



Environmental Code Comparison

Town of Townsend, New Castle County, State of Delaware

An overview and comparison of the regulatory protections afforded to Natural Areas, forests, and freshwater wetlands

September 2026

Table of Contents

Code Summary Tables 2

 Natural Areas 2

 Forests 3

 Freshwater (Non-Tidal) Wetlands..... 4

Code Details Tables 5

 Natural Areas 5

 Forests13

 Freshwater (Non-Tidal) Wetlands.....22

Code Summary Tables

Natural Areas

Code Summary Table	
Environmental Feature: Natural Area	
Townsend Code	Summary: While Townsend Code defines Critical Natural Areas, the code does not contain protections specific to lands that fit this definition. The Code language suggests that the Town believes that the state has regulations to protect Natural Areas, but no such protection exists in Delaware Code or in the Delaware Admin Code.
New Castle County Code	Summary: New Castle County Code clearly articulates that Natural Areas are protected resources and explicitly states that Natural Areas are given 100% protection as a standard. If the County grants a variance, following the review of a professional Environmental Impact Assessment, mitigation (replacement habitat) is required to be four times greater than the area disturbed and is required to be in an area contiguous with the impacted Natural Area.
Delaware Code Delaware Admin Code	No protections. DNREC does not have regulatory authority for lands included in the State Registry of Natural Areas until such lands have been formally preserved by Conservation Easement pursuant to 7 Del. Code, Chapter 69, or by formal Nature Preserve dedication pursuant 7 Del. Code, Chapter 73. Prior to formal preservation, the protection of Natural Areas is addressed by local governments.
Request for Townsend	Adopt an ordinance that 1) says lands within the State Registry of Natural Areas are protected resources within the Town. 2) sets a clear percent of required protection as the code standard, similar to the 100% protection found in New Castle County Code under <u>Article 5. Site Capacity and Concurrency Calculations Table 40.05.420 Calculation for Total Protected Land.</u> and 3) sets a clear percent of required mitigation if a variance for disturbance is granted, similar to the mitigation ratio found in New Castle County Code under <u>Article 10. Environmental Standards. Sec. 40.10.145. Critical Natural Areas (CNA).</u> An alternative solution – If the Town were to annex lands within designated Natural Areas, the Town could rezone those lands to the P-Preservation, as this district is already part of Townsend Code.

Forests

Code Summary Table	
Environmental Feature: Forest	
Townsend Code	Summary: The code expectation is ambiguous. It reads like the developer simply has to make its case for forest removal. Code allows removal of forest for land development under 24.36.160. Code does not set a maximum percent of allowable forest removal. Code does not define forest as a protected resource but says forests shall be retained, unless the Town agrees to the removal. Code says that reforestation is required after clearing but does not base the amount of reforestation on the amount of clearing.
New Castle County Code	Summary: The code clearly articulates that forests are protected resources and have clear, required percentages of preservation, based on the value of the forest as determined by a professional forest assessment. The value is expressed as a Tier rating. The code also clearly articulates requirements for reforestation if clearing is permitted, expressed as a mitigation ratio by which the amount of reforestation is greater than the amount cleared.
Delaware Code Delaware Admin Code	No protections. DNREC does not have regulatory authority for forests until such lands have been formally preserved by Conservation Easement pursuant to 7 Del. Code, Chapter 69, or by formal Nature Preserve dedication pursuant 7 Del. Code, Chapter 73. DDA similarly does not have regulatory authority for forests until such lands have been formally preserved pursuant to 3 Del. Code, Chapter 9. Prior to formal preservation, the protection of forests is addressed by local governments.
Request for Townsend	Adopt an ordinance that 1) says forests are protected resources within the Town. 2) sets a clear percent of required forest protection as the code standard, similar to the protection found in New Castle County Code under <u>Article 5. Site Capacity and Concurrency Calculations Table 40.05.420 Calculation for Total Protected Land.</u> and 3) sets a clear percent of required reforestation if clearing is permitted, similar to the mitigation ratio found in New Castle County Code under <u>Article 10. Environmental Standards. Table 40.10.135 Forest Mitigation Protection and Ratios.</u>

