

ORDINANCE NO. 2725

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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.92 ACRE, MORE OR LESS

WHEREAS, on the 27th day of November 2019, a zoning application, denominated Change of Zone No. 1912, was filed on behalf of Kyle Norwood and Katie Davidson; and

WHEREAS, on the 11th day of June 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 25th day of June 2020, said Planning and Zoning Commission recommended that Change of Zone No. 1912 be approved; and

WHEREAS, on the 14th day of July 2020, 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southwest corner of Savannah East Drive and Kings Highway, and being more particularly described in the attached legal description prepared by Hudson, Jones, Jaywork & Fisher, said parcel containing 0.92 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. 2725 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF JULY 2020.

**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 Kyle Norwood and Katie Davidson (Beach and Bay, LLC) 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 Lewes and Rehoboth Hundred, Sussex County, containing 0.92 acre, more or less (land lying on the southwest corner of Savannah East Drive and Kings Highway) (Tax I.D. No. 334-6.00-58.00) (911 Address: 16816 and 16820 Kings Highway, Lewes).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Mr. David Hutt, Esquire was present at the Planning and Zoning Commission hearing by teleconference on behalf of the Applicant, Kyle Norwood and Katie Davidson (Beach and Bay, LLC), that also present were Kyle Norwood and Katie Davidson (owners of the property) and that the foregoing were also all present in person at the Sussex County Council hearing; that this Applicant seeks to change the zoning classification for the approximately 38,500 square feet property; that the property is currently zoned AR-1 and the Applicant is seeking to change the zoning to Medium Commercial (C-2); that the property is in close proximity to Route 1 which is the busiest commercial corridor in Sussex County; that there is a range of housing options in the area ranging from medium and higher densities of the apartment complexes to the lower density of townhomes and single-family home developments; and that in addition to the residential use in the area there are also numerous businesses along King's Highway.**
- C. Council also found that the property meets the minimum area requirements of County Code for a C-2 zoning classification; that the property is currently improved with a home and two outbuildings; that the Applicants may renovate the existing structures or remove them entirely; that public sewer and water is available at this property; that the DelDOT Service Level Evaluation response shows that for a lot of this size, a Traffic Impact Study (TIS) is not required; that when a Land Use Plan is submitted, the TIS will be reevaluated by DelDOT; that the property is not in a flood zone and there are no wetlands; that the property is in the Coastal Area according to the 2020 Comprehensive Plan and C-2 is an appropriate district as this is a growth area; that King's Highway (Route 9) is an arterial road; that the intended use will be for professional offices for much needed health care in Sussex County; and that the Applicant, Mr. Norwood, is a native of Sussex County who has now qualified as a dentist and wishes to return to practice in Sussex County.**
- D. Based on the Planning and Zoning Commission's Findings (1 through 9), 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 Applicant's property is currently zoned AR-1, but it is in an area along Kings Highway near Route One where other commercial zonings and commercial uses exist. This is an appropriate location for C-2 zoning.**
 - 3. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for small retail and service uses.**
 - 4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.**

- 5. The site is in the “Coastal Area” according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.**
 - 6. The location is served by central water and sewer, which is appropriate to support C-2 and the permitted uses within that District.**
 - 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 the rezoning application.**
 - 9. Any future use of the property will be subject to Site Plan Review by the Sussex County Planning and Zoning Commission.**
- E. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**