

P:\Bob Reed\1541A004-001 Savannah Road\Design\1541A002-RECORD PLAN.dwg Jan 04, 2021 3:07pm resd

11,265 SF PERMANENT UTILITY EASEMENT DEDICATED TO TIDEWATER UTILITIES, INC.				
LINE	BEARING	DISTANCE		
TW1	S 40°43'40" W	15.00'		
TW2	N 49°08'21" W	660.79'		
TW3	N 41°01'33" E	15.00'		
TW4	S 49°08'21" E	180.50'		
TW5	N 40°51'39" E	90.38'		
TW7	S 49°08'21" E	10.04'		
TW8	S 40°51'39" W	90.20'		
TW9	S 49°08'21" E	465.22'		
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
TW6	68.00'	4.97'	4.96'	S 47°02'50" E
DELTA ANGLE				
4°11'02"				

N/F  
VILLAGE OF FIVE POINTS PROPERTY OWNERS ASSOCIATION, INC.  
335-12.00-1.15  
D 3591/310

N/F  
VILLAGE OF FIVE POINTS PROPERTY OWNERS ASSOCIATION, INC.  
335-12.00-1.11  
D 4420/260

N/F  
VILLAGE OF FIVE POINTS PROPERTY OWNERS ASSOCIATION, INC., THE MOPORS & FUTURE DEV AREA  
335-12.00-1.00  
D 4420/228

N/F  
VILLAGE OF FIVE POINTS PROPERTY OWNERS  
335-12.00-1.00  
D 4420/228

N/F  
RUTH B. MITCHELL  
335-8.00-91.00  
LOT 6

N/F  
RALPH B. & CAROLE S. SHORT  
335-8.00-90.00  
LOT 5

N/F  
JERRY A. THOMASON  
VIVIAN C. SZABO  
335-12.06-6.00  
D 3265/114

N/F  
OLDE TOWNE POINT, LLC.  
335-12.05-2.00  
D 3276/269

A 20 FOOT WIDE PERMANENT EASEMENT CONTAINING 828 SQUARE FEET IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT, FOR EMERGENCY ACCESS TO DRAINAGE FACILITIES CONVEYING RUNOFF FROM STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY. THE PORTIONS OF THE DRAINAGE EASEMENT AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXEMPTED PORTIONS OF THE STORM DRAIN SYSTEM AND/OR DRAINAGE EASEMENTS.

N/F  
VIOLETTA M. ELLIOTT TRUSTEE  
335-12.05-1.00  
D 3790/255

A 15' WIDE PERMANENT EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE, AS PER THIS PLAT

CATCHING COVE COURT  
(DEDICATED TO PUBLIC USE,  
PRIVATELY MAINTAINED)

A 20 FOOT WIDE PERMANENT EASEMENT CONTAINING 2,509 SQUARE FEET IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT, FOR EMERGENCY ACCESS TO DRAINAGE FACILITIES CONVEYING RUNOFF FROM STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY. THE PORTIONS OF THE DRAINAGE EASEMENT AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXEMPTED PORTIONS OF THE STORM DRAIN SYSTEM AND/OR DRAINAGE EASEMENTS.

AN ADDITIONAL 10' WIDE STRIP OF RIGHT-OF-WAY IS HEREBY DEDICATED TO THE STATE OF DELAWARE, AS PER THIS PLAT

A PERMANENT ACCESS EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE, AS PER A SEPARATE EASEMENT AGREEMENT

#### LEGEND

- PARCEL PROPERTY LINE
- PARCEL ROW LINE
- EXISTING PROPERTY LINE
- EXISTING ROW LINE
- BUILDING SETBACK LINE
- PROPOSED DEDLOT EASEMENT
- PROPOSED ONSITE EASEMENT
- PROPOSED SIDEWALK
- IRON PIPE FOUND (9 FOUND)
- CONCRETE MONUMENT (2 PLACED)
- POINT
- PROPOSED LIGHT POLE

177 SF PERMANENT ACCESS EASEMENT		
LINE	BEARING	DISTANCE
L8	N 40°42'57" E	10.74'
L9	S 49°17'23" E	16.40'
L10	S 40°48'57" W	10.78'
L11	N 49°11'03" W	16.38'

49,310 SF PERMANENT ACCESS & UTILITY EASEMENT		
LINE	BEARING	DISTANCE
AU1	N 49°17'23" W	27.10'
AU4	N 49°08'21" W	107.46'
AU5	S 40°42'37" W	9.00'
AU6	S 49°08'21" E	10.00'
AU7	S 40°42'37" W	9.00'
AU8	N 49°08'21" W	235.05'
AU10	N 41°01'33" E	88.55'
AU11	N 48°58'27" W	9.00'
AU12	N 41°01'33" E	10.00'
AU13	S 48°58'27" E	9.00'
AU14	N 41°01'33" E	383.16'
AU18	S 41°01'33" E	338.81'
AU20	S 49°08'21" E	280.30'
AU23	S 49°17'23" E	27.10'
AU24	S 40°42'37" W	40.00'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
AU2	70.00'	60.91'	59.01'	N 24°21'36" W	49°51'34"
AU3	55.00'	47.72'	46.23'	N 24°17'05" W	49°42'33"
AU9	68.00'	107.01'	96.30'	N 04°03'24" W	90°09'54"
AU15	46.00'	208.32'	70.75'	S 09°15'45" E	259°28'31"
AU16	17.00'	21.50'	20.10'	S 84°14'56" W	722°7'46"
AU17	89.15'	10.87'	10.86'	S 44°31'08" W	6°59'09"
AU19	100.00'	157.37'	141.82'	S 04°03'24" E	90°09'54"
AU21	95.00'	82.42'	79.88'	S 24°17'05" E	49°42'33"
AU22	30.00'	26.11'	25.29'	S 24°21'56" E	49°51'34"

2,237 SF PERMANENT DRAINAGE EASEMENT		
LINE	BEARING	DISTANCE
L11	S 78°24'56" W	102.04'
L14	N 11°35'04" W	20.00'
L15	N 78°24'56" E	111.86'
L16	S 49°17'23" E	9.82'
L17	S 40°42'37" W	20.00'

826 SF PERMANENT DRAINAGE EASEMENT		
LINE	BEARING	DISTANCE
L18	N 49°17'23" W	11.16'
L19	N 29°17'23" W	14.65'
L20	N 49°17'23" W	15.51'
L21	N 40°42'37" E	20.00'
L22	S 49°17'23" E	19.04'
L23	S 29°17'23" E	14.65'
L24	S 49°17'23" E	7.64'
L25	S 40°42'37" W	20.00'

2,005 SF PERMANENT ACCESS/UTILITY EASEMENT		
LINE	BEARING	DISTANCE
L26	N 41°15'02" E	32.58'
L27	N 28°04'48" W	55.96'
L28	N 41°31'31" E	4.51'
L29	N 39°22'18" W	20.26'
L30	S 41°31'31" W	21.61'
L31	S 28°04'48" E	56.03'
L32	S 41°15'02" W	32.42'
CURVE	RADIUS	ARC LENGTH
C10	46.00'	24.51'

CHORD BEARING	DELTA ANGLE
S 83°05'39" E	30°31'52"



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S-20-31

## CATCHING COVE RESIDENTIAL SUBDIVISION SUSSEX COUNTY, DELAWARE

Revisions:  
2020-01-20: DELDOT  
2020-03-16: DELDOT  
2020-06-17: LAYOUT REVISION

Date: **DECEMBER 2019**  
Scale: **1"=40'**  
Dwn.By: **DJR**  
Proj.No.: **1541A002**  
Dwg.No.: **R-02**

**R-02**

**DAVIS, BOWEN & FRIEDEL, INC.**  
ARCHITECTS  
ENGINEERS  
SURVEYORS

SAUSSEY, MARYLAND  
MILFORD, DELAWARE  
EASTON, MARYLAND

(410) 643-8900  
(302) 421-1441  
(410) 770-4744



**STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION**

January 6, 2020

Jamie Whitehouse, AICP  
Sussex County  
Department of Planning and Zoning  
P.O. Box 589  
Georgetown, DE 19947

RE: PLUS review 2020-12-06; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on December 16, 2020 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This amendment would change the Future Land Use Map for 1 parcel from Low-Density to the Developing Area.

Please note that additional changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

**Office of State Planning Coordination – Contact Dorothy Morris 739-3090**

- This parcel is within Levels 1 and 2 of the Strategies for State Policies and spending. The state has no objections to this amendment

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- DelDOT has no comments on the subject comprehensive plan amendment. As a matter of information, DelDOT issued a Letter of No Objection to Record for a site plan for the subject development on January 13, 2020 and approved an entrance construction plan for the development on February 11, 2020. Copies of those letters are attached.

