



Sussex County Council Public/Media Packet

**MEETING:
May 19, 2015**

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**Sussex County Council
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Georgetown, DE 19947
(302) 855-7743**

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



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Sussex County Council

AGENDA

MAY 19, 2015

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Proclamation – Community Action Month
2. Update and Demonstration of the Planning & Zoning Website and County Mapping Site
3. Administrator's Report

10:15 a.m. Public Hearing

“AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE X, §69 AND §72; ARTICLE XI, §77 AND §80 AND; ARTICLE XIA, §83.2 AND §83.6 OF THE CODE OF SUSSEX COUNTY RELATING TO TEMPORARY REMOVABLE VENDOR STANDS”

Gina Jennings, Finance Director

1. Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year Ended June 30, 2014



Hal Godwin, Deputy County Administrator

1. Legislative Update

Old Business

**Change of Zone No. 1767
Adel M. Baghouli**

Juel Gibbons, Project Engineer

1. Woodland Park Project, Contract 12-27

A. Bid Award

Grant Requests

- 1. Del-Mar-Va Council, Boy Scouts of America for program expenses.**
- 2. Rehoboth Beach Main Street for fireworks display.**
- 3. Town of Laurel for Laurel Independence Day Committee's fireworks display.**
- 4. Eastern Shore AFRAM Festival for event expenses.**
- 5. Lewes Historic Byway for project expenses.**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2014 filed on behalf of Jay Beach

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING AND SITE WORK BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.2594 ACRES, MORE OR LESS” (land lying west of Beaver Dam Road (Road 285, aka Route 23) 700 feet south of Hopkins Road (Road 286) (Tax Map I.D. 234-5.00-44.06) (911 Address – None Available)

Change of Zone No. 1764 filed on behalf of Coastal Club, LLC

“AN ORDINANCE TO MODIFY CONDITION NUMBERS 1, 4, 13, AND 17 IMPOSED ON ORDINANCE NO. 1770 FOR CHANGE OF ZONE NO. 1554, THE APPLICATION OF MARINE FARM, LLC FOR THE COASTAL CLUB, A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY, AND TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, FOR A 13.425 ACRES, MORE OR LESS, PORTION OF THE PROPERTY” (Tax I.D. No. 334-11.00-5.00, 395.00 and 396.00) (911 Address: None Available)

Change of Zone No. 1768 filed on behalf of Convergence Communities

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 49.66 ACRES, MORE OR LESS” (land lying north of Road 361 (Muddy Neck Road), east and south of Ocean Way Estates Subdivision, west of the Assawoman Canal, and also north of the Ocean View Beach Club Community in the town of Ocean View with the access from Nantasket Avenue, Old Orchard Avenue, Ocean Beach Avenue, and Gooseberry Avenue) (Tax Map I.D. No. 134-17.00-12.00) (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 May 12, 2015 at 4:15 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

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SUSSEX COUNTY COUNCIL



PROCLAMATION

PROCLAIMING THE MONTH OF MAY AS "COMMUNITY ACTION MONTH"

WHEREAS, community action agencies were created when the Economic Opportunity Act of 1964 was signed into law; and

WHEREAS, First State Community Action Agency has a 50-year history of promoting self-sufficiency for the limited income; and

WHEREAS, community action agencies have made an essential contribution to individuals and families in Delaware by providing them with innovative and cost-effective programs; and

WHEREAS, community action agencies are needed as major participants in the reform of the welfare system as we know it; and

WHEREAS, welfare reform in Delaware has benefitted from the State's partnership with community action agencies; and

WHEREAS, the limited income continue to need opportunities to improve their lives and their living conditions, thus ensuring that all citizens are able to live in dignity; and

WHEREAS, Delaware and the entire United States must continue to promote economic security by providing support and opportunities for all citizens in need of assistance;

NOW, THEREFORE, BE IT RESOLVED, that the Sussex County Council hereby proclaims the month of May as "Community Action Month" in Sussex County in recognition of the hard work and dedication of the First State Community Action Agency.

Michael H. Vincent, President

Dated: May 19, 2015

GRIFFIN & ROBERTSON, P.A.
ATTORNEYS AT LAW

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MEMO

TO: Sussex County Council

FROM: Vincent G. Robertson, Assistant County Attorney

RE: Vendor Ordinance

DATE: May 13, 2015

During the Tuesday, May 19, 2015 Council Meeting, there will be a hearing on the proposed "Temporary Vendor" Ordinance, which was introduced on April 14, 2015. It establishes an expedited means by which temporary removable vendor stands, including food trucks, can be approved by the Office of Planning and Zoning without seeking time consuming and expensive Conditional Use or other Zoning approvals. The thought is that in limited situations where temporary vendor stands for the sale of food, agricultural products or other food related goods are involved, the County should endeavor to make the process more straight forward and simplified.

The proposed Ordinance eliminates the requirement of seeking a Conditional Use, and in most cases, eliminates the need for a variance or special use exception. However, if the stated limitations are not satisfied, or the Director of Planning and Zoning has other concerns, the applicant can seek a special use exception through the Board of Adjustment.

For a food vendor to receive expedited approval under this Ordinance:

1. The property must be zoned C-1, CR-1 or B-1.
2. The activity must be temporary and removable, including food trucks.
3. There can only be one stand per individual parcel of land.
4. The size of the stand must be no wider than 8 feet 6 inches nor longer than 45 feet. This is consistent with DelDOT criteria for roadway use.
5. The activity must be approved, in writing, by the property owner.
6. A Plan showing the location of the vendor must be provided by the applicant.
7. The vendor cannot be permanently connected to utilities, including water, sewer, electric or gas.
8. The vendor cannot interfere with vehicular or pedestrian movement on the property.

If the applicant meets these criteria and receives preliminary approval, the applicant must provide the Director with evidence of a current State of Delaware Business License. Then an approval sticker in a form established by the County will be provided to the applicant for attachment to the stand.

In furtherance of this Ordinance, Ms. Cornwell has drafted a policy for its implementation. This is currently in draft form only, to be finalized if the Ordinance gets adopted by Sussex County Council.

The Planning and Zoning Commission made a favorable recommendation on this proposal, with the additional recommendation that the time period be changed from six months to between March 15 and November 15 of any given year. These dates were proposed by an attorney who has represented several vendor stand applications and is familiar with their needs. This suggestion was favorably received by Staff and the Commission, since it sets identical timeframes for all vendors approved under this process rather than requiring P&Z to determine when each one must start and end based upon independent six month time frames that are attached to each one.

I will be available during County Council on Tuesday, May 19, 2015 when this Ordinance is considered during the Public Hearing for any questions.

VGR/ssj

cc: Todd Lawson

Lawrence Lane

Janelle Cornwell

J. Everett Moore, Esquire

Jamie Sharp, Esquire

Robin Griffith

PUBLIC HEARING

May 19, 2015

This is to certify that on May 7, 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 X, §69 AND §72; ARTICLE XI, §77 AND §80 AND; ARTICLE XIA, §83.2 AND §83.6 OF THE CODE OF SUSSEX COUNTY RELATING TO TEMPORARY REMOVABLE VENDOR STANDS.

Mr. Lank summarized the proposed Ordinance Amendment and read the Synopsis.

Mr. Lank summarized and read an Email from David C. Hutt, Esquire with Morris James Wilson Halbrook & Bayard, LLP which references that he thinks that the proposed Ordinance Amendment is a good idea since a client of his recently endured the three public hearing process before the Planning and Zoning Commission, the Sussex County Council, and the Board of Adjustment in order to get a vendor stand approval; that he does have a concern about the proposed time limit of 6 months; that he represented the Hocker family in their application for the BBQ vending application and had received an approval with a time period from April 1 through November 1; that the Chester Townsend vendor application for Fishkillers was for the same time period; that a recent application for “Taco Reho” was approved without a time limitation, but with a requirement that the vending truck not be permanently affixed to the site; that in speaking for the Hocker family there was no anxiety or negative comments about the operation from April 1 through November 1 during any of the public hearings; that for vendors along the coast the shoulder seasons are significant as festivals and events occur when there is still a decent chance of good weather at the beach; that there are certainly months of the year that the beach is essentially closed because of the weather but he believes that a vending time of 8 – 9 months or from March 15 through November 15 is more appropriate as it would encompass what

the weather allows for as both the primary and shoulder seasons in the County and still keep temporary food vendors from being year round operations.

Mr. Robertson advised the Commission that staff has tried to create criteria to correct an issue that seems like overkill on vendor applications; that the current process creates sometimes a three (3) public hearing process; that the requirements of the Ordinance Amendment suggested, specifically requirements A through G, can be adjusted. Mr. Robertson read the text of requirements A through G for discussion.

The Commission discussed the Ordinance Amendment.

The Commission found that Paul Reiger questioned why the Ordinance Amendment could not include the AR-1 Agricultural Residential District since a lot of farmers offer produce and foods for sale; and that the Zoning Ordinance references that in a C-1 General Commercial District and a CR-1 Commercial Residential District permitted uses include those uses permitted in the AR-1 Agricultural Residential District.

The Commission found that there were no other parties expressing any interest in this Ordinance Amendment, whether in support of or in opposition to the Ordinance Amendment.

At the conclusion of the public hearings the Commission discussed this Ordinance Amendment.

Mr. Ross stated that he would move that the Commission recommend approval of the “Vendor Ordinance” amending Chapter 115 of the Zoning Code, with the additional recommendation that the six (6) month time limit be replaced with specified dates, so that the first paragraph of Chapter 115 Article X Section 69, Chapter 115, Article XI Section 77, and Chapter 115 Article XIA Section 83.2 should now state as follows:

“Temporary removable vendor stands, including but not limited to “food trucks” and similar vehicles or trailers, located on the premises between March 15 and November 15 of each year for the sale of food, agricultural products, or other related food related goods. Such temporary removable vendor stands must comply with all of the following requirements:”

Motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to forward a recommendation to the Sussex County Council that the Ordinance Amendment be approved with the suggested amendment quoted. Motion carried 3 – 0.

ORDINANCE NO. ____

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE X, § 69 AND §72; ARTICLE XI, § 77 AND §80 AND; ARTICLE XIA, § 83.2 AND §83.6 OF THE CODE OF SUSSEX COUNTY RELATING TO TEMPORARY REMOVABLE VENDOR STANDS.

WHEREAS, Sussex County Council has the power and jurisdiction to regulate zoning and uses of land in those portions of Sussex County which are not included within the corporate limits of any City or Town; and

WHEREAS, the Code of Sussex County does not clearly address or regulate temporary removable vendor stands, including “food trucks”, and by default they have required Conditional Use approvals to legally operate in the County; and

WHEREAS, Sussex County Council desires to create a process in the Zoning Code to allow temporary removable vendor stands, including “food trucks” in certain areas under certain circumstances; and

WHEREAS, Sussex County Council deems it appropriate to allow certain temporary removable vendor stands, including “food trucks” to exist as permitted uses within the B-1 Neighborhood Business District, the C-1 General Commercial District and the CR-1 Commercial Residential District with certain limitations; and

WHEREAS, Sussex County Council deems it appropriate to include temporary removable vendor stands as special use exceptions in the B-1 Neighborhood Business District, the C-1 General Commercial District and CR-1 Commercial Residential District if not considered a permitted use; and

WHEREAS, Sussex County Council is of the opinion that this amendment will promote the health, safety morals, convenience, order, prosperity and welfare of the present and future inhabitants of the County and provide for a more orderly development of the County; and

WHEREAS, any material that is to be deleted from the Code of Sussex County is enclosed in [brackets] and any new material inserted into the Code of Sussex County is indicated by underlining;

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 115, Article X, Section 69, Permitted Uses, is hereby amended by adding the following language after “Telephone stations or booths, including drive-in or talk-from-the car stations, and telephone central offices, provided that all storage of materials, all repair facilities and all housing of repair crews are within a completely enclosed area” and before “Undertaking businesses or establishments or funeral homes” as follows:

Temporary removable vendor stands, including but not limited to “food trucks” and similar vehicles or trailers, located on the premises for not more than 6 months per year for the sale of food, agricultural products or other food-related goods. Such temporary removable vendor stands must comply with all of the following requirements:

A. No temporary removable vendor stand shall be permanently affixed to the premises. All temporary removable vendor stands shall be fully transportable and moveable within twenty four hours.

B. There shall be no more than one temporary removable vendor stand on a parcel at any one time.

C. No temporary removable vendor stand shall be wider than 8 feet 6 inches nor longer than 45 feet.

D. No temporary removable vendor stand shall be permanently connected to any utilities, including water, sewer, electric or gas.

E. No temporary removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights of way.

F. The owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with (i) written approval of the existence and location of the stand by the property owner, and (ii) a drawing showing the location of the stand upon the property. Upon presentation of this information, the Director may preliminarily approve the stand or require the owner to apply for a special use exception from the Board of Adjustment if there are concerns about (a) the location, (b) the size of the property, (c) the effect(s) upon on-site parking, neighboring properties or roadways, or (d) other good cause.

G. If preliminarily approved, the owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with evidence of a current State of Delaware business license.

H. Upon approval by the Director, a “Sussex County Vendor Stand” sticker shall be issued in a form established by the Director. This sticker shall be visible on the stand at all times.

Section 2. The Code of Sussex County, Chapter 115, Article XI, Section 77, Permitted Uses, is hereby amended by adding the following language after “Tourist homes or rooming house” and before “Used car and truck sales and storage, parked a minimum of 25 feet from the front property line” as follows:

Temporary removable vendor stands, including but not limited to “food trucks” and similar vehicles or trailers, located on the premises for not more than 6 months per year for the sale of food, agricultural products or other food-related goods. Such temporary removable vendor stands must comply with all of the following requirements:

A. No temporary removable vendor stand shall be permanently affixed to the premises. All temporary removable vendor stands shall be fully transportable and moveable within twenty four hours.

B. There shall be no more than one temporary removable vendor stand on a parcel at any one time.

C. No temporary removable vendor stand shall be wider than 8 feet 6 inches nor longer than 45 feet.

D. No temporary removable vendor stand shall be permanently connected to any utilities, including water, sewer, electric or gas.

E. No temporary removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights of way.

F. The owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with (i) written approval of the existence and location of the stand by the property owner, and (ii) a drawing showing the location of the stand upon the property. Upon presentation of this information, the Director may preliminarily approve the stand or require the owner to apply for a special use exception from the Board of Adjustment if there are concerns about (a) the location, (b) the size of the property, (c) the effect(s) upon on-site parking, neighboring properties or roadways, or (d) other good cause.

G. If preliminarily approved, the owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with evidence of a current State of Delaware business license.

H. Upon approval by the Director, a “Sussex County Vendor Stand” sticker shall be issued in a form established by the Director. This sticker shall be visible on the stand at all times.

Section 3. The Code of Sussex County, Chapter 115, Article XIA, Section 83.2, Permitted Uses, is hereby amended by adding the following language after “Tourist homes or rooming house” and before “Used car and truck sales and storage, parked a minimum of 25 feet from the front property line” as follows:

Temporary removable vendor stands, including but not limited to “food trucks” and similar vehicles or trailers, located on the premises for not more than 6 months per year for the sale of food, agricultural products or other food related goods. Such temporary removable vendor stands must comply with all of the following requirements:

A. No temporary removable vendor stand shall be permanently affixed to the premises. All temporary removable vendor stands shall be wheeled and shall be fully transportable and moveable within twenty four hours.

B. There shall be no more than one temporary removable vendor stand on a parcel at any one time.

C. No temporary removable vendor stand shall be wider than 8 feet 6 inches nor longer than 45 feet.

D. No temporary removable vendor stand shall be permanently connected to any utilities, including water, sewer, electric or gas.

E. No temporary removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights of way.

F. The owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with (i) written approval of the existence and location of the stand by the property owner, and (ii) a drawing showing the location of the stand upon the property. Upon presentation of this information, the Director may preliminarily approve the stand or require the owner to apply for a special use exception from the Board of Adjustment if there are concerns about (a) the location, (b) the size of the property, (c) the effect(s) upon on-site parking, neighboring properties or roadways, or (d) other good cause.

G. If preliminarily approved, the owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with evidence of a current State of Delaware business license.

H. Upon approval by the Director or Board of Adjustment, a “Sussex County Vendor Stand” sticker shall be issued in a form established by the Director. This sticker shall be visible on the stand at all times.

Section 4. The Code of Sussex County, Chapter 115, Article X, Section 72, Special Use Exceptions, is hereby amended by adding a new category of special use exception within subparagraph C. thereof as follows:

C. Other special use exceptions as follows:

...

Any temporary removable vendor stand for the sale of food, agricultural products or other food related goods that is not a permitted use under the provisions of Section 115-69. Provided, however, that the use shall not operate until the owner presents the Director of Planning and Zoning with evidence of a current State of Delaware business license. Upon approval and submission of the business license, the Director shall issue a “Sussex County Vendor Stand” sticker in a form established by the Director. This sticker shall be visible on the stand at all times.

Section 5. The Code of Sussex County, Chapter 115, Article XI, Section 80, Special Use Exceptions, is hereby amended by adding a new category of special use exception within subparagraph C. thereof as follows:

C. Other special use exceptions as follows:

...

Any temporary removable vendor stand for the sale of food, agricultural products or other food related goods that is not a permitted use under the provisions of Section 115-77. Provided, however, that the use shall not operate until the owner presents the Director of Planning and Zoning with evidence of a current State of Delaware business license. Upon approval and submission of the business license, the Director shall issue a “Sussex County Vendor Stand” sticker in a form established by the Director. This sticker shall be visible on the stand at all times.

Section 6. The Code of Sussex County, Chapter 115, Article XI, Section 83.6, Special Use Exceptions, is hereby amended by adding a new category of special use exception within subparagraph C. thereof as follows:

C. Other special use exceptions as follows:

...

Any temporary removable vendor stand for the sale of food, agricultural products or other food related goods that is not a permitted use under the provisions of Section 115-83.2. Provided, however, that the use shall not operate until the owner presents the Director of Planning and Zoning with evidence of a current State of Delaware business license. Upon approval and submission of the business license, the Director shall issue a “Sussex County Vendor Stand” sticker in a form established by the Director. This sticker shall be visible on the stand at all times.

