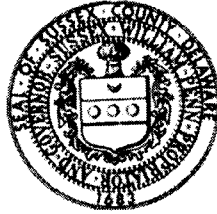


**Sussex County  
Planning & Zoning Commission**

P.O. Box 417  
Georgetown, DE 19947  
302-855-7878  
302-854-5079 (Fax)

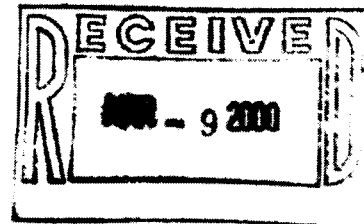


John L. Allen, Chairman  
Robert C. Wheatley, Vice-Chairman  
John J. Hastings  
Ronald P. Lynch  
W. Layton Johnson  
Lawrence B. Lank, Director

March 9, 2000

Mr. Robert V. Witsil, Jr.  
P.O. Box 799  
Georgetown, DE 19947

RE: Dewey Beach / Sussex County  
Intergovernmental Coordination Agreement



Dear Rob,

Enclosed please find a signed Intergovernmental Coordination Agreement. This agreement has been signed by the President of the Sussex County Council and the Sussex County Administrator.

The agreement has been amended as the Commissioners of Dewey Beach voted on.

Do not hesitate to contact me at this office should you have any questions.

Sincerely,

*Shane Abbott*  
Shane Abbott  
Assistant Director of  
Planning and Zoning

*Adopted as Resolution # 73  
1/00*

**A POLICY CREATING AN INTERGOVERNMENTAL COORDINATION AGREEMENT.**

**WHEREAS, the Sussex County Comprehensive Plan has established Development Districts around certain Municipalities; and**

**WHEREAS, people living within the County Development Districts have common interest with the residents of the Municipalities; and**

**WHEREAS, the Municipalities may assume responsibilities for public service to the Development Districts if annexation occurs; and**

**WHEREAS, Municipalities land use decisions may impact the Comprehensive Plan of the County; and**

**WHEREAS, the Sussex County Council realizes that coordination between the County and the Municipalities is essential for the efficient and orderly development of the County and the proper and timely provision of public infrastructure and services; and**

**WHEREAS, the Sussex County Council realizes that zoning decisions, subdivision of land for development, annexations, and other land use activities at the borders of Municipalities require coordination to ensure compatible land uses, to avoid unplanned effects on public infrastructure and services, and to maintain the character of the County and the Municipalities.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX ADOPTS:**

**Section 1. Purpose**

**The purpose of this policy is to establish Intergovernmental Coordination with Municipalities and requirements for the notice, review, and consideration of County or Municipal land use activities. The County shall engage in an intergovernmental coordination program with the Municipalities to address potential land use designations, zoning classifications, infrastructure extensions, annexations, and land use development regulations, standards and procedures. The program shall be conducted as part of the County's ongoing comprehensive planning process with priority attention to areas adjacent to Municipalities with adopted Comprehensive Plans or Zoning Ordinances. Municipalities which are currently engaged in plan development or revisions may be included.**

Realizing that not all Municipalities may desire to participate in intergovernmental coordination concerning land use activities and decisions, or may not meet the requirements as herein described; this Policy is hereby established as a voluntary program for those Municipalities which meet the requirements as herein described, and desire to enter into an Intergovernmental Coordination Agreement with the County. The Agreement shall meet the criteria and/or minimum requirements as herein described.

## SECTION 2. Areas around Municipalities

- A. The agreement refers to lands within one (1) mile of the incorporated boundary of Dewey Beach and all parcels lying along Route One from the intersection of Rehoboth Avenue extended with Route One southward to the north side of the Indian River Inlet Bridge and, additionally, from Route One A (Lake Drive) from the south side of Silver Lake Bridge southward to Dewey Beach.
- B. Where two (2) or more of the areas around Municipalities overlap, the boundary between them shall be a line connecting the midway points of the overlapping areas, unless some other boundary shall be agreed upon by all jurisdictions.
- C. When a Municipality annexes property into the Municipality, the area of agreement shall be adjusted accordingly.

## SECTION 3. Municipal Review of County Land Use Actions

- A. In addition to any existing County process for notification of land use actions, at the time of advertisement of a Planning and Zoning Commission hearing, the County shall notify Municipalities of land use actions within their area of agreement. Notification of land use action shall be made at least twenty (20) working days prior to the first public hearing.
- B. In its review of the land use actions subject to this Policy, the Municipality may recommend additional land use or development requirements, consistent with County regulations, as the municipality deems necessary for the development to be consistent with the land use and development policies of the Municipality as set forth in the Municipality's Comprehensive Plan or Zoning Ordinance. The Municipality's comments shall also be consistent with their Agreement with the County. Municipal review of subdivision and site plan matters shall be for the purpose of ensuring compatible requirements with respect to open space, utilities, stormwater management, road and street standards, landscaping and screening, and connectivity between uses.
- C. County land use actions subject to review by the Municipality within an area of agreement may include, but shall not be limited to:

- (1) Land use actions where economic, social or environmental benefits or impacts will affect the Municipality
- (2) Individual rezoning or other change in the zoning classification.
- (3) Subdivision plans or revisions to an already approved plan, that involve more than four (4) lots.
- (4) Revision or Amendment of the Comprehensive Plan, Zoning Ordinance, or Subdivision Ordinance.
- (5) All non-residential Site Plans or Subdivision Plans for land development projects.
- (6) Conditional Use applications.
- (7) New or amended Ordinances, relating to land use.
- (8) Such other land use actions as may be mutually agreed upon.

