



SUSSEX COUNTY LAND USE REFORM WORKING GROUP MEETING #5

June 12, 2025



WELCOME & INTRODUCTIONS

Sussex County

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

McCormick Taylor

- John Mullen
- Christina Arlt
- Jillian Dierks

Kramer & Associates

- Andrew Bing



WORKING GROUP ROLE & DELIVERABLES

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



WORKING GROUP ROLE & DELIVERABLES



2025 Quarterly Focus





TODAY'S AGENDA

- ❑ Welcome & Meeting & Process Overview
- ❑ Technical Discussion: Preserving Farmland & Critical Environmental Resources
- ❑ Draft Recommendations
- ❑ Questions & Final Thoughts
- ❑ Public Comment





MEETING SCHEDULE

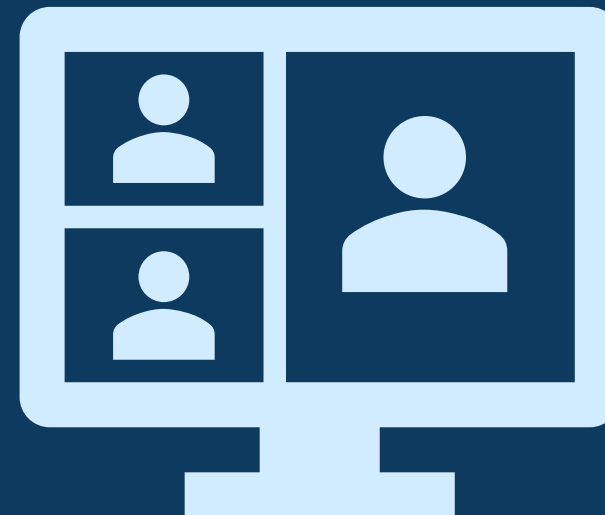
- ❑ **Individual Outreach: June 24th-26th & June 30th-July 2nd**
- ❑ **Meeting #6: Thursday, July 10, 10:00am–12:00pm,**
- ❑ Meeting #7: Thursday, July 24, 10:00am–12:00pm
- ❑ Meeting #8: Tuesday, August 5, 10:00am–12:00pm
- ❑ Meeting #9: Thursday, August 21, 10:00am–12:00pm

*Newly
scheduled
meetings*



UPCOMING ONE-ON-ONE WORKING GROUP MEMBER CALLS

- **Purpose:**
 - Hear individual feedback on draft and additional recommendations.
 - Provide additional background or technical context on draft recommendations if needed
- **Format:**
 - 1-hour virtual calls scheduled individually
 - Held June 24th-26th & June 30th-July 2nd
 - Scheduled based on member availability
 - Discussion questions will be shared in advance



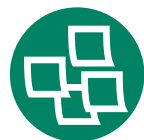


MEETING PROCESS OVERVIEW



Meeting #1

- Background & Goal Topics



Meeting #2

- Emerging Themes & Related Goals



Meeting #3

- Affordable Housing



Meeting #4

- Supporting smart, sustainable, infrastructure-efficient growth and limiting low-density sprawl



Meeting #5

- Preserving Farmland & Critical Environmental Resources



Meeting #6 (July 10)

- Recommendations

Meeting #7 (July 24th)

- Recommendation Refinement & Finalization

Meeting #8 (August 5)

- Recommendation Finalization

Meeting #9 (August 21st) IF NEEDED

- Recommendation Finalization



TECHNICAL DISCUSSION

FARMLAND & CRITICAL ENVIRONMENTAL RESOURCES



PRESERVE NATURAL RESOURCES AND FARMLAND

Preserving Natural Resources

- Existing Practices & Policies
- Early Ideas provided by Working Group Members

Preserving Farmland

- Existing & Best Practices
- Early Ideas provided by Working Group Members



Source: Google Maps

PRESERVE NATURAL RESOURCES: EXISTING PRACTICES & POLICIES



Perimeter Buffer Ordinance (Effective February 2025) strengthens protections for residential development edges:

- **Requires** the preservation and protection of existing trees within the buffer area.
- **Required** along the outer boundary of all major subdivisions and planned communities.
- **Minimum 30 ft wide**, planted with **native species**.
- **Signage every 100 ft** to indicate non-disturbance area and penalties for violations.
- **Implementation & Enforcement**



Source: University of Maryland Extension

PRESERVE NATURAL RESOURCES: EXISTING PRACTICES & POLICIES



Open Space Requirements and Definitions (Ordinance No. 3062, Adopted Dec 2024)

- **Minimum Open Space Requirements by density:**
 - 10% (2–5 units/acre)
 - 15% (6–10 units/acre)
 - 25% (over 10 units/acre)
- **Emphasis on connectivity and contiguity:**
small, isolated areas under 10,000 sq ft that are not connected to larger open space do not count toward totals.



Source: Google Maps

PRESERVE NATURAL RESOURCES: EXISTING PRACTICES & POLICIES



Permitted in open space:

- resource buffers,
- forested areas,
- scenic vistas,
- conservation easements,
- walking/biking paths (not in state road ROW),
- stormwater facilities.



Excluded from open space:

- building footprints,
- impervious surfaces (streets, sidewalks in ROWs, parking),
- clubhouses,
- pools,
- playgrounds, and
- utility facilities.

PRESERVE NATURAL RESOURCES: EARLY WORKING GROUP IDEAS



- ◆ **Use zoning to shift from yield-maximizing to conservation-first design.**
- ◆ **Require preserved Open Space for all subdivisions, including non-cluster.**
- ◆ **Increase** required Open Space with subdivisions.
- ◆ **Prioritize environmentally sensitive or agricultural land** for open space set-aside.
- ◆ **Ensure permanent protection** through easement or deed restriction.
- ◆ **End expedited review** for cluster subdivisions outside mapped growth areas.



PRESERVE FARMLAND: EXISTING PRACTICES

Fee-for-Density Structure

- Allows developers to exceed 2 units/acre (up to 4) when using cluster option and paying a per-unit fee.
- \$20,000 per bonus unit (above 2 units/acre).
- Funds go to County's Open Space & Farmland Preservation Fund.
- Supports purchase of conservation easements and open space acquisition.
- Links higher density to permanent land preservation elsewhere in the County.

Barriers: Low Utilization, Developers likely to rezone property.



PRESERVE FARMLAND: EXISTING PRACTICES

Sussex County Land Preservation – Local Tools & Partners

- **Sussex County Land Trust**
 - Purchased, protected, and managed open space since 2001
 - Holds land in fee simple, leasehold, or through conservation easement
 - Evaluates parcels using site acquisition criteria
 - Works in partnership with public agencies to leverage funding
- **Delaware Agricultural Lands Preservation Foundation (DALPF)**
 - Landowners receive tax exemptions and nuisance protections
 - Easements support farmland, habitat, and historic resource preservation



