

ORDINANCE NO. 2931

AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN FROM THE TIER 4 AREA (SYSTEM OPTIONAL AREAS) TO THE TIER 2 (SUSSEX COUNTY PLANNING AREA) IN RELATION TO TAX PARCELS 533-11.00-23.00, 23.03 & 23.04

WHEREAS, on September 27<sup>th</sup>, 2022, the Sussex County Planning and Zoning Office received an Application for a requested Comprehensive Plan Amendment to amend the Sussex County Sewer Tier Map element of the Comprehensive Plan to change the Sewer Tier designation of Sussex County Parcel Nos. 533-11.00-23.00, 23.03 and 23.04; and

WHEREAS, the Parcels comprise 31.83 acres of land, more or less, lying and being within Baltimore Hundred, and are located on the north side of Deer Run Road (S.C.R. 388) and the southwest side of Zion Church Road (Route 20), approximately 0.42 mile south of the intersection of Evans Road (S.C.R. 383) and Zion Church Road (Route 20);

WHEREAS, the Properties are designated as being within the Tier 4 – System Optional Areas as set forth in the Sussex County Sewer Tier Map as Figure 7.3-2 in the 2018 Comprehensive Plan for Sussex County;

WHEREAS, a portion of Parcel 23.00 contains the Future Land Use Map designation of Developing Area as set forth in the Sussex County 2045 Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan; and

WHEREAS, as noted in the Sussex County Comprehensive Plan, central sewer facilities are “strongly encouraged” within the Developing Area; and

WHEREAS, the remainder of the Parcels within this 31.83 acres of land contain the Future Land Use Map designation of Coastal Area as set forth in the Sussex County 2045 Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan; and

WHEREAS, as noted in the Sussex County Comprehensive Plan, central sewer facilities are “strongly encouraged” within the Coastal Area; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Sussex County Sewer Tier Map element of the Plan with minor amendments; and


WHEREAS, in accordance with the required process for public hearings on Ordinances such as this one, both the Sussex County Planning & Zoning Commission and the Sussex County Council will hold public hearings on this Ordinance but limited in scope to this specific proposed Amendment to the Sussex County Sewer Tier Map contained in the Plan.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Sussex County Sewer Tier Map identified as Figure 7.3-2 of the Sussex County Comprehensive Plan is hereby amended to change the Parcels currently classified as Tier 4 – System Optional Areas for Sussex County Parcel Nos. 533-11.00-23.00, 23.03 and 23.04 from the Tier 4 – System Optional Areas Sewer Tier designation to the Tier 2 – Sussex County Planning Area designation; Sussex County Parcel Nos. 533-11.00-23.00, 23.03 and 23.04 so changed as identified in Exhibit A, attached hereto and incorporated herein.

Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2931 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20<sup>TH</sup> DAY OF JUNE 2023.

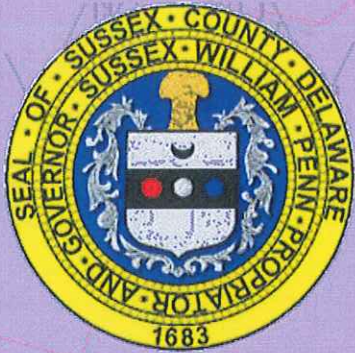
  
Tracy N. Torbert  
Clerk of the Council



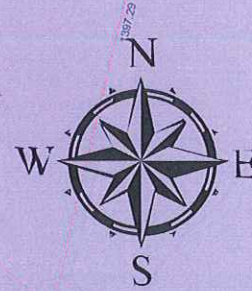
The Council found that the Application was appropriate legislative action based on the following Findings of Fact:

- A. This is an application to amend the Sussex County Sewer Tier Map of the Comprehensive Plan from the Tier 4 Area (System Optional Areas) to the Tier 2 (Sussex County Planning Area) in relation to tax parcels 533-11.00-23.00, 23.03 & 23.04” (properties lying on the southwest side of Zion Church Road [Route 20], approximately 605 feet northwest of Deer Run Road [S.C.R. 388], and the north side of Deer Run Road [S.C.R. 388], approximately 159 feet southwest of Zion Church Road [Route 20] (911 Address: 36054 Zion Church Road, Frankford) (Tax Map Parcels: 533-11.00-23.00, 23.03 & 23.04) (Zoning: AR-1 [Agricultural Residential]).
  
- B. Based on the record before the Planning & Zoning Commission, the hearing before the Sussex County Council and the Planning and Zoning Commission’s Findings (1 through 4), Council found that:
  - 1. The Sussex County Engineering Department is in favor of this map amendment and provided reasons in support of it.
  - 2. The property is currently within the Coastal Area and the Developing Area according to the Sussex County Comprehensive Plan. Both of these areas are “Growth Areas”, and the Plan suggests that “central sewer is strongly encouraged” in them. This Tier Map amendment is in furtherance of the goal of the Comprehensive Plan.
  - 3. This map amendment does not affect the future development of this property, which will require a separate public hearing in the future if and when any attempt to develop this property shall occur.
  - 4. No parties appeared in opposition to this map amendment request.
  
