

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

**MEETING:  
October 19, 2021**

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

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

## COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT  
JOHN L. RIELEY, VICE PRESIDENT  
CYNTHIA C. GREEN  
DOUGLAS B. HUDSON  
MARK G. SCHAEFFER



# Sussex County

DELAWARE  
sussexcountyde.gov  
(302) 855-7743

## SUSSEX COUNTY COUNCIL

### A G E N D A

OCTOBER 19, 2021

**9:00 A.M. (START TIME)**

#### Call to Order

#### Approval of Agenda

An Appeal on the Sussex County Planning and Zoning Commission's decision to approve Subdivision Application No. 2020-13 (Terrapin Island)

Executive Session – Pending/Potential Litigation pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session items

#### Recess

Approval of Minutes – October 12, 2021

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

#### **1. Administrator's Report**

Jamie Whitehouse, Planning and Zoning Director

#### **1. Report on the Planning and Zoning Commission's recommendation on Conditional Use No. 2262 filed on behalf of Matthew Hete**

Introduction of Proposed Zoning Ordinances



## Council Members' Comments

### Adjourn

#### -MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on October 12, 2021 at 4:30 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountye.gov/council-chamber-broadcast>.

The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

**Conference Number: 1-302-394-5036**

**Conference Code: 570176**

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountye.gov/agendas-minutes/county-council>.

# # # #

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 12, 2021**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 12, 2021, at 10:00 a.m., in Council Chambers, with the following present:

<b>Michael H. Vincent</b>	<b>President</b>
<b>John L. Rieley</b>	<b>Vice President</b>
<b>Cynthia C. Green</b>	<b>Councilwoman</b>
<b>Douglas B. Hudson</b>	<b>Councilman</b>
<b>Mark G. Schaeffer</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 433 21  
Approve  
Agenda**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea

**Minutes**

The minutes of September 21, 2021 were approved by consent.

**Public  
Comments**

Mr. Vincent and Mr. Moore explained the public comment rules and process.

Public comments were heard and the following spoke:

Keith Steck spoke as a resident and as Vice President of the Delaware Coalition for Open Government. He commented on redistricting, including the process, timeframe, and public participation.

Boe Daley spoke regarding wetlands and buffers, and the open farm country and rural character of Sussex County.

Pam Tully and Fran Lazero began speaking; however, their comments were not permitted per Mr. Moore's earlier instruction, since their comments pertained to the matter of Old Business (Conditional Use No. 2236) on the Agenda for this meeting and due to the fact that the record has been closed on that matter.

There were no additional public comments.



**M 434 21  
Approve  
Consent  
Agenda  
Items**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to approve the following items listed under the Consent Agenda:**

- 1. Existing Wastewater Infrastructure Use Agreement, IUA-134.12.300  
SoDel Redfin Ocean View, Ocean View Area**
- 2. Existing Wastewater Infrastructure Use Agreement, IUA-933  
Newdale Acres, Ellendale Area**
- 3. Existing Wastewater Infrastructure Use Agreement, IUA-1070 Revised  
Sussex Consortium School, West Rehoboth Area**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Adminis-  
trator's  
Report**

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

**1. Garney Hall**

**It is with sadness that we note the passing of County pensioner Garney Hall on Sunday, October 3rd. Mr. Hall began his career with Sussex County in December 1979 and retired as a Mechanic III in 2007 with 28 years of service. We would like to extend our condolences to the Hall family.**

**2. Elizabeth Beideman**

**It is with sadness that we note the passing of County pensioner Elizabeth Beideman on Thursday, October 7th. Mrs. Beideman began her career with Sussex County in January 1985 and retired as a Deputy in the Sheriff's Department in 1993 with eight years of service. We would like to extend our condolences to the Beideman family.**

**3. Terrapin Island Subdivision Appeal**

**The appeal of the Terrapin Island subdivision (No. 2020-13) approval is scheduled for Tuesday, October 19, 2021. The appeal will take place in Council Chambers beginning at 9:00 a.m. Retired Superior Court Judge Charles H. Toliver, IV will preside over the appeal as the hearing officer with County Council making the decision on the appeal. Judge Toliver has established a three-hour time limit with 1.25 hours afforded to both the Appellants and the Appellees with the balance of time utilized at Judge Toliver's direction. During the appeal, seating within Council Chambers will be prioritized for the parties and their individual representatives. As a result, there will be limited seating for the public**

<b>Report (continued)</b>	<b>to observe the proceeding and COVID protocols will be enforced. The proceedings will be streamed live on the County's website and through the dial-in conference line. Due to the nature of these proceedings and the limitations thereof, the public is encouraged to view the meeting remotely.</b>
<b>Vincent/ Recognition</b>	<b>The Council recognized Michael Vincent for his 50 years of service with the Seaford Volunteer Fire Department.</b>
<b>Mulberry Knoll Sewer Collection System/ Project S20-22/ Bid Results</b>	<b>Hans Medlarz, County Engineer, presented the bid results for the Mulberry Knoll Sewer Collection System, Project S20-22. Seven (7) bids were received. The Engineering Department reviewed the bids received and requested KCI (the County's consultant) to perform a bid evaluation. Mr. Medlarz reported that there were two inconsistencies on the bids. The low bidder appeared to provide a response without acknowledging Addendum #1 of the bidding documents. It was determined that the apparent low bidder could not be compared due to changes made to the bid tabulation as a result of Addendum #1. Furthermore, the second lowest bid received includes a mathematical error in bid prices of two items. Mr. Medlarz advised that, since irregularities are involved in the two lowest bids, KCI recommended that all bids be rejected and the project be rebid. The Department concurs with this recommendation. Prior to readvertising, the Engineering Department will coordinate with KCI to assimilate the details of Addendum #1 into contract documents along with other minor clarifications for rebidding. The Engineering Department recommends that Council reject all bids received for the Project and authorize a rebid immediately.</b>
<b>M 435 21 Project S20-22/ Reject Bids and Rebid</b>	<b>A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council reject all bids received for Project S20-22 and authorizes a rebid immediately.</b>  <b>Motion Adopted: 5 Yeas.</b>  <b>Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea</b>
<b>SCRWF and RBWTP/ Electrical Con- struction Project C19-17/ Change Orders</b>	<b>Hans Medlarz, County Engineer, presented Change Order Nos. 11 and 12 to the Electrical Construction Project, Project C19-17, South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2. Mr. Medlarz explained that the Change Orders are due to (1) the need to replace a deteriorated pull box at the Rehoboth Beach Wastewater Treatment Plant (Change Order No. 11 in the amount of \$47,328.70) and (2) modification to the aeration basin lighting at the South Coastal Regional Wastewater Facility (Change Order No. 12 in the amount of \$4,779.38).</b>

