



Sussex County Council Public/Media Packet

**MEETING:
January 3, 2022**

****DISCLAIMER****

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**Sussex County Council
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Georgetown, DE 19947
(302) 855-7743**

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
DOUGLAS B. HUDSON, VICE PRESIDENT
CYNTHIA C. GREEN
JOHN L. RIELEY
MARK G. SCHAEFFER



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

January 3, 2023

9:00 A.M. – Swearing-In Ceremony

10:00 A.M. – Regular Meeting

Call to Order

Approval of Agenda

Election of Council Officers

Council Member Appointments

Appointment of Legal Counsel

Adoption of Rules of Procedure

Approval of Minutes – December 13, 2022

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Recognition of Retiree – Vanessa Pettyjohn
2. Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, § 99-39B.(2)(c) OF THE CODE OF SUSSEX COUNTY RELATING TO THE TIME PERIOD FOR COUNCIL TO RENDER A DECISION ON APPEAL”
3. Administrator’s Report



Old Business

1. Conditional Use No. 2321 filed on behalf of Coastal Properties, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A KITCHEN AND BATHROOM SHOWROOM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.248 ACRES, MORE OR LESS” (property lying on the northeast side of Beaver Dam Road [Rt. 23], approximately 0.16-mile southwest of the intersection of Church Street and Salt Marsh Boulevard) (911 Address: 17677 Stingey Lane, Lewes) (Tax Parcel: 334-5.00-196.00)

Grant Requests

- 1. Lewes Historical Society for installation of their inclusive signage at all the historical properties in Lewes**
- 2. Cape Henlopen High School Coed Cheerleading for the Cheerleading NCA nationals**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible action on Executive Session items

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on December 27, 2022 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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

The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

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

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

#

TODD F. LAWSON
COUNTY ADMINISTRATOR
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Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Douglas B. Hudson, Vice President
The Honorable Cynthia C. Green
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

FROM: Todd F. Lawson
County Administrator

RE: **COUNTY COUNCIL RULES OF PROCEDURE**

DATE: December 30, 2022

During Tuesday's meeting, Council will review and approve the 2023 Rules of Procedure for County Council.

The Rules have been reviewed by County staff and the legal team and remained unchanged except as outlined below. A copy of the updated Rules is attached with all changes highlighted in yellow.

Rule 12 involves the "Conduct During Meetings" by Council members and was expanded to include Rule 12.4 with language limiting a member's conduct towards another member. This language comes from the Rules of the Delaware State Senate.

Rule 17 involves the "Standards of Conduct" by persons attending County Council meetings and was updated at Rule 17.6 to reflect current State law. The General Assembly recently passed legislation requiring public comment during all public meetings.

Rule 20 involves the "Code of Conduct" by which Council members are subject to in Delaware Code. Rule 20 is new to the Council's Rules of Procedure and was inserted to specify the County's Code of Conduct and the requirement that a Council member shall not participate in a matter when a personal or private interest in the matter exists.

I will review Rules during Tuesday's meeting. Please let me know if you have any questions.



Sussex



County

RULES OF PROCEDURE OF THE COUNTY COUNCIL
OF SUSSEX COUNTY, DELAWARE

These rules shall govern the procedure of the County Council of Sussex County, Delaware.

Definitions

“Agenda” includes but is not limited to a general statement of the major issues expected to be discussed at a public meeting, as well as a statement of intent to hold an executive session and the specific ground or grounds therefore.

“County” means Sussex County, Delaware, unless otherwise specified.

“County Council” means the Sussex County Council of Sussex County, Delaware.

“Meeting” means the formal or informal gathering of a quorum of the members of the Sussex County Council for the purpose of discussion or taking action on public business.

“President” means the president of the Sussex County Council.

“Presiding Officer” means the President of the Sussex County Council, or such other person who presides over the meetings of the Sussex County Council, pursuant to the Rules of the Sussex County Council.

“Public business” means any matter over which the Sussex County Council has supervision, control, jurisdiction or advisory power.

“Public record” is information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected by the Sussex County Council, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced. Records not deemed public under 29 Del. C. §10002 (d) are not deemed public under the Rules of the Sussex County Council.



Rule 1 – Order of Business

- 1.1 The order of business at each regular meeting of the County Council shall be as follows:**

**Invocation
Pledge of Allegiance
Call to Order
Amendments to Agenda
Adoption of Agenda
Approval of Minutes
Reading of Correspondence
Public Comments
Report of County Administrator
Reports of County Departments
Public Hearings
Introduction of Ordinances
Council Members' Comments
Recess
Additional Public Hearings
Adjournment**

- 1.2 The order of business can be altered at any duly constituted meeting by an affirmative vote of a majority of all the members of the County Council. The privilege of the floor may be granted to the public at any time by the presiding officer.**
- 1.3 During public hearings, the presiding officer may set reasonable time limits on public comments. An individual may submit a written statement in lieu of or in addition to verbal comments.**
- 1.4 Every attempt will be made to complete all business scheduled. In the event that the presentation of a scheduled agenda item takes longer than reasonably anticipated, the presentation may be suspended by approval of a majority of all of the members of the County Council. A motion to suspend a presentation should include the date and time at which the remainder of the presentation will be heard.**

Rule 2 – Meetings of the County Council

- 2.1 Regular meetings shall be held in the Sussex County Administration Building or such other location as designated by majority vote of all the members of the County Council.**
- 2.2 Regular business meetings shall convene on Tuesdays.**

- 2.3** Special meetings may be held in any public location in Sussex County, provided that 24 hours advance public notice is given. The notice shall include an explanation as to why the notice required by Rule 3 could not be given.
- 2.4** Special meetings may be held at the call of the President or by a majority of all of the members of the County Council, and shall convene at a time and place determined to be appropriate by a majority of all of the members of the County Council.
- 2.5** Emergency meetings may be called without notice to address any emergency regarding the immediate preservation of the public peace, health or safety.
- 2.6** Except for executive sessions, all meetings shall be open to the public.
- 2.7** On the affirmative vote of a majority of all of the members of the County Council present at any duly constituted meeting, an executive session may be held and closed to the public for any of the purposes set forth in the Title 29, Chapter 100 of the Delaware Code.
- 2.8** A vote to hold an executive session must be taken at a public meeting prior to the executive session, and the purpose for the executive session shall be announced publicly. The results of the vote shall be made public and shall be recorded in the minutes.
- 2.9** Discussions in executive session shall be limited to the purposes for which an executive session was called.
- 2.10** Minutes of all meetings, including executive sessions, shall be kept and made available for public inspection and copying. At a minimum, the minutes shall include a record of attendance and a record, by individual members of the County Council, of each vote taken and each action agreed upon. Such minutes, or portions thereof, relating to executive sessions, may be withheld from public disclosure in those cases where such disclosure would defeat the lawful purpose of the executive session, but no longer.

Rule 3 – Posting of Meeting Notices

- 3.1** Public notices of all meetings shall be posted on the public bulletin board located in the Sussex County Council Administrative Office, except as noted in 3.4 below.
- 3.2** Notices of regular meetings and of the intent to hold an executive session closed to the public shall be posted at least 7 days in advance thereof.
- 3.3** Notices of special or rescheduled meetings shall be posted at least 24 hours in advance thereof.

- 3.4** Public notice is not required for any emergency meeting which is necessary for the immediate preservation of the public peace, health or safety.
- 3.5** Meeting notices shall include the agenda, if such has been determined at the time, and the dates, times and places of such meetings. However, the agenda shall be subject to change to include items which arise at the time of the County Council's meeting, or to delete items, including executive sessions. A reasonable number of copies of meeting agenda shall be available to the public.
- 3.6** When the agenda is not available at the time of the initial posting of the public meeting notice, it shall be added to the notice at least 6 hours in advance of said meeting. The reasons for the delay in posting shall be briefly set forth on the agenda.

Rule 4 – Agenda

- 4.1** The agenda for regular and special County Council meeting shall be available to the members of the County Council at least one day prior to the scheduled meeting.
- 4.2** The County Administrator shall be responsible for the preparation and contents of the agenda. Any member of the County Council may place items on the agenda by contacting the County Administrator, either verbally or in writing, prior to the posting of the agenda. Any other person may request to have items placed on the County Council agenda by notifying the County Administrator, in writing, prior to the close of business on the Tuesday prior to the Tuesday County Council meeting; provided, however, that items requested to be placed on the agenda that are not, in the opinion of the County Administrator, of County Council jurisdiction will not be placed on the posted agenda. Those items that do not qualify as County Council business will be responded to by the County Administrator and copied to the members of the County Council.
- 4.3** During a meeting, items which arise at the time of the County Council's meeting may be added to the agenda, and items may be deleted from the agenda, by a majority vote of all of the members of the County Council.

Rule 4A. – Consent Agenda

- 4A.1** The County Administrator or any member of the County Council may propose only Wastewater Agreements to be considered on an agenda for the inclusion on a Consent Agenda. The Consent Agenda shall list the matters so included and a brief description of each.
- 4A.2** An item may be removed from a Consent Agenda if any member of the County Council requests that it be given separate individual consideration. If an item is removed from the Consent Agenda, it shall be considered as a separate item under the appropriate section of that meeting's agenda.

4A.3 All items on a Consent Agenda shall be read and voted on as a single group.

Rule 5 – Attendance of Members of the County Council at Meetings; Quorums

- 5.1 No members of the County Council shall be absent from scheduled meetings or from other official duties without cause. When unable to attend a scheduled meeting, a member of the County Council shall be responsible for notifying one of the following: the President, the County Administrator, another County Council member, or a staff member of the County Council.**
- 5.2 The presence of no less than three (3) members of the County Council shall constitute a quorum.**
- 5.3 When a quorum is not present at any properly called meeting, the members of the County Council present may adjourn.**
- 5.4 If no members of the County Council are present, the Clerk of the County Council may adjourn the meeting.**
- 5.5 Three (3) affirmative votes shall be required to pass any motion, unless otherwise provided herein or provided by law.**
- 5.6 A matter to be voted on may be placed on the table with three (3) affirmative votes. However, an ordinance for a change of zone or a conditional use may be placed on the table by the County Council member representing the district in which the application is located for a period of up to forty-five (45) days, without the need for three (3) affirmative votes.**

Rule 6 – Roll Calls

- 6.1 On each motion duly made and seconded, the presiding officer shall call the roll or determine the vote in some other manner, and announce the results.**
- 6.2 A written record shall be made by the Clerk of the vote by each member of the County Council on each vote taken. Said record shall also reflect the number of “aye” votes, the number of “nay” votes, and the number of “abstaining” votes.**

Rule 7 – Record Keeping

- 7.1 A file shall be kept in the Office of the Clerk of the County Council of all County Council business meetings. The file shall include copies of meeting notices (including the time, date and place where they were posted), the agenda and the minutes of the meeting.**

Rule 8 – Minutes of Sussex County Council Meetings

- 8.1** Minutes shall be taken of each meeting of the County Council, and shall reflect the following:
- a.** Kind of meeting.
 - b.** Date and place of meeting.
 - c.** Name of the presiding officer.
 - d.** Members of County Council present.
 - e.** Whether the minutes of the previous meeting were approved.
 - f.** The proceedings of the County Council, briefly and accurately stated, including titles of ordinances and titles of resolutions considered. The minutes shall record what was done rather than what was said. However, a member of the County Council may request that a statement or written material be attached to the minutes and made a part thereof.
 - g.** All motions voted upon and the results of said motions.
 - h.** Names of members of County Council making motions and those making secondary motions.
 - i.** A record by individual members of County Council, of each vote taken and action agreed upon.
 - j.** Time of convention and adjournment.
- 8.2** Minutes shall be taken, prepared and presented by the Clerk of the County Council in written form for approval as written or as amended. The minutes as approved shall be filed in the minute book of the County Council. Copies of the approved minutes shall be made available to the general public.
- 8.3** Recordings will be made of all public County Council business meetings at which County business is transacted. The recordings shall be under the custody of the Clerk of the County Council and shall be open to inspection and copying in accordance with applicable law regarding access to public records.

Rule 9 – Records

- 9.1** The approved minutes of each public meeting, together with a copy of each ordinance or resolution introduced at the meeting which is not set forth in full in the minutes thereof and a copy of each communication presented at the meeting, shall be kept in the office of the Clerk of the County Council and shall be made available for inspection by the public.

