



Sussex County Council Public/Media Packet

**MEETING:
May 5, 2015**

****DISCLAIMER****

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

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

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



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

Sussex County Council

AGENDA

MAY 5, 2015

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

American Legion Post 28 Auxiliary – Presentation of Memorial Poppy

Chris Bason, Executive Director, Center for the Inland Bays – James Farm Master Plan Presentation

Todd Lawson, County Administrator

1. Retirement Tribute Presentation – Frank Shade
2. Farmland Preservation Advisory Board Appointments
3. Administrator's Report

Hal Godwin, Deputy County Administrator

1. Legislative Update & Possible Action

Mike Costello, Chief Constable

1. Discussion of Code Enforcement Options as it Relates to Trash



Old Business:

1. **“AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXVIII, § 216D. AND F. OF THE CODE OF SUSSEX COUNTY TO GRANT THE COUNTY COUNCIL AND PLANNING AND ZONING COMMISSION DISCRETION TO RECONSIDER ZONING APPLICATIONS WHERE APPLICANT HAS FAILED TO APPEAR OR FAILED TO TIMELY WITHDRAW FOR REASONS BEYOND HIS CONTROL”**

2. **Change of Zone No. 1759 – Osprey Point D, LLC**

Department of Natural Resources and Environmental Control (DNREC) Report on Stormwater Management Regulations

Grant Requests

1. **The Jefferson School for the 5K Run/Walk Fundraiser**
2. **Delmarva Clergy in Social Action Foundation for The Griffin’s Place**
3. **American Cancer Society for the annual Relay for Life of East Sussex/Coastal**
4. **Benevolent & Protective Order of Elks of the USA for Cape Henlopen Lodge No. 2540**
5. **VFW Post 2931 (Georgetown-Ellendale) for the 5th Annual Car, Truck and Motorcycle Show**
6. **Delaware Devil Dogs Detachment 780 for the 2nd Annual Golf Tournament Fundraiser**
7. **Friends of the Bridgeville Library for the 6th Annual Jumping June Jamboree Fundraiser**
8. **Ocean View Historical Society for transportation expenses for the Lord Baltimore Elementary School (Indian River School District) Tour**
9. **American Legion Post 28 Auxiliary for the Poppy Fund**
10. **Selbyville Volunteer Fire Company for LED Light Replacement**
11. **Greater Seaford Chamber of Commerce for the Woodland Ferry Festival**
12. **Shields Elementary School (Cape Henlopen School District) for the Odyssey of the Mind Team**

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

Executive Session – 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. 1767 filed on behalf of Adel M. Baghouli

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.867 ACRES, MORE OR LESS” (land lying south of U.S. Route 9 (Lewes – Georgetown Highway) and 1,000 feet west of Road 282 (Arabian Acres Road) (Tax Map I.D. # 334-10.00-31.05 and 31.06) (911 Address: 28990 Lewes-Georgetown Highway, Lewes)

Change of Zone No. 1769 filed on behalf of Ocean Atlantic Communities, LLC

“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 36.98 ACRES, MORE OR LESS” (land lying north of Route One (Coastal Highway), north of Tulip Drive within Dutch Acres Subdivision, and southeast of Railroad near Nassau) (Tax Map I.D. # 335-11.00-55.00, 56.00, 59.00, and 59.01) (911 Address: None Available)

Conditional Use No. 2012 filed on behalf of Ocean Atlantic Communities, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MIXED RESIDENTIAL USE WITH MULTI-FAMILY DWELLINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 37.26 ACRES, MORE OR LESS” (land lying north of Route One (Coastal Highway), north of Tulip Drive within Dutch Acres Subdivision and southeast of Railroad near Nassau) (Tax Map I.D. # 335-11.00-55.00, 56.00, 59.00, 59.01, and 60.00) (911 Address: None Available)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on April 28, 2015 at 4:40 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.

###

SUSSEX COUNTY COUNCIL



T R I B U T E

*Be it hereby known to all that
the Sussex County Council commends*

FRANK SHADE

*for devotion, loyalty, and excellence
in serving Sussex County from
November 16, 1990 to May 11, 2015*

25 YEARS

*The Sussex County Council extends its thanks
and congratulations and directs this Tribute
to be presented to Frank Shade with wishes of
happiness and good health today and always!*



*Michael H. Vincent
President*



Sussex County Council

Delaware General Assembly Legislative Report

Prepared by:

Hal Godwin, Deputy County Administrator
May 5, 2015

Bill No.	Description and Purpose	Action
2015-2016 BILLS		
HB 9	<p>This bill eliminates an existing conflict between the Delaware Code statute regulating licensed water system operators and the regulations governing licensed water system operators. This bill corrects the conflict by allowing the creation of an Advisory Council to assist the Secretary in implementing the regulations. In addition this bill allows for the waiver in the water system operator law and will provide clearer guidance to owners of public water systems.</p>	<p>1/20/15 – Introduced and assigned to Health & Human Development Committee in House 1/27/15 – Amendment HA 1 - Passed in House by Voice Vote 1/27/15 – Passed by House – Votes: Passed 38 Yes, 2 No, 0 Not Voting, 1 Absent, 0 Vacant 1/27/15 – Assigned to Health & Social Services Committee in Senate</p>
HA 1 to HB 9	<p>This technical amendment makes three clarifications to House Bill No. 9. First, clarification is added to a cross-reference to make clear the scope of the role of the Advisory Council. Second, it changes the word “waiver” to “variance” to match already existing language in the Administrative Code. This will avoid proliferation of different names referring to the same process. Finally, paragraph C. is amended to make clear that it is the applicant for the variance who may appeal a decision, rather than the holder of a water system operator license, since operator license requirements and procedures are addressed in a separate portion of the Code.</p>	<p>1/27/15 – Passed in House by Voice Vote 3/26/15 – Passed the Senate 4/23/15 – Signed by the Governor</p>
HB 25	<p>This bill authorizes the Department of Natural Resources and Environmental Control to allow the harvesting of gray foxes and permitting of same.</p>	<p>3/17/15 – Passed the House Senate is rewriting the bill</p>

Bill No.	Description and Purpose	Action
HB 33	This bill clarifies the types of signs that are permitted to be erected in the State's right-of-way by an outside entity, with department approval. The legislation provides consistency with federal regulations for outdoor advertising.	1/27/15 – Introduced and assigned to Transportation/Land Use & Infrastructure Committee in House No progress – Bill has been forwarded to Vince Robertson for review 4/1/15 – Reported out of Committee 4/21/15 – Passed the House; assigned to Senate Highways & Transportation Committee
SB 29	This bill restores language to the Delaware Code that was inadvertently repealed in 2010 when SB 240 and HB 419 were enacted concurrently. This bill adds cats to the list of domestic animals that are protected under the dangerous dog law. Cats are domestic animals and dogs that viciously attack a cat on the property of its owner or under the immediate control of its owner should be evaluated according to dangerous dog provisions.	3/18/15 – Passed the Senate; assigned to House Health & Human Development Committee 4/22/15 – Released from Committee
HB 68	As the law stands now, following a writ of possession, a Landlord must store a manufactured home of the tenant that was left unclaimed for 30 days. Following that 30-day period, the home is deemed abandoned by operation of law, and the Landlord may dispose of the home as the Landlord wishes. However, in order to acquire title to the home, the Landlord must wait 1 year under Chapter 40. This bill will permit the Landlord to acquire title following the 30-day waiting period.	3/26/15 – Introduced in the House with four Sussex County sponsors 4/1/15 – Reported out of Committee
HB 85	This bill allows school taxes and property taxes to be collected by tax intercept.	Representative Short introduced this bill again on 4/1/15. Similar legislation has passed the House on three separate occasions previously; however, the Senate has never addressed this legislation, and the bill has died in the three past General Assemblies. I am encouraged with this new draft for the following reasons: (1) the list of sponsors is much longer and broader, and includes three State senators who could be helpful with Senate consideration; and (2) this draft of the tax intercept bill details all of the delinquent school taxes per school district statewide. I have spoken with Representative Short and

Bill No.	Description and Purpose	Action
HB 85 (continued)		we are optimistic for this bill's improved chances of adoption.
SB 5	This Act affirmatively authorizes preexisting common interest communities and approved common interest communities to comply with any or all of the provisions of the Delaware Uniform Common Interest Ownership Act that they are not already required to comply with. This Act may be cited as the Benjamin Kuntz Act, a dedicated Delawarean who spent countless hours chairing the Kent County Levy Court's Homeowners Associations Resolving Problems (HARP) Committee. He advocated tirelessly for homeowner associations.	3/26/15 – Introduced and assigned to Community/County Affairs Committee 4/29/15 – Released from Committee
HB 74	This bill requires a utility provider to alert the homeowner's association for any condominium or cooperative at least 72 hours before shutting off the service, in addition to notifying the occupants of the dwelling unit.	3/31/15 – Introduced and assigned to Housing & Community Affairs Committee
SB 54	This Act allows the Director of the Delaware Economic Development Office to create right-to-work zones as part of its inducements to bring new businesses to Delaware and requires these zones to be offered for manufacturing businesses hiring at least 20 employees. It also exempts those manufacturing businesses from their gross receipts taxes for their first 5 years.	4/2/15 – Introduced and assigned to Labor & Industrial Relations Committee
HB 79	This bill provides that a striped bass must be tagged by a commercial fisherman before it is landed or put on shore.	4/2/15 – Introduced and assigned to Natural Resources Committee
HB 86	This bill allows counties and municipalities to elect not to be subject to the State's Public Employment Relations Act.	4/16/15 – Introduced and assigned to House Labor Committee
HB 87	This Act allows each municipality and each county to create right-to-work zones.	4/16/15 – Introduced and assigned to House Labor Committee
HA 1 to HB 87	This amendment makes a technical correction.	4/22/15 – Amended

Bill No.	Description and Purpose	Action
SB 64	<p>At the recommendation of the Joint Sunset Committee and in an effort to make it less difficult to find qualified members to fill the Open Space Council, this Act simplifies the appointment terms and expirations and requires that all three counties be represented generally, rather than require specific numbers of members from each county. In addition, this Act adds language for the removal of Council members for gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance. This Act also makes technical corrections to conform to the style and formatting guidelines of the <i>Delaware Legislative Drafting Manual</i>.</p>	<p>4/21/15 – Introduced 4/30/15 – Passed the Senate</p>
SA 2 to SB 64	<p>This amendment clarifies that the Governor’s appointments to the Delaware Open Space Council serve at the pleasure of the Governor and establishes that the 3 appointing authorities have equal authority to remove Council members, without notice and hearing. This amendment also makes a technical correction regarding the number of appointments which may expire at the same time.</p>	<p>4/30/15 – Introduced, added to the Bill, and passed the Senate</p>
SB 26	<p>This bill provides for recording and maintaining a record of all deliberations made by public bodies during public hearings, including any discussion made “off the record.”</p>	<p>1/29/15 – Introduced 4/21/15 – Passed the Senate 4/22/15 – Assigned to House Administration Committee</p>
SB 66	<p>This Act will allow any Delaware jurisdiction with a long-term residential vacancy rate above 3%, including a county, to form a land bank, where such jurisdiction determines that a land bank would help it address the problem of vacant and abandoned real property within its jurisdiction.</p> <p>A land bank is a non-profit organization created by a political subdivision of the State, or through an intergovernmental agreement between two or more political subdivisions of the State, and would serve as the repository for vacant, abandoned and tax-delinquent properties that, left unaddressed, can contribute to crime, depress the local real estate market, and</p>	<p>4/22/15 – Introduced and assigned to Senate Banking & Business Committee 4/30/15 – Reported out of Committee</p>

Bill No.	Description and Purpose	Action
SB 66 (continued)	<p>deplete the tax base of Delaware's communities.</p> <p>A land bank would have the authority to obtain such properties at sheriff's sales instituted by the jurisdiction that established the land bank, where such properties have been abandoned by their owners because of unpaid property taxes or substantial liens arising from property code violations. The land bank would have the ability to do one or more of the following: (1) purchase liens from the local jurisdiction; (2) acquire properties at a sheriff's sale on credit from the local jurisdiction; (3) assert a trump bid at a sheriff's sale that would allow the land bank to acquire abandoned properties for the price of the outstanding liens.</p> <p>The land bank would retain the acquired properties until such time as a suitable and vetted buyer could be found who would be able to return the property to productive use. Funding for land banks created under this Act would come from governmental and private grants, private investments and property sale proceeds. Additionally, any land bank created under this Act could, at the election of the local jurisdiction, be funded through the allocation to the land bank of 50% of the real property taxes on the property for a 5-year period once the property returns to productive use or such other funding sources established by the local jurisdiction.</p> <p>Through this Act, jurisdictions throughout Delaware would have the ability to alleviate the blight caused by vacant, abandoned and tax delinquent properties in the area, and revitalize communities by turning vacant spaces into vibrant places.</p>	



SPONSOR: Rep. D. Short & Rep. Baumbach & Rep. Viola & Sen. Pettyjohn;
 Reps. Hudson, Briggs King, Dukes, Gray, Hensley, Kenton, Miro, Outten, Spiegelman, Wilson, Yearick, Schwartzkopf, Osienski, K. Williams; Sens. Peterson, Richardson, Simpson

HOUSE OF REPRESENTATIVES
 148th GENERAL ASSEMBLY

HOUSE BILL NO. 85

AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO STATE TAXES.

1 WHEREAS, current law specifically prohibits school taxes from being collected by tax intercept; and
 2 WHEREAS, currently millions of dollars of property taxes are owed to school districts and local governments; and
 3 WHEREAS, such taxes are difficult to collect; and
 4 WHEREAS, tax intercept programs have been successful in collecting child support and other obligations owed
 5 the State and will help collections for education and other taxes; and

6 WHEREAS, the five year school tax arrears for all three counties totaling \$32,366,986.44 are as follows:

7	New Castle County	Appoquinimink	\$1,887,436.12	
8		Brandywine	\$2,800,880.49	
9		Christina	\$5,512,378.04	
10		Colonial	\$3,714,979.20	
11		Red Clay	\$4,356,238.61	
12		Smyrna	\$ 173,278.24	
13		VoTech (Polytech)	\$ 19,607.10	
14		VoTech (New Castle)	\$1,682,942.79	Total for NCC \$20,147,740.59
15	Kent County	Caesar Rodney	\$ 726,348.29	
16		Capital	\$1,953,670.62	
17		Lake Forest	\$ 685,631.99	
18		Milford	\$ 221,652.72	
19		Polytech	\$ 417,886.15	
20		Smyrna	\$ 666,805.06	
21		Woodbridge	\$ 48,445.77	Total for Kent \$4,720,440.60

22	Sussex County	Cape Henlopen	\$1,385,644.76	
23		Delmar	\$ 306,423.90	
24		Indian River	\$2,437,659.84	
25		Laurel	\$ 728,236.64	
26		Milford	\$ 452,149.21	
27		Seaford	\$ 837,276.17	
28		Sussex Tech	\$ 638,004.32	
29		Woodbridge	\$ 713,410.41	Total for Sussex \$7,498,805.25.

30 NOW, THEREFORE:

31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

32 Section 1. Amend § 545(b)(1), Title 30 of the Delaware Code by making deletions as shown by strike through and
 33 insertions as shown by underline as follows:

34 (b) Definitions. -- For purposes of this section:

35 (1) "Claimant agency" means:

36 a. Any department or agency of the State, including the University of Delaware, Delaware State
 37 University and Delaware Technical and Community College, ~~but not school districts of this state,~~ with respect to any debt
 38 owed to it and any political subdivision or school district of this State, with respect to property taxes owed to it; and

SYNOPSIS

This bill allows school taxes and property taxes to be collected by tax intercept.



SPONSOR: Rep. Dukes & Sen. Hocker;
Reps. D. Short, Hudson

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 86

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO PUBLIC EMPLOYMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 1302, Title 19 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 (p) "Public employer" or "employer" means the State, any county of the State or any agency thereof, and/or any
4 municipal corporation, municipality, city or town located within the State or any agency thereof, which upon the
5 affirmative legislative act of its common council or other governing body has elected to come within the former Chapter 13
6 of this title or which hereafter elects to come within this chapter, or which employs 100 or more full-time employees; ~~;~~
7 provided, however, any county of the state or any agency thereof, and any municipal corporation, municipality, city, or
8 town located within the state or any agency thereof, upon the affirmative legislative act of its common council or other
9 governing body, may elect to not be subject to the provisions of this chapter.

10 (q) "Rebate" means that portion of a nonmember's pro rata share of the expenditures of the exclusive
11 representative which are not made for purposes pertaining to the collective bargaining process, contract administration or
12 pursuit of matters affecting wages, hours and other conditions of employment.

13 (r) "Strike" means a public employee's failure, in concerted action with others, to report for duty, or a public
14 employee's wilful absence from a public employee's position, or a public employee's stoppage or deliberate slowing down
15 of work, or a public employee's withholding in whole or in part from the full, faithful and proper performance of a public
16 employee's duties of employment, or a public employee's involvement in a concerted interruption of operations of a public
17 employer for the purpose of inducing, influencing or coercing a change in the conditions, compensation rights, privileges or
18 obligations of public employment; however, nothing shall limit or impair the right of any public employee to lawfully
19 express or communicate a complaint or opinion on any matter related to terms and conditions of employment.

20 Section 2. This act shall not apply to any employment contract entered into before the enactment of this act.
21 However, the act shall apply to any renewal or extension of an existing contract.

SYNOPSIS

This bill allows counties and municipalities to elect not to be subject to the State's Public Employment Relations Act.



SPONSOR: Rep. Dukes & Sen. Hocker;
Reps. D. Short, Hudson, Gray, Kenton, Outten, Wilson,
Yearick; Sen. Lavelle

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 87

AN ACT TO AMEND TITLES 22 AND 9 OF THE DELAWARE CODE RELATING TO RIGHT-TO-WORK ZONES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 1, Title 22 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 116. Right-to-Work Zones

4 (a) Any municipality within this state, by act of its governing body, may designate and create right-to-work zones
5 within its boundaries.

6 (b) Within a right-to-work zone, no person shall be required, as a condition or continuation of employment, to:

7 (1) become or remain a member of a labor organization;

8 (2) pay any dues, fees, assessments, or other similar charges, however designated, of any kind or amount
9 to a labor organization, or;

10 (3) pay any charity or other third party, in lieu of such payments, any amount equivalent to or pro rata
11 portion of dues, fees, assessments, or other charges required of members of a labor organization.

12 (c) This section shall not apply:

13 (1) to employers and employees covered by the Federal Railway Labor Act;

14 (2) to federal employers and employees;

15 (3) to employers and employees on exclusive federal enclaves;

16 (4) where they would otherwise conflict with, or be pre-empted by, federal law; or

17 (5) to public employees as defined in Title 13, § 1302 of this code;

18 (6) to public school employees as defined in Title 14, § 4002 of this code; or

19 (7) to any employment contract entered into before the effective date of this Chapter. However, the
20 provisions of this Chapter shall apply to any renewal or extension of any existing contract.

21 Section 2. Amend Chapter 3, Title 9 of the Delaware Code by making deletions as shown by strike through and
22 insertions as shown by underline as follows:

23 § 350. Right-to-Work Zones

24 (a) The county government of each county, by act of its governing body, may designate and create right-to-work
25 zones within its boundaries.

26 (b) Within a right-to-work zone, no person shall be required, as a condition or continuation of employment, to:

27 (1) become or remain a member of a labor organization;

28 (2) pay any dues, fees, assessments, or other similar charges, however designated, of any kind or amount
29 to a labor organization, or;

30 (3) pay any charity or other third party, in lieu of such payments, any amount equivalent to or pro rata
31 portion of dues, fees, assessments, or other charges required of members of a labor organization.

32 (c) This section shall not apply:

33 (1) to employers and employees covered by the Federal Railway Labor Act;

34 (2) to federal employers and employees;

35 (3) to employers and employees on exclusive federal enclaves;

36 (4) where they would otherwise conflict with, or be pre-empted by, federal law; or

37 (5) to public employees as defined in Title 13, § 1302 of this code;

38 (6) to public school employees as defined in Title 14, § 4002 of this code; or

39 (7) to any employment contract entered into before the effective date of this Chapter. However, the
40 provisions of this Chapter shall apply to any renewal or extension of any existing contract.

SYNOPSIS

This act allows each municipality and each county to create right-to-work zones.



SPONSOR: Rep. Dukes

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1

TO

HOUSE BILL NO. 87

- 1 AMEND House Bill No. 87 on lines 17 and 37 by deleting "Title 13" as it appears therein and inserting in lieu
2 thereof "Title 19".

SYNOPSIS

This amendment makes a technical correction.



