

**ORDINANCE NO. 2818**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT- RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CHANGE OF ZONE NO. 1883 (ORDINANCE NO. 2690) AND CHANGE OF ZONE NO. 1475 (ORDINANCE NO. 1573) RELATING TO THE MAXIMUM NUMBER AND TYPES OF HOUSING PERMITTED FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 778.39 ACRES, MORE OR LESS**

**WHEREAS, on the 30th day of August 2021, a zoning application, denominated Change of Zone No. 1936 was filed on behalf of OA-BP Marina Bay-Lakeside, LLC; and**

**WHEREAS, on the 4th day of November 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 18th day of November 2021 said Planning and Zoning Commission recommended that Change of Zone No. 1936 be approved and**

**WHEREAS, on the 30<sup>th</sup> day of November 2021, 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-RPC Medium Density Residential District-Residential Planned Community] and adding in lieu thereof the designation of MR-RPC Medium Density Residential District-Residential Planned Community 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 south end of Bay Farm Road (S.C.R. 299) and the south side of Trinity Road (S.C.R. 299A) and being more particularly described in the attached legal description prepared by McCrone, Inc., said parcel containing 778.39 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. 2818 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 7TH DAY OF DECEMBER 2021.**

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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 OA-BP Marina Bay-Lakeside, LLC to amend the Comprehensive Zoning Map of Sussex County from a MR-RPC Medium Density Residential District – Residential Planned Community to a MR-RPC Medium Density Residential District - Residential Planned Community to amend conditions of approval of Change of Zone No. 1883 (Ordinance No. 2690) and Change of Zone No. 1475 (Ordinance No. 1573) relating to the maximum number and types of housing permitted for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 778.39 acres, more or less (Tax I.D. Nos. 234-30.00-1.00 thru 430.00) (911 Address: None Available).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Zac Crouch with Davis, Bowen & Friedel, Inc., was present on behalf of the Applicant, together with Greg Tobias, of Ocean Atlantic; that the application is for the purpose of changing the type of some units; that this was previously done in July 2019 at which time the total number of units was reduced from 1404 to 1394; that at that time, some of the multi-family and single family units were changed, and no additional units were proposed; that this application is to maintain the 1394 units that was approved in July 2019, but to increase the single-family detached condominium units from 388 to 471 and to decrease the multifamily units from 378 to 295; that the total number will stay the same; and that these changes are being requested for marketing purposes.**
- C. Based on the Planning & Zoning Commission’s Findings (1 through 7), Council found that:**
  - 1. This application merely seeks to amend the breakdown of home types within the existing Peninsula MR-RPC development. It does not affect the total number of units permitted within the MR-RPC.**
  - 2. Currently, Ordinance No. 2690 permits the following:**
    - 358 Single – Family Lots**
    - 388 Single – Family Detached Condominium Units**
    - 270 Single – Family Attached Townhouses**
    - 378 Multi – Family Condominium Units**
  - 3. This proposed revision seeks to amend the breakdown of unit types, while keeping the maximum number of units at 1,394, as follows:**
    - 358 Single – Family Lots**
    - 471 Single – Family Detached Condominium Units**
    - 270 Single – Family Attached Townhouses**
    - 295 Multi – Family Condominium Units**
  - 4. The revision does not affect the density of the MR-RPC, and it will not create any additional traffic or impacts upon roadways.**

- 5. As an MR-RPC, this revision will trigger amendments to the approved site plans for the development. As part of that process, various agencies will still review and approve the changed site plans. This will include the Sussex Conservation District's review of how the changes may affect the stormwater management system's design, construction, and operation within the development.**
  - 6. This recommendation is subject to all of the conditions of approval of Ordinance Nos. 2690 and 1573 that are not affected by this revision to the number of housing types permitted within the MR-RPC.**
  - 7. For all of these reasons, it is recommended that this Application should be approved, but with the condition that a revised Master Plan shall be submitted to the Planning & Zoning Commission within 6 months of approval of this Ordinance by County Council showing the distribution of the approved housing mix across the entire MR-RPC in table form.**
- D. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this Application.**