



# **Sussex County Council Public/Media Packet**

**MEETING:  
October 11, 2016**

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



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# Sussex County Council

## AGENDA

OCTOBER 11, 2016

10:00 A.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Public Comments

### Todd Lawson, County Administrator

1. Update on State/County Finance & Revenue Committee
2. Administrator's Report

### Hans Medlarz, County Engineer

1. Seagrove – Use of Existing Infrastructure Agreement

### 10:15 a.m. Public Hearing

**Martin Expansion of the Sussex County Unified Sanitary Sewer District  
(Millville Area)**

### Old Business

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



**Lawrence Lank, Director of Planning and Zoning**

1. Possible Amendment to Ordinance No. 2414 entitled “AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS”

**Grant Requests**

1. Seaford Historical Society for Seaford Museum Exhibit
2. Coastal Concerts for scholarship funding
3. Clear Space Theatre Company for scholarship funding
4. City of Lewes for the Historic Lewes Byway Committee for brochure expenses

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

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

**Possible Action on Executive Session Items**

**Adjourn**

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Sussex County Council meetings can be monitored on the internet at [www.sussexcountyde.gov](http://www.sussexcountyde.gov).

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on October 4, 2016 at 4:50 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, OCTOBER 4, 2016**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 4, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 593 16  
Amend  
and  
Approve  
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to amend the Agenda by deleting "Introduction of Proposed Zoning Ordinances" and to approve the Agenda, as amended.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Minutes**

The minutes of September 27, 2016 were approved by consent.

**Corre-  
spondence**

**Correspondence**

Mr. Moore noted that correspondence was received from David Hutt, Attorney, relating to the Proposed Sign Ordinance, and that Mr. Hutt's correspondence would be discussed under Old Business on this date.

**Public  
Comments**

**Public Comments**

Robert Kuehnl of Heron Bay stated that he was in attendance along with residents of the Heron Bay Community to report to Council on the continued failure of the developer (Capano / LC Homes) to complete the amenities, streets, and stormwater facilities in Heron Bay. Mr. Kuehnl asked for the County's help in resolving this matter.

Mr. Lawson reported that the County is actively working on a solution.

[Mr. Wilson joined the meeting.]

Public  
Comments  
(continued)

Dan Kramer commented on Council's action last week on the Sussex Conservation District's Residential Construction Application and associated fee.

Chris Pollinger of Heron Bay also commented on the problems in Heron Bay. He stated that pipes were installed wrong and are the wrong size; he referenced flooding and stormwater issues; and he stated that the residents do not have access to the clubhouse and that amenities have not been put in. Mr. Pollinger stated that these types of problems are happening all over the County.

Paul Reiger commented on inspections by the County. He also commented on the retirement of the Planning and Zoning Director; the appointment of a new Planning and Zoning Director, and the open seat on the Planning and Zoning Commission.

House  
Concurrent  
Resolution  
95 / Task  
Force

Mr. Lawson referenced House Concurrent Resolution No. 95 by which the Delaware General Assembly established a Task Force to review the financial management procedures of Volunteer Fire Companies. Mr. Lawson noted that task force membership specifically references "A representative of each of the counties, appointed by the County government." Mr. Lawson recommended that Gina Jennings, Finance Director, serve as the County's representative. The first meeting of the Task Force is scheduled to take place in October.

M 594 16  
Appoint-  
ment to  
State  
Task  
Force  
per  
HCR 95

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, that the Sussex County Council appoints Gina Jennings, Finance Director, to the State Task Force to review the financial management procedures of Volunteer Fire Companies.

Motion Adopted: 5 Yeas.

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

Adminis-  
trator's  
Report

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

1. Sussex County Election Year Scholarship Contest

Sussex County once again is sponsoring its Election Year Scholarship Contest for local students. As in elections past, students will be asked to predict which candidates will win office in the 2016 general election set for November 8th. The student with the most correct predictions will win a \$200 scholarship, while five runners-up will each win \$100 scholarships.

**Administrator's Report (continued)**

Students 18 and younger who live in Sussex County are eligible to participate. Entrants will be asked to predict the winners of 20 federal, statewide, and county races; the student with the most correct guesses will win. To break a tie, entrants will be asked to guess how many votes the winner of this year's race for president will collect in Sussex County. Winners will be announced once election results are certified.

The scholarships will be paid upon each student's enrollment in college or another post-high school educational program.

For complete rules and to enter, log on to [www.sussexcountyde.gov/election-contest](http://www.sussexcountyde.gov/election-contest).

**Impacted Communities Study Presentation**

Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer, and Stephanie Hanson, Attorney, presented a synopsis of the Impacted Communities Study which the County was required to do as a result of the Voluntary Compliance Agreement (VCA) that was put in place as a result of the New Horizons lawsuit. Study highlights included the study scope, the communities identified (total of 14), community outreach and survey methodology, and current and past community investments. The Study is available on the County's website under the Affordable and Fair Housing Resource Center.

**Pump Station 210/ Change Order**

Hans Medlarz, County Engineer, presented Change Order No. 1 for the Pump Station #210 Improvements Project, Contract No. 15-07. Mr. Medlarz reported that Value Engineering of the project resulted in line item costs and/or credits and he discussed those changes.

**M 595 16 Approve Change Order/ Pump Station 210 Improvements Contract**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department and its consultant, Whitman, Requardt and Associates, LLP, that Change Order No. 1 for Sussex County Contract No. 15-07, Pump Station #210 Improvements with Kuhn Construction Company, be approved, which decreases the current contract by \$8,411.26 for a new contract total of \$4,995,288.74.

**Motion Adopted: 5 Yeas.**

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

**Telescopic Handler Project**

Hans Medlarz, County Engineer, presented the bid results for Telescopic Handler, Project 17-06 (there were three Alternate Bids solicited). A total of three bids were received and the lowest responsive bidder was Iron Source with a total bid of \$119,300.00 (Alternate Bid 3). The estimate for the equipment was \$136,990.00.

**M 596 16  
Award Bid/  
Telescopic  
Handler  
Project**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that Bid Alternate 3 for Contract #17-06, Telescopic Handler, be awarded to Iron Source, LLC of Georgetown, Delaware, in the amount of \$119,300.00.**

**Motion Adopted: 5 Yeas.**

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

**Bulk  
Delivery/  
Caustic  
Soda**

**Hans Medlarz, County Engineer, presented the bid results for Project #17-05, Bulk Delivery of Caustic Soda. Three bids were received and the low bidder was George S. Coyne Chemical Co., Inc. of Croydon, Pennsylvania, with a total unit price of \$2.839 per gallon, which will be valid for two years.**

**M 597 16  
Award  
Bid/  
Bulk  
Delivery  
Caustic  
Soda**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Project #17-05, Bulk Delivery of Caustic Soda, be awarded to George S. Coyne Chemical Co., Inc. of Croydon, Pennsylvania, at the bid amount of \$2.839 per gallon.**

**Motion Adopted: 5 Yeas.**

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

**Sweet  
Meadow  
Lane  
Expansion  
of the  
SCUSSD**

**John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Sweet Meadow Lane Expansion of the Sussex County Unified Sanitary Sewer District (Johnsons Corner Area). The district expansion was requested by Shelly Lynn Wright, the property owner of Parcel 533-11.00-27.04. The expansion would consist of 5.00± acres. The parcel will be responsible for System Connection Charges of \$5,775.00 based on current rates. Contingent on the Council's approval, a Public Hearing will be scheduled and advertised for November 1, 2016 at 10:15 a.m.**

**M 598 16  
Prepare  
and Post  
Notices/  
Sweet  
Meadow  
Lane  
Expansion  
of the  
SCUSSD**

**A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, that the Engineering Department is authorized to prepare and post notices for the Sweet Meadow Lane Expansion of the Sussex County Unified Sanitary Sewer District (Johnson's Corner Area) to include Parcel 533-11.00-27.04, as presented on October 4, 2016.**

**Motion Adopted: 5 Yeas.**

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

**Old  
Business/  
High  
Tide  
Church  
Expansion  
of the  
SCUSSD**

**Mr. Arlett left the room and did not participate in the discussion or the vote on the High Tide Church Expansion matter.**

