

## COUNTY COUNCIL

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# Sussex County

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## SUSSEX COUNTY COUNCIL

### A G E N D A

SEPTEMBER 22, 2020

10:00 A.M.

**PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA**

#### Call to Order

#### Approval of Agenda

#### Approval of Minutes – August 25, 2020

#### Reading of Correspondence

#### Public Comments

#### Todd Lawson, County Administrator

1. DelDOT Memorandum of Understanding (MOU) Update and Consideration
2. DelDOT Transportation Improvement District (TID) Update and Discussion
3. Administrator's Report

#### 10:15 a.m. Public Hearing

**Proposed Island Watersports Expansion into the Bay View Estates Area**

#### 10:30 a.m. Public Hearings

**“AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY GRANTING THE BOARD OF ADJUSTMENTS AND APPEAL AUTHORITY TO HEAR APPEALS OF VIOLATIONS UNDER CHAPTER 80 (“PROPERTY MAINTENANCE CODE”) AND CHAPTER 115 (“ZONING”), ARTICLE XXV (“SUPPLEMENTARY REGULATIONS”), §115-191 AND ITS SUBSECTIONS PERTAINING TO VEHICLES AND TRAILERS AND PROHIBITED ACCUMULATIONS”**



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DELAWARE 19947

**10:30 a.m. Public Hearings (continued)**

**“AN ORDINANCE TO AMEND CHAPTER 80 (“LOT MAINTENANCE”) OF THE CODE OF SUSSEX COUNTY RELATING TO LOT MAINTENANCE, INCLUDING THE ADOPTION OF ENFORCEMENT AND PENALTY PROVISIONS PURSUANT TO TITLE 9, CHAPTER 72 OF THE DELAWARE CODE”**

**“AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, “SUPPLEMENTARY REGULATIONS”, §§ 115-191 THROUGH 115-191.8 OF THE CODE OF SUSSEX COUNTY RELATING TO “PARKING, STORING AND MAINTAINING VEHICLES AND TRAILERS” AND “PROHIBITED ACCUMULATIONS”, INCLUDING THE ADOPTION OF ENFORCEMENT AND PENALTY PROVISIONS PURSUANT TO TITLE 9, CHAPTER 72 OF THE DELAWARE CODE”**

**Brandy Nauman, Housing Coordinator and Fair Housing Compliance Officer**

- 1. Sussex County CARES Act CDBG-CV1 Grant Discussion and Award Recommendation**

**Hans Medlarz, County Engineer**

- 1. Inland Bays Regional Wastewater Facility – Biosolids & Septage Facilities, Project 18-19**
  - A. Change Order No. 7**
  - B. Komline-Sanderson Spare Parts Procurement Approval**
- 2. FY 2019 General Labor & Equipment Contract, Project 19-01**
  - A. Approve Change Order No. 1, FY 2021**
- 3. South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 & Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2**
  - A. Town of Selbyville Outfall Agreement**
  - B. General Construction, Project C19-11, Change Order No. 5**
  - C. Electrical Construction, Project C19-17, Change Order No. 6**
  - D. Material Screening Purchase Order Update**

**John Ashman, Director of Utility Planning**

1. Request to prepare and post notices for the Friendship Hall Annexation in the Miller Creek Area
2. Request to prepare and post notices for the Countryside Hamlet Annexation in the Dagsboro/Frankford Area

**Grant Request**

1. Delaware Botanic Gardens for annual fundraiser
2. Clothing Our Kids for program expenses
3. Town of Georgetown for South Race Street dining area beautification project

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

**Executive Session – Land Acquisition pursuant to 29 Del.C. §10004(b)**

**Possible action on Executive Session items**

**1:30 p.m. Public Hearings**

**PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA.**

**Conditional Use No. 2227 filed on behalf of Mark J. Davis & Leona E. Davis**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A 19.342 ACRE BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 150 ACRES, MORE OR LESS” (land lying on the north side of Asbury Road (S.C.R. 446) approximately 0.19 mile southwest of Davis Road (S.C.R. 523) (Tax I.D. No. 231-15.00-8.00) (911 Address 24294 Asbury Road, Georgetown)**

**Conditional Use No. 2232 filed on behalf of Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 (AGRICULTURAL RESIDENTIAL DISTRICT) FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 98.60 ACRES, MORE OR LESS” (land lying on the south side of Fisher Road, approximately 0.38 mile west of Hopkins Road) (Tax I.D. No. 334-10.00-69.01) (911 Address: None Available)**

**Adjourn**

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on September 15, 2020 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

Further meeting access instructions are listed below.

#### **-MEETING INSTRUCTIONS-**

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

The public is encouraged to view the meeting on-line. Any person attending in-person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Chambers seating capacity is limited and seating assignments will be enforced.

The meeting will streamed live at <https://sussexcountye.gov/council-chamber-broadcast>.

The County is required to provide a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.** Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

**Conference Number: 1-302-394-5036**

**Conference Code: 570176**

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountye.gov/agendas-minutes/county-council>.

If any member of the public would like to submit comments electronically, please feel free to send them to [rgriffith@sussexcountye.gov](mailto:rgriffith@sussexcountye.gov). All comments shall be submitted by 4:30 P.M. on Monday, September 21, 2020.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF SUSSEX COUNTY GRANTING THE BOARD OF ADJUSTMENTS AND APPEAL AUTHORITY TO HEAR APPEALS OF VIOLATIONS UNDER CHAPTER 80 ("PROPERTY MAINTENANCE CODE") AND CHAPTER 115 ("ZONING"), ARTICLE XXV ("SUPPLEMENTARY REGULATIONS"), §115-191 AND ITS SUBSECTIONS PERTAINING TO VEHICLES AND TRAILERS AND PROHIBITED ACCUMULATIONS.

WHEREAS, on February 10, 2020, the Delaware legislature passed and the Governor signed into law, Title 9, Chapter 72 of the Delaware Code, entitled, "Sussex County Property Maintenance", which provides a mechanism by which the Sussex County Council is authorized to promulgate Sussex County Code provisions, including the procedures for appeals from a violation decision;

WHEREAS, through the adoption of Ordinance \_\_\_\_ which amends Sussex County Code Chapter 80, the Sussex County Council created violation, enforcement, penalties and appeals procedures with due process protections for violations of the Chapter 80 ("Property Maintenance Code"); and

WHEREAS, through the adoption of Ordinance \_\_\_\_ which amends Chapter 115, Article XXV ("Supplementary Regulations"), § 115-191 and its subsections pertaining to vehicles and trailers and prohibited accumulations, the violation, enforcement, penalties and appeals procedures with due process protections for violations set forth in Chapter 80 govern violations under § 115-191 and its subsections; and

WHEREAS, Title 9, Chapter 72 mandates that the Sussex County Council appoint an administrative tribunal "for the purpose of hearing violations of any ordinance, rule, or regulation enacted pursuant to this Chapter": and

WHEREAS, the Sussex County Council has determined that the Board of Adjustments and Appeals is the proper administrative tribunal to hear these matters; and

WHEREAS, the Sussex County Council deems it necessary to amend Chapter 52 to grant the Board of Adjustment and Appeal the authority to hear appeals from the Constable's decision on such violations.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Chapter 52, § 52-30, "Board of Adjustments and Appeals", of the Sussex County Code is hereby amended by inserting the underlined language and deleting the bracketed and italicized language as follows:

- E. Procedure. Except as otherwise provided in § 80-4G. pertaining to appeals from Constable's decisions, [T]the Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this [c]Code. The

Board shall meet as necessary, as determined by the Chairman. In any event, the Board shall meet within 15 days after notice of appeal has been received or may meet on a date agreeable to the Board and the appellant. The Board shall also review any proposed changes in this [c]Code and make recommendations to the County Council.

Section 2. Chapter 52, § 52-31, "Appeals", of the Sussex County Code is hereby amended by inserting the underlined language as follows:

§ 52-31 Appeals.

- A. Appeals from decision of Building Official. Whenever the Building Official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the erection or alteration of a building or structure or when it is claimed that the provisions of this Code do not apply or that an equally good or more desirable form of construction can be employed in any specific case or whether it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure or his duly authorized agent may appeal from the decision of the Building Official to the Board of Adjustments and Appeals. Notice of appeal shall be in writing and filed within 90 days after the decision is rendered by the Building Official. A fee of \$600 shall accompany such notice of appeal. [Amended 6-27-2006 by Ord. No. 1855]
- B. Shorter appeal period for unsafe structure. In case of a building or structure which, in the opinion of the Building Official, is unsafe or dangerous, the Building Official may, in his order, limit the time for such appeal to a shorter period. Appeals hereunder shall be on forms provided by the Building Official.  
E. Procedure. The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The Board shall meet as necessary, as determined by the Chairman. In any event, the Board shall meet within 15 days after notice of appeal has been received or may meet on a date agreeable to the Board and the appellant. The Board shall also review any proposed changes in this code and make recommendations to the County Council.
- C. Appeals from decisions of Constable. As set forth in Chapter 80, §80-4G., "Administrative appeal," the Board of Adjustments and Appeals shall have the authority to hear appeals from Constable decisions that a violation has occurred under Chapter 80 and Chapter 115, §191 and its subsections. Section 80-4G. shall govern the appeal procedure. In accordance with §80-4G.(2), all appeals shall be filed within twenty (20) days of the Constable's written decision.

Section 3. Chapter 52, § 52-32, "Variances and modifications", of the Sussex County Code is hereby amended by inserting the underlined language as follows:

§ 52-32 Variances and modifications.

- C. The Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this [c]Code or public interest or when, in its opinion, the interpretation of the Building Official or the Constable, as the case may be, should be modified or reversed.
- B. A decision of the Board of Adjustments and Appeals to vary the application of any provision of this code or to modify an order of the Building Official or Constable, as the case may be, shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.

Section 4. Chapter 52, § 52-33., "Decisions of Board of Adjustments and Appeals", of the Sussex County Code is hereby amended by inserting the underlined language therein as follows:

§ 52-33 Decisions of Board of Adjustments and Appeals.

Every decision of the Board of Adjustments and Appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Building Official or the Constable, as the case may be, and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in the office of the Building Official for two weeks after filing for appeals from the Building Official's decisions.

Section 5. Effective Date. This Ordinance shall become effective upon its adoption.

Synopsis

Pursuant to 9 Del. C. § 7201, this Ordinance amends Chapter 52, Article I. of the Sussex County Code by granting the Board of Adjustments and Appeals the authority to hear appeals from Constable decisions for violations under Chapter 80 and Chapter 115, § 115-191 and its subsections, and the procedures therefor as set forth in § 80-4G.

Deleted text is italicized and in brackets. All new text is underlined.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 80 ("LOT MAINTENANCE") OF THE CODE OF SUSSEX COUNTY RELATING TO LOT MAINTENANCE, INCLUDING THE ADOPTION OF ENFORCEMENT AND PENALTY PROVISIONS PURSUANT TO TITLE 9, CHAPTER 72 OF THE DELAWARE CODE.

WHEREAS, Sussex County is charged with protecting the health, safety and welfare of its citizens; and

WHEREAS, on July 16, 2013, Sussex County adopted Chapter 80, "Lot Maintenance"; and

WHEREAS, on February 10, 2020, the Delaware legislature passed and the Governor signed into law, Title 9, Chapter 72 of the Delaware Code, entitled, "Sussex County Property Maintenance", which provides a mechanism by which the Sussex County Council is authorized to promulgate Sussex County Code provisions, including civil penalties for enforcement with due process protections;

WHEREAS, the Sussex County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life of its citizens.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Chapter 80 of the Sussex County Code is hereby amended by deleting the title of, "Lot Maintenance" and substituting the following underlined language in its place and stead:

Chapter 80 Property Maintenance Code

Section 2. Chapter 80, § 80-1 is hereby amended by inserting new subparagraphs C and D which is underlined as follows:

C. The definitions contained in 9 Del. C. § 7201 shall govern this chapter.

D. This chapter shall not apply to:

- (1) properties, buildings, or structures located within any incorporated city or town in Sussex County unless the responsibility for the local code enforcement has been duly transferred to Sussex County.
- (2) land deemed to be actively devoted to agricultural, horticultural, or forestry as defined in 9 Del. C. § 8333.
- (3) any structure that is not subject to regulation pursuant to 9 Del. C. § 6902(b).

(4) State Parks and Wildlife Areas.

Section 3. Chapter 80 of the Sussex County Code is hereby amended by deleting §§ 80-2, 80-3 and 80-4 in their entirety which is bracketed and italicized as follows:

*[§ 80-2 Enforcement.*

*A. It shall be the duty of the Constable or his/her designee to enforce the provisions of this chapter. When the Constable, or his/her designee, determines that there has been a violation of this chapter, or has grounds to believe that a violation has occurred, notice shall be given to the owner, occupant or party responsible for the subject property. All notices shall:*

*(1) Be in writing.*

*(2) Include a tax parcel number for the property.*

*(3) Include a statement or description and/or photograph of the violation or violations and state why the violation notice is being issued.*

*(4) Include a statement of the required corrective action and the time period within which the corrective action must occur to bring the subject property into compliance, which time period shall be not less than five calendar days. In the event the owner, occupant or party responsible for the subject property notifies the Constable, or his/her designee, in writing, within the five-day corrective period of an intent to correct the violation, the Constable or his/her designee may, at his/her discretion, extend the time for corrective action up to a total period of 10 days from the date the violation notice is served. The notice of violation shall be deemed to be properly served if a copy thereof, together with a copy of this chapter, is:*

*(a) Delivered personally;*

*(b) Sent by certified or first-class mail addressed to the last known address;  
or*

*(c) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on the property affected by such notice and the person posting the notice shall take a photograph of the posted notice.*

*§ 80-3 Removal by County; recovery of County expenses.*

*A. If, within five days after due notice by the Constable's office to the owner, occupant or party responsible for the subject property, the grasses or weeds in violation of this chapter are not removed, an administrative fee of \$50 per incident will be assessed to the owner, occupant or party responsible for the subject property and the Constable, or his/her*

*designee, may contract with a third-party subcontractor who will cause such grasses or weeds to be cut and/or removed and may incur any expense in the removal thereof.*

*B. Any expense of removal incurred by the Constable or his/her designee shall be the financial responsibility of and paid by the owner, occupant or party responsible for the subject property within 15 days after notice thereof has been given in compliance with the provisions of § 80-2. If such amount is not paid within such time period, such amount, together with the administrative fee set forth in § 80-3A, and interest on such expenses at 10% per annum, shall be assessed against the subject property and shall, until paid, constitute a lien against the subject property in favor of the County upon the filing in the office of the Recorder of Deeds by the appropriate County official of a certificate of lien setting forth the amount equal to the expenses assessed against the owner, occupant, or responsible party by the County for bringing the subject property into compliance of this chapter.*

*C. In addition to any other remedy, the County may file and maintain a civil action for the recovery of such expense of cutting and/or removal against the owner, occupant or party responsible for the subject property and shall be awarded reasonable attorney's fees and costs of the action by any court having proper jurisdiction over the subject matter.*

*D. No civil liability shall attach to any act of any contractor or County employee engaged in carrying out the provisions of this section or any of its subsections.*

#### *§ 80-4 Violations and penalties; jurisdiction.*

*A. Any person who shall violate a provision of this chapter or any of its subsections and/or fails to comply with any notice of violation served in accordance with § 80-2 above shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of \$250 for the first conviction; \$500 for the second conviction; \$1,000 for the third conviction; and for the fourth and any subsequent conviction of the same violation that has still not been corrected, the fine for such conviction shall be \$2,500. The fines specified herein for the second through fourth convictions shall not be suspended. Upon conviction of a first violation of this chapter, the court may order the defendant to correct the violation by a certain date, not to exceed 10 days from the date of the conviction. Proof of guilt of a violation hereof may be proven through the testimony of a witness who has observed the violation and/or one or more photographs which document and depict the violation. Jurisdiction over the enforcement of this provision shall be in the Justice of the Peace Courts of the State of Delaware.*

*B. In addition to prosecuting a violator in the Justice of the Peace Courts, the prosecuting County employee is authorized, but is not required, to institute appropriate proceedings at law or in equity to restrain, correct, abate or enjoin a violation or to require the removal of the offending condition at the expense of the person who is found to be in violation of these provisions. If the County prevails, the Court shall order the violator to pay the County's reasonable attorney's fees and costs of the action.*

*C. Pursuant to 25 Del. C. § 2901, civil penalties may be added to the County property tax billings for the property which was the subject of the violation. Additional civil penalties shall also double if not paid within 30 calendar days from the date of the respective violation.*

*D. The penalties set forth in this section shall not affect the County's right to also recover expenses incurred pursuant to § 80-3.]*

Section 4. Chapter 80 of the Sussex County Code is hereby amended by inserting the following new §§ 80-2 through 80-5 underlined language as follows in its place and stead:

§ 80-2. Approval.

- A. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this Chapter, the Constable shall have the authority to grant modifications for individual cases, provided the Constable shall first find that special individual reason makes the strict letter of this Chapter impractical and the modification is in compliance with the intent and purpose of this Chapter and that such modification does not lessen health, life, and fire safety requirements. The details of action granting modifications shall be recorded and entered in the departmental files.
- B. Fees. No fee shall be charged for the first modification request if the applicant is actively working toward correcting the violation. A fee as set forth in the Appendix to this Chapter shall be charged for each subsequent request for code modification.

§ 80-3 Violations.

Any person who shall violate any provision(s) of this Chapter or shall fail to comply with any of the requirements hereof, shall be subject to any of the enforcement mechanisms and penalties outlined in this Chapter.

§ 80-4 Enforcement.

- A. Constable Authority. It shall be the duty of the Constable or his/her designee (collectively "Constable") to enforce the provisions of this chapter. When the Constable, or his/her designee, determines that there has been a violation of this chapter, or has grounds to believe that a violation has occurred, notice shall be given to the owner of the subject property, if known. Notice may also be given to the person responsible for the subject property as defined in 9 Del. C. § 7201(4).
- B. Administrative enforcement. Any person violating the provisions of this Chapter may be subject to administrative proceedings instituted by the Constable. Violations subject to administrative enforcement shall be commenced within three (3) years as provided in 10 Del. C. § 8106.

- (1) Notice to owner or person responsible. Whenever the Constable determines that there has been a violation of this Chapter or has reasonable ground to believe that a violation has occurred, notice shall be given to the owner, if known. Notice may also be given to person(s) responsible for the property. Any person(s) noticed shall be responsible for correcting such violation(s).
- (2) Form. The form of such notice prescribed in subsection (1) shall be in accordance with §80-5B.
- (3) Method of service. Notice required under this section shall be satisfied where a copy of the decision, or violation notice is: (a) delivered personally to the owner or person responsible for the property; or (b) mailed by regular United States mail and addressed to the owner or person responsible for the property at their last known address; or (c) posted in a conspicuous place on the property. Service of such notice in the foregoing manner upon an owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.
- (4) Exceptions. In no case shall the Constable be required under this section to provide a violation notice to any owner or person previously provided notice pursuant to this section or under any former provision of this Chapter, where the same violation is alleged by the Constable to exist.

C. Ticketing. Pursuant to Title 9, Chapter 72 and Title 25, Chapter 29 of the Delaware Code, the Constable shall have the authority to issue ticket(s) to the owner of a property, regardless of whether the owner actually resides upon the property, including any vacant lots, for violations of § 80-1, Prohibited growth and accumulations; § 115-191, Parking, Storing and Maintaining of Vehicles and Trailers; and § 115-191.1, Prohibited Accumulations.

- (1) Procedure. Whenever the Constable's Office receives a complaint that there has been an alleged violation(s) of the above-referenced sections, the Constable's Office shall inspect the property to determine whether a violation(s) has occurred. If a violation(s) has occurred, a notice of violation(s) shall be given to the owner of the property. Notice may also be given to the person responsible for the subject property. The owner and/or noticed person responsible shall be responsible for correcting such violation(s) within ten (10) calendar days. If the Constable determines that the violation(s) remains after the tenth (10<sup>th</sup>) calendar day, the owner of the property on which such non-compliance exists shall be subject to, and liable for, a civil penalty in the amount of \$50.00. This civil penalty shall double if not paid within thirty (30) calendar days from the date of the citation. In no case shall the Constable be required by this Section to provide notice within a twelve (12) month period to any owner previously provided notice pursuant to this Section where the same Code violation exists.

