

## MINUTES OF THE REGULAR MEETING OF NOVEMBER 21, 2002

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, November 21, 2002 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Vice-Chairman Wheatley presiding. The following members of the Commission were present: Mr. Gordy, Mr. Johnson, Mr. Lynch, and Mr. Wheatley with Mr. Schrader – Assistant County Attorney, Mr. Lank – Director, Mr. Abbott – Assistant Director, and Richard Kautz - Planner.

Also in attendance was Robert Stickels, County Administrator, acting as Moderator for the public hearing.

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

Mr. Schrader described how the public hearing would be conducted.

Mr. Stickels stated that there were representatives of some of the State agencies present and asked the representatives to introduce themselves. Those present that introduced themselves were Anne Marie Townsend of the Office of State Planning Coordination, Kathy Howard and John Schneider of the State Department of Natural Resources and Environmental Control, and Bobbi Geier of the Delaware Department of Transportation.

### PUBLIC HEARINGS

Mr. Stickels read five (5) pages of comments received from the Office of State Planning Coordination titled "TYPOS AND ERRORS" into the record. The TYPOS AND ERRORS comments are attached as Exhibit #1.

Mr. Lank advised the Commission that there was a duplication of page numbers on pages 45 and 76 and that the typos and errors corrections referenced on page 76 was the second page 76.

Mr. Stickels read two (2) pages of comments received from the Office of State Planning Coordination titled "CLARIFICATIONS" into the record. The CLARIFICATIONS comments are attached as Exhibit #2.

Mr. Stickels read four (4) pages of comments received from the Office of State Planning Coordination titled "TEXT ADDITIONS/DELETIONS/CHANGES" into the record and added that the purpose of the Table 9A Chart on page 5 is to provide a comparison to changes in land uses in 1992 to 1997; that the FUTURE LAND USE Map has been corrected to show the error in the Bridgeville Municipality boundaries and Developing Area around Bridgeville. The TEXT ADDITIONS/DELETIONS/CHANGES comments are attached as Exhibit #3.



Mr. Lank advised the Commission that the addition recommended for page 45 is proposed to be placed on the second page 45.

It was noted that the page numbers will change as the typos, errors, clarifications, additions, deletions, and changes are incorporated into the text.

Mr. Stickels read two (2) pages of comments received from the Livable Delaware Advisory Committee Meeting of November 18, 2002 titled "TEXT ADDITIONS" into the record. The TEXT ADDITIONS comments are attached as Exhibit #4.

Mr. Schrader asked Mr. Stickels if all of the comments read are to be made a part of the record for this public hearing.

Mr. Stickels stated that the intent of reading the comments was for inclusion into the record.

The Commission found that Anne Marie Townsend of the Office of State Planning Coordination stated that she thinks everything was addressed and that the Office of State Planning Coordination did issue a letter to the Lieutenant Governor prior to the meeting stating that if the criteria set-forth in the September 30, 2002 letter were incorporated into the Plan their Office would recommend the certification of the Plan; that it has been done and that the Office has a matrix that shows how it has been done; and that with the text added this evening everything is satisfactory.

The Commission found that Rich Collins, Executive Director of the Positive Growth Alliance, stated that in the very beginning of the preparation of the Plan it tells us that the Delaware Population Consortium tells us that we are going to have 30,000 additional citizens from the year 2000 to the year 2010 and that as the County applies the Plan in the years to come simple arithmetic tells us that we are going to have to build about 13,000 additional homes over the next 10 years and that because it takes 10 years to build out a project it will require approval of more projects to meet the demand; that if we do not meet the demand, housing prices of \$300,000 and \$400,000 today will increase to, who knows, the sky is the limit; that he suggest that we figure out a way to allow some density where people really want to live, which is in the easterly parts of the County; that otherwise we will consume more and more farmland in the center and in the westerly part of the County; that the free enterprise system is self correcting; that we have had soaring prices and that sooner or later that will almost surely start slowing demand; that he urges the County to not over react to what's happening today and to give the system time to work because sooner or later there will be a slow down and that he thinks that the County needs to be cautious not to make that slow down a lot worse that it should be.



