



Sussex County Council Public/Media Packet

**MEETING:
October 7, 2014**

****DISCLAIMER****

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

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

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



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

Sussex County Council

AGENDA

OCTOBER 7, 2014

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Sally Beaumont, Advisory Committee on Aging & Adults with Physical Disabilities, Report on The Live Conference

Todd Lawson, County Administrator

1. Introduction of New Economic Development Director
2. Administrator's Report

Andy Wright, Chief of Building Code

1. State Energy Code Update

John Ashman, Director of Utility Planning

1. Records Management Facility Roof Replacement Project
 - A. Bid Award
2. Angola North Sanitary Sewer District
 - A. Public Hearing Results and Adoption of the Revised Boundary



10:45 A.M. Public Hearing

“AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I BY AMENDING THE DEFINITIONS OF “DWELLING”, “DWELLING, SINGLE FAMILY”, “DWELLING, MULTIFAMILY” AND “FAMILY”

Grant Requests

1. Indian River High School Band Boosters for a fundraiser.

Introduction of Proposed Zoning Ordinances

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

Possible Action on Executive Session Items

Any Additional Business Brought Before Council

1:30 P.M. Public Hearings

Conditional Use No. 1992 filed on behalf of W. Ralph Brumbley

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VENDOR (LUNCH TRUCK) TO SELL FOODS AND BEVERAGES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 16,820.70 SQUARE FEET, MORE OR LESS” (land lying northeast of Route One (Coastal Highway) across from Route 5 (Union Street Extended) (911 Address: 12209 Coastal Highway, Milton) (Tax Map I.D. 235-7.00-44.00)

Conditional Use No. 1993 filed on behalf of David J. Bosco

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PAINT BALL PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.1345 ACRES, MORE OR LESS” (land lying east of Road 600 (Saint Johnstown Road) 1,760 feet north of Road 597 (Tuckers Road) (911 Address: 14639 Saint Johnstown Road, Greenwood) (Tax Map I.D. 430-8.00-9.02)

Change of Zone No. 1755 filed on behalf Bunting – Gray, LLC

“AN ORDINANCE TO MODIFY CONDITION NO. 1 AND TO DELETE CONDITIONS NO. 2 AND NO. 15 IMPOSED ON ORDINANCE NO. 1532 FOR CHANGE OF ZONE NO. 1460, THE APPLICATION OF BUNTING-GRAY, LLC FOR “THE REFUGE AT DIRICKSON CREEK”, A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY, TO INCREASE THE MAXIMUM NUMBER OF ALLOWABLE DWELLING UNITS FROM 343 UNITS TO 355 UNITS, OF WHICH NO MORE

THAN 68 UNITS SHALL BE MULTI-FAMILY UNITS, AND TO ELIMINATE THE B-1 NEIGHBORHOOD BUSINESS USES PERMITTED BY ORDINANCE NO. 1532 ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.3494 ACRES, MORE OR LESS” (land lying north of Route 54 (Lighthouse Road) 0.6 mile east of Road 381 (Old Mill Bridge Road) (911 Address: None Available) (Tax Map I.D. # 533-12.00-674.00)

**Change of Zone No. 1756 filed on behalf of Delmarva Power & Light Company
“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 13.57 ACRES, MORE OR LESS” (land lying southwest of Handy Road (Road 337) and southwest of U.S. Route 113 (DuPont Highway) (911 Address: None Available) (Tax Map I.D. # 233-5.00-135.00, 136.00, 137.01, and Part of 125.00)**

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on September 30, 2014 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 30, 2014

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, September 30, 2014, 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
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	Councilman
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 460 14
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the Agenda by striking “personnel” and “land acquisition” under “Executive Session”; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of September 23, 2014 were approved by consent.

**M 461 14
Approve
Consent
Agenda**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to approve the following items listed under the Consent Agenda:

**Wastewater Agreement No. 984-3
Sussex County Project No. 81-04
Coastal Club – Phase 1B
Goslee Creek Planning Area**

**Wastewater Agreement No. 956-1
Sussex County Project No. 81-04
Hunters Walk – Phase 2 (Buildings C, D, E, G, and H)
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**

Motion Adopted: 5 Yeas.

**M 461 14
(continued)**

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

**Delaware
District III
Softball
World
Series**

Martin Donovan, Tournament Director, Delaware District III, Senior & Big League Softball World Series thanked the Council for its past and continued support of the event, which has been hosted in Sussex County for eleven (11) years. Regarding the economic impact, Delaware Tourism has reported that this event generates \$2.4 million. Mr. Donovan reported that, once again, the games were televised on ESPN providing national exposure for Sussex County.

**Delaware
Land and
Water
Conser-
vation
Trust
Fund (DTF)
Grant/
Woodland
Park
Project**

Mr. Lawson introduced Ray Bivens, Director of Delaware State Parks, who was in attendance to present an update on a recent grant application that Sussex County submitted to the Department of Natural Resources and Environmental Control, Division of Parks and Recreation. The grant is from the Delaware Land and Water Conservation Trust Fund (DTF) and involves the County's Woodland Park Project. On behalf of Governor Markell and Secretary Small, Mr. Bivens announced that the County was approved by the Greenways and Trails Council for a grant totaling \$86,058.00 to construct the trail system in Woodland Park. Mr. Bivens noted that this is the second grant for the property; the first grant was for an approximate amount of \$103,000.00 for the purchase of the property. Mr. Bivens extended congratulations and thanks.

**Advisory
Committee
Appoint-
ments**

Mr. Lawson announced that the terms of the members of the Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County expire in September 2014. All members plan to return with the exception of one person from District 2 (John Williams); it is proposed that Gene Campbell be appointed to fill the District 2 vacancy.

**M 462 14
Approve
Advisory
Committee
Appoint-
ments**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, that the Sussex County Council approves the following appointments to the Sussex County Advisory Committee for the Aging & Adults with Physical Disabilities, effective September 30, 2014, for a term of two years, as follows:

Anna Short	District 1
James Moseley	District 1
Ruth Beideman	District 2
Fran Smith	District 2
Gene Campbell	District 2
Larry Savage	District 3
Francine Shockley	District 3
Jamie Magee	District 4
Penny Orndorff	District 4
Sally Beaumont	District 5
Scott Phillips	District 5

Motion Adopted: 5 Yeas.

**M 462 14
(continued)**

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

**Adminis-
trator's
Report**

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

1. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County

Per the attached Media Release, the Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will be hosting The LIVE Conference: Live Safe and Secure from 8:00 a.m. to 3:45 p.m. on Monday, October 13, at Sussex Academy, 21150 Airport Road, in Georgetown. The conference will feature a variety of panel discussions focused on ways to educate and protect seniors from scams, fraud, long-term care abuse, and violent crime. The Sussex County Council and Delaware Division of Services for Aging and Adults with Physical Disabilities are co-sponsoring the event.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Americana Bayside - Parcel H, aka Parcel 16, and Vincent Overlook - Phase 4, received Substantial Completion effective September 29, 2014.

3. Sussex County Annual Property Taxes Due September 30th

Property owners are reminded to pay their annual County property tax bill by today, September 30th. Payments can be made online, in person, by phone, or by mail.

For more information, please visit the County's website at sussexcountyde.gov.

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

**Extend
Runway
4-22,
Package 2,
Project**

Bob Jones, Project Engineer, presented a Change Order in the credit amount of \$38,020.37 and a request to grant Substantial Completion for the project known as "Extend Runway 4-22, Package 2 (Sussex County Airport - Contract 12-07)".

**M 463 14
Approve
C/O for
Extend
Runway
4-22
Project**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Sussex County Contract No. 12-07, Extend Runway 4-22, Package 2, with George & Lynch, Inc. be approved, which decreases the contract by the amount of \$38,020.37 for a new contract total of \$4,419,926.63, and Be It Further Moved, that the Contract time be increased by 31 calendar days and Substantial Completion be granted effective August

**M 463 14
Approve
C/O for
Extend
Runway
4-22
Project
(continued)**

15, 2014, and that final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents, all subject to the approval of DeIDOT and/or the Federal Aviation Administration.

Motion Adopted: 5 Yeas.

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

**Old
Business/
C/Z
No. 1742**

Under Old Business, the Council considered Change of Zone No. 1742, filed on behalf of Seaside Communities, RDC, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on February 13, 2014. On May 22, 2014, the Commission recommended approval subject to the following conditions:

- A. The maximum number of residential units shall not exceed 81 units.**
- B. Site Plan review shall be required for each phase of development.**
- C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DeIDOT shall be completed by the Applicant in accordance with DeIDOT's requirements, or in accordance with any further modifications required by DeIDOT.**
- D. As proffered by the Applicant, recreational facilities and amenities shall be constructed and open to use by residents of the development within 2 years of the issuance of the first building permit. These recreational facilities shall include a tot lot, swimming pool, and bath house.**
- E. The development shall be served as part of the West Rehoboth Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.**
- F. The MR/RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- G. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- H. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As proffered by the Applicant, the street design shall include sidewalks on both sides of the streets and street lighting.**
- I. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed street and shrub landscape design.**

Old
Business/
C/Z
No. 1742
(continued)

- J. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.
- K. The Applicant shall cause to be formed a homeowners' or condominium association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities, and other common areas.
- L. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits. The wetland areas shall be clearly marked on the site with permanent markers.
- M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

The Council held a Public Hearing on this application on March 13, 2014 at which time action was deferred.

The Council discussed Condition A recommended by the Planning and Zoning Commission which states that "The maximum number of residential units shall not exceed 81 units." (The application is for 115 units.) The Council also discussed single family detached condos, surrounding developments, and densities.

Mr. Moore read the title of the Proposed Ordinance, as follows: "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 37.516 ACRES, MORE OR LESS" (Tax Map I.D. 334-18.00-40.00) (Change of Zone No. 1742) filed on behalf of Seaside Communities, RDC, LLC.

M 464 14
Amend
Condition/
C/Z 1742

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to amend Condition 9A recommended by the Planning and Zoning Commission which states that "The maximum number of residential units shall not exceed 81 units." to read as follows: "The maximum number of residential units shall not exceed 115 units."

DENIED

Motion Denied: 3 Nays, 2 Yeas.

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

M 465 14
Adopt
Ordinance
No. 2366

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2366 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC

**M 465 14
Adopt
Ordinance
No. 2366/
C/Z 1742
(continued)**

MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 37.516 ACRES, MORE OR LESS (Tax Map I.D. 334-18.00-40.00) (Change of Zone No. 1742) filed on behalf of Seaside Communities, RDC, LLC”, with the following conditions:

- A. The maximum number of residential units shall not exceed 81 units.**
- B. Site Plan review shall be required for each phase of development.**
- C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DeIDOT shall be completed by the Applicant in accordance with DeIDOT’s requirements, or in accordance with any further modifications required by DeIDOT.**
- D. As proffered by the Applicant, recreational facilities and amenities shall be constructed and open to use by residents of the development within 2 years of the issuance of the first building permit. These recreational facilities shall include a tot lot, swimming pool, and bath house.**
- E. The development shall be served as part of the West Rehoboth Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.**
- F. The MR/RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- G. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- H. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As proffered by the Applicant, the street design shall include sidewalks on both sides of the streets and street lighting.**
- I. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed street and shrub landscape design.**
- J. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.**
- K. The Applicant shall cause to be formed a homeowners’ or condominium association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities, and other common areas.**
- L. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits. The wetland areas shall be clearly marked on the site**

**M 465 14
Adopt
Ordinance
No. 2366/
C/Z 1742
(continued)**

**with permanent markers.
M. The Final Site Plan shall be subject to the review and approval of
the Sussex County Planning and Zoning Commission.**

Motion Adopted: 3 Yeas, 2 Nays.

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

**Grant
Requests**

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

**M 466 14
Council-
manic
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$1,000
from Mrs. Deaver's Councilmanic Grant Account to the Greater Lewes
Community Village to further develop senior services.**

Motion Adopted: 5 Yeas.

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

**M 467 14
Council-
manic
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$2,000.00
(\$1,500.00 from Mr. Wilson's Councilmanic Grant Account and \$500.00
from Mr. Phillips' Councilmanic Grant Account) to the Greater
Georgetown Chamber of Commerce for the Wings & Wheels Festival.**

Motion Adopted: 5 Yeas.

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

**M 468 14
Go Into
Executive
Session**

**At 10:57 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Cole, to
recess the Regular Session and go into Executive Session for the purpose of
discussing matters relating to job applicants' qualifications and personnel.**

Motion Adopted: 5 Yeas.

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

**Executive
Session**

**At 11:00 a.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 and personnel. The Executive
Session concluded at 11:15 a.m.**

M 469 14 **At 11:19 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Reconvene**
Regular **Wilson, to come out of Executive Session and to reconvene the Regular**
Session **Session.**

Motion Adopted: 5 Yeas.

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

M 470 14 **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to offer**
Offer for **Candidate C the position of Director of Economic Development.**
Position of
Economic
Develop-
ment
Director

Motion Adopted: 5 Yeas.

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

Additional **Under Additional Business, Dan Kramer commented on (1) the audio**
Business **system in the Council Chambers and (2) a newspaper article regarding a**
 County Planner.

M 471 14 **At 11:22 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole,**
Recess **to recess until 1:00 p.m.**

Motion Adopted: 5 Yeas.

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

M 472 14 **At 1:05 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to**
Reconvene/ **reconvene for the purpose of conducting a Workshop on the State of**
Workshop/ **Delaware Code of Ethics.**
State of
Delaware
Code
of Ethics

Motion Adopted: 5 Yeas.

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

Workshop/ **In attendance at the Workshop were all members of the Sussex County**
State of **Council, members of the Planning and Zoning Commission, County Legal**
Delaware **Counsel, County Directors and staff, and members of the public.**
Code of

Ethics **Mr. Lawson announced that the purpose of the workshop is for County**
 elected officials and staff to be educated on the Delaware Code of Ethics.
 He advised that the workshop is a public meeting and that the public is

**Workshop/
State of
Delaware
Code of
Ethics
(continued)**

allowed to listen but not participate. The Workshop was videotaped so that it can be rerun for future use.

Deborah Moreau, Esq., Public Integrity Commission, gave the presentation on the Delaware Code of Ethics. Also in attendance were Public Integrity Commission members William Tobin and Bonnie Smith.

The workshop presentation included information on ethics in Government, objectives, laws regulating conduct, statutory purpose, conflicts of interest, code of conduct, examples of cases, waivers and advisory opinions, and sanctions.

[The audio recording of the workshop is a part of the audio recording for the September 30, 2014 Council meeting, which is available on the County's website.]

**M 473 14
Adjourn**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to adjourn at 2:21 p.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

ANDY WRIGHT
CHIEF OF BUILDING CODE
(302) 855-7860 T
(302) 855-7821 F
awright@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM

TO: County Council and Administration

FROM: Andy Wright 

DATE: September 30, 2014

RE: State Energy Code Enforcement Update

On Tuesday, October 7, 2014, I would like to present an update of the State's adoption of the 2012 International Energy Conservation Code.

This enforcement date for this version of the code will be November 11, 2014.

I have enclosed a comparison pamphlet distributed from the Delaware Division of Energy and Climate in your packets for review.

Enclosure (1)



Table R402.1.1 Insulation and Fenestration Requirements by Component^a

CLIMATE ZONE	FENESTRATION U-FACTOR ^b	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC ^{b,e}	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ⁱ	FLOOR R-VALUE	BASEMENT ^c WALL R-VALUE	SLAB ^d R-VALUE & DEPTH	CRAWL SPACE ^c WALL R-VALUE
1	NR	0.75	0.25	30	13	3/4	13	0	0	0
2	0.40	0.65	0.25	38	13	4/6	13	0	0	0
3	0.35	0.55	0.25	38	20 or 13+5 ^h	8/13	19	5/13 ^f	0	5/13
4 except Marine	0.35	0.55	0.40	49	20 or 13+5 ^h	8/13	19	10/13	10, 2 ft	10/13
5 and Marine 4	0.32	0.55	NR	49	20 or 13+5 ^h	13/17	30 ^g	15/19	10, 2 ft	15/19
6	0.32	0.55	NR	49	20+5 or 13+10 ^h	15/20	30 ^g	15/19	10, 4 ft	15/19
7 and 8	0.32	0.55	NR	49	20+5 or 13+10 ^h	9/21	38 ^g	15/19	10, 4 ft	15/19

For SI: 1 foot = 304.8 mm.

