



Sussex County Council Public/Media Packet

**MEETING:
October 4, 2016**

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



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Sussex County Council

AGENDA

OCTOBER 4, 2016

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. House Concurrent Resolution 95 – “An Act Establishing a Task Force to Review the Financial Management Procedures of Volunteer Fire Companies”
2. Administrator’s Report

Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer

1. Impacted Communities Study Presentation

Hans Medlarz, County Engineer

1. Pump Station #210 Improvements, Contract #15-07
 - A. Change Order No. 1
2. Bulk Delivery of Caustic Soda, Project #17-05
 - A. Recommendation to Award
3. Telescopic Handler, Project #17-06
 - A. Recommendation to Award



John Ashman, Director of Utility Planning

1. Sweet Meadow Lane Expansion of the Sussex County Unified Sanitary Sewer District (Johnsons Corner Area)

Old Business

1. High Tide Church Expansion of the Sussex County Unified Sanitary Sewer District
2. Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”)

Lawrence Lank, Director of Planning and Zoning

1. Report – Change of Zone No. 1802 filed on behalf of J. G. Townsend Jr. & Co.

Grant Requests

1. Indian River High School for automatic external defibrillators
2. American Legion Post 8 for World War I Monument
3. Rehoboth Art League for Arts and Arts Education
4. Fenwick Island Lions Club for parade expenses
5. Cozy Critters After School Program for building renovations

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2055 filed on behalf of Jeffrey Allen Chorman and Molly Murphy Chorman

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE AIRPORT WITH LANDING FIELD WITH TIE-DOWN AND PARKING AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.7 ACRES, MORE OR LESS” (located on the southerly right-of-way of Mills Road (Road 205) 0.95 mile southeast of Cedar Neck Road (Road 206) (Tax I.D. No. 330-8.00-46.00 (Part of) (911 Address: Not Available)

Conditional Use No. 2056 filed on behalf of Raynol E. Garcia

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE, STORAGE OF VEHICLES AND EQUIPMENT AND REPAIR OF EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06 ACRES, MORE OR LESS” (Tax I.D. No. 330-15.00-20.01) (911 Address: 7411 Marshall Street, Lincoln) (located at the east of Marshall Street (Road 225) 2,800 feet north of Johnson Road (Road 207) (Tax I.D. No. 330-8.00-46.00 (Part of) (911 Address: Not Available)

Change of Zone No. 1806 filed on behalf of WYWJ Ventures, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.034 ACRES, MORE OR LESS” (located at the west of Sussex Highway (Route 13) 950 feet south of Adams Road (Road 600) (Tax Map I.D. No. 530-14.00-21.00) (911 Address: 14392 Sussex Highway, Bridgeville).

Change of Zone No. 1807 filed on behalf of WYWJ Ventures, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 8.0475 ACRES, MORE OR LESS” (located at the west of Sussex Highway (Route 13), 2,110 feet north of Cannon Road (Route 18) (Tax Map I.D. No. 131-19.00-4.00) (911 Address: None Available)

Change of Zone No. 1808 filed on behalf of William T. Peden III

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.9192 ACRES, MORE OR LESS” (located at the south of Lewes Georgetown Highway (Route 9) 800 feet east of Harbeson Road (Route 5) (Tax Map I.D. No. 235-30.00-63.00 and 63.01) (911 Address: 26526 Lewes Georgetown Highway, Harbeson)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on September 27, 2016 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, SEPTEMBER 27, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 27, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 580 16
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of September 20, 2016 were approved by consent.

**Public
Comments**

Public Comments

Paul Reiger referenced the letter he received from the County in response to his previously submitted questions and he stated that he does not believe his questions have been answered, i.e. farms and farming operations, fencing, special use exceptions, farming and educational purposes, etc. He stated that he would like the Council to place the matters on a future agenda for the purpose of fixing the Code.

[Mrs. Deaver joined the meeting.]

Dan Kramer raised questions about the agenda item relating to a Residential Construction Application Plan and commented on putting regulations into effect that cost money. Mr. Kramer also commented on the Public Hearing on the Proposed Sign Ordinance that was held on September 20, 2016 and he referenced written comments received.

**Public
Comments
(continued)**

Ray Sander spoke on behalf of Southern Delaware Botanic Gardens and stated that they are asking for an extension of their Conditional Use and stated that they are prepared to move forward with the project.

Mr. Cole commented on the definition of a farm and Lawrence Lank, Director of Planning and Zoning, responded to his questions.

Mr. Arlett left the meeting to avoid any appearance of conflict with the next agenda item.

**Public
Hearing/
High Tide
Church
Expansion
of the
SCUSSD**

A Public Hearing was held to consider expanding the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD) to include the properties situated on the west side of State Route 113 and north and south of County Road 26 (Nine Foot Road) (High Tide Church Expansion of the Sussex County Unified Sanitary Sewer District).

John Ashman, Director of Utility Planning, presented the expansion proposal. This expansion, consisting of 122.65± acres, was requested by High Tide Church, a project currently known as PGS Properties and Allen Harim. The church and PGS properties will be responsible for gravity sewer to a connection point on the west side of Route 113. This provides a connection point for the American Legion Post #24 which has been on a holding tank since approximately 2008; Allen Harim will be connecting to the gravity system installed by High Tide and PGS. There are several other parcels included in this expansion to fill in the donut hole and to maintain a contiguous path; some will be receiving a connection point from the High Tide/PGS infrastructure. The parcels will be responsible for system connection charges of \$5,775.00 based on current rates.

Mr. Ashman reported that the Engineering Department has not received any phone calls For or Against the proposed expansion.

Public comments were heard.

Carmen Degennaro stated that a lot of people on Nine Foot Road and Hickory Lane cannot afford the cost of the proposed sewer service to their properties; that some residents have had new septic systems put in; and that he questions the plans for the PGS and High Tide Church properties. Mr. Degennaro presented a petition in opposition to the proposed expansion.

Leona Bush asked if the County would allow residents to be exempt from the expansion.

Hans Medlarz, County Engineer, explained how the County can exclude an area or include an area but not provide service. He also explained how this could lead to higher costs if a property owner chooses to connect in the future.

**Public
Hearing
(continued)**

There were no additional public comments and the Public Hearing was closed.

Mr. Medlarz, Mr. Ashman, and the Council discussed the proposed expansion area and the possibility of including only the properties of the three petitioners (Allen Harim, PGS Properties, and High Tide Church). Council also discussed notifying property owners in the proposed expansion area to determine whether or not they want a lateral to their property. It was noted that, if a lateral is placed on a property, the property owner would be required to connect within one year.

Council discussed deferring action for one week to allow the Engineering Department to contact the property owners in the proposed expansion area to determine their interest.

**M 581 16
Defer
Action/
High
Tide
Church
Expansion**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action for one week on the Proposed High Tide Church Expansion of the Sussex County Unified Sanitary Sewer District.

Motion Adopted: 4 Yeas, 1 Absent.

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

[Mr. Arlett rejoined the meeting.]

**The Live
Conference/
Advisory
Committee
on Aging
and Adults
with
Physical
Disabilities**

Ruth Ann Beideman, Chairperson of the Advisory Committee on Aging and Adults with Physical Disabilities for Sussex County, presented information on the Annual LIVE Conference scheduled for October 19, 2015 from 8:30 a.m. to 2:15 p.m. at the CHEER Community Center on Sandhill Road in Georgetown. The focus of this year's conference will be on transportation and housing resources available to Sussex County's seniors and citizens with disabilities. Ms. Beideman also discussed the report entitled "Quality of Life Indicators Related to Sussex County's Growing Senior Population".

**Adminis-
trator's
Report**

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

1. Sussex County Property Taxes Due September 30th

A final reminder for property owners in Sussex County, Friday, September 30th, is the deadline to pay annual County property tax bills. Payments can be made in person, online, by phone, or by mail. Any payments mailed must be postmarked no later than September 30th. Payments made October 1st or later will be subject to penalty.

This year's tax bills once again feature an easier-to-read format to help taxpayers better understand their bills and payment options. A number of

**Administrator's
Report
(continued)**

payment options are available for the public's convenience. A tutorial explaining how to view account information and to make payments is available on the County website at <http://www.sussexcountypa.gov/pay-your-bill>.

Sussex County accepts tax payments by cash, check, money order, and debit or credit cards.

2. Delaware State Police Activity Report

Per the attached Delaware State Police YTD activity report for July, there were 491 violent crime arrests with 338 clearances; 3,505 property crimes with 1,921 clearances; and 25,668 total traffic charges with 17,845 corresponding arrests. Of those traffic arrests, 643 were for DUI. Finally, there were 3,126 total vehicle crashes investigated. In total, there were 192 troopers assigned to Sussex County for the month of July.

3. Sussex County Comprehensive Plan Update

Sussex County started hosting the first round of public workshops focused on the update to the County's Comprehensive Plan. The first meeting was held last night in Lewes. The focus of the workshops is to gather ideas, understand concerns, and take suggestions on how the County should develop over the next decade and beyond.

Meetings are scheduled in each of the Council districts to give the public an opportunity to participate.

The first round of workshops are scheduled as follows:

Monday, September 26th – 4:30 to 7:00 p.m. – Lewes Fire Company Station No. 2, 32198 Janice Road, Lewes (District 3)

Tuesday, September 27th – 4:30 to 7:00 p.m. – Millsboro Town Hall, 322 Wilson Highway, Millsboro (District 5)

Thursday, September 29th – 4:30 to 7:00 p.m. – Seaford Volunteer Fire Department, 302 King Street, Seaford (District 1)

Tuesday, October 4th – 4:30 to 7:00 p.m. – Georgetown Fire Company, 100 South Bedford Street, Georgetown (District 2)

Wednesday, October 5th – 4:30 to 7:00 p.m. – Millville Volunteer Fire Company, 35554 Atlantic Avenue, Millville (District 4)

All meetings are open to the public, and citizens may attend any workshop they choose, regardless of district.

**Administrator's
Report
(continued)**

In addition to the public workshops, citizens are encouraged to submit their comments, suggestions, and ideas for consideration via the Internet or by mail. More information, including submittal forms, can be found at www.sussexplan.com.

4. Melody Booker-Wilkins

It is with great sadness that we note the passing of Melody Booker-Wilkins on Thursday, September 22nd. Melody has served as Economic Development Director for Sussex County since October 2014. We would like to express our condolences to the Booker-Wilkins family.

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

**State/
County
Finance &
Revenue
Committee
Update**

Mr. Lawson reported that, last year, the Delaware General Assembly formed the State/County Finance and Revenue Committee established by Senate Bill No. 285. The Committee shall suggest efficiencies, improvement and cost savings to the State, including but not limited to, the Realty Transfer Tax, the Register of Wills, and the operations and training associated with the County Paramedics Program. Section 31 of that legislation contains a list of the Committee's membership, which includes the County Administrators for Kent and Sussex County or their designees. The meetings of the Committee are set to begin October 5th. Mr. Lawson stated that he plans to attend on behalf of the County, along with Mrs. Jennings.

Mr. Vincent noted that a representative of the Delaware Association of Counties (Terry Pepper, President) and the Delaware League of Local Governments will also serve on the Committee. He further noted that he will serve as the representative for the Delaware League of Local Governments.

**Sussex
Conserva-
tion
District/
Residential
Con-
struction
Application
Plan**

Mr. Lawson presented for discussion the Sussex Conservation District's Residential Construction Application Plan. He reported that the application is currently filled out by any applicant engaged in residential construction involving specific criteria. In the past, the application form was sought on a voluntary basis. Recently, the Sussex Conservation Board ("Board") voted to make the form mandatory and to charge \$100 per form.

Mr. Lawson reported that the Board has contacted Sussex County to seek the County's cooperation in requiring that the application form be approved by the Board prior to the County's issuance of a building permit. Mr. Lawson advised that this is similar to how the County currently handles verification from other agencies including DNREC, the Fire Marshal, and DelDOT.

**Sussex
Conservation
District/
Residential
Construction
Application
Plan
(continued)**

David Baird, District Coordinator for the Sussex Conservation District, discussed the Board's request with the Council. He explained that the proposal, if approved by the County, will assist the District in being aware of projects going on; that they are asking the County to make the application a pre-requisite for the issuance of a building permit – that before a County building permit is issued, this requirement would have to be complied with; that it is currently a requirement, but not really enforced; and that the County would not have to collect the fee as the District will collect it. Mr. Baird advised that this proposal was passed by the Sussex Conservation District Board by a vote of 6 For and 0 Against.

**M 582 16
Require
Conservation
District
Application**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council agrees to coordinate with the Sussex Conservation District and require the Conservation District's Application for Standard Plan Approval Residential Construction as a pre-requisite to the issuance of a Sussex County building permit.

Motion Adopted: 4 Yeas, 1 Nay.

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

**Draft
Ordinance
Relating to
Sussex
County
Rental
Program**

Brandy Nauman, Fair Housing Compliance Officer, presented and reviewed a draft ordinance relating to the Sussex County Rental Program. Mrs. Nauman stated that they have incorporated into the draft ordinance the input of non-profit affordable housing developers, for-profit housing developers, the State, County Community Development and Planning staff, and Legal Counsel. It was noted that, at the July 26th Council meeting, Ms. Nauman presented to Council the rationale for exploring modifications to the existing ordinance.

**Introduction
of Proposed
Ordinance**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 72 ("HOUSING UNITS, MODERATELY PRICED; RENTAL UNITS, AFFORDABLY PRICED"), ARTICLE II ("AFFORDABLY PRICED RENTAL UNITS")". The Proposed Ordinance will be advertised for Public Hearing.

**Extension
Request/
Southern
Delaware
Botanic
Gardens**

Lawrence Lank, Director of Planning and Zoning, reported that he received a request for an extension of time period for Ordinance No. 2322 for Conditional Use No. 1965, an application of Southern Delaware Botanic Gardens, Inc. aka Delaware Botanic Gardens, which was granted approval by the Council on October 8, 2013.

Mr. Lank noted that Ordinance No. 2428 allows an Applicant to seek up to six (6) months extension of an application, based on certain factors. He reported that, in his opinion, the Botanic Gardens project meets the relevant factors for extension of a Conditional Use application and that the

**Extension
Request
(continued)**

Council may grant a time extension for an additional six (6) months so that the project can proceed with making application for Preliminary Approval, obtain Final Approval by the Planning and Zoning Commission, and proceed with construction and establishing that they are substantially underway with the project prior to the termination date of the six (6) month time extension, if granted.

**M 583 16
Grant
Extension/
Southern
Delaware
Botanic
Gardens
(Ordinance
No. 2322)**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the authority granted to the Sussex County Council by Ordinance No. 2428 and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning, that the Botanic Garden project (Ordinance No. 2322, Conditional Use No. 1965) shall be granted a six (6) month time extension until April 8, 2017, which is six (6) months from October 8, 2016, the original termination date of Ordinance No. 2322.

Motion Adopted: 5 Yeas.

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

**Old
Business/
CU 2046**

Under Old Business, the Council discussed Conditional Use No. 2046 filed on behalf of Lockwood Design and Construction, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on March 24, 2016 at which time action was deferred; on April 14, 2016, the Commission recommended that the application be approved, for the following reasons and with the following conditions:

1. The Sussex County Comprehensive Plan supports the development since the land is located in a Developing Area according to the Plan.
2. The development will be consistent with surrounding developments that include other multi-family uses.
3. The development will not adversely affect neighboring properties, roadways or communities.
4. The development will be required to comply with all DelDOT requirements, including entrance improvements and improvements to the Warrington Road and Old Landing Road intersection.
5. The multi-family development will be served by central sewer provided by Sussex County.
6. The multi-family development will be served by central water.
7. The proposed development at a density of approximately 5.7 units per acres is consistent with surrounding densities and is appropriate for this location.
8. The proposed site plan will conserve about 21.2 acres of open space, with the preservation of woodlands. All of this will be confirmed through the conditions of approval and the site plan process.
9. This recommendation is subject to the following:

**Old
Business/
CU 2046
(continued)**

- A. There shall be no more than 202 units within the development. As proffered by the applicant, this shall include a minimum of at least 60 single family units.**
- B. The Applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.**
- C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices to provide for positive groundwater recharge.**
- D. All entrances and roadway improvements shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.**
- E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.**
- F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- G. A 20 foot forested Agricultural Buffer shall be shown along the perimeter of the entire development. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.**
- H. The project shall be served by Sussex County sewer.**
- I. As proffered by the applicant, the developer shall construct the pool and community building no later than the issuance of the 75th residential building permit for the project.**
- J. As proffered by the applicant, the interior street design shall comply with or exceed Sussex County minimum standards and shall include sidewalks on at least one side of all streets in the development.**
- K. Construction, site work, grading and deliveries of construction material, landscaping material and fill on, off or to the property shall occur from Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m. and use Route 24 to get access to the site.**
- L. The application shall consult and coordinate with the local school district's transportation manager to establish appropriate school bus stop locations.**
- M. This Preliminary Approval is contingent upon the applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised Plan upon confirmation that the conditions of approval have been depicted or noted on it.**

**Old Business/
CU 2046
(continued)** **N. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

The County Council held a Public Hearing on this application on June 14, 2016 [at the same time as the Applicant's change of zone application (Change of Zone No. 1796)]. On that date, action was deferred on both applications.

On September 20, 2016, the Council approved Change of Zone No. 1796 and deferred action again on Conditional Use No. 2046.

Mr. Cole suggested amendments to the Reasons stated and the Conditions recommended by the Planning and Zoning Commission. Mr. Cole's suggested amendments would change the density to 4 units per acre.

M 584 16 **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend Reason No. 7 of the Planning and Zoning Commission for Conditional Use No. 2046 filed on behalf of Lockwood Design and Construction, Inc., to read as follows: "The proposed development at a density of approximately [5.7] 4 units per acre is consistent with surrounding densities and is appropriate for this location."**

Amend P&Z Commission Reasons for Approval

Motion Denied: 3 Nays, 2 Yeas.

DENIED

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

M 585 16 **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend Reason/Condition 9A, to read as follows: "There shall be no more than [202] 140 units within the development. As proffered by the applicant, this shall include a minimum of at least 60 single family units."**

Amend P&Z Commission Reasons for/ Conditions of Approval

Motion Denied: 3 Nays, 2 Yeas.

DENIED

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

M 586 16 **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to defer action on Conditional Use No. 2046 filed on behalf of Lockwood Design and Construction, Inc.**

Defer Action/ CU 2046

Motion Adopted: 5 Yeas.

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

**Grant
Requests**

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

Mrs. Jennings advised that Mrs. Deaver wished to defer action on the grant request from the Milton Historical Society.

**M 587 16
Council-
manic
Grant**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$10,000.00 (\$5,000.00 from Mrs. Deaver's Councilmanic Grant Account and \$1,250.00 each from Mr. Arlett's, Mr. Cole's, Mr. Vincent's, and Mr. Wilson's Councilmanic Grant Accounts to Sussex Community Crisis Housing Services for Crisis House repairs.

Motion Adopted: 5 Yeas.

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

**M 588 16
Countywide
Youth
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$2,000.00 from Countywide Youth Grants to Clothing Our Kids for clothing purchases.

Motion Adopted: 5 Yeas.

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

**M 589 16
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$20,000.00 (\$13,500.00 from Mrs. Deaver's Councilmanic Grant Account, \$4,000.00 from Mr. Wilson's Councilmanic Grant Account, \$2,500.00 from Mr. Vincent's Councilmanic Grant Account) to Milford Housing Development Corporation for the Home Repair Project.

Motion Adopted: 5 Yeas.

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

**M 590 16
Go Into
Executive
Session**

At 12:31 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to go into Executive Session for the purpose of discussing matters relating to job applicants' qualifications, personnel, and land acquisition.

Motion Adopted: 5 Yeas.

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

Executive Session **At 12:35 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to job applicants' qualifications, personnel, and land acquisition. The Executive Session concluded at 2:31 p.m.**

M 591 16 Reconvene Regular Session **At 2:37 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 5 Yeas.

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

There was no action on Executive Session matters.

M 592 16 Adjourn **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn at 2:37 p.m.**

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

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

TODD F. LAWSON
COUNTY ADMINISTRATOR
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Sussex County
DELAWARE
sussexcountype.gov

Memorandum

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

FROM: Todd F. Lawson
County Administrator

RE: **TASK FORCE TO REVIEW FINANCIAL MANAGEMENT
PROCEDURES OF VOLUNTEER FIRE COMPANIES**

DATE: September 30, 2016

As you know, last year the Delaware General Assembly formed a Task Force to Review the Financial Management Procedures of Volunteer Fire Companies established by House Concurrent Resolution No. 95 (copy attached).

Task Force membership specifically references "A representative of each of the counties, appointed by the county government."

The first meeting of the Task Force to Review the Financial Management Procedures of Volunteer Fire Companies is scheduled to take place in October.

We will discuss this matter further during our meeting on Tuesday, October 4th.

TFL/sww

Attachment





SPONSOR: Rep. D. Short & Rep. Carson & Rep. Schwartzkopf &
Sen. Ennis & Sen. Simpson

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. 95

AN ACT ESTABLISHING A TASK FORCE TO REVIEW THE FINANCIAL MANAGEMENT PROCEDURES OF
VOLUNTEER FIRE COMPANIES.

1 WHEREAS, a majority of the Delaware Volunteer Fire Companies are self-regulated as it pertains to the
2 management of their funds, with only an annual self-report being submitted to the State Fire Prevention Commission; and

3 WHEREAS, within the last year, it has been reported that certain volunteer members have embezzled a substantial
4 sum of money, including nearly \$200,000 in one case; and

5 WHEREAS, the General Assembly believes it is appropriate to examine the financial controls and audit
6 procedures of the volunteer fire companies in order to determine if there are reforms that can be made in order to help avoid
7 these acts of embezzlement and misappropriation;

8 NOW THEREFORE:

9 BE IT RESOLVED by the House of Representatives of the 148th General Assembly of the State of Delaware, the
10 Senate concurring therein, that the Task Force to review Financial Management Procedures of Volunteer Fire Companies
11 be created in the State of Delaware:

12 BE IT FURTHER RESOLVED that this Task Force shall consist of the following members:

- 13 1. Two members of the Delaware Senate (one from the majority party and one from the minority party),
14 including a co-chair, appointed by the President *pro tempore*.
- 15 2. Two members of the Delaware House of Representatives (one from the majority party and one from the
16 minority party), including a co-chair, as appointed by the Speaker of the House.
- 17 3. Two members from the State Fire Prevention Commission.
- 18 4. Two persons who are members of a local volunteer fire company in this State, to be appointed by the
19 Delaware Volunteer Firefighter Association.
- 20 5. Two members of the general public, with a preference for persons with experience or qualifications in the
21 field of accounting, as appointed by the Governor.
- 22 6. The State Auditor or designee.

23 7. A representative from the Office of the Controller General.

24 8. A representative of each of the counties, appointed by the county government.

25 BE IT FURTHER RESOLVED that the co-chairs of the Task Force be responsible for guiding the administration of
26 the Task Force which includes:

27 1. Setting a date, time and place for the initial organizational meeting;

28 2. Supervising the preparation and distribution of meeting notices, agendas, minutes, correspondences, and
29 reports of Task Force; and

30 3. Ensuring that the final report of the Task Force is timely submitted to the President *pro tempore* of the Senate
31 and the Speaker of the House of Representatives, with a copy to the Governor.

32 BE IT FURTHER RESOLVED that the Office of the Auditor of Accounts be responsible for providing reasonable
33 and necessary support staff and materials for the Task Force.

34 BE IT FURTHER RESOLVED that this Task Force shall perform a comprehensive review of the existing
35 financial accounting and management procedures of the various Delaware Volunteer Fire Companies and their respective
36 reporting requirements to the State of Delaware.

