

**ORDINANCE NO. 2242**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 20,000 SQUARE FEET, MORE OR LESS**

**WHEREAS, on the 11<sup>th</sup> day of July 2011, a zoning application, denominated Change of Zone No. 1708 was filed on behalf of Rite Aid of Delaware; and**

**WHEREAS, on the 25th day of August 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. 1708 be approved; and**

**WHEREAS, on the 20th day of September 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 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 Indian River Hundred, Sussex County, Delaware, and lying west of Route 24, 200 feet south of the intersection of Route 5 and Route 22 (Long Neck Road) and being more particularly described in Deed Book 2883, Page 208, in the office of the Recorder of Deeds in and for Sussex County, said parcel containing 20,000 square feet, 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. 2242 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH 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 be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 20,000 square feet more or less, lying west of Route 24, 200 feet south of the intersection of Route 5 and Route 22 (Long Neck Road).**
- 2. DelDOT commented that a Traffic Impact Study is not required and that the current Level of Service E will not change as a result of this application.**
- 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 Long Neck Sanitary Sewer District; that wastewater capacity is available for this project; that Ordinance 38 construction will be required; that the current System Connection Charge rate is \$3,612.00 per EDU; that there is no sewer service to the parcel at this time; that conformity to the North Coastal Area Planning Study and Amendment No. 1, Expansion Area No. 1, Long Neck Sanitary Sewer District Planning Study will be required; that the parcel is in the Sewer District and connection is mandatory; that the County requires design and construction of the collection system to meet County Engineering Department's requirements and procedures; that the County Engineer must approve the connection point; and that a Sewer Concept Plan must be submitted for review and approval prior to any sewer construction.**

5.     **This rezoning is basically in-fill. The property is surrounded by Route 24 on one side and existing C-1 zoning on two sides; that CR-1 zoning is appropriate for this area of Route 24. There are a variety of existing commercial uses and zonings, including two shopping centers, fast food stores, a bank and other retail, business and commercial uses in close proximity.**
6.     **The site will be served by public water.**
7.     **The site will be served by Sussex County sewer, subject to the compliance with the requirements of the Sussex County Engineering Department.**
8.     **The Change of Zone will not adversely affect the neighborhood or traffic.**
9.     **No parties appeared in opposition to the application.**