

**SUSSEX COUNTY COUNCIL**

**COUNTY CODE UPDATE**

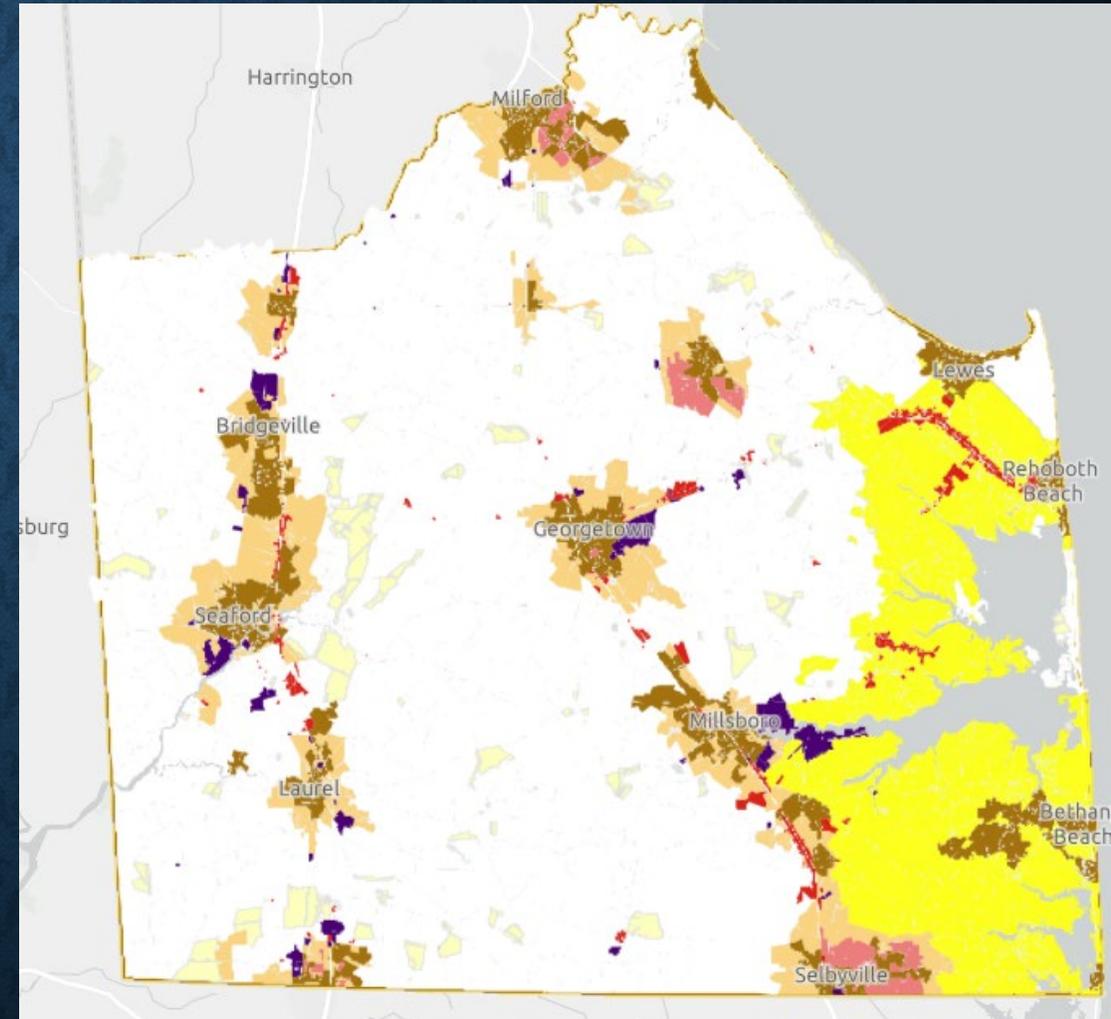
**MARCH 3, 2026**

# CODE UPDATE

- **Today's presentation is the continued Code update discussion, building on the last Council workshop on January 24, 2026.**
- **Our Approach:**
  - 1) Provide updates on the proposed Code changes**
  - 2) Receive feedback and direction on any outstanding questions**
  - 3) Return next week to discuss and introduce Ordinances for future public hearings**
  - 4) Continue bringing updates to Council to complete "first round" of changes**
- **First Round of Ordinances:**
  - 1) Sussex County Rental Program (SCRCP)**
  - 2) Open Space Requirements**
  - 3) Preliminary Plat Requirements (§99-9C), Interconnectivity and Superior Design**
  - 4) Subdivisions in Rural Areas and Growth Areas**
  - 5) Forest Preservation**
  - 6) New Code definitions**