SPONSOR: Sen. Poore & Rep. Brady;
Sens. Lopez, Pettyjohn, Sokola, Townsend;
Reps. Bolden, Bennett, Dukes, Spiegelman

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 64

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE DELAWARE LAND PROTECTION ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 7505, Title 7 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 7505. Delaware Open Space Council.

4 (b) The Council shall have 9 members. The Council shall consist ~~of~~ of the following:

5 (1) One member of the Senate appointed by the President Pro Tempore to serve at the pleasure of the
6 President Pro ~~Tempore~~; Tempore.

7 (2) One member of the House of Representatives appointed by the Speaker of the House to serve at the
8 pleasure of the Speaker of the ~~House~~; House.

9 (3) Seven members appointed by the Governor, at least 4 of whom shall be persons who have been active or
10 have shown an interest in preserving open space. ~~Of the 7 members appointed by the Governor, 3 shall be persons who~~
11 ~~reside in New Castle County, 2 shall be persons who reside in Kent County, and 2 shall be persons who reside in~~
12 ~~Sussex County. Initially, 2 members shall be appointed for 2 years; 2 members for 3 years; and 3 members for 4 years.~~
13 The membership shall be representative of all counties in the State. Appointments shall be for 4-year terms, provided
14 that the terms of newly appointed members will be staggered so that no more than 5 appointments shall expire
15 annually. Members may be appointed for less than 4 years to ensure that members' terms expire on a staggered basis.
16 ~~Thereafter members shall serve 4-year terms, provided that at the end of a member's term such member~~ A member
17 appointed under this paragraph shall continue to serve beyond the expiration of the member's term until a successor is
18 duly appointed; ~~appointed~~.

19 (4) No more than 5 Council members ~~shall be~~ of 1 political party; provided however, that failing or declining
20 to announce one's political affiliation shall not make such person ineligible for ~~appointment~~; appointment.

21 (5) The Secretaries of Agriculture and State, the Director of the Delaware Economic Development Office,
22 and the State Liaison Officer for the federal Land and Water Conservation Fund ~~Fund~~, or their duly authorized
23 designees, who shall be ex officio members of the Council without voting powers.

24 (h) Council members may be removed as follows:

25 (1) The Governor may remove a member appointed under paragraph (b)(3) of this section at any time, after
26 notice and hearing, for gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office.

27 (2) A member appointed under paragraph (b)(1) and (2) of this section may be removed by the member's
28 appointing authority at any time, without notice and hearing, and for any reason, including for gross inefficiency,
29 neglect of duty, malfeasance, misfeasance, or nonfeasance in office.

30 (3) A member shall be deemed in neglect of duty if they are absent from 3 consecutive Council meetings
31 without good cause or if they attend less than 50% of Council meetings in a calendar year.

SYNOPSIS

At the recommendation of the Joint Sunset Committee and in an effort to make it less difficult to find qualified members to fill the Open Space Council, this Act simplifies the appointment terms and expirations and requires that all three counties be represented generally, rather than require specific numbers of members from each county. In addition, this Act adds language for the removal of Council members for gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance. This Act also makes technical corrections to conform to the style and formatting guidelines of the *Delaware Legislative Drafting Manual*.

Author: Sen. Poore



SPONSOR: Sen. Poore

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 2

TO

SENATE BILL NO. 64

1 AMEND Senate Bill No. 64 on line 9 by inserting “to serve at the pleasure of the Governor” after “Governor” and
2 before “,” therein.

3 FURTHER AMEND Senate Bill No. 64 on line 14 by deleting “5” as it appears therein and inserting in lieu
4 thereof “4”.

5 FURTHER AMEND Senate Bill No. 64 by deleting lines 24 through 31 as they appear therein and inserting in lieu
6 thereof the following:

7 “(h) A Council member may be removed by the member’s appointing authority at any time, without notice and
8 hearing, and for any reason, including for gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in
9 office. A member shall be deemed in neglect of duty if they are absent from 3 consecutive Council meetings without good
10 cause or if they attend less than 50% of Council meetings in a calendar year.”.

SYNOPSIS

This amendment clarifies that the Governor’s appointments to the Delaware Open Space Council serve at the pleasure of the Governor and establishes that the 3 appointing authorities have equal authority to remove Council members, without notice and hearing. This amendment also makes a technical correction regarding the number of appointments which may expire at the same time.

Author: Senator Poore



SPONSOR: Sen. Peterson & Rep. K. Williams
Sen. Pettyjohn; Reps. Collins, Kowalko, Potter, Pardee

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 26

AN ACT TO AMEND TITLE 29, CHAPTER 101, SUBCHAPTER II OF THE DELAWARE CODE RELATING TO AGENCY REGULATIONS AND PUBLIC HEARINGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 10117 of Title 29 of the Delaware Code by making insertions as shown by underlining and
2 deletions as shown by strikethrough as follows:

3 (2) A record from which a verbatim transcript can be prepared shall be made of all hearings. The expense of
4 preparing any transcript shall be borne by the person requesting it. No part of the public hearing is exempt from this record
5 requirement.

SYNOPSIS

This Bill provides for recording and maintaining a record of all deliberations made by public bodies during public hearings, including any discussion made "off the record."

Author: Senator Peterson



SPONSOR: Sen. Townsend & Sen. Henry & Sen. Marshall & Sen. McDowell & Rep. B. Short & Rep. J. Johnson & Rep. Keeley
Sens. Blevins, Ennis; Reps. Baumbach, Bolden, Brady, Matthews, Mitchell, Potter

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 66

AN ACT TO AMEND THE DELAWARE CODE RELATING TO NEIGHBORHOOD CONSERVATION AND LAND BANKS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as
2 shown by underline as follows:

3 Chapter 47. The Delaware Neighborhood Conservation and Land Banking Act.

4 § 4701. Short title.

5 This chapter shall be known and may be cited as the Delaware Neighborhood Conservation and Land Banking
6 Act.

7 § 4702. Legislative findings and purpose.

8 The General Assembly finds and declares as follows:

9 (1) Delaware's communities are important to the social and economic vitality of Delaware. Whether urban,
10 suburban, or rural, many Delaware communities are struggling to cope with unoccupied properties or properties
11 incapable of lawful occupation. These vacant and abandoned properties represent lost revenue to local governments
12 and significant expenses associated with demolition, safety hazards, increased calls for emergency services, and
13 deterioration of neighborhoods.

14 (2) The need exists to strengthen and revitalize Delaware's economy and address the associated harms that
15 result from high numbers of vacant and abandoned properties. Solving these problems requires a coordinated effort to
16 foster the development of such property back into productive use and promote economic growth. Such problems may
17 include multiple taxing jurisdictions lacking common policies; ineffective property inspection; code enforcement and
18 property rehabilitation support; lengthy or inadequate collection proceedings; depressed real estate markets; and lack of
19 coordination and resources to support economic revitalization.

20 (3) There is an overriding public need to confront the problems caused by vacant, abandoned, and delinquent
21 properties through the creation of new tools to be available to communities throughout Delaware enabling them to turn
22 vacant spaces into vibrant places.

23 (4) Land banks are one of the tools currently utilized by other communities to facilitate the return of vacant,
24 abandoned and delinquent properties to productive use. This chapter enables the creation of land banks in order to
25 return dilapidated and blighted properties to productive use in Delaware.

26 § 4703. Definitions.

27 The following words and phrases when used in this chapter shall have the meanings given to them in this section
28 unless the context clearly indicates otherwise:

29 (1) “Board of directors” or “board” means the board of directors of the land bank.

30 (2) “Land bank” means a land bank established under this chapter and in accordance with the provisions of
31 this chapter.

32 (3) “Foreclosing governmental unit” means any political subdivision of the State of Delaware, where such
33 political subdivision has the power to cause the sale of real property located within its respective jurisdiction for the
34 collection of liens inuring to that political subdivision.

35 (4) “Large jurisdictional land bank” means a land bank established under this chapter and in accordance with
36 the provisions of this chapter that serves one of the following:

37 a. An entire county.

38 b. A foreclosing governmental unit, or a combination of foreclosing governmental units that have formed
39 a single land bank by intergovernmental agreement pursuant to 4705(b) of this title, that in total covers an area
40 with a population in excess of 30,000 persons.

41 (5) “Liens” means any lien set forth in § 2901(a)(1) of Title 25.

42 (6) “Trump bid” means a bid submitted by a land bank at the commencement of a sheriff’s sale of real
43 property in the amount of all outstanding liens.

44 (7) “Vacancy rate” means the percentage of residential structures that have been uninhabited for 6 months or
45 more within a given jurisdiction.

46 § 4704. Applicability of Delaware law.

47 (a) This chapter shall apply only to any land bank created pursuant to this chapter.

48 (b) Chapters 94 and 95 of Title 29 of the Delaware Code shall not apply to any land bank created pursuant to this
49 chapter.

50 (c) If any provision of this chapter conflicts with any other provisions of Delaware law, the provisions of this
51 chapter shall prevail.

52 § 4705. Creation and existence.

53 (a) A foreclosing governmental unit may create a land bank by the adoption of a local law, ordinance, or
54 resolution, as appropriate to such foreclosing governmental unit. The foreclosing governmental unit, prior to the adoption

55 of a local law, ordinance, or resolution creating a land bank, must make a finding that residential structures within its
56 jurisdiction have a vacancy rate at or above 3%. Each county in this State shall have the ability to create a land bank
57 without making such a finding. The local law, ordinance, or resolution creating the land bank shall specify all of the
58 following:

59 (1) The name of the land bank.

60 (2) The number of members of the board of directors, which shall consist of an odd number of members, and
61 shall be not less than 7 members. For large jurisdictional land banks, the board of directors shall consist of an odd
62 number of members and shall not be less than 11 members nor more than 15 members.

63 (3) The names of the initial individuals to serve as members of the board of directors, and the length of terms
64 for which they are to serve.

65 (4) The qualifications, manner of selection or appointment, and terms of office of members of the board of
66 directors.

67 (b) Two or more foreclosing governmental units may enter into an intergovernmental cooperation agreement
68 which creates a single land bank to act on behalf of such foreclosing governmental units, which agreement shall be
69 authorized by each of the respective foreclosing governmental units in accordance with subsection (a) of this section. Such
70 intergovernmental agreement shall include provisions for the dissolution of such land bank. In the event that a land bank is
71 created pursuant to an agreement in accordance with this subsection, such agreement shall also specify the matters
72 identified in subsection (a) of this section.

73 (c) In the event a county creates a land bank, such land bank shall have the power to acquire real property only in
74 those portions of such county located outside of the geographical boundaries of any other land bank created by any other
75 foreclosing governmental unit located partially or entirely within such county.

76 § 4706. Board of directors.

77 (a) The initial size of the board of directors shall be determined in accordance with § 4705(a)(2) of this title.
78 Unless restricted by the agreement specified in § 4705(b) of this title, and subject to the limits set forth in this section, the
79 size of the board of directors may be adjusted in accordance with the adopted bylaws of the land bank and by adoption of a
80 local law, ordinance, or resolution, as appropriate, of the applicable foreclosing governmental unit.

81 (b) Notwithstanding any law to the contrary, any public officer shall be eligible to serve as a board member and
82 the acceptance of the appointment to the board shall neither terminate nor impair such public office. For purposes of this
83 section, "public officer" shall mean a person who is elected to a State, county, or municipal office. Any State, county, or
84 municipal employee shall also be eligible to serve as a board member.

85 (c) All board members of a land bank must either live in or work in a jurisdiction within the area covered by the
86 land bank. The board shall include at least 1 voting member who is not a public official or municipal employee and who
87 maintains a membership with a recognized civic organization within the jurisdiction of the foreclosing governmental unit.

88 (d) Large jurisdictional land banks shall reserve one board seat for a member to be appointed by the Governor, one
89 board seat for a member to be appointed by the President Pro Tempore of the Senate, and one board seat for a member to be
90 appointed by the Speaker of the House of Representatives. At least half of the members of the board of a large jurisdictional
91 land bank shall not be public officials or municipal employees.

92 (e) The members of the board of directors shall select annually from among themselves a chair, a vice chair, a
93 treasurer, and such other officers as the board may determine, and shall establish their duties as set forth in the bylaws of
94 the land bank.

95 (f) The bylaws of the land bank shall establish rules and requirements relative to the attendance and participation
96 of board members in board meetings, whether regular or special. Such bylaws may prescribe a procedure whereby, should
97 any member fail to comply with such rules and regulations, such member may be disqualified and removed from office by
98 no less than a majority vote of the remaining members of the board, and that member's position shall be vacant as of the
99 first day of the next calendar month. Any person removed under the provisions of this subsection shall be ineligible for
100 reappointment to the board, unless such reappointment is confirmed by the board.

101 (g) A vacancy on the board shall be filled by the adoption of a local law, ordinance, or resolution, as appropriate,
102 of the applicable foreclosing governmental unit and as provided in the bylaws of the land bank.

103 (h) Board members shall serve without compensation. Board members shall have the power to organize and
104 reorganize the executive, administrative, clerical, and other departments of the land bank and to fix the duties, powers, and
105 compensation of all employees, agents, and consultants of the land bank in the manner provided in the bylaws. The board
106 may reimburse any board member for expenses actually incurred in the performance of his or her duties on behalf of the
107 land bank.

108 (i) The board shall meet in regular session according to a schedule adopted by the board and may also meet in
109 special session as convened by any officer of the board or upon written notice signed by a majority of the members of the
110 board. The presence of a majority of the board's total membership, not including vacancies, shall constitute a quorum.

111 (j) All actions of the board shall be approved by the affirmative vote of a majority of the board members present
112 and voting at the applicable meeting. However, no action of the board shall be authorized on any of the following matters
113 unless approved by a majority of the total board membership:

114 (1) Adoption of bylaws and other rules and regulations for conduct of the land bank's business.

115 (2) Hiring or firing of any employee or contractor of the land bank. This function may, by majority vote, be
116 delegated by the board to a specified officer or committee of the land bank, under such terms and conditions, and to the
117 extent, that the board may specify.

118 (3) The incurring of debt.

119 (4) Adoption or amendment of the annual budget.

120 (5) Sale, lease, encumbrance, or alienation of real property, improvements, or personal property with a value
121 of more than \$50,000.

122 (k) Vote by proxy shall not be permitted. Any board member may request a recorded vote on any resolution or
123 action of the land bank. Board members may participate in board meetings by telephone or video conference to the extent
124 permitted by the bylaws of the land bank.

125 § 4707. Staff.

126 A land bank may employ a secretary, an executive director, its own counsel and legal staff, technical experts, and
127 such other agents and employees, permanent or temporary, as it may require, and may determine the qualifications and fix
128 the compensation and benefits of such persons. A land bank may also enter into contracts and agreements with foreclosing
129 governmental units or non-profit entities designated by the foreclosing governmental unit for staffing services to be
130 provided to the land bank by those foreclosing governmental units, designated non-profit entities or departments thereof, or
131 for a land bank to provide such staffing services to such foreclosing governmental units, designated non-profit entities, or
132 departments thereof.

133 § 4708. Powers.

134 A land bank shall possess all powers necessary or appropriate to carry out and effectuate the purposes and
135 provisions of this chapter, including the following powers in addition to those herein otherwise granted:

136 (1) To adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business.

137 (2) To sue and be sued in its own name and plead and be interpleaded in all civil actions, including actions to
138 clear title to property of the land bank.

139 (3) To adopt a seal and to alter the same at pleasure.

140 (4) To borrow from private lenders, from municipalities, from a county, from the State, or from federal
141 government funds, as may be necessary, for the operation and work of the land bank.

142 (5) To borrow and issue bonds according to the provisions of this chapter.

143 (6) To procure insurance or guarantees from municipalities, counties, the State, or the federal government of
144 the payments of any debts or parts thereof incurred by the land bank and to pay premiums in connection therewith.

145 (7) To enter into contracts and other instruments necessary, incidental, or convenient to the performance of its
146 duties and the exercise of its powers, including intergovernmental agreements provided for in § 4705(b) of this title for
147 the joint exercise of powers under this chapter.

148 (8) To make and execute contracts and other instruments necessary or convenient to the exercise of the
149 powers of the land bank.

150 (9) To procure insurance against losses in connection with the real property, assets, or activities of the land
151 bank.

152 (10) To invest money of the land bank, at the discretion of the board of directors, in instruments, obligations,
153 securities, or property determined proper by the board of directors, and name and use depositories for its money.

154 (11) To enter into contracts for the acquisition, management, collection of rent, leasing, or sale of real
155 property of the land bank.

156 (12) To design, develop, construct, demolish, reconstruct, rehabilitate, renovate, relocate, and otherwise
157 improve real property or rights or interests in real property.

158 (13) To fix, charge, and collect rents, fees, and charges for the use of real property of the land bank and for
159 services provided by the land bank.

160 (14) To grant or acquire a license, easement, lease, or option with respect to real property of the land bank.

161 (15) To enter into partnership, joint ventures, and other collaborative relationships with foreclosing
162 governmental units and other public and private entities for the ownership, management, development, and disposition
163 of real property.

164 (16) To solicit and accept donations to support the objectives and purposes of the land bank.

165 (17) To do all other things necessary or convenient to achieve the objectives and purposes of the land bank or
166 other laws that relate to the purposes and responsibility of the land bank.

167 § 4709. Acquisition of property.

168 (a) The land bank may acquire real property or interests in real property by gift, devise, transfer, exchange,
169 foreclosure, purchase, or otherwise on terms and conditions and in a manner the land bank considers proper.

170 (b) The land bank shall not own or hold real property located outside the jurisdictional boundaries of the
171 foreclosing governmental unit or units that created the land bank; provided, however, that a land bank may be granted
172 authority pursuant to an intergovernmental cooperation agreement with another foreclosing governmental unit to manage
173 and maintain real property located within the jurisdiction of such other foreclosing governmental unit.

174 (c) Notwithstanding any other provision of law to the contrary, any foreclosing governmental unit may convey to a
175 land bank real property and interests in real property on such terms and conditions, form and substance of consideration,
176 and procedures, all as determined by the transferring foreclosing governmental unit in its discretion.

177 (d) The land bank shall maintain and make available for public review and inspection a complete inventory of all
178 property owned by the land bank. Such inventory shall include: the location of the parcel; the purchase price, if any, for
179 each parcel; the identity of the transferor to the land bank; and any conditions or restrictions applicable to the property.

180 (e) The land bank shall hold in its own name all real property acquired by the land bank irrespective of the identity
181 of the transferor of such property.

182 § 4710. Disposition of property.

183 (a) The land bank shall determine and set forth in policies and procedures adopted by the board of directors the
184 general terms and conditions for consideration to be received by the land bank for the transfer of real property and interests
185 in real property, which consideration may take the form of monetary payments and secured financial obligations, covenants
186 and conditions related to the present and future use of the property, contractual commitments of the transferee, and such
187 other forms of consideration as determined by the board of directors to be in the best interest of the land bank.

188 (b) The land bank may convey, exchange, sell, transfer, lease, grant, release, demise, pledge, mortgage, and
189 hypothecate any and all interests in, upon, or to real property of the land bank.

190 (c) A foreclosing governmental unit may, in its local law, resolution, or ordinance creating a land bank, or in the
191 applicable intergovernmental cooperation agreement in the case of multiple foreclosing governmental units creating a
192 single land bank under § 4705(b) of this title, establish a hierarchical ranking of priorities for the use of real property owned
193 by a land bank. Any hierarchical ranking of priorities for the use of such real property that is established may include any of
194 the following:

195 (1) Use for purely public spaces and places.

196 (2) Use for affordable housing.

197 (3) Use for retail, commercial, and industrial activities.

198 (4) Use as wildlife conservation areas.

199 (5) Such other uses in such hierarchical order as determined by the applicable foreclosing governmental unit.

200 (d) The priorities established under subsection (c) of this section may be for the entire jurisdiction of the
201 foreclosing governmental unit or may be set according to the needs of different neighborhoods, municipalities, or other
202 locations within the jurisdiction, or according to the nature of the real property.

203 (e) A land bank shall consider all duly adopted land use plans and make reasonable efforts to coordinate the
204 disposition of land bank real property with such land use plans.

205 (f) A foreclosing governmental unit may, in its local law, resolution, or ordinance creating a land bank, or in the
206 applicable intergovernmental cooperation agreement in the case of multiple foreclosing governmental units creating a
207 single land bank under § 4705(b) of this title, require that any particular form of disposition of real property, or any
208 disposition of real property located within specified jurisdictions, be subject to specified voting and approval requirements

209 of the board of directors. Except and unless restricted or constrained in this manner, the board of directors may delegate to
210 officers and employees the authority to enter into and execute agreements, instruments of conveyance, and all other related
211 documents pertaining to the disposition of real property by the land bank.

212 (g) All property disposition records of the land bank shall be made available for public inspection as required by
213 Chapter 100 of Title 29.