It may be observed that the attached letters address the development as Mobile Gardens Apartments. That was the original name under which the developer's engineer submitted plans to DelDOT.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Wastewater Permitting – Small Systems**

Under the tax parcel 132-2.00-264.00, there is an expired Ground Water Discharges Section (Small Systems) permit dated May 24<sup>th</sup>, 1996. A site evaluation was completed by a licensed Class D Soil Scientist on January 1, 1990 which expired on January 1<sup>st</sup>, 1995. A Site Evaluation must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions.

- A list of licensed Class D soil scientists can be found at the following website: <http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Documents/Class%20D%20list.pdf>
- Please contact: DNREC Groundwater Discharges Section at Sussex County at (302) 856-4561 with questions.  
Website: <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>

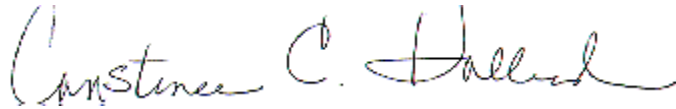
**State Historic Preservation Office – Contact Carlton Hall 736-7400**

- Prehistoric archaeological potential is moderate. Within favorable distance to historic water sources and confluence (Hurts Creek/Morgan Branch). Only half of the parcel is well-drained soils (north-east half). While there seems to have been a switch from farmland to forested (unmanaged?), integrity would still likely be good for sites.
- Historic potential is low to moderate. The current farmstead appears to be the same as the one surveyed in 1981 with some moderations (Google Street View shows house at the road edge and looks the same as the photos). Survey forms thought that the house was late 19<sup>th</sup> century, but 1915 topo does not show anything on the parcel. Likely built between 1915 and 1937 based on maps and aerial photos. There doesn't appear to be a house or landowner on Beers.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the town, please notify the office so we can update our records.

Thank you for the opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in blue ink that reads "Constance C. Holland". The signature is written in a cursive style with a large initial 'C'.

Constance C. Holland, AICP  
Director, Office of State Planning Coordination



**SUSSEX COUNTY ENGINEERING DEPARTMENT**  
**UTILITY PLANNING DIVISION**  
**C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **1/5/2021**

APPLICATION: **CU 2212 Brickyard Apartments LLC**

APPLICANT: **KDM Development, LLC**

FILE NO: **OM-5.13**

TAX MAP &  
PARCEL(S): **132-2.00-264.00**

LOCATION: **9329 Brickyard Road. The property is on the northwest side of  
Brickyard Road, approximately 0.3 mile southeast of Sussex  
Highway (Route 13)**

NO. OF UNITS: **48 apartments (Multi-family units)**

GROSS  
ACREAGE: **5.03**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes ☐ No ☒
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 2**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **Choose an item.** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**

☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

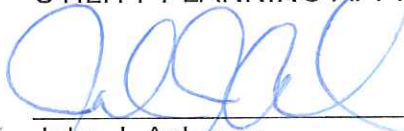
(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **The project proposes using the existing wastewater treatment system at the Mobile Gardens MHP. Please verify that capacity exists for the additional EDU's and that the system is permitted to serve off-site parcels. If not they can pursue annexation into the Sussex County Unified Sanitary Sewer District.**

(9). Is a Sewer System Concept Evaluation required? **No**

(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
No Permit Tech Assigned

**SUSSEX COUNTY ENGINEERING DEPARTMENT**  
**UTILITY PLANNING DIVISION**  
**C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **1/5/2021**

APPLICATION: **CZ 1910 Brickyard Apartments LLC**

APPLICANT: **Brickyard Apartments, LLC**

FILE NO: **OM-5.13**

TAX MAP &  
PARCEL(S): **132-2.00-264.00**

LOCATION: **9329 Brickyard Road. The property is on the northwest side of Brickyard Road, approximately 0.3 mile southeast of Sussex Highway (Route 13)**

NO. OF UNITS: **Changing zoning from AR-1 & GR to GR**

GROSS  
ACREAGE: **5.03**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes ☐

No ☒

a. If yes, see question (2).

b. If no, see question (7).

- (2). Which County Tier Area is project in? **Tier 2**

- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The project proposes to use the existing wastewater system at the Mobile Gardens MHP. Please verify that capacity exists for the additional EDU's and that the system is permitted to serve off-site parcels. If not, they can pursue annexation into the Sussex County Unified Sanitary Sewer District.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



---

John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
No Permit Tech Assigned

Richard R. Harrison  
9290 Brickyard Road  
Seaford, Delaware 19973

January 4, 2020

RECEIVED

JAN 05 2021

SUSSEX COUNTY  
PLANNING & ZONING

Sussex County Planning & Zoning Commission  
Sussex County Administration Building  
2 The Circle  
Georgetown, Delaware 19947

RE: Brickyard Apartments  
Applications for Comprehensive Plan Amendment, Rezoning, & Conditional Use  
Ordinance #20-06, C/Z #1910, and C/U #2212

Dear Sirs/Madams:

I write to express my support for the above-referenced applications, for the following reasons:

First, an amendment to the County's Comprehensive Plan designation for the property is warranted and appropriate because (1) a GR (General Residential) zoning designation for the entirety of the subject property would be consistent with the prevailing uses and character of the neighborhood, and (2) split-zoning of properties is awkward and disfavored, for obvious reasons (e.g., split-zoning makes development of a property more difficult and can often lead to bizarre or unintended consequences). Accordingly, the Future Land Use Map (Figure 4.5-1 of the Sussex County Comprehensive Plan) ought to be amended to reflect that the area designation for the entire property is "Developing Area" rather than "Low Density Area". This will also further the County's long-standing goal of providing greater opportunities for affordable housing in this part of Sussex County.

Second, changing the zoning designation for that portion of the property presently zoned as AR-1 (Agricultural Residential) to GR (General Residential), as proposed by C/Z #1910, makes sense for the same reasons expressed above – (1) it would be consistent with the prevailing uses and character of the neighborhood, and (2) split-zoning is awkward and disfavored.

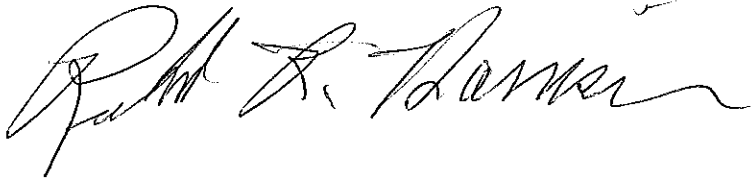
Third, allowing the property to be developed for 48 multi-family apartments, as proposed by C/U #2212, should be permitted because as indicated in the Planning Department's Staff Report, "[b]ased on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for a multifamily apartment community, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses." Additionally, as stated above, allowing the property to be developed for 48 multi-family apartments will advance the County's long-standing goal of providing greater opportunities for affordable housing in the County.

In sum, the proposed Comprehensive Plan amendment, rezoning, and conditional use should all be approved because allowing the subject property to be developed for 48 multi-family apartments would be consistent and compatible with the surrounding land uses, and the proposed use would help promote the general health, safety, and welfare of present and future residents of the area. For all of these reasons, I respectfully request that you give all three applications favorable consideration.

Thank you.

Sincerely,

Richard R. Harrison

A handwritten signature in black ink, appearing to read "Richard R. Harrison", with a stylized flourish at the end.





Inform-Educate-Engage

## SUPPORT EXHIBIT

January 6, 2021

To: Sussex County, DE Planning & Zoning Commission

Re: Ord. 21-01 – The Coastal Area AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115- 194.3 OF THE CODE OF SUSSEX COUNTY REGARDING THE COASTAL AREA

Chairman Wheatley, Members of the Sussex County Planning Commission:

Regarding the proposed ordinance noted above, the Sussex Alliance for Responsible Growth supports the goal of the proposed legislation to provide consistency in the application of the County Zoning Code and Regulations to all AR-1 zoned properties, regardless of location. This will assure clear and uniform application of zoning ordinances across all of Sussex County. Specifically, SARG supports the intent of the legislation to apply the requirements set forth in Section §115 - 25 of the Sussex County Zoning Code to the Coastal Zone (Area).

However, the proposed ordinance, in SARG's opinion, contains a significant flaw that needs to be corrected before adoption. The correction is simple and does not change the goal of the legislation. SARG proposes a correction to simplify the public's and developers' understanding and ability to identify requirements.

The flaw identified by SARG is in the operative section of the proposed legislation that currently reads:

163 *Residential developments utilizing the cluster option of Subsection C.3 above*  
164 *within the AR-1 and AR-2 Residential Zoning Districts shall comply with the design*  
165 *requirements set forth in §115-25F of the Sussex County Zoning Code.*

As you are aware, currently the AR-1 areas of the Coastal Zone are not subject to the cluster design requirements of the County Zoning code while all development outside of the Coastal Zone must comply. These design requirements are spelled out in various subsections of Section §115 - 25 A-F of the Sussex County Zoning Code. The purpose of the proposed ordinance is to bring all areas of the County under the same requirements.

However, Section §115-25F of the zoning code is limited and deals only with the "Review procedures for cluster development." Sections A through E, replicated below, define the critical requirements needed to comply with the law.

