

ORDINANCE NO. 2747

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 23.7021 ACRES, MORE OR LESS

WHEREAS, on the 30th day of January 2020, a zoning application, denominated Change of Zone No. 1919 was filed on behalf of Newton Farms, LLC; and

WHEREAS, on the 10th day of September 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 24th day of September 2020, said Planning and Zoning Commission recommended that Change of Zone No. 1919 be approved; and

WHEREAS, on the 20th day of October 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 [C-1 General Commercial District] and adding in lieu thereof the designation LI-2 Light Industrial 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 Northwest Fork Hundred, Sussex County, Delaware, and lying on the south side of E. Newton Road approximately 791 feet west of Sussex Highway (Route 13) and being more particularly described in the attached legal description prepared by Miller-Lewis, Inc. Land Surveying, said parcel containing 23.7021 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. 2747 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF OCTOBER 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 Newton Farms, LLC to amend the Comprehensive Zoning Map of Sussex County from a C-1 General Commercial District to a LI-2 Light Industrial District for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 23.7021 acres, more or less. The property is lying on the south side of E. Newton Road, approximately 791 feet west of Sussex Highway (Route 13) (911 Address: None Available) (Tax Parcel No. 131-6.00-8.00).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that David Hutt, Esquire was present on behalf of the Applicant, Newton Farms, LLC, together with Mr. Rob Ryder who is a principal of Newton Farms and Mr. David Heatwole, an Engineer with Siteworks Engineering. They stated that this is an application to amend the Comprehensive Zoning Map from C-1 to LI-2 for 23.7 acres located on E. Newton Road; that the property is unimproved and used for agricultural purposes; that the intended use of the site will be for manufacturing and light industrial, and as the new location for Miller Metal Fabrication; that the property is served by on-site water and sewer; that there are no wetlands located on the property; and that the property is not within a flood plain.**
- C. Council also found that the service level response from DelDOT indicated that no Traffic Impact Study would be required; that DelDOT would require the first user of the property to pay an area wide study fee; that the 2020 Delaware Strategies for State Policies and Spending identifies the property as Investment Level 2 which is one of the most active levels in Delaware's developed landscape; that the 2018 Comprehensive Plan, and particularly the Land Use Map, identifies this as being in the Developing Area; that this property is completely surrounded by the designation of "Industrial" on the Future Land Use Map which supports industrial uses; that there are few residential homes in the area; that this Developing Area, with good road access and few nearby homes, should allow for business and industrial parks; that this location is approximately 600 feet from Route 13; that the purpose of the LI-2 District is to provide for a wide variety of light manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located for access by major thoroughfares or railroads; that LI-2 areas promote job creation and job retention; that the Concept Plan is similar to the buildings on the adjacent properties; and that this application is consistent with the surrounding area, the uses of adjacent properties, the purpose of the LI-2 zoning district, the investment level on the State Strategies Map and the designation of the Future Land Use Map.**
- D. Based on the Findings (1 through 7) of the Planning & Zoning Commission, Council found that:**
 - 1. The land that is the subject of this application is adjacent to other properties that are zoned LI-2. This parcel is a reasonable expansion of the existing LI-2 District.**
 - 2. This location, along Route 404, is surrounded by uses that are essentially industrial in character and zoning. This is an appropriate use for LI-2 Zoning. This is basically an infill zoning.**
 - 3. The intended use of the site will be for manufacturing, light industrial uses and flex space. These are appropriate uses for this area, and they are consistent with the surrounding uses.**

- 4. The rezoning will not have an adverse impact on neighboring properties, roadways or other public facilities.**
 - 5. This small expansion of the LI-2 Zone satisfies the stated purpose of the District according to the Sussex County Zoning Code.**
 - 6. No parties appeared in opposition to this application.**
 - 7. Any development of this property under LI-2 zoning will be subject to site plan review by the Sussex County Planning and Zoning Commission to ensure that it complies with all requirements of the Zoning Code.**
- E. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**