37 BE IT FURTHER RESOLVED that this Task Force return to the General Assembly by January 31, 2017 with
38 recommended changes and reforms to consider in order to promote proper fiscal management and decrease the risk of
39 embezzlement and misappropriation by members of the volunteer fire companies.

SYNOPSIS

Many of the Delaware Volunteer Fire Companies are for all intents and purposes self-policed as it pertains to the management of their company funds. As highlighted by the recent reports of embezzlement, the current system is vulnerable. This House Concurrent Resolution establishes a task force to examine what procedures are in place today, and to make recommendations for changes and reforms aimed at reducing the risk of embezzlement by persons in charge of these funds.

BRANDY BENNETT NAUMAN
HOUSING COORDINATOR &
FAIR HOUSING COMPLIANCE OFFICER
(302) 855-7777 T
(302) 854-5397 F
bnauman@sussexcountype.gov



Sussex County
DELAWARE
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MEMORANDUM

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

FROM: Brandy Nauman, Fair Housing Compliance Officer

RE: **Impacted Communities Study Presentation**

DATE: September 29, 2016

During Tuesday's Council meeting, Stephanie Hansen and I will present the key findings from the Impacted Communities Study.

This Study was a result of the requirement identified in Section III (7)(c) of HUD's Voluntary Compliance Agreement. This section required the County to "perform an internal evaluation of the recommended communities below (the "Impacted Communities") to determine at minimum, investment strategies, priority designation of infrastructure and or community development for those elements of infrastructure over which the County has primary governing authority. The County will also evaluate its past participation in providing secondary elements of infrastructure in the Impacted Communities (such as funding for trash disposal, roadway crusher run installation, well and septic installation and repair, public water and sewer system hookup, afterschool and community programs, street lighting, and construction for accessibility purposes) with the goal of prioritizing the funding for such infrastructure improvements and formalizing an approval process for continued County participation in such infrastructure projects. Priority designations shall be given to communities that have the greatest need.

Lucas Development
Pine Town
New Hope (*County added S. Old State Road also)
West Rehoboth
Polly Branch
Dog Patch



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

Mount Joy
Concord
Possum Point (*County added Riverview also)
Coverdale Crossroads
*Cedar Creek (*County added)
*Cool Spring (*County added)
*Diamond Acres (*County added)
*Greentop (*County added)”

The County’s Community Development & Housing Department staff, with help from community members and interns, conducted all the door-to-door surveys. GCR, Inc. was contracted in July 2015 to provide technical assistance and to compile and aggregate the raw data into a report that reflects the evaluation component of the above-noted requirement.

The report will be available in print form and electronically on our Affordable and Fair Housing Website on Tuesday.

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

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

Change Order

No. 1

Date of Issuance: September 15th, 2016 Effective Date: September 27th, 2016

Project: Pump Station #210 Improvements	Owner: Sussex County	Owner's Contract No.: 15-07
Contract: 15-07	Date of Contract: <u>October 19th, 2015</u>	
Contractor: Kuhn Construction Company (KCC)	Engineer's Project No.: 14256-008	

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Eliminate Vibration Monitoring (Line Item No. 1). Upgrade Generator Housing to Aluminum (Line Item No. 2) Addition of ARV on 20" F.M. (Line Item No. 3) and Elimination of Line Stopple/Modify Meter Vault (Line Item No. 4).

Attachments (list documents supporting change): Cost Summary Sheet for Line Items No. 1, No. 2, No. 3 and No. 4. KCC cost proposals including cost breakout details for materials, labor and equipment for each Line Item (No. 1 thru No. 4).

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price:

Original Contract Times: 420 Calendar Days

\$ 5,003,700.00

Substantial Completion (days or date): 420 days

Ready for final payment (days or date): _____

[Unchanged] from previously approved Change Orders No. X to No. Y:

[Unchanged] from previously approved Change Orders No. X to No. Y:

\$ 0.00

Substantial Completion (days): 0 days

Ready for final payment (days): _____

Contract Price prior to this Change Order:

Contract Times prior to this Change Order:

\$ 5,003,700.00

Substantial Completion (days or date): 420 days

Ready for final payment (days or date): _____

Decrease on this Change Order:

Unchanged on this Change Order: 0 days

\$ (8,411.26)

Substantial Completion (days or date): 420 days

Ready for final payment (days or date): _____

Contract Price incorporating this Change Order:

Contract Times with all approved Change Orders:

\$ 4,995,288.74

Substantial Completion (days or date): 420 days

Ready for final payment (days or date): _____

RECOMMENDED:

By: Michael J. Gilbert
Engineer (Whitman, Requardt & Assoc.)

Date: 9/15/16

ACCEPTED:

By: _____
Owner (Sussex County)

Date: _____

ACCEPTED:

By: William J. Kuhn
Contractor (Kuhn Construction Co.)

Date: 9/18/16

Contract 15-07

Pump Station 210 Improvements
Change Order No. 1 - Cost Summary Sheet
(Elimination and/or Addition of Various Items)

Change Order Cost Summary Sheet with Proposed Line Item Costs and/or Credits							
Line		Proposed			Actual	Contract	Contract
Item No.	Description of Individual PCO Line Items	Quantity	Unit	Unit Price	Quantity	Added Cost	Credit
PCO-1	Deletion of Vibration Monitoring for Driving of Wet Well Sheeting	1	LS	(\$10,250.00)	1	\$ -	\$ (10,250.00)
PCO-2	Upgrading of the New Generator Housing from Steel to Aluminum	1	LS	\$ 10,626.00	1	\$ 10,626.00	\$ -
PCO-3	Addition of ARV and ARV Structure on 20" IBRWF Force Main	1	LS	\$ 8,656.30	1	\$ 8,656.30	
PCO-4	Eliminate Line Stopple and Relocate 20" Bypass to Meter Vault	1	LS	(\$17,443.56)	1	\$ -	\$ (17,443.56)

Sub-Totals for Costs and Credits \$ 19,282.30 \$ (27,693.56)

Total Change Order - Credit \$ (8,411.26) ✓

Summary of Contract Change Orders - Contract 15-07

Original Contract Amount	\$	5,003,700.00
Amount of Previous Change Orders	\$	-

Contract Total Including Previous Change Orders	\$	5,003,700.00
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Line Item/PCO No. 1 - Deletion of Vibration Monitoring - Driving Wet Well Sheeting	(Decrease)	\$ (10,250.00)
Line Item/PCO No. 2 - Upgrading of Generator Housing from Steel to Aluminum	Increase	\$ 10,626.00
Line Item/PCO No. 3 - Addition of ARV and Structure on 20" IBRWF Force Main	Increase	\$ 8,656.30
Line Item/PCO No. 4 - Eliminate Line Stopple and Relocate 20" Bypass to Meter Vault	(Decrease)	\$ (17,443.56)

Total of Change Order No. 1	Decrease	\$ (8,411.26) ✓
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+

Original Contract 15-07 Total		\$ 5,003,700.00
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=

Revised Contract No. 15-07 Total (including Change Order No. 1)		\$ 4,995,288.74 ✓
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MOTION

BE IT MOVED, BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT AND ITS CONSULTANT, WHITMAN, REQUARDT AND ASSOCIATES, LLP, THAT CHANGE ORDER #1 FOR SUSSEX COUNTY CONTRACT NO. 15-07, PUMP STATION #210 IMPROVEMENTS WITH KUHN CONSTRUCTION COMPANY (KCC), BE APPROVED, WHICH DECREASES THE CURRENT CONTRACT BY 8,411.26 FOR A NEW CONTRACT TOTAL OF \$4,995,288.74.

HANS MEDLARZ
OCTOBER 4, 2016

ENGINEERING DEPARTMENT

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



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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

BULK DELIVERY OF CAUSTIC SODA PROJECT 17-05

Bids for Project #17-05, "Bulk Delivery of Caustic Soda", were opened on September 23, 2016. There were a total of 3 bids received and a copy of the bid results are attached.

The low bidder is George S. Coyne Chemical Co., Inc., of Croydon, Pennsylvania, with a total unit price of \$2.839, which will be valid for two years.



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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

BULK DELIVERY OF CAUSTIC SODA

BID OPENING, 10:00 a.m., Friday, September 23, 2016

BIDDER	Unit Price/Gallon	Estimated Annual Amount
George S. Coyne Chemical *	\$2.839	\$141,950.00
Intercoastal Trading	\$2.95	\$147,500.00
Kuehne Chemical Co	Submitted "No Bid"	

***Apparent Low Bidder**

Estimated Item Quantity 50,000 gallons



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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

TELESCOPIC HANDLER PROJECT 17-06

Bids for Project #17-06, "Telescopic Handler", were opened on September 23, 2016. There were a total of 3 bids received and a copy of the bid results are attached.

The lowest responsive bidder is Iron Source of Georgetown, Delaware, with a total bid of \$119,300.00. The estimate for the equipment was \$136,990.00.



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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

TELESCOPIC HANDLER

BID OPENING, 10:00 a.m., Friday, September 23, 2016

BIDDER	Alt. 1	Alt. 2	Alt. 3
Iron Source*	No Bid	No Bid	\$119,300.00
Burke Equipment	\$144,375.00	\$144,375.00	\$144,375.00
Alban Cat	No Bid	No Bid	\$149,213.00

***Apparent Low Bidder**

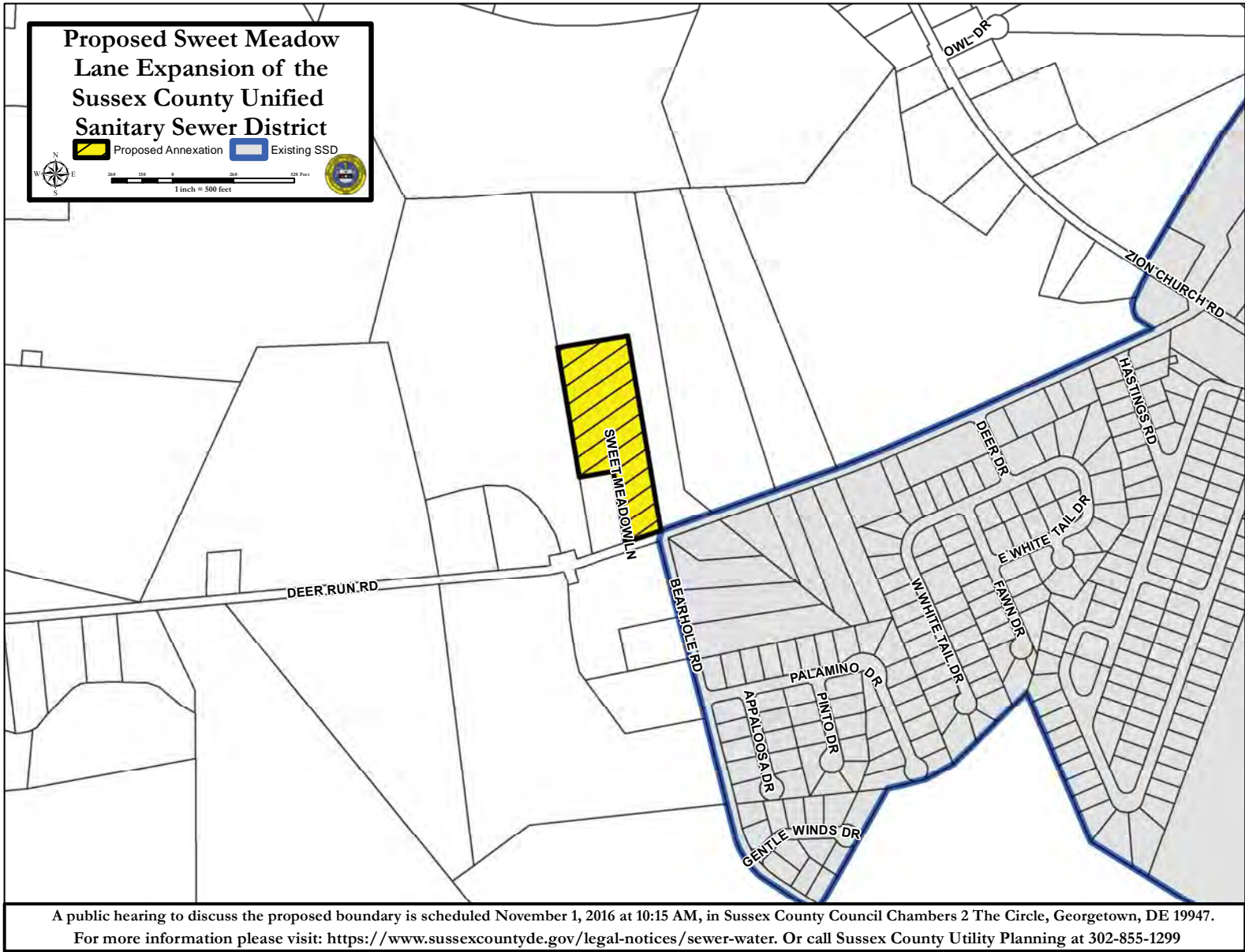
Estimate \$136,990.00



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

Sweet Meadow Lane Expansion Fact Sheet

- Expansion of the Sussex County Unified Sanitary Sewer District (Johnson's Corner Area).
- The district expansion was requested by the property owner of 533-11.00-27.04, Shelley Lynn Wright.
- The property owner has submitted a letter requesting annexation along with the appropriate funds.
- The expansion will consist of 5.00± acres.
- The parcel will be responsible for System Connection Charges of \$5775 based on current rates.
- There will be a Public Hearing November 1, 2016 at 10:15 am at the regular County Council meeting if the motion passes to Post Notices.



ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

PROPOSED MOTION

BE IT MOVED BY THE SUSSEX COUNTY COUNCIL THAT THE SUSSEX COUNTY ENGINEERING DEPARTMENT IS AUTHORIZED TO PREPARE AND POST NOTICES FOR THE SWEET MEADOW LANE EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (JOHNSON'S CORNER AREA) TO INCLUDE PARCEL 533-11.00-27.04 AS PRESENTED ON OCTOBER 4, 2016.

JOHN J. ASHMAN

FILE: OM 24.02.A

OCTOBER 4, 2016



High Tide Church Expansion Fact Sheet

- Expansion of the Sussex County Unified Sanitary Sewer District.
- The expansion was requested by the High Tide Church, a project currently known PGS Properties and Allen Harim in the Dagsboro/Frankford Area.
- The church and PGS properties will be responsible for gravity sewer to a connection point on the west side of Route 113. This provides a connection point for the American Legion Post #24 which has been on a holding tank since approx. 2008.
- Allen Harim will be connecting to the gravity system installed by High Tide and PGS.
- There are several other parcels included in this expansion to fill in the donut hole and to maintain a contiguous path. Some will be receiving a connection point from the High Tide/PGS infrastructure.
- The expansion will consist of 122.65± acres.
- The parcels will be responsible for System Connection Charges of \$5775 based on current rates.
- Area was posted on September 12th, Newspaper ads ran in the Cape Gazette
- We have received no phone calls for or against. Sharon Smith (County Employee included in this expansion) had a neighbor approach her about signing a petition to request out, but they have not contacted us to date.

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

September 15, 2016

David N. Rutt, Esquire
Moore & Rutt P.A.
122 West Market Street
P. O. Box 554
Georgetown, DE 19947

**REF: SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT PROPOSED
HIGH TIDE CHURCH EXPANSION – DAGSBORO/FRANKFORD AREA
FILE: OM – 8.05.14**

Dear Mr. Rutt:

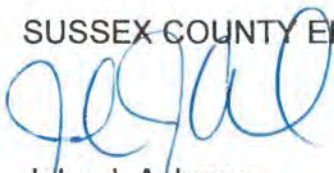
Enclosed for your review and approval is a resolution for a proposed expansion of the Sussex County Unified Sanitary Sewer District – High Tide Church Expansion, Dagsboro/Frankford Area. The resolution has been prepared in accordance with 9 Del.C. Section 6502 (a).

A public hearing on the extension is scheduled for 10:15 a.m. on September 27, 2016. Therefore, your approval is requested by Friday, September 23, 2016.

If you should have any questions, please feel free to contact me.

Sincerely,

SUSSEX COUNTY ENGINEERING DEPARTMENT



John J. Ashman
Director of Utility Planning

Enclosure

cc: Rob Davis
Jayne Dickerson



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

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE THE PROPERTIES SITUATED ON THE WEST SIDE OF STATE ROUTE 113 & NORTH AND SOUTH OF COUNTY ROAD 26 (NINE FOOT ROAD). THE PARCELS ARE LOCATED IN THE DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of the intersection of Nine Foot Road and Route 113, the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Aref Etemadi, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the north and south side of Nine Foot Road, as follows:

BEGINNING at a point, situate at the intersection of the westerly right of way (ROW) of State Route 113 (Dupont Blvd) and the southerly ROW of Nine Foot Rd and the northeasternmost property corner of lands now or formerly of (N/F) of PGS Properties; thence following said lands of PGS the following directions and distances: southeasterly 585± feet, northwesterly 110± feet, southwesterly 993± feet to a point,

said point being the easternmost corner of lands N/F of High Tide Church; thence following said lands of High Tide Church the following directions and distances: southwesterly 252± feet, southwesterly 595± feet, northwesterly 1226± feet to a point, said point being located on the southerly ROW of Nine Foot Rd; thence following said ROW southwesterly 2295± feet to a point, said point being a point located on the northerly boundary line of lands N/F of Lillian Gray, Trustee; thence leaving said lands of Gray and crossing Nine Foot Rd in a northerly direction 50± feet to a point, said point being the southwesterly corner of lands N/F of Allen Harim Farms, LLC; thence following said lands of Allen Harim the following directions and distances: 1145± feet, northeasterly 283± feet, easterly 210± feet, southeasterly 157± feet, easterly 200± feet, southerly 340± feet to a point, said point being the northwesternmost corner of lands N/F of Benjamin McCabe; thence following said lands of McCabe in a northeasterly direction 865± feet to a point, said point being the northeasternmost corner of said lands of McCabe; thence continuing in a northeasterly direction 30± feet crossing the lands N/F of Layton Atkins Heirs, to a point, said point being a point on the westerly boundary of lands N/F of Doris Cahall, Heirs; thence following said lands of Cahall in a northerly direction 62± feet to a point, said point being the intersection of said lands of Cahall and lands N/F of Roman Morales; thence following said lands of Morales in a northerly direction 351± feet to a point, said point being the intersection of said lands of Morales and lands N/F of Louis & Lori Vickers; thence following said lands of Vickers in the following directions and distances: northerly 182± feet, southeasterly 105± feet, northeasterly 366± feet to a point, said point being a point on the existing SCUSSD boundary; thence following said SCUSSD boundary the following directions and distances: easterly 180± feet, southeasterly 373± feet, southeasterly 245± feet, northeasterly 182± feet, southeasterly 63± feet, northeasterly crossing Hickman St 145± feet, northwesterly 105± feet, northeasterly 74± feet, northwesterly 250± feet, northeasterly 265± feet, northwesterly 37± feet, northeasterly 368± feet, southeasterly 480± feet, southwesterly 168± feet, northwesterly 195± feet, southwesterly 185± feet, southeasterly 485± feet, southeasterly 50± feet crossing Nine Foot Rd, northwesterly 341± feet to a point, said point being that of the **BEGINNING**.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
PROPOSED HIGH TIDE CHURCH EXPANSION
FRANKFORD/DAGSBORO SEWER DISTRICT

STATE OF DELAWARE)(

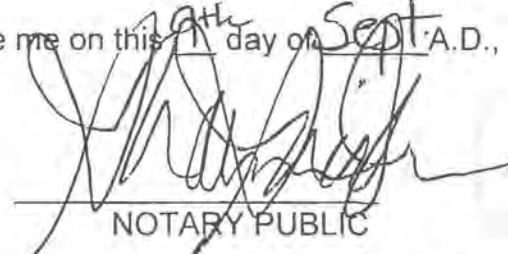
COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, AREF ETEMADI personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On September 13, 2016 he was a Project Engineer for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On September 13, 2016 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
1. On Connective pole # 9962 by Dagsboro Church of God;
 2. On Connective pole # 56629 on Nine Foot road by American Legion;
 3. On DLP pole # 56659 on route 113 and Nine Foot road intersection;
 4. On Pole # 58386 at intersection of 113 and Nine Foot road by Royal Farm;
 5. On Connective pole # 56770 by house 28397 Clayton street;
 6. On a wooden stake at south bound lane of Nine Foot road and Gum Tree road;
 7. On a wooden stake at north bound lane of Nine Foot road and Gum Tree road intersection;
 8. On a wooden stake at entrance to Allen Hatchery.


AREF ETEMADI

SWORN TO AND SUBSCRIBED before me on this 13th day of Sept, A.D., 2016.


NOTARY PUBLIC

My Commission Expires 7-14-18

SHARON E. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on July 14, 2018

PUBLIC NOTICE
EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
HIGH TIDE CHURCH EXPANSION – DAGSBORO/FRANKFORD AREA
FILE NUMBER: OM-8.05.38

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on August 30, 2016, to consider expanding the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD) to include the properties situated on the west side of State Route 113 & north and south of County Road 26 (Nine Foot Road). The parcels are located in the Dagsboro Hundred, Sussex County, Delaware and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

BEGINNING at a point, situate at the intersection of the westerly right of way (ROW) of State Route 113 (Dupont Blvd) and the southerly ROW of Nine Foot Rd and the northeasternmost property corner of lands now or formerly of (N/F) of PGS Properties; thence following said lands of PGS the following directions and distances: southeasterly 585± feet, northwesterly 110± feet, southwesterly 993± feet to a point, said point being the easternmost corner of lands N/F of High Tide Church; thence following said lands of High Tide Church the following directions and distances: southwesterly 252± feet, southwesterly 595± feet, northwesterly 1226± feet to a point, said point being located on the southerly ROW of Nine Foot Rd; thence following said ROW southwesterly 2295± feet to a point, said point being a point located on the northerly boundary line of lands N/F of Lillian Gray, Trustee; thence leaving said lands of Gray and crossing Nine Foot Rd in a northerly direction 50± feet to a point, said point being the southwesterly corner of lands N/F of Allen Harim Farms, LLC; thence following said lands of Allen Harim the following directions and distances: 1145± feet, northeasterly 283± feet, easterly 210± feet, southeasterly 157± feet, easterly 200± feet, southerly 340± feet to a point, said point being the northwesternmost corner of lands N/F of Benjamin McCabe; thence following said lands of McCabe in a northeasterly direction 865± feet to a point, said point being the northeasternmost corner of said lands of McCabe; thence continuing in a northeasterly direction 30± feet crossing the lands N/F of Layton Atkins Heirs, to a point, said point being a point on the westerly boundary of lands N/F of Doris Cahall, Heirs; thence following said lands of Cahall in a northerly direction 62± feet to a point, said point being the intersection of said lands of Cahall and lands N/F of Roman Morales; thence following said lands of Morales in a northerly direction 351± feet to a point, said point being the intersection of said lands of Morales and lands N/F of Louis & Lori Vickers; thence following said lands of Vickers in the following directions and distances: northerly 182± feet, southeasterly 105± feet, northeasterly 366± feet to a point, said point being a point on the existing SCUSSD boundary; thence following said SCUSSD boundary the following directions and distances: easterly 180± feet, southeasterly 373± feet, southeasterly 245± feet, northeasterly 182± feet, southeasterly 63± feet, northeasterly crossing Hickman St 145± feet, northwesterly 105± feet, northeasterly 74± feet, northwesterly 250± feet, northeasterly 265± feet, northwesterly 37± feet, northeasterly 368± feet, southeasterly 480± feet, southwesterly 168± feet, northwesterly 195± feet, southwesterly 185± feet, southeasterly 485± feet, southeasterly 50± feet crossing Nine Foot Rd, northwesterly 341± feet to a point, said point being that of the **BEGINNING**.