- a. *R*-values are minimums. *U*-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design of the insulation, the installed *R*-value of the installation shall not be less than the *R*-value specified in the table.
- b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to a glazed fenestration. Exception: Skylights may be excluded from glazed fenestration SHGC requirements in Climate Zones 1 through 3 where the SHGC for such skylights does not exceed 0.30.
- c. "15/19" means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.
- d. R-5 shall be added to the required slab edge *R*-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Climate Zones 1 through 3 for heated slabs.
- e. There are no SHGC requirements in the Marine Zone.
- f. Basement wall insulation is not required in warm-humid locations as defined by Figure R301.1 and Table R301.1.
- g. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- h. First value is cavity insulation, second is continuous insulation or insulated siding, so "13+5" means R-13 cavity insulation plus R-5 continuous insulation or insulated siding. If structural sheathing covers 40 percent or less of the exterior, continuous insulation *R*-value shall be permitted to be reduced by no more than R-3 in the locations where structural sheathing is used—to maintain a consistent total sheathing thickness.
- i. The second *R*-value applies when more than half the insulation is on the interior of the mass wall.

Additional Resources

US Dept. of Energy:
www.energy.gov
 Building Performance Institute:
www.bpi.org
 RESCheck Download:
www.energycodes.gov/rescheck
 Residential Energy Services Network:
www.resnet.us/energy-rating
 Energy Star:
www.energystar.gov

Division of Energy & Climate
 1203 College Park Drive
 Suite 101
 Dover, DE 19904
 Phone: (302)735-3480
 Fax: (302)739-1840
www.dnrec.delaware.gov/energy



Residential Changes in Delaware from the 2009 to the 2012 International Energy Conservation Code



Photo Credit: Dennis Schroeder / NERL
 Brochure Creation: G. DeBenedictis/
 T. Anaya



Delaware Division of
ENERGY & CLIMATE

What changes have been made?

A summary of changes found in the 2012 International Energy Conservation Code (IECC) can be found below. This edition will replace the currently enforced 2009 IECC. As before, the total UA (REScheck) and performance paths are permitted alternatives to a prescriptive approach.

The 2012 IECC was adopted May 1, 2014 and will be enforceable **November 11, 2014**.

If you would like additional information regarding these changes, or any additional requirements, please visit www.dnrec.delaware.gov/energy.

2012 IECC	Changes
R401.3	Energy sticker must now include duct blast and blower door test results.
Table R402.1.1	See highlighted areas of included table (<i>see back of pamphlet</i>).
R402.2.3	Eave baffles are now required for vented attic spaces.
R402.2.12	Conditioned sunrooms that are separated from the structure with an insulated (exterior) door may reduce the ceiling R-value to R-19 and the wall insulation to R-13.
R402.3.5	Window and door U-values for conditioned sunrooms that are separated from the structure with an insulated (exterior) door may be increased to 0.45 and skylight U-values may be increased to 0.70.
R402.4.1.2	An exception has been added to increase the amount of allowed leakage for homes below 2000 sq.ft. if it is tested to have an air leakage rate no greater than: 5 ACH-50 for homes with <1,500 sq.ft. of CFA, or 4 ACH-50 for homes with 1,500-2,000 sq.ft. of CFA.
402.4.2.2*	Visual inspection for air leakage will no longer be performed. All structures are now required to pass blower door testing to verify it is sealed properly.
R402.4.2	The requirement for new wood burning fireplaces to have a gasketed door has been changed to requiring tight fitting flue dampers and outdoor combustion air in lieu of a gasketed door.
R403.2.2	Duct leakage rates are now: 1. Post-construction test: Total leakage less than or equal to 6 cfm per square feet of conditioned floor area when tested at the pressure differential of 25 Pa. 2. Rough-in test: Total leakage less than or equal to 6 cfm per square feet of conditioned floor area when tested at the pressure differential of 25 Pa.
R403.2.2.1	Air handlers must be factory tested and labeled showing that they have an air leakage of less than or equal to 2% of the design air flow.

2012 IECC	Changes
R403.2.3	Building framing cavities cannot be used as ducts or plenums except as returns run exclusively through conditioned space.
R403.3.1	Pipe insulation is now required to be protected from damage including but not limited to sunlight, moisture, equipment maintenance, and wind.
R403.4.2	Piping insulation is now required in the following locations: 1. Piping larger than 3/4 inch nominal diameter. 2. Piping serving more than one dwelling unit. 3. Piping located outside the conditioned space. 4. Piping from the water heater to a distribution manifold. 5. Piping under a floor slab. 6. Buried piping.
R403.5	Mechanical ventilation is now required for the entire structure and must meet the requirements of either the IRC or the IMC, as applicable, or with other approved means of ventilation.
R403.5.1	If a whole house ventilation unit is used for mechanical ventilation, it must comply with Table R403.5.1 in the 2012 IECC.
R403.6	In addition to the Manual J calculations, a Manual S is now required per the 2012 IECC and a Manual D is now required per the 2012 IRC.
R404.1	The amount of high efficiency lamps in permanent fixtures has increased from 50% up to 75%.

*Section appeared in 2009 IECC; has been removed in 2012 version of IECC.

Who can conduct duct blast and/or blower door tests?

All testing for duct and building envelope tightness must be conducted by a certified Duct and Envelope Tightness (DET) verifier.

A certified DET verifier shall be:

- ⇒ A certified Home Energy Rating Systems (HERS) rater;
- ⇒ A certified Home Performance with Energy Star contractor;
- ⇒ A Building Performance Institute (BPI) Heating Professional,¹ Building Analyst,² or Envelope Professional;²

OR

- ⇒ An individual who has successfully completed a course that is approved by the Department of Natural Resources & Environmental Control (DNREC).

¹BPI Heating Professionals may conduct duct blast tests **ONLY**.

²BPI Building Analysts and Envelope Professionals may conduct blower door tests **ONLY**.

RECORDS MANAGEMENT FACILITY ROOF REPLACEMENT

1. The Engineering Department opened bids for the Sussex County Records Management Facility, Roof Replacement, Sussex County Project 14-08 on September 24, 2014.
2. There were a total of (3) bids submitted and a copy of the bid summary is include in your council packet.
3. The project scope involves the removal of the existing roof and insulation (which has been found to contain asbestos) and replacement with new insulation and roofing.
4. As part of our bid we had a contingent item to increase the board insulation from 1 ½" to 3" minimum, we would recommend exercising that option after discussions with Doug Stoakley as currently there is no insulation in the roof or ceiling of this facility.
5. A Pre-bid meeting was held on August 19, 2014 in the South Conference on the 3rd Floor.
6. The contract term is 75 consecutive calendar days. With a 30 day flexible start.
7. The lowest responsive bidder is **C.T.A. Roofing of Newark, DE** with a base bid of **\$101,000.00, contingent bid item \$6000.00 for a total bid of \$107,000.00.**
8. Engineers Estimate for the project was \$120,000.00.

Sussex County
Engineering Department

MICHAEL A. IZZO, P.E.
County Engineer



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

Administration 302-855-7718
Environmental Services 302-855-7730
Public Works 302-855-7703
Utility Engineering 302-855-7717
Utility Permits 302-855-7719
Utility Planning 302-855-1299
FAX: 302-855-7799

RECORDS MANAGEMENT ROOF REPLACEMENT
SUSSEX COUNTY PROJECT 14-08
BID OPENING, 1:00 p.m., WEDNESDAY, September 24, 2014

BIDDER	BID AMOUNT
C.T.A. Roofing*	\$107,000.00
Wilkinson Roofing	\$113,893.69
Tecta America East, LLC	\$169,085.00

***Apparent Low Bidder**

ENGINEER'S ESTIMATE: \$120,000.00

PROPOSED MOTION

BE IT MOVED BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, THAT SUSSEX COUNTY PROJECT 14-08, "RECORDS MANAGEMENT FACILITY ROOF REPLACEMENT", BE AWARDED TO C.T.A ROOFING OF NEWARK DELAWARE AT THE BID AMOUNT OF \$107,000.00.

**JOHN J. ASHMAN
OCTOBER 7, 2014
FILE: ADM 2.13-B.3**

Angola North Public Hearing Report

- On September 18, 2014 Sussex County Engineering Department (SCED) held a Public Hearing for the Angola North Expansion on the Angola Neck Sanitary Sewer District at Conley's United Methodists Church on Jolyns Way.
- 62 people signed in.
- The engineering department, WR&A and DNREC made their presentation of the proposed boundary, preliminary infrastructure layout, estimated user costs and new septic system regulations and their impacts.
- Prior to our meeting a resident of Fox Hollow gave a petition to Mr. Izzo with signatures asking to be excluded from the boundary.
- We stated that we would leave the Public Record open until Sunday Sept. 28th to receive written comments.
- We received a few letters/emails some in support and some asking to be excluded from our proposed Boundary.
- Any exclusions could/will impact the estimated costs to the others.
- The Resolution can be amended to exclude parcels should council chose to do so, but it will need to be read into the records as adopted with the following changes and the Engineering Department will re-write the Resolution accordingly prior to submitting for Council President signature.

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE ANGOLA NECK SANITARY SEWER DISTRICT (ANSSD) TO INCLUDE THE AREA KNOWN AS ANGOLA NORTH, FROM LOVE CREEK WEST TO PEDDLER'S VILLAGE, BEING SITUATE IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Angola Neck Sanitary Sewer District (ANSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County by and contiguous to the ANSSD, the inclusion of these parcels 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 Anthony Diguseppe, Jr., 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 thirty 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 ANSSD to include parcels of land east of the town of Millsboro, as follows:

BEGINNING at a point located ± 530 feet southeast of the intersection of private road Jolyns Way and County Road 279 (Camp Arrowhead Rd), said point being a point on the boundary of the existing Angola Neck Sanitary Sewer District and a point on the westerly Right-of-Way (ROW) of Camp Arrowhead Rd; thence proceeding by and with said ROW in a northwesterly ± 2700 feet to a point, said point being the southeasternmost corner of lands N/F of Robert Roland Hill Jr; thence proceeding by and with said lands of Hill in the following directions and distances: southwesterly ± 1145 feet, northwesterly ± 640 feet and northeasterly ± 265 feet to a point, said point being on the southerly ROW of State Route 24 (John J. Williams Hwy.); thence crossing said ROW in a northwesterly direction ± 200 feet to a point, said point being the southeasternmost corner of lands N/F of Charlotte Hart; thence proceeding by and with said lands of Hart in the following directions and distances: southwesterly ± 155 feet, northwesterly ± 115 feet, northeasterly ± 123 feet, northwesterly ± 588 feet, and northeasterly ± 30 feet to a point, said point being the southeasternmost corner of lands N/F of Charlotte & Sharon Hart; thence proceeding by other lands of Hart in the following directions and distances: northwesterly ± 600 feet and southwesterly ± 315 feet to a point, said point being the southeasternmost corner of lands N/F of Rose M Bryan; thence by and with said lands of Bryan in the following directions and distances: northwesterly ± 488 feet and northeasterly ± 568 feet to a point, said point being the westernmost corner of lands N/F of Samuel & Diane Cooper; thence proceeding by and with said lands of Cooper in the following directions and distances: southeasterly ± 1236 feet and easterly ± 1900 feet to a points, said point being along the westerly mean low water line of Love Creek; thence proceeding by and with said mean low water line in the following directions and distances: northeasterly ± 265 feet and southeasterly ± 4050 feet to a point, said point being the

northeasternmost corner of lands N/F of MIGC Realty LLC and a point along the existing ANSSD boundary; thence by and with said boundary in a southwesterly direction ± 3560 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 directed 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.

ANGOLA NECK SANITARY SEWER DISTRICT
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

BE IT REMEMBERED that the subscriber, ANTHONY DIGIUSEPPE, JR., 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 8, 2014 he was a Planning Technician III for the Sussex County Engineering Department, Sussex County, State of Delaware, and
- B. On September 8, 2014 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 1. On a driven stake near Delaware Electric Co-op utility pole #117286 at entrance to Bay Ridge Woods.
 2. On a driven stake near entrance of The Cove at Herring Creek community next to stop sign.
 3. Inside bulletin board located in parking lot of community center of Angola By the Bay next to newspaper stands.
 4. On the area of land being considered for the proposed extension of Angola Neck Sanitary Sewer District in five locations as follows:
 - a. On driven stake next to stop sign at entrance of the Love Creek Woods Community;
 - b. On post of boat show sign at intersection of Boat Hole Blvd and John J. Williams Hwy (Route 24);
 - c. On 4x4 wooden post located near mailboxes at entrance of Woods Edge trailer park;
 - d. Inside side window of Valero gas station by side entrance door;
 - e. Inside Peddlers Village General Store on front wood panel wall by entrance door.

5. On post of Pelican Landing restaurant sign located along the westerly boundary line of parcel 2-34-7.00-132.00.


ANTHONY DIGIUSEPPE, JR.

SWORN TO AND SUBSCRIBED before me on this 9th day of Sept A.D., 2014.


NOTARY PUBLIC

Jayne E. Dickerson
Notary Public

My Commission Expires Commission Expires 5/31/2015.

**NOTICE
PROPOSED EXPANSION OF THE ANGOLA NECK
SANITARY SEWER DISTRICT TO INCLUDE
THE ANGOLA NORTH EXPANSION**

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on February 4, 2014 to consider extending the boundary of the Angola Neck Sanitary Sewer District (ANSSD) to include the Angola North Expansion, east of the town of Millsboro, being in Indian River Hundred, Sussex County, Delaware. File number: ANG-7.06.

This action is in conformity with 9 Del.C. §6502.

A description of the area, which is contiguous to and to be added to the ANSSD is described as follows:

BEGINNING at a point located ± 530 feet southeast of the intersection of private road Jolyns Way and County Road 279 (Camp Arrowhead Rd), said point being a point on the boundary of the existing Angola Neck Sanitary Sewer District and a point on the westerly Right-of-Way (ROW) of Camp Arrowhead Rd; thence proceeding by and with said ROW in a northwesterly ± 2700 feet to a point, said point being the southeasternmost corner of lands N/F of Robert Roland Hill Jr; thence proceeding by and with said lands of Hill in the following directions and distances: southwesterly ± 1145 feet, northwesterly ± 640 feet and northeasterly ± 265 feet to a point, said point being on the southerly ROW of State Route 24 (John J. Williams Hwy.); thence crossing said ROW in a northwesterly direction ± 200 feet to a point, said point being the southeasternmost corner of lands N/F of Charlotte Hart; thence proceeding by and with said lands of Hart in the following directions and distances: southwesterly ± 155 feet, northwesterly ± 115 feet, northeasterly ± 123 feet, northwesterly ± 588 feet, and northeasterly ± 30 feet to a point, said point being the southeasternmost corner of lands N/F of Charlotte & Sharon Hart; thence proceeding by other lands of Hart in the following directions and distances: northwesterly ± 600 feet and southwesterly ± 315 feet to a point, said point being the southeasternmost corner of lands N/F of Rose M Bryan; thence by and with said lands of Bryan in the following directions and distances: northwesterly ± 488 feet and northeasterly ± 568 feet to a point, said point being the westernmost corner of lands N/F of Samuel & Diane Cooper; thence proceeding by and with said lands of Cooper in the following directions and distances: southeasterly ± 1236 feet and easterly ± 1900 feet to a point , said point being along the westerly mean low water line of Love Creek; thence proceeding by and with said mean low water line in the following directions and distances: northeasterly ± 265 feet and southeasterly ± 4050 feet to a point, said point being the northeasternmost corner of lands N/F of MIGC Realty LLC and a point along the existing ANSSD boundary; thence by and with said boundary in a southwesterly direction ± 3560 feet to a point, said point being that of the **BEGINNING**.