Freshwater (Non-Tidal) Wetlands

Code Summary Table	
Environmental Feature: Freshwater (Non-Tidal) Wetlands	
Townsend Code	Summary: The code expands the definition of Wetlands beyond jurisdictional determination, facilitating regulation of non-jurisdictional wetlands but does not establish a standard level of protection.
New Castle County Code	Summary: The code expands the definition of Wetlands beyond jurisdictional determination, facilitating regulation of non-jurisdictional wetlands. The standard protection is 100% for all districts. Exception for disturbance may be granted, subject to review/approval by the Dept of Land Use.
Delaware Code Delaware Admin Code	<u>No protections currently.</u> DNREC regulations will be developed through a regulatory advisory committee that has been established following the passage of SB 9 (2026). The committee is required by law to submit regulations for approval to the DNREC Secretary by Aug 1, 2027.
Request for Townsend	Adopt an ordinance that 1) provides 100% protection as the code standard, similar to the protection found in New Castle County code under <u>Article 5. Site Capacity and Concurrency Calculations. Table 40.05.420 Calculation for Total Protected Land.</u> 2) It is acceptable to include the exception also found in the New Castle County code under <u>Article 10. Environmental Standards. Sec. 40.10.120. Wetlands.</u>

Code Details Tables

Natural Areas

Code Details Table		
Environmental Feature	Townsend Code	New Castle County Code
Natural Area	<u>24.36.090 Critical Natural Areas (CNA)</u> The applicant is required to contact the DNREC for the determination of all potential CNA and shall follow the state guidelines for developmental procedures. (UDC 2002, § 1108) <i>Note: no such state guidelines exist, as the state does not have regulatory authority over Natural Areas.</i>	<u>Article 5. Site Capacity and Concurrency Calculations.</u> <u>Table 40.05.420</u> <u>Calculation for Total Protected Land.</u> Resource Protection Ratio for All Districts Forests, Tier 1 - CNA** 1.00 Forests, Tier 2 CNA** 1.00 Forests, Tier 3 CNA** 1.00 Other CNA 1.00 * There are other standards of protection which include mandatory mitigation or construction in Article 10. ** Any future developer shall be required to use the original forest cover as set forth in Sections 40.03.301C and E. (Ord. No. 97-172, § 3(ch. 13, § 05.420), 12-31-1997; Ord. No. 98-080, § 1(ch. 13, § 05.420), 9-22-1998; Ord. No. 99-075, § 1, 12-14-1999; Ord. No. 01-112, § 1(Exh. A), 3-12-2002; Ord. No. 14-126, § 2, 1-13-2015; Ord. No. 21-009, § 2, 12-14-2021; Ord. No. 22-101, § 1, 11-29-2022)

		<u>Article 10. Environmental Standards. Sec. 40.10.145. Critical Natural Areas (CNA).</u> Where a development is in a CNA, the developer shall be notified at the preapplication conference. The application for an exploratory plan shall include a report indicating how the plan meets the standards of this Chapter and concerns and comments on the plan from the DNREC. Where the developer can preserve greater areas of open space in the plan without losing density this may be required on the advice of DNREC. If a variance from applicable resource protection standards is sought within a designated CNA, the applicant will be required to conduct an Environmental Impact Assessment (EIA) as outlined in Section 40.10.701. If the variance is granted, mitigation shall be required at a four to one (4:1) ratio to replace habitat in an area contiguous with the impacted CNA. (Ord. No. 97-172, § 3(ch. 13, § 10.370), 12-31-1997; Ord. No. 10-113, § 1(Exh. A), 1-18-2011; Ord. No. 14-126, §4, 1-13-2015; Ord. No. 22-101, § 2, 11-29-2022)
	<u>24.36.020 Definitions - Environmental Protection Regulations</u> “Critical natural area (CNA)” means any site listed in the state natural areas inventory, as administered by the State Office of Nature Preserves, Division of Parks and Recreation,	<u>Article 33. Definitions</u> Critical natural area (CNA). Any site listed in the State natural areas inventory, as administered by the State Office of Nature Preserves, Division of Parks and Recreation, of the DNREC. Critical natural areas report. A report analyzing the impact of a development or subdivision proposal on a