# CODE UPDATE – SCRP

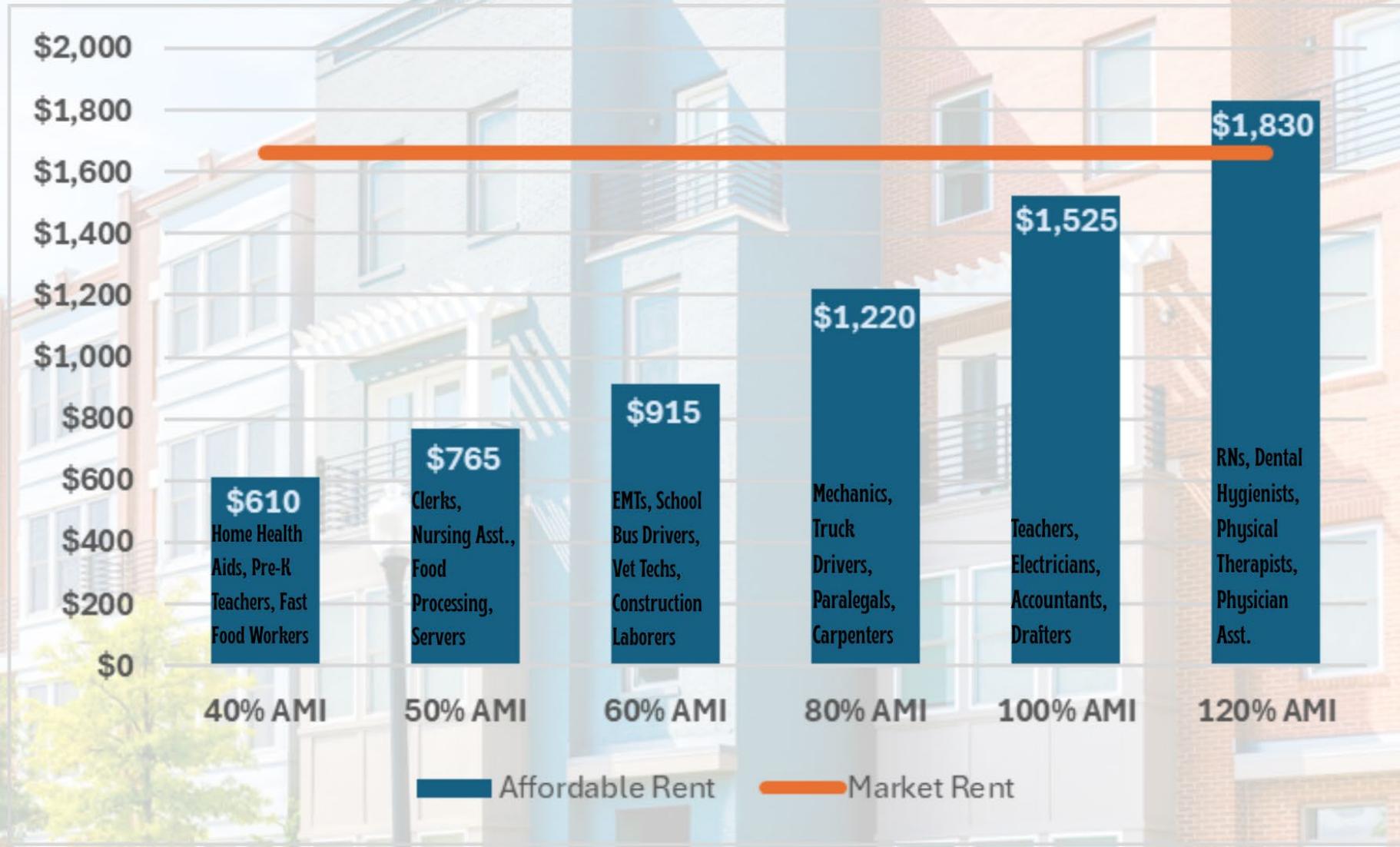
- **Adjusting Sussex County Rental Program (SCRCP)**
- **Keep SCRP projects as a permitted, by-right use in all Residential Zoning Districts in Growth Areas per current Code**
- **Reduce set-back requirements (appropriate relationship between use and height; existing or future uses)**
- **Reduce open space requirements**
- **Adjust SCRP units to 15% of total units (down from 25%)**
- **Adjust unit rental pricing to 60% AMI (up from 50% AMI)**



