



SUSSEX COUNTY LAND USE REFORM WORKING REPORT WORKSHOP

October 14, 2025

WELCOME & INTRODUCTIONS

Sussex County Council

- Douglas B. Hudson
- John L. Rieley
- Jane Gruenebaum
- Matt Lloyd
- Steve McCarron

Planning & Zoning Commission

- Holly Wingate
- J. Bruce Mears
- Jeff Allen
- Gregory Scott Collins
- John Passwaters

Sussex County

- Todd Lawson
- Vince Robertson
- Jamie Whitehouse
- Brandy Nauman

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- John Mullen
- Jillian Dierks

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- Andrew Bing



WORKING GROUP TASK:

DEVELOP RECOMMENDATIONS THAT:



Implement smarter, sustainable development



Ensure growth is supported by infrastructure



Address affordable/workforce housing needs



Preserve farmland and natural resources



Prevent low-density, uncoordinated sprawl



TODAY'S MEETING

- ❑ Welcome
- ❑ Presentation of Recommendations
 - ❑ What they are, why they matter, and what will be required to make them happen
- ❑ Overview of Implementation & Discussion
 - ❑ Process and next steps
- ❑ Working Group Members Comment
- ❑ Public Comment





LAND USE REFORM RECOMMENDATIONS



RECOMMENDATIONS 1, 2, 3 & 4



1. Align Future Land Use Map



2. Establish Growth and Conservation Areas



3. Comprehensive Rezoning



4. Establish Clear Standards for Rezoning

Together, these four recommendations create a nested framework for guiding growth:

- The **State Strategies** establish statewide context and they should be one factor that is considered in the Future Land Use Map.
- The Future Land Use Map, with **Growth and Conservation Areas** identified, translates that vision locally.
- **Comprehensive Rezoning** implements it through regulation.
- Clear Rezoning Standards ensure future map changes and zoning decisions remain consistent with this framework.

Each level builds on the next to bring predictability and balance between growth and preservation.

RECOMMENDATIONS



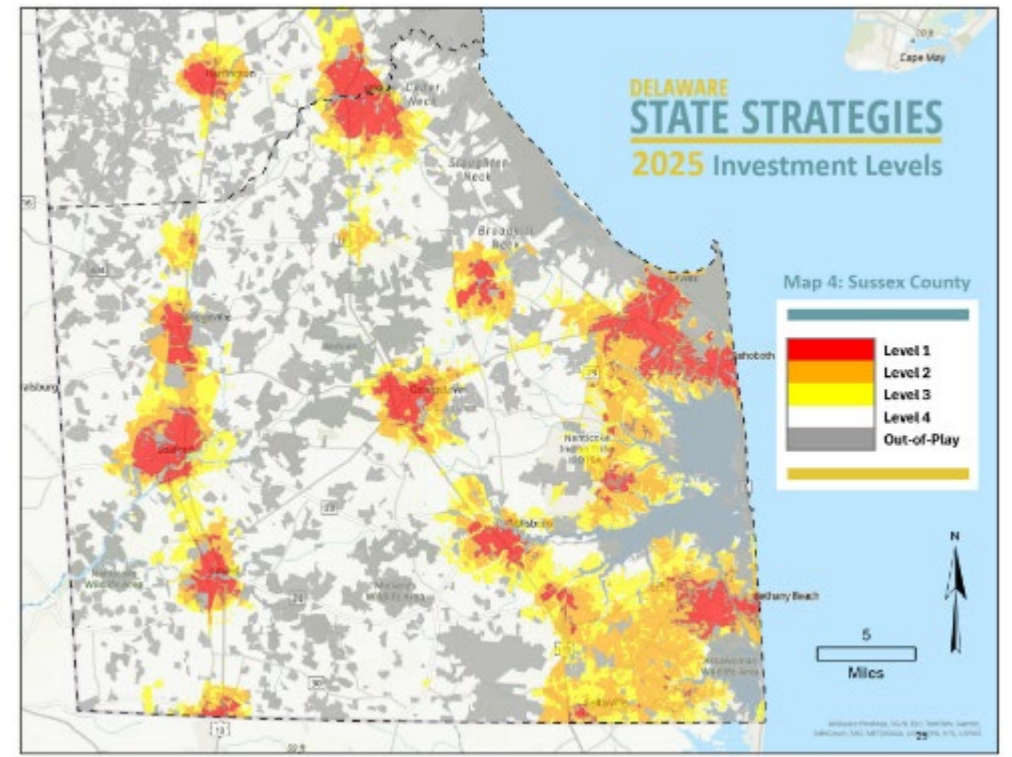
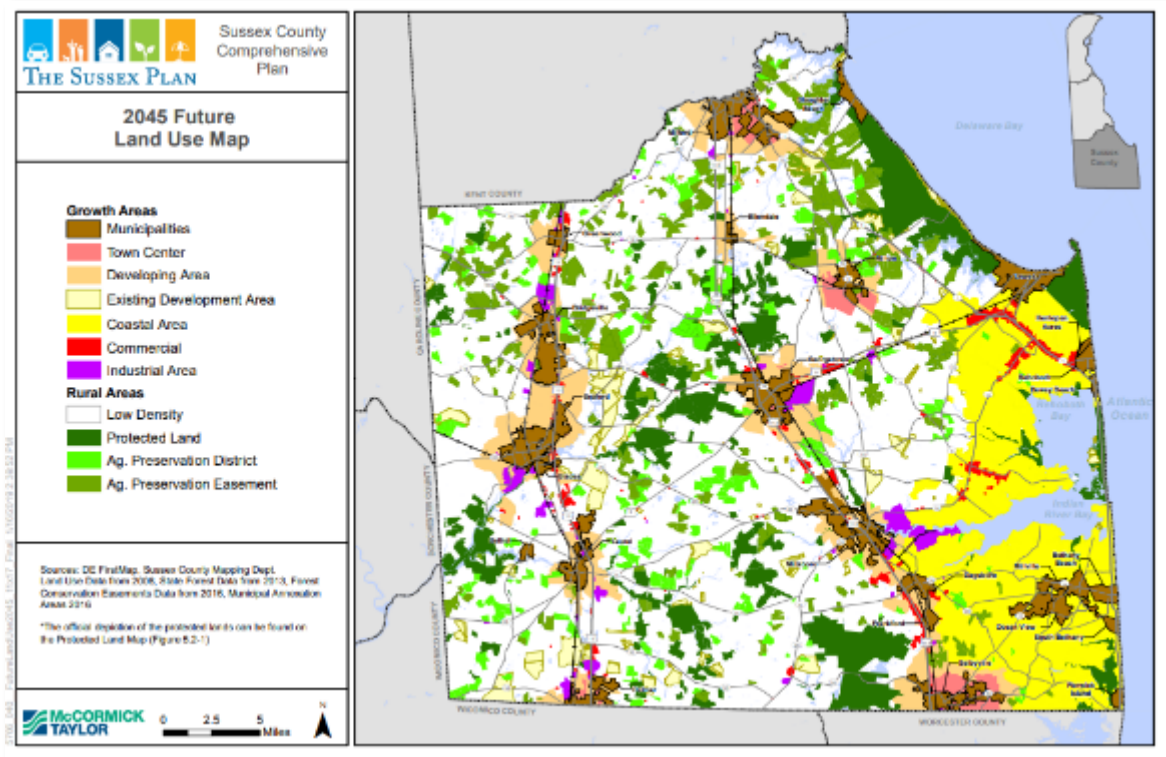
1. Align Future Land Use Map

