

MINUTES OF THE SPECIAL MEETING OF AUGUST 2, 1990

A special meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, August 2, 1990, at 7:30 P.M. in the Council Chambers, Room 115, the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Ralph, Mr. Hickman, Mrs. Monaco, Mr. Smith, Mr. Berl - Attorney, and Mr. Lank - Director.

1. RE: Western Sussex Land Use Plan

Mr. Lank advised the Commission that Whitman, Requardt, and Associates forwarded a revised map today which substantially reduced the area of the development district.

Mr. Lank exhibited the existing land use map and the revised map.

The Commission discussed the map in general.

The Commission discussed the Land Use Plan and certain items of concern.

There was a consensus of opinion of the Commission that a minimum lot size of one (1) acre be considered in all districts for lots intending on-site individual septic systems including the agricultural district and conservation zone, and that lot sizes be based on zoning district requirements if the site is served by central sewer and water.

There was a consensus of opinion of the Commission that a twenty (20) foot buffer zone from State designated tidal wetlands, as required by the Zoning Ordinance, be considered rather than a one hundred (100) foot buffer zone.

There was a consensus of opinion of the Commission that Federal 404 wetlands boundaries should become the building restriction line.

There was a consensus of the Commission that a minimum water frontage of 150 feet be considered for the Nanticoke River and its tributaries.

The Commission discussed, specifically, the Implementation Section of the Executive Summary.

There was a consensus of the Commission that the following changes should be considered in the Implementation Section:

1. In reference to "Preserve and Protect Critical Natural Resource Areas", delete item 1.
2. In reference to "Nanticoke River Environmental Development Protection", delete item 1 and amend item 4 by changing 100 foot buffer to 20 foot buffer on line 1.
3. In reference to "Protect the Agricultural and Preserve Critical Agricultural Lands", delete items 1 and 4 and amend item 2 by changing the minimum lot size from 3 acres to 1 acre and eliminate reference to clustering.
4. In reference to "Provide the complete range of innovative housing options which will satisfy the needs of all income levels of Western Sussex Residents", replace the first word in item 3 "Construct" with "Encourage" and delete item 6 in its entirety.
4. In reference to "Transportation Issues and Major Arterial Corridor Preservation", delete items 4, 5, and 8 and revise item one by adding "capacity" between future and improvements on line one.
5. In reference to "Groundwater Supply and Wastewater Treatment and Disposal", delete item 5.
6. In reference to "Public Facilities and Services", delete item 2 in its entirety except the last sentence.
7. In reference to "Sunset Ordinance", delete "Retroactive" from the title and rewrite the item to create deadline of January 1, 1996.
8. In reference to "Reevaluation of Undeveloped Land", delete the section.
9. In reference to "Zoning Amendment Sunset Ordinance", change two (2) years to four (4) years on the first line.
10. In reference to "Schedule of Proposed Zoning Amendments", delete the section.
11. In reference to "Sunset Regulation", delete "Retroactive" from the title and combine the first item by creating a deadline of January 1, 1996, and delete the items on Sunset Regulations and Public Infrastructure Construction Bond.

A Revised Implementation Section shall be prepared.

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The Commission discussed the Land Use Plan Map and revised Map.

There was a consensus of the Commission to review the agency comments received since June 21, 1990, and discuss the comments at the next Commission meeting.

Meeting Adjourned at 10:00 P.M.

IMPLEMENTATION

The key planning concerns of the Study Area are often in conflict with one another which evidences the complex and diverse problems that must be addressed in the development and future implementation of the Western Sussex Land Use Plan. The following are the major goals of the Western Sussex Land Use Plan. For each goal various alternative implementation tools have been provided for future consideration.

Preserve and Protect Critical Natural Resource Areas

1. Designate areas of known critical natural interest as Conservation Districts within the Western Sussex Land Use Plan with short-term development guidelines, that may become permanent County regulations if not superseded by future State legislation.

Nanticoke River Environmental Development Protection

1. Designate the Nanticoke River and its major tributaries including their adjacent floodplains or a 1,000' area along their edges, whichever is greater, and designate this as a Conservation District within the Western Sussex Land Use Plan.
2. Develop strict subdivision regulations to protect the environment both during construction and future use of developed areas.
3. Develop Zoning and Subdivision Regulations which provides a 20' buffer on either side of the Nanticoke River and major tributaries as shown on the Land Use Plan as areas where no construction or land use of any kind, with the exception of passive recreation, can occur.

Protect the Agricultural and Preserve Critical Agricultural Lands

1. Revise AR-1 and AR-2 District minimum lot size to one acre.
2. Depend on future measures to preserve agricultural land such as the proposed legislation to create Agricultural Districts and an Agricultural Land Preservation Foundation.

Provide for the complete range of Innovative housing options which will satisfy the needs of all income levels of Western Sussex Residents

1. Provide housing opportunities in and adjacent to incorporated towns with existing infrastructure to reduce minimum single-family dwelling unit land and construction costs, and to allow for multi-family developments with both rental and purchase units.

2. Utilize various low and moderate income home loan and housing subsidy programs to assist financing costs for minimum size lots and construction measures which meet recommendations to insure human health and environmental conditions.
3. Encourage County regional water and wastewater treatment facilities for the Development District which will allow much more flexibility in development density especially for multi-family housing.
4. Promote and utilize cluster development where public water and sewer is provided to allow for communal open space and savings in development costs. Clustering concentrates the number of allowable units on the most buildable part of the tract, leaving the rest open.

