



Sussex County Council Public/Media Packet

**MEETING:
January 16, 2018**

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**Sussex County Council
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MICHAEL H. VINCENT, PRESIDENT
GEORGE B. COLE, VICE PRESIDENT
ROBERT B. ARLETT
IRWIN G. BURTON III
SAMUEL R. WILSON JR.



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ROBIN GRIFFITH
CLERK

Sussex County Council

AGENDA

JANUARY 16, 2018

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report

Gina Jennings, Finance Director

1. 2017 Private Activity Bond Volume Cap

Hans Medlarz, County Engineer

1. Asset Management, Phase III – Dewey Water

A. KCI Technologies, Amendment 3

2. Delaware Coastal Business Park

A. Becker Morgan Group, Inc. – Amendment 1



10:15 a.m. Public Hearing

“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, VI, X, XI, XIA, AND XII BY AMENDING SECTIONS §§115-20, 115-22, 115-39, 115-69, 115-71, 115-77, 115-79, 115-83.2, 115-83.5, 115-85 and 115-87 TO AMEND AND CLARIFY CERTAIN SHORT-TERM “SPECIAL EVENTS” AS PERMITTED USES IN THE AR-1, GR, B-1, C-1, CR-1 and M DISTRICTS”

12:00 Noon - Recess

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

Sussex County Council meetings can be monitored on the internet at www.sussexcountyde.gov.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on January 9, 2018, at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 9, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 9, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 015 18
Amend
and
Approve
Agenda**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to amend the agenda by deleting “Proclamation – Cape Henlopen Field Hockey Team” and to approve the agenda, as amended.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of January 2, 2018 were approved by consent.

**Public
Comments**

Public Comments

Dan Kramer commented on the availability of videos of meetings.

Betty McGrath commented on Council meeting procedures.

**M 016 18
Approve
Consent
Agenda
Items**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to approve the following items listed under the Consent Agenda:

- 1. Wastewater Agreement No. 638-16
Sussex County Project No. 81-04
The Estuary – Phase 1C-3B (Construction Record)
Miller Creek Sanitary Sewer District**

**M 016 18
Approve
Consent
Agenda
Items
(continued)**

2. **Wastewater Agreement No. 1038-5
Sussex County Project No. 81-04
Governors – Phase 2
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**
3. **Wastewater Agreement No. 1017-4
Sussex County Project No. 81-04
Showfield – Phase 4
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**
4. **Wastewater Agreement No. 1017-5
Sussex County Project No. 81-04
Showfield – Phase 5
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**
5. **Wastewater Agreement No. 856-12
Sussex County Project No. 81-04
Sea Star Village @ Millville By The Sea, Section 3
Millville Expansion of the Bethany Beach Sanitary Sewer District**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Adminis-
trator's
Report**

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

1. Martin Luther King Jr. Holiday

County offices will be closed on Monday, January 15th, for the Martin Luther King Jr. holiday. Offices will reopen on Tuesday, January 16th, at 8:30 a.m., and Council will meet at 10:00 a.m.

**Old
Business/
Labor
Unions
Ordinance**

Under Old Business, the Council considered the Proposed Ordinance entitled "AN ORDINANCE TO ADD A NEW CHAPTER 117 TO SUSSEX COUNTY CODE ENTITLED "LABOR UNIONS" TO PROHIBIT CERTAIN UNION MATTERS IN PRIVATE SECTOR EMPLOYMENT, INCLUDING PROHIBITION OF MANDATORY UNION MEMBERSHIP AND PAYMENT OF UNION DUES OR FEES AS CONDITION OF EMPLOYMENT; INVOLUNTARY UNION PAY DEDUCTIONS; AND ACTS OF COERCION RELATED TO UNION SUPPORT OR MEMBERSHIP".

Everett Moore, County Attorney, presented highlights of his written Legal Opinion, dated January 5, 2018, which was previously distributed to Council members.

M 017 18 **A Motion was made by Mr. Arlett to defer action on the Proposed**
Defer Action **Ordinance for further review.**

Motion Died **Mr. Arlett's Motion died for the lack of a Second.**

M 018 18 **A Motion was made by Mr. Cole, seconded by Mr. Burton, to Adopt the**
Adopt **Proposed Ordinance entitled "AN ORDINANCE TO ADD A NEW**
Proposed **CHAPTER 117 TO SUSSEX COUNTY CODE ENTITLED "LABOR**
Ordinance **UNIONS" TO PROHIBIT CERTAIN UNION MATTERS IN PRIVATE**
Relating to **SECTOR EMPLOYMENT, INCLUDING PROHIBITION OF**
Labor **MANDATORY UNION MEMBERSHIP AND PAYMENT OF UNION**
Unions **DUES OR FEES AS CONDITION OF EMPLOYMENT;**
/ **INVOLUNTARY UNION PAY DEDUCTIONS; AND ACTS OF**
Denied **COERCION RELATED TO UNION SUPPORT OR MEMBERSHIP".**

Motion Denied: **4 Nays, 1 Yea.**

Vote by Roll Call: **Mr. Arlett, Yea; Mr. Burton, Nay;**
 Mr. Wilson, Nay; Mr. Cole, Nay;
 Mr. Vincent, Nay

M 019 18 **A Motion was made by Mr. Cole, seconded by Mr. Burton, to make**
Make **public the Legal Opinion prepared and presented by County Attorney**
Legal **Everett Moore.**
Opinion
Public

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mr. Arlett, Yea; Mr. Burton, Yea;**
 Mr. Wilson, Yea; Mr. Cole, Yea;
 Mr. Vincent, Yea

Concord **Hans Medlarz, County Engineer, reported that Davis, Bowen and Friedel,**
Road **the Town of Blades' Engineer of Record, designed a USDA/RD/RUS funded**
Wastewater **water distribution system expansion in the same vicinity of Concord Road**
Expansion/ **as the County's sewer project (Concord Road Expansion of the Blades**
Loan **Sanitary Sewer District). On October 3, 2017, the Council approved a**
Resolution **construction agreement with the Town and an amendment with the**
and **engineer to complete both projects concurrently for a cost-effective**
Proposed **construction approach. The combined project was advertised and bid in**
Ordinance **one construction document with separate bid schedules for the County**
 Sewer Project and for the Blades Water Project. The Blades Town Council
 approved the alternate water bid on November 13, 2017 and County
 Council subsequently awarded the complete project on November 14, 2017
 to Zack's Excavating for a sewer base bid at \$1,605,824.75 and the alternate
 bid at \$797,957.25 for a total award of \$2,403,782.00, contingent upon
 USDA/RD concurrence which has since been received. The County
 received USDA obligation documentations with an offer of \$220,000 in loan
 and \$145,000 in grant funding. This funding is supplemental to the already
 committed \$729,000 in loan and \$449,000 in grant. The Finance and

(continued) **Engineering Departments recommend Council's approval of the associated USDA Loan Resolution and introduction of the associated debt ordinance to be voted on after a public hearing. The Town of Blades is independently pursuing their supplemental funding through USDA.**

M 020 18
Approve
Loan
Resolution
and
Introduce
Proposed
Ordinance
Relating to
Concord
Road
Wastewater
Expansion

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Engineering and Finance Departments, that the USDA Loan Resolution authorizing supplemental indebtedness for the Concord Road Utility Upgrade Project be approved and that the associated Debt Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$250,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF THE CONCORD ROAD WASTEWATER EXPANSION AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH" be introduced and be voted on after a prerequisite public hearing is conducted.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Proposed
Camp
Arrowhead
Area II
Expansion/
SCUSSD

John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Camp Arrowhead Area II Expansion of the Sussex County Unified Sanitary Sewer District (consisting of 25,875 square feet). Mr. Ashman reported that this is for a second section of the Camp requesting annexation in order to serve a proposed bathhouse, an expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area). The annexation request was submitted by the Diocesan Council for Camp Arrowhead. The Camp will be responsible for a pump station for their parcel and a force main to a connection point near the Woods on Herring Creek. There is an existing MOU in place that identifies what buildings on the Camp parcel can currently be connected. This bathhouse will be in addition to the buildings on the existing MOU. The parcels will be responsible for System Connection Charges of \$6,360.00 or the rate in place at the time of connection.

M 021 18
Authorize
Notices/
Proposed
Camp
Arrowhead
Area II
Expansion/
SCUSSD

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Engineering Department is authorized to prepare and post notices for the Camp Arrowhead Area II Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area), as presented.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Old
Business/
CZ 1838**

Under Old Business, the Council considered Change of Zone No. 1838 filed on behalf of Two Farms, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on November 16, 2017 at which time the Commission recommended approval.

The County Council held a Public Hearing on this application on December 12, 2017 at which time action was deferred.

**M 022 18
Adopt
Ordinance
No. 2539/
CZ 1838**

A Motion was made by Mr. Burton, seconded by Mr. Arlett, to Adopt Ordinance No. 2539 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.85 ACRES, MORE OR LESS" (Change of Zone No. 1838) filed on behalf of Two Farms, Inc.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

(It was noted that Mr. Burton was not in attendance at the Public Hearing on December 12, 2017; however, Mr. Burton stated that he has listened to the proceedings and reviewed the documentation in the record.)

**Grant
Requests**

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

**M 023 18
Council-
manic
Grant**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to American Youth Football for uniforms and equipment for the Seaford Elite organization.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 024 18
Council-
manic
Grant**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$2,500.00 (\$500.00 from each Councilmanic Grant Account) to the Immanuel Shelter for utilities.

Motion Adopted: 5 Yeas.

**M 024 18
(continued)**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Emergency
Funding**

A discussion was held regarding emergency funding for homeless shelters.

**Introduction
of Proposed
Ordinances**

Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETIREMENT COMMUNITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 43.748 ACRES, MORE OR LESS” (Conditional Use No. 2123) filed on behalf of Mark Yoder, Jr. (Tax I.D. No. 530-9.00-4.00 & 530-4.00-23.00) (911 Address: 6939 Hickman Road, Greenwood).

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AGRICULTURAL EDUCATIONAL FACILITY WITH COMMERCIAL KITCHEN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.9785 ACRES, MORE OR LESS” (Conditional Use No. 2124) filed on behalf of Jeri Berc (Tax I.D. No. 235-22.00-424.00) (911 Address: 16040 Hudson Road, Milton).

Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 HIGH - DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.8455 ACRES, MORE OR LESS” (Change of Zone No. 1849) filed on behalf of Batson Oaks, LLC (Tax I.D. No. 533-11.00-82.00) (911 Address: 36161 Zion Church Road, Frankford).

The Proposed Ordinances will be advertised for Public Hearing.

