

**ORDINANCE NO. 2513**

**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 4.4890 ACRES, MORE OR LESS**

**WHEREAS, on the 14th day of February 2017, a zoning application, denominated Change of Zone No. 1823, was filed on behalf of WMF Watercraft & Marine, Inc.; 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. 1823 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 Indian River Hundred, Sussex County, Delaware, and lying on the south side of John J. Williams Highway (Route 24) and east side of Layton Davis Road, approximately 208 feet east of said intersection, and being more particularly described per the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 4.4890 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. 2513 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 25TH DAY OF JULY 2017.**

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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 WMF Watercraft & Marine, Inc. 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 4.4890 acres, more or less (located on the south side of John J. Williams Highway (Route 24) and the east side of Layton Davis Road, approximately 208 feet east of said intersection) (Tax I.D. No. 234-29.00-64.00, 64.01, and 65.00) (911 Address: 27037 John J. Williams Highway, Millsboro).**
- B. Based on the record before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Tim Willard, Attorney with Fuqua, Willard, Stevens, and Schab, P.A.; William Foreski, Principal; and Ring Lardner with Davis, Bowen, & Friedel, Inc., were present on behalf of the application; that Mr. Willard spoke that the proposed project is currently used for watercraft sales, storage and repair; that the business has grown and needs more storage space; that the lots are currently vacant; that a Traffic Impact Study was not required; that there are commercial uses in the area which are CR-1, C-1 and B-1; that the use is compatible with the area; and that the property is in an Environmentally Sensitive Development Area (ESDA) in the Comprehensive Land Use Plan.**
- 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 24 adjacent to another 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 along this side of Route 24. The CR-1 zoning will be consistent with the area zoning and it fills in a gap between commercially zoned properties on either side.**
  - 3. The proposed use will not adversely affect neighboring or adjacent properties or roadways.**
  - 4. With CR-1 zoning for the entire site, the Applicant will have to comply with all site plan requirements for any commercial use on the property, and will have to comply with all DeIDOT entrance and roadway requirements associated with the development of the site.**
  - 5. CR-1 zoning is appropriate since the County Zoning Code state 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 Route 24 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.**