



Eyes on County Council – January 27, 2026

HIGHLIGHTS:

- The County Council met for a workshop to discuss County Code Updates focused on the recommendations of the Land Use Reform Working Group and feedback from Council members. There was robust discussion of the issues.

Todd Lawson walked the Council members through a presentation which demonstrated the topics Council must address in order to move forward with code updates. Some updates may be enacted immediately, whereas longer-term initiatives, notably those with interdependencies, will be addressed in the 2028 Comprehensive Plan Update.

The Future Land Use Map (FLUM), which designates specific areas for growth (“Growth Areas”) and conservation (“Low Density Areas”), was the basis for discussion.

Topics covered by the presentation were:

1. Limiting Sprawl
 - Eliminate cluster subdivisions in Low Density areas
 - Allow standard subdivisions with requirements for lot size
 - Eliminate Residential Planned Communities in Low Density areas
 - Require 50% open space that is contiguous and considers habitat corridors
 - Review current uses of open space, for example, should stormwater ponds count as open space?
 - Update forest preservation requirements
 - Update and apply Superior Design and County code 99-9(c) requirements (99-9(c) is the section of County code regulating requirements for a subdivision plan)
 - Update bulk standards (bulk standards are land use rules that dictate size, shape and placement of buildings on a property – maximum height, setbacks, etc.)

2. Adjusting Cluster Subdivisions in Growth Areas. Areas that are designated as Growth Areas in the FLUM include the Coastal, Town Center, Commercial, and Developing areas.
 - Adjust Cluster Subdivision standards in growth areas
 - Update Open Space definitions and uses
 - Update forest preservation requirements using the LURWG framework
 - Improve subdivision design for all subdivisions by making Superior Design a requirement
 - Update county subdivision code to replace subjective terms with objective and measurable criteria
 - Update and adjust bulk standards to provide flexibility
3. Adjusting Sussex County Rental Program
 - Keep SCRCP projects as a permitted, by-right use in all Residential Zoning Districts in Growth Areas
 - Adjust SCRCP design requirements to incentivize developer participation
4. Appropriate Zoning Categories and Densities
 - Increase densities in select zoning categories
 - Need to review commercial zoning since multi-family is permitted
 - Current: Multi-family permitted in C-1 and CR-1 with Conditional Use
 - Proposed: Multi-family permitted in CR-1 by-right
 - Need to consider C-4 and appropriate density
 - Need to include mixed use requirement for any development in a commercial zoning
 - Density increase result:
 - Existing zoning districts will see an automatic increase
 - To change zoning for increased density, still will require a public hearing
 - Need to consider commercial redevelopment and mixed-use requirements (examples: forgotten mile on Route 1, the former Ames commercial location on Route 1, Long Neck Road)
 - Review Growth Areas to determine appropriate zoning and density
5. Missing Middle Housing

- New definitions for cottage courts, duplex, stacked flat, townhouse and triplex
- New housing to be by-right in residential zoning categories
- Increase height to 60' (from the current 40')
- Adjust bulk standards

6. Bonus Density

- Increase allowed density allowed under Bonus Density to 1/3 more than currently permitted
- Need for parameters to regulate when it is used
- Options for using the funds from density bonuses include Land Preservation and Housing Trust Fund

Council member comments

There was much discussion about the Sussex County Rental Program (SCRIP), and the need to revise it to produce an increase in the number of affordable units:

Mr. Lloyd advocated strongly that “anything that restricts or limits SCRIP programs for infill projects along Route 1 or other major collectors has just got to be done.” He argued for moving forward with changes to the SCRIP program to allow higher density – smaller setbacks and taller buildings – along any arterial or major collector road (for example, Routes 1, 9, 16, and 24)

Mr. McCarron noted that the units should be built in eastern Sussex, where the jobs are.

Mr. Robertson noted that the county had been advised to streamline the process to get to affordable housing units so that they are by-right within existing zoning districts – that requiring rezoning and/or public hearings disincentivizes affordable housing projects.

Ms. Gruenebaum argued that changing existing zoning classifications such as MR, GR, HR and CR1 to allow by-right affordable housing, along with the associated increases in allowable density, opens up the entire Growth Area – most of eastern Sussex – to increased density, without any controls. She stated that she is not in favor of unrestricted changes that take away restrictions which protect other issues. She noted that the Land Use Reform Working Group recommendations failed to address infrastructure capacity, even though one of Council’s requests was to recommend how to build in a way that matched development with infrastructure; and that any density increases need to take infrastructure into account.

