

Jamie Whitehouse

From: Robin Griffith
Sent: Monday, February 1, 2021 4:13 PM
To: Michael H. Vincent; John Rieley; Cynthia Green; Doug Hudson; Mark Schaeffer
Cc: Jamie Whitehouse
Subject: FW: Contact Form: Support for Coastal/Cluster Ordinance

Forwarding ...

From: eul lee <noreply@forms.email>
Sent: Monday, February 1, 2021 2:48 PM
To: Robin Griffith <rgriffith@sussexcountyde.gov>
Subject: Contact Form: Support for Coastal/Cluster Ordinance

Name: eul lee
Email: eulmlee@gmail.com
Phone: 3024480014

Subject: Support for Coastal/Cluster Ordinance

Message: Please approve the proposed amendment to the ordinance so that one Cluster Ordinance applies to all AR-1 zoning districts throughout Sussex County.

Thank you.

Eul Lee

Bay Front at Rehoboth
Homeowners Association
Board of Directors

RECEIVED

FEB 01 2021

February 1, 2021

SUSSEX COUNTY
PLANNING & ZONING

Ms. Robin Griffith
Sussex County Council Clerk
2 The Circle, P. O. Box 589
Georgetown, DE 19947
rgriffith@sussexcountype.gov

Dear Ms. Griffith:

Subject: Coastal Area Subdivision Code Amendment

We are hereby re-submitting our comments to the above subject amendment to ensure that they are considered by the Council at its meeting on February 2nd and are made part of the public record in this matter. 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. We are also in agreement with the substance of the motion to approve the amendment by Mr. Mears. Please associate our comments with the public record established in this matter.

The subject ordinance to amend Section 115-194.3, is long overdue, corrects the improper preferential regulatory treatment of Coastal Area land zoned AR-1 that currently exists and is required as a means to properly implement the 2018 Comprehensive Plan. Our reasons for supporting this amendment are briefly set forth below:

I. The Proposed Amendment is Consistent with the Adopted Comprehensive Development Plan

On December 4, 2018, the Sussex County Council adopted a new Comprehensive Plan. The effect of adopting this Plan is that **all** land development regulations must be in conformance with the Plan's provisions. See 9 Del. C. § 6904(a). Once adopted, a Comprehensive Plan shall have the force of law and no development shall be permitted except as consistent with the Plan. See Brohawn v. Town of Laurel, 2009 WL 1449109 (Del. Ch. May 13, 2009) at 9; Farmers for Fairness v. Kent County Levy Court, 2012 WL 295060 (Ct. of Chancery of Delaware, 1/27/2012) (the land use map or map series has the force of law and the County may not permit development contrary to that provided for in the land use map and regulations enacted to implement other elements of the Comprehensive Plan).

The Comprehensive Plan embodies policy determinations and guiding principles, such as those listed in the preamble or recitals to the proposed amendment (Goals: 4.3, 4.3.2, 4.3.2.4, 4.6 and 4.6.2), that are extremely important to ensure consistent and equal application of the law. Moreover, these Statements are extremely useful in interpreting any ambiguous language in existing regulation as well as in the proposed amendment to Section 115-194.3. We believe that the proposed amendment is, therefore, clearly consistent with the Comprehensive Plan and necessary to its implementation.

II. The Proposed Amendment Seeks to Ensure Consistent and Equal Application of the Law to Those Similarly Situated as is Guaranteed by Both the Federal and State Constitutions

Both the Federal and our State Constitutions, U.S. Const. Amend. 14, Del. Art. 1, § 7, guarantee to every person equal protection of the law. If the County believes that the “superior design element” requirements are not currently applicable to the Coastal Area and not required by the Comprehensive Plan itself without an amendment, the enactment of the proposed amendment is critically important and necessary if the County wishes to avoid future Constitutional challenges.

III. The Enactment of a Zoning Ordinance, such as the Proposed Amendment, is Legislative in Nature and a Proper Exercise of the Police Power

The law will presume that the legislative body, in this case the Sussex County Council, investigated and found conditions such that the legislation enacted is appropriate. Village of Euclid, Ohio v. Ambler Realty Co., 272 U.S. 365 (1926). The burden of proof is upon the party who assails the validity of such an ordinance to establish that it does not and will not promote the safety, order, convenience, prosperity, and general welfare. We respectfully suggest that those in opposition to this proposed amendment cannot meet this burden.

IV. Chapter 115, Article XXV, are Supplemental Regulations that Qualify or Supplement other AR-1 Regulations Appearing Elsewhere in the Zoning Regulations.

Since Section 115-194.3 and its proposed amendment thereto appear in Article XXV (Supplemental Regulations) it is deemed to augment, not supplant, the other pertinent regulations for the AR-1 District. See Sections 115-26; 115-177. The interpretative maxim, “expression unius est exclusion alterius” is, therefore, inapplicable here with respect to the other pertinent regulations for the AR-1 District.

V. The Word “reasonably” that Appears Before the Word “protect” in the Fifth Whereas Clause Should be Deleted.

This Whereas Clause presumably attempts to depict the balancing of competing goals in land use regulation (protecting land equity versus protecting the County’s environment and to protect and enhance the water quality of the County’s Inland Bays). The use of the word “reasonably” before the goal of protecting the County’s environment and to protect and enhance the water quality of the County’s Inland Bays diminishes the importance of this goal vis-à-vis the goal of protecting land equity. We are not aware of any relevant authority that elevates the goal of protecting land equity over the goal of protecting the environment and water quality.

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The proposed new Number (5) refers to Section 115-25F for the design requirements. It appears that the proper Section is 115-25E.

VIII. The County is Strongly Urged to Consider Additional Amendment of the Land Use Regulations to Give the Reviewing and Decision-Making Authorities the Ability to Consider and Address the Adverse and Cumulative Impact of Individual Subdivision Development.

The Comprehensive Plan requires the County to consider the cumulative impact of reasonably foreseeable development. See Goal 4.1 (Manage the impact of future growth and development to better preserve the quality of life of the County), and Chapter 4 of the Comprehensive Plan generally.

Conspicuously absent from the current land use regulations are effective rules and standards that would permit the reviewing and decision-making authorities to seek solutions to the adverse cumulative impacts of individual subdivision development.

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Thank you for the opportunity to submit our comments in this very important matter. We respectfully request that the Commission and Council fully consider our input and enact the proposed amendment to correct this long-standing legislative oversight.

Best Regards,

/signed/

Dianne L. Besso
HOA President
23255 Horse Island Road
Lewes, DE 19958
302-947-9142

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Best Regards,

/signed/

Dianne L. Besso
HOA President
23255 Horse Island Road
Lewes, DE 19958
302-947-9142

Robin Griffith

From: Deborah Li <noreply@forms.email>
Sent: Sunday, January 31, 2021 10:17 PM
To: Robin Griffith
Subject: Contact Form: 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.

Name: Deborah Li

Email: debbiekli@verizon.net

Phone: 301 335-6547

Subject: Cluster Ordinance

Message: Dear County Council, I am in favor of the Cluster Ordinance for the Coastal Zone. Thank you.

Robin Griffith

From: Robert Viscount <noreply@forms.email>
Sent: Sunday, January 31, 2021 1:51 PM
To: Robin Griffith
Subject: Contact Form: Amend Current 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.

Name: Robert Viscount
Email: countr@comcast.net
Phone: 3023778372
Subject: Amend Current Cluster Subdivision Ordinance
Message: Sussex County Council,

I support Sussex County amending 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.

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. 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 ask that County Council 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,
Robert Viscount
Lewes, DE.

Robin Griffith

From: Judy <judyk15@verizon.net>
Sent: Sunday, January 31, 2021 9:26 AM
To: Robin Griffith
Subject: cluster ordinance approval

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.

As a long time Sussex Co resident I support the adoption of the coastal area cluster ordinance, with the provision suggested by Rich Borrasso of SARG that all requirements needed to comply with the law be identified in the ordinance.

My reasoning is simple, all of coastal Sussex County should be on an equal footing with those areas in western Sussex when it comes to land use requirements.

Thank you,

Judy Kane
23514 Oak St East
Lewes, De

Robin Griffith

From: Joseph G. Wilkens <noreply@forms.email>
Sent: Saturday, January 30, 2021 2:04 PM
To: Robin Griffith
Subject: Contact Form: Coastal/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.

Name: Joseph G. Wilkens

Email: Jwilk0929@gmail.com

Phone: 830-265-8224

Subject: Coastal/Cluster Ordinance

Message: I urge Council to adopt superior-design standards that exist everywhere else in County in our coastal areas for the sake of our wetland environments and water quality which attracts home buyers and tourists.

Robin Griffith

From: Karen Wilkens <noreply@forms.email>
Sent: Saturday, January 30, 2021 1:03 PM
To: Robin Griffith
Subject: Contact Form: Coastal/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.

Name: Karen Wilkens

Email: karen48.kw@gmail.com

Phone: 512-789-3955

Subject: Coastal/Cluster Ordinance

Message: As a resident of a Lewes Community, I support an amended ordinance requiring the same superior-design standards for ALL Cluster subdivisions in Sussex Co. It makes no sense to not have uniformity thru the County in keeping with standards of Comprehensive Plan adopted in 2018.