**M 436 21**  
**Approve**  
**Change**  
**Orders/**  
**SCRWF**  
**and**  
**RBWTP/**  
**Electrical**  
**Con-**  
**struction**  
**Project**  
**C19-17/**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Change Order Nos. 11 and 12 for Contract C-19-17, South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2, Electrical Construction, be approved increasing the Contract by \$47,328.70 and \$4,779.38, respectively.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Indian River**  
**Acres Area/**  
**Request**  
**to Post**  
**Notices**

**John Ashman, Director of Utility Planning and Design, presented a request to prepare and post notices for a Public Hearing on the proposed boundary for the Indian River Acres Area (IRAA) of the Sussex County Unified Sanitary Sewer District. Mr. Ashman reported that, in April 2021, the Engineering Department received a formal request from the IRAA Board Secretary for the Engineering Department to establish a sewer project for all parcels known as Indian River Acres in Dagsboro. The County developed a petition and circulated it to all property owners in early June. A sufficient number of valid petitions have been received. There are sixty (60) residential lots in the community; fifty-six (56) petitions were received, some being multiple petitions from legal voters in the same household.**

**M 437 21**  
**Authorize**  
**Posting**  
**of Notices/**  
**Indian River**  
**Acres Area**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, based on the receipt of petitions submitted pursuant to 9 Del.C. 6503, the Sussex County Council hereby grants permission for the Sussex County Engineering Department to prepare and post notices for a Public Hearing to establish a boundary for the Proposed Indian River Acres Area of the Sussex County Unified Sanitary Sewer District.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Grant**  
**Requests**

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

**M 438 21**  
**Council-**  
**manic**  
**Grant**

**A Motion was made by Mrs. Green, seconded by Mr. Hudson, to give \$3,000.00 (\$1,500.00 each from Mrs. Green's and Mr. Vincent's Councilmanic Grant Accounts) to Woodbridge High School MC-JROTC Booster Club for fundraiser expenses.**

**Motion Adopted: 5 Yeas.**

- M 438 21**  
**(continued)**
- Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea
- M 439 21**  
**Council-**  
**manic**  
**Grant**
- A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to give \$2,000.00 (\$1,000.00 each from Mr. Hudson's and Mr. Schaeffer's Councilmanic Grant Accounts) to the Cape Henlopen Educational Foundation for their Teacher Grant Program.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea
- M 440 21**  
**Council-**  
**manic**  
**Grant**
- A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to give \$1,500.00 from Mr. Hudson's Councilmanic Grant Account to the Rehoboth Beach Historical Society for educational programs.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea
- M 441 21**  
**Council-**  
**manic**  
**Grant**
- A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to give \$1,000.00 (\$500.00 each from Mr. Rieley's and Mr. Vincent's Councilmanic Grant Accounts) to the Good Samaritan Aid Organization for their annual outreach for needy families.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea
- Introduction**  
**of Proposed**  
**Ordinances**
- Mr. Rieley introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.00 ACRES, MORE OR LESS" (Conditional Use No. 2301) filed on behalf of Jason Tedesco (Tax I.D. No. 134-15.00-20.04) (911 Address: 34018 Roxana Road, Frankford).
- Mr. Rieley introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT

**Introduction of Proposed Ordinances (continued)**      **TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS” (Change of Zone No. 1941) filed on behalf of Charletta Speaks-Floyd (Tax I.D. No. 234-32.00-60.00) (911 Address: None Available).**

**Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRES, MORE OR LESS” (Change of Zone No. 1943) filed on behalf of Shirley and Gordon Price, Jr. (Tax I.D. No. 134-11.00-175.00) (911 Address: 34861 Atlantic Avenue, Ocean View).**

**Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.646 ACRES, MORE OR LESS” (Change of Zone No. 1953) filed on behalf of Brasure Holdings, LLC (Tax I.D. No. 533-19.00-13.02) (911 Address: 35131 Lighthouse Road, Selbyville).**

**Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIRE DEPARTMENT SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.54 ACRES, MORE OR LESS” (Conditional Use No. 2314) filed on behalf of Millsboro Fire Company (Tax I.D. No. 133-20.00-17.16) (911 Address: 30134 Millsboro Highway, Millsboro).**

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

**Public Hearing/ Knapp Parcels Expansion**      **At 10:30 a.m., a Public Hearing was held on the Proposed Knapp Parcels Expansion of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). John Ashman, Director of Utility Planning and Design, reported that the Engineering Department received a request from Davis, Bowen & Friedel, Inc. on behalf of their client, Leslie Gay Knapp Marini, Successor Trustee Under Revocable Trust Agreement of Halsey G. Knapp and Joan D. Knapp, the owners/developers of ten (10) parcels along New Road. The parcels will be responsible for System Connection Charges of \$6,600.00 per EDU based on current rates.**

**M 442 21**  
**Adopt**  
**R 024 21**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to Adopt Resolution No. R 024 21 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE PARCELS 335-7.00 6.13 – 6.20 AND PART OF 6.12 ON THE NORTH SIDE OF NEW ROAD. THE PARCELS ARE LOCATED IN THE LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE” (Knapp Parcels Expansion).**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**Draft Ordinance/  
Buffers,  
Wetlands  
and  
Drainage**

