

**ORDINANCE NO. 2518**

**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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.4789 ACRE, MORE OR LESS**

**WHEREAS, on the 3rd day of March 2017, a zoning application, denominated Change of Zone No. 1825, was filed on behalf of Clarksville Auto Service Center, Inc.; and**

**WHEREAS, on the 10th day of August 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. 1825 be approved; and**

**WHEREAS, on the 19th day of September 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 Baltimore Hundred, Sussex County, Delaware, and lying on the north side of Atlantic Avenue, approximately 125 feet east of Powell Farm Road, and being more particularly described per the attached description prepared by Karins and Associates, said parcel containing 0.4789 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. 2518 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 19TH DAY OF SEPTEMBER 2018.**

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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 Clarksville Auto Service Center, 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 Baltimore Hundred, Sussex County, containing 0.4789 acre, more or less (located on the north side of Atlantic Avenue, approximately 125 feet east of Powell Farm Road) (Tax I.D. No. 134-11.00-154.00) (911 Address: 34455 Atlantic Avenue, Ocean View).**
- B. Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Dev Sitaram, from Karins & Associates, and Kelly Phillips, property owner, were present on behalf of the application; that the property is approximately a half acre; that the Applicant wishes to rezone the property from AR-1 to CR-1; that they recently acquired the property from the previous owner; that they own the approximate 4 acre property surrounding the subject property which was previously rezoned; that they previously attempted to rezone the property; however, the previous owner was not interested in selling or rezoning the parcel at the time; that the Applicant has since acquired the land; and that the area is surrounded by commercial zoning, including CR-1 zoned properties.**
- C. Based on the Findings (1 through 4) of the Planning & Zoning Commission, Council found that:**
  - 1. This site is completely surrounded by land that is zoned C-1 General Commercial. This is infill to make the Applicant's entire parcel commercially zoned.**
  - 2. This is an appropriate location for CR-1 zoning, with frontage at an intersection along Atlantic Avenue.**
  - 3. The site is located within the Environmentally Sensitive Developing Area under the County's Comprehensive Plan. CR-1 zoning is appropriate in this area according to the County Plan.**
  - 4. No parties appeared in opposition to this application.**
- D. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**