

## 6. Next Steps

Thanks to the updating of its comprehensive plan and the implementing ordinances that will go along with it, Sussex County is in a good position to make changes to the way it develops land. Based on the citizens' desire to protect natural resources, to have walkable and bikable communities, and to preserve the small towns and the agricultural lands of the county, the team offers some ideas for the county to consider as it moves forward in implementing regional and neighborhood-level growth decisions and site-level stormwater management strategies.

### 6.1 Tools to Help Implement Growth Decisions

Other communities that have dealt with similar issues have developed several tools to protect valuable land while allowing growth in already developed areas. Sussex County has already discussed some of these tools but may want to reconsider them as the stormwater management and other benefits come to light, and as the county debates new ordinances to fulfill the revised comprehensive plan. The tools fall into three categories:

- Land conservation and efficiency;
- Incentives for compact, location-efficient development; and
- Zoning and related ordinances.

#### 6.1.1 Land Conservation and Efficiency

These tools can help the county preserve land with ecological, agricultural, recreational, or aesthetic value, while directing development to areas that are better suited for growth.

- Transfer of development rights (TDR) or purchase of development rights (PDR) allow a community to direct development to built-up areas while preserving land elsewhere. For example, a developer buys the “right” to develop a farmer’s land, yet can only use that right (usually expressed as an allowable number of houses or development density) in designated areas where the community has determined it wants development. The farmer gets value from his land without having to develop it, and the developer respects the wishes of the community by building in areas designated for growth.
- Some communities have used up-zoning and down-zoning to lower allowable development densities—for example, from 2 units an acre to one unit per 10 acres. The “saved” development densities are then “allowed” in another designated part of the community. This strategy protects water quality by keeping development out of critical ecological areas and encouraging efficient land use in areas that allow development. These zoning tools can be used with, or separately from, TDR and PDR programs.
- A conservation easement or restriction is a legal agreement between a landowner and a land trust or government agency that permanently conserves land. It allows the landowner to continue to own and use the

land and to sell it or pass it on to heirs. The landowner, however, gives up some of the rights associated with the land, such as the ability to build additional houses. Most easements are in perpetuity, meaning that future owners are bound by the easement's terms.

- Buffer ordinances can protect water quality and aquatic habitat. Vegetated buffers along water bodies serve as natural boundaries between the water and development and protect resources by filtering pollutants, providing flood control, reducing stream bank erosion, mitigating stream warming, and providing room for lateral movement of the stream channel. Sussex County's code requires a 50-foot buffer along water bodies, but enforcement of this ordinance appears to be inconsistent.

### 6.1.2 Incentives for Compact, Location-Efficient Development

To get the type of development it wants where it wants, the county can make it easier and more cost effective for developers to build the type of projects its citizens want. Sending price signals to private developers through incentives can be a powerful tool to encourage them to build in a way that meets the county's environmental and community goals.

- Priority funding areas (PFA) are areas defined by state or local governments that will receive state funding for infrastructure, such as roads, schools, water, and sewer, associated with new development or redevelopment. State and local governments have used PFAs as a financial incentive to direct development to designated growth areas. If development occurs outside the PFA, no state funding is available for infrastructure.
- Similarly, sewer and water authorities can play a major role in directing a region's growth by determining when and where new infrastructure investment will occur. Well-drafted facility planning areas can direct growth by providing sewer service in areas least likely to harm water resources. In theory, this is how the state of Delaware determines where it will pay for infrastructure for development; in practice, however, because of taxpayer pressure, the state has tended to pay for infrastructure even in areas designated for no development.
- Time is money for developers. To encourage the type of development it wants in areas where it wants growth, the county could offer a streamlined permitting process for development projects that meet certain criteria—for example, a convenient location, efficient use of resources, better stormwater management, compact design that creates less impervious surface, and safe streets for walking and biking. A streamlined permitting process brings together all the necessary departments and permit processes at one time, allowing a developer the opportunity to resolve all the permitting questions and issues at the same time. Some communities have even fast-tracked development proposals that meet the criteria for the type of development they want.
- The county could prioritize infrastructure upgrades, such as sidewalks, road improvements, street lamps, and street furniture, for areas targeted for growth or redevelopment. This would support new development activity and signal to developers the areas where the county wants to see new and additional growth and development occur.

### 6.1.3 Zoning and Related Ordinances

Zoning ordinances will fulfill the vision of the comprehensive plan. As Sussex County redoes its implementing ordinances to match the updated comprehensive plan, it has the opportunity to include some of the tools below, which can make it easier for developers who are trying to provide the type of development the county wants.