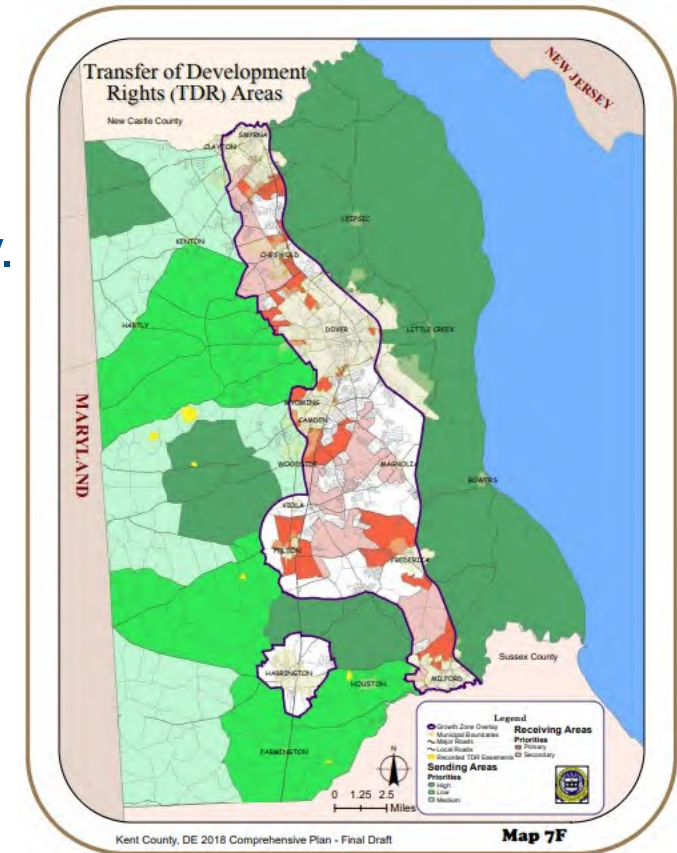
PRESERVE FARMLAND: BEST PRACTICES



Transfer of Development Rights (TDR):

Kent County, DE, Growth Zone Overlay Districts

- Growth Zones are in areas with water/sewer infrastructure and community facilities.
- Area/bulk requirement incentives encourage development in the overlay.
- TDR allows landowners outside Growth Zones to sell rights to owners within the zones.
- Limit woodland clearing to 30% outside of Growth Zones.
- Landowners can place land in agricultural or forestry preservation area for a period of time.
- Agricultural Conservation zoning district allows agricultural uses and low-density residential, provides environmentally-sound development in concern areas



Source: Kent County 2018 Comprehensive Plan

PRESERVE FARMLAND: BEST PRACTICES



Effective Agricultural Zoning (EAZ):

- A land use strategy that limits non-farm development in agricultural areas to preserve viable farmland and farming operations

Principles:

- **Low residential density:** 1 dwelling per acre (Worcester, MD) up to 1 dwelling per 20 acres (Lancaster, PA)
- **Limits on subdivision and non-ag uses**
- **Large minimum lot sizes** to reduce fragmentation
- **Clear boundaries** between growth and rural zones



Source: Lancaster Farmland Trust

PRESERVE FARMLAND: EARLY WORKING GROUP IDEAS






- ◆ Strengthen or expand density bonus tied to permanent land preservation (e.g., PDRs or conservation easements)
- ◆ Explore Transfer of Development Rights (TDR) Programs.
- ◆ Explore term-limited easements or agricultural use covenants.
- ◆ Allow landowners to receive value without permanent restrictions.



DISCUSSION



DISCUSSION QUESTIONS

-  **What barriers are there to farmland and natural resource protection under the current policy?**
-  **Are there tools we should explore or adapt?**
-  **What early ideas should advance to draft recommendations?**

EARLY WORKING GROUP IDEAS- PRESERVE NATURAL RESOURCES &



Preserve Natural Features

- Use zoning to shift from yield-maximizing to conservation-first design.
- Require preserved Open Space for all subdivisions, including non-cluster.
- Increase required Open Space with subdivisions.
- Prioritize environmentally sensitive or agricultural land for open space set-aside.
- Ensure permanent protection through easement or deed restriction.

Preserve Farmland

- End expedited review for cluster subdivisions outside mapped growth areas.
- Strengthen or expand density bonus tied to permanent land preservation (e.g., PDRs or conservation easements)
- Explore Transfer of Development Rights (TDR) Programs.
- Explore term-limited easements or agricultural use covenants.
- Allow landowners to receive value without permanent restrictions.