Rule 10 – Ordinances in General

- 10.1** Any member of the County Council may request a staff member or a County Council retained consultant or the County Attorney to draft an ordinance for introduction. The proposed ordinance shall be drafted pursuant to the requirements of 9 Del. C. § 7002. The member shall notify all members of the County Council at the time the request is made. Upon drafting of the proposed ordinance, it shall be placed on the agenda for discussion and possible introduction.
- 10.2** In accordance with 9 Del. C. § 7002, a proposed ordinance drafted pursuant to Rule 10.1 above, may be introduced in writing by any member of County Council at any duly constituted meeting.
- 10.3** The proposed ordinance shall contain no more than one subject, which shall be stated in its title.
- 10.4** When a proposed ordinance is introduced, the Clerk of the County Council shall:
- a.** Assign an Introduction Number to the proposed ordinance;
 - b.** Distribute a copy of the proposed ordinance to each elected County official;
 - c.** Comply with all public advertisement requirements as mandated by applicable law;
- 10.5** The President or other presiding officer, or his or her designee, shall designate a date, time, and place for the public hearing for a proposed ordinance.
- 10.6** Following the public hearing, the County Council may:
- a.** Adopt the ordinance as introduced;
 - b.** Adopt the ordinance with amendments;
 - c.** Place the ordinance on the table, prior to voting; or
 - d.** Reject the ordinance.
- 10.7** If the ordinance is amended in any substantial manner not included in the title of the ordinance, the amended portion thereof shall be introduced by the procedures set forth in Rules 10.2 – 10.6.
- 10.8** Upon the adoption of an ordinance, the Clerk of the County Council shall assign a permanent number to the ordinance and publish the title of the ordinance, with notice of its adoption.

- 10.9** Unless the effective date is included in the body of the ordinance, the ordinance shall become effective upon adoption.

Rule 10A – Change of Zone and Conditional Use Ordinances

- 10A.1** In the event the Planning and Zoning Commission has not provided its recommendation report to the County Council prior to the County Council’s hearing on a change of zone or conditional use application, the County Council shall accept and consider written comments only from the public on the Planning and Zoning Commission’s recommendations to the County Council for a period of 5 calendar days following the Planning and Zoning Commission’s issuance of its recommendations. This does not preclude the County Council from requesting additional information as otherwise permitted.
- 10A.2** The Rules of Procedure for County Council Zoning Hearings, as approved by the County Council, shall be announced prior to the commencement of the zoning hearings.
- 10A.3** Following the placement of an ordinance for a change of zone or a conditional use on the table, the matter shall be placed on the agenda again only by the County Council member representing the district in which the application is located. If an ordinance for a change of zone or a conditional use is not placed on the agenda and acted upon within forty-five (45) days of the County Council’s public hearing on the application, the matter may be placed on the agenda by the President.
- 10A.4** If the applicant for a change of zone or conditional use fails to appear at the County Council hearing, the County Council shall deny the application for lack of a record. The applicant may submit a petition for reconsideration within fifteen (15) days and demonstrate the failure to appear was beyond the applicant’s control.

Rule 11 – Resolutions

- 11.1** All resolutions shall be in writing and submitted to the members of the County Council prior to consideration by the Sussex County Council.
- 11.2** Any member of the County Council may request that a resolution be placed on the County Council agenda by submission of the resolution to the County Administrator, in accordance with Rule 4.
- 11.3** No resolution shall contain more than one subject which shall be clearly expressed in its title.
- 11.4** Each resolution shall bear a title which shall clearly express its subject matter. At the time of its consideration and prior to a motion for its adoption, a resolution may be read by title only.

- 11.5 A resolution may be amended without resubmission unless such resubmission is desired by a majority of all of the members of County Council.

Rule 12 – Conduct During Meetings

- 12.1 When a member of County Council desires to speak, that member shall address the presiding officer and shall not proceed until recognized and granted the privilege of the floor. The presiding officer shall recognize the member of County Council who is the first to address the presiding officer.
- 12.2 No member of the County Council shall interrupt another in debate without the consent of the other. To obtain such consent, the member shall first address the presiding officer.
- 12.3 If any member of County Council, in speaking or otherwise, transgresses the Rules of the County Council, the presiding officer shall, or any member of County Council may call the errant member to order. When a member shall be called to order, that member shall not proceed without the permission of the presiding officer.
- 12.4 A member of County Council may not, directly or indirectly, by any form of words or conduct, impute to another member any conduct or motive unworthy or unbecoming a member. Provided, however, that this shall not apply to a complaint or request for an advisory opinion made to the State Public Integrity Commission as permitted under Title 29, Chapter 58, Subchapter I of the Delaware Code and Rule 20 herein.

Rule 13 – Change or Suspension of Rules

- 13.1 Any rule of the County Council may be changed or suspended by the approval of a majority of all of the members of the County Council.

Rule 14 – Rules of Order

- 14.1 All rules of parliamentary procedure not covered or provided for by the RULES OF PROCEDURE OF THE SUSSEX COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE, or by the laws of the State of Delaware, shall be decided in accordance with MASON’S MANUAL OF LEGISLATIVE PROCEDURE.

Rule 15 – Vice-President and Other Presiding Officer

- 15.1** In the absence of the President, the presiding officer, with all powers and duties of the President enumerated herein, shall be the Vice-President as elected by a majority vote of all of the members of County Council. In the absence of the Vice-President, the presiding officer, with all powers and duties of the President enumerated herein, shall be such other member of the County Council as is elected by a majority vote of all of the members of County Council.

Rule 16 – Appointments

- 16.1** The President, with the concurrence of a majority of all of the members of the County Council, may appoint any member to represent the County Council on any committee, board or commission or at any event.
- 16.2** A member of the County Council so appointed shall inform the County Council of issues discussed at those meetings or events which impact County government.

Rule 16.A – Appointments to the Planning & Zoning Commission and the Board of Adjustment

- 16A.1** All appointments to the Planning & Zoning Commission and the Board of Adjustment shall be governed by 9 Del. C. § 6803.
- 16A.2** With respect to new appointments of members to the Planning & Zoning Commission and the Board of Adjustment (collectively referred to in this provision as “board members”), the Councilperson in whose district a board member’s term is set to expire shall submit the name of a nominee to the County Administrator along with the nominee’s resume during the month of May of the year in which said board member’s term is set to expire. The County Administrator shall forward copies of the nominee’s resume to all Council members and place the matter on the Council’s agenda for public session at an upcoming Council meeting. With Council’s input, the County Administrator shall provide interview questions to the nominee for written answer to be submitted to the Council by no later than the Friday preceding the aforesaid Council meeting at which the nominee shall be in attendance for a public interview.
- 16A.3** With respect to reappointment of board members, the Councilperson in whose district a board member’s term is set to expire shall provide notice of the Councilperson’s intention to reappoint the board member to the County Administrator during the month of May of the year in which said board member’s term is set to expire. The County Administrator shall place the matter on the Council’s agenda for public session at an upcoming Council meeting.

- 16.A.4 With respect to new appointments and reappointments of board members, in the event a nominee is not approved by a Council majority, nominations for the position will be opened up to all Councilpersons regardless of the district they represent; however, at no time shall there be more than 2 members appointed for the same Council district.
- 16.A.5 In the event a board member resigns or is removed prior to the expiration of his or her term, the Councilperson, in whose district the vacancy has occurred, shall submit the name and resume of a nominee to the County Administrator as soon as is practicable. All other application procedures above shall thereafter apply.

Rule 17 – Standards of Conduct

- 17.1 Persons attending County Council meetings shall observe appropriate dress standards and standards of conduct. Attire that may distract from the proceedings shall not be permitted.
- 17.2 Persons attending County Council meetings may wear one (1) “cause supporting sign” affixed to their clothing. The size of such “sign” may not exceed three (3) inches by five (5) inches. Signs offensive to the members of the County Council or to participants, and signs that may distract from the proceedings, shall not be permitted. No placards shall be permitted at any meeting of the County Council.
- 17.3 The County Administrator shall, from time to time, prescribe by policy reasonable and appropriate attire and conduct for persons attending meetings of the County Council.
- 17.4 Members of the news media shall conduct themselves in such a manner as to not be disruptive of the proceedings of the County Council.
- 17.5 Persons attending County Council meetings shall at all times conduct themselves in an orderly manner and follow the direction of the presiding officer. The presiding officer shall be responsible for ensuring that reasonable and appropriate dress standards and standards of conduct are observed at meetings of the County Council.
- 17.6 ~~Although the Freedom of Information Act does not require Council to allow public comment during a Council meeting, if Council includes a Public Comment section on the agenda for one or more of its regular or special meetings, the~~ The right to make public comment shall be subject to the following procedures, which shall be enforced by the presiding officer of Council:

- A. Each speaker shall place their name and address on a sign-up sheet. Each speaker shall only speak from the podium after being recognized and shall first identify themselves and give their residence address within the County. Each speaker shall be limited to 3 minutes and the time shall be kept by electronic clock and displayed to the speaker. At the end of that time, the presiding officer will either inform the speaker that their time is up or grant the speaker up to an additional 2 minutes.
- B. Each speaker shall confine his or her comments to matters which are clearly within the jurisdiction of Council and are matters of legitimate County business.
- C. Public comment is not intended to provide a means for a member of the public to appeal a decision made by a County employee or subcontractor during the course of their official duties. Matters of that nature must be brought to the attention of the County Administrator or his or her designee.
- D. Public comment shall be addressed to the Council as a body and not to a specific member of Council. After a person is recognized and allowed to speak, they should not be interrupted except by the presiding officer whose purpose is to enforce these policies. The presiding officer shall have the discretion to stop a speaker from further comment if the speaker digresses from the restrictions as to time or matters within the County's business or jurisdiction or if the speaker becomes so willfully and seriously disruptive as to prevent Council from accomplishing its business in a reasonable manner.
- E. The presiding officer may, but is not required to, respond to a speaker or to a question or an issue raised by a speaker. In situations where the presiding officer responds, the response shall not indicate the position of Council as a body and to the extent possible, be limited to informing the speaker, if appropriate, of the proper person within the County government to whom their concerns should be addressed.
- F. Nothing in this Rule shall be construed to prohibit Council from seeking comments from persons with particular knowledge on a matter before them and to prohibit public comment if Public Comment is not included on the agenda.

Rule 18 – Delaware Freedom of Information Act

- 18.1** All procedures of the County Council shall comply with the Delaware Freedom of Information Act, as contained in Title 29, Chapter 100 of the Delaware Code. To the extent that any provision herein shall conflict with the provisions of the Delaware Freedom of Information Act, the more restrictive provision shall apply.

Rule 19 – Adoption and Effective Date

19.1 These rules shall become effective upon adoption by a majority vote of all of the members of the County Council. These rules shall be adopted annually by the members of the County Council.

Rule 20 – Code of Conduct

20.1 Members of the County Council are subject to the Code of Conduct under Title 29, Chapter 58, Subchapter I of the Delaware Code and the oversight of the State Public Integrity Commission.

20.2 A member of the County Council who has a personal or private interest in an ordinance or any measure requiring Council’s consideration shall not participate in the hearing, discussion, debate or vote on the ordinance or measure.

Date of Adoption: _____

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 13, 2022

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 13, 2022, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
Douglas B. Hudson	Vice President
Cynthia C. Green	Councilwoman
John L. Rieley	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
Gina Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney
Vince Robertson	Assistant County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 569 22
Approve
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to approve the Agenda as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of the December 6, 2022, meeting were approved by consensus.

**Correspon-
dence**

Mr. Moore reported that letters were received from Barbara K. Brooks Transition House, Delaware Lions Foundation and Delaware Hospice thanking Council for grants that were received.

**Public
Comments**

There were no public comments.

**M 570 22
Approve
Consent
Agenda**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to approve the following items under the consent agenda:

**Use of Existing Wastewater Infrastructure Agreement, IUA 1034-2
Inland Bays Community, Cedar Neck Area**

**Use of Existing Wastewater Infrastructure Agreement, IUA 1148
Atlantic East, Angola Neck Area**

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Proclamation A Proclamation was presented to members of the Delmar High School Field Hockey team for winning the 2022 DIAA Division II Championship.

Code of Conduct of Mr. Lawson and Mrs. Jennings discussed the Code of Conduct Rules.

Rules Discussion Mr. Lawson reviewed terminology that included Ethics Laws or Code of Conduct, Public Integrity Commission (PIC), Rules of Procedure and Conflict of Interest. He added that these terms are typically referenced when discussing the Code of Conduct.

