

JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
(302) 854-5079 F  
jamie.whitehouse@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

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COUNTY ADMINISTRATIVE OFFICES  
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GEORGETOWN, DELAWARE

ROBERT C. WHEATLEY, CHAIRMAN  
MARTIN L. ROSS, VICE CHAIRMAN  
R. KELLER HOPKINS  
DOUGLAS B HUDSON  
KIM HOEY STEVENSON



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GEORGETOWN, DE 19947  
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# Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET  
Planning Commission Public Hearing Date August 11, 2022

Application: C/U 2313 John Ford

Owners: John Ford  
18 Brinton Way  
Elkton, MD 21921

Applicant: John Ford  
18 Brinton Way  
Elkton, MD 21921

Site Location: 12537 Coastal Highway, Milton. The property is lying on the east side of Savannah Road (Route 9B) approximately 0.25 mile northeast of the intersection of Savannah Road (Route 9B) and Old Orchard Road (S.C.R. 269A).

Zoning: AR-1 (Agricultural Residential District)

Current Use: Residential

Proposed Use: Real Estate Office

Comprehensive Land Use Plan Reference: Commercial Area

Councilmatic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Public

Water: Private Well

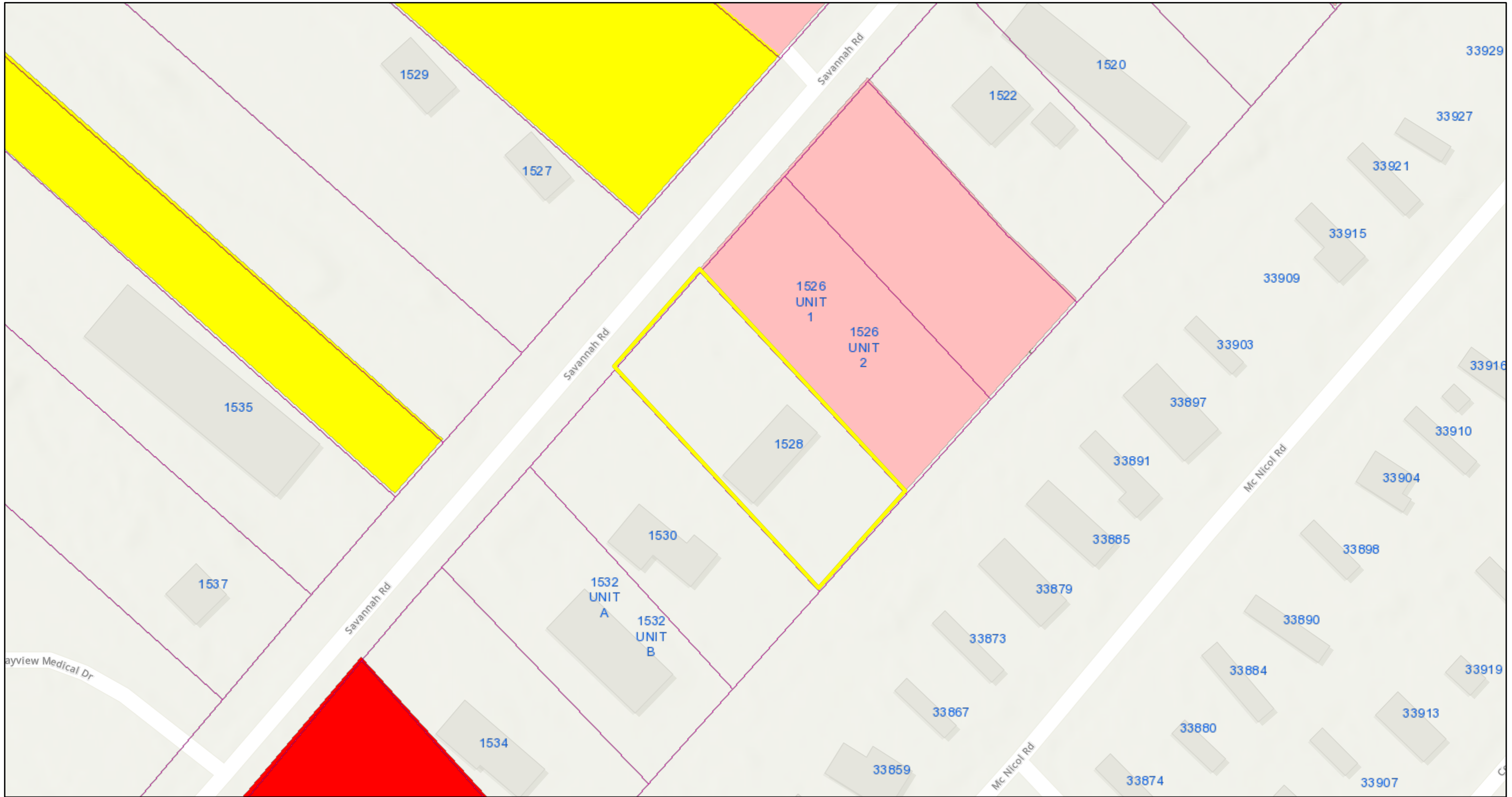
Site Area: 0.57 ac. +/-

Tax Map ID.: 335-12.06-49.00



COUNTY ADMINISTRATIVE OFFICES  
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GEORGETOWN, DELAWARE 19947

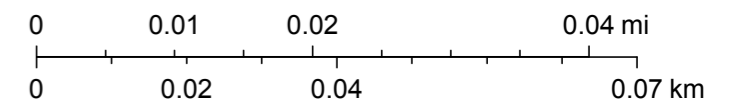
# Sussex County



July 11, 2022

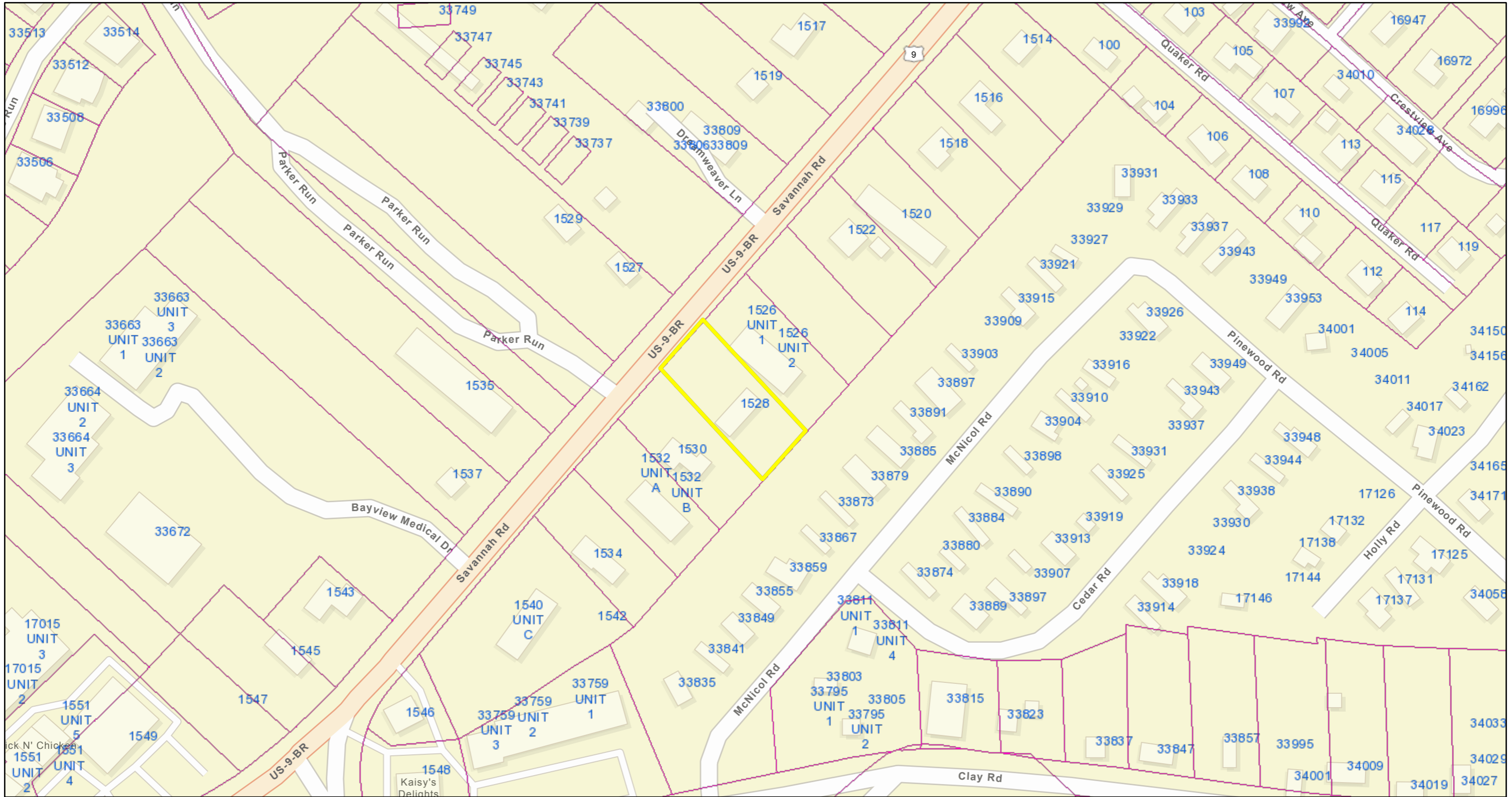
- |                                 |                                 |                                  |                               |                           |
|---------------------------------|---------------------------------|----------------------------------|-------------------------------|---------------------------|
| Override 1                      | Agricultural Residential - AR-2 | Vacation, Retire, Resident - VRP | General Commercial - C-2      | Institutional - I-1       |
| Override 1                      | Medium Residential - MR         | Neighborhood Business - B-1      | General Commercial - C-3      | Marine - M                |
| Tax Parcels                     | General Residential - GR        | Neighborhood Business - B-2      | General Commercial - C-4      | Limited Industrial - LI-1 |
| 911 Address                     | High Density Residential - HR-1 | Business Research - B-3          | General Commercial - C-5      | Light Industrial - LI-2   |
| <b>Zoning</b>                   | High Density Residential - HR-2 | General Commercial - C-1         | Commercial Residential - CR-1 | Heavy Industrial - HI-1   |
| Agricultural Residential - AR-1 |                                 |                                  |                               |                           |

1:1,128







Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Government, Sussex County Mapping and Addressing, Esri Community Maps Contributors, County of

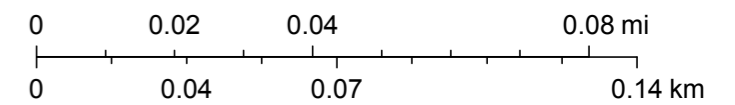
# Sussex County



July 11, 2022

-  Override 1
-  Override 1
-  Tax Parcels
-  911 Address

1:2,257



Sussex County Government, Sussex County Mapping and Addressing, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



# Sussex County



July 11, 2022  
Override 1  
Override 1  
Tax Parcels  
911 Address

1:564  
0 0.01 0.01 0.02 mi  
0 0.01 0.01 0.03 km  
State of Delaware, Maxar, Microsoft, Sussex County Government,  
Sussex County Mapping and Addressing



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**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Michael Lowrey, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: July 13, 2022  
RE: Staff Analysis for C/U 2313 John Ford

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2313 John Ford to be reviewed during the August 11<sup>th</sup>, 2022, 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 Tax Parcel: 335-12.06-49.00 to allow for a realty office use. The property is located on the south east side of Savannah Road (Route 9B) approximately 0.25 mile northeast of the intersection of Savannah Road (Route 9B) and Old Orchard Road (S.C.R. 269A). The parcel is 0.57 acres +/-.

### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of 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 subject parcel has a designation of "Commercial Area", with the parcels adjacent on the south east side of Savannah Road (Route 9B) having Future Land Use Map designations of both "Commercial Area" and "Coastal Area". The parcels immediately west on the opposite side of Savannah Road (Route 9B) have a Future Land Use Map designation of "Coastal Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Commercial Areas "include concentrations of retail and service uses that are mainly located along arterials and highways." The Plan also notes that Commercial Areas "include commercial corridors" which are "geared towards vehicular traffic" and that "mixed-use buildings may also be appropriate." (Sussex County Comprehensive Plan, 4-17)

### Zoning Information

The subject property is zoned Agricultural Residential (AR-1). The property adjacent to the northeast on the east side of Savannah Road (Route 9B) is zoned Neighborhood Business (B-1) and the parcel immediately southwest on the on the east side of Savannah Road (Route 9B) is zoned Agricultural Residential (AR-1). The parcel immediately across Savannah Road (Route 9B) is zoned Agricultural Residential (AR-1) with the additional parcels adjacent on the west side of Savannah Road (Route 9B) variously zoned Medium-Density Residential (MR), Agricultural Residential (AR-1), and Neighborhood Business (B-1).



### Existing Conditional Uses within the Vicinity of the Subject Site

Since 2011, there have been eight (8) Conditional Use applications within a 0.25-mile radius of the application site. The first application was Conditional Use No. 2137 to permit professional offices within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on July 31<sup>st</sup>, 2018, and this was adopted through Ordinance No. 2592. The second application was Conditional Use No. 2132 to permit a hair studio use within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on July 31, 2018, and this was adopted through Ordinance No. 2590. The third application was Conditional Use No. 2064 to permit medical offices use within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on County Council on March 7, 2017, and this was adopted through Ordinance No. 2484. The fourth application was Conditional Use No. 2160 to permit a professional office use within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on County Council on March 19, 2019, and this was adopted through Ordinance No. 2638. The fifth application was Conditional Use No. 2169 to permit a multifamily use within a Medium-Density Residential (MR) Zoning District. This application was approved by the Sussex County Council on June 18, 2019, and this was adopted through Ordinance No. 2663. The sixth application was Conditional Use No. 1974 to permit a hair salon within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on January 14, 2014, and this was adopted through Ordinance No. 2334. The seventh application was Conditional Use No. 2116 to permit professional offices within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on March 20, 2018, and this was adopted through Ordinance No. 2569. The eighth application was Conditional Use No. 2159 to permit a professional office within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on January 15, 2019, and this was adopted through Ordinance No. 2628.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow to allow for a real estate office use within an Agricultural Residential (AR-1) Zoning District could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: CU 2313  
202113358

## 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

1528 Savannah Road, Lewes, Delaware 19958

### Type of Conditional Use Requested:

Commercial use of of the subject property as a realty office pursuant to Sussex County Code Section 115-22.

Tax Map #: 335-12.06-49.00

Size of Parcel(s): +/- 25,000 sq.ft. | 0.57 acre +/-

Current Zoning: AR-1

Proposed Zoning: Same

Size of Building: +/- 1,704 sq. ft.

Land Use Classification: Agricultural/Residential

Water Provider: Well

Sewer Provider: Public

### Applicant Information

Applicant Name: John Ford

Applicant Address: 18 Brinton Way

City: Elkton

State: MD

Zip Code: 21921

Phone #: (302) 740-7350

E-mail: respondtoremax@gmail.com

### Owner Information

Owner Name: John Ford

Owner Address: 18 Brinton Way

City: Elkton

State: MD

Zip Code: 21921

Phone #: (302) 740-7350

E-mail: respondtoremax@gmail.com

### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Glenn C. Mandalas, Esq.

Agent/Attorney/Engineer Address: 1415 Savannah Road

City: Lewes

State: DE

Zip Code: 19958

Phone #: (302) 645-2262

E-mail: glenn@bmbde.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.
- 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.

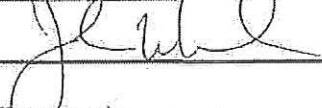
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney

  
\_\_\_\_\_

Date: 9/3/21

Signature of Owner

  
\_\_\_\_\_

Date: 9/2/2021

*For office use only:*

Date Submitted: 9/9/21

Staff accepting application: Cer

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

Fee: \$500.00 Check #: 3878

Application & Case #: 202113358

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

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

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

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

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

# Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

## Application Information:

Site Address: 1528 Savannah Road, Lewes, Delaware 19958

Parcel #: 335-12.06-49.00

Site Address: \_\_\_\_\_

Parcel #: \_\_\_\_\_

Applicant Name: John Ford

Owner Name: John Ford

## Type of Application:

Conditional Use:   
Change of Zone:   
Subdivision:   
Board of Adjustment:

Date Submitted: 9/1/21

## For office use only:

Date of Public Hearing: \_\_\_\_\_

File #: \_\_\_\_\_

Date list created: \_\_\_\_\_

List created by: \_\_\_\_\_

Date letters mailed: \_\_\_\_\_

Letters sent by: \_\_\_\_\_

## Planning & Zoning Project Contact List

### Applicant Information

Applicant Name: John Ford  
 Applicant Address: 18 Brinton Way  
 City: Elkton, Maryland 21921 State: MD Zip: 21921  
 Phone #: (302) 740-7350 E-mail: respondtoremax@gmail.com

### Owner Information

Owner Name: John Ford  
 Owner Address: 18 Brinton Way  
 City: Elkton State: MD Zip: 21921  
 Phone #: (302) 740-7350 E-mail: respondtoremax@gmail.com

### Engineer/Surveyor Information

Engineer/Surveyor Name: Roger Stanley  
 Engineer/Surveyor Address: 17 Polly Drummond Center, Suite 201  
 City: Newark State: DE Zip: 19711  
 Phone #: (302) 369-2900 E-mail: \_\_\_\_\_

### Agent/Attorney Information

Agent/Attorney/Name: Glenn C. Mandalas, Esq.  
 Agent/Attorney/Address: 1415 Savannah Road  
 City: Lewes State: DE Zip: 19958  
 Phone #: (302) 645-2262 E-mail: glenn@bmbde.com

### Other

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_



Sussex County, DE  
Treasury  
P.O. Box 601  
Georgetown, DE 19947  
Welcome

33020488-0069 Lindsey S 09/09/2021 12:51PM

PERMITS / INSPECTIONS  
CONDITIONAL USE - FEE  
2021 Item: 202113358|Z010 500.00

500.00

Subtotal 500.00  
Total 500.00

CHECK 500.00  
Check Number 003878

Change due 0.00

Paid by: BAIRD MANDALAS BROCKSTEDT



Thank you for your payment

Sussex County, DE COPY





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

NICOLE MAJESKI  
SECRETARY

July 12, 2021

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 **John Ford** proposed land use application, which we received on July 2, 2021. This application is for an approximately 0.52-acre parcel (Tax Parcel: 335-12.06-49.00). The parcel is located on the southeast side of Savannah Road (US Route 9B) less than 100 ft north of the intersection with Parker Run. The subject land is currently zoned AR-1 (Agriculture Residential) and the applicant seeks a conditional use approval to operate a realty office.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volume along Savannah Road from Shuttle Road to the end of the road is 14,849 and 19,093, respectively.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** 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 diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

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.



Mr. Jamie Whitehouse  
Page 2 of 2  
July 12, 2021

Please contact Ms. Annamaria Fumato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:afm

cc: John Ford, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
David Edgell, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, 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  
Annamaria Fumato, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **7/18/2022**

APPLICATION: **CU 2313 John Ford**

APPLICANT: **John Ford**

FILE NO: **OM-9.04**

TAX MAP &  
PARCEL(S): **335-12.06-49.00**

LOCATION: **Lying on the southeast side of Savannah Road (Rt. 9B),  
approximately 0.25 mile northeast of the intersection with Old  
Orchard Road (SCR 269A).**

NO. OF UNITS: **Real Estate Office**

GROSS  
ACREAGE: **0.57**

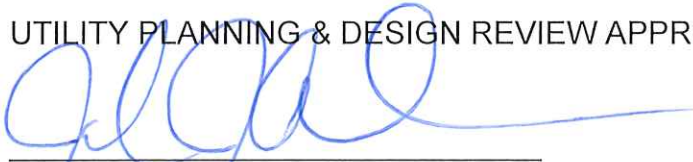
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

**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 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** 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? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- 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? **N/A**
- (8). Comments: **The proposed Conditional Use property is currently being assessed at 1.67 EDUs as the Henlopen Grange No. 20. Change of use may result in a change of EDUs. Please contact Mrs. Christine Fletcher at 302-855-7719 concerning an updated EDU assessment for the property.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman  
Sr. Manager of Utility Planning & Design Review

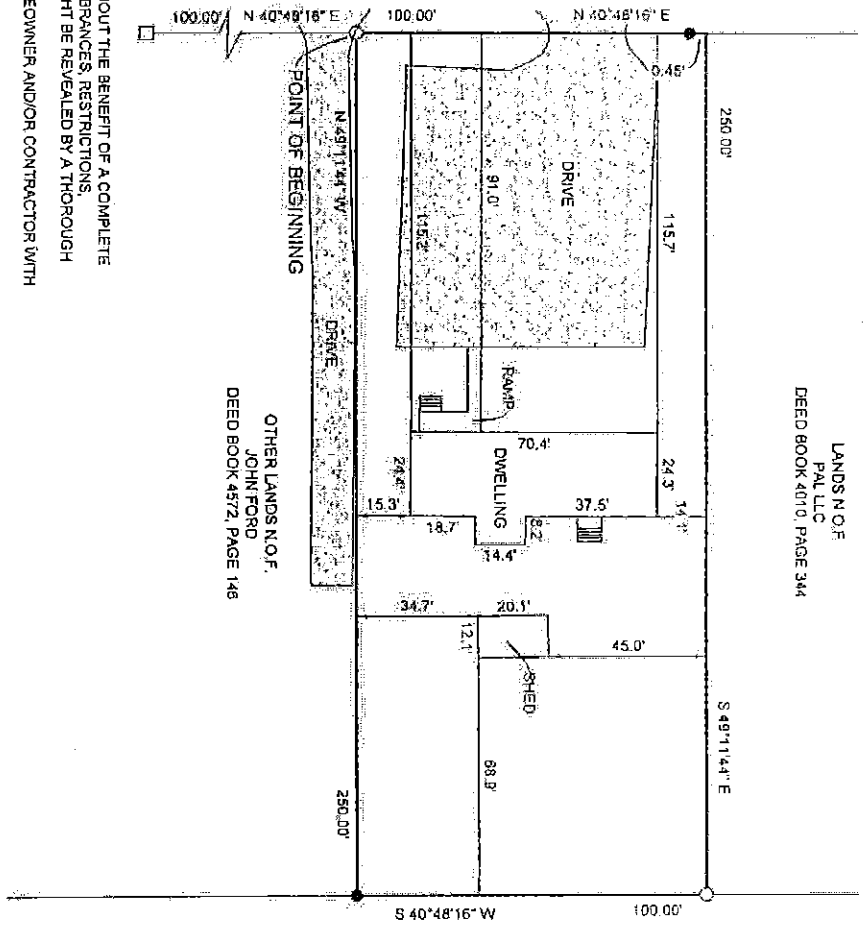
Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
Christine Fletcher



TAX MAP NO. 3-35-12-05-49-00

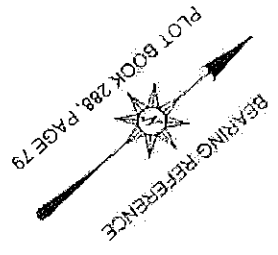
LANDS N.O.F.  
PAL LLC  
DEED BOOK 4870, PAGE 344

### COUNTY ROAD 18 (A.K.A. SAVANNAH ROAD)



OTHER LANDS N.O.F.  
JOHN FORD  
DEED BOOK 4572, PAGE 146

LANDS N.O.F.  
MHC MCNICOL, PLAGE LLC  
TAX MAP 335-12-05 PARCEL 58.01



### LEGEND:

- FOUND IRON PIPE
- FOUND CONCRETE MONUMENT
- FOUND IRON BAR

### NOTES:

- 1) SOURCE OF TITLE: DEED BOOK 363, PAGE 190
- 2) 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
- 3) ALL SETBACKS MUST BE VERIFIED BY THE HOMEOWNER AND/OR CONTRACTOR WITH THE APPROPRIATE REGULATORY AUTHORITY
- 4) SURVEY CLASSIFICATION: SUBURBAN



## Karins and Associates

ENGINEERS • PLANNERS • SURVEYORS  
 NEWARK, DE • GEORGETOWN, DE  
 www.karinsengineering.com

17 POLLY DRUMMOND CENTER • SUITE 201  
 NEWARK, DELAWARE 19711  
 PHONE: (302) 369-2900

128 WEST MARKET STREET  
 GEORGETOWN, DELAWARE 19947  
 PHONE: (302) 856-6989

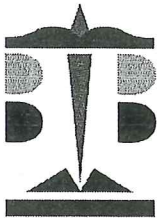
DATE: 05-19-2021    SCALE: 1" = 40'    DRAWN: MBK    CHECKED: CGA

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 MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY BOUNDARIES OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

CHARLES E. ADAMS, JR., P.L.S. 509

BOUNDARY SURVEY PLAN  
 JOHN W. FORD  
 TAX MAP NO. 3-35-12-05-49-00  
 1528 SAVANNAH ROAD  
 AREA: 25,000± SQUARE FEET  
 SITUATE IN LEWIS & REMOOTH HUNDRED  
 SUSSEX COUNTY, STATE OF DELAWARE

DRAWING: JOB# G 1498-A.dwg



BAIRD  
MANDALAS  
BROCKSTEDT  
FEDERICO & CARDEA<sup>PC</sup>

Mackenzie M. Peet, Esquire  
(302) 645-2262  
mackenzie@bmbfclaw.com

August 1, 2022

**VIA EMAIL AND FEDEX**

Planning & Zoning Department  
Attn: Jamie Whitehouse, Director  
2 The Circle  
PO Box 417  
Georgetown, DE 19947

**RE: C/U 2313 John Ford  
Property : 1528 Savannah Road, Lewes, DE 19958 (TMP NO. 335-12.06-49.00)**

Director Whitehouse:

Enclosed please find the supplemental exhibit packet and proposed conditions of approval for C/U 2313.

Please contact me or my paralegal, Meagan Garey, at [meagan@bmbde.com](mailto:meagan@bmbde.com), should you need any other information prior to the public hearing.

Sincerely,

*/s/ Mackenzie M. Peet*

Mackenzie M. Peet, Esquire

Enclosure

CC:

John Ford  
Glenn Mandalas, Esquire

EXHIBIT A

Application and SLER



BAIRD  
MANDALAS  
BROCKSTEDT LLC

Glenn C. Mandalas, Esq.  
302.645.2262  
glenn@bmbde.com

September 2, 2021

**VIA REGULAR MAIL**

Mr. Jamie Whitehouse  
Planning & Zoning Department  
2 The Circle  
P.O. Box 417  
Georgetown, Delaware 19947

**RE: Conditional Use Application – John Ford  
1528 Savannah Road, Lewes, Delaware 19958 (TMP 3-35-12.06-49.00)**

Dear Director Whitehouse,

On behalf of our client, Mr. John Ford, enclosed is a Conditional Use Application and associated exhibits for the Property identified as 1528 Savannah Road, Lewes, Delaware 19958 and further identified as TMP 3-35-12.06-49.00 (the “Property”) pursuant to Sussex County Zoning Code Section 115-22. The Property is currently zoned AR-1.

Mr. Ford seeks a Conditional Use to utilize the Property as a realty office. The Sussex County Future Land Use Map indicates a commercial designation for the Property, and the Property was formerly used as the Grange Hall. Numerous properties with frontage along Savannah Road have been granted conditional uses, and the intensity of use associated with a realty office is consistent with those former approvals and the surrounding area.

We look forward to presenting Mr. Ford’s Conditional Use Application.

Very truly yours,

Glenn C. Mandalas, Esq.

GCM  
Enclosures



File #: \_\_\_\_\_

## 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**

1528 Savannah Road, Lewes, Delaware 19958

**Type of Conditional Use Requested:**

Commercial use of of the subject property as a realty office pursuant to Sussex County Code Section 115-22.

Tax Map #: 335-12.06-49.00 Size of Parcel(s): +/- 25,000 sq.ft.

Current Zoning: AR-I Proposed Zoning: Same Size of Building: +/- 1,704 sq. ft.

Land Use Classification: Agricultural/Residential

Water Provider: Well Sewer Provider: Public

**Applicant Information**

Applicant Name: John Ford  
Applicant Address: 18 Brinton Way  
City: Elkton State: MD Zip Code: 21921  
Phone #: (302) 740-7350 E-mail: respondtoremax@gmail.com

**Owner Information**

Owner Name: John Ford  
Owner Address: 18 Brinton Way  
City: Elkton State: MD Zip Code: 21921  
Phone #: (302) 740-7350 E-mail: respondtoremax@gmail.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Glenn C. Mandalas, Esq.  
Agent/Attorney/Engineer Address: 1415 Savannah Road  
City: Lewes State: DE Zip Code: 19958  
Phone #: (302) 645-2262 E-mail: glenn@bmbde.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.
- 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.

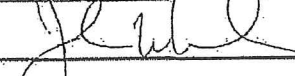
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney

  
\_\_\_\_\_

Date: 9/3/21

Signature of Owner

  
\_\_\_\_\_

Date: 9/2/2021

For office use only:

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

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

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

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

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

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

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

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

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

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

## Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

### Application Information:

Site Address: 1528 Savannah Road, Lewes, Delaware 19958

Parcel #: 335-12.06-49.00

Site Address: \_\_\_\_\_

Parcel #: \_\_\_\_\_

Applicant Name: John Ford

Owner Name: John Ford

### Type of Application:

Conditional Use:   
Change of Zone:   
Subdivision:   
Board of Adjustment:

Date Submitted: 9/1/21

### For office use only:

Date of Public Hearing: \_\_\_\_\_

File #: \_\_\_\_\_

Date list created: \_\_\_\_\_

Date letters mailed: \_\_\_\_\_

List created by: \_\_\_\_\_

Letters sent by: \_\_\_\_\_

File #: \_\_\_\_\_

## Planning & Zoning Project Contact List

### Applicant Information

Applicant Name: John Ford  
Applicant Address: 18 Brinton Way  
City: Elkton, Maryland 21921 State: MD Zip: 21921  
Phone #: (302) 740-7350 E-mail: respondtoremax@gmail.com

### Owner Information

Owner Name: John Ford  
Owner Address: 18 Brinton Way  
City: Elkton State: MD Zip: 21921  
Phone #: (302) 740-7350 E-mail: respondtoremax@gmail.com

### Engineer/Surveyor Information

Engineer/Surveyor Name: Roger Stanley  
Engineer/Surveyor Address: 17 Polly Drummond Center, Suite 201  
City: Newark State: DE Zip: 19711  
Phone #: (302) 369-2900 E-mail: \_\_\_\_\_

### Agent/Attorney Information

Agent/Attorney/Name: Glenn C. Mandalas, Esq.  
Agent/Attorney/Address: 1415 Savannah Road  
City: Lewes State: DE Zip: 19958  
Phone #: (302) 645-2262 E-mail: glenn@bmbde.com

### Other

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_



3878



BAIRD  
MANDALAS  
BROCKSTEDT

ATTORNEYS AT LAW  
6 S. STATE ST.  
DOVER, DE 19901  
(302) 677-0061

**WSFS** bank

We Stand For Service  
500 Delaware Ave., Wilmington, DE 19801  
62-10/311



Sep 08, 2021

PAY TO THE  
ORDER OF

Sussex County Council

\$

\*\*\*\*\*500.00

DOLLARS

\*\*\*\*\*Five Hundred Dollars and 00/100

Sussex County Council

Attorney Operating Account  
VOID AFTER 120 DAYS



*Ken M. [Signature]*

AUTHORIZED SIGNATURE

MEMO

Memo: Conditional Use Application - John Ford

⑈003878⑈ ⑆031100102⑆ 214311 532⑈

Security features. Details on back.

**BAIRD MANDALAS BROCKSTEDT, LLC**  
Attorney Operating Account

3878

Date : Sep 08, 2021  
Che # : 3878  
Amount: 500.00  
Paid To: Sussex County Council

Re: Conditional Use Application - John Ford

**BAIRD MANDALAS BROCKSTEDT, LLC**  
Attorney Operating Account

3878

Date : Sep 08, 2021  
Che # : 3878  
Amount: 500.00  
Account: 010  
Paid To: Sussex County Council

Contact: 20598; Ford, John W.  
File : 20598-001; Sussex County Land Use Approvals

Re: Conditional Use Application - John Ford







STATE OF DELAWARE  
DEPARTMENT OF TRANSPORTATION  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19909

NICOLE MAJESKI  
SECRETARY

July 12, 2021

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 **John Ford** proposed land use application, which we received on July 2, 2021. This application is for an approximately 0.52-acre parcel (Tax Parcel: 335-12.06-49.00). The parcel is located on the southeast side of Savannah Road (US Route 9B) less than 100 ft north of the intersection with Parker Run. The subject land is currently zoned AR-1 (Agriculture Residential) and the applicant seeks a conditional use approval to operate a realty office.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volume along Savannah Road from Shuttle Road to the end of the road is 14,849 and 19,093, respectively.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DeIDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** 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. DeIDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

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





Mr. Jamie Whitehouse  
Page 2 of 2  
July 12, 2021

Please contact Ms. Annamaria Furrato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:afm

cc: John Ford, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
David Edgell, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, 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  
Annamaria Furrato, Project Engineer, Development Coordination

# EXHIBIT B

## Property and Deed Information

PARID: 335-12.06-49.00  
FORD JOHN W

ROLL: RP  
1528 SAVANNAH RD

**Property Information**

Property Location: 1528 SAVANNAH RD  
Unit:  
City: LEWES  
State: DE  
Zip: 19958  
Class: COM-Commercial  
Use Code (LUC): CO-COMMERCIAL  
Town: 00-None  
Tax District: 335 - LEWES REHOBOTH  
School District: 6 - CAPE HENLOPEN  
Fire District: 82-Lewes  
Deeded Acres: .0000  
Frontage: 0  
Depth: .000  
Irr Lot:  
Plot Book Page: /PB  
100% Land Value: \$15,900  
100% Improvement Value: \$17,600  
100% Total Value: \$33,500

**Legal**

Legal Description: E /IDE RD WESCOATS  
COR TO LEWES LOT  
16750

**Owners**

Owner	Co-owner	Address	City	State	Zip
FORD JOHN W		18 BRINTON WAY	ELKTON	MD	21921

**Sales**

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
06/14/2021	5486/143	\$325,000.00			FORD JOHN W

