

ORDINANCE NO. 2512

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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 13.063 ACRES, MORE OR LESS

WHEREAS, on the 8th day of December 2016, a zoning application, denominated Change of Zone No. 1819, was filed on behalf of MTC Properties, LLC; and

WHEREAS, on the 22nd day of June 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 13th day of July 2017, said Planning and Zoning Commission recommended that Change of Zone No. 1819 be approved; and

WHEREAS, on the 25th day of July 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 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 Northwest Fork Hundred, Sussex County, Delaware, and lying on the east side of Sussex Highway (Rt. 13), approximately 1,226 feet south of Adams Road, and being more particularly described in the legal description prepared by MTC Properties, LLC, said parcel containing 13.063 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. 2512 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 25TH DAY OF JULY 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 MTC Properties, 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 Northwest Fork Hundred, Sussex County, containing 13.063 acres, more or less (located on the east side of Sussex Highway (Route 13), approximately 1,226 feet south of Adams Road) (Tax I.D. No. 530-14.00-24.00 (portion of) (911 Address: 14485 Sussex Highway, Bridgeville).**
- B. Based on the record before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that J.J. Carter, one of the owners of All-Span, Inc., was present on behalf of the application; that Mr. Carter stated they have a Conditional Use for truss manufacturing and are seeking CR-1 zoning so they are not limited to truss manufacturing in the future; that they only want to rezone 600 feet in depth of the property; that they have an existing commercial entrance; that there are other commercial zonings in the area; and that they wish to grow their business and offer more products and services.**
- C. Based on the Findings (1 through 6) of the Planning & Zoning Commission, Council found that:**
 - 1. The site is located along U.S. Route 13 (Sussex Highway) adjacent to other property owned by the Applicant that is currently zoned C-1. This rezoning will allow the reasonable expansion of the Applicant's business operations in an area that is appropriate for CR-1 zoning.**
 - 2. The site is in an area where other commercially-zoned properties exist. The CR-1 zoning will be consistent with the area zoning.**
 - 3. The proposed use will not adversely affect neighboring or adjacent properties or roadways.**
 - 4. The property currently has a commercial entrance.**
 - 5. CR-1 zoning is appropriate since the County Zoning Code states that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the rezoning along US Route 13 falls within the stated purposes of the CR-1 District.**
 - 6. No parties appeared in opposition to this rezoning.**
- D. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**