



# **Sussex County Council Public/Media Packet**

**MEETING:  
March 20, 2018**

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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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# Sussex County Council

## AGENDA

MARCH 20, 2018

10:00 A.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Public Comments

### Todd Lawson, County Administrator

1. Wastewater Agreement No. 808  
Sussex County Project No. 81-04  
Maritima (aka Red Clover Walk, Cedar Grove & Coastal Cove) – Phase 1  
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District
2. Administrator's Report

### Hans Medlarz, County Engineer

1. 2018 Sussex County Airport / Business Park & Miscellaneous Property  
Maintenance RFP
  - A. Recommendation to award Base Bids 4, 5 and Alternate Bid 1
  - B. Recommendation to reject Base Bids 1, 2 and 3
2. Agreement for Wastewater Services – Lewes Board of Public Works (BPW)
  - A. Amendment #1



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

**“AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-182 AND §115-183, AND TABLE 1 RELATING TO FRONT, SIDE AND REAR YARD SETBACKS IN SMALL, LEGALLY NONCONFORMING LOTS”**

**“AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXVIII, §115-222 RELATING TO AMENDMENTS OF PRIOR APPROVALS”**

**“AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-181 RELATING TO YARDS AND OPEN SPACES GENERALLY” (ADMINISTRATIVE VARIANCES)**

**“AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-188 RELATING TO TOWNHOUSE AND MULTIFAMILY DWELLING OUTSIDE WALL DIMENSIONS”**

**“AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXVIII, §115-220 AND §115-221 RELATING INTERCONNECTIVITY REQUIRED FOR CERTAIN USES”**

**“AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-183 RELATING TO DECKS, PORCHES PLATFORMS OR STEPS IN SIDE AND REAR YARDS”**

**“AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXVII, §115-213 RELATING LAPSES OF SPECIAL EXCEPTIONS AND VARIANCES”**

**“AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXIII, §115-168 RELATING TO MODIFICATION OF OFF-STREET LOADING REQUIREMENTS”**

**“AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-181 RELATING TO YARDS AND OPEN SPACES GENERALLY” (HANDICAP RAMPS)**

**Old Business**

**Change of Zone No. 1832 filed on behalf of MDI Investment Group, LLC**

**Conditional Use No. 2106 filed on behalf of MDI Investment Group, LLC**

**Conditional Use No. 2111 filed on behalf of Michael Moutzalias**

**Conditional Use No. 2112 filed on behalf of Mitchell Family Limited Partnership**

**Change of Zone No. 1834 filed on behalf of Colonial East, L.P.**

## Grant Requests

1. Lord Baltimore Elementary School for expenses associated with the Robotics Club's competition in the World Championship
2. Georgetown Elementary School for expenses associated with the Robotics Club's competition in the World Championship
3. Lutheran Church of Our Savior for English as a Second Language Program
4. Delaware Ducks Unlimited for the Greenwing Conservation Festival

## Introduction of Proposed Zoning Ordinances

### Council Members' Comments

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

### Possible Action on Executive Session Items

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

#### Conditional Use No. 2116 filed on behalf of William and Stacey Smith

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.641 ACRES, MORE OR LESS” (located on the northwest corner of Savannah Road and Dove Drive) (Tax I.D. No. 335-8.18-2.00) (911 Address: 1501 Savannah Road, Lewes)

#### Conditional Use No. 2118 filed on behalf of John W. Davidson

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE WITH CONTRACTOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.6425 ACRES, MORE OR LESS” (located on the northeast of Harbeson Road, approximately 1,932 feet northwest of Hollyville Road) (Tax I.D. No. 234-10.00-70.16) (911 Address: Not Available)

#### Change of Zone No. 1846 filed on behalf of CMF Bayside, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 71.379 ACRES, MORE OR LESS” (lying on both sides of Williamsville Road, approximately 843 feet southwest of E. Sand Cove Road) (Tax I.D. No. 533-19.00-297.00) (911 Address: Not Available)

## Adjourn

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Sussex County Council meetings can be monitored on the internet at [www.sussexcountype.gov](http://www.sussexcountype.gov).

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on March 13, 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, MARCH 13, 2018**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 13, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>George B. Cole</b>	<b>Vice President</b>
<b>Robert B. Arlett</b>	<b>Councilman</b>
<b>Irwin G. Burton III</b>	<b>Councilman</b>
<b>Samuel R. Wilson Jr.</b>	<b>Councilman</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore Jr.</b>	<b>County Attorney</b>

Todd F. Lawson, County Administrator, was not in attendance.

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 145 18  
Approve  
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to approve the Agenda, as posted.

**Motion Adopted:** 4 Yeas, 1 Absent.

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

**Minutes**

The minutes of February 27, 2018 were approved by consent.

Mr. Cole joined the meeting.

**Public  
Comments**

**Public Comments**

Paul Reiger commented on information provided on Board of Adjustment agendas, the need for additional information in advertisements, and an error in a recent advertisement which resulted in the need for re-advertisement of a public hearing.

Dan Kramer commented on advertising errors, the number of people that do not have access to a computer, and the need for additional information on advertisements.

**Atlantic  
General  
Hospital**

**Michael Franklin, President and Chief Executive Officer of Atlantic General Hospital, presented an update on Atlantic General Hospital & Health System - 2017 in review and what's coming in 2018 to serve the growing needs of the community, including proposed facility upgrades.**

**Public  
Hearing/  
Criswell  
Expansion  
of the  
SCUSSD**

**A Public Hearing was held on the Proposed Criswell Expansion of the Sussex County Unified Sanitary Sewer District (Johnson's Corner Area).**

**John Ashman, Director of Utility Planning, reported that the proposed expansion consists of 6.84 acres, more or less. This expansion was requested by Billie and Daren Criswell, the property owners. The parcels will be responsible for System Connection Charges of \$6,360.00 based on current rates. Mr. Ashman reported that no calls or emails have been received regarding the proposed expansion.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 146 18  
Adopt  
R 004 18**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Resolution No. R 004 18 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) TO INCLUDE PARCEL 533-11.00-27.00 ON THE NORTH SIDE OF COUNTY ROAD 388 (DEER RUN ROAD); THE PARCEL IS LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE" (CRISWELL EXPANSION – JOHNSON'S CORNER AREA).**

**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/  
General  
Obligation  
Bonds/  
Herring  
Creek**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,287,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO HERRING CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".**

**This Ordinance provides for the issuance of up to \$4,287,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of an extension of sanitary sewer services to Herring Creek.**

**Public Hearing/  
General Obligation  
Bonds/  
Herring  
Creek  
(continued)**

Hans Medlarz, County Engineer, reported that the Finance and Engineering Departments recommend Council's approval of the Proposed Ordinance in connection with the construction and equipping of Phase I (local transmission systems) of the Herring Creek Area Expansion of the Sussex County Unified Sanitary Sewer District.

There were no public comments.

The Public Hearing and public record were closed.

**M 147 18  
Adopt  
Ordinance  
No. 2552**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Ordinance No. 2552 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$4,287,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF AN EXTENSION OF SANITARY SEWER SERVICES TO HERRING CREEK AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".

**Motion Adopted: 5 Yeas.**

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

**First  
Quarter  
Employee  
Recognition  
Awards**

Mrs. Jennings reported that the County recognizes employees for exceptional service and that a total of thirty-seven (37) employees received recognition for the First Quarter of 2018. Mrs. Jennings announced that three employees received special recognition for the First Quarter of 2018. Beverly Downes (Buildings and Grounds) was selected to receive the First Quarter Customer Service Award, and two employees received Honorable Mention: Kyle Belle (Buildings and Grounds) and Lewis Sacks (Emergency Medical Services).

**Wastewater  
Agreement**

Mrs. Jennings presented a wastewater agreement for the Council's consideration.

**M 148 18  
Execute  
Wastewater  
Agreement/  
Marsh  
Farm  
Estates**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, for Sussex County Project No. 81-04, Agreement No. 892-1, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Marsh Farm, LLC for wastewater facilities to be constructed in Marsh Farm Estates – PS & FM Construction, located in Angola Neck 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**



**Quarterly Pension Update**

Mrs. Jennings presented a quarterly pension update including a performance summary, a recommendation to change Investment Policy Statement changes, and a recommendation to add global equity active managers.

**Performance Summary** – The market value for the Pension Fund was \$93,818,931; the Fourth Quarter return was 4.0%; the One Year return was 13.9%. The market value for the OPEB Fund was \$43,158,302; the Fourth Quarter return was 3.8%; the One Year return was 14.3%.

Mrs. Jennings reported on the Pension Committee’s recommendation to change the Investment Policy Statement to increase the national equity target by 4 percent for both funds (Pension and OPEB).

**M 149 18 Change Investment Policy Statements**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, that the Sussex County Council, based on the recommendation of the Pension Committee, changes the Investment Policy Statements of both the Pension and OPEB Funds to increase the international equities target by 4% bringing it to 18%.

**Motion Adopted:** 5 Yeas.

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

**Quarterly Pension Update (continued)**

Mrs. Jennings reported that the Pension Committee reviewed the managers for the Pension Fund and discussed the underperformance of the State of Delaware’s Investment Pool. The Committee reviewed several global managers and recommended using both MFS and Schrodgers as managers for the following reasons: solid performance since inception in 2011, most down-market protection and low cost (MFS); and solid long-term performance, well-diversified with 425 holdings and low cost (Schrodgers). Mrs. Jennings reviewed the proposed allocations in the Pension Fund based on the changes proposed (increasing International 4% and adding two global managers).

**M 150 18 Add Global Active Managers**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Pension Committee, add Schrodgers and MFS Low Volatility as Global Active Managers in the County’s pension portfolio and allocate the funds by percentage, 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

**Pension Update**

Mrs. Jennings reported that the OPEB Fund allocation would also have to

**Quarterly Pension Update (continued)**

be changed due to the 4% increase in International Stock. She noted that no new managers are added to this portfolio; however, more is being added to the current Global Equity Managers and one of the Index Funds in International.

**M 151 18 Approve Allocation of OPEB Funds**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council, based on the recommendation of the Pension Committee, allocate the OPEB funds, 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**

**Administrator's Report**

Mrs. Jennings read the following information in the Administrator's Report:

**1. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County**

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet March 19<sup>th</sup> at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. Mr. Patrick Carney, Outreach and Education Coordinator, Delaware Senior Medicare Patrol, will be speaking on "*What You Can Do to Prevent Medicare Fraud.*" The Conference Planning Subcommittee will also meet at 11:30 a.m. to discuss planning for the annual conference. A copy of the agenda for each meeting is attached.

**2. Delaware State Police Activity Report**

The Delaware State Police year-to-date activity report for February 2018 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 190 troopers assigned to Sussex County for the month of February.

**3. Projects Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Sea Star Village (formerly Topsail Village) @ Millville by the Sea – Sections 1 and 2, effective February 27<sup>th</sup>; The Landings at Pepper Creek (a/k/a The Marina at Pepper's Creek) – Phase 3-5, effective March 1<sup>st</sup>; and Coastal Club – Land Bay 2A (Construction Record), effective March 2<sup>nd</sup>.

(continued) [Attachments to the Administrator's Report are not attachments to the minutes.]

**Airport Advisory Committee Appointment** Jim Hickin, Airport Manager, recommended the appointment of Ray Hopkins to the Airport Advisory Committee. Mr. Hopkins would fill the Representative at Large position on the Committee; the position was recently held by Richard Wilson who resigned from the position in February.

**M 152 18 Approve Appointment to Airport Advisory Committee** A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Council appoints Ray Hopkins to the Delaware Coastal Airport Advisory Committee for 2018.

**Motion Adopted:** 5 Yeas.

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

**Contract Amendment** Hans Medlarz, County Engineer, presented a request for approval of Contract Amendment No. 12 to the Base Engineering Contract for the North Coastal Planning Area.

**M 153 18 Approve Amendment to Base Engineering Contract/ North Coastal Planning Area** A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Amendment No. 12 to the Base Engineering Contract for the North Coastal Planning Area with Whitman, Requardt and Associates be approved in the amount not to exceed \$329,119.00 for final design of the Chapel Branch Area of the Sussex County Unified Sanitary Sewer District and Amendment No. 11 be reduced by \$51,242.00.

**Motion Adopted:** 5 Yeas.

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

**Bid Results/ Dual Wheel Tractor** Hans Medlarz, County Engineer, presented the bid results for a Dual Wheel Tractor with Loader (Project #18-05). Four bids were received. The Engineering Department recommends awarding the bid to Atlantic Tractor, LLC and selling the current tractor.

**M 154 18 Award Bid/ Dual Wheel Tractor** A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Contract 18-05, Dual Wheel Tractor with Loader, be awarded to Atlantic Tractor, LLC for the best value offer of \$109,500.00, and that the inoperable tractor be sold at the next auction.

**Motion Adopted:** 5 Yeas.



**M 156 18**  
**Adopt**  
**Proposed**  
**Ordinance/**  
**CU 2102**  
**(continued)**

**COUNTY, CONTAINING 0.6889 ACRE, MORE OR LESS” (Conditional Use No. 2102) filed on behalf of Arturo Granados-Gonzalez, with the conditions recommended by the Planning and Zoning Commission.**

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

**DENIED**

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

**(It was noted that the County will work with the Applicant to allow time for relocation.)**

**Old**  
**Business/**  
**CU 2106**

**Under Old Business, the Council considered Change of Zone No. 1832 and Conditional Use No. 2106 filed on behalf of MDI Investment Group, LLC.**

**The Planning and Zoning Commission held a Public Hearing on these applications on November 16, 2017 at which time action was deferred; on December 14, 2017, the Commission recommended that the applications be approved.**

**The County Council held a Public Hearing on the applications on December 5, 2017 at which time action was deferred.**

**M 157 18**  
**Adopt**  
**Proposed**  
**Ordinance/**  
**CZ 1832**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to approve the Proposed Ordinance (Change of Zone No. 1832) filed on behalf of MDI Investment Group, LLC).**

**WITH-**  
**DRAWN**

**Mr. Burton requested that action be deferred for one week on Change of Zone No. 1832 and Conditional Use No. 2106 filed on behalf of MDI Investment Group, LLC.**

**Mr. Arlett and Mr. Cole withdrew their Motions.**

**M 158 18**  
**Defer**  
**Action on**  
**CZ 1832**

**A Motion was made by Mr. Burton, seconded by Mr. Arlett, to defer action on Change of Zone No. 1832 filed on behalf of MDI Investment Group, LLC for one week.**

**Motion Adopted: 5 Yeas.**

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

**M 159 18**  
**Defer**  
**Action on**  
**CU 2106**

**A Motion was made by Mr. Burton, seconded by Mr. Arlett, to defer action on Conditional Use No. 2106 filed on behalf of MDI Investment Group, LLC for one week.**

**Motion Adopted: 5 Yeas.**

**M 159 18  
(continued)**

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

**Old  
Business/  
CZ 1836**

**Under Old Business, the Council considered Change of Zone No. 1836 filed on behalf of Softball World, LLC.**

**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.**

**The County Council held a Public Hearing on this application on January 23, 2018 at which time action was deferred for information from the County's Airport Manager regarding the location of the proposed hotel in the flight path of the Airport.**

**Janelle Cornwell, Planning and Zoning Director, advised that a report was received from Jim Hickin, Airport Manager, stating that the project would have to comply with any rules and regulations that apply to the Airport and Airport area which would be addressed as part of the Site Plan process.**

**Jim Hickin, Airport Manager, was present and in response to questions, stated that, if the application is approved, one of the next steps is that the application would have to be approved by the FAA, DelDOT, and the County.**

**M 160 18  
Adopt  
Ordinance  
No. 2553/  
CZ 1836**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to Adopt Ordinance No. 2553 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 8.00 ACRES, MORE OR LESS" (Change of Zone No. 1836) filed on behalf of Softball World, LLC.**

**Motion Adopted: 5 Yeas.**

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

**Grant  
Requests**

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

**M 161 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$750.00 from Mr. Vincent's Councilmanic Grant Account to the Trinity Foundation for the Heart & Sole 5K Event Fundraiser.**

**Motion Adopted: 5 Yeas.**



**Introduction of Proposed Zoning Ordinances (continued)** **PLANNED COMMUNITY TO AMEND CHANGE OF ZONE NO. 1359, ORDINANCE NO. 1279, FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 65.125 ACRES, MORE OR LESS” (Change of Zone No. 1852) filed on behalf of Canal Corkran, LLC (Tax I.D. No. 334-13.00-363.00, 363.01, and 363.02 and 334-13.00-1298.00-1414.00 and 334-13.00-1447.00) (911 Address: Not Available).**

**The Proposed Ordinances will be advertised for Public Hearing.**

**Council Members’ Comments**

**Council Members’ Comments**

**Mr. Cole commented on a Board of Adjustment issue in the Irons Lane Subdivision.**

**M 164 18 Recess**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess until 1:30 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**

**M 165 18 Reconvene**

**At 1:31 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton to 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 reviewed the rules of procedure for public hearings.**

**Mr. Wilson joined the meeting.**

**Public Hearing/ CU 2115**

**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 MODIFICATION OF CONDITIONAL USE NO. 1018 TO ALLOW FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.914 ACRES, MORE OR LESS” (Conditional Use No. 2115) filed on behalf of Nanticoke Indian Association, Inc.**

**The Planning and Zoning Commission held a Public Hearing on this application on February 8, 2018 at which time action was deferred. On**



**Public  
Hearing/  
CU 2115  
(continued)**

**February 22, 2018, the Commission recommended approval with conditions:**

- A. The Electronic Message Center sign area shall not exceed 24 feet per side.**
- B. A Final Site Plan showing the location of the sign on the site shall be submitted to the Planning and Zoning Commission for approval.**
- C. The Electronic Message Center shall comply with all of the sign regulations set forth in the Sussex County Zoning Code including brightness and motion standards.**
- D. The Electronic Message Center shall be used as an on-premises Electronic Message Center and shall not be used as an off-premises Electronic Message Center.**

**(See the minutes of the Planning and Zoning Commission dated February 8 and 22, 2018.)**

**Janelle Cornwell, Planning and Zoning Director, presented the application.**

**An Exhibit Booklet was previously provided by the Applicant and distributed to the Council.**

**The Council found that Seth Thompson, Attorney, was present with Natosha Carmine, Chief of the Nanticoke Indian Association, and Tribal Councilmember Mike Harmon. They presented information on the background and the mission of the Association; the Association's prior sign and need for a new sign; the approval of Conditional Use No. 1018 (Ordinance No. 859) which allows an on-premises electronic sign; and the compliance of the request with the County's Zoning Ordinance.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 166 18  
Adopt  
Ordinance  
No. 2554/  
CU 2115**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Ordinance No. 2554 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MODIFICATION OF CONDITIONAL USE NO. 1018 TO ALLOW FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.914 ACRES, MORE OR LESS" (Conditional Use No. 2115) filed on behalf of Nanticoke Indian Association, Inc., with the following conditions:**

- A. The Electronic Message Center sign area shall not exceed 24 feet per side.**
- B. A Final Site Plan showing the location of the sign on the site shall be submitted to the Planning and Zoning Commission for approval.**

**M 166 18  
Adopt  
Ordinance  
No. 2554/  
CU 2115  
(continued)**

- C. The Electronic Message Center shall comply with all of the sign regulations set forth in the Sussex County Zoning Code including brightness and motion standards.**
- D. The Electronic Message Center shall be used as an on-premises Electronic Message Center and shall not be used as an off-premises Electronic Message Center.**

**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 1844**

**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 GR-RPC GENERAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.26 ACRES, MORE OR LESS” (Change of Zone No. 1844) filed on behalf of Boardwalk Development, LLC, aka Westridge Shores (Tax I.D. No. 234-17.00-165.00) (911 Address: None Available).**

**The Planning and Zoning Commission held a Public Hearing on this application on February 8, 2018 at which time action was deferred. On February 22, 2018, the Commission recommended that the application be approved, with the following conditions:**

- A. The maximum number of lots shall not exceed 54 single family lots.**
- B. A homeowner’s association shall be formed to provide for the perpetual maintenance, repair and replacement of buffers, stormwater management facilities, streets, amenities and other common areas.**
- C. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT’s requirements.**
- D. The RPC shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.**
- E. The RPC shall be served by central water.**
- F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be opened in a manner which is consistent with Best Management Practices.**
- G. Interior street design shall meet or exceed Sussex County’s street design requirements. There shall also be sidewalks on both sides of all streets within the RPC.**
- H. No wetlands shall be included within any individual lots. Any**

**Public  
Hearing/  
CZ 1844  
(continued)**

- wetland buffers required by Section 115-93(B) shall be shown on the Final Site Plan.
- I. As stated by the Applicant, all amenities shall be completed prior to the issuance of the 27th building permit.**
  - J. A 20 foot wide vegetated buffer shall be established along the perimeter of the site. This may include the existing trees.**
  - K. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.**
  - L. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
  - M. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
  - N. The Final Site Plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.**
  - 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 February 8 and 22, 2018.)

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

An Exhibit Booklet was previously provided by the Applicant and distributed to the Council.

