



# SUSSEX COUNTY LAND USE REFORM WORKING GROUP MEETING #6

July 10, 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
- ❑ Draft Recommendations
- ❑ Questions & Final Thoughts
- ❑ Public Comment





# MEETING SCHEDULE

- ❑ 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

# 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 24<sup>th</sup>-26<sup>th</sup> & June 30<sup>th</sup>-July 2<sup>nd</sup>
  - Scheduled based on member availability
  - Discussion questions were shared in advance



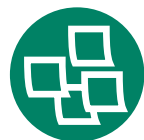


# MEETING PROCESS OVERVIEW



## 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)

- Confirm List of Draft Recommendations

## Meeting #7 (July 24<sup>th</sup>)

- Draft Recommendation Refinement & Finalization

## Meeting #8 (August 5)

- Draft Recommendation Finalization

## Meeting #9 (August 21st) IF NEEDED

- Recommendation Finalization





# MEETING PROCESS OVERVIEW



Understanding of Issues

Early Ideas & Best Practices

Draft Recommendations

Refinement of Draft Recommendations

Recommendations

Meeting #6 (July 10)

- Confirm List of Draft Recommendations

Meeting #7 (July 24<sup>th</sup>)

- Draft Recommendation Refinement & Finalization

Meeting #8 (August 5)

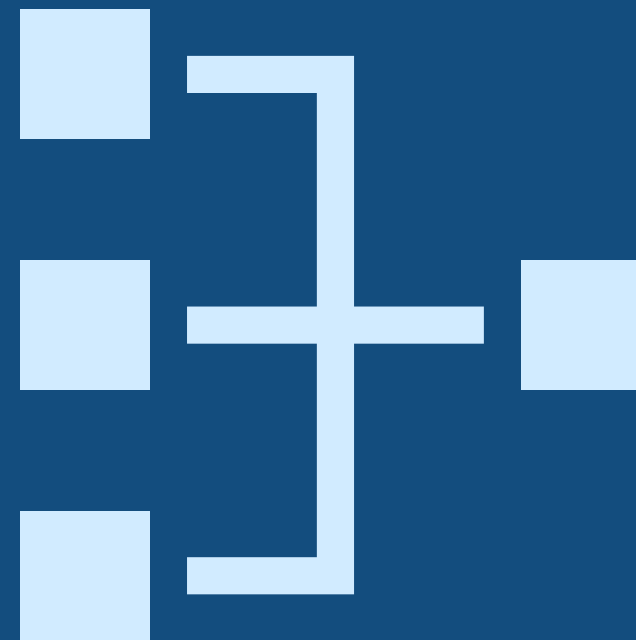
- Recommendation Finalization



# DRAFT RECOMMENDATION REFINEMENT

Over the last month, we've taken the first step toward identifying draft recommendations based on Working Group Input:

- At the **last meeting**, we introduced an **initial batch of 10 draft recommendations**.
- We followed up with **one-on-one conversations** to gather your **feedback, questions, and level of support** (on a scale of 1–5) for those draft recommendations.
- That feedback helped us identify **what was working, what was missing, what needed clarification**, and where more **detail or refinement** was necessary.





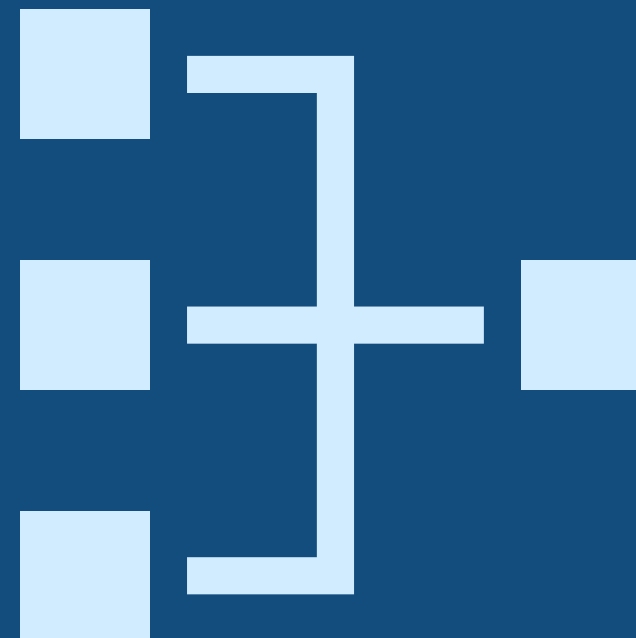
# DRAFT RECOMMENDATION REFINEMENT

## What We're Doing Today

- Today, we're sharing a **second batch of draft recommendations** based on earlier Working Group input.
- We're asking you to **review these with the same lens:** What resonates? What's missing? What needs more work?
- Our goal is to bring **all draft recommendations to the same level** so we can begin to prioritize and refine them further.

