

 = State Requirement under Title 9, Chapter 69 of the [Delaware Code](#) or as noted

 = Strongly suggested but optional

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## 1. Public Participation

Summary: All plans should have some provision for input by the public. Public input is most useful early in the planning process, and should help form the plan's goals and recommendations. The development of a community vision for the future is a useful exercise.

**Public Participation Summary and Results.** The plan should include a section which describes the public participation process and summarizes the results. If developed, the vision statement could be contained in this section. 

## 2. Population Data and Analysis

Summary: The following population data is important to characterize the residents of the County, and will inform land development plan recommendations, especially in regards to housing and social services.

**Past Population Trends.** Historic population data from past Census reports should be reported, and trends analyzed. It should be sufficient to go back 30 or 40 years (in 10 year increments), although older data may be informative in certain cases. 

**Population Projections.** Recent population projections should be reported and analyzed. For counties, these can be obtained from the Delaware Population Consortium. 

**Demographics.** Demographic information about the population should be reported and analyzed. The most recent Census summary files can be used. 

## 3. Future Land Use Plan Element

Summary: The Future Land Use Plan must include *policies, statements, goals, planning components and a map or map series* which serve to define the proposed land uses for all areas within the County's jurisdiction. Particular attention should be given to the recommended land uses for lands which are vacant and likely to be developed. The Future Land Use Plan Element must show the desired future land uses for each parcel in the County. This data will form the basis for the required update of the zoning ordinance within 18 months of plan adoption.

**Existing Land Use.** A survey of the existing land uses in the County. This element should be expressed as a map, although some text may be included. The existing land use element should provide existing land use information based upon the most reliable and comprehensive information available to the County. 

**Future Land Use Plan Element.** The plan must contain a future land use plan element designating proposed future general distribution, location and extent of the uses of land for such activities as residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities and other categories of the public and private uses of land. The plan shall include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies and measurable objectives. Each land use category shall be defined in terms of the types of uses included and standards for the density or intensity of use. The future land use plan shall be based upon surveys, studies and data regarding the area, including the amount of land required to accommodate anticipated growth, the

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projected population of the area, the character of undeveloped land, and the availability of public services. The future land use plan may designate areas for future planned development use involving combinations of types of uses for which special regulations may be necessary to ensure development in accord with the principles and standards of the comprehensive plan and this subchapter. The land use maps or map series shall generally identify and depict historic district boundaries and shall designate historically significant properties meriting protection. Population, demographic, environment, and economic data and projections used to determine present conditions, future land use, and public facility requirements shall be developed in conjunction with the State and municipalities, and shall, as a minimum, be consistent with projections officially adopted by the Delaware Population Consortium. The sources and assumptions used to develop such projections shall be clearly identified. 

**Summary of Future Land Use Element – required components:**

- Proposed future general distribution, location and extent of the uses of land for such activities as residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities and other categories of the public and private uses of land.
- Standards to be followed in the control and distribution of population densities and building and structure intensities.
- A land use map or map series supplemented by goals, policies and measurable objectives.
- Surveys, studies and data regarding the area, including the amount of land required to accommodate anticipated growth, the projected population of the area, the character of undeveloped land and the availability of public services.
- Generally identify and depict historic district boundaries and designate historically significant properties meriting protection.
- Population, demographic, environmental and economic data and projections used to determine present conditions, future land use and public facility requirements. Projections and data shall, at a minimum, be consistent with projections officially adopted by the **Delaware Population Consortium**.

**Residential Intensity.** The intensity of residential land uses should be directly tied to the types of housing needed to serve the County’s full range of incomes as identified in the Housing Element. 

**4. Mobility Element**

Summary: The Mobility Element must include *policies, statements, goals, planning components and a map* which serve to define any critical transportation issues and strategies and actions to improve the transportation system which serves the County. This plan should be written in close coordination with DelDOT.

**Mobility Element.** The plan must contain a mobility element which is consistent with the approved area-wide transportation plan and has been developed in conjunction with the Department of Transportation. The mobility element shall provide a balanced transportation system addressing the movement of people and goods while showing existing and proposed rights-of-way, sidewalks, bikeways, rail facilities, terminals and related facilities. The mobility element shall include recommendations for land use regulations that promote a range of sustainable transportation choices for future transportation needs. The mobility element shall be consistent with the State Implementation Plan (SIP) for air quality attainment. 

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## 5. Water and Sewer Element

Summary: The Plan must include *policies, statements, goals, planning components and a map* which serve to define and critical infrastructure issues related to sewer and water infrastructure and describe the future enhancements and expansion of these systems to serve current and future growth areas. Natural resource issues related to water supply and TMDLs should be considered. The role of private water utilities should be discussed as well.