The Council found that Ken Christenbury of Axiom Engineering was present with Joseph Reed on behalf of the application. He stated that they propose 54 single family dwellings on 21.32 acres with a density of 2.54 units per acre; that the project will be known as Westridge Shores Residential Planned Community; that the project is consistent with the character and trend of the area; that other densities in the area include 2.67 units per acre and 9.32 units per acre; that they are proposing 43 percent open space; that they propose a single dock for launching canoes and kayaks which will require DNREC approval; that a previous plat recorded in the 1950's was for a higher density; that the site is currently vacant wooded lands; that a Traffic Impact Study was not required; that the project will be serviced with County sewer and central water; that the project is consistent with the residential area involving a variety of housing types; and that the project will not adversely affect area waterways in that the surface and stormwater management plan will provide containment and treatment on site.

Mr. Reed referenced an access that is part of Shawn's Hideaway and confirmed that the proposed project adjoins Shawn's Hideaway.

**Public  
Hearing/  
CZ 1844  
(continued)**

**Mr. Christenbury referenced the PLUS Review and commented on the application's compliance with the County's Comprehensive Land Use Plan and the Strategies for State Policies and Spending Map.**

**Mr. Cole raised a question about minimizing any taking of the trees along any of the lots facing Hopkins Prong.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 167 18  
Adopt  
Proposed  
Ordinance/  
CZ 1844**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.26 ACRES, MORE OR LESS" (Change of Zone No. 1844) filed on behalf of Boardwalk Development, LLC, aka Westridge Shores.**

**MOTION  
WITH-  
DRAWN**

**Mr. Cole and Mr. Wilson withdrew their Motions.**

**M 168 18  
Amend  
Condition**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to amend Condition J recommended by the Planning and Zoning Commission by adding at the end, the following: "Trees shall be left to the extent possible and removal shall be minimized next to the Hopkins Prong."**

**Motion Adopted: 5 Yeas.**

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

**M 169 18  
Adopt  
Ordinance  
No. 2555/  
CZ 1844**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Ordinance No. 2555 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 21.26 ACRES, MORE OR LESS" (Change of Zone No. 1844) filed on behalf of Boardwalk Development, LLC, aka Westridge Shores, with the following conditions, as amended:**

- A. The maximum number of lots shall not exceed 54 single family lots.**
- B. A homeowner's association shall be formed to provide for the perpetual maintenance, repair and replacement of buffers,**

**M 169 18  
Adopt  
Ordinance  
No. 2555/  
CZ 1844  
(continued)**

- stormwater management facilities, streets, amenities and other common areas.
- C. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.**
  - D. The RPC shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.**
  - E. The RPC shall be served by central water.**
  - F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be opened in a manner which is consistent with Best Management Practices.**
  - G. Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be sidewalks on both sides of all streets within the RPC.**
  - H. No wetlands shall be included within any individual lots. Any wetland buffers required by Section 115-93(B) shall be shown on the Final Site Plan.**
  - I. As stated by the Applicant, all amenities shall be completed prior to the issuance of the 27th building permit.**
  - J. A 20 foot wide vegetated buffer shall be established along the perimeter of the site. This may include the existing trees. Trees shall be left to the extent possible and removal shall be minimized next to the Hopkins Prong.**
  - K. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.**
  - L. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.**
  - M. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
  - N. The Final Site Plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.**
  - 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/  
CZ 1845**

**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**

**Public  
Hearing/  
CZ 1845  
(continued)**

**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 6.0576 ACRES, MORE OR LESS” (Change of Zone No. 1845) filed on behalf of LMHT, LLC. (Tax I.D. No. 334-12.00-57.01) (911 Address: Not Available).**

**The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on January 25, 2018 at which time action was deferred. On February 8, 2018, the Commission recommended approval.**

**(See the minutes of the Planning and Zoning Commission dated January 25 and February 8, 2018.)**

**Janelle Cornwell, Planning and Zoning Director, presented the application.**

**An Exhibit Booklet was previously submitted by the Applicant and distributed to the Council.**

**The Council found that Eugene Bayard, Attorney, was present on behalf of the landowner, J. G. Townsend, Jr. & Co., and the Applicant, LMHT, LLC. Also present were Ring Lardner of Davis Bowen & Friedel, Inc. and Nick Hammonds and Doug Motley, Principals of LMHT, LLC. They presented a history of the property; discussed the trend of development in the area; reported on the site and site conditions; noted that the proposed change of zone is consistent with land uses in the area; stated that this 6 acre parcel is not agriculturally viable; and noted that a Traffic Impact Study was not required; however, DelDOT reserved the right to require a future study if a preliminary site plan warrants one.**

**Mr. Bayard referenced the PLUS Review and commented on the application’s compliance with the County’s Comprehensive Land Use Plan.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 170 18  
Adopt  
Ordinance  
No. 2556/  
CZ 1845**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2556 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 6.0576 ACRES, MORE OR LESS” (Change of Zone No. 1845) filed on behalf of LMHT, LLC.**

**Motion Adopted: 5 Yeas.**

**M 170 18  
(continued)**

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

**M 171 18  
Adjourn**

**At 2:28 p.m., a Motion was made Mr. Arlett, seconded by Mr. Wilson, to  
adjourn.**

**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.}*

## 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

[sussexcountyde.gov](http://sussexcountyde.gov)

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

March 08, 2018

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
MARITIMA - (AKA RED CLOVER WALK, CEDAR GROVE & COASTAL COVE) - PHASE 1  
AGREEMENT NO. 808

#### DEVELOPER:

Mr. Scott Dailey  
Red Clover Walk, LLC  
18464 Plantations Boulevard  
Lewes, DE 19958

#### LOCATION:

Southeast side of Rd. 277, approximately 1,150'  
southwest of Rd. 275.

#### SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

28 Single Family lot subdivision

#### SYSTEM CONNECTION CHARGES:

\$161,700.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
05/24/16

Department of Natural Resources Plan Approval  
06/30/17

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 95  
Construction Admin and Construction Inspection Cost – \$60,816.45  
Proposed Construction Cost – \$405,443.00





## ENGINEERING DEPARTMENT

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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

**March 20, 2018**

## **PROPOSED MOTION**

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 808 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "RED CLOVER WALK, LLC" FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "MARITIMA – (AKA RED CLOVER WALK, CEDAR GROVE & COASTAL COVE) – PHASE 1", LOCATED IN WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38  
AGREEMENT NO. 808

TODD LAWSON  
COUNTY ADMINISTRATOR



## ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718  
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# Sussex County

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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 Robert B. Arlett  
The Honorable Samuel R. Wilson, Jr.

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

RE: ***2018 Sussex County Delaware Coastal Airport/Business Park & Property Site Maintenance RFP  
Award of one (1)-year Maintenance Contract***

DATE: March 20, 2018

The Sussex County Engineering Department requested proposals for a one (1) year site maintenance agreement, with the option to renew annually based on satisfactory performance, for up to five (5) years for the Delaware Coastal Airport/Business Park and one lot within the Herring Creek Sanitary Sewer District. Bidders could submit their bid for any or all of the bid items. Bid items 1-3 involved Delaware Coastal Airport/Business Park mowing activities. Bid item 4 involved the lot clearing at the Business Park expansion while alternate bid item 1 involved sediment removal from the drainage ditches in the Business Park.

In addition to advertisements, the request for proposals was directly provided to thirty (30) contractors engaging in this type of work. Nine (9) contractors attended the pre-bid meeting and ultimately proposals from four (4) bidders were opened on March 12, 2018.

The Sussex County Engineering Department recommends award of Base Bid 4 to Egolf Forest Harvesting Inc, for their low bid of \$62,600.00, Base Bid 5 and Alternate Bid 1 to Jakor Enterprises, LLC for their low bid amount of \$4,650.00 and \$180,000.00, respectively. These amounts reflect maintenance over a 5-year period. Partial funding for this contract has been approved in the Fiscal Year 2019 budget. Funding for subsequent years will be budgeted accordingly. In addition, the Sussex County Engineering Department recommends the rejection of Base Bids 1, 2 and 3 due to insufficient competition and authorization to re-advertise.



### SC Coastal Airport/Business Park, & Miscellaneous Property Maintenance RFP

Bidder			Jakor	Meibaum	Layao	Egolf
<b>Base Bid 4</b>	2018	EA	\$184,000.00	\$270,000.00	\$49,900.00	\$42,600.00
	2019	EA	\$22,770.00	\$8,000.00	\$5,750.00	\$5,000.00
	2020	EA	\$22,770.00	\$8,000.00	\$5,750.00	\$5,000.00
	2021	EA	\$22,770.00	\$8,000.00	\$5,750.00	\$5,000.00
	2022	EA	\$22,770.00	\$8,000.00	\$5,750.00	\$5,000.00
<b>5 Year Total for Base Bid 4</b>			<b>\$275,080.00</b>	<b>\$302,000.00</b>	<b>\$72,900.00</b>	<b>\$62,600.00</b>
<b>Base Bid 5</b>	2018	Cut	\$930.00	No Bid	\$2,015.00	No Bid
	2019	Cut	\$930.00	No Bid	\$2,015.00	No Bid
	2020	Cut	\$930.00	No Bid	\$2,015.00	No Bid
	2021	Cut	\$930.00	No Bid	\$2,015.00	No Bid
	2022	Cut	\$930.00	No Bid	\$2,015.00	No Bid
<b>5 Year Total for Base Bid 5</b>			<b>\$4,650.00</b>		<b>\$10,075.00</b>	
<b>Alternate Bid 1</b>	2018	CY	\$15.00	\$48.75	\$25.00	No Bid
	2019	CY	\$15.00	\$48.75	\$25.00	No Bid
	2020	CY	\$15.00	\$50.00	\$25.00	No Bid
	2021	CY	\$15.00	\$50.42	\$25.00	No Bid
	2022	CY	\$15.00	\$50.42	\$25.00	No Bid
<b>5 Year Total For Alternate Bid 1</b>			<b>\$180,000.00</b>	<b>\$596,016.00</b>	<b>\$300,000.00</b>	

## ENGINEERING DEPARTMENT

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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 Samuel R. Wilson, Jr., Vice President  
The Honorable George B. Cole  
The Honorable Joan R. Deaver  
The Honorable Robert B. Arlett

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

**RE:** *Agreement for Wastewater Services– Lewes Board of Public Works (BPW) Amendment No. 1*

**DATE:** March 20, 2018

On July 19, 2016, following an Engineering Department presentation, the Council authorized agreement negotiations with other wastewater service providers for the utilization of existing wastewater treatment capacity. On September 20, 2016 Council approved of an agreement with the Lewes Board of Public Works for wastewater treatment and disposal.

The agreement allows for the ability to transmit a year-round base flow rate of up to 75,000 gallons per day into the BPW's system with a seasonal ramp up of up to 300,000 gallons per day during the fall/winter season at a very competitive rate of \$2.40 per 1,000 gallons for similar services.

As per the BPW's request the County utilized George, Miles & Buhr, Inc., PBW's Engineer of Record for the design of the improvements on a reimbursement basis. Following the design completion and permitting the Council approved on August 29, 2017 the Lewes Board of Public Works Assistance Request under the FY18 General Labor & Equipment Contract for a joint project portion on Gills Neck Road. The project is now complete and flow is being diverted to the BPW's treatment facility.

Earlier this year Mr. Gordon, the BPW's General Manager requested an amendment to the Agreement allowing BPW's service are tie-in(s) to the County's wastewater system. In summary, the attached Amendment allows wastewater to be transmitted and treated by the most cost-effective manner with the billing to be accomplished on a net zero metering basis. The engineering Department recommends acceptance of Amendment No.1. The Board is scheduled to take up the Amendment on March 21, 2018.



**AGREEMENT FOR WASTEWATER SERVICES**

Between

LEWES BOARD OF PUBLIC WORKS

and

SUSSEX COUNTY COUNCIL

for and on behalf of

UNIFIED SANITARY SEWER DISTRICT

In Connection with

the Transmission and Treatment of Sewage Discharge from

the West Rehoboth Sanitary Sewer District Area

The Agreement for Services is made and entered into this \_\_ day of \_\_\_\_\_, 2018 (“Effective Date”), by and between Lewes Board of Public Works, the governing body of Lewes Area Utility (hereinafter referred to as “Owner”), and Sussex County Council (hereinafter referred to as “Contract User”), in connection with the West Rehoboth Sanitary Sewer District Area.

**WITNESSETH:**

For and in consideration of the mutual promises and covenants herein contained, the parties hereto do hereby agree as follows:

**ARTICLE I - TERM OF AGREEMENT**

Upon the Effective Date of this Agreement, the September 28, 2016 Agreement is hereby terminated and replaced in its entirety by this Agreement. The term of this Agreement shall be ten (10) years, commencing upon the Effective Date of this Agreement and terminating ten (10)

years thereafter. If, at the expiration of the term of this Agreement, Contract User shall not be in default upon any of the terms or conditions of this Agreement, then Contract User shall have an option to renew this Agreement for an additional term of ten (10) years.

The Contract User must notify the Owner in writing, via first class U.S. mail, no later than ninety (90) days prior to this Agreement's expiration, in order to indicate the Contract User's intentions to either renew or terminate this Agreement. If the Contract User does not indicate their intentions in writing to the Owner, as described above, then this Agreement will be automatically renewed on a year to year basis.

## **ARTICLE II - DEFINITION OF TERMS**

The following terms, as used herein, shall have the following meanings:

- A. "Collection System" shall mean local gravity pipelines and pump station(s) with pressurized pipelines used to convey sewer discharge to the designated connection point.
- B. "Biological Treatment" shall mean the handling of constituent's sewage by means of biological processes performed within the applicable Wastewater Treatment Facility.
- C. "Sewage" shall mean water-carried waste from residences, businesses and institutions.
- D. "Transmission System" shall mean collector gravity pipelines and pump station(s) with pressurized pipelines used to convey sewage to the applicable Wastewater Treatment Facility.
- E. "Base Flow Volume" shall mean a permitted discharge throughout the entire year.
- F. "Connection Points" shall mean the mutually agreed upon point of transfer shifting conveyance responsibilities from Contract User to Owner or vice versa on a case by case basis.

G. “Equivalent Dwelling Unit” shall be an arbitrary term used to express the load-producing effects on the sewer system, where actual metered flows are not available, caused by one average sized residential dwelling equivalent to a discharge of 250 gallons per day.

### **ARTICLE III - SERVICES TO BE RENDERED**

The services to be rendered to Contract User by Owner and to Owner by Contract User shall be sufficient to carry out and perform the functions contemplated by terms of this Agreement, including but not limited to the following:

A. Transmission of Sewage

Owner and Contract User agree to transmit sewage through their respective applicable Transmission Systems to their respective applicable Wastewater Treatment Facility downstream of the applicable designated Connection Point. This obligation extends only to construction and operation of the respective Transmission System and does not include their respective Collection Systems upstream of the applicable Connection Point.

B. Treatment of Sewage

Owner and Contract User agree to treat their respective sewage to a degree sufficient to enable the final effluent to comply with their respective Wastewater Treatment Facility National Pollutant Discharge Elimination System (NPDES) Permit.

### **ARTICLE IV - CHARACTERISTICS AND QUANTITY OF CONTRACT USER’S SEWAGE**

Owner’s and Contract User’s obligation to transmit and treat the respective sewage, as required hereunder, is and shall be subject to the following conditions:

A. Quality of Sewage

Sewage will not be acceptable if (1) upon the addition of said sewage to the sewage flow entering the Owner’s Wastewater Treatment Facility, the resulting combined sewage flow is not

amenable to Biological Treatment or (2) the contribution directly and solely results in a violation of standards set in the respective Wastewater Treatment Facility's (NPDES) Permit.

B. Contract User's Quantity of Flow

Contract User's flow contributions shall be limited to a net adjusted Base Flow Volume of 75,000 gallons per day and a seasonal (December 1<sup>st</sup> through March 31<sup>st</sup>) net adjusted volume of 300,000 gallons per day for the initial five (5) year period of the Agreement. Contract User may request a thirty-three percent (33%) volume increase of both the Base Flow and seasonal flow volumes after the initial period and Owner may grant such request if Owner's Transmission System and Wastewater Treatment Facility will operate at less than seventy-five percent (75%) capacity, respectively at the time of request.

C. Owner's Quantity of Flow

Owner's flow contribution shall be limited to the phases of the Showfield Subdivision situated in the corporate limits of the City of Lewes and the following tax parcels located off Old Orchard Road 335-8.00-25.0, 25.01 & 29.00 formerly known as Oyster Cove.

## **ARTICLE V - PAYMENT FOR SERVICES**

A. Manner of Payment

Contract User shall pay monthly for any and all transmission and/or treatment services rendered by Owner in the previous month hereunder within thirty (30) days after Contract User's receipt of the invoice from Owner. Upon Contract User's failure to pay any invoice so generated, the outstanding balance due upon such invoice shall accrue a financing charge in the amount of one percent (1.0%) per month.

B. Rate

Contract User agrees to pay Owner for all of Contract User's sewage transmitted and treated by Owner at an initial **rate \$2.40 per 1,000 gallons** of net metered discharge. The rate



shall be adjusted annually on January 1<sup>st</sup> based on the Philadelphia Region Consumer Price Index as published by the US Census Bureau.

C. Adjustments

Owner agrees to adjust the monthly invoice by deducting the flows for any and all transmission and/or treatment services rendered by Contract User under this Agreement in the previous month. Deductions shall be calculated by multiplying the number of EDUs connected to Contract User's sewer system as per Article IV, C. by 250 gallons per day times the days in the Owner's billing period, unless metered data of actual sewage flows is available, in which case the actual sewage flow data shall be used to calculate deductions under this Section. An EDU is considered connected after receiving a Certificate of Occupancy from the entity having land use jurisdiction.

**ARTICLE VI - MEASUREMENT OF CONTRACT USER'S SEWAGE FLOW**

Any and all measurements of Contract User's sewage flow, as required by Article V above, shall be performed under a monitoring program conducted and paid for by the Contract User and supervised by Owner. The results of all flow measurements shall be evaluated monthly, and shall serve as the basis for Owner's charges to Contract User.

The metering device utilized to measure Contract User's sewage flow shall be calibrated annually by an independent testing agency. The results of calibrations shall be made available to the Owner. If the calibration reveals a discrepancy greater than 10% the monthly sewer billing to the Contract User shall be adjusted (up or down) for a three (3) month period immediately preceding the calibration. No action shall be taken for metering devices within 10% accuracy.

Billing or credit adjustments shall be made on the next billing period immediately following the discovery of the metering discrepancy.

**ARTICLE VII – CAPITAL IMPROVEMENTS**

Contract User shall be responsible for all capital expenses associated with the construction of the Contract User's transmission facilities, including all costs incurred in connecting to the Owner's collection system and for all costs of operation and maintenance associated with said improvements. No sewer infrastructure of any type shall be connected to a Connection Point unless the respective party reviews and approves the design and inspects and approves the construction of any such proposed connection.

Owner and Contract User shall be jointly responsible on a flow proportional basis for all future capital expenses associated with the respective transmission systems downstream of the system Connection Points if said improvements are directly attributable to the addition of Contract User's or Owner's flow respectively.

#### **ARTICLE VIII – WASTEWATER IMPACT FEES**

Contract User paid the "Treatment and Transmission" portion of the Owner's impact fees valued at **\$1,500.00** per Equivalent Dwelling Unit (EDU) for the initial Base Flow Volume per EDU equal to 300 gallons per day. Payment of the initial impact fee in the total amount of \$375,000.00 on or before ninety (90) days after the Effective Date of the September 28, 2016 Agreement.

Subsequent impact fee payments shall be made in full within thirty (30) days of Owner's approval of increases in Base Flow requested by Contract User. In addition, calculations of future impact fees shall be made at the "Treatment and Transmission" portion of the Owner's impact fee rate in effect at the time.

#### **ARTICLE IX – TERMINATION OF SERVICES**

Except as otherwise provided herein, either party may terminate this Agreement upon twenty-four (24) months' written notice to the other party; provided that, notwithstanding any such notice of termination, Contract User agrees to pay Owner for any and all net adjusted

transmissions and/or treatment services rendered by Owner hereunder; and further provided that, notwithstanding any such notice of termination, Contract User shall reimburse Owner for Contract User's pro rata share of capital debt charges incurred by Owner (less depreciation) for any capital project which, during the term of this Agreement, was undertaken by Owner for the specific benefit of Contract User. Notwithstanding the notification period, the parties agree in the case of Owner's facilities experiencing operating limitations, likely to result in violations of applicable permits, the acceptance, treatment and disposal of wastewater by the Owner may be limited or discontinued for such period of time as agreed to by the parties.

#### **ARTICLE X - ARBITRATION**

Any controversy or claim arising out of or related to this Agreement, or any breach thereof, shall be settled by binding arbitration in accordance with the Rules of the American Arbitration Association and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. If any such controversy or claim, each party shall bear its own costs and neither party shall be responsible for payment of the other's legal, technical, or other costs of arbitration or litigation.

#### **ARTICLE XI – GOVERNMENTAL AUTHORITY**

This Agreement shall be subject to all governmental and regulatory approvals required to enable either party to enter into and perform pursuant to this Agreement including but not limited to any approvals required from the Delaware Department of Natural Resources and Control. In addition, the parties agree to comply with all applicable laws, regulations and policies of the federal, state, county and local authorities in the performance of this Agreement.

