

Sussex County Council Public/Media Packet

**MEETING:
August 20, 2019**

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**Sussex County Council
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COUNTY COUNCIL

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



Sussex County

DELAWARE
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SUSSEX COUNTY COUNCIL A G E N D A AUGUST 20, 2019 10:00 A.M.

**** AMENDED on August 16, 2019 at 2:30 P.M.¹**

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Recognition of Retiree – Loran George
2. Administrator's Report

10:15 a.m. Public Hearing

“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 110, ARTICLE XIII, SECTION 110-88, SUBSECTIONS D AND H THEREOF, RELATING TO THE ESTABLISHMENT OF ANNUAL SERVICE CHARGES; DETERMINATION OF AMOUNT OF CHARGE”

Robert Schoonover, EMS Manager of Logistics

1. EMS Station Lease – Milton Cheer Center

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, VII, VIII, IX, X, XA, XB, XI, XIA, XIB, XIC, XID, XIE, XIF, XII, XIII, XIV, XV AND XXVII BY AMENDING SECTIONS 115-20, 115-23, 115-29, 115-32, 115-40 115-48, 115-53, 115-56, 115-64, 115-69, 115-72,



115-75.2, 115-75.4, 115-75.9, 115-75.11, 115-80, 115-83.6, 115-83.11, 115-83.13, 115-83.18, 115-83.20, 115-83.26, 115-83.28, 115-83.33, 115-83.35, 115-83.40, 115-83.42, 115-88, 115-94, 115-97, 115-105, 115-114, 115-210 AND TABLE IV TO ESTABLISH ADMINISTRATIVE APPROVAL PROCESSES FOR THE USE OF A MANUFACTURED HOME-TYPE STRUCTURE FOR A BUSINESS, COMMERCIAL OR INDUSTRIAL USE, FOR STUDIO/GARAGE APARTMENTS AND MANUFACTURED HOME-TYPE STRUCTURES IN AN EMERGENCY OR HARDSHIP SITUATION”

Hans Medlarz, County Engineer

1. FY 2019 General Labor and Equipment Contract, Project No. 19-01
 - A. Balancing Change Order
2. EMS 200 / Medic 110 Station, Project C19-08
 - A. Rejection of all bids
 - B. Authorization to re-bid
 - C. Consideration of Municipal Water System Extension
 - D. Approval of scope change of Professional Services Agreement

John Ashman, Director of Utility Planning

1. Sunset Glen – Stafford Street Capital, LLC
 - A. Use of Existing Infrastructure Agreement

**** Old Business**

Change of Zone No. 1882 filed on behalf of Nassau DE Acquisition Co., LLC for the limited purpose of discussion and clarification of the closure of the record.

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

**** Executive Session – *Personnel*, Pending Litigation and Land Acquisition pursuant to 29 Del. C. § 10004(b)**

Possible Action on Executive Session Items

1:30 p.m. Public Hearing

Change of Zone No. 1885 filed on behalf of DWB, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.015 ACRES, MORE OR LESS” (land lying on the north side of Lighthouse Road (Route 54) approximately 850 feet west of Zion Church Road) (Tax I.D. No. 533-19.00-15.00) (911 Address: 36191 Lighthouse Road, Selbyville)

Adjourn

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

In accordance with 29 Del. C. § 10004(e)(2), this Agenda was posted on August 13, 2019 at 4:40 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

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¹ Per 29 Del. C. § 10004(e)(5) and Attorney General Opinion No. 13-IB02, this agenda was amended to address matters which arose after the initial posting of the agenda but before the start of the Council meeting.

With respect to Old Business - Change of Zone No. 1882, this matter requires immediate attention because it involves clarification regarding closure of the public record on a public hearing that has already taken place.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 13, 2019

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 13, 2019, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 399 19
Amend
and
Approve
Agenda**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to amend the Agenda by deleting "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", 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 30, 2019 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**AMERICAN CANCER SOCIETY, RELAY FOR LIFE OF SUSSEX
COUNTY AND SUSSEX COUNTY CRUSADERS.**

RE: Letter in appreciation of grant.

**Public
Comments**

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

**Administrator's
Report**

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

1. FY 2020 Human Service Grant Program

Applications for the Fiscal Year 2020 Human Service Grant Program are now being accepted. The Human Service Grant Program provides grants to county-wide nonprofit agencies for the purpose of enhancing health and human services which contribute to a safe, healthy, and self-sufficient community. Funds provide grants that assist organizations with resources in support of programs or capital purchases.

To be eligible for a grant, organizations must fill out an application which is available on the County's website at www.sussexcountyde.gov.

The deadline for filing grant requests is Monday, September 30th.

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

The Advisory Committee on Aging & Adults with Physical Disabilities Conference Planning Subcommittee will meet on Monday, August 19th, at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda is attached.

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

**Mobile
Integrated
Healthcare
MOU with
Beebe
Healthcare**

Robbie Murray, Deputy Director of Administration, EMS, presented a Memorandum of Understanding between Sussex County EMS and Beebe Healthcare to participate in the Mobile Integrated Healthcare Paramedic Pilot Program. 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. Beebe Healthcare will provide medical oversight of the program. Mr. Murray reported on the funding for the program; grant funding will be secured through the Jessie Ball DuPont Fund, Discover Bank, and Beebe Healthcare, including additional funding opportunities secured by Beebe Medical Foundation. Also present to participate in the discussion was Rick Schaffner, Interim CEO of Beebe Healthcare.

**M 400 19
Enter Into
Mobile
Integrated
Healthcare
Pilot
Program**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, that Sussex County, through the EMS Department, enter into an approximate one-year Mobile Integrated Healthcare Pilot Program with Beebe Healthcare and the State of Delaware through the Office of EMS, with the goal of reducing readmission of select COPD patients and improving their overall quality of life.

**M 400 19
(continued)**

Motion Adopted: 4 Yeas, 1 Nay

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

**Public
Hearing/
Issuance
of GOBs/
Spray
Irrigation
System**

A Public Hearing was held on the Proposed Ordinance entitled “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”.

Hans Medlarz, County Engineer, reported that 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.

There were no public comments.

The Public Hearing and public record were closed.

**M 401 19
Adopt
Ordinance
No. 2673**

A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to Adopt Ordinance No. 2673 entitled “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”.

Motion Adopted: 5 Yeas.

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

**M 402 19
Approve
USDA Loan
Resolution/
Inland Bays
RWF Spray
Irrigation
System**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering and Finance Departments, that the USDA Loan Resolution authorizing supplemental indebtedness for the Inland Bays RWF Spray Irrigation System and Land Acquisition Project be approved.

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/
Issuance
of GOBs/
Joy Beach
Sewer
Annexation
Project**

A Public Hearing was held on the Proposed Ordinance entitled “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”.

Hans Medlarz, County Engineer, reported that 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.

Mr. Medlarz explained the terms of the funding.

Public comments were heard.

Dan Kramer raised a question in regard to the loan “forgiveness”.

Ms. Jennings responded to Mr. Kramer’s question.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 403 19
Adopt
Ordinance
No. 2671**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, to Adopt Ordinance No. 2671 entitled “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”.

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/
Issuance
of GOBs/
Mulberry
Knoll**

A Public Hearing was held on the Proposed Ordinance entitled “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

**Public
Hearing/
Issuance
of GOBs/
Mulberry
Knoll
Sewer
District
Project
(continued)**

CONNECTION THEREWITH”.

Hans Medlarz, County Engineer, reported that 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.

Mr. Medlarz explained the terms of the funding.

There were no public comments.

The Public Hearing and public record were closed.

**M 404 19
Adopt
Ordinance
No. 2672**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2672 entitled “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”.

Motion Adopted: 5 Yeas.

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

**James Farm
Master Plan
Implemen-
tation
Phase II/
FY 2020
ORPT
Grant
Request**

Hans Medlarz, County Engineer, referenced the County's long-standing relationship with regards to the James Farm Ecological Preserve, and the Master Plan Implementation Phase II. He reported that the County, on behalf of the Center for the Inland Bays (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 the 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.

M 405 19

A Motion was made by Mr. Hudson, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approve the submission of an application to

M 405 19
Approve
ORPT
Grant
Application
and Adopt
R 017 19
(continued)

DNREC for an ORPT Grant in the amount of \$82,250.00, and Adopt Resolution No. R 017 19 entitled “TO SUBMIT A REQUEST TO THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL’S (DNREC’S) OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) PROGRAM FOR A 50% MATCHING GRANT TO FINANCE PART OF PHASE II CONSTRUCTION OF THE JAMES FARM ECOLOGICAL PRESERVE MASTER PLAN”.

Motion Adopted: 5 Yeas.

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

**Proposed Ordinances/
Manufactured
Homes/
Housing
and
Temporary
Buildings**

Janelle Cornwell, Planning and Zoning Director, presented two Proposed Ordinances for discussion and possible introduction. One relates to manufactured homes/housing and one relates to temporary buildings incidental to construction operations for the sale of lots.

In regard to the manufactured homes/housing ordinance, Mr. Hudson asked if the following could be amended: §115-20 A (h) All multi-sectional manufactured homes, initially placed pursuant to the provisions of this section, shall be not more than ~~ten (10)~~ fifteen (15) years old. It was noted that this change can be made during the public hearing.

Introduction of Proposed Ordinances

Mr. Burton introduced the 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, 115-54, 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”.

Mr. Hudson introduced the 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”.

The Proposed Ordinances will be advertised for Public Hearing.

Grant Requests

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

**M 406 19
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$2,000.00 (\$400.00 from each Councilmanic Grant Account) to Autism Delaware for the Blue Jean Ball fundraiser.

Motion Adopted: 5 Yeas.

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

**M 407 19
Council-
manic
Grant**

A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to give \$1,200.00 (\$240.00 from each Councilmanic Grant Account) to Mason Dixon Woodworkers for their Christmas toy program.

Motion Adopted: 5 Yeas.

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

**M 408 19
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to American Youth Football for the Seaford Elite Travel Football Club's expenses.

Motion Adopted: 5 Yeas.

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

**M 409 19
Council-
manic
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to give \$1,500.00 from Mr. Burton's Councilmanic Grant Account to the Lewes Public Library for festival expenses.

Motion Adopted: 5 Yeas.

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

**M 410 19
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Rieley, to give \$10,000.00 (\$2,000.00 from each Councilmanic Grant Account) to the Georgetown Historical Society for Marvel Museum building maintenance.

Motion Adopted: 3 Yeas, 2 Nays.

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

Introduction of Proposed Ordinances **Mr. Vincent introduced the Proposed Ordinance entitled “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” (Conditional Use No. 2198) filed on behalf of Jeffrey Myer (Tax I.D. No. 430-22.00-10.01) (911 Address: 10595 and 10609 Seashore Highway, Bridgeville).**

Mr. Burton introduced the Proposed Ordinance entitled “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” (Change of Zone No. 1899) filed on behalf of Harbeson Farm Revex, LLC (Tax I.D. No. 235-30.00-10.01 - portion of) (911 Address: 18865 Harbeson Road, Harbeson).

The Proposed Ordinances will be advertised for public hearing.

M 411 19 **At 11:00 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton,**
Go Into **to recess the Regular Session and go into Executive Session for the purpose**
Executive **of discussing matters relating to land acquisition.**
Session

Motion Adopted: 5 Yeas.

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

Executive **At 11:04 a.m., an Executive Session of the Sussex County Council was held**
Session **in the Basement Caucus Room for the purpose of discussing matters**
 relating to land acquisition. The Executive Session concluded at 11:54 a.m.

M 412 19 **At 11:56 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson,**
Reconvene **to come out of Executive Session and to reconvene the Regular Session.**
Regular
Session

Motion Adopted: 3 Yeas, 2 Absent.

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

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

M 413 19 **At 11:56 a.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson,**
Recess **to recess until 1:30 p.m.**

Motion Adopted: 3 Yeas, 2 Absent.

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

M 414 19 **A Motion was made by Mr. Rieley, seconded by Mr. Burton, to reconvene**
Reconvene **at 1:30 p.m.**

Motion Adopted: 4 Yeas, 1 Absent.

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

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

Mr. Wilson joined the meeting.

Public **A Public Hearing was held on the Proposed Ordinance entitled “AN**
Hearing **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**
CU 2179 **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” (Conditional
 Use No. 2179) filed on behalf of Joseph H. Jr. and Patricia Prettyman (Tax
 I.D. No. 334-11.00-47.00) (911 Address: 18583 Robinsonville Road, Lewes).

The Planning and Zoning Commission held a Public Hearing on this
application on July 11, 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 July 11 and
18, 2019.)

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

The Council found that Mark Davidson with Pennoni Associates was
present with the Applicants. Mr. Davidson reported that the Conditional
Use application is for multi-family (two dwelling units; main dwelling and
an accessory dwelling unit), lawn mower/small engine repair business,
outdoor storage, self-storage units and public stables for boarding and
riding lessons; that the property consists of the existing main dwelling,
existing historical milk-house, circa 1890 – used for a tenant house, 16

**Public
Hearing
CU 2179
(continued)**

leased self-storage units, storage warehouse, horse stables and barns, pastures and an assemblage of other farm buildings that were once used as part of a larger working farm; that the property is bordered on the north and east by the Bridle Ridge Subdivision, property which was once part of the Prettyman Farm and lands owned by the Applicant and family; that the property is bordered on the south by lands owned by Mr. and Mrs. Prettyman's daughter; that the property is located in a Coastal Area according to the Comprehensive Plan; that the proposed use will not increase the congestion on roads or streets as confirmed by DelDOT; that DelDOT did not require a Traffic Impact Study; and that the proposed use meets the general purpose of the Zoning Ordinance and the Comprehensive Plan.

Public comments were heard.

Paul Reiger stated that he is not opposed to the project but he questions the application process and the possibility of setting a precedent of a Special Use becoming a Conditional Use.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 415 19
Adopt
Ordinance
No. 2674/
CU 2179**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt Ordinance No. 2674 entitled "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" (Conditional Use No. 2179) filed on behalf of Joseph H. Jr. and Patricia Prettyman, with 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 a.m. until 5:00 p.m., 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

**M 415 19
Adopt
Ordinance
No. 2674/
CU 2179
(continued)**

- 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 Adopted: 5 Yeas.

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

**Public
Hearing/
CU 2180**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A 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" (Conditional Use No. 2180) filed on behalf of Robert J. Palmer and Laura M. Hudson (Tax I.D. No. 133-3.00-1.00 and 1.10) (911 Address: 23318 Cedar Lane, Georgetown).