**Council
Members’
Comments**

Council Members’ Comments

Mr. Burton referenced comments previously made by Paul Reiger (during the public comment period on January 2, 2018) regarding the clarity of items placed on agendas. The Council discussed this matter with Mr. Lawson and Ms. Cornwell.

Mr. Cole discussed allocating additional emergency funding for homeless shelters. Mr. Lawson and Mrs. Jennings will discuss the matter and come back to Council with a recommendation.

M 025 18 **At 11:39 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session to discuss matters relating to potential litigation and land acquisition.**
Recess/
Go Into
Executive
Session **Motion Adopted: 5 Yeas.**

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

Executive **At 11:42 a.m., an Executive Session of the Sussex County Council was held**
Session **in the Basement Caucus Room to discuss matters relating to potential**
litigation and land acquisition. The Executive Session concluded at 12:55
p.m.

M 026 18 **At 12:58 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to**
Reconvene **come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 3 Yeas, 2 Absent.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Absent; Mr. Cole, Yea;
Mr. Vincent, Yea

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

M 027 18 **At 12:58 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to**
Recess **recess until 1:30 p.m.**

Motion Adopted: 3 Yeas, 2 Absent.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Absent;
Mr. Wilson, Absent; Mr. Cole, Yea;
Mr. Vincent, Yea

M 028 18 **At 1:35 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton, to**
Reconvene **reconvene.**

Motion Adopted: 4 Yeas, 1 Absent.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea ;
Mr. Wilson, Absent; Mr. Cole, Yea;
Mr. Vincent, Yea

Rules **Mr. Moore read the rules of procedure for public hearings.**

Public **A Public Hearing was held on the Proposed Ordinance entitled “AN**
Hearing **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**
AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A

**Public
Hearing/
CU 2108
(continued)**

LANDSCAPING BUSINESS WITH OUTDOOR STORAGE AND A RETAIL GARDEN CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK AND BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 39.004 ACRES, MORE OR LESS” (Conditional Use No. 2108) filed on behalf of Bella Terra, LLC. (Tax I.D. No. 230-27.00-70.00) (911 Address: 13482 Spicer Road, Ellendale)

The Planning and Zoning Commission held a Public Hearing on this application on December 14, 2017 at which time action was deferred. On December 21, 2017, the Commission recommended approval for the following reasons and with the following conditions:

- 1. The property is a large parcel consisting of 30.004 acres more or less and is located in a Low Density Area which designation recognizes that business development should be largely confined to businesses that address the needs of single family residences and agriculture.**
- 2. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business with outdoor storage and a retail garden sales center is consistent with the underlying agricultural zoning.**
- 3. The use will not adversely affect the nature of the area or neighboring properties.**
- 4. The intended use of the property as a material storage and landscaping sales facility is of a public or semi-public character that will benefit the residents and visitors of Sussex County.**
- 5. With the conditions and limitations placed upon the use, it will not have an adverse impact upon traffic roadways or area population.**
- 6. This recommendation is subject to the following conditions:**
 - A. The use shall be limited to landscaping business with outdoor storage and a retail garden sales center. Storage and sale of mulch is permitted.**
 - B. No manufacturing shall occur on the site. This prohibition includes the chipping, shredding, or grinding of any materials and also includes the dyeing of mulch or similar materials.**
 - C. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
 - D. The Applicant shall comply with all DeDOT requirements, including any entrance or roadway improvements.**
 - E. All stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of the stormwater management areas.**
 - F. Except as otherwise provided, all materials shall be stored in bins on a concrete or hot mix base. All runoff from the bins shall be controlled so that it does not travel to neighboring or adjacent properties, or adversely affect groundwater on the site.**

**Public
Hearing/
CU 2108
(continued)**

- G. Any chemicals related to this Conditional Use shall be stored in a building, shed, or covered structure so that chemicals are not left outside.**
- H. Repairs of any tools, equipment, machinery, vehicles, devices, or any other instruments used in the operation of the business shall be performed in a building, shed, or covered structure.**
- I. One lighted sign, not to exceed 32 square feet per side shall be permitted.**
- J. The area permitted under this Conditional Use is limited to the front portion of the property closer to Spicer Road and shall not include the rear portion of the property where there are existing woodlands. The area of the Conditional Use must be clearly marked on the Final Site Plan.**
- K. The Applicant shall be permitted to store up to 30 work trucks with trailers.**
- L. The landscape business shall only operate between the hours of 6:00 a.m. until 8:00 p.m., Monday through Saturday. The retail garden center shall operate between the hours of 6:00 a.m. until 8:00 p.m., Monday through Sunday.**
- M. The parking and storage areas shall be shown on the Final Site Plan, and clearly marked on the site itself.**
- N. The failure to abide by these conditions shall result in the termination of the Conditional Use approval.**
- O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated December 14 and 21, 2017.)

Janelle Cornwell, Planning and Zoning Director, presented the Conditional Use application.

The Council found that Michael Schimmel was present on behalf of the application. He stated that he is the owner of a landscape business; that he has been in business for 15 years; that his business has outgrown its current location; that he has purchased a larger parcel and is hoping to grow his own plant material and open a retail garden center along with the landscaping business; that he has no plans for the land at the back of the property which has been select cut prior to his purchase of the property; that a garden center would be located in front of the patch of trees; that additional greenhouses would be built and installed; that he has approximately 30 trucks/trailers plus employee vehicles on the site; that there is approximately 1 1/2 to 2 acres of parking area; that hours of operation are proposed to be 6:00 a.m. to 8:00 p.m. with additional hours for snow removal services only; that no crews start work prior to 7:00 a.m.; and that the Applicant agrees that his work vehicles will primarily use Route 16.

There were no public comments.

(continued) The Public Hearing and public record were closed.

M 029 18 A Motion was made by Mr. Cole, seconded by Mr. Burton, to amend the
Amend Planning and Zoning Commission's Reason #5 by adding the following
Condition sentence at the end: "The Applicant agreed that his work vehicles will
primarily use Route 16."

Motion Adopted: 3 Yeas, 2 Nays.

**Vote by Roll Call: Mr. Arlett, Nay; Mr. Burton, Yea;
Mr. Wilson, Nay; Mr. Cole, Yea;
Mr. Vincent, Yea**

M 030 18 A Motion was made by Mr. Cole, seconded by Mr. Arlett, to strike the
Amend Planning and Zoning Commission's wording in Condition K and replace it
Condition with the following: "There is a snow removal operation that is incidental in
use to this operation. The snow removal operation will be exempt from
hours of operation."

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

M 031 18 A Motion was made by Mr. Burton, seconded by Mr. Cole, to amend
Amend Condition L recommended by the Planning and Zoning Commission to read
Condition as follows: "The landscape business shall only operate between the hours of
6:00 a.m., which shall include operation of work equipment, vehicles and
any repairs and preparation of equipment, until 8:00 p.m., Monday through
Saturday. The retail garden center shall operate between the hours of 6:00
a.m. until 8:00 p.m., Monday through Sunday."

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

M 032 18 A Motion was made by Mr. Burton, seconded by Mr. Cole, to add the
Amend following sentence at the end of Condition M recommended by the Planning
Condition and Zoning Commission: "Dumpsters shall be screened from neighboring
uses and properties."

Motion Adopted: 3 Yeas, 2 Nays.

**Vote by Roll Call: Mr. Arlett, Nay; Mr. Burton, Yea;
Mr. Wilson, Nay; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 033 18
Adopt
Ordinance
No. 2540/
CU 2108**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to Adopt Ordinance No. 2540 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH OUTDOOR STORAGE AND A RETAIL GARDEN CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK AND BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 39.004 ACRES, MORE OR LESS” (Conditional Use No. 2108) filed on behalf of Bella Terra, LLC., for the following reasons and with the following conditions, as amended:

- 1. The property is a large parcel consisting of 30.004 acres more or less and is located in a Low Density Area which designation recognizes that business development should be largely confined to businesses that address the needs of single family residences and agriculture.**
- 2. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business with outdoor storage and a retail garden sales center is consistent with the underlying agricultural zoning.**
- 3. The use will not adversely affect the nature of the area or neighboring properties.**
- 4. The intended use of the property as a material storage and landscaping sales facility is of a public or semi-public character that will benefit the residents and visitors of Sussex County.**
- 5. With the conditions and limitations placed upon the use, it will not have an adverse impact upon traffic roadways or area population. The Applicant agreed that his work vehicles will primarily use Route 16.**
- 6. This recommendation is subject to the following conditions:**
 - A. The use shall be limited to landscaping business with outdoor storage and a retail garden sales center. Storage and sale of mulch is permitted.**
 - B. No manufacturing shall occur on the site. This prohibition includes the chipping, shredding, or grinding of any materials and also includes the dyeing of mulch or similar materials.**
 - C. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
 - D. The Applicant shall comply with all DeDOT requirements, including any entrance or roadway improvements.**
 - E. All stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of the stormwater management areas.**
 - F. Except as otherwise provided, all materials shall be stored in bins on a concrete or hot mix base. All runoff from the bins shall be controlled so that it does not travel to neighboring or adjacent properties, or adversely affect groundwater on the site.**

**M 033 18
Adopt
Ordinance
No. 2540/
CU 2108
(continued)**

- G. Any chemicals related to this Conditional Use shall be stored in a building, shed, or covered structure so that chemicals are not left outside.**
- H. Repairs of any tools, equipment, machinery, vehicles, devices, or any other instruments used in the operation of the business shall be performed in a building, shed, or covered structure.**
- I. One lighted sign, not to exceed 32 square feet per side shall be permitted.**
- J. The area permitted under this Conditional Use is limited to the front portion of the property closer to Spicer Road and shall not include the rear portion of the property where there are existing woodlands. The area of the Conditional Use must be clearly marked on the Final Site Plan.**
- K. There is a snow removal operation that is incidental in use to this operation. The snow removal operation will be exempt from hours of operation.**
- L. The landscape business shall only operate between the hours of 6:00 a.m., which shall include operation of work equipment, vehicles and any repairs and preparation of equipment, until 8:00 p.m., Monday through Saturday. The retail garden center shall operate between the hours of 6:00 a.m. until 8:00 p.m., Monday through Sunday.**
- M. The parking and storage areas shall be shown on the Final Site Plan, and clearly marked on the site itself. Dumpsters shall be screened from neighboring uses and properties.**
- N. The failure to abide by these conditions shall result in the termination of the Conditional Use approval.**
- O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU 2109**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOLISTIC TREATMENT CENTER INCLUDING MASSAGE, ACUPUNCTURE, AND CHIROPRACTOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.55 ACRE, MORE OR LESS” (Conditional Use No. 2109) filed on behalf of Quakertown Wellness Center (Tax I.D. No. 335-8.14-49.00 and 335-8.00-35.00) (911 Address: 1204 Savannah Road, Lewes).

