



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

**MEETING:  
June 7, 2016**

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

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

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

MICHAEL H. VINCENT, PRESIDENT  
SAMUEL R. WILSON JR., VICE PRESIDENT  
ROBERT B. ARLETT  
GEORGE B. COLE  
JOAN R. DEEVER



2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DE 19947  
(302) 855-7743 T  
(302) 855-7749 F  
sussexcountyde.gov

# Sussex County Council

## A G E N D A

JUNE 7, 2016

10:00 A.M.

\*\*AMENDED ON JUNE 3, 2016 AT 1:30 P.M.<sup>1</sup>

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Public Comments

### Todd Lawson, County Administrator

1. Proclamation – Home Ownership Month
2. Appointment to Planning and Zoning Commission
3. Appointment to Advisory Committee for the Aging and Adults with Physical Disabilities
4. Administrator's Report

### Gina Jennings, Finance Director

1. Springfield Road Property Sale

### Janelle Cornwell, Planning and Zoning Manager

1. Lewes Scenic Byway Endorsement



**Hans Medlarz, County Engineer**

1. Request to Prepare and Post Notices for the Proposed Route 13 Commercial Expansion of the Sussex County Unified Sanitary Sewer District
2. Henlopen Acres Pumping Stations Electrical Cable Replacement Project
  - A. Substantial Completion and Final Balancing Change Order No. 1

**Joseph Wright, Assistant County Engineer**

1. Taxiway B (W) and Asphalt Tie-Down Apron (N) Rehabilitation (Project 16-21)
  - A. Recommendation to Award

**John Ashman, Director of Utility Planning**

1. Resolution of the Final Boundary for the Proposed Herring Creek Expansion of the Sussex County Unified Sanitary Sewer District

**Patti Deptula, Director of Special Projects**

1. The Estates of Sea Chase Proposed Chapter 96 Project

**Aref Etemadi, Planning Technician**

1. Proposed McCabe Expansion of the Sussex County Unified Sanitary Sewer District

**Old Business**

1. Conditional Use No. 2041 filed on behalf of Scott Randall Witzke
2. Conditional Use No. 2042 filed on behalf of Beachfire Brewing Company, LLC
3. Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”)”

**Grant Requests**

1. FCA Bucks Football for program expenses
2. New Zion Youth Outreach Organization through UMC for event expenses
3. Nanticoke Senior Center for defibrillator upgrades

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

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

**Possible Action on Executive Session Items**

**Adjourn**

\*\*\*\*\*

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

\*\*\*\*\*

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on May 31, 2016 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

---

<sup>1</sup> Per 29 Del. C. § 10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended under Executive Session to include Personnel listed therein.

The Council intends to discuss public business in Executive Session. The agenda amendment was required to address these matters which need immediate Council attention and which arose after the initial posting of the agenda but before the start of the Council meeting.



**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 24, 2016**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 24, 2016, at 1:00 p.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>Robert B. Arlett</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 252 16  
Amend  
and  
Approve  
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the Agenda by deleting "Executive Session – Land Acquisition pursuant to 29 Del. C. §10004(b)" and "Possible Action on Executive Session Items" and to approve the Agenda, as amended.

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

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

**Minutes**

The minutes of May 17, 2016 were approved by consent.

**Public  
Comments**

**Public Comments**

Kathy Hughes requested the creation of an ordinance applicable to the tethering of dogs to reflect a more humane policy that can be enforced.

[Mr. Cole joined the meeting.]

Paul Reiger commented on the appointment of members to the Planning and Zoning Commission.

Mary Ellen Vitsorek and Jeanette Cosgrove commented on sewer systems and the Proposed Winding Creek Village Sewer District. Ms. Vitsorek submitted maps of Winding Creek Village.

[Mrs. Deaver joined the meeting.]

**Public**

**Comments  
(continued)**

Joyce Jason commented on and raised questions regarding the Unified Sewer District.

**Appoint-  
ments**

Mr. Lawson presented for consideration two appointments to the Board of Adjustments & Appeals (a/k/a Building Code Appeal Board and Housing Code Appeal Board).

**M 253 16  
Appoint-  
ments to  
Board of  
Adjustments  
& Appeals**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council appoints Kevin Pritchett and Bradley Layfield to the Board of Adjustments & Appeals, effective immediately, for a term of four years.

Motion Adopted: 5 Yeas.

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

**Defer**

**Agenda  
Item**

The agenda item "Appointment to the Planning and Zoning Commission" was deferred until the next meeting.

**Adminis-  
trator's  
Report**

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

**1. Sussex County Surplus Equipment Sale**

Sussex County is placing multiple items, such as generators, lawnmowers, computers, oxygen cylinders, hoists, and a backhoe, up for bid in an online auction hosted by GovDeals.com. Bidders can compete in the online forum for items that have been deemed surplus. All items for bid are presented and sold 'as is', and the winning bidders must pick up their lots upon completion of each sale. The online auction will run from May 26th through June 4th, 2016.

Only bids made online will be accepted, and payments must be made through the GovDeals.com website. Payment forms accepted include credit card, PayPal, or wire transfer.

Beginning May 26, visit: [www.govdeals.com/sussexcountyde](http://www.govdeals.com/sussexcountyde) to see a listing of items for sale, as well as terms and conditions.

**2. Memorial Day Holiday**

Please note, County offices will be closed on Monday, May 30<sup>th</sup>, to observe the Memorial Day holiday. In addition, Council will not meet on Tuesday, May 31<sup>st</sup>. The next regularly scheduled Council meeting will be held on Tuesday, June 7<sup>th</sup>.

<b>Employee Recognition Awards</b>	<p>Mrs. Jennings reported that, in 2015, the County began the “Give Them a Pickle” program that recognizes employees for exceptional service; in this program, employees can be recognized by coworkers, residents, and customers.</p> <p>Mrs. Jennings reported that 31 employees received pickle awards for the first quarter of 2016. She announced that Cody Grosch in the Paramedic Department received the First Quarter Excellence in Customer Service Award and that two employees received honorable mention: Mary Sue Sharp in Treasury and Ryan Stuart in the Constable Office. The Council presented the First Quarter 2016 Excellence in Customer Service Award to Cody Grosch and recognized the other Pickle Award winners.</p>
<b>Runway 4-22 24 Inch Storm Drain Lining</b>	<p>Hans Medlarz, County Engineer, presented the bid results for the Runway 4-22, 24 Inch Storm Drain Lining Project (Contract #16-16). Five bids were received. The Engineering Department recommends that the bid be awarded to Fast Pipe Lining East, Inc. of Newark, Delaware, at the bid amount of \$54,349.00. The Engineer’s estimate was \$75,000.00.</p>
<b>M 254 16 Award Bid/ Runway 4-22 24 Inch Storm Drain Lining</b>	<p>A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that the bid for Contract 16-16, Runway 4-22, 24 Inch Storm Drain Lining, be awarded to Fast Pipe Lining East, Inc. of Newark, Delaware in the amount of \$54,349.00.</p> <p><b>Motion Adopted:</b> 5 Yeas.</p> <p><b>Vote by Roll Call:</b> Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
<b>Grant Requests</b>	<p>Mrs. Jennings presented grant requests for the Council’s consideration.</p>
<b>M 255 16 Councilmanic Grant</b>	<p>A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to give \$700.00 (\$500.00 from Mr. Vincent’s Councilmanic Grant Account and \$100.00 each from Mrs. Deaver’s and Mr. Arlett’s Councilmanic Grant Accounts) to Eastern Shore AFRAM Festival for staging and audio expenses.</p> <p><b>Motion Adopted:</b> 5 Yeas.</p> <p><b>Vote by Roll Call:</b> Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
<b>M 256 16 Councilmanic Grant</b>	<p>A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to Delaware Senior Olympics for AED/CPR certified training.</p>

**M 256 16  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**Grant  
Request  
Deferred**

**Mrs. Jennings removed from the agenda the grant request submitted by Delmarva Clergy United in Social Action Foundation.**

**Rules**

**Mr. Moore read the Rules of Procedure for Public Hearings.**

**Public  
Hearing/  
Proposed  
Ordinance  
Relating  
to Signs**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”)”.**

**The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on May 12, 2016 at which time action was deferred.**

**(See the minutes of the Planning and Zoning Commission dated May 12, 2016.)**

**Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing.**

**Jamie Sharp, Assistant County Attorney, gave a brief overview of the Proposed Ordinance. He noted that some of the issues addressed in the Proposed Ordinance are definitions, prohibited signs, fees, permitting, on premise signs, billboards, electronic message centers, illumination standards, fines, and non-conforming signs. Mr. Sharp noted minor suggested amendments to the Proposed Ordinance: the inclusion of a Purpose Statement, Severability Clause, and Substitution Clause. Additionally, Mr. Sharp noted several corrections/typoes:**

**Line 578 – Line 3 should read “minimum rear yard setback equal to the required rear yard setback”**

**Line 870 and 879 – There are two sections under the letter (g)**

**Line 922 – Change the word “upon” to “on”**

**Mr. Moore read three letters of correspondence into the record:**

**NFIB DELAWARE, NEWARK, DELAWARE.**

**RE: Letter in support of the Alternate Sign Ordinance.**

**BRIAN G. PETTYJOHN, GEORGETOWN, DELAWARE.**

**RE: Letter in support of the Alternate Sign Ordinance.**

**Public  
Hearing/  
Proposed  
Ordinance  
Relating  
to Signs  
(continued)**

**DIRK VAN REES, PRESIDENT, TAYLOR MARINE CENTER.  
RE: Email endorsing the Alternate Sign Ordinance.**

**Public comments were heard.**

**David Hutt, Attorney, stated that he was present on behalf of Clear Channel Outdoor, Geyer Signs, Hocker Signs, Jack Lingo Realtors, JD Sign Company, Ocean Atlantic, Phillips Signs, Inc., Premier Outdoor Media, LLC, Rogers Sign Co., Inc., and Timmons Outdoor Advertising to represent them in regard to the Proposed Ordinance.**

**Mr. Hutt referenced the history of the sign ordinance and the moratorium on off-premise signs.**

**Mr. Hutt stated that the County Council assembled a Sign Ordinance Working Group made up of employees, sign owners, sign company representatives, and members of the public to review the sign ordinance and to make recommendations to Council. Mr. Hutt stated that he served on the Working Group and that they are disappointed that the recommendations that were made by the Working Group in a joint session of the County Council, the Planning and Zoning Commission, and the Board of Adjustment on February 9, 2016, were wholly disregarded and set aside. He stated that the Draft Ordinance looks nothing like the recommendations that came out of the Working Group and that, because of those stark differences between what the Working Group recommended/presented and the Proposed Ordinance introduced by the Council, members of the sign industry and sign owners/companies got together and asked him to prepare an alternate ordinance that reflects what occurred during the course of the Working Group meetings. Mr. Hutt submitted an Exhibit Book which contained a proposed alternate version of the proposed ordinance which is supported by all of the companies he represents. Mr. Hutt reviewed the proposed alternative ordinance.**

**In reference to the safety research and studies referenced by Mr. Hutt, Mr. Moore asked that Mr. Hutt to submit copies of the studies to the County Council.**

**Dan Kramer commented on the sign moratorium and the proposed sign ordinance.**

**Terry Strine, Ben Phillips, Jason Dean, Nancy Chernoff, Lynn Rogers, Gerry Hocker, and Chet Atkins spoke in opposition to the Council's Proposed Ordinance and in support of the Alternate Ordinance. They stated that the Working Group's recommendations and the Proposed Ordinance do not match; that the Proposed Ordinance will create a huge amount of non-conforming signs throughout the County; that the Proposed Ordinance will negatively impact businesses and put some out of business; that the Proposed Ordinance has gone too far; that all signs are**

**Public  
Hearing/  
Proposed  
Ordinance  
Relating  
to Signs  
(continued)**

being looked at and the purpose of the Workgroup was to look at billboards; that they question the push for all the changes; that electronic message signs are not distracting; that a ban on new off-premise signs was not discussed and it is wrong; that the Proposed Ordinance will be a burden; that the Alternate Ordinance is fair and enforceable; that the Proposed Ordinance places a ban on digitals; that non-conforming signs cannot be rebuilt which will wipe out one-third of the inventory; that variances are necessary; that there is a difference between a sign with animation and a sign that shows a “movie”; that the Proposed Ordinance will require applications for on-premises signs with electronic messaging to go to the Board of Adjustment; that the Proposed Ordinance will over-regulate the sign industry; and that they urge the Council to consider the Alternate Ordinance.

Mr. Rogers referenced a file of animation examples that he submitted at the meeting of the Planning and Zoning Commission.

The Council discussed the Proposed Ordinance.

[Mrs. Deaver left the meeting.]

The Public Hearing was closed.

**M 257 16  
Leave  
Record  
Open/  
Public  
Hearing/  
Proposed  
Sign  
Ordinance**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to leave the record open on the Proposed Ordinance until June 7, 2016 for Council to review information, for a report from the Planning and Zoning Commission and staff, for submission of safety reports from David Hutt, and for the animation examples file submitted by Lynn Rogers; the Council is to make a final decision at the June 14, 2016 Council meeting.

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

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

**M 258 16  
Defer  
Action/  
Proposed  
Sign  
Ordinance**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”)”.

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

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

**Introduction  
of Proposed  
Zoning  
Ordinance**

**Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN HVAC BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.10 ACRES, MORE OR LESS” (Conditional Use No. 2053) filed on behalf of Red Dog Plumbing and Heating c/o Ken Wood ( Tax I.D. No. 533-10.00-14.00) (911 Address: 37058 Roxana Road, Selbyville).**

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

**M 259 16  
Adjourn**

**A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to adjourn at 4:50 p.m.**

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

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

**Respectfully submitted,**

**Robin A. Griffith  
Clerk of the Council**

***{An audio recording of this meeting is available on the County’s website.}***



## **PROCLAMATION**

### **PROCLAIMING THE MONTH OF JUNE AS "HOME OWNERSHIP MONTH" IN SUSSEX COUNTY**

***WHEREAS, owning a home is an important part of the American Dream; and***

***WHEREAS, the Sussex County Council realizes that home ownership benefits individuals and families, strengthens our communities, and is integral to our economy; and***

***WHEREAS, the Sussex County Council realizes that home is where we make memories, build our futures, and feel comfortable and safe; and***

***WHEREAS, the Sussex County Council, in partnership with the Delaware State Housing Authority, USDA Rural Development, non-profit housing agencies, and the Sussex County Association of Realtors®, will continue to provide assistance for home ownership for Sussex County citizens;***

***NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council does hereby proclaim the month of June 2016 as "Home Ownership Month" for the American Dream in Sussex County; and***

***BE IT FURTHER RESOLVED that the Sussex County Council urges all citizens to wholeheartedly recognize this effort throughout the year.***

---

***Michael H. Vincent, President***

***Dated: June 7, 2016***



## 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](http://sussexcountype.gov)

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

### **US Route 13 Expansion to the Blades Area of the Sussex County Unified Sanitary Sewer District**

In 2015 the Engineering Department received requests from owners of (9) parcels located within the proposed boundary.

Colonial East, L.P.  
The Guide  
I.G. Burton & Comp., Inc.  
Pave-It, L.P.  
SNL Farms, LLC  
Print Shack Inc.  
Quality Homes

The proposed Blades Area expansion of the Sussex County Unified Sanitary Sewer District will include (16) parcels totaling  $\pm$  121.0 Acres. Said parcels are located primarily along US Route 13 south of Concord Road and are contiguous to the existing district. Since the written requests constitute a majority of the parcels in the area no follow-up polling was conducted.

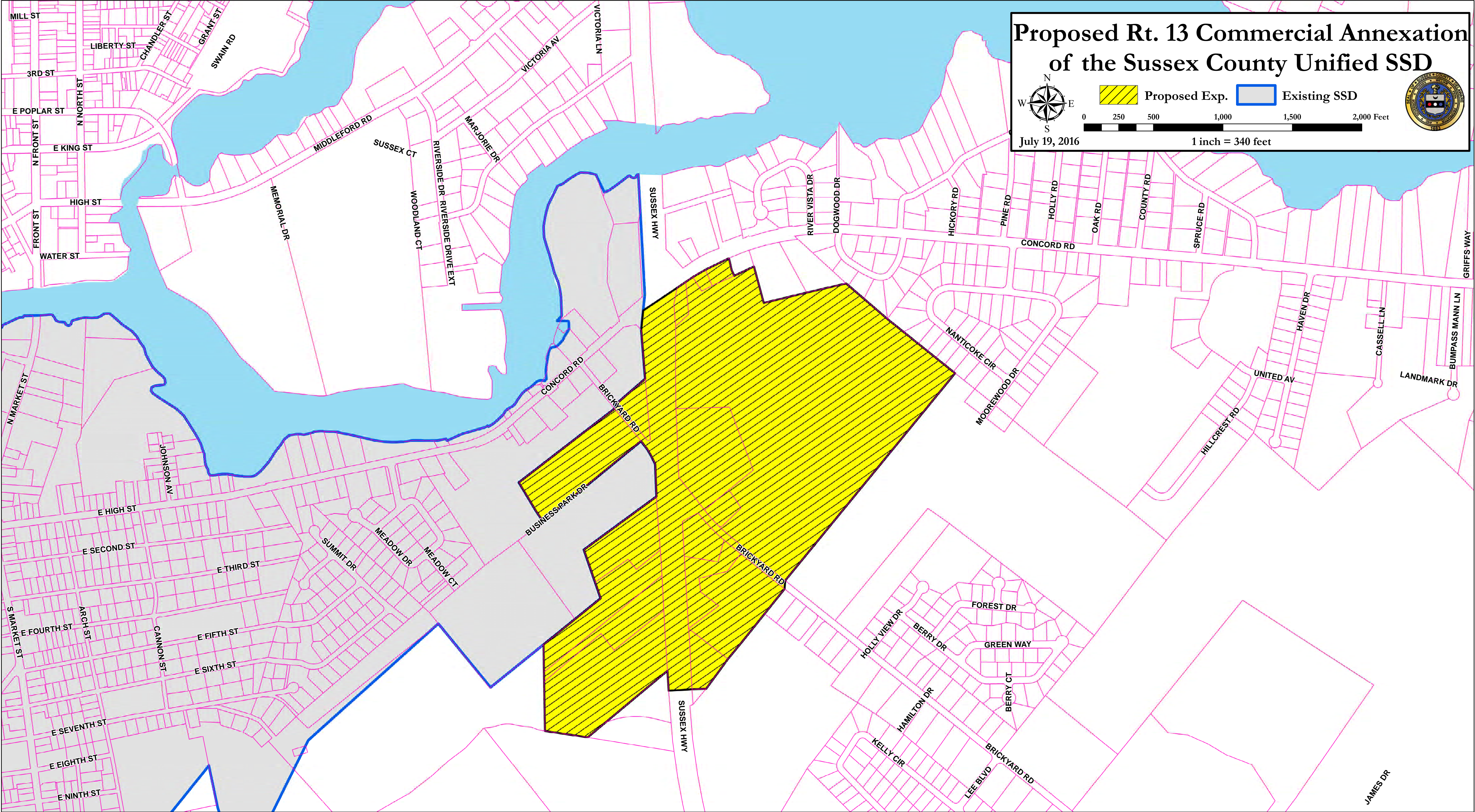
The Engineering Department is proposing a revision of the district boundary under Del CODE Title 9, Section 6502 without election. Consistent with past practice we request permission for the Sussex County Engineering Department to prepare and post notices of the proposed boundary revision.

The del CODE does not require a public hearing however continuing with past practice we suggest a public hearing be announced on the notices to be held on July 19<sup>th</sup> in the Council Chambers follow by a Council resolution.


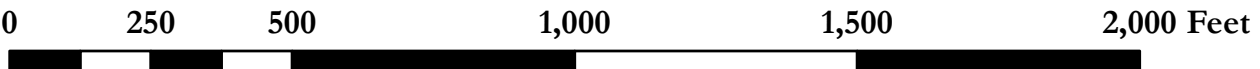
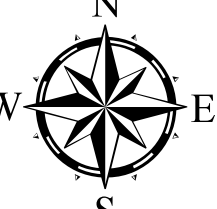
This area can be served by the Concord Road Project currently under design and permitting. Said project is funded by USDA however the US RT-13 expansion could be funded using previously collected Sewer Connection Charges (SCC). Consequently, each future connection will be responsible for system SCC fees on an EDU basis in the amount in effect at the time of connection.







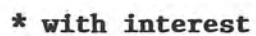
# Proposed Rt. 13 Commercial Annexation of the Sussex County Unified SSD



Proposed Exp. Existing SSD

July 19, 20161 inch = 340 feet





\* with interest

## 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

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

## PROPOSED MOTION

BE IT MOVED BY THE SUSSEX COUNTY COUNCIL THAT THE SUSSEX COUNTY ENGINEERING DEPARTMENT IS AUTHORIZED TO PREPARE AND POST NOTICES FOR THE **US ROUTE 13 COMMERCIAL** EXPANSION OF THE BLADES AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT BOUNDARY TO INCLUDE SIXTEEN (16) PARCELS ALONG US ROUTE-13 AS PRESENTED ON JUNE 2, 2016.

JOHN J. ASHMAN

FILE: OM-5.12.11

JUNE 2, 2016



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DELAWARE 19947



*Sussex County*  
*Engineering Department*

HANS M. MEDLARZ, P.E., County Engineer  
JOSEPH WRIGHT, P.E., Asst. County Engineer



2 THE CIRCLE  
P.O. BOX 589  
GEORGETOWN, DE 19947

Administration	302-855-7718
Environmental Services	302-855-7730
Public Works	302-855-7703
Utility Engineering	302-855-7717
Utility Permits	302-855-7719
Utility Planning	302-855-1299

FAX: 302-855-7799

HENLOPEN PUMPING STATIONS  
ELECTRICAL CABLE REPLACEMENT  
SUSSEX COUNTY PROJECT 14-12  
FINAL BALANCING CHANGE ORDER SUMMARY

The main power supply feeder cable for the four (4) wastewater pumping stations in Henlopen Acres, owned and operated by Sussex County, was replaced in order to eliminate underground splicing and significantly reduce the potential for emergency shutdowns due to electrical ground faults.

The contract was awarded to Mid-Shore Electrical Services, Inc., of Millsboro, Delaware, at the bid amount of \$202,092.50. Construction began on April 26, 2016, and was completed May 27, 2016.

At project completion, balancing of work item quantities resulted in additional costs of \$310.28, resulting in a final project cost of \$202,402.78. Change Order #1 is attached.



**SUSSEX COUNTY  
CHANGE ORDER REQUEST**

**A. ADMINISTRATIVE**

1. Project Name: **HENLOPEN ACRES PUMPING STATIONS ELECTRICAL CABLE REPLACEMENT**
2. Sussex County Contract No. 14-12
3. Change Order No. 1
4. Date Change Order Initiated 05-31-2016
5.
  - a. Original Contract Sum \$ 202,092.50
  - b. Net Change by Previous Change Orders 0
  - c. Contract Sum Prior to Change Order \$ 202,092.50
  - d. Requested Change \$ 310.28
- e. Net Change (No. of days) 0
- f. New Contract Amount \$ 202,402.78
6. Sussex County Contact Person Hans M. Medlarz, P.E.  
Telephone (302) 855-7718

**B. REASONS FOR CHANGE ORDER**

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

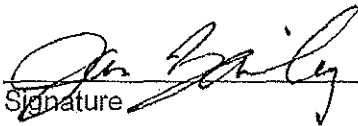
- 6. Factors Affecting Time of Completion
- 7. Other (explain below)

C. **BRIEF DESCRIPTION OF CHANGE ORDER**

- 1. Items adjusted during course of work.

D. **APPROVALS**

- 1. Mid-Shore Electrical Services, Inc., Project General Contractor

Signature  Date 5/31/16

- 2. Sussex County Engineer

\_\_\_\_\_  
Signature Date

- 3. GHD, Project Consultant

\_\_\_\_\_  
Signature Date

## ENGINEERING DEPARTMENT

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



## Sussex County

DELAWARE

[sussexcountype.gov](http://sussexcountype.gov)

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

### MEMORANDUM

To: Sussex County Council

From: Joseph Wright

Date: June 2, 2016

RE: Taxiway B (W) and Asphalt Tie-Down Apron (N) Rehab, Project 16-21

---

Bids were initially received for the referenced work on February 12, 2016, but the bid prices were deemed excessive and on March 1, 2016, Council authorized the rejection of all bids. The Airport management, on behalf of the users and tenants, requested to defer construction until after the Summer of 2016; thus plans were made for construction in the Fall of 2016.

A portion of the initial bid package was deemed urgent and work in the vicinity of Aero Maintenance was bid separately with work ongoing. The remaining work was rebid with work planned for Fall 2016, after the Wings and Wheels event is completed.

The same two bidders provided bids for the current contract, with prices reduced approximately 10% from the initial project bid or approximately \$35,000. The low bid, with Item X-103 included, in the amount of \$342,685.00 is recommended for award and is approximately 17% higher than the Engineer's Estimate.





## 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

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

### TAXIWAY B (W) AND ASPHALT TIE-DOWN APRON (N) AND RAMP REHABILITATION

BID OPENING, 10:30 a.m., THURSDAY, MAY 26, 2016

BIDDER	BASE BID AMOUNT	BASE BID PLUS X-103
Jerry's, Inc. *	\$332,185.00	\$342,685.00
George & Lynch, Inc.	\$371,009.50	\$384,609.50
Engineer's Estimate	\$283,680.00	\$293,680.00

\*Apparent Low Bidder



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DELAWARE 19947

Taxiway B (W) AND ASPHALT TIE-DOWN APRON (N) REHAB Project 16-21				Engineer's Estimate		George & Lynch		Jerry's Paving	
Bid Item	Description of Work	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
P-156	Erosion and Sediment Control	1	LS	\$5,000.00	\$5,000.00	\$8,450.00	\$8,450.00	\$6,000.00	\$6,000.00
P-363	Bituminous Patching	80	SYIN	\$25.00	\$2,000.00	\$26.50	\$2,120.00	\$20.00	\$1,600.00
P-363-1	Bituminous Patching, Concrete	140	SYIN	\$25.00	\$3,500.00	\$29.50	\$4,130.00	\$20.00	\$2,800.00
P-401	Bituminous Surface Course: Taxiway B	310	TON	\$120.00	\$37,200.00	\$185.00	\$57,350.00	\$127.00	\$39,370.00
P-401-1	Bituminous Surface Course: Asphalt Tie-Down Apron	575	TON	\$120.00	\$69,000.00	\$105.50	\$60,662.50	\$127.00	\$73,025.00
P-403	HMA Leveling Course	550	TON	\$110.00	\$60,500.00	\$105.50	\$58,025.00	\$127.00	\$69,850.00
P-404	pavement Fabric Interlayer	7,100	SYIN	\$5.00	\$35,500.00	\$4.91	\$34,861.00	\$5.00	\$35,500.00
P-620	Permanent Runway and Taxiway Painting	1,090	SF	\$2.00	\$2,180.00	\$3.60	\$3,924.00	\$5.00	\$5,450.00
T-901	Seeding	3,000	SY	\$1.00	\$3,000.00	\$0.75	\$2,250.00	\$1.50	\$4,500.00
T-905	Topssoiling (Obtained on site or removed from stockpile)	200	SY	\$5.00	\$1,000.00	\$8.25	\$1,650.00	\$13.00	\$2,600.00
T-908	Mulching	3,000	SY	\$1.00	\$3,000.00	\$0.75	\$2,250.00	\$1.50	\$4,500.00
X-101	Aircraft Tie-down Anchor Modification	28	EA	\$300.00	\$8,400.00	\$104.00	\$2,912.00	\$500.00	\$14,000.00
X-102	Cold Milling of Pavement	7,100	SY	\$4.00	\$28,400.00	\$3.75	\$26,625.00	\$6.90	\$48,990.00
X-104	Catch Basin Slab Top Repair	1	EA	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$4,500.00	\$4,500.00
M-110	Maintenance and Protection of Airfield Traffic	1	LS	\$10,000.00	\$10,000.00	\$87,600.00	\$87,600.00	\$4,500.00	\$4,500.00
	<b>Subtotal Base Bid:</b>				<b>\$270,680.00</b>		<b>\$354,809.50</b>		<b>\$317,185.00</b>
M-120	Mobilization	1	LS	\$13,000.00	\$13,000.00	\$16,200.00	\$16,200.00	\$15,000.00	\$15,000.00
	<b>Total Base Bid:</b>				<b>\$283,680.00</b>		<b>\$371,009.50</b>		<b>\$332,185.00</b>
X-102-1	RAP Add/Deduct	600	TON	-\$4.00	-\$2,400.00	\$0.00	\$0.00	\$0.00	\$0.00
X-103	Chunck Concrete Asphalt Pile Removal	1	LS	\$10,000.00	\$10,000.00	\$13,600.00	\$13,600.00	\$10,500.00	\$10,500.00
	<b>Total Add/Deduct Bid:</b>				<b>\$7,600.00</b>		<b>\$13,600.00</b>		<b>\$10,500.00</b>
<b>TOTAL BID (BASE BID PLUS ADD ITEM X-103)</b>					<b>\$293,680.00</b>		<b>\$384,609.50</b>		<b>\$342,685.00</b>
<b>Previously Rejected Bid Totals</b>					<b>\$332,210.00</b>		<b>\$626,185.00</b>		<b>\$546,540.00</b>

**RESOLUTION NO. \_\_\_\_\_**  
**DISTRICT BOUNDARIES FOR THE PROPOSED**  
**HERRING CREEK SANITARY SEWER DISTRICT**

**WHEREAS**, petitions were received from more than 50 legal voters of the proposed Herring Creek Sanitary Sewer District requesting the Sussex County Council to submit the question of organizing a sanitary sewer district to a vote of electors residing in that area; the description and a map of the proposed district boundaries is attached as Exhibit "B"; and