#### **ARTICLE XII – SEVERABILITY**

If any provision of this Agreement or the application thereof to any person or circumstance shall be invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provisions to other persons or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

### **ARTICLE XIII - MISCELLANEOUS**

A. This Agreement supersedes any and all previous agreements and understandings, written or oral, between the parties hereto concerning the subject matter hereof.

B. This Agreement constitutes the entire understanding of the parties with regard to the subject matter hereof, and the parties acknowledge and agree that there is no other agreement or understanding, written or oral, between the parties hereto concerning the subject matter hereof.

C. No change, modification, revision, or amendment to this Agreement shall be made or enforceable unless such change, modification, revision, or amendment is reduced to a writing duly executed by both parties hereto.

D. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, heirs, and assigns. No third party beneficiaries to this Agreement are intended.

E. Any notice required to be delivered to or by either party under this Agreement shall be sent via first class US mail. For purposes of this provision, Owner's address shall be 107 Franklin Street, Lewes BPW Administration Building, Lewes, Delaware 19958, and Contract User's address shall be 2 The Circle, P.O. Box 589, Georgetown, Delaware 19947.

**IN WITNESS WHEREOF**, intending to be legally bound hereby, the parties to this Agreement have hereunto set their respective hands and seals the day and year first above written.

**LEWES BOARD OF PUBLIC WORKS**

ATTEST:

\_\_\_\_\_  
Print Name:

BY: \_\_\_\_\_ (Seal)  
C. Wendell Alfred  
President, Lewes BPW

\_\_\_\_\_  
Date

**SUSSEX COUNTY**

ATTEST:

\_\_\_\_\_  
Print Name:

BY: \_\_\_\_\_ (Seal)  
Michael H. Vincent  
President, Sussex County Council

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**Sussex County**

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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 13, 2018

RE: County Council Report for Ord. 18-9 Setbacks for Small Legally Nonconforming Lots

---

The Planning and Zoning Commission held a public hearing on February 22, 2018 to amend the Zoning Code. The following are the draft minutes and motion for the amendments to the Code from the Planning and Zoning Commission meeting.

### **Ord. 18-9 Setbacks for Small Legally Nonconforming Lots**

**An Ordinance to amend Chapter 115 of the Code of Sussex County by amending Article XXV, §115-182 and §115-183, and Table 1 relating to front, side and rear yard setbacks in small, legally nonconforming lots.**

Ms. Cornwell advised the Commission that the Planning Department sees a lot of small lots, 50 feet wide and smaller, that have to comply with normal setbacks; that staff would like to reduce those setbacks for the side yards to 5 feet, and not allow any additional encroachments; that instead of changing the front yard setback staff would like to allow for an average front yard setback; that the same would be applied to the rear yard setback; that these are typically lots that were created before 1970 and there are a lot of lots that staff sees that are 50, 45 and even 30 feet wide.

Mr. Sharp stated there are a significant amount of fee simple lots that were designed for mobile homes, single-wide homes typically 10 – 12 feet wide, while new manufactured homes are typically a minimum of 14 feet with limited supply of narrower units.

Mr. Sharp recommended the following edits:

- 115-182E. In the first line, replace “pre-existing, legally nonconforming lot” with “*existing approved lot*”.
- 115-182E. Add a sentence at the end that states “*Provided, however, that no front yard setback shall be less than five feet.*”
- 115-183D. In the first line, replace “pre-existing, legally nonconforming lot” with “*existing approved lot*”.
- 115-183D. Change “less than 50 feet of frontage” to “fifty feet or less of frontage” in the second line.



- 115-183D. Add a new sentence at the end. *“For any lot with side or rear setbacks reduced by operation of this Section 115-183D, no structures shall extend or project closer than five feet to the lot line.”*
- TABLE 1. Revise Note (16) to state: *“For any existing approved lot that is less than 10,000 square feet or that has fifty feet or less of frontage, the side yard setbacks shall be reduced to five feet. The front and rear yard setback shall be reduced by five feet. For any lot with side or rear setbacks reduced by operation of this Section 115-183D, no structures shall extend or project closer than five feet to the lot line.”*

The Commission found two people commented on 18-9 Setbacks for Small Legally Nonconforming Lots

The Commission found that Mr. Hutt stated that this is much needed; that it makes a lot of sense for people to not have to come in front of the Board to meet a standard that is very difficult to meet; that the changes seemed appropriate and mirrored the things he had written down on his own notes; that he supports the proposed amendment.

The Commission found that Mr. Rieger stated that people should not be able to ask for additional variances, that they should just be able to build to the five feet and call it a day.

Chairman Ross responded that these reduced setbacks are just for non-conforming lots.

Mr. Sharp added that this would not change the standards by which the Board would review any variance application; that it would change the setbacks; that the Board has heard over 12,000 applications and there are a lot of these small lots, particularly 50 x 100 lots, and this would reduce the number of those applications moving forward.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to recommend approval of an Ordinance to amend Chapter 115 of the Code of Sussex County by amending Article XXV, §115-182 and §115-183, and Table 1 relating to front, side and rear yard setbacks in small, legally nonconforming lots with the following amendments:

- 115-182E. In the first line, replace “pre-existing, legally nonconforming lot” with *“existing approved lot”*.
- 115-182E. Add a sentence at the end that states *“Provided, however, that no front yard setback shall be less than five feet.”*
- 115-183D. In the first line, replace “pre-existing, legally nonconforming lot” with *“existing approved lot”*.
- 115-183D. Change “less than 50 feet of frontage” to “fifty feet or less of frontage” in the second line.
- 115-183D. Add a new sentence at the end. *“For any lot with side or rear setbacks reduced by operation of this Section 115-183D, no structures shall extend or project closer than five feet to the lot line.”*
- TABLE 1. Revise Note (16) to state: *“For any existing approved lot that is less than 10,000 square feet or that has fifty feet or less of frontage, the side yard setbacks shall be reduced to five feet. The front and rear yard setback shall be reduced by five feet. For any lot with side or rear setbacks reduced by operation of this Section 115-183D, no structures shall extend or project closer than five feet to the lot line.”*

Motion carried 5-0.

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-182 AND §115-183, AND TABLE 1 RELATING TO FRONT, SIDE AND REAR YARD SETBACKS IN SMALL, LEGALLY NONCONFORMING LOTS**

WHEREAS, there are many legally nonconforming small lots that exist individually and in older developments throughout Sussex County; and

WHEREAS, the yard setback requirements as applied to these legal, nonconforming lots often make the lots difficult, if not impossible, to reasonably improve; and

WHEREAS, the Sussex County Board of Adjustment frequently considers and approves yard setback variance applications for these small, legally nonconforming lots; and

WHEREAS, the Sussex County Council desires to create reduced setbacks for pre-existing, legally nonconforming lots with less than 50 feet of frontage or that are less than 10,000 square feet in size so that they are all treated uniformly; and

WHEREAS, deletions from the existing Sussex County Code are shown in [brackets] and additions to the Code of Sussex County are shown in *italics*.

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

**Section 1.** Amend Sussex County Code, Chapter 115, Article XXV, §115-182, “Front Yards” by adding a new subsection E. thereto as follows:

**§115-182 Front Yards.**

...

*E. For any pre-existing, legally nonconforming lot that is less than 10,000 square feet in size or that has less than 50 feet of frontage, the front yard setback shall be reduced by five feet.*

**Section 2.** Amend Sussex County Code, Chapter 115, Article XXV, §115-183, “Side and Rear Yards” by adding a new subsection D. thereto as follows:

**§115-183 Side and Year Yards.**

...

*D. For any pre-existing, legally nonconforming lot that is less than 10,000 square feet in size or that has less than 50 feet of frontage, the side yard setbacks shall be reduced to five feet and the rear yard setback shall be reduced by five feet.*

**Section 3.** Amend “Table I, General Table of Height, Area and Bulk Requirements, Sussex County” by adding a new footnote (16) to the columns “Depth of Front Yard (feet)”, “Width of Side Yard (feet)” and “Depth of Rear Yard (feet)” as follows:



NOTES:

...

(16) *For any pre-existing, legally nonconforming lot that is less than 10,000 square feet in size or that has less than 50 feet of frontage, the side yard setbacks shall be reduced to five feet. The front and rear yard setback shall be reduced by five feet.*

**Section 4.** Effective Date. This Ordinance shall become effective upon its adoption by a majority of all members elected to Council.

PROPOSED

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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 13, 2018

RE: County Council Report for Ord. 18-5 Condition Amendments

---

The Planning and Zoning Commission held a public hearing on February 22, 2018 to amend the Zoning Code. The following are the draft minutes and motion for the amendments to the Code from the Planning and Zoning Commission meeting.

### **Ord. 18-5 Condition Amendments**

**An Ordinance to amend Chapter 115 of the Code of Sussex County by amending Article XXVIII, §115-222 relating to amendments of prior approvals.**

Ms. Cornwell advised the Commission that currently if there is a condition of approval for a Conditional Use or an RPC that started with the Planning Commission it can be amended by the Planning Commission; that if the condition comes from County Council it has to go through the whole public hearing process; that with this amendment any change to conditions no matter where they originated from must go back through the whole public hearing process; that the reason for this amendment is that people want a more open process when conditions are amended.

Mr. Wheatley stated that a requirement for every change of condition to require a public hearing no matter how minor it is, seems burdensome.

Chairman Ross stated that one thing that could be done to better the process is that when an amended condition is requested that the minutes from the original public hearing be attached to the Commission's packets to see if the condition was proffered by the applicant, demanded by the public and supplied by the Commission or Council to provide some background.

Mr. Wheatley stated that if they are required to go through the public hearing process the applicant has to pay for that \$500 to see if they can stay open a half hour later. That the Commission is already backed up 6-8 months and to think what this would do to the agenda.

The Commission found two people commented on Ord. 18-5 Condition Amendments.

The Commission found that Mr. Hutt stated that he is not sure what is broken here or what is attempting to be fixed by this; that he has always been a little perplexed by the language of this



section; that he had prepared alternate language, but that he will not submit it with the hope that this does not get a recommendation for approval from Commission.

The Commission found that Mr. Rieger stated that it seems like what is heard in front of Commission is sometimes different than what the County Council hears at their meetings; that there are different people who attend one or the other and differing opinions; that regardless of where the condition originated it should go back through Council if it is amended.

Motion by Mr. Wheatley, seconded by Mr. Hopkins, and carried unanimously to recommend denial of Ordinance 18-5 Condition Amendments. Motion carried 5-0.

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

**AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXVIII, §115-222 RELATING TO AMENDMENTS OF PRIOR APPROVALS**

WHEREAS, Currently Section 115-222 of the Zoning Code of Sussex County allows certain amendments to conditions imposed on conditional uses and residential planned communities to only be considered by the Planning and Zoning Commission if the condition originated at the Commission; and

WHEREAS, Sussex County Council often adopts the Commission's conditions as being reasonable and appropriate, and that such adoption is a "decision" as much as the creation of a new or revised condition would be; and

WHEREAS, Sussex County Council intends that all conditions of approval imposed as part of a conditional use ordinance or residential planned community ordinance shall be considered by both the Planning and Zoning Commission and Sussex County Council.

WHEREAS, deletions to the text of the existing Code of Sussex County are shown in [brackets] and additions are shown in *italics*.

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

**Section 1.** Amend Sussex County Code, Chapter 115, Article XXVIII, §115-222 "Amendments and Additions to Site Plans" as follows:

**§ 115-222 Amendments and additions to site plans.**

The procedure for amendment of the boundaries of an approved RPC District or change of the extent of land use for an approved conditional use shall be the same for a new application, except that minor amendments of an approved site plan or of conditions attached to an approved [RPC District, conditional use or] site plan may be approved by the Commission at a regular meeting after written reports by the Director and without a public hearing, provided that such change or amendment:

- A. Does not alter a recorded RPC plat.
- B. Does not conflict with the specific requirements of this chapter.
- C. Does not change the general character or content of an approved development plan or use.
- [D. Applies to an approved condition originating with the Commission and not the County Council.]
- [E.]D. Has no appreciable effect on adjoining or surrounding property.
- [F.]E. Does not result in any substantial change of major external access points.
- [G.]F. Does not increase the approved number of dwelling units or height of buildings.
- [H.]G. Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

INTRODUCED 02/06/18

*Any amendment to a condition imposed as part of a conditional use ordinance or residential planned community ordinance shall be treated the same as a new application.*

**Section 2.** Effective Date. This Ordinance shall become effective upon its adoption by a majority of all members elected to Council.

PROPOSED

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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 13, 2018

RE: County Council Report for Ord. 18-2 Yards and Open Spaces, Administrative Variances

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The Planning and Zoning Commission held a public hearing on February 22, 2018 to amend the Zoning Code. The following are the draft minutes and motion for the amendments to the Code from the Planning and Zoning Commission meeting.

**Ord. 18-2 Yards and Open Spaces, Administrative Variances**  
**An Ordinance to amend Chapter 115 of the Code of Sussex County by amending Article XXV, §115-181 relating to yards and open space generally.**

Ms. Cornwell advised the Commission that on occasion in the past Certificates of Occupancy (CO) have been issued in error and unfortunately neither the staff nor the Director can address these discrepancies; that the applicant would have to pay the \$400 to have a Board of Adjustment meeting and a public hearing to obtain a variance as a result of these errors; that with the change to this ordinance and with proof that the CO was issued in error, The Director or his/her designee could then approve an administrative variance to allow that change and to recognize something was done in error and not the applicants fault.

The Commission found that there was one person in support of the proposed ordinance.

The Commission found that Paul Rieger stated that he has watched the Board of Adjustment for the last year and all of the people coming in for a variance due to mistakes; that it is about time that the people should not be charged for a mistake that was done in error by the County, or people coming in for closings; that this was much needed and should have been done a lot quicker; that it is appreciated that this one got pushed through for the residents.

Motion by Ms. Stevenson, seconded by Mr. Wheatley, and carried unanimously to recommend approval of ordinance 18-2 an ordinance to amend chapter 115 of the Code of Sussex County by amending Article XXVII, §115-181 relating to yards and open spaces generally with the amendment of the first words of subsection 7; that the words 'In addition to' were removed and replaced with 'Notwithstanding.' Motion carried 5-0.



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

**AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-181 RELATING TO YARDS AND OPEN SPACES GENERALLY**

WHEREAS, in order to make it easier for Sussex County residents to obtain yard setback or building separation variances in the event of a prior error of Sussex County in the administration of its Zoning Code, Sussex County is amending its Administrative Variance process; and

WHEREAS, the Director of Planning and Zoning may grant an Administrative Variance upon the submittal of a survey signed and sealed by a surveyor licensed in the State of Delaware and proof of the need to correct a prior error of Sussex County in the administration of its Zoning Code.

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

**Section 1.** Amend Sussex County Code, Chapter 115, Article XXV, §115-181, “YARD AND OPEN SPACES GENERALLY” by adding a new subsection E.(7) as follows:

E. Administrative Variances.

...

*(7) In addition to the process outlined in subparts (1) through (6) above, upon submission of a survey signed and sealed by a surveyor licensed in the State of Delaware and proof satisfactory to the Director of a prior error of Sussex County in administration of Chapter 115 of the Code of Sussex County, the Director may administratively grant a yard setback or building separation variance. There shall not be any fee for this request, nor shall any notice to adjacent property owners be required.*

**Section 2.** Effective Date. This Ordinance shall become effective upon its adoption by a majority of all members elected to Council.

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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 13, 2018

RE: County Council Report for Ord. 18-1 Townhouse and Multifamily Dwelling Outside Wall Dimensions

---

The Planning and Zoning Commission held a public hearing on February 22, 2018 to amend the Zoning Code. The following are the draft minutes and motion for the amendments to the Code from the Planning and Zoning Commission meeting.

### **Ord. 18-1 Townhouse and Multifamily Dwelling Outside Wall Dimensions**

**An ordinance to amend Chapter 115 of the Code of Sussex County by amending Article XXV, §115-188 relating to townhouse and multi-family dwelling outside wall dimensions.**

Ms. Cornwell advised the Commission that currently the maximum length of a multi-family building is 165 feet; that there have been calculations done in the past and discussions with engineers; that they would like to increase the length to 170 feet.

Mr. Sharp advised the Commission that there were two proposed edits to the ordinance, therefore the proposed amendments would read as follows:

§115-188 D (6) – “Unless otherwise restricted by district regulations not more than eight dwelling units shall be included in any one townhouse building, and the outside wall dimensions of the townhouse building shall not exceed 170 feet in width measured linearly from the outer edge of the townhouse building end units.”

§115-188 E (1) – last sentence would read... “Mixed use buildings that contain nonresidential uses shall not be subject to the outside wall dimension requirement.”

The Commission found that there were no parties in support or in opposition to the proposed ordinance.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to recommend approval of Ord. 18-1 as amended to §115-188 D (6) and §115-188 E (1). Motion carried 5-0.





ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-188 RELATING TO TOWNHOUSE AND MULTIFAMILY DWELLING OUTSIDE WALL DIMENSIONS**

WHEREAS, §115-188 establishes that no outside walls of townhouse and multifamily dwellings shall exceed 165 feet in length; and

WHEREAS, this 165 foot requirement has been interpreted and applied in various ways, including as a 165 foot “box”; and

WHEREAS, these various interpretations, including the “box”, have led to the allowance for buildings that are actually 168 feet in length; and

WHEREAS, the Sussex County Council desires to clarify that the measurement applies to the “actual” wall dimension; and

WHEREAS, the Sussex County Council desires to extend the permitted length of townhouse and multifamily buildings to 170 feet; and

WHEREAS, the Sussex County Council desires to amend §115-188 to state that the 165 (now 170) foot permitted length does not apply to mixed use buildings, since there is no such requirement for non-residential uses; and

WHEREAS, deletions from the existing Sussex County Code are shown in [brackets] and additions to the Code of Sussex County are shown in *italics*.

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

**Section 1.** Amend Sussex County Code, Chapter 115, Article XXV, §115-188, “Townhouses and Multifamily Dwellings” by amending subsections D.(6) and E.(1). thereof as follows:

**§115-188 Townhouses and Multifamily Dwellings.**

...

D. The following regulations shall apply to townhouses:

...

(6) Unless otherwise restricted by district regulations, not more than eight dwelling units shall be included in any one townhouse building, with no *actual* outside wall dimension of more than [165] 170 feet. *In the case of staggered dwellings within a single townhouse building, the measurement shall be of the actual length of the entire townhouse building.*

...

E. The following regulations shall apply to multifamily dwellings:

(1) No overall *actual* outside wall dimension of a building shall exceed [165] 170 feet. *The measurement shall be of the actual length of the entire multifamily building. This measurement shall not apply to mixed use buildings that contain nonresidential uses.*

**Section 2.** Effective Date. This Ordinance shall become effective upon its adoption by a majority of all members elected to Council.

PROPOSED

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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 13, 2018

RE: County Council Report for Ord. 18-4 Interconnectivity

---

The Planning and Zoning Commission held a public hearing on February 22, 2018 to amend the Zoning Code. The following are the draft minutes and motion for the amendments to the Code from the Planning and Zoning Commission meeting.

### **Ord. 18-4 Interconnectivity**

**An Ordinance to amend Chapter 115 of the Code of Sussex County by amending Article XXVIII, §115-220 and §115-221 relating to interconnectivity required for certain uses.**

Ms. Cornwell advised the Commission that the intent is to require interconnectivity for new commercial uses; that there is ability for the Commission to waive that requirement if it is not feasible in certain instances.

Ms. Stevenson stated that she is happy with this ordinance; that she would like to see it expanded to residential developments of 100 units or more where a lot would be left empty to allow for interconnectivity; that in order to do that sentences would have to be added to §115-220 B (16) that states “*Any residential use identified in §115-219 A (1) or (2) with 100 or more units must provide for interconnectivity with adjacent undeveloped parcels.*”

Chairman Ross stated that there are more issues with applying this ordinance to residential uses such as liability, safety, maintenance, and unwanted traffic making it a difficult discussion at the Commission level.

Ms. Cornwell stated that §115-219 references with townhomes and multi-family dwellings and not a single-family subdivision.

Mr. Wheatley stated that he thinks commercial folks almost all want interconnectivity; that if the people are paying to maintain these roads and they are not designed to state specs they are not going to want the extra traffic; that whenever we can get someone to do it voluntarily they should continue to push for it.



Mr. Hudson stated that he is not ready to go forward with interconnectivity in residential uses because it brings unwanted people passing through your neighborhood, crime rate goes up, people go through too fast and there are a bunch of issues.

Ms. Cornwell recommended the following edits:

- Reference “§” instead of “section.
- Refer to complete section number instead of just A. (5) and (6) in both 115-220 and 221.

The Commission found one person to comment on Ord. 18-4 Interconnectivity.

The Commission found that David Hutt stated that in general connectivity makes all the sense in the world for commercial settings and is not as clear cut in residential settings for all the reasons that were said in addition to GPS finding routes and putting people through subdivisions that shouldn't be there; that the residential side of interconnectivity will need a different consideration.

