

ORDINANCE NO. 1734

AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY TO REQUIRE THE PROVISION OF OPEN SPACE IN NEW DEVELOPMENTS

WHEREAS, the Sussex County Council adopted the Sussex County Comprehensive Plan update on December 10, 2002, and

WHEREAS, the goals of the Comprehensive Plan include the protection of environmental resources and the provision of open space for recreation or public use, and

WHEREAS, the Comprehensive Plan recommends that the Zoning and Subdivision regulations be revised to require the provision of open space for developments, and

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS THAT ARTICLE § 99-21 OF THE SUSSEX COUNTY SUBDIVISION REGULATIONS IS AMENDED AS FOLLOWS:

99-21. Public sites and open spaces.

- A. Where the proposed subdivision includes lands proposed for use as parks, playgrounds, playfields, public landings or school sites in the Comprehensive Plan, the subdivider shall indicate the location of such lands on the subdivision plat and shall reserve the right of purchase of such lands by the appropriate jurisdiction for the time period specified herein. If the reserved lands are not purchased by the appropriate jurisdiction within the specified time limit, the subdivider shall be free to market such lands for an alternate purpose as specified on the approved subdivision plat.
- B. Park, playground and playfield areas may be required to be reserved for a period of two (2) years from the date of recording the subdivision, and school sites shall be reserved for four (4) years from such date.
- C. Where deemed essential by the Commission upon consideration of the type of development proposed in the subdivision, the subdivider may be required to dedicate other areas or sites of a character, extent or location suitable to meet the needs of such development. In lieu of dedication, such additional areas may be reserved for the common use of all property owners in the proposed subdivision through deed restrictions or agreements approved by the Commission, which restrictions or agreements may include a right of enforcement by the County Council.
- D. For residential subdivision and other residential land development, the following table ~~may~~ shall serve as a guide for determining the *minimum* percentage of the total site which ~~should~~ shall be set aside for park and open space uses:

GROSS DENSITY (DWELLING UNITS PER ACRE)	MINIMUM PERCENTAGE OF OPEN SPACE
2 to 5	10
6 to 10	15
Over 10	<del>15</del> 25 or more

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 1734 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 7TH DAY OF DECEMBER 2004.

  
ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL