



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

**MEETING:  
November 18, 2014**

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

MICHAEL H. VINCENT, PRESIDENT  
SAMUEL R. WILSON JR., VICE PRESIDENT  
GEORGE B. COLE  
JOAN R. DEAVER  
VANCE PHILLIPS



2 THE CIRCLE | PO BOX 589  
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sussexcountyde.gov

# Sussex County Council

## AGENDA

NOVEMBER 18, 2014

10:00 A.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Consent Agenda

1. Wastewater Agreement No. 856-5  
Sussex County Project No. 81-04  
Millville By The Sea – Lakeside Village  
Millville Expansion of the Bethany Beach Sanitary Sewer District
2. Wastewater Agreement No. 1000  
Sussex County Project No. 81-04  
Rehoboth Shores – (Part of Area 1)  
Long Neck Sanitary Sewer District
3. Wastewater Agreement No. 984-4  
Sussex County Project No. 81-04  
Coastal Club – Phase 1C  
Goslee Creek Planning Area

### Todd Lawson, County Administrator

1. Discussion and Possible Introduction of a Draft Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ARTICLE I, “GENERAL PROVISIONS”, AND ARTICLE XVIII “FLOOD PRONE DISTRICTS”, AND ARTICLE XXV “SUPPLEMENTARY REGULATIONS”, SECTION 115-189, “COASTAL AND FLOOD-PRONE AREA PROTECTION”.
2. Administrator’s Report



**10:30 a.m. Public Hearing**

**Change of Zone No. 1757 filed on behalf of BLN, LLC**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14,400 SQUARE FEET, MORE OR LESS” (land lying southeast of Route 9 (Lewes Georgetown Highway) 0.6 mile west of Road 321 (Park Avenue) (Tax Map I.D. # 135-15.00-83.00) (911 Address: 22440 Lewes Georgetown Highway, Georgetown)**

**Gina Jennings, Finance Director**

1. Human Service Grants
2. Financial Report for the Period Ending September 30, 2014

**Grant Requests**

1. Town of Georgetown for sponsorship of the Mayor’s Return Day Celebration.
2. Laurel Farmers Auction Market to promote Sussex agriculture.
3. Good Samaritan Aid Organization for the Christmas Basket Program.
4. Town of Blades for the Kids Christmas Bazaar.
5. Greater Seaford Chamber of Commerce for Christmas parade expenses.
6. Rehoboth Art League for new art studio facility.
7. Sussex County Foster Parent Cluster Association for foster family event.

**Introduction of Proposed Zoning Ordinances**

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

**Possible Action on Executive Session Items**

**Any Additional Business Brought Before Council**

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

**Conditional Use No. 1998 filed on behalf of Todd Fisher**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF-STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.74 ACRES, MORE OR LESS” (land lying northwest of Old Mill Road (Road 265-A) 300 feet northeast of Route One (Tax Map I.D. # 334-1.00-15.02/15.04) (911 Address: 16542 Old Mill Road, Lewes)

**Conditional Use No. 1999 filed on behalf of Hopkins Farm Creamery, Inc.**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BBQ VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 73 ACRES, MORE OR LESS” (land lying at the southwest corner of U.S. Route 9 (Lewes Georgetown Highway, aka Seashore Highway) and Road 261 (Dairy Farm Road) (Tax Map I.D. #334-10.00-51.00) (911 Address: 18186 Dairy Farm Road, Lewes)

**Change of Zone No. 1761 filed on behalf of Elizabeth A. Brinton**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 21,923 SQUARE FEET, MORE OR LESS” (land lying north of Janus Court, 150 feet west of Road 384 (Bayard Road) being 550 feet north of Road 370 (Daisey Road) at Bayard) (Tax Map I.D. # 134-18.00-85.00) (911 Address: 35540 Janus Court, Frankford)

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

\*\*\*\*\*

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on November 10, 2014 at 4:25 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

**M 465 14  
Adopt  
Ordinance  
No. 2366/  
C/Z 1742  
(continued)**

**with permanent markers.  
M. The Final Site Plan shall be subject to the review and approval of  
the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 3 Yeas, 2 Nays.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Nay; Mr. Wilson, Nay;  
Mr. Vincent, Yea**

**Grant  
Requests**

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

**M 466 14  
Council-  
manic  
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$1,000  
from Mrs. Deaver's Councilmanic Grant Account to the Greater Lewes  
Community Village to further develop senior services.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 467 14  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$2,000.00  
(\$1,500.00 from Mr. Wilson's Councilmanic Grant Account and \$500.00  
from Mr. Phillips' Councilmanic Grant Account) to the Greater  
Georgetown Chamber of Commerce for the Wings & Wheels Festival.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 468 14  
Go Into  
Executive  
Session**

**At 10:57 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Cole, to  
recess the Regular Session and go into Executive Session for the purpose of  
discussing matters relating to job applicants' qualifications ~~and personnel~~.  
(correction pending)\***

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Executive  
Session**

**At 11:00 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 job applicants' qualifications ~~and personnel~~. The Executive  
Session concluded at 11:15 a.m. (correction pending)\***

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, OCTOBER 28, 2014**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 28, 2014, at 10:00 a.m. in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

<b>Michael H. Vincent</b>	<b>President</b>
<b>Samuel R. Wilson, Jr.</b>	<b>Vice President</b>
<b>George B. Cole</b>	<b>Councilman</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>Vance Phillips</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 519 14  
Approve  
Agenda**

**A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to approve the Agenda, as posted.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Minutes**

**The minutes of October 21, 2014, were approved by consent.**

**Tax on  
Poultry  
Houses**

**Mr. Phillips stated that in light of a petition received by Council on this date in regard to poultry houses and the way they are taxed, this issue would be appropriate for future discussion.**

**M 520 14  
Approve  
Items  
Listed  
Under  
Consent  
Agenda**

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

**Wastewater Agreement No. 626-2  
Sussex County Project No. 81-04  
Swann Cove – Phase 5  
Fenwick Island Sanitary Sewer District**

**Wastewater Agreement No. 996  
Sussex County Project No. 81-04  
Bay Pines  
Angola Neck Sanitary Sewer District**

**M 520 14  
(continued)**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**U of D  
Carvel  
Research  
and  
Education  
Center**

**Mark Isaacs, Director, University of Delaware Carvel Research and Education Center, thanked Council for the tremendous support they have continued to provide over the years for the University’s facilities and programs. Dr. Isaacs gave an overview of how the County’s funding will be used by the University this year:**

Sussex Extension	\$27,594
Sussex Poultry Research	7,395
Sussex Crops	18,345
Sussex Lasher Lab	5,715
Sussex Safety Programs	<u>10,000</u>
	<u>\$69,049</u>

**Dr. Isaacs stated that opportunities are available locally for students to earn credits through the University of Delaware College of Agriculture Associate in Arts Program. The University also works cooperatively with Delaware Technical & Community College in that credits from students taking course work at Delaware Tech are accepted at the University, and vice versa.**

**Proclama-  
tion/  
Pancreatic  
Cancer  
Awareness  
Month**

**Mr. Lawson read a Proclamation of the Sussex County Council entitled, “PROCLAIMING NOVEMBER 2014 AS ‘PANCREATIC CANCER AWARENESS MONTH’ IN SUSSEX COUNTY”. Councilwoman Deaver presented the Proclamation to Eileen Rosenthal, on behalf of the Pancreatic Cancer Action Network, and Marlene Davis, a local pancreatic cancer survivor.**

**Carrying  
Capacity  
Study**

**Mr. Lawson, along with Vince Robertson, Assistant County Attorney, and Kyle Gulbranson, Senior Project Manager and Principal Planner with the firm URS Corporation, reviewed the basic premise and scope of analyzing select areas of Sussex County through a carrying capacity study. Mr. Lawson advised that Mr. Gulbranson has over 25 years’ experience in assisting Delaware communities with zoning, land use planning, and open space issues.**

**Mr. Lawson stated that the goal of a capacity study is to analyze current available capacity of existing infrastructure within a specific study area and evaluate their ability to accommodate additional growth. While a capacity study can encompass all types of infrastructure systems, including parks and recreation and emergency services, the main focus is typically on sewer and water systems, storm water, and transportation systems. Completing a capacity study can assess an infrastructure system’s current conditions, any**

**Carrying  
Capacity  
Study  
(continued)**

existing or potential deficiencies, needed changes in service levels, and where investments should be made. The end result is a document laying out the current inventory of infrastructure systems and their functioning level, and evaluating their challenges and opportunities. These types of studies can focus on the community as a whole or a few individual smaller sub-areas. The capacity study is a tool for the community to use to discuss how best to address growth and the infrastructure needs that come with preparing for major growth while preserving quality of life.

Mr. Gulbranson explained that a carrying capacity study would enable the development of up-to-date information regarding all types of infrastructure, and would serve to give both the governmental entity and the developer good information to move forward with. The study would allow developers to look at what types of improvements will need to be made in order to develop a specific area. Since Sussex County is not a one-size-fits-all kind of planning scenario, Mr. Gulbranson suggested that Council may want to look at doing small capacity studies in areas that have like problems or infrastructure to obtain the best results. Carrying capacity studies can be tailored to specific areas and individual needs, covering a host of different issues including education, health services, leisure activities, emergency services, community services, social services, transportation, and water, sewer, and electric infrastructure.

Although the entire County would not need to perform such a study, areas that are experiencing a lot of development pressure would benefit. This type of planning is essentially referenced for certain areas in the County's 2007 Comprehensive Land Use Plan. Should the County decide to proceed with a carrying capacity study, provisions could be included in the next Comprehensive Land Use Plan update. Mr. Gulbranson noted that once a study is completed, it is important that the information be updated frequently so it remains relevant and current.

It was emphasized that a carrying capacity study would serve as a guide for the County and provide backing to make good decisions—a proactive as opposed to reactive measure. Although State agencies would certainly be involved, ultimate land use approval authority lies with the Council.

The concept of a carrying capacity study will be taken under advisement by Council for consideration at a later date. Mr. Lawson will work with Mr. Gulbranson and Mr. Robertson to develop the scope of a study specifically for Sussex County and establish a format of what would be appropriate, possibly establishing four to five trouble spots and using those as examples as to how a carrying capacity study could be helpful.

**Adminis-  
trator's  
Report**

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



**Adminis-  
trator's  
Report  
(continued)**

**1. Election Year Scholarship Contest**

A reminder that there is only one week left for students to participate in the Election Year Scholarship Contest. As in elections past, students are asked to predict which candidates will win office in the 2014 general election on November 4<sup>th</sup>. Students 18 and younger who live in Sussex County are eligible to participate. The student with the most correct predictions will win a \$200 scholarship, while five runners-up will each win \$100 scholarships.

**2. Holiday and County Council Meeting Schedule**

County offices will be closed on Tuesday, November 4<sup>th</sup>, for Election Day and Thursday, November 6<sup>th</sup>, for Return Day. Offices will also be closed on Tuesday, November 11<sup>th</sup>, in honor of Veterans Day.

The Sussex County Council will not meet on November 4<sup>th</sup> or November 11<sup>th</sup>. The next regularly scheduled Council meeting will be held on November 18<sup>th</sup> at 10:00 a.m.

**Lease  
Assignment/  
Universal  
Forest  
Products**

Jim Hicken, Airport Manager, presented to Council a proposed Assignment of Lease from Universal Forest Products (UFP) to Delmarva Insulation, Inc., in the Sussex County Industrial Park. This lease assignment is a ground lease for Lot 30, consisting of 7.22 acres, in the Industrial Park. Mr. Hicken reported that Delmarva Insulation has been subleasing the building and land from UFP since November 1, 2012. Council signed a Memorandum of Understanding with UFP in November 2012 stating that Council consents to UFP assigning the lease if Delmarva Insulation purchased the building. Delmarva Insulation has entered into an agreement to purchase the building on Lot 30.

**M 521 14  
Approve  
Lease  
Assignment/  
Universal  
Forest  
Products**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council approves the assignment of the lease between Sussex County and Universal Forest Products Eastern Division, Inc., dated 10 April 1991, to Delmarva Insulation, Inc.

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Old  
Business/  
C/U 1995**

Under Old Business, the Council considered Conditional Use No. 1995, filed on behalf of Adele H. Fluharty.

**Old  
Business/  
C/U 1995  
(continued)**

**The Planning and Zoning Commission held a Public Hearing on this application on August 21, 2014, at which time action was deferred. On September 11, 2014, the Commission recommended that the application be approved with the following conditions:**

- A. The use shall be limited to the existing structures on the property. No additional structures shall be permitted.**
- B. All entrances and roadway improvements shall be subject to DelDOT approvals.**
- C. There shall not be any permanent outside storage of junked or inoperable vehicles, equipment, parts, or similar items.**
- D. All dumpsters or trash receptacles shall be screened from view of neighboring properties or roadways.**
- E. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- F. The areas for parking vehicles and equipment shall be shown on the Final Site Plan and clearly marked on the site itself.**
- G. All oils, hazardous substances, fluids, and similar substances shall be stored inside in accordance with all applicable laws and regulations and shall be disposed of the same way.**
- H. The hours of operation shall be from 7:00 a.m. to 6:00 p.m., Monday through Saturday.**
- I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**The Council held a Public Hearing on this application on October 14, 2014, at which time action was deferred.**

**The Council discussed Condition I recommended by the Planning and Zoning Commission which states that “The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.” It was proposed that Condition I include wording to ensure that an adequate buffer is maintained.**

**Mr. Moore read the title of the Proposed Ordinance, as follows: “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXCAVATING COMPANY STORAGE OF EQUIPMENT AND OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.34 ACRES, MORE OR LESS” (Tax Map I.D. 2-34-12.00-84.00) (Conditional Use No. 1995) filed on behalf of Adele H. Fluharty.**

**M 522 14  
Amend  
Conditions/  
C/U 1995**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend Condition I recommended by the Planning and Zoning Commission which states that “The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.” to read as follows:**

**M 522 14  
(continued)**

**“The Final Site Plan shall include a landscaped buffer, with or without fencing, which shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.”**

**DENIED**

**Motion Denied: 3 Nays, 2 Yeas.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Nay; Mr. Wilson, Nay;  
Mr. Vincent, Nay**

**M 523 14  
Adopt  
Ordinance  
No. 2371/  
C/U 1995**

**A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to Adopt Ordinance No. 2371 entitled, “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXCAVATING COMPANY STORAGE OF EQUIPMENT AND OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.34 ACRES, MORE OR LESS” (Tax Map I.D. 2-34-12.00-84.00) (Conditional Use No. 1995) filed on behalf of Adele H. Fluharty, with the following conditions:**

- A. The use shall be limited to the existing structures on the property. No additional structures shall be permitted.**
- B. All entrances and roadway improvements shall be subject to DelDOT approvals.**
- C. There shall not be any permanent outside storage of junked or inoperable vehicles, equipment, parts, or similar items.**
- D. All dumpsters or trash receptacles shall be screened from view of neighboring properties or roadways.**
- E. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- F. The areas for parking vehicles and equipment shall be shown on the Final Site Plan and clearly marked on the site itself.**
- G. All oils, hazardous substances, fluids, and similar substances shall be stored inside in accordance with all applicable laws and regulations and shall be disposed of the same way.**
- H. The hours of operation shall be from 7:00 a.m. to 6:00 p.m., Monday through Saturday.**
- 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: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Grant  
Request**

**Mrs. Jennings presented a grant request for the Council’s consideration.**

**M 524 14 Councilmanic Grant**      **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$1,300.00 (\$1,000.00 from Mr. Cole’s Councilmanic Grant Account, \$100.00 from Mrs. Deaver’s Councilmanic Grant Account, \$100.00 from Mr. Wilson’s Councilmanic Grant Account, and \$100.00 from Mr. Vincent’s Councilmanic Grant Account) to Rehoboth Concert Band for operating costs.**

**Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 525 14 Recess/ Go Into Executive Session**      **At 11:19 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Phillips, to recess the Regular Session and go into Executive Session for the purpose of discussing pending/potential litigation and land acquisition.**

**Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Executive Session**      **At 11:26 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing issues relating to pending/potential litigation and land acquisition. The Executive Session concluded at 12:28 p.m.**

**M 526 14 Reconvene**      **At 12:30 p.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to come out of Executive Session and reconvene the Regular Session.**

**Motion Adopted:      5 Yeas.**

**Vote by Roll Call:      Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Action**      **There was no action on Executive Session matters.**

**Additional Business**      **Under Additional Business, Dan Kramer commented on Council’s upcoming two-week recess.**

**M 527 14 Adjourn**      **At 12:33 p.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to adjourn.**

**Motion Adopted:      5 Yeas.**

**M 527 14  
(continued)**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Respectfully submitted,**

**Susan W. Webb  
Administrative Secretary**

**DRAFT**

## 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

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

October 27, 2014

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
MILLVILLE BY THE SEA - LAKESIDE VILLAGE  
AGREEMENT NO. 856 - 5

#### DEVELOPER:

Mr. Chuck Ellison  
Millville Town Center, L.L.C.  
32965 Roxana Road  
Millville, DE 19967

#### LOCATION:

Town of Millville  
Substation and Burbage Roads  
Adjacent to Sand Dollar Village 1

#### SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

45 Single Family Units

#### SYSTEM CONNECTION CHARGES:

\$247,500.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
8/11/14

Department Of Natural Resources Plan Approval  
08/28/14

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 44  
Construction Admin And Construction Inspection Cost – \$23,230.50  
Proposed Construction Cost – \$154,870.00

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountype.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

October 30, 2014

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
REHOBOTH SHORES - (PART OF AREA 1)  
AGREEMENT NO. 1000

#### DEVELOPER:

Mr. Richard Berman  
Naticoke Shores Associates, LLC  
P.O. Box 15101  
Baltimore, MD 21282

#### LOCATION:

North side of Long Neck Rd.

#### SANITARY SEWER DISTRICT:

Long Neck Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

33 mobile home lots as completion to existing section.

#### SYSTEM CONNECTION CHARGES:

\$135,300.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
03/10/14

Department Of Natural Resources Plan Approval  
03/21/14

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 30  
Construction Admin And Construction Inspection Cost – \$8,003.60  
Proposed Construction Cost – \$53,357.36

## 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

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

October 30, 2014

### **FACT SHEET**

SUSSEX COUNTY PROJECT 81-04  
COASTAL CLUB - PHASE 1C  
AGREEMENT NO. 984 - 4

#### **DEVELOPER:**

Mr. Preston Schell  
Coastal Club LLC  
20184 Phillips Street  
Rehoboth Beach, De 19971

#### **LOCATION:**

+/-3,000' South east of intersection between  
Beaver Dam Rd. & Jimtown Road

#### **SANITARY SEWER DISTRICT:**

Goslee Creek Planning Area

#### **TYPE AND SIZE DEVELOPMENT:**

RPC Residential Development

#### **SYSTEM CONNECTION CHARGES:**

\$0.00

#### **SANITARY SEWER APPROVAL:**

Sussex County Engineering Department Plan Approval  
03/10/14

Department Of Natural Resources Plan Approval

#### **SANITARY SEWER CONSTRUCTION DATA:**

Construction Days – 140  
Construction Admin And Construction Inspection Cost – \$38,157.41  
Proposed Construction Cost – \$254,382.75



GRIFFIN & HACKETT, P.A.  
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TO: SUSSEX COUNTY COUNCIL

FROM: VINCE ROBERTSON, ESQ.  
ASSISTANT SUSSEX COUNTY ATTORNEY

RE: FLOOD ORDINANCE

DATE: NOVEMBER 14, 2014



Attached for your review is the draft Floodplain Management Ordinance for your consideration and introduction during the November 18, 2014 County Council Meeting. As you know, following introduction it will be advertised for public hearings before both the Planning and Zoning Commission and the Sussex County Council. It is anticipated that the Planning and Zoning Commission's hearing will occur in January with County Council's hearing soon afterwards in February. It is important to keep in mind that Sussex County is under a directive to adopt an ordinance prior to March 15, 2015 so that its participation in the NFIP is not jeopardized.

This proposed ordinance not only adopts the required requirements, but also makes organizational changes to our Code. Currently, the flood regulations are spread throughout the Code, with definitions in Article 1; a separate Article 18 entitled "Flood Prone Districts" that does not have much set forth in it; and the current coastal and flood prone area protection set

forth separately in Article 25 of our Code. Through this proposed Ordinance, it is our intention to consolidate all of the flood regulation into a single Article- the existing Article 18 “Flood Prone Districts”. As a result, the proposed Ordinance is much longer than it might otherwise be, with deletions from Article I and Article 25.

Some of the significant points that will be discussed during the hearings, among others:

- It tracks the model ordinance that was provided by DNREC, and basically adopted by other County and Municipal Governments
- It creates a Flood Plain Administrator title (currently Jeff Shockley, the County’s Environmental Manager).
- It does not create a mandatory freeboard, as previously discussed by County Council. It does incorporate a provision that the height of a structure can be measured from any voluntary freeboard up to 2 feet.

I will be glad to answer any questions that you have regarding the Ordinance, keeping in mind that a detailed discussion of the proposed Ordinance should be deferred until the public hearings in January and February.

VGR

Cc: Todd Lawson  
Everett Moore, Esq.  
Lawrence Lank  
Jeff Shockley  
Shane Abbott  
Andy Wright  
Hal Godwin  
Robin Griffith

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

**AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, ARTICLE I, "GENERAL PROVISIONS", AND ARTICLE XVIII "FLOOD PRONE DISTRICTS", AND ARTICLE XXV "SUPPLEMENTARY REGULATIONS", SECTION 115-189, "COASTAL AND FLOOD-PRONE AREA PROTECTION".**

**WHEREAS**, Sussex County has the authority to adopt ordinances designed to promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Sussex County and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

**WHEREAS**, Sussex County was accepted for participation in the National Flood Insurance Program on October 6, 1976, and Sussex County Council desires to continue to meet the requirements of Title 44, Code of Federal Regulations, Section 59 and 60, necessary for such participation; and

**WHEREAS**, as part of this amendment process, Sussex County Council desires to incorporate all of the primary flood provisions of the Zoning Code into Article XVIII rather than several scattered sections of the Zoning Code as currently exists.

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

**Section 1: The Code of Sussex County, Chapter 115, Article I, Section 115-4 "Definitions" is hereby amended by deleting the following language in brackets and adding the following underlined language:**

c. Definitions for flood prone districts shall be as follows:

[AREA OF SHALLOW FLOODING - A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD - The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT - Any area of a building having its floor subgrade (below ground level) on all sides.

**BREAKAWAY WALL** – A wall that is not part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**COASTAL FLOODPLAIN** – An area of land adjoining a stream, river, estuary, ocean or other watercourse which has been or may hereafter be covered by floodwaters of the one-hundred-year flood or subject to shoreline erosion caused by a one-hundred-year flood.

**COASTAL HIGH-HAZARD AREA** – An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

**CONSTRUCTION** – Any new construction, reconstruction, modification, extension or expansion of buildings or structures; placement of fill; dumping; storage of materials; land excavation; land clearing; or any combination thereof. Included shall be the affixing of any prefabricated structure to a permanent site or foundation.

**FILL** – Any nonstructural composition which is used to artificially alter the contours of the original land surface.

**FIRM** – Flood Insurance Rate Map.

**FLOOD INSURANCE RATE MAP (FIRM)** – An official map of Sussex County on which the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to Sussex County.