- Mixed-use zoning codes encourage compact, walkable neighborhoods. In specific areas such as a town center, a mixed-use zone can promote a range of housing and transportation options that make the neighborhood socially and economically stronger, as well as more appealing to both residents and visitors. One example of a mixed-use code is Traditional Neighborhood Development (TND). A TND zone provides street connectivity, short blocks, open space, and natural best management practices.
- Another potential zoning tool is a form-based code. Instead of regulating land by uses, a form-based code describes a block, street, parcel, or neighborhood by its form—the way the buildings look instead of the types of activities they house. This flexibility enables a mix of uses, reusing buildings for different purposes as community needs change, and planning for how a building can best manage stormwater.
- Planned unit development (PUD) overlay is a planning mechanism that allows the local government and the developer to negotiate. The benefit for stormwater management is that the county and the developer can set as parameters for development key requirements and innovative practices, such as those described in Sections 4 and 5, which may not be part of the underlying zoning. This flexibility lets both parties meet the needs of the site and the public interest.
- Overlay districts can be superimposed on the existing zoning, adding different requirements because of the ecological sensitivity or other special characteristics of the area. An overlay generally does not alter basic zoning standards, such as use, lot size, or setbacks. However, it can add design requirements or stormwater management standards or increase density to allow the zoning authority to get development that fits what the community wants. The county has some overlay districts in effect now but may wish to review and alter them based on the new comprehensive plan and on the stormwater management strategies presented in this report.
- Local governments can offer density bonuses for development, which allow a developer to add more housing units in exchange for some benefit to the community, such as reserving a certain number of units for lower income residents or providing and maintaining green space in the development. If the county wants to increase density in certain areas, a density bonus is a good way of doing so while also getting new community amenities.
- Design guidelines and standards help developers understand what is acceptable to the community and help guide municipal staff and project review boards that approve new projects. It is particularly helpful—to developers, government staff, and citizens—to have images that show exactly what type of design the community wants.

## 6.2 Tools to Help Implement Site-Level Stormwater Management Strategies

In addition to the steps noted in Section 5 for implementing specific strategies, Sussex County may want to undertake education and outreach efforts to get stakeholder and public support for these new design solutions.

## 6.2.1 Public Education and Outreach

Confusion and misconceptions about rain gardens and similar strategies abound. People may think of rain gardens as “swamps” or “mosquito nests” and may not know about the benefits of well-designed stormwater management facilities. If the county chooses to implement some of the site-level strategies described in Section 5, it could also consider a public education campaign to teach residents about the benefits of these designs, including water quality and wildlife habitat protection, aesthetics, traffic calming, pedestrian and bicyclist safety, and efficient use of taxpayer money.

Some ideas for public and stakeholder education include:

- Conduct public tours of successful demonstration projects in the area.
- Offer frequent public meetings or workshops on sustainable stormwater management.
- Create brochures, fact sheets, or online materials that describe the different ways to manage stormwater runoff and the costs and benefits of each strategy.
- Install interpretive signs for stormwater demonstration projects that describe the project’s elements and offer sources for additional information.
- Conduct field trips for school children to teach them about environmental sustainability.

## 6.2.2 Demonstration Projects

Building a successful county-wide strategy for stormwater management often begins by starting relatively small with demonstration projects that showcase designs such as those illustrated in Section 5.2. Starting with small-scale demonstration projects can make it easier to reach consensus among various municipal departments

and agencies. Demonstration projects not only educate the public, they also allow the county to gauge what resources it will need to institute a more ambitious stormwater management program.

Many opponents of these design strategies may have seen only poorly designed stormwater management systems and may not realize that well-designed rain garden projects can look just as good as—if not better than—conventional landscaping. They may not realize the other benefits these designs can bring. Therefore, showing the public successful demonstration projects (ideally, but not necessarily, local projects) can be a powerful tool to show them how rain gardens can not only help protect the environment, but also serve as a distinctive and attractive neighborhood amenity.

Some of the best demonstration projects are retrofits that show how, through good design, gray space can be converted into green space for stormwater management, community amenities, pedestrian and bicyclist safety, and other benefits. Here are a few suggestions for finding good candidate sites for a retrofit demonstration project:

- Streets, sidewalks, parking stalls, and parking lot driveway aisles that could be narrowed without sacrificing safe and efficient movement;
- Underused on-street parking areas; or
- Streets with aging infrastructure (utilities, pavement, curbs, etc.) that need to be repaired or replaced.

The county could also look for projects that offer the opportunity to combine new or improved transportation choices, like safer sidewalks or bike lanes, with better stormwater management. Projects that can seamlessly integrate the building, street, and site stormwater runoff into one project are also desirable. To

measure the effect of these strategies, the county may want to choose projects that can easily be monitored for data collection.

For both retrofits and new development projects, the county can improve its chances of success by reaching out to developers, landlords, business owners, homeowners associations, and community groups, tapping their interest and knowledge of potential sites in their neighborhoods or projects. A developer who wants a demonstration project on his or her site will be a better partner than one who feels like a project is being imposed. To encourage participation, the county could use incentives, such as an expedited approval process or technical assistance.

## 6.3 Conclusion

Sussex County is facing relatively rapid and large growth in population, particularly in demographics like senior citizens who want the convenience and appeal of walkable communities. The county has valuable environmental resources and rich cultural, natural, and agricultural heritage to protect as it considers new opportunities for sustainable economic growth. As the county and its citizens continue to discuss where to direct development and how to grow in a way that preserves the natural beauty and small-town atmosphere that residents and visitors treasure, this report may help them find solutions that meet a wide range of economic, public health, social, and environmental goals.



Figure 138. The Lewes and Rehoboth Canal.