**Public
Hearing/
CU 2109
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on December 14, 2017 at which time action was deferred. On December 21, 2017, the Commission recommended approval with the following conditions.

- A. The project shall be served by a publicly regulated central water system providing drinking water and fire protection as required by applicable regulations.**
- B. As stated by the Applicant, there shall be no more than 3,500 square feet of holistic health and professional office space on the site.**
- C. One lighted sign, not to exceed 32 square feet per side shall be permitted.**
- D. Trash generated by the business shall be managed by residential trash bins in a fashion similar to trash bins for residential usage.**
- E. All entrances, intersections, roadway improvements, and multi-modal facilities required by DelDOT shall be completed by the Applicant as required by DelDOT.**
- F. A fence and a landscape buffer of Leyland Cypress or similar vegetation shall be maintained or planted along the boundaries of the project adjacent to any residential properties so that the facility will be screened from view from any residential properties. The fence and landscape buffer must be located on the project site. The Final Site Plan shall contain a landscape plan showing the planned vegetation within this buffer area.**
- G. Any security lighting shall be low-level lighting on a timer and downward screened so that it does not shine onto neighboring properties or roadways.**
- H. Hours of operation shall be between 7 a.m. and 9:00 p.m., Monday through Saturday with limited Sunday hours by appointment provided that there shall be no appointments after 5 p.m. on Sundays.**
- I. The failure to abide by these conditions shall result in the termination of the Conditional Use approval.**
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated December 14 and 21, 2017.)

Janelle Cornwell, Planning and Zoning Director, presented the Conditional Use application.

The Council found that Kim Furtado was present on behalf of the application and stated that the Quakertown Wellness Center business has been in operation since 2001; that they were operating their practice down the street from this location; that this location (Parcels 35 and 49) will provide 3,500 square feet of professional healthcare space; that they are losing their lease at their existing site and found this new site; that they will have to make adjustments to the property based on ADA and the Fire Marshal; that they propose one lighted sign not to exceed 32 square feet per

**Public
Hearing/
CU 2109
(continued)**

side; that there will be a buffer along the southwestern side; that parking exists on Parcel 35; that they propose 18 parking spaces, per the Fire Marshal; and that fencing will be added along the parking area boundary.

The Council found that Harry Parsons (owner of the property) was present and stated that the Conditional Use is compatible with the area.

There were no public comments.

The Public Hearing and public record were closed.

**M 034 18
Amend
Condition
/
Denied**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to strike Condition H relating to hours of operation (recommended by the Planning and Zoning Commission).

Motion Denied: 4 Nays, 1 Yea.

**Vote by Roll Call: Mr. Arlett, Nay; Mr. Burton, Nay;
Mr. Wilson, Yea; Mr. Cole, Nay;
Mr. Vincent, Nay**

**M 035 18
Adopt
Ordinance
No. 2541/
CU 2109**

A Motion was made by Mr. Cole, seconded by Mr. Burton, to Adopt Ordinance No. 2541 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOLISTIC TREATMENT CENTER INCLUDING MASSAGE, ACUPUNCTURE, AND CHIROPRACTOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.55 ACRE, MORE OR LESS" (Conditional Use No. 2109) filed on behalf of Quakertown Wellness Center, with the following conditions:

- A. The project shall be served by a publicly regulated central water system providing drinking water and fire protection as required by applicable regulations.**
- B. As stated by the Applicant, there shall be no more than 3,500 square feet of holistic health and professional office space on the site.**
- C. One lighted sign, not to exceed 32 square feet per side shall be permitted.**
- D. Trash generated by the business shall be managed by residential trash bins in a fashion similar to trash bins for residential usage.**
- E. All entrances, intersections, roadway improvements, and multi-modal facilities required by DelDOT shall be completed by the Applicant as required by DelDOT.**
- F. A fence and a landscape buffer of Leyland Cypress or similar vegetation shall be maintained or planted along the boundaries of the project adjacent to any residential properties so that the facility will be screened from view from any residential properties. The fence and landscape buffer must be located on the project site. The Final Site**

**M 035 18
Adopt
Ordinance
No. 2541/
CU 2109
(continued)**

- Plan shall contain a landscape plan showing the planned vegetation within this buffer area.**
- G. Any security lighting shall be low-level lighting on a timer and downward screened so that it does not shine onto neighboring properties or roadways.**
 - H. Hours of operation shall be between 7 a.m. and 9:00 p.m., Monday through Saturday with limited Sunday hours by appointment provided that there shall be no appointments after 5 p.m. on Sundays.**
 - I. The failure to abide by these conditions shall result in the termination of the Conditional Use approval.**
 - J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CZ 1835**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.484 ACRES, MORE OR LESS” (Change of Zone No. 1835) filed on behalf of HKLS, LLC (Tax I.D. No. 334-12.00-51.00) (911 Address: Not Available).

The Planning and Zoning Commission held a Public Hearing on this application on December 14, 2017 at which time action was deferred. On December 21, 2017, the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated December 14 and 21, 2017).

Janelle Cornwell, Planning and Zoning Director, presented the Change of Zone application.

An Exhibit Booklet was previously submitted by the Applicant.

The Council found that Robert Gibbs, Attorney, was present with Ring Lardner of Davis Bowen and Friedel along with Keith and Sherry Martin, two of the owners. Mr. Gibbs and Mr. Lardner stated that the property is currently vacant and is located on the southeast corner of Plantation Road; that DelDOT issued a Letter of No Objection to the 2009 application (a conditional use application for medical offices which did not move forward); that a Traffic Impact Study was not required for the rezoning; that there are no federal wetlands on the site; that Sussex County will

**Public
Hearing/
CZ 1835
(continued)**

provide sewer service and Tidewater will provide water; that there are other commercial uses in the area and this application would be compatible with the area as there is a fair amount of this type of development on this corridor; that the property is located in the Environmentally Sensitive Development Area where development is anticipated and planned; and that there has been discussion about this application and the application for a potential assisted living facility to have a shared access / interconnection.

There were no public comments.

The Public Hearing and public record were closed.

**M 036 18
Adopt
Ordinance
No. 2542/
CZ 1835**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to Adopt Ordinance No. 2542 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.484 ACRES, MORE OR LESS" (Change of Zone No. 1835) filed on behalf of HKLS, LLC.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**M 037 18
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to adjourn at 2:50 p.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Robin A. Griffith
Clerk of the Council**

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

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Robert B. Arlett
The Honorable Irwin G. Burton III
The Honorable Samuel R. Wilson Jr.

FROM: Gina A. Jennings
Finance Director

RE: **PRIVATE ACTIVITY BOND REASSIGNMENT**

DATE: January 9, 2018

We have received correspondence from the State Department of Finance requesting that any unused portion of the County's annual Private Activity Bond Volume Cap be reassigned to the State. The State plans to allocate it to the State Housing Authority.

Private Activity Bonds (PABs) are tax-exempt bonds issued by public entities to provide low-cost financing for private projects that serve a public purpose. Federal tax law imposes a number of restrictions and requirements on the issuance of PABs. These bonds are for private entities and have no impact on Sussex County government. Qualified purposes include exempt facilities, such as non-government owned airports, docks, water and sewer facilities, and solid waste facilities; qualified mortgage programs; and small issue manufacturing facilities. IRS requires state and local governments to serve as conduits for these tax-exempt bonds so they will be regulated properly.

Typically, every year at this time, we reassign our unused portion to the State. Last year's Executive Order is attached showing each County's allocation back to the State. At the January 16, 2018 Council meeting, I will recommend that the County Council reassign the County's 2017 unused Private Activity Bond volume cap of \$30,535,000 to the State.

Sussex County's 2018 allocation is estimated to be about \$31,140,000, which represents 10 percent of the State's total allocation.

Please let me know if you have any questions.

Attachment

pc: Mr. Todd F. Lawson



STATE OF DELAWARE



**EXECUTIVE DEPARTMENT
DOVER**

EXECUTIVE ORDER
NUMBER THREE

TO: HEADS OF ALL STATE DEPARTMENT AND AGENCIES

RE: (1) ALLOCATION AND SUB-ALLOCATION OF STATE PRIVATE ACTIVITY BOND VOLUME CAP FOR CALENDAR YEAR 2017 AND (2) REALLOCATION OF STATE PRIVATE ACTIVITY BOND VOLUME CAP FOR CALENDAR YEAR 2016

WHEREAS, the Internal Revenue Service issued Revenue Procedure 2016-55, which provides the State of Delaware (the "State") with \$305,315,000 in private activity bond volume cap ("Volume Cap") for 2017, and pursuant to 29 DEL. C. §5091(a), the State's 2017 Volume Cap is to be allocated among the various State and local government issuers; and

WHEREAS, the Governor hereby confirms the initial allocation of the 2017 Volume Cap as set forth in 29 DEL. C. § 5091(a) to various State and local government issuers; and

WHEREAS, pursuant to 29 DEL. C. §5091(b), the State's allocation of 2017 Volume Cap of \$152,655,000 is to be sub-allocated by the Governor between the Delaware State Housing Authority and the Delaware Economic Development Authority; and

WHEREAS, pursuant to 29 DEL. C. §5091(d), the Governor has the right, by Executive Order, to modify the allocations made under 29 DEL. C. §5091(a) provided that no such modification shall cause any obligation issued prior to the date of such modification to lose its qualification for tax-exempt treatment under the Internal Revenue Code of 1986, as amended; and

WHEREAS, the allocation of Volume Cap for 2016 in Executive Order Number Fifty-Eight is subject to modification by further Executive Order; and

WHEREAS, also pursuant to Executive Order Number Fifty-Eight, \$151,435,000 of 2016 Volume Cap which had been allocated to the State of Delaware was further sub-allocated between the Delaware Economic Development Authority (\$75,717,500) and the Delaware State Housing Authority (\$75,717,500); and

WHEREAS, pursuant to Executive Order Number Fifty-Eight, \$151,440,000 of 2016 Volume Cap which had been allocated to local government issuers as described in 29 DEL. C. §5091(a) is hereby reassigned as follows:

- New Castle has reassigned \$53,000,000 of its unallocated Volume Cap for 2016 to the State of Delaware,
- Kent County has reassigned \$30,290,000 of its unallocated Volume Cap for 2016 to the State of Delaware,
- Sussex County has reassigned \$30,290,000 of its unallocated Volume Cap for 2016 to the State of Delaware,
- The City of Wilmington has reassigned \$37,860,000 of its unallocated Volume Cap for 2016 to the State of Delaware; and

WHEREAS, the Secretary of Finance recommends: (i) that the State's \$152,655,000 of 2017 Volume Cap be allocated between the Delaware State Housing Authority (\$76,327,500) and the Delaware Economic Development Authority (\$76,327,500); (ii) that the \$75,717,500 of unallocated 2016 Volume Cap previously sub-allocated to the Delaware Economic Development Authority be reassigned to the Delaware State Housing Authority for carry forward for use in future years; and (iii) that the \$151,440,000 of unallocated 2016 Volume Cap reassigned to the State of Delaware by local issuers be sub-allocated to the Delaware State Housing Authority for carry forward for use in future years; and

WHEREAS, the Chairperson of the Delaware Economic Development Authority and the Chairperson of the Delaware State Housing Authority concur in the recommendation of the Secretary of Finance.