Synopsis

There have been several proposed temporary removable vendor stands (including “food trucks”) that have sought approval in Sussex County, and until now there was no clear path under the Zoning Code governing the approval process. Instead, approvals have been sought by default under the Conditional Use “catch-all” category of “residential, business, commercial or industrial uses when the purpose of this chapter are more fully met by issuing a conditional use permit.” As a result of this, existing stands run the risk of violation, and those seeking approval face uncertainty about how to proceed under the Code. With this amendment, such stands in the B-1, C-1 and CR-1 districts can receive over-the-counter approval if certain specific requirements are satisfied. In those districts, if the Director still has concerns about the proposal, the owner of the stand can seek a Special Use Exception from the Sussex County Board of Adjustment.

This amendment will not affect temporary removable farm stands that are permitted uses in the AR-1 District under Section 115-20.A.(3).

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Sussex County
DELAWARE
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MEMORANDUM:

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

FROM: Gina A. Jennings
Finance Director 

RE: **CERTIFICATE OF ACHIEVEMENT FOR
EXCELLENCE IN FINANCIAL REPORTING**

DATE: May 15, 2015

For the thirteenth consecutive year, I am pleased to announce that the Sussex County Government has been awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association for its Comprehensive Annual Financial Report (CAFR). This award is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive “spirit of full disclosure” to clearly communicate its financial story.

The award reflects the collaborative efforts of many County employees. On a day-to-day basis, our staff ensures that County finances remain strong. Kathy Roth, Jeff James, Andrea Wall, Sylwia Wisniewska, Traci Burton, and the rest of the Accounting Division deserve special thanks for their extra efforts in achieving this award.

GAJ/nc

pc: Mr. Todd F. Lawson



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**Sussex County
Delaware**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

June 30, 2014

Executive Director/CEO



Sussex County Council

Delaware General Assembly Legislative Report

Prepared by:

Hal Godwin, Deputy County Administrator
May 19, 2015

Bill No.	Description and Purpose	Action
2015-2016 BILLS		
HB 25	This bill authorizes the Department of Natural Resources and Environmental Control to allow the harvesting of gray foxes and permitting of same.	3/17/15 – Passed the House Senate is rewriting the bill 3/25/15 – Senate Amendment No. 1 and Senate Amendment No. 2 added to the bill
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 4/01/15 – Reported out of Committee 4/21/15 – Passed the House; assigned to Senate Highways & Transportation Committee 4/29/15 – Released from Senate Committee 5/07/15 – Passed the Senate
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

Bill No.	Description and Purpose	Action
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 4/01/15 – 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 4/01/15. This bill is assigned to the House Education Committee. They met on 5/13/15 but did not discuss this bill. I have sent an email to Danny Short, the sponsor, and to Earl Jaques, the Committee Chair, requesting that this bill be discussed in Committee.
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 5/06/15 – Senate Amendment No. 1 added to the bill; this Amendment deletes repetitive language. 5/07/15 – Amended bill passed the Senate 5/12/15 – Assigned to House Housing & Community Affairs 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

Bill No.	Description and Purpose	Action
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.	4/02/15 – Introduced and assigned to Labor & Industrial Relations Committee 4/29/15 – Stalled in 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.	4/02/15 – 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 4/22/15 – Amended per typo 5/07/15 – Tabled in Labor Committee
HA 1 to HB 87	This amendment makes a technical correction.	4/22/15 – Amended
HA 2 to HB 87	This amendment allows Sussex County and Sussex County municipalities to designate and create right-to-work zones. This amendment was requested by the Sussex County Council and other Sussex municipalities.	Representative Dukes has successfully amended this bill to be effective only in Sussex County.
SB 64	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> .	4/21/15 – Introduced 4/30/15 – Passed the Senate 5/05/15 – Introduced and assigned to Sunset Committee in the House 5/07/15 – Reported out of Committee

Bill No.	Description and Purpose	Action
SA 2 to SB 64	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.	4/30/15 – Introduced, added to the bill, and passed the Senate
SB 26	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."	1/29/15 – Introduced 4/21/15 – Passed the Senate 4/22/15 – Assigned to House Administration Committee
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 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>4/22/15 – Introduced and assigned to Senate Banking & Business Committee</p> <p>4/30/15 – Reported out of Committee</p> <p>5/06/15 – Amendment No. 1 added to the bill</p> <p>5/07/15 – Amendment No. 2 added to the bill</p> <p>5/13/15 – Amendment No. 3 added to the bill</p> <p>5/14/15 – Amendment No. 4 added to the bill; removes Amendment Nos. 1, 2, and 3</p>

Bill No.	Description and Purpose	Action
SB 66 (continued)	<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>	
HB 124	<p>The Delaware Farmland Preservation Fund was created under the Delaware Agricultural Lands Preservation Act in order to conserve, protect, and encourage improvement of agricultural lands within the State. The Legislature has previously expressed its desire that \$10 million in receipts from the State Realty Transfer Tax be allocated annually to this fund in order to accomplish its goals. This Act is the first leg of a constitutional amendment that will make this allocation binding on all future administrations and General Assemblies, thus allowing this essential program to continue protecting one of our State's most important resources.</p>	<p>5/05/15 – Introduced and assigned to Ag Committee 5/13/15 – Released from Committee</p>
HB 103	<p>This bill removes a conflict in the Delaware Code relating to the duration of tax liens.</p>	<p>4/23/15 – Introduced 5/12/15 - Amendment No. 1 added to the bill 5/14/15 – Released from Committee</p>
HB 140	<p>This bill increases several revenue sources for the Transportation Trust Fund.</p>	<p>5/08/15 – Introduced 5/13/15 – Released from Revenue & Finance Committee 5/14/15 – Amendment No. 1 added to the bill 5/14/15 – Passed the House with Amendment No. 1</p>



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: Rep. Dukes

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 2

TO

HOUSE BILL NO. 87

1 AMEND House Bill No. 87 by deleting lines 3 through 5 and inserting in lieu thereof of the following, and by
2 redesignating accordingly:

3 § 116 Right-to-Work Zones within municipalities and unincorporated areas of Sussex County.

4 (a) Sussex County, by act of its governing body, may designate and create right-to-work zones located within the
5 unincorporated areas of Sussex County.

6 (b) Any municipality in Sussex County, by act of its governing body, may designate and create right-to-work
7 zones located within its boundaries and located in Sussex County.

SYNOPSIS

This amendment allows Sussex County and Sussex County municipalities to designate and create right-to-work zones. This amendment was requested by the Sussex County Council and other Sussex municipalities.



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



SPONSOR: Sen. Townsend

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY
SENATE AMENDMENT NO. 4
TO
SENATE BILL NO. 66

1 AMEND Senate Bill No. 66 by deleting lines 42 and 43 in their entirety and by redesignating the subsequent
2 Delaware Code paragraphs accordingly.

3 FURTHER AMEND Senate Bill No. 66 on line 84 by inserting "No more than half of the members of the board of
4 a land bank shall be public officials or municipal employees." after "a board member.".

5 FURTHER AMEND Senate Bill No. 66 on line 86 by deleting "who is not a public official or municipal employee
6 and".

7 FURTHER AMEND Senate Bill No. 66 on line 90 and 91 by deleting "At least half of the members of the board
8 of a large jurisdictional land bank shall not be public officials or municipal employees.".

9 FURTHER AMEND Senate Bill No. 66 on line 203 by deleting "make reasonable efforts to" and inserting in lieu
10 thereof "shall".

11 FURTHER AMEND Senate Bill No. 66 by deleting lines 254 through 257 in their entirety and inserting in lieu
12 thereof the following:

13 "governmental unit that initiated the sale of such property. If the land bank is the successful bidder for such
14 property, the property shall be deemed sold to the land bank and the bid of the land bank shall be paid as to its form,
15 substance, and timing according to such agreement as is mutually acceptable to the foreclosing governmental unit and the
16 land bank.".

17 FURTHER AMEND Senate Bill No. 66 by deleting lines 258 through 262 in their entirety.

18 FURTHER AMEND Senate Bill No. 66 on line 265 by deleting "an interest" and inserting in lieu thereof
19 "standing to file such an action".

20 FURTHER AMEND Senate Bill No. 66 by deleting lines 266 and 267 in their entirety.

21 FURTHER AMEND Senate Bill No. 66 by deleting lines 295 through 297 in their entirety and by redesignating
22 the subsequent Delaware Code subsections accordingly.

23 FURTHER AMEND Senate Bill No. 66 by deleting line 307 in its entirety and inserting in lieu thereof the
24 following:

25 “tax, fee, assessment, fine, or penalty do not exceed the projected operating costs and expenses of the land bank.
26 Any failure to reauthorize such tax, fee, assessment, fine, or penalty shall be deemed an election by the foreclosing
27 governmental unit to cease imposing or levying such tax, fee, assessment, fine, or penalty at the end of the applicable 5 year
28 period.”.

29 FURTHER AMEND Senate Bill No. 66 by deleting lines 310 through 339 in their entirety and by redesignating
30 the subsequent Delaware Code sections accordingly.

31 FURTHER AMEND Senate Bill No. 66 after line 348 and before line 349 by inserting the following:

32 “(d) A land bank shall be required to maintain a publicly-available website, which shall set forth the inventory
33 required in § 4709(d) of this title and the bidding information required in § 4712(d) of this title.”.

34 FURTHER AMEND Senate Bill No. 66 on line 350 by inserting “(a)” before “A land bank”.

35 FURTHER AMEND Senate Bill No. 66 by deleting lines 354 through 359 in their entirety and inserting in lieu
36 thereof the following:

37 “outstanding bonds of the land bank.

38 (b) The foreclosing governmental unit or units that created the land bank may dissolve the land bank by repeal of
39 the local law, ordinance, resolution, or intergovernmental cooperation agreement that created the land bank under § 4705(a)
40 or (b) of this title. Dissolution shall be effective no sooner than 60 calendar days after such repeal. Prior to dissolution, the
41 land bank shall publish notice of the dissolution in a local newspaper of general circulation, and shall provide notice by
42 certified mail to the trustee of any outstanding bonds of the land bank. In the event that 2 or more foreclosing governmental
43 units created a land bank under § 4705(b) of this title, the withdrawal of 1 or more foreclosing governmental units shall not
44 result in the dissolution of the land bank unless the intergovernmental cooperation agreement entered into under § 4705(b)
45 of this title so provides and there is no foreclosing governmental unit that desires to continue the existence of the land bank.

46 (c) Upon dissolution of the land bank, all real property, personal property, and other assets of the land bank shall
47 become assets of the foreclosing governmental unit that created the land bank.”.

48 FURTHER AMEND Senate Bill No. 66 on line 379 by deleting “§ 4715” and inserting in lieu thereof “§ 4716”.

SYNOPSIS

This Amendment clarifies the composition of the board of directors and the powers and responsibilities of a land bank. The Amendment eliminates the trump bid authority of a land bank, all bonding authority of any land bank, and the ability of a land bank to proceed with a quiet title action for multiple parcels in one action. This Amendment clarifies that the foreclosing governmental unit that formed a land bank can dissolve it by repeal of the enabling ordinance.

Author: Senator Townsend



SPONSOR: Rep. Hensley & Rep. Wilson & Sen. Pettyjohn;
Reps. D. Short, Hudson, Briggs King, Ramone,
Spiegelman, Baumbach,
Sens. Hocker, Lavelle, Lopez

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 103

AN ACT TO AMEND TITLES 9 AND 25 OF THE DELAWARE CODE RELATING TO TAX LIENS.

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

1 Section 1. Amend § 8705, Chapter 87, Title 9 of the Delaware Code by making deletions as shown by strike
2 through and insertions as shown by underline as follows:

3 § 8705 Lien of taxes.

4 (a) All taxes assessed against real estate by New Castle County shall continue a lien against such real estate for 10
5 years from July 1 of the year for which the taxes were levied, but if the real estate remains the property of the person who
6 was the owner at the time that it was assessed, then the lien shall continue until the tax is collected.

7 (b) All taxes assessed against real estate by Sussex County shall continue a lien against such real estate for 10
8 years from ~~May 1~~ June 1 of the year for which the taxes were levied, but if the real estate remains the property of the person
9 who was the owner at the time that it was assessed, then the lien shall continue until the tax is collected. The lien of taxes
10 shall have priority over all other liens.

11 (c) The priority of such liens in any of the 3 counties shall be as given in Title 25.

12 (d) All taxes assessed against real estate by Kent County shall continue a lien against such real estate for 10 years
13 from July 1 of the year for which the taxes were levied, but if the real estate remains the property of the person who was the
14 owner at the time that it was assessed, then the lien shall continue until the tax is collected. The lien of taxes shall have
15 priority over all other liens.

16 Section 2. Amend § 2903, Chapter 29, Title 25 of the Delaware Code by making deletions as shown by strike
17 through and insertions as shown by underline as follows:

18 § 2903 Duration of lien.

19 (a) In ~~New Castle County~~, Kent and Sussex Counties all taxes assessed against real estate shall continue a lien
20 against the real estate within the County for 10 years from July 1 in New Castle and Kent Counties, and June 1 in Sussex

21 County of the year for which the taxes were levied, but if the real estate remains the property of the person who was the
22 owner at the time it was assessed, the lien shall continue until the tax is collected.

23 ~~(b) In Kent and Sussex Counties the lien for county and state taxes shall remain a lien for the period of 2 years~~
24 ~~from July 1 of the year in which such tax has been imposed and no longer, and the lien for school taxes shall remain a lien~~
25 ~~for the period of 2 years from August 10 of the year in which the tax has been imposed and no longer, and the lien for town~~
26 ~~or municipal taxes shall remain a lien for the period of 2 years from the date prescribed by the charter of the town or city for~~
27 ~~the delivery of the duplicate of the town or city to the collector thereof and no longer. The collectors, in collecting taxes out~~
28 ~~of real estate upon which they are a lien under the provisions of § 2901 of this title, shall proceed in the manner prescribed~~
29 ~~by law for the collection of taxes out of real estate.~~

SYNOPSIS

This bill removes a conflict in the Delaware Code relating to the duration of tax liens.



SPONSOR: Rep. Hensley

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
HOUSE BILL NO. 103

1 AMEND House Bill No. 103 on line 8 by deleting "June 1" as it appears therein and inserting in lieu thereof
2 "July 1".

3 FURTHER AMEND House Bill No. 103 on line 13 by deleting "July 1" as it appears therein and inserting in lieu
4 thereof "~~July 1~~ June 1".

5 FURTHER AMEND House Bill No. 103 on line 20 by deleting "Kent Counties, and June 1 in Sussex" as it
6 appears therein and inserting in lieu thereof "~~Kent~~ Sussex Counties, and June 1 in ~~Sussex~~ Kent".

SYNOPSIS

This amendment reflects the accurate tax assessment dates for Kent and Sussex Counties.



SPONSOR: Rep. Schwartzkopf & Rep. Longhurst & Rep. Viola &
Rep. Q. Johnson & Rep. Osienski & Sen. Blevins & Sen.
McBride & Sen. Henry & Sen. Sokola

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 140

AN ACT TO AMEND TITLES 21 AND 30 OF THE DELAWARE CODE RELATING TO TAXES AND FEES
SUPPORTING THE TRANSPORTATION TRUST FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members
elected to each house thereof concurring therein):

1 Section 1. Amend § 3002(c), Title 30 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 (3) The document fee payable thereafter shall increase in increments of ~~\$3.75~~ \$4.25 per each additional \$100 of
4 purchase price or any fraction thereof, rounded to the nearest dollar.

5 Section 2. Section 1 of this Bill shall be effective October 1, 2015, with the following transitional provisions:

6 (a) The document fee charged during fiscal year 2015 shall be charged for all title work received by the Division
7 of Motor Vehicles prior to October 1, 2015, but not processed by the Division until after that date. This provision shall
8 include mailed title work postmarked prior to October 1, but received by the Division after that date.

9 (b) Vehicles sold prior to October 1, 2015, as evidenced by a bill of sale, shall be processed at the fee rate in effect
10 during fiscal year 2015.

11 (c) Notwithstanding the foregoing subsections, all titles processed on or after November 1, 2015 shall be processed
12 using the fee rates made effective October 1, 2015, no matter when the vehicle was purchased.

13 Section 3. Amend § 2715(c), Title 21 of the Delaware Code by making deletions as shown by strike through and
14 insertions as shown by underline as follows:

15 (c) A late fee of ~~\$1.15~~ \$10 shall be assessed in addition to the renewal fee for every person whose driver's license
16 has expired.

17 Section 4. Amend § 2716(c), Title 21 of the Delaware Code by making deletions as shown by strike through and
18 insertions as shown by underline as follows:

19 (c) A late fee of ~~\$1.15~~ \$10 shall be assessed in addition to the renewal fee for every person whose driver's license
20 has expired.

21 Section 5. Amend § 2611(h)(2), Title 21 of the Delaware Code by making deletions as shown by strike through
22 and insertions as shown by underline as follows:

23 (2) The fee for renewal of a commercial motor vehicle driver license shall be \$48 except when the commercial
24 motor vehicle driver license is endorsed for the transport of hazardous materials in which event the fee shall be \$30. The fee
25 for renewal of a non-CDL Class A or non-CDL Class B driver license shall be \$40. A late fee of ~~\$1.15~~\$10 shall be
26 assessed in addition to the renewal fee for every person whose commercial motor vehicle driver license has expired.

27 Section 6. Amend § 2151(6), Title 21 of the Delaware Code by making deletions as shown by strike through and
28 insertions as shown by underline as follows:

29 (6) A fee of ~~\$10~~ \$20, in addition to the registration fee, shall be imposed at the time of renewal of registration of a
30 motor vehicle or semitrailer if the Delaware registration has expired. This fee shall not be imposed if the registration has
31 expired over 12 months or if a permit has been purchased for the vehicle pursuant to § 2103 of this title. The fee shall not
32 be imposed if a transfer of ownership on the vehicle has taken place or if the motor vehicle or trailer has been inspected
33 prior to the expiration of registration;

34 Section 7. Amend § 2737, Title 21 of the Delaware Code by making deletions as shown by strike through and
35 insertions as shown by underline as follows:

36 Any person whose license and/or driving privileges has been suspended or disqualified shall pay a fee of ~~\$25~~ \$50
37 at the end of such suspension or disqualification for the return of the person's license and/or the reinstatement of the
38 person's driving privileges.