The Planning and Zoning Commission held a Public Hearing on this application on July 11, 2019 at which time the Commission deferred action; on July 18, 2019, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated July 11 and 18, 2019.)

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

The Council found that the Applicants, Robert J. Palmer and Laura M. Hudson, were present on behalf of their application. Mr. Palmer stated that the application is to allow a professional office to be located inside the home on the subject property; that the professional office would be for the purpose of conducting professional engineering services with a maximum of ten employees (including the Applicants); that traffic will be minimal; that

**Public
Hearing/
CU 2180
(continued)**

DelDOT did not require a Traffic Impact Study; that the area is residential with a mixture of uses; that the property has buffers on all three sides; that no complaints have been received from neighbors; that the hours of operation will be 8:00 a.m. to 5:00 p.m., Monday through Friday, and staff hours will be from 7:00 a.m. to 7:00 p.m.; that the property is located in the Developing Area; and that the application is consistent with the Comprehensive Plan.

Mr. Palmer reviewed a history of his business, Beacon Engineering; reviewed the surrounding area including the Woods at Walls Creek, the Georgetown Reclamation Plant, and Mulligans Point; discussed potential future plans to construct a new building on the property to be used as a professional office; and stated that they may wish to put up a sign in the future.

Public comments were heard.

Rowland Scott, a neighbor, spoke in support of the application.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 416 19
Adopt
Ordinance
No. 2675/
CU 2180**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2675 entitled "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" (Conditional Use No. 2180) filed on behalf of Robert J. Palmer and Laura M. Hudson, with 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 Applicants, 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 a.m. and 7:00 p.m., 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

**M 416 19
Adopt
Ordinance
No. 2675/
CU 2180
(continued)**

- 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 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 1884**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A 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” (Change of Zone No. 1884) filed on behalf of ABC Storage, LLC (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).

The Planning and Zoning Commission held a Public Hearing on this application on July 11, 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 July 11 and 18, 2019.)

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

The Council found that Mark Davidson with Pennoni Associates was present with the Applicant, Francis Warrington III, Manager Member of ABC Storage, LLC. Mr. Davidson reviewed the history of the construction of the self-storage buildings, the fruit stand on the property, the outside storage of campers, boats and trailers within the property, and the entrance to the property. Mr. Davidson stated that the application is for a rezoning of a portion of lands (2.5 acres, more or less, of 3.95 acres); that the subject properties, Parcels 231-6.00-6.00 and 231-5.00-24.00), have been owned by Mr. Warrington since 2016 and 2019 respectively, that the two parcels will be combined into one property; that the proposed rezoning to C-2 will be an extension of existing commercial zoning already located on a portion of Parcel 6.00 which currently has retail sales, office and self-storage facility; that the property is in the vicinity of other commercially zoned property and uses; that the zoning change will not impact property values; that the business uses will be largely confined to businesses addressing the needs of nearby homes and agricultural activities; that the Applicant proposes to utilize and remodel the existing building on Parcel 24.00 for his existing

**Public
Hearing/
CZ 1884
(continued)**

grocery retail tenant; that the Strategies for State Policies and Spending Map identifies the area as Investment Level 4; and that the proposed rezoning is consistent with the Zoning Ordinance and the Comprehensive Plan.

There were no public comments.

The Public Hearing and public record were closed.

**M 417 19
Adopt
Ordinance
No. 2676/
CZ 1884**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, to Adopt Ordinance No. 2676 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 CERTAIN PARCELS OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 2.41 ACRES, MORE OR LESS" (Change of Zone No. 1884) filed on behalf of ABC Storage, LLC.

Motion Adopted: 5 Yeas.

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

**M 418 19
Adjourn**

At 2:43 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to adjourn.

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 TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 110, ARTICLE XIII, SECTION 110-88, SUBSECTIONS D AND H THEREOF, RELATING TO THE ESTABLISHMENT OF ANNUAL SERVICE CHARGES; DETERMINATION OF AMOUNT OF CHARGE.

WHEREAS, Section 110-88D of the Code of Sussex County attributes Equivalent Dwelling Units, or “EDUs” to certain types of establishments; and

WHEREAS, it is the recommendation of the Sussex County Engineer that 0.083 is an appropriate calculation of EDUs per square foot for “Retail store(s) building(s)”; and

WHEREAS, Section 110-88D of the Code of Sussex County did not identify certain medical and healthcare establishments, which required individual and often complex EDU calculations for every new establishment being served by Sussex County sanitary sewer which can be avoided by having a uniform allocation of EDUs for these types of medical and healthcare establishments; and

WHEREAS, Section 110-88H of the Code of Sussex County provides a method of calculating EDUs for certain types of establishments based upon an assigned number of EDUs plus a determination based upon the number of “Fixture Units” that exist in the establishment; and

WHEREAS, Section 110-88H of the Code of Sussex County should be amended to include certain types of uses that previously were not specifically identified, and to delete specific categories for gas station-type uses; and

WHEREAS, All of these changes are at the recommendation of the Sussex County Engineer, after evaluating the need to update these provisions of Section 110-88 of the Code of Sussex based upon the current application of that section of the Sussex County Code.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 110, Article XIII, Section 110-88, Subsection D, “Establishment of Annual Service Charges; Determination of

Amount of Charge”, is hereby amended by deleting the number [0.10] as contained therein and by inserting in lieu thereof the number 0.083 as follows:

§110-88 Establishment of Annual Service Charges; Determination of Amount of Charge.

...

D. One equivalent dwelling unit (EDU) shall be equal to 250 GPD in discharge and determined as enumerated below:

Type of Establishment	Number of EDUs
Dwelling detached or attached or apartment with one kitchen and one or more baths and two or more bedrooms separate from kitchen	1.0
Any manufactured home (with a Motor Vehicle title) with one kitchen and one or more baths	1.0
Apartment, condo or rental vacation cottage having either a single combined living space with an integrated kitchen or a maximum of one bedroom and having one bath	0.75
Motel or hotel room without kitchen and with bath	1/3 per room
Retail store(s) building(s) [0.10] <u>0.083</u> GPD/SF	1.0/3,000 square feet
	1.0 minimum per building
Laundromat, 250 GPD/washer	6.0 minimum
Office units, 0.25 GPD/square foot	1.0/1,000 square feet
Car wash	
Self-service	1.0 per stall
Self-service and recycling water	0.2 per stall
Semi-automatic (mechanical without conveyor)	5.0 per stall
Semi-automatic (mechanical without conveyor) conserving and recycling water	1.2 per stall
Automatic with conveyor	33.0 per lane
Automatic with conveyor conserving and recycling water	13.6 per lane
<u>Emergency Centers & Special Treatment Centers</u>	<u>1.0 EDU per treatment room or treatment bay</u>

<u>Hospitals</u>	<u>1.0 EDU per overnight bed</u>
<u>Nursing Homes, Assisted Living, Rehabilitation, & Detox Facilities and Halfway Houses</u>	<u>0.33 EDU per bed</u>

Section 2. The Code of Sussex County, Chapter 110, Article XIII, Section 110-88, Subsection H, “Establishment of Annual Service Charges; Determination of Amount of Charge”, is hereby amended by deleting the language in brackets, and by adding the language that is underlined and in italics, as follows:

§110-88 Establishment of Annual Service Charges; Determination of Amount of Charge.

...

H. Establishments listed below shall be assigned equivalent dwelling units (EDUs) as a fixed number of equivalent dwelling units plus a number of equivalent dwelling units based on the number of fixture units (FUs).

Type of Establishment	Number of EDUs
Drive-in food service	1 EDU + FU/6 EDUs
Delicatessen, eat-in and take-out	1 EDU + FU/6 EDUs
Bars and lounges with no food service	1 EDU/150 seats + FU/6 EDUs
Restaurants and eating places, including combination eat-in and take-out and eating places with bar(s)	1 EDU/50 seats + FU/6 EDUs
[Gas station without service bay	1 EDU + FU/6 EDUs
Service station with up to two bays and no gas service	1 EDU + FU/6 EDUs
Each additional service bay over two	0.5 EDUs]
<u>Car Dealerships without service bays</u>	<u>1.0/3,000 square feet</u>
<u>Car Dealerships with service bays</u>	<u>1.0/3,000 square feet</u> <u>+ FU/6 EDUs for bays</u>
<u>Service station with bays</u>	<u>1 EDU + FU/6 EDUs</u>
<u>General workshop for any trade</u>	<u>FU/6 EDUs; 1 EDU MIN</u>

<u>Funeral Home</u>	<u>FU/6 EDUs; 1 EDU MIN</u>
Grocery stores	1 EDU + (#FUs/6)
Convenience stores	1.0 EDU + (#FUs/4)
Marina without boat waste-pumping facilities	1 EDU/200 boat slips + FU/6 EDUs
Marina with boat waste-pumping facilities	1 EDU/100 boat slips + FU/6 EDUs
Campgrounds and recreational vehicle parks with waste-handling and/or water facilities	1 EDU/4 sites + FU/6 EDUs
Campgrounds and recreational vehicle parks without waste-handling and water facilities	1 EDU/8 sites+ FU/6 EDUs
Theaters, indoor	1 EDU/60 seats
Theaters, outdoor	1 EDU/30 spaces

58

59 **Section 3.** This Ordinance shall become effective upon its adoption by
60 Sussex County Council.



SUSSEX COUNTY EMERGENCY MEDICAL SERVICES

22215 Dupont Blvd. • P.O. Box 589 • Georgetown, DE 19947 • 302-854-5050 • FAX 302-855-7780

Robert A. Stuart
Director

August 20, 2019

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: Robert I. Schoonover, EMS Manager of Logistics 

RE: Milton Medic 111 Station Lease

One of initiatives for fiscal year 2020 budget is the establishment of Advanced Life Support Emergency Medical Services in the Milton area. Currently these services are provided by medic units located in the Georgetown, Lincoln or the Rehoboth areas. To begin the 12 hours a day, 7 days a week single medic unit service on or before January 1, 2020 a facility to maintain the medic unit and provide an area for the medic to work is requested.

We were able to work with the Cheer, Inc. administration to acquire space within their Milton location on Braodkill Road, just East of town. Cheer, through the enclosed lease is providing a room that has separate exterior access, access to bathrooms, fitness center and is adjacent to the parking spots for the medics.

The lease is for a one-year period with two one-year renewals. This time period will allow us time to gather and analyze data on placement and utilization of the unit in the Milton area. The monthly lease fee is \$ 100.00 that includes all utilities and internet access.

I will be presenting the lease and will answer any questions.

Caring People,
Quality Service



Todd F. Lawson
Administrator



LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") is made this ____ day of _____, 2019 between Cheer, Inc., a corporation of the State of Delaware, with an address of 546 S. Bedford Street, Georgetown, DE 19947 ("Landlord"), and Sussex County, a political subdivision of the State of Delaware, with an address of 2 The Circle, P.O. Box 589, Georgetown, DE 19947 ("Tenant").

The parties hereto, each intending to be legally bound hereby, do mutually covenant and agree as follows:

1. The Landlord hereby leases to the Tenant, subject to the conditions hereinafter expressed, exclusive use of a portion of the CHEER building located at 24855 Broadkill Road, Milton, DE 19968 (Sussex County Tax Parcel No. 235-14.00-122.02) consisting of the all-inclusive room located on the northwest side of the building with direct access to the outside, being approximately 504 square feet, together with uninterrupted access (24 hours per day, 7 days per week) to and non-exclusive use of the fitness center and bathrooms located within the interior of the CHEER Center, and uninterrupted driveway access and parking as more fully set forth in paragraph 6 hereof ("Leased Premises").
2. The term of this Lease shall commence at midnight on the 1st day of October, 2019 and shall continue for a period of one (1) year until 11:59 p.m. on the 30th day of September, 2020 unless modified by mutual agreement of both parties or terminated by the Tenant giving the Landlord at least sixty (60) days' written notice of its intent to terminate the Lease. Unless the Tenant provides Landlord with written notice of its intent not to renew at least sixty (60) days prior to the end of the initial, or any subsequent, Lease Term, this Lease shall automatically renew on the same terms and conditions for an additional one (1) year term for up to two (2) additional one (1) year terms.
3. Tenant agrees to pay the Landlord a monthly rental of One Hundred Dollars (\$100.00), said monthly rental payment to be due and payable commencing on the 1st day of October, 2019 and continuing on the first day of each month thereafter during the entire term of this Lease. Tenant shall send the monthly rental payment to the Landlord at the address set forth in paragraph 22 hereof.
4. It is expressly agreed and understood that the Tenant relies upon the General Assembly of the State of Delaware for the funding of the paramedic operations of Sussex County, Delaware, and should the General Assembly of Delaware at any time fail to appropriate sufficient funds for the purpose of maintaining this Lease, the Tenant's total liability under this Lease shall be limited to the funds designated for this Lease by the Sussex County Council and the Tenant's obligation under this Lease shall immediately terminate when the funds available have been exhausted in making payments as provided for in this Lease.