DRAFT WORKING RECOMMENDATIONS



ABOUT THE FIRST SET OF DRAFT RECOMMENDATIONS

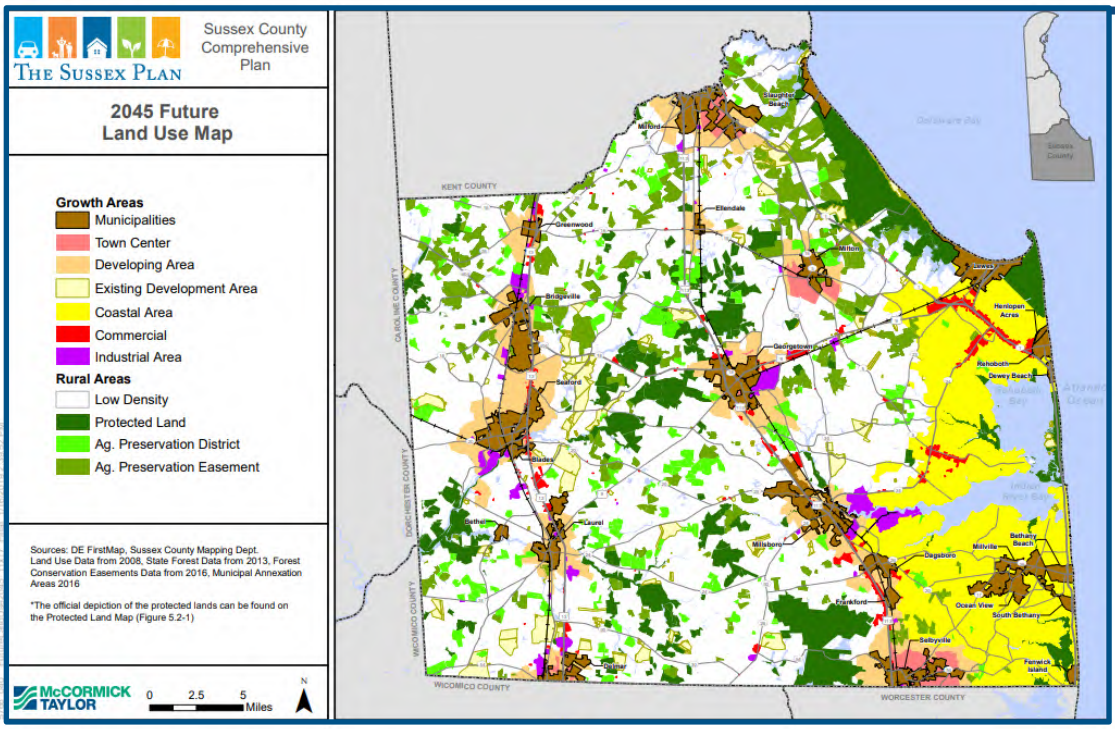
- These recommendations reflect what we've heard from:
 - **Working Group discussions** by goal topic
 - **One-on-one interviews** with members
- They represent an **initial step** to shape ideas into **potential actions for County Council consideration**.
- Recommendations range from **near-term steps** to **longer-term strategies**.
- What you'll see today are **simplified headlines** – we'll add detail and refinement as consensus builds around each recommendation.