	or the Delaware Department of Natural Resources and Environmental Control. "Critical natural areas report" means a report analyzing the impact of a development or subdivision proposal on a CNA located on the site, which shall include the following elements: A statement that an entire lot or parcel is included in the critical natural areas investigation or a description of a smaller area which is subject to the critical natural areas investigation; A scaled plan of the site accurately depicting critical natural area boundaries. The CNA boundary lines shall be identified with a metes and bounds description prepared by and bearing the seal of a professional land surveyor registered in the state, or a professional engineer with a background in civil engineering registered in the state. Where many survey traverses are necessary to accurately describe the CNA boundary, the developer may have the surveyor or engineer identify and prepare a metes and bounds description for the smallest polygon that contains all the critical natural areas identified on the site. In such instances, however, the limits of the polygon will be	CNA located on the site which shall include the following elements: A. A statement that the entire lot or parcel is included in the critical natural areas investigation or, with the approval of the Department, a description of a smaller area which is subject to the critical natural areas investigation; B. A scaled plan of the site accurately depicting critical natural area boundaries. The CNA boundary lines shall be identified with a metes and bounds description prepared by and bearing the seal of a professional land surveyor registered in the State, or a professional engineer with a background in civil engineering registered in the State. Where many survey traverses are necessary to accurately describe the CNA boundary, the developer may have the surveyor or engineer identify and prepare a metes and bounds description for the smallest polygon that contains all the critical natural areas identified on the site. In such instances, however, the limits of the polygon will be considered the CNA boundaries for plan review purposes; C. A narrative description of the extent to which the applicant proposes land disturbing activities within any critical natural areas which are shown on the scaled plan; and D. Any measures that will be taken to minimize or mitigate the disturbance of critical natural areas.
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considered the CNA boundaries for plan review purposes; A narrative description of the extent to which the subdivider or developer proposes land disturbing activities within any critical natural areas which are shown on the scaled plan; and Any measures that will be taken to minimize or mitigate the disturbance of critical natural areas. <u>24.04.080 Preservation Of Natural Features</u> No structure shall be built within a riparian buffer area.	<u>Article 33. Definitions</u> Open space, natural resource area. One (1) of the two (2) types of open space in a residential subdivision of fifty (50) acres or greater. Natural resource area open space are those areas comprised of protected resources including but not limited to wetlands, floodplains, riparian buffer areas, forests, steep slopes, critical natural areas, and water resource protection areas, as well as other relatively large, contiguous open spaces. Open space ratio (OSR). The proportion of a development required to be left in open space. It is determined by dividing the area in open space by the base site area. When applied to resource protection, the open space ratio shall mean that percentage of the resource feature to be protected and/or preserved in the total land area in that resource.
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	No persons, firm or corporation shall strip, excavate or otherwise remove top soil for sale or other use other than on the premises from which it was taken, except in connection with the construction or alteration of a building on such premises when excavation or grading is incidental to such activity. Existing natural resources, such as woodlands, individual mature trees, streams and watercourses, drainage channels and important vistas and view-sheds shall be retained. Whenever a development proposal is in conflict with the preservation of such natural features, the Planning Commission may authorize their removal or relocation provided that, in their opinion, there will be no substantial adverse impact upon the overall integrity of the community or property values in the area, and no feasible alternative exists. (UDC 2002, § 201) HISTORY Amended by Ord. 2020-004 on 6/3/2020 <i>A potential solution – If the Town were to annex lands within designated Natural Areas, the Town could rezone those lands to the following district, which is already part of Townsend Code.</i> <u>24.12.020 Preservation District (P)</u>	
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	Purpose. The purpose of this district is to preserve undeveloped areas including but not limited to open space, natural areas and woodlands, agricultural lands and areas of special environmental, historic, cultural importance or potential recreational value. It is the intention of this district to preserve such areas to conserve and protect the natural beauty of the town and to enhance the local quality of life and the health and welfare of residents by providing access to natural vistas, open space and the natural environment and opportunities for active and passive recreation. Permitted Uses. In a Preservation (P) District no building, structure or land shall be used for any purpose except for one of the following: General agricultural, including the cultivation of field crops, orchard groves or nurseries for the propagation of plants, turf, trees and shrubs. Passive recreational uses, whether public or private. The following uses may be permitted as when authorized by a special exception by the board of adjustment: Accessory farm buildings, including barns, stables, sheds, tool rooms, ships, bins, tanks and silos.	
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	Active public and private recreational uses, including unlighted ball parks, parks, playing fields, and playgrounds. This paragraph shall not be interpreted to permit commercial theme parks, carnivals or similar activities. Swimming pools or game courts, including structures for keeping and storing of recreational and related maintenance equipment, and those structures necessary for proper operation of recreational lands, parks and open spaces, including concession stands. Single-family detached dwelling unit provided such dwelling unit is used as a residence in conjunction with a farm or the cultivation of field crops. The uses permitted in paragraph B,2 may be approved only when the following requirements are met: The proposed use will result in no negative impacts nor materially reduce the quality of any adjoining open spaces, passive recreation areas or lands zoned preservation. When applicable a land development plan, as herein defined, shall be submitted. The proposed use does not violate any town ordinances and otherwise conforms to the requirements of this section. Area and bulk regulations and requirements for buffer yards, offstreet	
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Environmental Code Comparison – Townsend, New Castle County, State of Delaware