The Commission found that Michael Tyler, President of the Citizens Coalition, Inc., read and submitted three (3) pages of written comments as attached as Exhibit #5.

The Commission found that Stan Jachym of Lewes stated that he is concerned about mixing residential and commercial uses in the same communities; that commercial uses impact residential uses; referenced restaurants and parking lots and the questionable outdoor activities of some of the patrons in commercial areas; and that residential and commercial uses should be separated.

The Commission found that Henry Glowiak of the Citizens Coalition stated that a lot of reference to preservation of farmland and the preservation of the agricultural economy has been referenced; that research indicates that Sussex County has one of the lowest standards for protecting agriculture on the Peninsula; that Maryland counties around Sussex County have gone further to protect agricultural lands; that Kent County, Delaware provides for an Agricultural Conservation District, which covers a lot of the County, where the density provides one dwelling unit per 10 acres; that if the County is serious about preserving farmland, it needs to be more specifically addressed in the Plan. Mr. Glowiak submitted copies of the Code of Kent County, Delaware Article V, AC – Agricultural Conservation District for the record as attached as Exhibit #6.

The Commission found that Pat Torelli of the Citizens Coalition read and submitted written comments as attached as Exhibit #7.

The Commission found that Mable Granke of the Citizens Coalition stated that the County needs to take its responsibility and use its expertise to address well head and recharge area protection; that developments are consistently being approved in the area, especially along the Route One corridor; that projects are covering over the prime recharge areas with asphalt and structures; that we simply cannot afford to continue this process; that there is a map that delineates the recharge areas, and that if this is ignored it will be totally irresponsible on the part of any planning body in the County.

The public hearing was closed.

The Commission discussed the process.

Motion by Mr. Johnson, seconded by Mr. Lynch, and carried unanimously to forward the 2002 Comprehensive Plan Update to the Sussex County Council with the recommendation that the Update be approved with the inclusion of the four (4) sets of comments read into the record by Mr. Stickels. The four (4) sets of comments include all of the comments in Exhibit #1 through Exhibit #4.

Motion carried 4 – 0.

Meeting adjourned at 7:03 P.M.

**SUSSEX COUNTY COMPREHENSIVE PLAN UPDATE  
OCTOBER 29, 2002**

**TYPOS AND ERRORS**

- Page 1      First column, first line, change the word "current" to "last."
- First column, last paragraph, fourth line, insert the words "and certified by the Governor" between "Committee" and "prior."
- Second column, first line, change the word "current" to "1997."
- Page 7      Second column, second full paragraph, ninth line, delete the word "should" and add an "s" to the end of "accommodate."
- Page 8      First column, second line, insert the word "to" after the word "is."
- Second column, ninth line, insert the word "income" between the words "lower" and "families."
- Second column, tenth line, insert paragraph break after the word "municipalities."
- Second column, first full paragraph, second line, change the word "has" to "have."
- Second column, last paragraph, fifth line, change the word "contaminates" to "contaminants."
- Page 9      First column, second bullet, second line, change the word "to" to "of."
- Page 12     Delete blank space at bottom of first column.
- Page 14     Second column, first line, date should be "December 10, 1998," not "December 16, 1999."
- Second column, third line from bottom, change the word "amount" to "amounts."



Page 15 First column, first full paragraph, fourth line, insert a paragraph break after the word "desirable."

Second column, under "Guidelines for Non-Residential Use," eleventh line, insert the word "Zone" between "Coastal" and "Act."

Page 16 First column, thirtieth line, delete stray period (.) in the middle of the line.

Second column, under "Guidelines for Density," insert at the beginning of the paragraph "There is a . ." and change the word "Three" to lowercase.

Page 19 First column, under "Guidelines for Infrastructure," fourth line, insert a period (.) after the word "systems."

Second column, under "Guidelines for Density," fourteenth line, change the words "a central" to "an on-site."

