

SUSSEX COUNTY COUNCIL

COUNTY CODE UPDATE

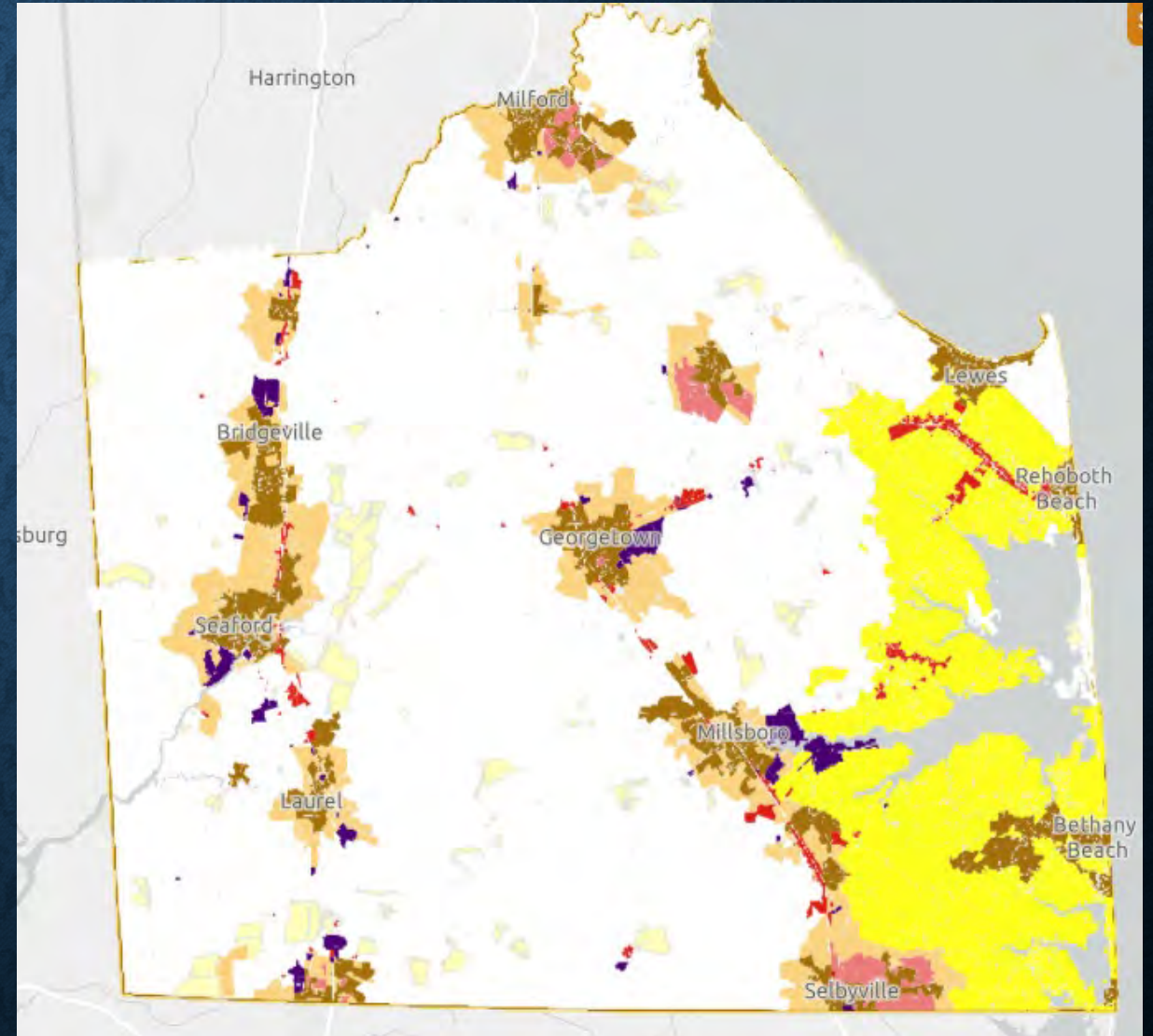
JANUARY 27, 2026

CODE UPDATE

- **Comprehensive County Code update building on the recommendations from the Land Use Reform Working Group and Council's feedback**
- **Goals:**
 - 1) **Move forward with updates that have support to enact immediately**
 - 2) **Long term initiatives will be addressed in the Comp Plan Update**
- **This overview is intended to demonstrate the topics we must address to move a comprehensive code update forward**