5. The Tenant may use and occupy the Leased Premises for any paramedic services and operations, or such other lawful uses designated by the Sussex County Council. The Tenant shall not use or knowingly permit any part of the Leased Premises to be used for any unlawful purpose.
6. During the term of this Lease, the Landlord leases to the Tenant the right to the uninterrupted use of the presently existing driveway and parking lot to be shared with Landlord and the exclusive use of at six (6) designated parking spaces for two (2) paramedic units and four (4) employees, and canopy to be installed, which shall be located immediately adjacent to the Leased Premises. The Landlord shall maintain a clear, uninterrupted thoroughfare for ingress/egress of Paramedic vehicles at all times.
7. The Tenant shall not place or erect any signs of any nature on any part of the Leased Premises, or the sidewalk adjoining the Leased Premises, or on any part of the Landlord's property adjacent to the Leased Premises which do not conform to requirements of any State, Federal, Municipal or county law, ordinance, rule or regulation. Said sign(s) shall not be placed without the prior consent of the Landlord, which consent shall not be unreasonably withheld.
8. The Tenant, upon the payment of the rent herein reserved, and upon performance of all the terms of this Lease, shall at all times during the term of this Lease, and during any extension or renewal hereof, peaceably and quietly enjoy and have the free and uninterrupted right of exclusive access and possession of the Leased Premises without any disturbance from the Landlord or from any other person claiming through the Landlord.
9. Maintenance and Repairs
 - a. The Landlord shall maintain and make all necessary repairs to the foundations, load bearing walls, roof, gutters, downspouts, exterior water and sewer lines, fixtures, glass and equipment on or associated with the Leased Premises (including but not limited to heating and air conditioning systems, hot water heater, and plumbing and electrical systems), sidewalks and landscaping on or appurtenant to the building.
 - b. Unless specifically identified herein as a Landlord responsibility, Tenant shall maintain and keep the Leased Premises in good repair. Tenant shall also maintain and keep the Leased Premises free of refuse and rubbish.
 - c. Tenant shall attend to the painting of and repairs to all interior surfaces, including walls, floors and ceilings.
 - d. Notwithstanding the other provisions of this paragraph, any repairs and replacements necessitated by any act, omission or negligence of either party or its agents or servants shall be made at the expense of that party.
 - e. Landlord shall keep the grounds surrounding the building mowed and trimmed to provide a kept appearance to the property

- f. Landlord shall be responsible for the timely removal of snow and ice from all sidewalks.
 - g. Tenant shall be responsible for the timely removal of snow and ice from the driveway, entrances/exits and parking areas of the entire property as shown on the drawing attached hereto as Exhibit A which is incorporated herein by reference. Landlord acknowledges that this service is being provided as a courtesy and for convenience only, and that Tenant shall have no liability whatsoever for any claims for bodily injury (including death) and property damage to Landlord, its employees, volunteers, guests, invitees, representatives or contractors, arising out of Tenant's actions or inactions with regard to snow and ice removal. Landlord acknowledges that any such claims arising from Tenant's actions or inactions for snow and ice removal as set forth herein are expressly excepted from Tenant's obligations under the indemnification provision in paragraph 17c.
 - h. Tenant shall be permitted to change the main exterior door lock and main interior door lock so as to be compatible with Tenant's standard key. Tenant shall provide Landlord with four (4) copies of the key. Landlord shall maintain close control over the keys which shall be provided to: (i) the Chief Executive Officer, (ii) the Facilities Manager, (iii) the Information Technology Manager, and (iv) the 4th key shall be kept securely in the CHEER Center's Director's office. Landlord shall only gain access to the Leased Premises by use of Tenant's keys in the event of an on-site emergency and if Tenant is not present.
10. Landlord shall provide all electricity, and other utilities required for adequate lighting and heating, as well as water, sewer and access to Landlord's internet and basic cable TV, the cost of which is included in Tenant's monthly rent. Tenant shall provide all hardware, such as a router, switches, etc., required to use the existing cable TV and internet services. Tenant shall be responsible for the additional cost of any internet or cable TV upgrades incurred by Landlord at Tenant's request which shall be in addition to the monthly rent stated herein. At no additional cost, Tenant shall also be permitted to: (a) use Landlord's dumpster for the disposal of household grade waste; and (b) have access to the outside water spigot at the rear of the building for general use, including, but not limited to, washing Tenant's paramedic units, weather permitting.
11. a. Any alterations to the Leased Premises to be made by the Tenant shall be done only with Landlord's prior approval, which shall not be unreasonably withheld, and shall conform to the requirements of any applicable municipal, county, state or federal law, ordinance, rule or regulation. Any alterations to the Leased Premises made by the Tenant shall be maintained at all times by the Tenant in conformance with the terms hereof and shall be removed upon the expiration of the term of the Lease or its earlier termination, at the option of the Landlord, provided Tenant repairs any damage done in connection with such removal.

- b. Notwithstanding the foregoing in paragraph 11a., Landlord expressly approves Tenant's purchase and installation of a semi-permanent truck canopy 22 feet by 21 feet to accommodate primary and secondary backup Suburban style medic unit trucks which shall have continuous electric service. The canopy color shall closely match the exterior color of the building and shall be agreed upon by the parties prior to the Tenant's purchase and installation thereof. Tenant shall provide the cord reels and interior lighting which shall be installed by Landlord's electrician. Landlord acknowledges that the canopy is Tenant's property which Tenant may, at its sole option, remove at the expiration of the Lease Term, any renewals thereof, or earlier termination of this Lease.
12. At the expiration of this Lease, the Tenant shall surrender the Leased Premises in as good condition as it was in the beginning of the term, reasonable use and wear and damages by the elements excepted, or as otherwise provided herein.
13. The Landlord acknowledges that no security deposit will be required.
14. At Landlord's option, this Lease shall thereupon become null and void, and the Landlord shall have the right to repossess the Leased Premises by summary proceedings if: (a) the Tenant defaults in the payment of rent or any sum collectable by Landlord as rent, and such default shall continue for fifteen (15) days after notice thereof by Landlord to Tenant; or (b) Tenant defaults in the prompt and full performance of any covenant, condition, agreement or provision of this Lease and such default shall continue for fifteen (15) days after written notice thereof; provided, however, that in the case of a default which Tenant cannot with due diligence correct within a period of fifteen (15) days, Tenant shall have such additional time to correct the same as may reasonably be necessary, provided Tenant proceeds promptly and with due diligence to correct such default.
15. The Landlord or its agents shall have the right to enter the Leased Premises at all reasonable times during normal business hours in order to examine it or to show it to prospective lessees, upon no less than twenty-four (24) hours' prior notice to Tenant, unless otherwise agreed to by both parties. All showings shall be in the company of a representative of the Tenant, unless Tenant agrees otherwise. The Landlord's right of entry shall not be deemed to impose upon the Landlord any obligation, responsibility or liability for the care, supervision or repair of the Leased Premises other than as herein provided.
16. Through the term of this Lease, the Landlord shall pay and maintain insurance coverage on the Leased Premises, including fire and windstorm insurance, casualty insurance, comprehensive public liability insurance with a responsible insurance company licensed to do business in Delaware.

17. Insurance and Indemnification:

- a. Tenant shall secure and maintain, at its own expense the following insurance coverages on the Leased Premises, with a responsible insurance company licensed to do business in the State of Delaware:
 - i. All risk (special form) property insurance which insures against direct physical loss of or damage to Tenant's business personal property, including improvements and betterments to the Leased Premises made at Tenant's expense, with limits sufficient to insure Tenant's interest therein.
 - ii. All risk (special form) business income and extra expense insurance in amounts satisfactory to protect Tenant's interests for loss of income and/or extra expense that results from direct physical loss of or damage to Tenant's property situated at the Leased Premises.
 - iii. Commercial general liability insurance which insures against bodily injury, property damage, and personal injury claims arising from Tenant's occupancy of the Leased Premises or operations incidental thereto, with a combined single limit of \$1,000,000 per occurrence and a general aggregate limit of \$2,000,000. Such insurance shall include Landlord as an additional insured. Tenant shall provide proof of insurance prior to occupancy.
- b. Landlord shall secure and maintain, at its own expense, the following insurance coverages on the Leased Property, with a responsible insurance company licensed to do business in the State of Delaware:
 - i. All risk (special form) property insurance which insures against direct physical loss of or damage to the building at the Leased Premises and Landlord's personal property situated at the Leased Premises, on a replacement cost valuation basis, with limits not less than 100% of the insurable replacement cost of Landlord's property.
 - ii. All risk (special form) business income and extra expense insurance in amounts sufficient to insure Landlord's loss of income and/or extra expense that results from direct physical loss of or damage to Landlord's property (Leased Premises and any other property located thereon).
 - iii. Commercial general liability insurance which insures against bodily injury, property damage, and personal injury claims arising from Landlord's ownership, maintenance or use of the Leased Premises or operations incidental thereto, with a combined single limit of \$1,000,000 per occurrence and a general aggregate limit of \$2,000,000 (combined single limit).
- c. To the extent permitted by law, the Tenant shall indemnify, defend and hold Landlord harmless, including court costs, expenses and attorneys'

fees, from and against claims for bodily injury (including death) and property damage arising out of Tenant's occupancy of the Leased Premises or operations incidental thereto, unless such claims arise from the negligence or willful act of the Landlord. The above provisions of this subparagraph are not intended to waive, alter, or otherwise amend the immunity of the parties under the Delaware Code or otherwise, including but not limited to the County and Municipal Tort Claims Act. Additionally, the above provisions are not intended to violate any constitutional principles of the State of Delaware or United States. To the extent that any of the above obligations of this paragraph are determined by court or arbitration order 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 that are permitted under this Paragraph shall be subject to the provisions of the County and Municipal Tort Claims Act, including the limitations on damages.

- d. To the extent permitted by law, the Landlord shall indemnify, defend and hold Tenant harmless, including court costs, expenses and attorney's fees, from and against claims for bodily injury (including death) and property damage arising out of Landlord's ownership, maintenance or use of the Leased Premises or operations incidental thereto, unless such claims arise from the negligence or willful act of the Tenant.
- e. To the fullest extent permitted by law, Landlord and Tenant waive all rights of recovery from the other party and their respective elected and appointed officials, officers, directors, members, employees, agents and consultants for loss of or damage to their respective real and/or personal property and any resulting loss of business income and/or extra expenses resulting from such loss or damage. Any insurance policies maintained by Landlord and Tenant shall permit such waivers of subrogation by endorsement or otherwise. It is agreed that, if it is determined that Tenant's negligence resulted in damage to Landlord's property located on the Leased Premises during the term hereof, Tenant shall reimburse Landlord for the amount of its deductible not to exceed Five Thousand Dollars (\$5,000.00). It is further agreed that, if it is determined that Landlord's negligence resulted in damage to Tenant's property located on the Leased Premises during the term hereof, Landlord shall reimburse Tenant for the amount of its deductible not to exceed Five Thousand Dollars (\$5,000.00).

18. If, during the term of the Lease, the building is so injured by fire or otherwise that the Leased Premises are rendered wholly unfit for occupancy and said Leased Premises cannot be repaired within ninety (90) days from the date of such injury, then the Lease shall cease and terminate from the date of such injury. In such case, the Tenant shall pay the rent apportioned to the time of injury and shall surrender to the Landlord, who may enter upon and repossess the Leased Premises. If the injury is such that the Leased Premises can be repaired within the ninety (90) days thereafter, Landlord shall enter and repair with reasonable promptness, and this Lease shall not be affected, except that the rent shall be suspended while such repairs are being made.
19. In the event Landlord defaults on any of its obligation under this Lease, Tenant shall provide Landlord with written notice of Landlord's default and Landlord shall have a period of ten (10) days from the date of the notice to cure the default. The notice shall be delivered in accordance with paragraph 22 of this Lease. In the event Landlord fails or refuses to cure the default within the 10-day cure period, Tenant shall, at its sole discretion, have the right to terminate this Lease and shall have no further obligation hereunder. In the event Landlord does not cure the default and Tenant does not terminate the Lease, Tenant's failure to terminate shall not act as a waiver of any potential future default on Landlord's behalf.
20. Any controversy which shall arise between the Landlord and the Tenant regarding the rights, duties or liabilities hereunder of either party may be settled by arbitration, if mutually agreed upon by the parties. Such arbitration shall be before one disinterested arbitrator if one can be agreed upon, otherwise before three disinterested arbitrators, one named by the Landlord, one named by the Tenant, and one by the two arbitrators thus chosen. The arbitrator or arbitrators shall determine the controversy in accordance with the laws of the State of Delaware, as applied to the facts found by him or them. The arbitrator's decision shall be non-binding. Nothing herein contained shall be construed as a waiver by either party to file suit, either in law or in equity, against the other party to resolve any and all disputes under this Lease.
21. The Tenant may not sublet or assign any or all of the Leased Premises without the prior written consent of the Landlord. Such written consent by the Landlord shall not be unreasonably withheld, provided that the business or occupation of the subtenant is not extra hazardous, disreputable, or illegal. The consent by the Landlord to an assignment or subletting shall not be construed to relieve the Tenant from obtaining the consent in writing of the Landlord to any further assignment or subletting.
22. All notices, requests, demands and other communications, including a notice to quit, required or permitted under this Lease shall be in writing, signed by or on behalf of the person giving such notice and may be served in any one of the following manners and shall be effective as of the time specified: (a) If by personal service upon Landlord or Tenant, on the date of such service when

served by an adult person upon the party to receive the notice or upon an adult member of the household or upon the agent of any corporation, or other business entity; (b) If by posting on the Leased Premises, on the date of posting the same in a conspicuous place on the Leased Premises (this method of service to be used only for notices, requests, demands and other communications, including notices to quit, from Lessor to Lessee); or (c) If by registered or certified mail, on the date of receipt of the same as evidenced by the return receipt if signed by the party to be served or an adult member of the household or agent of the corporation or other business entity. If the same is returned by the U.S. Postal Service bearing notations such as "Refused" or "Unclaimed," service shall be deemed to have been made on the first business day following mailing of the same.

The Landlord hereby designates his address as:

Cheer, Inc.
546 S. Bedford Street
Georgetown, DE 19947

The Tenant designates its address as:

Sussex County Council
P.O. Box 589
Georgetown, DE 19947

With a copy to:

J. Everett Moore, Jr., Esquire
Moore & Rutt, P.A.
122 W. Market Street
P.O. Box 584
Georgetown, DE 19947

23. The language in all parts of this Lease shall in all cases be simply construed according to its fair meaning and not strictly for or against Landlord or Tenant.
24. If any particular term, covenant or provision of this Lease shall be determined to be invalid, illegal, void or unenforceable, the same shall not affect the remaining provisions of this Lease which shall nevertheless remain in full force and effect and said term, covenant or provision shall be deemed modified to conform with the law. This Lease shall be governed under the laws of the State of Delaware. The parties acknowledge and agree that this is a Commercial Lease. Accordingly, this Lease shall NOT be governed by the Delaware Landlord-Tenant Code 25 Del. C., Section 5101 et seq.

25. This Lease sets forth all the promises or representations, agreements and undertakings between Landlord and Tenant relative to the Leased Premises. There are no promises, representations, agreements or undertakings, either oral or written, between Landlord or Tenant except as set forth herein. No amendment, change or addition to this Lease shall be binding upon either party unless reduced to writing and signed by both parties. This Lease shall be binding upon Landlord and Tenant, their heirs, executors, administrators, assigns and successors, both Landlord and Tenant being duly authorized to execute the same.
26. This Lease may be executed in two (2) 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.
27. In the event any action is brought to enforce the terms of this Lease, the prevailing party shall be entitled to collect costs and reasonable attorney's fees arising therefrom.
28. This Lease is the product of the parties hereto and no conclusion shall be made as to its drafter in the event of any dispute.
29. The parties to this Lease agree to waive their rights to demand a jury trial in any action which may be brought to enforce any portion of this Lease.
30. Time shall be of the essence for the performance of all terms of this Lease.

IN WITNESS WHEREOF, the parties hereto, through their duly authorized representatives, have hereunto set their hands and seals on the respective day(s) and year set forth below.