## Looking Ahead

- Over the next meetings, these recommendations will **continue to evolve**- some will become more specific based on your input, others may shift in form.





# **DRAFT RECOMMENDATIONS**

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# DRAFT WORKING RECOMMENDATIONS

*Developed  
Through  
June 10  
Meeting  
and  
Refinement*



Sussex County Land Use Reform Working Group  
Draft Recommendations (As of July 10<sup>th</sup>)

1. Explore the Alignment of the Future Land Use Map with the Updated State Investment Strategy
2. Comprehensive Rezoning: Proactively undertake a countywide rezoning to align zoning districts with updated goals, land use policies, and infrastructure realities.
3. Establish Clear Standards for Rezoning: Adopt criteria to evaluate rezoning applications, including plan consistency, infrastructure availability, and public benefit.
4. Define Missing Middle Housing Types: Clearly define housing types, like duplexes, triplexes, and cottage courts, to distinguish them from multifamily and support their inclusion as permitted uses in different districts.
5. Permit Missing Middle Housing By-Right in Strategic Areas: Eliminate conditional use requirements for missing middle housing in well-located growth areas.
6. Reduce Bulk and Setback Standards for Missing Middle Housing: Update dimensional standards (e.g., lot width, side yards) to allow compact and context-sensitive housing and to reduce land consumption.
7. Increase Maximum Building Heights in Strategic Areas: Raise height limits in designated growth zones to support multifamily, mixed-use, and infill development.
8. Increase Multi-Family Housing in Strategic Areas: Update zoning to encourage multi-family housing where infrastructure and services exist.
9. Modernize Commercial Zoning Districts to Support Mixed-Use Residential Corridors: Update the commercial districts to better support walkable, mixed-use corridor redevelopment.
10. Establish a Process for Phasing Coordination of Transportation Improvements: Link major development approvals to infrastructure sequencing and delivery timelines.
11. Allow Greater Building Lengths for Multifamily or Townhouse Development: Revise code to allow for longer buildings.
12. Establish Criteria for Growth Zones: Identify criteria to determine how and where growth zones are mapped.
13. Strategic Density Increases: Allow for increased density and lot size reduction within mapped growth areas.
14. Evaluate Sussex County Rental Program (SCRIP) Program Performance and Affordability Targets: Conduct a formal evaluation of the SCRIP after two years (or at a defined milestone) to assess effectiveness and alignment with affordability goals. Review whether current Average Median Income (AMI) targets remain appropriate and financially feasible and identify opportunities to waive or reduce certain fees (e.g., Transportation Impact District [TID] impact fees) to improve project viability.

*Support  
Farmland  
and  
Preserve  
Natural  
Features*



Sussex County Land Use Reform Working Group  
Draft Recommendations (As of July 10<sup>th</sup>)

15. Tree Preservation: Promote the retention of existing trees by enacting strenuous replacement requirements in AR-1 outside of growth areas. Options for consideration include allowing a percentage of tree removals before triggering the replacement requirement; requiring native, deciduous species for replanting; and limiting the percentage of evergreens permitted.
16. Require Naturalized Stormwater Basins in Preserved Open Space: Encourage coordination with the Sussex Conservation District (SCD) to promote naturalized surface stormwater basins, such as those featuring native vegetation and habitat value, when located within required open space. Native plantings and ecological integration should be encouraged where basin design allows.
17. Refocus Subdivision Design Around Conservation Priorities: Strengthen the application of conservation-first design in AR-1 by evaluating current practices, clarifying requirements, and requiring clustered subdivisions for Major Subdivisions outside growth areas.
18. Increase Open Space Requirements and Remove Minimum Lot Sizes in Clusters: Increase open space in subdivisions outside growth areas in both cluster and non-cluster subdivisions and reduce or eliminate minimum lot sizes in cluster subdivisions to support compact development and meaningful preservation.
19. Support Working Farms Through Permitted Agricultural Support Uses: Permit agricultural support uses by right on active farms outside growth zones (e.g., processing facilities, repair shops, farm stands), with performance standards to mitigate impact.
20. Adjust AR-1 Zoning Outside Growth Areas: Reduce base density to 1 unit per acre in AR-1 outside mapped growth areas; retain 2 units/acre in AR-1 when located within growth areas.
21. Create a Master Plan Zoning Ordinance for Large-Scale Development: Complete adoption of the drafted Master Plan Zone ordinance to enable coordinated, mixed-use, and infrastructure-supported developments that align with County goals. This zoning tool can help guide large-scale development through a phased, Comprehensive Plan-aligned process.
22. Explore a Transfer of Development Rights (TDR) Program: Enable voluntary transfer of development rights from conservation-priority areas to designated growth zones. Establish sending/receiving areas and administrative support.





