



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

**MEETING:  
May 21, 2019**

**\*\*DISCLAIMER\*\***

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**Sussex County Council  
2 The Circle | PO Box 589  
Georgetown, DE 19947  
(302) 855-7743**

## COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT  
IRWIN G. BURTON III, VICE PRESIDENT  
DOUGLAS B. HUDSON  
JOHN L. RIELEY  
SAMUEL R. WILSON JR.



# Sussex County

DELAWARE  
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## SUSSEX COUNTY COUNCIL

### AGENDA

MAY 21, 2019

10:00 A.M.

#### Call to Order

#### Approval of Agenda

#### Approval of Minutes

#### Reading of Correspondence

#### Public Comments

#### Todd Lawson, County Administrator

1. Proclamation – Community Action Month
2. Fiscal Year 2020 - Budget Presentation
3. Discussion and Possible Introduction of Proposed Ordinances:

**“AN ORDINANCE ESTABLISHING ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2020”**

**“AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS”**

4. DelDOT – CTP (Capital Transportation Plan) Update and Discussion
5. Administrator’s Report



**Jim Hickin, Airport Manager**

1. Georgetown Air Services
  - A. Memorandum of Understanding

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

1. LSA Presentation – Sussex County Housing Opportunities and Market Evaluation

**Grant Requests**

1. Rehoboth Summer Children’s Theatre for operating expenses
2. Downtown Milford for The Ladybug Festival
3. American Legion Auxiliary, Unit 28 for Poppy Fund

**Introduction of Proposed Zoning Ordinances**

**Council Members’ Comments**

**Executive Session – Collective Bargaining and Personnel pursuant to 29 Del.C.§10004(b)**

**Possible Action on Executive Session Items**

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

**Change of Zone No. 1881 filed on behalf of Norman Stephen Price Revocable Trust (Lakelynn)**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 71.754 ACRES, MORE OR LESS” (land lying on the northeast corner of Peppers Corner Road and Lizard Hill Road, and also being on the north side of Lizard Hill Road) approximately 823 feet southeast of Peppers Corner Road) (Tax I.D. No. 134-19.00-13.03 and 134-18.00-38.00) (911 Address: 34703 Cider Lane, Frankford)

**Conditional Use No. 2171 filed on behalf of Lisa St. Clair**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A DOG BAKERY WITH STORAGE AND WAREHOUSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.3981 ACRES, MORE OR LESS” (land lying on the northwest side of Hollyville Road, approximately 91 feet northwest of Harmony Cemetery Road) (Tax I.D. No. 234-21.00-213.00) (911 Address: 24500 Hollyville Road, Millsboro)

**“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 62, ARTICLE III, SECTION 62-7, CHAPTER 72, ARTICLE I, SECTIONS 72-4 AND 72-5, CHAPTER 115, ARTICLES IV, XXV AND TABLE 1 BY AMENDING SECTIONS 115-22, 115-25, 115-182, 115-183 AND 115-194.3 TO REPLACE ALL REFERENCES TO THE “ENVIRONMENTALLY SENSITIVE DEVELOPMENT DISTRICT”, “ENVIRONMENTALLY SENSITIVE DEVELOPMENT DISTRICT OVERLAY ZONE”, “ESDDOZ” AND “ENVIRONMENTALLY SENSITIVE DEVELOPING AREA” WITH “COASTAL AREA”**

**Adjourn**

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

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In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on May 14, 2019 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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# SUSSEX COUNTY COUNCIL



## *PROCLAMATION*

### PROCLAIMING THE MONTH OF MAY AS "COMMUNITY ACTION MONTH"

WHEREAS, Community Action has made essential contributions to individuals and families across this nation by creating economic opportunities and strengthening communities; and

WHEREAS, Community Action is a robust state and local force connecting people to life changing services and creating pathways to prosperity in 99% of all American counties; and

WHEREAS, Community Action builds and promotes economic stability as an essential aspect of enabling and enhancing stronger communities and stable homes; and

WHEREAS, Community Action promotes community-wide solutions to challenges throughout our cities, suburbs, and rural areas; and

WHEREAS, Community Action delivers innovative services and support that create greater opportunities for families and children to succeed; and

WHEREAS, Community Action insists on community participation and involvement ensuring that all sectors of the community have a voice and will be heard; and

WHEREAS, Community Action is celebrating 55 years of innovation, impact, and providing proven results for Americans;

NOW, THEREFORE, BE IT RESOLVED, that the Sussex County Council hereby proclaims the month of May 2019 as "Community Action Month" in Sussex County in recognition of the hard work and dedication of First State Community Action Agency.



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Michael H. Vincent  
Council President

ORDINANCE NO.

AN ORDINANCE ESTABLISHING ANNUAL OPERATING BUDGET FOR  
FISCAL YEAR 2020

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Statement of Anticipated General Fund Revenues for the Fiscal Year Ending June 30, 2020 is as follows:

	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2020</u>
<b><u>Revenues:</u></b>	
<u>Taxes</u>	
Real Property - County	\$ 14,442,600
Real Property - Library	1,693,400
Realty Transfer	22,500,000
Fire Service	1,500,000
Penalties and Interest	140,000
<u>Intergovernmental</u>	
Federal Grants	
Emergency Operations	200,000
Housing and Urban Development	1,880,000
Payments in Lieu of Taxes	5,400
State Grants	
Paramedic	4,478,600
Local Emergency Planning Commission	70,000
Library	340,000
<u>Charges for Services</u>	
Constitutional Office Fees	
Marriage Bureau	160,000
Recorder of Deeds	3,700,000
Recorder of Deeds - Maintenance	41,000
Recorder of Deeds - Town Realty Transfer Tax	70,000
Register of Wills	1,150,000
Sheriff	2,000,000

	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2020</u>
General Government Fees	
Building Permits & Zoning Fees	2,100,000
9-1-1 System Fee	559,630
Manufactured Home Placement Fee	130,000
Building Inspection Fees	1,640,000
Airport Operations/Economic Development	626,500
Miscellaneous Fees	66,000
Private Road Review & Inspection Fees	1,615,000
<u>Miscellaneous Revenue</u>	
Fines and Forfeits	40,000
Investment Income	1,000,000
Miscellaneous Revenues	217,369
<u>Other Financing Sources</u>	
Interfund Transfers In	70,000
Appropriated Reserve	<u>19,025,000</u>
<b><u>Total Revenues</u></b>	<b><u>\$ 81,460,499</u></b>

Section 2. The Statement of Anticipated General Fund Appropriations and Expenditures for the Fiscal Year Ending June 30, 2020 is as follows:

<u>Expenditures</u>	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2020</u>
<u>General Government</u>	
County Council	\$ 703,301
Administration	509,814
Legal	500,000
Finance	2,073,819
Assessment	1,968,639
Building Code	1,025,773
Mapping and Addressing	908,370
Human Resources & General Employment	988,618
Records Management	277,636
Facilities Management	2,298,013
Information Technology	2,120,504
Constable	1,167,077

<u>Expenditures (continued)</u>	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2020</u>
<u>Planning and Zoning</u>	1,844,352
<u>Paramedics</u>	16,999,575
<u>Emergency Preparedness</u>	
Administration	601,915
Emergency Operations	2,718,095
Communications	421,450
Local Emergency Planning Committee	85,343
<u>Engineering</u>	
Engineering Administration	958,515
Public Works	728,334
<u>Library</u>	
Administration	744,853
Operations	2,581,508
<u>Economic Development</u>	
Economic Development	384,472
Safety and Security	514,161
Airport and Business Park	979,474
<u>Community Development</u>	2,430,560
<u>Grant-in-aid</u>	15,705,515
<u>Constitutional Offices</u>	
Marriage Bureau	229,962
Recorder of Deeds	995,943
Register of Wills	639,068
Sheriff	670,340
<u>Other Financing Uses</u>	
Transfers Out	10,085,500
Additional Pension Contribution	5,000,000
Reserve for Contingencies	1,600,000
<u><b>Total Expenditures</b></u>	<u>\$ 81,460,499</u>



Section 3. The Tax Rate, Fireman's Enhancement Funding Program, Cluster Fees and miscellaneous fee changes from fiscal year 2019 for the Fiscal Year Ending June 30, 2020 is as follows:

- (a) County Property Tax Rate \$.4450 per \$100.00 of taxable assessed valuation.
- (b) Firemen's Enhancement Funding Program - Building Permit surcharge of one-quarter of one percent (.25%) of construction values.
- (c) Cluster Fee for density bonus.
  - 1.) The Town Centers and Developing Areas around Greenwood, Bridgeville, Seaford, Blades, Laurel and Delmar - \$15,000 per unit in excess of two dwelling units per acre.
  - 2.) For the Town Centers and Developing Areas around Milford, Milton, Ellendale, Georgetown, Millsboro, Dagsboro, Frankford and Selbyville - \$15,000 per unit in excess of two dwelling units per acre.
  - 3.) For the Environmentally Sensitive Developing Area - \$20,000 per unit in excess of two dwelling units per acre.
- (d) Miscellaneous Fee changes.
  - 1.) Public Works Plan Review Fee - Chapter 99 – Subdivision - Per unit for (2) reviews of submitted plans fee increased from \$42 to \$45
  - 2.) Public Works Field Inspection Fees - Chapter 99 increased from 7% to 8% based on an independently verified Construction Cost Estimate
  - 3.) Utility Enterprise -Waste hauler fee - Septage Treatment Charges increased from \$.070 to \$.076 per gallon
  - 4.) Register of Wills - Will Receiving and Indexing Fee - \$10 per will
  - 5.) Register of Wills - Testator Will Examination Fee - without amendment \$2 per occurrence
  - 6.) Register of Wills - Receiving Codicil Will Fee – for existing indexed and file Will - \$5 per occurrence
  - 7.) Register of Wills - Receiving Amendment or Change to the Original Memorandum Fee - \$5 per occurrence
  - 8.) Register of Wills - Web Search Subscription Service Fee – Single User - \$25 per user per month
  - 9.) Register of Wills – Web Search Subscription Service Fee – Multiple Users - \$100 per month for firm with unlimited users

Section 4. Sussex County Code Chapter 99 and Chapter 110 Miscellaneous Fee and Charges Schedule is as follows:

Area	Fee Description	Fee	Unit of Measure
Public Works	Plan Review Fees - Chapter 99 - Flat fee for (2) reviews of submitted plans	\$2,500.00	Flat Fee
Public Works	Plan Review Fees - Chapter 99 - Per unit for (2) reviews of submitted plans	\$45.00	Per Unit (addition to Flat Fee)
Public Works	Plan Review Fees - Chapter 99 - Third Additional reviews - after first (2) reviews	60%	Original Plan Review fees
Public Works	Plan Review Fees - Chapter 99 - Fourth Additional reviews - after first (3) reviews	50%	Original Plan Review fees
Public Works	Plan Review Fees - Chapter 99 - Fifth Additional reviews - after first (4) reviews	40%	Original Plan Review fees
Public Works	Plan Review Fees - Plan Revisions - Chapter 99 - After obtaining County approval.	\$1,000.00	Each
Public Works	Field Inspection Fees - Chapter 99	8%	Based on Accepted Construction Cost Estimates (independently verified)
Public Works	Field Inspection - Overtime - Holiday or Weekend hours	\$50.00	Per Hour
Utility Enterprise	Damage to County Infrastructure from outside sources.	Varies	Actual Cost or Equipment rates based on FEMA Schedule
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Sewer District - Sewer - Flat fee including (2) reviews of submitted plans	\$2,000.00	Flat Fee
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Sewer District - Sewer - Per Unit including (2) reviews of submitted plans	\$20.00	Per Unit (addition to Flat Fee)
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Water District - Water - Flat fee including (2) reviews of submitted plans	\$1,500.00	Flat Fee
Utility Enterprise	Plan Review Fees - Chapter 110 - Sussex County Water District - Water - per unit including (2) reviews of submitted plans	\$10.00	Per Unit (addition to Flat Fee)
Utility Enterprise	Plan Review Fees -Chapter 110 - Third Additional reviews - after first (2) Sewer/Water plan review	60%	Original Plan Review fees
Utility Enterprise	Plan Review Fees - Chapter 110 - Fourth Additional reviews - after first (3) Sewer/Water plan review	50%	Original Plan Review fees
Utility Enterprise	Plan Review Fees - Chapter 110- Fifth Additional reviews - after first (4) Sewer/Water plan review	40%	Original Plan Review fees
Utility Enterprise	Plan Review Fees - Plan Revisions - Chapter 110 - After obtaining County approval.	\$1,000.00	Each
Utility Enterprise	Pump Station Review Fees – Chapter 110	\$2,500.00	Flat Fee including 2 reviews of submitted plans