**WHEREAS**, a public hearing was held on **February 13, 2016** on the question of organizing a sanitary sewer district dealing with the location of the boundaries of the proposed Herring Creek Sanitary Sewer District as shown in **Exhibit "A"**; and

**NOW, THEREFORE,**

**BE IT RESOLVED** by the Sussex County Council that the establishment of a sanitary sewer district is deemed to be in the public interest and will be conducive to the preservation of the public health; and

**BE IT FURTHER RESOLVED** that the area shown as **Exhibit "B"** is hereby established as the "Proposed Herring Creek Sanitary Sewer District" and is more fully described as follows:

**BEGINNING** at a point where the southerly right-of-way (ROW) line of County Road 298 (Banks Rd) intersects with the northeasternmost property corner of the lands now or formerly (N/F) Evelyn M Abel and lands N/F of Baywood Communities, LLC, thence by and with said lands of Baywood in the following directions and distances; southwesterly 615± feet, northwesterly 1660± feet, northeasterly 610± feet, northwesterly 25± feet, southwesterly 275± feet, northwesterly 240± feet to a point, said point being the

northwesternmost corner of said lands of Baywood & other lands N/F of Baywood Communities, LLC, thence by and with said other lands of Baywood in a northwesterly direction 1405± feet to a point, said point being the intersection of the easterly ROW of County Route 24 (John J. Williams Hwy) and said lands of Baywood, thence following said easterly ROW of John J. Williams Hwy approximately 6750 feet in a north/northeasterly direction to a point, said point being the intersection of lands N/F of Burton Bray Properties, LLC and Mary Lou Dickson, Mark A & Charles W Riley, thence by and with said lands of Burton Bray in a southeasterly direction to a point, said point being the intersection of said lands of Burton Bray and Dickson/Riley and the shoreline of Burtons Prong of Herring Creek, thence by and with the southern shoreline of Burtons Prong of Herring Creek in a southeasterly direction approximately 8300 feet to a point, said point being a corner of the lands N/F of Fasnacht Realty Co, INC & Nancy M Knopp, Trustee and the shoreline of Hopkins Prong, thence by and with the northern shoreline of Hopkins Prong in a westerly direction approximately 6760 feet to a point, said point being a corner of the lands N/F of Herring Creek Estates Owners Association, Inc. & the lands N/F of Shirley Messick Petit, thence by and with the southern shoreline of Hopkins Prong in an easterly direction approximately 5,080 feet to a point, said point being the a corner of the lands N/F of Timothy P Mumford and lands N/F of Sussex Realty Company, thence by and with said lands of Sussex Realty in a southwesterly direction 420± feet to a point, said point being the northwesternmost boundary on other lands N/F of Sussex Realty Company, thence following said lands of Sussex Realty in the following directions and distances: southwesterly 1430± feet, southeasterly 720 ± feet to a point, said point being the northwesternmost corner of lands N/F of Floyd & Dorothy West; thence following said

lands of West in a southwesterly direction 430± feet to a point, said point being a point on the westerly boundary of other lands N/F of Sussex Realty Company; thence crossing said lands of Sussex Realty in a southeasterly direction 235± feet to a point, said point being located on the northerly ROW of County Road 298A (Green Rd); thence crossing said ROW in a southeasterly direction 50± feet to a point, said point being located on the westerly boundary of other lands N/F of Sussex Realty Company; thence continuing in a southeasterly direction across the lands of Sussex Realty 980± feet to a point, said point being on the northerly boundary of lands N/F of Baywood, LLC; thence continuing across the lands of Baywood in a southerly direction 1175± feet to a point, said point being located on the southerly ROW of said lands of Baywood; thence following said lands of Baywood the following directions and distances: easterly 510± feet, northerly 700± feet, northwesterly 340± feet to a point, said point a point on the southerly property line of other lands N/F of Sussex Realty Company; thence following said lands of Sussex Realty the following directions and distances: 1885± feet, northerly 220± feet, easterly 140± feet, northeasterly 1815± feet to a point, said point being the northeasternmost point of a said lands & a point on the boundary of lands N/F of Robert E Ribinsky, thence by and with said lands of Ribinsky in an easterly direction 360± feet to a point, said point being the southeasternmost corner of lands of Ribinsky and lands N/F of Daniel D Tompkins, thence by and with said lands of Tompkins in a northeasterly direction 391± feet to a point, said point being the southeasternmost corner of lands of Tompkins and lands N/F of Baywood, LLC, thence by and with said lands of Baywood in a northeasterly direction 1790± feet to a point, said point being a corner for other lands N/F of Baywood, LLC and James W & Terri A Venema, and lands N/F of Sussex Realty Company, thence following

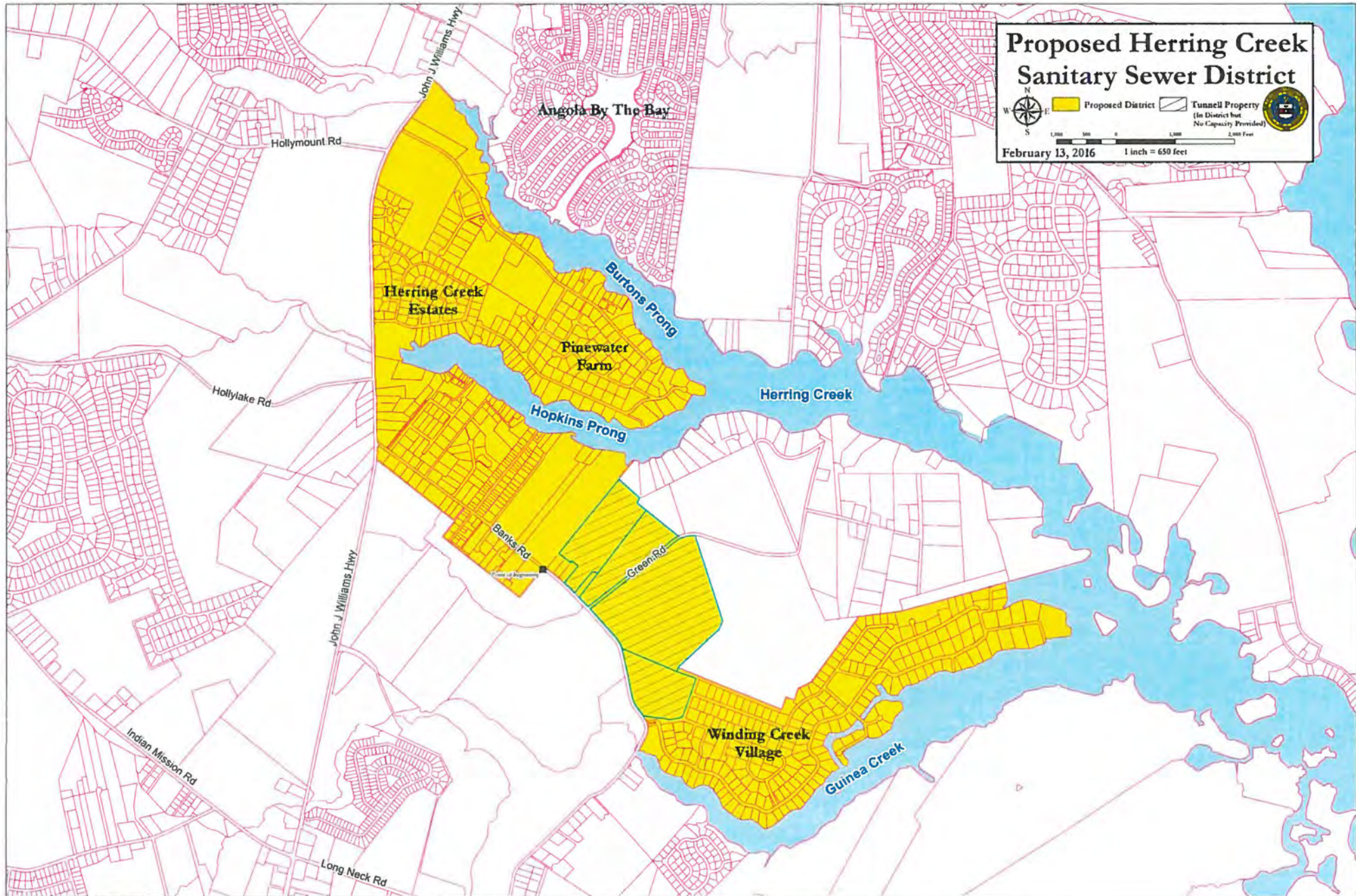
a line between the exterior boundary of Winding Creek Village and Guinea Creek (as shown on Plot Book No. 8 Page 840 & 841 of the Sussex County Recorder of Deeds Office) to a point, said point being a corner of the lands N/F of Winding Creek Village Property Owners Association and the southerly ROW of Banks Rd, thence following the ROW of Banks Rd in a northerly direction approximately 3750 feet to a point, said point that being the point of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map Nos. 234-17.00, 234-17.08, 234-17.12, 234-17.16, 234-18.00, 234-18.05, 234-18.09, 234-18.13, 234-23.00, & 234-24.00.

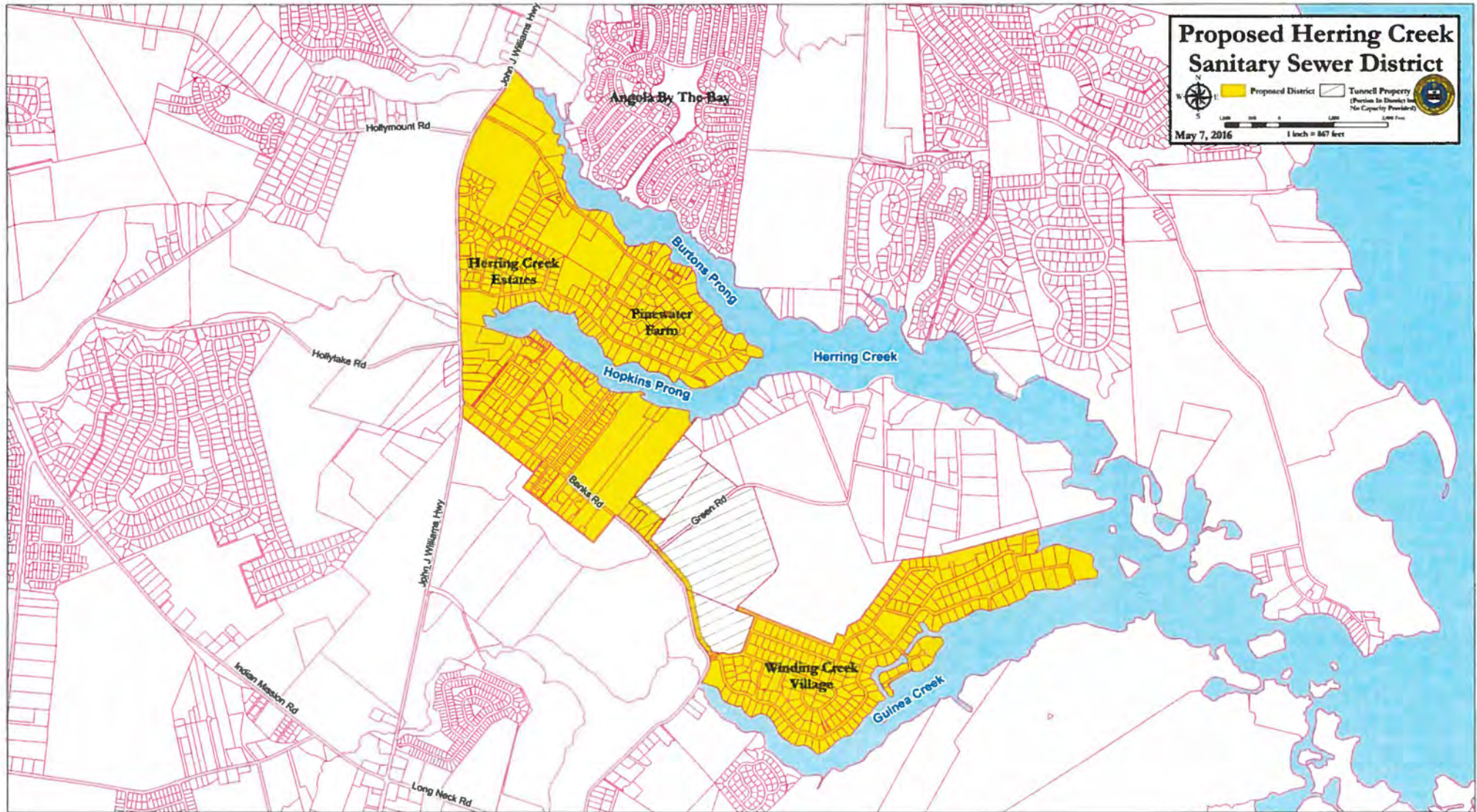
The proposed Herring Creek Sanitary Sewer District is within these approximate boundaries containing 790 acres more or less.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware











**THE ESTATES OF SEA CHASE**  
**PROPOSED CHAPTER 96 PROJECT - ELECTION RESULTS**

**VOTES CAST IN PERSON:**

Number voting YES in SUPPORT of the Project	<b>16</b>
Number voting NO in OPPOSITION of the Project	<b>01</b>

**VOTES CAST BY ABSENTEE BALLOT:**

Number voting YES in SUPPORT of the Project	<b>13</b>
Number voting NO in OPPOSITION of the Project	<b>01</b>

**GRAND TOTAL:**

Number voting <b>YES in SUPPORT</b> of the Project	<b><u>29</u></b>
Number voting <b>NO in OPPOSITION</b> of the Project	<b><u>02</u></b>

I hereby certify that the above numbers indicate the results of all ballots cast:

- 1) By Absentee Ballot; and
- 2) Those cast between the hours of 2:00 pm and 7:00 p.m., on Friday, May 20, 2016, at The Estates of Sea Chase Chapter 96 Project Election.



Patricia L. Deptula  
Director of Special Projects



Date

RESOLUTION NO. R \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE SUSSEX COUNTY ENGINEER TO PERFORM IMPROVEMENTS, AND THE SUSSEX COUNTY ENGINEER AND FINANCE DIRECTOR TO DETERMINE A UNIFORM ASSESSMENT RATE FOR BILLING, UPON SUBSTANTIAL COMPLETION OF THE IMPROVEMENTS, FOR THE ESTATES OF SEA CHASE CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT.**

WHEREAS, Sussex County Council authorized the Sussex County Engineering Department to proceed with an Election for the subdivision of The Estates of Sea Chase on April 19, 2016 in Resolution No. R 007 16; and

WHEREAS, Sussex County Engineering Department held an Election for The Estates of Sea Chase Chapter 96 project in accordance with Sussex County Code, Chapter 96 on May 20, 2016 from 2:00 pm until 7:00 pm; and

WHEREAS, the attached election results certify that The Estates of Sea Chase Proposed Chapter 96 Project was voted in favor of proceeding 29-Yes to 2-No. A majority of "Yes" votes, as received in the Election held on May 20, 2016 for this Proposed Project, is required by Sussex County Code, § 96-6(B).

NOW THEREFORE,

BE IT RESOLVED, that the Sussex County Council confirms and authorizes the Sussex County Engineering Department to proceed with the design and construction of the specified improvements for The Estates of Sea Chase Chapter 96 Sussex Community Improvement project effective June 07, 2016; and

BE IT FURTHER RESOLVED, that Sussex County Council authorizes the Sussex County Engineer and the Sussex County Finance Director to complete the improvements, and to compile a final cost accounting to determine a uniform rate of assessment for all assessable properties within The Estates of Sea Chase Chapter 96 project, upon substantial completion, as specified in Sussex County Code, Chapter 96.

Patricia L. Deptula  
Director of Special Projects

To be presented on: June 7, 2016

## ENGINEERING DEPARTMENT

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



## Sussex County

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

June 7, 2016

### FACT SHEET

#### SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT MCCABE, ANNEXATION PARCEL 233-7.00-29.00

#### OWNER:

Dennis R. McCabe  
516 Gabriel Circle #7  
Naples Florida 34104

#### LOCATION:

West of Intersection of Piney Neck Road and Wild Goose Way  
Dagsboro, DE 19939

#### SANITARY SEWER DISTRICT:

Dagsboro/Frankford Sanitary Sewer District

#### TYPE AND SIZE OF DEVELOPMENT:

Vacant lot (1.4 acres)- Proposal Unknown

#### SYSTEM CONNECTION CHARGES:

\$6,800.00

#### PROJECT DESCRIPTION:

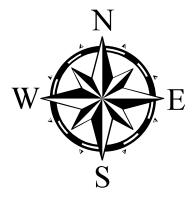
This project proposes annexation of this vacant 1.4 acre property to the district at this time. Owner will be required to comply with all applicable zoning and engineering requirements at the time a use is selected for the parcel.

The developer/owner will be responsible for payment of all applicable fees to include system connection charge, annual service and front footage assessments per EDU based on rates established for July 1, 2015 through June 30, 2016. In addition, they will be responsible for making the connection to the existing main and extension of a lateral to the parcel. The proposed connection will be inspected by Sussex County Staff.

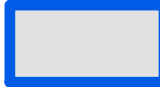




# Proposed McCabe Expansion of Sussex County Unified Sanitary Sewer District



Proposed Exp.



Existing SSD

75 37.5 0 75 150 Feet

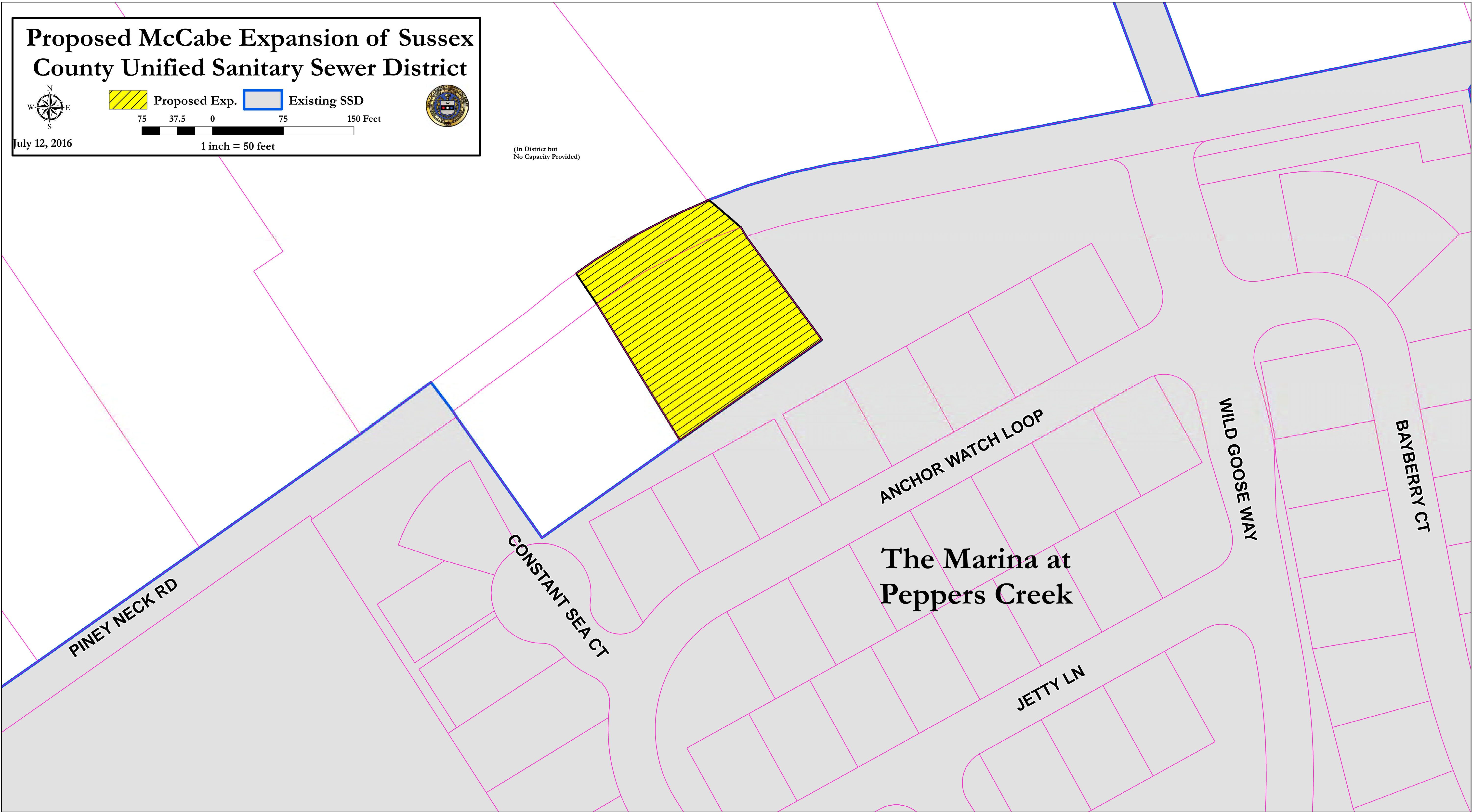


1 inch = 50 feet



July 12, 2016

(In District but  
No Capacity Provided)



**PROPOSED MOTION**

BE IT MOVED BY THE SUSSEX COUNTY COUNCIL THAT THE SUSSEX COUNTY ENGINEERING DEPARTMENT IS AUTHORIZED TO PREPARE AND POST NOTICES FOR THE PROPOSED EXPANSION OF SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT BOUNDARY TO INCLUDE PARCEL 233-7.00-29.00 OWNED BY MR. DENNIS R. McCABE, AS PRESENTED ON JUNE 7, 2016.

AREF ETEMADI  
FILE: O&M 9.13-AR  
JUNE 7, 2016

## OLD BUSINESS

June 7, 2016

This is to certify that on January 28, 2016 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for Conditional Use. 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.

### **C/U #2041 – Scott Randall Witzke**

**An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a retail auto sales to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 10.0 acres, more or less.** The property is located north of Delmar Road (Route 54) 0.5 mile west of Horsey Church Road (Road 510) (911 Address: 8137 Delmar Road, Delmar) Tax Map I.D. 532-19.00-7.00.

The Commission found that the applicant provided a copy of surveys of the property and a cover letter explaining the application when the application was filed.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on October 28, 2015 referencing that a Traffic Impact Study was not recommended, and that the current Level of Service of Delmar Road (Route 54) will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on January 27, 2016 referencing that the property is located in the Western Sussex Planning Area #4; that on-site septic is required; that conformity to the Western Sussex 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 Scott Witzke was present and stated in his presentation that the 10 acre parcel is a part of a larger 43 acre farm; that there are no immediate neighbors to the site

proposed for vehicle display; that he will only occasionally display vehicles for sale; that most of the vehicles are sold over the internet; that he will comply with the display codes; that he will not display more than five (5) vehicles at any one time; that there will be no more than ten (10) vehicles stored on the site for sale; that the vehicles will only be displayed during daylight hours; that he will be selling both automobiles and trucks; that no auto repair work will be performed on the vehicles; that he will not be selling automotive parts; and that signage will not exceed 32 square feet per side.

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

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

On January 28, 2016 there was a motion by Mr. Ross, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On February 11, 2016 the Commission discussed this application under Old Business.

Mr. Ross stated that he would move that the Commission recommend approval of Conditional Use No. 2041 for Scott Randall Witzke for a conditional use to allow retail auto sales based upon the record made during the public hearing and for the following reasons:

- 1) The use is primarily for automobile auctions via the internet. Although there may be some vehicles displayed on the site, most of the sales will be off-site via the internet.
- 2) The 10 acre parcel that is the subject of this application is part of a larger 43 acre farm and there are no immediate neighbors to the proposed area for vehicle display. And, the applicant will only occasionally display vehicles for sale on the site.
- 3) The project, with the conditions and stipulations placed upon it will not have an adverse impact on neighboring properties or the community.
- 4) But for an occasional display of vehicles for sale, the use would not be evident to anyone on the roadway or adjacent properties. Since the actual sales typically occurs via the internet, it is nearly a home occupation.
- 5) No parties appeared in opposition to the application.
- 6) This recommendation for approval is subject to the following conditions:
  - a. No more than five (5) vehicles shall be displayed for sale on the site at any one time, and as stated by the applicant the vehicles shall be displayed only daylight hours.
  - b. The vehicles shall be displayed no closer than fifty (50) feet from the front property line. The display area location shall be shown on the Final Site Plan.
  - c. There shall be no more than 15 vehicles stored on the site for sale at any one time.
  - d. No auto repair work shall be performed on the vehicles at the site.
  - e. As stated by the applicant, no automotive parts shall be sold from the site.
  - f. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
  - g. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site. In addition, no automotive parts shall be stored outside on the site.
  - h. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster location shall be shown on the Final Site Plan.

- i. Any security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
- j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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



**Introduced 1/05/16**

**Council District No. 5 - Arlett**

**Tax Map I.D. No. 532-19.00-7.00**

**911 Address: 8137 Delmar Road, Delmar**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL AUTO SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.0 ACRES, MORE OR LESS**

**WHEREAS, on the 6th day of November 2015, a conditional use application, denominated Conditional Use No. 2041 was filed on behalf of Scott Randall Witzke; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2016, 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. 2041 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2016, 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,**

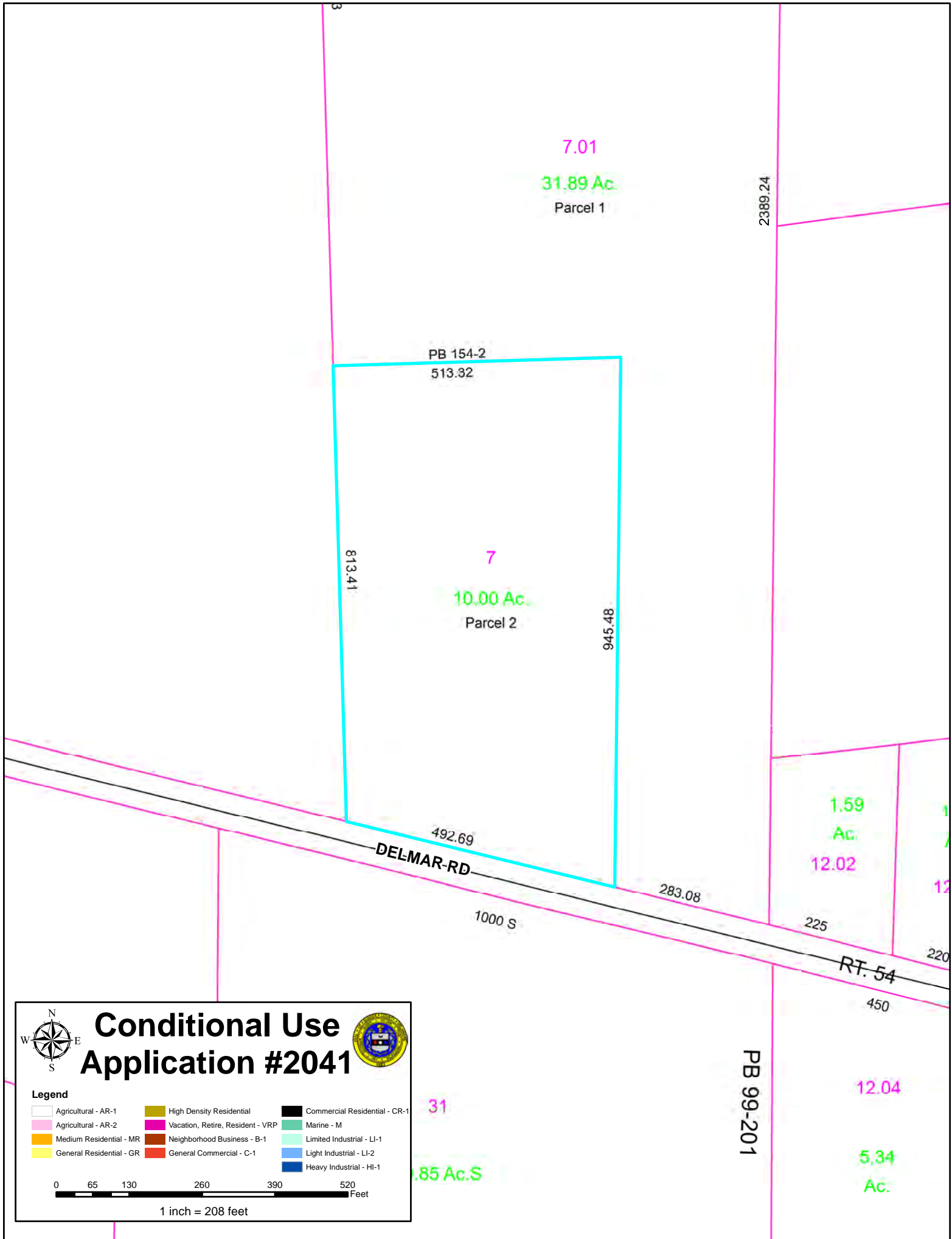
**THE COUNTY OF SUSSEX HEREBY ORDAINS:**