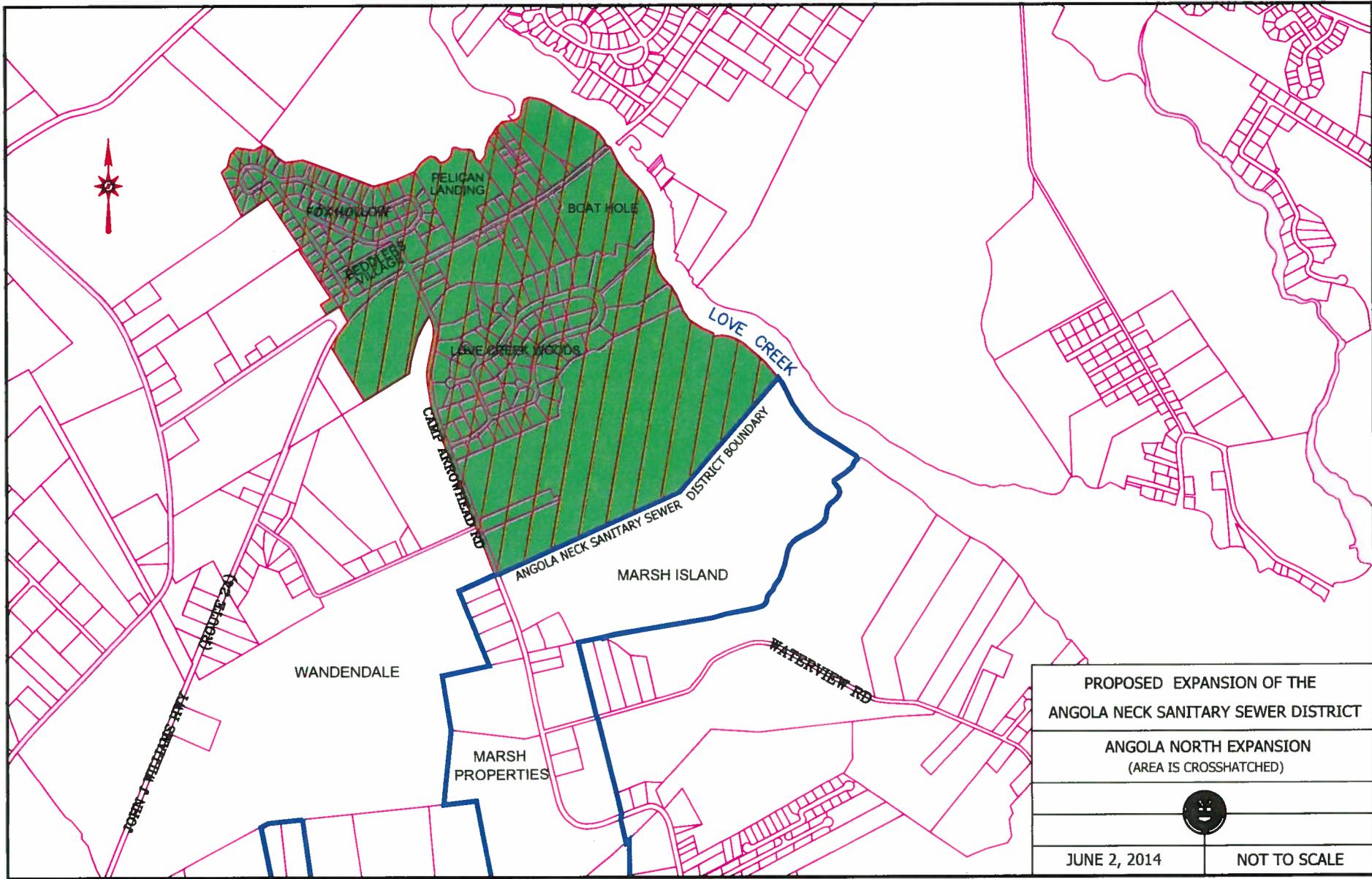
The proposed expansion of the ANSSD is within these boundaries and said to contain 298 acres, more or less. The boundary description has been prepared using Sussex County Tax Map Numbers 234-7.00, and 234-11.00.

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

The public hearing will be held on this issue at 6:00 p.m. on Thursday, September 18th, 2014 at Conley's United Methodist Church located at 33106 Jolyns Way Lewes, Delaware 19958. 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.

Michael A. Izzo, P. E.
County Engineer



PUBLIC HEARING

This is to certify that on August 7, 2014 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 this Ordinance Amendment be forwarded to the Sussex County Council with the recommendation as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I BY AMENDING THE DEFINITIONS OF “DWELLING”, “DWELLINGS, SINGLE FAMILY”, “DWELLING, MULTI-FAMILY”, AND “FAMILY”.

Mr. Robertson advised the Commission that this proposed Ordinance Amendment has been a collaborative effort that has its start from several different points; that the recent campground applications pointed out what was an unintended distinction between manufactured homes and dwellings under the Code about separation distances; that a review of State, and Federal Law and directives from HUD and others about fair housing, including the recent fair housing training that the County has participated in; that the Ordinance has been prepared by the County Attorneys with input from Brandy Nauman, County Fair Housing Coordinator and the County's Community Development Office, Delaware State Housing Authority and Office of the State Planning Coordination; that both offices have commended the County's efforts; that the language in the Ordinance is based on Federal Law for the definition of a dwelling and State Law for groups that can reside in a dwelling; that the County had to be careful about creating unintended consequences of the Ordinance change; that whenever there is a change like this, you have to review all sections of the code to try and avoid it having unanticipated effects on other areas of the Code; that this Ordinance brings manufactured homes back into the definition of dwelling; that there is no distinction for zoning purposes between a “dwelling” and a “manufactured home”, mobile home, etc.; that putting that into the context of campgrounds, this means that in future campground conditional applications, the camp sites must be 400 feet from the nearest dwelling, whether it is a stick-built home, a Beracah-style home, or a single wide or double wide manufactured home; that the definition of dwelling is based on Federal Law; that it is also included in the Consent Decree that was agreed upon; that for zoning purposes, the term “family” has given way to a more broad definition of who can live together in a dwelling; that this amendment takes the separate definition of family out of the zoning code and it states who can live in a dwelling as follows: 1 or 2 peoples related by blood or marriage, with any number of their children, natural foster or step; 2 single parents/guardians with any number of their

children, natural, foster or step; a group of no more than 4 unrelated people; a group residential facility licensed by the State of Delaware serving 10 or fewer individuals with disabilities on a 24 hour basis, as the term disability is defined under State law; 1 or 2 elderly or disabled persons who own a dwelling plus 1 or 2 people related by blood or marriage and their children; that a single family dwelling would be one of these groups and a multi-family dwelling would be 2 of these groups; that it should be noted that the next step in this process will be an Ordinance to establish a means for determining reasonable accommodations for persons with disabilities and others; that under the principles of fair housing, it may be appropriate to vary these requirements in a given situation to address an individual's particular needs; that legal staff have had extensive discussions about that and are going to work towards a set of standards that the County can apply to the situation; and that it is likely that will be the next ordinance that you see in this process.

The Commission discussed the proposed amendment and questioned impacts on group homes such as the ones located between Rehoboth and Dewey Beach in the forgotten mile area; that some campsites are occupied full time; that campers and not recreational vehicles; that with manufactured homes being classified as dwellings, there could be effects on assessments; and that campground owners may have fair housing issues.

James Truitt, Jr. advised the Commission that he is shocked at the proposed Ordinance; that the amendment is based on the fair housing settlement; that there are a lot of problems with the ordinance amendment; that someone may have as many foster children that they want; that Kent and New Castle County have no limits in their codes; that in some homes in Rehoboth Beach Yacht and Country Club, there are 10 to 12 people living in group homes; that there would be too many people per acre; that the amendment will create traffic, septic and safety problems; that DNREC guidelines for septic systems are based on the number of bedrooms per home; that the County can't enforce the existing ordinances; that the minimum size for a manufactured home is 400 square feet; that the State of Florida where he resides part time has no such Ordinance; that families are being paid by the government to raise foster children; made reference to different classes of people and number of people; that the ordinance amendment should have been reviewed by the public prior to the scheduling of a hearing; that the proposed ordinance is an indirect taking of land; that the cost of enforcement to the County is not good; and questioned if HUD and the Department of Justice have reviewed the Ordinance.

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

The Commission deferred action for further consideration.

On August 21, 2014 the Commission discussed this amendment under Old Business.

Mr. Robertson advised the Commission that since this amendment is an important issue, it should be voted on by all members of the Commission.

The Commission deferred action for further consideration.

On September 11, 2014 the Commission discussed this amendment under Old Business.

Mr. Robertson advised the Commission that this Ordinance Amendment was reviewed several weeks ago through public hearing and that some concerns were expressed about foster children, and added that foster children are already governed by State Codes; and that a need exists for the Commission to take action on this Ordinance so that the Sussex County Council can proceed with a public hearing this year.

At the request of the Commission, Mr. Robertson read a suggested motion stating that “the Commission recommends that the Ordinance to amend Chapter 115, Article I amending the definitions of “Dwelling”, “Dwelling, Single Family”, “Dwelling, Multi-Family”, and “Family” be approved.

Motion by Mr. Smith, seconded by Mr. Burton and carried unanimously to forward this Ordinance Amendment to the Sussex County Council with the recommendation that this Ordinance Amendment be approved as circulated. Motion carried 5 – 0.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I BY AMENDING THE DEFINITIONS OF “DWELLING”, “DWELLING, SINGLE FAMILY”, “DWELLING, MULTIFAMILY” AND “FAMILY”,

WHEREAS, Sussex County Code, Chapter 115, Article I, Sec. 115-4 currently includes definitions of “Dwelling”, “Dwelling, Single Family”, “Dwelling, Multifamily” and “Family”; and

WHEREAS, in order to further comply with the Federal Fair Housing Act and State Law, the definitions of “Dwelling”, “Dwelling, Single Family”, “Dwelling Multifamily” and “Family” are being revised to allow more than four unrelated individuals to reside together and affirmatively address protected classes of persons or individuals with disabilities; and

WHEREAS, items that have been deleted are shown in [brackets] and items that have been added are shown underlined.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by deleting the definition of “Dwelling” in its entirety, as shown below:

[DWELLING – A building or portion thereof containing cooking and housekeeping facilities, designed or used exclusively for residential occupancy, but not including manufactured homes, hotels, motels, motor lodges boarding- and lodging houses, tourist houses, or similar structures.]

Section 2. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by inserting the following:

DWELLING – Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence; and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof. “Dwelling” shall not include hotels, motels, motor lodges, boarding- and lodging houses, tourist houses, or similar structures.

Section 3. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by deleting the definition of “Dwelling, Single Family” in its entirety, as shown below:

[DWELLING, SINGLE FAMILY -- A detached dwelling designed for or occupied exclusively by one family.]

Section 4. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by inserting the following:

DWELLING, SINGLE FAMILY -- A detached dwelling designed or occupied by not more than one (1) of the following as a single housekeeping unit with single culinary facilities:

1. One (1) family, which may consist of one (1) person or two (2) or more persons related by blood or marriage with any number of natural children, foster children, step children or adopted children.
2. Two (2) single parents or guardians with any number of their natural children, foster children, step children or adopted children, functioning as a single housekeeping unit.
3. A group of not more than four (4) persons not necessarily related by blood or marriage functioning as a single housekeeping unit.
4. A group residential facility licensed and approved by the appropriate state agencies serving 10 or fewer persons with disabilities on a 24 hour-per-day basis.
5. One (1) person or two (2) persons one of whom shall be elderly and/or disabled, and one (1) or both of who own the dwelling unit, plus one (1) family, which may consist of one (1) person or two (2) persons related by blood or marriage, and with any number of natural children, foster children, step children or adopted children.
6. For the purpose of this Section, “disabled” or “persons with disabilities” includes any person or persons with a handicap or disability as those terms are defined in the Delaware Fair Housing Act, Title 6, Chapter 46 of the Delaware Code, as may be amended.

Section 5. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by deleting the definition of “Dwelling, Multifamily” in its entirety, as shown below:

[DWELLING, MULTIFAMILY – A dwelling designed for or occupied exclusively by two or more families living independently of each other. “Multiple-family dwellings” shall be considered as apartments, garden apartments, condominiums, duplexes or similar structures.]

Section 6. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by inserting the definition of “Dwelling, Multifamily” as follows:

DWELLING, MULTIFAMILY -- A dwelling designed or occupied exclusively by two (2) or more of the following living independently of each other, each with single culinary facilities:

1. One (1) family, which may consist of one (1) person or two (2) or more persons related by blood or marriage with any number of natural children, foster children, step children or adopted children.
2. Two (2) single parents or guardians with any number of their natural children, foster children, step children or adopted children, functioning as a single housekeeping unit.
3. A group of not more than four (4) persons not necessarily related by blood or marriage functioning as a single housekeeping unit.
4. A group residential facility licensed and approved by the appropriate state agencies serving 10 or fewer persons with disabilities on a 24 hour-per-day basis.
5. One (1) person or two (2) persons one of whom shall be elderly and/or disabled, and one (1) or both of who own the dwelling unit, plus one (1) family, which may consist of one (1) person or two (2) persons related by blood or marriage, and with any number of natural children, foster children, step children or adopted children.
6. For the purpose of this Section, “disabled” or “persons with disabilities” includes any person or persons with a handicap or disability as those terms are defined in the Delaware Fair Housing Act, Title 6, Chapter 46 of the Delaware Code, as may be amended.

“Multi-family dwellings” shall be considered as apartments, garden apartments, condominiums, duplexes or similar structures.

Section 7. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by deleting the definition of “Family” in its entirety, as shown below:

[FAMILY -- An individual or two or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single culinary facilities or a group of not more than four persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a non-profit, cost sharing basis. Domestic servants employed and residing on the premises shall be considered as a part of the family.]

Section 8. Effective Date. This Ordinance shall become effective upon its adoption by Sussex County Council.

Proposed

SYNOPSIS

This Ordinance amends the definitions of Family, Single Family Dwellings and Multifamily Dwellings to avoid unintended discrimination under State and Federal Law. It confirms that a family may include one or two people living together and not only their natural or adopted children but also step-children and foster children. It also clarifies that children are permitted to reside with legally appointed guardians. It permits licensed and approved residential houses or no more than ten persons with disabilities as defined in the Delaware Fair Housing Act. Lastly, it recognizes that it is appropriate for 2 families to reside in a single unit when the owner(s) of the unit are elderly and/or disabled.

Proposed

Indian River High School Band Boosters

29772 Armory Road

Dagsboro, DE 19939

(302) 732-1500

Mark Marvel, Band Director

Amy Baull, Vice President

Elaine Marvel, Booster Treasurer

Brian Baull, President

Trish Hoehn, Vice President

Lisa Bird, Booster Secretary

Sept. 19, 2014

Sussex County Council
2 The Circle P.O. Box 589
Georgetown, DE 19947
Attn: Hon. George Cole

Dear Mr. Cole:

The Indian River High School Band would like to ask the county to help us fund our band trip to Walt Disney World in Florida in April. .

As we're sure you know, these annual performances and trips are a wonderful learning experience for the students. This trip in particular is a once-in-a-lifetime opportunity for students, and is more expensive than other annual trips. Which means, for some students and their families, raising the money to pay for the trip is difficult if not impossible.

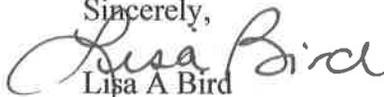
In addition to providing students with several fundraising opportunities throughout the year to help defray the cost of the trip, the IRHS Band Boosters subsidizes the overall cost of the trip and provides additional assistance to individual students facing financial hardships. In fact, we have some students who would not be able to go at all if the Boosters weren't able to pay for some or all of the trip (which this year will cost more than \$750 per student). And as a result of the economy, the number of students who need that assistance is on the rise.