**Owner History**

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2022	FORD JOHN W		18 BRINTON WAY	ELKTON	MD	21921	5486/143
2021	FORD JOHN W		18 BRINTON WAY	ELKTON	MD	21921	5486/143
2020	FORD JOHN W		18 BRINTON WAY	ELKTON	MD	21921	5486/143
2019	HENLOPEN GRANGE #20 PATRONS OF HUSBANDRY	PATRONS OF HUSBANDRY INC	32149 OAK DR	LEWES	DE	19958	0/0
2018	HENLOPEN GRANGE #20 PATRONS OF HUSBANDRY	PATRONS OF HUSBANDRY INC	32149 OAK DR	LEWES	DE	19958	0/0
2017	HENLOPEN GRANGE #20 PATRONS OF HUSBANDRY	PATRONS OF HUSBANDRY INC	32149 OAK DR	LEWES	DE	19958	0/0
2016	HENLOPEN GRANGE #20 PATRONS OF HUSBANDRY		INC 32149 OAK DR	LEWES	DE	19958	0/0
1900	HUSBANDRY INC					0	363/150

**Land**

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	COM	CO	0	0	.0000	

**Land Summary**

Line	1
100% Land Value	15,900

**100% Values**

100% Land Value	100% Improv Value	100% Total Value
-----------------	-------------------	------------------

\$15,900

\$17,600

\$33,500

**50% Values**

---

50% Land Value

50% Improv Value

50% Total Value

\$7,950

\$8,800

\$16,750

TAX MAP AND PARCEL #: 3-35 12.06 49.00  
PREPARED BY & RETURN TO:  
Baird Mandalas Brockstedt LLC  
1413 Savannah Road  
Lewes, DE 19958  
File No. RE21-0752/HG

THIS DEED, made this 11<sup>th</sup> day of June, 2021,

- BETWEEN -

HENLOPEN GRANGE NO. 20-PATRONS OF HUSBANDRY, INC., a Delaware corporation, of 36233 Farm Lane, Apt. 302, Rehoboth Beach, DE 19971, party of the first part,

- AND -

JOHN W. FORD, of 18 Brinton Way, Elkton, MD 21921, as sole owner, party of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of **Three Hundred Twenty-Five Thousand and 00/100 Dollars (\$325,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and his heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

**ALL THAT CERTAIN** lot, piece, and parcel of land, situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, more particularly described as follows, to wit:

**BEGINNING** being located, North 40 degrees 48 minutes 16 seconds East a distance of 100.00 feet from a concrete monument found and being the northwest corner of land now or formerly of John Ford and being in the southerly line of Savannah Road; thence leaving said point of beginning and running and binding with said Savannah Road and passing over an iron bar found at 0.45 feet from end of said line to land now or formerly of PAL LLC; thence with said PAL LLC, South 49 degrees 11 minutes 44 seconds East a distance of 250.00 feet to a found iron pipe and to land of now or formerly of MHC McNicol Place LLC; thence with said MHC McNicol Place LLC, South 40 degrees 48 minutes 16 seconds West a distance of 100.00 feet to an iron bar found and to land of John Ford; thence with said Ford lands North 49 degrees 11 minutes 44 seconds West a distance of 250.00 feet to the point of beginning, containing an area of 25,000 square feet, more or less, with all improvements thereon.



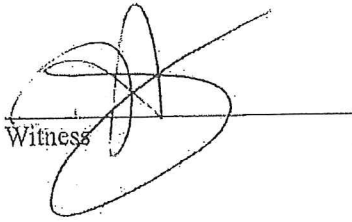
**BEING** the same lands and premises conveyed unto Henlopen Grange No. 20 Patrons of Husbandry, Inc. from Colin McNicol and Louise M. McNicol, by Deed dated July 1, 1946, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on July 3, 1946, in Deed Book 363, Page 150.

**SUBJECT** to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

*REMIANDER OF PAGE INTENTIONALLY LEFT BLANK  
SIGNATURE PAGE TO FOLLOW*

IN WITNESS WHEREOF, the said Henlopen Grange No. 20-Patrons of Husbandry, Inc. has caused its name to be hereunto set, and its common and corporate seal to be hereunto affixed, duly attested, the day and year first above written.

HENLOPEN GRANGE NO. 20-PATRONS OF HUSBANDRY, INC.

Witness 

By: Yvonne L. Martz (SEAL)  
Yvonne Martz, Member

Attest: Shirley L. Millman (SEAL)  
Shirley L. Millman, Member

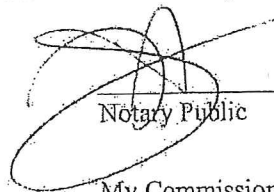
[Corporate Seal]

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 11<sup>th</sup> day of June, A.D. 2021, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Yvonne Martz and Shirley L. Millman, Members of Henlopen Grange No. 20-Patrons of Husbandry, Inc., party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed and the act and deed of said corporation; that the signature of the Members is in their own proper handwriting and the seal affixed is the common and corporate seal of said corporation; and that their act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by a resolution of the Board of Directors of said corporation.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

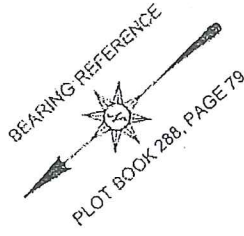
HEIDI J. A. GILMORE  
ATTORNEY AT LAW WITH  
POWER TO ACT AS NOTARY PUBLIC  
PER 29 DEL. C SEC 4323 (A)3

  
Notary Public  
My Commission Expires: NA

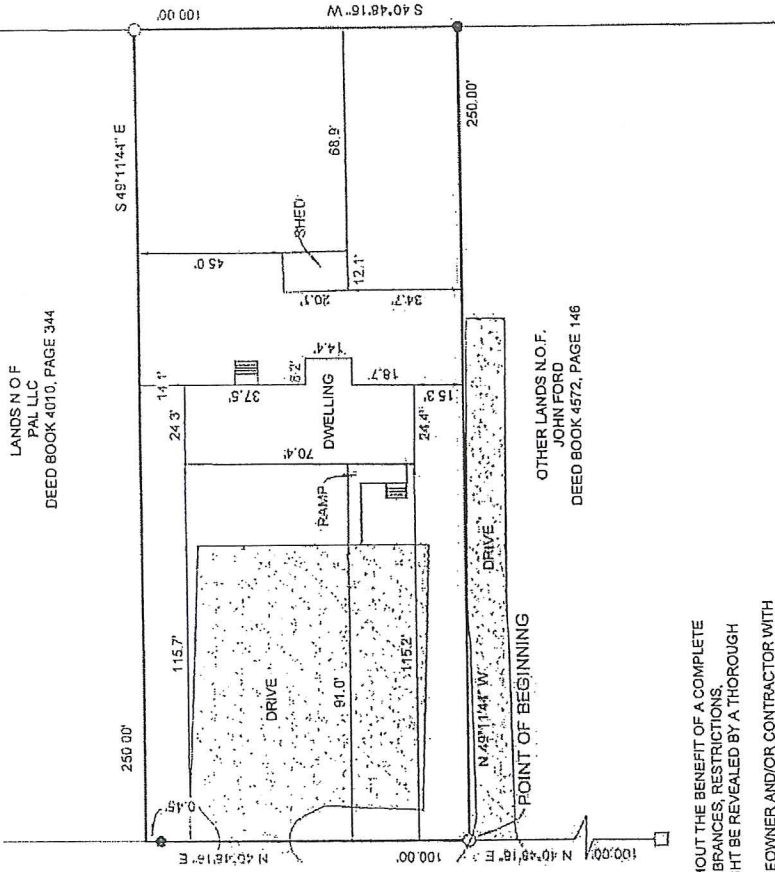
# EXHIBIT C

## Survey

TAX MAP NO. 3-35-12 06-49 00



LANDS N OF  
MHC MCNICOL PLACE LLC  
TAX MAP 335-12.06 PARCEL 36.01



LANDS N OF  
PAL LLC  
DEED BOOK 4070, PAGE 344

OTHER LANDS N OF  
JOHN FORD  
DEED BOOK 4572, PAGE 146

COUNTY ROAD 18  
(A.K.A. SAVANNAH ROAD)

**LEGEND:**

- FOUND IRON PIPE
- FOUND CONCRETE MONUMENT
- FOUND IRON BAR

**NOTES:**

- 1) SOURCE OF TITLE: DEED BOOK 363, PAGE 150
- 2) 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
- 3) ALL SETBACKS MUST BE VERIFIED BY THE HOMEOWNER AND/OR CONTRACTOR WITH THE APPROPRIATE REGULATORY AUTHORITY
- 4) SURVEY CLASSIFICATION: SUBURBAN

**BOUNDARY SURVEY PLAN**

JOHN W. FORD  
TAX MAP NO. 3-35-12 06-49 00  
1528 SAVANNAH ROAD  
AREA: 25,000± SQUARE FEET  
SITUATE IN: LEWES & REHOBOTH HUNDRED  
SUSSEX COUNTY, STATE OF DELAWARE

DRAWING: JOB# G 1496-A.dwg

CHARLES E. ADAMS, JR., REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION CONTAINED IN THIS SURVEY WAS PREPARED UNDER MY CLOSE SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE INFORMATION OR BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

*Charles E. Adams, Jr.*  
CHARLES E. ADAMS, JR., P.L.S. 505

**Karins and Associates**

ENGINEERS • PLANNERS • SURVEYORS  
NEWARK, DE • GEORGETOWN, DE  
www.karinsengineering.com

17 POLLY DRUMMOND CENTER • SUITE 201  
NEWARK, DELAWARE 19711  
PHONE: (302) 393-2900

128 WEST MARKET STREET  
GEORGETOWN, DELAWARE 19947  
PHONE: (302) 856-6899

DATE 05-19-2021 SCALE 1" = 40' DRAWN: MBK CHECKED: CEJ

EXHIBIT D  
Zoning Code



## Chapter 115. Zoning

### Article IV. AR-1 and AR-2 Agricultural Residential Districts

#### § 115-19. Purpose.

The purpose of these districts is to provide for a full range of agricultural activities and to protect agricultural lands, as one of the county's most valuable natural resources, from the depreciating effect of objectional, hazardous and unsightly uses. They should also protect established agricultural operations and activities. These districts are also intended for protection of watersheds, water resources, forest areas and scenic values and, at the same time, to provide for low-density single-family residential development, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The AR regulations seek to prevent untimely scattering of more-dense urban uses, which should be confined to areas planned for efficient extension of public services.

#### § 115-20. Permitted uses.

A. A building or land shall be used only for the following purposes:

- (1) Detached single-family dwellings on individual lots. A manufactured home may be used as a detached single-family dwelling on an individual lot, provided that it conforms to the following restrictions:  
[Amended 7-8-1997 by Ord. No. 1153; 5-18-1999 by Ord. No. 1308; 10-12-2010 by Ord. No. 2152; 10-8-2019 by Ord. No. 2682]

- (a) The lot is not within a major subdivision created prior to the effective date of this section.
- (b) There is a minimum width along any exterior front, side or rear elevation of 24 linear feet, exclusive of any garage area or other attached accessory structures .
- (c) It is permanently mounted on a solid foundation or pier foundation system and anchored and, in each case, in accordance with the manufacturer's installation instructions.
- (d) All wheels, axles, transportation lights and removable towing apparatus, if any, shall be removed from the manufactured home when it is placed on the foundation in accordance with Subsection **A(1)(c)** above.
- (e) All utilities shall be permanently connected in accordance with applicable Sussex County Code provisions.
- (f) The siding of all manufactured homes shall be continuous so as to enclose any joining of two or more sections.
- (g) It complies with all pertinent provisions of the Housing Code of Sussex County and the Fire and Health Codes of the State of Delaware.
- (h) All multisectional manufactured homes, initially placed pursuant to the provisions of this section, shall be not more than 10 years old. All replacement multisectional manufactured

homes shall not be of an older model than the manufactured home being replaced and shall conform to this section. Any other manufactured home which, at the effective date of this section, does not conform to the requirements of this section, may be replaced with a manufactured home which is not of an older or smaller model than the manufactured home being replaced. A single section manufactured home may be replaced by a single section manufactured home; a single section manufactured home may be replaced by a multisectional manufactured home; a multisectional manufactured home may be replaced by a multisectional manufactured home; a multisectional manufactured home shall not be replaced by a single section manufactured home.

