

**SUSSEX COUNTY COUNCIL**

**AND**

**PLANNING & ZONING COMMISSION**

**JOINT WORKSHOP**

**SEPTEMBER 21, 2023**

# WORKSHOP OVERVIEW

- Agenda
- Welcome & Introductions
- Goals & Objectives
- Next Steps

# PERIMETER BUFFERS

# PERIMETER BUFFERS

## Current Issues Identified:

1. Existing woods are trimmed, cut, or destroyed for development's site work
2. Perimeter buffers are planted on different schedules with varying results
3. Current perimeter buffer standards are vague and not followed
4. Two different references in County Code (Chapters 99 and 115)
5. Buffer installation follows dwelling construction
6. Buffer establishment with inspection and enforcement has historically been limited

**EXAMPLE OF  
PLANTED  
PERIMETER BUFFER**



Adjoining  
Property

Plantings

**EXAMPLE OF  
PLANTED  
PERIMETER BUFFER**



**EXAMPLE OF  
PLANTED  
PERIMETER BUFFER**



Plantings

Snow



Workspaces ▾

Park Terrace

Ridings at Rehoboth

Ocean Meadows

Preliminary Approval: March 2019  
Final Approval: January 2020

May 2008





Workspaces ▾

April 2015

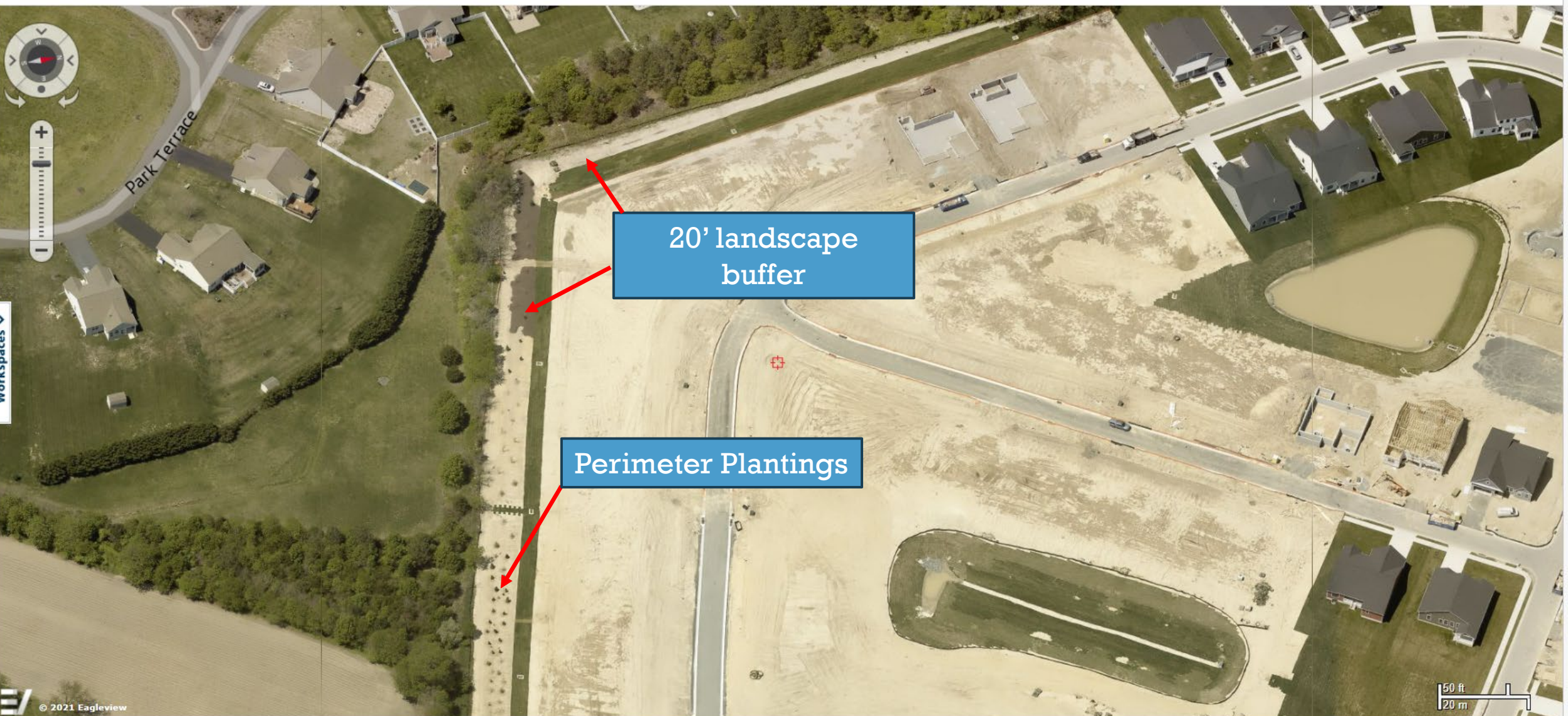


Workspaces ▾

© 2019 Eagleview

map: Auto (Oblique) ▾ Feb 2019 - Apr 2019 ▾ < image 1 of 4 > 03/17/2019

March 2019



20' landscape  
buffer

Perimeter Plantings

April 2021



Perimeter Plantings

February 2022



