



Sussex County Council Public/Media Packet

**MEETING:
June 14, 2016**

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**Sussex County Council
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MICHAEL H. VINCENT, PRESIDENT
SAMUEL R. WILSON JR., VICE PRESIDENT
ROBERT B. ARLETT
GEORGE B. COLE
JOAN R. DEAVER



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Sussex County Council

AGENDA

JUNE 14, 2016

10:00 A.M.

**AMENDED ON JUNE 13, 2016 AT 9:30 A.M.¹

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Presentation by the League of Women Voters of Sussex County – Annual Report

Todd Lawson, County Administrator

1. Legislative Update
2. Proposed Amendment to Ordinance No. 2414 entitled “AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS”
3. Administrator’s Report

Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer

1. Fair Housing Update

John Ashman, Director of Utility Planning

1. Request to Prepare and Post Notices for the Proposed Chapel Branch Expansion of the Sussex County Unified Sanitary Sewer District



Old Business

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

Grant Requests

1. Harry K. Foundation for the Halt Hunger Program
2. Delmar Public Library for the new building project
3. Mid-Atlantic Symphony Orchestra for concert series expenses
4. Delaware Celebration of Jazz for the Rehoboth Beach Jazz Festival

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Change of Zone No. 1796 filed on behalf of Lockwood Design and Construction, Inc.

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS” (located on the northeast side of Warrington Road (Road 275), 0.25 mile southeast of John J. Williams Highway (Route 24) (Tax Map I.D. No. 334-12.00-127.02, 127.04, 127.05) (911 Address: None Available)

Conditional Use No. 2046 filed on behalf of Lockwood Design and Construction, Inc.

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS” (located on the northeast side of Warrington Road (Road 275), 0.25 mile southeast of John J. Williams Highway (Route 24) (Tax I.D. No. 334-12.00-127.02, 127.04, 127.05) (911 Address: None Available)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on June 7, 2016 at 5:40 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

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¹ Per 29 Del. C. § 10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended under Executive Session to include Pending Litigation 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, JUNE 7, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 7, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
Robert B. Arlett	Councilman
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

Call to Order

Mr. Vincent called the meeting to order.

M 260 16 Approve Agenda

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of May 24, 2016 were approved by consent.

Corre- spondence

Mr. Moore read the following correspondence:

**BIG BROTHERS BIG SISTERS OF DELAWARE, INC.,
GEORGETOWN, DELAWARE.**

RE: Letter in appreciation of grant

Public Comments

Public Comments

The following people spoke in favor of moving forward with the Proposed Herring Creek Expansion of the Sussex County Unified Sanitary Sewer District: Patrick McCormick, Martha Lee, Walt Yatco, Robert Taney, Barbara Sunner, Mark Sunner, Mike Dominquez, Jane Mahoney, Frank Mahoney, Stephen Zee, Donald Clark, and Tom Seeds.

**Public
Comments
(continued)**

The following people spoke in opposition to the Proposed Herring Creek Expansion of the Sussex County Unified Sanitary Sewer District: William Marshall, Jean Ward, Jackie Riemenschneider, Susan Harrison, Jeanette Cosgrove, and Charlie Keefer.

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

Dan Kramer commented on the proposed sign ordinance and stated that members of the Sussex County Council and the Planning and Zoning Commission need to divulge what business they are in prior to voting on the matter.

Jason Dean gave kudos to Sussex County for being the best jurisdiction in the State of Delaware in which to do business. Mr. Dean commented on the decision making process and enforcement of ordinances.

David Schmidt commented on the Sussex County (CERT) Community Emergency Response Team and asked that Council give them the budget they need to do their mission.

**Procla-
mation**

The Council presented the Proclamation entitled "PROCLAIMING THE MONTH OF JUNE AS 'HOME OWNERSHIP MONTH' IN SUSSEX COUNTY" to representatives of the Sussex County Association of Realtors.

**Appoint-
ment to
Planning
& Zoning
Commission**

Mr. Lawson advised that Robert Wheatley's term on the Planning and Zoning Commission will expire in June.

Mr. Lawson commented on the appointment process to this Commission and he stated that, according to Legal, the County is following Delaware Code. Delaware Code specifies that appointed members to the Planning and Zoning Commission shall be residents of Sussex County and no more than two members shall be appointed from the same Councilmanic District.

Mr. Vincent stated that he would like to reappoint Robert Wheatley to the Planning and Zoning Commission.

**M 261 16
Appoint-
ment to
P&Z
Commission
(Motion
Died)**

A Motion was made by Mr. Cole that the Sussex County Council appoints Mr. Robert C. Wheatley to the Sussex County Planning and Zoning Commission for a term of three years commencing on July 1, 2016.

The Motion died for the lack of a Second.

**M 262 16
Defer
Action on
Appoint-
ment**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action on the appointment of Mr. Robert C. Wheatley to the Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

**M 262 16
(continued)**

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

**Advisory
Committee
Vacancy**

Mr. Lawson advised that there is a District 1 vacancy to be filled on the Advisory Committee for the Aging and Adults with Physical Disabilities.

Mr. Lawson reported that Mr. Vincent has recommended that Cathy Allen Parker be appointed to serve on the Committee.

**M 263 16
Approve
Appointment/
Aging &
Adults
with
Physical
Disabilities
Committee**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council approves the appointment of Mrs. Cathy Allen Parker to the Advisory Committee for the Aging and Adults with Physical Disabilities effective immediately, for a term of two years.

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

1. Delaware State Police Activity Report

Per the attached Delaware State Police activity report for January, there were 60 violent crime arrests with 46 clearances; 371 property crimes with 213 clearances; and 3,409 total traffic charges with 2,319 corresponding arrests. Of those traffic arrests, 83 were for DUI. Finally, there were 338 total vehicle crashes investigated in January. In total, there were 191 troopers assigned to Sussex County for the month of January.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, The Landings at Pepper Creek (aka The Marina at Pepper's Creek) – Pump Station and Force Main received Substantial Completion effective May 26th.

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

**DSP
Update
Planned**

Mr. Arlett announced that the Delaware State Police have agreed to attend a Council meeting on a quarterly basis to provide a public safety update and that they plan to attend the June 28th Council meeting. Mrs. Deaver raised questions as to who requested and approved this proposal.

**Springfield
Road
Property
Sale**

Mrs. Jennings discussed the Sussex County Council's purchase of 9.82 acres that included a house to establish a larger clear zone on the approach to Runway 4-22 at the Delaware Coastal Airport. She noted that the entire property was not required as a clear zone. In October 2015, the Council approved the disposition of part of the property that was not needed for the clear zone; this property is located at 22512 Springfield Lane, Georgetown. The property was placed for sale in October and advertised multiple times with no bids received; Administration then began to accept buyers through realtors. Mrs. Jennings reported that the County has received a cash offer of \$150,000 and would like to proceed with the disposition of the property with Council's approval.

**M 264 16
Enter into
Agreement
of Sale/
Springfield
Lane**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, that the Sussex County Council authorizes Administration to enter in an Agreement of Sale for Parcel Number 135-20.00-51.00 located at 22512 Springfield Lane for the amount of \$150,000.

Motion Adopted: 5 Yeas.

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

**Lewes
Scenic
Byway
Endorse-
ment**

Janelle Cornwell, Planning and Zoning Manager, reported that, at the May 3, 2016 meeting, the Lewes Historic Byways Corridor Management Plan was presented to Council for review and consideration. She reported that the enforcement of the Corridor Management Plan is the responsibility of DelDOT and, if endorsed, the County could use it as a tool for guidance for development applications.

**M 265 16
Endorse
Lewes
Historic
Byways
Corridor
Manage-
ment
Plan**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council endorses the Lewes Historic Byways Corridor Management Plan.

Motion Adopted: 4 Yeas, 1 Nay.

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

**Proposed
Route 13
Commercial
Exp. of the
S.C. Unified
SSD**

Hans Medlarz, County Engineer, presented a request to prepare and post notices for the Proposed Route 13 Commercial Expansion to the Blades Area of the Sussex County Unified Sanitary Sewer District. Mr. Medlarz noted that this is an extension of an existing district area by petition; that a total of nine requests were received out of 16 parcels overall; that all of the properties in the area are commercially zoned; and that this ties into the ongoing Concord Road Project. Mr. Medlarz recommended holding a Public Hearing on this matter.

**M 266 16
Post Notices
for the
Proposed
Route 13
Commercial
Expansion
of the S.C.
Unified
SSD**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Engineering Department is authorized to prepare and post notices for the U.S. Route 13 Commercial Expansion of the Blades Area of the Sussex County Unified Sanitary Sewer District boundary to include sixteen (16) parcels along U.S. Route 13, as presented on June 7, 2016.

Motion Adopted: 5 Yeas.

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

**Henlopen
Acres
Pumping
Station
Project**

Hans Medlarz, County Engineer, presented a Final Balancing Change Order for the Henlopen Acres Pumping Stations Electrical Cable Replacement Project. The contract was awarded to Mid-Shore Electrical Services, Inc.; construction began on April 26, 2016 and was completed on 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.

**M 267 16
Grant
Substantial
Completion
and
Approve
C/O for
Henlopen
Acres
Pumping
Station
Project**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council grants Substantial Completion, effective May 27, 2016, to Mid-Shore Electrical Services, Inc. of Millsboro, Delaware for Sussex County Project 14-12, Henlopen Acres Pumping Stations, Electrical Cable Replacement; and further, that Balancing Change Order No. 1 be approved in the amount of \$310.28 thereby increasing the contract amount from \$202,092.50 to \$202,402.78, and that the final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.

Motion Adopted: 5 Yeas.

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

**Bid
Results/
Taxiway B
and Asphalt
Tie-Down
Apron
Project**

Hans Medlarz, County Engineer, presented the bid results for Taxiway B (W) and Asphalt Tie-Down Apron (N) and Ramp Rehabilitation (Project No. 16-21). Two bids were received and the low bidder was Jerry's Inc.

Mr. Medlarz noted that bids were initially received for the referenced work; however, the bids were deemed excessive and on March 1, 2016, the Council authorized the rejection of the bids. The project was reengineered and a small portion of the project is currently moving forward; the remainder of the project will take place in the Fall of 2016.

**M 268 16
Award
Bid/
Taxiway B
and Asphalt
Tie-Down
Apron
Project**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that the Base Bid with Item X-103 included for Contract 16-21, Taxiway B (W) and Asphalt Tie-Down Apron (N) and Ramp Rehabilitation, be awarded to Jerry's, Inc. of Milford, Delaware, in the amount of \$342,685.00.

Motion Adopted: 5 Yeas.

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

**Final
Boundary
for the
Proposed
Herring
Creek
Expansion
of the S.C.
Unified SSD**

John Ashman, Director of Utility Planning, presented a request for Council's consideration on a Proposed Resolution establishing the boundaries for the Proposed Herring Creek Expansion of the Sussex County Unified Sanitary Sewer District. Mr. Ashman provided a timeline and history on the proposed expansion.

Mr. Ashman reported that the Engineering Department recommends proceeding with the boundaries as outlined on May 7, 2016 depicting the reduced property (Tunnell properties along the edge).

Mr. Ashman stated that, upon approval by Council on this date, the Engineering Department will proceed with the referendum schedule. The deadline for absentee ballots will be July 7, 2016 at 4:30 p.m. A referendum vote will be scheduled on July 9, 2016 from 8:00 a.m. to 3:00 p.m.; depending on the outcome of the referendum, the Engineering Department would proceed with the design phase; construction is estimated to begin in the Summer of 2017, with a project start-up by Fall 2019.

**M 269 16
Adopt
R 010 16**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Resolution No. R 010 16 entitled "A RESOLUTION ESTABLISHING THE DISTRICT BOUNDARIES FOR THE PROPOSED HERRING CREEK EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT".

Motion Adopted: 5 Yeas.