214 § 4711. Maintenance of property.

215 (a) The land bank shall maintain all of its real property in accordance with the laws and regulations of the
216 jurisdiction in which the real property is situated.

217 (b) Notwithstanding subsection (a) of this section, the foreclosing governmental unit may elect to reduce or waive
218 monetary fines for violations of any housing codes or ordinances if the land bank is diligently pursuing a correction or
219 remedy for such violation.

220 (c) Where real property held by the land bank is found to be in violation of a housing code or ordinance, the
221 enforcing jurisdiction shall timely notify the land bank and, subject to subsection (b) of this section, proceed in accordance
222 with the applicable county or municipal property code provisions, or any other applicable law.

223 (d) Any fire or other casualty to real property held by the land bank shall be immediately remediated and
224 adequately secured to prevent against further loss or damage or, in the event of total loss to the property, the lost property
225 shall be demolished.

226 § 4712. Delinquent property enforcement.

227 (a) All powers of foreclosing governmental units preserved. A foreclosing governmental unit may bring to public
228 sale any real property within its jurisdiction that has liens inuring to the foreclosing governmental unit in accordance with
229 applicable laws.

230 (b) Sale of liens and assessments to land banks permitted. A foreclosing governmental unit may enter into a
231 contract to sell some or all of its liens to a land bank, subject to all of the following conditions:

232 (1) The consideration to be paid may be more or less than the face amount of the liens.

233 (2) Property owners that are subject to a lien that is proposed for sale shall be given at least 30 days advance
234 notice of the proposed sale by the foreclosing governmental unit. Failure to provide such notice or the failure of the
235 addressee to receive the same shall not in any way affect the validity of any sale of a lien or the underlying validity of
236 the lien.

237 (3) The foreclosing governmental unit shall set the terms and conditions of the sale of its liens.

238 (4) A land bank must notify the foreclosing governmental unit that sold the lien to the land bank at least 30
239 days prior to commencing any judicial action to acquire property that is subject to such lien. The foreclosing
240 governmental unit may, at its sole option and discretion, elect to repurchase the lien from the land bank by delivering a

241 notice of such election to the land bank within 30 days of receiving the land bank's notice. The repurchase price shall
242 be the amount of the lien plus any accrued interest and collection fees incurred by the land bank. If the foreclosing
243 governmental unit shall fail to elect to repurchase the lien, the land bank shall have the right to commence a judicial
244 action to acquire property that is subject to such lien.

245 (5) The sale of a lien pursuant to this section shall not operate to shorten the otherwise applicable redemption
246 period or change the otherwise applicable interest rate for such lien.

247 (6) A land bank which has purchased any lien may execute or foreclose on such lien in the same manner as
248 the foreclosing governmental unit in whose favor the lien originally arose. At any time following the commencement
249 of an action to execute or foreclose on a lien by a land bank, the amount required to redeem such lien shall include
250 those reasonable and necessary collection costs, attorneys' fees, legal costs, allowances, and disbursements that would
251 have been collectible by the foreclosing governmental unit in whose favor the lien originally arose.

252 (c) Credit bids by land banks permitted. If any property is submitted for sheriff's sale due to an outstanding lien, a
253 land bank may bid on such property at the sheriff's sale with the same credit that would be afforded to the foreclosing
254 governmental unit that initiated the sale of such property. If the land bank is the high bidder for such property, the land
255 bank shall deposit the full amount of its bid with the sheriff's office within 30 days following the date of the sale or acquire
256 the applicable lien from the foreclosing governmental unit that initiated the sale and pay any remaining amounts owing to
257 the sheriff's office with respect to such sale.

258 (d) Trump bids by land bank permitted. Notwithstanding any other provision of law to the contrary, in the event
259 that real property is being submitted to sheriff's sale for an outstanding lien, the land bank may bid along with any other
260 member of the public, or, alternatively, a land bank may assert a trump bid. If the land bank submits a bid at a sheriff's sale
261 and identifies it as a trump bid, then the property shall be deemed sold to the land bank regardless of any bids by any other
262 third parties.

263 § 4713. Expedited quiet title proceedings.

264 As provided under § 6502 of Title 10, the land bank shall:

265 (1) Be authorized to file an action to quiet title as to any real property in which the land bank has an interest.
266 For purposes of any and all such actions, the land bank shall be deemed to be the holder of sufficient legal and
267 equitable interests, and possessory rights, so as to qualify the land bank as adequate complainant in such action.

268 (2) Prior to the filing of an action to quiet title, the land bank shall conduct an examination of title to
269 determine the identity of any and all persons and entities possessing a claim or interest in or to the real property.
270 Service of the complaint to quiet title shall be provided to all such interested parties by all of the following methods:

271 a. Registered or certified mail to such identity and address as reasonably ascertainable by an inspection of
272 public records.

273 b. In the case of occupied real property by registered or certified mail, addressed to "Occupant".
274 c. By posting a copy of the notice on the real property.
275 d. By publication in a newspaper of general circulation in the geographic location in which the property is
276 located.
277 e. Such other methods as the Court may order.
278 (c) As part of the complaint to quiet title, the land bank shall file an affidavit identifying all parties potentially
279 having an interest in the real property, and the form of notice provided.
280 (d) If the land bank moves for expedited proceedings the Court shall schedule a hearing on the complaint
281 within 90 days following filing of the complaint, and as to all matters upon which an answer was not filed by an
282 interested party, the Court shall issue its final judgment within 120 days of the filing of the complaint.
283 (e) Notwithstanding Court of Chancery Rule 19, a land bank shall be authorized to join in a single complaint
284 to quiet title to one or more parcels of real property.
285 § 4714. Taxing and financing of land bank operations.
286 (a) A land bank shall have no shareholders and may not be structured as a for-profit entity. A land bank may
287 receive and retain payments for services rendered, for rents and leasehold payments received, for consideration for
288 disposition of real and personal property, for proceeds of insurance coverage for losses incurred, for income from
289 investments, and for any other asset and activity lawfully permitted to a land bank under this chapter. A reasonable
290 operating reserve may be established to facilitate operations. However, all revenues received by a land bank in excess of
291 expenses must be utilized to address and remediate blight, for neighborhood conservation, or to improve housing within the
292 foreclosing governmental unit.
293 (b) The real property held by a land bank, and its income, are exempt from all taxation by the State and by any of
294 its political subdivisions. Dispositions of property into or out of a land bank are exempt from realty transfer taxes.
295 (c) A land bank may receive funding through grants and loans from the foreclosing governmental unit that created
296 the land bank, from other municipalities, from the State, from the federal government, and from other public and private
297 sources.
298 (d) In creating a land bank, a foreclosing governmental unit may elect to dedicate up to 50% of the real property
299 taxes that would inure to the foreclosing governmental unit following the disposition of real property by the land bank,
300 excluding any amounts allocated to school districts, for remittance to the land bank. Such allocation of property tax
301 revenues shall commence with the first taxable year following the date of disposition of the property by land bank and shall
302 continue for a period of 5 years.
303 (e) Notwithstanding any law to the contrary, a foreclosing governmental unit creating a land bank may levy or
304 impose such additional taxes, fees, assessments, fines, or penalties as are needed to support the operations of the land bank.

305 Any tax, fee, assessment, fine, or penalty imposed by a foreclosing governmental unit pursuant to this subsection must be
306 reauthorized by the foreclosing governmental unit every 5 years and appropriately adjusted so that the revenues from such
307 taxes, fees, assessments, fines, or penalties do not exceed the projected operating costs and expenses of the land bank.

308 (f) The Delaware Auditor of Accounts shall have the authority to audit any land bank created pursuant to this
309 chapter.

310 § 4715. Borrowing and issuance of bonds.

311 (a) A land bank shall have the power to issue bonds for any of its corporate purposes, the principal and interest of
312 which are payable from its revenues generally as provided under Chapters 17 and 18 of Title 22. Any of such bonds may be
313 secured by a pledge of any revenues of the land bank, including grants or contributions from any federal, state, or local
314 government or any agency or instrumentality thereof or by a mortgage of any property of the land bank. At the election of
315 the foreclosing governmental unit, the revenues of the foreclosing governmental unit that formed the land bank may also be
316 pledged to secure bonds issued by the land bank.

317 (b) The bonds issued by a land bank are hereby declared to have all the qualities of negotiable instruments under
318 Delaware law.

319 (c) The bonds of a land bank created under the provisions of this chapter and the income therefrom shall at all
320 times be free from taxation for State or local purposes under any provision of Delaware law.

321 (d) Bonds issued by the land bank shall be authorized by resolution of the board and, unless specifically
322 guaranteed by a foreclosing governmental unit, shall be limited obligations of the land bank with principal and interest,
323 costs of issuance, and other costs incidental thereto being payable solely from the income and revenue derived from the
324 sale, lease, or other disposition of the assets of the land bank. In the discretion of the land bank, the bonds may be
325 additionally secured by mortgage or other security device covering all or part of any project from which the revenues so
326 pledged may be derived. Any refunding bonds issued shall be payable from any source described above or from the
327 investment of any of the proceeds of the refunding bonds. Bonds of the land bank shall be issued in such form, shall be in
328 such denominations, shall bear interest, shall mature in such manner, and shall be executed by one or more members of the
329 board as provided in the resolution authorizing the issuance thereof. Such bonds may be subject to redemption at the option
330 of and in the manner determined by the board in the resolution authorizing the issuance thereof.

331 (e) Bonds issued by the land bank shall be issued, sold, and delivered in accordance with the terms and provisions
332 of a resolution adopted by the board. The board may sell such bonds in such manner, either at public or at private sale, and
333 for such price as it may determine to be in the best interests of the land bank.

334 (f) Neither the members of a land bank nor any person executing the bonds shall be liable personally on any such
335 bonds by reason of the issuance thereof. Bonds or other obligations of a land bank issued pursuant to this chapter shall not
336 constitute a debt of the State or any agency thereof, or a pledge of the full faith and credit or taxing power of the State or

337 any agency thereof, and shall not obligate the State to make any appropriation for their payment. Any bond issued by a land
338 bank shall contain on the face thereof a statement to the following effect: "Neither the faith and credit nor the taxing power
339 of the State is pledged to the payment of the principal of, premium, if any, or interest on this bond."

340 § 4716. Public records and public meetings.

341 (a) The board shall cause minutes and a record to be kept of all its proceedings. Except as otherwise provided in
342 this section, the land bank shall be subject to the provisions of Chapter 100 of Title 29.

343 (b) A land bank shall schedule and hold a public hearing prior to financing or issuance of bonds.

344 (c) In addition to any other report required by this chapter, the land bank, through its chair, shall annually deliver a
345 report to the foreclosing governmental unit. Such report shall be presented in the manner required by the governing body or
346 board of the foreclosing governmental unit. The report shall describe in detail the projects undertaken by the land bank
347 during the past year; the financial statements of the land bank during the past year, including a balance sheet and an income
348 statement; and the administrative activities of the land bank during the past year.

349 § 4717. Dissolution of land bank.

350 A land bank may be dissolved within 60 calendar days after the adoption of an affirmative resolution approved by
351 2/3 of the membership of the board of directors authorizing such dissolution. Sixty calendar days advance written notice of
352 consideration of a resolution of dissolution shall be given to the foreclosing governmental unit that created the land bank,
353 shall be published in a local newspaper of general circulation, and shall be sent by certified mail to the trustee of any
354 outstanding bonds of the land bank. Upon dissolution of the land bank, all real property, personal property and other assets
355 of the land bank shall become assets of the foreclosing governmental unit that created the land bank. In the event that 2 or
356 more foreclosing government units created a land bank in accordance with § 4705(b) of this title, the withdrawal of 1 or
357 more foreclosing governmental unit shall not result in the dissolution of the land bank unless the intergovernmental
358 cooperation agreement entered into under § 4705(b) of this title so provides and there is no foreclosing governmental unit
359 that desires to continue the existence of the land bank.

360 § 4718. Conflicts of interest.

361 (a) No member of the board or employee of a land bank shall acquire any interest, direct or indirect, in real
362 property of the land bank, in any real property to be acquired by the land bank, or in any real property to be acquired from
363 the land bank. No member of the board or employee of a land bank shall have any interest, direct or indirect, in any contract
364 or proposed contract for materials or services to be furnished or used by a land bank.

365 (b) Board members of any land bank shall provide, prior to appointment and annually after appointment, a report
366 identifying all real property interests owned, directly or indirectly, by such board member or by his or her immediate
367 family, within the land bank jurisdiction. The report shall be submitted to the foreclosing governmental unit and shall be
368 made available to the public upon request.

369 (c) The board may adopt supplemental rules and regulations addressing potential conflicts of interest and ethical
370 guidelines for members of the board and land bank employees.

371 § 4719. Construction, intent, and scope of chapter.

372 This chapter shall be construed liberally to effectuate the legislative intent and purposes and all powers granted by
373 this chapter shall be broadly interpreted to effectuate such intent and purposes. Except as otherwise expressly set forth in
374 this chapter, in the exercise of its powers and duties under this chapter and its powers relating to property held by the land
375 bank, the land bank shall not be subject to restrictions imposed by the charter, ordinances, or resolutions of a foreclosing
376 governmental unit with respect to contracts, procurement, or property disposition.

377 § 4720. Duration and termination.

378 Any land bank created pursuant to this chapter shall have permanent and perpetual duration until terminated and
379 dissolved in accordance with § 4715 of this title and Subchapter X, Chapter 1 of Title 8.

380 Section 2. Amend § 8106, Title 9 of the Delaware Code by making deletions as shown by strike through and
381 insertions as shown by underline as follows:

382 § 8106. Specific organizations and purposes.

383 (a) No real property owned and used by the organizations listed below or for the purposes stated below, except that
384 which is held by way of investment, shall be liable to taxation and assessment for public purposes by any county or other
385 political subdivision of this State.

386 Any land bank formed under Chapter 47 of Title 31 of the Delaware Code.

387 Section 3. Amend § 5401, Title 30 of the Delaware Code by making deletions as shown by strike through and
388 insertions as shown by underline as follows:

389 § 5401. Definitions.

390 As used in this subchapter, except where the context clearly indicates a different meaning:

391 (1) "Document" means any deed, instrument or writing whereby any real estate within this State, or any
392 interest therein, shall be quitclaimed, granted, bargained, sold sold, or otherwise conveyed to the grantee, but shall not
393 include the following:

394 x. Any conveyance to or from a land bank formed under Chapter 47 of Title 31 of the Delaware Code.

395 Section 4. This Act becomes effective 30 days after its enactment into law.

SYNOPSIS

This Act will allow any Delaware jurisdiction with a long-term residential vacancy rate above 3%, including a county, to form a land bank, where such jurisdiction determines that a land bank would help it address the problem of vacant and abandoned real property within its jurisdiction.

A land bank is a non-profit organization created by a political subdivision of the State, or through an intergovernmental agreement between two or more political subdivisions of the State, and would serve as the repository for vacant, abandoned and tax-delinquent properties that, left unaddressed, can contribute to crime, depress the local real estate market, and deplete the tax base of Delaware's communities.

A land bank would have the authority to obtain such properties at sheriff's sales instituted by the jurisdiction that established the land bank, where such properties have been abandoned by their owners because of unpaid property taxes or

substantial liens arising from property code violations. The land bank would have the ability to do one or more of the following: (1) purchase liens from the local jurisdiction; (2) acquire properties at a sheriff's sale on credit from the local jurisdiction; (3) assert a trump bid at a sheriff's sale that would allow the land bank to acquire abandoned properties for the price of the outstanding liens.

The land bank would retain the acquired properties until such time as a suitable and vetted buyer could be found who would be able to return the property to productive use. Funding for land banks created under this Act would come from governmental and private grants, private investments and property sale proceeds. Additionally, any land bank created under this Act could, at the election of the local jurisdiction, be funded through the allocation to the land bank of 50% of the real property taxes on the property for a 5 year period once the property returns to productive use or such other funding sources established by the local jurisdiction.

Through this Act, jurisdictions throughout Delaware would have the ability to alleviate the blight caused by vacant, abandoned and tax delinquent properties in the area, and revitalize communities by turning vacant spaces into vibrant places.

Author: Senator Townsend

TODD F. LAWSON
COUNTY ADMINISTRATOR

(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.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 ORDINANCE RELATING TO FAILURE TO APPEAR**

DATE: May 1, 2015

During Tuesday's meeting, we are scheduled to discuss the Proposed Ordinance to amend the Code of Sussex County to grant the County Council and Planning and Zoning Commission discretion to reconsider zoning applications where the applicant has failed to appear or failed to timely withdraw for reasons beyond his control.

A public hearing on the Proposed Ordinance was held on February 3rd. At the conclusion of the public hearing, action was deferred to allow legal counsel to review the Proposed Ordinance and report back on amendments to the Proposed Ordinance or Rules of Procedure to address Council's concerns.

Attached please find a copy of the Proposed Ordinance, with changes indicated in red, along with a draft new Rule 10.11 for the Rules of Procedure for your consideration. The new Rule lays out the procedure for an applicant to seek reconsideration if they fail to appear at the hearing for reasons beyond their control.

Please let me know if you have any questions.



OLD BUSINESS

May 5, 2015

This is to certify that on January 22, 2015 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed Ordinance Amendment. At the conclusion of the public hearing, the Commission moved and passed that the Ordinance Amendment be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

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

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXVIII, §§ 216 D. AND F. OF THE CODE OF SUSSEX COUNTY TO GRANT THE COUNTY COUNCIL AND PLANNING AND ZONING COMMISSION DISCRETION TO RECONSIDER ZONING APPLICATIONS WHERE APPLICANT HAS FAILED TO APPEAR OR FAILED TO TIMELY WITHDRAW FOR REASONS BEYOND HIS CONTROL

The Commission found that this Ordinance Amendment amends the Code to provide that, in the event an applicant fails to appear or fails to withdraw its application in accordance with the Code for reasons beyond the applicant's control, if the failure to appear occurred before the Planning and Zoning Commission or, if the failure to appear occurred before the Sussex County Council, the Planning and Zoning Commission or the Sussex County Council, as applicable, shall have discretion to reconsider the application upon an affirmative vote of the body following the applicant's submission of a Petition for Reconsideration within fifteen (15) days of the scheduled public hearing containing facts sufficient to demonstrate that the failure to appear was beyond the applicant's control. Upon affirmative vote to reconsider the application, the public hearing shall be rescheduled.

Mr. Lank advised the Commission that the Department has not received any letters, emails, or comments from any parties in support of or in opposition to this Ordinance Amendment.

The Commission discussed the proposed Ordinance Amendment.

The Commission found that there were no parties present in support of or in opposition to the proposed Ordinance Amendment.

Mr. Robertson read the following suggested motion for consideration: "Mr. Chairman, I move that we recommend approval of the Ordinance to amend Chapter 115, Article XXVIII, §§ 216 D, and F. of the Code of Sussex County with the recommendation that it be revised to state that Sussex County Council shall not act upon any matter in which an applicant failed to appear before the Planning and Zoning Commission".

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to forward this Ordinance Amendment to the Sussex County Council with the suggested amendment as read by Mr. Robertson. Motion carried 4 – 0.

ORDINANCE NO. ____

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXVIII, §§ 216D. AND F. OF THE CODE OF SUSSEX COUNTY TO GRANT THE COUNTY COUNCIL AND PLANNING AND ZONING COMMISSION DISCRETION TO RECONSIDER ZONING APPLICATIONS WHERE APPLICANT HAS FAILED TO APPEAR OR FAILED TO TIMELY WITHDRAW FOR REASONS BEYOND HIS CONTROL.