CODE UPDATE

- **Topic #1: Limiting Sprawl**
- **Future Land Use Map – Low Density Areas (white on the map)**



CODE UPDATE – LIMITING SPRAWL

- **Adjust Cluster Subdivision**

1. **Eliminate cluster subdivisions in Low Density areas**
2. **Allow standard subdivisions with:**
 1. **20,000 square foot lots with sewer**
 2. **$\frac{3}{4}$ acre lots without sewer**
3. **Eliminate RPCs in Low Density areas**
4. **Require 50% open space that is contiguous and considers habitat corridors**
5. **Review current uses of open space (e.g., stormwater ponds)**
6. **Update forest preservation requirements**
7. **Update and apply Superior Design and §99-9(C) requirements**
8. **Update bulk standards**

CODE UPDATE – LIMITING SPRAWL

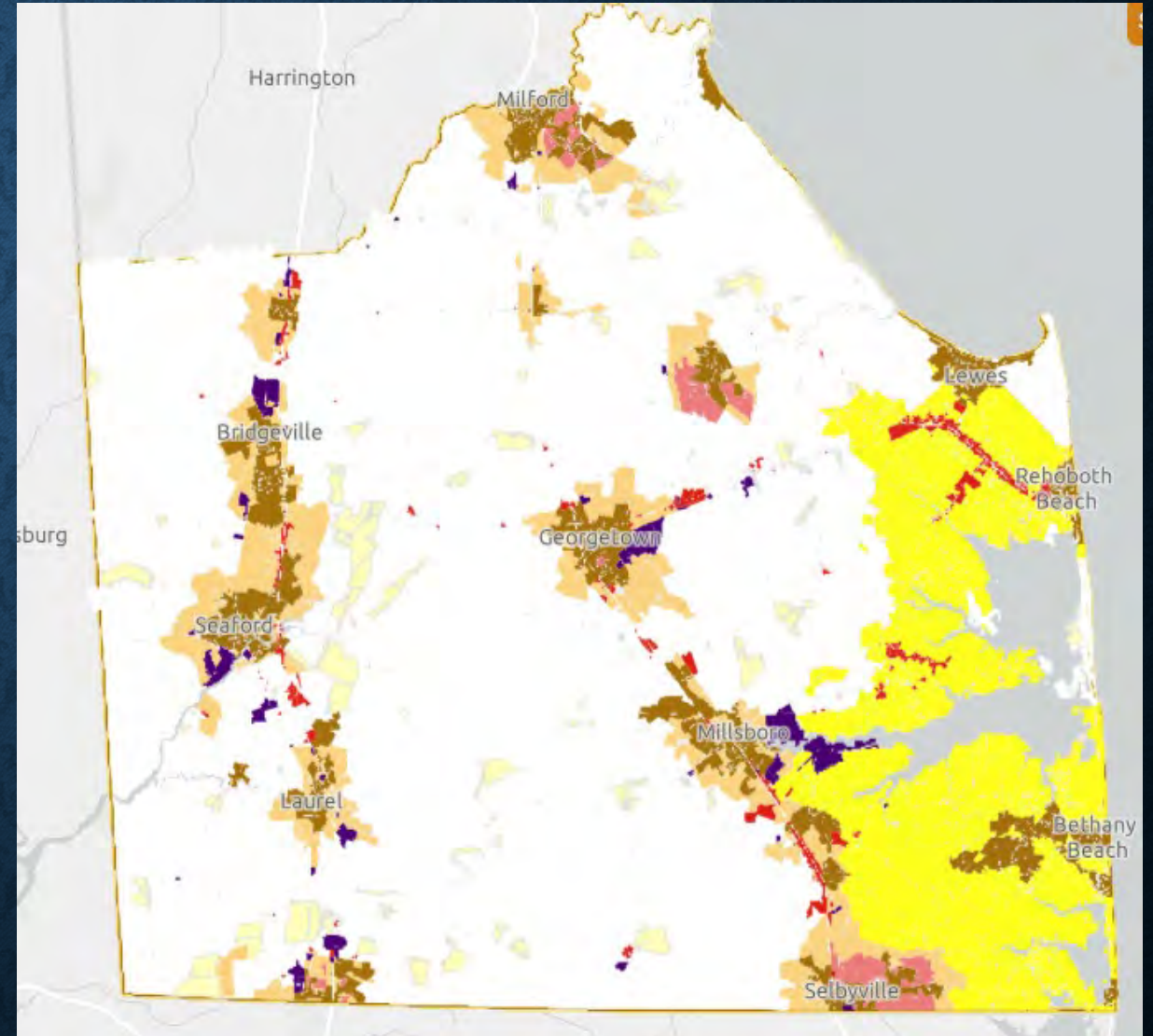
- **Other considerations**

1. **The recommended zoning districts in the current Comp Plan (Table 4.5-2) will stay the same. Only these zoning districts will be allowed in the Low Density Areas.**

