1	ORDINANCE NO.
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3	AN ORDINANCE TO AMEND CHAPTER 99, ARTICLE II, SECTIONS 99-
4	9, "PUBLIC HEARING ON PRELIMINARY PLAT APPROVAL OR DISAPPROVAL" OF THE CODE OF SUSSEX COUNTY REGARDING
5 6	DESIGN CRITERIA FOR ALL SUBDIVISIONS.
7	WHEREAS, Pursuant to the provisions of Title 9, Chapters 68 and 69 of the
8 9	<u>Delaware Code</u> , the Sussex County Government has the power and authority to regulate the use of land; and
10 11	WHEREAS, Pursuant to Chapters 99 and 115 of the Code of Sussex County, the Sussex County Government has undertaken to regulate the use of land; and
12 13 14	WHEREAS, the existing Section 99-9C of the Code of Sussex County currently identifies 17 items that must be "considered" as part of the approval of any subdivision preliminary plat; and
15 16 17	WHEREAS, the requirement that the 17 items in Section 99-9C of the Code of Sussex County must be "considered" is too vague to be enforceable or to give clear direction to Sussex County, developers, landowners or the public; and
18 19	WHEREAS, Sussex County desires to clarify that the items in Section 99-9C are requirements and not merely "considerations"; and
20 21	WHEREAS, Sussex County desires to improve and revise the 17 items set forth in Section 99-9C that must be addressed as part of any Preliminary Site Plan; and
22 23 24 25 26 27 28 29 30	WHEREAS, the 2019 Sussex County Comprehensive Plan contemplates the revision of the Subdivision Code through amendments such as this to improve the design of all subdivisions and their integration into the surrounding area as referenced in Objective 4.1.2 therein ("Discourage incompatible land uses through the enforcement of existing land use controls, or through the development of new controls, where appropriate"), Goal 4.4 ("Minimize the adverse impacts of future development on existing development"), Objective 4.4.1 ("Ensure that new development compliments the character of the existing surrounding communities") and others; and

31 32 33	WHEREAS, it has been determined that this Ordinance promotes and protects the health, safety, convenience, orderly growth and welfare of the inhabitants of Sussex County.
34 35	NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:
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:
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41	§ 99-9 Public hearing on preliminary plat approval or disapproval.
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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	<u>plat:</u>
50	(1) Unterpretion of the managed subdivision into existing terms and summary ding
51 52	(1) [Integration of the proposed subdivision into existing terrain and surrounding landscape]. That the proposed subdivision is integrated into existing terrain and
52 53	landscape] That the proposed subdivision is integrated into existing terrain and surrounding landscape.
55 54	<u>surrounding tanascape.</u>
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.
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59	(3) [Preservation of natural and historical features.] <u>That natural and historic</u>
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.
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65	(4) [Preservation of open space and scenic views.] <u><i>That open space and scenic views</i></u>
66	<u>are preserved.</u>
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68	(5) [Minimization of tree, vegetation and soil removal and grade changes.] <u><i>That the</i></u>
69	design of the proposed subdivision, including the stormwater management and
70	drainage design minimizes the removal of trees, vegetation and soil.
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72	(6) [Screening of objectionable features from neighboring properties and roadways.]
73	That objectionable features are screened from neighboring properties and
74	<u>roadways.</u>
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76	(7) [Provision for water supply.] <i>That the supply of potable water to future residents</i>
77	of the proposed subdivision is safe and adequate for their use.
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79	(8) [Provision for sewage disposal.] <i>That the means and method of sewage disposal</i>
80	are adequately addressed for the proposed subdivision.
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82	(9) [Prevention of pollution of surface and groundwater.] <u>That the proposed</u>
83	<u>subdivision will not pollute surface water or groundwater.</u>
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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.
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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	<u>achieve these criteria are adequately identified.</u>
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98	[(11)Provision for safe vehicular and pedestrian movement within the site and to
99	adjacent ways.]
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101	(12) [Effect on area property values.] That area property values will not be
102	adversely affected.
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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.

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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.
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112	(15) That public buildings and community facilities will not be adversely affected
113	by the proposed subdivision.
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115	(1[5]6) [Effect on area roadways and public transportation.] <u>That the subdivision is</u>
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	<u>D.</u>
121	
122	(1[6]7)[Compatibility with other area land uses.] <u><i>That the proposed subdivision will</i></u>
123	be compatible with other area land uses.
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125	(1[7]8)Effect on area waterways. <u><i>That the proposed subdivision will not adversely</i></u>
126	<u>affect area waterways.</u>
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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.
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131	Section 2. Effective Date.
132	This ordinance shall become effective upon its adoption by Sussex County Council.