Motion by Mr. Hopkins, seconded by Mr. Wheatley, and carried unanimously to recommend approval of an Ordinance to amend Chapter 115 of the Code of Sussex County by amending Article XXVIII, §115-220 and §115-221 relating to interconnectivity required for certain uses with the following amendments, where the word “section” appear it is replaced with the “§” and wherever A (5) and A (6) are referenced it will be replaced with 115-220 or 115-221 where appropriate. Motion carried 5-0.

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

**AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXVIII, §115-220 and §115-221 RELATING INTERCONNECTIVITY REQUIRED FOR CERTAIN USES**

WHEREAS, Sussex County Council recognizes that interconnectivity among adjacent commercial, business and similar uses allows for convenient and orderly ingress and egress among the uses with a lessening of traffic upon adjacent and nearby roadways; and

WHEREAS, Sussex County Council has determined that such interconnectivity shall be required as part of the site plan approval process for adjacent commercial, business and similar uses; and

WHEREAS, deletions to the text of the existing Code of Sussex County are shown in [brackets] and additions are shown in *italics*.

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

**Section 1.** Amend Sussex County Code, Chapter 115, Article XXVIII, §115-220 “Preliminary Site Plan Requirements” by adding a new subpart (16) within subsection B. thereof as follows:

**§115-220 Preliminary Site Plan Requirements.**

...

B. The preliminary site plan shall show the following:

...

*(16) In the case of a proposed development with the uses identified in Section 115-219 A.(5) and (6), the site plan shall provide interconnectivity with adjacent parcels where the uses identified in A.(5) and (6) are occurring or may occur in the future.*

C. The Commission may establish additional requirements for preliminary site plans and may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project. If a preliminary site plan is approved by the Commission without the inclusion of a particular requirement, the Commission is deemed to have waived that requirement.

**Section 2.** Amend Sussex County Code, Chapter 115, Article XXVIII, §115-221 “Final Site Plan Requirements” by adding a new subpart (18) within subsection B. thereof as follows:

**§115-221 Final Site Plan Requirements.**

...

B. The final site plan shall show the following:

...

*(18) In the case of a proposed development with the uses identified in Section 115-219 A.(5) and (6), the site plan shall provide interconnectivity with adjacent parcels where the uses identified in A.(5) and (6) are occurring or may occur in the future.*

C. The Commission may establish additional requirements for final site plans and may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project. If a preliminary site plan is approved by the Commission without the inclusion of a particular requirement, the Commission is deemed to have waived that requirement.

**Section 3.** Effective Date. This Ordinance shall become effective upon its adoption by a majority of all members elected to Council.

PROPOSED

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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 13, 2018

RE: County Council Report for Ord. 18-6 Deck and Patio Setbacks

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The Planning and Zoning Commission held a public hearing on February 22, 2018 to amend the Zoning Code. The following are the draft minutes and motion for the amendments to the Code from the Planning and Zoning Commission meeting.

### **Ord. 18-6 Deck and Patio Setbacks**

An Ordinance to amend Chapter 115 of the Code of Sussex County by amending Article XXV, §115-183 relating to decks, porches, platforms or steps in side and rear yards.

Ms. Cornwell advised the Commission that a deck or unenclosed addition can encroach five feet into the rear yard setback; that staff is proposing to allow them to go within five feet of the side or rear yard property line; that there are a lot of variance requests for this; that this proposed amendment is very similar to many other jurisdictions; that this amendment is very similar to the setback rules for accessory structures; that a shed can be within five feet of a rear or side property line.

Mr. Sharp stated that they do see a lot of applications before the Board where decks or stairs need to go just a little further and that hopefully this amendment will address that.

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to recommend approval of an Ordinance to amend Chapter 115 of the Code of Sussex County by amending Article XXV, §115-183 relating to decks, porches, platforms or steps in side and rear yards. Motion carried 5-0.



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

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-183 RELATING TO DECKS, PORCHES PLATFORMS OR STEPS IN SIDE AND REAR YARDS.**

WHEREAS, Section 115-183 of the Code of Sussex County currently states “open unenclosed decks, porches platforms or steps not covered by a roof or canopy” and which are at the first floor level of a building may encroach up to five feet into a setback; and

WHEREAS, this requirement for decks, porches, etc., is inconsistent with Chapter 115’s treatment of sheds that do not exceed 600 square feet in size, which may be no closer than five (5) feet from a property boundary line; and

WHEREAS, it is the desire of Sussex County to create uniformity in the application of its Code and eliminate the aforesaid inconsistency between sheds, porches and decks; and

WHEREAS, deletions from the existing Sussex County Code are shown in [brackets] and additions to the Code of Sussex County are shown in *italics*.

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

**Section 1.** Amend Sussex County Code, Chapter 115, Article XXV, §115-183, “Side and Rear Yards” by amending subsection C. thereof as follows:

**§115-183 Side and Year Yards.**

...

C. Open unenclosed decks, porches, platforms or steps not covered by a roof or canopy and which do not extend above the first floor of the building [may extend or project into the side or rear yard not more than five feet] *may be constructed in a side or rear yard no closer than five feet from a side lot line and five feet from a rear lot line.* This provision does not apply to manufactured home parks or campgrounds.

**Section 2.** Effective Date. This Ordinance shall become effective upon its adoption by a majority of all members elected to Council.



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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 13, 2018

RE: County Council Report for Ord. 18-3 Lapse of Special Exception or Variances

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The Planning and Zoning Commission held a public hearing on February 22, 2018 to amend the Zoning Code. The following are the draft minutes and motion for the amendments to the Code from the Planning and Zoning Commission meeting.

### **Ord. 18-3 Lapse of Special Exception or Variances**

**An Ordinance to amend Chapter 115 of the Code of Sussex County by amending Article XXVII, §115-213 relating to lapses of Special Exceptions and Variances.**

Ms. Cornwell advised the Commission that currently variances and special use exceptions are expire one year from date of approval if not implemented; that the staff would like to extend that to two years; that there have been instances where an applicant will have difficulties obtaining a permit after receiving a variance from the Board of Adjustment; that as it stands right now the applicant has to be under construction within the year; that this would give the applicant a little more leeway.

Mr. Sharp recommended the following edits:

- Add a “.” after “granted” in the 4<sup>th</sup> line.
- Delete the rest of the sentence and replace it with a new sentence. *“The Board of Adjustment may extend the expiration date of the special use exception or variance for a period not to exceed one year upon a showing of good cause; provided however, that the extension request is submitted prior to the expiration of the existing approval.”*

The Commission found one person to comment on Ordinance 18-3 Lapse of Special Exception or Variance.

The Commission found that David Hutt stated that this is much needed and that he has brought some of these cases to the Board of Adjustment himself; that he had prepared alternate language; that he proposed to add at the end “If a decision of the Board is appealed, the two years shall not begin until the decision on appeal becomes final.”



Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to recommend approval of an Ordinance to amend Chapter 115 of the Code of Sussex County by amending Article XXVII, §115-213 relating to lapses of Special Exceptions and Variances and as part of that on the fourth line after the word “granted” a “.” would be added and the remainder of the sentence would be deleted and replaced with “*The Board of Adjustment may extend the expiration date of the special use exception or variance for a period not to exceed one year upon a showing of good cause; provided however, that the extension request is submitted prior to the expiration of the existing approval.*” And the sentence after that would be added and read, “*If a decision of the Board is appealed, the two years shall not begin until the decision on appeal becomes final.*” Motion carried 5-0.

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

**AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXVII, §115-213 RELATING LAPSES OF SPECIAL EXCEPTIONS AND VARIANCES**

WHEREAS, currently all special exceptions or variances granted by the Sussex County Board of Adjustment automatically lapse and become null and void if no substantial construction or change of use has occurred within one year from the date said approval was granted; and

WHEREAS, Sussex County Council recognizes that due to other needed approvals and permits, and other reasonable time factors, it is not always possible to commence construction or change use within one year from the date a special exception or variance was granted; and

WHEREAS, other approvals have greater time periods to commence construction; and

WHEREAS, Sussex County Council has determined that the time period under which substantial construction or a change of use must occur following the grant of a special exception or variance should be extended to two (2) years; and

WHEREAS, deletions to the text of the existing Code of Sussex County are shown in [brackets] and additions are shown in *italics*.

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

**Section 1.** Amend Sussex County Code, Chapter 115, Article XXVII, §115-213 “Lapse of Special Exception or Variance” as follows:

**§115-213 Lapse of special exception or variance.**

After the Board of Adjustment has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of [one year] *two years* if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted or if the Board does not specify some longer period [that] *than* one year, for good cause shown, and the provisions of these regulations shall thereafter govern.

**Section 2.** Effective Date. This Ordinance shall become effective upon its adoption by a majority of all members elected to Council.

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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 13, 2018

RE: County Council Report for Ord. 18-8 Off Street Loading

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The Planning and Zoning Commission held a public hearing on February 22, 2018 to amend the Zoning Code. The following are the draft minutes and motion for the amendments to the Code from the Planning and Zoning Commission meeting.

### **Ord. 18-8 Off Street Loading**

**An Ordinance to amend Chapter 115 of the Code of Sussex County by amending Article XXIII, §115-168 relating to modification of off-street loading requirements.**

Ms. Cornwell advised the Commission that currently Planning Commission can waive off-street loading requirements or a variance is needed from the Board of Adjustment; that the recommendation is just to allow the Planning Commission to waive it to remove the conflict in the Code.

Motion by Ms. Stevenson, seconded by Mr. Hopkins, and carried unanimously to recommend approval of an Ordinance to amend Chapter 115 of the Code of Sussex County by amending Article XXIII, §115-168 relating to modification of off-street loading requirements. Motion carried 5-0.



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ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXIII, §115-168 RELATING TO MODIFICATION OF OFF-STREET LOADING REQUIREMENTS**

WHEREAS, Currently Article XXIII establishes certain off-street loading requirements for a variety of specified uses, and Section 115-168 thereof states that modification or waiver of those requirements must proceed before the Board of Adjustment; and

WHEREAS, Currently Article XXII establishes certain off-street parking requirements for a variety of specified uses, and Section 115-164 thereof states that modification or waiver of those requirements may be considered by the Planning and Zoning Commission; and

WHEREAS, the design and location of parking and loading areas are similar in nature and use, and the process for modifying these requirements should be treated consistently; and

WHEREAS, the Planning and Zoning Commission is the most appropriate body to consider waivers of off-street loading requirements during the site plan review process, just like it does for parking requirements; and

WHEREAS, Sussex County Council intends to amend Section 115-168 of the Zoning Code to provide that waivers and modifications of off-street loading requirements shall be considered by the Planning and Zoning Commission; and

WHEREAS, deletions to the text of the existing Code of Sussex County are shown in [brackets] and additions are shown in *italics*.

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

**Section 1.** Amend Sussex County Code, Chapter 115, Article XXIII, §115-168 “Interpretation of requirements; modification of requirements”, subsection C thereof, as follows:

**§115-168 Interpretation of requirements; modification of requirements.**

...

C. [Under the provisions of Article XXVII, the Board of Adjustment may waive or reduce the loading space requirements whenever the character of the use is such as to make unnecessary the full provision of loading facilities, where provision is made for community loading facilities or where provision of loading space requirements is impractical under certain conditions for uses which contain less than 10,000 square feet of floor area.] *Where, in the judgment of the Planning and Zoning Commission, the loading space requirements listed in this Article XXIII are clearly excessive and unreasonable, the Commission may modify the requirements.*

**Section 2.** Effective Date. This Ordinance shall become effective upon its adoption by a majority of all members elected to Council.

SYNOPSIS

This ordinance replaces the requirement that loading space modifications or waivers must go to the Board of Adjustment, and duplicates the language (substituting the reference for loading spaces for parking) from Section 115-164 regarding parking modifications.

PROPOSED

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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 13, 2018

RE: County Council Report for Ord. 18-7 Yards and Open Spaces, Ramps

---

The Planning and Zoning Commission held a public hearing on February 22, 2018 to amend the Zoning Code. The following are the draft minutes and motion for the amendments to the Code from the Planning and Zoning Commission meeting.

### **Ord. 18-7 Yards and Open Spaces, Ramps**

**An Ordinance to amend Chapter 115 of the Code of Sussex County by amending Article XXV, §115-181 relating to yards and open space generally.**

Ms. Cornwell advised the Commission that the purpose of this amendment is to allow for handicap ramps to encroach into the front yard setback; that the only place where they are allowed to encroach is in a manufactured home park; that if you want to install a temporary ramp anywhere else it has to meet with principle structure setbacks; that staff would note upon looking at the manufactured home section they would like to tweak this one a little more; that staff have been speaking with the Community Development Department which have been helping people build these ramps as close as they can to parking areas which is often more than four feet; ramps are currently allowed to encroach 4 feet; that staff would like more time to get the right setback information.

Mr. Sharp stated that the language here is not for the mobile home parks; that this language should mirror the language of the mobile home parks so that there is no confusion in the future.

Ms. Cornwell stated that there is no inspection of ramps by the Planning Office; that she is unsure if an inspection is required by building code; that staff has spoken with Community Development about ramps since they are supposed to be temporary; that Community Development responded that if they help build them and they are removed a letter is sent to the town that the ramp has been removed; that this will become more and more prevalent as the population continues to age.

The Commission found two people commented on Ord. 18-7 Yards and Open Spaces, Ramps.

The Commission found that Mr. Hutt stated that the proposal requested an affidavit from a doctor every year and that this turns the County into ramp police; that a special use exception is valid for 5



years and maybe it is a process like that; that once there is no longer a need for the ramp what will be the process to ensure it does not become a part of the permanent structure.

The Commission found that Mr. Rieger stated that the term temporary is not defined; that it should be simpler to go through the Board of Adjustment to get a ramp; that the bigger issue is that it is temporary, and who makes the decision for the length of time; that the same thing applies for fences; that he has a four foot fence out front for horses, but when the horse goes is he able to keep the four foot fence; that if someone needs a ramp just make sure it is safe that is fine; that the word temporary throughout section 115 needs to be looked at.

Mr. Wheatley stated that people are not building handicap ramps unless they need one so he is unsure why they are being regulated to begin with; that this is not something that needs regulation.

Mr. Sharp stated that the reason for this is that they don't want to see ramps on the property line where the owner would not be able to maintain it without trespassing on their neighbor's property; that could conceivably be a reason for some sort of oversight.

Mr. Sharp recommended the following edits:

- Section 1, Correct the reference to the Code Section from “§115-1813” to “§115-181”
- Recommend that no action be taken on this ordinance pursuant to staff's desire to address the similar language in Section 115-172 regarding manufactured home communities.

Motion by Ms. Stevenson, seconded by Mr. Wheatley, and carried unanimously to defer Ordinance 18-7 Yards and Open Spaces, Ramps. Motion carried 5-0.



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

**AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-181 RELATING TO YARDS AND OPEN SPACES GENERALLY**

WHEREAS, Section 115-181 of the Code of Sussex County does not permit the encroachment of landings and temporary handicap ramps for emergency needs into setback areas; and

WHEREAS, Section 115-172 G.(14) permits the encroachment of landings and temporary handicap ramps for emergency needs into setback areas; and

WHEREAS, the provision for the encroachment of landings and temporary handicap ramps for emergency needs is appropriate in all types of development; and

WHEREAS, it is the desire of Sussex County to create uniformity in the application of its Code and eliminate the aforesaid inconsistency; and

WHEREAS, deletions from the existing Sussex County Code are shown in [brackets] and additions to the Code of Sussex County are shown in *italics*.

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

**Section 1.** Amend Sussex County Code, Chapter 115, Article XXV, §115-1813, “Yard and Open Spaces Generally” by adding a new subsection F. thereof as follows:

**§115-181 Yards and Open Spaces Generally.**

...

*F. Open unenclosed landings with steps and temporary handicap ramps for emergency needs providing access into the main residential structure may project four feet into the required yard setback. An open unenclosed landing, not exceeding four feet by four feet located near the elevation of the finished floor of the main residential structure shall have the necessary steps to get down from the landing to the grade of the lot. Temporary handicap ramps may be permitted for emergency needs upon receipt of an affidavit from a doctor on an annual basis that an emergency situation exists and shall be subject to the approval of the County’s Chief of Building Code. A temporary handicap ramp shall be designed and built to County Building Code and federal code guidelines relating to the Americans with Disabilities Act with specified slopes, handrails, etc. A temporary handicap ramp permitted under this subsection shall be removed if the need for it no longer exists.*

**Section 2.** Effective Date. This Ordinance shall become effective upon its adoption by a majority of all members elected to Council.

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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 7., 2018

RE: County Council Old Business Report for CZ 1832 and CU 2106 MDI Investment Group, LLC

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The County Council held a public hearing on December 5, 2017. County Council deferred action to allow for a recommendation from Planning Commission.

The Planning and Zoning Department received applications (CZ 1832 and CU 2106 MDI Investment Group, LLC) to allow for a change in zone from AR-1 (Agricultural Residential District) to MR (Medium Density Residential District) and to allow for a conditional use for multi-family dwellings. The Planning and Zoning Commission held a public hearing on November 16, 2017. The following are the minutes and motions for the Change of Zone and Conditional Use applications from the November 16, 2017 and December 14, 2017 Planning and Zoning Commission meetings.

There was a consensus of the Commission to a combined public hearing on C/Z #1832 and C/U #2106, that application of MDI Investment Group, LLC and that each application would be voted on separately.

The applications were consolidated into a single public hearing.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, comments from the Sussex Engineering Department Utility Planning Department, results from the DelDOT Service Level Evaluation that stated a TIS is not required, and exhibit book.

The Commission found that Harold Dukes, Esquire of Tunnell & Raysor, P.A., Doug Compher, with MDI Investment Group Inc. and John Murry with Kercher Engineering were present on behalf of the application; that Mr. Compher recently acquired the parcels that are zoned AR-1; that the parcels are surrounded by Eagles Point subdivision, the Arbors at Cottagedale, Summerset Green and other residential developments; that they are asking to rezone the parcels to MR and allow for 52 townhome units; that there is MR zoning in the area; that the parcels are located in Level 1 in the State Strategies; that the site is across from the new transit center and near the Lowe's; that the site is 6.86 ac.; that they are requesting a density of 7.58 for the site; that the Arbors at Cottagedale has a density of 9.29 which is adjacent to the site; that the Arbors at Cottagedale went through a similar process with Change of Zone and Conditional Use applications; that the site went through the PLUS process and they have responded to the PLUS comments; that the Comp Plan



identifies that the land use is Environmentally Sensitive Developing Area, Mixed Residential and Highway Commercial; that 60.6% of the land will be open space; that they will have central sewer provided by Sussex County; that water will be provided by Tidewater Utilities; that they are waiting on a Letter of No Objection from DelDOT; that there will be interconnectivity to the wellness center to the west; that the wellness center's entrance will be removed and combined with this site's entrance; that Summerset Green is a townhouse development in the area which is similar to the character of the proposed development; that it is near the new transit center; that it ties into the sidewalk with the wellness center and extends the sidewalk along the road frontage; that the site has good soils for infiltration for stormwater management; that the stormwater management area will be located in the panhandle area of the site; that the site complies with Section 115-194.3 for a development in the ESDDOZ; that they have submitted proposed findings in the exhibit book; that there is a history of other Conditional Uses and Change of Zone applications in the area; that the use is in keeping with the character of the area; that there is infrastructure and transit available; that a TIS is not required; that the maximum number of units is 52; that the wellness center will get more parking with the new interconnectivity and the closing of that entrance; that there are several other potential interconnectivity opportunities on the site; that the one to the Arbors at Cottagedale would go through their existing stormwater management pond and the others into the back of lots that could develop in the future; that the developer is required to construct road improvements along Shady Rd. per DelDOT; that the intent is for housing for the middle class with a price range in the \$200,000 range; that there are amenities in the area for residents to use instead of them providing amenities on the site; and that there are complexities with trying to connect to the Arbors at Cottagedale as it is a brownfield site.

The Planning Commission found that no one spoke in favor of the application.

The Planning Commission found Marc Collard spoke in opposition to the application; that he had concerns with the number of units for this site and the Summerset Green development; that the townhomes are close to Eagle Point; that it is too much on the site; and that the road is too narrow.

At the conclusion of the public hearings, the Commission discussed this application regarding the interconnectivity to the Arbors at Cottagedale and potential issues sharing the stormwater management area as it is a brownfield site; and discussed the cost of the units.

Motion by Mr. Hopkins, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration for CZ 1832. Motion carried 4-0. Mr. Wheatley was absent.

Motion by Mr. Hopkins, seconded by Ms. Stevenson, and carried unanimously to defer action for further consideration for CU 2106. Motion carried 4-0. Mr. Wheatley was absent.

At their meeting of December 14, 2017, the Commission discussed this application which has been deferred since November 16, 2017.

Mr. Wheatley stated he has reviewed the application and record, has listened to the audio and is prepared to vote.

Mr. Hopkins, moved that the Commission recommend approval of Change of Zone #1832 for MDI Investment Group, LLC, for a change of zone from AR-1 to MR based on the record made during the public hearing and for the following reasons:

1. The project is located in the Environmentally Sensitive Developing Area according to the

County Comprehensive Land Use Plan. MR Zoning is appropriate in this Area according to the Plan.

