

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 18, 1997

Call to Order The regular meeting of the Sussex County Council was held Tuesday, March 18, 1997, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Dale R. Dukes	President
George J. Collins	Vice President
George B. Cole	Member
Finley B. Jones	Member
Lynn J. Rogers	Member

The meeting was opened by repeating the Lord's Prayer and Pledge of Allegiance to the Flag.

M 111 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Agenda approve the Agenda, as presented. Motion Adopted by Voice Vote.

M 112 97 A Motion was made by Mr. Jones, seconded by Mr. Rogers, to Approve Minutes approve the minutes of the previous meeting dated March 11, 1997.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 113 97 A Motion was made by Mr. Jones, seconded by Mr. Collins, to Approve Minutes approve the minutes of the Special Meeting (Land Use Plan Public Hearing) held on February 20, 1997.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 114 97 A Motion was made by Mr. Collins, seconded by Mr. Jones, to Approve Minutes approve the minutes of the Land Use Plan Workshop held on February 26, 1997.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Corre-
spondence

Mr. Bayard, County Attorney, read the following correspondence:

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Notice of Public Briefings on proposed amendments to its
Ground Water Protected Area Regulations for Southeastern
Pennsylvania.

DELAWARE RIVER BASIN COMMISSION, WEST TRENTON, NEW JERSEY.
RE: Notice of Commission Meeting and Public Hearing on appli-
cations for approval, none of which are located in Sussex
County.

MICHAEL R. TYLER, PRESIDENT, CITIZENS COALITION, INC., NASSAU,
DELAWARE.

RE: Letter thanking Council for establishing a three-year
contract to retain County Administrator Robert L. Stickels.

THE HONORABLE JOSEPH R. BIDEN, JR., UNITED STATES SENATOR,
WASHINGTON, D.C.

RE: Letter regarding Delaware's water and sewer system needs.

MARK G. SCHAEFFER, BROKER, CENTURY 21 SCHAEFFER ASSOCIATES,
REALTORS, DOVER, DELAWARE.

RE: Letter commending Sussex County employees Joni Gray and
Janet Adams for their professionalism and helpfulness.

Proposed
Procla-
mation

Mr. Stickels, County Administrator, read in its entirety a
Proposed Proclamation entitled "PROCLAIMING MARCH 19, 1997,
IN RECOGNITION OF DR. HARRIET SMITH WINDSOR, A LIFE-LONG
RESIDENT OF SUSSEX COUNTY". Dr. Harriet Smith Windsor will
be inducted into the Hall of Fame of Delaware Women on March
19, 1997.

M 115 97
Adopt
Procla-
mation

A Motion was made by Mr. Cole, seconded by Mr. Collins, to
Adopt the Proclamation entitled "PROCLAIMING MARCH 19, 1997,
IN RECOGNITION OF DR. HARRIET SMITH WINDSOR, A LIFE-LONG
RESIDENT OF SUSSEX COUNTY".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

League
of
Women
Voters
Booklet

Mrs. Hooper of the League of Women Voters of Sussex County
was in attendance to present to Council a supply of the
booklet they have published entitled "They Represent You".
This booklet provides names, addresses and phone numbers
of elected officials in Sussex County. The County Council
provides the funds for printing costs associated with this
publication.

Draft
Compre-
hensive
Land
Use
Plan

Mr. Stickels, County Administrator, discussed suggested revisions to the Draft Sussex County Comprehensive Land Use Plan. He distributed to Council a list of amendment options that were a result of the March 17, 1997 Public Hearing and the March 18, 1997 Workshop, as follows:

1. Farmland Preservation

- Support the Delaware Agricultural Lands Preservation Foundation.
- Recommend the Delaware General Assembly modify and/or expand existing program.
- Study a volunteer program for parcels of land less than 200 acres in areas that do not qualify for the State program.

2. AR-1 Lot Size - On-Site Septic Systems

- All lots unsewered be a minimum of 3/4 of an acre.

3. Development District Map

- Expand Development Districts to a 1-mile radius for towns that did not have a Development District in the 1988-1990 Land Use Plan.
- Remaining Development Districts will mirror 1988-1990 Land Use Plan Development District.

4. Conservation District - On-Site Septic Systems

- Develop ordinance requiring minimum lot size of two acres for unsewered areas in the Conservation District, supported by an ordinance for the Inland Bays and tidal waters.