WHEREAS, Chapter 115, Article XXVIII, § 216 of the Code of Sussex County governs the procedure for amendments, supplements and changes to zoning ordinances; and

WHEREAS, Chapter 115, Article XXVIII, § 216F. currently mandates that, “a petition requesting an amendment, supplement or change substantially similar shall not be reconsidered sooner than one year after the previous failure to appear or failure to withdraw”; and

WHEREAS, Sussex County desires to amend Chapter 115, Article XXVIII, § 216 to provide that, in the event an applicant fails to appear or fails to withdraw its application for reasons beyond applicant’s control, if the failure to appear occurred before the Planning and Zoning Commission, or if the failure to appear occurred before the Sussex County Council, the Planning and Zoning Commission or the Sussex County Council, as applicable, shall have discretion to reconsider the application upon an affirmative vote of the body following applicant’s submission of a Petition for Reconsideration within fifteen (15) days of the scheduled public hearing containing facts sufficient to demonstrate the failure to appear was beyond applicant’s control and, upon affirmative vote to reconsider the application, to reschedule the public hearing; however, the County Council shall not act upon any matter in which the applicant failed to appear before the Planning and Zoning Commission.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 115, Article XXVIII, §

216D., Changes and amendments, is hereby amended by deleting the language in brackets and inserting the italicized and underlined language as follows:

D. Reconsideration, one-year limitation. Whenever a petition requesting an amendment, supplement or change has been denied by the County Council, such petition or one substantially similar shall not be reconsidered sooner than one year after the previous denial[.]; *provided, however, that if a petitioner, applicant or appellant fails to appear, or appear by agent at the scheduled hearing for reasons beyond his control, applicant may submit a Petition for Reconsideration as set forth in the County Council's Rules of Procedure. The Petition shall be submitted within fifteen (15) days and containing facts sufficient to demonstrate the failure to appear was beyond applicant's control. After discussion, if the failure to appear occurred before the Planning and Zoning Commission, the Planning and Zoning Commission shall vote to approve or deny the request for reconsideration or, if the failure to appear occurred before the County Council, the Council shall vote to approve or deny the request for reconsideration; provided, however, that the County Council shall not act upon any matter in which the applicant failed to appear before the Planning and Zoning Commission. If a majority of members of the Planning and Zoning Commission or the County Council, as applicable, vote to approve reconsideration of the application, the public hearing will be rescheduled.*

Section 2. The Code of Sussex County, Chapter 115, Article XXVIII, § 216F., Changes and amendments, is hereby amended by deleting the language in brackets and inserting the italicized and underlined language as follows:

F. Failure to appear. If a petitioner, applicant or appellant fails to appear, or appear by agent, or fails to withdraw his application as provided for in Subsection E hereof, a petition requesting an amendment, supplement or change substantially similar shall not be reconsidered sooner than one year after the previous failure to appear or failure to withdraw [.] *unless the applicant's failure to appear was beyond his control and applicant's Petition for Reconsideration is approved in accordance with Subsection D hereof.*

Section 2. Effective Date. This Ordinance shall become effective on _____, 2014.

Synopsis

This Ordinance amends Sussex County Code, Chapter 115, Article XXVIII, §§ 216D. and F. to provide that, in the event an applicant fails to appear or fails to withdraw its application in accordance with the Code for reasons beyond applicant's control, if the failure to appear occurred before the Planning and Zoning Commission or, if the failure to appear occurred before the Sussex County Council, the Planning and Zoning Commission or the Sussex County Council, as applicable, shall have discretion to reconsider the application upon an affirmative vote of the body following applicant's submission of a Petition for Reconsideration within fifteen (15) days of the scheduled public hearing containing facts sufficient to demonstrate the failure to appear was beyond applicant's control. However, the County Council shall not act upon any matter in which the applicant failed to appear before the Planning and Zoning Commission Upon affirmative vote to reconsider the application, the public hearing shall be rescheduled.

Deleted language is in brackets. Additional text is underlined and in italics.

10.11 Under very limited circumstances, if an applicant fails to appear at a scheduled zoning hearing, the applicant may request reconsideration and a new hearing in accordance with Sussex County Code § 115-216D. If a petitioner, applicant or appellant fails to appear, or appear by agent, at the scheduled zoning hearing requesting an amendment, supplement or change, and the failure to appear is for reasons beyond his control, within fifteen (15) days of the scheduled hearing before the Planning and Zoning Commission or the County Council, applicant may submit a Petition for Reconsideration to the appropriate body. Petitions submitted after the deadline shall not be considered.

The Petition for Reconsideration shall contain detailed facts sufficient to demonstrate that applicant's failure to appear was beyond his control. Reasons may include, but are not limited to, the following:

- a. Emergency medical situations for applicant or applicant's immediate family;
- b. Death of a family member;
- c. Automobile accident;
- d. Failure to receive proper notice of the hearing; and
- e. Such other reason as may demonstrate extenuating circumstances or an event or condition that prohibited applicant's appearance at the public hearing.

Applicant shall include with his Petition any supporting documentation available such as a physician's note, hospital admission form, police report, and the like. Only those facts contained in the Petition and supporting documentation submitted with the Petition shall be considered by the Planning and Zoning Commission or County Council, whichever is applicable.

Upon receipt of the Petition, the Planning and Zoning Commission or County Council, whichever is applicable, shall place the Petition on the agenda of its next available regular meeting for discussion and possible action.

If the Petition for Reconsideration is approved, a new public hearing date will be advertised in accordance with the Sussex County Zoning Ordinance. Pursuant to Sussex County Code § 115-216F., if the Petition for Reconsideration is denied, applicant may not re-submit the application, or one substantially similar to it, sooner than one (1) year after the previous failure to appear.

TODD F. LAWSON
COUNTY ADMINISTRATOR
(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountype.gov



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: **CHANGE OF ZONE NO. 1759 – OSPREY POINT D, LLC**

DATE: May 1, 2015

During Tuesday's meeting, we are scheduled to hear a report from the Department of Natural Resources and Environmental Control (DNREC) regarding stormwater management regulations as they pertain to the application of Osprey Point D, LLC, Change of Zone No. 1759.

A public hearing on this application was held on February 3rd. A Motion was approved to defer action and keep the record open for the Planning and Zoning Commission to receive reports it was waiting on, and to have a representative from DNREC's Division of Soil and Water Conservation address the Council to discuss the soil conservation regulations pertaining to this specific site.

In the same Motion, the Council instructed the record to remain open for 20 additional days for written comments only to be submitted by the public and the applicants on the reports and DNREC's presentation.

Please let me know if you have any questions.

TFL/sww

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





The
Jefferson
School

22051 Wilson Road
Georgetown, DE 19947
www.JeffersonSchool.com
302-856-3300
TheJeffersonSchool

Board of Directors

March 18, 2015

President
Nick Benz

The Sussex County Council
2 The Circle
Georgetown, DE 19947

Vice President
Alan Davis

Secretary
Rachael Edelmann

Dear Honorable Council Members:

Treasurer
Angela Wootten

The Jefferson School is asking for your support once again for our 5K run/walk to benefit The Jefferson School's Scholarship Program. The 5K run/2.5K walk will be held May 7, 2015 on the grounds of The Jefferson School located at 22051 Wilson Road, Georgetown, Delaware with registration at 5:30 p.m. and the run/walk starting at 6:30 p.m.

Director
Charles Burton

The event raises money for the scholarship fund which benefits and opens up opportunities to attend the school for children across Sussex County. We have very much appreciated your past contributions and are respectfully requesting sponsor support in the amount of \$1,200.00.

Director
Joseph Kim

The Jefferson School's Scholarship Program is organized by The Jefferson School, the only independent, non-sectarian day school in Sussex County. Thanks to its financial aid program, the school serves children from all income levels – providing a flexible, intentionally challenging, and relevant learning environment that is notable for its small, multi-aged classes and its cooperative learning philosophy.

"We have little hope of our children becoming good community members if we don't show our children how important their education is.

Director
Amanda Peters

We need to show them we are committed to their success."

Director
Romina Thomas

Director
Beth Welch

Thank you in advance for your support. If you have questions, please contact Ginger Jensen, Marketing and Development Director, at g.jensen@jeffersonschool.com or 302-856-3300, extension 111.

*-Connie Hendricks
Head of The Jefferson School*

Director
Bryan Villar

Head of School
Constance Hendricks

Thank you,

Marketing & Dev Dir.
Ginger Jensen

Constance Hendricks
Head of School

Nancy Berg
Run/Walk Committee Chair

The Jefferson School, a non-sectarian, non-profit, independent day school, is located on 43 wooded acres in Georgetown, Delaware and strives to provide innovative, academic programs that foster an enthusiasm for learning. To learn about enrollment openings and more about Sussex County's premier independent, non-profit day school, please contact Connie Hendricks, Head of School at 302-856-3300 or visit www.jeffersonschool.com. Schedule a tour, and see for yourself just how much MORE The Jefferson School can offer your child!



Delmarva Clergy United in Social Action Foundation

April 10, 2015

Bishop M. Foster
President/CEO

Dr. Aaron Green
Board Member

Harold Truxon
Board Member

Elder William Downing
Board Member

Bessie Andrews
Board Member

Diaz Bonville
Board Member

Sam Brooks
Board Member

Juanita Gill
Board Member

Sandra Green
Board Member

Barbara Gibbs
Board Member

Anthony Taylor
Board Member

Carl Godwin
Board Member

Sussex County
2 The Circle
P. O. Box 589
Georgetown, Delaware 19947

To whom it may concern:

Founded in 1986, Delmarva Clergy United in Social Action Foundation (DCUSA), is a group of people from all ages and religious affiliations that strive to develop and cultivate the human potential of self-esteem and dignity for all people. We practice the principles of love, caring, inclusiveness, justice and peace to enhance the emotional, physical and social wellbeing of individuals and families in our communities.

On behalf of the Board of Directors and staff, I respectfully submit this request for funding in the amount of, **\$3,000.00** in support of one of many programs that DCUSA offers to the community, The Griffin's Place. Over the years, more than fifteen programs have been created and successful in assisting families within the community and its surrounding areas.

DCUSA has established The Griffin's Place, which focuses on the needs of young men between the ages of 18 through 21 years old that have exit out of foster care. By providing educational training, safe and stable housing and life skill resources, the young mean will have the necessary skills to become productive members of society.

Your consideration of this request for funding will aid in the purchase of major kitchen supplies that needed to complete our final stage of kitchen supplies. Without the generosity of such organizations as your own, the dream of providing a safe haven for these young men will never come to fruition. It is our hope that you will assist in making this dream a reality.

Sincerely,

Helena Gibbs
Executive Director

Dr. Bishop Major Foster
President/CEO



Dear *SAM WILSON/COUNTY CONCIL*

Our community is celebrating its' annual **American Cancer Society Relay for Life** of East Sussex/Coastal on May 15th at Beacon Middle School on Rt. 24. Over 300 people are expected to participate, as fundraising teams, cancer survivors, and supporters in the overnight family-fun walking event.

Relay For Life is the signature activity of the American Cancer Society - a local volunteer-led fundraiser and celebration of life honoring cancer survivors and remembering those who have lost their battle to this vicious disease. All proceeds from Relay benefit the American Cancer Society's programs of research, patient services, prevention, advocacy, and public education. For more information about your American Cancer Society, visit www.cancer.org.

In order to keep our expenses as low as possible, we're hoping that your company will be able to donate cash which will help underwrite some of our event costs, or _____ which will allow us to conduct some of our onsite activities (IE; Luminaria Ceremony, award ceremonies, etc.) American Cancer Society, Inc is a national 501c3 tax exempt organization with tax payer ID #13-1788491.

On behalf of the American Cancer Society and the Relay For Life o East Sussex/Coastal, we sincerely thank you for your consideration of supporting our war on cancer. Find out more about our event at www.relayforlife.org/coastaldelawarede.

Sincerely,

Walter J. Godwin

Walt Godwin
Committee Member
Relay For Life of East Sussex Coastal
302-856-9397

Debbie White

Debbie White
Community Manager
American Cancer Society
debbie.white@cancer.org

A FRATERNAL ORGANIZATION



Cape Henlopen Lodge No. 2540

BENEVOLENT AND PROTECTIVE ORDER OF ELKS

P.O. Box 68

Nassau, Delaware 19969

Phone (302) 645-7016

March 14, 2015

Joan R. Deaver
Sussex County Council, District 3
P.O. Box 589
Georgetown, DE 19947

Dear Ms. Deaver,

Let me begin by thanking you for taking the time from your busy schedule to review our situation.

As we have previously discussed, our Lodge is in the process of connecting to the water and sewer utilities currently being placed along Beaver Dam Road in Lewes to serve the increased residential construction in the area.

Our Lodge is one of approximately two thousand Elks Lodges across the country. We are a fraternal order, consisting of men and women sworn to practice Charity, Justice, Brotherly Love and Fidelity. Our Grand Lodge (National Lodge) is designated a 501 (c) by the Internal Revenue Service and our Lodge as a subordinate local charter, enjoys the privilege of operating under the "umbrella" of the Grand Lodge.

The Elks provide support for a number of youth activities, Veterans and Community organizations throughout the year. While most of the distributed funds are generated by the local Elks Lodge, the Grand Lodge, or national organization, provides funding for scholarships, community development and more. Since its beginning, the Elks National Foundation has contributed more than \$406.3 million dollars towards Elk' charitable projects nationwide. *"ELKS CARE, ELKS SHARE"*

Our Lodge is comprised of roughly seven hundred members and operates under an elected officers/Board of Directors format. While each member pays annual dues these funds are but a small part of our operating budget. As I am sure you are aware, in recent years the State has stepped in and placed significant regulatory restrictions on our charitable gaming activities which has significantly impacted how we budget our available funds, particularly in the area of discretionary funds. This action, exacerbated by the slow economy and the fact that the vast majority of our membership are retirees, has resulted in significant reductions in total income.

While the expense of connecting to public utilities has been estimated to be approximately Forty Thousand Dollars we believe it is in both our best interest and that of the environment. Our septic system is at least forty years old and requires constant attention, with the associated expense, to insure it is functioning properly. However, with limited resources funding this work is a daunting task.

I would respectfully request your assistance in identifying any available funding or support which would serve to insure our success in this endeavor.

Thank you in advance for you assistance in this matter,

Sincerely,

A handwritten signature in cursive script that reads "Charles Sewell".

Charles Sewell
Project Manager
Cape Henlopen Elks Lodge #2540
302-945-3941



GEORGETOWN-ELLENDALE VFW POST #2931

14411 VFW ROAD · ELLENDALE DE 19941

February 27, 2015

Councilwoman Joan R. Deaver

% Sussex County Council

P.O. Box 589

Georgetown, DE 19947

Dear Councilwoman Deaver:

VFW Post 2931 is having our 5th Annual Car, Truck and Motorcycle Show on Saturday, June 6th at Del Tech Owens Campus in Georgetown. We are excited to have added a new category this year for military vehicles and also invited all first responders in the Georgetown and Ellendale area to attend.

We are asking the community members for their financial support to help by sponsoring this event. It would be greatly appreciated if you would be a sponsor.

You may contact me at (302)856-1535 or email blawson17@yahoo.com.

Please send donation to VFW Post 2931 at the above address, attention Bill Lawson. Thank you in advance for your participation.

Sincerely,

Bill Lawson
Co-Chair

PLAYERS REGISTRATION FORM
\$360.00 Per Foursome

CAPTAIN:

Name:

Address:

Email:

Phone:

Name:

Address:

Email:

Phone:

Name:

Address:

Email:

Phone:

Name:

Address:

Email:

Phone:

Make checks payable to:
DE Devil Dogs
and mail registrations/donations to:
DE Devil Dogs · PO Box 1476
Seaford, DE 19973

The DE Devil Dogs Detachment of the Marine Corps League supports the following and your contribution makes it possible:

TOYS FOR TOTS Marine Toys for Tots Foundation

Marine Corps League Detachments in nearly every community in the country take part annually in the United States Marine Corps Reserve Toys-For-Tots campaign to raise funds and collect and distribute toys to needy children. In communities where there is an existing Marine Corps Reserve Unit, the League works hand in hand supporting their campaign. In other communities, the Marine Corps League takes the lead, ensuring a successful campaign.



EAGLE SCOUT COURT OF HONOR

The Marine Corps League presents the "Good Citizenship Award" to those scouts that obtain the highest rank in the Boy Scouts of America, that being EAGLE SCOUT. All Delaware MCL Detachments participate in the Eagle Scout Court of Honor ceremony to recognize those scouts who have fulfilled the requirements to be awarded the highest rank in scouting. Participating in the ceremony allows the DE Devil Dogs Detachment the opportunity to make the Eagle Scout aware that he is held in the "highest regard" by the Marine Corps League and the United States Marine Corps.



**VETERANS AFFAIRS
VOLUNTARY SERVICE
PROGRAM (VAVS)**

Marine Corps League members contribute thousands of man-hours each year supplementing staffs at VA hospitals and facilities in providing morale, comfort and assistance to institutionalized veterans.



**YOUNG MARINES OF THE
MARINE CORPS LEAGUE**

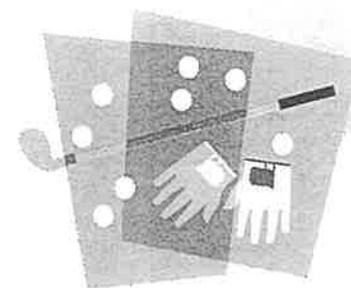
A youth program emphasizing honesty, courage, respect, industry, loyalty, dependability, and a sense of devotion to God, country, community and family.

Thank You!!

~ 3RD ANNUAL ~
GOLF TOURNAMENT



Serving Western Sussex Co.
Delaware



Friday · May 8 · 2015
Heritage Shores Club
One Heritage Shores Circle
Bridgeville, Delaware 19933

TEL: 302.337.9926

The Day's Lineup:

8:00-8:45 AM—
Registration, Continental Breakfast

9:00 AM—
Shotgun start

2:00 PM (Tentative) —
Luncheon to follow catered by Heritage Shores
Awards and Door Prizes
Awards based on team gross scores

Format: Shotgun Start
Scramble (Captain's choice)



Registration Deadline:

May 1, 2015

\$360.00 per foursome (\$90.00 each)
Men, Women and Mixed Teams Welcome

Any golfer 65+ has option to use red tees.

Contests:

Hole in One, Longest Drive,
Closest to the Pin, & Putting

BUSINESS SPONSOR

\$600—Includes: Foursome, golf cart, continental breakfast, lunch, two (2) hole sponsor signs + two (2) 240th Marine Corps Birthday Ball tickets for November 14, 2015 @ Heritage Shores.

CONTINENTAL BREAKFAST OR LUNCH SPONSOR

\$200—Sponsorship of the Continental breakfast or lunch + two (2) hole sponsor signs.

HOLE SPONSOR

\$100—Your company name/text message printed on a hole sponsor sign.

Sponsorship Registration

Sponsorship Type:

Donation Amount:

Company Name/Text Message:

Sponsor's Name:

Address:

Phone:

Email:

Contact Name:

For Info and/or Questions:

Mike Fleetwood—302.228.4856

Jack Flood—301.461.7785

Chuck Landon—302.542.1082

Frank Tulley—302.536.7200



Friends of the Bridgeville Library
"Jumping June Jamboree"

Dear Library Supporter,

The Friends of the Bridgeville Library will be hosting its sixth annual fundraiser, Jumping June Jamboree on Saturday, June 13, 2015. This event will be held at the Bridgeville Public Library, 600 South Cannon Street, Bridgeville DE 19933 from 12 noon to 4:00 p.m. Our jamboree will include marvelous entertainment with the Flatland Drive Bluegrass Band and a DJ from J & B Entertainment. What's more, we will have fabulous basket raffles and fascinating vendors selling a variety of interesting products. We will also be selling food with an assortment of beverages. For this fundraiser to be a financial success, we need your help. Please become a sponsor of our event.

We would like to suggest the following amounts for sponsorship, one bale of hay \$50.00, pile of hay for \$100.00 and a stack of hay for \$200.00. Your support will provide valuable assistance for targeted projects at the library and Friends' programs. The Friends of the Bridgeville Library is a not-for-profit 501c3 corporation so all donations are tax deductible. Your company name and donation will be listed in the event program.

Please help our effort by completing and returning your check with the form at the bottom of this page.

Gratefully,

Alice Min
Patricia Jordan-Smith

Alice Min, President
Patricia Jordan-Smith, Vice-President

Company Name _____

Address _____

Contact Person _____ Phone Number _____

E-Mail _____

Please return form with your check payable to
Friends of the Bridgeville Library
"Jumping June Jamboree"
600 South Cannon Street
Bridgeville DE 19933

Sussex County Administrative Office Building
2 the Circle
Georgetown, DE.

Dear Councilman Cole,

As per our conversation at your store on Thursday, I am writing to you requesting financial help. The Ocean View Historical Society is entertaining the 5th grade class at Lord Baltimore Elementary School at our historic complex in Ocean View. To bring the whole 5th grade will require hiring two school buses. The cost of each bus is \$150. The school has not budgeted for this trip, thus OVHS is absorbing the \$300 cost to get this program off the ground.

These students will be the first organized group of students to tour the complex. Once this group of students goes through the program, we expect that many other schools will want to bring students through the historic complex and corresponding interactive program that educators have developed. If the program expands as we anticipate, Baltimore Hundred will become a center for historic education and provide eastern Sussex County with much positive publicity.

The OV Historic Society is asking for your help in providing funds to pay for the busing expense. As school administrators see the value of this field trip, they will budget for this expense. We are also applying for grants that will provide funds to help us assist schools with such expenses in the future.

Since this historic complex is located in your district, we are turning to you for consideration of this request. Our complex has benefited significantly from your generous support in the past. If you feel this is a worthy project and have funds available, please send a check to our post office box 576 in Ocean View. Again, we thank you for all support in the past and getting our educational mission off to a positive start. We invite you to attend this opening event on May 15th to observe the students having fun learning about their past.