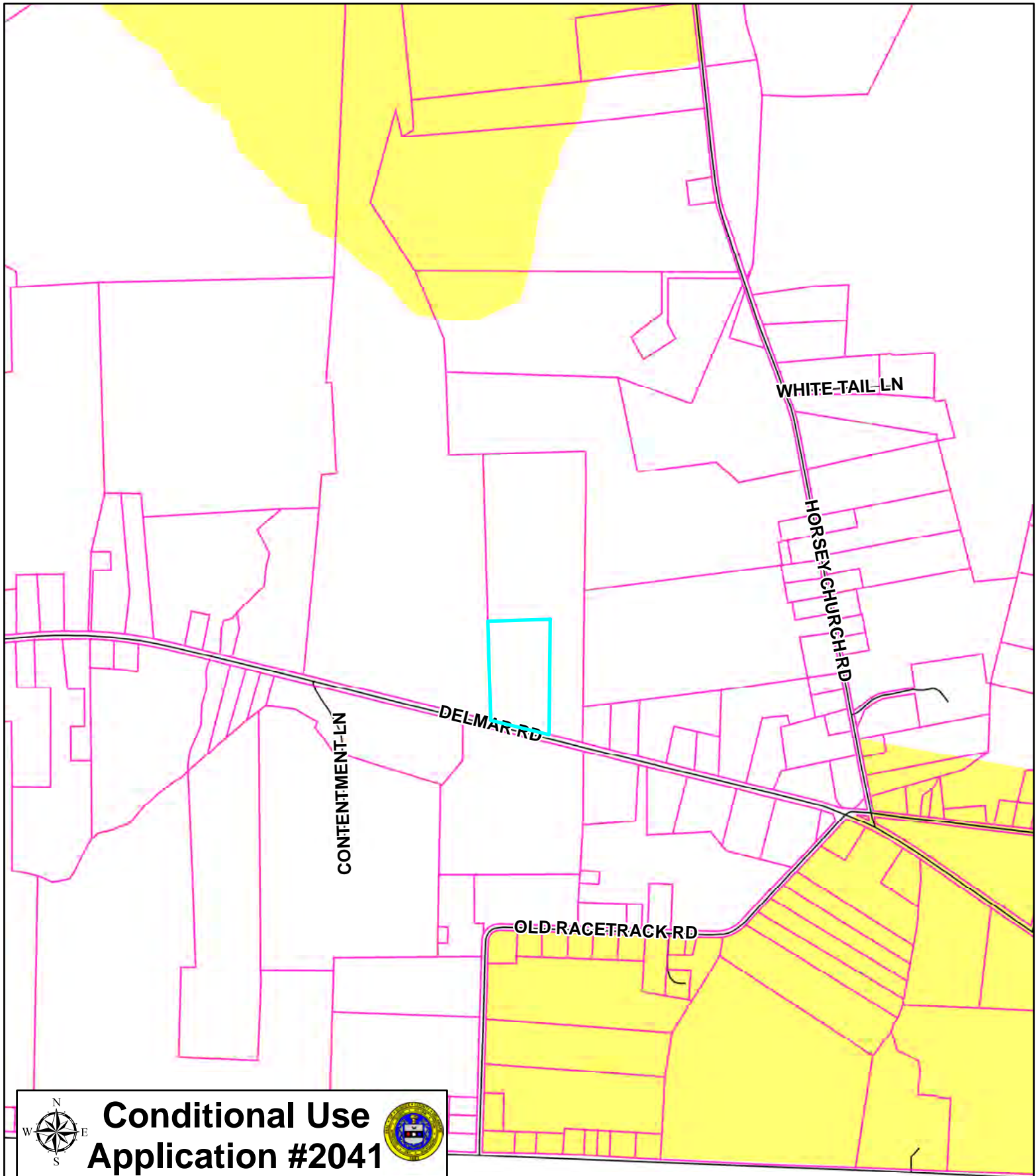
**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2041 as it applies to the property hereinafter described.**


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

**ALL that certain tract, piece or parcel of land, lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying north of Delmar Road (Route 54) 0.5 mile west of Horsey Church Road (Road 510) and being more particularly described in Deed Book 4243, Page 219, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 10.0 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 #2041



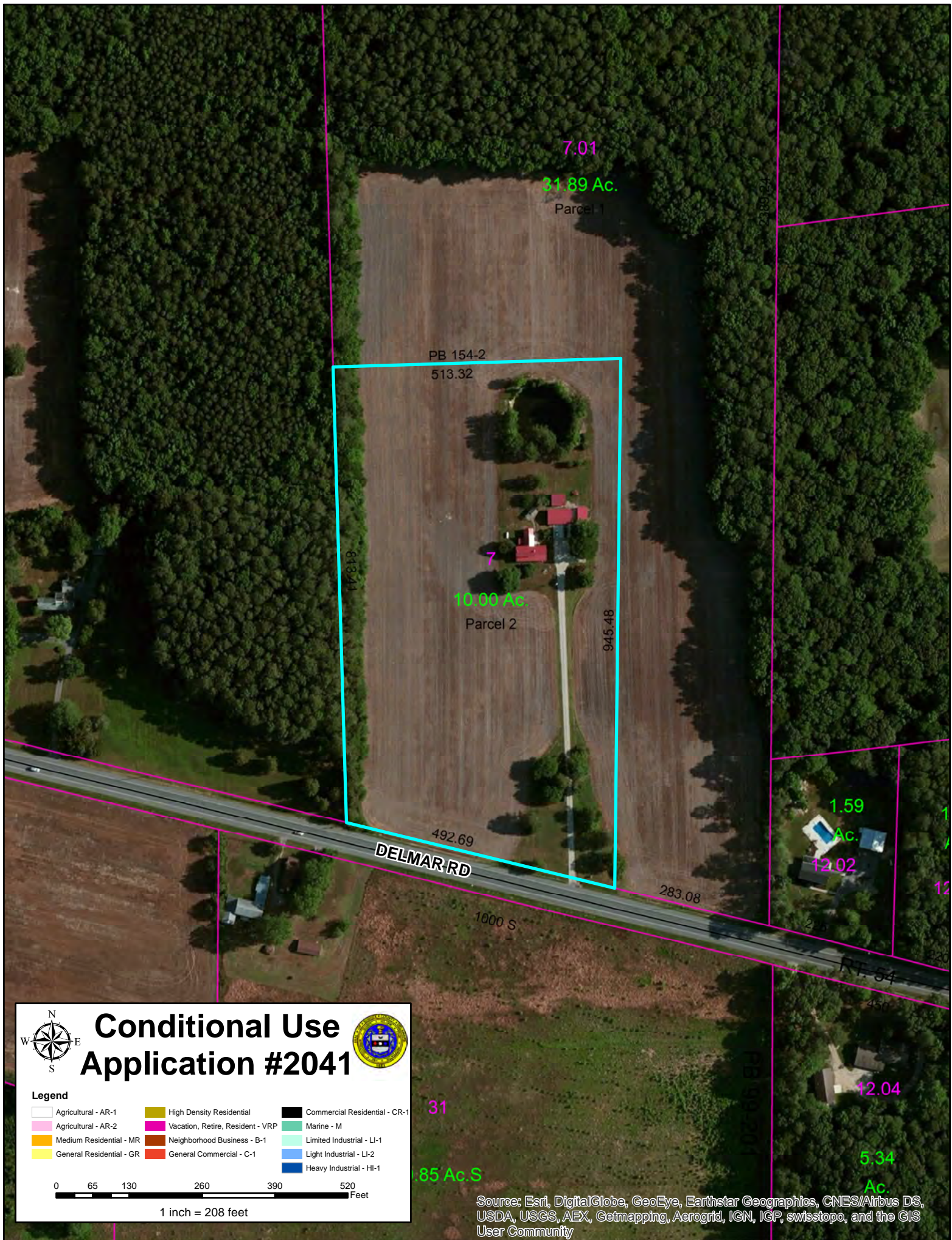
**Legend**

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

0 335 670 1,340 2,010 2,680 Feet

1 inch = 1,042 feet





# Conditional Use Application #2041



## Legend

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

0 65 130 260 390 520 Feet

1 inch = 208 feet

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

## OLD BUSINESS

June 7, 2016

This is to certify that on January 28, 2016 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for Conditional Use. At the conclusion of the public hearing, the Commission moved and passed that this 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.

## PUBLIC HEARINGS

### **C/U #2042 – Beachfire Brewing Company, LLC**

**An Ordinance to grant a Conditional Use of land in a C-1 (General Commercial District) for a microbrewery to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 5,000 square feet, more or less.** The property is located at the southeast corner of Central Avenue and Johnston Street (911 Address: 19841 Central Avenue, Rehoboth Beach) Tax Map I.D. 334-13.20-24.00.

The Commission found that the applicant provided a survey of the property showing the existing pole building and gravel parking area on the site.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on October 28, 2015 referencing that a Traffic Impact Study was not recommended and that the current Level of Service of Road 273 (Hebron Road) will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments on January 27, 2016 referencing that the property is located in the West Rehoboth Expansion Area; that wastewater capacity is available based upon the assumption that the total equivalent dwelling unit (EDU) sewer assessment does not exceed 4.0 EDUs; that the actual EDU assessment for the proposed use as a brewery is not known; that Ordinance 38 construction will not be required; that the current System Connection Charge Rate is \$5,775.00 per EDU; that the parcel is served with a 6-inch lateral located along the parcel frontage on



Johnston Street and the applicant's Engineer/Architect shall determine whether sufficient capacity is provided or the installation of an 8-inch lateral shall be required; that installation of a larger lateral shall be performed at the applicant's expense; that conformity to the North Coastal Planning Study will be required; that a concept plan is not required; that Best Management Practices or Industrial Permit is required; that in order to determine whether a Best Management Practices or Industrial Permit is required, the applicant shall complete an Industrial Waste Program Survey and Questionnaire; that the application can be obtained from and submitted to the Director of Utility Permits; that the applicant shall submit said survey and questionnaire prior to requesting a building permit; that the applicant will be advised of the appropriate application fee due after permit type is determined; and that the applicant shall anticipate providing a sampling port and flow meter as part of the distillery process plumbing.

Mr. Lank advised the Commission that the Department has received seven (7) letters in support of the application from immediate neighbors and area residents. Copies of the letters were provided for the Commission for review.

The Commission found that Harold Dukes, Esquire of Tunnell & Raysor, P.A. was present on behalf of Beachfire Brewing Company, LLC with Harry Metcalfe and Patrick Staggs of Beachfire Brewing Company, LLC and that they stated in their presentation and in response to questions raised by the Commission that the site is already improved by a pole building containing 1,500 square feet with a bathroom; that their primary intent is to establish a research developmental facility for testing and tasting of distilled flavors of craft beers; that the site is zoned C-1 General Commercial; that they are proposing a small tasting room containing approximately 390 square feet of public space with seating for 20 clients/customers; that they anticipate processing 37 barrels of craft beer per month, which is only 11% of a typical brewpub licensed application; that spent grains from the processing/distilling operation will be shipped or picked up by a local farmer; that flow meters have already been installed; that the site is just off of the bike trail and that they hope to attract some of the cyclist coming off of the trail; that bike racks will be installed; that deliveries will be at a minimum; that there will be limited distribution from this location since it is intended to be a testing facility; that once they get their product line established they hope to create a production facility at a larger site more centralized in the County; that there are several storage and warehouse facilities in the immediate area; that they anticipate a minimal amount of traffic; that one of the partners has a background in the brewing business; that they have established financial backing; that they are not aware of any proposed residential units being planned in the general area; that they have received several letters in support of the application from neighbors and area residents; that a restaurant could have been built on the site without a public hearing; that they will have two (2) brewers and one (1) maintenance employee on site; that entry access will be from Central Avenue; that the parking lot is already paved; that the only outside improvements will be the propane tanks; that business hours for the tasting room will be from 11:00 a.m. to midnight six (6) days per week during the summer season, and three (3) to (4) days per week during the off season; that brewing will be performed daily/year round; that the facility will be a full service micro-brewery as brewed on-site; that signage will only be on the building; that the outside appearance of the building will appear to be a warehouse; and that they will be using a steam-boiler with no odors discharged outside.

The Commission found that Brenda Melbourne and Reverend Janet Maull Martin were present in opposition and expressed concerns about the impact on the community and the children in the community; that several children live in close proximity to the building; that they oppose the intended tasting use; that they are concerned about truck traffic; that the Commission should defer or deny to allow the applicants to meet with the residents of the area; that the building appeared overnight; that no one in the neighborhood knew what was going to take place on the property; that it is a case involving alcohol and a tasting room in a microbrewery and will impact a residential community; that a recent proposal for a microbrewery in Dewey Beach had that application rejected by local residents and the Town Council until a compromise was reached; that that application was on a major artery road where bars already exists; that the applicants are proposing a brewery pub and that traffic to the brewery pub will impact Central Avenue in the West Rehoboth area; that Central Avenue contains a small cluster of homes with five (5) families with nine (9) children; that Central Avenue is only a short block away from Hebron Road; that there are a few business establishments on Hebron Road, but they are not high traffic retail operations; that the applicants did not contact local residents about their plans, except for the family that they have helped with water; that the applicants have not contacted the West Side New Beginning Board; and that the applicants should have taken the time to meet with the residents to establish a good community relationship and understanding of the concerns from the residents of the West Rehoboth area.

The Commission found that Tim Cottor was present, not in opposition, but with concerns about odors and the impact on the proposed Henlopen Station expansion; questioning the use of a temporary facility; that he has concerns about noises; and that he has no objection to the tasting room.

The Commission found that Patrick Staggs, a partner and brewer, in response to questions raised by the Commission, stated that noise is minimal, an internal pump noise that should not be heard outside of the building; that there should not be any odors outside; that spent grains will be picked up daily by a local farmer; that the equipment is state-of-the art with modern technologies; that cleanliness improves quality; that their purpose and intent is to create flavors for testing; that some neighbors have stopped by and introduced themselves, and voiced no objections; and that they have met several of the neighbors.

The Commission found that Harold Dukes, in response to questions raised by the Commission, stated that the immediate neighbors, who have children, were notified and have voiced no objections.

The Commission found that Brenda Melbourne requested to ask a question and was permitted, questioning if children are allowed in the tasting room; and advising the Commission that Carol Hazzard, the neighbor across the street, was not notified of the application.

The Commission found that Harry Metcalfe advised them that a tasting room serves samplings of craft brews that are created on the premises; that their proposal is not a sit down and drink all day bar, it is a microbrewery in a 1,500 square foot building with a tasting room which has 12 stools, and 2 table that seat 4 people; that there are no outside speakers; and that children are allowed in the tasting room, but not allowed to seat at the bar.

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

On January 28, 2016 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On February 11, 2016 the Commission discussed this application under Old Business.

Mr. Smith stated that he is prepared to make a motion on this application and asked the Commissioners if they had any comments prior to his motion; that the Commission holds public hearings so that they can make a recommendation to the Sussex County Council; and that the Delaware ABC (Alcoholic Beverage Commission) also has jurisdiction.

Mr. Robertson added that Federal regulations also exist for breweries.

Mr. Johnson stated that the site is already zoned C-1 General Commercial and could permit a bar or restaurant without the necessity of a public hearing.

Mr. Robertson added that the primary use intended is the brewery.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use No. 2042 for Beachfire Brewing Company, LLC for a conditional use for a micro-brewery based upon the record made during the public hearing and for the following reasons:

- 1) This is an application for a micro-brewery in a C-1 General Commercial District.
- 2) In the C-1 General Commercial District, taverns, restaurants with alcoholic beverage services, bars and other commercial uses are permitted by right. This Conditional Use, except for the fact that the applicant is manufacturing the beer on the premises as a primary use, is similar to permitted uses under the C-1 General Commercial regulations.
- 3) The conditional use is limited by the size of the property, the building already situated upon it and parking requirements. These factors limit the size and scope of the use and the applicants have stated that they have no intentions of expanding the use.
- 4) Aside from the brewing operations, the tasting area will be very small, with very few seats. Again, this is a smaller public space for the consumption of alcohol than would be permitted within a restaurant under the property's C-1 General Commercial zoning.
- 5) The brewing operations will not have an adverse effect on the neighboring properties or the community. The applicants have stated that all the brewery operations will occur within the building, and there are not any sounds or smells that will come from the building during these operations.
- 6) The tasting area of the micro-brewery will not adversely affect neighboring properties, roadways or the community. Again, it is small in scope and no different than other uses permitted under the C-1 General Commercial zoning.
- 7) This recommendation is, however, subject to the following conditions:
  - a. The applicant must comply with all State and Federal requirements for the brewery and tasting room operations.



- b. There shall not be any outside storage of materials associated with the brewing operation. Any waste or spent materials from the brewing operation shall be stored inside the building until hauled away by appropriate means.
- c. Any dumpster associated with the use shall be screened from view of neighboring properties and roadways.
- d. The use shall comply with all parking requirements that are contained in the Sussex County Zoning Ordinance.
- e. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

---

Be reminded that on May 3, 2016 the County Council held a public hearing on this application.

A motion was made by Mr. Arlett, seconded by Mr. Cole, to defer action for one week after the Planning and Zoning Commission has made a decision on this application (Conditional Use No. 2042 filed on behalf of Beachfire Brewing Company, LLC) referencing parking requirements.

On May 26, 2016 the Planning and Zoning Commission reviewed the parking layout with the Preliminary Site Plan as requested by County Council. It was reported to the Commission that the purpose of this review was directed by County Council after the public hearing on May 3, 2016. As part of the public hearing before the County Council there was discussion regarding the parking layout. The County Council referred the plan to the Planning and Zoning Commission to consider the parking layout. The preliminary plan shows 6 parking spaces including one (1) handicap parking space. Four (4) of the parking spaces are located in front of the building. The other two (2) parking spaces are located along the side of the building. The parking calculation for a bar is one (1) parking space for every 50 Square Feet of patron area and one (1) parking space for every two (2) employees on the largest shift. The applicants' Engineer has reviewed and provided a floor plan indicating that the patron area will be 236 Square Feet. The patron area calculation requires five (5) parking spaces. The number of employees on the largest shift is proposed to be two (2) employees which requires one (1) parking space. The total number of required parking spaces is six (6) spaces and the plan provides six (6) parking spaces. The site plan complies with the other items in the Zoning Code. The Commission was advised that the use cannot be approved without first obtaining Conditional Use approval of the application, submittal of a Preliminary Site Plan and approval from all necessary agency approvals before Final Site Plan approval can be granted.

The Commission took no action on the parking plan and referred to parking plan back to the staff to provide a report to the County Council.

Based on the staff review of the parking plan as it relates to the site plan, the staff advises County Council that the site plan complies with the requirements of the Zoning Ordinance.

**Introduced 1/05/16**

**Council District No. 4 - Cole**

**Tax Map I.D. No. 334-13.20-24.00**

**911 Address: 19841 Central Avenue, Rehoboth**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A MICROBREWERY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5,000 SQUARE FEET, MORE OR LESS**

**WHEREAS, on the 28th day of October 2015, a conditional use application, denominated Conditional Use No. 2042 was filed on behalf of Beachfire Brewing Company, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2016, 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. 2042 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2016, 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,**

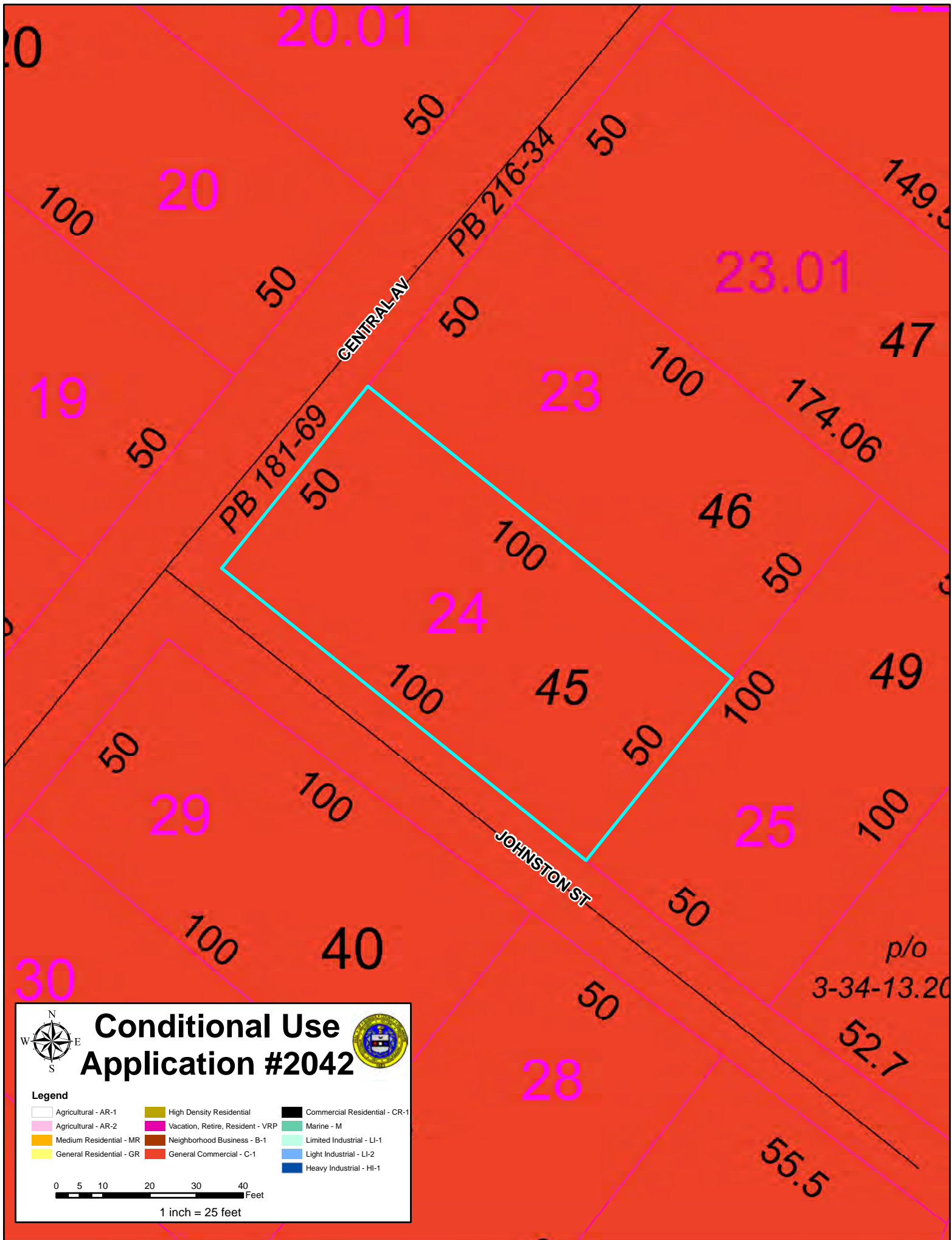
**THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article XI, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2042 as it applies to the property hereinafter described.**

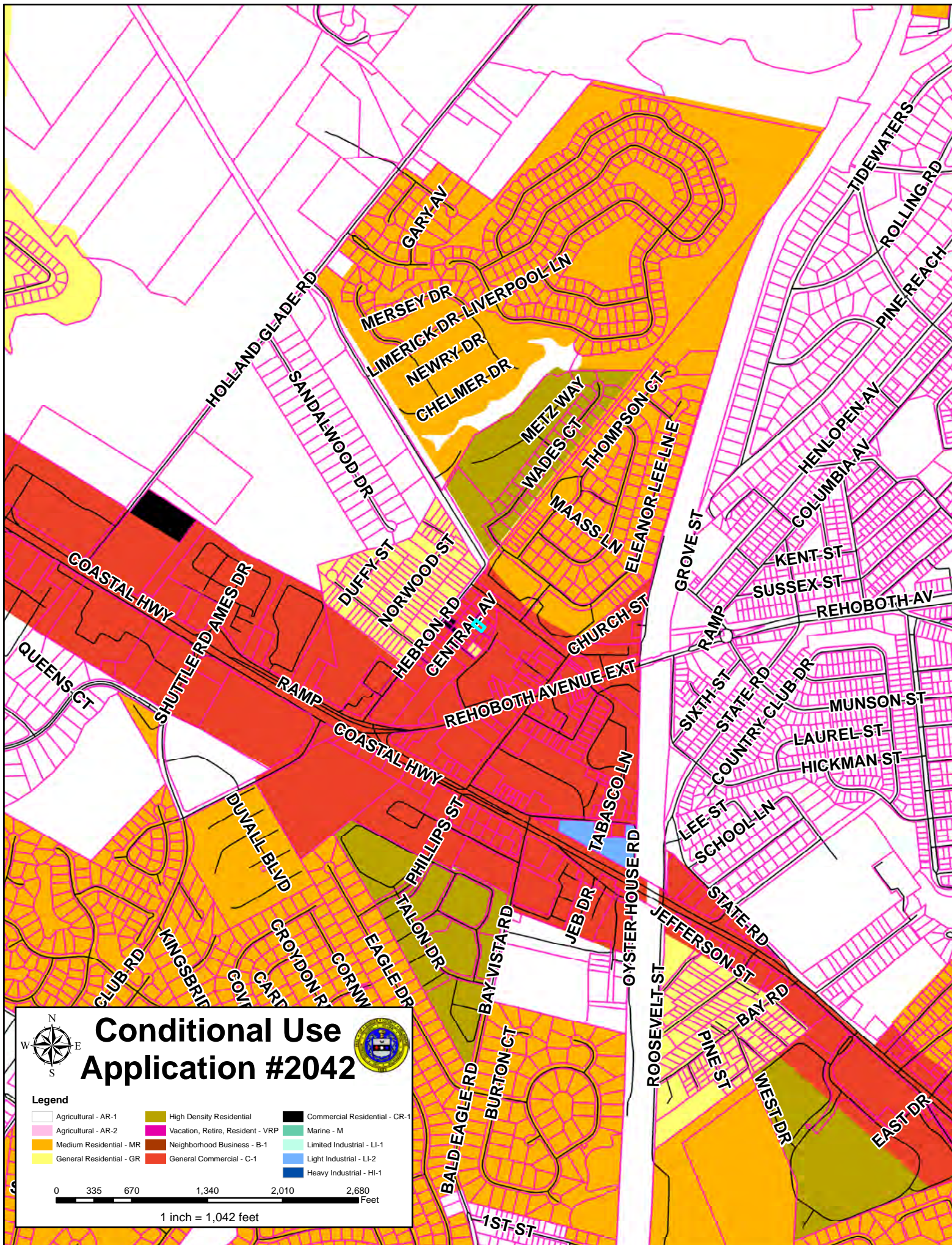
**Section 2. The subject property is described as follows:**


**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 southeast corner of Central Avenue and Johnston Street and being more particularly described as lot 45 Block 4 of the "George E. Shockley's" Development, said parcel containing 5,000 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.**








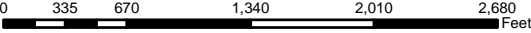


## Conditional Use Application #2042



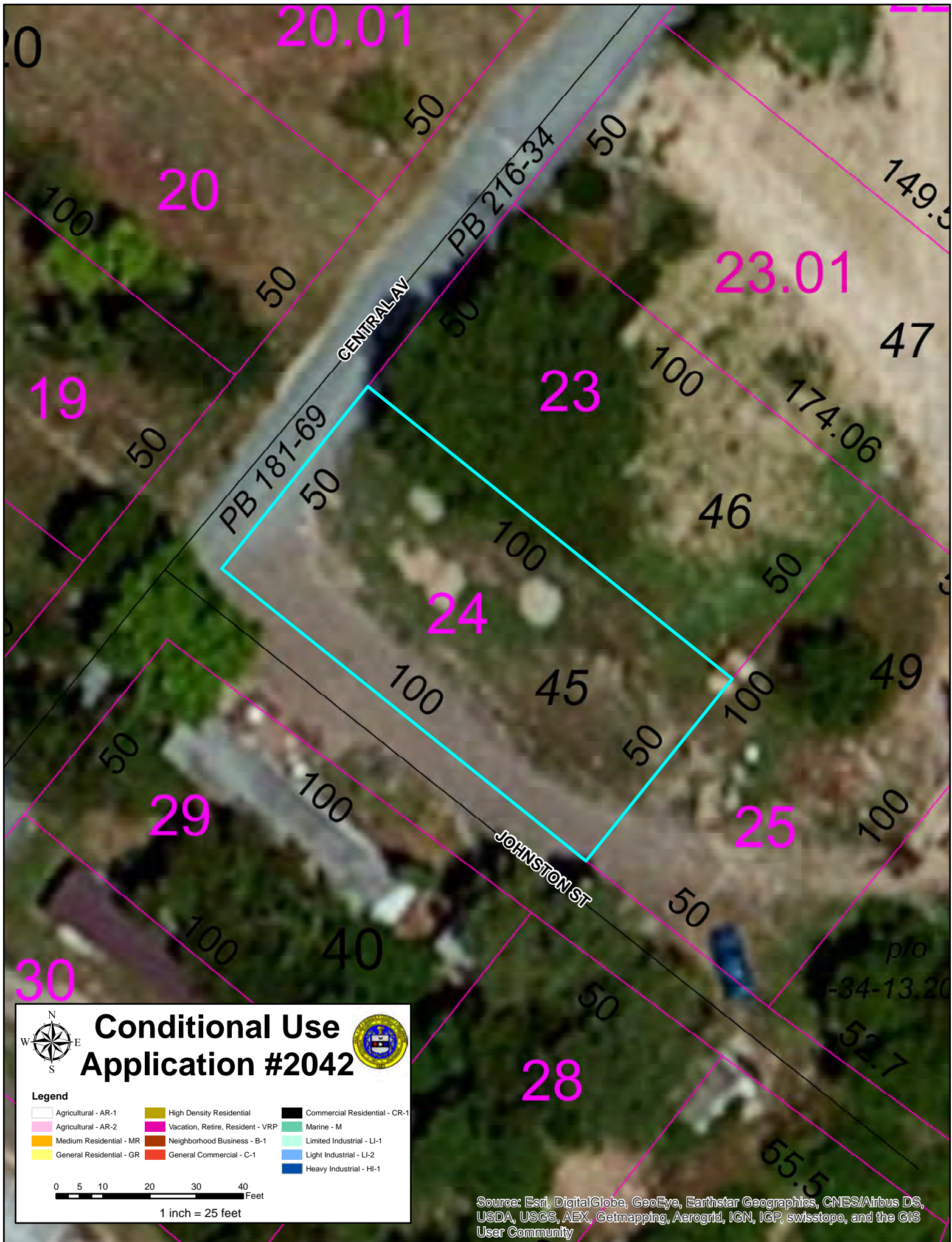
**Legend**

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



1 inch = 1,042 feet







## OLD BUSINESS

June 7, 2016

This is to certify that on May 12, 2016 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed Ordinance Amendment on Signs. At the conclusion of the public hearing, the Commission moved and passed that the application be forwarded to the Sussex County Council with the recommendation 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.