5. Strip Development

- Four lots per parcel on non-arterial roads and one lot for every additional ten acres, with a maximum of four being allowed to be developed per year;
- All minor subdivisions on arterial roads must go before the Planning and Zoning Commission.

6. Manufactured Home Placement

- 3/4 - acre lots for AR-1 multi-sectional units, except where prohibited by private restrictions, and wherever permitted in a GR, and on a farm of ten acres or more;

Plan
(con't)

- Grandfather existing single-wide units to allow replacement with a manufactured home not more than five years old.
7. Sunsetting Subdivisions
 - Five years after final plan recordation of subdivisions.
 - No grandfathering of previously recorded subdivisions.
 8. TDR (Transfer of Development Rights)
 - Study feasibility of TDR Program.
 9. Density - Bonus or Credit
 - Study possible program as recommended by consultant.
 10. Intergovernmental Coordination
 - Boundary agreements between municipalities and County.
 - One mile from incorporated limits.

Additionally, Mr. Stickels reviewed the following proposed changes to the Final Draft (Dated March 10, 1997) of the Comprehensive Land Use Plan:

Land Use Plan Growth Management Districts and Area (Page 5)

Old:

The goal of the County is to have at least two-thirds of future growth occur around existing Towns and in designated Development Districts.

New:

The goal of the County is to have future growth occur around existing Towns and in designated Development Districts.

Town Center District - Location (Page 6)

Old:

The Town Center Districts are located in the areas surrounding Bridgeville, Seaford, Blades, Laurel, Milford, Georgetown, Millsboro, Dagsboro, Frankford, Selbyville, and Milton.

Plan
(con't)

New:

The Town Center Districts are located in the areas surrounding Bridgeville, Seaford, Blades, Laurel, Milford, Georgetown, Millsboro, Dagsboro, Frankford, Selbyville, Milton, Delmar and Lewes.

Development District - Location (Page 7)

Old:

The western Development District is primarily around Seaford, Laurel, Delmar, Milford and Georgetown.

New:

The Western Development District is primarily around Seaford, Laurel, Delmar, Milford, Georgetown, Greenwood, Bridgeville and Blades.

Development District - Guidelines for Infrastructure (Page 7)

Old:

A new County wastewater system will be required to serve the remaining areas where high density development occurs or where development impacts sensitive environments.

New:

A wastewater system will be required to serve the remaining areas where high density development occurs or where development impacts sensitive environments.

Development District - Guidelines for Density (Page 7-8)

Old:

With a public wastewater system - four dwelling units per acre for single-family detached homes, six dwelling units per acre for manufactured housing parks, and twelve dwelling units per acre for multi-family housing such as townhouses, apartments, condominiums, etc.

New:

With a public wastewater system - four dwelling units per acre, where permitted by ordinance, for single-family detached homes, six dwelling units per acre for manufactured home parks, and twelve dwelling units per acre for multi-family housing such as townhouses, apartments, condominiums, etc.

Plan
(con't)

Rural Community District - Guidelines for Housing Types (Page 11)

Old:

Housing types appropriate for the Agricultural Residential District are generally limited to single-family detached homes and double-wide manufactured homes except where prohibited by covenants.

New:

Housing types appropriate for the Agricultural Residential District are generally limited to single-family detached homes and multi-sectional manufactured homes except where prohibited by covenants.

General Guidelines for the Growth Management Districts and Area - Strip Development (Page 13)

This section is to be rewritten by Mr. Schafer of Whitman, Requardt and Associates to reflect that four lots will be permitted per parcel with an additional lot permitted for every additional ten acres, with a maximum of four per year.

Land Use Growth Management Strategies (Page 14)

Bullet No. One

Old:

Establish a five year time frame for sunseting recorded subdivisions which are not developed. Existing subdivisions would be grandfathered.

New:

Establish a five year time frame for sunseting recorded subdivisions which are not developed.

Bullet No. Two

Old:

Revise the Subdivision Regulations to correlate with the Comprehensive Plan. The revisions should incorporate innovative concepts for addressing key issues such as mixed-use development with multimodal transportation alternatives, visual quality, functional efficiency and environmental impact; and ensure the highest and best use of the land which creates a sustainable visual and cultural character.

Plan
(con't)

New:

Revise the Subdivision Regulations to correlate with the Comprehensive Plan. The revisions should incorporate innovative concepts for addressing key issues such as mixed-use development with multimodal transportation alternatives, visual quality, functional efficiency and environmental impact.

