

ORDINANCE NO. 2846

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS

WHEREAS, on the 18th day of August 2021, a zoning application, denominated Change of Zone No. 1950 was filed on behalf of Roxana Volunteer Fire Company; and

WHEREAS, on the 17th day of February 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. 1950 be approved; and

WHEREAS, on the 5th day of April 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 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 Baltimore Hundred, Sussex County, Delaware, and lying on the northeast side of Lighthouse Road (Route 54) approximately 0.53 mile northwest of Bayville Road (S.C.R. 58B) and being more particularly described in the attached legal descriptions prepared by Parkowski, Guerke & Swayze, P.A., said parcel containing 1.5 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. 2846 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 5TH DAY OF APRIL 2022.

**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 Roxana Volunteer Fire Company to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to an I-1 Institutional District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.5 acres, more or less (property lying on the northeast side of Lighthouse Road [Rt. 54] approximately 0.53 mile northwest of Bayville Road [S.C.R. 58B]) (911 Address: 36843, 36855, & 36873 Lighthouse Road) (Tax Parcels: 533-12.00-93.00, 93.01, & 93.02).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Mr. Russell Hooper, Jr. was present on behalf of this Application; that Mr. Hooper is the current President of Roxana Volunteer Fire Company (“Fire Company”) which is requesting that the zoning for subject parcels be changed from AR-1 Agricultural Residential Zoning District to I-1 Institutional District; that the Fire Company currently operates its substation on the middle parcel; that the substation covers the Route 54 corridor; that the substation has been operating under a previously approved Conditional Use permit since its inception in 1989; and that over the past year, the Roxana Volunteer Fire Company purchased the other three parcels to provide a block of property on the Route 54 corridor, where they feel a new fire station could be constructed.**
- C. Council also found that the Route 54 corridor is experiencing massive growth; that the current substation cannot house career staff and volunteer duty crews, and it does not provide the opportunity to establish a live-in program; that all these issues could be resolved with the construction of a new fire station; that the Fire Company ran roughly 1,700 combined EMS and fire calls in 2021; that, of those calls, 80% are located within the main response district of the substation; that having their career staff and the ability to house volunteer duty crews at the proposed station would cut their response time by more than 50% for more than 80% of service calls; that to build a proper fire station, they request to rezone the properties to I-1 Institutional Zoning District; that this will allow for better outline standards and guidelines for the design and engineering phase of the project; that public safety facilities, including ambulance, fire, police, rescue and national security are permitted uses within Section 24 of the I-1 Zoning in the County Code; and that approval of this Application is in the interest of public safety.**
- D. Based on the Planning & Zoning Commission’s the Findings (1 through 7), Council found that:**
- 1. This is a change of zone for the new I-1 Zoning District to allow the fire company to expand its existing site. The I-1 Zoning District has permitted uses that focus on healthcare and institutional used, and this use for a fire company is a permitted use.**
 - 2. 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 the properties that are compatible with surrounding districts and uses.**
 - 3. The rezoning will not adversely affect neighboring properties, public facilities, traffic, or area roadways.**
 - 4. The site is located along Route 54, which will provide convenient access to the public uses permitted under the I-1 Zone. This is an appropriate location for an expansion of the fire company’s existing station adjacent to this site.**
 - 5. The use as a fire station is of a public nature, and it will promote the health, safety, and welfare of the residents of Sussex County.**

- 6. No parties appeared in opposition to this application.**
 - 7. Any further development of the site shall be subject to the site plan review and approval of the Planning and Zoning Commission.**
- E. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this Application.**