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

**The
Estates
of Sea
Chase
Chapter 96
SCI Project**

Patti Deptula, Director of Special Projects, presented the election results for The Estates of Sea Chase Proposed Chapter 96 Sussex Community Improvement Project:

Votes in Support	29
Votes in Opposition	02

The Estates of Sea Chase Chapter 96 SCI Project (continued)	<p>Mrs. Deptula noted that on April 19, 2016, the Council approved a Resolution accepting the subdivision into the Chapter 96 Program and establishing the details for holding an election.</p> <p>Based on the affirmative vote of the election that took place on May 20, 2016, the Engineering Department recommends to proceed with the project improvements.</p>
M 270 16 Adopt R 011 16	<p>A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to Adopt Resolution No. R 011 16 entitled "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".</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
Proposed McCabe Expansion of the Sussex County Unified SSD	<p>Aref Etemadi, Planning Technician, requested permission to prepare and post notices for the McCabe Expansion of the Sussex County Unified Sanitary Sewer District. This project proposes the annexation of the vacant 1.4 acre property to the district; the property is adjacent to The Marina at Peppers Creek subdivision. The developer/owner, Dennis R. McCabe, will be responsible for payment of all applicable fees to include system connection charge, and annual service and front footage assessments per EDU based on rates established for July 1, 2015 through June 30, 2016. Additionally, the developer/owner will be responsible for making the connection to the existing main and extension of a lateral to the parcel.</p>
M 271 16 Authorize Notices/ Proposed McCabe Expansion of the Sussex County Unified SSD	<p>A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Engineering Department is authorized to prepare and post notices for the proposed expansion of the Sussex County Unified Sanitary Sewer District to include Parcel 233-7.00-29.00 owned by Dennis R. McCabe, as presented on June 7, 2016.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
Old Business CU 2041	<p>Under Old Business, the Council considered the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A</p>

**Old
Business
CU 2041
(continued)**

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” (Conditional Use No. 2041) filed on behalf of Scott Randall Witzke (Tax Map I.D. No. 532-19.00-7.00) (911 Address: 8137 Delmar Road, Delmar).

The Planning and Zoning Commission held a Public Hearing on this application on January 28, 2016 at which time action was deferred. On February 11, 2016, the Commission recommended that the application be approved with 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.**

The Sussex County Council held a Public Hearing on this application on April 12, 2016 at which time action was deferred.

**M 272 16
Adopt
Ordinance
No. 2450/
CU 2041**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2450 entitled “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” (Conditional Use No. 2041) filed on behalf of Scott Randall Witzke, with 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.**

**M 272 16
Adopt
Ordinance
No. 2450/
CU 2041
(continued)**

- 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.

Motion Adopted: 3 Yeas, 2 Nays.

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

**Old
Business
CU 2042**

Under Old Business, the Council discussed the Proposed Ordinance entitled “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” (Conditional Use No. 2042) filed on behalf of Beachfire Brewing Company, LLC (Tax Map I.D. No. 334-13.20-24.00) (911 Address: 19841 Central Avenue, Rehoboth).

The Planning and Zoning Commission held a Public Hearing on this application on January 28, 2016 at which time action was deferred. On February 11, 2016, the Commission recommended that the application be approved, with 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.

**Old
Business
CU 2042
(continued)**

The County Council held a Public Hearing on this application on May 3, 2016 at which time action was deferred for the purpose of obtaining a parking schematic.

Lawrence Lank, Director of Planning and Zoning, stated that, on May 26, 2016, the Planning and Zoning Commission reviewed the parking layout with the Preliminary Site Plan, as requested. The Preliminary Plan shows six parking spaces including one handicap parking space. Four of the parking spaces are located in front of the building. The other two parking spaces are located along the side of the building. The parking calculation for a bar is one parking space for every 50 square feet of patron area and one parking space for every two employees on the largest shift. The Applicant's Engineer has reviewed and provided a floor plan indicating that the patron area will be 236 square feet. The patron area calculation requires five parking spaces. The number of employees on the largest shift is proposed to be two employees which requires one parking space. The total number of required parking spaces is six spaces and the plan provides six parking spaces. The site plan complies with the other items in the Zoning Code. Mr. Lank reported that the Commission took no action on the parking plan and referred the parking plan back to the staff to provide a report to the County Council. Mr. Lank further reported that, based on the staff's review of the parking plan as it relates to the site plan, the staff advises that the site plan complies with the requirements of the Zoning Ordinance.

**M 273 16
Adopt
Ordinance
No. 2451/
CU 2042**

A Motion was made by Mr. Arlett to Adopt Ordinance No. 2451 entitled "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" (Conditional Use No. 2042) filed on behalf of Beachfire Brewing Company, LLC, with 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.

Mr. Vincent passed the gavel to Mr. Wilson and Seconded the Motion made by Mr. Arlett.

**M 273 16
(continued)**

Motion Adopted: 4 Yeas, 1 Nays.

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

Mr. Wilson passed the Gavel back to Mr. Vincent.

**Old
Business/
Proposed
Ordinance
Relating
to Signs**

Under Old Business, the Council discussed 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.

On May 26, 2016, the Commission recommended adoption of the Proposed Ordinance with certain modifications (aka the Planning and Zoning Commission’s Recommended Version).

The County Council held a Public Hearing on the Proposed Ordinance on May 24, 2016 at which time action was deferred and the record was left open 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 files submitted by Lynn Rogers. It was noted that all information requested has been submitted.

It was also noted that the following handouts were made available to the Council members: the original Introduced Ordinance, the Alternate Ordinance submitted by David Hutt, Attorney, Planning and Zoning Commission’s Recommended Version, and a Comparison Report.

Jamie Sharp, Assistant County Attorney; Vincent Robertson, Assistant County Attorney; and Lawrence Lank, Director of Planning and Zoning, were in attendance. The Council reviewed and considered the report comparing each ordinance version; the last column of the report included staff comments. In reviewing the document, in some cases the Council provided a decision/direction by consensus and in some cases a decision was deferred.

**M 274 16
Recess**

At 1:04 p.m., a Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to recess.

Motion Adopted: 5 Yeas.

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

Recess [The Council recessed briefly during the discussion on the Comparison Report.]

M 275 16 Reconvene A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to reconvene at 1:41 p.m.

Motion Adopted: 5 Yeas.

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

Old Business/ Proposed Ordinance Relating to Signs (continued) Following the recess, the discussion continued. The Council decided to delay discussion on non-conforming signs until the next Council meeting at which time the Comparison Report will be discussed again.

Mr. Lawson referred to Ordinance No. 2414 entitled "AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS" which was adopted to allow enough time for the Council to consider and vote on a sign ordinance update. On March 1, 2016, the Council voted to extend the moratorium for a period of three months, until June 15, 2016. Mr. Lawson advised that the Council may want to consider extending the moratorium since the Proposed Sign Ordinance has not been adopted.

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

M 276 16 Countywide Youth Grant A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$2,000.00 from Countywide Youth Grants to FCA Bucks Football for program expenses.

Motion Adopted: 4 Yeas, 1 Nay.

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

M 277 16 Councilmanic Grant A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$500.00 (\$250.00 each from Mr. Vincent's and Mr. Arlett's Councilmanic Grant Accounts) to New Zion Youth Outreach Organization through UMC for event expenses.

Motion Adopted: 5 Yeas.

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

M 278 16 Councilmanic Grant **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$717.78 from Mr. Vincent's Councilmanic Grant Account to the Nanticoke Senior Center for defibrillator upgrades.**

Motion Adopted: 5 Yeas.

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

M 279 16 Go Into Executive Session **At 4:13 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to recess the Regular Session and to go into Executive Session for the purpose of discussing matters relating to land acquisition, personnel, and potential litigation.**

Motion Adopted: 5 Yeas.

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

Executive Session **At 4:14 p.m., an Executive Session of the Sussex County Council was held in the Council Chambers to discuss matters relating to land acquisition, personnel, and potential litigation. The Executive Session concluded at 4:59 p.m.**

M 280 16 Reconvene Regular Session **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 5 Yeas.

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

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

M 281 16 Adjourn **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 5:00 p.m.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Deaver, Yea; 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.}

DRAFT

TODD F. LAWSON
COUNTY ADMINISTRATOR
(302) 855-7742 T
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Sussex County
DELAWARE
sussexcountype.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Jr., Vice President
The Honorable Robert B. Arlett
The Honorable George B. Cole
The Honorable Joan R. Deaver

FROM: Todd F. Lawson
County Administrator

RE: **PROPOSED AMENDMENT TO ORDINANCE NO. 2414
REGARDING OFF-PREMISES SIGNS**

DATE: June 10, 2016

During Tuesday's meeting, you are scheduled to consider a proposed amendment to Ordinance No. 2414 entitled "AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS." The amendment will extend the Moratorium.

When Ordinance No. 2414 was written and approved, Section 2 of the Ordinance was included to permit the Council to amend the Ordinance for an extension through a majority vote. A copy of the Ordinance is attached.

Should the Council choose to extend the Moratorium an additional period of time, you can do so through a Motion that we will have prepared for your consideration.

Please let me know if you have any questions.

TFL/sww

Attachment

pc: J. Everett Moore, Jr., Esquire
Vincent G. Robertson, Esquire
Mr. Lawrence B. Lank



ORDINANCE NO. 2414

AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS

WHEREAS, Sussex County Code ("County Code") currently allows off-premises signs to be approved for a special use exception by the Sussex County Board of Adjustment in certain zoning districts; and

WHEREAS, an off-premises sign is defined in the County Code, Chapter 115 as a "sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained"; and

WHEREAS, Sussex County Council views the placement of off-premises signs as an important public safety issue in Sussex County and believes that the recent proliferation of off-premises signs has a detrimental effect on the safety and welfare of the citizens of Sussex County; and

WHEREAS, Sussex County Council believes that the current County Code provisions do not sufficiently address the safety issues and its other concerns with off-premises signs and that the continued approval of off-premises signs under the current County Code provisions will exacerbate the issues associated with these signs; and

WHEREAS, Sussex County is in the process of engaging a consultant to study land use planning issues, including off-premises signs; and

WHEREAS, in order to avoid exacerbating the issues with the off-premises signs and to allow Sussex County a reasonable time period for the review and study of off-premises signs, the preparation of proposed legislation to address resultant issues, and the consideration of said legislation, Sussex County Council desires to establish a moratorium upon the acceptance of any special use exception application for an off-premises sign for a period of six (6) months from the date of adoption of this Ordinance, unless otherwise extended, modified or terminated by a majority vote of County Council.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That a moratorium upon the acceptance of any special use exception application for off-premises signs be hereby imposed for a period of six (6) months after the date of adoption of this Ordinance, unless extended, modified, or terminated in accordance with this Ordinance. During the period of said moratorium, the office of the Sussex County Planning and Zoning Director is hereby directed to decline to accept all special use exception applications for an off-premises sign. The meaning of "off-

premises sign" shall be as defined in Sussex County Code, Section 115-157(B).

Section 2. This Ordinance may be extended, modified, or terminated at any time by a majority vote of all members of the County Council of Sussex County.

Section 3. This Ordinance shall become effective upon its adoption.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2414 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF SEPTEMBER 2015.

A handwritten signature in black ink, appearing to read "Re Griffith", written over a horizontal line.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

BRANDY BENNETT NAUMAN
HOUSING COORDINATOR &
FAIR HOUSING COMPLIANCE OFFICER
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Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Vice President
The Honorable George B. Cole
The Honorable Joan R. Deaver
The Honorable Robert B. Arlett
Todd Lawson, County Administrator

FROM: Brandy Nauman, Fair Housing Compliance Officer

RE: **Fair Housing Update**

DATE: June 10, 2016

During Tuesday's Council meeting, I will provide you with a brief update on actions taken in compliance with the U.S. Department of Justice and U.S. Department of Housing & Urban Development fair housing settlement agreements over the last six months in order to comply with Section IV(18) of the Consent Decree. Below you will find an outline of the items I will be discussing. Please note that no action is required of Council; this is simply an update.

U.S. Department of Justice Consent Decree

- Section II – Diamond State CLT construction in Ingram Village
- Section III(13)(a-d) – Affordable and Fair Housing Marketing Plan
 - September 2016 - 3rd Annual Sussex County Homebuyers Fair
- Sections IV(15) and (16) – Housing Discrimination Complaints
 - None
- Section VI(18) – Submission of Seventh Semi-Annual Compliance Report
 - In process
- Section VI(21 – 23) and VII(26) – Fair Housing Training
 - June 9, 2016
- Section VII(27)(a) through (f) – Affordable Housing Webpage
- Section VII(28) – Reporting of proposed changes to policies related to affordable housing construction
 - Sussex County Rental Program



COUNTY ADMINISTRATIVE OFFICES WEST COMPLEX
22215 DUPONT BOULEVARD | PO BOX 589
GEORGETOWN, DELAWARE 19947

U.S. Department of Housing & Urban Development Voluntary Compliance Agreement

- Section III(7)(a)(i-iii) – Sussex County Analysis of Impediments Evaluation and Proposed Priority Fair Housing Plan
 - Revised Priority Plan Submission & HUD Response
 - LEP Plan Submission, HUD Response, and Implementation
- Section III(7)(c) – Strong Communities Initiative
 - Study Status & Estimated Release Date
- Section V – Submission of Seventh Semi-Annual Compliance Report

If you have any questions, please do not hesitate to ask. Thank you.