**Vince Robertson, Assistant County Attorney; Jamie Whitehouse, Planning and Zoning Director, and Hans Medlarz, County Engineer, were present to discuss the Draft Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, SECTIONS 99-5, 99-6, 99-7, 99-23, 99-24, 99-26, AND 99-30, AND CHAPTER 115 SECTIONS 115-4, 115-25, 115-193, 115-220 AND 115-221 REGARDING CERTAIN DRAINAGE FEATURES, WETLAND AND WATER RESOURCES AND THE BUFFERS THERETO”.**

**Mr. Robertson gave an overview of the Draft Ordinance related to buffers, wetlands and drainage, noting that a presentation was given at the September 21, 2021 Council meeting outlining the work that has been done in preparation of the development of the Draft Ordinance.**

**Mr. Robertson noted that, prior to introduction, an effective date needs to be determined to complete the Draft Ordinance. Mr. Robertson suggested that “This Ordinance shall take effect upon six (6) months from the date of adoption by Sussex County Council. Provided however, that it shall not apply to any completed applications on file with the Sussex County Office of Planning and Zoning”.**

**The Council discussed the Draft Ordinance.**

**Introduction of Proposed Ordinance Regarding Drainage, Wetland and Water Resources**

**Mr. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, SECTIONS 99-5, 99-6, 99-7, 99-23, 99-24, 99-26, AND 99-30, AND CHAPTER 115 SECTIONS 115-4, 115-25, 115-193, 115-220 AND 115-221 REGARDING CERTAIN DRAINAGE FEATURES, WETLAND AND WATER RESOURCES AND THE BUFFERS THERETO”, with an effective date of six (6) months from the date of adoption.**

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

**Old  
Business/  
CU 2236**

**In regard to the Old Business matter on the Agenda, it was noted that Mr. Hudson recused himself from participating in the Public Hearing on Conditional Use No. 2236 and voting on Conditional Use No. 2236 due to a potential conflict of interest.**

**Mr. Hudson left the meeting.**

**Under Old Business, the Council considered Conditional Use No. 2236 filed on behalf of Carl M. Freeman Companies.**

**The Planning and Zoning Commission held a Public Hearing on this application on June 10, 2021 at which time action was deferred. Commission Member Wingate recused herself from this case. On July 8, 2021, the Commission considered the application. On that date a Motion was made and Seconded to recommend denial of Conditional Use No. 2236. The Motion to recommend denial failed with a vote of 2 to 2.**

**(See the minutes of the Planning and Zoning Commission dated June 10 and July 8, 2021.)**

**The County Council held a Public Hearing on this application on July 27, 2021 at which time action was deferred.**

**M 443 21  
Adopt  
Proposed  
Ordinance/  
CU 2236**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOTEL AND RESTAURANT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.2 ACRES, MORE OR LESS” (Conditional Use No. 2236) filed on behalf of Carl M. Freeman Companies.**

**Motion  
Failed**

**Motion Failed:            2 Yeas, 2 Nays, 1 Absent.**

**Vote by Roll Call:        Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Absent; Mr. Rieley, Nay;  
Mr. Vincent, Nay**

**M 444 21  
Go Into  
Executive  
Session**

**At 11:20 a.m., a Motion was made by Mr. Schaeffer, seconded by Mrs. Green, to recess the Regular Session and go into Executive Session to discuss matters relating to pending/potential litigation, land acquisition and personnel.**

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

**Vote by Roll Call:        Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Absent; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

- Executive Session** At 11:25 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to pending/potential litigation, land acquisition and personnel. The Executive Session concluded at 12:25 p.m.
- M 445 21 Reconvene Regular Session** At 12:30 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to come out of Executive Session and reconvene the Regular Session.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Absent; Mr. Vincent, Yea
- E/S Action** There was no action on Executive Session matters.
- M 446 21 Recess** At 12:31 p.m., a Motion was made by Mr. Schaeffer, seconded by Mrs. Green, to recess until 1:30 p.m.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Absent; Mr. Vincent, Yea
- M 447 21 Reconvene** At 1:30 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson, to reconvene.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Green, Yea; Mr. Schaeffer, Absent; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea
- Rules** Mr. Moore read the rules of procedure for public hearings.
- Mr. Schaeffer joined the meeting.
- Public Hearing/  
CU 2262** 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 MULTI-FAMILY DWELLINGS (4 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.25 ACRES, MORE OR LESS" (Conditional Use No. 2262) filed on behalf of Matthew Hete (Tax I.D. No. 334-6.00-686.00) (911 Address: 34360 Postal Lane, Lewes).



**Public  
Hearing/  
CU 2262  
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on September 9, 2021 at which time action was deferred. The Planning and Zoning Commission has not yet made a recommendation on this application. The application has been placed on the Commission's Agenda for October 13, 2021.

(See the minutes of the Planning and Zoning Commission dated September 9, 2021.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

Mr. Whitehouse reported that 15 letters have been received in support of the application and 3 letters have been received in opposition to the application.

The Council found that Tim Willard, Attorney, was present with the Applicant, Matthew Hete.

Mr. Willard stated that this application was considered before by the Planning and Zoning Commission and the Sussex County Council for MR zoning and a Conditional Use for condos (14 townhouses); that this application is not combined with a rezoning application since in the AR District, the County Code allows for a Conditional Use for multi-family (including condominium units); that this application is for four (4) single family homes in a condo regime; that the owners would share a common surrounding ground; that this can only be done in a Coastal Area and the application site is within the Coastal Area; that the application is for four (4) units per acre, so the Applicant will have to pay a density bonus; that open space will be approximately 63 percent; that a 75 foot vegetated buffer will be provided across the front of the property along Postal Lane; that most of the area consists of single family homes; that there is also Medium Density in the surrounding area; that there are C-1 zoned properties along Route One; that a letter of support was received from the Sandy Brae Homeowners Association; that Matthew Hete and his wife own the subject property; and that it is planned that several of the houses are to be owned by family members.

There were no public comments.

The Public Hearing was closed.

**M 448 21  
Defer  
Action/  
CU 2262**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to defer action on Conditional Use No. 2262 filed on behalf of Matthew Hete and to leave the record open for the recommendation of the Planning and Zoning Commission; thereafter, once the recommendation has been reported to the Council (in a regular meeting), the record will remain open for a five (5) day period of time for the public to comment, in writing.

