



Sussex County Council Public/Media Packet

**MEETING:
July 18, 2017**

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

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



2 THE CIRCLE | PO BOX 589
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ROBIN GRIFFITH
CLERK

Sussex County Council

AGENDA

JULY 18, 2017

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Presentation by the League of Women Voters of Sussex County – Annual Report

Consent Agenda

1. Wastewater Agreement No. 993
Sussex County Project No. 81-04
Lighthouse Beach / AKA Rehoboth Shores Campsites – Phase 1
Long Neck Sanitary Sewer District
2. Wastewater Agreement No. 925-2
Sussex County Project No. 81-04
Deerbrook – Phase 1
Long Neck Sanitary Sewer District
3. Wastewater Agreement No. 638-13
Sussex County Project No. 81-04
Estuary – Phase 1C-28 (Construction Record)
Miller Creek Sanitary Sewer District

Todd Lawson, County Administrator

1. Planning and Zoning Commission Appointments
2. Special Events Ordinance Discussion



3. Legislative Update

4. Administrator's Report

10:15 a.m. Public Hearings

Route 54 Williamsville Phase II Expansion of the Sussex County Unified Sanitary Sewer District (Fenwick Island Area)

Middle Creek Preserve Annexation into the Sussex County Unified Sanitary Sewer District (Angola Neck Area)

John Ashman, Director of Utility Planning

1. Winding Creek Village – Water District Boundary

10:25 a.m. Public Hearing

“RESOLUTION APPROVING AGREEMENT TO PROVIDE FIREFIGHTING SERVICES AND APPROVING ISSUANCE OF CERTAIN BONDS OR NOTES BY THE MILLSBORO FIRE COMPANY”

10:30 a.m. Public Hearing

“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES I, X, XIA, XX, XXI, XXIII, XXV AND XXVII BY AMENDING SECTIONS 115-4, 115-5, 115-75, 115-83.10, 115-156, 115-195.4, 115-159.5, 115-161.1, 115-170.1, 115-180, 115-194.1, AND 115-218, AND BY CREATING NEW ARTICLES XA, XB, XIB, XIC, XID, XIE, AND XIF AND ADDING NEW SECTIONS 115-75.1 THROUGH 115-75.13 AND 115-83.11 THROUGH 115-83.46 TO CREATE A NEW “B-2 BUSINESS COMMUNITY” DISTRICT; “B-3 BUSINESS RESEARCH” DISTRICT; “C-2 MEDIUM COMMERCIAL” DISTRICT; “C-3 HEAVY COMMERCIAL” DISTRICT; “C-4, PLANNED COMMERCIAL” DISTRICT; “C-5, SERVICE/LIMITED MANUFACTURING” DISTRICT, AND “I-1, INSTITUTIONAL” DISTRICT; AND TO CLOSE THE CR-1 AND B-1 DISTRICTS”

Grant Requests

- 1. Friends of Milford Museum for annual fundraising campaign**
- 2. Historic Georgetown Association for improvements to Georgetown's First Fire House**
- 3. Georgetown Historical Society for improvements to stable building**
- 4. CHEER, Inc. for Car, Truck & Bike Show**
- 5. Town of Blades for the Police Department's Annual National Night Out**

6. Autism Delaware, Inc. for Blue Jean Ball Fundraiser

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Change of Zone No. 1821 filed on behalf of Nechay Ventures

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 64.50 ACRES, MORE OR LESS” (located on the south side of Whitesville Road approximately 529 feet east of Sussex Highway (Route 13) and on the east side of Sussex Highway (Route 13) approximately 1,002 feet south of Whitesville Road) (Tax I.D. No. 532-6.00-86.00 & 87.00) (911 Address: Not Available)

Conditional Use No. 2079 filed on behalf of Clean Bay Renewables, LLC, Sussex II

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL GENERATION AND NUTRIENT RECOVERY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 23.12 ACRES, MORE OR LESS” (located on the east side of Sand Hill Road and the north side of Lewes-Georgetown Highway (Route 9) (Tax I.D. No. 135-15.00-55.01) (911 Address: 22349 Lewes-Georgetown Highway, Georgetown)

Conditional Use No. 2080 filed on behalf of Clean Bay Renewables, LLC, Sussex I

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL GENERATION AND NUTRIENT RECOVERY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 29.38 ACRES, MORE OR LESS” (located on the east side of Sand Hill Road and the north side of Lewes-Georgetown Highway (Route 9) (Tax I.D. No. 135-15.00-55.01) (911 Address: 22349 Lewes-Georgetown Highway, Georgetown)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on July 11, 2017, at 4:45 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 27, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 27, 2017, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 297 17
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of June 20, 2017 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

HOME OF THE BRAVE FOUNDATION, MILFORD, DELAWARE.
RE: Letter in appreciation of grant.

**FIRST STATE COMMUNITY ACTION AGENCY, GEORGETOWN,
DELAWARE.**
RE: Letter in appreciation of grant.

**Public
Comments**

Public Comments

Dan Kramer commented on Attorney General Opinion No. 17-IB10.

Rocco Maiellano discussed his concerns about the concerts held at Hudson Fields.

**Public
Comments
(continued)**

Paul Reiger commented on the placement of the agenda item relating to FOIA; commented on a FOIA opinion letter (March 28, 2017) regarding the Board of Adjustment; commented on other FOIA opinions being placed on the agenda; and commented on FOIA training for the Board of Adjustment.

**Public
Hearing/
General
Obligation
Bonds/
Route 54
Expansion
of the
Fenwick
Island SSD**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,048,682 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE ROUTE 54 EXPANSION OF THE FENWICK ISLAND SEWER AREA OF THE UNIFIED SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".

SYNOPSIS: This Ordinance provides for the issuance of up to \$2,048,682 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the Route 54 expansion of the Fenwick Island Sewer Area of the Unified Sanitary Sewer District (the "Project") with the expectation that a grant in the amount of \$621,650 will be provided by the 21st Century Fund to reduce the principal amount of the Bonds outstanding to \$1,427,032 upon Project completion.

There were no public comments and the Public Hearing was closed.

**M 298 17
Adopt
Ordinance
No. 2507**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2507 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,048,682 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE ROUTE 54 EXPANSION OF THE FENWICK ISLAND SEWER AREA OF THE UNIFIED SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
General
Obligation
Bonds/
North
Expansion
of the
Angola
Neck SSD**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,300,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE NORTH EXPANSION OF THE ANGOLA NECK SANITARY SEWER AREA OF THE UNIFIED SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".

SYNOPSIS: This Ordinance provides for the issuance of up to \$1,300,000 of Sussex County General Obligation Bonds in order to finance or

**Public
Hearing
(continued)**

reimburse the County for a portion of the costs for the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the Angola North Sewer Expansion Project (the "Project") with the expectation that a grant in the amount of \$1,468,000 will be provided by the 21st Century Fund to reduce the combined aggregate principal amount of the Bonds and the 2015 Bond outstanding to \$6,529,774 upon Project completion.

There were no public comments and the Public Hearing was closed.

**M 299 17
Adopt
Ordinance
No. 2508**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2508 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,300,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE NORTH EXPANSION OF THE ANGOLA NECK SANITARY SEWER AREA OF THE UNIFIED SANITARY SEWER DISTRICT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".

Motion Adopted: 5 Yeas.

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

**Wastewater
Agreement**

Mr. Lawson presented a Wastewater Agreement for the Council's consideration.

**M 300 17
Execute
Wastewater
Agreement/
Peninsula
Lakes**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 558-11, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Peninsula Lakes, LLC for wastewater facilities to be constructed in Peninsula Lakes – Phase 6 (Construction Record)", located in the Long Neck Sanitary Sewer District.

Motion Adopted: 5 Yeas.

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

**Retirement/
Heather L.
Sheridan**

The Council recognized retiring Director of Environmental Services Heather L. Sheridan. A Tribute and plaque were presented to Ms. Sheridan in recognition of her 40+ years of service to Sussex County.

**AG Opinion
No. 17-IB10**

Mr. Lawson provided an update on Attorney General Opinion No. 17-IB10 referencing Dan Kramer's FOIA petition regarding the Sussex County Council and the Planning and Zoning Commission.

FOIA Complaints	In response to questions raised by Council, Mr. Lawson reported on the cost of FOIA complaints filed with the Attorney General's Office.
Legislative Update	Mr. Lawson and Mr. Vincent provided a legislative update; legislation discussed was House Bill 188, House Bill 130, Senate Bill 99, and Senate Bill 38.
Discussion/ Concept of Preserving Road Right-of-Way	Drew Boyce, DelDOT Director of Planning, discussed the concept of preserving road right-of-way. This matter was placed on the agenda at the request of a Councilmember. Discussed was the need for increased building setback lines for the purpose of planning for the future, i.e. to accommodate future road widening projects including converting existing 2-lane roads to 4-lane roads.
Administrator's Report	Mr. Lawson read the following information in his Administrator's Report: 1. <u>Independence Day Holiday</u> Please note, County offices will be closed on Tuesday, July 4th, for the Independence Day holiday. In addition, Council will not meet on July 4th or July 11th. The next regularly scheduled Council meeting will be held on Tuesday, July 18th.
HPG Application	Brad Whaley, Director of Community Development and Housing, requested permission to apply for a USDA Housing Preservation Grant (HPG). He noted that the County has applied for and used this funding for over 20 years to assist low and very low income homeowners with small house repairs. The amount of the grant request will be \$25,000 and the Department hopes to assist six (6) households in rural Sussex County.
M 301 17 Adopt R 012 17	A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Resolution No. R 012 17 entitled "AUTHORIZATION TO SUBMIT APPLICATION". Motion Adopted: 4 Yeas, 1 Absent. Vote by Roll Call: Mr. Arlett, Absent; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea
Task Order Agreement/ Construct Parallel Taxiway D/ Design	Jim Hickin, Director of Airport and Industrial Park, presented a task order agreement with Delta Airport Consultants for design and bidding services for Sussex County Project 17-20, Construct Taxiway D – Design (Part 2). The cost of the agreement is not to exceed \$470,496. Mr. Hickin reported that the project will design, and prepare for bid, a full-length taxiway parallel to Runway 10-28, the "crosswind runway". Mr. Hickin noted that the overall project was presented to the Council at the April 11th meeting and approval was granted to request an Airport Improvement Program grant and to move forward with the overall

(continued) project. Mr. Hickin also reported that the grant has been received and that the next step is to approve the task order agreement for the design of the project.

M 302 17
Approve
Task Order
No. 6 to
Engineering
Agreement/
Construct
Parallel
Taxiway D/
Design/
Project
17-20

A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves Task Order No. 6 to the Engineering Agreement between Sussex County and Delta Airport Consultants, Inc. to provide professional services for Sussex County Project 17-20, Construct Taxiway D – Design, which increases the original contract amount by no more than \$470,496.00, pending receipt of a federal grant.

Motion Adopted: 4 Yeas, 1 Nay.

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

(Following the vote, Mr. Arlett noted that his “Nay” vote was actually an abstention since he was out of the room during most of the discussion.)

FAA
Grant
Offer

Mr. Hickin reported that the County does have a grant offer from the FAA, and that the County must not only formally accept the money, but the obligations that come with it (obligations detailed in Council packet).

M 303 17
Accept
FAA
Grant
Offer/
Construct
Parallel
Taxiway D/
Phase I

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council accepts the Federal Aviation Administration’s grant offer of \$430,196.00 as the United States' share of 90 percent of the allowable costs incurred in accomplishing the project, Install Infrastructure to Support RNAV Approach (Construct Parallel Taxiway D), Phase I.

Motion Adopted: 5 Yeas.

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

TH White
Expansion/
Request to
Post
Notices

John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the TH White Expansion of the Sussex County Unified Sanitary Sewer District (Long Neck Area). This expansion request for Parcel 234-23.00-114.01 (and easement from parcel to Branch Road) was requested by TH White, the owner of the property.

M 304 17
Authorize
Notices/
TH White
Expansion

A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Engineering Department is authorized to prepare and post notices for the TH White Expansion of the Sussex County Unified Sanitary Sewer District (Long Neck Area), Parcel 234-23.00-114.01 and associated easement, as presented on June 27, 2017.

**M 304 17
(continued)**

Motion Adopted: 5 Yeas.

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

**Salisbury
Expansion
of the
SCUSSD**

John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Salisbury Expansion of the Sussex County Unified Sanitary Sewer District (Miller Creek Area). This expansion request for Parcel 134-19.00-69.00 was requested by the owner of the property.

**M 305 17
Authorize
Notices/
Salisbury
Expansion**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, that the Sussex County Engineering Department is authorized to prepare and post notices for the Salisbury Expansion of the Sussex County Unified Sanitary Sewer District (Miller Creek Area), Parcel 134-19.00-69.00, as presented on June 27, 2017.

Motion Adopted: 5 Yeas.

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

**Route 54
Sewer
Expansion
of the
Fenwick
Island SSD/
Project
Bid
Results**

Hans Medlarz, County Engineer, presented the bid results for the Route 54 Sewer Expansion of the Fenwick Island Sanitary Sewer District, Project 14-10. Four bids were received; the Engineering Department recommends an award to George & Lynch, Inc. in the amount of \$2,230,511.00. Mr. Medlarz noted that this bid includes parcels that may be considered by Council in the future.

Mr. Medlarz explained why the project title references the Fenwick Island Sanitary Sewer District and not the Sussex County Unified Sanitary Sewer District.

**M 306 17
Award
Contract/
Route 54
Expansion/
Fenwick
Island SSD**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Contract 14-10, Route 54 Expansion of the Fenwick Island Sanitary Sewer District, be awarded to George & Lynch, Inc. of Dover, Delaware, at the total bid amount of \$2,230,511.00, pending DNREC State Revolving Loan Fund concurrence.

Motion Adopted: 5 Yeas.

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

**Grant
Requests**

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

**M 307 17
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Cole, to give \$1,830.00 from Mr. Burton's Councilmanic Grant Account to the Lewes Historical Society for the Lewes History Museum.

Motion Adopted: 5 Yeas.

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

**M 308 17
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$500.00 from Mr. Wilson's Councilmanic Grant Account to the Amateur Athletic Union of the United States for Woodbridge PRIDE Cheerleading (improvements to facility).

Motion Adopted: 5 Yeas.

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

**M 309 17
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Cole, to give \$1,000.00 from Mr. Burton's Councilmanic Grant Account to The Music School of Delaware for music programming in Sussex County.

Motion Adopted: 5 Yeas.

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

**M 310 17
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$8,000.00 (\$7,500 from Mr. Vincent's Councilmanic Grant Account and \$500.00 from Mr. Wilson's Councilmanic Grant Account) to the Seaford Historical Society for the Ross Station building.

Motion Adopted: 5 Yeas.

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

**Council
Members'
Comments**

Council Members' Comments

Mr. Cole commented on a recently held public hearing on a zoning application and emails he has been receiving on the submittal of a revised site plan by the applicant. He questioned reopening public comment on the revised site plan. Mr. Moore responded that the Council must take action on the record established at the public hearing, including the site plan

**Council
Members'
Comments
(continued)**

presented at that time, and not the newly submitted (revised) site plan.

Mr. Arlett noted the end of the Fiscal Year and complimented Council and staff for a job well done.

Mr. Arlett expressed best wishes to recent graduates.

**M 311 17
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to adjourn at 11:42 a.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

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

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

June 29, 2017

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
LIGHTHOUSE BEACH / AKA REHOBOTH SHORES CAMPSITES
AGREEMENT NO. 993

DEVELOPER:

Mr. David Podlaseck
Nanticoke Shores Associates, LLC
P.O. Box 15101
Baltimore, MD 21282

LOCATION:

North side of Long Neck Road.
Long Neck, DE

SANITARY SEWER DISTRICT:

Long Neck Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Development of 177 seasonal campsites in
rezoned portion of Rehoboth Shores MHP with (2)
pump stations.

SYSTEM CONNECTION CHARGES:

\$1,022,175.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
02/26/16

Department of Natural Resources Plan Approval
03/14/16

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 120
Construction Admin and Construction Inspection Cost – \$139,182.38
Proposed Construction Cost – \$927,882.56



ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE

sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

July 05, 2017

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
DEERBROOK - PHASE 1 SEWER
AGREEMENT NO. 925 - 2

DEVELOPER:

Mr. Gus Croll
Alpaco V, L.L.C.
P.O. Box 748
Georgetown, DE 19947

LOCATION:

1050' west of SR24 / #299 Intersection

SANITARY SEWER DISTRICT:

Long Neck Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

120 Single Family detached subdivision, 32 lots in this phase.

SYSTEM CONNECTION CHARGES:

\$184,800.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
06/16/16

Department of Natural Resources Plan Approval
01/26/17

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 30

Construction Admin and Construction Inspection Cost – \$16,680.00

Proposed Construction Cost – \$111,200.00



COUNTY ADMINISTRATIVE OFFICES
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ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
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UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



Sussex County

DELAWARE
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

July 7, 2017

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
THE ESTUARY - PHASE 1C-2B (CONSTRUCTION RECORD)
AGREEMENT NO. 638 - 13

DEVELOPER:

Mr. Steve Brodbeck
Estuary Development, LLC
8965 Guilford Road, Suite 200
Columbia, MD 20146

LOCATION:

South/RD 363 (Double Bridges Road), North of
Camp Barnes Road.

SANITARY SEWER DISTRICT:

Miller Creek Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

28 Lots

SYSTEM CONNECTION CHARGES:

\$161,700.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
12/13/15

Department of Natural Resources Plan Approval
11/24/15

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 25

Construction Admin and Construction Inspection Cost – \$18,553.66

Proposed Construction Cost – \$123,691.07



COUNTY ADMINISTRATIVE OFFICES
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TODD F. LAWSON
COUNTY ADMINISTRATOR
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tlawson@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

FROM: Todd F. Lawson
County Administrator

RE: **LEGISLATIVE UPDATE DISCUSSION**

DATE: July 14, 2017

During Tuesday's meeting, the Council is scheduled to discuss the recent conclusion of the General Assembly's legislative session.

As you are aware, there were budget decisions that will impact the County and we will go into detail regarding those impacts.

In addition, two pieces of legislation passed which formed task forces that the County is a member. Senate Concurrent Resolution No. 20 established the Statewide Ecological Extinction Task Force and House Concurrent Resolution No. 39 established a task force to study and make recommendations related to school district consolidation. A copy of each legislation is attached.

Please let me know if you have any questions or concerns.

TFL/nc

Attachments





SPONSOR: Sen. Hansen & Rep. Heffernan
Sens. Lopez, Townsend; Reps. Baumbach, Lynn,
Spiegelman

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE CONCURRENT RESOLUTION NO. 20
AS AMENDED BY
HOUSE AMENDMENT NO. 1

ESTABLISHING THE STATEWIDE ECOLOGICAL EXTINCTION TASK FORCE.

WHEREAS, the sustainability of Delaware's local ecology is important to the quality of life of all Delawareans;
and

WHEREAS, Delaware's colleges and universities are home to preeminent research in ecology; and

WHEREAS, research specific to the ecology of Delaware by the University of Delaware has revealed an alarming occurrence of extinction and extirpation of local plants and animals, including Delaware's loss of 78% of its freshwater mussel species, 34% of its dragonflies, 20% of its fish species, and 31% of its reptiles and amphibians; and

WHEREAS, 40% of all native plant species are threatened or already extirpated from the State; and

WHEREAS, 41% of Delaware's bird species that depend on forest cover are now rare or absent from the State;
and

WHEREAS, research has revealed a nearly 50% reduction in population sizes for many of our bird species within the span of 50 years; and

WHEREAS, the causes for our loss of local species are varied, including habitat loss, habitat fragmentation, and the proliferation of non-native and invasive species; and

WHEREAS, the General Assembly desires to look closely into these issues and set forth solutions for changing the present course of local extinction.

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 149th General Assembly of the State of Delaware, the House of Representatives concurring therein, that the Statewide Ecological Extinction Task Force ("Task Force") is established to study the extinction of local plant and animal species and report its findings and recommendations for action.

BE IT FURTHER RESOLVED that the Task Force be composed of the following members:

(1) Two members of the Senate, one from each caucus, appointed by the President Pro Tempore of the Senate.

(2) Two members of the House of Representatives, one from each caucus, appointed by the Speaker of the House of Representatives.

(3) The Secretary of the Department of Natural Resources and Environmental Control, or the Secretary's designee who must be familiar with Delaware's ecological systems.

(4) One member representing the Department of Agriculture's Forest Service Section or Plant Industries Section who has knowledge of Delaware's ecological systems, appointed by the Secretary of the Department.

(5) The County Executive for New Castle County, the County Administrator for Kent County, and the County Administrator for Sussex County, or such individual's designee.

(6) One member representing the University of Delaware's Department of Entomology and Wildlife Ecology, appointed by the Chair of the Department.

(7) One member representing the Delaware Nursery and Landscape Association, appointed by the President of the Association.

(8) One member representing the Delaware Nature Society, appointed by the President of the Society.

(9) One member representing the homebuilding industry in Delaware, appointed by the President of the Home Builders Association of Delaware.

(10) One member representing the Delaware State Chamber of Commerce, appointed by the President of the Delaware State Chamber of Commerce.

(11) The President of the Board of Directors of the Delaware Farm Bureau, or a designee appointed by the President to serve at the President's pleasure.

(12) The President of the Delaware Association of Realtors, or a designee appointed by the President to serve at the President's pleasure.

(13) The President of the Delmarva Ornithological Society, or a designee appointed by the President to serve at the President's pleasure.

(14) The Executive Director of the Delaware Center for the Inland Bays, or a designee appointed by the Executive Director to serve at the Executive Director's pleasure.

(15) The State Director of the Nature Conservancy in Delaware, or a designee appointed by the State Director to serve at the State Director's pleasure.

BE IT FURTHER RESOLVED that the Task Force may request the participation of guests and speakers knowledgeable in the issues under study.

BE IT FURTHER RESOLVED that all meetings of the Task Force, unless otherwise prohibited by existing law, must be open to the public with notice of the meetings posted in advance and communicated to the media.

BE IT FURTHER RESOLVED that the Task Force shall hold its first meeting no later than August 1, 2017.

BE IT FURTHER RESOLVED that the Task Force shall develop a report encapsulating its findings and recommendations for action and deliver the report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives for distribution to all members of the General Assembly, with a copy to the Governor, the Director and the Legislative Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives, no later than December 1, 2017.

BE IT FURTHER RESOLVED that the Senate is responsible for providing reasonable and necessary support staff and materials for the Task Force.

BE IT FURTHER RESOLVED that the President Pro Tempore of the Senate appoint the Chair of the Task Force.

BE IT FURTHER RESOLVED that the Chair of the Task Force is responsible for guiding the administration of the Task Force by doing at least all of the following:

- (1) Setting a date, time, and place for the initial organizational meeting.
- (2) Supervising the preparation and distribution of meeting notices, agendas, minutes, correspondence, and reports of the Task Force.
- (3) Sending, after the first meeting of the Task Force, a list of the members of the Task Force and the person who appointed them to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Director of the Division of Research of Legislative Council.
- (4) Providing meeting notices, agendas, and minutes to the Director of the Division of Research of Legislative Council.
- (5) Ensuring that the final report of the Task Force is submitted to the President Pro Tempore of the Senate and the Speaker of the House of Representatives for distribution to the members of the General Assembly, with a copy to the Governor, the Director and the Legislative Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives.

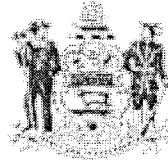
BE IT FURTHER RESOLVED that:

- (1) Official action by the Task Force, including making findings and recommendations, requires the approval of a majority of the members of the Task Force.
- (2) The Task Force may adopt rules necessary for its operation.

Susan W. Webb

From: Parrish, Jennifer (LegHall) <Jennifer.Parrish@state.de.us>
Sent: Monday, July 10, 2017 4:36 PM
Subject: Ecological Extinction Task Force Meeting

Stephanie L. Hansen
STATE SENATOR
10TH District



SENATE
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

COMMITTEE
Transportation
Agriculture
Environmental, Natural
& Energy
Health, Children &
Seniors

Ecological Extinction Task Force Meeting

Tuesday July 25th, 2017

7:00 pm

Senate Hearing Room

Legislative Hall

For questions regarding the meeting please contact the Legislative Assistant of

Senator Hansen, Jenn Parrish



SPONSOR: Rep. Jaques & Rep. Bolden & Rep. Miro & Sen. Sokola

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. 39
AS AMENDED BY
AND
HOUSE AMENDMENT NO. 2
AND
HOUSE AMENDMENT NO. 4
AND
SENATE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 5

ESTABLISHING A TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS RELATED TO SCHOOL DISTRICT CONSOLIDATION.