Mr. Lawson then reviewed the State Code that is established in Title 29, Chapter 58, Subchapter I of the Delaware State Code. This Code of Conduct applies to all local government officers and employees unless the local government adopts a Code at least as stringent as the State's Code. Sussex County "falls under" the State's Code of Conduct. Mr. Lawson reported that Kent County adopted a Code of Conduct in 1989 and they do not have their own Ethics Commission. New Castle County adopted a Code of Conduct in 1990. In addition, they have an Ethics Commission (7 members) who review complaints and issues opinions; they issued two opinions in 2021. They also hold Ethics Code training for County officials and employees. For FY2022, the budget line item consisted of \$344,366 for the Commission.

Mr. Lawson discussed advantages of following the State Code. The advantages discussed were as follows:

1. Code of Conduct and corresponding rules, procedures, and precedent already established.
2. Ethics Commission, aka, Public Integrity Commission (PIC) already appointed.
3. Deputy Attorney General already hired and assigned to the PIC to oversee the process.
4. Receiving PIC decision, attorney opinions, general guidance in a timely fashion.
5. History of cases and attorney opinions readily available for review.
6. Established process that makes rulings transparent and public.
7. Avoids any conflict by requiring the County Council to appoint a new Commission.
 - i. Many times, the Sussex representative on the PIC will recuse themselves because of connections.

Mr. Moore pointed out that the Deputy Attorney General attends every meeting when the PIC Commission meets.

Mr. Lawson then discussed the disadvantages of establishing a County

Code of Conduct:

Code of Conduct Rules Discussion (continued)

1. Requires a new Ordinance.
2. Create duplicative government functions.
 - i. Requires Code to be as stringent or more stringent than State Code – what would we make more stringent?
3. County Council may consider appointing an Ethics Commission.
 - i. Requires establishing membership qualifications.
 - ii. Potentially results in hiring another legal firm to be appointed to the Commission.
 - iii. Future investigations and hearings are without precedent.
 - iv. Conflicts will occur with Council appointments.

Mrs. Jennings reviewed the County practices that are currently in place at this time. In 2014, the County hosted the PIC Attorney Deputy Attorney General Deborah Moreau for a County-wide ethics training. In 2015, all County employees were required to attend a purchasing policy and conflict of interest training. All employees were required to sign a conflict-of-interest form. In 2015, the County created a reporting tool on the County’s Intranet to allow employees to submit instances of harassment, fraud, waste, and abuse anonymously. In 2019, the Finance Director along with the County’s independent auditor and County Attorney created a financial disclosure form for County Council members. Since 2020, County Council Members have signed the forms.

Mr. Lawson discussed staff recommendations. First, schedule an ethics training in 2023 (Q1) provided by the Public Integrity Commission attorney. In addition, require annual financial disclosure forms to be submitted by all Council Members, PZ Commissioners, and Board of Adjustment Members. Require all new elected and appointed officials to review the PIC training. Develop brochures similar to NCC that are easy for County staff/board members to understand. Lastly, place a fraud and abuse form on the County’s website to allow external people to report instances of fraud and abuse (similar to what we have internally).

Mr. Moore suggested placing a link on the County’s website that would link to the Public Integrity Commission.

Mr. Vincent stated that he does not see a reason to appoint our own Commission. He added that the State already has it in place and they do a good job with it. Mr. Vincent commented that appointing a new Commission would come at a cost and he does not see a reason to do something separate than what the PIC Commission currently does to hear complaints.

Mr. Moore pointed out that if the County were to have their own Commission, the County is small. Therefore, many people know each other which cause conflicts since these matters should be kept confidential. He added that in a small community such as ours, he would have a concern of

leaks of information.

**Adminis-
trator's
Report**

Mr. Lawson read the following information in his Administrator's Report:

1. Christmas and New Year's Holidays

Please note, County offices will be closed on December 23rd and December 26th, to celebrate the Christmas holiday and January 2nd for the New Year's holiday. The next regularly scheduled County Council meeting will be held on Tuesday, January 3, 2023, at 10:00 a.m.

[Attachments to the Administrator's Report are not attached to the minutes.]

**2022 Hazard
Mitigation
Plan**

Joe Thomas, Director of Emergency Services presented the 2022 Sussex County Hazard Mitigation Plan for consideration. Mr. Thomas noted that the lengthy document was included in Council packets for this meeting. The County is required by FEMA to review and update the Plan every five years. Mr. Thomas explained that the Plan provides guidance for hazard mitigation in Sussex County and identifies hazard mitigation goals, objectives, and recommended actions and initiatives for county and jurisdictional governments to reduce injury and damage from hazards. Mr. Thomas explained that, without this document adopted by County Council, funding eligibility from federal grants become obsolete; an approved plan has to be in place in order to be eligible for disaster mitigation funds as well as other disaster recovery programs.

Mr. Thomas reported that a Consultant assisted with the preparation of the plan; additionally, all of the towns except for two participated in the Plan this year.

Mr. Thomas explained how the list of hazards that occur within the County were identified. Based on the risks and hazards, a strategy was developed to include goals, objectives, and actions. The Hazard Mitigation Steering Committee supported updating the goals, objectives and mitigation actions.

Mr. Thomas shared the goals for the next five years as follows:

- Goal 1: Sussex County and participating jurisdictions will continue to adopt enhanced stormwater management practices.**
- Goal 2: Sussex County and participating jurisdictions will continue to adopt and enforce codes and regulations designed to reduce the impact of natural hazards.**

2022 Hazard Mitigation Plan (continued)

- **Goal 3: Sussex County and participating jurisdictions will continue to retrofit and protect critical facilities and infrastructure from natural hazards.**
- **Goal 4: Sussex County and participating jurisdictions will continue to enhance education and outreach strategies to improve the dissemination of information to the public regarding hazards, including the steps that can be take not reduce their impact.**
- **Goal 5: Sussex County and participating jurisdictions will continue to improve pre-event planning and preparedness activities.**
- **Goal 6: Sussex County and participating jurisdictions will continue identifying and implementing sound hazard mitigation projects.**

Mr. Thomas discussed the evacuation plan; he added that DelDOT has a detailed traffic management for evacuation. In addition, there is a map that shows the routes as well as when it will be recommended to the Governor's office for an evacuation. He further explained that a recommendation has to go up to the Governor's office for an evacuation.

Mr. Thomas explained that each individual town has to adopt the plan; if it is not adopted, they will not be eligible for any type of federal grant funding for any mitigation projects.

M 571 22 Adopt 2022 Hazard Mitigation Plan

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that the Sussex County Council adopted the FEMA-approved Sussex County Multi-Jurisdictional All Hazard Mitigation Plan Update in order to allow eligibility for future federal grants and disaster recovery programs.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea

Permission to Prepare & Post Notices/ Salt Air

John Ashman, Director of Utility Planning presented a request to prepare and post notices for the proposed Salt Air Expansion of the Sussex County Unified Sanitary Sewer District (Millville Area). The Engineering Department received a request from Salt Air Properties, LLC, the owners/developers of parcels 134-11.00-102.00 & 103.00 along Omar Road. The parcel has preliminary subdivision approval, and the parcels are located in the Tier 2 Area for sewer service however, they are not contiguous to the existing boundary. The owner/developer has entered into agreements with the intervening property owners and the department has received the letters from those parcels requesting their parcels be annexed, based on the agreed upon conditions with the developer and the individual parcel owners. A request letter was not received from parcel 104.00, therefore, it is being proposed to only include the front section

Salt Air (continued) encompassing the driveway at this time to maintain a contiguous path to the existing sewer district boundary. The project will be responsible for System Connection Charges of \$6,600 per EDU based on current rates.

M 572 22 A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved by the Sussex County Council that the Sussex County Engineering Department is authorized to prepare and post notices for the Salt Air Expansion of the Sussex County Unified Sanitary Sewer District to include parcels 134-11.00-102.00 & 103.00 as presented.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Master Plan Ordinance Update Vince Robertson, Assistant County Attorney and Jamie Whitehouse, Planning and Zoning Director presented an update on the Master Plan Ordinance.

Mr. Whitehouse explained a Master Planned Ordinance which is a document that is supported by the Comprehensive Plan. It operates like a residential planned community but with more diverse development types along with more design flexibility. It is intended to promote unified, integrated large-scale (200 acres +) development where appropriate, rather than multiple, unrelated subdivisions and commercial developments and the separate approval processes associated with each of these. It is intended to incorporate the following areas as part of a single unified development plan:

- Residential Areas
- Neighborhood Commercial Areas
- Professional, Medical and Financial Office Areas
- Civic Areas

It is also intended to promote interconnectivity throughout the development and with existing DelDOT roadways, with primary interconnecting roads dedicated to DelDOT.

Mr. Robertson added that this is a voluntary process as well as another tool for land use in Sussex County.

Mr. Whitehouse reviewed the 4-step process as follows: pre-app meetings, public hearings (P&Z & CC), administrative review of plans and site plan review by staff. Mr. Whitehouse added that once the plan has gone through all of the steps, the plan is valid for a period of 5 years if approved.

Mr. Whitehouse then showed a sketch of a Spatial Distribution Plan and how it would operate.

Master Plan Ordinance Update (continued) Mr. Whitehouse reviewed the next steps for the Ordinance. First, continue working on the draft, then consult with DelDOT on road coordination within Master Planned Community. Next, submit draft of the Ordinance to State for PLUS review and finally, public hearings on Code Revision in Chapter 115.

Mr. Whitehouse discussed the Eden Hill Farm project which was initiated as a Traditional Neighborhood Design residential district in the City of Dover in 2005.

EMS Public Safety Building/CO No. 19 Hans Medlarz, County Engineer presented Change Order No. 19 for the EMS Public Safety building for Council's consideration. Mr. Medlarz explained that the change order reflects the site design changes at the Rudder Lane intersection for drainage improvements. To accomplish this task, a portion of the intersection will be milled, regraded, and repaved.

M 573 22 Approve CO No. 19/ Public Safety Bldg. A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved upon the recommendation of the Sussex County Engineering Department that Change Order No. 19 for contract C19-04, Sussex County Public Safety Building be approved, for an increase of \$31,724.89.

Motion Adopted: 5 Yeas,

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Herring Creek, Phase 1, CO No. 3 Hans Medlarz, County Engineer presented Change Order No. 3 for Herring Creek Phase I for Council's consideration. Mr. Medlarz explained that this is a close out balancing change order. Mr. Medlarz further explained the construction administration and inspection for project S20-09 that was awarded to George & Lynch that was never covered under a standalone professional services amendment. To date, WRA provided the services under Amendment No. 3. Therefore, it is being requested to cover the related expenses.

M 574 22 Approve CO No. 3/ Herring Creek Phase 1 A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 3 for contract S20-06, Herring Creek Sanitary Sewer District with associated pump stations, Phase 1 be approved, with pump stations Oak Crest Farms and Chapel Green be approved decreasing the contract by \$101,454.74, contingent upon USDA concurrence.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

**M 575 22
Approve
WRA
Amendment
No. 5**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved, based upon the recommendation of the Sussex County Engineering Department, that amendment no. 5 to the EDCDC base engineering contract for the Herring Creek Sanitary Sewer District with Whiteman, Requardt and Associates be approved in the amount not to exceed \$359,704.00, for additional construction administration and inspection services for Herring Creek Gravity Sewer construction contract S20-09, contingent upon USDA concurrence.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Old
Business/
CU2324**

Under Old Business, Jamie Whitehouse, Planning and Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE AND BOAT REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS" (property lying on the west side of Central Avenue [S.C.R. 84], approximately 350 feet south of Substation Road [S.C.R. 366]) (911 Address: 34282 Central Avenue, Frankford, DE 19945) (Tax Parcel: 134-16.00-700.02) filed on behalf of Zachary Bedell

Mr. Whitehouse reminded Council that a Public Hearing was held before them on November 15, 2022. At that meeting, Council deferred action leaving the record open to allow the applicant an opportunity to submit written comments on the conditions recommended by the Planning and Zoning Commission with today being the deadline to submit those comments. Mr. Whitehouse reported that he has spoken to the applicant by phone, and he does not wish to submit any written comments.

