

ORDINANCE NO. 2832

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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.16 ACRES, MORE OR LESS

WHEREAS, on the 25th day of February 2021, a zoning application, denominated Change of Zone No. 1939 was filed on behalf of Gerald R. & Valerie V. Campbell, Trustees; and

WHEREAS, on the 27th day of January 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1939 be approved; and

WHEREAS, on the 22nd day of February 2022, 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 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 Northwest Fork Hundred, Sussex County, Delaware, and lying on the west side of Sussex Highway (Route 13) approximately 0.81 mile south of Adams Road (S.C.R. 583) and being more particularly described in the attached legal description prepared by David W. Baker, Esquire, P.A., said parcel containing 3.16 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 THTE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2832 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 22ND DAY OF FEBRUARY 2022.

**TRACY N. TORBERT
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 Gerald R. & Valerie V. Campbell, Trustees 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 Northwest Fork Hundred, Sussex County, containing 3.16 acres, more or less (property lying on the west side of Sussex Highway [Route 13] approximately 0.81 mile south of Adams Road [S.C.R. 583]) (911 Address: 9155 & 9167 Campbell Lane, Bridgeville) (Tax Parcel: 530-17.00-2.01).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that John A. Sergovic, Jr., Esquire, of Sergovic Carmean, Weidman, McCartney, & Owens, P.A., together with Applicants' daughter, Ms. Pam Washington Hermann, were present on behalf of the Application; that Ms. Hermann grew up on the property; that the conditional use for a cabinetry shop was granted in 1973; that this business is currently still in use and has been for almost 49 years; and that, with Mr. Campbell's increasing age, he would like to ensure if something should happen to him, the property could be used for general business use in the future, rather than limited to a cabinetry shop.**
- C. Council also found that the area is located within a low density area; that the Comprehensive Plan states that business within the area should be largely confined to addressing the needs of agricultural activities and homes; that cabinetry does address both needs; that since the property has served as a cabinetry shop for the last 48 years, it would appear this use has been in support of agricultural activities and homes; that the current business use has not had any adverse effects to adjacent neighbors; that the business operation has been low impact; that the neighborhood is comprised of mixed uses, including the Applicant's cabinetry shop, All-Span and a large Delaware Electric Co-op facility; that there used to be a realtor office nearby as well; that there are one to two other commercial uses in the nearby area; and that the request is to bring update to the zoning map to conform the business use of the property.**
- D. Based on the Planning & Zoning Commission's the 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 has been used as a cabinet shop for decades. Although not discussed in detail during the public hearing, this use may have been in existence long enough for the property to be considered legally non-conforming. Rezoning the property to B-2 is appropriate so that the zoning classification matches the historical use of the property.**
 - 3. This property is near other properties that are zoned C-1, which allows more intensive uses than what is permitted within the B-2 zoning sought by the Applicants. The property is also relatively near the boundary of the Town of Greenwood 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 13, which is a major arterial roadway in Sussex County. B-2 zoning is appropriate along this section of Route 13 near Greenwood in the vicinity of other Commercial Zoning.**
 - 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.**
- E. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this Application.**