Historically yours,



Richard Nippes, OVHS Past President



The American Legion Auxiliary Unit 28
31768 Legion Road
Millsboro, DE 19966

April 20, 2015

Robin A. Griffith
Clerk of the Sussex County Council
P.O. Box 589
Georgetown, DE 19947

Dear Robin,

On behalf of American Legion Auxiliary Unit 28 and our local veterans I am requesting a donation to our Poppy Fund. The American Legion Auxiliary Memorial Poppy is the official symbol of remembrance for our nations heroes who have paid the ultimate price for freedom with their lives.

The funds received by Unit 28's Poppy Fund go directly to assist our local veterans and their families in need. No donation to the Poppy Fund goes for programming or administrative costs.

Thanks you for considering this request. We look forward to visiting you at County Council on May 5th to distribute poppies.

Sincerely,

Liz Sheppard
Unit 28 Poppy Chair

Selbyville Volunteer Fire Co., Inc.

P.O. Box 88

Selbyville, Delaware 19975-0088

30 North Main Street
Website: selbyville88.net

Phone 302-436-8802
Fax 302-436-6061

April 23, 2015

Mr. Robert Arlett
Sussex County Council

Dear Mr. Arlett,

The Selbyville Volunteer Fire Company has begun a project to replace our 13 existing lights with LED lights. We are doing this upgrade to our lighting with a high efficiency LED to save electric costs and reduce our carbon footprint. The gross project cost is \$8172.00. We have applied and have received \$3900.00 from DNREC Energy Efficiency Investment fund. We are asking if the council could help us with the 4272.00 balance. Any assistance would be greatly appreciated.

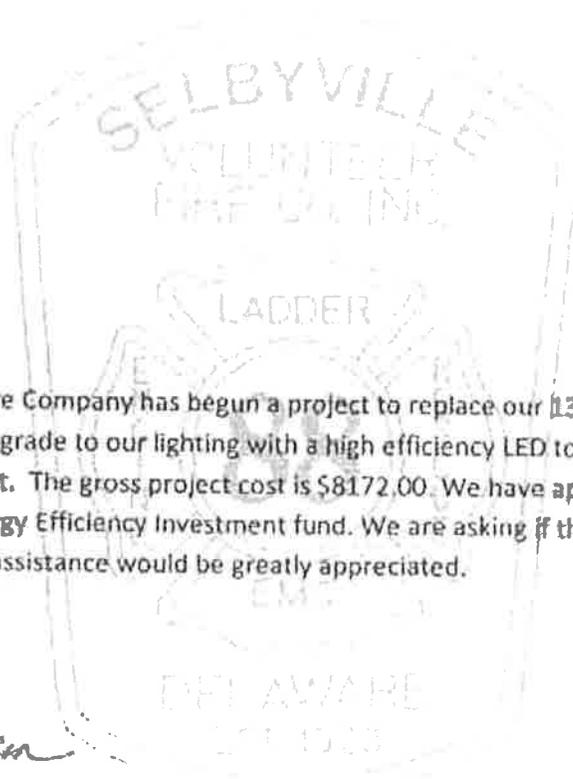
Thank you,



Douglas M. Hudson

Secretary

Selbyville Volunteer Fire Company





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

Officers

PRESIDENT
TOM BROWN
VICE PRESIDENT
ROB HARMAN
2nd VICE PRESIDENT
JENNY KEIM
SECY-TREASURER
JOHN TARBURTON, ESQ.

Directors

BEVERLY BLADES
HEATH CHASANOV
PAT CORRELL
CRAIG DIMES
TOM DARBY
LAWRENCE DERNULC
G. JANE DRACE
JASON FELLER
DEBBIE JEWELL
BRYANT RICHARDSON
DOLORES SLATCHER
STEVE TULL
KEVIN YINGLING

Past President

RALPH SCOTT III

Staff

EXECUTIVE DIRECTOR
LYNN BROCATO

Sussex County Council
Attn: The Honorable Michael Vincent
2 The Circle P.O. Box 589
Georgetown, DE 19947

Dear President Michael Vincent,

The Greater Seaford Chamber of Commerce is working again with the Woodland Ferry Association to put on the Woodland Ferry Festival, Saturday, September 12, 2015. This year marks the 20th festival. The Association plans to make this an extra special event with some new souvenirs to sell, another limited edition print by Captain Donald Deputy and by hosting the opening ceremonies of the Nanticoke Heritage Byway.

We are requesting a grant of \$750.00 from the Sussex County Council to help defray our expenses to rent golf carts to transport handicapped and/or those with disabilities to and from the festival area. Your help and support would be most appreciated.

Sincerely,

Lynn Brocato

Lynn Brocato
Executive Director
Greater Seaford Chamber of Commerce

4/13/2015

James Baker
312 Captans Circle
Lewes, DE 19958

Councilwoman Ms. Joan Deaver
Sussex County Council
2 The Circle
PO Box 589
Georgetown, DE 19947

Dear Councilwoman Deaver,

My name is Jim Baker and I am one of the coaches for the Shields Elementary School – Odyssey of the Mind team. If you are not familiar with Odyssey of the Mind, it is an international educational program that helps kids solve problems creatively while having fun in the process. The program helps develop team building skills, nurtures the creative solving process, and helps build upon creative problem solving techniques. The State of Delaware has been supporting the program for the past 35 years and has been participating in the International Competition during that time.

Our team consists of Shields Elementary students, Dylan Baker (3rd grade), Isaac Terhune (3rd grade), Krystina Allen (5th grade), Ashlyn Andrew (3rd grade), Nevie Hagen (3rd grade), Aiden Block (3rd grade), and Bailey Fletcher (3rd grade). They formed their Odyssey of the Mind Team in October of 2014 and placed 1st in the Ocean Region Competition and 2nd in the Delaware State Finals. The 2nd place finish earned them a chance to compete in the World Finals in Michigan on May 20th – 25th. The students have been working every week, twice a week since October to create and perfect a solution to their Odyssey problem – Lose Your Marbles.

“Team Clover Crushers” as they call themselves had to design, build, and test a structure that will balance and support as much weight as possible and create a performance that incorporated the “losing your marbles” theme.

The Structure: The structure had to weigh less than 18-grams and be at least 8” tall made only of 1/8” x 1/8” thick balsa wood and glue. It also had to hold 5-marbles that would be released after each weight by removing a piece of the structure in its entirety by means of a team created device. The device the team created was a classic trebuchet (a catapult propelled by a counterweight) connected to a wooden arm that grabbed the structure and sent a piece flying into the audience.

The Performance: While the structure is being loaded and the marbles are being released, the team had to perform a skit that incorporated the "Lose Your Marbles" theme. Their performance took place "The Night Before St. Patrick's Day", with a mom trying to calm her very excited three kids down as they waited for the Leprechaun to deliver them presents. Each time the Mom would read an excerpt from their nighttime story, each kid would do something that would make the mom and siblings "Lose Their Marbles". The performance concludes with the Leprechaun leaving a trap for the kids and got so excited by his success that he couldn't help but perform an Irish Jig.

The structural design and construction, team created device, performance, all of the props and everything else had to be created and completed entirely by the team ONLY. All of this had to be done on a mere \$145 budget.

Over 800 teams from around the world will compete in the four day Odyssey of the Mind World Finals located at Michigan State University. The competition emphasizes creativity and teamwork and has grown into the largest international creative problem-solving competition worldwide.

In order to get Team Clover Crushers to Michigan, it's going to take approximately \$10,000.00. Unfortunately it's not cheap to transport all of the team's performance props to Michigan, travel for all of the team members, and lodging and meals during the 4-day event. We are anticipating on raising approximately \$4,500 through fundraising activities and through the extreme generosity of our family and friends. That leaves us with another \$5,500 we are asking our local community to help with.

We respectfully submit a request from Sussex County Council for a donation of \$750.00 to help provide our kids an opportunity to show the World what 7 kids from Sussex County can do!!

Odyssey of the Mind has truly made this team come together, work as a team, and increase their ability to solve problems in an innovative and creative manner. It has been, and with your support, will continue to be a once in a lifetime opportunity.

Thank you for your time and we are extremely appreciative of any help you can provide.

Sincerely,



Jim Baker

jbaker@macintosheng.com

[cell: 302-650-5207](tel:302-650-5207)

Council District No. 3 – Deaver
Tax Map I.D. 334-18.00-7.00
911 Address – 20336 John J. Williams Highway, Lewes

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 22,500 SQUARE FEET, MORE OR LESS

WHEREAS, on the 7th day of April 2015, a conditional use application, denominated Conditional Use No. 2017 was filed on behalf of Eli and Victoria Zacharia; and

WHEREAS, on the _____ day of _____ 2015, 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. 2017 be _____;

WHEREAS, on the _____ day of _____ 2015, 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, Section 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2017 as it applies to the property hereinafter described.

Section 2. The subject property is described as:

All that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying northwest of John J. Williams Highway (Route 24), 365 feet southwest of Spencer Lane, the entrance into Harts Landing Subdivision and being more particularly described in Deed Book 3075, Page 89, as recorded in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 22,500 square feet, more or less.

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

Council District No. 1 – Vincent
Tax Map I.D. 331-6.00-89.00
911 Address – 9636 Tharp Road, Seaford

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SPORTING GOODS BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 11,473 SQUARE FEET, MORE OR LESS

WHEREAS, on the 6th day of April 2015, a conditional use application, denominated Conditional Use No. 2018 was filed on behalf of David Clark Lankford; and

WHEREAS, on the ____ day of _____ 2015, 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. 2018 be _____;

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said Conditional Use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the Conditional Use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Section 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2018 as it applies to the property hereinafter described.

Section 2. The subject property is described as:

All that certain tract, piece or parcel of land, lying and being situate in Seaford Hundred, Sussex County, Delaware, and lying at the southwest corner of Tharp Road (Road 534) and Brown Street and at the northwest corner of Charles Street and Brown Street and being more particularly described in Deed Book 2797, Page 341, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 11,473 square feet, more or less.

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

Council District No. 4 – Cole
Tax Map I.D. 234-28.00-153.00
911 Address – 27324 John J. Williams Highway, Millsboro

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONSTRUCTION COMPANY OFFICE; STORAGE OF MATERIALS; RETAIL SALES; AND EQUIPMENT STORAGE AND RENTAL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 34,495.70 SQUARE FEET, MORE OR LESS

WHEREAS, on the 17th day of April 2015, a conditional use application, denominated Conditional Use No. 2019 was filed on behalf of JB Builders, LLC; and

WHEREAS, on the _____ day of _____ 2015, 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. 2019 be _____;

WHEREAS, on the _____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said Conditional Use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the Conditional Use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Section 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2019 as it applies to the property hereinafter described.

Section 2. The subject property is described as:

All that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying north of John J. Williams Highway (Route 24) 500 feet east of Gull Point Road (Road 313) and being more particularly described in Deed Book 4328, Page 178, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 34,495.70 square feet, more or less.

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

PUBLIC HEARINGS

May 5, 2015

This is to certify that on March 26, 2015 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use and Change in Zoning. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

Change of Zone No. 1767 – Adel M. Baghouli

Application of **ADEL M. BAGHOULI** to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a B-1 (Neighborhood Business District) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 2.867 acres, more or less, land lying south of U.S. Route 9 (Lewes-Georgetown Highway) and 1,000 feet west of Road 282 (Arabian Acres Road) (911 Address: 28990 Lewes-Georgetown Highway, Lewes) (Tax Map I.D. 334-10.00 31.05 and 31.06).

The Commission found that the applicant provided a copy of the survey of the property with the application filed on November 19, 2014.

The Commission found that on July 17, 2014 DelDOT provided comments in the form of a letter and Service Level Evaluation referencing that the Department recommends that this rezoning application be considered without a Traffic Impact Study and that the need for a Traffic Impact Study be evaluated when a subdivision or land development plan is proposed; and that the current Level of Service “E” of Route 9 will not change as a result of this application.

The Commission found that on March 20, 2015 the Sussex Conservation District provided comments in the form of a memorandum referencing that there are two (2) soil types on this property; that the applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that no off-site drainage improvements will be necessary; that it

is not likely that the project will necessitate on-site drainage improvements; and that no tax ditches are affected.

The Commission found that on March 23, 2015 the Sussex County Engineering Department Utility Planning Division provided comments in the form of a memorandum referencing that the property is located in the North Coastal Planning Area; that an on-site septic system is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that Adel M. Baghouli was present with David Hackett, Esquire, and stated in their presentation and in response to questions raised by the Commission that the applicant is a local businessman that does custom painting and wall design, including window treatments and closet organization; that they are requesting B-1 Neighborhood Business zoning, a zoning classification that references the uses intended; that a dwelling exist on the easterly property; that the applicant is proposing to erect a 5,000 square foot building with three (3) retail units; that one of the units will be utilized by the applicant and the other two will be leased; that there are several B-1 Neighborhood Business properties, C-1 General Commercial properties, and some Conditional Use properties in the immediate area; that those properties include antique stores, a Moose Lodge, a building supply business, a landscaping supply business, a gun shop, a roofing business, and an appliance business; that Route 9 is an Arterial Roadway, which is trending toward business, rather than residential uses; that the site is more appropriate if used as B-1 Neighborhood Business than residential; that there should be no adverse impact on the community; that the use is consistent with the Comprehensive Land Use Plan Map, which designates the area as Low Density; that the applicant realizes that the use of the property will be subject to a site plan review by the Commission; that the applicant is building a structure on the site for storage of vehicles and materials, and has obtained a Building Permit for a pole barn for his personal use; that the applicant has owned the property for approximately two years; that the applicant was not aware that there had been a previous application for the site; that another similar pole building exists on the adjacent site; that Mr. Hackett suggested that the applicant apply for a rezoning, rather than a Conditional Use due to the number of commercial zonings and uses in the area; that the applicant resides in the dwelling on the easterly lot, and plans to build the commercial building on the westerly lot; that the applicant may combine the lots, but would prefer to keep the lots separate since one or both of the lots could be sold in the future; that they have not yet met with DelDOT for consideration on the entrance; and that the B-1 Neighborhood Business zoning classification permits this type of use.

Mr. Hackett presented suggested Findings of Fact for consideration.

Mr. Lank advised the Commission of the differences between the required property line setbacks for an AR-1 Agricultural Residential property v. a B-1 Neighborhood Business property.

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

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

Mr. Johnson stated that he has some concerns that a previous application for the same site or adjacent site was denied and suggested that the staff research the property and provide Minutes of the Planning and Zoning Commission for review.

On March 26, 2015 there was a motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration, and that the staff shall provide a copy of Minutes of the Planning and Zoning Commission for any previous applications on this site, if any. Motion carried 5 – 0.

On April 9, 2015 the Commission deferred action for further consideration.

On April 23, 2015 the Commission discussed this application under Old Business

Mr. Johnson stated that he would move that the Commission recommend denial of CZ #1767 for Adel M. Baghouli, for a change in zone from AR-1 to B-1 based upon the record made during the public hearing and for the following reasons:

1. Mr. Johnson does not believe this site is appropriate for B-1 zoning and the permitted uses that are allowed in that zoning district, which includes banks, laundries, gas stations, restaurants, retail shopping centers, and other uses.
2. The rezoning is incompatible with the surrounding zoning, which is all AR-1, subject in some cases to limited conditional uses. While there is some commercial or business zoning in the area, it is all on the north side of Route 9. There is no commercial or business zoning on the south side of Route 9 in the vicinity of this parcel. As a result, rezoning the property to B-1 would be inconsistent with the surrounding properties on the south side of Route 9.
3. Mr. Johnson does not believe the Applicant made an adequate record to support the change in zone. The Applicant stated that he desires the B-1 zoning because he currently lives on the property and would like to operate his business there. He has requested the additional property next to his house to be rezoned B-1 without any real justification for the request. Because the location of the property does not support a B-1 use and the Applicant has not created an adequate record to justify the rezoning, it should be denied.
4. This property is part of a prior application that was also denied by the Planning and Zoning Commission and County Council in CU #1790. Many of the reasons for that denial still apply today.
5. The traffic that could be generated at this location after a rezoning to B-1 is not compatible with the existing roadways and traffic conditions on Route 9.
6. The application does not promote the health, safety and general welfare of the neighborhood or community.

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

There was a consensus of the Commission to allow the Applicants to present CZ #1769 and CU #2012 as one presentation with the understanding that each application would be acted on separately.

Change of Zone No. 1769 – Ocean Atlantic Communities, LLC

Application of **OCEAN ATLANTIC COMMUNITIES, LLC** 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 36.98 acres, more or less, land lying north of Route One (Coastal Highway), north of Tulip Drive within Dutch Acres Subdivision, and southeast of Railroad near Nassau; (911 Address: None Available) (Tax Map I.D. 335-11.00-55.00, 56.00, 59.00, and 59.01).

Conditional Use No. 2012 – Ocean Atlantic Communities, LLC

Application of **OCEAN ATLANTIC COMMUNITIES, LLC** to consider the Conditional Use of land in a MR (Medium Density Residential District) for a mixed residential use with multi-family dwellings to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 37.26 acres, more or less, land lying north of Route One (Coastal Highway), north of Tulip Drive within Dutch Acres Subdivision and southeast of Railroad near Nassau (911 Address: None Available) (Tax Map I.D. 335-11.00-55.00, 56.00, 59.00 and 59.01).

The Commission found that the applications were filed on November 25, 2014 and included surveys and site plans.

The Commission found that the applicants submitted an Exhibit Booklet on March 16, 2015 for consideration, and that the Exhibit Booklet contains a presentation outline; a data column; a history of the project; a copy of Ordinance No. 1790 for Conditional Use No. 1526, the application of Robino-Sanibel Village, LLC for multi-family use of the property approved September 13, 2005; a copy of the previously approved plan for the multi-family use that never developed; a copy of the proposed rezoning plan; a copy of the proposed conditional use plan; a copy of the revised proposed conditional use plan based on Technical Advisory Committee comments; a series of map, plans, aerials, and renderings; a copy of the 1868 Beers Atlas map of the area; a copy of the response to the PLUS comments; an Environmental Assessment and Public Facilities Evaluation Report; a letter on Source Water Protection; a response to the Technical Advisory Committee comments; a U.S. Army Corps. of Engineers Jurisdictional Determination letter; a site specific assessment and brownfield investigation report from Environmental Alliance, Inc.; a letter from DelDOT in reference to the Traffic Impact Study for the project; and a Willing and Able to Serve letter from Tidewater Utilities, Inc.

The Commission found that on March 12, 2015 the applicants provided additional Exhibits, including a Google Earth photo of the site; copies of portions of the Sussex County Comprehensive Land Use Plan relating to the Environmentally Sensitive Developing Area and Future Land Use Map; copies of portions of the Sussex County Comprehensive Zoning Map; copies of the Minutes of the Planning and Zoning Commission meeting of March 2, 2004 and April 29, 2004 relating to the Robino-Sanibel Village, LLC application for Conditional Use No. 1526; and a copy of Ordinance No. 1790, dated September 13, 2005 referencing the approval of Conditional Use No. 1526 by Sussex County Council.

The Commission found that on March 20, 2015 the Sussex Conservation District provided comments in the form of a memorandum referencing that the site contains five (5) soil types; that the applicants will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas are affected; that it is not likely that this project will necessitate any off-site drainage improvements; that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that on March 23, 2015 the County Engineering Department Utility Planning Division provided comments in the form of a memorandum referencing that the project is located in the West Rehoboth Expansion Area; that wastewater capacity is available for the project; that Ordinance 38 construction is required; that the current System Connection Charge Rate is \$5,500.00 per EDU (Equivalent Dwelling Unit); that the appropriate connection point is not known at this time; that conformity to the North Coastal Planning Study will be required; that the project proposes a mixed residential development of single family detached dwellings and duplexes, for a total of 147 residential units on 36.98 acres; that the project is located within the boundary of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District and connection to the sewer system is mandatory; that a potential connection point for the project exists near the northerly end of Tulip Drive; that the potential point drains to nearby Pump Station 240, which in turn discharges through a 4-inch force main to Manhole 19263 near the intersection of Tulip Drive and the northerly side of Route One; that Pump Station 240 currently lacks capacity to serve the proposed project; that the developer shall be required to either upgrade the existing pump station or pump around the station to an acceptable connection point; that all work shall be performed at the developer's expense; that based on limited information available at this time, capacity appears adequate in the downstream transmission system; that the County shall require the developer to undertake or fund a capacity evaluation and planning study to determine sewer connection options and upgrade requirements; that the County requires design and construction of the collection and transmission system to meet County sewer standards and specifications; that a new concept plan must be submitted to the County Engineering Department for review and approval prior to the design of the sewer system; and that a check list for preparing concept plans is available.