The proposed expansion of the SCUSSD is within these boundaries and said to contain 122.65 acres, more or less. The boundary description has been prepared using Sussex County tax map numbers 233-10.00, & 233-15.00.

A map outlining and describing the extension to the SCUSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 10:15 am on September 27, 2016 in the Sussex County Council Chambers. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299.

Hans M. Medlarz, P.E.
County Engineer

High Tide Church Expansion of the
Sussex County Unified Sanitary Sewer District

Date TBA

Not To Scale

DFPA

Dagsboro Church
of God

VFW

Dagsboro/
Frankford

PGS Properties

WSPA

Allen Harim
(Hatchery)

High Tide
Church

DFPA

OLD BUSINESS
October 4, 2016

This is to certify that 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 THE CODE OF SUSSEX COUNTY, CHAPTER 115
("ZONING"), ARTICLE XXI ("SIGNS").**

Mr. Lank advised the Commission that 20 emails had been received in opposition to the Ordinance and that the emails appeared to be mostly from Realtors and Real Estate Agents relating to real estate and development signs.

Mr. Robertson reminded the Commission that previously the Planning and Zoning Commission held a public hearing on the Introduced Ordinance; an Alternate Ordinance was suggested by a sign company and developer group represented by David Hutt, Esquire; the Planning and Zoning Commission created a Planning and Zoning Commission Version of the Ordinance for recommendation to the County Council; the County Council held a public hearing on the Introduced Ordinance and gave consideration to the Alternate Ordinance and the Planning and Zoning Commission Version of the Ordinance; that the County Council discussed the Ordinances on several occasion and it was decided that the Revised Ordinance should be considered after public hearings by the Planning and Zoning Commission and the County Council.

James Sharp, Esquire and Assistant County Attorney, provided a PowerPoint display of a Historical Chart of Changes to the Ordinance; referenced that the Introduced Ordinance Amendments were considered back in April 2016; that an Alternate Ordinance was introduced by the Sign Companies and Developers through David Hutt, Esquire; that the Planning and Zoning Commission review the original Ordinance Amendments and the Alternate Ordinance and established some changes and came up with a Planning and Zoning Commission Version of

the Ordinance; that after the County Council held a public hearing and reviewed the ordinances it was determined by that there was a need to go back to public hearings and consider a final version of the Ordinance Amendments; and then provided an overview of the proposed changes in the sign provisions within the proposed Ordinance Amendments. In summation, the items discussed were: 1) a Purpose statement was included to provide clarity as to the reason we have a sign ordinance which resulted in a re-numbering of 115-157 to 115-157.1; 2) changed definition to state that the on-premises sign is deemed abandoned when the sign no longer advertises an ongoing business and the sign permit has been expired for 6 months which resulted in a slight change to 115-158(j); 3) revised definition of abandoned off-premises signs to state that off-premises signs which are not used as an off-premises sign for 6 months are deemed abandoned which results in a slight change in 115-158(k); 4) inserted a definition of Ground Level as set forth in the Alternate Ordinance in 115-157.1; 5) restored the definition of Multi-faced Signs in the definitions 115-157.1; 6) revised the definition of public lands to strike reference to lands in an Agricultural Preservation District as referenced in 115-157.1; 7) revised the definition of sign area for clarity in 115-157.1; 8) retained the definition of a sign face in 115-157.1; 9) retained the definition of Electronic Message Center (EMC) as set forth in the introduced Ordinance; removed the Electronic Message Display (EMD) definition and all references to EMD; and removed the definitions of “Dissolve”, “Fade”, “Frame”, “Frame Effect”, “Scroll”, “Transition”, and “Travel” and inserted them alphabetically in 115-157.1; 10) removed the phrase “by permit” from the definition of “non-conforming Sign” and “non-conforming off-premises sign” in 115-157.1; 11) added the phrase “ongoing” to business which requires that the business be an ongoing business in the definition of On-Premises Electronic Message Center in 115-157.1; 12) added the phrase “ongoing” to business which requires that the business be an ongoing business in the definition of an On-Premises Sign in 115-157.1; 13) prohibited V-signs where the sign faces are more than 60 degrees at their point of juncture for both on-premises and off-premises signs in 115-158; 14) removed the prohibition in the Introduced Ordinance on signs which have more than 2 faces resulting in removal of 115-158 (n); 15) amended several sections of the Ordinance to read “per side” rather than “per side or facing” relating to both on-premises and off-premises signs to provide clarity in the Ordinance; 16) amended several sections of the Ordinance by inserting “of sign area” where appropriate to better establish the area of the sign subject to sign limitations for on-premises and off-premises signs; 17) restored the language that allows for one sign per street or road frontage for on-premises ground signs; 18) restored the language that allows for one sign per street or road frontage for on-premises Electronic Message Centers in 115-161.1(A)(1)(2); 19) keep Introduced Ordinance as written so that all references to Electronic Message Centers are in 115-161.1; 20) restored and revised the wall sign section to allow for more than one wall sign provided that the total amount of wall signs does not exceed 150 square feet or 15% of the total square footage of the wall area on which the signs are located, whichever is greater; language regarding shopping centers; and dealing with on-premises wall signs only in 115-159.4(A)(5) and 115-194.5(A)(5); 21) distinguishes between 2 lane roads and 4 land roads for off-premises signs which creates new sections to separate the requirements for these roads in 115-159.5 (B); 22) established that there is no distinction between billboards which are greater than 200 square feet and billboards which are less than 200 square feet in 115-159.5(B); 23) removed language about parallel sign faces no more than 3 feet apart in 115-159.5(B)(2); 24) verified the front yard setback as 40 feet, the side yard setback as 50 feet, and the rear yard setback being the same as a rear yard setback for a building for an off-premises sign in 115-159.5(B); 25) established that the separation distance should be 150 feet from a billboard

to the property line of any property which houses churches, dwellings or public lands, and that it will be measured on a radius from the edge of a sign in 115-159.5(B); 26) off-premises signs must be at least 600 feet apart on all roads and will be measured on a radius on 4 lane roads and lineally on 2 lane roads in 115-159.5(B); 27) retains the separation distance of 50 feet between off-premises signs and on-premises signs with a slight revision to preclude erection of on-premises signs within 50 feet of an off-premises sign in 115-159.5(B); 28) establish a height maximum of 25 feet on 2 lane roads and 35 feet on 4 lane roads, which will be measured from ground level in 115-159.5(B); 29) establish a sign limitation of 300 square feet on 2 lane roads and 600 square feet on 4 lane roads in 115-159.5(B); 30) retains the letter of no objection requirement from DelDOT for all off-premises signs in 115-159.5(B); 31) retains the prohibition on stacked or side-by-side signs on a single off-premises sign structure in 115-159.5(B); 32) re-established that variances for new off-premises signs erected or approved to be erected after August 1, 2016 are prohibited, and that variances for separation distance and setback requirements are permissible for replacement signs in 115-159.5(D)(E); 33) noted that political signs would be address at a later date; 34) noted that 115-160(K) limits signs to 25 feet above ground level except for billboards and only applies to on-premises signs; 35) noted that 115-160(N) is a newly created section that allows the Director to remove an abandoned sign face and fine the owner, and noting that the sign structure could remain; 36) noting that 115-161(B)(4) amends the Introduced Ordinance to provide that light shall be focused only on a sign for both on-premises and off-premises signs; 37) noting that 115-161(B)(5) amends the Introduced Ordinance and applies to both luminance (nits) and illuminance (foot candles) requirements to all signs, suggest adoption of the foot candle measurement standards or to use 750 nits and 0.3 foot candles as the measurements for both on-premises and off-premises signs; 38) removed the Special Use Exception requirement for an on-premises Electronic Message Center; 39) prohibits on-premises Electronic Message Centers in residential districts unless part of a Conditional Use; 40) references that the size of on-premises Electronic Message Centers shall have to be further discussed; 41) 115-161.1(A)(4) references that Electronic Message Centers shall have a separation distance of 50 feet from an off-premises sign where an on-premises sign is less than 101 square feet; that a separation distance of 50 feet plus 1 foot per square foot for an on-premises Electronic Message Center that exceeds 100 square feet; that the distance will be measured on a radius; and that no variances are permitted; 42) 115-161.1(A)(5) references that on-premises Electronic Message Centers will be allowed effects of dissolving, fading, flipping, or window shade movements, and that scrolling, live action video, streaming video, flashing messages, and all other animation is prohibited; 43) 115-161.1(B) allows for off-premises Electronic Message Centers in certain zoning districts, and that Special Use Exceptions and compliance with off-premises sign regulations are required; 44) the separation distance requirements between off-premises Electronic Message Center signs needs to be addressed and referenced a separation distance of 2,500 feet on 4 lane roads and 1,200 feet on 2 lane roads to be measured lineally; 45) 115-161.1(A)(5) prohibits animation and the effects of dissolving, fading, flipping, window shade movements, scrolling, live action video, streaming video, and flashing on off-premises Electronic Message Centers; 46) 115-161.1(C)(1)(c) creates a default provision to require shutdown only if more than 50% of the sign face malfunctions on an Electronic Message Center; 47) 115-161.1(C)(1)(e) amends the Introduced Ordinance to read “shall” rather than “must” and applies to both on-premises and off-premises signs; 48) 115-161.1(C)(1)(f) requires owners who seek a building permit or a Special Use Exception for an Electronic Message Center to provide documentation as to ambient light controls and it applies to both on-

premises and off-premises signs; 49) 115-161.1(C)(1)(h) amends the Introduced Ordinance to eliminate prohibition on change in messages on an Electronic Message Center after sunset and applies to both on-premises and off-premises signs; 50) 115-161.2(a) prohibits periodic maintenance and repair of abandoned signs; 51) 115-161.2(A), (C). and (D) which relate to non-conforming signs allows for periodic maintenance and repair; allows for replacement of non-conforming off-premises signs if a variance is obtained; prohibits conversion of non-conforming off-premises signs to Electronic Message Centers; that the Board of Adjustment must consider the overall non-conforming reduction; and no variances from height and size requirements shall be permitted; 52) 115-161.3 provides for a substitution clause and provides that an owner of a sign may convert commercial copy to non-commercial copy; and 53) 115-161.4 provides for a severability clause and provides that the entire Sign Ordinance is not invalid if one section is declared to be invalid.

There was a consensus of the Commission that they would like to hear the public testimony prior to raising any questions on the Revised Ordinance.

The Commission found that David Hutt, Esquire of Morris James Wilson Halbrook & Bayard, LLP, was present on behalf of a sign company and developer group, submitted a revised version of the Ordinance and referred to it as the Red-Lined Version; stating that there are primarily six (6) issues of concern in the Revised Ordinance referencing animated signs for on-premises signs; that Federal regulations do not allow animation on off-premises signs; that the 2nd Ordinance introduced has a prohibition on animated signs; that the dancing inflatable signs are illegal based on the definition; that a person moving a sign back and forth could be considered an illegal sign based on the definition; that he has never heard of a surveyor say that they could not determine the separation from a proposed sign location to an existing church, school, dwelling or public lands; that an on-premises sign could be considered a ground sign or a wall sign; that the prohibition of variances should be eliminated; that the State Code provides that a process is necessary for variance provisions; that examples of recent and current sign issues relating to setbacks and locations of signs are the Shrine sign on Route One, the Lefty's Bowling Lane sign on Route One, and the Eagle's Nest Church and Campground sign on Route One; that DelDOT sign regulations only reference setbacks, height, and separation; that DelDOT grants few to no variances on their regulations; that a lot of the sign issues addressed will bring the Ordinance in line with the activities taking place on 4 lane roads; that a variance process is needed; that on-premises signs need to be addressed; that non-conforming signs need to be addressed; and that real estate signs need to be addressed.

The Commission found that Mr. Hutt's Red-Lined Version included red-lined changes including: 1) that the definition for on-premises sign be expanded by adding "or on a property adjacent to the property on which the sign is located when the adjacent property has an easement for access and/or signage on or along the property on which the sign is to be located"; that 115-158 be amended by deletion of the prohibition "animated signs"; that 115-159 G be amended by changing the maximum area of a temporary real estate sign from "10 square feet" to "32 square feet", and that the last sentence be removed which states "Each sign shall contain no more than two sides or facings, back to back"; that 115-159.5 B (1) be rewritten to read "All off-premises signs shall have a minimum front yard setback of 25 feet, a minimum side yard setback of 50 feet, and a minimum rear yard setback equal to the required rear yard setback for a principal

building within the pertinent zoning district. An off-premises sign shall not be erected within 300 feet of a dwelling, church, school, or public lands as measured on a radius from the edges of the off-premises sign”; that 115-159.5 B (6) should be eliminated in its entirety; that 115-160 B (3) should be rewritten to read “Temporary non-illuminated signs, not exceeding 32 square feet of sign area per side, advertising real estate for sale or lease or announcing contemplated improvements of real estate and located on the premises with one such sign for each street frontage”; that 115-160 B (4) should be rewritten to read “Temporary non-illuminated signs not exceeding 32 square feet of sign area per side erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, with on such sign for each street frontage”; that 115-161 B (5) should be rewritten to read “No illuminated sign, including Electronic Message Centers, must comply with one of the following maximum luminance levels: (a) No illuminated sign, including Electronic Message Centers, shall have a maximum luminance greater than seven hundred fifty (750) cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate”; that 115-161 B (6) should be rewritten to read “No illuminated signs, including Electronic Message Centers, shall have a maximum illuminance level greater than 0.3 foot candles above ambient light, as measured using a foot candle meter, or similar technology, at a pre-set distance. Pre-set distances to measure the foot candle impact vary with expected viewing distances of each sign size. Measurement distance shall be based upon the sign area using the following formula:”; that 115-161.1 A (4) should be eliminated in its entirety; that 115-161.1 A (5) should become (4) and then rewritten to read “An On-Premises Electronic Message Center may use the following display features and functions of Electronic Message Centers: images and frame effects that appear or disappear from the display through dissolve, fade, flip, or window shade movements. Continuous scrolling left or right, live action or streaming videos, and flashing messages shall not be permitted”; that 115-161.1 C (1) (a) should be rewritten to read “On an off-premises Electronic Message Center, each message remains fixed for a minimum of at least 10 seconds”; that 115-161.1 C (1) (b) should be rewritten to read “On an off-premises Electronic Message Center, when the message is changed, the change must be accomplished in 1 second or less, with all moving parts or illumination changing simultaneously and in unison”; that 115-161.1 C (2) should be eliminated; that 115-161.2 Non-Conforming Off-Premises Signs A through D should be rewritten to read “A. A non-conforming off-premises sign may remain and be periodically maintained as a permitted non-conforming structure unless abandoned. B. Conversion of non-conforming off-premises signs to off-premises electronic message centers is prohibited, unless the applicant is replacing two or more non-conforming off-premises signs with a single electronic message center. C. If a sign is damaged by any natural causes, such as fire, wind or flood, it may be repaired or reconstructed and used as before the time of the damage, provided that such repairs or reconstruction are substantially completed within 12 months of the date of such damage. D. Provided that the owner obtains all necessary variances from the Board of Adjustment pursuant to 115-211, an owner of a non-conforming off-premises sign may replace a non-conforming off-premises sign with a new off-premises sign which does not comply with separation distance or setback requirements. As part of a variance request for a non-conforming off-premises sign under this section, the replacement off-premises

sign must comply with the height and size requirements set form in 115-159.5. The Board of Adjustment shall ensure non-conformities in the height and size are brought into compliance with the installation of the replacement sign”.

The Commission found that Bob McVey, President of the Sussex County Association of Realtors, was present, read and submitted a letter from Merritt Burke IV, CEO of the Sussex County Association of Realtors (SCAOR) referencing that the Association supports a modern sign ordinance and the majority of the proposed provisions; but that there remains language that the Association does not support, referencing the elimination of movement and animation of Electronic Message Centers; that not-for-profit organizations similar to SCAOR could find this amendment restrictive and costly to implement, specifically after the organization was approved to purchase, install and operate the sign for informative and revenue purposes; that residential and non-residential areas are defined separately in the Ordinance; that a majority of contacts/leads regarding commercial real estate are generated from stand-alone signage along on-premises commercially zoned properties; that reducing the minimum square footage for non-residential area signs could affect the financial welfare of the citizens of Sussex County, will impact the commercial real estate industry and may discourage the positive economic development of the County; that SCAOR supports commercial signage not less than 64 square feet double sided or arranged in a “V” shape, unless otherwise regulated by municipal or State codes; and that SCAOR requests that all for-profit, not-for-profit, private and public organizations and agencies are required to conform to the proposed Ordinance once amended.

The Commission found that Bill Lucks, President Elect of the Peninsula Commercial Alliance, a part of the SCAOR, expressing concerns about the proposed Ordinance and stating that their signage is of a temporary nature running the term of the listing that they may have on a particular piece of property; that the Ordinance does not distinguish between residential and commercial real estate, which have very different signage needs; that the Ordinance calls for a 10 square foot sign as a maximum size; that this does not work in practice; that they use two sided 4 x 4 (16 square feet) and 4 x 8 signs (32 square feet); that the larger signs are used in a high traffic speed area; that it could be interpreted in the Ordinance that a permit could be required for a temporary sign that is not lighted, does not rotate or flash, and has a static message; that he annually spends anywhere from \$5,000 to \$15,000 on signage to market his listings; that the sale of commercial real estate generates substantial transfer taxes for the County; that he ask that the Ordinance be changed to address the needs of the commercial real estate practitioner; that they do not see the current signage practices as offensive, nor are they out of line with the norms used across the Country; and that the signs are temporary in nature, and even with the technology of today, commercial properties tend to sell from the signage posted on the property.

The Commission found that Ben Phillips of Phillips Signs was present with concerns and referenced that his business is primarily on-premises signs; that he was on the Sign Ordinance Working Committee; that he did not think that there were that many problem issues; that the sign industry is one of the most regulated industries; that over regulation impact their businesses; that enforcement is the issue; that he questions what is the big deal about animation; that he understood that the County Council supported animation 3-2 in July, why the change; that animation is not a safety issue and that it appears that someone on County Council just does not like animation on signs; that sign company representatives can show staff which signs are legal

or illegal; that on-premises signs should have precedent since they support small business; that separation of on-premises to off-premises should be struck from the Ordinance; that farm markets and similar uses are the biggest offenders based on the number of signs that they display.

The Commission found that Jason Dean of J.D. Sign Company was present with concerns and agreed with Mr. Hutt's and Mr. Phillips' comments, and stated that fees have been increased in the past; that he supports the need for a sign enforcement official; that enforcement is needed; that we all agree on the lighting standards; that brightness is the issue on Electronic Message Centers; that an Electronic Message Center that is too bright is distracting; that he supports continuous scrolling; that he supports either illumination regulations, nits or foot candles; that if the brightness issues is resolved, lighting will not be an issue; that Electronic Message Center should be permitted as wall signs; and that the sign industry does not want signage to be distracting.

The Commission found that Lynn Rogers of Rogers Sign Company was present with concerns and stated that the issued came from the number of application being processed by the Board of Adjustment; that the Ordinance should be enforced; that it seems like the County Council could not grasp the difference between on-premises signs and off-premises signs; that nationwide most billboards are static; that he agrees with the previous speakers; and that he currently has two full-time staff that specialize in sign applications, sign permits, Special Use Exceptions and Variances requests throughout the peninsula.

The Commission found that Charles Towers of Towers Signs was present with concerns and stated that he also agrees with the previous speakers; and noted that sign companies have charts referencing the size of a sign and sign lettering sizes relating to speed limits.

The Commission found that Paul Reiger was present with concerns and referenced sign square footages, the number of signs permitted on a farm and farm operations; and questioning the definition of a farm and the acreage of a farm.

Mr. Sharp advised the Commission that the County Council is scheduled for the public hearing on September 20, 2016 and that the Commission has a regular meeting scheduled for September 22, 2016 and that it is possible that the Commission can make a recommendation prior to the moratorium being lifted.

At the conclusion of the public hearing, the Commission discussed the Ordinance Amendments.

On September 8, 2016 there was a motion by Mr. Burton, seconded by Mr. Hudson, and carried unanimously to defer action, noting that this Ordinance Amendment needs to be on the next regular agenda, September 22, 2016. Motion carried 3 – 0.

On September 22, 2016 the Commission discussed this application under Old Business.

Mr. Robertson advised the Commission that James Sharp, Esquire and Assistant County Attorney, was also present in case the Commission has any questions relating to the Ordinance Amendments.

Mr. Robertson reminded the Commission that action on the Ordinance Amendment was deferred for further consideration, primarily based on the information presented by David Hutt, Esquire, who spoke on behalf of local sign companies, developers and realtors; noted that Mr. Hutt provided another proposed alternate ordinance, referred to as the Red-Line Version, which contained six (6) issues that should be addressed, four (4) of which that the Commission was already planning on addressing; and that he has provided a copy of the Red-Line Version since it was introduced with line numbers for reference.

Mr. Burton stated that he would move that the Commission recommend approval of the Ordinance to Amend the Code of Sussex County, Chapter 115 ("Zoning"), Article XXI ("Signs"), subject to the following recommendations, based upon the record made during the public hearing and for the following reasons:

1. This sign ordinance is the result of two prior public hearings, input from a working group, an alternate ordinance presented by members of the sign industry, prior recommendations of the Planning and Zoning Commission, discussions by County Council, and input from the public in general.
2. This sign ordinance addresses many of the concerns raised by the public about our current sign regulations, and it improves the current Code to address changes in sign technology.
3. There is also a moratorium in place on new applications for off-premises signs. It is important to move this ordinance forward in a timely fashion to allow new applications to proceed, subject to the new requirements of this ordinance.
4. During the public hearing there was support for most of the introduced ordinance, with some additional suggested revisions to it. Some, but not all, of those suggested revisions are appropriate and are reflected in the recommended changes in this motion.
5. This recommendation is subject to the following additional recommendations. To assist County Council in following these suggested changes, a version of the introduced ordinance with line numbers has been prepared and is referenced in these recommendations and is incorporated into this Motion. The recommendations are as follows:

A. The general prohibition against animation within on-premises signs should be eliminated from the proposed ordinance. To accomplish this, the following changes to the introduced ordinance should be made:

- Line 378. The general prohibition against animated signs should be eliminated from §115-158.I.
- Line 966-972. §115-161.1.A(5) should be revised to clarify that animation is permitted with some exceptions. The last sentence of this subsection should now read, "Continuous scrolling left or right and up and down, live action or streaming video and flashing messages shall not be permitted."

B. Council should reduce the front setback for off-premises signs from 40 feet as set forth in the introduced ordinance to 25 feet. This will allow an appropriate transition between on-premises signs, off-premises signs and buildings on a commercial property. It also makes our ordinance consistent with DelDOT's front yard setback requirement for off-premises signs. To

accomplish this, the following changes to the introduced ordinance should be made to §115-159.5.B(1):

- Line 646. Change “a minimum front yard setback of 40 feet....” to state “a minimum front yard setback of 25 feet....”

C. Council should eliminate the 50 foot separation distance between on-premises and off-premises signs. This requirement will likely have unintended negative consequences on businesses that may not be able to erect a sign advertising their on-premises business as a result. To accomplish this, the following changes to the introduced ordinance should be made to §115-159.5.B(1):

- Line 652-654. Delete the sentence “An off-premises sign shall not be erected within 50 feet of an on-premises sign and an on-premises sign shall not be erected within 50 feet of an off-premises sign.”

