

**ORDINANCE NO. 2872**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.28 ACRES, MORE OR LESS**

**WHEREAS, on the 5<sup>th</sup> day of October 2021, a zoning application, denominated Change of Zone No. 1957 was filed on behalf of Ronicca J. Payton; and**

**WHEREAS, on the 9<sup>th</sup> day of June 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. 1957 be approved; and**

**WHEREAS, on the 12<sup>th</sup> day of July 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 B-1 Neighborhood Business District and adding in lieu thereof the designation of AR-1 Agricultural Residential 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 Cedar Creek Hundred, Sussex County, Delaware, and lying on the east side of Front Street (S.C.R. 38B), approximately 200 feet south of Washington St. (S.C.R. 225C), being more particularly described in the attached survey prepared by Douglas Annand P.L.S., said parcel containing 0.28 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. 2872 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 12<sup>TH</sup> DAY OF JULY 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 Ronicca Payton to amend the Comprehensive Zoning Map of Sussex County from a B-1 Neighborhood Business District to an AR-1 Agricultural Residential District for a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 0.28 acres, more or less (property lying on the east side of Front Street [S.C.R. 38B] approximately 200 feet south of Washington St. [S.C.R. 225C]) (911 Address: 8465 Front Street, Lincoln) (Tax Parcel: 230-6.17-19.00).**
  
- B. **Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Ronicca Payton was present on behalf of her Application; that she lives at the subject property and operates a hair salon from this building; that it is an old building; that she has purchased the property, but the previous landowner is holding the mortgage; that she wants to downzone the property to residential in order to obtain a residential mortgage and continue to be a good steward for the building; that it is an old general store and old Post Office of Lincoln; and that the buildings were combined.**
  
- C. **Based on the Findings (1 through 7) of the Planning & Zoning Commission, Council found that:**
  - 1. **This property currently is located at the corner of Front Street and Butler Avenue in Lincoln. It is zoned B-1. There are no other properties around it that are zoned B-1. All of the properties on this block and the east side of Front Street in the vicinity of this property are zoned AR-1.**
  - 2. **This rezoning as requested by the Applicant will make this property consistent with the zoning of all the other properties around it.**
  - 3. **Downzoning this property to AR-1 is consistent with the Sussex County Comprehensive Plan and its Future Land Use Map.**
  - 4. **The Applicant does not conduct any business from this property and has no plans to do so.**
  - 5. **The property is currently used for residential purposes, which actually makes it nonconforming under the existing B-1 Zoning. Rezoning this property to AR-1 will bring the use of the property into conformity with the requirements of the Sussex County Zoning Code.**
  - 6. **There were several letters in support of this downzoning to AR-1. There was no opposition to it.**
  - 7. **For all of these reasons, the rezoning of this property from B-1 to AR-1 is appropriate.**
  
- D. **Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this Application.**