- (i) In addition to the requirements herein, a manufactured home shall comply in all respects with the design and technical requirements of § 115-187.
- (2) On a property of less than five acres, any farm, truck garden, orchard or nursery uses.
- (3) Temporary removable stands for not over six months' use per year, for seasonal sales of products raised on the premises and products raised on other lands in Sussex County owned or leased by the owner of the premises on which the stand is located, and no business office or store is to be permanently maintained on the premises, except as provided in § 115-22 regarding stores or shops for sale of farm products, farm supplies, groceries, beverages, drugs, food and similar stores and shops.  
[Amended 11-30-2004 by Ord. No. 1729]
- (4) Churches, rectories, parish houses, convents and monasteries, temples and synagogues.
- (5) Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf pro shop, locker room and snack bar as an accessory use to a permitted golf course, provided that no such building is located closer than 100 feet to adjoining property lines. Practice greens and tees may accompany a standard nine-hole or eighteen-hole golf course occupying at least 75 acres.
- (6) Public parks, public and private forests, wildlife reservations and similar conservation projects.
- (7) Recreational uses such as tennis courts, swimming pools and other similar activities operated exclusively for the use of private membership and not for commercial purposes, provided that no such use, structure or accessory use is located closer than 50 feet to any adjoining property line, unless such property line fronts a public street or waterway with rights-of-way not less than 25 feet, in which instance the required setback need not exceed 25 feet, and provided further that all such facilities must be located on a site having a minimum of two acres.
- (8) Stable structures or feed lots, private, or keeping and feeding of horses, ponies, cattle, sheep, goats, hogs or poultry for personal enjoyment and not as a business, provided that any building for keeping of animals shall be located at least 50 feet from any lot lines and 100 feet from any dwelling not on the premises.
- (9) Greenhouses, commercial, provided that the lot area shall be five acres or more.
- (10) Swimming pools, game courts, picnic grounds, boat basins, lakes or similar activities in a development or subdivision when such facilities are situated on a separate lot or parcel within said development or subdivision for use of the residents and their guests and not commercially operated, may be on less than two acres. Such facilities will be subject to a site plan review, and setbacks will be determined by the Commission.
- (11) Transmission lines and their supporting elements.
- (12) Open space as defined in § 115-4.  
[Added 12-16-2008 by Ord. No. 2022<sup>[1]</sup>]



[1] *Editor's Note: This ordinance also provided that it shall apply to applications filed after 1-1-2009.*

(13) Special events.

[Added 9-18-2018 by Ord. No. 2599]

- (a) Special events held outdoors or within a temporary structure for a purpose different from the permitted use and usual occupancy of a premises or site that are administratively approved by the Director or his or her designee, when the event: will not impair the purpose and intent of the Zoning Ordinance; is not so recurring in nature as to constitute a permanent use not otherwise permitted in the district; and will not significantly affect the surrounding properties. Events that are consistent with the permitted use and usual occupancy of a site or that occur on land owned by the United States of America, the State of Delaware, Sussex County, municipalities and educational institutions are permitted. "Special events" include circuses, carnivals, midways, promotional and tent sales events, fairs, festivals, concerts, rodeos, shows, races/walks or any other event or mass gathering.
- (b) No more than three special events shall be approved for the same property or premises during a calendar year. Each special event shall be counted as one calendar day, not including reasonable set up and removal time when the event is not otherwise underway.
- (c) In determining whether to administratively approve a special event, the Director or his or her designee shall consider the following:
  - [1] The estimated number of attendees;
  - [2] The size of the parcel where the special event is to be located;
  - [3] The parking requirements of the special event;
  - [4] Roads and traffic patterns providing access to the special event;
  - [5] Prior events conducted by the applicant;
  - [6] Noise, light, odor, and dust generated by the special event;
  - [7] Proposed hours of operation and number of consecutive days; and
  - [8] Such other considerations that may be applicable to the requested event.
- (d) The Director or his or her designee may impose conditions upon an administrative approval.
- (e) All special events, regardless of size, location, use or duration, shall be subject to the requirements of the Sussex County Special Event and Public Safety Services Policies and Procedures. Failure to abide by the Sussex County Special Event and Public Safety Services Policies and Procedures may result in the termination of the special event's administrative approval.
- (f) Special events that do not meet these requirements or which are not administratively approved shall require a conditional use.

(14) Use of a manufactured home as a single-family dwelling to meet an emergency or hardship situation that is administratively approved by the Director or his or her designee and subject to the following:

[Added 10-22-2019 by Ord. No. 2684]

- (a) The applicant must provide an affidavit from a doctor confirming the existence of the emergency or hardship situation.

- (b) There shall be a fee of \$50 to request the administrative approval which shall be credited towards a Board of Adjustment application fee should consideration by the Board become necessary.
  - (c) The applicant shall submit a survey signed and sealed by a surveyor licensed in the State of Delaware to the Director showing the location of the proposed manufactured home.
  - (d) The Director shall give written notice to adjacent property owners of the requested manufactured home and accept written statements within 10 working days from the date of mailing. If any objection is received, the Director shall refer the application to the Board of Adjustment for a special use exception.
  - (e) The Director shall consider factors, including whether the manufactured home will have a substantially adverse effect on neighboring properties.
  - (f) Within 30 working days after the request is submitted, the Director or his or her designee may approve the manufactured home or advise the applicant that an application must be submitted to the Board of Adjustment for a special use exception.
  - (g) Such an approval shall not exceed two years. The Director may grant an extension for an emergency or hardship situation upon receipt of a subsequent affidavit from a doctor stating that the emergency or hardship situation still exists. Such an extension may be granted annually as long as the emergency or hardship still exists.
- (15) Garage/studio apartment with at least one parking space for the exclusive use of the tenant included on the premises that is administratively approved by the Director or his or her designee, and subject to the following:  
[Added 10-22-2019 by Ord. No. 2684]
- (a) There shall be a fee of \$50 to request the administrative approval which shall be credited towards a Board of Adjustment application fee should consideration by the Board become necessary.
  - (b) The applicant shall submit a survey signed and sealed by a surveyor licensed in the State of Delaware to the Director showing the location of the garage/studio apartment.
  - (c) The Director shall give written notice to adjacent property owners of the requested garage/studio apartment and accept written statements within 10 working days from the date of mailing. If any objection is received, the Director shall refer the application to the Board of Adjustment for a special use exception.
  - (d) The Director shall consider factors including whether the garage/studio apartment will have a substantially adverse effect on neighboring properties.
  - (e) Within 30 working days after the request is submitted, the Director or his or her designee may approve the garage/studio apartment or advise the applicant that an application must be submitted to the Board of Adjustment for a special use exception.
- (16) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the following:  
[Added 10-22-2019 by Ord. No. 2684]
- (a) There shall be a fee of \$50 to request the administrative approval which shall be credited towards a Board of Adjustment application fee should consideration by the Board become necessary.
  - (b) The applicant shall submit a survey signed and sealed by a surveyor licensed in the State of Delaware to the Director showing the location of the manufactured-home-type structure.



- (c) The Director shall give written notice to adjacent property owners of the requested manufactured-home-type structure and accept written statements within 10 working days from the date of mailing. If any objection is received, the Director shall refer the application to the Board of Adjustment for a special use exception.
  - (d) The Director shall consider factors including whether the manufactured-home-type structure will have a substantially adverse effect on neighboring properties.
  - (e) Within 30 working days after the request is submitted, the Director or his or her designee may approve the manufactured-home-type structure or advise the applicant that an application must be submitted to the Board of Adjustment for a special use exception.
- B. On a farm of five acres or more, a building or land may be used for the following additional purposes:
- (1) Agriculture, including horticultural, hydroponic, chemical or general farming, truck gardens, cultivating of field crops, orchards, groves or nurseries for growing or propagation of plants, trees and shrubs, forest use (tree farming), including use of heavy cultivating machinery, spray planes or irrigating machinery, dairy farming, keeping or raising for sale of large or small animals, reptiles, fish, birds or poultry and including structures for processing and sale of products raised on the premises, provided that:  
[Amended 11-26-1991 by Ord. No. 806; 6-15-1993 by Ord. No. 894]
    - (a) Any commercial grain drier shall be located at least 300 feet from any boundary of the premises on which such use is located, and any noncommercial drier shall be located at least 100 feet from any boundary.
    - (b) Any feed lot or structure used for the commercial feeding and housing of cattle, sheep and hogs or structure for storage of animal manure or animal waste composting shall be located at least 100 feet from all boundary lines of the premises on which such use is located and shall be 200 feet from any UR, MR, HR, UB or B-1 District boundary and 200 feet from any dwelling not on the premises.  
[Amended 2-1-1994 by Ord. No. 953]
    - (c) Structures for commercial poultry raising, structures for storage of poultry manure and structures for poultry product composting shall be located at least 50 feet from all boundary lines and shall be 200 feet from any UR, MR, HR, UB or B-1 District boundary and 200 feet from any dwelling not on the premises.  
[Amended 2-1-1994 by Ord. No. 953]
    - (d) Commercial slaughtering and processing of large animals such as horses, cows, pigs, sheep or goats shall not be conducted on the premises.
    - (e) Structures for commercial aquaculture, fish and frog farming, structures for storage of fish or frog waste and structures for fish or frog product composting shall be located at least 50 feet from all boundary lines and shall be 200 feet from any UR, MR, HR, UB or B-1 District boundary and 200 feet from any dwelling not on the premises. Farm ponds utilized for aquaculture, fish or frog farming shall be located at least 50 feet from all boundary lines and shall be 200 feet from any UR, MR, HR, UB or B-1 District boundary and 200 feet from any dwelling not on the premises.  
[Amended 2-2-1999 by Ord. No. 1287]
  - (2) Dog kennels, commercial, provided that any open pens, runs, cages or kennels shall be located at least 200 feet from any lot lines.
  - (3) Grain storage structures.
  - (4) Hospitals or clinics for large or small animals, provided that all buildings, structures, pens or open kennels shall be located at least 200 feet from any lot lines.



- (5) Stables, public, provided that any building for keeping of animals shall be located at least 200 feet from any lot lines.

## § 115-21. Permitted accessory uses.

A. Permitted accessory uses on a farm of five acres or more are as follows:

- (1) Accessory structures for sale or processing of farm products raised on the premises.
- (2) Accessory open or enclosed storage of farm materials, products or equipment.
- (3) Accessory farm buildings, including but not limited to barns, cribs, stable sheds, tool rooms, shops, bins, tanks and silos.
- (4) Dwellings for persons permanently employed on the premises.
- (5) With respect to a farm of 10 acres or more, one manufactured home for residential purposes for persons employed on the premises or immediate members of the family owning or operating the farm, in addition to the main dwelling structure on the premises. One additional manufactured home may be permitted on a farm of 50 acres or more for residential purposes for persons employed on the premises or immediate members of the family owning or operating the farm. Additional manufactured homes may be permitted on a farm of 10 acres or more as a special use exception for residential purposes for persons employed on the premises or immediate members of the family owning or operating the farm, pursuant to **§ 115-210A(3)(n)**.  
[Amended 3-5-1991 by Ord. No. 750; 3-25-1997 by Ord. No. 1131; 10-12-2010 by Ord. No. 2152]
- (6) All accessory farm buildings shall have the same setbacks as those which are required for a dwelling, except as stated elsewhere in this chapter.
- (7) A wind turbine which meets **§ 115-194.4** as a permitted use.  
[Amended 9-13-2011 by Ord. No. 2213]
- (8) Farm ponds, subject to **§ 115-219**.

