

July 23, 2009

In reply, refer to:

New Castle County Ord. 09-xxx (2009-xxxx-T)
Sewer Service Connection Exemption Text Amendment

Constance Holland, Director
Office of State Planning
122 William Penn Street
Haslett Armory, Suite 301
Dover, DE 19901-3636

Dear Ms. Holland:

The New Castle County Department of Land Use is submitting a copy of the above referenced ordinance to you and requesting that a review of this ordinance go through the Office of State Planning for a Preliminary Land Use Service (PLUS) Review and comment.

Ordinance 09-xxx will be on the September 1, 2009 New Castle County Planning Board Public Hearing agenda. New Castle County Council will have an opportunity to act on this amendment after the Planning Board Public Hearing.

Please submit the PLUS comments to the Department before the end of business on Friday, August 21, 2009.

If you have questions or concerns about this request, please do not hesitate to call me at 395-5434.

Sincerely,

Kenneth R. Bieri
Assistant Planning Manager

CC: Nicole Majeski
David Culver
George Haggerty

Enclosure

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination
122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Name of Municipality: NEW CASTLE COUNTY	
Address: 87 Reads Way New Castle, DE 19720	Contact Person: David Culver
	Phone Number: 302-395-5463
	Fax Number: 302-395-5983
	E-mail Address: krbieri@nccde.org

Date of Most Recently Certified Comprehensive Plan: July 31, 2007

Application Type:

Comprehensive Plan Amendment: NA

Text Amendment: Ord. 09-xxx (2009-xxxx-T) is a text amendment that will permit property adjacent to the public sewer service area to connect to the public sanitary sewer under certain conditions.

Other: NA

Comprehensive Plan Amendment or Municipal Ordinance prepared by:	
Address: Same as above	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

Maps Prepared by: NA	
Address:	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances

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Please describe the submission:

This Ordinance will permit parcels which are contiguous to a sewer district and which are bounded by actual sewer lines, to connect to the sewer district. Such connection shall not permit any increase in density.

See attachment for more detail.

ORDINANCE NO. 09 -

TO REVISE CHAPTER 40 OF THE *NEW CASTLE COUNTY CODE* (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE – UDC) REGARDING ARTICLE 12 (SEWER AND WATER IMPACT) TO PERMIT PROPERTY ADJACENT TO THE PUBLIC SEWER SERVICE AREA TO CONNECT TO THE PUBLIC SANITARY SEWER UNDER CERTAIN CONDITIONS

WHEREAS, existing sanitary sewer infrastructure is, in some instances, located immediately adjacent to existing or proposed uses; and

WHEREAS, it is preferable from an environmental perspective and a land use perspective to utilize existing infrastructure where available;

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 12 (“Sewer and Water Impact”), Section 40.12.390 (“Sewer Service Area Boundary” is hereby amended by adding the material that is underscored and deleting the material that is bracketed with strikethroughs, as set forth below:

When a sewer line runs along a sewer service area boundary line, contiguous parcels from outside the service area may also be served by the County sewer system provided such a connection is technically feasible, [~~the subdivision or land development is a minor plan,~~] the connection results in no increase in density, and the parcel owner pays a connection fee which shall include all costs associated with the connection as determined by the Department of Special Services. The Department of Special Services shall be responsible for maintaining and amending all maps depicting the sewer service areas located in New Castle County. The sewer service area maps shall be available for inspection at the Department of Special Services during normal business hours.

Section 2. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 3. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 4. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof and not as new enactments regardless if severability is possible.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive.

Approved on:

Adopted by County Council of
New Castle County on:

County Executive

President of County Council
New Castle County

SYNOPSIS: This Ordinance will permit parcels which are contiguous to a sewer district and which are bounded by actual sewer lines, to connect to the sewer district. Such connection shall not permit any increase in density.

FISCAL NOTE: This ordinance will have no discernable fiscal impact.