# SCRIP SNAPSHOT

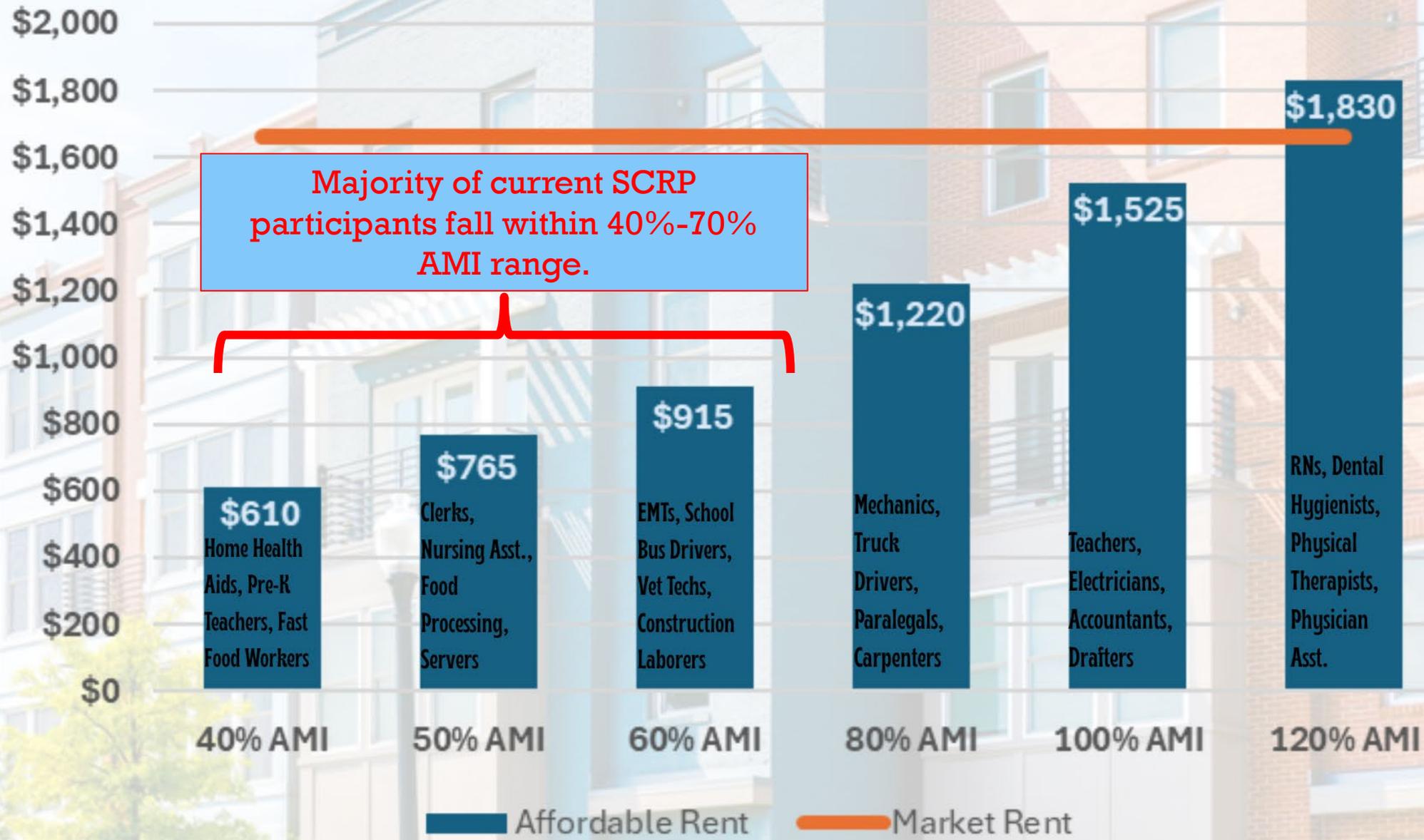
- Coastal Tide in 2026:
  - 85 households are currently on the waiting list
    - This is just the SCRIP waiting list
    - Applicants are pre-screened for a minimum income
  - The average length of time tenants have resided there is nearly 3 years, with 7 of them having been there since 2021 (opening of the complex)
  - All units are occupied, no vacancies
  - The predominant AMI range for households at the time of application was 40-70% AMI, and that remains consistent through the recertification process (annual lease renewal).