D. The introduced ordinance measured the 150 foot distance between an off-premises sign and dwellings, churches, schools, etc. from the property line of properties used for those purposes. This should be returned to the language of our current code that limits the off-premises signs to 300 feet from the actual structure or use. The Commission is satisfied from testimony presented during the hearing that this can be measured without problems, and there was testimony in support of this change back to the current Code requirement. In some cases, it will also make the separation distance greater than what is proposed in the introduced ordinance. To accomplish this, the following changes to the introduced ordinance should be made to §115-159.5.B(1):

- Line 649-652. This sentence should be changed to state “An off-premises sign shall not be erected within 300 feet of a dwelling, church, school or public lands as measured on a radius from the edge of the off-premises sign.”

E. Realtor signs are currently permitted in all districts under Section 115-159, and this was not changed by the proposed ordinance amendments. But, this is an opportunity for a reasonable adjustment to revise this section to allow realtor’s signs to be increased in size from 10 square feet to 32 square feet per side in Section 115-159.G. To accomplish this, the following changes to the introduced ordinance should be made to §115-159.G and §115-160.B(3):

- Line 409 and Line 782. Real Estate Signs should be increased in size to 32 square feet. This increase shall not apply to the sale of an individual lot in an approved subdivision. So, a new sentence should be added to the end of this sentence at Line 411 and Line 787 to state “Provided, however, that no temporary real estate sign for the sale of a single dwelling in a recorded subdivision shall exceed 10 square feet of sign area per side.”
- Line 411-412 and Line 786. “back to back” should be deleted from the final sentence to allow for 2 sign faces arranged in a “V”.

F. For the same reasons, it is appropriate to allow temporary construction signs to be 32 square feet in size. To accomplish this, the following changes to the introduced ordinance should be made to §115-160.B(4):

- Line 789. Temporary construction signs should be increased in size to 32 square feet. This increase shall not apply to construction on an individual lot in an approved subdivision. So, a new sentence should be added to the end of this sentence at Line 794 to state “Provided, however, that no temporary sign for new construction work on a single dwelling in a recorded subdivision shall exceed 10 square feet of sign area per side.”

- Line 794. “back to back” should be deleted from the final sentence to allow 2 sign faces arranged in a “V”.

G. The County intends to rely upon either Nits or Foot Candles to regulate brightness. There was a concern raised about how this is worded in the introduced ordinance. §115-161(5) should be revised to more clearly state these requirements. To accomplish this, the following changes to the introduced ordinance should be made to §115-161(5):

- Line 898 should be revised so that §115-161(5) now states “All illuminated signs, including Electronic Message Centers, must comply with the following maximum luminance levels:”. This should be followed by the creation of new subsections (5)(a) and (5)(b) stating the Nits and Foot Candle standards that are in the introduced ordinance. In both cases, the first sentence of these standards in 5(a) and (b) should be revised to state “No illuminated sign, including Electronic Message Centers, shall have a maximum luminance level greater than....”

H. Council should delete the separation distance between an on-premises Electronic Message Center and off-premises sign. This could negatively impact the right of an on-premises business owner to advertise his or her business with an Electronic Message Center. To accomplish this, §115-161.1.A(4) should be deleted at Lines 954-965.

I. Council should revisit the reconstruction of destroyed non-conforming signs. Currently, Sussex County Code permits the reconstruction of any other nonconforming structure destroyed by natural causes within 12 months of the date of the damage. The treatment of signs should be consistent with the rest of the zoning code with regard to the destruction of nonconforming signs by natural causes. To accomplish this, the following changes to the introduced ordinance should be made to §115-161.2:

- Line 1061-1063 should be revised so that the first sentence of §115-161.2.A states “A non-conforming off-premises sign may remain and be periodically maintained as a permitted non-conforming structure unless abandoned or intentionally removed.”
- Line 1067-1068 should be revised so that §115-161.2.B allows a non-conforming sign to be converted to an Electronic Message Center, but only if the Electronic Message Center replaces two or more existing non-conforming signs. This will result in the overall reduction of non-conforming signs in the County. This sentence should now read, “Conversion of non-conforming off-premises signs to off-premises Electronic Message Centers is prohibited, unless the applicant is replacing two or more non-conforming off-premises signs with a single Electronic Message Center.”
- Line 1069-1081 should be revised so that §115-161.2.C. permits non-conforming off-premises signs destroyed by natural causes to be reconstructed within 1 year. This is consistent with the treatment of other structures by the County Zoning Code. §115-161.2.C of the introduced ordinance should be deleted and replaced with the following: “If an off-premises sign is damaged by natural causes, such as fire, wind or flood, it may be repaired, reconstructed and used as before the time of destruction, provided that such repairs or reconstruction are substantially completed within 12 months of the date of such damage.”
- Lines 1082-1092 should be clarified regarding the replacement of a non-conforming sign pursuant to §115-161.2.D. Starting with the second sentence of this subsection at Line 1086, it should be revised as follows: “As part of a

variance request for the replacement of a non-conforming off-premises sign under this section, the replacement off-premises sign must comply with the height and size requirements set forth in §115-159.5. The Board of Adjustment shall ensure that any non-conformity in the height or size is brought into compliance with the installation of the replacement sign.” The balance of this subsection should be deleted.

Motion by Mr. Burton, seconded by Mr. Hudson, and carried with three (3) votes to forward this Ordinance Amendment to the Sussex County Council with the recommendation that the Ordinance Amendment be approved with the recommended changes stated. Motion carried 3 – 0. Mr. Wheatley did not participate in the voting since he was not present during the public hearing on September 8, 2016.

ORDINANCE NO. __

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

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

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

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

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

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

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

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

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

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

§ 115-157. Purpose.

Signs, including outdoor advertising structures, are herein regulated with the intent of regulating excess signage, encouraging the positive economic development of the County, preserving and improving tourism views, promoting the safety of the traveling public, protecting property values in both residential and non-residential areas, preventing overcrowding of the land and excess clutter, and protecting the aesthetics of the County.

§ 115-157.1. Definitions.

A. General.

ABANDONED ON-PREMISES SIGN

A sign that no longer identifies or advertises an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located and the sign permit for said sign has expired for at least 6 months.

ABANDONED OFF-PREMISES SIGN

A sign that, for 6 months or more, no longer:

- a. Directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is maintained; and
- b. No longer markets, advertises, or promotes the sign for sale or rent.

ANIMATED SIGN

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

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

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

- (2) Mechanically Activated – Animated signs characterized by repetitive motion or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
- (3) Electrically Activated – Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input or illumination capable of simulating movement throughout employment of the characteristics of one or both the classifications noted below:
- (a) Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds ten (10) seconds.
- (b) Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

CANDELA

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

CANDELA PER SQUARE METER (cd/m²)

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

DISSOLVE

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

FADE

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

subsequent message gradually increases intensity to the point of legibility.

FOOT CANDLE

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

FRAME

A complete stationary display screen on an electronic message center.

FRAME EFFECT

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

GROUND LEVEL

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

ILLUMINANCE

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

INDIRECTLY ILLUMINATED SIGN

...

LUMINANCE

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

LUX

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

MULTIFACED SIGN

...

NIT

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

PUBLIC LAND

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

SCROLL

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

SETBACK

...

SI (International System of Units)

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

SIGN

...

SIGN AREA

The total area of a sign shall include all sides or area of display of a single or multifaced sign, together with all moldings, battens, cappings, nailing strips and latticing which are attached and are part of the sign proper [and/] or incidental to its decoration. Structural elements, such as aprons or skirting, which serve to shade, deflect or block light generated by a sign and which do not display advertising on their surfaces shall not be included in the total area of a sign. For the purpose of this article, signs which are composed of letters, words, numbers, pictures, logos, symbols, or representations only and which follow no square or rectangular pattern shall be considered to include in sign area a square or rectangle as drawn at the outer limits of the letters, words, numbers, pictures, logos, symbols, or representations.

SIGN COPY

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

SIGN FACE

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

SIGN STRUCTURE

Any structure designed for the support of a sign.

STREET LINE

...

TRANSITION

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

TRAVEL

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

B. Type.

BULLETIN BOARD

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

CHANGEABLE SIGN

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

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

DIRECTIONAL SIGN

...

ELECTRONIC MESSAGE CENTER

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

[ELECTRONIC MESSAGE DISPLAY]

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

(1) DISSOLVE

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

(2) FADE

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

(3) FRAME

A complete stationary display screen on an electronic message display.

(4) FRAME EFFECT

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

(5) SCROLL

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

(6) TRANSITION

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

(7) TRAVEL

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

INSTRUCTIONAL SIGN

...

NON-CONFORMING SIGN

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

NON-CONFORMING OFF-PREMISES SIGN

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

OFF-PREMISES ELECTRONIC MESSAGE CENTER

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

OFF-PREMISES SIGN

...

ON-PREMISES ELECTRONIC MESSAGE CENTER

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

ON-PREMISES SIGN

A sign directing attention to an ongoing business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained.

PORTABLE SIGN

...

TEMPORARY SIGN

...

V SIGN

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

C. Location.

...

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

§ 115-158. Signs prohibited in all districts.

Signs prohibited in all districts shall be as follows:

A. ...

...

I. Animated signs.

J. Abandoned on-premises signs.

K. Abandoned off-premises signs.

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

M. V signs where the two faces are positioned at an interior angle subtending more than sixty degrees (60°).

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

§ 115-159. Signs permitted in all districts.

Signs permitted in all districts shall be as follows:

A. ...

...

F. No more than two subdivision-identifying signs, not exceeding 75 square feet [in] of sign area per [face] side, maintained on private property. The minimum setback from the front lot line shall be a minimum of five feet for signs 32 square feet or less and a minimum of 25 feet for signs from 32 square feet to 75 square feet.

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

H. ...

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

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

A. Signs permitted shall be as follows:

(1) ...

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

(3) One nonilluminated on-premises sign not to exceed six square feet [on any side or facing] of sign area per side, identifying a

permitted home occupation on the premises or a permitted use on a farm of five acres or more. ...

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

B. ...

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

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

A. Signs permitted shall be as follows:

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

B. ...

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

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

A. Signs permitted shall be as follows:

(1) ...

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

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

B. ...

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

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

A. Signs permitted shall be as follows:

(1) ...

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

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

- (4) One on-premises ground sign per street or road frontage per parcel, not to exceed 200 square feet [on any side or facing] of sign area per side. [Electric message displays shall be permitted. Such displays shall be limited to frames with displays, messages, animated graphics or images and frame effects that appear or disappear from the display through dissolve, fade, flip or window shade moves. Scrolling left or right and/or flashing messages shall not be permitted. Each message on the sign must be displayed for a minimum of eight seconds based on a real second measurement of 1000-1, 1000-2, 1000-3, 1000-4, etc., count. When a message is changed, it shall be accomplished in one second or less with all moving parts or illumination changing simultaneously and in unison. Variable message signs shall contain a default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down.]
- (5) [In addition, each store, shop, office or similar unit shall be permitted an on-premises illuminated awning, marquee, projecting, wall sign or electric message display not exceeding a combination of signs or one sign not exceeding 150 square feet. The sign shall not exceed 15% of total square footage of wall area where a wall exceeds 1,000 square feet.]

On-premises wall, illuminated awning, marquee, and projecting signs not to exceed a total sign area of 150 square feet or 15% of the total square footage of the wall area on which the signs are located, whichever is greater. In the case of a shopping center, a group of stores or other business uses, or a multi-tenant building on a lot held in single or separate ownership, on-premises wall, illuminated awning, marquee, and projecting signs not to exceed a total sign area of 150 square feet or 15% of the total square footage of the wall area on which the signs are located, whichever is greater, shall be permitted with respect to each building, separate store, separate storefront, or separate use.

- (6) ...

B. ...

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

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

A. Signs permitted shall be as follows:

- (1) ...
- (2) One indirectly illuminated on-premises sign, not to exceed 32 square feet [on any side or facing] of sign area per side for each building devoted to the following uses: church, school, hospital, nursing home, country club, golf course or similar use. Such sign shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted, provided that the total 32 square feet [on any side or facing] of sign area per side is not exceeded by both the bulletin board and the on-premises sign. ...
- (3) One nonilluminated on-premises sign, not to exceed six square feet [on any side or facing] of sign area per side, identifying a permitted home occupation on the premises or a permitted use on a farm of five acres or more. A sign shall contain no more than two sides or facings, back to back, and shall conform to the setbacks referenced in Subsection A(2) above.
- (4) One on-premises ground sign per street or road frontage per parcel, not to exceed 200 square feet [on any side or facing] of sign area per side. [Electric message displays shall be permitted. Such displays shall be limited to frames with displays, messages, animated graphics or images and frame effects that appear or disappear from the display through dissolve, fade, flip or window shade moves. Scrolling left or right and/or flashing messages shall not be permitted. Each message on the sign must be displayed for a minimum of eight seconds based on a real second measurement of 1000-1, 1000-2, 1000-3, 1000-4, etc., count. When a message is changed, it shall be accomplished in one second or less with all moving parts or illumination changing simultaneously and in unison. Variable message signs shall contain a default design that will

freeze the sign in one position if a malfunction occurs or in the alternative shut down.]

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

On-premises wall, illuminated awning, marquee, and projecting signs not to exceed a total sign area of 150 square feet or 15% of the total square footage of the wall area on which the signs are located, whichever is greater. In the case of a shopping center, a group of stores or other business uses, or a multi-tenant building on a lot held in single or separate ownership, on-premises wall, illuminated awning, marquee, and projecting signs not to exceed a total sign area of 150 square feet or 15% of the total square footage of the wall area on which the signs are located, whichever is greater, shall be permitted with respect to each building, separate store, separate storefront, or separate use.

- (6) ...

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

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

All off-premises signs shall have a minimum front yard setback of 40 feet, a minimum side yard setback of 50 feet, and a minimum rear yard setback equal to the required rear yard setback for a principal building within the pertinent zoning district. An off-premises sign shall not be erected within 150 feet of property which is used as a dwelling, church, school, or public lands as measured on a radius from the edge of the off-premises sign. An off-premises sign shall not be erected within 50 feet of an on-premises sign and an on-premises sign shall not be erected within 50 feet of an off-premises sign.

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

A single off-premises sign structure shall support no more than one sign per side and no more than two signs in total. Signs which are stacked or side-by-side on an off-premises sign structure are prohibited.

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

For all off-premises signs which are located on properties adjacent to roads which have less than 4 travel lanes (excluding turn lanes), the following regulations shall apply:

(a) An off-premises sign shall not be erected within 600 feet of another off-premises sign as measured on a radius from the edges of the off-premises signs.

(b) No off-premises sign shall exceed 25 feet in height from ground level.

(c) An off-premises sign shall not exceed 300 feet of sign area per side and shall not exceed more than 600 square feet of sign area per off-premises sign structure.

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

For all off-premises signs which are located on properties adjacent to roads which have 4 or more travel lanes (excluding turn lanes), the following regulations shall apply:

(a) An off-premises sign shall not be erected within 600 feet of another off-premises sign. This separation distance shall be measured from the edges of the off-premises sign and shall apply only to signs which are located on the same side of the road.

(b) No off-premises sign shall exceed 35 feet in height from ground level.

(c) An off-premises sign shall not exceed 600 feet of sign area per side and shall not exceed more than 1,200 square feet of sign area per off-premises sign structure.

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

(6) Except as otherwise permitted in §115-161.2, no variances shall be issued from any of the regulations in this article for off-premise signs which have been erected or approved to be erected after August 1, 2016.

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

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

D. ...

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

§ 115-160. General regulations for all districts.

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

(1) ...

(2) ...

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

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

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

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

[(4) Fees.

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

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

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

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

(1) ...

(2) ...

(3) Temporary nonilluminated signs, not exceeding 10 square feet of sign area per side [or facing], advertising real estate for sale or lease or announcing contemplated improvements of real estate and located on the premises, with no more than two sides

or facings, back to back, with one such sign for each street frontage.

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

C. ...

...

- I. The Director shall remove or cause to be removed[, at the owner's expense,] any sign erected or maintained in conflict with these regulations at the expense of the owner of the sign, the owner of the real property from which the illegal sign has been removed, and the owner of the entity whose business or development is being promoted or advertised by the illegally placed sign. Removal of a sign by the

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

J. ...

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

L. ...

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

N. After due notice has been given, the Director may cause to be removed, at the expense of the owner of the sign, the owner of the real property from which the illegal sign was removed, and the business or development being promoted or advertised by the sign, the sign face of any abandoned on-premises sign. Removal of a sign face by the Director or his designee shall not affect any fines instituted under this article or any legal proceeding instituted against the violator prior to removal of such sign face. Sussex County will be free to dispose

of all removed illegal sign faces and shall not be held liable for doing so. Sussex County will collect a disposal fee of \$100 per sign face.

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

§ 115-161. Construction and lighting.

A. ...

B. Lighting of signs.

(1) ...

(2) ...

(3) ...

(4) Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are shielded to focus light only on the sign.

(5) All illuminated signs, including Electronic Message Centers, must comply with the maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

(6) All illuminated signs, including Electronic Message Centers, must comply with the maximum illuminance level of 0.3 foot candles above ambient light, as measured using a foot candle meter, or similar technology, at a pre-set distance. Pre-set distances to measure the foot candle impact vary with expected

viewing distances of each sign size. Measurement distance shall be based upon the sign area using the following formula:

<u>Sign Area (in square feet)</u>	<u>Measurement Distance (in feet)</u>
<u>10</u>	<u>32</u>
<u>50</u>	<u>71</u>
<u>100</u>	<u>100</u>
<u>200</u>	<u>141</u>
<u>300</u>	<u>173</u>

For signs with a sign area in square feet other than those measurements specifically listed in the table above, the measurement distance shall be calculated with the following formula: Measurement Distance = $\sqrt{\text{Sign Area in Square Feet} \times 100}$.

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

§ 115-161.1 Electronic Message Centers.

A. On-Premises Electronic Message Centers:

- (1) In the B-1 (Neighborhood Business), M (Marine), and UB (Urban Business) districts, an On-Premises Electronic Message Center is permitted provided that only one On-Premises Electronic Message Center is permitted per street or road frontage per parcel and that the sign area shall not exceed 200 square feet per side. The electronic message center permitted under this section shall not be in addition to the on-premises ground sign permitted under § 115-159.4(A)(4).
- (2) In the C-1 (General Commercial), CR-1 (Commercial Residential, LI-1 (Limited Industrial), LI-2 (Light Industrial), and HI-1 (Heavy Industrial) districts, an On-Premises Electronic Message Center

is permitted provided that only one On-Premises Electronic Message Center is permitted per street or road frontage per parcel and that the sign face shall not exceed 200 square feet of sign area per side. The electronic message center permitted under this section shall not be in addition to the on-premises ground sign permitted under § 115-159.4(A)(4).

- (3) On-Premises Electronic Message Centers shall be prohibited in the AR-1 and AR-2 (Agricultural Residential), GR (General Residential), MR (Medium Density Residential), UR (Urban Residential), HR-1 and HR-2 (High Density Residential) Zoning Districts unless specifically permitted as part of a conditional use.
- (4) An On-Premises Electronic Message Center which has a sign area of less than or equal to 100 square feet shall not be erected within 50 feet of an off-premises sign. If the sign area of an On-Premises Electronic Message Center is greater than 100 square feet, the separation distance requirement from the On-Premises Electronic Message Center and the off-premises sign shall be equal to 50 feet plus 1 foot of separation distance for each 1 square foot of sign area of the On-Premises Electronic Message Center in excess of 100 square feet. The separation distance shall be measured on a radius from the edge of the On-Premises Electronic Message Center. No variances from this regulation are permitted.
- (5) An On-Premises Electronic Message Center may use the following display features and functions of Electronic Message Centers: images and frame effects that appear or disappear from the display through dissolve, fade, flip, or window shade movements. Scrolling left or right, live action video, streaming video, flashing messages, and all other animated signs shall not be permitted.

B. Off-Premises Electronic Message Centers:

- (1) In the C-1 (General Commercial), CR-1 (Commercial Residential), LI-1 (Limited Industrial), LI-2 (Light Industrial), and HI-1 (Heavy Industrial) districts, an off-premises sign may be an electronic message center provided that the owner obtains a

special use exception pursuant to §115-80C and complies with the regulations for off-premises signs pursuant to §115-159.5.

- (2) Off-Premises Electronic Message Centers shall be prohibited in the AR-1 and AR-2 (Agricultural Residential), GR (General Residential), MR (Medium Density Residential), UR (Urban Residential), HR-1 and HR-2 (High Density Residential) Zoning Districts.
- (3) For all Off-Premises Electronic Message Centers which are located on properties adjacent to roads which have less than 4 travel lanes (excluding turn lanes), an Off-Premises Electronic Message Center shall not be erected within 1,200 feet of another Off-Premises Electronic Message Center. This separation distance shall be measured from the edge of the Off-Premises Electronic Message Center and shall apply only to signs which are located on the same side of the road.
- (4) For all Off-Premises Electronic Message Centers which are located on properties adjacent to roads which have 4 or more travel lanes (excluding turn lanes), an Off-Premises Electronic Message Center shall not be erected within 2,500 feet of another Off-Premises Electronic Message Center. This separation distance shall be measured from the edge of the Off-Premises Electronic Message Center and shall apply only to signs which are located on the same side of the road.
- (5) Off-Premises Electronic Message Centers shall be prohibited from using display features and functions of the signs, including, but not limited to, the following: animation, flashing, streaming or real time video, fading, dissolving, continuous scrolling and / or traveling, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusionary movement or simulating movement. For Off-Premises Electronic Message Centers, the transition time between messages or message frames is limited to 1 second.

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

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

- (a) Each message remains fixed for a minimum of at least 10 seconds.
- (b) When the message is changed, the change must be accomplished in 1 second or less, with all moving parts or illumination changing simultaneously and in unison.
- (c) An Electronic Message Center shall contain a default design that will freeze the sign in one position, shut down, or show a full black image on the display if a malfunction occurs that affects at least fifty percent of the sign face.
- (d) Except as otherwise provided in this Article, an Electronic Message Center may not contain or display any lights, effects, or messages that flash, move, appear to be animated or to move, scroll, or change in intensity during the fixed display period.
- (e) An Electronic Message Center shall appropriately adjust display brightness as ambient light levels change and shall have automatic dimming controls, either by photocell, hardwire, or software settings, in order to bring the lighting level at night into compliance with sign illumination standards set forth in this Article.
- (f) An owner who seeks a building permit or a special use exception for an electronic message center shall provide documentation at the time of application which demonstrates that the sign shall appropriately adjust display brightness as ambient light levels change and shall have automatic dimming controls, either by photocell, hardwire, or software settings, designed to bring the lighting level at night into compliance with sign illumination standards set forth in this article.
- (g) A sign that attempts or appears to attempt to direct the movement of traffic or which contains wording, color, shapes, or likeness of official traffic control devices is prohibited.
- (h) No Electronic Message Center shall emit any audio or verbal announcement or noises of any kind.
- (2) No variances shall be permitted from the regulations for any electronic message center.