NOW, THEREFORE, I, JOHN C. CARNEY, by the authority vested in me as Governor of the State of Delaware, do hereby DECLARE and ORDER that:

1. The \$152,655,000 allocation to the State of Delaware of the 2017 Volume Cap is hereby sub-allocated: \$76,327,500 to the Delaware State Housing Authority and \$76,327,500 to the Delaware Economic Development Authority.
2. \$152,660,000 of the 2017 Volume Cap is hereby allocated to the various local government issuers as follows:
 - \$53,430,000 of the 2017 Volume Cap is hereby allocated to New Castle County, Delaware;
 - \$38,160,000 of the 2017 Volume Cap is hereby allocated to the City of Wilmington, Delaware;
 - \$30,535,000 of the 2017 Volume Cap is hereby allocated to Kent County, Delaware; and
 - \$30,535,000 of the 2017 Volume Cap is hereby allocated to Sussex County, Delaware.
3. The \$151,440,000 of unallocated 2016 Volume Cap that has been reassigned by New Castle County, Kent County, Sussex County and the City of Wilmington to the State of Delaware is hereby re-allocated to the Delaware State Housing Authority for carry forward use. In addition, the \$75,717,500 of 2016 Volume Cap previously sub-allocated to the Delaware

Economic Development Authority under Executive Order Number Fifty-Eight is hereby re-allocated to the Delaware State Housing Authority for carry forward use. Furthermore, the \$66,205,500 of unused 2016 Volume Cap previously sub-allocated to the Delaware State Housing Authority under Executive Order Number Fifty-Eight is to be carried forward for a total carry forward amount of \$293,363,000.

4. The aforesaid sub-allocations have been made with due regard to actions taken by other persons in reliance upon previous sub-allocations to bond issuers.



APPROVED this 13th date of February 2017.

John C. Carney

John C. Carney
Governor

ATTEST:
[Signature]

acting Secretary of State

r

ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
AIRPORT & INDUSTRIAL PARK (302) 855-7774
ENVIRONMENTAL SERVICES (302) 855-7730
PUBLIC WORKS (302) 855-7703
RECORDS MANAGEMENT (302) 854-5033
UTILITY ENGINEERING (302) 855-7717
UTILITY PERMITS (302) 855-7719
UTILITY PLANNING (302) 855-1299
FAX (302) 855-7799



Sussex County

DELAWARE
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable I.G. Burton, III
The Honorable Samuel R. Wilson, Jr.
The Honorable Robert B. Arlett

FROM: Hans Medlarz, P.E., County Engineer

RE: *Asset Management, Phase II*
KCI Technologies, Inc. – Contract Amendment No.3

DATE: January 9, 2018

On September 15, 2015, Utility Planning presented a DNREC sponsored Asset Management Initiative offering partial financing of a 5-year sewer asset management program development effort. Subsequently, Council authorized Resolution No. R 015-15 to submit the application for \$100,000 towards program implementation, which was approved.

On June 3, 2014, County Council awarded five-year on-call contracts for miscellaneous consultant services to KCI Technologies and six (6) other engineering firms. On March 17, 2015, Amendment No. 1 for PS #33 Upgrades was executed, in the amount of \$218,181.00. On October 29, 2015, the Engineering Department approved a P.O. under the KCI Technologies' base contract covering the Asset Management program initiation and an associated pilot project in the amount of \$48,927.70. In an effort to reduce costs and streamline the mapping component of the program implementation, the Engineering Department, with the assistance of the County Mapping & Addressing Section brought in Salisbury University's Eastern Shore Regional GIS Cooperative.

During the pilot stage development of the Asset Management Program, the County Team met with KCI Technologies and the Eastern Shore Regional GIS Cooperative, discussing the most economical implementation approach. On August 22, 2017, Council approved Amendment No. 2 in the amount of \$123,860.00, representing the quality assurance stages of the implementation effort.

A recent water main break in the Dewey Beach water district revealed some challenges in the isolation of the affected area. The system as built documentation is not conducive to a large area overview. Therefore, the Engineering Department requested a scope from KCI, Inc. to expand the mapping effort to the water side. We are now requesting Council's approval of Amendment No. 3 to KCI Technologies' base contract in the amount of \$12,948.00 to provide compilation services for the development of an initial Geographic Information System of the County's water system in the greater Dewey Beach area.



AMENDMENT 3
EXHIBIT A-3
Asset Management, Phase II

SUSSEX COUNTY, DELAWARE

This contract amendment, Exhibit A-3, dated _____, 2018, amends the original contract dated February 10, 2015 between Sussex County Council, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the OWNER, and KCI TECHNOLOGIES, INC., a State of Delaware Corporation, as the Second Party, hereinafter referred to as the ENGINEER, whose address is 614 N. DuPont Highway, Dover, DE 19901. By execution of this contract exhibit, the following attachments, in the amount not to exceed **Twelve Thousand, Nine Hundred and Forty-Eight Dollars (\$12,948.00)**, are hereby added to the Original Contract. The provisions of the Original Contract dated February 10, 2015, remain in effect and fully valid.

Exhibit A-3

Attachment 1 – Engineer’s Services for Asset Management, Phase II – Dewey Beach Water Mapping System

IN WITNESS WHEREOF, the parties hereunto have caused this Exhibit A-3 to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:
SUSSEX COUNTY

Michael Vincent
President, Sussex County Council

Date

PREVIOUSLY APPROVED FORM

ATTEST:

Robin Griffith
Clerk of the Sussex County Council

FOR THE ENGINEER:

KCI TECHNOLOGIES, INC.



Timothy Wolfe, P.E., BCEE
Vice President

WITNESS:

Attachment 1 –Asset Management, Phase II – Dewey Beach Water System Mapping

Background:

Sussex County has requested that KCI provide compilation services in order to develop an initial Geographic Information System (GIS) of the County's water system in the Dewey Beach area. Over the past two years, KCI has supported the County in the design, development, compilation and QA/QC of their sewer system. The sewer system was compiled from the County's CAD drawings and is currently being finalized over the next month. KCI will use the compilation procedures developed during this process along with ESRI's Local Government Information Model in order to migrate the water distribution system from CAD into a GIS geodatabase.

Scope of Services:

TASK 1: COMPILATION

In order to clearly portray the compilation process, the KCI Team will develop a Compilation Procedures Document. This document will cover all processes and methodologies employed during the geodatabase compilation task, including tracking source data to their final destination in the geodatabase model, identification of features to be captured, identification of how attributes will be assigned, default attribute values if applicable, decision trees, etc.

Using the Compilation Procedures Document, the KCI Team will compile the water system in the Dewey Beach area from the County CAD drawings into a GIS format. The first task will be to geo-reference each of the drawings into the Delaware state plane coordinate system. This process will allow the drawings to be located in a geographic information system so that other reference layers can be overlaid and the features captured will have an accurate geographic assignment. Next, the KCI Team will bring together the geo-referenced drawings, base reference layers (centerline, buildings, etc.) and the CAD data using ESRI's ArcMap desktop mapping software. Asset features and information will be captured from the drawings or the CAD data into the geodatabase using the established compilation procedures.

TASK 2: QUALITY ASSURANCE / QUALITY CONTROL

KCI employs a two-fold, post-process QC phase consisting of automated digital checks and an interactive cartographic and content review. These processes include quality audits that take place at several points during the data compilation process. Problems discovered during the internal audits result in the error being flagged and the corresponding area being returned to the initial phases of the workflow, with specific instruction to the appropriate personnel to resolve the error.

Using ESRI's Data Reviewer, KCI will develop a set of automated checks that will be performed on 100% of the compiled data. Automated checks can be used to perform many automated checks for valid values, null values, values out of range, topology check and customized queries based on the attribute information. The automated checks will be delivered to the County for future use of in-house work or deliveries. Upon completion of the compilation, KCI will perform QA/QC based on the developed ESRI Data Reviewer checks. Issues that are identified will be resolved and the checks rerun.

In addition to automated checks, an independent reviewer will perform visual checks between the CAD data source and the compiled geodatabase in order to identify any missed features, inaccurate attribution, etc. Issues that are identified will be resolved.

Once the water geodatabase passes the QA/QC, the KCI Team will deliver the geodatabase to the County for review.

Deliverables: Water geodatabase, QA/QC automated check routine and Compilation Procedures Document.

Total Estimated Labor Fee: \$12,948.00

This fee specifically excludes reimbursable expenses which will be billed in accordance with the approved rate schedule below:

**EXHIBIT C - Appendix 1
KCI TECHNOLOGIES, INC.
SCHEDULE OF RATES - EFFECTIVE JANUARY, 2014**

<u>CLASSIFICATION</u>	<u>JOB DESCRIPTION</u>	<u>2014</u>
01	Principal-in-charge	\$135.00
48	Sr. Project Manager	\$130.00
02	Project Manager	\$120.00
51	Sr. Project Engineer	\$109.00
03	Project Engineer	\$105.00
45	Sr. Project Designer	\$85.50
46	Design Supervisor	\$93.00
04	Project Designer	\$74.00
49	Review Engineer	\$109.00
50	Sr. Plan Reviewer	\$71.50
44	Jr. Plan Reviewer	\$63.50
52	Sr. Environmental Engineer	\$137.00
16	Environmental Engineer (P.E.)	\$109.00
17	Environmental Scientist	\$103.00
18	Environmental Technician	\$69.00
53	Sr. CADD Technician	\$79.00
05	CADD Technician	\$71.00
08	Professional Land Surveyor	\$120.00
09	Survey Technician	\$76.00
11	Survey Technician 1	\$60.00
11.1	Sr. Survey Technician	\$85.00
10.1 & 10.2	Survey Crew (2 person)	\$125.00
10.3	Survey Crew (1 person / robot)	\$98.00
12	Construction Services Manager	\$117.00
13	Construction Services Supervisor	\$86.00
29	Certified Construction Inspector	\$71.00
14	Construction Services Inspector	\$69.00
15	Jr. Construction Services inspector	\$58.50
06	Technical Assistant	\$58.00
07	Administrative Assistant	\$40.00
19	Geotechnical Engineer (P.E.)	\$119.00
20	Geotechnical Technician	\$72.50
21	Transportation / Traffic Engineer	\$105.00
22	Transportation / Traffic Designer	\$72.50
34	Sr. Electrical/Mechanical Engineer	\$135.00
23	Mechanical Engineer (P.E.)	\$110.00
24	Electrical Engineer (P.E.)	\$110.00
25	Structural Engineer (P.E.)	\$110.00
33	Sr. Structural Engineer	\$135.00
30	Structural Technician	\$72.50
26	Sr. GIS Specialist	\$110.00
27	Sr. Hydrogeologist	\$120.00
28	Hydrogeologist	\$105.00
31	Landscape Architect (RLA)	\$105.00
32	Landscape Designer	\$72.50
35	Architect	\$120.00
60	GIS Technician	\$63.00
61	GIS Analyst	\$83.00
62	Business Analyst	\$103.00
63	IT Specialist	\$125.00

* Night work and weekend work may result in higher rates due to shift differential.