A. *Minimum lot sizes for lots using a wastewater disposal system located entirely on that lot and generally defined as an on-site septic system.*

## **ADDENDUM TO THE SUSSEX ALLIANCE FOR RESPONSIBLE GROWTH STATEMENT REGARDING PROPOSED ORDINANCE 21-01**

### **ADDITIONAL KEY REASONS FOR STANDARDIZING CLUSTER SUPERIOR DESIGN STANDARDS THROUGHOUT SUSSEX COUNTY**

- Supports consistent implementation of the Future Land Use Vision in the 2018 Comprehensive Plan “to provide for balanced and well-planned future growth and development that supports the County’s economic development goals while preserving the rural character of the County and its natural resources.” This must be the standard in the entire County, not just a portion.
- This amendment fully protects landowners’ equity while enhancing protection of the natural resources of the County’s “Inland Bays, their tributaries and other water bodies as valuable open space areas of ecological importance”
- Sussex County should “Identify and designate future development areas in a manner that protects the County’s natural and cultural resources from the adverse impacts of development “ as outlined in the Comprehensive Plan
- Consistent with strong public sentiment as expressed in a SARG public survey; where over 93% of the respondents were in favor of the proposed amendment to make “superior design” mandatory for all Cluster developments.
- The Cluster approach to residential development, while an *option* and not a requirement, is the preferred method of development because it provides property owners and developers greater flexibility in how they develop the land, maximizing its value.
- Developers can reduce development costs, increase profits and increase “speed to market” by choosing the Cluster Ordinance option
- Leveraging open space is an asset and an up-sale premium. Marketing open space as parks, greenways, and nature trails as premium amenities is standard practice in the industry.
- Communities with wisely planned open spaces command higher property values and increased resale values. Home buyers will pay extra to live and work amid green spaces with trails and other recreational features
- Open space sells, just look at the billboards up and down our highways promoting developments with “natural” amenities and open space
- The cluster ordinance allows sub-divisions to have smaller lots in trade for superior environmental design that adds value and therefore equity.
- There is no evidence that including superior design elements in AR-1 has in any way reduced the popularity of cluster developments among developers or consumers.
- New residents prefer developments with adequate protection to reduce flooding, improve water quality, provide useable open space for kids to play, or other design criteria available for all of Sussex County except the coastal zone.
- Superior design in cluster developments reduces the percent of impermeable land in this coastal area and helps to manage risks associated with storm impacts and sea level rise.

Date: Wed, 6 Jan 2021 11:17:17 -0500

Subject: Coastal Area included in Cluster Ordinance

Hi Mr. Whitehouse - I wanted to write and inform you that I support the inclusion of the Coastal Area in the Cluster Ordinance. This is long overdue. I am a retired Realtor and we need to do something to protect the Coastal Area from flooding due to inappropriate development.

thank you,

Robert Buckler  
36393 Derrickson Dr.  
Selbyville, De. 19975

**SUPPORT EXHIBIT**



## Jamie Whitehouse

---

**From:** Pat Kuhn <ptkuhn@gmail.com>  
**Sent:** Wednesday, January 6, 2021 3:27 PM  
**To:** Jamie Whitehouse  
**Subject:** Cluster Ordinance

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

I support the Coastal Area be included in the Cluster Ordinance.

**SUPPORT EXHIBIT**

Thank you,

Pat and Chris Kuhn  
203 Samantha Dr, Lewes, DE 19958

--

"Those who dwell, as scientists or laymen, among the beauties and mysteries of the earth are never alone or weary of life." ~ Rachel Carson

## Jamie Whitehouse

---

**From:** Hotmail <kathicolman@hotmail.com>  
**Sent:** Wednesday, January 6, 2021 3:39 PM  
**To:** Jamie Whitehouse  
**Subject:** Cluster Ordinance - Public Comment

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

We respectfully ask that all elements of the Cluster Ordinance apply to development in the Coastal areas as well. It seems to work well in other areas of Sussex County and should include the Coastal areas.

Thank you for your consideration.

From:  
Katherine and James Colman  
16805 Forest Drive, Lewes DE 19958

**SUPPORT EXHIBIT**

Sent from my iPad

## Nick Torrance

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 3:52 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

**SUPPORT EXHIBIT**

Submitted on Wednesday, January 6, 2021 - 3:51pm

Name: Gail Van Gilder  
Email address: gvangilder@comcast.net  
Phone number: 3025402433  
Subject: Amend County Code Chapter 115, Article XXV, Section 115-194.3 Cluster Ordinance to extend to Coastal Zone  
Message:  
Sussex County Planning & Zoning Hearing on Amending the Sussex County Code,  
Chapter 115, Article XXV, Section 115-194.3  
To extend the Cluster Ordinance to Coastal Zone

### Save Our Coastal Zone

Sussex County holds Coastal Zone cluster developments to significantly lower design and environmental standards than the rest of the County outside the Coastal zone. The Coastal zone [the area around Lewes, Rehoboth, and the Inland Bays] was intentionally excluded from the "superior design" requirements that became mandatory for the rest of the County in 2019. Sounds backwards to me!

Large landowners fear their property values will be reduced if this "superior design" element is required in the Coastal Zone. New residents are worried the building lots they are purchasing don't have adequate protection to reduce flooding, improve water quality, provide useable open space for kids to play, or other design criteria available for every area of Sussex County except the "Coastal Zone".

This "superior design" has been working for the rest of the county, why would it not be good for the "Coastal Zone"? Builders know that quality sells and landowners will benefit as well for the long term.

The coastal area has the highest risk from storms and sea level rise given its rapid buildout, congestion, flooding, lack of adequate infrastructure and evacuation routes, and proximity to our inland bays, tributaries, rivers, and ocean. Therefore, this amendment should be approved and moved to County Council quickly. Delaying only increases our risk. The current code must be brought into uniformity for all parts of the county.

It is in the "Coastal Zone" where the environmental "superior design" component of this ordinance is needed the most. We have the highest risk, the least protection and sea level is rising the fastest in the country. Let's be realistic. If we don't address these environmental issues all properties could lose value. As you drive around the county look at how many homes now have standing water on their property. Water levels are rising as we pave over the coastal zone. Unless this is addressed many properties will lose their resale value. Clustering homes and preserving open space every time a new development is built will ultimately add up to a substantial amount of open space being preserved with no change in density or economic loss to farmers and developers.



## Jamie Whitehouse

---

**From:** Bernard Clark <bjciiimd@gmail.com>  
**Sent:** Wednesday, January 6, 2021 3:06 PM  
**To:** Jamie Whitehouse  
**Subject:** cluster Ordinance

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

I strongly support the Coastal Area be included in the Cluster Ordinance

BJ Clark MD  
222 Gills Neck Rd, Lewes, DE 19958

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** Doug Spelman <noreply@forms.email>  
**Sent:** Wednesday, January 6, 2021 3:08 PM  
**To:** Jamie Whitehouse  
**Subject:** Contact Form: Costal/Cluster controversy

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Name: Doug Spelman  
Email: douglasspelman@gmail.com  
Phone: 302-703-6629  
Subject: Costal/Cluster controversy

Message: Hi Jamie,  
I doubt you remember me I'm the Pres. of the Canary Creek Subdivision HOA in Lewes. I would very much appreciate any support you can lend to having the Costal Area be included in the Cluster Ordinance. The impact on our citizens is so significant and so permanent.  
Thank you!  
Happy New Year,  
Doug

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** Paul Herman <phkhherman@gmail.com>  
**Sent:** Wednesday, January 6, 2021 3:09 PM  
**To:** Jamie Whitehouse  
**Subject:** Cluster ordinance

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Committee Members:

I support the Coastal Area to be included in the Cluster Ordinance.

**SUPPORT EXHIBIT**

Paul Herman  
17692 Venables Drive  
Lewes , DE 19958

## Jamie Whitehouse

---

**From:** James T Smith <jtsdmd@gmail.com>  
**Sent:** Wednesday, January 6, 2021 3:08 PM  
**To:** Jamie Whitehouse  
**Subject:** P&Z meeting

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

I support the Coastal Area be included in the Cluster Ordinance  
James T Smith Jr

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** Maryanne Murray <mamurray321@gmail.com>  
**Sent:** Wednesday, January 6, 2021 3:13 PM  
**To:** Jamie Whitehouse  
**Subject:** Cluster

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

I support the coastal areas being included in cluster development.

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** Vince Daley <noreply@forms.email>  
**Sent:** Wednesday, January 6, 2021 3:15 PM  
**To:** Jamie Whitehouse  
**Subject:** Contact Form: Cluster Ordinance Amendment

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Name: Vince Daley  
Email: hawk24\_08033@yahoo.com  
Phone: 8567233820  
Subject: Cluster Ordinance Amendment  
Message: Please know that I am in favor of this amendment to make the superior design elements mandatory in all areas of Sussex County opting for the Cluster Development option.