<b>Department – Area</b>	<b>Fee Description</b>	<b>Fee</b>	<b>Unit of Measure</b>
Utility Enterprise	Field Inspection Fees - Chapter 110	15%	Based on Accepted Construction Cost Estimates (independently verified)
Utility Enterprise	Rescheduled connection inspections - each additional field inspection required due to contractor's methods, no call/no show, or cancellation within 2 hours of scheduled appointment	\$100.00	Per Occurrence
Utility Enterprise	Field Inspection - Overtime	\$50.00	Per Hour
Utility Enterprise	Sewer/Water Connection Permits	\$100.00	Per Permit
Utility Enterprise	Availability fee for Private Fire Service	\$250.00	Annually
Utility Enterprise	Waste hauler's annual septage discharge license fee	\$250.00	Annually
Utility Enterprise	Waste hauler fee - Septage Treatment Charges	\$0.076	Per gallon
Utility Enterprise	Wastewater Holding Tank Permit	\$100.00	Each
Utility Enterprise	Water Turn Off or On Fee	\$300.00	Each
Utility Enterprise	Bulk Water User Permit (Usage Fees charged separately)	\$50.00	Each
Utility Enterprise	Bulk Water Usage Fee - First 5,000 Gallons	\$25.00	5,000 Gallons
Utility Enterprise	Bulk Water Usage Fee - 5,001 Gallons and Up	\$4.00	1,000 Gallons
Utility Enterprise	Industrial Wastewater Discharge Permit	\$500.00	Per Issuance
Utility Enterprise	Industrial Wastewater Discharge - Permit Amendment	\$250.00	Per Issuance
Utility Enterprise	Industrial Wastewater Discharge - Permit Variance(s)	\$250.00	Per Issuance
Utility Enterprise	Industrial Wastewater Discharge - User Annual Monitoring Fee	\$250.00	Annually
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 2 Acres or Less	\$500.00	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 2.1 - 9.9 Acres	\$750.00	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - 10 - 150.0 Acres	\$1,500.00	Each
Utility Enterprise	Application Fees - Extending District Boundaries - Sewer and/or Water - Over 150.0 Acres	\$2,500.00	Each
Utility Enterprise	Sewer Service Concept Evaluation Fee	\$1,000.00	Each
Utility Enterprise	Sewer Availability Fee	100%	Annual Service Charges
Utility Enterprise	Sewer Availability Fee	100%	Annual Service Charges

Section 5. The Statement of Anticipated Capital Project Fund Revenues and Expenditures for the Fiscal Year Ending June 30, 2020 is as follows:

<u>Revenues and Other Financing Sources</u>	<u>Amount Year Ending June 30, 2020</u>
Appropriated Reserves	\$ 6,960,000
Federal Grant	4,140,000
Interfund Transfer (RTT)	10,000,000
Investment Income (net)	20,000
State Grant	230,000
	<hr/>
<b><u>Total Revenues and Other Financing Sources</u></b>	<b><u>\$ 21,350,000</u></b>
<b><u>Expenditures:</u></b>	
Administrative	
Building and Building Improvements	625,000
Information Technology Infrastructure	2,000,000
Land Acquisition/Improvements	3,050,000
Airport and Industrial Park	
Stormwater Improvements	900,000
Airport Masterplan	500,000
Water Plant Improvements	100,000
Hangar	2,100,000
Land Acquisition	600,000
RW 4-22 Expansion	375,000
Pavement Improvements	600,000
Business Park Improvements	3,400,000
RW 10-28 Taxiway	4,100,000
Engineering	
Property Acquisition	750,000
Public Safety	
Public Safety Building	1,000,000
Stations and Property Acquisition	1,250,000
	<hr/>
<b><u>Total Capital Improvement Expenditures</u></b>	<b><u>\$ 21,350,000</u></b>

Section 6. The Statement of Anticipated Enterprise Fund Revenues and Expenses for the Fiscal Year Ending June 30, 2020 is as follows:

	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2020</u>
<b><u>Revenues and Other Financing Sources</u></b>	
Operating Revenues	
Service Charges	\$ 22,712,660
Holding Tank Fees	425,000
Licenses, Permit, and Review Fees	1,350,000
Miscellaneous Fees	504,000
Non-Operating Revenues	
Assessment Charges	8,537,029
Capitalized Ord. 38 Fees	2,398,199
Connection Fees	3,614,635
Investment Results	914,000
Miscellaneous Revenues	200,000
Other Financing Sources	
Available Funds	62,670
Transfers	85,500
	<hr/>
<b><u>Total Revenues and Other Financing Sources</u></b>	<b><u>\$ 40,803,693</u></b>
 <b><u>Expenses:</u></b>	
Administrative Costs	\$ 8,361,636
Operations and Maintenance Costs	13,511,059
Capital Expenditures	5,397,397
Debt Service	13,533,601
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<b><u>Total Expenses and Debt Service</u></b>	<b><u>\$ 40,803,693</u></b>

Section 7. Unappropriated or unobligated General Fund expenditures requiring a transfer from the General Fund Undesignated Fund Balance require approval by not less than four-fifths of the members of Sussex County Council concurring.

Section 8. The County Pay Plan and Salary Structure for Fiscal Year Ending June 30, 2020 shall be adopted by with this Ordinance.

<b>Grade</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
1	\$ 21,218	\$ 26,523	\$ 31,827
2	\$ 22,279	\$ 27,848	\$ 33,418
3	\$ 23,393	\$ 29,240	\$ 35,090
4	\$ 24,563	\$ 30,703	\$ 36,843
5	\$ 25,791	\$ 32,238	\$ 38,687
6	\$ 27,080	\$ 33,851	\$ 40,620
7	\$ 28,435	\$ 35,542	\$ 42,651
8	\$ 29,855	\$ 37,320	\$ 44,784
9	\$ 31,349	\$ 39,185	\$ 47,023
10	\$ 32,916	\$ 41,145	\$ 49,374
11	\$ 34,562	\$ 43,203	\$ 51,844
12	\$ 36,291	\$ 45,362	\$ 54,434
13	\$ 38,105	\$ 47,631	\$ 57,157
14	\$ 40,010	\$ 50,012	\$ 60,015
15	\$ 42,011	\$ 52,512	\$ 63,015
16	\$ 44,111	\$ 55,138	\$ 66,165
17	\$ 46,316	\$ 57,895	\$ 69,474
18	\$ 48,632	\$ 60,790	\$ 72,947
19	\$ 51,064	\$ 63,830	\$ 76,595
20	\$ 53,617	\$ 67,020	\$ 80,425
21	\$ 56,297	\$ 70,372	\$ 84,446
22	\$ 59,112	\$ 73,890	\$ 88,669
23	\$ 62,068	\$ 77,584	\$ 93,103
24	\$ 65,172	\$ 81,464	\$ 97,757
25	\$ 68,430	\$ 85,537	\$ 102,645
26	\$ 71,851	\$ 89,815	\$ 107,777
27	\$ 75,443	\$ 94,305	\$ 113,166
28	\$ 79,216	\$ 99,021	\$ 118,824
29	\$ 83,177	\$ 103,972	\$ 124,765
30	\$ 87,335	\$ 109,171	\$ 131,004
31	\$ 91,703	\$ 114,629	\$ 137,554
32	\$ 96,288	\$ 120,360	\$ 144,431
33	\$ 101,102	\$ 126,377	\$ 151,653
34	\$ 106,158	\$ 132,697	\$ 159,236



Section 9. The County has invested \$10 million of Appropriated Reserves from Realty Transfer Tax funds with a goal to earn five percent per year. The fire companies are to receive a grant for the annual investment income from this investment up to four percent per year; these fire service grants are to be awarded annually based on recommendations from the Fire Resource Committee, but at the discretion of the Sussex County Council. Sussex County will receive the first one percent of the investment income earned. The fire service would receive investment income of up to four percent after Sussex County receives one percent. A four-fifths vote of the County Council is required to use principal for any other purpose. If there is a loss from the investments, then the principal balance must be restored before any additional grants are made from investment income in the future to the County or fire service. Sussex County is to receive the investment income over five percent per year. These grants to the fire service will be awarded annually, based on the previous calendar year's annual investment results.

Section 10. This Ordinance shall become effective on July 1, 2019.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE     TH DAY OF JUNE 2019.

ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL

ORDINANCE NO.

AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The annual service charge and annual assessment rate for distribution and transmission and/or treatment for the Dewey Beach Water District are established as follows:

- A. For an annual service charge: \$312.00 per EDU;

Section 2. The annual service charge, annual assessment rate for distribution and transmission and/or treatment, and connection charge for the Unified Sanitary Sewer District is established as follows:

- A. For an annual service charge: \$292.00 per EDU;
- B. For an assessment rate per billable front foot for distribution: see below;  
and
- C. For an assessment rate per billable front foot for transmission and/or treatment: see below.
- D. For assessment rate by EDU: see below.

<u>Area</u>	<b>Annual Assessment Charge</b>		
	<b>Distribution or Collection \$/foot</b>	<b>Transmission and/or Treatment \$/foot</b>	<b>Total \$/foot</b>
OCEAN WAY ESTATES I & II	2.29	.00	2.29
OCEAN VIEW EXPANSION	2.82	.86	3.68
CEDAR NECK EXPANSION	2.61	.78	3.39
NORTH MILLVILLE EXPANSION	3.92	.58	4.50
FENWICK ISLAND SEWER	.28	.04	.32
FENWICK ISLAND ROUTE 54 AREA	1.04	6.02	7.06
HOLTS LANDING SEWER	.68	2.36	3.04
THE GREENS AT INDIAN RIVER SUBDISTRICT <sup>2</sup>	5.23	2.36	7.59
LONG NECK SEWER	2.86	.19	3.05
DAGSBORO-FRANKFORD SEWER	.38	.22	.60
PRINCE GEORGE'S ACRES SUBDISTRICT <sup>3</sup>	4.63	.22	4.85
WEST REHOBOTH SEWER EXPANSION	1.48	.84	2.32
MILLER CREEK SEWER	6.07	.57	6.64
ELLENDALE SEWER	.96	.92	1.88
NEW MARKET VILLAGE SUBDISTRICT <sup>1</sup>	3.97	.92	4.89
OAK ORCHARD SEWER	2.16	2.19	4.35
EXPANSION NO. 1 & CAPTAINS GRANT EXP.	2.61	1.58	4.19
BAY VIEW ESTATES SEWER	4.10	2.67	6.77
SEA COUNTRY ESTATES SEWER	4.79	.04	4.83
SOUTH OCEAN VIEW SEWER	4.88	.59	5.47
ANGOLA NECK SEWER	3.45	3.13	6.58

<u>Area</u>	<b>Annual Assessment Charge - Continued</b>		
	<b><u>Distribution or Collection</u></b> \$/foot	<b><u>Transmission and/or Treatment</u></b> \$/foot	<b><u>Total</u></b> \$/foot
ANGOLA NORTH SEWER	.95	8.05	9.00
GOLF VILLAGE SEWER	1.47	0.00	1.47
WOODLANDS OF MILLSBORO	0.00	.42	.42
JOHNSON’S CORNER	2.60	1.95	4.55
BLADES – CONCORD ROAD AREA SEWER	4.24	0.00	4.24
	<b>\$/EDU</b>		
DEWEY BEACH AND HENLOPEN ACRES	296.04		
<u>Notes:</u>			
1. Part of the Ellendale Sanitary Sewer Area.			
2. Part of the Holts Landing Sanitary Sewer Area.			
3. Part of the Dagsboro-Frankford Sanitary Sewer Area.			
“foot” means assessable footage			
“EDU” means equivalent dwelling unit			

- E. Assessable footage, used for the Annual Assessment Charge, shall be limited to 100 feet for residential, non-delinquent customers.
- F. For a connection charge per equivalent dwelling unit, see below:

<b>District</b>	<b>Connection Charge</b>		<b>Total System Connection Charge</b> \$/EDU
	<b>Transmission</b> \$/EDU	<b>Treatment</b> \$/EDU	
DEWEY BEACH WATER	1,155	0	1,155
UNIFIED SEWER	2,480	3,880	6,360
BLADES SEWER	1,071	2,499	3,570
ELLENDALE SEWER	2,400	5,600	8,000
GOLF VILLAGE SEWER <sup>1</sup>	-	-	-
WOODLANDS OF MILLSBORO <sup>2</sup>	-	-	-
<u>Notes:</u>			
1. Amount equal to the Town of Georgetown’s Impact Fee.			
2. Amount equal to the Town of Millsboro’s Impact Fee.			

Section 3. The annual rate for the one-time septic installation charge for the Holts Landing area is as follows:

- A. For a one-time septic installation charge, per equivalent dwelling unit:  
\$2,889.00.

Section 4. Revenues from annual assessment rates can be expended for bond debt service payments pertaining to a respective sewerage or water system, for maintaining or improving the sewerage or water system, and for paying the necessary general expenses of the sanitary sewer or water district.

Section 5. The annual service charge, annual assessment rate for collection and transmission and/or treatment, septic installation charge, and connection charge shall become effective July 1, 2019.

Section 6. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Unified Sanitary Sewer Districts identified in this ordinance may be amended from time to time at a public hearing duly noticed.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE TH DAY OF JUNE 2019.

ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL

TO BE INTRODUCED

## 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) 855-7773



# Sussex County

DELAWARE

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

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JAMES A. HICKIN, A.A.E.  
AIRPORT MANAGER

## Memorandum

**TO:** Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable Irwin G. Burton III, Vice President  
The Honorable Samuel R. Wilson, Jr.  
The Honorable John L. Rieley  
The Honorable Douglas B. Hudson

**VIA:** Todd Lawson, County Administrator

**FROM:** Jim Hickin, A.A.E., Airport Manager  
Hans Medlarz, P.E., County Engineer

**RE:** *Georgetown Air Services Lease Modification  
Approval of Memorandum of Understanding*

**DATE:** May 21, 2019

Georgetown Air Services, LLC (GAS) provides aviation support services for Delaware Coastal Airport under a long-term lease arrangement. The lease, which expires in July 2036, includes Lot A3-2 on which the Old Terminal Building sits. In addition to 3,900 square feet of hangar space the building has several offices. It was built in 1954 and sustained water damage to the roof and interior walls and windows, creating structural safety concerns. As per the lease the County is responsible for maintenance and repair of the damage is estimated at \$450,000. The Engineering Department has analyzed several options and believes better aeronautical services could be provided at a lower cost than repairing the 65-year old building.