Bullet No. Three

Remains the same.

Bullet No. Four

Strike in its entirety

Bullet No. Five

Old:

Avoid rezoning approvals of new retail, commercial and industrial sites when local vacant sites and/or structures are available. Encourage linking enterprise initiatives to the strategies of the Comprehensive Plan which targets sites and/or structures served by public infrastructure and services which are clearly underutilized.

New:

Encourage linking enterprise initiatives to the strategies of the Comprehensive Plan which targets sites and/or structures served by public infrastructure and services which are clearly underutilized.

Bullet No. 6

Remains the same.

Bullet No. 7

Strike in its entirety.

Bullet No. 8

Strike in its entirety.

Bullet No. 9

Remains the same.

Plan
(con't)

Bullet No. 10

Remains the same.

Housing Growth Management Strategies (Page 32)

Old:

Single-wide manufactured housing can continue to be placed in manufactured housing parks or as a Special Exception under specified conditions.

New:

Single-wide manufactured housing can continue to be placed in manufactured housing parks.

Historic Preservation Element (Goal) (Page 38)

Old:

Preserve Sussex County's historic heritage in a manner which supports compatible growth and economic development.

New:

Preserve Sussex County's historic heritage.

Mr. Schafer of Whitman, Requardt & Associates indicated that an additional change to the Draft would be that "minimum lot size of 3/4 acres" would be substituted wherever "one dwelling per 3/4 acres" appears.

No action was taken on the adoption of the Draft Comprehensive Land Use Plan. It was the consensus of Council that additional time was needed to review comments/discussion of the March 17, 1997 Public Hearing and the March 18, 1997 Workshop.

Mr. Schafer advised that a final Draft would be prepared and available for Council's review on Friday, March 21, 1997, or at the latest, Monday, March 24, 1997.

County
Council
Meeting

It was also the consensus of Council that a County Council meeting be held on March 25, 1997, at 10:00 a.m. for the purpose of voting on the Draft Comprehensive Land Use Plan. A meeting was not previously scheduled on this date in accordance with the County's holiday schedule.

Visitor

Mr. Dukes recognized Ms. Stephanie Hansen, President of New Castle County Council, who was in attendance to observe Council's discussion and action on the Draft Comprehensive Land Use Plan.

Adminis-
trator's
Report

Mr. Stickels, County Administrator, read the following information in his County Administrator's Report:

1. Delaware State Police Troop 4 Status Report Month of February

The following hours of duty and enforcement were compiled by the uniformed patrol officers at Troop 4, Georgetown, Delaware, during the month of February 1997:

Total Hours On duty	3,456.50
Hours Assisted Other Agencies	38.0
Total Traffic Arrests	594
Total DUI Arrests	16
Accident Reports: Property Damage	44
Personal Injury	<u>16</u>
Total Accident Reports	60
Criminal Arrests: Felony	19
Misdemeanor	<u>187</u>
Total Criminal Arrests	206
Total 10-29 P's (wanted persons)	34
Total Number of Complaints	648

2. Land Use Related Public Hearings

For your information and to update your schedule, the Sussex County Council will be holding public hearings on the following ordinances:

- A. C-2 - 1:30 p.m. on April 1, 1997 - The Planning and Zoning Commission held a hearing on the ordinance on Thursday, March 13, 1997, and has tabled their decision.
- B. Sunsetting of Subdivisions - A public hearing will be held by the Planning and Zoning Commission on Thursday, April 10, 1997, at 7:30 p.m. The County Council will hold a hearing on Tuesday, April 29, 1997, at 1:30 p.m.
- C. One Acre Minimum Lot Size - A public hearing will be held by the Planning and Zoning Commission on Thursday, April 10, 1997, at 7:30 p.m. The County Council will hold a hearing on Tuesday, April 29, 1997, at 1:30 p.m.
- D. Deleting Provisions Relating to Outdoor Burning - A public hearing will be held by the Planning and Zoning Commission on Thursday, April 24, 1997, at 7:30 p.m. The County Council will hold a hearing on Tuesday, May 23, 1997, at 1:30 p.m.

