

**ORDINANCE NO. 2534**

**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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 24.98 ACRES, MORE OR LESS**

**WHEREAS, on the 26th day of May 2017, a zoning application, denominated Change of Zone No. 1830, was filed on behalf of H. Dale Parsons; and**

**WHEREAS, on the 26th day of October 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 16th day of November 2017, said Planning and Zoning Commission recommended that Change of Zone No. 1830 be approved; and**

**WHEREAS, on the 28th 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 [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 Georgetown Hundred, Sussex County, Delaware, and lying on the southeast corner of Lewes Georgetown Highway (Route 9) and Steiner Road, and being more particularly described per the attached survey prepared by Pennoni Associates, Inc., and Adams-Kemp Associates, Inc., said parcel containing 24.98 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. 2534 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON 28TH DAY OF NOVEMBER 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 H. Dale Parsons 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 Georgetown Hundred, Sussex County, containing 24.98 acres, more or less (located at the southeast corner of Lewes Georgetown Highway (Route 9) and Steiner Road) (Tax I.D. No. 135-16.00-23.00) (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 Mark Davidson with Pennoni Associates and H. Dale Parsons were present on behalf of the application; that the Applicant would like to rezone a portion of the parcel on Route 9; that they subdivided four (4) two-acre lots along the frontage and they are zoned C-1; that 26 acres of the property is zoned C-1; that the back portion of the property, which is approximately 24.98 acres, is zoned AR-1; that along the back of the property is a railroad; that there are two buildings on the site which are about 5,000 square feet; that Mr. Parsons is the owner of a charter boat business and has owned this parcel for about 20 years; that one of the buildings is in an AR-1 zone and he wants to bring all of the property into compliance; that in the Comprehensive Plan, the property is identified as a Highway Commercial Area; that there are other commercially zoned properties in the area; that across the street is a Limited Industrial zoned property; that the property is located in a State Strategy Level 4 Area but adjacent properties are in Level 2 and Level 3 Areas; that the proposed zoning meets the general purpose of the Zoning Ordinance; that they will keep the entrance off of Steiner Road; and that in the future there may be an entrance off of Route 9.**
- C. Based on the Findings (1 through 6) of the Planning & Zoning Commission, Council found that:**
  - 1. The site is located along Route 9 between that roadway and railroad tracks running from Lewes to Georgetown.**
  - 2. The property currently has a split zoning, with half the parcel along Route 9 being commercial, and the back half being AR-1.**
  - 3. This rezoning will make the commercial zoning boundary consistent with the property boundaries. And, it is consistent with the physical boundaries of the property created by Route 9 and the railroad tracks.**
  - 4. The rezoning is consistent with the area, which includes commercial zoning on either side of the site and across Route 9. Business and commercial uses in the area include a plumbing/HVAC contractor, a site work contractor and a small contractor/industrial center.**
  - 5. The proposed use will not adversely affect neighboring or adjacent properties or roadways.**
  - 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.**