



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

**MEETING:  
August 13, 2019**

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

**This product is provided by Sussex County government as a courtesy to the general public. Items contained within are for background purposes only, and are presented 'as is'. Materials included are subject to additions, deletion or other changes prior to the County Council meeting for which the package is prepared.**

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

**COUNTY COUNCIL**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
(302) 855-7743 T  
(302) 855-7749 F

**SUSSEX COUNTY COUNCIL**

**AGENDA**

**AUGUST 13, 2019**

**10:00 A.M.**

**Call to Order**

**Approval of Agenda**

**Approval of Minutes**

**Reading of Correspondence**

**Public Comments**

**Todd Lawson, County Administrator**

**1. Administrator's Report**

**10:15 a.m. Public Hearings**

**“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$8,808,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE PURCHASE OF A SPRAY IRRIGATION SYSTEM AND LAND AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**

**“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$5,691,821 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE JOY BEACH SEWER ANNEXATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**

**“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$3,135,379 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE MULBERRY KNOLL SEWER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**



**Robbie Murray, Deputy Director of Administration, EMS**

1. **Mobile Integrated Healthcare MOU with Beebe Healthcare**

**Hans Medlarz, County Engineer**

1. **James Farm Master Plan Implementation Phase II, FY 2020 Outdoor Recreation, Parks and Trails (ORPT) Grant Request**
  - A. **Approval of Resolution**

**Janelle Cornwell, Planning and Zoning Director**

1. **Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, V, VI, AND VII BY AMENDING SECTIONS 115-20, 115-23, 115-29, 115-32, 115-40 AND 115-48 TO ESTABLISH AN ADMINISTRATIVE APPROVAL PROCESS FOR THE USE OF A MANUFACTURED HOME TYPE STRUCTURE, STUDIO/GARAGE APARTMENT OR EMERGENCY HARDSHIP SITUATION”**
2. **Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, V, VIII, X, XA, XB, XIB, XIC, XID, XIE, XIF, XIII, XIV, AND XV BY AMENDING SECTIONS 115-21, 115-30, 115-70, 115-75.3, 115-75.10, 115-83.12, 115-19, 115-83.27, 115-83.34, 115-83.41, 115-95, 115-103, 115-112 AND TABLE IV REGARDING THE USE OF MANUFACTURED HOME-TYPE STRUCTURES AS TEMPORARY BUILDINGS INCIDENTAL TO CONSTRUCTION OPERATIONS OR THE SALE OF LOTS”**
3. **Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, XXV, XXVI, AND XXVII BY AMENDING SECTIONS 115-20, 115-23, 115-187, 115-196 AND 115-210 REGARDING MANUFACTURED HOMES AND MANUFACTURED HOUSING”**

**Grant Requests**

1. **Autism Delaware for Blue Jean Ball fundraiser**
2. **Mason Dixon Woodworkers for Christmas toy program**
3. **Seaford Elite Travel Football Club for expenses**
4. **Lewes Public Library for festival expenses**
5. **Georgetown Historical Society for Marvel Museum building maintenance**

**Introduction of Proposed Zoning Ordinances**

**Council Members’ Comments**

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

**Possible Action on Executive Session Items**

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

**Conditional Use No. 2179 filed on behalf of Joseph H. Jr. and Patricia Prettyman**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 DWELLINGS), LAWN MOWER REPAIR BUSINESS, OUTDOOR STORAGE, LEASED STORAGE UNITS, AND STORAGE BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.71 ACRES, MORE OR LESS” (land lying on the southeast side of Robinsonville Road, approximately 211 feet northwest of Jimtown Road) (Tax I.D. No. 334-11.00-47.00) (911 Address: 18583 Robinsonville Road, Lewes)**

**Conditional Use No. 2180 filed on behalf of Robert J. Palmer and Laura M. Hudson**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 18.11 ACRES, MORE OR LESS” (land lying on the west side of Cedar Lane, approximately 0.53 miles north of Governor Stockley Road (Tax I.D. No. 133-3.00-1.00 and 1.10) (911 Address: 23318 Cedar Lane, Georgetown)**

**Change of Zone No. 1884 filed on behalf of ABC Storage, LLC**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.41 ACRES, MORE OR LESS” (Tax I.D. No. 231-5.00-24.00 and 231-6.00-6.00 (portion of) (911 Address: 13049 and 13039 Seashore Highway, Georgetown)**

**Adjourn**

\*\*\*\*\*

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

\*\*\*\*\*

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on August 6, 2019 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

###

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 30, 2019**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 30, 2019, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>Irwin G. Burton III</b>	<b>Vice President</b>
<b>Douglas B. Hudson</b>	<b>Councilman</b>
<b>John L. Rieley</b>	<b>Councilman</b>
<b>Samuel R. Wilson Jr.</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 389 19  
Amend  
and  
Approve  
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to amend the Agenda by deleting “Executive Session – Land Acquisition” and “Possible Action on Executive Session Items”, and to approve the Agenda, as amended.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Minutes**

The minutes of July 23, 2019 were approved by consent.

**Public  
Comments**

A public comment period was held and the following spoke: Paul Reiger and Dan Kramer.

**Retiree**

The Council recognized Brent D. Hudson, who retired as of July 26, 2019 after serving over 28 years as a Sussex County Paramedic.

**Library  
Advisory  
Board**

Mr. Lawson reported that the term of Mary Schwanky on the Library Advisory Board has expired and that she has agreed to serve a second term.

**M 390 19  
Reappoint  
Board  
Member**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, that the Sussex County Council approves the reappointment of Mary Schwanky to the Sussex County Library Advisory Board, effective immediately, until such time that her term expires on June 30, 2022.

**M 390 19  
(continued)**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Source  
Water  
Protection  
Technical  
Advisory  
Committee  
(SWP TAC)  
Appoint-  
ments**

**Mr. Lawson reviewed the County's Source Water Protection Technical Advisory Committee (SWP TAC) and submitted names for appointment to the committee. Mr. Lawson noted that the SWP TAC is currently not appointed; the Council is authorized to appoint the SWP TAC in accordance with Sussex County Code §89-10. Per the Code, each Council person needs to appoint 2 members; of the 10-person committee, 5 need to be lay persons with basic knowledge of groundwater hydrology and 5 need to be licensed Delaware professional engineers, geologists, or hydrologists. Mr. Lawson reported that he, along with the County Engineer, has recruited 10 people who are qualified and willing to serve on the Committee, as follows:**

- **Anita Beckel, DE Rural Water Association**
- **Diane Calloway, DelTech**
- **Greg Coury, Tidewater**
- **Rick Duncan, Town of Selbyville**
- **Byron Jefferson, Engineering**
- **Greg Sauter, GRA Consultants**
- **Blair Venables, DNREC**
- **Jessica Watson, Sussex Conservation District**
- **David Wunsch, DE Geological Survey**
- **Rodney Wyatt, Artesian**

**M 391 19  
Appoint  
SWP TAC  
Members**

**A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Council approves the appointments of the following to the Sussex County Source Water Protection Technical Advisory Committee, effective August 1, 2019, for a term of two years: Anita Beckel, Diane Calloway, Greg Coury, Rick Duncan, Byron Jefferson, Greg Sauter, Blair Venables, Jessica Watson, David Wunsch, and Rodney Wyatt.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Adminis-  
trator's  
Report**

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

**1. Council Meeting Schedule**

**Council will not meet on Tuesday, August 6th. The next regularly scheduled Council meeting will be held on Tuesday, August 13th.**

- MOU Update/Collection of Roadside Litter and Trash** Mike Costello, Government Affairs Manager, provided an update on the roadside litter and trash collection activities that have taken place under the 2018 Memorandum of Understanding (MOU) between the Department of Corrections, DelDOT, and Sussex County. Mr. Costello noted the increase in activity in this second 6-month period (January through June 2019), stating that the MOU is working well and at no cost to the County.
- GIS Initiatives Update and Esri Award Announcement** Megan Nehrbas, GIS Manager, gave a presentation on GIS initiatives and efficiencies being implemented throughout the County.
- The Council recognized the GIS and Mapping staff for receiving a Special Achievement in GIS (SAG) Award from the Esri software developer, recognizing their outstanding work with GIS technology. Mrs. Nehrbas noted that the award is for their work on the broadband initiative and the applications and maps associated with it.
- Lochwood Expansion of the SCUSSD** John Ashman, Director of Utility Planning, presented a proposal for the Lochwood Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area). The Engineering Department received a request from the Homeowners Association to speak at their annual meeting. The discussion was pertaining to the possibility and potential costs associated with the County extending the Sewer District boundary to serve the community. In response, polling letters were sent to the entire community. The results of the poll to date show 85 (38%) parcels in support and 66 (30%) opposed; in total, 222 parcels were polled with 151 (68%) responding. The Engineering Department is requesting permission to prepare and post notices for a Public Hearing on the annexation of the area.
- M 392 19 Authorize Posting of Notices/Lochwood Expansion of the SCUSSD** A Motion was made by Mr. Burton, seconded by Mr. Hudson, that the Sussex County Engineering Department is authorized to prepare and post notices for the Lochwood Expansion of the Sussex County Unified Sanitary Sewer District to include parcels within the Lochwood Subdivision, as presented.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea
- Grant Requests** Mrs. Jennings presented grant requests for the Council's consideration.
- M 393 19 Countywide Youth Grants** A Motion was made by Mr. Rieley, seconded by Mr. Burton, to give \$1,000.00 from Countywide Youth Grants to Millsboro Little League for travel expenses.
- Motion Adopted:** 5 Yeas.

**M 393 19 (continued)**      **Vote by Roll Call:**    **Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 394 19 Councilmanic Grant**      **A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to give \$3,000.00 (\$1,000.00 each from Mr. Rieley’s and Mr. Hudson’s Councilmanic Grant Accounts and \$500.00 each from Mr. Burton’s and Mr. Vincent’s Councilmanic Grant Accounts) to Delaware Botanic Gardens for Grand Opening sponsorship.**

**Motion Adopted:**    **5 Yeas.**

**Vote by Roll Call:**    **Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**M 395 19 Councilmanic Grant**      **A Motion was made by Mr. Wilson, seconded by Mr. Riley, to give \$3,000.00 (\$1,000.00 each from Mr. Vincent’s, Mr. Wilson’s, and Mr. Rieley’s Councilmanic Grant Accounts) to the Bridgeville Apple Scapple Festival for expenses.**

**Motion Adopted:**    **5 Yeas.**

**Vote by Roll Call:**    **Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Public Hearings/  
Rules**                      **At 1:35 p.m., public hearings were held.**

**Mr. Moore read the rules of procedures for public hearings.**

**Public Hearing/  
CU 2177**                      **A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 2177) filed on behalf of Ingrid Hopkins (Tax I.D. No. 334-10.00-53.00 (portion of) and 334-10.00-55.00 (portion of) (911 Address: 30249 Fisher Road, Lewes).**

**The Planning and Zoning Commission held a Public Hearing on this application on June 27, 2019 at which time action was deferred. On July 18, 2019, the Commission recommended approval with conditions.**

**(See the minutes of the Planning and Zoning Commission dated June 27 and July 18, 2019.)**

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



**Public  
Hearing/  
CU 2177  
(continued)**

The Council found that Ingrid Hopkins was present on behalf of her application. She stated that they wish to grow their business on the family's dairy farm; that the farm is agriculture preserved land; that the use will have no effect on the operations of the farm; that no new structures will be built; that old buildings will be repurposed; and that there is an area for parking and there will be no parking along the roadway.

There were no public comments.

The Public Hearing and public record were closed.

**M 396 19  
Adopt  
Ordinance  
No. 2670/  
CU 2177**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2670 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS" (Conditional Use No. 2177) filed on behalf of Ingrid Hopkins, with the following conditions:

- A. Food and beverage service and music or similar entertainment is permitted.
- B. All parking areas shall be generally shown on the Final Site Plan. No parking shall be permitted on any nearby County roads.
- C. All entrance locations shall be subject to the review and approval of DelDOT.
- D. All events shall conclude prior to 11:00 p.m., with music ending no later than 10:00 p.m.
- E. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Public  
Hearing/  
CZ 1883**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CHANGE OF ZONE NO. 1475 (ORDINANCE NO. 1573) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 787.787 ACRES, MORE OR LESS" (Change of Zone No. 1883) filed on behalf of OA-BP Marina Bay-Lakeside, LLC (Tax I.D. No. 234-30.00-1.00 through 430.00) (911 Address: None Available).

**Public  
Hearing/  
CZ 1883  
(continued)**

**The Planning and Zoning Commission held a Public Hearing on this application on June 27, 2019 at which time action was deferred. On July 18, 2019, the Commission recommended approval.**

**(See the minutes of the Planning and Zoning Commission dated June 27 and July 18, 2019.)**

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

**The Council found that Ring Lardner with Davis Bowen & Friedel was present on behalf of the application. Mr. Lardner explained that the application is for an amendment to Condition #1 to Ordinance #1573 so that “The maximum number of units shall not exceed 1,394 units comprised, as follows: 358 Single Family Lots, 388 Single Family Detached Condominiums, 270 Single Family Attached Town Houses, and 378 Multi-Family Units.”; this results in an increase of 35 single family lots, an increase of 10 single family detached condominiums, a reduction of 55 Single Family Attached Town Houses, and no change in the number of multi-family units); that there would be a total reduction of 10 units; that the request is due to market and trend changes; and that the market indicates that more single family units are desired.**

**Public comments were heard.**

**There were no public comments in support of the application.**

**Steve Dulin spoke in opposition to the application. He stated that he is a resident of The Peninsula since 2008; that he objects to the application because when he and others bought into the project, the number of units (1,404) would support the cost of all general maintenance and upkeep; that the division of housing development he bought into carried the load of The Peninsula for about eight years with only about 10 percent of the property space paying 40 percent of the dues and costs to maintain the property because the build-out was not going well; that most of the condominium owners owned most of the properties but had the fewest number of spaces; that he bought into 1404 units and that is what he wants to see built there; that this change, if approved, will cost the existing homeowners money; that the inducements to buy into The Peninsula are legacy and some did not happen and it costed him and other people money; that he requests that the Council not approve this application unless other certain conditions are met; that he was unable to attend the public hearing before the Planning and Zoning Commission; and that he encourages Council to study this further before making a decision. Mr. Dulin referenced the clubhouse that was not built in the timeframe it was promised to be built and he commented on Schell Brothers, the Attorney General’s Office, and Wilmington Trust. He stated that property values were depressed and people were not able to sell properties nor were they able to get out of their properties.**

**Public  
Hearing  
(continued)**

**There were no additional public comments.**

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

**M 397 19  
Defer  
Action on  
CZ 1883**

**A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to defer action on Change of Zone No. 1883 filed on behalf of OA-BP Marina Bay-Lakeside, LLC**

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

**Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Nay;  
Mr. Wilson, Yea; Mr. Burton, Yea;  
Mr. Vincent, Yea**

**Introduction  
of Proposed  
Ordinances**

**Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR AMENDMENTS TO CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2127 (ORDINANCE NO. 2600) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25.60 ACRES, MORE OR LESS” (Conditional Use No. 2196) filed on behalf of Wine Worx, LLC (Tax I.D. No. 134-11.00-53.00) (911 Address: 32512 Blackwater Road, Frankford).**

**Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (62 DUPLEX UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS” (Conditional Use No. 2197) filed on behalf of Fenwick Commons, LLC (Tax I.D. No. 533-19.00-52.00) (911 Address: Not Available).**

**Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 13.33 ACRES, MORE OR LESS” (Change of Zone No. 1896) filed on behalf of Fenwick Commons, LLC (Tax I.D. No. 533-19.00-52.00) (911 Address: Not Available).**

**Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND**

**Introduction of Proposed Ordinances (continued)**    **REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.97 ACRES, MORE OR LESS” (Change of Zone No. 1897) filed on behalf of Preston Dyer (Tax I.D. No. 334-4.00-37.01) (911 Address: 28855 Lewes Georgetown Highway (Route 9), Lewes).**

**Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 67.31 ACRES, MORE OR LESS” (Change of Zone No. 1898) filed on behalf of Reed Farms, LLC (Tax I.D. No. 235-13.00-29.00, 29.01, and 235-14.00-570.00) (911 Address: 14888 Gravel Hill Road, Milton).**

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

**Council Members’ Comments**

**Council Members’ Comments**

**Mr. Wilson and Mr. Rieley commented on events at the Delaware State Fair.**

**M 398 19 Adjourn**

**A Motion was made by Mr. Hudson, seconded by Mr. Burton, to adjourn at 2:06 p.m.**

**Motion Adopted:    5 Yeas.**

**Vote by Roll Call:    Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Wilson, Yea; Mr. Burton, 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.}*

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

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$8,808,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE PURCHASE OF A SPRAY IRRIGATION SYSTEM AND LAND AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH**

WHEREAS, pursuant to Title 9, Delaware Code, Section 7001(a), Sussex County (the "County") has "all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute" (the "Home Rule Power");

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the purchase of a spray irrigation system and land (collectively, the "Project");

WHEREAS, pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$8,808,000 (the "Bonds") to finance or reimburse the County for all or a portion of the costs of the Project.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code

Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues generated by the Project.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding 40 years from the date of issue of the Bonds, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the United States of America, Rural Utilities Service (or any successor agency).

Section 5. Details of the Bonds. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. Further Action. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage. The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

**SYNOPSIS:** This Ordinance provides for the issuance of up to \$8,808,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for all or a portion of the costs for the purchase of a spray irrigation system and land (collectively, the "Project").

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. \_\_\_\_ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
Robin A. Griffith  
Clerk of the Sussex County Council

(Spray on Demand Acquisition USDA RUS Ordinance)

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

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$5,691,821 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE JOY BEACH SEWER ANNEXATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH**

WHEREAS, pursuant to Title 9, Delaware Code, Section 7001(a) Sussex County (the "County") has "all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute" (the "Home Rule Power");

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the Joy Beach Sewer Annexation Project, which will finance a gravity collection system, pump station, and force main to serve 135 Equivalent Dwelling Units in existing subdivisions and individual parcels in the Joy Beach area, which has been annexed into the Sussex County Unified Sanitary Sewer District (Angola Neck Area) (collectively, the "Project");

WHEREAS, pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$5,691,821 (the "Bonds") to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project, with the expectation that up to \$3,396,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$2,295,821 upon Project completion.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of



issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues of the Subdivision.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding thirty (30) years from the date of completion of the Project, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the State of Delaware Water Pollution Control Revolving Fund (acting by and through the Delaware Department of Natural Resources and Environmental Control) (or any successor agency).

Section 5. Details of the Bonds. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. Further Action. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage.

The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

PROPOSED

ADOPTED this [\_\_\_\_] day of July, 2019.

SUSSEX COUNTY, DELAWARE

Attest:

\_\_\_\_\_  
Clerk  
Sussex County Council

\_\_\_\_\_  
President  
Sussex County Council

[SEAL]

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
County Attorney

PROPOSED

**SYNOPSIS:** This Ordinance provides for the issuance of up to \$5,691,821 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 Joy Beach Sewer Annexation Project, which will finance a gravity collection system, pump station, and force main to serve 135 Equivalent Dwelling Units in existing subdivisions and individual parcels in the Joy Beach area, which has been annexed into the Sussex County Unified Sanitary Sewer District (Angola Neck Area) (collectively, the "Project"), with the expectation that up to \$3,396,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$2,295,821 upon Project completion.