There is a documented demand of hangar space for large corporate jets along the Eastern Seaboard, including from locally-based aircraft operators. The Airport has identified several sites on the Airport for potential hangar construction, but high site development costs make them not economically feasible. In contrary, Lot A3-2 provides an ideal location for redevelopment due to existing apron access, minimal stormwater management issues, and few permitting requirements.

The Engineering Department has reviewed the costs and return on investment to develop currently vacant sites comparing them to the redevelopment of Lot A3-2 and determined the most cost-effective solution is private redevelopment of Lot A3-2. This solution would replace



3,900 square feet of hangar space with 20,000 square feet capable of accommodating large corporate jet aircraft – a 400% increase. However, this property is currently leased by GAS.

To implement the plan, the County will have to amicably terminate GAS's lease of Lot A3-2. The company is interested if the County offers certain concessions resulting in a cost neutral overall solution. These concessions include reducing the basic rent from nine (9) cents per gallon of fuel sold to two (2) cents per gallon. The reduced rate will cover the rent for Lot A3-4 mentioned in the lease, currently used for GAS's fuel farm. In addition, the term of the lease will be extended to coincide with the GAS lease for Lot C-1.

Analysis shows the concessions in GAS's lease, combined with a new higher ground lease for Lot A3-2 provide a revenue neutral solution while attracting large corporate jet aircraft to the Airport. The Department and GAS have drafted a Memorandum of Understanding outlining the steps necessary to accomplish the redevelopment of Lot A3-2. GAS's willingness to work on a win-win solution with the County shows their continued interest in being a vital partner in the growth of the Coastal Airport.

If the Council concurs with the approach, a request for proposal could be advertised soliciting competitive redevelopment proposals. In cooperation with the Finance Director, the Department developed such a request which places the evaluation emphasis on the overall long-term benefit to Delaware Coastal Airport by taking into account other than monetary factors. Operations of larger jets is the FAA's basis of analysis when considering future funding. This request for proposals intends to further that goal.

Therefore, Engineering now requests approval of the MOU with Georgetown Air Services, LLC as well as the Request for Proposals for the Ground Lease and Hangar Development.



**MEMORANDUM OF UNDERSTANDING**  
**SUSSEX COUNTY AND GEORGETOWN AIR SERVICES**

THIS MEMORANDUM OF UNDERSTANDING (“MOU” or “Agreement”) between **Sussex County** a political subdivision of Delaware with an address of 2 The Circle, Georgetown, Delaware 19947 and **Georgetown Air Services LLC** (“GAS”) with an address of 21553 Rudder Lane, Georgetown, DE 19947, entered this \_\_\_ day of \_\_\_\_\_, 2019.

WHEREAS, Sussex County is the owner of Delaware Coastal Airport; and

WHEREAS, GAS entered into a lease agreement with Sussex County on April 29, 2014 to lease a portion of Delaware Coastal Airport known as Parcel 1, consisting of Lot A-3-2 and Lot A3-4; and

WHEREAS, there exists on Lot A3-2 a building known as the Old Terminal Building, which requires major roof repairs and other maintenance, the cost of which is Sussex County’s responsibility; and

WHEREAS, for economic reasons, Sussex County wishes to demolish the Old Terminal Building and replace it with a 20,000 ± square foot hangar facility; and

WHEREAS, GAS derives revenue from Lot A3-2; and

WHEREAS, GAS desires to discontinue the lease for Lot A3-2 in exchange for certain concessions in the existing lease; and

WHEREAS, Sussex County and GAS seek a revenue neutral outcome from this Memorandum of Understanding; and

WHEREAS, GAS leases from Sussex County Lot C-1 at Delaware Coastal Airport and desires to align the April 29, 2014 lease with that lease, and

WHEREAS, Sussex County is obligated, by virtue of its acceptance of Federal Aviation Administration (FAA) grants, to abide by the conditions of those grants.

THEREFORE, in consideration of the mutual covenants, conditions, and payment contained herein, the sufficiency of which is hereby acknowledged by the parties’ signature of this Agreement, the parties agree as follows:

1. On or before July 1, 2019, Sussex County shall release a Request for Proposals (RFP) to potential hangar developers for the purpose of constructing a 20,000 square foot hangar on Lot A3-2. The RFP bids shall include a proposal to lease Lot A3-2 for a term acceptable to Sussex County.
2. The award of the RFP shall be based on terms most beneficial to Sussex County and Delaware Coastal Airport. These terms may include, but are not limited to, amount of rent proposed, type(s) of aircraft expected to be stored in the proposed hangar, estimated annual fuel purchases at Delaware Coastal Airport, and number of annual airport operations.
3. On or before September 1, 2019, Sussex County intends to award a lease to the responsible bidder scoring the highest according to criteria established in the RFP. Award of a lease shall be contingent upon FAA approval of any required changes to the Airport's Airport Layout Plan, including required environmental clearances.
4. The description of Lot A3-2 shall be adjusted to accommodate the planned footprint of the hangar and proposed ancillary tenant-occupied area proposed by the successful bidder.
5. Upon execution of a lease with the successful bidder, Sussex County and GAS shall execute an amendment to the April 29, 2014 lease. The amendment shall a) delete Lot A3-2 from Parcel 1 of the Premises; b) change the amount of "Basic Rent" from nine cents (\$0.09) per gallon of fuel sold to two cents (\$0.02) per gallon of fuel sold; c) extend the initial term of the lease to expire on July 31, 2046; d) modify the time period of the two renewal of lease options from five years to 10 years.
6. On or before June 1, 2019, Sussex County shall begin any environmental assessment required by the FAA and the National Environmental Policy Act (NEPA).
7. This agreement shall become void if the FAA disapproves the environmental assessment or denies the construction of the proposed hangar due to noncompliance with FAA policies or Sussex County's grant obligations.

[signature pages follow]

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day first above-mentioned.

**SUSSEX COUNTY**

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
(Seal)  
Council President, Michael H. Vincent

STATE                    OF)  
DELAWARE  
                                  ) ss.  
SUSSEX COUNTY        )

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2019, personally came before me, a notary public in and for the State and County aforesaid, MICHAEL H. VINCENT, known or satisfactorily proven to me to be the President of the Sussex County Council, party to the foregoing Agreement, and acknowledged that, in his capacity as such, he executed this Agreement in his own hand for the County.

As given under my hand and seal of office this day and year aforesaid.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_

**GEORGETOWN AIR SERVICES LLC**

  
\_\_\_\_\_

Witness

Print Name: Garrett Spivak

  
\_\_\_\_\_ (Seal)

Garrett Dernoga

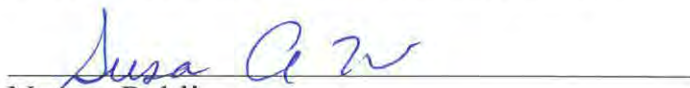
Owner

STATE OF)  
DELAWARE

) ss.  
SUSSEX COUNTY )

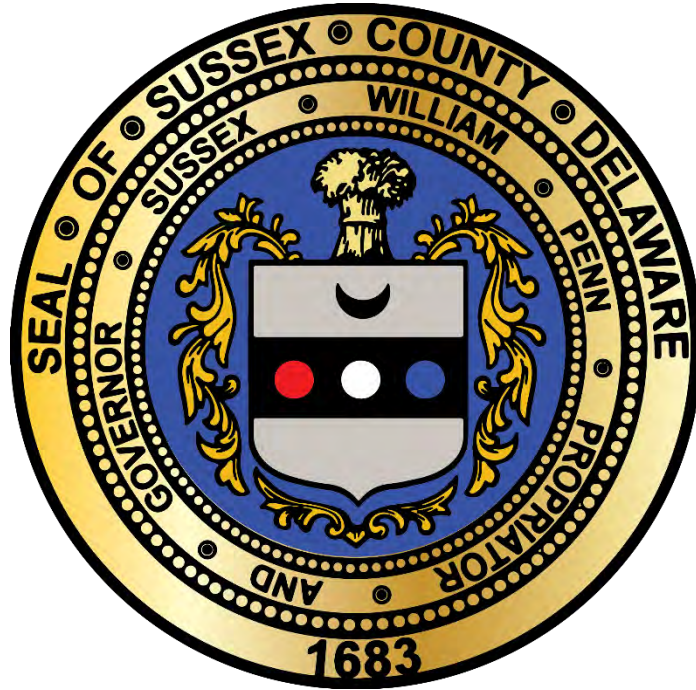
Be it remembered that on this 15<sup>th</sup> day of may, 2019, personally came before me, a notary public in and for the State and County aforesaid, GARRETT DERNOGA known or satisfactorily proven to me to be the OWNER of GEORGETOWN AIR SERVICES LLC, party to the foregoing Agreement, and acknowledged that, in his capacity as such, he executed this Agreement in his own hand and has the authority to sign for the above-named entity.

As given under my hand and seal of office this day and year aforesaid.

  
\_\_\_\_\_  
Notary Public  
Name: Susan A. Wise

SUSAN A. WISE  
NOTARY PUBLIC  
STATE OF DELAWARE  
MY COMMISSION EXPIRES ON JUNE 14, 2020

# Sussex County, Delaware



## REQUEST FOR PROPOSALS

GROUND LEASE AND HANGAR DEVELOPMENT AT  
DELAWARE COASTAL AIRPORT

May 2019

REQUEST FOR PROPOSALS  
HANGAR LEASE AT DELAWARE COASTAL AIRPORT

CONTENTS:

- I. Public Advertisement
- II. Instructions for Proposal
- III. General Information
- IV. Required Submittals
- V. Insurance Requirements
- VI. Evaluation and Selection Process

DATE RELEASED: May 21, 2019



## REQUEST FOR PROPOSALS

The Sussex County Government is seeking sealed submittals for:

Ground lease agreement between Lessee and Sussex County, a political subdivision of the State of Delaware, and a hangar development proposal. The County will lease to Lessee approximately 20,500 square feet of land located at 21513 Rudder Lane, Georgetown, DE 19947, at Delaware Coastal Airport for the purpose of constructing a 20,000 square foot aircraft hangar. The lease shall be subject to the terms and conditions approved by Sussex County Government.

Based on the criteria established, an evaluation committee will be selected to read, screen, and rank all proposals. The evaluation committee shall determine that all applicants meet the minimum qualifications to submit a proposal on this request. At any point in the negotiation process, the evaluation committee may, at its discretion, terminate negotiations with any and all respondents.

Interested parties must submit a written proposal to the Airport Manager, Attention: Jim Hickin, Delaware Coastal Airport, 21553 Rudder Lane, Georgetown, DE 19947, by **3:00 p.m., June 28, 2019** at which time the proposals will be publicly opened, reading aloud and recording only the name of the respondent(s). This information will be read aloud in the Airport Terminal Building, 21553 Rudder Lane, Georgetown, DE 19947. All other information shall be confidential. The award shall be made in writing to the responsible respondent whose proposal is determined to be the most advantageous to the County.

The request for proposals may be obtained by visiting Sussex County's website [www.sussexcountyde.gov/e-service/rfp](http://www.sussexcountyde.gov/e-service/rfp) or by contacting Mr. Jim Hickin, Airport Manager at Delaware Coastal Airport, 21553 Rudder Lane, Georgetown, Delaware, telephone: (302) 855-7774, email: [jhickin@sussexcountyde.gov](mailto:jhickin@sussexcountyde.gov). The request for proposals may be obtained during regular business hours which are 8:30 a.m. to 4:30 p.m., Monday through Friday. In its sole discretion, Sussex County, Delaware, may extend the time and place for opening of proposals from that described in the advertisement by providing not less than two (2) calendar days' notice, by posting an Addendum on the Sussex County website and by providing notice thereof by certified delivery, facsimile machine, or other electronic means such as email, to those potential respondents who obtained copies of the RFP and provided notice thereof to Jim Hickin at the email address provided herein.

Respondents having questions concerning the proposal should submit them in writing via e-mail no later than 12:00 p.m., June 21, 2019, to Jim Hickin, Airport Manager, at [jhickin@sussexcountyde.gov](mailto:jhickin@sussexcountyde.gov).

Award of successful proposal is expected in mid-July 2019.

## II. Instructions for Proposals

Each written proposal must be submitted in a sealed envelope, addressed to Mr. Jim Hickin, Airport Manager, 21553 Rudder Lane, Georgetown, DE 19947. Each sealed envelope containing a proposal must be plainly marked on the outside as "Hangar RFP" and bear the name and address of the respondent. If sent by mail, the sealed envelope should be sent by certified mail and be indicated as received on the certified receipt prior to the Proposal Opening. Late proposals will not be accepted. Sussex County may extend the time and place for opening of proposals from that described in the advertisement, by providing not less than two (2) calendar days' notice, by posting an Addendum on the Sussex County website and by providing notice thereof by certified delivery, facsimile machine, or other electronic means such as email, to those potential respondents who obtained copies of the Request for Proposals and provided notice thereof to Jim Hickin at the email address provided herein.