Perimeter Plantings

March 2023



021

April 2021



image 1 of 7 03/06/2023

March 2023

1 year & 11 months

Neighboring  
Property's trees



Perimeter Plantings

August 2023



Perimeter Plantings

August 2023





August 2023



August 2023



August 2023



August 2023

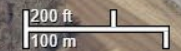


Workspaces ▾



Ocean Meadows

Cardinal Grove



April 2015



April 2015



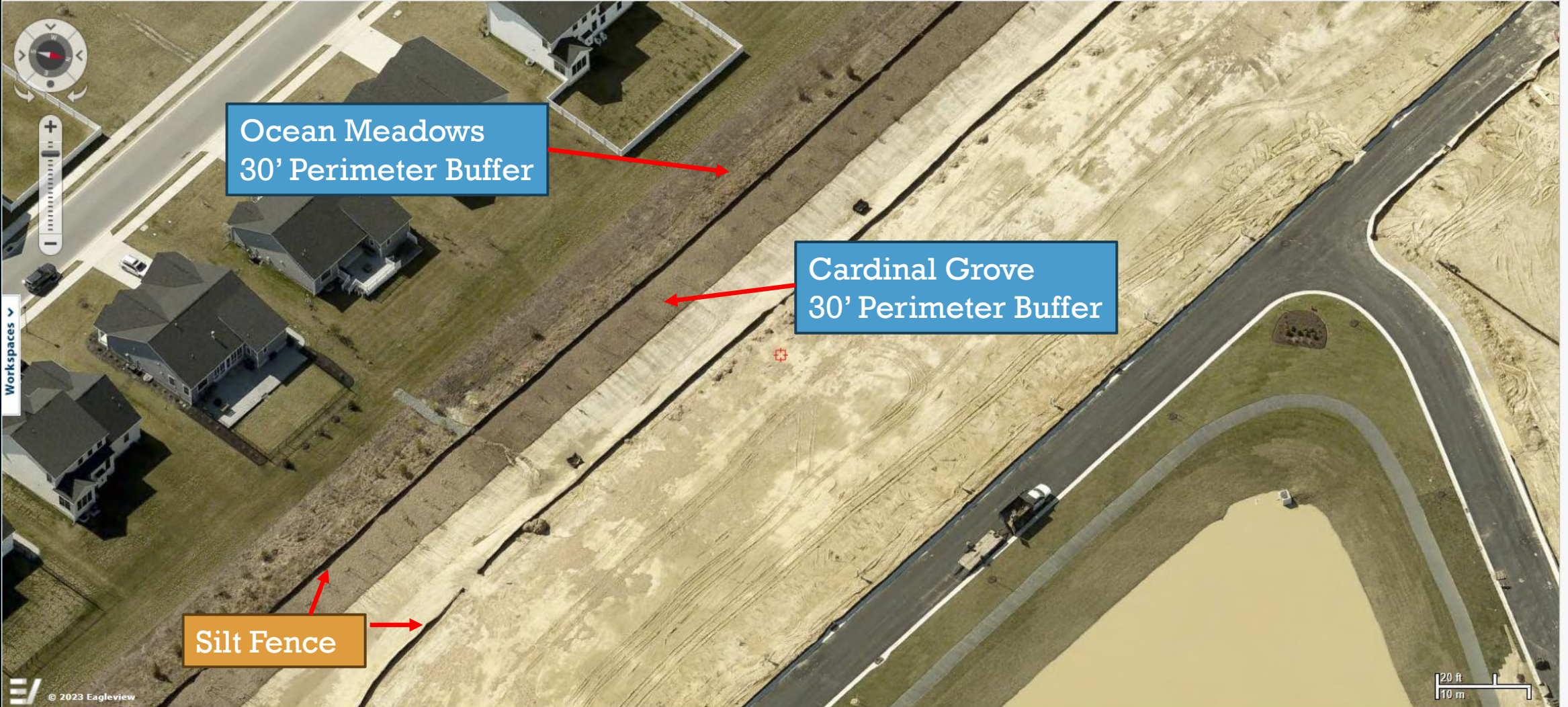
March 2023



Ocean Meadows

Cardinal Grove

March 2023



Workspaces v

© 2023 Eagleview

20 ft  
10 m

map: Auto (Oblique) Feb 2023 - Mar 2023 image 1 of 7 03/06/2023

March 2023





**Ocean Meadows - August 2023**



Ocean Meadows - August 2023





**Cardinal Grove - August 2023**



Ocean Meadows

Cardinal Grove

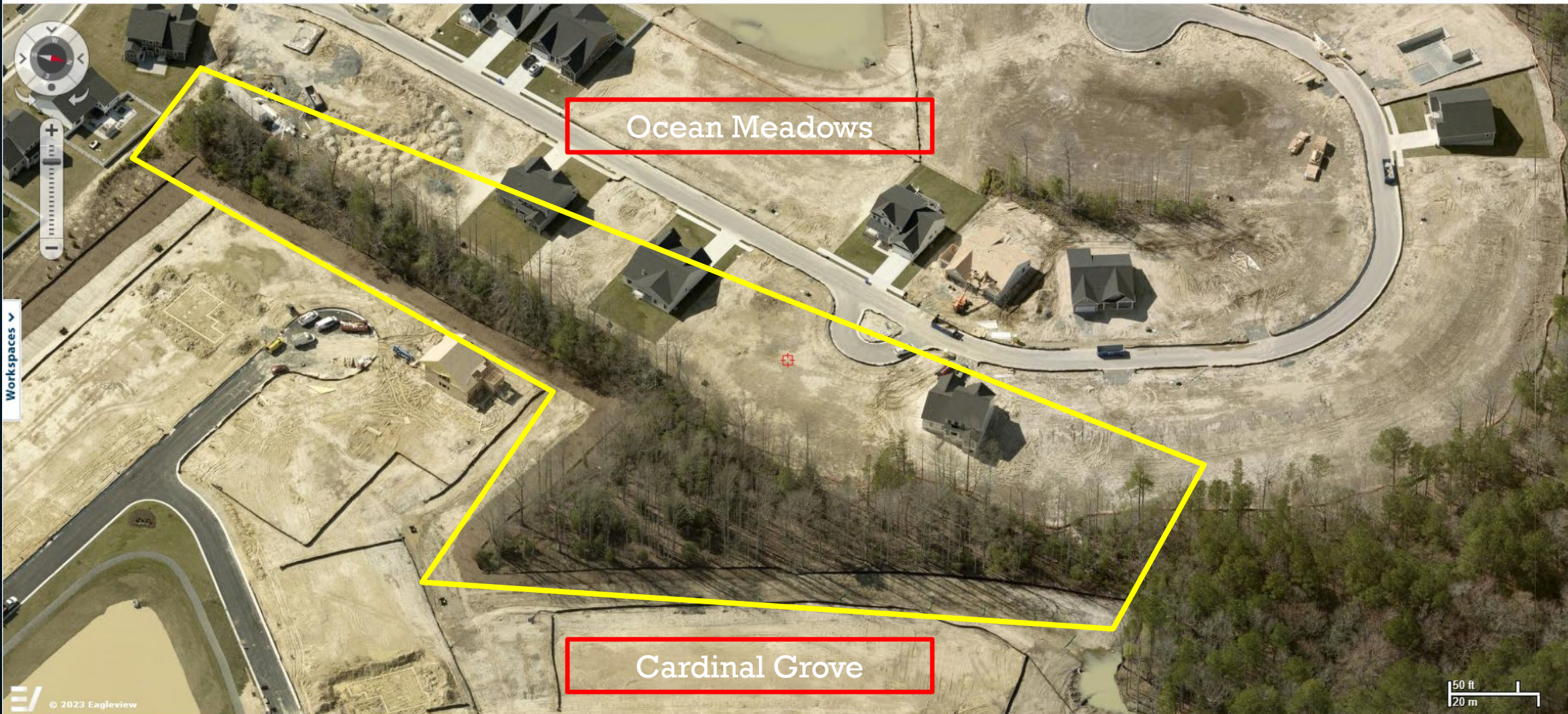
Cardinal Grove - August 2023



**Cardinal Grove - August 2023**



**Cardinal Grove - August 2023**



Workspaces ▾

© 2023 Eagleview

50 ft  
20 m

map: Auto (Oblique) ▾ Feb 2023 - Mar 2023 ▾ < image 1 of 7 > 03/06/2023





Looking to Ocean Meadows - August 2023



Looking to Ocean Meadows - August 2023



Looking to Ocean Meadows - August 2023



Looking to Ocean Meadows - August 2023



Looking to Cardinal Grove - August 2023

# PERIMETER BUFFERS

Discussion:

*What improvements would you like to consider?*

1. Improve perimeter buffer rules
  - A. If trees and woodland exist, develop rules to preserve existing trees and encourage their use for buffers
    - i. Develop Limit of Disturbance area to protect existing trees
  - B. If no trees exist, develop better rules for a planting schedule and species standards
2. Work with Delaware Forest Service to develop species standards and buffer design while referencing ANSI A300 for additional guidance
3. Consider one standard perimeter buffer width for all residential development - is 30' width sufficient?
4. Provide design flexibility for tree preservation
5. Improve perimeter new bonding standards and buffer inspection process
6. Develop new perimeter buffer violation standards and fines

# **FOREST PRESERVATION**

# FOREST PRESERVATION

## Current Issues Identified:

1. Other than the Resource Buffer protections and Superior Design elements, the County has limited rules related to forest preservation and restoration
2. Existing woods are trimmed, cut, or destroyed for development's site work
3. Perimeter buffer landscaping are only form of tree planting requirements
4. Trees planted back take years – perhaps decades – to return to pre-development condition





April 2015



Workspaces ▾

Hawthorne



March 2023

Arrows show where following pictures were taken.