WHEREAS, there are currently nineteen (19) school districts operating in the state of Delaware; and

WHEREAS, school districts range in size from 15,929 students in Red Clay Consolidated School District to 1,200 students in POLYTECH School District; and

WHEREAS, school districts differ in regard to enrollment size, physical area covered, taxing authority, education provided, and proportion of state funding; and

WHEREAS, school districts required a chief school officer, or superintendent, and a school board; and

WHEREAS, as the state of Delaware's financial obligations related to education continue to rise, many states and school districts are exploring consolidation as a strategy for decreasing administrative and other related education costs; and

WHEREAS, school district consolidation may also produce cost advantages through the provision of shared services (e.g. -- transportation, information technology, security, and food preparation) and greater economies-of-scale in the purchase of material.

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives of the 149th General Assembly of the State of Delaware, the Senate concurring therein, that a Task Force be created to study and make findings and recommendations regarding the impact of consolidating school districts in the state of Delaware.

BE IT FURTHER RESOLVED that a Task Force be composed of twenty-three (23) members consisting of the following:

- (1) The Education Policy Advisor for the Governor;
- (2) The Secretary of Education or designee;

(3) Two (2) members of the House of Representatives appointed by the Speaker of the House, one from each caucus;

(4) Two (2) members of the Senate appointed by the Senate President Pro Tempore, one from each caucus;

(5) Three (3) Superintendents, appointed by the President of the Chief School Officers Association, one from each county;

(6) The Director of OMB, or designee;

(7) A representative appointed by the President of the Delaware State Education Association;

(8) The Executive Director of the School Boards Association, or designee;

(9) A representative of the Governor's Advisory Council for Exceptional Citizens;

(10) One (1) parent or guardian of a public school student from each county and the City of Wilmington – New Castle County appointed by the Delaware Parent Teacher Association; Kent, Sussex and the City of Wilmington appointed by the Governor; and

(11) One (1) representative of a Vo-Tech school district.

(12) The Wilmington City Council President or designee, the New Castle County Executive or designee, the Kent County Administrator or designee, and the Sussex County Administrator or designee.

BE IT FURTHER RESOLVED that the Task Force may select other members to serve on the Task Force upon the approval of a majority of the members on the Task Force.

BE IT FURTHER RESOLVED that this Task Force shall:

(a) Examine issues and existing research related to the consolidation of school districts;

(b) Study and make findings related to the financial feasibility and impact of school district consolidation;

(c) Study implementation challenges associated with school district consolidation;

(e) Examine and identify incentives that may be used to encourage schools districts to consolidate or reorganize; and

(f) Make recommendations to the Governor and General Assembly concerning a proposed direction for public education consolidation based upon its findings.

BE IT FURTHER RESOLVED that the support staff for the Task Force shall be provided by the Delaware Department of Education.

BE IT FURTHER RESOLVED that the Task Force shall select a chairperson from among its members;

BE IT FURTHER RESOLVED that the Task Force shall report its findings and recommendations to the members of the Delaware General Assembly no later than January 30, 2018.

Williamsville Phase II Expansion of SCUSSD

Fact Sheet

- Expansion of the Sussex County Unified Sanitary Sewer District (Fenwick Island Area)
- Includes parcels along Route 54 (Lighthouse Road) primarily from West Line Road to Dickerson Road as shown on the map.
- The Engineering Department has received requests from (3) property owners interested in having the County extend the District Boundary.
- One of the on-site systems is failing requiring frequent pumping.
- This limited extension can be completed at a 5% additional construction cost to the Route 54 project.

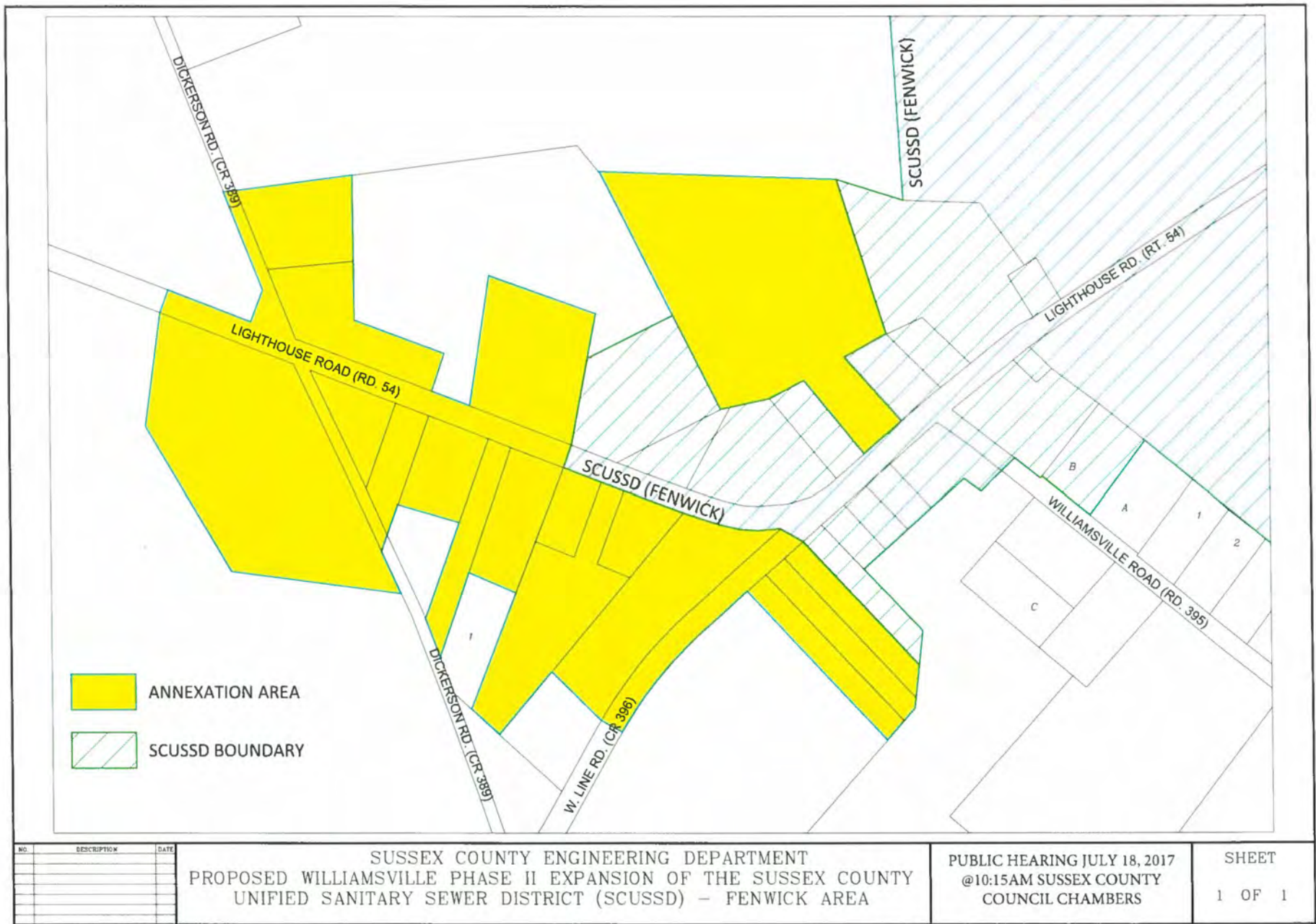
Schedule for Current Route 54 project is as follows:

Advertise May 21 & 28

Pre-bid June 1st @ 10:30am

Bid Opening June 21st @ 2:00pm

- System Connection Charges will be rolled into the financing for all existing residential customers
- Expansion was posted on June 19th and advertised, we received a call from property owner Nolen Graves showing his support for the expansion and his property's inclusion. Also a call from property owner Anita Adkins concerned about this expansion delaying the initial project.



RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (FENWICK ISLAND AREA) TO INCLUDE ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND, SITUATED ON THE NORTH AND SOUTH SIDE OF STATE ROUTE 54, (LIGHTHOUSE ROAD) PRIMARILY FROM WILLIAMSVILLE RD TO DICKERSON ROAD, AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer District; and

WHEREAS, in the best interests of the present district, and to enhance the general health and welfare of that portion of Sussex County in the area of Lighthouse Rd primarily from Williamsville Rd to Dickerson Road, the inclusion of this property will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip C.

Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the Sussex County Unified Sanitary Sewer District to encompass the lands of situated north and south of Lighthouse Road primarily from Williamsville to Dickerson Road, as follows:

BEGINNING at a point which is 100 feet +/- west of the intersection of Lighthouse Road and Williamsville Road, said point being on the SCUSSD boundary, said point also being a property corner of lands N/F of Ruby Ann Quillen, said point further being on the northerly ROW of Lighthouse Road; thence proceeding by and with said sewer district boundary and Quillen lands in a southwesterly, northwesterly, westerly, northwesterly direction a distance of 826 feet +/- to a point, said point being the northeasternmost property corner of lands N/F Christopher Lauer & Danielle Welsh, said point also being the easternmost property corner of lands N/F George R. Edmonston, Trustee; thence proceeding with Edmonston lands in a northwesterly direction a distance of 388 feet +/- to a point, said point being the northwesternmost property corner of lands N/F of Ruby Ann Quillen, said point also being a property corner of lands N/F Taylor M. Dickerson, Jr.; thence proceeding by and with said Dickerson lands in a southeasterly direction a

a southwesterly direction a distance of 50 feet +/- to a point, said point being on the southwesterly ROW of Dickerson Road, said point also being on the property line of lands N/F of Carroll W. Brasure, Trustee; thence proceeding by and with said Brasure lands in a southeasterly, northwesterly and northeasterly direction respectively a distance of 1,226 feet +/- to a point, said point being on the southerly ROW of Lighthouse Road; thence crossing Lighthouse Road in a northerly direction a distance of 60 feet +/- to a point, said point being on the northerly ROW of Lighthouse Road, said point also being on the southerly property line of lands N/F of Taylor M. Jr. & Peggy Ann Dickerson; thence proceeding by and with said Dickerson lands in a southeasterly, northeasterly, and northwesterly direction a distance of 560 feet +/- to a point, said point being on the westerly ROW of Dickerson Road; thence crossing Dickerson Road in an easterly direction a distance of 40 feet +/- to a point, said point being on the easterly ROW of Dickerson Road, said point also being a the northwesterly property corner of lands N/F of Carroll W. Brasure, Trustee; thence proceeding by and with said Brasure lands in a northeasterly direction a distance of 288 feet +/- to a point, said point being the northwesternmost property corner of lands N/F of George R. Edmonston, Trustee; thence proceeding by and with said Edmonston lands in a southerly, southeasterly, southwesterly, southeasterly, northerly, southeasterly and southwesterly directions respectively a distance of 1,497 feet +/- to a point, said point being the northwesternmost property corner of lands N/F of Christopher Lauer & Danielle Welsh, said point also being on the SCUSSD boundary; thence proceeding by and with said boundary in a southwesterly direction a distance of 274 feet +/- to a point, said point being the place of **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 533-18.00 and Sussex County property assessment records.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes;

BE IT FURTHER RESOLVED that the County Engineer is hereby directed to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

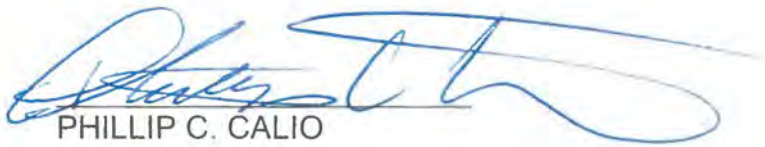
SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
WILLIAMSVILLE PHASE II ANNEXATION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On June 19, 2017 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On June 19, 2017 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On Pole 60096/96575 on the northerly ROW of Lighthouse Rd. (Route 54), 126' +/- east of the centerline of Dickerson Rd. (CR 389),
 - 2. On a post in the southerly ROW of Lighthouse Rd. (Rt.54), 317' +/- west of centerline of Dickerson Rd. (CR 389),
 - 3. On Pole #60105/96565 on the southerly ROW of Lighthouse Rd. (Rt.54), 157' +/- east of the centerline of Dickerson Rd. (CR 389),
 - 4. On a post on the northerly ROW of Lighthouse Rd. (Rt. 54), 510' +/- east of the centerline of Dickerson Rd. (CR 389),
 - 5. On a post in front of Pole # 80170/96531 on the southerly ROW of Lighthouse Road, 225' +/- west of the centerline of West Line Road (CR 396),
 - 6. On a post in front of Pole #60181/96508 on the northerly ROW of West Line Road, 439' +/- southwest of centerline of Lighthouse Road (Rt. 54),
 - 7. On a post in the southerly ROW of West Line Road (CR 396), 296' +/- southwest of centerline of Lighthouse Rd. (Rt. 54),
 - 8. On a post on the northerly ROW of Lighthouse Road (Rt. 54), 140' +/- southwest of the intersection of Lighthouse Road and Williamsville Road (CR 395).


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 20th day of June, 2017
A.D., 2017


NOTARY PUBLIC

SHARON E. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on July 14, 2018

My Commission Expires _____

PUBLIC NOTICE

PROPOSED EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT FENWICK ISLAND AREA

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **June 6, 2017** to consider extending the Sussex County Unified Sanitary Sewer District (SCUSSD) – Fenwick Island Area to include parcels of land north and south of Lighthouse Road, being situate in Baltimore Hundred of Sussex County, Delaware being more particularly described as follows:

BEGINNING at a point which is 100 feet +/- west of the intersection of Lighthouse Road and Williamsville Road, said point being on the SCUSSD boundary, said point also being a property corner of lands N/F of Ruby Ann Quillen, said point further being on the northerly ROW of Lighthouse Road; thence proceeding by and with said sewer district boundary and Quillen lands in a southwesterly, northwesterly, westerly, northwesterly direction a distance of 826 feet +/- to a point, said point being the northeasternmost property corner of lands N/F Christopher Lauer & Danielle Welsh, said point also being the easternmost property corner of lands N/F George R. Edmonston, Trustee; thence proceeding with Edmonston lands in a northwesterly direction a distance of 388 feet +/- to a point, said point being the northwesternmost property corner of lands N/F of Ruby Ann Quillen, said point also being a property corner of lands N/F Taylor M. Dickerson, Jr.; thence proceeding by and with said Dickerson lands in a southeasterly direction a distance of 581 feet +/- to a point, said point being the northernmost property corner of lands N/F of Daniel W. Magee & Ellen M Magee, said point also being on the SCUSSD boundary; thence proceeding by and with said sewer district boundary in a southeasterly, southwesterly, southeasterly directions a distance of 722 feet +/- to the point and place of **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 533-18.00 and Sussex County property assessment records.

AND

BEGINNING at a point which is 598 feet +/- west of the intersection of Lighthouse Road and West Line Road, said point being the northwesternmost property corner of lands N/F of Guillermo & Lorena Trinidad, said point also being on the SCUSSD boundary; thence proceeding with said sewer district boundary in a generally southeasterly direction a distance of 1,036 feet +/- to a point, said point being the southwesternmost property corner of lands N/F CSM, LLC, said point also being on the westerly property line of lands N/F of Wayne E. McCabe & Richard Wayne McCabe; thence proceeding by and with said McCabe lands in a southwesterly direction a distance of 210 feet +/- to a point, said point being the southwesternmost property corner of lands N/F of Joseph F. & Anna C. Poggioli, said point also being a property corner of lands N/F Henry C. Johnson III & Marylou P. Johnson; thence proceeding by and with said Johnson lands in a northwesterly and southwesterly direction a distance of 965 feet +/- to a point, said point being on the southerly ROW of West Line Road; thence leaving said ROW and crossing West Line Road a distance of 50 feet +/- to a point, said point being on the northerly ROW of West Line Road, said point also being the southwesternmost property corner of land N/F of Williamsville Center LLC; thence proceeding in a northwesterly direction a distance of 169 feet +/- to a point, said point being the northwesternmost property corner of lands N/F Williamsville Center LLC, said point also being on the southeastern property line of lands N/F of Sean L. & Brenda G. Oates; thence proceeding by and with said Oates lands in a southwesterly, northwesterly, and northeasterly directions respectively a distance of 598 feet +/- to a point, said point being the southeasternmost property corner of lands N/F of Yvonne Cropper, said point also being the northeasternmost property corner of lands N/F of Paul C. Gill & Ann M. Gill; thence proceeding by and with said Gill lands in a northwesterly and southwesterly direction a distance of 343 feet +/-

to a point, said point being the southeasternmost property corner of lands N/F Debra S. Dudley; thence following said Dudley lands in a northwesterly direction a distance of 101 feet +/- to a point, said point being the southeasternmost property corner of lands N/F of Ryan Marshall & Jamie Bahder; thence proceeding by and with said Marshall & Bahder lands in a northeasterly, westerly and southwesterly direction a distance of 483 feet +/- to a point, said point being on the northeasterly ROW of Dickerson Road; thence crossing Dickerson Road in a southwesterly direction a distance of 50 feet +/- to a point, said point being on the southwesterly ROW of Dickerson Road, said point also being on the property line of lands N/F of Carroll W. Brasure, Trustee; thence proceeding by and with said Brasure lands in a southeasterly, northwesterly and northeasterly direction respectively a distance of 1,226 feet +/- to a point, said point being on the southerly ROW of Lighthouse Road; thence crossing Lighthouse Road in a northerly direction a distance of 60 feet +/- to a point, said point being on the northerly ROW of Lighthouse Road, said point also being on the southerly property line of lands N/F of Taylor M. Jr. & Peggy Ann Dickerson; thence proceeding by and with said Dickerson lands in a southeasterly, northeasterly, and northwesterly direction a distance of 560 feet +/- to a point, said point being on the westerly ROW of Dickerson Road; thence crossing Dickerson Road in an easterly direction a distance of 40 feet +/- to a point, said point being on the easterly ROW of Dickerson Road, said point also being a the northwesterly property corner of lands N/F of Carroll W. Brasure, Trustee; thence proceeding by and with said Brasure lands in a northeasterly direction a distance of 288 feet +/- to a point, said point being the northwesternmost property corner of lands N/F of George R. Edmonston, Trustee; thence proceeding by and with said Edmonston lands in a southerly, southeasterly, southwesterly, southeasterly, northerly, southeasterly and southwesterly directions respectively a distance of 1,497 feet +/- to a point, said point being the northwesternmost property corner of lands N/F of Christopher Lauer & Danielle Welsh, said point also being on the SCUSSD boundary; thence proceeding by and with said boundary in a southwesterly direction a distance of 274 feet +/- to a point, said point being the place of **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 533-18.00 and Sussex County property assessment records.

The public hearing is scheduled for July 18, 2017 at 10:15 a.m. in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle Georgetown Delaware. All interested parties, officials, residents, voters, taxpayers, property owners or other persons or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. Following the hearing, the Sussex County Council will make a final decision on the boundary extension at one of their regularly scheduled meetings.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299.



Hans M. Medlarz, P.E.
County Engineer

Middle Creek Preserve

FACT SHEET

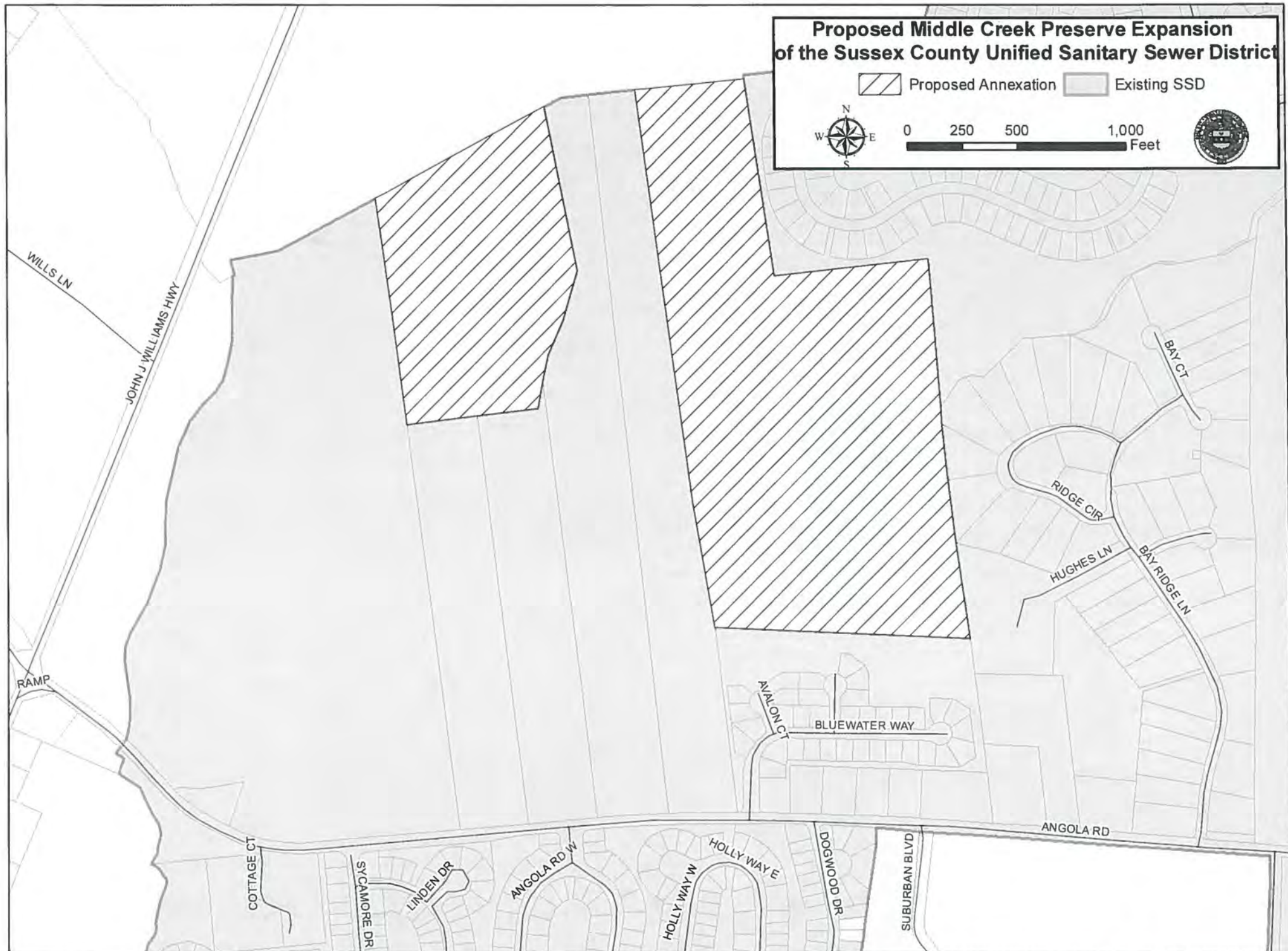
- Request for permission to prepare and post notices was granted May 23rd for an expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area).
- Project known as Middle Creek Preserve.
- Expansion was requested by Solutions IPEM, LLC for their client BDRP, LLC.
- Parcels 234-11.00-51.00 & 234-12.00-14.00.
- The project consists of (6) parcels the remaining (4) are already part of the sewer district.
- Project is proposing 314 single family lots and a pool house
- The project will be responsible for System Connection Charges in place at the time of connection.
- Parcels were posted on May 30th and then again on June 29th due to a scheduling conflict with the Council Agenda for the previously scheduled Public Hearing.
- We have received no correspondence in support or opposition to date.

**Proposed Middle Creek Preserve Expansion
of the Sussex County Unified Sanitary Sewer District**

 Proposed Annexation  Existing SSD



0 250 500 1,000
Feet



The Public Hearing is scheduled for June 20, 2017 at 10:15am, in Sussex County Council Chambers, 2 The Circle, Georgetown, DE 19947
For more information please visit: <https://www.sussexcountype.gov/legal-notices/sewer-water>. Or call Sussex County Utility Planning at 302-855-1299

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ANGOLA NECK AREA, TO INCLUDE TWO (2) PROPERTIES SITUATED ON THE NORTH SIDE OF ANGOLA ROAD. THE PARCELS (234-11.00-51.00 & 234-12.00-14.00) ARE LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Angola Road, the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip C. Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the north side of Angola Road, as follows:

Beginning at a point, said point being the northwesternmost property corner of lands N/F John T. Jensen, said point also be the northeasternmost property corner of lands N/F of Eleanor Joan Baker, said point further being on the Sussex County Unified Sanitary Sewer District – Angola Neck Area boundary; thence proceeding by and with said sewer district boundary the following courses and distance, southerly, northeasterly, and northwesterly a total distance of 3,061 feet +/- to a point, said point being the northeasternmost property corner of lands N/F of John T. Jensen, said point also being a property corner of lands N/F Middle Creek Preserve, LLC, said point also being on the southerly property line of lands N/F of Wandendale Farms, LLC; thence leaving said sewer district boundary and proceeding by and with said Wandendale lands in a southwesterly direction a distance of 883 feet +/- to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 234-11.00 and Sussex County property assessment records.