### **AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 ("ZONING"), ARTICLE XXI ("SIGNS").**

Mr. James Sharp, Esquire, of Moore and Rutt, presented a Power Point presentation to the Commission and summarized the proposed Ordinance; and that a copy of the Power Point presentation is available for review in the Office of Planning and Zoning.

Mr. Burton stated that the working groups' recommendations and the proposed ordinance do not match; and that the amended ordinance will create a huge amount of non-conforming signs throughout the County.

Mr. Ross stated that he feels the County should notify current sign owners of the changes to the Ordinance; that a current sign owner under the proposed ordinance may never be able to erect a new sign if destroyed by no intent of the sign owner; that if a proposed sign meets all zoning requirements there should be no need for special use exception hearings with the Board of Adjustment; and that the County regulations should match DelDOT regulations.

Mr. David Hutt, Esquire, of Wilson, James, Halbrook & Bayard, LLP, was present on behalf of and represented Clear Channel Outdoor, Geyer Signs, Hocker Signs, Jack Lingo Realtors, JD Sign Company, Ocean Atlantic, Phillips Signs, Inc., Premier Outdoor Media, LLC, Rogers Sign Co., Inc., and Timmons Outdoor Advertising; that Mr. Hutt submitted exhibits and a proposed alternate version of the proposed ordinance to the Commission for review. Mr. Hutt went

through the proposed alternative ordinance. The exhibit booklet and alternate version is available for review in the Office of Planning and Zoning.

The Commission found that Andy Strine, a local business owner, was present in opposition to the proposed ordinance and stated that his family owns a local business and has for many years; that the current sign for their business is non-conforming; that unforeseen circumstances could require them to replace or relocate the sign; and that the proposed ordinance does not provide any options to replace the sign, which is critical to their business.

The Commission found that Terry Strine, a local business owner, was present in opposition to the proposed ordinance and stated that the intent of the proposed ordinance needs to be fair; that signs are the life of businesses and crucial to their success; and that to have no options for non-conforming signs to be replaced, repaired, or re-constructed without increasing the non-conformity is counterproductive.

The Commission found that Jason Dean, of JD Signs, was present and responded to questions raised by the Commission on Electronic Message Display signs; that the term Nit measures the output of light from a sign; that the average range for signs is 7,500 to 10,000 Nit's; that there is software and hardware available to automatically adjust the ambient light from a sign during different times of the day; that the term foot candle is the brightness of the sign; that tools to measure foot candle are readily available and a good tool to use for enforcement; that an Electronic Message Display is most distracting when the sign is too bright; that animation and screen changes are not distraction issues; that a sign that is too dim to read is also more distracting than a proper working sign; that lack of enforcement is an issue; and that an on-premise sign is the most important tool for small businesses.

The Commission found that Dan Kramer and Paul Reiger, were present and stated that the current enforcement issues need to be addressed.

The Commission found that Dennis Forney was present and stated that he was on the working group and there needs to be distance between billboards, and better enforcement.

The Commission found that Ben Phillips, Gerald Hocker, Jr., and Lynn Rogers were present and stated that they are in opposition to the proposed ordinance; that they were part of the working group and that they feel the proposed ordinance does not reflect the suggestions made by the working group.

Motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to defer action until May 26, 2016 for further consideration. Motion carried 4 – 0.

On May 26, 2016 the Commission discussed this Ordinance Amendment under Old Business.

Mr. Robertson summarized the past few months of activities relating to signs, referencing: the Moratorium, the Working Group that worked on some of the sign regulations, the public hearing of May 12, 2016; that the opposition to the proposed drafted ordinance presented an Alternative Ordinance; and that based on review of the drafted ordinance and the Alternative Ordinance with

staff and conversations with members of the Commission he has drafted a Planning and Zoning Commission version of the ordinance and summarized the changes suggested in the Planning and Zoning Commission version.

Mr. Robertson added that if the Commission makes a recommendation on the approval of the Ordinance, the Ordinance should be attached to the Minutes of this public meeting for the record.

Mr. Ross stated that the Commission recognized after the public hearing that some of the original proposed draft of the ordinance and some of the suggested Alternative Ordinance were valid and should be considered.

Mr. Ross stated that he would move that the Commission recommend adoption of **“An Ordinance to Amend the Code of Sussex County, Chapter 115 (“Zoning”), Article XXI (“SIGNS”),** (which is referenced in this Motion as the “Sign Ordinance”) with certain suggested modifications, aka Commission Version. This recommendation is based on the record made during the Public Hearing and for the following reasons:

1. It is evident that the current sign ordinance needs to be updated. A thorough review of the sign ordinance was requested by the Sussex County Board of Adjustment based upon several measures set forth in a letter to County Council.
2. At the direction of County Council, a Working Group was organized to receive input about issues to be addressed in the Sign Ordinance. That group made a comprehensive review of the current sign requirements in the Zoning Code and made recommendations for various revisions.
3. There is a need to address certain factors within the Code concerning signs. As agreed by the Working Group, greater distances between off-premises signs is an appropriate revision. Also, it is appropriate to regulate the size of these signs between 2 lane and 4 lane roads, as suggested in the Working Group and the Board of Adjustments letter to County Council.
4. It is also appropriate to clarify the use and operation of Electronic Message Displays, including light output.
5. During the Public Hearing, an alternate Ordinance was put forth that agreed with some, but not all, of the recommended changes that were in the ordinance introduced by County Council. This Alternate Ordinance also incorporated many, but not all, of the suggestions of the Working Group.
6. It is appropriate to modify the sign ordinance to protect the health, safety, welfare, and even the overall appearance of Sussex County, while protecting the interests of businesses and economic development of the County.
7. There is currently a moratorium in place that prohibits the acceptance of any applications for off-premises signs. It is important to act on this matter with appropriate revisions so that the moratorium can be lifted.
8. In order to provide County Council with as much guidance as possible, this Motion offers a Commission version of a modified sign ordinance, which combines portions of the Introduced Ordinance, the Alternate Ordinance and takes into account information digested as a result of the Public Hearing on May 12, 2016.

9. This recommendation for adoption of the Commission modified version of the introduced Ordinance includes the following recommendations, which are incorporated into the Commission's modified version of the sign ordinance:

A. Per the recommendation of legal staff, the following corrections or additions to the ordinance should be made:

- (1) A "Purpose" statement should be added.
- (2) A "Substitution" clause should be added.
- (3) A "Severability" clause should be added.
- (4) A correction to Section 115-159.5.B(1) should be made to correct the reference to a rear yard setback.
- (5) Correcting two (g)'s in Section 115-161.1.C.(1).

B. In the introduced Ordinance, there is a modification of the definition of "sign face" and "multi-faced signs". Instead, it should be clarified that off-premises signs shall not have more than one sign face per structure. It is appropriate for more than one face to exist on on-premises signs, which is what currently exists in many pylon signs for businesses and shopping centers.

C. Agricultural Preservation Districts should be deleted from the definition of public lands for purposes of separation distances from off-premises signs.

D. The introduced ordinance deleted the definition of "Electronic Message Display", including the definitions of "Dissolve", "Fade", "Frame", "Frame Effect", "Scroll", "Transition" and "Travel", which are terms that remain elsewhere in the ordinance. These definitions should be added back into the sign ordinance.

E. The alternate version of the ordinance deleted the definition of "animated signs". It is not appropriate to have animation on either off-premises or on-premises signs. So, there should be a blanket prohibition on "animated signs".

F. The introduced Ordinance prohibited "V signs". This was not a concern of the Working Group, and there was no real concern stated in the record for "V signs" regulations. This prohibition of "V signs" should be deleted.

G. The introduced Ordinance prohibited more than one sign per parcel. This was not a stated concern of the Working Group, and there also was no real concern stated about this during the hearing. And, there may be circumstances where more than one sign is appropriate on a parcel that fronts on two roads. This prohibition should be eliminated.

H. The introduced Ordinance prohibited Electronic Message Displays as part of an on-premises sign without a Special Use Exception. This is not a reasonable prohibition, and businesses should be allowed to have Electronic Message Displays, with appropriate regulations, to advertise their business as part of an on-premises sign.

I. It is appropriate to maintain the 150 square foot maximum size for wall signs. Currently the ordinance allows 150 square feet or 15% of the overall size of the entire wall. A flat numerical limit will be more uniform to interpret and enforce.

J. The introduced Ordinance required a 1,000 foot separation distance between any 2 off-premises signs. The current Ordinance only requires 300 feet of separation distance, and everyone seems to agree that greater separation is necessary. 500 feet of separation is an appropriate separation distance for all roads.

K. The alternate Ordinance, following the discussion of the Working Group, suggested that it may be appropriate to distinguish between 2 lane roads and larger, busier 4 lane roads. This is an appropriate modification and was a suggestion made by the Board of

Adjustments in their letter to County Council that should be made a part of the introduced Ordinance. The introduced Ordinance should be modified to only permit 300 square foot off-premises signs on 2 lane roads and 600 square foot off premises signs on roads greater than 2 lanes.

L. There is currently no definition of “ground level” for purposes of measuring a sign’s height. The alternate Ordinance proposes a definition of this term that should be added into the ordinance.

M. It should be clear that off-premises signs shall only have 1 sign face per side. This would eliminate stacked signs and side-by-side signs on a single billboard structure.

N. The Ordinance should be modified to state that no variances should be permitted from the sign regulations, except in limited situations involving the reconstruction or replacement of non-conforming off-premises signs, when two or more non-conforming signs are to be replaced with one Electronic Message Display which results in an overall nonconformity reduction.

O. While the County is addressing signs, the requirements governing the timing of political signs should be clarified.

P. Based on the information contained in the record, “foot candles” should be used as the measurement of brightness as set forth in the alternate Ordinance presented during the Public Hearing.

Q. The introduced Ordinance contains a requirement of a Special Use Exception for on-premises Electronic Message Displays. There is no basis for these, and it would over-burden the Board of Adjustment with unnecessary applications for these signs.

R. Electronic Message Displays should be prohibited in the AR-1, GR, MR, UR and HR Districts, unless specifically approved as part of a conditional use where appropriate. If a location is deemed appropriate for a business as part of conditional use, it may also be appropriate for an Electronic Message Display as part of the conditional use.

S. The alternate Ordinance created two separate standards of operation for Electronic Message Displays. In it, on-premises Electronic Message Displays are allowed greater movement changing displays than off-premises signs. Both should be the same, with messages that can only change every 10 seconds.

T. The requirement of off-premises Electronic Message Displays going static after sunset should be deleted. With appropriate regulations and enforcement, the signs should be allowed to operate normally at night.

U. The provisions governing nonconforming signs should be modified to reflect the requirements of the introduced Ordinance, and state that only variance for setbacks and separation distances shall be permitted, and only if the applicant shows that the overall nonconformity is reduced. Also, no non-conforming sign can be converted to an electronic message center unless it replaces two non-conforming signs. This will promote a reduction in the number of nonconforming signs.

V. The modified Ordinance incorporating these changes should be adopted by County Council.



Motion by Mr. Ross, seconded by Mr. Burton, and carried with four (4) votes to forward the Planning and Zoning Commission version of the Ordinance to the Sussex County Council with the recommendation that the Planning and Zoning Commission version of the Ordinance be adopted. Motion carried 4 – 0. Mr. Johnson did not participate in the vote since he was not present during the public hearing.

SUSSEX COUNTY SIGN ORDINANCE  
SIDE-BY-SIDE COMPARISON  
JUNE 7, 2016

	Section / Revision	Council Ordinance Introduced 4.19.16	Alternate “Hutt” Ordinance (as amended) <sup>i</sup>	P&Z Recommended Version 5.26.16	Comments from Staff
1	115-157 – Purpose	Not included	Not included	Included	Accept P&Z recommendation.  This was a recommendation discovered by staff after introduction of the Introduced Ordinance. Leads to a renumbering of the existing 115-157 as 115-157.1
2	115-157.1 – Definitions - Abandoned on-premises sign - Abandoned off-premises sign	Did not specify length of time needed for abandonment	Moved requirement that sign be abandoned for six months or more to be considered abandoned.  See also related change to 115-158(j) & (k)	Adopted AO amendment	Accept P&Z recommendation.  This amendment makes sense as it combines the definition with language from the IO which prohibits signs which are abandoned for more than 6 months. See also 115-158(j) & (k)
3	115-157.1 – Definitions - Ground Level	Not defined	Definition inserted by the AO	Adopted AO amendment	Accept P&Z recommendation.  Inclusion of this definition makes sense as it would help preclude against artificial building up of ground beneath a sign.
4	115-157.1 – Definitions - Multifaced Signs	Definition changed to limit signs to 2 faces which must be parallel to each other with no more than 3 feet between sign faces	Original definition in Code restored	Adopted AO amendment	Accept P&Z recommendation to avoid the unintended consequences presented at County Council meeting
5	115-157.1 – Definitions - Public Land	Newly defined term	Amended to strike lands in an agricultural preservation program from public lands	Adopted AO amendment	Accept P&Z recommendation.
6	115-157.1 – Definitions - Sign Area	No changes to definition	No changes to definition	No changes to definition	Minor amendments to this definition are recommended
7	115-157.1 – Definitions - Sign Face	Newly defined term	No change from IO	No change from IO	Possible change???

	Section / Revision	Council Ordinance Introduced 4.19.16	Alternate “Hutt” Ordinance (as amended) <sup>i</sup>	P&Z Recommended Version 5.26.16	Comments from Staff
8	115-157.1 – Definitions <ul style="list-style-type: none"> <li>- Electronic Message Center</li> <li>- Electronic Message Display</li> </ul>	EMC is a newly defined term  EMD definition is removed	No changes to EMC definition from IO  EMD definition restored. Note that EMD definition includes definitions for “dissolve”, “fade”, “frame”, “frame effect”, “scroll”, “transition”, and “travel”. These terms are defined in the current sign ordinance.	Removed EMC definition  Restored EMD definition and included EMC term under this definition	Restore EMC definition from IO  Remove EMD definition and all references to EMD.  Pull the definitions for “dissolve”, “fade”, “frame”, “frame effect”, “scroll”, “transition”, and “travel” and insert them alphabetically in 115-157.1. Note that these definitions will need to have the term “Electronic Message Display” replaced with “Electronic Message Center.” These terms are used elsewhere in the sign ordinance and are helpful to have defined.
9	115-157.1 – Definitions <ul style="list-style-type: none"> <li>- Non-conforming sign</li> <li>- Non-conforming off-premises sign</li> </ul>	Newly defined term	Amends IO definition to remove phrase “by permit”	Adopted AO amendment	Accept P&Z recommendation
10	115-158 – Prohibited Signs <ul style="list-style-type: none"> <li>- Animated Signs</li> </ul>	Prohibited under IO	Removes prohibition on animated signs	Adopted IO prohibition	Accept P&Z recommendation and leave as written in IO.  <b>Q: Should animated signs be prohibited</b>  Note that a change in the IO would require a change in 161.1(C)
11	115-158 – Prohibited Signs <ul style="list-style-type: none"> <li>- V signs</li> </ul>	Prohibited under IO	Removes prohibition on V signs	Adopted AO amendment	<b>Q: Should V signs be prohibited?</b>
12	115-158 – Prohibited Signs <ul style="list-style-type: none"> <li>- Signs which have more than 2 faces</li> </ul>	Prohibited under IO	Removes prohibition on signs which have more than 2 faces	Adopted AO amendment	Prohibition on multifaced signs should be removed due to

	Section / Revision	Council Ordinance Introduced 4.19.16	Alternate “Hutt” Ordinance (as amended) <sup>i</sup>	P&Z Recommended Version 5.26.16	Comments from Staff
					unintended consequences referenced at public hearing.  <b>Q: Should multifaced signs be prohibited?</b>
13	TECHNICAL CHANGE 115-159(F) *new change* 115-159(G) 115-159.1(A)(2)(3)(4) 115-159.2(A)(2)(3) 115-159.3(A)(2)(3) 115-159.4(A)(2)(3)(4) 115-159.5(A)(2)(3)(4) 115-159(B)(2) 115-160(B)(3)(4)(7)(11) 115-161.1(A)(1)(2)	Phrase “per side or facing” changed to “per sign face”	No changes from IO	Amends IO to read “per side”	Accept P&Z recommendation
14	TECHNICAL CHANGE 115-159(G) 115-159.1(A)(2)(3)(4) 115-159.2(A)(2)(3) 115-159.3(A)(2)(3) 115-159.4(A)(2)(3)(4) 115-159.5(A)(2)(3)(4) 115-159(B)(2) 115-160(B)(3)(4)(7)(11) 115-161.1(A)(1)(2)	Not addressed	Not addressed	Not addressed	Insertion of phrase “of sign area” where appropriate to better establish the area of the sign subject to size limitations.
15	Per Street or Road Frontage 115-159(H)(I) *new change* 115-159.4(A)(4)(5) 115-159.5(A)(4)(5) 115-161.1(A)(1)(2) – EMCs	Limited signs to one per parcel and eliminated permission for one per street or road frontage	Restored one per parcel or road frontage	Adopted AO amendment	<b>Q: Should a property owner be allowed to have multiple signs on his property if located on more than 1 road?</b>
16	EMCs permitted 115-159.4(A)(4) 115-159.5(A)(4)	Struck language permitting EMCs in certain districts and language	Restored language permitting EMCs in certain districts.	Adopted AO amendment	Keep IO as written so that all references to EMCs are in 115-161.1



	Section / Revision	Council Ordinance Introduced 4.19.16	Alternate “Hutt” Ordinance (as amended) <sup>i</sup>	P&Z Recommended Version 5.26.16	Comments from Staff
		regarding technical requirements of EMCs	No changes from IO regarding technical requirements of EMCs		<b>Q: Should we remove the reference to EMCs?</b>
17	Wall Signs 115-159.4(A)(5) 115-159.5(A)(5)	Amended wall sign definition and limited wall signs to 150 square feet	Largely restored language in original code with some amendments	Adopted IO amendment	Accept P&Z recommendation and leave as written in IO.
18	Off-Premises Signs 115-159.5(B)	No distinction between 2 lane roads and 4 lane roads	Distinguishes between 2 lane roads and 4 lane roads	Distinguishes between 2 lane roads and 4 lane roads.	<b>Q: Should we distinguish between 2 lane roads and 4 lane roads</b>
19	Off-Premises Signs 115-159.5(B)	No distinction between billboards which are greater than 200 square feet and billboards which are less than 200 square feet	Sets different standards for billboards which are greater than 200 square feet and billboards which are less than 200 square feet	Adopted AO amendment	<b>Q: Should we distinguish between small billboards and large billboards</b>
20	Off-Premises Signs 115-159.5(B)	Measures separation distances from churches, schools, dwellings, public lands, and other billboards on a radius  Measure radius from edge of sign	Measures separation distances from churches, schools, dwellings, and public lands on a radius all roads  Measures separation distances from other billboards on a radius on 2 lane roads and lineally on 4 lane roads  Radius measured from center of sign	Adopted AO amendment	If measure on a radius, measure from the edge of the sign.  <b>Q: Should there be different ways of measuring separation distances (e.g. lineally, radius)?</b>
21	Off-Premises Signs 115-159.5(B)	Front Yard setback: 40 feet Side Yard setback: 50 feet Rear Yard setback = to front yard setback for a principal building within the zoning district	Front Yard setback: 25 feet Side Yard setback: 20 feet if less than 200 square feet / 50 feet if greater than 200 square feet Rear yard setback: equal to the required rear yard setback for a principal building within the zoning district	Adopted AO amendment	<b>Q: Again, should there be different standards for different sized billboards?</b> <b>Q: Is the front yard setback appropriate?</b> Consensus that a rear yard setback equal to the rear yard setback for a building is appropriate. Note that the IO had a typo on this issue and needs to be amended.
22	Off-Premises Signs 115-159.5(B)	Separation Distances of 500 feet from churches, schools, dwellings, and public lands	Separation distances of 300 feet from churches, schools, dwellings, and public lands	Adopted AO amendment	<b>Q: What is the appropriate separation distance from churches, schools, dwellings, and public lands?</b>

	Section / Revision	Council Ordinance Introduced 4.19.16	Alternate “Hutt” Ordinance (as amended) <sup>i</sup>	P&Z Recommended Version 5.26.16	Comments from Staff
		1000 feet from other billboards	500 feet from other billboards		<b>Q: What is the appropriate separation distance from other billboards?</b>
23	Off-Premises Signs 115-159.5(B)	Separation distance of 50 feet from on-premise signs	Removed separation distance requirement from on-premise signs	Restored separation distance of 50 feet from on-premise signs	Accept the P&Z recommendation
24	Off-Premises Signs 115-159.5(B)(C)	Height maximum of 35 feet	Height maximum of 25 feet on 2 lane roads and 35 feet on 4 lane roads  Measured from ground level – newly defined term	Adopted AO amendment	<b>Q: Should we distinguish height requirements on 2 lane roads versus 4 lane roads</b>  Use of the ground level definition is appropriate.
25	Off-Premises Signs 115-159.5(B)	Size limitation of 300 square feet	Size limitation of 300 square feet on 2 lane roads and 600 square feet on 4 lane roads	Adopted AO amendment	<b>Q: Should we distinguish size limitations on 2 lane roads versus 4 lane roads</b>  <b>Q: What is the appropriate size limitation?</b>
26	Off-Premises Signs 115-159.5(B)	Required letter of no objection from DeIDOT for all off premises signs	Keeps the letter of no objection requirement but inserts it in different place	Adopted AO amendment	The manner in which this requirement will appear in the Code will depend upon whether the other changes in the AO are acceptable
27	Off-Premises Signs 115-159.5(B)	Prohibits signs which are stacked or side-by-side on a single off-premises structure	Removes prohibition on stacked or side-by-side signs	Restores prohibition on stacked and side-by-side signs. Slightly different placement due to P&Z acceptance of other AO amendments	Prohibition should be kept but the manner in which this requirement will appear in the Code will depend upon whether the other changes in the AO are acceptable
28	Off-Premises Signs 115-159.5(D)(E)	No variances allowed for off-premises signs	Removed prohibition on variances	Restores prohibition on variances for off-premise signs but limits prohibition to new billboards. Variances are permitted from	<b>Q: Should there be a ban on variances for all off-premise signs?</b>

	Section / Revision	Council Ordinance Introduced 4.19.16	Alternate “Hutt” Ordinance (as amended) <sup>i</sup>	P&Z Recommended Version 5.26.16	Comments from Staff
				separation and setback requirements for replacement billboards. See 115-161.2(D).	<b>Q: Should there be a ban on variances for new billboards?</b>  <b>Q: Should there be a ban on variances for replacement of non-conforming billboards? If not, should there be limitations on the types of variances which can be sought?</b>
29	Political Signs 115-160(B)(11)	Not addressed	Not addressed	Change to restrict signs to placement within 90 days of an election	Decline to accept P&Z recommendation. This issue not addressed as part of the billboard discussion and best for future temporary sign discussion.
30	115-160(K) – Height of Signs	Limits signs to 25 feet above grade except for billboards	Limits signs to 25 feet above ground level except for billboards.  Note this uses the newly defined ground level definition.	Accepted AO amendment	Accept P&Z recommendation
31	115-161(B)(4) – Lighting of Signs	Requires signs to be fully shielded (note from model code)	Limits lighting requirement to signs constructed after enactment of ordinance.  Removes “fully shielded” requirement and directs that light be focused on the sign.	Accepted AO amendment	Restore original language in IO.
32	115-161(B)(5) – Lighting of Signs	Restricted luminance of signs to 250 nits during night time hours	Restricted luminance of signs to 750 nits during night time hours or 0.3 foot candles above ambient light.	Accepted the foot candle amendment proposed by AO but struck the nit requirement	Apply both luminance (nits) and illuminance (foot candles) requirements to all signs.

	Section / Revision	Council Ordinance Introduced 4.19.16	Alternate “Hutt” Ordinance (as amended) <sup>i</sup>	P&Z Recommended Version 5.26.16	Comments from Staff
			Note the foot candle requirement is only for off-premise EMCs  Sets forth measurement standards for foot candle measurements		Adopt the foot candle measurement standards  Use 750 nits and 0.3 foot candles as the measurements.  These changes will require a minor re-numbering of these paragraphs.
33	115-161.1 – EMCs 161.1(A)(1)(2)	Special use exception required for all on-premise EMCs	No special use exception required for on-premise EMCs	Accepted AO amendment	<b>Q: Should a special use exception be required for an on-premise EMC?</b>  Would greatly burden the Board of Adjustment
34	115-161.1 – EMCs 161.1(A)(3)	EMCs prohibited in residential districts	No change from IO	Prohibits EMCs in residential districts unless part of a conditional use	<b>Q: Should EMCs be allowed in residential districts if part of a conditional use approval?</b>
35	115-161.1 – EMCs 161.1(B)	Off-premise EMCs should be prohibited	Removes prohibition on off-premise EMCs	Accepted AO amendment	<b>Q: Should off-premises EMCs be allowed?</b>
36	115-161.1(C)(1)(a)(b) - EMCs	Requires that all messages on EMCs be fixed for 10 seconds	Requires that all messages on <u>off-premises EMCs only</u> be fixed for 10 seconds	Accepts IO requirement	Accept P&Z recommendation  <b>Q: Should on-premises EMCs be held to different standards?</b>



	Section / Revision	Council Ordinance Introduced 4.19.16	Alternate “Hutt” Ordinance (as amended) <sup>i</sup>	P&Z Recommended Version 5.26.16	Comments from Staff
					<b>Q: Should all EMCs have messages fixed for 10 seconds?</b>
37	115-161.1(C)(1)(a)(b) – EMCs	Requires that all messages on all EMCs transition within one second	Requires that all messages on <u>off-premises EMCs only</u> transition within 1 second	Accepts IO requirement	Accept P&Z recommendation  <b>Q: Should on-premises EMCs be held to different standards?</b>  <b>Q: Should all EMC messages be required to transition within 1 second?</b>
38	115-161.1(C)(1)(a)(b)(d) – EMCs	Prohibits all EMCs from displaying lights, effects, or messages that flash, move, appear to be animated or to move, scroll, or change in intensity during the 10 second fixed message period.  Would allow for such movement during the 1 second transition period	Removes prohibition language found in the IO regarding flashing, animation, etc.  Prohibits the use of flashing, streaming, real time live video, fading, dissolving, continuous scrolling, traveling, spinning, rotating, and similar movements <u>on off-premise EMCs</u> .  Prohibits flashing, streaming, and real time video <u>only on on-premises EMCs</u>	Restores the prohibition language found in the IO  Prohibits the use of flashing, streaming, real time live video, fading, dissolving, continuous scrolling, traveling, spinning, rotating, and similar movements on <u>all</u> EMCs	Accept P&Z recommendation  Consensus as to prohibitions on animation and movement on off-premises EMCs  <b>Q: Should movement or animation be allowed on on-premises EMCs</b>  Note that permission of animation on on-premises signs would require a change in 115-158 (animated sign prohibition)
39	115-161.1(C)(1)(c) – EMCs	Requires a default provision in the event of a malfunction that would require the EMC to shut down	Amends the default provision to require shutdown only if more than 50% of the sign face malfunctions.  Also includes an alternative where sign goes to a “full black” image on display in case of malfunction	Accepts AO amendment	Accept P&Z recommendation

	Section / Revision	Council Ordinance Introduced 4.19.16	Alternate “Hutt” Ordinance (as amended) <sup>i</sup>	P&Z Recommended Version 5.26.16	Comments from Staff
40	115-161(C)(1)(e) - EMCs	Requires an EMC “must” appropriately adjust display brightness	Requires an EMC “shall” appropriately adjust display brightness	Accepts AO amendment	Accept P&Z recommendation
41	115-161(C)(1)(f) – EMCs	Requires an owner who seeks “approval” for an EMC provide documentation as to ambient light controls	Requires owner who seeks “building permit or special use exception” for an EMC provide documentation as to ambient light controls	Accepts AO amendment	Accept P&Z recommendation
42	115-161.1(C)(1)(h) – EMCs	Prohibits change in message on an EMC after sunset	Eliminates prohibition on change in message on an EMC after sunset	Accepts AO amendment	<b>Q: Should the message on an EMC be allowed to change at night?</b>
43	115-161.2(A) – Non-Conforming Signs	Prohibits reconstruction, expansion, or re-erection of non-conforming off-premises signs.  Allows for periodic maintenance of non-conforming off-premises signs unless totally destroyed.	Removes prohibition on reconstruction, expansion, or re-erection of non-conforming off-premises signs.  Allows for periodic maintenance of non-conforming off-premises signs unless abandoned	Accepts AO amendment	<b>Q: Should non-conforming off-premises signs be allowed to be reconstructed, expanded, or re-erected?</b>
44	115-161.2(B) – Non-Conforming Signs	Prohibits conversion of non-conforming off-premises signs to EMCs	Eliminates prohibition on conversion of non-conforming off-premises signs to EMCs	Allows conversion of non-conforming off-premises EMCs unless owner is replacing 2 or more non-conforming off-premises signs with one EMC	<b>Q: Should conversion of non-conforming off-premises signs to off-premises EMCs be permitted?</b>  If so, are any limitations appropriate?
45	115-161.2(C) – Non-Conforming Signs	Defined signs which are totally destroyed and prohibits their replacement	Removes definition of total sign destruction	Allows for a non-conforming off-premises sign damaged by natural causes to be repaired or reconstructed provided that such repairs or reconstruction occurs within 12 months	<b>Q: Should non-conforming signs be allowed to be repaired or replaced in the event of a natural disaster?</b>

	Section / Revision	Council Ordinance Introduced 4.19.16	Alternate “Hutt” Ordinance (as amended) <sup>i</sup>	P&Z Recommended Version 5.26.16	Comments from Staff
46	115-161.2(B)(D) – Non-Conforming Signs	Prohibits reconstruction, expansion, or re-erection of non-conforming off-premises signs.	Allows for replacement of non-conforming wooden off-premises signs with steel monopoles upon application for a special use exception  No variance is required for replacement provided degree of non-conformity with respect to size, height, and setbacks do not increase by more than 5% and the degree of non-conformity as to separation distances does not increase by more than 5% over the increase created by this ordinance	Did not accept AO amendment  Provides that no variances are permitted for non-conforming off-premises sign replacement except for variances from setbacks and separation distance requirements  Board must consider whether the overall non-conformity is substantially reduced by the replacement sign	<b>Q: Should wooden non-conforming off-premises signs be allowed to be replaced with steel monopoles?</b>  <b>Q: Should a variance be required for replacement if less than 5% increase?</b>
47	115-161.3 – Substitution Clause	Not included	Not included	Included	Accept P&Z recommendation.  This was a recommendation discovered by staff after introduction of the Introduced Ordinance.
48	115-161.4 – Severability Clause	Not included	Not included	Included	Accept P&Z recommendation.  This was a recommendation discovered by staff after introduction of the Introduced Ordinance.