- C. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this Application.










**Exhibit A**  
**Ord. 23-01 - Proposed Sewer Tier Amendment from**  
**Tier 4 "System Optional Areas" to Tier 2 "Sussex**  
**County Planning Area"**  
**Tax Parcels: 533-11.00-23.00, 23.03 & 23.04**




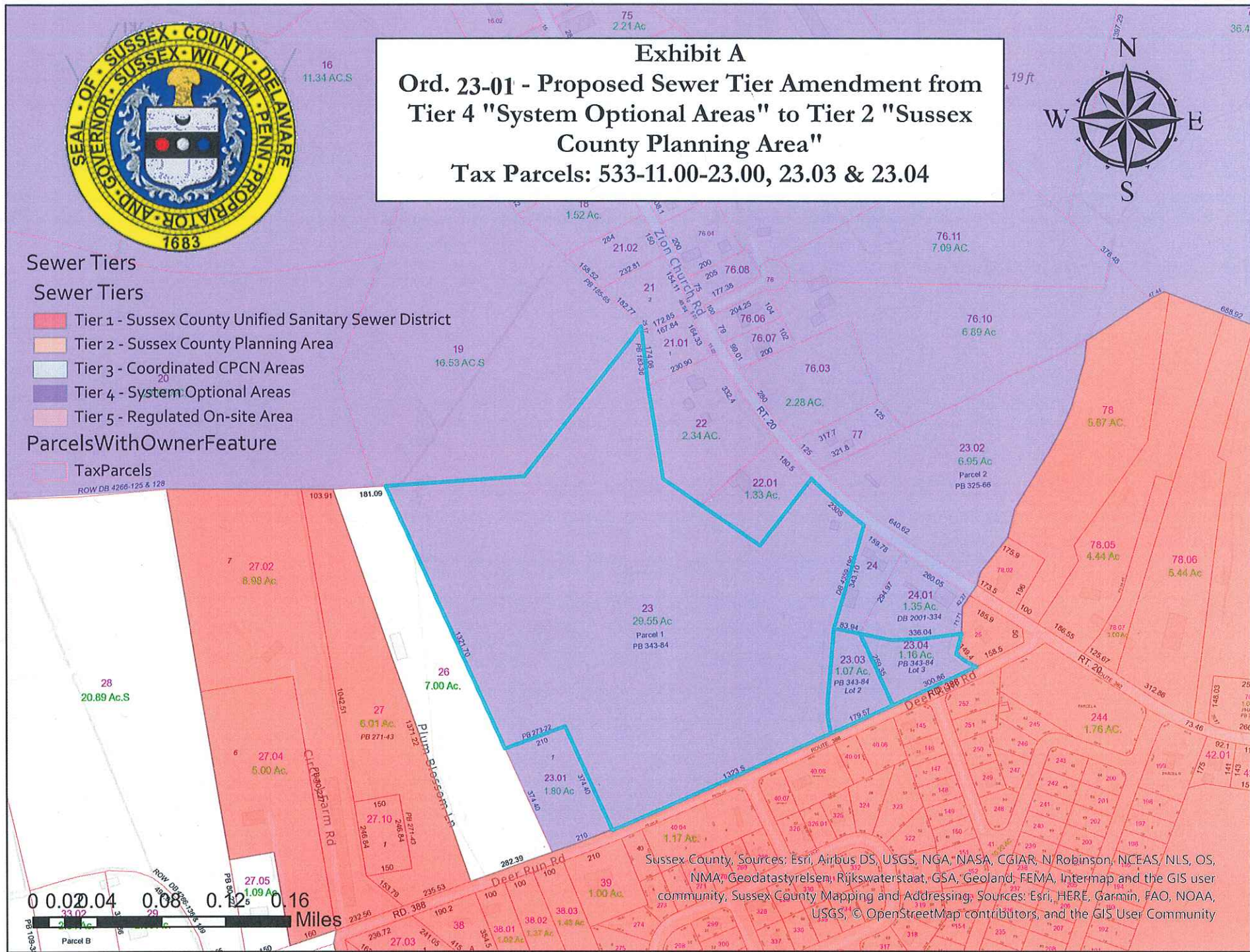
**Sewer Tiers**

**Sewer Tiers**

-  Tier 1 - Sussex County Unified Sanitary Sewer District
-  Tier 2 - Sussex County Planning Area
-  Tier 3 - Coordinated CPCN Areas
-  Tier 4 - System Optional Areas
-  Tier 5 - Regulated On-site Area

**ParcelsWithOwnerFeature**

-  TaxParcels



Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Mapping and Addressing, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community