Sussex County reserves the right to reject any and all proposals, to waive any informalities in proposals received, except with respect to the date, time and place where the documents are submitted, to cancel this RFP in whole or in part, to reissue this RFP and/or to accept or reject items of proposals received. In the event this RFP is canceled in whole or in part prior to the opening of proposals, all respondents shall receive a notice of cancellation and all proposals received shall be returned to the respective respondents unopened.

FAX proposals will not be accepted.

Interested parties are asked to submit one (1) written proposal to Sussex County, Attention: Jim Hickin, Airport Manager, Delaware Coastal Airport, 21553 Rudder Lane, Georgetown, DE 19947, by 3:00 p.m., August 11, 2017, at which time the proposals will be publicly opened, reading aloud and recording only the name of the respondent. All other information shall be confidential.

Mailing Address: Mr. Jim Hickin, Airport Manager  
Delaware Coastal Airport  
PO Box 589  
Georgetown, DE 19947

Delivery Address: Mr. Jim Hickin, Airport Manager  
Delaware Coastal Airport  
21553 Rudder Lane  
Georgetown, DE 19947

Telephone Number: (302) 855-7774

### **III. General Information**

Sussex County Government will lease to Lessee approximately 20,500 square feet of land located at 21513 Rudder Lane, Georgetown, DE 19947, at Delaware Coastal Airport. Lessee shall be required to construct an aircraft hangar approximately 200 feet by 100 feet, at Lessee's expense.

The minimum responsive proposal has been established as \$0.40 per square foot per year. The property shall be used for the purpose of engaging in aeronautical activities, as defined by the Federal Aviation Administration, only. Activities may be commercial or non-commercial in nature. Lessee will be subject to the Airport Policies established by the Sussex County Council.

Terms of the lease shall be Triple Net – the Lessee shall be solely responsible for all costs relating to the property being leased, in addition to the rent fee applied under the lease.

Successful Respondent shall be required to demolish and remove the existing building at 21513 Rudder Lane, Georgetown, DE 19947. Demolition shall be in accordance with all Federal, State, and County laws and regulations.

Construction of the hangar shall begin within 6 months of award of this RFP.

Successful Respondent shall be required to provide a performance bond in the amount equal to the cost for constructing the proposed hangar.

Successful Respondent shall design and permit the project within four (4) months, award a contract within five (5) months and start construction within six (6) months of award of this RFP.

An on-site inspection of the facility may be arranged by calling the Airport Administration office at 302-855-7774.

### **IV. Required Submittals**

The following information must be included in the Respondent's proposal. Failure to provide any of the information will result in the rejection of the application:

1. Respondent's informational cover page that includes the following:
  - a. The Respondent's legal name.
  - b. Respondent's mailing address.
  - c. Respondent's telephone and facsimile numbers.
  - d. Respondent's email address.
  - e. Name of Respondent's representative or contact person.
  - f. Representative's telephone number.
  
2. Business Information (if the proposed Lessee is a business entity). Provide a full description of the Respondent's business, including the following information:
  - a. A description of the business, including any relationship to a larger corporate entity;
  - b. Names of key officers and owners.

3. Proposed annual land rent per square foot (must be above minimum) and proposed rent escalation.
4. Proposed length of lease. (A maximum 30 year initial term is acceptable, with options to extend not to exceed 50 years total.)
5. Proposed annual fuel purchases from Delaware Coastal Airport fixed based operators.
6. Type and number of aircraft expected to be stored in the proposed hangar. Justification of expected aircraft will be required.
7. Annual operations (takeoffs and landings) by aircraft type.
8. A summary of the Respondent's proposed use of the facility being leased, including the following information:
  - a. Describe how the use will benefit the area's aviation community.
  - b. Proposed hours of operation (if a business entity).
9. Evidence of the Respondent's ability to supply all required insurance coverages as specified by the County.

## **VI. Insurance Requirements**

Prior to construction, Sussex County Government shall review/approve the insurance to be purchased by the contractor(s) that will construct the hangar, including workers' compensation, commercial general liability, business auto, builders' risk. Minimum liability limits shall be \$1MM to \$5MM.

Commercial entities operating within the proposed hangar shall be required to maintain insurance as found in Delaware Coastal Airport Policies, Volume IV, *Minimum Standards for Commercial Aeronautical Activity*, as a condition of lease. A copy of this document may be obtained from the Delaware Coastal Airport office or by visiting the County's website at [http://www.sussexcountyde.gov/sites/default/files/PDFs/MinimumStandardsVolIV\\_Adopted.pdf](http://www.sussexcountyde.gov/sites/default/files/PDFs/MinimumStandardsVolIV_Adopted.pdf).

Private entities operating within the proposed hangar shall secure aircraft liability insurance which insures against bodily injury and property damage claims arising from the entities' ownership, maintenance or use of entity-owned aircraft while the aircraft is stored at or being operated to or from the leased property, with a combined single limit of \$1,000,000 per occurrence.

## **VII. Grounds for Denial of Proposal**

The following may be used as grounds for declaring a proposal "non-responsive":

- The applicant does not meet qualifications standards and requirements established by the Minimum Standards.
- The applicant's proposed operations or construction will create an unacceptable safety hazard on the Airport.

- The granting of the application will require the expenditure of County funds, labor or materials on the facilities described in or related to the application, or the operation will result in a financial loss to Sussex County.
- Any party applying or having interest in the business has supplied false information or has misrepresented any material fact in the application or in supporting documents or has failed to make full disclosure on the application.
- Any party applying, or having an interest in the business, has a record of violating the rules, or the Rules and Regulations of this or any other Airport, or the Federal Aviation Regulations.
- Any party applying, or having an interest in the business, has defaulted in the performance of any lease or other Agreement with Delaware Coastal Airport or any lease or other agreement on any other airport.
- Any party applying, or having an interest in the business, is not sufficiently credit worthy and responsible in the judgment of the Sussex County Council to provide and maintain the business to which the application relates and to promptly pay amounts due under an Agreement.

### **VIII. Evaluation and Selection Process**

Based on the criteria established, an evaluation committee will be selected to read, screen, and rank all proposals.

#### **EVALUATION CRITERIA**

Proposals will be evaluated based on the following criteria (maximum of 100 points).

- **PROPOSED RENT - 50 points**
- **CUMULATIVE WEIGHT OF PROPOSED AIRCRAFT – 25 points**
- **FUEL PURCHASES – 15 points**
- **EXPECTED ANNUAL TAKE OFFS AND LANDINGS – 10 points**

Information provided under Section IV above will be used in case of a tied score.

- \* The Maximum Takeoff Gross Weight of each aircraft proposed to be stored in the hangar shall be summed to determine this number.



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Rehoboth Summer Children's Theatre**

PROJECT NAME: **Summer 2019**

FEDERAL TAX ID: **51-0292158** 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: The Rehoboth Summer Children's Theatre provides programs of enrichment, education and entertainment for family members of all ages. We are dedicated to providing excellent artistic performances at locations throughout Lower Delaware, as well as creative dramatics programs for youth.

ADDRESS: **PO Box 871**

**Rehoboth Beach** **DE** **19971**  
(CITY) (STATE) (ZIP)

CONTACT PERSON: **Steve Seyfried**

TITLE: **Managing Director**

PHONE: **302-227-6766** EMAIL: **rehobothchildrenstheatre@gmail.com**

### TOTAL FUNDING REQUEST: 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? **500.00**

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? **1**



## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY NUMBER

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

3,000

## 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.

The Rehoboth Summer Children's Theatre conducts a nine week season of theatrical productions designed for family audiences and theatre and film camps for children. 2019 is our 38th season, with activities running June 25 to August 23. These activities include:

1) Mainstage performances at the Epworth Methodist Church in Rehoboth Beach. The 2019 season features three shows: The Wizard of Oz, Alice in Wonderland and The Jungle Book. Tickets are \$10. Children under 3 are free. We offer reduced ticket prices for groups attending such as the Boys and Girls Club of Milford and the Sussex Family YMCA.

2) The outreach tour will bring live, professional theatre into every corner of Sussex County. In 2019 Alice in Wonderland will be performed in these libraries: Georgetown, Milford, Lewes, Milton, Selbyville, Frankford, Millsboro, Bridgeville and Greenwood. These shows are free and open to the public.

3) Week-long film and theatre camps for ages 5-14 are conducted at the Epworth Methodist Church. There are five weeks of camp in Rehoboth Beach.

4) A special one week theatre camp for ages 7-12 take place in Georgetown in partnership with the First State Community Action Agency. This program is free to the children who participate.

**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>	57,688.00
<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>	
	-\$ 58,188.00
<b>TOTAL EXPENDITURES</b>	-\$ 58,188.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-\$ 500.00

**SECTION 5: STATEMENT OF ASSURANCES**

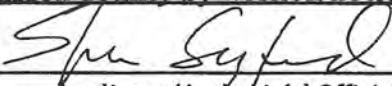
If this grant application is awarded funding, the Rehoboth Summer Children's Theatre agrees that:  
(Name of Organization)

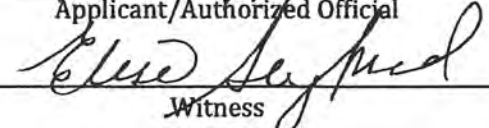
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. 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.

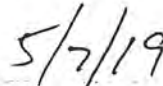


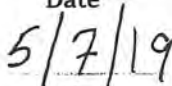
**SECTION 5: STATEMENT OF ASSURANCES (continued)**

- 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

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
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

*8/2*

**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.

*Steve Seinfeld*  
Applicant/Authorized Official

*Steve Seinfeld*  
Witness

MANAGING DIRECTOR  
Title

5/7/19  
Date

*Hudson  
5-08-19*





# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Downtown Milford, Inc.

PROJECT NAME: The Ladybug Festival - Milford

FEDERAL TAX ID: 51-0364402 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: Partnering to build Milford's historic downtown into a unique, vibrant, and livable place for all

ADDRESS: 207 S. Walnut Street

Milford DE 19963  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Murrie Zlotziver

TITLE: Executive Director

PHONE: 302-839-1180 EMAIL: director@downtownmilford.org

**TOTAL FUNDING REQUEST:** \$5,000

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? \$2,250

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? 7%

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fair Housing                | <input type="checkbox"/> Health and Human Services                    | <input checked="" type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure <sup>1</sup> | <input checked="" type="checkbox"/> Other <u>Economic Development</u> | <input 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 type="checkbox"/> Youth    |
| <input type="checkbox"/> Minority                   | <input checked="" type="checkbox"/> Other <u>Independent Community Businesses</u> |                                   |

### BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:  
3,000+ attendees

## 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.

Downtown Milford, Inc. is a dynamic, multi-faceted economic development organization that serves as a positive force in the community at large. We work with business and property owners to beautify, revitalize, protect, preserve, and promote our historic reiverside district. The Ladybug Festival is a free music block party celebrating women in music which provides a valuable economic boost to the independent community businesses in Milford. The goal of the event is to continue the revitalization of downtown Milford, making it a much more attractive place to live and start a business. By including local Milford businesses and empty storefronts in the downtown area as performance venues, we can effectively drive customers and residents into these locations. The event is designed to build bridges within the Milford community, bringing people together of all ages and backgrounds through family-friendly live entertainment. And since the theme women in music covers many genres of music, the festival has the cultural impact of bringing together diverse populations of both performers and audience members.

The festival emphasizes the hiring of local Delaware musicians who are on the verge of breaking through the various barriers to the next level of success in the music business on local, regional, and national stages.

The goal is to showcase downrown Milford as a place to do business for shop owners and residents. A place where families can come to enjoy entetainment. A place where diverse residents can gather.