AND

Beginning at a point, said point being the northwesternmost property corner of lands N/F of The Adkins Co., said point also being a property corner of lands N/F of Middle Creek Preserve, LLC, said point further being on the Sussex County Unified Sanitary Sewer District – Angola Neck Area boundary; thence proceeding by and with said sewer district boundary the following courses and distance, southerly, southeasterly, northwesterly, southwesterly and northwesterly a total distance of 7,001 feet to a point, said point being the northwesternmost property corner of lands N/F of Gudmar Marsh, LLC, said point also being the northeasternmost property corner of lands N/F of the Adkins Co., said point further being on the southerly boundary of lands N/F of Wandendale Farms LLC; thence leaving said sanitary sewer district boundary and proceeding by and with said Wandendale lands in a westerly direction a distance of 499 feet +/- to the point and place of **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 234-11.00 & 12.00 and Sussex County property assessment records.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

PUBLIC NOTICE

PROPOSED EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (ANGOLA NECK AREA)

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on **May 23, 2017** to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Angola Neck Area, to include two parcels of land along the north side of Angola Road, being situate in Indian River Hundred, Sussex County, Delaware. The parcels being district – map – parcel 234-11.00-51.00 and 234-12.00-14.00

This action is in conformity with 9 Del.C §6502.

A description of the area, which is contiguous to and to be added to the SCUSSD is described as follows:

Beginning at a point, said point being the northwesternmost property corner of lands N/F John T. Jensen, said point also be the northeasternmost property corner of lands N/F of Eleanor Joan Baker, said point further being on the Sussex County Unified Sanitary Sewer District – Angola Neck Area boundary; thence proceeding by and with said sewer district boundary the following courses and distance, southerly, northeasterly, and northwesterly a total distance of 3,061 feet +/- to a point, said point being the northeasternmost property corner of lands N/F of John T. Jensen, said point also being a property corner of lands N/F Middle Creek Preserve, LLC, said point also being on the southerly property line of lands N/F of Wandendale Farms, LLC; thence leaving said sewer district boundary and proceeding by and with said Wandendale lands in a southwesterly direction a distance of 883 feet +/- to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 234-11.00 and Sussex County property assessment records.

AND

Beginning at a point, said point being the northwesternmost property corner of lands N/F of The Adkins Co., said point also being a property corner of lands N/F of Middle Creek Preserve, LLC, said point further being on the Sussex County Unified Sanitary Sewer District – Angola Neck Area boundary; thence proceeding by and with said sewer district boundary the following courses and distance, southerly, southeasterly, northwesterly, southwesterly and northwesterly a total distance of 7,001 feet to a point, said point being the northwesternmost property corner of lands N/F of Gudmar Marsh, LLC, said point also being the northeasternmost property corner of lands N/F of the Adkins Co., said point further being on the southerly boundary of lands N/F of Wandendale Farms LLC; thence leaving said sanitary sewer district boundary and proceeding by and with said Wandendale lands in a westerly direction a distance of 499 feet +/- to the point and place of **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 234-11.00 & 12.00 and Sussex County property assessment records.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 10:15 a.m. on June 20, 2017 in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299).

Hans M. Medlarz, P.E.
County Engineer

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
MIDDLE CREEK PRESERVE EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(:
COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On May 30, 2017 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On May 30, 2017 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On the site of the proposed expansion area in the following two locations:
 - (1) on a post located on the southwesternmost property corner of the proposed annexation parcel 234-12.00-14.00,
 - (2) on a post located on the southwesternmost property corner of the proposed annexation parcel 234-11.00-51.00.
 - 2. On a post in the southerly ROW of Angola Road, in front of DEC pole 32202, 156' +/- west of Bluewater Way;
 - 3. On a post in the southerly ROW of Angola Road in front of DEC pole 33203, 426' +/- west of Bluewater Way;
 - 4. On a post in southerly ROW of Angola Road, behind a property marker for parcels 234-11.00-54.00 & 54.01


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 30th day of May A.D., 2017


NOTARY PUBLIC

My Commission Expires _____

SHARON E. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on July 14, 2018

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
MIDDLE CREEK PRESERVE EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On June 28, 2017 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On June 28, 2017 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in the northerly ROW of Angola Road, in front of DEC pole 32202, 156' +/- west of Bluewater Way;
 - 2. On a post in the northerly ROW of Angola Road in front of DEC pole 33203, 426' +/- west of Bluewater Way;
 - 3. On a post in the northerly ROW of Angola Road in front of DEC pole 32204, 675' +/- west of Bluewater Way;
 - 4. On a post in the northerly ROW of Angola Road in front of DEC pole 18431, 90' +/- west of Angola Way;
 - 5. On a post in northerly ROW of Angola Road, behind a property marker for parcels 234-11.00-54.00 & 54.01;
 - 6. On a post in the northerly ROW of Angola Road in front of DEC pole 32205, 350' +/- west of Angola Way;
 - 7. On a post in the northerly ROW of Angola Road, behind a property marker for parcels 234-11.00-54.00 & 52.00.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 29th day of June A.D., 2017

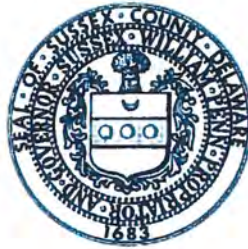

NOTARY PUBLIC

SHARON E. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on July 14, 2018

My Commission Expires _____

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

WINDING CREEK VILLAGE **PROPOSED BOUNDARY FOR OPTIMIZED WATER DISTRICT**

- ❖ 2015 Sussex County Engineering Department (SCED) received 98 petitions in favor of submitting the question of organizing a water district to referendum.
- ❖ October 13, 2015 County Council authorized SCED to proceed to with the process.
- ❖ February 13, 2016 SCED held the Public Hearing presenting preliminary cost estimates and estimated front foot assessment rates.
- ❖ Prior to the referendum date the SCED received 190 affidavits from residents of the Winding Creek Village community, representing over 50% of the parcels, in opposition to a community wide water district.
- ❖ May 3, 2016 County Council passed the Motion to discontinue steps towards creation of a community wide water district.
- ❖ Residents affected by the water quality issue formed a committee known as the Independent Owner Water Committee (IOWC).
- ❖ The IOWC sent out a survey to the community and based on the results of the survey then circulated new petitions.
- ❖ The IOWC submitted 142 notarized petitions to SCED in favor of submitting the question of organizing an optimized water district to referendum.
- ❖ SCED received (7) requests to opt-in to the boundary and (8) requests to opt-out. After review we have chosen to add (2) parcels which have requested to opt-in.
- ❖ The (2) added parcels are 234-24.00-75.00 John & Barbara Hands Trustees & 234-24.00-76.00 Kenneth & Deborah Fry



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

RESOLUTION NO. _____
DISTRICT BOUNDARIES FOR THE PROPOSED
WINDING CREEK VILLAGE WATER DISTRICT

WHEREAS, petitions were received from more than 50 legal voters of the proposed Winding Creek Village Water District requesting the Sussex County Council to submit the question of organizing a water district to a vote of electors residing in that area; the description and a map of the proposed district boundaries is attached as Exhibit "B"; and

WHEREAS, a public hearing was held on **June 15, 2017** on the question of organizing a water district dealing with the location of the boundaries of the proposed Winding Creek Village Water District as shown in **Exhibit "B"**; and

NOW, THEREFORE,

BE IT RESOLVED by the Sussex County Council that the establishment of a water district is deemed to be in the public interest and will be conducive to the preservation of the public health; and

BE IT FURTHER RESOLVED that based on requests following the Public Hearing that the area shown as **Exhibit "A"** is hereby established as the "Proposed Winding Creek Village Water District" and is more fully described as follows:

BEGINNING at a point, said point being the southwesternmost corner of lands now or formerly of (N/F) of John Jacob & Barbara Kathleen Hand, the southeasternmost corner of lands N/F of Winding Creek Village Property Owners Association and said point further described as being on the northern shoreline of Guinea Creek; thence proceeding by and with said lands of Hand in a northwesterly direction a distance of 174± feet to a point said point being the northwesternmost corner of lands of Hand, said point also being a point on the southerly ROW of Creek Drive; thence leaving said ROW and proceeding in a northwesterly direction a distance of 62± feet to a point, said point being on the northerly ROW of Creek Drive; thence proceeding by and with said ROW in a generally easterly direction a distance of 1245± feet to a point; said point being the northeasternmost corner of lands N/F of Carol M & Donald L. McElwee, said point also being the southeasternmost corner of lands N/F of Dodd K. & Wendy T. Watson; thence proceeding by and with said lands of Watson in a westerly direction a distance of 219± feet to a point; said point being the southwesternmost corner of said lands; thence

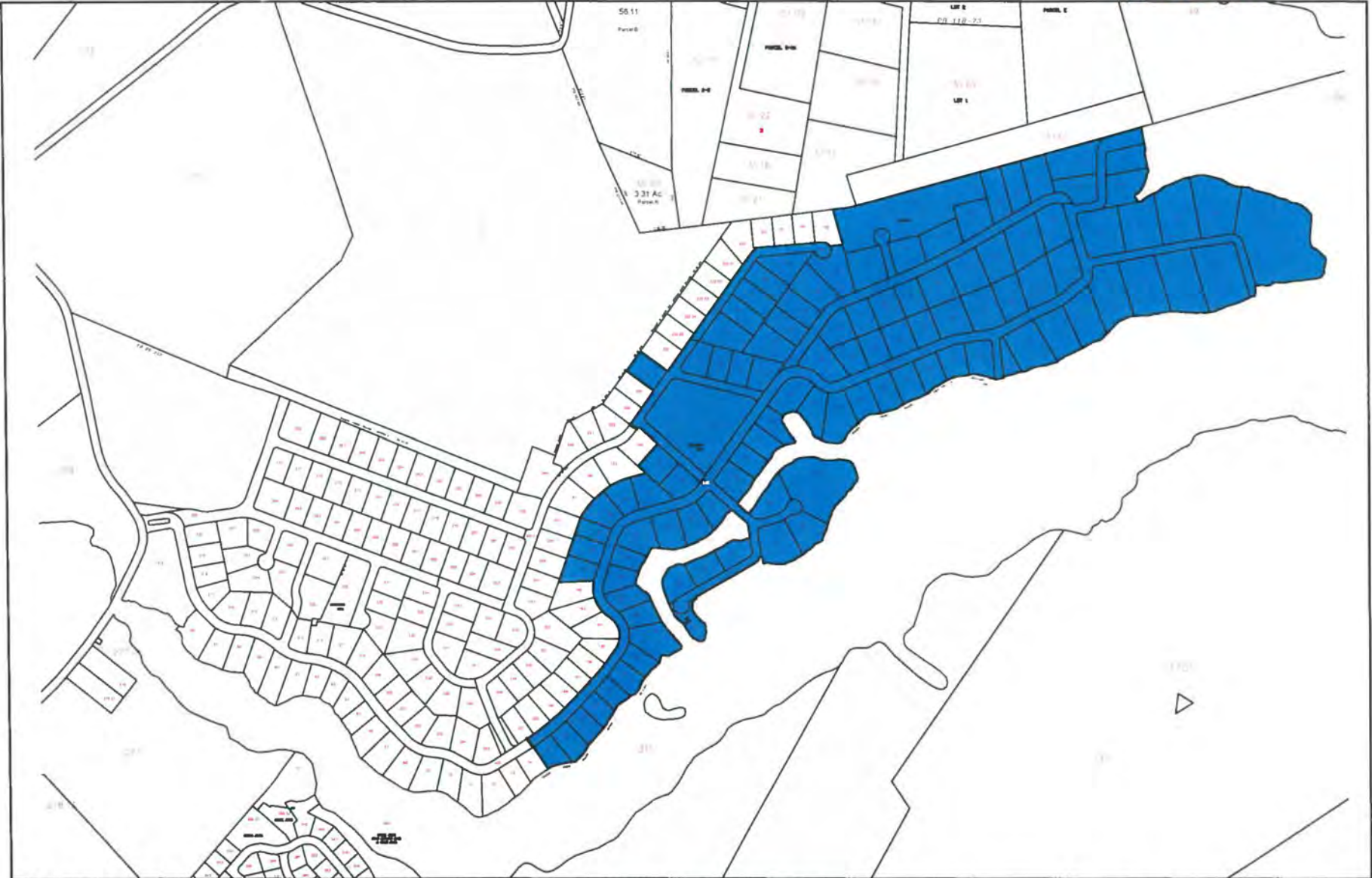
proceeding by and with the rear property line of lands facing Creek Drive a distance of 890± feet to a point, said point being the northeasternmost corner of lands N/F of Richard J & Valery J. Cordrey Trustee, said point also being on the rear property line of lands N/F of Alan B. & Mary Elizabeth R. Campbell; thence proceeding by and with said lands of Campbell in a northwesterly direction 64± feet and northeasterly 200± feet to a point, said point being the northeasternmost corner of said lands of Campbell, said point also being the southeasternmost corner of lands N/F of Charles H. & Lois S. Wood; thence proceeding by and with said lands of Wood in a generally northwesterly direction a distance of 165± feet to a point, said point being on the southerly ROW of Pond Road; thence leaving said ROW and proceeding in a northwesterly direction a distance of 50± feet to a point, said point being on the northerly ROW of Pond Road; thence proceeding by and with said ROW in a northeasterly direction a distance of 250± feet to a point, said point being the southeasternmost corner of lands N/F of Friedrich G. & Elsbeth Hoefflin Wahl; thence leaving said ROW and proceeding by and with said lands of Wahl in the following distances and directions northwesterly 200±, northeasterly 150± and southeasterly 175± feet to a point, said point being on the northerly ROW of Pond Road; thence proceeding by and with said ROW in a northeasterly direction a distance of 1373± feet to a point, said point being the northwesternmost corner of lands N/F of Patricia Rivituso, thence by and with said lands of Rivituso 63.8± feet to a point, said point being the northeasternmost corner of said lands and a point on the westernmost property line of lands N/F of Winding Creek Village Home Owners Association (WCVHOA); thence proceeding by and with said WCVHOA lands in a northwesterly and northeasterly directions respectively a distance of 1146± feet to a point, said point being the northeasternmost corner of said lands of WCVHOA and a point on the southerly property line of lands N/F of Baywood, LLC; thence proceeding by and with said lands of Baywood in a northeasterly direction a distance of 1,013± feet to a point, said point being on the northerly ROW of Creek Drive, said point also being on the northern shoreline of Guinea Creek, thence by and with said shoreline in a southerly then southwesterly direction to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map Nos. 234-18.00, 234-23.00, & 234-24.00.

The proposed Winding Creek Village Water District is within these approximate boundaries containing 126 acres more or less.

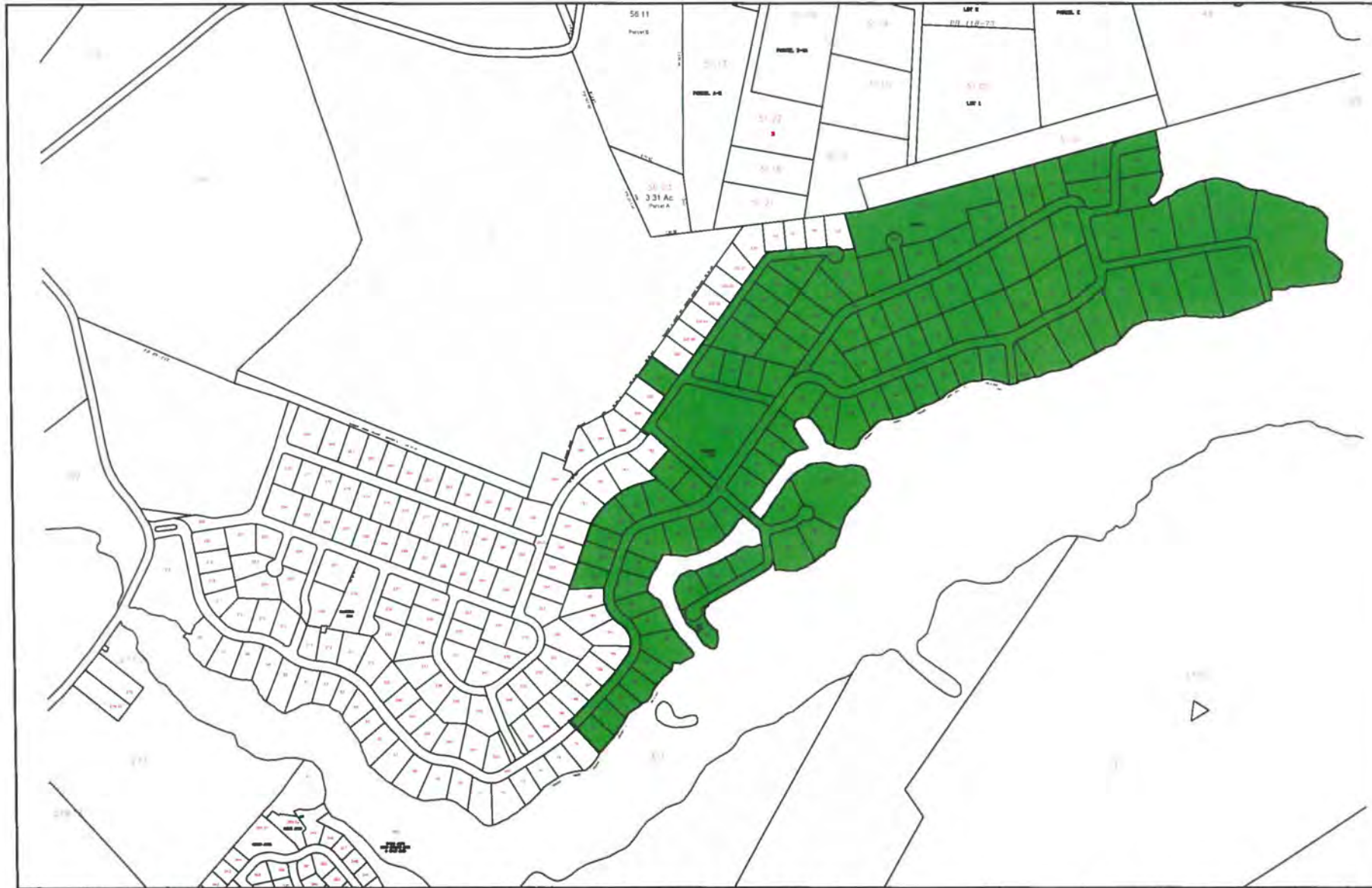
BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware

EXHIBIT "A"



	<p>SUSSEX COUNTY ENGINEERING DEPARTMENT WINDING CREEK VILLAGE PROPOSED BOUNDARY FOR OPTIMIZED WATER DISTRICT</p>	<p>SUSSEX COUNTY ENGINEER HANS MEDLARZ, P.E. DATE: 6/16/17</p>	<p>SHEET 1 OF 1</p>
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EXHIBIT 'B'



**SUSSEX COUNTY ENGINEERING DEPARTMENT
WINDING CREEK VILLAGE
PROPOSED BOUNDARY FOR OPTIMIZED WATER DISTRICT**

SUSSEX COUNTY ENGINEER
HANS MEDLARZ, P.E.
DATE: 6/15/17

SHEET
1 OF 1

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR
(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

FROM: Gina A. Jennings
Finance Director

RE: **MILLSBORO FIRE COMPANY BOND ISSUANCE**

DATE: July 12, 2017

On Tuesday, the Millsboro Fire Company would like to issue up to \$500,000 in tax-exempt bonds or notes to purchase a rescue truck. In order to obtain tax-exempt financing, the debt must be approved by the applicable governmental unit with which the fire company has entered into an agreement to provide firefighting services. This agreement is entered through an adopted resolution after a public hearing.

These bonds shall be an obligation of the fire company and shall never be a debt of the County. The County shall not be liable for any payment on the debt incurred by the Millsboro Fire Company. The County's approval of the issuance of bonds or notes by the Millsboro Fire Company will have no fiscal impact on the County.

Attached is the resolution and agreement for your consideration.

Please let me know if you have any questions.

Attachments



RESOLUTION NO. _____

**RESOLUTION APPROVING AGREEMENT TO PROVIDE FIREFIGHTING
SERVICES AND APPROVING ISSUANCE
OF CERTAIN BONDS OR NOTES BY THE
MILLSBORO FIRE COMPANY**

WHEREAS, the Millsboro Fire Company (the "Fire Company") is a fire company organized and existing under the laws of the State of Delaware; and

WHEREAS, the Fire Company has provided and continues to provide firefighting services to an area within Sussex County, Delaware (the "County") and the Fire Company and the County would like to formalize such arrangement by entering into the Agreement to Provide Firefighting Services which is attached hereto as Exhibit A; and

WHEREAS, the Fire Company has advised the County Council of Sussex County, Delaware (the "Council") that the Fire Company proposes to issue up to \$500,000.00 of bonds or notes of the Fire Company (the "Bonds") to (1) to finance the acquisition costs of one (1) 2017 Emergency One Rescue Truck that will be housed in the Fire Company's fire house located at 109 E. State St., Millsboro, Delaware 19966 (the "Fire House"); and (2) pay issuance costs associated therewith (collectively, the "Project"); and

WHEREAS, it is the intent of the Fire Company that the interest on the Bonds qualify for exclusion from gross income of the owners thereof for federal income tax purposes pursuant to Sections 103 and 150 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, pursuant to Sections 103 and 147 of the Code, interest on the Bonds will not qualify for exclusion from gross income of the owners thereof for federal income tax purposes unless the issuance of the Bonds is approved by the applicable elected representative of a governmental unit with which the Fire Company has entered into an agreement, after a public hearing to consider the issuance of the Bonds has been conducted, following reasonable public notice; and

WHEREAS, the Fire Company hereby resolves and declares its intent under Treasury Regulation §1.150-2 to use tax-exempt bonds to finance the capital costs of the Project, subject to the following conditions:

1. The maximum principal amount of the tax-exempt bonds expected to be issued to finance the Project is \$500,000.00.
2. Pending issuance of the tax-exempt bonds, the Fire Company may finance the Project with other funds which will be reimbursed with the proceeds of the tax-exempt bonds, provided that (a) with respect to the Project, the tax-exempt bonds shall not be used to reimburse any expenditure for the Project paid more than 60 days prior

to the date of adoption of this Resolution (b) the tax-exempt bonds shall not be issued more than 18 months after the later of (i) the date of the original expenditure to be reimbursed with the proceeds of the tax-exempt bonds, or (ii) the date the Project is placed in service; and (c) in no event may the tax-exempt bonds be issued more than three years after the date of the original expenditure to be reimbursed with the proceeds of the tax-exempt bonds; and provided further that the limitations of this paragraph 2 shall not apply to qualified "preliminary expenditures" as permitted by Treasury Regulation §1.150-2(f)(2) " , or to a de minimis amount not to exceed the lesser of \$100,000 or 5% of the proceeds of the tax-exempt bonds, in accordance with Treasury Regulation §1.150-2(f)(1)."

3. Issuance of the tax-exempt bonds shall be subject to documentation acceptable to the Fire Company providing for the tax-exempt bonds to be payable from the payments by the Fire Company.

WHEREAS, the County and the Fire Company entered into an Agreement dated the date hereof (the "Agreement") pursuant to which the Fire Company agreed, among other things, to provide exclusive firefighting services to the area of the County described therein and such agreement remains in effect as of the date hereof; and

WHEREAS, notice of the requisite public hearing was published on June 28, 2017 in the *Delaware State News*, a newspaper of general circulation in the County and on June 23, 2017 in the *News Journal*, a newspaper of general circulation in the County;

WHEREAS, on July 18, 2017 the Council conducted a public hearing on behalf of the Fire Company for the purpose of considering the issuance of the Bonds.

[Remainder of Page Intentionally Left Blank]

NOW THEREFORE BE IT RESOLVED THAT, the County Council of Sussex County, for the sole purpose of qualifying the interest payable on the Bonds of the Fire Company for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to Section 103 of the Code, does hereby approve the issuance of bonds or notes by the Fire Company in a maximum aggregate principal amount of up to \$500,000.00 for the purpose of financing a portion of the costs of the Project, provided, that such financing closes in calendar year 2017, and that such bonds or notes shall be an obligation of the Fire Company and shall never be a debt of the County and the County shall not be liable for any payment on such bonds or notes.

Adopted by Sussex County Council on
_____, 2017

President of Sussex County Council

SYNOPSIS: This Resolution approves of the issuance by the Millsboro Fire Company of up to \$500,000.00 of its bonds or notes to finance the acquisition costs of one (1) 2017 Emergency One Rescue Truck that will be housed in the Fire Company's fire house located at 109 E. State St., Millsboro, Delaware 19966; and pay costs of issuance of the bonds.

FISCAL NOTE: The bonds and notes of the Fire Company will be debt of the Fire Company and not of the County. The County's approval of the issuance by the Fire Company of bonds or notes of the Fire Company will have no fiscal impact on the County.

(Exhibit A)

**AGREEMENT BETWEEN SUSSEX COUNTY, DELAWARE AND MILLSBORO FIRE
COMPANY TO FURNISH FIREFIGHTING SERVICES**

THIS AGREEMENT made this 18th day of July, 2017 by and between Sussex County, Delaware, a county and political subdivision of the State of Delaware (the “County”) and the Millsboro Fire Company (the “Fire Company”), a non-profit corporation of the State of Delaware.

