

**ORDINANCE NO. 2692**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.474 ACRE, MORE OR LESS**

**WHEREAS, on the 21st day of June 2019, a zoning application, denominated Change of Zone No. 1893, was filed on behalf of Lisa Horsey; and**

**WHEREAS, on the 17th day of October 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 21st day of November 2019, said Planning and Zoning Commission recommended that Change of Zone No. 1893 be approved; and**

**WHEREAS, on the 19th day of November 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 C-2 Medium Commercial 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 at the northeast corner of Sussex Highway (Route 13) and Boyce Road, and being more particularly described in the attached legal description prepared by Moore & Rutt, P.A., said parcel containing 0.474 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. 2692 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 10TH DAY OF DECEMBER 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 Lisa Horsey to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District for a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 0.474 acre, more or less (Tax I.D. No. 132-12.00-113.00) (911 Address: 28537 Sussex Highway, Laurel).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Kevin Smith of the Kercher Group was present with Sam Connors of LBG Homes, LLC, owner of the property; that the property is zoned AR-1 but has been operated as a commercial type business for the past few decades; that the property was formerly known as Bayside Seafood; that the property is less than ½ acre in area and is located on Route 13 in Laurel; that many commercial uses are located in the area; that the property has an existing well and septic system; that the Applicant does not wish to expand the building nor improve the property at this time, and only wants to bring the use of the building and the property into compliance with the same zoning designation (commercial); and that the request for C-2 zoning is in keeping with area designation of commercial.**
- C. Based on the Planning and Zoning Commission’s Findings (1 through 8) Council found that:**
  - 1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.**
  - 2. The site is in the “Commercial Area” according to the Sussex County Land Use Plan. This is an appropriate location for C-2 Zoning according to the Plan.**
  - 3. The site is located at the intersection of Route 13 and Boyce Road. The property is shaped like a triangle and has frontage on both of these roads, with Route 13 being an arterial road. It is also surrounded by existing commercial zoning.**
  - 4. There is currently a commercial building on the site, and the property has been used for commercial purposes in the past. This rezoning will make the existing building and its prior commercial usage consistent with the zoning of the property.**
  - 5. The use will not have an adverse impact on neighboring properties or roadways.**
  - 6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order, prosperity and welfare of the County.**
  - 7. No parties appeared in opposition to the rezoning application.**
  - 8. Any future use of the property will be subject to Site Plan Review by the Sussex County Planning and Zoning Commission.**
- D. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**