

MINUTES OF THE SPECIAL MEETING OF SEPTEMBER 19, 2002

A special meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, September 19, 2002 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 P.M. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Gordy, Mr. Johnson, Mr. Lynch, and Mr. Wheatley with Mr. Schrader – Assistant County Attorney, Mr. Lank – Director, and Ms. Mowbray – Zoning Inspector III.

Also in attendance was Robert Stickels, County Administrator.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the agenda as circulated.

OLD BUSINESS

AN ORDINANCE ADOPTING THE 2002 UPDATE OF THE COMPREHENSIVE PLAN FOR SUSSEX COUNTY AND REPEALING THE 1997 COMPREHENSIVE PLAN.

The Commission discussed the comments received from Brain Page, Historic Preservation Planner. There was a consensus of the Commission that there was no need for further action.

The Commission discussed the comments received from Russell Archut, Assistant County Engineer. There was a consensus of the Commission that there was no need for further action.

The Commission discussed the comments received from Michael Izzo, County Engineer. Mr. Schrader suggested that the Figure 5 - Public Wastewater Systems Map should show the Town of Bethel and the Town of Slaughter Beach as Towns without public sewer systems. There was a consensus of the Commission that the map should note the Towns without public sewer systems.

The Commission discussed the comments received from the Sussex County Association of Realtors. There was a consensus of the Commission that they had discussed similar comments during the September 11, 2002 Special Meeting and that there was no need for further action.

The Commission discussed the Future Land Use Map. There was a consensus of the Commission that the Future Land Use Map should be adopted as presented in the Draft document.

Mr. Stickels stated that one of the Councilman has asked that the Commission consider changing the title of the "Environmentally Sensitive Developing Area" to "Environmentally Sensitive Area". There was a consensus of the Commission that the title should remain "Environmentally Sensitive Developing Area" since the area presently is a "Development District" and since development is already taking place and since zonings already exists.

The Commission discussed the percentage of open space that should be required in developments. There was a consensus of the Commission that up to 20% of open space shall be provided in subdivisions and residential planned communities, and that it will be necessary for an ordinance to be prepared to define open space.

The Commission discussed the Minutes of September 11, 2002 and their amendment to Page 10 – "Guidelines for Density". There was a consensus of the Commission that the paragraphs describing "Guidelines for Density" should be revised to read as follows:

"Both the State and County recognize that the area around the Inland Bays is desirable for appropriate development. However the Inland Bays are ecologically vulnerable to the impact of insensitive development. Accordingly the County shall enact an ordinance requiring the Applicant of any major development, as defined in the ordinance, to provide information and analysis addressing the development's environmental impact, including the treatment of storm water quality and quantity, TMDL impact, mitigation of wetland and woodland disturbance, provision for wastewater treatment and water systems and other matters affecting the ecological sensitivity of the site or the Inland Bays.

Without a central wastewater system, three-quarter acre minimum lot size for single family detached homes. With a central wastewater system, residential density would be permitted up to the maximum allowable density of the underlying zoning district. Clustering of lots in any zoning district to a minimum size of 7,500 square feet may be permitted, but shall not increase the density permitted in that zoning district.

For the purpose of this section, the net acreage is defined as the total acreage of a tract less any State regulated wetlands (tidal wetlands) or federally regulated wetlands (non-tidal wetlands). Open space should be provided as described in the Community Design Element of the Comprehensive Plan.

The Commission discussed wetland setbacks and the Minutes of September 11, 2002. There was a consensus of the Commission that the staff comments in referenced in the Minutes of September 11, 2002 were correct and that an additional Bullet should be added to Page 42 which reads " Evaluate increasing the existing 50' buffer zone around tidal wetlands to 100' to determine whether any changes are necessary to implement the

“Pollution Control Strategy”, and “Evaluate creating a 25’ buffer zone around non-tidal wetlands”.

The Commission discussed the fourth Bullet on Page 17 and questioned if it was necessary for a minimum acreage. There was a consensus of the Commission that if a new commercial zone is created, the ordinance should address the minimum acreage.

The Commission discussed Bio-Tech Industries and Agriculturally Related Industries. There was a consensus of the Commission that ordinances should address the minimum acreage and criteria for permitted such uses.

The Commission discussed Subdivisions and Residential Planned Communities. There was a consensus of the Commission that a clustering ordinance should be considered.

The Commission discussed Agricultural Preservation Districts. It was noted that some of the Districts run out after 10-years and that some are permanent easements. Mr. Gordy stated that some of the farmers will be removing their Districts from the State program after the 10-year period. It was noted that the Districts are overlays over Agricultural Residential lands and that when a District is removed from the State program it will remain Agricultural Residential. There was a consensus of the Commission that no further action was necessary.

The Commission discussed comments received from Richard Collins. It was noted that Mr. Collins comments relate to the original Draft of the 2002 Comprehensive Plan and not the amended versions. No further action was taken.

The Commission discussed the ordinances that will be necessary to comply with the Comprehensive Plan. Mr. Schrader advised the Commission that he had prepared some ordinances in the past that should also be considered and referenced 1) an ordinance requiring TAC review for RPC developments, 2) an ordinance requiring RPCs to include not less than 10% of the project be set aside for recreational uses, 3) an ordinance removing federally defined wetlands and stormwater management areas from the calculations for net development area, and 4) an ordinance making the “No site preparation ...” clause a part of the RPC ordinance. There was a consensus of the Commission that the following supporting ordinances should be considered:

- 1) Environmentally Sensitive Developing Area
- 2) Overlay Zones
- 3) Clustering/Residential Planned Communities
- 4) TDR Sending Program
- 5) Bio-Tech Industry Campus
- 6) Agriculture-Business Zone

- 7) C-2 Zoning
- 8) Wetlands Setbacks – Tidal/Non-Tidal
- 9) Route 13/Route 113 Corridor Overlay
- 10) East-West Route Corridor Overlay
- 11) Defined Open Space Requirements
- 12) Community Design
- 13) TAC review for RPC Developments
- 14) Open Space Requirements for RPC Developments
- 15) Schedule of Construction Clause for RPC Developments

Motion by Mr. Wheatley, seconded by Mr. Gordy, and carried unanimously to recommend the Ordinance adopting the 2002 Comprehensive Plan for Sussex County and repealing the 1997 Comprehensive Plan as discussed on September 11, 2002 and updated on September 19, 2002 with the suggestion that the supporting ordinances be considered.

Motion carried 5 – 0.

Meeting adjourned at 7:53 p.m.