Robin Griffith

From: Ginamarie Fenton <noreply@forms.email>
Sent: Saturday, January 30, 2021 10:34 AM
To: Robin Griffith
Subject: Contact Form: Proposed Cluster Ordinance

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Name: Ginamarie Fenton

Email: gfenton0510@gmail.com

Phone: 2158342227

Subject: Proposed Cluster Ordinance

Message: I am asking that the Council approve the proposed Cluster Ordinance. It ensures that development is consistent throughout the county and takes the necessary measure to ensure development protects our natural environment.

Robin Griffith

From: Jill Fenton <noreply@forms.email>
Sent: Saturday, January 30, 2021 10:30 AM
To: Robin Griffith
Subject: Contact Form: In favor of the Cluster Ordinance

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Name: Jill Fenton
Email: jillkfenton@gmail.com
Phone: 2152645455
Subject: In favor of the Cluster Ordinance
Message: I would like to formally document my agreement with the Cluster Ordinance.
34766 Cove Court
Lewes, Delaware
Jill Fenton

Robin Griffith

From: Jay Tomlinson <noreply@forms.email>
Sent: Saturday, January 30, 2021 8:03 AM
To: Robin Griffith
Subject: Contact Form: Coastal/Cluster Ordinance Public Hearing - Feb. 2

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: Jay Tomlinson
Email: jaythrep@aol.com
Phone: 856-906-0605
Subject: Coastal/Cluster Ordinance Public Hearing - Feb. 2
Message: Members of Sussex County Council:

I am writing to express my support for passage of the coastal area cluster ordinance to provide uniformity across Sussex County.

If not included in the Council version, I recommend Council support revisions as outlined by SARG in that the ordinance refers to only one of several critical requirements needed to comply with the law, but there are five other requirements included in the code. All requirements should be spelled out specifically in the amended ordinance so there is no future confusion.

All in all great work between Sussex government and the community! Thank you.

Robin Griffith

From: steven counts <noreply@forms.email>
Sent: Friday, January 29, 2021 7:19 PM
To: Robin Griffith
Subject: Contact Form: ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-194.3

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Name: steven counts

Email: slcounts@gmail.com

Phone: 9012929514

Subject: ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115- 194.3

Message: The subject ordinance to amend Section 115-194.3, is long overdue, corrects the improper preferential regulatory treatment of Coastal Area land zoned AR-1 that currently exists and is required as a means to properly implement the 2018 Comprehensive Plan.

Robin Griffith

From: Vince Daley <noreply@forms.email>
Sent: Monday, February 1, 2021 11:21 AM
To: Robin Griffith
Subject: Contact Form: 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.

Name: Vince Daley

Email: hawk24_08033@yahoo.com

Phone: 18567233820

Subject: Cluster Ordinance

Message: I am in favor of the Cluster Ordinance being extended to the Coastal Area. Thank you.



SUPPORT EXHIBIT

January 4, 2021

Vice-Chairwoman Kim Hoey Stevenson
Sussex County Planning and Zoning Commission
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Dear Vice-Chairwoman Stevenson,

Subject: Coastal Area Subdivision Code Amendment

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HOA President, Bay Front at Rehoboth
23255 Horse Island Road
Lewes, DE 19958

January 4, 2021

Mr. R. Keller Hopkins, Commissioner
Sussex County Planning and Zoning Commission
2 The Circle, P.O. Box 589
Georgetown, DE 19947

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On December 4, 2018, the Sussex County Council adopted a new Comprehensive Plan. The effect of adopting this Plan is that **all** land development regulations must be in conformance with the Plan's provisions. See 9 Del. C. § 6904(a). Once adopted, a Comprehensive Plan shall have the force of law and no development shall be permitted except as consistent with the Plan. See Brohawn v. Town of Laurel, 2009 WL 1449109 (Del. Ch. May 13, 2009) at 9; Farmers for Fairness v. Kent County Levy Court, 2012 WL 295060 (Ct. of Chancery of Delaware, 1/27/2012) (the land use map or map series has the force of law and the County may not permit development contrary to that provided for in the land use map and regulations enacted to implement other elements of the Comprehensive Plan).

The Comprehensive Plan embodies policy determinations and guiding principles, such as those listed in the preamble or recitals to the proposed amendment (Goals: 4.3, 4.3.2, 4.3.2.4, 4.6 and 4.6.2), that are extremely important to ensure consistent and equal application of the law. Moreover, these Statements are extremely useful in interpreting any ambiguous language in existing regulation as well as in the proposed amendment to Section 115-194.3. We believe that the proposed amendment is, therefore, clearly consistent with the Comprehensive Plan and necessary to its implementation.

The Proposed Amendment Seeks to Ensure Consistent and Equal Application of the Law to Those Similarly Situated as is Guaranteed by Both the Federal and State Constitutions

Both the Federal and our State Constitutions, U.S. Const. Amend. 14, Del. Art. 1, § 7, guarantee to every person equal protection of the law. If the County believes that the "superior design element" requirements are not currently applicable to the Coastal Area and not required by the Comprehensive Plan itself without an amendment, the enactment of the proposed amendment is critically important and necessary if the County wishes to avoid future Constitutional challenges.

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The law will presume that the legislative body, in this case the Sussex County Council, investigated and found conditions such that the legislation enacted is appropriate. Village of Euclid, Ohio v. Ambler Realty Co., 272 U.S. 365 (1926). The burden of proof is upon the party who assails the validity of such an ordinance to establish that it does not and will not promote the safety, order, convenience, prosperity, and general welfare. We respectfully suggest that those in opposition to this proposed amendment cannot meet this burden.

Chapter 115, Article XXV, are Supplemental Regulations that Qualify or Supplement other AR-1 Regulations Appearing Elsewhere in the Zoning Regulations.

Since Section 115-194.3 and its proposed amendment thereto appear in Article XXV (Supplemental Regulations) it is deemed to augment, not supplant, the other pertinent regulations for the AR-1 District. See Section 115-177. The interpretative maxim, "expression unius est exclusion alterius" is, therefore, inapplicable here with respect to the other pertinent regulations for the AR-1 District.

The Word "reasonably" that Appears Before the Word "protect" in the Fifth Whereas Clause Should be Deleted.

This Whereas Clause presumably attempts to depict the balancing of competing goals in land use regulation (protecting land equity versus protecting the County's environment and to protect and enhance the water quality of the County's Inland Bays). The use of the word "reasonably" before the goal of protecting the County's environment and to protect and enhance the water quality of the County's Inland Bays diminishes the importance of this goal vis-à-vis the goal of protecting land equity. We are not aware of any relevant authority that elevates the goal of protecting land equity over the goal of protecting the environment and water quality.

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The proposed new Number (5) refers to Section 115-25F for the design requirements. It appears that the proper Section is 115-25E.



SUPPORT EXHIBIT

January 4, 2021

Holly Wingate, Commissioner
Sussex County Planning and Zoning Commission
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Dear Commissioner Wingate,

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 comments with the public record established in this matter.

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The Comprehensive Plan requires the County to consider the cumulative impact of reasonably foreseeable development. See Goal 4.1 (Manage the impact of future growth and development to better preserve the quality of life of the County), and Chapter 4 of the Comprehensive Plan generally.

Conspicuously absent from the current land use regulations are effective rules and standards that would permit the reviewing and decision-making authorities to seek solutions to the adverse cumulative impacts of individual subdivision development.

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We strongly urge the County to consider adding additional amendments to the land use regulations to make it clear that negotiations between the applicant and parties in interest are expected and will be part of the decision-making process. We suggest, at a minimum, that a regulation requiring the parties to meet and confer about items of concern, with a goal of identifying and resolving issues, be enacted and made part of the initial application process.

Conclusion

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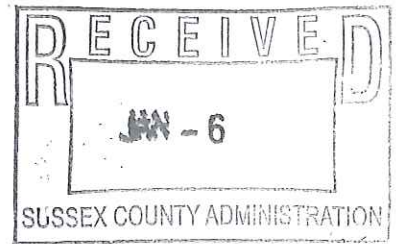
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Regards,

/signed/

Dianne L. Besso

HOA President, Bay Front at Rehoboth
23255 Horse Island Road
Lewes, DE 19958



Bay Front at Rehoboth
Homeowners Association

Board of Directors

January 4, 2021

Mr. Todd F. Lawson
Sussex County Administrator, Sussex County Council
Sussex County Administrative Office Building, 1st Floor
2 The Circle, P. O. Box 589
Georgetown, DE 19947

Dear Mr. Lawson:

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 comments with the public record established in this matter.

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Thank you.

Regards,

/signed/

Dianne L. Besso

HOA President, Bay Front at Rehoboth

23255 Horse Island Road

Lewes, DE 19958

302-947-9142



RECEIVED

JAN 11 2021

SUSSEX COUNTY
PLANNING & ZONING

January 4, 2021

J. Bruce Mears, Commissioner
Sussex County Planning and Zoning Commission
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Dear Commissioner Mears,

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 comments with the public record established in this matter.