2. The proposed MR Zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
3. The property is surrounded by land that is occupied by multifamily housing and office uses. In addition, there is an adjacent property that was rezoned to MR with a conditional use to allow multifamily development. It is also in an area near Route One commercial corridor and nearly across from DelDOT's new transit center. The rezoning is consistent with other zoning and land uses in the area.
4. The rezoning to MR will not have an adverse impact on neighboring properties or the community.
5. MR zoning is appropriate for this site because Medium Density development is appropriate in areas where central water and sewer are available. In this case, sewer service will be provided by Sussex County and adequate wastewater capacity is available. Water service will be provided by a publicly regulated water company.
6. For all of these reasons, MR zoning is appropriate for this site.

Motion by Mr. Hopkins, seconded by Mr. Hudson, and carried four (4) to one (1) to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4-1. Ms. Stevenson voted against.

At their meeting of December 14, 2017, the Commission discussed this application which has been deferred since November 16, 2017.

Mr. Wheatley stated he has reviewed the application and record, has listened to the audio and is prepared to vote.

Mr. Hopkins, moved that the Commission recommend approval of Conditional Use #2106 for MDI Investment Group, LLC for multi-family dwellings in an MR Medium Density Residential District based on the record made during the public hearing and for the following reasons:

1. This application seeks the approval of 52 single family duplex-type structures on 6.86 acres, for a density of approximately 7.58 units per acre. By comparison, the density on the adjacent Arbors of Cottagedale MR multifamily development is 9.29 units per acre.
2. The property is surrounded by other multifamily residential development as well as business and commercial uses and a DelDOT transit center. This project is consistent with those nearby uses.
3. The site is in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area according to the Plan.
4. The proposed development will not have an adverse impact on the neighboring properties or roadways.
5. The proposed density is within the allowable density in the MR District, and it is less than the density of an adjacent approved, but not yet built, multifamily development.
6. The project will have approximately 60% open space.
7. The development will be served by central sewer provided by Sussex County.
8. This recommendation is subject to the following conditions:
  - A. The maximum number of residential units shall be 52.
  - B. All entrances, intersection, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.

- C. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
- D. The project shall be served by central water to provide drinking water and fire protection.
- E. Interior Street design shall meet or exceed the Sussex County street design requirements.
- F. All construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7am and 6pm Monday through Saturday.
- G. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
- H. The applicant shall form a condominium association responsible for the perpetual maintenance, repair and replacement of the roads, any buffers and landscaping, stormwater management facilities, erosion and sediment control facilities and other common elements.
- I. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using best management practices.
- J. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- K. The applicant shall coordinate with the local School District to establish a school bus stop area, which shall be shown on the Final Site Plan if required by the District.
- L. As stated by the Applicant, there shall be a shared entrance and interconnectivity with the adjacent wellness center property.
- M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Mr. Hudson, and carried four (4) to one (1) to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4-1. Ms. Stevenson voted against.

**Introduced 07/25/17**

**Council District No. 3 – Burton  
Tax I.D. No. 334-6.00-511.00 and 334-6.00-512.00  
911 Address: Not Available**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.86 ACRES, MORE OR LESS**

**WHEREAS, on the 6th day of June 2017, a zoning application, denominated Change of Zone No. 1832, was filed on behalf of MDI Investment Group, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1832 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.**

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

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of MR Medium Density Residential District 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Shady Road, approximately 130 feet northeast of Plantations Road, and being more particularly described per the attached deeds, said parcels containing 6.86 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.**

**Introduced 07/25/17**

**Council District No. 3 – Burton  
Tax I.D. No. 334-6.00-511.00 and 334-6.00-512.00  
911 Address: Not Available**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY UNITS (52 TOWNHOMES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.86 ACRES, MORE OR LESS**

**WHEREAS, on the 6th day of June 2017, a conditional use application, denominated Conditional Use No. 2106, was filed on behalf of MDI Investment Group, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, 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. 2106 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, 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 V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2106 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Shady Road, approximately 130 feet northeast of Plantations Road, and being more particularly described per the attached deeds, said parcels containing 6.86 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.**



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**Sussex County**

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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 13, 2018

RE: County Council Old Business Report for CU 2111 Michael Moutzalias

---

The County Council held a public hearing on February 6, 2018. County Council deferred action for a recommendation from the Planning Commission.

The Planning and Zoning Department received an application (CU 2111 Michael Moutzalias) to allow for a RV/park model/trailer repair and refurbishment business with outdoor storage and sales to be located at 30190 White Neck Rd. The Planning and Zoning Commission held a public hearing on January 11, 2018. The following are the draft minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, a site plan, comments from the Sussex Conservation District, results from the DelDOT Service Level Evaluation and one (1) letter of opposition that stated concerns with the use of the property, concerns about decrease in property value, and possible environmental concerns.

The Commission that found Maxwell Morris, a Surveyor and Michael Moutzalias were present on behalf of the application; that Mr. Morris stated that the applicant buys, sells, used RV's and park model trailers; that he stores them on the 1 acre of a 32 acre parcel; that the conditional use area is setback 200 feet to 300 feet off the road and it is screened by the existing home and out buildings; that back of the parcel is screened by fencing and woods; that it is not a traditional sales lot; that it is designed to store the RV's and trailers while they are being repaired for resale; that he sells these items via internet; that there is not a lot of traffic associated with the business; that all sales are handled via a phone call and he meets them on site; that there is no sales people; that there are no lights on the property; that he is only open during day time hours; that it is not a noisy business as the majority of the work is done to the interior of the units; that there is no additional traffic on the road; that it is a convenient location because there is a campground in the area; that he done a lot of work with the campground; that there is an existing paved driveway; that this will not alter the character of the neighborhood; that they are asking for a little sign along the road and it will not be lit; that Mr. Moutzalias stated that he used to have several employees but he does have any employees now; that he lives on the site; that most of the repair work is inside of the unit and might change tires; that he does not do outside work on the items; that he delivers the items to the people purchasing the vehicle; that there maybe five cars a week besides himself; that there will only



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daylight hours; that there are a maximum of 22 units stored on the site; that the DMV license is at another location; that sometimes a subcontractor comes in and does work; that the RV's only come there if they have value, if there is no value they do not come there; that he has had some RV's as little as a day and some up to one year and they all go away; that there are several sheds on the site which typically comes with the RV's or park models; that the site plan shows what they could have on the site; that everything on the site is existing; that most of the RV's and park models are non-motorized; that he hauls 50% to the location and the new location; that in a season he will make two trips a week, in the off season he will make two to three trips a week up to four trips; that the hours of operation are 7:00 am to 7:00 pm; that he would like one employee; that no storage of materials on the property; that he would like to be able to store up to 21 RVs on the site; that he would like a 3'x5' unlit sign; that there is a fence from the horse pasture and trees along the back and on one side; that the hours of operation are 7:00 am till 7:00 pm, Sunday through Saturday that there could be one employee; and that there is no storage of equipment or chemicals on the site.

The Commission found Daniella LeCates spoke in support of this application; that Ms. Lecates stated she lives caddy corner to the property; that he does inside repair work to the RV's; that there is no noise and no chemicals being used; that it is not an eyesore; that is nothing dirty on the site; and that she has no issues.

The Commission found Ted Banks, Kami Banks and Guy Rickards spoke in opposition to this application; that Mr. Banks stated that the land owner is his Uncle; that he can see it from his back yard; that the site is not screened; that the land is in a Preservation Trust; that he has documents stating that the property is to only be used as farm land and as a horse business; that Ms. Banks stated the business has been operating for a few years; that the applicant is not the land owner; that the site is an eyesore; that it does not fit into the area; that the closest campground community is two miles away; that Mr. Banks stated that there are other locations to use for the business; Mr. Rickards stated he lives adjacent to the site and is the closest neighbor; that there are two farms in the area; that Michael is a good guy but he does not like the business; that he thought he was going to set up business in Frankford; that at times there have been over 20 RV's on the site and the number has been reduced now; that now there are a lot of sheds on the site; that there is agricultural and residential uses in the area; that there is an RV storage business on Route 26; that there is no buffer other than a horse fence which he does not consider screening; that this is detrimental to property value; that this impacts quality of life; and that he hears generators running and other noises.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration. Motion carried 4-0. Mr. Ross was absent.

At their meeting of January 25, 2018, the Planning Commission discussed the application which had been deferred since January 11, 2018.

Motion by Mr. Hopkins, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration. Motion carried 4-0. Ms. Stevenson was absent.

At their meeting of February 8, 2018, the Planning Commission discussed the application which had been deferred since January 11, 2018.

Mr. Hudson moved the Commission recommend denial of Conditional Use # 2111 for Michael Moutzalis for a RV/park model/trailer repair and refurbishment business with outdoor storage and sales based upon the record made during the public hearing and for the following reasons:

1. This proposed use is out of character with the surrounding area. There are no other commercial or business uses in the neighborhood, which consists of agricultural uses and residential developments.
2. Contrary to the applicant's testimony, the area of the proposed use is not screened from view of neighboring properties and roadways. There is no screening from White's Neck Road-the use is currently visible from the road. Also, farm fence does not create a screen along other boundaries of the use.
3. There are too many inconsistencies in the record about the proposed use. For example, it was not clear whether there would be sales from the times from the site as the applicant at one point referred only repairs, then at other times discussed sales from the site. At the same time, the applicant states that the DMV license for sales is attached to another location. But the applicant requested a sign for sales on the site.
4. The proposed use is essentially for a storage yard for older used RV's and trailers. I am concerned that this will become a graveyard for these, which will be an eyesore to the neighborhood. There are also no other similar storage yards in the area.
5. There are other more appropriate locations for this type of use that are already zoned for this type of use or where similar, compatible uses already exists.
6. Several parties appeared in opposition to the application, stating concerns about the adverse effects of the use on the neighborhood and their properties. Some of the reasons stated included that; (1) the property is already being used to store, repair and sell RV's and trailers without a permit; (2) the site is currently visible from roadways and neighboring properties and is an eyesore; (3) that the use is not compatible with the area; (4) that besides RV's the applicant has also been storing sheds on site; (5) that there are noises such as generators and other equipment that can be heard on neighboring properties; and (6) that there are other locations that are appropriate for this type of use. I find all of these reasons to be compelling.
7. The proposed conditional use does not meet the purpose of the zoning ordinance since it does not promote the orderly growth, convenience, order, prosperity of welfare of Sussex County and its residents.
8. For all of these reasons, my motion is to recommend denial of this conditional use application.

Motion by Mr. Hudson, seconded by Mr. Hopkins and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be denied for the reasons stated. Motion carried 4-0. Mr. Ross abstained as he was not present during the public hearing.

**Introduced 12/12/17**

**Council District No. 4 – Cole  
Tax I.D. No. 134-8.00-5.00 (portion of)  
911 Address: 30190 Whites Neck Road, Dagsboro**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RV/PARK MODEL/TRAILER REPAIR AND REFURBISHMENT BUSINESS WITH OUTDOOR STORAGE AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS, OF A 32.16-ACRE PARCEL OF LAND**

**WHEREAS, on the 15th day of August 2017, a conditional use application, denominated Conditional Use No. 2111, was filed on behalf of Michael Moutzalias; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, 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. 2111 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, 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. 2111 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 south side of Whites Neck Road, approximately 754 feet east of Holts Landing Road, and being more particularly described per the attached legal description prepared by Delaware Surveying Services, said parcel containing 1.0 acre, more or less, of a 32.16-acre parcel of land.**

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

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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 13, 2018

RE: County Council Old Business Report for CU 2112 Mitchell Family Limited Partnership

---

The County Council held a public hearing on February 6, 2018. County Council deferred action for a recommendation from the Planning Commission.

The Planning and Zoning Department received an application (CU 2112 Mitchell Family Limited Partnership) to allow for a medical office and ancillary medical uses to be located at the southeast corner of Kings Hwy. and Gills Neck Rd. The Planning and Zoning Commission held a public hearing on January 11, 2018. The following are the draft minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into record were a staff analysis, exhibit booklet, site plan, comments from Sussex County Engineering Department Utility Planning Division, Sussex Conservation District and results from the DeIDOT Service Level Evaluation.

The Commission found David Hutt, Attorney with Morris James, LLP, Ring Lardner, Engineer with Davis, Bowen and Friedel, Bob McLeish, with Lighthouse Construction and Michael Fiori, Jeffrey Lord were present on behalf of the application; that Mr. Hutt stated the application is for a conditional use for 39,000 square feet medical office building; that the site will be for an orthopedic provider; that the site is 3.3 acre parcel; that the surrounding uses in the area include commercial uses and a church; that across the highway there is a strip commercial center and lands that are within the City of Lewes; that a new assisted living facility was recently approved in the City of Lewes; that also across the street is Cape Henlopen High School; that there are other office uses down the street and the Crooked Hammock if further down the street; that the property is zoned AR-1 (Agricultural Residential District); that there are B-1 (Neighborhood Business District), C-1 (General Commercial District) zonings in the area along with other conditional uses; that Mr. Lardner stated the parcel is in the State Strategy Level 1; that property is located in the Environmentally Sensitive Developing Area land use classification; that a letter was submitted to comply with 115-194.3 code; that the property does not contain any wetlands; that the site is not located in the floodplain; that the proposed project is for a two story building; that the building will be setback 80 feet from both roads; that the intersection was recently upgraded; that they will meet with the Byway group if approved; that the site needs a TIS; however, it has a minor impact with the traffic as it is less than 200 trips per day and they can pay into an area wide study; that the proposed



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project requires 89 parking spaces and this plan proposes 156 parking spaces; that the plan currently shows parking in the front yard setback and they can revise the site plan to remove the parking from the front yard setback if approved; that the Byways requirements may have impact and DelDOT may require some additional right-of-way dedications; that the corner front yard setback could go down to 15 feet; that they will provide interconnectivity in at least one location; that the parcel will be served by central sewer; that water will be served by Tidewater; that the parcel is located in excellent ground water recharge area and will comply with Chapter 89 of the Sussex County Code; that the developer will provide stormwater management for the site; that they will use best management practices for stormwater management; that Mr. Fiori stated they are trying to provide a continuity of care within the building; that they will be able to take a patient from medical exam to diagnosis radiology to physical therapy all in one building; that the excess parking is for other members attending the appointments; that they have oversized the parking spaces; that this will make it easier to recruit doctors and other tenants; that they have done this model in other locations; that this is good in other communities and people like having an all in one building; that are two other sites in Delaware; that Mr. Hutt stated there will be screening of the dumpsters and signage for the site; that they would like a 50 square foot wall sign which is for naming the building; that there will be two 32 square feet ground signs, one on each road; that this use will help with traffic as it will reduce visits; that they are proposing a condition that the building will match the commercial setback along Kings Highway; that Mr. Lardner stated the entrance will have to meet DelDOT standards; that they expect a left turn into the site and they will work with DelDOT for further entrance development when the rest of the site may be developed; that this portion of the access road to be built with this project; that there is no known development plans for the larger parcel and it is currently used as farmland; that there is not a master plan for the larger parcel; and that there was discussion about the location of the of the road off of Gills Neck Road and concerns how the larger site to the rear could develop and possibility of interconnection.

The Commission found that there were no parties in support of or opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 4-0. Mr. Ross was absent.

At their meeting of January 25, 2018, the Planning Commission discussed the application which had been deferred since January 11, 2018.

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 4-0. Ms. Stevenson was absent.

At their meeting of February 8, 2018, the Planning Commission discussed the application which had been deferred since January 11, 2018.

Ms. Stevenson moved the Commission approve Conditional Use # 2112 for Mitchell Limited Partnership for Medical Offices and Ancillary Medical Uses based upon the record made during the public hearing and for the following reasons:

1. The proposed Conditional Use is at the corner of Kings Highways and Gills Neck Road. There are other business and commercial zoning and uses in this area, including a B-1 zoned parcel across the street. The property is also very close to an existing assisted living facility

on Gill's Neck Road and another one proposed for Kings Highway within the City of Lewes. This is an appropriate location for medical offices.

2. The use serves a community need by creating medical offices at a convenient location for Sussex County residents near Beebe Hospital.
3. The use as a medical office will benefit the health, safety and welfare of Sussex County residents.
4. The site is within the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. Medical offices such as this are appropriate within this Area according to the Plan.
5. The use will be served by central water and sewer.
6. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.
7. No parties appeared in opposition to the proposed Conditional Use.
8. This recommendation is subject to the following conditions;
  - A. As stated by the applicant, there shall be no more than 39,000 square feet of medical and professional office space.
  - B. As stated by the applicant, the hours of operation shall be between 7:00 am and 7:00 pm Monday through Friday, and between 8:00 am and 4:00 pm on Saturdays. There shall not be any Sunday hours.
  - C. One lighted sign, not to exceed 50 square feet, shall be permitted on the building. In addition, the applicant may install one additional lighted ground sign that does not exceed 32 square feet in size per side.
  - D. The medical office building shall be set back a minimum of 60 feet from the property line adjacent to King's Highway with parking allowed beyond the building setback of 40 feet.
  - E. All entrance, intersection and roadway improvement required by DelDOT shall be completed in accordance with DelDOT's requirements.
  - F. The preferred entrance to the entire site is further east of Gill's Neck Road. The applicant shall report on the status of this issue at the time of Final Site Plan approval and note the results of the consultations DelDOT on the Final Site Plan. The current entrance shall be temporary one only and shall be closed when the balance of the property is developed.
  - G. There shall be vehicle interconnectivity between this site and the surrounding properties when they are developed. These areas of interconnectivity shall be shown on the Final Site Plan.
  - H. Any dumpsters shall be screened from view of neighboring properties and roadways.
  - I. The site shall be served by central water and central sewer.
  - J. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be designed and operated using best management practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.
  - K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Wheatley and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 4-0. Mr. Ross abstained as he was not present during the public hearing.

**Introduced 09/19/17**

**Council District No. 3 – Burton  
Tax I.D. No. 335-8.00-37.01 and 335-8.00-37.00 (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 MEDICAL OFFICE AND ANCILLARY MEDICAL USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.30 ACRES, MORE OR LESS**

**WHEREAS, on the 17th day of August 2017, a conditional use application, denominated Conditional Use No. 2112, was filed on behalf of Mitchell Family Limited Partnership; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, 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. 2112 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, 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. 2112 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast corner of Kings Highway and Gills Neck Road and being more particularly described per the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 3.30 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.**



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**Sussex County**

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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 14, 2018

RE: County Council Old Business Report II for CZ 1834 Colonial East, L.P.

---

The County Council held a public hearing on December 12, 2017. The County Council deferred action for defer action and to leave the record open until January 30, 2018 to allow receipt of the Traffic Impact Study only; once the report is received and reported to Council, to then allow a 15-day period for persons to respond in writing only.

The Planning and Zoning Department received the TIS on February 21, 2018. The Planning Office has not received any written comments regarding the TIS.

The Planning and Zoning Department received an application (CZ 1834 Colonial East L.P.) to allow for a change of zone from AR-1 to B-1. The Planning and Zoning Commission held a public hearing on November 16, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, an exhibit booklet, a site plan and two letters of support.

The Commission found that, David Hutt, Attorney with Morris James Halbrook and Bayard LLP, Ken Christenbury, with Axiom Engineering, Steve Class, owner of Colonial East L.P. and D J Hughes, with Davis Bowen and Friedel were present on behalf of the application; that Mr. Hutt stated that the site is located in front of Sussex East and West manufactured home community; that the property currently has three conditional uses for 350 manufactured homes; that it is a 55 plus community and is more than 95% occupied by 55 plus residences; that 80% of the residences are year round; that they would like to change the zone from AR-1 to B-1; that they hope to provide uses for the development and for the area to come; that several buildings will have a neighborhood business feel; that the hope is to alleviate traffic going to Route 1; that Mr. Christenbury stated that the area in the front of this project is intended to be rezoned to neighborhood business; that the existing amenities will remain AR-1; that the ESDA land use allows for a mix of uses that the site is not that far from commercial zoning; that the property is in Level 2 State Strategies; that the area has grown since 1992; that Minos Conaway Rd. has almost built out; that there are no plans for regional uses but could provide neighborhood uses in the area; that this a potential concept plan if approved; that Mr. Hughes stated that a TIS is required and they are working on with DeIDOT to finalize the





TIS; that off-site improvements at the intersection of Route 9 and Minos Conway Road are included in the TIS review; that this is to help provide some services to the area and developments; that a signal at Minos Conaway has been in the plan for a while and they intend to enter into a signal agreement with two other developments; that they are going to create a dedicated left turn lane, lengthen the right turn lane and include bike lanes; that they do have to dedicate ten feet of right-of-way and provide a 15 foot easement for a bike trail; that Mr. Class idea was developed by the residents; that the communities are 55 and older; that they sent a form out with a survey to the residents; that there are no effect on their rents; that the community wanted a place for coffee and donuts, a general store, village for people to bike or walk to the store; that they want to cut down on vehicle traffic; that it could include a professional medical office or pharmacy; that they are going to have interconnectivity with the bike trail; that Mr. Hutt stated B-1 is for relatively small area and area uses; that the Comprehensive Plan encourages growth in this area; and that the property would not accommodate one large building, but it would accommodate multiple smaller buildings.