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

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

- A. A non-conforming off-premises sign may remain and be periodically maintained as a permitted non-conforming structure unless abandoned or totally destroyed as specified in §115-161.2(C). However, in no case may such signs be expanded. A non-conforming sign may be re-constructed or re-erected provided that it meets the standards set forth in §115-161.2(D).**
- B. Conversion of non-conforming off-premises signs to off-premises electronic message centers is prohibited.**
- C. Any off-premises sign which is destroyed by the forces of nature to any of the following extents for any reason whatsoever shall be considered totally destroyed, shall lose its right to the benefit of any nonconformity provisions, and may not be re-erected except as provided for in §115-161.2(D). For the purposes hereof, “destruction” shall mean the rendering of the off-premises sign element as unusable and the “facing” shall include the copy area and trim.**
- (1) Destruction of fifty percent or more of the supporting piles or structure located above ground;**
- (2) Destruction of seventy-five percent or more of the facing;**
- (3) Destruction of twenty-five percent or more of the supporting piles or structure located above ground and fifty percent or more of the facing.**
- D. Provided that the owner obtains all necessary variances from the Board of Adjustment pursuant to §115-211, an owner of a non-conforming off-premises sign may replace a non-conforming off-premises sign with a new off-premises sign which does not comply with separation distance or setback requirements. As part of a variance request for a non-conforming off-premises sign under this section, the Board of Adjustment shall consider whether the overall non-conformity is substantially reduced by the installation of the replacement sign. Any replacement off-premises sign must comply with the height and size requirements set forth in §115-159.5. No variances from the height and size requirements shall be permitted.**

Section 13. In Sussex County Code, Chapter 115, a new Section 115-161.3 shall be added by the insertion of the underlined language, as follows:

§ 115-161.3 Substitution.

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

Section 14. In Sussex County Code, Chapter 115, a new Section 115-161.4 shall be added by the insertion of the underlined language, as follows:

§ 115-161.4 Severability.

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

Section 15. Upon the adoption of this Ordinance in accordance with Section 16 hereof, the moratorium imposed by Ordinance No. 2414 entitled “An Ordinance to Establish a Moratorium Upon the Acceptance of Special Use Exception Applications for Off-Premises Signs,” any extensions thereof, shall be immediately terminated.

Section 16. This Ordinance shall become effective upon its adoption by a majority of the elected members of Sussex County Council.

Synopsis

This Ordinance revises the provisions of Chapter 115, Article XXI of the Sussex County Code related to the type, usage, and placement of signs in Sussex

County. In addition, this Ordinance terminates the moratorium on the acceptance of any special use exception applications for off-premises signs.

PROPOSED



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Indian River High School

PROJECT NAME: Automatic External Defibrillators

FEDERAL TAX ID: 51-6000279 NON-PROFIT: ☐ YES ☒ NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

☐ YES ☒ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: The Mission of Indian River High School is to provide a safe environment for academic excellence through fostering critical thinking skills that maximize individual potential and enable students to tackle the challenges of our dynamic global society.

ADDRESS: 29772 Armory Rd.

Dagsboro Delaware 19939
(CITY) (STATE) (ZIP)

CONTACT PERSON: Todd Fuhrmann

TITLE: Athletic Director

PHONE: 302-344-6222 EMAIL: todd.fuhrmann@irsd.k12.de.us

TOTAL FUNDING REQUEST: \$2,500

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

☐ YES ☒ NO

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

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

☐ YES ☒ NO

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
9,000

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

Indian River High School is located on a 156-acre campus in Dagsboro. The building covers 146,000 square feet and has a 1,000-student capacity. A large tract of land at the rear of the school contains the stadium, athletic fields and cross country course. Our total enrollment was 933 students in Grades 9-12 for 2015-2016.

We currently have three Automatic External Defibrillators serving the entire complex. There are two located inside the building and a third "floater" unit that is carried by our trainer or athletic director at all times. This unit can be transported wherever it is needed on our outdoor athletic fields. We believe several more AEDs are necessary to properly serve a campus that includes an athletic stadium, seven practice fields and a cross country course. Our ultimate goal is to acquire at least four more units to provide full coverage of both indoor and outdoor areas.

For the purpose of this grant, we would like to acquire two additional AED units. One would be permanently mounted in our stadium, which hosts football games and practices in the fall and a few track and field events in the spring. The stadium track is also utilized by the public throughout the year. The unit would be mounted on an exterior wall of the concession stand that faces the playing field. In the event of a medical emergency on the field or in the stands, the AED would be accessible in less than a minute. This unit would be of great service to hundreds of athletes and fans on a daily basis. The second AED in this request would be mounted near the practice fields behind the stadium. We have first-hand knowledge of the life-saving benefits of these machines. In recent years, employees at two other schools in our district used AEDs on victims of sudden cardiac arrest. In both cases, the victim survived. In one instance, a fan attending a softball game at a school less than a mile from Indian River High School suffered SCA and was saved when a custodian used an AED to revive him.

We strongly believe in the benefits of AEDs, having seen their life-saving potential first hand. We would like to enhance these benefits for those who attend and participate in games and practices at our athletic complex. With grant funding from Sussex County Council, we would like to purchase two AED units at a total cost of \$2,500.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

If your organization has a religious affiliation, please submit proof with this application that there is separate accounting for non-religious activities. After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
EQUIPMENT - AED units (2 @ \$1,250 each)	\$ 2,500.00
Funding from Sussex County Council would be used to purchase two units @ \$2,500	
TOTAL EXPENDITURES	\$ 2,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

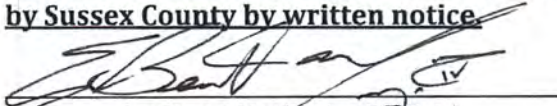
SECTION 5: STATEMENT OF ASSURANCES

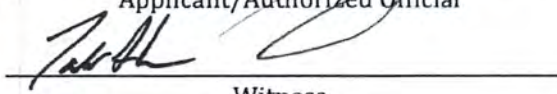
If this grant application is awarded funding, the Indian River High School agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**


Applicant/Authorized Official


Witness

9/27/16

Date

9/27/16

Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: American Legion Post 8

PROJECT NAME: World War I Monument

FEDERAL TAX ID: 51-6018018 (Amleg #8) NON-PROFIT: ☒ YES ☐ NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

☐ YES ☒ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION:

God, Country and Community

ADDRESS: 305 N Front Street

Georgetown DE 19947
(CITY) (STATE) (ZIP)

CONTACT PERSON: Judith Lawson

TITLE: Chairperson

PHONE: 302 856 1535 EMAIL: jlaw1103@gmail.com

TOTAL FUNDING REQUEST: \$5,000⁰⁰

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

☐ YES ☒ NO

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

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

☒ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 25

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

All Sussex Counties

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

To purchase and maintain World War I monument on The Circle in Georgetown. It will honor 17 servicemen who made the ultimate sacrifice for their Country.

- B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

If your organization has a religious affiliation, please submit proof with this application that there is separate accounting for non-religious activities. After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	<i>\$ 4,266-</i>
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
<i>Monument</i>	<i>\$ 18,500-</i>
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the *American Legion Post 8* agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

Judith Lawson

Applicant/Authorized Official

9/21/2016

Date

Witness

Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Rehoboth Art League

PROJECT NAME: Arts and Arts Education at RAL

FEDERAL TAX ID: 51-0097839 NON-PROFIT: ☒ YES ☐ NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

☐ YES ☒ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: The Rehoboth Art League, with the people of Delaware and its visitors, encourages artists and arts education, and sponsors exhibits and programs that reflect the diversity of the community in an historic setting and in partnership with other organizations.

ADDRESS: 12 Dodds Lane

Rehoboth Beach DE 19971
(CITY) (STATE) (ZIP)

CONTACT PERSON: Sara Ganter

TITLE: Chief Operating Officer

PHONE: 302-227-8408 EMAIL: sara@rehobothartleague.org

TOTAL FUNDING REQUEST: \$2,500

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

☒ YES ☐ NO

If YES, how much was received in the last 12 months? \$2,000

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

☒ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 1%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

15,000

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

The Rehoboth Art League (RAL) was formed in Henlopen Acres, Delaware, as a place where artists could teach, gather, and exhibit their work. Property owners Louise Corkran and Colonel Wilbur Corkran generously donated their property to provide a home to this organization, and our organization has gone on to host such artistic legends as Jack Lewes, Howard Schroeder, Orville Peets, and Mary Mullineux. We now boast more than 1,100 members who live across the county, offer 170 classes each year, annually hold more than 15 solo and group exhibitions of artwork, and produce special events such as our Salons, the Annual Cottage Tour, and our Outdoor Fine Art Show—all of which brings more than 15,000 people to our campus each year. Today, seventy-eight years after its inception, The State of Delaware has recognized our historic property with a cultural conservation easement to protect its work for years to come.

In addition to arts exhibition, education, and events rooted in the tradition of our main campus, our organization has grown to take arts to other parts of the town and to the far reaches of the county. Over the years RAL has developed an Arts Outreach program as part of our education department. This comes in response to schools' funding cuts for arts programs and we coordinate with Sussex County community centers, senior centers and public schools to provide free afterschool arts enrichment opportunities in underserved areas, serving more than 350 children each year.

Maintaining our operations as a nonprofit each year is a major undertaking, requiring a huge amount of funding to not only keep our educational programs running and galleries and historic properties open (they are free to the public all year) but to also ensure the less glamorous parts remain operational. This includes things like paying for our electric and other utilities, the upkeep of our grounds (more than 3.5 acres) and gardens, studio supplies for our artists groups (we host pottery, photography, drawing, and writing), gallery maintenance, the care of our Permanent Collection of artwork (more than 800 pieces of art and antiquities), and much more.

We respectfully request that the Sussex County Council consider supporting the efforts of the Rehoboth Art League with a grant in the amount of \$2,500. Our mission to promote the arts and arts education in Sussex County makes a major impact in all corners of the region—from the free arts education programs we run at community centers in Bridgeville and Slaughter Neck to the onsite education we offer to mentally challenged adults through a partnership with Salvation Army; and from the OSHER courses for seniors we host on our campus to the rotating exhibitions we present to the community in our galleries. As Sussex County's first organized cultural arts center, the Rehoboth Art League possesses historical and cultural significance that extends far beyond Henlopen Acre's boundaries and we hope that you will support our efforts this year. Thank you for your consideration.

- B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

If your organization has a religious affiliation, please submit proof with this application that there is separate accounting for non-religious activities. After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	795,476.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Administration	\$ 55,000.00
Programs	\$ 145,000.00
Payroll	\$ 330,750.00
Professional Fees	\$ 112,500.00
Operational Expenses	\$ 75,000.00
Marketing	\$ 75,000.00
TOTAL EXPENDITURES	\$ 793,250.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

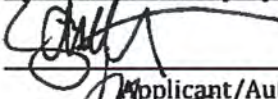
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Rehoboth Art League agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

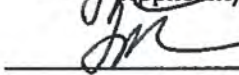


Sara Gawler/COO

Applicant/Authorized Official

9/23/16

Date



Jay/ASTMS

Witness

9/23/16

Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Fenwick Island Lions Club

PROJECT NAME: Lions Selbyville Halloween Parade

FEDERAL TAX ID: 52-2090825 NON-PROFIT: ☒ YES ☐ NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

☐ YES ☒ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: To serve our community and make a positive difference in the lives of its residents.

ADDRESS: 37232 Lighthouse Road Suite 109

West Fenwick Island DE 19975
(CITY) (STATE) (ZIP)

CONTACT PERSON: Fran Pretty

TITLE: Past President

PHONE: 302 436-1773 EMAIL: franpret@comcast.net

TOTAL FUNDING REQUEST: \$1,000

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

☒ YES ☐ NO

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

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

☒ YES ☐ NO

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

*Please see section 3, Program Scope.

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

4,000

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

The Lions Selbyville Halloween Parade is a joint undertaking of the Fenwick Island Lions Club and the Town of Selbyville. It is also a long time tradition of this small community, dating back to World War II. Its primary focus is the family and children.

This year the parade will be held Wednesday, October 26th, beginning at 7:00 p.m. and will feature four high school bands, costumed children, floats, beauty queens, politicians, antique cars, fire trucks and representatives of numerous youth and adult civic organizations. It is estimated that some 4,000 to 5,000 individuals will converge onto Church Street that evening for this time-honored event.

It is a huge undertaking and while the Fenwick Island Lions Club oversees the entire parade, we are dependent on the Selbyville Police, Selbyville Town administration & maintenance personnel, the Selbyville Fire Department and Fire Police, as well as volunteer Fire Police from a number of neighboring communities.

The total cost of putting on this parade is elusive because of multiple groups, departments and agency's participation and the fact that while some personnel receive overtime pay for their work, much of the time and materials is donated on a volunteer basis.

Making it even more difficult to estimate the true cost of the parade is the fact that while the fire police from neighboring communities volunteer their time, it is with the understanding that when similar events take place in their towns, there will be similar reciprocal arrangements. However, from our club's perspective, our out of pocket expenses can be expected to be approximate \$2,600, with approximately \$ 1,225 being paid for by sponsors.

This event is a fund raiser for our club and the proceeds from it are used throughout the year to support our service projects, with 100% of what we receive going back out into the community. See attached summary of our major service projects and activities for the past year.

- B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

If your organization has a religious affiliation, please submit proof with this application that there is separate accounting for non-religious activities. After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	1,225.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Band Transportation	-\$ 600.00
Cost of food for sale	-\$ 300.00
Prepared food for Town, Police and Fire Police	-\$ 300.00
Lights and DelDot personnel costs	-\$ 400.00
Prizes for bands, children and others	-\$ 350.00
cost of raffle tickets	-\$ 600.00
cost of printing	-\$ 50.00
TOTAL EXPENDITURES	2,600.00 - \$2,200.00 = 2,600.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	1,375.00 - \$0.00 = 1,375.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Fenwick Island Lions Club agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

James A. Pretty
Applicant/Authorized Official

Steve D. Reese
Witness

9/9/16
Date

9/9/16
Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Cozy Critters After School Program, Inc
PROJECT NAME: Renovation to open non-profit building
FEDERAL TAX ID: 46-5100951 NON-PROFIT: ☒ YES ☐ NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

☐ YES ☒ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: Cozy Critters After School Program wants to provide a safe learning environment that will challenge and build skills to address life's experiences that contribute to society and meets the basic needs of independence, citizenship, and life skills. They will learn by doing projects that are designed to fit their need and age. We want to teach young children generosity in positive ways through community service projects and days like "soup kitchen" for the elderly, veterans, and the needy.

ADDRESS: 33874 Collins Rd
Frankford DE 19945
(CITY) (STATE) (ZIP)

CONTACT PERSON: Lora Collins
TITLE: President
PHONE: 302-541-8210 EMAIL: cozycrittersafterschool@hotmail.com

TOTAL FUNDING REQUEST: 20,000.00

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

☐ YES ☒ NO

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

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

☒ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 31%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

Cozy Critters Child Care has been open for 16 years. We have seen an increase in the number of families needing care for their school age children. The hours from 3-6pm are peak hours for kids to smoke, drink, do drugs, or even engage in sexual acts. Children who are unsupervised at the end of each school day would benefit from participation in quality after school programs. Research shows that the summer months can also be a time when children experience summer learning loss, falling behind in key areas like reading and math. After school programs often play a critical role during the summer months to inspire learning, provide academically enriching activities, keep kids safe and healthy, and support working families. Research confirms that quality programs inspire and motivate children to learn, support their social and emotional growth, and help raise their academic achievements. Investing in quality after school programs is needed now more than ever to help address our country's growing opportunity and achievement gaps and support the overall well-being of children as they move through school, career, and life.

Recently the only other child care center in our area closed their doors on August 31st. This put Cozy Critters Child Care as the ONLY after school program in the Lord Baltimore Elementary district. It was apparent that we needed to help not only the current families in our care, but the other families with no place to go. It has always been a dream of mine to have a program that would be able to do 4-H activities and really give back to the community. My goal was to begin at the beginning of summer 2017. When the other center closed I decided to start early and do renovations as we could. So as of September 6th Cozy Critters After School Program has been in business. We are currently operating out of a four door garage until we can get the building renovated. Our curriculum is geared around community service and volunteering. Each month is a new charity that the children will learn about and help where they can (for example, raise funds, make something, donate something, or write letters/cards). For September, the children wrote letters to our local police station and handed out candy to them to their service to protect our community.

- B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

If your organization has a religious affiliation, please submit proof with this application that there is separate accounting for non-religious activities. After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	3,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Architect	-\$ 2,400.00
Septic site work	-\$ 825.00
Pavement of driveway and in front of building	-\$ 40,000.00
Concrete of building floor- phase 1	-\$ 21,712.00
TOTAL EXPENDITURES	-\$ 43,225.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Cozy Critters After School Program agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

Lara J. Collis

Applicant/Authorized Official

9-23-16

Date

Nicole Ireland

Witness

9-23-16

Date

PUBLIC HEARINGS
October 4, 2016

This is to certify that the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use and Change of Zone. 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.

On August 25, 2016 the Planning and Zoning Commission held public hearings on the following applications.

C/U #2055 – Jeffrey Allen Chorman and Molly Murphy Chorman
An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a private airport with landing field with tie-down and parking area to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 5.7 acres, more or less. The property is located on the southerly right-of-way of Mills Road (Road 205) 0.95 mile southeast of Cedar Neck Road (Road 206). (911 Address: Not Available). Tax Map I.D. 330-8.00-46.00 (Part of).

Mr. Lank advised the Commission that this application was originally submitted in October 2015 and could not be processed since the site is located on lands that are within an Agricultural Preservation District; that Title 3 of the Delaware Code Section 909(a)(5), which references Agricultural Lands Preservation Act Restrictions, was amended on May 11, 2016, to allow for restricted landing areas; and that the Commission has received a copy of a packet on this application, along with a copy of a staff analysis of the application.

The Commission found that DelDOT provided comments on August 26, 2015 referencing that a traffic impact study is not recommended, and that the current Level of Service “A” of Mills Road will not change as a result of this application.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments on August 22, 2016 referencing that the property is not in a current

County operated or maintained sanitary sewer or water district; that the property is located in the North Coastal Planning Area; that the proposed use is not in an area where the County has a schedule at this time to provide sewer service; and that a concept plan is not required.

The Commission found that Jeff Chorman was present with Robert Gibbs, Esquire of Morris James Wilson Halbrook & Bayard, LLP and that Mr. Gibbs, presented a PowerPoint display, and stated in his presentation and in response to questions raised by the Commission that this application is for a private landing strip for personal use; that the area being leased for the landing strip, tie-down and parking areas contains approximately 5.7 acres; that the FAA has approved the location for the landing strip; that the applicant lives on the adjacent property; that the landing strip is not intended to be associated with the family owned chemical and fertilizer air spraying business; that the applicant has spoken to his neighbors and received no negative responses; that they have provided a copy of the lease agreement, a legal description, and the deeds to the property for the record; and that they are providing copies of suggested proposed Findings of Fact for consideration.

The Commission found that Mr. Gibbs handed out copies of said Findings.

The Commission found that Mr. Gibbs also handed out copies of two letters from Alan E. Mills, and Dennis Mills and Donald Mills voicing no objection to the intended landing strip.

The Commission found that Bill Hopkins, an area resident, was present in support of the application and stated that he lives within 500 feet of the property and has no objection to the proposed landing strip.

The Commission found that there were no parties present voicing any opposition.

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

Mr. Burton stated that he would move that the Commission recommend approval of Conditional Use No. 2055 for Jeffrey Allen Chorman and Molly Murphy Chorman for a private airport with landing field with tie-downs and parking area based on the record made during the public hearing and for the following reasons:

- 1) The use is for a private airport on land that is subject to a long-term land lease.
- 2) The airport will be for private use. The applicants live adjacent to the site and intend to use it for their personal use.
- 3) The applicant stated that the FAA has approved the airfield.
- 4) The use is authorized in an Agricultural Preservation District, where this is located.
- 5) The use will not adversely affect neighboring properties or roadways.
- 6) No parties appeared in opposition to this application, and several people were present in support of it.
- 7) This recommendation is subject to the following conditions:
 - A. The use shall be limited to a private airport as permitted in an Agricultural Preservation District under Title 3 Section 909 of the Delaware Code.
 - B. No chemicals associated with aerial spray operations shall be stored on the site.

- C. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to forward Conditional Use No. 2055 for Jeffrey Allen Chorman and Molly Murphy Chorman to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

C/U #2056 – Raynol E. Garcia

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for an office, storage of vehicles and equipment and repair equipment to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 1.06 acres, more or less. The property is located at the east of Marshall Street (Road 225) 2,800 feet north of Johnson Road (Road 207). 911 Address: 7411 Marshall Street, Lincoln. Tax Map I.D. 330-15.00-20.01.

Mr. Lank advised the Commission that this application was submitted on June 23, 2016; and that the Commission has received a copy of a survey and site plan in the packet, along with a copy of a staff analysis of the application.

The Commission found that DelDOT provided comments on June 8, 2016 referencing that a traffic impact study was not recommended.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments on August 22, 2016 referencing that the property is not in a current County operated or maintained sanitary sewer or water district; that the property is located in the North Coastal Planning Area; that the proposed use is not in an area where the County has a schedule at this time to provide sewer service; and that a concept plan is not required.

The Commission found that Daniel Perez was present on behalf of Raynol Garcia and stated in his presentation and in response to questions raised by the Commission that they are requesting an office, storage of vehicles and equipment and repair of equipment for their foundation business; that they will not be mixing concrete or crushing any materials on the site; that there will be minimal storage of materials, rebar and some concrete blocks on skids; that they will not be storing any chemicals on the property; that they have spoken to the neighbors; that employees come to the site, park their vehicles, and then leave in work trucks from the site; that the site was previously used as an auto repair business; that they have obtained a permit for fencing and installed the fence; that business activity hours are from 6:00 a.m. to 6:00 p.m. Monday through Saturday; that they are willing to add additional landscaping; that there are no retail sales performed on the site; that a 32 square foot sign, unlighted, is proposed; that the dumpster behind the storage building will be screened; and that they do not intend to have more than 15 vehicles on the site at any one time.

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

The Commission found that Josh Nash, a neighbor, was present with concerns, not opposition, and stated that he has concerns about lighting from the property projecting into his property, and concerns about noise, primarily back up beepers on vehicles and equipment.

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

There was a motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On September 22, 2016 the Commission discussed this application under Old Business.

Mr. Burton stated that he would move that the Commission recommend approval of C/U #2056 for Raynol Garcia for an office, storage of vehicles and equipment, and repair of equipment based upon the record made during the public hearing and for the following reasons:

- 1) The site was previously approved for automobile repair with a Conditional Use. The use will be similar to the prior approval.
- 2) The use is situated on a 1.06 acre parcel of land. The use, with conditions imposed on it, is compatible with the surroundings and will not have a negative impact on the neighboring properties or roadways.
- 3) No work is done at the site, and all employees start the workday from their own homes. The existing building will be used to store equipment and vehicles.
- 4) The applicant has stated that no permanent storage of materials on the site will occur.
- 5) This recommendation is subject to the following conditions:
 - A. The use of land shall be limited to an office, storage of vehicles and equipment, and indoor repair of equipment.
 - B. There shall be no retail sales or services on the property.
 - C. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
 - D. Any dumpsters on the site are to be screened from view of neighboring properties and roadways, and located behind the existing building.
 - E. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
 - F. The hours of operation shall be Monday through Saturday from 6:00 a.m. to 6:00 p.m.
 - G. Signage shall not exceed 32 square feet on each side and shall not be lighted.
 - H. No mixing or crushing of materials shall occur on the site.
 - I. Temporary short-term storage of materials shall be allowed on the site. No permanent storage of materials shall be allowed on the site.
 - J. Any equipment repairs must occur inside of the buildings on the site.
 - K. Substantial Buffers shall be installed on the property to screen it from view. A landscape plan shall be included with the Final Site Plan.
 - L. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

C/Z #1806 – WYWJ Ventures, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 3.034 acres, more or less. The property is located at the west of Sussex Highway (U.S. Route 13) 950 feet south of Adams Road (Road 600). 911 Address: 14392 Sussex Highway, Bridgeville. Tax Map I.D. 530-14.00-21.00.

