

**ORDINANCE NO. 2543**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 16.211147 ACRES, MORE OR LESS**

**WHEREAS, on the 27th day of June 2017, a zoning application, denominated Change of Zone No. 1837, was filed on behalf of ABC Woodlands, LLC; and**

**WHEREAS, on the 14th day of December 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 21st day of December 2017, said Planning and Zoning Commission recommended that Change of Zone No. 1837 be approved; and**

**WHEREAS, on the 23rd day of January 2018, 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 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 Indian River Hundred, Sussex County, Delaware, and lying at the southwest corner of Long Neck Road and School Lane, and also being on the south side of Long Neck Road approximately 1,000 feet west of School Lane, and being more particularly described per the attached deed, said parcels containing 16.211147 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. 2543 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 23RD DAY OF JANUARY 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 ABC Woodlands, LLC to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District and a GR General Residential District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 16.211147 acres, more or less (located on the southwest corner of Long Neck Road and School Lane, and also being on the south side of Long Neck Road, approximately 1,000 feet west of School Lane) (Tax I.D. No. 234-23.00-273.01, 234-23.00-273.02, and 234-23.00-273.03) (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 Charles Eggleston, Applicant, were present on behalf of the application; that the request is to rezone 16.2 acres which is over a total of 3 parcels that are AR-1 and GR to CR-1 zoning; that the property is across from Baywood Golf Club; that at the intersection is Palmer Shopping Center, County Bank, Ace Hardware store and etc.; that west of the property is zoned C-1; that located behind the property is the Long Neck Elementary School; that they have owned this property since 1993; that the property is located on a major collector road; that it has central sewer provided by Sussex County; that it is in the service area of Tidewater Utilities for water; that it is located in the Environmentally Sensitive Developing Area; that it is in the Highway Commercial area; that there is mixed residential in the area with multi-family and single-family housing; that they are looking at a mixture of uses on the property; that DelDOT did not require a Traffic Impact Study for rezoning; that the property is in a Level 2 State Strategies Area; that the request is in line with other commercial areas; that it is located at a signaled intersection; that they will combine the parcels; that DelDOT requires them to use the access off of the lesser road which is School Lane; and that there are townhomes adjacent to the property.**
- C. Based on the Findings (1 through 9) of the Planning & Zoning Commission, Council found that:**
- 1. This site is located on the southwest corner of the intersection of Long Neck Road and School Lane where other commercially zoned properties exist. There are also conditional uses in the area including a conditional use for a school. The CR-1 zoning will be consistent with the area zoning and uses.**
  - 2. According to the Sussex County Comprehensive Plan, the property is designated on the Environmentally Sensitive Developing Areas, Mixed Residential Areas, and Highway Commercial Areas. CR-1 Zoning is appropriate within these Areas according to the Plan.**
  - 3. The proposed use will not adversely affect neighboring or adjacent properties or roadways.**
  - 4. 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.**
  - 5. The site will be served by central wastewater from Sussex County.**

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 the existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the rezoning along Route 23 falls within the stated purpose 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 23 in general. Route 23 is an important roadway in Sussex County. This site is appropriate because it is adjacent to other commercially zoned properties. However, the County should proceed carefully with any commercial rezonings along Route 23 to preserve the travel corridor.**
  9. **No parties appeared in opposition to the change of zone application.**
- D. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**