- Revise the County's Future Land Use Map (FLUM) during the 2028 Comprehensive Plan update, using the State Strategies for Spending as a guide among other factors, not a constraint, to determine where growth and preservation should occur.
- Members observed that development has expanded into State Investment Level 4 areas that lack planned infrastructure, creating long-term maintenance and transportation challenges. Aligning the FLUM with State investment priorities helps direct growth to where services are planned and reduces sprawl pressure.
- Helps Sussex County guide growth toward serviced areas and maintain flexibility to set its own priorities.

RECOMMENDATIONS



1. Align Future Land Use Map





FINAL RECOMMENDATIONS



2. Establish Growth and Conservation Areas

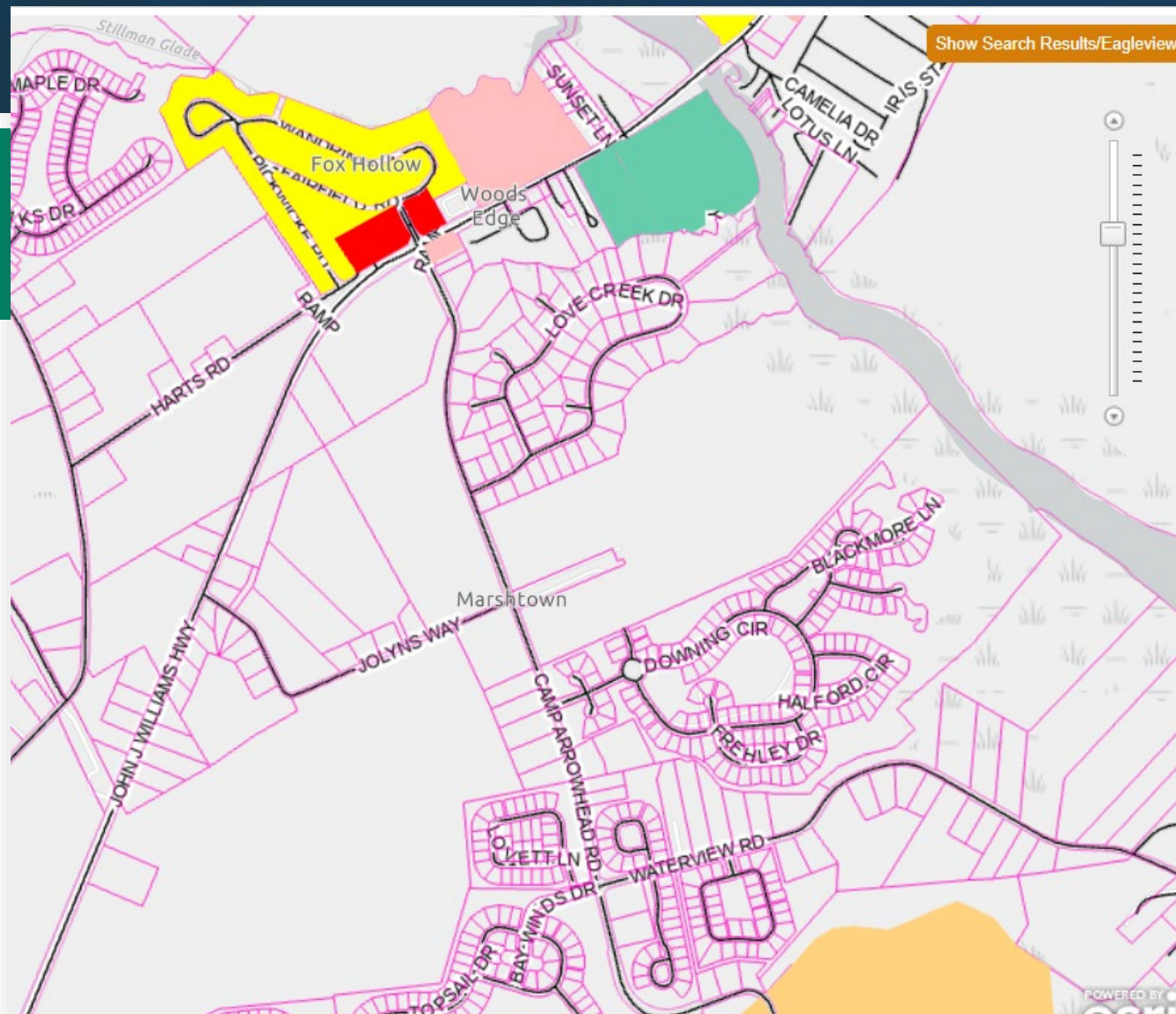
- Defines specific areas for growth and conservation within the County, based on criteria such as infrastructure availability, environmental constraints, and access to major roads.
- Members agreed that measurable criteria would make the plan more predictable and transparent, while still allowing refinement based on local context—higher intensity near towns and jobs, transitioning outward to lower-intensity conservation areas.
- Provides predictability for property owners and developers while guiding development and growth to the right places.

RECOMMENDATIONS



3. Comprehensive Rezoning

- A proactive, countywide rezoning effort to align zoning districts with the updated Future Land Use Map and new Growth and Conservation Areas.
- Members agreed that proactively updating zoning, rather than relying on individual rezoning requests, would create greater predictability and consistency in development.