**SUPPORT EXHIBIT**



## Jamie Whitehouse

---

**From:** AJ Leisenring <ajorders13@gmail.com>  
**Sent:** Wednesday, January 6, 2021 3:17 PM  
**To:** Jamie Whitehouse  
**Subject:** Cluster Ordinance

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We support that the Coastal Area be included in the Cluster Ordinance

Jeff and Ann Leisenring

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** Jane Lord <jtlord1@yahoo.com>  
**Sent:** Wednesday, January 6, 2021 3:19 PM  
**To:** Jamie Whitehouse  
**Subject:** Cluster Ordinance

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

I strongly urge Planning and Zoning and County Council to include the Coastal Area in the Cluster Ordinance.  
Jane T. Lord

Dr. Jane T. Lord  
35060 Cadbury Circle E  
Lewes, De 19958

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** Julian Karpoff <captainkarpoff@outlook.com>  
**Sent:** Wednesday, January 6, 2021 3:23 PM  
**To:** Jamie Whitehouse  
**Subject:** Coastal Areas

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I support the Coastal Area to be included in the Cluster Ordinance.

Julian Karpoff  
33026 W. Falling Creek Street, Lewes

**SUPPORT EXHIBIT**

Sent from my iPad

## Jamie Whitehouse

---

**From:** Sue Schaffer <sue.schaffer@verizon.net>  
**Sent:** Wednesday, January 6, 2021 3:23 PM  
**To:** Jamie Whitehouse  
**Subject:** Letter of Support

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

"I support the Coastal Area be included in the Cluster Ordinance"

Susan Schaffer

Sent from my iPhone

**SUPPORT EXHIBIT**

## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 3:50 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 3:49pm

**SUPPORT EXHIBIT**

Name: James Keresztury  
Email address: jkeresztury@yahoo.com  
Phone number: 13042825117  
Subject: Cluster ordinance

**Message:**

As a homeowner in Rehoboth Beach, I request that P&Z pass the Cluster ordinance with the changes proposed by SARG in their letter dated 1/5/2021.

The Superior Design Elements of the Cluster Ordinance are most needed in the Coastal Zone. I am concerned about the extent of development in Sussex County, and the increase of impermeable surfaces. The Cluster ordinance will reduce the increase in impermeable surfaces and mitigate risks of flooding.

Thank you!

## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 3:39 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 3:39pm

**SUPPORT EXHIBIT**

Name: Robert MacKenzie  
Email address: solipsys@gmail.com  
Phone number: 410-707-5666  
Subject: Upcoming P&Z meeting

**Message:**

I want to express to the group my support of the Cluster Ordinance including the comments made by SARG.

Thank you for your consideration  
Robert MacKenzie



## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 3:40 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 3:39pm

**SUPPORT EXHIBIT**

Name: Johanna Spelman  
Email address: jokespelman@comcast.net  
Phone number: 302-703-6629  
Subject: Protecting Our Costal Zome

Message:

Dear Planning Commission,

Our coastal zone is very much in need of the superior design component of the costal zone ordinance. The City of Lewes is starting to change ordinances recognizing sea level rise and it is naive not to address the reality it presents NOW! The Costal Zone is clearly at risk so please help us with your vote. Superior design has been working for the rest of the county, it will work for the Costal Zone as well!

Thank you,

Johanna Spelman

## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 2:49 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 2:49pm

**SUPPORT EXHIBIT**

Name: Pat Campagna  
Email address: campagnany@gmail.com  
Phone number: 631-873-5634  
Subject: Ordinance 21-01  
Message: I support passage of Ordinance 21-01 and inclusion of SARG suggested changes

**Nick Torrance**

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 2:51 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

**SUPPORT EXHIBIT**

Submitted on Wednesday, January 6, 2021 - 2:51pm

Name: Debra Sansoucie  
Email address: debra.sansoucie@gmail.com Phone number: 631-678-6640  
Subject: Ordinance 21-01  
Message: I support passage of this ordinance and inclusion of SARG recommended changes

## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 2:54 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 2:54pm

**SUPPORT EXHIBIT**

Name: Fran Tomkowid  
Email address: ftomkowid@gmail.com  
Phone number: 302 945 4173  
Subject: Support for Cluster Zoning Ordinance  
Message: I am in favor of passage of this including the comments posted by SARG. Thank you.

## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 2:56 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 2:56pm

**SUPPORT EXHIBIT**

Name: Fred Kinsey

Email address: fredhkin@gmail.com

Phone number: 302 945 4173

Subject: Support for Cluster Ordinance

Message: Hello. This is to let you know that I am in favor of this ordinance and to include the comments by SARG.

Thank you.

## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 3:13 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 3:12pm

**SUPPORT EXHIBIT**

Name: Judy Rose Seibert  
Email address: judyrose.seibert@gmail.com Phone number: 3028272715  
Subject: Cluster Ordinance

**Message:**

As a homeowner in the Coastal Zone, I request that P&Z pass the Cluster ordinance with the changes proposed by SARG in their letter dated 1/5/2021. These changes simplifies the ordinance, making it easier for the public and developers to understand.

We need to have the same standards of development in Western Sussex and the Coastal Zone. The Superior Design Elements of the Cluster Ordinance are most needed in the Coastal Zone, and we must have equity in the County. Wisely planned open spaces will enhance everyone's property values and help protect and preserve as much of our natural resources including wetlands, mature woodlands and buffers along wetlands and waterways.

Thank you for your consideration of my letter and for your public service.

Judy Rose Seibert  
22463 Ocala Way  
Lewes, DE 19958



## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 3:18 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 3:18pm

**SUPPORT EXHIBIT**

Name: Jeanette Akhter  
Email address: jeakhter@gmail.com  
Phone number: 3026047523  
Subject: Cluster amendment

**Message:**

I strongly support the amendment to extend the Cluster ordinance with superior design to the Coastal Area.

Thank you.

Jeanette Akhter  
37225 Tranquil Cove  
Selbyville, DE 19975

## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 3:25 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

**SUPPORT EXHIBIT**

Submitted on Wednesday, January 6, 2021 - 3:25pm

Name: Janice Hurff

Email address: jhurff14@gmail.com

Phone number: 8566252519

Subject: P & Z cluster ordinance

Message: I am in favor of the amended cluster amendment and comments of SARG. Now it is time to begin considering the wrongful and unfettered avalanche of development. Please stand for common sense.

## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 3:32 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 3:32pm

**SUPPORT EXHIBIT**

Name: Michael Spangler  
Email address: mspan56@gmail.com  
Phone number: 3028272715  
Subject: Cluster Ordinance

**Message:**

As a homeowner along the Route 24 corridor, I am distressed by the amount of construction in the area and the loss of open space.

The Superior Design Elements of the Cluster Ordinance are most needed in the Coastal Zone. Wisely planned open spaces will enhance everyone's property values and help protect and preserve as much of our natural resources including wetlands, mature woodlands and buffers along wetlands and waterways.

We need to have the same standards of development in Western Sussex and the Coastal Zone. I request that P&Z pass the Cluster ordinance with the changes proposed by SARG in their letter dated 1/5/2021.

Thank you for your consideration of my letter and for your service.

Michael Spangler  
Lewes, DE 19958

## Nick Torrance

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 3:36 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 3:36pm

**SUPPORT EXHIBIT**

Name: LEWIS R PODOLSKIE  
Email address: lpodolske@aol.com  
Phone number: 302 933 0145  
Subject: Cluster design requirements ordinance

**Message:**

Currently, the AR-1 areas of the Coastal Zone are not subject to the cluster design requirements of the County Zoning code while all development outside of the Coastal Zone must comply. These design requirements are spelled out in various subsections of Section §115 - 25 A-F of the Sussex County Zoning Code. The purpose of the proposed ordinance is to bring all areas of the County under the same requirements.

2

However, Section §115-25F of the zoning code deals only with the "Review procedures for cluster development." Sections A through E define the critical requirements needed to comply with the law.

A. Minimum lot sizes for lots using a wastewater disposal system located entirely on that lot and generally defined as an on-site septic system.

B. Minimum lot sizes, dimensions and open space for lots using a central sewer system as defined by § 115-194A:

C. Minimum yard requirements. Minimum yard requirements shall be as follows:

D. Maximum height requirements. Maximum height requirements shall be as follows:

E. Design requirements for cluster development.

It is crucial that there be no question, misinterpretation or misunderstanding as to what is required of developers under this ordinance. To assure that is achieved, as a Sussex County homeowner I call on the County Planning and Zoning Commission to approve the proposed ordinance with the following amendment.

163 Residential developments utilizing the cluster option of Subsection C.3 above

164 within the AR - 1 and AR - 2 Residential Zoning Districts shall comply with the [design]

165 requirements set forth in §115 - 25 of the Sussex County Zoning Code [F] Simply removing the word "design" and the letter "F" assures that there is no confusion as to what would be required and brings the Coastal Zone in full conformity with the balance of the County.