**John Ashman, Director of Utility Planning, reported on the Proposed High Tide Church Expansion of the Sussex County Unified Sanitary Sewer District (Johnsons Corner Area). At the September 27, 2016 Council meeting, a Public Hearing was held to consider expanding the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD) to include the properties situated on the west side of State Route 113 and north and south of County Road 26 (Nine Foot Road) (High Tide Church Expansion of the Sussex County Unified Sanitary Sewer District).**

**On September 27th, Mr. Ashman presented the expansion proposal. The expansion, consisting of 122.65± acres, was requested by High Tide Church, a project currently known as PGS Properties, and Allen Harim. The church and PGS properties will be responsible for gravity sewer to a connection point on the west side of Route 113. This provides a connection point for the American Legion Post #24 which has been on a holding tank since approximately 2008; Allen Harim will be connecting to the gravity system installed by High Tide and PGS. There are several other parcels included in this expansion to fill in the donut hole and to maintain a contiguous path; some will be receiving a connection point from the High Tide/PGS infrastructure. The parcels will be responsible for system connection charges of \$5,775.00 based on current rates.**

**On September 27th, public comments were heard from two area residents requesting that the residents on Nine Foot Road and Hickory Lane be exempt from the proposed expansion. A petition in opposition to the proposed expansion was submitted on that date.**

**At the conclusion of the Public Hearing on September 27th, action was deferred for one week to allow the Engineering Department to contact the property owners in the proposed expansion area to determine their interest.**

**Per Council's direction, the Engineering Department tried to contact the property owners in the proposed expansion area (excepting Allen Harim, PGS Properties, and High Tide Church). The Engineering Department was able to directly contact two of the property owners and both property owners stated that they do not want a connection to the sewer district; they also stated that they think their neighbors are of the same opinion.**

**The Council discussed excluding the private property owners. Mr. Ashman stated that the Engineering Department can exclude them from the proposed expansion and can amend the Proposed Resolution to reflect the exclusion.**

**M 599 16  
Adopt  
R 016 16**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt R 016 16 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT**

**M 599 16**  
**Adopt**  
**R 016 16**  
**(continued)**

**(SCUSSD), TO INCLUDE THE PROPERTIES SITUATED ON THE WEST SIDE OF STATE ROUTE 113 & NORTH AND SOUTH OF COUNTY ROAD 26 (NINE FOOT ROAD). THE PARCELS ARE LOCATED IN DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”, as amended to exclude Parcels 23-10.00-74.00, 74.01, 74.02, and 74.03.**

**Motion Adopted: 5 Yeas.**

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

**[Mr. Arlett rejoined the meeting.]**

**Old  
Business/  
Proposed  
Sign  
Ordinance  
(Version 2)**

**Under Old Business, the Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 (“ZONING”), ARTICLE XXI (“SIGNS”) (Second Version).**

**On September 20th, the Council held a Public Hearing on the Proposed Ordinance and left the public comment period open until the close of business on September 30th; stated that the public could make written comment on recommendations from the Planning and Zoning Commission (anything the Commission proposes to change); and stated that this information is to be brought to Council at the first meeting in October.**

**The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on September 8, 2016 at which time action was deferred. On September 22, 2016, the Commission recommended that the application be approved subject to recommended changes, which are incorporated in the minutes of the Planning and Zoning Commission (dated September 22, 2016).**

**It was noted that, on September 30, 2016, correspondence was received from David Hutt, Attorney. Mr. Hutt’s letter was distributed to Council members.**

**Jamie Sharp, Assistant County Attorney, commented on the Proposed Ordinance and asked that the Council members read Mr. Hutt’s letter and read the recommendation of the Planning and Zoning Commission; any questions should be submitted to Mr. Lawson and copied to Mr. Sharp by email prior to the Council meeting on October 11th, at which time the Proposed Ordinance is to be discussed under Old Business.**

**Old  
Business/**

**Lawrence Lank, Director of Planning and Zoning, reported on Change of Zone No. 1802 filed on behalf of J. G. Townsend, Jr. & Co. On August 23rd, the Council held a Public Hearing on this application. On that date, Council deferred action and left the record open for written comments for**

**Old  
Business/  
Proposed  
Sign  
Ordinance  
(Version 2)  
(continued)**

one week with the possibility of further extensions of the record remaining open. On August 30th, the Council discussed the application under Old Business and by Motion established that the time period for the receipt of written public comments on Change of Zone No. 1802 would close as of 4:30 p.m. on August 30, 2016. Also on August 30th, the Council adopted the following Motion: “that Councilmembers may ask questions of staff or agencies until the close of business on September 30th (all questions should be funneled through Lawrence Lank, Director of Planning and Zoning, so that there is a record); once answers have been received and reported at a County Council meeting, the record will remain open for the public to comment (in writing) on the information requested (only)”.

Mr. Lank reported that, as of this date (October 4th), two sets of questions have been received from Council members and some of the questions/comments related to similar issues:

**Issues relating to the Delaware Department of Transportation (DelDOT):**

- 1. An updated Traffic Impact Study (TIS)**
- 2. If DelDOT is not requiring an updated TIS, please ask the agency to explain its position as to why the current TIS is sufficient for the purpose of considering this application.**
- 3. Is the current TIS sufficient with details supporting their response?**
- 4. Given the amount of time that has passed since the last TIS, why does DelDOT believe current information is not required?**
- 5. What is the DelDOT Level of Service rating and functional classification of both Gills Neck Road and Kings Highway?**
- 6. Will the Level of Service rating change due to the current and future work being done by the Applicant in cooperation with DelDOT?**

**Issues relating to the State Department of Natural Resources and Environmental Control (DNREC), Sussex County Code, and the Board of Public Works for the City of Lewes:**

- 1. Is the State’s Source Water Protection Area map up-to-date? When was it last updated?**
- 2. Is there any timeframe for updating the Area map?**
- 3. Has the Well Head Protection Area surrounding the Board of Public Works' wells changed in size, location, or depth? Has the purity of the water changed and/or have any new pollutants been detected?**

**Issues relating to County staff:**

- 1. Is any part of the application’s project within the County required Well Head Protection Area?**

(continued)

2. **With this request for rezoning, does the Council have the authority to stipulate, on this property that certain uses, such as gas stations or dry cleaners, are prohibited, since this was proffered by the Applicant.**

**Mr. Lank advised that staff will obtain responses after which a report will be presented at a future Council meeting.**

**Grant  
Requests**

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

**M 600 16  
Council-  
manic  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$2,500.00 (\$1,250.00 each from Mr. Arlett's and Mr. Cole's Councilmanic Grant Accounts) to Indian River High School for automatic external defibrillators.**

**Motion Adopted: 5 Yeas.**

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

**M 601 16  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to give \$2,000.00 from Mr. Wilson's Councilmanic Grant Account to American Legion Post 8 for World War I Monument.**

**Motion Adopted: 5 Yeas.**

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

**M 602 16  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 (\$500.00 each from Mr. Cole's and Mrs. Deaver's Councilmanic Grant Accounts) to the Rehoboth Art League for arts and arts education.**

**Motion Adopted: 5 Yeas.**

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

**M 603 16  
Council-  
manic  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$1,000.00 (\$800.00 from Mr. Arlett's Councilmanic Grant Account and \$200.00 from Mr. Cole's Councilmanic Grant Account) to the Fenwick Island Lions Club for parade expenses.**

**Motion Adopted: 5 Yeas.**

**M 603 16  
(continued)**      **Vote by Roll Call:**      **Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Arlett, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 604 16  
Council-  
manic  
Grant**      **A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$2,000.00 (\$1,500.00 from Mr. Arlett’s Councilmanic Grant Account and \$500.00 from Mr. Cole’s Councilmanic Grant Account) to Cozy Critters After School Program for building renovations.**

**Motion Adopted:**      **4 Yeas, 1 Nay.**

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

**Council-  
members’  
Comments**

**Council Members’ Comments**

**No comments.**

**M 605 16  
Go Into  
Executive  
Session**      **At 11:40 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to recess the Regular Session and to go into Executive Session to discuss matters relating to collective bargaining, personnel, and land acquisition.**

**Motion Adopted:**      **5 Yeas.**

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

**Executive  
Session**      **At 11:50 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to collective bargaining, personnel, and land acquisition. The Executive Session concluded at 1:20 p.m.**

**M 606 16  
Reconvene  
Regular  
Session**      **At 1:38 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to come out of Executive Session and to reconvene the Regular Session.**