COMPREHENSIVE LAND USE PLAN - TABLE 4.5-2	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
Low Density	AR-1 B-2 C-2 M I-1

CODE UPDATE

- **Topic #2: Adjusting Cluster Subdivisions in Growth Areas**
- **Future Land Use Map:**
 - Coastal Area (yellow)
 - Town Center Area (pink)
 - Commercial Area (red)
 - Developing Area (light tan)



CODE UPDATE

- **Adjusting Cluster Subdivision standards in growth areas**
 1. **Require 50% open space that is contiguous and considers habitat corridors**
 2. **Review current uses of open space (e.g., stormwater ponds)**
 3. **Update forest preservation requirements**
 4. **Update and apply Superior Design and § 99-9C requirements**
 5. **Update bulk standards**

OPEN SPACE

- **Update Open Space definitions and uses**
 1. **Ponds and Stormwater BMPs – create specific design criteria that meets the intent of open space**
 2. **Encourage naturalized landscaping and native vegetation located within passive open space, where site conditions and regulatory standards permit**
 3. **Coordinate with the Sussex Conservation District to identify opportunities to support habitat-friendly design features, such as native plantings, pollinator zones, and low-mow areas, in preserved open space**



FOREST PRESERVATION

- **Update forest preservation using the LURWG Recommendation's framework**
 - 1. Adopt new “forest” definition**
 - 2. Establish forest mitigation standards**
 - 1. Consider fee in lieu of mitigation**
 - 3. Inside growth area vs. Outside growth area:**
 - i. Adopt landscape and tree planting requirements**
 - ii. Adopt retention minimum standards**
 - 4. Establish tree planting requirements**
 - 5. Establish standards for unauthorized clearing**
 - 6. Applies to all subdivisions, RPCs, and multi-family projects**

FOREST PRESERVATION

- **Estates at Bridgewater**



FOREST PRESERVATION

- **Estates at Bridgewater**



SUPERIOR DESIGN

- **Improve subdivision design for all subdivisions by making superior design a requirement for all subdivisions and moving it from Chapter 115 into the improved design standards of §99-9(C) which incorporates both 99-9C and superior design elements**
 1. **Review §115-25 for specificity and predictability**
 2. **Better define where Open Space shall be placed on the parcel**

§99-9(C) REQUIREMENTS

- **Update 99-9C using the LURWG Recommendations**
 1. **Revises §99-9(C) to replace subjective terms with objective, predictable, measurable criteria that provide clearer guidance for applicants and reviewers**
 2. **Reference related code sections (e.g., stormwater, water protection, interconnectivity) to guide reviews in existing, defensible standards**

BULK STANDARDS

- **Update and adjust bulk standards to provide flexibility**
 1. **Revise minimum lot sizes, widths, setbacks, and separation distances within growth areas to enable compact housing types in Zoning Code Sections**
 2. **Increase maximum building height for mixed-use and multifamily to 60 ft. in MR, HR, CR-1, C1, C2, C3, and C4 zoning districts within growth areas to facilitate walkable, mixed-use, and multifamily development**
 3. **Eliminate current building length caps for townhomes and multifamily structures in growth areas to allow for more flexible site planning and cost-effective housing types. Modify townhouse standards to allow more than eight attached units per building**
 4. **Reduce building separation to 20' between multifamily buildings**

