

**ORDINANCE NO. 2449**

**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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.06 ACRES, MORE OR LESS**

**WHEREAS, on the 19<sup>th</sup> day of November 2015, a zoning application, denominated Change of Zone No. 1793 was filed on behalf of Church of God of Prophecy; and**

**WHEREAS, on the 25th day of February 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 10th day of March 2016, said Planning and Zoning Commission recommended that Change of Zone No. 1793 be approved; and**

**WHEREAS, on the 17th day of May 2016, 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 of 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 Georgetown Hundred, Sussex County, Delaware, and lying west of Zoar Road (Route 48) 200 feet south of Sussex Pines Road (Road 324) and being more particularly described in the attached legal description provided by Pennoni Associates, Inc. and containing 5.06 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. 2449 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 17TH DAY OF MAY 2016.**

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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. This is the application of the Church of God of Prophecy 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 Georgetown Hundred, Sussex County, containing 5.06 acres, more or less. The property is located west of Zoar Road (Rt. 48) 200 ft. south of Sussex Pines Road (Rd. 224). (911 Address: 21950 Zoar Road, Georgetown) (Tax Map I.D. 135-23.00-18.01, 18.02 & Part of 18.03).**
- B. Council found that DelDOT commented that it recommend that this rezoning application be considered without a Traffic Impact Study and that the need for a Traffic Impact Study be evaluated when a subdivision or land development plan is proposed.**
- C. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the project is not in a proposed or existing County operated and maintained sanitary sewer and/or water district; that the parcel is within the Town of Georgetown's future growth and annexation area; that the Applicant can contact the Town of Georgetown for information regarding central sewer; and that a Concept Plan is not required.**
- D. Based on the record before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Mark Davidson, Vice President of Pennoni Associates, was present on behalf of the application and stated that a portion of the property is already zoned CR-1 Commercial Residential; that the site is in close proximity to the DelDOT facilities and the Department of Motor Vehicles to the rear; that he has been working with the church members to expand the church facilities; that the sanctuary currently seats approximately 400; that the expansion will allow for approximately 1,000 seats; that the site has appropriate acreage to provide the necessary parking; and that a 1.0 acre easement is being proposed with the adjacent Rodney Smith lands for a possible shared access location.**
- E. Council also found that the Town of Georgetown provides central water for drinking and fire protection; that wastewater is currently on site and hopefully, in the future, can be provided by the Town of Georgetown; that several vehicles have been displayed on the site for sale by church members, but it is not the intent to create a used car lot; that the site is surrounded on three sides by commercial zoning; and that the application is an infill property and is intended to create a contiguous zoning boundary rather than the property having mixed zoning classifications.**
- F. Based on the Findings (1 through 7) of the Planning & Zoning Commission, Council found that:**
  - 1. This application is for an area that is entirely surrounded by commercial zoning. In addition, this application will eliminate inconsistencies between the zoning lines and the boundary lines; it is an infill rezoning to create a uniform zoning classification.**

- 2. According to the Sussex County Comprehensive Plan's Future Land Use Map, the Applicant's property is located in a Developing Area; CR-1 Commercial Residential zoning is appropriate in this area under the Plan.**
- 3. Commercial zoning is appropriate for this parcel, given its close proximity to the Town of Georgetown, the Delaware Department of Motor Vehicles, the Sussex Correctional Institution, the Georgetown Speedway and U.S. Route 113.**
- 4. The site is located in an area where other business and commercial uses and zonings currently exist along Zoar Road and U.S. Route 113.**
- 5. The rezoning will not have an adverse effect on neighboring properties, roadways or the community.**
- 6. The property is served by the Town of Georgetown for both domestic and fire suppression water.**
- 7. No parties appeared in opposition to this application.**

**G. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**