WHEREAS, the Fire Company has provided fire protection and prevention services to the portion of the County as currently regulated by the State Fire Prevention Commission (the “Area”), and

WHEREAS, the County and the Fire Company both desire to continue in this relationship, and

WHEREAS, the Fire Company desires to borrow funds to finance the purchase of new rescue truck, and

WHEREAS, under Section 150 of the Internal Revenue Code in order for the borrowing to be accorded favorable federal income tax treatment, the Fire Company must have a written agreement with the County to furnish firefighting services to the Area.

NOW THEREFORE, in consideration of their mutual promises and obligations, the parties thereto, intending to be legally bound, hereby agree as follows:

1. The Fire Company shall continue to provide and furnish fire protection, fire prevention and firefighting services to the Area from the date of this Agreement on a volunteer basis.

2. The County shall continue to allow the Fire Company to provide and furnish volunteer fire protection, fire prevention and firefighting services to and within the Area from this date.

3. The County acknowledges that the Fire Company is the exclusive firefighting entity for the Area established pursuant to State of Delaware ("State") law by the State Fire Prevention Commission and shall not enter into a written agreement with any other person or entity for the provision of firefighting services to or within the Area except in compliance with mutual aid agreements with the Fire Company or in compliance with applicable State law.

4. The parties hereto agree that the Area shall automatically change and conform if any changes are required thereto pursuant to 16 Del.C. § 6607.

5. The parties hereto acknowledge that 16 Del.C. § 6607 vests in the State Fire Prevention Commission the power and the authority to determine whether any new fire companies or substations shall be authorized in the State, to prohibit the suspension of fire protection services in the State, to confirm the established geographical boundaries of areas served by all existing fire companies in the State and to resolve boundary disputes between or among such fire companies in the State. Notwithstanding anything in this Agreement to the contrary, the County is not hereby assuming any power, authority or responsibility with respect to any of the aforementioned powers or authority of the State Fire Prevention Commission.

6. The provisions of this Agreement shall be binding on the successors of the parties hereto.

7. The rights, privileges and obligations of the parties hereto shall not be assignable.

8. This Agreement shall not be nor be implied to be a waiver of any limitation of the liability of the Fire Company or the County as provided by statute or otherwise.

9. This Agreement shall continue in effect for a period of ten (10) years from the date hereof. Thereafter, it shall continue on a year to year basis unless and until terminated by either party in writing delivered to the other party at least thirty (30) days before the expiration of that current term.

10. The Fire Company hereby agrees to defend, indemnify and save the County and its officers, employees and agents harmless from and against, all liabilities, losses, damages, costs and expenses (including reasonable attorney fees), causes of action, suits, claims, demands and judgments of any nature arising from or in connection with its entry into this Agreement or in connection with the Fire Company's issuance of its "tax exempt" notes or bonds under the Internal Revenue Code (including, but not limited to, the Fire Company's issuance of up to \$500,000.00 of its notes or bonds, the proceeds of which will be used (i) to finance the acquisition costs of one (1) 2017 Emergency One Rescue Truck that will be housed in the Fire Company's fire house located at 109 E. State St., Millsboro, Delaware 19966; and (ii) pay the costs of issuance of the bond or note.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands and seals the day and year first above written.

SUSSEX COUNTY, DELAWARE

By _____
President of County Council

Attest: (SEAL)

Clerk of Council

Approved as to form

By: _____
County Attorney

MILLSBORO FIRE COMPANY

By _____
President

Attest: (CORPORATE SEAL)

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



Sussex County
DELAWARE
sussexcountye.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: July 12, 2017

RE: County Council Report for Ordinance for Commercial Zoning Districts

The Planning and Zoning Commission held a public hearing on June 22, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES I, X, XIA, XX, XXI, XXIII, XXV AND XXVII BY AMENDING SECTIONS 115-4, 115-5, 115-75, 115-83.10, 115-156, 115-195.4, 115-159.5, 115-161.1, 115-170.1, 115-180, 115-194.1, AND 115-218, AND BY CREATING NEW ARTICLES XA, XB, XIB, XIC, XID, XIE, AND XIF AND ADDING NEW SECTIONS 115-75.1 THROUGH 115-75.13 AND 115-83.11 THROUGH 115-83.46 TO CREATE A NEW “B-2 BUSINESS COMMUNITY” DISTRICT; “B-3 BUSINESS RESEARCH” DISTRICT; “C-2 MEDIUM COMMERCIAL” DISTRICT; “C-3 HEAVY COMMERCIAL” DISTRICT; “C-4, PLANNED COMMERCIAL” DISTRICT; “C-5, SERVICE/LIMITED MANUFACTURING” DISTRICT, AND “I-1, INSTITUTIONAL” DISTRICT; AND TO CLOSE THE CR-1 AND B-1 DISTRICTS.

The Commission found that Kyle Gulbranson and George Bendler with AECOM were present on behalf of the Ordinance Amendment; that Mr. Gulbranson presented a PowerPoint presentation that will be attached as part of the minutes; that Mr. Gulbranson indicated that this is an amendment to create 7 new zoning categories and close 3 of the existing commercial zones (B-1, CR-1 and UB); that C-1 is already a closed zone; that the purpose to provide more predictability when Change of Zone applications are submitted; that some of the new districts have a minimum and maximum lot size; that the B-3 (Business Community) is a professional office district; that the I-1 is an Institutional District that would allow schools, hospitals, governmental buildings, etc.; and that C-4 is similar to an RPC as it is a change of zone with site plan review.

The Commission found that Dennis Schrader had concerns about drafting issues; that he had concerns about parking and it being identified as special use exception or a variance which goes to the Board of Adjustment; that he suggest to combine all of that into one and it go before Planning and Zoning Commission; that he had concerns with the lack of conditional uses; that he didn't see a prevision for mix uses; that he had a concern with the pyramid effect for uses; that there were some issues with buildings verses structures; that he was confused with the difference between public



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verses private; that he had a concern about farming as a use; and that he has concerns with the time of adoption and suggested an effective date of one (1) year.

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

Motion by Mr. Ross, seconded by Mr. Hudson, and carried unanimously to defer action. Motion carried 5-0

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES I, X, XIA, XX, XXI, XXIII, XXV AND XXVII BY AMENDING SECTIONS 115-4, 115-5, 115-75, 115-83.10, 115-156, 115-195.4, 115-159.5, 115-161.1, 115-170.1, 115-180, 115-194.1, AND 115-218, AND BY CREATING NEW ARTICLES XA, XB, XIB, XIC, XID, XIE, AND XIF AND ADDING NEW SECTIONS 115-75.1 THROUGH 115-75.13 AND 115-83.11 THROUGH 115-83.46 TO CREATE A NEW “B-2 BUSINESS COMMUNITY” DISTRICT; “B-3 BUSINESS RESEARCH” DISTRICT; “C-2 MEDIUM COMMERCIAL” DISTRICT; “C-3 HEAVY COMMERCIAL” DISTRICT; “C-4, PLANNED COMMERCIAL” DISTRICT; “C-5, SERVICE/LIMITED MANUFACTURING” DISTRICT, AND “I-1, INSTITUTIONAL” DISTRICT; AND TO CLOSE THE CR-1 AND B-1 DISTRICTS.

WHEREAS, Sussex County Council has found that the current County Code provisions for Commercial and Business Zoning Districts can be overly broad, with a wide variety of permitted uses in each; and

WHEREAS, in many prior zoning applications, one of the primary concerns of County Council and the public has been the uncertainty about what may actually be constructed on a site rezoned to CR-1 or B-1, since the application is not use-specific and may change; and

WHEREAS, Sussex County Council desires to create more specific zoning districts with smaller, more related uses within each District to promote better planning and predictability within Sussex County; and

WHEREAS, Sussex County has engaged the services of a land use planning consultant to study current and potential future zoning categories to determine the best way to consider amending the Zoning Code to create more specific commercial and business zoning districts; and

WHEREAS, it is necessary to establish that the current CR-1, Commercial Residential, and B-1, Neighborhood Business Districts shall become “Closed Districts”; and

WHEREAS, this amendment will not affect lands currently zoned C-1, General Commercial, CR-1, Commercial Residential, or B-1, Neighborhood Business, which will remain as they are currently zoned, with all of the permitted uses allowed therein; and

WHEREAS, these amendments will promote the public health, safety and welfare of Sussex County, its residents, visitors and businesses.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 115, Article I, §115-4.B “Definitions and Word Usage” is hereby amended by inserting the italicized and underlined language in alphabetical order within the Section as follows:

§115-4 Definitions and Word Usage.

...

B. General definitions. For the purpose of this chapter, certain terms and words are hereby defined as follows:

ACRE

A measurement of land area equivalent to approximately 43,560 square feet

ADJACENT

Physically touching or bordering upon; sharing a common boundary, but not overlapping.

...

ALCOHOLIC BEVERAGE SALES

The retail sale of beer, wine, or other alcoholic beverages for on- or off-premises consumption in compliance with the The Office of the Delaware Alcoholic Beverage Control Commissioner (OABCC).

ANIMAL HOSPITAL

A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

...

APPLICANT

Any individual submitting a plan for development under the provisions of this ordinance.

...

AVERAGE DAILY TRAFFIC (ADT)

The total volume of traffic during a given time period in whole days greater than one day and less than one year, divided by the number of days in that time period.

...

BED & BREAKFAST

A lodging place with no more than 6 guest rooms, or suites of rooms, available for temporary occupancy, whose owner resides at the facility, and where meals are available only to guests at the facility.

...

BREWERY

Establishments that are primarily a brewery, which produce more than 15,000 barrels per year. A regional (small) brewery typically has an annual beer production of between 15,000 and 6,000,000 barrels. A large brewery typically has an annual beer production of more than 6,000,000 barrels.

BREW/ DISTILLING PUB

An establishment in which beer or liquor is manufactured on the premises of the licensed establishment, limited to restaurants owned or leased by the pub applicant; and where alcohol is manufactured in the establishment, and is sold for on-premises consumption, in conjunction with the service of complete meals.

...

BULK REQUIREMENTS

A term used in this chapter to describe the size and shape of a building or structure and its relationship to other buildings, to the lot area for a building and yards. See: 115 Attachment 1.

CLINIC, MEDICAL

A building or portion thereof designed for, constructed or under construction or alteration for or used by two or more physicians, surgeons, dentists, psychiatrists, physiotherapists or practitioners in related specialties or a combination of persons in these professions, but not including lodging of patients overnight

CLUB INDOOR, PRIVATE

Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose but not primarily for profit which insures to any individual and not primarily to render a service which is customarily looked on as a business. *For outdoor private recreational clubs See: Recreational Facility, Private*

...

COLLECTOR STREET

A street which is intended to collect traffic from the minor streets within a neighborhood or a portion thereof and to distribute such traffic to major thoroughfares.

...

COMMUNICATION TOWER

The antenna(e), antenna support structure, wireless communications equipment building, parking and/or other structures, building, cabinets and equipment involved in receiving or transmitting wireless communications or radio signals.

COMMUNITY CENTER

A building used for recreational, social, educational, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

CONDITIONS OF APPROVAL

Conditions, placed on the final approval of an applicant's plan, that are both consistent with the Guidelines for Development Review and do not allow for the denial of a plan that is consistent with the objectives of the Guidelines for Development Review and appropriate uses and intensities of use set forth in this Ordinance.

130
131 ...
132
133 [CONVALESCENT HOME

134 A building where regular nursing care is provided for more than one person not a member of the
135 family which resides on the premises.]

136
137 CONVENIENCE STORE

138 Any retail establishment offering for sale prepackaged food products, household items,
139 newspapers, and prepared foods usually for off-site consumption.

140
141 FUEL STATION

142 An accessory use for the retail dispensing or sales of vehicular fuels consisting of fuel
143 pumps.

144
145 [DAY-CARE CENTER (Day Nurseries Or Child-Care Center).

146 A center which provides care or instruction for more than six children and operates on a regular
147 basis, excepting those defined under a home occupation as a "family day-care home."

148
149 CHILD CARE (as per Delaware Code)

150 FAMILY CHILD CARE HOMES

151 Child care in a private home for one to six children preschool-age or younger and one to
152 three school-age children.

153
154 LARGE FAMILY CHILD CARE HOMES

155 Child care in a private home or commercial (non-residential) setting for seven to twelve
156 children preschool-age or younger and one or two school-age children.

157
158 EARLY CARE AND EDUCATION AND SCHOOL-AGE CENTERS

159 Child care in a commercial (non-residential) setting for thirteen or more children (includes
160 day care centers, nursery schools, preschools, and before/after school care).

161
162 RESIDENTIAL CHILD CARE FACILITIES AND DAY TREATMENT PROGRAMS services
163 for children with behavioral dysfunctions; developmental, emotional, mental or physical
164 impairments; and/or chemical dependencies.

165
166 CHILD PLACING AGENCIES

167 Adoption and foster care services.

168
169 ...
170
171 DISTILLERY

172 A facility that distills alcoholic beverages or spirits and may include the intake of grains, fruits,
173 sugars or other products, their fermentation, distilling, aging, and bottling. Products may
174 include liquors, liqueurs, brandies, etc. Such facilities may include a tasting room or retail
175 space to sell the products to patrons on site.

...

DISTRICT, COMMERCIAL

Any district designated in these regulations as a business or commercial district or special commercial district [under Article II, IX, X or XI] of this chapter or containing the word "business" or "commercial" in its title.

...

DISTRIBUTION CENTER

An establishment that distributes and stores goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

DWELLING, MULTI-FAMILY CONVERTED

A structure converted from a single family dwelling unit into a multifamily dwelling unit.

...

EASEMENT

Authorization by a property owner for another to use the owner's property for a specified purpose.

EDUCATIONAL INSTITUTION

Any school, educational institution or training institution, however designated, which offers a program of college, professional, preparatory, high school, junior high school, middle school, elementary school, kindergarten, or nursery school jurisdiction, or any combination thereof, or any other program of trade, technical or artistic instruction.

SERVICE [FILLING] STATION

Any building, structure or land used for the sale, at retail, of motor vehicle fuels, lubricants or accessories or for the servicing of automobiles or repairing of automobiles or repairing of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or spray painting.

FITNESS CENTER

A private health, athletic or recreational club facility that provides fitness services including, but not limited to gymnasiums (except public), weight training facilities, aerobic floors, tennis/racquetball courts, swimming pools, and similar athletic facilities, with full service amenities including but not limited to showers, lockers, baths and saunas.

...

FUNERAL HOME

A building or part thereof used for human funeral services, including chapels, embalming, autopsies, storage of caskets, funeral urns and other related funeral supplies, and the storage of funeral vehicles, but does not include facilities for cremation.

GARAGE, COMMERCIAL

A deck, building, structure, or part thereof, used for the parking and storage of vehicles for a commercial application.

...

GREEN

A civic space for passive recreation, spatially defined by landscaping rather than buildings.

...

GREENHOUSE, COMMERCIAL

A structure in which plants, vegetables, flowers, and similar materials are grown for sale.

GREENWAY

An open space corridor in largely natural conditions which may include trails for bicycles and pedestrians.

GROUP HOME

A residential facility licensed or approved by a state agency serving three to ten developmentally disabled persons on a 24 hour per day basis pursuant to 16 Del. C. 1101 and must meet minimum acceptable standards for living conditions and supports.

...

HOSPITAL

A building or group of buildings having room facilities for overnight patients, used for providing services for the inpatient medical or surgical care of sick or injured humans and which may include related facilities, central service facilities and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operations. *This use Requires a license issued under DE Code, Title 16, Chapter 10, Sec. 1003; but does not include sanatoriums, rest homes, nursing homes or boarding homes.*

...

MAJOR ARTERIAL ROADWAYS

Those roadways in the unincorporated areas of Sussex County or subject to the zoning regulation of Sussex County, Delaware, which because of the traffic patterns of Sussex County operate at capacity and which are designated as follows:

A. Delaware Route 1 from the Kent County line to the Worcester County, Maryland, line.

B. U.S. Route 113 from the Kent County line to the Worcester County, Maryland, line.

C. U.S. Route 13 from the Kent County line to the Wicomico County, Maryland, line.

D. Delaware Route 404 from the Caroline County, Maryland, line to its intersection with Delaware Route 18.

E. Delaware Route 18 from its intersection with Delaware Route 404 to its intersection with U.S. Route 113.

F. U.S. Route 9 from its intersection with U.S. Route 13 to its intersection with Delaware Route 1.

G. U.S. Route 9 from its intersection with Delaware Route 1 to the southwesterly town limit of the Town of Lewes.

...

MANUFACTURING

Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

(a) Manufacturing includes all mechanical or chemical transformations regardless of whether the new product is finished or semi-finished as a raw material for further processing.

(b) The processing of farm products grown on a farm is not manufacturing, but rather, an accessory use to farming operations.

MARINE CONTRACTING

Development, redevelopment or renovation development in or adjacent to a water body, including but not limited to any original construction or extension, modification or alteration of any dock, seawall, retaining wall, pier, finger pier, dolphin, bulkhead, dock house, boat house or boat lift.

...

MATERIAL STORAGE YARD

An outdoor area where vehicles, equipment, merchandise, raw materials, or other items are accumulated and stored for an indefinite period until needed. Storage yards are often used in conjunction with a warehouse, storage buildings, sheds or other structures and may be public or private. Unless a function of a government agency or public utility, storage yards are considered accessory to a business or other principal use.

...

NURSING & SIMILAR CARE FACILITIES

A facility that offers any of the following types of care or services and including, but not limited to, facilities regulated by the State Department of Health and Social Services:

ASSISTED LIVING FACILITY

Residences for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication and may provide other services such as recreational activities, financial services, and transportation.

312 EXTENDED CARE FACILITY

313 A long-term facility or distinct part of a facility licensed or approved as a nursing home,
314 infirmity unit of a home for the aged, or a governmental medical institution.

315
316 GRADUATE CARE FACILITY

317 Contains elements of elderly independent living, assisted living and nursing homes.
318 Residents can take advantage of the full range of services available and the ease of
319 transfer to a different type of facility as his or condition and needs change without
320 needing to look for a new facility, relocate or adapt to a new setting. The resident may
321 begin in the independent living residences, move to assisted living as he or she needs help
322 with activities of daily living, and eventually move to the nursing home as ongoing care
323 becomes necessary.

324
325 INDEPENDENT CARE FACILITY

326 A residential development of detached single family dwelling units or townhouse dwelling
327 units restricted to individuals or families in which all residents are older adults. Such
328 development may contain compatible commercial elements.

329
330 INTERMEDIATE CARE FACILITY

331 A facility that provides, on a regular basis, personal care, including dressing and eating
332 and health-related care and services, to individuals who require such assistance but who
333 do not require the degree of care and treatment that a hospital or skilled nursing facility
334 provides.

335
336 LONG-TERM CARE FACILITY

337 An institution or a distinct part of an institution that is licensed or approved to provide
338 health care under medical supervision for 24 or more consecutive hours.

339
340 OTHER

341 Including family care homes, group homes, intermediate care facilities for persons with
342 mental retardation, neighborhood group homes, family care homes, and rest residential
343 facilities.

344
345 OFFICE

346 A room or group of rooms used for conducting the affairs of a business, profession, service,
347 industry, or government and generally furnished with desks, tables, files, and communications
348 equipment.

349
350 . . .

351
352 PARKING STRUCTURE

353 A parking structure is a building containing two or more stories of parking.

354
355 PATH

A pedestrian way traversing open space or rural area, with landscape consistent with the preservation of ecological functions of the open space, ideally connecting directly with the sidewalk network.

PHARMACY

A building or structure that is intended to provide prescribed or non-prescribed medication along with medical equipment and other items that can be used for improving health and quality of life.

...

PLACE OF WORSHIP

A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

...

PUBLIC BUILDING

A building, owned or leased, occupied, and used by an agency or political subdivision of the federal, state, county, or municipal government. VERIFY FOR CONSISTENCY- SEE HEIGHT LIMIT

PUBLIC SAFETY FACILITY

A building or structure used for the provision of public safety services, such as police protection, fire protection, emergency medical service, and rescue operations.

PUBLIC UTILITY SERVICE

The generation, transmission, and/or distribution of electricity, gas, steam, communications, and water; the collection and treatment of sewage and solid waste; and the provision of mass transit to the public.

PUBLIC UTILITY SERVICE FACILITY

Any use or structure associated with the provision of utility services.

PUBLIC UTILITY SERVICE LINES

The system of lines, pipes, wires, or tracks that distributes, transmits, or provides a utility service. This includes equipment that is incidental and necessary to the lines and that is located on the lines.

PUBLIC WATER AND SEWER SYSTEM

Any system, other than an individual septic tank, tile field, or individual well, that is operated by the a governmental agency, a public utility, or a private individual or corporation licensed by the appropriate State agency, for the collection, treatment, and disposal of wastes and the furnishing of potable water.

RECREATION FACILITY

A place designed and equipped for the conduct of sports and leisure-time activities.

RECREATION FACILITY, COMMERCIAL

A recreation facility operated as a business and open to the public for a fee.

RECREATION FACILITY, PERSONAL

A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

RECREATION FACILITY, PRIVATE

A recreation facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.

RECREATION FACILITY, GOVERNMENT

A recreation facility owned, or operated by a government organization

...

RESTAURANT

A restaurant includes the following:

a) Establishments where food and drink are prepared, served, and sold primarily for consumption within the principal building.

(b) Establishments where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside of the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

RETAIL FOOD ESTABLISHMENT

Establishments selling food or beverages for consumption off premises either immediately or with further preparation. Such establishments may include, but not be limited to, grocery store, bakery, candy store, butcher, delicatessen, convenience store, and similar establishments.

RETAIL SALES

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Characteristics of such uses include:

(a) Usually a business place engaged in activity to attract the general public to buy.

(b) Buys and receives as well as sells merchandise.

(c) May process or manufacture some of its products—a jeweler or a bakery—but processing is secondary to principal use.

(d) Generally sells to customers for personal or household use.

...

SELF-STORAGE FACILITY

A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on an individual basis for varying amounts of time.

SERVICES, COMMERCIAL

Establishments primarily engaged in providing assistance, as opposed to products, to individuals, businesses, industry, government, and other enterprises, including hotels and other lodging places; personal, business, repair, and amusement services; health, legal, engineering, and other professional services; educational services; membership organizations; and other miscellaneous services.

SERVICES, BUSINESS

Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

SERVICES, PERSONAL

Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

SERVICES, ENTERTAINMENT

Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including bowling alleys, miniature golf, indoor amusements, motion pictures, amusement and recreation services, museums, and galleries.

...

SHOPPING CENTER

A group of commercial establishments planned, constructed and managed as a total entity in accordance with an approved plan, with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage.

...

SURGICAL CENTER

A facility where outpatients come for simple surgical procedures and are not lodged overnight.

...

USE

The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

USE, PRINCIPAL OR PRIMARY

The primary or predominant use of any lot or parcel.

USE, SECONDARY

Secondary to principal use of any lot or parcel. **WAREHOUSE**

A building used primarily for the storage of goods and materials.

...

WHOLESALE ESTABLISHMENT

For the purposes of this chapter, a wholesale establishment is a wholesale warehouse type of retail store establishment.

WHOLESALE TRADE

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

...

WINERY

A facility where wine is manufactured and packaged. Such facilities may include a tasting room or retail space to sell the products to patrons for on-site or off-site consumption.

Section 2. The Code of Sussex County, Chapter 115, Article I, §115-5 “Districts Established” is hereby amended by inserting the italicized and underlined language therein as follows:

§ 115-5. District established.

In order to regulate and restrict the location and use of buildings and land for trade, industry, residence and other purposes and to regulate and restrict the location, height and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces and the density of population, the following zoning districts are hereby established:

A. Residential districts:

AR-1 Agricultural Residential District

AR-2 Agricultural Residential District

MR Medium-Density Residential District

GR General Residential District

HR-1 High-Density Residential District

HR-2 High-Density Residential District

UR Urban Residential District

RPC Residential Planned Community District

VRP Vacation-Retirement-Residential-Park District

534 B. Business and commercial districts:
535 UB Urban Business District
536 B-1 Neighborhood Business District
537 C-1 General Commercial District
538 CR-1 Commercial Residential District
539 B-2 Business Community District
540 B-3 Business Research District
541 C-2 Medium Commercial District
542 C-3 Heavy Commercial District
543 C-4 Planned Commercial District
544 C-5 Service/ Limited Manufacturing District
545 I-1 Institutional District

546 C. Industrial districts:
547 M Marine District
548 LI-1 Limited Industrial District
549 LI-2 Light Industrial District
550 HI-1 Heavy Industrial District
551 D. Flood-prone districts:
552 FP Coastal Floodplain
553 HA Coastal High-Hazard Area
554 FW Floodway
555 FF Floodway Fringe
556

557 **Section 3.** The Code of Sussex County, Chapter 115, Article X, §115-75 “Reference to
558 additional regulations” is hereby amended by re-labeling the existing language as subsection
559 “A.” and adding a new subsection “B” thereafter as follows:

560 **§115-75 Reference to additional regulations.**

561 A. The regulations contained in this article are supplemented or modified by regulations
562 contained in other articles of this chapter, especially the following:
563 Article I, § 115-4, Definitions and word usage
564 Article XXI, Signs
565 Article XXII, Off-Street Parking
566 Article XXIII, Off-Street Loading
567 Article XXV, Supplementary Regulations
568 Article XXVII, Board of Adjustment
569

570 B. Closed district. As of _____, the B-1 Neighborhood Business District shall be
571 considered a closed district and shall not be applied to any additional lands in Sussex County.
572 The district and its various provisions and regulations shall continue to exist as they apply to a B-
573 1 District established under the procedures of this chapter.
574
575

Section 4. The Code of Sussex County, Chapter 115, is hereby amended by inserting a new Article XA “B-2 Business Community” immediately after Article X “B-1 Neighborhood Business” as follows:

§115-75.1. Purpose.