# DRAFT WORKING RECOMMENDATIONS - PRESERVATION

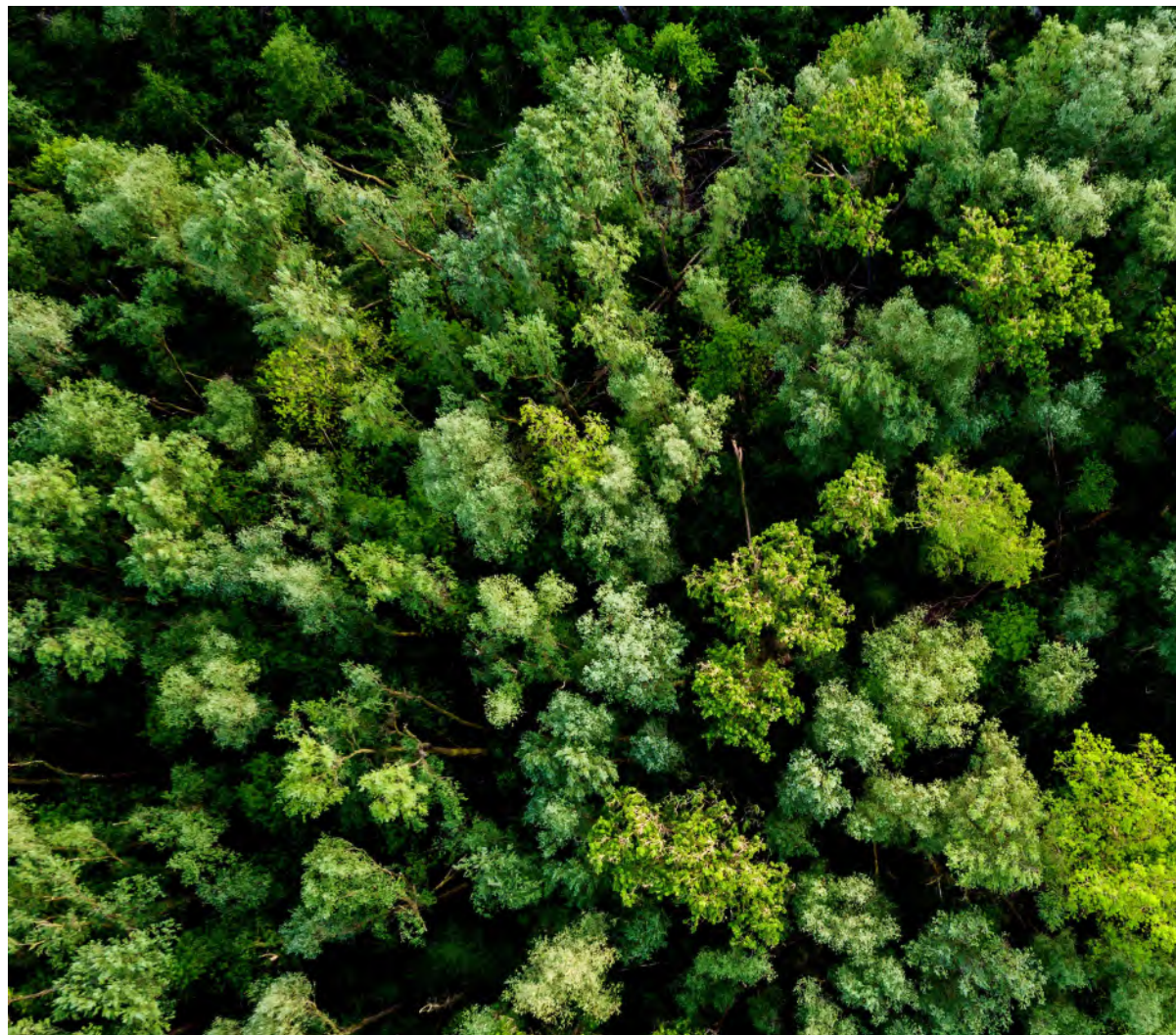


## Tree Preservation

**Concern:** Loss of forest and wooded areas on large rural parcels due to subdivision development, particularly in AR-1 districts outside growth areas.

### Why is it a problem?

- Loss of mature trees can negatively affect **water quality, habitat, and rural character**
- Tree clearing contributes to the **fragmentation of open space** and **ecological degradation**



