

ORDINANCE NO. 2731

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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.504 ACRE, MORE OR LESS

WHEREAS, on the 7th day of January 2020, a zoning application, denominated Change of Zone No. 1917, was filed on behalf of Iacchetta Development Corporation; and

WHEREAS, on the 9th day of July 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 23rd day of July 2020, said Planning and Zoning Commission recommended that Change of Zone No. 1917 be approved; and

WHEREAS, on the 11th day of August 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 Baltimore Hundred, Sussex County, Delaware, and lying on the north side of Lighthouse Road (Route 54), approximately 293.7 feet west of W Line Road, and being more particularly described in the attached legal description prepared by Raymond E. Tomasetti, Jr., said parcel containing 0.504 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. 2731 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 11TH DAY OF AUGUST 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 Iacchetta Development Corporation 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 Baltimore Hundred, Sussex County, containing 0.504 acre, more or less (land lying on the north side of Lighthouse Road (Route 54) approximately 293.7 feet west of West Line Road) (Tax I.D. No. 533-18.00-28.01) (911 Address: 33175 Lighthouse Road, Selbyville).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Raymond E. Tomasetti, Esquire, Dino Iacchetta and Russell Hammond were present on behalf of the Applicant, Iacchetta Development Corporation; that the site is adjacent to C-1 zoned properties on the east and west; that there will be 21 parking spaces which will accommodate the overflow from the shopping center; that a new entrance for the parcel is not needed as the existing entrance on the adjoining parcel is to be used; that the plan is to exit through the shopping center on the east which is also owned by the Applicant; that when the shopping center was designed, it included two (2) points of entry and exit for safety purposes; that the request is consistent with the land use in the area and the Sussex County Comprehensive Plan; and that there are lights for security, but they are not overly bright.**
- C. 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 completely surrounded by other properties with commercial zoning. This is an infill zoning request and it 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 expanded small retail and service uses in addition to those that exist on either side of this property.**
 - 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 sewer, which is appropriate to support C-2 Zoning 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.

D. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.