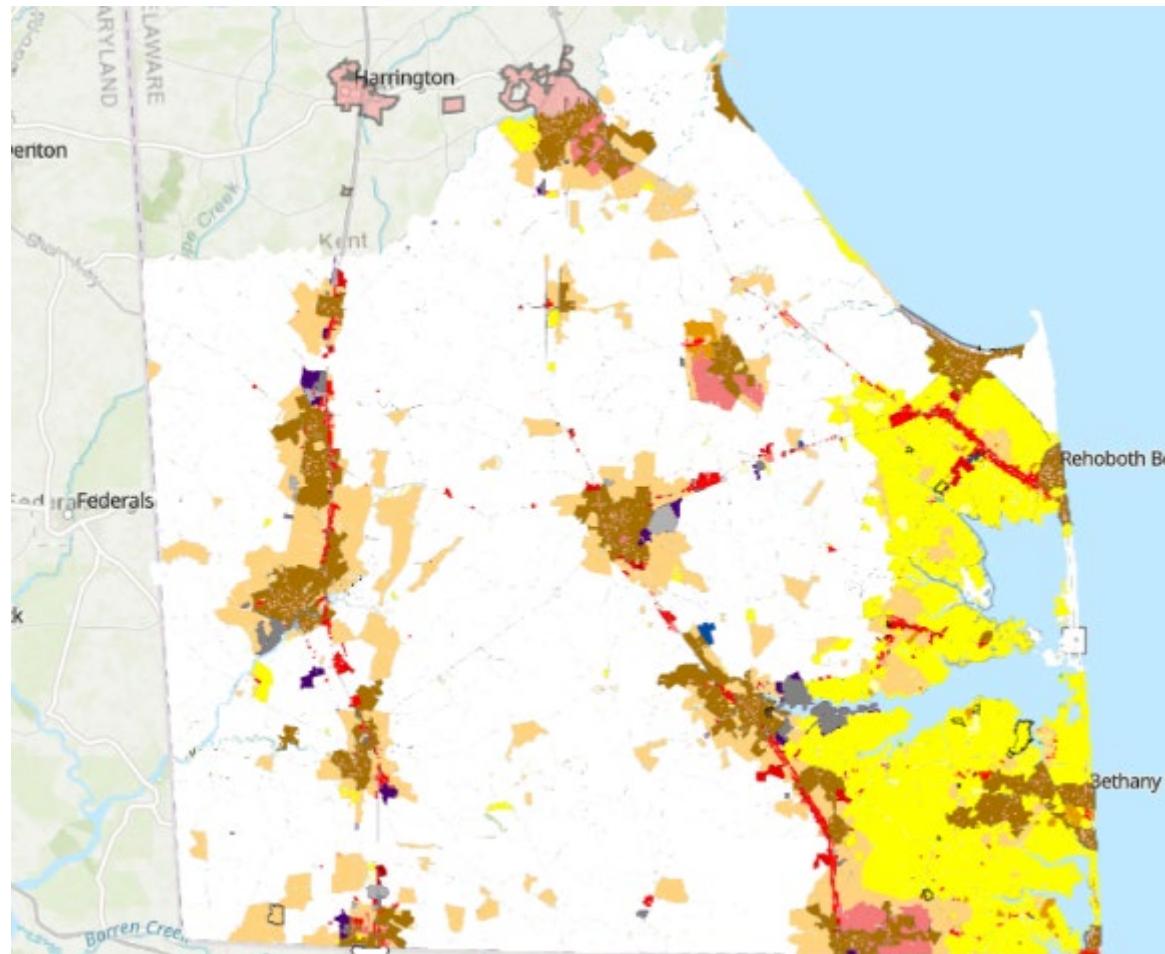
PEDDLER'S VILLAGE EXAMPLE

FINAL RECOMMENDATIONS



4. Establish Clear Standards for Rezoning

- Objective criteria reduces uncertainty for applicants and the public.
- Standards tie directly to the Comprehensive Plan and Growth Areas defined in Recs 1 & 2.
- Creates predictability and fairness in rezoning decisions, ensures rezonings advance the County's land use goals, and strengthens the link between the Comprehensive Plan and zoning implementation.





RECOMMENDATIONS 5, 6, 7, 8 & 20



5. Define Missing Middle Housing Types



6. Permit Missing Middle Housing in Strategic Areas



7. Establish Bulk and Setback Standards for Missing Middle Housing and Adjust Height, Building Length, and Separation Caps in Growth Areas



8. Strategic Density Adjustments



20. Modernize the Code to Support Mixed Use

Together, these recommendations provide a coordinated approach to meeting housing needs while guiding growth:

- Define and enable Missing Middle housing types (duplexes, triplexes, quads, cottage courts) in appropriate districts with modernized standards.
- Adjust densities in Growth Areas to support attainable housing and reduce pressure for rural sprawl.
- Modernize mixed-use zoning to allow walkable, vibrant centers that combine housing, employment, and services.

RECOMMENDATION 5

- Amend the Zoning Code to define smaller-scale housing types- such as duplexes, triplexes, stacked flats, and cottage courts- rather than grouping them under “multifamily dwellings.”
- Clarifying these definitions allows the County to apply zoning standards tailored to each specific housing type.
- Expands opportunities for diverse, attainable housing that serves a range of residents, from first-time buyers to older adults seeking to downsize.



RECOMMENDATION 5



5. Define Missing Middle Housing Types



Multifamily



Duplex

RECOMMENDATION 5



5. Define Missing Middle Housing Types



Triplex



Stacked Flat

RECOMMENDATION 5



5. Define Missing Middle Housing Types



Cottage Court



RECOMMENDATION 6

- **Update the Zoning Code** to permit smaller-scale housing types- duplexes, triplexes, townhomes, cottage courts, stacked flats, and multifamily- in the GR, MR, and HR districts within Growth Areas.
- **Creates predictable opportunities** for diverse housing in areas with infrastructure and services, supporting households across different life stages and income levels.



RECOMMENDATION 7

- Modernize dimensional standards- lot sizes, setbacks, heights, and separation distances- to make compact housing types feasible in GR, MR, HR, M, and commercial districts within Growth Areas.
- Aligns zoning standards with new Missing Middle housing types and compact-growth goals, enabling more efficient land use and walkable, mixed-use development.
- Encourages flexibility and affordability by allowing taller buildings (up to 60 ft.), longer townhouse buildings, and smaller lots that reduce costs and land consumption.