Mr. Lank advised the Commission that this application was submitted on June 17, 2016; and that the Commission has received a copy of a survey and a packet of information in their packet, along with a copy of a staff analysis of the application.

The Commission found that DelDOT provided comments on February 19, 2016 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 this segment of Sussex Highway has a Level of Service “C”.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments on August 22, 2016 referencing that the property is not in a current County operated or maintained sanitary sewer or water district; that the property is located in the Western Sussex Planning Area #1; that the proposed use is not in an area where the County has a schedule at this time to provide sewer service; and that a concept plan is not required.

The Commission found that Wai-Hung Lui, Manager of WYWJ Ventures, LLC was present and stated in his presentation and in response to questions raised by the Commission that the property is adjacent to or near other Commercially zoned properties along U.S. Route 13; that they intend to lease or sell the property to a developer for commercial or business activities; and that the site is immediately adjacent to a commercially zoned property to the south.

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

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

There was a motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On September 22, 2016 the Commission discussed this application under Old Business.

Mr. Ross stated that he would move that the Commission recommend approval of C/Z #1806 for WYWJ Ventures, LLC for a change in zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) based upon the record made during the public hearing and for the following reasons:

- 1) The site is located along U.S. Route 13 (Sussex Highway) and it is in a Developing Area according to the Sussex County Comprehensive Plan. This location is appropriate for CR-1 (Commercial Residential District) zoning.
- 2) The site is adjacent to property that is currently zoned C-1 (General Commercial District) and there are other commercial zonings and Conditional Uses in the area.
- 3) The proposed use will not adversely affect neighboring and adjacent properties or roadways.
- 4) The applicant will be required to meet or exceed all DelDOT requirements.
- 5) CR-1 (Commercial Residential District) zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the rezoning along U.S. Route 13 falls within the stated purposes of the CR-1 (Commercial Residential District).
- 6) No parties appeared in opposition to this rezoning.

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

C/Z #1807 – WYWJ Ventures, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 8.0475 acres, more or less. The property is located at the west of Sussex Highway (U.S. Route 13) 2,110 feet north of Cannon Road (Route 18). 911 Address: None Available. Tax Map I.D. 131-19.00-4.00.

Mr. Lank advised the Commission that this application was submitted on June 17, 2016; and that the Commission has received a copy of a survey and a packet of information in their packet, along with a copy of a staff analysis of the application.

The Commission found that DelDOT provided comments on February 19, 2016 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 this segment of Sussex Highway has a Level of Service “C”.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments on August 22, 2016 referencing that the property is not in a current County operated or maintained sanitary sewer or water district; that the property is located in the Western Sussex Planning Area/Bridgeville Growth and Annexation Area; that the proposed use is not in an area where the County has a schedule at this time to provide sewer service; that the applicants can contact the Town of Bridgeville for information about future central sewer service; and that a concept plan is not required.

The Commission found that Wai-Hung Lui, Manager of WYWJ Ventures, LLC was present and stated in his presentation and in response to questions raised by the Commission that the property is adjacent to or near other Commercially and Industrial zoned properties along U.S. Route 13; that they intend to lease or sell the property to a developer for commercial or business activities; that the site is mostly wooded at this time; and that the site is not appropriate for residential use since it is located along U.S. Route 13, adjacent to an industrial zoned parcel, and adjacent to an auto salvage business.

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

The Commission found that Ray and Joyce Jones, residents that live across Sussex Highway from the site, and Jeff Lui, the immediate neighbor to the north of the site, were present in opposition to the application and expressed concerns about traffic; that the intended use is unknown; that the number of uses that are permitted in CR-1 Commercial Residential zoning is a concern; that a Conditional Use would be preferred since they would know what was intended; and that they would prefer to maintain the rural residential character of the area.

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

There was a motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On September 22, 2016 the Commission discussed this application under Old Business.

Mr. Ross stated that he would move that the Commission recommend approval of C/Z #1807 for WYWJ Ventures, LLC for a change in zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) based upon the record made during the public hearing and for the following reasons:

- 1) The site is located along U.S. Route 13 (Sussex Highway) near the Town of Bridgeville in an area that has developed to include business, commercial, and industrial zoning along with several conditional uses. This location along U. S. Route 13 is appropriate for CR-1 (Commercial Residential District) zoning.
- 2) The site is adjacent to property that has HI-1 (Heavy Industrial District) zoning. Rezoning this property to CR-1 (Commercial Residential District) is compatible with the adjacent industrial zoning.
- 3) The proposed use will not adversely affect neighboring and adjacent properties or roadways.
- 4) The applicant will be required to meet or exceed all DelDOT requirements.
- 5) CR-1 (Commercial Residential District) zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the rezoning along U.S. Route 13 falls within the stated purposes of the CR-1 (Commercial Residential District).
- 6) The site is within the Town Center Area according to the Sussex County Comprehensive Plan. CR-1 (Commercial Residential District) zoning is consistent with this designation.

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

C/Z #1808 – William T. Peden III

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 1.9192 acres, more or less. The property is located at the south of Lewes Georgetown Highway (Route 9) 800 feet east of Harbeson Road (Route 5). 911 Address: 26526 Lewes Georgetown Highway, Harbeson. Tax Map I.D. 235-30.00-63.00 and 63.01.

Mr. Lank advised the Commission that this application was submitted on June 20 2016; that the Commission has received a copy of a survey in their packet, along with a copy of a staff analysis of the application; and that this property has been the subject of two Conditional Use, C/U #1361 (2000) and C/U 1746 (2008) for an office, showroom, and artisans/artist space.

The Commission found that DelDOT provided comments on November 25, 2015 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.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments on August 22, 2016 referencing that the property is not in a current County operated or maintained sanitary sewer or water district; that the property is located in the North Coastal Planning Area; that the proposed use is not in an area where the County has a schedule at this time to provide sewer service; and that a concept plan is not required.

The Commission found that William Peden was present on behalf of his application and stated in his presentation and in response to questions raised by the Commission that he has owned the property for approximately 16 years and that the property has been utilized for an office for his construction business, a showroom, and artisans/artist space after receiving Conditional Use approval for those uses; that he intends to continue those uses and to add a small retail hunting supply business to the rear with a possible archery range; that he understands that a Special Use Exception is required for the archery range; that his property is located across from and in close proximity to several commercial and business uses, and referenced offices, retail sales (Tupperware and antiques), a trucking business, an auto repair, a deli, storage facilities, and other uses; that he is asking to bring the front parcel into compliance with the appropriate zoning and to bring the entire property into one zoning classification, CR-1 Commercial Residential.

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 would move that the Commission recommend approval of Change of Zone No. 1808 for William Peden III for a change in zone from AR-1 to CR-1 based upon the record made during the public hearing and for the following reasons:

- 1) The property has frontage along Route 9 in the area of other commercial and business zonings and uses, including retail, convenience store with gas pumps, a warehouse, contracting, and truck repair. It is also across from properties that are zoned CR-1. This is an appropriate location for CR-1 zoning.
- 2) The application will not have an adverse impact upon traffic, area roadways, or the neighborhood.
- 3) The property is located in a Developing Area according to the Sussex County Comprehensive Plan. CR-1 zoning is an appropriate zoning classification in a Developing Area according to the Plan.
- 4) The property is currently used for business purposes, and this rezoning will make the zoning consistent with the historical use of the property. It has been the subject of two previously approved Conditional Uses.
- 5) The applicant is considering additional uses for portions of the property that are not utilized or are under-utilized. The change of zone to CR-1 will permit the applicant to more fully utilize the entire property commercially without having to apply for additional Conditional Uses.
- 6) No parties appeared in opposition to the application.
- 7) CR-1 zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for retail shopping, personal and miscellaneous service activities, and that such uses should be located along arterial roadways where a general mixture of commercial and service activity now exists. This application satisfies all of these factors.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward Change of Zone No. 1808 for William Peden III to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5 – 0.

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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Manager
CC: Lawrence Lank, Planning Director, Vince Robertson, Assistant County Attorney
Date: August 18, 2016
RE: Staff Analysis for CU 2055 Jeffrey Allen Chorman and Molly Murphy Chorman

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2055 Jeffrey Allen Chorman and Molly Murphy Chorman to be reviewed during the August 25, 2016 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 330-8.00-46.00 (portion of) to allow for the use of a Private Airport with Landing Field with Tie-Down and Parking Area. The property is 5.7 ac. +/- . The property is zoned AR-1 (Agricultural Residential District).

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

The surrounding land uses to the north, south, east and west are Low Density. The Low Density land use designation recognizes that business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). The uses in the area are primarily single family residences and agriculture. The property is within an Agricultural Preservation District. There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses the Conditional Use request to allow for the use of a Private Airport with Landing Field with Tie-Down and Parking Area if proposed for agricultural purposes it would be an accessory use to the agricultural land use and would be considered consistent with the land use, surrounding zoning and uses. If it is for private general use other than primarily for agricultural spray operations use it could be considered consistent with the land use, surrounding zoning and uses.



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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Manager
CC: Lawrence Lank, Planning Director, Vince Robertson, Assistant County Attorney
Date: August 18, 2016
RE: Staff Analysis for CU 2056 Raynol Garcia

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2056 Raynol Garcia to be reviewed during the August 25, 2016 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 330-15.00-20.01 to allow for the use of an Office, Storage of Vehicles and Equipment and Repair of Equipment. The property is 1.06 ac. +/- The property is zoned AR-1 (Agricultural Residential District).

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

The surrounding land uses to the north, south, east and west are Low Density. The Low Density land use designation recognizes that business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). The uses in the area are primarily single family residences and agriculture. There is a fuel business in the area. There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses the Conditional Use request to allow for the use of an Office, Storage of Vehicles and Equipment and Repair of Equipment could be considered consistent with the land use, surrounding zoning and uses.

Staff notes that if the Conditional Use is approved there is an opportunity to provide landscaping around the north, east and south sides of the property to create a buffer from the adjacent residential uses.



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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Manager
CC: Lawrence Lank, Planning Director, Vince Robertson, Assistant County Attorney
Date: August 18, 2016
RE: Staff Analysis for CZ 1806 WYWJ Ventures, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1806 WYWJ Ventures, LLC to be reviewed during the August 25, 2016 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 530-14.00-21.00 to change the zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District). The property is 3.03 ac. +/-.

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

The surrounding land uses to the south and east are Developing Areas. The land use to the north, east, south and west is Developing Areas. The area also includes Low Density land use to the south and Highway Commercial to the northeast. The Developing Areas land use designation recognizes that a range of housing types are appropriate. It also recognizes that "in selected areas, commercial uses should be allowed. A variety of office uses would be appropriate in many area. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks." The CR-1 (Commercial Residential District) is a zoning district that may be considered within the Developing Areas land use designation.

The property is zoned AR-1 (Agricultural Residential District). The adjacent properties to the north, east and west are zoned AR-1 (Agricultural Residential District). The property to the south is zoned C-1 (General Commercial District). There are C-1 (General Commercial District) and CR-1 (Commercial Residential District) zoned lands approximately 940 feet to the south and southeast. There is also C-1 (General Commercial District) and CR-1 (Commercial Residential District) zoned lands approximately 1050 feet to the north. The uses in the area are single family residences, agriculture, and a few other smaller commercial uses. There is a Conditional Uses in the area for the Delaware Electric Cooperative.

Based on the analysis of the land use, surrounding zoning and uses the Change of Zone request would be considered consistent with the land use, surrounding zoning and uses.

The following are permitted uses with the CR-1 Zoning District (Section 115-83.2):



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Animal hospitals or kennels with any open pens at least 200 feet from any residential district and 50 feet from any property line

Indoor amusement places and theaters, except open-air drive-in theaters. Indoor amusement places include bowling alleys, dance halls, subject to applicable County regulations, skating rinks, swimming pools, miniature golf, billiard or pool parlors, indoor model racing tracks and similar activities conducted entirely within a closed structure.

Any use permitted in an AR District and the B-1 District

Automobile or truck sales, service and repair, body or fender repair, but not auto salvage or junk, and any major repairs shall be inside a completely enclosed building. All displays shall be a minimum of 25 feet from the front property line.

Bakeries

Boat and boat trailer sales and storage. Boat displays of more than five feet in height shall be a minimum of 25 feet from the front property line.

Bottling works, dyeing and cleaning works or laundry, plumbing and heating shops, painting shops, upholstering shops, cabinet and furniture manufacture, sheet metal shops, tire sales and service (including vulcanizing and recapping, but no manufacturing), appliance repairs and general service and repair establishments, similar in character to those listed in this item, provided that no outside storage of material is permitted, except as provided in this section
Business and commercial radio and television stations and studios or recording studios

Car washes or automobile laundries, automatic or otherwise

Commercial greenhouses, wholesale or retail, and nurseries for growing of plants, trees and shrubs, including a building for sale of products produced on the premises

Farm implement sales, service, rental and repair, but not salvage or junk, and provided that major repair or storage of materials, damaged or unusable implements or vehicles shall be inside a completely enclosed building. Displays of materials and equipment of more than five feet in height shall be a minimum of 25 feet from the front property line.

Garages, parking or storage

Hotels, motels or motor lodges

Lawn mower, yard and garden equipment, rental, sales and services

Lumber and building materials stores

Manufactured home sales and storage, parked a minimum of 40 feet from the front property line [Amended 10-12-2010 by Ord. No. 2152]

Material storage yards in connection with a permitted use where storage is incidental to the approved occupancy of the building, provided that all products and materials used or stored are in a completely enclosed building or enclosed by a masonry wall or solid fence, not less than six feet in height. Storage of all materials and equipment shall not exceed the height of the wall. Storage of cars and trucks used in connection with the permitted trade or business is permitted, including storage of heavy equipment, such as road-building or excavating equipment, contractor shop, storage yard and equipment rental.

Monument sales establishments with incidental processing to order, but not including the shaping of headstones

Printing, publishing and engraving establishments

Schools for industrial training, trade or business

Tourist homes or rooming house

Used car and truck sales and storage, parked a minimum of 25 feet from the front property line

Warehousing within a completely enclosed building, provided that such use is not objectionable by reason of odor, dust, noise or similar factors

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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Manager
CC: Lawrence Lank, Planning Director, Vince Robertson, Assistant County Attorney
Date: August 18, 2016
RE: Staff Analysis for CZ 1807 WYWJ Ventures, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1807 WYWJ Ventures, LLC to be reviewed during the August 25, 2016 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 131-19.00-4.00 to change the zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District). The property is 8.0475 ac. +/-.

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

The adjacent land use to the north, south, east and west is Town Center. The Town Center land use designation recognizes that the commercial uses should serve the daily needs of residents, workers, and visitors. Retail and office uses compatible with adjacent areas are appropriate. It also recognizes that appropriate mixtures of residential, institution and light commercial uses should be allowed. The CR-1 (Commercial Residential District) is a zoning district that may be considered within the Town Center land use designation.

The property is zoned AR-1 (Agricultural Residential District). The adjacent properties to the north, and east are zoned AR-1 (Agricultural Residential District). The adjacent property to the south is zoned HI-1 (Heavy Industrial District). The adjacent properties to the west and several properties further north and south are located within the town of Bridgeville. There are properties approximately 360 feet north zoned C-1 (General Commercial District). There are B-1 (Neighborhood Business District) zoned lands approximately 1000 feet to the south. The uses in the area are single family residences, agriculture, automotive repair, parts sales and other commercial uses. There are several Conditional Uses in the area (CU 1015 and CU 786).

Based on the analysis of the land use, surrounding zoning and uses the Change of Zone request could be considered consistent with the land use, surrounding zoning and uses.

The following are permitted uses with the CR-1 Zoning District (Section 115-83.2):

Animal hospitals or kennels with any open pens at least 200 feet from any residential district and 50 feet from any property line



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Indoor amusement places and theaters, except open-air drive-in theaters. Indoor amusement places include bowling alleys, dance halls, subject to applicable County regulations, skating rinks, swimming pools, miniature golf, billiard or pool parlors, indoor model racing tracks and similar activities conducted entirely within a closed structure.

Any use permitted in an AR District and the B-1 District

Automobile or truck sales, service and repair, body or fender repair, but not auto salvage or junk, and any major repairs shall be inside a completely enclosed building. All displays shall be a minimum of 25 feet from the front property line.

Bakeries

Boat and boat trailer sales and storage. Boat displays of more than five feet in height shall be a minimum of 25 feet from the front property line.

Bottling works, dyeing and cleaning works or laundry, plumbing and heating shops, painting shops, upholstering shops, cabinet and furniture manufacture, sheet metal shops, tire sales and service (including vulcanizing and recapping, but no manufacturing), appliance repairs and general service and repair establishments, similar in character to those listed in this item, provided that no outside storage of material is permitted, except as provided in this section
Business and commercial radio and television stations and studios or recording studios

Car washes or automobile laundries, automatic or otherwise

Commercial greenhouses, wholesale or retail, and nurseries for growing of plants, trees and shrubs, including a building for sale of products produced on the premises

Farm implement sales, service, rental and repair, but not salvage or junk, and provided that major repair or storage of materials, damaged or unusable implements or vehicles shall be inside a completely enclosed building. Displays of materials and equipment of more than five feet in height shall be a minimum of 25 feet from the front property line.

Garages, parking or storage

Hotels, motels or motor lodges

Lawn mower, yard and garden equipment, rental, sales and services

Lumber and building materials stores

Manufactured home sales and storage, parked a minimum of 40 feet from the front property line [Amended 10-12-2010 by Ord. No. 2152]

Material storage yards in connection with a permitted use where storage is incidental to the approved occupancy of the building, provided that all products and materials used or stored are in a completely enclosed building or enclosed by a masonry wall or solid fence, not less than six feet in height. Storage of all materials and equipment shall not exceed the height of the wall. Storage of cars and trucks used in connection with the permitted trade or business is permitted, including storage of heavy equipment, such as road-building or excavating equipment, contractor shop, storage yard and equipment rental.

Monument sales establishments with incidental processing to order, but not including the shaping of headstones

Printing, publishing and engraving establishments

Schools for industrial training, trade or business

Tourist homes or rooming house

Used car and truck sales and storage, parked a minimum of 25 feet from the front property line

Warehousing within a completely enclosed building, provided that such use is not objectionable by reason of odor, dust, noise or similar factors

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Manager
CC: Lawrence Lank, Planning Director, Vince Robertson, Assistant County Attorney
Date: August 18, 2016
RE: Staff Analysis for CZ 1808 Lands of William T. Peden, III on Lewes-Georgetown Hwy.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1808 Lands of William T. Peden, III to be reviewed during the August 25, 2016 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel s 235-30.00-63.00 & 63.01 to change the zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District). The property is 1.9192 ac. +/-.

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

The surrounding land use to the north, south, east and west is Developing Areas. The Developing Area land use designation recognizes that commercial uses should be allowed in selected area; that a variety of office uses would be appropriate in many area and areas with good road access and few nearby homes should allow for business and industrial parks. It also notes that a mixture of homes with light commercial and institutional uses can be appropriate to provide convenient services and allow people to work close to home. The CR-1 (Commercial Residential District) is a zoning district that may be considered within the Developing Areas land use designation.

The property is zoned AR-1 (Agricultural Residential District). The most recent use of the property was as an office. The properties to the north across Lewes Georgetown Hwy. (Rt.9) are zoned AR-1 (Agricultural Residential District), CR-1 (Commercial Residential District) and C-1 (General Commercial District). The properties to the south and east are zoned AR-1 (Agricultural Residential District). The properties to the west are AR-1 (Agricultural Residential District) and C-1 (General Commercial District) and MR (Medium-Density Residential District). The uses in the area are single family residences, agriculture, an electrical substation, convenience store with gas pumps, offices and other commercial uses. There are several Conditional Uses in the area (CU 1213 and CU 1648).

Based on the analysis of the land use, surrounding zoning and uses the Change of Zone request would be considered consistent with the land use, surrounding zoning and uses.

The following are permitted uses with the CR-1 Zoning District (Section 115-83.2):

Animal hospitals or kennels with any open pens at least 200 feet from any residential district and 50 feet from any property line



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Indoor amusement places and theaters, except open-air drive-in theaters. Indoor amusement places include bowling alleys, dance halls, subject to applicable County regulations, skating rinks, swimming pools, miniature golf, billiard or pool parlors, indoor model racing tracks and similar activities conducted entirely within a closed structure.

Any use permitted in an AR District and the B-1 District

Automobile or truck sales, service and repair, body or fender repair, but not auto salvage or junk, and any major repairs shall be inside a completely enclosed building. All displays shall be a minimum of 25 feet from the front property line.

Bakeries

Boat and boat trailer sales and storage. Boat displays of more than five feet in height shall be a minimum of 25 feet from the front property line.

Bottling works, dyeing and cleaning works or laundry, plumbing and heating shops, painting shops, upholstering shops, cabinet and furniture manufacture, sheet metal shops, tire sales and service (including vulcanizing and recapping, but no manufacturing), appliance repairs and general service and repair establishments, similar in character to those listed in this item, provided that no outside storage of material is permitted, except as provided in this section

Business and commercial radio and television stations and studios or recording studios

Car washes or automobile laundries, automatic or otherwise

Commercial greenhouses, wholesale or retail, and nurseries for growing of plants, trees and shrubs, including a building for sale of products produced on the premises

Farm implement sales, service, rental and repair, but not salvage or junk, and provided that major repair or storage of materials, damaged or unusable implements or vehicles shall be inside a completely enclosed building. Displays of materials and equipment of more than five feet in height shall be a minimum of 25 feet from the front property line.

Garages, parking or storage

Hotels, motels or motor lodges

Lawn mower, yard and garden equipment, rental, sales and services

Lumber and building materials stores

Manufactured home sales and storage, parked a minimum of 40 feet from the front property line [Amended 10-12-2010 by Ord. No. 2152]

Material storage yards in connection with a permitted use where storage is incidental to the approved occupancy of the building, provided that all products and materials used or stored are in a completely enclosed building or enclosed by a masonry wall or solid fence, not less than six feet in height. Storage of all materials and equipment shall not exceed the height of the wall. Storage of cars and trucks used in connection with the permitted trade or business is permitted, including storage of heavy equipment, such as road-building or excavating equipment, contractor shop, storage yard and equipment rental.