LANDLORD:

Cheer, Inc.

By: _____ (SEAL)

Print Name and Title

Attest: _____

Print Name and Title

Date

TENANT:

Sussex County

By: _____ (SEAL)
Michael H. Vincent, President

Attest: _____
Robin Griffith, Clerk of the
Sussex County Council

Date

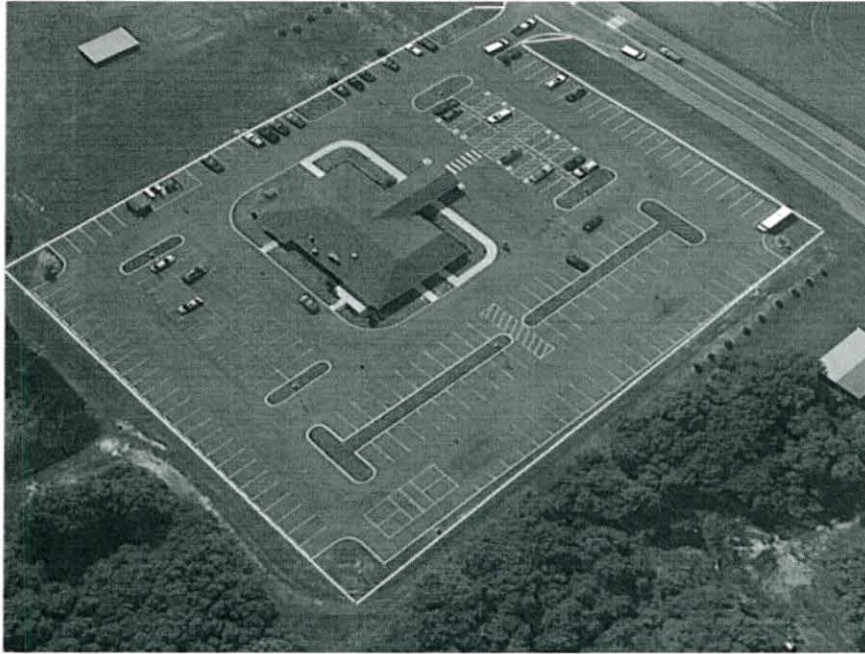
Approved as to Form:

Date

J. Everett Moore, Jr.,
Sussex County Attorney

EXHIBIT A

Drawing of Parking Area to be Maintained by Tenant for Snow Removal
(Sussex County Tax Parcel No. 235-14.00-122.02)



Motion for Milton EMS Station- Medic 111

Be it moved the Sussex County Council approve a new lease agreement for Milton, DE EMS Medic Station 111 between Sussex County Council and Cheer, Inc. for a period of one year, from October 1, 2019 to September 30, 2020 with two, one-year renewal periods, as per the terms and conditions of the lease.

Respectfully,

**Robert L. Schoonover
EMS Logistics Manager
Sussex County Department of Emergency Medical Services**

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV AND XXVII BY AMENDING SECTIONS 115-20, 115-23, 115-29, 115-32, 115-40 115-48, 115-53, 115-56, 115-64, 115-69, 115-72, 115-75.2, 115-75.4, 115-75.9, 115-75.11, 115-80, 115-83.6, 115-83.11, 115-83.13, 115-83.18, 115-83.20, 115-83.26, 115-83.28, 115-83.33, 115-83.35, 115-83.40, 115-83.42, 115-88, 115-94, 115-97, 115-105, 115-114, 115-210 AND TABLE IV TO ESTABLISH ADMINISTRATIVE APPROVAL PROCESSES FOR THE USE OF A MANUFACTURED HOME-TYPE STRUCTURE FOR A BUSINESS, COMMERCIAL OR INDUSTRIAL USE, FOR GARAGE/STUDIO APARTMENTS AND MANUFACTURED HOME-TYPE STRUCTURES IN AN EMERGENCY OR HARDSHIP SITUATION

WHEREAS, The Zoning Code of Sussex County currently requires an applicant to obtain a special use exception for the use of a manufactured home in an emergency or hardship situation, and this current approval process can be unnecessarily burdensome and time consuming; and

WHEREAS, garage/studio apartments are often sought within an existing structure or lot to create housing for family members or alternatively to provide affordable housing alternatives to Sussex County residents which require approvals from the Board of Adjustment that can also be unnecessarily burdensome and time consuming; and

WHEREAS, there are frequent applications to the Board of Adjustment to permit the use of manufactured home-type structures for business, commercial or industrial uses which require approvals from the Board of Adjustment that can also be unnecessarily burdensome and time consuming; and

WHEREAS, it is the recommendation of the Sussex County Planning & Zoning Department to establish a process whereby these types of uses can be approved administratively without the need for a special use exception, while keeping that approval process available from the Board of Adjustment if an administrative approval is not granted; and

WHEREAS, these amendments promote the health, safety and welfare of Sussex County and its residents; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDNAINS:

Section 1. The Code of Sussex County, Chapter 115, Article IV, §115-20 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-20 Permitted Uses.

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

...

(14) Use of a manufactured home as a single-family dwelling to meet an emergency or hardship situation that is administratively approved by the Director or his or her designee and subject to the following:

(a) The applicant must provide an affidavit from a doctor confirming the existence of the emergency or hardship situation.

(b) There shall be a fee of \$50 to request the administrative approval which shall be credited towards a Board of Adjustment application fee should consideration by the Board become necessary.

(c) The applicant shall submit a survey signed and sealed by a surveyor licensed in the State of Delaware to the Director showing the location of the proposed manufactured home.

(d) The Director shall give written notice to adjacent property owners of the requested manufactured home and accept written statements within 10 working days from the date of mailing. If any objection is received, the Director shall refer the application to the Board of Adjustment for a Special Use Exception.

(e) The Director shall consider factors including whether the manufactured home will have a substantially adverse effect on neighboring properties.

77 (f) Within 30 working days after the request is submitted, the Director or
78 his or her designee may approve the manufactured home or advise the applicant
79 that an application must be submitted to the Board of Adjustment for a Special Use
80 Exception.

81
82 (g) Such an approval shall not exceed two years. The Director may grant
83 an extension for an emergency or hardship situation upon receipt of a subsequent
84 affidavit from a doctor stating that the emergency or hardship situation still exists.
85 Such an extension may be granted annually as long as the emergency or hardship
86 still exists.

87
88 (15) Garage/studio apartment with at least one parking space for the exclusive use
89 of the tenant included on the premises that is administratively approved by the
90 Director or his or her designee, and subject to the following:

91
92 (a) There shall be a fee of \$50 to request the administrative approval which
93 shall be credited towards a Board of Adjustment application fee should
94 consideration by the Board become necessary.

95
96 (b) The applicant shall submit a survey signed and sealed by a surveyor
97 licensed in the State of Delaware to the Director showing the location of the
98 garage/studio apartment.

99
100 (c) The Director shall give written notice to adjacent property owners of
101 the requested garage/studio apartment and accept written statements within 10
102 working days from the date of mailing. If any objection is received, the Director
103 shall refer the application to the Board of Adjustment for a Special Use Exception.

104
105 (d) The Director shall consider factors including whether the
106 garage/studio apartment will have a substantially adverse effect on neighboring
107 properties.

108
109 (e) Within 30 working days after the request is submitted, the Director or
110 his or her designee may approve the garage/studio apartment or advise the
111 applicant that an application must be submitted to the Board of Adjustment for a
112 Special Use Exception.

(16) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the following:

(a) There shall be a fee of \$50 to request the administrative approval which shall be credited towards a Board of Adjustment application fee should consideration by the Board become necessary.

(b) The applicant shall submit a survey signed and sealed by a surveyor licensed in the State of Delaware to the Director showing the location of the manufactured-home-type structure.

(c) The Director shall give written notice to adjacent property owners of the requested manufactured-home-type structure and accept written statements within 10 working days from the date of mailing. If any objection is received, the Director shall refer the application to the Board of Adjustment for a Special Use Exception.

(d) The Director shall consider factors including whether the manufactured-home-type structure will have a substantially adverse effect on neighboring properties.

(e) Within 30 working days after the request is submitted, the Director or his or her designee may approve the manufactured-home-type structure or advise the applicant that an application must be submitted to the Board of Adjustment for a Special Use Exception.

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

§ 115-23 Special Use Exceptions.

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

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

152
153 . . .
154
155 Use of a manufactured home as a single-family dwelling in any district to meet an
156 emergency or hardship situation when not approved administratively by the Director
157 or his or her designee, such permit not to exceed two years. The Director may,
158 without requiring an application for a special use exception, grant an extension for
159 an emergency or hardship situation previously approved by the County Board of
160 Adjustment upon receipt of an affidavit from a doctor stating that the emergency or
161 hardship situation still exists. Such extension may be granted annually as long as the
162 emergency or hardship still exists.

163
164 Use of a manufactured-home-type structure for any business, commercial or
165 industrial use when not approved administratively by the Director or his or her
166 designee.

167
168 . . .
169
170 C. Other special use exceptions as follows:

171
172 . . .
173
174 (5) Garage/studio apartments, when not approved administratively by the
175 Director or his or her designee, provided that at least one parking space for the
176 exclusive use of the tenant is included on the premises.

177
178
179 **Section 3. The Code of Sussex County, Chapter 115, Article V, §115-29**
180 **“Permitted Uses” is hereby amended by inserting the italicized and underlined**
181 **language:**

182
183 **§ 115-29 Permitted Uses.**

184
185 A building or land shall be used only for the following purposes:

186
187 . . .
188

189 (J) Use of a manufactured home or garage/studio apartment as a single-family
190 dwelling to meet an emergency or hardship situation that is administratively
191 approved by the Director or his or her designee, and subject to the requirements set
192 forth in Article IV, Section 115-20A.(14).

194 (K) Garage/studio apartment with at least one parking space for the exclusive use
195 of the tenant included on the premises that is administratively approved by the
196 Director or his or her designee, and subject to the the requirements set forth in
197 Article IV, Section 115-20A.(15).

199 (L) Use of a manufactured-home-type structure for any business, commercial or
200 industrial use that is administratively approved by the Director or his or her
201 designee, and subject to the the requirements set forth in Article IV, Section 115-
202 20A.(16).

204 **Section 4. The Code of Sussex County, Chapter 115, Article V, §115-32**
205 **“Special Use Exceptions” is hereby amended by inserting the italicized and**
206 **underlined language:**

208 **§ 115-32 Special Use Exceptions.**

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

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

216 . . .

218 Use of a manufactured home as a single-family dwelling in any district to meet an
219 emergency or hardship situation when not approved administratively by the
220 Director or his or her designee, such permit not to exceed two years. The Director
221 may, without requiring an application for a special use exception, grant an extension
222 for an emergency or hardship situation previously approved by the County Board of
223 Adjustment upon receipt of an affidavit from a doctor stating that the emergency or
224 hardship situation still exists. Such extension may be granted annually as long as the
225 emergency or hardship still exists.

...

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

C. Other special use exceptions as follows:

...

Garage/studio apartments, when not approved administratively by the Director or his or her designee, provided that at least one parking space for the exclusive use of the tenant is included on the premises.

Section 5. The Code of Sussex County, Chapter 115, Article VI, §115-40 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-40 Special Use Exceptions.

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

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

...

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

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

C. Other special use exceptions as follows:

...

Garage/studio apartments, when not approved administratively by the Director or his or her designee, provided that at least one parking space for the exclusive use of the tenant is included on the premises.

....

Section 6. The Code of Sussex County, Chapter 115, Article VII, §115-48 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-48 Special Use Exceptions.

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

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

...

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

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

C. Other special use exceptions as follows:

...

Garage/studio apartments, when not approved administratively by the Director or his or her designee, provided that at least one parking space for the exclusive use of the tenant is included on the premises.

Section 7. The Code of Sussex County, Chapter 115, Article VIII, §115-53 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-53 Permitted Uses.

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

...

(G) Use of a manufactured home as a single-family dwelling to meet an emergency or hardship situation that is administratively approved by the Director or his or her designee the requirements set forth in Article IV, Section 115-20A.(14).

(H) Garage/studio apartment with at least one parking space for the exclusive use of the tenant included on the premises that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(15).

(I) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the the requirements set forth in Article IV, Section 115-20A.(16).

Section 8. The Code of Sussex County, Chapter 115, Article VIII, §115-56 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-56 Special Use Exceptions.

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

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

...

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

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

C. Other special use exceptions as follows:

...

Garage/studio apartments, when not approved administratively by the Director or his or her designee, provided that at least one parking space for the exclusive use of the tenant is included on the premises.

....

Section 9. The Code of Sussex County, Chapter 115, Article IX, §115-64
“Special Use Exceptions” is hereby amended by inserting the italicized and
underlined language:

§ 115-64 Special Use Exceptions.

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

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

...

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

Use of a manufactured-home-type structure for any business, commercial or
industrial use when not approved administratively by the Director or his or her
designee.

...

C. Other special use exceptions as follows:

...

Garage/studio apartments, when not approved administratively by the Director or
his or her designee, provided that at least one parking space for the exclusive use
of the tenant is included on the premises.

....

Section 10. The Code of Sussex County, Chapter 115, Article X, §115-69 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-69 Permitted Uses.

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

...

(16) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).

(17)[(16)] Offices, general business or professional.

(18)[(17)] Private clubs, lodges or meeting halls.

(19)[(18)] Radio and television broadcasting stations or studios.

(20)[(19)] Restaurants, drive-in or otherwise.

(21)[(20)] Shoe-repairing shops.

(22)[(21)] Shops for the sale, service or repair of home appliances, office machines, electrical and television and radio equipment.

(23)[(22)] Stores and shops for the conduct of retail business, including sale of accessories, antiques, apparel, appliances, beverages, books, carpets, drugs, fabrics, food, furniture, general merchandise, hardware and lumber and building material, garden supplies, hobby supplies, jewelry, office supplies, paint, sporting goods and stationery, and similar stores and shops.

(24)[(23)] Telephone stations or booths, including drive-in or talk-from-car stations, and telephone central offices, provided that all storage of materials, all repair facilities and all housing of repair crews are within a completely enclosed area.

455 ~~(25)~~[(24)]Temporary removable vendor stands, including but not limited to food
456 trucks and similar vehicles or trailers, located on the premises between March 15
457 and November 15 for the sale of food, agricultural products or other food-related
458 goods. Such temporary removable vendor stands must comply with all of the
459 following requirements:

460
461 (a) No temporary removable vendor stand shall be permanently affixed to
462 the premises. All temporary removable vendor stands shall be fully transportable
463 and moveable within 24 hours.