CC: Brad Whaley, Director of CD&H
Stephanie Hansen, Esquire
Robin Griffith, Clerk of Council

PROPOSED CHAPEL BRANCH SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council will hold a public hearing on the question of organizing a sanitary sewer district for the Chapel Branch Sanitary Sewer District. The description of the proposed Chapel Branch Sanitary Sewer District, which includes the subdivisions of Oak Crest Farms & Chapel Green and which lies east of the Town of Millsboro in the Indian River Hundred, Sussex County, Delaware is:

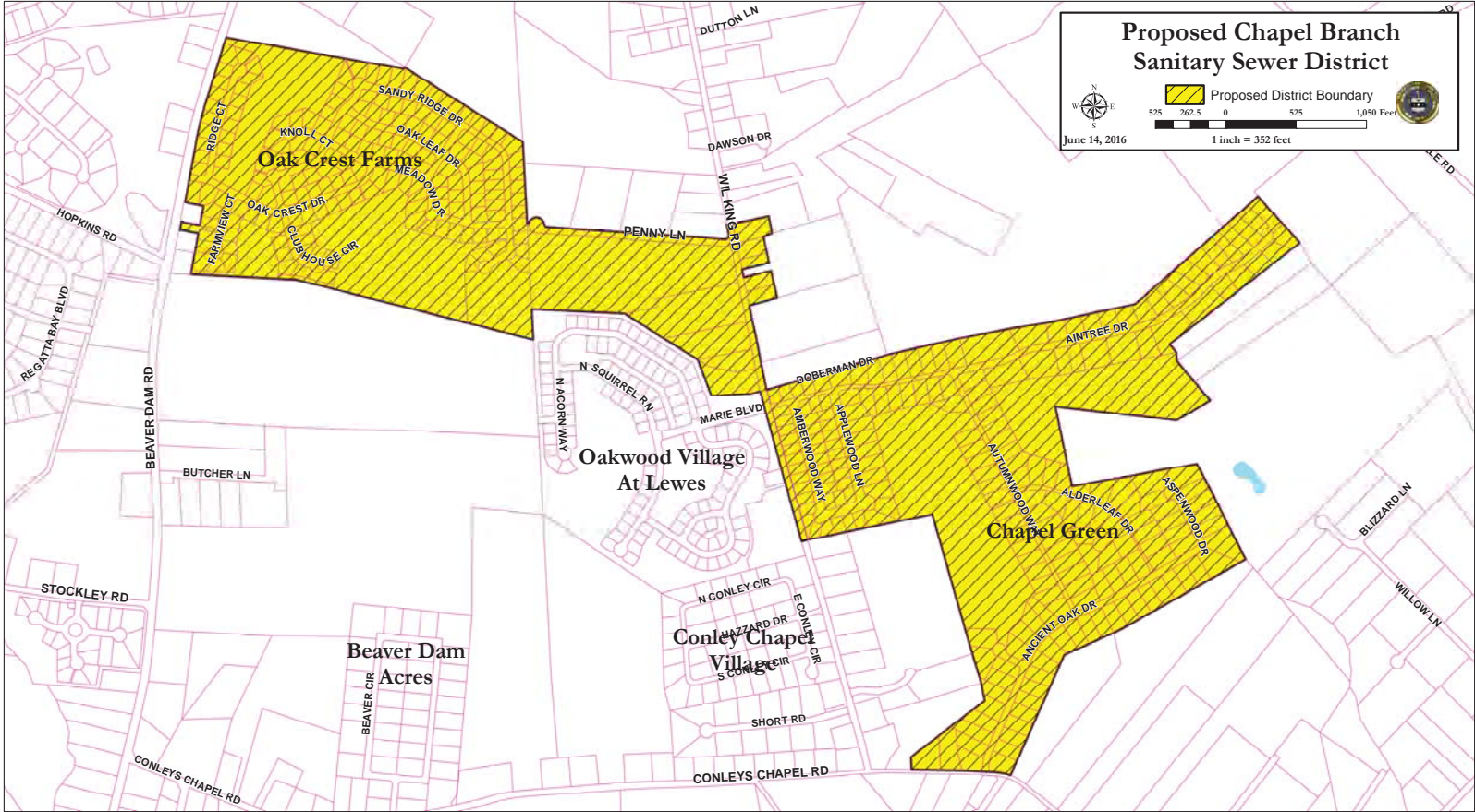
BEGINNING at a point located on the northerly right-of-way (ROW) of County Road 280B (Conleys Chapel Rd) said point being the southwesternmost corner of lands N/F of Christopher Borris; thence following said lands of Borris the following directions and distances: northeasterly 980± feet, northeasterly 405± feet to a point, said point being the northwesternmost corner of lands N/F of Tyndall Bishoff; thence following said lands of Bishoff in a northeasterly direction 1130± feet to a point, said point being the southeasternmost corner of lands N/F of Alfred Lawrence, and a point on the southwesterly ROW of lands N/F of Frederick & Doris Tana; thence following said lands of Tana the following directions and distances: northwesterly 800± feet, westerly 945± feet, northerly 610± feet, southeasterly 910± feet, northeasterly 290± feet, northwesterly 180± feet, to a point, said point being the southeasternmost corner of lands N/F of Adam Gelof; thence following said lands of Gelof in a northwesterly direction 205± feet to a point, said point being the southeasternmost corner of lands N/f of Frederick & Doris Tana; thence following said lands of Tana the following directions and distances: northerly 65± feet, northwesterly 80± feet, northeasterly 1230± feet to a point, said point being the northeasternmost corner of lands N/F of Bartolomeo & Vincenza Camarca; thence following said lands of Camarca in a northwesterly direction 185± feet, to a point, said point being the lands N/F of Alan Waldron; thence following said lands of Waldron northwesterly 260± feet to a point, said point being a point on the southeastern boundary of lands N/F of John & Linda Novosel; thence following said lands of Novosel in a southwesterly direction 350± feet to a point, said point being a point on the southerly boundary of lands N/F of The Adkins Co.; thence following said lands of Adkins in a southwesterly direction 2755± feet to a point, said point the southeasternmost corner of lands N/F of Diane Loekle; thence following said lands of Loekle in a southwesterly direction 935± feet to a point, said point being a point on the easterly ROW of Country Road 288 (Wil King Rd); thence following said ROW in a northerly direction 640± feet to a point, said point being the southwesternmost corner of lands N/F of William King Sr.; thence following said lands of King in a northeasterly direction 215± feet to a point, said point being the northeasternmost corner of said lands of King and a point on the boundary of other lands N/F of William King Sr.; thence following said lands of King in the following directions and distances: northwesterly 200± feet, southwesterly 210± feet, northwesterly 60± feet, northeasterly 210± feet, northwesterly 205± feet, northeasterly 70± feet to a point, said point being the easternmost corner of lands N/F of Brenda Hastings; thence following said lands of Hastings the following directions and distances: northwesterly 130± feet, southwesterly 270± feet to a point, said point being the northwesternmost corner of said lands N/F of

Hastings and a point on the easterly ROW of Wil King Rd; thence crossing said ROW in a westerly direction 50± feet to a point, said point being located on the easterly boundary of lands N/F of Helen Wert; thence following said lands of Wert in a southeasterly direction 95± feet to a point, said point being located on the northerly side of a private ROW known as Penny Ln; thence following said ROW in a northwesterly direction 1500± feet to a point, said point being a point on the southerly boundary of lands N/F of Gary & Kathy Kaier; thence following said lands of Kaier in a northwesterly direction 10± feet and northerly direction 455± feet to a point, said point being the southwesternmost corner of lands N/F of Sarah C Harmon, Heirs; thence following said lands of Harmon in a northerly direction 158± feet to a point, said point being the southeasternmost corner of lands N/F of Jacqueline McGrellis, Trustee; thence following said lands of McGrellis in a northwesterly distance 1045± feet to a point, said point being the easternmost corner of lands N/F of Kris Knutsen; thence following said lands of Knutsen the following directions and distances: southwesterly 13± feet, westerly 1345± feet to a point, said point being the southwesternmost corner of said lands of Knutsen and a point on the easterly boundary of Beaver Dam Rd; thence following said ROW in a southerly direction 1270± feet to a point, said point being located on the northerly property boundary of lands N/F of Diana Butler; thence following said lands Butler the following directions and distance: southwesterly 140± feet, 155± feet, northwesterly 140± feet to a point, said point being the northwesternmost corner of lands N/F of Oak Crest Farms Property Owners Association; thence following said lands of Oak Crest Farms the following directions and distances: southwesterly 70± feet, southeasterly 140± feet to a point, said point being the northeasternmost corner of lands N/F of Joseph Choma; thence following said lands of Choma southwesterly 150± feet to a point, said point being the northwesternmost corner of lands N/F of Mathew Cottrell; thence following said lands of Cottrell southwesterly 165± feet to a point, said point being a point on the northerly boundary of lands N/F of Hilda Norwood, Trust; thence following said lands of Norwood the following directions and distances: easterly 790± feet, southeasterly 1820± feet to a point, said point being a point on the westerly boundary of lands N/F of Oakwood Village at Lewes, LLC; thence following said lands of Oakwood Village the following directions and distance: northerly 225± feet, easterly 695± feet, southeasterly 640± feet to a point, said point being the northwesternmost corner of lands N/F of Oswaldo & Zully Echevery; thence following the said lands of Echevery the following directions and distances: southeasterly 221± feet, easterly 140± feet to a point, said point being the southeasternmost corner of said lands of Echevery and a point on the westerly ROW of Wil King Rd; thence following said ROW in a southeasterly direction 1330± feet to a point, said point being a point on the easternmost boundary line of lands N/F of Joseph & Teresa Mocci; thence leaving said lands of Mocci crossing said ROW of Wil King Rd in a northeasterly direction 50± feet to a point, said point being the northwesternmost corner of lands N/F of Charles & Gladys Smith; thence following said lands of Smith in a northeasterly direction 300± feet, to a point said point being the northwesternmost corner of lands N/F of Tall Grass Estates, LLC; thence following said lands of Tall Grass the following directions and distances: northeasterly 645± feet, southeasterly 1080± feet to a point, said point being the northeasternmost corner of lands N/F of Linda Wardrup; thence following said lands of Wardrup southeasterly 230± feet to a point, said point

being the northeasternmost corner of lands N/F of Michael Hazzard; thence following said lands of Hazzard the following directions and distances: southeasterly 135± feet, southwesterly 695± feet, southerly 97± feet to a point, that being the point of the BEGINNING.

NOTE: The above description has been prepared using Sussex County Tax Map No. 234-6.00.

The proposed **Chapel Branch Sanitary Sewer District** is within these approximate boundaries containing 279.20 acres more or less. A map drawn to scale indicating the boundaries of the proposed sanitary sewer district accompanies this petition.



OLD BUSINESS

June 14, 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) ⁱ	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) ⁱ	P&Z Recommended Version 5.26.16	Comments from Staff
8	115-157.1 – Definitions <ul style="list-style-type: none"> - Electronic Message Center - Electronic Message Display 	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"> - Non-conforming sign - Non-conforming off-premises sign 	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"> - Animated Signs 	Prohibited under IO	Removes prohibition on animated signs	Adopted IO prohibition	Accept P&Z recommendation and leave as written in IO. Q: Should animated signs be prohibited 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"> - V signs 	Prohibited under IO	Removes prohibition on V signs	Adopted AO amendment	Q: Should V signs be prohibited?
12	115-158 – Prohibited Signs <ul style="list-style-type: none"> - Signs which have more than 2 faces 	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) ⁱ	P&Z Recommended Version 5.26.16	Comments from Staff
					unintended consequences referenced at public hearing. Q: Should multifaced signs be prohibited?
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	Q: Should a property owner be allowed to have multiple signs on his property if located on more than 1 road?
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) ⁱ	P&Z Recommended Version 5.26.16	Comments from Staff
		regarding technical requirements of EMCs	No changes from IO regarding technical requirements of EMCs		Q: Should we remove the reference to EMCs?
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.	Q: Should we distinguish between 2 lane roads and 4 lane roads
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	Q: Should we distinguish between small billboards and large billboards
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. Q: Should there be different ways of measuring separation distances (e.g. lineally, radius)?
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	Q: Again, should there be different standards for different sized billboards? Q: Is the front yard setback appropriate? 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	Q: What is the appropriate separation distance from churches, schools, dwellings, and public lands?