- (2) Citation. Any citation issued for failure to comply with any provision identified in § 80-4C. may be mailed or personally delivered to the person responsible for the property and shall be mailed or personally delivered to the owner of the property that is the subject of the citation. Pursuant to 9 Del. C. § 7207 and 25 Del. C. § 2901, civil penalties may be added to the County property tax billings for the property which was the subject of the citation. Additional civil penalties shall also double if not paid within thirty (30) calendar days from the date of the respective citation.
- (3) Continuing violations. After the recipient of a ticket(s) has an opportunity to appeal the ticket(s) as permitted by § 80-4C.(5), the violation shall constitute a continuing violation; a ticket for the same violation may be issued each day the violation continues and a separate penalty for each day may be imposed.
- (4) State of mind. It shall be unnecessary to prove the violator's state of mind with regard to the failure to comply with any provision of this Section, as the legislative purpose is to impose strict liability for such non-compliance.
- (5) Appeals. The owner of or person responsible for a property aggrieved by any civil penalty imposed pursuant to § 80-4C. may appeal the ticket to the Board of Adjustments and Appeals in accordance with § 80-4F., Administrative appeal.

D. Costs. The owner of or person responsible for the property shall be responsible for all costs associated with the enforcement of this Code and the investigation, removal, remediation, or abatement of Code violations including the costs of the institution and maintenance of temporary safeguards and reasonable attorneys' fees associated with the above. The costs shall be liens on the property to the extent permitted by law.

E. Administrative penalty provisions. The following administrative penalties may be imposed by the Constable:

- (1) Administrative fines. Notwithstanding any other section of this Code, any person who is found to have violated any provision of this Code or directive of the Constable, may be subject to the penalties specified in § 80-4G.(3) for each day that the violation continues in addition to any expense incurred by the County for the removal or abatement of the violation. Administrative fines imposed pursuant to this section shall be a lien on the parcel of real property that the expense is incurred upon or which is the subject of the violation. Upon certification of the lien by the Constable's Office, the amount of such lien shall be recorded and collected in the same manner as other county real estate taxes, and paid to Sussex County, when collected. 9 Del. C. § 7207 et seq. (Abatement; creation of tax lien).
- (2) Institution of remedial action. The County may initiate action to remedy the violation. Upon completion of such remedial work, the violator shall be

provided the opportunity to reimburse the County for the cost incurred. If the violator fails to reimburse the County within the time period specified, the County may:

- (a) call or collect on any bond or insurance established for this purpose;
  - (b) place a lien on any property within the County held by the person as permitted by State law; or
  - (c) institute a civil action for the recovery of such expenses, together with any penalty, fine, fee and/or interest, against the person, and the County shall be awarded reasonable attorneys' fees and all expenses and costs the County has incurred including, without limitation, proceedings pursuant to a writ of monition, as permitted under 9 Del. C., Chapter 72. An administrative fee for processing vendor requests and providing vendor services shall be charged for each instance such service is provided as set forth in the appendix to this Chapter. This Section shall not be construed to limit any other actions or remedies at law or equity.
- (3) Voluntary assessment. The Constable may issue a summons to a person the officer has reasonable ground to believe has committed an offense against any County ordinance. Any summons issued by a Constable may provide that, in lieu of appearing in court, the offender may correct the offense(s) and remit a voluntary assessment of up to two hundred dollars (\$200.00) for each offense cited. The summons may provide that each day such violation continues shall constitute a separate offense.

F. Administrative appeal.

- (1) Appeal to the Board of Adjustments and Appeals. Any person aggrieved by any administrative enforcement action taken pursuant to this Chapter, or any person who in good faith claims that the true intent of this Chapter or the rules legally adopted there under have been incorrectly interpreted, the provisions of this Chapter do not fully apply, or an equally good or better form of construction is proposed shall have the right to appeal to the Board of Adjustments and Appeals. The Board shall not have the authority to waive any requirement of this Chapter.
- (2) Time. All appeals shall be filed with the Board of Adjustments and Appeals within twenty (20) days of the date the citation issued by the Constable. A public hearing will then be afforded to the appellant within forty-five (45) days of the filing of the appeal.
- (3) Written decision. The Board of Adjustments and Appeals shall make findings of fact and shall render a decision in writing based upon the record created at the public hearing within twenty (20) days.

- (4) Actions that can be taken. The Board of Adjustments and Appeals may affirm, modify, reverse, vacate, or revoke the action appealed, provided that such action shall be affirmed by the Board if the action was not arbitrary or capricious, or was not taken pursuant to law.
- (5) Stay. If a stay of the action being appealed is desired, a written request must be submitted in writing to the Constable at the Constable's Office. The stay will be granted unless the Constable can demonstrate that the granting of the stay would jeopardize the health, safety or welfare of the public.
- (6) Fee. The fee for filing of an appeal under this Section is set forth in the Appendix to this Chapter. Such fee shall be refunded to the applicant if it prevails on all issues presented to the Board after any right(s) to appeal have expired or have been exhausted.
- (7) Writ of certiorari. An aggrieved party may appeal the decision of the Board of Adjustments and Appeals by filing a petition for a writ of certiorari in the Delaware Superior Court.

G. Criminal enforcement. Any person violating the provisions of this Code may be subject to a criminal proceeding instituted by the Constable or the County Attorney, or his or her designee. It is unnecessary to prove the defendant's state of mind with regard to offenses which constitute violations as the legislative purpose is to impose strict liability for such offenses.

- (1) Dismissal of charges. Any person subject to criminal prosecution under this Chapter may avoid the same upon presenting sufficient evidence to establish that the alleged violation has been remedied. At the discretion of the County Attorney, or his or her designee, and if sufficient evidence is presented prior to trial, the County may enter a nolle prosequi with or without prejudice.
- (2) Criminal proceedings. Justices of the Peace shall have jurisdiction throughout the State to hear, try and finally determine any violation or violations of any ordinance. Only upon conviction shall the defendant have the right to appeal to the Court of Common Pleas.
- (3) Penalties. Violations of this chapter shall be deemed misdemeanor offenses. The sentence for any person convicted of such a misdemeanor offense shall include the following fines and may include restitution or such other conditions as the court deems appropriate:
  - (a) For the first conviction, the penalty shall be a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00).
  - (b) For the second conviction for the same offense, the penalty shall be a fine of not less than five hundred dollars (\$500.00), nor more than two thousand five hundred dollars (\$2,500.00).

- (c) For all subsequent convictions for the same offense, the penalty shall be a fine of no less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00). The unpaid fine amounts may be considered a tax lien and collected in the same manner as other County real estate taxes. "Fines" as used in this section shall also include any civil judgment awarded to the County thereof entered pursuant to 11 Del. C. § 4101 (Payment of fines, costs and restitution upon conviction), 25 Del. C. § 2901 et seq. (Liens of the State and/or its political subdivisions) or 9 Del. C. § 7207 et seq. (Abatement; creation of tax lien).

- (4) Continuing violations. Each day any violation of this Chapter shall continue shall constitute a continuing violation for which a separate conviction may be obtained and a separate penalty for each day shall be imposed, and shall be considered a single conviction for the purposes of § 80-4G.(3).

H. Civil enforcement. Any person violating the provisions of this Chapter may be subject to a civil proceeding instituted by the County Attorney or his or her designee. The County may apply to the Court of Chancery for injunctive relief against the person, to prevent, restrain, correct, abate, remove, or enjoin any violation of the provisions of this Chapter.

I. Abatement of violation. The imposition of the penalties and remedies herein prescribed shall not preclude the Constable or his or designee from instituting the appropriate action to restrain, correct or abate a violation when such person fails to correct the violation after due notice, either actual or constructive, has been given to the person responsible, and where such person has had the opportunity to be heard by the Board of Adjustments and Appeals through a timely filed appeal or court of competent jurisdiction on the issue of the violation.

J. Reimbursement. Upon completion of any action taken by the County to correct or abate a violation, the violator shall be provided the opportunity to reimburse the County for any costs incurred within thirty (30) days of providing the person responsible written notice thereof. An administrative fee for processing vendor requests and providing vendor services shall be charged for each instance such service is provided as set forth in the appendix to this Chapter.

K. Remedies. Upon failure to reimburse the County within the time period specified, the County may:

(1) Call or collect on any bond or insurance established for this purpose;

(2) Place a lien upon the parcel of real property which is the subject of the abatement or after a Notice of Lien is filed on any property within the County which is held by the responsible person. Upon certification of the lien by the Constable's Office, the amount of such lien shall be recorded and collected

in the same manner as other county real estate taxes and paid to New Castle County when collected. There shall be a right to appeal the abatement cost to the Board of Adjustments and Appeals; or

(3) Institute a civil action for the recovery of such expense, together and with any penalty, fine, fee and/or interest, against the person, and the County shall be awarded reasonable attorneys' fees and all expenses and costs the County has incurred including, without limitation, proceedings pursuant to a writ of monition, as permitted under 9 Del. C., Chapter 72. This Section shall not be construed to limit any other actions or remedies at law or equity.

L. Extensions. Application for an extension of the time frame to correct the violations addressed in the violation notice may be made in writing to the Constable. The Constable is authorized to grant, in writing, one (1) or more extensions of time. The applicant must demonstrate justifiable cause and explain all pertinent surrounding circumstances including reasons for the delay, plans for completion, and what actions the applicant has taken to correct the problem. The Constable may set conditions regarding the time frame to rectify any violation as well as any other conditions such as, but not limited to, those prescribed by a court of law or the Board of Adjustments and Appeals. A fee as set forth in the Appendix to this Chapter shall be charged for each extension.

#### § 80-5 Notices and Orders

A. Notice to owner or person responsible. Whenever the Constable determines that there has been a violation of this Chapter, or has reasonable grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in § 80-5B. and § 80-5C. to the owner or person responsible for the violation as specified in this Chapter.

B. Form. Such notice prescribed in § 80-5A. shall be in accordance with all of the following:

(1) Be in writing;

(2) Include a description of the real estate sufficient for identification;

(3) Include a statement of the violation or violations and why the notice is being issued; and

(5) Include a directive indicating the time to make the repairs and improvements required to bring the premises into compliance with the provisions of this Chapter.

### C. Service.

- (1) Method of service. Such notice shall be deemed to be properly served if a copy thereof is:
  - (a) Delivered personally to the owner or person responsible for the property; or
  - (b) Sent by certified or first-class mail addressed to the last known address; or
  - (c) Posting a copy of the notice in a conspicuous place in or about the structure affected by such notice.
- (2) Method of service exception. In no case shall the Constable be required by this Section to provide a violation notice within a twelve (12) month period to any owner or person responsible previously provided notice pursuant to this Section or under any former Code provision where the same Code violation is alleged by the Constable to exist.

Section 5. Chapter 80 of the Sussex County Code is hereby amended by renumbering § 80-5, "Withholding of permits and approvals" to § 80-6, by deleting the bracketed number and inserting the underlined number in its place and stead as follows:

"§ 80-[5]6"

Section 6. Effective Date. This Ordinance shall become effective upon its adoption.

### Synopsis

This Ordinance amends Chapter 80 ("Lot Maintenance") of the Sussex County Code by renaming it, "Property Maintenance Code" as well as including the adoption of comprehensive enforcement and penalty procedures with due process protections in accordance with Title 9, Chapter 72 of the Delaware Code all of which substantially advance, and are reasonably and rationally related to, legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life of its citizens. This Ordinance creates enforcement procedures for the Constable's Office to administer Sussex County's Property Maintenance Code.

Deleted text is italicized and in brackets. All new text is underlined.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, "SUPPLEMENTARY REGULATIONS", §§ 115-191 THROUGH 115-191.8 OF THE CODE OF SUSSEX COUNTY RELATING TO "PARKING, STORING AND MAINTAINING VEHICLES AND TRAILERS" AND "PROHIBITED ACCUMULATIONS", INCLUDING THE ADOPTION OF ENFORCEMENT AND PENALTY PROVISIONS PURSUANT TO TITLE 9, CHAPTER 72 OF THE DELAWARE CODE.

WHEREAS, Sussex County is charged with protecting the health, safety and welfare of its citizens; and

WHEREAS, on May 6, 2008, Sussex County adopted Chapter 115, Article XXV, "Supplementary Regulations" §§ 115-191 through 115-191.8, pertaining to "Parking, storing and maintaining of vehicles and trailers", "Prohibited accumulations" and the enforcement procedures and penalties for violations thereof; and

WHEREAS, on February 10, 2020, the Delaware legislature passed and the Governor signed into law, Title 9, Chapter 72 of the Delaware Code, entitled, "Sussex County Property Maintenance", which provides a mechanism by which the Sussex County Council is authorized to promulgate Sussex County Code provisions, including civil penalties for enforcement with due process protections; and

WHEREAS, this amendment adopts the violation, enforcement, penalties and appeals procedures set forth in Chapter 80 of the Sussex County Code; and

WHEREAS, the Sussex County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life of its citizens.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Chapter 115 of the Sussex County Code is hereby amended by deleting § 115.191.1, "Enforcement" and § 115-191.2, "Penalties; jurisdiction" in their entirety which is bracketed and italicized as follows:

*[§ 115-191.1 Enforcement.*

*[Added 5-6-2008 by Ord. No. 1968]*

*A. It shall be the duty of the Director or his designee (which shall include the County Constables) to enforce the provisions of § 115-191. When the Director, or his designee determines that there has been a violation or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible for the violation, in accordance with all of the following requirements:*

*(1) Be in writing.*

*(2) Include a tax parcel number for the property.*

*(3) Include a statement or description and/or photograph of the violation or violations and state why the violation notice is being issued.*

*(4) Include a statement of the required corrective action and the time period within which the corrective action must occur to bring the property into compliance, which time period shall be not less than 30 calendar days. In the event the owner of the property or the person responsible for the violation notifies the Director, or his designee, in writing, within the thirty-day corrective period of an intent to correct the violation, the Director or his designee may, at his/her discretion, extend the time for corrective action up to a total period of 60 days from the date the violation notice is served. Further, if the violator signs a written cleanup or remediation plan with the County within the sixty-day period, the Director or his designee shall have the discretion to extend the cleanup or remediation period up to a maximum of six months from the date the violation notice is served. The notice of violation shall be deemed to be properly served if a copy thereof, together with a copy of §§ 115-191 and 115-191.1 through 115-191.8 is:*

*(a) Delivered personally;*

*(b) Sent by certified or first-class mail addressed to the last known address; or*

*(c) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on the property affected by such notice and the person posting the notice shall take a photograph of the posted notice.*

*(5) If a citizen domiciled in the County signs a written cleanup or remediation plan and can provide bona fide proof that he/she is financially and/or physically incapable of fully complying with the terms and time limits of the plan proposed by the Director, he/she can file a letter of appeal to County Council within 30 days after executing the written cleanup or remediation plan with the Director, asking Council to grant additional time to complete the clean up, to modify the terms of the plan or for assistance in completing it. There shall be no appeal fee and no public hearing required by Council. If the violation notice was sent in response to the complaint of another citizen, the citizen who made the complaint shall be given a minimum of five days' written notice of the date when Council will consider the appeal and will be allowed to address Council concerning the substance of the appeal request. When Council considers the request, the burden shall be upon the requesting owner to satisfy Council that a financial and/or physical hardship or timing issue exists which prevents or limits his/her ability to comply with the cleanup plan. If that burden is met, the options available to Council are:*

*(a) To modify the plan or to extend the time for clean up completion and/or to impose a phasing plan requiring the owner to achieve meaningful incremental progress and to specify the date or circumstances under which such a phasing plan would be revoked if the owner fails to make substantial progress toward completion.*

*(b) To advise the owner of any available sources of assistance that may be available to help him/her complete the clean up.*

*(c) To grant such other and further relief as Council may consider appropriate under the circumstances.*

*§ 115-191.2 Penalties; jurisdiction.*

*Any person who shall violate a provision of § 115-191 or any of its subsections and/or fails to comply with any notice of correction served in accordance with § 115-191.1 above shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$250 nor more than \$500 for the first conviction; not less than \$500 nor more than \$750 for the second conviction; and not less than \$750 nor more than \$1,000 for the third conviction; and for the fourth and any subsequent conviction of the same violation that has still not been corrected, the minimum fine for such conviction shall be not less than \$2,500. The minimum fines specified herein for the second through fourth convictions shall not be suspended. Upon conviction of a first violation of this chapter, the court may order the defendant to correct the violation by a certain date, not to exceed 30 days from the date of the conviction. Proof of guilt of a violation hereof may be proven through the testimony of a witness who has observed the violation and/or one or more photographs which document and depict the violation. Jurisdiction over the enforcement of §§ 115-191, 115-191.1 and 191.2 shall be in the Justice of the Peace Courts of the State of Delaware.*

*A. In addition to prosecuting a violator in the Justice of the Peace Courts, the prosecuting County employee is, but is not required, to institute appropriate proceedings at law or in equity to restrain, correct, abate or enjoin a violation or to require the removal of the offending condition at the expense of the person who is found to be in violation of these provisions. If the County prevails, the Court shall order the violator to pay the County's reasonable attorney's fees and costs of the action.]*

Section 2. Chapter 115 of the Sussex County Code is hereby amended by renumbering § 115.191.4, "Prohibited accumulations" to 115-191.1, by deleting the bracketed number and inserting the underlined number in its place and stead and further amended by inserting the underlined language in subparagraph A as follows:

§ 115-191.[4]1 Prohibited accumulations.

The purpose of this section is to prevent the accumulation of refuse, rubbish, trash, inoperable appliances, tires or waste material so as to create an unsightly condition and/or a nuisance detrimental to the use or value of adjoining properties and/or to create a potential fire or safety hazard that could endanger the safety of the owner, possessor or other persons. To the extent the accumulation of tires is not within the exclusive jurisdiction of the State of Delaware and the Delaware Department of Natural Resources and Environmental Control, the accumulation of tires shall be governed hereunder. In that regard:

- A. No person, being the owner or possessor of improved or unimproved lands or premises that are not used for bona fide agricultural purposes as hereinafter defined in § 115-191.4 shall permit refuse, rubbish, trash, inoperable appliances, tires or other waste material to be placed or to accumulate upon such lands or premises. Tire accumulations in excess of 20 tires shall be considered a violation.

Section 3. Chapter 115 of the Sussex County Code is hereby amended by renumbering § 115.191.6, "Deposit of waste materials on premises outside of commercial establishments" to 115-191.2, by deleting the bracketed number and inserting the underlined number in its place and stead, and further amended by inserting the underlined language in subparagraph A as follows:

§ 115-191.[6]2

A. No refuse, rubbish, trash, inoperable appliances, tires or other waste materials shall be deposited by any person on land or improved premises outside of any commercial establishment, except that such refuse, rubbish, trash, inoperable appliances, tires or other waste material shall be placed in a metal or heavy-duty rigid plastic container having a secure lid that will prevent the spillage of the contents or the opening of the container and spreading of the contents by animals or rodents. The owner or possessor of such commercial establishment, any officer of a corporation or other entity being the owner or possessor of such land or improved premises or commercial establishment and any agent having the management thereof whose employee or agent violates the provisions of this section shall be deemed to be in violation of the provisions of this Code.

Section 4. Chapter 115 of the Sussex County Code is hereby amended by renumbering § 115.191.3, "Exemptions" to § 115.191.4, by deleting the bracketed number and inserting the underlined number in its place and stead, and is further amended by deleting the bracketed language and inserting the underlined language as follows:

§ 115-191.[3]4 Exemptions.

Section 115-191.3 shall not apply to:

A. An antique car, as defined by Title 21, Delaware Code, § 2196, or parts for an antique car, provided the antique car or parts thereof are housed in a building consisting of four sides and a roof, the construction of which was approved by the County and said car is not visible from any location on the street, road or highway that is closest to the property or from an adjoining property.

[B. A dwelling which is part of and located on a tract of land of five acres or more that is primarily used for bona fide agricultural purposes.]

[C]B. Vehicles, boats or other watercraft which are not required to be licensed and registered pursuant to Delaware law.

C. Properties, buildings, or structures located within any incorporated city or town in Sussex County unless the responsibility for the local code enforcement has been duly transferred to Sussex County.

D. Land deemed to be actively devoted to agricultural, horticultural, or forestry as defined in 9 Del. C. § 8333.

E. Any structure that is not subject to regulation pursuant to 9 Del. C. § 6902(b).

F. State Parks and Wildlife Areas.

Section 5. Chapter 115 of the Sussex County Code is hereby amended by inserting a new § 115.191.3, "Violations, enforcement procedure, penalties and appeals" which is underlined as follows:

§ 115.191.3 Violations, enforcement procedure, penalties and appeals.

Sussex County Code §§ 80-2 through 80-5 of the Property Maintenance Code shall govern the procedure for violations, enforcement, penalties and appeals of §191 and each subsection thereunder.