464
465 (b) There shall be no more than one temporary removable vendor stand
466 on a parcel at any one time.

467
468 (c) No temporary removable vendor stand shall be wider than eight feet
469 six inches nor longer than 45 feet.

470
471 (d) No temporary removable vendor stand shall be permanently
472 connected to any utilities, including water, sewer, electric or gas.

473
474 (e) No temporary removable vendor stand shall interfere with vehicular
475 or pedestrian movement on a parcel or adjacent rights-of-way.

476
477 (f) The owner of a proposed temporary removable stand shall present the
478 Director of Planning and Zoning with written approval of the existence and
479 location of the stand by the property owner and a drawing showing the location of
480 the stand upon the property. Upon presentation of this information, the Director
481 may preliminarily approve the stand or require the owner to apply for a special use
482 exception from the Board of Adjustment if there are concerns about the location,
483 the size of the property, the effect(s) upon on-site parking, neighboring properties
484 or roadways, or other good cause.

485
486 (g) If preliminarily approved, the owner of a proposed temporary
487 removable stand shall present the Director of Planning and Zoning with evidence
488 of a current State of Delaware business license.

489
490 (h) Upon approval by the Director, a Sussex County Vendor Stand sticker
491 shall be issued in a form established by the Director. This sticker shall be visible
492 on the stand at all times.

(i) The approval of the temporary removable vendor stand shall be valid for one year.

(j) The application for a temporary removable vendor stand shall be in a form established by the Director. The fee for filing the application shall be \$100.

(26)[(25)]Undertaking businesses or establishments or funeral homes.

(27)[(26)] Studios for artists, photographers, teachers, sculptors and musicians.

(28)[(27)]Special events.

(a) Special events held outdoors or within a temporary structure for a purpose different from the permitted use and usual occupancy of a premises or site that are administratively approved by the Director or his or her designee, when the event: will not impair the purpose and intent of the Zoning Ordinance; is not so recurring in nature as to constitute a permanent use not otherwise permitted in the district; and will not significantly affect the surrounding properties. Events that are consistent with the permitted use and usual occupancy of a site or that occur on land owned by the United States of America, the State of Delaware, Sussex County, municipalities and educational institutions are permitted. "Special events" include circuses, carnivals, midways, promotional and tent sales events, fairs, festivals, concerts, rodeos, shows, races/walks or any other event or mass gathering.

(b) No more than three special events shall be approved for the same property or premises during a calendar year. Each special event shall be counted as one calendar day, not including reasonable set up and removal time when the event is not otherwise underway.

(c) In determining whether to administratively approve a special event, the Director or his or her designee shall consider the following:

- [1] The estimated number of attendees;
- [2] The size of the parcel where the special event is to be located;
- [3] The parking requirements of the special event;
- [4] Roads and traffic patterns providing access to the special event;
- [5] Prior events conducted by the applicant;
- [6] Noise, light, odor, and dust generated by the special event;

[7] Proposed hours of operation and number of consecutive days; and
[8] Such other considerations that may be applicable to the requested event.

(d) The Director or his or her designee may impose conditions upon an administrative approval.

(e) All special events, regardless of size, location, use or duration, shall be subject to the requirements of the Sussex County Special Event and Public Safety Services Policies and Procedures. Failure to abide by the Sussex County Special Event and Public Safety Services Policies and Procedures may result in the termination of the special event's administrative approval.

(f) Special events that do not meet these requirements or which are not administratively approved shall require a conditional use.

Section 11. The Code of Sussex County, Chapter 115, Article X, §115-72 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-72 Special Use Exceptions.

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

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

...

Use of a manufactured-home-type structure for any business, commercial or industrial use *when not approved administratively by the Director or his or her designee.*

...

Section 12. The Code of Sussex County, Chapter 115, Article XA, §115-75.2 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

570
571 **§ 115-75.2 Permitted Uses.**

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

573
574 . . .

575
576 (11) Not grouped elsewhere.

577
578 . . .

579
580 (e) Use of a manufactured-home-type structure for any business, commercial or
581 industrial use that is administratively approved by the Director or his or her
582 designee, and subject to the requirements set forth in Article IV, Section 115-
583 20A.(16).

584
585
586 **Section 13. The Code of Sussex County, Chapter 115, Article XA, §115-75.4**
587 **“Special Use Exceptions” is hereby amended by inserting the italicized and**
588 **underlined language:**

589
590 **§ 115-75.4 Special Use Exceptions.**

591
592 Special use exceptions may be permitted by the Board of Adjustment in accordance
593 with the provisions of Article XXVII of this chapter and may include:

594
595 . . .

596
597 B. Temporary and conditional permits for a period not to exceed five years, such
598 period to be determined by the Board, for the following uses:

599
600 Use of a manufactured-home-type structure for any business, commercial or
601 industrial use when not approved administratively by the Director or his or her
602 designee.

603
604 . . .

Section 14. The Code of Sussex County, Chapter 115, Article XB, §115-75.9 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-75.9 Permitted Uses.

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

...

(8) Not grouped elsewhere.

...

(c) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).

Section 15. The Code of Sussex County, Chapter 115, Article XB, §115-75.11 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-75.11 Special Use Exceptions.

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

...

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

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

644 . . .

645
646 **Section 16. The Code of Sussex County, Chapter 115, Article XI, §115-80**
647 **“Special Use Exceptions” is hereby amended by inserting the italicized and**
648 **underlined language:**

649
650 **§ 115-80 Special Use Exceptions.**

651
652 Special use exceptions may be permitted by the Board of Adjustment in accordance
653 with the provisions of Article XXVII of this chapter and may include:

654
655 A. Temporary and conditional permits for a period not to exceed five years, such
656 period to be determined by the Board, for the following uses:

657
658 . . .

659
660 Use of a manufactured-home-type structure for any business, commercial or
661 industrial use when not approved administratively by the Director or his or her
662 designee.

663
664 . . .

665
666 **Section 17. The Code of Sussex County, Chapter 115, Article XIA, §115-83.6**
667 **“Special Use Exceptions” is hereby amended by inserting the italicized and**
668 **underlined language:**

669
670 **§ 115-83.6 Special Use Exceptions.**

671
672 Special use exceptions may be permitted by the Board of Adjustment in accordance
673 with the provisions of Article XXVII of this chapter and may include:

674
675 A. Temporary and conditional permits for a period not to exceed five years, such
676 period to be determined by the Board, for the following uses:

677
678 . . .

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

Section 18. The Code of Sussex County, Chapter 115, Article XIB, §115-83.11 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-83.11 Permitted Uses.

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

...

(10) Not grouped elsewhere.

...

(c) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).

Section 19. The Code of Sussex County, Chapter 115, Article XIB, §115-83.13 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-83.11 Special Use Exceptions.

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

...

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

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...
Section 20. The Code of Sussex County, Chapter 115, Article XIC, §115-83.18 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-83.18 Permitted Uses.

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

...
(11) Not grouped elsewhere.

...
(d) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).

Section 21. The Code of Sussex County, Chapter 115, Article XIC, §115-83.20 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-83.20 Special Use Exceptions.

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

...

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

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

Section 22. The Code of Sussex County, Chapter 115, Article XID, §115-83.26 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-83.26 Permitted Uses.

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

...

(11) Not grouped elsewhere.

...

(c) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).

Section 23. The Code of Sussex County, Chapter 115, Article XID, §115-83.28 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-83.28 Special Use Exceptions.

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

...

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

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

Section 24. The Code of Sussex County, Chapter 115, Article XIE, §115-83.33 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-83.33 Permitted Uses.

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

...

(9) Not grouped elsewhere.

...

(d) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, Section 115-20A.(16).

Section 25. The Code of Sussex County, Chapter 115, Article XIE, §115-83.35 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-83.35 Special Use Exceptions.

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

...

832
833 C. Temporary and conditional permits for a period not to exceed five years, such
834 period to be determined by the Board, for the following uses:

835
836 Use of a manufactured-home-type structure for any business, commercial or
837 industrial use when not approved administratively by the Director or his or her
838 designee.

839
840 . . .

841
842 **Section 26. The Code of Sussex County, Chapter 115, Article XIF, §115-83.40**
843 **“Permitted Uses” is hereby amended by inserting the italicized and underlined**
844 **language:**

845
846 **§ 115-83.40 Permitted Uses.**

847
848 A. A building or land shall be used only for the following purposes:

849
850 . . .

851
852 (33) Use of a manufactured-home-type structure for any business, commercial or
853 industrial use that is administratively approved by the Director or his or her
854 designee, and subject to the requirements set forth in Article IV, Section 115-
855 20A.(16).

856
857
858 **Section 27. The Code of Sussex County, Chapter 115, Article XIF, §115-83.42**
859 **“Special Use Exceptions” is hereby amended by inserting the italicized and**
860 **underlined language:**

861
862 **§ 115-83.42 Special Use Exceptions.**

863
864 Special use exceptions may be permitted by the Board of Adjustment in accordance
865 with the provisions of Article XXVII of this chapter and may include:

866
867 . . .

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

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

Section 28. The Code of Sussex County, Chapter 115, Article XII, §115-88 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-88 Special Use Exceptions.

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

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

...

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

Section 29. The Code of Sussex County, Chapter 115, Article XIII, §115-94 “Permitted Uses” is hereby amended by inserting the italicized and underlined language:

§ 115-94 Permitted Uses.

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

...

(T) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the the requirements set forth in Article IV, Section 115-20A.(16).

Section 30. The Code of Sussex County, Chapter 115, Article XIII, §115-97 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-97 Special Use Exceptions.

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

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

...

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

Section 31. The Code of Sussex County, Chapter 115, Article XIV, §115-105 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-105 Special Use Exceptions.

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

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

...

Use of a manufactured-home-type structure for any business, commercial or industrial use or residence for a caretaker or watchman when not approved administratively by the Director or his or her designee.

Section 32. The Code of Sussex County, Chapter 115, Article XIV, §115-114 “Special Use Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-114 Special Use Exceptions.

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

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

...

Use of a manufactured-home-type structure for any business, commercial or industrial use or residence for a caretaker or watchman when not approved administratively by the Director or his or her designee.

Section 33. The Code of Sussex County, Chapter 115, Article XVII, §115-210 “Special Exceptions” is hereby amended by inserting the italicized and underlined language:

§ 115-210 Special Exceptions.

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

A. Special use exceptions:

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

...

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

Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

...

(3) Other special use exceptions as follows, which are specified in each district:

...

(r) Garage/studio apartments, when not approved administratively by the Director or his or her designee, provided that at least one parking space for the exclusive use of the tenant is included on the premises.

....

Section 34. Effective Date.

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

ZONING

115 Attachment 4

Sussex County

TABLE IV

Permitted Uses Commercial Sussex County

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

Blank P SUE A D	=Not permitted =Permitted use =Special use Exception, see Sec. ** =Permitted Accessory Use, see Sec. ** = 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 ¹	P ¹	P		
Pharmacy or related uses, 12,001 SF to 35,000 SF	D	P		P ¹	P ¹	P		
Restaurant 3,500 SF or less		P	A	P ¹	P	P	P ²	
Restaurant 3,501 SF to 7,500 SF	D	P	A	P ¹	P	P	P ²	P
Restaurant 7,501 SF or more	D			P ¹	P	P		
Brew Pub 7,500 SF or less		P	A	P ¹	P	P		
Brew Pub 7,501 SF or more				P ¹	P	P		
Wholesale trade establishment	D			P ¹	P	P	P ²	
Office, Clerical, Research, Personal Service and Similar Enterprises Not Primarily Related to Goods								
Business service establishments	D	P	P	P ¹	P	P	P ²	
Banks		P	P	P ¹	P	P		
Professional Offices	D	P	P	P ¹	P	P	P ²	
Personal service establishments	D	P	P	P ¹	P	P	P ²	
Entertainment establishments 7,500 SF or less	D	P	A	P ¹	P	P		
Entertainment establishments more than 7,501 SF	D		A	P ¹	P	P		
Social service establishments	D	P	P	P ¹	P	P		P
Manufacturing, Assembling, Processing								
Winery, Brewery or Distillery under 7,500 SF	D	P		P ¹	P ¹	P ¹	P ²	
Winery, Brewery or Distillery over 7,501 SF							P ²	
Manufacturing	D		P ¹				P ²	
Material Storage Yard with on-site mulching, pulping or manufacturing of material	D						P ²	
Educational, Cultural, Religious, Philanthropic, Social, Fraternal								
Bio Tech Campus	D		P					P
Biotech Industry	D		P ¹					P ¹
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 P SUE A D	=Not permitted =Permitted use =Special use Exception, see Sec. ** =Permitted Accessory Use, see Sec. ** = 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	P
Institutional, Residence, Care, Confinement & Medical Facilities								
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 ¹	P	P		P
Museums, Non-profit art galleries	D	P		P ¹	P	P		P
Community Centers	D	P		P ¹	P	P		P
Transportation-Related Sales & Service								
Motor & non-motor vehicle sales, rental, repair, service and storage					P	P	P ²	
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								
Storage & Parking								
Distribution center	D		P		P		P ²	
Garage, public or commercial parking		A	A	A	A	P	A	A
Self-storage facility	D	P		P ¹	P	P	P ²	
Warehouse	D			P ¹	P	P	P ²	
Public, Semi-Public, Utilities, Emergency								
Government facilities and services, local	D	P	P	P ¹	P	P		P
Government facilities and services, non-local	D	P	P	P ¹	P	P		P

Blank P SUE A D	=Not permitted =Permitted use =Special use Exception, see Sec. ** =Permitted Accessory Use, see Sec. ** = 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 ¹	P	P		P
Public safety facilities including, ambulance, fire, police, rescue, and national security	D	P	P	P ¹	P	P	P	P
Utility service facilities	D	P	P	P ¹	P	P	P	P
Communication Towers		P	P	P	P	P	P	P ¹
Recreational Facility, Government	D	P	P	P ¹	P	P		P
Not Grouped Elsewhere								
Off-Premise Signs					SUE	SUE	SUE	
Cemeteries		P						P
Funeral home		P		P ¹				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 ¹		P ¹	
Animal Hospital and Veterinary clinics		P		P ¹	P			P ¹
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>
<i>Manufactured home-type structure used for business, commercial or industrial uses when approved by the Director</i>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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

¹ No outdoor sales and or storage permitted

² Uses permitted only with an on-site retail component

³ Mixed use building must consist of at least 25% commercial space

⁴ 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

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 John L. Rieley
The Honorable Douglas B. Hudson
The Honorable Samuel R. Wilson, Jr.