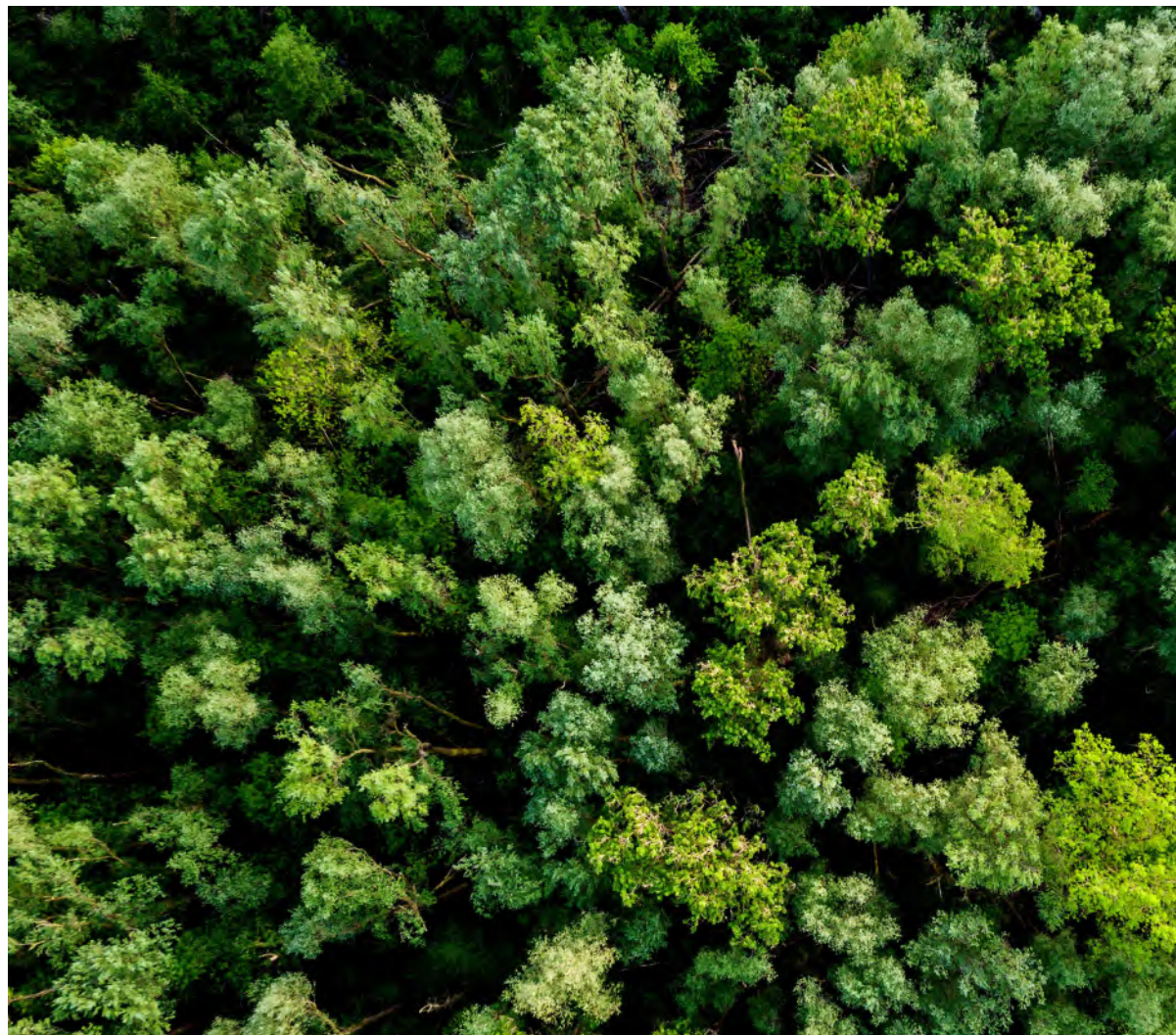




# DRAFT WORKING RECOMMENDATIONS - PRESERVATION

## What is already being done?

- **Tree assessments (2024 Ord. 3061)** are required as part of subdivision review
- **Subdivision design** must consider natural features, including wooded areas under cluster development standards
- **Open space requirements** in cluster subdivisions can include wooded areas
- **Buffer Ordinance (updated 2024)** includes protection and reforestation requirements
- **Tree protection measures** are required during construction for retained trees







# DRAFT WORKING RECOMMENDATIONS - PRESERVATION

## Draft Recommendation:

- Promote preservation with strenuous **tree replacement** in **AR-1 districts outside growth zones** to discourage removals

## Options to consider:

- Allow a **percentage of tree removals** before triggering replacement
- Require **native, deciduous species** for replanting
  - Allow up to a certain percentage of **evergreens** as substitutions







# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## Tree Preservation

- What **questions or concerns** do you have about this draft recommendation?
- What **additional detail** would you like added to this draft recommendation?







# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## Naturalized Stormwater Basins in Preserved Open Space

**Issue/Concern:** Stormwater basins within subdivisions are often designed as **sterile, fenced detention areas** with limited ecological value, especially when located **within preserved open space**.

- These basins may visually and functionally **fragment open space**, rather than enhance it
- Missed opportunity to **support wildlife habitat, infiltration, and native vegetation**
- Can appear **inconsistent with the intent of land preservation**





# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## What is already being done?

- The **Sussex Conservation District (SCD)** and County Engineering are currently reviewing regulations to consider updates for sediment and erosion control that might affect stormwater construction.
- **State stormwater regulations** govern design standards and must be followed.





# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## Draft Recommendation:

- Coordinate with SCD to promote naturalized stormwater basins through **design guidance when located within required open space.**
- Encourage native planting and ecological integration where basin design allows





# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## Naturalized Stormwater Basins in Preserved Open Space

- What **questions or concerns** do you have about this draft recommendation?
- What **additional detail** would you like added to this draft recommendation?



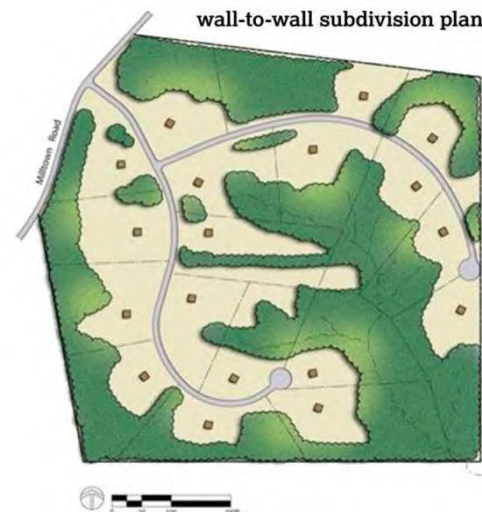
# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## Focus Subdivision Design Around Conservation Priorities

**Concern/Issue:** Subdivision layouts sometimes do not reflect conservation priorities, resulting in fragmented open space and unnecessary disturbance of farmland, forests, and other sensitive natural features.

- Subdivisions that do not prioritize conservation can degrade water quality, habitat, and rural character.
- Poor layout can reduce the value and function of preserved areas, limiting their ecological and scenic benefits.
- Development that fragments farmland can reduce the viability of surrounding agricultural operations.

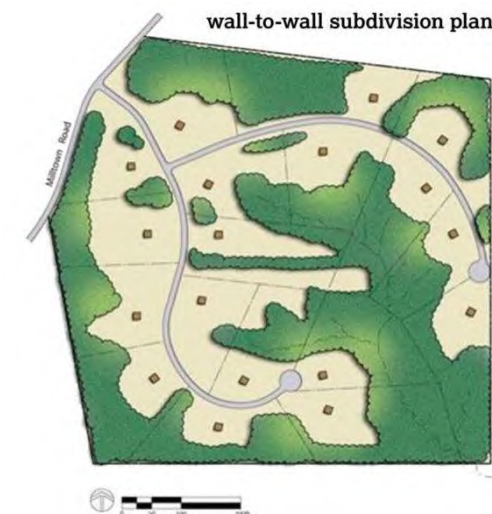


Source: Natural Lands Trust

# DRAFT WORKING RECOMMENDATIONS - PRESERVATION

## What is already being done?

- Cluster subdivisions in AR-1 must follow a conservation-first design process (per §115-25F).
- Applicants must:
  1. Map sensitive features and preservation priorities (wetlands, forests, waterways, historic views, prime farmland)
  2. Identify suitable development areas with minimal impact
  3. Design road and trail networks
  4. Place lot lines last
- Open space must be contiguous and integrated into subdivision design.



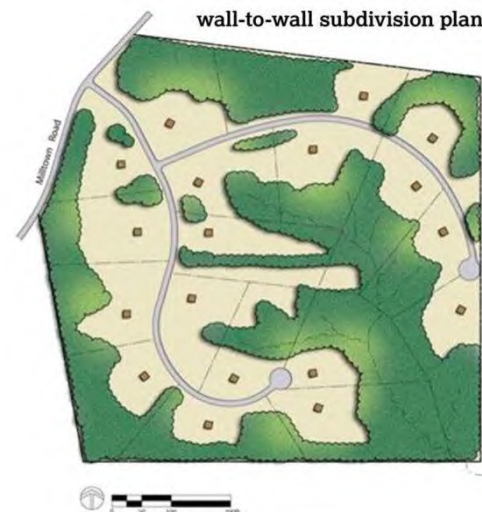
Source: Natural Lands Trust



# DRAFT WORKING RECOMMENDATIONS - PRESERVATION

## Draft Recommendation:

- Evaluate the effectiveness and enforcement of the existing four-step conservation design process.
- Improve the visibility and clarity of conservation-first requirements in review materials and checklists.
- Require cluster subdivision for all AR-1 developments located outside of growth areas when the total land area exceeds a specified threshold (e.g., Major Subdivisions).