39 Section 8. Amend § 2738, Title 21 of the Delaware Code by making deletions as shown by strike through and
40 insertions as shown by underline as follows:

41 Any person whose license and/or driving privileges has been revoked shall pay a fee of ~~\$143.75~~ \$200 at the end of
42 such revocation for the reinstatement of the person's driving privileges. The above stated fee does not include the fee for the
43 issuance of a new license.

44 Section 9. Amend § 2720(c), Title 21 of the Delaware Code by making deletions as shown by strike through and
45 insertions as shown by underline as follows:

46 (c) Each application for the issuance of a duplicate license certificate shall be accompanied by a fee of \$10 \$20.

47 Section 10. Amend § 2309, Title 21 of the Delaware Code by making deletions as shown by strike through and
48 insertions as shown by underline as follows:

49 § 2309 Duplicate certificates; fee.

50 In the event of the loss of a certificate of title, the loss of which is accounted for to the satisfaction of the
51 Department, a duplicate or substitute may be issued, the charge therefor to be ~~\$25~~\$50.

52 Section 11. Amend § 2158(c), Title 21 of the Delaware Code by making deletions as shown by strike through and
53 insertions as shown by underline as follows:

54 (c) The fee for a duplicate registration validation sticker shall be ~~\$1.00~~\$5.00.

55 Section 12. Amend § 2158(a), Title 21 of the Delaware Code by making deletions as shown by strike through and
56 insertions as shown by underline as follows:

57 (a) The fee for a duplicate certificate of registration shall be ~~\$2.00~~\$10.00.

58 Section 13. Amend § 2129(b), Title 21 of the Delaware Code by making deletions as shown by strike through and
59 insertions as shown by underline as follows:

60 (b) The Department may also issue temporary registration plates to a dealer in motor vehicles, either new or used,
61 who submits such proof as the Department requires of such status as a bona fide dealer, for reissuance to purchasers of
62 unregistered motor vehicles. Such plates may be issued to a qualified dealer upon application for not less than 5 of such
63 plates and payment of a fee of ~~\$10~~\$20 for each plate.

64 Section 14. Amend § 2103(3)(4), Title 21 of the Delaware Code by making deletions as shown by strike through
65 and insertions as shown by underline as follows:

66 (3) When a registration has expired, a temporary permit may be issued upon the payment of a fee of ~~\$10~~\$20 in
67 addition to the regular fee for reregistration so that the vehicle may be driven to a place for repair, if necessary, and to an
68 inspection station preparatory to reregistration;

69 (4) For the movement of unregistered vehicles by persons entitled to move the same, when it is not proposed to
70 secure a certificate of title or a transfer of title to such vehicle, a temporary permit may be issued for which a fee of ~~\$10~~\$20
71 shall be charged;

72 Section 15. Amend § 2130(a), Title 21 of the Delaware Code by making deletions as shown by strike through and
73 insertions as shown by underline as follows:

74 (a) A dealer may issue a temporary registration plate for a fee of not more than ~~\$10~~\$20 for each plate to a
75 purchaser of an unregistered motor vehicle who makes proper application to the Department for registration thereof upon an
76 appropriate form and delivers such application, together with the required fee, to the dealer for transmission to the
77 Department.

78 Section 16. Amend § 305(f)(1), Title 21 of the Delaware Code by making deletions as shown by strike through
79 and insertions as shown by underline as follows:

80 (f)(1) Fees for copies and information. — The Secretary shall charge a fee of ~~\$15~~\$25 for each motor vehicle
81 record supplied to persons other than those governmental agencies designated in paragraph (b)(1) of this section. If special
82 handling is needed to certify a record or notarize an affidavit, the fee for such handling shall be ~~\$20~~ \$30 to include the
83 requested record.

84 Section 17. Amend § 2128(a), Title 21 of the Delaware Code by making deletions as shown by strike through and
85 insertions as shown by underline as follows:

86 (a) Upon the transfer of a vehicle or upon the expiration of registration for any other cause, the number plates
87 assigned to a vehicle shall remain attached thereto. However, the transferor may have such registration plates and number
88 plates transferred and assigned to another vehicle upon proper application in writing to the Department and upon payment
89 to the Department of a fee of ~~\$10~~ \$20 in addition to all other fees required by law.

90 Section 18. Amend § 2305, Title 21 of the Delaware Code by making deletions as shown by strike through and
91 insertions as shown by underline as follows:

92 § 2305 Fee.

93 The fee for issuing a certificate of title for a vehicle shall be ~~\$25~~ \$35. Such fee shall be in addition to any fee
94 charged for registration of the vehicle.

95 Section 19. Amend § 2335(a), Title 21 of the Delaware Code by making deletions as shown by strike through and
96 insertions as shown by underline as follows:

97 (a) In the event that any claim of any kind is sought to be secured upon any motor vehicle for which a certificate
98 of title has been previously issued by the Department, and the certificate remains outstanding and valid and no assignment
99 of the certificate has been made or sought to be made and no transfer of title or ownership or possession of the motor
100 vehicle is made or sought to be made, the certificate of title shall be returned to the Department together with the
101 application for placing and recording of such claim as a lien or encumbrance upon the motor vehicle. The application shall
102 be made upon the appropriate form furnished and approved by the Department. Every application shall be accompanied by
103 a fee of ~~\$10~~ \$20, which shall be in addition to any other fees required by this title. Upon the filing of the application and the
104 entering of the claim, the certificate of title shall be returned to the person entitled to receive it.

105 Section 20. Amend § 2503(a), Title 21 of the Delaware Code by making deletions as shown by strike through and
106 insertions as shown by underline as follows:

107 (a) The transferee of a Delaware registered vehicle shall make application for a new certificate of title immediately
108 following purchase, but in no case more than 30 days after purchase of said vehicle. If due to extraordinary circumstances
109 the purchaser is unable to apply for a certificate of title within 30 days of the purchase date, the Director, in the Director's

110 discretion and for good cause shown, may grant an extension of time within which the purchaser must do so. The
111 transferee, before operating or permitting the operation of a motor vehicle which has been transferred to such transferee
112 upon a highway, shall apply for a transfer of title, obtain the registration of the vehicle as upon original registration, submit
113 the vehicle to inspection and obtain new registration plates and new number plates as provided in this title. If the transferor
114 has not had the registration plates and number plates transferred and assigned to another vehicle, then the transferee may,
115 before operating or permitting the operation of such vehicle upon a highway, apply for and obtain, upon the payment of a
116 fee of ~~\$25~~ \$35, a transfer of title and registration. Upon any such application the Department shall issue to the transferee
117 without additional fee or inspection a new certificate of title and a new registration card, which card shall show the same
118 period for which such vehicle was originally registered by the owner.

119 Section 21. Amend § 2508, Title 21 of the Delaware Code by making deletions as shown by strike through and
120 insertions as shown by underline as follows:

121 The fee for transferring title to a vehicle shall be ~~\$25~~ \$35. A ~~\$25~~ \$35 penalty fee shall be charged for the issuance
122 of a new certificate of title on a Delaware titled vehicle when the application is received more than 30 days after the transfer
123 date of said vehicle. The penalty fee shall be waived if the Director has granted an extension of time within which to apply
124 for a certificate of title in accordance with § 2503(a) of this title.

125 Section 22. Amend § 2510(c) and (e), Title 21 of the Delaware Code by making deletions as shown by strike
126 through and insertions as shown by underline as follows:

127 (c) The transferee, except as provided in subsection (d) of this section, shall thereupon present such certificate
128 endorsed and assigned to the Department, accompanied by a transfer fee of ~~\$25~~ \$35 and make application for and obtain a
129 new certificate of title for such vehicle.

130 (e) Whenever the ownership of any motor vehicle passes otherwise than by voluntary transfer, the new owner may
131 obtain a certificate of title therefore from the Department upon application therefore and payment of a fee of ~~\$25~~ \$35,
132 accompanied with such instruments or documents of authority, or certified copies thereof, as may be required by law to
133 evidence or effect a transfer of title or interest in or to chattels in such case. The Department, when satisfied of the
134 genuineness and regularity of such transfer, shall issue a new certificate of title to the person entitled thereto.

135 Section 23. Sections 18 through 22 of this Bill shall become effective October 1, 2015 with the following
136 transitional provisions:

137 (a) The title fee and title lien fee charged during fiscal year 2015 shall be charged for all title work received by the
138 Division of Motor Vehicles prior to October 1, 2015, but not processed by the Division until after that date. This shall
139 include mailed title work postmarked prior to October 1, 2015, but received after that date.

140 (b) Vehicles sold prior to October 1, 2015, as evidenced by a bill of sale, shall be charged the title fee and title lien
141 fee charged during fiscal year 2015 until November 1, 2015.

142 (c) All titles issued on or after November 1, 2015 shall be processed using the fee rates made effective October 1,
143 2015, no matter when the vehicle was purchased or the mail was received.

144 Section 24. Except as otherwise stated herein, this Act shall become effective on October 1, 2015.

145 Section 25. If any provision of this Act or the application thereof is held invalid, such invalidity shall not affect
146 the provisions of this Act that can be given effect without such invalid provisions or application, and to this end the
147 provisions of this Act are declared to be severable.

SYNOPSIS

This bill increases several revenue sources for the Transportation Trust Fund. The motor vehicle document fee is increased from 3.75% to 4.25%. The fee for late renewal of a driver's license is increased from \$1.15 to \$10, and the fee for late renewal of vehicle registration is increased from \$10 to \$20. The fees for reinstatement of a suspended or revoked driver's license are increased from \$25 to \$40 and \$143.75 to \$200, respectively. The fees for issuance of duplicate documents is raised, with the fee for duplicate driver's license increased from \$10 to \$20, for duplicate titles from \$25 to \$50, for duplicate vehicle validation stickers from \$1 to \$5, and for duplicate registration cards from \$2 to \$10. The fee for a vehicle temporary tag is increased from \$10 to \$20. The fee for sale of driver's licenses records is increased from \$15 to \$25. The fee to transfer a specific tag number from vehicle to vehicle is increased from \$10 to \$20. The fee to issue a title for a vehicle is increased from \$25 to \$35. The fee for issuance of a lien on an existing title is increased from \$10 to \$20. The effective date for these increases is generally October 1, 2015 to allow time for computer reprogramming and effective implementation.



SPONSOR: Rep. Schwartzkopf & Rep. Longhurst & Rep. Baumbach

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1

TO

HOUSE BILL NO. 140

1 AMEND House Bill No 140 by striking lines 3 and 4 in their entirety and substituting in lieu thereof the
2 following:

3 (3) The document fee payable thereafter shall increase in increments of ~~\$3.75~~ \$4.25 per each additional \$100 of
4 purchase price or any fraction thereof, rounded to the nearest dollar.; Except that the document fee thereafter for mobile
5 homes shall increase in increments of \$3.75 per each additional \$100 of purchase price or any fraction thereof, rounded to
6 the nearest dollar.

7 FURTHER AMEND House Bill No. 140 on line 64 by striking “2103(3)(4)” and substituting in lieu thereof “2103
8 (3) and (4)”.

SYNOPSIS

This amendment keeps the rate used for document fees paid for mobile homes at the current rate. Additionally the bill makes a technical correction.

OLD BUSINESS

May 19, 2015

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

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

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

Change of Zone 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 DeIDOT 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 3, 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 of 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 to 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 such as poor traffic visibility along this section of Route 9.
5. The traffic that could be generated at this location after a rezoning to B-1 is not compatible with 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. Smith, 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.

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,

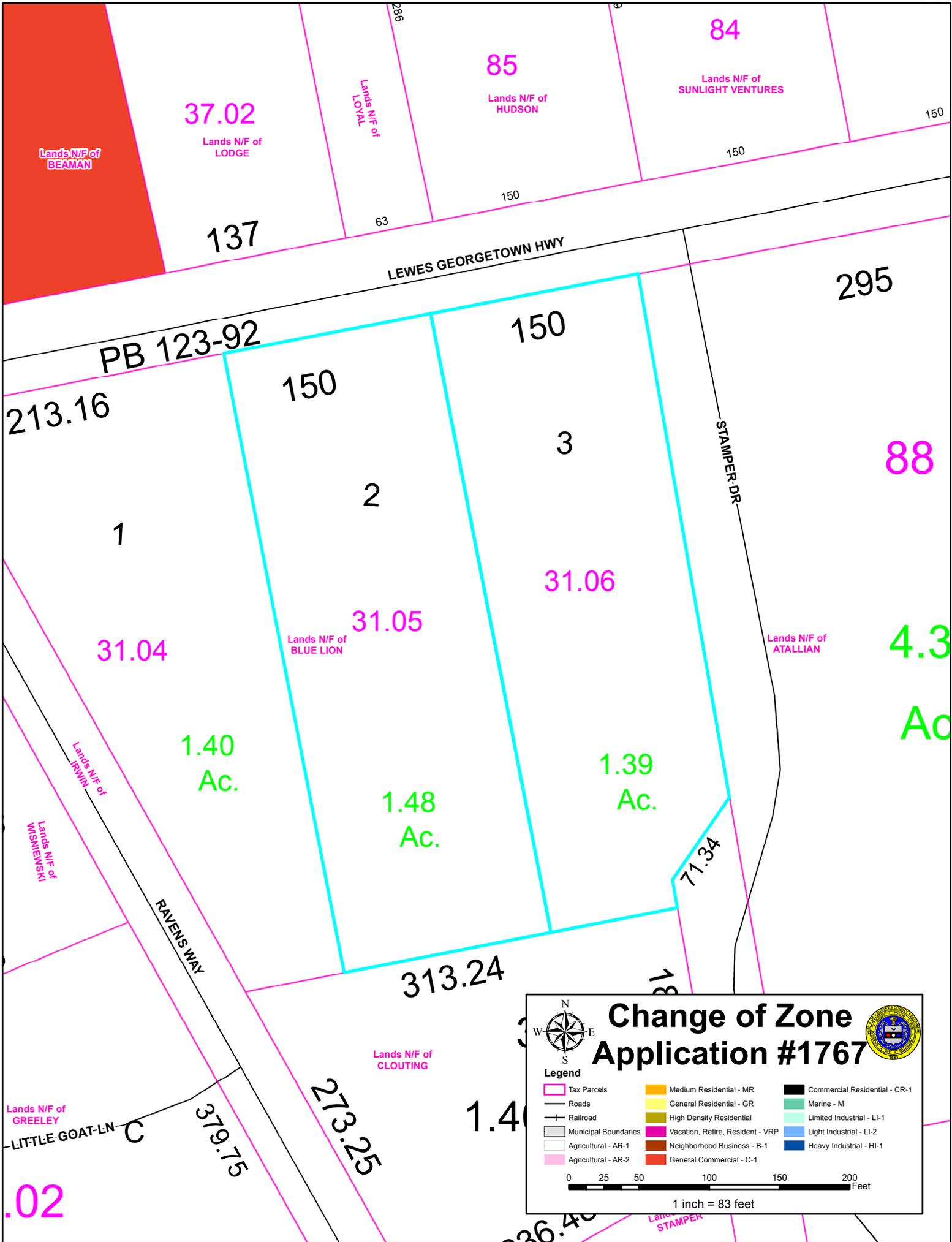
NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