PROPOSED

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

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$3,135,379 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE MULBERRY KNOLL SEWER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH**

WHEREAS, pursuant to Title 9, Delaware Code, Section 7001(a) Sussex County (the "County") has "all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute" (the "Home Rule Power");

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the Mulberry Knoll Sewer District Project, which will finance a gravity collection system, sub-regional pump station, and force main to serve 63 Equivalent Dwelling Units in the area south of Route 24, along Mulberry Knoll Road, an area which is a peninsula in the Rehoboth Bay, with the wastewater being pumped to the County's Inland Bays Regional Wastewater Facility for treatment and disposal, an area which has been created and is now a part of the Sussex County Unified Sanitary Sewer District (collectively, the "Project");

WHEREAS, pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$3,135,379 (the "Bonds") to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project, with the expectation that up to \$1,941,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$1,194,379 upon Project completion.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for

a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues of the Subdivision.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding thirty (30) years from the date of completion of the Project, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the State of Delaware Water Pollution Control Revolving Fund (acting by and through the Delaware Department of Natural Resources and Environmental Control) (or any successor agency).

Section 5. Details of the Bonds. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. Further Action. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage.

The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

PROPOSED

ADOPTED this [\_\_\_\_] day of July, 2019.

SUSSEX COUNTY, DELAWARE

Attest:

\_\_\_\_\_  
Clerk  
Sussex County Council

\_\_\_\_\_  
President  
Sussex County Council

[SEAL]

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
County Attorney

PROPOSED



**SYNOPSIS:** This Ordinance provides for the issuance of up to \$3,135,379 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 Mulberry Knoll Sewer District Project, which will finance a gravity collection system, sub-regional pump station, and force main to serve 63 Equivalent Dwelling Units in the area south of Route 24, along Mulberry Knoll Road, an area which is a peninsula in the Rehoboth Bay, with the wastewater being pumped to the County's Inland Bays Regional Wastewater Facility for treatment and disposal, an area which has been created and is now a part of the Sussex County Unified Sanitary Sewer District (collectively, the "Project"), with the expectation that up to \$1,941,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$1,194,379 upon Project completion.

PROPOSED



**DELAWARE HEALTH  
AND SOCIAL SERVICES**

**MEMORANDUM OF UNDERSTANDING # 20-131  
BETWEEN  
THE DIVISION OF PUBLIC HEALTH,  
DELAWARE DEPARTMENT OF HEALTH & SOCIAL SERVICES,  
STATE OF DELAWARE  
AND SUSSEX  
COUNTY AND  
SUSSEX COUNTY EMERGENCY MEDICAL SERVICES (SCEMS)  
AND  
BEEBE HEALTHCARE  
TO  
PARTICIPATE IN THE MOBILE INTEGRATED HEALTHCARE PARAMEDIC PILOT PROGRAM**

**A. Introduction and Purpose:**

1. This Agreement is entered into between Delaware Department of Health and Social Services (the “Department”), Division of Public Health (the “Division”), and Sussex County, a political subdivision of the State of Delaware, and Sussex County Emergency Medical Services (alternatively “Sussex County” or “SCEMS”) and Beebe Healthcare.
2. The purpose of this Agreement is to allow trained Sussex County Paramedics the opportunity to pilot a program to function as a transitional care provider team serving a targeted chronic obstructive pulmonary disease (COPD) population with a common history of frequent Emergency Department (ED) admissions. The goal of this program is to produce better health outcomes and reduce the number of ambulance transports, visits to the emergency department, and hospital re-admissions for the targeted COPD population. Beebe Healthcare will provide medical oversight of the program. A detailed Scope of Work is attached in **Appendix A**.
3. The Agreement shall commence on **September 1, 2019** and continue in effect **August 31, 2020** unless modified by mutual agreement of the parties or may be terminated as referenced in Section B. 3. of this Agreement.

**B. Administrative Requirements.**

1. **SCEMS and Beebe Healthcare** agree to comply with all State and Federal licensing standards and all other applicable standards as required to provide services under this Agreement and to assure the quality of services provided under this Agreement. **SCEMS and Beebe Healthcare** shall immediately notify the Department in writing of any change in the status of any accreditations, licenses or certifications in any jurisdiction in which they provide services or conduct business. If this change in status is based on the fact that its accreditation, licensure, or

certification is suspended, revoked, or otherwise impaired in any jurisdiction, **SCEMS and Beebe Healthcare** understand that such action may be grounds for termination of the Agreement.

2. **SCEMS and Beebe Healthcare** agree to provide to the Divisional Contract Manager, on an annual basis, if requested, information regarding its client population by race, color, national origin or disability. This information shall be general demographic information and shall not include identification of any specific individual who has received care under the terms of this Agreement.
3. This Agreement may be terminated in whole or part upon thirty (30) calendar days' written notice, with or without cause, by the Department, Division, Sussex County, **SCEMS or Beebe Healthcare**, to the other parties. SCEMS shall be permitted to terminate this Agreement at any time upon loss of grant funding through the Jessie Ball DuPont Fund.
4. In the event of amendments to current Federal or State laws which nullify any term(s) or provision(s) of this Agreement, the remainder of the Agreement will remain unaffected.
5. This Agreement shall not be altered, changed, modified or amended except by written consent of all parties to the Agreement.
6. **SCEMS and Beebe Healthcare** agree that no information obtained pursuant to this Agreement may be released in any form except in compliance with applicable laws and policies on the confidentiality of information and except as necessary for the proper discharge of the **SCEMS and Beebe Healthcare**'s obligations under this Agreement.
7. A party's waiver of any default or breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent default or breach of any provision of this Agreement, nor shall it be construed to be a modification of the terms of the Agreement unless stated to be such in writing, signed by the parties, including an authorized representative of the Department, and attached to the original Agreement.
8. The relationship between **Beebe Healthcare and SCEMS** is that of independent contractors.
9. This Agreement shall be governed by and construed in accordance with the laws of the State of Delaware, with venue lying in Sussex County. In the event of a dispute between the parties, each party shall be entitled to pursue any action at law or in equity in a court of competent jurisdiction in the State of Delaware.
10. This Agreement shall be binding upon and inure to the benefit of the parties, their respective heirs, successors and assigns.
11. All pronouns and any variations thereof used in this Agreement shall be deemed to refer to the masculine, feminine, neuter, singular or plural as the context may require.
12. This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Electronic signatures and photocopies or facsimile copies of signatures shall be deemed to have the same force and effect as originals.

**C. SCEMS and Beebe Healthcare and the Division mutually agree that:**

1. No person shall, on the basis of race, color, creed, sex, national origin, age or disability, be subjected to any discrimination prohibited by the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act, as amended, American with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Title IX of the Educational Amendments of 1972, and other applicable laws, regulations and Executive Orders.
2. No compensation is expected pursuant to this Agreement. However, this Agreement does not preclude other contractual agreements concerning the program within this Agreement.
3. Nothing in this Agreement shall be deemed a waiver of the doctrine of sovereign immunity on the part of the State of Delaware.
4. Nothing contained herein is intended to waive, alter, or otherwise amend Sussex County's immunity under the Delaware Code or otherwise, including but not limited to the County and Municipal Tort Claims Act. Additionally, nothing contained herein is intended to violate any constitutional principles of the State of Delaware or United States. To the extent that any obligations contained in this Agreement are determined by court or other judicial action to waive, alter, or otherwise amend such immunity or to be constitutionally prohibited or otherwise not in accordance with the laws in effect at the time of any such claim, liability, cost or expense, the offending language shall be stricken from this Agreement by such authority and considered invalid and unenforceable to the extent necessary to allow the application of such immunity to any claims, losses, damages, or suits asserted against either party or to the extent necessary to correct such violation of the law. The parties agree that any claims, liabilities, damages, costs and expenses shall be subject to the provisions of the County and Municipal Tort Claims Act, including the limitations on damages.

**D. SCEMS and Beebe Healthcare agrees to:**

1. Have on file the proof of state registration, current licensure, certification, and/or appropriate credentials of any participants requiring those licenses, certifications, or credentials.
2. **SCEMS and Beebe Healthcare** shall separately contract for and be solely responsible for any wages and/or stipends, if any, paid to **SCEMS and Beebe Healthcare** staff participating under the terms of this Agreement.
3. **SCEMS and Beebe Healthcare** shall be solely responsible for ensuring that participating staff are covered by appropriate health and liability insurance, Workers Compensation, and any other appropriate insurance. More specifically, during the term of this MOU and any extension thereof, **Sussex County and Beebe Healthcare** shall each secure and maintain, at their own expense, the following types and amounts of insurance coverages as set forth herein; each policy of insurance required shall be written by insurers with a Best's Financial Strength Rating of "A-" or better, and a Financial Size Category of "Class VII" or better in the latest evaluation of the A.M. Best Company, unless otherwise approved by the other party and allowed to do business in the State of Delaware: Commercial General Liability Insurance, written on an ISO "occurrence form" or an equivalent form including coverage for

bodily injury and property damage claims assumed in a contract with limits of \$1,000,000 combined single limit each occurrence, \$2,000,000 combined single limit general aggregate, \$1,000,000 combined single limit products/completed operations aggregate and \$1,000,000 personal and advertising injury any one person or organization; Workers' Compensation Insurance in compliance with the statutory requirements of the State of Delaware and Employers' Liability Insurance with limits of \$500,000 each Accident and Disease per Employee/Policy Limit; Business Auto Liability Insurance covering all owned, hired and non-owned vehicles for which each party may be responsible with limits of \$1,000,000 combined single limit per accident; Excess/Umbrella liability insurance with follow form coverage of underlying insurance including Commercial General Liability (including products and completed operations), Business Auto Liability, and Employers' Liability, in an amount of not less than \$9,000,000 per each occurrence and aggregates; Professional liability insurance including errors and omissions, property damage, and personal injury coverage, affording protection of not less than \$1,000,000 combined single limit and \$3,000,000 in the aggregate; Insurance coverage for third party liability arising out of breach of privacy, inclusive of confidential and proprietary business information, HIPAA violations, and other breaches of Personally Identifiable Information and/or Protected Health Information, that may arise from the performance of duties under this MOU with minimum limits of \$1,000,000.00 per claim and \$1,000,000.00 aggregate; Privacy Breach Notification and Credit Monitoring with minimum limits of \$500,000.00 each claim. Prior to the commencement of services hereunder, **Sussex County** will submit to the **Beebe Healthcare**, and **Beebe Healthcare** will submit to **Sussex County**, a certificate of insurance evidencing their respective insurance. Each Party shall notify the other at least thirty (30) days in advance prior to cancellation of coverage.

4. **SCEMS and Beebe Healthcare** agrees to save and hold harmless the Division from any liability which may arise as a result of **SCEMS and Beebe Healthcare's** negligent performance, or and/or the negligent performance of **SCEMS and Beebe Healthcare's** staff, under this agreement.
5. Assure both faculty and staff adherence to the Division's policies regarding client confidentiality.

**E. The Division of Public Health shall:**

1. Allow Mobile Integrated Healthcare (MIH) pilot program paramedics to perform functions that expand the role of EMS practitioners, with appropriate training and medical oversight, but does not change the paramedic scope of practice.
2. Provide staff assistance and support throughout the Mobile Integrated Healthcare pilot program.

Remainder of this page intentionally left blank

**Certification:**

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**

---

**Kara Odom Walker, MD, MPH, MSHS**  
**Cabinet Secretary**  
**Department of Health & Social Services**

---

**Date**

**DIVISION OF PUBLIC HEALTH**

---

**Karyl T. Rattay, MD, MS**  
**Director**  
**Division of Public Health**

---

**Date**

**OFFICE OF EMERGENCY MEDICAL SERVICES**

---

**Britany Huss**  
**Deputy Director**  
**Office of Emergency Medical Services**

---

**Date**

**BEEBE HEALTHCARE, a corporation of the State of Delaware**

\_\_\_\_\_  
**Rick Schaffner**  
**Interim President and CEO**

\_\_\_\_\_  
**Date**

**SUSSEX COUNTY, a political subdivision of the State of Delaware**

By: \_\_\_\_\_  
**Michael H. Vincent, President**  
**Sussex County Council**

Attest: \_\_\_\_\_  
**Robin Griffith, Clerk of the**  
**Sussex County Council**

\_\_\_\_\_  
**Date**

**SUSSEX COUNTY EMERGENCY MEDICAL SERVICES, a department of Sussex  
County**

\_\_\_\_\_  
**Robert A. Stuart**  
**Director**

\_\_\_\_\_  
**Date**

**Approved as to Form:**

\_\_\_\_\_  
**J. Everett Moore, Jr., Esquire**  
**Sussex County Attorney**

\_\_\_\_\_  
**Date**

## APPENDIX A DETAILED

### SCOPE OF WORK

- *SCEMS and Beebe Healthcare agree to train a minimum of three current SCEMS paramedics as Mobile Integrated Healthcare (MIH) paramedics. Two paramedics will serve as primary MIH personnel and the third will serve as an alternate.*
- *Beebe Healthcare agrees to provide a clinical rotation for a mutually agreed upon number of community paramedics, in the areas of transitional care management, care coordination, in-hospital pulmonary navigation and rehabilitation, in addition to outpatient pulmonary observation, based on clinical rotation and observational guidelines. Activities will include training then evaluating the community paramedic's ability to correctly perform each assessment and provide appropriate resources. Beebe Healthcare and/or SCEMS may provide additional training hours if both parties agree that it would be mutually beneficial to the program.*
- *Beebe Healthcare agrees to provide the medical oversight for the MIH program. SCEMS agrees that an EMS Medical Director shall be appointed liaison to work with the Beebe Healthcare MIH program medical director. The Beebe Healthcare MIH program medical director agrees to create and oversee patient care protocols and quality care provided by the MIH paramedics.*
- *SCEMS will ensure staffing of the MIH paramedic unit two days a week. MIH paramedics will continue to work their regularly scheduled shifts when not assigned to the MIH unit.*
- *Should the MIH paramedics encounter a patient deemed ill enough to require emergency care or transportation to an Emergency Department the MIH paramedic will activate the 911 response through the county EOC, start a 911 incident, render appropriate care under the State of Delaware Paramedic Standing Orders and complete a State of Delaware ALS Patient Care report in the statewide reporting system.*
- *SCEMS agrees to provide the vehicles and currently utilized equipment needed for the MIH unit.*
- *Beebe Healthcare agrees to provide any additional supplies needed for the MIH program.*
- *SCEMS agrees to establish the MIH paramedic role as providing follow-up, in-home outreach and patient education following discharge from the emergency department.*
- *This MIH pilot program will serve the identified area, encompassing the Beebe catchment area to include Millsboro, Long Neck, Lewes, Rehoboth and the eastern*



*portion of southern Sussex County.*

- *Participants agree to share patient records as is necessary to provide care and will follow corresponding confidentiality policies. The patient record created by the MIH paramedic will be entered into Beebe Healthcare's Athena patient care reporting system.*
- *Participants agree to run data requests on certain measurable outcomes for use by both parties. Data will be presented in aggregate without patient identifiers. Beebe Healthcare will share program evaluation results with SCEMS.*
- *At the completion of the pilot program, SCEMS and Beebe Healthcare shall complete and submit to the Office of EMS an outcome summary report regarding quality of life, medication reconciliation, home safety inspections, utilization of 911 and emergency department services, cost of the program, cost of reduction to the healthcare system, and both primary care and pulmonologist satisfaction.*
- *Beebe Healthcare shall formally offer program to eligible patients and obtain enrollment consent to request a home visit by the MIH paramedic, based on services that are within the scope and expertise of the paramedic. A MIH paramedic will act on the order between 8:00 am and 5:00 pm within 24 –48 hours of receipt, and based on urgency and availability, unless otherwise agreed upon by the issuing provider. Beebe Healthcare physicians and medical providers shall provide medical oversight and have ultimate responsibility regarding their patients in the program.*
- *SCEMS and Beebe Healthcare shall participate in case reviews when appropriate, in order to improve the quality of the program and document specific outcomes for evaluation purposes.*
- *Beebe Healthcare shall administer and provide the medical oversight for the MIH program through its Medical Directors, Delaware-licensed physicians. All Medical Directors shall be physician's board certified in pulmonary medicine or MIH related alternative ("Program Medical Director").*
- *SCEMS EMS Medical Directors shall work in conjunction with the MIH Program Medical Director.*
- *Beebe Healthcare shall provide proof of a certificate of liability insurance for Medical Malpractice listing all physicians participating in the program.*
- *The program Medical Director shall possess thorough knowledge of skills assigned by standing orders to the Paramedics.*
- *The program Medical Director shall possess thorough knowledge of the laws and administrative rules of the State of Delaware pertaining to Paramedics.*
- *The Program Medical Director shall oversee issuance, review and*

*maintenance of standing orders within the scope of practice not to exceed the certification level of the Paramedics.*

- *The program Medical Director shall explain the standing orders to the Paramedics, making sure they are understood and not exceeded.*
- *The program Medical Director shall establish that the Paramedics are currently certified and in good standing with the Board of Medical Licensure and Discipline.*
- *The program Medical Director shall provide regular review of the Paramedics' practice by conducting one or more of the following at least 2 times per year;*
  - *Direct observation of prehospital care performance by riding with the transitional care provider team;*
  - *Indirect observation using one or more of the following:*
    - *MIH patient care form;*
    - *Prehospital communications tapes review;*
    - *Immediate critiques following presentation of reports;*
    - *Demonstration of technical skills;*
    - *Post-care patient or receiving physician interviews using questionnaire or direct interview techniques;*
    - *Provide or coordinate formal care reviews*
- *SCEMS agrees to fully fund this program with grant funding secured through the Jessie Ball DuPont Fund and Beebe Healthcare, including additional future funding opportunities secured by Beebe Medical Foundation. Funds are anticipated to cover a one-month training program and up to one year of home visits, conducted two days per week.*
- *SCEMS agrees to ensure internal controls are in place that remove all expenses associated with the pilot program from the request for State Paramedic Grant in Aid reimbursement.*



# Mobile Integrated Healthcare *Pilot Program*

A PARTNERSHIP BETWEEN SUSSEX COUNTY EMS AND BEEBE HEALTHCARE TO IMPROVE THE QUALITY OF LIFE AND REDUCE THE 30-DAY READMISSION OF PATIENTS WITH A HISTORY OF COPD.

# Mobile Integrated Healthcare (MIH) Pilot Program

## ▶ Program Overview

- ▶ Enroll / Interact with up to 50 patients with diagnosis of Chronic Obstructive Pulmonary Disease (COPD) who are repeat patients being seen at Beebe.
  - ▶ In 2015, 30% of the patients with COPD seen at Beebe were readmitted within 30 days.
- ▶ One year pilot program aims to....
  - ▶ Reduce 30-Day Readmission to the hospital by 30%.
  - ▶ Improve Quality of Life based on various assessment tools.
- ▶ Beebe Healthcare identified the ideal area being those within the 19966 zip code.

# Mobile Integrated Healthcare (MIH) Pilot Program

- ▶ Paramedics new role of providing in-home outreach, follow-up and patient education following discharge from Beebe.
  - ▶ Training – three paramedics attended 50+ hours of supplemental education specializing in population health, respiratory management, and patient education.
  - ▶ Home Visits – home safety inspections, medication reconciliation, quality of life assessments, paramedics will work with Beebe's Population Health and Advanced Care Clinic team members to meet any discovered needs.

# Mobile Integrated Healthcare (MIH) Pilot Program

- ▶ Challenges

- ▶ State Law, Title 16, Chapter 97

- ▶ Emergency vs. Non-Emergency
    - ▶ Medical Direction

- ▶ Funding

- ▶ Jessie Ball DuPont Fund, requested \$75,000, awarded \$31,500 in 2017.
    - ▶ Beebe Healthcare committed to cover the gaps in program costs while continuing the search for additional funding.
    - ▶ Discover Bank, requested \$75,000, awarded \$61,500 in June 2019.