The Ladybug Festival will bring to downtown Milford; great music, great food. the smiles of children's faces, families walking around town and talking to their neighbors - BUILDING COMMUNITY,

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>	25,000.00
<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>	
Artist Fees	-\$ 10,000.00
Production	-\$ 10,000.00
Technical	-\$ 10,000.00
Marketing	-\$ 3,700.00
Safety/Security	-\$ 1,300.00
<b>TOTAL EXPENDITURES</b>	-\$ 35,000.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-\$ 10,000.00


### SECTION 5: STATEMENT OF ASSURANCES

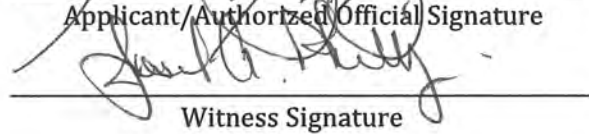
If this grant application is awarded funding, the Downtown Milford, Inc. agrees that:  
(Name of Organization)

- 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 Signature

  
\_\_\_\_\_  
Witness Signature

5/3/2019  
\_\_\_\_\_  
Date

5/3/2019  
\_\_\_\_\_  
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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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 Signature

\_\_\_\_\_  
Witness Signature

**Executive Director**  
\_\_\_\_\_  
Title  
**5/3/2019**  
\_\_\_\_\_  
Date

Rev. 02/2019



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: American Legion Auxiliary Unit 28

PROJECT NAME: Poppy Fund

FEDERAL TAX ID: EIN 91-1922671 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:

ADDRESS: 31768 Legion Rd.  
Millsboro, Delaware 19966

(CITY)

(STATE)

(ZIP)

CONTACT PERSON: Karen S. Merry

TITLE: Poppy Chairman

PHONE: cell 240-475-1598 EMAIL: bemerry43@verizon.net

### TOTAL FUNDING REQUEST:

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? \_\_\_\_\_



## 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 checked="" type="checkbox"/> Other <i>Veteran Rehab</i> | <input 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 type="checkbox"/> Youth    |
| <input type="checkbox"/> Minority                   | <input checked="" type="checkbox"/> Other <i>Veterans</i>    |                                   |

### BENEFICIARY NUMBER

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

*200 Veterans*

## 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.

*Poppy funds are used locally to assist Veterans in the hospital, in rehab, and those that are disabled.*

*We support two local Nursing Homes, Home of the Brave, and The Veterans Home in Milford.*

*Unit 28 is very proud to serve our Veterans and appreciate all your support*



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)	<i>unknown - income for Pappy Fund is by donation only from distributing pappies in May.</i>
<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>	
<i>no budget for Pappy Program because funds are distributed as needed for assisting hospitalized and disabled Veterans</i>	
<b>TOTAL EXPENDITURES</b>	\$ 0.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	\$ 0.00

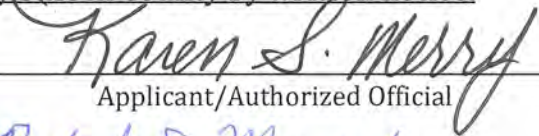
### SECTION 5: STATEMENT OF ASSURANCES

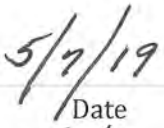
If this grant application is awarded funding, the American Legion Auxiliary Unit 28 agrees that:  
(Name of Organization)

- 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.
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- 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.
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- 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

  
Date

  
Witness

  
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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



99

**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.

Karen S. Merry  
Applicant/Authorized Official

Pappy Chairman  
Title

Diana D. Howell  
Witness

5/7/19  
Date

Riehey  
5-14-19

**To Be Introduced 05/21/19**

**Council District No. 3 – Burton  
Tax I.D. No. 334-11.00-15.00  
911 Address: 32260 Jimtown Road, Lewes**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRE, MORE OR LESS**

**WHEREAS, on the 7th day of May 2019, a conditional use application, denominated Conditional Use No. 2184, was filed on behalf of Linda Ann Yupco-Connors; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, 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. 2184 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

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

**Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2184 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 west side of Jimtown Road, approximately 0.32 mile south of Beaver Dam Road, and being more particularly described in the attached legal description prepared by Draper & Goldberg, P.L.L.C., said parcel containing 0.91 acre, more or less.**

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

**To Be Introduced 05/21/19**

**Council District No. 3 – Burton  
Tax I.D. No. 234-4.00-42.00  
911 Address: 21167 Short Road, Harbeson**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.4516 ACRES, MORE OR LESS**

**WHEREAS, on the 10th day of May 2019, a conditional use application, denominated Conditional Use No. 2185, was filed on behalf of Vincent Kinack; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, 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. 2185 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, 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. 2185 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 corner of Short Road and Anderson Corner Road, and being more particularly described in the attached legal description prepared by Cordrey & Clark, P.A., said parcel containing 3.4516 acres, more or less.**

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

**To Be Introduced 05/21/19**

**Council District No. 1 – Vincent  
Tax I.D. No. 232-12.18-51.00  
911 Address: 31016 North Poplar Street, Laurel**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MOTOR VEHICLE SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.1657 ACRE, MORE OR LESS**

**WHEREAS, on the 13th day of May 2019, a conditional use application, denominated Conditional Use No. 2187, was filed on behalf of Daniel Ostinvil; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, 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. 2187 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, 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. 2187 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 Broad Creek Hundred, Sussex County, Delaware, and lying on the southwest corner of North Poplar Street and Old Sailor Road, and being more particularly described in the attached legal description prepared by Rodney D. Sweet, Esq., said parcel containing 0.1657 acre, more or less.**

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

**To Be Introduced 05/21/19**

**Council District No. 2 - Wilson  
Tax I.D. No. 231-5.00-24.00 and 231-6.00-6.00 (portion of)  
911 Address: 13049 and 13039 Seashore Highway, Georgetown**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.41 ACRES, MORE OR LESS**

**WHEREAS, on the 20th day of March 2019, a zoning application, denominated Change of Zone No. 1884, was filed on behalf of ABC Storage, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, 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. 1884 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, 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 C-2 Medium Commercial 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 Nanticoke Hundred, Sussex County, Delaware, and lying on the north side of Seashore Highway (Route 18/404), approximately 0.22 mile east of Wilson Hill Road, and being more particularly described in the attached legal description prepared by Pennoni, said parcels containing 2.41 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.**

JANELLE M. CORNWELL, AICP  
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**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: May 16, 2019

RE: County Council Report for CZ 1881 Stephen P. Norman (Lakelynnns)

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The Planning and Zoning Department received an application (CZ 1881 Stephen P. Norman (Lakelynnns)) for a Change of Zone to allow for a change from GR General Residential District to GR-RPC General Residential District-Residential Planned Community for parcels 134-18.00-38.00 & 134-19.00-13.03 located on Peppers Corner Rd. and Lizard Hill Rd. The Planning and Zoning Commission held a public hearing on April 25, 2019. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were comments from the State of Delaware Preliminary Land Use Service (PLUS), staff analysis, comments from the Technical Advisory Committee (TAC), comments from a number of reviewing Agencies, Sussex Conservation District, the results from DelDOT Service Level Evaluation request, Site Plan, and an exhibit booklet.

The Commission found that Mr. Gene Bayard, Attorney with Morris, James, Wilson, Halbbrook, and Bayard, LLP, Mr. Zac Crouch, with Davis, Bowen, and Friedel, Mr. Ed Launey, with Environmental Resources, and Mr. Steve Norman, the applicant were present on behalf of the application; that Mr. Bayard stated the property was subject to a Change in Zone application in 2007; that the application was to change the property from AR-1 to GR-RPC; that the Change of Zone (Application No. 1602) was approved by County Council in December 2007; that the base line density with the RPC of 111 single-family lots and 154 duplex/townhome units with a density of 3.75 units per acre; that the project was not built due to the economic decline at the time; that the RPC had expired; that the application is not just for a Change in Zone but also for a new RPC overlay with a new Site Plan; that the GR Zoning Classification does permit 4 units per acre with public water and sewer exist or where it would be provided to the site; that the proposed project is for 41 single-family lots and 138 townhouses with a density of 2.5 units per acre; that this is 33% less than the previous 2007 approval; that Mr. Crouch stated the previous application went from 265 units to the 179 units now proposed; that it would be named Milos Haven; that the parcel is located in State Spending Strategies Level 3 and Level 4 areas; that there would be 41-acres of open space which does include the wetlands, open space, stormwater management, 25-foot buffer from non-tidal wetlands and a 50-foot buffer from perennial wetlands; that this is 51% open space of the total project; that there is 20-foot buffer that is around the perimeter of the project; that there is a proposed clubhouse which is an existing house and add a pool and tot lot; that a wetland delineation has been undertaken and it was approved as part of a jurisdictional



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GEORGETOWN, DELAWARE



determination from the Army Corp of Engineers; that there is none known historical on the site; that roads would be built to Sussex County standards; that drinking water and fire protection would be provided by Artesian Water; that Sussex County would provide public sewer; that the project would have to be annexed into the sewer district and there is adequate capacity to serve the parcel; that stormwater management would consist of five stormwater management ponds and that the one in the middle is an existing pond; that a TIS was performed and the results are included in the exhibit booklet; that electric would be provided by Delaware Electric Coop; that there are none known rare or endangered species on the site; that the response to Chapter 99-9C is included in the exhibit booklet; that Mr. Bayard stated there is an Preliminary Site Plan that is improved from what County Council approved in 2007; that there is significant tree preservation and the wetlands on the site would be preserved; that the Level of Service on Lizard Hill Road and Pepper Corner Road would stay the same or be improved with better road quality; that with 41-acres of open space including 16-acres of undisturbed non-tidal wetlands; that is consistent with the character in the area; that this project is consistent with the Land Use Plan; that it is consistent with the RPC Ordinance; that this would project would have no adverse impact on property values; Mr. Crouch stated that the closet structure is 40-feet from the Right-of-Way to the structure in one area and 45-feet from the other end; that Geo Tech would take soil bores to ensure the construction could move forward; that they did incorporate a stub road to the adjacent property; that Mr. Launey stated he did a soil investigation for the proposed development; and that all of the proposed development is located in uplands and none of the project is located in poorly drained areas.

Ms. Cornwell, Director of Planning and Zoning stated that there were two letters of opposition submitted into the record; that there were concerns with over development and change of zone.

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

The Commission found that Mr. Ron Massey spoke in opposition to the application; that Mr. Massey stated he had concerns with flooding and impacts on wetlands; that he had concerns with impacts on roads and pointed out some of the existing issues with nearby roads; that there have been many accidents at the intersection; and that this would have an impact to the intersection.

The Commission found that Mr. Zac Crouch stated that, as part of the TIS that was performed, and a review letter was provided by DelDOT; that there would be improvements on Lizard Hill Road; that this would be to expand the existing pavement to 11-foot lanes and 5-foot shoulders; and that there would be restriping up to the intersection.

The Commission found that Ms. Lisa Massey spoke in opposition to the application; that Ms. Massey stated she had concerns with the speed limit and traffic; and that concerns with the over development.

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

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

At their meeting of May 9, 2019, the Planning Commission discussed the application which has been deferred since April 25, 2019.

Ms. Wingate moved that Commission recommend approval of Change in Zone 1881 for Stephen Norman for a change in zoning from GR (General Residential Zoning District) to a GR-RPC based upon the record made at the public hearing and for the following reasons:

1. The property is currently zoned GR (General Residential).
2. This land use application involves the same lands that were the subject of C/Z 1602, which was an application for a Change of Zone from AR-1 to GR-RPC approved by Sussex County Council on December 5, 2007. The prior approval allowed for 111 single-family lots and 154 residential duplex units, but the project was never built, and the approval expired.
3. The proposed development will have 41 single-family lots and 138 townhomes. This proposed density is 2.50 units per acre, which is significantly less dense than the prior application and is less than the maximum density permitted by GR zoning.
4. The proposed design and density of this RPC is consistent with nearby zoning and land uses.
5. The County Engineering Department has indicated that adequate wastewater capacity is available for the project as a GR-RPC. Central water will also be provided.
6. With the conditions and stipulations placed upon it, the RPC designation is appropriate, since it allows the creation of a superior environment through design ingenuity while protecting existing and future uses. This project will maintain 21.6 acres of open space exclusive of wetlands and 15.94 acres of non-tidal wetlands, which will remain undisturbed.
7. There are non-tidal wetlands on-site, which have been delineated and the delineation has been approved by the U.S. Army Corps of Engineers. There will be no wetlands in lots or townhouse pad sites. Additionally, there will be a voluntary minimum 25-foot buffer from non-tidal wetlands and a minimum 40-foot buffer from the waters of the Beaver Dam tax ditch.
8. The project will not adversely affect the neighborhood or surrounding community. There are existing developments in the immediate area with similar characteristics.
9. According to the County's current Comprehensive Plan, the project is in an Environmentally Sensitive Developing Area.
10. While there were concerns expressed during the public hearing about drainage, the Sussex Conservation District will perform a through review of the project with the project's engineers to address stormwater and drainage on the site and how it leaves the site. This should result in a drainage improvement for the area from what currently occurs on the undeveloped land that does not have any stormwater system in place.
11. Opposition also expressed concerns about traffic in the area, but the developer has consulted with DelDOT and DelDOT will require the developer to construct improvements to Lizzard Hill Road. The applicant will be required to meet all DelDOT improvement requirements.
12. The Applicant has favorably addressed the items set forth in Section 99-9C of the Subdivision Code.
13. This recommendation is subject to the following conditions:
  - A. The maximum number of dwelling units shall not exceed 179, of which 41 shall be single-family lots and 138 shall be townhomes. Townhomes numbers 1 through 6 shall be relocated away from Lizzard Hill Road.
  - 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 or in accordance with any further modifications required by DelDOT based on its review of the Traffic Impact Study.



- D. The RPC shall be served by Sussex County sewer. The Developer shall comply with all requirements and specifications of the County Engineering Department.
- E. The RPC shall be served by central water for drinking water and fire protection, as required by applicable regulations.
- 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 operated in a manner that is consistent with Best Management Practices.
- G. Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be street lighting and sidewalks on at least one side of the 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. Non-tidal wetlands shall be maintained as non-disturbance areas with a minimum 25-foot buffer.
- I. All amenities shall be completed and open to use by the residents of the development prior to the issuance of the 75<sup>th</sup> 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 by the entrance to the development, with the location and any related parking to be approved by the school district's transportation supervisor. 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 Sussex County Mapping and Addressing Departments.
- 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 in addition the developer shall preserve as many trees as possible with all preserved tree area shown on the Final Site Plan.
- O. The Preliminary Site Plan and Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.
- P. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill to and from the property shall only occur from Monday through Saturday and only between the hours of 7:00 am and 6:00 pm.
- Q. Deep Pond Lane shall be constructed to the eastern property line of the project to promote interconnectivity with other lands.
- R. Deed restrictions and / or covenants and condominium documents shall reference that agricultural activities exists nearby, and the Agricultural Protection Notice shall be included in the restrictions, covenants, and other documents.