Section 6. Chapter 115 of the Sussex County Code is hereby amended by deleting § 115.191.5, "Removal by County; recovery of County expenses" in its entirety which is bracketed and italicized as follows:

*[§ 115-191.5 Removal by County; recovery of County expenses.*

*[Added 5-6-2008 by Ord. No. 1968]*

*A. If, within 10 days after due notice by the Director of Planning and Zoning or his designee to the owner or possessor of land or improved premises, refuse, rubbish, trash or other waste materials in violation of this section are not removed, the Director or his designee may contract with a third party subcontractor who will cause such weeds, grasses, refuse, rubbish, trash or other waste materials to be removed and may incur any expense in the removal thereof.*

*B. Any expense of removal incurred by the Director or his designee shall be paid by the owner or possessor of the land or improved premises within 15 days after notice thereof given in compliance with the provisions of § 115-191.1A(1) through (3). If such amount is not paid within such time period, such amount, together with a penalty of 10% of such expense and interest on such expenses at 10% per annum, shall be assessed against the land or improved premises and shall, until paid, constitute a lien against such land or improved premises in favor of the County on the filing in the Office of the Recorder of Deeds by the Director of Finance of a certificate of lien setting forth the amount of such expense, including all penalties and interest accrued thereon and the per diem rate of increase in interest thereafter.*

*C. In addition to any other remedy, the County may file and maintain a civil action for the recovery of such expense of removal and the penalty and interest accrued against*

*the owner or possessor and shall be awarded reasonable attorney's fees and costs of the action by any court having proper jurisdiction over the subject matter.*

*D. No civil liability shall attach to any act of any contractor or County employee engaged in carrying out the provisions of this section or any of its subsections.]*

Section 7. Chapter 115 of the Sussex County Code is hereby amended by deleting § 115.191.7, "Violations and penalties" in its entirety which is bracketed and italicized as follows:

*[§ 115-191.7 Violations and penalties.*

*[Added 5-6-2008 by Ord. No. 1968]*

*Violations and penalties of the above referenced sections dealing with prohibited accumulations and/or the deposit of waste materials shall be assessed in accordance with the penalties contained in § 115-191.2 hereof.]*

Section 8. Chapter 115 of the Sussex County Code is hereby amended by renumbering § 115.191.8, "Withholding of permits and approvals" to 115-191.5, by deleting the bracketed number and inserting the underlined number in its place and stead as follows:

§ 115-191.[8]5

Section 9. Effective Date. This Ordinance shall become effective upon its adoption.

### Synopsis

This Ordinance amends Chapter 115, Article XXV, §§ 115-191 through 115-191.8 ("Supplementary Regulations") of the Sussex County Code by adopting the comprehensive enforcement and penalty procedures with due process protections in accordance with Title 9, Chapter 72 of the Delaware Code and Chapter 80 of the Sussex County Code, all of which substantially advance, and are reasonably and rationally related to, legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life of its citizens.

Deleted text is italicized and in brackets. All new text is underlined.

## PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN  
KIM HOEY STEVENSON, VICE-CHAIRMAN  
R. KELLER HOPKINS  
J. BRUCE MEARS  
HOLLY J. WINGATE



## Sussex County

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 13th, 2020

Application: CU 2227 Mark J. & Leona E. Davis

Applicant/Owner: Mark J. Davis  
17741 Davis Rd  
Georgetown, DE 19947

Site Location: 17741 Davis Rd. On the north side of Asbury Rd. (S.C.R 446)  
approximately 0.19 mile southwest of Davis Rd. (S.C.R. 523)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Borrow Pit (19.342 Acres)

Comprehensive Land  
Use Plan Reference: Low Density

Councilmatic  
District: Mr. Wilson

School District: Indian River School District

Fire District: Georgetown Fire Department

Sewer: N/A

Water: N/A

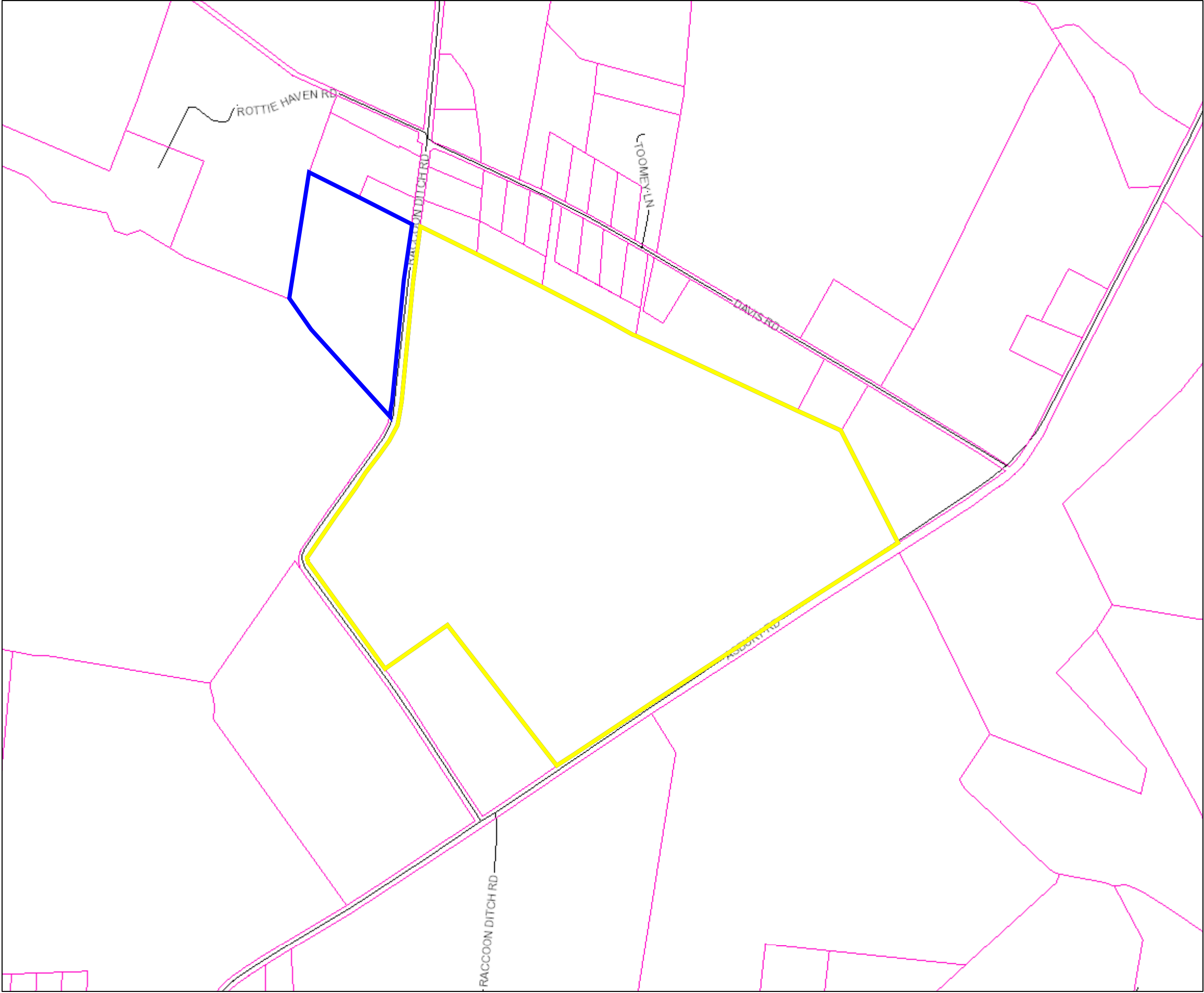
Site Area: 150 Acres +/-

Tax Map ID.: 231-15.00-8.00





Sussex County

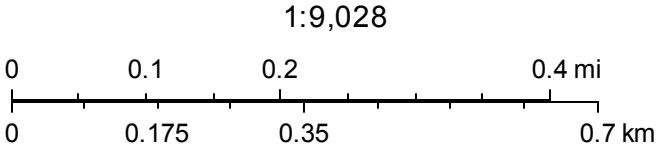


PIN:	231-15.00-8.00
Owner Name	DAVIS MARK J
Book	4920
Mailing Address	17741 DAVIS RD
City	GEORGETOWN
State	DE
Description	NW/RT 446 800'S/RT
Description 2	523E W/RT 522A
Description 3	FX 43AC FOREST EX
Land Code	

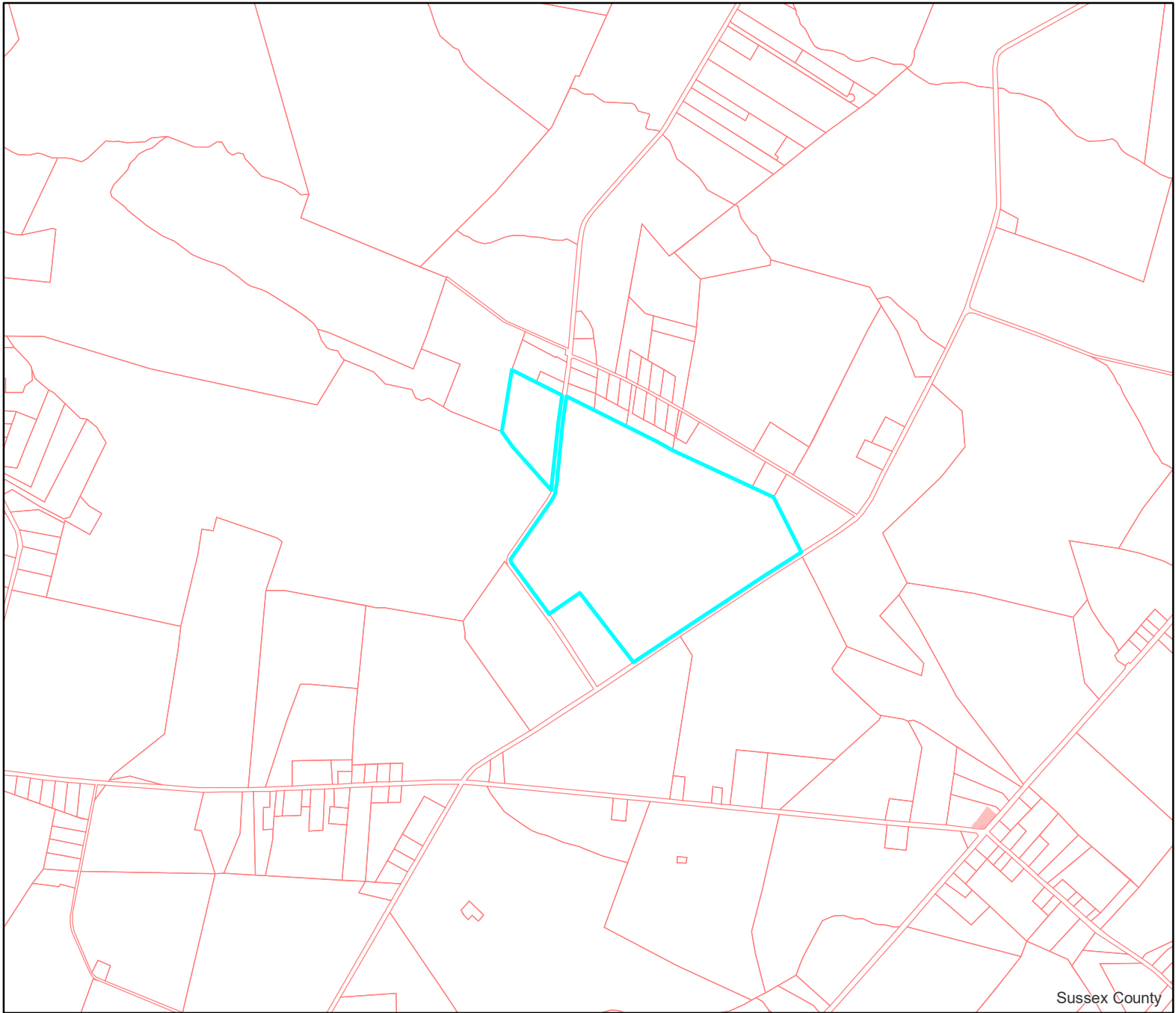
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Override 1
- Tax Parcels
- Streets



# CU 2227 Mark J. & Leona E. Lewis



Sussex County

## Legend

### Zoning

### District

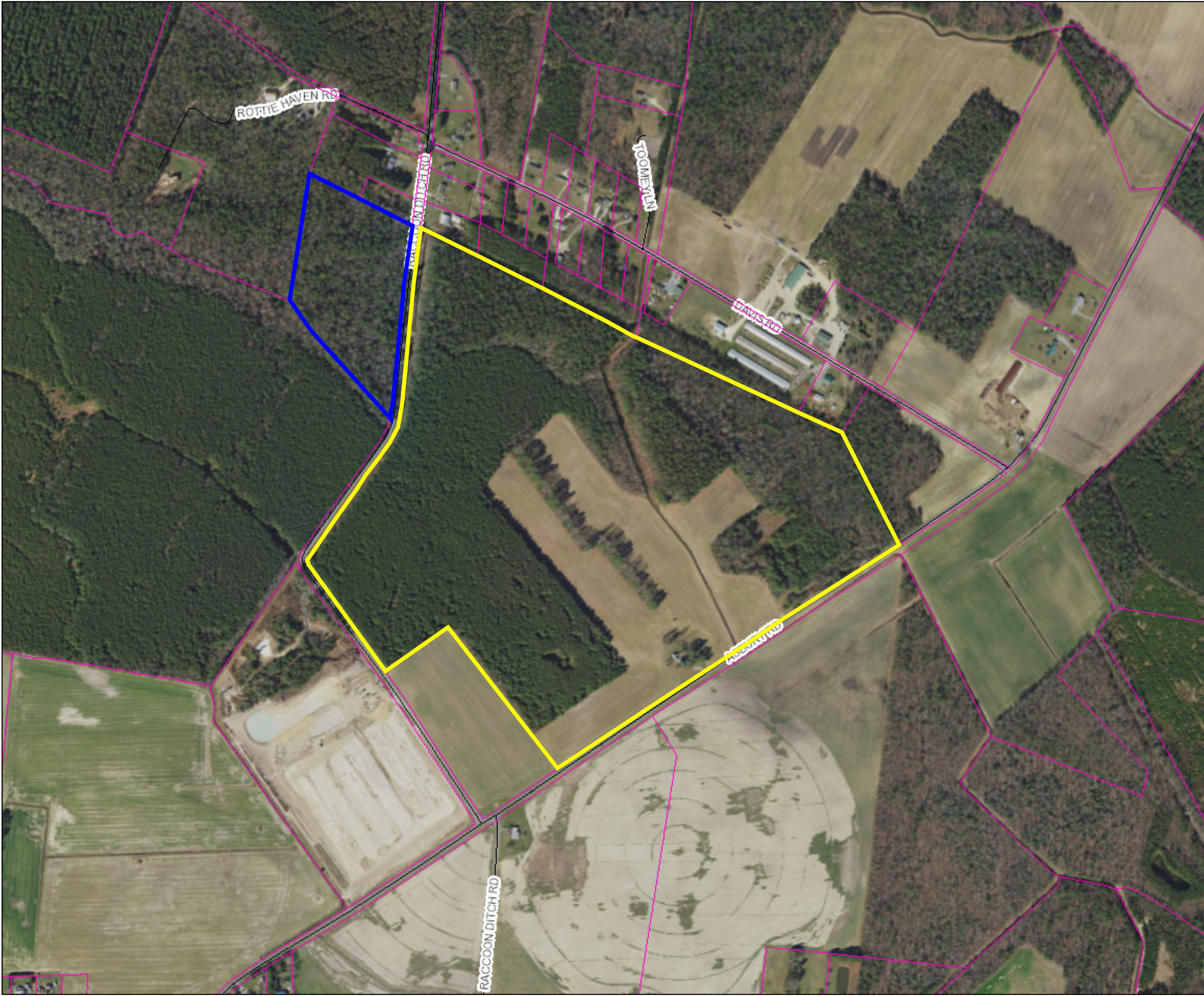
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- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1

- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- Neighborhood Business - B-2
- General Commercial - C-1
- General Commercial - C-2
- General Commercial - C-3
- General Commercial - C-4

- General Commercial - C-5
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1
- Limited Industrial - LI-2
- Heavy Industrial - HI-1



Sussex County





PIN:	231-15.00-8.00
Owner Name	DAVIS MARK J
Book	4920
Mailing Address	17741 DAVIS RD
City	GEORGETOWN
State	DE
Description	NW/RT 446 800'S/RT
Description 2	523E W/RT 522A
Description 3	FX 43AC FOREST EX
Land Code	

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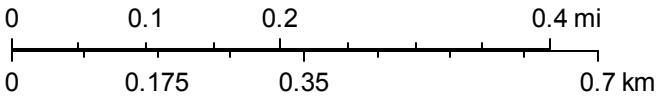
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polygonLayer

Override 1

-  Tax Parcels
-  Streets

1:9,028





## Memorandum

To: Sussex County Planning Commission Members  
From: Nick Torrance, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: August 6, 2020  
RE: Staff Analysis for CU 2227 Mark & Leona Davis

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2227 Mark & Leona Davis to be reviewed during the August 13, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 231-15.00-8.00 to allow for a borrow pit. The size of the property is 150 acres +/- . The property is zoned AR-1 (Agricultural Residential Zoning District) and located at 17741 Davis Rd on the north side of Asbury Rd. (S.C.R 446) approximately 0.19 mile southwest of Davis Rd. (S.C.R. 523).

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of Low-Density Area.

The surrounding parcels to the north, east, west, and south are all designated on the Future Land Use Map as "Low Density Area". The uses that the Low-Density Area land use designation recognizes are primarily agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should generally be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining and surrounding properties to the north, south, east and west are all also zoned AR-1.

Since 2011, there have been no Conditional Use approvals within a 1-mile radius of the application.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for the abovementioned use, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



File #: CU 2227  
2020 0228

**Planning & Zoning Commission Application**  
**Sussex County, Delaware**

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

RECEIVED

FEB 24 2020

SUSSEX COUNTY  
PLANNING & ZONING

**Type of Application: (please check applicable)**

Conditional Use ☒

Zoning Map Amendment ☐

**Site Address of Conditional Use/Zoning Map Amendment**

24294 Asbury Road, Georgetown, DE 19947

**Type of Conditional Use Requested:**

Conditional use for 19-acre borrow pit

**Tax Map #:** 231-15.00-8.00 **Size of Parcel(s):** 150.00 acres

**Current Zoning:** AR-1 **Proposed Zoning:** AR-1 **Size of Building:** N/A

**Land Use Classification:** Low Density

**Water Provider:** N/A **Sewer Provider:** N/A

**Applicant Information**

**Applicant Name:** Mark J. Davis

**Applicant Address:** 17741 Davis Road

**City:** Georgetown **State:** DE **Zip Code:** 19947

**Phone #:** (302) 745-7745 **E-mail:** mldavisfarms@aol.com

**Owner Information**

**Owner Name:** Mark J. Davis & Leona E. Davis

**Owner Address:** 17741 Davis Road

**City:** Georgetown **State:** DE **Zip Code:** 19947

**Phone #:** (302) 745-7745 **E-mail:** mldavisfarms@aol.com

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** David C. Hutt, Esq. (Morris James LLP)

**Agent/Attorney/Engineer Address:** 107 West Market Street, P.O. Box 690

**City:** Georgetown **State:** DE **Zip Code:** 19947

**Phone #:** (302) 856-0015 **E-mail:** dhutt@morrisjames.com



## Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ **Completed Application**

☒ **Provide eight (8) copies of the Site Plan or Survey of the property**

- Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- Provide a PDF of Plans (may be e-mailed to a staff member)
- Deed or Legal description

☒ **Provide Fee \$500.00**

☐ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

☒ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

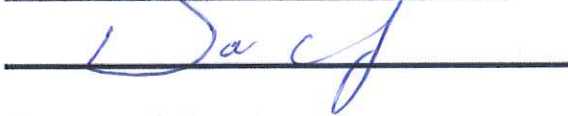
☒ **DelDOT Service Level Evaluation Request Response**

☐ **PLUS Response Letter (if required)**

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

**Signature of Applicant/Agent/Attorney**



Date: 2/24/2020

**Signature of Owner**



Date: 2/21/2020

**For office use only:**

Date Submitted: 2/5/2020 2/24/2020

Fee: \$500.00 Check #:

Staff accepting application: cen

Application & Case #: 202002128

Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_

Recommendation of PC Commission: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_

Decision of CC: \_\_\_\_\_



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

JENNIFER COHAN  
SECRETARY

February 20, 2020

Mr. Jamie Whitehouse, Acting Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Mr. Jamie:

The Department has completed its review of a Service Level Evaluation Request for the **Mark J. Davis** conditional use application, which we received on January 24, 2020. This application is for an approximately 150-acre parcel (Tax Parcel: 231-15.00-8.00). The subject land is located on the north side of Asbury Road (Sussex Road 446) and southeast of Raccoon Ditch Road (Sussex Road 522A). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the land as a borrow pit.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Asbury Road where the subject land is located is 1,081 vehicles per day. As the subject land also has frontage along Raccoon Ditch Road, the annual average daily traffic volume along that road segment is 131 vehicles per day.

