

**ORDINANCE NO. 2626**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.59 ACRES, MORE OR LESS**

**WHEREAS, on the 22nd day of June 2018, a zoning application, denominated Change of Zone No. 1865, was filed on behalf of Francis C. Warrington III; and**

**WHEREAS, on the 29th day of November 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 13th day of December 2018, said Planning and Zoning Commission recommended that Change of Zone No. 1865 be approved; and**

**WHEREAS, on the 15th day of January 2019, 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 MR Medium Density 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the east side of Old Landing Road approximately 155 feet north of Marina Drive, and on the north side of Marina Drive approximately 450 feet east of Old Landing Road, and being more particularly described in the attached deed prepared by David W. Baker, Esq., P.A., said parcel containing 5.59 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. 2626 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF JANUARY 2019.**

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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 Francis C. Warrington, III to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR Medium Density Residential District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 5.59 acres, more or less (lying on the east side of Old Landing Road, approximately 155 feet north of Marina Drive and on the north side of Marina Drive, approximately 450 feet east of Old Landing Road) (Tax I.D. No. 334-19.00-1.00) (911 Address: 20873 Old Landing Road, Rehoboth Beach).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Mr. Mark Davidson, with Pennoni Associates, Mr. Francis C. Warrington, III, the applicant, and Mr. Keith Walpole were present at the Planning and Zoning hearing, and Mr. Davidson and Mr. Warrington were present at the Council hearing on behalf of this application; that the application is for a rezoning from AR-1 to MR; that the property is approximately 5.59 acres and is located near the end of Old Landing Road; that the property is bordered by a mobile home park and a MR-RPC subdivision; that the property is currently being used as a business and has been used for farming in the past; that the MR zoning is in keeping with the residential character of the area; and that they are proposing twenty-two (22) 40-foot wide single family attached units.**
- C. Council further found that there are no known historical features on the property; that the Sussex County Engineering Department submitted a facility report for this property and it has been allocated for 4 EDU's per acre; that the project would be expected to pay to extend the sanitary sewer throughout the property and connect to the sewer; that Tidewater Utilities would provide water for domestic and fire protection; that there will be a 20-foot landscape buffer in addition to the landscaping at Sawgrass subdivision; and that there are over 100 feet between houses.**
- D. Based on the Planning & Zoning Commission's Findings (1 through 8), Council found that:**
- 1. The site is along Old Landing Road, which has developed with a variety of housing types, including single family homes, multi-family dwellings and manufactured home communities that predate our County Zoning Code. MR Zoning is consistent with the development trends of this area.**
  - 2. The property is nearly adjacent to the Sawgrass MR/RPC. This application is a reasonable extension of that existing MR Zoning.**
  - 3. The site is in the Environmentally Sensitive Developing Area according to the current Sussex County Comprehensive Plan, which is a Growth Area. MR Zoning is appropriate in this area according to the Plan.**
  - 4. The site is served by central sewer provided by Sussex County.**
  - 5. The site is served by central water provided by a publicly regulated water system.**

- 6. The Sussex County Zoning Code states that the purpose of MR Zoning is to provide Medium Density Residential development in areas which are, or expect to become, generally urban in character and where central water and sewer are available. Here, the property is one of the last vacant parcels in this area of Old Landing Road, and it is surrounded by an MR/RPC on one side and on the other two sides by manufactured home communities of 144 units and 474 units. It is basically an infill rezoning to MR. This location is appropriate for MR Zoning according to the stated purpose of the District.**
  - 7. The change in zone will not adversely affect neighboring properties or roadways.**
  - 8. For all of these reasons, it was recommended to approve the application for a change in zone from AR-1 to MR.**
- E. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this Application.**