**Water and Sewer Element.** The plan must contain a water and sewer element correlated to principles and guidelines for future land use, indicating ways to provide for future potable water, and wastewater disposal for the area. County government, in conjunction with the State, shall assess their current, as well as projected, water needs and sources. The element shall describe the problems and needs and the general facilities that will be required for solution of the problems and needs. The water and sewer element shall be developed in consultation with and reviewed by the Department of Natural Resources and Environmental Control. The water and sewer element shall include an assessment of fiscal considerations and shall be consistent with approved area-wide wastewater treatment plans. 

**Sourcewater Protection Program.** This program is coordinated through the Department of Natural Resources and Environmental Control. The County must address the requirements of this program and develop appropriate regulations to protect wellheads and excellent recharge areas.  (Title 7, Del C.)

## 6. Conservation Element

Summary: The Conservation Element must include *policies, statements, goals, and planning components* which serve to define the community's strategy to preserve important natural resources, and prevent development activities which are detrimental to the natural environment.

**Conservation Element.** The plan must contain a conservation element for the conservation, use and protection of natural resources in the area and which results in the identification of these resources. At a minimum, the element shall consist of such natural area classifications as wetlands, wood uplands, habitat areas, geological areas, hydrological areas, floodplains, aquifer recharge areas, ocean beaches, soils and slopes. The land use map or map series contained in the future land use element shall generally identify and depict natural areas classifications, such as those enumerated in this section. The land uses identified on said maps shall be consistent with applicable state laws and regulations. Identification and depiction of the above shall be based on the best topographic maps and other information available from state and federal agencies or other sources that the County deems appropriate. The conservation element shall also consider areas most suited for agricultural uses, silvacultural uses and watershed protection. The conservation element shall be developed in consultation with and reviewed by the Department of Agriculture and the Department of Natural Resources and Environmental Control. 

## 7. Recreation and Open Space Element

Summary: The Open Space and Recreation Plan must include *policies, statements, goals, and planning components* which serve to improve and maintain the quality of parks, recreation areas, and open spaces. The plan should include an analysis of the adequacy of recreation facilities for the community, and a plan for expansion if necessary.

**Inventory of Open Space and Recreation Facilities.** Inventories of parks and recreational facilities. Also, an inventory of other open spaces that have been deemed important by the community.

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Areas which have important natural features that make development upon them undesirable for ecological reasons should be listed as well. 

**Recreation and Open Space Element.** The plan must contain a recreation and open space element indicating a comprehensive system of public and private sites for recreation including, but not limited to, nature preserves, parks and playgrounds, parkways, water bodies including beaches and public access to beaches, open spaces and other recreational facilities. A county recreation and open space plan is acceptable in lieu of a recreation and open space element. The recreation and open space element shall be consistent with the Comprehensive Land Use Plan. The element shall be developed in consultation with and reviewed by the Department of Natural Resources and Environmental Control and shall reflect the State's open space preservation and outdoor recreation planning activities. 

**8. Housing Element**

Summary: A description of the housing styles, housing stock, and conditions should serve as a starting point for evaluating the residential uses in the County. This information, in concert with the population and employment projections, will provide the basis for land use plan recommendations. Information about low to moderate income housing needs will allow for the provision of affordable housing.

**Housing Stock Inventory.** An inventory of the housing stock in the County, including the number and type of dwelling units. An inventory of the affordable housing resources should also be included. 

**Housing Pipeline.** The number and type of housing units that are approved and pending construction or that are in some stage of the approval process. Indicate the number of units in the pipeline likely to be deemed affordable, for both rental and homeownership, according to the Annual Income Limits for each County as annually calculated by DSHA according to the U.S. Department of Housing and Urban Development. 

**Housing Needs Analysis.** How many housing units, of which type, will be required to accommodate the existing and future population? Be sure to include affordable housing needs in the analysis. 

**Housing Element.** The plan must contain a housing element that is consistent with county housing plans, standards and principles. Such housing plans shall be in accordance with state and federal rules and regulations and the housing plan or housing element of the comprehensive plan shall include the following:

- a. The provision of housing for existing residents and the anticipated growth of the area.
- b. The elimination of substandard dwelling conditions.
- c. The structural and aesthetic improvement of existing housing.
- d. The provision of adequate sites for future housing, including housing for low-income and moderate-income families, group home facilities and foster care facilities, with supporting infrastructure and public facilities.
- e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation or replacement.
- f. The formulation of **housing implementation programs**. See suggested tools listed below.
- g. Demonstrated coordination with the State Housing Authority including but not limited to guidelines to insure that sites for publicly assisted housing are located where adequate transportation opportunities, health and social services and other community services are available. 