Mr. Lank advised the Commission that the Department has received copies of emails from Jeff Greene and Barbara Vaughan referencing a Traffic Management Study for the area; an email from Bob Maloney referencing the Georgetown Lewes Rail Trail and that the developer could complete the bordering trail and extend under Route One at the Nassau Bridge, and that this

would be an awesome improvement to Route One pedestrian and cycling safety; and an email from Robert Rice in opposition due to the difficulty of getting onto Route One in the summer months to go southbound because of traffic, and adding that all year long the Saint Jude's Church must have the State Police direct church traffic onto Route One, and suggesting denial due to the limited access from Tulip Drive. Mr. Lank provided the Commission with copies of the emails referenced.

Mr. Lank also provided the Commission with a letter received by email from Sol Peltz on behalf of residents from the Village of Five Points requesting that the Commission considered some suggested conditions of approval relating to buffering and access. Mr. Lank provided the Commission with a copy of the referenced letter.

The Commission found that Preston Schell and Ben Gordy were present on behalf of Ocean Atlantic Communities, LLC with James Fuqua, Esquire of Fuqua, Yori and Willard, P.A. and Zac Crouch, Professional Engineer, and D. J. Hughes, Professional Engineer, from Davis, Bowen & Friedel, Inc. and that they stated in their presentations and in response to questions raised by the Commission that they realize that there are some concerns from neighbors and the St. Judes Church; that access to the site is from Tulip Drive, a State maintained street within Dutch Acres; that to the south of the site is Dutch Acres, a 40 lot subdivision; that to the east is the Village of Five Points, a 586 unit Residential Planned Community; that to the northeast is Atlantic Concrete, an industrial use; that to the north is the railroad; and to the west is Nassau, the Reserves of Nassau I development, and Taramino, a multi-family project; that in 2005 the site was approved for a 152 multi-family unit project for Robino-Sanibel Village, LLC; that the Commission had originally denied the requested application, and that the County Council approved the application with conditions; that there are two differences in this application and the original application: 1) the original application had a shared entrance with Atlantic Concrete from Old Orchard Road; that a private traffic signal was to be required with the access road; that Tulip Drive is a State maintained street, that provides access to this site; and 2) this application is intended to be an age restricted community with master bedrooms on the first floor; that an age restricted community creates a lower traffic volume; that a Traffic Impact Study was prepared by Davis, Bowen & Friedel, Inc. and has been reviewed by DelDOT; that the Route One and Tulip Drive crossover with have extended turning lanes; that a Traffic Signal Justification Study was performed and that McCormick/Taylor, Consultants to DelDOT have agreed that a full service traffic signal is not warranted at this location; that the applicants will be dedicating a 5.0 foot wide strip along the railroad for a future rail to trail expansion; that central water will be provided by Tidewater Utilities; that central sewer will be provided by the County; that electrical services will be provided by Delmarva Power; that studies indicate that there are no endangered species or cultural resources on the site; that there are 4.51 acres of Federal wetlands on the site; that stormwater management and erosion and sediment control will be provided subject to the current regulations of the Sussex Conservation District; that the previous use of the site was a borrow pit with some fill including debris, stumps, etc.; that the site is being enrolled into the State Brownfield program for future mitigation; that they are requesting consideration for 147 condominium type units, including 43 single family dwelling units, 46 duplex units, and 58 townhouse style units; that recreational amenities will include a clubhouse, a swimming pool,

trails and a playground; that the site is located in an Investment Level 1 according to the State Strategies, where the State considers the area already developed or urban in nature; that development of the site is supported by the State; that the site is located in an Environmentally Sensitive Developing Area (a growth area) according to the Sussex County Comprehensive Land Use Plan; that the type of development intended is an appropriate use in this area; that the rezoning and conditional use is appropriate since the site is located in a growth area, since the site is surrounded by developments, and since the use conforms to the Sussex County Comprehensive Land Use Plan Future Land Use Map; that the location is already urban in character; that the MR zoning requested is consistent with the zonings in the area; that the conditional use for a mixed residential use is consistent and similar to the adjoining uses in the area; that the site is surrounded by MR Medium Density Residential and C-1 General Commercial properties; that two wetlands crossings will be necessary; that they will be providing a minimum of 20-feet for buffering along all Federal wetlands; that the proposed parking lot serving the Rail to Trail will be open to the public; that the site is located in an excellent recharge area; that 29% of the site will be impervious; that bio-retention facilities are proposed; that there will be 26 acres of open space; that tree clearing will be held to a minimum; that most of the trees should be preserved; that a 2014 Environmental Report includes references to 120 test borings of the soils on the site; that the State DNREC has made two recommendations for the mitigation of the site; that the State DNREC has advised that there are no hazardous or health issues or concerns; and that the original approved conditional use was never built and the approval for that use has expired.

The Commission found that Mr. Fuqua submitted and summarized suggested proposed Findings of Fact for Change of Zone No. 1769 for consideration, which include:

- 1) The site is located in Investment Level 1 according to the Strategies for State Policies and Spending which is an area where future redevelopment or infill projects are expected and encouraged by State policy.
- 2) The site of the proposed rezoning is located in the Environmentally Sensitive Developing Area, according to the Sussex County Comprehensive Plan, which is one of the designated growth areas of The Plan.
- 3) The site is surrounded by properties located in the mixed residential area or highway commercial area, which is also designated growth areas of The Plan.
- 4) The proposed rezoning is consistent with the stated purpose of the MR Zoning District, which is to provide for medium-density residential development in areas which are generally urban in character.
- 5) The site is surrounded by land zoned MR-Medium Density, C-1 Commercial and a non-conforming commercial/industrial use.
- 6) The site of the proposed rezoning is located in the West Rehoboth Expansion area of the Dewey Beach Sanitary Sewer District and complies with the system design assumption of

a maximum of 4 units per acre. The Engineering Department indicates that there is adequate capacity for the proposed development.

- 7) The site will be served with water for domestic use and fire protection by Tidewater Utilities, Inc.
- 8) The proposed rezoning and use is consistent with neighboring and adjacent property uses and densities, which include single family and multi-family communities and will not have an adverse impact on those communities.
- 9) DeIDOT has reviewed and approved the Traffic Impact Study performed for the site and any development will comply with the entrance and road improvements required by DeIDOT.
- 10) The proposed MR Zoning designation meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County at an appropriate location established by the Comprehensive Plan.

The Commission found that Mr. Fuqua submitted and summarized suggested proposed Findings of Fact and Conditions of Approval for Conditional Use No. 2012 for consideration, which include:

- 1) These Findings incorporate the Findings for Change of Zone No. 1769, which are applicable to this proposed Conditional Use.
- 2) A Conditional Use for 152 multi-family units was previously approved by the County Council for this site. This Conditional Use proposal with the relocated entrance and the age restriction creates a safer development with less impact for the benefit of current residents and future residents of the development.
- 3) The Conditional Use will permit the development of the property in a way that is consistent with the area and consistent with the prior approval for multi-family dwellings on the parcel.
- 4) The Conditional Use promotes the orderly growth of the County at an appropriate location and provides residential housing which is essential and desirable for the general convenience and welfare.
- 5) These Findings are subject to the following conditions:
 - A. There shall be no more than 147 units being a mixture of 43 single family units, 46 duplex units, and 58 townhouse 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.
- D. All entrance and roadway improvements shall comply with DelDOT requirements and, as offered by the Applicant, a five foot easement adjacent to the Railroad right-of-way shall be dedicated for use as part of the proposed Georgetown-Lewes Trail and a parking area shall be provided on site for access to the Trail for the general public.
- 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. Buffers and landscape screens will be provided as indicated on the Preliminary Plan.
- H. The development will be served as part of a Sussex County Sewer District and central water will be provided by a public utility company.
- I. The clubhouse, pool and playground amenities shall be constructed no later than the issuance of the 80th residential building permit for the project.
- J. Federal wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State Permits.
- K. Any site remediation work required by DNREC as a result of the site study performed by Environmental Alliance, Inc. shall be completed in accordance with DNREC instructions.
- L. As indicated by the Applicant, the development shall be operated as an “age restricted, over 55 community” as that term is generally interpreted.
- M. Construction, site work, grading and deliveries of construction materials, landscaping materials 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.
- N. 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. The Staff shall approve the revised Plan upon confirmation that the Conditions of Approval have been depicted or noted on it.
- O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

The Commission found that the Applicants representatives responded to questions raised by the Commission by stating that disclosure documents shall include a reference that a Rail to Trail

project may be created along the existing railroad; that disclosure documents will also include a reference that the Atlantic Concrete project and a concrete reclamation site exist to the east of the site; that they will add a 20 foot wide buffer along the perimeter line next to the Village of Five Points; that a 5-foot wide dedication of right-of-way will be added along the railroad for the proposed Rail to Trail; that according to DelDOT, the turn lanes at the crossover will be extended on Route One; that 147 age-restricted units will generate 660 vehicle trips per day which equates to approximately ½ the number of trips for a standard development; that they have not asked Atlantic Concrete for approval of an access for construction only; that there will be minimal fill added, mostly earth moving around the site; that the bridge design has not yet been determined; that the design of the bridges will cause the least impact on the wetlands; that the fill in the borrow pit area is mostly stumps and construction debris; that the project will probably be developed in two phases; that they are providing a playground since residents in age restricted communities like to have playgrounds for their children and/or grandchildren; that the State DNREC considers part of the site a Brownfield site and will be overseeing the removal of all debris and contaminants from the site; that the covenants for the age restricted community will be based on Federal restrictions; that they may incorporate a dog park; that the proposed parking area for public access to the Rail to Trail will contain 25 parking spaces; that they did not consider applying for a Conditional Use for the multi-family use in the current AR-1 District because they wanted to design the project with different housing types; that the rezoning and the project are an infill to the similar zonings and uses in close proximity; that the dedication of land for the Rail to Trail replaces the need for sidewalks; that the driveways/streets are proposed to be curb and gutter with wider paving to allow for walking along the curb; and that the pathway next to Atlantic Concrete will be removed and possibly replaced with a berm and landscaping.

The Commission found that there were no parties present speaking in support of the application.

The Commission found that Andy Martin, Kenneth Ciarlone, Greg Arena, Helen Truitt, Bob Rice, Sandy Spence, Sol Peltz, Mike Farr, Julien Karpoff, Bill Gregg, Kelly Racz, Jim McQuire, Becky Healey, Herb Von Goerres, Kevin Gray, Kirsten Sultan, and John Gilbert were present in opposition or expressing concerns about the project and stated that the intersection crossover is dangerous now due to access to and from Dutch Acres, Taramino, the Saint Judes Church, and other traffic traveling along Route One; that there have been multiple accidents at this crossover; that this proposal will multiply the dangers; that the proposed driveways/street design creates bridges across wetlands which include a tidal gut that drains into the Delaware Bay; questioning the requirements for an age-restricted community; questioning the setbacks from wetlands to dwelling units; questioning discharges into the Federal jurisdictional waters; that a petition is being submitted containing approximately 900 signatures in opposition; that there is a 12 foot drop down to the Black Hog Gut; questioning environmental protection; referencing that several new projects in the area are already creating more traffic; questioning why the developer has not provided 100-foot wide buffers from all wetlands as suggested by the State DNREC; stating that any wetlands impacted should be replaced elsewhere; expressing concerns that the wetlands will be disturbed and trees will be lost; that natural areas are important and should be preserved; that when the Saint Judes Church expanded the traffic signal was installed and curbs were installed; that it may be difficult for trucks and tractor trailers to enter onto Tulip Drive; that remediation

of the site is needed; questioning if the Traffic Impact Study included the access and parking for the Rail to Trail; questioning ground water recharge; questioning if anyone considered access to the site from New Road across the railroad; that the residents of the area and the Church are very concerned about safety at the crossover and on Tulip Drive; that the traffic light was installed due to a traffic fatality; that the State Police control the traffic at the intersection of Route One and Tulip Drive during church activities; that the residents of Tulip Drive are concerned about drivers short cutting through Dutch Acres; that children play along Tulip Drive; that the church is concerned about drivers short cutting across the church driveways and parking lots; that the church has a school for children and bus services daily on church property; that people park on church property without permission, and that the church does not want to be liable for others that may be trespassing on church property; that the walkway next to the Atlantic Concrete property line should be removed so that it does not appear that people have access to cross the Village of Five Points project; questioning if there will be dewatering for construction that may impact on-site well water of the residents in Dutch Acres; questioning if the developers should put up bonds to protect the residents in Dutch Acres if their wells are impacted by the dewatering; questioning if the bridges will have sidewalks; expressing concerns about children safety; expressing concerns about the close proximity between Tulip Drive and the Nassau Road intersection; questioning if DelDOT considered the church traffic when reviewing the Traffic Impact Study; questioning if anyone considered the impact on the wildlife in the area of the site and on the site; that Tulip Drive was built to serve the Dutch Acres subdivision, not additional traffic from other projects and the church; that some of the opposition supports an access from the Atlantic Concrete side of the project, rather than the Tulip Drive access proposed; and questioning if the site is suitable for the construction of residential units.

Mr. Robertson announced that Mrs. Truitt had submitted letters and a petition in opposition to this application and that the letters and petition will be a part of the record for these applications.

The Commission found that the Applicants representatives responded to some of the concerns and questions raised by the opposition by stating that there will be less run-off than the run-off that already exists on the site; that run-off will be infiltrated back into the groundwater; that permits are required from the U.S. Army Corps. of Engineers for the bridges; that the U.S. Corps. of Engineers has already made a preliminary jurisdictional determination for the project; that there are topographic issues with this site; that the dwellings will be located where drop offs are at a minimum; that 50-foot buffers will be provided from all tidal wetland boundaries; that a voluntary 20-foot buffer will be provided from all Federal wetlands; that DelDOT sidewalks will be curbed; that turning lanes will be lengthened per the specification described by DelDOT; that the dedication of 5-feet to the Rail to Trail allows for a 10-foot trail with 5-foot of grass shoulders on both sides; that the dedication of 5-feet was requested by DelDOT; that a crossing over the railroad was not requested; that the railroad only allows so many crossovers per mile; that no access has been requested to cross the railroad; that the traffic counts for the Traffic Impact Study were counted in August 2013, and that Davis, Bowen & Friedel, Inc. performed additional counts in August 2014; that the walkway along the Atlantic Concrete property line will be removed so that it does not appear to provide a connection to the Village of Five Points project; that dewatering would be for groundwater, not the aquifer; that the borrow pit has

existed since the 1950s; that the 100-foot buffer requested by the State is only a suggestion, not a requirement; that there are two components to remediation: one to remove and relocate some soils and to recap an area of soils; that the remediation will be supervised by DNREC; that there is no alternative access intended except for emergency use and construction; that they cannot discharge water onto lands of others per State laws; and that they intend to fill in the understory of the trees to help screen the project.

At the conclusion of the public hearings on March 26, 2015 the Commission discussed these applications.

In reference to Change of Zone No. 1769:

On March 26, 2015 there was a motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to defer action on Change of Zone No. 1769 for further consideration. Motion carried 5 – 0.

In reference to Conditional Use No. 2012:

On March 26, 2015 there was a motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to defer action on Conditional Use No. 2012 for further consideration. Motion carried 5 – 0.

On April 9, 2015 the Commission discussed these applications under Old Business.

The Commission discussed C/Z #1769 and C/U #2012, the applications of Ocean Atlantic Communities, LLC, which have been deferred since March 26, 2015.

Mr. Burton stated that he was prepared to make a motion, but asked the Commission for any comments.

Mr. Johnson stated that he feels that the applications are appropriate since the intent of the developer is to clean up an existing Brownfield site; that it makes sense to utilize an existing street access, rather than an access through a concrete plant site; that he would support the intended trail expansion; that he is concerned about pedestrian traffic in any community; that there is a need for some means for safe pedestrian movement; and that since guttering is proposed it seems appropriate to incorporate sidewalks for safety.

Mr. Ross stated that area densities could be considered, referencing Dutch Acres, recorded in 1957, the C-1 commercial zoning established in 1971, and the Village of Five Points Residential Planned Community; that the project seems to be an infill due to the underlying MR zoning proposed; that he questions if Tulip Drive can carry the intended traffic; and that he is concerned about the density and may oppose the motion, if approval is recommended.

Mr. Smith stated that the use will cleanup a Brownfield site; that he is also concerned about safety; and noted that the presentation was very informative.

In reference to Change of Zone #1769:

Change of Zone #1769 - Ocean Atlantic Communities, LLC

Mr. Burton stated that he would move that the Commission recommend approval of Change of Zone #1769 for a change in zone from AR-1 Agricultural Residential to MR Medium Density Residential based upon the record made during the public hearing and for the following reasons:

- 1) The site is located in the Environmentally Sensitive Developing Area according to the Sussex County Comprehensive Plan. MR Medium Density Residential zoning is appropriate for this Area under the Plan.
- 2) MR Medium Density Residential zoning is consistent with neighboring zonings. The site is surrounded by lands zoned MR Medium Density Residential and C-1 General Commercial, a railroad, and a non-conforming commercial/industrial use. The MR Medium Density Residential zoning for this parcel is basically infill to match the surrounding zoning districts.
- 3) The site will be served by central water and Sussex County sewer.
- 4) MR Medium Density Residential zoning is consistent with the surrounding uses, which include both single-family and multi-family residences. As a result, rezoning this property to MR Medium Density Residential will not adversely affect the neighboring properties or uses.
- 5) The proposed rezoning to MR Medium Density Residential is consistent with the purpose of the MR Medium Density Residential District, which is to provide for medium density residential areas which are generally urban in character or likely to become urban in character, and where central sewer and water are available.

Motion by Mr. Burton, seconded by Mr. Smith, and carried with 3 votes to 2, to forward Change in Zone #1769 to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 3 – 2. The vote by roll call: Mr. Burton - yea; Mr. Johnson - nay; Mr. Ross - nay; Mr. Smith - yea; and Mr. Wheatley - yea.

In reference to Conditional Use #2012:

Conditional Use #2012 – Ocean Atlantic Communities, LLC

Mr. Burton stated that he would move that the Commission recommend approval of Conditional Use #2012 for Ocean Atlantic Communities, LLC for a Conditional Use to allow multi-family

dwellings in a MR Medium Density Residential District based upon the record made during the public hearing and for the following reasons:

- 1) This site was previously approved for 152 multi-family units by Ordinance No. 1790. That approval included the entrance to the site via a shared entrance with Atlantic Concrete.
- 2) This application is for 147 units, consisting of a mixture of single family, duplex, and multi-family units. The entrance has been relocated to Tulip Drive, a State maintained right-of-way. These are improvements over Ordinance No. 1790.
- 3) The mixture of single family, duplex and multi-family units is consistent with the surrounding properties, which also include townhouses, multi-family homes and single family homes.
- 4) The use will be served by central water and Sussex County sewer.
- 5) The redevelopment of this site will enable it to be cleaned up through its enrollment in the Brownfields program, which will take it from an unused and overgrown dump site to one that is cleaned and put to a beneficial use for current and future residents of the County.
- 6) As part of the development process, the applicant will be required to comply with all DelDOT requirements concerning traffic and roadway improvements.
- 7) The site is located in the Environmentally Sensitive Developing Area and it is in close proximity to Route One. This mixed residential project is appropriate for this location.
- 8) With the proposed design there will be 26 acres of open space and most of the trees will be preserved on the site.
- 9) This recommendation is subject to the following conditions:
 - A. There shall be no more than 147 units being a mixture of 43 single family units, 46 duplex units, and 58 townhouse 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.
 - D. All entrance and roadway improvements shall comply with DelDOT requirements.
 - E. As offered by the applicant, a five (5) foot easement adjacent to the railroad right-of-way shall be dedicated for use as part of the proposed Georgetown-Lewes Trail and a parking area as shown on the Preliminary Site Plan shall be provided for access to the Trail for the general public.