Page 26 Second column, second line from bottom, change the word "ranges" to "range."

Page 38 Formatting errors.

First column, second line, delete "Sussex County's residents that are served by central water systems" and insert in lieu thereof "the water of Sussex County's residents whom are served by central water systems."

Page 39 Formatting errors.

Page 40 Note: Units of measure for Table 20 in first column are listed in "gallons per day."

First column, last paragraph, delete first sentence.

First column, last paragraph, third line, delete "use in this area" and insert in lieu thereof "eastern Sussex County."

Page 41 Second column, last paragraph, second line, insert the words "United States" prior to the word "Geological."

Page 46 Formatting errors (blank space at top of second column, paragraph break needed after the word "County" on third line following table).

Second column, first full paragraph, eighth line, change the word "projected" to "protected."

Page 47 First column, beginning with fourth line, punctuation should be as follows: ". . . excessive algae growth, phytoplankton blooms, large daily swings in dissolved oxygen levels, loss of submerged aquatic vegetation, and fish kills."

First column, second full paragraph, fifteenth line, delete stray period (.) within the line.

Second column, ninth line, insert the word "is" between the words "Bays" and "carrying."

Note: Second column, second paragraph, refers to nitrogen loading.

Second column, insert a paragraph break following the bulleted list.

Page 50 First column, fourth line, insert end quote (") after the words "project-specific."

First column, third line below the bulleted list, change the word "is" to "are."

Second column, second bullet, second line, insert the words "land in" between the words "of" and "designated" and the word "State" between the words "designated" and "Resource."

Page 51 First column, first bullet, third line, delete the hyphen (-) from the word "wildlife" and add an "s" to the end of "recreationist."

Page 52 Formatting error (placement of "GOAL").



Page 52 Second column, last paragraph, beginning with first line, delete hyphen (-) from the word "Statewide," delete the words "Demand and Needs Assessment" and insert in lieu thereof "(SCORP)," and replace the word "Assessment" with "SCORP" in the remainder of the paragraph.

Note: Table 27 is continued to Page 53 and reformatting is needed.

Page 53 First column, delete first paragraph.

First column, second paragraph, beginning with twelfth line, delete "regions four and five being in Sussex County" and insert in lieu thereof "western Sussex County being region four and eastern Sussex County being region five."

Page 54 Second column, first full paragraph, last line, delete "Seashore Park" and insert in lieu thereof "Delaware Seashore State Park."

Page 55 First column, insert paragraph break between eighth and ninth lines.

Page 56 Second column, last bullet, delete "Seashore Park" and insert in lieu thereof "Delaware Seashore State Park."

Page 57 Second column, last paragraph, fourth line, capitalize the word "census."

Page 58 Second column, first bullet, change the word "Administrate" to "Administer."

Page 59 Second column, last paragraph, seventh line, the word "create" is misspelled.

Page 61 Second column, second line, delete the word "them."

Page 62 Second column, under "Coordination with State Agencies," insert a paragraph break between the ninth and tenth lines.

Page 63 Second column, delete bullet mark on first line.

Page 64 Formatting errors (blank spaces, "GOAL" is off-center).



Page 76      Formatting error (text wrapping to right of "GOAL").

First column, sixteenth line, insert a comma (,) between the words  
"industry" and "and."

SUSSEX COUNTY COMPREHENSIVE PLAN UPDATE  
OCTOBER 29, 2002

CLARIFICATIONS

- Page 13      Second column, under "Guidelines for Non-Residential Uses," fourth line, delete "in the Inland Bays and other."
- Page 14      First column, first paragraph, beginning with seventh line, delete "New industrial uses in the Inland Bays area should be located outside the Conservation District unless they are water dependent."
- Page 26      Change to reflect Page 34.
- Page 27      Change to reflect Page 35.
- Page 28      Change to reflect Page 36.
- Page 29      Change to reflect Page 37.
- Page 30      Change to reflect Page 26.
- Page 31      Change to reflect Page 27.
- Page 32      Change to reflect Page 28.
- Page 33      Change to reflect Page 29.
- Page 34      Change to reflect Page 30.
- Page 35      Change to reflect Page 31.
- Page 36      Change to reflect Page 32.
- Page 37      Change to reflect Page 33.
- Page 44      Second column, first line, insert "Lewes and Rehoboth" between the words "the" and "canal" and capitalize the word "canal." Insert two new sentences after the word "Canal" to read, "On October 22, 2002,