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

295

213.16

150

150

3

88

1

2

STAMPER DR

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 WISNIEWSKI

Lands N/F of IRWIN

RAVENS WAY

71.34

313.24

Lands N/F of CLOUTING

Lands N/F of GREELEY

379.75

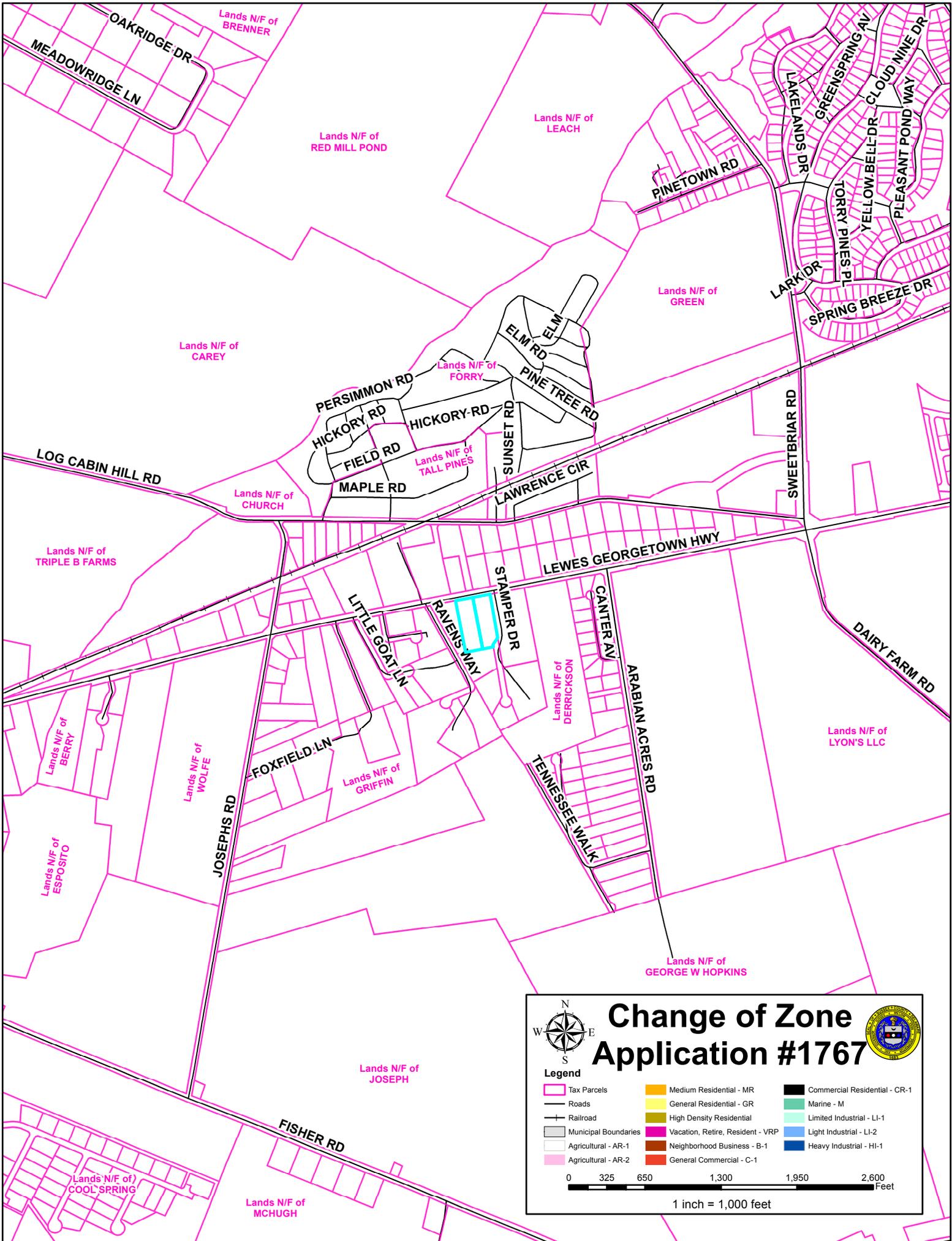
273.25

1.4

.02

26.40

Lands N/F of STAMPER



Change of Zone Application #1767



W N E S



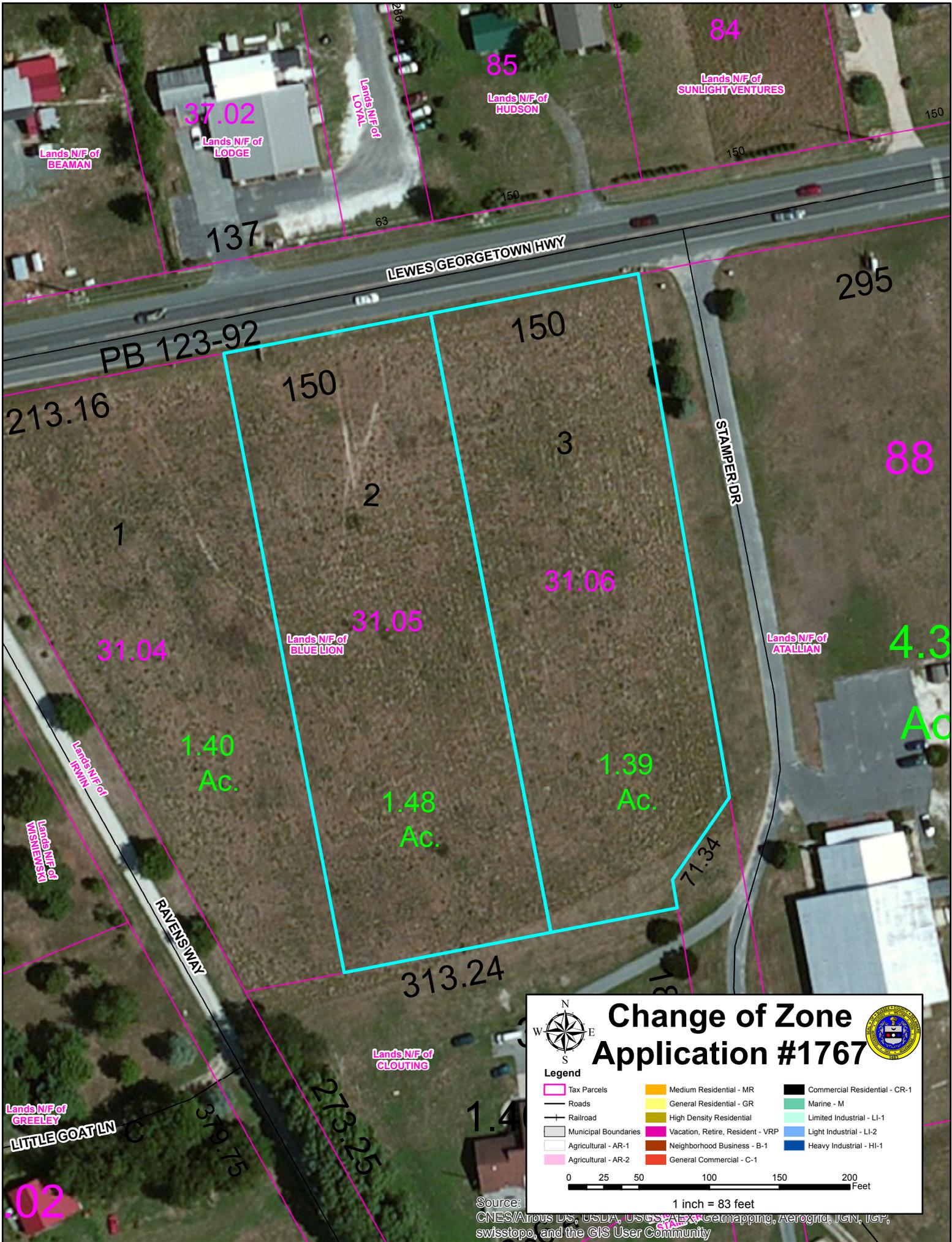
Legend

<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
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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
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0 25 50 100 150 200 Feet

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

1 inch = 83 feet

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

Contract 12-27 Woodland Park Project

- Request that Council reject all the bids received for this project, since all are substantially higher than the \$142,900 amount approved by Council at its July 15, 2014 meeting.
- Four (4) bids were received, with the low bidder's price being \$204,494.00.
- Thus, the County has had to explore other options to maintain this as a viable project. The Sussex Conservation District (SCD) was approached and they have provided a proposal for the site work (i.e. construction of the stone dust trail) of \$99,995.00.
- **In comparison, the price for the site work by the low bidder is \$158,284.00.**
- Our estimate of the cost of the other elements e.g. kiosk, fencing, etc. is approximately \$45,000, which when added to the SCD site work proposal provides a total of \$145,995. It is proposed that these non-site work items be sourced via letter bids.
- This represents the most cost effective approach since, with the District's involvement, the entire project would be about \$60,000 less than the most competitive bid received.
- Therefore, the Engineering Department recommends that the bids received be rejected, and the site work be contracted with the SCD.



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



DEL-MAR-VA COUNCIL
BOY SCOUTS OF AMERICA®

Sussex County Council
Attn: Michael H. Vincent, Council President, Sussex County Council
2 The Circle
Georgetown, DE 19947

Dear President Vincent,

On behalf of all the youth in the scouting program I would like to thank the Sussex County Council for the financial support of \$2,000 that was received in 2014. To continue the mission of scouting and offer the young people in our county life enhancing experiences, it is our hope that the Sussex County Council will continue its support in 2015.

The Del-Mar-Va Council of Boy Scouts of America is a 501(c) 3 organization whose mission is to prepare young people to make ethical and moral decisions over the course of their lifetime. We achieve this mission by accomplishing 3 major aims which are developing character, practicing good citizenship skills and being mentally and physically fit. Throughout 2014, 809 youth in Sussex County, from ages 6yrs old to 20yrs old, participated in Scouting's various programs and dedicated themselves to upholding these aims. Last year, Sussex County scouting youth continued to serve our community by completing several service projects throughout the county that benefited local organizations such as churches, schools, community centers and parks. These service hours collectively added up to 29,660 volunteer hours that rejuvenated areas and completed necessary improvements for those that benefited.

One of the most highly anticipated experiences that scouts look forward to is participating in the Del-Mar-Va Council's camping programs. Each year, for our elementary school age scouts, a week-long Day Camp experience at Holly Lake Campground along with a 3 day or week-long overnight camping experience is made available for these youth. For scouts that are middle and high school age, a week long summer camp at one of our two local area camps (Camp Henson & Camp Rodney) offer scouts the opportunity to enhance not only their outdoor and teamwork skills but also challenges scouts to develop their leadership skills and sense of responsibility.

It is proven that families that have their scout participate in summer camping experiences continue to participate in scouting programs year-round and throughout their age of eligibility. This year, families throughout our area have requested Campership funds in excess of \$30,000. Our request is that that the Sussex County Council continue its support of \$2,000 to assist these scouts in providing a camping experience in 2015.

I can be contacted at 443-523-4731 or by email at rjohnson@dmvc.org by the Sussex County Council in regards of a decision made upon this request. Thank you for your continuing support of our youth and volunteers.

Richard L. Johnson
Field Director

100 W. 10th Street, Suite 915
Wilmington, DE 19801
302-622-3300 or 800-766-7268
Fax: 302-622-3308
www.delmarvacouncil.org

Prepared. For Life.™





April 17, 2015

Dear Councilman Cole,

Did you know that it costs well over \$40,000 to put on the annual Rehoboth Beach fireworks display? Where does that money come from? People like you. The annual fundraising push to raise funds for the fireworks is on. The funds to host the fireworks comes from community fundraising. Each year, the fireworks boost tourism and many families choose Rehoboth Beach for that holiday weekend because of our fireworks celebration.

Rehoboth Beach Main Street (RBMS) will host our annual spectacular fireworks show on **Sunday, July 5, 2015, at approximately 9:15 p.m. on the beach.** We amaze the spectators with a grand fireworks display. Over 80,000 people visit downtown Rehoboth Beach each year for the festive night. Fireworks funding comes **entirely** from generous people such as yourself.

We hope we can count on you to help fund this annual fireworks tradition. Since RBMS is a 501(c) 3 non-profit organization, all donations to the fireworks program are **100% tax deductible** to the full extent of the law. We will provide the same kind of publicity and newspaper coverage as we have in the past. All donors will be listed in the Cape Gazette after the event. Major donors of \$500 or more will have their photo in the pre-event press in the Cape Gazette.

Please contribute to the Rehoboth Beach fireworks display by sending your donation to Rehoboth Beach Main Street, Post Office Box 50, Rehoboth Beach, DE 19971, or donate online at www.downtownrb.com.

On behalf of all of us at Rehoboth Beach Main Street, thank you for your support!

Sincerely,

A handwritten signature in cursive script that reads "Brenda Pfautsch".

Brenda Pfautsch
Rehoboth Beach Main Street
Board Member
2015 Fireworks Chair



Laurel Independence Day Committee

Sponsored by The Town of Laurel
201 Mechanic Street, Laurel, De 19956
302-875-2277 - laurelop@comcast.net

Mike Vincent, Sussex County Council
P. O. Box 589
Georgetown, Delaware 19947

Dear Friend:

I am writing you today to ask your support for the "Laurel Fireworks Celebration" taking place on Saturday, July 4, 2015. For sixteen years now Laurel is Delmarva's down home place for Independence Day Fireworks.

Again this year, our town will exhibit the finest fireworks show on Delmarva. That's right; our display will again surpass the fireworks in Dover and the beaches.

Laurel is one of the only a few towns that cherishes its heritage by having this Independence Day Celebration.

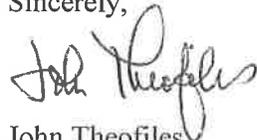
Please help us by supporting this event again this year. Our costs are reduced by early payment, so please give this your immediate consideration, I have outlined a support structure below, but ANYTHING YOU CAN DO WILL BE GREATLY APPRECIATED!

SPONSORSHIP SUGGESTIONS

PLATINUM SPONSOR	\$3,000.00
MAJOR SPONSOR	\$2,000.00
GOLD SPONSOR	\$1,500.00
SILVER SPONSOR	\$1,000.00
BRONZE SPONSOR	\$ 500.00
BUSINESS SPONSOR	\$ 400.00
PATRON SPONSOR	\$ 200.00

Please let me thank you in advance for "The Laurel Independence Day Committee" and "The Town of Laurel" for your support.

Sincerely,



John Theofiles
Fireworks Coordinator



Jamie Smith
Fireworks Co-Coordinator

Please Remit Contributions To:
Laurel Independence Day Committee
201 Mechanic Street
Laurel, Delaware 19956



February 2015

The Eastern Shore AFRAM Festival Committee is grateful for the faithful support of our sponsors each year.

Visitors from Delmarva, neighboring states, and as far away as San Diego, CA have enjoyed this exceptional event. Each year our festival provides an opportunity for people to come together for a positive cultural experience, in a family-friendly setting. Here, traditional African and African American arts, history, and culture can be enjoyed and explored within in a "village" atmosphere.

This year's theme moves forward to the sixth Kwanzaa principle of "Kuumba" (Creativity).

The Eastern Shore community is strengthened by your support, which enables cultural exchange, and enhances the sharing of information from community service agencies, institutions of health and education, benevolent organizations, and government/military services. Your contribution also makes it possible for us to annually honor the local people and organizations who work to improve the quality of life in this community.

We invite you to join us this year on August 7th and 8th as an honored Sponsor and guest of the festival – at the Seaford Sports Complex, near the Seaford Library and Cultural Center.

Please visit our web-site: www.easternshoreafam.org for details and updated information about this event.

A tax deductible 2015 contribution (Platinum, Gold, Silver or Bronze) entitles your business or organization to the benefits outlined on Page 2.

Please circle your preferred level of sponsorship and make all checks payable to:
AFRAM, P. O. Box 687, Seaford, DE 19973

Sincerely,

A handwritten signature in black ink, appearing to be "Pat A. Jones", written over a circular scribble.

Pat A. Jones
AFRAM Executive Director

The Eastern Shore AFRAM Festival is incorporated as a Delaware non-profit to promote the diverse cultural arts of African Americans. The IRS granted this event a 501C3 tax exempt organization; an ID number can be provided upon request.

05-0595124

2015 AFRAM Sponsor Benefits

PLATINUM SPONSOR > \$1,000.00 < Main Stage Stage, Performing Artists

BENEFIT:

- Individual CORPORATE BANNER
- Free Promotional Booth
- Free "Live Commercial" on stage (between performances)
- Active link on AFRAM's website: www.easternshoreafam.org (12 months)
- Logo on the Sponsors' Banner (stage-side)

GOLD SPONSOR > \$500.00 < Exhibitions Cultural/Historical Exhibits, Presentations

BENEFIT:

- Free Promotional Booth
- Free "Live Commercial" on stage (between performances)
- Active link on AFRAM's website: www.easternshoreafam.org (12 months)
- Logo on the Sponsors' Banner (stage-side)

SILVER SPONSOR > \$250.00 < Children's Events Pony Rides, Face Painting, Bounce House(s), Mascot Mania/Breakfast, Games

BENEFIT:

- Free Information Booth
- Corporate ID on AFRAM's website: www.easternshoreafam.org (12 months)
- Listed on the Sponsors' Banner (stage-side)

BRONZE SPONSOR > \$100.00 < Additional Support

BENEFIT:

- Listed on the Sponsors' Banner (stage-side)

The City of Lewes



March 9, 2015

The Honorable Joan Deaver
Sussex County
2 The Circle
Georgetown DE 19947

Dear Councilperson Deaver:

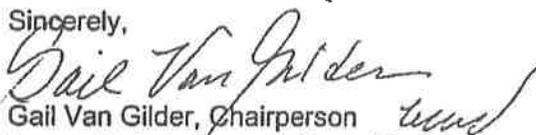
I am writing to you about the Lewes Historic Byway initiative. As you are aware, the Committee is wrapping up the Corridor Management Plan and is working on the final draft of the plan to submit to DeIDOT in April for certification. Our next step is to set up a Byway Management Entity to implement that plan as soon as we receive formal certification from DeIDOT.

In the meantime, we must turn to raising funds for the next work year. A representative of the Lewes Historic Byway recently appeared before the Lewes City Council to request financial support from the City. There will be a line item in the City's budget when it is approved mid-March.

In discussing our need for County financial support with Director Gina Jennings, it seemed reasonable for us to ask for an increase of \$7,000 to Preservation Officer Dan Parsons' budget to help fund the Lewes Byway, reflecting both his long time participation on the Lewes Historic Byway Committee and the fact that the Western Byway is already a part of his responsibility and is included in his budget. Your support for this action would be most welcome and gratefully accepted.

Please let me know if you have questions about this request.

Sincerely,


Gail Van Gilder, Chairperson
Lewes Historic Byways Committee

Cc: Gina Jennings
Todd Lawson
Ann Gravatt
Lewes Mayor Becker

Deaver.3-9-15.LHB.financialrequest

The First Town in the First State

P.O. Box 227
Lewes, Delaware 19958

(302) 645-7777
Fax (302) 645-6406

Website: www.ci.lewes.de.us

PUBLIC HEARINGS

May 19, 2015

This is to certify that on April 9, 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.

Conditional Use #2014 – Jay Beach

Application of **JAY BEACH** to consider the Conditional Use of land in an AR-1 (Agricultural Residential District) for a landscaping and site work business to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 5.2594 acres, more or less, land lying west of Beaver Dam Road (Road 285, aka Route 23) 700 feet south of Hopkins Road (Road 286) (911 Address: None Available) (Tax Map I.D. 234-5.00-44.06).

The Commission found that the Applicant provided a survey of his property, depicting the proposed improvements to the site, with the application.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report, dated December 11, 2014, referencing that a Traffic Impact Study was not recommended, and that the current Level of Service “C” will not change as a result of this application.

The Commission found that the County Engineering Department provided comments in the form of a memorandum, dated April 2, 2015, referencing that the site is located in the North Coastal Planning Area; that use of an on-site septic system is proposed; that the project is not capable of being annexed into a County operated sanitary sewer district at this time; 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 an email was received from Matthew Cottrell in opposition to this application expressing concerns that the site would be unsightly and detract greatly from the agricultural and residential nature of the neighborhood; that trucks, tractors and other heavy earth moving equipment would be parked on the site; that piles of earth, gravel, and stumps may be stored on the site; that such commercial storage would be unacceptable on this lot, which is open farmland with no natural screening; that any stored materials would be visible from Beaver Dam Road; that the proposed site plan includes an accessory building, labeled “shop” that would be located in the front yard; that the shop would block the view of the dwelling from Beaver Dam Road, making the property look more like a commercial facility than a residence; that construction of a dwelling and two shops as described on the site plan would diminish the current character of the neighborhood; that activity already underway on the property raises questions about any intent of the applicant to comply with existing zoning; that piles of earth are already being stored on the property; that gravel has been dumped along Beaver Dam Road to establish an impromptu driveway, which is now being used by heavy trucks to enter and exit Beaver Dam Road; that the origin and nature of the soil being stored on the premises are unknown and it is unclear if the new gravel driveway has DelDOT approval.