The Planning Commission found that Patricia Williams was in favor to the application; that she thinks this is wonderful and great.

The Planning Commission found that no one spoke in opposition to the application.

At the conclusion of the public hearings, the Commission discussed this application.

Ms. Stevenson, moved that the Commission recommend approval of Change of Zone #1834 for Colonial East, LP for a change in zone from AR-1 to B-1 based on the record made during the public hearing and for the following reasons:

1. The site is located along Route 9 at the front of a large manufactured home development and it is surrounded by other existing and new residential developments. This makes it an appropriate location for B-1 zoning and it will provide neighborhood business uses in a location that is convenient to many homes. It will also eliminate the current need to travel to Route 1 for all of these needs.
2. According to the County's Comprehensive Land Use Plan, the site is identified as being within the Environmentally Sensitive Developing Area. B-1 Zoning is appropriate within this Area according to the plan.
3. According to the Zoning Code, B-1 Zoning is appropriate "to provide retail shopping and personal service uses,...to serve the needs of a relatively small area, primarily nearby rural, low density or medium density residential neighborhoods." This application satisfies this purpose of B-1 Zoning.
4. The B-1 District is the most limited commercial zoning district in the County. It is appropriate in this location since it will limit the type and size of the uses that may occur at the site.
5. The rezoning is consistent with the developing character of the area and will not adversely affect the neighboring properties and roadways.
6. The proposed rezoning meets the purpose of the Zoning Ordinance since it promotes the orderly growth, convenience, order, prosperity and welfare of Sussex County and its residents.
7. The site is served by central water and Sussex County will provide wastewater service to the site.

8. Any future development of the site will require site plan approval by the Sussex County Planning & Zoning Commission as well as entrance and roadway improvements from the Department of Transportation.
9. No parties appeared in opposition to the proposed rezoning.

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to forward this application to Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4-0.

**Introduced 08/29/17**

**Council District No. 3 – Burton**

**Tax I.D. No. 334-5.00-165.00 (portion of) and 334-5.00-166.00 (portion of)**

**911 Address: 30769 Lewes-Georgetown Highway, Lewes**

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

**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 6.98 ACRES, MORE OR LESS**

**WHEREAS, on the 15th day of June 2017, a zoning application, denominated Change of Zone No. 1834, was filed on behalf of Colonial East, L.P.; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1834 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.**

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

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of B-1 Neighborhood Business District 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Lewes – Georgetown Highway (Route 9) approximately 741 feet east of Minos Conaway Road and being more particularly described in the attached legal descriptions, as prepared by Axiom Engineering.**

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



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Lord Baltimore Elementary Robotics Club  
PROJECT NAME: Travel to the VEQ IQ World Championship  
FEDERAL TAX ID: 51-6000279 NON-PROFIT:  YES  NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES  NO \*IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: TO travel to Louisville, KY to complete in the VEQ IQ World Championship.

ADDRESS: Lord Baltimore Elementary School  
120 Atlantic Avenue  
Ocean View DE 19970  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Jennifer Moutzalias  
TITLE: Lord Baltimore PTO Vice President  
PHONE: 302-569-0886 EMAIL: jenalonso83@gmail.com

TOTAL FUNDING REQUEST: \$1,000.00

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

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

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?  YES  NO

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 15%



## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Fair Housing                | <input type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural               |
| <input type="checkbox"/> Infrastructure <sup>1</sup> | <input type="checkbox"/> Other _____               | <input checked="" type="checkbox"/> Educational |

### BENEFICIARY CATEGORY

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence        | <input type="checkbox"/> Homeless         |
| <input type="checkbox"/> Elderly Persons            | <input type="checkbox"/> Low to Moderate Income <sup>2</sup> | <input checked="" type="checkbox"/> Youth |
| <input type="checkbox"/> Minority                   | <input type="checkbox"/> Other _____                         |   |

### BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:

100 Students ±

## SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

This is the first year Lord Baltimore Elementary has participated in a robotics program. They recently competed at a State level championship and won a bid to compete at the VEX IQ World Championship in Louisville, KY April 29th to May 1st. The club does not receive any funding therefore they need to raise money for their travel expenses.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.



### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	\$0.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Airfare	- 2,000.00
Hotel	- 3,750.00
Food	- 1,000.00
<b>TOTAL EXPENDITURES</b>	-6,750.00 \$ 0.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-6,750.00 \$ 0.00

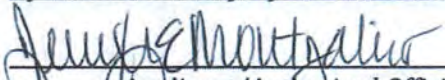
### SECTION 5: STATEMENT OF ASSURANCES

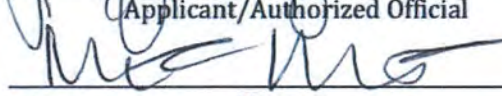
If this grant application is awarded funding, the LB Robotics Club agrees that:  
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

**SECTION 5: STATEMENT OF ASSURANCES (continued)**

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

  
\_\_\_\_\_  
Applicant/Authorized Official

  
\_\_\_\_\_  
Witness  
Michael Moutzalias

3/7/18

Date

3/7/18

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government  
Attention: Gina Jennings  
PO Box 589  
Georgetown, DE 19947



**SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM**  
**GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING**

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

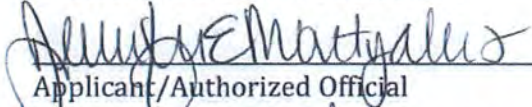

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

  
\_\_\_\_\_  
Applicant/Authorized Official  
  
\_\_\_\_\_  
Witness

LB PTO Vice President  
\_\_\_\_\_  
Title  
3/7/18  
\_\_\_\_\_  
Date

Cole  
3-08-18





# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Georgetown Elementary School  
PROJECT NAME: Vex IQ World Championship  
FEDERAL TAX ID: 516-000279XG NON-PROFIT:  YES  NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES  NO \*IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: Our mission is to provide real-world experiences to our students through the use of STEM activities and robotics.

ADDRESS: 301-A West Market Street

Georgetown DE 19947  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Richard Messick  
TITLE: Teacher/Robotics Club Coordinator  
PHONE: 302-856-1940 EMAIL: richard.messick@irsd.k12.de.us

**TOTAL FUNDING REQUEST:** \$1500.00

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

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

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?  YES  NO

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 23%



## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Fair Housing                | <input type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural               |
| <input type="checkbox"/> Infrastructure <sup>1</sup> | <input type="checkbox"/> Other _____               | <input checked="" type="checkbox"/> Educational |

### BENEFICIARY CATEGORY

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence                   | <input type="checkbox"/> Homeless         |
| <input type="checkbox"/> Elderly Persons            | <input checked="" type="checkbox"/> Low to Moderate Income <sup>2</sup> | <input checked="" type="checkbox"/> Youth |
| <input type="checkbox"/> Minority                   | <input type="checkbox"/> Other _____                                    |   |

### BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:

5

## SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

One of our Georgetown Elementary(GE) School's Robotics Club teams qualified for the VEX IQ World Championships by winning the Teamwork Challenge of the Delaware State VEX IQ Elementary Championships on February 17. The VEX IQ World Championships will be held from April 29th through May 1st in Louisville, Kentucky. The GE Robotics Club is an after school club at our Title 1 School and operates without a budget. We are in the process of fundraising to enable our students to attend this real-world learning experience.

The GE Robotic's Club was established in the spring of 2016. The program is offered to all of our 3rd, 4th and 5th grade students at GE and this school year we have approximately 60 participants, over 40% which are girls.

VEX IQ is a robotics platform that strives to teach students how to engineer, program and construct robots to solve a unique challenge each year. It teaches kids to collaborate, think critically and problem solve using the design process. At the VEX IQ World Championships, our students will be competing with and against teams from over 30 countries from around the world. In addition individual team presentations and skills competitions, pairs of teams work together in the teamwork competition. Here they prepare, collaborate and then compete as an alliance to score as many points as possible in a match. With 10 different teamwork matches to complete, our team will interact with many students from around the world and gain opportunities to learn about other cultures and ideals as well as the principles of teamwork, sportsmanship, and collaboration.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.



### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	0.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Registration	\$ 975.00
Airfare	\$ 1,250.00
Hotel	\$ 3,600.00
Food/Beverages	\$ 750.00
<b>TOTAL EXPENDITURES</b>	<b>\$ 6,575.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>\$ 6,575.00</b>

### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Georgetown Elementary School agrees that:  
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

Pat W. Mead

Applicant/Authorized Official

2/28/18

Date

Jane C Brock

Witness

2/28/18

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government  
Attention: Gina Jennings  
PO Box 589  
Georgetown, DE 19947



**SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM**  
**GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING**

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In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Paul W. Marshall  
Applicant/Authorized Official

2/28/18  
Title

Jane C. Brock  
Witness

2/28/18  
Date

Wilson  
3/13/18



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Lutheran Church of Our Savior  
PROJECT NAME: ESL: English as a Second Language Program  
FEDERAL TAX ID: 25-6114180 NON-PROFIT:  YES  NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?  
 YES  NO \*IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: To improve the lives and opportunities of any non-English speaking adult, by offering free English language instruction in a welcoming environment.

ADDRESS: 20276 Bay Vista Rd.  
Rehoboth Beach DE 19971  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Jesica Sepulveda  
TITLE: Program Director  
PHONE: 302-363-8597 EMAIL: sepjesica@gmail.com

**TOTAL FUNDING REQUEST:** \$1,500.00

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

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

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?  YES  NO

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 2.7%



## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Fair Housing                | <input type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural               |
| <input type="checkbox"/> Infrastructure <sup>1</sup> | <input type="checkbox"/> Other _____               | <input checked="" type="checkbox"/> Educational |

### BENEFICIARY CATEGORY

- |   |   |                                   |
|---|---|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence                   | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons            | <input checked="" type="checkbox"/> Low to Moderate Income <sup>2</sup> | <input type="checkbox"/> Youth    |
| <input type="checkbox"/> Minority                   | <input checked="" type="checkbox"/> Other <u>New Immigrants</u>         |                                   |

### BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:

150

## SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

Beginning in 2003, our ESL program has served adults who mostly live in the area of Rehoboth Beach, Lewes, Milton and Long Neck. It offers instruction in four skill levels, with classes on two days a week over two 10-week periods, in morning or evening sessions of two hours each. We also offer free child care, this year for 55 children.

The teachers are volunteers, mostly retired professionals from our community. The church provides five excellently equipped classrooms, two day care rooms, a social hall and kitchen, as well as office quipment and the cost of all utilities.

The majority of our students are Hispanic, of which Sussex County has the highest per centage in the State. Of these, 13,000 reported that Spanish was their primary language at home. The majority of these have less than a high school degree. Obviously, improvement in their English language skills will improve their opportunity for work advancement as well as assimilation. We have many stories to verify that this is what our program accomplishes.

Our major funding source has been the Arsht-Cannon Foundation, but they are asking us to increase our funding from local sources. We also have received support this year from the Longwood Foundation, Dollar General Literary Foundation, and the Youth Philanthropy Board.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

There is no religious component. Although this is a program sponsored by the church and housed in its educational building, it is run by a Board that is independent of the church and its clergy, with staff and volunteers who are not members of the church, except for one volunteer, and there is no religious instruction.



### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	35,000.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Student Educational Material	-\$ 10,200.00
Childcare Educational Material	-\$ 500.00
Student Award Program	-\$ 200.00
Office Supplies, Publicity, Volunteer Recruitment	-\$ 1,200.00
Nutritious Snacks (adults and children)	-\$ 2,500.00
Personnel: Director and Evening Coordinator	-\$ 27,100.00
Personnel: Childcare Coordinator and Aides	-\$ 11,000.00
Printing, Childcare Supplies, Background Checks	-\$ 650.00
<b>TOTAL EXPENDITURES</b>	<b>-\$ 53,350.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>-\$ 18,350.00</b>

### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Lutheran Church of Our Savior agrees that:  
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

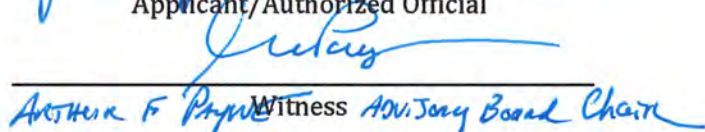
**SECTION 5: STATEMENT OF ASSURANCES (continued)**

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

  
Applicant/Authorized Official

3/1/18

Date

  
Witness ADV. JURY Board Chair

3/1/2018

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government  
Attention: Gina Jennings  
PO Box 589  
Georgetown, DE 19947



**SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM  
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING**

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Jessica Sepulveda  
Applicant/Authorized Official *ESL Program Director*

ESL Program Director  
Title

Arthur F. Payne

3/1/18

Witness Arthur F. Payne  
*ESL Advisory Board Chair*

Date

*Cole  
3/13/18*



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Delaware Ducks Unlimited  
PROJECT NAME: 2018 Greening Conservation Festival  
FEDERAL TAX ID: 5211443344 NON-PROFIT:  YES  NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES  NO \*IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION:

outdoor fun and wetlands conservation directed at educating the children that are the future of preserving and protecting the natural resources not only in DE

ADDRESS: but throughout North America

Carrie Lingo 97 Tidewater Rd.  
Rehoboth Bch DE 19971  
(CITY) (STATE) (ZIP)

CONTACT PERSON:

Carrie Lingo

TITLE:

Delaware DU State Treasurer

PHONE:

302-344-9188 EMAIL: Carrie@jacklingo.com

### TOTAL FUNDING REQUEST:

Has your organization received other grant funds from Sussex County Government in the last year? 2017 \$1,000  YES  NO

If YES, how much was received in the last 12 months? 2017 \$1000

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?  YES  NO

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

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



## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Fair Housing                | <input type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural               |
| <input type="checkbox"/> Infrastructure <sup>1</sup> | <input type="checkbox"/> Other _____               | <input checked="" type="checkbox"/> Educational |

### BENEFICIARY CATEGORY

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence        | <input type="checkbox"/> Homeless         |
| <input type="checkbox"/> Elderly Persons            | <input type="checkbox"/> Low to Moderate Income <sup>2</sup> | <input checked="" type="checkbox"/> Youth |
| <input type="checkbox"/> Minority                   | <input type="checkbox"/> Other _____                         |   |

### BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:

400

## SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

A fun-filled day of outdoor adventure to educate our youth on outdoor activities (fishing, dog handling, safety, camping) and conservation. The event is free to all attendees and the children receive a free meal.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.



### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	_____
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
event costs about \$20,000 to put on.	
<b>TOTAL EXPENDITURES</b>	\$ 0.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	\$ 0.00

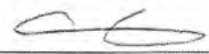
### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Delaware Ducks Unlimited agrees that:  
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

**SECTION 5: STATEMENT OF ASSURANCES (continued)**

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

Carrie Lingo   
Applicant/Authorized Official

3-13-18

Date

Richard R. Bestwood  
Witness

3-13-18

Date

Completed application can be submitted by:

Email: [gjennings@sussexcountyde.gov](mailto:gjennings@sussexcountyde.gov)

Mail: Sussex County Government  
Attention: Gina Jennings  
PO Box 589  
Georgetown, DE 19947



2

**SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM**  
**GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING**

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In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Carrie King  
Applicant/Authorized Official

Michael J. [Signature]  
Witness

DE Ducks Unlimited  
Title State Treasurer

3-13-18  
Date

Mike  
3/13

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



2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DE 19947  
(302) 855-7878 T  
(302) 854-5079 F  
sussexcountyde.gov

# Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET  
Planning Commission Public Hearing Date February 22, 2017

Application: CU 2116 William & Stacey Smith KS

Applicant/Owner: William & Stacey Smith  
1501 Savannah Rd.  
Lewes, DE 19958

Site Location: 1501 Savannah Rd., northwest corner of Savannah Rd. and Dove Dr.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Professional Offices

Comprehensive Land  
Use Plan Reference: Environmentally Sensitive Developing Areas

Councilmatic  
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Sussex County

Water: On-Site Well

Site Area: 0.641 ac. +/-

Tax Map ID.: 335-8.18-2.00



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: March 14, 2018

RE: County Council Report for CU 2116 William & Stacey Smith

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The Planning and Zoning Department received an application (CU 2116 William & Stacey Smith) to allow for professional offices to be located at 1501 Savannah Rd. The Planning and Zoning Commission held a public hearing on February 22, 2018. The following are the minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, comments from the Sussex Conservation District, results from DelDOT not requiring a TIS, site plan and floor plan, and two letters of support.

The Commission found that William Smith and Sarah Smith were present on behalf of the application; that Mr. Smith stated they purchased the property in 2016; that he has letters of support from the HOA and other neighbors; that there are two new office buildings in the area; that he bought the property to renovate as residential but plans have changed; that his daughter works downtown Lewes and it is tough for traffic and patients to get to her; that they have cleaned the site up and have done some cosmetic work; that there are no plans for structural changes; that other tenants include an occupational therapist and a health coach; that it will be one on one patient client work; that the entrance is off of Dove Drive; that they are trying to allow parking in the front yard setback and make a one way entrance off of Savannah Road and exit onto Dove Drive with a one way sign; that there is some parking near the second building and will make a handicap parking space; that he would like a small lighted sign; that he would put in lighting and 24 hour cameras; that Ms. Smith stated she is a licensed mental health therapist; that the hours of operation are Monday through Friday, 8:00 am to 8:00 pm with class on Saturday; and that there are three doctors, realtors, Quakertown Wellness, a hair salon, physical therapy and an law office in the area.

The Commission found that there were no parties in favor of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Ms. Stevenson, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration. Motion carried 5-0.



At their meeting of March 8, 2108, the Planning Commission discussed the application which had been deferred since February 22, 2018.

Ms. Stevenson moved that the Commission recommend approval for C/U #2116 for William & Stacey Smith for Professional Offices based upon the record made during the public hearing and for the following reasons:

1. The proposed Conditional Use is similar in character to many other offices in this area of Savannah Road. It is in character with the long history of development of medical and professional office space along Savannah Road.
2. The use as professional office space in this location will benefit the health, safety and welfare of Sussex County residents by providing such a use in a convenient location.
3. The use will occur within the existing structure on the property, which will maintain a residential appearance. This is consistent with other business and professional uses along Savannah Road.
4. The use, with the conditions and limitations placed upon it, will not adversely affect neighboring properties or roadways.
5. The use is in a Developing Area according to the Sussex County Comprehensive Land Use Plan. This use is appropriate in that Area according to the Plan.
6. This recommendation is subject to the following conditions:
  - A. As stated by the applicant, the use shall occur within the existing dwelling that shall be converted to office use.
  - B. As stated by the applicant, the hours of operation shall be between 8:00 am and 8:00 pm Monday through Saturday. There shall not be any Sunday hours.
  - C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
  - D. Any dumpsters shall be screened from view of neighboring properties and roadways.
  - E. There shall be a buffer along the boundary of this property and the residential property to the rear of it using Leyland Cypress or similar vegetation. The plantings must be at least 5 feet tall at the time of construction. The design of the buffer and the vegetation used in the buffer area shall be included in the Final Site Plan.
  - F. The applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements. In addition, and subject to DelDOT's approval, the access to the property via Dove Drive shall only be used to exit the property.
  - G. All exterior lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
  - H. With the exception required handicapped spaces, all parking shall be located in the rear of the property behind the office.
  - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 5-0.



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 Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: February 14, 2018  
RE: Staff Analysis for CU 2116 William & Stacey Smith

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2116 William & Stacey Smith to be reviewed during the February 22, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 335-8.18-2.00 to allow for professional offices to be located at 1501 Savannah Rd. The size of the property is 0.641 ac. +/-.