B. Other permitted accessory uses are as follows:

[Amended 10-8-2019 by Ord. No. 2683]

Accessory off-street parking and loading spaces

Boat docks and boathouses

Domestic storage in the main building or in an accessory building

Garages, private

Guest houses

Home barbecue grills

Home occupations in a main building or accessory building

Keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use and not as a business

Playhouses, without plumbing, limited in floor area to 150 square feet and headroom limited to five feet

Servants' quarters

Storage of a boat trailer or camp trailer or a boat, but not in a front yard, provided that it is not used for living purposes while so parked or stored

Swimming pools and game courts, lighted or unlighted, for the use of the occupants or their guests

Temporary buildings, including manufactured home-type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon the expiration of a period of two years of the time of erection of such temporary buildings, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period

## § 115-22. Conditional uses.

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article **XXIV** of this chapter:

Agricultural related industry, provided that such use is visually and acoustically screened from adjacent highways and property in such a manner that a reasonable passerby is not attracted to or aware of the establishment

[Added 1-27-2004 by Ord. No. 1658]

Airports and landing fields or seaplane bases, provided that they shall comply with the recommendations of the Federal Aviation Administration

Aquariums, commercial

Beaches, commercial

Biotech campus

[Added 1-27-2004 by Ord. No. 1659]

Biotech industry not located within a biotech campus provided that such use is visually and acoustically screened from adjacent highways and property in such a manner that a reasonable passerby is not attracted to or aware of the establishment.

[Added 1-27-2004 by Ord. No. 1659]

Cemeteries, including a crematorium if located at least 200 feet from the boundaries of the cemetery

Excavation or backfilling of borrow pits, extraction, processing and removal of sand, gravel or stone, stripping of topsoil (but not including stripping of sod) and other major excavations other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision or planned residential development. (See § **115-172B.**)

Exposition centers or fairgrounds

Heliports or helistops

Hospitals and sanitariums, but not animal hospitals

Institutions, educational or philanthropic, including museums, art galleries and libraries

Land application of sludge, treated sludge or any product containing these materials. For purposes of this section, "sludge" means the accumulated semiliquid suspension, settled solids or dried residue of these solids that is deposited from liquid waste in a wastewater treatment plant or surface or ground waters treated in a water treatment plant, whether or not these solids have undergone treatment. "Septage" is included herein as sludge. "Land application" means the placement of sludge, treated sludge or any other product containing these materials within two feet below the surface of land used to support vegetative growth.

[Added 5-8-1990 by Ord. No. 681]

Livestock auction markets in an AR District

Marinas or yacht clubs

Multifamily dwelling structures and/or townhouses and/or town homes, subject to the provisions of this chapter when:

[Added 7-31-2007 by Ord. No. 1920]

- A. Said multifamily dwelling structures and/or townhouses and/or town homes, the owners of which would share and own in common the surrounding grounds (which may also be referred to herein collectively as "units"), lie within a Town Center, a Developing Area, or a Coastal Area as de-



scribed within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan; and  
[Amended 5-21-2019 by Ord. No. 2656]

- B. The developer has proffered to Sussex County for the purpose of creating open space for preservation and/or active and/or passive recreation areas a development fee per unit, as described in Chapter 62, § 62-7, for every unit in excess of two units per gross acre that is included in the application; and
- C. The Sussex County Council prior to the signing of a contract to purchase or lease open space for preservation and/or active and/or passive recreation areas shall approve all such land or conservation easement purchases which utilize monies paid to the County under the terms of this amendment. All such approvals by the Council shall be by a four-fifths majority vote and shall include a determination that the land and/or conservation easement to be acquired is located in the same watershed area as the land where the bonus density will be located; and
- D. It is understood that Sussex County shall control all monies paid to it under this amendment and that the Sussex County Land Trust may act as a recommending body and/or partner at the discretion of the Sussex County Council; and
- E. The maximum number of multifamily dwelling structures and/or townhouses and/or town homes, as defined in Subsection A above, included in the application, shall not exceed four dwelling units per gross acre, including land set aside for common open space and/or recreational uses; and
- F. The minimum percentage of the total site which shall be set aside as common open space shall be 40% of the total land area included in the application; and
- G. There shall be a vegetated buffer of not less than 75 feet, subject to the following conditions:
  - (1) The vegetated buffer shall be located adjacent to a numbered road shown on the General Highway Map for Sussex County and may include the required setback area from the road and shall be kept free of vehicle parking areas, buildings and structures; and
  - (2) The vegetated buffer shall include a mix of deciduous shade trees and evergreen trees, a majority of which shall be of common local species; and
  - (3) The deciduous shade trees shall include trees reasonably capable of attaining a minimum trunk diameter of two inches measured 3.5 feet above the ground within five years of being planted; and
  - (4) The evergreen trees shall include trees reasonably capable of attaining a minimum height of 10 feet above the ground within five years of being planted; and
  - (5) The goal of the landscape plan for the buffer area shall be include trees of the type indicated herein that will be planted in a natural manner, as they might appear in nature, as opposed to being planted in row fashion which will filter views from the road in such a manner that the dwelling units appear more green and less dense than if no landscaping had been required; and
  - (6) A further goal of the landscape plan would be to avoid placing plantings in an area adjacent to the entrance to the development in such a manner as to restrict the view of motorists entering or exiting from the development or restricting sight lines for motorists in such a manner as to create a potential safety hazard; and
  - (7) The landscape plan for the buffer area shall be designed and signed by a Delaware licensed landscape architect and approved by the Planning and Zoning Commission and County Council; and
- H. Council and/or the County Administrator may consider and authorize an expedited review of a conditional use application filed under this section; and
- I. Multifamily dwelling structures and/or townhouses and/or town homes shall not be considered as a conditional use under any other provision of this section which existed prior to the date of this amendment; and
- J. The density bonus fee for each multifamily and/or townhouse and/or town home dwelling unit in excess of two units per gross acre shall be determined by reference to and the use and application of the per-unit density bonus fees adopted as part of Ordinance 1842 and applicable to clus-

ter developments and appearing in Chapter 62, Article III, § 62-7, as the same may hereafter be modified by Council, from time to time. Council will review the fees for a density bonus under the terms of this amendment on an annual basis and revise such fees as it deems necessary by an appropriate amendment.

Manufactured home parks

[Amended 10-12-2010 by Ord. No. 2152]

Nursing and similar care facilities

[Added 4-16-2019 by Ord. No. 2645]

Parks or campgrounds for mobile campers, tents, camp trailers, touring vans and the like

Private clubs

Public or governmental buildings and uses, including schools, parks, parkways, playgrounds and public boat landings

Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations or substations, but not telephone central offices

Racetracks, any type, including horses, stock cars or drag strip

Recreation facilities, privately or commercially operated, such as a fishing or boating lake, picnic grounds or dude ranch, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment

Residential, business, commercial or industrial uses when the purposes of this chapter are more fully met by issuing a conditional use permit

[Added 4-6-2004 by Ord. No. 1677<sup>[1]</sup>]

Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events not approved by the Director as a permitted use under § 115-20 shall require a conditional use permit. All special events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

[Amended 5-1-1990 by Ord. No. 680; 11-10-1992 by Ord. No. 863; 8-20-2013 by Ord. No. 2316; 9-18-2018 by Ord. No. 2599]

Sports arenas or stadiums, commercial athletic fields or baseball parks

Stores or shops for the sale of farm products, farm supplies, groceries, beverages, drugs and food and similar stores and shops

Structures for commercial poultry raising on farms of less than five acres

Swimming or tennis clubs, private, nonprofit or commercially operated

[1] *Editor's Note: This entry was previously repealed 1-27-2004 by Ord. No. 1658.*

## § 115-23. Special use exceptions.

Special use exceptions may be permitted by the Board of Adjustment in accordance with the provisions of Article XXVII of this chapter and may include:

A. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

[Amended 11-10-1992 by Ord. No. 863; 10-12-1999 by Ord. No. 1346; 10-12-2010 by Ord. No. 2152; 10-22-2019 by Ord. No. 2684]

Archery ranges

Asphalt batching plants or concrete batching plants

Commercial dog kennels

Miniature golf courses or driving ranges<sup>[1]</sup>



Outdoor display or promotional activities at shopping centers or elsewhere

Pony rings

Raising for sale of birds, bees, rabbits and other small animals, fish and other creatures

Riding academies

Rifle or pistol ranges, trap or skeet shooting

Sawmills for cutting timber grown on the premises

Temporary buildings for use as a sales or rental office for an approval real estate development or subdivision

Tents for special purposes for a period exceeding three days. The Director may, without requiring an application for a special use exception, grant approval for a tent for a special purpose (revival, reception, tent sale as an accessory to a business or commercial use, or other similar activities). If approved by the Director, a tent for special purposes may be utilized on a parcel no more than three times in a calendar year.

Use of a manufactured home as a single-family dwelling in any district to meet an emergency or hardship situation when not approved administratively by the Director or his or her designee, such permit not to exceed two years. The Director may, without requiring an application for a special use exception, grant an extension for an emergency or hardship situation previously approved by the County Board of Adjustment upon receipt of an affidavit from a doctor stating that the emergency or hardship situation still exists. Such extension may be granted annually as long as the emergency or hardship still exists.

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee

[1] *Editor's Note: The former entry reading "Nonaccessory tents for special purposes," which immediately followed this entry, was repealed 11-10-1992 by Ord. No. 863. See now the entry beginning with "Tents."*

B. Exceptions to parking and loading requirements as follows:

- (1) Off-street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article XXII, where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would best be served by permitting such parking off the premises.
- (2) Waiver or reduction of the parking and loading requirements in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.
- (3) Waiver or reduction of loading space requirements where adequate community loading facilities are provided.
- (4) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area where construction of existing buildings, problems of access or size of lot make impractical the provision of required loading space.

C. Other special use exceptions as follows:

- (1) Private garages for more than four automobiles and with floor area of more than 900 square feet in a residential district.
- (2) Cemeteries for pets.
- (3) Commercial greenhouses, wholesale or retail.
- (4) [2] Day nurseries or child-care centers.



[2] *Editor's Note: Former Subsection C(4), Convalescent homes, nursing homes or homes for the aged, was repealed 4-16-2019 by Ord. No. 2645. Ordinance No. 2645 also redesignated former Subsection C(5) through (14) as Subsection C(4) through (13), respectively.*

- (5) Garage/studio apartments, when not approved administratively by the Director or his or her designee, provided that at least one parking space for the exclusive use of the tenant is included on the premises.<sup>[3]</sup>

[Added 3-18-2008 by Ord. No. 1959; amended 10-22-2019 by Ord. No. 2684]

[3] *Editor's Note: Former Subsection C(6), which listed frog or fish farms, was repealed 11-26-1991 by Ord. No. 806.*

- (6) Nurseries for growing of plants, trees and shrubs, including a building for sale of products produced on the premises.

- (7) Public telephone booths in residential areas.

- (8) Telephone central offices, provided that all storage of materials, all repair facilities and all housing of repair crews are within a completely enclosed building.

- (9) (Reserved)<sup>[4]</sup>

[4] *Editor's Note: Former Subsection C(10), pertaining to mobile home use in AR District, was repealed 3-25-1997 by Ord. No. 1131.*

- (10) The alteration, extension or replacement of a nonconforming manufactured home, subject to the provisions of § 115-196.

[Amended 10-12-2010 by Ord. No. 2152]

- (11) More than one manufactured home may be permitted on a farm of 10 acres or more pursuant to § 115-21A(5), provided that all manufactured homes or dwellings on the property are the primary place of residence for persons employed on the premises or immediate members of the family owning or operating the farm, and provided that the granting of this exception will not adversely affect the values or uses of adjacent properties.

[Amended 3-25-1997 by Ord. No. 1131; 10-12-2010 by Ord. No. 2152]

- (12) Farm ponds on less than five acres, subject to § 115-219.<sup>[5]</sup>

[5] *Editor's Note: Former Subsection C(13), regarding windmills and wind-powered generators, was repealed 9-13-2011 by Ord. No. 2213. This ordinance also provided for the renumbering of the remainder of this Subsection C.*

- (13) Tourist homes (also referred to as bed-and-breakfast inns").