- ▶ Memorandum of Understanding (MOU)

- ▶ Sussex County
    - ▶ Beebe Healthcare
    - ▶ Office of EMS

# Mobile Integrated Healthcare (MIH) Pilot Program



- ▶ Post-pilot
  - ▶ One year later
    - ▶ Review data and present to various boards
    - ▶ Suggest legislative changes
    - ▶ Seek continued funding, if warranted
- ▶ Future
  - ▶ Sky is the limit with Mobile Integrated Healthcare
    - ▶ Many other opportunities with the state and other medical facilities
    - ▶ Other patient populations that could benefit include those with Congestive Heart Failure, elderly with frequent falls, and even those suffering addiction.
    - ▶ Our first step with seeing this pilot through, demonstrate that we can meet our goals and then explore other opportunities.
- ▶ Questions & Motion

## 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

## Memorandum

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

**FROM:** Hans Medlarz, County Engineer

**RE:** *James Farm Master Plan Implementation Phase II  
FY 2020 Outdoor Recreation, Parks and Trail Grant Request  
Approval of Resolution*

**DATE:** August 13, 2019

Sussex County and the Delaware Center for Inland Bays (CIB) have a long-standing relationship with regards to the James Farm Ecological Preserve, beginning in 1998 with the first occupancy lease agreement. On September 19, 2017, Council granted a 20-year occupancy extension to the original agreement.

In 2016, a Master Plan was completed, detailing needed improvements to accommodate the visitation growth. The design and permitting for the Master Plan's Phase I Improvements, was completed in August 2017. Subsequently the County, on behalf of CIB, applied for and received an Outdoor Recreation Parks and Trail Grant through DNREC in the amount of \$85,000.00, which the County matched with FY 18 funds. The State funds allowed the County and CIB the partial implementation of the Master Plan's Phase I, Cedar Neck Road Entrance project which was awarded on September 18, 2018 to Gateway Construction, Inc.

The bid was structured as a unit price contract where several of the items could be used in the remaining portion of Phase I construction. Using the unit costs as well as newly developed lump sum scope items, the contractor proposed change order 1 to complete Phase I, which Council approved on December 11, 2018 and on April 30, 2019 Council granted substantial completion.

In 2019 the County, on behalf of CIB, pre-applied for an Outdoor Recreation, Parks and Trail Grant through DNREC in the amount of \$82,500.00, which the County would partially match with FY 20 funds while CIB contributes the balance required for the match. The State funding will allow the County and CIB the partial implementation of Phase II of the Master Plan.

Therefore, the Engineering Department recommends adoption of the associated Resolution.





## **RESOLUTION**

### **TO SUBMIT A REQUEST TO THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S (DNREC) OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) PROGRAM FOR A 50% MATCHING GRANT TO FINANCE PHASE II CONSTRUCTION OF THE JAMES FARM ECOLOGICAL PRESERVE MASTER PLAN**

WHEREAS, in 1998, Sussex County began leasing the property, known as the James Farm Ecological Preserve, to the Delaware Center for the Inland Bays, a non-profit organization, to provide property management, offer educational opportunities, and allow public outreach, to foster sustainable use and enhancement of the Inland Bays watershed; and

WHEREAS, in 2014, Sussex County agreed with the Delaware Center for the Inland Bays for the need of a James Farm Ecological Preserve Master Plan, detailing specific site improvements to accommodate the significant growth in the number of visitors occurring at the Preserve; and

WHEREAS, in 2015 Sussex County, allocated \$37,500.00 allowing the Delaware Center for the Inland Bays to submit a DNREC matching ORPT Grant request in the amount of \$37,500.00, to complete the engineering design and permitting for the Phase I Construction of the James Farm Ecological Preserve Master Plan; and

WHEREAS, the DNREC ORPT Grant was awarded allowing Sussex County and the Delaware Center for the Inland Bays, after a compliant professional services selection process, to contract with Century Engineering, for the design and permitting for the Phase I Construction of the James Farm Ecological Preserve Master Plan; and

WHEREAS, in 2018 Sussex County, allocated \$65,000.00 allowing the Delaware Center for the Inland Bays to submit a DNREC matching ORPT Grant request in the amount of \$85,000.00, to complete the Phase I Construction of the James Farm Ecological Preserve Master Plan; and

WHEREAS, the DNREC ORPT Grant was awarded allowing Sussex County and the Delaware Center for the Inland Bays to construct the Phase I improvements of the James Farm Ecological Preserve Master Plan; and

WHEREAS, Sussex County allocated \$42,000.00 in the FY20 Budget towards the partial Phase II Implementation of the James Farm Ecological Preserve Master Plan; and

WHEREAS, the Delaware Center for the Inland Bays received constituent donations as well as EPA programmatic funding and will use them to provide \$40,250.00 in matching monies towards the partial Phase II Implementation of the James Farm Ecological Preserve Master Plan.

NOW, THEREFORE,

BE IT RESOLVED THAT the Sussex County Council of Sussex County, Delaware hereby acknowledges its support of the ongoing operations and maintenance of the James Farm Ecological Preserve; Approves and acknowledges the Engineering Department's application submission on behalf of the Delaware Center for the Inland Bays for a matching ORPT Grant to the DNREC in the amount of \$82,250.00 for assistance in funding the partial Phase II Implementation of the James Farm Ecological Preserve Master Plan; and Furthermore designates the Delaware Center for the Inland Bays' Program Manager, Bob Collins, to serve as the ORPT Grant's Project Manager, in conjunction with the County Engineer, if an ORPT Grant is awarded.

1 **AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY,**  
2 **CHAPTER 115, ARTICLES IV, V, VIII, X, XA, XB, XIB, XIC, XID, XIE, XIF,**  
3 **XIII, XIV, AND XV BY AMENDING SECTIONS 115-21, 115-30, 115-54, 115-**  
4 **70, 115-75.3, 115-75.10, 115-83.12, 115-19, 115-83.27, 115-83.34, 115-83.41, 115-**  
5 **95, 115-103, 115-112 AND TABLE IV REGARDING THE USE OF**  
6 **MANUFACTURED HOME-TYPE STRUCTURES AS TEMPORARY**  
7 **BUILDINGS INCIDENTAL TO CONSTRUCTION OPERATIONS OR THE**  
8 **SALE OF LOTS.**

9  
10 WHEREAS, The Sussex County Planning & Zoning Department recognizes that  
11 manufactured home-type structures are often used for construction trailers or  
12 marketing offices for a limited duration while a residential or commercial project is  
13 underway and the current approval process for these types of structures is  
14 unnecessarily burdensome and time consuming; and

15  
16 WHEREAS, The Sussex County Planning & Zoning Department recognizes that the  
17 use of these structures on a temporary basis is necessary for construction  
18 management, security, safety, sales and other similar purposes on construction sites;  
19 and

20  
21 WHEREAS, the Sussex County Zoning Code currently permits temporary  
22 structures for use as offices or construction purposes while a project is underway in  
23 certain zoning districts, but the current Code language does not specifically permit  
24 the use of manufactured home- type structures for this purpose; and

25  
26 WHEREAS, the use of these manufactured home- type structures are necessary on  
27 virtually every construction site, yet they require an approval as a special use  
28 exception from the Board of Adjustment, which is time consuming and almost never  
29 denied; and

30  
31 WHEREAS, The Sussex County Planning & Zoning Department recommends the  
32 approval of this amendments to the Zoning Code.

33  
34 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDNAINS:**  
35  
36

37 **Section 1. The Code of Sussex County, Chapter 115, Article IV, §115-21**  
38 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**  
39 **underlined language:**

40  
41 **§115-21. Permitted Accessory Uses.**

42  
43 ...

44  
45 B. Other Permitted Accessory Uses As Follows:

46  
47 ...

48  
49 Temporary Buildings, *including manufactured home-type structures*, the use  
50 of which is incidental to construction operations or sale of lots during  
51 development being conducted on the same or adjoining tract or subdivision  
52 and which shall be removed upon completion or abandonment of such  
53 construction or upon expiration of a period of two years of the time of  
54 erection of the temporary building, whichever is sooner. *If construction*  
55 *operations or the initial sale of lots remain actively underway, the Director*  
56 *may grant extensions to this time period.*

57  
58 **Section 2. The Code of Sussex County, Chapter 115, Article V, §115-30**  
59 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**  
60 **underlined language:**

61  
62 **§115-30. Permitted Accessory Uses.**

63  
64 Permitted accessory uses are as follows:

65  
66 ...

67  
68 Temporary Buildings, *including manufactured home-type structures*, the use  
69 of which is incidental to construction operations or sale of lots during  
70 development being conducted on the same or adjoining tract or subdivision  
71 and which shall be removed upon completion or abandonment of such  
72 construction or upon expiration of a period of two years of the time of erection  
73 of the temporary building, whichever is sooner. *If construction operations or*

74 the initial sale of lots remain actively underway, the Director may grant  
75 extensions to this time period.

76  
77  
78 **Section 3. The Code of Sussex County, Chapter 115, Article VIII, §115-54**  
79 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**  
80 **underlined language:**

81  
82 **§115-54. Permitted Accessory Uses.**

83  
84 Permitted accessory uses shall be as follows:

85  
86 . . .

87  
88 Temporary Buildings, including manufactured home type structures, the use  
89 of which is incidental to construction operations or sale of lots during  
90 development being conducted on the same or adjoining tract or subdivision  
91 and which shall be removed upon completion or abandonment of such  
92 construction or upon expiration of a period of two years of the time of erection  
93 of the temporary building, whichever is sooner. If construction operations or  
94 the initial sale of lots remain actively underway, the Director may grant  
95 extensions to this time period.

96  
97  
98 **Section 4. The Code of Sussex County, Chapter 115, Article X, §115-70**  
99 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**  
100 **underlined language:**

101  
102 **§115-70. Permitted Accessory Uses.**

103  
104 Permitted accessory uses are as follows:

105  
106 Storage of office supplies or merchandise normally carried in stock in  
107 connection with a permitted office or business use, subject to applicable  
108 district regulations.

109  
110 A wind turbine which meets §115 – 194.4 as a permitted use.  
111

112 Temporary Buildings, including manufactured home type structures, the use  
113 of which is incidental to construction operations or sale of lots during  
114 development being conducted on the same or adjoining tract or subdivision  
115 and which shall be removed upon completion or abandonment of such  
116 construction or upon expiration of a period of two years of the time of erection  
117 of the temporary building, whichever is sooner. If construction operations or  
118 the initial sale of lots remain actively underway, the Director may grant  
119 extensions to this time period.

120  
121  
122 **Section 5. The Code of Sussex County, Chapter 115, Article XA, §115-75.3**  
123 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**  
124 **underlined language:**

125  
126 **§115-75.3. Permitted Accessory Uses.**

127  
128 Permitted accessory uses are as follows:

- 129  
130 A. Residential within-structure commercial or office uses.  
131  
132 B. Home Occupation.  
133  
134 C. Garage, public or commercial parking.

135  
136 D. Temporary Buildings, including manufactured home type structures,  
137 the use of which is incidental to construction operations or sale of lots during  
138 development being conducted on the same or adjoining tract or subdivision  
139 and which shall be removed upon completion or abandonment of such  
140 construction or upon expiration of a period of two years of the time of erection  
141 of the temporary building, whichever is sooner. If construction operations or  
142 the initial sale of lots remain actively underway, the Director may grant  
143 extensions to this time period.

144  
145  
146 **Section 6. The Code of Sussex County, Chapter 115, Article XB, §115-75.10**  
147 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**  
148 **underlined language:**

149

150 **§115-75.10. Permitted Accessory Uses.**

151

152 Permitted accessory uses are as follows:

153

154 . . .

155

156 I. Temporary Buildings, including manufactured home type structures,  
157 the use of which is incidental to construction operations or sale of lots during  
158 development being conducted on the same or adjoining tract or subdivision  
159 and which shall be removed upon completion or abandonment of such  
160 construction or upon expiration of a period of two of the time of erection of  
161 the temporary building, whichever is sooner. If construction operations or  
162 the initial sale of lots remain actively underway, the Director may grant  
163 extensions to this time period.

164

165

166 **Section 7. The Code of Sussex County, Chapter 115, Article XIB, §115-83.12**  
167 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**  
168 **underlined language:**

169

170 **§115-83.12. Permitted Accessory Uses.**

171

172 Permitted accessory uses are as follows:

173

174 A. Residential within-structure commercial or office uses.

175

176 B. Garage, public or commercial parking.

177

178 C. Temporary Buildings, including manufactured home type structures,  
179 the use of which is incidental to construction operations or sale of lots during  
180 development being conducted on the same or adjoining tract or subdivision  
181 and which shall be removed upon completion or abandonment of such  
182 construction or upon expiration of a period of two years of the time of erection  
183 of the temporary building, whichever is sooner. If construction operations or  
184 the initial sale of lots remain actively underway, the Director may grant  
185 extensions to this time period.

186

187

188 **Section 8. The Code of Sussex County, Chapter 115, Article XIC, §115-83.19**  
189 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**  
190 **underlined language:**

191  
192 **§115-83.19. Permitted Accessory Uses.**

193  
194 Permitted accessory uses are as follows:

195  
196 A. Residential within-structure commercial or office uses.

197  
198 B. Garage, public or commercial parking.

199  
200 C. Temporary Buildings, including manufactured home type structures,  
201 the use of which is incidental to construction operations or sale of lots during  
202 development being conducted on the same or adjoining tract or subdivision  
203 and which shall be removed upon completion or abandonment of such  
204 construction or upon expiration of a period of two years of the time of erection  
205 of the temporary building, whichever is sooner. If construction operations or  
206 the initial sale of lots remain actively underway, the Director may grant  
207 extensions to this time period.

208  
209  
210 **Section 9. The Code of Sussex County, Chapter 115, Article XID, §115-83.27**  
211 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**  
212 **underlined language:**

213  
214 **§115-83.27. Permitted Accessory Uses.**

215  
216 Permitted accessory uses are as follows:

217  
218 A. Greenhouses, commercial.

219  
220 B. Temporary Buildings, including manufactured home type structures,  
221 the use of which is incidental to construction operations or sale of lots during  
222 development being conducted on the same or adjoining tract or subdivision  
223 and which shall be removed upon completion or abandonment of such  
224 construction or upon expiration of a period of two years of the time of erection  
225 of the temporary building, whichever is sooner. If construction operations

226 or the initial sale of lots remain actively underway, the Director may grant  
227 extensions to this time period.

228  
229

230 **Section 10. The Code of Sussex County, Chapter 115, Article XIE, §115-83.34**  
231 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**  
232 **underlined language:**

233

234 **§115-83.34. Permitted Accessory Uses.**

235

236 Permitted accessory uses are as follows:

237

238 A. Garage, public or commercial parking.

239

240 B. Temporary Buildings, including manufactured home type structures,  
241 the use of which is incidental to construction operations or sale of lots during  
242 development being conducted on the same or adjoining tract or subdivision  
243 and which shall be removed upon completion or abandonment of such  
244 construction or upon expiration of a period of two year of the time of erection  
245 of the temporary building, whichever is sooner. If construction operations or  
246 the initial sale of lots remain actively underway, the Director may grant  
247 extensions to this time period.

248

249

250 **Section 11. The Code of Sussex County, Chapter 115, Article XIF, §115-83.41**  
251 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**  
252 **underlined language:**

253

254 **§115-83.41. Permitted Accessory Uses.**

255

256 Permitted accessory uses are as follows:

257

258 A. Garage, public or commercial parking.

259

260 B. Temporary Buildings, including manufactured home type structures,  
261 the use of which is incidental to construction operations or sale of lots during  
262 development being conducted on the same or adjoining tract or subdivision  
263 and which shall be removed upon completion or abandonment of such



264 construction or upon expiration of a period of two years of the time of erection  
265 of the temporary building, whichever is sooner. If construction operations or  
266 the initial sale of lots remain actively underway, the Director may grant  
267 extensions to this time period.  
268  
269

270 **Section 12. The Code of Sussex County, Chapter 115, Article XIII, §115-95**  
271 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**  
272 **underlined language:**  
273

274 **§115-95. Permitted Accessory Uses.**  
275

276 Permitted accessory uses are as follows:  
277

278 A. Storage of office supplies or merchandise normally carried in stock in  
279 connection with a permitted office or business use, subject to applicable  
280 district regulations.  
281

282 B. A single-family dwelling or single-family manufactured home  
283 accessory to a farm of 10 acres or more.  
284

285 C. A wind turbine which meets §115 – 194.4 as a permitted use.  
286

287 D. Temporary Buildings, including manufactured home type structures,  
288 the use of which is incidental to construction operations or sale of lots during  
289 development being conducted on the same or adjoining tract or subdivision  
290 and which shall be removed upon completion or abandonment of such  
291 construction or upon expiration of a period of two years of the time of erection  
292 of the temporary building, whichever is sooner. If construction operations or  
293 the initial sale of lots remain actively underway, the Director may grant  
294 extensions to this time period.  
295  
296  
297

298 **Section 13. The Code of Sussex County, Chapter 115, Article XIV, §115-103**  
299 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**  
300 **underlined language:**  
301

302 **§115-103. Permitted Accessory Uses.**

303

304 Permitted accessory uses are as follows:

305

306 A. Storage of office supplies or merchandise normally carried in stock in  
307 connection with a permitted office or business use, subject to applicable  
308 district regulations.

309

310 B. A single-family dwelling or single-family manufactured home  
311 accessory to a farm of 10 acres or more.

312

313 C. A wind turbine which meets §115 – 194.4 as a permitted use.

314

315 D. Temporary Buildings, including manufactured home type structures,  
316 the use of which is incidental to construction operations or sale of lots during  
317 development being conducted on the same or adjoining tract or subdivision  
318 and which shall be removed upon completion or abandonment of such  
319 construction or upon expiration of a period of two years of the time of erection  
320 of the temporary building, whichever is sooner. If construction operations or  
321 the initial sale of lots remain actively underway, the Director may grant  
322 extensions to this time period.

323

324

325 **Section 14. The Code of Sussex County, Chapter 115, Article XV, §115-112**  
326 **“Permitted Accessory Uses” is hereby amended by inserting the italicized and**  
327 **underlined language:**

328

329 **§115-112. Permitted Accessory Uses.**

330

331 Permitted accessory uses are as follows:

332

333 A. Storage of office supplies or merchandise normally carried in stock in  
334 connection with a permitted office or business use, subject to applicable  
335 district regulations.

336

337 B. A single-family dwelling or single-family manufactured home  
338 accessory to a farm of 10 acres or more.

339

340 C. A wind turbine which meets §115 – 194.4 as a permitted use.

341

342 D. Temporary Buildings, including manufactured home type structures,  
343 the use of which is incidental to construction operations or sale of lots during  
344 development being conducted on the same or adjoining tract or subdivision  
345 and which shall be removed upon completion or abandonment of such  
346 construction or upon expiration of a period of two years of the time of erection  
347 of the temporary building, whichever is sooner. If construction operations or  
348 the initial sale of lots remain actively underway, the Director may grant  
349 extensions to this time period.