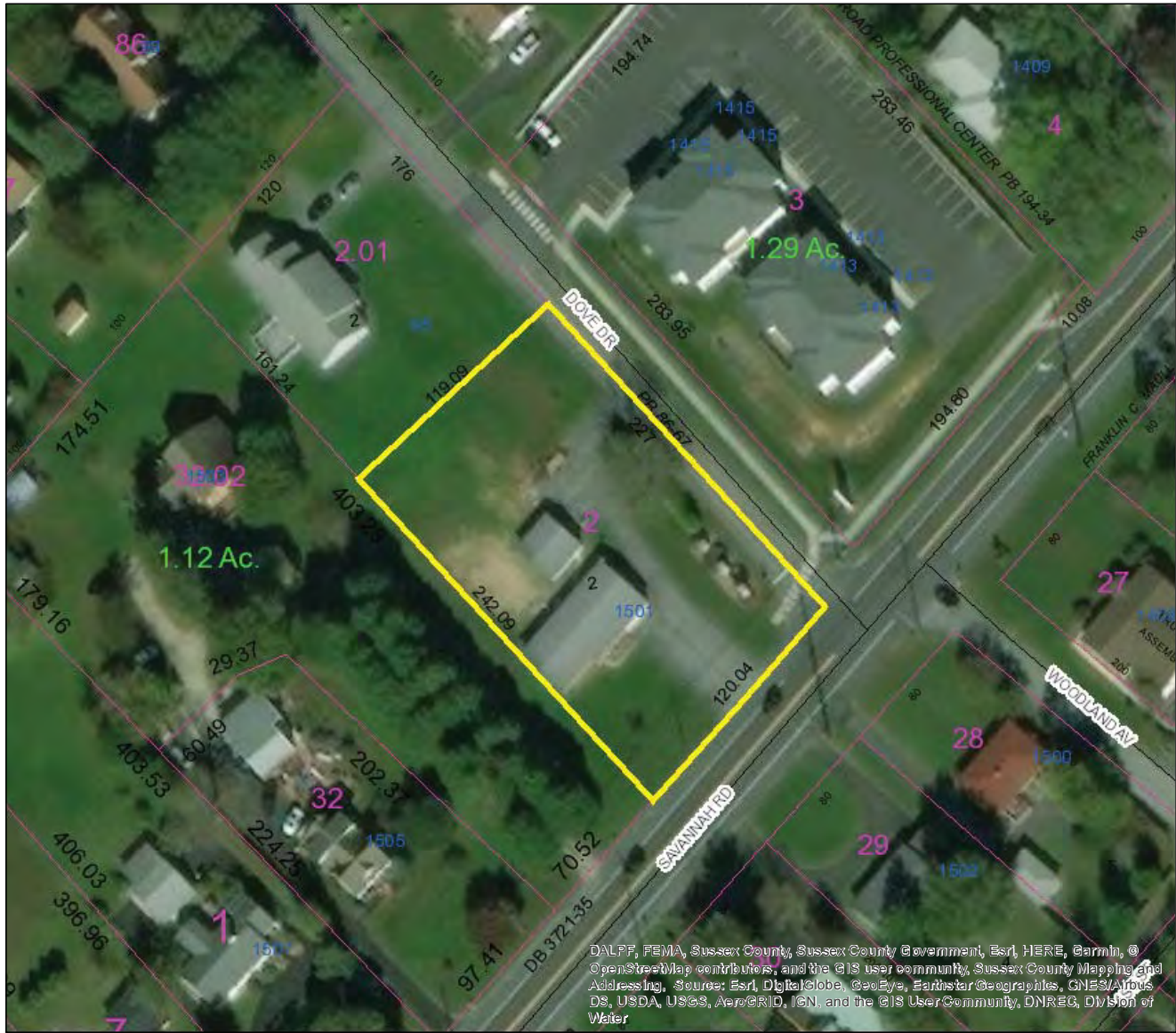
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation Environmentally Sensitive Developing Areas.

The surrounding land use to the south, east and west are Environmentally Sensitive Developing Areas. The land use to the north is Environmentally Sensitive Developing Areas and Mixed Residential Areas. The Environmentally Sensitive Developing Areas land use designation recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the south, east and west are zoned AR-1 (Agricultural Residential District). The properties to the north are zoned AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District). There is B-1 (Neighborhood Business District) zoning further to the west and south along Savannah Rd. There are a number of Conditional Uses in the area. The Conditional Uses in the area are primarily for medical and professional offices.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for professional offices would be considered consistent with the land use, area zoning and uses.

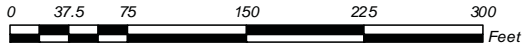




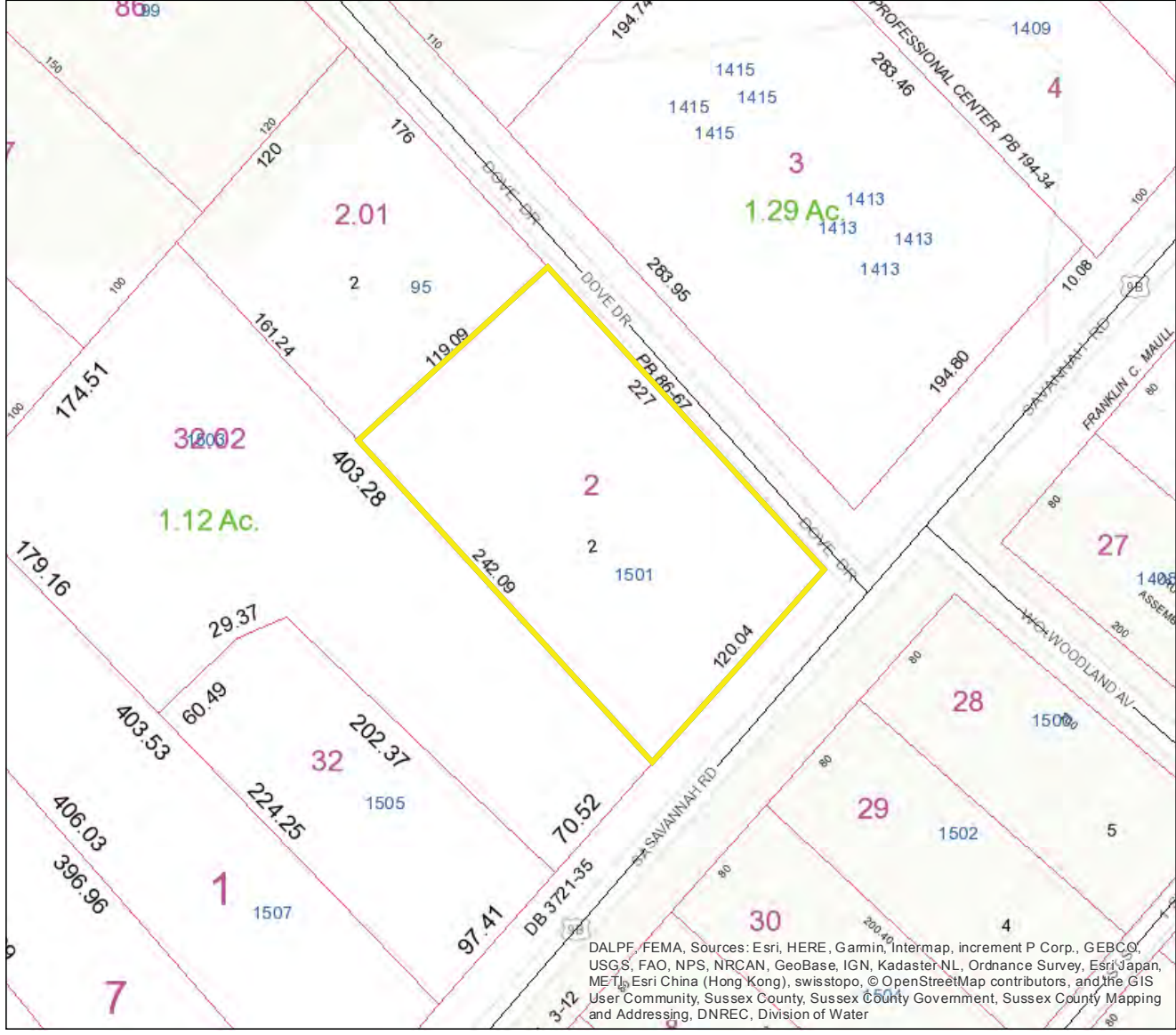
- Addresses / Parcels**
- TaxParcels
- Council Districts**
- Fire Districts
  - County District 01
  - County District 02
  - County District 03
  - County District 04
  - County District 05
  - County Boundaries
- Schools/Libraries**
- School Buildings (Various)
  - School Library
  - Public Library
  - Special Library
  - DOE School Districts
  - DOE VoTech School Districts
- Hydrology**
- Streams / Rivers
  - Lakes, Ponds, Bays
- Flood Zones**
- 0.2% Annual Chance Flood Hazard
  - A
  - AE
  - AO
  - Open Water
  - VE
- Public Protected Lands
  - Municipalities
  - Communities
  - Boundaries State County

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Sussex County Map



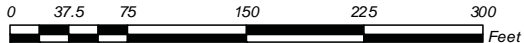




- Addresses / Parcels**
- TaxParcels
- Council Districts**
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Sussex County Map



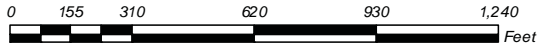


- Addresses / Parcels**
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Sussex County Map





Introduced 10/10/17

Council District No. 3 – Burton  
Tax I.D. No. 335-8.18-2.00  
911 Address: 1501 Savannah Road, Lewes

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.641 ACRES, MORE OR LESS

WHEREAS, on the 25<sup>TH</sup> day of September 2017, a conditional use application, denominated Conditional Use No. 2116, was filed on behalf of William and Stacey Smith; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, 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. 2116 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, 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. 2116 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 Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the northwest corner of Savannah Road and Dove Drive, and being more particularly described per the attached deed prepared by Bonnie M. Benson, P.A., said parcel containing 0.641 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.

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



2 THE CIRCLE | PO BOX 417  
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sussexcountyde.gov

# Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET  
Planning Commission Public Hearing Date March 8, 2017

Application: CU 2118 John W. Davidson

Applicant/Owner: John W. Davidson  
30281 Hollymount Rd.  
Harbeson, DE 19951

Site Location: Northeast side of Harbeson Rd., approximately 1,932 ft. northwest of  
Hollyville Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Professional Office with Contractor Storage

Comprehensive Land  
Use Plan Reference: Low Density Area

Councilmatic  
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Millsboro Fire District

Sewer: On-Site Septic

Water: On-Site Well

Site Area: 4.6425 ac. +/-

Tax Map ID.: 234-10.00-70.16



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE 19947

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



**Sussex County**  
DELAWARE  
sussexcountype.gov

## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 14, 2018

RE: County Council Report for CU 2118 John W. Davidson

---

The Planning and Zoning Department received an application (CU 2118 John W. Davidson) to allow for professional office with contractor storage to be located on Harbeson Rd. The Planning and Zoning Commission held a public hearing on March 8, 2018. The following are the draft minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a survey, staff analysis, comments from the Sussex Conservation District, Sussex County Engineering Department Utility Planning Division and a site plan.

The Commission found that John Davidson was present on behalf of the application; that Mr. Davidson stated he had issues with stormwater management and DelDOT; that he has been working with Engineering and needs a new Conditional Use for the final plan; that the use is for a contractor storage and the only access to the property is off of Route 54; that he has eight employees; that there will be no customers; that this is only a place to pick up equipment and leave; that the hours of operations are 6:00 am till 6:00 pm, that he would like a non-lighted sign; that only employees go to the site; that this is the same plan and he is ok with the same conditions; and that he is ok with incorporating the prior approval into this hearing.

The Commission found that no one spoke in favor of the application or in opposition to the application.

At the conclusion of the public hearings, the Commission discussed this application.

Ms. Stevenson moved that the Commission recommend approval of Conditional Use #2118 for Professional Offices & Contractors storage based upon the record made during the public hearing and for the following reasons:

1. This application is identical to Ordinance No. 2340 for Conditional Use No. 1978, that Conditional Use lapsed while the applicant was seeking his agency approvals.
2. The applicant has stated that he is willing to abide by all of the conditions imposed as part of Ordinance No. 2340.
3. The proposed use is still consistent with nearby uses, which include other businesses, offices,





and contractors.

4. The findings of fact contained in Ordinance No. 2340 support this current recommendation of approval.
5. No Parties appeared in opposition to this application.
6. This recommendation is subject to all of the conditions imposed upon Ordinance No. 2340, and those conditions are incorporated into this recommendation in their entirety.

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5-0.

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**Sussex County**  
DELAWARE  
sussexcountype.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: February 14, 2018  
RE: Staff Analysis for CU 2118 John W. Davidson

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2118 John W. Davidson to be reviewed during the February 22, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 234-10.00-70.16 to allow for a professional office with contractor storage to be located on Harbeson Rd. The size of the property is 4.6425 ac. +/-.

The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation Low Density Areas.

The surrounding land use to the north, south, east and west are Low Density Areas. The Low Density Areas land use designation recognizes that business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north and northeast are zoned AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District). The properties to the west are zoned AR-1 (Agricultural Residential District). The properties to the south and southeast are zoned B-1 (Neighborhood Business District), AR-1 (Agricultural Residential District) and C-1 (General Commercial District). The applicant had a previous Conditional Use (CU 1978) for a professional office with contractor storage; however, the application expired.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for professional office with contractor could be considered consistent with the land use, area zoning and uses.



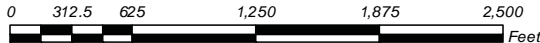


- Addresses / Parcels**
- TaxParcels
- Council Districts**
- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries
- Schools/Libraries**
- School Buildings (Various)
- School Library
- Public Library
- Special Library
- DOE School Districts
- DOE VoTech School Districts
- Hydrology**
- ~ Streams / Rivers
- Lakes, Ponds, Bays
- Flood Zones**
- 0.2% Annual Chance Flood Hazard
- A
- AE
- AO
- Open Water
- VE
- Public Protected Lands
- Municipalities
- Communities
- Boundaries State County

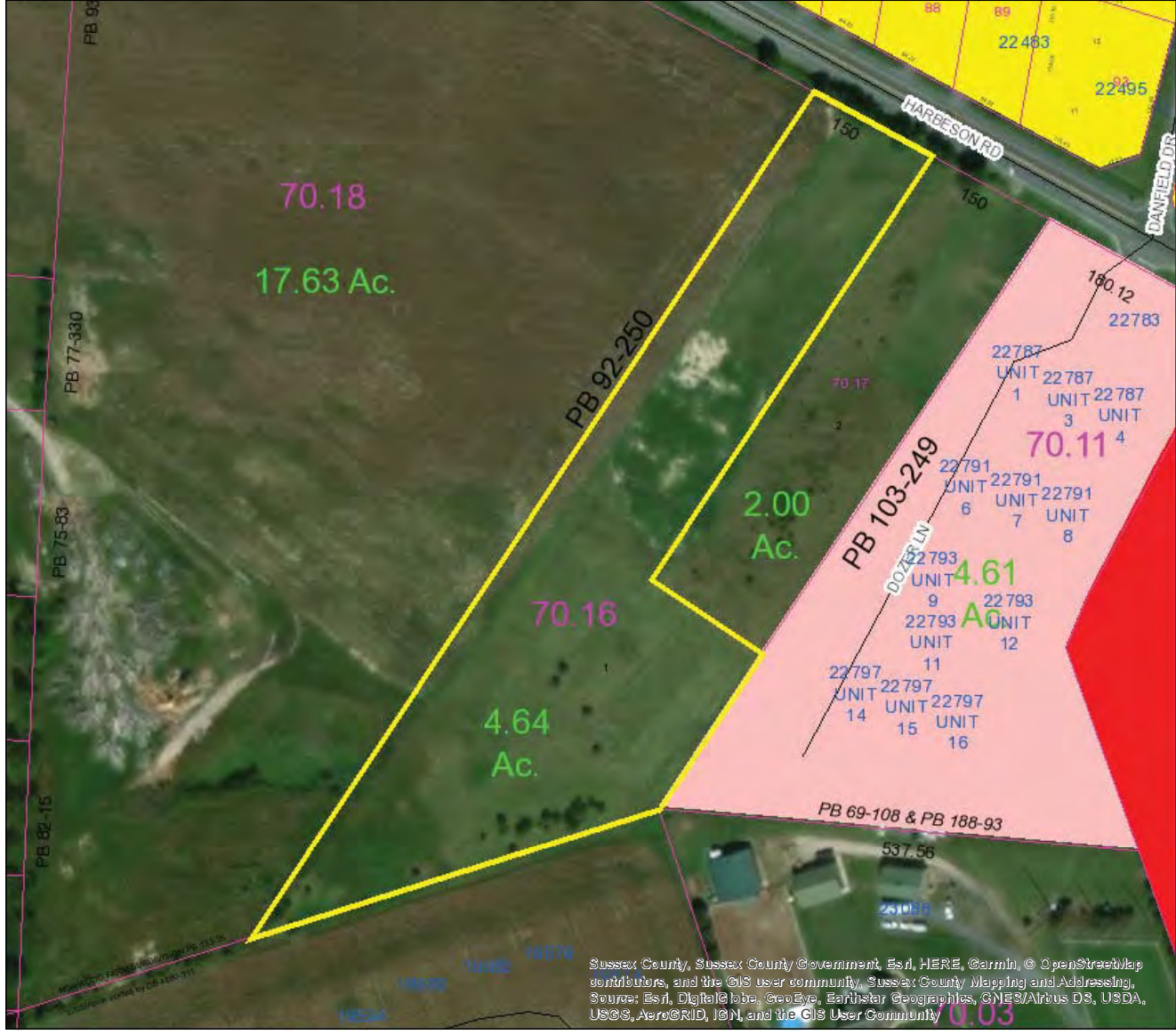
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Sussex County Map



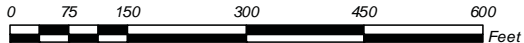


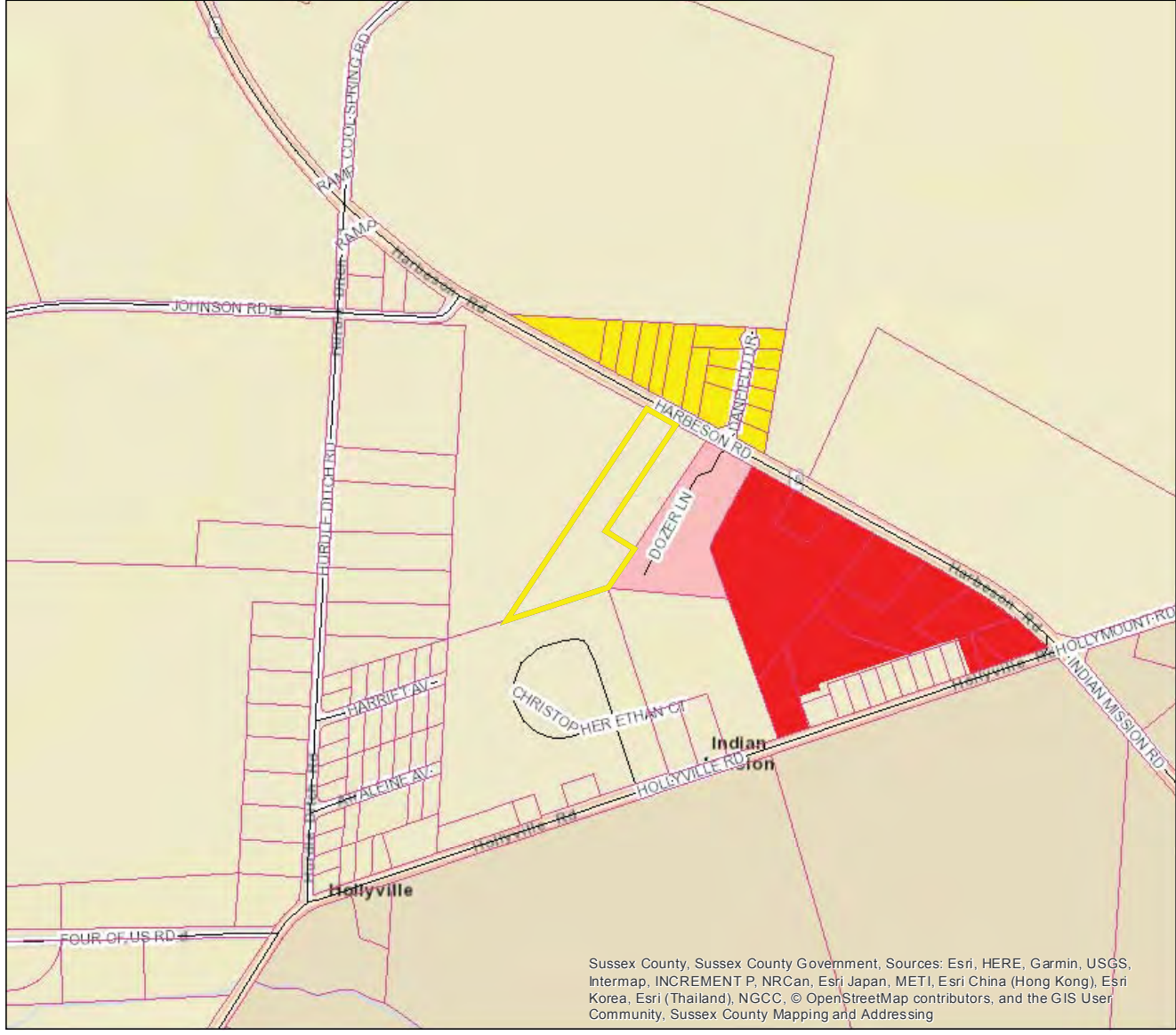


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- TaxParcels
- Council Districts**
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Sussex County Map

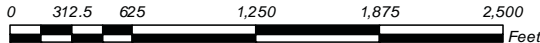




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**Sussex County Map**





Introduced 10/24/17

Council District No. 3 – Burton  
Tax I.D. No. 234-10.00-70.16  
911 Address: Not Available

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE WITH CONTRACTOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.6425 ACRES, MORE OR LESS

WHEREAS, on the 25th day of September 2017, a conditional use application, denominated Conditional Use No. 2118, was filed on behalf of John W. Davidson; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, 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. 2118 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, 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. 2118 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 of Harbeson Road, approximately 1,932 feet northwest of Hollyville Road, and being more particularly described in attached deed prepared by Tunnell & Raysor, P.A.