the County entered into an agreement with the City of Rehoboth to study discharge alternatives. This study is being funded 50 percent by the State of Delaware, 25 percent by the County, and 25 percent by the City of Rehoboth."

**SUSSEX COUNTY COMPREHENSIVE PLAN UPDATE  
OCTOBER 29, 2002**

**TEXT ADDITIONS/DELETIONS/CHANGES**

Page 5      Insert following at the end of second column:

“Changes to the land use in Sussex County from 1992 to 1997 were as follows:

Table 9A

<u>USE</u>	<u>1992</u>	<u>1997</u>	<u>INCREASE/ DECREASE</u>
Residential/ Urban	7.41%	9.07%	+1.66%
Commercial/ Industrial	0.89%	0.97%	+0.08%
Transportation, Government/ Utilities	0.65%	0.74%	+0.09%
Agricultural	44.62%	43.56%	-1.06%
Forest	21.37%	19.91%	-1.46%
Water	4.84%	4.92%	+0.08%
Wetlands	18.36%	18.12%	-0.24%
Other	1.87%	2.70%	+0.83%”

Page 8      First column, first paragraph, beginning with fifteenth line, delete:

“The County has received preliminary approval for a matching grant for a detailed study of the Environmentally Sensitive Developing Area. It is important for the State to advance these funds so the study can be completed and an overlay ordinance adopted to accomplish this.”

Insert in lieu thereof the following:

Exhibit #3 - 1 -



"The County has received a matching grant from the Department of Natural Resources and Environmental Control for a detailed study of the Environmentally Sensitive Developing Area. This study will be used in developing the overlay ordinance for this area."

Page 11      Insert following paragraph at the end of second column:

"The following pages describe the plan's districts. Several of the districts described are shown on the Future Land Use Map, Figure 2. These include the Municipalities, Town Centers, Developing Area, Environmentally Sensitive Developing Area, and the Low Density Area. The location of those not depicted on the map are explained in the text. Following the adoption of the Comprehensive Plan, overlay zones will be adopted for the Town Centers, Developing Area, and Environmentally Sensitive Developing Area. The other districts described either do not require an overlay zone or would need to be studied prior to developing an overlay zone."

Page 26      First column, insert following paragraphs after "Transportation Operations Management Plan Data Collection":

"In the summer of 2001, Sussex County and the Delaware Department of Transportation (DelDOT) partnered to address the problem of mobility along the SR1 corridor between Five Points and the Rehoboth/Dewey Beach area. The primary goal of the SR1 Land Use/Transportation Study is to develop a coordinated plan for land use in this area and a supporting transportation system that emphasizes interconnections.

"After working with a public advisory committee for a year, two scenarios were presented to the public: one that showed build-out under current zoning using conventional development patterns, and one that showed build-out using activity centers and clustered development. While the activity center scenario would preserve open space and farmland and reduce congestion along SR1 (compared with the conventional build-out scenario), it has not been embraced by the public. The partnership between the County and DelDOT is continuing, and both the County and DelDOT are committed to addressing the issues of congestion and safety along SR1."



Page 45 Add following paragraph at the end of second column:

"The Delaware Division of Fish and Wildlife manages 17,750 acres of land in Sussex County, including 19 pond and access areas (three are in both Kent and Sussex with actual access in Kent County), and eight State Wildlife Areas. Redden State Forest, managed by the Delaware Department of Agriculture, includes 9,528 acres of land."