Thank you for your consideration, Lew Podolske



From Gail Van Gilder, 516 East Cape shores Drive, Lewes DE

Sussex County Planning & Zoning Hearing on Amending the Sussex County Code,  
Chapter 115, Article XXV, Section 115-194.3  
To extend the Cluster Ordinance to Coastal Zone

Sussex County holds Coastal Zone cluster developments to significantly lower design and environmental standards than the rest of the County outside the Coastal zone. The Coastal zone [the area around Lewes, Rehoboth, and the Inland Bays] was intentionally excluded from the "superior design" requirements that became mandatory for the rest of the County in 2019. Sounds backwards to me!

Large landowners fear their property values will be reduced if this "superior design" element is required in the Coastal Zone. New residents are worried the building lots they are purchasing don't have adequate protection to reduce flooding, improve water quality, provide useable open space for kids to play, or other design criteria available for every area of Sussex County except the "Coastal Zone".

This "superior design" has been working for the rest of the county, why would it not be good for the "Coastal Zone"? Builders know that quality sells and landowners will benefit as well for the long term.

The coastal area has the highest risk from storms and sea level rise given its rapid buildout, congestion, flooding, lack of adequate infrastructure and evacuation routes, and proximity to our inland bays, tributaries, rivers, and ocean. Therefore, this amendment should be approved and moved to County Council quickly. Delaying only increases our risk. The current code must be brought into uniformity for all parts of the county.

It is in the "Coastal Zone" where the environmental "superior design" component of this ordinance is needed the most. We have the highest risk, the least protection and sea level is rising the fastest in the country. Let's be realistic. If we don't address these environmental issues all properties could lose value. As you drive around the county look at how many homes now have standing water on their property. Water levels are rising as we pave over the coastal zone. Unless this is addressed many properties will lose their resale value. Clustering homes and preserving open space every time a new development is built will ultimately add up to a substantial amount of open space being preserved with no change in density or economic loss to farmers and developers.

Our elected officials took an oath "to protect the health, welfare and safety" of ALL those they represent. That includes both the landowners and the purchasers of their subdivided properties.

It is time to act, and not delay. There is good reason to expedite this amendment!

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** Doug Hudson  
**Sent:** Sunday, January 3, 2021 7:44 PM  
**To:** Todd F. Lawson; Gina Jennings; Michael H. Vincent; John Rieley; Cynthia Green; Mark Schaeffer; Jamie Whitehouse  
**Subject:** Fwd: Bay Front at Rehoboth HOA, Lewes, DE - Comments on Coastal Area Subdivision Code Amendment  
**Attachments:** #4 - 2021\_01\_04 FINAL Councilman Douglas B. Hudson, District #4 - Bay Front Comments - Coastal Area Subdivision Code Amendment (1).pdf

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**From:** Mary Beth Aring <mbaringseely@yahoo.com>  
**Sent:** Sunday, January 3, 2021 4:36 PM  
**To:** Doug Hudson  
**Cc:** Dianne Besso; Mary Beth (MB) Aring  
**Subject:** Bay Front at Rehoboth HOA, Lewes, DE - Comments on Coastal Area Subdivision Code Amendment

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Councilman Douglas B. Hudson  
Sussex County Council, District #4  
2 The Circle, P. O. Box 589  
Georgetown, DE 19947  
[doug.hudson@sussexcountype.gov](mailto:doug.hudson@sussexcountype.gov)

**SUPPORT EXHIBIT**

Dear Councilman Hudson:

Subject: Coastal Area Subdivision Code Amendment

The Bay Front at Rehoboth HOA and its Members write in support of the subject ordinance to amend Chapter 115, Article XXV (Supplemental Regulations), Section 115-194.3, regarding the Coastal Area. Please associate our attached comments with the public record established in this matter.

Best wishes for a safe and healthy New Year.

---

*MB*



## Jamie Whitehouse

**From:** E Lee <eulmlee@gmail.com>  
**Sent:** Tuesday, January 5, 2021 8:03 PM  
**To:** Jamie Whitehouse  
**Subject:** Amendment to §115-94.3 - Cluster Ordinance in Coastal Area

**SUPPORT EXHIBIT**

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear P&Z Director, Staff and Commission,

Sussex County is expected to see another spurt of growth and we need to be prepared to protect our number one asset, the beautiful natural environment.

**Please recommend to the Council to adopt *one* Cluster Ordinance that applies to the whole Sussex County.** Particularly, the Coastal Area is the one that needs the 'Superior Design' mandate more than anywhere else in Sussex County.

- By protecting our natural wetlands, buffers and mature forests that are known to hold tremendous amounts of water and slowly release, we will not aggravate more flooding and sea water inundation in the coastal area. This will help, not only the immediate neighborhoods from increased flooding risks, but also, in the long run, will help our entire County and State from the potential burden of having to rescue from such flooding events the homes built right up to the water.
- Superior Design will also enhance the value of *all* the properties in each cluster subdivision for the beauty and usable open spaces.
- Sussex County will be known for its beautiful and higher standards of dwelling environment as well as its wise forward-looking long term visions.

### **A suggestion regarding this ordinance:**

I find the newly introduced ordinance confusing. The Cluster design specifications are spread out in §115-25 B, C, E, and F, but only B and F are referred to in this new ordinance for Coastal Area.

Instead of copying and pasting portions of the Code, which increases the chances of confusion and unintended omissions, I suggest removing all references (or not introducing new references) to the AR Cluster from Coastal Area (§115-194.3) and removing any reference to Coastal Area from the AR Code (§115-25). This will make the Code clean without any references pointing back and forth. If we keep patching the Code this way - unnecessarily - the Sussex Code will have to be re-written sooner than later.

### **A suggestion for public hearing notice:**

While judicially monitoring the public hearing notice in the Cape Gazette, I was surprised to find the public hearing for this ordinance in the Jan. 7th P&Z meeting agenda, only to find out that it was published in the News Journal and Delaware State News. Without subscribing to the print version of these newspapers, it would be nearly impossible to spot the hearing notices. **Please consider publishing all the public hearing notices on the County's website.**

Thank you very much for your time and service.

## Jamie Whitehouse

**From:** joe wilkens <jwilk0929@gmail.com>  
**Sent:** Wednesday, January 6, 2021 9:57 AM  
**To:** Jamie Whitehouse  
**Subject:** Cluster Subdivision Ordinance

**SUPPORT EXHIBIT**

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I support the changing of the wording to stop the confusion

Simply removing the word “design” and the letter “F” assures that there is no confusion as to what would be required and brings the Coastal Zone in full conformity with the balance of the County.

The flaw identified by SARG is in the operative section of the proposed legislation that currently reads:

- 163. 163 *Residential developments utilizing the cluster option of Subsection C.3 above*
- 164. 164 *within the AR-1 and AR-2 Residential Zoning Districts shall comply with the design*
- 165. 165 *requirements set forth in §115-25F of the Sussex County Zoning Code.*

However, Section §115-25F of the zoning code deals only with the “Review procedures for cluster development.” Sections A through E define the critical requirements needed to comply with the law.

- A.** Minimum lot sizes for lots using a wastewater disposal system located entirely on that lot and generally defined as an on-site septic system.
- B.** Minimum lot sizes, dimensions and open space for lots using a central sewer system as defined by § 115-194A:
- C.** Minimum yard requirements. Minimum yard requirements shall be as follows:
- D.** Maximum height requirements. Maximum height requirements shall be as follows:
- E.** Design requirements for cluster development.

It is crucial that there be no question, misinterpretation or misunderstanding as to what is required of developers under this ordinance. To assure that is achieved, SARG calls on the County Planning and Zoning Commission to recommend approving the proposed ordinance with the following amendment.

- 163. 163 *Residential developments utilizing the cluster option of Subsection C.3 above*
- 164. 164 *within the AR - 1 and AR - 2 Residential Zoning Districts shall comply with the [design]*
- 165. 165 *requirements set forth in §115 - 25 of the Sussex County Zoning Code [F]*

## Jamie Whitehouse

---

**From:** Stacey Lattinville <cinnjames@gmail.com>  
**Sent:** Wednesday, January 6, 2021 9:59 AM  
**To:** Jamie Whitehouse  
**Subject:** Over development and flooding and litter

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

My name is Stacey Lattinville and I have lived here 43 years I recently turned 52, I Love this area and I am Concerned with too much development the Natural Beauty will be lost forever it is already starting to happen with the constant flooding and also the Huge litter problem on Route 54 along the waterfront 🙄 😞

**SUPPORT EXHIBIT**



## Jamie Whitehouse

---

**From:** James Walpole <jrwalpole@mac.com>  
**Sent:** Wednesday, January 6, 2021 9:21 AM  
**To:** Jamie Whitehouse  
**Subject:** Cluster Ordinance

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Re: Cluster Ordinance  
Director Whitehouse,  
I urge you to approve the proposed Cluster Ordinance.