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HOA President, Bay Front at Rehoboth
23255 Horse Island Road
Lewes, DE 19958



RECEIVED
JAN 11 2021
SUSSEX COUNTY
PLANNING & ZONING

January 4, 2021

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning Department
2 The Circle, Box 417
Georgetown, DE 19947

Dear Director Whitehouse:

Subject: Coastal Area Subdivision Code Amendment

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Dianne L. Besso
HOA President, Bay Front at Rehoboth
23255 Horse Island Road
Lewes, DE 19958
302-947-9142



SUPPORT EXHIBIT

January 4, 2021

Mr. Nicholas Torrance, Planner
Sussex County P&Z Department
Sussex County Administrative Office Building, 1st Floor
2 The Circle, P. O. Box 417
Georgetown, DE 19947

Dear Mr. Torrance:

Subject: Coastal Area Subdivision Code Amendment

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Both the Federal and our State Constitutions, U.S. Const. Amend. 14, Del. Art. 1, § 7, guarantee to every person equal protection of the law. If the County believes that the "superior design element"

requirements are not currently applicable to the Coastal Area and not required by the Comprehensive Plan itself without an amendment, the enactment of the proposed amendment is critically important and necessary if the County wishes to avoid future Constitutional challenges.

The Enactment of a Zoning Ordinance, such as the Proposed Amendment, is Legislative in Nature and a Proper Exercise of the Police Power

The law will presume that the legislative body, in this case the Sussex County Council, investigated and found conditions such that the legislation enacted is appropriate. Village of Euclid, Ohio v. Ambler Realty Co., 272 U.S. 365 (1926). The burden of proof is upon the party who assails the validity of such an ordinance to establish that it does not and will not promote the safety, order, convenience, prosperity, and general welfare. We respectfully suggest that those in opposition to this proposed amendment cannot meet this burden.

Chapter 115, Article XXV, are Supplemental Regulations that Qualify or Supplement other AR-1 Regulations Appearing Elsewhere in the Zoning Regulations.

Since Section 115-194.3 and its proposed amendment thereto appear in Article XXV (Supplemental Regulations) it is deemed to augment, not supplant, the other pertinent regulations for the AR-1 District. See Section 115-177. The interpretative maxim, "expression unius est exclusion alterius" is, therefore, inapplicable here with respect to the other pertinent regulations for the AR-1 District.

The Word "reasonably" that Appears Before the Word "protect" in the Fifth Whereas Clause Should be Deleted.

This Whereas Clause presumably attempts to depict the balancing of competing goals in land use regulation (protecting land equity versus protecting the County's environment and to protect and enhance the water quality of the County's Inland Bays). The use of the word "reasonably" before the goal of protecting the County's environment and to protect and enhance the water quality of the County's Inland Bays diminishes the importance of this goal vis-à-vis the goal of protecting land equity. We are not aware of any relevant authority that elevates the goal of protecting land equity over the goal of protecting the environment and water quality.

Requiring a Description versus and Affirmation of How the Application Conforms to the Comprehensive Plan Does Not Go Far Enough.

While amending Section 115-194.3 B(2)(k) to require a "description" rather than the mere affirmation of compliance is an improvement, applicants should be required to provide in a narrative format a submission akin to a detailed and specific bill of particulars, with citation to supporting evidence or authority, for and demonstrating compliance with all relevant goals and objectives contained in the Comprehensive Plan.

It Appears that there is a Typo in the Proposed Addition of Number (5) to Section 115-194.3 C.

The proposed new Number (5) refers to Section 115-25F for the design requirements. It appears that the proper Section is 115-25E.

The County is Strongly Urged to Consider Additional Amendment of the Land Use Regulations to Give the Reviewing and Decision-Making Authorities the Ability to Consider and Address the Adverse and Cumulative Impact of Individual Subdivision Development.

The Comprehensive Plan requires the County to consider the cumulative impact of reasonably foreseeable development. See Goal 4.1 (Manage the impact of future growth and development to better preserve the quality of life of the County), and Chapter 4 of the Comprehensive Plan generally.

Conspicuously absent from the current land use regulations are effective rules and standards that would permit the reviewing and decision-making authorities to seek solutions to the adverse cumulative impacts of individual subdivision development.

The County is Strongly Urged to Consider Additional Amendment of the Land Use Regulations to Make it Clear that Many, if not Most, of the Land Use Decisions to be Made in this Area May Involve and Require Participation/Negotiation with Adjacent Properties.

The Comprehensive Plan requires the County to ensure that the concerns of nearby and adjacent landowners are fully considered and addressed in a collaborative fashion. See Goal 4.4 (Minimize the adverse impacts of future development on existing developments).

We note that existing land use regulations contemplate some form of negotiation between the applicant and parties in interest in the proposed development. See Section 115-25(F)(4) (The Sussex County Planning and Zoning Commission may add conditions to approval of any development to protect adjacent properties and the natural environment).

We strongly urge the County to consider adding additional amendments to the land use regulations to make it clear that negotiations between the applicant and parties in interest are expected and will be part of the decision-making process. We suggest, at a minimum, that a regulation requiring the parties to meet and confer about items of concern, with a goal of identifying and resolving issues, be enacted and made part of the initial application process.

Conclusion

Salus populi suprema lex esto (Welfare of the public is the supreme law)

Thank you for the opportunity to submit our comments in this very important matter. We respectfully request that the Commission and Council fully consider our input and enact the proposed amendment to correct this long-standing legislative oversight.

Thank you.

Regards,

/signed/

Dianne L. Besso
HOA President, Bay Front at Rehoboth
23255 Horse Island Road
Lewes, DE 19958
302-947-9142



SUPPORT EXHIBIT

January 4, 2021

Chairman Robert C. Wheatley
Sussex County Planning and Zoning Commission
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Dear Chairman Wheatley,

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 comments with the public record established in this matter.

The subject ordinance to amend Section 115-194.3, is long overdue, corrects the improper preferential regulatory treatment of Coastal Area land zoned AR-1 that currently exists and is required as a means to properly implement the 2018 Comprehensive Plan. Our reasons for supporting this amendment are briefly set forth below:

The Proposed Amendment is Consistent with the Adopted Comprehensive Development Plan

On December 4, 2018, the Sussex County Council adopted a new Comprehensive Plan. The effect of adopting this Plan is that **all** land development regulations must be in conformance with the Plan's provisions. See 9 Del. C. § 6904(a). Once adopted, a Comprehensive Plan shall have the force of law and no development shall be permitted except as consistent with the Plan. See Brohawn v. Town of Laurel, 2009 WL 1449109 (Del. Ch. May 13, 2009) at 9; Farmers for Fairness v. Kent County Levy Court, 2012 WL 295060 (Ct. of Chancery of Delaware, 1/27/2012) (the land use map or map series has the force of law and the County may not permit development contrary to that provided for in the land use map and regulations enacted to implement other elements of the Comprehensive Plan).

The Comprehensive Plan embodies policy determinations and guiding principles, such as those listed in the preamble or recitals to the proposed amendment (Goals: 4.3, 4.3.2, 4.3.2.4, 4.6 and 4.6.2), that are extremely important to ensure consistent and equal application of the law. Moreover, these Statements are extremely useful in interpreting any ambiguous language in existing regulation as well as in the proposed amendment to Section 115-194.3. We believe that the proposed amendment is, therefore, clearly consistent with the Comprehensive Plan and necessary to its implementation.

The Proposed Amendment Seeks to Ensure Consistent and Equal Application of the Law to Those Similarly Situated as is Guaranteed by Both the Federal and State Constitutions

Both the Federal and our State Constitutions, U.S. Const. Amend. 14, Del. Art. 1, § 7, guarantee to every person equal protection of the law. If the County believes that the "superior design element" requirements are not currently applicable to the Coastal Area and not required by the Comprehensive

Plan itself without an amendment, the enactment of the proposed amendment is critically important and necessary if the County wishes to avoid future Constitutional challenges.

The Enactment of a Zoning Ordinance, such as the Proposed Amendment, is Legislative in Nature and a Proper Exercise of the Police Power

The law will presume that the legislative body, in this case the Sussex County Council, investigated and found conditions such that the legislation enacted is appropriate. Village of Euclid, Ohio v. Ambler Realty Co., 272 U.S. 365 (1926). The burden of proof is upon the party who assails the validity of such an ordinance to establish that it does not and will not promote the safety, order, convenience, prosperity, and general welfare. We respectfully suggest that those in opposition to this proposed amendment cannot meet this burden.

Chapter 115, Article XXV, are Supplemental Regulations that Qualify or Supplement other AR-1 Regulations Appearing Elsewhere in the Zoning Regulations.

Since Section 115-194.3 and its proposed amendment thereto appear in Article XXV (Supplemental Regulations) it is deemed to augment, not supplant, the other pertinent regulations for the AR-1 District. See Section 115-177. The interpretative maxim, "expression unius est exclusion alterius" is, therefore, inapplicable here with respect to the other pertinent regulations for the AR-1 District.

The Word "reasonably" that Appears Before the Word "protect" in the Fifth Whereas Clause Should be Deleted.

This Whereas Clause presumably attempts to depict the balancing of competing goals in land use regulation (protecting land equity versus protecting the County's environment and to protect and enhance the water quality of the County's Inland Bays). The use of the word "reasonably" before the goal of protecting the County's environment and to protect and enhance the water quality of the County's Inland Bays diminishes the importance of this goal vis-à-vis the goal of protecting land equity. We are not aware of any relevant authority that elevates the goal of protecting land equity over the goal of protecting the environment and water quality.

Requiring a Description versus and Affirmation of How the Application Conforms to the Comprehensive Plan Does Not Go Far Enough.

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The proposed new Number (5) refers to Section 115-25F for the design requirements. It appears that the proper Section is 115-25E.

The County is Strongly Urged to Consider Additional Amendment of the Land Use Regulations to Give the Reviewing and Decision-Making Authorities the Ability to Consider and Address the Adverse and Cumulative Impact of Individual Subdivision Development.