	parking, loading and signs are contained in 24 Appendix A and other sections of this chapter. (UDC 2002, §§ 401, 402)	
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Forests

Code Details Table		
Environmental Feature	Townsend Code	New Castle County Code
Forest	<u>24.04.080 Preservation Of Natural Features</u> ... Existing natural resources, such as woodlands, individual mature trees, streams and watercourses, drainage channels and important vistas and view-sheds shall be retained. Whenever a development proposal is in conflict with the preservation of such natural features, the Planning Commission may authorize their removal or relocation provided that, in their opinion, there will be no substantial adverse impact upon the overall integrity of the community or property values in the area, and no feasible alternative exists. (UDC 2002, § 201) HISTORY Amended by Ord. 2020-004 on 6/3/2020 <u>24.36.170 Reforestation Requirements</u> Protected Resources. Protected resources shall not be disturbed with roadways, parking lots or utility lines. The applicant must demonstrate no possible alternative	Article 5. Site Capacity and Concurrency <u>Calculations Table 40.05.420</u> <u>Calculation for Total Protected Land</u> Resource Protection Ratio for Districts CN, CR, ON, OR, BP, I, HI Forests, Tier 1 - CNA** 1.00 Forests, Tier 1** 0.60 Forests, Tier 2 CNA** 1.00 Forests, Tier 2** 0.40 Forests, Tier 3 CNA** 1.00 Forests, Tier 3** 0.10 Resource Protection Ratio for All Other Districts Forests, Tier 1 - CNA** 1.00 Forests, Tier 1** 0.80 Forests, Tier 2 CNA** 1.00 Forests, Tier 2** 0.60 Forests, Tier 3 CNA** 1.00 Forests, Tier 3** 0.30 * There are other standards of protection which include mandatory mitigation or construction in Article 10.

	to crossing the resource exists and the route selected must be the least disruptive. All open spaces to be reforested shall be planted according to the plant species listed in Table 11-16. The area around each tree shall be mulched. The entire area may be mulched or seeded in a perennial grass mix with a minimum 30 percent indigenous herbaceous forest, or grassland species. Canopy trees shall be selected to provide a diversity of native plants. Plantings shall include a minimum of four species. Where more than 100 canopy trees are required, a minimum of six species shall be provided; no one species shall have less than five or more than 30 percent of the total trees. <u>Table 11-16</u> <u>Reforestation Requirements per Acre</u> <table><tr><th colspan="2">No. of Plants, Types of Plants</th></tr><tr><td>1</td><td>4" caliper canopy</td></tr><tr><td>4</td><td>3" caliper canopy</td></tr><tr><td>10</td><td>1 1/2" caliper canopy</td></tr><tr><td>6</td><td>1 1/2" caliper or 5–6 ft. understory trees</td></tr><tr><td>50</td><td>6 ft. whip canopy</td></tr><tr><td>30</td><td>bare root shrubs or 1 gallon pots</td></tr></table> (UDC 2002, § 1116) <u>24.36.020 Definitions</u>	No. of Plants, Types of Plants		1	4" caliper canopy	4	3" caliper canopy	10	1 1/2" caliper canopy	6	1 1/2" caliper or 5–6 ft. understory trees	50	6 ft. whip canopy	30	bare root shrubs or 1 gallon pots	** Any future developer shall be required to use the original forest cover as set forth in Sections 40.03.301C and E. <u>Article 10. Environmental Standards. Sec. 40.10.135. Forests.</u> Where a forest exists within a project boundary that will be disturbed by development or construction activities, a Forest Habitat Value Assessment as set forth in Appendix 1.3 is required. The forested areas containing the highest habitat value, as determined by the Forest Habitat Value Assessment, will be given the highest priority for preservation. Forests may be cut or cleared over a greater area than permitted in Table 40.05.420 only if mitigation is provided and the following standards are met: A. A Forest Habitat Value Assessment shall be conducted by a qualified professional landscape architect, forester, arborist, botanist, plant or wildlife ecologist, or other licensed or certified professional in the applicable environmental discipline. B. Where landscaping can occur, the protection level given forests after mitigation shall not be less than in Table 40.10.135. The acres of mitigation required is expressed as a ratio (acres planted to acres disturbed). In no case shall the increased cutting lead to a revision of
No. of Plants, Types of Plants																
1	4" caliper canopy															
4	3" caliper canopy															
10	1 1/2" caliper canopy															
6	1 1/2" caliper or 5–6 ft. understory trees															
50	6 ft. whip canopy															
30	bare root shrubs or 1 gallon pots															