**M 576 22
Amend
Condition
7E/CU2324**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to amend Condition 7E to read as follows: The area of conditional use shall be limited to a one-half acre area on the site. This area shall be fenced with a 6-foot-tall solid fence to be constructed within 6 months of approval to screen the view from neighboring properties and roadways. The "CONEX"-style metal freight containers must be located within this one-half acre fenced area. This fenced-in area shall be completely outside of all setbacks on the property.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;**

Mr. Vincent, Yea

**M 577 22
Adopt
Ordinance
No.2897/
CU2324**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Ordinance No. 2897 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE AND BOAT REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS” for the reasons and conditions provided by the Planning and Zoning as follows and as amended by this Council:

- 1. The Applicant is seeking approval of a small automobile and boat repair business on property owned by his family. It is a small business started by the Applicant and it has grown to the point where it must have a conditional use approval to continue.**
- 2. There were many neighbors who appeared and testified with concerns about the Applicant’s current operations on the property and the condition of the property in general. The Conditional Use, with the requirements imposed by it, will clean up the property and set limitations on what the Applicant can and cannot do on the property.**
- 3. The use as a small automobile and boat repair business, if conducted properly, can be a benefit to property owners and businesses in the area by providing a convenient location for the service.**
- 4. If operated correctly and in compliance with the conditions of approval, this use is consistent with other conditional uses in the area including a boat and RV storage facility.**
- 5. This small use, with the conditions placed upon it, will not generate a significant amount of traffic on area roadways.**
- 6. This property is in the Coastal Area according to the Sussex County Comprehensive Plan. A small business use like this can be an appropriate use within this Area according to the Plan.**
- 7. This recommendation is subject to the following conditions:**
 - A. The use shall be limited to the repair and maintenance of vehicles, boats and equipment.**
 - B. There was concern stated during the hearing about burning that has occurred on the site. No outdoor fires or burning shall be permitted on the site.**
 - C. No junked, inoperable, untitled, or unregistered vehicles, boats or trailers shall be stored on the site.**
 - D. No sales of vehicles, trailers, boats, or equipment shall be permitted from the site.**
 - E. The area of conditional use shall be limited to a one-half acre area on the site. This area shall be fenced with a 6-foot-tall solid fence to be constructed within 6 months of approval to screen the view from neighboring properties and roadways. The “CONEX”-style metal freight containers must be located within this one-half acre fenced area. This fenced-in area shall be completely outside**

M 577 22
Adopt
Ordinance
No.2897/
CU2324
(continued)

- of all setbacks on the property.
- F. All repairs, maintenance and other work must occur within the one-half acre fenced area. All vehicles, boats, trailers, equipment or other items associated with the Conditional Use must be located within this fenced area at all times.**
 - G. All existing vehicles, boats, trailers, equipment, tractors, machinery, junk and scrap metal or materials of any kind shall be relocated inside of the one-half acre fenced area. None of these items or anything else not used for residential purposes shall be stored outside of the one-half acre fenced area.**
 - H. Although a Final Site Plan is required as part of this conditional use, the fence around the one-half acre area shall be permitted and installed within six months of the approval of this Conditional Use by Sussex County Council. Failure to construct this fence within this timeframe shall be grounds for the termination of this Conditional Use.**
 - I. The property shall be cleaned up within six months of the approval of this conditional use by Sussex County Council, with all of the existing vehicles, boats, trailers, equipment, tractors machinery, junk and scrap materials of any kind either removed from the property or relocated into the one-half acre fenced area. Failure to abide by this requirement shall be grounds for the termination of this conditional use.**
 - J. There shall be no more than 10 vehicles and boats (including trailers) in total on the property at any one time.**

Motion Adopted: 4 Yeas, 1 Nay

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Nay;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Grant
Requests

Mrs. Jennings presented grant requests for Council's consideration.

M 578 22
Town of
Blades

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$750 (\$750 from Mr. Vincent's Councilmanic Grant Account) to the Town of Blades for their Annual Christmas celebration.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

M 579 22
Indian River
High School

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$1,000 (\$1,000 from Mr. Hudson's Councilmanic Grant Account) to Indian River High School for Baseball Bullpens.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Introduction of Proposed Zoning Ordinances Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONVENIENCE STORE AND GAS STATION TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.35 ACRES, MORE OR LESS” filed on behalf of Royal Farms

Mr. Vincent introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROUP HOME FOR MORE THAN 10 PEOPLE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 17.26 ACRES, MORE OR LESS” filed on behalf of Impact Life, Inc.

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROUP HOME FOR MORE THAN 10 PEOPLE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.86 ACRES, MORE OR LESS” filed on behalf of Attack Addition Foundation

Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MARINE SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.70 ACRES, MORE OR LESS” filed on behalf of Shane & Laura Karlik

Mr. Schaeffer introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.76 ACRES, MORE OR LESS” filed on behalf of Beach Partners, LLC

The Proposed Ordinances will be advertised for Public Hearings.

**Council
Member**

There were no Council member comments.

Comments

M 580 22
Go Into
Executive
Session **At 11:34 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to go into Executive Session to discuss matters relating to Land Acquisition and Pending/Potential Litigation.**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Executive
Session **At 11:40 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to pending litigation and land acquisition. The Executive Session concluded at 12:22 p.m.**

M 581 22
Reconvene **At 12:25 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to come out of Recess to go back into Regular Session.**

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

E/S Action **There was no action relating to Executive Session matters.**

M 582 22
Adjourn **A Motion was made by Mr. Rieley, seconded by Mrs. Green to adjourn at 12:26 p.m.**

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

{An audio recording of this meeting is available on the County's website.}

1 **AN ORDINANCE TO AMEND CHAPTER 99, § 99-39B.(2)(c) OF**
2 **THE CODE OF SUSSEX COUNTY RELATING TO THE TIME**
3 **PERIOD FOR COUNCIL TO RENDER A DECISION ON**
4 **APPEAL.**

5
6 WHEREAS, Sussex County Code, Chapter 99, Article VIII.,
7 “Enforcement Amendments; Appeals”, § 99-39B.(2)(c) establishes a
8 time limit within which the Sussex County Council must render its decision
9 on appeals from a decision of the Planning and Zoning Commission; and

10 WHEREAS, Sussex County desires to amend Sussex County Code,
11 Chapter 99, Article VIII § 99-39B.(2)(c) to change the time period for
12 the Council to render its decision on such an appeal from 60 days to 120
13 days from the receipt of the transcript.

14 NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY
15 ORDAINS:

16 Section 1. Sussex County Code, Chapter 99, Article VIII, § 99-
17 39B.(2)(c), entitled, “Appeals”, is hereby amended by adding the
18 underlined language and deleting the bracketed language as follows:

- 19 (c) Within 120[60] days from the receipt of the transcript, the
20 Council shall act on the record of the hearing before the
21 Commission and the Council shall not hold an additional
22 public hearing.

23 Section 2. Effective Date. This Ordinance shall become effective
24 upon its adoption.

25
26 Synopsis

27 This Ordinance amends Chapter 99, Article VIII, § 99-39B.(2)(c.),
28 by changing the time period for the Council to render its decision on an
29 appeal from a decision of the Planning and Zoning Commission from 60

30 days to 120 days from the receipt of the transcript. Deleted text is in
31 brackets. Additional text is underlined.

TO BE INTRODUCED

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: December 28, 2022

RE: County Council Report for C/U 2321 filed on behalf of Coastal Properties, LLC

The Planning and Zoning Department received an application (C/U 2321 filed on behalf of Coastal Properties, LLC) for a Conditional Use for parcel 334-5.00-196.00 for a kitchen and bathroom showroom. The property is located at 17677 Stingey Lane, Lewes. The parcel size is 0.248 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on September 8, 2022. At the meeting of October 13, 2022, the Planning & Zoning Commission closed the record and deferred for further consideration. On October 18, 2022, the County Council held a Public Hearing on the application. As a recommendation had not yet been received from the Planning & Zoning Commission, Council left the record open for receipt of this. On October 27, 2022 the Commission recommended denial of the application for the six reasons as outlined in the motion (below).

Below is a link to the minutes of the County Council meeting of October 18, 2022.

[Link to minutes of October 18, 2022 County Council Meeting](#)

Below are the minutes from the Planning & Zoning Commission meetings of September 8, 2022, October 13, 2022, and October 27, 2022.

[Minutes of the September 8, 2022 Planning & Zoning Commission Meeting](#)

C/U 2321 Coastal Properties, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A KITCHEN AND BATHROOM SHOWROOM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.248 ACRES, MORE OR LESS. The property is lying on the northeast side of Beaver Dam Road (Rt. 23), approximately 0.16-mile southwest of the intersection of Church Street and Salt Marsh Boulevard. 911 Address: 17677 Stingey Lane, Lewes. Tax Parcel: 334-5.00-196.00.

Mr. Whitehouse advised the Commission that submitted into the record were the Conceptual Site Plan, the Staff Analysis, and a letter from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse advised the Commission that no comments were received.

The Commission found that Mr. Kris Groszer spoke on behalf of the Application, C/U 2321 Coastal Properties, LLC; that also present was Ms. Colleen Groszer; that the property located to the rear belongs to Stockley Material; that Stingey Lane is located to the left side of the property; that he believed Delaware Electric Coop is located on another adjacent property; that located down the street, Mr. Steve Falcone, opened an accounting firm; that they request to open their own business as well and the hours of operation would be Monday through Friday from 9:00 am until 5:00 pm, with Saturday hours from 9:00 am until 1:00 pm.

The Commission found that Mrs. Colleen Groszer spoke on behalf of the Application; that she stated they wished to bring a smaller scale of their business to Sussex County; that they have been in their business for 16 years; that they love the business they do; that she is also a real estate agent; that she also performs the kitchen and bathroom designs; that the Application location is proposed to offer operations, a showroom, and storage for cabinetry; that in doing this, they will be able to offer service to any customers close by; that they have never had the opportunity to show and sample their work; that all of the samples would be shown within one showroom; that customer would be scheduled by appointment only; that she and one other designer would work at the location; that the proposed use is low scale; that their intention is to provide four spec homes a year; that currently, they flip homes; that they provide commercial and residential construction; that the COVID-19 Pandemic changed things for them; that with their current team they would love to put out four homes a year and in doing this, it would allow them to have a full service showroom.

Ms. Stevenson questioned if there were buildings already located on the property; that she questioned if only two buildings will remain when the project is completed; that she questioned the amount of provided parking; that she requested no parking within the front yard setback and she questioned the hours of operations.

Ms. Wingate questioned if a sign was requested for the property, if the sign is requested to be lighted and where the entrance and parking area are located.

Ms. Groszer stated there is a house and buildings existing on the property; that the home was a 100-year-old home that was buried in weeds; that they are currently renovating the house; that anything currently on the site is mostly the construction debris during the renovation of the house; that in one of the outbuildings they had a major flood; that there were utility lines backed up underneath which required repair; that some of their cabinetry was damaged, requiring them to remove it from the building; that there are supplies currently sitting on the property in limbo, waiting until they can be placed back inside the building; that three offices will be located within the existing home; that the outbuilding will hold storage of cabinets, countertops and any other material they can fabricate; that they requested to place a monument sign with stack stone at the existing home location; that it would blend with the area, matching the natural grasses in the area; that there is a small parking pad located

to the front; that the site would not be accessed by Stingey Lane; that traffic would enter the site from Beaver Dam Rd.; that hours of operation would be Monday through Friday, 9:00 am until 5:00 pm; that Saturday hours would close earlier than 5:00 pm; that customers are provided scheduled appointment times; that Saturday appointments would be very limited; that they would like a sign and they would propose solar lighting for the sign.

Mr. Groszer stated for the future, Stingey Lane is existing; that most of their potential customers will enter and park in the back, as it is already a road.

Chairman Wheatley stated should the Application be approved; the next step will be site plan review and approval and approval from DelDOT.

Mr. Robertson stated Sussex County had to condemn Stingey Lane to provide a sewer easement because they could not establish who owned it and DelDOT will only have a regulation to the property frontage on Beaver Dam Rd.

The Commission found two people spoke in opposition to the Application.