**FLOODPROOFING** – Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, all other facility and utility systems, structures and their contents.

**FLOODWAY** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**HISTORIC STRUCTURE** – Any structure that is:

- (1) Listed individually in the National Registry of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- (3) Individually listed on a State Inventory of Historic Places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior; or
  - (b) Directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR** – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's "lowest floor," provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

**ONE-HUNDRED-YEAR FLOOD** – The highest level of flooding that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year). It does not imply, however, that no greater flood is likely to occur or that such a flood will not happen more often than once every 100 years.

- (1) In the approximate areas of the Coastal Floodplain, the Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source until such other data has been provided by the Administrator in order to determine the required elevation for conformance to § 115-189.
- (2) All new subdivision proposals and other proposed developments which exceed either 50 lots or five acres in size shall include base flood elevation data. If base flood elevation data is not shown on the FIRM, the proposal must include a calculation of base flood elevation which meets FEMA's study guidelines as determined by professional engineers or other of demonstrated qualifications.

**RECREATIONAL VEHICLE** – A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**STRUCTURE** – (for floodplain management purposes) – A walled and roofed building, including a gas or liquid storage tank that is principally above ground.

**SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** – Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the

structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project or improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.]

See Article XVIII, Section 115-141.2 for definitions for flood prone districts.

**Section 2: The Code of Sussex County, Chapter 115, Article XVIII "Flood Prone Districts" is hereby amended by deleting the following language in brackets and adding the following underlined language:**

**§ 115-141. Purpose.**

The purpose of these districts is to provide land development and construction controls for those areas of land adjoining a stream, river, estuary, ocean or other watercourse which have been or may hereafter be covered by floodwaters of the one-hundred-year flood or subject to shoreline erosion caused by a one-hundred-year flood.

**§ 115-142. Reference to additional regulations.**

Regulations for this Article can be found in other Articles of this chapter, especially the following:

- Article I, § 115-4, Definitions and word usage
- Article II, Establishment of Districts, Maps
- Article III, Provisions Applicable to All Districts
- Article XXV, Supplementary Regulations
- Article XXVI, Nonconforming Uses
- Article XXVIII, Administration and Enforcement

**§ 115-143. (Reserved)]**

**§ 115-141.1 GENERAL PROVISIONS**

**A. Findings**

The Federal Emergency Management Agency (FEMA) has identified special flood hazard areas within the boundaries of Sussex County. Special flood hazard areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and

general welfare. Development that is inadequately elevated, improperly floodproofed, or otherwise unprotected from flood damage also contributes to the flood loss.

Sussex County, by ordinance, agreed to meet the requirements of the National Flood Insurance Program and was accepted for participation in the program on October 6, 1976. Subsequent to that date or the initial effective date of the Sussex County Flood Insurance Rate Map, all development and new construction as defined herein, are to be compliant with the requirements of the Sussex County floodplain management regulations in effect at the time of permit issuance, and all development, new construction and substantial improvements subsequent to the effective date of this Ordinance shall be compliant with this Ordinance.

### **B. Statement of Purpose**

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (1) Protect human life, health and welfare;
- (2) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;
- (3) Minimize flooding of water supply and sanitary sewage disposal systems;
- (4) Maintain natural drainage;
- (5) Reduce financial burdens imposed on the community, its governmental units and its residents, by discouraging unwise design and construction of development in areas subject to flooding;
- (6) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (7) Minimize prolonged business interruptions;
- (8) Minimize damage to public facilities and other utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
- (9) Reinforce that those who build in and occupy special flood hazard areas should assume responsibility for their actions;
- (10) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (11) Provide that the flood storage and conveyance functions of the floodplain are maintained;
- (12) Minimize the impact of development on the natural and beneficial functions of the floodplain;
- (13) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (14) Meet community participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22, as may be amended.

### **C. Areas to Which These Regulations Apply**

These regulations shall apply to all special flood hazard areas within the jurisdiction of Sussex County, as identified in Section 115-141.1.D, below.

### **D. Basis for Establishing Special Flood Hazard Areas**

For the purposes of these regulations, the following are adopted by reference as a part of these regulations and serve as the basis for establishing special flood hazard areas:

- (1) The FEMA Flood Insurance Study for Sussex, Delaware and Incorporated Areas dated March 16, 2015 and all subsequent amendments and/or the most recent revision thereof.
- (2) The FEMA Flood Insurance Rate Map for Sussex, Delaware and Incorporated Areas dated March 16, 2015, and all subsequent amendments and/or the most recent revision thereof.
- (3) Other hydrologic and hydraulic engineering studies and/or maps prepared pursuant to these regulations or for other purposes, and which establish base flood elevations, delineate 100-year floodplains, floodways or other areas of special flood hazard.
- (4) Sussex County may identify and regulate new local flood hazard or ponding areas. These areas should be delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.
- (5) Where field surveyed topography indicates that ground elevations are below the closest applicable base flood elevation, even in such areas not delineated as a special flood hazard area on a flood hazard map, the area shall be considered as a special flood hazard area.

Maps and studies that establish special flood hazard areas are on file at Office of Planning and Zoning in the Sussex County Administration Building.

### **E. Abrogation and Greater Restrictions**

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations or zoning ordinances. In the event of a conflict between these regulations and any other zoning or subdivision ordinance or building code, the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but the land subject to such interests shall also be governed by these regulations.

### **F. Interpretation**

In the interpretation and application of these regulations, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body;
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes;



and

- (4) Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence, where more restrictive.

### **G. Warning and Disclaimer of Liability**

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside of the special flood hazard areas or uses that are permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the Sussex County, any elected or appointed official, director or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

### **H. Severability**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared unconstitutional or invalid.

### **§ 115-141.2 DEFINITIONS**

Unless specifically defined below for purposes of this Article, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give those code provisions the most reasonable application.

**Accessory Structure:** A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**Area of Shallow Flooding:** A designated Zone AO on a community's Flood Insurance Rate Map with a one percent annual chance or greater of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year; the base flood also is referred to as the 100-year flood (or the 1%-annual-chance flood).

**Base Flood Discharge:** The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

**Base Flood Elevation:** The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. In areas of shallow flooding, the base flood elevation is the natural grade elevation plus the depth number specified in feet on the Flood Insurance Rate Map, or at least 2 feet if the depth number is not specified.

**Basement:** Any area of the building having its floor subgrade (below ground level) on all sides.

**Breakaway Wall:** A wall that is designed and certified by a design professional registered in the State of Delaware that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**Coastal High Hazard Area:** An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms. Coastal high hazard areas also are referred to as “Zone V” or “V Zones” and are designated on FIRMs as flood insurance risk Zone VE.

**Development:** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, placement of manufactured homes, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Dry Floodproofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Elevation Certificate:** The *National Flood Insurance Program, Elevation Certificate* (FEMA Form 086-0-33 or as may be amended), used to document building elevations and other information about buildings. When required to be certified, the form shall be completed by a professional land surveyor licensed in the State of Delaware.

**Enclosure Below the Lowest Floor:** An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access, or storage, in an area other than a basement.

**Federal Emergency Management Agency (FEMA):** The federal agency with the overall responsibility for administering the National Flood Insurance Program.

**FEMA Technical Bulletin (or TB):** A series of guidance documents published by FEMA to provide guidance concerning building performance standards of the National Flood Insurance Program. Specific Technical Bulletins are identified throughout this Article; the most recent revision to any Technical Bulletin shall be used wherever identified in this Article.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters, and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Damage-Resistant Materials:** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. See FEMA Technical Bulletin #2 – *Flood Damage-Resistant Materials Requirements* and FEMA Technical Bulletin #8 – *Corrosion Protection for Metal Connectors in Coastal Areas*.

**Flood Insurance Rate Map (FIRM):** An official map on which the Federal Emergency Management Agency has delineated special flood hazard areas to indicate the magnitude and nature of flood hazards, and to designate applicable flood zones.

**Zone A:** Special flood hazard areas inundated by the 1% annual chance flood; base flood elevations are not determined.

**Zone AE:** Special flood hazard areas subject to inundation by the 1% annual chance flood; base flood elevations are determined; floodways may or may not be determined.

**Zone AO:** Areas of shallow flooding, with or without a designated average flood depth.

**Zone X (shaded):** Areas subject to inundation by the 500-year flood (0.2% annual chance); areas subject to the 1% annual chance flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

**Zone X (unshaded):** Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain.

**Zone VE:** Special flood hazard areas subject to inundation by the 1% annual chance flood and subject to high velocity wave action (also referred to as coastal high hazard areas).

**Limit of Moderate Wave Action (LiMWA):** The inland limit of the area affected by waves greater than 1.5 feet during the base flood. Base flood conditions between the Zone VE and the LiMWA will be similar to, but less severe than, those in the Zone VE.

**Flood Insurance Study:** The official report in which the Federal Emergency Management Agency has provided flood profiles, floodway information, and the water surface elevations.

**Floodplain:** Any land area susceptible to being inundated by water from any source (see "Flood" or "Flooding").

**Floodproofing Certificate:** The *National Flood Insurance Program, Floodproofing Certificate for Non-Residential Structures* (FEMA Form 86-0-34 as may be amended), used by professional engineers and architects registered or licensed in the State of Delaware to certify dry floodproofing designs.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to pass the base flood discharge such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height.

**Freeboard:** A factor of safety usually expressed in feet above a flood elevation for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

**Functionally Dependent Use:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water; the term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure:** Any structure that is:

- (1) Individually listed in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

**Hydrologic and Hydraulic Engineering Analysis:** An analysis performed by a professional engineer, licensed in the State of Delaware, in accordance with standard engineering practices as accepted by FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

**Letter of Map Change:** A Letter of Map Change is an official FEMA determination, by letter, to amend or revise an effective Flood Insurance Rate Map, Flood Boundary and Floodway Map, and Flood Insurance Study. Letters of Map Change include:

**Letter of Map Amendment (LOMA):** An amendment based on technical data showing that a property was inadvertently included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

**Letter of Map Revision (LOMR):** A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood; in order to qualify for this determination, the fill must have been permitted and placed in accordance with these regulations.

**Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed flood protection project complies with the minimum National Flood Insurance Program requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies; upon submission to and approval of certified as-built documentation, a Letter of Map Revision may be issued.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other

than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

**Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**New Construction:** Buildings and structures for which the "start of construction" commenced on or after October 6, 1976, including any subsequent improvements to such structures.

**Person:** An individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

**Recreational Vehicle:** A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Special Flood Hazard Area:** The land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency in Flood Insurance Studies and on Flood Insurance Rate Maps as Zones A, AE, AO, and Zone VE. The term includes areas shown on other flood hazard maps that are specifically listed or otherwise described in this Article.

**Start of Construction:** The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure (or Building):** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

**Violation:** The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in these regulations is presumed to be in violation until such time that documentation is provided.

### **§ 115.141.3 ADMINISTRATION**

#### **A. Designation of the Floodplain Administrator**

The Sussex County Environmental Manager, or such other person as designated by the Sussex County Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator is authorized to: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Upon authorization by Sussex County Council, enter into a written agreement or written contract with another jurisdiction or agency, or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22, as may be amended.

#### **B. Duties and Responsibilities of the Floodplain Administrator**

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (1) Review applications for permits to determine whether proposed activities will be located in special flood hazard areas.
- (2) Interpret floodplain boundaries and provide flood elevation and flood hazard information.
- (3) Advise applicants for new construction or substantial improvement of structures that are located on any coastal barrier within the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as identified undeveloped coastal barriers or Otherwise Protected Areas.
- (4) Review applications to determine whether proposed activities will be reasonably safe from flooding.

- (5) Review applications to determine whether all necessary permits have been obtained from those Federal, state or local agencies from which prior or concurrent approval is required.
- (6) Verify that applicants proposing to alter or relocate a watercourse have notified adjacent communities and the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship), and have submitted copies of such notifications to the Federal Emergency Management Agency.
- (7) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or disapprove the same in the event of noncompliance.
- (8) Inspect buildings and lands to determine compliance with these regulations or to determine if noncompliance has occurred or violations have been committed.
- (9) Review submitted Elevation Certificates for completeness.
- (10) Submit to FEMA data and information necessary to maintain flood hazard maps, including hydrologic and hydraulic engineering analyses prepared by or for Sussex County, corrections to labeling or planimetric details, etc.
- (11) Maintain and permanently keep all records for public inspection that are necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing permits, elevation certificates, other required certifications, variances, and records of enforcement actions taken for violations of these regulations.
- (12) Enforce the provisions of these regulations.
- (13) Assist with and coordinate flood hazard map maintenance activities.
- (14) Conduct determinations as to whether existing buildings and structures damaged by any cause and located in special flood hazard areas, have been substantially damaged.
- (15) Make reasonable efforts to notify owners of substantially damaged buildings and structures of the need to obtain a permit prior to repair, rehabilitation, or reconstruction, and to prohibit the non-compliant repair of substantially-damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a structure to prevent additional damage.
- (16) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assisting owners with National Flood Insurance Program claims for Increased Cost of Compliance payments.

- (17) Notify the Federal Emergency Management Agency when the boundaries of Sussex County have been modified.

### **C. Permits Required**

It shall be unlawful for any person or entity to begin construction or other development which is wholly within, partially within, or in contact with any identified special flood hazard area, as established pursuant to this Article, including but not limited to: subdivision of land, filling, grading, or other site improvements and utility installations; construction, alteration, remodeling, improvement, replacement, reconstruction, repair, relocation, or expansion of any building or structure; placement or replacement of a manufactured home; recreational vehicles; installation or replacement of storage tanks; or alteration of any watercourse, until a permit is obtained from Sussex County. No such permit shall be issued until the requirements of these regulations have been met.

### **D. Application Required**

Application for a permit shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual start of construction. The application shall be on a form furnished for that purpose.

#### **(1) Application Contents.**

At a minimum, applications shall include:

- (a) Site plans drawn to scale showing the nature, location, dimensions, existing and proposed topography of the area in question, the limits of any portion of the site that was previously filled, and the location of existing and proposed structures, excavation, filling, storage of materials, drainage facilities, and other proposed activities.
- (b) Elevation of the existing natural ground where structures are proposed, referenced to the datum on the Flood Insurance Rate Map, and an Elevation Certificate that shows the ground elevation and proposed building elevations (identified in Section C of the Elevation Certificate as "Construction Drawings").
- (c) Delineation of special flood hazard areas, floodway boundaries, flood zones, and base flood elevations. Where surveyed natural ground elevations are lower than the base flood elevations, base flood elevations shall be used to delineate the boundary of special flood hazard areas. If proposed, changes in the delineation of special flood hazard areas shall be submitted to and approved by FEMA in accordance with Section 115-141.3.D.(2). Where special flood hazard areas are not delineated or base flood elevations are not shown on the flood hazard maps, the Floodplain Administrator has the authority to require the applicant to use information provided by the Floodplain Administrator, information that is available from other sources, or to determine such information using accepted engineering practices.
- (d) For subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, and where base flood elevations are not



shown on Flood Insurance Rate Maps, hydrologic and hydraulic engineering analyses and studies as required by Section 115-141.4.B.(4). Studies, analyses, computation, etc., shall be submitted in sufficient detail to allow thorough technical review by the Office of Planning and Zoning and/or the Sussex County Engineering Department.

- (e) When other acceptable information is not available, the Floodplain Administrator may permit the use of any of the methods described in FEMA publication *Managing Floodplain Development in Approximate A Areas* (as that publication may be subsequently amended) or may permit the elevation to be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. The Floodplain Administrator may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers registered in the State of Delaware, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computation, etc., shall be submitted in sufficient detail to allow thorough technical review by the Office of Planning and Zoning and/or the Sussex County Engineering Department.
- (f) Elevation of the lowest floor, including basement, or elevation of the bottom of the lowest horizontal structural member, as applicable to the flood zone, of all proposed structures, referenced to the datum on the Flood Insurance Rate Maps.
- (g) Such other material and information as may be requested by the Floodplain Administrator necessary to determine conformance with these regulations.
- (h) For work on an existing structure, including any improvement, addition, repairs, alterations, rehabilitation, or reconstruction, sufficient information to determine if the work constitutes substantial improvement, including:
  - i. Documentation of the market value of the structure before the improvement is started or before the damage occurred.
  - ii. Documentation of the actual cash value of all proposed improvement work, or the actual cash value of all work necessary to repair and restore damage to the before damaged condition, regardless of the amount of work that will be performed.
- (i) Certifications and/or technical analyses prepared or conducted by an appropriate design professional licensed in the State of Delaware, as appropriate to the type of development activity proposed and required by these regulations:
  - [i] Floodproofing Certificate for dry floodproofed non-residential structures, as required in Section 115-141.5.C.
  - [ii] Certification that flood openings that do not meet the minimum requirements of Section 115-141.5.B.2.(c)[ii] are designed to automatically equalize hydrostatic flood forces.
  - [iii] Certification that the structural design, specifications and plans, and the methods of construction to be used, are in accordance with accepted standards of practice and meet the requirements of Section 115-141-6.C.(5).

[iv] Technical analyses to document that the flood carrying capacity of any watercourse alteration or relocation will not be diminished and documentation of maintenance assurances as required in Section 115-141-5.E.(3).

[v] Hydrologic and hydraulic engineering analyses demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but has not delineated a floodway, as required by Section 115-141-5.E.(2).

[vi] Hydrologic and hydraulic engineering analyses of any development proposed to be located in an identified floodway, as required by Section 115-141-5.E.(1).

[vii] Hydrologic and hydraulic engineering analyses to develop base flood elevations for subdivisions and large-lot developments, as required by Section 115-141-4.B.(4) or otherwise required by the Floodplain Administrator.

### **(2) Right to Submit New Technical Data**

The applicant has the right to seek a Letter of Map Change and to submit new technical data to FEMA regarding base maps, topography, special flood hazard area boundaries, floodway boundaries, and base flood elevations. Such submissions shall be prepared in a format acceptable by FEMA and the Floodplain Administrator shall be notified of such submittal.

### **(3) Requirement to Submit New Technical Data**

The Floodplain Administrator shall notify FEMA of physical changes affecting flood hazard areas and flooding conditions by submitting technical or scientific data as soon as practicable, but not later than six (6) months after the date such information becomes available. The Floodplain Administrator has the authority to require applicants to submit technical data to FEMA for Letters of Map Change.

## **E. Review, Approval or Disapproval**

### **(1) Review**

The Floodplain Administrator shall:

- (a) Review applications for development in special flood hazard areas to determine the completeness of information submitted. The applicant shall be notified of incompleteness or additional information required to support the application.
- (b) Review applications for compliance with these regulations after all information required in Section 115-141.3.D or identified and required by the Floodplain Administrator has been received.
- (c) Review all permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits, including but not limited to:

- [i]. Permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Delaware Environmental Protection Agency under Section 401 of the Clean Water Act.
- [ii]. Permits required by the State of Delaware.

**(2) Approval or Disapproval**

The Floodplain Administrator shall approve applications that comply with the applicable requirements of these regulations. The Floodplain Administrator shall disapprove applications for proposed development that do not comply with the applicable provisions of these regulations and shall notify the applicant of such disapproval, in writing, stating the reasons for disapproval.

**(3) Expiration of Permit**

A permit is valid provided the actual start of construction occurs within 180 days of the date of permit issuance. If the actual start of construction is not within 180 days of the date of permit issuance, requests for extensions shall be submitted in writing. Upon reviewing the request and the permit for continued compliance with these regulations, the Floodplain Administrator may grant, in writing, one or more extensions of time, for periods not more than 180 days each.

**F. Inspections**

The Floodplain Administrator shall make periodic inspections of development permitted in special flood hazard areas, at appropriate times throughout the period of construction in order to monitor compliance. Such inspections may include:

- (1) Stake-out inspection, to determine location on the site relative to the special flood hazard area and floodway.
- (2) Foundation inspection, upon placement of the lowest floor and prior to further vertical construction, to collect information or certification of the elevation of the lowest floor.
- (3) Enclosure inspection, including crawlspaces, to determine compliance with applicable provisions.
- (4) Utility inspection, upon installation of specified equipment and appliances, to determine appropriate location with respect to the base flood elevation.
- (5) Storage of materials.

**G. Submissions Required Prior to Issuance of a Certificate of Occupancy**

The following certifications are required to be submitted by the permittee for development that is permitted in special flood hazard areas prior to the issuance of a Certificate of Occupancy:

- (1) For new or substantially improved residential structures or nonresidential structures that have been elevated, an Elevation Certificate that shows the ground elevation and finished elevations (identified in Section C of the Elevation Certificate as "Finished Construction").

- (2) For nonresidential structures that have been dry floodproofed, a Floodproofing Certificate based on "Finished Construction" (identified in Section II of the Elevation Certificate form).
- (3) For all development activities subject to the requirements of Section 115-3.D.(2), a Letter of Map Revision shall be provided.

#### **H. Flood Insurance Rate Map Use and Interpretation**

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of special flood hazard maps and data:

- (1) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified special flood hazard areas, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used.
- (2) Special flood hazard area delineations, base flood elevations, and floodway boundaries on FEMA maps and in FEMA studies shall take precedence over delineations, base flood elevations, and floodway boundaries by any other source that reflect a reduced special flood hazard area, reduced floodway width and/or lower base flood elevations, unless, with the approval of the Floodplain Administrator, such data is submitted to, and approved by FEMA.
- (3) Other sources of data shall be reasonably used, with the approval of the Floodplain Administrator, if they show increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, and if such data is submitted to, and approved by, FEMA.
- (4) Where field surveyed topography indicates that ground elevations are below the base flood elevation, even in areas not delineated as a special flood hazard on a flood hazard map, the area shall be considered as special flood hazard area.

### **§ 115-141.4 REQUIREMENTS IN ALL SPECIAL FLOOD HAZARD AREAS**

#### **A. Application of Requirements**

The general requirements of this section apply to all development proposed within special flood hazard areas identified in Section 115-141.1.D.

#### **B. Subdivisions and Developments**

- (1) All subdivision and development proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
- (2) All subdivision and development proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (3) All subdivision and developments proposals shall have adequate drainage provided

to reduce exposure to flood damage.

- (4) All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in FEMA-delineated special flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway delineations. The analyses shall be prepared by a professional engineer registered in the State of Delaware in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Studies, analyses, computation, etc., shall be submitted in sufficient detail to allow thorough technical review by the Office of Planning and Zoning and/or the Sussex County Engineering Department. In subdivisions in which the proposed lots are located outside of the floodplain, completion of the analysis may be waived provided that the subject area is designated and restricted to open space or a conservation area.

### **C. Protection of Water Supply and Sanitary Sewage Systems**

- (1) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters.
- (3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during conditions of flooding.

