

ORDINANCE NO. 2733

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 7.10 ACRES, MORE OR LESS

WHEREAS, on the 7th day of January 2020, a zoning application, denominated Change of Zone No. 1918, was filed on behalf of Mark A. Casey; and

WHEREAS, on the 23rd day of July 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 13th day of August 2020, said Planning and Zoning Commission recommended that Change of Zone No. 1918 be approved; and

WHEREAS, on the 25th 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 [MR Medium Density Residential District] and adding in lieu thereof the designation of AR-1 Agricultural 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 Indian River Hundred, Sussex County, Delaware, and lying on the southeast corner of Warwick Road and Downs Landing Road, and being more particularly described in the attached legal description prepared by Tomasetti Law, LLC, said parcel containing 7.10 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. 2733 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 25TH 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 Mark A. Casey to amend the Comprehensive Zoning Map of Sussex County from a MR Medium Density Residential District to an AR-1 Agricultural Residential District for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 7.10 acres, more or less (land lying on the southeast corner of Warwick Road and Downs Landing Road) (Tax I.D. No. 234-33.00-55.00) (911 Address: 28517 Warwick Road, Millsboro).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Mr. Mark Casey was present on behalf of the application; that his company is Delaware Cultured Seafood; that approximately eight (8) years ago he began working with Delaware Center for the Inland Bays non-profit on an oyster seeding program and then went on to work with the University of Delaware; that he worked on legislation to have oysters for sale and consumption on the Inland Bays; that this property is where they would like to import seed; that it would be planted onto the shell; that this would be done so that the Inland Bays can maintain the root program; that the University of Delaware has shut down their program; and that this would be for consumption for local markets and for the farmers out in Rehoboth Bay.**
- C. Based on the Planning and Zoning Commission's Findings (1 through 7), Council found that:**
- 1. The Applicant is requesting this rezoning so that the property can be used for aquaculture. This use is permitted in the proposed AR-1 District and it is not permitted in the MR District.**
 - 2. This is a downzoning from MR to AR-1. With the AR-1 zoning, less intensive uses will be permitted on the property.**
 - 3. The proposed aquaculture use is a benefit to the residents and visitors of Sussex County as well as the County's environment. The Applicant works with the Center for the Inland Bays and the University of Delaware to improve the quality of County waterways through the aquaculture uses that will be performed on this property and on the nearby waterways.**
 - 4. The use will also support other aquaculture farmers in Rehoboth Bay by providing a location for an oyster seeding program.**
 - 5. AR-1 Zoning is an appropriate zoning classification in the Coastal Area according to the Sussex County Comprehensive Plan.**
 - 6. The downzoning to AR-1 will have a positive effect on nearby roadways and area properties.**
 - 7. 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.**