	Forest" means an area covered by a canopy of woody plants (trees) that qualifies as mature and/or young. It may also be a woodland, woodlot, grove, or stand of trees meeting the specifications of the forest type. "Forest, mature" means an area or stand of trees whose total combined canopy covers an area of one acre or more composed of canopies of trees having a DBH of at least 18 inches or greater covering at least 75 percent of that area. Also, any stand or grove consisting of eight or more individual trees having a DBH of at least 18 inches whose combined canopies cover at least 50 percent of the area encompassed by the grove. "Forest, young" means an area or stand of trees whose total combined canopy covers an extra of one acre or more, with canopy trees having a DBH of six inches and covering at least 60 percent of the area. However, no trees kept or grown for commercial purposes shall be considered a young forest. "Forest management practices" means that combination of generally accepted	the density permitted by the site resource capacity calculation in Division 40.05.400. C. An applicant may be permitted to reduce the protection level with mitigation set forth in Table 40.10.135, provided the mitigation ratio is maintained and the area to be reforested is either on the same parcel or on an adjoining parcel. Any reduction of this standard shall require the approval of the Department and County Council. <u>Table 40.10.135</u> <u>Forest Mitigation Protection and Ratios</u> Forest Tier (Zone), Protection Level, Protection with Mitigation, Mitigation Ratio Tier 1 (CN, CR, ON, OR, BP, I, HI districts) 0.60 0.50 1.5:1 Tier 1 (all other districts) 0.80 0.70 2:1 Tier 2 (CN, CR, ON, OR, BP, I, HI districts) 0.40 0.30 1.25:1 Tier 2 (all other districts) 0.60 0.50 1.5:1 Tier 3 (CN, CR, ON, OR, BP, I, HI districts) 0.10 0.05 1.25:1 Tier 3 (all other districts) 0.30 0.20 1.5:1 <u>Article 33. Definitions</u> Forest Protection Level Tier 1: A forested area or areas with the highest habitat value based on the forest habitat value
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	methods for preserving, promoting and protecting silviculture, which may include selective cutting, burning and removal of trees. "Reforestation" means the replanting or planting of forest plant materials. "Tree, canopy" means a tree whose leaves would occupy the upper level of a forest in a natural ecological situation. These trees are also called shade trees, and typically reach heights of 50--100 feet at maturity. "Tree, understory" means a tree whose leaves would occupy the intermediate level of a forest in a natural ecological situation. They are also found as dominant species in old field succession. These trees are also called ornamental trees. (UDC 2002, § 1101) HISTORY Amended by Ord. 2020-004 on 6/3/2020 <u>24.36.160 Clearing</u> With all natural resources, clearing shall be permitted only under the following conditions:	assessment and a numerical point system. A Tier 1 protection level has fifty-two (52) or greater habitat value points. Tier 2: A forested area or areas that has between twenty-six (26) and fifty-one (51) habitat value points. Tier 3: A forested area or areas that has between one (1) and twenty-five (25) habitat value points. See Appendix 1 for the forest habitat assessment process. <u>Article 3. Use Regulations. Sec. 40.03.301. Clearing.</u> A. Clearing includes earth moving, logging, or burning and shall require a zoning permit. Such permits shall be issued only under one (1) or more of the following conditions:
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	To prepare land for a use permitted by this chapter; As a reforestation measure, or to enhance to improve the quality of existing vegetation or as a means to eliminate dead, diseased, or hazardous tree stands; Where a clearcutting operation is deemed permissible for one of the reasons stated in this paragraph, it shall be consistent with the terms of TMC 24.36.170 and in accordance with the State Department of Agriculture Division of Forest Services. (UDC 2002, § 1115)	As part of a site plan or land development plan with an approved resource protection plan. 2. A resource protection plan and analysis shall be submitted to the Department demonstrating that the standards of Table 40.10.010 are met, including a record of the property's original conditions. 3. When trees are to be harvested beyond the required resource protection levels provided for in this Chapter, a zoning permit shall be granted; however, a conservation easement which shall require reforestation pursuant to Section 40.10.350, and which shall limit development to the open area shall be recorded. <u>Article 4. District Intensity and Bulk Standards.</u> <u>Sec. 40.04.210. Required landscaping.</u> ... E. Afforestation landscaping may be required under Table 40.04.241. <u>Sec. 40.04.231. Landscaping standards for required open space.</u> All areas of open space shall be landscaped using one (1) of the following landscape treatments: A. Areas presently covered with natural vegetation shall be maintained in that natural state.