**Motion Adopted: 5 Yeas.**

**M 448 21  
(continued)**

**Vote by Roll Call:**     **Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**M 449 21  
Adjourn**

**A Motion was made by Mr. Hudson, seconded by Mrs. Green, to adjourn at  
1:54 p.m.**

**Motion Adopted:**     **5 Yeas.**

**Vote by Roll Call:**     **Mrs. Green, Yea; Mr. Schaeffer, Yea;  
Mr. Hudson, Yea; Mr. Rieley, 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.}*



## Memorandum

To: Sussex County Council  
The Honorable Michael H. Vincent  
The Honorable Cynthia C. Green  
The Honorable Douglas B. Hudson  
The Honorable John L. Rieley  
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: October 14, 2021

RE: County Council Report for CU 2262 filed on behalf of Matthew Hete

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The Planning and Zoning Department received an application (CU 2262 filed on behalf of Matthew Hete) for a Conditional Use for parcel 334-6.00-686.00 for multi-family dwellings (4 Units). The property is within the Agricultural Residential (AR-1) Zoning District and is located on the southeast side of Postal Lane (SCR 283), approximately 0.22 mile northeast of Plantations Road (SCR 275). The parcel size is 1.25 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on September 9, 2021. At the conclusion of the Public Hearing, the Commission deferred action on the application for further consideration.

The County Council held a public hearing for the application at its meeting of October 11, 2021. At the conclusion of the application, the Council deferred action on the application to enable receipt of a recommendation from the Planning & Zoning Commission.

At the Planning & Zoning Commission meeting of October 13, 2021, the Commission recommended that the application be approved for the six reasons and subject to the 12 recommended conditions as outlined in the motion (copy below).

Below are the approved minutes from the Planning & Zoning Commission meeting of September 9, 2021 and the draft minutes from the Planning & Zoning Commission meeting of October 13, 2021.

Approved Minutes of the September 9, 2021 Planning & Zoning Commission Meeting

**C/U 2262 Matthew Hete**

**An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District**



**for multi-family dwellings (4 units) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 1.25 acres, more or less.** The property is lying on the southeast side of Postal Lane (S.C.R. 283), approximately 0.22-mile northeast of Plantations Road (S.C.R. 275). 911 Address: 34360 Postal Lane, Lewes. Tax Parcel: 334-6.00-686.00.

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the DelDOT Service Level Evaluation Response, a copy of a letter from the Sussex County Engineering Department Utility Planning Division, a copy of the staff analysis and the Applicant's survey, a copy of the Sussex County Council meeting minutes from July 28, 2020, 13 letters of support, one mail return; that the Commission may recall the proposed parcel from the Planning and Zoning Commission meeting of June 25, 2020, where the previous application requested a Change of Zone from AR-1 Agricultural Residential to MR Medium Residential along with a corresponding Conditional Use and the current Application request is only for a Conditional Use without the request of a Change of Zone.

The Commission found that Mr. Kevin Smith and Mr. Matthew Hete were present on behalf of the Application; that this project was before Planning and Zoning and Sussex County Council last year for a completely different use; that the client has decided to propose single-family homes on the property in a condominium-style format; that it appears to be four separate units on one parcel; that with the parcel being 1.249-acres it comes out to 3.2 units per acre; that he requests to read into record a letter; that the proposed request is for four single-family style homes in a condominium development; that the units depict a one car garage and a six car parking pad driveway; that the density for the proposed layout is 3.2 units per acre; that the single-family style home is indicative of the current conditions in the immediate vicinity of the property; that the developer of Lands of Hete, LLC made every attempt to assure the design of the project conforms to the articles as present in the Sussex County Code; that the developer would like to ensure the members of the Planning and Zoning Commission are aware of what investigations have been performed on the proposed property during the public hearing; that attached to the letter are findings associated with Lands of Hete, LLC; that all documents contained shall be on record with Planning and Zoning's file; that the hope is the documents can be used as a guide to the Commission on making the recommendation and decision on the proposed Application; that he submitted into the record the letter he read and a written proposed findings of fact for the property; that the Application requests a Conditional Use for single-family condominium-style development on a parcel of land on the southside of Postal Lane; that the property is 1.249-acres in size; that the property is identified by the Sussex County Assessment Office as Sussex County Tax Map 334-6.00-686.00; that the property is currently zoned AR-1 Agricultural Residential; that the property is located within the Sussex County Environmentally Sensitive Development District Overlay Zone; that the property is located across from Sandy Brae which is zoned MR Medium Residential; that there are other developments located in the immediate vicinity of the proposed property that are zoned MR; that these developments are Plantations East, Plantations Summercrest, and Maple Wood; that there are also commercial development nearby, such as Pelican Square, Heritage Inn, Bob Evans, Tangler Outlets and Midway Shopping Center; that according to the Sussex County Comprehensive Plan the property is identified for future land use purposes as Mixed Residential; that the Strategies for State Policy and Spending identify the area as an Investment Level I; that the project is in character with a long history of development and approved applications for development in the immediate area; that the proposed development will provide housing in an area where infrastructure and transit services area available; that this thereby meets the general purpose of the Sussex County Zoning Ordinance by promoting growth, convenience, order, prosperity, and welfare of Sussex County; that the project will be served by central water through Tidewater Utilities;

that wastewater collection will be provided through Sussex County by the Dewey Beach Sanitary Sewer District; that this recommendation of approval is subject to the following Conditions; that there should be no more than four dwelling units on the subject parcel; that the final record plan shall be subject to review and approval by the Sussex County Planning and Zoning Commission; that he did prepare Chapter 115-194.3 compliance within a letter which he submitted into the record; that the letter stated, if the Application was acted favorably upon, the proposed drainage design would be subject to the approval of Sussex Soil Conservation District for stormwater management; that if DelDOT requires roadway improvements or drainage improvements that road frontage will be required as well; that water and sewer can be provided by Tidewater Utilities and Sussex County; that four units per acre meets the requirement of Sussex County; that four units per acre seems pretty small considering the area; that there are no threatened species indicated on the proposed property; that there is no indication of tidal and nontidal wetlands being located on the proposed property; that the proposed layout of the development promotes open space; that what is proposed to be impervious is what is currently shown on the plan; that there may be a sidewalk to a step but generally .789 acres or 63% of the site should remain green open area; that potentially Sussex Conservation District may request to have a BMP infiltration area placed on the property; that regarding public and private infrastructure, in the immediate area there is a parking facility provided for wastewater and water utilities; that there are no known historical and cultural resources located on the property; that currently there is only one single-family residence located on the property; that the Applicant has gone to Sandy Brae Development and to the neighbors along Postal Lane over the past year with the preliminary plan to ensure the surrounding neighbors approve of the Applicant developing the property and the Applicant presented into the record two additional letters of support from surrounding neighbors that were not originally included.

