

ORDINANCE NO. 2506

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT AND 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 1.16928 ACRES, MORE OR LESS

WHEREAS, on the 20th day of January 2017, a zoning application, denominated Change of Zone No. 1820 was filed on behalf of W&B Hudson Family LP & John Floyd Lingo III; and

WHEREAS, on the 18th day of May 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. 1820 be approved; and

WHEREAS, on the 20th day of June 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 [C-1 General Commercial District] and [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 at the southeast corner of Lewes – Georgetown Highway (Route 9) and Harbeson Road (Route 5) and being more particularly described per the attached legal descriptions.

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. 2506 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF JUNE 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 W&B Hudson Family LP & John Floyd Lingo III to amend the Comprehensive Zoning Map of Sussex County from a C-1 General Commercial District and 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 1.16928 acres, more or less. The property is located at the southeast corner of Lewes-Georgetown Hwy. (Route 9) and Harbeson Road (Route 5). (911 Address: None Available, Harbeson) (Tax Map I.D. 235-30.00-69.00, 235-30.00-70.00 (portion of).**
- B. Based on the record before the Planning and Zoning Commission, Council found that William Scott, Esquire with Scott and Shuman, P.A., and Jonathan Street with Becker Morgan Group, were present on behalf of the application; that William Scott, Esquire with Scott and Shuman, P.A., Michael Riemann, P.E. with Becker Morgan Group, and Randall Bendler were present on behalf of the application at the Public Hearing before the County Council; that the Applicants want to rezone a small portion from AR-1 to CR-1 and a small portion from C-1 to CR-1 to square off the property and remove the split zoning; that the property is in a Developing Area per the existing Comprehensive Plan; that the land use permits businesses; that the property is in an Investment Level 3 Area in accordance with State Strategies; that DelDOT upgrades have been designed for the intersection and could start as early as the Fall 2017; that public water and sewer service will be provided by Artesian; and that there are common uses and other conditional uses in the area.**
- C. 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 a C-1 General Commercial District and AR-1 Agricultural Residential District to a CR-1 Commercial Residential District is approved for the following eight (8) reasons:**
 - 1. The site is along Route 9 and Route 5, and adjacent to a lighted intersection that was recently upgraded by DelDOT.**
 - 2. The site is already partially zoned C-1 General Commercial. This application will bring all of the property under a single zoning designation. The change from AR-1 to CR-1 only affects a very small area of land directly behind a parcel that is already zoned CR-1.**
 - 3. The site is at an intersection where other commercial zonings or uses exist. While this particular location along Route 9 supports commercial zoning, this recommendation should not be considered as an endorsement of commercial zoning everywhere on Route 9.**
 - 4. The rezoning to CR-1 in this location will not have an adverse impact upon adjacent roads, properties, community facilities, or neighborhood in general.**
 - 5. The Applicant has stated that the site will be served by Artesian Resources Corporation which will provide water and wastewater treatment for any future development on the site.**
 - 6. The rezoning meets the purpose of the Zoning Code in that it promotes the orderly growth, convenience, order, prosperity and welfare of the County.**
 - 7. The rezoning is in compliance with the Sussex County Comprehensive Plan, which states that CR-1 zoning is one of several appropriate zoning classifications for this location.**
 - 8. No parties appeared in opposition to this application.**