Page 48 Insert following paragraph at the end of first paragraph in second column:

"In 1998, the Department of Natural Resources and Environmental Control established a Total Maximum Daily Load (TMDL) for the main stems of the Nanticoke River and Broad Creek calling for a 30 percent reduction in nitrogen and 50 percent reduction in phosphorous. A Tributary Action Team is currently working with the Department to develop a Pollution Control Strategy to reduce nutrient loadings to meet those targets."

Page 51 Delete last bullet in second column and insert in lieu thereof the following:

- "Consider how the County can assist in protecting resources contained within State Resource Areas, through regulation, purchase or other means."

Page 52 Insert following sentence after last bullet in second column:

"In addition, many municipalities manage parks and provide recreation programs for their residents."

Page 54 Delete last bullet in first column.

Page 62 Second column, under "Coordination with State Agencies," after ninth line, insert new paragraph to read as follows:

"The County will also work with DNREC and the Office of State Planning Coordination in the development of the Environmentally Sensitive Developing Area overlay ordinance. The Office of State



Planning Coordination will continue to be a partner with Sussex County in implementing the goals of the Comprehensive Plan.”

Page 63      Add new bullet at end of second column to read as follows:

- “Work with the Office of State Planning Coordination and other state agencies to implement the Comprehensive Plan.”

Figure 2      Bridgeville area map to be adjusted to reflect Municipality, Town Center, and Developing Area.

**SUSSEX COUNTY COMPREHENSIVE PLAN UPDATE  
OCTOBER 29, 2002**

***TEXT ADDITIONS  
LIVABLE DELAWARE ADVISORY COMMITTEE MEETING  
NOVEMBER 18, 2002***

- Page 35      The third bullet under "Strategy 1" includes a series of sub-bullets. Add a sub-bullet that says, "Work with DelDOT to expedite planning on the Sussex County north-south highway. Determine the highway's route where it will differ from the existing route, so that the county can begin to protect the right of way for the project."
- Page 62      Under "Coordination with State Agencies":
- Add a sentence at the end of the paragraph on transportation that says, "The County will work closely with DelDOT to determine the route of this highway and begin protecting the right of way."
- Add a sentence at the end of this section that says, "The County will work with the Delaware Economic Development Office and the Delaware Department of Agriculture to attract agricultural related industry and biotech industry."
- Page 63      Add the following bullet:
- "Work with the Delaware Economic Development Office and the Delaware Department of Agriculture to keep agriculture as a viable and thriving industry through attracting agriculture and biotech industries to Sussex County and continuing to provide incentives to preserve prime agricultural land."
- Page 76      Add paragraph breaks in the following locations to improve the flow of the agricultural industry section: Line 14 before sentence that begins "It is important . . ."; the ninth line from the bottom before the sentence that begins "To protect existing . . ." Also, the word "Division" should be deleted from the sixth line from the bottom in the first column.



Add the following three bullets after the second bullet:

- “Modify the zoning ordinance to allow agricultural industry and biotech industry, with adequate buffers, in the low density area.”
- “Support research efforts to find new uses for agricultural products.”
- “Work closely with the Delaware Economic Development Office to attract agricultural related and biotech industry to Sussex County.”

Citizens Coalition, Inc.  
PO Box 56  
Nassau, DE 19969

November 21, 2002

Chairman John Allen  
Sussex County Planning and Zoning Commissioners

Sussex County Comprehensive Plan update-Draft October 29, 2002

Gentlemen:

Citizens Coalition, Inc. is a 501 (c) 3 non-profit watchdog organization comprised of more than 250 households in Coastal Sussex as well as in other adjacent communities. It focuses on responsible land use, managed growth and sustainable development. All of its members are volunteers and most are full-time residents of Sussex County. The comments and concerns addressed here are based on a comprehensive review by members of the Coalition's Board of Directors.

The intensity and concentration of development both residential and commercial have had and are having a serious negative impact on the inland bays and adjoining waterways and tributaries. Such unforeseen growth has changed the way we must look at preserving natural resources and protecting the inland bays watershed. Things are not as they were and it is important that the County take an aggressive approach toward development especially since there is ample lands to the west and outside the watershed area.