The Comprehensive Plan requires the County to consider the cumulative impact of reasonably foreseeable development. See Goal 4.1 (Manage the impact of future growth and development to better preserve the quality of life of the County), and Chapter 4 of the Comprehensive Plan generally.

Conspicuously absent from the current land use regulations are effective rules and standards that would permit the reviewing and decision-making authorities to seek solutions to the adverse cumulative impacts of individual subdivision development.

The County is Strongly Urged to Consider Additional Amendment of the Land Use Regulations to Make it Clear that Many, if not Most, of the Land Use Decisions to be Made in this Area May Involve and Require Participation/Negotiation with Adjacent Properties.

The Comprehensive Plan requires the County to ensure that the concerns of nearby and adjacent landowners are fully considered and addressed in a collaborative fashion. See Goal 4.4 (Minimize the adverse impacts of future development on existing developments).

We note that existing land use regulations contemplate some form of negotiation between the applicant and parties in interest in the proposed development. See Section 115-25(F)(4) (The Sussex County Planning and Zoning Commission may add conditions to approval of any development to protect adjacent properties and the natural environment).

We strongly urge the County to consider adding additional amendments to the land use regulations to make it clear that negotiations between the applicant and parties in interest are expected and will be part of the decision-making process. We suggest, at a minimum, that a regulation requiring the parties to meet and confer about items of concern, with a goal of identifying and resolving issues, be enacted and made part of the initial application process.

Conclusion

Salus populi suprema lex esto (Welfare of the public is the supreme law)

Thank you for the opportunity to submit our comments in this very important matter. We respectfully request that the Commission and Council fully consider our input and enact the proposed amendment to correct this long-standing legislative oversight.

Regards,

/signed/

Dianne L. Besso

HOA President, Bay Front at Rehoboth
23255 Horse Island Road
Lewes, DE 19958



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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.*

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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.*

Just one example of why their inclusion in this legislation is so important is that nowhere in §115 – 25F nor in § 115-194A is the term “required open space” defined. This omission could lead to conflicting interpretations and confusion in determining what requirements would apply to developments in different areas of the County.

To ensure fairness and consistency of application throughout the County, it is crucial that there be no question, misinterpretation or misunderstanding as to what is required of developers under this ordinance. To generalize, what applies east of Route 113 must be exactly the same as what applies west of Route 113. 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 *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.

Beyond this technical issue, this legislation is long overdue and critically needed to improve the quality of development in the County, specifically in the Coastal Zone. The Coastal Zone is the fastest growing, highest density, most environmentally sensitive and most heavily trafficked area of the County. The adoption of this ordinance as amended 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. To not have the same development standards in the Coastal Zone as are required in all other areas of the County directly contradicts the Comprehensive Plan and negatively impacts residents and developers, current and future. There are numerous reasons to support the adoption of is legislation, quality of life, environmental, personal and public safety, clarity in application, increased property values and more. In the interest of brevity, we have attached an addendum to this statement listing many of the benefits.

SARG thanks you for the opportunity to present our views on this matter and look forward to the ultimate adoption of this Ordinance.

Submitted on behalf of the Sussex Alliance for Responsible Growth
Jeff Stone
Milton, DE

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.

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

- Reduction of impermeable land also mitigates risks associated with our total dependence on groundwater for public and domestic supply in Southern Delaware
- The provisions in superior design for meaningful, usable, continuous open space within communities' matters to public health as so clearly evidenced by the current pandemic.

* * *



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Sussex County is currently considering 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. The Coastal Zone basically encompasses an area from Route 9 on the North, Route 5 and Route 113 on the West and the State line in the South.

The amendment process started with a Planning and Zoning Public Hearing that took place November 12, 2020. Subsequent to that hearing, a technical error required the proposed ordinance to be reintroduced. However, based on the comments received at the November public hearing, the ordinance reintroduced on December 1, 2020 was amended to respond to the issues raised in public comments. The amended 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 supports the adoption of this amendment and proposes a correction needed to simplify the public's and developers' understanding and ability to identify requirements. (see below). A County Planning & Zoning Commission Public Hearing is scheduled for January 7, 2021 followed by a County Council vote at a future date.

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.

It is critical that the Planning and Zoning Commission be made aware of resident's strong support for this amendment in order to assure clear and uniform application of zoning ordinances across all of Sussex County.

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.*

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.

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 *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.

Beyond this technical issue, this legislation is long overdue and critically needed to improve the quality of development in the County, specifically in the Coastal Zone. The Coastal Zone is the fastest growing, highest density, most environmentally sensitive and most heavily trafficked area of the County. To not have the same development standards in the Coastal Zone as are required in all other areas of the County directly contradicts the Comprehensive Plan and negatively impacts residents, current and future. There are numerous reasons to support the adoption of this legislation, quality of life, environmental, personal and public safety, increased property values and more. Listed below, in no particular order, are why SARG and numerous other community organizations and interest groups support the adoption of this ordinance.

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.
- Reduction of impermeable land also mitigates risks associated with our total dependence on groundwater for public and domestic supply in Southern Delaware
- The provisions in superior design for meaningful, usable, continuous open space within communities’ matters to public health as so clearly evidenced by the current pandemic.

SARG encourages all interested residents to contact the Planning and Zoning Commission to express their support for the adoption of this ordinance with the recommended amendment. All should feel free to use any or all of the above points in expressing their support. However, just contacting the Commission and stating support for its adoption of the ordinance in general is all that is needed. Contact information and link is below.

Planning and Zoning Commission Members and Contact Information.

<https://sussexcountyde.gov/planning-zoning-commission>

Robert C. Wheatley, Chairman
Kim Hoey Stevenson, Vice Chairman
R. Keller Hopkins
J. Bruce Mears
Holly Wingate

Phone: 302-855-7878

Email: Jamie Whitehouse, Director Jamie.Whitehouse@sussexcountyde.gov



SARG
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February 1, 2021

To: Sussex County, DE County Council

Re: AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-194.3 OF THE CODE OF SUSSEX COUNTY REGARDING THE COASTAL AREA.

President Vincent, Members of the Sussex County Council:

Regarding the proposed ordinance noted above, the Sussex Alliance for Responsible Growth supports the goal of this 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).

This legislation is overdue and critically needed to improve the quality of development in the Coastal Zone. It is also needed to eliminate the inequity between developments in different parts of the County.

The Coastal Zone is the fastest growing, highest density, most environmentally sensitive and most heavily trafficked area of the County. The adoption of 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. To not have the same development standards in the Coastal Zone as are required in all other areas of the County directly contradicts the Comprehensive Plan and negatively impacts residents and developers, current and future. There are numerous reasons to support the adoption of this legislation; improving the resident's quality of life, environmental preservation, personal and public safety, clarity in application, increased property values and more.

However, as SARG presented to the Planning Commission, it is our opinion that the proposed ordinance could be even clearer in its intent and application. The approach we favor is simple, does not change the goal of the legislation and will simplify the publics and developers' understanding and ability to identify and match requirements regardless of location.

Here is our reasoning. The operative section of the proposed legislation 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.” §115-25 Sections A through E, replicated below, define the critical requirements needed to fully 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.*

This omission could lead to conflicting interpretations and confusion in determining what requirements would apply to developments in different areas of the County. SARG’s concern is that staff, counsel, Commission and Council Members change over time and if an ordinance is not written as concisely as possible, interpretations of regulations could change. Land Use Attorneys’ have also been known to propose competing interpretations of such legislation. Complexity is always a challenge, especially in applying land use law and regulation.

To ensure fairness and consistency of application throughout the County, it is crucial that there be no question, misinterpretation or misunderstanding as to what is required of developers under this ordinance. To generalize, what applies east of Route 113 must be exactly the same as what applies west of Route 113. To assure that is achieved, SARG recommends 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 into full and exact conformity with the balance of the County. We acknowledge that Assistant County Counsel Robertson provided the Planning and Zoning Commission with a detailed explanation and rationale for the ordinance being drafted as presented. But as stated, complexity can lead to inconsistency that obviously needs to be avoided in the application of land use law.

Regardless of which version the Council chooses, be assured that SARG supports adoption of this legislation. SARG thanks you for the opportunity to present our views on this matter and look forward to the ultimate adoption of this Ordinance.

Submitted on behalf of the Sussex Alliance for Responsible Growth
Jeff Stone
Milton, DE

* * *

Jamie Whitehouse

From: Robin Griffith
Sent: Friday, January 29, 2021 1:47 PM
To: Michael H. Vincent; John Rieley; Doug Hudson; Cynthia Green; Mark Schaeffer
Cc: Jamie Whitehouse
Subject: FW: Contact Form: Cluster Ordinance

Forwarding ...

From: Denise Cunningham <noreply@forms.email>
Sent: Friday, January 29, 2021 10:57 AM
To: Robin Griffith <rgriffith@sussexcountyde.gov>
Subject: Contact Form: 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.

Name: Denise Cunningham
Email: cunningham_dunn@msn.com
Phone: 7034992594
Subject: Cluster Ordinance

Message: I am in favor of the Cluster Ordinance - smarter development is way overdue in Sussex County but better late than never. Focus on infrastructure BEFORE it gets any worse. The overdevelopment and and road issues make me reconsider spending my retirement here. after 35+ years. It says volumes that the ones opposed do so not because it is not a good idea, but because they would make less money if they sold their property.

