

ORDINANCE NO. 2758

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 186.98 ACRES, MORE OR LESS

WHEREAS, on the 3rd day of September 2020, a zoning application, denominated Change of Zone No. 1930 was filed on behalf of Indian River School District; and

WHEREAS, on the 12th day of November 2020, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County, said Planning and Zoning Commission recommended that Change of Zone No. 1930 be approved with conditions; and

WHEREAS, on the 1st day of December 2020, 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 I-1 Institutional 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the east and west side of Patriot's Way and being more particularly described in the attached legal description prepared by Griffin & Hackett and Haller & Hudson, said parcel containing 186.98 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. 2758 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 1ST DAY OF DECEMBER 2020.

**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 Indian River School District to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a I-1 Institutional District for a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 186.98 acres, more or less (property lying on the east and west side of Patriot's Way) (Tax I.D. Nos. 133-7.00-8.01 & 133-11.00-105.00) (911 Address: 26026 Patriots Way, Georgetown & None Available).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Joe Booth was present on behalf of the Applicant, Indian River School District; that the current Sussex Central High School has a conditional use; that the change of zone to Institutional Zoning would be more appropriate than a conditional use; and that a proposed new school will be constructed adjacent to the existing high school.**
- C. Based on the Findings (1 through 9) of the Planning & Zoning Commission, Council found that:**
 - 1. This site was previously approved as a Conditional Use for a new school. I-1 Institutional Zoning is more appropriate than a Conditional Use for a new school.**
 - 2. This is a Change of Zone for the I-1 Zoning District. The I-1 Zoning District has permitted uses that focus on healthcare and institutional uses.**
 - 3. The rezoning is consistent with the stated purpose of the I-1 District, which is to allow public, quasi-public and institutional uses to occur on properties that are compatible with surrounding districts and uses. This site is the proposed location for the new Sussex Central High School. It is directly across the road from the existing Howard T. Ennis School and next to the existing Sussex Central High School. The purpose of the I-1 zoning and the permitted uses within the I-1 District are consistent with this area.**
 - 4. The rezoning will not adversely affect neighboring properties, public facilities, traffic or area roadways.**
 - 5. The rezoning to I-1 promotes the health, safety and general welfare of Sussex County and its present and future residents by providing a convenient location for needed schools.**
 - 6. Any further development of this site will require site plan review and approval of 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.**