50' Perimeter Buffer

Hawthorne – Perimeter Buffer



**Hawthorne – Perimeter Buffer**



**Hawthorne – Perimeter Buffer**



**Hawthorne – Perimeter Buffer**



**Hawthorne – Preserved Trees within Interior**





**Hawthorne – Preserved Trees within Interior**



**Hawthorne – Preserved Trees within Interior**



**Hawthorne – Preserved Trees within Interior**



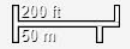
**Hawthorne – Preserved Trees within Interior**



Workspaces ▾



© 2015 Eagleview



map: Auto (Oblique) ▾ Mar 2015 - May 2015 ▾ < image 2 of 4 > 04/01/2015



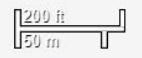
April 2015



Workspaces ▾



Baylis Estates



March 2023



Arrows show where following pictures were taken.

Mount Joy Road ((297))



**Baylis Estates – 30' Perimeter Buffer (existing woods)**





Supplemental Plantings

Baylis Estates – Perimeter Buffer



**Baylis Estates – Perimeter Buffer**



Limit of Disturbance



Baylis Estates – Perimeter Buffer



Property Marker

Plantings

**Baylis Estates – Perimeter Buffer**



**Baylis Estates – Preserved Trees within Interior**



**Baylis Estates – Preserved Trees within Interior**



**Baylis Estates – Preserved Trees within Interior**



**Baylis Estates – Preserved Trees within Interior**





**Baylis Estates – Preserved Trees within Interior**

# FOREST PRESERVATION

## Discussion:

*What improvements would you like to consider?*

1. Pre-development forest/woodland assessment prior to site work
2. Forest/woodland planting plan with planting standards and replacement guarantee
3. For new residential development, percentage of forest/woodland to be preserved based on density
4. For new residential development, for non-forest/woodland, new tree planting rate per square feet
5. Provide design flexibility and/or bonus density for tree preservation for trees of a particular value
6. Allow off-site tree mitigation
7. List permitted tree maintenance activities
8. Develop proper enforcement and violation fines
9. Work with stakeholders, including Delaware Forest Service, to develop forest preservation recommendations
10. Review ANSI A300 for additional guidance

# OPEN SPACE

# OPEN SPACE

## Current Issues Identified:

1. Open Space definition (§115-4) needs updating
2. Definition provides for both passive and active recreation while calling for lands to remain in natural state and serve as a buffer between areas
3. Development features like clubhouses, pools, and tot lots have been counted as open space
4. Should small strips of land like perimeter buffers or pocket parks count towards open space?
5. Is 30% open space requirement enough?

- Typical Cluster Subdivision
- 2 units/acre = 140 units
- Cluster = 133 units
- Required open space – 30%
- Open space includes:
  - Perimeter buffer
  - Stormwater ponds
  - Clubhouse & pool
  - Forest
  - Non-tidal wetlands
  - Active ~2.4 acres
  - Passive ~25 acres
  - Perimeter Buffer ~4 acres



ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF DISCREPANCIES BEFORE PROCEEDING WITH WORK



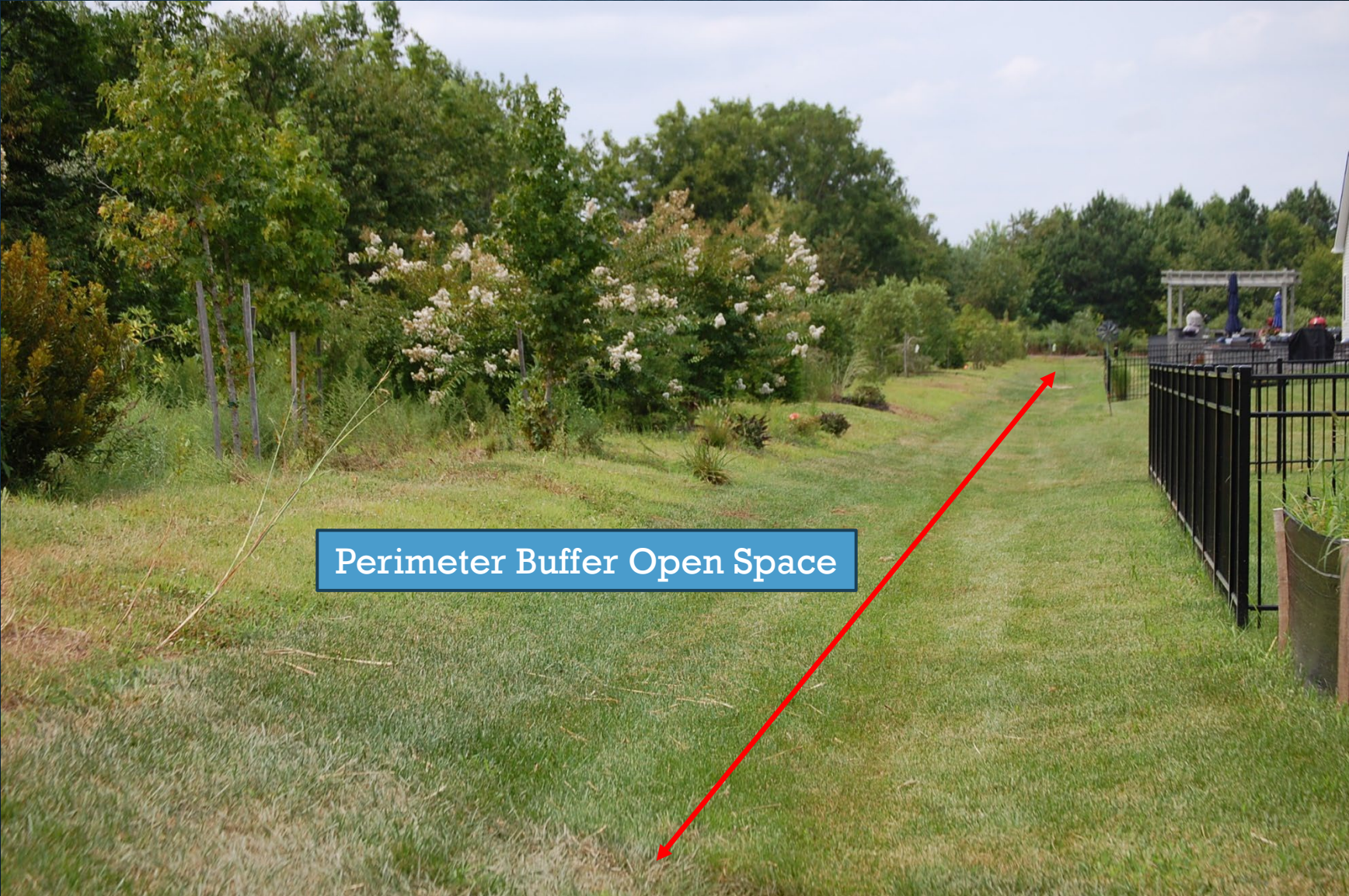
OCEAN MEADOWS  
 SUSSEX COUNTY - INDIAN RIVER HUNDRED  
 BEAVER DAM CROSS STOKES LUTES, DE  
 TAX MAP: 254-2,092,00

KEY SHEET  
 STONEMARK VENTURES, LLC.  
 12154 HAYLAND FARM WAY  
 ELLICOTT CITY, MARYLAND 21044

DATE	BY	REVISIONS
08-30-2019	3	REVISED PER DEEDOT COMMENTS
07-26-2019	2	REVISED PER DEEDOT COMMENTS
07-09-2019	1	REVISED PER SCD COMMENTS