The Commission found that Mr. Matthew Hete spoke on behalf of his Application; that he performed a lot of due diligence working with the neighbors to make sure they approved of the proposed project and helped overcome any objections the neighbors may have; that he has spoken to all three nearby developments as well as all adjacent neighbors; that all neighbors are in support of the project; that this is shown in the written letters of recommendation for the project; that his proposed plan is to place single-family homes that fit into the neighborhood; that there will be no mobile homes or excessively large homes, only homes that are conducive to the surrounding area; that he has children and his ultimate goal is to try to keep them in the area; that his children cannot continue to live in the area and have employment here because there is not a place affordable for them to live; that his intention is to place single-family homes on this property, making it affordable for his children to move into; that it is not his intention to sell after placing the homes; that he wanted to keep the proposed homes for his family; that to make it easier on the neighborhood he made a one driveway entrance and exit; that this had previously been a subject of objection by Sandy Brae and other associations; that they were concerned about multiple driveways, so he created only one entrance off of Postal Lane; that he believes DelDOT is considering performing some widening of the road as he previously read this in an article within the Cape Gazette; that he has friends that are builders; that they are taking down homes in the Lewes and Rehoboth areas; that he would like to take advantage of the homes that will be plowed down and relocate them to the proposed property; that he hopes in doing this it will keep the heritage of Lewes and Rehoboth alive; that the surrounding area is listed as MR, but his intention is to keep the area Agricultural Residential.

Ms. Stevenson questioned how many units per acre are permitted within the AR-1 Zoning District and questioned if the Applicant has enough space for the widening of the road as she feels the road desperately needs it.

Mr. Whitehouse stated since the zoning is not changing, this Application falls within the density bonus provisions of the AR-1 Zoning District; that a multi-family application may propose to increase above two dwellings units to the acre but no more than four dwelling units to the acre; that each unit, over the two dwelling units per acre, must contribute the density bonus fee; that this fee is per unit; that off the top of his head, in this location, it is \$20,000 per unit for two additional units and this would go to an off-site open space contribution.

Mr. Robertson stated that money goes into the funds administered by the land trustee; that then Sussex County uses that money to purchase off-site open space; that an example of this was the big property near the rail trail along Rt. 9 and there have not been many Applicants to do this in the past.

Mr. Smith stated the Applicant will provide the necessary right of way that DelDOT requires.

Mr. Hete states he intends to add a walking path, biking path, or sidewalk along the parcel's frontage; that although this may not extend down the street, he hopes this would be beneficial to the neighborhood.

Mr. Mears stated the Applicant remedied the parking concerns the Commission had from the previously proposed Application.

The Commission found that there was no one present in the room or by teleconference who wished to speak in support or opposition to the Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

In relation to Application C/U 2262 - Matthew Hete. Motion by Ms. Stevenson, to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 4-0.

#### Draft Minutes of the October 13, 2021 Planning & Zoning Commission Meeting

The Commission discussed this application which was deferred at the meeting of September 9, 2021.

Ms. Hoey Stevenson that the Commission recommend approval for Conditional Use # 2262 for MATTHEW HETE for 4 Multi-Family Dwellings in an AR-1 District based upon the record made during the public hearing and for the following reasons:

1. This application seeks the approval of 4 multi-family structures on approximately 1.25 acres.
2. Multi-family dwellings can be approved with a density of 4 units per acre as a conditional use in the AR-1 District, subject to a bonus density payment for each unit above 2 units per acre to preserve open space elsewhere. There will be a bonus density payment required for the two additional units of density on this site.
3. The site is in the Coastal Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area according to the Plan, which states that "a range of housing types" are acceptable here.
4. The proposed development will not have an adverse impact on the neighboring properties or roadways. In fact, there are letters in support of the application from many of the nearby neighbors.

5. The development will be served by central sewer provided by Sussex County.
6. The development will be served by central water.
7. This recommendation is subject to the following conditions:
  - a. The maximum number of residential units shall be 4.
  - b. All entrance, intersection, roadway and multi-modal improvements shall be completed by the developer in accordance with all DelDOT requirements.
  - c. There shall be a 75-foot buffer along the road frontage that complies with the requirements of Section 115-22 of the Zoning Code for multi-family dwellings in the AR-1 District.
  - d. The applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer areas.
  - e. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.
  - f. The project shall be served by central water to provide drinking water and fire protection.
  - g. Construction and site work on the property, including deliveries of materials to or from the property, shall only occur between 7:00 am and 5:00 pm Monday through Friday. There shall be no construction activities at the site on Saturdays or Sundays. A 24 inch by 36 inch "NOTICE" sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.
  - h. Street naming and addressing shall be subject to the review and approval of the County Mapping and Addressing Departments.
  - i. The Final Site Plan shall contain the approval of the Sussex County Conversation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
  - j. All streetlights shall be downward screened so that they do not shine on neighboring properties or roadways.
  - k. The Applicant must pay the bonus density fee required by Chapter 62, Section 62-7 of the Code of Sussex County for the two additional units in excess of two units per acre.
  - l. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Hoey Stevenson, seconded by Mr. Hopkins and carried unanimously to grant approval for the subdivision for the reasons stated in the Motion. Motion carried 5-0.

## PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN  
KIM HOEY STEVENSON, VICE-CHAIRMAN  
R. KELLER HOPKINS  
J. BRUCE MEARS  
HOLLY J. WINGATE



## Sussex County

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302-854-5079 F  
JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date September 9, 2021.

