

ORDINANCE NO. 2824

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS

WHEREAS, on the 9th day of March 2021, a zoning application, denominated Change of Zone No. 1941 was filed on behalf of Charletta Speaks-Floyd; and

WHEREAS, on the 18th day of November 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 9th day of December 2021 said Planning and Zoning Commission recommended that Change of Zone No. 1941 be approved; and

WHEREAS, on the 14th day of December 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 [AR-1 Agricultural Residential District] and adding in lieu thereof the designation B-2 Business Community 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 south east side of John J. Williams Highway (Rt. 24) approximately 0.15 mile south west of Hollyville Road (S.C.R. 305) and being more particularly described in the attached legal description prepared by Fuqua, Willard, Stevens & Schab, P.A., said parcel containing 0.95 ac., 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. 2824 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF DECEMBER 2021.

**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 Charletta Speaks-Floyd to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a B-2 Business Community District for a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 0.95 acres, more or less (property lying on the southeast side of John J. Williams Highway (Route 24), approximately 0.15 mile southwest of Hollyville Road [S.C.R. 305]) (Tax I.D. No. 234-32.00-60.00) (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 Charletta Speaks-Floyd was present on behalf of her Application; that she is the owner of the property and the adjacent property; that she operates a child care center that she wishes to expand; that due to being at maximum capacity, she is currently unable to expand; and that the expansion would be on the adjacent site where she wants to construct another facility so that there will be more room for additional children.**
- C. Based on the Planning and Zoning Commission's Findings (1 through 9), Council found that:**
 - 1. B-2 Business Community Zoning is designed to allow office, retail shopping and personal service uses that serve a relatively small area, including low density and medium density neighborhoods.**
 - 2. The site is in the Developing Area according to the current Sussex County Comprehensive Plan. B-2 is an appropriate zoning classification in the Developing Area according to the Plan.**
 - 3. The adjacent property to the west is zoned B-1 along with several other parcels to the west and southwest. Further west, there are parcels that are zoned C-1 and CR-1. The property is also relatively near the boundary of the Town of Millsboro and the business and commercial uses that exist there. B-2 Zoning is appropriate in this location under these circumstances.**
 - 4. This location is along Route 24, which is a major arterial roadway between eastern and western Sussex County. B-2 zoning is appropriate along this section of Route 24 near Millsboro where other similar zoning exists.**
 - 5. The rezoning will not adversely affect area roadways or traffic.**
 - 6. The rezoning will also not adversely affect nearby properties or property values.**
 - 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 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.**