One way the boosters helps reduce the individual cost to students is to pay for the transportation. We take three buses, which cost the boosters roughly \$30,000. We'd like to ask you to help us pay for half of one of the buses with a donation of \$5,000.

We hope we can count on your financial support of the students this year, and any donation the council could make this year would be greatly appreciated. If you have any questions, please feel free to contact me directly by email at lahuber66@gmail.com or by phone at 302-569-1544.

Thanks in advance for your time and consideration.

Sincerely,



Lisa A Bird

IRBB Secretary

The Indian River School District is an Equal Opportunity Employer and does not discriminate or deny services on the basis of race, color, national origin, sex, disability, and/or age.

PUBLIC HEARINGS
October 7, 2014

This is to certify that on August 7, 2014 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 these applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Shane Abbott
Assistant Director of Planning and Zoning

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

Conditional Use #1992 – W. Ralph Brumbley

Application of **W. RALPH BRUMBLEY** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a vendor (lunch truck) to sell foods and beverages to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 16,820.70 square feet, more or less, land lying northeast of Route One (Coastal Highway) across from Route 5 (Union Street Extended) (911 Address: 12209 Coastal Highway), Milton, Delaware) (Tax Map I.D. #2-35-7.00-44.00).

The Commission found that DelDOT provided comments in the form of a letter and Support Facilities Report on May 1, 2014 which references that a traffic impact study is not required; that the subject property is adjacent to Delaware Route One, and is therefore subject to the Department's Corridor Capacity Preservation Program; that the main goal of the Program is to maintain the capacity of the existing highway; that Delaware Route One is a controlled access highway; that according to the Office of State Planning Coordination's Strategies for State Policies and Spending document, the property is located within a Level 4 Investment Area; that in this area, State policies will encourage the preservation of a rural lifestyle; and that the property owner can develop a rights-in/rights-out access to Delaware Route One for a site generating an average of 40 vehicle trips per day.

The Commission found that Sussex County Engineering Department Utility Planning Division provided comments in the form of a memorandum indicating that the site is not located in a proposed or current County operated and maintained sanitary sewer district; that the site is in the North Coastal Planning Area; that on-site septic system is proposed; that conformity to the North

Coastal Planning Study or undertaking an amendment will be required; that the proposed use is not in an area where Sussex County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that W. Ralph Brumbley was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that he owns the adjoining manufactured home park; that the proposed vendor truck will serve the residents of the park and transient customers; that he has cleaned up the park; that there is plenty of room for parking; that he may set up 10-foot by 20-foot tents for customers; that the existing day care building is not in use at this time; that the vendor truck will be located near the exit of the manufactured home park; that the use will be a benefit to the residents of the park; that the use would open at 6:00 a.m.; that coffee, cold beverages, doughnuts, pizzas, snacks and sandwiches are served; that he has no intentions of operating a barbeque; that the Board of Health has granted a license to operate; that the business would be open six days per week; that there are three other vendors in the area; that it could be possible to provide picnic tables also; and submitted three photographs of the site.

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

The Commission found that Harry Holtgrewe was present and advised the Commission that the vendor truck should be located inside the fenced area; that the cross over from Route One is supposed to be closed in the future; and that the use could create safety issues.

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

The Commission deferred action for further consideration.

On August 21, 2014 the Commission discussed this application under Old Business.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use #1992 for W. Ralph Brumbley for a vendor, specifically a lunch truck, to sell food and beverages based on information contained in the record and for the following reasons:

- 1) This is a small use that will be located on property owned by the applicant. It will be temporary in nature and will primarily serve residents and visitors to the adjoining manufactured home park that he owns.
- 2) There is room for the use on site, which also includes parking. There will also be room to pull off of Route One to access the food vendor.
- 3) The use will not adversely affect neighboring properties, the community or area roadways.
- 4) The use is appropriate in this location which is next to the manufactured home park, which includes fishing areas and other activities for residents and guests.
- 5) This recommendation is, however, subject to the following conditions:
 - A. The use shall be limited to a mobile or temporary food and beverage vendor. When not in continuous operation, it must be removed from the site and must not become permanently located on the site.
 - B. The use shall comply with all setback and parking requirements.

- C. The applicant shall comply with all DelDOT requirements, including entrances from Route One.
- D. Any trash containers associated with the use shall be screened from view of neighboring properties and roadways.
- E. The hours of operation shall be from 6:00 a.m. until 9:00 p.m.
- F. The Final Site Plan for this use shall be subject to the review and approval of the Sussex County Planning and Zoning Commission. In addition to parking and other requirements of a Final Site Plan, it shall also show the location of the picnic tables or tents that were proposed by the applicant.

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

Conditional Use #1993 – Davis J. Bosco

Application of **DAVID J, BOSCO** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a paint ball park to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 5.1345 acres, more or less, land lying east of Road 600 (Saint Johnstown Road) 1, 760 feet north of Road 597 (Tuckers Road) (911 Address: 14639 Saint Johnstown Road, Greenwood, Delaware) (Tax Map I.D. #4-30-8.00-9.02).

The Commission found that DelDOT provided comments in the form of a Service Level Evaluation Report indicating that a traffic impact study is not required; and that the existing Level of Service will not change as a result of this application.

The Commission found that Sussex County Engineering Department Utility Planning Division provided comments in the form of a memorandum indicating that the site is not located in a current or proposed County operated and maintained sanitary sewer district; that the site is located in the Western Sussex Planning Area #1; that use of an on—site septic system is proposed; that conformity to the Western Sussex Planning Study or undertaking an amendment will be required; that the proposed use is not in an area where Sussex County has a schedule to provide sewer at this time; and that a concept plan is not required.

The Commission found that David Bosco was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that the use will be conducted on the north side of the site to the left of the dwelling located on the property; that the barns and accessory buildings will not be used; that typically they can average 10 to 15 players per time; that the proposed parking area is adjacent to the existing driveway; that the hours of operation will be from 11:00 a.m. to 6:00 p.m. on Saturdays and Sundays; that no lighting is required; that there will not be any negative impacts to any neighbors as the surrounding property is family owned; that he would like to have a 4-foot by 8-foot sign to identify the use; that there are 3 employees; that the use will occur in the field near the barns; that safety netting will be provided; that inflatable bumpers are used along with wooden spools and pallets; that no junk cars are used; that port-o-johns will be provided; that the use is regulated by a Paintball

Association for insurance requirements; that retail sales are internet driven; and that he has a retail license.

The Commission found that no parties appeared in support of or in opposition to this application.

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

The Commission deferred action for further consideration.

On August 21, 2014 the Commission discussed this application under Old Business.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use No. 1993 for David J. Bosco for a conditional use for a paintball facility based on the record made at the public hearing and for the following reasons:

- 1) The use as a paintball facility will occur on the weekends and will not have an adverse effect on neighboring properties, roadways, or the community.
- 2) There are currently very few paintball facilities in Sussex County, this will serve a need for such a facility in Sussex County for County residents and others who participate in the sport.
- 3) The use will occur on only a part of the applicant's 5.1 acre site, and the property is surrounded by other property which is owned by family members.
- 4) No parties appeared in opposition to the application.
- 5) This recommendation is, however, subject to the following conditions:
 - A. The use shall be limited to paintball and activities related to it. Sales of paintball related items shall also be permitted.
 - B. As stated by the applicant, the facility shall only be open on Saturdays and Sundays from 11:00 a.m. until 6:00 p.m.
 - C. One lighted sign shall be permitted, not to exceed 32 square feet in size per side.
 - D. As stated by the applicant, the use will only occur on the north side of the site to the left of the dwelling that is located on the property. The area used for paintball shall be entirely enclosed with netting or fencing. The Final Site Plan shall show the exact location of the area specified by the applicant for the Conditional Use.
 - E. The areas set aside for parking shall be clearly identified on the Final Site Plan and on the site itself.
 - F. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

Change of Zone #1755 – Bunting-Gray, LLC

Application of **BUNTING-GRAY, LLC** an Ordinance to modify Condition No. 1 and delete Conditions No. 2 and No. 15 imposed on Ordinance No. 1532 for Change of Zone No. 1460, the application of Bunting-Gray, LLC for “The Refuge at Dirickson Creek”, a MR-RPC Medium

Density Residential District – Residential Planned Community, to increase the maximum number of allowable dwelling units from 343 to 355, of which no more than 68 units shall be multi-family units, and to eliminate the B-1 Neighborhood Business uses permitted by Ordinance No. 1532 on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.3494 acres, more or less, land lying north of Route 54 (Lighthouse Road) 0.6 mile east of Road 381 (Old Mill Bridge Road) (911 Address; None Available) (Tax Map I.D. #5-33-12.000-674.00).

Mr. Abbott provided the Commission with a copy of the approved Ordinance No. 1532 for Change of Zone #1460; and advised the Commission that the applicants submitted an Exhibit Booklet on July 28, 2014 that is a part of the record for this application.

The Commission found that the Office of State Planning provided comments in the form of a letter dated June 27, 2014 and indicated that the project was reviewed and approved by Sussex County in April 2002; that it has not been reviewed by the Preliminary Land Use Service; that the original approval for this project was 343 residential units (287 single family lots and 56 multi-family units) and 3.43 acres of commercial development; that it is noted that the approved square footage of commercial was not identified in Ordinance No. 1532; that since the original approval, the developer has built 287 single family units and changed the proposed number of multi-family units to 48; that the developer is seeking to eliminate the B-1 Neighborhood Business and resulting commercial structure and increase the number of multi family units to 68, a net result of 12 additional multi-family units; that after reviewing the project area, it appears that the parcel is within a Level 3 area according to the Strategies for State Policies and Spending; that 12 units does not meet the requirements for a PLUS review; that the Office of State Planning Coordination does not require a PLUS review for the modification of the site plan as noted; that the State is concerned about the removal of the commercial development; that the residents of the attached subdivision bought their lots with the understanding that there would be neighborhood commercial to perhaps support the residents of the community; that the State feels it would be important to consider the wants and needs of the existing residents before making a final decision on this modification to the existing project; and that the State asks that these conditions with the exception of number 1 remain as conditions to this development.

The Commission found that Sussex County Engineering Department Utility Planning Division provide comments in the form of a memorandum indicating that the site is located in the Fenwick Sanitary Sewer District; that based on available information, it appears there is adequate wastewater capacity available; that Ordinance No. 38 is required; that there are no System Connection Charge credits available; that it is likely additional System Connection Charges will be required; that the current System Connection Charge Rate is \$5,500.00 per EDU; that the proposed project must install offsite gravity sewer and connect to an existing manhole in Leisure Drive near the project's entrance; that conformity to the South Coastal Area Planning Study, 2005 Update or undertaking an amendment will be required; that the applicant proposes a modification of conditions associated with a previous change of zone approval to remove B-1 business uses and construct 12 residential units in place of the commercial; that the project is within the boundary of the Fenwick Island Sanitary Sewer District and connection to the sewer

system is mandatory; that the Sussex County Engineering Department has no objection to the proposed modification and deletion of conditions so long as sewer service is in accordance with an approved sanitary sewer concept plan; that Sussex County requires design and construction of the collection and transmission system to meet Sussex County Engineering Department 's standards and procedures; that the Sussex County Engineer must approve the connection point; that all costs associated with extending sewer service will be the sole responsibility of the developer; that an approved sanitary sewer concept plan is required, and that an updated pump station upgrade study is required as well.

The Commission found that David C. Hutt, Esquire, provided a letter indicating that he represents the Refuge at Dirickson Creek Owners Association and reviewed the application submitted by Bunting-Gray, LLC seeking to modify and delete certain conditions of CZ #1755; that the Association understands that the purpose of these proposed modifications is to eliminate the B-1 Neighborhood Business area originally proposed for the Refuge at Dirickson Creek and to substitute twenty (20) townhouse units in place of that commercial area; that the Board members asked that he write to the Planning Commission and confirm that the applicants met with the Association and explained their proposal; that as reflected in the materials provided to the Commission by the applicants, the Association's position is that the changes being proposed by the applicants require the amendment of its Declaration of Reservations, Restrictions, Covenants and Easements record in Deed Book 2977, Page 307, et seq; that in response to the Association's position, the applicants informed the Board that they would propose a condition as part of their zoning request which provides them six (6) months to acquire the requisite number of votes to amend the Declaration if the proposed modifications to CZ #1755 are approved; and that the Board agrees with this process and will provide information to the applicant as requested as it seeks to obtain from the Association for amendments to the Declaration.

Shannon Carmean Burton and John Sergovic, Esquires, Coleman Bunting a partner in Bunting Gray, LLC and Mike Wigley with Davis, Bowen and Friedel, Inc. were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that they are proposing to amend condition #1 and to delete conditions #2 and #15 of Ordinance No. 1532; that the applicants have owned the property for over 10 years; that no one wants to buy and rent the commercial area for commercial uses since there is an adjoining shopping center to the west of this site; that there is not a need or demand to serve the residents of the Refuge at Dirickson Creek; that the original application was approved in 2002; that 3.43 acres of commercial area was set aside; that a total of 56 townhouse units are permitted; that the developers have only built 48 units; that they propose to build 20 additional units with a net increase of 12 units; that the site is in a developing area; that the proposed use is compatible to the area; that the proposed density is 1.91 units per acre; that 4 buildings with 5 units is proposed; that the revised plan doubles the amount of open space; that a 60-foot setback is proposed from Route 54 that the buildings will be 2 story with garages; that 3 parking spaces per unit are proposed; that access to the site will be from Leisure Drive; that there is no direct access to Route 54; that a concept plan has been submitted to the County Engineering Department; that the site is located within the Fenwick Island Sanitary Sewer District; that Artesian will provide central water to the site; that the site is within the Roxana Volunteer Fire Company fire

protection area; that the fire department substation is 0.2 miles from the site; that the storm water management concept has been approved by the Sussex Conservation District; that the applicants are the developers of the existing residential planned community known as The Refuge at Dirickson Creek; that the subject property is identified in the rezoning approval by Ordinance No. 1532 whereby CZ #1460 was approved subject to certain conditions, including but not limited to the following (1) Conditions No. 1 which provides that the maximum number of dwelling units shall not exceed 343, of which no more than 56 shall be multi-family units; (2) Conditions No. 2 which provides the maximum area of commercial development shall be one acre per 100 dwelling units; and (3) Condition No. 15 which provides that there shall be no direct access from the commercial area onto Route 54, except from the existing entrance location serving the site; that to date, the subject property remains undeveloped; that Ordinance No. 1532 allows 56 multi-family units however only 48 units have been constructed; that the development is governed by the Declaration of Reservations, Restriction, Covenants and Easements for the development; that the subject property is identified as the commercial area and as such has separate rights from other lots and units in the development; that it is the position of the Association that the Declaration must be amended in order to change the use allowed on the site; that to change the use, a 2/3 vote must be obtained from the total number of lots and units; that trying to obtain the 2/3 vote may be difficult; that the applicants are requesting a six month time frame to obtain the necessary votes; that if the application is approved and they cannot obtain the 2/3 vote, the applicants request that the conditions revert back to those approved in Ordinance No. 1532; that the site is in an Environmentally Sensitive Developing Area; that a range of housing types are permitted in this district; that the applicants are seeking a downzoning from the approved commercial use area; that the proposed use complies with the Zoning Code; that the project is located along the Route 54 corridor where similar densities exist; the revised plan creates more open space; that DelDOT did not require a traffic impact study; that the Office of State Planning Coordination did not require PLUS review; that the Applicant's request to conditionally modify Condition No. 1 and to delete Conditions Nos. 2 and 15 imposed by Ordinance No. 1532 for Change of Zone 1460, to increase the allowable dwelling units from 343 to 355, of which no more than 68 units shall be multi-family units, and to eliminate the B-1 Neighborhood Business uses permitted by Ordinance No. 1532 is appropriate legislative action, subject to the condition that any approval shall be conditioned upon the applicant's ability to obtain the requisite number of votes of the Association members, lot owners and unit owners in the Refuge to amend the Declaration within six (6) months of adoption of the Ordinance by County Council approving this application; that in the event that this conditions is not satisfied within six (6) months of adoption of the Ordinance by County Council, the conditional amendment to Ordinance No. 1532 shall be void and Condition No. 1, as originally adopted, and Conditions No. 2 and 15, as originally adopted, shall be reinstated; that by deleting the commercial area, there will be less impervious area; that open space will double; that 277 single family lots have been sold and 48 multifamily have sold; that out of 315 property owners, 122 owners are in support of the change and 70 are opposed; that the Applicants feel that six months is enough time to obtain the owners' approval to amend the Declaration; that all owners were notified of the pending revisions; that the current market and demand contributed to the proposed revisions; that if the request is approved, 20 more owners will contribute to the homeowners'

association; that the existing amenities will also be available to new owners; that 12 additional townhouses are proposed; that the Declaration and Restrictions will be amended if a 2/3 vote agrees to the change; that the proposed units will look the same as the existing units and submitted an architectural rendering of the design; that the new units' owners will become members of the homeowners' association; and that if the applicants do not obtain the approval of the County, there is no need to try to obtain approval from the homeowners' association.