VINEYARDS AT NASSAU

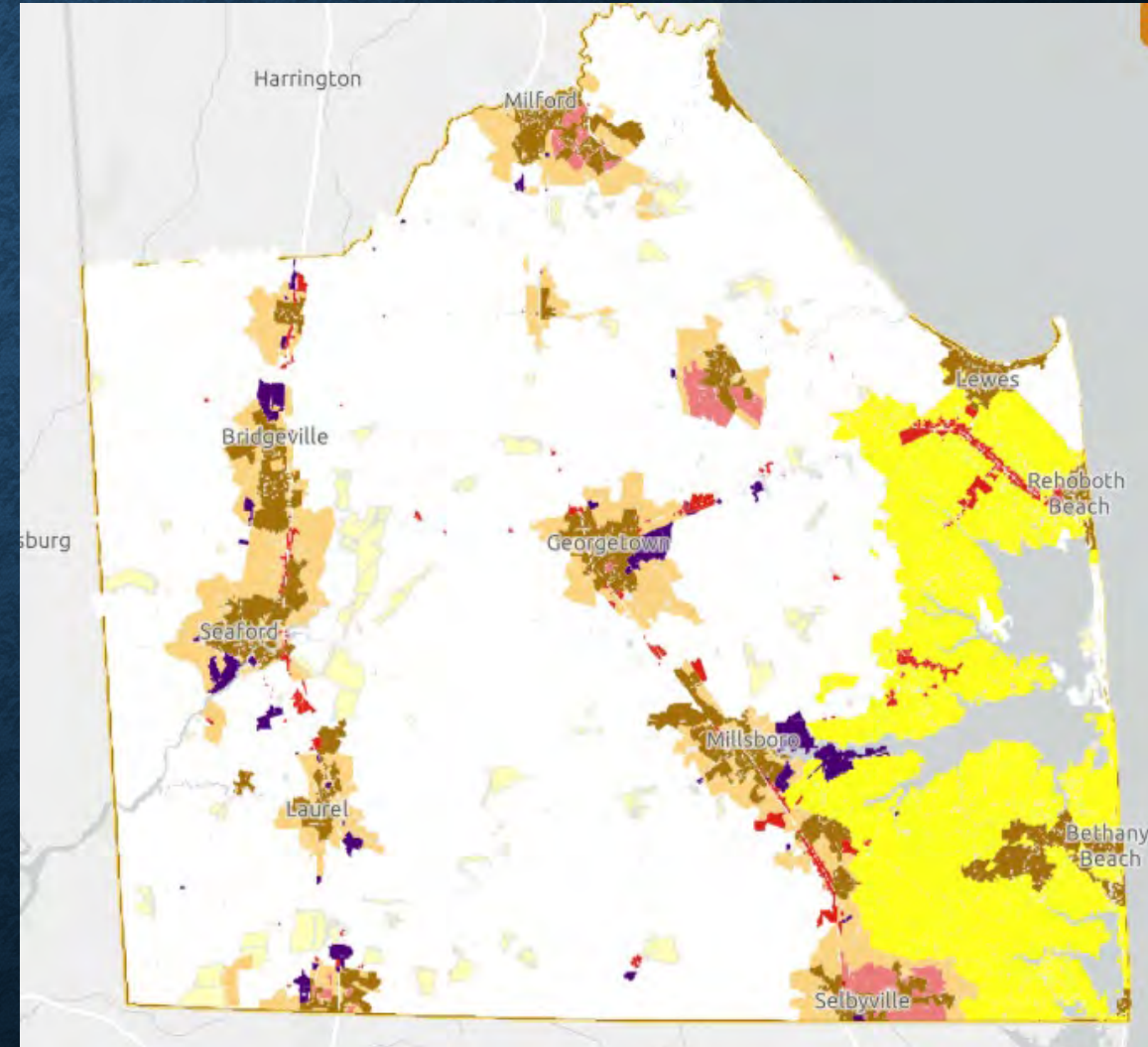
HEIGHT=
60'



Construction plans verify height of 59' 6 5/8". Chimneys exceed but permitted.

CODE UPDATE

- **Topic #3: Adjusting Sussex County Rental Program (SCRP)**
- **Keep SCRCP projects as a permitted, by-right use in all Residential Zoning Districts in Growth Areas per current Code**
- **Adjust SCRCP design requirements to incentivize participation (e.g., bulk standards, open space percentages and AMI)**



CODE UPDATE

- **Topic #4: Appropriate Zoning Categories and Densities**
 - **Increase densities in select zoning categories**
 - **Need to review commercial zoning since multi-family is permitted**
 - **Current: Multi-family permitted in C-1 and CR-1 with Conditional Use**
 - **Proposed: Multi-family permitted in CR-1 by-right**
 - **Need to consider C-4 and appropriate density**
 - **Need to include mixed use requirement for any redevelopment in a commercial zoning**
- **Density increase result:**
 - **Existing zoning districts will see an automatic increase**
 - **To change zoning for increased density, still will require a public hearing**