REIMBURSABLES

Mileage (\$/mile) \$.50/mile
Mailings @ cost

LARGE FORMAT REPRODUCTIONS

Prints (\$/SF) \$0.50
Mylars (\$/SF) \$2.00

PRINT / COPY SERVICES

8 1/2 x 11 black & white \$0.10
8 1/2 x 11 color \$0.50
11 x 17 color \$1.00

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
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Sussex County

DELAWARE

sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable I.G. Burton, III
The Honorable Robert B. Arlett

FROM: Hans Medlarz, County Engineer

RE: ***Delaware Coastal Business Park (f.k.as King Farm Industrial Park)
Becker Morgan Group, Inc. Professional Services Contract
Scope Amendment No.1***

DATE: January 16, 2018

On November 29, 2016, Council authorized the purchase of the King Farm Industrial Park and the assumption of existing contractual arrangements held by Georgetown Airport Center, LLC. Under this arrangement, the County assumed the construction contracts with Melvin L. Joseph Construction Co., Inc. for the DelDOT entrance and +/-500 feet of the Baltimore Avenue boulevard section for access to the Atlantis Industries Corporation and Lease Area 2.

In addition, Georgetown Airport Center, LLC had utilized two (2) professional design consultants during the development phase. The original design was performed by Landmark Engineering. The land use and stormwater management approvals were based on their design. Then, Georgetown Airport Center, LLC retained the services of Becker Morgan Group, Inc. to design the DelDOT entrance and boulevard plans connecting to the County owned business park via Baltimore Avenue.

On March 14, 2017, Council approved the assumption of Georgetown Airport Center, LLC's Professional Engineering Contract and retained the Engineer of Record, Becker Morgan Group, Inc., as the consultant for Delaware Coastal Business Park on a time and material basis, in accordance with their hourly rate schedule with a not to exceed limit of \$200,000.

During the ongoing street design for the remainder of the Park, it became apparent that a better street layout could be achieved if the drive aisle behind the Atlantis Industries Corporation were incorporated in the northern park access road via a modification of lease lines.



On October 10, 2017, Council approved this approach contingent upon execution of a Memorandum of Understanding between Sussex County and AIC Building, LLC. Said memorandum was executed and the roadway alignment will be redesigned.

The revised alignment created a four-way intersection with Baltimore Avenue and the County will have to design and construct approximately 300 feet of roadway with the associated stormwater improvements to serve lease area 2. With additional stormwater management required, it provides an opportunity for the County to over-manage the Park allowing additional unmanaged development on the Airport property.

To accomplish the engineering tasks, the Engineering Department requested a scope modification from Becker Morgan Group, Inc. to design the new and realigned roadway segments and the stormwater over-management in an amount not to exceed \$48,000.00. The Engineering Department therefore recommends approval of scope amendment no.1 for Becker Morgan Group, Inc. in said amount.



ARCHITECTURE
ENGINEERING

Work Authorization

Date: December 21, 2017

Project: Sussex County Business Park **Project Manager:** Gregory V. Moore, P.E.

Project No: 2017019.01 **Principal in Charge:** Gregory V. Moore, P.E.

Description of work to be performed: This work is authorized pursuant to the agreement dated March 10, 2017, between Sussex County and Becker Morgan Group, Inc. for the following project: Sussex County Business Park, Georgetown, Delaware.

Task 001 – Stormwater Over-Management \$30,000.00

DNREC is currently exploring the idea of "banking" program for stormwater management. You would like Becker Morgan Group to work with you to investigate opportunities for over-management on the Sussex County Business Park to allow development elsewhere. We will coordinate our investigation with you, DNREC and Sussex Conservation District and document our findings for your use.

Task 002 – Subsurface Exploration for Soil Borings \$8,000.00

Becker Morgan Group will have Geo-Technology Associates, Inc (GTA) perform a subsurface exploration at the Sussex County Business Park project located on Park Avenue in Georgetown, Delaware. GTA will prepare a preliminary geotechnical engineering report that will include field exploration results, laboratory analysis and recommendations for roadway earthwork and pavement thickness construction and the estimated "seasonal high groundwater level".

Task 003 – Roadway Design \$10,000.00

We will provide design services for the construction of an additional 300 feet of interior roadway at the Sussex County Business Park. In your negotiations with a future Park tenant, you have committed to providing roadway access to the tenants site. The new roadway will originate perpendicular to Baltimore Avenue and extend 300' south to provide access to lease parcels 1 & 2.

Construction Budget (if applicable): **Fixed Fee Budget: \$48,000.00**

Phase of Work

- Design
- Construction Docs
- Bid/Construct Phase
- Other:

Billing Instructions

- included in basic fee
- additional services, increase budget
- additional services, separate account
- additional services, separate task

<p>Client <i>Hans Medlarz</i></p> <p>Signature: <i>Hans Medlarz</i></p> <p>Name: <i>Hans Medlarz</i></p> <p>Title: <i>County Engineer</i></p> <p>Organization: <i>Sussex County</i></p> <p>Date: <i>1/9/18</i></p>	<p>Principal <i>Gregory V. Moore</i></p> <p>Signature: <i>Gregory V. Moore</i></p> <p>Name: <i>Gregory V. Moore</i></p> <p>Title: <i>Vice President</i></p> <p>Organization: <i>Becker Morgan Group, Inc.</i></p> <p>Date: <i>12/21/17</i></p>
---	---

Routing

- PM PIC Accounting Owner Contractor

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: November 18, 2017

RE: County Council Report for Ordinance regarding Special Events

The Planning and Zoning Commission held a public hearing on October 26, 2017 regarding a proposed Ordinance to amend Special Events. The following are the minutes and motion for the proposed changes to the Zoning Code from the Planning and Zoning Commission meeting.

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, VI, X, XI, XIA, and XII BY AMENDING SECTIONS §§115-20, 115-22, 115-39, 115-69, 115-71, 115-77, 115-79, 115-83.2, 115-83.5, 115-85 and 115-87 TO AMEND AND CLARIFY CERTAIN SHORT-TERM "SPECIAL EVENTS" AS PERMITTED USES IN THE AR-1, GR, B-1, C-1, CR-1 and M DISTRICTS

Mr. Robertson stated that there are currently two separate parts of the Code that address special uses/events; that there is Section 115 in the AR-1 Section 115-23 which deals with Special Use Exception; that the Planning and Zoning would not see those because they go to the Board of Adjustment (BOA); that in 115-23 reads, "tents for special purposes for a period exceeding 3 days. The Director may, without requiring an application for a special use exception, grant approval for a tent for a special purpose (revival, reception, tent sale, as an accessory to a business or commercial use, or other similar activities). If approved by the Director, a tent for special purposes may be utilized on a parcel no more than three times in a calendar year." That it is limited to tented events, although it has evolved to include tent-like advertising such as large blow-ups; that it is less than three day, the Director can approve it; that more than three days, you have to go to the BOA, which requires a full application, a hearing, application fees, and time involved getting on the agenda for the BOA; that if approved, there is a three event limit in this section; that also in the past, it is the understanding that the Director and staff try to require set up and tear down to occur within the three days, although there were some reasonable accommodations; that this is not stated in the Code either way; that there is also a in Section AR-1 that talks about Conditional Uses; that it says "Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, races/walks or any other special event or mass gathering being held outdoors or without a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events as defined herein, with a duration not exceeding three days, are not subject to the Conditional Use process. Upon receipt of an application,



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

the Director or his/her designee may grant approval of a special event not exceeding three days. All special events regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.”; that if less than three days, the Director can approve administratively; that if more than three days, the applicant needs to seek a Conditional Use, which requires public hearings before both the Planning and Zoning Commission and County Council; that there is no limit on the number of times a three day event could occur on a property, although the County has historically looked to the tent ordinance for guidance and also applied the three event limit, until recently when the County looked to accommodate some events; that there is also no indication of whether set-up and tear down is part of the three days; that there is no guidance given to the County to decide whether to approve or deny any event less than three days unlike the tent policy; that this is not available currently in all districts, that is only stated in AR-1, GR, B-1, C-1, CR-1 and M Districts; that theoretically, some could request three day events every weekend on a property and there would not be any guidance or clear basis whether to approve or deny them; that that gave rise to the thought – at what point is an event no longer “special” and occurring so much that it requires some other level of approval; that the Code did not give any guidance on that question; that the Goals of this Ordinance; that first, as you know, no part of this Ordinance is set in stone’ that they don’t believe County Council intended it to be that way; that after the public hearings, changes/improvements to it are certainly likely and expected; that they looked at all sorts of other jurisdictions – urban, suburban and rural; that they are all over the place in how they treat special events – from near prohibition to lots of red tape; that they have many different limitations or descriptions of what is permitted, with different durations; that some have minimum parcel size requirements and some require fees; that staff tried to keep it simple and close to what we have now; that it does not apply to anything in any town; that there are no fees associated with the application, unless it is for greater than three days (either BOA or CU depending on type); that it is not intended to put a stop to any events. Instead, give better guidance to the public, applicants and the County on the process, contrary to the vague ordinances we have now; that it clarifies our Code to state that these permitted events (less than three days) fall within the “Permitted Uses” section of various districts in the Code. Right now, it is all within CU section of Code, even if you are less than three days and can be permitted by the Director; that it clears up that set up and tear-down are not counted against the event days; that if the event is denied by the Director, you can always appeal that decision to the BOA. That is a right that any aggrieved party has with regard to any decision of the Director under Title 9 and the zoning code; that does not create any new rules or, if it is denied, you can seek a CU, which is what the Code currently states; that the criteria the Director must consider under the proposed Ordinance (all considerations that the County has historically looked at, but never codified anywhere):the number of participants, size of the parcel, parking needs, roads/traffic patterns, prior events, conducted by the applicant, noise, light, odor and dust, proposed hours of operation; that there are some variables within the proposed Ordinance to consider: how many events are appropriate on a parcel in a given year, how many days should each event last? (introduced Ordinance says you get three days of events, whether it is one three-day event, or three one day events), not stated in the Ordinance, but could be considered – some exemption based on the number of participants or size or both or percentage, and an application form; and that if the Ordinance gets adopted and it is finalized, there would be an application form that everyone would use; that they would understand what the criteria are when they apply.

