

ORDINANCE NO. 2574

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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.09 ACRES, MORE OR LESS

WHEREAS, on the 25th day of September 2017, a zoning application, denominated Change of Zone No. 1847, was filed on behalf of Winsferd Ray Hutchins, Sr. and Josephine C. Hutchins; and

WHEREAS, on the 8th day of March 2018, 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. 1847 be approved; and

WHEREAS, on the 17th day of April 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 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 Broad Creek Hundred, Sussex County, Delaware, and lying on the west side of Sussex Highway (Route 13) approximately 412 feet north of Boyce Road and being more particularly described in attached deed prepared by Procino Wells, LLC.

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. 2574 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 17TH DAY OF APRIL 2018.

**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 Winsferd Ray Hutchins, Sr. and Josephine C. Hutchins 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 Broad Creek Hundred, Sussex County containing 2.09 acres, more or less. The property is located on the west side of Sussex Hwy. (Rt. 13) approximately 412 ft. north of Boyce Rd. 911 Address: 28506 Sussex Hwy., Laurel. Tax Map I.D. 132-12.00-102.01.**
- B. Based on the record before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Josephine Hutchins was present on behalf of the application; that they operate a bicycle shop and are unable to continue to do so; that there is a need to change the zoning of the property and that they will need to have employees to help with the bicycle shop; that their son may have an office at the site; that they are unable to sell the property; that this is not a residential property; that the property is located on the highway; that the property is over two acres; and that there are commercial zonings and uses across the street.**
- C. Based on the Findings (1 through 7) of the Planning & Zoning Commission, Council found that:**
 - 1. The property has been used by the Applicant for years as a bicycle shop, which is a use consistent with commercial zoning.**
 - 2. This site is located on Route 13, which is appropriate for commercial zoning.**
 - 3. The rezoning is consistent with other commercial zonings and uses in the area.**
 - 4. The Applicants have testified that given the site's location on Route 13 with so much commercial around it, the site is no longer appropriate for residential zoning. Commercial zoning is more appropriate than the current residential zoning.**
 - 5. No parties appeared in opposition to the application.**
 - 6. The rezoning to CR-1 is consistent with the purpose of the CR-1 District according to the Sussex County Zoning Code.**
 - 7. Any development of this site will require site plan approval by the Sussex County Planning & Zoning Commission.**
- D. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**