Jamie Whitehouse

From: Judy <judyk15@verizon.net>
Sent: Sunday, January 31, 2021 9:17 AM
To: rgriffth@sussexcountyde.gov; Michael H. Vincent; Doug Hudson; Mark Schaeffer; Cynthia Green; John Rieley; Todd F. Lawson; 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.

As a long time Sussex Co resident I support the adoption of the coastal area cluster ordinance, with the provision suggested by Rich Borrasso of SARG that all requirements needed to comply with the law be identified in the ordinance.

My reasoning is simple, all of coastal Sussex County should be on an equal footing with those areas in western Sussex when it comes to land use requirements.

Thank you,

Judy Kane
23514 Oak St East
Lewes, De

From: David Jewell <noreply@forms.email>
Sent: Friday, January 29, 2021 1:30 PM
To: Robin Griffith <rgriffith@sussexcountyde.gov>
Subject: Contact Form: Cluster ordinance

Name: David Jewell
Email: twojewells@reagan.com
Phone: 4709900450

Subject: Cluster ordinance

Message: Hi, I just want you to know that I support the cluster ordinance. Preservation of coastal Delaware with moderate, reasonable, development must be the objective.

From: Denise Cunningham <noreply@forms.email>
Sent: Friday, January 29, 2021 10:57 AM
To: Robin Griffith <rgriffith@sussexcountyde.gov>
Subject: Contact Form: 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.

Name: Denise Cunningham
Email: cunningham_dunn@msn.com
Phone: 7034992594
Subject: Cluster Ordinance

Message: I am in favor of the Cluster Ordinance - smarter development is way overdue in Sussex County but better late than never. Focus on infrastructure BEFORE it gets any worse. The overdevelopment and and road issues make me reconsider spending my retirement here. after 35+ years. It says volumes that the ones opposed do so not because it is not a good idea, but because they would make less money if they sold their property.

From: Sharon Jewell <noreply@forms.email>
Sent: Friday, January 29, 2021 1:34 PM
To: Robin Griffith <rgriffith@sussexcountyde.gov>
Subject: Contact Form: Cluster ordinance

Name: Sharon Jewell
Email: fourjewells@aol.com
Phone: 4843548704
Subject: Cluster ordinance

Message: Please support the cluster ordinance. Growth on and around the shore is getting out of hand. Help preserve what's left of the beauty and open spaces. Thank you

Robin Griffith

From: Suzanne Buckler <noreply@forms.email>
Sent: Thursday, January 28, 2021 1:12 PM
To: Robin Griffith
Subject: Contact Form: Cluster Zoning

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: Suzanne Buckler
Email: sbuckler54@yahoo.com
Phone: 3017589884
Subject: Cluster Zoning

Message: Please consider implementing the Cluster Zoning in the Coastal Area. We who live here need to have protection from sea level rise.

Robin Griffith

From: Robert B Buckler <noreply@forms.email>
Sent: Thursday, January 28, 2021 1:47 PM
To: Robin Griffith
Subject: Contact Form: Cluster Zoning

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 B Buckler
Email: rbuck301@gmail.com
Phone: 3017589885
Subject: Cluster Zoning
Message: Please include the Coastal Zone in the Cluster Ordinance. We have to be environmental proactive with the Coastal Zone.

Robin Griffith

From: Boe Daley <noreply@forms.email>
Sent: Thursday, January 28, 2021 2:08 PM
To: Robin Griffith
Subject: Contact Form: 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.

Name: Boe Daley
Email: bojangles21@comcast.net
Phone: 18568893731
Subject: Cluster Ordinance
Message: Please note that I am in favor of this ordinance. Thank you.

Robin Griffith

From: Mary Lou Straughan <noreply@forms.email>
Sent: Thursday, January 28, 2021 5:31 PM
To: Robin Griffith
Subject: Contact Form: 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.

Name: Mary Lou Straughan
Email: fibeachcomber1@me.com
Phone: 302-436-5464
Subject: Cluster Ordinance
Message: Please support the Cluster Ordinance!

Robin Griffith

From: Nan Zamorski <nanzamorski@gmail.com>
Sent: Thursday, January 28, 2021 4:07 PM
To: Robin Griffith
Subject: Ordinance to amend Chapter 115, Article XXV, Sections 115-194.3
Attachments: 02.02.2021 CC Paperless Packet.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.

Dear Robin,

Would you please make sure all members of council and county administrator, Todd Lawson and Jamie Whitehouse, P&Z Director, receive this email? Thank you.

I support the Coastal Area to be included in the Cluster Ordinance. It should be made clear that developers must comply with ALL requirements of section 115-25. Please remove the word "design" from line 64 and remove "F" in line 165.

I thank you for your service.

Sincerely,
Nan Zamorski
24496 Old Meadow Road
Seaford, DE. 19973
(C) 434-294-3736

Robin Griffith

From: Mary Raver <noreply@forms.email>
Sent: Thursday, January 28, 2021 8:26 PM
To: Robin Griffith
Subject: Contact Form: Cluster Ordinance

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Name: Mary Raver
Email: ravtown@comcast.net
Phone: 443-812-4294
Subject: Cluster Ordinance
Message: I am in favor of the Cluster Ordinance also be extended to coastal area.

Robin Griffith

From: kathy a roberts <noreply@forms.email>
Sent: Thursday, January 28, 2021 5:36 PM
To: Robin Griffith
Subject: Contact Form: 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.

Name: kathy a roberts

Email: strajtjacket13@gmail.com

Phone: 3026049960

Subject: Ordinance

Message: Please support the cluster ordinance including wetland areas. Thank you.

17 January 2021

Mr. Michael H. Vincent, President
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

Re: Ordinance to Amend Chapter 115 Article XXV, Sections 115-194.3

Dear Council President Vincent:

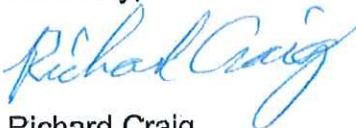
Please enter into the record that I support the inclusion of the Coastal Area into the Cluster Ordinance. This will ensure consistency across the county and better protect the environment of the Coastal Area.

In addition, to remove any ambiguity about the obligation of developers, it should be made clear that developers must comply with all of the requirements of section 115-25 not simply section F. In other words, if this hasn't been addressed already, please remove the word 'design' from line 164 and remove the 'F' in line 165 so that the revised text of the ordinance reads as follows:

*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]*

Thank you for your consideration of these comments. If they require further clarification, please feel free to contact me.

Sincerely,



Richard Craig
29500 Patrick Henry Circle
Millsboro, Delaware 19966

Nick Torrance

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, January 26, 2021 9:27 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, January 26, 2021 - 9:27am

RECEIVED
AFTER
PUBLIC HEARING

Name: Janice Allmaras
Email address: allmajm1231@gmail.com
Phone number: 302-234-0685
Subject: Coastal Zone Cluster Ordinance

Message: I want to pass along my thanks to the P&Z Commission and particularly to Commissioner Bruce Mears for the recommendation that Coastal Zones be included in the Cluster Ordinance. This inclusion will correct what appears to have been an unintended omission when the original ordinance was written and will create consistency throughout the county. Again, thank you to the Commission.

Jamie Whitehouse

From: Robin Griffith
Sent: Thursday, January 28, 2021 8:48 AM
To: Michael H. Vincent; John Rieley; Cynthia Green; Doug Hudson; Mark Schaeffer
Cc: Jamie Whitehouse
Subject: Email: Cluster Ordinance

Forwarding ...

From: Cindy Isenock <noreply@forms.email>
Sent: Thursday, January 28, 2021 7:04 AM
To: Robin Griffith <rgriffith@sussexcountyde.gov>
Subject: Contact Form: Cluster Ordinance

Name: Cindy Isenock
Email: soldmoo@yahoo.com
Phone: 4432431904
Subject: Cluster Ordinance
Message: Please vote for the Sussex County cluster ordinance for which I endorse. Thank you.

Jamie Whitehouse

From: Robin Griffith
Sent: Thursday, January 28, 2021 8:50 AM
To: Michael H. Vincent; John Rieley; Cynthia Green; Doug Hudson; Mark Schaeffer
Cc: Jamie Whitehouse
Subject: Email: Cluster Ordinance

Forwarding ...

From: Betty Bockelman <noreply@forms.email>
Sent: Wednesday, January 27, 2021 10:25 PM
To: Robin Griffith <rgriffith@sussexcountyde.gov>
Subject: Contact Form: amendment to Cluster Ordinance

Name: Betty Bockelman

Email: seadreamer2@verizon.net

Phone: 4433557461

Subject: amendment to Cluster Ordinance

Message: As a Sussex County homeowner and full-time resident, I support the amendment to the Cluster Ordinance that would extend its provisions to all of Sussex County, including the Coastal Zone. Some environmentally-protective rules need to be established for the rapid development that is occurring in the Coastal Zone.

Jamie Whitehouse

From: Peter McLean <pmclean2700@gmail.com>
Sent: Wednesday, January 27, 2021 7:37 PM
To: Jamie Whitehouse; Michael H. Vincent
Subject: Please well consider

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Dear Director Whitehouse and President Vincent,

Please well consider the amendment to include the Coastal Area in the Cluster Ordinance. As population growth and climate change concerns grow, it becomes increasingly important to protect all our lands, all our natural resources, and, ultimately, ourselves and all life.

Thank you for your consideration.