This ordinance would make the Superior Design Elements of the County Zoning Code apply County wide with no negative economic impact and significant positive impacts to the natural and built environments.

We are all depending on you —please vote for the benefit of the entire County.

Respectfully,

James and Cathy Walpole

District 5

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** Lisa Graff <lgraff1979@gmail.com>  
**Sent:** Wednesday, January 6, 2021 8:37 AM  
**To:** Jamie Whitehouse  
**Subject:** support of amendment

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Thank you for doing whatever possible to limit the growth of building in Sussex County. Proud to be a full time resident of this county since 2010. Double edged sword as so many of us came here to escape overcrowding. Thank you for your service.

Lisa Graff

Cape Gazette Columnist

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** John Hanson <jrhanson77@gmail.com>  
**Sent:** Wednesday, January 6, 2021 4:13 PM  
**To:** Jamie Whitehouse  
**Subject:** Cluster Ordinance

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Please add my name to those who support including the Coastal Area in the Cluster ordinance.

Thanks!

John Hanson

**SUPPORT EXHIBIT**



## Jamie Whitehouse

---

**From:** Richard Raynic <bbg751@verizon.net>  
**Sent:** Wednesday, January 6, 2021 8:34 AM  
**To:** Jamie Whitehouse  
**Subject:** Support for Cluster Ordinance standardization

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Mr. Whitehouse

I support the ordinance that would make Superior Design elements of the County Zoning Code apply county wide. However; Sussex County Planning and Zoning needs to change their priorities. The present attitude that defines development as an essential growth factor needed for progress will only lead to the coastal area be completely covered with housing and commercial developments. Part of our reasoning for relocating to this area is because we liked what we saw. Lots of woodlands, farms and open space. Those features are being eradicated because Planning and Zoning defines progress as approving housing and commercial developments. . Why can't progress also mean planting more trees, expanding croplands and building more parks and trails? Too often uses the phrase used in planning and zoning approval documents that 'the zoning is consistent with development trends in the area and is appropriate according to the county comprehensive land use plan' has become standard rational for granting approval. Thank you.

Richard Raynic

22489 Ridge Circle

Lewes, De. 19958

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** Terry Martin <terrilm62@yahoo.com>  
**Sent:** Wednesday, January 6, 2021 8:22 AM  
**To:** Jamie Whitehouse  
**Subject:** P&Z

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

I would like to see a change in the law that allows building on the small lots. The greedy builders are gobbling up all of the land in our beautiful Sussex County and display sing the wildlife that lives there only for their own greed!

I feel that the county commissioners are just as responsible for allowing this to happen! Please consider my feelings during the upcoming board meeting to stop allowing building on the small lots in the future. Change the law back up to the 20,000 requirement so that the builders don't grab every single small parcel left in our beautiful county only to stuff it full of more town houses and homes that we don't need.

As county commissioners and planning and zoning committee members you are public servants. I am here by making myself and my husband's feelings made public to you. Please share my thoughts with the entire board and vote accordingly. Thank you.

Sincerely,  
Rand & Terry Baylor  
Lewes DE

Sent from Yahoo Mail for iPhone

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, January 5, 2021 10:01 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, January 5, 2021 - 10:00am

## SUPPORT EXHIBIT

Name: Carol E Conroy  
Email address: c.conroy22@comcast.net  
Phone number: 302-313-4494  
Subject: Proposed cluster ordinance  
Message:

To Commissioner Stevenson:

I am a resident of the Lewes area who has lived part-time, then full-time, in Sussex County since 2005. I have seen residential development expand in the areas designated now as "coastal," and not all of it has been good.

I am pleased that County officials - both elected and appointed - have shown a growing awareness of the need to protect the environment from intense development pressures. The cluster ordinance that was enacted in 2019 for NON-coastal residential zones is a good example of that concern.

This cluster ordinance should have included the coastal zone at the time it was enacted, but here we are now, engaged in determining how it will be applied to coastal areas. In my view, what is appropriate for non-coastal lands in Sussex is even more appropriate for the low-lying lands of the coastal zone, where development pressures are highest.

I was surprised to see another coastal cluster proposal included in the Commission's January 7 meeting agenda. I don't believe that adequate notice has been given to the public prior to this meeting. Therefore, I ask you to request that the Commission keep the record open following the January 7 hearing.

Thank you for your attention,  
Carol Conroy

## Jamie Whitehouse

---

**From:** Boe Daley <noreply@forms.email>  
**Sent:** Wednesday, January 6, 2021 10:19 AM  
**To:** Jamie Whitehouse  
**Subject:** Contact Form: Cluster Ordinance Amendment

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Name: Boe Daley  
Email: bojangles21@comcast.net  
Phone: 18568893731  
Subject: Cluster Ordinance Amendment  
Message: Please know that I am in support of this long over-due amendment. Thank you.

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** Pam GLICK <pamglick436@comcast.net>  
**Sent:** Wednesday, January 6, 2021 10:16 AM  
**To:** Jamie Whitehouse  
**Subject:** Ordinance to Amend Chapter 115 Article XXV, Section 115-194.3

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Please include the Coastal Area in the Cluster Ordinance during your upcoming meeting on this issue.

Thank you

Pam Glick

**SUPPORT EXHIBIT**



## Jamie Whitehouse

---

**From:** Pat Makos <patkms@comcast.net>  
**Sent:** Wednesday, January 6, 2021 10:15 AM  
**To:** Jamie Whitehouse  
**Subject:** Cluster Ordinance

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

We are in support of the Sussex County Planning and Zoning cluster ordinance to include the Coastal Zone area in Council District 3. It's important for the coastal area have the same protection ordinance that is available throughout the county.

Thank you

Sent from my iPhone  
Pat and Walter Makos  
35213 Overfalls Dr North  
Lewes DE 19958  
3027032128

**SUPPORT EXHIBIT**



## Jamie Whitehouse

---

**From:** Suzanne Buckler <sbuckler54@yahoo.com>  
**Sent:** Wednesday, January 6, 2021 10:39 AM  
**To:** Jamie Whitehouse  
**Subject:** Coastal Zone

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Hi Jamie - I met you last year. You and Lauren DeVore were very helpful to our team. I was a member of the Friends of Derrickson Creek that made presentations last year regarding the Old Mill Landing Development. I fully support the "Coastal Zone" being part of the Cluster Ordinance. It does not make any sense to exclude these environmentally sensitive areas from the ordinance. We live in the Coastal Zone and are directly impacted by increased flooding every time existing forested land along the waterways are developed. Please add our names to the public records.

Thanks for all of your assistance last year.

Suzanne & Bob Buckler  
36393 Derrickson Drive  
Selbyville, De. 19975

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** wayne smith <smithwcnj@hotmail.com>  
**Sent:** Wednesday, January 6, 2021 10:45 AM  
**To:** Jamie Whitehouse  
**Subject:** P&Z Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

I am writing to express my concern regarding the omission of the Coastal Zone from the ordinance being considered by the board for Cluster housing development. I feel that it is a critical part to maintaining a safe environment in this zone going forward.

Please pass along my concern to the board and ask that the Superior Design elements of the ordinance include the Coastal Zone.

Thank you.

Wayne Smith

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 10:47 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 10:46am

Name: Michael O'Malley  
Email address: omalley.ma@comcast.net  
Phone number: 8567868144  
Subject: Amendment to Cluster Subdivision Ordinance  
Message:  
Planning & Zoning,

**SUPPORT EXHIBIT**

I am writing you to voice my support of the proposed ordinance supporting Standardizing Cluster Superior Design Standards throughout Sussex County.

I support the proposed ordinance with the following amendment.

163 Residential developments utilizing the cluster option of Subsection C.3 above  
164 Within the AR - 1 and AR - 2 Residential Zoning Districts shall comply with the [ design]  
165 requirements set forth in 115 - 25 of the Sussex County Zoning Code [F]

Sincerely

Michael O'Malley  
33495 W Hunters Run  
Lewes, De 19958

## Jamie Whitehouse

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 10:48 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 10:48am

### SUPPORT EXHIBIT

Name: Peter Kleppinger McLean  
Email address: pmclean2700@gmail.com  
Phone number: 3023124528  
Subject: Cluster Subdivision Ordinance  
Message:  
Dear Commission Members,

Please well consider supporting the amendment to the Ordinance. Given the many assaults on our landscape, we must do all we can to protect it, especially for the benefit of our children and theirs.

Thank you for your consideration.

Sincerely,

Peter K. McLean, Ph.D.  
Lewes

## Jamie Whitehouse

---

**From:** webmaster@sussexcountysde.gov on behalf of Sussex County DE  
<webmaster@sussexcountysde.gov>  
**Sent:** Wednesday, January 6, 2021 10:16 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 10:15am

**SUPPORT EXHIBIT**

Name: Craig Wood, PhD

Email address: oesadoc@aol.com

Phone number: 3025842427

Subject: amendment to the current Cluster Subdivision Ordinance

Message: Standardization of the Sussex County Cluster ordinance is long overdue and critically needed to improve the quality of development in the County, specifically as it related to the Coastal Zone. Standardize Cluster Superior Design Standards throughout Sussex County. The proposed amendment to current ordinance should therefore be adopted. To do otherwise will significantly strain the Coastal Zone environment and diminish the quality of life and property values in the regions.