Application: CU 2262 Matthew Hete

Applicant: Matthew C. Hete  
45 Kings Creek Circle  
Rehoboth Beach, DE 19971

Owner: Matthew C. Hete  
45 Kings Creek Circle  
Rehoboth Beach, DE 19971

Site Location: The property is lying on the southeast side of Postal Lane (S.C.R. 283), approximately 0.22-mile northeast of Plantations Road (S.C.R. 75) at 34360 Postal Lane in Lewes, Delaware.

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Multifamily (4 units)

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmanic  
District: Mr. Schaffer

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Sussex County

Water: Tidewater Utilities

Site Area: 1.25 acres +/-

Tax Map ID.: 334-6.00-686.00





JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR  
(302) 855-7878 T  
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**Sussex County**

DELAWARE  
sussexcountye.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Lauren DeVore, Planner III  
CC: Vince Robertson, Assistant County Attorney and Applicant  
Date: September 2, 2021  
RE: Staff Analysis for CU 2262 Matthew Hete

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2262 Matthew Hete to be reviewed during the September 9, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 334-6.00-686.00 to allow for the establishment of four (4) multifamily dwelling units. The parcels are lying on the southeast side of Postal Lane (S.C.R. 283), approximately 0.22-mile northeast of Plantations Road (Route 1D). The parcels consist of 1.25 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcel has a designation of "Coastal Area." The surrounding and adjacent properties located to the north, south, east and west of the subject properties also lie within the "Coastal Area" Future Land Use Map designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, 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.

The subject property is zoned Agricultural Residential (AR-1). The adjacent properties to the northeast, northwest and south of the subject site are also zoned Agricultural Residential (AR-1). The surrounding area to the north features a number of differently zoned parcels including parcels of which the majority are zoned Medium Density Residential (MR). The properties to the northeast which line Coastal Highway (Route 1) are all zoned General Commercial (C-1).

Since 1999, there have been four (4) Conditional Use applications within a 2-mile radius of the application site. The first application was for Conditional Use No. 2252 Delaware Electric Co-op to allow for a substation to be located within a Medium Density Residential (MR) Zoning District. This application was approved by the Sussex County Council on July 13, 2021. This change was adopted through Ordinance No. 2788.



The second application was for Conditional Use No. 2237 Sam Warrington II for outdoor RV and boat storage to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on December 1, 2020 and was adopted through Ordinance No. 2756.

The third application was for Conditional Use No. 1357 Super Fresh Food Market for sales of soft/hard goods off carts within a General Commercial (C-1) Zoning District. This application was approved by the Sussex County Council on May 1, 2001 and was adopted through Ordinance No. 1452.

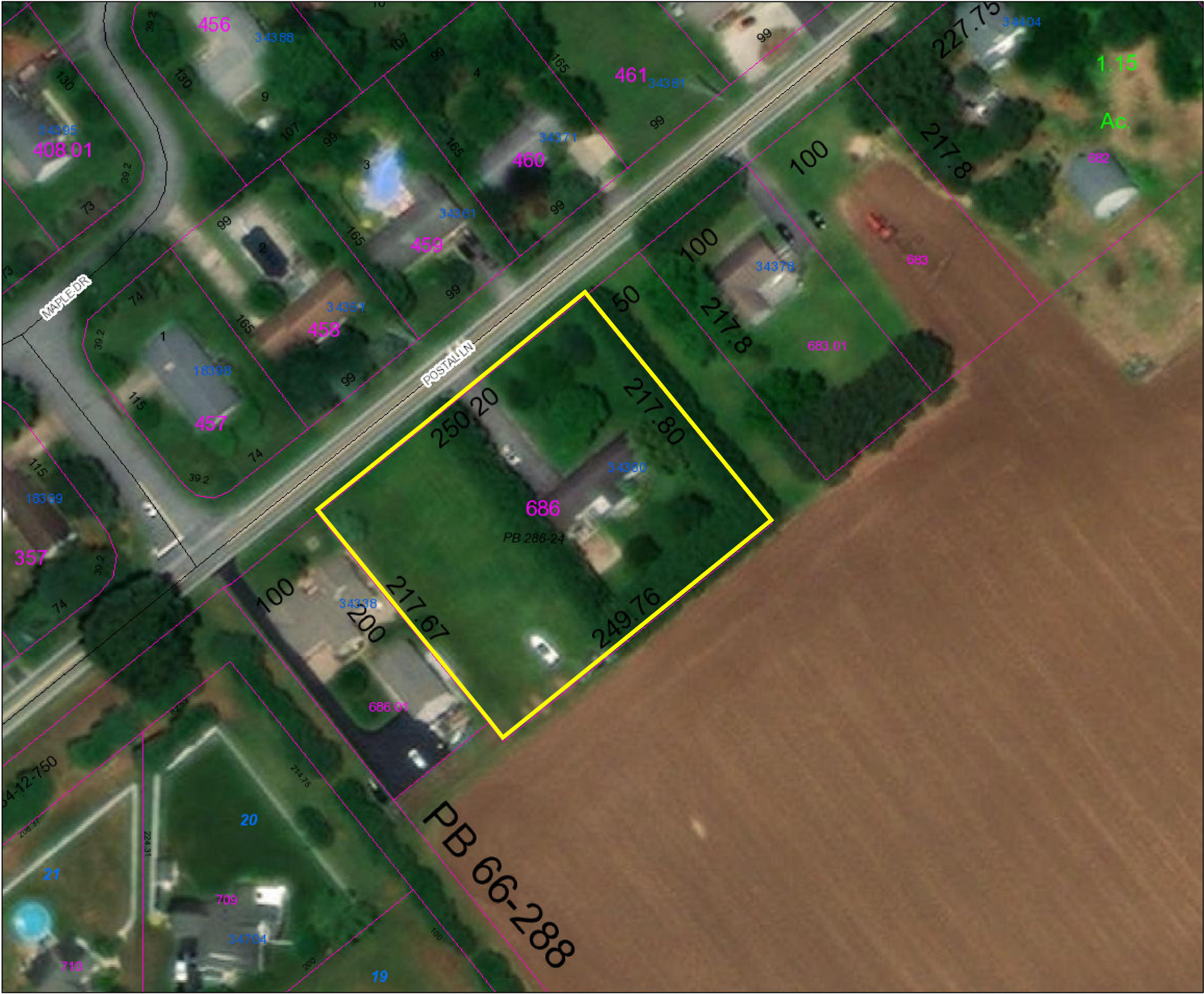
The final and fourth application was for Conditional Use No. 1294 Don Derrickson for an apartment to be constructed on the second floor of a golf pro shop to be located within an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on July 27, 1999 and was adopted through Ordinance No. 1332.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for the establishment of four (4) multifamily units, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.





