

ORDINANCE NO. 2666

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.827 ACRE, MORE OR LESS

WHEREAS, on the 7th day of February 2019, a zoning application, denominated Change of Zone No. 1879, was filed on behalf of William (Ulbio) Parraga; and

WHEREAS, on the 23rd day of May 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 13th day of June 2019, said Planning and Zoning Commission recommended that Change of Zone No. 1879 be approved; and

WHEREAS, on the 25th day of June 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 B-2 Business Community 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 west side of DuPont Boulevard (Route 113), approximately 406 feet south of Wilson Road, and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 0.827 acre, 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. 2666 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 25TH DAY OF JUNE 2019.

**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 William (Ulbio) Parraga to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a B-2 Business Community District for a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 0.827 acre, more or less (land lying on the west side of DuPont Boulevard (Route 113), approximately 406 feet south of Wilson Hill Road) (Tax I.D. No. 135-14.00-12.01) (911 Address: None Available).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that the Applicant, William Parraga, was present on behalf of his application; that he would like the zoning for the property to be changed from an AR-1 to B-2; that he is proposing to use it as a professional office in the future; that the property is located just outside of Georgetown; that there is a commercial lot adjacent to this property and commercial zoning located across from this property; and that the property is located less than ½ mile from the corner of Route 113 and Route 404.**
- C. Based on the Planning and Zoning Commission's Findings (1 through 8), Council found that:**
 - 1. The B-2 Business Community Zoning District is designed to allow office, retail shopping, and personal service uses that serve a relatively small area, including low-density, and medium-density neighborhoods.**
 - 2. The site is just outside of the Georgetown town limits, with 150-feet of frontage along Route 113.**
 - 3. The site is adjacent to property that has C-1 Zoning, and there is C-1 Zoning almost directly across Route 113 from this property.**
 - 4. The site is also in proximity to the Route 404 and Route 113 intersection, where a wide variety of business and heavy commercial uses are located, including the Del Tech Campus.**
 - 5. For all these reasons, this is an appropriate location for B-2 Zoning.**
 - 6. This site, with its frontage along Route 113 and being next to C-1 is no longer viable for AR-1 uses. It is too small to be farmed, and it is not a viable location for a new single-family dwelling because of the traffic and noise of Route 113 and commercial uses that are nearby.**
 - 7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order, prosperity and welfare of the County.**
 - 8. No parties appeared in opposition to this application.**
- D. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**