Based on our review, we estimate that the above land uses will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Mr. Jamie Whitehouse  
Page 2 of 2  
February 20, 2020

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Mark J. Davis, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Thomas Felice, Corridor Capacity Preservation Program Manager, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

**SUSSEX COUNTY ENGINEERING DEPARTMENT  
UTILITY PLANNING DIVISION  
C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

RECEIVED

DATE: **7/28/2020**

JUL 29 2020

APPLICATION: **CU 2227 Mark J. & Leona E. Davis**

SUSSEX COUNTY  
PLANNING & ZONING

APPLICANT: **Mark J. Davis**

FILE NO: **WSPA-5.02**

TAX MAP &  
PARCEL(S): **231-15.00-8.00**

LOCATION: **On the north side of Asbury Road (SCR 446), approximately  
0.19 mile southwest of Davis Road (SCR 523).**

NO. OF UNITS: **Borrow Pit**

GROSS  
ACREAGE: **150 +/-**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐

No ☒

- a. If yes, see question (2).  
b. If no, see question (7).

- (2). Which County Tier Area is project in? **Tier 4**

- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **Click or tap here to enter text.** Is it likely that additional SCCs will be required? **No**  
If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed CU is in a Tier 4 area for sanitary sewer service. Therefore, the Sussex County Engineering Department does not have a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



---

John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Jayne Dickerson  
No Permit Tech Assigned

August 3, 2020

**BY HAND DELIVERY**

Jamie Whitehouse, Director  
Sussex County Planning & Zoning Office  
2 The Circle, P.O. Box 417  
Georgetown, DE 19947

**RE: Conditional Use No. 2227  
Mark J. Davis & Leona E. Davis  
SCTP No. 231-15.00-8.00**

Dear Mr. Whitehouse:

Kindly find the enclosed eight (8) copies of Applicants Mark J. Davis and Leona E. Davis' Exhibit Notebook for Conditional Use No. 2227. The exhibit notebook will be used at the public hearings before the Planning and Zoning Commission on August 13, 2020 and County Council on September 22, 2020. I will also be emailing an electronic copy of the exhibit notebook to you. Please let me know if you need any additional information prior to the public hearing.

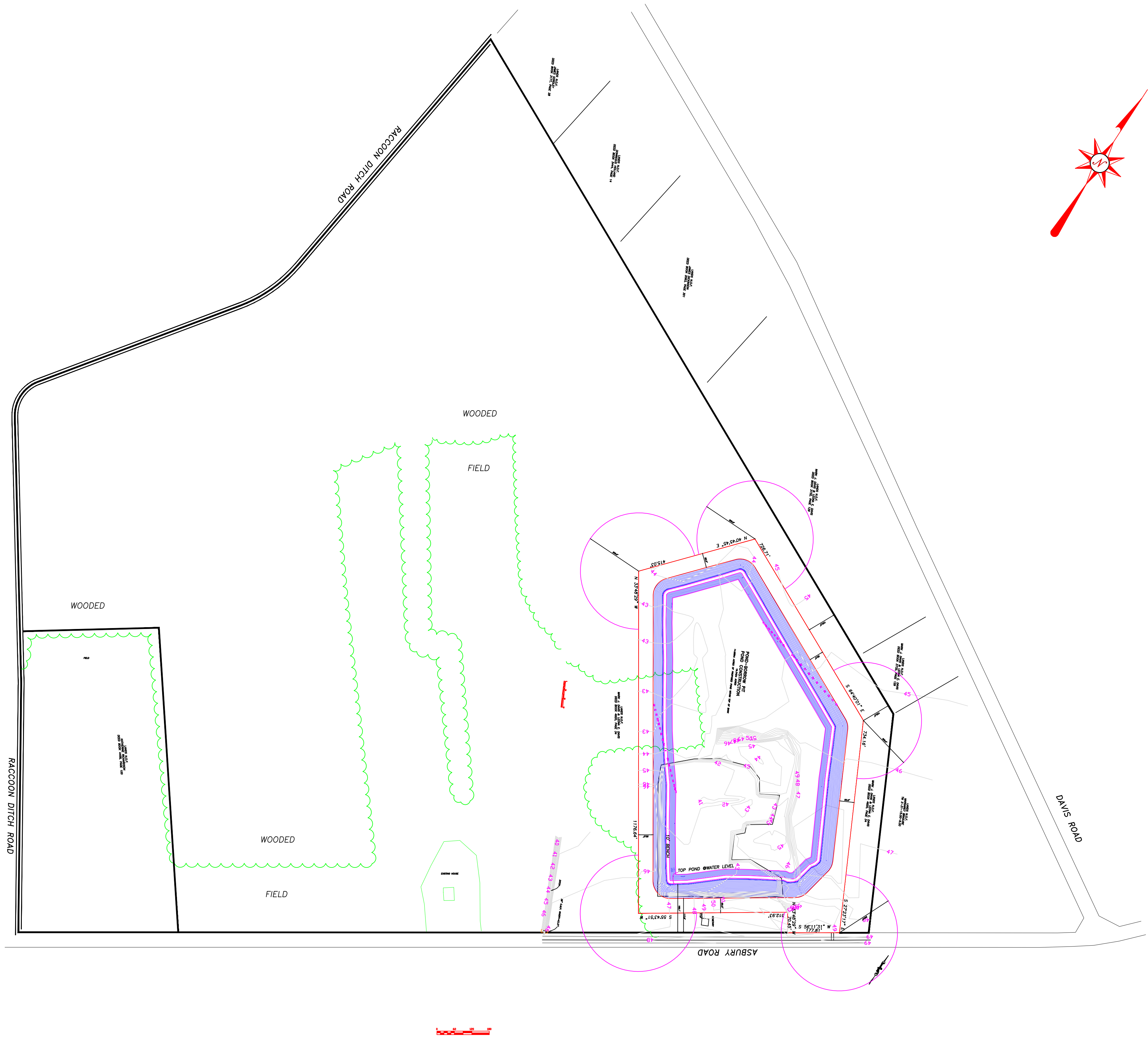
Very Truly Yours,

MORRIS JAMES LLP

  
David C. Hutt, Esquire

Enclosures

Cc: Mark J. Davis  
Leona E. Davis



NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK X, PAGE X
- 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

I, Charles E. Adams, Jr., registered as a Professional Land Surveyor in the State of Delaware, hereby certify that the information shown on this plan has been prepared under my supervision and under the authority of the State of Delaware. Any changes to the property conditions, improvements, boundary or property corners after the date shown herein shall necessitate a new review and certification for any official or legal use.

CHARLES E. ADAMS, JR., P.L.S. 506

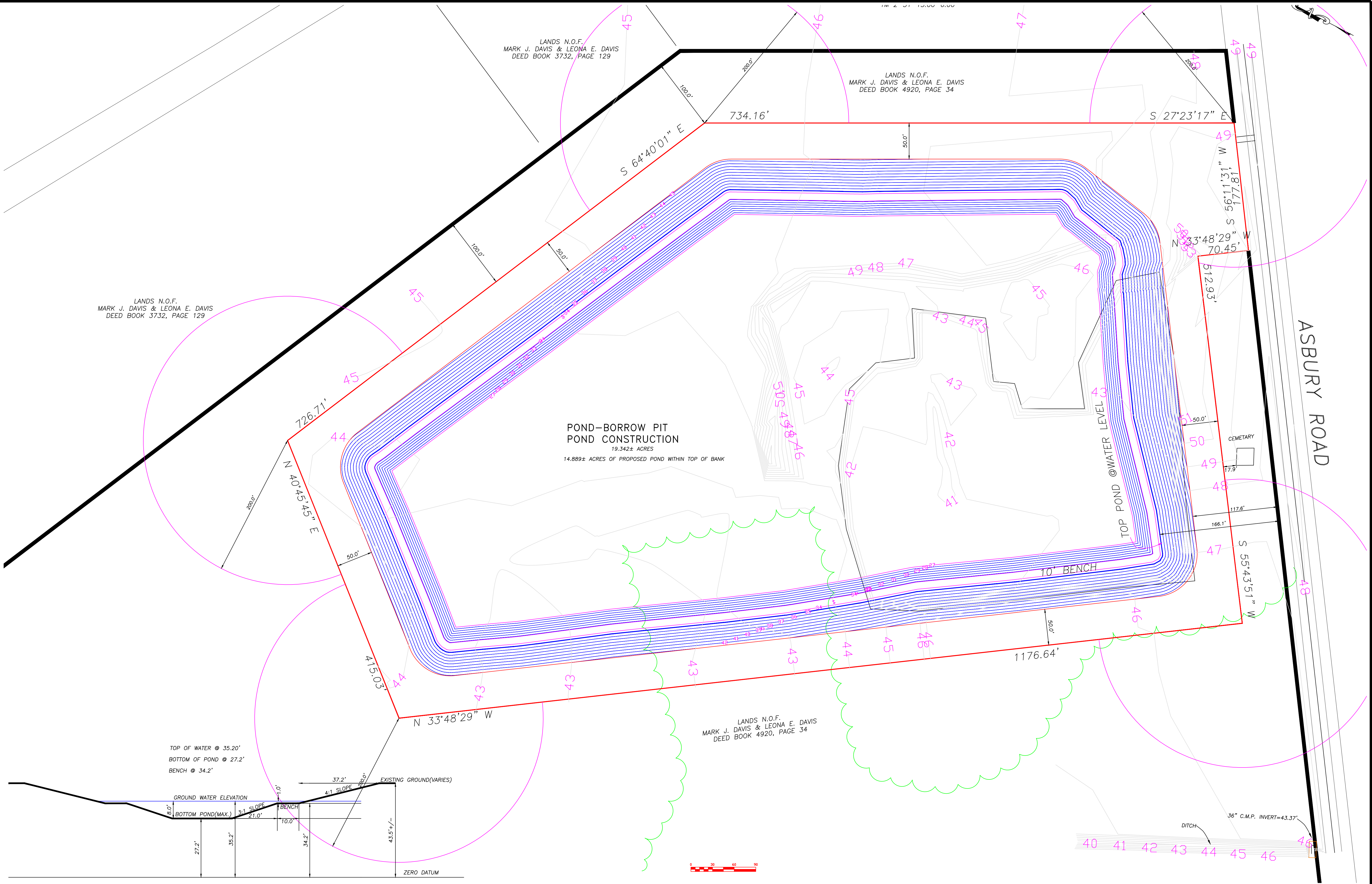
Prepared By  
ADAMS-KEMP ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS  
AND PLANNERS  
217 SOUTH RACE STREET  
GEORGETOWN, DELAWARE 19947  
PHONE: (302) 856-6699  
WWW.ADAMSKEMP.COM

POND-BORROW PIT  
TAX MAP 2-31-15.00, PARCEL 8.00  
CONDITIONAL USE APPLICATION

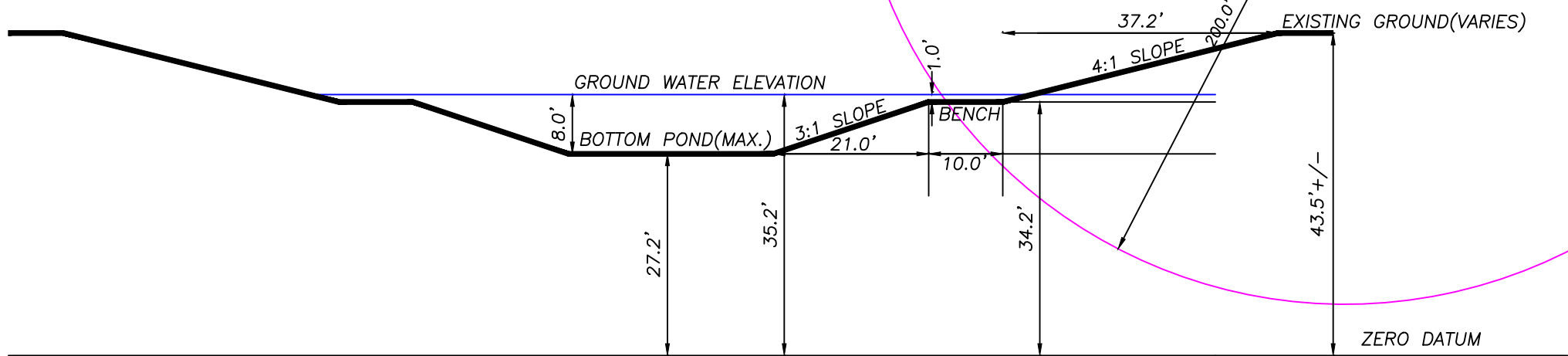
MARK J. DAVIS & LEONA E. DAVIS

SITUATED IN  
NANTICOKE HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE  
AREA: 19.342± ACRES  
SCALE: 1" = 60'  
DATE: JANUARY 16, 2020

SHEET 1 OF 2  
PLAN NO. 190418-D



TOP OF WATER @ 35.20'  
BOTTOM OF POND @ 27.2'  
BENCH @ 34.2'



NOTES:

- 1) CLASS "B", SUBURBAN SURVEY
- 2) SOURCE OF TITLE: DEED BOOK X, PAGE X
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LEGEND:

I, Charles E. Adams, Jr., registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and under the authority of the State of Delaware Board of Professional Land Surveyors. Any changes to the property conditions, improvements, boundary or property corners after the date shown herein shall necessitate a new review and certification for any official or legal use.

CHARLES E. ADAMS, JR., P.L.S. 506

Prepared By  
ADAMS-KEMP ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS  
AND PLANNERS  
217 SOUTH RACE STREET  
GEORGETOWN, DELAWARE 19947  
PHONE: (302) 856-6699  
WWW.ADAMSKEMP.COM

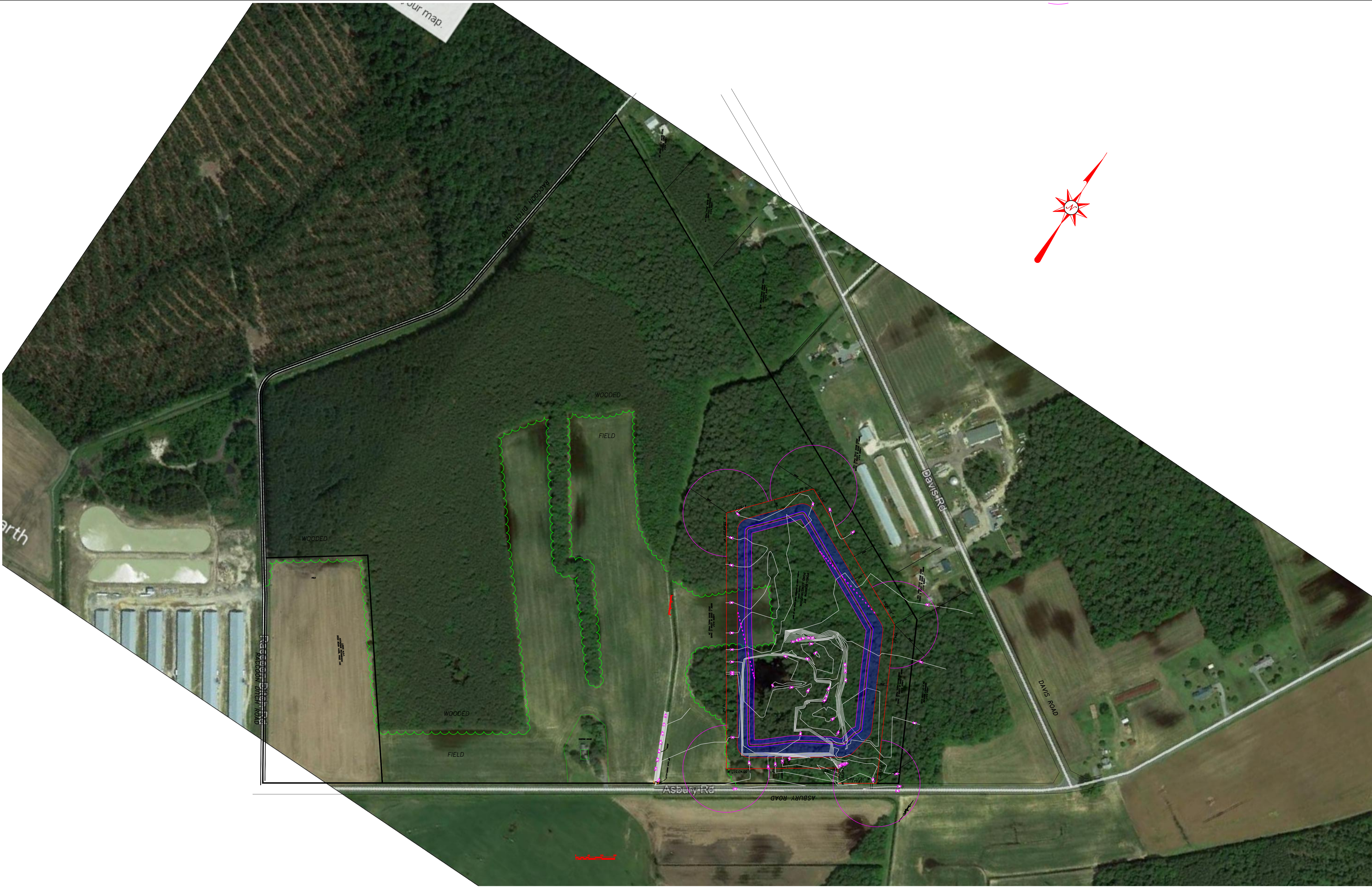
POND-BORROW PIT

CONDITIONAL USE APPLICATION

MARK J. DAVIS & LEONA E. DAVIS

SITUATED IN  
NANTICOKE HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE  
AREA: 19.342± ACRES  
SCALE: 1" = 30'  
DATE: JANUARY 16, 2020

SHEET 2 OF 2  
PLAN NO. 190418-D



NOTES:

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- 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

I, Charles E. Adams, Jr., registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and control, and that I am a duly licensed Professional Land Surveyor in the State of Delaware. Any changes to the property conditions, improvements, boundary or property corners after the date shown herein shall necessitate a new review and certification for any official or legal use.