DRAFT WORKING RECOMMENDATIONS

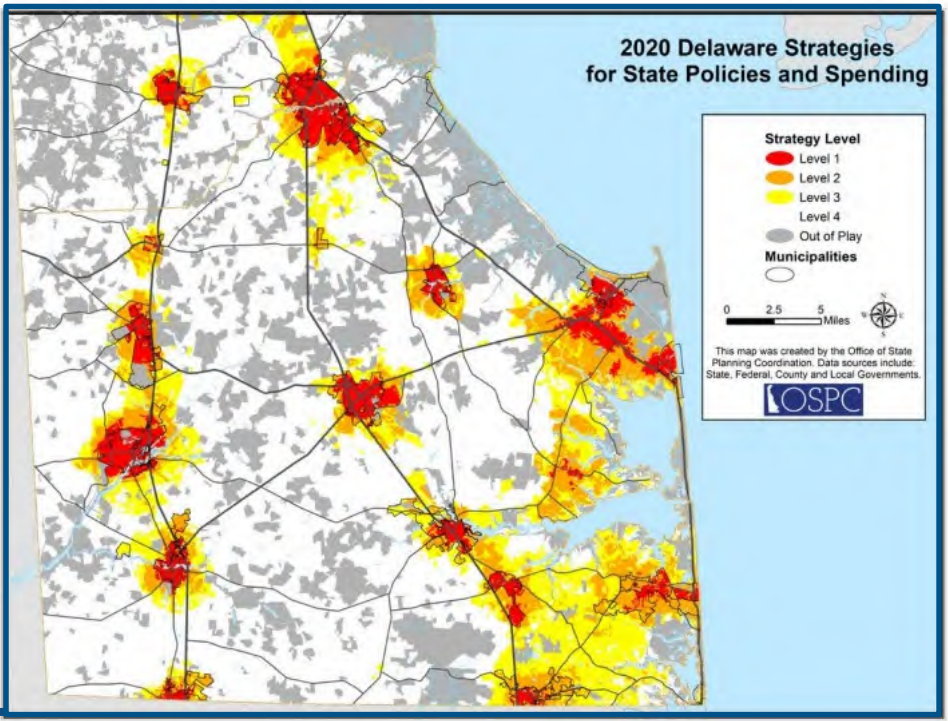


Explore the Alignment of Future Land Use Map with Updated State Investment Strategy



Future Land Use Map

Update Anticipated in 2025





DRAFT WORKING RECOMMENDATIONS



Comprehensive Rezoning



Standards for Rezoning





DRAFT WORKING RECOMMENDATIONS



Define Missing Middle Housing Types



Permit Missing Middle Housing By-Right



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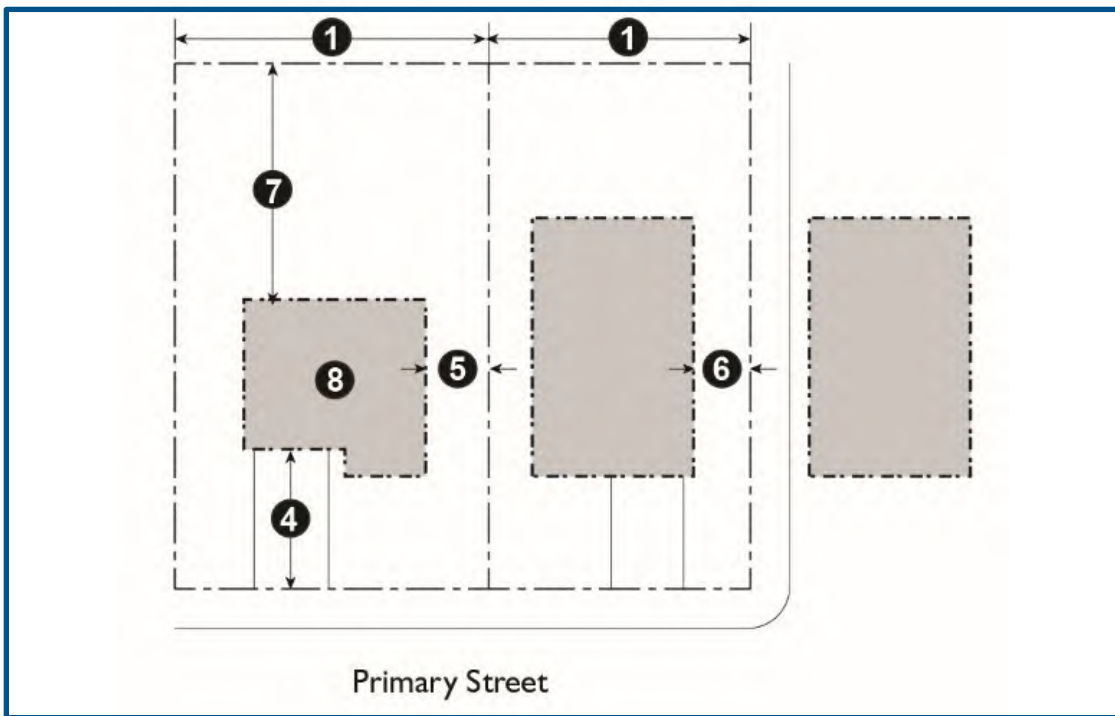