The Commission found that Janet Marshall was present in support of this application and advised the Commission that the proposed units would fit in better than commercial use of the site.

The Commission found that no parties appeared in opposition to this application.

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

The Commission deferred action for further consideration.

On August 21, 2014 the Commission discussed this application under Old Business.

Mr. Smith stated that he would move that the Commission recommend approval of Change of Zone #1755 for Bunting – Gray, LLC to modify Condition No. 1 and delete Conditions No. 2 and No. 15 that were imposed in Ordinance No. 1532 for Change of Zone No. 1460 regarding, the MR/RPC development known as the “Refuge at Dirickson Creek” based on the record made during the public hearing and for the following reasons:

- 1) In summary, this is a request to delete the commercial area established as part of the original approval of this MR/RPC project, and use the area for additional dwellings. The net increase to the entire project will be 12 additional dwellings.
- 2) The residential portion of the MR/RPC is already substantially complete with most of the single family and townhouse units sold.
- 3) The applicant has stated that the commercial area that was planned for the project is longer viable since other commercial areas already exist along the Route 54 corridor, including a property next door.
- 4) The additional townhouses will be integrated into the overall project, and will be more compatible with the adjacent homes built within the “Refuge at Dirickson Creek” development.
- 5) The elimination of the commercial area will reduce the impervious area of the overall development.
- 6) No parties appeared in opposition to the application, and one party appeared in favor of it. In addition, the applicant stated that a majority of the residents are in favor of the conversion of the area from commercial use to residential use. However, since this conversion will require an amendment to the governing condominium documents, this rezoning must be contingent on that occurring.
- 7) It is appropriate to modify Condition No. 1 of Ordinance No. 1532 (CZ #1460) to increase the maximum number of dwelling units and multi-family units, so that it states as follows: 1.” The maximum number of dwelling units shall not exceed 355, of which no more than 68 shall be multi-family units.”

- 8) It is appropriate to delete Condition No. 2 in its entirety. Condition No. 2 set aside the area to be used for commercial development.
- 9) It is appropriate to delete Condition No. 15 in its entirety. This condition prohibited access from the commercial area directly on to Route 54, a condition that it is moot with the deletion of the commercial area.
- 10) This recommendation is, however, subject to the following conditions:
 - A. The development of the former commercial area into residential dwellings shall require site plan approval from the Sussex County Planning and Zoning Commission.
 - B. The new residential area shall be interconnected with the existing residential development. No direct vehicular access to it shall occur from Route 54. It shall also be connected by sidewalks or some type of multi-modal path to the rest of the development, preferably in manner that provides the shortest and most direct walk to the rest of the development and its amenities. This shall be shown on the site plan submitted to the Planning and Zoning Commission.
 - C. The Commission recognizes that this change in the design of the Refuge at Dirickson Creek” will require an amendment to the project’s recorded governing documents. The Commission also recognizes that for this type of amendment, the developer or condominium or homeowners’ association likewise could not amend the governing documents without approval from Sussex County for the underlying zoning change. It is a unique situation. Therefore, as a result, it is appropriate for this amendment to Ordinance No. 1532 (as represented in this CZ #1755) to only take effect upon the recordation of an amendment to the recorded governing documents of the “Refuge at Dirickson Creek” allowing conversion from commercial to residential use within 6 months of approval of CZ #1755. Proof of recording this amendment must be provided to the Assistant Sussex County Attorney representing the Sussex County Planning and Zoning Commission within 6 months of County Council’s approval of CZ #1755. If this does not occur, CZ #1755 shall automatically be declared null and void and of no further force and effect without further action of the Sussex County Planning and Zoning Commission or the Sussex County Council, and Conditions No. 1, 2 and 15 of Ordinance No. 1532 shall be reinstated as they previously existed in that Ordinance.

Motion by Mr. Smith, 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.

Change of Zone #1756 – Delmarva Power & Light Company

Application of **DELMARVA POWER & LIGHT COMPANY** to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District and a C-1 General Commercial District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 13.57 acres, more or less, land lying southwest of Handy Road (Road 337) and southwest of U.S. Route 113 (DuPont Highway) (911 Address: None Available) (Tax Map I.D. #2-33-5.00-135.00, 136.00, 137.01, and part of 125.00).

Mr. Abbott advised the Commission that the applicants submitted an Exhibit Booklet on July 28, 2014 and that the booklet is a part of the record for this application.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report dated February 28, 2014 that a Traffic Impact Study is not required at this time; that based on criteria for requiring a Traffic Impact Study addressed in Section 2.3.1 of the Standards and Regulations for Subdivision Streets and State Highway Access, are that a development generates more than 400 trips per day or 50 trips during a weekly peak hour; that while it seems that the above criteria could be met, they presently cannot predict the site's trip generation with enough accuracy to make a TIS useful; that they recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed; that the subject property is adjacent to U.S. Route 113 and thereby subject to the Department's Corridor Capacity Preservation Program; that given the site's limited amount of frontage along U.S. Route 113, direct access to the corridor would not be feasible; and that the site can gain access to Handy Road.

The Commission found that Sussex County Engineering Department Utility Planning Division provided comments in the form of a memorandum advising that the site is not located in a County owned and operated sanitary sewer district; that the site is located in the Town of Millsboro Growth Area; that there are no System Connection Charge credits available; that an onsite septic system is proposed; that the project is not capable of being annexed into a County operated sanitary sewer district; that conformity to the North Coastal Planning Study is required; that the parcel is not in an area where Sussex County will provide sewer service; that the applicants need to contact the Town of Millsboro for information relating to sewer service; and that a concept plan is not required.

The Commission found that John Green submitted a letter in support of this application dated August 6, 2014.

The Commission found that Shannon Carmean Burton, Esquire, Chuck Moore with Delmarva Power and Light and Matt Drew, P.E., with AWB Engineers were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that this is an application to amend the Zoning Map from an AR-1 and C-1 district to a CR-1 district; that the applicants are proposing to expand their district office and need additional room for storage of vehicles and materials; that an Exhibit Booklet was submitted; that the rezoning application is for 4 parcels total; that the district office has been in use since 1971; that the other parcels were purchased in 2002, 2007 and 2013; that the site will be used as one parcel; that they propose to continue to use the property and not offer it for sale; that there are not opposed to combining the parcels into 1 but prefer to keep them as separate parcels; that there is an existing entrance off of Route 113; that the site is located within an area identified by the Sussex County Comprehensive Plan Update June 2008 as a growth area and specifically a Town Center district; that smaller scale, low impact industrial uses are permitted; that the rezoning is appropriate and compatible to the area; that the proposed rezoning is in character with surrounding zoning; that there will not be any detrimental impacts to adjoining properties or the area; that U.S. Route 113 is a major arterial roadway which supports CR-1 zoning; that a

Traffic Impact Study was not required at this time; that the applicants went through the Preliminary Land Use Service; that the site is in an Investment Level 2 according to the State; that there are no known archaeological sites on the subject site; that there are no regulated wetlands on the site; that the applicants responded to the PLUS comments; and that the proposed rezoning is an appropriate Legislative action.

The Commission found that no parties appeared in support of or in opposition to this application.

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

The Commission deferred action for further consideration.

On August 21, 2014 the Commission discussed this application under Old Business.

Mr. Ross stated that he would move that the Commission recommend approval of Change of Zone No. 1756 for Delmarva Power and Light Company for a change of zone from AR-1 Agricultural Residential and C-1 General Commercial to a CR-1 Commercial Residential District based on the record made during the public hearing and for the following reasons:

- 1) DP & L owns several parcels that are adjacent to each other. A majority of two (2) of them are currently zoned C-1 General Commercial, with a small area zoned AR-1. On another of the adjacent tracts, the entrance area is zoned C-1, but the balance is zoned AR-1. This rezoning would bring the area that DP & L desires to use for its district office into a single zoning classification of CR-1, which is appropriate for DP & L's use of the site.
- 2) DP & L's district office has been operated from a part of this site since 1972.
- 3) The rezoning will not adversely affect neighboring properties, the community, or area roadways.
- 4) The site is in a Town Center District under the Sussex County Comprehensive Plan and CR-1 zoning is an appropriate zoning classification in this area.
- 5) The site has an existing entrance from U.S. Route 113 and U.S. Route 113 is an appropriate location for CR-1 zoning.
- 6) The proposed rezoning will benefit residents of Sussex County by allowing DP & L to reasonably expand its existing use of the property as its district office and to provide additional storage area for utility-related equipment, materials and vehicles in order to better serve its Sussex County customers.

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

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VENDOR (LUNCH TRUCK) TO SELL FOODS AND BEVERAGES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 16,820.70 SQUARE FEET, MORE OR LESS” (Tax Map I.D. 235-7.00-44.00)

WHEREAS, on the 29th day of April 2014, a conditional use application, denominated Conditional Use No. 1992 was filed on behalf of W. Ralph Brumbley; and

WHEREAS, on the ____ day of _____ 2014, 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. 1992 be _____; and

WHEREAS, on the ____ day of _____ 2014, 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.

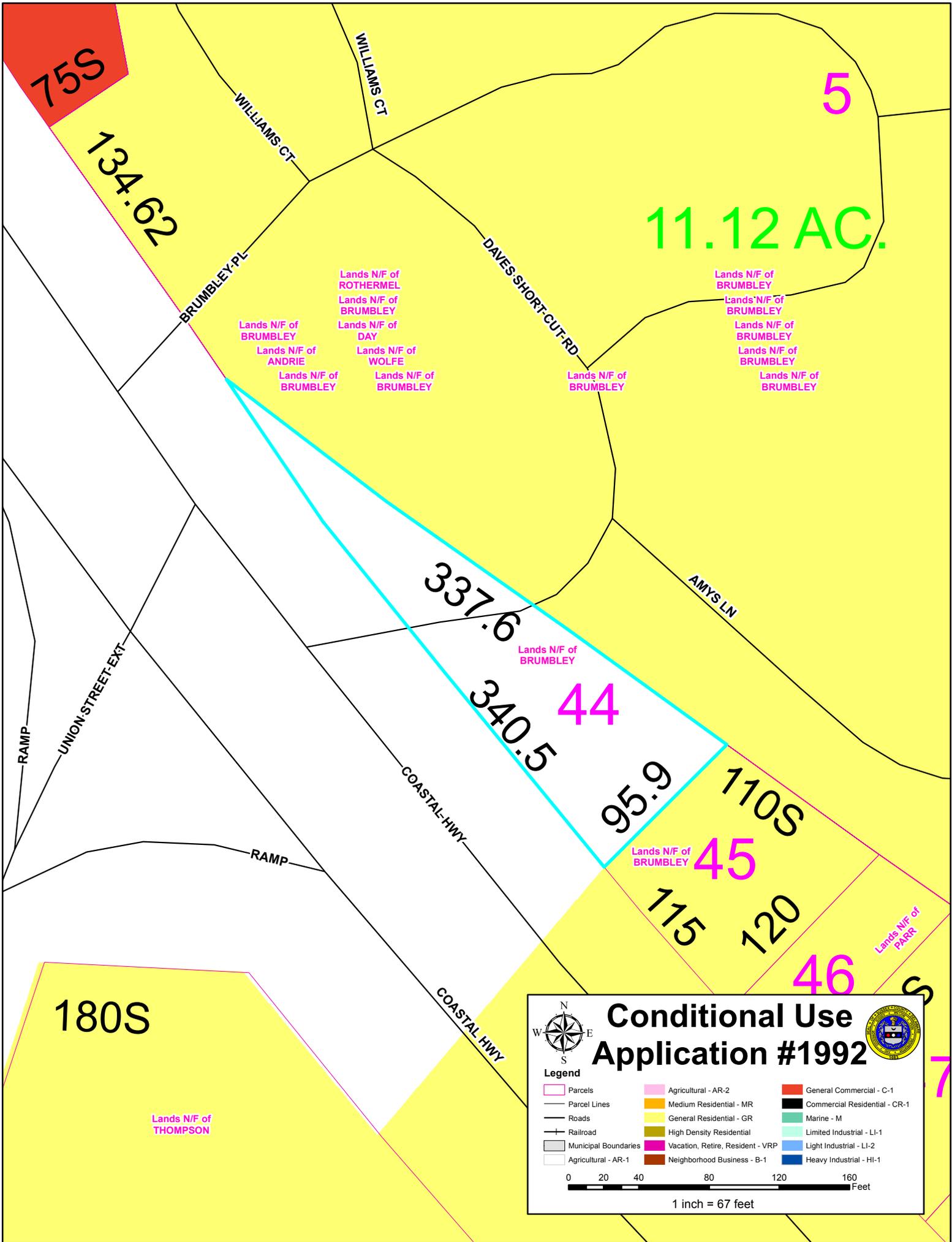
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1992 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 northeast of Route One (Coastal Highway) across from Route 5 (Union Street Extended) and being more particularly described in Deed Book 2357, Page 168, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 16,820.70 square feet, more or less.