CHARLES E. ADAMS, JR., P.L.S. 506

Prepared By  
ADAMS-KEMP ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS  
AND PLANNERS  
217 SOUTH RACE STREET  
GEORGETOWN, DELAWARE 19947  
PHONE: (302) 856-6699  
WWW.ADAMSKEMP.COM

POND-BORROW PIT  
TAX MAP 2-31-15.00, PARCEL 8.00  
CONDITIONAL USE APPLICATION

MARK J. DAVIS & LEONA E. DAVIS

SITUATED IN  
NANTICOKE HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE  
AREA: 19.342± ACRES  
SCALE: 1" = 60'  
DATE: JANUARY 16, 2020

SHEET 1 OF 2  
PLAN NO. 190418-D

## PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN  
KIM HOEY STEVENSON, VICE-CHAIRMAN  
R. KELLER HOPKINS  
J. BRUCE MEARS  
HOLLY J. WINGATE



## Sussex County

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: August 13th, 2020

Application: CU 2232 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC)

Applicant/Owner: Covered Bridge Inn, LLC (c/o Ingrid Hopkins)  
30249 Fisher Road  
Lewes, DE 19958

Site Location: On the south side of Fisher Rd. (S.C.R. 262) approximately 0.93 miles east of Cool Spring Rd. (S.C.R. 290)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Events Venue

Comprehensive Land  
Use Plan Reference: Low Density

Councilmatic  
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Private Septic

Water: Private Well

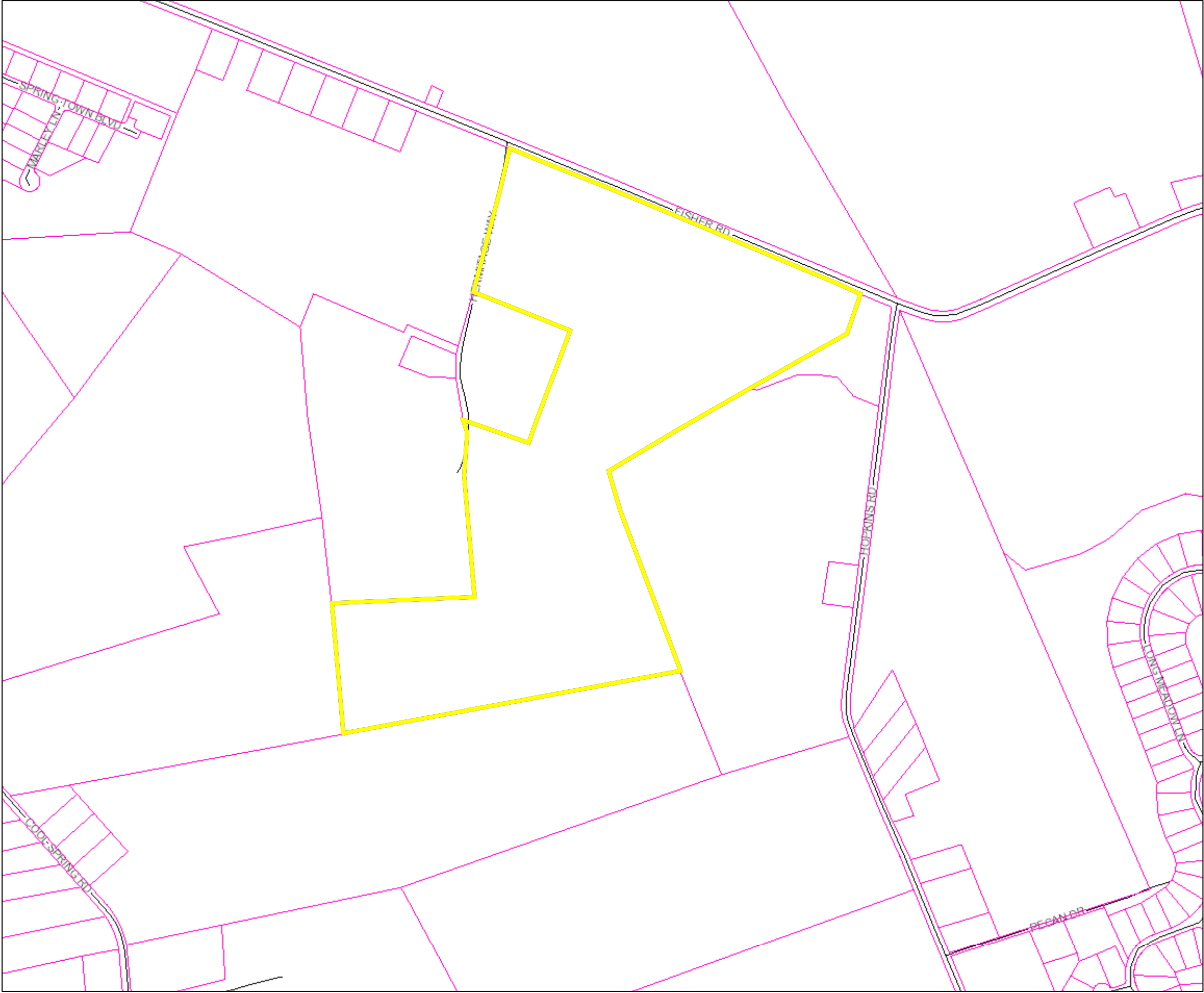
Site Area: 98.60 Acres +/-

Tax Map ID.: 334-10.00-69.01





Sussex County



PIN:	334-10.00-69.01
Owner Name	HOPKINS HENLOPEN HOMESTEAD LLC
Book	4229
Mailing Address	18186 DAIRY FARM ROAD
City	LEWES
State	DE
Description	S/RT 262
Description 2	136' W/RT 286
Description 3	FP
Land Code	

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- Streets
- County Boundaries
- Tax Ditch Segments

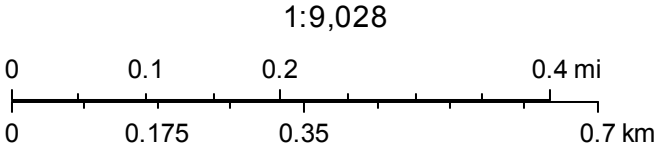
Tax Ditch Channel

Pond Feature

Special Access ROW

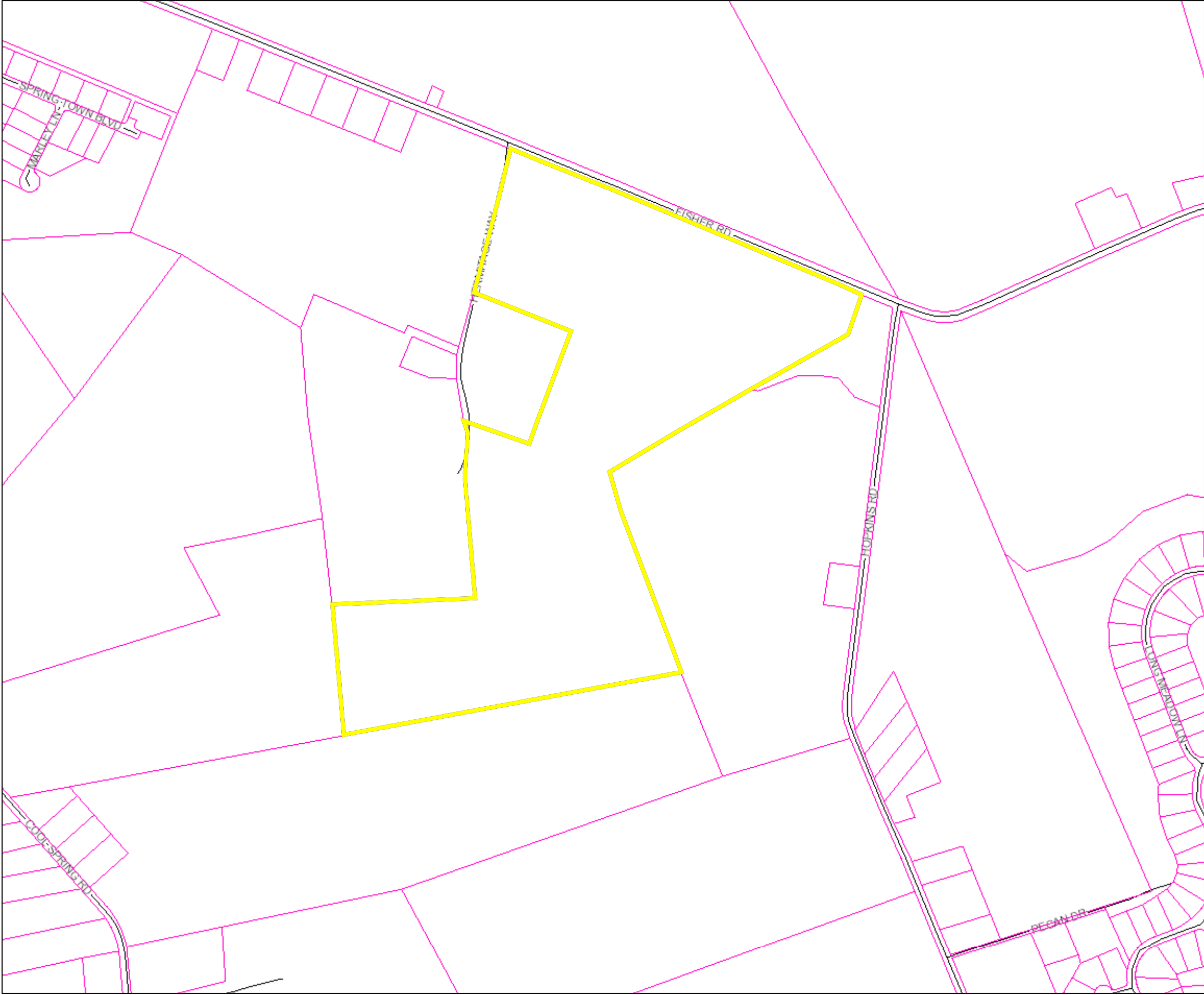
Extent of Right-of-Way

Municipal Boundaries





Sussex County

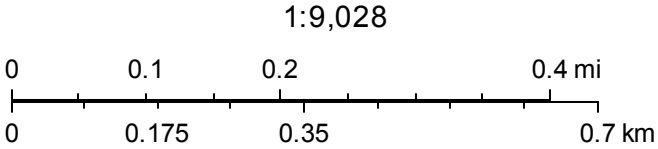


PIN:	334-10.00-69.01
Owner Name	HOPKINS HENLOPEN HOMESTEAD LLC
Book	4229
Mailing Address	18186 DAIRY FARM ROAD
City	LEWES
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Description	S/RT 262
Description 2	136' W/RT 286
Description 3	FP
Land Code	

- polygonLayer

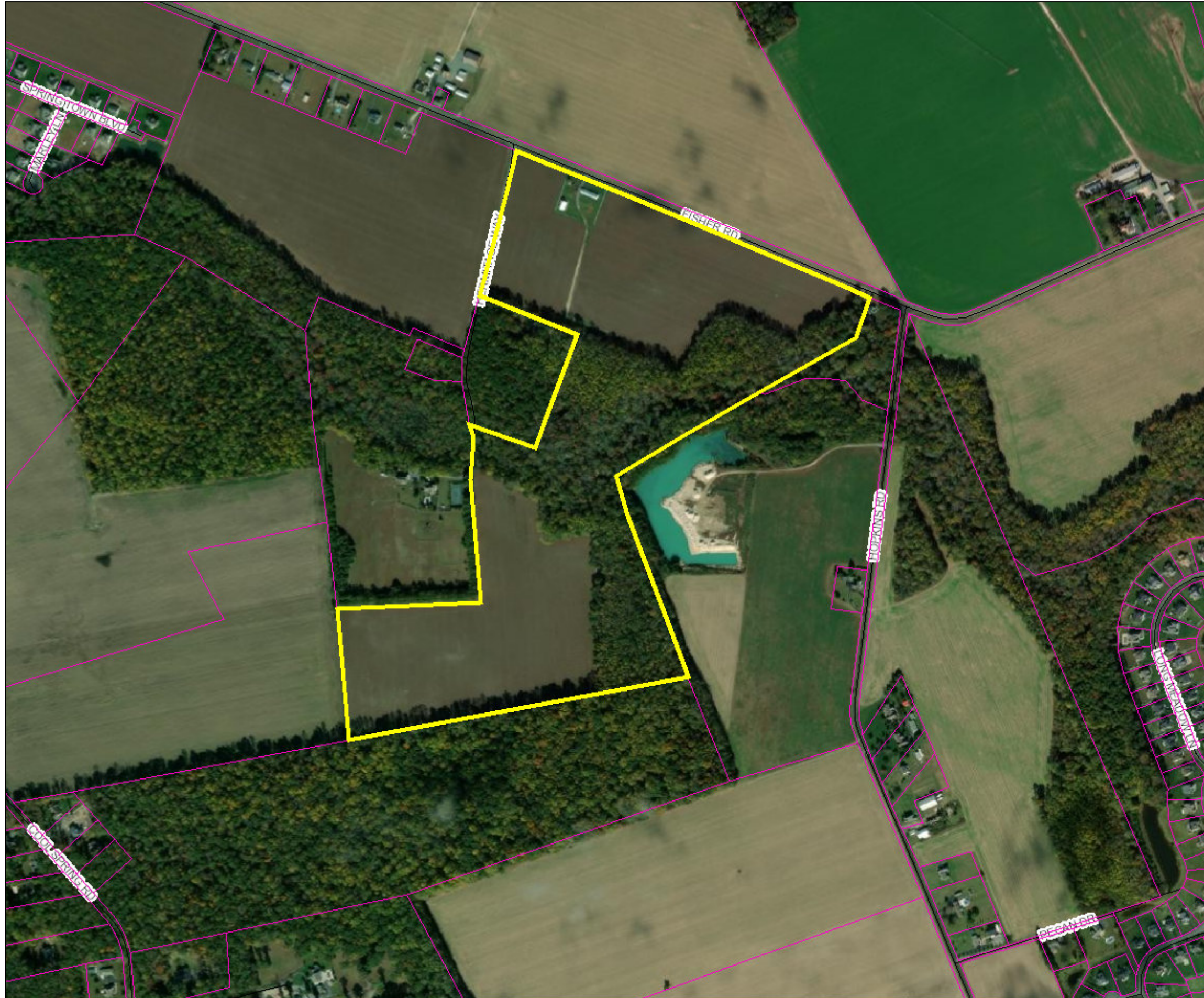
Override 1
- polygonLayer

Override 1
- Tax Parcels
- Streets





# Sussex County




<b>PIN:</b>	334-10.00-69.01
<b>Owner Name</b>	HOPKINS HENLOPEN HOMESTEAD LLC
<b>Book</b>	4229
<b>Mailing Address</b>	18186 DAIRY FARM ROAD
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	S/RT 262
<b>Description 2</b>	136' W/RT 286
<b>Description 3</b>	FP
<b>Land Code</b>	

## polygonLayer

Override 1

## polygonLayer

Override 1

 Tax Parcels


 Streets


 County Boundaries


## Tax Ditch Segments

 Tax Ditch Channel

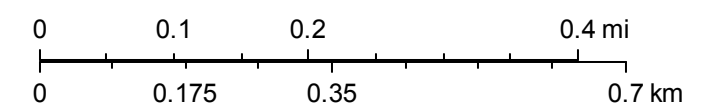
 Pond Feature

 Special Access ROW

 Extent of Right-of-Way

 Municipal Boundaries

1:9,028





## Memorandum

To: Sussex County Planning Commission Members  
From: Christin Headley, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: August 6, 2020  
RE: Staff Analysis for CU 2232 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC)

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2232 Covered Bridge Inn, LLC (Hopkins Henlopen Homestead, LLC) to be reviewed during the August 13, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 334-10.00-69.01 to allow for an events venue. The size of the property is 98.60 acres +/- . The property is zoned AR-1 (Agricultural Residential Zoning District) and located at on the south side of Fisher Rd. (S.C.R. 262) approximately 0.93 miles east of Cool Spring Rd. (S.C.R. 290).

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of Low-Density Area.

The surrounding parcels to the north, east, west, and south are all designated on the Future Land Use Map as "Low Density Area". The uses that the Low-Density Area land use designation recognizes are primarily agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density should be for providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should generally be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining and surrounding properties to the north, south, east and west are all also zoned AR-1.

Since 2011, there have been no Conditional Use approvals within a 1-mile radius of the application site.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for the abovementioned use, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



# Planning & Zoning Commission Application

## Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

**Type of Application: (please check applicable)**Conditional Use ☒

Zoning Map Amendment \_\_\_\_\_

**Site Address of Conditional Use/Zoning Map Amendment**30066 Fisher Rd, Milton, DE 19968

**Type of Conditional Use Requested:** Ag. Preservation land, existing barn to be used as a second event space for the existing venue  
The Covered Bridge Inn, LLC.

**Tax Map #:** 334-10.00-69.01 **Size of Parcel(s):** 98 acres.

**Current Zoning:** AR-1 **Proposed Zoning:** ARI-cond **Size of Building:** 2100 sq'

**Land Use Classification:** Agriculture Preservation district

**Water Provider:** well on site **Sewer Provider:** septic on site

**Applicant Information**

**Applicant Name:** Ingrid Hopkins, Owner, Covered Bridge Inn, LLC.

**Applicant Address:** 30249 Fisher Rd.

**City:** Lewes **State:** DE **Zip Code:** 19958

**Phone #:** 302-542-9605 **E-mail:** innkeeper@thecoveredbridgeinn.com

**Owner Information**

**Owner Name:** Hopkins Kentopen Homestead, c/o Amy Hopkins

**Owner Address:** 18186 Dairy Farm Rd.

**City:** Lewes **State:** DE **Zip Code:** 19958

**Phone #:** 302-695-9302 **E-mail:** amyhpkins@gmail.com

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** \_\_\_\_\_

**Agent/Attorney/Engineer Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ **Completed Application**

☒ **Provide eight (8) copies of the Site Plan or Survey of the property**

- ☒ Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- ☒ Provide a PDF of Plans (may be e-mailed to a staff member)
- ☒ Deed or Legal description

☒ **Provide Fee \$500.00**

☐ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

☒ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

☒ **DeIDOT Service Level Evaluation Request Response**

☐ **PLUS Response Letter** (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

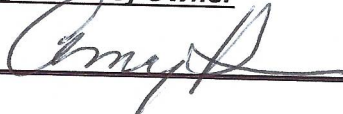
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

**Signature of Applicant/Agent/Attorney**



Date: 4/22/20

**Signature of Owner**



Date: 4/22/20

**For office use only:**

Date Submitted: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Location of property: \_\_\_\_\_

Fee: \$500.00 Check #: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. Box 778  
DOVER, DELAWARE 19903

JENNIFER COHAN  
SECRETARY

May 20, 2020

Mr. Jamie Whitehouse, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Ingrid Hopkins, The Covered Bridge Inn, LLC** conditional use application, which we received on April 23, 2020. This application is for an approximately 98.60-acre parcel (Tax Parcel: 334-10.00-69.01). The subject land is located on the southwest side of Fisher Road (Sussex Road 262), approximately 190 feet west of the intersection of Hopkins Road (Sussex Road 286) and Fisher Road, southeast of Milton. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to utilize the facility for honey extraction and to operate a 2,100 square-foot small events venue.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Fisher Road where the subject land is located, which is from Beaver Dam Road (Sussex Road 285) to Cool Spring Road (Sussex Road 290), is 1,684 vehicles per day.

The traffic impact of event venues necessarily varies with the frequency and size of the events. Generally, DelDOT bases its decision to require a Traffic Impact Study (TIS) on traffic volumes that recur on a daily or weekly basis. Special events, if large enough, may require coordination with our Transportation Management Center but cannot be properly addressed by the TIS process.

Regarding DelDOT's warrants for requiring a TIS, special events that would generate more than 50 vehicle trips in any hour and more than 500 vehicle trips per day would meet these warrants. Special events generating more than 200 vehicle trips in any hour and / or more than 2,000 vehicle trips per day would be considered to have a Major impact to local area roadways. Because we expect the typical event to generate no more than 50 vehicle trips in any hour and no more than 500 vehicle trips per day, we recommend that this conditional use application be considered without a TIS.



Mr. Jamie Whitehouse

Page 2 of 2

May 20, 2020

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Ingrid Hopkins, The Covered Bridge Inn, LLC, Applicant  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

**SUSSEX COUNTY ENGINEERING DEPARTMENT  
UTILITY PLANNING DIVISION  
C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

RECEIVED

REVIEWER: **Chris Calio**

JUL 29 2020

DATE: **7/28/2020**

SUSSEX COUNTY  
PLANNING & ZONING

APPLICATION: **CU 2232 Covered Bridge Inn, LLC**

APPLICANT: **Covered Bridge Inn, LLC (c/o Ingrid Hopkins)**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **334-10.00-69.01**

LOCATION: **On the south side of Fisher Road (SCR 262), approximately  
0.93 miles east of Cool Spring Road (SCR 290).**

NO. OF UNITS: **Event Venue**

GROSS  
ACREAGE: **98.60 +/-**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐

No ☒

- a. If yes, see question (2).  
b. If no, see question (7).