### **D. Buildings and Structures**

All new construction of buildings and structures, including placement of manufactured homes and substantial improvements to existing buildings and structures, that are to be located, in whole or in part, in special flood hazard areas shall meet the following requirements:

- (1) Be designed (or modified) and constructed to safely resist flood loads. The construction shall provide a complete load path capable of transferring all loads from their point of origin through the load-resisting elements to the foundation. Buildings and structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the base flood elevation, including hydrodynamic and hydrostatic loads and the effects of buoyancy.
- (2) Be constructed by methods and practices that minimize flood damage.
- (3) Use flood damage-resistant materials below the elevation of the lowest floor. See FEMA Technical Bulletin #2 – *Flood Damage-Resistant Materials Requirements* and FEMA Technical Bulletin #8 – *Corrosion Protection for Metal Connectors in Coastal Areas*, as both may be amended from time to time.
- (4) Have electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment located at or above the elevation of the lowest floor. Electrical wiring systems are permitted to be located below the elevation of the lowest floor

provided they conform to the provisions of the electrical part of this code for wet locations. If replaced as part of a substantial improvement, electrical systems, equipment and components, and heating, ventilation, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall meet the requirements of this section. See FEMA Technical Bulletin #4 – Elevator Installation, as may be amended.

- (5) As an alternative to Section (4) above, electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment are permitted to be located below the elevation of the lowest floor provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood.
- (6) In special flood hazard areas other than coastal high hazard areas (Zones A, AE, and AO), meet the specific requirements of Section 115-141.5.
- (7) In all coastal high hazard areas (Zone VE), meet the specific requirements of Section 115-141.6.
- (8) In a special flood hazard area with more than one designation (Zones A, AE, and AO, floodway, Zones VE), meet the requirements of the most restrictive designation.

#### **E. Fill**

- (1) Disposal of fill, including but not limited to rubble, construction debris, woody debris, and trash, shall not be permitted in special flood hazard areas.
- (2) Where permitted by Section 115-141.5 (Zones A, AE, and AO), fill placed for the purpose of raising the ground level and to support a building or structure shall meet the following requirements:
  - (a) Extend laterally from the building footprint to provide for adequate access, as a function of use; the Floodplain Administrator may seek advice from the State Fire Marshal's Office and/or the local fire services agency.
  - (b) Placed and compacted to provide for stability under conditions of rising and falling floodwaters and resistance to erosion, scour, and settling.
  - (c) Consist of soil or rock materials only.
  - (d) Sloped no steeper than one (1) vertical on two (2) horizontal, unless approved by the Floodplain Administrator.
  - (e) Designed with provisions for adequate drainage and no adverse effect on adjacent properties.
- (3) Fill placed for a purpose other than to support a building or structure shall meet the requirements of Sections 115-141.4.E.(2)(b) through (e).

## **F. Historic Structures**

Repair, alteration, or rehabilitation of historic structures shall be subject to the requirements of these regulations unless a determination is made that compliance with these regulations will preclude the structure's continued designation as a historic structure and a variance is granted in accordance with Section 115-141.7 and such variance is the minimum necessary to preserve the historic character and design of the structure.

## **G. Recreational Vehicles**

- (1) Recreational vehicles in special flood hazard areas shall be fully licensed and ready for highway use, and shall be placed on a site for less than 180 consecutive days.
- (2) Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 115-141.5.B.(3) for manufactured homes or Section 115-141.6.C.(4), as applicable.

## **H. Gas or Liquid Storage Tanks**

- (1) Underground tanks in special flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- (2) Above-ground tanks in special flood hazard areas shall be elevated and anchored to or above the base flood elevation or shall be anchored at-grade and designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- (3) In special flood hazard areas, tank inlets, fill openings, outlets and vents shall be:
  - (a) At or above the base flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood.
  - (b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

## **§ 115-141.5 REQUIREMENTS IN SPECIAL FLOOD HAZARD AREAS OTHER THAN COASTAL HIGH HAZARD AREAS**

### **A. General Requirements**

In addition to the general requirements of Section 115-141.4, the requirements of this section apply to all development proposed in special flood hazard areas other than coastal high hazard areas. These areas include Zones A, AE, and AO.

### **B. Residential Structures and Residential Portions of Mixed Use Structures**

#### **(1) Elevation Requirements**

- (a) The lowest floor (including basement) shall be elevated to or above the base flood elevation.
- (b) In areas of shallow flooding (Zone AO), the lowest floor (including basement) shall be elevated at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map, or at least 2 feet if a depth number is not specified; adequate drainage paths shall be provided to guide floodwaters around and away from the structure.
- (c) Enclosures below the lowest floor shall meet the requirements of Section 115-141.5.B.(2).

**(2) Enclosures Below the Lowest Floor**

- (a) Enclosures below the lowest floor shall be used solely for parking of vehicles, building access, crawlspaces, or limited storage.
- (b) Enclosures below the lowest floor shall be constructed using flood damage-resistant materials. See FEMA Technical Bulletin #2 – *Flood Damage-Resistant Materials Requirements*, as may be amended.
- (c) Enclosures below the lowest floor (including crawlspaces) shall be provided with flood openings which shall meet the following criteria (see FEMA Technical Bulletin #1 – *Openings in Foundation Walls and Walls of Enclosures* as may be amended):
  - [i] There shall be a minimum of two openings on different sides of each enclosed area; if a building has more than one enclosed area below the design flood elevation, each area shall have openings on exterior walls.
  - [ii] The total net area of all openings shall be at least 1 square inch for each square foot of enclosed area, or the openings shall be designed and certified by an engineer registered in the State of Delaware or architect licensed in the State of Delaware to provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters.
  - [iii] The bottom of each opening shall be 1 foot or less above the adjacent ground level.
  - [iv] Any louvers, screens or other opening covers shall allow the automatic flow of floodwaters into and out of the enclosed area.
  - [v] Where installed in doors and windows, openings that meet requirements of Section 115-141.5 B.(2).(c).[i] through [iv] above are acceptable; however, doors and windows without installed openings do not meet the requirements of this section.
- (d) Crawlspaces shall have the finished interior ground level equal to or higher than the outside finished ground level on at least one entire side of the foundation wall.

**(3) Manufactured Homes**



New or replacement manufactured homes, including substantial improvement of existing manufactured homes, shall:

- (a) Be elevated on a permanent, reinforced foundation that raises the lowest floor to or above the base flood elevation and is otherwise in accordance with Section 115-141.5.B.(1).
- (b) Be installed in accordance with the anchor and tie-down requirements of the building code or the manufacturer's written installation instructions and specifications.
- (c) Have enclosures below the elevated manufactured home, if any, meet the requirements of Section 115-141.5.B.(2).

For the purpose of this requirement, the lowest floor of a manufactured home is the bottom of the lowest horizontal supporting member of the lowest floor.

### **C. Nonresidential Structures and Nonresidential Portions of Mixed Use Structures**

#### **(1) Elevation Requirements**

- (a) The lowest floor (including basement) shall be elevated to or above the base flood elevation or the structure shall be dry floodproofed in accordance with Section 115-141.5.C.(2).
- (b) In areas of shallow flooding (Zone AO), if not dry floodproofed, the lowest floor (including basement) shall be elevated at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map or at least 2 feet if a depth number is not specified; adequate drainage paths shall be provided to guide floodwaters around and away from the structure.
- (c) Enclosures below the lowest floor, if not dry floodproofed, shall meet the requirements of Section 115-141.5.B.(2).

#### **(2) Dry Floodproofing Requirements**

Dry floodproofed structures, together with attendant utility and sanitary facilities, shall:

- (a) Be designed to be dry floodproofed such that the structure is watertight with walls and floors substantially impermeable to the passage of water to the level of the base flood elevation. In areas of shallow flooding (Zone AO), the structure shall be dry floodproofed at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map or at least 2 feet if a depth number is not specified.
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (c) Be certified by a professional engineer registered in the State of Delaware or a professional architect licensed in the State of Delaware with a Floodproofing Certificate, that the design and methods of construction meet the requirements of this section. Refer to FEMA Technical Bulletin #3 – *Non-Residential Floodproofing – Requirements and Certification*, as may be amended, for guidance.

#### **D. Accessory Structures**

Accessory structures shall meet the requirements of these regulations. Accessory structures that have a footprint of no more than 200 square feet may be allowed without requiring elevation or floodproofing provided such structures meet all of the following requirements:

- (1) Useable only for parking or limited storage;
- (2) Constructed with flood damage-resistant materials below the base flood elevation;
- (3) Constructed and placed to offer the minimum resistance to the flow of flood waters;
- (4) Firmly anchored to prevent flotation, collapse, and lateral movement;
- (5) Electrical service and mechanical equipment elevated to or above the level of the base flood elevation and
- (6) Equipped with flood openings that meet the requirements of Section 115.141.5.B.(2).(c).
- (7) For guidance, see FEMA Technical Bulletin #7 – *Wet Floodproofing Requirements*, as may be amended.

#### **E. Protection of Flood-Carrying Capacity**

##### **(1) Development in Floodways**

(a) Within any floodway area designated on the Flood Insurance Rate Map, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic engineering analysis that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Such technical data shall be submitted to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a professional engineer registered in the State of Delaware in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

(b) The proposed development activity may be permitted upon submission, by the applicant, of the following:

- [i] Analyses demonstrating that the activity will not result in any increase in the base flood elevation; or
- [ii] Analyses demonstrating that the activity will result in an increase in the base flood elevation, provided a Conditional Letter of Map Revision has been issued by FEMA and the applicant completes all of the following:
  - [a] A submission of technical data required in Section 115-141.3 D.1 (i)(iv);
  - [b] An evaluation alternative which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;

- [c] A certification that no structures are located in areas which would be impacted by the increased base flood elevation;
- [iii] Documentation that individual legal notices have been delivered to all impacted property owners to explain the impact of the proposed action on their properties;
- [iv] Concurrence of the County Administrator and the Director of the Office of Planning and Zoning of Sussex County and the Chief Executive Officer of any other community impacted by the proposed actions; and
- [v] Documentation that the applicant has notified the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship).

### **(2) Development in Areas with Base Flood Elevations but No Floodways**

For development activities in a special flood hazard area with base flood elevations but no designated floodways, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting the proposed activity and shall submit such analyses and data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a professional engineer registered in the State of Delaware in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

The proposed development activity may be permitted if the analyses demonstrate that the cumulative effect of the proposed development activity, when combined with all other existing and potential special flood hazard area encroachments will not increase the base flood elevation more than 1.0 (one) foot at any point.

### **(3) Deliberate Alterations of a Watercourse**

For the purpose of these regulations, a watercourse is deliberately altered when a person causes a change to occur within its banks. Deliberate changes to a watercourse include, but are not limited to: widening, deepening or relocating of the channel; installation of culverts; construction of bridges, and excavation or filling of the channel or watercourse banks.

For any proposed deliberate alteration of a watercourse, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting such changes and submit such technical data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

The proposed alteration of a watercourse may be permitted upon submission, by the applicant, of the following:

- (a) Documentation of compliance with Section 115-141.5.E.(1) if the alteration is in a floodway or Section 115-141.5.E.(2) if the alteration is in a watercourse with base flood elevations but no floodway.

- (b) A description of the extent to which the watercourse will be altered or relocated as a result of the proposed development.
- (c) A certification by a professional engineer registered in the State of Delaware that the bankful flood-carrying capacity of the watercourse will not be diminished.
- (d) Evidence that adjacent communities, the U.S. Army Corps of Engineers, and the Delaware Department of Natural Resources and Environmental Control (Division of Watershed Stewardship) have been notified of the proposal and evidence that such notifications have been submitted to the Federal Emergency Management Agency.
- (e) Evidence that the applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with Sussex County specifying the maintenance responsibilities; if an agreement is required, the permit shall be conditioned to require that the agreement be recorded on the deed of the property which shall be binding on future owners.

## **§ 115-141.6 REQUIREMENTS IN COASTAL HIGH HAZARD AREAS**

### **A. General Requirements**

In addition to the general requirements of Section 115-141.4, the requirements of this section apply to all development proposed in coastal high hazard areas, also referred to collectively as "Zone V."

### **B. Location and Site Preparation**

- (1) The placement of structural fill for the purpose of elevating buildings is prohibited.
- (2) All new construction shall be located landward of the reach of mean high tide.
- (3) Generally, any reduction in the dimensions of dunes increases the potential for flood damage. Site preparations shall not alter sand dunes unless an engineering analysis demonstrates that the potential for flood damage is not increased.

### **C. Residential and Nonresidential Structures**

#### **(1) Foundations**

- (a) Buildings and structures shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. Piling shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water loading values used shall be those associated with the base flood. Wind loading values shall be those required by applicable building standards. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling.

- (b) Slabs, pools, pool decks and walkways shall be located and constructed to be structurally independent of buildings and structures and their foundations to prevent transfer of flood loads to the buildings and structures during conditions of flooding, scour or erosion from wave-velocity flow conditions, and shall be designed to minimize debris impacts to adjacent properties and public infrastructure.

**(2) Elevation Requirements**

- (a) The bottom of the lowest horizontal structural member supporting the lowest floor (excluding the pilings, pile caps, columns, grade beams, and bracing), shall be located at or above the base flood elevation.
- (b) Basement floors that are below grade on all sides are prohibited.
- (c) The space below the lowest floor shall either be free of obstruction or, if enclosed by walls, shall meet the requirements of Section 115-141.6.C.(3). See FEMA Technical Bulletin #5 – Free of Obstruction Requirements, as may be amended.

**(3) Enclosures Below the Lowest Floor**

- (a) Enclosures below the lowest floor shall be used solely for parking of vehicles, building access or storage.
- (b) Walls and partitions are permitted below the elevated floor, provided that such walls and partitions are designed to break away under flood loads and are not part of the structural support of the building or structure. See FEMA Technical Bulletin #9 – Design and Construction Guidance for Breakaway Walls, as may be amended.
- (c) Electrical, mechanical, and plumbing system components shall not be mounted on or penetrate through walls that are designed to break away under flood loads.
- (d) Walls intended to break away under flood loads shall be constructed with insect screening or open lattice, or shall be designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 pounds per square foot and no more than 20 pounds per square foot; or
- (e) Where wind loading values of the local building requirements exceed 20 pounds per square foot, the applicant shall submit a certification prepared and sealed by a professional engineer registered in the State of Delaware or professional architect licensed in the State of Delaware that:
- [i] The walls and partitions below the lowest floor have been designed to collapse from a water load less than that which would occur during the base flood.
- [ii] The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood; wind loading values used shall be those required by the local building requirements.

#### **(4) Manufactured Homes**

New or replacement manufactured homes, including substantial improvement of existing manufactured homes, shall:

- (a) Meet the foundation requirements of Section 115-141.6.C.(1).
- (b) Meet the elevation requirements of Section 115-141.6.C.(2).
- (c) Meet the enclosure requirements of Section 115-141.6.C.(3).
- (d) Be installed in accordance with the anchor and tie-down requirements of the building code or the manufacturer's written installation instructions and specifications.

#### **(5) Certification of Design**

The applicant shall include in the application a certification prepared by a professional engineer registered in the State of Delaware or a professional architect licensed in the State of Delaware that the design and methods of construction to be used meet the applicable criteria of these regulations.

### **§ 115-141.7 VARIANCES**

#### **A. Variances**

The Sussex County Board of Adjustment shall have the power to authorize, in specific cases, such variances from the requirements of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship or exceptional practical difficulty.

#### **(1). Application for a Variance**

- (a) Any owner, or agent thereof, of property for which a variance is sought shall submit an application for a variance to the Floodplain Administrator.
- (b) At a minimum, such application shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request. Each variance application shall specifically address each of the considerations in Section 115-141.7.A.(2) and the limitations and conditions of Section 115-141.7.A.(3).

#### **2 Considerations for Variances**

In considering variance applications, the Board of Adjustment shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of these regulations, and the following factors:

- (a) The danger that materials may be swept onto other lands to the injury of others.

- (b) The danger to life and property due to flooding or erosion damage.
- (c) The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.
- (d) The importance of the services provided by the proposed development to the community.
- (e) The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.
- (f) The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.
- (g) The compatibility of the proposed use with existing and anticipated development.
- (h) The relationship of the proposed use to the comprehensive plan for that area.
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

### **(3). Limitations for Variances**

- (a) An affirmative decision on a variance request shall only be issued upon:
  - [i] A showing of good and sufficient cause. A "good and sufficient" cause is one that deals solely with the physical characteristics of the property and cannot be based on the character of the planned construction or substantial improvement, the personal characteristics of the owner or inhabitants, or local provisions that regulate standards other than health and public safety standards.
  - [ii] A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property.
  - [iii] Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
  - [iv] A determination that the granting of a variance for development within any designated floodway, or special flood hazard area with base flood elevations but no floodway, will not result in increased flood heights beyond that which is allowed in these regulations.
  - [v] A determination that the granting of a variance will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
  - [vi] A determination that the structure or other development is protected by methods to minimize flood damages.

[vii] A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (b) Upon consideration of the individual circumstances, the limitations and conditions, and the purposes of these regulations, the Board of Adjustment may attach such conditions to variances as it deems necessary to further the purposes of these regulations.
- (c) The Board of Adjustment shall notify, in writing, any applicant to whom a variance is granted for a building or structure with a lowest floor elevation below the base flood elevation that the variance is to the floodplain management requirements of these regulations only, and that the cost of federal flood insurance will be commensurate with the increased risk.

## **§ 115-141.8 ENFORCEMENT**

### **A. Compliance Required**

- (1) No structure or land development shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations.
- (2) Failure to obtain a permit shall be a violation of these regulations and shall be punishable in accordance with Section 115-141.8.C.
- (3) Permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the specific activities set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction of such specific activities that is contrary to that authorized shall be deemed a violation of these regulations.

### **B. Notice of Violation**

Violations of this Chapter shall be subject to the procedures set forth in Article XXVIII "Administration and Enforcement" unless an expedited process is required and is justified by risk to life and safety.

### **C. Violations and Penalties**

Violations of this Chapter shall be subject to the procedures set forth in Article XXVIII "Administration and Enforcement" unless an expedited process is required and is justified by risk to life and safety.

## **§ 115-141.9 LIABILITY**

The granting of a permit or approval of a site plan in an identified flood-prone area shall not constitute a representation, guarantee or warranty of any kind by Sussex County or by any of its elected or appointed officials, directors, or employees thereof of the practicability or safety of the



proposed use, and shall create no liability upon Sussex County, or its elected or appointed officials, directors or employees.

### **§ 115-141.10 HEIGHT REGULATIONS IN SPECIAL FLOOD HAZARD AREAS**

For all structures in Special Flood Hazard Areas, height regulations for the districts shown in Articles IV through XX shall apply, with the height measured from the base flood elevation. Provided, however, that in Special Flood Hazard Areas the permitted height may be increased by one foot for every one foot of freeboard, not to exceed two feet above the permitted height measured from base flood elevation. All other areas not in Special Flood Hazard Areas shall be measured from grade.

### **§ 115-141.11 EFFECTIVE DATE**

This ordinance shall take effect on \_\_\_\_\_.

**Section 3: The Code of Sussex County, Chapter 115, Article XXV, Section 115-189 “Coastal and Flood-Prone Area Protection” is hereby amended by deleting the following language in brackets and adding the following underlined language:**

#### **§ 115-189 Coastal [and Flood-prone] area protection.**

A. The purpose of this section is to assist in the preservation and restoration of the primary coastal dune, thereby contributing to the safety and welfare of the occupants of lands adjacent to and landward thereof to provide for construction control and land development measures for all new construction and substantial improvement occurring within the flood-prone districts, to limit the visual obstruction of beach and berm by structure erected thereon and to limit the encroachment of shadow on the beach by structures located adjacent thereto.

B. At locations where the primary dune exists as a continuous and clearly defined natural coastal formation, the center of the same shall, for purposes of this section, be the “dune line.” Where the primary dune as a natural coastal formation has ceased to exist or only broken remnants remain, then the dune line shall be as established by the Department of Natural Resources and Environmental Control Beach Preservation Section or its successor.

C. No primary dune material may be removed or displaced, except that the driving of piling shall not be considered displacement of dune material. No material from the berm or beach may be moved or displaced prior to the completion of all buildings and structures on a given lot.

[D. The lowest floor for a building extending seaward from the dune line shall comply with the requirements of the flood zone.

E. Buildings located in area subject to this chapter lying eastward of the inland waterways from Roosevelt Inlet to the Maryland State line and westward of the dune line shall comply with the following requirements:

- (1) The lowest floor shall be at or above the minimum elevation required for the site by the flood zone.
- (2) Height regulation for the district as shown in Article IV through XX shall apply, with height measurement being measured from the required elevation by the flood zone, where applicable. All other areas shall be measured from grade.]

[F.]D. Townhouses and multifamily dwellings subject to the site plan review requirement of Article XXVIII located in the area lying eastward of the inland waterway from Roosevelt Inlet to the Maryland State line shall comply with the following additional requirements:

- (1) All buildings, parking areas and unloading areas shall be a minimum of 30 feet landward from the dune line. The additional yard requirement for buildings of more than three stories shall be added thereto.

[G. No land in a Coastal High-Hazard Area may be developed unless the new construction or substantial improvement:

- (1) Is located landward of the reach of mean high tide.
- (2) Does not result in the alteration of sand dunes which would increase potential flood damage.
- (3) Does not use fill for structural support and does not use slab or other at-grade foundations.
- (4) Shall be elevated on pilings and columns so that:
  - (a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the one-hundred-year-flood level:
  - (b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components (water loading values used shall be those associated with the one-hundred-year flood; wind loading values shall be those required by state or local building standards); and
  - (c) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting these provisions.

- (5) Has no basement and shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certified that the proposed design meets the following conditions:
  - (a) Breakaway wall collapse shall result from a water load less than that which would occur during the one-hundred-year flood.
- (6) Shall use any enclosed space below the lowest floor solely for the parking of vehicles, building access or storage.

H. The following construction controls shall be in effect throughout the flood-prone districts wherever more stringent controls do not prevail:

- (1) Floor elevation.
  - (a) The lowest floor, including basement, of new construction or substantial improvements of residential structures shall be elevated to the level or above the level of the one-hundred-year flood.
  - (b) The lowest floor, including basement, of new construction or substantial improvement of nonresidential structures shall be:
    - [1] Elevated to the level or above the level of the one-hundred-year flood; or
    - [2] Together with attendant utility and sanitary facilities, designed so that below the one-hundred-year flood level the structure is watertight and has structural components capable of withstanding hydrostatic and hydrodynamic loads and effect of buoyancy.
- (2) Placement of structures. Any new structure erected within the flood-prone districts shall be aligned to offer minimal resistance or obstruction to the flow of the one-hundred-year floodwaters.
- (3) Anchoring.
  - (a) All new structures shall be firmly anchored to prevent lateral movement, flotation or collapse.

- (b) All air ducts, large pipes and storage tanks located at or below the first-floor level shall be firmly anchored to prevent lateral movement, flotation or collapse.
- (4) For all new construction and substantial improvements, those fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two openings having a total net area of no less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (b) The bottom of all openings shall be no higher than one foot above grade.
  - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (5) Interior floors, walls and ceilings.
  - (a) Wood flooring used at or below the first-floor level shall be installed to accommodate a lateral expansion of the flooring perpendicular to the flooring grain without incurring structural damage to the building.
  - (b) All finished flooring used at or below the first-floor level shall be made of materials which are stable and resistant to water damage.
  - (c) All carpeting or carpet cushions employed as a finished flooring surface at or below the first-floor level shall be made of materials which are resistant to water damage.
  - (d) Plywood used at or below the first-floor level shall be of an exterior or marine grade and of a water-resistant or waterproof variety.
  - (e) Basement ceilings in nonresidential structures shall have sufficient wet strength and be so installed as to survive inundation.
- (6) Electrical systems.
  - (a) All electric water heaters, electric furnaces and other permanent electrical installations shall be permitted only at or above the level of the one-hundred-year flood.