Ms. Cornwell stated that there were three letters in opposition; that one would actually like to address noise and reduce the number the number of events allowed; and that they would like some revisions to the proposed Ordinance.

The Commission found that Joanne and Roger White, Christian Hudson, John Paradee, Tommy Cooper, Judy Mangini, Lynn Brannon, Natasha Norwood Carmine, Ben Jones, Jen Rowan, Pat

Martin, Lindsey Tobin, Gail Elliott, Sarah Lancaster, Bea Hickey, Scott Dailey, Kevin Burdette, DJ Hughes, Tom Colucci, Steven Spence, Ryan Moore, Matt Windsor, Alana Keely, Chris Weeks, Tim Van Bryant, Alex Pires, William Lankford, and Peter Mercado spoke regarding the ordinance; that they would like some changes to the application; that they would to see an application form to include site plan, a business license, and permits to serve alcohol; that the applicant have a letter of coordination with Police and Fire service for coverage of the event; that a letter be provided for waste services, they have liability insurance for the event; that music/noise should be in a manner consistent with the peace and order of the community; that the special event should be posted on the County website for two weeks to allow for public comment prior to the event approval by the Director; and that they have major concerns with traffic, number of events, and lack of notification; that they have concerns with the noise; that how do you keep young people here and the young people want things to do; that they it takes a lot of time and money for a Conditional Use; that there have not been a lot of approvals and the County has sponsored or held over 300 events; that they do not understand the definitions of events; that there are a lot of illegal events in Sussex County; that there were 56 concerts held in a MR District last year; that they have concerns with events being held at VFW and Fire Halls; that what would or could be exempt; that it is important to have venues for young people; that they have concerns with churches holding events; that a public workshop should take place so they can speak; that they believe that when people come together at local events they gain a sense of belonging that increases their participation in their communities; that the County should collaborate with us in retaining and magnifying the great qualities that make Sussex County a sought after community to call home; that the County needs to keep down the number of regulations; that it is not the number of events, it is that concerts are a separate issue; that because of growth in our population is growing, there is a need for limits, updating old Ordinances; that we need regulations to consider the problems of late hours, loud noise, event lights, traffic congestion, and maximum number of concerts allowed; that zoning is to provide a benefit to the community; that the Ordinance creates more problems than solutions; that it lacks quantitative objectives and measures; that the Ordinance does not provide guidance on how the County is going to monitor these activities; that they have concerns with yard sales; that they recommend to have open workshops or committee to redraft another Ordinance that better addresses the items that they have indicated are important them; that why do parades in town limits need a County permit, a Town permit and a DelDOT permit; that barn wedding parties are not subject to County regulations; that the Government should be careful of writing too complicated Code; that non-profit events should be exempt; that the County needs a public park and recreation field; that safety is needed; that it is difficult to find venues for non-profit events; that they have concerns about youth development; that will this Ordinance force some of these events to end or leave the County; that these events create confident and resilient kids and they provide a family atmosphere that forms close knit communities that support one another; that this could create obstacles to youth development creating a false hope of limiting minor inconveniences between neighbors; that it is their opinion that fences do not make good neighbors and in this case barriers do not make good neighbors but corporation and collaboration between those neighbors is what you are looking for; that you can hear the music because the County is flat; that request of any Ordinance created, the County should abide by it as well; that concerts do not make money; that all liquor sales go charities; that they would like them to use common sense; and that you talk to the non-profit groups.

The Commission discussed the application.

Motion by Mr. Wheatley, seconded by Mr. Hopkins, and carried unanimously to recommend withdraw and if continue to be done with a public workshop format. Motion carried 5-0.

1 ORDINANCE NO. _____

2 AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER
3 115, ARTICLES IV, VI, X, XI, XIA, and XII BY AMENDING SECTIONS §§115-
4 20, 115-22, 115-39, 115-69, 115-71, 115-77, 115-79, 115-83.2, 115-83.5, 115-85 and
5 115-87 TO AMEND AND CLARIFY CERTAIN SHORT-TERM “SPECIAL
6 EVENTS” AS PERMITTED USES IN THE AR-1, GR, B-1, C-1, CR-1 and M
7 DISTRICTS.

8 WHEREAS, Sussex County Council recognizes that certain Special Events
9 are a benefit to Sussex County, its residents and visitors and its economy; and

10 WHEREAS, Sussex County Council desires to provide clear direction within
11 its Zoning Code as to the methods of obtaining approvals for Special Events; and

12 WHEREAS, it is not the intention to prohibit Special Events from occurring,
13 only to clearly establish the method of: (1) obtaining permits for them with over-the-
14 counter approvals for certain events that are short term and not recurring; and (2) via
15 the conditional use process for events that occur more regularly or have a greater
16 impact on surrounding properties, roadways or other considerations; and

17 WHEREAS, several zoning districts (AR-1, GR, B-1, C-1, CR-1, and M)
18 currently provide that Special Events require a conditional use approval, unless
19 certain unspecific criteria are satisfied; and

20 WHEREAS, Sussex County Council desires to add further definition and
21 clarity to what may be considered a permitted “special event” that does not require
22 a conditional use approval, and provide the Director of the Office of Planning and
23 Zoning direction on what to consider in approving a permitted Special Event; and

24 WHEREAS, Sussex County Council desires to clarify the Code by inserting
25 permitted “Special Events” within the “Permitted Uses” section of the various
26 zoning districts within the Zoning Code, while stating that other Special Events not
27 approved as a Permitted Use administratively shall still require a conditional use
28 approval; and

29 WHEREAS, these amendments will promote the health, safety and welfare of
30 Sussex County, its residents, visitors and businesses; and

31 WHEREAS, additions to the Code of Sussex County are indicated with
32 language that is both *underlined and italicized* and deletions to the Code of Sussex
33 County are indicated with [brackets].

34 NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

35 **Section 1.** The Code of Sussex County, Chapter 115, Article IV, §115-20 is hereby
36 amended by inserting a new subparagraph A.(13) immediately after subparagraph
37 A.(12) as follows:

38 **§115-20 Permitted uses.**

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

40 (13) Special events such as circuses, carnivals, midways, promotional and
41 tent sales events; fairs, festivals, concerts, rodeos, shows, races/walks or any other
42 event or mass gathering being held outdoors or within a temporary structure or at
43 a site and for a purpose different from the permitted use and usual occupancy of the
44 premises or site. Such special events may be administratively approved by the
45 Director or his or her designee, when, in his or her judgment, the proposal will not
46 impair the purpose and intent of the zoning ordinance, and when the use is not so
47 recurring in nature as to constitute a permanent use not otherwise permitted in the
48 district, and when the use will not significantly affect the surrounding properties.

49
50 In determining whether to administratively approve the special event, the Director
51 or his or her designee shall take into account considerations including (but not
52 limited to) the following: the estimated number of attendees; the size of the parcel
53 where the special event is to be located; the parking requirements of the special
54 event; roads and traffic patterns providing access to the special event; prior events
55 conducted by the applicant; noise, light, odor, and dust generated by the special
56 event; proposed hours of operation and number of consecutive days; and such other
57 considerations that may be applicable to the requested event. The Director or his
58 or her designee may impose conditions upon an administrative approval, including
59 (but not limited to) hours of the event and maximum attendance. No more than three
60 (3) special events shall be approved for the same property or premises during a
61 calendar year. Each calendar day of a special event shall be counted as a separate
62 special event, not including reasonable time required for set up and removal when
63 the event is not otherwise underway.

64
65 All special events, regardless of size, use or duration, shall be subject to the
66 requirements of the Sussex County Special Event Policy. Special events that do not
67 meet these requirements or which are not administratively approved shall require a
68 conditional use. Special events that are small in size and do not affect surrounding
69 properties shall not require administrative approval.

70

71 **Section 2.** The Code of Sussex County, Chapter 115, Article IV, §115-22 is hereby
72 amended as follows:

73 **§115-22 Conditional uses.**

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

76 . . .

77 Special Events such as circuses or carnival grounds, amusement parks or
78 midways, festivals, concerts, race/walks or any other special event or gathering
79 being held outdoors or within a temporary structure or at a site and for a purpose
80 different from the designated use and usual occupancy of the premises and located
81 on unincorporated lands within Sussex County, permanently or for a temporary time
82 period exceeding three days. [Special events as defined herein, with a duration not
83 exceeding three days, are not subject to the conditional use process. Upon receipt
84 of an application, the Director or his/her designee may grant approval of a special
85 event not exceeding three days.] Special Events not approved by the Director as a
86 permitted use under §115-20 shall require a conditional use permit. All special
87 events regardless of duration, shall be subject to the requirements of the Sussex
88 County Special Event Policy.

89 **Section 3.** The Code of Sussex County, Chapter 115, Article VI, §115-39 is hereby
90 amended as follows:

91 **§115-39 Conditional uses.**

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

94 . . .

95 Special Events such as circuses or carnival grounds, amusement parks or
96 midways, festivals, concerts, race/walks or any other special event or gathering
97 being held outdoors or within a temporary structure or at a site and for a purpose
98 different from the designated use and usual occupancy of the premises and located
99 on unincorporated lands within Sussex County, permanently or for a temporary time
100 period exceeding three days. [Special events as defined herein, with a duration not
101 exceeding three days, are not subject to the conditional use process. Upon receipt
102 of an application, the Director or his/her designee may grant approval of a special
103 event not exceeding three days.] Special Events not approved by the Director as a

104 permitted use under §115-37 shall require a conditional use permit. All special
105 events regardless of duration, shall be subject to the requirements of the Sussex
106 County Special Event Policy.