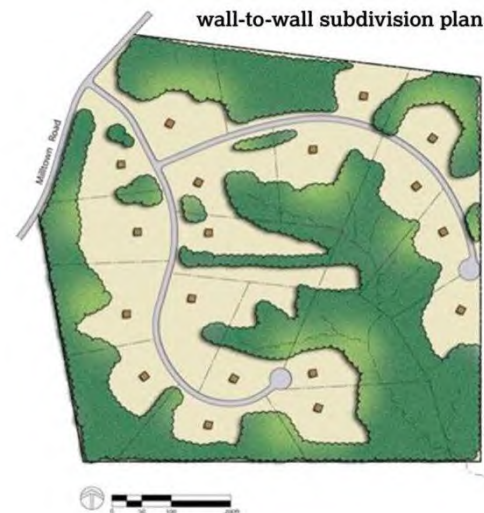
Source: Natural Lands Trust

# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## Refocus Subdivision Design Around Conservation Priorities

- What **questions or concerns** do you have about this draft recommendation?
- What **additional detail** would you like added to this draft recommendation?



Source: Natural Lands Trust



# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## Increase Open Space Requirements and Remove Minimum Lot Sizes in Clusters

**Concern:** Current open space requirements may not result in meaningful land preservation in subdivisions.

### Why is it a problem?

- **Open space thresholds** may not be sufficient to preserve natural features or rural character in lower-density areas
- **Large minimum lot sizes** can prevent flexible layouts that concentrate development and preserve land
- Scattered or fragmented open space may not deliver ecological or visual benefits





# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## What has already been done?

- **Open Space Requirements updated** (Ordinance No. 3062, adopted Dec 2024):
  - 10% required for 2–5 units/acre
  - 15% for 6–10 units/acre
  - 25% for over 10 units/acre
- Open space must be **contiguous** and connected; isolated areas under 10,000 sq. ft. do not count toward the total

# 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.



# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## Draft Recommendation:

- Increase **open space percentage** for subdivisions outside of mapped growth areas (e.g., AR-1 Low Density Areas)
- **Remove or reduce minimum lot size** requirements in cluster subdivisions to allow compact design and maximize conserved land



# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## Increase Open Space Requirements and Remove Minimum Lot Sizes in Clusters

- What **questions or concerns** do you have about this draft recommendation?
- What **additional detail** would you like added to this draft recommendation?





# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## Support Working Farms Through Permitted Agricultural Support Uses

Current zoning requires a **Conditional Use** for some agricultural support services in agriculturally zoned land.

### Why is it a problem?

- **Conditional Use process adds cost, time, and uncertainty.**
- Agricultural operations depend on **support services** and **proximity to those services increases industry viability.**





# DRAFT WORKING RECOMMENDATIONS - PRESERVATION

## Draft Recommendation:

- Permit **agricultural support uses in AR-1** outside growth areas (e.g., equipment repair, produce processing, farm stands)
- Consider applying **performance standards** to minimize off-site impacts
  - Buffering and setbacks
  - Access and traffic limitations
  - Lighting and hours of operations







# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## Support Working Farms Through Permitted Agricultural Support Uses

- What **questions or concerns** do you have about this draft recommendation?
- What **additional detail** would you like added to this draft recommendation?





# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## Adjust AR-1 Zoning Outside Growth Areas

**Concern/Issue:** The AR-1 zoning district permits up to **2 dwelling units per acre by right**, which can allow **suburban-style residential subdivisions** in rural areas, especially when located **outside of designated growth areas**.

- This density may be **incompatible with rural infrastructure** and land preservation goals
- It contributes to **low-density sprawl** in areas not intended for concentrated development
- Missed opportunity to focus growth in areas where infrastructure already exists





# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## Draft Recommendation:

- **Evaluate reducing base density** to 1 unit per acre in AR-1 **outside mapped growth areas** (e.g. AR-1 Low Density Areas)
- Retain **2 units per acre** in AR-1 when located within growth areas.
- Consider future rezoning to reinforce this differentiation over time



# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## Adjust AR-1 Zoning Outside Growth Areas

- What **questions or concerns** do you have about this draft recommendation?
- What **additional detail** would you like added to this draft recommendation?





# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



Source: Bayside, Delaware, Parker Rodriguez



## Enact Master Plan Zoning for Large-Scale Mixed-Use Development

**Issue:** Sussex County currently lacks a clear zoning tool to guide large, master-planned developments that can deliver public benefits, such as infrastructure, housing diversity, and open space, in a coordinated, phased manner.

- Large-scale projects are often reviewed through conventional zoning processes that do not require coordination with infrastructure or community needs.
- There is no path for reviewing self-sufficient or mixed-use communities that may be appropriate even outside traditional growth areas- especially when they deliver essential services or housing types.



# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



Source: Bayside, Delaware, Parker Rodriguez

## What is already being done:

- Sussex County has drafted a **Master Plan Zone (MPZ)** ordinance that allows for:
  - Phased development tied to infrastructure
  - Mixed-use design flexibility and housing diversity
  - Review standards aligned with the Comprehensive Plan
  - Integration of SCRP units and public open space
- MPZ zoning has not yet been adopted or implemented





# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



Source: Bayside, Delaware, Parker Rodriguez

## Draft Recommendation:

- Finalize and adopt the Master Plan Zone





# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



Source: Bayside, Delaware, Parker Rodriguez



## Enact Master Plan Zoning for Large-Scale Mixed-Use Development

- What **questions or concerns** do you have about this draft recommendation?
- What **additional detail** would you like added to this draft recommendation?