Monument sales establishments with incidental processing to order, but not including the shaping of headstones

Printing, publishing and engraving establishments

Schools for industrial training, trade or business

Tourist homes or rooming house

Used car and truck sales and storage, parked a minimum of 25 feet from the front property line

Warehousing within a completely enclosed building, provided that such use is not objectionable by reason of odor, dust, noise or similar factors

Introduced 07/19/16

**Council District No. 3 – Deaver
Tax I.D. No. 330-8.00-46.00 (Part of)
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE AIRPORT WITH LANDING FIELD WITH TIE-DOWN AND PARKING AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.7 ACRES, MORE OR LESS

WHEREAS, on the 19th day of October 2015, a conditional use application, denominated Conditional Use No. 2055 was filed on behalf of Jeffrey Allen Chorman and Molly Murphy Chorman; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2055 be _____; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2055 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying on the southerly right-of-way of Mills Road (Road 205) 0.95 mile southeast of Cedar Neck Road (Road 206) and being more particularly described as follows:

BEGINNING at a point on the southerly right-of-way of Mills Road (Road 205) 0.95 miles southeast of Cedar Neck Road (Road 206), a corner for this subject leased land and lands, now or formerly, of Jeff and Molly Chorman; thence South 87°21'42" East 39.33 feet along the southerly right-of-way of Mills Road to a point; thence by and with a meandering lease boundary across lands of Sharp Farms Limited Partnership, the following seven (7) courses:

North 79°52'50" East 8.98 feet to a point;

South 06°41'32" West 15.03 feet to a point;

South 79°24'14" East 2,375.79 feet to a point;

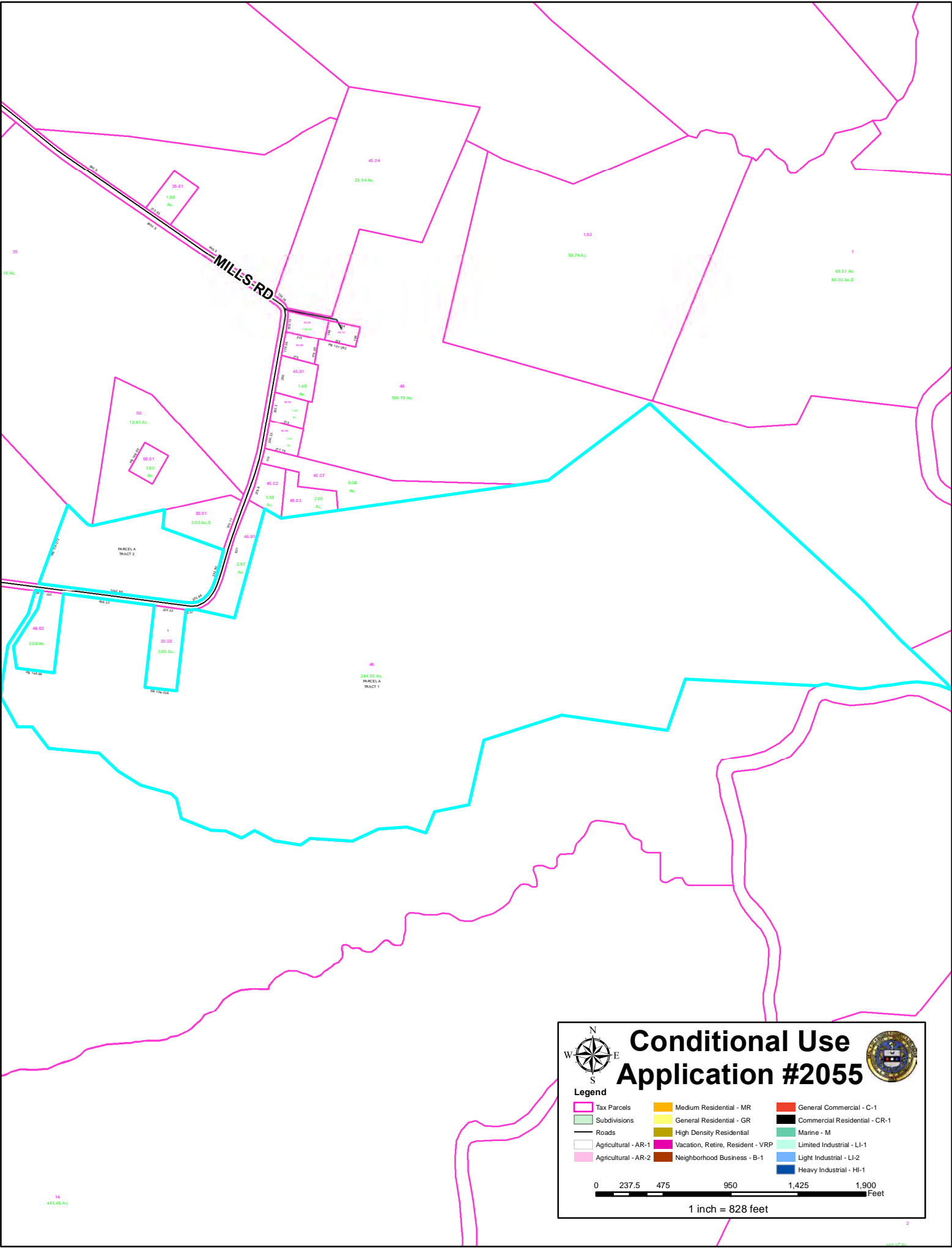
South 10°35'46" West 90.00 feet to a point;


North 79°24'14" West 2,217.08 feet to a point;

South 06°41'32" West 150.00 feet to a point; and


North 83°78'28" West 200.00 feet to a point on a corner for lands of the aforementioned Chorman lands; thence North 06°41'32" East 260.50 feet along the aforementioned Chorman lands to the point and place of beginning, said leased parcel containing 5.7 acres, more or less, per survey/site plan prepared by Transition Engineering Surveying, LLC.

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 #2055



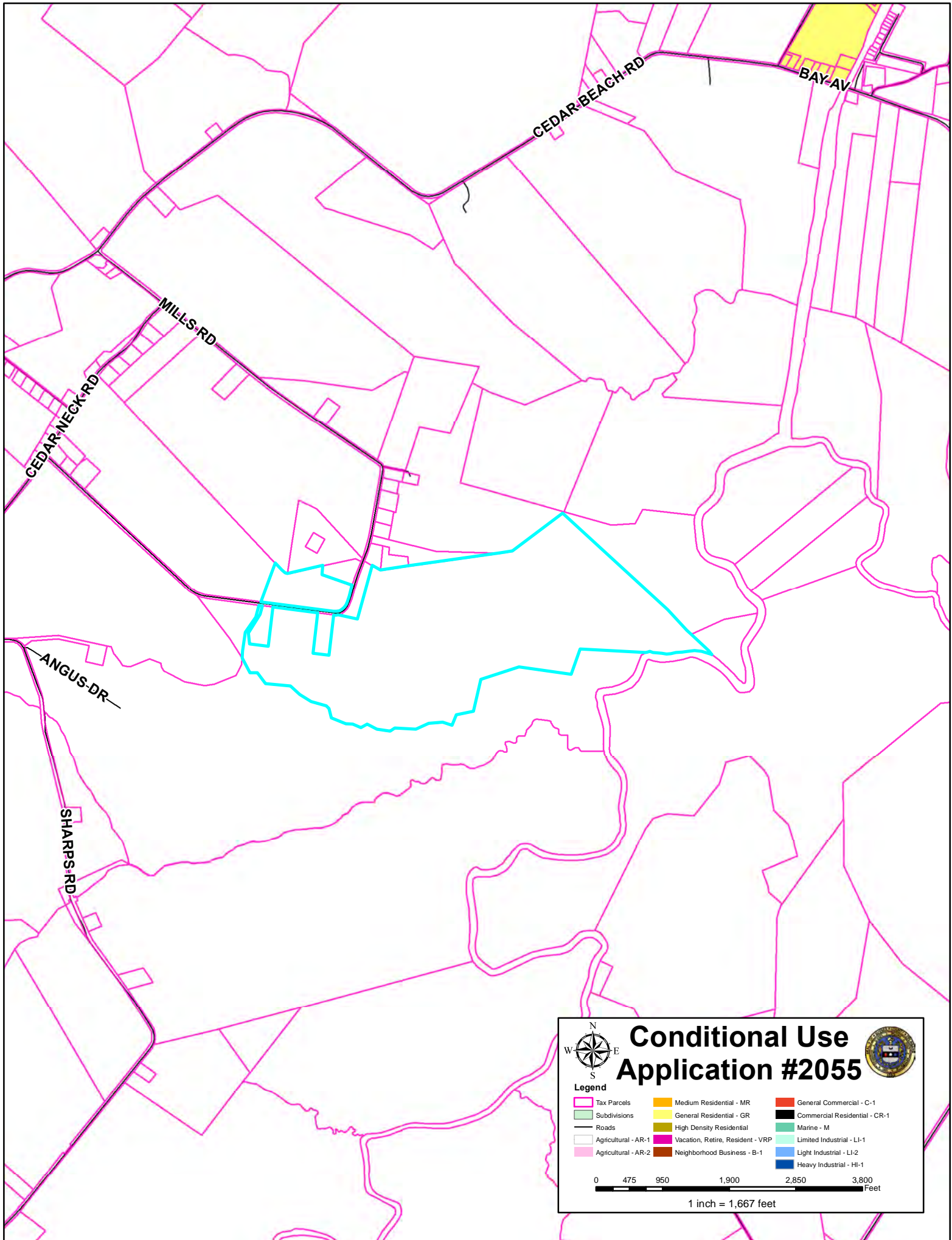
Legend

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

0237.54759501,4251,900

Feet

1 inch = 828 feet



Introduced 07/19/16

**Council District No. 2 – Wilson
Tax I.D. No. 330-15.00-20.01
911 Address: 7411 Marshall Street, Lincoln**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE, STORAGE OF VEHICLES AND EQUIPMENT AND REPAIR OF EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of June 2016, a conditional use application, denominated Conditional Use No. 2056 was filed on behalf of Raynol E. Garcia; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2056 be _____; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2056 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying east of Marshall Street (Road 225) 2,800 feet north of Johnson Road (Road 207) and being more particularly described in Deed Book 4488, Page 69, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.06 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.

100

200 S

MARSHALL ST

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C

74

157.3

222.8

B

256.44

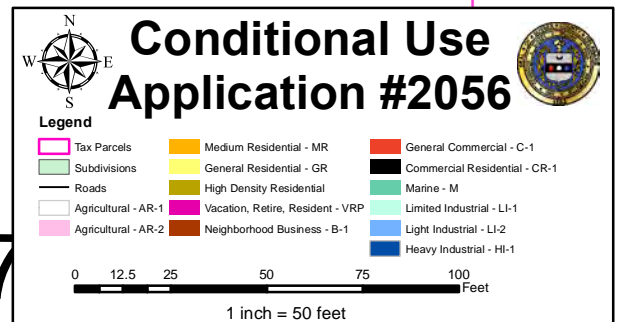
20.01

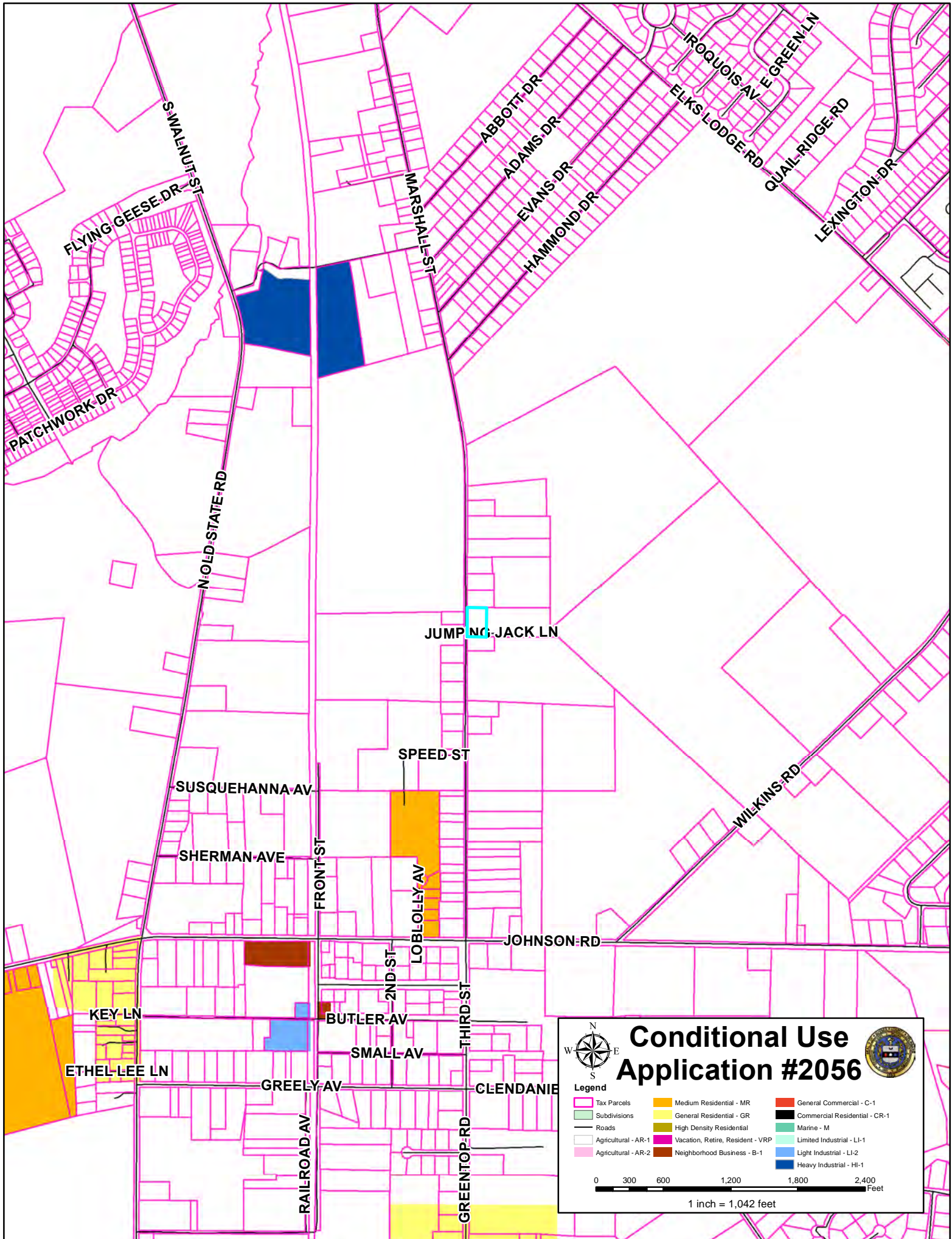
155.71

JUMPING JACK LN

127

217





Introduced 0719/16

**Council District No. 2 - Wilson
Tax Map I.D. No. 530-14.00-21.00
911 Address: 14392 Sussex Highway, Bridgeville**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.034 ACRES, MORE OR LESS

WHEREAS, on the 17th day of June 2016, a zoning application, denominated Change of Zone No. 1806 was filed on behalf of WYWJ Ventures, LLC; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1806 be _____; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX 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 [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of CR-1 Commercial Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

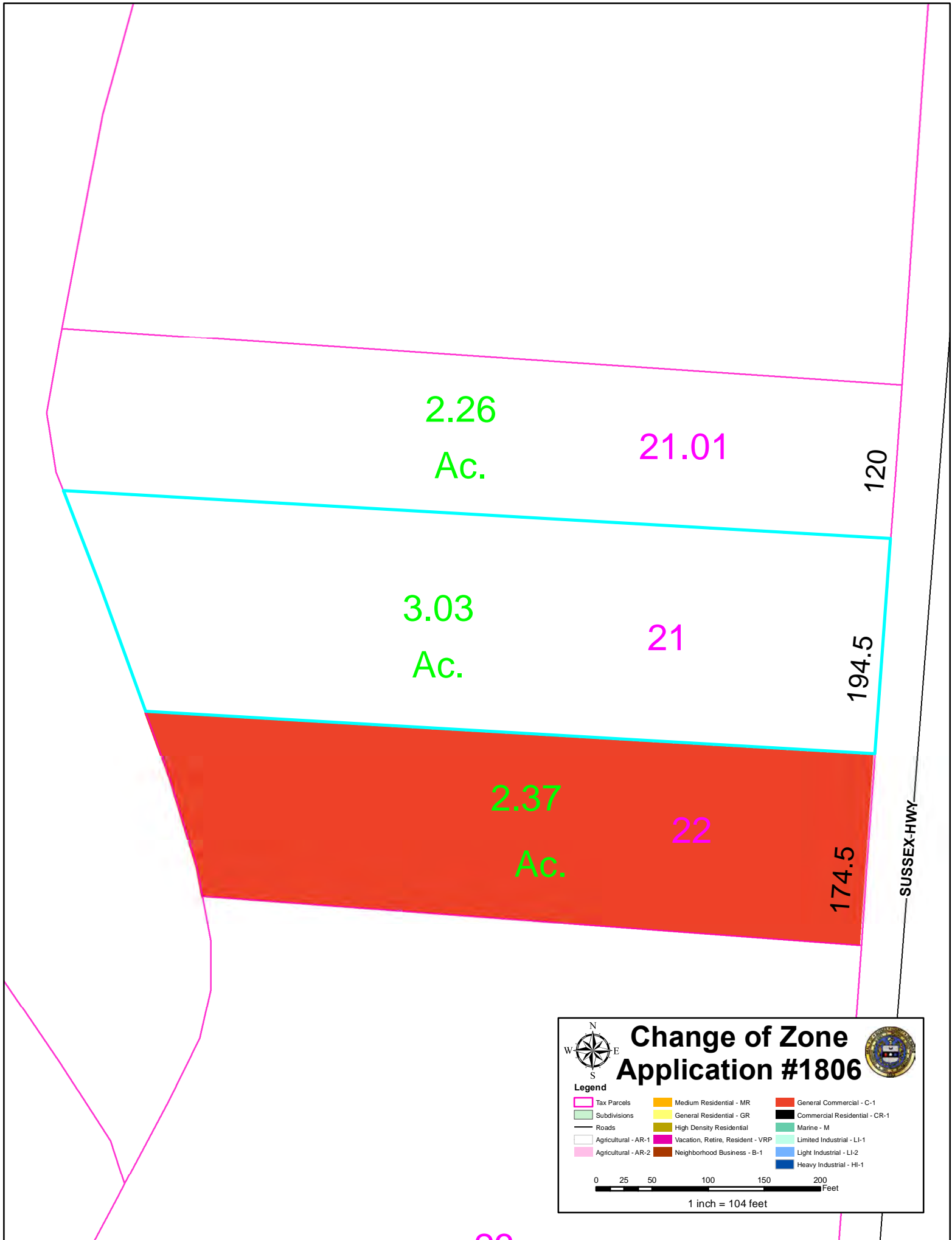
ALL that certain tract, piece or parcel of land lying and being situate in Northwest Fork Hundred, Sussex County, Delaware, and lying west of Sussex Highway (U.S. Route 13), 950 feet south of Adams Road (Road 600) and being more particularly described, as follows:

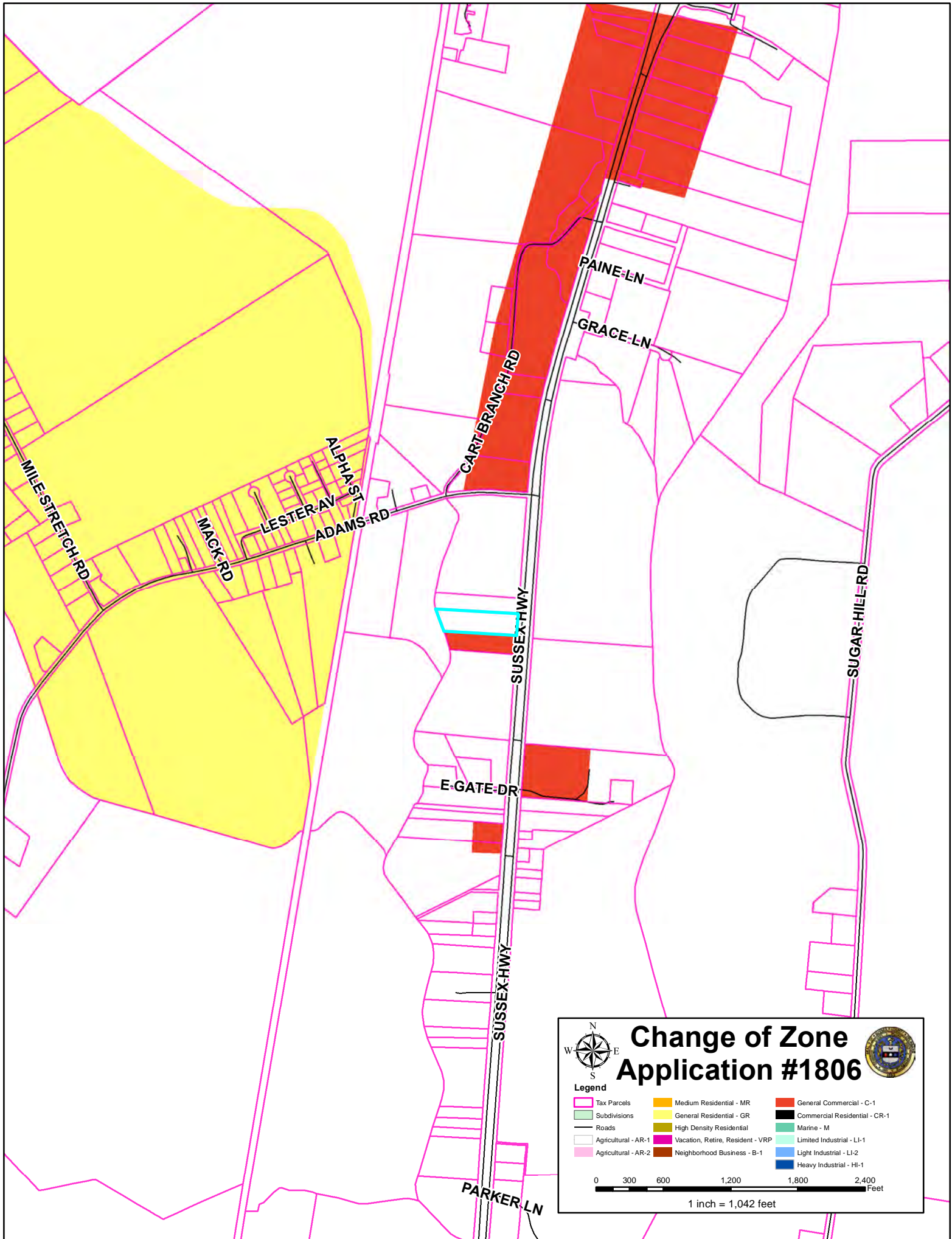
BEGINNING at a point on the westerly right-of-way of Sussex Highway (U.S. Route 13), a corner for these lands and lands, now or formerly, of Cindy K. Perez; thence South 13°35'00" West 194.42 feet along the westerly right-of-way of Sussex Highway

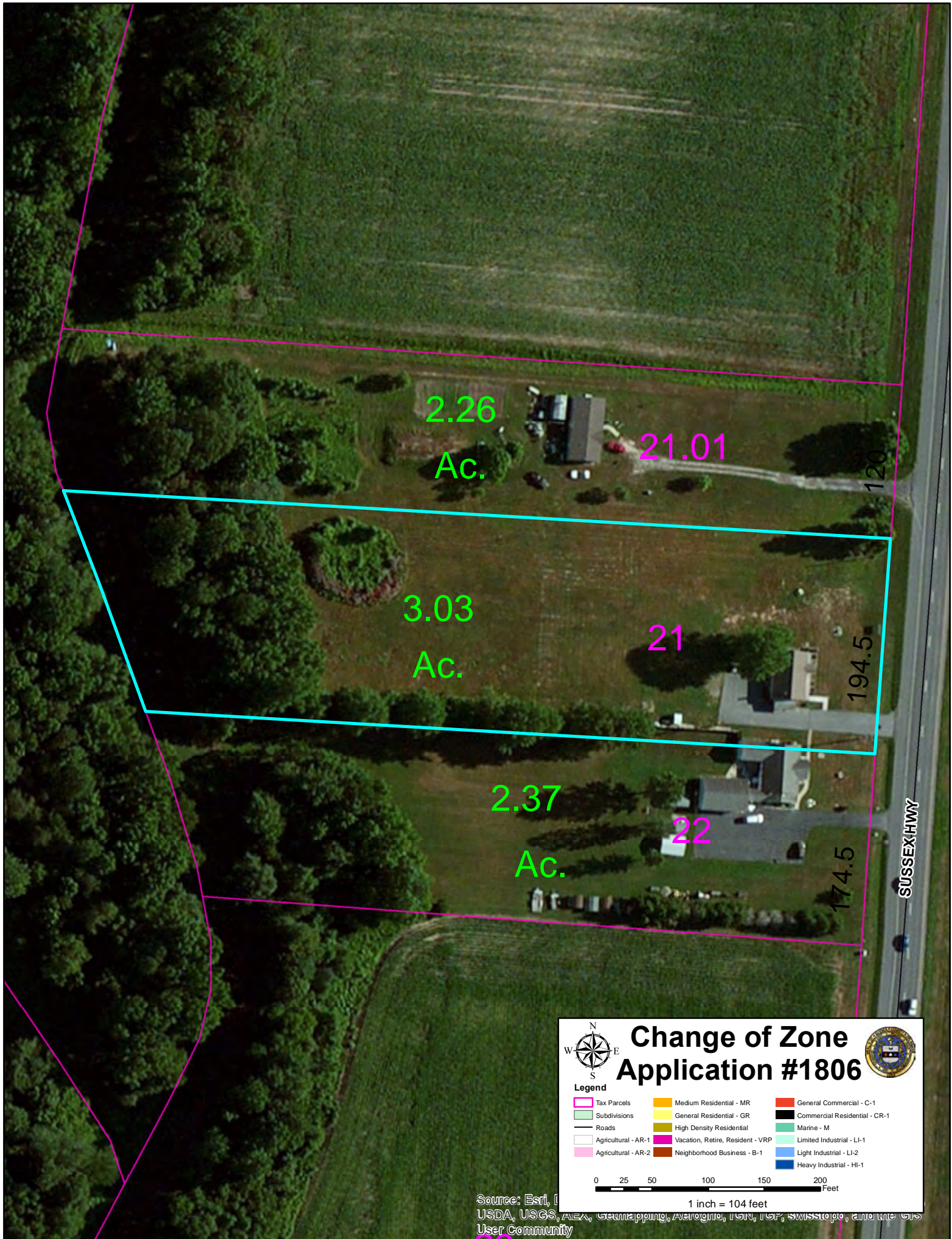
to a point, a corner for lands, now or formerly, of the International Brotherhood of Electrical Workers Local Union 126; thence North $76^{\circ}12'00''$ West 641.69 feet along said Local Union lands to a point in centerline of Grubby Neck Main Tax Ditch; thence North $10^{\circ}22'31''$ West 210.10 feet along the centerline of said Tax Ditch to a point; thence South $76^{\circ}25'00''$ East 727.00 feet along lands, now or formerly, of Cindy K. Perez to the point and place of beginning and containing 3.034 acres, more or less, as surveyed by Miller Lewis, Inc.