107 **Section 4.** The Code of Sussex County, Chapter 115, Article X, §115-69 is hereby
108 amended by inserting a new subparagraph A.(27) immediately after subparagraph
109 A.(26) as follows:

110 **§115-69 Permitted uses.**

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

112 (27) Special events such as circuses, carnivals, midways, promotional and
113 tent sales events; fairs, festivals, concerts, rodeos, shows, races/walks or any other
114 event or mass gathering being held outdoors or within a temporary structure or at
115 a site and for a purpose different from the permitted use and usual occupancy of the
116 premises or site. Such special events may be administratively approved by the
117 Director or his or her designee, when, in his or her judgment, the proposal will not
118 impair the purpose and intent of the zoning ordinance, and when the use is not so
119 recurring in nature as to constitute a permanent use not otherwise permitted in the
120 district, and when the use will not significantly affect the surrounding properties.

121
122 In determining whether to administratively approve the special event, the Director
123 or his or her designee shall take into account considerations including (but not
124 limited to) the following: the estimated number of attendees; the size of the parcel
125 where the special event is to be located; the parking requirements of the special
126 event; roads and traffic patterns providing access to the special event; prior events
127 conducted by the applicant; noise, light, odor, and dust generated by the special
128 event; proposed hours of operation and number of consecutive days; and such other
129 considerations that may be applicable to the requested event. The Director or his
130 or her designee may impose conditions upon an administrative approval, including
131 (but not limited to) hours of the event and maximum attendance. No more than three
132 (3) special events shall be approved for the same property or premises during a
133 calendar year. Each calendar day of a special event shall be counted as a separate
134 special event, not including reasonable time required for set up and removal when
135 the event is not otherwise underway.

136
137 All special events, regardless of size, use or duration, shall be subject to the
138 requirements of the Sussex County Special Event Policy. Special events that do not
139 meet these requirements or which are not administratively approved shall require a

140 conditional use. Special events that are small in size and do not affect surrounding
141 properties shall not require administrative approval.

142

143 **Section 5.** The Code of Sussex County, Chapter 115, Article X, §115-71 is hereby
144 amended as follows:

145 **§115-71 Conditional uses.**

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

148 . . .

149 Special Events such as circuses or carnival grounds, amusement parks or midways,
150 festivals, concerts, race/walks or any other special event or gathering being held
151 outdoors or within a temporary structure or at a site and for a purpose different from
152 the designated use and usual occupancy of the premises and located on
153 unincorporated lands within Sussex County, permanently or for a temporary time
154 period exceeding three days. [Special events as defined herein, with a duration not
155 exceeding three days, are not subject to the conditional use process. Upon receipt
156 of an application, the Director or his/her designee may grant approval of a special
157 event not exceeding three days.] Special Events not approved by the Director as a
158 permitted use under §115-20 shall require a conditional use permit. All special
159 events regardless of duration, shall be subject to the requirements of the Sussex
160 County Special Event Policy.

161 . . .

162

163 **Section 6.** The Code of Sussex County, Chapter 115, Article XI, §115-77 is hereby
164 amended by inserting a new subparagraph A.(27) as follows:

165 **§115-77 Permitted uses.**

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

167 . . .

168 Schools for industrial training, trade or business

169 Special events such as circuses, carnivals, midways, promotional and tent sales
170 events; fairs, festivals, concerts, rodeos, shows, races/walks or any other event or

171 mass gathering being held outdoors or within a temporary structure or at a site and
172 for a purpose different from the permitted use and usual occupancy of the premises
173 or site. Such special events may be administratively approved by the Director or his
174 or her designee, when, in his or her judgment, the proposal will not impair the
175 purpose and intent of the zoning ordinance, and when the use is not so recurring in
176 nature as to constitute a permanent use not otherwise permitted in the district, and
177 when the use will not significantly affect the surrounding properties.

178
179 In determining whether to administratively approve the special event, the Director
180 or his or her designee shall take into account considerations including (but not
181 limited to) the following: the estimated number of attendees; the size of the parcel
182 where the special event is to be located; the parking requirements of the special
183 event; roads and traffic patterns providing access to the special event; prior events
184 conducted by the applicant; noise, light, odor, and dust generated by the special
185 event; proposed hours of operation and number of consecutive days; and such other
186 considerations that may be applicable to the requested event. The Director or his
187 or her designee may impose conditions upon an administrative approval, including
188 (but not limited to) hours of the event and maximum attendance. No more than three
189 (3) special events shall be approved for the same property or premises during a
190 calendar year. Each calendar day of a special event shall be counted as a separate
191 special event, not including reasonable time required for set up and removal when
192 the event is not otherwise underway.

193
194 All special events, regardless of size, use or duration, shall be subject to the
195 requirements of the Sussex County Special Event Policy. Special events that do not
196 meet these requirements or which are not administratively approved shall require a
197 conditional use. Special events that are small in size and do not affect surrounding
198 properties shall not require administrative approval.

199
200 Tourist homes or rooming house

201
202

203
204 **Section 7.** The Code of Sussex County, Chapter 115, Article XI, §115-79 is hereby
205 amended as follows:

206 **§115-79 Conditional uses.**

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

209 . . .

210 Special Events such as circuses or carnival grounds, amusement parks or midways,
211 festivals, concerts, race/walks or any other special event or gathering being held
212 outdoors or within a temporary structure or at a site and for a purpose different from
213 the designated use and usual occupancy of the premises and located on
214 unincorporated lands within Sussex County, permanently or for a temporary time
215 period exceeding three days. [Special events as defined herein, with a duration not
216 exceeding three days, are not subject to the conditional use process. Upon receipt
217 of an application, the Director or his/her designee may grant approval of a special
218 event not exceeding three days.] Special Events not approved by the Director as a
219 permitted use under §115-20 shall require a conditional use permit. All special
220 events regardless of duration, shall be subject to the requirements of the Sussex
221 County Special Event Policy.

222 . . .

223 **Section 8.** The Code of Sussex County, Chapter 115, Article XIA, §115-83.2 is
224 hereby amended as follows:

225 **§115-83.2 Permitted uses.**

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

227 . . .

228
229 Schools for industrial training, trade or business

230
231 Special events such as circuses, carnivals, midways, promotional and tent sales
232 events; fairs, festivals, concerts, rodeos, shows, races/walks or any other event or
233 mass gathering being held outdoors or within a temporary structure or at a site and
234 for a purpose different from the permitted use and usual occupancy of the premises
235 or site. Such special events may be administratively approved by the Director or his
236 or her designee, when, in his or her judgment, the proposal will not impair the
237 purpose and intent of the zoning ordinance, and when the use is not so recurring in
238 nature as to constitute a permanent use not otherwise permitted in the district, and
239 when the use will not significantly affect the surrounding properties.

240
241 In determining whether to administratively approve the special event, the Director
242 or his or her designee shall take into account considerations including (but not
243 limited to) the following: the estimated number of attendees; the size of the parcel

244 where the special event is to be located; the parking requirements of the special
245 event; roads and traffic patterns providing access to the special event; prior events
246 conducted by the applicant; noise, light, odor, and dust generated by the special
247 event; proposed hours of operation and number of consecutive days; and such other
248 considerations that may be applicable to the requested event. The Director or his
249 or her designee may impose conditions upon an administrative approval, including
250 (but not limited to) hours of the event and maximum attendance. No more than three
251 (3) special events shall be approved for the same property or premises during a
252 calendar year. Each calendar day of a special event shall be counted as a separate
253 special event, not including reasonable time required for set up and removal when
254 the event is not otherwise underway.

255
256 All special events, regardless of size, use or duration, shall be subject to the
257 requirements of the Sussex County Special Event Policy. Special events that do not
258 meet these requirements or which are not administratively approved shall require a
259 conditional use. Special events that are small in size and do not affect surrounding
260 properties shall not require administrative approval.

261 Tourist homes or rooming house

262

263
264
265 **Section 9.** The Code of Sussex County, Chapter 115, Article XIA, §115-83.5 is
266 hereby amended as follows:

267 **§115-83.5 Conditional uses.**

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

270 . . .

271 Special Events such as circuses or carnival grounds, amusement parks or midways,
272 festivals, concerts, race/walks or any other special event or gathering being held
273 outdoors or within a temporary structure or at a site and for a purpose different from
274 the designated use and usual occupancy of the premises and located on
275 unincorporated lands within Sussex County, permanently or for a temporary time
276 period exceeding three days. [Special events as defined herein, with a duration not
277 exceeding three days, are not subject to the conditional use process. Upon receipt
278 of an application, the Director or his/her designee may grant approval of a special

279 event not exceeding three days.] Special Events not approved by the Director as a
280 permitted use under §115-20 shall require a conditional use permit. All special
281 events regardless of duration, shall be subject to the requirements of the Sussex
282 County Special Event Policy.

283 . . .

284 **Section 10.** The Code of Sussex County, Chapter 115, Article XII, §115-85 is
285 hereby amended by as follows:

286 **§115-85 Permitted uses.**

287 A. A building or land or water area shall only be used for the following purposes,
288 in all cases subject to site plan review by the Planning and Zoning Commission in
289 accord with procedures of §115-219 for docks, piers, bulkheads, breakwaters or
290 other over-water structures, except private over-water piers and boathouses
291 accessory to a dwelling:

292 . . .

293
294 Retail sale or rental of boating, fishing, hunting, diving and bathing supplies and
295 equipment or clothing and fish bait

296
297 Special events such as circuses, carnivals, midways, promotional and tent sales
298 events; fairs, festivals, concerts, rodeos, shows, races/walks or any other event or
299 mass gathering being held outdoors or within a temporary structure or at a site and
300 for a purpose different from the permitted use and usual occupancy of the premises
301 or site. Such special events may be administratively approved by the Director or his
302 or her designee, when, in his or her judgment, the proposal will not impair the
303 purpose and intent of the zoning ordinance, and when the use is not so recurring in
304 nature as to constitute a permanent use not otherwise permitted in the district, and
305 when the use will not significantly affect the surrounding properties.

306
307 In determining whether to administratively approve the special event, the Director
308 or his or her designee shall take into account considerations including (but not
309 limited to) the following: the estimated number of attendees; the size of the parcel
310 where the special event is to be located; the parking requirements of the special
311 event; roads and traffic patterns providing access to the special event; prior events
312 conducted by the applicant; noise, light, odor, and dust generated by the special
313 event; proposed hours of operation and number of consecutive days; and such other
314 considerations that may be applicable to the requested event. The Director or his

315 or her designee may impose conditions upon an administrative approval, including
316 (but not limited to) hours of the event and maximum attendance. No more than three
317 (3) special events shall be approved for the same property or premises during a
318 calendar year. Each calendar day of a special event shall be counted as a separate
319 special event, not including reasonable time required for set up and removal when
320 the event is not otherwise underway.