350

351

352 **Section 15. The Code of Sussex County, Chapter 115, Table IV “Permitted**  
353 **Uses, Commercial” is hereby amended by inserting the italicized and**  
354 **underlined language to correspond with the foregoing Code Amendments as**  
355 **shown on the amended Table V “Permitted Uses, Commercial” attached hereto**  
356 **and incorporated herein.**

357

358 **Section 16. Effective Date.**

359

360 This ordinance shall take effect immediately upon its adoption by Sussex County  
361 Council.

362

1  
2  
3  
4  
5  
6  
7

ZONING

115 Attachment 4

Sussex County

**TABLE IV**

**Permitted Uses Commercial  
Sussex County**

Blank =Not permitted P =Permitted use SUE =Special use Exception, see Sec. ** A =Permitted Accessory Use, see Sec. ** D = Definition, see Sec. **	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
<b>Agriculture-Related Uses</b>							
Agriculture-Related Business						P <sup>2</sup>	
Agricultural Uses (less than 5 acres) Farm, Truck Garden, Orchard or Nursery Uses						P <sup>2</sup>	
Aquaculture						P <sup>2</sup>	
Greenhouse, commercial	D	P		P	A	P	
Wholesale, retail, nurseries for sale of products produced on site	D	P	P <sup>1</sup>	P	P	P <sup>2</sup>	
<b>Residential Uses</b>							
Residential within structure commercial or office uses	A		A	A <sup>3</sup>	A <sup>4</sup>		
Bed & Breakfast (Tourist Homes)	D	P	P				
Dwelling, Duplex	D				P <sup>4</sup>		
Dwelling, Manufactured Home	D						
Dwelling, Multi-family	D				P <sup>4</sup>		
Dwelling, Single Family Detached, including Modular	D				P <sup>4</sup>		
Dwelling, Townhouse	D				P <sup>4</sup>		
Home Occupation	D	A			P		
Hotel, motel or motor lodge	D	P	P	P	P		
<b>Sales &amp; Rental of Goods, Merchandise, and Equipment</b>							
Convenience store	D	P	A	P <sup>1</sup>	P	P	
Convenience store, Fuel Station (1 to 6 fuel dispensers) (no restriction on number of nozzles)		P		P <sup>1</sup>	P	P	
Convenience store, Fuel Station (7 or more fuel dispensers) (no restriction on number of nozzles)				P	P		
Retail sales establishments 3,500 SF or less	D	P	A	P <sup>1</sup>	P	P	P
Retail sales establishments 3,501 SF to 7,500 SF	D	P	A	P <sup>1</sup>	P	P	P
Retail sales establishments 7,501 SF to 35,000 SF	D	P		P <sup>1</sup>	P	P	
Retail sales establishments 35,001 SF to 75,000 SF	D			P <sup>1</sup>	P	P	

Blank =Not permitted P =Permitted use SUE =Special use Exception, see Sec. ** A =Permitted Accessory Use, see Sec. ** D = Definition, see Sec. **	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Retail sales establishments 75,001 SF or more	D			P	P		
Pharmacy or related uses, 12,000 SF or less	D	P	A	P <sup>1</sup>	P <sup>1</sup>	P	
Pharmacy or related uses, 12,001 SF to 35,000 SF	D	P		P <sup>1</sup>	P <sup>1</sup>	P	
Restaurant 3,500 SF or less		P	A	P <sup>1</sup>	P	P	P <sup>2</sup>
Restaurant 3,501 SF to 7,500 SF	D	P	A	P <sup>1</sup>	P	P	P <sup>2</sup> P
Restaurant 7,501 SF or more	D			P <sup>1</sup>	P	P	
Brew Pub 7,500 SF or less		P	A	P <sup>1</sup>	P	P	
Brew Pub 7,501 SF or more				P <sup>1</sup>	P	P	
Wholesale trade establishment	D			P <sup>1</sup>	P	P	P <sup>2</sup>
<b>Office, Clerical, Research, Personal Service and Similar Enterprises Not Primarily Related to Goods</b>							
Business service establishments	D	P	P	P <sup>1</sup>	P	P	P <sup>2</sup>
Banks		P	P	P <sup>1</sup>	P	P	
Professional Offices	D	P	P	P <sup>1</sup>	P	P	P <sup>2</sup>
Personal service establishments	D	P	P	P <sup>1</sup>	P	P	P <sup>2</sup>
Entertainment establishments 7,500 SF or less	D	P	A	P <sup>1</sup>	P	P	
Entertainment establishments more than 7,501 SF	D		A	P <sup>1</sup>	P	P	
Social service establishments	D	P	P	P <sup>1</sup>	P	P	P
<b>Manufacturing, Assembling, Processing</b>							
Winery, Brewery or Distillery under 7,500 SF	D	P		P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>2</sup>
Winery, Brewery or Distillery over 7,501 SF							P <sup>2</sup>
Manufacturing	D		P <sup>1</sup>				P <sup>2</sup>
Material Storage Yard with on-site mulching, pulping or manufacturing of material	D						P <sup>2</sup>
<b>Educational, Cultural, Religious, Philanthropic, Social, Fraternal</b>							
Bio Tech Campus	D		P				P
Biotech Industry	D		P <sup>1</sup>				P <sup>1</sup>
Recreational Facility, Private	D					P	
Recreational Facility, Commercial (Indoor Only)	D	P		P	P	P	
Recreational Facility, Commercial (Indoor & Outdoor)	D	P			P	P	
Club Indoor, private such as clubs, lodges, and other annual membership clubs	D	P		P	P	P	
Aquariums, commercial						P	
Educational institutions, public and private	D						P

Blank =Not permitted P =Permitted use SUE =Special use Exception, see Sec. ** A =Permitted Accessory Use, see Sec. ** D = Definition, see Sec. **	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Places of worship	D	P	P	P	P	P	P
<b>Institutional, Residence, Care, Confinement &amp; Medical Facilities</b>							
Family Child Day care center (1-6 children)	D	P		P	P	P	
Large Family Child Care Homes (7-12 children)	D	P		P	P	P	
Early Care and Education and school-Age Centers (13 or more children)	D	P	P	P	P	P	P
Residential Child Care Facilities and Day Treatment Programs	D	P		P	P	P	P
Child Placing Agencies	D	P	P	P	P	P	P
Hospital	D						P
Medical clinic	D	P	P	P	P	P	P
Independent Care Facility	D			P	P	P	P
Assisted Living Facility	D	P		P	P	P	P
Extended Care Facility	D	P		P	P	P	P
Intermediate Care Facility	D	P		P	P	P	P
Long-term Care Facility	D	P		P	P	P	P
Graduate Care Facility					P		P
Surgical center	D	P			P	P	P
Fitness / wellness center		P	P	P <sup>1</sup>	P	P	P
Museums, Non-profit art galleries	D	P		P <sup>1</sup>	P	P	P
Community Centers	D	P		P <sup>1</sup>	P	P	P
<b>Transportation-Related Sales &amp; Service</b>							
Motor & non-motor vehicle sales, rental, repair, service and storage					P	P	P <sup>2</sup>
Motor-vehicle washes		P			P	P	
Airports and landing fields or seaplane bases, provided that they shall comply with the recommendations of the Federal Aviation Administration							
<b>Storage &amp; Parking</b>							
Distribution center	D		P		P		P <sup>2</sup>
Garage, public or commercial parking		A	A	A	A	P	A
Self-storage facility	D	P		P <sup>1</sup>	P	P	P <sup>2</sup>
Warehouse	D			P <sup>1</sup>	P	P	P <sup>2</sup>
<b>Public, Semi-Public, Utilities, Emergency</b>							
Government facilities and services, local	D	P	P	P <sup>1</sup>	P	P	P
Government facilities and services, non-local	D	P	P	P <sup>1</sup>	P	P	P

Blank =Not permitted P =Permitted use SUE =Special use Exception, see Sec. ** A =Permitted Accessory Use, see Sec. ** D = Definition, see Sec. **	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Parks	P	P	P <sup>1</sup>	P	P		P
Public safety facilities including, ambulance, fire, police, rescue, and national security	D	P	P <sup>1</sup>	P	P	P	P
Utility service facilities	D	P	P <sup>1</sup>	P	P	P	P
Communication Towers	P	P	P	P	P	P	P <sup>1</sup>
Recreational Facility, Government	D	P	P <sup>1</sup>	P	P		P
<b>Not Grouped Elsewhere</b>							
Off-Premise Signs				SUE	SUE	SUE	
Cemeteries	P						P
Funeral home	P		P <sup>1</sup>				P
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)				P <sup>1</sup>		P <sup>1</sup>	
Animal Hospital and Veterinary clinics	P		P <sup>1</sup>	P			P <sup>1</sup>
Technology Center		P			P	P	P
Temporary Removable Vendor Stands	P	P		P	P	P	P
<i>Manufactured home-types structures used as construction/sales office</i>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

**Note: 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.**

- P Permitted Use
- <sup>1</sup> No outdoor sales and or storage permitted
- <sup>2</sup> Uses permitted only with an on-site retail component
- <sup>3</sup> Mixed use building must consist of at least 25% commercial space
- <sup>4</sup> Residential uses within the C-4 district shall not exceed 12 units per acre or exceed floor area ratio maximums
- A Use permitted as the accessory use of the parcel
- SUE – Special Use Exception - Only permitted by Board of Adjustment

1 **AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY,**  
2 **CHAPTER 115, ARTICLES IV, XXV, XXVI, AND XXVII BY**  
3 **AMENDING SECTIONS 115-20, 115-23, 115-187, 115-196 AND 115-210**  
4 **REGARDING MANUFACTURED HOMES AND MANUFACTURED**  
5 **HOUSING.**

6  
7 WHEREAS, The Sussex County Planning & Zoning Department, in its  
8 regulation of manufactured housing, has determined that there are certain areas  
9 of the Zoning Code of Sussex County that can be improved for the benefit of  
10 both Sussex County and the public; and

11  
12 WHEREAS, The Sussex County Planning & Zoning Department recognizes that  
13 manufactured home-type structures are often used for construction trailers or  
14 marketing offices for a limited duration while a residential or commercial project  
15 is underway and the current approval process for these types of structures is  
16 unnecessarily burdensome and time consuming; and

17  
18 WHEREAS, The Sussex County Planning & Zoning Department recognizes that  
19 regulations governing the replacement of manufactured housing units should be  
20 improved to permit these structures to be more readily replaced if certain criteria  
21 are satisfied; and

22  
23 WHEREAS, The Sussex County Planning & Zoning Department recommends  
24 other amendments to the Zoning Code to address inconsistencies or unduly  
25 burdensome requirements regarding manufactured homes and similar structures.

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

29  
30  
31 **Section 1. The Code of Sussex County, Chapter 115, Article IV, §115-20**  
32 **“Permitted Uses” is hereby amended by deleting the language in brackets**  
33 **and inserting the italicized and underlined language:**

34  
35 **§115-20. Permitted Uses.**

36  
37 A. A building or land shall be used only for the following purposes:

38  
39 (1) Detached single-family dwellings on individual lots. A manufactured  
40 home may be used as a detached single-family dwelling on an individual



41 lot [of ¾ of an acre or more], provided that it conforms to the following  
42 restrictions:

- 43
- 44 (a) The lot is not within a major subdivision created prior to the effective  
45 date of this section [or is not specifically prohibited by recorded  
46 covenants].
- 47
- 48 (b) There is a minimum width along any exterior front, side [and] *or* rear  
49 elevation of 24 *linear* feet, exclusive of any garage area *or other*  
50 *attached accessory structures*.
- 51
- 52 (c) It is permanently mounted on a solid foundation or pier foundation  
53 system and anchored and, in each case, in accordance with the  
54 manufacturer's installation instructions.
- 55
- 56 (d) All wheels, axles, transportation lights and removable towing apparatus,  
57 if any, shall be removed from the manufactured home when it is placed  
58 on the foundation in accordance with Subsection A(1)[(b)](c) above.
- 59
- 60 (e) All utilities shall be permanently connected in accordance with  
61 applicable Sussex County Code provisions.
- 62
- 63 (f) The siding of all manufactured homes shall be continuous so as to enclose  
64 any joining of two or more sections.
- 65
- 66 (g) It complies with all pertinent provisions of the Housing Code of Sussex  
67 County and the Fire and Health Codes of the State of Delaware.
- 68
- 69 (h) All multi-sectional manufactured homes, initially placed pursuant to the  
70 provisions of this section, shall be not more than [five] *ten (10)* years  
71 old. All replacement multi-sectional manufactured homes shall not be  
72 of an older model than the manufactured home being replaced and shall  
73 conform to this section. Any other manufactured home which, at the  
74 effective date of this section, does not conform to the requirements of  
75 this section, may be replaced with a manufactured home which is not of  
76 an older *or smaller* model than the manufactured home being replaced.  
77 *A single section manufactured home may be replaced by a single section*  
78 *manufactured home; a single section manufactured home may be*  
79 *replaced by a multi-sectional manufactured home; a multi-sectional*  
80 *manufactured home may be replaced by a multi-sectional manufactured*  
81 *home; a multi-sectional manufactured home shall not be replaced by a*  
82 *single section manufactured home.* [A manufactured home, used as a

83 single-family dwelling, and originally placed and permitted on a  
84 property of five acres or more prior to March 25, 1997, may be  
85 permitted as a Special Use Exception on a property of less than five  
86 acres pursuant to Article IV, § 115-23C(16) and Article XXVII, § 115-  
87 210A(3)(q).]

88  
89 (i) In addition to the requirements herein, a manufactured home shall comply  
90 in all respects with the *design and technical* requirements of § 115-187.

91  
92 **Section 2. The Code of Sussex County, Chapter 115, Article IV, §115-23**  
93 **“Special Use Exceptions” is hereby amended by deleting the language in**  
94 **brackets and inserting the italicized and underlined language:**

95  
96 **§115-23. Special Use Exceptions.**

97  
98 Special use exceptions may be permitted by the Board of Adjustment in  
99 accordance with the provisions of Article XXVII of this chapter and may  
100 include:

101  
102 A. Temporary and conditional permits for a period not to exceed five years,  
103 such period to be determined by the Board, for the following uses:

104  
105 Archery ranges

106 Asphalt batching plants or concrete batching plants

107 Commercial dog kennels

108 Miniature golf courses or driving ranges

109 Outdoor display or promotional activities at shopping centers or elsewhere

110 Pony rings

111 Raising for sale of birds, bees, rabbits and other small animals, fish and other  
112 creatures

113 Riding academies

114 Rifle or pistol ranges, trap or skeet shooting

115 Sawmills for cutting timber grown on the premises

116 Temporary buildings for use as a sales or rental office for an approval real  
117 estate development or subdivision

118 Tents for special purposes for a period exceeding three days. The Director  
119 may, without requiring an application for a special use exception, grant  
120 approval for a tent for a special purpose (revival, reception, tent sale as  
121 an accessory to a business or commercial use, or other similar  
122 activities). If approved by the Director, a tent for special purposes may  
123 be utilized on a parcel no more than three times in a calendar year.

124 Use of a manufactured home as a single-family dwelling in any district to  
125 meet an emergency or hardship situation, such permit not to exceed two  
126 years. The Director may, without requiring an application for a special  
127 use exception, grant an extension for an emergency or hardship situation  
128 previously approved by the County Board of Adjustment upon receipt  
129 of an affidavit from a doctor stating that the emergency or hardship  
130 situation still exists. Such extension may be granted annually as long as  
131 the emergency or hardship still exists.

132 Use of a manufactured-home-type structure for any business, commercial or  
133 industrial use

134

135 B. Exceptions to parking and loading requirements as follows:

136

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

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

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

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

153

154 C. Other special use exceptions as follows:

155

156 (1) Private garages for more than four automobiles and with floor area of  
157 more than 900 square feet in a residential district.

158 (2) Cemeteries for pets.

159 (3) Commercial greenhouses, wholesale or retail.

160 (4) Convalescent homes, nursing homes or homes for the aged.

161 (5) Day nurseries or child-care centers.

162 (6) Garage/studio apartments, provided that at least one parking space for  
163 the exclusive use of the tenant is included on the premises

164 (7) Nurseries for growing of plants, trees and shrubs, including a building  
165 for sale of products produced on the premises.

- 166 (8) Public telephone booths in residential areas.  
167 (9) Telephone central offices, provided that all storage of materials, all repair  
168 facilities and all housing of repair crews are within a completely  
169 enclosed building.  
170 (10) (Reserved)  
171 (11) The alteration, extension or replacement of a nonconforming  
172 manufactured home, subject to the provisions of § 115-196.  
173 (12) More than one manufactured home may be permitted on a farm of 10  
174 acres or more pursuant to § 115-21A(5), provided that all manufactured  
175 homes or dwellings on the property are the primary place of residence  
176 for persons employed on the premises or immediate members of the  
177 family owning or operating the farm, and provided that the granting of  
178 this exception will not adversely affect the values or uses of adjacent  
179 properties.  
180 (13) Farm ponds on less than five acres, subject to § 115-219.[4]  
181 (14) Tourist homes (also referred to as bed-and-breakfast inns").  
182 [(15) A manufactured home, used as a single-family dwelling, and  
183 originally placed and permitted on a property of five acres or more prior  
184 to March 25, 1997, may be permitted on a property of less than five  
185 acres pursuant to Article XXVII, § 115-210A(3)(q).  
186 (16) A multisectional manufactured home as a detached single-family  
187 dwelling on individual lots of not less than 1/2 nor more than three-  
188 fourths acre existing on the effective date of this ordinance and subject  
189 to the provisions of § 115-20A(1)(a) through (g) inclusive.]  
190 [(17)] (15) Commercial communications towers and antennas.  
191 [(18) A multisectional manufactured home used as a single-family dwelling  
192 may be permitted on a property of less than 3/4 acre, pursuant to Article  
193 IV, § 115-20A(1)(a) through (g) and (i).]  
194  
195

196 **Section 3. The Code of Sussex County, Chapter 115, Article XXV, §115-187**  
197 **“Manufactured Homes” is hereby amended by deleting the language in**  
198 **brackets and inserting the italicized and underlined language:**  
199

200 **§115-187. Manufactured Homes.**  
201

202 The following regulations shall apply to every manufactured home, [except  
203 construction and office trailers] except for manufactured home type  
204 structures approved for use as construction and/or office trailers:  
205

- 206 A. It shall be designated exclusively for single-family occupancy if used as  
207 a dwelling.  
208
- 209 B. The space between the unit and grade level shall be fully enclosed with a  
210 perimeter enclosure wall. A perimeter enclosure wall shall consist of  
211 either masonry material, vinyl, metal or wood product, shall be installed  
212 in accordance with the manufacturer's installation instructions [shall be  
213 approved by the Director as durable and suitable for exterior exposure].  
214 The perimeter enclosure wall shall be of a type that will not support  
215 combustion. A perimeter enclosure wall shall have a minimum of one  
216 opening providing access to any water supply or wastewater  
217 connections under the home. Such openings shall be a minimum of 18  
218 inches in any dimension and not less than 3 square feet in area. The  
219 access panel shall be fastened in such a manner that a special tool to  
220 open or remove said panel is not required.  
221
- 222 C. It shall have a gross floor area, excluding any additions not a part of the  
223 original manufactured unit, not less than 450 square feet.  
224
- 225 D. It shall comply in all other respects with the requirements [including area  
226 and bulk requirements] for dwellings in the district in which it is located.  
227

228 **Section 4. The Code of Sussex County, Chapter 115, Article XXVI, §115-**  
229 **196 “Manufactured Homes” is hereby amended by deleting the language in**  
230 **brackets and inserting the italicized and underlined language:**

231  
232 **§115-196. Manufactured Homes.**  
233

234 Except as provided in § 115-20A(1)(h), manufactured homes in lawful use as  
235 single-family dwellings at the effective date of this chapter shall be subject to the  
236 following:

- 237 A. When a manufactured home is replaced, the manufactured home being  
238 replaced shall not be an older or smaller model than the manufactured  
239 home being replaced. A single section manufactured home may be  
240 replaced by a single section manufactured home; a single section  
241 manufactured home may be replaced by a multi-sectional manufactured  
242 home; a multi-sectional manufactured home may be replaced by a  
243 multi-sectional manufactured home; a multi-sectional manufactured  
244 home shall not be replaced by a single section manufactured home. [A  
245 manufactured home granted a special use permit prior to the enactment

246 of this chapter, subject to limitations of time, occupancy or location,  
247 shall remain subject to such limitations.

248 B. A manufactured home not subject to a special use permit shall be  
249 considered a conforming use in AR and GR Districts.

250 C. A manufactured home not subject to a special use permit shall be  
251 considered a nonconforming use in all districts other than AR and GR  
252 Districts. The alteration, extension or replacement of a nonconforming  
253 manufactured home shall require approval of the Board of Adjustment,  
254 after public hearing.

255 D. B. When a nonconforming manufactured home, existing either on a  
256 nonconforming lot or with nonconforming yards, is replaced, it shall be  
257 located on the lot in such a way so that, to the greatest extent possible,  
258 it conforms to all appropriate yard requirements.