- (2). Which County Tier Area is project in? **Tier 3**

- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **Click or tap here to enter text.** Is it likely that additional SCCs will be required? **No**  
If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

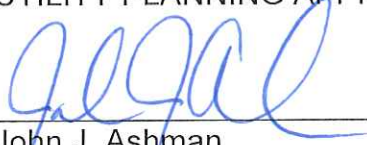
(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **The proposed CU is in a Tier 3 Area for sewer service. Therefore, the Sussex County Engineering Department does not have a schedule to provide sanitary sewer service.**

(9). Is a Sewer System Concept Evaluation required? **No**

(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



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John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Jayne Dickerson  
No Permit Tech Assigned



**OFFICE OF THE STATE FIRE MARSHAL**  
**Technical Services**

22705 Park Avenue  
Georgetown, DE 19947



**SFMO PERMIT**

**Plan Review Number:** 2020-04-203718-MJS-02

**Tax Parcel Number:** 334-10.00-69.01

**Status:** Approved as Submitted

**Date:** 05/21/2020

**Project**

Honey Bee Barn Addition

30066 Fisher Road

Hopkins Henlopen Homestead Property

Milton DE 19968

**Scope of Project**

**Number of Stories:**

**Square Footage:**

**Construction Class:**

**Fire District:** 82 - Lewes Fire Dept Inc

**Occupant Load Inside:** 167

**Occupancy Code:** 9622

**Applicant**

Amy Hopkins  
18186 Dairy Farm Road  
Lewes, DE 19958

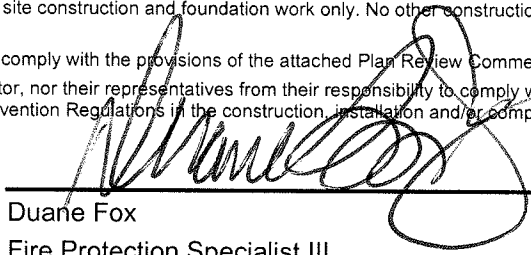
This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:

  
Duane Fox  
Fire Protection Specialist III

## FIRE PROTECTION PLAN REVIEW COMMENTS

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**Plan Review Number:** 2020-04-203718-MJS-02

**Tax Parcel Number:** 334-10.00-69.01

**Status:** Approved as Submitted

**Date:** 05/21/2020

### PROJECT COMMENTS

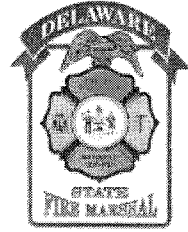
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- 1002 A** This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov). These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
- 1010 A** The following water for fire protection requirements apply: **NONE. On-Site Wells Proposed.** this site meets Water Flow Table 1. therefore the provisions of NFPA 1142 shall apply to this site (DSFPR Regulation 702, Chapter 6, Section 3). Since wells are proposed for this site, no additional requirements will be made by this Agency for water for fire protection.
- 1000** The site plans have been approved as submitted. The Office of DE State Fire Marshal has no objection to recordation.
- 1501 A** If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.



**OFFICE OF THE STATE FIRE MARSHAL**  
**Technical Services**

22705 Park Avenue  
Georgetown, DE 19947



**FIRE PROTECTION PLAN REVIEW REPORT**

**Plan Review Number:** 2020-04-203719-ADD-02

**Tax Parcel Number:** 334-10.00-69.01

**Status:** Not Approved as Submitted

**Date:** 05/21/2020

**Project**

Honey Bee Barn Addition  
Honey Bee Barn  
Hopkins Henlopen Homestead Property

30066 Fisher Road  
Milton DE 19968

**Scope of Project**

**Number of Stories:** 1  
**Square Footage:** 2189  
**Construction Class:** V (000) Wood Frame  
**Fire District:** 82 - Lewes Fire Dept Inc

**Occupant Load Inside:** 167  
**Occupancy Code:** 9622

**Applicant**

Amy Hopkins  
18186 Dairy Farm Road  
Lewes, DE 19958

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:

  
Duane Fox  
Fire Protection Specialist III

## FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2020-04-203719-ADD-02

Tax Parcel Number: 334-10.00-69.01

Status: Not Approved as Submitted

Date: 05/21/2020

### PROJECT COMMENTS

- 2000 A** This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) dated August 11, 2006. The current Delaware State Fire Prevention Regulations are available on our website at [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov) These plans were not reviewed for compliance with the Americans with Disabilities Act. These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes. Project work must be started within one year from the issuance of the permit, otherwise, the permit will be terminated.
- 2700 A** All plans must be reviewed and approved by this Agency prior to extending project past footers and foundation. Plan review status shall remain "NOT APPROVED AS SUBMITTED" until the following listed deficiencies have been addressed and approved by this Agency. Contact the reviewer of this project for clarification of listed deficiencies.
- 1510 A** The following items have been identified during the plan review as MAJOR DEFICIENCIES. Correct these items and resubmit the required plans, specifications, or documents that address these deficiencies. If there are any questions about these deficiencies please feel free to contact the Fire Protection Specialist who reviewed this project.
- 2050 A** Doors shall swing in the direction of exit travel (outward) where used in an exit enclosure. NFPA 101, Section 7.2.1.4.3 (2000 ed.).
- \*\* EXIT DOORS SHALL BE PIVOT TYPE IN ACCORDANCE WITH NFPA 101, SECTION 7.2.1.4.1. THE BARN SLIDING DOORS SHALL BE CHANGED TO PIVOT DOORS OR REMOVED. SINCE THEY ARE BOTH BEING USED AS EGRESS THE DOORS SHALL SWING TOWARD THE EXIT. IF A LATCH IS PROVIDED IT SHALL BE PANIC HARDWARE.**
- 1501 A** If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.





Planning & Zoning Commission, Sussex County, DE  
Sussex County Planning & Zoning Department  
2 The Circle  
Georgetown, DE 19947

May 22, 2020

Dear Members of Planning and Zoning Commission:

The Covid-19 pandemic has hit the event industry in devastating fashion. As the owner of a wedding venue, I have seen my business come to a complete halt. The wedding industry is doing everything in our power to ease the suffering of all of our overwhelmed couples, yet still remain in business. In a united effort with all wedding industry professionals, we are hoping to survive by rescheduling weddings and event, not cancelling. With this in mind, I am appealing to the Commission to expedite the approval of the attached site plans so that I can acquire a building permit. The wedding industry desperately needs this additional space available for rescheduled events next year. Our long term survival depends on it.

Before the pandemic crisis, I was faced with a high demand for a satellite venue space. Now, this need is not just for high demand in our growing population, but also the resurrection of a local economy that depends on safely gathering groups of people. I am asking that the Commissioners grant permission for booking weddings and events while the Honey Bee Barn is finishing the approval process with Sussex County P&Z Commission application for conditional use of this Agriculture Preserved land.

In 2018, while waiting for the conditional use approval hearing, the Commission graciously granted me permission to conduct normal business operations of touring and booking future weddings. This endorsement during my previous application process for The Covered Bridge Inn's first venue supported the success of my small business.

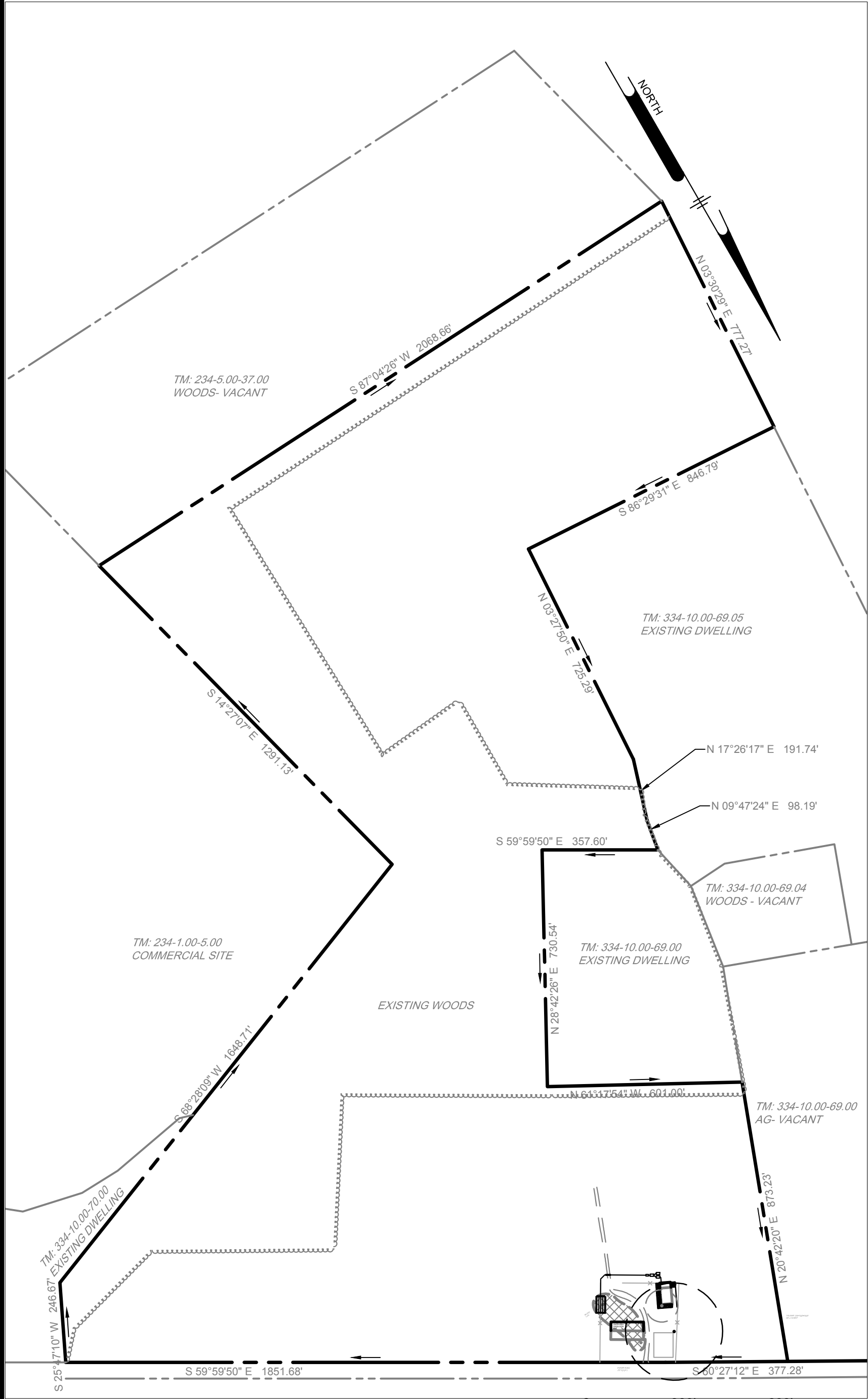
Without approval for a building permit, I am grounded in my business operations until my P & Z hearing, potentially in 2021. My previously successful and outstanding business won't survive if Honey Bee Barn does not get a building permit.

Thank you for your consideration.

Sincerely,  
Ingrid Hopkins, Owner, Covered Bridge Inn, LLC

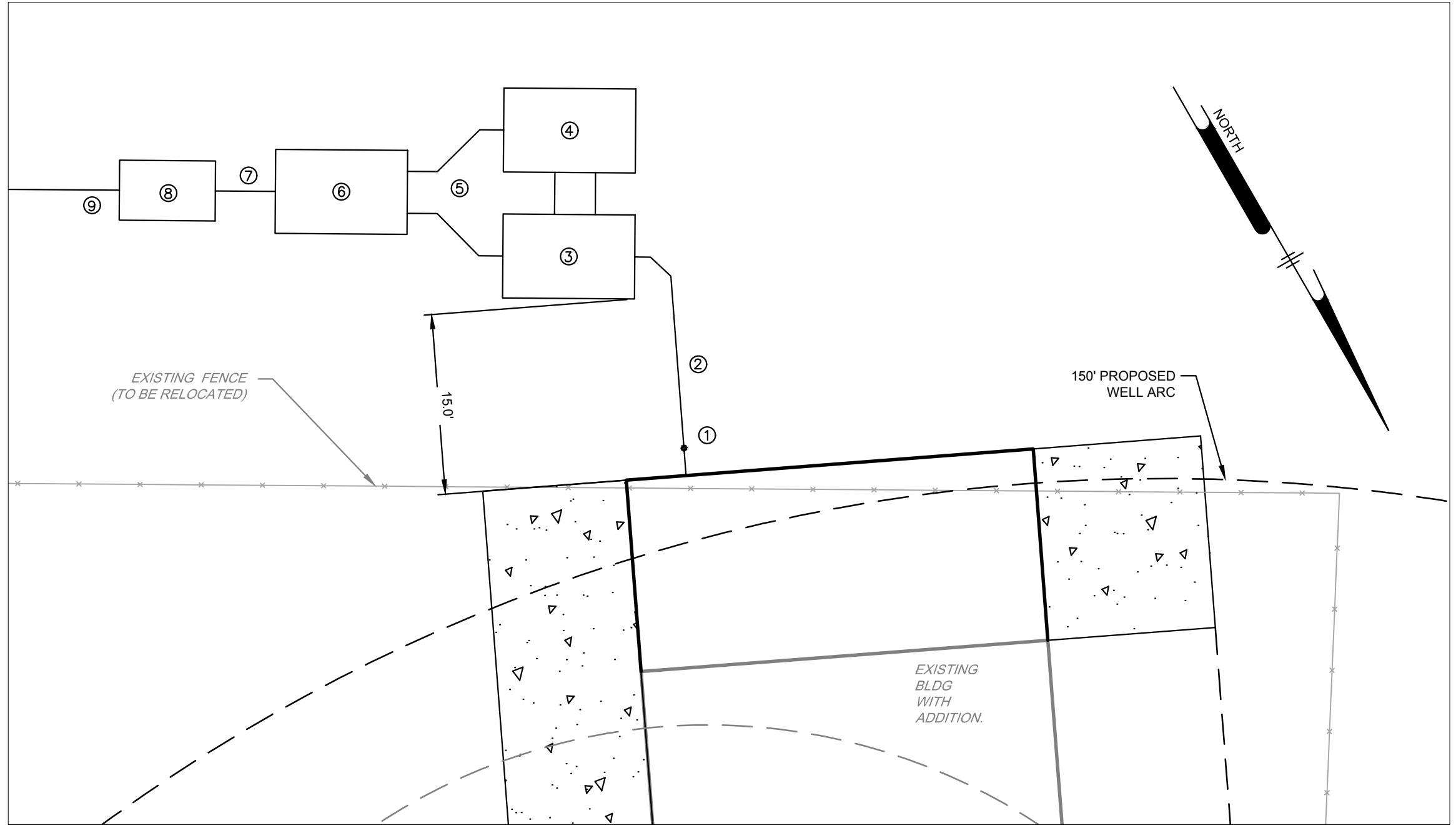
[www.thecoveredbridgeinn.com](http://www.thecoveredbridgeinn.com)  
[innkeeper@thecoveredbridgeinn.com](mailto:innkeeper@thecoveredbridgeinn.com)  
302-542-9605

U:\Account\GIBBN\GIBBN19001 - S.D.T. 261\cadd\GIBBN\_SHEETS\GIBBN19001-000-SHEET.dwg PLOTTED: 11/5/2020 12:14 PM BY: Shawna J. Davis PROJECT: STAFFUS - PLOTSTYLE: Pennoni\NCSub



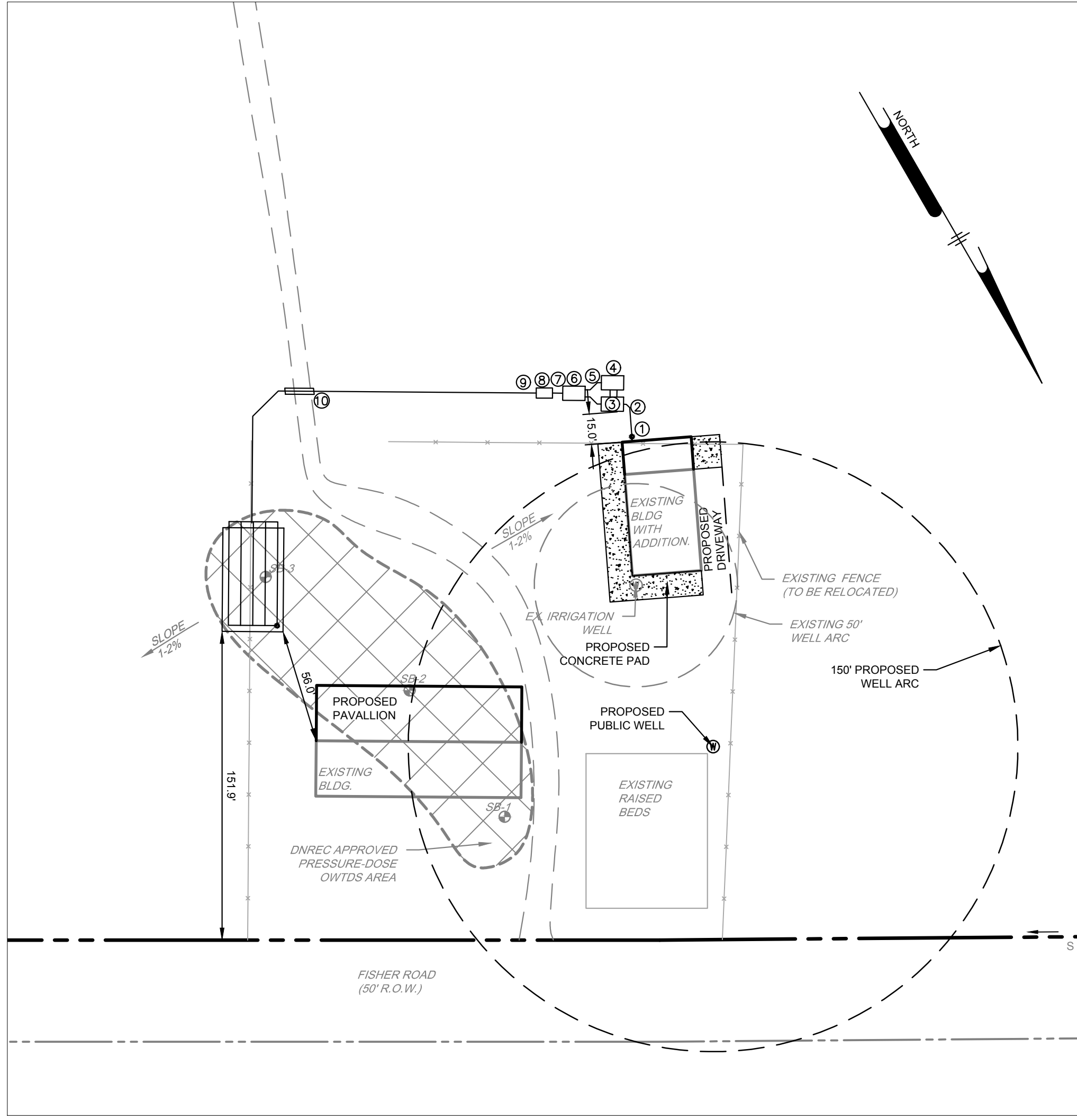
OVERALL SITE PLAN

SCALE: 1" = 300'



SEPTIC DETAIL

SCALE: 1" = 50'

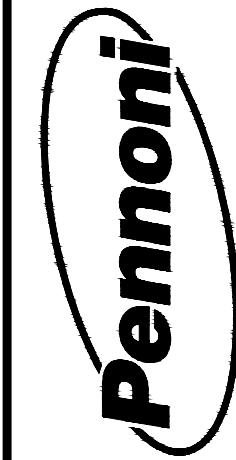


CONSTRUCTION PLAN

SCALE: 1" = 50'

- 1 CLEANOUT
- 2 4" BLDG SEWER (15.6' LONG)
- 3 1500 GAL SEPTIC TANK
- 4 4" SCH 40 PVC (5.0' LONG)
- 5 1500 GAL SEPTIC TANK
- 6 4" SCH 40 PVC (7.0')
- 7 1500 ESON ECOPOD GAL SEPTIC TANK
- 8 4" SCH 40 PVC (7.0')
- 9 1000 GAL DOSING CHAMBER
- 10 2" TRANSMISSION LINE (187' LONG)
- 11 3' ENCASED SLEEVE
- 12 2" MANIFOLD (45.0' LONG)
- 13 TURN-UP TYP., SET HEAD @ 2.5'
- 14 1" DISTRIBUTION LATERAL (46' LONG), 5/32" HOLES 8' O.C., 5 HOLES/LATERAL (BEGIN 7' EACH END)

- NOTES
1. ALL TANKS SHALL HAVE WATERTIGHT RISERS AND SHALL EXTEND ABOVE GRADE.
  2. SEPTIC TANK SHALL HAVE AN EFFLUENT FILTER APPROVED BY DNREC.
  3. SPARE TO BE SANDLINED UPGRADE IN INITIAL AREA.
  4. TREES NEED TO BE REMOVED WITH EXTREME CARE PER DNREC GUIDELINES (COPY ATTACHED). INSTALLING A SUBSTANTIAL BARRIER AROUND THE ENTIRE PROPOSED DISPOSAL AREA WHILE LOT DEVELOPMENT IS TAKING PLACE MAY HELP TO AVOID ACCIDENTAL SOIL COMPACTION OR SYSTEM DISTURBANCE. BOLLARD NOTES
  5. SLEEVE NOTE.



