

**ORDINANCE NO. 2535**

**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 BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.13 ACRES, MORE OR LESS**

**WHEREAS, on the 6th day of June 2017, a zoning application, denominated Change of Zone No. 1833, was filed on behalf of Eagles Nest Fellowship Church; 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 November 2017, said Planning and Zoning Commission recommended that Change of Zone No. 1833 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 Broadkill Hundred, Sussex County, Delaware, and lying at the northeast corner of Reynolds Road and Broadkill Road, and being more particularly described on the attached survey prepared by Pennoni Associates, Inc., said parcel containing 2.13 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. 2535 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 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 Eagles Nest Fellowship Church 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 Broadkill Hundred, Sussex County, containing 2.13 acres, more or less (located at the northeast corner of Reynolds Road and Broadkill Road (Tax I.D. No. 235-15.00-7.01) (911 Address: 13275 Reynolds Road and 26381 Broadkill Road, Milton).**
- 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 was present with members of the Eagles Nest Fellowship Church; that this application is to rezone the property from an AR-1 to CR-1; that the property is approximately 2.13 acres in size and is located on the north side of Route 16 and on the east side of Reynolds Road; that there are several C-1 and CR-1 uses across the road; that they have owned the property since 1995; and that the buildings were built in 1941.**
- C. Council also found that it use to be an old feed store and has been used for commercial activities over the years; that the property is currently being used by the church for youth group activities; that the property started out as being Eagles Nest Church prior to the church moving to their current location; that the property was being used for a daycare, preschool, and other church-related activities throughout the years; that the church would like to lease the property and use it for commercial activities; that the CR-1 zone allows for agricultural repair, sales, etc. which will allow the church many opportunities to be able to utilize this property, and expand what they are currently doing; that the Comprehensive Plan states that this site is in a Developing Area; that the majority of the site is a State Strategies Level 2 Area; that the property is being served by an on-site well and an on-site septic system that has been permitted through DNREC; that the site is in keeping with the character of that section of Route 16; and that the property is located on Route 16 which is a major collector road and near Route 1; and that it is desirable for the welfare of the citizens of Sussex County.**
- D. Based on the Findings (1 through 8) of the Planning & Zoning Commission, Council found that:**
- 1. The site is located along Route 16 near the town limits of Milton. It is on a property that has been historically used for commercial purposes, starting as a feed store in the 1940s. Since then, it has been used as a church and for youth group activities.**
  - 2. The site is at an intersection where other commercially zoned properties exist. The CR-1 zoning will be consistent with the area zoning and uses.**
  - 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. DelDOT will determine where appropriate entrance locations should be.**

- 6. CR-1 Zoning is appropriate, since the County Zoning Code states 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 16 falls within the stated purposes of the CR-1 District.**
  - 7. Any development of the site will require preliminary and final site plan review by the Sussex County Planning and Zoning Commission.**
  - 8. This recommendation is not an indication that Commercial Zoning is appropriate along Route 16 in general. Route 16 is an important east-west roadway in Sussex County connecting to Route 1. This site is appropriate because it is at an intersection that has already developed commercially. However, the County should proceed carefully with any commercial rezonings along Route 16 to preserve the travel corridor.**
- E. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this Application.**