Sussex County



PIN:	334-6.00-686.00
Owner Name	HETE MATTHEW C
Book	4887
Mailing Address	45 KING CREEK CIR
City	REHOBOTH BEACH
State	DE
Description	SE/S RD 283
Description 2	2080' S/RT 1
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

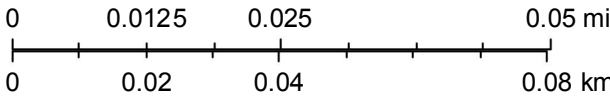
Tax Parcels

911 Address

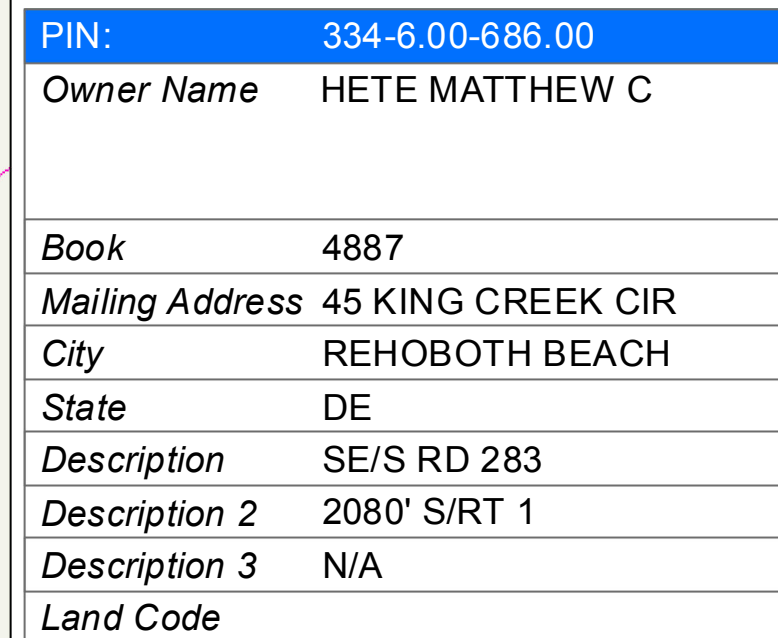
Streets

County Boundaries

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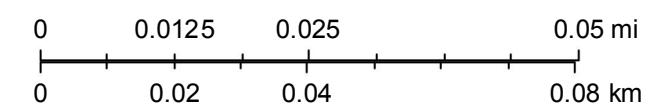
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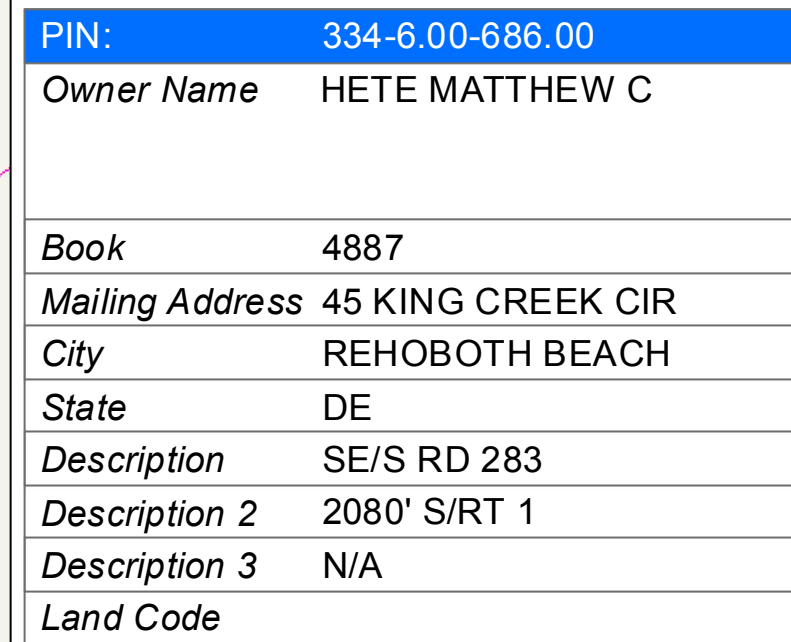
✦ ✦ Tax Parcels  
✦ ✦ 911 Address

— Streets

✦ ✦ County Boundaries


1:1,128






**polygonLayer**      Override 1

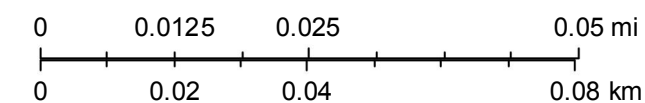
**polygonLayer**      Override 1

 Tax Parcels

911 Address

 Streets

1:1,128



**To Be Introduced 10/19/21**

**Council District 3 - Schaeffer  
Tax I.D. No. 234-5.00-49.00  
911 Address: 30274 Pecan Drive Lewes**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE USE OF COMMERCIAL DELIVERIES OF PARTS TO BE SOLD OFFSITE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRES, MORE OR LESS**

**WHEREAS, on the 1<sup>st</sup> day of December 2020, a conditional use application, denominated Conditional Use No. 2273 was filed on behalf of Michael Parsons; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2273 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2021, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2273 as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece, or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the south side of Pecan Drive, approximately 475 feet east of Hopkins Road (S.C.R. 286) and being more particularly described in the attached legal description prepared by Morris James Wilson Halbrook & Bayard LLP, said parcel(s) containing 0.99 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.**



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

**AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 AND 532-19.00-1.00**

WHEREAS, on May 7, 2021, the Sussex County Planning and Zoning Office received a request to consider an amendment to the Future Land Use Map identified as Figure 4.5-1 in the Comprehensive Plan in relation to Tax Parcel No. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 and 532-19.00-1.00 (the "Property"); and

WHEREAS, Tax Parcel No. 532-19.00-1.00 are designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan; and

WHEREAS, Tax Parcel No. 532-18.00-42.00 and 532-18.00-44.00 are designated as being within the Existing Development Area; and

WHEREAS, Tax Parcel No. 532-12.00-1.00 and 532-12.00-27.00 designated as being partially within the Existing Development Area and also partially within the Low Density Area.