259  
260

261 **Section 5. The Code of Sussex County, Chapter 115, Article XXVII, §115-**  
262 **210 “Special Exceptions” is hereby amended by deleting the language in**  
263 **brackets and inserting the italicized and underlined language:**

264

265 **§115-210. Special Exceptions.**

266

267 In order to provide for adjustments in the relative location of uses and  
268 buildings, to promote the usefulness of these regulations and to supply  
269 the necessary elasticity to their efficient operation, special use  
270 exceptions, limited as to locations described in this Article, and special  
271 yard and height, exceptions are permitted by the terms of these  
272 regulations. The following buildings and uses are permitted as special  
273 exceptions if the Board finds that, in its opinion, as a matter of fact, such  
274 exceptions will not substantially affect adversely the uses of adjacent  
275 and neighboring property:

276

277 A. Special use exceptions:

278

279 (1) Temporary and conditional permits for a period not to exceed five years,  
280 such period to be determined by the Board, for the following uses,  
281 which are specified in each district:

282

283 Archery ranges

284 Asphalt batching plants or concrete batching plants

- 285 Commercial dog kennels  
286 Miniature golf courses or driving ranges  
287 Nonaccessory tents for special purposes  
288 Outdoor display or promotional activities at shopping centers or elsewhere  
289 Pony rings  
290 Raising for sale of birds, bees, rabbits and other small animals, fish and other  
291 creatures  
292 Riding academies, public stables or private stables  
293 Rifle or pistol ranges, trap or skeet shooting  
294 Sawmills for cutting timber grown on the premises  
295 Temporary buildings for use as a sales or rental office for an approved real  
296 estate development or subdivision  
297 Use of a manufactured home as a single-family dwelling in any district to  
298 meet an emergency or hardship situation, such permit not to exceed two  
299 years. The Director may, without requiring an application for a special  
300 use exception, grant an extension for an emergency or hardship situation  
301 previously approved by the County Board of Adjustment upon receipt  
302 of an affidavit from a doctor stating that the emergency or hardship  
303 situation still exists. Such extension may be granted annually as long as  
304 the emergency or hardship still exists.  
305 Use of a manufactured-home-type structure for any business, commercial or  
306 industrial use.  
307 (2) Exceptions to parking and loading requirements as follows:  
308  
309 (a) Off-street parking areas, adjacent to or at a reasonable distance from the  
310 premises on which parking areas are required by the parking regulations  
311 of Article XXII, where practical difficulties, including the acquisition  
312 of property, or undue hardships are encountered in locating such parking  
313 areas on the premises and where the purpose of these regulations to  
314 relieve congestion in the streets would best be served by permitting such  
315 parking off the premises.  
316 (b) Waiver or reduction of the parking and loading requirements in any  
317 district whenever the character or use of the buildings is such as to make  
318 unnecessary the full provision of parking or loading facilities.  
319 (c) Waiver or reduction of loading space requirements where adequate  
320 community loading facilities are provided.  
321 (d) Waiver or reduction of loading space requirements for uses which  
322 contain less than 10,000 square feet of floor area where construction of  
323 existing buildings, problems of access or size of lot make impractical  
324 the provision of required loading space.  
325 (e) Waiver of or reduction in interior drive width.  
326

- 327 (3) Other special use exceptions as follows, which are specified in each  
328 district:  
329
- 330 (a) Private garages for more than four automobiles and with floor area of  
331 more than 900 square feet in a residential district.
  - 332 (b) Cemeteries for pets.
  - 333 (c) Commercial greenhouses, wholesale or retail.
  - 334 (d) Convalescent homes, nursing homes or homes for the aged.
  - 335 (e) Day nurseries or child-care centers.
  - 336 (f) (Reserved).
  - 337 (g) Nurseries for growing of plants, trees and shrubs, including a building  
338 for sale of products produced on the premises.
  - 339 (h) In any HI-1 Heavy Industrial District, those heavy industrial uses upon  
340 which the Board is required to pass under Article XV.
  - 341 (i) A determination, in cases of uncertainty, of the district classification of  
342 any use not specifically named in these regulations; provided, however,  
343 that such use shall be in keeping with uses specifically permitted in the  
344 districts in which such use is to be classified.
  - 345 (j) Telephone central offices, in any AR, MR, GR, HR, UR, RPC and VRP  
346 Districts, provided that all storage of materials, all repair facilities and  
347 all housing of repair crews are within a completely enclosed building.
  - 348 (k) Structures of mixed use, commercial and residential, in B-1 and UB  
349 Districts, subject to the provisions of Articles IV through XX and § 115-  
350 219.
  - 351 (l) (Reserved).
  - 352 (m) The alteration, extension or replacement of a nonconforming  
353 manufactured home, subject to the provisions of § 115-196.
  - 354 (n) More than one manufactured home may be permitted on a farm of 10  
355 acres or more pursuant to § 115-21A(5), provided that all manufactured  
356 homes or dwellings on the property are the primary place of residence  
357 for persons employed on the premises or immediate members of the  
358 family owning or operating the farm, and provided that the granting of  
359 this exception will not adversely affect the values or uses of adjacent  
360 properties.
  - 361 (o) Tourist home (also referred to as "bed-and-breakfast inns") in any AR,  
362 MR, GR, UR and B-1 Districts.
  - 363 (p) In any C-1 General Commercial District, off-premises signs, not  
364 exceeding 600 square feet total, subject to the provisions of § 115-  
365 81A(2).
  - 366 [(q) A manufactured home, used as a single-family dwelling, and originally  
367 placed and permitted on a property of five acres or more prior to March



368 25, 1997, may be permitted on a property of less than five acres pursuant  
369 to Article IV, § 115-23C.

370 (r) A multisectional manufactured home as a detached single-family  
371 dwelling on individual lots of not less than 1/2 nor more than 3/4 acre,  
372 existing on the effective date of this ordinance and subject to the  
373 provisions of § 115-20A(1)(a) through (g) inclusive.]

374

375

376 **Section 6. Effective Date.**

377

378 This ordinance shall take effect upon adoption by Sussex County Council.

379

TO BE INTRODUCED



# 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.  
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

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? 10%

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

- Fair Housing                       Health and Human Services                       Cultural  
 Infrastructure<sup>1</sup>                       Other \_\_\_\_\_                       Educational

### BENEFICIARY CATEGORY

- Disability & Special Needs                       Victims of Domestic Violence                       Homeless  
 Elderly Persons                       Low to Moderate Income<sup>2</sup>                       Youth  
 Minority                       Other \_\_\_\_\_

### BENEFICIARY NUMBER

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

1200 \_\_\_\_\_

## 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.

1 in 59 children in the US are diagnosed with autism in the US. That's one every 20 minutes and it's more than childhood cancer, diabetes and HIV, combined. It's an epidemic that is woefully underfunded on both the state and federal level. Autism Delaware works hard to advocate for government funding to help support our families but the majority of our programs and services are funded by our fundraising efforts at events like the Blue Jean Ball.

The Blue Jean Ball helps to fund our most valuable service to families which is family support. Our family support providers help families navigate the often tangled web of services that they may be eligible for to support their children. Help includes anything from, "My child was just diagnosed, what now?" to "My child has no friends or social skills, how can you help?" to "My child is aging out of the school system and becoming an adult, what do I do now?"

Because there is no cure and no clear cause, children with autism become adults with autism. Autism Delaware's adult vocational program called Productive Opportunities for Work & Recreation or POW&R for short, starts working with families at the school transition of about 14 when parents should start thinking about their child's post educational programming. Once they graduate, they are assigned a direct support professional or job coach to work with them to determine their strengths, needs and desires in terms of what time of work they want to do and are best suited for. We now have over 150 adults with autism in paid positions across Delaware. Your support would help us build capacity to continue our work and serve more families and individuals affected by autism.

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

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

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

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

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	93,000.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Venue	\$ 2,700.00
Rentals	\$ 2,500.00
Entertainment	\$ 3,000.00
Advertising	\$ 500.00
Food & Beverage	\$ 1,000.00
Signage	\$ 500.00
Printing & mailing	\$ 2,500.00
Payment processing	\$ 2,000.00
<b>TOTAL EXPENDITURES</b>	<b>\$ 14,700.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>\$ 107,700.00</b>

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

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

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

7/19/19  
Date

7/19/19  
Date

Completed application can be submitted by:

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

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

**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 Signature

\_\_\_\_\_  
Title

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

\_\_\_\_\_  
Date

*Event Manager*

*7/19/19*

*Burton*  
*7-26-19*  
Rev. 02/2019



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: MASON DIXON WOODWORKERS INC

PROJECT NAME: CHRISTMAS TSY PROGRAM

FEDERAL TAX ID: 16-1697546 NON-PROFIT:  YES  NO

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

ORGANIZATION'S MISSION:

ADDRESS: PO BOX 103  
DE  
DELMAR DE 19940  
(CITY) (STATE) (ZIP)

CONTACT PERSON: PATRICK LEMLEY

TITLE: FUND RAISING CHAIRMAN

PHONE: 410 334 0285 EMAIL: PLEMLEY@GMAIL.COM

TOTAL FUNDING REQUEST: \$1,200

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? 7%



## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

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

780

## 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.

BUYING MATERIAL + SUPPLIES FOR  
MANUFACTURING WOODEN TOYS

SEE ATTACHED LETTER FOR LIST OF  
ORGANIZATIONS WE GIVE TO.

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.

NA

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	14,000 +/-
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
	14000
<b>TOTAL EXPENDITURES</b>	\$ 0.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	\$ 0.00

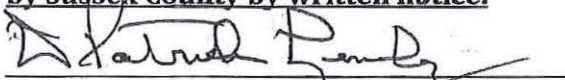
### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Mason Dixon Woodworkers agrees that:  
(Name of Organization)

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

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

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

  
Applicant/Authorized Official Signature

7-29-2019  
Date

  
Witness Signature

7-29-2019  
Date

Completed application can be submitted by:

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

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

JB

**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.

*Natasha Perdue*  
Applicant/Authorized Official Signature  
*Henry Smiley*  
Witness Signature

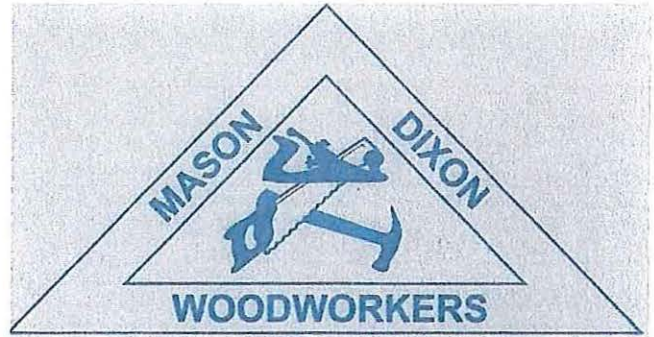
Fury CHAIRMAN  
Title  
7/29/2019  
Date

*Rieley*  
7-30-19  
Rev. 02/2019



Community  
Foundation  
of the Eastern Shore, Inc.

October 11, 2017



Sussex County Council

P.O. Box 103, Delmar, DE. 19940  
501 C-(3) Tax Exempt Organization, #16-1697546

**The Mason Dixon Woodworkers is very appreciative of your past support to our annual charitable outreach program of making toys for needy children. The children really appreciate the toys also!**

Our dedicated toy makers have been crafting toys for almost 2 decades and are on target for finishing up another 1300 toys for distribution to the organizations listed on the next page. These organizations will in turn be redistributing the toys to children who might not otherwise receive toys for Christmas.

This year our production costs have remained low at about \$10.00 per toy. The finished products are quite nice and have an average retail value of at least \$25 each. We conservatively estimate the total value of the 1300 toys produced this year to be at least \$32,500. We are able to maintain this low cost and good value because of our volunteer staff of wood workers, donated material, and careful shopping. We are hopeful that you will be able to help us again this year by financially supporting our fund raising effort for 2017/2018.

We have already started buying and accumulating material and supplies for 2018.

Several of our sponsors, over the past several years have made tax deductible contributions of \$200 to \$1,500 in support of our program. A tax deductible donation of \$500 is sufficient for us to produce approximately 50 toys with a value of approximately \$2000. Of course, a donation of any amount would be greatly appreciated, not only by our organization, but by the many children on the lower shore area that receive the toys.

Donations made by check should be made payable to the **Mason Dixon Woodworkers** and forwarded in the enclosed envelope.

Sincerely,

Patrick Lemley, Chairman, Fund raising

Phone – 410 742 3863/ e-mail – [dplemley@gmail.com](mailto:dplemley@gmail.com)



**SUSSEX COUNTY GOVERNMENT**  
**GRANT APPLICATION**

*Pay to: American Youth Football*

**SECTION 1 APPLICANT INFORMATION**

ORGANIZATION NAME: Seaford Elite Travel Football Club  
PROJECT NAME: Season 3: July 2019 to December 2019  
FEDERAL TAX ID: 82-2836893 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: Seaford Elite Travel Football Club (AYF) is a non-profit organization aimed at giving the youth (ages 5-14) of our area a chance to participate in an play Football and Cheerleading program. Our focus is on helping our youth build Character, Sportsmanship, Self-Confidence and Learn Responsibility & Teamwork in a competitive environment while gaining a strong sense of community. Seaford Elite provides a structured, safe and secure environment for the children to learn these life skills. Our goal is to teach the fundamentals of football and cheerleading in an atmosphere where fun is the key word in fundamental.

ADDRESS: PO BOX 1358

Seaford Delaware 19973  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Tonekia Showell  
TITLE: Treasurer  
PHONE: 443-859-4763 EMAIL: tonekia.showell@seaford.k12.de.us

**TOTAL FUNDING REQUEST:** \$4,880

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

If YES, how much was received in the last 12 months? \$500

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? 75%

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

- Fair Housing  
 Infrastructure<sup>1</sup>  
 Health and Human Services  
 Other \_\_\_\_\_  
 Cultural  
 Educational

### BENEFICIARY CATEGORY

- Disability & Special Needs  
 Elderly Persons  
 Minority  
 Victims of Domestic Violence  
 Low to Moderate Income<sup>2</sup>  
 Other \_\_\_\_\_  
 Homeless  
 Youth

### BENEFICIARY NUMBER

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

80 \_\_\_\_\_

## 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.

Our organization was founded in 2017 by two local Seaford educators/community leaders. These two men saw a need and they took it upon themselves to do something about the need. Adair Williams was one of those men. We lost Adair on March 29, 2019 unexpectedly. He did not wake up from his sleep. Our organization continues to feel the hurt and pain from this loss. We want to continue his

The Seaford Elite Football program offers an opportunity for local youth to learn and play the great game of football. Players who will be entering grades 1-9 can participate in our tackle football program. Seaford Elite football strives to teach our area youth much more than just football. We place an emphasis on teamwork, respect, physical conditioning and leadership throughout the course of the season. The most important thing that we focus on, however, is player safety. Seaford Elite football takes significant steps to teach the players proper techniques, how to be safe on and off the field as well as investing in equipment with safety in mind. Every Seaford Elite football coach at every level is USA Football "Heads up" certified, and is trained to incorporate all of the latest safety measures into our program. Our program is locally run, funded and operated. All of our Board members and coaches are all volunteers.

In season 1 (2017), we were able to send 10 of our 14U players to the National Championship in Kissimmee, Florida.

Season 2 (2018), we were able to send 8 of our 10U players and 12 of our 14U players to the National Championship in Kissimmee, Florida.

The boys and girls that participate in football and cheerleading live in public housing in Laurel and Seaford, Delaware. Many of them are being raised by single mothers and do not have their biological fathers in their homes. They are what society calls, "problem kids". The men and women that are a part of our organization are nurturing these boys and girls in hopes that they become successful agents in our community and one day give back to their community like they see us doing in Seaford.



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

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

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

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

### SECTION 4: BUDGET

<b>REVENUE</b>	1200.00
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	1,200.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Uniforms for 20 football players	
Helmets for 20 football players @ \$20	-\$ 400.00
Shoulder pads for 20 football players @ \$109	-\$ 2,180.00
Jerseys for 20 football players @ \$25	-\$ 500.00
Football pants for 20 football players @ \$15	-\$ 300.00
Uniforms for 10 Cheerleaders	
Shirts for 10 Cheerleaders @ \$20/ Shorts for 10 Cheerleaders @ \$10	-\$ 300.00
15 Passenger Van to Transport 8 weeks from August 24 to October 26th \$150 a week	-\$ 1,200.00
<b>TOTAL EXPENDITURES</b>	<b>-\$ 4,880.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>-\$ 3,680.00</b>

### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Seaford Elite Travel Football Club agrees that:  
(Name of Organization)

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

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

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



Applicant/Authorized Official Signature

7/24/2019

Date



Witness Signature

7/24/2019

Date

Completed application can be submitted by:

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

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

**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.

*Frank Shell*  
Applicant/Authorized Official Signature

*Shawn Williams*  
Witness Signature

Treasurer  
Title  
7/24/2019  
Date

*Vincent*  
*7/24/19*  
Rev 02/2019



March 6, 2019

Seaford Elite Travel Football Club  
EIN # 82-2836893  
PO BOX 1358  
Seaford, DE 19973

Dear Football Administrator,

This letter is in response to your recent request with regard to your 501(c)(3) application for subordinate status under American Youth Football, Inc.

American Youth Football, Inc. has received and submitted a request to the Internal Revenue Service, adding your organization to our roster of subordinates. As such, your organization may rely on this letter and conduct itself in accordance with the practices of a 501(c)(3) tax-exempt organization. Contributions to your organization are deductible under section 170 of the Code, and you are qualified to receive tax-deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2252 of the Internal Revenue Code.

American Youth Football is recognized as a 501(c)(3) tax-exempt organization and holds central organization status. Our tax ID # is 31-1484747 and our group number is 5277. Subordinates are required to include this number on their Form 990 as filed with the IRS.

As a 501(c)(3) tax-exempt organization you are required to file with the IRS an annual report on Form 990, 990N or Form 990 EZ. This filing and any and all donation receipts should bear your organizations EIN# and not that of American Youth Football's.

Sincerely yours,

Adam Laufer  
Executive Vice President  
& General Counsel  
alaufer@americanyouthfootball.com



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Lewes Public Library, Inc.  
PROJECT NAME: 4th Annual Shakespeare Festival  
FEDERAL TAX ID: 51-0350650 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 Lewes Public Library anticipates the needs of the community and adapts, creates and supports classes and programs for all ages that encourage a love of reading, exploration and discovery. The Library provides access for a wide variety of educational, informational and recreational materials to all members of the community through traditional resources and emerging technologies. (revision adopted by the LPL Board, 2017)

ADDRESS: 111 Adams Avenue  
Lewes DE 19958  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Rebecca Lowe  
TITLE: Development Director  
PHONE: 302-645-2733 EMAIL: rebecca.lowe@lib.de.us

**TOTAL FUNDING REQUEST:** 1,500.00

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

If YES, how much was received in the last 12 months? \$1,500.00

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

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

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

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

Fair Housing  
Infrastructure<sup>1</sup>

Health and Human Services  
 Other

Cultural  
 Educational

### BENEFICIARY CATEGORY

Disability & Special Needs  
Elderly Persons  
Minority

Victims of Domestic Violence  
 Low to Moderate Income<sup>2</sup>  
 Other community at-large

Homeless  
 Youth

### BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:  
800

## 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.

Narrative - Sussex County Council Grant Application  
June 2019

This September 2019, the Lewes Public Library will offer its 4th Annual Shakespeare Festival. Last year, the LPL was grateful that the Sussex County Council approved \$1,500 for its 3rd Annual Shakespeare Festival. We are requesting the same amount this year to continue the offering of many events of historical interest and entertainment. Our goals are directed by our mission and include, but are not limited to:

- education and information events through lectures;
- cultural enrichment through discussions and workshops; and
- entertainment including concerts, film screenings, and a live performances of a play.