<sup>i</sup> The Alternate Ordinance introduced at the County Council meeting on May 24, 2016, differed slightly from the Alternate Ordinance introduced at the Planning & Zoning Commission meeting on May 12, 2016. For purposes of this chart, we will refer to the Alternate Ordinance as presented to County Council.



ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 ("ZONING"), ARTICLE XXI ("SIGNS").**

**WHEREAS, Sussex County Code ("County Code") currently addresses the types, uses, and placement of signs in its zoning districts; and**

**WHEREAS, Sussex County Council views the placement of signs as an important public safety issue in Sussex County that impacts the welfare of the citizens of Sussex County; and**

**WHEREAS, Sussex County Council believes that the current County Code provisions do not sufficiently address its other concerns with the types, usage, and placement of signs in Sussex County; and**

**WHEREAS, on September 15, 2015, Sussex County Council enacted a moratorium by Ordinance No. 2414 entitled "An Ordinance to Establish a Moratorium Upon the Acceptance of Special Use Exception Applications for Off-Premises Signs" in response to such concerns, which was extended by vote on March 1, 2016; and**

**WHEREAS, Sussex County engaged a land use planning consultant and formed a working group ("Working Group") to study signs in the context of Sussex County's land use planning initiatives and goals; and**

**WHEREAS, the Working Group has presented its findings to Sussex County Council; and**

**WHEREAS, Sussex County Council wishes to end the moratorium upon the acceptance of special use exception applications for off-premises signs concurrent with the enactment of this legislation, as its concerns have been addressed through this legislation; and**

**WHEREAS, Sussex County Council believes that these amendments will promote the public health, safety and welfare of its citizens.**

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

**Section 1. Sussex County Code, Chapter 115, Section 115-157 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:**

**§ 115-157. Definitions.**

46 A. General.

47  
48 **ABANDONED ON-PREMISES SIGN**

49 A sign that no longer identifies or advertises an ongoing business,  
50 product, location, service, idea, or activity conducted on the premises  
51 on which the sign is located.

52  
53 **ABANDONED OFF-PREMISES SIGN**

54 A sign that no longer directs attention to a business, commodity,  
55 service or entertainment conducted, sold, or offered elsewhere than  
56 upon the premises where the sign is maintained.

57  
58 **ANIMATED SIGN**

59 [A mechanical sign or electronically illuminated or nonilluminated sign  
60 which displays letters, words, characters, or symbols which are not  
61 stationary.]

62  
63 A sign employing actual motion, the illusion of motion, or light or color  
64 changes achieved through mechanical, electrical, or electronic means.  
65 Animated signs, which are differentiated from changeable signs as  
66 defined and regulated by this article, include the following types:

67  
68 (1) Environmentally Activated – Animated signs or devices  
69 motivated by wind, thermal changes, or other natural  
70 environmental input. Includes spinners, pinwheels, pennant  
71 strings, or other devices or displays that respond to naturally  
72 occurring external motivation.

73  
74 (2) Mechanically Activated – Animated signs characterized by  
75 repetitive motion or rotation activated by a mechanical system  
76 powered by electric motors or other mechanically induced  
77 means.

78  
79 (3) Electrically Activated – Animated signs producing the illusion  
80 of movement by means of electronic, electrical, or  
81 electromechanical input or illumination capable of simulating  
82 movement throughout employment of the characteristics of one  
83 or both the classifications noted below:

84  
85 (a) Flashing: Animated signs or animated portions of signs  
86 whose illumination is characterized by a repetitive cycle  
87 in which the period of illumination is either the same as  
88 or less than the period of non-illumination. For purposes  
89 of this ordinance, flashing will not be defined as  
90 occurring if the cyclical period between on-off phases of  
91 illumination exceeds ten (10) seconds.

(b) Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

## **CANDELA**

The basic unit of measurement of light in SI (metric) units.

## **CANDELA PER SQUARE METER (cd/m<sup>2</sup>)**

The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.

## **FOOT CANDLE**

An English unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.

## **ILLUMINANCE**

The amount of light falling upon a real or imaginary surface, commonly called “light level” or “illumination”. Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.

## **INDIRECTLY ILLUMINATED SIGN**

...

## **LUMINANCE**

The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units.) Expressed in SI units as cd/m<sup>2</sup>, and in English units as foot lamberts. Sometimes also expressed as “nits”, a colloquial reference to SI units. Can be measured by means of a luminance meter.

## **LUX**

The SI (metric) unit for illuminance. One lux equals 0.093 foot candles.

## **MULTIFACED SIGN**

[A sign with two or more facings.]

A sign with more than one but no more than two sign faces. The sign faces shall be parallel to each other and there shall not be more than three feet from one sign face to the other sign face.

#### **NIT**

A photometric unit of measurement referring to luminance. One nit is equal to one cd/m<sup>2</sup>.

#### **PUBLIC LAND**

Land owned by the United States of America, the State of Delaware, or a municipality or political subdivision thereof which is used as park, recreation area, historical site, wildlife refuge, public forest land, preservation land, or greenway. Public lands shall also include lands which are privately owned but have been placed in an agricultural preservation program with the United States of America, the State of Delaware, or a municipality or political subdivision thereof. Public lands shall not include areas which are public streets, roads, utilities, or right-of-ways dedicated for transportation or other means of ingress and egress.

#### **SETBACK**

...

#### **SI (International System of Units)**

The modern metric system of measurement; abbreviated SI for the French term "Le Systeme International d'Unites."

#### **SIGN**

...

#### **SIGN AREA**

...

#### **SIGN COPY**

The physical sign message including any words, letters, numbers, pictures, logos, and symbols.

#### **SIGN FACE**

The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

#### **SIGN STRUCTURE**



182 Any structure designed for the support of a sign.

183  
184  
185 **STREET LINE**

186 ...

187 **B. Type.**

188  
189 **BULLETIN BOARD**

190 A manually activated changeable sign of permanent character, but with  
191 movable letters, words or numerals, indicating the names of persons  
192 associated with or events conducted upon or products or services  
193 offered upon the premises upon which such a sign is maintained.

194  
195 **CHANGEABLE SIGN**

196 A sign with the capability of content change by means of manual or  
197 remote input including the following types:

198  
199 (1) Manually activated – a changeable sign whose message copy  
200 or content can be changed manually on a display surface.

201  
202 (2) Electically activated – a changeable sign whose message copy  
203 or content can be changed by means of remote electrically  
204 energized on-off switching combinations of alphabetic or  
205 pictographic components arranged on a display surface.  
206 Illumination may be integral to the components, such as  
207 characterized by lamps or other light-emitting devices; or it may  
208 be from an external light source designed to reflect off the  
209 changeable component display.

210  
211 **DIRECTIONAL SIGN**

212 ...

213  
214 **ELECTRONIC MESSAGE CENTER**

215 An electrically activated changeable sign whose variable message or  
216 graphic presentation capability can be electronically programmed by  
217 computer or an electronic device onsite or from a remote location.

218  
219 **[ELECTRONIC MESSAGE DISPLAY]**

220 [A sign capable of displaying words, symbols, figures, or images that  
221 can be electronically or mechanically changed by remote or automatic  
222 means. Changes relating to electronic message display include:

223  
224 **(1) DISSOLVE**

225 A mode of message transition on an electronic message display  
226 accomplished by varying the light intensity or pattern, where the first  
227 message gradually appears to dissipate and lose legibility

simultaneously with the gradual appearance and legibility of the second message.

**(2) FADE**

A mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

**(3) FRAME**

A complete stationary display screen on an electronic message display.

**(4) FRAME EFFECT**

A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.

**(5) SCROLL**

A mode of message transition on an electronic message display where the message appears to move vertically across the display surface.

**(6) TRANSITION**

A visual effect used on an electronic message display to change from one message to another.

**(7) TRAVEL**

A mode of message transition on an electronic message display where the message appears to move horizontally across the display surface.]

**INSTRUCTIONAL SIGN**

...

**NON-CONFORMING SIGN**

A sign that was legally installed by permit in conformance with all sign laws, ordinances, and regulations in effect at the time of its installation, but which no longer complies with laws, ordinances, and regulations having jurisdiction relative to the sign.

**NON-CONFORMING OFF-PREMISES SIGN**

A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is maintained and which was legally installed by permit in conformance with all sign laws, ordinances, and regulations in effect at the time of its installation, but which no longer

complies with laws, ordinances, and regulations having jurisdiction relative to the sign.

#### **OFF-PREMISES ELECTRONIC MESSAGE CENTER**

An electrically activated changeable sign whose variable message or graphic presentation capability can be electronically programmed by computer or electronic device onsite or from a remote location which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is maintained.

#### **OFF-PREMISES SIGN**

...

#### **ON-PREMISES ELECTRONIC MESSAGE CENTER**

An electrically activated changeable sign whose variable message or graphic presentation capability can be electronically programmed by computer or electronic device onsite or from a remote location which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered upon the same premises as those upon which the sign is maintained.

#### **ON-PREMISES SIGN**

...

#### **PORTABLE SIGN**

...

#### **TEMPORARY SIGN**

...

#### **V SIGN**

A sign containing two faces positioned at an interior angle subtending less than one hundred seventy-nine degrees (179°) at the point of juncture of the individual faces.

#### **C. Location.**

...

Section 2. Sussex County Code, Chapter 115, Section 115-158 shall be amended by the addition of the underlined language, as follows:

§ 115-158. Signs prohibited in all districts.

Signs prohibited in all districts shall be as follows:

316  
317 A. ...

318  
319 ...

320  
321 I. Animated signs.

322  
323 J. Abandoned on-premises signs which have been abandoned for more  
324 than 6 months.

325  
326 K. Abandoned off-premises signs which have been abandoned for more  
327 than 6 months.

328  
329 L. Mirrors. No mirror device shall be used as part of a sign.

330  
331 M. V signs.

332  
333 N. Signs which have more than 2 sign faces.

334  
335 Section 3. Sussex County Code, Chapter 115, Section 115-159 shall be  
336 amended by the addition of the underlined language and deletion of the bracketed  
337 language, as follows:

338  
339 § 115-159. Signs permitted in all districts.

340 Signs permitted in all districts shall be as follows:

341  
342 A. ...

343  
344 ...

345  
346 G. A temporary real estate sign indicating sale, rental or lease of the  
347 premises on which it is located, with a maximum area of 10 square feet  
348 per [side or facing] sign face, nonilluminated, and one sign for each  
349 street frontage on which the premises abuts. Each sign shall contain  
350 no more than two sides or facings, back to back.

351  
352 H. ...

353  
354 Section 4. Sussex County Code, Chapter 115, Section 115-159.1 shall be  
355 amended by the addition of the underlined language and deletion of the bracketed  
356 language, as follows:

357  
358 § 115-159.1. Signs permitted in AR-1 and AR-2 Agricultural Residential  
359 Districts and GR General Residential Districts.



360 **A. Signs permitted shall be as follows:**

361  
362 (1) ...

363  
364 (2) One indirectly illuminated on-premises sign, not to exceed 32  
365 square feet on any [side or facing] sign face for each building  
366 devoted to the following uses: church, school, hospital, nursing  
367 home, country club, golf course or similar use. Such signs shall  
368 be solely for the purpose of displaying the name of the  
369 institution or association and its activities or services. In  
370 addition, a bulletin board may be permitted, provided that the  
371 total of 32 square feet on any [side or facing] sign face is not  
372 exceeded by both the bulletin board and the on-premises sign.  
373 ...

374  
375 (3) One nonilluminated on-premises sign not to exceed six square  
376 feet on any [side or facing] sign face, identifying a permitted  
377 home occupation on the premises or a permitted use on a farm  
378 of five acres or more. ...

379  
380 (4) Nonilluminated on-premises signs not to exceed three signs, of  
381 which each sign shall not exceed 32 square feet on any [side or  
382 facing] sign face, identifying any truck garden, orchard,  
383 nursery, commercial greenhouse, produce sale or public stable  
384 permitted on the same premises. ...

385  
386 **B. ...**

387  
388 **Section 5. Sussex County Code, Chapter 115, Section 115-159.2 shall be**  
389 **amended by the addition of the underlined language and deletion of the bracketed**  
390 **language, as follows:**

391  
392 **§ 115-159.2. Signs permitted in MR Medium Density Residential and UR**  
393 **Urban Residential Districts.**

394 **A. Signs permitted shall be as follows:**

395  
396 (1) ...

397  
398 (2) One indirectly illuminated on-premises sign, not to exceed 32  
399 square feet on any [side or facing] sign face for each building  
400 devoted to the following uses: church, school, hospital, nursing  
401 home, country club, golf course or similar use. Such sign shall  
402 be solely for the purpose of displaying the name of the  
403 institution or association and its activities or services. In  
404 addition, a bulletin board may be permitted, provided that the

total of 32 square feet on any [side or facing] sign face is not exceeded by both the bulletin board and the on-premises sign. ...

- (3) One nonilluminated on-premises sign, not to exceed six square feet on any [side or facing] sign face, identifying a permitted home occupation on the premises or a permitted use on a farm of five acres or more. ...

B. ...

Section 6. Sussex County Code, Chapter 115, Section 115-159.3 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-159.3. Signs permitted in HR-1 and HR-2 High-Density Residential Districts.

A. Signs permitted shall be as follows:

(1) ...

(2) One illuminated on-premises sign, not to exceed 10 square feet on any [side or facing] sign face, identifying the name and/or address of management of a multifamily dwelling or group of multifamily dwellings. ...

(3) One nonilluminated on-premises sign, not to exceed 32 square feet on any [side or facing] sign face, identifying any motel, hotel, multifamily dwelling structure or townhouse project of eight or more units. ...

B. ...

Section 7. Sussex County Code, Chapter 115, Section 115-159.4 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-159.4. Signs permitted in B-1 Neighborhood Business Districts, M Marine Districts and UB Urban Business Districts.

A. Signs permitted shall be as follows:

(1) ...

(2) One indirectly illuminated on-premises sign, not to exceed 32 square feet on any [side or facing] sign face for each building devoted to the following uses: church, school, hospital, nursing home, country club, golf course or similar use. Such sign shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted, provided that the total 32 square feet on any [side or facing] sign face is not exceeded by both the bulletin board and the on-premises sign.

...

(3) One nonilluminated on-premises sign, not to exceed six square feet on any [side or facing] sign face, identifying a permitted home occupation on the premises or a permitted use on a farm of five acres or more. ...

(4) One on-premises ground sign [per street or road frontage] per parcel, not to exceed 200 square feet on any [side or facing] sign face. [Electric message displays shall be permitted. Such displays shall be limited to frames with displays, messages, animated graphics or images and frame effects that appear or disappear from the display through dissolve, fade, flip or window shade moves. Scrolling left or right and/or flashing messages shall not be permitted. Each message on the sign must be displayed for a minimum of eight seconds based on a real second measurement of 1000-1, 1000-2, 1000-3, 1000-4, etc., count. When a message is changed, it shall be accomplished in one second or less with all moving parts or illumination changing simultaneously and in unison. Variable message signs shall contain a default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down.]

(5) [In addition, each store, shop, office or similar unit shall be permitted an on-premises illuminated awning, marquee, projecting, wall sign or electric message display not exceeding a combination of signs or one sign not exceeding 150 square feet. The sign shall not exceed 15% of total square footage of wall area where a wall exceeds 1,000 square feet.]

One on-premises wall, illuminated awning, marquee, or projecting sign not to exceed 150 square feet. In the case of a shopping center, a group of stores or other business uses, or a multi-tenant building on a lot held in single or separate ownership, one on-premises wall sign, illuminated awning sign,

marquee sign, or projecting sign not to exceed 150 square feet shall apply with respect to each building, separate store, separate storefront, or separate use.

(6) ...

B. ...

Section 8. Sussex County Code, Chapter 115, Section 115-159.5 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-159.5. Signs permitted in C-1 General Commercial, CR-1 Commercial Residential, LI-1 Limited Industrial, LI-2 Light Industrial and HI-1 Heavy Industrial Districts.

A. Signs permitted shall be as follows:

(1) ...

(2) One indirectly illuminated on-premises sign, not to exceed 32 square feet on any [side or facing] sign face for each building devoted to the following uses: church, school, hospital, nursing home, country club, golf course or similar use. Such sign shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted, provided that the total 32 square feet on any [side or facing] sign face is not exceeded by both the bulletin board and the on-premises sign.  
...

(3) One nonilluminated on-premises sign, not to exceed six square feet on any [side or facing] sign face, identifying a permitted home occupation on the premises or a permitted use on a farm of five acres or more. A sign shall contain no more than two sides or facings, back to back, and shall conform to the setbacks referenced in Subsection A(2) above.

(4) One on-premises ground sign [per street or road frontage] per parcel, not to exceed 200 square feet on any [side or facing] sign face. [Electric message displays shall be permitted. Such displays shall be limited to frames with displays, messages, animated graphics or images and frame effects that appear or disappear from the display through dissolve, fade, flip or window shade moves. Scrolling left or right and/or flashing messages shall not be permitted. Each message on the sign



must be displayed for a minimum of eight seconds based on a real second measurement of 1000-1, 1000-2, 1000-3, 1000-4, etc., count. When a message is changed, it shall be accomplished in one second or less with all moving parts or illumination changing simultaneously and in unison. Variable message signs shall contain a default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down.]

- (5) [In addition, each store, shop, office or similar unit shall be permitted an on-premises illuminated awning, marquee, projecting, wall sign or electric message display not exceeding a combination of signs or one sign not exceeding 150 square feet. The sign shall not exceed 15% of total square footage of wall area where a wall exceeds 1,000 square feet.]

One on-premises wall, illuminated awning, marquee, or projecting sign not to exceed 150 square feet. In the case of a shopping center, a group of stores or other business uses, or a multi-tenant building on a lot held in single or separate ownership, one on-premises wall sign, illuminated awning sign, marquee sign, or projecting sign not to exceed 150 square feet shall apply with respect to each building, separate store, separate storefront, or separate use.

- (6) ...

B. Off-premises signs, after obtaining a special use exception, pursuant to § 115-80C, not exceeding [600] 300 square feet [total] per sign face, and provided that:

- (1) [All off-premises signs not exceeding 200 square feet shall have a minimum front yard setback of 25 feet and a minimum side yard setback of 20 feet and shall not be erected within 300 feet of a dwelling, church, school or public lands or within 300 feet of another sign regulated by this subsection.]

All off-premises signs shall have a minimum front yard setback of 40 feet, a minimum side yard setback of 50 feet, and a minimum rear yard setback equal to the required front yard setback for a principal building within the pertinent zoning district. An off-premises sign shall not be erected within 500 feet of a dwelling, church, school, or public lands or within 1,000 feet of another sign regulated by this subsection or within 50 feet of an on-premises sign.

- 585 (2) [All off-premises signs exceeding 200 square feet shall have a  
586 minimum front yard setback of 25 feet and a minimum side yard  
587 setback of 50 feet and shall not be erected within 300 feet of a  
588 dwelling, church, school or public lands or within 300 feet of  
589 another sign regulated by this subsection.]  
590

591 A single off-premises sign structure shall support no more than  
592 one sign per side or facing and no more than two signs in total.  
593 If a single off-premises sign structure has more than one sign  
594 face, the sign faces shall be parallel to each other and there  
595 shall be not more than three feet from one sign face to the other  
596 sign face. An individual sign face on the off-premises sign  
597 structure shall not exceed 300 square feet. The total square  
598 footage of the sign faces on the off-premises sign structure  
599 shall not exceed 600 square feet. Signs which are stacked or  
600 side-by-side on an off-premises sign structure are prohibited.  
601

- 602 (3) [A single off-premises sign structure shall support no more than  
603 one sign. No off-premises sign structure shall display more than  
604 one three-hundred-square-foot maximum sign on a side or  
605 facing. The total square footage of the sign shall not exceed 600  
606 square feet.]  
607

608 See the general regulations for all districts for signs exceeding  
609 32 square feet.  
610

- 611 (4) [See the general regulations for all districts for signs exceeding  
612 32 square feet.]  
613

614 An applicant for a special use exception for an off-premises  
615 sign must, at the time the application is filed with the Office of  
616 Planning and Zoning, submit documentation from the Delaware  
617 Department of Transportation which confirms that the Delaware  
618 Department of Transportation does not object to the proposed  
619 off-premise sign.  
620

- 621 C. No off-premises sign structure or any part of the sign face shall  
622 exceed [25] 35 feet in height from ground level.  
623

- 624 D. No variances shall be issued from any of the regulations in this Article  
625 for off-premises signs.  
626

- 627 [D.]E. Permitted sign locations are marquee, projecting, wall and/or ground.  
628  
629

630           Section 9. Sussex County Code, Chapter 115, Section 115-160 shall be  
631 amended by the addition of the underlined language and deletion of the bracketed  
632 language, as follows:  
633

634           § 115-160. General regulations for all districts.

635           A. No sign, unless herein excepted, shall be erected, constructed,  
636 structurally altered or relocated, except as provided in this article and  
637 in these regulations, until a permit has been issued by the Director.  
638

639           (1) ...

640           (2) ...

641           (3) [Each sign requiring a permit shall be clearly marked with the  
642 permit number and name of the person or firm placing the sign  
643 on the premises]. Fees.  
644

645                   (a) Fees for sign permits shall be in accordance with the  
646 adopted schedule, a copy of which is maintained in the  
647 office of the Director.  
648

649                   (b) A construction permit shall be charged at a rate of \$0.65  
650 per square foot, with a minimum charge of \$32 per sign  
651 for signs larger than 32 square feet.  
652

653                   (c) Annual fees shall be charged at a rate of \$0.32 per square  
654 foot, with a minimum charge of \$32 per sign for signs  
655 larger than 32 square feet. A one-time fee of \$10.00 will be  
656 charged for signs 32 square feet or smaller.  
657

658           [(4) Fees.  
659  
660

661                   (a) Fees for sign permits shall be in accordance with the  
662 adopted schedule, a copy of which is maintained in the  
663 office of the Director.  
664

665                   (b) A construction permit shall be charged at a rate of \$0.50  
666 per square foot, with a minimum charge of \$25 per sign  
667 for signs larger than 32 square feet.  
668  
669  
670  
671  
672  
673

- 674 (c) Annual fees shall be charged at a rate of \$0.25 per square  
675 foot, with a minimum charge of \$25 per sign for signs  
676 larger than 32 square feet. A one-time fee of \$7.50 will be  
677 charged for signs 32 square feet or smaller.]  
678

679 **B. The following signs may be erected or constructed without a permit**  
680 **but in accordance with structural and safety requirements:**  
681

682 (1) ...

683 (2) ...  
684

685 (3) Temporary nonilluminated signs, not exceeding 10 square feet  
686 per [side or facing] sign face, advertising real estate for sale or  
687 lease or announcing contemplated improvements of real estate  
688 and located on the premises, with no more than two sides or  
689 facings, back to back, with one such sign for each street  
690 frontage.  
691

692 (4) Temporary nonilluminated signs not exceeding 10 square feet  
693 per [side or facing] sign face erected in connection with new  
694 construction work and displayed on the premises during such  
695 time as the actual construction work is in progress, with one  
696 such sign for each street frontage with no more than two [sides  
697 or facings] sign faces, back to back.  
698

699 (5) ...  
700

701 (6) ...  
702

703 (7) Temporary nonilluminated portable signs, not exceeding six  
704 square feet per [side or facing] sign face and not exceeding two  
705 [sides or facings] sign faces, back to back, in a commercial or  
706 industrial district, with one sign for each 50 feet of street  
707 frontage.  
708

709 (8) ...  
710

711 (9) ...  
712

713 (10) ...  
714

715 (11) Signs in connection with any candidate for elected office,  
716 special election or referendum issue may be erected and  
717 maintained, provided that the size of any such sign is not in  
718 excess of 32 square feet per [side or facing] sign face and shall  
719

contain no more than two [sides or facings] sign faces, back to back. Any such sign shall not be erected more than 90 days prior to any contested election or referendum and removed within 30 days after the election or referendum date.

C. ...

...

I. The Director shall remove or cause to be removed[, at the owner's expense,] any sign erected or maintained in conflict with these regulations at the expense of the owner of the sign, the owner of the real property from which the illegal sign has been removed, and the owner of the entity whose business or development is being promoted or advertised by the illegally placed sign. Removal of a sign by the Director or his designee shall not affect any fines instituted under this article or any legal proceeding instituted against the violator prior to removal of such sign.[, as follows:] [(1) The] Sussex County will be free to dispose of all removed illegal signs and shall not be held liable for doing so. Sussex County will collect a [removal] disposal fee of [\$25] \$100 per sign [from the owner of an illegal sign, or from the owner of the real property from which an illegal sign has been removed, if the owner gave permission for the placement of the illegal sign, and from the owner of the entity whose business or development is being promoted or advertised by the illegally placed sign].

J. ...

K. Except as provided in §115-159.5, n[N]o sign [structure or any part of the sign face] shall exceed 25 feet in height above grade.

L. ...

M. Any person or corporation who shall violate any of the provisions of this article or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any sign in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor or of a civil offense, and shall be liable to a fine of not less than \$100 nor more than \$1,000 or be imprisoned not more than 10 days, or both, and each and every day such violation shall continue shall be deemed a separate offense. The Director or its designee, any other Code Enforcement Official or attorney hired or retained by Sussex County shall bring charges of any violation pursuant to this provision in a court of competent jurisdiction of the State of Delaware in and for Sussex County, which court shall have original jurisdiction for such matters. The minimum fine of \$100 is



766 mandatory and is not subject to suspension or reduction. Each day  
767 on which the violation continues shall be considered a separate  
768 offense.

769  
770 Section 10. Sussex County Code, Chapter 115, Section 115-161 shall be  
771 amended by the addition of the underlined language and deletion of the bracketed  
772 language, as follows:  
773

774 **§ 115-161. Construction and lighting.**

775 A. ...

776  
777 B. Lighting of signs.

778  
779 (1) ...

780  
781 (2) ...

782  
783 (3) ...

784  
785 (4) Signs that have external illumination, whether the lighting is  
786 mounted above or below the sign face or panel, shall have  
787 lighting fixtures or luminaires that are fully shielded.

788 (5) All illuminated signs, including Electronic Message Centers,  
789 must comply with the maximum luminance level of two hundred  
790 fifty (250) cd/m<sup>2</sup> or Nits at least one-half hour before Apparent  
791 Sunset, as determined by the National Oceanic and  
792 Atmospheric Administration (NOAA), United States Department  
793 of Commerce, for the specific geographic location and date. All  
794 illuminated signs must comply with this maximum luminance  
795 level throughout the night, if the sign is energized, until  
796 Apparent Sunrise, as determined by the NOAA, at which time  
797 the sign may resume luminance levels appropriate for daylight  
798 conditions, when required or appropriate.

799  
800  
801 Section 11. In Sussex County Code, Chapter 115, a new Section 115-161.1  
802 shall be added by the insertion of the underlined language, as follows:  
803

804 **§ 115-161.1 Electronic Message Centers.**

805 A. **On-Premises Electronic Message Centers:**  
806

(1) In the B-1 (Neighborhood Business), M (Marine), and UB (Urban Business) districts, after obtaining a special use exception pursuant to §115-80C, an On-Premises Electronic Message Center is permitted provided that only one On-Premises Electronic Message Center is permitted per parcel and that the sign face shall not exceed 200 square feet on any side or facing. The electronic message center permitted under this section shall not be in addition to the on-premises ground sign permitted under § 115-159.4(A)(4).

(2) In the C-1 (General Commercial), CR-1 (Commercial Residential, LI-1 (Limited Industrial), LI-2 (Light Industrial), and HI-1 (Heavy Industrial) districts, after obtaining a special use exception pursuant to §115-80C, an On-Premises Electronic Message Center is permitted provided that only one On-Premises Electronic Message Center is permitted per parcel and that the sign face shall not exceed 200 square feet on any side or facing. The electronic message center permitted under this section shall not be in addition to the on-premises ground sign permitted under § 115-159.4(A)(4).

(3) On-Premises Electronic Message Centers shall be prohibited in the AR-1 and AR-2 (Agricultural Residential), GR (General Residential), MR (Medium Density Residential), UR (Urban Residential), HR-1 and HR-2 (High Density Residential) Zoning Districts.

**B. Off-Premises Electronic Message Centers: Off-Premises Electronic Message Centers are prohibited.**

**C. Electronic Message Centers: The following regulations shall apply to all electronic message centers.**

(1) An Electronic Message Center may be changed at intervals by electronic or mechanical process or remote control provided that:

(a) Each message remains fixed for a minimum of at least 10 seconds.

(b) When the message is changed, the change must be accomplished in 1 second or less, with all moving parts or illumination changing simultaneously and in unison.

(c) An Electronic Message Center must contain a default design that will freeze the sign in one position if a malfunction occurs or, in the alternative, that will shut down.