Sincerely,

Peter McLean
Cape Shores
Lewes, De

Jamie Whitehouse

From: A Owen <atowen114@gmail.com>
Sent: Wednesday, January 6, 2021 4:26 PM
To: Jamie Whitehouse
Subject: Cluster Ordinance

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Instead of always excluding the Coastal Area from responsible planning please at least INCLUDE the Coastal Area in the Cluster Ordinance

--
A. Thomas Owen
PH: 302-645-7490
Cell: 302-430-9205
Email: atowen114@gmail.com

SUPPORT EXHIBIT

Jamie Whitehouse

From: John & Margaret <jmbracco@verizon.net>
Sent: Thursday, January 7, 2021 9:58 AM
To: Jamie Whitehouse
Subject: I support the Coastal Area be included in the Cluster Ordinance

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I support the Coastal Area be included in the Cluster Ordinance. The Ordinance to Amend Chapter 115 Article XXV, Section 115-194.3 to include all of Sussex. It makes little sense that Sussex county has two rules for different parts of the county. Please consider approval for the Superior Design standards -cluster ordinance for all of Sussex.

thank you,

John Bracco

Lewes, Delaware

--

This email has been checked for viruses by Avast antivirus software.

[https://us-west-](https://us-west-2.protection.sophos.com?d=avast.com&u=aHR0cHM6Ly93d3cuYXZhc3QuY29tL2FudGl2aXJ1cw==&i=NTk4NDkxNGY5Y2MzYjgxMWM1MzI1MzIjBl&t=YnZzdmU4Q0JuZmluOEVnSWFROVo1cUZualBsRTVyVjhkb1ZMK1FBMjZjZz0=&h=3664cb015b994ba6a9b5d6c1508cbccc)

[2.protection.sophos.com?d=avast.com&u=aHR0cHM6Ly93d3cuYXZhc3QuY29tL2FudGl2aXJ1cw==&i=NTk4NDkxNGY5Y2MzYjgxMWM1MzI1MzIjBl&t=YnZzdmU4Q0JuZmluOEVnSWFROVo1cUZualBsRTVyVjhkb1ZMK1FBMjZjZz0=&h=3664cb015b994ba6a9b5d6c1508cbccc](https://us-west-2.protection.sophos.com?d=avast.com&u=aHR0cHM6Ly93d3cuYXZhc3QuY29tL2FudGl2aXJ1cw==&i=NTk4NDkxNGY5Y2MzYjgxMWM1MzI1MzIjBl&t=YnZzdmU4Q0JuZmluOEVnSWFROVo1cUZualBsRTVyVjhkb1ZMK1FBMjZjZz0=&h=3664cb015b994ba6a9b5d6c1508cbccc)

Jamie Whitehouse

From: Victor Basili <basivic@umd.edu>
Sent: Thursday, January 7, 2021 5:15 PM
To: Jamie Whitehouse
Subject: "I support the Coastal Area be included in the Cluster Ordinance"

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SUPPORT EXHIBIT

Jamie Whitehouse

From: Fred Oswald <noreply@forms.email>
Sent: Friday, January 8, 2021 12:59 PM
To: Jamie Whitehouse
Subject: Contact Form: Amendment to 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.

Name: Fred Oswald
Email: OswaldFredC@att.net
Phone: (203) 733-6711
Subject: Amendment to Cluster Subdivision Ordinance

SUPPORT EXHIBIT

Message:

I am writing in support of Sussex County's moving ahead with approval of 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.

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. Equally, it will provide uniform application of the zoning ordinances across Sussex County.

I also agree with the previous recommendations to lines 164 and 165 to remove the word "design" and delete [F].

RECEIVED

JAN 11 2021

SUSSEX COUNTY
PLANNING & ZONING

Jamie Whitehouse

From: HJEberle <hjeberle@comcast.net>
Sent: Friday, January 8, 2021 11:04 AM
To: Jamie Whitehouse
Subject: Re: Cluster Ordinance

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.

I support the Coastal Area be included in the Cluster Ordinance

Thank you,

Howard and Joann Eberle

RECEIVED
JAN 11 2021
SUSSEX COUNTY
PLANNING & ZONING

Jamie Whitehouse

From: Chrissie Feehery <chrissie.feehery@gmail.com>
Sent: Friday, January 8, 2021 9:08 AM
To: Jamie Whitehouse
Subject: cluster Ordinance

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.

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

Christine Feehery Millsboro

RECEIVED
JAN 11 2021
SUSSEX COUNTY
PLANNING & ZONING

Jamie Whitehouse

From: Steven Stanzione <sstanzio@gmail.com>
Sent: Thursday, January 7, 2021 8:02 PM
To: Jamie Whitehouse
Subject: The Cluster Ordinance

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.

I full support the inclusion of coastal communities into the Cluster Ordinance. I think that it is far more important for wetland locations than to be protected than inland higher growth locations.
Steven Stanzione MD

RECEIVED
JAN 11 2021
SUSSEX COUNTY
PLANNING & ZONING

Jamie Whitehouse

From: MARY RAVER <ravtown@comcast.net>
Sent: Wednesday, January 6, 2021 7:43 PM
To: Jamie Whitehouse
Subject: Cluster Ordinance-Coastal Area

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We support having the coastal area included in the Cluster Ordinance.

Thank you,
Tim and Mary Raver
37805 Crab Bay Lane
Selbyville, DE 19975

SUPPORT EXHIBIT

Jamie Whitehouse

From: Cynthia Campbell <cynthiagcampbell@gmail.com>
Sent: Wednesday, January 6, 2021 8:08 PM
To: Jamie Whitehouse
Subject: Please include Coastal Sussex County in Cluster Development 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 Mr. Whitehouse and Members of the Planning and Zoning Commission,

As Sussex county continues to attract more and more new residents, it is important that we plan for open space. This is not only for residents' quality of life, but also to provide habitat for birds and other wildlife. As a resident of coastal Sussex County, we strongly believe good planning now will prove to be in the best interest of everyone in our beautiful Sussex County.

Thank you,
Cynthia and Tim Campbell
35204 Overfalls Dr. N
Lewes, Delaware 19958

SUPPORT EXHIBIT

Sent from my iPhone

Jamie Whitehouse

From: diane thornberg <dianethornberg@gmail.com>
Sent: Thursday, January 7, 2021 8:17 AM
To: Jamie Whitehouse
Subject: Longtime resident of Lewes

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

My husband and I are long time residents of Lewes and believe the coastal area is at a crucial point concerning underdevelopment. Please support the proposal that coastal area be included in the cluster ordinance

Thank you

Diane and Clint Thornberg
510

SUPPORT EXHIBIT

Jamie Whitehouse

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Thursday, January 7, 2021 8:57 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, January 7, 2021 - 8:57am

SUPPORT EXHIBIT

Name: Albert and Judith Dannes
Email address: dannesaj@hotmail.com
Phone number: 3023134856
Subject: Cluster Subdivision Ordinance

Message:
We support the Cluster Subdivision Ordinance and the inclusion of the Coastal Zone in the ordinance.

Thank you.

Jamie Whitehouse

From: Kathryn Burritt <keliseburritt@gmail.com>
Sent: Wednesday, January 6, 2021 8:15 PM
To: Jamie Whitehouse
Subject: Lewes DE - 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.

Good evening-
I support that the Coastal Area be included in the Cluster Ordinance.

Thank you,
Katie Burritt
33920 N. Heron Drive
Lewes, DE 19958

SUPPORT EXHIBIT

Jamie Whitehouse

From: rclatchey@yahoo.com
Sent: Wednesday, January 6, 2021 8:19 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.

Please include all residents of the coastal area into the Cluster Ordinance, thank you!

Sent from my iPhone

SUPPORT EXHIBIT

Jamie Whitehouse

From: Sue Nyden <nydensue@gmail.com>
Sent: Wednesday, January 6, 2021 8:34 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.

Sue Nyden
4 Roberts Road
Lewes DE 19958

SUPPORT EXHIBIT

Jamie Whitehouse

From: Elaine <simmermanelaine@gmail.com>
Sent: Wednesday, January 6, 2021 7:44 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.

Robert C. Wheatley, Chairman
Kim Hoey Stevenson, Vice Chairman R. Keller Hopkins J. Bruce Mears Holly Wingate

I support the proposal that the Coastal Area be included in the Cluster Ordinance. I hope you will too.

Thank you,

Elaine Simmerman
418 W. Fourth Street
Lewes, DE. 19958
(302) 841 4383

SUPPORT EXHIBIT

Sent from my iPhone

Jamie Whitehouse

From: Richard Clatchey <clatcheyelectric3@gmail.com>
Sent: Wednesday, January 6, 2021 8:34 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 include all coastal area residents into the Clusters Ordinance, thank you.

Sent from my iPhone

SUPPORT EXHIBIT

Jamie Whitehouse

From: Anita Naylor <anitanaylor547@gmail.com>
Sent: Wednesday, January 6, 2021 9:24 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 write to the Sussex County Planning and Zoning Commission to let you know that I support the Coastal Area be included in the Cluster Ordinance.

Thank you,
Anita Naylor
District 3 Resident

SUPPORT EXHIBIT

Jamie Whitehouse

From: Cathy Michalowski <cathymichalowski@hotmail.com>
Sent: Wednesday, January 6, 2021 9:29 PM
To: Jamie Whitehouse
Subject: Cluster Ordinance
Attachments: Reasons for Cluster Ordinance Standardization.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.

