

**ORDINANCE NO. 2856**

**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 BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.18 ACRES, MORE OR LESS**

**WHEREAS, on the 22<sup>nd</sup> day of September 2020, a zoning application, denominated Change of Zone No. 1934 was filed on behalf of Bunting Holdings LLC; and**

**WHEREAS, on the 12<sup>th</sup> day of May 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. 1934 be approved; and**

**WHEREAS, on the 7<sup>th</sup> day of June 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 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 Baltimore Hundred, Sussex County, Delaware, and being a landlocked parcel of land lying on the south side of Lighthouse Road (Route 54) approximately 0.39 mile east of Johnson Road (S.C.R. 390) and being more particularly described in the attached legal description prepared by Sergovic, Carmean, Weidman, McCartney & Owens, P.A, said parcel containing 3.18 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. 2856 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 7<sup>TH</sup> DAY OF JUNE 2022.**

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**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 Bunting Holdings, LLC 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 Baltimore Hundred, Sussex County, containing 3.18 acres, more or less (property is a landlocked parcel of land lying on the south side of Lighthouse Road [Route 54] approximately 0.39 mile east of Johnson Road [S.C.R. 390] (911 Address: N/A) (Tax Parcel: 533-18.00-58.00).**
  
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Mr. Daniel Bunting was present on behalf of this Application; that the property is a landlocked agricultural parcel; that this parcel is contiguous to property owned by Route 54 Limited Partnership which, like this Application, is also seeking a change of zone from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District (CZ1933); that the property is located within the Coastal Area; that this is considered an infill rezoning; that currently there is C-1 (General Commercial) to the east and west of the property; that the property to the left is the location for the Bunting Construction office; that the property has completed the PLUS process; that it received no objection from DelDOT or DNREC; that the C-2 Zoning is an applicable zoning within the Coastal Area according to the Comprehensive Plan; that this rezoning request is proper considering the surrounding areas, as well as what the proposed rezoning could provide for the area in regards to the property location near residential subdivisions; that the proposal for commercial zoning will support future and existing residential homes in the area; and that Applicant has no immediate plans for the site.**
  
- C. Based on the Findings (1 through 8) 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 landlocked immediately west of the property fronting on Lighthouse Road (Route 54). With the exception of the property that is the subject of CZ 1933 for C-2 Zoning, all of the property in this area along Lighthouse Road is zoned Commercial. This rezoning is consistent with the existing zoning in this area.**
  
  - 3. This property's only access is via the property this is the subject of CZ 1933, which is under the same ownership or control as this property. As a result, it is appropriate for both properties to be uniformly zoned as C-2.**
  
  - 4. C-2 Zoning at this location along Lighthouse Road will benefit nearby residents of Sussex County by providing a convenient location for retail uses or consumer services.**
  
  - 5. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.**
  
  - 6. This 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. No parties appeared in opposition to this rezoning application.**
  
  - 8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.**

**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.**