



# Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

## Completed Application

### Provide fifteen (15) copies of the Site Plan or Survey of the property and a PDF (via e-mail)

- Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
- Provide compliance with Section 99-9.
- Deed or Legal description, copy of proposed deed restrictions, soil feasibility study

### Provide Fee \$500.00

**Optional - Additional information for the Commission to consider** (ex. photos, exhibit books, etc.) If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

**Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

**PLUS Response Letter** (if required)

**51% of property owners consent if applicable**

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

### Signature of Applicant/Agent/Attorney

\_\_\_\_\_

Date:

### Signature of Owner

\_\_\_\_\_

Date:

### For office use only:

Date Submitted: \_\_\_\_\_

Fee: \$500.00 Check #: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

Location of property: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_

Recommendation of PC Commission: \_\_\_\_\_

## COMMUNITY DEVELOPMENT & HOUSING

BRAD D. WHALEY  
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# Sussex County

DELAWARE  
sussexcountyde.gov

### Affordable Housing Support Policy

#### I. Mission Statement

It is Sussex County's mission to promote non-discrimination and affirmatively further fair and equal housing opportunities for all, and further, to inform housing developers and the general public that the County supports the development of affordable housing opportunities in Sussex County.

#### II. Affordable Housing Subdivisions

Sussex County promotes racially/ethnically diverse, mixed income, affordable housing in all areas under its jurisdiction. Accordingly, Developers are encouraged to provide affordable housing opportunities to Sussex County residents in all new developments, affirmatively market those affordable housing units to diverse populations, and meet with the surrounding residents early in the development approval process.

#### III. Affordable Housing Defined

- a. **Homeownership:** Sussex County considers an affordable housing project to be a housing project in which any portion thereof is designed or intended to serve households earning less than 125 percent of the Area Median Income for Sussex County as calculated by the U.S. Department of Housing and Urban Development annually, and which is comprised of at least one of the following elements:
  - i. Seeking participation in Sussex County's Moderately Priced Housing Unit (MPHU) Program
  - ii. Applying for funding by the Delaware State Housing Authority's (DSHA) Housing Development Fund (HDF)
  - iii. Applying for HOME Investment Partnerships (HOME) funding through DSHA
  - iv. Applying for a Section 523 or 524 Rural Housing Site Loan through the U.S. Department of Agriculture (USDA) Rural Development
  - v. Sussex County Habitat for Humanity
  - vi. Milford Housing Development Corporation
  - vii. Community Land Trust
  - viii. Other elements which, in the County's discretion, meet the goals and objectives set forth in the Affordable Housing Support Policy Mission Statement.



- b. **Rental:** Sussex County considers an affordable rental housing project to be a rental housing project in which any portion thereof is designed or intended to serve households earning less than 80 percent of the Area Median Income for Sussex County as calculated by the U.S. Department of Housing and Urban Development annually, and which is comprised of at least one of the following elements:
  - i. Seeking participation in the Sussex County Rental Program (SCRCP)
  - ii. Applying for funding by the Delaware State Housing Authority's (DSHA) Housing Development Fund (HDF)
  - iii. Applying for HOME Investment Partnerships (HOME) funding through DSHA
  - iv. Applying for funding by DSHA's Low Income Housing Tax Credits (LIHTC) program
  - v. Applying for Multi-Family Mortgage Revenue Bond Program (MFMRB) financing through DSHA
  - vi. Applying for a Rural Rental Housing Loan through USDA Rural Development
  - vii. Applying for a Guaranteed Rental Housing Loan through USDA Rural Development
  - viii. Community Land Trust
  - ix. Other elements which, in the County's discretion, meet the goals and objectives set forth in the Affordable Housing Support Policy Mission Statement.

#### **IV. Affordable Housing Project Support**

##### **a. Letter of Support**

Sussex County will provide conditional letters of support to developers of affordable housing projects seeking financing opportunities, provided that the project qualifies under the definitions above. Further, support letters for affordable rental housing projects will only be authorized if the project is proposed in an Area of Opportunity, as defined by DSHA in Exhibit A. For further information regarding impacted areas versus areas of opportunity, please contact Karen Horton with DSHA at (302) 739-4263. **Note:** Letters of support do not exempt the developer from the County's planning and zoning process, nor guarantee approval through that process.

##### **b. Deferral of Fees**

Sussex County desires to encourage the construction of affordable housing for low- and moderate-income households. The County finds that the up-front payment of sewer impact fees for affordable residential housing development creates a barrier to such development and desires to ease the barrier by deferring the time for payment of the fees.

Projects must qualify under Sussex County Code (§110-94) and Delaware State Code (Title 9, Chapter 81, Sections 8105, 8106, and 8110). Qualifying projects will not be assessed connection charges for County sewer. However, once the property is

transferred or sold to a non-qualifying buyer, those deferred charges will be immediately due and payable within 30 days.

It is incumbent upon the affordable housing developer to submit evidence of their qualifying status to the County's Assessment Department to ensure that they benefit from this affordable housing incentive.

# Sussex



# County

## **FAIR HOUSING POLICY**

It is the policy of Sussex County to comply with the Fair Housing Act, as amended, (42 U.S.C. §§ 3601-3619) and the Delaware Fair Housing Act (6 Del. C. Ch. 46), by ensuring that its zoning and land use decisions do not discriminate against persons based on race, color, religion, national origin, handicap/disability, familial status, sex, creed, marital status, age, sexual orientation, or gender identity. This policy means that, among other things, the County and all its officials, agents and employees will not discriminate in any aspect of housing based on these protected characteristics, including by:

- (a) making unavailable or denying a dwelling to any person based on a protected characteristic;
- (b) discriminating against any person in the terms, conditions or privileges of a dwelling, or in the provision of services or facilities in connection therewith based on a protected characteristic;
- (c) Making, printing, or publishing, or causing to be made, printed, or published any notice, statement, or advertisement, with respect to a dwelling that indicates any preference, limitation, or discrimination based on a protected characteristic;
- (d) Representing to persons because of a protected characteristic that any dwelling is not available when such dwelling is in fact so available;
- (e) interfering with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right protected by the Fair Housing Act;
- (f) interfering with the funding, development, or construction of any affordable housing units because of a protected characteristic; and
- (g) discriminating on the basis of race or color in any aspect of the administration of its zoning, land use, or building ordinances, policies, practices, requirements, or processes relating to the use, construction, or occupancy of dwellings.

Any person who believes that any of the above policies have been violated by the County may contact:



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DELAWARE 19947

- Sussex County's Fair Housing Compliance Officer, Brandy Nauman, at [bnauman@sussexcountyde.gov](mailto:bnauman@sussexcountyde.gov) or (302) 855-7777.
- the U.S. Department of Housing and Urban Development at 1-888-799-2085, or
- the U.S. Department of Justice at 1-800-896-7743 or (202) 514-4713.

It is also the policy of Sussex County to ensure that conduct at public hearings regarding land use and zoning adhere to the intentions of the Fair Housing Policy as outlined above. Legal counsel representing County Council, the Board of Adjustment, and the Planning & Zoning Commission will read the following statement prior to the start of all public hearings:

- "Sussex County, in its zoning and land use decisions, does not discriminate against persons based on race, color, religion, national origin, handicap/disability, familial status, sex, creed, marital status, age, sexual orientation, or gender identity. Public comments made on the basis of bias and stereotype concerning people within these protected classes will not be taken into consideration by the County in its deliberations."