[Added 5-16-1989 by Ord. No. 585]

- (14) <sup>[6]</sup>Commercial communications towers and antennas.

[Added 4-24-2001 by Ord. No. 1445]

[6] *Editor's Note: Former Subsection C(14), (15), and (17), regarding manufactured homes, as amended, were repealed 10-8-2019 by Ord. No. 2682. This ordinance also renumbered former Subsection C(16) as Subsection C(14).*

## § 115-24. Permitted signs.

[Amended 10-3-1989 by Ord. No. 619; 9-11-1990 by Ord. No. 719; 12-2-2008 by Ord. No. 2008]

See Article XXI, § 115-159.1, for signs permitted in the AR-1 and AR-2 Districts and other regulations relating to signs.

## § 115-25. Height, area and bulk requirements.

[Amended 11-7-1989 by Ord. No. 632; 10-31-1995 by Ord. No. 1062; 7-15-1997 by Ord. No. 1157; 8-3-2004 by Ord. No. 1709]

A. Minimum lot sizes for lots using a wastewater disposal system located entirely on that lot and generally defined as an on-site septic system.

(1) Standard lot option:

District (square feet)	Area (feet)	Width* (feet)	Depth
AR-1	32,670	100	100

**NOTES:**

A lot fronting on a numbered road shown on the latest revision of the General Highway Map for Sussex County shall have a minimum width of 150 feet.

(2) Cluster development option. The minimum lot size may be reduced to one-half acre (21,780 square feet) where soil conditions are suitable as approved by DNREC. The total number of lots allowed shall not exceed the number of lots that would be permitted under the standard lot option. The number of dwelling units permitted shall be determined by dividing the gross area by 32,670 square feet. "Gross area" shall include the lot area and the area of land set aside for common open space or recreational use but shall exclude any area designated as a tidal tributary stream or tidal wetlands by § 115-193. However, if the proposed cluster development lies within a Low-Density Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan, the total number of lots permitted shall be determined by first reducing the gross area by 25%. [Amended 1-31-2006 by Ord. No. 1822; 12-4-2018 by Ord. No. 2618]

B. Minimum lot sizes, dimensions and open space for lots using a central sewer system as defined by § 115-194A:

(1) Standard lot option:

District	Area** (square feet)	Width* (feet)	Depth (feet)
AR-1	20,000	100	100

(2) Cluster development option (subject to § 115-25F):  
[Amended 5-21-2019 by Ord. No. 2656]

Minimum Tract Size (acres)	Minimum Lot Size (square feet)	Required Open Space
10	7500	30%

**NOTES:**

\* A lot fronting on a numbered road shown on the latest revision of the General Highway Map for Sussex County shall have a minimum width of 150 feet.

\*\* For lots located in the Coastal Area, the Development Districts or the Town Center Districts, the overlay ordinance for that district shall determine the minimum lot size.

(3) The number of dwelling units permitted shall be determined by dividing the gross area by 21,780 square feet. When a cluster development lies within a Town Center, a Developing Area, or the Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan, and the developer has proffered to Sussex County for the purpose of creating open space preservation/active and passive recreation areas a development fee per unit for every unit in excess of two units



per acre, then the maximum number of dwelling units that may be permitted by the Planning and Zoning Commission shall be determined by dividing the gross area by 10,890 square feet. The development fee shall not be less than the minimum established by the Sussex County Council and shall be paid prior to recording any lot based upon the fee in effect at the time the application was filed. "Gross area" shall include the lot area and the area of land set aside for common open space or recreational use but shall exclude any area designated as a tidal tributary stream or tidal wetlands by § 115-193. The Sussex County Council prior to the signing of a contract to purchase, shall approve all such land or conservation easement purchases which utilize monies paid to the County under the terms of this act. All such approvals by the Council shall be by a four-fifths majority vote. It is understood that the County shall control all monies and the Sussex County Land Trust will act as a recommending body and partner at the discretion of the County Council.

[Amended 1-31-2006 by Ord. No. 1822; 4-2-2006 by Ord. No. 1842; 12-4-2018 by Ord. No. 2618; 7-27-2021 by Ord. No. 2791]

C. Minimum yard requirements. Minimum yard requirements shall be as follows:

District	Depth of Front Yard (feet)	Width of Side Yard* (feet)	Depth of Rear Yard (feet)	Minimum Lot Width (feet)
AR-1 and AR-2 (Cluster with central sewer)	25	10	10	60
AR- and AR-2 (All others)	40(30)**	15	20	100

NOTES:

\* A lot having an area of less than 20,000 square feet or having a width of less than 100 feet, which lot was legally recorded prior to January 1, 1971, shall be subject to the minimum side yard requirements applicable to an MR District rather than to the minimum side yard requirements of this district.

\*\* See also the table of district regulations at the end of this chapter.

D. Maximum height requirements. Maximum height requirements shall be as follows:

District	Feet
AR-1 and AR-2	42

E. Design requirements for cluster development.

- (1) All development shall be in accordance with the latest amendment to the community design standards.
- (2) Housing types in the low-density area, as shown on the Sussex County Comprehensive Plan, are limited to single-family detached dwellings and manufactured homes where permitted by ordinance.
- (3) A forested buffer area with a minimum width of 30 feet shall be provided for lots abutting an agricultural area
- (4) Dwellings located within 50 feet of an existing residential development shall provide adequate transition in density or shall provide a thirty-foot buffer meeting the standards below and maintained by a designated entity.
  - (a) A planting strip at least 30 feet wide near the property line which shall include two canopy trees, four understory trees and 10 shrubs per 100 linear feet of buffer; or
  - (b) A landscaped rolling berm at least four feet in height; or

- (c) A solid fence or wall a minimum of six feet in height designed with durable materials, texture and colors compatible with adjacent residential development.
- (5) No lots shall have direct access to any state-maintained roads.
- (6) All lots shall be configured to be contained completely outside of all wetlands.
- (7) Any development using the option in Subsection **B(2)** shall have central water and wastewater systems operated and maintained by companies authorized by the State of Delaware to perform such services. Wastewater collection and treatment systems must be designed in accordance with the requirements of Sussex County ordinances and conform to the requirements for a central sewer system as defined in § **115-194A** of the Sussex County Zoning Ordinance.
- F. Review procedures for cluster development.
- (1) The developer shall submit an application for a cluster development in accordance with Chapter **99**, Subdivision of Land, of the Sussex County Code and which shall include, at a minimum, a sketch plan showing the location and uses of all open spaces, the extent of existing wooded areas and wetlands and the location of any historical or cultural resources. The Director of Planning and Zoning may waive this requirement when the proposed development does not contain significant natural features or resources.
- (2) The information submitted shall include a plan for the management of all open space.
- (3) The Planning and Zoning Commission shall determine that the following requirements are met before approving any preliminary plan and such application shall be reviewed on an expedited basis.  
[Amended 1-31-2006 by Ord. No. 1822; amended 4-2-2006 by Ord. No. 1842; 12-16-2008 by Ord. No. 2024<sup>[1]</sup>; 12-4-2018 by Ord. No. 2618; 6-11-2019 by Ord. No. 2658]
- (a) The cluster development sketch plan and the preliminary plan of the cluster subdivision provides for a total environment and design which are superior, and the reasonable judgment of the Planning Commission, to that which would be allowed under the regulations for the standard option. For the purposes of this subsection a proposed cluster subdivision which provides for a total environment and design which are superior to that allowed under the standard option subdivision is one which, in the reasonable judgment of the Planning Commission meets all of the following criteria:
- [1] Homes shall be clustered on the environmentally suitable portions of the tract, specifically those portions of the tract least encumbered by sensitive environmental features, including but not limited to wetlands, mature woodlands, waterways and other water bodies. This does not inhibit the development of wooded parcels.
- [2] (Reserved)
- [3] Required open space shall comply with the following criteria:
- [a] All required open space must meet the official definition of acceptable open space contained in § **115-4**.
- [b] Required open space must be designed to be beneficial to the residents or users of the open space. It shall not be constituted of fragmented lands with little open space value. Accordingly, 30% of all required open space shall be located on one contiguous tract of land, except that such open space may be separated by water bodies and a maximum of one street.
- [c] If one of the following physical conditions exists adjacent to the proposed cluster development tract, at least 30% of all required open space must be adjacent to:



- [i] An existing or officially planned public park, land preserved by easement, or land preserved as open space and in municipal, County, state, or federal ownership.
  - [ii] Existing wetlands, waterways, wildlife corridors, or other ecology-sensitive land.
  - [iii] Existing farmland and/or woodlands.
  - [iv] If more than one of these physical features exist on adjacent properties, then one of these features will be identified and utilized to satisfy this requirement.
  - [v] If the open space is proposed to be dedicated to a municipality, a County, state, or federal agency or a homeowners' association, an agreement shall be provided, in advance, stipulating that such entity agrees in advance to accept that dedication and maintain that land for public recreation or as a nature preserve.
  - [vi] Open space in a cluster development shall include a pedestrian trail system accessible to residents. This trail system shall connect to an adjacent trail, adjacent neighborhood, adjacent commercial area, or adjacent public open space, if any such areas exist adjacent to the proposed cluster development. Construction materials for the proposed trail shall be identified, and a typical construction detail for the proposed trail shall be shown. Trail construction materials shall be pervious in nature.
- [4] A minimum of 25 feet of permanent setback must be maintained around the outer boundaries of all wetlands, except for tidal waters, tidal tributary streams and tidal wetlands and from the ordinary high water line of perennial nontidal rivers and nontidal streams as provided for in § 115-193B under Ordinance No. 774 where a fifty-foot permanent setback is required. No buildings or paving shall be placed within these setbacks.
- [5] Stormwater management shall be designed to promote groundwater recharge and protect groundwater quality. Natural drainage flows shall be maintained to the greatest extent possible. Drainage from rooftops shall be directed to vegetated areas or allow green technology. Stormwater detention and retention facilities should be designed to resemble natural ponds as referenced by DNREC in the National Resource Conservation Service's (NRCS) Pond Code 378, Visual Resource Design.
- [6] Removal of healthy mature trees shall be limited.
- [7] Scenic views that can be seen from within the tract should be preserved to the greatest extent possible.
- [8] The applicant for a cluster development shall illustrate that the following sequence and process was followed in the site design of the cluster project:
- [a] Identify lands that should be preserved. First, areas worthy of preservation should be mapped, including wetlands, wooded areas, waterways, other water bodies, and natural drainage areas. Then, other features that are important should be mapped, such as tree lines, scenic views, historic buildings, and prime farmland. The areas with the fewest important natural, scenic and historic features should be considered the "potential development area."
  - [b] Identify developable areas. Next, the most appropriate locations for development should be chosen to minimize the impact to the most important features mapped in the first step.



- [c] Locate roads and trails. After the developable areas are determined, a road system should be designed to serve those homes. A trail system that links homes to destinations outside of the tract should be designed.
- [d] Locate lot lines. The last step is to configure lot lines and make necessary adjustments to satisfy the various reviewing agencies' comments.
- [9] Sidewalks shall be required at least on one side of each street, subject to Planning and Zoning Commission approval.
- (b) The cluster development plan will preserve the natural environment and any historic or archeological resources.
- (c) All of the items in Ordinance Number 1152 (see § 99-9C) have been addressed and approval of the cluster option for the proposed development will not have an adverse effect on any of the items to be considered.<sup>[2]</sup>
  - [2] *Editor's Note: Former Subsection F(3)(d), which immediately followed and required that the cluster development developer proffer a development fee to the County for the purpose of creating open space for preservation and/or active and/or passive recreation areas was repealed 7-27-2021 by Ord. No. 2791. For current provisions, see Subsection B(3).*
  - [1] *Editor's Note: This ordinance also provided that it shall apply to all cluster subdivision applications filed after 1-1-2009.*
- (4) The Sussex County Planning and Zoning Commission may add conditions to the approval of any cluster development to protect adjacent properties and the natural environment.