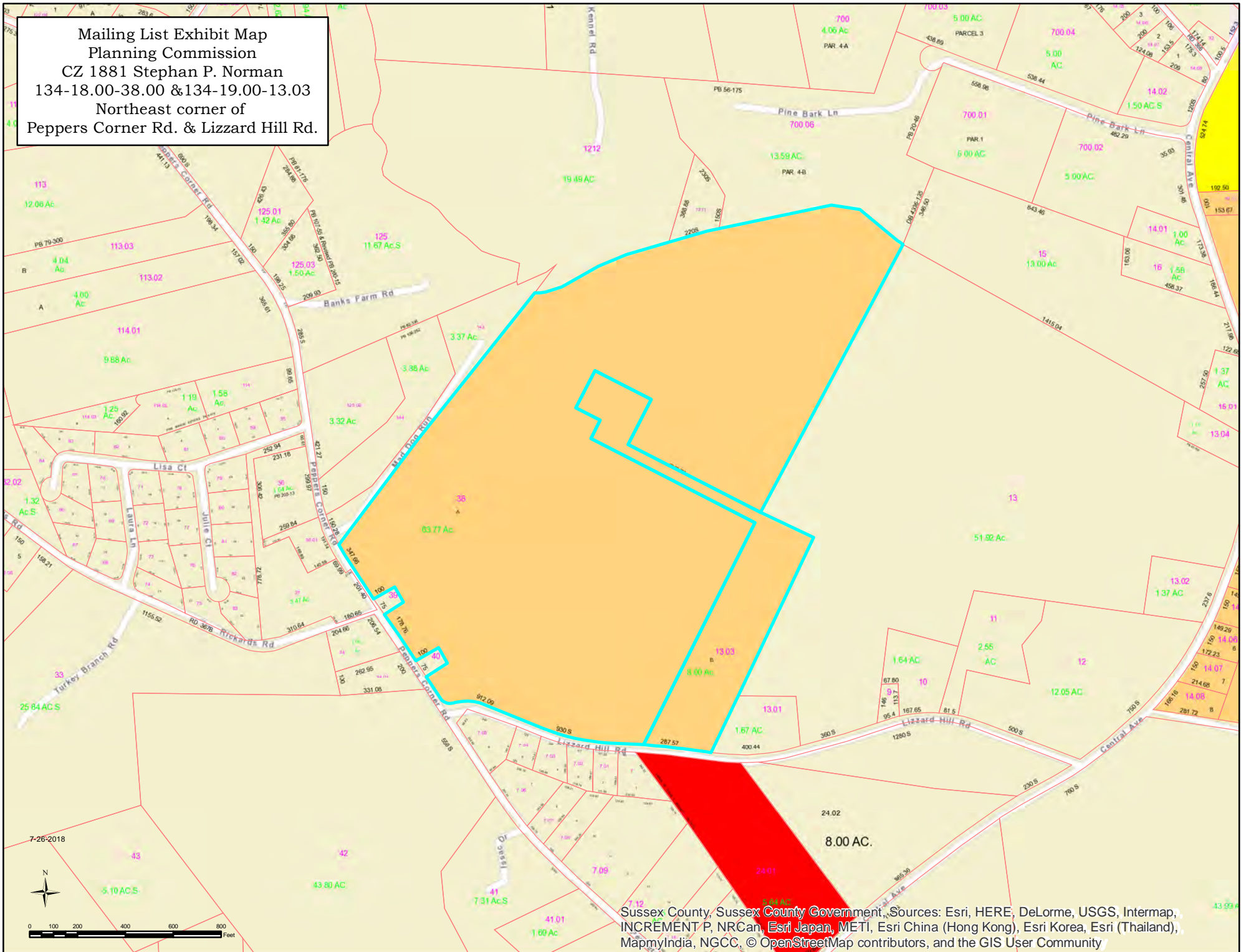
Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons and conditions stated in the motion. Motion carried 5-0.

Mailing List Exhibit Map  
 Planning Commission  
 CZ 1881 Stephan P. Norman  
 134-18.00-38.00 & 134-19.00-13.03  
 Northeast corner of  
 Peppers Corner Rd. & Lizzard Hill Rd.



Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

Mailing List Exhibit Map  
 Planning Commission  
 CZ 1881 Stephan P. Norman  
 134-18.00-38.00 & 134-19.00-13.03  
 Northeast corner of  
 Peppers Corner Rd. & Lizzard Hill Rd.







**Introduced 03/12/19**

**Council District No. 5 - Rieley  
Tax I.D. No. 134-19.00-13.03 and 134-18.00-38.00  
911 Address: 34703 Cider Lane, Frankford**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A GR-RPC GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 71.754 ACRES, MORE OR LESS**

**WHEREAS, on the 4th day of December 2018, a zoning application, denominated Change of Zone No. 1881, was filed on behalf of Norman Stephen Price Revocable Trust (Lakelynns); and**

**WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2019, 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. 1881 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2019, 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 [GR General Residential District] and adding in lieu thereof the designation of GR-RPC General Residential District – Residential Planned Community 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 northeast corner of Peppers Corner Road and Lizard Hill Road, and also being on the north side of Lizard Hill Road approximately 823 feet southeast of Peppers Corner Road, and being more particularly described in the attached legal descriptions prepared by The Smith Firm,**

LLC, and Phillips, Goldman & Spence, P.A., said parcel containing 71.754 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.**

PROPOSED



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**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: May 16, 2019

RE: County Council Report for CU 2171 Lisa St. Clair

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The Planning and Zoning Department received an application (CU 2171 Lisa St. Clair) for a Conditional Use to allow for dog bakery with storage and warehouse for parcel 234-21.00-213.00 located at 24500 Hollyville Rd. The Planning and Zoning Commission held a public hearing on April 25, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, Site Plan, comments from Sussex Conservation District, and the results from a DelDOT Service Level Evaluation request.

Mr. Sharp clarified that the proposed use is for a dog food bakery.

The Commission found that Mr. David Weidman, Attorney and Ms. Lisa St. Clair, the applicant were present on behalf of the application; that Mr. Weidman stated that the Land Use Classification per the 2018 Comprehensive Plan the land is in a Mixed Residential Area and the Future Land Use map shows that the site is in the Coastal Area; that the proposed dog treat bakery and storage warehouse is consistent with the land use plan; that DelDOT has determined that a TIS is not required; that the current site is located in an AR-1 Zone; that the proposed application for a dog treat bakery and storage facility is less intense use than the other permitted uses; that Ms. St. Clair stated she operates Tail Bangers bakery; that the business is a wholesale dog bakery; that there are no direct public sales; that she lives at the site; that the site is 5.5-acres; that the site currently contains a house; that her brother also has a tiny-house, and there is a building used for storage; that there is a landscape company located to the south of this site and to the north of the site is a HVAC business and landscaping business; that there are no homes across the street; that there are trees on both sides of the property and out front; that the proposed Conditional Use is sought because she is out of room for storage at her current location; that there would be no additional improvements to the site and she would be using the existing building; that there are two septic systems and wells on the site; that yogurt, flour, and boxes would be storage at the site; that they are currently designing and constructing machines to coat the treats and this equipment would be enclosed within the building; that the hours of operation would be 7:00 am to 5:00 pm, Monday through Friday; that once a month there would be deliveries to the site; that there would be no noise generated from the site but there would smell of cinnamon;



that there would be no dust from the proposed use; that there would be no adverse impact on the neighboring properties; that there would be at most of five employees at the site; that she has a company van and the van would transport supplies to Tail Bangers; that she would not like a sign except for maybe deliveries and the site would not be open to the public; that there is room for the delivery trucks to turn around; that the yogurt is delivered by a tractor trailer; that there is an existing security light on the building and she would not be adding additional lighting; that all the ingredients would be stored in the existing building and no additional buildings would be built; that the yogurt has to be stored within a temperature-controlled room and she has a freezer at the site; that the product is shipped out to other locations; and that she has a grease trap attached to the septic system.

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

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

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

At their meeting of May 9, 2019, the Planning Commission discussed the application which has been deferred since April 25, 2019.

Ms. Stevenson moved that Commission recommend approval of Conditional Use 2171 for Lisa M. St. Clair for a dog bakery with storage and warehouse based upon the record made at the public hearing and for the following reasons:

1. This Applicant proposes to operate a dog bakery with storage and warehouse on her property which consists of 5.40 acres. The property will primarily be used for the Applicant's residence.
2. The dog bakery will be used to bake dog treats and to store materials and products used at the Applicant's main facility located off site.
3. The dog bakery will produce no dust, emissions, or vibrations. Odor from the facility will be limited.
4. The use as a dog bakery with storage and warehouse at this location is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
5. The project, with the conditions and stipulations so placed upon it, will not adversely affect area roadways.
6. No parties appeared in opposition to this application.
7. This recommendation for approval is subject to the following conditions and stipulations:
  - A. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
  - B. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
  - C. No more than 7 employees shall be permitted at the dog bakery.
  - D. All baking must be conducted indoors.
  - E. The site shall be subject to all DeIDOT entrance and roadway requirements.
  - F. Handling and disposal of all waste from the dog bakery shall comply with all local, State, and Federal laws, rules, and regulations.
  - G. The dog bakery hours shall only be from 6:00 am through 6:00 pm, Monday through Friday. There shall not be any weekend hours.
  - H. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission. The Final Site Plan shall clearly show the areas set aside for parking.



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

## PLANNING & ZONING

JANELLE M. CORNWELL, AICP  
DIRECTOR

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# Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Jamie Whitehouse, AICP MRTPI, Planning & Zoning Manager  
CC: Vince Robertson, Assistant County Attorney, and applicant  
Date: April 12, 2019  
RE: Staff Analysis for CU 2171 Lisa St. Clair

---

This memo is to provide background and analysis for the Planning Commission to consider as part of application CU 2171 Lisa St. Clair to be reviewed during the April 25, 2019, 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 234-21.00-213.00 to allow for a dog bakery with storage and warehouse to be located at 24500 Hollyville Rd, Millsboro. The size of the property to be used as the Conditional Use is 5.4 ac. +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designations of Coastal Area.

The site and the surrounding lands are designated on the Future Land Use Map (2018) as Existing Developed Areas.

Existing Development Areas consists primarily of existing residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses. These areas are scattered throughout the County. These areas are typically surrounded by Low-Density Areas. In relation to permitted uses within the Existing Development Area, the full range of housing types allowed in the existing underlying zoning districts is appropriate in these residential areas, including single-family homes, townhouses, and multi-family units. Non-residential development should consist of uses found in the neighborhood business districts and commercial districts. There is no intention within the Comprehensive Plan to expand this land use classification.

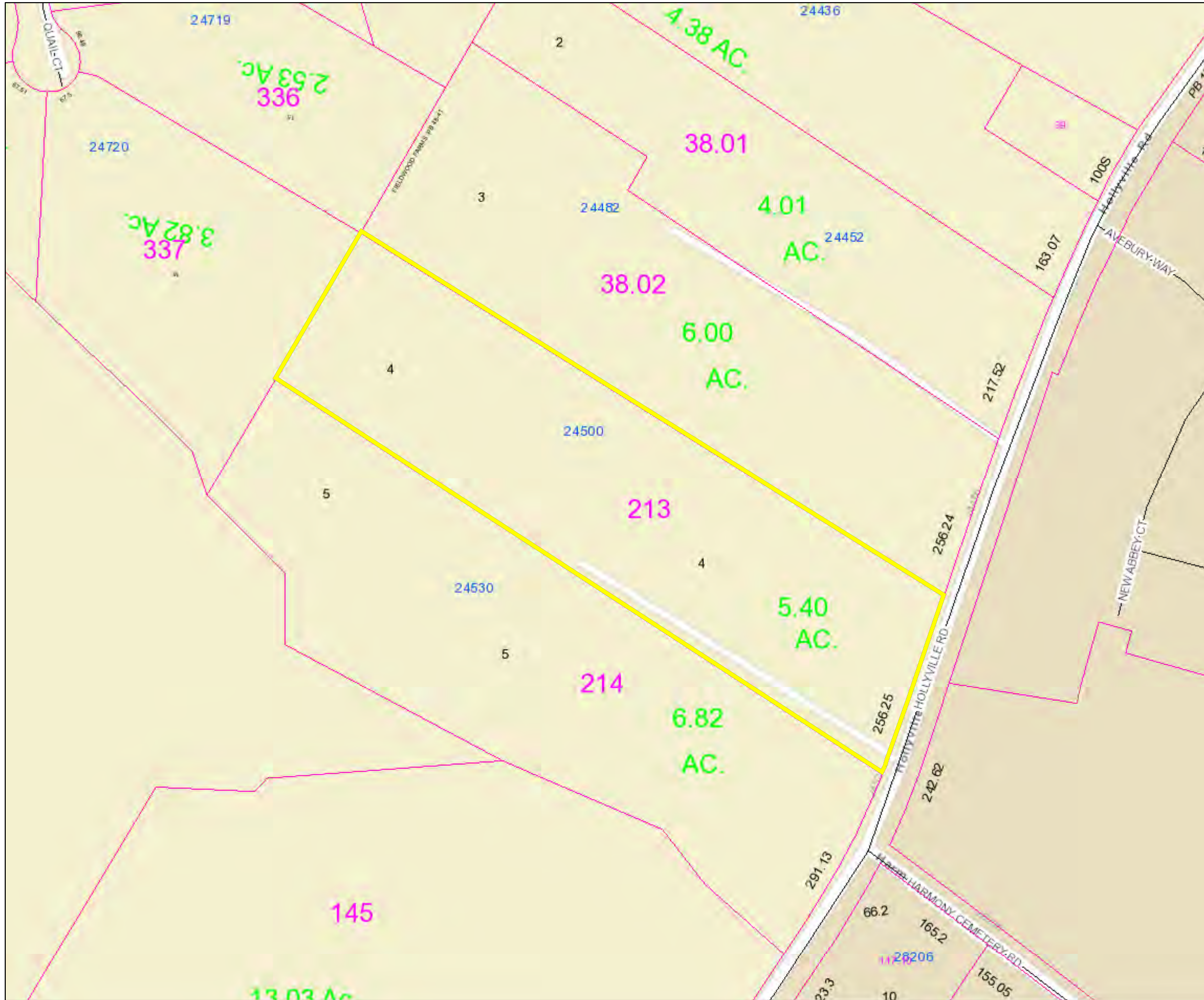
The property is zoned GR (General Residential District). All of the surrounding lands are zoned GR (General Residential District). There is one Conditional Use within a 1-mile radius of the site for an electricity substation (CU 2057).