CODE UPDATE

- **Topic #4: Appropriate Zoning Categories and Densities**
 - **Current and proposed densities below**

	CURRENT	PROPOSED	W. BONUS DENSITY*
AR-1 & AR-2	2	2	N/A
GR	4	4	5
MR	4	6	8
HR	12	18	24
UR	12	18	24
UB	12	18	24
RPC	Varies	18	24

*Need to develop Bonus Density requirements, see separate slide

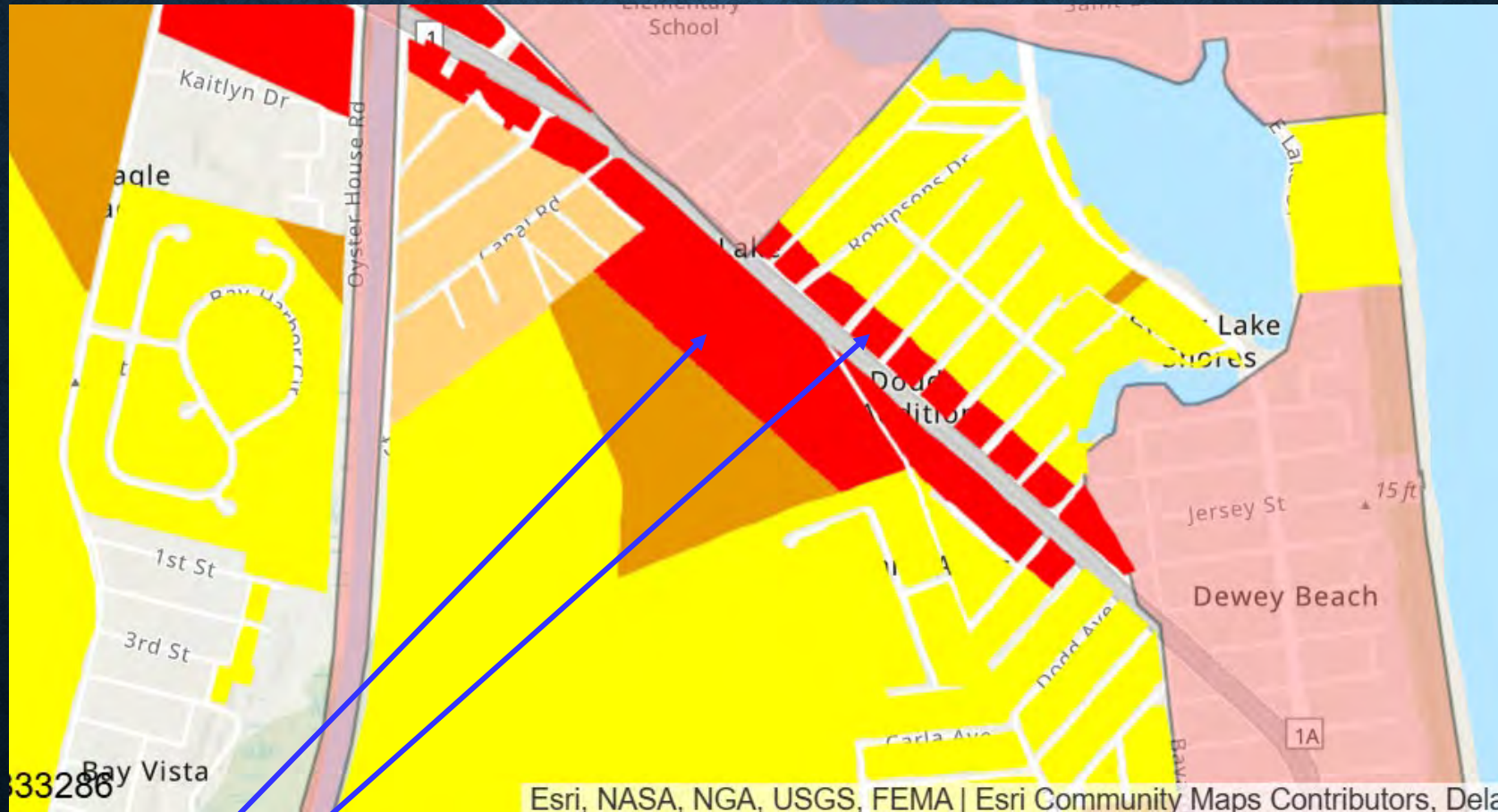
CODE UPDATE

- **Topic #4: Appropriate Zoning Categories and Densities**
 - **Need one chart in §115-15.1**