The state-designated service area of the Lewes Public Library extends beyond the city limits of the City of Lewes, and includes nearly 20,000 residents throughout Sussex County.

Public interest in this event continues and this year we are offering even more events of historical interest and entertainment. The events are available to all county residents. They are intergenerational and free to the public, with the exception of the bus trip to the Folger Shakespeare Library in Washington, DC, for which we are charging a stipend to cover the cost of bus and driver. Attached is a current listing of events.

County Council's sponsorship will be credited through all promotion, including news print, social media, fliers throughout the community, the library, the library's website and newsletter, the festival program, direct mail, and personal contact.

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

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

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

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



### SECTION 4: BUDGET

<b>REVENUE</b>	To Date:
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	15,000.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Personnel, honoraria, planners	-\$ 17,150.00
Bus trip	-\$ 2,346.00
Supplies	-\$ 300.00
Rentals (facilities and equipment)	-\$ 2,725.00
Promotion, printing, graphics	-\$ 6,393.00
Film licensing, evaluation	-\$ 570.00
<b>TOTAL EXPENDITURES</b>	<b>-\$ 29,484.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>-\$ 14,484.00</b>

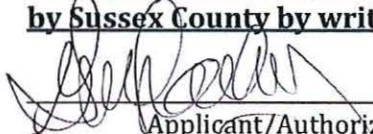
### SECTION 5: STATEMENT OF ASSURANCES

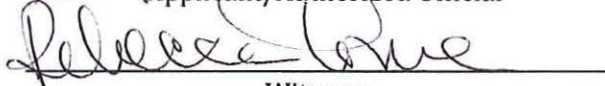
If this grant application is awarded funding, the Lewes Public Library, Inc. agrees that:  
(Name of Organization)

- 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


June 20, 2019  
Date

June 20, 2019  
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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



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

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.

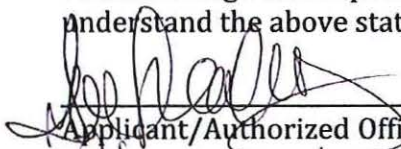
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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

Director Emeritus  
\_\_\_\_\_

Title

June 20, 2019  
\_\_\_\_\_

Date

Burton  
8-02-19  
Rev. 08/2018



**SUSSEX COUNTY GOVERNMENT**  
**GRANT APPLICATION**

*Payable to: Georgetown Historical Society*

**SECTION 1 APPLICANT INFORMATION**

ORGANIZATION NAME: Marvel Museum

PROJECT NAME: Building Maintenance

FEDERAL TAX ID: 51 0255141 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: Preserve, Protect and display the history of Georgetown, Sussex County and Delaware.

ADDRESS: 510 S. Bedford Street

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

CONTACT PERSON: Rosalie Walls

TITLE: \_\_\_\_\_

PHONE: 855-9660 EMAIL: marvelmuseum@gmail.com

**TOTAL FUNDING REQUEST:** 12,500

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? \$5,000

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 type="checkbox"/> Cultural               |
| <input type="checkbox"/> Infrastructure <sup>1</sup> | <input checked="" type="checkbox"/> Other <u>Historical</u> | <input checked="" type="checkbox"/> Educational |

### BENEFICIARY CATEGORY

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

216,522

## 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.

Maintenance on several aging buildings

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

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

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

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

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	2,500.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
	-\$ 15,000.00
<b>TOTAL EXPENDITURES</b>	-\$ 15,000.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-\$ 12,500.00

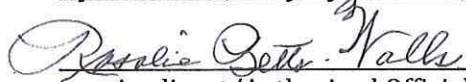
### SECTION 5: STATEMENT OF ASSURANCES

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

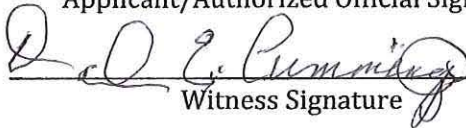
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

AUGUST 1, 2019  
Date

  
Witness Signature

AUGUST 1, 2019  
Date

Completed application can be submitted by:

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

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



**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.

*Garcia Beth Walls*  
Applicant/Authorized Official Signature

*D. D. E. Cummings*  
Witness Signature

*CORRESPONDING SECRETARY*  
Title

*AUGUST 1, 2019*  
Date

*Wilson*  
*8-06-19*  
Rev. 02/2019

**To Be Introduced 08/13/19**

**Council District No. 1 – Vincent**

**Tax I.D. No. 430-22.00-10.01**

**911 Address: 10595 and 10609 Seashore Highway, Bridgeville**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR INDOOR AND OUTDOOR RETAIL SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 0.8474 ACRES, MORE OR LESS**

**WHEREAS, on the 23rd day of July 2019, a conditional use application, denominated Conditional Use No. 2198, was filed on behalf of Jeffrey Myer; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2198 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2020, 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. 2198 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Nanticoke Hundred, Sussex County, Delaware, and lying on the northwest corner of Seashore Highway and Oak Road and being more particularly described in the attached legal description prepared by David W. Baker, Esq., P.A., said parcel containing 0.8474 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 08/13/19**

**Council District No. 3 - Burton  
Tax I.D. No. 235-30.00-10.01 (portion of)  
911 Address: 18865 Harbeson Road, Harbeson**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT AND AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.8016 ACRES, MORE OR LESS**

**WHEREAS, on the 26th day of July 2019, a zoning application, denominated Change of Zone No. 1899, was filed on behalf of Harbeson Farm Revex, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1899 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [MR Medium Density Residential District and AR-1 Agricultural Residential District] and adding in lieu thereof the designation of B-2 Business Community District as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying on the east side of Harbeson Road (Route 5) approximately 0.44 miles south of Lewes-Georgetown Highway (Route 9) and being more particularly described in the attached legal description prepared by Adam-Kemp Associates, Inc., said parcel containing 0.8016 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

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Memorandum

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

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: August 8, 2019

RE: County Council Report for CU 2179 Joseph H. Jr. and Patricia Prettyman

---

The Planning and Zoning Department received an application (CU 2179 Joseph H. Jr. and Patricia Prettyman) for a Conditional Use for parcel 334-11.00-47.00 to allow for multi-family (two dwellings), lawn mower repair business, outdoor storage, leased storage units, and storage buildings to be located at 18583 Robinsonville Rd. The Planning and Zoning Commission held a public hearing on July 11, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, Site Plan, comments from the Sussex Conservation District, the results from DelDOT Service Level Evaluation request confirming a Traffic Impact Study ("TIS") was not required, and Sussex County Engineering Department of Utility Planning Division. Two letters in support of the application, with multiple signatures, was read by Ms. Cornwell into the record.

The Commission found that Mr. Mark Davidson with Pennoni Associates, Mr. Joseph Prettyman, and Mrs. Patricia Prettyman, the applicants, Mr. Francis Welsh with Welsh Mechanical were present on behalf of the application; that Mr. Davidson submitted two letters of support into the record; that the proposed application is for a Conditional Use for multi-family with two dwellings; that there is an existing main dwelling unit and an accessory dwelling unit; that all of the dwellings and uses are already existing on the site; that there is a lawnmower and small engine repair business, outdoor storage, self-storage units, and public stables for boarding and riding lessons located on the site; that the property does consist of an existing main dwelling; that there is an existing 1890 historical milk house, which formed part of the original farm, and it is currently being used for a tenant's house and the tenant does help the applicants with maintenance and upkeep of the property; that there are 16 leased self-storage units within two buildings; and that there is one storage warehouse and there are horse stables for 4 horses and barns located on the site.



Ms. Cornwell, Director of Planning and Zoning stated that the applicants would be required to apply for a Special Use Exception for the horse-riding lessons and stables, which as Mr. Davidson stated he understands that he has to apply to the Board of Adjustment for a Special Use Exception for the horse-riding lessons and stables; that Chairman Wheatley stated that the Planning and Zoning Commission understands that the horse-riding lessons and stables are not for their consideration and it would have to go before the Board of Adjustment.

Mr. Hopkins asked if some of the uses, such as the horse-riding, would be grandfathered, for an example if they have been riding horses at the site; that Ms. Cornwell stated they would need documentation showing that the activity existed prior to the Zoning Code; that if it had existed prior to Zoning, it would be considered non-conforming.

Mr. Davidson stated he did provide some historical maps of the property; that Mr. Prettyman's father had purchased the property in 1954; that there were pastures through the entire farm when Mr. Prettyman had purchased the property from his father; that part of the land had been sold and became Bridle Ridge Subdivision; that there is nothing being proposed and no new buildings that are being proposed; that a building chart was provided to provide an example of the uses for each building; that there is some outdoor storage; that the applicants do allow storage for boats, campers and trailers on the site; that there is nothing visible from the road; that when the Prettyman's farming operation started to decrease, they started to use the property as it is currently being used now; that Welsh Mechanics has been on that site for five years; that the mechanic use has been on the site since the 1970s; that Mr. Prettyman owns farming equipment and it is stored on the site; that the Prettyman's own, occupy and manages the property themselves; that the Prettyman's had received a letter from the Planning and Zoning office stating they needed to apply for a Conditional Use for the activities being carried out on site; that Mr. and Mrs. Prettyman contacted Pennoni Associates; that Pennoni Associates had submitted a Service Level Elevation request to DelDOT; that DelDOT had responded stating that there was very negligible impact of the traffic for these types of uses and no Traffic Impact Study ("TIS") was warranted for the application; that an application for a Conditional Use and a Site Plan were filed; that the Land Use Classification per the 2019 Comprehensive Plan is in the "Coastal Area"; that there are no environmental concerns on the site; that the property did decrease from the larger farm; that all the buildings have been on the property since the 1980s that the parcel is located in the State Spending Strategies Level 3; that there is no sign located on the property and they do not advertise the uses on the property; that eight of the adjacent neighbors are in support of the use on the site; that the proposed Conditional Use would not increase any traffic issues; that there is an existing well on-site and they would tie into central water, once it becomes available; that there is an existing on-site septic system; that the property is located in the Sussex County Tier 2 planning area; that once sanitary sewer becomes available, they would like to connect into the sanitary sewer system; that the hours of operation for Mr. Welsh's shop would be from 8:30 am to 5:00 pm, Monday through Friday; that Mr. Welsh does not have any Saturday or Sunday hours; that the operation of the public stables for boarding horses are seven days week; that the hours of operation for the riding lessons is six to ten hours per week, it is daylight hours only, and that is seven days a week; that the hours of operation for the storage facility is seven days a week from dawn to dusk; and that the proposed Conditional Use meets the general purpose of the County Zoning Code and the Comprehensive Plan.

Ms. Stevenson asked Ms. Cornwell and Mr. Robertson, in the event that the Planning and Zoning Commission recommended approval the Conditional Use, whether they could put in the conditions referencing the horse stables; which Mr. Robertson stated that since the horse stables are a separate process, the Planning and Zoning Commission would not have to add any conditions regarding the

horse stables; that conditions for the horse stables would be handled by the Board of Adjustment; that Ms. Cornwell stated if the horse stables were approved by the Board of Adjustment, the Planning and Zoning Commission would approve the Site Plan; that the Planning & Zoning department would work with the applicant to verify it is a non-conforming use; and that Mr. Robertson stated the Planning and Zoning Commission should use caution when they get into boarding the horses, riding lessons and the agricultural uses, should anyone wish to put hours of operation in place as part of any recommended approval.

Mr. Hopkins asked if hours of operation could be placed on the storage buildings; which Chairman Wheatley stated the Planning and Zoning Commission could recommend hours of operation for the storage buildings, and that Mr. Hopkins stated this seems to be an existing use and the applicants are trying to formalize the conditions.

Mr. Mears asked what was inside building E, other than the lawnmower repair business; which Mr. Davidson stated it is where the small engine repair shop is located along with rented storage spaces.

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

The Commission found that Mr. Arthur Ridler spoke in opposition to the application; that Mr. Ridler stated he had written a letter to the Planning and Zoning Commission; that Chairman Wheatley asked if the letter of opposition was on file; which as Ms. Cornwell stated she had letters of support on file; that Mr. Ridler submitted a copy of his letter into the record; that the engine repair company was put into place five years ago; that he has concerns with the waste disposal; that the homes in the area typically have a well and septic system; that he has concerns with the groundwater supply; that a subdivision has been approved in the area and the proposed Conditional Use would change the character of that development; that he suggests the character of neighborhood should be maintained and he had concerns with the hours of operations for each of the proposed elements of the Conditional Use; that he thinks there should be a restriction on the hours of operation for the storage buildings; and that he thinks that the owner should be required to maintain a performance bond for over a 10-year period for potential environmental remediation, should it become necessary, and he also believes that Conditional Use should sunset if there are ever any new owners of the property, and that any approval should not run with the land.

Chairman Wheatley asked Mr. Davidson how the waste fluids are being disposed of; which Mr. Davidson stated that Mr. Welsh does follow the ASTM standards and the State of Delaware standards for disposing of the oils properly within proper storage containers are adhered too; that Chairman Wheatley asked if they were in above-ground containers; which Mr. Davidson stated the oils are stored in above-ground containers; Chairman Wheatley asked if the oils were transported from the site by a licensed hauler; which Mr. Davidson stated the oils are transported from the site by a licensed hauler. Chairman Wheatley commented that, if the Planning and Zoning Commission does recommend approval of the application, that such matters could be dealt with as a restriction/condition; which Mr. Davidson stated that it would not be an issue.

The Commission found that Mr. Jeff Steimel spoke in opposition to the application; that Mr. Steimel stated he has concerns with the outside storage and that this is already being undertaken on site; that he has concerns if the proposed Conditional Use is approved, the outdoor storage would grow and there would be boats and wrecked cars on the site; that he asked if there could be a limitation on the number of boats, vehicles, etc. stored on the property; that Chairman stated the Planning and Zoning

Commission can require and limit the number of vehicles and could require a solid fence around the perimeter so the adjacent properties do not have to look at the outside storage; that Mr. Steimel stated that towards the back of the property there is a large building and there is enough room for storage of cars, boats, etc.; that if a privacy was placed around the perimeter, it would help with the adjacent neighbors viewing the outside storage; that Chairman Wheatley explained the Planning and Zoning Commission has the ability to restrict and prohibit the storage of non-titled wrecked or non-functioning vehicles on-site; that Chairman Wheatley asked Mr. Steimel if the proposed Conditional Use is approved and one of the conditions is for a solid fence to be around the entire, would that be okay; which Mr. Steimel stated that would be okay; that Chairman Wheatley asked Mr. Davidson if any thought had been given to the storage of vehicles, whether or not if there would be non-functioning vehicles, non-titled vehicles stored on the site; which Mr. Davidson stated that there would be no storage of non-functioning vehicles and non-titled vehicles stored on-site; that the outside storage is located between the two larger buildings; that are currently a few boats and trailers stored on-site; that Chairman Wheatley asked if the Planning and Zoning Commission recommended approval the proposed application, a restriction be required that the outside storage occur in between the two larger buildings. Mr. Davidson stated it would be okay to restrict the outside storage between the two larger buildings; that Chairman Wheatley asked if any work of the vehicles outside of the building at any certain time; which Mr. Davidson stated that some of the smaller items are placed outside during day and placed back inside at the end of the day; and that all of the repairs take place inside the building.

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

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

At their meeting on July 18, 2019, the Planning Commission discussed the application which has been deferred since July 11, 2019.

Ms. Stevenson moved that the Commission recommend approval of Conditional Use # 2179 for a lawnmower and small engine repair business, outdoor storage and leased storage units and storage buildings based on the record made during the public hearing and for the following reasons:

1. The property is a 3.71-acre parcel that is remaining from a much larger farm dating to the 1800s. The uses all occur within former agricultural outbuildings or buildings that were built more than 30 years ago. The uses have also occurred on the property for some time as the property transitioned away from primarily farming operations.
2. The property is zoned AR-1 Agricultural Residential. The use of part of the property for a small engine repair business with storage in outbuildings is consistent with the types of uses that would occur on an AR-1 property. The property also continues to be used for other agricultural purposes.
3. The site is in the Coastal Area according to the Sussex County Comprehensive Plan. Small business uses such as this are appropriate in this Area according to the Plan.
4. The Applicants reside on the property and will have control over how it is used.
5. There will be no retail sales from the property.
6. The use will not adversely affect area roadways or traffic.
7. The small engine repair work and storage serves a variety of Sussex County residents and businesses. This intended use is of a public or semi-public character that will benefit the residents and businesses of Sussex County.



8. The property is served by a well and septic system.
9. This recommendation is subject to the following conditions:
  - A. This use shall be limited to a lawnmower and small engine repair business, outdoor storage and leased storage units and storage buildings. No other businesses shall be conducted from the site. No retail sales shall be conducted from the site.
  - B. There shall not be any Conex-type metal storage containers, metal shipping containers, roll-off containers or dumpsters brought to the site or stored on the site, other than one dumpster to be used for refuse associated with the business.
  - C. One lighted sign shall be permitted. It shall be no larger than 32 square feet per side.
  - D. The hours of operation for the lawnmower and small engine repair business shall be from 8:30 am until 5:00. Monday through Friday, with no weekend hours. The storage areas shall be accessible 7 days per week from dawn until dusk.
  - E. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
  - F. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
  - G. The Final Site Plan shall clearly show all areas for outdoor storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any outdoor storage within the property's setbacks.
  - H. All lawnmower and small engine maintenance and repair shall occur indoors. Also, any fluids associated with this use shall be safely stored and disposed of in accordance with all state and federal requirements. No fluids shall be stored outdoors.
  - I. The indoor leased storage shall only occur within the existing structures on the site. No additional storage buildings shall be permitted.
  - J. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.
  - K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

## PLANNING & ZONING

JANELLE M. CORNWELL, AICP  
DIRECTOR

(302) 855-7878 T  
(302) 854-5079 F



# Sussex County

DELAWARE  
sussexcountype.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: June 25, 2019  
RE: Staff Analysis for CU 2179 Joseph H. Jr. and Patricia Prettyman

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2179 Joseph H. Jr. and Patricia Prettyman to be reviewed during the July 11, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 334-11.00-47.00 to allow for multi-family (two dwellings), lawn mower repair business, outdoor storage, leased storage units, and storage buildings to be located at 18583 Robinsonville Rd. The size of the property is 3.71 ac. +/-.

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

The surrounding land use to the north, south, east and west, are Coastal Area. The Coastal Area land use designation recognizes that “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas.”

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). There are no known active Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for a multi-family (two dwellings), lawn mower repair business, outdoor storage, leased storage units, and storage buildings could be considered consistent with the land use, area zoning and uses.