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

RE: ***FY 2019 General Labor & Equipment Contract, Project No. 19-01***
FY 19 Balancing Change Order

DATE: August 20, 2019

In the past, Sussex County followed a traditional design, bid and build approach. However, the increased minor and major capital project load associated with aging infrastructure required a more efficient project delivery system. In response, the Engineering Department developed a competitively selected time and material, best value bid process consistent with the County Procurement Policy.

The first General Labor & Equipment Contract for FY 17 was awarded by Council to George & Lynch, Inc., on June 21, 2016, and Council renewed the contract on June 13, 2017 for an additional one-year period based on performance. Throughout this two (2) year timeframe, a significant scope of work was completed with considerable cost and time savings.

Therefore, the Engineering Department re-advertised the contract in the spring of 2018 using the “best value” approach and on April 24, 2018, County Council awarded the FY 2019 General Labor & Equipment Contract to George & Lynch, Inc., of Dover, Delaware, at the bid amount of \$4,827,190.00. This contract award is valid for one year, with an option for Council to extend it, based on contractor performance, for two (2) additional one-year periods at the same unit prices. With contract progressing satisfactorily, the County Council approved the first one-year extension on June 23, 2019, in the amount of up to \$7,395,000.00, for continued project completion as budgeted in the capital projects for the Environmental Services Division and the Coastal Airport.

Balancing change order no. 3 will finalize all balances for FY 19 projects for close out, in the amount of \$164,588.09. The increase was mostly due to the SR-1A project which proved very difficult. The Engineering Department now recommends approval of this change order.





**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **FY 2019 General Labor & Equipment Contract**
2. Sussex County Project No. 19-01
3. Change Order No. 3
4. Date Change Order Initiated - 8/12/19
5.
 - a. Original Contract Sum \$4,827,190.00
 - b. Net Change by Previous Change Orders \$615,000.00
 - c. Contract Sum Prior to Change Order \$5,442,190.00
 - d. Requested Change \$164,588.09
 - e. Net Change (No. of days)
 - f. New Contract Amount \$5,606,778.09
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

- ☒ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory Requirements
- ☐ 4. Design Change
- ☐ 5. Overrun/Underrun in Quantity

- ☐ 6. Factors Affecting Time of Completion
- ☒ 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Finalizing all balances for FY 19 projects and adjustments for the SR 1-A project.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes ☒ No ☐

E. APPROVALS

1. George & Lynch, Inc., Contractor

Signature

Date

Preston Ayars
Representative's Name in Block Letters

2. Sussex County Engineer

Signature

Date

3. Sussex County Council President

Signature

Date

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
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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, P.E., County Engineer

RE: ***EMS 200/Medic 110 Station, Project C19-08***
A. Rejection of All Bids
B. Authorization to Re-Bid
C. Consideration of Municipal Water System Extension
D. Approval of Scope Change of Professional Services Agreement

DATE: August 20, 2019

The Emergency Medical Services Department has several capital projects in the five (5) year planning period. The new Medic 110/EMS 200 Station was programmed north of Seaford replacing the current location in Blades. It will accommodate a two-person medic unit and supervisor for 24/7 operation. The general location was selected based on historical dispatch data, allowing for an alternate response route into Seaford as well as forecasting of future requests for service. As a result, in June of 2018 Council approved the purchase of the new site formerly known as "Old Pet Emporium".

The development required professional services and, after a publicly advertised request for proposal process, Council awarded on July 17, 2018 the EMS Department's - Architectural Consulting Services base contract to the George, Miles and Buhr, Inc. for a five (5) year term. The first two task orders covered the North Seaford Medic Station 110 with a budget up to \$150,000. The intent was to match the Rehoboth/Lewes station design. However, the State's fire prevention code had changed since then requiring now a fire suppression sprinkler system in the building.

By the end of May 2019 all permits were in hand and in June a building permit was issued. In addition, the County had received DNREC approval to use onsite septic system until the Western Sussex Sewer Services was available.



On June 6, 2019, Invitations to Bid were forwarded directly to contractors, advertised in the local newspaper, and available to view on the County website. Out of sixteen (16) plan holders, ten (10) attended the pre-bid meeting held on June 24, 2019.

On July 15, 2019, four (4) bids were received. The bid results including the analysis of bid alternates by George, Miles & Buhr (GMB) is attached. The station cost was significantly higher than the last station built with the main drivers being the on-site fire suppression system and the DelDOT entrance/site improvements.

The EMS and Engineering Departments reached out to the City of Seaford to discuss the possibility of accelerating the extension of public water service to the site in exchange for a capital contribution by the County. The availability of public water in conjunction with some value engineering design modifications could result in a better overall project with significantly less maintenance responsibility by the County. One of the cost saving measures was the break out of the demolition services as a standalone contract. With all utility services already terminated and asbestos remediated the contract could proceed immediately. The Departments are in the process of assembling the necessary document.

In summary, the EMS and Engineering Departments recommend rejection of all bids and authorization to rebid with a modified scope as well as approval of architectural task order no. 3 for GMB to cover rebidding, contract administration and inspection services not to exceed \$104,400.00. Furthermore, the Departments request authorization to enter into negotiations with the City of Seaford regarding public water service to be presented to both elected bodies for review and approval.

Seaford, DE
BID TABULATION
15-Jul-19

[illegible]



AIA Document G802™ – 2017

Amendment to the Professional Services Agreement

PROJECT: *(name and address)*

North Seaford Paramedic Station
22410 Sussex Highway
Seaford, Delaware 19973

AGREEMENT INFORMATION:

Date: July 25, 2018

AMENDMENT INFORMATION:

Amendment Number: 001

Date: August 12, 2019

OWNER: *(name and address)*

Sussex County Engineering Department
PO Box 589

Georgetown, Delaware 19947

ARCHITECT: *(name and address)*

George Miles & Buhr, LCC (GMB)
206 West Main Street
Salisbury, Maryland 21801

The Owner and Architect amend the Agreement as follows:

This amendment includes the redesign, rebid and construction administration services for the above noted project as outlined in the attached service proposal dated August 9, 2019.

The Architect's compensation and schedule shall be adjusted as follows:

Compensation Adjustment:

Per the attached fee schedule as indicated in the proposal dated August 9, 2019, the original contract is increased by a total lump sum of \$73,405.00 and increased by an estimated hourly total of \$30,550.25 for a total contract increase of \$103,955.25

Schedule Adjustment:

Upon notification from the County to proceed the value engineering design revisions to include a fire connection to the proposed Seaford water extension and a sewage grinder pump and manifold connection to the proposed City/County sewage force main, along with deletion of the onsite well and fire storage tank and changes to the fire suppression system will be completed. We anticipate this effort to take four (4) weeks.

Upon acceptance from the County the project will be rebid for a period of 30-45 days. GMB will provide the Bidding services during that timeframe and provide a review and award recommendation to the County within two (2) weeks of bids received. Once a contractor has been awarded the project GMB will draft and finalize the construction contracts and issue a Notice to Proceed. The Construction Administration Phase services will begin with a preconstruction meeting and continue on an hourly basis as outlined in the attached scope of services via the proposal dated August 8, 2019.

SIGNATURES:

GMB, LLC

ARCHITECT *(Firm name)*

SIGNATURE

Morgan H. Helfrich, AIA LEED AP
Vice President

PRINTED NAME AND TITLE

08-13-19

DATE

Sussex County, Delaware

OWNER *(Firm name)*

SIGNATURE

Michael H. Vincent
President

PRINTED NAME AND TITLE

DATE

■ ■ ■ ■

**ARCHITECTS
ENGINEERS**

206 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4462
FAX: 410.548.5790

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com

■ ■ ■ ■

JAMES H. WILLEY, JR., PE
PETER A. BOZICK, JR., PE
JUDY A. SCHWARTZ, PE
CHARLES M. O'DONNELL, III, PE
W. BRICE FOXWELL, PE
A. REGGIE MARINER, JR., PE
JAMES C. HOAGESON, PE
STEPHEN L. MARSH, PE
DAVID A. VANDERBEEK, PE
ROLAND E. HOLLAND, PE
JASON M. LYTLE, PE
CHRIS B. DERBYSHIRE, PE
W. MARK GARDOCKY, PE
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, PE

JOHN E. BURNSWORTH, PE
MICHAEL G. KOBIN, PE
VINCENT A. LUCIANI, PE
ANDREW J. LYONS, JR., PE
W. NICHOLAS LLOYD
AUTUMN J. WILLIS

Revised August 8, 2019

Sussex County Emergency Medical Services
PO Box 589
Georgetown, Delaware 19947

Attn: Robert Schoonover AAS, NRP
Manager of Logistics

Re: Construction Administration and RPR Services
North Seaford EMS 200/Medic 110 Station
GMB File R180174

Dear Mr. Schoonover:

We are pleased to present this proposal for Value Engineering the project to remove the well and fire suppression tanks for the incorporation of city water and sewer connection to the site, Rebidding the project and Construction Administration including Resident Project Representative (RPR) services for the referenced project.

SCOPE OF WORK

GMB proposes to accomplish the following Scope of Services:

A. ARCHITECTURAL

Rebid Scope

1. Assist Owner to publicly advertise the bid to various print and digital media.
2. Arrange for and coordinate distribution of bid documents through a local qualified blueprint shop.
3. Plans will be available for purchase by interested bidders for a sum determined by the printer.
4. The printer shall distribute all formal addenda and maintain a current plan holders list.
5. Schedule and chair a pre-bid conference and issue minutes.
6. Review bidder Requests for Information (RFI's) and issue addenda as required.
7. Chair and conduct the public bid opening.
8. Review the bids and issue a written recommendation for contract award.

Construction Administration Scope

1. Conduct and prepare minutes for pre-construction conference.
2. Provide up to twenty (20) shop drawing and submittal reviews and technical support during construction.
3. Schedule, conduct and prepare minutes for monthly progress meeting (total of 9).
4. Review and answer up to twenty (20) Contractor Requests for Information (RFI's).
5. Review and approve up to ten (10) monthly Payment Requisitions.
6. Assist with Change Order/Claims Negotiations.
7. Conduct a punch list inspection with report.

8. Prepare a Certificate of Substantial Completion.
9. Review as-built drawings prepared by the Contractor.
10. Review O&M manuals and closeout documents prepared by the Contractor.
11. Conduct a final inspection and issue written recommendation to Owner for final acceptance.

B. STRUCTURAL

1. Review bidder Requests for Information (RFI's) and issue written replies for inclusion in addenda as required.
2. Conduct up to three site visits to observe installed structural details, one of which will be a follow up visit to verify compliance.
3. Provide up to three (3) shop drawing and submittal reviews and technical support during construction.
4. Review and answer up to five (5) Contractor Requests for Information (RFI's).
5. Conduct a punch list inspection with report.
6. Review as-built drawings prepared by the Contractor.

C. CIVIL

1. Review bidder Requests for Information (RFI's) and issue written replies for inclusion in addenda as required.
1. Attend Pre-Construction meeting onsite.
2. Respond to Contractor Requests for Information (RFI's). (Assume 4)
3. Incorporate VE design revisions to include design of a fire service connection to the proposed City water extension and a sewage grinder pump and manifold connection the proposed City/County sewage force main, along with deletion of the on-site well and fire storage tank.
4. Review up to nine (9) Civil Shop drawings submittals.
5. Provide Certified Construction Reviewer (CCR) duties to include weekly and after ½ rain events inspections and report filing, as required by the Sussex Conservation District (SCD).
6. Attend up to five (3) progress meetings during construction.
7. Attend up to two (2) additional site meetings during construction.
8. Attend punch list inspection and issue notes.

D. MECHANICAL, ELECTRICAL AND PLUMBING (MEP)

We propose to subcontract these design services to RMF Engineering of Salisbury, Maryland. A copy of their proposal is attached.

E. RPR CONSTRUCTION MONITORING

1. Provide part-time onsite RPR construction monitoring based on an average of 16 hours per week for a 7-month (28 week) construction period.

FEE

We propose to furnish the stated scope of services according to the following fee breakdown:

Architectural Rebid	\$ 10,865.00
Architectural CA	\$ 36,110.00
Structural	\$ 3,500.00
Civil	\$ 13,130.00
MEP	\$ 9,800.00
Total Lump Sum Fee	\$ 73,405.00
 RPR (<i>estimated at 448 hours</i>)	 \$ 26,880.00
Reimbursable Expenses (<i>estimated at 5% of subtotal</i>)	<u>\$ 3,670.25</u>
Total Fee Estimate	\$ 103,955.25

ASSUMPTIONS AND CONSIDERATIONS

- This proposal assumes that construction will be bid once to a single contractor and continuous construction schedule.
- Quantities shown for meetings, submittal, pay application and RFI reviews are estimated and are based on our experience with other projects of similar type, size and complexity.
- Any item not specifically identified in the scope above is excluded from this agreement.
- Reimbursable and RPR expenses are based on an estimate and shall be invoiced separately.

PROPOSAL CONDITIONS

In the event that the contract duration is extended beyond 28 weeks or additional effort is warranted within the 28-week construction schedule, GMB will request an amendment to its contract for the additional fees.

We propose to bill for additional written requested services in accord with the attached Schedule of Hourly Rates & Expenses and General Conditions. All work will be performed by personnel from our Salisbury and Seaford offices unless otherwise noted.

The General Conditions noted on the attachment apply to the entire agreement except as requested and noted as following.

If acceptable, please sign one copy of this proposal and return to our office.

If you have any questions, do not hesitate to call.

Sincerely,



Morgan H. Helfrich AIA
Senior Project Architect

MHH/slh

Attachments

APPROVED FOR SUSSEX COUNTY BY:

By: _____

Printed Name: _____

Date: _____

Title: _____

Phone Number: _____

Email Address: _____

SCHEDULE OF HOURLY RATES & EXPENSES

HOURLY RATES

Effective January 1, 2019

CLASSIFICATION	HOURLY RATE
Senior Project Director	\$ 175.00 - \$ 200.00
Project Director	\$ 150.00 - \$ 180.00
Senior Project Manager	\$ 125.00 - \$ 160.00
Project Manager	\$ 105.00 - \$ 135.00
Assistant Project Manager	\$ 105.00 - \$ 125.00
Senior Project Engineer/Architect/Landscape Arch	\$ 105.00 - \$ 125.00
Project Engineer/Architect/Landscape Arch	\$ 95.00 - \$ 120.00
Graduate Engineer/Architect/Landscape Arch	\$ 85.00 - \$ 115.00
Senior Designer	\$ 80.00 - \$ 120.00
Designer	\$ 65.00 - \$ 90.00
CADD Operator	\$ 60.00 - \$ 75.00
Construction Representative	\$ 80.00 - \$ 110.00
Resident Project Representative (RPR)	\$ 55.00 - \$ 100.00
Project Coordinator	\$ 65.00 - \$ 90.00
Surveyor	\$ 95.00 - \$ 125.00
Survey Crew Chief	\$ 70.00 - \$ 110.00
Survey Technician	\$ 40.00 - \$ 70.00
Administrative/IT Support	\$ 40.00 - \$ 85.00
GIS Specialist	\$ 60.00 - \$ 85.00
Senior Technician	\$ 50.00 - \$ 90.00
Technician	\$ 30.00 - \$ 50.00

EXPENSES

All items per each, unless noted.