I support the Coastal Area be included in the Cluster Ordinance Cathleen Michalowski
29684 Franklin Roosevelt Ln
Millsboro, DE19966

SUPPORT EXHIBIT

Jamie Whitehouse

From: Richard CRAIG <rac57@verizon.net>
Sent: Wednesday, January 6, 2021 10:32 PM
To: Jamie Whitehouse
Subject: Proposed Cluster Ordinance Amendments Comments
Attachments: PastedGraphic-1.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.

6 January 2021

Mr. Jamie Whitehouse
Director
Sussex County Planning and Zoning Office
2 The Circle
Georgetown, Delaware 19947

SUPPORT EXHIBIT

Re:
Ordinance to Amend Chapter 115 Article XXV, Sections 115-194.3

Dear Director Whitehouse:

Please enter into the record that my wife, Sandra and I support the inclusion of the Coastal Area into the Cluster Ordinance. This will ensure consistency across the county and Peter protect the environment of the Coastal Area.

In addition, to remove any ambiguity about the obligation of developers, it should be made clear that developers must comply with all of the requirements of section 115-25 not simply section F. In other words, if this hasn't been addressed already, please remove the word 'design' from line 164 and remove the F in line 165 so that the revised text of the ordinance reads as follows:

Thank you for your consideration of these comments. If they require further clarification you can respond to this email address.

Sincerely,

Richard and Sandra Craig
29500 Patrick Henry Circle
Millsboro, Delaware 19966

Jamie Whitehouse

From: Mike & Trish <miketrishbaines@gmail.com>
Sent: Thursday, January 7, 2021 12:11 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.

Mr Whitehouse,

As a long term resident of District 3 we have seen it develop, seemingly with little or no control.

We need you to support the Cluster Ordinance for our Coastal Area, for many reasons.

Our natural resources and open spaces need to be preserved for environmental reasons. More, not less permeable land needs to be preserved, with the advent of rising sea levels, and increasing severe weather episodes.

Our roads flood more frequently along with the eventual breakdown of the structure; private property remains flooded for longer periods.

New residents are going to continue to come and buy, and need the open spaces for the children and recreation.

Please vote with your voters in mind and not the developers.

Thank you,
Mike and Trish Baines
31260 Pondview Dr,
Lewes, 19958

SUPPORT EXHIBIT

Jamie Whitehouse

From: Nancy Esser <nesser840@comcast.net>
Sent: Thursday, January 7, 2021 8:08 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.

I am writing to express my favor of including the Coastal area in this Ordinance.

Respectively,
Nancy Esser
37286 Lighthouse Rd
Selbyville, DE.

SUPPORT EXHIBIT

Sent from my iPhone

Jamie Whitehouse

From: Jeff Acct <jeff_gorinson@yahoo.com>
Sent: Thursday, January 7, 2021 1:10 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'm totally in favor of the cluster ordinance!

Sent from my iPhone

SUPPORT EXHIBIT

Jamie Whitehouse

From: maria PAYAN <payans@zoominternet.net>
Sent: Thursday, January 7, 2021 9:30 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.

Dear P&Z members,

I am writing in support of passing the ordinance to standardize cluster superior design standards throughout the county. The coastal zone areas, especially need inclusion for common sense protection of our most environmentally sensitive lands and protection of public health. This has wide support of many throughout Sussex County, including Sussex Health & Environmental Network.

KEY REASONS FOR STANDARDIZING CLUSTER SUPERIOR DESIGN STANDARDS THROUGHOUT SUSSEX COIUNTY

- 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” 3
- 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

- SUPPORT EXHIBIT
- 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.
 - Reduction of impermeable land also mitigates risks associated with our total dependence on groundwater for public and domestic supply in Southern Delaware
 - The provisions in superior design for meaningful, usable, continuous open space within communities' matters to public health as so clearly evidenced by the current pandemic.

Thank you,

Maria Payan
104 West Mill Pond Dr
Selbyville, DE 19975

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: Merrill Levesque <merrillev@gmail.com>
Sent: Thursday, January 7, 2021 2:12 PM
To: Jamie Whitehouse
Subject: Support of 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.

Dear Director Whitehouse,

I am writing to say that both Daniel and Merrilee Levesque support the adoption of a Cluster Ordinance Standardization policy that has been proposed by SARG.
Thank you.

Sincerely,
Merrilee & Daniel Leveque
36341 Old Mill Bridge Rd.
Frankford, DE 19945

SUPPORT EXHIBIT

Jamie Whitehouse

From: Cathy Tatman <cmtatman2@gmail.com>
Sent: Wednesday, January 6, 2021 7:37 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 inclusion of the Coastal Area in the Cluster Ordinance.

Cathy M. Tatman
Lewes, DE

SUPPORT EXHIBIT

Jamie Whitehouse

From: April hudson <atthebeach1956@comcast.net>
Sent: Thursday, January 7, 2021 12:34 PM
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.

I support the Coastal Zone to be included in the cluster ordinance. For once, do something that the people ask for...April Hudson- Rehoboth Beach DE

Sent from my iPhone

SUPPORT EXHIBIT

Jamie Whitehouse

From: Janice Allmaras <allmajm1231@gmail.com>
Sent: Wednesday, January 6, 2021 6:50 PM
To: Jamie Whitehouse
Subject: Coastal Area Cluster Zoning

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 inclusion on the coastal area in the Cluster Zoning regulations.

Janice Allmaras
302-234-0685
33665 E Hunters Run
Lewes, DE 19958

SUPPORT EXHIBIT

Sent from my iPhone

Jamie Whitehouse

From: Carrie Thompsen <carriethompsen@gmail.com>
Sent: Wednesday, January 6, 2021 6:34 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

Russell Warrington

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Thursday, January 7, 2021 10:38 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, January 7, 2021 - 10:38am

Name: Jerry LaForgia
Email address: jerrybegood@gmail.com
Phone number: 3029452781
Subject: Cluster ordinance Standardization enforcement.

Message:

Developers have not attempted to honor the Superior Design.

Our health safety and quality of life are paramount here.

The deep pocketed developers must be held accountable here before they destroy Sussex county as well .Need before greed health before wealth.

Our residents ,your constituents deserve your eat and smart leadership.

SUPPORT EXHIBIT

Jamie Whitehouse

From: Shelly j Cohen <noreply@forms.email>
Sent: Thursday, January 7, 2021 12:15 PM
To: Jamie Whitehouse
Subject: Contact Form: 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.

Name: Shelly j Cohen
Email: Philliegyrl1968@gmail.com
Phone: 3024481519
Subject: Cluster Ordinance
Message:

The Cluster Ordinance needs to be changed per the recommendations of SARG, a local civic Non Profit organization.

The proposal serves the public good. It points out the need to replace confusing wording, several inconsistencies and the need for the ORDINANCE which is LAW to be the same throughout the County. The Coastal Zone should have the rules/laws as the rest of the County. The "Superior Design" should be clarified. If there is a reason to not provide an actual "definition" in the ordinance, then there should be examples and/or illustrations to show the developers/builders/architects/other building professionals and the public what it means. The County website should have a tab for NOTICES. This has been an ongoing problem. This should be in addition to the required publication. It would serve the public as well as other interested parties to have these Notices in one or more County News Papers and not just State wide publications that are not readily available to the citizens of Sussex County.

Thank you for making sure my email on this subject is shared with all members of the P & Z Commission, staff and County Council.

Shelly Cohen
Milton DE

Jamie Whitehouse

From: Ernest Soffronoff <ecsoff@gmail.com>
Sent: Wednesday, January 6, 2021 4:28 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

Jamie Whitehouse

From: Bob Rabatsky <robertrabatsky@gmail.com>
Sent: Wednesday, January 6, 2021 4:41 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.

Hi Jamie:

Please consider our support for including the Coastal Area in the Cluster Ordinance. It makes no sense whatsoever for Sussex County to have less restrictive development guidelines in place for the most sensitive watershed areas of the county.

Respectfully,

Bob Rabatsky

Jan McMahon

122 Madison Ave

Lewes, Delaware

SUPPORT EXHIBIT

January 6, 2021

SUPPORT EXHIBIT

CHAIRMAN WHEATLEY & COMMISSIONERS

SUSSEX COUNTY P&Z COMMISSION

RE: CLUSTER ORDINANCE IN COASTAL ZONE

I urge you to adopt Ordinance 21-01 to ensure that superior design requirements for cluster development are extended to the Coastal Area. We may have erased the words 'environmentally sensitive' from the code, but that stroke of the pen doesn't change the land's characteristics. The irony of excluding the environmentally sensitive Coastal Area from the benefits of superior design needs to be shot dead by adoption of this amendment.

1. Superior design affords better protection for the environment without compromising landowner equity.
 - a. It will lower % of impermeable surface [less infrastructure/more open space] in a geography where we are totally dependent on groundwater for public and domestic supply.
 - b. It will create more significant open space and buffer areas to mitigate the detrimental effects of artificial landscapes on the watershed and to build resilience in withstanding storm surges in an area most likely to experience such impacts.
 - c. It will help to stem the continuing, rapid decline we've witnessed in the beneficial functions of wetlands and forested areas.
 - d. It does not reduce landowners' density rights. In fact, landowners may have occasion to benefit in situations where a tract's topography would otherwise preclude permitted density with traditional development.
 - e. Superior design clusters are an option, not a mandate, a privilege, not a right.
2. Superior design contributes significantly to quality of life, prosperity, and health.
 - a. Superior design protects all landowners' and surrounding landowners' equity over the long term, not just the fortunate few who happen to make their living from the land over the short term.