DRAFT WORKING RECOMMENDATIONS



Reduce Bulk & Setback Standards for Missing Middle Housing



Increase Maximum Building Heights





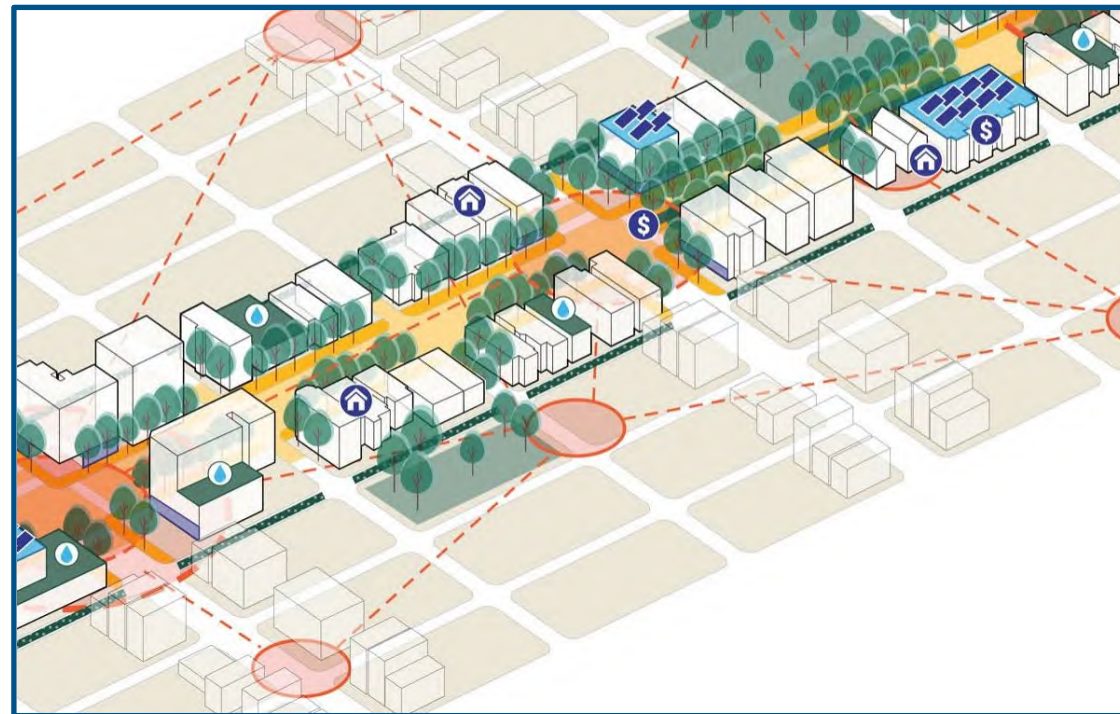
DRAFT WORKING RECOMMENDATIONS



Increase Multi-family Housing in Strategic Areas



Modernize CR-1 to Support Mixed-Use Residential Corridors





DRAFT WORKING RECOMMENDATIONS



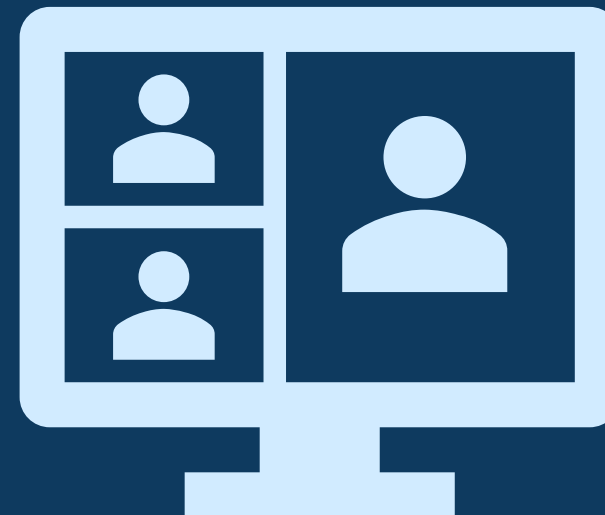
**Establish a Process for Phasing
Coordination of Transportation
Improvements**





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 - Ensure members clearly understand each recommendation
 - Hear individual feedback, concerns, and preferences
- **Format:**
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WRAP UP



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FINAL THOUGHTS & OPEN FLOOR

- Questions
- Takeaways and final thoughts



PUBLIC COMMENT