more particularly described as follows:

BEGINNING at an iron pipe at the southwest corner of the intersection of Route 54 and Road 396 (Westline Road); thence southerly along the westerly right-of-way of Road 396, 628.01 feet to an iron pipe, a corner for lands of Louis W. Moses and others; thence north 43°23'33" west 172.48 feet along lands of Louis W. Moses and others to an iron pipe; thence north 49°47'08" east 507.50 feet along lands of Sean L. and Brenda G. Oates to a concrete monument on the southerly right-of-way of Route 54; thence easterly along the southerly right-of-way of Route 54, 243.09 feet to the point and place of beginning and containing 2.1185 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 FOLLOWING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2241 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF FEBRUARY 2012.


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 and C-1 General Commercial District to CR-1 Commercial Residential District to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 2.1185 acres, more or less, lying on the southwest corner of Route 54 and Road 396 (Westline Road).**
- 2. DelDOT commented that it will postpone a decision on DelDOT requirements for a Traffic Impact Study until the land has been rezoned and a site plan has been developed for it.**
- 3. The Sussex Conservation District submitted comments that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation.**

- 4. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the West Fenwick Planning Area; that use of an existing on-site septic system is proposed; that conformity to the South Coastal Area Planning Study 2005 Update will be required; that the parcel is not in an area where the County has a schedule to provide sewer service at this time; that when the County does provide sewer service, it is required that the on-site septic system be abandoned and a connection made to the central sewer system; and that a Concept Plan is not required.**
- 5. This property has frontage on Route 54 and Road 396 and the first 200 feet from the intersection of those roads is currently zoned C-1 General Commercial. This change in zoning would rezone the entire parcel to CR-1 so that it is all commercially zoned.**
- 6. The rezoning is consistent with neighboring and adjacent properties and their uses, which include other commercial and business zonings and uses. It is basically an infill, since it is surrounded on two sides by commercial zoning.**
- 7. The CR-1 Commercial Residential zoning is appropriate since the County Zoning Code states that the purpose of such zoning is to provide for retail shopping, personal and miscellaneous service activities and that such uses should be located along arterial roadways where a general mixture of commercial and service activity now exists. In this case, the property has frontage on Route 54 and it is appropriate to extend the existing commercial zoning to the southwestern boundary of this property adjacent to other existing commercial zoning.**
- 8. Any commercial use of the property would be subject to Site Plan Review by the Sussex County Planning and Zoning Commission.**
- 9. The Change of Zone will not adversely affect the neighborhood or traffic.**
- 10. No parties appeared in opposition to the Application.**