

RESOLUTION NO. R 040 86

A RESOLUTION MODIFYING THE FOLLOWING MORATORIUMS IMPOSED BY THE SUSSEX COUNTY COUNCIL: (1) A MORATORIUM ON CHANGE OF ZONE OR CONDITIONAL USE PERMITS THAT INCREASE DENSITY IN THE EXISTING FENWICK ISLAND SANITARY SEWER DISTRICT, (2) A MORATORIUM ON CHANGE OF ZONE OR CONDITIONAL USE PERMITS ALONG ANY SUSSEX COUNTY ROADS JUDGED AT LEVEL OF SERVICE "C", "D", "E", AND "F" BY THE DELAWARE STATE HIGHWAY DEPARTMENT, AND (3) A MORATORIUM ON FURTHER CHANGE OF ZONE OR CONDITIONAL USE PERMITS IN THE AREA INVOLVED IN THE COASTAL SUSSEX LAND USE PLAN; AND IMPOSING A NEW ZONING APPLICATION PROCESS DURING THIS PERIOD OF LITIGATION

WHEREAS, the Sussex County Engineer has completed the necessary review of the capacity of the Fenwick Island Sanitary Sewer System; and

WHEREAS, the Sussex County Council has adopted new ordinances that place the cost of expanded sewer facilities on those who are responsible for that increase, both inside and outside of County operated sewer districts; and

WHEREAS, the Sussex County Council has been successful in getting the Delaware Department of Transportation to finally begin to face the road problems that they have ignored in Sussex County for the past sixteen (16) years; and

WHEREAS, through the efforts of the Sussex County Council and the Sussex County legislative delegation, the Delaware Department of Transportation has obtained the services of a consultant to suggest improvements to the highway system in Sussex County that will address the needs of not only the tourist traffic, but also the needs of the year-round residents of Sussex County; and

WHEREAS, the Sussex County Planning and Zoning Commission has completed work on the new Coastal Sussex Land Use Plan but is hesitant to recommend a course of action because of a recent Court decision that has bearing on the final Land Use Plan; and

WHEREAS, a number of exceptions to the moratoriums have already been granted and Council is faced with a growing list of requests for additional exceptions,

NOW, THEREFORE,

BE IT RESOLVED that the Sussex County Council immediately modifies the following moratoriums:

- (1) Moratorium on Change of Zone or Conditional Use permits that increase density in the existing Fenwick Island Sanitary Sewer District;
- (2) Moratorium on Change of Zone or Conditional Use permits along any Sussex County roads judged at level of service "C", "D", "E", and "F" by the Delaware State Highway Department; and
- (3) Moratorium on further Change of Zone or Conditional Use permits in the area involved in the Coastal Sussex Land Use Plan; and

BE IT FURTHER RESOLVED that the Sussex County Council will allow applications for Change of Zone or Conditional Use in the Coastal Sussex Land Use Plan area provided the application does not increase the existing density on the parcel in question; and

BE IT FURTHER RESOLVED that applications for Change of Zone or Conditional Use in the Coastal Sussex Land Use Plan area for B-1, C, M, and UB can be filed as long as the application does not involve a residential use; and

BE IT FURTHER RESOLVED that zoning applications approved under this process must be eighty percent (80%) developed prior to the acceptance of the County of another application in the Coastal Sussex Land Use Plan area within three (3) miles of the first application by the same or similar individual, partnership and/or corporation; and

BE IT FURTHER RESOLVED that this zoning application process will remain in effect until the Allen Decision has been overturned, sustained, or modified; thus allowing the Planning and Zoning Commission to proceed with the adoption of a new Land Use Plan for the Coastal Sussex area; and

BE IT FURTHER RESOLVED that this new process takes place immediately.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY  
OF RESOLUTION NO. R 040 86 PASSED BY THE COUNTY COUNCIL OF SUSSEX  
COUNTY ON THE 16TH DAY OF SEPTEMBER, 1986.

Emogene P. Ellis  
EMOGENE P. ELLIS  
CLERK OF THE COUNTY COUNCIL