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		... C. Areas disturbed, but scheduled to be returned to natural conditions, shall be planted as forest (reforestation or afforestation) or with such other plant material that will return the area to its natural condition. All proposed plant material used must be native. <u>Sec. 40.04.241. Afforestation standards.</u> Major land development plans and minor nonresidential land development plans must provide afforestation. This Section establishes the requirement for forest or tree cover on sites that are not presently forested or where existing forest or tree cover is less than the afforestation ratio required by the associated zoning district. A. The afforestation ratio consists of the ratio of the total forest cover area or tree cover area to the entire site. Table 40.04.241 provides the minimum afforestation ratios for development in corresponding zoning districts. Areas of active cultivation may be excluded from the calculation for this requirement. <u>Table 40.04.241</u> <u>Afforestation Ratio</u> Zoning District* Minimum Afforestation Ratio SE; SR; NC2a 0.35 S; NC40 0.30 S*; NC6.5; NC10; NC15; NC21 0.25
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	ST; TN; NC5; NCsd; NCth; NCga; NCap 0.20 BP; ON; OR; CN; CR 0.15 I; HI 0.10 * S zoned parcels using an Open Space Planned Development option must provide a minimum 0.25 afforestation ratio B. Forest cover consists of the area of all existing forest to remain or new forest to be planted. This includes reforestation and afforestation associated with riparian buffers, WRPAs or forest mitigation. Forest cover must be calculated concurrently with a conceptual landscape plan submission. ... E. Off-site afforestation may be permitted in the same watershed. A conservation easement must be established to identify maintenance responsibility and prohibit the disturbance of the afforestation area in perpetuity. F. The applicant must demonstrate compliance with afforestation standards as part of the final landscape plan and open space certification as applicable. G. The maintenance escrow required by Section 40.27.220 must include maintenance funding for five (5) years for the afforestation/reforestation planting requirements. <u>24.20.070 Landscaping</u> Scenic Corridors. Major subdivisions and land development plans shall be required to	<u>Sec. 40.04.240. Scenic corridors.</u>
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	provide a scenic corridor along all arterial and collector roads, and along roads designated as scenic. Scenic corridors shall be comprised of open space and shall meet the following criteria: Scenic Corridor Standards Buffer Width, Landscape Requirements 50' Existing forest to be preserved 100' to 150' 6 plant units per 100 linear feet of street frontage 151' to 200' 5 plant units per 100 linear feet of street frontage 201' to 400' 3 plant units per 100 linear feet of street frontage 400' or greater 1 plant unit per 100 linear feet of street frontage 600' or greater Minimum of 30 acres preserved for agricultural use (no landscaping required) (UDC 2002, §§ 506A, 506B) HISTORY Amended by Ord. 2020-004 on 6/3/2020	Scenic corridors shall be provided as follows, and shall meet the criteria of Table 40.04.240: A. Major subdivision plans and major land development plans must provide a scenic corridor in accordance with this section. Scenic corridors shall be established along all arterial and collector roads in the Suburban Reserve (SR) District and in the Suburban (S) District land south of the C&D canal. B. Major and minor subdivision and major and minor land development plans for properties within six hundred sixty (660) feet of the right-of-way of a designated byway must provide a minimum 100-foot-wide scenic corridor. Applications that demonstrate compliance with Subsection 40.04.110.F are exempt from this Section. C. Scenic corridors for major plans shall be comprised of open space. Scenic corridors for minor plans shall be protected through on-lot conservation easements. <u>Table 40.04.240</u> <u>Scenic Corridor Standards</u> Buffer Width Landscape/Requirements 50' Existing forest to be preserved 100' to 150' 6 plant units per 100 linear feet of street frontage 151' to 200' 5 plant units per 100 linear feet of street frontage
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Environmental Code Comparison – Townsend, New Castle County, State of Delaware