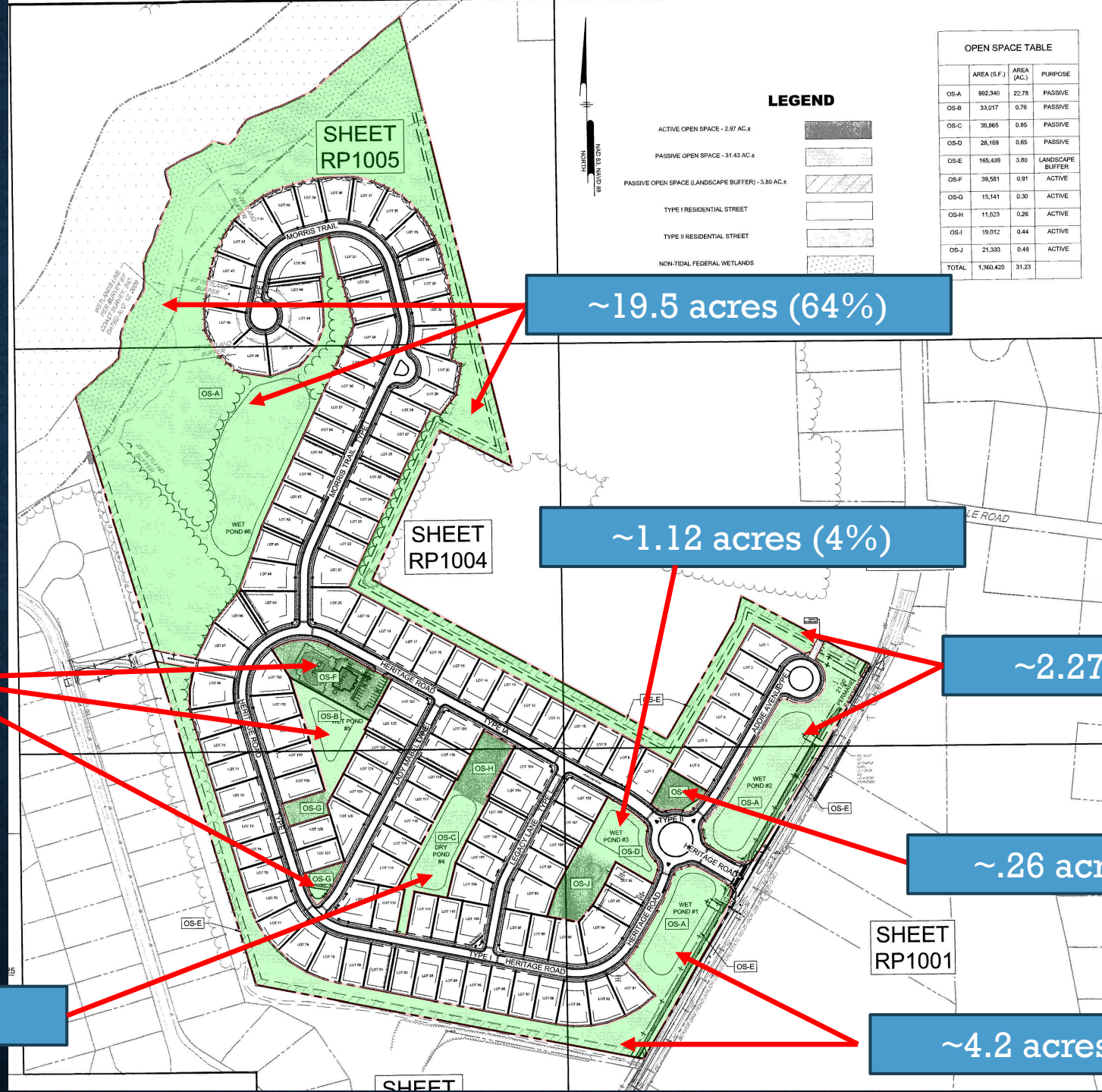
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Ocean Meadows



Perimeter Buffer Open Space

# Approved Development Open Space Breakdown



~19.5 acres (64%)

~1.12 acres (4%)

~1.95 acres (6.4%)

~2.27 acres (7%)

~.26 acres (0.8%)

~1.24 acres (4%)

~4.2 acres (13%)

**Pennoni**  
PENNONI ASSOCIATES INC.  
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M. DEPT. FOR TRANSPORTATION  
STATE OF MARYLAND  
No. 17771  
Professional Engineer  
Professional Seal

OCEAN MEADOWS  
SUSSEX COUNTY - INDIAN RIVER HUNDRED  
SEAWAY DAM ROADS (SQR 295), LEWES, DE  
TAX MAP: 294-2102-00

KEY SHEET  
STONEMARK VENTURES, LLC.  
12154 HAYLAND FARM WAY  
ELLICOTT CITY, MARYLAND 21044

NO.	DATE	REVISION	BY
1	08-30-2018	3	REVISOR PFE
2	07-26-2019	2	REVISOR PFE
1	07-08-2019	1	REVISOR PFE

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PROJECT: SMV/SX19001

## Development Design Alternative

- Reduce the number of pocket parks
- Increase active open space
- Create access to large wooded area
- By only counting the active open space and usable areas, the result is approximately 27.03 acres and 38% of open space.
- New design results in the loss of 6 lots for a new total of 127 lots.





# OPEN SPACE

Discussion:

*What improvements would you like to consider?*

1. Clarify the current Open Space definition
2. Update the list of permitted uses and non-permitted uses of open space, for example perimeter buffers and clubhouses
3. Carefully review site plans to ensure the spirit and rule of the updated Open Space definition is followed
4. Ensure Chapter 99 & 115 (Subdivision Standards & Superior Design) reflect new Open Space rule

# CODE UPDATES

- Update Superior Design (§115-25) based on Council & PZ input, including:
  - Design requirements
  - Review procedures for cluster development
  - Yield plan calculation
- Update Subdivision Standards (§99-9 C.) based on Council & PZ input, including:
  - Current language and lists will be updated so it is clear an application satisfies the criteria
  - Development terms (below) will be clarified and closely reviewed:
    - Integration into existing terrain
    - Minimal use of wetlands
    - Preservation of natural and historical features
    - Preservation of open space and scenic views
    - Minimization of tree, vegetation and soil removal
    - Screening of objectionable features from neighboring properties and roadways
- Develop appropriate fines for violations

# HOUSING DISCUSSION

# **ACCESSORY DWELLING UNITS**

# ACCESSORY DWELLING UNITS (ADU)

- Currently only garage/studio apartments permitted as ADU
  - Must be detached
  - Must be less than 800 sq. ft.
  - Does not have to be a garage/studio
- May be administratively approved by PZ Director or seek Special Use Exception

