

ORDINANCE NO. 2372

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14,400 SQUARE FEET, MORE OR LESS

WHEREAS, on the 15th day of July 2014, a zoning application, denominated Change of Zone No. 1757 was filed on behalf of BLN, LLC; and

WHEREAS, on the 11th day of September 2014, 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. 1757 be approved; and

WHEREAS, on the 18th day of November 2014, 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-1 Neighborhood Business 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 Georgetown Hundred, Sussex County, Delaware, and lying southeast of Route 9 (Lewes Georgetown Highway) 0.6 mile west of Road 321 (Park Avenue) and being more particularly described in Deed Book 3726, Page 301, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 14,400 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. 2372 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 18TH DAY OF NOVEMBER 2014.



**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 BLN, LLC to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a B-1 Neighborhood Business District for a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 14,400 square feet, more or less, land lying southeast of Route 9 (Lewes Georgetown Highway) 0.6 mile west of Road 321 (Park Avenue) (911 Address: 22440 Lewes Georgetown Highway, Georgetown, DE) (Tax Map I.D. # 135-15.00-83.00).**
- B. Council found that DelDOT commented that a Traffic Impact Study was not recommended and that the current Level of Service “E” of Seashore Highway (Route 9) will not change as a result of this application.**
- C. Based on the testimony before the Planning & Zoning Commission and the Public Hearing before the Sussex County Council, Council found that Leon Ware was present on behalf of BLN, LLC and stated that he had applied previously for CR-1 zoning and that when he went to the Sussex County Council Public Hearing it was suggested that he withdraw his application and reapply for either a B-1 Neighborhood Business zoning or a Conditional Use; that he chose to apply for the rezoning to B-1 Neighborhood Business since the property has historically been used in ways that would conform to B-1 zoning; that historically the property has been used for a gas station, convenience store, construction company office, and an office for a computer shop; that the area has a mix of residential with some business activities; that the Sports at the Beach facility is located on two sides of the property; that the property has been for sale for four (4) years and that the zoning has been the reason stated for the lack of being able to sell the property; that the building is small and contains three offices, a conference room, a bathroom and small kitchenette; that another office type of use exists four (4) doors down to the west and is utilized for a computer sales business; and that there are other commercial and business uses towards Georgetown.**

D. Based on the Findings (1 through 6) of the Planning & Zoning Commission, Council found that:

- 1. This site has historically been used for business uses, going back before a Zoning Code was adopted in Sussex County. This rezoning will apply a zoning classification that is consistent with the property's uses.**
- 2. There are other business uses in the vicinity. The site is also adjacent to the Sports at the Beach sports complex on two sides.**
- 3. Route 9 is an appropriate location for B-1 Neighborhood Business zoning.**
- 4. The Applicant has stated that the existing building will remain in use on the property. Given the small size of the site, additional development will be difficult.**
- 5. No parties appeared in opposition to the application.**
- 6. B-1 Neighborhood Business zoning, which is designed to serve small areas in rural, low density or medium-density residential neighborhoods, is appropriate for this location.**

E. Based on the record, recommendation and findings of the Planning & Zoning Commission and the record created before Council, the Council approved this application.