WHEREAS the request received is to amend the Area designation of the Property to the Developing Area; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

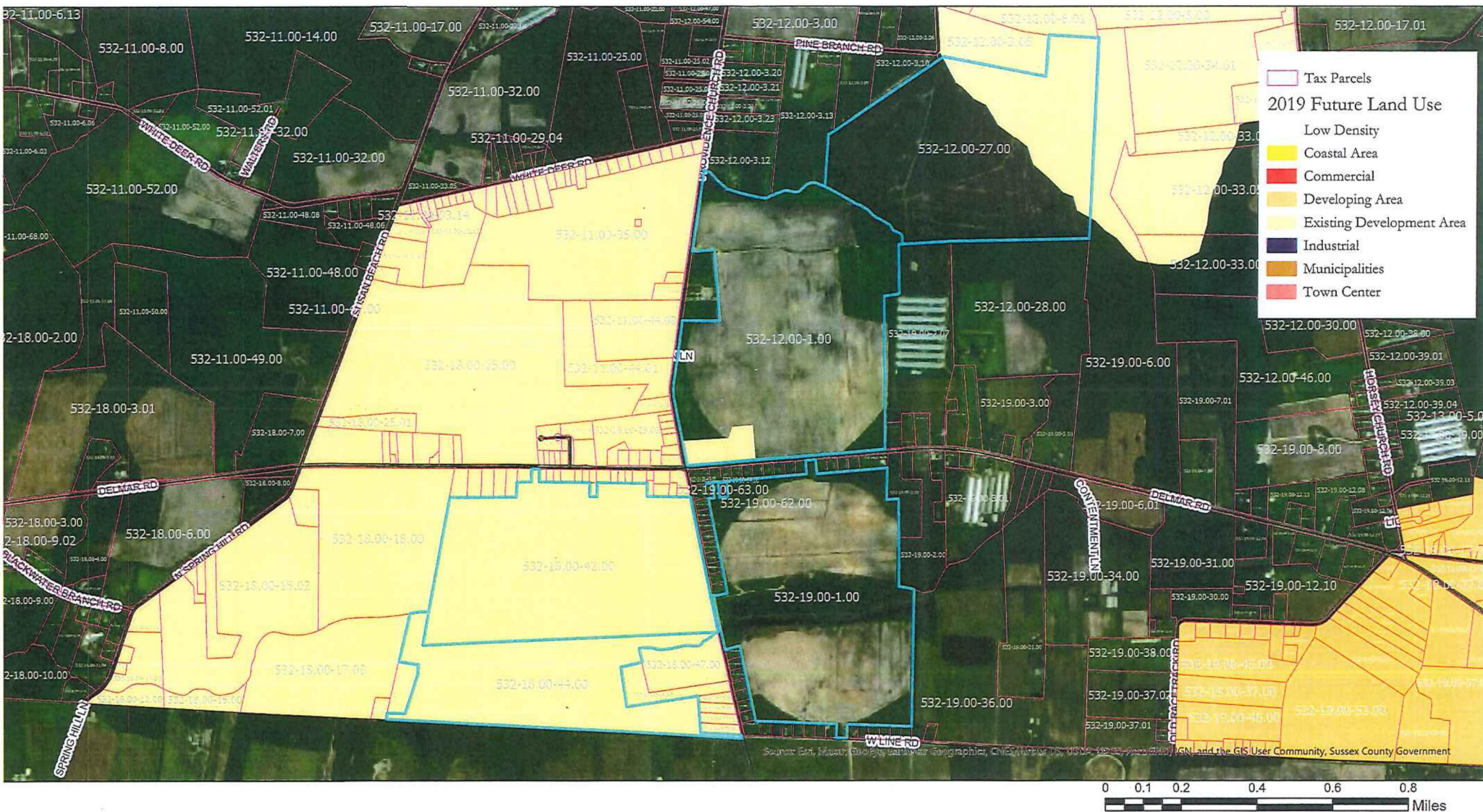
WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

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

**Section 1.** The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation part of Sussex County Parcel. No. 532-12.00-1.00, 532-12.00-27.00, 532-18.00-42.00, 532-18.00-44.00 and 532-19.00-1.00 from the Low Density Area and/or Existing Development Area to the Developing Area. The parcels so changed are identified in Exhibit A, attached hereto and incorporated herein.

**Section 2.** This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.







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

**AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-23.00-2.02 (PORTION OF), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, AND 235-23.00-2.01**

WHEREAS, on February 25, 2021, the Sussex County Planning and Zoning Office received a request to consider an amendment to the Future Land Use Map identified as Figure 4.5-1 in the Comprehensive Plan in relation to Tax Parcel No. 235-23.00-2.02 (Portion of), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, and 235-23.00-2.01 (the "Property"); and

WHEREAS, the Property is designated as being within the Low Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan; and the request received is to amend the Area designation of the Property to the Coastal Area; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

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

**Section 1.** The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation part of Sussex County Parcel. No. 235-23.00-2.02 (Portion of), 235-23.00-1.00, 235-23.00-1.04, 235-23.00-2.00, and 235-23.00-2.01 from the Low Density Area to the Coastal Area. The parcels so changed are identified in Exhibit A, attached hereto and incorporated herein.

**Section 2.** This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.



Exhibit A : Potential  
Comprehensive Plan Amendment



# Sussex County