The purpose of this district is to provide primarily for office, retail shopping and personal service uses, to be developed either as a unit or on individual parcel, to serve the needs of a relatively small area, primarily nearby rural, low-density or medium density residential neighborhoods. To enhance the general character of the district and its compatibility with its residential surroundings, signs are limited to those accessory to businesses conducted on the premises, and the number, area and type of signs are limited.

§115-75.2. Permitted uses.

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

AGRICULTURE-RELATED USES

Greenhouse, commercial

Seasonal Sales of Products/temporary Removable Stands (6 months out of the year)

Wholesale, retail, nurseries for sale of products produced on site

RESIDENTIAL USES

Bed and Breakfast

Boarding House

Home-based business

Hotel, motel or motor lodge

SALES & RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT

Convenience Store

Convenience Store, Fuel Station (less than 6 pumps)

Retail food establishments 7,500 square feet or less

Retail sales establishments 7,500 square feet or less

Pharmacy or related uses 12,000 square feet or less

Restaurant 7,500 square feet or less

Brew Pub 7,500 square feet or less

OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS

Business service establishments

Bank

Professional Offices

Personal service establishments

Entertainment establishments 7,500 square feet or less

Social service establishments

MULTIPLE USE PARCELS

Multiple use development less than 4 business units

MANUFACTURING, ASSEMBLING, PROCESSING

Winery, Brewery or Distillery under 7500 sqft

EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC

SOCIAL, FRATERNAL

Recreational facility, commercial indoor

Club, indoor, such as clubs, lodges, and other annual membership clubs

Educational institutions, public and private

Places of worship

INSTITUTIONAL, RESIDENCE CARE, CONFINEMENT

& MEDICAL FACILITIES

Family day-care center (1-6 children)

Large family child care homes (7-12 children)

Early care and education and school-age centers (13+ children)

Residential child care facilities and day treatment programs

Child placing agencies

Medical clinic

Assisted living facility

Extended care facility

Intermediate care facility

Long-term care facility

Surgical Center

Fitness/wellness center

Museums, non-profit art galleries

Community centers

STORAGE AND PARKING

Self storage facility

Warehouse

PUBLIC, SEMI-PUBLIC UTILITIES, EMERGENCY

Government facilities and services

Parks and open space

Public safety facilities including fire, police, rescue and national security

Utility service facilities

Recreational facility, government

NOT GROUPED ELSEWHERE

Cemeteries

Funeral home

Animal hospital and veterinary clinics

B. Where, in the judgment of the Commission, a use is not specifically referenced but is similar to those listed as permitted, it may be permitted by approval of the Commission.

§115-75.3 Permitted Secondary Uses.

Permitted secondary uses are as follows:

Apartment above commercial or office uses

Garage, public or commercial parking

§115-75.4 Special Use Exceptions.

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

A. Exceptions to parking and loading requirements, as follows:

(1) Off street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article XXII, where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would be best served by permitting such parking off the premises.

(2) Waiver or reduction of the parking and loading requirement in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.

(3) Waiver or reduction of loading space requirements where adequate community loading facilities are provided.

(4) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area where construction of existing buildings, problems of access or size of lot make impractical the provision of required loading space.

B. Other special use exceptions as follows:

Any temporary removable vendor stand for the sale of food, agricultural products or other food-related goods that is not a permitted use under the provisions of § 115-69; provided, however, that the use shall not operate until the owner presents the Director of Planning and Zoning with evidence of a current State of Delaware business license. Upon approval and submission of the business license, the Director shall issue a Sussex County Vendor Stand sticker in a form established by the Director. This sticker shall be visible on the stand at all times.

§ 115-75.5 Permitted signs.

See Article XXI, §§ 115-159.4 for signs permitted in the B-2 District and other regulations relating to signs.

§ 115-75.6 Height, area and bulk requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

<u>Use</u>	<u>Minimum Area**</u> <u>(square feet)</u>	<u>Maximum Area**</u> <u>(square feet)</u>	<u>Width*</u> <u>(feet)</u>	<u>Depth</u> <u>(feet)</u>
<u>Permitted Uses</u>	<u>3,000</u>	<u>3 acres</u>	<u>30</u>	<u>100</u>

*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

****NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.**

B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

<u>Use</u>	<u>Depth of Front Yard (feet)</u>	<u>Width of Side Yard (feet)</u>	<u>Depth of Rear Yard (feet)</u>
<u>Permitted Uses</u>	<u>10</u>	<u>2</u>	<u>5</u>

C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

<u>Use</u>	<u>Maximum Floor Area (square feet)</u>
<u>Permitted Uses</u>	<u>30,000</u>

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

<u>Use</u>	<u>Feet</u>
<u>Permitted Uses</u>	<u>42</u>

§ 115-75.7 Reference to additional regulations.

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

Article I, § 115-4, Definitions and word usage

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

Section 5. The Code of Sussex County, Chapter 115, is hereby amended by inserting a new Article XB “B-3 Business Research” immediately after Article X “B-1 Neighborhood Business” and the new Article XA “B-2 Business Community” as follows:

§ 115-75.8 Purpose.

The purpose of this district to provide locations for a range of business research and business park uses, including office and administrative uses, designed to be conducted wholly within enclosed buildings.

745 § 115-75.9 Permitted Uses.

746
747 A. A building or land shall be used only for the following purposes:

748 AGRICULTURE-RELATED USES

749 Bio Tech campus

750 Biotech Industry

751
752 SALES & RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT

753 Wholesale trade establishment

754 Brewpub 7,500 square feet or less

755
756 OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE AND SIMILAR
757 ENTERPRISES NOT PRIMARILY RELATED TO GOODS

758 Business service establishment

759 Banks

760 Professional offices

761 Personal service establishments

762 Entertainment establishments

763 Social service establishments

764
765 MULTIPLE USE PARCELS

766 Development requiring shared internal roads

767 Multiple use development less than 4 business units

768 Multiple use development more than 4 business units

769
770
771 EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC
772 SOCIAL, FRATERNAL

773 Places of worship

774
775 INSTITUTIONAL, RESIDENCE, CARE,
776 CONFINEMENT AND MEDICAL FACILITIES

777 Residential child care facilities and day treatment programs

778
779 STORAGE AND PARKING

780 Distribution center

781 Garage, commercial or parking

782 Government facilities and services, local

783 Government facilities and services, non-local

784 Parks and open space

785 Public safety facilities including ambulance, fire, police, rescue and national security

786 Recreational facility, government

787
788
789 B. Where, in the judgment of the Commission, a use is not specifically referenced but is
790 similar to those listed as permitted, it may be permitted by approval of the Commission.

C. 50% of the floor area may be for a limited number of auxiliary commercial uses that typically support the office use. Restaurants are permitted as a stand-alone use.

§115-75.10 Permitted Secondary Uses.

Permitted secondary uses are as follows:

Retail food establishments

Retail sales establishments 7,500 square feet or less

Pharmacy or related uses, 35,000 square feet or less

Supermarkets

Restaurants 7,500 square feet or less

Brew pub, 7,500 square feet or less (WHAT IS THIS ACCESSORY TO)

Manufacturing

Family child day care center (1-6 children)

Large family child care homes (7-12 children)

Early care and education and school age centers (13+ children)

Child placing agencies

Medical clinic

Motor vehicle washes

§115-75.11 Special Use Exceptions.

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

A. Exceptions to parking and loading requirements, as follows:

(1) Off street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article XXII, where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would be best served by permitting such parking off the premises.

(2) Waiver or reduction of the parking and loading requirement in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.

(3) Waiver or reduction of loading space requirements where adequate community loading facilities are provided.

(4) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area where construction of existing buildings, problems of access or size of lot make impractical the provision of required loading space.

B. Other special use exceptions as follows:

Any temporary removable vendor stand for the sale of food, agricultural products or other food-related goods that is not a permitted use under the provisions of § 115-69; provided, however, that the use shall not operate until the owner presents the Director of Planning and Zoning with evidence of a current State of Delaware business license. Upon approval and submission of the

business license, the Director shall issue a Sussex County Vendor Stand sticker in a form established by the Director. This sticker shall be visible on the stand at all times.

§ 115-75.12 Permitted signs.

See Article XXI, §§ 115-159.4 for signs permitted in the B-3 District and other regulations relating to signs.

§ 115-75.13 Height, area and bulk requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

<u>Use</u>	<u>Minimum Area**</u> <u>(square feet)</u>	<u>Maximum Area**</u> <u>(square feet)</u>	<u>Width*</u> <u>(feet)</u>	<u>Depth</u> <u>(feet)</u>
<u>Permitted Uses</u>	<u>--</u>	<u>--</u>	<u>75</u>	<u>100</u>
<u>Multifamily-type structure</u>	<u>(See Table II, included at the end of this chapter.)</u>			

**NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.*

***NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.*

B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

<u>Use</u>	<u>Depth of Front Yard</u> <u>(feet)</u>	<u>Width of Side Yard</u> <u>(feet)</u>	<u>Depth of Rear Yard</u> <u>(feet)</u>
<u>Permitted Uses</u>	<u>40</u>	<u>10</u>	<u>10</u>

C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

<u>Use</u>	<u>Maximum Floor Area</u> <u>(square feet)</u>
<u>Permitted Uses</u>	<u>--</u>

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

<u>Use</u>	<u>Feet</u>
<u>Permitted Uses</u>	<u>42</u>

§ 115-75.13 Reference to additional regulations.

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

Article I, § 115-4, Definitions and word usage

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

Section 6. The Code of Sussex County, Chapter 115, Article XIA, §115-83.10 “Reference to additional regulations” is hereby amended by re-labeling the existing language as subsection “A.” and adding a new subsection “B” thereafter as follows:

§115-83.10 Reference to additional regulations.

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

Article I, § 115-4, Definitions and word usage

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

B. Closed district. As of _____, the CR-1 Commercial Residential District shall be considered a closed district and shall not be applied to any additional lands in Sussex County. The district and its various provisions and regulations shall continue to exist as they apply to a CR-1 District established under the procedures of this chapter.

Section 7. The Code of Sussex County, Chapter 115, is hereby amended by inserting a new Article XIB “C-2 Medium Commercial” immediately after Article XIA “CR-1 Commercial Residential District” as follows:

§115-83.11 Purpose.

This District supports uses that include retail sales and performance of consumer services. It permits a variety of retail, professional and services businesses. The district shall be primarily located near arterial and collector streets. It accommodates community commercial uses that do not have outside storage or sales.

§115-83.12 Permitted uses:

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

RESIDENTIAL USES

Boarding house or bed and breakfast with 10 rooms or less for rent

Hotel, motel or motor lodge

SALES AND RENTAL OF GOODS,

912 MERCHANDISE AND EQUIPMENT
913 Convenience store, fuel station (less than 6 pumps)
914 Retail food establishments 7,500 square feet or less
915 Retail sales establishments 35,000 square feet or less
916 Pharmacy or related uses 35,000 square feet or less
917 Supermarkets
918 Restaurants
919 Brew Pubs
920 Wholesale trade establishments
921 OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE
922 AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS
923 Business service establishments
924 Banks
925 Professional offices
926 Personal service establishments
927 Entertainment establishments
928 Social service establishments
929
930
931 MULTIPLE USE PARCELS
932 Multiple use development less than 4 business units
933
934 MANUFACTURING, ASSEMBLING, PROCESSING
935 Winery, brewery or distillery under 7500 sqft
936
937 EDUCATIONAL, CULTURAL, RELIGIOUS
938 PHILANTHROPIC, SOCIAL, FRATERNAL
939 Recreational facility (indoor and outdoor)
940 Club indoor, private, such as clubs, lodges, and other annual membership clubs
941 Places of worship
942
943 INSTITUTIONAL, RESIDENCE, CARE
944 CONFINEMENT AND MEDICAL FACILITIES
945 Family day care center (1-6 children)
946 Large family child care homes (7-2 children)
947 Early care and education and school age centers (13+ children)
948 Residential child care facilities and day treatment programs
949 Child placing agencies
950 Medical clinics
951 Independent care facility
952 Assisted living facility
953 Extended care facility
954 Intermediate care facility
955 Long term care facility
956 Fitness/wellness center
957 Museums, non-profit art galleries

Community centers

STORAGE AND PARKING

Self-storage facility

Warehouse

PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY

Government facilities and services

Parks and open spaces

Public safety facilities including ambulance, fire, police, rescue and national security

Utility service facilities

Recreational facilities, public

NOT GROUPED ELSEWHERE

Funeral home

Animal hospital and veterinary clinics

B. Where, in the judgment of the Commission, a use is not specifically referenced but is similar to those listed as permitted, it may be permitted by approval of the Commission.

C. No outside storage or sales are permitted in this district.

§115-83.13 Permitted Secondary Uses.

Permitted secondary uses are as follows:

Garage, public or commercial parking

§115-83.14 Special Use Exceptions.

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

A. Exceptions to parking and loading requirements, as follows:

(1) Off street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article XXII, where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would be best served by permitting such parking off the premises.

(2) Waiver or reduction of the parking and loading requirement in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.

(3) Waiver or reduction of loading space requirements where adequate community loading facilities are provided.

(4) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area where construction of existing buildings, problems of access or size of lot make impractical the provision of required loading space.

B. Other special use exceptions as follows:

Any temporary removable vendor stand for the sale of food, agricultural products or other food-related goods that is not a permitted use under the provisions of § 115-69; provided, however, that the use shall not operate until the owner presents the Director of Planning and Zoning with evidence of a current State of Delaware business license. Upon approval and submission of the business license, the Director shall issue a Sussex County Vendor Stand sticker in a form established by the Director. This sticker shall be visible on the stand at all times.

§ 115-83.15 Permitted signs.

See Article XXI, §§ 115-159.5 for signs permitted in the C-2 District and other regulations relating to signs.

§ 115-83.16 Height, area and bulk requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

<u>Use</u>	<u>Minimum Area** (square feet)</u>	<u>Maximum Area** (square feet)</u>	<u>Width* (feet)</u>	<u>Depth (feet)</u>
<u>All Permitted</u>	<u>15,000</u>	<u>--</u>	<u>75</u>	<u>100</u>

*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

**NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.

B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

<u>Use</u>	<u>Depth of Front Yard (feet)</u>	<u>Width of Side Yard (feet)</u>	<u>Depth of Rear Yard (feet)</u>
<u>All Permitted</u>	<u>60</u>	<u>5</u>	<u>5</u>

C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

Use Maximum Floor Area
(square feet)

All Permitted 75,000

1038 D. Maximum height requirement. Maximum height requirements shall be as follows:

1039

Use Feet

All Permitted 42

1040

1041 **§ 115-83.17 Reference to additional regulations.**

1042 The regulations contained in this article are supplemented or modified by regulations contained
1043 in other articles of this chapter, especially the following:

1044 Article I, § 115-4, Definitions and word usage

1045 Article XXI, Signs

1046 Article XXII, Off-Street Parking

1047 Article XXIII, Off-Street Loading

1048 Article XXV, Supplementary Regulations

1049 Article XXVII, Board of Adjustment

1050

1051 **Section 8.** The Code of Sussex County, Chapter 115, is hereby amended by inserting a new
1052 Article XIC “C-3 Heavy Commercial” immediately after Article XIA “CR-1 Commercial
1053 Residential District” and new Article XIB “C-2 Medium Commercial” as follows:

1054 **§115-83.18 Purpose.**

1055 This district is generally intended for larger scale auto-oriented retail and service businesses
1056 along major arterial roads that serve local and regional residents as well as the travelling
1057 public. In addition to most commercial uses found in this zone, automobile, truck, recreational
1058 vehicle and boat sales, rental and major repair facilities may also be located in this district.

1059 **§115-83.19 Permitted uses.**

1060 A. A building or land shall only be used for the following purposes:

1061 AGRICULTURE-RELATED USES

1062 Greenhouse, commercial

1063 Wholesale, retail nurseries for sale of products produced on site.

1064

1065 RESIDENTIAL USES

1066 Hotel, motel or motor lodge

1067

1068 SALES & RENTAL OF GOODS,

1069 MERCHANDISE AND EQUIPMENT

1070 Convenience store, fuel station

1071 Retail food establishments

1072 Retail sales establishments

1073 Pharmacy or related use

1074 Supermarkets

1075	<u>Restaurants</u>
1076	<u>Brew pubs</u>
1077	<u>Wholesale trade establishment</u>
1078	
1079	<u>OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE</u>
1080	<u>AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS</u>
1081	<u>Business service establishments</u>
1082	<u>Banks</u>
1083	<u>Professional offices</u>
1084	<u>Personal service establishments</u>
1085	<u>Entertainment establishments</u>
1086	<u>Social service establishments</u>
1087	
1088	<u>MULTIPLE USE PARCELS</u>
1089	<u>Development requiring shared internal streets</u>
1090	<u>Multiple use development less than 4 business units</u>
1091	<u>Multiple use development more than 4 business units</u>
1092	
1093	<u>MANUFACTURING, ASSEMBLING, PROCESSING</u>
1094	<u>Winery, brewery or distillery under 7500 sqft</u>
1095	
1096	<u>EDUCATIONAL, CULTURAL, RELIGIOUS,</u>
1097	<u>PHILANTHROPIC, SOCIAL, FRATERNAL</u>
1098	<u>Recreation facility, commercial (indoor and outdoor)</u>
1099	<u>Club, indoor, such as clubs, lodges, and other annual membership clubs</u>
1100	<u>Places of worship</u>
1101	
1102	<u>INSTITUTIONAL, RESIDENCE, CARE</u>
1103	<u>CONFINEMENT & MEDICAL FACILITIES</u>
1104	<u>Family child care center (1-6 children)</u>
1105	<u>Large family child care homes (7-12 children)</u>
1106	<u>Early care and education and school-age centers (13+ children)</u>
1107	<u>Residential child care facilities and day treatment programs</u>
1108	<u>Child placing agencies</u>
1109	<u>Medical clinic</u>
1110	<u>Independent care facility</u>
1111	<u>Assisted living facility</u>
1112	<u>Extended care facility</u>
1113	<u>Intermediate care facility</u>
1114	<u>Long-term care facility</u>
1115	<u>Fitness/wellness center</u>
1116	<u>Museums, non-profit art galleries</u>
1117	<u>Community centers</u>
1118	
1119	<u>TRANSPORTATION-RELATED SALES AND SERVICE</u>
1120	<u>Motor and non-motor vehicle sales, rental repair, service and storage</u>

Motor vehicle washes

STORAGE AND PARKING

Distribution centers

Garage, public or commercial parking

Self-storage facility

PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY

Government facilities and services, local

Government facilities and services, non-local

Parks and open space

Public safety facilities including ambulance, fire, police rescue and national security

Utility service facilities

NOT GROUPED ELSEWHERE

Communication towers

Recreational facilities public

Commercial kennels, provided that no open runs, kennels or cages are located within 200 feet of land that is used or zoned residential and 50 feet from a property line

Animal hospital or veterinary clinic

B. Where, in the judgment of the Commission, a use is not specifically referenced but is similar to those listed as permitted, it may be permitted by approval of the Commission.

§115-83.20 Permitted Secondary Uses.

Permitted secondary uses are as follows:

Apartment above commercial or office uses

§115-83.21 Special Use Exceptions.

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

A. Exceptions to parking and loading requirements, as follows:

(1) Off street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article XXII, where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would be best served by permitting such parking off the premises.

(2) Waiver or reduction of the parking and loading requirement in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.

(3) Waiver or reduction of loading space requirements where adequate community loading facilities are provided.

(4) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area where construction of existing buildings, problems of access or size of lot make impractical the provision of required loading space.

B. Other special use exceptions as follows:

Off-premises signs, subject to the provisions of § 115-81A(2)

Any temporary removable vendor stand for the sale of food, agricultural products or other food-related goods that is not a permitted use under the provisions of § 115-69; provided, however, that the use shall not operate until the owner presents the Director of Planning and Zoning with evidence of a current State of Delaware business license. Upon approval and submission of the business license, the Director shall issue a Sussex County Vendor Stand sticker in a form established by the Director. This sticker shall be visible on the stand at all times.

§ 115-83.22 Permitted signs.

See Article XXI, §§ 115-159.5 for signs permitted in the C-3 District and other regulations relating to signs.

§ 115-83.23 Height, area and bulk requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

<u>Use</u>	<u>Minimum Area** (square feet)</u>	<u>Maximum Area** (square feet)</u>	<u>Width* (feet)</u>	<u>Depth (feet)</u>
<u>Other</u>	<u>1 acre</u>	<u>--</u>	<u>75</u>	<u>100</u>

*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

**NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.

B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

<u>Use</u>	<u>Depth of Front Yard (feet)</u>	<u>Width of Side Yard (feet)</u>	<u>Depth of Rear Yard (feet)</u>
<u>Permitted Use</u>	<u>60</u>	<u>5</u>	<u>5</u>

C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

<u>Use</u>	<u>Maximum Floor Area (square feet)</u>
<u>Permitted Use</u>	<u>150,000</u>

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

<u>Use</u>	<u>Feet</u>
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<u>Permitted Use</u>	<u>42</u>
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§ 115-83.24 Reference to additional regulations.

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

Article I, § 115-4, Definitions and word usage

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

Section 9. The Code of Sussex County, Chapter 115, is hereby amended by inserting a new Article XID “C-4 Planned Commercial” immediately after Article XIA “CR-1 Commercial Residential District” and new Article XIB “C-2 Medium Commercial” and Article XIC “C-3 Heavy Commercial” as follows:

§ 115-83.25 Purpose.

In order to encourage carefully planned large-scale commercial, retail, and mixed use developments as a means of creating a superior shopping, working and living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan.

§ 115-83.26 Minimum district requirements.

A. The land area shall have access to an existing or planned arterial or collector road;

B. The land area shall be served by adequate existing or planned infrastructure;

C. The land areas may contain a single parcel or multiple parcels;

D. The land need not be under single ownership, provided that proper assurances are given, through the procedures contained in this section or elsewhere in these regulations, that the project can be successfully completed and maintained.

E. The parcel may have a maximum of 20% of its development be, duplexes, townhouse, or multifamily dwellings.

F. Site plan review requirements.

(1) Applying the Planned Commercial District will be permitted only in accordance with a development plan, which is approved by the County Council in accordance with the requirements and procedures contained in this section.

(2) The development plan shall display the requirements identified in § 115-220, Preliminary site plan requirements. The development plan shall also include:

[a] Land use plan or plans showing location and arrangement of all proposed land uses, heights of buildings, setbacks and side yards, proposed internal and

external traffic circulation (including widths, driveways and access), pedestrian circulation, proposed open space dedications and easements.

[b] General landscaping and screening plan showing general types, location and design of landscaping and screening.

[c] A tabular summary of percentage of site devoted to buildings, open space, streets and parking areas, and total floor area of all nonresidential structures.

[e] Plan showing proposed generalized parking arrangements.

[d] Architectural sketches of typical proposed structures and typical landscaping and screening areas.

[f] A plan or report indicating the extent, timing and estimate costs of all off-site improvements such as roads, sewer and drainage facilities necessary to the construction of the planned development. Such plan or report shall relate to the sequence of development.

[g] A report or plan showing the adequacy of public facilities and services such as water, sewer drainage, streets and roads to serve the proposed development.

[h] General plan for sedimentation and erosion control and stormwater management.

(3) Upon approval of the Preliminary Plan, the applicant shall submit the final plans displaying the requirements identified in § 115-221, Final site plan requirements.

(4) To further the intent of the district to provide an integrated master plan setting for uses in the Planned Commercial Development District shall be designed in accordance with the following:

[a] Designed as an integrated and comprehensively planned area and using a common parking area, shared ingress and egress, pedestrian walkways, open space, stormwater management facilities and water and wastewater utilities.

[b] Internal access streets should be provided to serve uses in a (Large Scale Retail). Individual access points for individual uses onto an existing collector or arterial roadway shall not be permitted.

[c] The landscaping plan provides a continuous landscape pattern throughout the entire site. An overall landscape plan for the entire site shall be provided that provides for this continuity but also allows for flexibility as specific buildings and accessory uses are located within the site.

[d] To the maximum extent feasible, any provision of utilities, including but not limited to water, wastewater, storm drainage and stormwater management facilities shall be provided in a coordinated fashion to address the ultimate needs of the entire site.