	Section / Revision	Council Ordinance Introduced 4.19.16	Alternate “Hutt” Ordinance (as amended) ⁱ	P&Z Recommended Version 5.26.16	Comments from Staff
		1000 feet from other billboards	500 feet from other billboards		Q: What is the appropriate separation distance from other billboards?
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	Q: Should we distinguish height requirements on 2 lane roads versus 4 lane roads 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	Q: Should we distinguish size limitations on 2 lane roads versus 4 lane roads Q: What is the appropriate size limitation?
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	Q: Should there be a ban on variances for all off-premise signs?

	Section / Revision	Council Ordinance Introduced 4.19.16	Alternate “Hutt” Ordinance (as amended) ⁱ	P&Z Recommended Version 5.26.16	Comments from Staff
				separation and setback requirements for replacement billboards. See 115-161.2(D).	Q: Should there be a ban on variances for new billboards? 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?
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) ⁱ	P&Z Recommended Version 5.26.16	Comments from Staff
			<p>Note the foot candle requirement is only for off-premise EMCs</p> <p>Sets forth measurement standards for foot candle measurements</p>		<p>Adopt the foot candle measurement standards</p> <p>Use 750 nits and 0.3 foot candles as the measurements.</p> <p>These changes will require a minor re-numbering of these paragraphs.</p>
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	<p>Q: Should a special use exception be required for an on-premise EMC?</p> <p>Would greatly burden the Board of Adjustment</p>
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	Q: Should EMCs be allowed in residential districts if part of a conditional use approval?
35	115-161.1 – EMCs 161.1(B)	Off-premise EMCs should be prohibited	Removes prohibition on off-premise EMCs	Accepted AO amendment	Q: Should off-premises EMCs be allowed?
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	<p>Accept P&Z recommendation</p> <p>Q: Should on-premises EMCs be held to different standards?</p>

	Section / Revision	Council Ordinance Introduced 4.19.16	Alternate “Hutt” Ordinance (as amended) ⁱ	P&Z Recommended Version 5.26.16	Comments from Staff
					Q: Should all EMCs have messages fixed for 10 seconds?
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 Q: Should on-premises EMCs be held to different standards? Q: Should all EMC messages be required to transition within 1 second?
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 Q: Should movement or animation be allowed on on-premises EMCs 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) ⁱ	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	Q: Should the message on an EMC be allowed to change at night?
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	Q: Should non-conforming off-premises signs be allowed to be reconstructed, expanded, or re-erected?
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	Q: Should conversion of non-conforming off-premises signs to off-premises EMCs be permitted? 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	Q: Should non-conforming signs be allowed to be repaired or replaced in the event of a natural disaster?

	Section / Revision	Council Ordinance Introduced 4.19.16	Alternate “Hutt” Ordinance (as amended) ⁱ	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	Q: Should wooden non-conforming off-premises signs be allowed to be replaced with steel monopoles? Q: Should a variance be required for replacement if less than 5% increase?
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.

ⁱ 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/m²)

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/m², 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/m².

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

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

698 (5) ...

699 (6) ...

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

706 (8) ...

707 (9) ...

708 (10) ...

709 (11) Signs in connection with any candidate for elected office,
710 special election or referendum issue may be erected and
711 maintained, provided that the size of any such sign is not in
712 excess of 32 square feet per [side or facing] sign face and shall
713
714
715
716
717
718
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/m² 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/m²)

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/m²,
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/m².

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 ...
2
3 ON-PREMISES ELECTRONIC MESSAGE CENTER

4 An electrically activated changeable sign whose variable message or graphic
5 presentation capability can be electronically programmed by computer or
6 electronic device onsite or from a remote location which directs attention to a
7 business, commodity, service, or entertainment conducted, sold, or offered upon
8 the same premises as those upon which the sign is maintained.
9

10 ON-PREMISES SIGN
11 ...
12

13 PORTABLE SIGN
14 ...
15

16 TEMPORARY SIGN
17 ...
18

19 V SIGN

20 A sign containing two faces positioned at an interior angle subtending less than
21 one hundred seventy-nine degrees (179°) at the point of juncture of the individual
22 faces.
23

24 C. Location.
25 ...
26

27 Section 2. Sussex County Code, Chapter 115, Section 115-158 shall be amended by the
28 addition of the underlined language, as follows:
29

30 § 115-158. Signs prohibited in all districts.
31

32 Signs prohibited in all districts shall be as follows:
33

34 A. ...
35 ...
36

37 I. Animated signs.
38

39 J. Abandoned on-premises signs which have been abandoned for more than 6
40 months.
41

42 K. Abandoned off-premises signs which have been abandoned for more than 6
43 months.
44

45 L. Mirrors. No mirror device shall be used as part of a sign.
46

1 M. — V signs.

2
3 N. — Signs which have more than 2 sign faces.

4
5 Section 3. Sussex County Code, Chapter 115, Section 115-159 shall be amended by the
6 addition of the underlined language and deletion of the bracketed language, as follows:

7
8 § 115-159. Signs permitted in all districts.

9
10 Signs permitted in all districts shall be as follows:

11
12 A. ...

13
14 ...

15
16 G. A temporary real estate sign indicating sale, rental or lease of the premises on
17 which it is located, with a maximum area of 10 square feet per [side or facing]
18 sign face, nonilluminated, and one sign for each street frontage on which the
19 premises abuts. Each sign shall contain no more than two sides or facings, back to
20 back.

21
22 H. ...

23
24 Section 4. Sussex County Code, Chapter 115, Section 115-159.1 shall be amended by the
25 addition of the underlined language and deletion of the bracketed language, as follows:

26
27 § 115-159.1. Signs permitted in AR-1 and AR-2 Agricultural Residential Districts and
28 GR General Residential Districts.

29
30 A. Signs permitted shall be as follows:

31
32 (1) ...

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

42
43 (3) One nonilluminated on-premises sign not to exceed six square feet on any
44 [side or facing] sign face, identifying a permitted home occupation on the
45 premises or a permitted use on a farm of five acres or more. ...
46

- 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.
46

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 pertinent zoning district. An off premises sign shall not be erected within
2 500 feet of a dwelling, church, school, or public lands or within 1,000 feet
3 of another sign regulated by this subsection or within 50 feet of an on-
4 premises sign.

5
6 For all roads with less than two (2) travel lanes (excluding turn lanes), e.g.,
7 Routes 9 and 54, the following shall apply:

8
9 (a) Setbacks. Off-premises signs not exceeding 200 square feet shall
10 have a minimum front yard setback of 25 feet, a minimum side
11 yard setback of 20 feet and a minimum rear yard setback equal to
12 the required rear yard setback for a principal building within the
13 pertinent zoning district. Off-premises signs exceeding 200 square
14 feet shall have a minimum front yard setback of 25 feet, a
15 minimum side yard setback of 50 feet and a minimum rear yard
16 setback of equal to the required rear yard setback for a principal
17 building within the pertinent zoning district.

18
19 (b) Separation Distances. Off-premises sign shall not be erected
20 within 300 feet of a dwelling, church, school, or public lands or
21 within 500 feet of another off-premises sign. The separation
22 distances described herein shall be measured on a radius using the
23 center of the sign as the center point of the circle.

24
25 (c) Height. Off-premises sign shall not be erected to a height greater
26 than 25 feet measured from Ground Level.

27
28 (d) Size. Off-premises signs shall not exceed 300 square feet per Sign
29 Face.

30
31 (e) DELDOT. An applicant for a special use exception for an off-
32 premises sign must, at the time the application is filed with the
33 Office of Planning and Zoning, submit documentation from the
34 Delaware Department of Transportation which confirms that the
35 Delaware Department of Transportation does not object to the
36 proposed off-premises sign.

37
38 (2) [All off-premises signs exceeding 200 square feet shall have a minimum
39 front yard setback of 25 feet and a minimum side yard setback of 50 feet
40 and shall not be erected within 300 feet of a dwelling, church, school or
41 public lands or within 300 feet of another sign regulated by this
42 subsection.]

43
44 A single off premises sign structure shall support no more than one sign
45 per side or facing and no more than two signs in total. If a single off-
46 premises sign structure has more than one sign face, the sign faces shall be

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 A. ...

18 B. Lighting of signs.

19 (1) ...

20 (2) ...

21 (3) ...

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

26 (5) All illuminated signs, including Electronic Message Centers, must comply
27 with the maximum luminance level of ~~two~~ seven hundred fifty (2750)
28 cd/m² or Nits at least one-half hour before Apparent Sunset, as determined
29 by the National Oceanic and Atmospheric Administration (NOAA),
30 United States Department of Commerce, for the specific geographic
31 location and date. All illuminated signs must comply with this maximum
32 luminance level throughout the night, if the sign is energized, until
33 Apparent Sunrise, as determined by the NOAA, at which time the sign
34 may resume luminance levels appropriate for daylight conditions, when
35 required or appropriate.

36
37
38 [Alternatively] ~~Off-Premises~~ Electronic Message Centers shall not operate
39 at brightness levels of more than 0.3 foot candles above ambient light, as
40 measured using a foot candle meter at a pre-set distance.
41
42
43
44
45
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.~~

EB. 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.

Section 12. 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.

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

Section 14. This Ordinance shall become effective upon its adoption by a majority of the 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/m²)

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/m², 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 Systeme 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 (3) ...
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~~
~~m]Message d[Displays/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

1 course or similar use. Such sign shall be solely for the purpose of displaying
2 the name of the institution or association and its activities or services. In
3 addition, a bulletin board may be permitted, provided that the total 32 square
4 feet on any *side* ~~[side or facing] sign face~~ is not exceeded by both the
5 bulletin board and the on-premises sign.
6 ...
7

8 (3) One nonilluminated on-premises sign, not to exceed six square feet on any
9 *side* ~~[side or facing] sign face~~, identifying a permitted home occupation on
10 the premises or a permitted use on a farm of five acres or more. A sign shall
11 contain no more than two sides or facings, back to back, and shall conform
12 to the setbacks referenced in Subsection A(2) above.
13

14 (4) One on-premises ground sign ~~[per street or road frontage]~~ per parcel, not
15 to exceed 200 square feet on any *side* ~~[side or facing] sign face~~. ~~[Electric~~
16 ~~m]Message d[Displays/Centers~~ shall be permitted. ~~[Such displays shall be~~
17 limited to frames with displays, messages, animated graphics or images and
18 frame effects that appear or disappear from the display through dissolve,
19 fade, flip or window shade moves. Scrolling left or right and/or flashing
20 messages shall not be permitted. Each message on the sign must be
21 displayed for a minimum of eight seconds based on a real second
22 measurement of 1000-1, 1000-2, 1000-3, 1000-4, etc., count. When a
23 message is changed, it shall be accomplished in one second or less with all
24 moving parts or illumination changing simultaneously and in unison.
25 Variable message signs shall contain a default design that will freeze the
26 sign in one position if a malfunction occurs or in the alternative shut down.]
27

28 (5) [In addition, each store, shop, office or similar unit shall be permitted an on-
29 premises illuminated awnings, marquees, projecting, wall signs or electric
30 message displays not exceeding 150 square feet or 15% of the total square
31 footage of the wall area on which the sign(s) is/are located, whichever is
32 greater, the maximum square footage may be used for one sign or a
33 combination of signs or one sign not exceeding 150 square feet. The sign
34 shall not exceed 15% of total square footage of wall area where a wall
35 exceeds 1,000 square feet.]
36

37 One on-premises wall, illuminated awning, marquee, or projecting sign not
38 to exceed 150 square feet. In the case of a shopping center, a group of stores
39 or other business uses, or a multi-tenant building on a lot held in single or
40 separate ownership, one on-premises wall sign, illuminated awning sign,
41 marquee sign, or projecting sign not to exceed 150 square feet shall apply
42 with respect to each building, separate store, separate storefront, or separate
43 use.
44

45 (6) ...
46

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/m² 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

1 frame effects or patterns of illusionary movement or simulating
2 movement, with the exception of the following which are expressly
3 prohibited: (a) flashing and (b) streaming or real time live video.
4

5 (c) An Electronic Message Center ~~must~~ shall contain a default design
6 that will freeze the sign in one position if a malfunction occurs that
7 affects at least fifty percent of the Sign Face or, in the alternative,
8 that will shut down or show a “full black” image on the display.
9

10 (d) An Electronic Message Center may not contain or display any lights,
11 effects, or messages that flash, move, appear to be animated or to
12 move, scroll, or change in intensity during the fixed display 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 bring
26 the lighting level at night into compliance with sign illumination
27 standards set forth in this article.
28

29 (fg) A sign that attempts or appears to attempt to direct the movement of
30 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 of
35 Commerce, for the specific geographic location and date, the display
36 on the Electronic Message Center shall not change and shall remain
37 fixed until after Apparent Sunrise, as determined by the NOAA, for
38 the specific geographic location and date, at which time the
39 Electronic Message Center may resume its regular rotation of
40 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.