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



75S

134.62

5

11.12 AC.

WILLIAMS CT
WILLIAMS CT
BRUMBLEY PL
DAVES SHORT CUT RD
AMYS LN
COASTAL HWY
COASTAL HWY
UNION STREET-EXT
RAMP
RAMP

Lands N/F of ROTHERMEL
Lands N/F of BRUMBLEY
Lands N/F of DAY
Lands N/F of ANDRIE
Lands N/F of BRUMBLEY
Lands N/F of WOLFE
Lands N/F of BRUMBLEY
Lands N/F of BRUMBLEY
Lands N/F of BRUMBLEY
Lands N/F of BRUMBLEY
Lands N/F of BRUMBLEY

337.6

Lands N/F of BRUMBLEY

44

340.5

95.9

Lands N/F of BRUMBLEY

110S

45

115

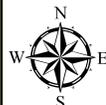
120

46

Lands N/F of PARR

180S

Lands N/F of THOMPSON

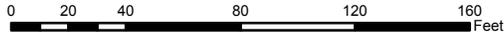


Conditional Use Application #1992

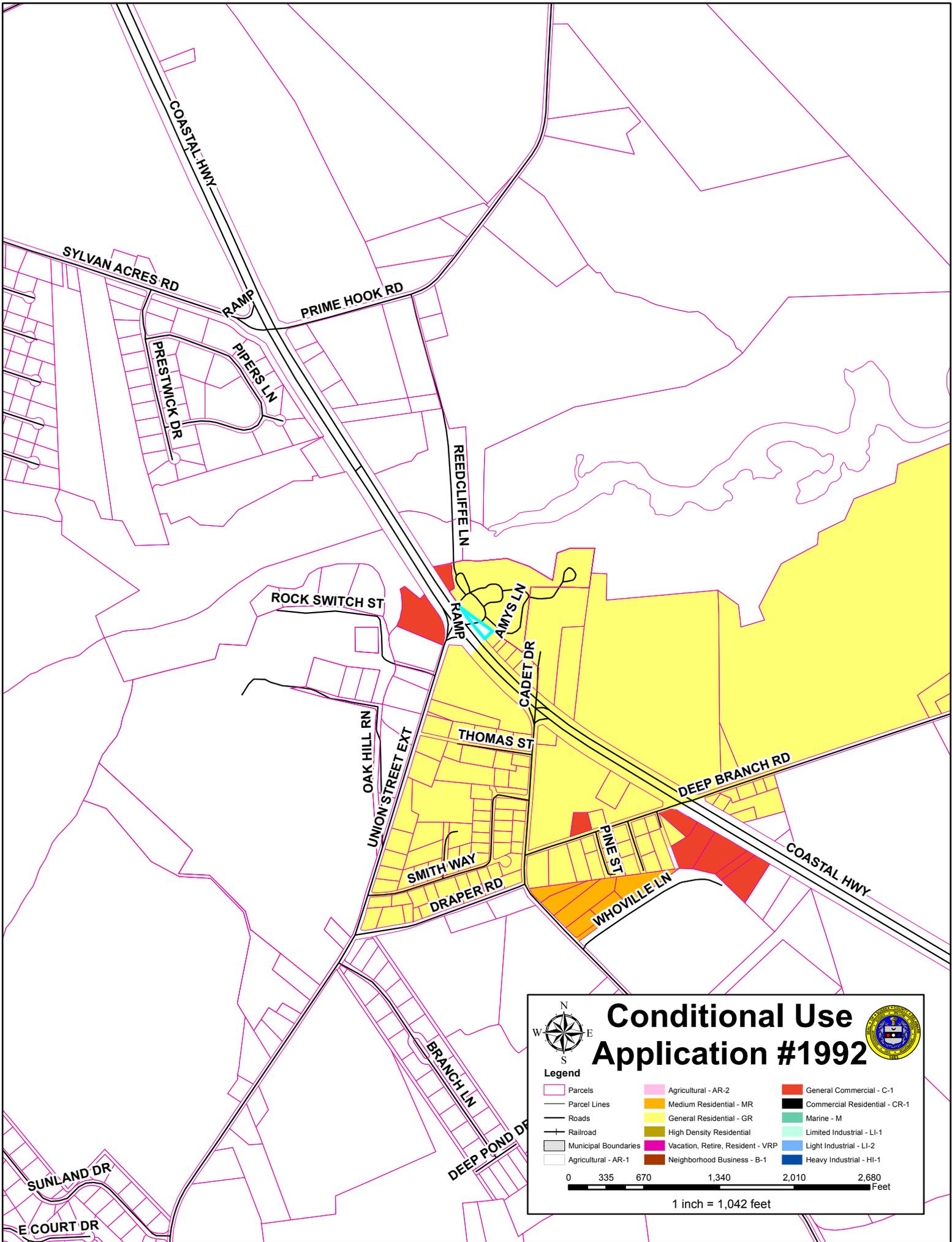


Legend

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



1 inch = 67 feet



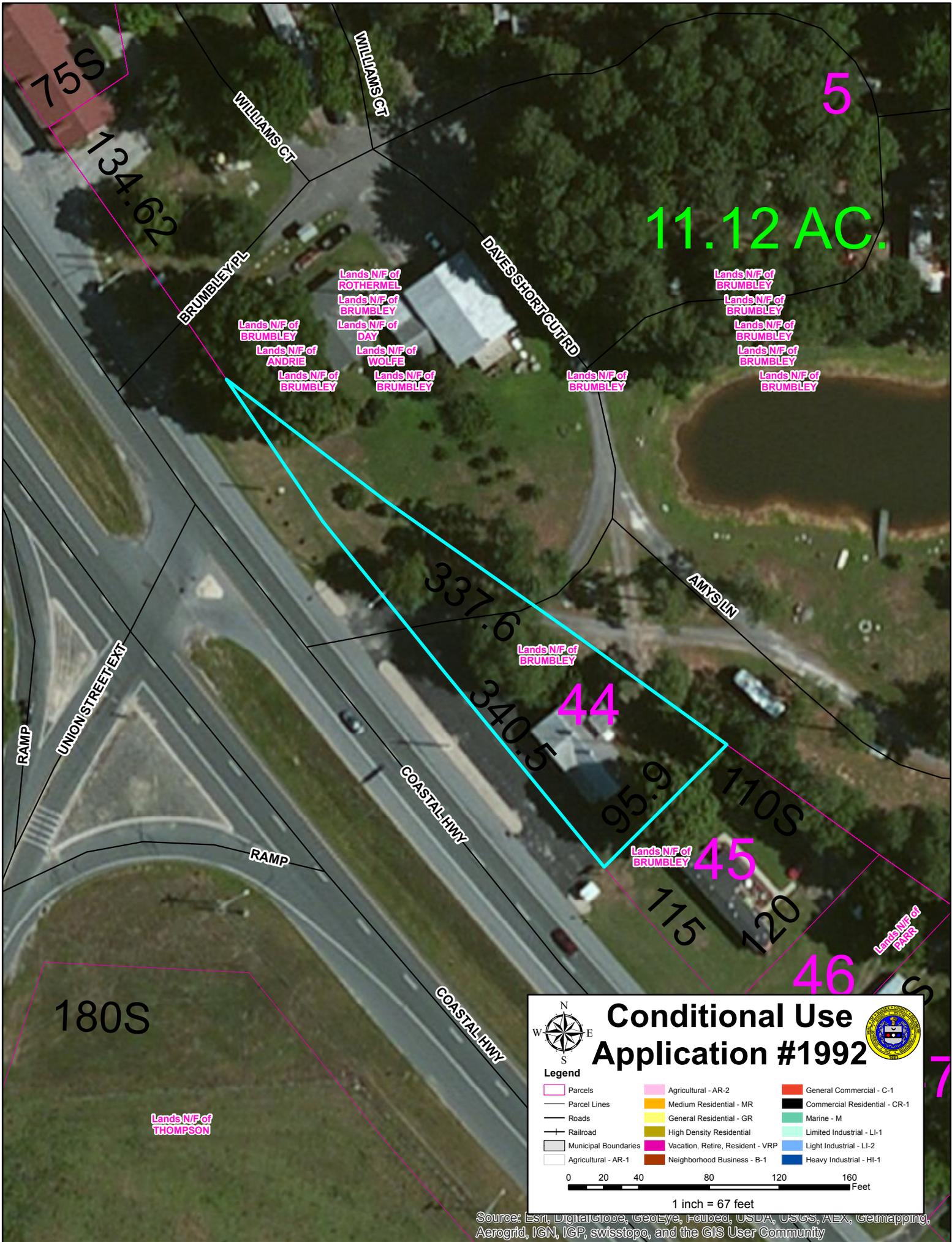
Conditional Use Application #1992

Legend

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

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

1 inch = 1,042 feet



11.12 AC.

5

44

45

46

Conditional Use Application #1992



W N E
S



Legend

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

0 20 40 80 120 160 Feet

1 inch = 67 feet

Source: Esri, DigitalGlobe, GeoEye, AeroGRID, USDA, USGS, AEX, GeoMapping, Aerogrid, IGN, ICP, swisstopo, and the GIS User Community

911 Address: 14639 Saint Johnstown Road, Greenwood, DE 19950

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PAINT BALL PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.1345 ACRES, MORE OR LESS” (Tax Map I.D. 430-8.00-9.02)

WHEREAS, on the 1st day of May 2014, a conditional use application, denominated Conditional Use No. 1993 was filed on behalf of David J. Bosco; and

WHEREAS, on the ____ day of _____ 2014, 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. 1993 be _____; and

WHEREAS, on the ____ day of _____ 2014, 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.

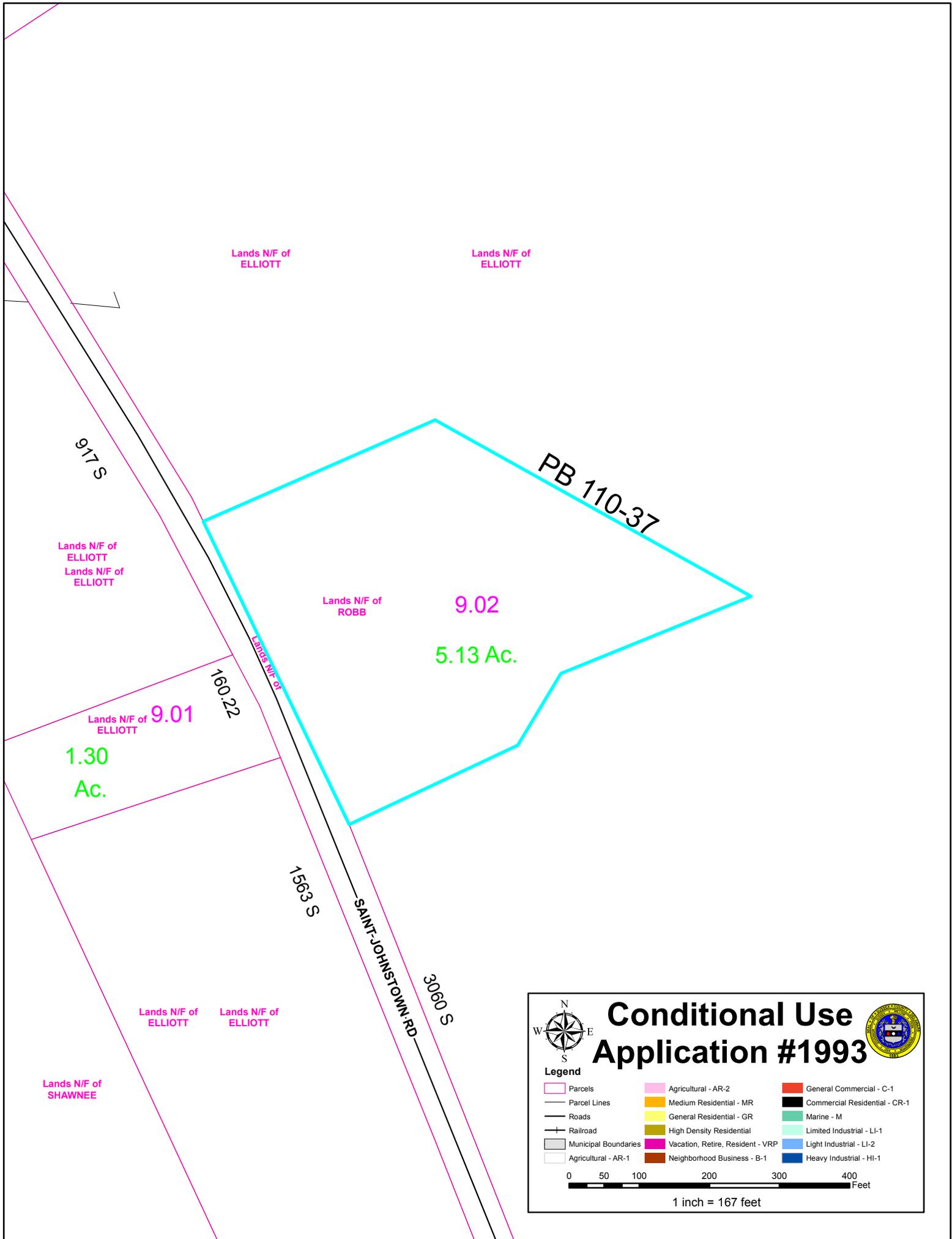
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1993 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 Nanticoke Hundred, Sussex County, Delaware, and lying east of Road 600 (Saint Johnstown Road) 1,760 feet north of Road 597 (Tuckers Road) and being more particularly described in Deed Book 3821, Page 137, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 5.1345 acres, more or less.

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



Lands N/F of ELLIOTT

Lands N/F of ELLIOTT

917 S

PB 110-37

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

Lands N/F of ROBB

9.02

5.13 Ac.

Lands N/F of ELLIOTT
9.01

160.22

1.30
Ac.

Lands N/F of

1563 S

SANT JOHNSTOWN RD

3060 S

Lands N/F of ELLIOTT

Lands N/F of ELLIOTT

Lands N/F of SHAWNEE



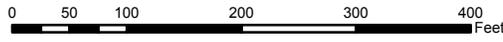
W N E S

Conditional Use Application #1993



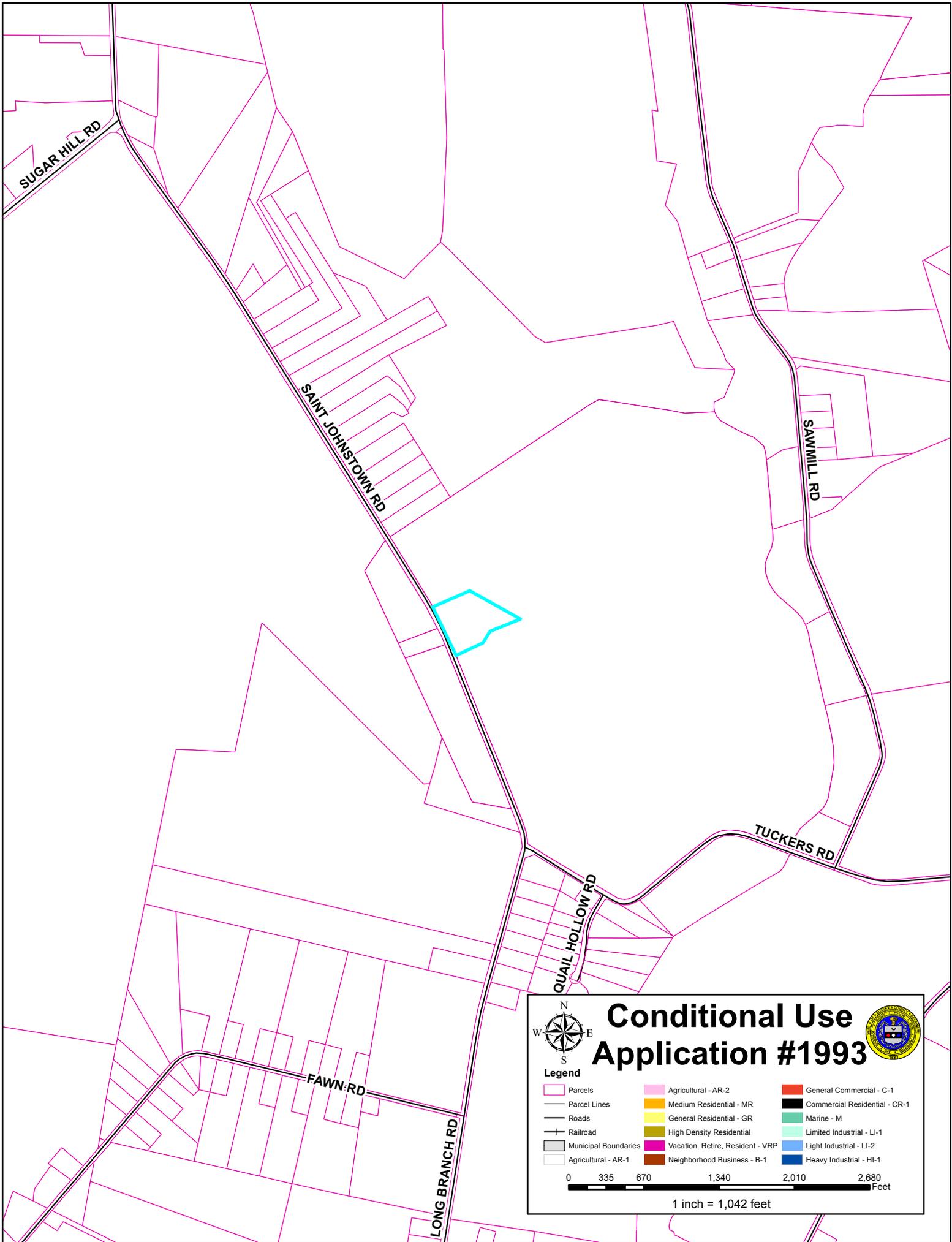
Legend

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



0 50 100 200 300 400 Feet

1 inch = 167 feet



SUGAR HILL RD

SANT JOHNSTOWN RD

SAWMILL RD

TUCKERS RD

QUAIL HOLLOW RD

FAWN RD

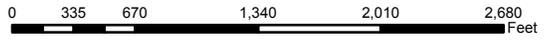
LONG BRANCH RD



Conditional Use Application #1993



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



1 inch = 1,042 feet



Conditional Use Application #1993

Legend

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

1 inch = 167 feet

Source: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, USGS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