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**Tools To Be Used In The Formulation Of Housing Implementation Programs:**

- Incentives or requirements that create additional affordable housing units such as density bonuses, expedited review, or tax and fee waivers.
- Permitting accessory dwelling units in residential areas as a matter of right to encourage social- and economic-integration, and to provide life-cycle housing.
- Regulatory changes that will reduce housing costs, such as reducing parking requirements for housing developments where studies have shown that less is needed (elderly) as well as on transit corridors.
- Tax abatements for owners of elderly and disabled and other low-income homeowners to keep them in their home.
- Facilitate perpetually affordable homeownership units by partnering with the Diamond State Community Land Trust. As a non-profit organization, they own the land under the affordable housing and preserve the affordability of housing after the building changes hands. There is broad flexibility in how this partnership can be structured.
- Participation in the Live Near Your Work program to provide much needed assistance to homebuyers and to employers in recruiting and retaining employees.
- An examination of barriers faced in the creation and maintenance of affordable housing (i.e. administrative processes; fees and dedications; tax policies; building and housing codes; and, zoning, land development, construction and subdivision regulations) along with strategies to assist in removing those barriers that unnecessarily impact housing affordability.
- Proactively rezone to ensuring sufficient land supply to provide the full range of housing choices including but not limited to, multifamily housing, mixed uses, manufactured homes, and attached homes. This will be particularly effective around town centers and along transit corridors.
- Vigorously enforce property maintenance codes to protect all members of a community from those few who allow their properties to deteriorate to substandard conditions. However, relocation issues should be considered.

**9. Intergovernmental Coordination Element**

Summary: The plan should describe the County's relationship with other government jurisdictions and State Agencies, and specify strategies for future coordination of those relationships.

**Description of Intergovernmental Relationships.** A description of the County's relationships with various other levels of government and government entities, such as other counties, municipalities, and the state. 

**Analysis and Comparison of Other Relevant Planning Documents.** The Comprehensive Plan should include an analysis and comparison of the proposed plan with other relevant planning documents. These documents may include but are not limited to the State Strategies for Policies and Spending, the most

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up to date plans of the other Counties and municipalities. The analysis should demonstrate that the proposed Comprehensive Plan is compatible with the other relevant plans, or provide a compelling case for the proposed deviation. 

 **Intergovernmental Coordination Element.** The plan must contain an intergovernmental coordination element of the comprehensive plan shall demonstrate consideration of the particular effects of the plan, when adopted, upon the development of municipalities within the County, adjacent counties or on the applicable state regulations. Coordination of the comprehensive plan with the comprehensive plans of municipalities within the County, adjacent counties and applicable state regulations and policy shall be an objective of the comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the planning agency shall include a specific policy statement or coordinated mapping element indicating the relationship of the proposed development of the area to the comprehensive plans of municipalities within the County, adjacent counties and applicable state regulations and policy as the case may require. Such policy statement or coordinated mapping element shall specifically identify the coordination process undertaken and the official action taken by affected municipalities regarding the county comprehensive plan. Such statement or element shall also set forth the procedures to be followed to ensure continuing coordination with municipalities, regional agencies and the State. In addition, the comprehensive plan shall provide for coordination with state agencies regarding land use and development policies and shall provide for review and consideration by the Cabinet committee on State Planning Issues at such times as required this subchapter. 

**10. Community Design Element**

Summary: The Community Design Plan must include *policies, statements, goals, and planning components* which serve to define the community’s strategy to encourage or require urban design methods which preserve and enhance the community’s character. Often this plan element can be accomplished in conjunction with other relevant plan elements such as transportation (interconnectivity and sidewalks, for example) or historic preservation (design guidelines, for example).

 **Community Design Element.** The plan must contain recommended community design element to assist in the achievement of the objectives of the comprehensive plan which may consist of design recommendations for land subdivision, neighborhood development, neighborhood redevelopment, design of open space locations and similar matters. To that end, such recommendations may be made available as aids and guides to developers in the future planning and development of land in the area. 

**11. Historic Preservation Element**

Summary: The Historic preservation element must include *policies, statements, goals, and planning components* which serve to define the County’s strategy and desires to preserve and enhance important community resources.

 **Historic and Cultural Resources Plan.** The plan must contain an historical preservation element which sets out plans and programs for those structures or lands in the area having historical, archaeological, architectural or similar significance. The historical preservation element shall be developed in consultation with and reviewed by the Division of Historical and Cultural Affairs of the Department of State. 

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## 12. Economic Development Element

Summary: The Economic Development Element must include *policies, statements, goals, and planning components* which serve to define strategies and actions for attracting and retaining businesses and job opportunities to the community.