The Commission found that Jay Beach was present and stated in his presentation and in response to questions raised by the Commission that his son recently graduated from high school and always wanted to operate equipment; that his son started the business three years ago; that they currently live on a farm north of Route 24; that the applicant will be living on the property; that the dirt on the property is to be used for fill on the property; that the septic will have to be raised on the property; that the proposed buildings will be nice looking farm building to blend in with the area; that he will be maintaining the site in the same manner as his has his current property; that his neighbor just received approval for a produce/flower and garden center; that the site is currently vacant; that the equipment proposed to be utilized with the business includes a backhoe, a skidder, a dump truck and a haul trailer; that the primary intent is for landscaping use, and some site work, to be performed off-site; that the jobs will be small jobs, not developments; that currently his son operates the business with some assistance from the applicant; that they may in the future have four employees; that noise should be minimal since he works nights; that the entrance recently installed is for construction purposes; that there will not be any retail sales from the site; that storage will be minimal; that no tree stumps will be stored on the site; that the construction equipment will be stored outside; that business hours will be from 7:00 a.m. to 7:00 p.m.; that maintenance of the equipment will be performed in the shop building; that the building will be 200 feet from Beaver Dam Road; and that the site plan has not yet been submitted to the Sussex Conservation District, but understands that he will have to submit plans to the District.

The Commission found that Joseph Morris, Matthew Cottrell, Tom Kucharik, and Tina Morris were present in opposition to this application and expressed concerns that the area is agricultural/residential; that the use could evolve into a more commercial/industrial activity with more equipment, referencing dozer, etc., than referenced; that Mr. Morris’ brother sold to Mr. Beach with the understanding that the property was to be used as a residential lot, not as a business; that the adjacent property was recently approved for a flower/produce business which has an agricultural character; that the Streets Welding parcel further north on Beaver Dam Road

is an eyesore; that noise is a concern; questioning maintenance of equipment and waste products; concerned about the lack of notice to residents in the area; that the use will detract from the neighborhood; that equipment will be stored in front of the dwelling, which is proposed to be built in the rear; that there is no stormwater information available for the project; questioning if groundwater has been tested since there are concerns about the soils that are being brought onto the site could have contaminants and drain into the groundwater; that the trucks bringing materials onto the site have from 6 to 10 wheels; and expressing concerns about early morning truck noises.

The Commission found that Mr. Kucharik submitted a letter expressing his opposition to this application.

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

On April 9, 2015 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration, and for the staff the check for any restrictive covenants and for a copy of the Conditions of Approval imposed for the Kucharik application for conditional use. Motion carried 5 – 0.

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

Mr. Johnson stated that he would move that the Commission recommend approval of CU #2014 for Jay Beach for a landscaping and site work business based upon the record made during the public hearing and for the following reasons:

1. The Applicant has proposed a relatively limited use on this property. With the conditions and limitations placed upon it, it will not adversely affect neighboring properties or roadways.
2. The use as a landscaping business is a benefit to Sussex County residents and property owners.
3. The use will not adversely affect traffic on area roadways.
4. The use, with the conditions proposed by this approval will maintain a residential character consistent with surrounding properties.
5. The Applicant has stated that he will reside upon the property at all times and maintain the property in a neat and orderly conditions.
6. This recommendation is subject to the following conditions:
 - a. The residence must be located in front of all accessory buildings on the property. No accessory buildings or storage areas shall be located forward of the rear wall of the residence.
 - b. As stated by the Applicant, he will reside on this property during the operation of this use. The Applicant provided testimony that it will be operated much like a home

occupation. As a result, the Conditional Use shall expire if the Applicant no longer resides at the property.

- c. All equipment, machinery and vehicles associated with the business must be kept inside a wood or vinyl fenced and locked area so that it is screened from view of neighboring or adjacent properties and roadways.
- d. In addition to being located behind the residence, all equipment, storage and service buildings shall be constructed in the middle and northeast corner of the property away from the neighbors to the South as illustrated by the Applicant and be at least 200 feet from Beaver Dam Road. These structures must also be enclosed within the fenced area.
- e. There shall not be any dirt, tree stumps, stones, mulch, or other materials stored on the property.
- f. There shall not be any retail sales conducted from the property.
- g. One unlighted sign, not to exceed 32 square feet per side, shall be permitted.
- h. There shall not be any storage of junked, inoperable, unregistered or untitled vehicles or equipment on the property.
- i. Any security lighting on the property shall be downward screened so that it does not shine on neighboring properties or roadways.
- j. All equipment repairs and maintenance must be performed inside of a structure on the premises.
- k. All parking areas for employees shall be shown on the Final Site Plan and clearly marked on the site.
- l. All areas for parking equipment must be shown on the Final Site Plan and clearly marked on the site within the fenced in area.
- m. All oils, fluids, hazardous substances, etc. associated with the business must be stored inside of a structure and disposed of in accordance with applicable laws and regulations.
- n. The project shall be subject to all DelDOT entrance and roadway improvement requirements.
- o. A revised Preliminary Site Plan must be submitted to the Planning and Zoning Commission depicting these conditions of approval or noting them upon it.
- p. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried 4 votes to 1, with Mr. Smith opposed, to forward this application to the Sussex County Council with the recommendation that it be approved, for the reasons, and with the conditions stated. Motion carried 4 – 1.

Change of Zone #1764 – Coastal Club, LLC

Application of **COASTAL CLUB, LLC** an Ordinance to Modify Condition Number 1, 4, 13, and 17 imposed on Ordinance No. 1770 for Change of Zone No. 1554, the application of Marine Farm, LLC for the Coastal Club, a MR-RPC (Medium Density Residential District – Residential Planned Community), and to amend the Comprehensive Zoning Map of Sussex County from a MR-RPC (Medium Density Residential District – Residential Planned Community) to a MR (Medium Density Residential District) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, for a 13.425 acres, more or less, portion of the property (911 Address: None Available) (Tax Map I.D. 334-11.00-5.00, 395.00, and 396.00).

The Commission found that the Applicants submitted an Exhibit Packet on October 1, 2014, which included a request to revise the Conditions of Approval for C/Z #1554, specifically Conditions of Approval number 1, 4, 13, and 17, and requesting that a 13.425 acre portion of the original MR-RPC be removed from the RPC; that surveys and land descriptions were attached; that the parcel was formerly intended to be used for the Community Wastewater Treatment Facility for the Coastal Club community; that the Coastal Club community is now intended to be served as a part of a Sussex County Sewer District; that the Packet includes the original Conditions of Approval with revised wording for Conditions of Approval 1, 4, 13, and 17; and that copies of the original Conditions of Approval from the Minutes of the Sussex County Council, dated April 19, 2005 were attached.

The Commission found that the Applicants submitted a packet of Exhibits recently, which include a copy of the Coastal Club Master Plan; the original Conditions of Approval from C/Z #1554; suggested revised Conditions of Approval; a copy of a letter from the Director of Planning and Zoning, dated October 5, 2005; and copies of the Minutes of the Planning and Zoning Commission for June 14, 2007.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum, dated April 1, 2015, referencing that the project is capable of being annexed into a County operated and maintained sanitary sewer district, the Goslee Creek Planning Area; that wastewater capacity is available; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$5,500.00 per Equivalent Dwelling Unit (EDU); that the location and size of laterals and connection points are to be installed in accordance with the Goslee Creek Planning Study; that conformity to the North Coastal Area Planning Study will be required; that the County Engineering Department requires modification to the proposed Conditions; that the County requires design and construction of the collection and transmission system to meet County Engineering Department requirements in accordance with the Goslee Creek Planning Study; that the County Engineer must approve the connection points; and that a sewer concept plan must be submitted and approved by the

Engineering Department; and that the Engineering Department provided suggested amendments to Condition of Approval Number 17, as it relates to Sewer, Reece's Lane, and Others.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum, dated March 6, 2015 that relate to the overall project, not the Conditions of Approval Numbers 1, 4, 13, and 17 and that those comments are a part of the record.

The Commission found that Preston Schell, one of the developers, was present with James Fuqua, Esquire with Fuqua, Yori and Willard, P.A., Zac Crouch, Professional Engineer with Davis, Bowen and Friedel, Inc., and Bruce Wright with the First State Community Action Agency and that they stated in their presentations and in response to questions raised by the Commission that they are applying to rezone a 13.4 acre portion of the property from MR/RPC to MR by abandoning the RPC overlay, and to amend or modify four of the Conditions of Approval relating to C/Z #1554; that the MR/RPC zoning was approved by the Sussex County Council in April 2005 with 18 Conditions of Approval; that the original project went into default; that the applicants have purchased the property from the lender and have started developing Phase One of the project; that the request for rezoning is for a 13.4 acre portion of the property that fronts Beaver Dam Road and is separated by a branch and wetlands from the larger portion of the site, and was originally intended for a wastewater treatment facility for the project; that the 13.4 acre portion of the property is across from Hopkins Farm Road; that the project will now be served by Sussex County sanitary sewer; that the sanitary sewer system is now under construction, therefore there is no need for a private sewerage treatment facility; that this rezoning will not impact the original RPC; that there will be little to no impact on the density for the project; that the MR zoning will remain with the 13.4 acre portion of the property; that in reference to the proposed amendments to the original Conditions of Approval; Condition #1 is proposed to be corrected to designate the correct number of units from 432 to 412 single family lots, since 20 lots were eliminated with a roadway connection to Jim Town Road; Condition #4 is proposed to be corrected to change the reference from central sewer to Sussex County Sewer District; Condition #13 is proposed to be amended to read "The 42 acre area previously designated as an Eagle Wildlife Habitat Conservation Area shall now be designated as community open space and may be utilized for passive or active community recreation uses or natural open space. No construction of residential units shall be permitted in this area". The change is requested since the Bald Eagle vacated the nest, therefore the management plan is no longer required; Condition #17 was voluntarily proffered by the original developers and then required by Sussex County Council to benefit the residents of Jim Town Road as it relates to central sewer, central water, street lighting, and sidewalks; that there are some housekeeping items included in these proposed revisions and should be considered reasonable requests; that in reference to Condition #17A which relates to the previously referenced Sussex County Sewer District should also include a reference that no one is required to hook up to the sewer system; that the developers are requesting that Conditions 17C which references street lighting and 17D which references sidewalks be deleted; that in 2007 a request was applied for to amend the Conditions of Approval on behalf of the residents of Jim Town Road as the Conditions of Approval related to these same items; that the Planning and Zoning Commission recommended that the request be denied, and not long after the developers withdrew their requests; that the

Conditions of Approval reference “if desired by the residents of Jim Town” which was not clear; that the current developers of the project desired to get the opinion of the residents of Jim Town and asked for assistance from the County and the First State Community Action Agency; that in 2014 the First State Community Action Agency assisted the developers by holding a public meeting to ballot the residents to determine if street lighting and sidewalks were supported by the residents; that it was determined that 44 residents could vote; that 29 of the residents were property owners; that letters were sent to the 29 property owners; that it was reported that in reference to street lighting there were ten (10) votes in support and four (4) votes in opposition; that in reference to sidewalks there were eleven (11) votes in support and three (3) votes in opposition; that since only 14 residents voted it was not clear what the majority of the residents want; that it was never the intent of the original developer or the current developers to get out of building sidewalks or street lighting; that they are seeking guidance from the County; that ballots were issued to the property owners; that letters were sent out requesting a response on the ballots; that staff of First State Community Action Agency talked to residents in the area in July 2014 and asked the residents to communicate; that there appeared to be some strong support and some strong negativity; that all responses received were property owners; that some want sidewalks and some don't; that if individually voting any one resident can refuse to grant an easement for a sidewalk on their property; that they prepared a preliminary plan and found that the pavement is higher at the crown of the road than the properties; that the ditches may have to be moved; that either a drainage easement or the sidewalks shall be on private properties; that exhibits that were displayed at the public meeting showed the topographic issues that need to be addressed if sidewalks are placed; that the ordinance references that sidewalks shall be located on one side of Jim Town Road, not both sides, therefore, which side will the sidewalks be built upon; that the developers are happy to install both sidewalks and street lighting, and are only asking for directions; and that the southwesterly side of Jim Town Road seems to be the least impacting on the residents.

The Commission found that Roslyn Allen Echols was present with interest in properties along Jim Town Road and stated that she has no objection to the modification to Condition #1; that the property owners should have the right to decide if they want to be impacted by sewer, water, sidewalks and street lighting; that she has no objection to the modification to Condition #14; that sewer and water should be available if the owners chose to connect; that the majority of the residents do not want an 8-inch sewer line along Jim Town Road; that the Jim Town Road community has existed for 100 years or more; that the residents are concerned about the connection and collection fees by the County, and fear that they might lose their properties due to the impact by fees; that if the sewer and water lines are installed and the residents septic or well fails, the State DNREC will require connection to the sewer and water system; that the majority of the residents have security lighting and do not need street lighting; that sidewalks on one side of the Road is not helpful and only serves a few; that the majority of the residents do not want sidewalks; and that some of the homes are too close to Jim Town Road and will be impacted by sidewalks or easements.

The Commission found that Michael Miller, a resident and property owner, was present with interest and stated that he represents some of the residents of Jim Town Road and that the

majority of the residents want street lighting and sidewalks; that he has no objection to the rezoning portion of this request; that he has no objection to the Bald Eagle portion of the project being open space; that he supports sidewalks and street lighting; that sidewalks should be on both sides of Jim Town Road; that he described his power point display which contained photographs of the Lewes Crossing subdivision and other projects; that the photographs depict 30' wide street paving, curbing/guttering, grass and sidewalks; that ditching may have to be piped and covered; that some projects have bike/pedestrian paths along Beaver Dam Road; that the residents do not want easements for sidewalks on individual properties; that he feels that the ballots cast indicate that a majority of the residents want sidewalks and street lighting; that if a 50-foot right-of-way exist for Jim Town Road, there is space for 22-foot of pavement, curbing and guttering with sidewalks; that adequate street lighting can be installed on the existing electrical poles along Jim Town Road; that for safety reasons the sidewalks and street lighting should be installed; that sidewalks on the easterly side would be preferred since most of the homes are on the easterly side of Jim Town Road; and that sidewalks would really be preferred on both sides to protect all of the residents.

The Commission found that Gerald Allen, a property owner, was present and stated that he does not permanently live along Jim Town Road; that the ballots were not clear or explained; that the counts were questionable, and that some of the residents did not vote since the ballots were not clear; that he is not sure what happened to the Bald Eagle nest; that street lights could be placed on the existing poles; that street lighting is a good idea, if at no cost to the residents; that he has no objection to street lighting; that he has no objection to sidewalks if in the street right-of-way; and that he opposed sidewalks on individual lots.

The Commission found that Monroe Brittingham, a property owner and resident, was present and stated that he was originally opposed to the project and all of the conditions imposed on the area of Jim Town Road; and that he now supports the need for sewer, water, street lighting, and sidewalks.

The Commission found that Gaye Allen Moore, a property owner, agreed with Ms. Echols, and stated that another Condition has not been resolved, referencing Reece's Lane, which has not been conveyed to the adjoining property owners; that she is concerned that the State DNREC will require connection to the sewer and water if systems fail; that she opposes street lighting, since they are not needed; that she opposes sidewalks; that drivers need to realize that they are in a residential area and obey the speed limits.

The Commission found that Mr. Crouch responded that sidewalks within the existing right-of-way will require improvements, referencing that the road and properties have to be designed to drain; that an easement will still be needed, whether for drainage or sidewalks; that DelDOT will require vertical curbing, not rolled curbing; that based on State specifications and guidelines the streets would have 11-foot lanes, 2-foot of curbing, 3-foot of grass, 5-foot of sidewalk, a 2-foot grass strip for safety, and a graded slope of 4:1 which is a total redesign of the Jim Town Road; that 4:1 backslopes would be required; that if they can't get the easements, the improvements cannot be completed; that separation is required from sidewalk to curbing; that inlets or catch basins would have to be installed on private properties; that they cannot conform to DelDOT

regulations within a 50-foot right-of-way; that if this was a new project, it can be designed up front; that easements will need to be granted; that the improvements to the right-of-way depend on the elevation of the properties; that the pavement section is higher than the properties; that if a property owner does not agree to granting an easement the sidewalks will be segmented; that DelDOT may not even approve the intended changes; and that they will have to abide by DelDOT regulations and referenced clear zones, ADA compliance, and other issues.

The Commission found that Michael Miller responded that a variance from DelDOT may be needed, and that it can be engineered to work; that the road can be shifted and/or graded down so that the road is not higher than the properties; and that DelDOT has granted variances in the past.

The Commission found that Ms. Echols responded that some of the homes are already too close to Jim Town Road.

The Commission found that Gerald Allen responded that it can be done, but it will cost; that the Coastal Club needed the Jim Town residents when the project was approved; that the developers must not need the residents now and that this may be the reason why the amendments are being proposed; that Jim Town Road needs to be fixed; that neighbors want the improvements; and the improvements will improve Jim Town

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

On April 9, 2015 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

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

Mr. Robertson advised the Commission that this application is a request to modify conditions 1, 4, 13, and 17 of Ordinance No. 1770, which include eliminating a portion of the RPC where wastewater water disposal was to be located; that the project will now be served by Sussex County sewer; that there are issues relating to sidewalks being installed within the Jimtown community; whether streetlights should be installed in the Jimtown community; other issues such as the bald eagle nesting area being an undisturbed wildlife area since the eagle no longer nests in the area; that this is unusual in how the Commission typically handles applications; that typically there is one recommendation to the County Council; that this application presents so many different and unrelated issues and that the best way to handle this application is to do a separate motion and vote for each topic so that the County Council has a more clear understanding what the Planning and Zoning Commission's recommendations are as well as the community members and the developer.

