

**ORDINANCE NO. 2533**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.58 ACRES, MORE OR LESS**

**WHEREAS, on the 16th day of May 2017, a zoning application, denominated Change of Zone No. 1829, was filed on behalf of Theresa Elizabeth Murray Irrevocable Trust; and**

**WHEREAS, on the 12th day of October 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 26th day of October 2017, said Planning and Zoning Commission recommended that Change of Zone No. 1829 be approved; and**

**WHEREAS, on the 7th day of November 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 [GR General 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 west side of Cedar Neck Road, approximately 475 feet north of Hickman Road, and being more particularly described per the attached deed prepared by Procino-Wells & Woodland, LLC, said parcel containing 5.58 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. 2533 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 7TH DAY OF NOVEMBER 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 the Theresa Elizabeth Murray Irrevocable Trust to amend the Comprehensive Zoning Map of Sussex County from a GR General Residential District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 5.58 acres, more or less (located on the west side of Cedar Neck Road, approximately 475 feet north of Hickman Road) (Tax I.D. No. 134-9.00-70.00) (911 Address: Not Available).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Dennis Schrader, Esquire with Morris James Wilson Halbrook & Bayard, LLP, and Ellen Magee were present on behalf of the application; that the property is on Cedar Neck Road, north of Hickman Road and near a grocery store, and the VFW; that the property is in a Low Density area and in an Environmentally Sensitive Developing Area; that the property is 5.58 acres; that if this application is approved, they will provide an appropriate site plan to include fencing and screening of the site; that the property is currently used for residential and trailer storage and includes small campers and boats under Conditional Use No. 478; that it has a water supply on site; that the sewer is served by Sussex County; that the Delaware State Police will be the primary responder; that the property is located in the Millville Fire Company district; and that there are no known wetlands on site.**
- C. Council also found that Ms. Magee's mother lives on the site and is in agreement with the Change of Zone request; that the boat and travel trailers have been on-site for a long time; that they want to put a mini storage complex on the site; that there is a demand and need for it in the area; that the other storage facility in the area is full; that her mother will continue to live there in the home and use it as the office; that there is no impact on traffic and that a Traffic Impact Study was not required from DelDOT; that the proposed use is similar to the current use now on site; that there is no impact on the neighborhood; and that they need a Change of Zone for financing and using the site as a CR-1 use.**
- D. Based on the Findings (1 through 6) of the Planning & Zoning Commission, Council found that:**
  - 1. The site is located in an area of Cedar Neck Road where other commercial and business zoned properties exist. The CR-1 zoning will be consistent with the area and zoning uses.**
  - 2. Although the property is currently zoned GR General Residential, it has been used for commercial purposes as a boat storage location pursuant to Conditional Use No. 478. CR-1 zoning is consistent with the prior and current use of the property.**
  - 3. The site is in a Developing Area according to the Sussex County Comprehensive Plan. CR-1 Zoning is appropriate within this area according to the Plan.**
  - 4. The proposed use will not adversely affect neighboring or adjacent properties or roadways.**
  - 5. Whenever this property is developed for a particular use, the Applicant will be required to meet or exceed all DelDOT requirements and DelDOT will determine where appropriate entrance locations should be.**
  - 6. Any development of the site will require Preliminary and Final Site Plan review by the Sussex County Planning and Zoning Commission.**
- E. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**