**PENNONI ASSOCIATES INC.**  
18072 Davidson Drive  
Milton, DE 19968  
T 302.684.8030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR  
AND OWNER MUST BE NOTIFIED OF ANY  
DISCREPANCIES BEFORE PROCEEDING WITH WORK

TAX MAP: 334-10.00-69.01

SIRT 262 LEVES  
LEWES, DE 19958

OVERALL PLAN

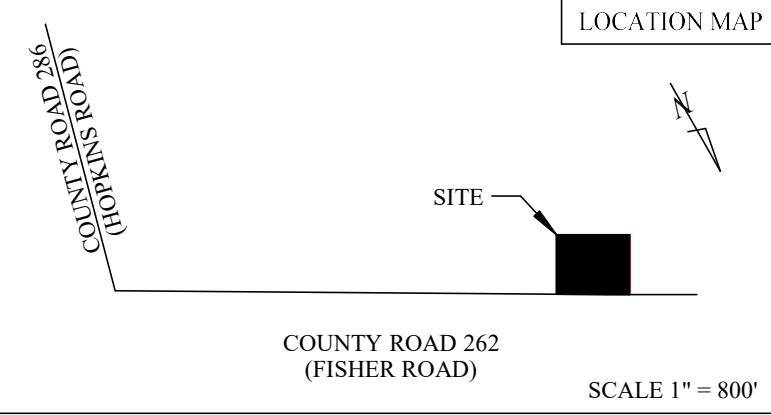
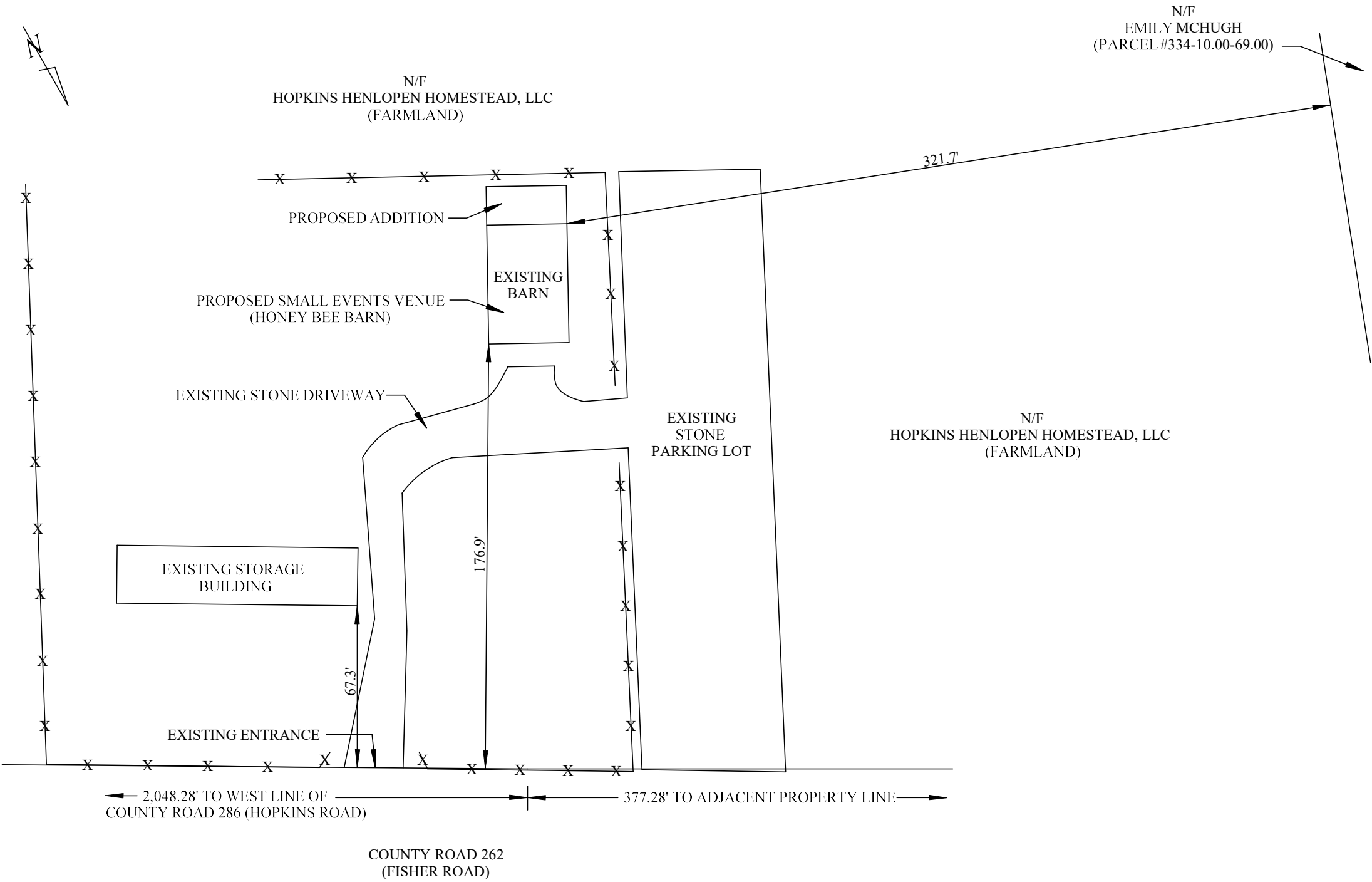
HOPKINS HENLOPEN HOMESTEAD LLC  
C/O ROBIN GIBBONS, 2003 SAVANNAH CIRCLE  
LEWES, DE 19958

NO.	DATE	REVISIONS	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES, AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	GIBBN19001
DATE	2020-01-03
DRAWING SCALE	AS SHOWN
DRAWN BY	SJD
APPROVED BY	SKC

**GIBBN19001-SD**



DATA COLUMN

TAX PARCEL #: 334-10.00-69.01

ZONING: AR-1 (AGRICULTURAL PRESERVATION EASEMENT)

PROPERTY ADDRESS: 30066 FISHER ROAD  
MILTON, DE 19968

OWNER: HOPKINS HENLOPEN HOMESTEAD, LLC  
C/O AMY HOPKINS  
18186 DAIRY FARM ROAD  
LEWES, DE 19958

APPLICANT: COVERED BRIDGE INN, LLC  
C/O INGRID HOPKINS  
30249 FISHER ROAD  
LEWES, DE 19958

EXISTING USE: NONE

PROPOSED USE: HONEY EXTRACTION AND  
SMALL EVENTS VENUE

WATER PROVIDER: PRIVATE WELL ON SITE

SEWER PROVIDER: PRIVATE SEPTIC ON SITE

BUILDING SETBACKS: FRONT - 40'  
SIDE - 15'  
REAR - 20'

LEGEND

VINYL FENCE X

OWNER'S CERTIFICATION:

I HEREBY CERTIFY THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

AMY HOPKINS DATE

ENGINEER'S CERTIFICATION:

I CERTIFY THAT I AM A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF DELAWARE AND THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

RICHARD K. VETTER, P.E. #10329 DATE

PLAN BASED ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD AND THE CALL OF DEED BOOK 4229, PAGE 244.

SITE PLAN - HONEY BEE BARN		
LANDS OF HOPKINS HENLOPEN HOMESTEAD, LLC		
LEWES AND REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE		
RICHARD K. VETTER, P.E. 125 APPLE BLOSSOM DRIVE CAMDEN, DE 19934		
SCALE: 1" = 50'		
PAGE 1 OF 2	MAY 21, 2020	



N/F  
ELSIE OTTO TRUSTEES  
(PARCEL #234-5.00-37.00)

N/F  
J.L. CARPENTER FAMILY, L.P.  
(PARCEL #234-1.00-2.00)

AREA = 98.60 ACRES +/-

N/F  
WALTER & STACY BECK  
(PARCEL #334-10.00-69.05)

N/F  
TROY TRIMMER  
(PARCEL #334-10.00-69.03)

N/F  
EMILY MCHUGH  
(PARCEL #334-10.00-69.00)

N/F  
HOPKINS BROTHERS, INC.  
(PARCEL #234-1.00-5.00)

N/F  
JEFFREY & KYLIE PLUMMER  
(PARCEL #334-10.00-70.00)

COUNTY ROAD 286  
(HOPKINS ROAD)

STONE PARKING LOT  
BARN  
STORAGE BUILDING

COUNTY ROAD 262  
(FISHER ROAD)

EXISTING LAYOUT - HONEY BEE BARN

LANDS OF  
HOPKINS HENLOPEN HOMESTEAD, LLC

LEWES AND REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE

RICHARD K. VETTER, P.E.  
125 APPLE BLOSSOM DRIVE  
CAMDEN, DE 19934

SCALE: 1" = 400'

PAGE 2 OF 2

MAY 21, 2020

1. ALL OPENINGS PASSING THROUGH FIRE-RATED WALLS OR CEILINGS ARE TO BE FIRE #1 DRAFT STOPPED WITH 3M FIRE MOLDABLE PUTTY, 3M FIRE BARRIER CP 25UB+ CAULK, 3M INTERAM FIREMAD 100 CAULK OR EQUAL, TO MEET UL 1479 DESIGN AND INSTALLATION. SELECT THE APPROPRIATE FIRE AND DRAFT STOPPING MATERIAL BASED ON THE TYPE OF MATERIAL PASSING THROUGH THE OPENING.
2. ALL DUCTS PASSING THROUGH FIRE-RATED WALLS OR CEILINGS ARE TO BE FITTED WITH FIRE-RATED GASKETS, CHECK AUTOMATIC DAMPERS OR EQUAL, TO MEET UL 555/555S DESIGN AND INSTALLATION.
3. DRAFT STOP / FIRE BLOCKING SHALL BE UL-RATED, NON-COMBUSTIBLE MATERIAL, NO FOAM.

 FIRE EXTINGUISHER

 EMERGENCY EXIT SIGN AS PER  
LIFE SAFETY CODE 101 SECTION 9-1

 EMERGENCY LIGHTING AS PER  
LIFE SAFETY CODE 101 SECTION 9-8

 COMBINATION UNIT

 REMOTE HEAD (WIRED TO  
COMBINATION UNIT)

ALL EXIT DOORS SHALL BE NON-KEYED FROM THE INSIDE (NFPA 101 SECT. 7.2.1.5.2)  
THIS CAN BE A LEVER, KNOB, THUMB LATCH OR PANIC BAR (NFPA 101 SECT. 7.2.1.5.4.)

PROVIDE EMERGENCY LIGHTING DESIGNED TO LIGHT THE ACCESS PATHS, THE EXITS THEMSELVES & THE EXIT DISCHARGE TO THE PUBLIC WAY.

PROVIDE PORTABLE FIRE EXTINGUISHERS. A MINIMUM 10-LB. MULTIPURPOSE (A-B-C) WITH AT LEAST A 2A-10BC RATING SHALL BE PROVIDED AND SHALL HAVE A DELAWARE INSPECTION TAG ATTACHED (NFPA 10). ALL PORTABLE FIRE EXTINGUISHERS SHALL BE SERVICED ON AN ANNUAL BASIS (EVERY 12 MONTHS) BY AN INDIVIDUAL LICENSED UNDER THE PROVISIONS OF THE DSFFR, PART III CHAPTER 2.

INTERIOR FINISH ON WALLS AND CEILINGS IN EXITS AND CORRIDORS SHALL BE CLASS A OR B FLAMESPREAD RATING, AND IN OFFICE AREAS CLASS A, B OR C. IF FINISHES OTHER THAN DRYWALL AND PAINT ARE PROPOSED, PROVIDE MANUFACTURER'S SPECS. (NFPA 101, SECT. 38.3.3.2)

CONSTRUCTION TYPE- TYPE VB  
OCCUPANCY CLASSIFICATION GROUP A2

### ADA DETAILS

The technical drawings illustrate the required clearances and dimensions for ADA-compliant toilet and lavatory fixtures. The drawings are organized into four quadrants:

- Top Left:** Shows a side view of a toilet fixture. Key dimensions include a 12" maximum height for the toilet paper holder, a 42" minimum height for the toilet paper holder, a 36" maximum height for the toilet paper holder, a 36" maximum height for the toilet paper holder, a 33" to 36" height for the toilet paper holder, and a 19" minimum height for the toilet paper holder.
- Top Right:** Shows a side view of a toilet fixture. Key dimensions include a 6" maximum height for the toilet paper holder, a 36" minimum height for the toilet paper holder, a 18" height for the toilet paper holder, a 33" to 36" height for the toilet paper holder, and a 19" minimum height for the toilet paper holder.
- Bottom Left:** Shows a side view of a toilet fixture. Key dimensions include a 39" to 41" height for the vertical grab bar, a 18" height for the vertical grab bar, and a 39" to 41" height for the vertical grab bar.
- Bottom Right:** Shows a side view of a lavatory fixture. Key dimensions include a 29" minimum height for the top of the lavatory, a 5" minimum height for the top of the lavatory, a 34" maximum height for the top of the lavatory, a 40" maximum height for the top of the lavatory, a 30" minimum height for the top of the lavatory, a 1" minimum height for the top of the lavatory, a 18" height for the top of the lavatory, and a 48" minimum height for the top of the lavatory.

FIRE SEPARATION DISTANCE = X (feet)	TYPE OF CONSTRUCTION	OCCUPANCY GROUP H <sup>f</sup>	OCCUPANCY GROUP F-1, M, S-1 <sup>g</sup>	OCCUPANCY GROUP A, B, E, F-2, I, R, S-2 <sup>d</sup> , U <sup>b</sup>
$X < 5^c$	All	3	2	1
$5 \leq X < 10$	IA Others	3 2	2 1	1 1
$10 \leq X < 30$	IA, IB IIB, VB Others	2 1 1	1 0 1	1 <sup>d</sup> 0 1 <sup>d</sup>
$X \geq 30$	All	0	0	0

1. DO NOT SCALE THESE DRAWINGS. (VERIFY ALL DIMENSIONS IN THE FIELD PRIOR TO CONSTRUCTION.)
2. THE CONTRACTOR SHALL VERIFY ALL SITE CONDITIONS PRIOR TO CONSTRUCTION.
3. THE 2012 INTERNATIONAL BUILDING CODE AS ADOPTED BY THE COUNTY OF SUSSEX DELAWARE SHALL GOVERN CONSTRUCTION OF THIS PROJECT.
4. ALL DIMENSIONS ARE FROM FACE OF STUDS OR FACE OF MASONRY UNITS UNLESS NOTED OTHERWISE.
5. PROVIDE BLOCKING OR DOUBLE FLOOR JOIST UNDER ALL WALLS PARALLEL TO JOISTS.
6. PROVIDE SOLID BRIDGING AT MID-SPAN FOR JOISTS 10' OR GREATER IN LENGTH.
7. PROVIDE DOUBLE JOISTS AROUND ALL FLOOR AND ROOF OPENINGS (UNLESS NOTED OTHERWISE).
8. BOTTOM OF ALL FOOTINGS SHALL BE A MINIMUM OF 24" BELOW FINISH GRADE OR PER APPLICABLE BUILDING CODE FOR THIS PROJECT (USE GREATER OF THE TWO CONDITIONS).
9. CONTRACTOR SHALL NOTIFY MISS UTILITY NOT LESS THAN 2 WORKING DAYS, BUT NOT MORE THAN 10 WORKING DAYS, PRIOR TO EXCAVATION OR DEMOLITION ON THIS PROJECT.
10. ALL NEW MATERIALS SHALL BE FREE OF LEAD, ASBESTOS OR MERCURY.
11. ALL ELECTRICAL WORK SHALL COMPLY WITH NFPA 70, NATIONAL FIRE CODES AND NATIONAL ELECTRIC CODE (N.E.C.).
12. SHOULD ANY WORDS OR NUMBERS THAT ARE NECESSARY FOR A CLEAR UNDERSTANDING OF THE WORK BE ILLEGIBLE OR OMITTED, OR SHOULD AN ERROR OR DISCREPANCY OCCUR IN ANY OF THE CONTRACT DOCUMENTS, THE CONTRACTOR SHALL NOT PROCEED WITH THAT PORTION OF THE WORK UNTIL CLARIFICATION IS RECEIVED. IN THE EVENT THE CONTRACTOR PROCEEDS WITHOUT SO NOTIFYING THE ARCHITECT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF CORRECTING SAME, INCLUDING ANY RESULTING DAMAGE.
13. ALL DOOR HARDWARE TO BE ADA COMPATIBLE LEVER STYLE HARDWARE. ALL HARDWARE TO BE NON-KEYED FROM EGRESS SIDE.
14. ALL FLOOR FINISHES TO BE CLASS 1 OR 2.
15. ALL WALL/ CEILING FINISHES TO BE CLASS A,B, OR C
16. HEAT PUMP PROPOSED HVAC SYSTEM WITH DUCT SMOKE DETECTION FOR ALL UNITS WITH GREATER THAN 2000 CFM AS REQUIRED.
17. GAS INFARED GAS UNIT FROM THE CEILING.

WIND SPEED RISK CATEGORY II- 121 MPH

BUILDING CONSTRUCTION TYPE: VB

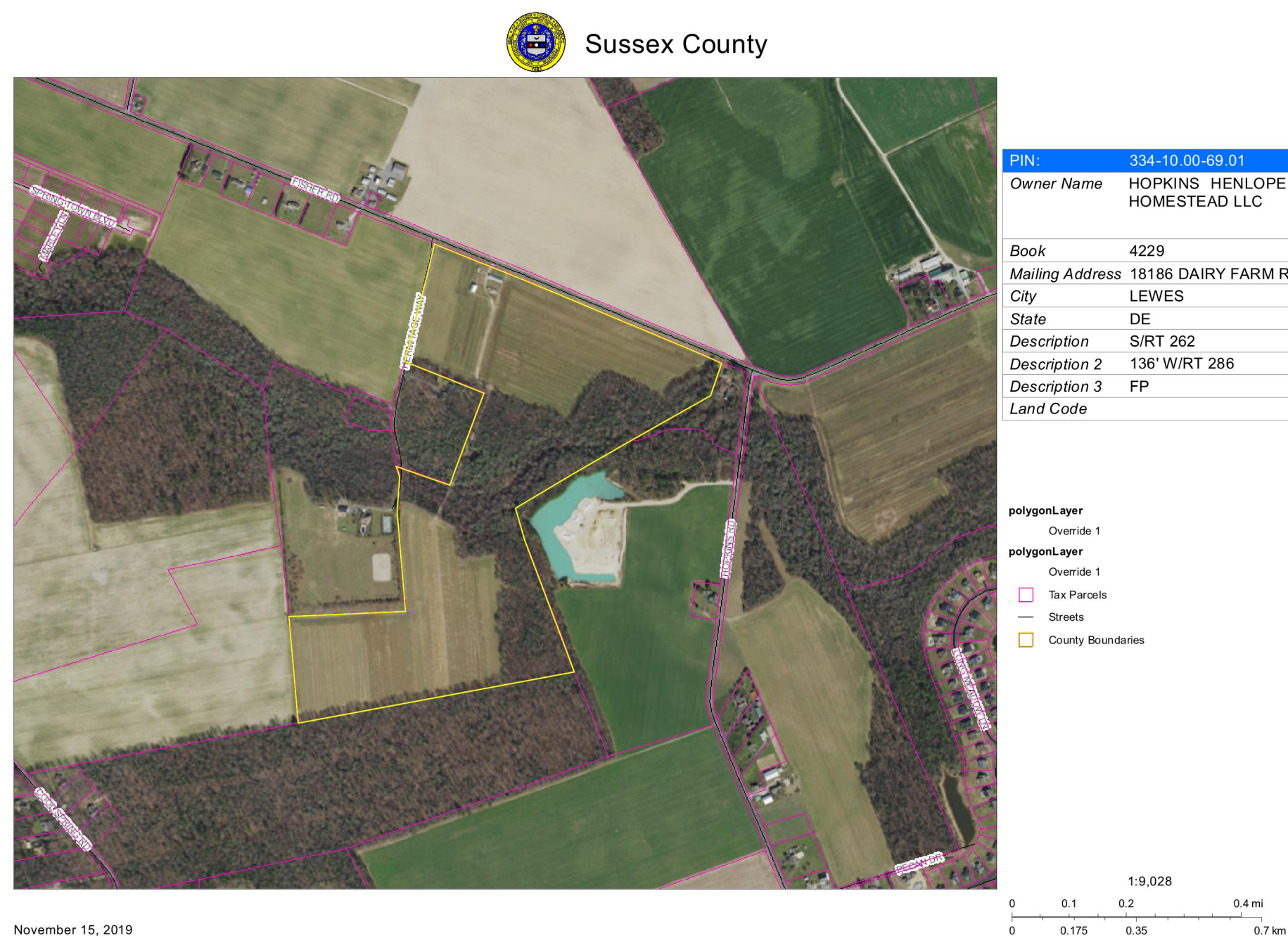
BUILDING DOES NOT HAVE SPRINKLER SYSTEM

MAXIMUM ALLOWABLE EXIT TRAVEL DISTANCE: 200'-0"  
MAXIMUM PROPOSED EXIT TRAVEL DISTANCE: 50'-0"  
MAXIMUM ALLOWABLE COMMON PATH OF TRAVEL: 75'-0"  
MAXIMUM PROPOSED COMMON PATH OF TRAVEL: 50'-0"