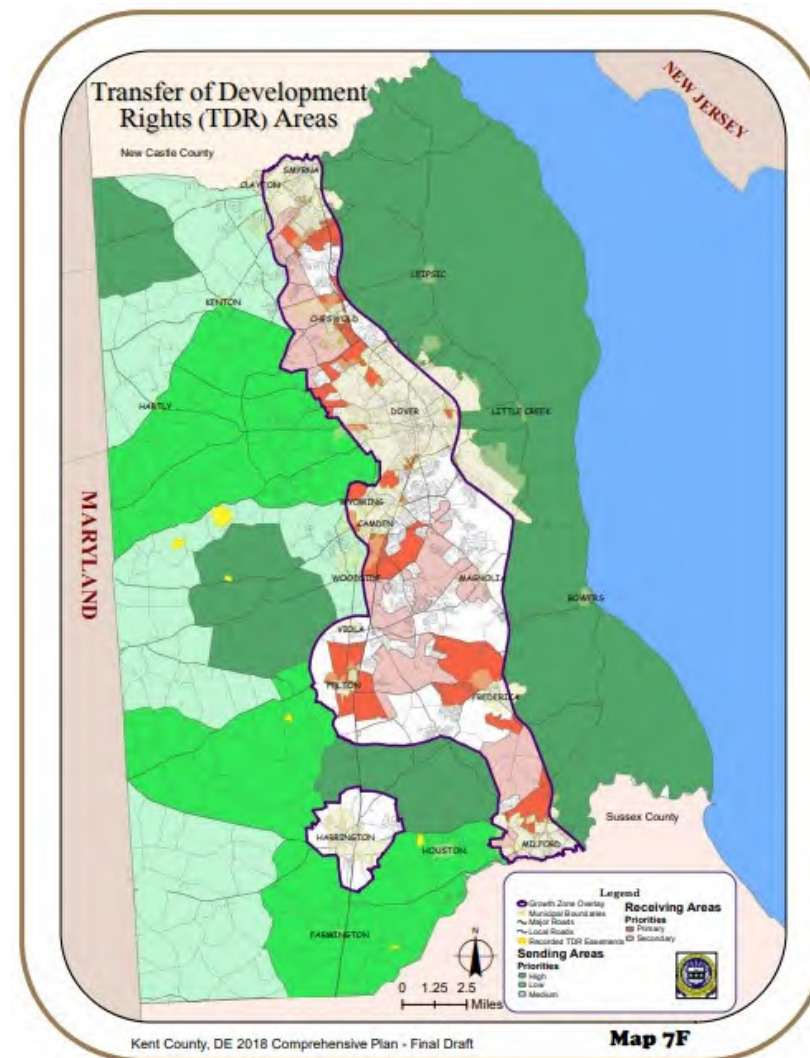
# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## Explore Transfer of Development Rights Program

**Issue/Concern:** Subdivision and development pressure continues in rural and conservation-priority areas, even where infrastructure is limited or natural resource value is high.

As agricultural land is converted to residential development, the viability of surrounding farms can be undermined.