847 (d) An Electronic Message Center may not contain or display  
848 any lights, effects, or messages that flash, move, appear  
849 to be animated or to move, scroll, or change in intensity  
850 during the fixed display period.

851 (e) An Electronic Message Center must appropriately adjust  
852 display brightness as ambient light levels change and  
853 shall have automatic dimming controls, either by  
854 photocell, hardwire, or software settings, in order to bring  
855 the lighting level at night into compliance with sign  
856 illumination standards set forth in this article.

857 (f) An owner who seeks approval for an electronic message  
858 center shall provide documentation at the time of  
859 application which demonstrates that the sign shall  
860 appropriately adjust display brightness as ambient light  
861 levels change and shall have automatic dimming  
862 controls, either by photocell, hardwire, or software  
863 settings, designed to bring the lighting level at night into  
864 compliance with sign illumination standards set forth in  
865 this article.

866 (g) A sign that attempts or appears to attempt to direct the  
867 movement of traffic or which contains wording, color,  
868 shapes, or likeness of official traffic control devices is  
869 prohibited.

870 (g) After Apparent Sunset, as determined by the National  
871 Oceanic and Atmospheric Administration (NOAA), United  
872 States Department of Commerce, for the specific  
873 geographic location and date, the display on the  
874 Electronic Message Center shall not change and shall  
875 remain fixed until after Apparent Sunrise, as determined  
876 by the NOAA, for the specific geographic location and  
877 date, at which time the Electronic Message Center may  
878 resume its regular rotation of message displays.

879 (h) No Electronic Message Center shall emit any audio or  
880 verbal announcement or noises of any kind.

881 (2) No variances shall be permitted from the regulations for any  
882 electronic message center.

883  
884 **Section 12. In Sussex County Code, Chapter 115, a new Section 115-161.2**  
885 **shall be added by the insertion of the underlined language, as follows:**  
886

887 **§ 115-161.2 Non-Conforming Off-Premises Signs.**

888 **A. A non-conforming off-premises sign may remain and be periodically**  
889 **maintained as a permitted non-conforming structure unless totally**  
890 **destroyed as specified in §115-161.2(B). However, in no case may**  
891 **such signs be reconstructed, expanded, or re-erected.**

892 **B. Conversion of non-conforming off-premises signs to off-premises**  
893 **electronic message centers is prohibited.**

894 **C. Any off-premises sign which is destroyed by the forces of nature to**  
895 **any of the following extents for any reason whatsoever shall be**  
896 **considered totally destroyed, shall lose its right to the benefit of any**  
897 **nonconformity provisions, and may not be re-erected. For the**  
898 **purposes hereof, “destruction” shall mean the rendering of the off-**  
899 **premises sign element as unusable and the “facing” shall include the**  
900 **copy area and trim.**

901 **(1) Destruction of fifty percent or more of the supporting piles or**  
902 **structure located above ground;**

903 **(2) Destruction of seventy-five percent or more of the facing;**

904 **(3) Destruction of twenty-five percent or more of the supporting**  
905 **piles or structure located above ground and fifty percent or**  
906 **more of the facing.**

907  
908 **Section 13. Upon the adoption of this Ordinance in accordance with Section**  
909 **14 hereof, the moratorium imposed by Ordinance No. 2414 entitled “An Ordinance**  
910 **to Establish a Moratorium Upon the Acceptance of Special Use Exception**  
911 **Applications for Off-Premises Signs,” any extensions thereof, shall be immediately**  
912 **terminated.**

913  
914 **Section 14. This Ordinance shall become effective upon its adoption by a**  
915 **majority of the elected members of Sussex County Council.**

#### 916 917 918 919 **Synopsis**

920 **This Ordinance revises the provisions of Chapter 115, Article XXI of the**  
921 **Sussex County Code related to the type, usage, and placement of signs in Sussex**  
922 **County. In addition, this Ordinance terminates the moratorium upon the**  
923 **acceptance of any special use exception applications for off-premises signs.**

**ALTERNATE VERSION**  
**ORDINANCE NO. \_\_**

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 ("ZONING"), ARTICLE XXI ("SIGNS").

WHEREAS, Sussex County Code ("County Code") currently addresses the types, uses, and placement of signs in its zoning districts; and

WHEREAS, Sussex County Council views the placement of signs as an important public safety issue in Sussex County that impacts the welfare of the citizens of Sussex County; and

WHEREAS, Sussex County Council believes that the current County Code provisions do not sufficiently address its other concerns with the types, usage, and placement of signs in Sussex County; and

WHEREAS, on September 15, 2015, Sussex County Council enacted a moratorium by Ordinance No. 2414 entitled "An Ordinance to Establish a Moratorium Upon the Acceptance of Special Use Exception Applications for Off-Premises Signs" in response to such concerns, which was extended by vote on March 1, 2016; and

WHEREAS, Sussex County engaged a land use planning consultant and formed a working group ("Working Group") to study signs in the context of Sussex County's land use planning initiatives and goals; and

WHEREAS, the Working Group has presented its findings to Sussex County Council; and

WHEREAS, Sussex County Council wishes to end the moratorium upon the acceptance of special use exception applications for off-premises signs concurrent with the enactment of this legislation, as its concerns have been addressed through this legislation; and

WHEREAS, Sussex County Council believes that these amendments will promote the public health, safety and welfare of its citizens.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Sussex County Code, Chapter 115, Section 115-157 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-157. Definitions.

A. General.



1 ABANDONED ON-PREMISES SIGN

2 A sign that for six months or more no longer identifies or advertises an ongoing  
3 business, product, location, service, idea, or activity conducted on the premises on  
4 which the sign is located.

5  
6 ABANDONED OFF-PREMISES SIGN

7 A sign that for six months or more no longer directs attention to a business,  
8 commodity, service or entertainment conducted, sold, or offered elsewhere than  
9 upon the premises where the sign is maintained.

10  
11 ANIMATED SIGN

12 [A mechanical sign or electronically illuminated or nonilluminated sign which  
13 displays letters, words, characters, or symbols which are not stationary.]

14  
15 A sign employing actual motion, the illusion of motion, or light or color changes  
16 achieved through mechanical, electrical, or electronic means. Animated signs,  
17 which are differentiated from changeable signs as defined and regulated by this  
18 article, include the following types:

- 19  
20 (1) Environmentally Activated – Animated signs or devices motivated by  
21 wind, thermal changes, or other natural environmental input. Includes  
22 spinners, pinwheels, pennant strings, or other devices or displays that  
23 respond to naturally occurring external motivation.
- 24  
25 (2) Mechanically Activated – Animated signs characterized by repetitive  
26 motion or rotation activated by a mechanical system powered by electric  
27 motors or other mechanically induced means.
- 28  
29 (3) Electrically Activated – Animated signs producing the illusion of  
30 movement by means of electronic, electrical, or electromechanical input or  
31 illumination capable of simulating movement throughout employment of  
32 the characteristics of one or both the classifications noted below:
- 33  
34 (a) Flashing: Animated signs or animated portions of signs whose  
35 illumination is characterized by a repetitive cycle in which the  
36 period of illumination is either the same as or less than the period  
37 of non-illumination. For purposes of this ordinance, flashing will  
38 not be defined as occurring if the cyclical period between on-off  
39 phases of illumination exceeds ten (10) seconds.
- 40  
41 (b) Patterned Illusionary Movement: Animated signs or animated  
42 portions of signs whose illumination is characterized by simulated  
43 movement through alternate or sequential activation of various  
44 illuminated elements for the purpose of producing repetitive light  
45 patterns designed to appear in some form of constant motion.  
46

1 CANDELA

2 The basic unit of measurement of light in SI (metric) units.

4 CANDELA PER SQUARE METER (cd/m<sup>2</sup>)

5 The SI (metric) unit used to describe the luminance of a light source or of an  
6 illuminated surface that reflects light. Also referred to as Nits.

8 FOOT CANDLE

9 An English unit of measurement of the amount of light falling upon a surface  
10 (illuminance). One foot candle is equal to one lumen per square foot. Can be  
11 measured by means of an illuminance meter.

13 GROUND LEVEL

14 The average grade of the property or the elevation at the centerline of the adjacent  
15 street or road, whichever is higher.

17 ILLUMINANCE

18 The amount of light falling upon a real or imaginary surface, commonly called  
19 “light level” or “illumination”. Measured in foot candles (lumens/square foot) in  
20 the English system, and lux (lumens/square meter) in the SI (metric) system.

22 INDIRECTLY ILLUMINATED SIGN

23 ...

25 LUMINANCE

26 The light that is emitted by or reflected from a surface. Measured in units of  
27 luminous intensity (candelas) per unit area (square meters in SI measurement  
28 units or square feet in English measurement units.) Expressed in SI units as cd/m<sup>2</sup>,  
29 and in English units as foot lamberts. Sometimes also expressed as “nits”, a  
30 colloquial reference to SI units. Can be measured by means of a luminance meter.

32 LUX

33 The SI (metric) unit for illuminance. One lux equals 0.093 foot candles.

35 MULTIFACED SIGN

36 {A sign with two or more facings.}

37  
38 ~~A sign with more than one but no more than two sign faces. The sign faces shall~~  
39 ~~be parallel to each other and there shall not be more than three feet from one sign~~  
40 ~~face to the other sign face.~~

42 NIT

43 A photometric unit of measurement referring to luminance. One nit is equal to one  
44 cd/m<sup>2</sup>.

1 PUBLIC LAND

2 Land owned by the United States of America, the State of Delaware, or a  
3 municipality or political subdivision thereof which is used as park, recreation  
4 area, historical site, wildlife refuge, public forest land, preservation land, or  
5 greenway. Public lands shall also include lands which are privately owned but  
6 have been placed in an agricultural preservation program with the United States of  
7 America, the State of Delaware, or a municipality or political subdivision thereof.  
8 Public lands shall not include areas which are public streets, roads, utilities, or  
9 right-of-ways dedicated for transportation or other means of ingress and egress.

10  
11 SETBACK

12 ...

13  
14 SI (International System of Units)

15 The modern metric system of measurement; abbreviated SI for the French term  
16 “Le Systeme International d’Unites.”

17  
18 SIGN

19 ...

20  
21 SIGN AREA

22 ...

23  
24 SIGN COPY

25 The physical sign message including any words, letters, numbers, pictures, logos,  
26 and symbols.

27  
28 SIGN FACE

29 The surface upon, against or through which the sign copy is displayed or  
30 illustrated, not including structural supports, architectural features of a building or  
31 sign structure, or decorative trim, or any areas that are separated from the  
32 background surface upon which the sign copy is displayed by a distinct  
33 delineation, such as a reveal or border.

34  
35 SIGN STRUCTURE

36 Any structure designed for the support of a sign.

37  
38 STREET LINE

39 ...

40  
41 B. Type.

42  
43 BULLETIN BOARD

44 A manually activated changeable sign of permanent character, but with movable  
45 letters, words or numerals, indicating the names of persons associated with or

1 events conducted upon or products or services offered upon the premises upon  
2 which such a sign is maintained.

3  
4 CHANGEABLE SIGN

5 A sign with the capability of content change by means of manual or remote input  
6 including the following types:

7  
8 (1) Manually activated – a changeable sign whose message copy or  
9 content can be changed manually on a display surface.

10  
11 (2) Electrically activated – a changeable sign whose message copy or  
12 content can be changed by means of remote electrically energized on-  
13 off switching combinations of alphabetic or pictographic components  
14 arranged on a display surface. Illumination may be integral to the  
15 components, such as characterized by lamps or other light-emitting  
16 devices; or it may be from an external light source designed to reflect  
17 off the changeable component display.

18  
19 DIRECTIONAL SIGN

20 ...

21  
22 ELECTRONIC MESSAGE CENTER

23 An electrically activated changeable sign whose variable message or graphic  
24 presentation capability can be electronically programmed by computer or an  
25 electronic device onsite or from a remote location.

26  
27 {ELECTRONIC MESSAGE DISPLAY}

28 {A sign capable of displaying words, symbols, figures, or images that can be  
29 electronically or mechanically changed by remote or automatic means. Changes  
30 relating to electronic message display include:

31  
32 (1) DISSOLVE

33 A mode of message transition on an electronic message display  
34 accomplished by varying the light intensity or pattern, where the  
35 first message gradually appears to dissipate and lose legibility  
36 simultaneously with the gradual appearance and legibility of the  
37 second message.

38  
39 (2) FADE

40 A mode of message transition on an electronic message display  
41 accomplished by varying the light intensity, where the first  
42 message gradually reduces intensity to the point of not being  
43 legible and the subsequent message gradually increases intensity to  
44 the point of legibility.

45  
46 (3) FRAME

1 A complete stationary display screen on an electronic message  
2 display.

3  
4 (4) FRAME EFFECT

5 A visual effect on an electronic message display applied to a single  
6 frame to attract the attention of viewers.

7  
8 (5) SCROLL

9 A mode of message transition on an electronic message display  
10 where the message appears to move vertically across the display  
11 surface.

12  
13 (6) TRANSITION

14 A visual effect used on an electronic message display to change  
15 from one message to another.

16  
17 (7) TRAVEL

18 A mode of message transition on an electronic message display  
19 where the message appears to move horizontally across the display  
20 surface.}

21  
22 INSTRUCTIONAL SIGN

23 ...

24  
25 NON-CONFORMING SIGN

26 A sign that was legally installed by permit in conformance with all sign laws,  
27 ordinances, and regulations in effect at the time of its installation, but which no  
28 longer complies with laws, ordinances, and regulations having jurisdiction  
29 relative to the sign.

30  
31 NON-CONFORMING OFF-PREMISES SIGN

32 A sign which directs attention to a business, commodity, service, or entertainment  
33 conducted, sold, or offered elsewhere than upon the premises where the sign is  
34 maintained and which was legally installed by permit in conformance with all  
35 sign laws, ordinances, and regulations in effect at the time of its installation, but  
36 which no longer complies with laws, ordinances, and regulations having  
37 jurisdiction relative to the sign.

38  
39 OFF-PREMISES ELECTRONIC MESSAGE CENTER

40 An electrically activated changeable sign whose variable message or graphic  
41 presentation capability can be electronically programmed by computer or  
42 electronic device onsite or from a remote location which directs attention to a  
43 business, commodity, service, or entertainment conducted, sold, or offered  
44 elsewhere than upon the premises where the sign is maintained.

45  
46 OFF-PREMISES SIGN



- 1 (4) Nonilluminated on-premises signs not to exceed three signs, of which each  
2 sign shall not exceed 32 square feet on any [side or facing] sign face,  
3 identifying any truck garden, orchard, nursery, commercial greenhouse,  
4 produce sale or public stable permitted on the same premises. ...  
5

6 B. ...  
7

8 Section 5. Sussex County Code, Chapter 115, Section 115-159.2 shall be amended by the  
9 addition of the underlined language and deletion of the bracketed language, as follows:  
10

11 § 115-159.2. Signs permitted in MR Medium Density Residential and UR Urban  
12 Residential Districts.  
13

14 A. Signs permitted shall be as follows:  
15

16 (1) ...  
17

- 18 (2) One indirectly illuminated on-premises sign, not to exceed 32 square feet  
19 on any [side or facing] sign face for each building devoted to the  
20 following uses: church, school, hospital, nursing home, country club, golf  
21 course or similar use. Such sign shall be solely for the purpose of  
22 displaying the name of the institution or association and its activities or  
23 services. In addition, a bulletin board may be permitted, provided that the  
24 total of 32 square feet on any [side or facing] sign face is not exceeded by  
25 both the bulletin board and the on-premises sign. ...  
26

- 27 (3) One nonilluminated on-premises sign, not to exceed six square feet on any  
28 [side or facing] sign face, identifying a permitted home occupation on the  
29 premises or a permitted use on a farm of five acres or more. ...  
30

31 B. ...  
32

33 Section 6. Sussex County Code, Chapter 115, Section 115-159.3 shall be amended by the  
34 addition of the underlined language and deletion of the bracketed language, as follows:  
35

36 § 115-159.3. Signs permitted in HR-1 and HR-2 High-Density Residential Districts.  
37

38 A. Signs permitted shall be as follows:  
39

40 (1) ...  
41

- 42 (2) One illuminated on-premises sign, not to exceed 10 square feet on any  
43 [side or facing] sign face, identifying the name and/or address of  
44 management of a multifamily dwelling or group of multifamily dwellings.  
45 ...

- 1 (3) One nonilluminated on-premises sign, not to exceed 32 square feet on any  
2 [side or facing] sign face, identifying any motel, hotel, multifamily  
3 dwelling structure or townhouse project of eight or more units. ...  
4

5 B. ...  
6

7 Section 7. Sussex County Code, Chapter 115, Section 115-159.4 shall be amended by the  
8 addition of the underlined language and deletion of the bracketed language, as follows:  
9

10 § 115-159.4. Signs permitted in B-1 Neighborhood Business Districts, M Marine  
11 Districts and UB Urban Business Districts.  
12

13 A. Signs permitted shall be as follows:  
14

15 (1) ...  
16

17 (2) One indirectly illuminated on-premises sign, not to exceed 32 square feet  
18 on any [side or facing] sign face for each building devoted to the  
19 following uses: church, school, hospital, nursing home, country club, golf  
20 course or similar use. Such sign shall be solely for the purpose of  
21 displaying the name of the institution or association and its activities or  
22 services. In addition, a bulletin board may be permitted, provided that the  
23 total 32 square feet on any [side or facing] sign face is not exceeded by  
24 both the bulletin board and the on-premises sign. ...  
25

26 (3) One nonilluminated on-premises sign, not to exceed six square feet on any  
27 [side or facing] sign face, identifying a permitted home occupation on the  
28 premises or a permitted use on a farm of five acres or more. ...  
29

30 (4) One on-premises ground sign {per street or road frontage} per parcel, not  
31 to exceed 200 square feet on any [side or facing] sign face. {Electric  
32 mMessage dDisplays/Centers shall be permitted. [Such displays shall be  
33 limited to frames with displays, messages, animated graphics or images  
34 and frame effects that appear or disappear from the display through  
35 dissolve, fade, flip or window shade moves. Scrolling left or right and/or  
36 flashing messages shall not be permitted. Each message on the sign must  
37 be displayed for a minimum of eight seconds based on a real second  
38 measurement of 1000-1, 1000-2, 1000-3, 1000-4, etc., count. When a  
39 message is changed, it shall be accomplished in one second or less with all  
40 moving parts or illumination changing simultaneously and in unison.  
41 Variable message signs shall contain a default design that will freeze the  
42 sign in one position if a malfunction occurs or in the alternative shut  
43 down.]  
44

45 (5) {In addition, each store, shop, office or similar unit shall be permitted an  
46 on-premises illuminated awnings, marquees, projecting, wall signs or

1 electric message displays not exceeding 150 square feet or 15% of the  
2 total square footage of the wall area on which the sign(s) is/are located,  
3 whichever is greater, the maximum square footage may be used for one  
4 sign or a combination of signs ~~or one sign not exceeding 150 square feet.~~  
5 ~~The sign shall not exceed 15% of total square footage of wall area where a~~  
6 ~~wall exceeds 1,000 square feet.]~~

7  
8 ~~One on-premises wall, illuminated awning, marquee, or projecting sign~~  
9 ~~not to exceed 150 square feet. In the case of a shopping center, a group of~~  
10 ~~stores or other business uses, or a multi-tenant building on a lot held in~~  
11 ~~single or separate ownership, one on-premises wall sign, illuminated~~  
12 ~~awning sign, marquee sign, or projecting sign not to exceed 150 square~~  
13 ~~feet shall apply with respect to each building, separate store, separate~~  
14 ~~storefront, or separate use.~~

15  
16 (6) ...

17  
18 B. ...

19  
20 Section 8. Sussex County Code, Chapter 115, Section 115-159.5 shall be amended by the  
21 addition of the underlined language and deletion of the bracketed language, as follows:

22  
23 § 115-159.5. Signs permitted in C-1 General Commercial, CR-1 Commercial  
24 Residential, LI-1 Limited Industrial, LI-2 Light Industrial and HI-1 Heavy  
25 Industrial Districts.

26  
27 A. Signs permitted shall be as follows:

28  
29 (1) ...

30  
31 (2) One indirectly illuminated on-premises sign, not to exceed 32 square feet  
32 on any [side or facing] sign face for each building devoted to the  
33 following uses: church, school, hospital, nursing home, country club, golf  
34 course or similar use. Such sign shall be solely for the purpose of  
35 displaying the name of the institution or association and its activities or  
36 services. In addition, a bulletin board may be permitted, provided that the  
37 total 32 square feet on any [side or facing] sign face is not exceeded by  
38 both the bulletin board and the on-premises sign.

39 ...

40  
41 (3) One nonilluminated on-premises sign, not to exceed six square feet on any  
42 [side or facing] sign face, identifying a permitted home occupation on the  
43 premises or a permitted use on a farm of five acres or more. A sign shall  
44 contain no more than two sides or facings, back to back, and shall conform  
45 to the setbacks referenced in Subsection A(2) above.

1 (4) One on-premises ground sign [per street or road frontage] per parcel, not  
2 to exceed 200 square feet on any [side or facing] sign face. [Electric  
3 ~~m~~Message ~~d~~Displays/Centers shall be permitted. [Such displays shall be  
4 limited to frames with displays, messages, animated graphics or images  
5 and frame effects that appear or disappear from the display through  
6 dissolve, fade, flip or window shade moves. Scrolling left or right and/or  
7 flashing messages shall not be permitted. Each message on the sign must  
8 be displayed for a minimum of eight seconds based on a real second  
9 measurement of 1000-1, 1000-2, 1000-3, 1000-4, etc., count. When a  
10 message is changed, it shall be accomplished in one second or less with all  
11 moving parts or illumination changing simultaneously and in unison.  
12 Variable message signs shall contain a default design that will freeze the  
13 sign in one position if a malfunction occurs or in the alternative shut  
14 down.]

15  
16 (5) [In addition, each store, shop, office or similar unit shall be permitted ~~an~~  
17 on-premises illuminated awnings, marquees, projecting, wall signs or  
18 electric message displays not exceeding 150 square feet or 15% of the  
19 total square footage of the wall area on which the sign(s) is/are located,  
20 whichever is greater, the maximum square footage may be used for one  
21 sign or a combination of signs or one sign not exceeding 150 square feet.  
22 The sign shall not exceed 15% of total square footage of wall area where a  
23 wall exceeds 1,000 square feet.]

24  
25 One on-premises wall, illuminated awning, marquee, or projecting sign  
26 not to exceed 150 square feet. In the case of a shopping center, a group of  
27 stores or other business uses, or a multi-tenant building on a lot held in  
28 single or separate ownership, one on-premises wall sign, illuminated  
29 awning sign, marquee sign, or projecting sign not to exceed 150 square  
30 feet shall apply with respect to each building, separate store, separate  
31 storefront, or separate use.

32  
33 (6) ...

34  
35 B. Off-premises signs, after obtaining a special use exception, pursuant to § 115-  
36 80C, not exceeding [600] 300 square feet [total] per sign face, and provided that:

37  
38 (1) [All off-premises signs not exceeding 200 square feet shall have a  
39 minimum front yard setback of 25 feet and a minimum side yard setback  
40 of 20 feet and shall not be erected within 300 feet of a dwelling, church,  
41 school or public lands or within 300 feet of another sign regulated by this  
42 subsection.]

43  
44 All off-premises signs shall have a minimum front yard setback of 40 feet,  
45 a minimum side yard setback of 50 feet, and a minimum rear yard setback  
46 equal to the required front yard setback for a principal building within the



1 parallel to each other and there shall be not more than three feet from one  
2 sign face to the other sign face. An individual sign face on the off-  
3 premises sign structure shall not exceed 300 square feet. The total square  
4 footage of the sign faces on the off-premises sign structure shall not  
5 exceed 600 square feet. Signs which are stacked or side by side on an off-  
6 premises sign structure are prohibited.

7  
8  
9 For all roads with more than two (2) travel lanes (excluding turn lanes),  
10 e.g., Routes 1, 13 and 113, the following shall apply:

11  
12 (a) Setbacks. Off-premises signs not exceeding 200 square feet shall  
13 have a minimum front yard setback of 25 feet, a minimum side  
14 yard setback of 20 feet and a minimum rear yard setback equal to  
15 the required rear yard setback for a principal building within the  
16 pertinent zoning district. Off-premises signs exceeding 200 square  
17 feet shall have a minimum front yard setback of 25 feet, a  
18 minimum side yard setback of 50 feet and a minimum rear yard  
19 setback of equal to the required rear yard setback for a principal  
20 building within the pertinent zoning district.

21  
22 (b) Separation Distances. Off-premises sign shall not be erected  
23 within 300 feet of a dwelling, church, school, or public lands or  
24 within 500 feet of another off-premises sign. The separation  
25 distances from another off-premises sign shall be measured  
26 lineally. The separation distances from a dwelling, church, school  
27 or public lands described herein shall be measured on a radius  
28 using the center of the sign as the center point of the circle.

29  
30 (c) Height. Off-premises sign shall not be erected to a height greater  
31 than 35 feet measured from Ground Level.

32  
33 (d) Size. Off-premises signs shall not exceed 600 square feet per Sign  
34 Face.

35  
36 (e) DELDOT. An applicant for a special use exception for an off-  
37 premises sign must, at the time the application is filed with the  
38 Office of Planning and Zoning, submit documentation from the  
39 Delaware Department of Transportation which confirms that the  
40 Delaware Department of Transportation does not object to the  
41 proposed off-premises sign.

42  
43 (3) [A single off-premises sign structure shall support no more than one sign.  
44 No off-premises sign structure shall display more than one three-hundred-  
45 square-foot maximum sign on a side or facing. The total square footage of  
46 the sign shall not exceed 600 square feet.]



1  
2 See the general regulations for all districts for signs exceeding 32 square  
3 feet.

- 4  
5 (4) [See the general regulations for all districts for signs exceeding 32 square  
6 feet.]

7  
8 An applicant for a special use exception for an off-premises sign must, at  
9 the time the application is filed with the Office of Planning and Zoning,  
10 submit documentation from the Delaware Department of Transportation  
11 which confirms that the Delaware Department of Transportation does not  
12 object to the proposed off-premise sign.

- 13  
14 C. No off-premises sign structure or any part of the sign face shall exceed [25] 35  
15 feet in height from ground level.

- 16  
17 D. No variances shall be issued from any of the regulations in this Article for off-  
18 premises signs.

19  
20 [D.]E. Permitted sign locations are marquee, projecting, wall and/or ground.

21  
22  
23 Section 9. Sussex County Code, Chapter 115, Section 115-160 shall be amended by the  
24 addition of the underlined language and deletion of the bracketed language, as follows:

25 § 115-160. General regulations for all districts.

- 26  
27 A. No sign, unless herein excepted, shall be erected, constructed, structurally altered  
28 or relocated, except as provided in this article and in these regulations, until a  
29 permit has been issued by the Director.

30  
31 (1) ...

32  
33 (2) ...

34  
35 (3) [Each sign requiring a permit shall be clearly marked with the permit  
36 number and name of the person or firm placing the sign on the premises].  
37 Fees.

38  
39 (a) Fees for sign permits shall be in accordance with the adopted  
40 schedule, a copy of which is maintained in the office of the  
41 Director.

42  
43 (b) A construction permit shall be charged at a rate of \$0.65 per square  
44 foot, with a minimum charge of \$32 per sign for signs larger than  
45 32 square feet.  
46

(c) Annual fees shall be charged at a rate of \$0.32 per square foot, with a minimum charge of \$32 per sign for signs larger than 32 square feet. A one-time fee of \$10.00 will be charged for signs 32 square feet or smaller.

[(4) Fees.

(a) Fees for sign permits shall be in accordance with the adopted schedule, a copy of which is maintained in the office of the Director.

(b) A construction permit shall be charged at a rate of \$0.50 per square foot, with a minimum charge of \$25 per sign for signs larger than 32 square feet.

(c) Annual fees shall be charged at a rate of \$0.25 per square foot, with a minimum charge of \$25 per sign for signs larger than 32 square feet. A one-time fee of \$7.50 will be charged for signs 32 square feet or smaller.]

B. The following signs may be erected or constructed without a permit but in accordance with structural and safety requirements:

(1) ...

(2) ...

(3) Temporary nonilluminated signs, not exceeding 10 square feet per [side or facing] sign face, advertising real estate for sale or lease or announcing contemplated improvements of real estate and located on the premises, with no more than two sides or facings, back to back, with one such sign for each street frontage.

(4) Temporary nonilluminated signs not exceeding 10 square feet per [side or facing] sign face erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, with one such sign for each street frontage with no more than two [sides or facings] sign faces, back to back.

(5) ...

(6) ...

(7) Temporary nonilluminated portable signs, not exceeding six square feet per [side or facing] sign face and not exceeding two [sides or facings] sign faces, back to back, in a commercial or industrial district, with one sign for each 50 feet of street frontage.

(8) ...

(9) ...

(10) ...

(11) Signs in connection with any candidate for elected office, special election or referendum issue may be erected and maintained, provided that the size of any such sign is not in excess of 32 square feet per [side or facing] sign face and shall contain no more than two [sides or facings] sign faces, back to back. Any such sign shall not be erected more than 90 days prior to any contested election or referendum and removed within 30 days after the election or referendum date.

C. ...

I. The Director shall remove or cause to be removed[, at the owner's expense,] any sign erected or maintained in conflict with these regulations at the expense of the owner of the sign, the owner of the real property from which the illegal sign has been removed, and the owner of the entity whose business or development is being promoted or advertised by the illegally placed sign. Removal of a sign by the Director or his designee shall not affect any fines instituted under this article or any legal proceeding instituted against the violator prior to removal of such sign.[, as follows:] [(1) The] Sussex County will be free to dispose of all removed illegal signs and shall not be held liable for doing so. Sussex County will collect a [removal] disposal fee of [\$25] \$100 per sign [from the owner of an illegal sign, or from the owner of the real property from which an illegal sign has been removed, if the owner gave permission for the placement of the illegal sign, and from the owner of the entity whose business or development is being promoted or advertised by the illegally placed sign].