Land Use Element

Page 11-

Paragraph 3 refers to the "Environmentally Sensitive Developing Area." and makes reference that the "intent of the Plan is to encourage higher residential densities." The Citizens Coalition urges the Commission to consider that there is no point in designating an environmentally sensitive area whose intent is to encourage higher residential densities. It is time that the County realize the value of these sensitive areas and establish appropriate guidelines to protect them. It is difficult to understand how a "developing" area protects our inland bays. Whether this is an exercise in semantics or an attempt to placate the development interests, we cannot accept such an oxymoron to be included in the plan. Thus we urge the commission to strike the word "developing" from the Environmentally Sensitive District.

Page 14-

We are pleased that the Environmentally Sensitive Area now includes Rehoboth Beach and Lewes however we believe that the entire inland bay watershed should be designated environmentally sensitive because of its importance to the economic stability of the communities which depend on the health and well-being of the bays.

Page 15-

"Guidelines for Density" mentions that a major development requires an environmental impact report, then under the heading "Special Requirements" is a "suggestion" that prior to approval of any preliminary plan for a major subdivision or development there should be a report detailing required public facilities and that environmental impacts must be provided. What? Which language prevails? What is the definition of a large development? How does simply addressing "large" developments address the impact of cumulative developments? Density should not be the defining concept that drives the planing of residential communities.



Page 18-

The Executive Summary on Page 9 references implementing ordinances that will reduce residential units in the C-1 zone. We believe that including *any* residential in this zone compromises the integrity of the commercial district and is an inappropriate use. We would accept residential in the B-1 business zone as mixed use. Further, this restriction must apply to *existing* and *future* C-1 designated zones. This is not a down-zoning, because commercial is the leading designation. Residential must be situated in zones designated for residential.

Page 25-

The Environmentally Sensitive Area is included in the Low to Medium Density column with notation that density of the underlying zone prevails and lists MR, GR and C-1. Such zones with accompanying densities cannot protect the inland bays and should not be included in this designated area.

### **Mobility Element**

Page 26-

The evacuation plan information has been improved, however as outlined in the Land Use Plan it is not sufficient for citizens to comprehend. We suggest that the County produce and distribute an information pamphlet and map. This piece should be distributed widely to all taxpayers and residents of Sussex County.

### **Water/Wastewater Element**

Pages 41 & 42-

The water usage discussion on these two pages does not make sense, particularly since the statement that the return of spray irrigation water to the aquifer is quick and therefore good. Our concern is that spray irrigation water can be harmful if return to the aquifer takes place before proper elimination of nutrients. Also we cannot accept and we hope you cannot either, the statement that "total water use in the Columbia Aquifer is not known." The continuing use of old and obsolete data is unacceptable. We cannot play guessing games with water supply and water quality because they are too important to the citizens of Sussex County.

Page 43-

We cannot accept permitting on-site septic systems. Citizens Coalition offers this documentation of the inefficiency of such systems: In an August 26, 2002 letter to the Sierra Club from Daniel J. Soeder, hydrologist: "Many parts of Sussex County have on-site wastewater treatment facilities known in the old days as septic tanks. The effluent from these facilities is discharged into a 'leach field' where it is allowed to percolate into the shallow ground water. this can be an important source of ground water contamination if the facilities are placed too close together and if there are shallow water supply wells in the area.. Recent USGS work has shown that enteric viruses can survive significant migrations through the sandy aquifers of the coastal plain"

He goes on to caution that septic effluent can have an impact on inland bays if the "facilities are fairly close to the body of water and there is ground water discharge into it. USGS drilling, sampling, geophysical and geochemical investigations in the past few years have indicated that there are significant inputs of ground water from submarine springs." Frank Manheim of the USGS has evidence that shows "up to 80 percent of the freshwater inputs into the inland bays may be from ground water. This makes nutrient management much more challenging and adds yet another possible source to be considered. Centralization of sewage treatment infrastructure will prevent these nutrients from entering the ground water, but they must be removed from overloaded watersheds as well..."