Mr. Johnson stated that he would move that the Commission recommend a modification of Conditions #4 and #17A of Ordinance #1770 regarding sewer provided to the Coastal Club project and Jimtown Road based upon the record made during the public hearing and for the following reasons:

1. The original Application contemplated sewer service via an on-site wastewater treatment and disposal system operated by a private utility.
2. Since the time of approval, the sewer provider has changed so that the Coastal Club development will now be served as part of a Sussex County Sanitary Sewer District. As a result, condition Number 4 of Ordinance #1770 should be modified to state “The development shall be served by central sewer as part of a Sussex County Sewer District.”
3. The developer has also proposed revised language for Condition #17A regarding the means of providing wastewater treatment and disposal to properties along Jimtown Road now that County sewer service is available. The revisions proposed by the developer have been modified by the Sussex County Engineering Department for conformity with its sewer requirements.
4. There must be a timeframe under which the developer is required to connect Jimtown properties to the Sussex County sewer system pursuant to the original Condition #17A without cost to those property owners choosing to connect. This must be clarified in the modified condition #17A.
5. No property owner within Jimtown between Beaver Dam Road and the existing bridge at Goslee Creek should be required by Sussex County or the developer to connect to the County sewer system, but sewer is available for connection if they choose or if necessary.
6. It is Mr. Johnson’s recommendation that Condition #17A be modified to state as follows, based upon the developer’s request and the County Engineering Department’s recommendations:

A. Sewer

At its sole cost and expense, Developer will provide the properties of Jimtown with lateral and gravity connections to a Sussex County Sewer District, whereby capacity is allocated in accordance with the Goslee Creek Planning Study. The Jimtown service area is described as those properties with frontage on Jimtown Road that are located between the existing bridge at Goslee Creek and the intersection of Beaver Dam Road

At its sole cost and expense, the Developer will complete construction of a sanitary sewer transmission system of sufficient size to convey the Jimtown sewerage through the Coastal Club sanitary sewer system to the Sussex County sewer system within three (3) years of the commencement of construction on the Coastal Club site. Based upon the established date of construction commencement (May 23, 2014), the Developer must complete the Jimtown transmission system by May 22, 2017.

At its sole cost and expense, Developer will engineer and construct a sanitary sewer collection system within Jimtown Road from the bridge to the intersection of Jimtown and Beaver Dam Roads, and connect it to the Coastal Club transmission system. The home, lot or parcel owners will not be responsible for any System Connection Charges (SCC’s) if connected to the Central Sewer within three (3) years from the date of substantial completion of the Sewer System. The

Developer shall be responsible for paying the SCC for any existing home connecting during the three (3) year period. No home, lot or parcel owners of Jimtown shall be required by Sussex County to hook up to the central sewer unless they choose to do so.

Each resident of Jimtown that chooses to hook up to the Coastal Club sanitary sewer system, with such hookup being solely at the discretion of each individual property owner, will pay the use rates set by Sussex County.

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

Mr. Johnson stated, that concerning CZ #1764, he would move that the Commission recommend an amendment to Conditions #17C of Ordinance #1770 for the Coastal Club Development regarding the streetlights within the Jimtown Community based upon the record made during the public hearing and for the following reasons:

1. Condition number 17C of the original approval required streetlights, but only “if desired by the residents of Jimtown”.
2. The applicant, with the assistance of First State Community Action Agency, has sought input from as many people as possible through various forms of outreach, including mailings, meetings, visits, ballots and phone calls. There is no clear consensus that streetlights are not wanted, and many people from Jimtown in attendance at the public hearing stated that they desire to have streetlights installed along Jimtown Road.
3. There is also a significant amount of development occurring along Beaver Dam Road and Robinsonville Road. Many of these developments were not yet approved or in existence in 2005 when the Coastal Club project was first approved. Jimtown Road connects between these two roads, and will continue to see increased traffic as these developments progress. For this reason, requiring the developer to install streetlights along Jimtown Road as proffered by the original developer promotes the health, safety and welfare of the Jimtown Community and traffic safety along Jimtown Road.
4. There was also testimony from the Jimtown Community during the public hearing that streetlights are not necessary every 100 feet as required by Ordinance Number 1770. Instead, as one member of the public stated, it is appropriate for them to be installed on the existing poles along the street.
5. Finally, the original approval required the streetlights to be installed within 1 year of the start of construction of the Coastal Club project, which occurred on May 23, 2014. Since the 1 year deadline will be impossible to make, Mr. Johnson recommends that it be amended to state 2 years from the start of construction, giving the developer and the residents until May 22, 2016 for the streetlights to be installed.
6. For these reasons, it is Mr. Johnson’s recommendation that Condition 17C of Ordinance Number 1770 be modified to state:

Within two (2) years of the commencement of construction (May 23, 2014), Coastal Club, LLC at its sole cost and expense will provide for the installation of all streetlights required by DelDOT together with streetlights on each telephone pole along Jimtown Road between the existing bridge at Goslee Creek and the intersection with Beaver Dam Road. Additionally, all street light rental or service charges (for these streetlights only) will be borne by Coastal Club, LLC, its successors or assigns.

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

Mr. Johnson stated that concerning CZ #1764 he would move that the Commission recommend an amendment to Condition 17D of Ordinance #1770 for the Coastal Club Development regarding sidewalks within the Jimtown Community based upon the record made during the public hearing and for the following reasons:

1. Conditions number 17D of the original approval required sidewalks but only “if desired by the residents of Jimtown”. It also stated that they should be installed either within the right of way of Jimtown Road or outside of the right of way on Jimtown lots. This requirement was proffered by the original developer of the Coastal Club project.
2. The Applicant, with the assistance of First State Community Action Agency, has sought input about sidewalks from as many people as possible through various forms of outreach, including mailings, meetings, visits, ballots and phone calls. There is no clear consensus that sidewalks are not wanted, and many people from Jimtown in attendance at the public hearing stated that they desire to have sidewalks installed along Jimtown Road.
3. The applicant has stated its willingness to install sidewalks.
4. It is not reasonable to require easements from property owners for the installation of sidewalks on their properties, especially if there is not 100% agreement about them. Also, many of the homes along Jimtown Road are very close to the right of way and there is very little room in some cases to put in a sidewalk outside of the right of way.
5. There is a significant amount of development occurring along Beaver Dam Road and Robinsonville Road. Many of these developments were not yet approved or in existence in 2005 when the Coastal Club project was first approved. Jimtown Road connects between these two roads, and will continue to see increased traffic as these developments progress. For this reason, requiring the developer to install sidewalks along Jimtown Road promotes the health, safety and welfare of the Jimtown Community.
6. There was also testimony during the public hearing that most of the homes are on the northeast side of Jimtown Road, so if sidewalks are going to be installed on just one side of the road as required by the original condition 17D, it should be on the northeast side of Jimtown Road.

7. The developer must consult with DeIDOT, the Sussex Conservation District and any other agencies that can be of assistance to design and construct the sidewalks within the road right of way on the northeast side of Jimtown Road between the bridge over Goslee Creek and the intersection with Beaver Dam Road.
8. Because construction work will need to occur on Jimtown Road to install the sewer and roadway improvements required by Conditions 17A and 17E, the sidewalks should be installed at the same time as this work is underway. Condition 17A requires the sewer to be installed in Jimtown Road within three years of May 23, 2014, so the same timeframe should apply to the sidewalk installation.
9. For these reasons and the record made during the public hearing, Condition #17D of Ordinance #1770 should be modified to state as follows:

Within three (3) years of the commencement of construction (May 23, 2014), Coastal Club, LLC at its sole cost and expense shall provide a sidewalk within the Jimtown Road right of way on the northeast side of Jimtown Road from the existing bridge over Goslee Creek to the intersection of Jimtown Road and Beaver Dam Road in accordance with the approval of DeIDOT and the Sussex Conservation District.

Mr. Ross raised a question of what would happen if the sidewalks are not constructed within the specified timeframe.

Mr. Robertson advised the Commission that the County could withhold the issuance of building permits or could seek Court remedies.

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

Mr. Johnson stated that he would move that the Commission recommend approval of the portion of CZ #1764 for the Coastal Club, LLC to amend and correct Condition Number 1 of Ordinance #1770 regarding the number of units within the development based upon the record made during the public hearing and for the following reasons:

1. Condition #1 concerns the number of units within the development. The original Condition #1 stated that “the maximum number of dwelling units shall not exceed 630 of which at least 432 shall be located on single family lots. The 20 lots with roadway connection to Jimtown Road shall also be eliminated.”
2. Although the 20 Jimtown Road single family lots were eliminated, the total number of single family lots in the entire development was not reduced by 20 lots. As a result, the first sentence of Condition #1 should have referenced 412 single family lots instead of 432 so that Condition #1 states as follows; “The maximum number of dwelling units shall not exceed 630 of which at least 412 shall be located on single family lots. The 20 lots with roadway connection to Jimtown Road shall be eliminated. The roadway connection to Jimtown Road shall be eliminated.”

3. In summary, Mr. Johnson's motion is to approve this corrective measure to Condition #1.

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

Mr. Johnson stated that he would move that the Commission recommend denial of part of CZ #1764 relating to the removal of the Residential Planned Community overlay from 13.4 acres of land that was originally part of the Coastal Club RPC based upon the record made during the public hearing and for the following reasons:

1. The area of the request to delete the RPC Overlay was originally part of the Coastal Club RPC, and the acreage was used to calculate the overall density of the project.
2. There has been no justification for the removal of the RPC designation, other than the fact that the land is no longer needed for the on-site wastewater treatment facility that was originally proposed for the project. The project is now going to be part of the Sussex County Sanitary Sewer District.
3. The original RPC approval limited density to 1.74 units per acre on all of this land rezoned to MR from AR-1 as part of the application.
4. As stated in the original Findings of Fact for Ordinance Number 1770, it was noted that the RPC kept the density to an appropriate level less than what was permitted under the surrounding AR-1 Zoning. By removing the RPC Overlay, the density could rise to up to 4 units per acre under the MR Zoning. Mr. Johnson does not believe this possible density would have been approved at the time the Coastal Club application was originally presented and the necessary change in zone to MR was permitted primarily as a result of the RPC Overlay limiting the density of the project.
5. MR zoning without an RPC Overlay allowing up to 4 units per acre is not appropriate in this location.
6. For all these reasons, it is Mr. Johnson's motion that the property should remain subject to the MR/RPC as originally contemplated for the Coastal Club residential project.

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

Mr. Johnson stated that this is his final motion concerning the Coastal Club and CZ #1764, that he is recommending several additional changes that are needed to clarify Ordinance No. 1779 based on the requests of the applicant and reasons presented during the public hearing, and that his recommendations are as follows:

1. Throughout all of Ordinance #1770, there is reference to the developer being "Marine Farm, LLC." Since that LLC is no longer involved in the project, all references to it should be updated to refer to Coastal Club, LLC.

2. The applicant has stated that Condition #13, regarding the “Eagle Wildlife Habitat Conservation Area” is no longer necessary, as there is not an eagle nest on the property. It is appropriate to modify this condition under the circumstances, but it should still remain as open space. Mr. Johnson recommends that it be modified to state:

The former 42-acre “Wildlife Habitat Area” shall remain an open, natural area in perpetuity, with uses limited to trails and other passive recreational uses. There shall not be any residences, structures, pool, clubhouses, or similar amenities constructed within this area.

3. Finally, as part of the adoption of these recommendations by County Council, Mr. Johnson recommends that Council include a restatement of all of the Conditions of Ordinance #1770, as modified by CZ #1764 in their entirety, so that there is one document containing all of the current conditions of approval.

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

Change of Zone #1768 – Convergence Communities

Application of **CONVERGENCE COMMUNITIES** to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a MR-RPC (Medium Density Residential District – Residential Planned Community) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 49.66 acres, more or less, land lying north of Road 361 (Muddy Neck Road), east and south of Ocean Way Estates Subdivision, west of Assawoman Canal, and also north of Ocean View Beach Club Community in the Town of Ocean View with access from Nantasket Avenue, Old Orchard Avenue, Ocean Beach Avenue, and Gooseberry Avenue (911 Address: None Available) (Tax Map I.D. 134-17.00-12.00).

The Commission found that the Applicants provided a survey/site plan with the application, dated December 16, 2014.

The Commission found that on March 30, 2015 the Applicants provided an Exhibit Booklet for consideration which contains a Presentation Outline; a Data Column; a MR-RPC Rezoning Site Plan; a Revised MR-RPC Rezoning Site Plan amended to reference Technical Advisory Committee comments; a series of maps, aerials, and renderings; a copy of a portion of the 1868 Beers Atlas of the Lewes and Rehoboth Hundred; a copy of the Response to the Preliminary Land Use Service (PLUS) comments; an Environmental Assessment and Public Facilities Evaluation Report; references to compliance with the standards of Chapter 99-9C of the Subdivision Ordinance; Technical Advisory Committee responses; a copy of the DelDOT Support Facilities Report; and a Willing and Able to Serve letter from Tidewater Utilities, Inc. as it relates to central water.

The Commission found that the Applicants provided additional Exhibits on March 25, 2015, which includes a Google Earth aerial photograph; a copy of the Strategies for State Policies and Spending – Investment Level map; a zoning map of the general area; a copy of the Ocean View Beach Club Site Plan on the adjacent property, which is within the Town of Ocean View; copies

of Minutes of the Planning and Zoning Commission for May 8, 2008 and May 22, 2008 relating to C/U #1790, the application of Martha's Light, LLC for a continuing care retirement community; and copies of Minutes of the Sussex County Council for June 3, 2008, relating to C/U #1790, granting approval of the continuing care retirement community.

The Commission found that the County Engineering Department provided comments in the form of a memorandum, dated April 2, 2015, referencing that the site is located in the Bethany Beach Sanitary Sewer District Planning Area; that wastewater capacity is available for the project; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$5,500.00 per Equivalent Dwelling Unit (EDU); that the proposed project must extend mainline sewer and make its connection in the 15-inch gravity line in Ogre Drive; that alternatively, a connection point may be available along the parcels southerly property line when the Ocean View Beach Club completes construction of the sewer system to serve that community; that the project is capable of being annexed into the Bethany Beach Sanitary Sewer District following completion of certain administrative procedures; that sewer service and connection to the sewer system is mandatory; that the project is within system design assumptions and adequate sewer capacity is available; that the proposed development will require a developer installed collection system in accordance with County standard requirements and procedures and the South Coastal Area Planning Study, 2005 Update; that the County Engineer must approve the connection point; that the Engineering Department requires that a Sewer Concept Plan be submitted for review and approval prior to requesting annexation into the District; that the Concept Plan shall include provisions for an 8-inch connection point extended to the remaining portion of the parcel; that one-time system connection charges and annual front footage and service charges will apply; and that there will need to be a memorandum of understanding signed prior to annexation, obligating the developer to pay front footage assessment and system connection charges in accordance with County policies and procedures for non-exempt properties.

The Commission found that Doug Freedman, the Applicants' representative, was present with James Fuqua, Esquire of Fuqua, Yori & Willard, P.A., and Zac Crouch, Professional Engineer with Davis, Bowen and Friedel, Inc. and that they stated in their presentations and in response to questions raised by the Commission that the applicants are proposing to develop this 49 acre site with 164 residential units (120 single family dwellings and 44 townhouse units); that the site is located to the rear of the Ocean View Beach Club development, now under construction, which is developing 300 residential units (150 single family dwellings and 150 multi-family dwellings) and 1.6 acres of commercial within the Town of Ocean View; that residential developments surround the property with Ocean Way Estates Subdivision to the north and west, the Assawoman Canal and Sea Colony West Residential Planned Community to the east, and the Clearwater Residential Planned Community, Waterside Residential Planned Community, and Bethany Meadows and other developments to the south; that the Convergence Communities are purchasing the property from the Trustees of Episcopal Church, except for a 5.25 acre parcel with an access easement which is intended for a church in the future; that the property was originally gifted to the Trustees by Mary Lighthipe; that the Trustees went into an agreement with Martha's Light, LLC who applied for a conditional use for a continuing care retirement facility; that the facility was never built and that the applicants are now applying for this

Residential Planned Community; that water will be provided by Tidewater Utilities, Inc.; that central sewer will be provided by Sussex County; that the site is located in the Millville Fire Company service area; that Delmarva Power will provide electrical service; that access is proposed through the Ocean View Beach Club which is being developed by the same developers; that recreational amenities will serve both projects; that a fitness center, Spa, indoor and outdoor swimming pools, and sports courts will be provided; that according to the Strategies for State Policies and Spending documents the site is located in an Investment Level 2, where the State anticipates growth to take place; that according to the Sussex County Comprehensive Plan the site is located in the Environmental Sensitive Developing District Overlay Zone and that the housing types are appropriate; that the project complies with the purpose of the MR Medium Density Residential District, and is surrounded by MR Medium Density Residential zoning and lands improved with residential planned communities, making the residential planned community portion of the application consistent; that the 164 units gross calculation is 3.23 units per acre; that the Ocean View Beach Club density is 4.2 units are acre; that the project is basically an infill between the other projects in the area with a similar or lower density; that they did not consider the Bonus Density provisions of the Zoning Ordinance; that there are multiple choices when deciding how to apply for an application: Subdivision, Cluster Subdivision, Conditional Use, Residential Planned Community, Medium Density Residential – Residential Planned Community, Bonus Density Subdivision, and Bonus Density Multi-Family; that the choice is based on numerous factors including, but not limited to, the relationship to plans (State Strategies and Comprehensive Plans), the availability of sewer and water, transportation, and the activities in the surrounding area; that since the Comprehensive Plan references that a Residential Planned Community is appropriate it should be considered; that 75% of the project is single family residential; that a Traffic Impact Study was not required due to improvements already designed for the general area; that the developers will be participating in an Area Wide Signal Agreement if required by DelDOT; that the project is within a Flood Zone area which has a 5-foot Base Flood Elevation; that all units will be above the Base Flood Elevation; that the site is located within the Inland Bays Watershed; that streets will be built to County standards and specifications; that stormwater management facilities and erosion and sedimentation control facilities will be improved per the requirements of the Sussex Conservation District; that the existing ditches will remain and be cleaned out; that the pipes in the ditches will be cleared and some probably enlarged; that they are planning on using wet ponds, bio-swales and bio-strips in the design; that a 20-foot wide landscape buffer will surround the project; that additional trails and recreational tot-lots will be installed in this project; that single family homes will be built along the entire perimeter; that 80% of all the lots front onto open space; that interconnection is proposed to the State Assawoman Canal Trail; that 50-foot wide buffers will be provided from an tidal wetlands; that they will be resubmitting for a jurisdictional determination for the wetlands; that sidewalks will be provided along both sides of all streets; that the Ocean View Beach Club is proposing to provide a shuttle service to the beaches and shopping; that adequate parking is available in amenity areas; that streets, sidewalks and trails interconnect to the Ocean View Beach Club; that the Applicants chose to apply to the County, rather than the Town of Ocean View; that sidewalks are located within the street right-of-ways and trails are in open

spaces; that streets will have curb and guttering; and that the density for this project is similar to area projects.