J. ...

K. Except as provided in §115-159.5, n[N]o sign [structure or any part of the sign face] shall exceed 25 feet in height above ~~grade~~Ground Level.

L. ...

M. Any person or corporation who shall violate any of the provisions of this article or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any sign in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a



1 misdemeanor or of a civil offense, and shall be liable to a fine of not less  
2 than \$100 nor more than \$1,000 or be imprisoned not more than 10 days,  
3 or both, and each and every day such violation shall continue shall be  
4 deemed a separate offense. The Director or its designee, any other Code  
5 Enforcement Official or attorney hired or retained by Sussex County shall  
6 bring charges of any violation pursuant to this provision in a court of  
7 competent jurisdiction of the State of Delaware in and for Sussex County,  
8 which court shall have original jurisdiction for such matters. The  
9 minimum fine of \$100 is mandatory and is not subject to suspension or  
10 reduction. Each day on which the violation continues shall be considered a  
11 separate offense.

12  
13 Section 10. Sussex County Code, Chapter 115, Section 115-161 shall be amended by the  
14 addition of the underlined language and deletion of the bracketed language, as follows:

15  
16 § 115-161. Construction and lighting.

17  
18 A. ...

19  
20 B. Lighting of signs.

21  
22 (1) ...

23  
24 (2) ...

25  
26 (3) ...

27 (4) All Signs constructed after the enactment of this ordinance that have  
28 external illumination, whether the lighting is mounted above or below the  
29 sign face or panel, shall have lighting fixtures or luminaires that are fully  
30 shielded to focus light on the sign.

31  
32 (5) All illuminated signs, including Electronic Message Centers, must comply  
33 with the maximum luminance level of ~~two~~ seven hundred fifty (2750)  
34 cd/m<sup>2</sup> or Nits at least one-half hour before Apparent Sunset, as determined  
35 by the National Oceanic and Atmospheric Administration (NOAA),  
36 United States Department of Commerce, for the specific geographic  
37 location and date. All illuminated signs must comply with this maximum  
38 luminance level throughout the night, if the sign is energized, until  
39 Apparent Sunrise, as determined by the NOAA, at which time the sign  
40 may resume luminance levels appropriate for daylight conditions, when  
41 required or appropriate.

42  
43 [Alternatively] ~~Off-Premises~~ Electronic Message Centers shall not operate  
44 at brightness levels of more than 0.3 foot candles above ambient light, as  
45 measured using a foot candle meter at a pre-set distance.  
46

Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign. Measurement distance shall be based upon the area of the sign criteria:

AREA OF SIGN	MEASUREMENT
sq.ft.	Distance (ft.)
10	32
50	71
100	100
200	141
300	173

For signs with an area in square feet other than those specifically listed in the table (i.e., 16 sq. ft., 276 sq. ft., 400 sq. ft., etc.), the measurement distance shall be calculated with the following formula:  
Measurement Distance =  $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$

Nominal Face Size	Distance to be measured from:
12' x 25'	150'
10'6" x 36'	200'
14' x 48'	250'
20' x 60'	350'

Section 11. In Sussex County Code, Chapter 115, a new Section 115-161.1 shall be added by the insertion of the underlined language, as follows:

§ 115-161.1 Electronic Message Centers.

A. On-Premises Electronic Message Centers:

- (1) In the B-1 (Neighborhood Business), M (Marine), and UB (Urban Business) districts, after obtaining a special use exception pursuant to §115-80C, an On-Premises Electronic Message Center is permitted provided that only one On-Premises Electronic Message Center is permitted per parcel street or road frontage and that the sign face shall not exceed 200 square feet on any sign face. The electronic message center



permitted under this section shall not be in addition to the on-premises ground sign permitted under § 115-159.4(A)(4).

(2) In the C-1 (General Commercial), CR-1 (Commercial Residential, LI-1 (Limited Industrial), LI-2 (Light Industrial), and HI-1 (Heavy Industrial) districts, ~~after obtaining a special use exception pursuant to §115-80C,~~ an On-Premises Electronic Message Center is permitted provided that only one On-Premises Electronic Message Center is permitted per parcel street or road frontage and that the sign face shall not exceed 200 square feet on any side or facing. The electronic message center permitted under this section shall not be in addition to the on-premises ground sign permitted under § 115-159.4(A)(4).

(3) ~~On-Premises Electronic Message Centers shall be prohibited in the AR-1 and AR-2 (Agricultural Residential), GR (General Residential), MR (Medium Density Residential), UR (Urban Residential), HR-1 and HR-2 (High Density Residential) Zoning Districts.~~

~~B. Off Premises Electronic Message Centers: Off Premises Electronic Message Centers are prohibited.~~

CB. Electronic Message Centers: The following regulations shall apply to all electronic message centers.

(1) An Electronic Message Center may be changed at intervals by electronic or mechanical process or remote control provided that:

(a) ~~Each message remains on an off-premises sign remains fixed for a minimum of at least 10 seconds. Off-premises Electronic Message Centers are prohibited from using display features and functions of the signs, including, but not limited to, the following: flashing, streaming or real time live video, fading, dissolving, continuous scrolling and/or traveling, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusionary movement or simulating movement. For off-premises signs, the transition time between messages and/or message frames is limited to one (1) second.~~

(b) ~~When the message is changed, the change must be accomplished in 1 second or less, with all moving parts or illumination changing simultaneously and in unison. On-premises Electronic Message Centers may use all display features and functions of the signs, including, but not limited to, the following: fading, dissolving, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusionary movement or simulating~~

1 movement, with the exception of the following which are expressly  
2 prohibited: (a) flashing and (b) streaming or real time live video.

3  
4 (c) An Electronic Message Center must shall contain a default design  
5 that will freeze the sign in one position if a malfunction occurs that  
6 affects at least fifty percent of the Sign Face or, in the alternative,  
7 that will shut down or show a “full black” image on the display.

8  
9 (d) An Electronic Message Center may not contain or display any  
10 lights, effects, or messages that flash, move, appear to be animated  
11 or to move, scroll, or change in intensity during the fixed display  
12 period.

13  
14 (de) An Electronic Message Center must shall appropriately adjust  
15 display brightness as ambient light levels change and shall have  
16 automatic dimming controls, either by photocell, hardwire, or  
17 software settings, in order to bring the lighting level at night into  
18 compliance with sign illumination standards set forth in this article.

19  
20 (ef) An owner who seeks a building permit or special use exception  
21 approval for an electronic message center shall provide  
22 documentation at the time of application which demonstrates that  
23 the sign shall appropriately adjust display brightness as ambient  
24 light levels change and shall have automatic dimming controls,  
25 either by photocell, hardwire, or software settings, designed to  
26 bring the lighting level at night into compliance with sign  
27 illumination standards set forth in this article.

28  
29 (fg) A sign that attempts or appears to attempt to direct the movement  
30 of traffic or which contains wording, color, shapes, or likeness of  
31 official traffic control devices is prohibited.

32  
33 (g) After Apparent Sunset, as determined by the National Oceanic and  
34 Atmospheric Administration (NOAA), United States Department  
35 of Commerce, for the specific geographic location and date, the  
36 display on the Electronic Message Center shall not change and  
37 shall remain fixed until after Apparent Sunrise, as determined by  
38 the NOAA, for the specific geographic location and date, at which  
39 time the Electronic Message Center may resume its regular  
40 rotation of message displays.

41  
42 (gh) No Electronic Message Center shall emit any audio or verbal  
43 announcement or noises of any kind.

44  
45 (2) No variances shall be permitted from the regulations for any electronic  
46 message center.

1  
2 Section 12. In Sussex County Code, Chapter 115, a new Section 115-161.2 shall be added  
3 by the insertion of the underlined language, as follows:  
4

5 § 115-161.2 Non-Conforming Off-Premises Signs.  
6

7 A. A non-conforming off-premises sign may remain and be periodically maintained  
8 as a permitted non-conforming structure unless abandoned totally destroyed as  
9 specified in §115-161.2(B). However, in no case may such signs be reconstructed,  
10 expanded, or re-erected.  
11

12 B. Conversion of non-conforming off premises signs to off premises electronic  
13 message centers is prohibited.  
14

15 C. Any off premises sign which is destroyed by the forces of nature to any of the  
16 following extents for any reason whatsoever shall be considered totally destroyed,  
17 shall lose its right to the benefit of any noneconformity provisions, and may not be  
18 re-erected. For the purposes hereof, "destruction" shall mean the rendering of the  
19 off-premises sign element as unusable and the "facing" shall include the copy area  
20 and trim.  
21

22 (1) Destruction of fifty percent or more of the supporting piles or structure  
23 located above ground;  
24

25 (2) Destruction of seventy-five percent or more of the facing;  
26

27 (3) Destruction of twenty five percent or more of the supporting piles or  
28 structure located above ground and fifty percent or more of the facing.  
29

30 B. For safety and aesthetic reasons, the replacement of non-conforming off-premises  
31 signs on wooden "telephone" poles with off-premises signs utilizing a steel  
32 monopole is permitted upon application for a special use exception for the  
33 replacement. No variance shall be required for the replacement so long as the  
34 degree of nonconformity with respect to the setbacks, size and height of the sign  
35 being replaced pursuant to this section shall not increase by more than 5% and the  
36 degree of nonconformity with respect to separation distances does not increase  
37 more than 5% over the increase created by the new separation distances created  
38 by this ordinance.  
39

40 Section 13. Upon the adoption of this Ordinance in accordance with Section 14 hereof,  
41 the moratorium imposed by Ordinance No. 2414 entitled "An Ordinance to Establish a  
42 Moratorium Upon the Acceptance of Special Use Exception Applications for Off-Premises  
43 Signs," any extensions thereof, shall be immediately terminated.  
44

45 Section 14. This Ordinance shall become effective upon its adoption by a majority of the  
46 elected members of Sussex County Council.

1  
2  
3  
4  
5 Synopsis  
6

7       This Ordinance revises the provisions of Chapter 115, Article XXI of the Sussex County  
8 Code related to the type, usage, and placement of signs in Sussex County. In addition, this  
9 Ordinance terminates the moratorium upon the acceptance of any special use exception  
10 applications for off-premises signs.  
11  
12  
13

**P&Z RECOMMENDED VERSION**  
ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”).

WHEREAS, Sussex County Code (“County Code”) currently addresses the types, uses, and placement of signs in its zoning districts; and

WHEREAS, Sussex County Council views the placement of signs as an important public safety issue in Sussex County that impacts the welfare of the citizens of Sussex County; and

WHEREAS, Sussex County Council believes that the current County Code provisions do not sufficiently address its other concerns with the types, usage, and placement of signs in Sussex County; and

WHEREAS, on September 15, 2015, Sussex County Council enacted a moratorium by Ordinance No. 2414 entitled “An Ordinance to Establish a Moratorium Upon the Acceptance of Special Use Exception Applications for Off-Premises Signs” in response to such concerns, which was extended by vote on March 1, 2016; and

WHEREAS, Sussex County engaged a land use planning consultant and formed a working group (“Working Group”) to study signs in the context of Sussex County’s land use planning initiatives and goals; and

WHEREAS, the Working Group has presented its findings to Sussex County Council; and

WHEREAS, Sussex County Council wishes to end the moratorium upon the acceptance of special use exception applications for off-premises signs concurrent with the enactment of this legislation, as its concerns have been addressed through this legislation; and

WHEREAS, Sussex County Council believes that these amendments will promote the public health, safety and welfare of its citizens.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Sussex County Code, Chapter 115, Section 115-157 (“Purpose”) shall be added to the beginning of this Chapter, with the prior Section 115-157 renumbered as Section 115-157.1, as follows:

**§ 115-157 Purpose.**

*Signs, including outdoor advertising structures, are herein regulated with the intent of regulating excess signage, encouraging the positive economic development of the County, preserving and improving tourism views, promoting the safety of the traveling public, protecting property values*



1 *in both residential and non-residential areas, preventing overcrowding of the land and excess*  
2 *clutter, and protecting the aesthetics of the County.*

3  
4 Section 2. In Sussex County Code, Chapter 115, Section 115-157 shall be renumbered as  
5 Section 115-157.1, which shall be further amended by the addition of the underlined language and  
6 deletion of the bracketed language, as follows:

7  
8 § 115-157.1 Definitions.

9  
10 A. General.

11  
12  
13 ABANDONED ON-PREMISES SIGN

14 A sign that for six months or more no longer identifies or advertises an ongoing  
15 business, product, location, service, idea, or activity conducted on the premises on  
16 which the sign is located.

17  
18 ABANDONED OFF-PREMISES SIGN

19 A sign that for six months or more no longer directs attention to a business,  
20 commodity, service or entertainment conducted, sold, or offered elsewhere than  
21 upon the premises where the sign is maintained.

22  
23 ANIMATED SIGN

24 [A mechanical sign or electronically illuminated or nonilluminated sign which  
25 displays letters, words, characters, or symbols which are not stationary.]

26  
27 A sign employing actual motion, the illusion of motion, or light or color changes  
28 achieved through mechanical, electrical, or electronic means. Animated signs,  
29 which are differentiated from changeable signs as defined and regulated by this  
30 article, include the following types:

31  
32 (1) Environmentally Activated – Animated signs or devices motivated by wind,  
33 thermal changes, or other natural environmental input. Includes spinners,  
34 pinwheels, pennant strings, or other devices or displays that respond to  
35 naturally occurring external motivation.

36  
37 (2) Mechanically Activated – Animated signs characterized by repetitive  
38 motion or rotation activated by a mechanical system powered by electric  
39 motors or other mechanically induced means.

40  
41 (3) Electrically Activated – Animated signs producing the illusion of  
42 movement by means of electronic, electrical, or electromechanical input or  
43 illumination capable of simulating movement throughout employment of  
44 the characteristics of one or both the classifications noted below:  
45

(a) Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds ten (10) seconds.

(b) Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

#### CANDELA

The basic unit of measurement of light in SI (metric) units.

#### CANDELA PER SQUARE METER (cd/m<sup>2</sup>)

The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.

#### FOOT CANDLE

An English unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.

#### GROUND LEVEL

The average grade of the property or the elevation at the centerline of the adjacent street or road, whichever is higher.

#### ILLUMINANCE

The amount of light falling upon a real or imaginary surface, commonly called “light level” or “illumination”. Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.

#### INDIRECTLY ILLUMINATED SIGN

...

#### LUMINANCE

The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units.) Expressed in SI units as cd/m<sup>2</sup>, and in English units as foot lamberts. Sometimes also expressed as “nits”, a colloquial reference to SI units. Can be measured by means of a luminance meter.

#### LUX

The SI (metric) unit for illuminance. One lux equals 0.093 foot candles.

1  
2 MULTIFACED SIGN

3 {A sign with two or more facings.}

4  
5 ~~A sign with more than one but no more than two sign faces. The sign faces shall be~~  
6 ~~parallel to each other and there shall not be more than three feet from one sign face~~  
7 ~~to the other sign face.~~

8  
9 NIT

10 A photometric unit of measurement referring to luminance. One nit is equal to one  
11 cd/m².

12  
13  
14 PUBLIC LAND

15 Land owned by the United States of America, the State of Delaware, or a  
16 municipality or political subdivision thereof which is used as park, recreation area,  
17 historical site, wildlife refuge, public forest land, preservation land, or greenway.  
18 Public lands shall also include lands which are privately owned but have been  
19 placed in an agricultural preservation program with the United States of America,  
20 the State of Delaware, or a municipality or political subdivision thereof. Public  
21 lands shall not include areas which are public streets, roads, utilities, or right-of-  
22 ways dedicated for transportation or other means of ingress and egress.

23  
24 SETBACK

25 ...

26  
27 SI (International System of Units)

28 The modern metric system of measurement; abbreviated SI for the French term “Le  
29 Système International d’Unites.”

30  
31 SIGN

32 ...

33  
34 SIGN AREA

35 ...

36  
37 SIGN COPY

38 The physical sign message including any words, letters, numbers, pictures, logos,  
39 and symbols.

40  
41 SIGN FACE

42 The surface upon, against or through which the sign copy is displayed or illustrated,  
43 not including structural supports, architectural features of a building or sign  
44 structure, or decorative trim, or any areas that are separated from the background  
45 surface upon which the sign copy is displayed by a distinct delineation, such as a  
46 reveal or border.

1  
2 SIGN STRUCTURE

3 Any structure designed for the support of a sign.

4  
5 STREET LINE

6 ...

7  
8 B. Type.

9  
10 BULLETIN BOARD

11 A manually activated changeable sign of permanent character, but with movable  
12 letters, words or numerals, indicating the names of persons associated with or  
13 events conducted upon or products or services offered upon the premises upon  
14 which such a sign is maintained.

15  
16 CHANGEABLE SIGN

17 A sign with the capability of content change by means of manual or remote input  
18 including the following types:

19  
20 (1) Manually activated – a changeable sign whose message copy or content  
21 can be changed manually on a display surface.

22  
23 (2) Electrically activated – a changeable sign whose message copy or  
24 content can be changed by means of remote electrically energized on-  
25 off switching combinations of alphabetic or pictographic components  
26 arranged on a display surface. Illumination may be integral to the  
27 components, such as characterized by lamps or other light-emitting  
28 devices; or it may be from an external light source designed to reflect  
29 off the changeable component display.

30  
31 DIRECTIONAL SIGN

32 ...

33  
34 ELECTRONIC MESSAGE CENTER

35 An electrically activated changeable sign whose variable message or graphic  
36 presentation capability can be electronically programmed by computer or an  
37 electronic device onsite or from a remote location.

38  
39 ELECTRONIC MESSAGE DISPLAY

40 [A sign capable of displaying words, symbols, figures, or images that can be  
41 electronically or mechanically changed by remote or automatic means. Changes  
42 relating to electronic message display include:

43  
44 *ELECTRONIC MESSAGE CENTER or ELECTRONIC MESSAGE DISPLAY*

1 *A sign capable of displaying words, symbols, figures, or images that can be*  
2 *electronically or mechanically changed by remote or automatic means. Changes*  
3 *relating to an electronic message center or display include:*  
4

5 (1) DISSOLVE

6 A mode of message transition on an electronic message display  
7 accomplished by varying the light intensity or pattern, where the  
8 first message gradually appears to dissipate and lose legibility  
9 simultaneously with the gradual appearance and legibility of the  
10 second message.  
11

12 (2) FADE

13 A mode of message transition on an electronic message display  
14 accomplished by varying the light intensity, where the first message  
15 gradually reduces intensity to the point of not being legible and the  
16 subsequent message gradually increases intensity to the point of  
17 legibility.  
18

19 (3) FRAME

20 A complete stationary display screen on an electronic message  
21 display.  
22

23 (4) FRAME EFFECT

24 A visual effect on an electronic message display applied to a single  
25 frame to attract the attention of viewers.  
26

27 (5) SCROLL

28 A mode of message transition on an electronic message display  
29 where the message appears to move vertically across the display  
30 surface.  
31

32 (6) TRANSITION

33 A visual effect used on an electronic message display to change from  
34 one message to another.  
35

36 (7) TRAVEL

37 A mode of message transition on an electronic message display  
38 where the message appears to move horizontally across the display  
39 surface.}  
40

41 INSTRUCTIONAL SIGN

42 ...  
43

44 NON-CONFORMING SIGN

45 A sign that was legally installed by permit in conformance with all sign laws,  
46 ordinances, and regulations in effect at the time of its installation, but which no



1 longer complies with laws, ordinances, and regulations having jurisdiction relative  
2 to the sign.

3  
4 NON-CONFORMING OFF-PREMISES SIGN

5 A sign which directs attention to a business, commodity, service, or entertainment  
6 conducted, sold, or offered elsewhere than upon the premises where the sign is  
7 maintained and which was legally installed by permit in conformance with all sign  
8 laws, ordinances, and regulations in effect at the time of its installation, but which  
9 no longer complies with laws, ordinances, and regulations having jurisdiction  
10 relative to the sign.

11  
12 OFF-PREMISES ELECTRONIC MESSAGE CENTER

13 An electrically activated changeable sign whose variable message or graphic  
14 presentation capability can be electronically programmed by computer or electronic  
15 device onsite or from a remote location which directs attention to a business,  
16 commodity, service, or entertainment conducted, sold, or offered elsewhere than  
17 upon the premises where the sign is maintained.

18  
19 OFF-PREMISES SIGN

20 ...

21  
22 ON-PREMISES ELECTRONIC MESSAGE CENTER

23 An electrically activated changeable sign whose variable message or graphic  
24 presentation capability can be electronically programmed by computer or electronic  
25 device onsite or from a remote location which directs attention to a business,  
26 commodity, service, or entertainment conducted, sold, or offered upon the same  
27 premises as those upon which the sign is maintained.

28  
29 ON-PREMISES SIGN

30 ...

31  
32 PORTABLE SIGN

33 ...

34  
35 TEMPORARY SIGN

36 ...

37  
38 V SIGN

39 A sign containing two faces positioned at an interior angle subtending less than one  
40 hundred seventy-nine degrees (179°) at the point of juncture of the individual faces.

41  
42 C. Location.

43 ...

44  
45 Section 3. Sussex County Code, Chapter 115, Section 115-158 shall be amended by the  
46 addition of the underlined language, as follows:

§ 115-158. Signs prohibited in all districts.

Signs prohibited in all districts shall be as follows:

A. ...

...

I. Animated signs.

J. Abandoned on-premises signs which have been abandoned for more than 6 months.

K. Abandoned off-premises signs which have been abandoned for more than 6 months.

M. Mirrors. No mirror device shall be used as part of a sign.

M. V signs.

N. Signs which have more than 2 sign faces.

Section 4. Sussex County Code, Chapter 115, Section 115-159 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-159. Signs permitted in all districts.

Signs permitted in all districts shall be as follows:

A. ...

...

G. A temporary real estate sign indicating sale, rental or lease of the premises on which it is located, with a maximum area of 10 square feet per *side* [side or facing] sign face, nonilluminated, and one sign for each street frontage on which the premises abuts. Each sign shall contain no more than two sides or facings, back to back.

H. ...

Section 5. Sussex County Code, Chapter 115, Section 115-159.1 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-159.1. Signs permitted in AR-1 and AR-2 Agricultural Residential Districts and GR General Residential Districts.

A. Signs permitted shall be as follows:

- (1) ...
- (2) One indirectly illuminated on-premises sign, not to exceed 32 square feet on any side ~~[side or facing] sign face~~ for each building devoted to the following uses: church, school, hospital, nursing home, country club, golf course or similar use. Such signs shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted, provided that the total of 32 square feet on any side ~~[side or facing] sign face~~ is not exceeded by both the bulletin board and the on-premises sign. ...
- (3) One nonilluminated on-premises sign not to exceed six square feet on any side ~~[side or facing] sign face~~, identifying a permitted home occupation on the premises or a permitted use on a farm of five acres or more. ...
- (4) Nonilluminated on-premises signs not to exceed three signs, of which each sign shall not exceed 32 square feet on any side ~~[side or facing] sign face~~, identifying any truck garden, orchard, nursery, commercial greenhouse, produce sale or public stable permitted on the same premises. ...

B. ...

Section 6. Sussex County Code, Chapter 115, Section 115-159.2 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-159.2. Signs permitted in MR Medium Density Residential and UR Urban Residential Districts.

A. Signs permitted shall be as follows:

- (1) ...
- (2) One indirectly illuminated on-premises sign, not to exceed 32 square feet on any side ~~[side or facing] sign face~~ for each building devoted to the following uses: church, school, hospital, nursing home, country club, golf course or similar use. Such sign shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted, provided that the total of 32 square feet on any side ~~[side or facing] sign face~~ is not exceeded by both the bulletin board and the on-premises sign. ...
- (3) One nonilluminated on-premises sign, not to exceed six square feet on any side ~~[side or facing] sign face~~, identifying a permitted home occupation on the premises or a permitted use on a farm of five acres or more. ...

B. ...

1  
2 Section 7. Sussex County Code, Chapter 115, Section 115-159.3 shall be amended by the  
3 addition of the underlined language and deletion of the bracketed language, as follows:  
4

5 § 115-159.3. Signs permitted in HR-1 and HR-2 High-Density Residential Districts.  
6

7 A. Signs permitted shall be as follows:  
8

9 (1) ...  
10

11 (2) One illuminated on-premises sign, not to exceed 10 square feet on any *side*  
12 ~~[side or facing] sign face~~, identifying the name and/or address of  
13 management of a multifamily dwelling or group of multifamily dwellings.  
14

15 ...  
16

17 (3) One nonilluminated on-premises sign, not to exceed 32 square feet on any  
18 *side* ~~[side or facing] sign face~~, identifying any motel, hotel, multifamily  
19 dwelling structure or townhouse project of eight or more units. ...  
20

21 B. ...  
22

23 Section 8. Sussex County Code, Chapter 115, Section 115-159.4 shall be amended by the  
24 addition of the underlined language and deletion of the bracketed language, as follows:  
25

26 § 115-159.4. Signs permitted in B-1 Neighborhood Business Districts, M Marine  
27 Districts and UB Urban Business Districts.  
28

29 A. Signs permitted shall be as follows:  
30

31 (1) ...  
32

33 (2) One indirectly illuminated on-premises sign, not to exceed 32 square feet  
34 on any *side* ~~[side or facing] sign face~~ for each building devoted to the  
35 following uses: church, school, hospital, nursing home, country club, golf  
36 course or similar use. Such sign shall be solely for the purpose of displaying  
37 the name of the institution or association and its activities or services. In  
38 addition, a bulletin board may be permitted, provided that the total 32 square  
39 feet on any *side* ~~[side or facing] sign face~~ is not exceeded by both the  
40 bulletin board and the on-premises sign. ...  
41

42 (3) One nonilluminated on-premises sign, not to exceed six square feet on any  
43 *side* ~~[side or facing] sign face~~, identifying a permitted home occupation on  
44 the premises or a permitted use on a farm of five acres or more. ...  
45

46 (4) One on-premises ground sign ~~{per street or road frontage}~~per parcel, not to  
exceed 200 square feet on any *side* ~~[side or facing] sign face~~. ~~{Electric~~  
~~mMessage dDisplays/Centers~~ shall be permitted. ~~[Such displays shall be~~

1 limited to frames with displays, messages, animated graphics or images and  
2 frame effects that appear or disappear from the display through dissolve,  
3 fade, flip or window shade moves. Scrolling left or right and/or flashing  
4 messages shall not be permitted. Each message on the sign must be  
5 displayed for a minimum of eight seconds based on a real second  
6 measurement of 1000-1, 1000-2, 1000-3, 1000-4, etc., count. When a  
7 message is changed, it shall be accomplished in one second or less with all  
8 moving parts or illumination changing simultaneously and in unison.  
9 Variable message signs shall contain a default design that will freeze the  
10 sign in one position if a malfunction occurs or in the alternative shut down.]

- 11  
12 (5) In addition, each store, shop, office or similar unit shall be permitted an on-  
13 premises illuminated awnings, marquees, projecting, wall signs or electric  
14 message displays not exceeding 150 square feet or 15% of the total square  
15 footage of the wall area on which the sign(s) is/are located, whichever is  
16 greater, the maximum square footage may be used for one sign or a  
17 combination of signs or one sign not exceeding 150 square feet. The sign  
18 shall not exceed 15% of total square footage of wall area where a wall  
19 exceeds 1,000 square feet.

20  
21 One on-premises wall, illuminated awning, marquee, or projecting sign not  
22 to exceed 150 square feet. In the case of a shopping center, a group of stores  
23 or other business uses, or a multi-tenant building on a lot held in single or  
24 separate ownership, one on-premises wall sign, illuminated awning sign,  
25 marquee sign, or projecting sign not to exceed 150 square feet shall apply  
26 with respect to each building, separate store, separate storefront, or separate  
27 use.

- 28  
29 (6) ...

30  
31 B. ...

32  
33 Section 9. Sussex County Code, Chapter 115, Section 115-159.5 shall be amended by the  
34 addition of the underlined language and deletion of the bracketed language, as follows:

35  
36 § 115-159.5. Signs permitted in C-1 General Commercial, CR-1 Commercial  
37 Residential, LI-1 Limited Industrial, LI-2 Light Industrial and HI-1 Heavy  
38 Industrial Districts.

39  
40 A. Signs permitted shall be as follows:

- 41  
42 (1) ...

- 43  
44 (2) One indirectly illuminated on-premises sign, not to exceed 32 square feet  
45 on any side [side or facing] sign face for each building devoted to the  
46 following uses: church, school, hospital, nursing home, country club, golf



course or similar use. Such sign shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted, provided that the total 32 square feet on any *side* ~~[side or facing] sign face~~ is not exceeded by both the bulletin board and the on-premises sign.

...

- (3) One nonilluminated on-premises sign, not to exceed six square feet on any *side* ~~[side or facing] sign face~~, identifying a permitted home occupation on the premises or a permitted use on a farm of five acres or more. A sign shall contain no more than two sides or facings, back to back, and shall conform to the setbacks referenced in Subsection A(2) above.

- (4) One on-premises ground sign ~~[per street or road frontage]~~ per parcel, not to exceed 200 square feet on any *side* ~~[side or facing] sign face~~. ~~[Electric mMessage dDisplays/Centers~~ shall be permitted. ~~[Such displays shall be limited to frames with displays, messages, animated graphics or images and frame effects that appear or disappear from the display through dissolve, fade, flip or window shade moves. Scrolling left or right and/or flashing messages shall not be permitted. Each message on the sign must be displayed for a minimum of eight seconds based on a real second measurement of 1000-1, 1000-2, 1000-3, 1000-4, etc., count. When a message is changed, it shall be accomplished in one second or less with all moving parts or illumination changing simultaneously and in unison. Variable message signs shall contain a default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down.]~~

- (5) [In addition, each store, shop, office or similar unit shall be permitted an on-premises illuminated awnings, marquees, projecting, wall signs or electric message displays not exceeding 150 square feet or 15% of the total square footage of the wall area on which the sign(s) is/are located, whichever is greater, the maximum square footage may be used for one sign or a combination of signs or one sign not exceeding 150 square feet. The sign shall not exceed 15% of total square footage of wall area where a wall exceeds 1,000 square feet.]