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow a dog bakery with storage and warehouse could be considered consistent with the Existing Developed Areas designation.





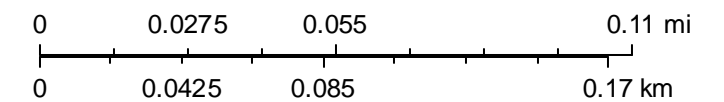
# Sussex County



<b>PIN:</b>	234-21.00-213.00
<b>Owner Name</b>	ST CLAIR LISA M TTEE
<b>Book</b>	4779
<b>Mailing Address</b>	24500 HOLLYVILLE RD
<b>City</b>	MILLSBORO
<b>State</b>	DE
<b>Description</b>	NW/RD 305
<b>Description 2</b>	3966' S/RT 48
<b>Description 3</b>	LOT 4
<b>Land Code</b>	

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

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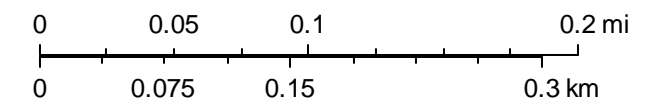
# Sussex County



<b>PIN:</b>	234-21.00-213.00
<b>Owner Name</b>	ST CLAIR LISA M TTEE
<b>Book</b>	4779
<b>Mailing Address</b>	24500 HOLLYVILLE RD
<b>City</b>	MILLSBORO
<b>State</b>	DE
<b>Description</b>	NW/RD 305
<b>Description 2</b>	3966' S/RT 48
<b>Description 3</b>	LOT 4
<b>Land Code</b>	

- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
  - Streets
- Zoning**
- Agricultural Residential - AR-1
  - Agricultural Residential - AR-2
  - Medium Residential - MR
  - General Residential - GR
  - High Density Residential - HR-1
  - High Density Residential - HR-2
  - Vacation, Retire, Resident - VRP
  - Neighborhood Business - B-1
  - General Commercial - C-1
  - Commercial Residential - CR-1
  - Marine - M
  - Limited Industrial - LI-1
  - Limited Industrial - LI-2
  - Heavy Industrial - HI-1

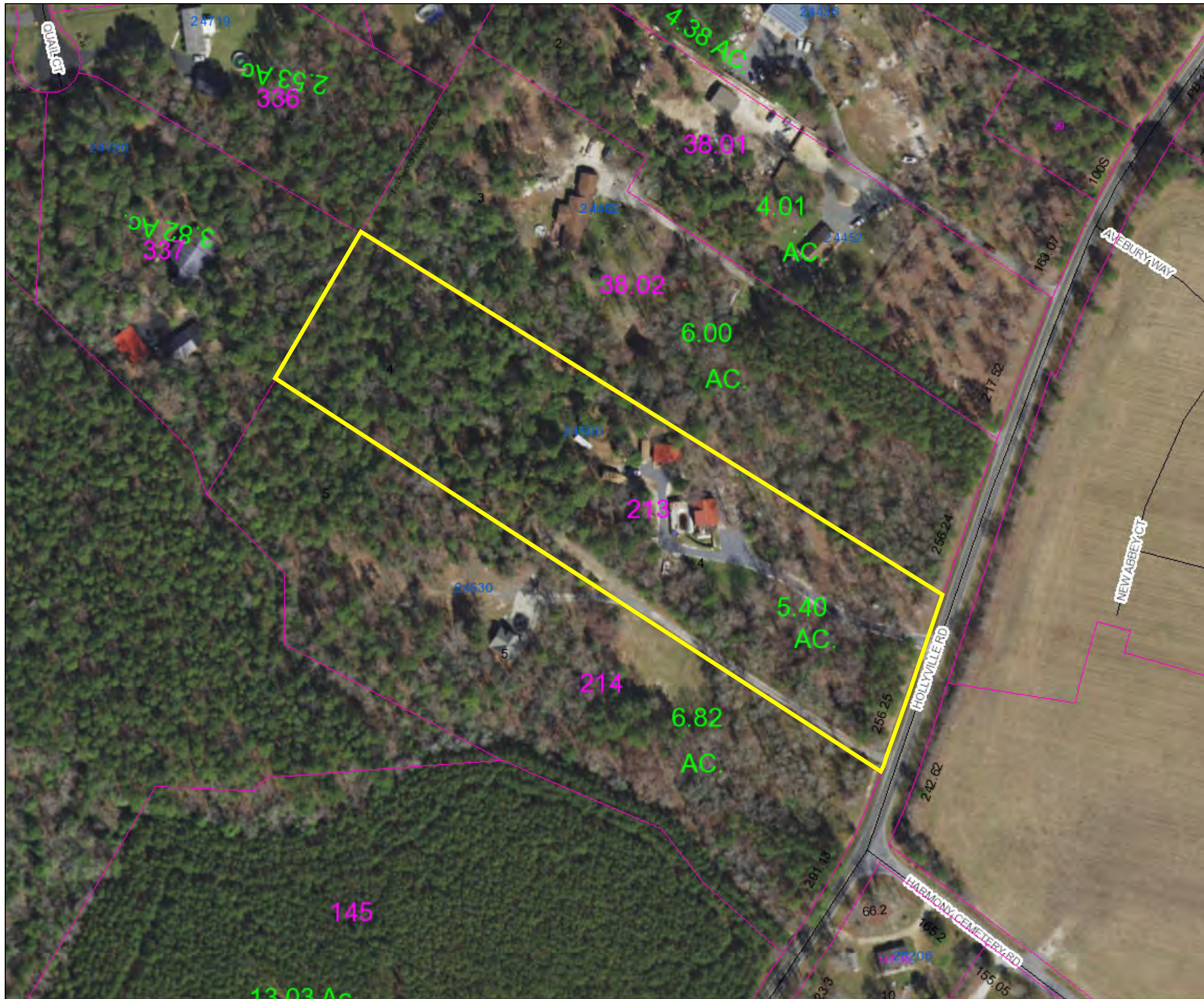
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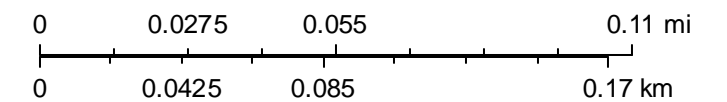
# Sussex County



<b>PIN:</b>	234-21.00-213.00
<b>Owner Name</b>	ST CLAIR LISA M TTEE
<b>Book</b>	4779
<b>Mailing Address</b>	24500 HOLLYVILLE RD
<b>City</b>	MILLSBORO
<b>State</b>	DE
<b>Description</b>	NW/RD 305
<b>Description 2</b>	3966' S/RT 48
<b>Description 3</b>	LOT 4
<b>Land Code</b>	

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

1:2,257





**Introduced 1/29/19**

**Council District No. 3 – Burton  
Tax I.D. No. 234-21.00-213.00  
911 Address: 24500 Hollyville Road, Millsboro**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A DOG BAKERY WITH STORAGE AND WAREHOUSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.3981 ACRES, MORE OR LESS**

**WHEREAS, on the 14th day of January 2019, a conditional use application, denominated Conditional Use No. 2171, was filed on behalf of Lisa St. Clair; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, 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. 2171 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

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

**Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2171 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 northwest side of Hollyville Road, approximately 91 feet northwest of Harmony Cemetery Road and being more particularly described in the attached legal description prepared by Sergovic Carmean Weidman McCartney & Owens, P.A., said parcel containing 5.3981 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.**

JANELLE M. CORNWELL, AICP  
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**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: May 15, 2019

RE: County Council Report for Ord. 19-5 (Coastal Area)

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The Planning and Zoning Commission held a public hearing on April 25, 2019 to amend the Zoning Code. The following are the draft minutes for the Ordinance from the Planning and Zoning Commission meetings.

### **Ord. 19-5**

**AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 62, ARTICLE III, SECTION 62-7, CHAPTER 72, ARTICLE I, SECTIONS 72-4 AND 72-5, CHAPTER 115, ARTICLES IV, XXV AND TABLE 1 BY AMENDING SECTION 115-22, 115-25, 115-182, 115-183 AND 115-194.3 TO REPLACE ALL REFERENCES TO THE “ENVIRONMENTAL SENSITIVE DEVELOPMENT DISTRICT,” “ENVIRONMENTAL SENSITIVE DEVELOPMENT DISTRICT OVERLAY ZONE,” “ESDDOZ” AND “ENVIRONMENTALLY SENSITIVE DEVELOPING AREA,” WITH “COASTAL AREA.”**

Ms. Cornwell, Director of Planning and Zoning explained the background to the amendment to the Ordinance; that due to the Comprehensive Plan; that anything that references Environmentally Sensitive Development District (ESDD) technically no longer exists because the Comprehensive Plan no longer recognizes the ESDD; that now there is a Coastal Area; that the Ordinance would change the name and would not change how the Code would function; and that this is just replacing the name with anything Environmentally Sensitive Developing Area and Environmentally Sensitive Developing District Overlay Zone (ESDA and ESDDOZ) with the new Land Use Classification of Coastal Area.

The Commission found that Mr. Robert Horsey spoke in regard to the proposed amendment to the Ordinance; that Mr. Horsey stated this would negatively affect farmer property rights and land values; he asked whether the County were trying to end prosperity in Sussex County; that there are people living on the west side of the County that are living at the poverty level and they have to stand up for their rights to try to keep prosperity and keep jobs in the County; that would GR Zoning still be able to achieve 4 units to the acre; that when development takes place in or around these developing areas such as town centers, are they capped at 2 units to the acre; that if you want to add access to the 2 units per acre, you would have to pay the County for the other units; and that



he feels that site are capped at 2 units to the acre and if you want to utilize the 4 units per acre permitted, you would have to pay the County a fee for each unit in excess of the 2 units per acre.

Ms. Cornwell, Director of Planning and Zoning explained that the amendment to the Ordinance is changing Environmentally Sensitive Developing Area (ESDA), the Land Use Classification to Coastal Area; that all the amended Ordinance would do is replace anything that references the old Land Use Classification with the new Land Use Classification; and that it is just a name change.

Ms. Cornwell pointed out that the comments raised in relation to density, appeared to be in relation to Ordinance 19-6, which is a different Ordinance.

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

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to forward this Ordinance to the Sussex County Council with a recommendation that the Ordinance be approved. Motion carried 5-0.

1 **AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY,**  
2 **CHAPTER 62, ARTICLE III, SECTION 62-7, CHAPTER 72, ARTICLE I,**  
3 **SECTIONS 72-4 AND 72-5, CHAPTER 115, ARTICLES IV, XXV AND**  
4 **TABLE 1 BY AMENDING SECTIONS 115-22, 115-25, 115-182, 115-183**  
5 **AND 115-194.3 TO REPLACE ALL REFERENCES TO THE**  
6 **“ENVIRONMENTALLY SENSITIVE DEVELOPMENT DISTRICT”,**  
7 **“ENVIRONMENTALLY SENSITIVE DEVELOPMENT DISTRICT**  
8 **OVERLAY ZONE”, “ESDDOZ” AND “ENVIRONMENTALLY**  
9 **SENSITIVE DEVELOPING AREA” WITH “COASTAL AREA”.**

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11 WHEREAS, Sussex County Council has adopted the **2018** Comprehensive Plan  
12 (the “Plan”); and

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14 WHEREAS, The Future Land Use Element of the Plan creates a new “Coastal  
15 Area” and eliminates the Environmentally Sensitive Developing Area as a land  
16 use area on the Future Land Use Map contained in the Plan; and

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18 WHEREAS, the Zoning Code must be updated to eliminate all references to the  
19 Environmentally Sensitive Developing Area since that Area no longer exists in  
20 the Plan; and

21  
22 WHEREAS, the Zoning Code must be amended to insert “Coastal Area” where  
23 the “Environmentally Sensitive Developing Area” was previously referenced.