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:	Harry K Foundation		
PROJECT NAME:	Halt Hunger Program		
FEDERAL TAX ID:	46-2934019	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS:	313 S. Boardwalk		
	Rehoboth Beach	DE	19971
	(CITY)	(STATE)	(ZIP)
PHONE:	302-226-0675	EMAIL:	atljewelry@aol.com
CONTACT PERSON:	Harry Keswani		
TITLE:	Founder & President		
ADDRESS:	313 S. Boardwalk		
	Rehoboth Beach	DE	19971
	(CITY)	(STATE)	(ZIP)
PHONE:	302-226-0675	EMAIL:	atljewelry@aol.com

TOTAL FUNDING REQUEST: \$ 1,000.00

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? \$ 2,500.00

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? <1%

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 ¹ | <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 checked="" type="checkbox"/> Low to Moderate Income ² | <input checked="" type="checkbox"/> Youth |
| | <input type="checkbox"/> Other _____ | |

BENEFICIARY NUMBER

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

4,090

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 mission of the Harry K Foundation is to halt hunger and food insecurity among underprivileged children in Southern Delaware. The foundation's objectives are to: 1) Support the Public School Backpack Program, and 2) Establish Food Pantries throughout Delaware public schools. The School Backpack program provides impoverished children with backpacks full of food to supplement what is available in their households. The food pantry program establishes pantries in public schools across Delaware so that parents can access nourishing food as needed, helping them to better meet their budgets and adequately feed their children.

Since the program's inception in 2013, over 250 children have been provided with backpacks, with food replenished weekly. The Foundation has also established 24 food pantries in 21 Delaware public schools, with emphasis on Sussex County schools, enabling parents in need to obtain nourishing food at no cost to them. Participants are selected by school personnel who are aware that hunger and food insecurity often lead to absenteeism, illness, and poor academic performance. Students come from all cultural backgrounds, predominantly Hispanic and African-American, but it is a culturally diverse population being served. Many of these families struggle to provide adequate, healthy food for their children on a monthly basis.

Although the Harry K Foundation has recently expanded our programs to include Kent and New Castle Counties, our primary area of emphasis is Sussex County. The percentage of students registered as coming from low-income families is as follows: Cape Henlopen S.D. 43.7%, Delmar S.D. 45.2%, Indian River S.D. 66%, Laurel S.D. 71.6%, Milford S.D. 59.6%, Seaford S.D. 73.1%, and Woodbridge S.D. 70.2%.

The Harry K Foundation would like to request a grant in the amount of \$1,000 from Sussex County to support our Halt Hunger Program. The cost of funding each new backpack for a child in need is \$158, and replenishing an existing backpack is \$125. A grant from Sussex County would provide 4 new food backpacks to children who are in need and replenish backpacks for 3 students who have existing backpacks. This grant will help the Harry K Foundation reach its goal of addressing food insecurity needs for 50-75 new students in Delaware schools this year, helping them grow socially and academically.

SECTION 4: BUDGET

REVENUE		
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)		
TOTAL REVENUES	\$240,000	\$250,000.00
EXPENDITURES		
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)		
Establishment of New Food Pantries		-50,000
Replenishment of Food Pantries		-35,000
New Food Backpacks		-11,850
New Food Backpack Replenishment		-11,850
Existing Food Backpack Replenishment		-39,500
Fundraising		-13,200
Mailing and Marketing		-7,500
Events		-75,000
TOTAL EXPENDITURES		-\$ 243,900.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$3,900.00	\$-6,100.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Harry K Foundation 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.

Harry Keswani

Applicant/Authorized Official

6/1/16

DATE



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	Delmar Public Library		
PROJECT NAME:	New Library Building Project		
FEDERAL TAX ID:	51-0103344	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS:	101 N. Bi-State Blvd.		
	Delmar	DE	19940
	(CITY)	(STATE)	(ZIP)
PHONE:	302-846-9894	EMAIL:	susan.upole@lib.de.us
CONTACT PERSON:	Susan Upole		
TITLE:	Library Director		
ADDRESS:	101 N. Bi-State Blvd.		
	Delmar	DE	19940
	(CITY)	(STATE)	(ZIP)
PHONE:	302-846-9894	EMAIL:	susan.upole@lib.de.us

TOTAL FUNDING REQUEST: \$ 2,000.00

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? \$ 0.00

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? <1%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- ☐ Fair Housing
☐ Infrastructure¹

- ☐ Health and Human Services
☐ Other _____

- ☒ Cultural
☒ Educational

BENEFICIARY CATEGORY

- ☐ Disability & Special Needs
☒ Elderly Persons

- ☐ Victims of Domestic Violence
☒ Low to Moderate Income²
☐ Other _____

- ☐ Homeless
☒ Youth

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
10,000

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 dual municipalities of Delmar, DE, and Delmar, MD, need a library to serve as a community center "to enhance the quality of life by providing free access to ideas, information, and materials through research, education, service and entertainment." The Delmar Public Library provides a variety of programs for children and adults, including digital and print literacy skills, lifelong learning opportunities, as well as space for community meetings and workshops.

In order to provide the type of state-of-the-art library that is needed, the Delmar Public Library Board of Commissioners has undertaken a capital campaign to fund the renovation and expansion of our current building, adding 10,000 sq. ft. to the existing library, enhancing educational and cultural opportunities for Delmar residents, allowing our professional staff more room to provide quality programming, and increasing community meeting space.

The population of Delmar, DE, and Delmar, MD, is expected to grow from the current 6,500 residents to more than 12,000 by the year 2026. 76% of residents in the library's service area currently have library cards. The objectives of the capital campaign are to achieve the following:

- *Increase the library facility space by about 10,000 sq. ft., from the current 4,980 sq. ft. to more than 15,000 sq. ft.;
- *Enhance educational and cultural opportunities at the library by providing added space for programs;
- *Provide the technology required to enhance learning and to support community growth;
- *Provide meeting space for community workshops, training, civic organizations, and clubs; and,
- *Update infrastructure to support public internet access to our library community.

Construction on the new library is expected to begin in the fall of 2016, and the expected cost of the project is \$5.3 million. The library Board of Commissioners would like to request a grant of \$2,000 from Sussex County to help make this project a reality for Delmar residents. Councilmember Robert Arlett is a member of the new library campaign's Leadership Committee.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 5,300,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Construction	-4,300,000
Architectural & Engineering	-210,000
Preliminary Site Testing & Surveys	-5,000
Permits	-35,000
Moving, Storage & Rent	-75,000
Sustainability	-400,000
Furniture & Equipment	-165,000
Campaign Cost	-110,000
TOTAL EXPENDITURES	-\$ 5,300,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Delmar Public Library 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.

Susan Upole

Applicant/Authorized Official

6/1/16

DATE



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	Mid Atlantic Symphony Orchestra		
PROJECT NAME:	2015-16 Concert Series		
FEDERAL TAX ID:	52-2308928	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS:	P.O. Box 1697		
	Ocean Pines	MD	21811
	(CITY)	(STATE)	(ZIP)
PHONE:	410-289-3440	EMAIL:	msooperations@gmail.com
CONTACT PERSON:	Mary Lou Tietz		
TITLE:	Development Manager		
ADDRESS:	943 Lake View Drive		
	Bethany Beach	DE	19930
	(CITY)	(STATE)	(ZIP)
PHONE:	302-539-0793	EMAIL:	maryloutietz@yahoo.com

TOTAL FUNDING REQUEST: \$ 1,000.00

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? \$ 0.00

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? <1%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input checked="" type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <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 ² | <input type="checkbox"/> Youth |
| | <input type="checkbox"/> Other _____ | |

BENEFICIARY NUMBER

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

1,500

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 Mid-Atlantic Symphony Orchestra (MSO) is a regional company of professional musicians of the highest caliber dedicated to keeping the orchestral art form alive and active in the Mid-Atlantic region. We perform a repertoire of classical and modern compositions in venues across the area and have become an integral part of the cultural life on the Eastern Shore and in Sussex County. The MSO is the only professional orchestra presenting a full subscription series each year in this region. The MSO season consists of four concerts given at each of our three venues in Ocean View, DE, and Ocean Pines and Easton, MD, plus special annual performances in Rehoboth Beach and Fenwick Island, DE. More than 1,500 people attend MSO concerts annually in Sussex County. Our audiences are most appreciative of the fact that they have a quality orchestra available locally, at a reasonable cost, and they do not have to travel to a major city to hear quality classical music.

The 2015-16 concert season featured masterworks from a diverse array of artists including Mozart, Mendelssohn, Beethoven, and Ginastera. Among our acclaimed soloists were the Beijing Guitar Duo, one of the top classical guitar duos worldwide. We also welcomed Jean Ferrandis, one of the most delicate, enticing, and inspiring flute players today. As always, the MSO's "Holiday Joy" concert delighted audiences with vocal and instrumental selections to usher in the holidays. During our concerts and at specially planned events throughout the year, we celebrated the 10th Anniversary of our Music Director, Maestro Julien Benichou.

Each MSO concert costs upwards of \$25,000, including costs for musicians, soloists, venue rental, rehearsal space, music rental, and advertising. The support of the community, individuals, and businesses is vital to the livelihood of the MSO since ticket sales cover less than a third of our annual operating budget. In order to bring artists of the highest caliber to our region, the MSO relies upon contributions from corporate sponsors and local government agencies to help us meet our annual budget. A contribution from the Sussex County Council would help ensure that the MSO is able to continue to provide a quality arts experience to county residents of all ages. By partnering with the MSO, the Sussex County Council demonstrates its commitment to the arts and assists the MSO in furthering our mission to "enrich life in the Mid-Atlantic region through the power of classical music."

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 264,300.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Salaries/Services	-93,000
Concert Costs	-139,100
Advertising/Marketing	-3,000
Fees	-2,700
Printing	-9,200
Mailing/Supplies/Phone	-3,700
Dues/Insurance/Reserve	-11,800
Technology	-1,800
TOTAL EXPENDITURES	-\$ 264,300.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Mid Atlantic Symphony Orchestra 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.

Mary Lou Tietz

Applicant/Authorized Official

6/1/16

DATE



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	The Delaware Celebration of Jazz Inc 501 [c] [3] non-profit		
PROJECT NAME:	Rehoboth Beach Jazz Festival		
FEDERAL TAX ID:	51-0373709	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS:	30732 Sassafras Dr		
	Lewes	Delaware	19958
	(CITY)	(STATE)	(ZIP)
PHONE:	302 249 0809	EMAIL:	islandden@yahoo.com
CONTACT PERSON:	Dennis Santangini		
TITLE:	President		
ADDRESS:	30732 Sassafras dr		
	Lewes	Delaware	19958
	(CITY)	(STATE)	(ZIP)
PHONE:	302 249 0809	EMAIL:	islandden@yahoo.com

TOTAL FUNDING REQUEST: \$ 2,000.00

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 type="checkbox"/> Health and Human Services | <input checked="" type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input type="checkbox"/> Other _____ | <input checked="" 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 ² | <input checked="" type="checkbox"/> Youth |
| | <input checked="" type="checkbox"/> Other <u>Beebe HealthCare/Tunnell Cancer Center</u> | |

BENEFICIARY NUMBER

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

2

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.

Our Organization delivers one of the top ten Jazz Festival's in the United States. We bring to our Sussex County citizens and visitors a music cultural experience featuring Grammy winning performers and nominees that other wise would only be seen and heard in major metropolitan areas in the US.

Our organization serves and accomplishes a two fold purpose. First, we dramatically impact the economic growth by are visitors spending their many dollars for goods and services. The leader of this is the hotel tax generated by their four day stay in Sussex County. The local Chamber of Commerce has guided us to understand that our event generates over \$80,000.00 in tax revenue during our four day event.

