

ORDINANCE NO. 2459

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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.689 ACRE, MORE OR LESS

WHEREAS, on the 31st day of March 2016, a zoning application, denominated Change of Zone No. 1801 was filed on behalf of Long Neck Road, LLC; and

WHEREAS, on the 23rd day of June 2016, 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. 1801 be approved; and

WHEREAS, on the 26th day of July 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 COUNTY 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 Indian River Hundred, Sussex County, Delaware, and lying north of Long Neck Road (Route 22), 1,850 feet east of Banks Road (Road 298) and being more particularly described in Deed Book 4445, Page 185, in the Office of the Recorder of Deeds in and for Sussex County, said property containing 0.689 acre, 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. 2459 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 26TH DAY OF JULY 2016.

**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 Long Neck Road, LLC 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 Indian River Hundred, Sussex County, containing 0.689 acre, more or less. The property is located north of Long Neck Road (Route 22), 1,850 feet east of Banks Road (Road 298) (911 Address: 32549 Long Neck Road, Millsboro) (Tax Map I.D. 234-23.00-307.02).**
- B. Council found that the Sussex Conservation District commented that development of the site will require the developer to follow recommended erosion and sediment control practices during construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; and that no tax ditches are affected.**
- C. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that that the site is located in the Long Neck Sanitary Sewer District; that the parcel has been provided with a 6-inch sanitary sewer lateral and the existing home was connected to sewer on November 6, 2002; that a lateral upgrade could be required, depending on the proposed use; that conformity to the North Coastal Area Planning Study will be required; that the commercial use of the parcel is not expected to have an adverse impact on the sewer system; and that a Concept Plan is required.**
- D. Based on the record before the Planning and Zoning Commission and the Public Hearing before the Sussex County Council, Council found that Chris Kalil, a principal of Long Neck Road, LLC, was present with Dennis Schrader, Esquire of Morris James Wilson Halbrook & Bayard, LLP, and they stated that the majority of the parcels in the immediate area are used for business or commercial purposes; that the site is located in the Environmentally Sensitive Developing District Overlay Zone; that there are no wetlands on the property; that the lot is improved with a modular home and accessory buildings; that the site is in close proximity to stores, shops, restaurants, boat storage facilities, a dog kennel service and other business/commercial uses; that the area is heavily commercial in activities; that the Applicant may establish an office on the property as depicted on the proposed site plan; that security lighting may be installed; that central sewer is available; that the rezoning is an infill parcel surrounded by other business and commercial zonings; and that the use should not impact traffic.**
- E. Based on the record of the Planning and Zoning Commission and the record created before the Sussex County Council, the application for a Change of Zone from an AR-1 Agricultural Residential District to a CR-1 Commercial Residential District is approved for the following six (6) reasons:**
 - 1. The property is located in a Developing Area according to the Sussex County Land Use Plan. This area is appropriate for commercial zoning under the Plan.**
 - 2. The properties in the immediate vicinity include other commercial and business uses, including restaurants, dog kennels, and storage units.**

- 3. This rezoning is consistent with these existing uses. This location, along Long Neck Road, is appropriate for commercial development and commercial zoning.**
- 4. The rezoning will not have an adverse impact on neighboring properties or roadways.**
- 5. The property will be served by central sewer provided by Sussex County. Sewer is a part of the Long Neck Sanitary Sewer District.**
- 6. No parties appeared in opposition to the application.**