Calendar Year	Total ADUs Approved	Approved Administratively	Approved by Board of Adjustment
2019	6	2	4
2020	17	16	1
2021	16	16	0
2022	18	14	4
2023	15	14	1
<b>5 Year Total</b>	<b>72</b>	<b>62</b>	<b>10</b>

# ACCESSORY DWELLING UNITS (ADU)

- Kent County, DE expanding its ADU availability
- City of Capitola, CA resource guide





**SINGLE WIDES  
&  
DOUBLE WIDES**



# SINGLE-WIDE RULES

- In GR, single wides are permitted. No age limitation. Must still be a minimum of 450 square feet and must still be skirted.
- Special rules allow additional single wides for farms (when main dwelling already on premises):
  - Farm of 10 acres or more, one manufactured home for residential purposes for persons employed on the premises...
  - One additional manufactured home may be permitted on a farm of 50 acres or more for residential purposes...
  - Additional manufactured homes may be permitted on a farm of 10 acres or more as a special use exception...
- Medical Hardships/Emergency Situations (temporary approvals):
  - Use of a manufactured home as a single-family dwelling to meet an emergency or hardship situation that is administratively approved by the Director...

# SINGLE WIDE



# DOUBLE-WIDE RULES

- In AR-1 the first placement must be multi-sectional (not a single wide).
- Must be not more than 10 years old. Except replacements – the replacement MH just needs to be newer than the one it replaced.
- In all cases, must be a minimum of 24 feet in length and no less than 450 square feet, mounted on a solid foundation/pier system with anchors.

# DOUBLE WIDE



# COMPARISON



# MANAGED MEADOWS







# NATIVE WILDFLOWER PLANTING

This area has been planted with  
native wildflowers and grasses,  
providing diverse habitat  
for pollinators, birds and wildlife.

**NO  
MOW**

**NO  
SPRAY**

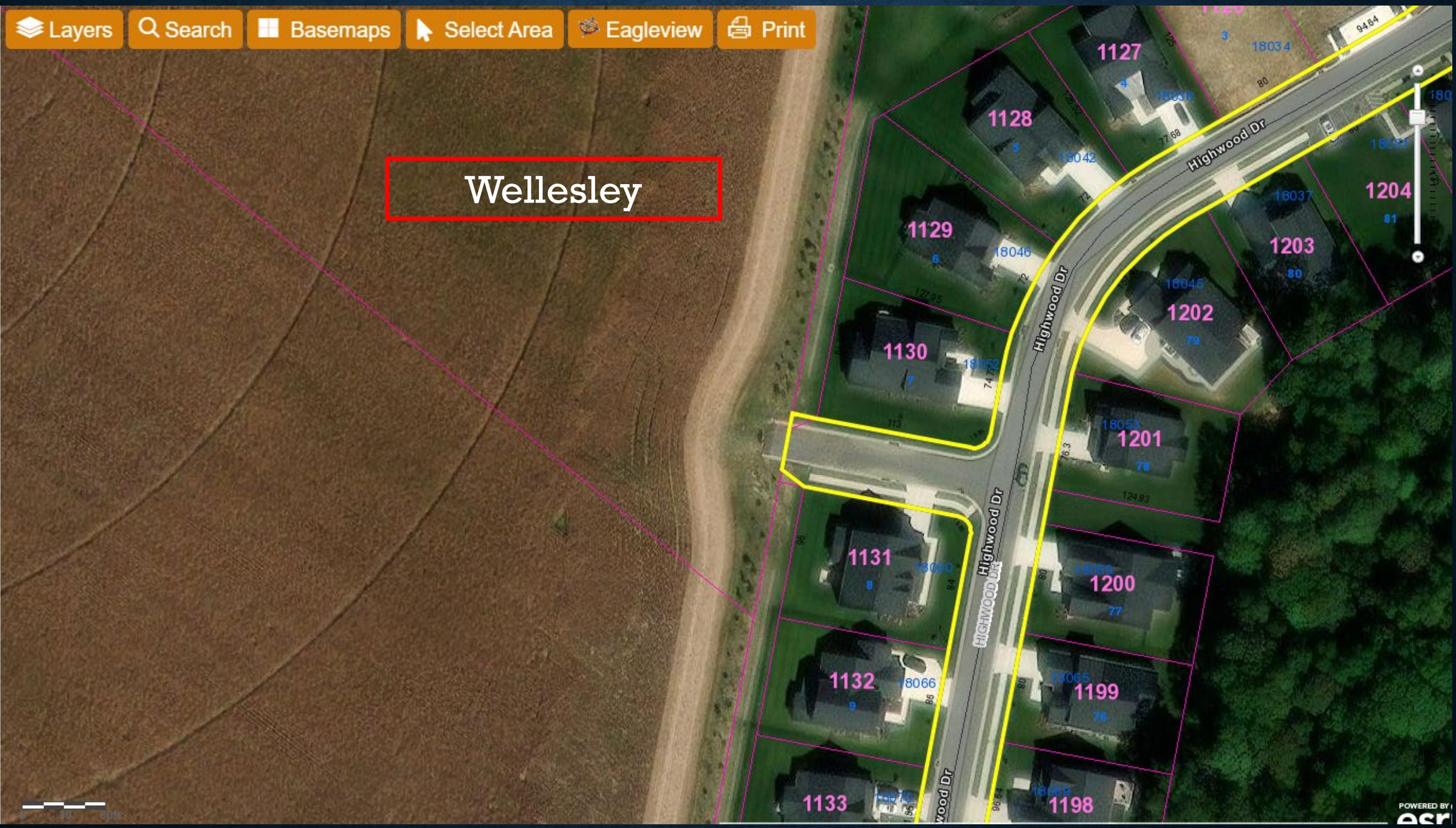
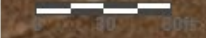
# INTERCONNECTIVITY