321
322 All special events, regardless of size, use or duration, shall be subject to the
323 requirements of the Sussex County Special Event Policy. Special events that do not
324 meet these requirements or which are not administratively approved shall require a
325 conditional use. Special events that are small in size and do not affect surrounding
326 properties shall not require administrative approval.

327
328 Telephone stations or booths, including drive-in or talking-from-car stations, and
329 telephone central offices, provided that all storage of materials, all repair facilities
330 and all house or repair crews are within a completely enclosed area.

331
332

333
334 **Section 11.** The Code of Sussex County, Chapter 115, Article XII, §115-87 is
335 hereby amended as follows:

336 **§115-87 Conditional uses.**

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

339 . . .

340 Special Events such as circuses or carnival grounds, amusement parks or midways,
341 festivals, concerts, race/walks or any other special event or gathering being held
342 outdoors or within a temporary structure or at a site and for a purpose different from
343 the designated use and usual occupancy of the premises and located on
344 unincorporated lands within Sussex County, permanently or for a temporary time
345 period exceeding three days. [Special events as defined herein, with a duration not
346 exceeding three days, are not subject to the conditional use process. Upon receipt
347 of an application, the Director or his/her designee may grant approval of a special
348 event not exceeding three days.] Special Events not approved by the Director as a
349 permitted use under §115-20 shall require a conditional use permit. All special

350 events regardless of duration, shall be subject to the requirements of the Sussex
351 County Special Event Policy.

352 . . .

353 **Section 12.** Effective Date.

354 This Ordinance shall take effect immediately upon the adoption by Sussex County
355 Council.

356 **SUMMARY**

357 “Special Events” are currently within the Conditional Use sections of several of the
358 various zoning districts; however, in certain circumstances the Code provides that
359 they can be permitted without a Conditional Use. This ordinance moves the
360 “permitted” Special Events to the “Permitted Uses” section of the districts. Then, if
361 the proposal does not fall under the permitted use or is not approved as such, it will
362 require a Conditional Use. This amendment also gives the Director greater
363 discretion, clarity and guidance in determining whether to approve a special event
364 request or require a Conditional Use application.

**SPECIAL EVENT
ORDINANCE**

**PUBLIC HEARING
PRESENTATION**

JANUARY 16, 2018

CURRENT COUNTY CODE

Two Separate Sections of County Code Historically Referenced:

1. §115-23 (AR-1) Special Use Exceptions (BOA)

“Tents for special purposes for a period exceeding 3 days.”

“If approved by the Director, a tent for special purposes may be utilized on a parcel no more than 3 times in a calendar year.”

2. §115-22 (AR-1) Conditional Uses (P&Z and CC)

“Special events such as circuses or carnival grounds ... at a site and for a purpose different from the designated use and usual occupancy of the premises...”

“Special events as defined herein, with a duration not exceeding three days...”

CURRENT COUNTY CODE

1. §115-23 (AR-1) Special Use Exceptions (BOA)

“Tents for special purposes for a period exceeding 3 days”

- Limited to tented events, although that evolved to include tent-like advertising such as large blow-ups.
- Less than 3 days, director can approve.
- More than 3 days, you have to go to the BOA, full application, hearing, etc.
- If approved, there is a 3 event limit in this section.
- In the past, it is my understanding that the Director required set up and tear down to occur within the 3 days, although there were some reasonable accommodations. But this is not stated in the Code either way.

CURRENT COUNTY CODE

2. §115-22 (AR-1) Conditional Uses (P&Z and CC)

“Special events such as circuses or carnival grounds ... at a site and for a purpose different from the designated use and usual occupancy of the premises...”

“Special events as defined herein, with a duration not exceeding three days...”

- Applies to property where event is different than designated use or usual occupancy
- Less than 3 days, the Director can approve administratively.
- More than 3 days, the applicant needs to seek a Conditional Use, which requires public hearings before both P&Z and Council.
- There is no limit on the number of times a 3 day event could occur on a property, although the County has historically looked to the tent ordinance for guidance and also applied the 3 event limit, until recently when the County looked to accommodate some events.
- There is also no indication of whether set-up and tear down is part of the 3 days.
There is no guidance given to the Director to decide whether to approve or deny any event less than 3 days.
- Theoretically, someone could request 3 day events every weekend on a property and there would not be any guidance or clear basis whether to approve or deny them.

CURRENT COUNTY CODE

Historic Application Challenges:

- Two Code sections combined to develop County practice
- Lacks clear definitions
- Inconsistent application
 - Calculation of days per event
 - Calculation of set-up and tear down

The Result: Ordinance Update Required

NEW ORDINANCE GUIDELINES

1. No two events are the same
2. When does a special event stop being special?
3. Straight forward and not complicated
4. Subjectivity built in on purpose; no event automatically prohibited
5. Does not affect events in towns and traditional events hosted by fire companies, churches, community service groups.
6. Clarifies Code to state what is a permitted use
7. Clarifies set-up and tear down dates
8. Counts an event as an operational day

NEW ORDINANCE CONSIDERATIONS

1. Number of participants
2. Location
3. Size of the parcel or parcels
4. Capacity of the road or roads
5. Operating hours
6. Prior events
7. Impact on the surrounding properties, including noise, dust, smoke, or other nuisance-like factors
8. Requirements of the Sussex County Special Event Public Safety Policy
9. New application will be developed based on final Ordinance language
10. Keep authority where it currently is now – with the Director

NEW ORDINANCE CONSTRUCTION

Special events such as circuses, carnivals, midways, promotional and tent sales events; fairs, festivals, concerts, rodeos, shows, races/walks or any other event or mass gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the permitted use and usual occupancy of the premises or site. Such special events may be administratively approved by the Director or his or her designee, when, in his or her judgment, the proposal will not impair the purpose and intent of the zoning ordinance, and when the use is not so recurring in nature as to constitute a permanent use not otherwise permitted in the district, and when the use will not significantly affect the surrounding properties.

In determining whether to administratively approve the special event, the Director or his or her designee shall take into account considerations including (but not limited to) the following: the estimated number of attendees; the size of the parcel where the special event is to be located; the parking requirements of the special event; roads and traffic patterns providing access to the special event; prior events conducted by the applicant; noise, light, odor, and dust generated by the special event; proposed hours of operation and number of consecutive days; and such other considerations that may be applicable to the requested event. The Director or his or her designee may impose conditions upon an administrative approval, including (but not limited to) hours of the event and maximum attendance. No more than three (3) special events shall be approved for the same property or premises during a calendar year. Each calendar day of a special event shall be counted as a separate special event, not including reasonable time required for set up and removal when the event is not otherwise underway.

NEW ORDINANCE CONSTRUCTION #1

Special events such as circuses, carnivals, midways, promotional and tent sales events; fairs, festivals, concerts, rodeos, shows, races/walks or any other event or mass gathering...

...being held outdoors or within a temporary structure or at a site and for a purpose different from the permitted use and usual occupancy of the premises or site.

Such special events may be administratively approved by the Director or his or her designee, when, in his or her judgment, the proposal will not impair the purpose and intent of the zoning ordinance, and when the use is not so recurring in nature as to constitute a permanent use not otherwise permitted in the district, and when the use will not significantly affect the surrounding properties.

NEW ORDINANCE CONSTRUCTION #2

In determining whether to administratively approve the special event, the Director or his or her designee shall take into account considerations including (but not limited to) the following:

the estimated number of attendees;

the size of the parcel where the special event is to be located;

the parking requirements of the special event; roads and traffic patterns providing access to the special event;

prior events conducted by the applicant;

noise, light, odor, and dust generated by the special event;

proposed hours of operation and number of consecutive days; and such other considerations that may be applicable to the requested event.

NEW ORDINANCE CONSTRUCTION #3

The Director or his or her designee may impose conditions upon an administrative approval, including (but not limited to) hours of the event and maximum attendance.

No more than three (3) special events shall be approved for the same property or premises during a calendar year.

Each calendar day of a special event shall be counted as a separate special event, not including reasonable time required for set up and removal when the event is not otherwise underway.

**SPECIAL EVENT
ORDINANCE**

**PUBLIC HEARING
PRESENTATION**

JANUARY 16, 2018

To Be Introduced 01/16/18

Council District No. 4 – Cole

Tax I.D. No. 234-28.00-59.00 (portion of) and 234-28.00-60.00 (portion of)

911 Address: Not Available

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE BUSINESS, SALE AND STORAGE (EXTENSION OF CONDITIONAL USE NO. 1242) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 10.0011 ACRES, MORE OR LESS

WHEREAS, on the 18th day of December 2017, a conditional use application, denominated Conditional Use No. 2125, was filed on behalf of RS Cordrey Farms, LLC; and

WHEREAS, on the ____ day of _____ 2018, 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. 2125 be _____; and

WHEREAS, on the ____ day of _____ 2018, 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. 2125 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 Indian River Hundred, Sussex County, Delaware, and lying on the northeast side of Cordrey Road, approximately 0.3 mile southeast of Mount Joy Road, and being more particularly described per the attached deed prepared by David W. Baker, Esq., P.A., said parcel containing 10.0011 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 01/16/18

**Council District No. 4 – Cole
Tax I.D. No. 233-11.00-172.00
911 Address: 30028 Vines Creek Road, Dagsboro**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL VEHICLE STORAGE AND CAR SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 9.54 ACRES, MORE OR LESS

WHEREAS, on the 7th day of December 2017, a conditional use application, denominated Conditional Use No. 2126, was filed on behalf of Nikolajs Lituinenkous; and

WHEREAS, on the ____ day of _____ 2018, 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. 2126 be _____; and

WHEREAS, on the ____ day of _____ 2018, 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. 2126 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the south side of Vines Creek Road, approximately 0.44 mile east of Armory Road, and being more particularly described per the attached deed prepared by Griffin & Hackett, P.A., said parcel containing 9.54 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 01/16/18

Council District No. 4 – Cole

Tax I.D. No. 134-11.00-53.00

911 Address: 32512 Blackwater Road, Frankford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25.60 ACRES, MORE OR LESS

WHEREAS, on the 21st day of December 2017, a conditional use application, denominated Conditional Use No. 2127, was filed on behalf of Wine Worx, LLC; and

WHEREAS, on the ____ day of _____ 2018, 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. 2127 be _____; and

WHEREAS, on the ____ day of _____ 2018, 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 VI, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2127 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 the west side of Blackwater Road, approximately 1,007 feet north of Burbage Road, and being more particularly described per the attached deed prepared by Scott and Shuman, P.A., said parcel containing 25.60 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.