

**ORDINANCE NO. 2202**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A PRIVATE SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.71 ACRES, MORE OR LESS**

**WHEREAS, on the 24<sup>th</sup> day of March 2011, a conditional use application, denominated Conditional Use No. 1895, was filed on behalf of Freedom Worship Center, Inc.; and**

**WHEREAS, on the 26th day of May 2011, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 9th day of June 2011, said Planning and Zoning Commission recommended that Conditional Use No. 1895 be approved with conditions; and**

**WHEREAS, on the 14th day of June 2011, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use 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, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article X, Subsection 115-71, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1895 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 Cedar Creek Hundred, Sussex County, Delaware, and lying southwest of Old Route 14 (Argos Corner Road) 1000 feet northwest of Road 224 (Slaughter Beach Road) and across from Road 224A (Rutt Road) and being more particularly described in Deed Book 3727, Page 53, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.71 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.**

**This Ordinance was adopted subject to the following conditions:**

- 1. The site shall comply with all agency requirements, including DelDOT.**
- 2. Any lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- 3. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- 4. The site shall be used for the school, and any activities that are typically associated with a school of this size.**
- 5. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2202 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF JUNE 2011.**

  
**ROBIN A. GRIFFITH**  
**CLERK OF THE COUNCIL**

**The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Fact:**

- 1. This application is made by Freedom Worship Center, Inc. pursuant to Section 115-71 of the Sussex County Zoning Code as a Conditional Use for a private school.**
- 2. The Conditional Use will renovate existing, but currently vacant, buildings in Argo's Corner. The buildings were previously used as a nursing home.**
- 3. The use will not adversely affect neighboring properties, the community, or traffic.**
- 4. The site is currently zoned B-1, which is an appropriate location for a school.**
- 5. A petition was presented in favor of the school signed by neighboring property owners. No parties appeared in opposition to the application.**
- 6. The Conditional Use promotes the health, safety, welfare and convenience of Sussex County residents and is a public or semi-public use.**
- 7. The 2008 Sussex County Comprehensive Plan Update promotes the use as a school.**

**8. Based on the record and recommendation of the Planning and Zoning Commission and the record created before the Council, the Conditional Use was approved subject to five (5) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**