Secondly, we provide an additional two fold benefit to our County. The Jazz Festival provides music programs and seminars conducted by our Artists for a fee to our middle school and upper school music department students. Additionally our annual charitable designation has been Beebe Health care for their Tunnell Cancer Center.

In order to be able to continue the excellence in music and the community reach as well as featuring our great County we are regularly challenged with cost increases year after year, thus making our efforts annually difficult.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 575,434.53
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Operational cost	-563434.53
Charitable donation	-12000.00
TOTAL EXPENDITURES	-\$ 575,434.53
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the The Delaware Celebration of Jazz 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.

Dennis Santangini

Applicant/Authorized Official

06/03/2016

DATE

PUBLIC HEARINGS
June 14, 2016

This is to certify that on March 24, 2016 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Change of Zone and Conditional Use. At the conclusion of the public hearings, the Commission moved and passed that this applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

PUBLIC HEARINGS

C/Z #1796 Lockwood Design and Construction Inc.

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a MR (Medium Density Residential District) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County containing 35.45 acres, more or less. The property is located on the northeast side of Warrington Rd. (Rd. 275), 0.25 mile southeast of John J. Williams Hwy. (Rt. 24). (911 Address: None Available) Tax Map I.D. 334-12.00-127.02, 127.04, 127.05

C/U #2046 Lockwood Design and Construction Inc.

An Ordinance to grant a Conditional Use of land in a MR (Medium Density Residential District) for multi-family dwelling structures located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 35.45 acres, more or less. The property is located on the northeast side of Warrington Rd. (Rd. 275) 0.25 mile Southeast of John J. Williams Hwy. (Rt. 24). (911 Address: None Available). Tax Map I.D. 334-12.00-127.02, 127.04, 127.05

After receiving a request from Gene Byard, Esquire, on behalf of the applicants, it was decided that the public hearings for C/Z #1796 and C/U #2046 would be combined and heard as one public hearing to establish the record and that individual decisions would be rendered on each application after the public hearing.

Ms. Cornwell stated that staff received comments from the Sussex County Engineering Department and the property is not currently located in a sewer district; however, it could be annexed into a sewer district.

Ms. Cornwell read four (4) letters of opposition to the Applications into the record and stated that the Office of Planning and Zoning received an exhibit booklet from the Applicant for review.

The Commission found that Mr. and Mrs. Robert Hood, Pete Malmberg, Don Lockwood, and John Barwick, of Lockwood Design were present with Gene Byard, Esquire of Morris, James, Wilson, Halbrook, & Bayard, P.A. and they stated in their presentation and in response to questions raised by the Commission that this Application is a do over from CZ 1780 to allow for a HR-1 RPC, with density of five (5) units per acre; that he asks the record of that hearing be made as part of the record tonight; that the only change is the zoning classification; that CZ 1780 was recommended to be denied for excess density if the zoning was approved and the RPC classification lapsed; that when the RPC overlay lapses in HR-1 zoning the density restriction in the RPC lapses and the zoning classification of HR-1 increases the density; that in the motion to recommend denial the Commission stated that the MR zoning classification with a Conditional Use is a more appropriate application; that there are multiple commercially zoned properties in the area; that there are properties zoned MR, CR-1, HR-2, and two (2) conditional uses with significant density; that Sterling Crossing and Sea Chase both have approximately six (6) units to the acre; that to the north of the property is the Beebe Medical Center; that in the last 15 years at least 12 Change of Zone applications or Conditional Use applications have been approved in that area; that the property is entirely wooded at this time; that the proposed use will be marketed to empty-nesters and 55 and over families; that water will be provided by Tidewater Utilities and sewer will be provided by Sussex County; that any upgrades are at the developers expense; that the project has been reviewed by PLUS, TAC review, stormwater design review by Soil Conservation, Envirotech has studied the woods; that there are no wetlands or endangered species on the site; that the Applicant met the Sussex County Planning Manager's suggestions have incorporated additional sidewalks for future connection to the Beebe Medical property; that opposition was concerned about trees and traffic; that the Applicant could remove all trees and cultivate the property or have a poultry farm on the property; that the neighboring properties were also built on what was farm land; that it seems ironic that the residents of the neighboring developments feel an entitlement to preservation of the Applicant's property; that the Applicant plans to preserve as many trees as possible; that the project did not require a traffic impact study; that the Applicant will participate in the cost of intersection improvements; that DelDOT has a timeline for improvements to the intersection of Old Landing Road and Warrington Road; that the response still does not define whether a traffic light will be required; that the response does define that road improvements will begin in fiscal year 2017; that the road improvements will coincide with final site plan approval of this project and Osprey Landing if approved; that the project is consistent with the Zoning Ordinance, Comprehensive Land Use Plan, and Future Land Use Map; that the density housing mix is consistent with the Zoning Code and the neighboring developments; that residents from this project will have walking access to the neighboring CR-1 zoned property; that there will be 14 acres of impervious area; that there will be 21.2 acres of open space; that storm water management, ponds, and swales will cover

approximately 60% of the property; that with the Conditional Use the Commission is able to define the density of this project; that this project follows the residential character and development of this area; that this parcel is the last large undeveloped parcel in the area; that this property is in a Level 1 and Level 2 State growth area; and that it should be treated accordingly.

The Commission found that no parties were present in support of this application.

The Commission found that Steve Dolmack, a home owner in Sea Chase, was present and stated that he reviewed the plans; that he was surprised to find there were no changes made to the plans; that the developer has not taken into any consideration the concerns in reference to the trees and traffic from the previous application; that the existing 70 foot tall trees will be compromised within a 20 foot buffer; that once the root system is compromised the trees will have to be removed; that the existing developments were created over 20 years ago; that a lot has changed in the area over the last 20 years; that treating this application the same as 20 years ago is not realistic; that traffic is a huge concern and has greatly increased over the years; that DNREC is concerned that the applicant is not preserving enough trees; and that the additional units proposed will put added stress on the roads.

The Commission found that C.J. Bailey, a resident and property owner, was present with interest and stated that his primary concern with the plan is the entrance; that his property is directly across from the proposed entrance; that he would like to see some turn lanes proposed to better accommodate the traffic; that turn lanes would help with the flow of traffic; and that without these improvements traffic will be in his front yard.

The Commission found that Harvey Grider, a resident and property owner, was present with interest and stated that he represents the homeowners in Sterling Crossing; that he is the advocate for the Homeowner's Association; that rezoning is not a right for property owners; that rezoning should not come at the expense of others; that they are opposed to growth without proper infrastructure; that the area is so congested the nearby emergency station less than ½ mile from his property could not get there for over 25 minutes due to traffic; that during the summer this time would have been doubled; that without improvement to the existing roads this development will greatly increase traffic issues; and that there have been no changes made to the original plan.

The Commission found that Robert Caden, President of the Homeowner's Association for Sea Chase; that they are disappointed the original plan has not been changed; that the same issues exist with this plan; that there are multiple accidents in the area; that the infrastructure will not accommodate another development; and that the removal of trees is an issue.

The Commission found that Paul Berger, lives in Sea Chase, and stated that Sea Chase was the first or second development prior to the moratorium; that the recent development in the area has been haphazard; that the concept of gearing the development towards empty nesters and 55 years and older is deceiving; that in the summer months the grown children and their children visit their parents; that this influx creates more issues during the summer season; that DelDOT improvements will not be enough to accommodate all cars using the roads in the area; that the developer and bankers only take into consideration what they know; that multiple builders and bankers are used and that is how you end up with too much development; and that in this case

the developer is essentially too late and should not be able to develop the property as others had, due to the issues that already exist and the issues this development would increase; that the 20 foot buffer proposed will not accommodate the existing trees; that the trees will fall; that traffic lights are needed to allow for turns; and that the 3 story units are out of character with the neighborhood.

The Commission found that Robert Bauer, President of Board for Sea Chase Condominium Association, and stated that he agrees with the traffic issues; that other neighborhoods in the area have roads that will lead to Warrington Road; that this creates more congestion points on this road; that they previously requested another entrance be proposed for this development to access Route 24; that 3 story buildings are not in character of the area; that this type of building would be an eyesore to neighboring communities; and that a larger buffer is needed.

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

On March 24, 2016 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for C/Z #1796 for further consideration. Motion carried 5 – 0.

On March 24, 2016 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for C/U #2046 for further consideration. Motion carried 5 – 0.

On April 14, 2016 the Commission discussed both applications (Change of Zone No. 1796 and Conditional Use No. 2046 under Old Business.

In Reference to C/Z #1796

Motion by Mr. Ross stated that he would move that the Commission recommend approval of Change of Zone No. 1796 for Lockwood Design and Construction, Inc. from an AR-1 (Agricultural Residential District) to an MR (Medium-Density Residential District) based upon the record made at the public hearing and for the following reasons:

1. The property is located in an area where there are existing zonings from AR-1 to MR, some limited HR and commercial. There are also some Conditional Uses in the vicinity with densities that are compatible with MR Zoning.
2. MR Zoning is an appropriate zoning for this location under the Sussex County Comprehensive Plan.
3. The MR Zoning, which is consistent with surrounding uses and zonings, will not adversely affect the neighboring properties or community.
4. The MR Zoning will be supported by central sewer supplied by Sussex County.
5. The site is served by a central water system.
6. The rezoning to MR zoning is supported by the purpose clause of the MR District as set forth in the Sussex County Zoning Code.
7. For all of these reasons, it is my motion to approve the request to rezone this property to MR (Medium-Density Residential District).

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

In reference to C/U #2046

Mr. Ross stated that he would move that the Commission recommend approval of Conditional Use No. 2046 for Lockwood Design and Construction, Inc. for multi-family dwelling structures based on the record made at the public hearing and for the following reasons:

1. The Sussex County Comprehensive Plan supports the development since the land is located in a Developing Area according to the Plan.
2. The development will be consistent with surrounding developments that include other multi-family uses.
3. The development will not adversely affect neighboring properties, roadways or communities.
4. The development will be required to comply with all DelDOT requirements, including entrance improvements and improvements to the Warrington Road and Old Landing Road intersection.
5. The multi-family development will be served by central sewer provided by Sussex County.
6. The multi-family development will be served by central water.
7. The proposed development at a density of approximately 5.7 units per acres is consistent with surrounding densities and is appropriate for this location.
8. The proposed site plan will conserve about 21.2 acres of open space, with the preservation of woodlands. All of this will be confirmed through the conditions of approval and the site plan process.
9. This recommendation is subject to the following:
 - A. There shall be no more than 202 units within the development. As proffered by the applicant, this shall include a minimum of at least 60 single family units.
 - B. The Applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
 - C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices to provide for positive groundwater recharge.
 - D. All entrances and roadway improvements shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
 - E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
 - F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.

- G. A 20 foot forested Agricultural Buffer shall be shown along the perimeter of the entire development. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.
- H. The project shall be served by Sussex County sewer.
- I. As proffered by the applicant, the developer shall construct the pool and community building no later than the issuance of the 75th residential building permit for the project.
- J. As proffered by the applicant, the interior street design shall comply with or exceed Sussex County minimum standards and shall include sidewalks on at least one side of all streets in the development.
- K. Construction, site work, grading and deliveries of construction material, landscaping material and fill on, off or to the property shall occur from Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m. and use Route 24 to get access to the site.
- L. The application shall consult and coordinate with the local school district's transportation manager to establish appropriate school bus stop locations.
- M. This Preliminary Approval is contingent upon the applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised Plan upon confirmation that the conditions of approval have been depicted or noted on it.
- N. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Manager
CC: Lawrence Lank, Planning Director, Vince Robertson, Assistant County Attorney
Date: March 18, 2016
RE: Staff Analysis for CZ 1796 & CU 2046 Lockwood Design (Arbor-Lyn)

This memo is to provide background and analysis for the Planning Commission to consider as a part of applications CZ 1796 & CU 2046 Lockwood Design (Arbor-Lyn) to be reviewed during the March 24, 2016 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcels 334-12.00-127.02, 127.04 and 127.05 from AR-1 (Agricultural Residential District) to MR (Medium-Density Residential District) and a Conditional Use to allow for multi-family dwellings.

The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation of Environmentally Sensitive Developing Areas.