	CURRENT	PROPOSED	W. BONUS DENSITY
AR-1 & AR-2	2	2	N/A
GR	4	4	5
MR	4	6	8
CR	12	12/18?	16
C-1	12	12/18?	16
HR	12	18	24
UR	12	18	24
UB	12	18	24
RPC	Varies	18	24

COMMERCIAL REDEVELOPMENT

- Need to consider commercial redevelopment and mixed-use requirements



C-1

Forgotten Mile

COMMERCIAL REDEVELOPMENT



Forgotten Mile – June 2024

COMMERCIAL REDEVELOPMENT



Forgotten Mile – January 2026

COMMERCIAL REDEVELOPMENT



Forgotten Mile – January 2026

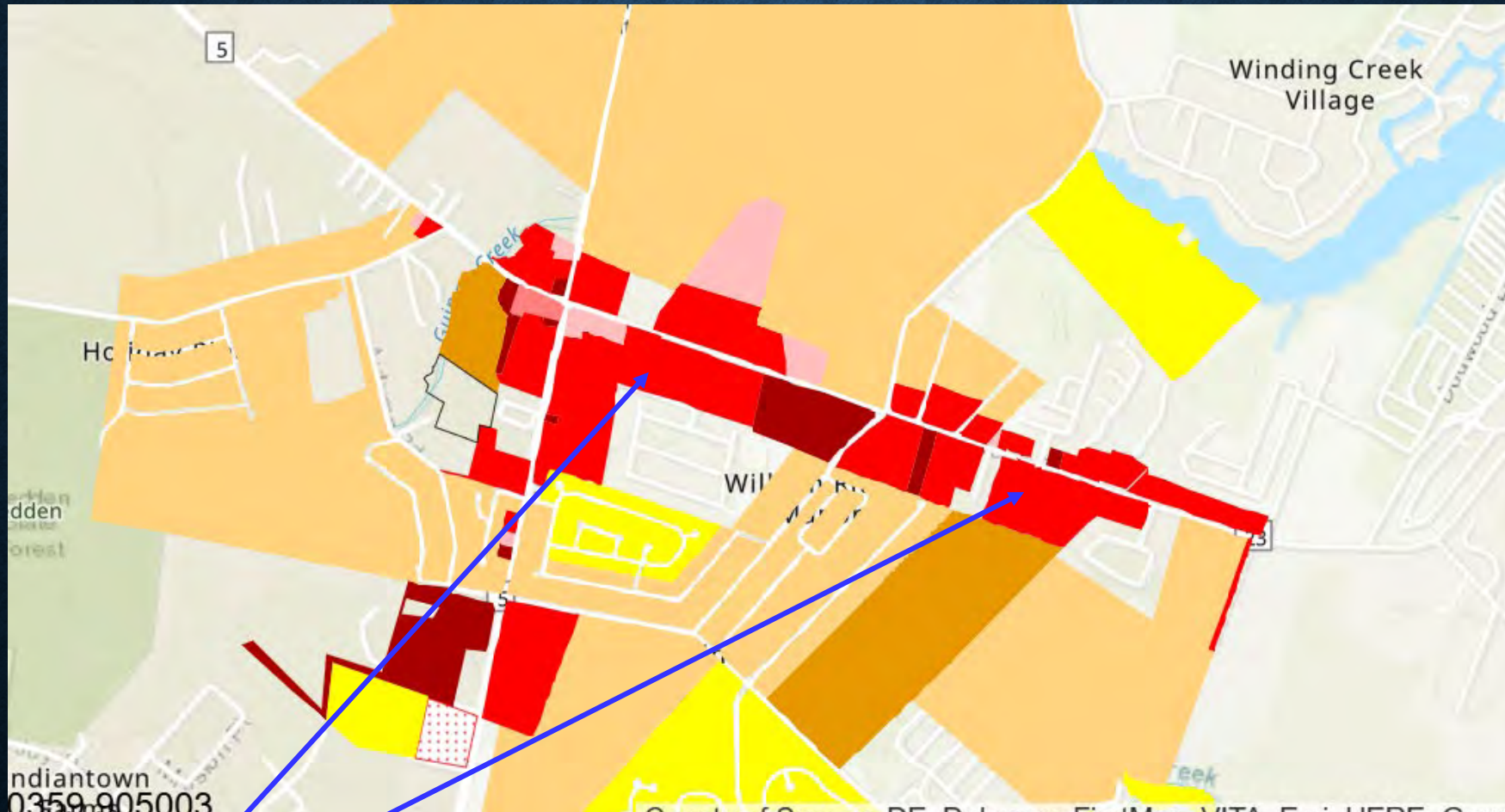
COMMERCIAL REDEVELOPMENT



Old Ames Commercial Location – Rehoboth – January 2026

COMMERCIAL REDEVELOPMENT

- Need to consider commercial redevelopment and mixed use requirements