- b. Contiguous, usable open space close to home is an important amenity, as evidenced by the demand for outdoor activity during this pandemic.
- i. Pocket Parks are not a substitute; I visited the communities mentioned in the prior hearing and found these so-called 'parks' to be quite small, often exclusionary - built with amenities for limited-size groups that need to be reserved.
 - ii. Comments at the prior hearing disclose some misunderstanding about open space requirements. The requirement would be for a minimum of total 30% open space as defined by the code. 30% of that would need to be contiguous. The net requirement for contiguous open space would be 9% of the total tract.
- c. It opens up more opportunities to preserve our sense of place.
- d. It allows for more trees and natural habitats.
- e. Improved community aesthetics may be intangible but do translate to marketing and economic gains for developers. People come here for the environment. Developers are fully capable of creating a built environment that also respects the natural environment and still gain in the process.

Finally, in case these topics should arise, I would ask the Commissioners not to let the conversation be hijacked by discussions of density, growth, and sprawl, among others. The Yield Plan is out, and this is not a discussion about the Comprehensive Plan or any aspect that has an impact on permissible or achievable density. This is an amendment to apply superior design throughout the AR-1 District countywide.

SINCERELY,



PATTI DRAGO

Jamie Whitehouse

From: ~Ruth <rmorse1122@comcast.net>
Sent: Thursday, January 7, 2021 11:53 AM
To: Jamie Whitehouse
Subject: I support that the Coastal Area be included in the 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.

SUPPORT EXHIBIT

Support 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”

In a SARG public survey; over 93% of the respondents were in favor of the proposed amendment to make “superior design” mandatory for all Cluster developments. I stand with these respondents!

Ruth Morse
Rehoboth Beach
Sussex County, DE

Jamie Whitehouse

From: Linda Escalante <lindasunflower@att.net>
Sent: Thursday, January 7, 2021 11:10 AM
To: Jamie Whitehouse
Subject: Fwd: "I support the Coastal Area be included in the Cluster Ordinance" to:

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SUPPORT EXHIBIT

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L Escalante

Rehoboth Beach,
Sussex County

DE

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Rehoboth Beach
Sussex County, DE

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L Escalante

Rehoboth Beach,
Sussex County

DE

SUPPORT EXHIBIT

Jamie Whitehouse

From: Sandra Fluck <flucks@moravian.edu>
Sent: Thursday, January 7, 2021 10:58 AM
To: Jamie Whitehouse
Subject: Re: "I support the Coastal Area be included in the Cluster Ordinance" to:

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.

Support 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.

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In an SARG public survey; over 93% of the respondents were in favor of the proposed amendment to make "superior design" mandatory for all Cluster developments., I stand with these respondents!

Sandra Fluck
Millsboro, Sussex County
DE

SUPPORT EXHIBIT

Jamie Whitehouse

From: Beverly Morgan <bevgmorgan@gmail.com>
Sent: Thursday, January 7, 2021 10:55 AM
To: Jamie Whitehouse
Subject: "I support the Coastal Area be included in the Cluster Ordinance" to:

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.

Support 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"

In an SARG public survey; over 93% of the respondents were in favor of the proposed amendment to make "superior design" mandatory for all Cluster developments., I stand with these respondents!

Beverly Morgan,
Millsboro, Sussex County
DE

SUPPORT EXHIBIT

Jamie Whitehouse

From: Shelly j Cohen <noreply@forms.email>
Sent: Thursday, January 7, 2021 12:15 PM
To: Jamie Whitehouse
Subject: Contact Form: 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.

Name: Shelly j Cohen
Email: Philliegyrl1968@gmail.com
Phone: 3024481519
Subject: Cluster Ordinance
Message:

The Cluster Ordinance needs to be changed per the recommendations of SARG, a local civic Non Profit organization.

The proposal serves the public good. It points out the need to replace confusing wording, several inconsistencies and the need for the ORDINANCE which is LAW to be the same throughout the County. The Coastal Zone should have the rules/laws as the rest of the County. The "Superior Design" should be clarified. If there is a reason to not provide an actual "definition" in the ordinance, then there should be examples and/or illustrations to show the developers/builders/architects/other building professionals and the public what it means. The County website should have a tab for NOTICES. This has been an ongoing problem. This should be in addition to the required publication. It would serve the public as well as other interested parties to have these Notices in one or more County News Papers and not just State wide publications that are not readily available to the citizens of Sussex County.

Thank you for making sure my email on this subject is shared with all members of the P & Z Commission, staff and County Council.

Shelly Cohen
Milton DE

SUPPORT EXHIBIT

Russell Warrington

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Thursday, January 7, 2021 9:29 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

SUPPORT EXHIBIT

Submitted on Thursday, January 7, 2021 - 9:28am

Name: Maria Payan
Email address: payans@zoominternet.net
Phone number: 7178267286
Subject: Ordinance to Amend Chapter 115 Article XXV, Section 115-194.3
Message:
Dear P&Z members,

I am writing in support of passing the ordinance to standardize cluster superior design standards throughout the county. The coastal zone areas, especially need inclusion for common sense protection of our most environmentally sensitive lands and protection of public health. This has wide support of many throughout Sussex County, including Sussex Health & Environmental Network.

KEY REASONS FOR STANDARDIZING CLUSTER SUPERIOR DESIGN STANDARDS THROUGHOUT SUSSEX COIUNTY

- 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” 3
- 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.
- Reduction of impermeable land also mitigates risks associated with our total dependence on groundwater for public and domestic supply in Southern Delaware
- The provisions in superior design for meaningful, usable, continuous open space within communities' matters to public health as so clearly evidenced by the current pandemic.

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: 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: Mary Holland <producermh@gmail.com>
Sent: Thursday, January 7, 2021 3:09 PM
To: Jamie Whitehouse
Subject: I support the Coastal Area be included in the 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.

To: Planning and Zoning Director Jamie Whitehouse
From: Mary Holland
121 Dewey Ave, Lewes, DE 19958

Please note that I am a resident of Lewes, DE and I support the Coastal Area be included in the Cluster Ordinance. Our safety and quality of living depends on preserving our coastal areas, marshes, "spongy" wetlands, and forested areas. Please include the Coastal Area in the Cluster Ordinance. Thank you.

--
Mary Holland
CELL: 410-913-0471
producermh@gmail.com

SUPPORT EXHIBIT

Jamie Whitehouse

From: Barry Sipple <barrysipple400@gmail.com>
Sent: Thursday, January 7, 2021 3:15 PM
To: Jamie Whitehouse
Subject: Cluster space 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 accept this letter as support for the Coastal Area to b included in the Cluster Ordinance

Thank u

Barry Sipple

Resident District 3

SUPPORT EXHIBIT

Jamie Whitehouse

From: Patti Drago <pat_drago@msn.com>
Sent: Thursday, January 7, 2021 3:08 PM
To: Jamie Whitehouse
Subject: Letter Re Tonight's Hearing On Amending the Coastal Ordinance to Include Superior Design
Attachments: 2021.01.07.P&Z.Cluster.pdf
Importance: High

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 -

Please add the attached letter to the P&Z Commissioners' reading pile.

Thank you,

Patti

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

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.

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

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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: Connie Fox <conniefoxlewes@gmail.com>
Sent: Thursday, January 7, 2021 2:28 PM
To: Jamie Whitehouse
Subject: Support inclusion of the 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.

Please Support 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”

In an SARG public survey; over 93% of the respondents were in favor of the proposed amendment to make “superior design” mandatory for all Cluster developments., I stand with these respondents!

Eva Fox, Lewes Crossing,
Lewes, Sussex County, DE

Sent from my iPhone

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

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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 rationale 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

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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

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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: 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.

Best,

Eul Lee (Lewes)

SUPPORT EXHIBIT

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

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 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]

Thanks you for your consideration

SUPPORT EXHIBIT

Joe Wilkens

resident of Bay Front

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

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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

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

SUPPORT EXHIBIT

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

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

Jamie Whitehouse

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

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

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

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: 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.a.ziegler@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

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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 standardizing 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

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

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: 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@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.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 ordnance
Message: Pls include protecting the coastal zone by inclusion in cluster ordnance

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: 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: 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: 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: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.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: Pat Kuhn <ptkuhn@gmail.com>
Sent: Wednesday, January 6, 2021 3:27 PM
To: Jamie Whitehouse
Subject: Cluster Ordinance

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

Thank you,

SUPPORT EXHIBIT

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

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

SUPPORT EXHIBIT

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.

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 sub-divided properties.

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

SUPPORT EXHIBIT

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: Julian Karpoff <captainkarpoff@outlook.com>
Sent: Wednesday, January 6, 2021 3:23 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.

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 3:32 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 PODOLSKE
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 sub-divided 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

[Get Outlook for iOS](#)

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

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.

Councilman Douglas B. Hudson
Sussex County Council, District #4
2 The Circle, P. O. Box 589
Georgetown, DE 19947
doug.hudson@sussexcountyde.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



Bay Front at Rehoboth
Homeowners Association

Mary Beth Aring

HOA Board Secretary

31759 Marsh Island Avenue,
Lewes, DE 19958

mbaringseely@yahoo.com

H# 302-945-8736

C# 571-422-8579

SUPPORT EXHIBIT

Jamie Whitehouse

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

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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

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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

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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

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 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