§115-83.27 Permitted uses.

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

RESIDENTIAL USES duplexes

townhouse

multifamily dwellings.

Hotel, motel or motor lodge

1285	<u>SALES & RENTAL OF GOODS,</u>
1286	<u>MERCHANDISE AND EQUIPMENT</u>
1287	<u>Retail food establishments</u>
1288	<u>Social service establishments</u>
1289	<u>Retail sales establishments</u>
1290	<u>Pharmacy or related use</u>
1291	<u>Supermarkets</u>
1292	<u>Restaurants</u>
1293	<u>Brew Pub</u>
1294	<u>Wholesale trade establishment</u>
1295	
1296	<u>OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE</u>
1297	<u>AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS</u>
1298	<u>Business service establishments</u>
1299	<u>Banks</u>
1300	<u>Professional offices</u>
1301	<u>Personal service establishments</u>
1302	<u>Entertainment establishments</u>
1303	<u>Social service establishments</u>
1304	
1305	
1306	<u>MULTIPLE USE PARCELS</u>
1307	<u>Development requiring shared internal streets</u>
1308	<u>Multiple use development less than 4 business units</u>
1309	<u>Multiple use development more than 4 business units</u>
1310	<u>Tenting Area</u>
1311	<u>Exposition center or fair ground</u>
1312	
1313	
1314	
1315	<u>EDUCATIONAL, CULTURAL, RELIGIOUS,</u>
1316	<u>PHILANTHROPIC, SOCIAL, FRATERNAL</u>
1317	<u>Recreational facility, private, public or commercial, indoor or outdoor</u>
1318	<u>Places of worship</u>
1319	
1320	<u>INSTITUTIONAL, RESIDENCE, CARE</u>
1321	<u>CONFINEMENT AND MEDICAL FACILITIES</u>
1322	<u>Family child day care center (1-6 children)</u>
1323	<u>Large family child care homes (7-12 children)</u>
1324	<u>Early care and education and school-age child centers (13+ children)</u>
1325	<u>Residential child care facilities and day treatment programs</u>
1326	<u>Child placement agencies</u>
1327	<u>Medical clinics</u>
1328	<u>Independent care facility</u>
1329	<u>Assisted living facility</u>
1330	<u>Extended care facility</u>

Intermediate care facility
Long-term care facility
Fitness/wellness center
Museums, non-profit art galleries
Community centers

TRANSPORTATION-RELATED SALES AND SERVICE

Motor and non-motor vehicle sales, rental repair, service and storage
Motor vehicle washes

STORAGE AND PARKING

Garage, public or commercial parking
Warehouses

PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY

Government facilities and services, local
Government facilities and services, non-local
Parks and open space
Public safety facilities including ambulance, fire, police rescue and national security
Utility service facilities

B. Where, in the judgment of the Commission, a use is not specifically referenced but is similar to those listed as permitted, it may be permitted by approval of the Commission.

§115-83.28 Permitted secondary Uses.

Permitted secondary uses are as follows:
Apartment above commercial or office uses
Self storage facilities
Communications towers

§115-83.29 Special Use Exceptions.

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

A. Exceptions to parking and loading requirements, as follows:

(1) Off street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article XXII, where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would be best served by permitting such parking off the premises.

(2) Waiver or reduction of the parking and loading requirement in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.

(3) Waiver or reduction of loading space requirements where adequate community loading facilities are provided.

(4) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area where construction of existing buildings, problems of access or size of lot make impractical the provision of required loading space.

B. Other special use exceptions as follows:

Off-premises signs, subject to the provisions of § 115-81A(2)

Any temporary removable vendor stand for the sale of food, agricultural products or other food-related goods that is not a permitted use under the provisions of § 115-69; provided, however, that the use shall not operate until the owner presents the Director of Planning and Zoning with evidence of a current State of Delaware business license. Upon approval and submission of the business license, the Director shall issue a Sussex County Vendor Stand sticker in a form established by the Director. This sticker shall be visible on the stand at all times.

§ 115-83.30 Permitted signs.

See Article XXI, §§ 115-159.5 for signs permitted in the C-4 District and other regulations relating to signs.

§ 115-83.31 Height, area and bulk requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

<u>Use</u>	<u>Minimum Area** (square feet)</u>	<u>Maximum Area** (square feet)</u>	<u>Width* (feet)</u>	<u>Depth (feet)</u>
<u>Permitted Uses</u>	<u>3 acres</u>	<u>--</u>	<u>75</u>	<u>100</u>

*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

**NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.

B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

<u>Use</u>	<u>Depth of Front Yard (feet)</u>	<u>Width of Side Yard (feet)</u>	<u>Depth of Rear Yard (feet)</u>
<u>Permitted Uses</u>	<u>60</u>	<u>5</u>	<u>5</u>
<u>Multifamily-type structure</u>	<u>(See Table II, included at the end of this chapter.)</u>		

C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

Use Maximum Floor Area
(square feet)

Permitted Uses --

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

Use Feet

Permitted Uses 42

§ 115-83.32 Reference to additional regulations.

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

Article I, § 115-4, Definitions and word usage

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

Section 10. The Code of Sussex County, Chapter 115, is hereby amended by inserting a new Article XIE “C-5 Service/Limited Manufacturing” immediately after Article XIA “CR-1 Commercial Residential District” and new Article XIB “C-2 Medium Commercial”, Article XIC “C-3 Heavy Commercial” and Article XID “C-4 Planned Commercial” as follows:

§ 115-83.33 Purpose.

The Service/Limited Manufacturing District is designed to maintain and facilitate the growth and expansion of small scale light industrial, wholesale distribution and personal service. Use permitted in this district must have a retail component.

§ 115-83.34 Permitted uses.

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

AGRICULTURE-RELATED USES

Agriculture-related businesses

Aquaculture

Greenhouse, commercial

SALES & RENTAL OF GOODS

MERCHANDISE AND EQUIPMENT

Wholesale, retail, nurseries for sale of products produced on site

Wholesale trade establishments

OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE

AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS

Business service establishments

Professional offices

Personal service establishments

Entertainment establishments

MANUFACTURING, ASSEMBLING, PROCESSING

Winery, brewery or distillery

Manufacturing

Material Storage Yard, with on-site mulching, pulping or manufacturing of material

EDUCATIONAL, CULTURAL, RELIGIOUS,

PHILANTHROPIC, SOCIAL FRATERNAL

Places of worship

TRANSPORTATION-RELATED SALES & SERVICE

Motor and non-motor vehicle sales, rental repair, service and storage

Motor vehicle washes

STORAGE AND PARKING

Distribution centers

Garage, public or commercial parking

Warehouse

PUBLIC, SEMI-PUBLIC, UTILITIES, EMERGENCY

Government facilities and services, local and non-local

Parks and open space

Public safety facilities including ambulance, fire, police, rescue and national security

Utility service facilities

Recreational facility, government

NOT GROUPED ELSEWHERE

Commercial kennels, provided that no open pens, runs, kennels or cages are located within 200 feet of land that is used or zoned residential and 50 feet from any property line.

115-83.35 Permitted Secondary Uses.

Permitted secondary uses are as follows:

Seasonal sales of products/temporary removable stands (6 months out of the year)

Retail food establishments

Retail sales establishments 3,500 square feet or less

Restaurants 3,500 square feet or less

Communication towers

§115-83.36 Special Use Exceptions.

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

Exceptions to parking and loading requirements, as follows:

(1) Off street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article XXII, where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would be best served by permitting such parking off the premises.

(2) Waiver or reduction of the parking and loading requirement in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.

(3) Waiver or reduction of loading space requirements where adequate community loading facilities are provided.

(4) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area where construction of existing buildings, problems of access or size of lot make impractical the provision of required loading space.

Off-premises signs, subject to the provisions of § 115-81A(2)

§ 115-83.37 Permitted signs.

See Article XXI, §§ 115-159.5 for signs permitted in the C-5 District and other regulations relating to signs.

§ 115-83.38 Height, area and bulk requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

<u>Use</u>	<u>Minimum Area** (square feet)</u>	<u>Maximum Area** (square feet)</u>	<u>Width* (feet)</u>	<u>Depth (feet)</u>
<u>Permitted Uses</u>	<u>15,000</u>	<u>--</u>	<u>75</u>	<u>100</u>

*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

**NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.

B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

<u>Use</u>	<u>Depth of Front Yard (feet)</u>	<u>Width of Side Yard (feet)</u>	<u>Depth of Rear Yard (feet)</u>
------------	---------------------------------------	--------------------------------------	--------------------------------------

Permitted Uses 60 10 10

C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

<u>Permitted Uses</u>	<u>Maximum Floor Area</u> <u>(square feet)</u>
<u>Other</u>	<u>50,000</u>

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

<u>Use</u>	<u>Feet</u>
<u>Permitted Uses</u>	<u>42</u>

§ 115-83.39 Reference to additional regulations.

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

Article I, § 115-4, Definitions and word usage

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

Section 11. The Code of Sussex County, Chapter 115, is hereby amended by inserting a new Article XIF “I-1 Institutional” immediately after Article XIA “CR-1 Commercial Residential District” and new Article XIB “C-2 Medium Commercial”, Article XIC “C-3 Heavy Commercial”, Article XID “C-4 Planned Commercial” and “C-5 Service/Limited Manufacturing” as follows:

§ 115-83.40 Purpose.

The purpose of this district is to recognize the public, quasi-public, and institutional nature of particular parcels of land and provide standards and guidelines for their continued use and future development; and to ensure that the public, quasi-public, and institutional structures and developments in the district will be compatible with surrounding districts and uses.

§ 115-83.41. Permitted uses.

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

Bio tech campus

Bio tech industry

Social service establishments

Places of worship

Early care and education and school-age centers (13+ children)

Residential child care facilities and day treatment programs

Hospitals

Medical clinics

Independent care facilities
Assisted living facilities
Intermediate care facilities
Extended care facilities
Long term care facilities
Graduate care facilities
Surgical center
Private schools, charter schools
Garage, public or commercial parking
Government facilities and services
Parks and open spaces
Public safety facilities including ambulance, fire, police, rescue and national security
Utility service facilities
Recreational facilities, public
Cemeteries
Funeral homes
Animal hospitals and veterinary clinics

B. Where, in the judgment of the Commission, a use is not specifically referenced but is similar to those listed as permitted; it may be permitted by approval of the Commission.

115-83.42 Permitted Secondary Uses.

Permitted secondary uses are as follows:

Greenhouses, commercial
Seasonal sales of products/temporary removable stands (6 months out of the year)
Family child care center (1-6 children)
Large family child care homes (7-12 children)
Child placing agencies

§ 115-83.43 Special use exceptions.

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

Exceptions to parking and loading requirements, as follows:

(1) Off street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article XXII, where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would best be served by permitting such parking off the premises.

(2) Waiver or reduction of the parking and loading requirements in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.

(3) Waiver or reduction of loading space requirements where adequate community loading facilities are provided.

(4) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area where construction of existing buildings, problems of access or size of lot make impractical the provision of required loading space.

§ 115-83.44 Permitted signs.

See Article XXI, §§ 115-159.5 for signs permitted in the I-1 District and other regulations relating to signs.

§ 115-83.45 Height, area and bulk requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

<u>Use</u>	<u>Minimum Area** (square feet)</u>	<u>Maximum Area** (square feet)</u>	<u>Width* (feet)</u>	<u>Depth (feet)</u>
<u>Permitted Uses</u>	<u>--</u>	<u>--</u>	<u>75</u>	<u>100</u>

*NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

**NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.

B. Minimum yard requirements. Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

1

<u>Use</u>	<u>Depth of Front Yard (feet)</u>	<u>Width of Side Yard (feet)</u>	<u>Depth of Rear Yard (feet)</u>
<u>Other</u>	<u>60</u>	<u>10</u>	<u>10</u>

C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

<u>Use</u>	<u>Maximum Floor Area (square feet)</u>
<u>Other</u>	<u>--</u>

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

<u>Use</u>	<u>Feet</u>
<u>Single Family Dwelling</u>	<u>42</u>
<u>Other</u>	<u>42</u>

§ 115-83.46 Reference to additional regulations.

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

Article I, § 115-4, Definitions and word usage

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

Article XXVII, Board of Adjustment

Section 12. The Code of Sussex County, Chapter 115, Article XXI, §115-156 “Tables of height, area and bulk requirements” is hereby amended by deleting the items in brackets and inserting the italicized and underlined language in subsection B. therein as follows:

§115-156 Tables of height, area and bulk requirements.

...

B. The height, area and bulk requirements for multifamily structures when permitted in the MR, GR, UR, UB, M and C-1, CR-1, C-2, C-3, C-4 and C-5 Districts (as may be applicable) shall be as set forth in Table II and in the B-1 [and CR-1], B-2 and B-3 Districts (as may be applicable) shall be as set forth in Table III.

Section 13. The Code of Sussex County, Chapter 115, Article XX, §115-159.4 “Signs permitted in B-1 Neighborhood Business Districts, M Marine Districts and UB Urban Business Districts” is hereby amended by adding “B-2 Business Community Districts” and “B-3 Business Research Districts” in the title as follows:

§115-159.4 Signs permitted in B-1 Neighborhood Business Districts, B-2 Business Community Districts, B-3 Business Research Districts, M Marine Districts and UB Urban Business Districts.

Section 14. The Code of Sussex County, Chapter 115, Article XXI, §115-159.5 “Signs permitted in C-1 General Commercial, CR-1 Commercial Residential, LI-1 Limited Industrial, and HI-1 Heavy Industrial Districts is hereby amended by adding “C-2 Medium Commercial, C-3 Heavy Commercial, C-4 Planned Commercial, C-5 Service Limited Manufacturing and I-1 Institutional” in the title, and by inserting the italicized and underlined language in subpart B. thereof as follows:

§115-159.5 Signs permitted in C-1 General Commercial, CR-1 Commercial Residential, C-2 Medium Commercial, C-3 Heavy Commercial, C-4 Planned Commercial, C-5 Service Limited Manufacturing, I-1 Institutional, LI-1 Limited Industrial, and HI-1 Heavy Industrial Districts.

...

B. Off premises signs in the C-1 General Commercial, CR-Commercial Residential, C-3 Heavy Commercial, C-4 Planned Commercial, C-5 Service Limited Manufacturing, LI-1 (Light Industrial) and HI-1 (Heavy Industrial) Districts, and only after obtaining a special use exception, pursuant to §115-80C and provided that:

....

Section 15. The Code of Sussex County, Chapter 115, Article XXI, §115-161.1 “Electronic message centers” is hereby amended by inserting the italicized and underlined language is subparts A. and B. thereof as follows:

§115-161.1 Electronic message centers.

A. On premises electronic message centers:

(1) In the B-1 (Neighborhood Business), B-2 (Business Community), B-3 (Business Research), M (Marine) and UB (Urban Business) Districts, the ground sign permitted in §115-159.4A(4) may be an on-premises electronic message center, provided that only one on-premises ground sign, whether it is a static sign or an electronic message center, is permitted per street or road frontage per parcel and that the sign area shall not exceed 200 square feet per side. In addition, the on-premises signs permitted in §115-159.4A(5) may be electronic message centers.

(2) In the C-1 (General Commercial), CR-1 (Commercial Residential), C-2 (Medium Commercial), C-3 Heavy Commercial), C-4 (Planned Commercial), C-5 (Service/Limited Manufacturing) and I-1 (Institutional) Districts, the ground sign permitted in §115-159.5A(4) may be an on-premises electronic message center, provided that only one on-premises ground sign, whether it is a static sign or an electronic message center, is permitted per street or road frontage per parcel and that the sign area shall not exceed 200 square feet per side. In addition, the on-premises signs permitted in §115-159.5A(5) may be electronic message centers.

...

B. Off-premises electronic message centers:

(1) In the C-1 (General Commercial), CR-1 (Commercial Residential), C-3 Heavy Commercial), C-4 (Planned Commercial), C-5 (Service/Limited Manufacturing), LI-1 (Limited Industrial), LI-2 (Light Industrial) and HI-1 (Heavy Industrial) Districts, an off-premises sign may be an electronic message center, provided that the owner obtains a special use exception pursuant to §115-80C and complies with the regulations for off-premises signs pursuant to §115-159.5.

....

Section 16. The Code of Sussex County, Chapter 115, Article XXIII, §115-170.1 “Screening of loading areas” is hereby amended by inserting the italicized and underlined language in the introductory paragraph as follows:

§115-170.1 Screening of loading areas.

In addition to the other requirements of this article, the following requirements relating to screening of loading areas shall apply in the large-scale uses C-1 General Commercial District, the large scale uses CR-1 Commercial Residential District, the C-3 Heavy Commercial District, the C-4 Planned Commercial District, and the C-5 Service/Limited Manufacturing District for nonresidential development.

....

Section 17. The Code of Sussex County, Chapter 115, Article XXV, §115-180 “Lot area” is hereby amended by inserting the italicized and underlined language in subsection C. therein as follows:

§115-180 Lot area.

...

C. In a C-1, CR-1, B-2, B-3, C-2, C-3, or C-4 District, an M District and a UB District, the requirements of lot area per family do not apply to rental units in a hotel, motel or motor lodge, tourist home or rooms in a rooming, boarding- or lodging house.

....

Section 18. The Code of Sussex County, Chapter 115, Article XXV, §115-194.1 “Combined Highway Corridor Overlay Zone (CHCOZ)” is hereby amended by inserting the italicized and underlined language in subsection E.(3). therein as follows:

§115-194.1 Combined Highway Corridor Overlay Zone (CHCOZ).

...

E. Minimum buffer and setback requirements.

...

(3) Setbacks and buffers will be required for all developments in the CHCOZ District in accordance with the following table:

District	Setback (feet)	Buffer (feet)
AR-1 Agricultural Residential	40	20
AR-2 Agricultural Residential	40	20
MR Medium Density Residential	40	20
GR General Residential	40	20
HR-1 High-Density Residential	60	20
HR-2 High Density Residential	60	20
B-1 Neighborhood Business	60	20
<u>B-2 Business Community</u>	<u>60</u>	<u>20</u>
<u>B-3 Business Research</u>	<u>60</u>	<u>20</u>
C-1 General Commercial	60	20

1768	CR-1 Commercial Residential	60	20
1769	<u>C-2 Medium Commercial</u>	<u>60</u>	<u>20</u>
1770	<u>C-3 Heavy Commercial</u>	<u>60</u>	<u>20</u>
1771	<u>C-4 Planned Commercial</u>	<u>60</u>	<u>20</u>
1772	<u>C-5 Service/Limited Manufacturing</u>	<u>60</u>	<u>20</u>
1773	<u>I-1 Institutional</u>	<u>60</u>	<u>20</u>
1774	M Marine	60	20
1775	LI-1 Limited Industrial	60	20
1776	LI-2 Light Industrial	60	20
1777	HI-1 Heavy Industrial	60	20
1778			

1779

1780

1781 **Section 19.** The Code of Sussex County, Chapter 115, Article XXVIII, §115-218 “Procedure for
 1782 RPC District and conditional use site plan approval” is hereby amended by inserting “C-4
 1783 Planned Commercial District” into the Title and inserting the italicized and underlined language
 1784 therein as follows:

1785 **§115-218 “Procedure for RPC District, C-4 Planned Commercial District and conditional**
 1786 **use site plan approval.**

1787 Where the provisions of this chapter require the submittal of site plans for RPC Districts, C-4
 1788 Planned Commercial Districts and conditional uses, the following schedule of procedure shall
 1789 apply:

1790 . . .

1791 F. A preliminary site plan for an RPC or a Planned Commercial District shall be valid for
 1792 the period of time set forth in §99-9B of Chapter 99, Subdivision of Land. A final site plan for
 1793 an RPC or a Planned Commercial District shall be valid for the period of time set forth in §99-
 1794 40A of Chapter 99, Subdivision of Land. An extension of these time periods may be sought in
 1795 accordance with §99-40F.

1796

1797 **Section 20.** Effective Date.

1798 This Ordinance shall take effect _____ days from the date of adoption by County
 1799 Council.

1800



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Milford Museum

PROJECT NAME: 2017 Fund Raising Campaign

FEDERAL TAX ID: 22-2453957 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 Milford Museum seeks to increase knowledge and appreciation of Milford's history through collecting, preserving and exhibiting artifacts that relate to our rich history.

ADDRESS: 121 South Walnut Street

Milford Delaware 19963
(CITY) (STATE) (ZIP)

CONTACT PERSON: Claudia Leister

TITLE: Executive Director

PHONE: 424-1080 EMAIL: claudia@milforddemuseum.org

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? \$2,500

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 checked="" type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input type="checkbox"/> Other _____ | <input checked="" type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|--|--|---|
| <input checked="" 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 ² | <input checked="" type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input type="checkbox"/> Other _____ | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
(see below)

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.

Visitation to the Milford Museum equals approximately 3,000 visitors annually. Our visitors are local, regional and international. We are proud to share Milford's history with new and old residents, and school and scout groups. Groups of adults with disabilities from KSI tour the Museum several times a month.

We currently receive some funding from the City of Milford, and grants from both Kent and Sussex County Councils, plus minimal membership dues. The amount requested will go towards the salary of our Executive Director.

- 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

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES	
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. (Put amounts in as a negative)	
<p>Annual salary for Executive Director is ~\$27,000. This request will cover approximately one month's salary. The remainder is raised through other sources.</p>	
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Milford Museum 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.**

Claudia Toister

Applicant/Authorized Official

6/23/17

Date

Gina Jennings

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

[Handwritten signature]

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.

Claudia Teister
Applicant/Authorized Official

[Signature]
Witness

Executive Director
Title

6/23/17
Date

Wilson
6/27/17



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Historic Georgetown Association, Inc.

PROJECT NAME: First Georgetown Fire House

FEDERAL TAX ID: 51-0368948 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: Historic Georgetown Association (HGA) operates 2 museums. The Georgetown Train Station and Georgetown's First Fire House. We educate visitors on our past and have offered train safety programs for our youth.

ADDRESS: 105 Spicer Street

Georgetown Delaware 19947
(CITY) (STATE) (ZIP)

CONTACT PERSON: Martin B. Donovan

TITLE: President

PHONE: 302 745 0184 EMAIL: martinbdonovan@aol.com

TOTAL FUNDING REQUEST: \$10,000.00

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

If YES, how much was received in the last 12 months? \$1,000.00

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? 17

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 ¹ | <input type="checkbox"/> Other _____ | <input checked="" type="checkbox"/> Educational |

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

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 funds will be used to add a small addition for a restroom on the Georgetown's First Fire House. Unfortunately there is not enough room to install inside of the Fire House so we must add an addition to the rear of the Fire House. We also must run water & sewer to the facility. This additional will make the Fire House a more functional facility for our community.

Total Cost	\$60,000	
USDA Grant		23,630
HGA Funds		16,026
 Funds Needed	 \$20,344	

- 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.

N/A

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	39,656.54
EXPENDITURES	
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. (Put amounts in as a negative)	
Estimate for addition to add restroom and run water & sewer	-\$ 60,000.00
TOTAL EXPENDITURES	-\$ 60,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 20,343.46

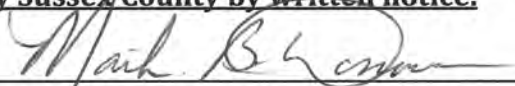
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Historic Georgetown Association, Inc. agrees that:
(Name of Organization)

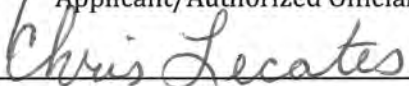
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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



Witness

6-21-17

Date

6/21/17

Date

Completed application can be submitted by:

Email: gjennings@sussexcountype.gov

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

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

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

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

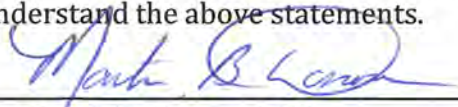
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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

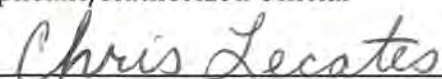
Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used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

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

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



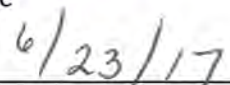
Applicant/Authorized Official



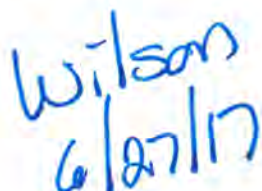
Witness



Title



Date





SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Georgetown Historical Society
PROJECT NAME: Stable Building improvements
FEDERAL TAX ID: 51-02551-41 NON-PROFIT: ☒ YES ☐ NO

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

☐ YES ☒ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: To preserve, protect and display the history of Sussex County

ADDRESS: 510 S Bedford Street

Georgetown De 19947
(CITY) (STATE) (ZIP)

CONTACT PERSON: Rosalie Walls
TITLE: Director
PHONE: 302-855-9660 EMAIL: marvelmuseum@gmail.com

TOTAL FUNDING REQUEST: 10,800

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? \$12,000

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 checked="" type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input type="checkbox"/> Other _____ | <input checked="" type="checkbox"/> Educational |

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
2-5 thousand

SECTION 3: PROGRAM SCOPE

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

This will allow us to use this stable building to house more of our collection that we presently do not have sufficient space to display and interpret to the public.