The surrounding land uses to the north and west are Environmentally Sensitive Developing Areas. The land uses to the south and east are Environmentally Sensitive Developing Area and Mixed Residential Areas. The Environmentally Sensitive Developing Area land use designation recognizes that a range of housing types should be permitted. The housing types include single family, townhouses and multifamily dwellings.

The property is zoned AR-1 (Agricultural Residential District). The surrounding zoning to the north and east is AR-1 (Agricultural Residential District) and across John J. Williams Hwy. is zoned AR-1 (Agricultural Residential District), C-1 (General Commercial District) and MR (Medium-Density Residential District). There are several Conditional Use for offices to the north and northeast in the AR-1 (Agricultural Residential District). The zoning to the south and southeast is AR-1 (Agricultural Residential District) with several Conditional Uses for multi-family residential, HR-2 (High-Density Residential District), and south across Old Landing Rd. is MR (Medium-Density Residential) and AR-1 (Agricultural Residential District). The zoning to the west is AR-1 (Agricultural Residential District) including a cluster development with a density bonus and HR-2 (High-Density Residential District).

The following are permitted uses with the MR Zoning District (Section 115-29):

- A. Detached single-family dwellings but not manufactured homes. [Amended 10-12-2010 by Ord. No. 2152]



- B. Churches, rectories, parish houses, convents and monasteries, temples and synagogues.
- C. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges and similar activities operated as a business, but including a building for a golf shop, locker room and snack bar as an accessory use to a permitted golf course, provided that no such building is located closer than 100 feet to adjoining property lines. Practice greens and tees may accompany a standard nine-hole or eighteen-hole golf course occupying at least 75 acres.
- D. Public parks, public and private forests, wildlife reservations and similar conservation projects.
- E. Recreational uses such as tennis courts, swimming pools and other similar activities operated exclusively for the use of private membership and not for commercial purposes, provided that no such use, structure or accessory use is located closer than 50 feet to any adjoining property line, unless such property line fronts a public street or waterway with rights-of-way not less than 25 feet, in which instance the required setback need not exceed 25 feet, and provided further that all such facilities must be located on a site having a minimum of two acres.
- F. Greenhouses, commercial, provided that the lot area shall be five acres or more.
- G. Swimming pools, game courts, picnic grounds, boat basins, lakes or similar activities in a development or subdivision, when such facilities are situated on a separate lot or parcel within said development or subdivision for use of the residents and their guests and not commercially operated, may be on less than two acres. Such facilities will be subject to a site plan review, and setbacks will be determined by the Commission.
- H. Transmission lines and their supporting elements.
- I. Open space as defined in § 115-4. [Added 12-16-2008 by Ord. No. 2022[1]]

Staff has no objection to the Change of Zone request from AR-1 (Agricultural Residential District) to MR (Medium-Density Residential District) as the Change of Zone is consistent with the land use in the Comprehensive Plan, and the surrounding zoning districts and residential uses. Staff has no objection to the Conditional Use to allow for multi-family dwellings as it is consistent with the land use in the Comprehensive Plan, and the surrounding Conditional Uses, zoning and residential uses.

Introduced 02/09/16

Council District No. 4 - Cole

Tax Map I.D. No. 334-12.00-127.02, 127.04, 127.05

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS

WHEREAS, on the 15th day of January 2016, a zoning application, denominated Change of Zone No. 1796 was filed on behalf of Lockwood Design and Construction, Inc.; 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 Change of Zone No. 1796 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 has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

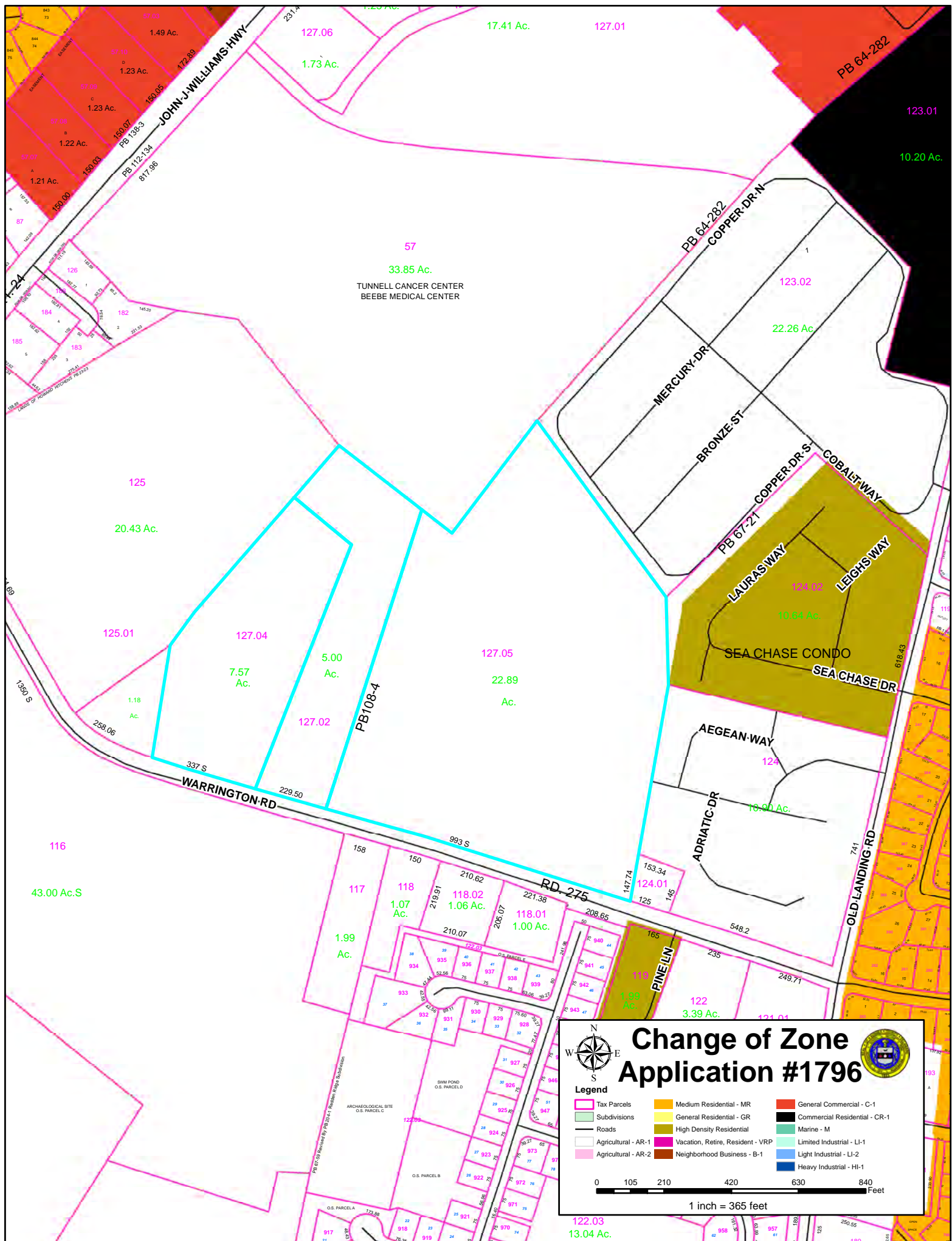
Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of MR Medium Density Residential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

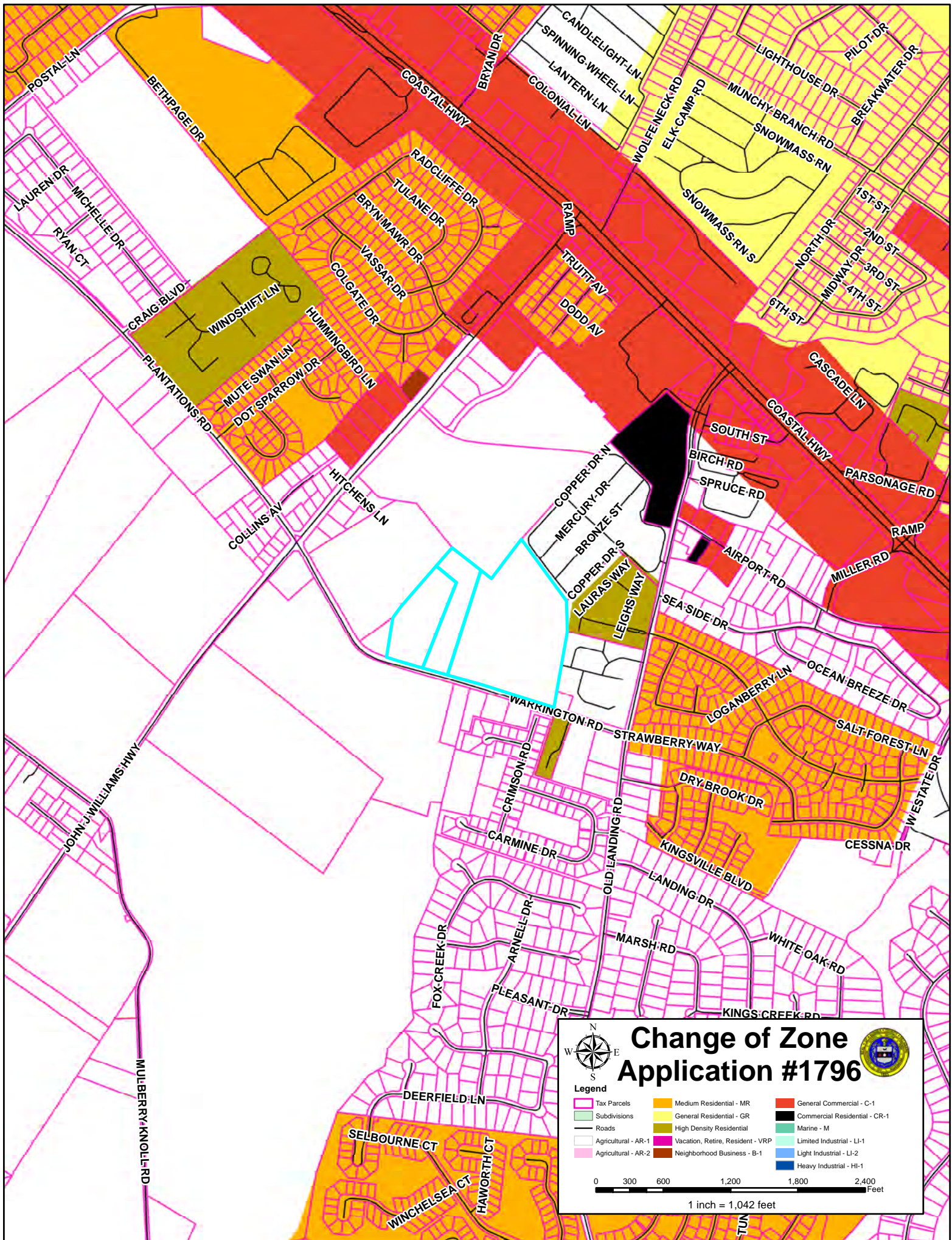
Section 2. The subject property is described as follows:

