

ORDINANCE NO. 2483

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.079 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of August 2016, a zoning application, denominated Change of Zone No. 1811 was filed on behalf of Dustin Yoder; and

WHEREAS, on the 12th day of January 2017, 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. 1811 be approved; and

WHEREAS, on the 14th day of February 2017, 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 LI-2 Light Industrial 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 Nanticoke Hundred, Sussex County, Delaware, and lying northwest of Shawnee Road (Route 36), 3,500 feet northeast of Coon Den Road (Road 628), and being more particularly described as follows:

BEGINNING at an iron pipe on the northwesterly right-of-way of Shawnee Road (Route 36), a corner for these lands and lands of Larry L. and Jeanette H. Yoder; thence North 31°18'05" West 448.56 feet to an iron pipe; thence continuing along said Yoder lands the following six (6) courses: North 58°53'36" East 80.00 feet to an iron pipe; North 31°06'24" West 80.00 feet to an iron pipe; North 58°53'36" East 125.21 feet to an iron pipe; South 59°34'20" East 158.48 feet to an iron pipe; South 58°43'46" West 230.43

feet to an iron pipe; and South 31°18'05" East 448.51 feet to a point on the northwesterly right-of-way of Shawnee Road; and thence South 58°49'53" West 50.09 feet along the northwesterly right-of-way of Shawnee Road to the point and place of beginning, and containing 1.079 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. 2483 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF FEBRUARY 2017.

**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 Dustin Yoder to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a LI-2 Light Industrial District for a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 1.079 acres, more or less (located on the northwest side of Shawnee Road (Route 36), approximately 3,500 feet northeast of Coon Den Road (Road 628) (Tax I.D. No. 430-3.00-11.01 (Part of) (911 Address: None Available)).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Dustin Yoder was present on behalf of the application; that he plans to build additional buildings, one straddling the existing zoning line which will spill over into the AR-1 area, and the other building will need additional vehicle turn around area; that the property map from February 2, 2015 shows the current property line as well as proposed buildings and storage area; that if additional employees are added there is sufficient parking for employees provided; that the business manufactures doors and windows and has approximately nineteen (19) employees; that the traffic includes delivery of rough lumber; that one (1) additional building is for extra lumber storage; that more of the same manufacturing will continue along with some importing of metal windows that are not manufactured there; that a cell tower is located on the adjacent property that is close to the proposed expansion; that the Yoder family owns nearby properties; that his mother and father own adjacent land and the business; and that the business has been under the Yoder family ownership since the late 1980's.**
- C. Based on the Findings (1 through 7) of the Planning & Zoning Commission, Council found that:**
 - 1. The land that is the subject of this application is adjacent to other lands of the Applicant that are zoned LI-2. This small 1.079-acre parcel will be a reasonable expansion of the existing LI-2 District.**
 - 2. The rezoning will not have an adverse impact on neighboring properties, roadways or other public facilities.**
 - 3. This small expansion of the LI-2 zone satisfies the stated purposes of the district according to the Sussex County Zoning Code.**
 - 4. This rezoning will bring most of the property under one consistent zoning category.**

- 5. This property is also the site of a large communications tower. LI-2 zoning is compatible with this existing use on the property.**
 - 6. No parties appeared in opposition to this application.**
 - 7. Any development of this additional property under LI-2 zoning will be subject to Site Plan review by the Sussex County Planning and Zoning Commission to ensure that it complies with all requirements of the Zoning Code.**
- D. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**