- (b) All electrical distribution panels and breaker boxes shall be elevated to or above the level of the one-hundred-year flood (base flood elevation).
  - (c) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- (7) Plumbing, Water heaters, furnaces and other permanent mechanical installations shall be permitted only at or above the level of the one-hundred-year flood.
- (8) Storage. No materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal or plant life shall be stored below the level of the one-hundred-year flood.

I. **Manufactured homes.**

- (1) Manufactured homes to be placed or substantially improved within any floodplain area on sites outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision or in an existing manufactured home park or subdivision in which a manufactured home has incurred substantial damage, as defined herein, as the result of a flood shall:
- (a) Be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated to or above the base flood elevation; and
  - (b) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (2) Manufactured homes to be placed or substantially improved within any floodplain area in an existing manufactured home park or subdivision and not subject to the provisions of Subsection I (1) above shall be elevated so that:
- (a) The lowest floor of the manufactured home is at or above the base flood elevation; and
  - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) **Anchoring.**
- (a) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include but are not limited to the over-the-top and frame ties to ground anchors, such as the following:

[1] Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side for manufactured homes less than 50 feet long.

[2] Frame ties shall be provided at each corner of the home, with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side.

[3] All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

(b) Any additions to a manufactured home shall be similarly anchored.

(c) This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

J. Recreational vehicle placement. Recreational vehicles to be placed within any floodplain area shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use or meet the provisions of Article XXIV, § 115-172H of this Code. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices and has no permanently attached additions.

K. Floodway requirements.

(1) Within the floodway portion of the flood-prone district, no construction or development shall be permitted which would result in any increases in flood levels within the community during the one-hundred-year flood.

(2) No manufactured homes shall be placed in the floodway, except into existing manufactured home parks.

(3) Encroachments, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway shall be prohibited, unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(4) Notwithstanding any other provisions of the floodplain management criteria for flood-prone areas by the Federal Emergency Management Agency, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for conditional Federal Insurance Rate Map and floodway revision, fulfills the requirements for such revisions and receives the approval of the Federal Insurance Administrator.

L. Area of shallow flooding regulations.

- (1) Require within any AO zone on the community's Federal Insurance Rate Maps that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Federal Insurance Rate Map (at least two feet if no depth number is specified).
- (2) Require within an AO zone on the community's Federal Insurance Rate Map that all new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Federal Insurance Rate Map (at least two feet if no depth number is specified) or, together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified by the Federal Insurance Administrator.]

**SYNOPSIS**

This ordinance replaces the existing requirements for flood-prone districts contained in the Sussex County Zoning Code with current provisions as required by the Federal Emergency Management Agency for continued participation in the National Flood Insurance Program. This amendment gives greater guidance, and more detail, to those parties utilizing these requirements, including the Sussex County Floodplain Administrator, developers, builders and property owners. In addition, these provisions were previously scattered throughout the Code in Sections 115-4, 115-189 and Article XVIII. Through this amendment, they are more conveniently located entirely within Article XVIII "Flood Prone Districts". In addition, the ordinance permits additional height up to 2 feet for every foot of freeboard incorporated into a structure.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. \_\_\_\_ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015

\_\_\_\_\_  
ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL

PUBLIC HEARING

November 18, 2014

This is to certify that on September 11, 2014 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for a Change of Zone. At the conclusion of the public hearing, the Commission moved and passed that the application be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING  
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

The attached comments relating to the public hearing are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearing.

**Change of Zone #1757 BLN, LLC**

Application of **BLN, LLC** to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a B-1 Neighborhood Business District for a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 14,400 square feet, more or less, land lying southeast of Route 9 (Lewes Georgetown Highway) 0.6 mile west of Road 321 (Park Avenue) (911 Address: 22440 Lewes Georgetown Highway, Georgetown, DE) (Tax Map I.D. # 1-35-15.00-93.00).

Mr. Lank advised the Commission that this application was filed on July 15, 2014, and that the application included a site plan/survey showing the existing improvements on the site.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report, dated January 29, 2014, referencing that a traffic impact study was not recommended and that the current Level of Service "E" of Seashore Highway (Route 9) will not change as a result of this application.

Mr. Lank reminded the Commission that a previous application was reviewed on this site a few months ago for a rezoning from AR-1 to CR-1, and that the Commission had recommended that the application be denied and that the applicant should consider applying for a conditional use.



The Commission found that Leon Ware was present on behalf of BLN, LLC and stated in his presentation and in response to questions raised by the Commission that he had applied previously for CR-1 zoning and that when he went to the Sussex County Council public hearing it was suggested that he withdraw his application and reapply for either a B-1 Neighborhood Business zoning or a conditional Use; that he chose to apply for the rezoning to B-1 Neighborhood Business since the property has historically been used in ways that would conform to B-1 zoning; that historically the property has been used for a gas station, convenience store, construction company office, and an office for a computer shop; that the area has a mix of residential with some business activities; that the Sports at the Beach facility is located on two sides of the property; that the property has been for sale for four years and that the zoning has been the reason stated for the lack of being able to sell the property; that the building is small and contains three offices, a conference room, a bathroom and small kitchenette; that another office type of use exists four doors down to the west and is utilized for a computer sales business; and that there are other commercial and business uses towards Georgetown.

Mr. Smith referenced that Route 9 is either a Major Arterial Roadway or a Major Collector Roadway.

The Commission found that there were no parties present in support of or in opposition to this application.

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

Mr. Johnson stated that he would move that the Commission recommend approval of Change of Zone No. 1757 for BLN, LLC for a change of zone from AR-1 Agricultural Residential to B-1 Neighborhood Business based on the record made during the public hearing and for the following reasons:

- 1) This site has historically been used for business uses, going back before a zoning code was adopted in Sussex County. This rezoning will apply a zoning classification that is consistent with the property's uses.
- 2) There are other business uses in the vicinity. The site is also adjacent to the Sports at the Beach sports complex on two sides.
- 3) Route 9 is an appropriate location for B-1 Neighborhood Business zoning.
- 4) The applicant has stated that the existing building will remain in use on the property. Given the small size of the site, additional development will be difficult.
- 5) No parties appeared in opposition to the application.
- 6) B-1 Neighborhood Business zoning, which is designed to serve small areas in rural, low-density or medium-density residential neighborhoods, is appropriate for this location.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5 – 0.

**Council District – District No. 2**

**Tax I.D. No. 135-15.00-83.00**

**911 Address: 22440 Lewes Georgetown Highway, Georgetown**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14,400 SQUARE FEET, MORE OR LESS**

**WHEREAS, on the 15th day of July 2014, a zoning application, denominated Change of Zone No. 1757 was filed on behalf of BLN, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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. 1757 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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,**

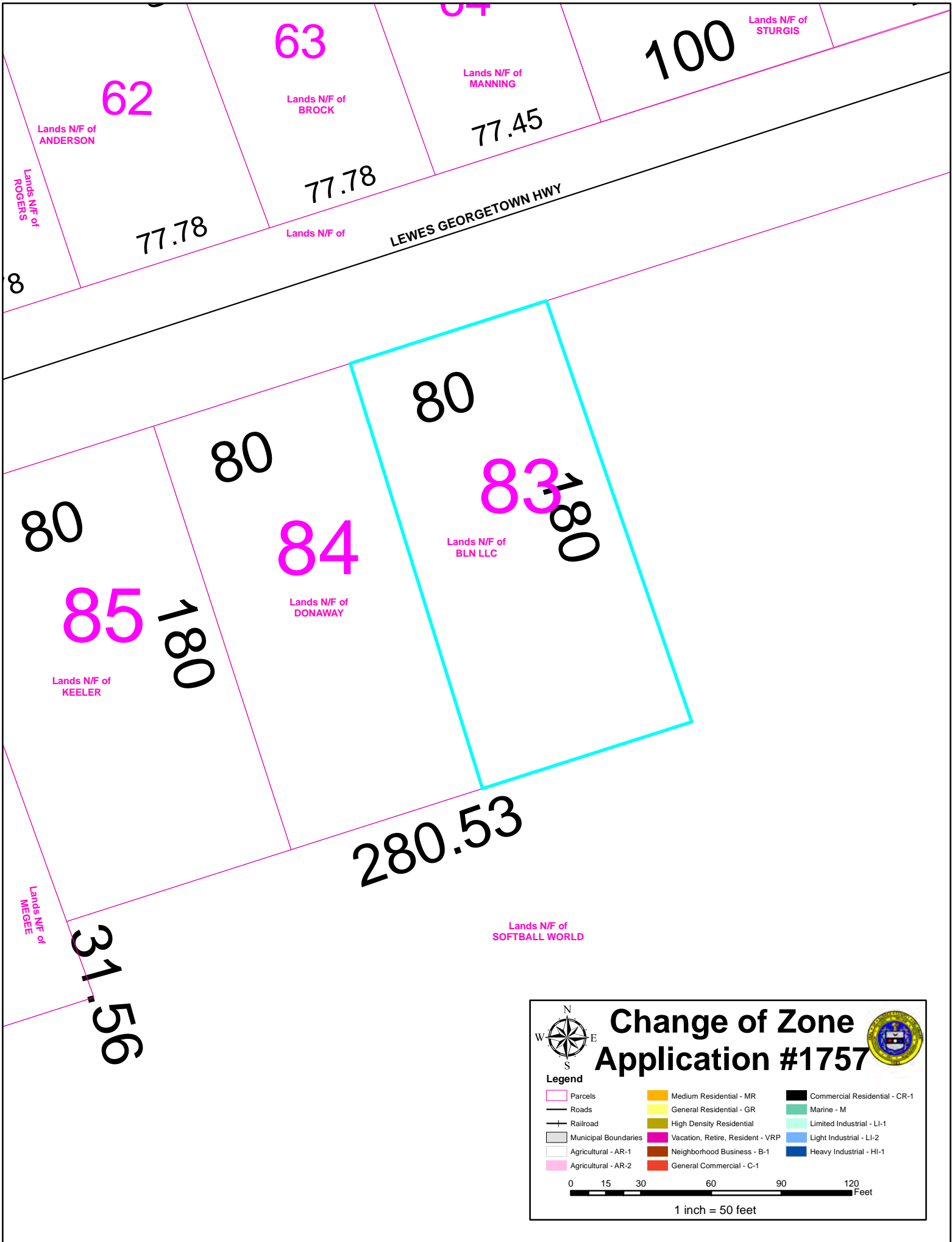
**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**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 B-1 Neighborhood Business District as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying southeast of Route 9 (Lewes Georgetown Highway) 0.6 mile west of Road 321 (Park Avenue) and being more particularly described in Deed Book 3726, Page 301, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 14,400 square feet, 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.**



63

Lands N/F of BROCK

100

Lands N/F of STURGIS

62

Lands N/F of ANDERSON

Lands N/F of MANNING

77.45

77.78

Lands N/F of

77.78

LEWES GEORGETOWN HWY

8

Lands N/F of ROGERS

80

80

83

Lands N/F of BLN LLC

180

80

84

Lands N/F of DONAWAY

85

180

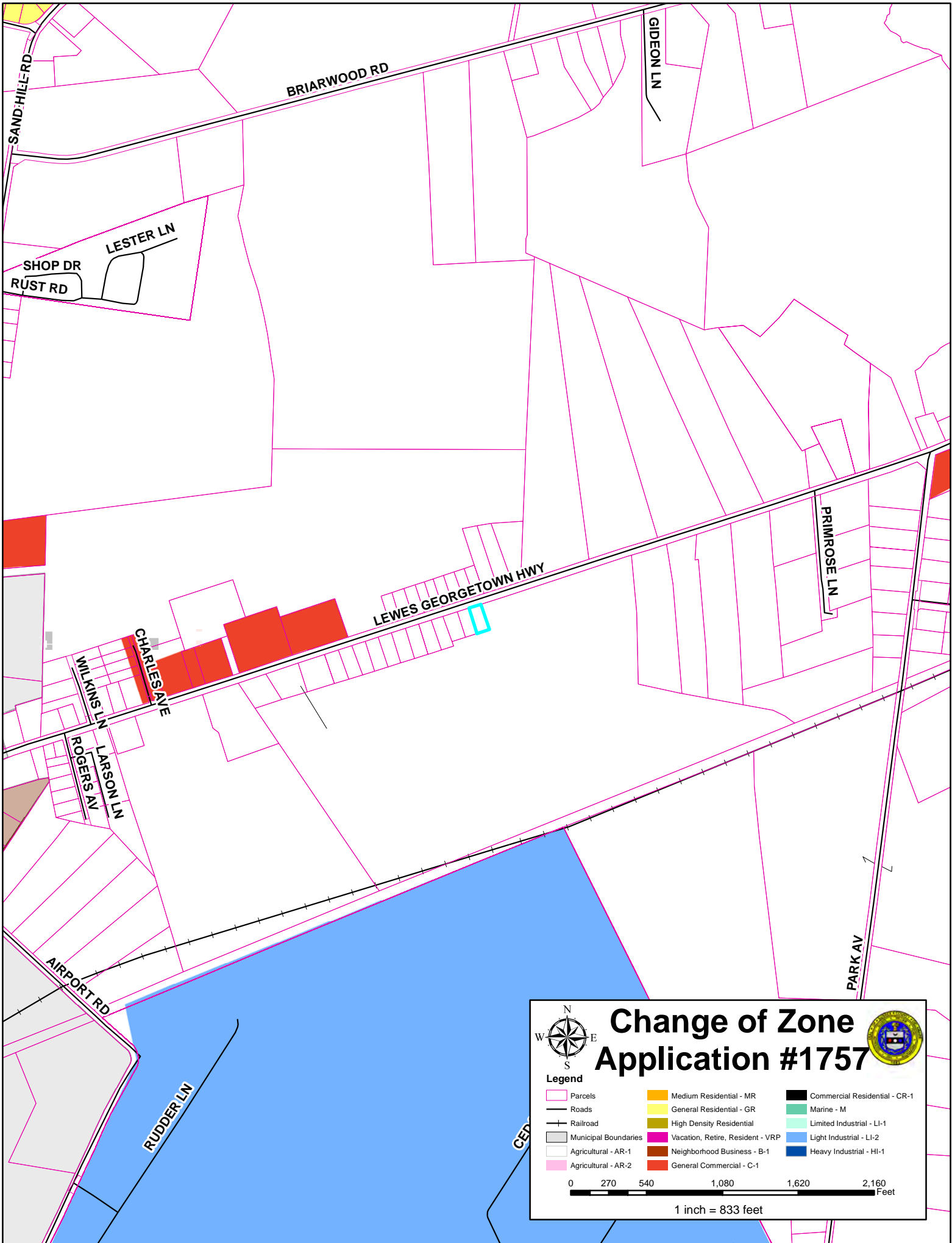
Lands N/F of KEELER

280.53

Lands N/F of SOFTBALL WORLD

Lands N/F of MEGEE

31.56

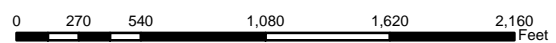


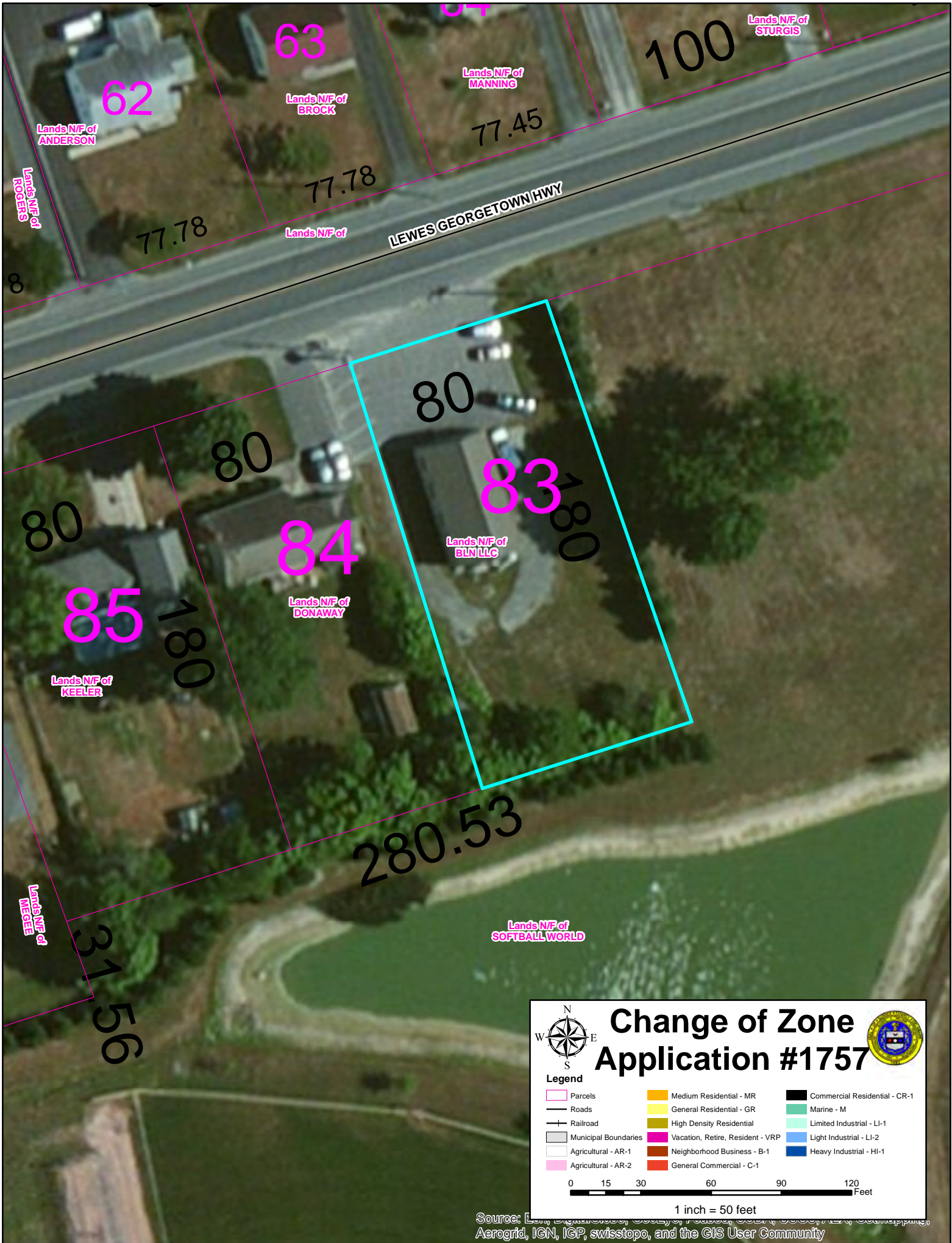
# Change of Zone Application #1757



**Legend**

- Parcels
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1





63

62

100

Lands N/F of MANNING

Lands N/F of BROCK

77.45

77.78

77.78

Lands N/F of

LEWES GEORGETOWN HWY

80

83

80

84

Lands N/F of BUN LLC

80

85

Lands N/F of KEELER

180

Lands N/F of DONAWAY

280.53

Lands N/F of SOFTBALL WORLD

Lands N/F of MIEGHE

3156



# Change of Zone Application #1757



**Legend**

- Parcels
- Medium Residential - MR
- Commercial Residential - CR-1
- Roads
- General Residential - GR
- Marine - M
- Railroad
- High Density Residential
- Limited Industrial - LI-1
- Municipal Boundaries
- Vacation, Retire, Resident - VRP
- Light Industrial - LI-2
- Agricultural - AR-1
- Neighborhood Business - B-1
- Heavy Industrial - HI-1
- Agricultural - AR-2
- General Commercial - C-1

0 15 30 60 90 120 Feet

1 inch = 50 feet

Source: Esri, DeLorme, GeoEye, IGN, IPC, swisstopo, and the GIS User Community

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

MEMORANDUM:


TO:                   The Honorable Michael H. Vincent  
                          President, Sussex County Council

                          The Honorable Samuel R. Wilson, Jr.  
                          Vice President, Sussex County Council

                          The Honorable George B. Cole  
                          Sussex County Councilman

                          The Honorable Vance Phillips  
                          Sussex County Councilman

                          The Honorable Joan R. Deaver  
                          Sussex County Councilwoman

FROM:               Gina A. Jennings  
                          Finance Director 

RE:                   **2015 HUMAN SERVICE GRANTS**

DATE:               November 14, 2014

Attached is a schedule of the 2015 Human Service Grants, as well as an overview of the program. On Tuesday, November 18, 2014, I will be recommending to Council that we approve those grants listed for payment.

Please call me prior to the meeting if you would like to discuss further.

GAJ/nc

Attachments

# Sussex County Human Service Grant Program

Fiscal Year 2015





## **Human Service Grant Purpose**

Grants to countywide non-profit 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.

## Criteria

- Applied online by September 30<sup>th</sup>
- Non-profit
- Show a financial need
- Countywide (serve at least 3 of the 5 council districts)
- Meet the purpose of a Human Service Grant



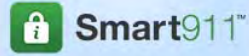
Government

Citizens

Visitors

Business

Services



Stay Connected

- County Council
- County Directory & Contacts
- Open Government
- Meetings, Minutes & More



Property Search



Sheriff Sales



Meeting Calendar

## Human Service Grant Application

### Section I: Applicant Information

Project Name \*

Federal Tax ID \*

Non-Profit \*

Yes

No

Please include a copy of a letter from the IRS stating your current non-profit status \*

Files must be less than 5 MB.  
Allowed file types: gif jpg png bmp txt rtf pdf doc docx.

Legal Name of Agency/Organization \*

Address \*

Address

City \*

State \*

ZIP Code \*

Email Address

### Section 2: Program Description

**Program Category (choose all that apply) \***

- Fair Housing
- Health and Human Services
- Cultural
- Infrastructure [1]
- Educational
- Other...

[1] Infrastructure could include roadway construction, trash disposal, well and septic repair, public water and sewer hookup, street lighting, and construction for accessibility purposes.

**Beneficiary Category \***

- Disability & Special Needs
- Victims of Domestic Violence
- Homeless
- Elderly Persons (62 +)
- Low to Moderate Income [2]
- Minority
- Other...

[2] To qualify as low to moderate income, the project must benefit households that have less than 80% of AMI for Sussex County which is defined annually by the U.S. Department of Housing & Urban Development. For 2014, 80% of AMI for a family size of one is \$26,220.

**Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program \***

**Which Council Districts benefit by this project? (choose all that apply) \***

- District 1
- District 2
- District 3
- District 4
- District 5

Visit <http://www.sussexcountyde.gov/county-council> to see what areas these districts represent.

**Does this project affect any communities by the Community Development impacted communities study? (choose all that apply)**

- Cedar Creek
- Concord
- Cool Spring
- Coverdale Crossroads
- Diamond Acres
- Dog Patch

**Section 3: Program Scope**

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

**Section 4: Budget**

**REVENUE**

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) \*

\$

**EXPENDITURES**

Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal.

