

UNNUMBERED
2005

RESOLUTION

A RESOLUTION DIRECTING THE PLANNING AND ZONING OFFICE AND PLANNING AND ZONING COMMISSION NOT TO ACCEPT FURTHER APPLICATIONS FOR PRELIMINARY SUBDIVISION PLAN APPROVAL UNDER COUNTY ORDINANCE 1709, APPEARING IN THE COUNTY ORDINANCES IN SECTION 115-25, COMMONLY REFERRED TO AS THE "CLUSTER ORDINANCE"

WHEREAS, the County Council of Sussex County has the power and jurisdiction to regulate zoning and the uses of land in the unincorporated portions of the County and in such areas lying within corporate limits which are included under the jurisdiction of the County Zoning Ordinances upon request by the governing body of such City or Town; and

WHEREAS, the purpose of the Planning and Zoning power is to promote the health, safety, prosperity and general welfare of County citizens as well as the further purpose of securing coordinated and comprehensive plans for the use and development of land areas which are subject to the authority and control of County Government; and

WHEREAS, on August 3, 2004, County Council adopted Ordinance No. 1709 which was codified in the County Ordinances in Section 115-25 and which is hereafter referred to as the "Cluster Ordinance"; and

WHEREAS, the Cluster Ordinance allows persons seeking to subdivide lands within the AR-1 Agricultural Residential District to obtain more lot density than they could obtain under the ordinances relating to a standard major subdivision; and

WHEREAS, because of the ability to receive larger density in a cluster subdivision, the County has received a large number of applications under the Cluster Ordinance and anticipates that the number of Cluster Ordinance applications will continue and possibly increase; and

WHEREAS, County Council anticipates making modifications to the Cluster Ordinance and while it is considering and making such changes, it wishes to maintain the status quo by prohibiting the filing of additional applications under the Ordinance as currently written; and

WHEREAS, County Council is of the opinion that it would promote the health, safety, convenience, order, prosperity and general welfare of the present and future inhabitants of the County that no further cluster subdivision applications be accepted until the modification of the Cluster Subdivision Ordinance is completed; and

WHEREAS, the adoption of this Resolution directing the Planning and Zoning and Commission office not to accept or consider further cluster subdivision applications after the adoption of contemplated amendments to the Ordinance will not prevent the citizens of Sussex County from filing subdivision requests for standard subdivisions in the AR-1 zoning district, the Environmentally Sensitive Developing Area overlay districts and in the Town Center areas and it will not affect or limit the Commission's consideration of cluster subdivision applications filed prior to the effective date of this Resolution;


NOW, THEREFORE, the County of Sussex hereby resolves:

- 1. That the Planning and Zoning office and Planning and Zoning Commission shall not accept any applications for a major subdivision under County Ordinance 1709 adopted August 3, 2004 commonly known as the Cluster Subdivision Ordinance and codified in County Ordinances in Section 115-25 until the expiration of the time period set forth herein.**

2. The limitation period on the acceptance of cluster subdivision applications shall begin on the date this resolution is approved and shall expire 120 calendar days thereafter or on the date when Council has completed the adoption of contemplated amendments to the existing Cluster Subdivision Ordinance, if that occurs prior to the expiration of the 120 day period.

3. This Resolution shall be effective upon its adoption by a majority of all members of County Council.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 29TH DAY OF NOVEMBER 2005.



ROBIN A. GRIFFITH
CLERK OF THE COUNCIL