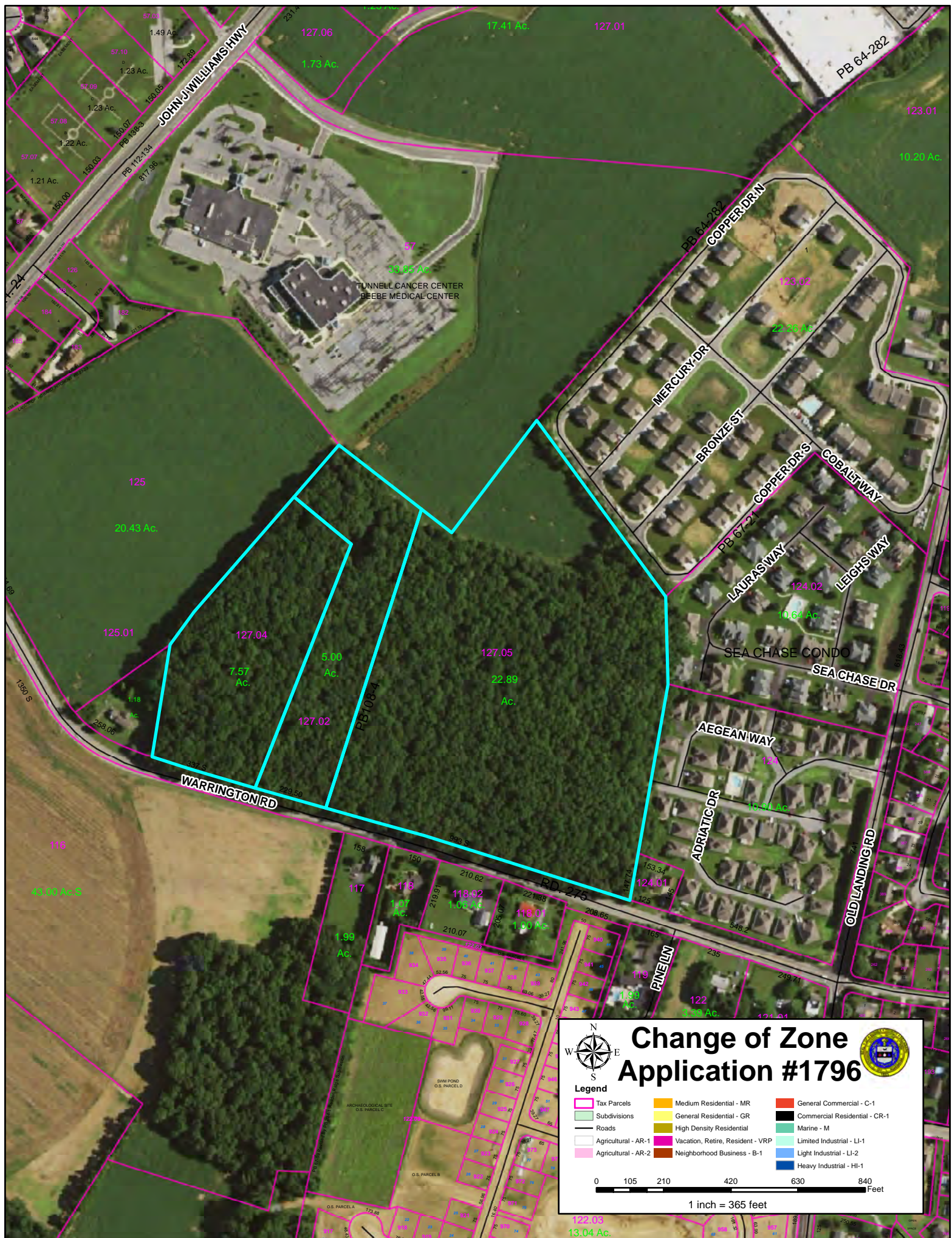
All that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the northeast side of Warrington Road (Road 275), 0.25 mile southeast of John J. Williams Highway (Route 24), and being more particularly described as follows:

BEGINNING at a point on the northerly side of Warrington Road (Road 275), said point being 0.25 mile southeast of John J. Williams Highway (Route 24) and east of lands of the City of Rehoboth; thence north 09°33'10" east 404.05 feet along lands of the City of Rehoboth to a concrete monument; thence north 42°06'04" east 774.63 feet along lands of Beebe Medical Center, Inc., to a concrete monument; thence continuing along lands of Beebe Medical Center, Inc., south 53°09'06" east 305.54 feet to an iron pipe and north 40°57'30" east 439.29 feet to an iron pipe; thence south 37°40'32" east 682.80 feet along lands, now or formerly, of Old Landing Road, Inc., to a concrete monument; thence south 08°27'51" west 960.53 feet along lands, now or formerly, of Robino Sea Chase, LLC, and Colleen A. Lowe to an iron pipe on the northerly side of Warrington Road; thence northwesterly by and along the northerly side of Warrington Road 1,491.05 feet to the point and place of beginning, said parcels containing 35.45 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.







Introduced 02/09/16

Council District No. 4 – Cole

Tax I.D. No. 334-12.00-127.02, 127.04, 127.05

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS

WHEREAS, on the 15th day of January 2016, a conditional use application, denominated Conditional Use No. 2046 was filed on behalf of Lockwood Design and Construction, Inc.; 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. 2046 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 V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2046 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

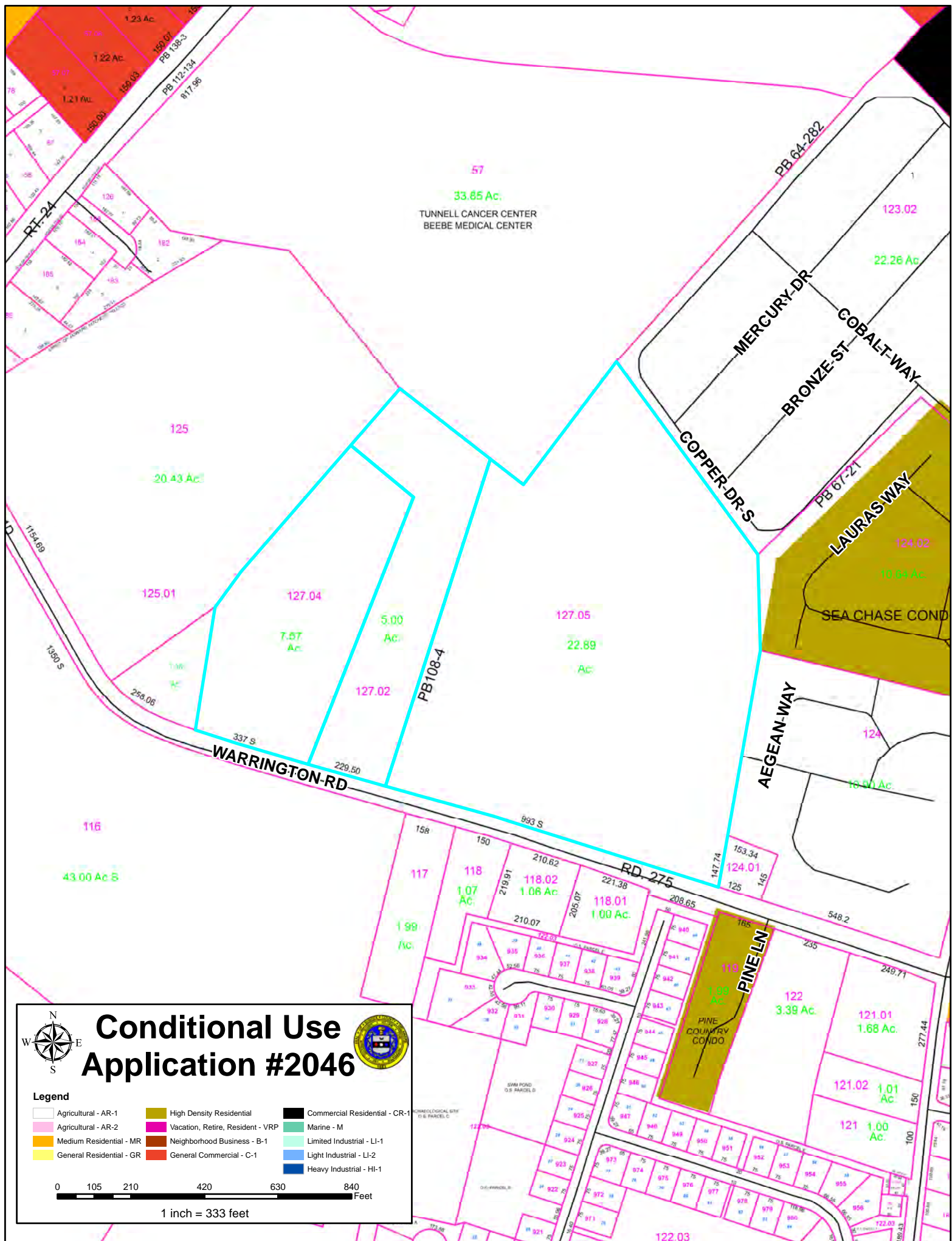
ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the northeast side of Warrington Road (Road 275) 0.25 mile southeast of John J. Williams Highway (Route 24) and being more particularly described as follows:

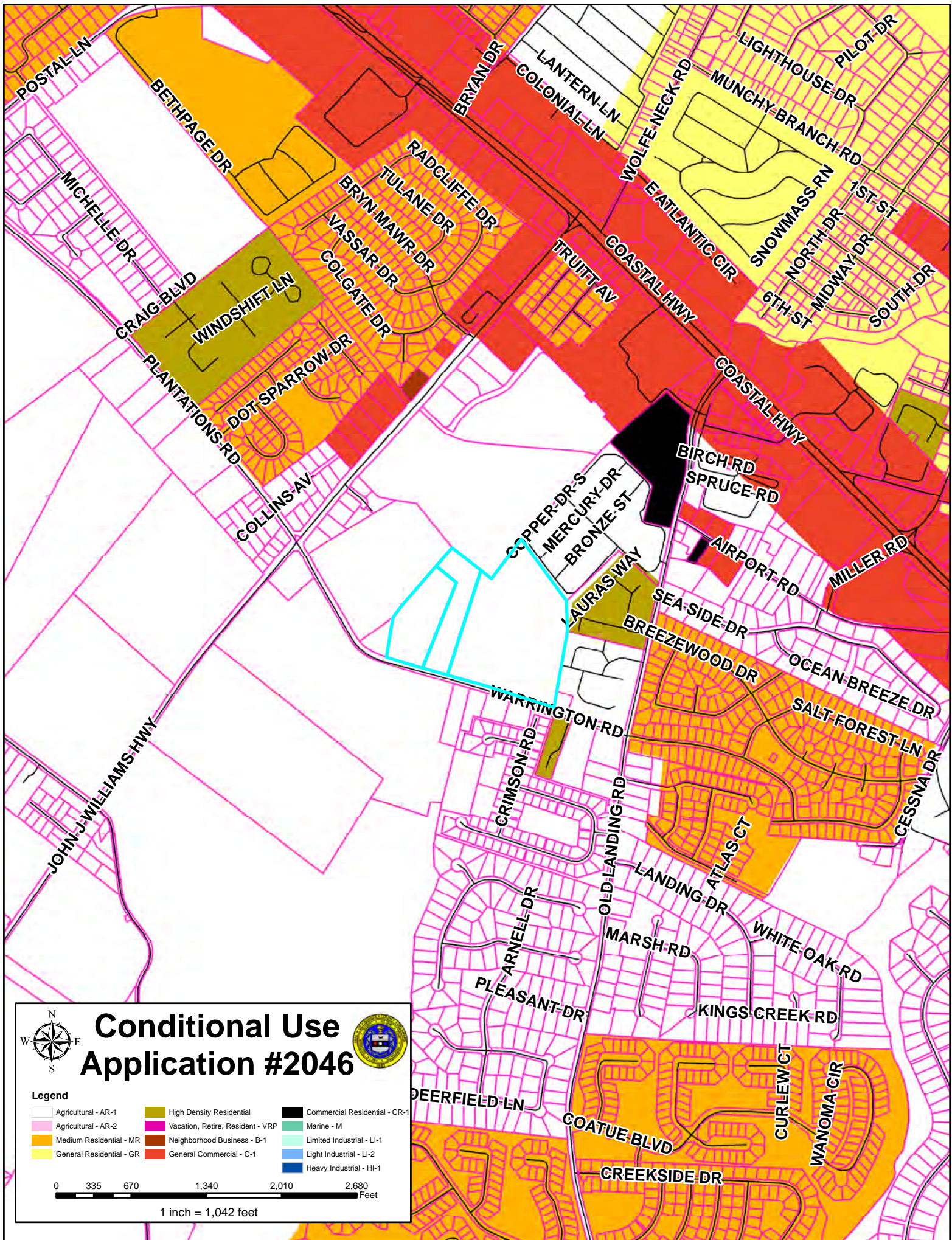
BEGINNING at a point on the northerly side of Warrington Road (Road 275), said point being 0.25 mile southeast of John J. Williams Highway (Route 24) and east of lands of the City of Rehoboth; thence north 09°33'10" east 404.05 feet along lands of the City of Rehoboth to a concrete monument; thence north 42°06'04" east 774.63 feet along lands of Beebe Medical Center, Inc., to a concrete monument; thence continuing along lands of Beebe

Medical Center, Inc., south 53°09'06" east 305.54 feet to an iron pipe and north 40°57'30" east 439.29 feet to an iron pipe; thence south 37°40'32" east 682.80 feet along lands, now or formerly, of Old Landing Road, Inc., to a concrete monument; thence south 08°27'51" west 960.53 feet along lands, now or formerly, of Robino Sea Chase, LLC, and Colleen A. Lowe to an iron pipe on the northerly side of Warrington Road; thence northwesterly by and along the northerly side of Warrington Road 1,491.05 feet to the point and place of beginning, said parcels containing 35.45 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.

PROPOSED





Conditional Use Application #2046



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