Description	Amount
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<input style="width: 95%;" type="text"/>	\$ <input style="width: 30px;" type="text"/>
<b>TOTAL EXPENDITURES</b>	\$ <input style="width: 30px;" type="text"/>

	\$
<b>TOTAL EXPENDITURES</b>	\$
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	\$

### Section 5: Statement of Assurances

If this grant application is awarded funding,

**Name of Organization \***

agrees that:

1. All expenditures must have adequate documentation.
2. All accounting records and supporting documentation shall be available for inspection by Sussex County Government by request.
3. No person, on the basis of race, color, national origin, handicap/disability, familial status, sex, creed, marital status, age, sexual orientation, or gender identity should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Human Service Grant funds.
4. All statements made in this funding request are accurate.

**Applicant/Authorized Official \***

**Date**  
2014 Oct 15

[Submit Application](#)

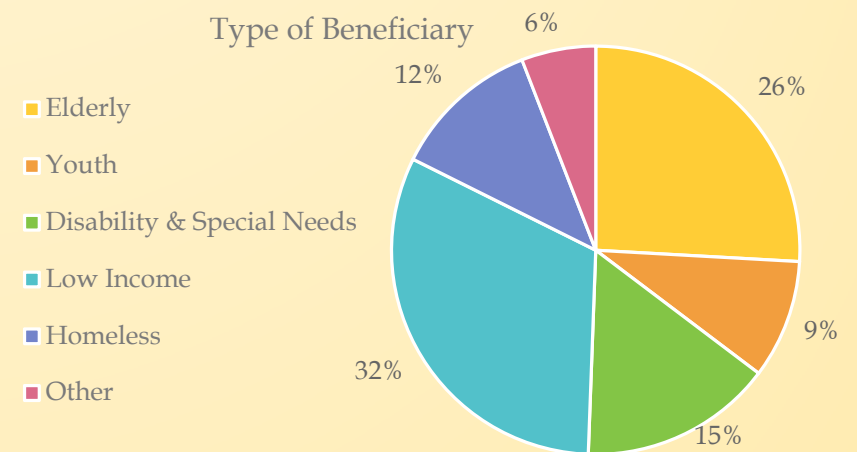
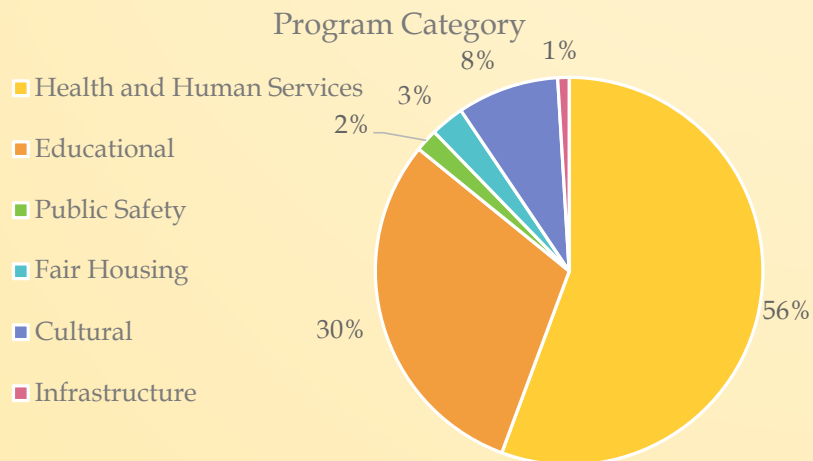
# Formula to Distribute Budget of \$143,520

Criteria	Amount Proposed per Non-profit*
Less than 250 Sussex County Beneficiaries	
Project deficit of less than \$5,000	\$500
Project deficit of \$5,000 or greater	\$750
Between 250 and 400 Sussex County Beneficiaries	
Project deficit of less than \$5,000	\$1,000
Project deficit of \$5,000 or greater	\$1,500
400 or greater Sussex County Beneficiaries	
Project deficit of less than \$5,000	\$1,750
Project deficit of \$5,000 or greater	\$2,000
Boys & Girls Clubs	\$1,500
CHEER & Senior Centers	\$5,000
Meals on Wheels	\$6,000

\*Recipient's amount was lowered if another grant, \$1,000 or over, was received in the last 12 months

# Application Statistics

- Received \$437,574 in requests from 82 qualified organizations
- 164,209 Sussex County beneficiaries
- Organizations raise approximately \$8.9 million of other types of support for these projects





# Fiscal Year 2015 Recipients

- Alzheimer's Association Delaware Valley
- American Legion Auxiliary Girls State Program
- Arc of Delaware
- ARK Educational Consulting, Inc.
- Best Buddies Delaware
- Booker Street Church of God
- Boys and Girls Club of Delaware, Inc. - Western Sussex
- Boys & Girls Clubs of Delaware at Oak Orchard/Riverdale
- Boys and Girls Club of Delaware, Inc. - Laurel
- Boys & Girls Clubs of Delaware at Georgetown
- Bridgeville Senior Citizen's Center
- Cadbury at Lewes, Inc.
- Cancer Support Community Delaware
- Cape Henlopen Senior Center
- Catholic Charities, Inc.
- Cheer, Inc. - Cheer at Georgetown.
- Cheer, Inc. - CHEER at Greenwood
- Cheer, Inc. - Cheer at Long Neck
- Cheer, Inc. - Cheer at Ocean View
- Cheer, Inc. - Cheer at Roxana
- Cheer, Inc. - Cheer at Milton
- Cheer, Inc. - Cheer at Lewes
- Church of God and Saints of Christ
- Clothing Our Kids
- Delaware Adolescent Program, Inc.
- Delaware Center for Homeless Veterans
- Delaware Community Reinvestment Action Council, Inc.
- Delaware Crime Stoppers
- Delaware Guidance Services for Children and Youth, Inc.
- Delaware Housing Coalition
- Delaware Lions Foundation, Inc.
- Delaware Nature Society
- Delaware Police Chiefs' Council, Inc.
- Delmarva Clergy United In Social Action Foundation
- DFRC, Inc.
- Easter Seals Delaware & Maryland's Eastern Shore
- Epworth United Methodist Church, parent of Immanuel Shelter
- Everlasting Hope Ministries
- First State Community Action Agency
- Food Bank of Delaware
- Grace Tabernacle of Deliverance
- Greater Lewes Community Village
- Harry K Foundation
- Hearts Unlimited, Inc.
- Indian River Senior Center, Inc.
- Junior Achievement of Delaware, Inc.
- Kent-Sussex Industries, Inc.
- La Esperanza
- La Red Health Center, Inc
- Laurel Community Foundation, Inc.
- Laurel Lions Club
- Laurel Senior Center, Inc.
- Lewes Historical Society
- Lewes Senior Center, Inc.
- Meals on Wheels of Lewes & Rehoboth
- Milford Senior Center, Inc.
- Milton Historical Society
- Nanticoke Senior Center, Inc.
- National Multiple Sclerosis Society, Delaware Chapter
- New Coverdale Outreach Mission
- New Hope Recreation and Development Center
- New Zion United Methodist Outreach
- People's Place II, Inc.
- Primeros Pasos, Inc.
- Read Aloud Delaware
- Reading ASSIST Institute
- Ronald McDonald House of Delaware
- Seaford Historical Society
- Shechinah Empowerment Center
- Sussex Community Crisis Housing Services, Inc
- Sussex County Habitat for Humanity
- Sussex County RSVP Advisory Council
- Sussex Pregnancy Care Center, Inc.
- Sussex Senior Transportation Cooperative
- Teens In Perspective
- The Way Home, Inc.
- UCount Inc.
- United Way of Delaware, Inc.
- Vision To Learn
- West Side New Beginnings, Inc.
- YMCA of Delaware - Sussex Family
- YWCA Delaware, Inc.

Name of Organization	Project Name	Funding Request	Beneficiaries Served Annually	Last Year's	Proposed
Alzheimer's Association Delaware Valley Chapter	MedicAlert+ SafeReturn Scholarships for Persons with Dementia in Sussex Co.	\$ 500	9	\$ 500	\$ 500
American Legion Auxiliary Girls State Program	Department of Delaware Girls State	\$ 2,000	40	\$ 500	\$ 750
Arc of Delaware	The Arc of Delaware	\$ 1,000	75	\$ 1,000	\$ 750
ARK Educational Consulting, Inc.	The ARK Educational Consulting, Inc. (The ARK Educational Resource Center)	\$ 1,500	30	\$ -	\$ 750
Best Buddies Delaware	Best Buddies Delaware	\$ 2,500	40	\$ 500	\$ 500
Booker Street Church of God	House of Ruth	\$ 8,045	100	\$ 500	\$ 750
Boys and Girls Club of Delaware, Inc. - Western Sussex	Western Sussex Boys and Girls Club- Power Hour	\$ 5,000	200	\$ 1,500	\$ 1,500
Boys & Girls Clubs of Delaware at Oak Orchard/Riverdale	Power Hour	\$ 7,560	80	\$ 1,500	\$ 1,500
Boys and Girls Club of Delaware, Inc. - Laurel	Western Sussex Boys and Girls Club- Laurel	\$ 5,000	100	\$ 1,500	\$ 1,500
Boys & Girls Clubs of Delaware at Georgetown	Project Learn - Power Hour	\$ 7,560	95	\$ 1,500	\$ 1,500
Bridgeville Senior Citizen's Center Inc	Homebound Meals Program	\$ 20,000	18,000	\$ 5,000	\$ 5,000
Cadbury at Lewes, Inc.	Monarch Way Station	\$ 6,300	500	\$ -	\$ 2,000
Cancer Support Community Delaware	Cancer Support Services for Sussex Countians	\$ 1,000	700	\$ 500	\$ 1,000
Cape Henlopen Senior Center	Cape Henlopen Senior Center Upgrades	\$ 8,800	1,140	\$ 5,000	\$ 5,000
Catholic Charities, Inc.	Transportation for Casa San Francisco Clients	\$ 10,000	145	\$ 1,000	\$ 750

Name of Organization	Project Name	Funding Request	Beneficiaries Served Annually	Last Year's	Proposed
Cheer, Inc. - Cheer at Georgetown.	Cheer at Georgetown	\$ 5,000	859	\$ 5,000	\$ 5,000
Cheer, Inc. - CHEER at Greenwood	CHEER at Greenwood	\$ 5,000	517	\$ 5,000	\$ 5,000
Cheer, Inc. - Cheer at Long Neck	Cheer at Long Neck	\$ 5,000	791	\$ 5,000	\$ 5,000
Cheer, Inc. - Cheer at Ocean View	Cheer at Ocean View	\$ 5,000	816	\$ 5,000	\$ 5,000
Cheer, Inc. - Cheer at Roxana	Cheer at Roxana	\$ 5,000	351	\$ 5,000	\$ 5,000
Cheer, Inc. - Cheer at Milton	Cheer at Milton	\$ 5,000	304	\$ 5,000	\$ 5,000
Cheer, Inc. - Cheer at Lewes	Cheer at Lewes	\$ 5,000	350	\$ 5,000	\$ 5,000
Church of God and Saints of Christ	Sussex County Free Thanksgiving Dinner	\$ 2,000	1,800	\$ 900	\$ 1,750
Clothing Our Kids	Clothing Our Kids	\$ 5,000	1,200	\$ -	\$ 1,500
Delaware Adolescent Program, Inc.	(DAPI) Alternative Education Program for Pregnant Teens	\$ 2,000	35	\$ 1,000	\$ 750
Delaware Center for Homeless Veterans, Inc.	Veterans Reentry and Reintegration Program	\$ 11,619	125	\$ -	\$ 750
Delaware Community Reinvestment Action Council, Inc.	Low Income Tax Clinic	\$ 1,000	50	\$ 500	\$ 750
Delaware Crime Stoppers	Delaware Crime Stoppers	\$ 1,500		\$ 500	\$ 700
Delaware Guidance Services for Children and Youth, Inc.	Outpatient Mental Health Counseling for Children and Families	\$ 5,000	1,200	\$ 2,000	\$ 2,000
Delaware Housing Coalition	Affordable Housing Advocacy	\$ 2,000	100	\$ 2,000	\$ 750
Delaware Lions Foundation, Inc.	Service Projects	\$ 3,000		\$ 500	\$ 500
Delaware Nature Society/Abbotts Mill Nature Center	New to Nature Program	\$ 2,000	250	\$ 1,000	\$ 1,000
Delaware Police Chiefs' Council, Inc.	Local Police Coordination Request	\$ 3,000		\$ 870	\$ 500

Name of Organization	Project Name	Funding Request	Beneficiaries Served Annually	Last Year's	Proposed
Delmarva Clergy United In Social Action Foundation	Delmarva Clergy's Programs	\$ 5,000	8,709	\$ 1,000	\$ 1,500
DFRC, Inc.	DFRC Blue-Gold All Star Football Hand in Hand Program	\$ 5,000	100	\$ 2,500	\$ 750
Easter Seals Delaware & Maryland's Eastern Shore	Purchase two additional iPads for our Developmental Disabilities Services Day Program Participants	\$ 1,000	60	\$ 1,000	\$ 500
Epworth United Methodist Church, parent of Immanuel Shelter	Immanuel (Cold Weather) Shelter	\$ 45,000	125	\$ -	\$ 250
Everlasting Hope Ministries	Tony's House	\$ 2,500	20	\$ 1,000	\$ 500
First State Community Action Agency on behalf of Pinetown Civic Assoc., Coverdale Crossroads, and Walkers Mill	Community Center Repair Project	\$ 25,800	1,200	\$ 500	\$ 1,500
Food Bank of Delaware	Food Bank of Delaware's Milford Culinary School Program	\$ 11,600	36	\$ 500	\$ 750
Grace Tabernacle of Deliverance	The Mentorship Program	\$ 1,000	25	\$ 1,000	\$ 500
Greater Lewes Community Village	Greater Lewes Community Village (GLCV)	\$ 3,600	250	\$ 750	\$ 750
Harry K Foundation	H4 Initiative: Help Harry Halt Hunger	\$ 25,000	17,079	\$ -	\$ 2,000
Hearts Unlimited, Inc.	Multi-Cultural Community Center Diaper Pantry	\$ 500	125	\$ -	\$ 500
Indian River Senior Center, Inc.	Grant-in-Aid Program - 2015	\$ 5,000	900	\$ 5,000	\$ 5,000

Name of Organization	Project Name	Funding Request	Beneficiaries Served Annually	Last Year's	Proposed
Junior Achievement of Delaware, Inc.	Junior Achievement Economics Education in Sussex County	\$ 2,500	1,300	\$ 1,000	\$ 1,750
Kent-Sussex Industries, Inc.	Transportation for Employment	\$ 8,800	115	\$ 1,000	\$ 750
La Esperanza	La Esperanza-Education and Youth Program	\$ 2,500	400	\$ 1,500	\$ 1,750
La Red Health Center, Inc	Expansion of Case Management for the Homeless Population	\$ 5,000	350	\$ 500	\$ 1,500
Laurel Community Foundation, Inc.	Hope House I and II, Laurel, DE	\$ 2,000	25	\$ 1,000	\$ 500
Laurel Lions Club	Laurel Lions Club Recreational Center	\$ 1,000	1,000	\$ 1,000	\$ 1,000
Laurel Senior Center, Inc.	Meal Program	\$ 10,000	27,300	\$ 5,000	\$ 5,000
Lewes Historical Society	Education at the Lewes Life-Saving Station Boathouse	\$ 1,000	25,000	\$ 1,000	\$ 750
Lewes Senior Center, Inc.	Lewes Senior Center, Inc. Reception Area Renovations for ADA Compliance	\$ 5,000	500	\$ 5,000	\$ 5,000
Meals on Wheels of Lewes & Rehoboth, Inc.	Meals on Wheels of Lewes & Rehoboth Home Delivery Meal Program	\$ 8,000	275	\$ 6,000	\$ 6,000
Milford Senior Center, Inc.	Milford Senior Center, Inc.	\$ 5,000	998	\$ 5,000	\$ 5,000
Milton Historical Society	Making the Museum's Collections Accessible for All	\$ 5,000	5,000	\$ 1,000	\$ 1,500

Name of Organization	Project Name	Funding Request	Beneficiaries Served Annually	Last Year's	Proposed
Nanticoke Senior Center, Inc.	Nanticoke Senior Center Nutrition Outreach Services	\$ 11,000	1,300	\$ 5,000	\$ 5,000
National Multiple Sclerosis Society, Delaware Chapter	National MS Society, Delaware Chapter Financial Assistance	\$ 2,500	10	\$ 1,000	\$ 750
New Coverdale Outreach Mission, Inc	New Coverdale Outreach Mission, Inc	\$ 2,000	1,000	\$ 1,000	\$ 2,000
New Hope Recreation and Development Center	New Hope After RDC School Program	\$ 800	220	\$ 500	\$ 500
New Zion United Methodist Church Outreach Team	Balling for God Basketball Tournament and Health Awareness Day	\$ 1,500	250	\$ -	\$ 470
People's Place II, Inc.	Transportation for Sussex County Veterans	\$ 5,000	40	\$ 2,000	\$ 750
Primeros Pasos Inc.	Primeros Pasos Early Care & Education	\$ 1,000	100	\$ 500	\$ 250
Read Aloud Delaware	Read Aloud Delaware	\$ 2,000	800	\$ 1,000	\$ 1,750
Reading ASSIST Institute	Reading ASSIST Institute - Volunteer Tutor Service	\$ 1,000	50	\$ 500	\$ 500
Ronald McDonald House of Delaware	Housing for Sussex County families	\$ 1,000	1,689	\$ 1,000	\$ 1,000
Seaford Historical Society	Virtual Docents for the Seaford Historical Society Properties	\$ 1,300	1,000	\$ 1,000	\$ 800
Shechinah Empowerment Center	Christmas food baskets	\$ 1,500	110	\$ 500	\$ 500
Sussex Community Crisis Housing Services, Inc	Crisis House Emergency Shelter	\$ 5,000	230	\$ 2,000	\$ 750

Name of Organization	Project Name	Funding Request	Beneficiaries Served Annually	Last Year's	Proposed
Sussex County Habitat for Humanity	Family Empowerment Assistance	\$ 5,000	41	\$ 1,000	\$ 750
Sussex County RSVP Advisory Council, Inc	Retired and Senior Volunteer Program Advisory Council (RSVP) Nimble Fingers Project	\$ 1,500	3,300	\$ 500	\$ 800
Sussex Pregnancy Care Center, Inc.	Abstinence Education Program for Teens "Waiting, the Smart Choice"	\$ 1,000	700	\$ 1,000	\$ 1,000
Sussex Senior Transportation Cooperative	Sussex Senior Transportation Cooperative	\$ 10,000	3,500	\$ -	\$ 2,000
Teens In Perspective	T.I.P. Sussex County/Tomorrow's Leaders Asset Development Program	\$ 3,650	200	\$ 500	\$ 500
The Way Home, Inc.	The Way Home, Inc.	\$ 10,000	1,200	\$ 1,000	\$ 2,000
UCount Inc.	"It Takes Two"	\$ 740	15	\$ 500	\$ 500
United Way of Delaware, Inc.	Crisis Alleviation and Financial Capacity Building	\$ 10,000	25,000	\$ 1,000	\$ 2,000
Vision To Learn	Vision To Learn	\$ 5,000	2,000	\$ -	\$ 2,000
West Side New Beginnings, Inc.	West Side New Beginnings, Inc. (Children and Youth Program)	\$ 2,000	35	\$ -	\$ 500
YMCA of Delaware - Sussex Family YMCA branch	Sussex Family YMCA Camp Oowassis 2015 Scholarships	\$ 5,400	150	\$ 1,000	\$ 750
YWCA Delaware, Inc.	YWCA Delaware Youth Program	\$ 1,000	375	\$ 500	\$ 1,000
<b>Total</b>		<b>\$ 437,574</b>	<b>164,209</b>		<b>\$ 143,520</b>

GINA A. JENNINGS, MBA, MPA  
FINANCE DIRECTOR

(302) 855-7741 T  
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gjennings@sussexcountype.gov



**Sussex County**

DELAWARE  
sussexcountype.gov

**MEMORANDUM:**


TO:           The Honorable Michael H. Vincent  
                  President, Sussex County Council

                  The Honorable Samuel R. Wilson, Jr.  
                  Vice President, Sussex County Council

                  The Honorable George B. Cole  
                  Sussex County Councilman

                  The Honorable Joan R. Deaver  
                  Sussex County Councilwoman

                  The Honorable Vance Phillips  
                  Sussex County Councilman

FROM:       Gina A. Jennings   
                  Finance Director

RE:           ***FINANCIAL REPORT FOR THE THREE MONTHS  
                  ENDING SEPTEMBER 30, 2014***

DATE:       November 14, 2014

Attached is the unaudited estimated Revenue and Expense Report for the three months ending September 30, 2014, which I will be presenting to Council on Tuesday, November 18, 2014. I have also attached a separate schedule to show the activity in building related revenue for the first quarter.

GAJ/nc

Attachments





**Sussex County Council**  
**Unaudited Revenue and Expense Report**  
**As of September 30, 2014**

	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD
		Annual	YTD	
<b>REVENUES</b>				
<b>TAXES</b>				
Property tax *	\$ 3,508,022	\$ 14,032,087	\$ 3,508,022	0.00%
<b>TOTAL TAXES</b>	\$ 3,508,022	\$ 14,032,087	\$ 3,508,022	0.00%
<b>REALTY TRANSFER TAX</b>	\$ 5,580,876	\$ 16,000,000	\$ 4,000,000	39.52%
<b>SERVICES - BUILDING AND CONSTRUCTION</b>				
Fire service fee (pass through)	\$ 310,070	\$ 1,000,000	\$ 250,000	24.03%
Building permit and zoning fee	\$ 398,642	\$ 1,325,000	\$ 331,250	20.34%
Building inspections	\$ 309,132	\$ 1,040,000	\$ 260,000	18.90%
Private road - review/inspection	\$ 40,848	\$ 377,000	\$ 94,250	-56.66%
Water and sewer - review/inspection	\$ -	\$ -	\$ -	100.00%
Mobile home placement tax (pass through)	\$ 21,348	\$ 74,000	\$ 18,500	15.39%
<b>TOTAL SERVICES - BUILDING AND CONSTRUCTION</b>	\$ 1,080,040	\$ 3,816,000	\$ 954,000	13.21%
<b>SERVICES - GOVERNMENTAL FEES</b>				
General government fee (911 system fee)	\$ 139,909	\$ 559,630	\$ 139,908	0.00%
Dog licensing	\$ 10,785	\$ 74,000	\$ 18,500	-41.71%
Other department fees	\$ 4,655	\$ 51,000	\$ 12,750	-63.49%
<b>TOTAL SERVICES - GOVERNMENTAL FEES</b>	\$ 155,349	\$ 684,630	\$ 171,158	-9.24%
<b>INTERGOVERNMENTAL</b>				
Federal operating grants	\$ 47,191	\$ 181,200	\$ 45,300	4.17%
State operating grants	\$ 1,150,989	\$ 4,401,599	\$ 1,100,400	4.60%
Community development	\$ 10,982	\$ 1,775,000	\$ 443,750	-97.53%
<b>TOTAL INTERGOVERNMENTAL</b>	\$ 1,209,162	\$ 6,357,799	\$ 1,589,450	-23.93%
<b>CONSTITUTIONAL OFFICES</b>				
Clerk of the peace	\$ 51,265	\$ 134,000	\$ 33,500	53.03%
Recorder of deeds	\$ 815,274	\$ 3,370,000	\$ 842,500	-3.23%
Register of wills	\$ 258,682	\$ 950,000	\$ 237,500	8.92%
Sheriff	\$ 525,243	\$ 2,150,000	\$ 537,500	-2.28%
<b>TOTAL CONSTITUTIONAL OFFICES</b>	\$ 1,650,464	\$ 6,604,000	\$ 1,651,000	-0.03%
<b>RENT</b>				
Airport fuel sales	\$ 6,495	\$ 17,000	\$ 4,250	52.82%
Industrial airpark rent	\$ 98,592	\$ 455,820	\$ 113,955	-13.48%
Land rent	\$ -	\$ 3,710	\$ 928	-100.00%
Emergency operations center (SUSCOM)	\$ 17,500	\$ 17,500	\$ 4,375	300.00%
Miscellaneous rentals	\$ 2,357	\$ 16,960	\$ 4,240	-44.42%
<b>TOTAL RENT</b>	\$ 124,944	\$ 510,990	\$ 127,748	-2.19%
<b>MISCELLANEOUS</b>				
Investment earnings	\$ 6,111	\$ 400,000	\$ 100,000	-93.89%
Fines	\$ 7,176	\$ 22,000	\$ 5,500	30.47%
Prothonotary	\$ 15	\$ -	\$ -	100.00%
Project income - community development	\$ 145,802	\$ -	\$ -	100.00%
Other charges	\$ 51,687	\$ 217,080	\$ 54,270	-4.76%
Appropriated project reserves	\$ -	\$ 3,000,000	\$ 750,000	0.00%
<b>TOTAL MISCELLANEOUS</b>	\$ 210,791	\$ 3,639,080	\$ 909,770	-76.83%
Transfers in from sewer and water	\$ 65,773	\$ 300,000	\$ 75,000	-12.30%
<b>TOTAL REVENUES</b>	\$ 13,585,421	\$ 51,944,586	\$ 12,986,147	4.61%
* Accruals				

Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.

