

ORDINANCE NO. 2282

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A LI-2 LIGHT INDUSTRIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.91 ACRES, MORE OR LESS

WHEREAS, on the 20th day of August 2012, a zoning application, denominated Change of Zone No. 1722 was filed on behalf of Robert and Patricia Robinson; and

WHEREAS, on the 25th day of October 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. 1722 be approved; and

WHEREAS, on the 27th day of November 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 classification of LI-2 Light Industrial District and adding in lieu thereof the designation AR-1 Agricultural 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 west of Route 13A (Seaford Road) 1,300 feet north of Road 488 (Johnson Road) and being more particularly described in Deed Book 1517, Page 146 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.91 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. 2282 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 27TH DAY OF NOVEMBER 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 Facts:

- 1. This is an application to amend the Comprehensive Zoning Map from a LI-2 Light Industrial District to an AR-1 Agricultural Residential District to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 1.91 acres, more or less, lying west of Route 13A (Seaford Road) 1,300 feet north of Road 488 (Johnson Road) (Tax Map I.D. 1-32-6.00-186.01).**
- 2. A Support Facilities Report was not requested from DelDOT since the application is a downzoning from Light Industrial to Agricultural Residential.**
- 3. The site was originally zoned AR-1 Agricultural Residential. The Applicants applied for rezoning to LI-2 Light Industrial (C/Z #854) and were approved so that the Applicants could erect a small store and warehousing for the sale and storage of dry and canned dog foods.**
- 4. The Sussex Conservation District commented that there are four (4) soil types on the property; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas and no tax ditches are affected; and that it may not be necessary for any on-site or off-site drainage improvements.**
- 5. The Sussex County Engineering Department, Utility Planning Division, commented that the site is located in the Blades Planning Area #2; that use of an on-site septic system is proposed; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that, although the proposed project is located in the Blades Planning Area, it is not in an area where the County has a schedule to provide sewer service; and that a Concept Plan is not required.**

6. The Applicant, Robert Robinson, was present and stated that he no longer is operating a business on the site; that he has applied so that his taxes can be reduced; that there will be no adverse effect on traffic; and that there will be no adverse effect on property values.
7. There were no parties present in support of or in opposition to the application.
8. The application is for a downzoning that returns the property to its original AR-1 zoning; the return to AR-1 zoning is consistent with surrounding uses and zonings; the Applicant no longer intends to use the property for industrial purposes, so it is appropriate to eliminate the potential industrial uses that could occur there; that the AR-1 zoning is appropriate since the Applicant resides there; and the only use that occurs there is low-density residential use.
9. The downzoning will have no negative impact on neighboring properties or roadways.
10. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Change of Zone was approved.