**Motion Adopted:**      **5 Yeas.**

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

**Planning  
and  
Zoning  
Director  
Appoint-  
ment**      **Mr. Lawson referenced the retirement of Lawrence Lank, Director of Planning and Zoning, effective the end of 2016, and noted that the position of Director of Planning and Zoning is appointed by the Council. Mr. Lawson reported that, in Executive Committee, Council discussed filling that position and that the current Director of Planning and Zoning, the County Administrator, and the Council recommend filling that position**

**with the current Planning and Zoning Manager, Janelle Cornwell.**

**M 607 16  
Promote  
Janelle  
Cornwell/  
Planning  
and  
Zoning  
Director  
Appointee**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council promotes Janelle Cornwell as the Planning and Zoning Director Appointee, effective immediately, to serve in that position until the retirement of the current Planning and Zoning Director, and at which point Ms. Cornwell shall be appointed Planning and Zoning Director.**

**Motion Adopted: 5 Yeas.**

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

**The Council congratulated Janelle Cornwell on her promotion.**

**Rules  
of Procedure**

**Mr. Moore read the Rules of Procedure for Public Hearings.**

**Public  
Hearing  
(CU 2055)**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE AIRPORT WITH LANDING FIELD WITH TIE-DOWN AND PARKING AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.7 ACRES, MORE OR LESS” (Conditional Use No. 2055) filed on behalf of Jeffrey Allen Chorman and Molly Murphy Chorman (Tax I.D. No. 330-8.00-46.00 (Part of) (911 Address: Not Available).**

**The Planning and Zoning Commission held a Public Hearing on this application on August 25, 2016 at which time action was deferred. On September 22, 2016, the Commission recommended that the application be approved, with the following conditions:**

- A. The use shall be limited to a private airport as permitted in an Agricultural Preservation District under Title 3 Section 909 of the Delaware Code.**
- B. No chemicals associated with aerial spray operations shall be stored on the site.**
- C. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**(See the minutes of the Planning and Zoning Commission dated August 25 and September 22, 2016.)**

**Lawrence Lank, Director of Planning and Zoning, provided a summary of the Planning and Zoning Commission’s Public Hearing and recommendation of approval.**

**Public  
Hearing  
(CU 2055)  
(continued)**

**Mr. Lank distributed Exhibit Booklets previously provided by the Applicant.**

**The Council found that Robert Gibbs, Attorney, was present with the Applicant, Jeffrey Allen Chorman. Mr. Gibbs reviewed the survey showing the “Chorman Airstrip Plan” for a private airport with landing field with tie-down and parking area (±5.7 acres). They stated that the application is for a private landing strip for personal use; that the area will be leased to Jeff and Molly Chorman from Sharp Farms Limited Partnership; that the Sharp Farms surrounds the ±5.7 acre leasehold; that DelDOT’s report showed no change in traffic; that DelDOT did not require a Traffic Impact Study; that the property is located in an Agricultural Preservation District; and that the proposed use is permitted by the Delaware Agricultural Lands Preservation Act.**

**Mr. Gibbs noted that proposed Findings of Fact are included in the Exhibit Booklet.**

**In response to questions raised by Mr. Cole, Mr. Chorman stated that he does not have any objection to the use being limited to a maximum of four private aircraft on the premises.**

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

**M 608 16  
Amend  
Conditions/  
CU 2055**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to amend the conditions recommended by the Planning and Zoning Commission to include the following new condition: “There shall be no more than four (4) aircraft parked on the premises on a permanent or semi-permanent basis.”**

**Motion Adopted: 5 Yeas.**

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

**M 609 16  
Adopt  
Ordinance  
No. 2465  
(CU 2055)**

**A Motion was by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2465 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PRIVATE AIRPORT WITH LANDING FIELD WITH TIE-DOWN AND PARKING AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.7 ACRES, MORE OR LESS” (Conditional Use No. 2055) filed on behalf of Jeffrey Allen Chorman and Molly Murphy Chorman, as amended, with the following conditions:**

**A. The use shall be limited to a private airport as permitted in an Agricultural Preservation District under Title 3 Section 909 of the Delaware Code.**

**M 609 16  
Adopt  
Ordinance  
No. 2465  
(CU 2055)  
(continued)**

- B. No chemicals associated with aerial spray operations shall be stored on the site.**
- C. There shall be no more than four (4) aircraft parked on the premises on a permanent or semi-permanent basis.**
- D. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CU 2056**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE, STORAGE OF VEHICLES AND EQUIPMENT AND REPAIR OF EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06 ACRES, MORE OR LESS” (Conditional Use No. 2056) filed on behalf of Raynol E. Garcia (Tax I.D. No. 330-15.00-20.01) (911 Address: 7411 Marshall Street, Lincoln).**

**The Planning and Zoning Commission held a Public Hearing on this application on August 25, 2016 at which time the Commission deferred action. On September 22, 2016, the Commission recommended that the application be approved with the following conditions:**

- A. The use of land shall be limited to an office, storage of vehicles and equipment, and indoor repair of equipment.**
- B. There shall be no retail sales or services on the property.**
- C. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
- D. Any dumpsters on the site are to be screened from view of neighboring properties and roadways, and located behind the existing building.**
- E. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.**
- F. The hours of operation shall be Monday through Saturday from 6:00 a.m. to 6:00 p.m.**
- G. Signage shall not exceed 32 square feet on each side and shall not be lighted.**
- H. No mixing or crushing of materials shall occur on the site.**
- I. Temporary short-term storage of materials shall be allowed on the site. No permanent storage of materials shall be allowed on the site.**
- J. Any equipment repairs must occur inside of the buildings on the site.**
- K. Substantial Buffers shall be installed on the property to screen it from view. A landscape plan shall be included with the Final Site Plan.**

**Public  
Hearing/  
CU 2056  
(continued)**

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

**(See the minutes of the Planning and Zoning Commission dated August 25 and September 22, 2016.)**

**Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing and recommendation of approval.**

**The Council found that Daniel Perez was present on behalf of Raynol Garcia and Delaray Foundations, Inc. Mr. Perez presented a survey and noted that they have placed the recommended conditions on it. Mr. Perez referenced the updated site plan and he stated that there will be no containers of gasoline on the site; that there will be no transport of gasoline not any filling up of gasoline; that there may be gasoline for landscaping purposes only; that any containment of any materials will be short term and kept in secured containers, i.e. temporary storage before transporting to a job site; and that some soundproofing barriers will be installed and they will be added to the site plan.**

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

**M 610 16  
Adopt  
Ordinance  
No. 2466  
(CU 2056)**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Ordinance No. 2466 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE, STORAGE OF VEHICLES AND EQUIPMENT AND REPAIR OF EQUIPMENT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06 ACRES, MORE OR LESS" (Conditional Use No. 2056) filed on behalf of Raynol E. Garcia, with the following conditions:**

- A. The use of land shall be limited to an office, storage of vehicles and equipment, and indoor repair of equipment.**
- B. There shall be no retail sales or services on the property.**
- C. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.**
- D. Any dumpsters on the site are to be screened from view of neighboring properties and roadways, and located behind the existing building.**
- E. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.**
- F. The hours of operation shall be Monday through Saturday from 6:00 a.m. to 6:00 p.m.**
- G. Signage shall not exceed 32 square feet on each side and shall not be lighted.**
- H. No mixing or crushing of materials shall occur on the site.**
- I. Temporary short-term storage of materials shall be allowed on the site. No permanent storage of materials shall be allowed on the site.**

**M 610 16  
Adopt  
Ordinance  
No. 2466  
(CU 2056)  
(continued)**

- J. Any equipment repairs must occur inside of the buildings on the site.**
- K. Substantial Buffers shall be installed on the property to screen it from view. A landscape plan shall be included with the Final Site Plan.**
- L. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CZ 1806**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.034 ACRES, MORE OR LESS” (Change of Zone No. 1806) filed on behalf of WYWJ Ventures, LLC (Tax Map I.D. No. 530-14.00-21.00) (911 Address: 14392 Sussex Highway, Bridgeville).**

**The Planning and Zoning Commission held a Public Hearing on this application on August 25, 2016 at which time action was deferred. On September 22, 2016, the Commission recommended that the application be approved.**

**(See the minutes of the Planning and Zoning Commission dated August 25 and September 22, 2016.)**

**Lawrence Lank, Director of Planning and Zoning, provided a summary of the Planning and Zoning Commission’s Public Hearing and recommendation of approval.**

**In response to a question raised by Mr. Cole, Mr. Lank reviewed other commercial uses in the area.**

**Mr. Cole expressed concern that the Applicant has no plans for the property, with the exception of selling it.**

**The Council found that Wai-Hong Lui, Managing Partner of WYWJ Ventures, LLC, was present and stated that they have owned the property for over 15 years; that they are hoping to sell or lease it; that the building on the site was previously used as a builders office and additional parking was added making it a commercial/business property and not a residential property; that there are no plans to flip the property; and that the majority of the area is zoned commercial.**

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

**M 611 16  
Adopt  
Ordinance  
No. 2467/  
CZ 1806**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to Adopt Ordinance No. 2467 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.034 ACRES, MORE OR LESS” (Change of Zone No. 1806) filed on behalf of WYWJ Ventures, LLC.