The Commission found that Ms. Patricia Edwards spoke in opposition to the Application; that also present was her husband, Mr. Theodore Edwards; that they spoke with the Applicant when he purchased the property; that the Applicant previously stated he intended to renovate the home, restoring it to the way it was originally; that then they found out the Applicant was proposing a business on the property; that Stingey Lane is very small; that the Applicant placed a parking pad in front of the house; that DelDOT had previously told them, they were not permitted to place parking in the front of their home because of Beaver Dam Rd.; that when they leave Stingey Lane, they have to pull up to the white line along Beaver Dam Rd. to be able to view oncoming traffic, due to the placement of the parking pad; that DelDOT stated the Applicant could not have the parking pad in that location, but the Applicant placed the parking pad anyway; that there are trucks and trailers parking directly behind their driveway; that at times they are required to request a vehicle to move in order for them to exit their driveway; that having a business located in the middle of the residential properties will be a disaster; that exiting onto Beaver Dam Rd. was hard enough to do before the Applicant placed the parking pad; that the area of the Applicant's parking pad has made a bad situation worse; that the Applicant has vehicles, which do not belong to the Applicant, park on the property; that the vehicles belong to Delmarva Power; that they Applicant cleared an area for the vehicles to park; that most of the parked vehicles have expired tags; that the Applicant dumps trailers of construction debris on the property; that they had captured two opossums; that their dog had killed rats; that rodents are making homes in the current debris at the site; that they found babies in the garage; that they had to request an exterminator; that she stated the property should not be used for a dumping ground; that the debris should be taken to the dump; that the Applicant is very inconsiderate with their hours of operation; that the Applicant works all hours of the day; that the Applicant works on Saturdays and Sundays; that the Applicant stated he was building a garage; that she questioned why the garage is being built with glass doors; that there was an apartment built above the garage; that the constable was called to investigate; that the Applicant was not building a garage, rather building an apartment; that the Applicant had placed a patio off of the garage building; that the constable had informed the Applicant they could not have the patio; that she assumed there was some type of violation; that she has called Sussex County many times and she was told until the Applicant were to go through the Conditional Use process, receiving approval or denial, he is able to continue operating.

The Commission found that Mr. Theodore Edwards spoke in opposition to the Application; that he gets up early in the mornings to walk his dog; that many times he has walked outside to an 18-wheeler trailer facing his driveway; that he also has had an 18-wheeler facing his property from Beaver Dam Rd. and the Applicant does not have respect for the property.

Chairman Wheatley questioned Mr. Whitehouse if a violation was issued for the property.

Mr. Whitehouse stated when the Application was received there was no outstanding violation; that there is a note stating a constable visited the site for multiple maintenance complaints, regarding tall grass, placed in September 2019 and no violation was found as the property was found to be in compliance.

Chairman Wheatley questioned Mr. Groszer if there were piles of trash located on his property, as there was a photograph submitted in the record reflecting trash located on the site; that he stated the Commission understands the construction business, as some Commissioners have been in the construction business, with others still being in the construction business; that the Commission places great emphasis on being good neighbors; that some of the issues mentioned will be handled at the site plan review level; that the Commission does have the ability to place conditions and stipulations for applications.

Mr. Robertson questioned more information about the mentioned apartment located on the property; that he stated the Conditional Use request is for a commercial enterprise; that should the Conditional Use be approved; the vehicles will not be permitted to be parked on another property and parking will not be permitted within a setback.

Ms. Stevenson questioned what types of deliveries are made, how frequent are deliveries made, and what types of trucks make the deliveries.

Mr. Groszer stated he was blown away; that he had saved his whole life savings to purchase the house; that he is trying to remodel the home; that he is trying to improve the property; that there are trailers and vans on the property; that he believed the piles of trash are branches; that this future plan is to clean up the yard, move all the vehicles and operate the property as a business; that currently he is trying to balance; that he does not know anything about an apartment; that the building is currently a garage with two floors; that he currently has cabinets stored on the second floor; that anyone can come to look at the building; that there is no infrastructure for water and sewer; that there is no electric to the building; that the property receives deliveries approximately once a month; that it is a tractor that delivers material; that the tractor is present at the site for 20 to 30 minutes or less, depending who is onsite to offload the material; that he is not asking for a landscape business to be ran from the property; that he is trying to improve the property; that he will comply with any conditions the Commission place; that he has called the gentleman that comes to the fenced in area, as well as Delaware Electric Coop regarding the parked vehicles; that there were no issues expressed; that Delaware Electric Coop cuts the grass where his vans are parked and they have purchased another property in Frankford for the vehicles.

Ms. Groszer stated that she apologized for any garbage that may have been left on site; that she takes care of her children, runs real estate, and performs the back end of the business; that she handles all the calls to Coastal Containers; that at times she has been late making the call, resulting in missing the container delivery; that they do not leave trash on job sites; that they take the trash to the dump; that

at times she has forgotten to make the call to the container pick up and when this has happened the trash may have been present at the site for three to four days.

Mr. Whitehouse stated he did find a second violation complaint; that the Sussex County Constables have been involved; that in April 2021 when an inspection was performed for the remodeling of a building without a building permit; that there was a notice of violation issued at that time; that there is are multiple notes and multiple inspections on file and it does appear that the Application was made as a result of a violation received from Sussex County Constables.

Mr. Grozer stated the back building was built too large.

Mr. Robertson stated the Applicants testified they are in the real estate business; that the Applicants knew they wanted to operate a business at the property; that he questioned why the Applicants did not originally apply for a Conditional Use, as they knew the current zoning did not permit commercial use.

Ms. Stevenson questioned if the building in the back was still in violation.

Ms. Grozer stated they originally did not intend the property to be used for commercial use; that they originally were considering living at the property; that the timing was directly before the COVID-19 pandemic; that she got cold feet which resulted in the choice to flip the home; that after things settle down with COVID-19, they decided they did not want to let go of the property; that their employees began working on the property during the COVID-19 pandemic; that they wanted to pay them versus them applying for unemployment; that the building in the back is no longer in violation; that it was made smaller than what is shown on the survey; that they originally requested a variance for the building; that the variance was denied and had to make the building smaller.

Mr. Whitehouse stated that the 2019 violation was for grass height; that the grass violation was resolved; that in 2021 a violation was issued for building without a permit; that the permit violation was resolved as the Applicant obtained a permit; that there were additional notes to potential building within the side yard setback; that there were many other notes and it looks like with each note made, it was the reasoning behind the current Application.

Mr. Grozer stated if the Commission tells him what to do, he will do it.

Mr. Whitehouse stated there is an additional note, from January 2022, stating that there was a stove located on the garage floor.

Mr. Grozer stated, just as his wife stated, things were placed in the building; that there was a flood, requiring multiple items to be removed to be cleaned up, dried out to be placed back in the building and he does have an approved trash container with a lid from the trash company.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/U 2321 Coastal Properties, LLC. Motion by Ms. Stevenson to defer action, holding the record open to receive additional information from the Director, seconded by Mr. Hopkins and carried unanimously. Motion carried 5-0.

Minutes of the October 13, 2022 Planning & Zoning Commission Meeting

The Commission discussed this application which had deferred from the September 8, 2022 Planning & Zoning Commission meeting.

Mr. Whitehouse announced that the Commission had left the record open for receipt of additional information from staff, summarizing the inspections of the property. Mr. Whitehouse confirmed that this document had been prepared and had been circulated to the Commission.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to close the public record and to defer action on the application for further consideration.

Vote by roll call: Mr. Hopkins – yea, Ms. Stevenson – yea, Mr. Mears – yea, Ms. Wingate – yea, Chairman Wheatley - yea

Minutes of the September 8, 2022, Planning & Zoning Commission Meeting

The Commission discussed the Application which had been deferred since September 8, 2022.

Ms. Stevenson moved that the Commission recommend denial of C/U 2321 Coastal Properties, LLC for a kitchen and bathroom showroom based on the record made during the public hearing and for the following reasons:

1. The Applicants are seeking a kitchen and bathroom showroom on a .248-acre property at the corner of Beaver Dam Road and Stingey Lane in the community known as “Belltown”.
2. The Applicants have a documented history of noncompliance with regard to the property, including the construction of a two-story garage without a building permit; a complete remodel of a dwelling without a proper permit confirming compliance with building code requirements; the unpermitted garage was constructed in violation of county setbacks; trash violations; a shed placed upon the property without a permit; an outdoor second-floor stairway and other construction occurring in spite of the unpermitted and violated structures on the property; and multiple untagged vehicles parked on the small parcel. There have been multiple visits to this property by County Inspectors, yet there has been very slow progress in bringing it into compliance with County Zoning and Building Codes. In short, there is a history of aggravated noncompliance on this property by these Applicants that does not support the approval of a Conditional Use upon it.
3. Although Belltown is evolving with commercial uses along Route 9, the area along Beaver Dam Road remains primarily residential in nature. The use as a kitchen and bathroom showroom is inconsistent with the nature and character of this area of Belltown. There was also testimony from neighboring residential property owners that this proposed use would be detrimental to the use and enjoyment of their home and inconsistent with the residential nature of the community. For these reasons, a Conditional Use for a showroom is not appropriate here.
4. This small .248-acre parcel is not large enough to accommodate the needs of the proposed showroom and the traffic generated by it. There was testimony in the record that cars, trucks, and equipment are parked all over the entire site including its setback areas, and even beyond

the property boundaries. This small parcel of property is not an appropriate location for this type of conditional use and the traffic and vehicles that would be associated with it.

5. There is no room on this small property for delivery trucks. There was testimony in the record that delivery trucks have blocked Stingey Lane and the neighbors' use of that roadway for vehicular access.
6. In general, this use should be located on a property that is appropriately sized for it and in an area that is appropriately zoned for this type of use. A Conditional Use for a kitchen and bathroom showroom is not appropriate for this location and it should be denied.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to recommend denial of C/U 2321 Coastal Properties, LLC for the reasons and conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Hopkins – yea, Ms. Stevenson – yea, Ms. Wingate – yea, Mr. Mears – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: September 8th, 2022

Application: CU 2321 Coastal Properties, LLC

Applicant: Coastal Construction, LLC
17280 Coastal Highway, Unit #2
Lewes, DE 19958

Owner: Kristopher L. Groszer
32777 Dionis Drive
Lewes, DE 19958

Site Location: 17677 Stingey Lane, Lewes.

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: Kitchen/Bathroom Showroom

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Tidewater

Site Area: 0.248 ac. +/-

Tax Map ID.: 334-5.00-196.00



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: September 1st, 2022
RE: Staff Analysis for CU 2321 Coastal Properties, LLC

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2321 Coastal Properties, LLC to be reviewed during the September 8th, 2022, Planning and Zoning 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: 334-5.00-196.00 to allow for a kitchen and bathroom showroom, to be located on Beaver Dam Road and Stingey Lane, Lewes, Delaware. The property is lying on the northeast side of Beaver Dam Road (Rt. 23), approximately 0.16 mile southeast of the intersection of Church Street and Salt Marsh Boulevard. The parcel consists of 0.248 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 parcel has a designation of "Coastal Area". The adjoining parcels to the north, east, and west also have a Future Land Use Map designation of "Coastal Area". The parcels to the south across Beaver Dam Road (Rt. 23) also have a Future Land Use Map designation of "Coastal Area". Properties further to the north across Lewes-Georgetown Highway (Rt. 9) have a Future Land Use Map designation of "Commercial".

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas.

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. The adjacent properties to the north, east, and west of the subject property are zoned Agricultural Residential (AR-1) District. The parcels to the south across Beaver Dam Road (Rt. 23) of the subject property are zoned



Medium Residential (MR). Properties further to the north across Lewes-Georgetown Highway (Rt. 9) are zoned General Commercial (C-1).