Adminis-
trator's
Report
(con't)

3. Land Use and Infrastructure Study Committee and Technical Advisory Group Meeting

The first meeting of the Delaware Public Policy Institute Land Use and Infrastructure Study Committee will be held on Friday, March 21, 1997, in Room 105 of Arsht Hall at the Wilmington Campus of the University of Delaware. The meeting will start at 9:00 a.m. Mr. Dale R. Dukes, Mr. George J. Collins, and Mr. Robert L. Stickels will be participating on behalf of the County Council in this Study Committee.

Public
Hearing
HPG
Program

A Public Hearing was held to give all citizens an opportunity to participate in the development of a preapplication to the United States Department of Agriculture, Farmers Home Administration, for a grant under Section 533 of the Housing Act of 1949, 42 U.S.C. 1490(M), as amended, and known as the Housing Preservation Grant Program (HPG).

The primary objective of the HPG Program is the development of viable rural communities, including decent housing and a suitable living environment, principally for persons of low and very low income. It is also a primary objective to alleviate or remove health or safety hazards of homes to meet applicable development standards or make needed repairs to improve the general living conditions of the resident(s), including improved accessibility by handicapped persons.

The preapplication will be submitted in the amount of \$50,000; \$40,500 for Housing Rehabilitation Grants and \$9,500 for Administration. The Statement of Activity was introduced; it is proposed that the (HPG) funds be utilized to improve the substandard conditions of approximately ten households; nine grant recipients will be very low income and one will be low income. The program funds will be used to underwrite the costs of materials and labor from licensed contractors. All prospective grantees would have to meet Section 8 income guidelines.

Public comments were heard and the Public Hearing was closed.

M 116 97
Adopt
Resolu-
tion
No.
R 017 97
HPG
Program

A Motion was made by Mr. Rogers, seconded by Mr. Collins, to Adopt Resolution No. R 017 97 entitled "ENDORING PROJECT TO BE SUBMITTED TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, FARMERS HOME ADMINISTRATION, FOR FUNDING AND AUTHORIZING ROBERT L. STICKELS, COUNTY ADMINISTRATOR, TO SUBMIT PRE-APPLICATION".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Old Business/ Proposed Ordinance Entitled Sub-division of Land

The Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED "SUBDIVISION OF LAND", TO AMEND PROVISIONS RELATING TO THE DEFINITION OF MAJOR AND MINOR SUBDIVISIONS AND TO AMEND PROVISIONS RELATING TO THE APPROVAL OF CERTAIN SUBDIVISIONS" was discussed. A Public Hearing was held on this Proposed Ordinance on February 18, 1997, at which time the Public Hearing was closed and action was deferred. Mr. Lank, Director of Planning and Zoning, advised Council that the Planning and Zoning Commission has recommended that this Proposed Ordinance be denied. Mr. Stickels, County Administrator, advised that the form of the Proposed Ordinance is not consistent with the proposed changes to the Draft Comprehensive Land Use Plan and that it needs to be rewritten. Action was deferred. The form of the Proposed Ordinance will be rewritten and placed on the agenda for the March 25, 1997, meeting.

Old Business/ Proposed Ordinance Pertaining to VRP District

The Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE XVII, WHICH PERTAINS TO THE VRP VACATION-RETIREMENT-RESIDENTIAL-PARK DISTRICT ZONING CLASSIFICATION, BY AMENDING SETBACK REQUIREMENTS" was discussed. A Public Hearing was held on this Proposed Ordinance on February 18, 1997, at which time the Public Hearing was closed and action was deferred. Mr. Lank, Director of Planning and Zoning advised Council that the Planning and Zoning Commission has recommended that this Proposed Ordinance be approved.

M 117 97 Adopt Ordinance No. 1128 (VRP District)

A Motion was made by Mr. Cole, seconded by Mr. Collins, to Adopt Ordinance No. 1128 entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, DELAWARE, BY AMENDING ARTICLE XVII, WHICH PERTAINS TO THE VRP VACATION-RETIREMENT-RESIDENTIAL-PARK DISTRICT ZONING CLASSIFICATION, BY AMENDING SETBACK REQUIREMENTS".

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

Old Business/ Proposed Ordinance Entitled Zoning

The Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ENTITLED "ZONING", TO AMEND PROVISIONS RELATING TO THE PLACEMENT AND REGULATION OF MOBILE HOMES AND TO PROVIDE MINIMUM STANDARDS FOR MOBILE HOMES IN CERTAIN DISTRICTS" was discussed. Mr. Lank, Director of Planning and Zoning advised Council that the Planning and Zoning Commission recommended that this Proposed Ordinance be denied. Mr. Stickels, County Administrator, advised that the form of the Proposed Ordinance is not consistent with the proposed changes to the Draft Comprehensive Land Use Plan and that it needs to be rewritten. Action was deferred. The form of the Proposed Ordinance will be rewritten and placed on the agenda for the March 25, 1997, meeting.

Proposed Ordinance Mr. Collins introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A THREE LOT ADDITION TO AN EXISTING MANUFACTURED HOME PARK (CONDITIONAL USE NO. 263 AND CONDITIONAL USE NO. 465) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17,302 SQUARE FEET OF 14.41 ACRES, MORE OR LESS" (Conditional Use No. 1179) filed on behalf of Destination Developments, Inc.. The Proposed Ordinance will be advertised for Public Hearing.

M 118 97 Councilmanic Grant A Motion was made by Mr. Rogers, seconded by Mr. Collins, to give \$800.00, \$400.00 from Mr. Cole's Councilmanic Account and \$400.00 from Mr. Rogers' Councilmanic Account, to the Cape Henlopen High School for the Cape Henlopen Band and Chorus trip to Toronto, Canada, for the Toronto Classic Music Festival.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Yea

M 119 97 Recess At 11:45 a.m., a Motion was made by Mr. Collins, seconded by Mr. Jones, to recess until 1:30 p.m. Motion Adopted by Voice Vote.

Reconvene Mr. Dukes called Council back into session at 1:35 p.m.

Public Hearing (C/U 1176) A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A USED CAR SALES FACILITY BY DELETION OF THE STIPULATION "ONE ON-PREMISE SIGN, NOT EXCEEDING 32 SQUARE FEET ON BOTH SIDES OR FACINGS, SHALL BE PERMITTED" TO ALLOW A LARGER SIGN, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.37 ACRES, MORE OR LESS" (Conditional Use No. 1176) filed on behalf of Charles Daisey. There were no public comments and the Public Hearing was closed.

M 120 97 Adopt Ordinance No. 1129 (C/U 1176) A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt Ordinance No. 1129 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A USED CAR SALES FACILITY BY DELETION OF THE STIPULATION "ONE ON-PREMISE SIGN, NOT EXCEEDING 32 SQUARE FEET ON BOTH SIDES OR FACINGS, SHALL BE PERMITTED" TO ALLOW A LARGER SIGN, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 1.37 ACRES, MORE OR LESS" (Conditional Use No. 1176) filed on behalf of Charles Daisey, with the following conditions:

1. One illuminated sign, not exceeding 48 square feet per side or facing, shall be permitted.

M 120 97
(con't)

2. The maximum height of the sign shall not exceed 25 feet.
3. The lights on the sign shall be turned off at the closing of business hours.

Motion Adopted: 4 Yea, 1 Nay.

Vote by Roll Call: Mr. Cole, Yea; Mr. Rogers, Yea;
Mr. Jones, Yea; Mr. Collins, Yea;
Mr. Dukes, Nay

Findings
of Fact

The Council found that the conditional use was appropriate legislative action based on the following findings of fact:

1. The applicant established by substantial evidence that the proposed use will serve his existing business and will have no adverse impact on the character of the neighborhood, property values therein, traffic or the environment in the area.
2. The findings of fact and recommendations of the Planning and Zoning Commission are incorporated herein.

Public
Hearing
(Sub-
division
No. 96-
28)

A Public Hearing was held on the appeal of the Sussex County Planning and Zoning Commission's decision to deny an application of Nolan E. Banks and Milton Banks for the subdivision of land in an AR-1 Agricultural Residential Zoning District in Broadkill Hundred by dividing 31.90 acres into 39 lots, located on the north side of Road 238, 3,658 feet east of Road 240. (Subdivision No. 96-28 -- Milton Woods) The Planning and Zoning Commission denied this application based on the following: (1) The site is poorly drained. (2) It is a loss of agricultural land. and (3) It would be out of character with the neighborhood. Public comments were heard and the Public Hearing was closed. Action was deferred. County Council will take this matter under advisement.

M 121 97
Adjourn

A Motion was made by Mr. Jones, seconded by Mr. Collins, to adjourn at 2:20 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,



Robin A. Griffith
Clerk of the County Council