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

PROPOSED







Introduced 07/19/16

**Council District No. 1 - Vincent
Tax Map I.D. No. 131-19.00-4.00
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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 8.0475 ACRES, MORE OR LESS

WHEREAS, on the 17th day of June 2016, a zoning application, denominated Change of Zone No. 1807 was filed on behalf of WYWJ Ventures, LLC; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1807 be _____; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX 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 [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of CR-1 Commercial Residential District as it applies to the property hereinafter described.

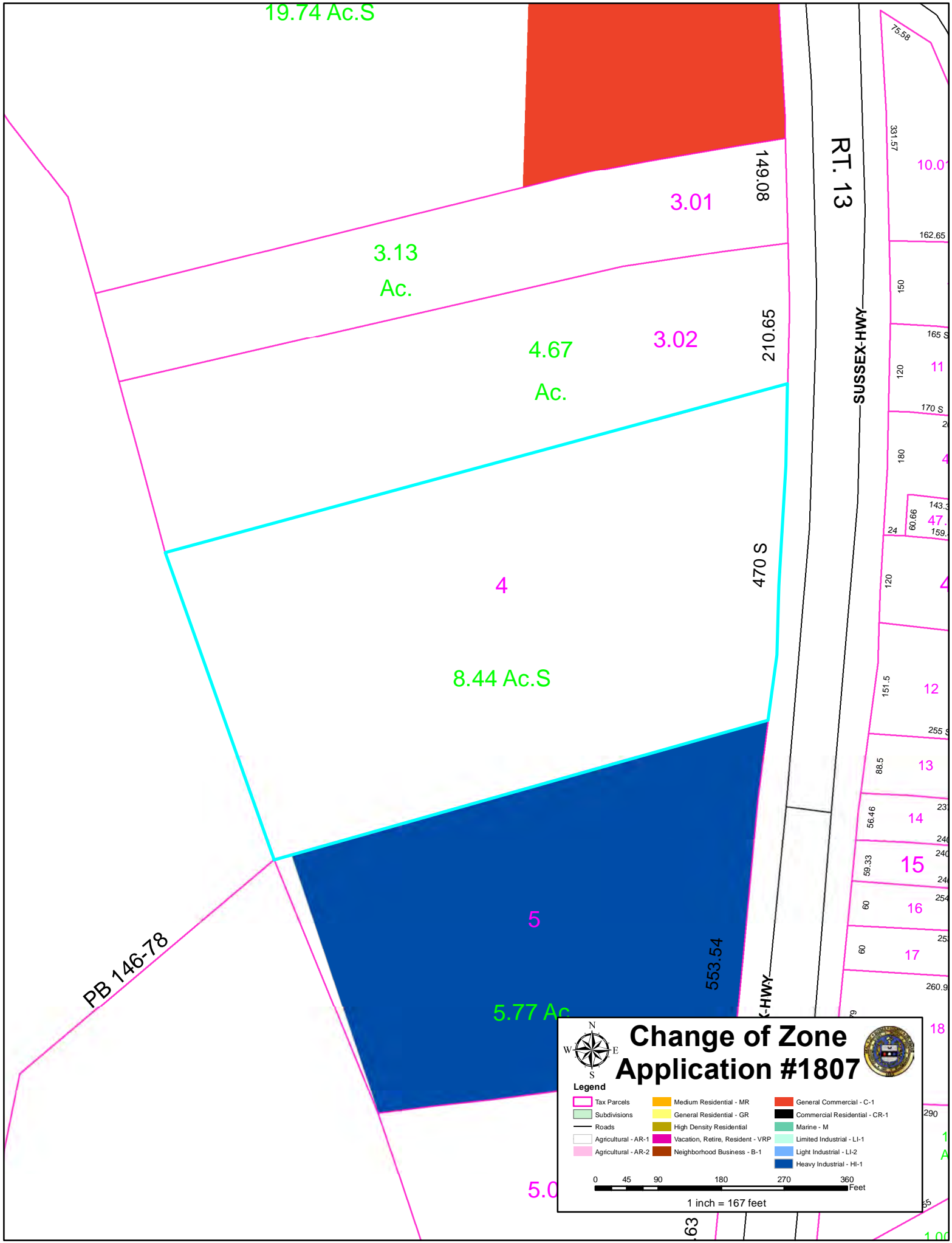
Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Northwest Fork Hundred, Sussex County, Delaware, and lying west of Sussex Highway (U.S. Route 13), 2,110 feet north of Cannon Road (Route 18) and being more particularly described as follows:

BEGINNING at a point on the westerly right-of-way of Sussex Highway (U.S. Route 13), 2,110 feet north of Cannon Road (Route 18) a corner for these subject lands and lands, now or formerly, of FDPN Management, LLC; thence South 78°46'29" West 698.44 feet along said FDPN Management, LLC lands to a point; thence North 10°49'58" West 459.96 feet along lands, now or formerly, of Joe C. and Toni Johnson to a point; thence North 81°00'11" East 871.90 feet along lands, now or formerly, of Jeffrey Lui to a point on the westerly right-of-way of Sussex Highway; thence southerly 461.06 feet along the westerly right-of-way of Sussex Highway to the point and place of beginning and containing 8.0475 acres, more or less, per survey by Miller Lewis, Inc.

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

PROPOSED



19.74 Ac.S

3.13
Ac.

4.67
Ac.

8.44 Ac.S

4

5

5.77 Ac

5.0

3.01

3.02

149.08

210.65

470 S

553.54

RT. 13

SUSSEX HWY

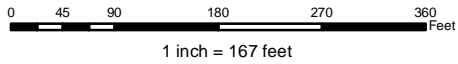
PB 146-78

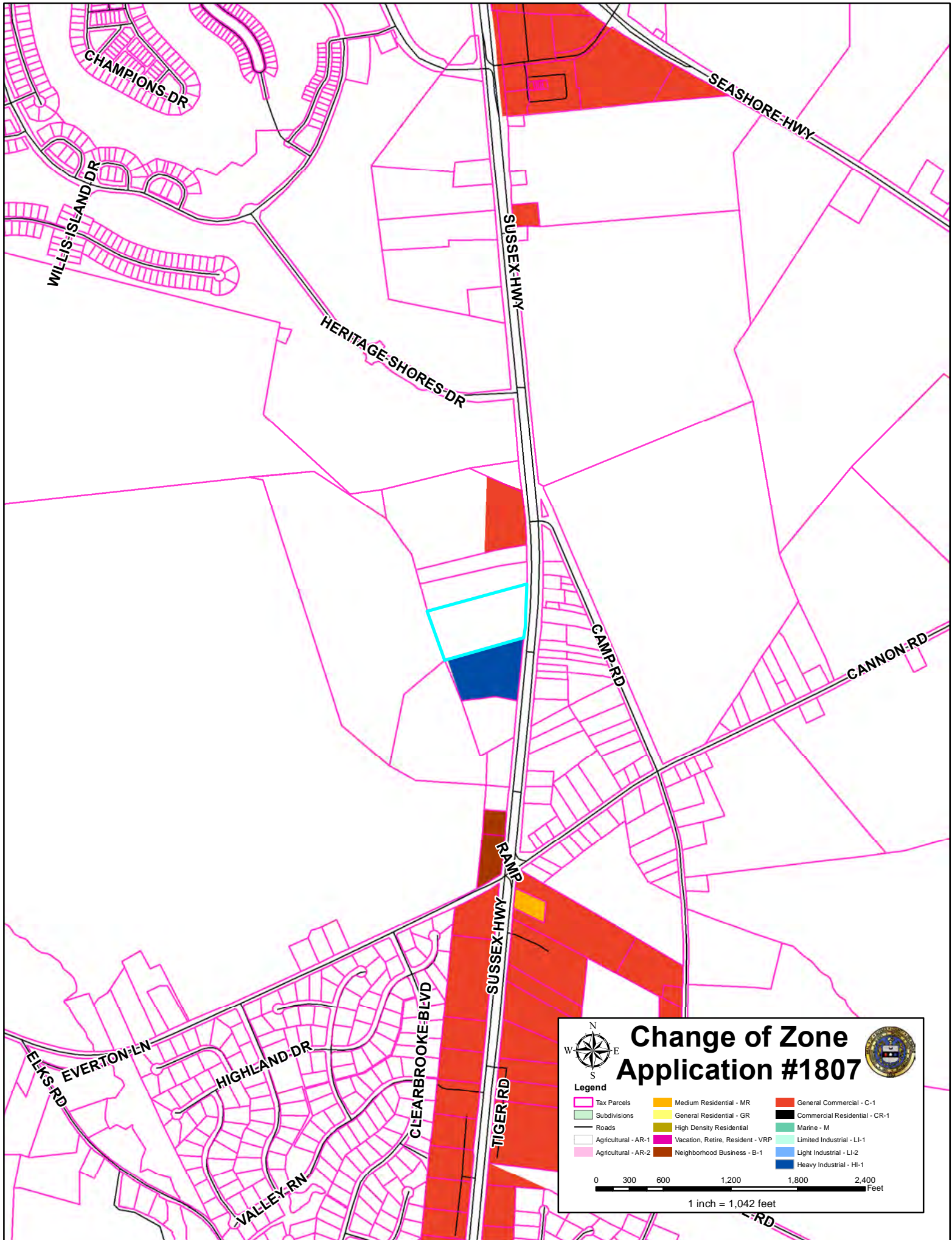


Change of Zone Application #1807



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







Introduced 07/19/16

Council District No. 3 - Deaver

Tax Map I.D. No. 235-30.00-63.00 and 63.01

911 Address: 26526 Lewes Georgetown Highway, Harbeson

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.9192 ACRES, MORE OR LESS

WHEREAS, on the 20th day of June 2016, a zoning application, denominated Change of Zone No. 1808 was filed on behalf of William T. Peden III; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1808 be _____; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

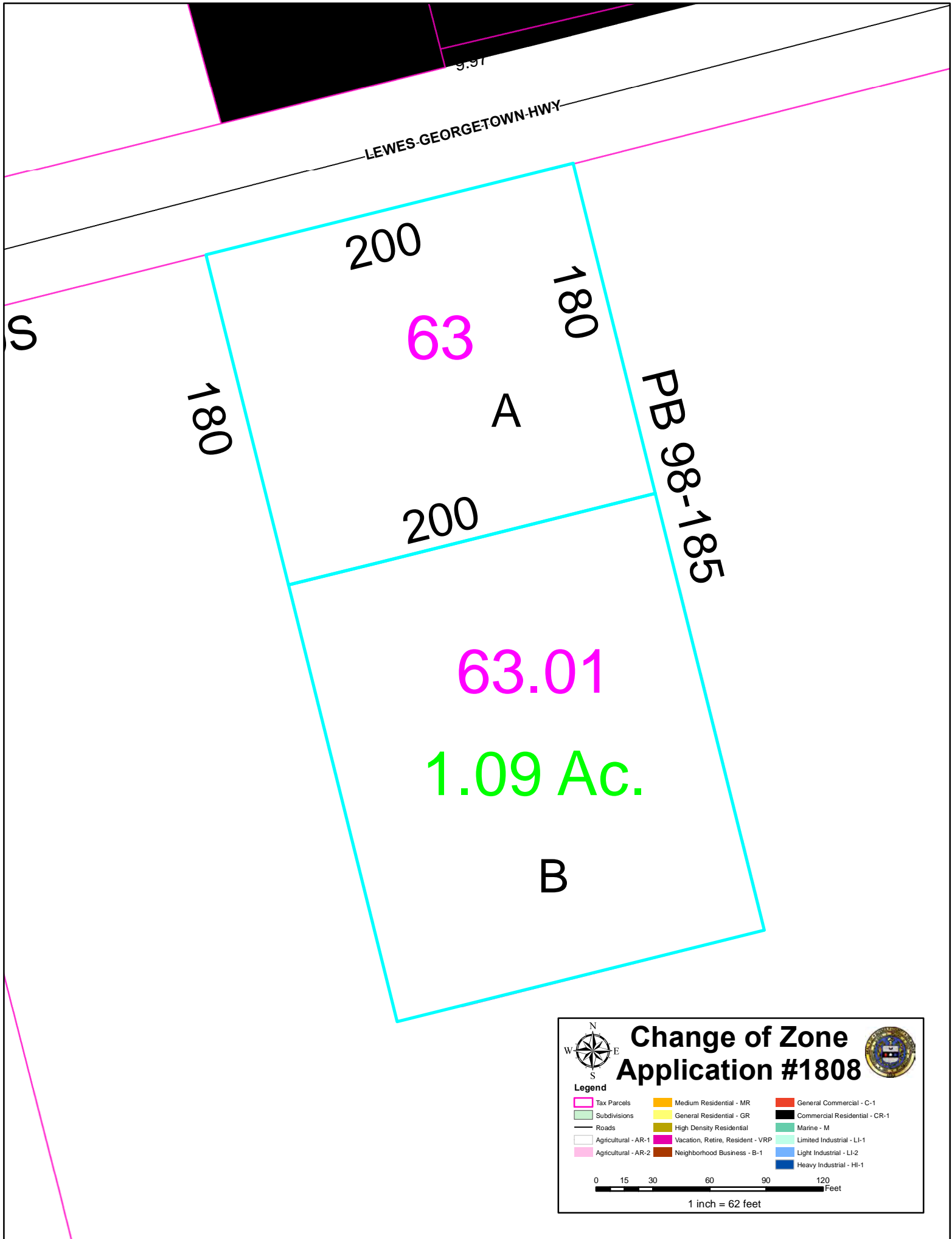
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

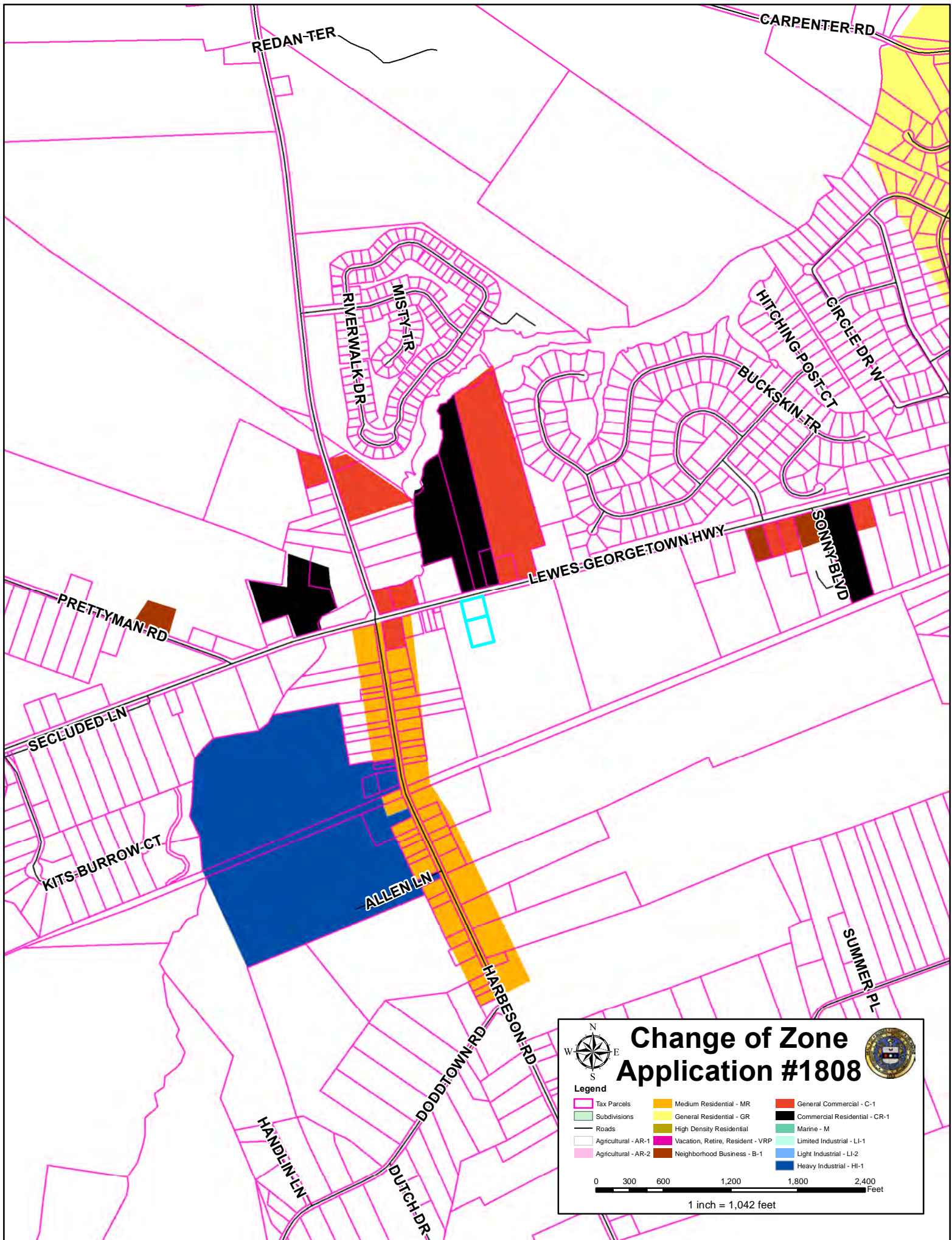
Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of CR-1 Commercial Residential District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

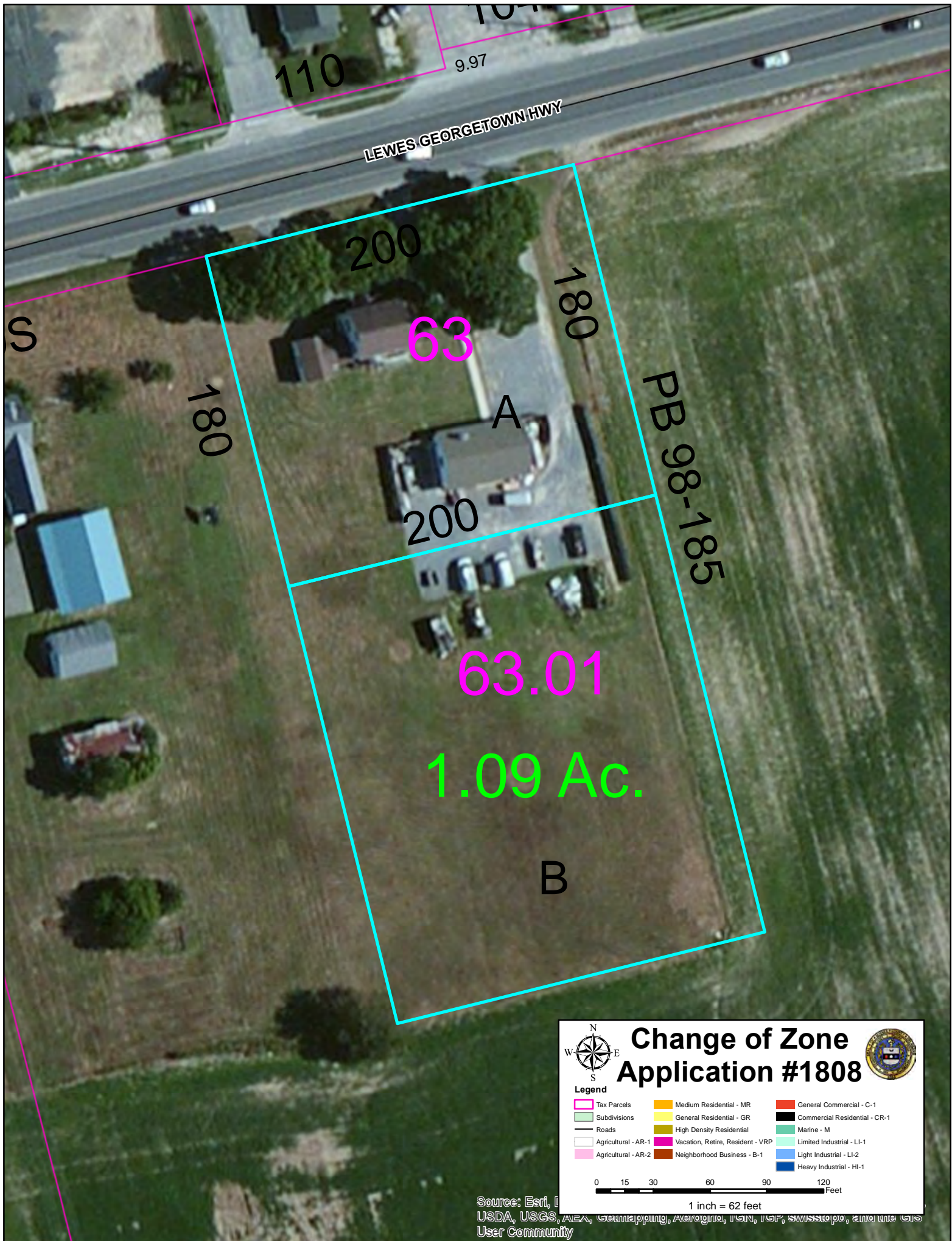
Section 2. The subject property is described as follows:


ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying south of Lewes Georgetown Highway (Route 9) 800 feet east of Harbeson Road (Route 5) and being more particularly described in Deed Book 3104, Page 134, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.9192 acres, more or less.

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










Change of Zone Application #1808



Legend

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

0 15 30 60 90 120 Feet

1 inch = 62 feet

Source: Esri, Intel, USDA, USGS, AEX, Geomapping, Aerogrid, IGN, IGP, Swisstopo, and the GIS User Community