Governors – Lewes, Delaware

RECOMMENDATION 8

- Recalibrate base densities across zoning districts to focus growth in serviced areas and limit development in rural and conservation zones.
- Increase allowable densities in GR, MR, and HR districts within Growth Areas while reducing AR-1 from two to one unit per acre in Conservation Areas.
- Promotes compact, infrastructure-efficient development and reduces sprawl by aligning density with growth and preservation goals.



RECOMMENDATION 20



20. Modernize the Code to Support Mixed Use

- Makes mixed-use development a permitted use in commercial districts, with clear standards for height, density, parking, and buffering.
- Provides predictable, flexible rules that reduce delays and costs for projects combining housing and commercial uses.
- Encourages walkable, vibrant centers that expand housing choice, support local businesses, and use infrastructure efficiently.



The Villages of Five Points – Lewes, Delaware

RECOMMENDATION 9



9. Develop Strategic Density Bonus Program

- Expand and recalibrate the County's density bonus program (§115-22) to apply only in Growth Areas, allowing up to one-third additional density in GR, MR, and HR districts.
- Tie bonus density to public benefits such as farmland or natural resource preservation and workforce housing, with proceeds directed to a dedicated preservation fund.
- Creates meaningful, predictable incentives that link growth, affordability, and conservation goals- encouraging development in serviced areas while protecting rural resources.



RECOMMENDATION 10



10. Amend the Sussex County Rental Program (SCRП)

- Revise the Sussex County Rental Program (SCRП) to improve effectiveness and increase developer participation.
- Members agreed that the current program has not generated sufficient participation. They discussed recalibrating the required percentage (10–15%) and income targets to strike a balance between feasibility for developers and meaningful affordability for residents.



RECOMMENDATION 11



11. Collaborate with Delaware Department of Transportation (DelDOT)

- Create Transportation Improvement Districts (TIDs) in Growth Areas and a transportation impact fee for projects in Conservation Areas.
- These tools make transportation funding more predictable, share costs fairly among developers, and better align infrastructure with growth.
- Encourages development where services exist and discourages leapfrog growth into rural areas.



The seven Operational TIDs in Delaware

RECOMMENDATION 12



12. Complete Adoption of a Master Plan Zoning Ordinance for Large-Scale Development

- Adopt the Master Plan Zoning Ordinance to guide large, mixed-use developments through a coordinated, phased review process.
- Ensures major projects plan comprehensively for housing, infrastructure, and community amenities.
- Promotes walkable, connected, and well-serviced communities that align with County growth goals.



*Source: Bayside, Delaware,
Keller Williams Realty*

RECOMMENDATIONS 13, 14 & 15



13. Forest Preservation



14. Encourage Naturalized Landscaping in Passive Open Space



15. Focus Subdivision Design Around Conservation Priorities

These recommendations strengthen how Sussex County protects natural and agricultural resources.

- These recommendations shift the focus from simply setting aside open space to actively **preserving forests, naturalizing landscapes, and designing subdivisions around conservation priorities.**
- Each tool can reinforce the others—forest preservation maintains ecological value, naturalized landscaping improves function and appearance, and conservation-based subdivision design ensures these resources shape development, not the other way around.

RECOMMENDATION 13



13. Forest Preservation

- Establishes clear, enforceable forest retention minimums: 50% in Conservation Areas and 30% in Growth Areas, with mitigation ratios for any removal.
- Refines the definition of “forest” to protect meaningful stands of mature trees and prioritize ecological value over tree counts.
- Creates a predictable, value-based framework that reduces forest loss and protects habitat



Baylis Estates – Millsboro, Delaware

RECOMMENDATION 14



14. Encourage Naturalized Landscaping in Passive Open Space

- Promotes native plantings, pollinator zones, and low-mow areas in preserved open spaces, coordinated with the Sussex Conservation District.
- Reflects a shift from decorative landscaping to ecological design that improves habitat and reduces maintenance costs.
- Supports habitat-friendly development while complementing existing state and local standards.



Tower Hill – Lewes, Delaware

RECOMMENDATION 15



15. Focus Subdivision Design Around Conservation Priorities

- Requires subdivision layouts to protect waterways, wetlands, forests, and wildlife corridors as the first step in design.
- Increases open space requirements from 35–50% and ensures preserved areas are connected and contiguous.
- Strengthens conservation subdivision standards to safeguard natural systems while maintaining base density for landowners.



Tower Hill – Lewes, Delaware

RECOMMENDATION 16



16. Support Working Farms Through Permitted Agricultural Support Uses

- Allows agricultural support businesses, such as processing, storage, and equipment repair, to locate by right in AR-1 zones outside Growth Areas, subject to standards.
- Addresses farmers' need for nearby services that make agricultural operations financially viable and reduce dependence on distant facilities.
- Strengthens the long-term viability of Sussex County's farm economy and provides predictable opportunities for investment in agriculture.

