

ORDINANCE NO. 2997

AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 533-11.00-23.02

WHEREAS, on September 27th, 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 No. 533-11.00-23.02; and

WHEREAS, the Parcel approximating 6.95 acres of land, more or less, lying and being within Baltimore Hundred, and located on the north side of Zion Church Road (Route 20), approximately 0.05 mile west of the intersection of Deer Run Road (S.C.R. 388) and Zion Church Road (Route 20);

WHEREAS, The Property is 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, The Property is designated as being within the 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 No. 533-11.00-23.02 from the Tier 4 – System Optional Areas Sewer Tier designation to the Tier 2 – Sussex County Planning Area designation; Sussex County Parcel No. 533-11.00-23.02 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.

The Council found that the Sewer Tier Map Amendment 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 in relation to Tax Parcel 533-11.00-23.02 (property lying on the northeast side of Zion Church Road [Rt. 20], approximately 275 feet northwest of Deer Run Road [S.C.R. 388]) (911 Address: N/A) (Tax Map Parcel: 533-11.00-23.02) (Zoning: AR-1 [Agricultural Residential]).
- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that David C. Hutt, Esquire, with Morris James, LLP, was present on behalf of the Ordinance Application; that currently the property is shown to be within a Sewer Tier 4 area, which is a “System Optional” area; that the current Application proposes a change to a Sewer Tier 2 area, which is a “Sussex County Planning Area”; that there was a previously approved Sewer Tier Map amendment, which was approved by County Council in June 2023, as Ordinance No. 2931; that this Ordinance was adopted for properties located on the western side of Zion Church Road; that the change in the

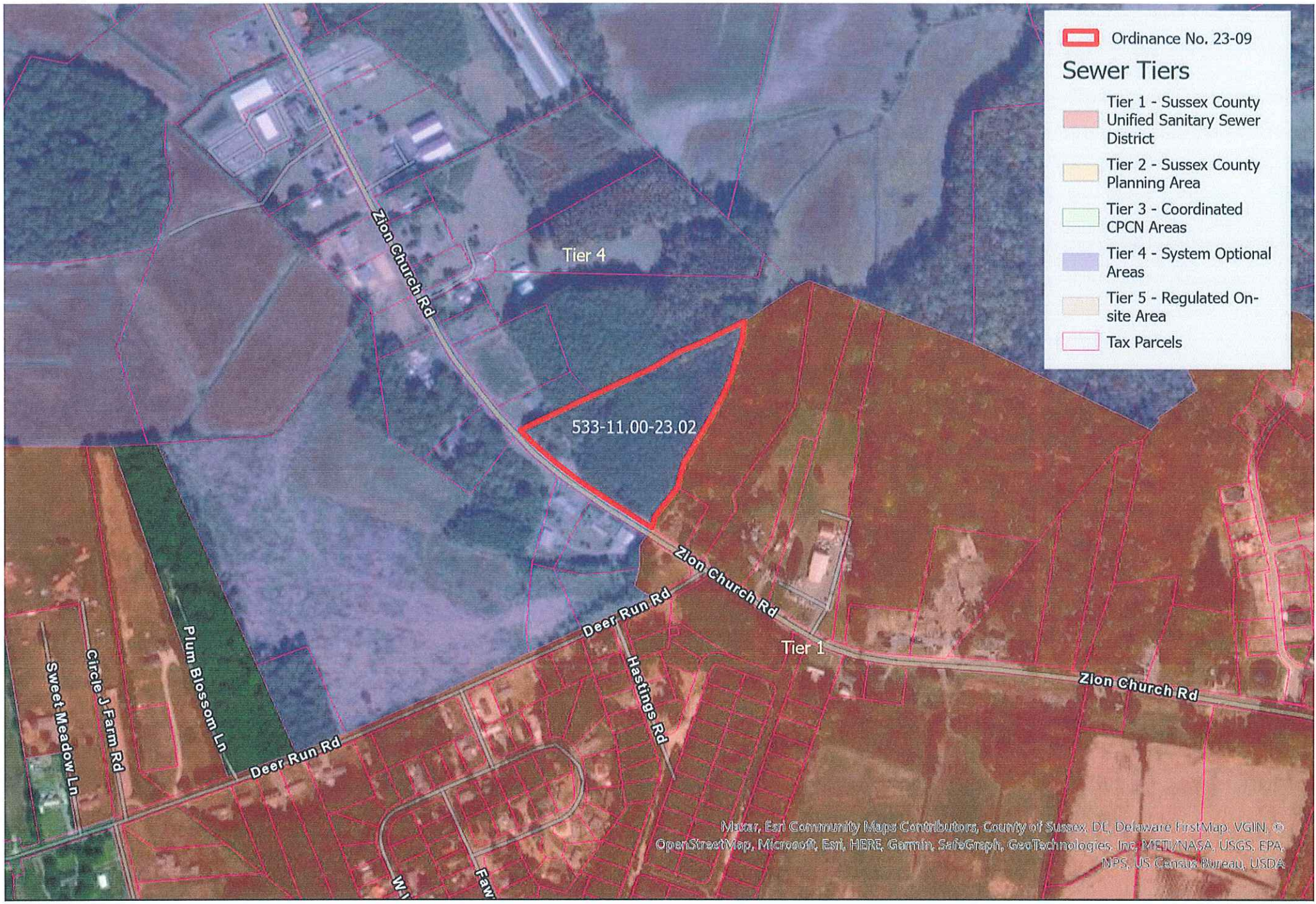
sewer tier is consistent with the Sussex County Comprehensive Plan and the Future Land Use Map categories; that with Chapter 4 it states, that central sewer facilities are strongly encouraged within the Future Land Use Map designation of the Coastal Area; and that the entire site is located within the Coastal Area.


- C. Based on the record created before the Planning & Zoning Commission and the Sussex County Council and based upon the Planning & Zoning Commission's and Sussex County Engineering Department's recommendations, Council approved this Application.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2997 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF APRIL 2024.









Tracy N. Torbert
Clerk of the Council



 Ordinance No. 23-09

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
-  Tax Parcels

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Exhibit A
 Ordinance No. 23-09
 AWH Properties, LLC
 FLUM - 533-11.00-23.02 (Sewer Tier Amendment)

 Ordinance No. 23-09