One on-premises wall, illuminated awning, marquee, or projecting sign not to exceed 150 square feet. In the case of a shopping center, a group of stores or other business uses, or a multi-tenant building on a lot held in single or separate ownership, one on-premises wall sign, illuminated awning sign, marquee sign, or projecting sign not to exceed 150 square feet shall apply with respect to each building, separate store, separate storefront, or separate use.

- (6) ...

1 B. Off-premises signs, after obtaining a special use exception, pursuant to § 115-80C,  
2 not exceeding ~~[600]~~ 300 square feet ~~[total]~~ per sign face, and provided that:

- 3  
4 (1) [All off-premises signs not exceeding 200 square feet shall have a minimum  
5 front yard setback of 25 feet and a minimum side yard setback of 20 feet  
6 and shall not be erected within 300 feet of a dwelling, church, school or  
7 public lands or within 300 feet of another sign regulated by this subsection.]

8  
9 ~~All off premises signs shall have a minimum front yard setback of 40 feet,~~  
10 ~~a minimum side yard setback of 50 feet, and a minimum rear yard setback~~  
11 ~~equal to the required front yard setback for a principal building within the~~  
12 ~~pertinent zoning district. An off premises sign shall not be erected within~~  
13 ~~500 feet of a dwelling, church, school, or public lands or within 1,000 feet~~  
14 ~~of another sign regulated by this subsection or within 50 feet of an on-~~  
15 ~~premises sign.~~

16  
17 For all roads with less **no more than** than two (2) travel lanes (excluding  
18 turn lanes), e.g. Routes 9 and 54, the following shall apply:

- 19  
20 (a) Setbacks. Off-premises signs not exceeding 200 square feet shall  
21 have a minimum front yard setback of 25 feet, a minimum side yard  
22 setback of 20 feet and a minimum rear yard setback equal to the  
23 required rear yard setback for a principal building within the  
24 pertinent zoning district. Off-premises signs exceeding 200 square  
25 feet shall have a minimum front yard setback of 25 feet, a minimum  
26 side yard setback of 50 feet and a minimum rear yard setback of  
27 equal to the required rear yard setback for a principal building within  
28 the pertinent zoning district.
- 29  
30 (b) Separation Distances. Off-premises sign shall not be erected within  
31 300 feet of a dwelling, church, school, or public lands or within 500  
32 feet of another off-premises sign. The separation distances  
33 described herein shall be measured on a radius using the center of  
34 the sign as the center point of the circle.
- 35  
36 (c) Height. Off-premises sign shall not be erected to a height greater  
37 than 25 feet measured from Ground Level.
- 38  
39 (d) Size. Off-premises signs shall not exceed 300 square feet per Sign  
40 Face.
- 41  
42 (e) DELDOT. An applicant for a special use exception for an off-  
43 premises sign must, at the time the application is filed with the  
44 Office of Planning and Zoning, submit documentation from the  
45 Delaware Department of Transportation which confirms that the

Delaware Department of Transportation does not object to the proposed off-premises sign.

(f) *No off-premises sign shall be erected within 50 feet of an on-premises sign.*

(g) *A single off-premises sign structure shall support no more than one sign per side.*

- (2) [All off-premises signs exceeding 200 square feet shall have a minimum front yard setback of 25 feet and a minimum side yard setback of 50 feet and shall not be erected within 300 feet of a dwelling, church, school or public lands or within 300 feet of another sign regulated by this subsection.]

~~A single off-premises sign structure shall support no more than one sign per side or facing and no more than two signs in total. If a single off-premises sign structure has more than one sign face, the sign faces shall be parallel to each other and there shall be not more than three feet from one sign face to the other sign face. An individual sign face on the off-premises sign structure shall not exceed 300 square feet. The total square footage of the sign faces on the off-premises sign structure shall not exceed 600 square feet. Signs which are stacked or side by side on an off-premises sign structure are prohibited.~~

For all roads with more than two (2) travel lanes (excluding turn lanes), e.g., Routes 1, 13 and 113, the following shall apply:

(a) Setbacks. Off-premises signs not exceeding 200 square feet shall have a minimum front yard setback of 25 feet, a minimum side yard setback of 20 feet and a minimum rear yard setback equal to the required rear yard setback for a principal building within the pertinent zoning district. Off-premises signs exceeding 200 square feet shall have a minimum front yard setback of 25 feet, a minimum side yard setback of 50 feet and a minimum rear yard setback of equal to the required rear yard setback for a principal building within the pertinent zoning district.

(b) Separation Distances. Off-premises sign shall not be erected within 300 feet of a dwelling, church, school, or public lands or within 500 feet of another off-premises sign. The separation distances from another off-premises sign shall be measured lineally. The separation distances from a dwelling, church, school or public lands described herein shall be measured on a radius using the center of the sign as the center point of the circle.

(c) Height. Off-premises sign shall not be erected to a height greater than 35 feet measured from Ground Level.

(d) Size. Off-premises signs shall not exceed 600 square feet per Sign Face.

(e) DELDOT. An applicant for a special use exception for an off-premises sign must, at the time the application is filed with the Office of Planning and Zoning, submit documentation from the Delaware Department of Transportation which confirms that the Delaware Department of Transportation does not object to the proposed off-premises sign.

(f) *No off-premises sign shall be erected within 50 feet of an on-premises sign.*

(g) *A single off-premises sign structure shall support no more than one sign per side.*

(3) [A single off-premises sign structure shall support no more than one sign. No off-premises sign structure shall display more than one three-hundred-square-foot maximum sign on a side or facing. The total square footage of the sign shall not exceed 600 square feet.]

See the general regulations for all districts for signs exceeding 32 square feet.

(4) [See the general regulations for all districts for signs exceeding 32 square feet.]

An applicant for a special use exception for an off-premises sign must, at the time the application is filed with the Office of Planning and Zoning, submit documentation from the Delaware Department of Transportation which confirms that the Delaware Department of Transportation does not object to the proposed off-premise sign.

C. No off-premises sign structure or any part of the sign face shall exceed [25] 35 feet in height from ground level.

D. No variances shall be issued from any of the regulations in this Article for off-premises signs.

[D.]E. Permitted sign locations are marquee, projecting, wall and/or ground.

*E. No variances shall be issued from any of the regulations in this Article for new off-premises signs. See the regulations for non-conforming signs in this Chapter.*

Section 10. Sussex County Code, Chapter 115, Section 115-160 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-160. General regulations for all districts.

A. No sign, unless herein excepted, shall be erected, constructed, structurally altered or relocated, except as provided in this article and in these regulations, until a permit has been issued by the Director.

(1) ...

(2) ...

(3) [Each sign requiring a permit shall be clearly marked with the permit number and name of the person or firm placing the sign on the premises].  
Fees.

(a) Fees for sign permits shall be in accordance with the adopted schedule, a copy of which is maintained in the office of the Director.

(b) A construction permit shall be charged at a rate of \$0.65 per square foot, with a minimum charge of \$32 per sign for signs larger than 32 square feet.

(c) Annual fees shall be charged at a rate of \$0.32 per square foot, with a minimum charge of \$32 per sign for signs larger than 32 square feet. A one-time fee of \$10.00 will be charged for signs 32 square feet or smaller.

[(4) Fees.

(a) Fees for sign permits shall be in accordance with the adopted schedule, a copy of which is maintained in the office of the Director.

(b) A construction permit shall be charged at a rate of \$0.50 per square foot, with a minimum charge of \$25 per sign for signs larger than 32 square feet.

(c) Annual fees shall be charged at a rate of \$0.25 per square foot, with a minimum charge of \$25 per sign for signs larger than 32 square feet. A one-time fee of \$7.50 will be charged for signs 32 square feet or smaller.]

B. The following signs may be erected or constructed without a permit but in accordance with structural and safety requirements:



- (1) ...
- (2) ...
- (3) Temporary nonilluminated signs, not exceeding 10 square feet per *side* [~~side or facing~~] ~~sign face~~, advertising real estate for sale or lease or announcing contemplated improvements of real estate and located on the premises, with no more than two sides or facings, back to back, with one such sign for each street frontage.
- (4) Temporary nonilluminated signs not exceeding 10 square feet per *side* [~~side or facing~~] ~~sign face~~ erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, with one such sign for each street frontage with no more than two [sides or facings] sign faces, back to back.
- (5) ...
- (6) ...
- (7) Temporary nonilluminated portable signs, not exceeding six square feet per *side* [~~side or facing~~] ~~sign face~~ and not exceeding two *sides* [sides or facings] sign faces, back to back, in a commercial or industrial district, with one sign for each 50 feet of street frontage.
- (8) ...
- (9) ...
- (10) ...
- (11) Signs in connection with any candidate for elected office, special election or referendum issue may be erected and maintained, provided that the size of any such sign is not in excess of 32 square feet per *side* [~~side or facing~~] ~~sign face~~ and shall contain no more than two *sides* [sides or facings] sign faces, back to back. Any such sign shall not be erected more than 90 days prior to any contested election or referendum that the sign pertains to and removed within 30 days after the said election or referendum date.

C. ...  
...

- I. The Director shall remove or cause to be removed[, at the owner's expense,] any sign erected or maintained in conflict with these regulations at the expense of the owner of the sign, the owner of the real property from which

1           the illegal sign has been removed, and the owner of the entity whose  
2           business or development is being promoted or advertised by the illegally  
3           placed sign. Removal of a sign by the Director or his designee shall not  
4           affect any fines instituted under this article or any legal proceeding  
5           instituted against the violator prior to removal of such sign.[, as follows:]  
6           [(1) The] Sussex County will be free to dispose of all removed illegal signs  
7           and shall not be held liable for doing so. Sussex County will collect a  
8           [removal] disposal fee of [~~\$25~~] \$100 per sign [from the owner of an illegal  
9           sign, or from the owner of the real property from which an illegal sign has  
10          been removed, if the owner gave permission for the placement of the illegal  
11          sign, and from the owner of the entity whose business or development is  
12          being promoted or advertised by the illegally placed sign].

13  
14          J.       ...

15  
16          K.       Except as provided in §115-159.5, n[N]o sign [structure or any part of the  
17          sign face] shall exceed 25 feet in height above ~~grade~~Ground Level.

18  
19          L.       ...

20  
21          M.       Any person or corporation who shall violate any of the provisions of this  
22          article or fail to comply therewith, or with any of the requirements thereof,  
23          or who shall build or alter any sign in violation of any detailed statement or  
24          plan submitted and approved hereunder, shall be guilty of a misdemeanor  
25          or of a civil offense, and shall be liable to a fine of not less than \$100 nor  
26          more than \$1,000 or be imprisoned not more than 10 days, or both, and each  
27          and every day such violation shall continue shall be deemed a separate  
28          offense. The Director or its designee, any other Code Enforcement Official  
29          or attorney hired or retained by Sussex County shall bring charges of any  
30          violation pursuant to this provision in a court of competent jurisdiction of  
31          the State of Delaware in and for Sussex County, which court shall have  
32          original jurisdiction for such matters. The minimum fine of \$100 is  
33          mandatory and is not subject to suspension or reduction. Each day on which  
34          the violation continues shall be considered a separate offense.

35  
36          Section 11. Sussex County Code, Chapter 115, Section 115-161 shall be amended by the  
37          addition of the underlined language and deletion of the bracketed language, as follows:

38  
39          § 115-161.   Construction and lighting.

40  
41          A.       ...

42  
43          B.       Lighting of signs.

44  
45          (1)       ...

(2) ...

(3) ...

(4) All Signs constructed after the enactment of this ordinance that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded to focus light on the sign.

(5) All illuminated signs, including Electronic Message Centers, must comply with the maximum luminance level of two seven hundred fifty (2750) cd/m<sup>2</sup> or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

[Alternatively] Off-Premises Electronic Message Centers shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance.

Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign. Measurement distance criteria :

<u>Nominal</u>	<u>Distance to</u>
<u>Face Size</u>	<u>be measured from:</u>
<u>12' x 25'</u>	<u>150'</u>
<u>10'6" x 36'</u>	<u>200'</u>
<u>14' x 48'</u>	<u>250'</u>
<u>20' x 60'</u>	<u>350'</u>

Section 12. In Sussex County Code, Chapter 115, a new Section 115-161.1 shall be added by the insertion of the underlined language, as follows:

§ 115-161.1 Electronic Message Centers.

A. On-Premises Electronic Message Centers:

(1) In the B-1 (Neighborhood Business), M (Marine), and UB (Urban Business) districts, after obtaining a special use exception pursuant to §115-80C, an On-Premises Electronic Message Center is permitted provided that only one On-Premises Electronic Message Center is permitted per parcel-street or road frontage and that the sign face shall not exceed 200 square feet on any

1 sign face. The electronic message center permitted under this section shall  
2 not be in addition to the on-premises ground sign permitted under § 115-  
3 159.4(A)(4).  
4

5 (2) In the C-1 (General Commercial), CR-1 (Commercial Residential, LI-1  
6 (Limited Industrial), LI-2 (Light Industrial), and HI-1 (Heavy Industrial)  
7 districts, ~~after obtaining a special use exception pursuant to §115-80C, an~~  
8 On-Premises Electronic Message Center is permitted provided that only one  
9 On-Premises Electronic Message Center is permitted per ~~parcel-street or~~  
10 road frontage and that the sign face shall not exceed 200 square feet on any  
11 side or facing. The electronic message center permitted under this section  
12 shall not be in addition to the on-premises ground sign permitted under §  
13 115-159.4(A)(4).  
14

15 (3) On-Premises Electronic Message Centers shall be prohibited in the AR-1  
16 and AR-2 (Agricultural Residential), GR (General Residential), MR  
17 (Medium Density Residential), UR (Urban Residential), HR-1 and HR-2  
18 (High Density Residential) Zoning Districts, *unless specifically approved*  
19 *as part of a Conditional Use.*  
20

21 ~~B. Off Premises Electronic Message Centers: Off Premises Electronic Message~~  
22 ~~Centers are prohibited.~~  
23

24 ~~EB.~~ Electronic Message Centers: The following regulations shall apply to all electronic  
25 message centers.  
26

27 (1) An Electronic Message Center may be changed at intervals by electronic or  
28 mechanical process or remote control provided that:  
29

30 (a) Each message ~~remains on an off-premises sign remains~~ fixed for a  
31 minimum of at least 10 seconds. ~~Off-premises~~ Electronic Message  
32 Centers are prohibited from using display features and functions of  
33 the signs, including, but not limited to, the following: ~~flashing,~~  
34 ~~streaming or real time live video, fading, dissolving, continuous~~  
35 ~~scrolling and/or traveling, spinning, rotating, and similar moving~~  
36 ~~effects, and all dynamic frame effects or patterns of illusionary~~  
37 ~~movement or simulating movement.~~ *For off-premises signs.* The  
38 transition time between messages and/or message frames is limited  
39 to one (1) second.  
40

41 (b) When the message is changed, the change must be accomplished in  
42 1 second or less, with all moving parts or illumination changing  
43 simultaneously and in unison *On-premises Electronic Message*  
44 *Centers may use all display features and functions of the signs,*  
45 *including, but not limited to, the following: fading, dissolving,*  
46 *spinning, rotating, and similar moving effects, and all dynamic*

frame effects or patterns of illusionary movement or simulating movement, with the exception of the following which are expressly prohibited: (a) flashing and (b) streaming or real time live video.

(c) An Electronic Message Center ~~must~~ shall contain a default design that will freeze the sign in one position if a malfunction occurs that affects at least fifty percent of the Sign Face or, in the alternative, that will shut down or show a “full black” image on the display.

(d) An Electronic Message Center may not contain or display any lights, effects, or messages that flash, move, appear to be animated or to move, scroll, or change in intensity during the fixed display period.

(de) An Electronic Message Center ~~must~~ shall appropriately adjust display brightness as ambient light levels change and shall have automatic dimming controls, either by photocell, hardwire, or software settings, in order to bring the lighting level at night into compliance with sign illumination standards set forth in this article.

(ef) An owner who seeks a building permit or special use exception ~~approval~~ for an electronic message center shall provide documentation at the time of application which demonstrates that the sign shall appropriately adjust display brightness as ambient light levels change and shall have automatic dimming controls, either by photocell, hardwire, or software settings, designed to bring the lighting level at night into compliance with sign illumination standards set forth in this article.

(fg) A sign that attempts or appears to attempt to direct the movement of traffic or which contains wording, color, shapes, or likeness of official traffic control devices is prohibited.

(g) ~~After Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce, for the specific geographic location and date, the display on the Electronic Message Center shall not change and shall remain fixed until after Apparent Sunrise, as determined by the NOAA, for the specific geographic location and date, at which time the Electronic Message Center may resume its regular rotation of message displays.~~

(gh) No Electronic Message Center shall emit any audio or verbal announcement or noises of any kind.

(2) No variances shall be permitted from the regulations for any electronic message center.



Section 13. In Sussex County Code, Chapter 115, a new Section 115-161.2 shall be added by the insertion of the underlined language, as follows:

§ 115-161.2 Non-Conforming Off-Premises Signs.

A. A non-conforming off-premises sign may remain and be periodically maintained as a permitted non-conforming structure unless abandoned totally destroyed as specified in §115-161.2(B). However, in no case may such signs be reconstructed, expanded, or re-erected.

B. Conversion of non conforming off premises signs to off premises electronic message centers is prohibited.

C. Any off premises sign which is destroyed by the forces of nature to any of the following extents for any reason whatsoever shall be considered totally destroyed, shall lose its right to the benefit of any nonconformity provisions, and may not be re-erected. For the purposes hereof, "destruction" shall mean the rendering of the off premises sign element as unusable and the "facing" shall include the copy area and trim.

(1) Destruction of fifty percent or more of the supporting piles or structure located above ground;

(2) Destruction of seventy five percent or more of the facing;

(3) Destruction of twenty five percent or more of the supporting piles or structure located above ground and fifty percent or more of the facing.

B. For safety and aesthetic reasons, the replacement of non-conforming off-premises signs on wooden "telephone" poles with off-premises signs utilizing a steel monopole is permitted upon application for a special use exception for the replacement. No variance shall be required for the replacement so long as the degree of nonconformity with respect to the setbacks, size and height of the sign being replaced pursuant to this section shall not increase by more than 5% and the degree of nonconformity with respect to separation distances does not increase more than 5% over the increase created by the new separation distances created by this ordinance.

B. *If a sign is damaged by any natural causes, such as fire, wind or flood, it may be repaired or reconstructed and used as before the time of the damage, provided that such repairs or reconstruction are substantially completed within 12 months of the date of such damage.*

1 C. *Conversion of a non-conforming off-premises sign to an electronic message center*  
2 *is prohibited, unless the applicant is replacing two or more non-conforming off-*  
3 *premises signs with a single electronic message center.*

4  
5 D. *With the exception of setbacks and separation distance, no variances may be sought*  
6 *for the replacement of a non-conforming off-premises sign. As part of the variance*  
7 *process, the Board of Adjustment shall consider whether the overall nonconformity*  
8 *is substantially reduced by the replacement sign.*

9  
10 Section 14. In Sussex County Code, Chapter 115, a new Section 115-161.3 shall be added  
11 by the insertion of the underlined language, as follows:

12  
13 §115-161.3 Substitution

14  
15 *The owner of any sign that is otherwise allowed under this Article may substitute non-*  
16 *commercial copy in lieu of any other commercial or non-commercial copy. This substitution of*  
17 *copy may be made without any additional approval or permitting. The purpose of this provision*  
18 *is to prevent any inadvertent favoring of commercial message over any other non-commercial*  
19 *messages. This provision prevails over any more specific provision to the contrary. This provision*  
20 *does not create the right to increase the total amount of signage on a parcel or allow the*  
21 *substitution of an off-premises commercial message in place of an on-premises commercial*  
22 *message.*

23  
24 Section 15. In Sussex County Code, Chapter 115, a new Section 115-161.4 shall be added  
25 by the insertion of the underlined language, as follows:

26  
27 §115-161.4 Severability

28  
29 *If any portion of this Ordinance, Article, section or subdivision thereof shall be declared*  
30 *unconstitutional or in violation of the general laws of this state, such declaration shall not affect*  
31 *the remainder of this ordinance which shall remain in full force and effect.*

32  
33  
34 Section 16. Upon the adoption of this Ordinance in accordance with Section 14 hereof, the  
35 moratorium imposed by Ordinance No. 2414 entitled “An Ordinance to Establish a Moratorium  
36 Upon the Acceptance of Special Use Exception Applications for Off-Premises Signs,” any  
37 extensions thereof, shall be immediately terminated.

38  
39 Section 17. This Ordinance shall become effective upon its adoption by a majority of the  
40 elected members of Sussex County Council.

41  
42  
43  
44  
45 Synopsis  
46

1           This Ordinance revises the provisions of Chapter 115, Article XXI of the Sussex County  
2 Code related to the type, usage, and placement of signs in Sussex County. In addition, this  
3 Ordinance terminates the moratorium on the acceptance of any special use exception applications  
4 for off-premises signs.  
5

6

7

P&Z VERSION



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	FCA Bucks		
PROJECT NAME:	FCA Bucks Football Fundraiser		
FEDERAL TAX ID:	44 0610626	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS:	21777 Sussex Pines Rd,		
	Georgetown	DE	19947
	(CITY)	(STATE)	(ZIP)
PHONE:	302-242-8054	EMAIL:	fcabucks@gmail.com
CONTACT PERSON:	Daniel Hines		
TITLE:	Head Coach		
ADDRESS:	181 Millchop Lane		
	Magnolia	DE	19962
	(CITY)	(STATE)	(ZIP)
PHONE:	302-242-8054	EMAIL:	fcabucks@gmail.com

**TOTAL FUNDING REQUEST:** \$ 2,500.00

Has your organization received other grant funds from  
Sussex County Government in the last year?

☒ YES ☐ NO

If YES, how much was received in the last 12 months? \$ 2,000.00

Are you seeking other sources of funding other than Sussex County Council?

☒ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 20



## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

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

30

## 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.

To the Sussex County Council:

The FCA Bucks are a non-profit 501c3 football program under the FCA (Fellowship of Christian Athletes) for high school students who due to current DIAA regulations cannot participate in high school football (home schooled, or attend a small private or charter school without their own program) in the traditional school setting. Our program gives young men who love the game of football and want to play past youth leagues the chance to have a high school football career without having to give up the education style they and their parents prefer. Apart from the "school building" requirement to be a part of DIAA, we hold ourselves to the same academic and age requirements of any high school football team in the country. We believe players are students first and athletes second. Our players come from all across the Eastern Shore (with the majority residing in Sussex County). We currently have players from as far west as Queen Anne's County Maryland, as far north as Dover Delaware, as far south as Salisbury, and as far east as Lewes Delaware. We use football as the mechanism to teach our players biblical values and strengthen their relationship with Christ. Psalm 42:1 states that "as the deer thirsts for the water, so my soul thirsts after you oh lord." Our mission, through football, is to teach our players to be men (Bucks) who thirst after God. We do this through weekly bible studies during the season, team building through practice and games, and service in and around the community. . We emphasize what we call the 4 pillars of manhood in our program: reject passivity, accept responsibility, lead courageously, and expect God greater rewards in your life.

In just our third year we have seen growth from one 18-man varsity roster in our first season, to now having 35 players, and our hope is to start a new junior varsity program. Football is an expensive sport to maintain. The costs of new equipment, equipment refurbishment, liability insurance, travel expenses, officials' fees, etc. all add up to a minimum \$600-700 per player. That would be a number many families in our area simply can not afford, so we have a \$250 registration fee and the remainder we seek through fundraisers, corporate sponsors, and grants when available. We have some things in mind that will potentially bring in some of that additional revenue needed, but that is always speculative. Any grant money, in any amount will be extremely helpful to our team. All of our coaches are volunteers, so all money raised for our program goes directly towards the funding necessary to safely equip players and provide the things necessary for practice and games. We believe in excellence and we want these young men to have a high school football career they can look back on with fond memories.



## SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	\$ 0.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Insurance	(1500)
Helmet Recondition	(2200)
Officials	(1500)
Travel	(2500)
Apparel	(2500)
Equipment	(1500)
<b>TOTAL EXPENDITURES</b>	\$ 11,700.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	\$ 11,700.00

## SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the FCA Bucks agrees that:  
(Name of Organization)

- 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, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Human Service Grant funds.
- 4) All statements made in this funding request are accurate.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.

Daniel Hines

Applicant/Authorized Official

05/25/2016

DATE



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	New Zion Youth Outreach Organization		
PROJECT NAME:	Basketball Tournament and Youth Awareness Day		
FEDERAL TAX ID:	61-1606134	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS:	1042 West Sixth Street		
	Laurel, DE 19956		
	Laurel	DE	19956
	(CITY)	(STATE)	(ZIP)
PHONE:	302-875-0727	EMAIL:	newzionpastore@hotmail.com
CONTACT PERSON:	Amy Handy		
TITLE:	Youth Outreach Coordinator		
ADDRESS:	410 Center Street		
	Laurel DE 19956		
	(CITY)	(STATE)	(ZIP)
PHONE:	302-542-8164	EMAIL:	anna.handy@laurel.k12.de.us

**TOTAL FUNDING REQUEST:** \$ 500.00

Has your organization received other grant funds from  
Sussex County Government in the last year?

☐ YES ☒ NO

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

Are you seeking other sources of funding other than Sussex County Council?

☐ YES ☒ NO

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



## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

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

300

## 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.

- The Basketball Tournament and Teen Prevention and HIV/AIDS Awareness Day is an annual event that includes a day of fun and games, food, and health related awareness and prevention tools for people of all ages. It is being held on Saturday, June 4 from 10:00 AM to 5:00 PM in Laurel, Delaware on Webb Avenue by Paul Laurence Dunbar Elementary School.
- The basketball tournament is the main attraction of the day, attracting well over 300 people. The age brackets this year are 6-8, 9-11, 12-14, 15-18 years of age. There are 4 players per team. The winning teams receive 1st, 2nd, and 3rd place medallions. There is also a foul shooting contest to allow more children the opportunity to participate. 1st, 2nd, and 3rd place medallions will also be awarded. A corn hole/ corn toss tournament has been added to reach another population of youth so that all can benefit from this day.
- Some parents in our community have expressed a concern about the growing number of HIV/AIDS cases with young people in the Sussex County area. They were looking for ways to help teach their children about the causes of this deadly disease and ways for them to protect themselves. We have found that one of the main causes of this growing disease of HIV/AIDS is because of substance use and abuse among teens. We felt that this event would be a good way to help parents and their children gain awareness of the causes of HIV/AIDS as well as staying away from alcohol and drugs. With this day, we are able to target both the parents and children. Parents will learn ways to help keep their children safe from this disease through educational resources. Children will have a day of fun, games, and basketball, as well as get valuable life saving information all at the same time.
- Because of the number of youth and their parents attending the Basketball Tournament, it is an excellent way to education our youth about the causes of HIV/AIDS and provide some prevention tools. Also, spreading the message of staying away from alcohol and drugs is another focus area. The basketball tournament and other activities attract children ages 4 to 18. The range of other people attending is from ages 19-60.

## SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	\$ 0.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Portable Toilets	150.00
Corn hole/ Corn toss	150.00
Trophies/ Medallions	200.00
<b>TOTAL EXPENDITURES</b>	\$ 500.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	\$ 500.00

## SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Youth Outreach of NZUMC agrees that:  
(Name of Organization)

- 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, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Human Service Grant funds.
- 4) All statements made in this funding request are accurate.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.

Anna Puckham Handy

Applicant/Authorized Official

May 18,2016

DATE





# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	NANTICOKE SENIOR CENTER, INC.		
PROJECT NAME:	DEFIBRILLATOR UPGRADES		
FEDERAL TAX ID:	23-720-2136	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS:	1001 WEST LOCUST STREET		
	P O BOX 406		
	SEAFORD	DE	19973
	(CITY)	(STATE)	(ZIP)
PHONE:	302-629-4939	EMAIL:	barb.elliott@nanticokeseniorcenter.c
CONTACT PERSON:	BARBARA ELLIOTT		
TITLE:	DIRECTOR OF OPERATIONS		
ADDRESS:	1001 WEST LOCUST STREET		
	SEAFORD	DE	19973
	(CITY)	(STATE)	(ZIP)
PHONE:	302-629-4939	EMAIL:	barb.elliott@nanticokeseniorcenter.c

**TOTAL FUNDING REQUEST:** \$ 717.78

Has your organization received other grant funds from  
Sussex County Government in the last year?

☒ YES ☐ NO

If YES, how much was received in the last 12 months? \$ 11,000.00

Are you seeking other sources of funding other than Sussex County Council?

☐ YES ☒ NO

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



## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

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

1500 \_\_\_\_\_

## 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.

The funds will be used to upgrade two defibrillators at Nanticoke Senior Center by replacing the batteries, new pads, and cabinets for quick access. The defibrillators are still under warranty and by replacing the pads and batteries they will be operational for several years. The senior center serves approximately 1500 members with over 300 attending each business day including utilizing the Fitness Center. It is imperative that this equipment is updated.

Thank you,

Barbara K. Elliott  
Director of Operations

#### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	\$ 0.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
2 Cabinets, 2 batteries, 2 sets adult pads, 2 sets infant pads, freight	717.78.-
<b>TOTAL EXPENDITURES</b>	-\$ 717.78
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	(\$ 717.78)

#### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the NANTICOKE SENIOR CENTER agrees that:  
(Name of Organization)

- 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, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Human Service Grant funds.
- 4) All statements made in this funding request are accurate.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.

Barbara K. Elliott

Applicant/Authorized Official

May 24, 2016

DATE