## Jamie Whitehouse

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 10:46 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 10:46am

**SUPPORT EXHIBIT**

Name: Dr. Ray Glick  
Email address: glickray@gmail.com  
Phone number: 847 72 5738  
Subject: coastal Cluster ordinance  
Message: Pls include protecting the coastal zone by inclusion in cluster ordinance



## Jamie Whitehouse

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 11:43 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 11:43am

**SUPPORT EXHIBIT**

Name: Pete Wiesendanger

Email address: psweez1@yahoo.com

Phone number: 6097025908

Subject: Cluster Subdivision Ordinance

Message: Please note that I am in favor of the the County adopting ordinance changes to include the entire county in the Cluster Subdivision Ordinance.

## Jamie Whitehouse

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 9:05 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 9:05am

**SUPPORT EXHIBIT**

Name: Pamela Meador  
Email address: Meador912@gmail.com  
Phone number: 3017755103  
Subject: Coastal Zone protection

**Message:**

Please protect our Coastal Zone by including the Coastal Zone in the Cluster Ordinance.

Thank you,  
Pam Meador

## Jamie Whitehouse

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 9:36 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 9:36am

**SUPPORT EXHIBIT**

Name: Judith H Kane

Email address: judyk15@verizon.net

Phone number: 13029457032

Subject: CLUSTER SUPERIOR DESIGN ORDINANCE

Message: As a resident of the coastal area of Sussex County, I support adoption of the cluster superior design amendment that would bring superior design requirements into fruition for all of Sussex County. There are many sound reasons for this but none is more relevant to me than bringing equality to my part of Sussex County. Why should coastal Sussex be treated differently than the rest of Sussex County? This is a win win for all of Sussex County and I see no way land owners are negatively affected.

## Jamie Whitehouse

---

**From:** paulas13@verizon.net  
**Sent:** Wednesday, January 6, 2021 4:11 PM  
**To:** Jamie Whitehouse  
**Subject:** Coastal Areas

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Coastal areas must be included in Cluster Ordinance . Thank you

**SUPPORT EXHIBIT**

## Jamie Whitehouse

**From:** webmaster@sussexcountysde.gov on behalf of Sussex County DE  
<webmaster@sussexcountysde.gov>  
**Sent:** Wednesday, January 6, 2021 9:02 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 9:02am

**SUPPORT EXHIBIT**

Name: Robert Viscount  
Email address: countr@comcast.net  
Phone number: 3023778372  
Subject: Cluster Subdivision Ordinance - Correction Needed. Please Amend

**Message:**

I am asking the Planning and Zoning Commission to recommend approving the proposed ordinance with the amendment that is explained below.

There is a flaw in the operative section of the proposed legislation that currently reads:

163 Residential developments utilizing the cluster option of Subsection C.3 above  
164 within the AR-1 and AR-2 Residential Zoning Districts shall comply with the design  
165 requirements set forth in §115-25F of the Sussex County Zoning Code.

Currently, the AR-1 areas of the Coastal Zone are not subject to the cluster design requirements of the County Zoning code while all development outside of the Coastal Zone must comply. These design requirements are spelled out in various subsections of Section §115 - 25 A-F of the Sussex County Zoning Code. The purpose of the proposed ordinance is to bring all areas of the County under the same requirements.

However, Section §115-25F of the zoning code deals only with the "Review procedures for cluster development." Sections A through E define the critical requirements needed to comply with the law.

A. Minimum lot sizes for lots using a wastewater disposal system located entirely on that lot and generally defined as an on-site septic system.

B. Minimum lot sizes, dimensions and open space for lots using a central sewer system as defined by § 115-194A:

C. Minimum yard requirements. Minimum yard requirements shall be as follows: D. Maximum height requirements. Maximum height requirements shall be as follows:

E. Design requirements for cluster development.

**Amendment Requested:**

It is crucial that there be no question, misinterpretation or misunderstanding as to what is required of developers under this ordinance. To assure that is achieved I am asking the Planning and Zoning Commission to recommend approving the proposed ordinance with the following amendment.

163 Residential developments utilizing the cluster option of Subsection C.3 above

164 within the AR - 1 and AR - 2 Residential Zoning Districts shall comply with the [design]

165 requirements set forth in §115 - 25 of the Sussex County Zoning Code [F] Simply removing the word "design" and the letter "F" assures that there is no confusion as to what would be required and brings the Coastal Zone in full conformity with the balance of the County.

Thank you.



## Jamie Whitehouse

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 8:29 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 8:29am

## SUPPORT EXHIBIT

Name: Terry Baylor  
Email address: terrilm62@yahoo.com  
Phone number: 5707137551  
Subject: P& Z of small lots. STOP IT!  
Message:

I would like to see a change in the law that allows building on the small lots. The greedy builders are gobbling up all of the land in our beautiful Sussex County and displace the wildlife that lives there only for their own greed! Enough is enough!!!!!!

I feel that the county commissioners are just as responsible for allowing this to happen! Please consider my feelings during the upcoming board meeting to stop allowing building on the small lots in the future. Change the law back up to the 20,000 requirement so that the builders don't grab every single small parcel left in our beautiful county only to stuff it full of more town houses and homes that we don't need.

As county commissioners and planning and zoning committee members you are public servants. I am here by making myself and my husband's feelings made public to you. Please share my thoughts with the entire board and vote accordingly. Thank you.

Sincerely,  
Rand & Terry Baylor  
Lewes, DE

## Jamie Whitehouse

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 7:17 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 7:16am

**SUPPORT EXHIBIT**

Name: steven counts

Email address: slcounts@gmail.com

Phone number: 9012929514

Subject: 115-194.3 Amendment

Message: It is time to put 'equality under the law for all' over greater profits of some. Please do the right thing rather than the politically convenient thing.

## Jamie Whitehouse

---

**From:** Robert Buckler <noreply@forms.email>  
**Sent:** Wednesday, January 6, 2021 12:01 PM  
**To:** Jamie Whitehouse  
**Subject:** Contact Form: Coastal Area

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Name: Robert Buckler  
Email: rbuck301@gmail.com  
Phone: (301) 758-9885  
Subject: Coastal Area

Message: I tried to send an email but for some reason it was blocked. Please add my name in support of including the Coastal Zone in the Cluster Ordinance. Long overdue. Please help protect those of us who live in the Coastal Zone from flooding due to development.

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** Gary Lippmann <Gary.Lippmann@Verizon.net>  
**Sent:** Wednesday, January 6, 2021 12:21 PM  
**To:** Jamie Whitehouse  
**Subject:** Cluster Subdivision Ordinance Amendment

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

This email is being sent to you to support and encourage an amendment to the current Cluster Subdivision Ordinance that would extend its provisions to areas of the County where they don't currently apply, specifically in the Coastal Zone areas of Council Districts 3, 4 and 5.

Thank you.

Gary R. Lippmann  
Village of Five Points  
Lewes, DE

**SUPPORT EXHIBIT**

## Russell Warrington

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 6:15 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 6:15am

Name: Patricia spackman

Email address: patricia.spackman@gmail.com Phone number: 6104580341

Subject: Superior Design Elements ordinance w amendments

Message: I support the adoption of a County wide building code, per the subject design ordinance, to include the Sussex County Coastal Zone. Please approve in your January 7 meeting.

**SUPPORT EXHIBIT**



## Jamie Whitehouse

---

**From:** Lynn Jost <lynnjost@yahoo.com>  
**Sent:** Wednesday, January 6, 2021 1:35 PM  
**To:** Jamie Whitehouse  
**Subject:** Cluster Ordinance Amendment

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

We live in the Coastal Zone and we are FOR this long overdue amendment.

Lynn & Kevin Jost  
37202 W. Fenwick Blvd  
Selbyville, DE

Sent from Yahoo Mail for iPhone

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** Tom Nocella <tjnocella@comcast.net>  
**Sent:** Wednesday, January 6, 2021 12:57 PM  
**To:** Jamie Whitehouse  
**Subject:** Cluster Ordinance

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Hello, my name is Tom Nocella and I live in Selbyville in a Coastal Area. Please know I am in support of this long overdue Amendment.

Thank You

Happy New Year

Sent from my iPad

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** Valerie Wood <valerie.aziegler@gmail.com>  
**Sent:** Wednesday, January 6, 2021 1:16 PM  
**To:** Jamie Whitehouse  
**Subject:** Inclusion of Coastal Area to Cluster Ordinance

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Planning and Zoning members,

I greatly support the Coastal Area being included in the Cluster Ordinance because this is the area that now needs the most protection to maintain our quality of life near waterways.

