

RESOLUTION NO. R 061 83

A RESOLUTION PLACING A SIX MONTH MORATORIUM ON FURTHER ZONING CHANGES OR CONDITIONAL USE PERMITS IN THE INLAND BAYS OF SUSSEX COUNTY

WHEREAS, the Sussex County Council is responsible for the health, safety, convenience, and general welfare of all the inhabitants of Sussex County; and

WHEREAS, the Sussex County Council is responsible for land use planning in Sussex County; and

WHEREAS, the Sussex County Council is concerned about the future of the Inland Bays of Sussex; and

WHEREAS, the Inland Bays of Sussex are a great natural resource that should be available for all to share now and in the future; and

WHEREAS, the Inland Bays of Sussex are under intense pressure from a variety of sources; and

WHEREAS, the problems of the Inland Bays that have or may occur as a result of this intense pressure can and should be resolved while time remains for corrective action to take place; and

WHEREAS, the Sussex County Council is determined to protect this vital environmental, economical, recreational and social resource,

NOW, THEREFORE,

BE IT RESOLVED that the Sussex County Council hereby declares a six (6) month moratorium, effective immediately upon the adoption of this Resolution and ending on March 27, 1984, on any further zoning changes or conditional use permits in the Inland Bays of Sussex County; and

BE IT FURTHER RESOLVED that the Inland Bays of Sussex County are defined as follows:

"..., the Inland Bays of Sussex County, Delaware, include Indian River and Rehoboth Bays ... Rehoboth

Bay's main tributaries are Herring and Love Creeks, the Ditches, the Lewes-Rehoboth Canal, and Balders Pond. The Ditches connect Rehoboth Bay to Indian River Bay.

... Indian River is the main tributary of the Indian River Bay, along with Pepper and White Creeks."

; and

BE IT FURTHER RESOLVED that the Sussex County Council calls for the creation of an Inland Bay Task Force, said Task Force created by an executive order of the Governor of the State of Delaware; and

BE IT FURTHER RESOLVED that this Task Force be composed of representatives from the following groups:

(a) Two members of the Delaware House of Representatives from Sussex County to be designated by the Speaker of the House,

(b) Two members of the Delaware Senate from Sussex County to be designated by the President Pro Tempore of the Senate,

(c) Two members of the Sussex County Council to be designated by the Sussex County Council,

(d) The Secretary of the Delaware Department of Natural Resources and Environmental Control,

(e) The Sussex County Administrator,

(f) One member of the Sussex County Planning and Zoning Commission to be designated by the Sussex County Council,

(g) Two public members appointed by the Governor, one of whom should be representative of the property owners of the area and one of whom should be a non-property owner in the area

; and

BE IT FURTHER RESOLVED that staff for this Task Force be provided equally by the Delaware Department of Natural

Resources and Environmental Control, the Sussex County Planning and Zoning Department, and institutions of higher learning; said staff, however, should not exceed nine; and

BE IT FURTHER RESOLVED that this Task Force will be charged with the following:

Schedule and convene public meetings and hearings in the Inland Bays area and throughout Delaware as needed to take testimony and citizen input. Meeting agendas should include the following:

- a. Review existing laws and regulations,
  - b. Review conflicts between local, county, and state governments,
  - c. Review information describing the natural environment and social and economic characteristics,
  - d. Examine existing plans and developments for the region,
  - e. Document sensitive areas and areas for planned growth,
  - f. Document projected growth,
  - g. Consider the need for a comprehensive plan and its goals and objectives
- ; and

BE IT FURTHER RESOLVED that this Task Force will review and analyze input from the public meetings and hearings. A draft report on the Task Force findings will be circulated for public comment; and

BE IT FURTHER RESOLVED that the final report of the Task Force will be submitted to the Governor of the State of Delaware, the General Assembly of the State of Delaware, the Sussex County Council, and the Sussex County Planning and Zoning Commission with an evaluation of the adequacy of existing laws, regulations, and enforcement mechanisms and with a proposal for changes in existing legislation, if necessary, and for recommended

new legislation, if needed, to ensure the wise management, conservation, and development of the Inland Bays of Sussex County; and

BE IT FURTHER RESOLVED that the following two zoning change hearings be exempted from this moratorium and be allowed to stand or fall on their own merits:

(a) AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO GR GENERAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 9.983 ACRES MORE OR LESS (land lying west of Route 5; application filed on behalf of Oak Meadows, Inc.; C/Z #538)

(b) AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM LI-2 LIGHT INDUSTRIAL DISTRICT TO C-1 GENERAL COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.22 ACRES MORE OR LESS OF A 5.97 ACRE TRACT (land lying southeast of Rte. 14A; application filed on behalf of Rehoboth Beach Associates; C/Z #537)

; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be sent to the Governor of the State of Delaware, the Speaker of the House of the Delaware General Assembly, the President Pro Tempore of the Delaware General Assembly, the Chairman of the Sussex County Planning and Zoning Commission, the Secretary of the Delaware Department of Natural Resources and Environmental Control, and the Chairman of the Advisory Council on Environmental Control.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R 061 83 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 27TH DAY OF SEPTEMBER, 1983.

  
EMOGENE P. ELLIS  
CLERK OF THE COUNTY COUNCIL