

ORDINANCE NO. 3055

AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCELS 433-11.00-17.00 & 17.01

WHEREAS, on August 31st, 2023, 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. 433-11.00-17.00 and 17.01; and

WHEREAS, the Parcels comprise 0.96 acres of land, more or less, lying and being within Dagsboro Hundred, and are located on the east side of Dupont Boulevard (Route 113) on the north and south sides of Delaware Avenue (S.C.R. 54A), at the intersection of Dupont Boulevard (Route 113) and Delaware Avenue (S.C.R. 54A);

WHEREAS, The Properties are designated as being within the Tier 4 – System Optional Areas (Parcel #17.00) and undesignated (Parcel #17.01) 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 Parcels contains the Future Land Use Map designation of Developing Area as set forth in the Sussex County 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, 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. 433-11.00-17.00 and currently unclassified for Sussex County Parcel No. 433-11.00-17.01 from the Tier 4 – System Optional Areas Sewer Tier designation and unclassified designation to the Tier 2 – Sussex County Planning Area designation; Sussex County Parcel Nos. 433-11.00-17.00 and 17.01 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. 3055 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 29TH DAY OF OCTOBER 2024.


Tracy N. Torbert
Clerk of the Council

The Council found that the Future Land Use 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 from the Tier 4 Area (System Optional Areas) to the Tier 2 (Sussex County Planning Area) in relation to Tax Parcels 433-11.00-17.00 and 433-11.00-17.01. The properties are lying on the east side of Dupont Boulevard (Route 113) on the north and south sides of Delaware Avenue (S.C.R. 54A), at the intersection of Dupont Boulevard (Route 113) and Delaware Avenue (S.C.R. 54A). 911 Addresses: 34910 & 33913 Delaware Avenue, Frankford. Tax Map Parcels: 433-11.00-17.00 & 17.01. Zoning: C1 (General Commercial District).

- B. Based on testimony before the Planning and Zoning Commission and the public hearing before the Sussex County Council, Council found that Mr. Ray Blakeney, of Plitko Engineering, spoke on behalf the property owner, Mr. Travis Martin, who owns an existing business since 2006 on the property and currently it has a septic holding tank on site that serves both parcels and he wants to gain access to sewer; that it is better for his business and the environment; that both parcels are adjacent to the Tier 1 Sussex County Unified Sewer District; and that the request for this amendment is to change the classification to Tier 2 as part of their efforts to be annexed.

- 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.



State of Delaware, Maxar, Microsoft, VITA, Esri, HERE, Garmin, iPC

Ord 23-12
Sewer Tier Amendment - T Martin
TM# 433-11.00-17.00, 17.02

 **Ord 23-12 Travis Martin**



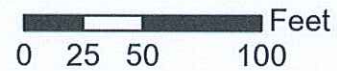
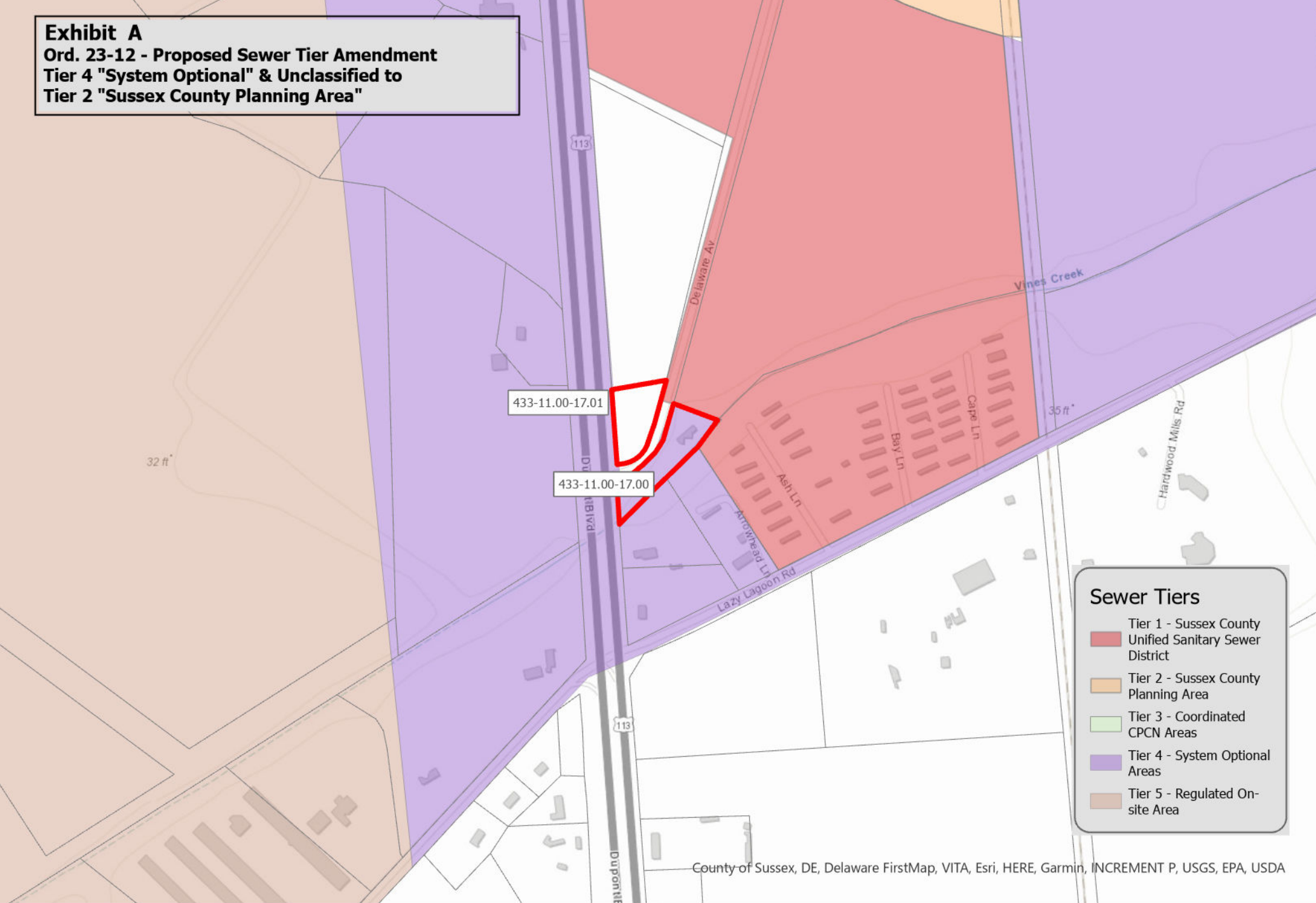
 Feet
0 25 50 100



Exhibit A
Ord. 23-12 - Proposed Sewer Tier Amendment
Tier 4 "System Optional" & Unclassified to
Tier 2 "Sussex County Planning Area"



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

County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Ord. No. 23-12 - Travis Martin
 Revise Sewer Tier 4 to Tier 2
 TM#s 433-11.00-17.00 & 433-11.00-17.01

Ord. No. (23-12) Sewer Tier 4 to Tier 2

Tax Parcels

Feet

0 125 250 500

N