Internal:

Photocopies:	
Black & White	\$ 0.20
Color	\$ 0.50
Prints/Plots:	
Black & White/Color	\$ 0.50 /s.f.
Mylar	\$ 2.00 /s.f.
Travel:	
Mileage	\$ 0.58/mile*
Subsistence (Meals & Lodging)	At Actual Cost
Overnight/Immediate Delivery	At Actual Cost
Survey Crew Rates	
2 person crew	\$ 130.00/hour
3 person crew	\$ 150.00/hour
Other:	
Electronic Media Copies/Transfers/File	\$ 300.00/file
Website Project File Sharing	\$ 1.00/MB/month
Construction Management Software	\$ 200.00/month
Surveying Equipment/Total Station Only	\$ 35.00 /day
Surveying Equipment/Total Station + GPS Unit	\$ 150.00 /day

* To be adjusted annually on January 1, in accordance with the Internal Revenue Service Directives

July 17, 2018

GMB Architects/Engineers
206 West Main Street
Salisbury, MD 21801

Attention: Ms. Morgan Helfrich, AIA LEED AP
Vice President

Reference: Seaford EMS Building
Engineering Services Proposal

Dear Ms. Helfrich,

We are pleased to submit this proposal to perform engineering services for a new building for the Seaford EMS. Our understanding of the overall project scope and scope items specific to RMF are included below.

BUILDING PROJECT DESCRIPTION

The new building is to be located in Seaford, DE. The project will be to provide a new building for the Seaford EMS. The new building will have offices, bunk area, bathrooms, and a kitchen and garage space. The building will be a total of approximately 5,000 GSF. This project will be awarded to a single-prime general contractor or construction manager and will include a single bid package.

SCOPE SUMMARY

Engineering services will be provided for the following disciplines and design tasks:

Disciplines	Design Tasks			
Mechanical	HVAC	Plumbing	Fire Protection	
Electrical	Power	Power (Emergency and Critical)	Lighting (Within or attached to the Building)	
Electrical Special Systems	Fire Alarm	Telecom (Voice / Data Raceway Only)	Security (Raceway Only)	Audio-Visual (Raceway Only)
Bidding Support	Bidding Support (One Package)	Shop Drawing Review	RFI Responses	Site Visits and Meetings
Civil & Structural	Not Included			

DETAILED SCOPE

Mechanical

- 1) **HVAC:** Provide design for all Heating, Ventilating, and Air-Conditioning systems inside the building. The HVAC design will also include exterior piping to connect heating and cooling

- equipment within fifty feet of the building's foundation wall. When central thermal utilities, such as chilled water and steam, are used the design of utility connections will extend to five feet outside the building foundation.
- 2) Coordinate mechanical room size (unless rooftop equipment or a different type of system is used), louver requirements, above ceiling space requirements, control zones, system type, and operating strategy with the owner and architect.
 - 3) Provide HVAC equipment data sheets to the architect during the design development phase.
 - 4) **Plumbing:** Provide design for all domestic water, storm, gas, waste, and vent piping systems within the building to five feet outside of the building foundation wall. Water and sewer services from this location to the respective distribution mains, as well as the design of gutters and downspouts on the exterior of the building are not included in this scope.
 - 5) Coordinate all plumbing fixture selections with the owner and architect.
 - 6) **Fire Protection:** Provide a performance based design that will include a code review, design criteria, fire pump (if required), general pipe routing and specifications per NFPA for all fire protection piping within the building. **Note:** Scope does not include determining sprinkler head locations.

Electrical

- 1) **Power:** Provide design for the secondary service from the building transformer(s) to the building. This scope assumes the transformer[s] [is][are] located within 100-ft of the service entrance point to the building and the conductors do not require crossing of any public and/or private causeway, roadway, waterway or thoroughfare.
- 2) **Utility Coordination:** Provide design for building's power systems and coordinate service with the electrical utility. This effort will include meetings with the utility company, providing project loads and engineering recommendations for utility alternatives that will support the needs of the facility.
- 3) **Emergency Power:** Design the emergency power systems utilizing emergency standby generator(s) and automatic transfer switch(es), load bank, and conduct an on-site witness of the load bank test and a final building automatic load test complying with NFPA 110.
- 4) **Lighting:** Provide design for interior lighting systems and lighting attached to the exterior portion of the building/structure. Collaborate with the architect for fixture selection and placement.
- 5) **Site Lighting:** Provide design for site lighting including parking lot(s), sidewalks, and automatic controls.
- 6) **Fire Alarm:** Provide design services for a complete addressable fire alarm system. This includes coordination with the Owner to provide an automatic notification of alarms to the Owner's NFPA compliant monitoring service. The fire alarm system shall be coordinated with the Owner's Mass Notification System.
- 7) **Telecomm:** Provide a telecommunications raceway system in the form of an underground duct bank extending from the main telecommunications room to 5-ft outside of the perimeter of the building and provide design services within the confines of the building for a complete telecommunications raceway system.
- 8) **Security:** Provide design services within the confines of the building for a complete security raceway system. Within the confines of the building and on the exterior walls and canopies attached to the building, RMF will coordinate with the security consultant and/or the Owner for the locations of the various required raceways, boxes and 120-volt power.
- 9) **Audio-Visual:** Provide design services within the confines of the building for raceways dedicated to the Audio/Visual system provided the system requirements are identified by the A/V consultant to RMF as to the conduit size, junction box size and configuration, and the



locations of all device requiring a junction box and/or conduits. Coordinate with the A/V consultant during the Design Development and Construction Drawing phases of the project.

Project Meetings

- 1) RMF will participate in meetings with the design team during the design period.

Bidding Support

- 1) Provide bidding support for architect or GC/CM bid process including pre-bid meeting attendance.
- 2) Perform shop drawing review of equipment and system components.
- 3) Respond to requests for information (RFI's) during bidding.

ENGINEERING SERVICES FEE

Fixed engineering costs shall be as follows and are good for 90 calendar days from the date of this proposal. Note: Invoices will be sent each month based on percent of work completed. Payment will be due within 10 days of architect's receipt of payment from the owner. Our cost to provide the required services is Twenty Five Thousand dollars (\$ 25,000). This fee would be divided into the following phases:

Project Phase	Fee
Schematic Design	\$ 3,600
Design Development	\$ 4,800
Construction Bid Documents	\$ 14,400
Bidding Services	\$ 1,200
Reimbursables	\$1,000
Total	\$ 25,000

HOURLY RATES

Hourly rates for additional services are as follows:

Principal	\$210.00	Design Engineer	\$95.00
Associate	\$185.00	Designer	\$75.00
Project Manager	\$150.00	CAD Technician	\$50.00
Project Engineer	\$110.00	Technical Support	\$60.00

OPTIONAL ADDITIONAL SERVICES

- 1) **Scope Increase:** All fees are based upon the proposed gross square feet (GSF) of building area listed. If the scope of the building increases then additional fees will be required to account for the increased MEP scope. [Cost: TBD]
- 2) **Commissioning:** Perform Cx services including design review, preparation of pre-functional and functional equipment test procedures, witnessing of functional testing, and Cx reports. [Cost: TBD]



- 3) **Design Changes:** Design changes made after substantial completion of the final submission may require additional engineering services regardless of whether the change was initiated by the owner, architect, or architects sub-consultant. [Cost: TBD]
- 4) **Multiple Bid Packages:** Preparation of multiple bid packages not identified in the request for proposal. [Cost: TBD]
- 5) **Construction Administration Services:** CA services including site visits during construction, shop drawing review and answering RFI's. [Cost: TBD]
- 6) **Cost Estimating:** Provide MEP opinions of probable costs at each design phase. [Cost: TBD]
- 7) **As-Built Drawings:** Produce record drawings from contractor supplied field red-line as-built drawings and site observations. RMF will provide to the architect in PDF format. [Cost: TBD]
- 8) **Specialty Low Voltage Electrical Systems:** Perform design services related to telecommunications wiring (voice and data) for horizontal and backbone wiring within the building and/or design services related to public address, sound or paging systems. Services will be provided by an RCDD certified engineer. (Cost: TBD)

Morgan, we appreciate the opportunity to work with GMB on this project. Please contact me to discuss any questions, concerns, or scoping issues.

Sincerely,

RMF ENGINEERING, INC.

Timothy Chatterton, PE
Division Manager

TRC

APPROVED: _____

DATE: _____

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
sussexcountye.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

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

FROM: John Ashman 
Director of Utility Planning

RE: *Use of Existing Infrastructure Agreement*
Sunset Glen
File: OM 9.01

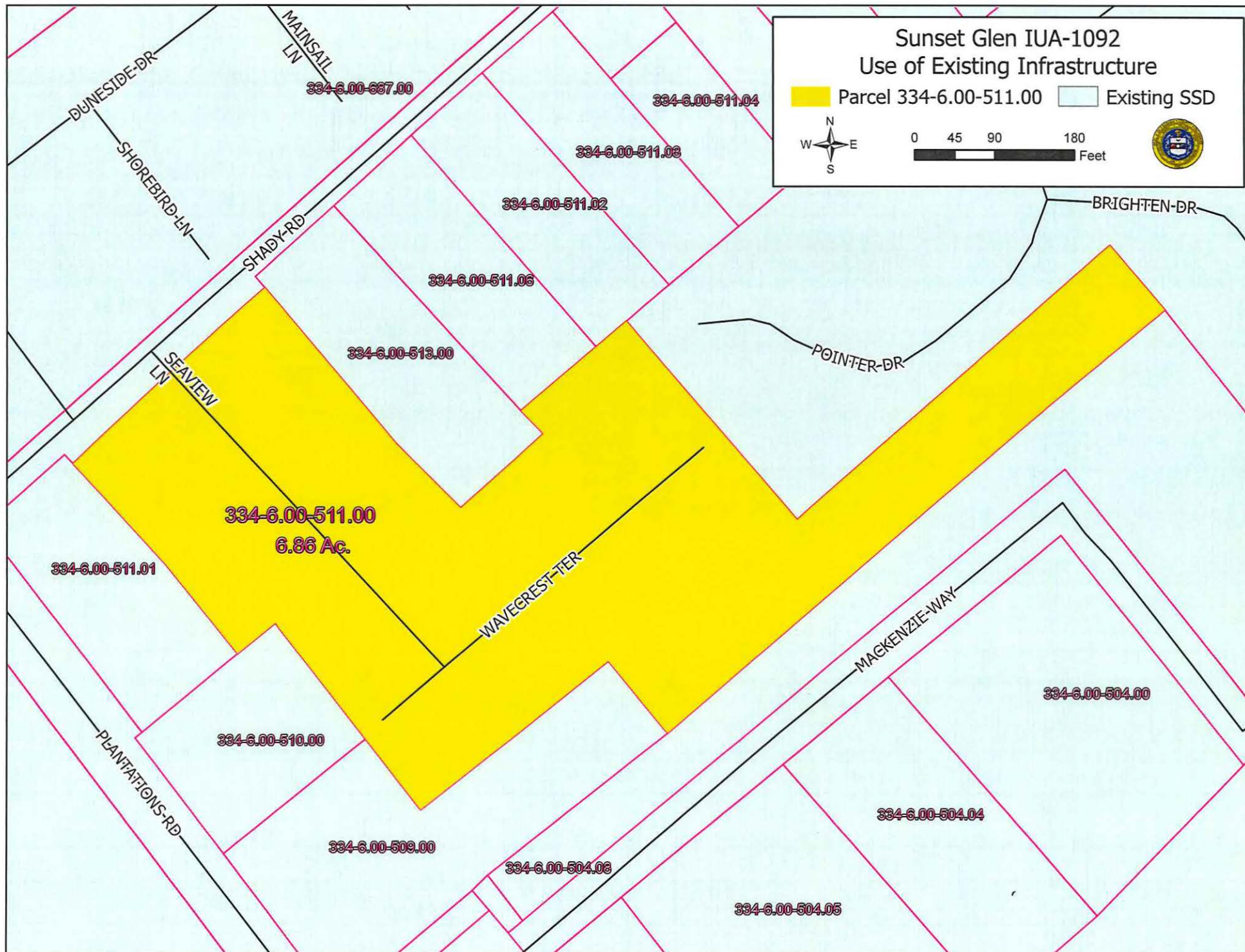
DATE: August 20, 2019

In July of 2016, the Engineering Department gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The planning effort identified infrastructure needs and matched them to transmission and treatment capacity upgrades respectively. This arrangement collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the Use of Existing Infrastructure with **Stafford Street Capital, LLC** for the **Sunset Glen** project in the West Rehoboth Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Sunset Glen** project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure **Stafford Street Capital LLC** will contribute **\$16,081.00** for the financial catch-up contribution of the existing infrastructure to serve **41.00** additional Equivalent Dwelling Units. Payment will be required prior upon execution of this agreement. System Connection Charges in place at the time of building permit request will still apply.





USE OF EXISTING INFRASTRUCTURE AGREEMENT

Infrastructure Use Agreement IUA-1092

THIS AGREEMENT ("Agreement"), made this 3rd day of JUNE 2018, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the "County," and;

STAFFORD STREET CAPITAL, LLC, a Limited Liability Company and developer of a project known as Lands of Stafford Street Capital, LLC hereinafter called the "Developer."

WITNESSETH:

WHEREAS, Developer is developing several tracts of land identified as Tax Map parcel 334-6.00-511.00 & 512.00 to be known as Lands of Stafford Street Capital, LLC ("Project") and;

WHEREAS, the Project is located in the Sussex County Unified Sanitary Sewer District (West Rehoboth Area) and;

WHEREAS, the parcels are capable of being served by Sussex County regional infrastructure and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County's existing transmission capacity by connecting to an existing regional pipeline.
- (2) In exchange for permission to connect up to **41** additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$16,081.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution is due at the time of execution of this agreement.**

- (5) If the Project (as currently approved) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance

of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **179 Rehoboth Avenue, Rehoboth Beach Delaware 19971.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands
and seals the day and year aforesaid.