Page 45

We believe that the plan must include action steps regarding well head protection and recharge area protection.

### **Conservation Element**

Page 48-

We applaud the watershed approach for the Nanticoke and request the same approach for the Inland Bay Watershed. Citizens Coalition emphasizes that if the Nanticoke Watershed is being looked at from the standpoint of watershed planning because of the pressures from Maryland and the Chesapeake Bay, the Inland Bay watershed is just as important to the people of the State of Delaware and Sussex County because it is an invaluable resource. It fifth in the US as being at risk from degradation by development. We need to protect the watershed, not make it a growth area. The Whole Basin Assessment Plan (DNREC Document 40-01) must be put in place rather than rely on an out dated voluntary CCMP. If these steps are not taken for this watershed as they have for the Nanticoke, then this equates to Environmental Discrimination to the residents of the Inland Bay Watershed.

Page 51-

We believe that the County Land Use Plan should go beyond simply supporting State recharge protection programs. The Plan must require that development applications include the information regarding critical recharge areas and how they will protect them. Current DGIS maps are available that show these areas and they've been accepted and approved by DNREC. We request that you include these maps in the Plan.

We support increasing buffers to 100 feet in tidal wetlands and creating 25-foot buffers along non-tidal wetlands. It is important that the County not only designate such buffers but the Plan should provide guidelines to landowners regarding appropriate vegetation and management.

### **Housing Element**

Page 60-

The Discussion and Strategies section makes no reference to maintaining existing affordable housing such as Burton Village. Further, we would like the Plan to include the Eight Strong Communities Program and offer a plan for continued assistance to maintain housing in those communities.

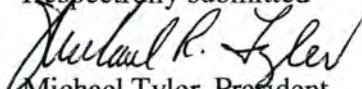
### **Community Design Element**

Page 67-

This element states that "Sussex County's future is dependent on providing the land development opportunities that meet market trends." Shouldn't the needs of the citizens and the surrounding environment be the focus here? Market trends are just that, trends. The Coalition believes that it is more important that the County remain flexible by managing development and discouraging inappropriate types of development.

We urge the County to designate the required open space including golf courses as permanent open space. This would retain the original intent and integrity of the community.

Respectfully submitted

  
Michael Tyler, President  
Citizens Coalition, Inc.



**CODE OF KENT COUNTY, DELAWARE, v6 Updated 7-20-2002****PART II GENERAL LEGISLATION****Chapter 205, ZONING****ARTICLE IV, General Provisions**

**§ 205-43.3. Towers, broadcasting and telecommunications. [Added 1-15-2002 by Ord. No. 02-01]**

C. Any subsequent collocation is considered a permitted use in all zoning districts, subject to the conditions given in § 205-360.

**ARTICLE V, AC - Agricultural Conservation District [Amended 7-9-1991 by Ord. No. 9-11; 2-27-1996 by Ord. No. 96-06 <sup>EN</sup>]**

**§ 205-44. Purpose.**

The purpose of the AC - Agricultural Conservation District is:

- A. To provide for a wide range of agricultural use and farm related services while providing for low-density residential development in areas that are rural in character and where farming may not be the optimum land use activity.
- B. To foster environmentally sound development in areas of environmental concern.
- C. To allow for a variety of low-density planned residential and cluster developments in a rural setting.
- D. To serve as a transitional/buffer zone between agricultural and residential uses.

**§ 205-45. Scope.**

The provisions of this article apply to each AC - Agricultural Conservation District.

**§ 205-46. Uses.**

- A. Any use not listed below as a permitted or conditional use is not permitted in the AC - Agricultural Conservation District.
- B. Accessory uses shall not be permitted without a principal use.
- C. All uses in the AC - Agricultural Conservation District can be referenced in the Standard Industrial Classification Manual of 1987, under sections entitled "Agriculture," "Forestry and Fishing," "Private Households," "Wholesale Trade," "Mining," "Services" and "Transportation, Communications, Electric, Gas and Sanitary Services."

