

**ORDINANCE NO. 2748**

**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 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.53 ACRES, MORE OR LESS**

**WHEREAS, on the 9th day of October 2019, a zoning application, denominated Change of Zone No. 1906, was filed on behalf of Eliud Samuel Ramirez-Mejia; and**

**WHEREAS, on the 24th day of September 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 8th day of October 2020, said Planning and Zoning Commission recommended that Change of Zone No. 1906 be approved; and**

**WHEREAS, on the 27th 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 [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 Dagsboro Hundred, Sussex County, Delaware, and lying on the west side of Dagsboro Road, approximately 0.24 mile south of Crickett Street, and being more particularly described in the attached legal description prepared by D. Stephen Parsons, P.A., said parcel containing 2.53 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. 2748 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 27TH DAY OF OCTOBER 2020.**

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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 Eliud Ramirez-Mejia 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 Dagsboro Hundred, Sussex County, containing 2.53 acres, more or less (property lying on the west side of Dagsboro Road, approximately 0.24 mile south of Crickett Street (Tax I.D. No. 233-5.00-172.00) (911 Address: 27436 Dagsboro Road, Dagsboro).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Tim Willard, Esquire, of Fuqua, Willard, Stevens & Schab, P.A., was present on behalf of this application, together with the Applicant, Mr. Eliud Ramirez-Mejia. They stated that this is a request for a Change of Zone for a 2.5-acre parcel; that the property is located off Route 113 on Dagsboro Road adjacent to the business park; that the property is improved with a residence and a pole building; that the Applicant is a contractor with forty-seven (47) employees; that the Applicant purchased this property with the intent to improve the lot with some pole buildings which could be used for his contractors business; that there is commercial zoning in the area and all along Route 113; that the property is located in the Coastal Area per the Comprehensive Plan; that the property is served by a septic system and a well; that a Traffic Impact Study was not required by DeDOT; and that the Applicant has submitted proposed conditions of approval.**
- C. Based on the Findings (1 through 9) of the Planning & Zoning Commission, 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 Dagsboro Road where other commercial zonings and commercial uses exist. This is an appropriate location for C-2 zoning.**
  - 3. This location is generally in a wedge of properties between Route 113 and Dagsboro Road that has developed commercially. As a result, residential use of this property under the current AR-1 zoning is no longer viable.**
  - 4. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for small retail and service uses.**
  - 5. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.**
  - 6. 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.**
  - 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.**