		201' to 400' 3 plant units per 100 linear feet of street frontage 400' or greater 1 plant unit per 100 linear feet of street frontage 600' or greater minimum 30 acres preserved for agricultural use (no landscaping required)
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Freshwater (Non-Tidal) Wetlands

Code Details Table		
Environmental Feature	Townsend Code	New Castle County Code
Freshwater (Non-Tidal) Wetlands	<u>24.36.020 Definitions – Environmental Protection Regulations</u> "Wetland" means those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions; or areas that are defined and delineated in accordance with the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" dated January 10, 1989, and as may be amended from time to time; or as further defined and delineated by the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, or the Delaware Department of Natural Resources and Environmental Control. (UDC 2002, § 1101) HISTORY Amended by Ord. 2020-004 on 6/3/2020 <u>24.36.050 Wetlands</u>	<u>Article 33. Definitions</u> Wetland. Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions; or areas that are defined and delineated in accordance with the U.S. Army Corps of Engineers guidelines as may be amended from time to time, the U.S. Environmental Protection Agency, or the DNREC. <u>Article 5. Site Capacity and Concurrency Calculations. Table 40.05.420 Calculation for Total Protected Land</u> Resource Protection Ratio for Wetlands: 1.00 for all districts <u>Article 10. Environmental Standards. Sec. 40.10.120. Wetlands.</u> A. The one hundred (100) percent protection level for preservation of wetlands established in Table 40.05.420 and Table 40.10.010 may be reduced when a permit from the United States Army Corps of Engineers is issued for filling or disturbance. Wetland

	Wetland mitigation shall be that for which a permit has been issued by the United States Army Corps of Engineers. Permits from the state may also be required. It is permissible to construct utility and access crossings within wetlands where no other recourse is available. The proposed use must be authorized by the town and meet the requirements of this Code, Army Corps of Engineers regulations, and the DNREC. No other forms of construction are permitted in areas designated as wetlands. Any work in buffer areas shall meet the requirements of this Code, Army Corps of Engineers regulations, and the DNREC. (UDC 2002, § 1104)	mitigation shall be that for which a permit has been issued by the United States Army Corps of Engineers. In addition, any mitigation approved by the United States Army Corps of Engineers is also subject to approval by the Department before any mitigation may occur. Permits from the State may also be required. <u>Article 33. Definitions</u> Developable land. All land within the boundaries of any tract proposed for development except for land which is located withinfloodplains, including land continuously covered with water, wetlands... Open space, natural resource area. One (1) of the two (2) types of open space in a residential subdivision of fifty (50) acres or greater. Natural resource area open space are those areas comprised of protected resources including but not limited to wetlands, floodplains, riparian buffer areas, forests, steep slopes, critical natural areas, and water resource protection areas, as well as other relatively large, contiguous open spaces. Open space ratio (OSR). The proportion of a development required to be left in open space. It is determined by dividing the area in open space by the base site area. When applied to resource protection, the open space ratio shall mean that percentage of
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	<u>24.36.020 Definitions – Environmental Protection Regulations</u> Riparian buffer area (RBA) means where a parcel of land is adjacent to a perennial, lake, tidal wetland or area draining greater than ten acres forming a transition zone between the aquatic and the terrestrial environments is proposed for development or redevelopment, a RBA shall be designated. The RBA shall include the waterbody and the adjacent area within at least 100 feet from the top of bank of the waterbody. The RBA shall also include the floodplain or nontidal wetland plus the adjacent area within a minimum of 50 feet of the resource. Identification and calculation. ... One hundred (100) feet on either side of perennial and intermittent streams, lakes, and tidal wetlands; All of a nontidal wetland greater than twenty thousand (20,000) square feet in area, plus an additional one hundred (100) feet of adjacent land;	the resource feature to be protected and/or preserved in the total land area in that resource. Riparian buffer area (RBA). An RBA consists of land which forms a transition zone between aquatic and terrestrial environments. RBA's include: ... C. All of a nontidal wetland greater than twenty thousand (20,000) square feet in area, plus an additional fifty (50) feet of adjacent land;
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