**Sussex County Council**  
**Unaudited Revenue and Expense Report**  
**As of September 30, 2014**

EXPENDITURES	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD
		Annual	YTD	
General Government				
County council	\$ 124,893	\$ 513,286	\$ 128,322	-2.67%
County administration	\$ 170,593	\$ 4,169,170	\$ 1,042,293	-83.63%
Legal	\$ 95,652	\$ 370,000	\$ 92,500	3.41%
Finance	\$ 610,986	\$ 1,836,669	\$ 459,167	33.06%
Assessment	\$ 349,752	\$ 1,466,378	\$ 366,595	-4.59%
Building code	\$ 166,836	\$ 786,212	\$ 196,553	-15.12%
Mapping	\$ 206,776	\$ 728,705	\$ 182,176	13.50%
Human resources	\$ 130,450	\$ 549,677	\$ 137,419	-5.07%
General employment and retirement	\$ 67,927	\$ 220,523	\$ 55,131	23.21%
Boards and Commissions	\$ 22,176	\$ 67,927	\$ 16,982	30.59%
Building and grounds	\$ 443,767	\$ 1,761,191	\$ 440,298	0.79%
Security	\$ 110,674	\$ 421,722	\$ 105,431	4.97%
Information Technology/ Data Processing	\$ 390,792	\$ 1,449,792	\$ 362,448	7.82%
Constable	\$ 56,616	\$ 230,634	\$ 57,659	-1.81%
Constable - dog control	\$ 184,997	\$ 741,512	\$ 185,378	-0.21%
Grant-in-aid programs	\$ 2,364,123	\$ 7,600,361	\$ 1,900,090	24.42%
Planning and zoning	\$ 270,320	\$ 1,255,298	\$ 313,825	-13.86%
Paramedic	\$ 3,446,299	\$ 13,315,497	\$ 3,328,874	3.53%
Emergency operations center administration	\$ 144,011	\$ 467,259	\$ 116,815	23.28%
Emergency operations center dispatchers	\$ 572,010	\$ 1,929,054	\$ 482,264	18.61%
Communications	\$ 98,432	\$ 452,587	\$ 113,147	-13.00%
Local emergency plan program	\$ 16,456	\$ 73,513	\$ 18,378	-10.46%
Economic development	\$ 3,426	\$ 123,829	\$ 30,957	-88.93%
Industrial airpark	\$ 157,057	\$ 660,764	\$ 165,191	-4.92%
Community development	\$ 369,511	\$ 2,041,920	\$ 510,480	-27.61%
Engineering - administration	\$ 304,981	\$ 1,145,146	\$ 286,287	6.53%
Engineering - public works	\$ 148,579	\$ 613,472	\$ 153,368	-3.12%
Engineering - solid waste	\$ 18,868	\$ 156,100	\$ 39,025	-51.65%
Records management	\$ 38,772	\$ 180,719	\$ 45,180	-14.18%
Library	\$ 1,038,788	\$ 3,990,784	\$ 997,696	4.12%
Marriage Bureau	\$ 49,065	\$ 176,294	\$ 44,074	11.32%
Recorder of deeds	\$ 253,612	\$ 1,148,045	\$ 287,011	-11.64%
Register of wills	\$ 120,191	\$ 533,805	\$ 133,451	-9.94%
Sheriff	\$ 157,877	\$ 681,241	\$ 170,310	-7.30%
Interfund transfers	\$ -	\$ 85,500	\$ 21,375	-100.00%
<b>TOTAL EXPENDITURES</b>	<b>\$ 12,705,265</b>	<b>\$ 51,944,586</b>	<b>\$ 12,986,147</b>	<b>-2.16%</b>
<b>EXCESS (DEFICIT) OF REVENUES OVER EXPENDITURES</b>	<b>\$ 880,156</b>	<b>\$ 0</b>	<b>\$ 0</b>	

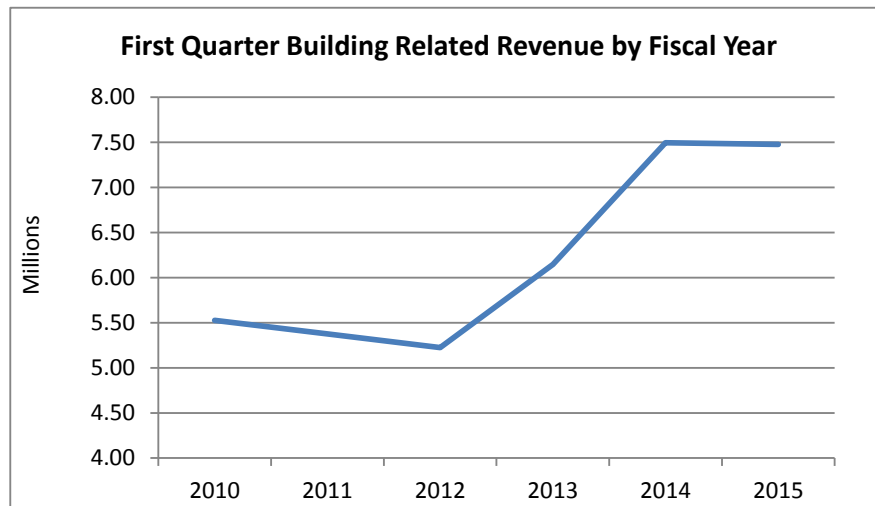
Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.

**Sussex County Council**  
**Unaudited Revenue and Expense Report**  
**As of September 30, 2014**

	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD
		Annual	YTD	
<b>CAPITAL IMPROVEMENT REVENUES</b>				
Federal airport grant	1,520,265	270,000	67,500	2152.24%
State airport grant	-	7,500	1,875	-100.00%
State library grant	16,631	100,000	25,000	-33.47%
State paramedic grant	-	435,000	108,750	-100.00%
State capital grant	-	500,000	125,000	-100.00%
Realty Transfer	-	4,000,000	1,000,000	-100.00%
Investment earnings	(2,241)	20,000	5,000	-144.83%
Appropriated reserves	-	1,763,485	440,871	-100.00%
<b>TOTAL CAPITAL IMPROVEMENT REVENUES</b>	<b>1,534,655</b>	<b>7,095,985</b>	<b>1,773,996</b>	<b>-13.49%</b>
<b>CAPITAL IMPROVEMENT EXPENDITURES</b>				
General government	31,373	1,440,000	360,000	-91.29%
Paramedics	3,386	1,450,000	362,500	-99.07%
Emergency Preparedness	-	800,000	200,000	-100.00%
Engineering	-	550,000	137,500	-100.00%
Library	-	200,000	50,000	-100.00%
Airpark	672,535	2,655,985	663,996	1.29%
<b>TOTAL CAPITAL IMPROVEMENT EXPENDITURES</b>	<b>707,294</b>	<b>7,095,985</b>	<b>1,773,996</b>	<b>-60.13%</b>
<b>EXCESS (DEFICIT) OF REVENUES OVER EXPENDITURES</b>	<b>827,361</b>	<b>-</b>	<b>-</b>	

Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.

First Quarter Building Related Revenue by Fiscal Year						
Building Related Revenue	2010	2011	2012	2013	2014	2015
Building inspections	\$ 242,893.56	\$ 206,962.64	\$ 133,921.06	\$ 221,139.64	\$ 405,296.25	\$ 309,132.46
Building permit and zoning fee	319,506.82	283,736.42	311,960.39	312,971.09	426,251.30	398,641.76
Fire service fee	232,212.78	193,541.76	217,633.90	224,107.93	324,154.23	310,069.96
Mobile home placement tax	33,705.87	18,200.75	18,685.21	13,827.67	19,357.75	21,347.63
Private road - review/inspection	63,016.75	66,192.69	30,066.20	144,239.27	64,718.95	40,848.19
Recorder of Deeds	900,895.34	768,966.63	710,820.50	930,075.86	947,466.26	815,274.26
	1,792,231.12	1,537,600.89	1,423,087.26	1,846,361.46	2,187,244.74	1,895,314.26
Realty Transfer Tax	3,732,082.39	3,836,735.75	3,800,778.24	4,301,059.50	5,307,355.69	5,580,876.35
<b>Total Building Related Revenue</b>	<b>\$ 5,524,313.51</b>	<b>\$ 5,374,336.64</b>	<b>\$ 5,223,865.50</b>	<b>\$ 6,147,420.96</b>	<b>\$ 7,494,600.43</b>	<b>\$ 7,476,190.61</b>



Total Dwelling Permits Issued through 1st Week of November		
2012	2013	2014
535	710	700
14%	33%	-1%

Revenue	Ist Quarter Budget Variance
Building inspections	19%
Building permit and zoning fee	20%
Fire service fee	24%
Mobile home placement tax	10%
Private road - review/inspection	-57%
Recorder of Deeds	-3%
Realty Transfer Tax	40%
<b>Total</b>	<b>29%</b>

1st Quarter - Number of Building Inspections		
Type of Inspection	2014	2015
Houses	428	375
Modulars	30	30
Additions	342	384
Commercial	61	57
Multi-Family	72	21
Miscellaneous	9	0
<b>Total</b>	<b>942</b>	<b>867</b>



# THE MAYOR & COUNCIL TOWN OF GEORGETOWN

39 THE CIRCLE  
GEORGETOWN, DE 19947  
TELEPHONE (302) 856-7391  
FAX (302) 856-6348  
WWW.GEORGETOWNDEL.COM

September 23, 2014

Sussex County Council  
Todd Lawson, Administrator  
2 The Circle  
PO Box 589  
Georgetown, De 19947

Dear Todd,

I am requesting your support for sponsorship for the 2014 Mayor's Return Day Celebration.

Sponsors will receive recognition of their support at the reception which will be held at the Georgetown Fire Department on Thursday, November 6, 2014 from 5:00 P.M. to 9:00 P.M.

Checks should be made payable to the "Town of Georgetown" and forwarded to the attention of Angela Townsend, Town Clerk, 39 The Circle, Georgetown, DE 19947.

Thank you for your time and consideration in this matter. Your financial support will be greatly appreciated.

An invitation to the event will be forthcoming. I look forward to seeing you there. Please feel free to contact me at (302) 236-9955 if you have any questions.

Sincerely,

*Bill West*

Bill West  
Mayor  
Town of Georgetown



Laurel Farmers Auction Market  
10067 Georgetown Rd  
PO Box 633  
Laurel DE 19956



Dear Councilman Phillips:

I am writing on behalf of Laurel Farmers Auction Market. We are in need of any financial assistance that you can offer to us with promoting the market. We have been in the Sussex County area for 75 years and we are a major contributor to the economic stability of western Sussex County. Our tax code is a 521 tax-exempt farmer co-op organization and as I'm sure you're aware, this year's agricultural season wasn't very good. Our economic impact this year was 23 million to the community and our highest year was 59 million. As you can see we didn't even reach half of that this year.

We are looking for funds to further promote the market to increase sales and marketability for the farmers. We are also trying to expand our facilities so that we can accommodate more local farmers and buyers. This expansion would be an extremely valuable asset to our local farming community. These funds could help reach our goal of accomplishing this.

Any assistance that you would be able to provide us would be greatly appreciated by our local farmers.

Sincerely,

A handwritten signature in black ink, appearing to read "Calvin Musser".

Calvin Musser

**Good Samaritan Aid Organization Inc.  
P. O. Box 643  
Laurel, DE 19956**

The Honorable Michael H. Vincent and  
The Honorable Vance C. Phillips  
Sussex County Council  
2 The Circle  
P. O. Box 589  
Georgetown, DE 19947

Dear Mr. Vincent and Mr. Phillips:

The Good Samaritan Aid Organization Inc. (Tax ID # 51-0303717) of Laurel, DE operates as a 501(c) 3 non-profit organization with a mission of providing financial assistance to the most needy individuals and families in the Laurel community. The organization operates a thrift store in Laurel utilizing a totally volunteer staff to sell donated items and clothes. The monies raised at the thrift store are used to provide financial assistance to individuals referred by the local churches, Laurel school nurses and the state service center. Our organization is vital to the survival of the neediest families in the Laurel community.

Good Samaritan also sponsors an annual Christmas Basket program created to ensure that all families enjoy a Christmas meal, and every child in town receives a Christmas gift. In 2013, the program delivered food baskets and Food Lion gift cards to 230 families and provided gifts to over 600 children in the Laurel community.

The economic environment has taken a toll on our organization. The revenue generated from the thrift stores is barely able to produce the free cash flow necessary to assist the ever increasing number of needy individuals in our community. Prior to 2009, the Christmas Basket program was funded almost entirely by fundraising at the local Food Lion. In 2009, Food Lion withdrew its support of our solicitation effort. Since that time, we are totally reliant upon cash donations to fund the annual program.

Our annual Christmas Basket program is in jeopardy of being drastically reduced at a time when the economic need is at a very high level. Our organization would like to request a donation from the Sussex County Council in the amount of \$1,000. The funds will be used to purchase Food Lion gift cards and toys for the Christmas Basket program in 2014.

Thank you for your consideration of our request. I can be reached during business hours at 302/875-0355 if you should need any additional information.

Sincerely,



Melinda R. Tingle  
President

## Town Of Blades Kid's Christmas Fund

Dear Friend,

Believe it or not, the holidays are right around the corner. We are in full swing preparing for the annual "Blades Kids Christmas Bazaar".

The event is held for kids from Blades, Bridgeville, Seaford, and Laurel, generally the local area. No one is turned away.

They receive gifts, make crafts, play games, have lunch, and get a photo and visit with Santa.

Funding is the key for our continued success and past support has come from the Town and generous sponsors like yourself. I was hoping you may be able to help out again.

This year's party is on Sunday, December 7<sup>th</sup>, from 1:00 to 3:00 P.M. and will host over 100 kids.

All sponsors are recognized the day of the event and donations are tax deductible. No matter the amount, it all adds up to one special afternoon for some kids and their parents who could use a little holiday cheer.

Our Sincere Thanks  
Michael Smith  
Blades Mayor

If you can help, please send donations to...

Town Of Blades Kid's Christmas  
20 West 4<sup>th</sup> Street  
Blades, Delaware 19973

For more information call Bazaar Coordinator Joe McCabe at 841-5232 or Town Administrator Vicki Prettyman at Blades Town Hall (629-7366).





Greater Seaford Chamber of Commerce  
Post Office Box 26  
Seaford, Delaware, 19973  
phone: 302.629.9690 fax: 302.629.0281  
email: admin@seafordchamber.com

**Officers**

PRESIDENT

RALPH SCOTT III

VICE PRESIDENT

TOM BROWN

2<sup>nd</sup> VICE PRESIDENT

ROB HARMAN

SECY-TREASURER

DOLORES SLATCHER

**Directors**

BEVERLY BLADES

HEATH CHASANOV

PAT CORRELL

TOM DARBY

LAWRENCE DERNULC

G. JANE DRACE

JASON FELLER

DEBBIE JEWELL

JENNY KEIM

BRYANT RICHARDSON

JOHN TARBURTON, ESQ.

STEVE TULL

**Past President**

JOHN RITTENHOUSE, SR.

**Staff**

EXECUTIVE DIRECTOR

LYNN BROCATO

October 28, 2014

Mike Vincent, President  
Sussex County Council  
Georgetown, DE 19947

RE: Seaford Christmas Parade

Dear Councilman Vincent:

The Seaford Christmas Parade is one of the largest holiday celebrations celebrated on Delmarva each year.

It draws visitors from all of Sussex County and beyond to Seaford. The parade will be held on the first Saturday in December.

We would like to respectfully request a donation from Sussex County Council to help defray the cost of putting on the parade this year.

We thank you in advance for your consideration.

With much gratitude,

*Lynn Brocato*

Lynn Brocato  
Executive Director



12 DODDS LANE, HENLOPEN ACRES, REHOBOTH BEACH, DE 19971  
[F] 302-227-8408 [F] 302-227-4121 [w] rehobothartleague.org

October 27, 2014

Councilman George Cole &  
Councilwoman Joan Deaver  
Sussex County Council  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947

Dear Joan and George:

This letter requests a grant from the Sussex County Council to support the Rehoboth Art League (RAL) opening of its new art studios on Route 9 in spring of 2015. As you know for over 75 years the RAL has engaged Sussex County residents with art education, exhibition and art events. We serve as a hub for artists and art appreciators to gather and connect; teaching each other and improving the quality of live here in our County, including economically. RAL's annual economic impact to the region is estimated at \$1.5mm\*.

Though located in Henlopen Acres, our impact extends beyond our campus as we provide free art instruction to over 700 youth annually in West Rehoboth, Burton Village, Seaford, Bridgeville, Laurel and Georgetown. Our Young at Art show features the artwork of 250 students from 25 Sussex County schools. We bring art to those who cannot travel to us: we provide instruction to seniors in assisted living communities, and engaged incarcerated teens in art through mural design. And our program collaborations with over 15 different non-profits enhance the quality of life for all who live here.

In order to meet the growing demand for more art programming, and ensure our programs are accessible to the community we serve, the RAL is opening a satellite location on Route 9 in the Vineyards development. This 6,400 sq ft facility will offer artist work spaces, open studios, classrooms and a media arts studio. In partnership with the Coastal Camera Club, over 200 photographers will have access to high quality printers to reproduce their photography. Computers with photo shop and graphic arts software will provide RAL the ability to teach the arts using contemporary technology. We anticipate 100 youth will benefit from this new technology, and hope to add it to our after school programming in which we offer through First State Community Action Agency. Its location will be much easier for youth to attend classes at RAL.

The anticipated cost to open the facility is \$250,000 which includes permit fees, materials, labor and equipment. We are asking your help in providing any level of support for this endeavor – which will benefit a growing community in Sussex County. Thank you for your prior support of the RAL and the artists in Sussex County. We appreciate your consideration for a grant for this new satellite, and look forward to extending the creative spirit to the Lewes area in 2015.

Sincerely,

Sheila Bravo

Cc: Diana Beebe, John Schroeder, Todd Lawson

\*Based on a 2012 study by Americans for the Arts, Arts & Economic Prosperity Estimate, - an analysis of DE art organizations and how their spending gives back to the community in jobs, household income and local and state taxes. RAL figures are based on its expenditures and audience participation in 2013.





# Sussex County Foster Parent Cluster Association

**President: Lynn Stanton**

**Treasurer: Joseph Lyons**

**Vice President: Vinnie Knoepfel**

**Secretary: Bethany Gibson**

2014

October 1, 2014

Sussex Co. Council  
P.O. Box 429  
Georgetown, DE 19947  
Attn: Susan Webb

Dear Ms. Webb:

The air is crisp and fall is upon us! It's that time of year that our Organization fund raises for our upcoming Holiday Party on December 14, 2014. This year we are hosting it at the Cheer Community Center in Georgetown. Every D.F.S. Foster Family in Sussex Co. will be invited, and we plan on providing the foster families with a lovely lunch, craft table, photo keepsakes with Santa, Disc Jockey, and a gift for every child in attendance.

This event is one we host every year and it holds a warm place in our hearts to see foster kids enjoying the Holiday spirit and fellowship with their foster families and siblings. Please help us make this year's Holiday Party a memorable one for foster kids in Sussex County.

With support from our community and donations from organizations such as yourselves we are able to meet our goals and empower foster families.

Monetary donations can be mailed to the address below. Thanks, again!!