## § 115-26. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this chapter, especially the following:

- Article I, § 115-4, Definitions and word usage
- Article XX, Tables of Height, Area and Bulk Requirements
- Article XXI, Signs
- Article XXII, Off-Street Parking
- Article XXIII, Off-Street Loading
- Article XXIV, Conditional Uses
- Article XXV, Supplementary Regulations
- Article XXVII, Board of Adjustment

## § 115-27. AR-2 to be closed district.

As of the date of adoption, the AR-2 District shall be considered a closed district and shall not be applied to any additional lands in Sussex County. The district and its various provisions and regulations shall continue to exist as they apply to AR-2 Districts legally established under the procedures of this chapter.

EXHIBIT E  
Aerial Maps



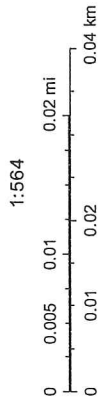


# Sussex County



<b>PIN:</b>	335-12.06-49.00
<b>Owner Name</b>	FORD JOHN W
<b>Book</b>	5486
<b>Mailing Address</b>	18 BRINTON WAY
<b>City</b>	ELKTON
<b>State</b>	MD
<b>Description</b>	E /IDE RD WESCOATS
<b>Description 2</b>	COR TO LEWES LOT
<b>Description 3</b>	167/50
<b>Land Code</b>	

- polygonLayer
- Override 1
- polygonLayer
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries











# Sussex County



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<b>Description 1</b>	E /IDE RD WESCOATS
<b>Description 2</b>	COR TO LEWES LOT
<b>Description 3</b>	16750
<b>Land Code</b>	

polygonLayer Override 1  
 polygonLayer Override 1  
 Tax Parcels  
 911 Address  
 Streets  
 County Boundaries  
**2019 Future Land Use**  
 Low Density  
 Coastal Area  
 Commercial  
 Developing Area  
 Existing Development Area  
 Industrial  
 Municipalities  
 Town Center

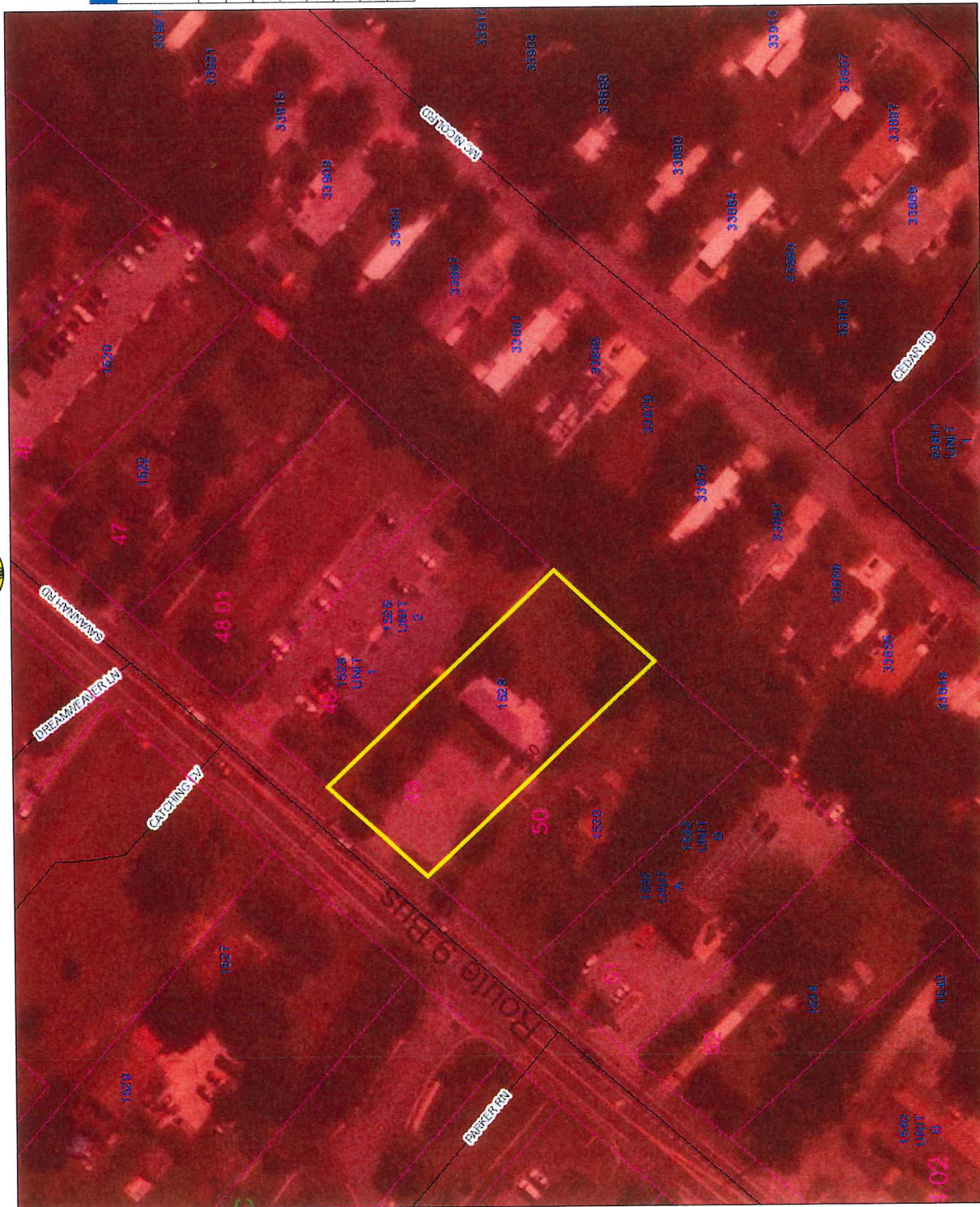
1:1,128

0 0.0125 0.025 0.04 0.05 mi 0.08 km





# Sussex County



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<b>Land Code</b>	

- polygonLayer
    - Override 1
  - polygonLayer
    - Override 1
  - Tax Parcels
  - 911 Address
  - Streets
  - County Boundaries
- Sewer Tiers
  - Tier 1 - Sussex County Unified Sanitary Sewer District
  - Tier 2 - Sussex County Planning Area
  - Tier 3 - Coordinated CPCN Areas
  - Tier 4 - System Optional Areas
  - Tier 5 - Regulated On-site Area

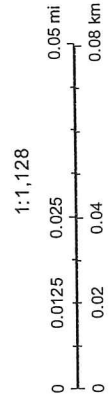






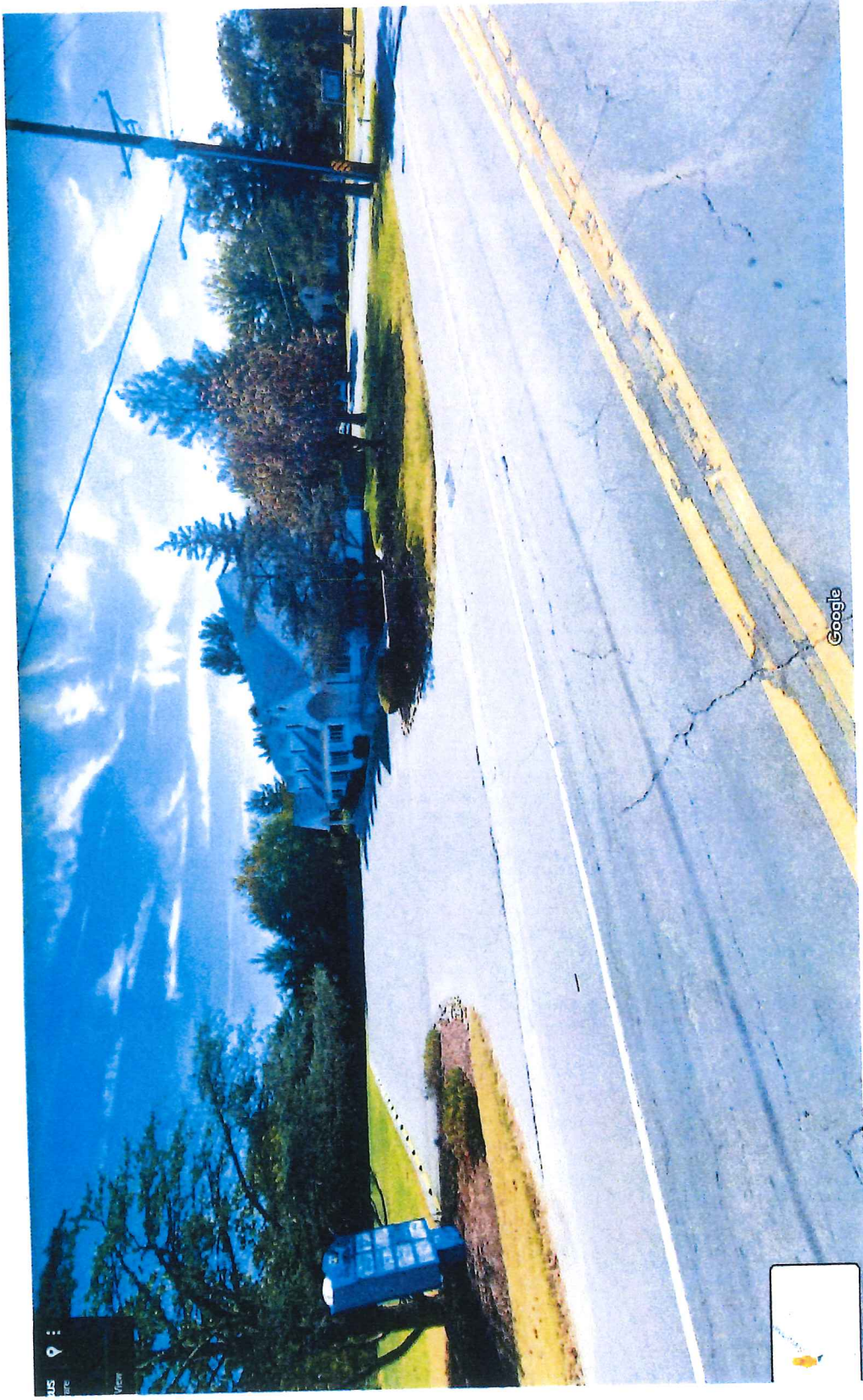
EXHIBIT F  
Property Images





SUBJECT PROPERTY





ADJACENT PROPERTY TO EAST  
(BEEBE HEALTHCARE MEDICAL OFFICES)





ACROSS SAVANNAH ROAD  
(CHIROPRACTOR AND ENTRANCE TO EAST VILLAGE)

EXHIBIT G  
Proposed Conditions  
of Approval



## Proposed Conditions of Approval

**Applicant: John Ford**

**Property: 1528 Savannah Road, Lewes, DE 19958**

**TMP: 335-12.06-49.00**

- A. The Property shall be used for a realty office.
- B. The use shall occur within the existing structure that will be renovated by the Applicant.
- C. The hours of operation shall be between 9 a.m. and 5 p.m., Monday through Friday for all realty office staff. The hours of operation shall be Monday through Sunday for all real estate agents.
- D. Any dumpsters shall be located to the rear of the property and screened from view of neighboring properties and roadways.
- E. The Applicant intends to place a sign on the property as permitted by Sections 115-159 and 159.1 of the Zoning Ordinance for Sussex County, Delaware.
- F. The Final Site Plan shall designate all parking areas associated with this use.
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.