**SECTION 4. Sussex County Consideration of Municipal Comments**

- A. If comments are submitted by the Municipality prior to action by the County Council, the County shall consider such comments prior to making any decision and shall incorporate the comments from the Municipality into the record.
- B. The final decision and rationale required pursuant to this policy shall be filed with the appropriate office of the County and a copy transmitted to the appropriate office of the affected Municipality.
- C. No provisions of this Agreement shall be construed to deny or extend the legislative powers of Sussex County in the regards to final decision making authority.

**SECTION 5. Sussex County Review of Municipal Development Actions**

- A. Municipalities with a designated Intergovernmental Coordination Agreement Area shall be required to notify Sussex County of possible Municipal land use actions. Notification of the proposed action shall be made at least twenty (20) days before final action is taken by the municipality.
- B. In its review of Municipal development actions, the County may make such recommendations to the Municipality concerning land use and development

issues as the County deems necessary for the action to be consistent with and supportive of the land use and development policies adopted by the County. The County's comments shall also be consistent with this Agreement. County review Of subdivision and site plan matters shall be for the purpose of ensuring compatible requirements with respect to open space, utilities, stormwater Management, road and street standards, landscaping and screening, and Connectivity between uses.

- C. Municipal land use actions subject to review by the County within the Intergovernmental Coordination Agreement Area may include, but shall not be Limited to:
- (1) Annexation of land into the Municipality
  - (2) The following actions involving a parcel within the Municipality having a common border with unincorporated portions of the County:
    - a. Land use actions where economic, social or environmental benefits or impacts will affect the County.
    - b. Individual rezoning or other change in the zone classification.
    - c. Revision or Amendment of the Municipal Comprehensive Plan, Zoning Ordinance, or Subdivision Ordinance.
    - d. Subdivision Plans or revision to an already approved plan, that involve more than four (4) lots.
    - e. All non-residential Site Plans or Subdivision Plans for land development projects.
    - f. Conditional Use applications.
    - g. New or amended Ordinances, relating to land use.
    - h. Such other land use actions as may be mutually agreed upon.

#### SECTION 6. Municipal Consideration of Sussex County Comments

- A. If comments are submitted by the County during the twenty-(20) working day period before Municipal action is taken, the Municipality shall consider such comments prior to making any decision and shall incorporate the comments from the County into the record.
- B. The final action and rationale required pursuant to this Policy shall be filed with the appropriate office of the Municipality and a copy transmitted to the Sussex County Planning and Zoning Department.
- C. No provisions of this Agreement shall be construed to deny or extend the legislative power of the Municipality in regards to final decision making authority.

**SECTION 7 Liability**

- A. The County assumes no responsibility or liability for any action taken by a Municipality.
- B. The Municipality assumes no responsibility or liability for any action taken by the County.

**SECTION 8. Comprehensive Plan (Land Use Plan)**

- A. The County will provide all participating Municipalities with a copy of current Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance, or equivalents.
- B. Participating Municipalities will provide the County with a copy of current Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance, or equivalents.

**SECTION 9. Technical Advisory Committee**

- A. If requested by a municipality, the County Planning and Zoning Department will coordinate the review of Major Subdivision Plans, Residential Planned Community Plans or equivalent, large scale commercial developments with buildings in excess of 75,000 square feet, multi-family development projects exceeding twelve (12) units, manufactured home parks, and/or borrow pits, through the Technical Advisory Committee process.
- B. Participating Municipalities shall have a representative present at any Technical Advisory Committee meeting involving their municipality.
- B. Municipalities participating in the Technical Advisory Committee process shall provide the following with their request for review:
  - (1) Twenty (20) site plans prepared by a registered Delaware Land Surveyor or registered Delaware Professional Engineer.
  - (2) A copy of a completed application form.
  - (3) A copy of any advertisements relating to the application.
  - (4) A copy of any restrictions and/or regulations imposed by the Municipality.

**SECTION 10. Modifications**

This agreement may be modified or terminated by written notification by either party.

SECTION 11. Approval of Agreement

By dated signature below, the County and the participating Municipality agree to the above agreement.

  
\_\_\_\_\_  
President of County Council

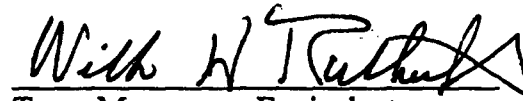
03-08-00  
Date

  
\_\_\_\_\_  
County Administrator

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Mayor/President of Municipality

4-8-00  
Date

  
\_\_\_\_\_  
Town Manager or Equivalent


4-13-00  
Date

## SYNOPSIS

This Policy enables the County to develop an Intergovernmental Coordination Agreement wherein land use decisions can be coordinated between the Municipalities and the County. The Policy will require the participating Municipalities and the County to enter into an agreement to insure intergovernmental coordination. Municipalities have historically been the focus of growth and as the County works toward planning for its future physical and cultural development, Municipalities and their adjacent surroundings will become increasingly important centers of growth.



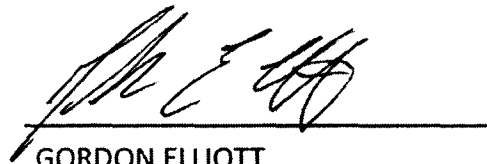
BE IT ENACTED AND ORDAINED by the Commissioners of the Town of Dewey  
Beach into law this 13 day of June 2008



DELL TUSH

Mayor

ATTEST:



GORDON ELLIOTT

Town Manager