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

FOR STAFFORD STRET CAPITAL, LLC

By: Chris Kahl (Seal)
Chris Kahl - Authorized Signatory

6-3-19 (DATE)

WITNESS:

[Signature]

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council
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 16, 2019

RE: County Council Report for CZ 1885 36191 DWB, LLC

The Planning and Zoning Department received an application (CZ 1885 36191 DWB, LLC) for a Change of Zone for parcel 533-19.00-15.00 to allow for change from AR-1 (Agricultural Residential District) to C-3 (Heavy Commercial District) to be located at 36191 Lighthouse Rd. The Planning and Zoning Commission held a public hearing on July 25, 2019. The following are the draft minutes for the Change of Zone from the Planning and Zoning Commission meetings.

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

The Commission found that Mr. Tim Willard, an Attorney with Fuqua, Willard, Stevens, and Schab, Mr. Darryl Brasure and Mrs. Andrea Brasure principals of 36191 DWB, LLC were present on behalf of the application; that Mr. Willard stated the proposed application is consistent with the land uses, and area zoning, and the Comprehensive Plan; that Mr. Brasure owns the commercial property to the right and it is known as Brasure Auto Repair, Auto Services; that Mr. Brasure owns the commercial property to left and it is Brasure Carpet Services; that there is RPC Zoning ("Residential Planned Community") in the area and Americana Bayside RPC is down the road; that at the corner of Zion Church Road and Route 54 is commercial property; that part of the zoning in the area is zoned commercial and part of it is a RPC; that a lot line adjustment has been approved and recorded to make the parcel a 1-acre parcel; that Mr. Brasure would like to expand the use for the auto repair service; that C-3 Zoning ("Heavy Commercial District") does allow for repair and service; that the business has been there for approximately 30 years and it has been successful; that there are townhouses located behind the property that are zoned MR ("Medium Density Residential District"); that there is a carpet business located next door; that the property was formally used to sell lighthouses with a Conditional Use; that there was no Traffic Impact Study ("TIS") required by DelDOT; that sewer is available and



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

the applicant may have to pay for more sewer capacity; that the property is still on well and there is a possibility to hook-up to water; that across the street is a Methodist Church; that a letter of support was read and submitted into the record; that the Land Use Classification per the 2019 Comprehensive Plan the land is in the Coastal Area; that the Coastal Area is a growth area; that the proposed Change in Zone is consistent with the uses in the area; and that Mr. Brasure affirmed the testimony that was given.

Ms. Wingate asked if there is a water main in front of the property; which Mr. Brasure stated the property is next to a water tower and he is awaiting a letter from Tidewater Utilities to be able to connect; Ms. Wingate asked about the septic and sewer; and which Mr. Brasure stated the sewer is served by the Sussex County sewer.

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

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

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

At their meeting on August 8, 2019, the Planning Commission discussed the application which has been deferred since July 25, 2019.

Ms. Wingate moved that the Commission recommend approval of Change in Zone # 1885 for 36191 DWB, LLC for a change in zone from AR-1 to C-3 "Heavy Commercial" based upon the record made during the public hearing and for the following reasons:

1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted uses include retail uses, restaurants, offices and vehicle service stations.
2. The site is adjacent to a C-1 property fronting along Route 54 that is owned by the Applicant and used for commercial purposes. This location is appropriate for this type of zoning. This application is a reasonable extension of the existing C-1.
3. This site is the only AR-1 property between properties to the north and south which are zoned MR and the C-1 property to the east. This property is no longer viable as an AR-1 property. The rezoning is basically an infill of C-1 zoning.
4. The site will be served by Sussex County sewer.
5. The site is in the Coastal Area according to the current Sussex County Land Use Plan. This type of commercial zoning is appropriate in this Area according to the Plan.
6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
7. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to forward this application to the Sussex County Council with a recommendation the application be approved for the reasons and the conditions 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: July 18, 2019

RE: Staff Analysis for CZ 1885 36191 DWB, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1885 36191 DWB, LLC to be reviewed during the July 25, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 533-19.00-15.00 to allow for a change from AR-1 (Agricultural Residential District) to C-3 (Heavy Commercial District) to be located at 36191 Lighthouse Rd. The size of the property is 1.015 ac. +/-.

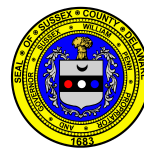
The 2018/2019 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map indicates that the properties have the land use designation Coastal Area.

The surrounding land use to the north, south, east and west is Coastal Area. The Coastal Areas 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." C-3 is a zoning district that may be considered in the Coastal Area land use.

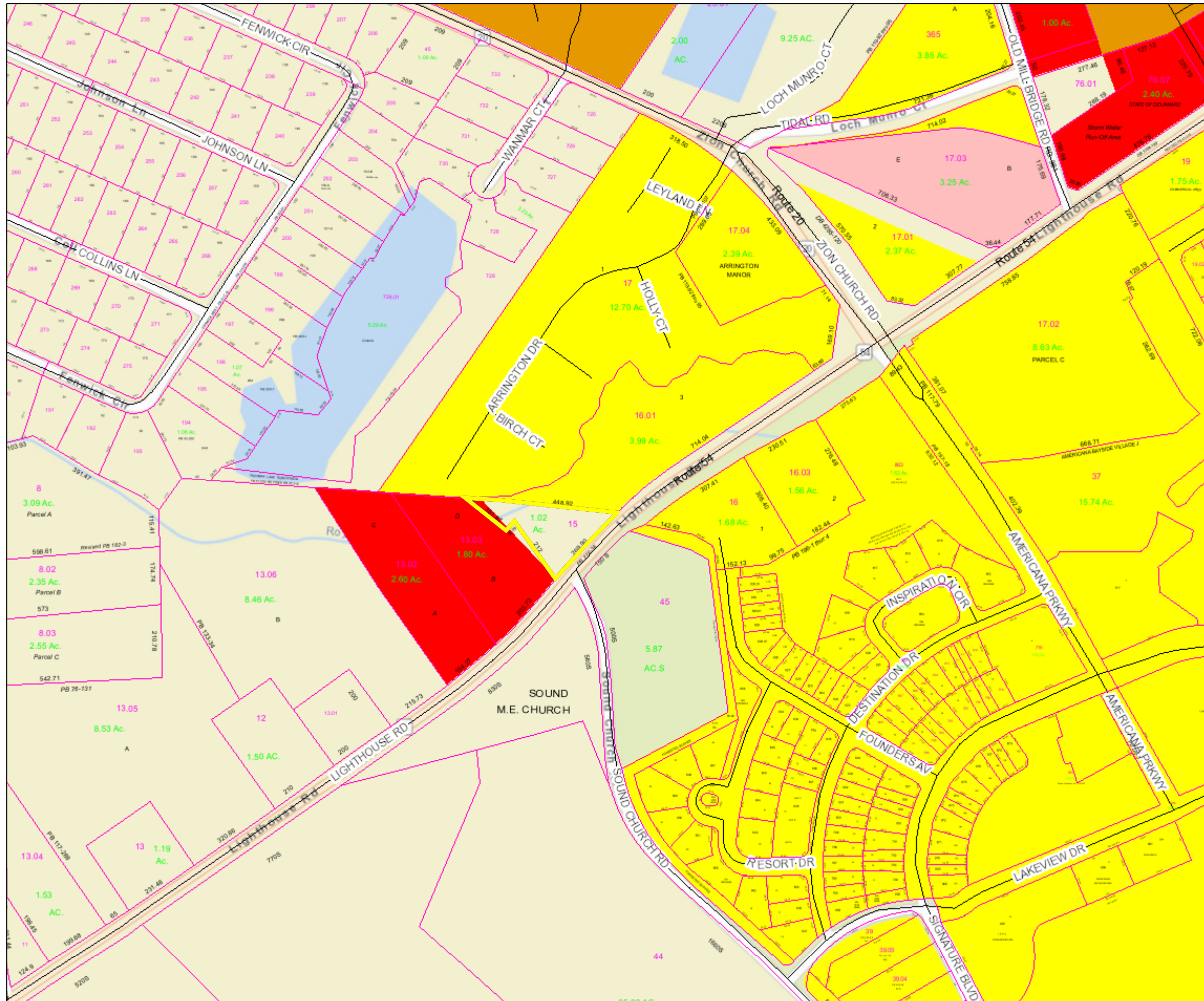
The property is zoned AR-1 (Agricultural Residential District). The properties to the north and south are zoned MR (Medium-Density Residential District - Residential Planned Community) and AR-1 (Agricultural Residential District). The properties to the east are zoned C-1 General Commercial District). The properties to the west are MR-RPC (Medium-Density Residential District - Residential Planned Community). There are no known Conditional Use in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone to allow a change from AR-1 (Agricultural Residential District) to C-3 (Heavy Commercial District) would be considered consistent with the land use, area zoning and uses.





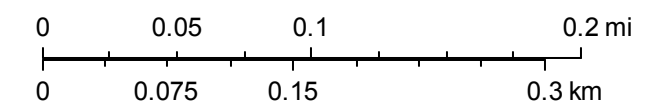
Sussex County

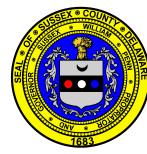


PIN:	533-19.00-15.00
Owner Name	BRASURE DARRYL W
Book	3697
Mailing Address	35089 LIGHTHOUSE RD
City	SELBYVILLE
State	DE
Description	NW/LIGHTHOUSE RD &
Description 2	SOUND CHURCH RD
Description 3	1.02 AC
Land Code	

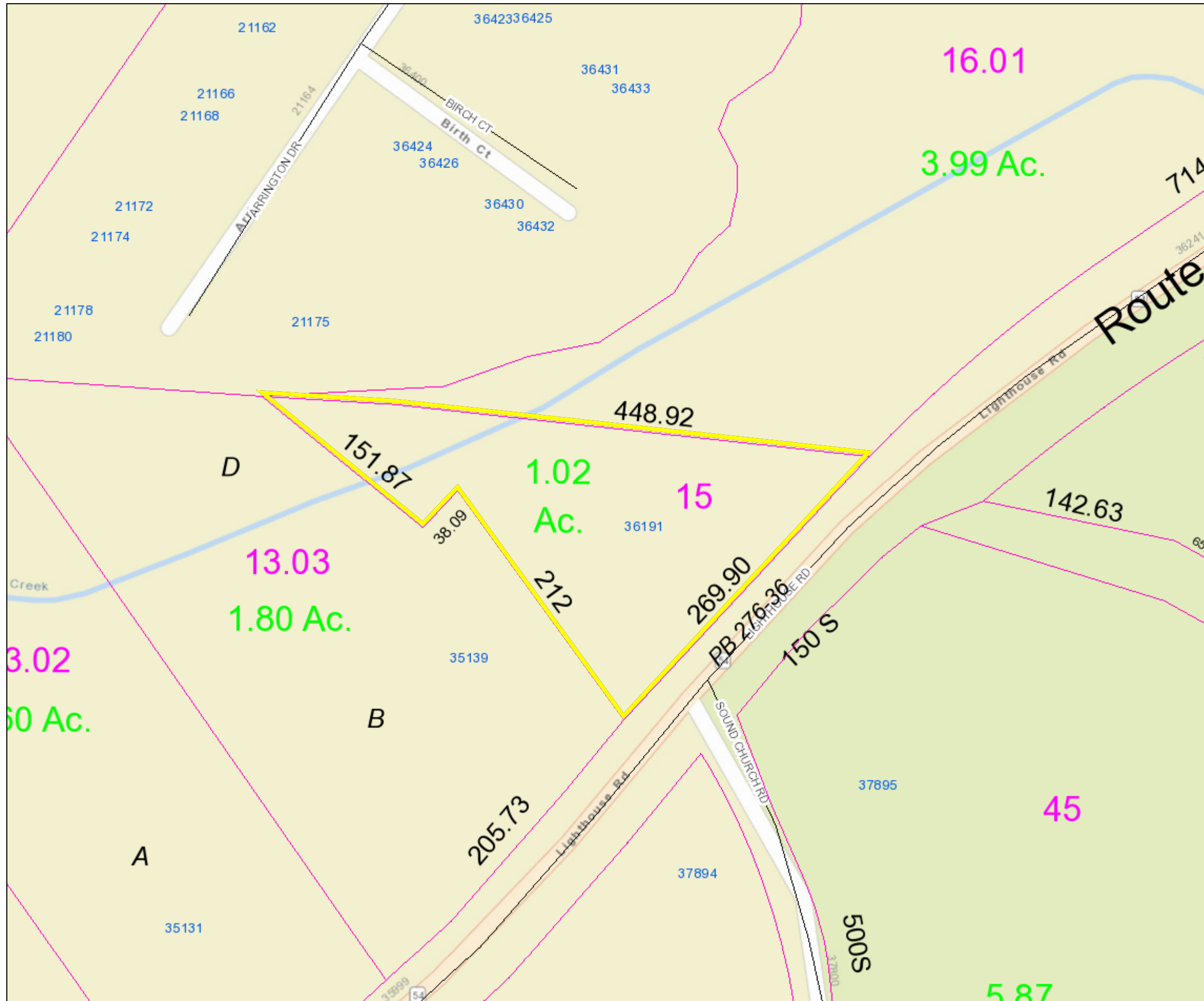
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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- Zoning**
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density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

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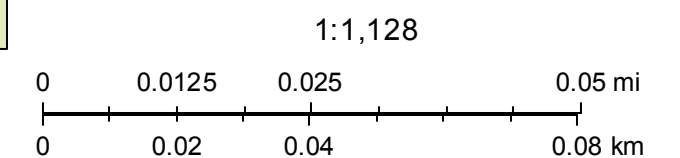


Sussex County



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



Introduced 04/30/19

**Council District No. 5 - Rieley
Tax I.D. No. 533-19.00-15.00
911 Address: 36191 Lighthouse Road, Selbyville**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.015 ACRES, MORE OR LESS

WHEREAS, on the 3rd day of April 2019, a zoning application, denominated Change of Zone No. 1885, was filed on behalf of 36191 DWB, 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. 1885 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-3 Heavy 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 Baltimore Hundred, Sussex County, Delaware, and lying on the north side of Lighthouse Road (Route 54) approximately 850 feet west of Zion Church Road and being more particularly described in the attached legal description prepared by Tomasetti Law, LLC, said parcel containing 1.015 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.