

INTRODUCED BY: Joanne Masten  
DATE INTRODUCED: April 11, 2023  
PUBLIC HEARING DATE: May 23, 2023  
PUBLIC HEARING TIME: 7:00 P.M.  
ADOPTION DATE: May 23, 2023  
EFFECTIVE DATE: Upon Adoption

**ORDINANCE 23-09**

**An Ordinance to amend the Comprehensive Plan Map Designation and the Official Zoning Map of Kent County, Delaware pursuant to the provisions of Kent County Code, Vol. II, Chapter 205 Zoning, Article III, Section 205-8 and Section 205-9, and Article XXVIII (changes and amendments) effective December 01, 2000, as amended.**

WHEREAS, on the 28<sup>th</sup> day of February, 2023 an application was filed by Constantine F. Malmberg, III., on behalf of the property owners of record known as Starheart Properties, LLC., for rezoning of Tax Parcel; ED-00-078.00-01-28.00/000; which application has been designated as Application No. CZ-23-04 and,

WHEREAS, a Public Hearing will be scheduled before the Regional Planning Commission and

WHEREAS, a Business Meeting will be scheduled before the Regional Planning Commission beginning and

WHEREAS, a Public Hearing will be scheduled before the Levy Court.

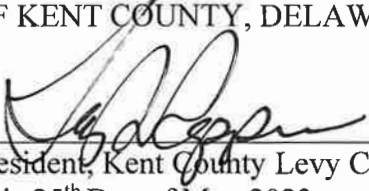
**NOW, THEREFORE, THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:**

**Section 1.** The Comprehensive Plan Map for Kent County, Delaware is hereby amended by revising the land use designation for Tax Parcel; ED-00-078.00-01-28.00/000; from Low Density Residential to Highway Commercial. The referenced Tax Parcel forms the area of 2.969 Acres +/- of land located on the northeastern side of Horsepond Road, approx., 1,061' southeast of Lafferty Lane adjacent to the City of Dover.

**Section 2.** That the Official Zoning Map of Kent County, Delaware is hereby amended by rezoning Tax Parcel; ED-00-078.00-01-28.00/000; from AC (Agricultural Conservation) to BG (General Business). The referenced Tax Parcel forms the area of 2.969 Acres +/- of land located on the northeastern side of Horsepond Road, approx., 1,061' southeast of Lafferty Lane adjacent to the City of Dover.

**Section 3.** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

ADOPTED BY THE LEVY COURT  
OF KENT COUNTY, DELAWARE

  
\_\_\_\_\_  
President, Kent County Levy Court  
This 25<sup>th</sup> Day of May 2023

ATTEST:   
\_\_\_\_\_  
Clerk of the Peace

**Synopsis:** This ordinance revises the Comprehensive Plan Map land use designation, and the Official Zoning Map for Tax Parcel; ED-00-078.00-01-28.00/000 for Commercial development.