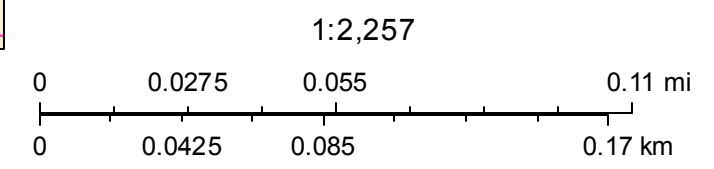


# Sussex County



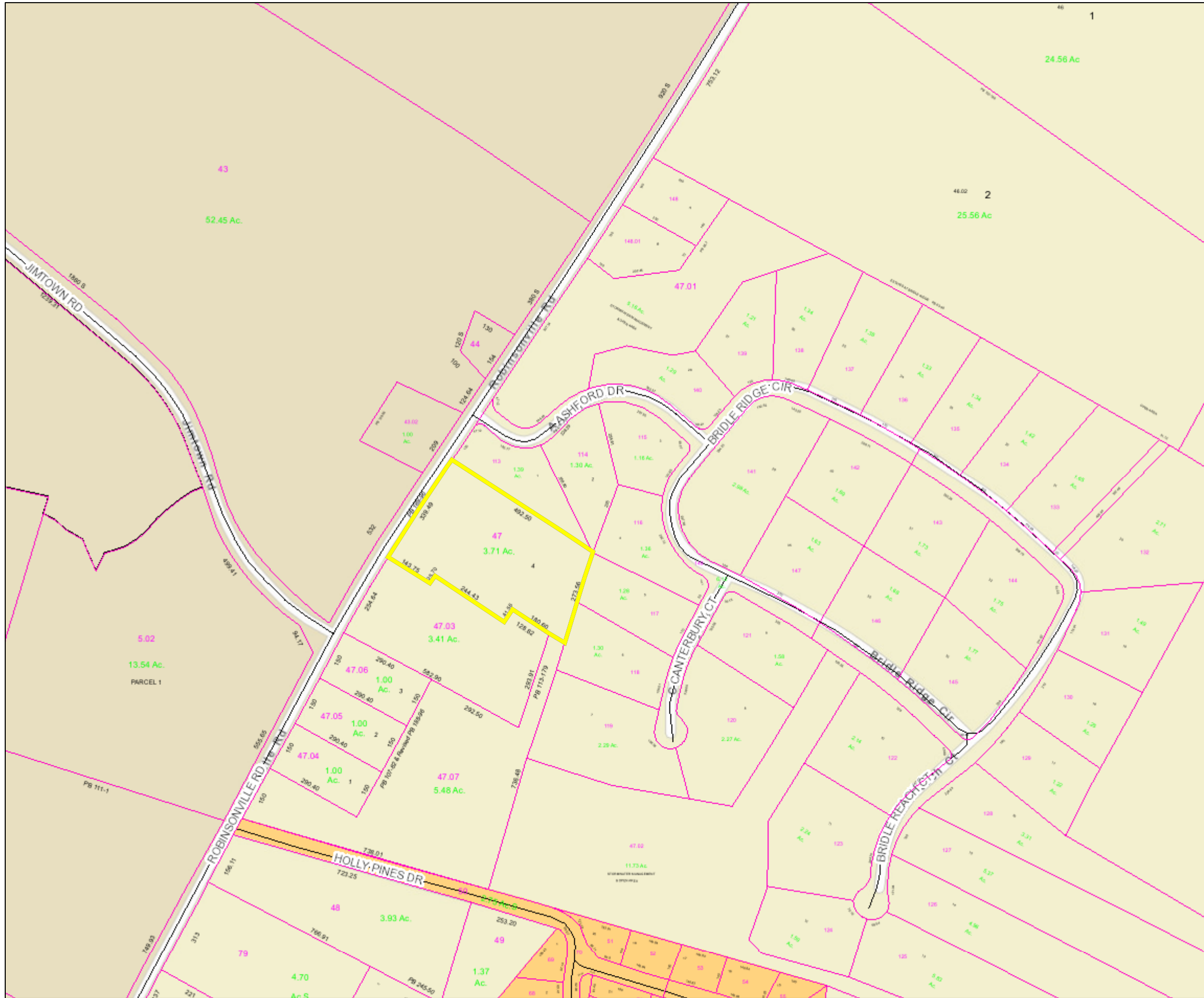
<b>PIN:</b>	334-11.00-47.00
<b>Owner Name</b>	PRETTYMAN JOSEPH H JR PATRICIA
<b>Book</b>	2276
<b>Mailing Address</b>	18583 ROBINSONVILLE RD
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	E/RD 277
<b>Description 2</b>	N/RD 283
<b>Description 3</b>	N/A
<b>Land Code</b>	

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





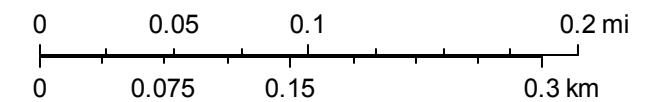
# Sussex County



<b>PIN:</b>	334-11.00-47.00
<b>Owner Name</b>	PRETTYMAN JOSEPH H JR PATRICIA
<b>Book</b>	2276
<b>Mailing Address</b>	18583 ROBINSONVILLE RD
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	E/RD 277
<b>Description 2</b>	N/RD 283
<b>Description 3</b>	N/A
<b>Land Code</b>	

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

1:4,514



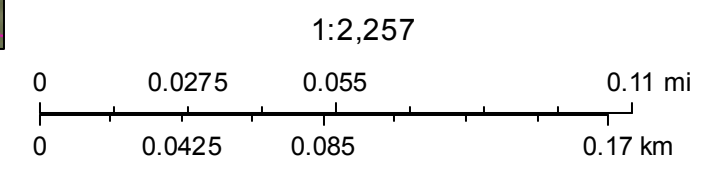


# Sussex County



<b>PIN:</b>	334-11.00-47.00
<b>Owner Name</b>	PRETTYMAN JOSEPH H JR PATRICIA
<b>Book</b>	2276
<b>Mailing Address</b>	18583 ROBINSONVILLE RD
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	E/RD 277
<b>Description 2</b>	N/RD 283
<b>Description 3</b>	N/A
<b>Land Code</b>	

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



**Introduced 04/30/19**

**Council District No. 3 – Burton**

**Tax I.D. No. 334-11.00-47.00**

**911 Address: 18583 Robinsonville Road, Lewes**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 DWELLINGS), LAWN MOWER REPAIR BUSINESS, OUTDOOR STORAGE, LEASED STORAGE UNITS, AND STORAGE BUILDING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.71 ACRES, MORE OR LESS**

**WHEREAS, on the 3rd day of April 2019, a conditional use application, denominated Conditional Use No. 2179, was filed on behalf of Joseph H. Jr. and Patricia Prettyman; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2179 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2179 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Robinsonville Road, approximately 211 feet northwest of Jimtown Road and being more particularly described in the attached legal description prepared by Pennoni Associates, Inc., said parcel containing 3.71 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@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

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

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: August 8, 2019

RE: County Council Report for CU 2180 Robert J. Palmer & Laura M. Hudson

---

The Planning and Zoning Department received an application (CU 2180 Robert J. Palmer & Laura M. Hudson) for a Conditional Use for parcels 133-3.00-1.00 and 1.10 to allow for a professional office to be located at 23318 Cedar Ln. The Planning and Zoning Commission held a public hearing on July 11, 2019. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, Site Plan, comments from the Sussex Conservation District, comments from the Sussex County Engineering Department Utility Planning Division, and results from the DelDOT Service Level Evaluation request confirming a Traffic Impact Study ("TIS") was not required. One letter in opposition to the application, with 20 signatures was read by Ms. Cornwell into the record.

The Commission found that Mr. Robert Palmer with Beacon Engineering was present on behalf of the application; that Mr. Palmer stated he is requesting a Conditional Use to add employees to his home occupation; that he opened his business seven years ago; that now he needs help with drafting and would like to add additional employees; that he was able to purchase land and would like to be able to keep his home office and grow his business; that the contractors are currently at the office more than they use to be; that he submitted a Service Level Evaluation Request to DelDOT; that a TIS was not warranted for 10 employees; that there are other Conditional Uses in the area; that some of the Conditional Uses are a borrow pit and an approval for the land application/spraying of bio-solids; that the nearby subdivision is called the Woods at Walls Creek which is zoned MR ("Medium Density Residential District") located behind this site; that the Georgetown reclamation site is located across the street; that the property has vegetation on three sides; that some of the vegetation is owned by the applicant and some is owned by the Woods at Walls Creek; that the Woods at Walls Creek has a 30-foot forested buffer and the applicant has 20-foot of woods that have remained untouched; that there is a 20 ft. forested landscape buffer along Carey Lane in the Woods at Walls Creek subdivision;



that the house is not visible from the road; that there is a buffer that separates his property from the lots out front; that the Conditional Use that is being requested is for a Home Occupation with employees and an office above the garage; that they do not generate any noise or dust; that with the vegetation around the property it is impossible to see the garage until you are close too it; that the closest neighbor is 600-feet away and there are two other neighbors that are 1000-feet away from the property; that he was granted a variance in 2017 for the existing stables; that the parcel is located in the State Spending Strategies Level 3; that he does not plan to build any new structures on the property and intends to keep the existing home and would live there; that the Land Use Classification per the 2019 Comprehensive Plan the land is in the Developing Area; that the Comprehensive Plan reads that a variety of office uses would be appropriate in many areas, in doing so, a careful mixture of homes with light commercial and institutional uses can be appropriate to provide for convenience services and to allow people to work close to home; that there is little traffic coming and going from the site; that he does go out to meetings; that there could be a client that might come to the site twice a month and it is generally easier to go to the clients; that he would like a sign but he hasn't put a 6 square foot sign for the Home Occupation yet; that his immediate plan is to have up to five employees which two of the employees include himself and his wife; that there would be three to four employees added and potentially having up to 10 employees in the longer term; that if he has more than 10 employees, it would lose the personal touch and home comes first; and that the hours of operation would be 8:00 am to 5:00 pm, Monday through Friday.

Mr. Hopkins asked Mr. Palmer if any of the employees have back-up alarms on their cars; which Mr. Palmer stated that the employees do not have any back-up alarms on their cars and the only back-up alarm is from the trash truck that comes once a month; that Mr. Hopkins asked how many acres is the whole property; which Mr. Palmer stated that the property is 18.1 acres; that Mr. Hopkins asked how big of an area is the proposed Conditional Use; which Mr. Palmer stated that the business would occupy no more than 1,500 square feet but he hasn't thought out the best location for an outbuilding if he should grow his business or want some privacy; and that he did not specify an acreage but he wouldn't be opposed to that being a condition if the application is recommended for approval .

Ms. Wingate asked Mr. Palmer if he would like a sign or a lighted sign; which Mr. Palmer stated he would like an indirect lighted sign and would comply with the Code; that Ms. Wingate asked Mr. Palmer if he did a survey and if he had company vehicles; which Mr. Palmer stated he does not have any company vehicles at this time and would like some in the future; that Ms. Wingate asked Mr. Palmer if he was asking for 10 employees and suggesting 10 vehicles; which Mr. Palmer stated that there could be eight vehicles; that Mr. Palmer does not do his own surveying; that one of the reasons is because a third of his work comes from surveyors that do not like dealing with DelDOT and the second reason is because there is a lot of liability in surveying; that in the future he might start doing surveying; Ms. Wingate asked Mr. Palmer if most of the employees would come in during the morning, stay all day, and leave in the evening; which Mr. Palmer replied stated the employees would not be coming and going throughout the day.

Ms. Stevenson asked Mr. Palmer to explain his first condition which read the office should not exceed 1,500 square feet of floor area, additions to the building for private use of the residents on the premise or related to the farming operations may be permitted; which Mr. Palmer stated that any additions to the building would be private only; that he has three vehicles that sit outside and a small utility trailer; that one of his plans is to construct an outbuilding behind the house to be able to store the equipment so it does not deteriorate in the elements.



Ms. Cornwell asked Mr. Palmer to clarify if any of the employees come earlier or stay late because he was asking for the hours of operation to be 8:00 am to 5:00 pm; which Mr. Palmer stated he does have one employee that does prefer to come in at 7:30 am and the contractor usually stays until 6:30 pm or 7:00 pm; that the hours of operation where a client might come to the office would be from 8:00 am to 5:00 pm.

Chairman Wheatley stated the hours of operation for the Planning and Zoning Commission purposes are when someone is at the office operating and would the hours of operation be 7:00 am to 7:00 pm; which Mr. Palmer stated that he is okay with the hours of operation being 7:00 am to 7:00 pm; Chairman Wheatley also clarified that the Commission does have the ability to recommend that the Conditional Use area and that he thought that 18-acres is a lot of land to which to apply a Conditional Use of this nature; that Chairman Wheatley stated there was a letter of opposition in the record with 20 signatures and he asked if there were any reasons given by those 20 people; Ms. Cornwell stated that the letter referenced the short title of the application and they object to a zoning change for a professional office space; that Chairman Wheatley stated the letter does not say why they are in opposition; that Chairman Wheatley stated there should be a distance between a Conditional Use activity and the residential subdivision; which Mr. Palmer did agree to the separation; that Chairman Wheatley stated that the applicant could construct a building within 30-feet of the rear yard and he is concerned that it may not be the best place to construct the building; which Mr. Palmer stated a 200-foot from the rear yard and 200-foot from the front yard setbacks.

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

The Commission found that Ms. Evelyn Willey and Ms. Karen Kelly spoke in opposition to the application; that Ms. Willey stated she was the previous owner of the property and also owns the seven building lots across the front of the property; that she had concerns with the commercial use behind the seven lots that are zoned AR-1 and how would it affect the lots; that there is already a lot of traffic existing on the property because they rent out the barn to a person who gives riding lessons and shows horses; that she has concern with the 10 employees, the horse boarding facility, and there could be seven to ten families using the lane; that she has concerns with the horsiculture element of the use and hours of operation; that she has concerns with septic system and the increased stress on the system; that she has concerns with the increase of traffic coming in and out of the driveway in a residential area; that the existing trees are 20 years old and the buffer across the front is slowly dying due to age; that there is no buffer from the last 4-acre lot and only a vinyl fence; that she thinks it would be hard to sell the lots with a large commercial sign; that she would not like the property to become commercial use. Ms. Kelly stated she was the person who obtained the 20 signatures; that she has concerns with noise; that Chairman Wheatley asked what was the nature of the noise concerns; which Ms. Kelly stated the noise is from cars, music, and people talking; that the trees along Cary Lane are getting old and leaves fall off in the winter which does not make a good buffer; that she would like to keep it a residential neighborhood; that she has concerns with traffic; and that she submitted a letter into the record.

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

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to defer action on the application to allow for further consideration. Motion carried 5-0.

At their meeting on July 18, 2019, the Planning Commission discussed the application which has been deferred since July 11, 2019.

Mr. Hopkins moved that the Commission approve Conditional Use 2180 for Robert J. Palmer and Laura M. Hudson for a professional office based upon the record made during the public hearing and for the following reasons:

1. The proposed Conditional Use started as a home occupation within the Applicant's home. Because the business has grown, the Applicant's are seeking to include office space for themselves and employees upon the property.
2. The Applicant's property is 18.11 acres in size. This is large enough to permit the construction of a small office without having an adverse impact on neighboring properties.
3. The Applicants stated that the office space will be used as an engineering office, and that does not generate much traffic other than the few employees who will work there. Meetings with the business clients typically occur off-site.
4. The property is in a "Developing Area" according to the Comprehensive Plan. Office Uses are appropriate in this Area according to the Plan.
5. This recommendation is subject to the following conditions:
  - A. As stated by the applicant, there shall be no more than 1,500 square feet of professional office space.
  - B. As proffered by the Applicant's, the new office space shall be located no closer than 200-feet from the front or rear property line. In addition, all existing perimeter buffers shall be maintained.
  - C. As stated by the Applicant, the hours of operation shall be between 7:00 am and 7:00 pm, Monday through Saturday. This shall not prohibit the Applicants from working in the office at other hours of the day or on weekends.
  - D. One lighted sign, not to exceed 32 square feet per side, shall be permitted. It shall be located so that it does not shine upon the residential lots on either side of the property's entrance road.
  - E. Any dumpsters shall be screened from view of neighboring properties and roadways.
  - F. The applicant shall comply with all DelDOT requirements concerning entrance, traffic and roadway improvements.
  - G. All parking areas for the Conditional Use shall be shown on the Final Site Plan and clearly marked on the site itself.
  - H. The Applicants' shall comply with all DNREC requirements concerning any upgrades that are necessary to the existing septic system as a result of the construction of this new office space.
  - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

## PLANNING & ZONING

JANELLE M. CORNWELL, AICP  
DIRECTOR

(302) 855-7878 T  
(302) 854-5079 F



# Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: June 25, 2019  
RE: Staff Analysis for CU 2180 Robert J. Palmer & Laura M. Hudson

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2180 Robert J. Palmer & Laura M. Hudson to be reviewed during the July 11, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcels 133-3.00-1.00 and 1.10 to allow for a professional office to be located at 23318 Cedar Ln. The size of the properties is 18.11 ac. +/-.

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

The surrounding land use to the north, south, east and west, are Developing Area. The Developing Area land use designation recognizes that “a range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.”

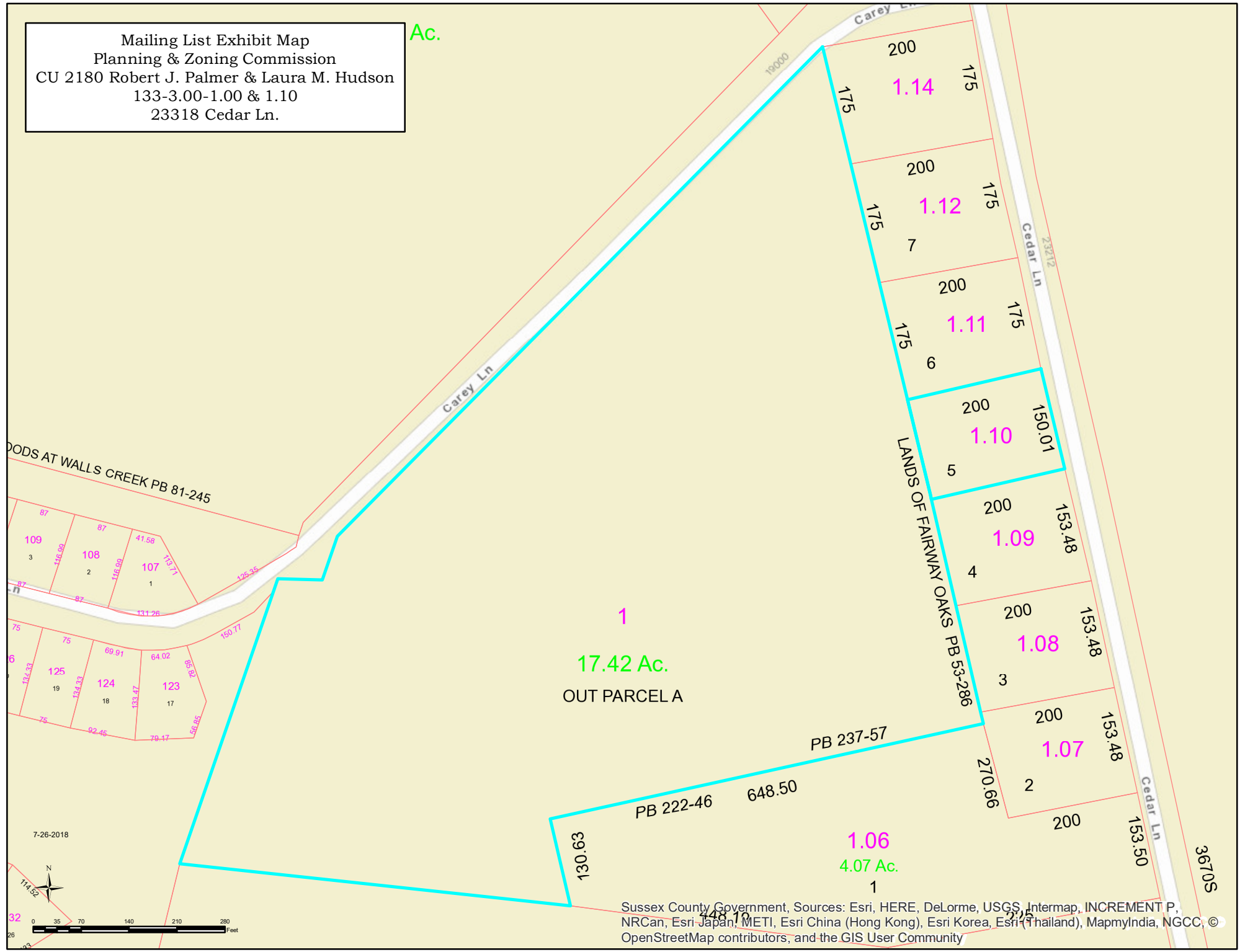
The properties are zoned AR-1 (Agricultural Residential District). The properties to the north, south, and east are zoned AR-1 (Agricultural Residential District). The properties to the west are zoned MR (Medium-Density Residential District) and AR-1 (Agricultural Residential District). There are no known Conditional Uses in the area.