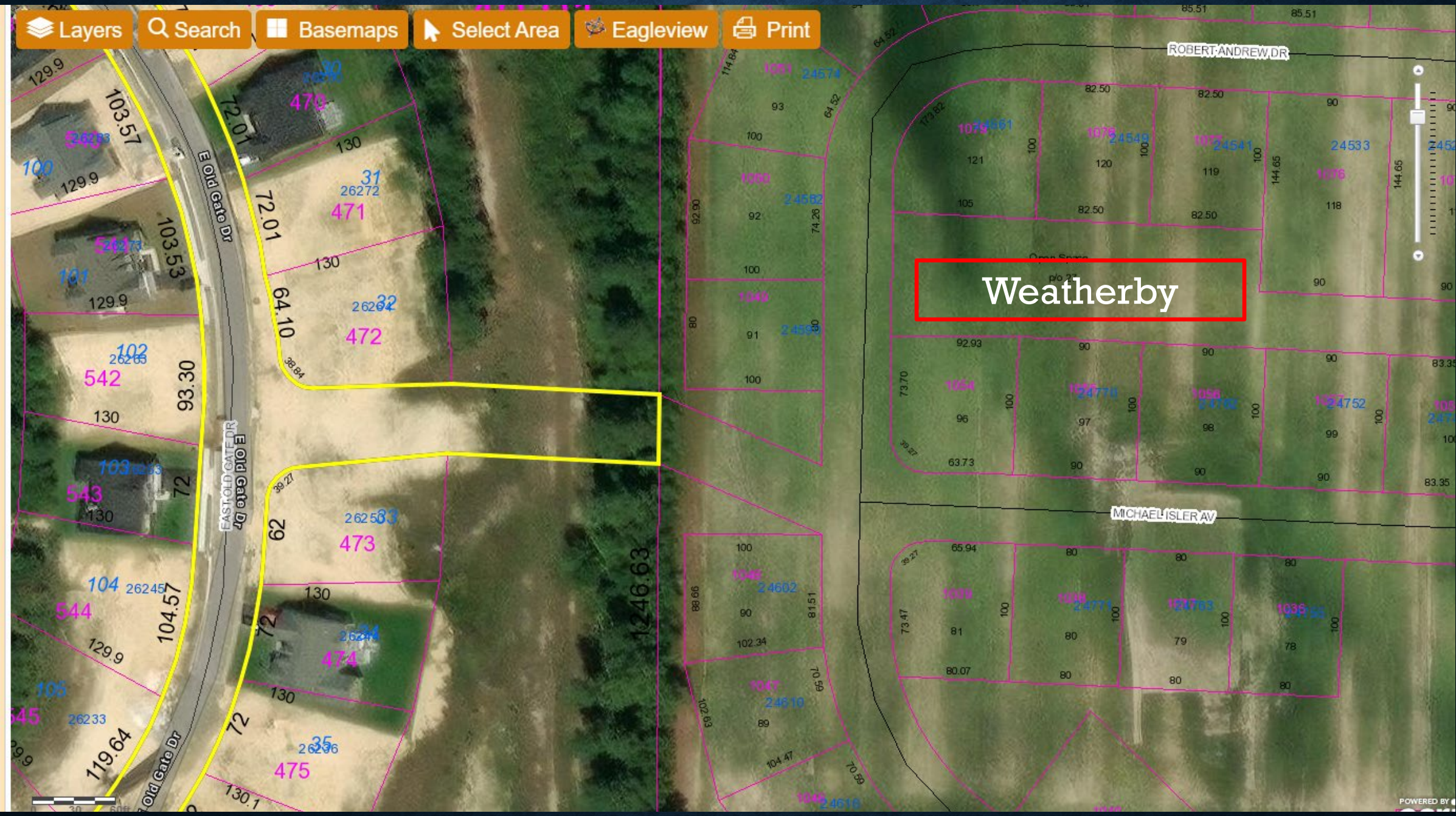


Hawthorne



Wellesley





Weatherby



Compass Point

**SUSSEX COUNTY COUNCIL**

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