- F. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
- G. A 20 foot wide perimeter buffer shall be provided as shown on the Preliminary Site Plan. There shall also be a 20 foot wide buffer along the common boundary with the Villages of Five Point development. The landscaping plan, which may include existing vegetation, shall be included as part of the Final Site Plan.
- H. The development will be served as part of a Sussex County Sewer District and central water will be provided by a public utility company.
- I. The clubhouse, pool and playground amenities shall be constructed prior to the issuance of the 73rd residential building permit for the project.
- J. Federal Wetlands shall be maintained as non-disturbance areas, except where authorized by Federal and State Permits. The wetland areas shall be clearly marked on the site with permanent markers to prevent disturbance.
- K. As proposed by the applicant, there shall be a 20 foot buffer from all Federal Wetlands and a 50 foot buffer from all tidal wetlands.
- L. Any site remediation work required by DNREC as a result of the site study performed by Environmental Alliance, Inc. shall be completed in accordance with all DNREC instructions.
- M. As indicated by the applicant, the development shall be operated as an “age restricted, over 55” community as that term is generally interpreted and governed by Federal Law.
- N. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Friday between the hours of 8:00 a.m. and 6:00 p.m., and Saturdays between the hours of 9:00 a.m. and noon. The applicant shall make every effort to establish a temporary construction entrance via Atlantic Concrete and not Tulip Drive.
- O. As requested by the Villages of Five Points, there shall not be interconnecting trails between the Villages of Five Points and the rail trail. Instead, the area where the interconnecting trail was to be located shall now be a 20 foot wide vegetated buffer, like others along the perimeter of the project.
- P. As stated by the applicant, trees shall be preserved to the maximum extent possible. The Final Site Plan shall show all areas where existing trees will not be disturbed.
- Q. This preliminary approval is contingent upon the applicant submitting a Revised Preliminary Site Plan either depicting or noting the conditions of approval on it. The Staff shall approve the Revised Preliminary Site Plan upon confirmation that the Conditions of Approval have been depicted or noted on it.

- R. 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.
- S. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Mr. Smith questioned the age restriction reference and its relationship with traffic.

Mr. Robertson advised the Commission that the traffic counts presented were calculations relating to an age restricted community.

Mr. Robertson also advised the Commission that if the developer would decide to remove the age restriction provision it would require another public hearing process to change the use.

Motion by Mr. Burton, seconded by Mr. Smith, and carried with 3 votes to 2, to forward Conditional Use #2012 to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 3 – 2. The vote by roll call: Mr. Burton - yea; Mr. Johnson - nay; Mr. Ross - nay; Mr. Smith - yea; and Mr. Wheatley - yea.

Introduced 1/13/15

**Council District No. 3 – Deaver
Tax Map I.D. No. 334-10.00-31.05 and 31.06
911 Address: 28990 Lewes–Georgetown Highway, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.867 ACRES, MORE OR LESS

WHEREAS, on the 19th day of November 2014, a zoning application, denominated Change of Zone No. 1767 was filed on behalf of Adel M. Baghouli; and

WHEREAS, on the ____ day of _____ 2015, 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. 1767 be _____; and

WHEREAS, on the ____ day of _____ 2015, 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,

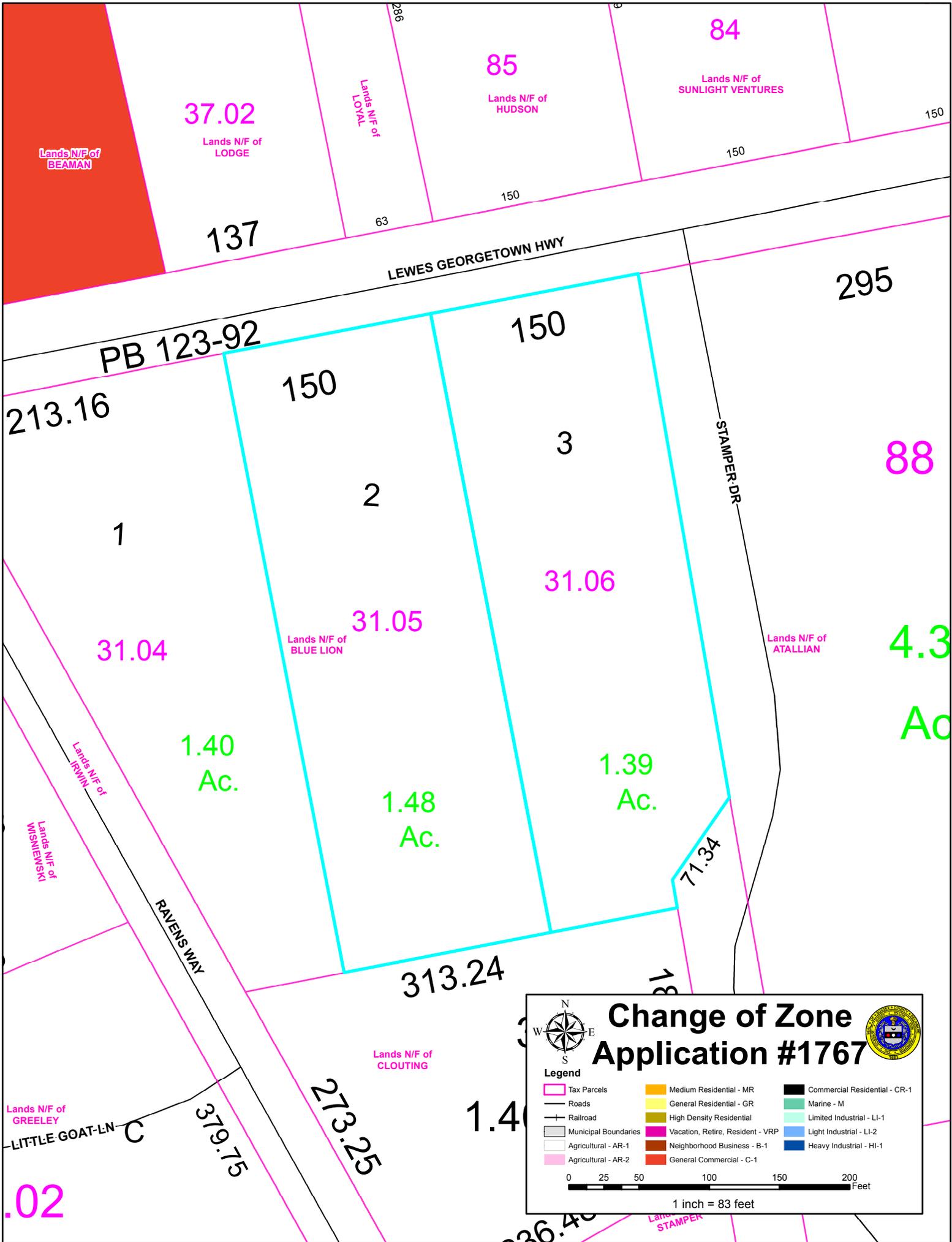
NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

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

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situated in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying south of U.S. Route 9 (Lewes – Georgetown Highway) and 1,000 feet west of Road 282 (Arabian Acres Road) and being more particularly described as Parcels 2 and 3 for RWR9, LLC as recorded in Plot Book 123 Page 92 in the Office of the Recorder of Deeds in and for Sussex County, Delaware, and containing 2.867 acres, more or less.

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



Lands N/F of BEAMAN

37.02
Lands N/F of LODGE

Lands N/F of LOYAL

85
Lands N/F of HUDSON

84
Lands N/F of SUNLIGHT VENTURES

137

63

150

150

150

LEWES GEORGETOWN HWY

PB 123-92

213.16

150

150

295

1

2

3

88

31.04

31.05

31.06

4.3
Ac

1.40
Ac.

Lands N/F of BLUE LION

Lands N/F of ATALLIAN

1.48
Ac.

1.39
Ac.

Lands N/F of IRWIN
Lands N/F of WISNIEWSKI

RAVENS WAY

STAMPER DR

313.24

31

273.25

Lands N/F of CLOUTING

1.4

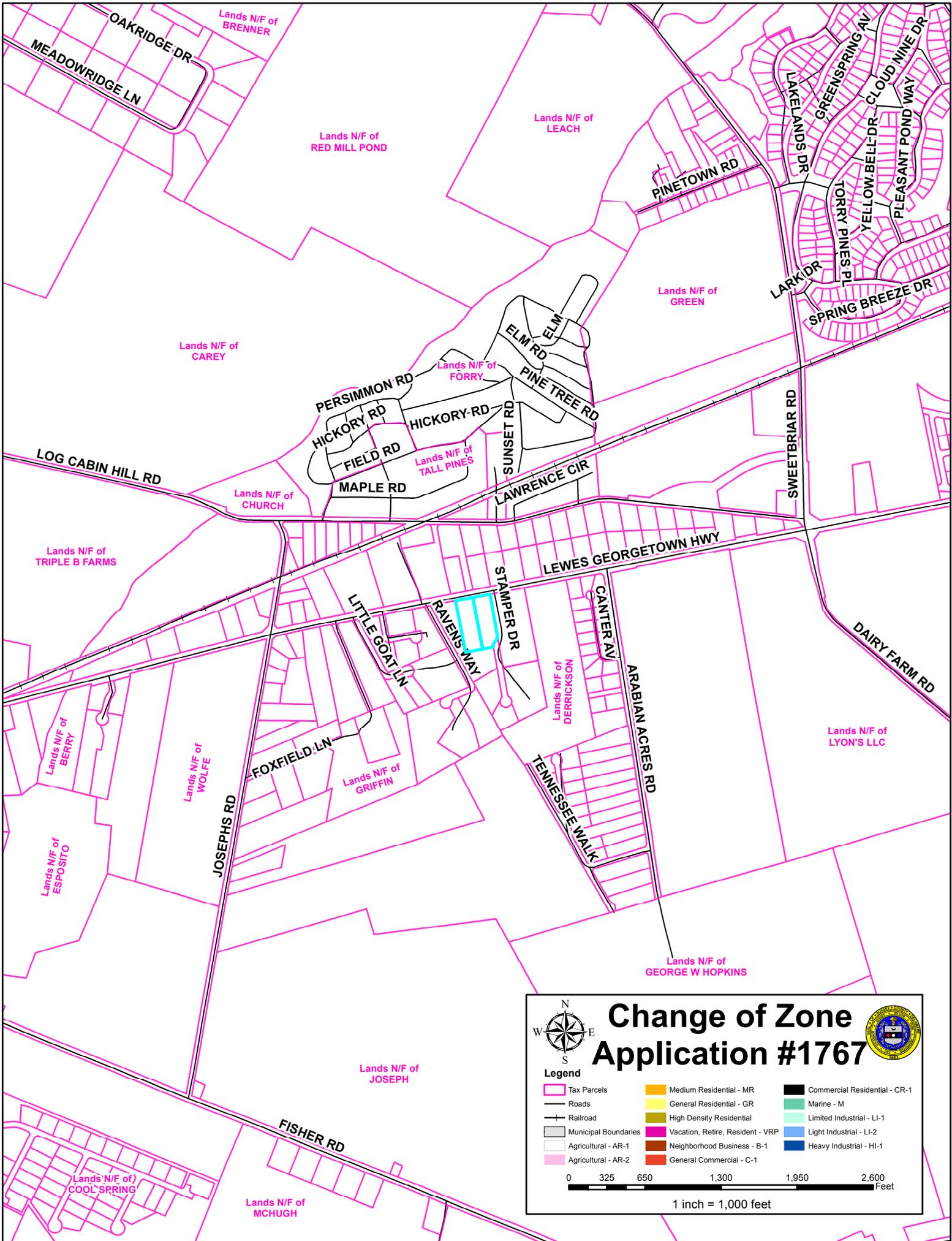
Lands N/F of GREELEY
LITTLE GOAT LN C

379.75

.02

26.40

Lands N/F of STAMPER



Change of Zone Application #1767



W N E S



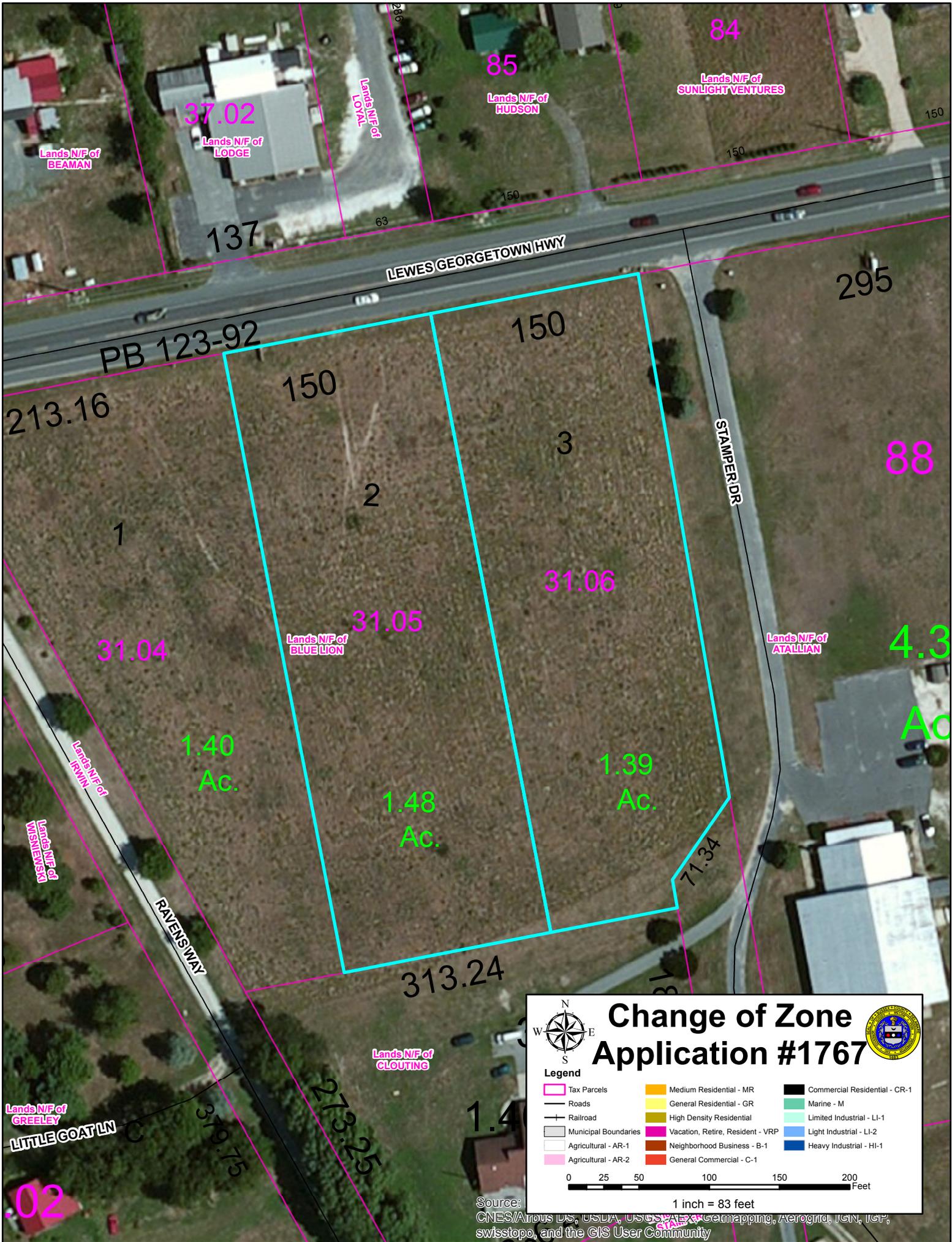
Legend

<ul style="list-style-type: none"> Tax Parcels Roads + Railroad Municipal Boundaries Agricultural - AR-1 Agricultural - AR-2 	<ul style="list-style-type: none"> Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 General Commercial - C-1 	<ul style="list-style-type: none"> Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
--	--	--

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

Feet

1 inch = 1,000 feet



Change of Zone Application #1767

Legend

<ul style="list-style-type: none"> Tax Parcels Roads Railroad Municipal Boundaries Agricultural - AR-1 Agricultural - AR-2 	<ul style="list-style-type: none"> Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 General Commercial - C-1 	<ul style="list-style-type: none"> Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
---	--	--

0 25 50 100 150 200 Feet

Source: CNES/Airbus DS, USDA, USGS, Esri, DeLorme, GeoEye, AerialGrid, IGN, IGP, swisstopo, and the GIS User Community

1 inch = 83 feet

Introduced 1/20/15

Council District No. 3 - Deaver

Tax Map I.D. No. 335-11.00-55.00, 56.00, 59.00, and 59.01

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 36.98 ACRES, MORE OR LESS

WHEREAS, on the 25th day of November 2014, a zoning application, denominated Change of Zone No. 1769 was filed on behalf of Ocean Atlantic Communities, LLC; and

WHEREAS, on the ____ day of _____ 2015, 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. 1769 be _____; and

WHEREAS, on the ____ day of _____ 2015, 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,

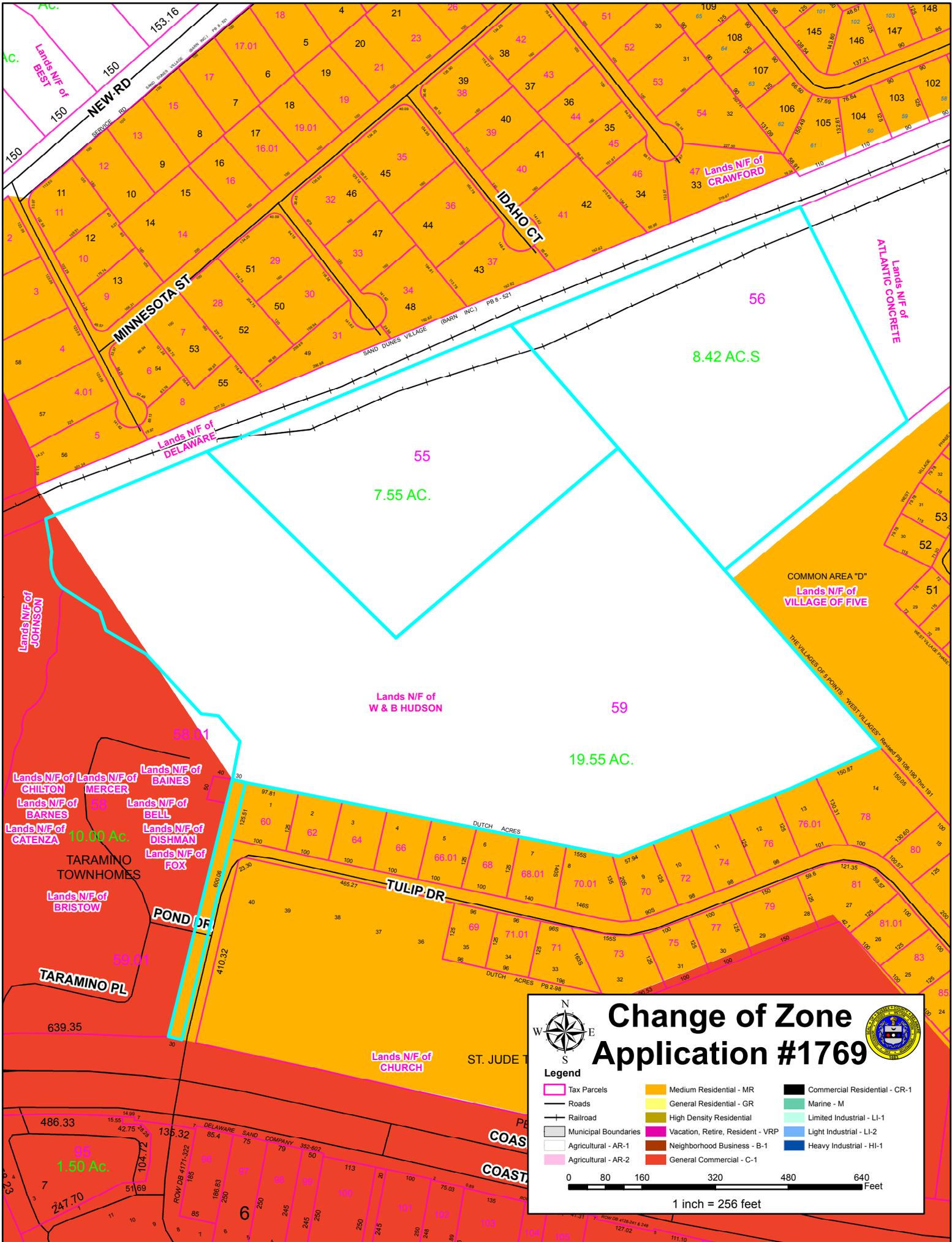
NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

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 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 situated in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying north of Route One (Coastal Highway), north of Tulip Drive within Dutch Acres Subdivision, and southeast of Railroad near Nassau and being more particularly described per the attached legal description provided by Davis, Bowen & Friedel, Inc., and containing 36.98 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.