# SUSSEX COUNTY RENTAL AFFORDABILITY



## SUSSEX COUNTY, DELAWARE | 2025 AMI | 1-BEDROOM RENTAL COMPARISON

Affordable rental rates assume 25% of gross household income toward rent  
Rates shown are 1-BR, and assume a 1.5-person household per HUD methodology



**SUSSEX COUNTY, DELAWARE | 2025 AMI | 1-BEDROOM RENTAL COMPARISON**

# CODE UPDATE – OPEN SPACE

- **Update qualifying Open Space uses:**
  - **Requires stormwater retention ponds the emulate natural features w/ gradual slopes and appropriate landscape plantings**
  - **Excludes any other feature not listed in Code**
- **Changes Open Space requirements in subdivisions:**
  - **30% in Growth Area**
  - **50% in Rural Area**
- **Incorporates Superior Design elements for Open Space**
- **Encourages naturalized landscaping and native vegetation w/ pollinator zones and low-mow-zones**

# **CODE UPDATE – §99-9C PRELIM. PLAT**

- **Update the list of requirements in §99-9C**
- **Require that the criteria is satisfied and the manner in which it is satisfied**
- **Other topics updated:**
  - **Scenic views and cultural and historic features**
  - **No lots within wetlands**
  - **Erosion and stormwater control meets the updates in Chapter 90**
  - **Screening of objectionable features**
  - **Improve interconnectivity requirements**
  - **Apply Superior Cluster Design Standards to all subdivisions**
- **Housekeeping**
  - **Remove §115-25E and F as it now resides in Chapter 99**

# CODE UPDATE – SUBDIVISIONS

- **Cluster Subdivision in Rural Area**
  - Eliminate cluster subdivisions in Rural Area
  - **Apply new standards (e.g., Open Space, §99-9C, etc.)**
  - **Allow standard subdivisions with:**
    - **20,000 square foot lots with sewer**
    - **¾ acre lots without sewer**
  - **Eliminate RPCs in Low Density areas**
- **Cluster Subdivision in Growth Area**
  - **Apply new standards (e.g., Open Space, §99-9C, etc.)**
  - **Permitted in Coastal Area, Town Center Area, Commercial Area, Developing Area**

# **CODE UPDATE – FOREST PRESERVATION**

- **Update forest preservation using the LURWG Recommendation’s framework**
- **Seek feedback and recommendations from the State Forester**
  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**

# **CODE UPDATE: NEW DEFINITIONS**

- **Amend Code to include new or updated definitions:**

- 1. Apartment Building**
- 2. Cottage Court**
- 3. Duplex**
- 4. Dwelling, Multifamily**
- 5. Growth Area**
- 6. Mixed Use**
- 7. Stacked Flat**
- 8. Townhouse**
- 9. Triplex**

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**QUESTIONS & COMMENTS**