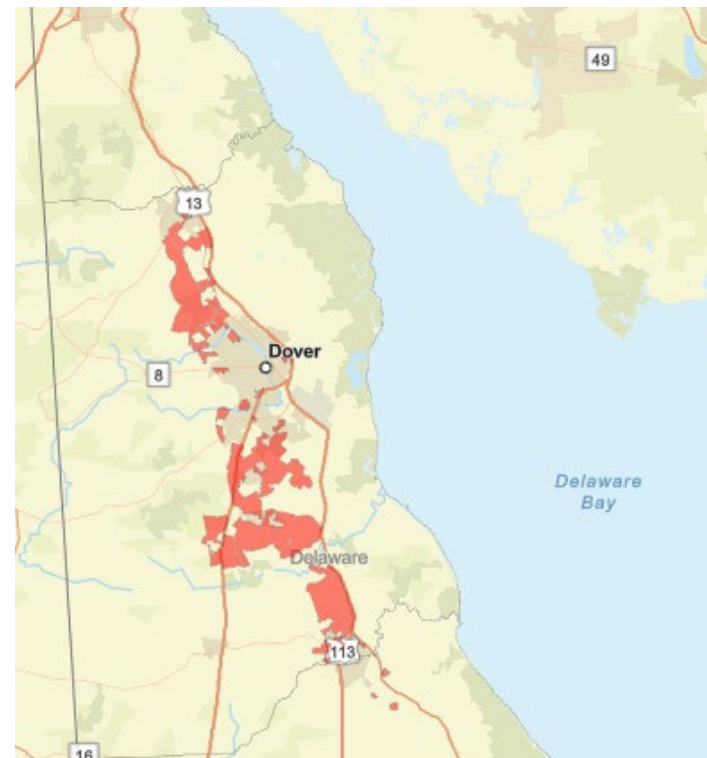


RECOMMENDATION 17



17. Explore a Transfer of Development Rights (TDR) Program

- Evaluate the feasibility of a voluntary TDR program that allows development rights to transfer from conservation-priority areas to designated growth zones.
- Members saw TDR as a potential market-based tool to preserve farmland and natural resources while directing growth to infrastructure-ready locations.
- Must be carefully tailored to Sussex County's conditions and designed with input from the farming community to ensure fairness and long-term sustainability.



Kent County's TDR Receiving Areas



- Revises §99-9(C) to replace subjective terms with objective, measurable criteria that provide clearer guidance for applicants and reviewers.
- Reference related code sections (e.g., stormwater, water protection) to ground reviews in existing, defensible standards.
- Improves fairness, reduces ambiguity, and ensures subdivision decisions are consistent and policy-driven.



RECOMMENDATION 19



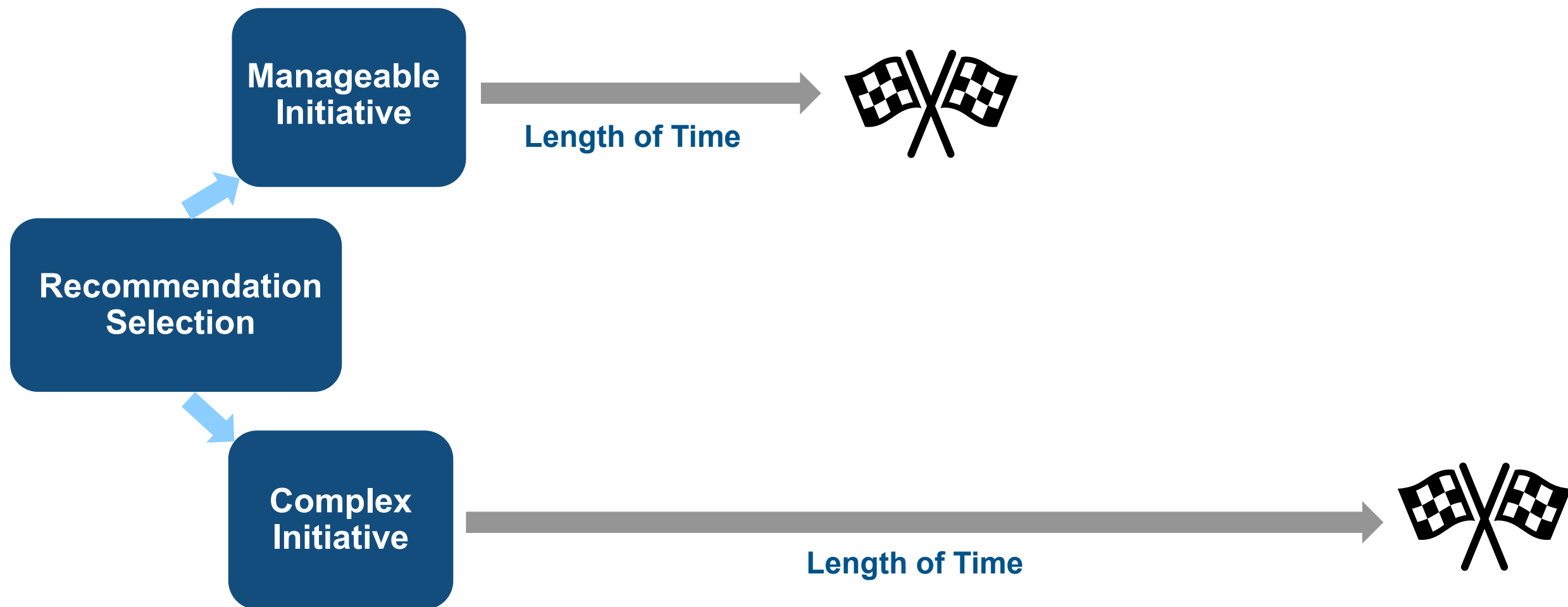
19. Prioritize Hearing Scheduling for Projects That Advance County Land Use Goals