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CZ 1807**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 8.0475 ACRES, MORE OR LESS” (Change of Zone No. 1807) filed on behalf of WYWJ Ventures, LLC” (Tax Map I.D. No. 131-19.00-4.00) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on August 25, 2016 at which time action was deferred. On September 22, 2016, the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated August 25 and September 22, 2016.)

Lawrence Lank, Director of Planning and Zoning, provided a summary of the Planning and Zoning Commission’s Public Hearing and recommendation of approval.

The Council found that Wai-Hong Lui, Managing Partner of WYWJ Ventures, LLC, was present and stated that the property is adjacent to or near other commercial and industrial properties along U.S. Route 13; that the property is adjacent to a junk yard; that two neighboring properties currently have businesses operating on their properties and are still zoned residential; and that the AR zone and the CR zone have a maximum height of 42 feet and that a neighboring property is Heavy Industry which has a maximum height of 125 feet, so his proposed rezoning would not result in blocking neighboring views.

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

**M 612 16  
Adopt  
Ordinance  
No. 2468  
(CZ 1807)**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to Adopt Ordinance No. 2468 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 8.0475 ACRES, MORE OR LESS" (Change of Zone No. 1807) filed on behalf of WYWJ Ventures, LLC.

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing  
(CZ 1808)**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.9192 ACRES, MORE OR LESS" (Change of Zone No. 1808) filed on behalf of William T. Peden III (Tax Map I.D. No. 235-30.00-63.00 and 63.01) (911 Address: 26526 Lewes Georgetown Highway, Harbeson).

The Planning and Zoning Commission held a Public Hearing on this application on August 25, 2016 at which time the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated August 25, 2016.)

Lawrence Lank, Director of Planning and Zoning, provided a summary of the Planning and Zoning Commission's Public Hearing and recommendation of approval.

The Council found that William Peden was present and he stated that he has owned the property since 1999; that the property has been utilized for an office for his construction business, a showroom, and artisans/artist space after receiving Conditional Use approval for those uses; that he intends to continue those uses and to add additional uses (which would be permitted under CR-1 zoning); that he is asking to bring the front parcel into compliance with the appropriate zoning and to bring the entire property into one zoning classification, CR-1 Commercial Residential.

Mr. Lank noted that there have been two previous Conditional Uses for this site: one was for a contracting business and one was for an artisans/artist space display area.

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

**M 613 16  
Adopt  
Ordinance  
No. 2469  
(CZ 1808)**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Ordinance No. 2469 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.9192 ACRES, MORE OR LESS” (Change of Zone No. 1808) filed on behalf of William T. Peden III.**

**Motion Adopted: 5 Yeas.**

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

**M 614 16  
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn at 2:40 p.m.**

**Motion Adopted: 5 Yeas.**

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

**Respectfully submitted,**

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

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

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

**Memorandum**

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

FROM: Todd F. Lawson  
County Administrator

RE: **STATE/COUNTY FINANCE AND REVENUE  
COMMITTEE**

DATE: October 7, 2016

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The first meeting of the State/County Finance and Revenue Committee was held on Wednesday, October 5<sup>th</sup>, in Dover. Attached is a copy of the epilogue language for the Committee along with a listing of the members.

We will discuss the Committee meeting further during Council on Tuesday, October 11th.

TFL/sww

Attachments



**STATE/COUNTY FINANCE AND REVENUE COMMITTEE**  
**Fiscal Year 2017 Budget Act Epilogue Language**

Section 31. Recognizing that the State has assumed programs that were once funded by the Counties, the General Assembly hereby establishes the State/County Finance and Revenue Committee. The Committee shall suggest efficiencies, improvements and cost savings to the State, including but not limited to, the Realty Transfer Tax, the Register of Wills, and the operations and training associated with the County Paramedics Program. The Committee shall include the following membership:

- a. One public member appointed by the Co-Chairs of the Joint Finance Committee who shall serve as Chair;
- b. Two members appointed by the Speaker of the House with one member from each caucus;
- c. Two members appointed by the President Pro Tempore with one member from each caucus;
- d. The Director of the Office of Management and Budget or their designee;
- e. The Secretary of Finance or their designee;
- f. The Controller General or their designee;
- g. The County Executive of New Castle County or their designee;
- h. The County Administrators for Kent and Sussex County or their designees;
- i. A representative of the League of Local Governments; and
- j. A representative of the Delaware Association of Counties.

Staff assistance shall be provided by the Office of Management and Budget and the Controller General's Office. The Committee shall recommend appropriate funding and policy changes to the General Assembly and the Office of the Governor by January 15, 2017.

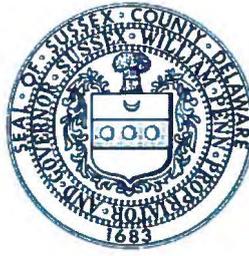
## ***State/ Counties Finance and Revenue Committee***

### ***Committee Members***

- Dennis Greenhouse, Chair
- Harris McDowell, Senator
- Brian Pettyjohn, Senator
- Brian Short, Representative
- Harvey Kenton, Representative
- Mike Morton, Controller General
- Mike Jackson, Deputy Controller General
- Brian Maxwell, OMB Director
- Tom Cook, Secretary of Finance
- Terry Pepper, Delaware Association of Counties
- Bob Maxwell, Delaware Association of Counties
- Michael Vincent, Delaware League of Local Governments
- Samuel Cooper, Delaware League of Local Governments
- Tom Gordon, New Castle County
- Mike Petit de Mange, Kent County
- Todd Lawson, Sussex County
- Dawn Hill, Executive Assistant, Controller General
- Debra Gerardi, Executive Assistant, Director of OMB

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE

[sussexcountyde.gov](http://sussexcountyde.gov)

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

## Memorandum

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

FROM: Hans Medlarz, P.E., County Engineer

RE: ***USE OF EXISTING INFRASTRUCTURE AGREEMENT  
SEAGROVE SUBDIVISION***

DATE: October 6, 2016

On July 19, 2016 the Engineering Department gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The planning effort identified infrastructure needs and matched them to transmission and treatment capacity upgrades respectively. The presentation generally addressed planning and construction of regional transmission system(s) linking the sewer planning areas as well as existing/future development(s) to available treatment capacity. This arrangement collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the need for granting of "oversizing" credits.

The Department developed a stand form with the assistance of Assistant County Attorney and is now presenting a request for the approval of the attached Agreement for the Use of Existing Infrastructure with Harlton Communities, LLC located in the South Planning Area. This arrangement does not modify the underlying land use decision in any form. It allows the wastewater originating from the approved 191 on-site as well as 9 off-site equivalent dwelling units to be conveyed through the existing transmission system previously constructed by the County in lieu of building additional duplicate sewer infrastructure.

Under this arrangement all of the Seagrove Subdivision will be connected to an existing forcemain in Old Mill Road. In return Harlton Communities Club, LLC will contribute \$134,154.50 for the perpetual use of these transmission facilities. The amount is calculated based on a ratio of average flow utilization. The contribution allows the recovery of capital investment in addition to payment of all undiscounted system connection charges. It furthermore avoids duplication of infrastructure reducing future maintenance expense.



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

## USE OF EXISTING INFRASTRUCTURE AGREEMENT

THIS AGREEMENT ("Agreement"), made this \_\_\_\_\_ day of \_\_\_\_\_ 2016, by and between:

**SUSSEX COUNTY**, a political subdivision of the State of Delaware, hereinafter called the "County," and

**HARLTON COMMUNITIES, LLC**, a Delaware Limited Liability Company and developer of a project known as Seagrove, hereinafter called the "Developer."