- 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

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0.00
EXPENDITURES	
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. (Put amounts in as a negative)	
	\$ 10,800.00
TOTAL EXPENDITURES	\$ 10,800.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 10,800.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Georgetown Historical Society 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

JUNE 16, 2017
Date


Witness

6-16-2017
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

887

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.

Rosalie B. Walls
Applicant/Authorized Official

Joan D. Messick
Witness

DIRECTOR
Title

JUNE 16, 2017
Date

Wilson
6/27/17



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **CHEER, Inc.**

PROJECT NAME: **CHEER Car, Truck & Bike Show**

FEDERAL TAX ID: **51-0112599** 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: **CHEER's mission statement is to "promote and maintain the highest quality of life and independence by developing and providing services and programs that meet the continuing need of seniors 50+" living in Sussex County."**

ADDRESS: **546 S. Bedford Street**

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

CONTACT PERSON: **Ken Moore**

TITLE: **Development Manager**

PHONE: **302-515-3065** EMAIL: **kmoore@cheerde.com**

TOTAL FUNDING REQUEST: \$ 1,000.00

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

If YES, how much was received in the last 12 months? **\$ 1,000**

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? **8%**

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
1100

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.

On Saturday, August 5, 2016, CHEER is holding our 7th annual Car-Truck & Bike Show at the Warren L. and Charles C. Allen Jr. CHEER Community Center on Sand Hill Road in Georgetown. The show benefits CHEER's Sand Hill Adult Day and Meals On Wheels programs. All proceeds of the event are used for direct services to the seniors of Sussex County. As in past years, there will be the Sussex County Council trophy awarded to the "Best Vehicle in the Show from Sussex County."

The Sand Hill Adult Day Program provides services to Sussex County seniors who are diagnosed with Alzheimer's disease and/or related dementia. The program is licensed by the State of Delaware to serve 40 clients per day, a recent increase from the previously approved 20. Attendees participate in programs designed to stimulate them socially, intellectually and creatively, based on their individual needs and functional ability

CHEER's Meals On Wheels program provides nutritious meals to vulnerable seniors who are living independently in their home. It continues to be our fastest growing program as more and more seniors depend on this meal program. In the current fiscal year, CHEER is projecting 245,000 homebound meals to be delivered.

The Car Truck & Bike Show is known as the premier show of Sussex County. This year the theme of the show is "History of Ford." In the past we have welcomed entrants from as far west as Missouri and hosted a car enthusiast who traveled from France. Vehicles shown have ranged from an 1890's Racer to Councilman Sam Wilson's 1957 Chevrolet to a new Ferrari, Mario Andretti's Indianapolis race car and even the Rolls Royce limousine from the television series The Beverly Hillbillies. They have all come to CHEER to support our seniors!

Thank you for your consideration of the sponsorship.

- 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

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	12,500.00
EXPENDITURES	
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. (Put amounts in as a negative)	
Supplies for Car Show	-\$ 1,200.00
Security	-\$ 700.00
Marketing	-\$ 2,000.00
TOTAL EXPENDITURES	-\$ 3,900.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 8,600.00

SECTION 5: STATEMENT OF ASSURANCES

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

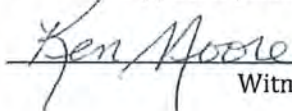
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

7/5/2017
Date


Witness

7/5/2017
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

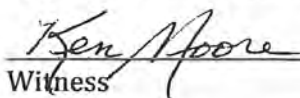
I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.



Applicant/Authorized Official

CEO, CHEER Inc.

Title



Witness

7/5/17

Date

Wilson
7/10/17



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Town of Blades Police Department
PROJECT NAME: Blades Night Out
FEDERAL TAX ID: 51-6001393 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: Blades Night Out: Community Policing and engaging the community building relationships.

ADDRESS: 20 W Fourth Street

Blades DE 19973
(CITY) (STATE) (ZIP)

CONTACT PERSON: Vikki Prettyman
TITLE: Town Administrator
PHONE: 302-629-7366 EMAIL: vikiprettyman@townofblades.com

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? 600.00

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? 5%

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 ¹ | <input checked="" type="checkbox"/> Other <u>Community</u> | <input type="checkbox"/> Educational |

BENEFICIARY CATEGORY

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

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.

Bringing the community together to meet and engage with our police department, building relationships with the youth in the town to deter crime and encourage community policing.

Part of the National Night Out to combat violent crime.

- 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

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	1,500.00
EXPENDITURES	
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. (Put amounts in as a negative)	
food and supplies	-\$ 500.00
tshirts	-\$ 1,000.00
TOTAL EXPENDITURES	-\$ 1,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

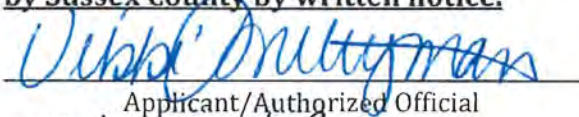
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Town of Blades Police Dept agrees that:
(Name of Organization)

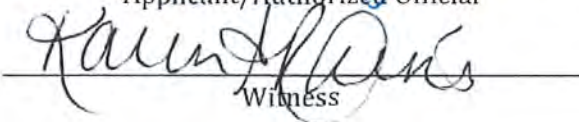
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

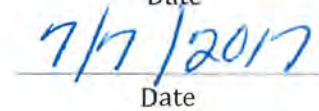
SECTION 5: STATEMENT OF ASSURANCES (continued)

- 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


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

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

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

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

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

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

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

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

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

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



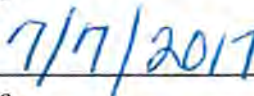
Applicant/Authorized Official



Witness



Title



Date





SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Autism Delaware, Inc.**

PROJECT NAME: **Blue Jean Ball**

FEDERAL TAX ID: **20-2110190** 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: Autism Delaware's mission is to help people and families affected by autism in Delaware.

Our vision is that all people with autism have opportunities to learn, grow, and live full lives as included and valued members of their communities.

ADDRESS: **17517 Nassau Commons Blvd**

Unit 1

Lewes DE 19958

(CITY) (STATE) (ZIP)

CONTACT PERSON: **Deanna Principe**

TITLE: **Events Manager**

PHONE: **3025633026** EMAIL: **deanna.principe@delautism.org**

TOTAL FUNDING REQUEST: \$2000.00

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? **5%**

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

- | | | |
|--|--|-----------------------------------|
| <input checked="" 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 ² | <input type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input type="checkbox"/> Other | |

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
1000+

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 Blue Jean Ball helps to fund both family support services and adult vocational services in Sussex County.

Our family support services include taking calls from families with newly diagnosed children and helping them to navigate the programs and services needed for their individual child. We also help families with school aged children with educational and behavioral services and attend school IEP meetings when requested. Our adult vocational program called Productive Opportunities for Work & Recreation or POW&R, for short helps adults with autism get and keep jobs helping them to become tax-paying, valued members of their community.

Autism Delaware is committed to serving each individual with autism as an individual. Each person with autism has a variety of individualized needs and services for each of them look very different, most times. Because of our individualized approach, state and federal subsidies do not cover the gap in the cost of providing such services.

Organizations such as Sussex County Council help to fill the gaps for our children and adults.

- 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

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	63,077.00
EXPENDITURES	
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. (Put amounts in as a negative)	
Operating cost including food & beverage, venue, etc.	-\$ 20,000.00
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 63,077.00

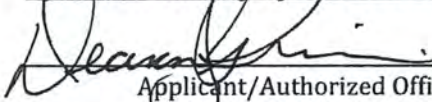
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Autism Delaware, 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.
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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

6/27/17

Date


Witness

6-27-17

Date

Completed application can be submitted by:

Email: gjennings@sussexcountype.gov

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

[Handwritten signature]

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

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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.

Deanna Principe Events Manager
Applicant/Authorized Official Title

Margaret Prince
Witness

6-27-17
Date

Burton
7/11/17

To Be Introduced 07/18/17

Council District No. 3 – Burton

Tax I.D. No. 235-30.00-103.09

911 Address: 20132 Doddtown Road, Harbeson

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL LANDSCAPING BUSINESS WITH OUTDOOR PARKING, STORAGE OF VEHICLES, EQUIPMENT AND OTHER ANCILLARY STORAGE RELATED TO THE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 25.156 ACRES, MORE OR LESS

WHEREAS, on the 12th day of June 2017, a conditional use application, denominated Conditional Use No. 2105, was filed on behalf of Thomas R. Engel; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2105 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2105 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 Broadkill Hundred, Sussex County, Delaware, and lying on the northwest side of Doddtown Road, approximately 1,600 feet southwest of Harbeson Road (Route 5), and being more particularly described per the attached deed prepared by Baird Mandalas Brockstedt, LLC, said parcel containing 25.156 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 07/18/17

**Council District No. 4 – Cole
Tax I.D. No. 134-17.00-8.09
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.21 ACRES, MORE OR LESS

WHEREAS, on the 21st day of June 2017, a conditional use application, denominated Conditional Use No. 2107, was filed on behalf of Galbraith Development Group; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2107 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2107 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 side of Muddy Neck Road, approximately 980 feet northeast of Beaver Dam Road, and being more particularly described per the attached deed prepared by David W. Baker, Esq., said parcel containing 3.21 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 07/18/17

**Council District No. 3 – Burton
Tax I.D. No. 334-12.00-51.00
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.484 ACRES, MORE OR LESS

WHEREAS, on the 21st day of June 2017, a zoning application, denominated Change of Zone No. 1835, was filed on behalf of HKLS, LLC; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1835 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of B-1 Neighborhood Business District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southwest corner of Plantations Road and Cedar Grove Road, and being more particularly described per the attached legal description, said parcel containing 4.484 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 07/18/17

Council District No. 2 – Wilson

Tax I.D. No. 135-15.00-82.00 (portion of)

911 Address: 22518 Lewes Georgetown Highway, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 8.00 ACRES, MORE OR LESS

WHEREAS, on the 27th day of June 2017, a zoning application, denominated Change of Zone No. 1836, was filed on behalf of Softball World, LLC; and

WHEREAS, on the ____ day of ____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1836 be ____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the south side of Lewes Georgetown Highway (Route 9), approximately 0.79 mile east of Sand Hill Road, and being more particularly described on the attached survey prepared by Pennoni Associates, Inc., said parcel containing 8.00 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
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: July 12, 2017

RE: County Council Report for CZ 1821 Nechay Ventures

On January 25, 2017, the Planning and Zoning Department received an application (CZ 1821 Nechay Ventures) to allow for a Change of Zone from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District). The Planning and Zoning Commission held a public hearing on June 22, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Mrs. Walls advised the Commission the submitted into the record as part of the application were comments from the staff analysis, NRCS, Sussex Conservation, Sussex County Utility Planning Division, DelDOT, exhibit book and site plan.

The Commission found that Attorney Mike Smith, from The Smith Firm; Frank Nechay as President of Nechay Ventures, and Robert Palmer, with Beacon Engineering were present on behalf of the application; that Mr. Smith spoke there is 2 parcels totaling 62.63 acres; that the property is located on Route 13; that Hale Trailer is to the south of the property; that Solid Image is to the north of the property and was rezoned in October 2016; that there are industrial uses on the neighboring properties all the way down the highway; that there is direct access to Whitesville Road; that the property is subject to the Corridor Capacity Preservation Program; that they do not anticipate need for state spending; that there is no noticeable impact on traffic; that the property is consistent with the surrounding trend of development; that it is consistent with the Comprehensive Plan; that general refrigeration will be the main use; that the business has been in use since 1992; that there are limited soils; that the development of larger building on site are cost prohibited; that they acquired the property for the specific use of a general refrigeration business; that Mr. Nechay spoke there are currently forty (40) employees; that without growth of this property it will shrink due to competition; and that the new construction could allow the business to almost double the number of employees.

The Commission found A.J. Bierman is an adjacent property owner; and that he is in support of the application.

The Commission found there were no parties in opposition to this application.



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

Mr. Ross stated that he would move that the Commission recommend approval of Change of Zone 1821 for Nechay Ventures for a change of zone from AR-1 to CR-1 based upon the record made during the public hearing and for the following reasons;

1. The site is located along U.S. Route 13 (Sussex Highway). This location is appropriate for CR-1 (Commercial Residential District) zoning.
2. The site is in an area where other Commercially-zoned properties exist. This includes a property recently zoned to CR-1 (Commercial Residential District) to the north and a large C-1 (General Commercial District) property to the south. The CR-1 (Commercial Residential District) zoning will be consistent with the area zoning.
3. The proposed use will not adversely affect neighboring or adjacent properties or roadways.
4. The Applicant will be required to meet or exceed all DelDOT requirements.
5. CR-1 (Commercial Residential District) Zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the rezoning along U.S. Route 13 falls within the stated purposes of the CR-1 (Commercial Residential District) District.
6. No parties appeared in opposition to this rezoning,
7. Any use of the property will require site plan review by the Sussex County Planning and Zoning Commission for compliance with the Sussex County Zoning Code.

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

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



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Sussex County Planning & Zoning Commission

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

Application: CZ 1821 Nechay Ventures MR

Applicant/Owner: Nechay Ventures
36615 Old Stage Rd.
Delmar, DE 19940

Site Location: South Side of Whitesville Rd. approximately 529 ft. east of Sussex Hwy. (Rt. 13) and east side of Sussex Hwy. (Rt. 13) approximately 1,002 ft. south of Whitesville Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: CR-1 (Commercial Residential District)

Comprehensive Land
Use Plan Reference: Low Density Areas

Councilmatic
District: Mr. Arlett

School District: Delmar School District

Fire District: Delmar

Sewer: On-site Septic

Water: On-site Well

Site Area: 64.59 ac. +/-

Tax Map ID.: 532-6.00-86.00 and 87.00

Location: South Side of Whitesville Rd. approximately 529 ft. east of Sussex Hwy. (Rt. 13) and east side of Sussex Hwy. (Rt. 13) approximately 1,002 ft. south of Whitesville Rd.



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Sussex County
DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 31, 2017
RE: Staff Analysis for CZ 1821 Nechay Ventures

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1821 Nechay Ventures to be reviewed during the June 8, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcels 532-6.00-86.00 and 87.00. The request to change the zoning from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District). The overall size of the project is 64.59 ac +/-.

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

The surrounding land uses to the north and east are Low Density Areas. The land uses to the west and south are Highway Commercial and Low Density Areas. The Low Density Areas land use designation recognizes that business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation. The CR-1 zoning district is a zoning classification that can be considered within the Low Density Areas.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned AR-1 (Agricultural Residential District) and CR-1 (Commercial Residential District). The properties to the south are zoned AR-1 (Agricultural Residential District), CR-1 (Commercial Residential District) and C-1 (General Commercial District). The properties to the east are zoned AR-1 (Agricultural Residential District). The properties to the west are zoned AR-1 (Agricultural Residential District), C-1 (General Commercial District) and MR (Medium Density Residential District). There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses the Change of Zone request from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) could be considered consistent with the land use, surrounding zoning and uses.



Introduced on 2/21/17

**Council District 5 - Arlett
Tax I.D. No. 532-6.00-86.00 & 87.00
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 64.50 ACRES, MORE OR LESS

WHEREAS, on the 25th day of January 2017, a zoning application, denominated Change of Zone No. 1821 was filed on behalf of Nechay Ventures; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1821 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

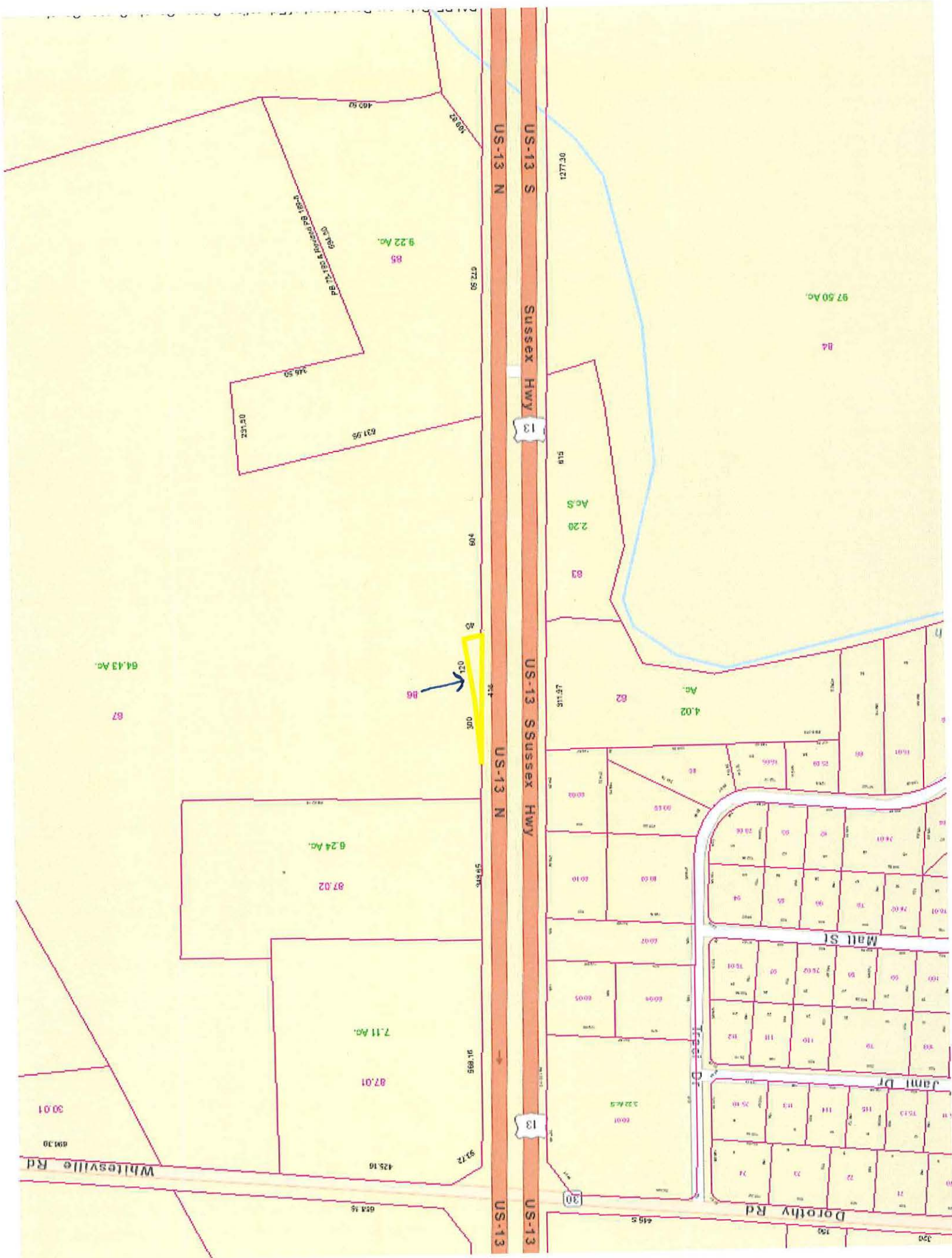
Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation CR-1 Commercial Residential District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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying on the south side of Whitesville Road approximately 529 feet east of Sussex Highway (Route 13) and on the east side of Sussex Highway (Route 13) approximately 1,002 feet south of Whitesville Road and being more particularly described per the attached Deed prepared by The Smith Firm, LLC.

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





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Sussex County
DELAWARE
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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: July 12, 2017

RE: County Council Report for CU 2079 Clean Bay Renewables, LLC, Sussex II and CU 2080 Clean Bay Renewables, LLC Sussex I

On January 1, 2017, the Planning and Zoning Department received an application (CU 2079 Clean Bay Renewables, LLC, Sussex II and CU 2080 Clean Bay Renewables, LLC Sussex I) to allow for a Conditional Use for an electrical generation and nutrient recovery facility. The Planning and Zoning Commission held a public hearing on June 8, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

The Commission consolidated the first two hearings into one presentation. There will be two separate votes when action is taken.

Mr. Wheatley recused himself from participating in the discussion for this application and Mr. Ross will oversee this application.

Mrs. Walls advised the Commission that submitted into record as part of the application were comments received from staff analysis, NRCS, Sussex Conservation District, Delaware Coastal Airport and from the Sussex County Utility Planning Division, Town of Georgetown, Preliminary Lands Use from Office of State Planning; and that the applicant submitted an exhibit book.

The Commission found Dennis Schrader, Attorney with Morris James, Tim Spangler, Principal of Clean Bay I & II, Robert Rauch, Engineer with Rauch Engineering, and Dr. Kristi Shaw, Engineer, with Rauch Engineering, were present on behalf of the application; that Mr. Schrader spoke that the property is owned by Ken Adams; that property is located on Route 9 behind what once was a race track; that the 2 applications do not cover the total acreage; that the application is a request to use property for business to use poultry litter to generate electricity; that the property is in the State Strategies Level 2; that the property has on-site septic and on-site well; that there may be some wetlands on the property; that Mr. Spangler spoke he is the Founder and Chairman of both Companies; that they are developing multiple sites in Maryland; that Clean Bay is not a poultry pellitization or incineration operation; that the trucks will back up to hoppers with conveyor systems to convey the products into the hopper and mix into water; that it takes about 15 minutes for the truck to unload; that once the trucks have unloaded, the system is closed; that the product is 26 to 27 percent moisture; that the litter enters the mix tank which is completely closed for 1 day; that this



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process will remove pathogens; that then it will be moved to the primary digesters for 2 to 5 days; that then it moves to the secondary digesters via an enclosed piping system; that the gas moves to engines to clear up the gas for air quality control and then it generates electricity; that a fermentation process is used to produce methane gas that creates energy; that the site selection was due to feed stock availability that is readily available in Sussex County; that they are aware of the residential and recreational uses nearby; that the site design has been adjusted to mitigate concerns such as traffic and smells; that a fifty (50) foot right-of-way from Sand Hill Rd will be the entrance for Clean Bay I and the entrance for Clean Bay II will be from Route 9; that they have contracts with poultry litter brokers; that there will be up to 24 trucks per day with 12 trucks per facility; that the process is economically viable and the facility is environmentally sustainable; that the nutrient recovery facility will be used for leftover liquid minerals; that all phosphorus product recovery will be shipped offsite; that the recovered nitrogen and potassium will be sold to local farmers; that half of the revenue is electricity and half of the revenue is nutrient recovery; that the number of employees will be 25 to 30 between the 2 facilities; that they are automated high tech facilities; that there will be about an 18 month construction period; that there will be 80 employees onsite during construction; that Mr. Rauch spoke that there are offsite traffic issues; that there will be 2 entrances available; that the flexibility to manage traffic by utilizing both entrances; that a traffic management plan will mandate times the traffic is allowed based on traffic patterns; that the facility will be a 24 hour facility; that the truck traffic will be less than 1 percent the traffic; that Dr. Shaw spoke the highest environmental standards are in mind; that both facilities consider both air quality and water quality; that there will be low nox (nitrogen) producing generators so emissions do not impact neighborhood; that the generators will have to meet all DNREC requirements; that the odor, noise and dust are in an anaerobic process which is oxygen free environment making facilities closed to make sure no exposure to outside air; that the only sense of odor would be from the truck which would be 2 per hour; that there can be sprinklers to keep dust down; that there will be vegetation to screen dust, noise, and odor; that entire perimeter will have a vegetation buffer and fencing; that there will be monitors to regulate air quality; that the water and the waste comes back to the front end of the process and will not be discharged; that there will be containment facilities for any leakage from tanks; that a Regulatory Advisory Service (RAS) meeting with DNREC wanted and a report was issued; that the reports noted this would be a good area because interconnection with electrical grid has availability; that facility won't be noticeable with vegetation screening; that there was community outreach with Cheer, Little Einstein's Daycare, and Sussex Academy; that there could be potential for internships in the STEM projects in advanced science; that the stormwater moves away from adjacent property ditch; that there were concerns with truck routes; that the litter will be unloaded on conveyors to eliminate odor and waste; that odor analysis will continue to be conducted as they move forward with the project; that they will be hauling 6 days a week (Monday – Saturday); that they are only applying for 6 megawatts as of now, for each site; that the site can never be larger than 9 megawatts; that a substation will be constructed; that the litter reception area is more of a canopy; that the hours of operation of receiving and sending products are 7:00 am to 7:00 pm (Monday – Saturday); and that there could be up to 28 trucks when at a full 9 megawatt capacity.

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

The Commission found that Patricia Oliphant, represent Sussex Academy. Ken Bock, Executive Director of Cheer; Joe Schell, representing Sussex Sport Center Foundation; Pete Townsend, representing Sports at the Beach; Kay Mumford and Stephanie Lynch, representing Little Einstein's Preschool; Doris Hamilton, Buddy Lynch, Jim Leyh, Carol Senerchia, Gary Hornbacher, George W. Dick, and Michael B. Johnson, Resident spoke in opposition to the application; that they have

concerns with traffic, odors, noise, methane gas, and emergency flare stacks; that they have concerns with the project showing just plans and not an actual project; that the industrial operation is too close to schools, homes, and sport fields; that they are afraid it would decrease their property value; that they think it is not the right location for this facility; that they have concerns with water run-off, and retention ponds; that they have concerns with the buffer zones; and that why is this application a conditional use and not a change of zone.