C-1

Long Neck Road

COMMERCIAL REDEVELOPMENT

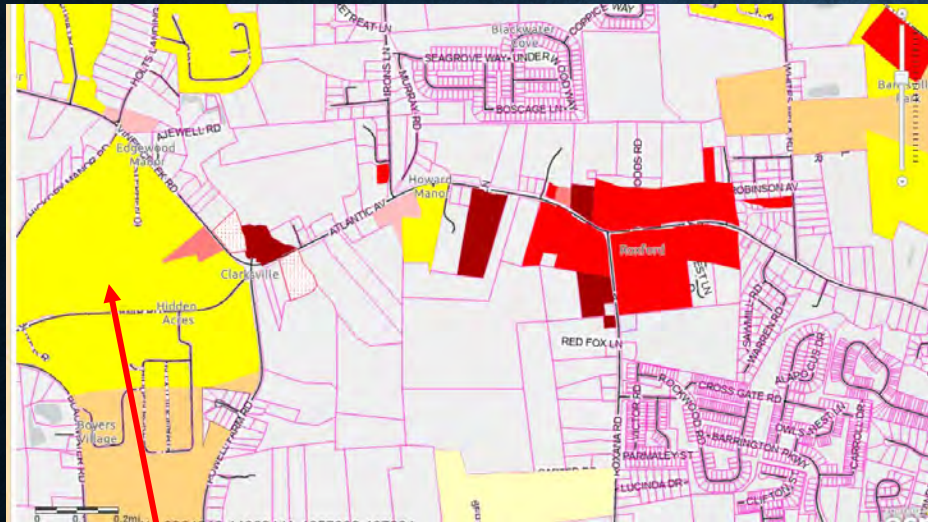
- **Need to consider commercial redevelopment and mixed use requirements**



Long Neck Road

CODE UPDATE

- **Topic #4: Appropriate Zoning Categories and Densities**
 - **Review Growth Areas to determine appropriate zoning and density**
 - **Examples of existing zoning in areas of the County**



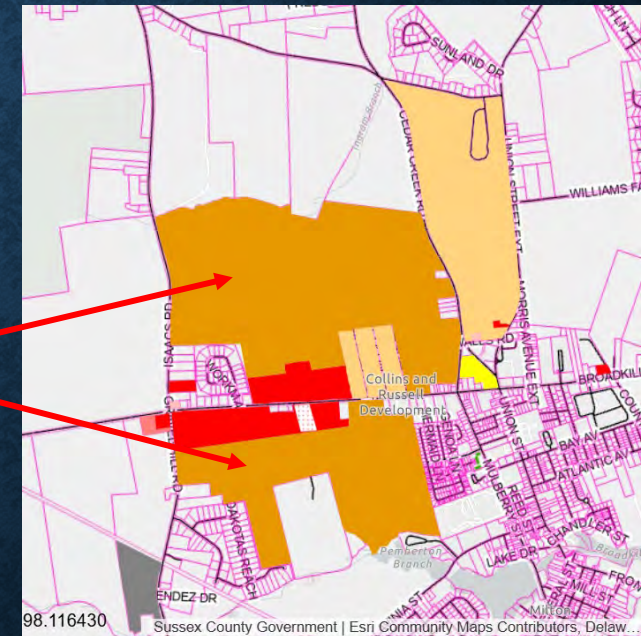
Millville

MR

MR=4 now; 8 in future

HR-1

**HR-1=12 now;
24 in future**



Milton

COMMERCIAL REDEVELOPMENT

- **Other jurisdictions wrestle with the issue**
- **San Francisco, CA**
- **Safeway Redevelopment in the Marina District**