### WITNESSETH:

**WHEREAS**, Developer is developing a tract of land identified as Tax Map parcel 134-11.00-169.00, to be known as Seagrove ("Project"); and

**WHEREAS**, the Project has previously been annexed into the Sussex County Unified Sanitary Sewer District (Millville Area); and

**WHEREAS**, County has determined by study known as South Coastal Planning Study, that the Project can be served by the regional infrastructure; and

**WHEREAS**, the Project will utilize available capacity in existing wastewater infrastructure previously funded by County in accordance with the terms of the Project approvals.

**NOW THEREFORE**, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County's existing transmission capacity by connecting to an existing regional pipeline used by multiple pump stations, therefore avoiding off-site facilities construction.
- (2) In exchange for permission to connect up to 200 (which includes the 9 off-site parcels) equivalent dwelling units to County's existing transmission system and to utilize the existing capacity in said system, Developer agrees to contribute **\$134,154.50** for the perpetual use of said transmission facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.

- (4) Payment of the contribution is due at time of the bonding for the first phase of construction.**
- (5) If the Project (as currently approved) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires upgrades or replacement.
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of Sections 110-90 and 110-91 of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of Section 110-84 of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to

reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all of the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of Developer is 506 Main Street, Gaithersburg, Maryland 20878.

IN WITNESS WHEREOF, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

**FOR THE COUNTY:**

{Seal}

By: \_\_\_\_\_  
(President - Sussex County Council)

\_\_\_\_\_ (DATE)

ATTEST:

\_\_\_\_\_  
Robin A. Griffith  
Clerk of the County Council

APPROVAL TO FORM:

  
\_\_\_\_\_  
Assistant County Attorney

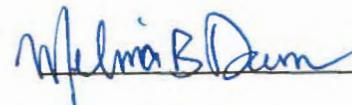
**FOR HARLTON COMMUNITIES, LLC**

BY: NATELLI COMMUNITIES LIMITED PARTNERSHIP - GENERAL MANAGER  
BY: NATELLI COMMUNITIES, INC. - AUTHORIZED GENERAL PARTNER

By:  (Seal)

Print Name of Officer: THOMAS A. NATELLI  
Title of the Officer: CEO

\_\_\_\_\_ 10/4/16 \_\_\_\_\_ (DATE)

WITNESS:  \_\_\_\_\_

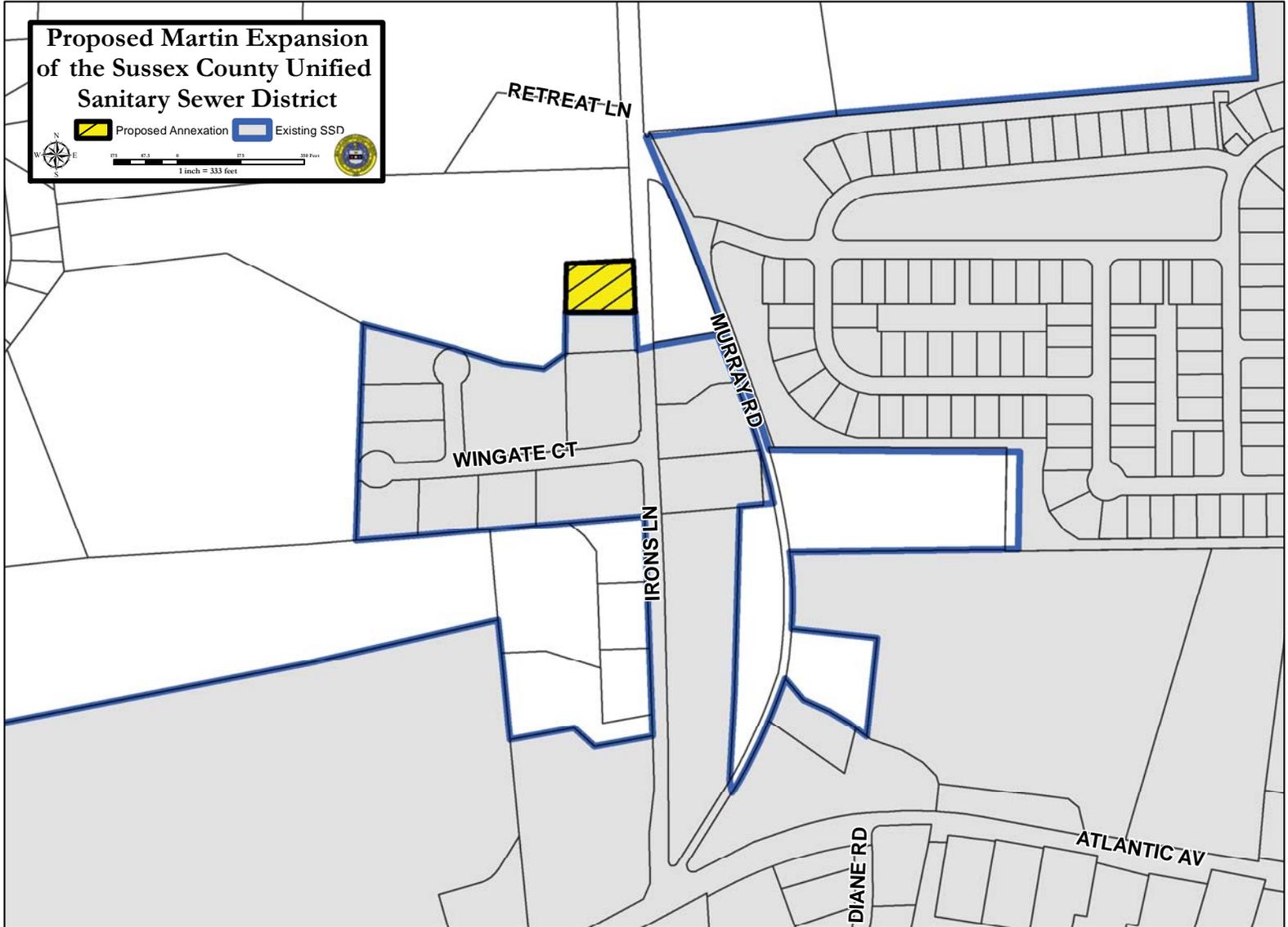
## **Martin Expansion Fact Sheet**

- Expansion of the Sussex County Unified Sanitary Sewer District (Millville Area).
- The expansion was requested by the property owner of 134-11.00-164.01 Paul J. and Winifred P. Martin.
- In 2013 (March) Sussex County Engineering department expanded the Millville Sanitary Sewer District as part of the Route 26, Phase III expansion.
- Notices were posted and Public Hearing held on the expansion. This resident was unaware of our project and did not request inclusion at that time.
- They have sent a letter and the appropriate funds to expand the district boundary to include their parcel. If included now we can install a lateral to the parcel when we complete the spur-line project that will complete the Phase III expansion work.
- The expansion will consist of .60± acres.
- The parcel will be responsible for System Connection Charges of \$5775 based on current rates.
- The parcel was posted on September 26, 2016.

# Proposed Martin Expansion of the Sussex County Unified Sanitary Sewer District

 Proposed Annexation  Existing SSD

1 inch = 333 feet



A public hearing to discuss the proposed boundary is scheduled October 11, 2016 at 10:15 AM, in Sussex County Council Chambers, 2 The Circle, Georgetown, DE 19947.  
For more information please visit: <https://www.sussexcountyde.gov/legal-notices/sewer-water>. Or call Sussex County Utility Planning at 302-855-1299

## RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE A PARCEL ON THE WEST SIDE OF COUNTY ROAD 348 (IRONS LANE) THE PARCEL IS LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

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

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of the intersection of Irons Lane and Route 26, the inclusion of this area will be beneficial; and

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

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

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

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above situated on the west side of Irons Lane, as follows:

**BEGINNING** at a point, situate at the intersection of the westerly right of way (ROW) of Irons Ln, a point on the existing boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), and northeasternmost property corner of lands now or formerly of (N/F) of Shannon Leigh Smith; thence following said lands of Smith in a westerly direction 192± feet to a point, said point being the southwesternmost corner of lands N/F of Paul & Winifred Martin; thence following said lands of Martin the following

directions and distances: northerly 135± feet, easterly 185± feet, southerly 145± feet to a point, said point being that of the **BEGINNING**.

