

ORDINANCE NO. 2523

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 4.62 ACRES, MORE OR LESS, OF A 15.94 ACRE PARCEL

WHEREAS, on the 17th day of April 2017, a zoning application, denominated Change of Zone No. 1826, was filed on behalf of JKJ Properties, LLC.; and

WHEREAS, on the 24th 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. 1826 be approved; and

WHEREAS, on the 3rd day of October 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 C-1 General Commercial 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 west of North Main Street (U.S. Route 13B) and Sussex Highway (U.S. Route 13), approximately 513 feet south of East Newtown Road, and being more particularly described per the attached legal description, and containing 4.62 acres, more or less, of a 15.94 acre parcel.

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. 2523 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 3RD DAY OF OCTOBER 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 JKJ Properties, LLC to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District and C-1 General Commercial District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County containing 4.62 acres, more or less, of a 15.94-acre parcel. The property is located on the west side of North Main Street (U.S. Rt. 13B) and Sussex Highway (U.S. Rt. 13), approximately 513 feet south of East Newtown Rd. (911 Address: None Available) (Tax Map I.D. 131-6.00-11.00 (portion of).**
- B. Based on the record before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Mark H. Davidson, with Pennoni Associates, Inc., and Jim Weller, the principal of JKJ Properties, LLC which is the owner of the property, were present on behalf of the application; that the property is partially zoned C-1; that the Applicant is looking to rezone 4.62 acres from AR-1 to CR-1; that there has been a business on the site for approximately twenty (20) years; that they assemble and sell trailers; that a Traffic Impact Study was not required; that there are commercial uses and commercially zoned properties in the area; that there are some industrial uses in the area; that the land use classification is Town Center; that it is Investment Level 2 in the Delaware State Strategies; that it will have on-site well and septic; that the Applicant is only requesting that a portion of the site be rezoned; and that the original C-1 zoning went 600 feet from the property line and split zoned the site.**
- C. Based on the Planning and Zoning Commission's Findings (1 through 5), and the record created before the Sussex County Council, Council found that:**
- 1. This application represents the expansion of the existing C-1 zone. It will make the commercially zoned area conform to the property's boundaries.**
 - 2. This property is in a Town Center area according to the Sussex County Comprehensive Plan. CR-1 zoning is appropriate in this area according to the County Plan.**
 - 3. There are other commercially zoned properties in the area including the frontage of this property. CR-1 zoning is appropriate for this location.**
 - 4. This location is in close proximity to the Town of Bridgeville and is located along US Route 13 approximately 500 feet from Route 404. This is an appropriate location for CR-1 zoning.**
 - 5. No parties appeared in opposition to this application.**