

ORDINANCE NO. 2351

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 4.85 ACRES, MORE OR LESS (Tax Map I.D. 235-30.00-55.00)

WHEREAS, on the 20th day of December 2013, a zoning application denominated Change of Zone No. 1744 was filed on behalf of Phillip Cross and Prentice Watkins; and

WHEREAS, on the 27th day of February 2014, 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. 1744 be approved; and

WHEREAS, on the 25th day of March 2014, 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 south of Route 18 (Lewes Georgetown Highway) 1,500 feet west of Road 258 (Hudson Road) and being more particularly described in Deed Book 2777, Page 234, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 4.85 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. 2351 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH DAY OF MAY 2014.



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

The Council approved the application based on the following Findings of Fact:

- A. This is the application of Phillip Cross and Prentice Watkins 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 4.85 acres, more or less, land lying south of Route 18 (Lewes Georgetown Highway) 1,500 feet west of Road 258 (Hudson Road) (Tax Map I.D. 2-35-30.00- 55.00).**
- B. Council found that the site was originally approved on June 19, 2006 by the Sussex County Board of Adjustment for a Special Use Exception for a commercial greenhouse and nursery on less than five (5) acres.**
- C. Council found that the Sussex County Engineering Department Utility Planning Division commented that the site is not in a proposed or current County operated and maintained sanitary sewer and/or water district; that the site is located in the North Coastal Planning Area; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the property is not in an area where the County has a schedule to provide sewer service at this time; and that a Concept Plan is not required.**
- D. The Council found that Phillip Cross was present on behalf of the application and he stated that the property currently has a Conditional Use for a farmers market and greenhouses – known as the Veggie Shack; that the property is currently for sale; that the Applicants currently live on the property; that they would like a Change of Zone to commercial so as not to limit the property; that they paid DelDOT \$40,000 for a commercial entrance; and that other commercial uses and zonings exist in the immediate area.**
- E. Council found that, based on the Planning and Zoning Commission's record, the Applicants operated the Veggie Shack on the site since 2007; that other commercial uses and zonings (B-1 Neighborhood Business, C-1 General Commercial, CR-1 Commercial Residential, and Conditional Uses) exist in the immediate area; that some of those commercial-type uses include Peachtree Acres Rehab., Donut Connection, automotive repair, and a retail bird and supply store; that large commercial areas exist to the east and west of the site; and that the property runs back to the railroad.**

F. Based on the Findings (1 through 5) of the Planning & Zoning Commission, Council found that:

- 1. The parcel has nearby and adjacent commercial properties; the parcel has been used in the past as commercial property for a vegetable stand; and the property has an existing commercial entrance.**
- 2. The location along Route 9 (Route 18) is appropriate for CR-1 zoning.**
- 3. The rezoning will not adversely affect the adjacent properties, the neighborhood, or area roadways.**
- 4. No parties appeared in opposition to the application.**
- 5. Any change in the site will require site plan approval from the Sussex County Planning and Zoning Commission.**

G. Based on the record, recommendations and findings of the Planning & Zoning Commission and the record created before Council, the application was approved.