

**ORDINANCE NO. 2159**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 21,795 SQUARE FEET, MORE OR LESS**

**WHEREAS, on the 22nd day of March 2010, a zoning application, denominated Change of Zone No. 1695 was filed on behalf of Thomas Hopkins; and**

**WHEREAS, on the 28th day of October 2010, 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. 1695 be approved; and**

**WHEREAS, on the 16th day of November 2010, 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:**

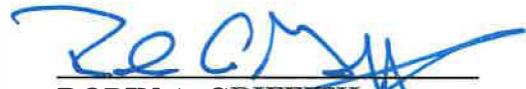
**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation CR-1 Commercial Residential District 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 Seaford Hundred, Sussex County, Delaware, and lying east of U.S. Route 13, 1,250 feet north of Road 532 (Camp Road) and being more particularly described in Deed Book 3301, Page 290, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 21,795 square feet, 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. 2159 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 16TH DAY OF NOVEMBER 2010.**

  
**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:**

- 1. This is an application for a Change of Zone to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Seaford Hundred, Sussex County, Delaware, land lying east of U.S. Route 13, 1,250 feet north of Road 532 (Camp Road) to be located on 21,795 square feet, more or less.**
- 2. DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service C of U.S. Route 13 will not change as a result of the application.**
- 3. The Sussex County Engineering Department, Utility Planning Division, commented that the proposed project will utilize an onsite septic system; that the site is not in an area where the County plans to provide sewer service; and that a Concept Plan is not required.**
- 4. The Sussex Conservation District commented that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that there are no storm flood hazard or tax ditches affected; that the proposed project will not necessitate any off-site drainage improvements; and that it is not likely that the proposed project will necessitate any on-site drainage improvements.**
- 5. There are other commercial uses surrounding the property and this project is the only parcel not zoned commercial between two commercial districts.**
- 6. The property is located within a Town Center District according to the County's Comprehensive Plan Update and is appropriate for CR-1 zoning.**

7. **This rezoning to commercial is an in-fill and will be consistent with the commercial zoning on adjacent properties.**
8. **The application was approved based on the above Findings and the recommendation of the Planning and Zoning Commission.**