The Commission found that Mr. Fuqua submitted suggested proposed Findings of Fact and Conditions of Approval, which includes:

Suggested Proposed Findings of Fact:

- 1) The site is located in Investment Level 2 according to the State Strategies for Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by Local, County and State Plans in the near term future. State investments will support growth in these areas.
- 2) The proposed MR/RPC development meets the purposes of the MR and RPC zoning designations since it provides medium-density residential development in a developed area where County sewer and central water are available by creating a superior living environment.
- 3) The proposed MR/RPC development is in accordance with the Sussex County Comprehensive Plan in that it is located in a designated “Growth Area” where development is directed and planned.
- 4) The site is located in the Environmentally Sensitive Developing Area where the Plan states that a full range of housing types are appropriate including single family homes, townhouses, and multi-family units.
- 5) Central sewer will be provided as part of Sussex County’s Bethany Beach Sanitary Sewer District and adequate wastewater capacity is available.
- 6) Central water for domestic use and fire protection will be provided by Tidewater Utilities, Inc.
- 7) The proposed development will comply with all DelDOT requirements including entrance locations, roadway improvements and contribution toward an area wide study. A new entrance onto Muddy Neck Road will not be necessary since the proposed development will utilize the existing entrance for the adjacent development, The Ocean View Beach Club.
- 8) The proposed development is consistent with the nature of the area, which consists of a variety of residential developments including single family and multi-family developments.
- 9) The proposed development will share an entrance and be an extension of an adjacent development, The Ocean View Beach Club. The proposed density and residential unit styles area compatible with and similar to the density and unit styles of The Ocean View Beach Club development.

- 10) The site had previously been approved as a conditional use for a continuing care retirement community containing 232 single family homes, apartments and villas and 94 health care units (C/U #1790 as approved).
- 11) With the conditions placed on the development, the MR/RPC designation is appropriate and in accordance with the Comprehensive Plan since it creates a large scale development with a superior living environment and the use of design ingenuity at an appropriate density.

Suggested Proposed Conditions of Approval:

- A) The maximum number of dwelling units shall not exceed 164, comprised of 120 single family detached dwellings and 44 townhouse units.
- B) Site Plan review shall be required for each phase of development.
- C) All entrance, intersections, interconnection, roadway and multi-modal improvements required by DeIDOT shall be completed by the Applicant in accordance with DeIDOT's requirements, or in accordance with any further modifications required by DeIDOT.
- D) The development shall be served as part of the Bethany Beach Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.
- E) The development shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
- F) Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.
- G) The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As proffered by the Applicant, the street design shall include sidewalks on both sides of the streets and street lighting.
- H) The Applicant shall submit as part of the site plan review a landscape plan showing the proposed landscape design for all buffer areas.
- I) 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 Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.
- J) The Applicant shall cause to be formed a homeowners' or condominium association to be responsible for the maintenance of streets, roads, buffers, open spaces, stormwater management facilities and other common areas.
- K) Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits.

- L) Owners and residents of the proposed development shall be entitled to use all recreational facilities of the Ocean View Beach Club development under the same right, responsibilities and fees applicable to owners and residents of the Ocean View Beach Club.
- M) Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- N) The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action for further consideration and to leave the record open for review of the amenities and for 14 days for further comments. Motion carried 5 – 0.

Introduced 02/10/15

**Council District No. 3 - Deaver
Tax Map I.D. 234-5.00-44.06
911 Address – None Available**

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING AND SITE WORK BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.2594 ACRES, MORE OR LESS

WHEREAS, on the 28th day of January 2015, a conditional use application, denominated Conditional Use No. 2014 was filed on behalf of Jay Beach; 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. 2014 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.

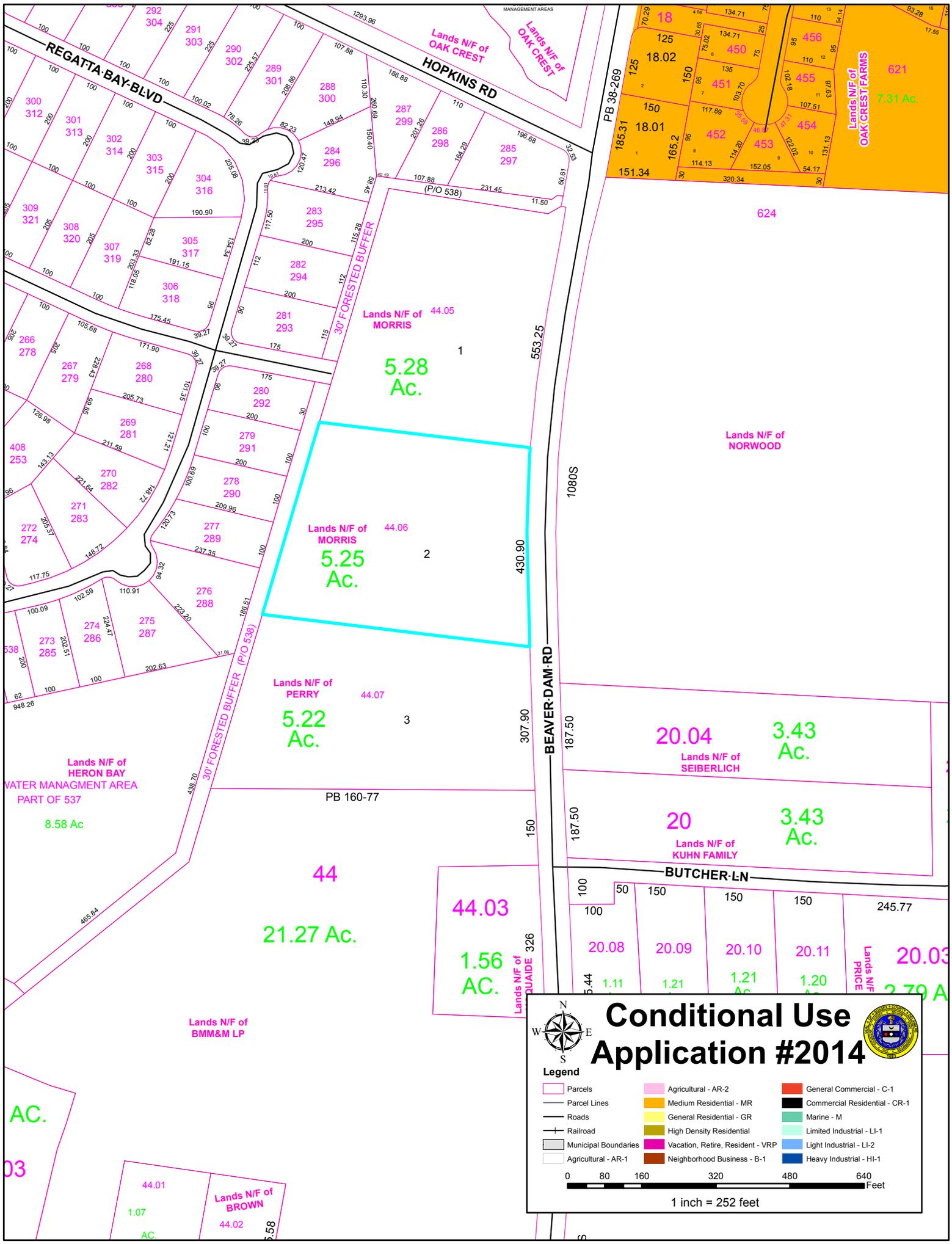
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Section 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2014 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 in Indian River Hundred, Sussex County, Delaware, and lying west of Beaver Dam Road (Road 285, aka Route 23) 700 feet south of Hopkins Road (Road 286) and being more particularly described in Deed Book 4310, Page 130, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 5.2594 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 #2014



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 80 160 320 480 640 Feet

1 inch = 252 feet



Conditional Use Application #2014

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
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0 80 160 320 480 640 Feet

1 inch = 252 feet

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

Council District 3 - Deaver
Tax I.D. No. 334-11.00-5.00, 395.00 and 396.00
911 Address: None Available

ORDINANCE NO. ____

(Change of Zone No. 1764)

AN ORDINANCE TO MODIFY CONDITION NUMBERS 1, 4, 13, AND 17 IMPOSED ON ORDINANCE NO. 1770 FOR CHANGE OF ZONE NO. 1554, THE APPLICATION OF MARINE FARM, LLC FOR THE COASTAL CLUB, A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY, AND TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, FOR A 13.425 ACRES, MORE OR LESS, PORTION OF THE PROPERTY

WHEREAS, on the 10th day of December 2003, a zoning application, denominated Change of Zone No. 1554 was filed on behalf of Marine Farm, LLC; and

WHEREAS, on the 23rd day of September 2004, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 3rd day of February 2005, said Planning and Zoning Commission recommended that Change of Zone No. 1554 be approved with conditions; and

WHEREAS, on the 12th day of October 2004, 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 Finding of Fact, 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, and

WHEREAS, on the 14th day of June 2007, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County, to delete and/or modify the conditions imposed on Ordinance No. 1770 for Change of Zone No. 1554, and on the 18th day of July 2007, said Planning and Zoning Commission recommended that the requested proposal to delete and/or modify the conditions be denied; and

WHEREAS, on the 17th day of July 2007, a public hearing was held, after notice, before the County Council of Sussex County, and the County Council of Sussex County deferred action; and

WHEREAS, on the 11th day of March 2008, the County Council of Sussex County considered a request from Marine Farm, LLC to withdraw their request for the deletion and/or modification of the conditions imposed in Ordinance No. 1770 and the County Council of Sussex County approved the request to withdraw; and

WHEREAS, on the 21st day of October 2014, a zoning application denominated as Change of Zone No. 1764, was filed on behalf of Coastal Club, LLC, successor in interest of Marine Farm, LLC, to modify condition numbers 1, 4, 13 and 17 imposed on Ordinance No. 1770 for Change of Zone No. 1554 and to amend the Comprehensive Zoning Map of Sussex County from a MR-RPC Medium Density Residential District – Residential Planned Community to a MR Medium Density Residential District for 13.425 acres, more or less; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held after, after notice, before the Planning and Zoning Commission of Sussex County, and said Planning and Zoning Commission recommended that Change of Zone No. 1764 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 determined, based on the Findings of Fact, that said Change of Zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County;

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

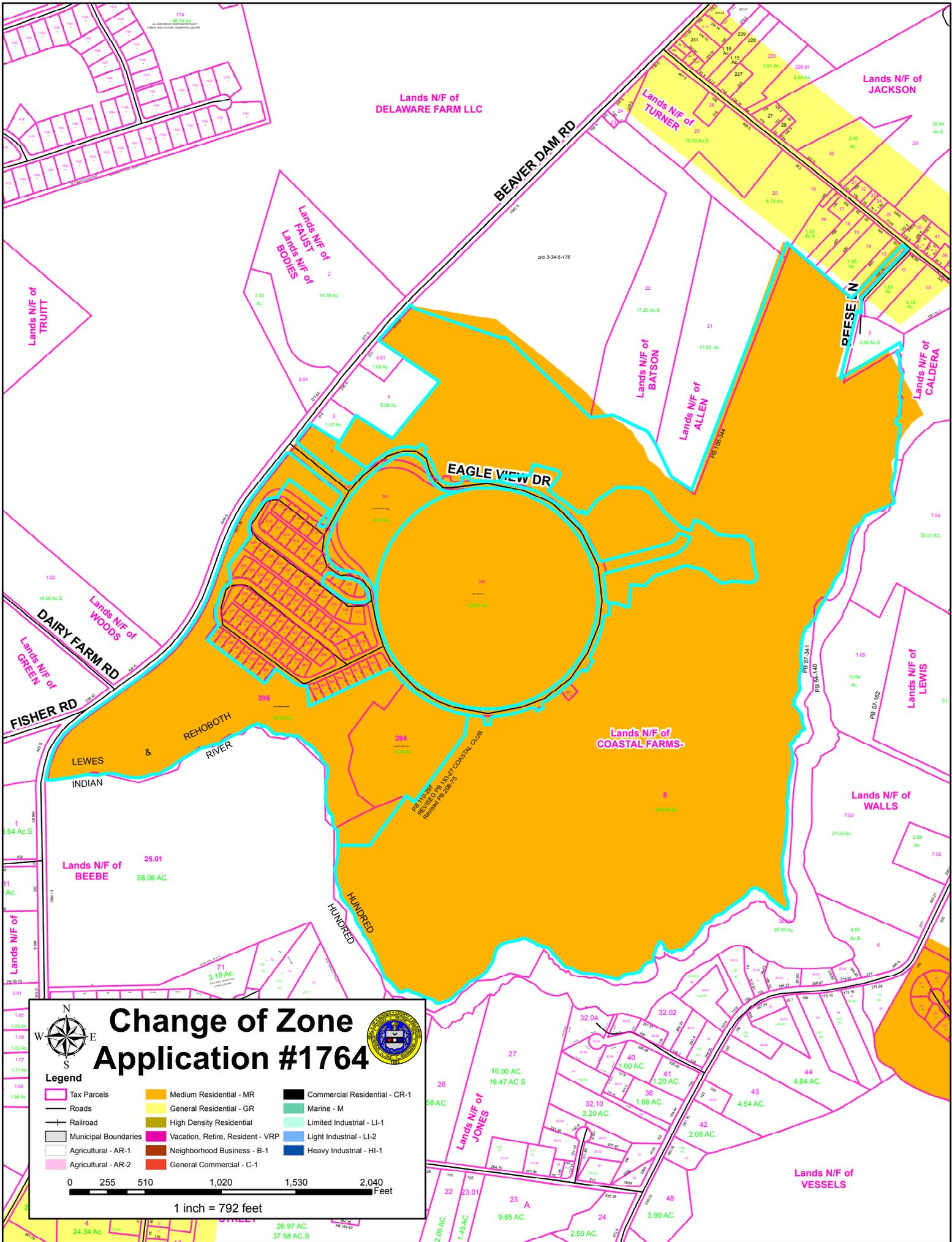
Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [MR-RPC Medium Density Residential District – Residential Planned Community] and adding in lieu thereof the designation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

Section 2. The subject property is described as follows:

BEGINNING at a point on the southeasterly right-of-way of Beaver Dam Road (Road 285) a corner for these subject lands and lands of Coastal Farms – Lender, LLC; thence southeasterly the following four (4) courses along lands of Coastal Farms – Lender, LLC: South 47°57'18" East 25.85 feet to a point; South 09°25'18" East 46.68 feet to a point; South 32°58'59" East 194.24 feet to a point; and South 28°47'15" East 437.52 feet to a point; thence southwesterly along Bundick's Branch the following eight (8) courses: South 52°56'09" West 86.36 feet to a point; South 86°37'32" West 97.46 feet to a point; South 52°05'41" West 159.54 feet to a point; South 20°17'50" West 53.36 feet to a point; South 71°11'15" West 278.63 feet to a point; North 76°38'34" West 310.04 feet to a point; South 77°32'12" West 230.58 feet to a point; and South 87°25'26" West 104.26 feet to a point on the southeasterly right-of-way of Beaver Dam Road (Road 285); thence northeasterly along the southeasterly right-of-way of Beaver Dam Road (Road 285) 2,316.32 feet to the point and place of beginning and containing 13.425 acres, more or less.

Section 3. This Ordinance shall include modifications to condition numbers 1, 4, 13 and 17 imposed on Ordinance No. 1770 for Change of Zone No. 1554, the application of Marine Farm, LLC.

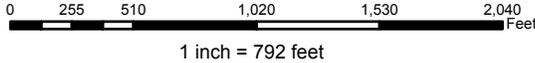
This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