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

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



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# Sussex County Planning & Zoning Commission

## PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date February 22, 2018

Application: CZ 1846 CMF Bayside, LLC DH

Applicant: CMF Bayside, LLC  
38017 Fenwick Shoals Blvd.  
Selbyville, DE 19975

Owner: Douglas P. Weidman  
1032 Buchanan Ave.  
Lancaster, PA 17063

Site Location: Both sides of Williamsville Rd., approximately 843 ft. southwest of E. Sand Cove Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: MR-RPC (Medium Residential District – Residential Planned Community)

Comprehensive Land Use Plan Reference: Environmentally Sensitive Developing Areas and Mixed Residential Areas

Councilmatic District: Mr. Arlett

School District: Indian River School District

Fire District: Roxana Fire District

Sewer: Sussex County

Water: Tidewater

Site Area: 74.25 ac. +/-

Tax Map ID.: 533-19.00-297.00



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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: March 14, 2018

RE: County Council Report for CZ 1846 CMF Bayside, LLC

---

The Planning and Zoning Department received an application (CZ 1846 CMF Bayside, LLC) to allow for a change in zone from AR-1 (Agricultural Residential District) to a MR-RPC (Medium Density Residential District – Residential Planned Community) located on Williamsville Rd. The Planning and Zoning Commission held a public hearing on February 22, 2018. The following are the draft minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, comments from Sussex Conservation District, PLUS, DelDOT Service Level Evaluation, Environmental Assessment and Public Facility report and a site plan.

The Commission found that James Fuqua, Attorney with Fuqua, Willard, Stevens, and Schab, Rich Rishel of CMF Bayside, LLC, Steve Marsh with George, Miles, and Buhr, and Edward Launay with Environmental Resources were present on behalf of the application; that Mr. Fuqua stated that the property is adjacent to Americana Bayside which is zoned MR-RPC; that the original application was approved for 1,700 residents and this addition will add 74.25 acres into the RPC, that 122 townhouse units are proposed, but would count towards the original 1,700 lots approved as part of the RPC; that there is no new density added to this application and only new land to RPC; that it results into a decrease in overall density; that the property is in the Environmental Sensitive Developing Area land use classification and the area accommodates growth; that water would be provided by Tidewater and it is in the Sussex County sewer district which has adequate capacity; that the site is located in the Indian River School District; that the fire service of the site is Roxana Fire District; that they did do road work on Route 54 as part of the original site with a fee; that approximately 41.5 acres of the parcel are identified as regulated wetlands; that no structures will encroach into any non-tidal wetlands; that there are some tidal wetlands located on the eastern side of the site and a 50 foot buffer is provided; that the ERI wetland determination was submitted to the Army Corp of Engineers and the preliminary jurisdiction letter was issued by the Philadelphia District; that the stormwater management will meet or exceed all regulatory requirements; that stormwater management design will incorporate swales, bio soils, and green technology; that the phase will contain 122 residential townhouse units located in 22 buildings; that the entrances will meet DelDOT requirements; that the roads will meet the County street design requirements; that the



streets will be curbed and guttered; that there will be sidewalks on both sides of the streets and street lighting provided; that owners purchasing units in this section will become members of the existing HOA; that new owners will be entitled to the use of all amenities within the community; that no wetlands to be encroached and all wooded areas will remain; that Mr. Launay stated there have been changes to how to identify wetlands; that the changes have impacted four to five acres here; that Mr. Fuqua stated there will be a path that may go into wetlands and will comply; that Mr. Marsh stated they looked at connection to Phase 3 but a large tidal ditch makes it impractical; that there not much traffic on this part and had to build two entrances off of Williamsville Road; that the benefit for internal circulation is not enough to build a bridge over the ditch; that south of the site is in Maryland and is a Conservation area; that there will be open space between the Maryland line; that Mr. Fuqua stated crossing the ditch will require DNREC and Army Corp permits; that Mr. Marsh stated there is an agreement with the State and Freeman company to plow the roads; and that the HOA documents are expandable.

The Commission found that there were no parties in favor of the application.

The Commission found that Thomas Riley, Dave Bishop, Robert Katz and Ron Lewis spoke in opposition to the application; Mr. Riley stated he has concerns with environmental impact; that there are birds in the area and habitat will be impacted; that he had concerns with the four story height buildings and will it the birds ability to fish; that he had concerns with traffic between Maryland and Delaware and maintenance; that people couldn't get out for days in the snow storm; that it is a very aggressive development; that they don't own the property; that the area is sensitive; that there is an issue with emergency vehicle access; that Mr. Bishop stated it appears that ponds will be built; that he has concerns with land already been cleared and is there a barrier for keeping runoff out of wetlands; that Mr. Katz stated he was told there would be safety in the area, lighting, signage, sidewalks, and pathways; that they were put in after occupancy and should get put in before people move in; that Mr. Fuqua stated the ponds are not currently there; that it is just a conceptual plan and plan to create ponds in non-wetland areas; that they have not done any site work; that CMF Bayside is the developer and builders will build the homes; that Mr. Lewis stated that there are homes built at Route 54 and Sand Cove as part of the RPC; that are the entire parcel is part of the change of zone.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting on March 8, 2018, the Planning Commission discussed the application which had been deferred since February 22, 2018.

Mr. Hudson moved that the Commission recommend approval of Change of Zone # 1846 for CMF Bayside, LLC for a change in zone from AR-1 to an MR-RPC based upon the record made during the public hearing and for the following reasons:

1. The site is adjacent to portions of the existing Americana Bayside MR-RPC development. It will be an extension of that development.
2. The proposed density of 122 residential units on 74.25 acres is within the permitted density of the MR District. It is also consistent with the density of the Americana Bayside development, and these units will be included in, and will not exceed, the total number of units permitted as part of the entire Americana Bayside MR-RPC.

3. The proposed development will have sewer service provided by Sussex County and water provided by Tidewater Utilities.
4. The proposed rezoning to an MR-RPC is in compliance with the goals and objectives of the Sussex County Comprehensive Land Use Plan. The Plan also recognizes that a range of housing types are appropriate in the Environmentally Sensitive Developing Area where this project is located, including multi-family and townhouse units.
5. The proposed development will not adversely impact neighboring properties, traffic or the environment.
6. The development will be an extension of the existing Bayside development, and residents will be members of the Americana Bayside Homeowners Association entitling them to use the development's existing recreational amenities and requiring them to pay the required dues and assessments within the development.
7. This recommendation is subject to the following conditions:
  - A. The maximum number of residential dwelling units on this property shall be 122.
  - B. The 122 units approved as part of this extension of the MR-RPC shall be part of the uses approved in conditions #1 and #3 of CZ #1393 and shall not be in addition to these conditions previously imposed on the Americana Bayside MR-RPC project.
  - C. The development shall be served as part of a Sussex County Sanitary Sewer District.
  - D. The Developer shall comply with all requirements and specifications of the County Engineering Department.
  - E. The RPC shall be served by central water.
  - F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be designed and operated in a manner consistent with Best Management Practices.
  - G. The Final Site Plan for each phase of the development shall contain the approval of the Sussex Conservation District upon it.
  - H. The project will be incorporated as part of the existing Americana Bayside MR-RPC (CZ #1393) and shall be subject to, and benefited by, the conditions opposed upon that development, except as modified herein.
  - I. All entrance, roadway, intersection and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's determinations.
  - J. The interior street design and parking areas shall meet or exceed Sussex County street design specifications and requirements.
  - K. The residential units in this development shall be part of the Americana Bayside Homeowners Association responsible for the maintenance of streets, roadways, buffers, stormwater management areas and community areas.
  - L. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Department.
  - M. The Final Site Plan shall include a landscape plan for all the buffer areas, showing all the landscaping and vegetation to be included in those areas.
  - N. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Hudson, seconded by Mr. Wheatley and carried with four (4) votes to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 4-1. Ms. Stevenson voted no.



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**Sussex County**  
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## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: February 14, 2018  
RE: Staff Analysis for CZ 1846 CMF Bayside, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1846 CMF Bayside, LLC to be reviewed during the February 22, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 533-19.00-297.00 to allow for a Change of Zone from AR-1 (Agricultural Residential District) to MR-RPC (Medium-Density Residential District – Residential Planned Community). The size of the property is 74.25 ac. +/- . This application is to expand the land area of the Americana Bayside development.

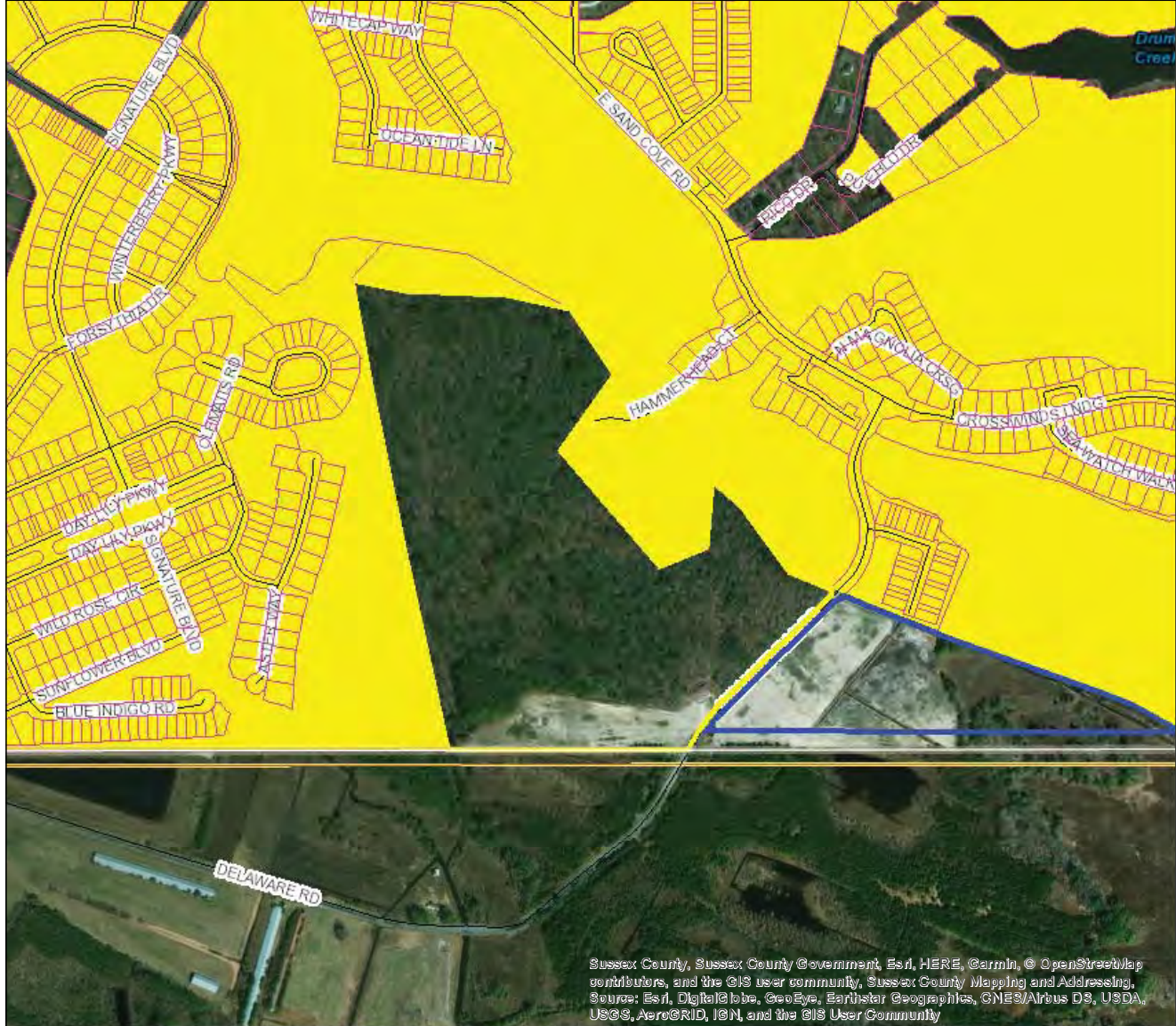
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation Environmentally Sensitive Developing Areas and Mixed Residential Areas.

The surrounding land use to the north, east and west are Environmentally Sensitive Developing Areas and Mixed Residential Areas. The Environmentally Sensitive Developing Areas land use designation recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home. The Mixed Residential Areas land use designation recognizes that a full range of housing types should be permitted including single-family homes, townhouses and multi-family units. MR-RPC (Medium-Density Residential District – Residential Planned Community) is a zoning district that can be considered in the Environmentally Sensitive Developing Areas and Mixed Residential Areas land use classifications.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north east and west are zoned MR-RPC (Medium-Density Residential District – Residential Planned Community). There are no known Conditional Uses in the area. The properties to the south are located within the State of Maryland.

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone from AR-1 (Agricultural Residential District) to MR-RPC (Medium-Density Residential District – Residential Planned Community) would be considered consistent with the land use, area zoning and uses.



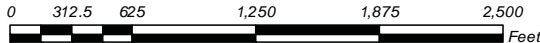


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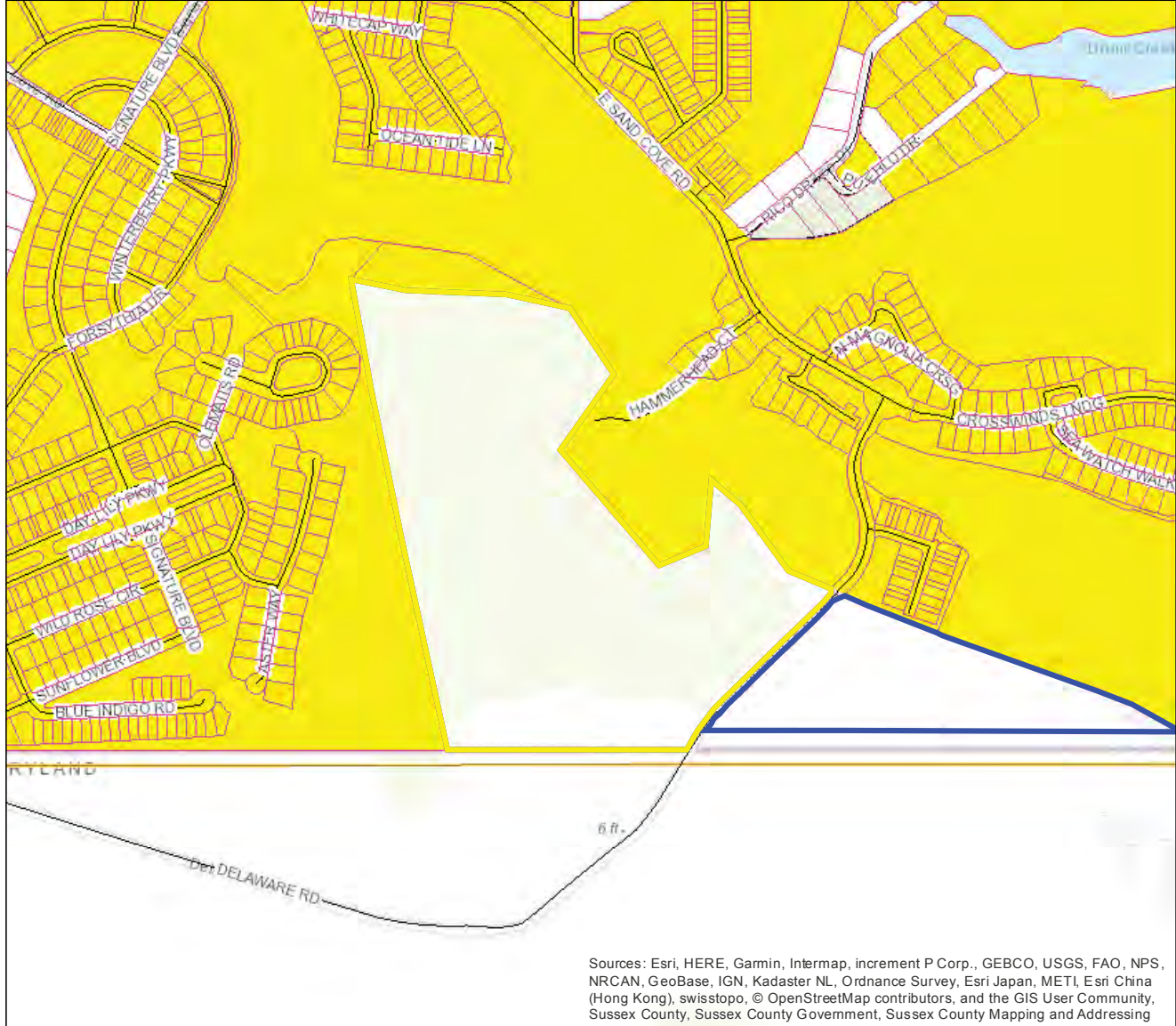
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**Sussex County Map**



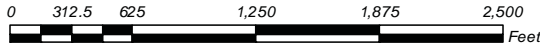




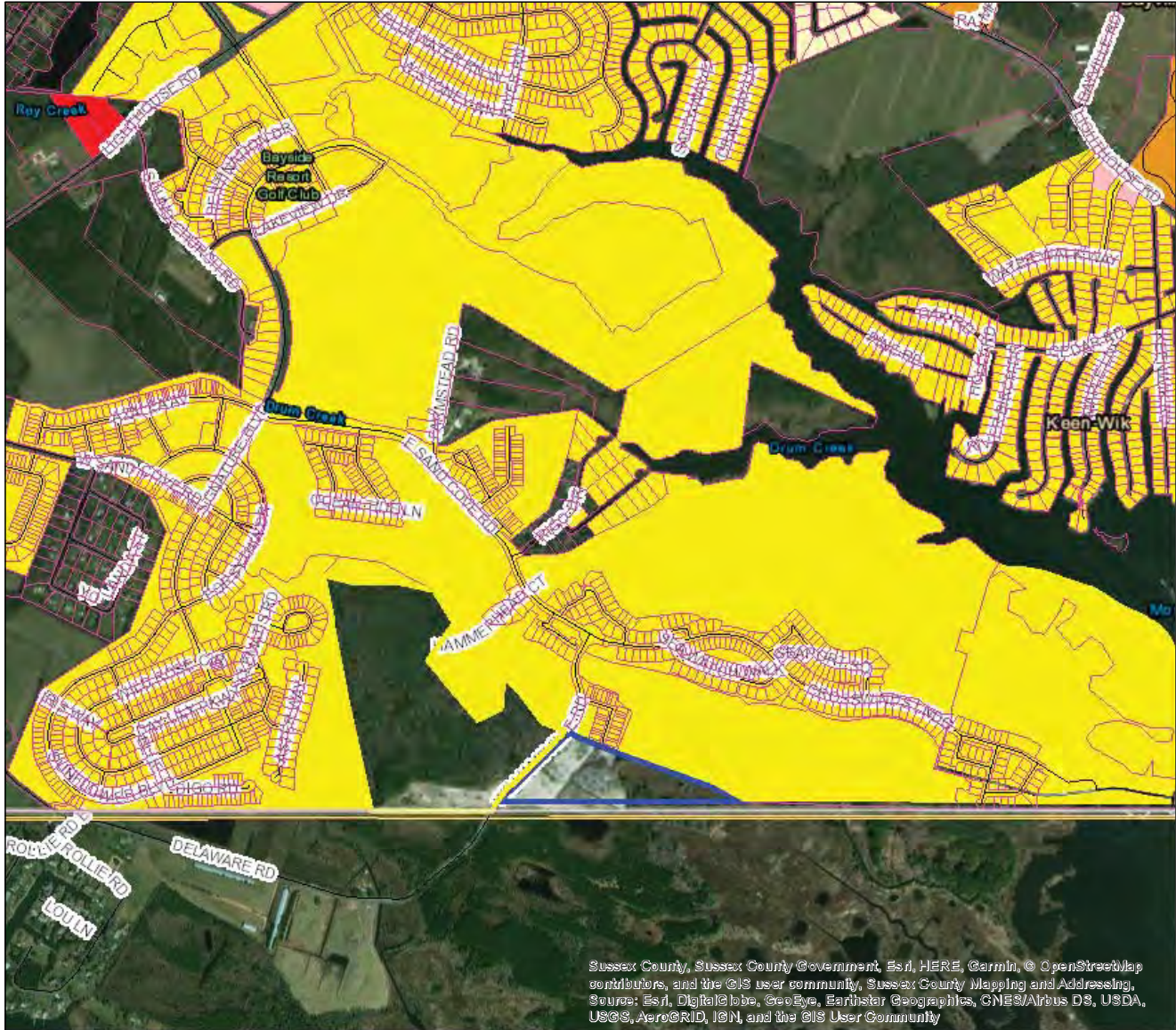
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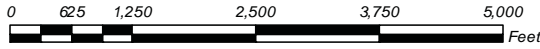


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Sussex County Map



Introduced 10/24/17

Council District No. 5 - Arlett  
Tax I.D. No. 533-19.00-297.00  
911 Address: Not Available

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 71.379 ACRES, MORE OR LESS

WHEREAS, on the 13th day of September 2017, a zoning application, denominated Change of Zone No. 1846, was filed on behalf of CMF Bayside, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1846 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of MR-RPC Medium Density Residential District – Residential Planned Community 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 both sides of Williamsville Road approximately 843 feet southwest of E. Sand Cove Road and being more particularly described per the attached legal description (and included on the survey in the application file), as prepared by Steven M. Adkins Land Surveying, LLC.

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