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

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

PROPOSED

OLD BUSINESS  
October 11, 2016

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

Respectfully submitted:

COUNTY PLANNING AND ZONING  
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank  
Director of Planning and Zoning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ORDINANCE NO. \_\_**

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

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

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

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

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

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

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

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

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

**NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

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

**§ 115-157. Purpose.**

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

§ 115-157.1. Definitions.

A. General.

**ABANDONED ON-PREMISES SIGN**

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

**ABANDONED OFF-PREMISES SIGN**

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

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

**ANIMATED SIGN**

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

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

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

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

CANDELA

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

CANDELA PER SQUARE METER (cd/m<sup>2</sup>)

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

DISSOLVE

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

FADE

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

subsequent message gradually increases intensity to the point of legibility.

#### **FOOT CANDLE**

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

#### **FRAME**

A complete stationary display screen on an electronic message center.

#### **FRAME EFFECT**

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

#### **GROUND LEVEL**

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

#### **ILLUMINANCE**

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

#### **INDIRECTLY ILLUMINATED SIGN**

...

#### **LUMINANCE**

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

#### **LUX**

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

#### **MULTIFACED SIGN**

...

**NIT**

A photometric unit of measurement referring to luminance. One nit is equal to one cd/m<sup>2</sup>.

**PUBLIC LAND**

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

**SCROLL**

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

**SETBACK**

...

**SI (International System of Units)**

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

**SIGN**

...

**SIGN AREA**

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

**SIGN COPY**

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

**SIGN FACE**

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

**SIGN STRUCTURE**

Any structure designed for the support of a sign.

**STREET LINE**

...

**TRANSITION**

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

**TRAVEL**

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

**B. Type.**

**BULLETIN BOARD**

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

**CHANGEABLE SIGN**

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

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

## **DIRECTIONAL SIGN**

...

### **ELECTRONIC MESSAGE CENTER**

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

### **[ELECTRONIC MESSAGE DISPLAY]**

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

#### **(1) DISSOLVE**

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

#### **(2) FADE**

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

#### **(3) FRAME**

**A complete stationary display screen on an electronic message display.**

#### **(4) FRAME EFFECT**

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

#### **(5) SCROLL**

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

#### **(6) TRANSITION**

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

#### **(7) TRAVEL**

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

#### **INSTRUCTIONAL SIGN**

...

#### **NON-CONFORMING SIGN**

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

#### **NON-CONFORMING OFF-PREMISES SIGN**

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

#### **OFF-PREMISES ELECTRONIC MESSAGE CENTER**

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

#### **OFF-PREMISES SIGN**

...

#### **ON-PREMISES ELECTRONIC MESSAGE CENTER**

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

#### **ON-PREMISES SIGN**

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

**PORTABLE SIGN**

...

**TEMPORARY SIGN**

...

**V SIGN**

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

**C. Location.**

...

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

**§ 115-158. Signs prohibited in all districts.**

**Signs prohibited in all districts shall be as follows:**

**A. ...**

...

**I. Animated signs.**

**J. Abandoned on-premises signs.**

**K. Abandoned off-premises signs.**

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

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

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

**§ 115-159. Signs permitted in all districts.**

Signs permitted in all districts shall be as follows:

A. ...

...

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

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

H. ...

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

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

A. Signs permitted shall be as follows:

(1) ...

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

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

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

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

B. ...

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

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

A. Signs permitted shall be as follows:

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

B. ...

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

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

**A. Signs permitted shall be as follows:**

(1) ...

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

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

**B. ...**

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

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

**A. Signs permitted shall be as follows:**

(1) ...

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

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

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

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

- (6) ...

B. ...

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

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

A. Signs permitted shall be as follows:

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

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

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

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

- (6) ...

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**D. ...**

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

**§ 115-160. General regulations for all districts.**

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

**(1) ...**

**(2) ...**

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

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

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

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

[(4) Fees.

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

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

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

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

(1) ...

(2) ...

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

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

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

(5) ...

(6) ...

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

(8) ...

(9) ...

(10) ...

(11) Signs in connection with any candidate for elected office, special election or referendum issue may be erected and maintained, provided that the size of any such sign is not in excess of 32 square feet of sign area per side [or facing] sign face and shall contain no more than two [sides or facings] sign faces, back to back. Any such sign shall not be erected more than 90 days prior to any contested election or referendum and removed within 30 days after the election or referendum date.

C. ...

...

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

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

J. ...

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

L. ...

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

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

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

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

§ 115-161. Construction and lighting.

A. ...

B. Lighting of signs.

(1) ...

(2) ...

(3) ...

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

(5) All illuminated signs, including Electronic Message Centers, must comply with the maximum luminance level of seven hundred fifty (750) cd/m<sup>2</sup> or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

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

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

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

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

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

§ 115-161.1 Electronic Message Centers.

A. On-Premises Electronic Message Centers:

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

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

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

**B. Off-Premises Electronic Message Centers:**

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

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

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

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

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

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

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

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

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

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

**§ 115-161.3 Substitution.**

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

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

**§ 115-161.4 Severability.**

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

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

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

**Synopsis**

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

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

PROPOSED

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## **Memorandum**

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

FROM: Todd F. Lawson  
County Administrator

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

DATE: October 7, 2016

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During Tuesday's meeting, if necessary, you are scheduled to consider a proposed amendment to Ordinance No. 2414 entitled "AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS." The amendment will extend the Moratorium if more time is required because the Ordinance to update the Code related to signs was not completed.

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

Please let me know if you have any questions.

TFL/sww

Attachment

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



**ORDINANCE NO. 2414**

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

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

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

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

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

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

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

**NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

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

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

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

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

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



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**ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL**

# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Seaford Historical Society**

PROJECT NAME: **Women in the Workplace Exhibit**

FEDERAL TAX ID: **51-0200225**

NON-PROFIT: **YES**

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION? **NO**

\*IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION:

**To Preserve, Protect and Project Seaford Area History**

ADDRESS:

**203 High Street  
Seaford, DE 19973**

CONTACT PERSON: **Jim Blackwell**

TITLE: **Curator of the Seaford Museum**

PHONE:

**302 628-9828**

EMAIL:

**seafordsociety@verizon.net**

#### TOTAL FUNDING REQUEST:

Has your organization received other grant funds from Sussex County Government in the last year? **NO** If YES, how much was received in the last 12 months?

Are you seeking other sources of funding other than Sussex County Council? **NO** (but we have already received a grant of \$1000 from the local Soroptimist organization)

If YES, approximately what percentage of the project's funding does the Council grant represent? **About 35% if combined with a 2015 gift by Council President, Mr. Vincent.**

## **SECTION 2: PROGRAM DESCRIPTION**

### **PROGRAM CATEGORY (choose all that apply)**

Fair Housing

Health and Human Services

Cultural

Infrastructure<sup>1</sup> Other \_\_\_\_\_

Educational **YES**

### **BENEFICIARY CATEGORY**

Victims of Domestic Violence

Homeless

Disability & Special Needs

Elderly Persons

Minority

Low to Moderate Income<sup>2</sup>

Youth **YES – Especially, we want to make a difference here for today’s youth but also show the change in the 1970s and 1980s when young ladies began to study to become employed in occupations that had up to that point exclusively or mostly for men only.**

Other **This Exhibit will show young female visitors to the Seaford Museum that their futures are no longer determined by someone else. We will be showing photos and short biographies and at least one dressed figure of a number of Seaford graduates who are working in fields that were once considered “men’s jobs”**

### **BENEFICIARY NUMBER**

Approximately the total number of Sussex County Beneficiaries served annually by this program: **We have about 2,000 visitors per year visit the Seaford Museum.**

## **SECTION 3: PROGRAM SCOPE**

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

**The Seaford Museum wishes to note the major change of the 1970s and 80s when young women went off to college to study to become employed in areas that previously had been considered jobs that men were almost always employed. Whether it was doctors or lawyers or veterinarians, etc. In our area, these were almost exclusively all male occupations. And, what in the world were we supposed to call a woman “Mailman”? The change in our society was huge and we need to keep it highlighted so that some small girl (like mine, when she was small) doesn’t again come in from playing with her “doctor’s” kit and say “No Daddy, this isn’t a doctor’s kit, it’s a nurse’s kit! Boys are doctors. Girls are nurses!” The Seaford Museum wants to make sure that all the students who visit the museum leave knowing that they can become whatever they want to become. And we would like to acknowledge those young women who entered these professions in the 70s and 80s, and some well before, to become some of the first young women to do so. They paved the way for all of the children today.**

