

Sussex County
DRAFT
Perimeter
Buffer
Regulations



So How Did We GET HERE ?

Design Development Process began in Feb '23

Design Workshop in Sept '23 looked at Forest
Preservation, Site Work, Open Space,
Subdivision Regs, Superior Design

Council identified Perimeter Buffers under Forest
Preservation as priority (LHF)

Planning and Zoning Staff worked on a draft
regulation that was presented to County Council
in March '24

IL 1, 2024

Tougher buffer

WHICH IMAGE BEST DESCRIBES PROPOSED
BUFFER REGS?



A good step in
the right direction



Low-hanging
fruit



Too little,
too late

torial »

learned from failed vote

Existing Perimeter Buffer Ordinance

- Found in Code 99-5 (1984)
- Purpose for screening only
- 20-30 feet in width
- Landscape plan prepared by appropriate professional
- 15 trees per 100 feet length, 1.5 " caliper or 6 feet minimum size
- Buffer installed within 18 months from date site work commencing
- Only mention of existing woodland is that buffer can consist of existing or planted trees
- What we've seen is weak conformance and little violation follow-up



Proposed Perimeter Buffer Ordinance

- Standardized buffer width of 30 feet
- Defines woodlands as an area of contiguous wooded vegetation >10,000 sq.ft., tree density of one 6" tree per 400 sq.ft., with a continuous canopy
- Perimeter buffer required along boundaries of every development
- Provides definition of Open Space which includes recreational facilities, ponds with demonstrated recreational value (?), buffers, etc. which seems odd as it adds overall Development Design elements
- Distinguishes between wooded and non-wooded buffer areas.
 - *Where woods are present- incentives to preserve trees, forest assessment required, 20 feet buffer protection zone (undisturbed), fencing*
 - *Where woods are absent- landscape plan required, plantings meet ANSI A300 standards, native or local stock, signage*



Proposed Perimeter Buffer Ordinance (cont)

- Mitigation required when woodlands within perimeter buffer have been cleared within 5 years of application
- In planted buffers, minimum of four inches of topsoil
- Planting must occur in each phase prior to building permits issued
- Developer responsible for two-year maintenance and plant guarantee, removal of stakes
- Establishes fines for non-compliance



Areas for Improvement

- '22 Resource Buffer Ordinance references wildlife habitat, water quality—and flood mitigation as purpose but not reflected in Perimeter Buffers
- Perimeter Buffers/Tree Preservation should expand beyond screening to include wildlife habitat, flood mitigation, air and water quality, noise reduction, and quality of life
- Increase buffer width of existing woodland to 50 feet, plus protection area
- Forest Assessment should be an element of an over-arching Conservation Plan required for all parcels, identifying all natural resources, including Resource Buffers and other Tree Preservation practices
- Planting requirements to include larger caliper trees at higher densities
- Increase mitigation requirements when woodlands removed to include afforestation to be included added to Open Space
- Organize all natural resource considerations under either 99 or 115



Next Steps

Prepare for Public
Meetings/Testimony

Meet with Individual Council
Members

Public Outreach and
Education





Thank you

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**TREE PRESERVATION
COMMITTEE**

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