Council District – District No. 5
Tax I.D. No. 533-12.00-674.00
911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO MODIFY CONDITION NO. 1 AND TO DELETE CONDITIONS NO. 2 AND NO. 15 IMPOSED ON ORDINANCE NO. 1532 FOR CHANGE OF ZONE NO. 1460, THE APPLICATION OF BUNTING-GRAY, LLC FOR “THE REFUGE AT DIRICKSON CREEK”, A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY, TO INCREASE THE MAXIMUM NUMBER OF ALLOWABLE DWELLING UNITS FROM 343 UNITS TO 355 UNITS, OF WHICH NO MORE THAN 68 UNITS SHALL BE MULTI-FAMILY UNITS, AND TO ELIMINATE THE B-1 NEIGHBORHOOD BUSINESS USES PERMITTED BY ORDINANCE NO. 1532 ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.3494 ACRES, MORE OR LESS

WHEREAS, on the 15th day of May 2014, a zoning application, denominated Change of Zone No. 1755 was filed on behalf of Bunting – Gray, LLC; and

WHEREAS, on the ____ day of _____ 2014, 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. 1755 be _____; and

WHEREAS, on the ____ day of _____ 2014, 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:

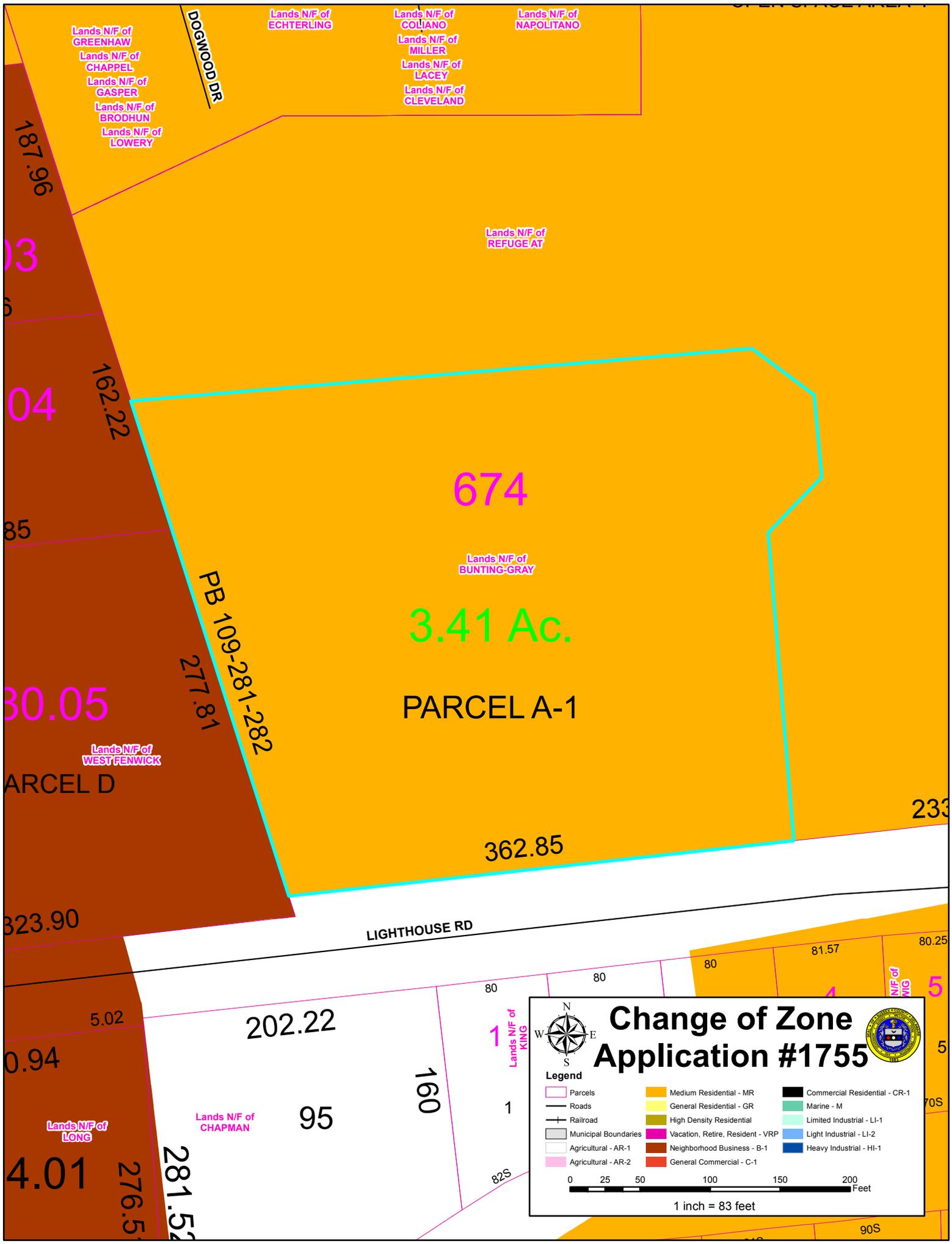
Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [MR-RPC Medium Density Residential District – Residential Planned Community] and adding in lieu thereof the designation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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying north of Route 54 (Lighthouse Road) 0.6 mile east of Road 381 (Old Mill Bridge Road) and being more particularly described as Parcel A-1 - Commercial Site on Plot entitled "The Refuge at Dirickson Creek" as recorded in Plot Book 143, Page 92, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 3.3494 acres, more or less.

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

Proposed



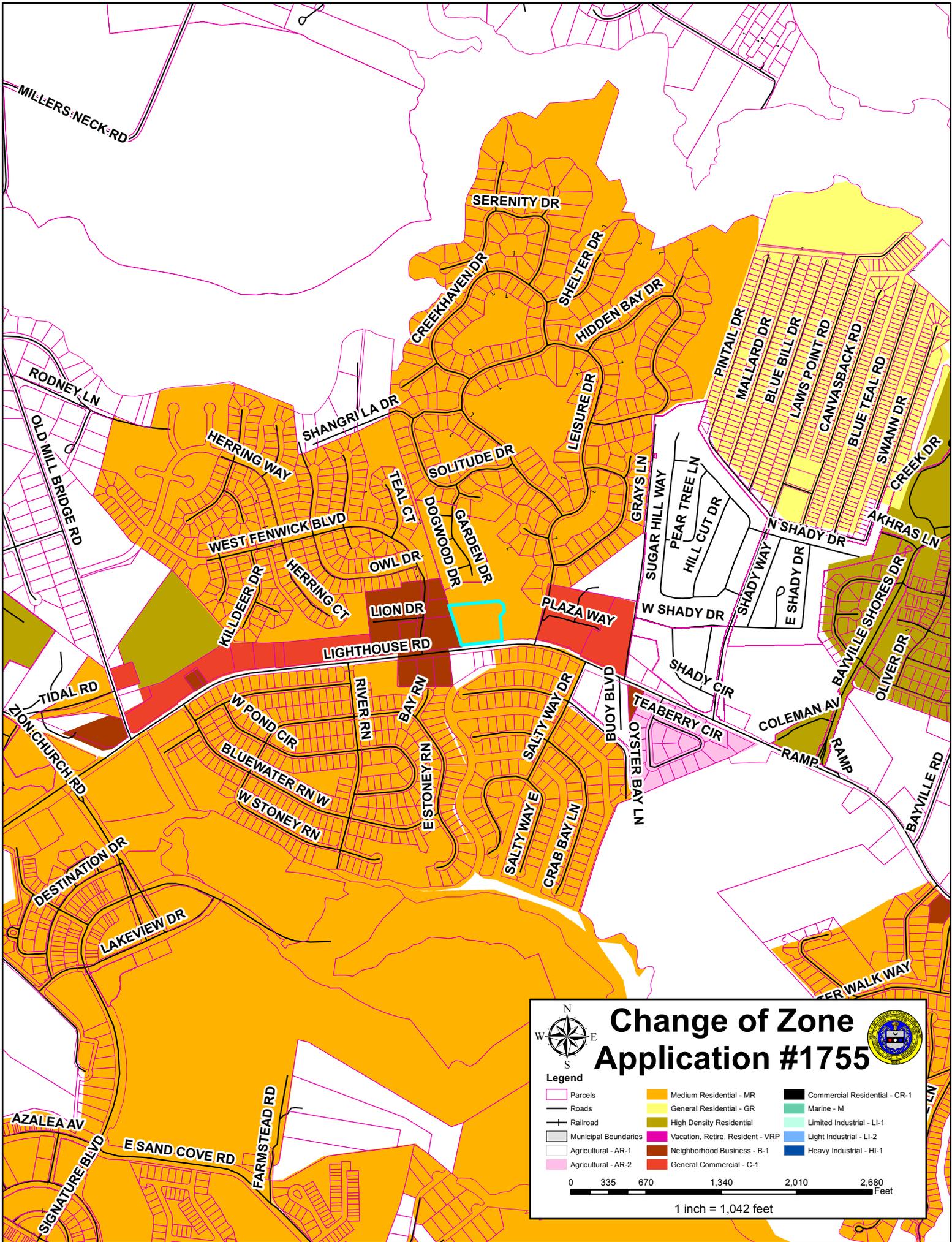
Change of Zone Application #1755

Legend

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

0 25 50 100 150 200 Feet

1 inch = 83 feet



MILLERS-NECK RD

SERENITY DR

CREEKHAVEN DR

SHELTER DR

HIDDEN BAY DR

RODNEY LN

SHANGRI LA DR

HERRING WAY

SOLITUDE DR

LEISURE DR

PINTAIL DR

MALLARD DR

BLUE BILL DR

LAWY POINT RD

CANVASBACK RD

BLUE TEAL RD

SWANN DR

OLD MILL BRIDGE RD

WEST FENWICK BLVD

TEAL CT

DOGWOOD DR

GARDEN DR

GRAYS LN

SUGAR HILL WAY

PEAR TREE LN

HILL CUT DR

SHADY WAY

E SHADY DR

N SHADY DR

AKHRAS LN

TIDAL RD

LION DR

PLAZA WAY

W SHADY DR

SHADY CIR

BAYVILLE SHORES DR

OLIVER DR

ZION CHURCH RD

W POND CIR

RIVER RN

BAY RN

SALTY WAY DR

BUOY BLVD

TEABERRY CIR

COLEMAN AV

RAMP

BAYVILLE RD

BLUEWATER RN W

W STONEY RN

E STONEY RN

SALTY WAY E

CRAB BAY LN

OYSTER BAY LN

RAMP

DESTINATION DR

LAKEVIEW DR

AZALEA AV

E SAND COVER RD

FARMSTEAD RD

SIGNATURE BLVD

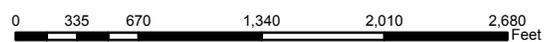


Change of Zone Application #1755

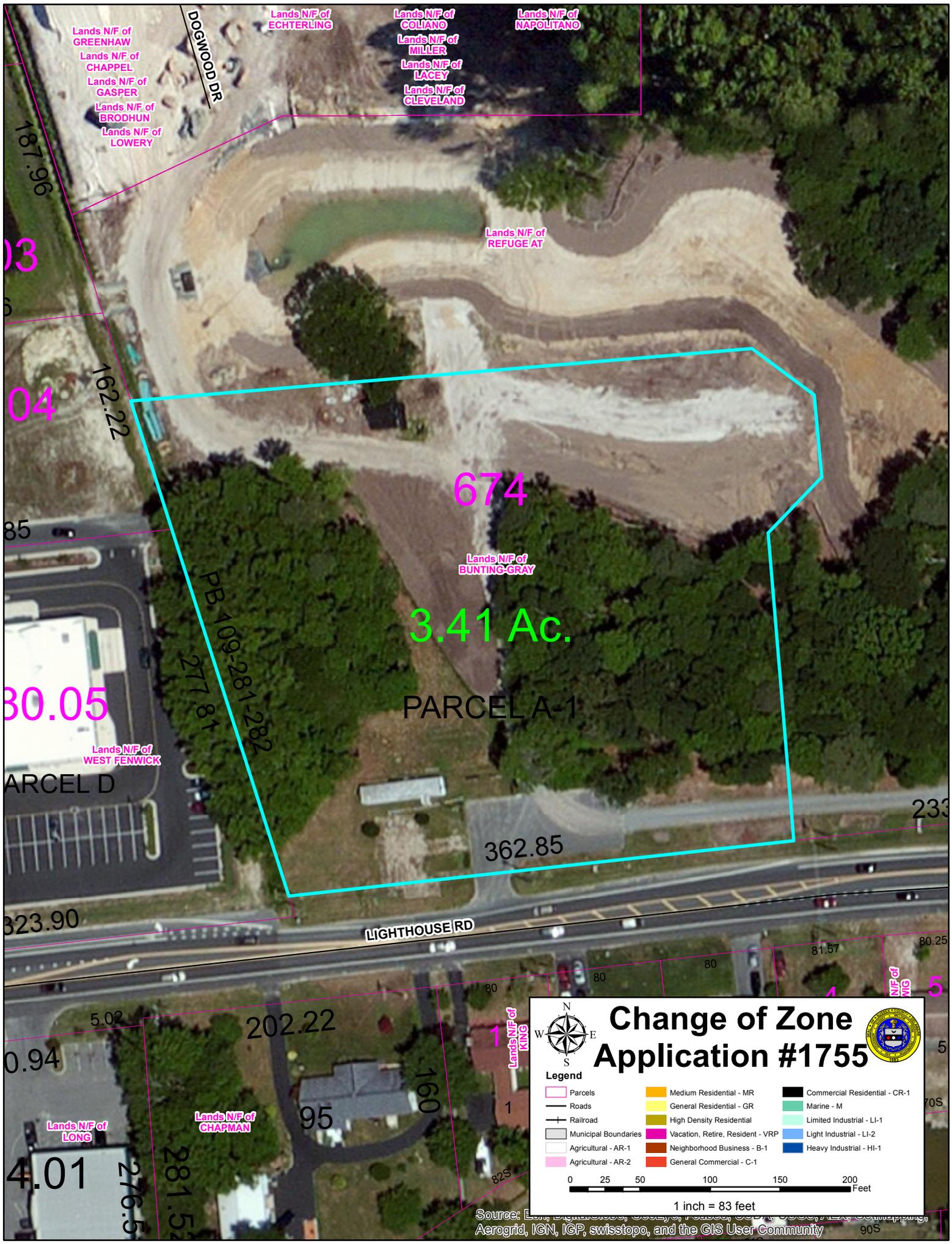


Legend

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



1 inch = 1,042 feet



Lands N/F of GREENHAW
 Lands N/F of CHAPPEL
 Lands N/F of GASPER
 Lands N/F of BRODHUN
 Lands N/F of LOWERY

Lands N/F of ECHTERLING

Lands N/F of COLIANO
 Lands N/F of MILLER
 Lands N/F of LACEY
 Lands N/F of CLEVELAND

Lands N/F of NAPOLITANO

Lands N/F of REFUGE AT

674

Lands N/F of BUNTING GRAY

3.41 Ac.

PARCEL A-1

03

04

85

30.05

PARCEL D

323.90

0.94

4.01

PB 109-281-282
 277.81

362.85

LIGHTHOUSE RD

202.22

Lands N/F of CHAPMAN

95

160

Lands N/F of KING

1

80

80

80

81.57

233

80.25

Lands N/F of KING

5

5

70S

90S

Change of Zone Application #1755



Legend

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

0 25 50 100 150 200 Feet

1 inch = 83 feet

Source: Esri, DeLorme, GeoEye, IGN, IPC, swisstopo, and the GIS User Community

Council District – District No. 5
Tax I.D. No. 233-5.00-135.00, 136.00, 137.01 and Part of 125.00
911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 13.57 ACRES, MORE OR LESS

WHEREAS, on the 16th day of May 2014, a zoning application, denominated Change of Zone No. 1756 was filed on behalf of Delmarva Power & Light Company; and

WHEREAS, on the ____ day of _____ 2014, 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. 1756 be _____; and

WHEREAS, on the ____ day of _____ 2014, 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 C-1 General Commercial District] and adding in lieu thereof the designation CR-1 Commercial Residential District as it applies to the property hereinafter described.

