

31 WHEREAS, it has been determined that this Ordinance promotes and protects the
32 health, safety, convenience, orderly growth and welfare of the inhabitants of Sussex
33 County.

34 **NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

35
36 **Section 1. The Code of Sussex County, Chapter 99, Article II, §99-9 “Public**
37 **hearing on preliminary plat approval or disapproval” is hereby amended by**
38 **deleting the language in brackets and by inserting the italicized and underlined**
39 **language in Subsection 99-9.C thereof as follows:**

40
41 **§ 99-9 Public hearing on preliminary plat approval or disapproval.**

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43 . . .

44
45 C. In addition to the other provisions contained within this article, [**the approval**
46 **of a subdivision shall include consideration of the following**] *an Applicant for*
47 *approval of a preliminary plat shall provide that the following criteria are satisfied*
48 *and the manner in which each one is satisfied through the design of the preliminary*
49 *plat:*

50
51 (1) [**Integration of the proposed subdivision into existing terrain and surrounding**
52 **landscape**] *That the proposed subdivision is integrated into existing terrain and*
53 *surrounding landscape.*

54
55 (2) [**Minimal use of wetlands and floodplains.**] *That all resources and resource*
56 *buffers are protected in accordance with Chapters 99 and 115 herein and that*
57 *floodplains are minimally used.*

58
59 (3) [**Preservation of natural and historical features.**] *That natural and historic*
60 *features are preserved and forest fragmentation is minimized. In addition, a forest*
61 *assessment shall be conducted with a forest assessment report included with the*
62 *preliminary plat. If woodlands or mature forests that contain high habitat value are*
63 *found, these areas shall be conserved to the maximum extent possible.*

64
65 (4) [**Preservation of open space and scenic views.**] *That open space and scenic views*
66 *are preserved.*

67

68 (5) [Minimization of tree, vegetation and soil removal and grade changes.] That the
69 design of the proposed subdivision, including the stormwater management and
70 drainage design minimizes the removal of trees, vegetation and soil.

71
72 (6) [Screening of objectionable features from neighboring properties and roadways.]
73 That objectionable features are screened from neighboring properties and
74 roadways.

75
76 (7) [Provision for water supply.] That the supply of potable water to future residents
77 of the proposed subdivision is safe and adequate for their use.

78
79 (8) [Provision for sewage disposal.] That the means and method of sewage disposal
80 are adequately addressed for the proposed subdivision.

81
82 (9) [Prevention of pollution of surface and groundwater.] That the proposed
83 subdivision will not pollute surface water or groundwater.

84
85 (10)[Minimization of erosion and sedimentation, minimization of changes in
86 groundwater levels, minimization of increased rates of runoff, minimization of
87 potential for flooding and design of drainage so that groundwater recharge is
88 maximized.] That erosion and sedimentation is minimized, and the methods of
89 minimization are adequately identified.

90
91 (11) That changes to the groundwater levels will be minimized and that
92 groundwater recharge is maximized as a result of the proposed subdivision and that
93 the methods of both are adequately identified. In addition, that there will not be
94 increased rates of runoff or increased risk of flooding onto adjoining properties from
95 the design and construction of the proposed subdivision, and the methods used to
96 achieve these criteria are adequately identified.

97
98 [(11)Provision for safe vehicular and pedestrian movement within the site and to
99 adjacent ways.]

100
101 (12) [Effect on area property values.] That area property values will not be
102 adversely affected.

103
104 (13)[Preservation and conservation of farmland.] That any active farmland adjacent
105 to the proposed subdivision is adequately preserved through the design and
106 construction of the proposed subdivision.

107
108 (14)[Effect on schools, public buildings and community facilities.] That the
109 Applicant has consulted with the local school district where the proposed
110 subdivision will be located.

111
112 (15) That public buildings and community facilities will not be adversely affected
113 by the proposed subdivision.

114
115 (1[5]6) [Effect on area roadways and public transportation.] That the subdivision is
116 either within an established Transportation Improvement District or the subdivision
117 endeavors to maintain the current Delaware Department of Transportation Level of
118 Service on all adjacent roads and intersections after the subdivision is completed
119 and in no event will allow the Level of Service to degrade below a Level of Service
120 D.

121
122 (1[6]7)[Compatibility with other area land uses.] That the proposed subdivision will
123 be compatible with other area land uses.

124
125 (1[7]8)Effect on area waterways. That the proposed subdivision will not adversely
126 affect area waterways.

127
128 (19) That there will be safe and efficient vehicular and pedestrian movement within
129 the site and to and from adjacent developed properties with interconnectivity.

130

131 **Section 2. Effective Date.**

132 This ordinance shall become effective upon its adoption by Sussex County Council.