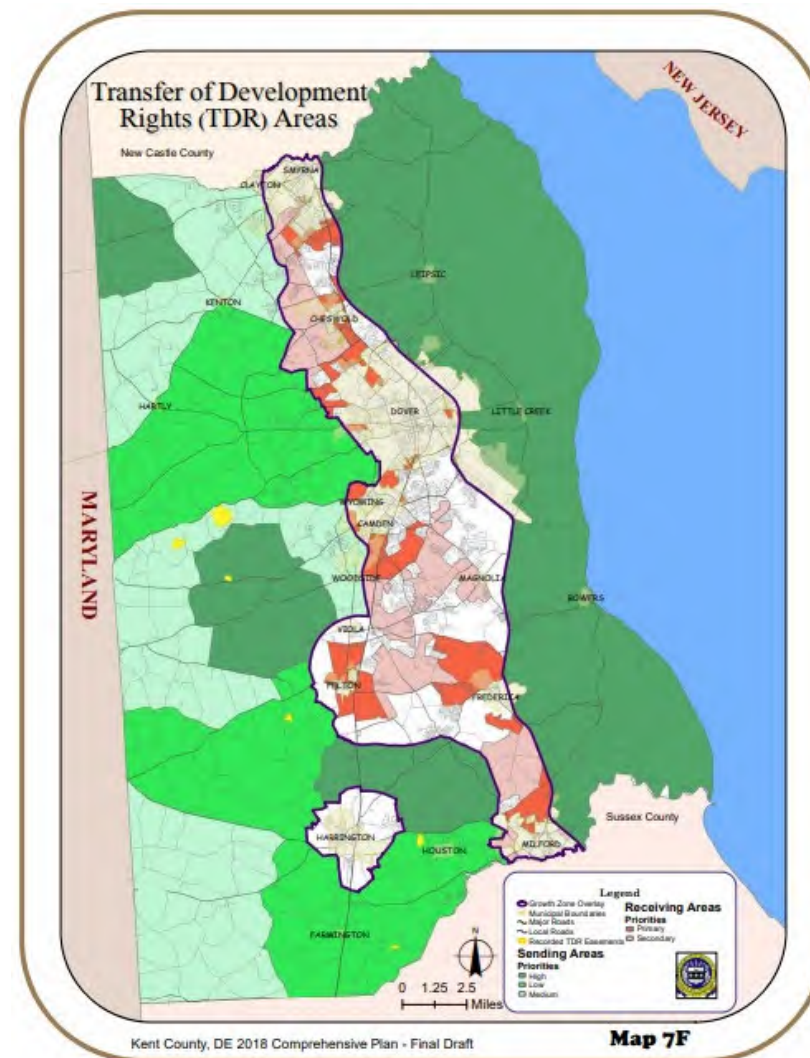


Kent County, DE 2018 Comprehensive Plan - Final Draft

# DRAFT WORKING RECOMMENDATIONS - PRESERVATION

## Draft Recommendation:

- Evaluate the feasibility of a **Transfer of Development Rights (TDR)** program





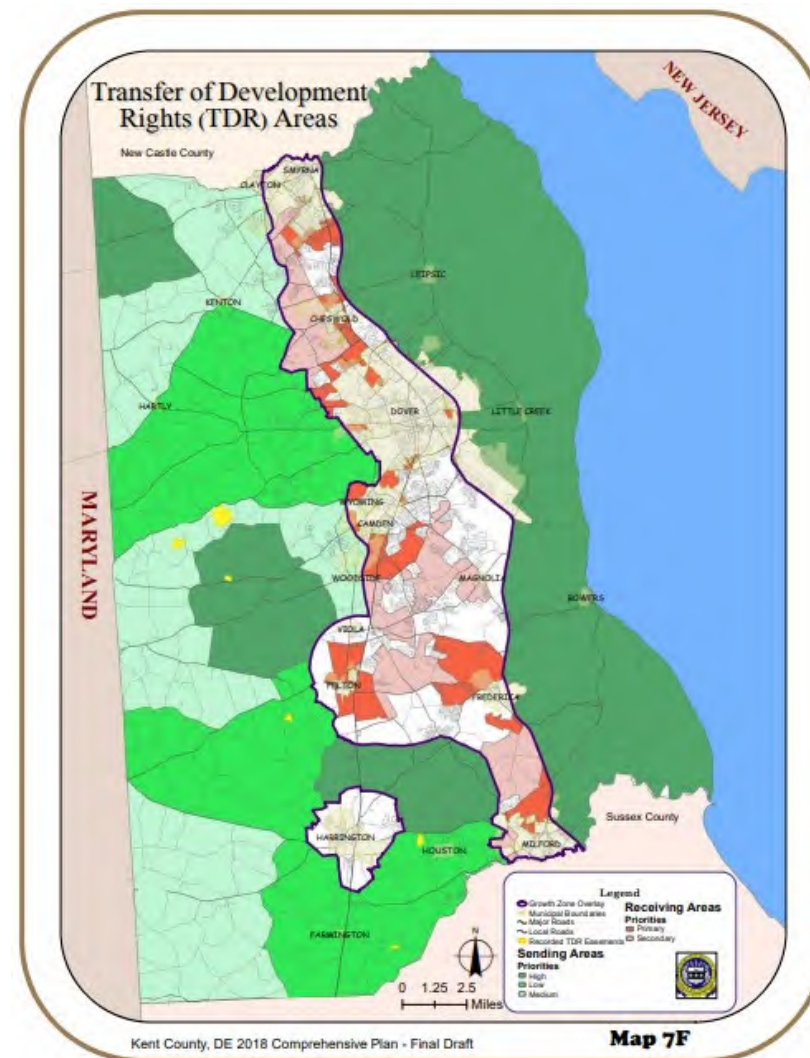


# DRAFT WORKING RECOMMENDATIONS - PRESERVATION



## Explore Transfer of Development Rights Program

- What **questions or concerns** do you have about this draft recommendation?
- What **additional detail** would you like added to this draft recommendation?





# DISCUSSION



# WRAP UP





# MEETING SCHEDULE

- ❑ **Meeting #7: Thursday, July 24, 10:00am–12:00pm**
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# FINAL THOUGHTS & OPEN FLOOR

- Questions
- Takeaways and final thoughts



# **PUBLIC COMMENT**