- Economic Base / Major Employers.** Detail the major industries and employers in the County, including the number of employees in each. 
- Labor Market.** What are the characteristics of the local labor market? 
- Income and Poverty.** Income characteristics of the resident population, as compared to the county and the state. Also, the percentage of the population living below the poverty line should be detailed. This information may most easily derived from the most recent US Census. 
- Economic Development Plan.** The plan must contain an economic development element setting forth principles and guidelines for the commercial and industrial development, if any, and the employment and personnel utilization within the area. The element may detail the type of commercial and industrial development sought while correlating the present and projected employment needs of the area to other elements of the plan and may set forth methods by which a balanced and stable economic base will be pursued. The economic development element shall include a general area redevelopment component consisting of plans, criteria and programs for community redevelopment, including reuse of housing sites, business sites, industrial sites, central business districts, public building sites, recreational facilities and other locations. The economic development element shall be developed in consultation with and reviewed by the Economic Development Office. 
- Affordable Housing and Economic Development.** The economic development strategy should contain an analysis of and provisions for affordable housing within reach of working households. Housing affordable to working families should be located in close proximity to the workplace. 

## 13. Capital Improvements Plan

- Capital Improvements Plan.** A capital improvements plan covering at least a 5-year period shall be developed in accordance with the adoption of, and be consistent with, the comprehensive plan. The capital improvements plan shall be designed to consider the need for and the location of public facilities in order to encourage the efficient utilization of such facilities and set forth:
  - (1) Principles for construction, extension or increase in capacity of public facilities, as well as principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan.
  - (2) Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities and projected revenue sources to fund the facilities.
  - (3) Standards to ensure the availability of public facilities and the adequacy of those facilities.
  - (4) To the extent provisions of the capital improvements plan anticipate State financial assistance, involvement or cooperation, such provisions shall be developed in conjunction with the state capital improvement plan and annual capital budget. 

## 14. Other Elements

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**Other Elements.** The comprehensive plan may include such other elements as may be peculiar to and/or necessary for the area concerned and as are added by the governing body upon the recommendation of the local planning agency.

### 15. Implementation Strategies

Summary: Plans should be systematically implemented through a series of policies and regulations. The plan should identify how existing regulations support the plan, and suggest new policies and regulations as needed to implement the plan. In some cases, where more research or study is required, additional plans or plan elements may be recommended for completion after plan adoption.

**Evaluation of Current Codes and Ordinances.** Evaluate the current codes and ordinances to determine whether or not they support the intent and goals of the plan. A listing should be made of codes and ordinances that do not, and these should be scheduled for revisions. 

**Subdivision and Development Controls Implementation.** Within 1 year of the date of adoption of the county plan, the County shall initiate an implementation program regarding subdivision and development controls. The County shall report the status of the implementation program in the monitoring report as required by this subchapter. This report should include progress to date, problems, issues and opportunities. 

**Zoning Map Revisions.** Within 18 months of the date of adoption of the county comprehensive plan or revision thereof, Sussex County shall amend its official zoning map(s) to rezone all lands in accordance with the uses and intensities of uses provided for in the future land use element for the County. In the event that the comprehensive plan includes provisions governing the rate of growth of particular planning districts or sub-areas of the County, the County's zoning district regulations shall be amended to reflect the timing elements of the comprehensive plan. 

**Implementation Plan.** It may be very helpful to develop an implementation work plan which lists actions and policies that the County can take to systematically implement the plan. 

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## 16. Other State Programs, Policies, and Issues.

Summary: The Comprehensive Plan should take address or otherwise consider relevant state programs, policies and issues that are relevant to the County based on geographic location, public service arrangements, or other factors. These items may be explored through the intergovernmental coordination process, as well as through direct interaction with the Office of State Planning Coordination and / or the individual State agencies. In some cases it will be necessary to address these items as conditions for certification. These programs, policies, and issues include but are not limited to the following:

**Total Maximum Daily Loads.** This program is coordinated through the Department of Natural Resources and Environmental Control. This program will be relevant to the Conservation Element as well as to the Sewer and Water Element. 

**Corridor Capacity Preservation Program.** This program is coordinated through the Department of Transportation. This program is relevant to Routes 1, 13, and 113, and should be addressed in the Mobility Element. 

**Agricultural Preservation Program.** This program is coordinated through the Department of Agriculture. The discussion of this program is relevant in relation to a variety of plan elements. 

**Climate Change.** Climate change impacts will vary regionally, but Delaware's agriculture, forests and wildlife, wetlands, fisheries, water resources, and coastal areas all could be affected in different ways—and even human health could be impacted. Where appropriate, adaptation strategies should be considered with appropriate steps taken to with regard to the State's adaptation plan 

**Sea Level Rise.** Sea level rise affects more than beaches and oceanfront land owners. This program is coordinated through the Department of Natural Resources and Environmental Control. Where appropriate, adaptation strategies should be considered with appropriate steps taken to with regard to the State's adaptation plan 