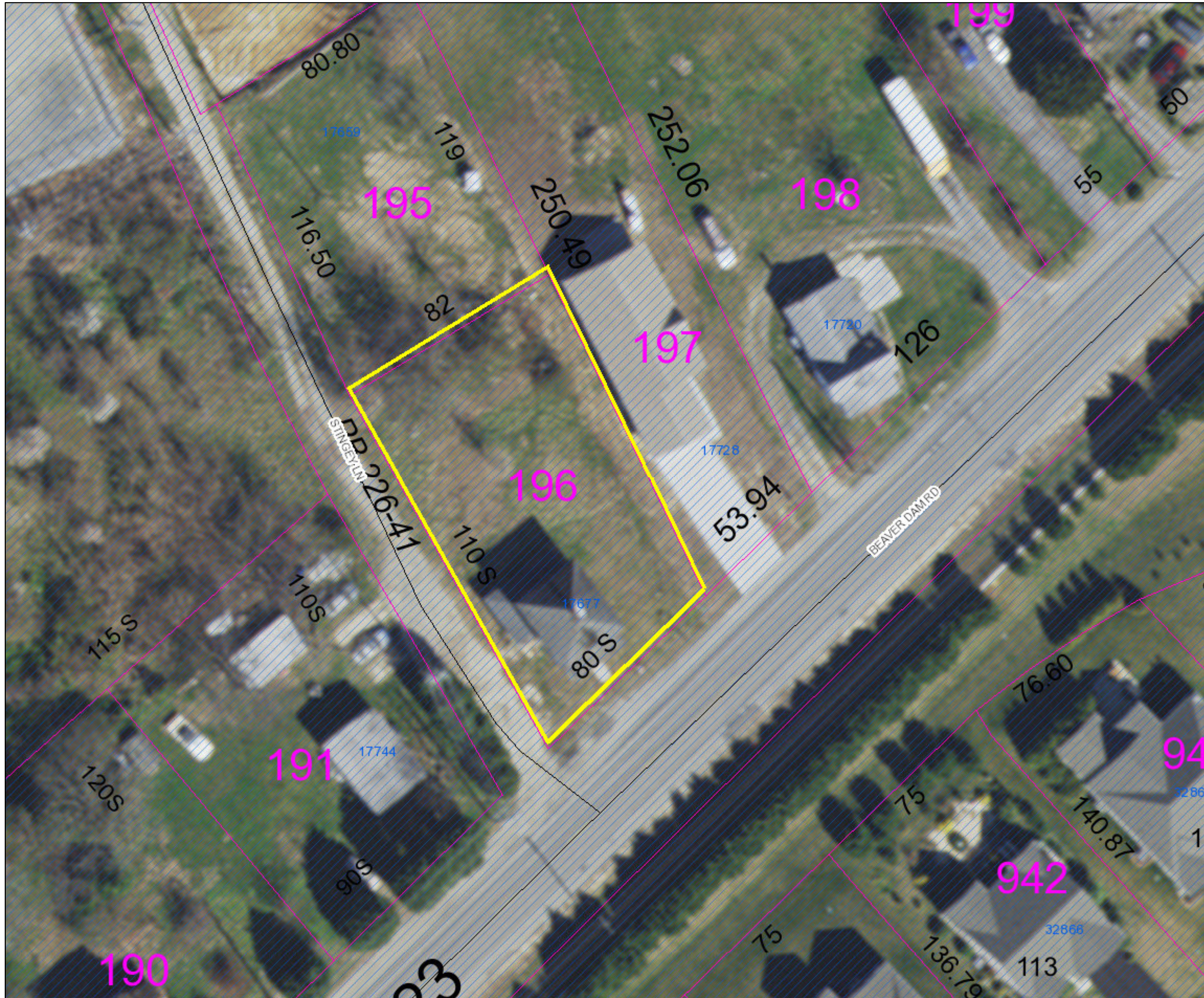
Existing Conditional Uses within the Vicinity of the Subject Property

Since 2011, there have been sixteen (16) Conditional Use applications within a one (1) mile radius of the application site. Out of those sixteen (16) applications, two (2) have been withdrawn, one (1) has been denied, and thirteen (13) have been approved.

Based on the analysis provided, the Conditional use to allow for a tourist home, event venue and hair salon in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

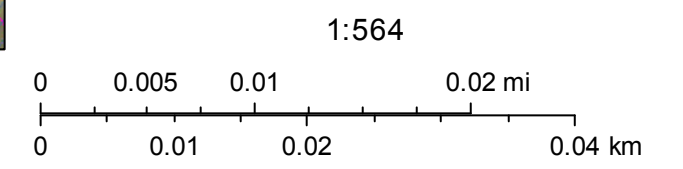


Sussex County



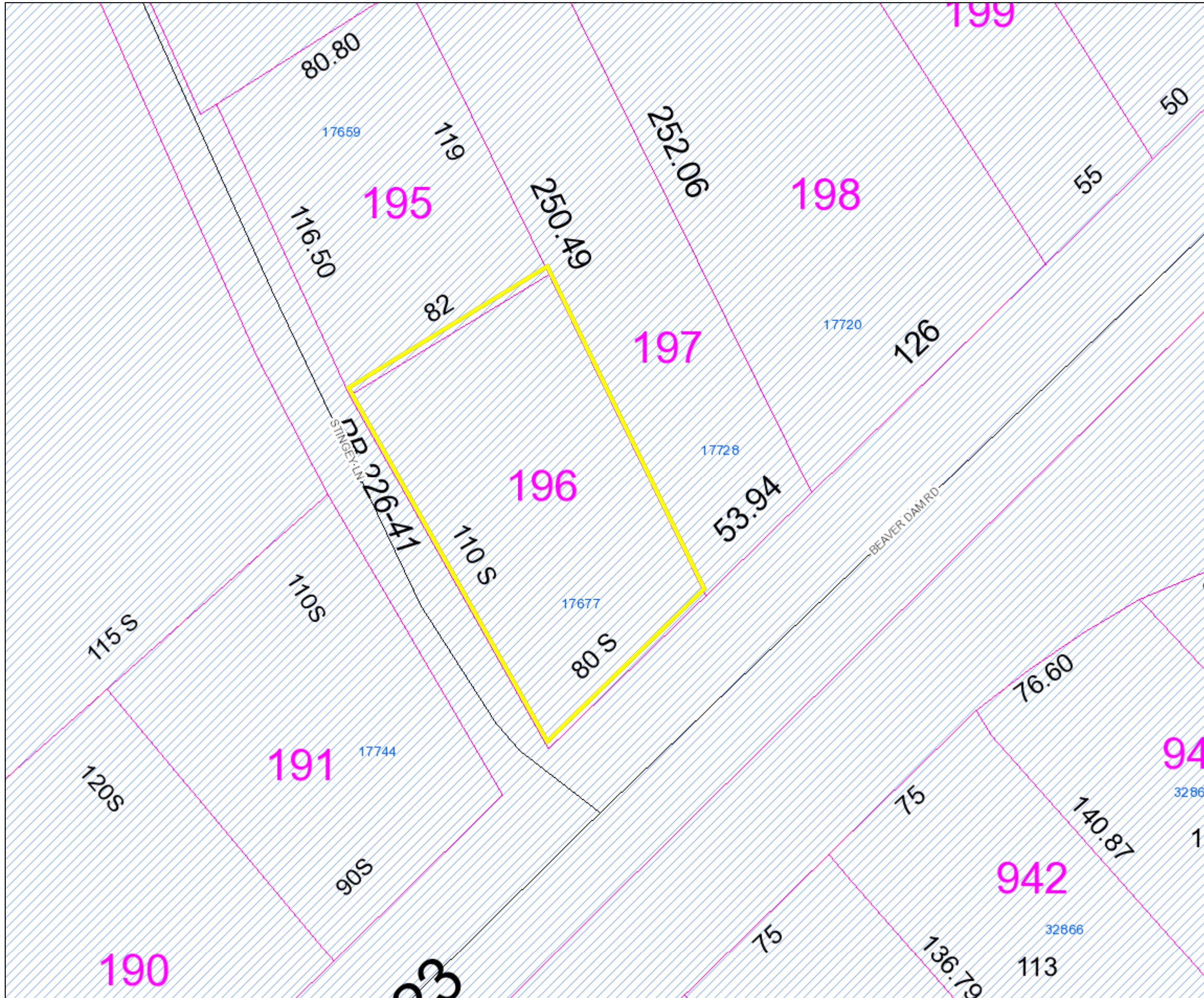
PIN:	334-5.00-196.00
Owner Name	COASTAL PROPERTIES DE LLC
Book	5614
Mailing Address	17280 COASTAL HWY UNIT
City	LEWES
State	DE
Description	BETWEEN HWY 18
Description 2	RT 285
Description 3	N/A
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- ⋯ Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Flood Zones 2018**
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AO
- OPEN WATER
- VE





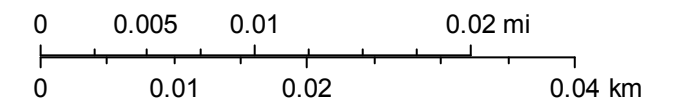
Sussex County



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Book	5614
Mailing Address	17280 COASTAL HWY UNIT
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State	DE
Description	BETWEEN HWY 18
Description 2	RT 285
Description 3	N/A
Land Code	

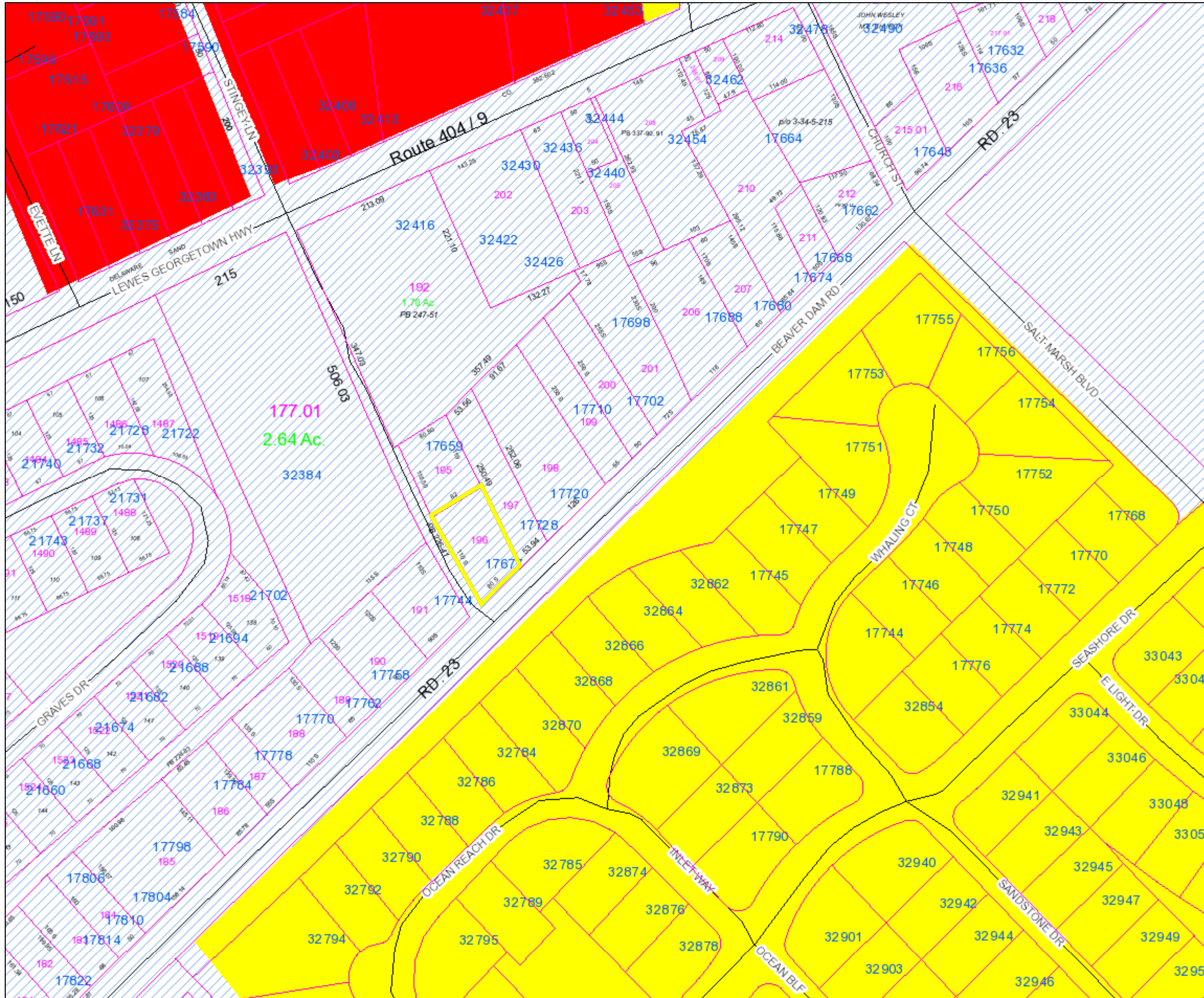
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- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Flood Zones 2018**
 - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - A
 - AE
 - AO
 - OPEN WATER
 - VE

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Sussex County



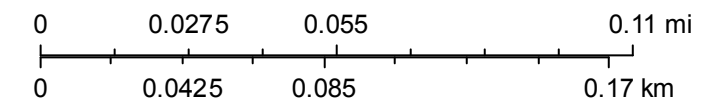
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Description 2	RT 285
Description 3	N/A
Land Code	