Sincerely,

Lynn Stanton, President

501C 20-5761254



PO Box 806 Georgetown, DE 19947  
302.393.KIDS (5437)

[www.fosterdelaware.com](http://www.fosterdelaware.com)

[info@fosterdelaware.com](mailto:info@fosterdelaware.com)



To Be Introduced 11/18/14

Council District – Wilson - District No. 2

Tax I.D. No. 430-5.00-56.00

911 Address: 12982 Mennonite School Road, Greenwood

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTORS SHOP AND OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 6.47 ACRES, MORE OR LESS**

WHEREAS, on the 16th day of October 2014, a conditional use application, denominated Conditional Use No. 2004 was filed on behalf of Delmarva Roofing and Coating, Inc.; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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. 2004 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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. 2004 as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land, lying and being situate in Nanticoke Hundred, Sussex County, Delaware, and lying west of Road 631 (Mennonite School Road) 1,800 feet north of Route 16 (Beach Highway) and 3,200 feet south of Route 36 (Shawnee Road) and being more particularly described as follows:**

**BEGINNING at a concrete monument on the westerly right-of-way of Road 631 (Mennonite School Road), a corner for these lands and lands, now or formerly, of William H. Carlisle, Jr.; thence north 89°44'36" west 575.82 feet to a concrete marker; thence north 37°26'27" west 312.17 feet along said Carlisle lands to an iron pipe; thence north 59°50'17" east 685.61 feet along lands, now or formerly, of Mark E. Schwartzentruber to an iron pipe on**

**the westerly right-of-way of Road 631; thence south 16°15' east 619.52 feet along the westerly right-of-way of Road 631 to the point and place of beginning, and containing 6.47 acres, more or less.**

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

TO BE INTRODUCED

To Be Introduced 11/18/14

Council District – Cole - District No. 4  
Tax I.D. No. 234-34.08-43.00 & 44.00  
911 Address: 32634 Oak Orchard Road, Millsboro

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A BOAT STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.571 ACRES, MORE OR LESS**

WHEREAS, on the 16th day of October 2014, a conditional use application, denominated Conditional Use No. 2005 was filed on behalf of Indian River Volunteer Fire Co., Inc.; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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. 2005 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

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

**Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2005 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 southwest of Oak Orchard Road (a.k.a. Route 5 and Road 297) 0.15 mile north of River Road (Road 312) and being more particularly described as follows:**

**BEGINNING at a point on the southwesterly right-of-way of Oak Orchard Road (Road 297), a corner for these subject lands and lands, now or formerly, of David A. Ritter and Kathy M. Ritter; thence south 40°56'20" west 612.23 feet along said Ritter lands to a point; thence north 37°30'25" west 199.08 feet to a point and north 36°31'15" west 82.12 feet along the centerline of a ditch to a point; thence north 43°26'30" east 567.65 feet along other lands of**

**Indian River Volunteer Fire Co., Inc. to an iron bar on the southwesterly right-of-way of Oak Orchard Road; and thence south 46°11'08" east 250.74 feet along the southwesterly right-of-way of Oak Orchard Road to the point and place of beginning, and containing 3.571 acres, more or less.**

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

TO BE INTRODUCED

**To Be Introduced 11/18/14**

**Council District – Deaver - District No. 3**

**Tax I.D. No. 234-5.00-44.07**

**911 Address: 19884 Beaver Dam Road, Lewes**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SEASONAL FARM STAND/GARDEN CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.2287 ACRES, MORE OR LESS**

**WHEREAS, on the 16th day of October 2014, a conditional use application, denominated Conditional Use No. 2006 was filed on behalf of Thomas and Laura Kucharik; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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. 2006 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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. 2006 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 west of Beaver Dam Road (Road 285) 1,100 feet north of Stockley Road (Road 280) and being more particularly described in Deed Book 4073, Page 97, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 5.2287 acres, more or less.**

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



**To Be Introduced 11/18/14**

**Council District: Vincent – District 1  
Tax I.D. No. 132-9.00-7.00  
911 Address: None Available**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.24 ACRES, MORE OR LESS**

**WHEREAS, on the 10th day of September 2014, a zoning application denominated Change of Zone No. 1763 was filed on behalf of JJJ – Laurel, c/o John Willey; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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. 1763 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County;**

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

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

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

**ALL that certain tract, piece or parcel of land lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying at the northwest corner of U.S. Route 9 (County Seat Highway) and Route 20 (Concord Road) and being more particularly described as follows:**

**BEGINNING at a capped rebar found on the northerly right-of-way of Route 9, a corner for these subject lands and lands, now or formerly, of Ronald W. and Linda E. Joseph; thence north 34°48'51" west 310.00 feet to a capped rebar; thence south 55°11'17.49" west 213.14 feet along said Joseph lands and lands, now or formerly, of Steven V. and Barbara J. Marsh to a capped rebar; thence north 34°48'42.51" west 181.13 feet to a capped rebar and north 55°18'12.49" east 446.84 feet along lands, now or formerly, of Thomas A. and Roberta L. Eames to the westerly right-of-way of Route 20; thence south 67°07'35.51" east 530.07 feet along the westerly right-of-way of Route 20 to a point; thence south 05°58'09.51" west 48.24 feet across the corner cut of the intersection of Route 20 and Route 9 to a point; and thence south 55°11'17.49" west 493.78 feet along the northerly right-of-way of Route 9 to the point and place of beginning, and containing 5.24 acres, more or less, as surveyed by Axiom Engineering, LLC.**

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

PUBLIC HEARING

November 18, 2014

This is to certify that on October 23, 2014 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed applications for Conditional Use and Change of Zone. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING  
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

The attached comments relating to the public hearings are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearings.

**Conditional Use #1998 – Todd Fisher**

Application of **TODD FISHER** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a self-storage facility to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 3.74 acres, more or less, land lying northwest of Old Mill Road (Road 265-A) 300 feet northeast of Route One (911 Address: 16542 Old Mill Road, Lewes, DE) (Tax Map I.D. #3-34-1.00-15.02/15.04).

The Commission found that the Applicant had submitted an Exhibit Booklet, a Conditional Use site plan, a boundary and topographic survey plan for Fisher Warehouse, and a boundary and topographic survey plan for Red Mill Storage. The Exhibit Booklet included references to an Executive Summary; site data; suggested proposed Findings of Fact and Conditions of Approval for consideration; a cover letter; a copy of the application form; reduced copies of the referenced survey/site plans; copies of the contract of sale for the properties; a copy of the Service Level Evaluation Request; a DelDOT Support Facilities Report; a copy of the site evaluation; a location map; an existing land use map; an aerial photograph; a copy of the Tax Map of the area; a copy of the zoning of the area; a copy of the Future Land Use map from the Comprehensive Land Use Plan of the area; a Public Water Systems map for the area; a copy of the Strategies for State Policies and Spending map of the area; a map of the West Rehoboth Sanitary Sewer District; a copy of the Flood Insurance Rate Map of the area; an Illustrative Site Plan; references to compliance with the standards of the Subdivision Ordinance Section 99-9C; references to the

criteria for consideration in the Environmentally Sensitive Developing District Overlay Zone; a series of portfolio on multi-story self-storage systems; photographs to and from the site; a report of subsurface exploration and geotechnical engineering recommendations; and comments from Bradley Cate on wetlands.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report, dated February 6, 2014 and July 15, 2014, which reference that a traffic impact study was not recommended, and that the current Level of Service “A” of Old Mill Road will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on October 15, 2014, referencing that there are two soil types on this site; that the applicants will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that it may not be necessary for any off-site drainage improvements; that it is not likely that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on October 20, 2014 referencing that the site is located in the North Coastal Planning Area for the West Rehoboth Expansion; that central sewer is not available to the parcel at this time; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the parcel is located within a sewer planning area of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that the County does not have a schedule to provide central sewer service to the parcel at this time; that when the County provides sewer service, it is required that the on-site system be abandoned and a connection made to the central sewer system; and that a concept plan is not required.

Mr. Lank provided the Commission with copies of original letters, sample form letters and petitions in opposition to the application. The signed petition contains 50 signatures in opposition. A total of 55 form and individual letters were received in opposition referencing the size of the facility, the inappropriateness of the use proposed, the inconsistency with the homes in the community, the unsafe volume of traffic, traffic safety, personal safety, the violation of the zoning requirements, the financial impact on the residents in the area by possible devaluation, the impact on quality of life, the loss of the agricultural setting of Old Mill Road, additional traffic caused by this application on the already impacted intersection of Old Mill Road and Route One, placing a business/commercial activity in a residential area, traffic accidents at the intersection, and questioning the need for additional storage facilities. All of the letters and petitions are available for review in the application file.

The Commission found that Todd Fisher and Michael Long, Partners in this project, were present with David Kuklish, Professional Engineer with Bohler Engineering, and Betty Tustin, Professional Engineer (Traffic Engineer), and stated in their presentation and in response to questions raised by the Commission that the site contains two vacant parcels totaling 3.6 acres;

that they are dedicating 15 foot of the property to DelDOT for right-of-way; that a portion of the site was previously approved for a tennis facility; that several business/commercial activities exist in close proximity along Route One, referencing a furniture store, a restaurant, marine services, a lighting business, and an auto repair and service facility; that the site is not in a flood plain; that four storage buildings are proposed with one being one story and the other three being three story; that security fencing will be provided around the facility and that a central security gate will be provided; that landscaping will be provided along the front of the property based on the Highway Corridor Overlay Zone requirements; that a septic system will be located in the northeast corner of the site; that septic feasibility has been approved; that on-site well water will be provided; that stormwater can be addressed per State regulations; that security lighting will be installed on the buildings; that DelDOT did not require a Traffic Impact Study; that the entrance and any roadway improvements will be constructed per DelDOT requirements; that the facility will be open from 6:00 a.m. to 10:00 p.m. seven days per week; that once full build-out is completed, an on-site manager will be present; that the site plan depicts an office building with an apartment above for the on-site manager; that a minimal amount of traffic is anticipated; that there should not be any on-site traffic passing the site into the residential area to the east; that traffic reports indicate that from October 2011 through October 2014 there have been two traffic accidents, neither of which had fatalities; that no safety concerns are anticipated since this is a storage facility; that the security system will include lighting and cameras, inside and outside; that access to the storage facility will be some type of entry card access; that the three story buildings will have elevators; that the number of units could range from 350 to 1,000 units depending on the size of the units; that buffering along the sides and rear will be natural grasses with fencing; that portions of the northeast, south and southeast of the site are intended for stormwater management; that the closest building will be at least 50 feet from the DelDOT dedicated right-of-way; that parking is planned to be within the 40 foot setback, but outside of the 20 foot landscaping buffering required by the Highway Corridor Overlay Zone; that private users, not businesses, will utilize the facility; that the security fencing will be at least 6 feet high; that the only retail sales will be for accessory storage products, i.e. boxes, locks, etc.; that the project will meet all State Fire Marshal regulations; and that no outside storage is intended.

The Commission found that Suzanne Hain, Mary Groom, Jim Wright, Bill Landon, Vince Brady, David Williams, Vicki Head, George Dellinger, Maggie Bowden, Christina Abramowicz, Mark Nyden, George Nason, Carole Pizzilla, Marie Mayor, and Ruth Shiffleth, of the 30 parties present in opposition spoke expressing concerns that the most dangerous part of Old Mill Road is crossing Route One to go southbound; that there are approximately 80 homes with access to Old Mill Road; that over the years the farmland and woodlands have changed to residential development; that the business/commercial activities along Route One do not impact Old Mill Road since they are north of Old Mill Road; that the residents have a fear that a precedent will be set by approval of this application bringing additional commercial activities to this residential area; that this application will have no positive benefit to the community; that there do not appear to be any safety benefits for the residents of the community; that the residents only anticipate negative impacts on the community by development of this project; that the residents are concerned about traffic and pedestrian safety; that the only C-1 General Commercial zoning along Old Mill Road is at the corner with Route One; that residents purchased their properties

because the area along Old Mill Road is residentially zoned and for residential purposes; that the homes in the area range from 1,500 to 3,000 square feet; that the downslope of the Nassau Bridge is used by motorists as an acceleration zone; that the residents have a fear of accidents involving slow moving box trucks and pulled trailers leaving the storage facility pulling into the heavy traffic coming off of the Nassau Bridge; that the property directly across from the site is intended for residential development which will be impacted by this proposal; that this application does not meet the purpose of the AR-1 Agricultural Residential District or the purpose of the Conditional Use section of the AR-1 Agricultural Residential District; that the use should be agricultural related; questioning how a 30 plus foot high storage facility meets that criteria; that the residents are concerned about the storage of hazardous waste; that the residents are concerned about the attraction of strangers and crime increasing; that the size of the project is not an amenity to the neighborhood, it will be a nuisance; that the building design is a warehouse, not a building maintaining a residential character; that the businesses in the area face Route One, not Old Mill Road; that Old Mill Road is primarily residential; that the average customer at a storage facility only maintains the unit for seven months; that the parking on the site plan appears to be inadequate; that emptying out abandoned units is a problem, with trash, litter and debris issues; that the site plan does not depict a location for a dumpster; that the Comprehensive Plan depicts this area as residential; that there are a large number of storage facilities in the area, most of which are on major highways, not on residential roadways, and questioning the need for additional storage facilities; that the farmland at the end of Old Mill Road is a hunting club which causes additional traffic along Old Mill Road; that one of the major concerns of the residents is traffic; that the merge lane on Route One, close to Old Mill Road, creates traffic issues; that the signage for Old Mill Road is missing; that this request is a large project on a small site; that light pollution is a concern for any residential area; that a needs assessment was not provided; that abandoned units create auction sales, causing more traffic; that some of the residents have expressed major concerns about the activities on the site from 6:00 a.m. to 8:00 a.m. and 7:00 p.m. to 8:00 p.m.; that concerns have been expressed about equipment noises; that the existing yield sign on New Road should be a stop sign; and that this application is totally out of character with the neighborhood.

The Commission found that Mr. Dellinger provided a Booklet in opposition to the application with facts and concerns supporting the denial of this application. The Booklet contains photographs of the vacant site and then a site depicting a similar self-storage building; a listing of those residents opposed to the application and a copy of the petition; a copy of the Existing Land Use Map from the Comprehensive Land Use Plan; statements disputing that the application is not consistent with nearby businesses; a map depicting the location of several self-storage facilities and photographs of some of those storage facilities; a listing of self-storage facilities in the County; additional facts and concerns referencing problems with self-storage facilities in other jurisdictions; copies of portions of manuals prepared for the Self-Storage Association in reference to a Self-Storage Entitlement Manual, Self-Storage Standards and the Modern Community, a Self-Storage Demand Study 2005, a 2004 Self-Storage Almanac, a 2003 Development Handbook, and a photograph questioning the location for a dumpster.

By a show of hands it was found that there were 30 parties present in opposition to this application.

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

On October 23, 2014 there was a motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

On November 13, 2014 the Commission discussed this application under Old Business

There was a motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

### **Conditional Use #1999 – Hopkins Farm Creamery, Inc.**

Application of **Hopkins Farm Creamery, Inc.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a BBQ vendor to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 73 acres, more or less, land lying southwest corner of U.S. Route 9 (Lewes Georgetown Highway, aka Seashore Highway) and Road 261 (Dairy Farm Road) (911 Address: 18186 Dairy Farm Road, Lewes, DE) (Tax Map I.D. #3-34-10.00-51.00).

The Commission found that DelDOT had provided comments in the form of a Support Facilities Report, dated July 15, 2014, referencing that a traffic impact study was not recommended; and that the current Level of Service “B” of Sweetbriar Road from Beaver Dam Road to U.S. Route 9 may change to a Level of Service “C”.

The Commission found that the Sussex Conservation District had provided comments in the form of a memorandum, dated October 15, 2014, referencing that the site has five soil types; that the applicants will be required to following recommended erosion and sediment control practices during any construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that no off-site drainage improvements will be necessary; that it is not likely that any on-site drainage improvements will be necessary; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division had provided comments in the form of a memorandum, dated October 20, 2014, referencing that the site is located in the North Coastal Planning Area; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that there was not anyone present on behalf of this application.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to table this application to the end of the public hearings. Motion carried 4 – 0.

At the conclusion of the public hearings, the Chairman again announced this application.

The Commission again found that there was not anyone present on behalf of this application.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward a recommendation to the Sussex County Council that this application be denied due to the lack of a record of support, since no one appeared on behalf of the application. Motion carried 4 – 0.

**Change of Zone #1761 – Elizabeth A. Brinton**

Application of **ELIZABETH A. BRINTON** to amend the Comprehensive Zoning Map of Sussex County from a C-1 General Commercial District to an AR-1 Agricultural Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 21,923 square feet, more or less, land lying north of Janus Court, 150 feet west of Road 384 (Bayard Road) being 550 feet north of Road 370 (Daisey Road) at Bayard (911 Address: 33540 Janus Court, Frankford, DE) (Tax Map I.D. #1-34-18.00-85.00).

Mr. Lank advised the Commission that DeIDOT comments were not requested since this is an existing lot on the interior street of a subdivision, and since the application is considered a down zoning; and that the adjacent parcel, Lot #1 within the subdivision was downzoned to AR-1 (C/Z #1696) on November 16, 2010 after recommendation from the Planning and Zoning Commission on October 28, 2010.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on October 16, 2014 referencing that there are three soil types on this parcel; that the applicant would be required to follow recommended erosion and sedimentation control practices during any construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that off-site drainage improvements will not be necessary; that on-site drainage improvements are not likely; and that no tax ditches are affected.

The Commission found that the Engineering Department Utility Planning Division provided comments in the form of a memorandum on October 20, 2014 referencing that the site is located in the Roxana Planning Area; that the use of an on-site septic system is proposed; that conformity to the South Coastal Area Planning Study 2005 Update will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; that when the County provides sewer service, it is required that the on-site system be abandoned and a connection made to the central sewer service; and that a concept plan is not required.

The Commission found that Elizabeth A. Brinton was present and stated in her presentation that she had purchased the property with the dwelling not knowing that the property was zoned C-1 General Commercial; and that she is requesting that the property be rezoned from C-1 General Commercial to AR-1 Agricultural Residential.

Mr. Lank confirmed that the adjacent lot #1 was downzoned from C-1 General Commercial to AR-1 Agricultural Residential in 2010.

The Commission found that there were no parties present in support of or in opposition to this application.

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



Mr. Johnson stated that he would move that the Commission recommend approval of Change of Zone No. 1761 for Elizabeth A. Brinton for a change of zone from C-1 General Commercial to AR-1 Agricultural Residential based upon the record made during the public hearing and for the following reasons:

- 1) This downzoning is appropriate for this property, which is presently used for residential purposes.
- 2) The AR-1 zoning is consistent with adjacent properties, including Lot #1 next door, which was also rezoned from C-1 to AR-1 in 2010.
- 3) The downzoning will not adversely affect neighboring properties or roadways.
- 4) No parties appeared in opposition to the downzoning.

Motion by Mr. Johnson, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 4 – 0.

Introduced 09/09/14

Council District – Deaver - District No. 3  
Tax I.D. No. 334-1.00-15.02/15.04  
911 Address: 16542 Old Mill Road, Lewes

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

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF-STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.74 ACRES, MORE OR LESS”**

**WHEREAS, on the 30th day of July 2014, a conditional use application, denominated Conditional Use No. 1998 was filed on behalf of Todd Fisher; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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. 1998 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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. 1998 as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying northwest of Old Mill Road (Road 265-A) 300 feet northeast of Route One and being more particularly described as Lot “A” and Lot “B” in Plot Book 105, Page 271, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 3.74 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.**

Lands N/F of WRIGHT  
PROEDERS DR



# Conditional Use Application #1998



### Legend

- Parcels
- Parcel Lines
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1

0 30 60 120 180 240 Feet

1 inch = 104 feet

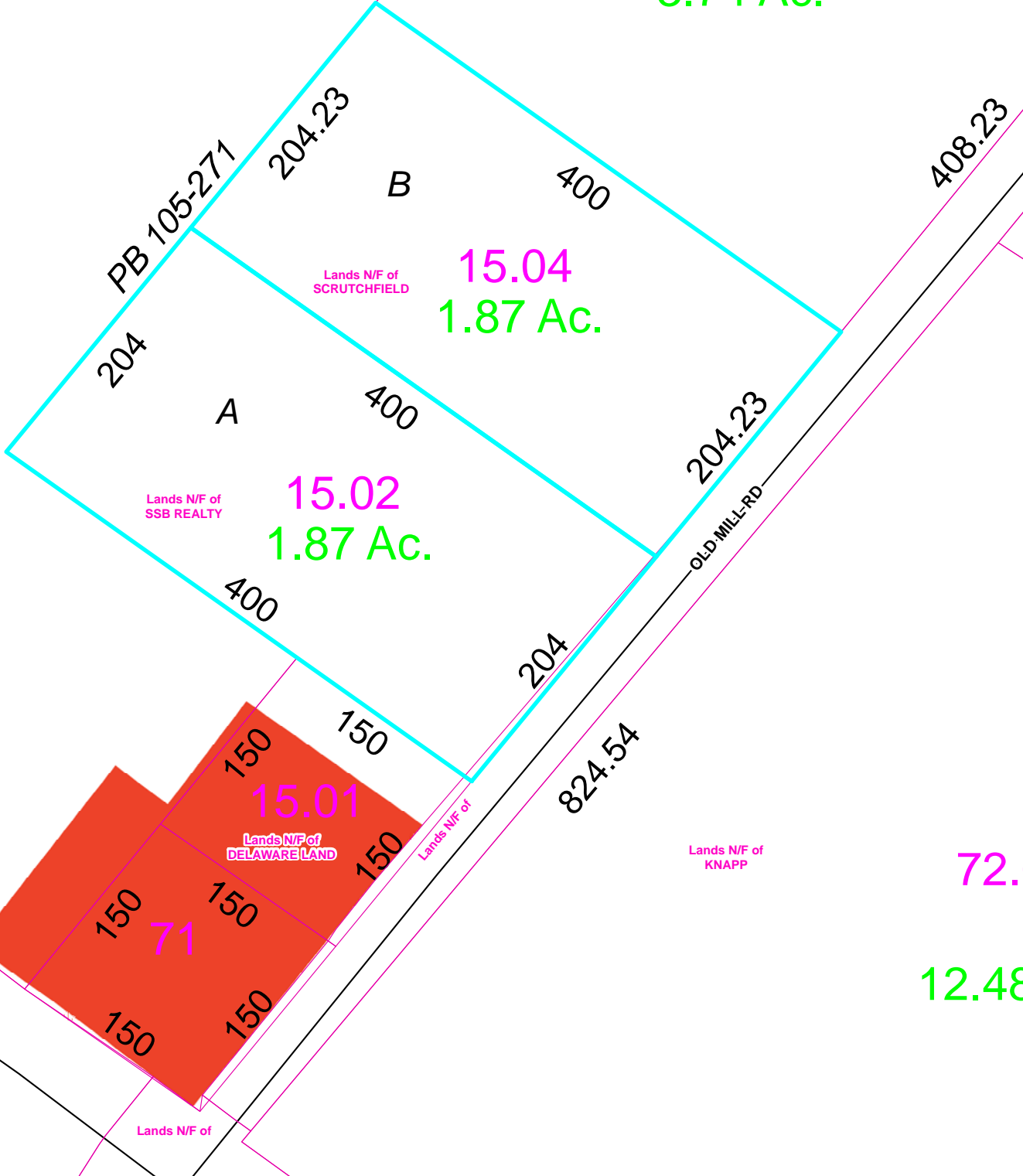
15

9.27 Ac.S

Lands N/F of HAGAN

Lands N/F of MOORE

15.03  
3.74 Ac.