In the discussion on “Appropriate Zoning Categories and Densities”, **Mr. Lawson** showed some examples of unintended consequences of certain zoning regulations. Redevelopment was also discussed; Mr. Lawson showed an example of a proposed redevelopment of a

Safeway store, and the issues that arose around the proposal. This section of the presentation highlighted that zoning categories are a complex and controversial issue.

Some general concerns expressed by Council members were:

- Properties zoned C-1 could revert to residential if redevelopment standards don't include a mixed use requirement.
- High density zoning next to municipalities may choke off annexation by those communities
- Zoning and bulk standard changes would impact current landowners
- The growth of public and private sewer is itself was leading to development.

Public Comment

Rich Borasso noted that:

- a year ago 30 people waited in line at a council meeting to make public comment about a moratorium to slow overdevelopment. Three positions were expressed: 1) a moratorium is appropriate, 2) a moratorium would crush the economy, and 3) we need to put the pedal to the metal and move forward with more development. It appears we're at option number three.
- the Delaware Population Consortium projects 20,000 people moving into the area over the next five years. Is Council asking what will those people look like, what are the demographics, what kind of job and housing needs they will have? It would be important that any changes that are made be based on future projections relative to housing needs and housing gaps - not just affordable housing, but also the "missing middle" housing types.

He asked if the county knows from DSHA the target for the number of affordable housing units that's needed over the next five years. Shouldn't the Council use that target to determine what changes are needed in the building codes to help reach the target?

Joe Pika noted that:

- the Land Use Reform Working Group made a very strong statement that they wanted their recommendations taken as a package. The question is how to proceed with that package – by picking off items and figuring out what can be accomplished first, or by putting the items into a larger context? If single items are worked on first or independently, they can preclude or conflict with the larger goals.
- the second charge that was given to the LURWG by the Council was to ensure growth in Sussex County is supported by infrastructure, i.e., roads, schools, environment, and public safety. Two Council members spoke today about the need to be attentive to

infrastructure today. That's heartening because infrastructure is absolutely critical: what, in fact, is the capacity for growth in the county?

Johannes Sayre noted that:

- the idea that because there is demand for luxury housing, the county has no choice but to supply it, is incorrect and harmful; he urged Council to discard the notion that the County must supply whatever housing the market demands most loudly.
- allowing market demand to dictate land use decisions produces harmful effects on certain market segments: the focus in Sussex County on building expensive single-family homes that are affordable for well-to-do retirees has led to that type of home being built to the exclusion of other, more affordable housing types; demand for affordable workforce housing has been obscured by demand for luxury homes for new residents
- Council has the opportunity, as the development stakeholder representing the public interest, to rectify the situation by incentivizing or regulating meaningful percentages of housing whose pricing meets realistic definitions of "affordable".

Judy Rose Seibert noted that:

- the maps shown for the workshop are outdated and don't reflect changes to the map made by County Council in the past year.
- if density is increased, traffic within the Henlopen Transportation Improvement District (TID) will increase and roads will be over capacity. If Level of Service D is maintained on the main roads, the side roads will become more crowded and go below LOS D.
- Council can expect to see a lot of public opposition to by-right infill of missing middle housing types.

Jill Hicks asked whether bonus density rules could mandate that, an application to increase density would need to provide workforce housing instead of paying fees for the right to build additional units.

She also stated that it appears there is some of what could be called "by-right creep". We have it for the SCRP program, but it is consistently proposed for other areas as well. Do you really want to allow that to happen? Is any public notice given when these by-right situations like the SCRP program come up? How does the public provide input in so that some of the issues that Mr. Hudson was raising are mitigated?

Council Meeting Schedule: Tuesdays – check agenda for timing and location

- Next meeting is February 3.

Related Articles:

County priorities include affordable housing, environmental protections:

<https://www.capegazette.com/article/county-priorities-include-affordable-housing-environmental-protections/300537>

Council Meeting Broadcast

[County Council Meeting - January 27, 2026 \(9:30AM Start Time\)](#)

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