- Establish a process to move qualifying projects in Growth Areas higher in the hearing queue, rewarding alignment with County land use and housing objectives.
- Seeks to reduce backlogs and carrying costs while focusing staff and P&Z time on projects that strengthen infrastructure coordination and affordability.
- Streamlining recurring non-residential uses with consistent outcomes (e.g., solar) could further free capacity for higher-priority reviews.



Chapel Branch Apartments – Lewes, Delaware

IMPLEMENTATION





IMPLEMENTATION

	Requires Comprehensive Land Use Plan Change	Requires County Code Change	Length of Time Required to Enact	Difficulty Level	Coordination required with other Recommendations
GROUPING #1					
Align Future Land Use Map					
1 Summary: Revise the Future Land Use Map using State Strategies for Spending as a guide to establish new growth and conservation areas during the 2028 Comp Plan Update	YES	YES	YEARS	ONEROUS	YES 2 & 3
Establish Growth and Conservation Areas					
2 Summary: Develop new areas intended for growth and conservation based on specific criteria during the 2028 Comp Plan Update	YES	YES	YEARS	ONEROUS	YES 1, 3, & 15
Comprehensive Rezoning					
3 Summary: Update the entire County's zoning map to realign zoning districts for growth and conservation, prioritizing for housing diversity and affordability, during the 2028 Comp Plan Update	YES	YES	YEARS	ONEROUS	YES 1 & 2
Establish Clear Standards for Rezoning					
4 Summary: Develop criteria for rezoning applications and map amendments based on specific criteria	NO	YES	MONTHS	SUBSTANTIAL	NO
GROUPING #2					
Define Missing Middle Housing Types					
5 Summary: Develop definitions for housing types, including duplexes, triplexes, stacked flats, and cottage courts	NO	YES	WEEKS	MANAGEABLE	YES 6 & 7
Permit Missing Middle Housing in Strategic Areas					
6 Summary: Update County Code to allow specific housing types in GR, MR, and HR	MAYBE	YES	WEEKS	MANAGEABLE	YES 5 & 7
Establish Bulk and Setback Standards for Missing Middle Housing and Adjust Height, Building Length, and Separation Caps in Growth Areas					
7 Summary: Revise lot sizes, widths, setbacks and separation distances; increase building height; and eliminate length caps in specific Zoning Districts	MAYBE	YES	WEEKS	MANAGEABLE	YES 5, 6, & 8
Strategic Density Adjustments					
8 Summary: Revise permitted densities in "growth areas" and "conservation areas"	YES	YES	YEARS	ONEROUS	YES 1, 2, & 3
Modernize the Code to Support Mixed Use					
20 Summary: Update Code to make mixed-use development a predictable permitted use in commercial districts	NO	YES	MONTHS	SUBSTANTIAL	NO
GROUPING #3					
Forest Preservation					
13 Summary: Develop value-based tree preservation requirements including mitigation options and incentives	NO	YES	YEARS	ONEROUS	YES 1, 2, & 3
Encourage Naturalized Landscaping in Passive Open Space					
14 Summary: Develop standards for naturalized landscaping and native vegetation within open space where conditions permit	NO	YES	WEEKS	MANAGEABLE	NO
Focus Subdivision Design in Conservation Areas Around Conservation Priorities					
15 Summary: Develop new standards for major subdivisions in AR-1 to preserve the maximum lot size and valuable natural resources	YES	YES	YEARS	ONEROUS	YES 1, 2, & 3