Exhibit # 6 - 1 -



**CODE OF KENT COUNTY, DELAWARE, v6 Updated 7-20-2002**

**PART II GENERAL LEGISLATION**

**Chapter 205, ZONING**

**ARTICLE V, AC - Agricultural Conservation District [Amended 7-9-1991 by Ord. No. 9-11; 2-27-1996 by Ord. No. 96-06]**

**§ 205-49. Maximum density.**

A. Standard development. The maximum density in an AC - Agricultural Conservation District is one dwelling unit for each 10 acres\* which is to be allowed only when accompanied by an official certificate from the Delaware Department of Natural Resources and Environmental Control (DNREC) which states that a septic system has been designed and permitted by DNREC on the ten-acre parcel. If a larger sized parcel is required by DNREC, then that determination shall have precedence over the maximum density requirements of this Zoning Chapter.

\*NOTE: All properties that qualify for minor subdivision review will be allowed to subdivide (a maximum of four lots and a remainder) at the minimum requirements as set forth in the Kent County Zoning Chapter, adopted 7-9-1991 under the AC District.

B. Village development. Areas with individual on-site septic and water shall be a maximum of one dwelling unit per acre.

C. Two-mile overlay zone. Areas within the two-mile radius overlay zone with central sewer and water shall be a maximum of three dwelling units per acre. [NOTE: The two-mile radius overlay zone (density bonus zone) is established from each of the 29 pumping stations with the eastern boundary line being the SR-1 bypass that runs from the Town of Smyrna to the Town of Milford and includes the areas from the Town of Felton to the Town of Frederica and from the Town of Milford to the Town of Frederica.]

D. Two-mile overlay zone. Areas partially within the two-mile radius overlay zone with central sewer and water shall be a calculated number of dwelling units per acre based on the formula below: [Added 6-12-2001 by Ord. No. 01-13]

Density [units per acre] = (Area within overlay zone x 3) + (Area outside overlay zone x 1) (÷)  
Total Area

**§ 205-50. Area requirements.**

A. For area requirements for standard development, see the AC - Agricultural Conservation Matrix located at the end of this chapter.

B. For area requirements for cluster development, see Article XIX, Cluster Regulations.

**§ 205-51. Coverage.**

No more than 20% of each lot in an AC - Agricultural Conservation District shall be covered by man-made impervious surfaces.

Exhibit # 6 - 2 -



**§ 205-52. Yards and setbacks (standard development).**

A. Each lot in an AC - Agricultural Conservation District shall have:

- (1) A front building line at least 40 feet from and parallel to the front street right-of-way line.
- (2) For waterfront lots, a building line at least 50 feet from and parallel to the water lot line or mean high-water line, whichever is closer.

Exhibit # 6 - 3 -

November 21, 2002

To: Chairman, John Allen  
Sussex County Planning and Zoning Commissioners

From: Pat Torelli, Citizens Coalition

Re: Sussex County Comprehensive Plan update-Draft October 29, 2002

Gentlemen:

We would like to see language in the Plan that would focus on open space requirements. Requirements that would protect the integrity of a community by preserving green space and maintaining the overall design of the community.

It seems inappropriate for a developer to change the character of a community that was built around a golf course, where homeowners have paid a premium for the lot facing the golf course, only to find five, ten years down the road, they will now be facing another community because the golf course is no longer profitable. The land has been rezoned for housing. Not only do they lose the open space of the golf course, but they are now faced with the additional traffic generated by the additional homes.

The Planning & Zoning Commission makes decisions based on golf courses and golf course communities in the interest of preserving open space. By changing the zoning, or building houses on that open space, takes away from the original concept, and the intent of the approved golf course/open space that the community was approved for. In many cases the golf course is figured into the density, therefore by building on the golf course changes the basis for a RPC.

We hope you will take this concern into consideration when you are making revisions to the Plan.

Respectfully submitted,

Pat Torelli, Citizens Coalition

Exhibit #7 -1-