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

**LEFT BLANK**

**SECTION 4: BUDGET REVENUE**

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)

Financial Status

**\$2500 Donated by Mike Vincent / Sussex County Council (2015)**

**\$2000 Transferred from gift by J&D Blackwell 2015**

**\$1000 Donated by Soroptimists (2016)**

**\$ 800 Museum Budget (2015)**

**\$1000 Museum Budget (2016)**

**\$7300 Available (August 2016)**

**EXPENDITURES**

Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. **(Put amounts in as a negative)**

**TOTAL EXPENDITURES**

**\$ 1,500 Backdrop of exhibit with stained lumber, glass doors, cloth backing**

**5,000 Figure of Woman Army Colonel**

**1,500 Figure of Woman Seamstress**

**+ 500 Photos and biographies of various women of the present and past**

**\$ 8500 Total Needed for the Women in the Workplace Exhibit**

**TOTAL DEFICIT FOR PROJECT OR ORGANIZATION : \$1200**

**This would be the amount that we would request help in funding this exhibit on Women in the Workplace.**

**SECTION 4: BUDGET**

**SECTION 5: STATEMENT OF ASSURANCES**

If this grant application is awarded funding, the **SEAFORD HISTORICAL SOCIETY** agrees that:

1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set

forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.

3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

4) All information and statements in this application are accurate and complete to the best of my information and belief.

5) All funding will benefit only Sussex County residents.

6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.

7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.

**8) In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

Applicant/Authorized Official Date  
Lewis J. Blackwell, Jr.

*Lewis J Blackwell, Jr*

Curator, Seaford Museum  
September 30, 2016

*Shirley A. Blackwell*

Shirley A. Blackwell, Life Member  
Seaford Historical Society  
Witness  
Date September 30, 2016

Completed application can be submitted by: Email: Mail:  
gjennings@sussexcountyde.gov Sussex County Government  
Attention: Gina Jennings PO Box 589 Georgetown, DE 19947



**SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM  
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING**

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Lewis J. Blackwell, Jr., Curator, Seaford Museum

Applicant/Authorized Official Title

*Shirley A. Blackwell*, Life Member, Seaford Historical Society

Witness

Date: September 30, 2016



**SUSSEX COUNTY GOVERNMENT**  
**GRANT APPLICATION**

**SECTION 1 APPLICANT INFORMATION**

ORGANIZATION NAME: **Coastal Concerts, Inc**  
PROJECT NAME: **Student Scholarship Fund**  
FEDERAL TAX ID: **51-0390279** NON-PROFIT:  YES  NO  
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?  
 YES  NO \*IF YES, FILL OUT SECTION 3B.  
ORGANIZATION'S MISSION: **Coastal Concerts promotes classical music appreciation through live concerts, outreach and educational activities.**

ADDRESS: **PO BOX 685**  
**Lewes** **DE** **19958**  
(CITY) (STATE) (ZIP)

CONTACT PERSON: **Edna Ellett**  
TITLE: **Executive Director**  
PHONE: **302.947.9965** EMAIL: **ellett1@verizon.net**

**TOTAL FUNDING REQUEST: \$1,500.00**

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

YES  NO

If YES, how much was received in the last 12 months? **\$1,000.00**

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

YES  NO

If YES, approximately what percentage of the project's funding does the Council grant represent? **33%**

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

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

3

## SECTION 3: PROGRAM SCOPE

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

Coastal Concerts, Inc. awards up to three scholarships a year through its Scholarship Competition. Musically talented high school students in Sussex County and on the Delmarva Peninsula who wish to pursue further musical education and training are encouraged to apply. The program rewards and recognizes young people through a competitive process. Applicants must submit letters of recommendations from teachers and a resume indicating academic achievement and extra-curricular activities. A personal essay and demonstration tapes/CDs are required. Applicants are judged by committee and awards are granted based on academic achievement and musical talent.

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

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

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

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

N/A

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	-2,635.27
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
(3) three student scholarships @\$1,500.00 each	-\$ 4,500.00
<b>TOTAL EXPENDITURES</b>	<b>\$ 4,500.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>\$ 1,864.73</b>

### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Coastal Concerts, Inc. agrees that:  
(Name of Organization)

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

**SECTION 5: STATEMENT OF ASSURANCES (continued)**

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

Edna Ellett EDNA ELLETT

Applicant/Authorized Official

12/3/14

Date

Peter Harrigan PETER HARRIGAN

Witness

10/3/14

Date

Completed application can be submitted by:

Email: gjennings@sussexcountype.gov

Mail: Sussex County Government  
Attention: Gina Jennings  
PO Box 589  
Georgetown, DE 19947





# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Clear Space Theatre Company

PROJECT NAME: Performing Arts Institute

FEDERAL TAX ID: 20-1712916 NON-PROFIT:  YES  NO

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

YES  NO \*IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: Our Mission: To inspire audiences, artists, and students through high-quality performances and educational experiences.

Our Vision: To be a leader in the vibrant performing arts community of Southern Delaware.

ADDRESS: 20 Baltimore Ave.

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

CONTACT PERSON: Wesley Paulson

TITLE: Executive Director

PHONE: 302.227.2270 EMAIL: wpaulson@clearspacetheatre.org

TOTAL FUNDING REQUEST: \$1,500

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

YES  NO

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

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

YES  NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 16%

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

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

270

## SECTION 3: PROGRAM SCOPE

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

The Clear Space Performing Arts Institute offers educational opportunities unique to Lewes, Milton and Rehoboth Beach in coastal Sussex County. The vast majority of students in the Performing Arts Institute Programs have little or no exposure to the performing arts besides school offerings in band and chorus. Class meetings each year are designed to move students through a logical progression of learning aligned with the National Standards for Arts Education.

In Broadway Bound, students receive basic instruction in dance, acting and singing. In Spotlight on Young Performers, students learn the entire script and songs for a "Junior" production of a real Broadway musical and present the show with full sets and costumes. Past Young Performer productions have included Into the Woods, Aladdin, Little Mermaid, and Thoroughly Modern Millie.

All students of the Institute may attend any performance of Clear Space Theatre free of charge. This concept allows the students to make a direct connection between their course of study and a professional production. Several students in the Institute have "graduated" to acting roles in the professional productions of the Company. Two of these students started their performing arts education in the Clear Space after school program at HO Brittingham Elementary School in Milton.

In our Broadway Legends program, adults age 50 and older have the joy of performing a Broadway musical without the added pressure of memorization or complex staging. Students learn the score and a shortened script to a classic musical and perform with scripts in hand. Past productions include: Hello, Dolly!, Chicago, Anything Goes, and Guys and Dolls. The semester concludes with a free public performance.

Clear Space offers scholarships to students who cannot afford the full tuition for a class. The funds requested will underwrite a portion of the scholarships. The total amount of scholarships provided in 2016 was \$9,000

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

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

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

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

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	7,500.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Scholarships from budgeted funds	-\$ 9,000.00
<b>TOTAL EXPENDITURES</b>	-\$ 9,000.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<del>\$ 9,000.00</del> \$ 1,500.00

### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Clear Space Theatre Company agrees that:  
(Name of Organization)

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

**SECTION 5: STATEMENT OF ASSURANCES (continued)**

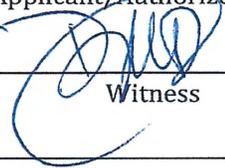
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom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



Applicant/Authorized Official



Date



Witness



Date

**SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM**  
**GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING**

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Wendy E. Paul  
Applicant/Authorized Official

Executive Director  
Title

[Signature]  
Witness

9/30/2016  
Date



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: ~~Historic Lewes Byway Committee~~ City of Lewes

PROJECT NAME: Byway Marketing, Promotion and Preservation

FEDERAL TAX ID: 51-6000162 NON-PROFIT:  YES  NO

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

YES  NO \*IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: The mission of the Byway Committee is to preserve and enhance significant natural and historic resources along the Lewes Scenic and Historic Byway—beautiful marshes along Canary Creek; striking views and features found along the Lewes and Rehoboth Canal; a downtown historic district listed on the National Register of Historic Places; and a strong sense of place established by that rich historical fabric.

