

**ORDINANCE NO. 2377**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.83 ACRES, MORE OR LESS (Tax Map I.D. 2-34-25.00-31.01, 31.02 & 31.04)**

**WHEREAS, on the 19th day of March 2013, a zoning application, denominated Change of Zone No. 1729 was filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey's Landing Park, Inc.; and**

**WHEREAS, on the 23rd day of May 2013, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 27th day of June 2013 said Planning and Zoning Commission recommended that Change of Zone No. 1729 be ; and**

**WHEREAS, on the 18th day of June 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 [MR Medium Density Residential\_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 Indian River Hundred, Sussex County, Delaware, and lying on both sides of the eastern end of Long Neck Road (State Route 23, a.k.a. Route 22) and being more particularly described in the attached legal descriptions, and containing 50.83 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. 2377 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF DECEMBER 2014.**



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**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:**

- A. Based on the record, Sussex County Engineering Department, Utility Planning Division, stated that the site is located in the Long Neck Sanitary Sewer District; that the site will be served by central water and central sewer; and that the Sussex County Engineering Department has no objection to the rezoning to AR-1.**
- B. The record reflects that Delaware Department of Transportation (DelDOT) had provided comments on January 28, 2013 in reference to the Traffic Impact Study and that DelDOT has not objected to the project or the traffic generated by it on area roadways.**
- C. This is a downzoning and it will allow the Applicants to obtain approvals to construct a RV campground on the subject property; that the AR-1 zoning is necessary because a Conditional Use for a campground is not available in the MR zoning district; that both MR and AR-1 zonings are appropriate for this area under the County's Comprehensive Land Use Plan and the maps contained in the Plan since both districts permit residential use; that if the proposed Conditional Use for the property should be denied or should expire, the permitted residential density for the property would be less than what is currently permitted under the MR zoning classification; that the property is also surrounded by AR-1 zones; that AR-1 zoning is consistent with much of the zoning in the Long Neck and Massey's Landing area; that the proposed use as a campground is consistent with other uses in the Long Neck Road and Massey's Landing area; and that there are other campgrounds in the area that have been in existence for many years.**
- D. The property was previously rezoned from AR-1 to MR-RPC in 2007 for a 120 unit residential development and this rezoning will void that approval and return the property to its prior AR-1 zoning.**

- E. The proposed use as a RV campground will be subject to the conditions and limitations established by that approval and also site plan review by the Sussex County Planning and Zoning Commission.**
- F. There is no basis in the record for a denial of this rezoning application and the Applicant has created a substantial record in support of the application.**
- G. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Council approves this Application.**