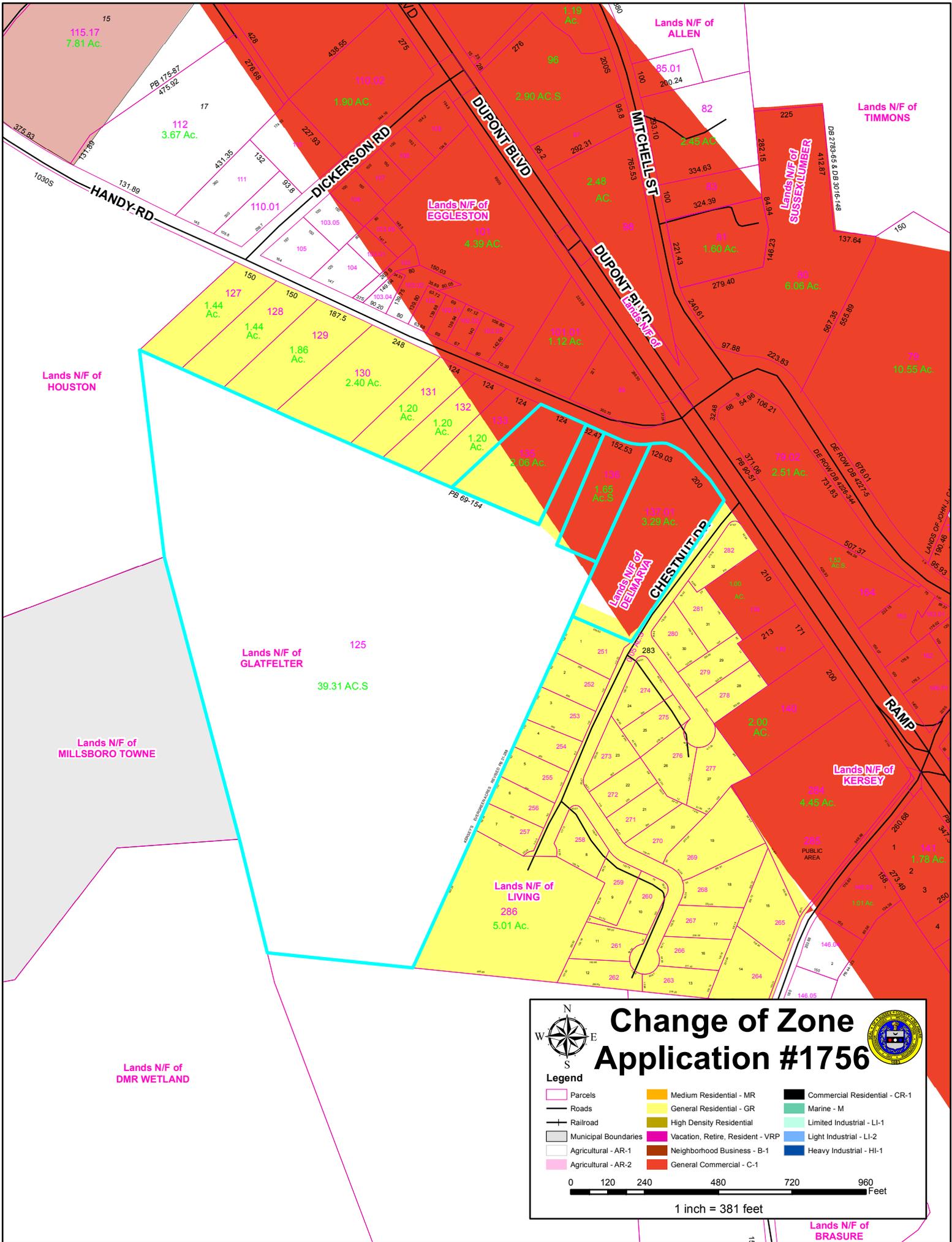
Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying southwest of Handy Road (Road 337) and southwest of U.S. Route 113 (DuPont Highway) and being more particularly described as follows:

BEGINNING at a point on the southwesterly right-of-way of U.S. Route 113 (DuPont Highway), a corner for these subject lands and the Kersey's Evergreen Acres Subdivision; thence southwesterly and northwesterly along said Kersey's Evergreen Acres Subdivision the following two (2) courses: South 36°24'54" West 500.22 feet to a point; and

North 61°24'21" West 200.84 feet to a point; thence North 65°10'49" West 1547.89 feet across lands of Delmarva Power & Light Company to a point; thence North 07°31'11" West 196.12 feet along lands, now or formerly, of Henry E. and Ollie M. Houston Heirs to a point; thence southeasterly by and along seven (7) adjacent property owners the following three (3) courses: South 63°23'32" East 149.75 feet to a point; South 65°09'34" East 337.71 feet to a point; and South 65°11'14" East 621.04 feet to a point; thence North 48°57'24" East 456.61 feet along lands, now or formerly, of Edward M. Taylor Heirs to a point on the southwesterly right-of-way of Handy Road; thence southeasterly 480.82 feet along the southwesterly right-of-way of Handy Road to a point on the southwesterly right-of-way of U.S. Route 113 (DuPont Highway); thence South 34°14'48" East 207.35 feet along the southwesterly right-of-way of U.S. Route 113 (DuPont Highway) to the point and place of beginning and containing 13.57 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.





W N E
S

Change of Zone Application #1756



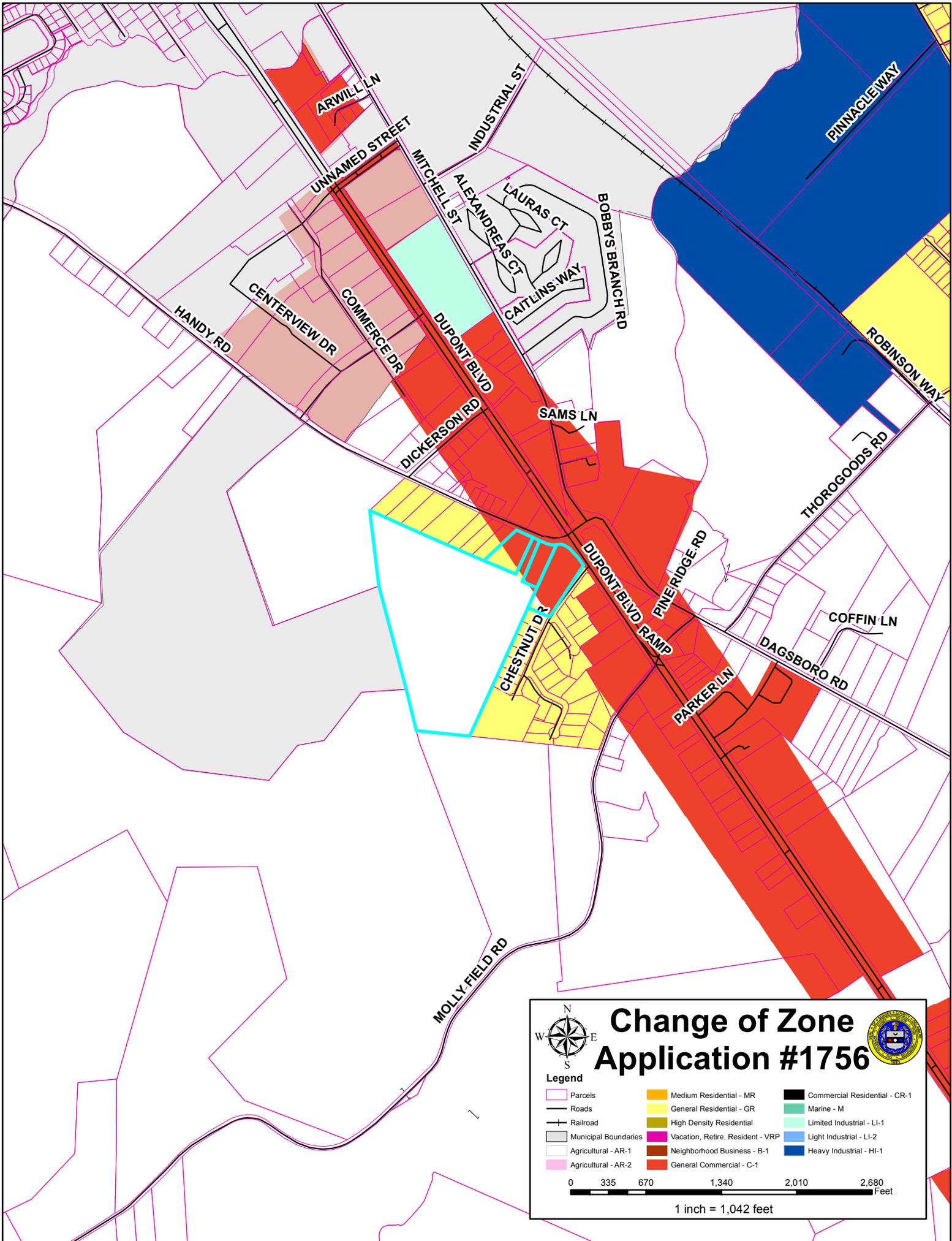
Legend

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

0 120 240 480 720 960 Feet

1 inch = 381 feet

Lands N/F of BRASURE

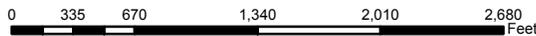


Change of Zone Application #1756

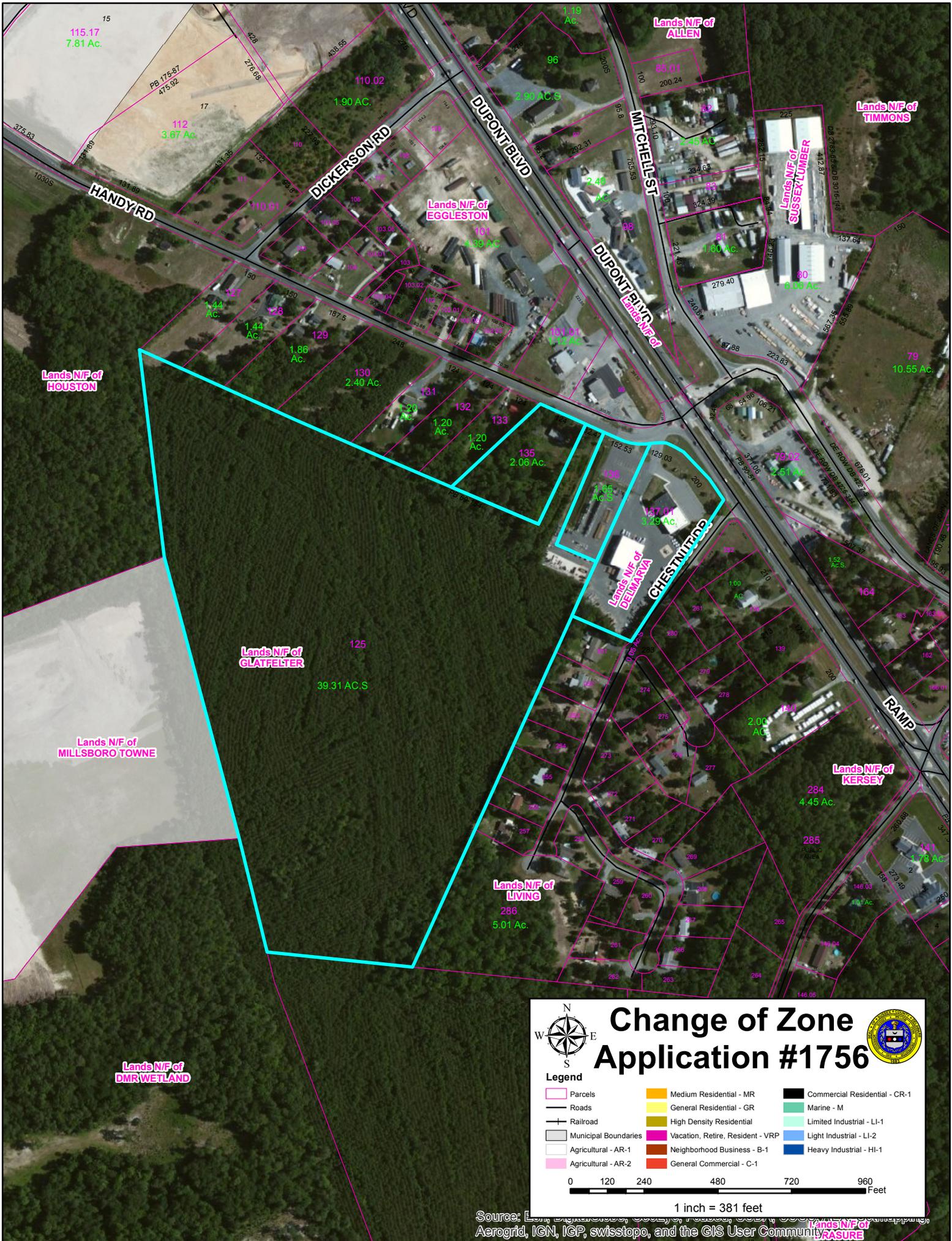


Legend

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



1 inch = 1,042 feet



115.17
7.81 Ac.

112
3.67 Ac.

110.02
1.90 AC.

Lands N/F of
EGGLESTON
4.33 AC

Lands N/F of
ALLEN

85.01
200.24

Lands N/F of
TIMMONS

Lands N/F of
SUSSEX LUMBER

80
6.06 Ac.

Lands N/F of
HOUSTON

127
1.44 AC.

128
1.44 AC.

129
1.86 AC.

130
2.40 AC.

131
1.20 AC.

132
1.20 AC.

133
1.20 AC.

Lands N/F of
DEMARVIA

136
1.25 AC.

137.01
3.35 AC.

Lands N/F of
GLATFELTER

125

39.31 AC.S

Lands N/F of
MILLSBORO TOWNE

Lands N/F of
KERSEY

284
4.45 Ac.

Lands N/F of
LIVING

286
5.01 Ac.

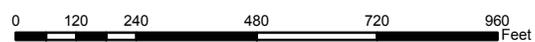
Lands N/F of
DMR WETLAND



Change of Zone Application #1756



- Legend**
- [Pink outline] Parcels
 - [Yellow] Medium Residential - MR
 - [Black outline] Commercial Residential - CR-1
 - [Black line] Roads
 - [Light Green] General Residential - GR
 - [Light Blue] Marine - M
 - [Black line with cross-ticks] Railroad
 - [Dark Green] High Density Residential
 - [Light Cyan] Limited Industrial - LI-1
 - [Grey outline] Municipal Boundaries
 - [Pink] Vacation, Retire, Resident - VRP
 - [Light Blue] Light Industrial - LI-2
 - [Light Grey] Agricultural - AR-1
 - [Orange] Neighborhood Business - B-1
 - [Dark Blue] Heavy Industrial - HI-1
 - [Light Grey] Agricultural - AR-2
 - [Red] General Commercial - C-1



1 inch = 381 feet

Source: Esri, DeLorme, GeoEye, IGN, IPC, swisstopo, and the GIS User Community