SQUARE FOOTAGE- 2188.7 SQ FT

OCCUPANCY: ASSEMBLY GROUP (A-2)

RECEPTION AREA: 1632 SQFT./ 7 SQFT. PER OCCUPANT= 233 OCCUPANTS  
REQUIRED EGRESS CAPACITY: 233 OCCUPANTS x .2" PER OCCUPANT= 46.6" (2 DOORS)  
PROPOSED EGRESS CAPACITY: 180" (5 DOORS)



<b>BUILDING ELEMENT</b>	<b>TYPE I</b>		<b>TYPE II</b>		<b>TYPE III</b>		<b>TYPE IV</b>	<b>TYPE V</b>	
	<b>A</b>	<b>B</b>	<b>A<sub>d</sub></b>	<b>B</b>	<b>A<sub>d</sub></b>	<b>B</b>	<b>HT</b>	<b>A<sub>d</sub></b>	<b>B</b>
Primary structural frame (see Section 202)	3 <sub>a</sub>	2 <sub>a</sub>	1	0	1	0	HT	1	0
Bearing walls									
Exterior	3	2	1	0	2	2	2	1	0
Interior	3 <sub>a</sub>	2 <sub>a</sub>	1	0	1	0	1/HT	1	0
Nonbearing walls and partitions	See Table 602								
Exterior									
Nonbearing walls and partitions									
Interior	0	0	0	0	0	0	See Section 602.4.6	0	0
Floor construction and associated secondary members (see Section 202)	2	2	1	0	1	0	HT	1	0
Roof construction and associated secondary members (see Section 202)	1/2 <sub>b</sub>	1 <sub>b,c</sub>	1 <sub>b,c</sub>	0 <sub>c</sub>	1 <sub>b,c</sub>	0	HT	1 <sub>b,c</sub>	0

**ARCHOLOG**  
ARCHITECTURE & DESIGN SERVICES  
1000 N. 10TH ST., SUITE 100  
MILTON, DE 19968  
PH: (302) 338-5555 [www.archologyde.com](http://www.archologyde.com)

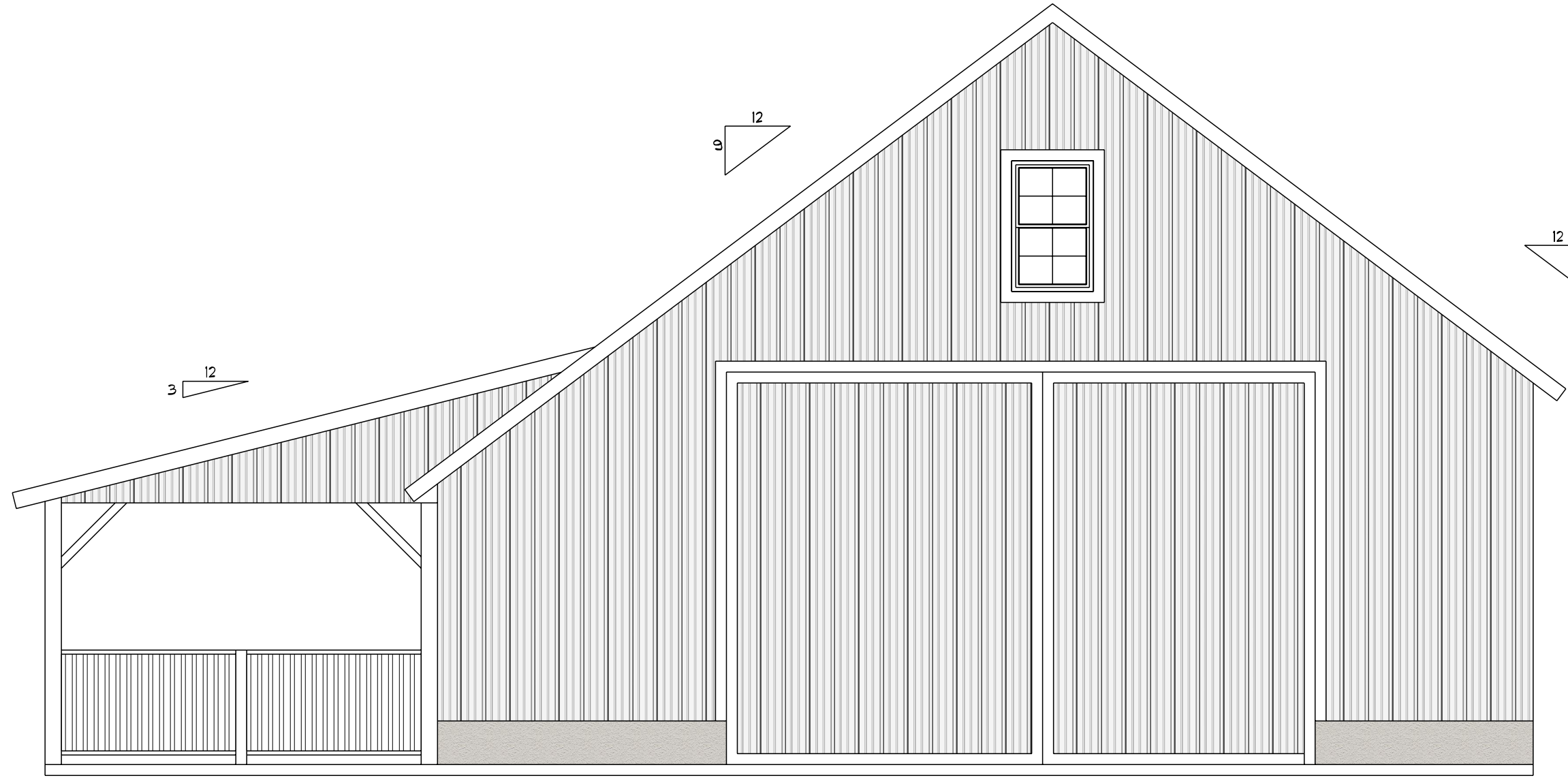
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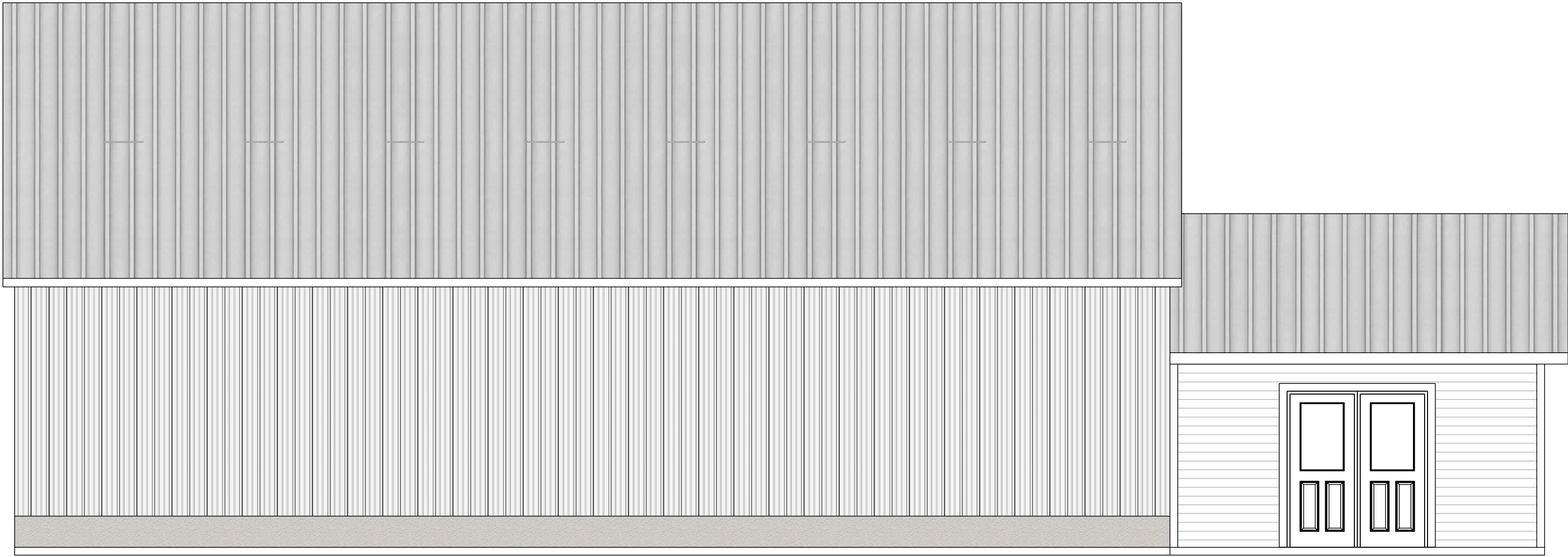
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DATE: Tuesday, April 28, 2020

SHEET #  
1



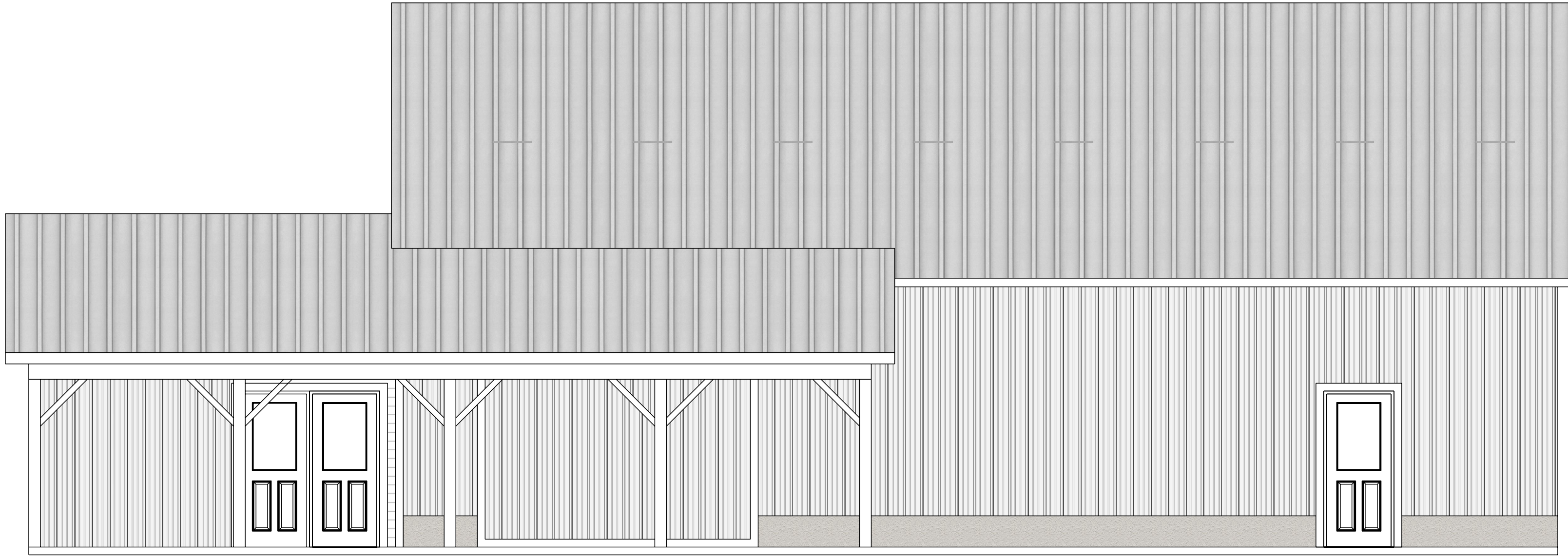
FRONT ELEVATION



RIGHT ELEVATION



BACK ELEVATION



LEFT ELEVATION

NOTE: THE FOLLOWING DESIGNS ARE BASED ON 2012 IBC

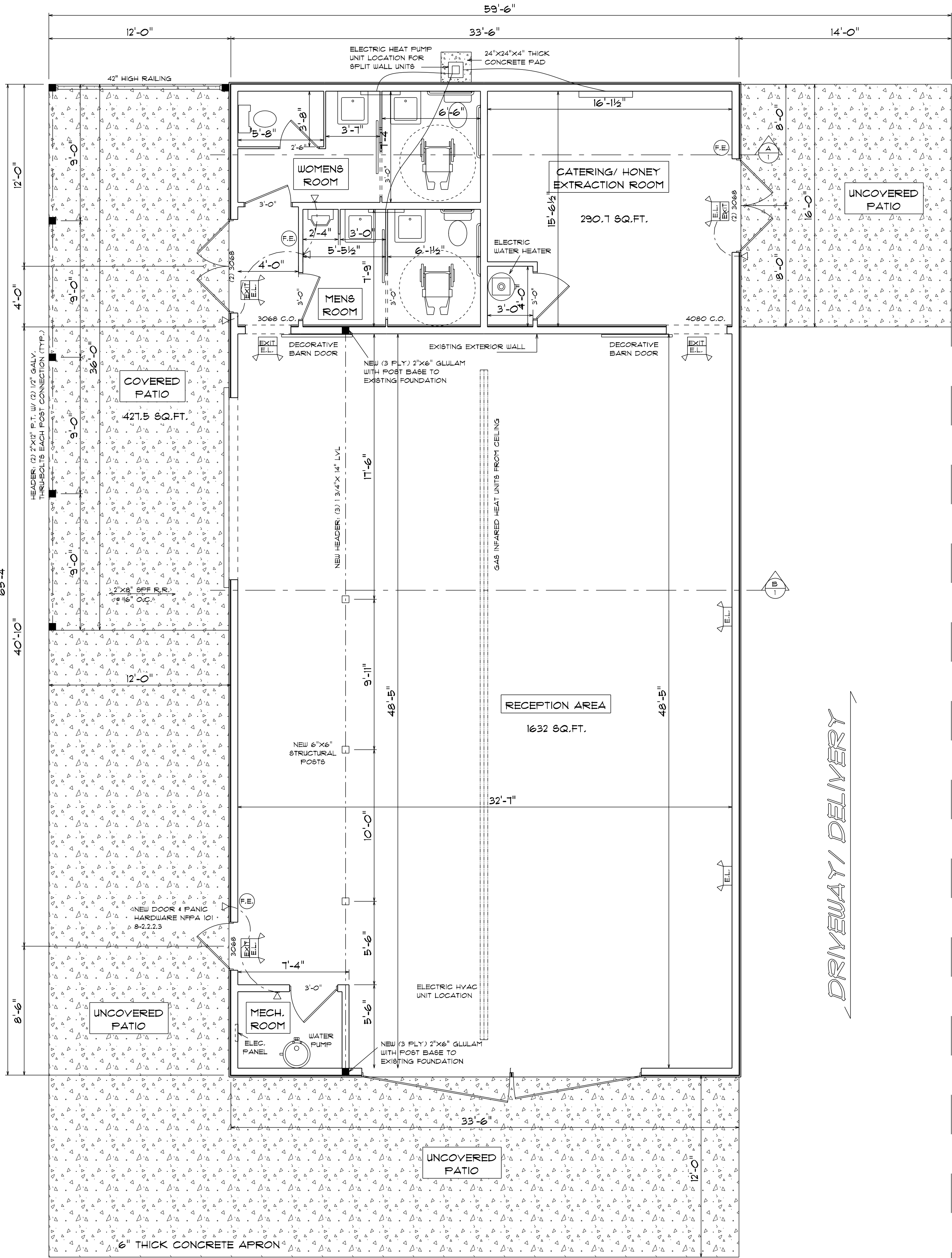
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PROJECT #	SCALE	1/4" = 1'-0"	ELEVATIONS	CONSTRUCTION DRAWING FOR THE NEW:	HONEY BEE BARN FISHER ROAD LEWES	DE	19356	REV. DATE:	ARCHOLOGUE, LLC © 2018

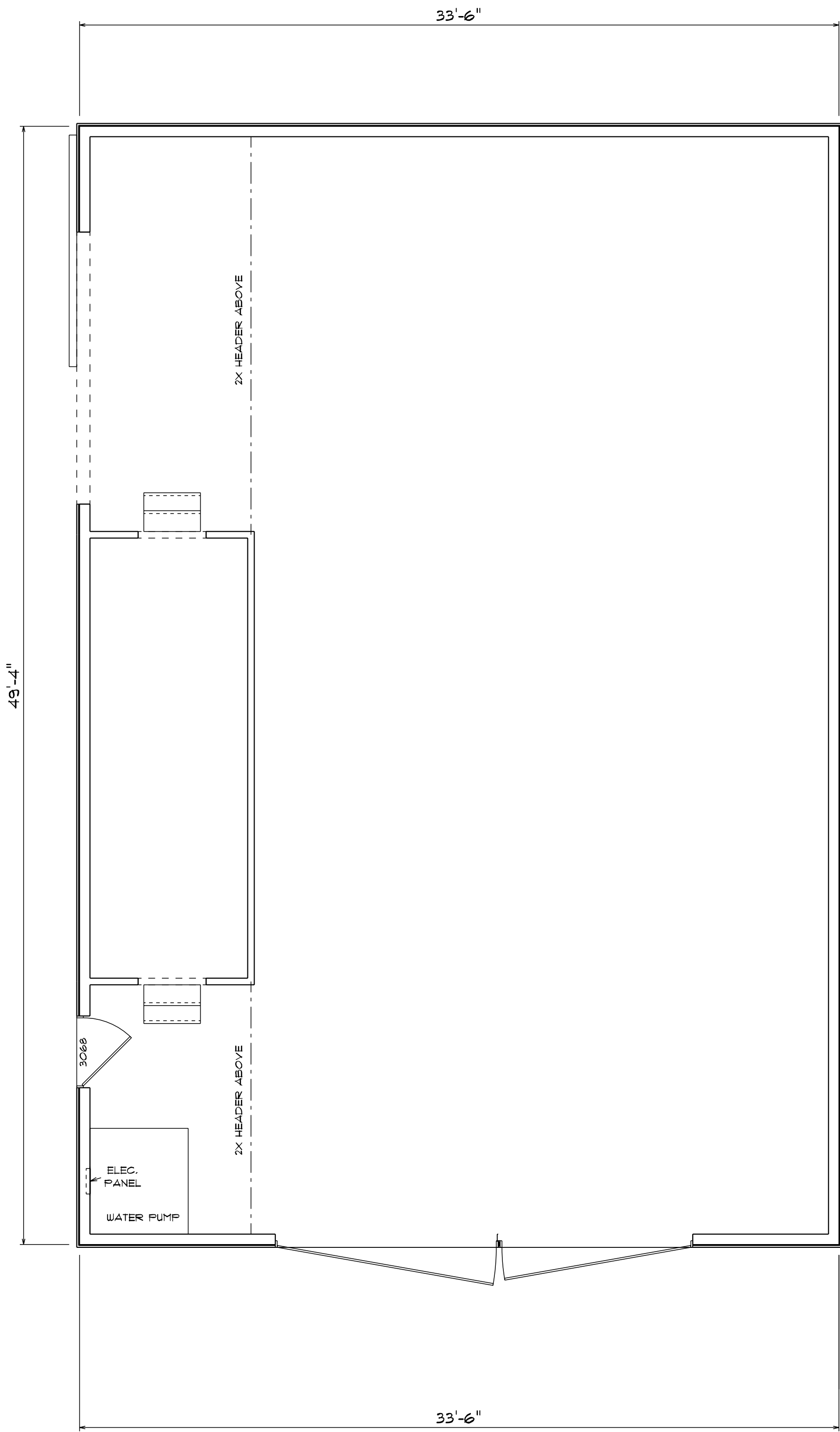
DATE:  
Tuesday, April 28, 2020

SHEET #  
2



AREA SCHEDULE	
NAME	AREA
RECEPTION AREA	1631.5 sq. ft.
CATERING ROOM	290.7 sq. ft.
BATHROOM AREA	249.3 sq. ft.
COVERED PATIO	427.5 sq. ft.

PROPOSED FLOOR PLAN (OPTION #4)



EXISTING FLOOR PLAN

NOTE: THE FOLLOWING DESIGNS ARE BASED ON 2012 IBC

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REV. DATE:	19956	DE	19956
PROJECT #	1/4" = 1'-0"	SCALE	1/4" = 1'-0"
CONSTRUCTION DRAWING FOR THE NEW:	HONEY BEE BARN	FISHER ROAD	LEWES
ARCHITECT:	ARCHOLOGY, LLC	© 2018	

DATE:  
Tuesday, April 28, 2020

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3