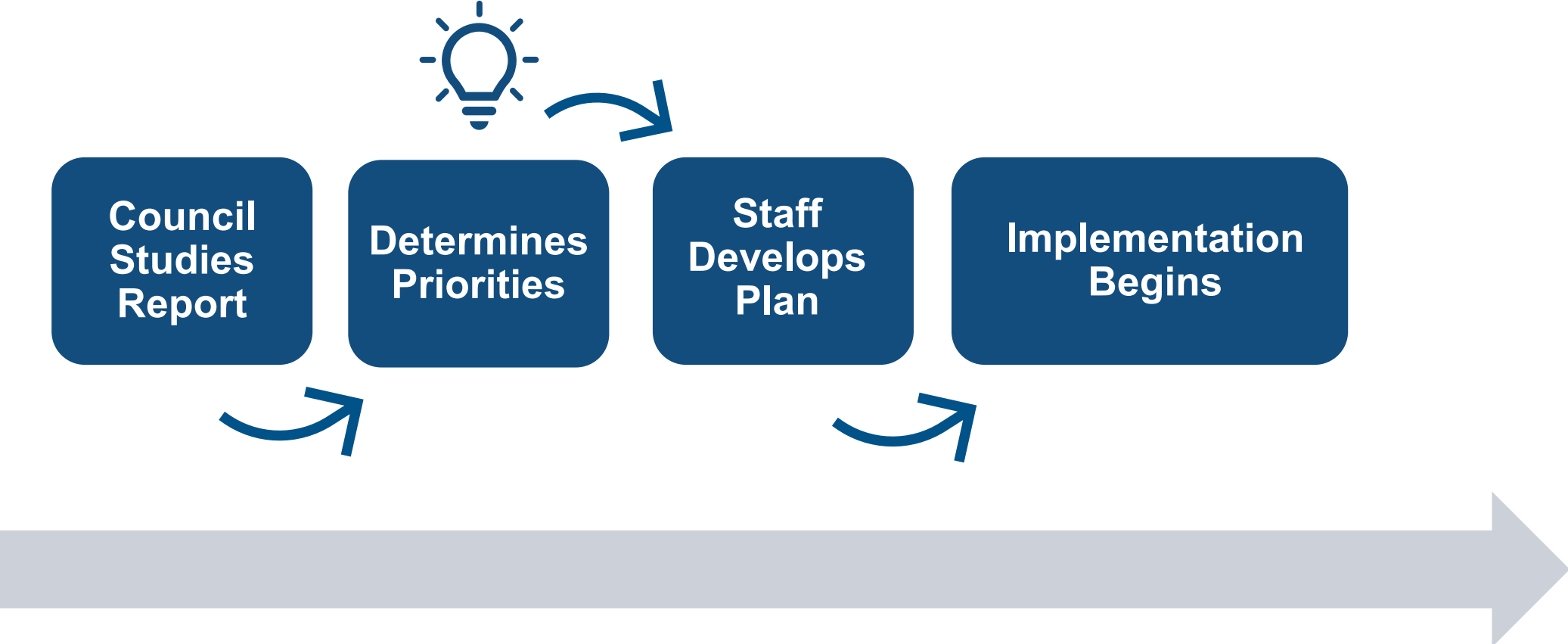


IMPLEMENTATION

	Requires Comprehensive Land Use Plan Change	Requires County Code Change	Length of Time Required to Enact	Difficulty Level	Coordination required with other Recommendations
STAND ALONE RECOMMENDATIONS					
MANAGEABLE					
10 Amend the Sussex County Rental Program (SCRCP) <i>Summary: Amend the SCRCP to change the set-aside number, AMI target, open space, and offer impact fee reductions</i>	NO	YES	WEEKS	MANAGEABLE	NO
12 Complete Adoption of a Master Plan Zoning Ordinance for Large-Scale Development <i>Summary: Finish the adoption of the drafted Master Plan ordinance</i>	NO	YES	WEEKS	MANAGEABLE	NO
16 Support Working Farms Through Permitted Agricultural Support Uses <i>Summary: Update Code to permit commercial agriculture related uses by-right in AR-1 zoning outside the growth areas</i>	YES	YES	WEEKS	MANAGEABLE	NO
18 Improve Clarity and Consistency of Subdivision Code Section §99-9(C) Standards <i>Summary: Revise the Subdivision Code to reduce subjectivity and improve clarity with objective criteria</i>	NO	YES	WEEKS	MANAGEABLE	NO
SUBSTANTIAL					
9 Develop Strategic Density Bonus Program <i>Summary: Create programs to add density above the base level to create funds for land preservation and units for workforce housing</i>	NO	YES	MONTHS	SUBSTANTIAL	YES 1, 2, & 3
ONEROUS					
11 Collaboration with DelDOT <i>Summary: Create TIDs for all growth areas and an impact fee for development in conservation areas</i>	YES	YES	YEARS	ONEROUS	YES 1, 2, 3, 4, 6, & 8
17 Explore a Transfer of Development Rights (TDR) Program <i>Summary: Develop TDR program to enable voluntary transfer from conservation-priority areas to designated growth areas with sending/receiving areas</i>	YES	YES	YEARS	ONEROUS	YES 1, 2, & 3
19 Prioritize Hearing Scheduling for Projects that Advance County Land Use Goals <i>Summary: Develop process to prioritize public hearings for projects that advance the County's goals and are located in the growth areas</i>	YES	YES	YEARS	ONEROUS	YES 1, 2, & 3



NEXT STEPS





PUBLIC COMMENT