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

In reference to Conditional Use 2079 there was a motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to defer action for further consideration. Motion carried 4-0.

In reference to Conditional Use 2080 there was a motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to defer action for further consideration. Motion carried 4-0.

ROBERT C. WHEATLEY, CHAIRMAN
MARTIN L. ROSS, VICE CHAIRMAN
R. KELLER HOPKINS
DOUGLAS B HUDSON
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Sussex County Planning & Zoning Commission

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

Application: CU 2079 Clean Bay Renewables, LLC Sussex II KH

Applicant: Clean Bay Renewables, LLC Sussex II
726 Second Street Unit 3B
Annapolis, MD 21403

Site Location: North side of Lewes-Georgetown Hwy. (Rt. 9) and east side of Sand Hill Rd. (22349 Lewes-Georgetown Hwy.)

Zoning: AR-1 (Agricultural Residential District)

Current Use: Agricultural

Proposed Use: Electrical Generation and Nutrient Recovery facility

Comprehensive Land
Use Plan Reference: Developing Areas

Councilmatic
District: Mr. Burton

School District: Indian River School District

Fire District: Georgetown

Sewer: On-site Septic

Water: On-site Well

Site Area: 23.12 ac. +/-

Tax Map ID.: 135-15.00-55.01

Location: North side of Lewes-Georgetown Hwy. (Rt. 9) and east side of Sand Hill Rd.



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Sussex County
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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 31, 2017
RE: Staff Analysis for CU 2079 Clean Bay Renewables, LLC Sussex II

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2079 Clean Bay Renewables, LLC Sussex II to be reviewed during the June 8, 2017 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 135-15.00-55.01 to allow for the use as a electrical generation and nutrient recovery facility. The size of the portion of the property to be used for the Conditional Use is 23.12 ac. +/- The property is zoned AR-1 (Agricultural Residential District).

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

The surrounding land uses to the north and east are Developing Areas. The land uses to the south are Developing Areas and Highway Commercial. The land uses to the west are Developing Areas and some are located within the Town of Georgetown. The Developing Areas land use designation recognizes designation recognizes that a range of housing types are appropriate including single family, townhouses and multifamily dwellings. It notes that in selected areas commercial uses should be allowed. It also recognizes that a variety of office uses would be appropriate along with a careful mixture of homes with light commercial and institutional uses to allow for convenient services and allow people to work close to home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north and east are zoned AR-1 (Agricultural Residential District). The properties to the south are zoned AR-1 (Agricultural Residential District) and C-1 (General Commercial District). The properties to the west are zoned C-1 (General Commercial District) with a number located within the Town of Georgetown. There are several Conditional Uses in the area (Sports at the Beach (CU 1421) and a veterinary hospital (CU 919). The primary uses in the area are residential, agricultural and commercial.

This project is for new technology unique to Sussex County, and without further development of the record, it is unclear whether, and to what extent, it may or may not be considered consistent with the land use, surrounding zoning and uses. In this case, as stated above, there are a variety of different types of uses in the area, from residential to small business to agricultural. This use could be consistent with (or not adverse to) aspects of these surrounding uses and properties; however,



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without more information from the applicant's presentation during the public hearing, staff desires to withhold further comment at this time.

Introduced 04/25/17

Council District No. 3 – Burton

Tax I.D. No. 135-15.00-55.01

911 Address: 22349 Lewes-Georgetown Highway, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL GENERATION AND NUTRIENT RECOVERY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 23.12 ACRES, MORE OR LESS

WHEREAS, on the 4th day of April 2017, a conditional use application, denominated Conditional Use No. 2079, was filed on behalf of Clean Bay Renewables, LLC, Sussex II; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2079 be _____; and

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

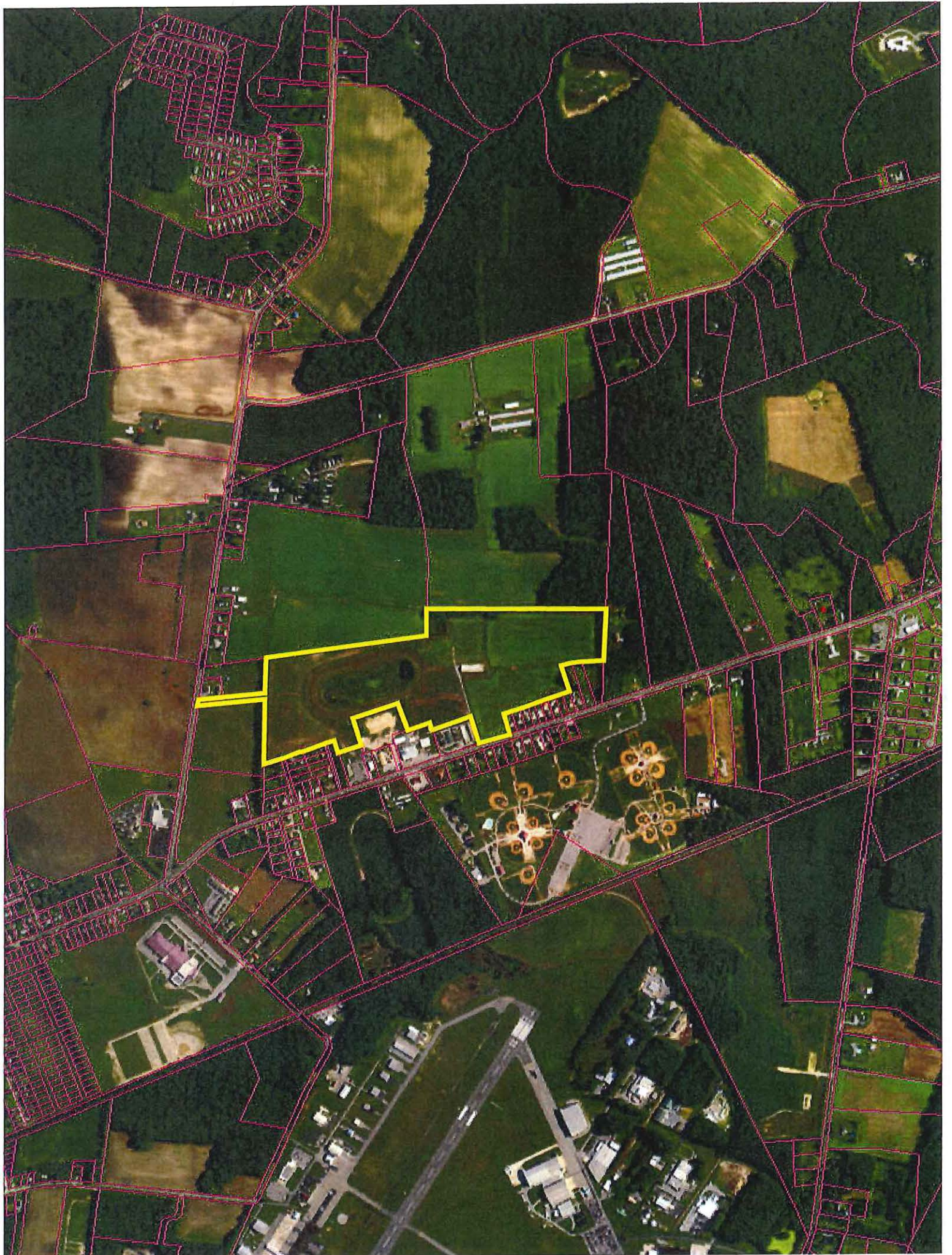
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

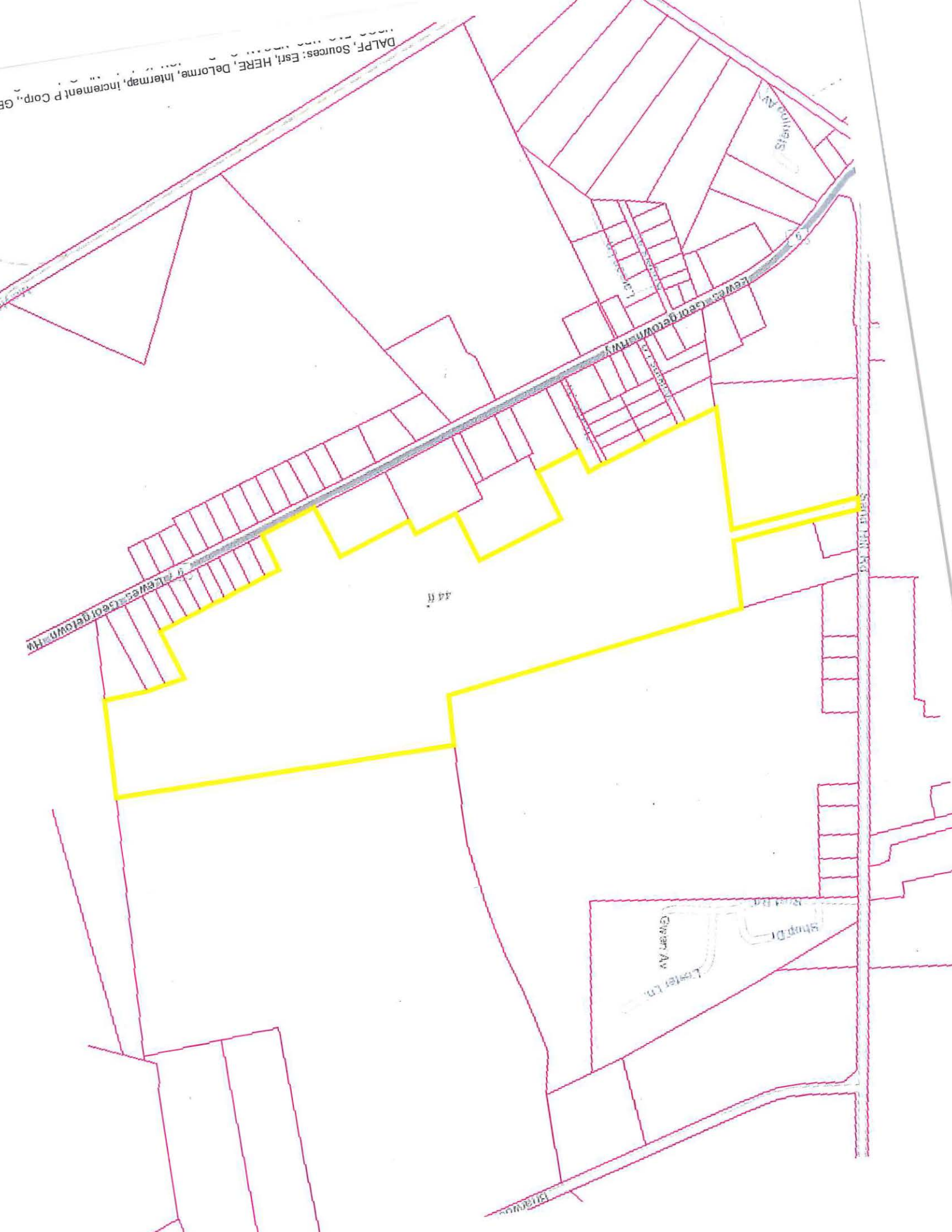
Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2079 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

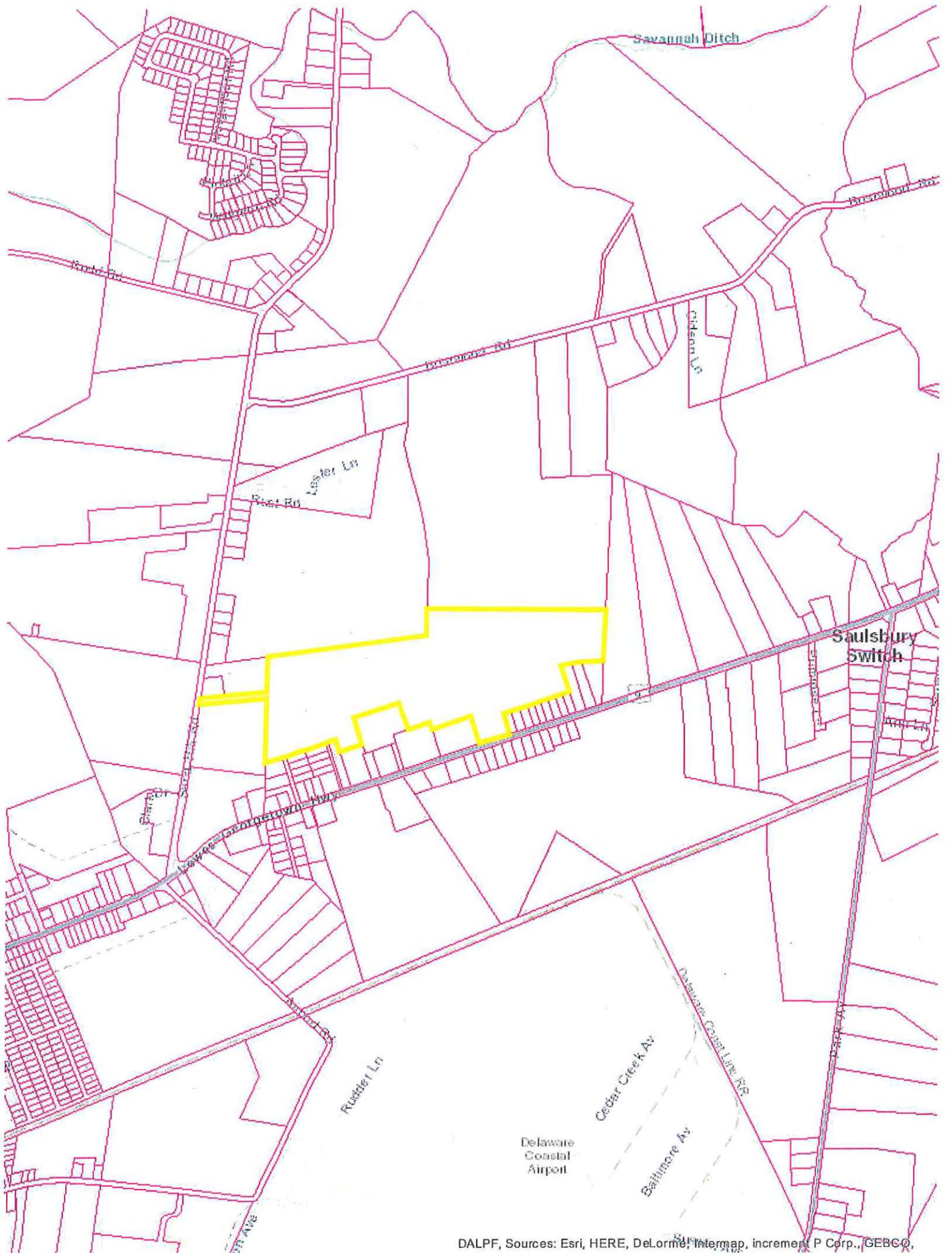
ALL that certain tract, piece or parcel of land, lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the east side of Sand Hill Road and the north side of Lewes-Georgetown Highway (Route 9), and being more particularly described in the deed prepared by Moore & Rutt, P.A., said parcel containing 23.12 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.





DALPF, Sources: Esri, HERE, DeLorme, Intermap, Increment P Corp., GE



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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: July 12, 2017

RE: County Council Report for CU 2079 Clean Bay Renewables, LLC, Sussex II and CU 2080 Clean Bay Renewables, LLC Sussex I

On January 1, 2017, the Planning and Zoning Department received an application (CU 2079 Clean Bay Renewables, LLC, Sussex II and CU 2080 Clean Bay Renewables, LLC Sussex I) to allow for a Conditional Use for an electrical generation and nutrient recovery facility. The Planning and Zoning Commission held a public hearing on June 8, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

The Commission consolidated the first two hearings into one presentation. There will be two separate votes when action is taken.

Mr. Wheatley recused himself from participating in the discussion for this application and Mr. Ross will oversee this application.

Mrs. Walls advised the Commission that submitted into record as part of the application were comments received from staff analysis, NRCS, Sussex Conservation District, Delaware Coastal Airport and from the Sussex County Utility Planning Division, Town of Georgetown, Preliminary Lands Use from Office of State Planning; and that the applicant submitted an exhibit book.

The Commission found Dennis Schrader, Attorney with Morris James, Tim Spangler, Principal of Clean Bay I & II, Robert Rauch, Engineer with Rauch Engineering, and Dr. Kristi Shaw, Engineer, with Rauch Engineering, were present on behalf of the application; that Mr. Schrader spoke that the property is owned by Ken Adams; that property is located on Route 9 behind what once was a race track; that the 2 applications do not cover the total acreage; that the application is a request to use property for business to use poultry litter to generate electricity; that the property is in the State Strategies Level 2; that the property has on-site septic and on-site well; that there may be some wetlands on the property; that Mr. Spangler spoke he is the Founder and Chairman of both Companies; that they are developing multiple sites in Maryland; that Clean Bay is not a poultry pellitization or incineration operation; that the trucks will back up to hoppers with conveyor systems to convey the products into the hopper and mix into water; that it takes about 15 minutes for the truck to unload; that once the trucks have unloaded, the system is closed; that the product is 26 to 27 percent moisture; that the litter enters the mix tank which is completely closed for 1 day; that this



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process will remove pathogens; that then it will be moved to the primary digesters for 2 to 5 days; that then it moves to the secondary digesters via an enclosed piping system; that the gas moves to engines to clear up the gas for air quality control and then it generates electricity; that a fermentation process is used to produce methane gas that creates energy; that the site selection was due to feed stock availability that is readily available in Sussex County; that they are aware of the residential and recreational uses nearby; that the site design has been adjusted to mitigate concerns such as traffic and smells; that a fifty (50) foot right-of-way from Sand Hill Rd will be the entrance for Clean Bay I and the entrance for Clean Bay II will be from Route 9; that they have contracts with poultry litter brokers; that there will be up to 24 trucks per day with 12 trucks per facility; that the process is economically viable and the facility is environmentally sustainable; that the nutrient recovery facility will be used for leftover liquid minerals; that all phosphorus product recovery will be shipped offsite; that the recovered nitrogen and potassium will be sold to local farmers; that half of the revenue is electricity and half of the revenue is nutrient recovery; that the number of employees will be 25 to 30 between the 2 facilities; that they are automated high tech facilities; that there will be about an 18 month construction period; that there will be 80 employees onsite during construction; that Mr. Rauch spoke that there are offsite traffic issues; that there will be 2 entrances available; that the flexibility to manage traffic by utilizing both entrances; that a traffic management plan will mandate times the traffic is allowed based on traffic patterns; that the facility will be a 24 hour facility; that the truck traffic will be less than 1 percent the traffic; that Dr. Shaw spoke the highest environmental standards are in mind; that both facilities consider both air quality and water quality; that there will be low nox (nitrogen) producing generators so emissions do not impact neighborhood; that the generators will have to meet all DNREC requirements; that the odor, noise and dust are in an anaerobic process which is oxygen free environment making facilities closed to make sure no exposure to outside air; that the only sense of odor would be from the truck which would be 2 per hour; that there can be sprinklers to keep dust down; that there will be vegetation to screen dust, noise, and odor; that entire perimeter will have a vegetation buffer and fencing; that there will be monitors to regulate air quality; that the water and the waste comes back to the front end of the process and will not be discharged; that there will be containment facilities for any leakage from tanks; that a Regulatory Advisory Service (RAS) meeting with DNREC wanted and a report was issued; that the reports noted this would be a good area because interconnection with electrical grid has availability; that facility won't be noticeable with vegetation screening; that there was community outreach with Cheer, Little Einstein's Daycare, and Sussex Academy; that there could be potential for internships in the STEM projects in advanced science; that the stormwater moves away from adjacent property ditch; that there were concerns with truck routes; that the litter will be unloaded on conveyors to eliminate odor and waste; that odor analysis will continue to be conducted as they move forward with the project; that they will be hauling 6 days a week (Monday – Saturday); that they are only applying for 6 megawatts as of now, for each site; that the site can never be larger than 9 megawatts; that a substation will be constructed; that the litter reception area is more of a canopy; that the hours of operation of receiving and sending products are 7:00 am to 7:00 pm (Monday – Saturday); and that there could be up to 28 trucks when at a full 9 megawatt capacity.

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

The Commission found that Patricia Oliphant, represent Sussex Academy. Ken Bock, Executive Director of Cheer; Joe Schell, representing Sussex Sport Center Foundation; Pete Townsend, representing Sports at the Beach; Kay Mumford and Stephanie Lynch, representing Little Einstein's Preschool; Doris Hamilton, Buddy Lynch, Jim Leyh, Carol Senerchia, Gary Hornbacher, George W. Dick, and Michael B. Johnson, Resident spoke in opposition to the application; that they have

concerns with traffic, odors, noise, methane gas, and emergency flare stacks; that they have concerns with the project showing just plans and not an actual project; that the industrial operation is too close to schools, homes, and sport fields; that they are afraid it would decrease their property value; that they think it is not the right location for this facility; that they have concerns with water run-off, and retention ponds; that they have concerns with the buffer zones; and that why is this application a conditional use and not a change of zone.

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

In reference to Conditional Use 2079 there was a motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to defer action for further consideration. Motion carried 4-0.

In reference to Conditional Use 2080 there was a motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to defer action for further consideration. Motion carried 4-0.

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



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Sussex County Planning & Zoning Commission

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

Application: CU 2080 Clean Bay Renewables, LLC Sussex I KH

Applicant: Clean Bay Renewables, LLC Sussex I
11779 Somerset Ave. Unit B
Princess Anne, MD 21853

Site Location: North side of Lewes-Georgetown Hwy. (Rt. 9) and east side of Sand Hill Rd. (22349 Lewes-Georgetown Hwy.)

Zoning: AR-1 (Agricultural Residential District)

Current Use: Agricultural

Proposed Use: Electrical Generation and Nutrient Recovery facility

Comprehensive Land
Use Plan Reference: Developing Areas

Councilmatic
District: Mr. Burton

School District: Indian River School District

Fire District: Georgetown

Sewer: On-site Septic

Water: On-site Well

Site Area: 29.38 ac. +/-

Tax Map ID.: 135-15.00-55.01

Location: North side of Lewes-Georgetown Hwy. (Rt. 9) and east side of Sand Hill Rd.



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Sussex County
DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 31, 2017
RE: Staff Analysis for CU 2080 Clean Bay Renewables, LLC Sussex I

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2080 Clean Bay Renewables, LLC Sussex I to be reviewed during the June 8, 2017 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 135-15.00-55.01 to allow for the use as a electrical generation and nutrient recovery facility. The size of the portion of the property to be used for the Conditional Use is 29.38 ac. +/- The property is zoned AR-1 (Agricultural Residential District).

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

The surrounding land uses to the north and east are Developing Areas. The land uses to the south are Developing Areas and Highway Commercial. The land uses to the west are Developing Areas and some are located within the Town of Georgetown. The Developing Areas land use designation recognizes designation recognizes that a range of housing types are appropriate including single family, townhouses and multifamily dwellings. It notes that in selected areas commercial uses should be allowed. It also recognizes that a variety of office uses would be appropriate along with a careful mixture of homes with light commercial and institutional uses to allow for convenient services and allow people to work close to home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north and east are zoned AR-1 (Agricultural Residential District). The properties to the south are zoned AR-1 (Agricultural Residential District) and C-1 (General Commercial District). The properties to the west are zoned C-1 (General Commercial District) with a number located within the Town of Georgetown. There are several Conditional Uses in the area (Sports at the Beach (CU 1421) and a veterinary hospital (CU 919). The primary uses in the area are residential, agricultural and commercial.

This project is for new technology unique to Sussex County, and without further development of the record, it is unclear whether, and to what extent, it may or may not be considered consistent with the land use, surrounding zoning and uses. In this case, as stated above, there are a variety of different types of uses in the area, from residential to small business to agricultural. This use could be consistent with (or not adverse to) aspects of these surrounding uses and properties; however,



without more information from the applicant's presentation during the public hearing, staff desires to withhold further comment at this time.

Introduced 04/25/17

Council District No. 3 – Burton

Tax I.D. No. 135-15.00-55.01

911 Address: 22349 Lewes-Georgetown Highway (Route 9), Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL GENERATION AND NUTRIENT RECOVERY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 29.38 ACRES, MORE OR LESS

WHEREAS, on the 4th day of April 2017, a conditional use application, denominated Conditional Use No. 2080, was filed on behalf of Clean Bay Renewables, LLC, Sussex I; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2080 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2080 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 Georgetown Hundred, Sussex County, Delaware, and lying on the east side of Sand Hill Road and the north side of Lewes-Georgetown Highway (Route 9), and being more particularly described in the deed prepared by Moore & Rutt, P.A., said parcel containing 29.38 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.