- polygonLayer

 - Override 1
- polygonLayer

 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets

1:2,257



Schaeffer
Yes. 12/19

Council Grant Form

Legal Name of Agency/Organization	The Lewes Historical Society
Project Name	Install Inclusive Signage at all Historical Society Properties in Lewes
Federal Tax ID	51-6017951
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	The Lewes Historical Society promotes and advocates the preservation, interpretation, and cultural enrichment of the Lewes region, through museum exhibits, educational programs, historical research, and publications.
Address	110 Shipcarpenter Street
Address 2	
City	Lewes
State	Delaware
Zip Code	19958
Contact Person	Henry Henkel

Contact Title Director of Operations and Development

Contact Phone Number 302- 645-7670

Contact Email Address henry@historiclewes.org

Total Funding Request 1500.00

Has your organization received other grant funds from Sussex County Government in the last year? Yes

If YES, how much was received in the last 12 months? 1500

Are you seeking other sources of funding other than Sussex County Council? Yes

If YES, approximately what percentage of the project's funding does the Council grant represent? 11

Program Category (choose all that apply) Cultural, Educational

**Program Category
Other**

**Primary Beneficiary
Category** Disability & Special Needs

**Beneficiary Category
Other**

**Approximately the
total number of
Sussex County
Beneficiaries served,
or expected to be
served, annually by
this program** 10000

Scope Generate and install appropriate signage for all 14 historic buildings we curate. Included on the signs will be 2 QR codes (one in English, the other Spanish) that will link to an audio recitation of the information contained on the sign. This will provide a richer and more inclusive experience to all that visit our buildings. While historic buildings are not always easily accessible (tight stairways, steep steps, "unsteady, historic wood and construction"), these signs will allow those who are physically challenged (think canes, walkers, wheelchairs) the same opportunity to enjoy a historic site as though who do not deal with these challenges. Additionally, the audio application help those with reading disabilities to fully appreciate the sites.

**Religious
Components**

**Please enter the
current support your
organization receives** 3,000.00

**for this project (not
entire organization
revenue if not
applicable to request)**

Description sign panels and bases

Amount 7,500.00

Description development of QR codes and translation

Amount 2,500.00

Description Installation

Amount 1,400.00

Description design work for panels

Amount 2,600.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 14,000.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -11,000.00

Name of Organization The Lewes Historical Society

**Applicant/Authorized
Official** Henry Henkel

Date 12/06/2022

**Affidavit
Acknowledgement** Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

Schaeffer.
UES 12/19

Council Grant Form

Legal Name of Agency/Organization	Cape henlopen high school coed cheerleading
Project Name	Cape Henlopen Cheerleading NCA nationals
Federal Tax ID	51-6000279
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Our mission is to spread school spirit while helping our athletes get into colleges and make a positive name for themselves.
Address	1250 kings hwy
Address 2	Athletics cheerleading
City	Lewes
State	Delaware
Zip Code	19958
Contact Person	Courtney hennessey
Contact Title	Coach

Contact Phone Number 3026043763

Contact Email Address chhsvikingscheer@gmail.com

Total Funding Request 10,000.00

Has your organization received other grant funds from Sussex County Government in the last year? No

If YES, how much was received in the last 12 months? N/A

Are you seeking other sources of funding other than Sussex County Council? No

If YES, approximately what percentage of the project's funding does the Council grant represent? N/A

Program Category (choose all that apply) Other

Program Category Other Cheerleading

Primary Beneficiary Category Youth

Beneficiary Category Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program 10

Scope Cape henlopen cheerleading has won 5 back to back state championships along with 3 other years. I have been coaching there for 6 years as well as cheering there 2006-2010. This program created a safe environment and a place I and many others call home. Over the years we have received the acceptance to be able to go to the national cheerleading association (NCA) high school nationals and we have never been able to go due to funding. This team cheers on 8 different sports & clubs throughout the year and we do not have the funding to go to nationals on our own. Every child is from Sussex county as well as the coaches. We will be the first ever team from Sussex county to go to Dallas tx for nationals. Only one other school in Newcastle county has ever made it as well. It cost roughly 1100 per child to attend nationals with travel, lodging, and competition fees.

Religious Components

Please enter the current support your organization receives 0.00

**for this project (not
entire organization
revenue if not
applicable to request)**

Description NCA HIGH SCHOOL Nationals registration

Amount 2,400.00

Description Flights

Amount 3,500.00

Description Lodging

Amount 7,582.40

Description Team gear

Amount 500.00

Description

Amount

Description

Amount

Description

Amount

Description

Amount

TOTAL EXPENDITURES 13,982.40

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -13,982.40

Name of Organization Cape cheerleading

**Applicant/Authorized
Official** Courtney hennessey

Date 12/15/2022

**Affidavit
Acknowledgement** Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.
Please feel free to email clientservices@d3corp.com with any questions.

To be Reintroduced: 1/3/23

Council District 3: Mr. Schaeffer
Tax I.D. No.: 334-5.00-153.02
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT TO AN MR-RPC MEDIUM-DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 61.39 ACRES, MORE OR LESS

WHEREAS, on the 13th day of October, 2022, a zoning application, denominated Change of Zone No. 1995 was filed on behalf of Janice CRP3, LLC; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1995 be _____; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential and C-1 General Commercial] and adding in lieu thereof the designation and MR-RPC Medium-Density Residential – Residential Planned Community District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the west side of Janice Road approximately 0.10 mile west of Nassau Commons Boulevard and being more particularly described in the attached legal description prepared by Davis, Bowen, and Friedel, Inc. said parcels containing 61.39 ac., more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NOS. 334-5.00-153.00 & 334-5.00-153.02.

WHEREAS, on May 21st, 2021, the Sussex County Planning and Zoning Office received an application for a requested Comprehensive Plan Amendment to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of Sussex County Parcel Nos. 334-5.00-153.00 & 334-5.00-153.02 from the Commercial Area to the Coastal Area; and

WHEREAS, the Parcels comprise 65.169 acres of land, lying and being within Lewes & Rehoboth Hundred, and are located on the south side of Janice Road (S.C.R. 14B) approximately 520 feet west of the intersection of Coastal Highway (Route 1) and Nassau Road (S.C.R. 266B).

WHEREAS, The Properties are designated as being within the Commercial Area and Coastal Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the 2018 Comprehensive Plan for Sussex County.

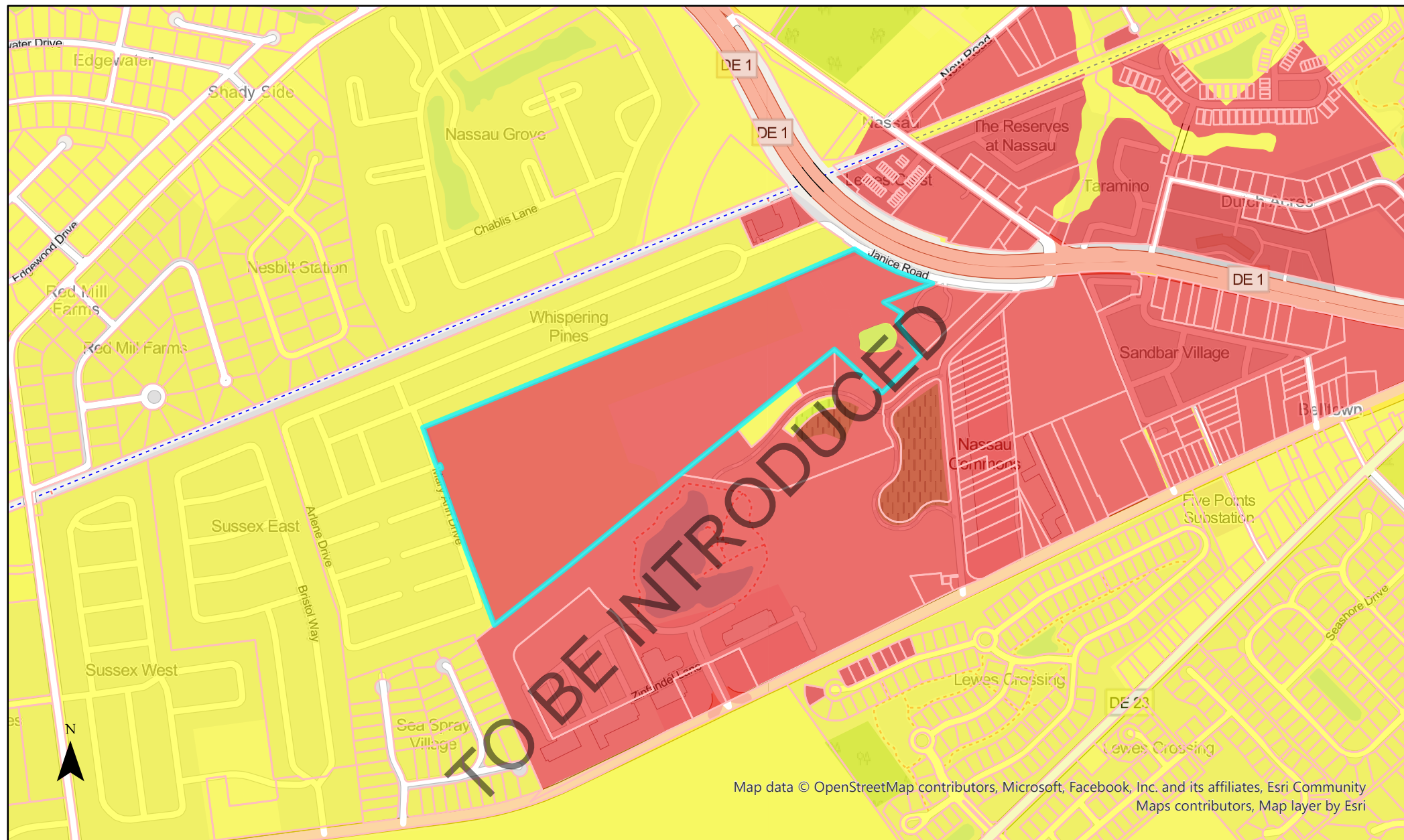
WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the parcels currently classified as the Commercial Area and Coastal Area designation of Sussex County Parcel Nos. 334-5.00-153.00 & 334-5.00-153.02 to the Coastal Area. Sussex County Parcel Nos. 334-5.00-153.00 & 334-5.00-153.02 so changed as identified in Exhibit A, attached hereto and incorporated herein.

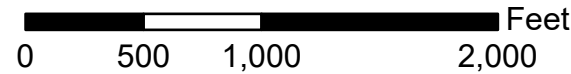
Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.



Current FLUM Classification Map
 Ord. No. 23-02 - Janice CRP3, LLC (Ritter Farm)
 Proposed FLUM Map Amendment
 Proposed: Commercial Area to Coastal Area
 P&Z Meeting - 01/12/2023

2019 Future Land Use

- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center



ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCELS 533-11.00-23.00, 23.03 & 23.04

WHEREAS, on September 27th, 2022, the Sussex County Planning and Zoning Office received an Application for a requested Comprehensive Plan Amendment to amend the Sussex County Sewer Tier Map element of the Comprehensive Plan to change the Sewer Tier designation of Sussex County Parcel Nos. 533-11.00-23.00, 23.03 and 23.04; and

WHEREAS, the Parcels comprise 31.83 acres of land, more or less, lying and being within Baltimore Hundred, and are located on the north side of Deer Run Road (S.C.R. 388) and the southwest side of Zion Church Road (Route 20), approximately 0.42 mile south of the intersection of Evans Road (S.C.R. 383) and Zion Church Road (Route 20);

WHEREAS, The Properties are designated as being within the Tier 4 – System Optional Areas as set forth in the Sussex County Sewer Tier Map as Figure 7.3-2 in the 2018 Comprehensive Plan for Sussex County;

WHEREAS, a portion of Parcel 23.00 contains the Future Land Use Map designation of Developing Area as set forth in the Sussex County 2045 Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan; and

WHEREAS, as noted in the Sussex County Comprehensive Plan, central sewer facilities are “strongly encouraged” within the Developing Area; and

WHEREAS, the remainder of the Parcels within this 31.83 acres of land contain the Future Land Use Map designation of Coastal Area as set forth in the Sussex County 2045 Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan; and

WHEREAS, as noted in the Sussex County Comprehensive Plan, central sewer facilities are “strongly encouraged” within the Coastal Area; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Sussex County Sewer Tier Map element of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on Ordinances such as this one, both the Sussex County Planning & Zoning Commission and the Sussex County Council will hold public hearings on this Ordinance but limited in scope to this specific proposed Amendment to the Sussex County Sewer Tier Map contained in the Plan.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

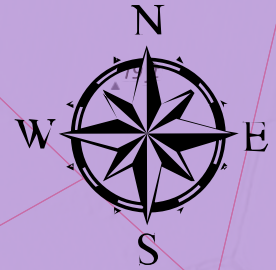
Section 1. The Sussex County Sewer Tier Map identified as Figure 7.3-2 of the Sussex County Comprehensive Plan is hereby amended to change the Parcels currently classified as Tier 4 – System Optional Areas for Sussex County Parcel Nos. 533-11.00-23.00, 23.03 and 23.04 from the Tier 4 – System Optional Areas Sewer Tier designation to the Tier 1 – Sussex County Unified Sanitary Sewer District designation; Sussex County Parcel Nos. 533-11.00-23.00, 23.03 and 23.04 so changed as identified in Exhibit A, attached hereto and incorporated herein.

Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.

TO BE INTRODUCED








Exhibit A
Ord. 22-10 - Proposed Sewer Tier Amendment from
Tier 4 "System Optional Areas" to Tier 1 "Sussex
County Unified Sanitary Sewer District"
Tax Parcels: 533-11.00-23.00, 23.03 & 23.04




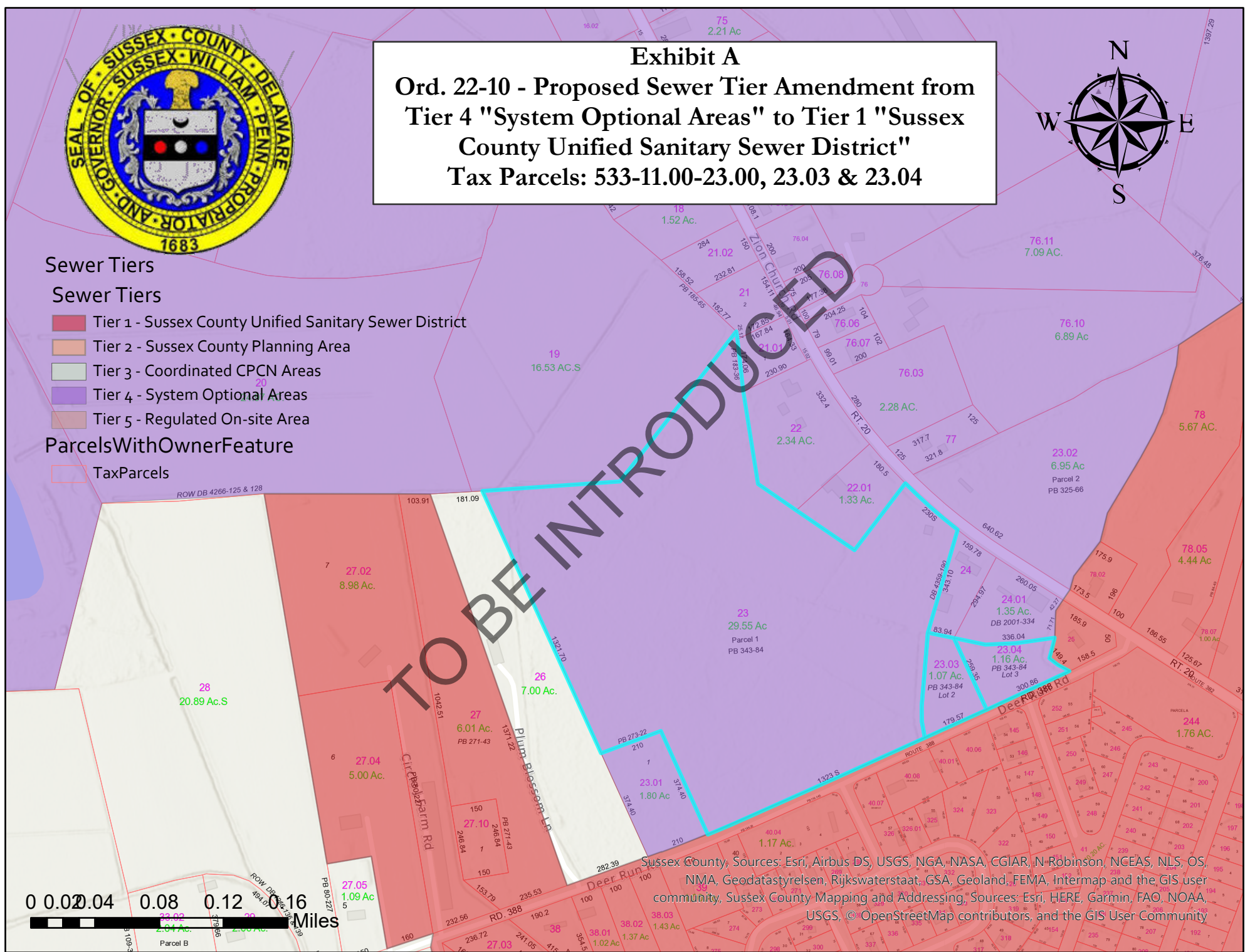
Sewer Tiers

Sewer Tiers

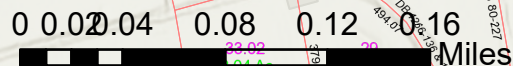
-  Tier 1 - Sussex County Unified Sanitary Sewer District
-  Tier 2 - Sussex County Planning Area
-  Tier 3 - Coordinated CPCN Areas
-  Tier 4 - System Optional Areas
-  Tier 5 - Regulated On-site Area

Parcels With Owner Feature

-  Tax Parcels



TO BE INTRODUCED



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 Mapping and Addressing, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

To Be Introduced: 1/3/23

Council District 4: Mr. Hudson
Tax I.D. No. 533-11.00-23.00, 23.03, & 23.04
911 Address: 36054 Zion Church Road, Frankford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE BUILDINGS, A CAR WASH, & CLUBHOUSE WITH SWIMMING POOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 31.83 ACRES, MORE OR LESS

WHEREAS, on the 8th day of August 2022, a conditional use application, denominated Conditional Use No. 2392 was filed on behalf of Zion Church Ventures, LLC; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2392 be _____; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2392 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388) and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20) and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 31.83 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

To Be Introduced: 1/3/23

Council District 5: Mr. Rieley
Tax I.D. No. 135-15.00-98.00 & 98.01
911 Address N/A & 22242 Lewes Georgetown Highway, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (106 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 50.80 ACRES, MORE OR LESS

WHEREAS, on the 28th day of April 2022, a conditional use application, denominated Conditional Use No. 2369 was filed on behalf of Leeward Chase DE, LLC; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County, and said Planning and Zoning Commission recommended that Conditional Use No. 2369 be _____; and

WHEREAS, on the ____ day of _____ 2023, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2369 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situated in Georgetown Hundred, Sussex County, Delaware, and located on the south side of Lewes Georgetown Highway (Route 9), approximately 0.4-miles east of the intersection of Sand Hill Road (S.C.R. 319) and Lewes Georgetown Highway and being more particularly described in the attached legal description prepared by Solutions Integrated Planning Engineering & Management, LLC, said parcel containing 50.80 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by a majority vote of all members of the County Council of Sussex County, Delaware.

To Be Reintroduced: 1/3/23

Council District 5: Mr. Rieley
Tax I.D. No. 135-15.00-98.00 & 98.01
To Be Introduced: 01.03.2023

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCELS 135-15.00-98.00 & 98.01.

WHEREAS, on April 28, 2022, the Sussex County Planning and Zoning Office received an application for a Comprehensive Plan Amendment Request to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of a portion of Sussex County Parcel Nos. 135-15.00-98.00 & 98.01 from the Commercial Area to the Developing Area; and

WHEREAS, the Parcel approximating 50.797 acres of land, lying and being within Georgetown Hundred, and located on the south side of Lewes Georgetown Highway (Route 9), approximately 0.4-miles east of the intersection of Sand Hill Road (S.C.R. 319) and Lewes Georgetown Highway (Route 9).

WHEREAS, The Property is designated as being within the Commercial Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the 2018 Comprehensive Plan for Sussex County.

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on Ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the area designation of Sussex County Parcel Nos. 135-15.00-98.00 & 98.01 from the Commercial Area to the Developing Area. The entirety of Sussex County Parcel Nos. 135-15.00-98.00 & 98.01 so changed is identified in Exhibit A, attached hereto, and incorporated herein.

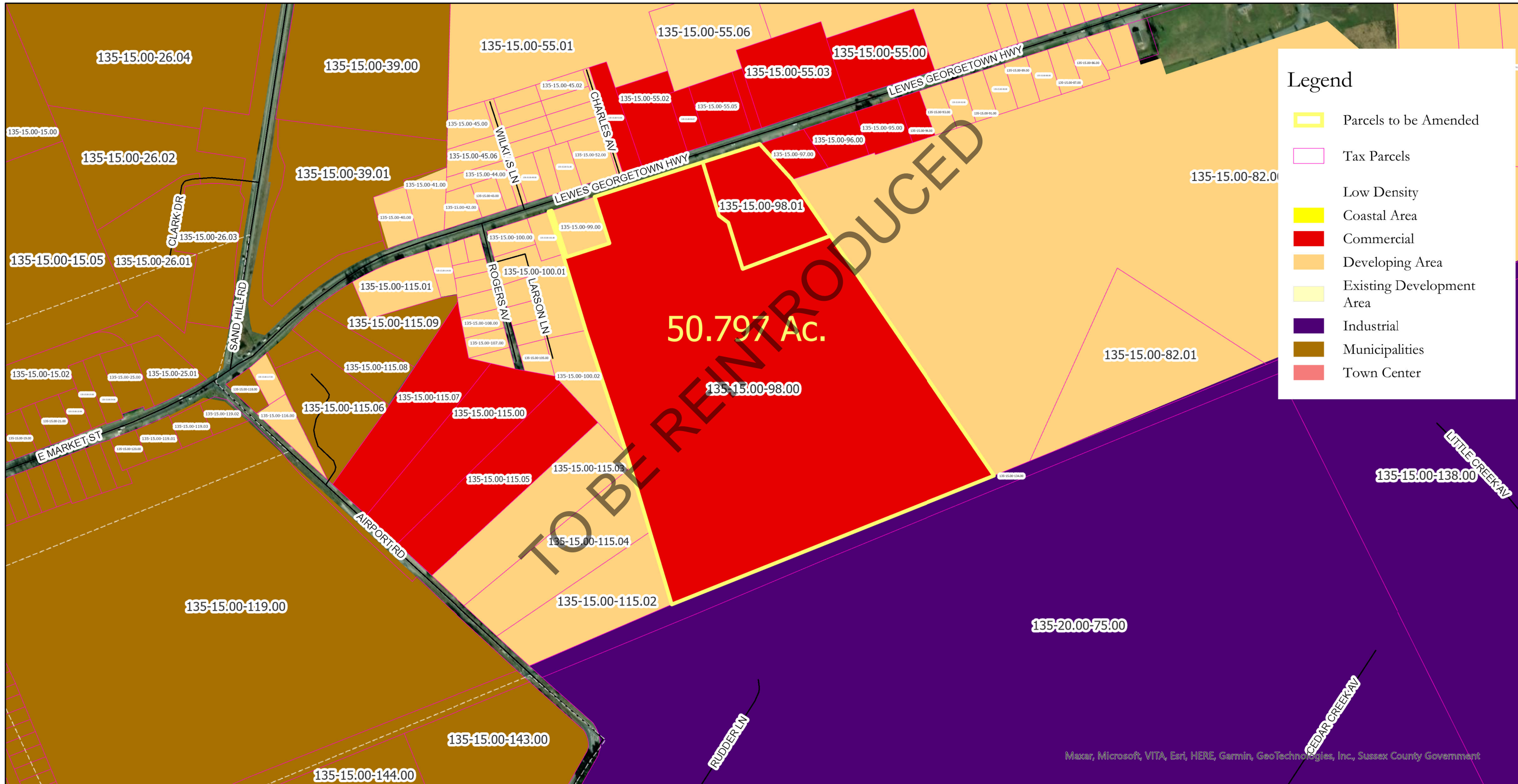
Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.

EXHIBIT A:

Potential Comprehensive Plan
Amendment Parcels



Sussex County



Legend

- Parcels to be Amended
- Tax Parcels
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center

