

ORDINANCE NO. 2301

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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 8.05 ACRES, MORE OR LESS

WHEREAS, on the 11th day of October 2012, a zoning application, denominated Change of Zone No. 1724 was filed on behalf of Central Storage @ Harbeson, LLC; and

WHEREAS, on the 10th day of January 2013, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 24th day of January 2013, said Planning and Zoning Commission recommended that Change of Zone No. 1724 be approved; and

WHEREAS, on the 26th day of February 2013, 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 Broadkill Hundred, Sussex County, Delaware, and lying north of Route 9 (Lewes Georgetown Highway) 500 feet west of Route 5 (Harbeson Road) and 700 feet east of Road 254 (Prettyman Road) and being more particularly described in Deed Book 3464, Page 5, and Plot Book 112, Page 78, in the Office of the Recorder of Deeds in and for Sussex County, Delaware, said parcel containing 8.05 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. 2301 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 16TH DAY OF APRIL 2013.

A handwritten signature in black ink, appearing to read 'Re Griffith', written over a horizontal line.

**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. The Planning and Zoning Commission recommended approval of this Change of Zone.**
- 2. The location of the property, in the immediate vicinity of the intersection of Route 9 and Route 5, is appropriate for the CR-1 Zoning.**
- 3. The site is currently approved for a central storage facility under a Conditional Use. The rezoning to CR-1 Commercial Residential is a reasonable evolution of the zoning for this property in this location.**
- 4. The rezoning promotes the orderly growth, convenience, prosperity and welfare of present and future residents of Sussex County.**
- 5. There was no evidence that the rezoning would have an adverse impact on the traffic or neighborhood.**
- 6. The rezoning will be consistent with zoning and development trends at the Route 9 and Route 5 intersection.**
- 7. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Change of Zone was approved.**