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25 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY**  
26 **ORDNAINS:**

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29 **Section 1. The Code of Sussex County, Chapter 62, Article III, §62-7**  
30 **“Building Fees” is hereby amended by deleting the language in brackets and**  
31 **inserting the italicized and underlined language:**

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33 **§62-7. Building Fees.**

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35 The schedule of fees for permits and applications for buildings and the like shall  
36 be as hereinafter indicated:

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38 . . .

40 I. Cluster fee [as required by § 115-25B(3) and F(3)]. The Council will review  
41 the fees for a density bonus under the terms of this act on an annual basis and  
42 revise such fees as it deems necessary.

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44 (1) For the town centers and developing areas around Greenwood, Bridgeville,  
45 Seaford, Blades, Laurel, and Delmar, \$15,000 per unit in excess of two  
46 dwelling units per acre.

47 (2) For the town centers and developing areas around Milford, Milton,  
48 Ellendale, Georgetown, Millsboro, Dagsboro, Frankford and Selbyville,  
49 \$15,000 per unit in excess of two dwelling units per acre.

50 (3) For the [environmentally sensitive developing area] Coastal Area, \$20,000  
51 per unit in excess of two dwelling units per acre.

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55 **Section 2. The Code of Sussex County, Chapter 72, Article I, §72-4**  
56 **“Declaration of Public Policy” is hereby amended by deleting the language**  
57 **in brackets and inserting the italicized and underlined language:**

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59 **§72-4. Declaration of Public Policy.**

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61 The Sussex County Council hereby declares it to be the public policy of the  
62 County to:

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64 ...

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66 E. Encourage developments in town centers, developing areas and  
67 [environmentally sensitive developing areas] coastal areas with 35 or more total  
68 dwelling units to include a minimum number of moderately priced units of  
69 varying sizes on public water and sewer systems.

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72 **Section 3. The Code of Sussex County, Chapter 72, Article I, §72-5**  
73 **“Definitions” is hereby amended by deleting the language in brackets and**  
74 **inserting the italicized and underlined language in the definition of**  
75 **“Qualifying Land”:**

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77 **§72-5 Definitions**

78 The following words and phrases have the following meanings:



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**QUALIFYING LAND**

All land:

...

B. In a Town Center, Developing Area or [Environmentally Sensitive Developing Area] Coastal Area and zoned for any type of residential development to which a density provision applies or land that is designated on town’s comprehensive plan as lying within the town’s growth and future annexation area; and that ...

...

**Section 4. The Code of Sussex County, Chapter 115, Article IV, §115-22 “Conditional Uses” is hereby amended by deleting the language in brackets and inserting the italicized and underlined language:**

**§115-22. Conditional Uses.**

The Following uses may be permitted as conditional uses when approved in accordance with the provisions of Article XXIV of this Chapter:

...

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

A. Said multifamily dwelling structures and/or town homes, the owners of which would share and own in common the surrounding grounds (which may also be referred to herein collectively as “units”) lie within a Town Center, a Developing Area, or an [Environmentally Sensitive Developing Area] Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan; and

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**Section 5. The Code of Sussex County, Chapter 115, Article IV, §115-25 “Height, Area and Bulk Requirements”, Note “\*\*” under subsection B. thereof, is hereby amended by deleting the language in brackets and inserting the italicized and underlined language:**

**§115-25. Height, Area and Bulk Requirements.**

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

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

**Section 6. The Code of Sussex County, Chapter 115, Article XXV, §115-182 “Front Yards” is hereby amended by deleting the language in brackets and inserting the italicized and underlined language:**

**§ 115-182. Front yards.**

- A. On through lots, the required front yard shall be provided on each street.
- B. There shall be a front yard of at least 15 feet on the side street of a corner lot in any district.
- C. On a street or road with existing buildings having a front yard setback that is less than that required in the district, any building may have a front yard setback that is equal to the average setback of those existing buildings located on the same side of the street or road and being within 300 feet of the building. Any vacant lot shall be calculated as having the required setback for the district. No front yard setback reduced pursuant to this subsection shall be reduced to less than five feet. The provision of this subsection shall not apply to any lot in a cluster subdivision, [ESDDOZ] Coastal Area cluster subdivision or residential planned community.

153 D. Open unenclosed decks, porches, platforms or steps not covered by a  
154 roof or canopy and which do not extend above the level of the first floor  
155 of the building may extend or project into the front yard not more than  
156 five feet. This provision does not apply to manufactured home parks or  
157 campgrounds.

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160 **Section 7. The Code of Sussex County, Chapter 115, Article XXV, §115-183**  
161 **“Side and Rear Yards” is hereby amended by deleting the language in**  
162 **brackets and inserting the italicized and underlined language:**

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164 **§ 115-183. Side and rear yards.**

165 A. Where a building in a commercial district is subject to the height,  
166 area and bulk requirements applicable to residential development under §  
167 115-178 of this article, the side yard requirements for residential  
168 development shall be applied only to the lowest floor (and all floors above  
169 it) which contains more than 25% of its area used for dwelling. All floors  
170 shall be subject to side yards required by these regulations for commercial  
171 buildings adjacent to residential districts.

172 B. For the purpose of the side yard regulations, a group of business or  
173 industrial buildings separated by common or party walls shall be  
174 considered as one building occupying one lot.

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

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182 D. For any existing approved lot that is less than 10,000 square feet in  
183 size, the side yard setbacks shall be reduced to five feet and the rear yard  
184 setback shall be reduced by five feet. For any lot with side or rear setbacks  
185 reduced by operation of this § 115-183D, no structures shall extend or  
186 project closer than five feet from the lot line. The provision of this  
187 subsection shall not apply to any lot in a cluster subdivision, [ESDDOZ]  
188 Coastal Area cluster subdivision or residential planned community.

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190 **Section 8. The Code of Sussex County, Chapter 115, Article XXV, §115-**  
191 **194.3 “Environmentally Sensitive Development District Overlay Zone**

192 **(ESDDOZ)” is hereby amended by deleting the language in brackets and**  
193 **inserting the italicized and underlined language:**

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195 **§ 115-194.3. ES-1 [Environmentally Sensitive Development**  
196 **District Overlay Zone (ESDDOZ)] Coastal Area.**

197 A. Delineation of the zoning district.

198 (1) The [Environmentally Sensitive Development District] Coastal  
199 Area shall include all lands designated as the "[Environmentally  
200 Sensitive Developing] Coastal Area" in the adopted Sussex County  
201 Comprehensive Plan dated [January 1, 2003] \_\_\_\_\_, or  
202 as subsequently amended.

203 (2) Where the boundary of the [ESDDOZ] Coastal Area is formed by a  
204 roadway, the overlay zone shall be deemed to include the contiguous  
205 property on the far side of the roadway, provided that depth of the  
206 [ESDDOZ] Coastal Area on contiguous property shall not exceed  
207 six hundred feet.

208 B. Application process.

209 (1) All rezoning, subdivision, business and industrial site plans and  
210 conditional use applications involving one or a combination of the  
211 following shall be subject to the process and performance  
212 requirements as described hereinafter:

213 (a) Any residential planned community application.

214 (b) Any development containing 50 or more dwelling units.

215 (c) Any development containing 75,000 square feet or more of  
216 floor area used for commercial or industrial uses.

217 (d) Any use or activity that requires a permit in the Coastal Zone.

218 (2) The applicant shall submit an environmental assessment and public  
219 facility evaluation report and sketch plan (report) to the Director of  
220 Planning and Zoning, a copy of which will be forwarded to the  
221 Office of State Planning Coordination and members of the Technical  
222 Advisory Committee for review and comment. The sketch plan shall  
223 address the following issues for the property to be developed and,  
224 where appropriate to the context, for the contiguous property.

- 225 Information submitted by the applicant shall at a minimum contain  
226 the following:
- 227 (a) Proposed drainage design and the effect on stormwater quality  
228 and quantity leaving the site, including methods for reducing  
229 the amount of phosphorous and nitrogen in the stormwater  
230 runoff and the control of any other pollutants such as petroleum  
231 hydrocarbons or metals.
  - 232 (b) Proposed method of providing potable and, where appropriate,  
233 irrigation water and the effect on public or private water  
234 systems and groundwater, including an estimate of average and  
235 peak demands.
  - 236 (c) Proposed means of wastewater treatment and disposal with an  
237 analysis of the effect on the quality of groundwater and surface  
238 waters, including alternative locations for on-site septic  
239 systems.
  - 240 (d) Analysis of the increase in traffic and the effect on the  
241 surrounding roadway system.
  - 242 (e) The presence of any endangered or threatened species listed on  
243 federal or state registers and proposed habitat protection areas.
  - 244 (f) The preservation and protection from loss of any tidal or  
245 nontidal wetlands on the site.
  - 246 (g) Provisions for open space as defined in § 115-4.
  - 247 (h) A description of provisions for public and private  
248 infrastructure.
  - 249 (i) Economic, recreational or other benefits.
  - 250 (j) The presence of any historic or cultural resources that are listed  
251 on the National Register of Historic Places.
  - 252 (k) An affirmation that the proposed application and  
253 proposed mitigation measures are in conformance with the  
254 current Sussex County Comprehensive Plan.
  - 255 (l) Actions to be taken by the applicant to mitigate the detrimental  
256 impacts identified relevant to Subsection B(2)(a) through (k)



257 above and the manner by which they are consistent with the  
258 Comprehensive Plan.

259 (3) The Director of Planning and Zoning shall prepare (with input  
260 from the County Administrator) guidelines describing the  
261 application process and the form and content of information to  
262 be submitted by the applicant and shall review all applications,  
263 plans, assessments and other information submitted and prepare  
264 a written report summarizing his findings and the comments of  
265 state agencies and other County offices. The Planning and  
266 Zoning Commission shall make a determination as to whether  
267 adequate information has been presented for the project to  
268 proceed. A completed report shall be required prior to any  
269 preliminary plan approval for a development subject to this  
270 section. Approval of the report does not constitute final approval  
271 of the commenting agencies.

272 c. Permitted uses and densities.

273 (1) Uses permitted in the [Environmentally Sensitive Development  
274 District Overlay Zone] *Coastal Area* will be those uses permitted in  
275 the underlying zoning category as established by the Sussex County  
276 Zoning Ordinance.

277 (2) Uses prohibited in the underlying zone are also prohibited in the  
278 overlay zone.

279 (3) The maximum density shall be the allowable density of the  
280 underlying zoning district for developments using a central water  
281 and wastewater collection and treatment system. "Central sewer  
282 system" means centralized treatment and disposal facilities as  
283 defined in § 115-194A. Within this Overlay District, clustering of  
284 single-family detached lots to a minimum lot size of 7,500 square  
285 feet is permitted in all residential zoning districts using a central  
286 water and sewer system. For dwelling units using on-site individual  
287 wastewater disposal systems, the allowable density shall be based  
288 on a minimum lot size of 3/4 of an acre. The applicant has the option  
289 of clustering the lots to a minimum lot size of 1/2 acre where soil  
290 conditions are suitable as determined by DNREC, provided,  
291 however, that the number of lots or dwelling units permitted shall  
292 not exceed the number permitted in the underlying district.

293 (4) For areas within the Conservation Zone, as currently defined in the  
294 Sussex County Zoning Ordinance, the minimum lot size and  
295 dimension requirements in the Conservation Zone shall apply.

296 D. Exemptions from the [Environmentally Sensitive Development  
297 District] Coastal Area. The following are exempted from the  
298 requirement of this section:

299 (1) Single-family residential lots of record as of the date of this section.

300 (2) Existing developments and developments which have filed for  
301 approval as of the date of this section.

302 E. Design consideration should be given by the applicant toward the  
303 establishment of a greenways system which utilizes schools, parks,  
304 wildlife habitat areas, river and stream corridors, wetlands,  
305 floodplains, historic sites, business parks, urban sidewalks,  
306 abandoned rail lines, roads, beach areas and vacant land.  
307 Greenways should provide benefits like safe pedestrian, bicycling  
308 and equestrian routes for recreationists and commuters; and natural  
309 wildlife corridors and biological reserves.  
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311 **Section 9. The Code of Sussex County, Chapter 115, Table 1 “General Table**  
312 **of Height, Area and Bulk Requirements”, Note 16 thereof, is hereby**  
313 **amended by deleting the language in brackets and inserting the italicized**  
314 **and underlined language:**

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316 (16) For any existing approved lot which is not located in a cluster subdivision,  
317 [ESDDOZ] Coastal Area or residential planned community, and consists of less  
318 than 10,000 square feet, the following setbacks shall apply: the side yard setback  
319 shall be reduced to five feet and the rear yard setback shall be reduced by five  
320 feet. For any lot with side or rear yard setbacks reduced by operation of §115-  
321 183D, no structures shall extend or project closer than five feet from the lot line.  
322 The front yard setback may be reduced to the average front yard setback of the  
323 existing buildings located on the same side of the street or road and being within  
324 300 feet of the structure; provided, however, the front yard setback is not less  
325 than five feet. Any vacant lot within 300 feet of the structure shall be calculated  
326 as having the required setback for the district.

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329 **Section 10. Effective Date.**

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331 This ordinance shall take effect upon adoption by Sussex County Council. Any  
332 pending land use applications submitted prior to the date of adoption of this  
333 Ordinance shall be reviewed as though all references to the ESDDOZ,  
334 Environmentally Sensitive Developing District Overlay Zone, or  
335 Environmentally Sensitive Developing Area are to the “Coastal Area” as set  
336 forth in this Ordinance.

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PROPOSED