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



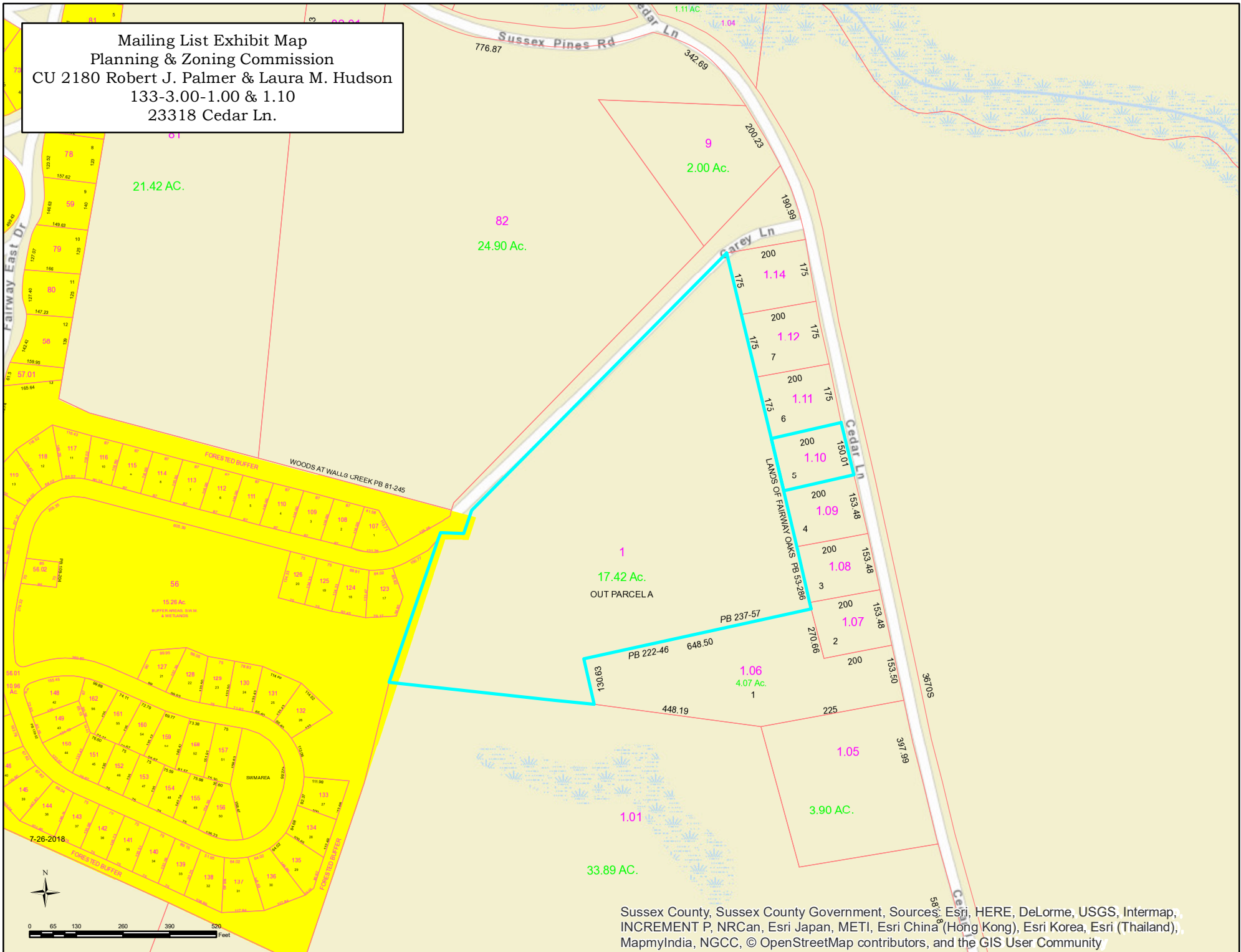
Mailing List Exhibit Map  
 Planning & Zoning Commission  
 CU 2180 Robert J. Palmer & Laura M. Hudson  
 133-3.00-1.00 & 1.10  
 23318 Cedar Ln.

Ac.



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

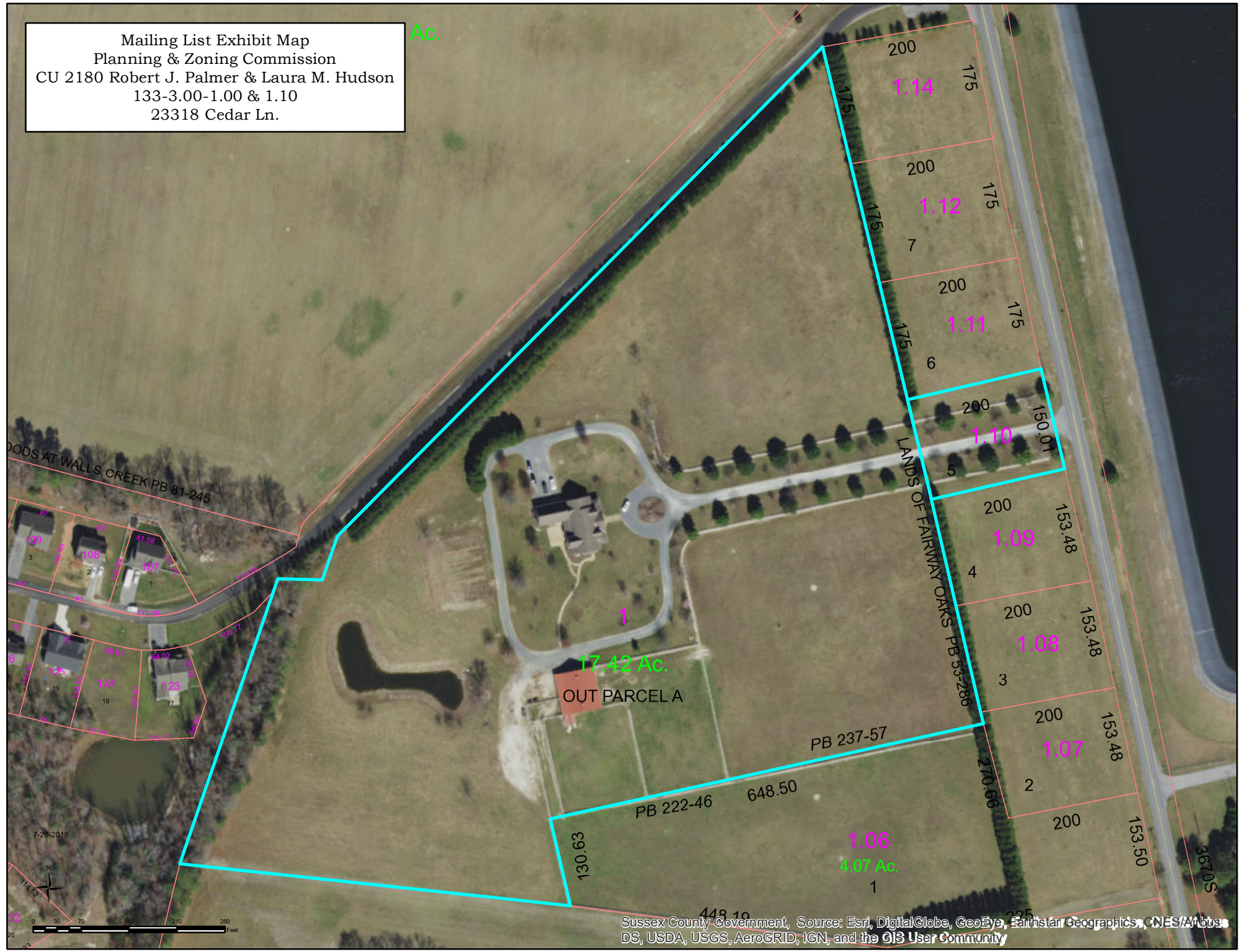
Mailing List Exhibit Map  
 Planning & Zoning Commission  
 CU 2180 Robert J. Palmer & Laura M. Hudson  
 133-3.00-1.00 & 1.10  
 23318 Cedar Ln.



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

Mailing List Exhibit Map  
 Planning & Zoning Commission  
 CU 2180 Robert J. Palmer & Laura M. Hudson  
 133-3.00-1.00 & 1.10  
 23318 Cedar Ln.

Ac.



**Introduced 05/14/19**

**Council District No. 2 – Wilson  
Tax I.D. No. 133-3.00-1.00 and 1.10  
911 Address: 23318 Cedar Lane, Georgetown**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 18.11 ACRES, MORE OR LESS**

**WHEREAS, on the 17th day of April 2019, a conditional use application, denominated Conditional Use No. 2180, was filed on behalf of Robert J. Palmer and Laura M. Hudson; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2180 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2180 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the west side of Cedar Lane, approximately 0.53 mile north of Governor Stockley Road, and being more particularly described in the attached legal description prepared by Berl & Feinberg, LLP, said parcel containing 18.11 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@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

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

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: August 8, 2019

RE: County Council Report for CZ 1884 ABC Storage, LLC

---

The Planning and Zoning Department received an application (CZ 1884 ABC Storage, LLC) for a Change of Zone for parcels 231-6.00-6.00 (portion of) and 231-5.00-24.00 to allow for AR-1 (Agricultural Residential District) to C-2 (Medium Commercial District) to be located at 13049 & 13039 Seashore Hwy. The Planning and Zoning Commission held a public hearing on July 11, 2019. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meetings.

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, Site Plan, comments from the Sussex Conservation District, comments from the Sussex County Engineering Department Utility Planning Division, and results from a DelDOT Service Level Evaluation request confirming a Traffic Impact Study ("TIS") was not required.

The Commission found that Mr. Mark Davidson with Pennoni Associates and Mr. Francis C. Warrington III, Managing Member of ABC Storage, LLC were present on behalf of the application; that Mr. Davidson stated this is an application to rezone a portion of lands that is currently zoned AR-1 (Agricultural Residential Zoning District) to C-2 (Medium Commercial Zoning District); that Mr. Warrington does own both parcels of land; that parcel 6.00 was purchased in 2016 by Mr. Warrington; that Mr. Warrington did purchase parcel 24.00 in 2019; that parcel six is a split zone parcel; that a portion of parcel 6.00 is zoned C-1 (General Commercial Zoning District) and the approval of the Change in Zone was in 1992; that there used to be an old fruit stand and a gift shop located on the parcel; that the property is approximately 4.42 acres in total; that the Applicant is requesting to rezone the portion of the property that is currently zoned AR-1 to C-2; that when Mr. Warrington purchased the property, there were three existing self-storage buildings and a small building in front of the property for a retail grocery store and Mr. Warrington's office; that since Mr. Warrington had purchased the property, 98% of the self-storage is occupied and there is an additional need for self-storage units in the area; that the Applicant would like to grow and expand his business on the new





proposed C-2 parcel; that if the proposed Change of Zone is approved, the Applicant would like to relocate the retail grocery store on the parcel; that the site would use the existing commercial entrance and no new entrance is needed; that the existing storage facility is already gated and outdoor storage is available; that there is existing stormwater management pond on the site; that there is parking available for the existing building; that there would be no more parking permitted in front of the existing retail building; that there would be parking provided along the existing retail and in the back of the site; that the Land Use Classification per the 2019 Comprehensive Plan the land is in the “Low-Density Area”; that there are other commercial uses in the area; that the site is located on a principle arterial road and it accommodates commercial uses that do not have outdoor storage or sales; that the retail portion of the business would be located in the two small buildings located on the site; that the Zoning Ordinance states this use is allowed in the C-2 district; that the site currently has two septic systems and two wells on-site; that the property is not located in a flood zone; that the existing stormwater management is an infiltration basin and any expansion would meet the new regulations; that the parcel is located in the State Spending Strategies Level 4; that there are no wetlands on the property; that the application proposes an expansion of the existing commercial uses that are already on-site; that Mr. Warrington does own the nine acres located behind this site and it is currently land-locked; and that if this application is approved, there would be an access easement to the parcel in the rear and the access easement would be used as a buffer.

Mr. Hopkins asked if the nine acres to the rear of this site is part of the Change in Zone application, which Mr. Davidson stated that the nine acres, in the rear of this site, is not part of the application.

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

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

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

At their meeting on July 18, 2019, the Planning Commission discussed the application which has been deferred since July 11, 2019.

Mr. Hopkins moved that the Commission recommend approval of Change in Zone 1884 for ABC Storage for a change in zone from AR-1 Agricultural Residential zoning to C-2 Medium Commercial zoning based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant’s property is currently zoned AR-1 and C-1. This application will bring the entire property under commercial zoning. The site also is in an area where other commercial zonings and commercial uses exist.
3. Part of the Applicant’s property is currently used as a mini-storage facility and retail building. This rezoning will permit the reasonable expansion of both uses.
4. The Applicant has stated that there is a need for the expanded mini-storage facility since there is currently a waiting list. And, the grocery that is located on the property serves the community in this area of Sussex County and wants to expand on the property. This rezoning will permit both reasonable expansions to occur on this site.

5. The Applicant owns the property to the rear of this site, and the use will not have an adverse impact on properties on either side of the site.
6. The site is located along Route 404, which is an arterial road. This is an appropriate location for C-2 zoning.
7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
8. No parties appeared in opposition to the rezoning application.
9. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

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

## PLANNING & ZONING

JANELLE M. CORNWELL, AICP  
DIRECTOR

(302) 855-7878 T  
(302) 854-5079 F



# Sussex County

DELAWARE  
sussexcountype.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: June 25, 2019  
RE: Staff Analysis for CZ 1884 ABC Storage, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1884 ABC Storage, LLC to be reviewed during the July 11, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcels 231-6.00-6.00 (portion of) and 231-5.00-24.00 to allow for a change from AR-1 (Agricultural Residential District) to C-2 (Medium Commercial District) to be located at 13049 & 13039 Seashore Hwy. The size of the properties is 2.41 ac. +/-.

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

The surrounding land use to the north, east and west, are Commercial Area and Low Density. The land use to the south is Low Density. The Commercial Area land use designation recognizes that “as opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas.” The Low Density land use designation recognizes that the uses “are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses.” C-2 (Medium Commercial District) is a zoning that may be considered in the Commercial Area and Low Density land use classifications.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). There are no known active Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone for a paving construction business with an office and equipment storage could be considered consistent with the land use, area zoning and uses.



Mailing List Exhibit Map  
Planning & Zoning Commission  
CZ 1884 ABC Storage, LLC  
231-6.00-6.00 & 231-5.00-24.00  
13049 Seashore Hwy.

23.01  
.01 Ac.

PB 221-84  
440.58

4.8

6  
3.95 Ac.  
1

64

805.07

17.80  
105.62  
194.99  
24  
194.57  
105.63

445.85

180

.05  
7-26-2018

150

18

13048

Seashore Hwy

196.92

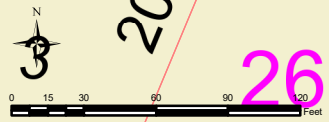
200

26.04

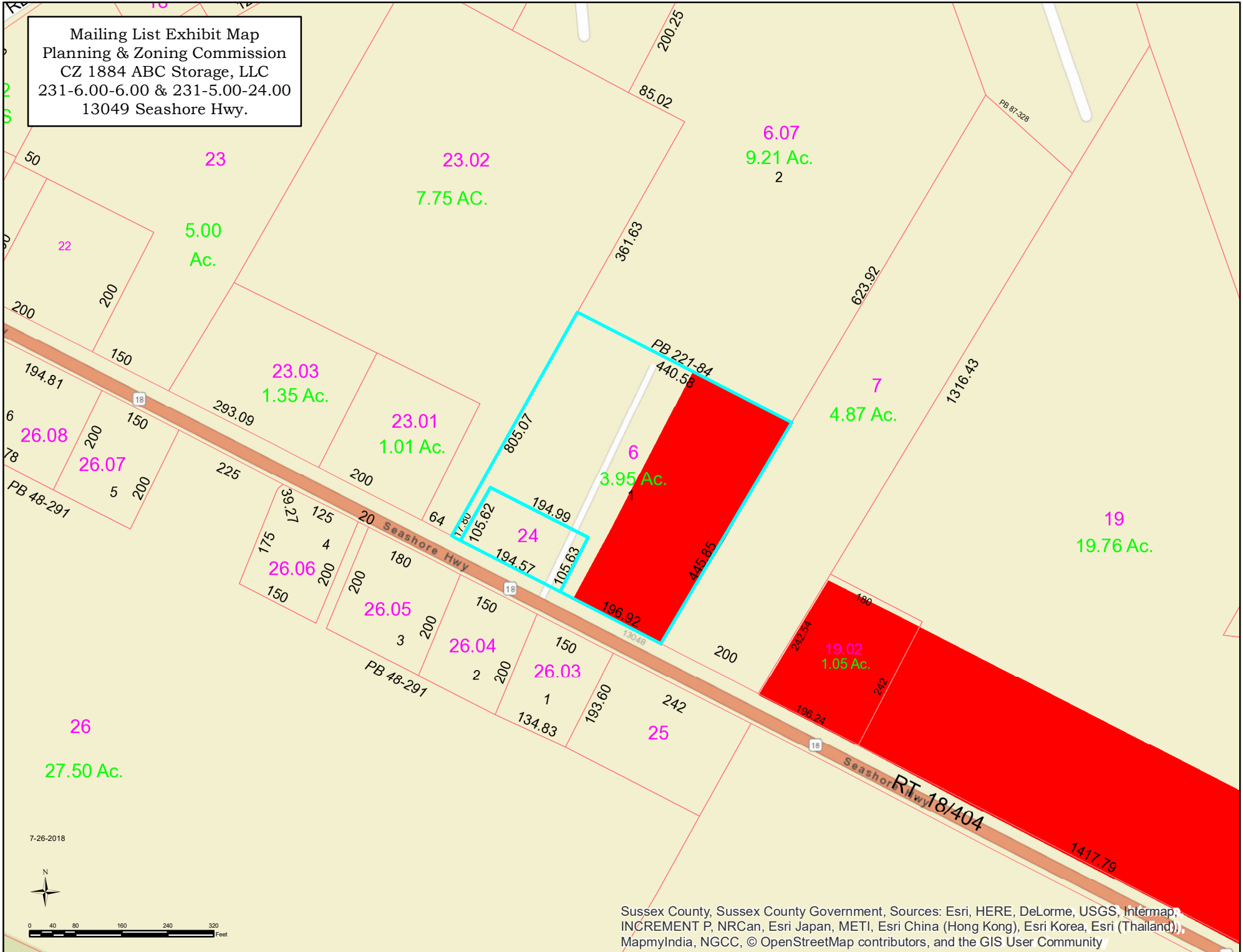
150

342.54

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



Mailing List Exhibit Map  
Planning & Zoning Commission  
CZ 1884 ABC Storage, LLC  
231-6.00-6.00 & 231-5.00-24.00  
13049 Seashore Hwy.



Mailing List Exhibit Map  
Planning & Zoning Commission  
CZ 1884 ABC Storage, LLC  
231-6.00-6.00 & 231-5.00-24.00  
13049 Seashore Hwy.

23.01  
.01 Ac.

4.8

6  
3.95 Ac.

24

.05

26.04

19.05

PB 221-84  
440.58

805.07

64

17.80

105.62

194.99

180

194.57

105.63

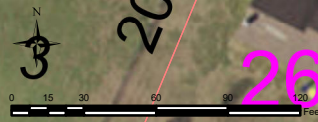
445.85

150

196.92

242.54

150



**Introduced 05/21/19**

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

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

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

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

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1884 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of C-2 Medium Commercial District as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Nanticoke Hundred, Sussex County, Delaware, and lying on the north side of Seashore Highway (Route 18/404), approximately 0.22 mile east of Wilson Hill Road, and being more particularly described in the attached legal description prepared by Pennoni, said parcels containing 2.41 acres, more or less.**

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