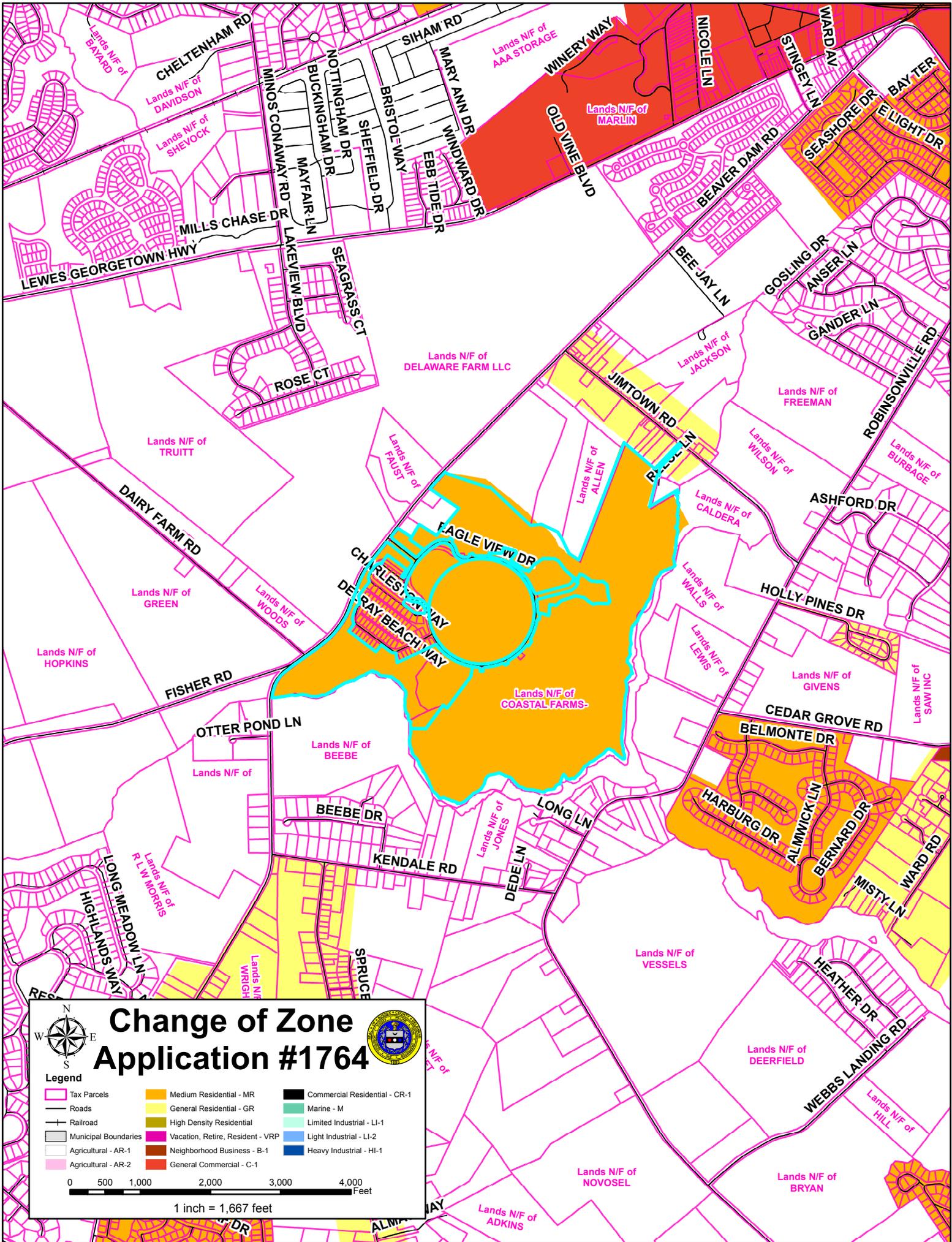


Change of Zone Application #1764



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



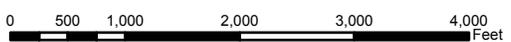


Change of Zone Application #1764

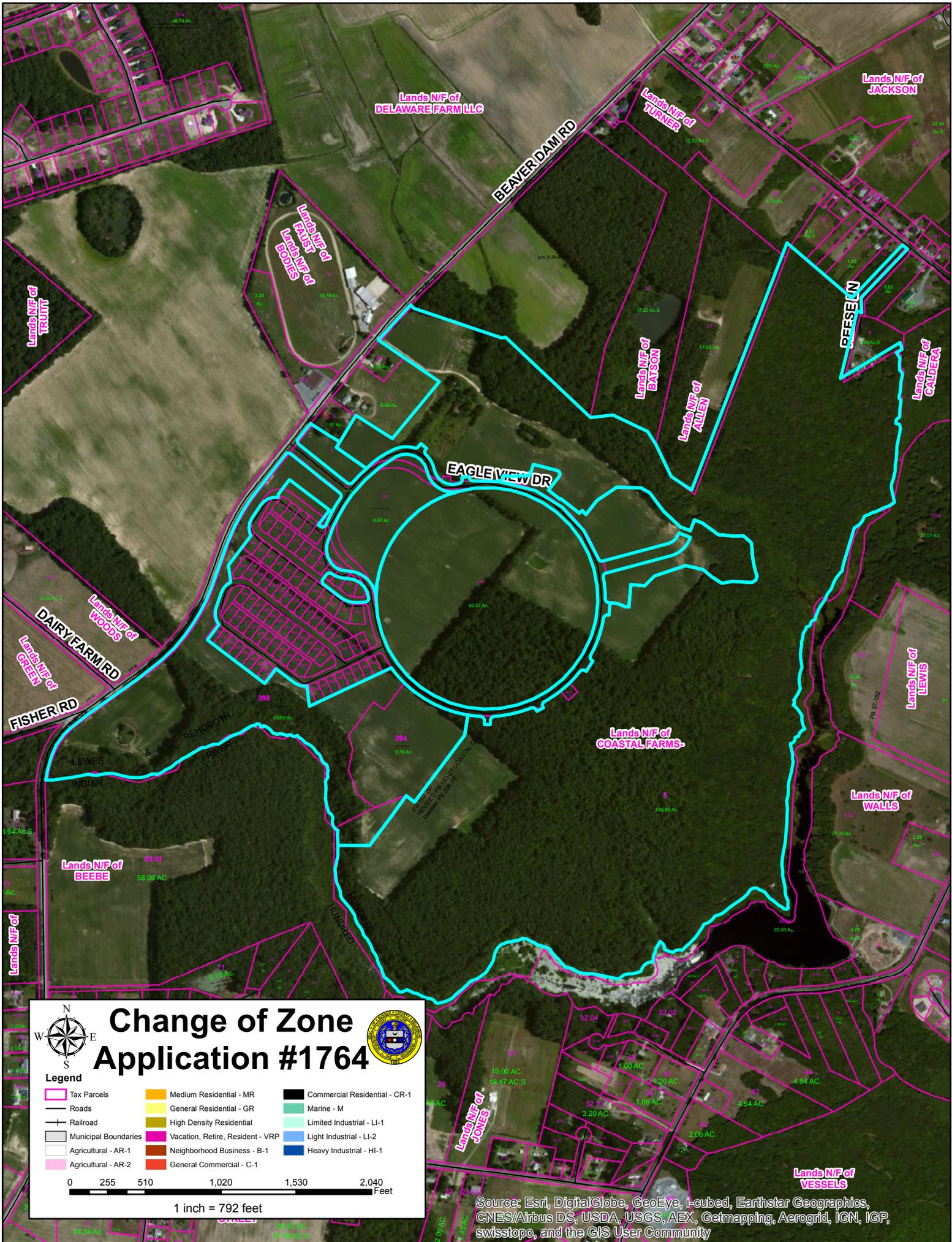


Legend

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



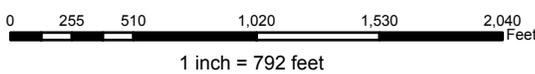
1 inch = 1,667 feet



Change of Zone Application #1764



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



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

Introduced 1/27/15

**Council District No. 4 - Cole
Tax Map I.D. No. 134-17.00-12.00
911 Address: None Available**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 49.66 ACRES, MORE OR LESS

WHEREAS, on the 16th day of December 2014, a zoning application, denominated Change of Zone No. 1768 was filed on behalf of Convergence Communities; 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. 1768 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,

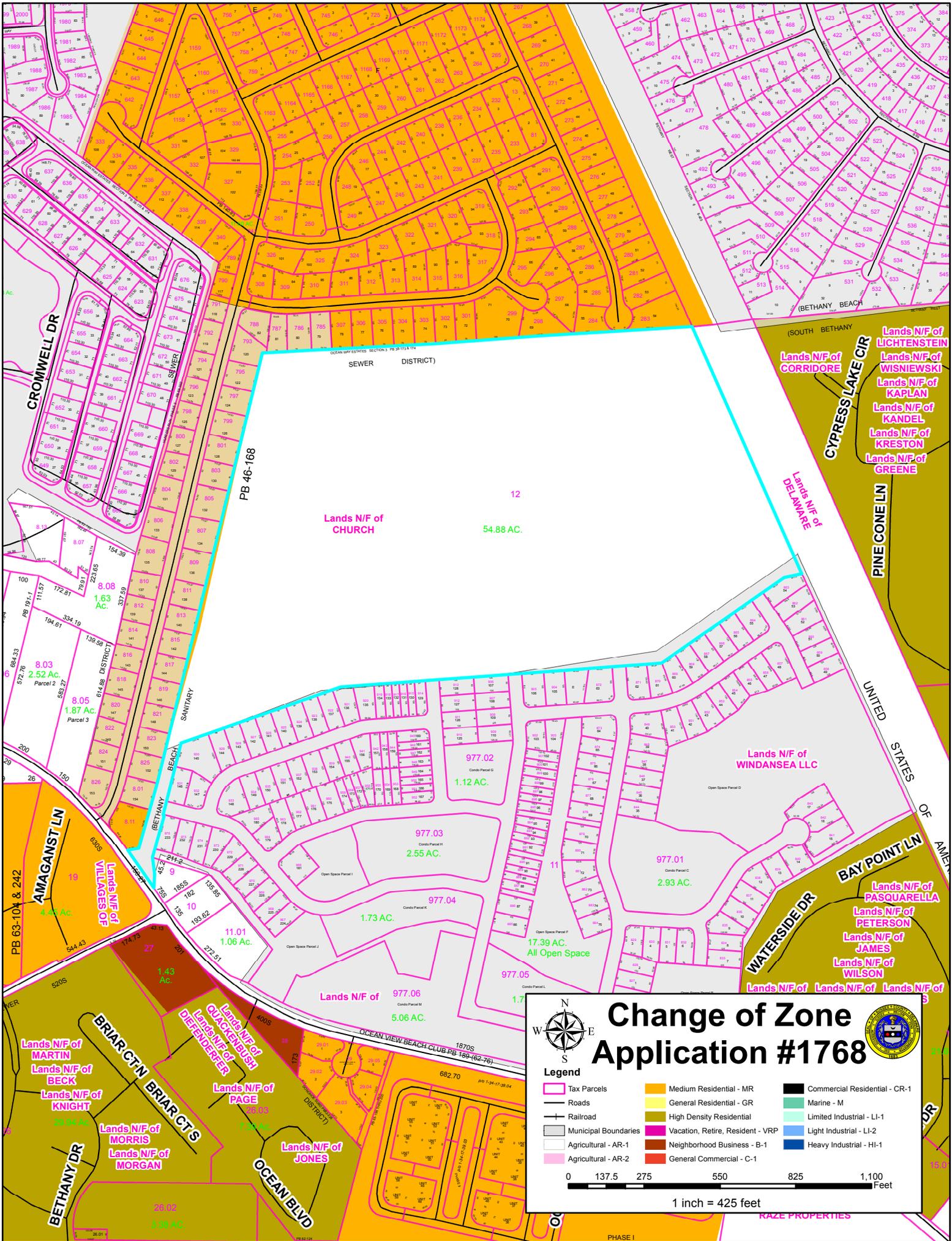
NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

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 of MR-RPC Medium Density Residential District – Residential Planned Community 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 Baltimore Hundred, Sussex County, Delaware, and lying north of Road 361 (Muddy Neck Road), east and south of Ocean Way Estates Subdivision, west of the Assawoman Canal, and also north of the Ocean View Beach Club Community in the Town of Ocean View with access from Nantasket Avenue, Old Orchard Avenue, Ocean Beach Avenue, and Gooseberry Avenue and being more particularly described per the attached legal description provided by Davis, Bowen & Friedel, Inc., and containing 49.66 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 CHURCH 54.88 AC.

Lands N/F of WINDANSEA LLC 1.12 AC.

977.03 Condo Parcel H 2.55 AC.

977.04 Condo Parcel K 1.73 AC.

977.06 Condo Parcel M 5.06 AC.

977.01 Condo Parcel C 2.93 AC.



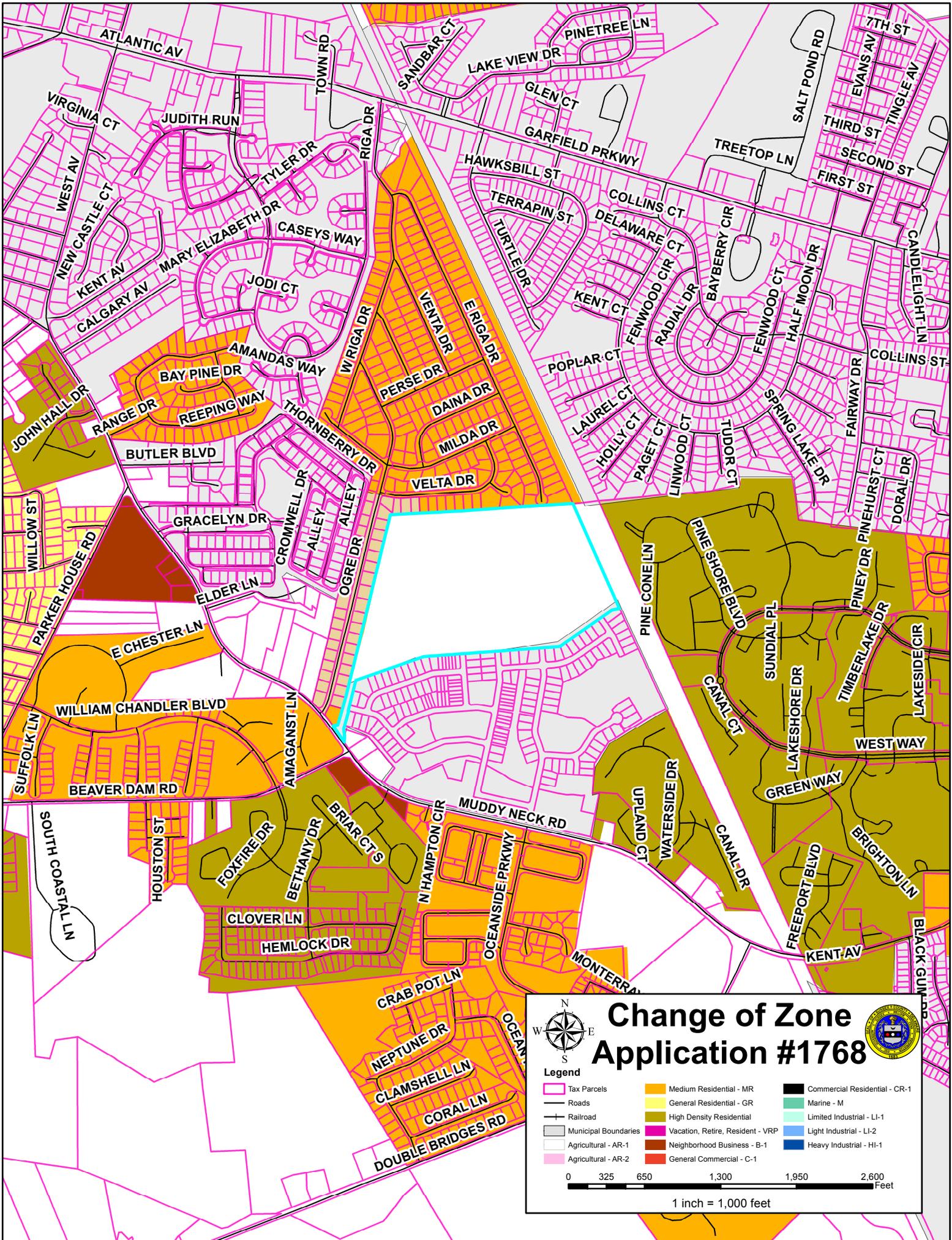
Change of Zone Application #1768



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

0 137.5 275 550 825 1,100 Feet

1 inch = 425 feet

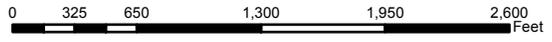


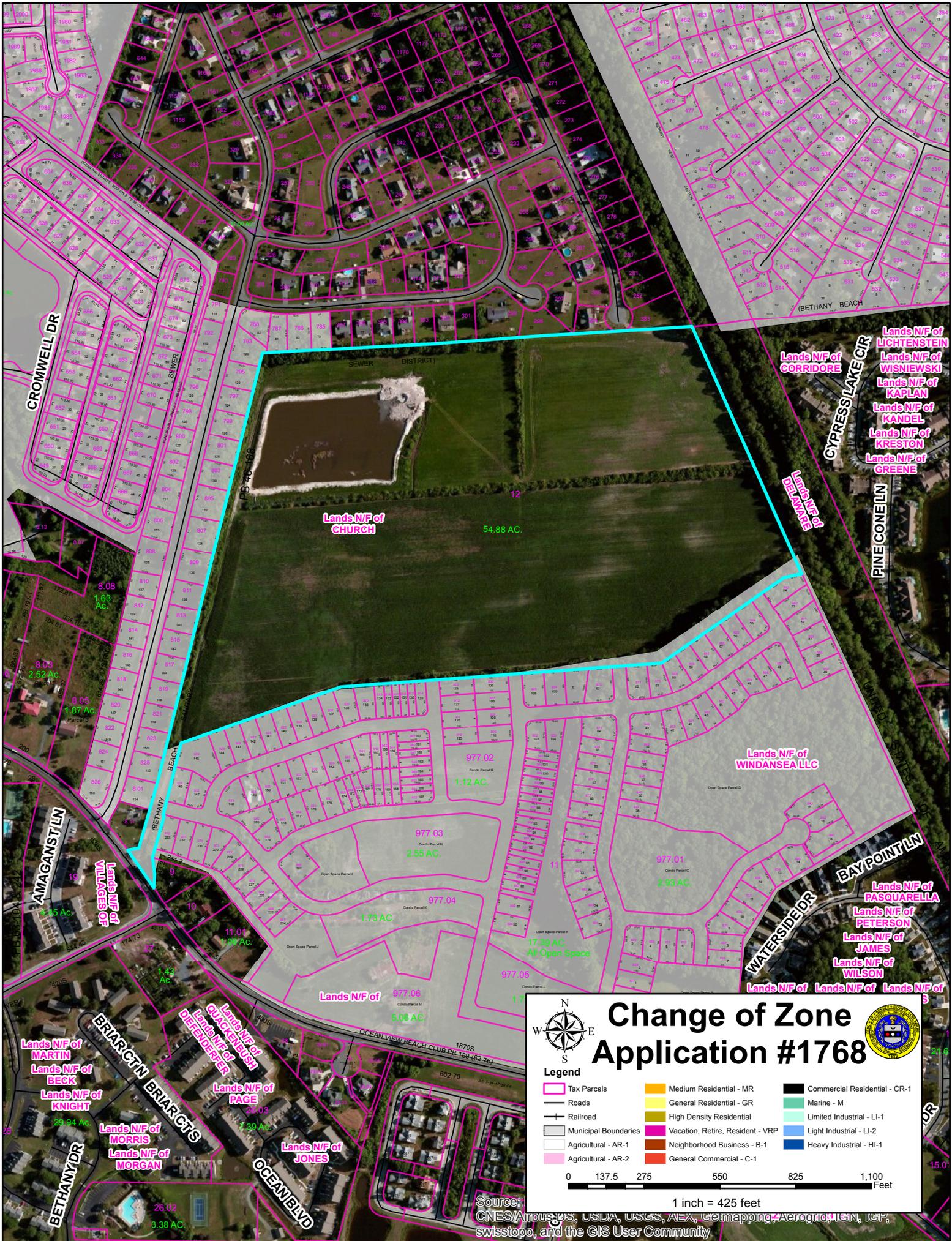
Change of Zone Application #1768



Legend

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





Lands N/F of CHURCH

54.88 AC

Lands N/F of WINDANSEA LLC

1.12 AC

2.55 AC

1.73 AC

17.39 AC All Open Space

Lands N/F of

5.06 AC

Lands N/F of PASQUARELLA

Lands N/F of PETERSON

Lands N/F of JAMES

Lands N/F of WILSON

Lands N/F of Lands N/F of Lands N/F of



Change of Zone Application #1768



Legend

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

0 137.5 275 550 825 1,100 Feet

1 inch = 425 feet

Source: CNES/Airbus, US, USDA, USGS, AEX, Getmapping, AerGRID, IGN, ICF, swisstopo, and the GIS User Community