Lands N/F of SCRUTCHFIELD

Lands N/F of SSB REALTY

Lands N/F of DELAWARE LAND

Lands N/F of

Lands N/F of KNAPP

Lands N/F of

Lands N/F of

UNKNOWN

WILLOW CREEK RD

HERON CIR



# Conditional Use Application #1998

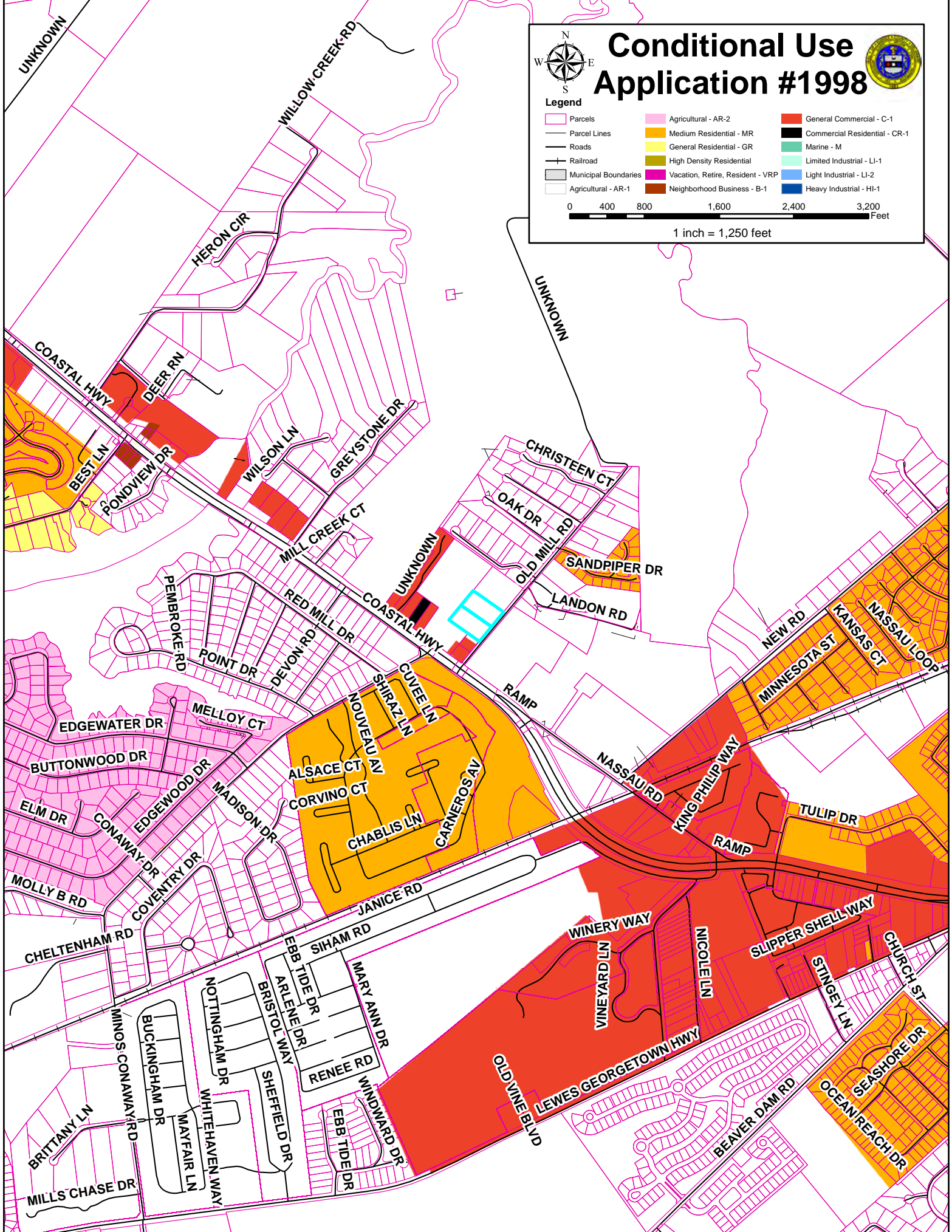


### Legend

- Parcels
- Parcel Lines
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1

0 400 800 1,600 2,400 3,200 Feet

1 inch = 1,250 feet



UNKNOWN

COASTAL HWY

DEER RN

WILSON LN

GREYSTONE DR

CHRISTEN CT

OAK DR

OLD MILL RD

SANDPIPER DR

LANDON RD

PEMBROKE RD

MILL CREEK CT

RED MILL DR

COASTAL HWY

UNKNOWN

RAMP

EDGEWATER DR

MELLOY CT

ALSACE CT

CORVINO CT

CHABLIS LN

CARNEROS AV

NASSAU RD

KING PHILIP WAY

RAMP

TULIP DR

BUTTONWOOD DR

EDGEWOOD DR

MADISON DR

NOUVEAU AV

SHIRAZ LN

CUVEE LN

NASSAU RD

MINNESOTA ST

NEW RD

KANSAS CT

NASSAU LOOP

ELM DR

CONAWAY DR

COVENTRY DR

JANICE RD

SIHAM RD

MARY ANN DR

WINERY WAY

VINEYARD LN

NICOLE LN

SLIPPER SHELLWAY

CHURCH ST

MOLLY B RD

CHELTENHAM RD

NOTTINGHAM DR

EBB TIDE DR

RENEE RD

WINDWARD DR

OLD VINE BLVD

LEWES GEORGETOWN HWY

BEAVER DAM RD

STINGEY LN

OCEAN REACH DR

BRITANNY LN

BUCKINGHAM DR

WHITEHAVEN WAY

SHEFFIELD DR

EBB TIDE DR

WINDWARD DR

MILLS CHASE DR

MAYFAIR LN

EBB TIDE DR

WINDWARD DR

BEAVER DAM RD

OCEAN REACH DR

Lands N/F of WRIGHT  
PROVEDERS DR



# Conditional Use Application #1998



### Legend

- Parcels
- Parcel Lines
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1

0 30 60 120 180 240 Feet

1 inch = 104 feet

15

9.27 Ac.S

Lands N/F of HAGAN

Lands N/F of MOORE

15.03  
3.74 Ac.

PB 105-271  
204

204.23  
B

Lands N/F of SCRUTCHFIELD

15.04  
1.87 Ac.

204

A

400

Lands N/F of SSB REALTY

15.02  
1.87 Ac.

204.23  
OLD MILL RD

400

204

15.01

Lands N/F of DELAWARE LAND

Lands N/F of

824.54

Lands N/F of KNAPP

72.1

150  
71

COASTAL HWY  
Lands N/F of

150

150

Lands N/F of

COASTAL HWY

12.48

Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**Introduced 09/09/14**

**Council District – Deaver - District No. 3  
Tax I.D. No. 334-10.00-51.00  
911 Address: 18186 Dairy Farm Road, Lewes**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BBQ VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 73 ACRES, MORE OR LESS”**

**WHEREAS, on the 31st day of July 2014, a conditional use application, denominated Conditional Use No. 1999 was filed on behalf of Hopkins Farm Creamery, Inc.; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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. 1999 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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.**

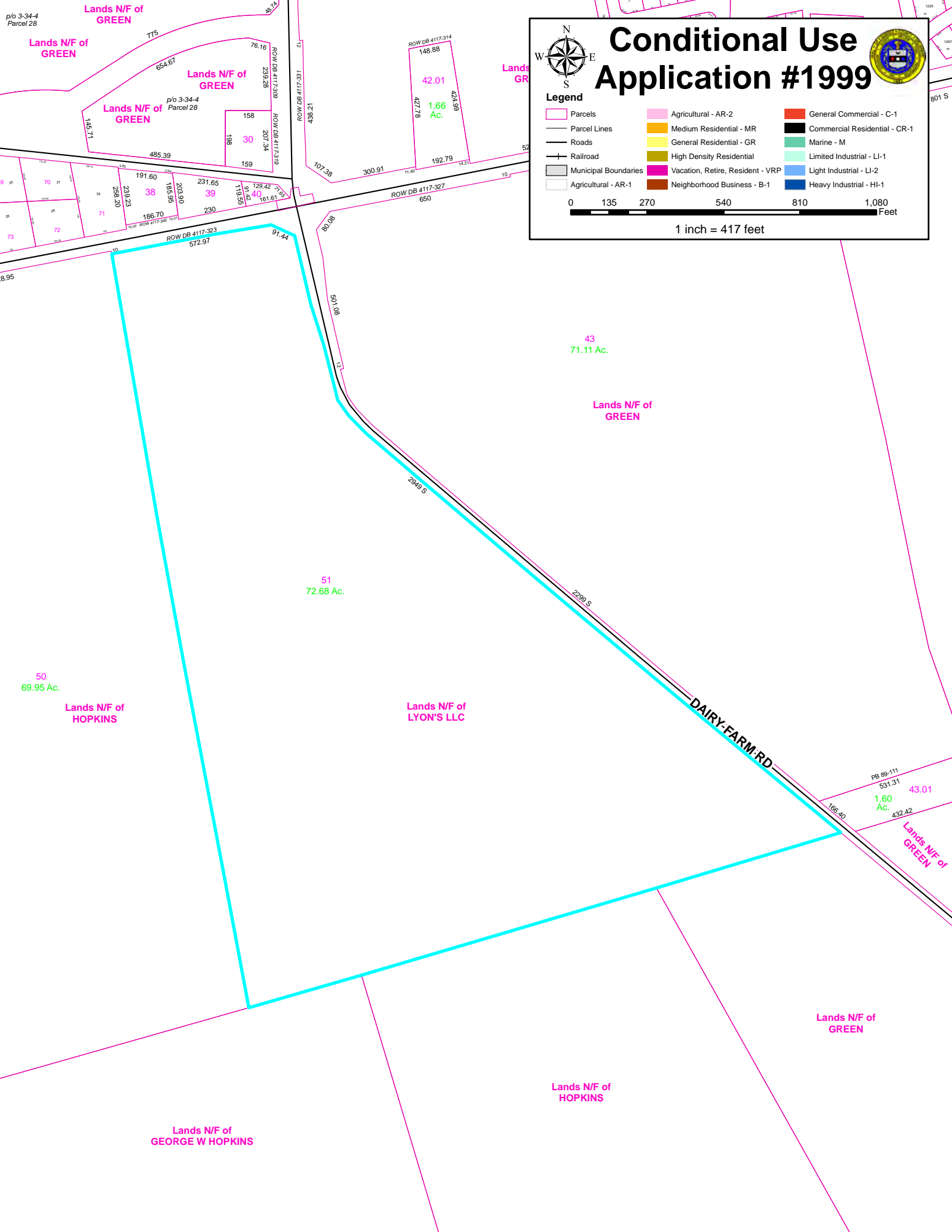
**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1999 as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying at the southwest corner of U.S. Route 9 (Seashore Highway) and Road 261 (Dairy Farm Road) and being more particularly described in Deed Book 2872, Page 1, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 73 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.**



# Conditional Use Application #1999

Legend

- Parcels
- Parcel Lines
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1

- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1

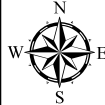
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1

0    135    270    540    810    1,080

Feet

1 inch = 417 feet

# Conditional Use Application #1999

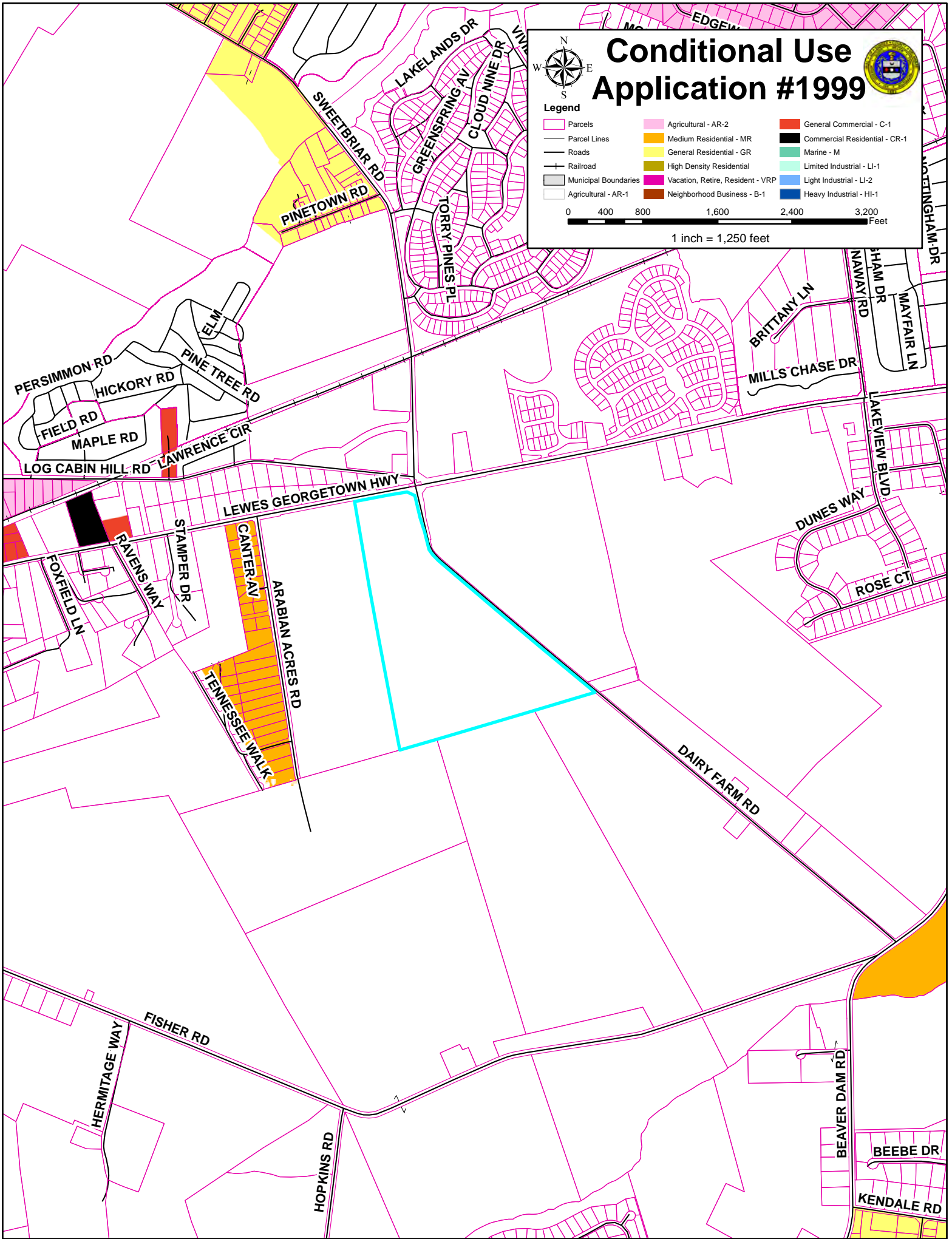


### Legend

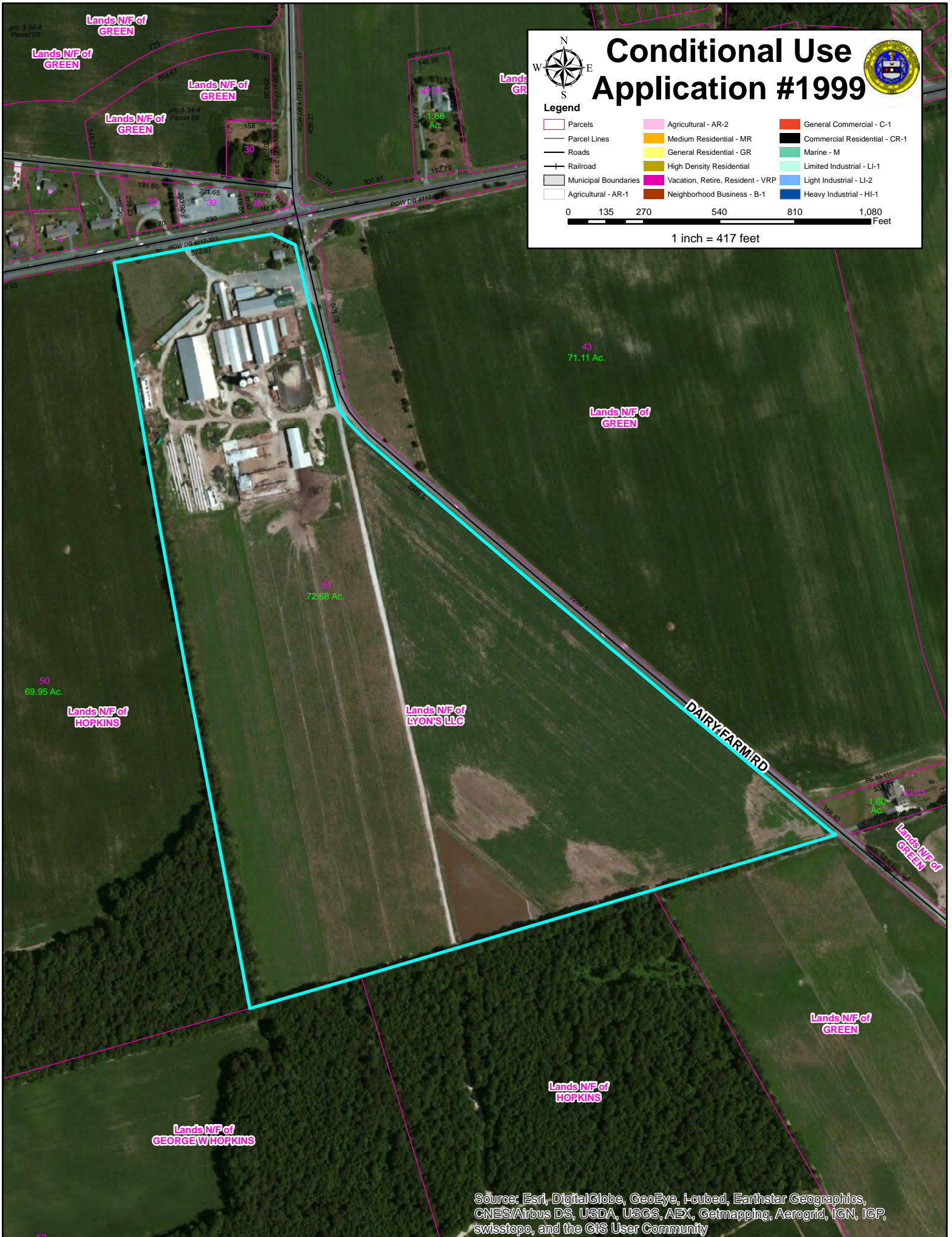
- |                      |                                  |                               |
|----------------------|----------------------------------|-------------------------------|
| Parcels              | Agricultural - AR-2              | General Commercial - C-1      |
| Parcel Lines         | Medium Residential - MR          | Commercial Residential - CR-1 |
| Roads                | General Residential - GR         | Marine - M                    |
| Railroad             | High Density Residential         | Limited Industrial - LI-1     |
| Municipal Boundaries | Vacation, Retire, Resident - VRP | Light Industrial - LI-2       |
| Agricultural - AR-1  | Neighborhood Business - B-1      | Heavy Industrial - HI-1       |

0 400 800 1,600 2,400 3,200 Feet

1 inch = 1,250 feet







# Conditional Use Application #1999



### Legend

- Parcels
- Parcel Lines
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Agricultural - AR-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1

0 135 270 540 810 1,080 Feet

1 inch = 417 feet

**To Be Introduced 09/09/14**

**Council District: Phillips – District 5  
Tax I.D. No. 134-18.00-85.00  
911 Address: 35540 Janus Court, Frankford, DE 19945**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 21,923 SQUARE FEET, MORE OR LESS**

**WHEREAS, on the 22nd day of August 2014, a zoning application denominated Change of Zone No. 1761 was filed on behalf of Elizabeth A. Brinton; and**

**WHEREAS, on the \_\_\_ day of \_\_\_\_\_ 2014, 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. 1761 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_ day of \_\_\_\_\_ 2014, 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;**

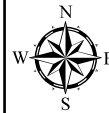
**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**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 [C-1 General Commercial District] and adding in lieu thereof the designation AR-1 Agricultural Residential District as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying north of Janus Court, 150 feet west of Road 384 (Bayard Road) being 550 feet north of Road 370 (Daisey Road) at Bayard and being more particularly described as Lot 2 of the subdivided lands of Sun Marine Maintenance Co. as recorded in Plot Book 29 Page 220 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 21,923 square feet, 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.**

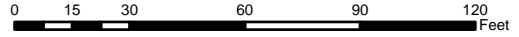


# Change of Zone Application #1761



### Legend

- Parcels
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1




1 inch = 50 feet


Lands N/F of TORABI

Lands MCMINTOSH



# Change of Zone Application #1761



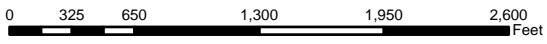


Legend

- Parcels
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2

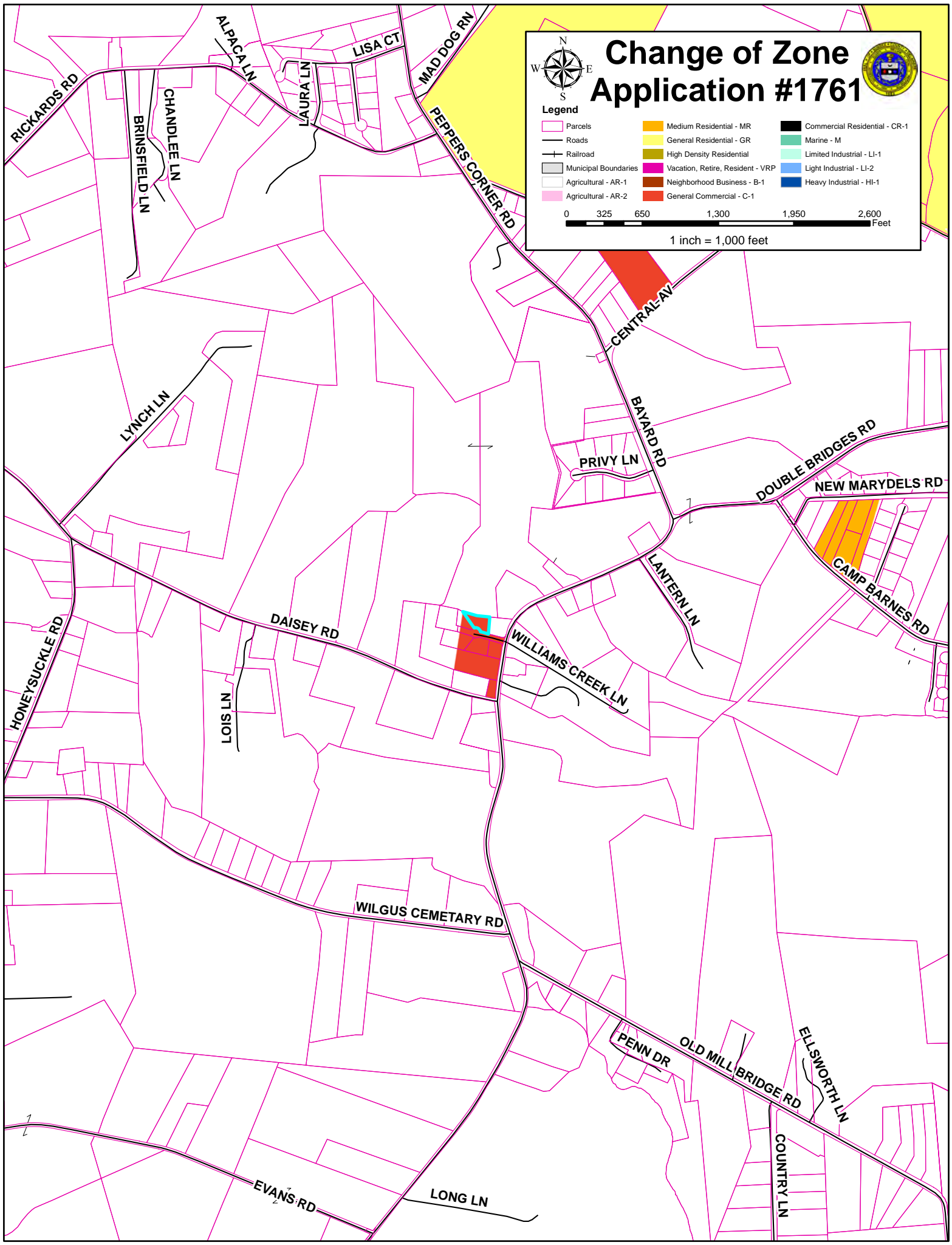
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1

- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1



0 325 650 1,300 1,950 2,600 Feet

1 inch = 1,000 feet



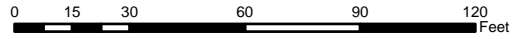


# Change of Zone Application #1761



### Legend

- Parcels
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1



1 inch = 50 feet