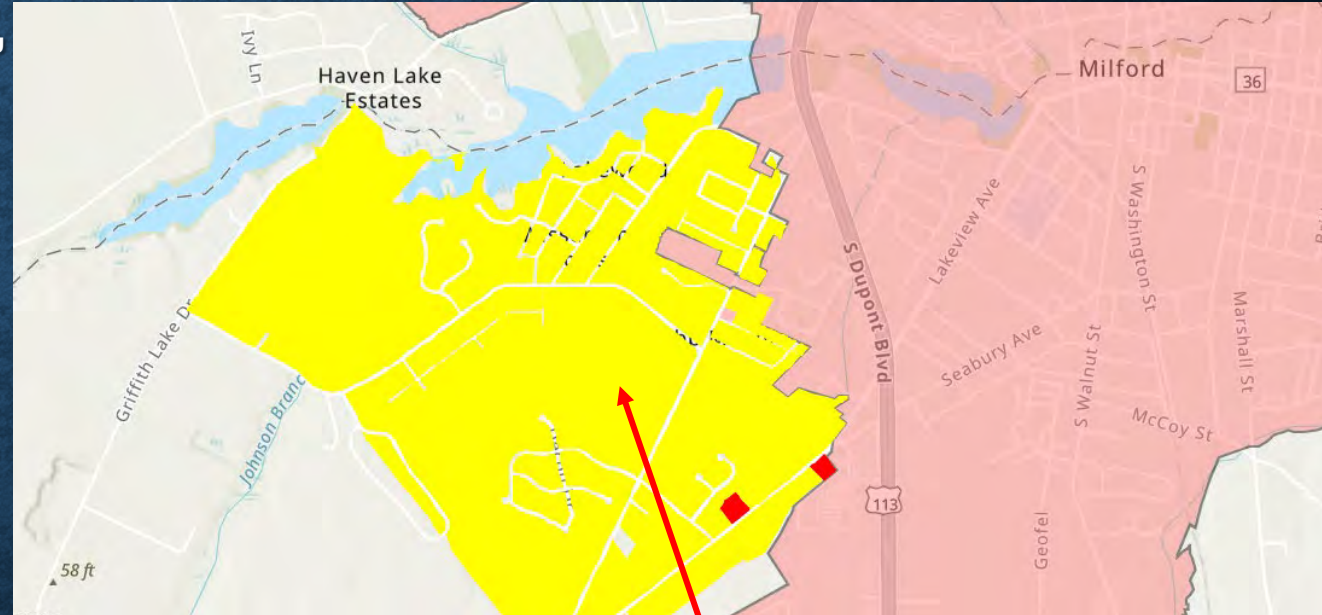
San Francisco, CA



Safeway Redevelopment

CODE UPDATE

- **Topic #5: Missing Middle Housing**
 - **New definitions for cottage courts, duplex, stacked flat, townhouse and triplex**
 - **New housing types will be by-right in residential zoning categories with or without new density amounts**
 - **Increase height to 60'**
 - **Adjust bulk standards**
- **To Consider:**
 - **CR-1 zoning for multi-family dwellings and appropriate density**
 - **Existing residential zoning will allow new housing types and density by-right**



Old Shawnee Road

ZONING QUAGMIRES

- **Other jurisdictions have seen this happen**
- **Fairfax, VA**
- **Permitted by zoning – 35' structure**
- **If this were Sussex with MR Zoning (like in Milford), this could be 60'**





Fairfax, VA

CODE UPDATE

- **Topic #6: Bonus Density**
 - **Proposed Density = 1/3 more density than what is permitted**
 - **By right and no public hearing**
 - **Need to develop parameters – do we care when it is used?**
 - **Make the fee higher – County gets more funding; lack of participation**
 - **Make the fee lower – County gets less funding; becomes default density**
 - **Options to use bonus density:**
 - **Land Preservation**
 - **Housing Trust Fund**

CODE UPDATE

LURWG RECOMMENDATIONS ADDRESSED*

- | | |
|---|--------------------------------------|
| 1. Define missing middle housing | 7. Naturalized landscaping |
| 2. Permit missing middle housing | 8. Subdivision design |
| 3. Bulk standards and height | 9. SCRP |
| 4. Adjust density standards | 10. Permitted ag support uses |
| 5. Address mixed use development | 11. §99-9(C) standards |
| 6. Forest preservation | 12. Bonus density |

***Will also implement standalone Ordinances, like Agriculture support uses**

SUSSEX COUNTY COUNCIL

COUNTY CODE UPDATE

QUESTIONS & COMMENTS