Clustering permits variation in lot size, shape and orientation without an increase in the overall density of population or development. It preserves open space, tree cover, scenery, natural drainageways and outstanding topography, as well as permitting development of marginal land. In addition, clustering prevents soil erosion by permitting development according to the nature of the terrain and storm runoff is reduced since there is less paved area. Clustering also facilitates attractive and economical site design and it allows for the better overall use of land.

5. Promote and Utilize Residential Planned Community (RPC) development where public water and sewer is provided by means of a flexible but unitary plan which integrates housing types, circulation systems, some non-residential facilities, and clusters dwellings for the conservation of open spaces and natural features. An RPC would be encouraged for tracts exceeding 40 acres and would require central water and sewers for development. An RPC would include a mix of single family and townhouse housing types. Clustering would be encouraged for single family development. Related commercial and recreational uses could be combined with the residential development as well as an open space/park network, and means for pedestrian circulation.
6. Develop Subdivision Regulations stipulating the performance standards for all manufactured homes proposed to be sited within or adjacent to a traditional custom built home community. These performance standards should identify the minimum exterior design standards and lot sizes for manufactured homes which are compatible with the existing and apparent future trend of traditional custom built homes in the community.

Transportation Issues and Major Arterial Corridor Preservation

1. Currently the Delaware Department of Highways has no plans for future capacity improvements for any highways in Sussex County, except those previously discussed. To initiate a program for the improvement to the County road system, the County should petition the State to conduct local traffic surveys during the peak hours of all seasons to determine local residential traffic needs. Following the completion of this analysis, a capital funding program should be set up by the State to construct improvements as they are required over the time span of the Land Use Plan.
2. To satisfy the needs of the proposed major arterial corridor preservation concept, regulations will need to be initiated which provide design elements such as minimum lot sizes and lot depths from public roadways, and requirements for service roads when major subdivisions or commercial developments are proposed.
3. Develop Ordinance to prevent strip development along arterial roads.
4. Develop Subdivision Regulations to require residential development to utilize existing inner roads or new service roads to eliminate direct driveway access to arterial roads.
5. Develop Subdivision Regulations to prevent private driveways from being permitted access onto major arterials and should be limited on minor arterials to one per existing lot.
6. Develop Subdivision Regulations requiring all major commercial and industrial development to provide service roads adjacent to all major and minor arterial roadways.

Groundwater Supply and Wastewater Treatment and Disposal

1. Increase minimum lot size in all non-seweraged areas to one acre.
2. Require that all necessary soils and water quality tests are conducted and the appropriate on site well and septic system design criteria established before subdivision can occur.
3. Establish impact fees for the subdivision of non-seweraged areas equivalent to seweraged areas and establish a trust fund to finance future water and sewer projects as they are required.
4. Establish buffer zone requirements between confined feeding and directly related agricultural activities and residential or other non-agriculture development.

Public Facilities and Services

1. Actively promote the planning and expansion of all public facilities and services at a rate that will maintain pace with the future development of Western Sussex County. The County should always maintain current property value assessments.

Zoning Ordinance

One of the most important factors in managing growth in Sussex County could be revisions to the existing zoning ordinance and the zoning map. These revisions may well require changes to Sussex County's philosophy of zoning. Future development should follow the Western Sussex Land Use Plan which is to be adopted by December 31, 1990.

Future development should not be considered in areas where adequate public facilities are not present or planned in the immediate future. The existence of a zoning category does not give anyone the right to request or use that zoning density anywhere in the County. Such decisions must be based upon many factors including the environment, the need for the development and the facilities required to serve the development. Revisions to the Zoning Ordinance and Map are required to reflect actual development trends which have occurred in the past and are likely to occur in the future. Various steps are required to initiate revisions to the Zoning Ordinance and Map. The following is a summary of these steps.

Sunset Ordinance

Establish a retroactive Sunset Ordinance for the down zoning of all land zoned before January 1, 1986, that is not subdivided or developed by January 1, 1996. Down zoned land shall revert to an Agricultural Residential zone.

Zoning Amendment Sunset Ordinance

Establish a Sunset Ordinance that identifies a four (4) year time frame from approval date of zoning map amendment in which the subdivision or development plan process must be initiated or zoning map amendment is nullified.

Subdivision Regulations

Some revisions will be required in the Subdivision Regulations to coordinate them with the Western Sussex Land Use Plan and revisions to the Zoning Ordinance and Map. The actual revisions to the subdivision regulations should incorporate many innovative concepts for addressing the key planning issues acknowledged during the preparation of the Western Sussex Land Use Plan. Various steps are required to initiate revisions to the Subdivision Regulations. The following is a summary of these steps.

1. Sunset Regulations

Establish a retroactive Sunset Regulation for the close-out of all plats that were recorded before January 1, 1986, that do not show substantial construction to be initiated by January 1, 1996. This regulation should identify a time frame in which all plats recorded from January 1, 1986, to the adoption of the regulation, that do not show substantial construction by January 1, 1996, are nullified. A time frame shall also be established for all subdivisions, created after the adoption of the regulation.