Thank you for reading,  
Val Wood  
29776 Franklin Roosevelt Lane  
Millsboro DE 19966

--

Some people talk to animals. Not many people listen though. That's the problem.

A.A. Milne

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** Keith Steck <steckke@gmail.com>  
**Sent:** Wednesday, January 6, 2021 1:50 PM  
**To:** Jamie Whitehouse  
**Subject:** Comment for Jan. 7 P&Z Hearing on Ord 21-01  
**Attachments:** 2021 Jan--Steck Comments on P&Z Jan 7 Hearing on Ord 21-01 Cluster Subdiv Ord in Coastal Area.pdf

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Jamie

Happy New Year. I hope you are well and had a chance to rest over the holidays.

Attached are my comments for the record regarding tomorrow night's hearing. I've also submitted them via the P&Z Website comment link, but I want to ensure they are in the record in case that link does not capture my comments. They are brief and to the point. I would appreciate an acknowledgment that you have received them and that they will be placed in the record for this ordinance.

Thanks, Keith Steck

**SUPPORT EXHIBIT**

Comments on Proposed Ord. 21-01 The Coastal Area before the  
Sussex County Planning & Zoning Commission  
Keith Steck  
Jan. 6, 2021

Below are my comments on this proposed ordinance affecting the Coastal Area to be discussed by the County Planning & Zoning Commission at a Jan. 7th hearing.

First, Sussex County should be consistent in its creation and application of its zoning, planning, design, building, implementation, inspection, and other ordinances pertaining to construction and development in Sussex County. Specifically, any and all ordinances should be consistent throughout the county to avoid confusion among landowners, homeowners, builders, developers, the general public, and all other parties. To do otherwise simply creates a crazy-quilt set of ordinances and requirements. The proposed ordinance is a perfect example of how chaos is created by not passing an ordinance covering the Coastal Area that is identical to the Cluster Subdivision ordinance that exists and covers the rest of Sussex County, especially with respect to superior design imposed on other areas of the County.

Second, to ensure that this proposed ordinance is consistent with the rest of the County, then this proposal must be identical to the existing Cluster Subdivision Ordinance and design requirements found in Section 115-25 A through F. To do this, the P&Z should strike the word "design" on line 164 and "F" from Sec. 115-25 on line 165.

Third, this change will be consistent with Future Land Use envisioned on the 2018 Sussex County Comprehensive Plan cited by the proposed ordinance. To adopt the ordinance as proposed, is not consistent with this Plan that the state approved.

There are also numerous other benefits to landowners, homeowners, and others in the Coastal Area specifically as well as the county at large. These will be discussed at the Jan. 7th hearing.

Keith Steck  
210 Lavinia St.  
Milton, DE



## Jamie Whitehouse

---

**From:** bjkik@comcast.net  
**Sent:** Wednesday, January 6, 2021 2:16 PM  
**To:** Jamie Whitehouse  
**Subject:** Cluster Subdivision Ordinance

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

To: Sussex County Planning and Zoning Commission Members

Re: Cluster Subdivision Ordinance

I support standarizing cluster superior design standards throughout Sussex County. Superior design in cluster development reduces the percent of impermeable land in this coastal area and helps reduce risks associated with storms and sea level rise. The Planning & Zoning Commission should approve the proposed ordinance with the following amendments:

- 163 - Residential developments utilizing the cluster option of Subsection C.3 above
- 164 - within the AR-1 and AR-2 Residential Zoning Districts shall comply with the design
- 165 - requirements set forth in §115-25F of the Sussex County Zoning Code

Thank you,

John Kiker

608 Pilottown Rd.

Lewes, DE 19958

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** Jeffrey Stone <trollingstone@comcast.net>  
**Sent:** Wednesday, January 6, 2021 2:19 PM  
**To:** Jamie Whitehouse  
**Cc:** rich borrasso  
**Subject:** Ord. 21-01 Public Hearing  
**Attachments:** Statement Supporting the Cluster Ordinance Amendment.pdf

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Jamie:

Happy New Year. I hope this finds you well.

Attached is statement from SARG regarding "Ord. 21-01 – The Coastal Area AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115- 194.3 OF THE CODE OF SUSSEX COUNTY REGARDING THE COASTAL AREA" that I request be given to the Commission Members and be entered into the official record of the public hearing tomorrow. I would also request that, if possible, it be read at the hearing.

Thank you for your help. Please let me know if you need anything more from me.

Be well, stay safe.

Jeff Stone

**SUPPORT EXHIBIT**

## Jamie Whitehouse

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 1:40 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 1:40pm

## SUPPORT EXHIBIT

Name: Karen Beck  
Email address: k3beck@gmail.com  
Phone number: 9195942151  
Subject: Amendment to Cluster Subdivision Ordinance

**Message:**

I want to express my strong support for an amendment to the Cluster Subdivision Ordinance that extends the provisions to the Coastal Zone areas in Districts 3, 4 and 5. The Coastal Zone is the fastest growing and most environmentally fragile area of the entire county. Poor planning and management of development in this area will detrimentally affect the entire county fiscally and in many other ways. I ask that you vote for standardization of the ordinance across the county .Thank you.

## Jamie Whitehouse

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 1:42 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 1:42pm

## SUPPORT EXHIBIT

Name: Keith Steck  
Email address: steckke@gmail.com  
Phone number: 302.893.1643  
Subject: Jan 7 2021 P&Z Hearing on Ord 21-01  
Message:

Below are my comments on this proposed ordinance affecting the Coastal Area to be discussed by the County Planning & Zoning Commission at a Jan. 7th hearing.

First, Sussex County should be consistent in its creation and application of its zoning, planning, design, building, implementation, inspection, and other ordinances pertaining to construction and development in Sussex County. Specifically, any and all ordinances should be consistent throughout the county to avoid confusion among landowners, homeowners, builders, developers, the general public, and all other parties. To do otherwise simply creates a crazy-quilt set of ordinances and requirements. The proposed ordinance is a perfect example of how chaos is created by not passing an ordinance covering the Coastal Area that is identical to the Cluster Subdivision ordinance that exists and covers the rest of Sussex County, especially with respect to superior design imposed on other areas of the County.

Second, to ensure that this proposed ordinance is consistent with the rest of the County, then this proposal must be identical to the existing Cluster Subdivision Ordinance and design requirements found in Section 115-25 A through F. To do this, the P&Z should strike the word "design" on line 164 and "F" from Sec. 115-25 on line 165.

Third, this change will be consistent with Future Land Use envisioned on the 2018 Sussex County Comprehensive Plan cited by the proposed ordinance. To adopt the ordinance as proposed, is not consistent with this Plan that the state approved.

There are also numerous other benefits to landowners, homeowners, and others in the Coastal Area specifically as well as the county at large. These will be discussed at the Jan. 7th hearing.

## Jamie Whitehouse

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 12:55 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 12:54pm

**SUPPORT EXHIBIT**

Name: David Jaeger  
Email address: davejaeger@verizon.net  
Phone number: 302-645-8023  
Subject: Standardize Cluster Superior Design for all of Sussex County

**Message:**

My wife and I have lived in Sussex County for over 20 years and strongly urge the Commission and Council to make Custer Superior Design the standard for the entire county. No exceptions.

David & Ann Jaeger  
Lewes, DE



## Jamie Whitehouse

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 12:31 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

**SUPPORT EXHIBIT**

Submitted on Wednesday, January 6, 2021 - 12:30pm

Name: Ginamarie Fenton

Email address: gfenton0510@gmail.com

Phone number: 2158342227

Subject: Proposed Amendment to Cluster Subdivision Ordinance

Message: As residents of Sussex County, we are in full support of the Amendment to the Cluster Subdivision Ordinance that would extend its provisions to areas of the County where it does not currently apply, specifically the Coastal Zone. By extending the requirements of the Cluster Subdivision to the Coastal Zone areas, it ensures that development in these areas will be consistent with that of other areas in the County and supportive of the County's Comprehensive Plan. Amending the ordinance will make certain that development in these areas will help address issues of growth, density, traffic, and environment. Please support this amendment. Thank you for your time.



## Jamie Whitehouse

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**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, January 6, 2021 12:21 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, January 6, 2021 - 12:20pm

## SUPPORT EXHIBIT

Name: Tom Goglia  
Email address: Tom@evansfarmwatch.com  
Phone number: 410-507-6702  
Subject: Cluster Ordinance Support  
Message:

To The Commissioners and the Director,

I am a current resident of the Coastal Zone of Sussex County.

I am in receipt of and have reviewed the document you have received from SARG regarding the Cluster Subdivision Ordinance. I would like to express for support for passage of this ordinance with the suggested technical corrections suggested by SARG. As they have correctly pointed out, I feel it is necessary to be consistent throughout the county when it comes to future development, open space preservation and reduction of risk due to flooding. I encourage you to adopt this ordinance in the interest of preserving and protecting the beauty and livability of this section of our county.

Sincerely  
Tom@evansfarmwatch.com