ADDRESS: → 114 E. Third Street,  
PO BOX 227  
Lewes DE 19958  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Gail Van Gilder  
TITLE: Chair  
PHONE: (302) 540-2433 EMAIL: Gvangilder@comcast.net

TOTAL FUNDING REQUEST: \_\_\_\_\_

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

YES  NO

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

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

YES  NO

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

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

- |                                                     |                                                                                                          |                                   |
|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence                                                    | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons            | <input type="checkbox"/> Low to Moderate Income <sup>2</sup>                                             | <input type="checkbox"/> Youth    |
| <input type="checkbox"/> Minority                   | <input checked="" type="checkbox"/> Other <small>All residents of and visitors to the Lewes area</small> |                                   |

### BENEFICIARY NUMBER

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

Unknown

## SECTION 3: PROGRAM SCOPE

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

The purpose of the grant request is to fund the design, production **and printing** of a brochure designed to show visitors and residents a new venue to explore the scenic, **historic**, natural, recreational and cultural resources surrounding the area served by the roadways of the Historic Lewes Byway. The brochure is a follow up activity for the Byway Committee which just completed a logo design for the Byway. This logo will be used on all Byway wayfinding signage and will be available to the historic, cultural and environmental venues and sites for their use in promoting their venues. The Byway Committee raised \$3900 from its supporters to fund the logo design. DelDOT will be putting up wayfinding Byway signs very soon. Therefore, a brochure is needed to educate the public on what these new signs mean. It will direct visitors to explore the byway by auto, bike and on foot where connecting sidewalks and bikeways exist.

The brochure will include a description of the Byway roadways, their intrinsic values and why the Byway is significant to Lewes and Coastal Sussex. It will then describe the venues, provide descriptive information for them and information such as hours, how to visit them and other information designed to highlight the special qualities of the Lewes area.

We plan to distribute the brochure at the venues themselves, the historical society, City Hall, the County office complex, the Chamber of Commerce, Visit Southern DE, tourism agencies up and down the state, DEDO and its tourism facilities such as highway rest stops and the new DelDOT transit center on Route 1 near Five Points.

Highlighting tourism in the manner planned in this brochure will complement the efforts of Visit Southern DE, the Lewes Chamber of Commerce and the Lewes Historical Society by providing a linkage among the venues that these organizations promote.

The Byway Corridor Management Plan recommends spreading out visitation beyond the beaches and during summer months by directing visitors to other year round or shoulder season venues. The Byway Brochure will educate the public on a new way to explore Lewes.

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

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

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

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

**Not applicable**

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	0.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Brochure: Graphic Artist and Brochure design/content	\$ 4,500.00
Brochure: Printing	\$ 2,500.00
<b>TOTAL EXPENDITURES</b>	<b>\$ 7,000.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>\$ 0.00</b>

### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Historic Lewes Byway Committee agrees that:  
(Name of Organization)

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

**SECTION 5: STATEMENT OF ASSURANCES (continued)**

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

Maile Van Hilder

Applicant/Authorized Official

Eric Van Hilder

Witness

9/21/2016

Date

9/21/2016

Date

**SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM  
GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING**

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Maile Van Belden  
Applicant/Authorized Official

Eric Van Belden  
Witness

Chair / Historic Jews Byway  
Title Committee

9/22/16  
Date

**To Be Introduced 10/11/16**

**Council District No. 4 – Cole  
Tax I.D. No. 134-12.00-373.50  
911 Address: 36017 Burbage Road, Ocean View**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25,163 SQUARE FEET, MORE OR LESS**

**WHEREAS, on the 22nd day of August 2016, a conditional use application, denominated Conditional Use No. 2062 was filed on behalf of RDK&A Investments, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2062 be \_\_\_\_\_; and**

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

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2062 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 Burbage Road (Road 353), and being more particularly described as Lot 4 in Plot Book 28, Page 92, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 25,163 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.**

**To Be Introduced 10/11/16**

**Council District No. 2 – Wilson**

**Tax I.D. No. 330-15.00-60.01**

**911 Address: 7512 and 7524 Cedar Creek Road, Lincoln**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE AREA FOR U-HAUL VEHICLES AND TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 34,788 SQUARE FEET, MORE OR LESS**

**WHEREAS, on the 26th day of August 2016, a conditional use application, denominated Conditional Use No. 2063 was filed on behalf of Michael and Faith Whaley; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2063 be \_\_\_\_\_; and**

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

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2063 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying west of Cedar Creek Road (Route 30), 130 feet north of Fork Road (Road 270A), and being more particularly described as Lot Number 1 on plot of lands of Michael A. Whaley and Faith M. Whaley as recorded in Plot Book 198, Page 79, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 34,788 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.**

**To Be Introduced 10/11/16**

**Council District No. 3 – Deaver  
Tax I.D. No. 335-12.05-4.00  
911 Address: 1537 Savannah Road, Lewes**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MEDICAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.54 ACRES, MORE OR LESS**

**WHEREAS, on the 12th day of September 2016, a conditional use application, denominated Conditional Use No. 2064 was filed on behalf of R&K Partners; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2064 be \_\_\_\_\_; and**

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

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2064 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying northwest of Savannah Road (Route 18), approximately 450 feet northeast of Wescoats Road (Route 12), and being more particularly described in Deed Book 2585, Page 1, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.54 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.**

**To Be Introduced 10/11/16**

**Council District No. 2 – Wilson  
Tax I.D. No. 430-3.00-11.01 (Part of)  
911 Address: None Available**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.079 ACRES, MORE OR LESS**

**WHEREAS, on the 23rd day of August 2016, a zoning application, denominated Change of Zone No. 1811 was filed on behalf of Dustin Yoder; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1811 be \_\_\_\_\_; and**

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

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of LI-2 Light Industrial 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 Nanticoke Hundred, Sussex County, Delaware, and lying northwest of Shawnee Road (Route 36), 3,500 feet northeast of Coon Den Road (Road 628), and being more particularly described as follows:**

**BEGINNING at an iron pipe on the northwesterly right-of-way of Shawnee Road (Route 36), a corner for these lands and lands of Larry L. and Jeanette H. Yoder; thence North 31°18'05" West 448.56 feet to an iron pipe; thence continuing along said**

**Yoder lands the following six (6) courses: North 58°53'36" East 80.00 feet to an iron pipe; North 31°06'24" West 80.00 feet to an iron pipe; North 58°53'36" East 125.21 feet to an iron pipe; South 59°34'20" East 158.48 feet to an iron pipe; South 58°43'46" West 230.43 feet to an iron pipe; and South 31°18'05" East 448.51 feet to a point on the northwesterly right-of-way of Shawnee Road; and thence South 58°49'53" West 50.09 feet along the northwesterly right-of-way of Shawnee Road to the point and place of beginning, and containing 1.079 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.**

TO BE INTRODUCED

**To Be Introduced 10/11/16**

**Council District No. 3 - Deaver  
Tax I.D. No. 235-30.00-50.00 (Part of)  
911 Address: None Available**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.98 ACRES, MORE OR LESS**

**WHEREAS, on the 13th day of September 2016, a zoning application, denominated Change of Zone No. 1812 was filed on behalf of Oxford Chase Development Corp. – c/o Howard Crossan; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1812 be \_\_\_\_\_; and**

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

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

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

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying at the southeast corner of Lewes-Georgetown Highway (Route 9) and Fisher Road (Road 262), and being more particularly described in Plot Book 235, Page 82, as Tract No. 1, as recorded in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 2.98 acres, more or less.**

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

TO BE INTRODUCED

**To Be Introduced 10/11/16**

**Council District No. 1 - Vincent**

**Tax I.D. No. 131-11.00-6.00**

**911 Address: 9174 Redden Road, Bridgeville**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A LI-1 LIMITED INDUSTRIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 13.604 ACRES, MORE OR LESS**

**WHEREAS, on the 15th day of September 2016, a zoning application, denominated Change of Zone No. 1813 was filed on behalf of Delaware Animal Products, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1813 be \_\_\_\_\_; and**

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

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [LI-1 Limited Industrial District] and adding in lieu thereof the designation of LI-2 Light Industrial District as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Northwest Fork Hundred, Sussex County, Delaware, and lying south of Redden Road (Route 40), 1,192 feet east of Sussex Highway (U.S. Route 13), and being more particularly described in Deed Book 3860, Page 143, in the Office of the Recorder of Deeds in and for Sussex County, and containing 13.604 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.**