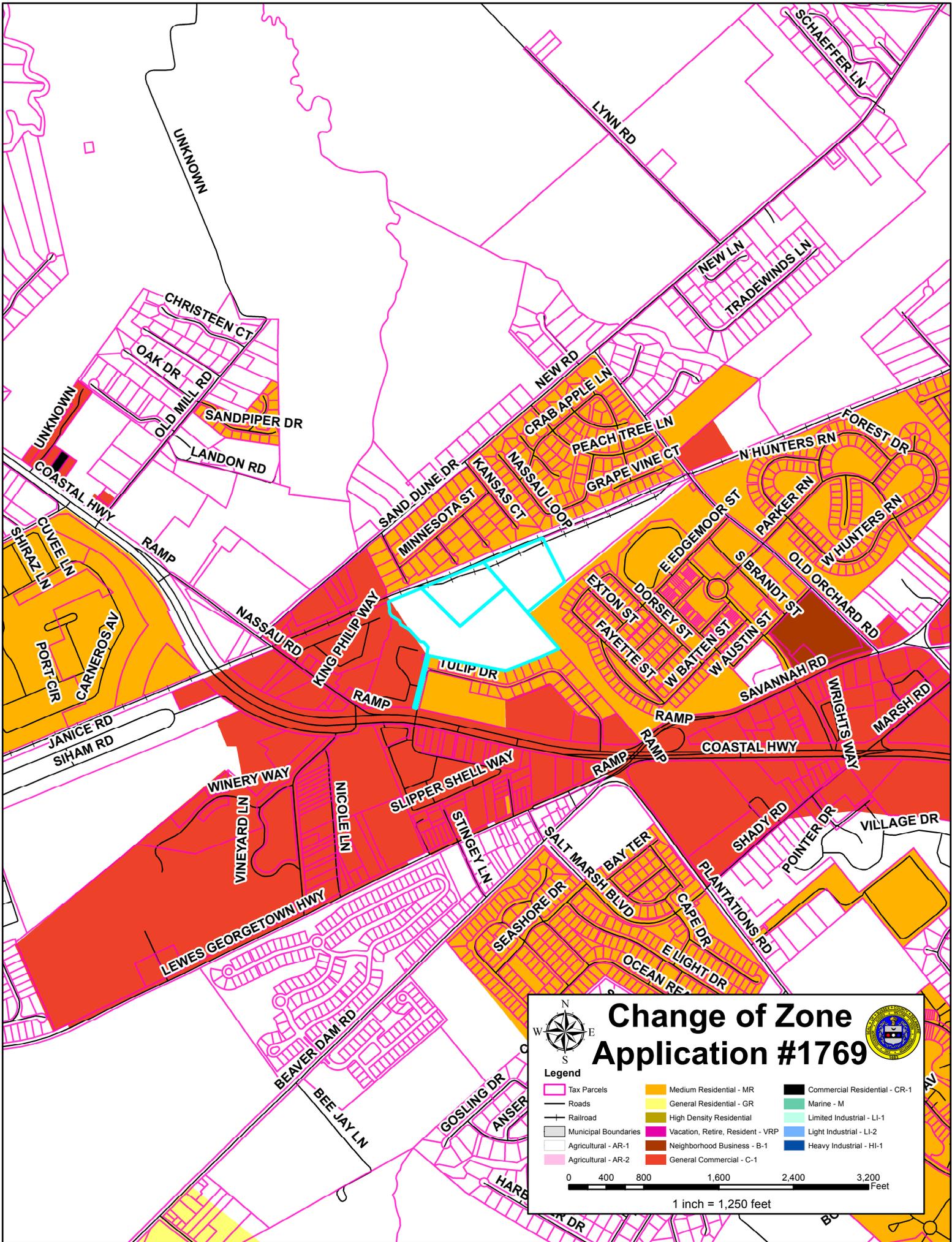


Change of Zone Application #1769

Legend

<ul style="list-style-type: none"> Tax Parcels Roads Railroad Municipal Boundaries Agricultural - AR-1 Agricultural - AR-2 	<ul style="list-style-type: none"> Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 General Commercial - C-1 	<ul style="list-style-type: none"> Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
---	--	---

1 inch = 256 feet



Change of Zone Application #1769



W N
S E

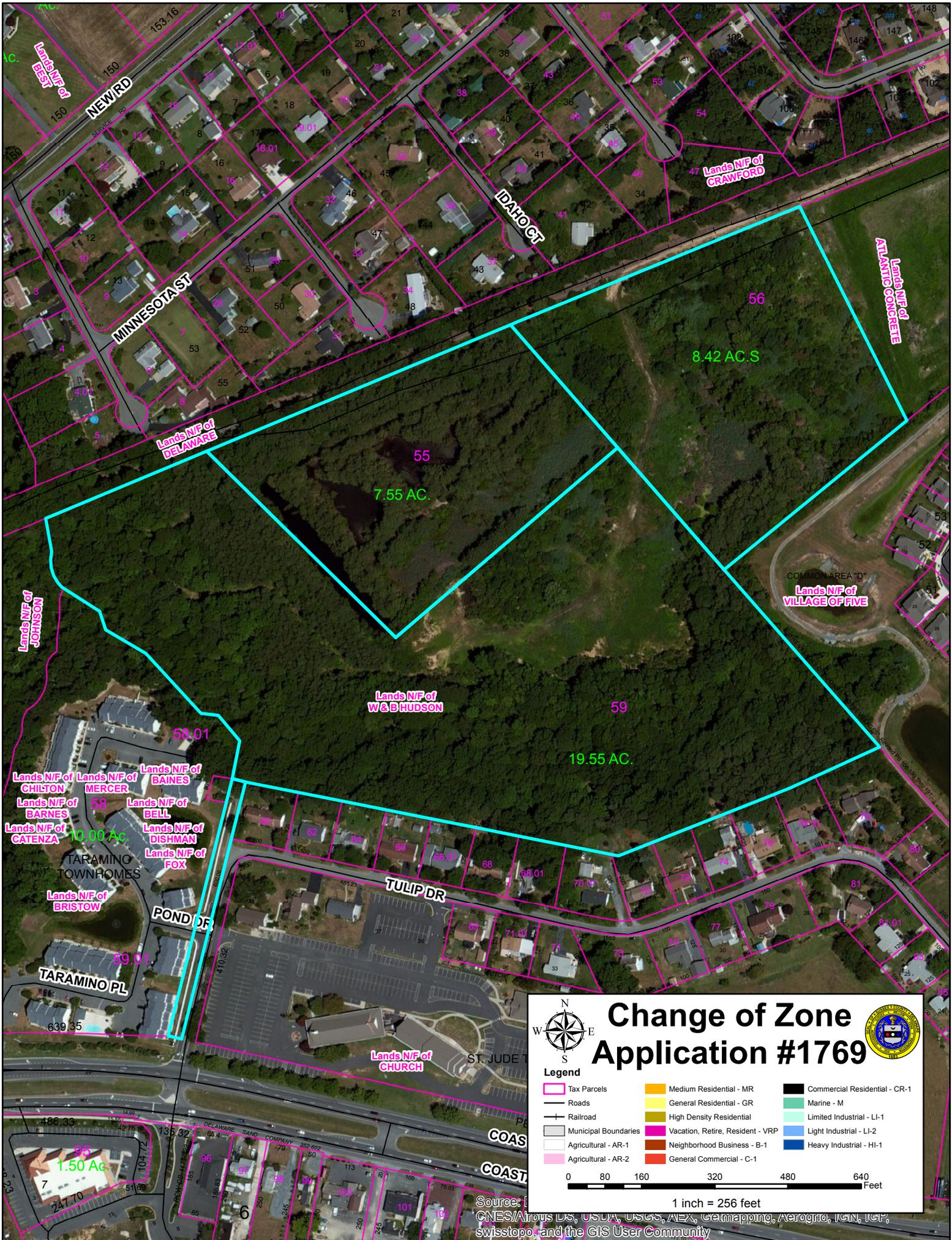


Legend

<ul style="list-style-type: none"> Tax Parcels Roads Railroad Municipal Boundaries Agricultural - AR-1 Agricultural - AR-2 	<ul style="list-style-type: none"> Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 General Commercial - C-1 	<ul style="list-style-type: none"> Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
---	--	--

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

1 inch = 1,250 feet



Change of Zone Application #1769



W N E
S



Legend

<ul style="list-style-type: none"> Tax Parcels Roads Railroad Municipal Boundaries Agricultural - AR-1 Agricultural - AR-2 	<ul style="list-style-type: none"> Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 General Commercial - C-1 	<ul style="list-style-type: none"> Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
---	--	--

0 80 160 320 480 640 Feet

1 inch = 256 feet

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

Introduced 1/20/15

Council District No. 3 – Deaver

Tax Map I.D. No. 335-11.00-55.00, 56.00, 59.00, 59.01, and 60.00

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MIXED RESIDENTIAL USE WITH MULTI-FAMILY DWELLINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 37.26 ACRES, MORE OR LESS

WHEREAS, on the 25th day of November 2014, a conditional use application, denominated Conditional Use No. 2012 was filed on behalf of Ocean Atlantic Communities, LLC; and

WHEREAS, on the ____ day of _____ 2015, 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. 2012 be _____;

WHEREAS, on the ____ day of _____ 2015, 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.

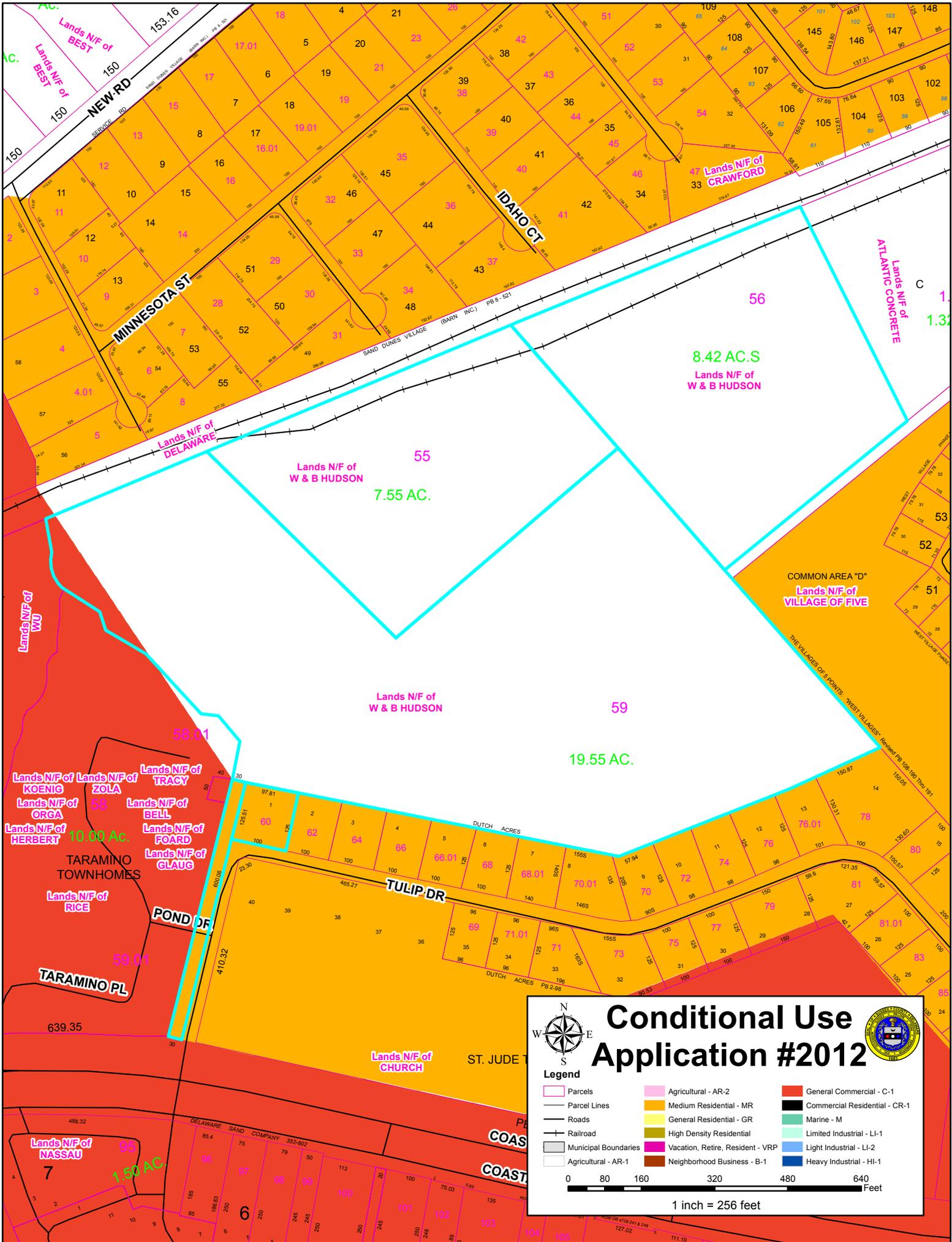
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Section 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2012 as it applies to the property hereinafter described.

Section 2. The subject property is described as:

All that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying north of Route One (Coastal Highway), north of Tulip Drive within Dutch Acres Subdivision and southeast of Railroad near Nassau and being more particularly described per the attached legal description provided by Davis, Bowen & Friedel, Inc., said parcel containing 37.26 acres, more or less.

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



Conditional Use Application #2012



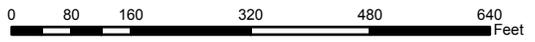
Legend

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

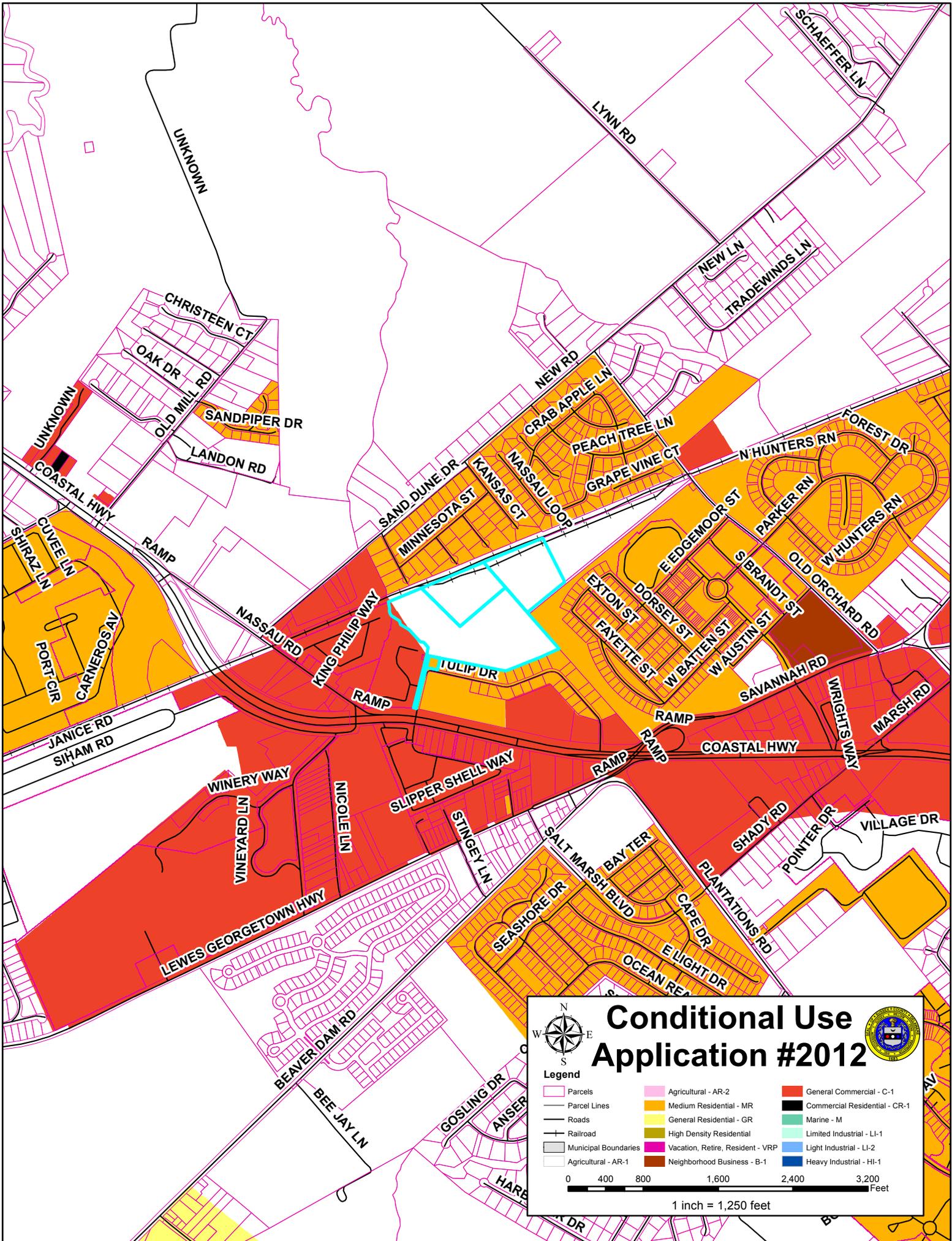
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1

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





1 inch = 256 feet



Conditional Use Application #2012

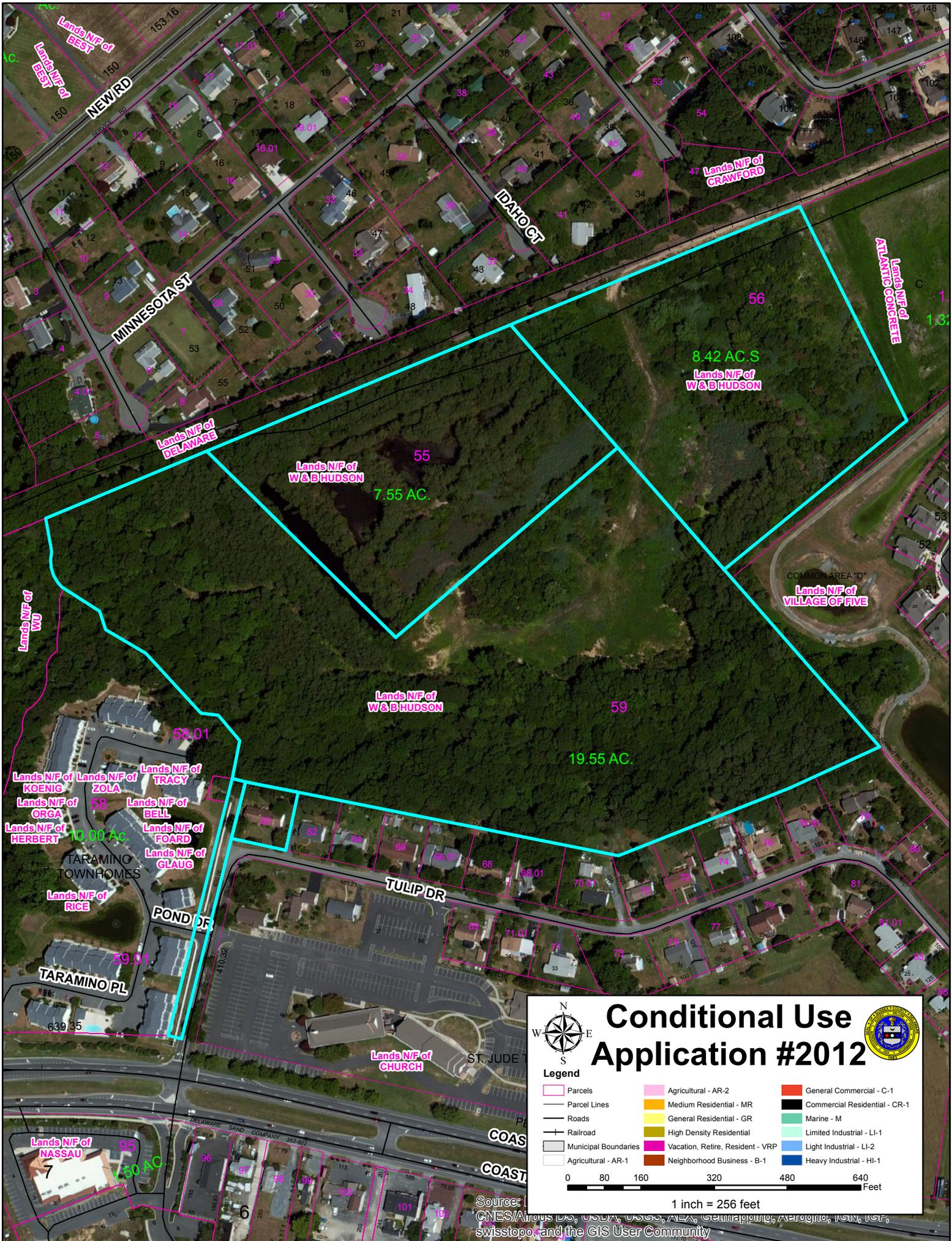


Legend

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

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

1 inch = 1,250 feet



Conditional Use Application #2012

Legend

<ul style="list-style-type: none"> Parcels Parcel Lines Roads Railroad Municipal Boundaries Agricultural - AR-1 	<ul style="list-style-type: none"> Agricultural - AR-2 Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
--	---	--

0 80 160 320 480 640 Feet

1 inch = 256 feet

Source: CNES/Airbus DS, USDA, USGS, AEA, Geomapping, Aerogram, IGN, ICF, swisstopo, and the GIS User Community