

**ORDINANCE NO. 2254**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.61 ACRES, MORE OR LESS**

**WHEREAS, on the 31st day of January 2012, a zoning application, denominated Change of Zone No. 1714 was filed on behalf of William F. Godwin, Jr.; and**

**WHEREAS, on the 12th day of April 2012, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 26th day of April 2012, said Planning and Zoning Commission recommended that Change of Zone No. 1714 be approved; and**

**WHEREAS, on the 1st day of May 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 adding in lieu thereof the designation GR General 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 Broad Creek Hundred, Sussex County, Delaware, and lying southeast of Phillips Hill Road (Road 472) ¼ mile east of Johnson Road (Road 434A) and being more particularly described in Plot Book 131, Page 69, in the Office of the Recorder of Deeds in and for Sussex County and containing 3.61 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. 2254 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 1ST DAY OF MAY 2012.**

  
**ROBIN A. GRIFFITH**  
**CLERK OF THE COUNCIL**

**The Council found that the Change of Zone was appropriate legislative action based on the following Finding of Fact:**

- 1. This is an application to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a GR General Residential District to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 3.61 acres, more or less, lying southeast of Phillips Hill Road (Road 472) 1/4 mile east of Johnson Road (Road 434A).**
- 2. DelDOT commented that a Traffic Impact Study is not recommended and that the current Level of Service "A" of Phillips Hill Road will not change as a result of this application.**
- 3. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Western Sussex Planning Area #5; that on-site septic is proposed; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer services; and that a Concept Plan is not required.**
- 4. The Applicant was present and stated that the application is for the rezoning of four parcels that he owns from AR-1 to GR; that each lot has a 150 foot frontage and is at least an acre; that one parcel (Lot 2) has a double-wide manufactured home on it and a LLP septic system; that DNREC has approved the same for the other three parcels; and that the three vacant lots will only have one dwelling on them.**
- 5. The purpose of this Change of Zone is to allow the Applicant or subsequent owners of these properties to place a single-wide or double-wide manufactured home on each lot without the need for individual applications to the Sussex County Board of Adjustment which would be required if the zoning remains AR-1.**
- 6. The placement of manufactured homes is appropriate in this area along Phillips Hill Road since there are other similar housing types in the vicinity, including 12 double-wide manufactured homes and 4 single-wide manufactured homes.**

7. **The Change of Zone will not have an adverse impact upon the neighboring properties or community.**
8. **The Change of Zone will not adversely affect traffic, roadways, utilities or public services.**
9. **The Change of Zone would not likely result in any increased density since the configuration of the existing lots does not lead to further subdivision.**
10. **There were no parties present in support of or in opposition to this application.**
11. **Based on the record and recommendation of the Planning and Zoning Commission and the record created before Council, the Council approved this application.**