

## MINUTES OF THE SPECIAL MEETING OF JUNE 29, 2000

A special meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, June 29, 2000 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 P.M. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Johnson, Mr. Lynch, and Mr. Wheatley, with Mr. Schrader - Assistant County Attorney, and Mr. Lank - Director.

### 1.) Subdivision Ordinance

Mr. Lank advised the Commission that he has asked Steve McCabe, Director of Public Works for the County Engineering Department, to attend this meeting to give the Commission an overview of some of the problems that the Engineering Department has faced on different projects during their reviews.

Mr. Schrader discussed some of the problems that the Engineering Department has had to deal with and some complaints about review of final plans and the amount of review time.

Mr. McCabe discussed review time for different projects and noted that some projects have to be reviewed several times. Mr. McCabe described the Technical Advisory Committee process, the final plan review process, fees to the Engineering Department, the quality of plans and the number of plans being reviewed.

There was a consensus of the Commission that Mr. Lank should write a letter on behalf of the Commission to Michael Izzo, County Engineer, suggesting that the Engineering Department should expand their final plan review time to 30 days for review of a project of less than 100 lots/units, and 45 days for final plan review of a project of more than 100 lots/units. It was also noted that the Engineering Department should consider a 30/45-day review time for re-submittal of plans that have been returned to an applicant for corrections, and that additional fees may be appropriate.

Mr. Schrader added that all plans approved should be conditioned that no site preparation, site disturbance, excavation, or other construction shall be commenced until all other permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plans recorded,

Mr. McCabe added that cemeteries and/or tombstones have been found on some site and that some disturbance has occurred prior to knowledge of the Engineering Department, and that some regulations may be necessary.

Mr. McCabe discussed clearing permits and reforestation.



There was a consensus of the Commission that Mr. Lank proceed with a general review and upgrade of the Subdivision Ordinance to bring the Ordinance up to date.

The Commission discussed the revised draft of the Ordinance on notice provisions for Subdivisions and agreed that line 37 on page 1 should be revised to read "shall" and not "may"; that lines 31 and 32 referencing "D" on page 2 should be deleted; and that Section 2 on lines 16 through 19 of page 3 should be revised. Mr. Schrader to make revisions for the Commission to review at the next regular meeting.

## 2.) RPC Ordinance

Mr. Lank provided the Commission members with copies of the RPC Section of the Zoning Ordinance for their review.

Mr. Lank and Mr. McCabe stated that several issues have come up relating to interpretation of what was a primary street, a collector street, and driveways serving parking lots; that some of the engineering firms attempt to design the streets as parking lots to get out of deducting the streets from density calculations; that there should not be any parking on primary or collector streets; that RPC Residential Planned Communities should be reviewed by the Technical Advisory Committee prior to submittal for public hearings with the Commission and County Council; that streets and parking areas should be determined for safety purposes; that it may be necessary to insert a RPC type of ordinance in the Subdivision Ordinance; that stormwater management areas should not be calculated as open space; and that percentages of open space should be determined.

The Commission discussed the a draft Ordinance that modifies the method of calculating the number of permitted dwelling units in an RPC District by excluding federally-defined wetlands and golf courses from the calculation.

There was a consensus of the Commission that they would consider excluding all wetlands and some stormwater management areas from the calculation, but were not receptive to excluding golf courses.

There was a consensus of the Commission that amendments to the RPC Ordinance could include definitions of streets; that street standards should be established for parking areas and streets; that percentages of open space should be considered; that all wetlands and stormwater management areas could be excluded from the density calculation; that a project should conform to the Subdivision Ordinance; that RPC projects should be required to be reviewed by the Technical Advisory Committee prior to be accepted for application and public hearings; and that the Ordinance should be clear that no site preparation, site disturbance, excavation, or other construction shall be commenced until



all other permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded

It was noted that Mobile Home Parks and Campgrounds Ordinances also need to be reviewed in relationship to street improvements.

### 3.) Scheduling of Agendas

The Commission discussed scheduling of agendas for public hearings.

It was noted that Subdivisions have a specific schedule or time limit for submittal and that sometimes the Subdivisions take precedence over other applications for public hearing because of the scheduling in the Subdivision Ordinance. An application for preliminary Subdivision may take 45 days from application to public hearing. An application for change of zoning or Conditional Use may take 10 weeks if not impacted by scheduling of Subdivisions, or 14 to 16 weeks or more if Subdivisions are scheduled.

Mr. Schrader suggested that documentation should be submitted to the Commission at least 72 hours prior to a public hearing if an applicant wants to the Commission to review the documentation.

Mr. Schrader suggested that it might be necessary for the Commission to schedule special meetings for review of Other Business items and Old Business items once a week or once every two weeks.

The Commission discussed the type of items that are scheduled for review as Other Business, i.e. cellular towers, lots along Routes 1, 13, 113, 404, and 9. There was a consensus of the Commission that the list of Conditional Uses should be reviewed and that some of the items listed are more appropriate as Special Use Exceptions, not Conditional Uses, and referenced specifically cellular towers, chicken houses on less than 5 acres.

The Commission discussed changing the meeting time to 7:00 P.M.

### 4.) Vendors

The Commission discussed vendors within commercial areas. Mr. Lank described some of the recent applications for vendors at outlet centers, and large stores, selling goods from carts and wagons, that rumors are spreading that the application form is a permit.

5.) Additional Business

There was a consensus of the Commission that Mr. Schrader and Mr. Lank should start preparing draft Ordinances for review relating to all the issues addressed above.

The Commission reviewed and discussed a draft Ordinance proposing to permit mobile homes on individual lots of 1/2 acre or more, rather than 3/4 acre or more as presently permitted. There was a consensus of the Commission that they were not in favor of such an Ordinance.

Meeting adjourned at 9:35 P.M.