

INTRODUCED BY: Eric L. Buckson
DATE INTRODUCED:
PUBLIC HEARING DATE:
PUBLIC HEARING TIME: 7:00 p.m.
ADOPTION DATE:
EFFECTIVE DATE: Upon Adoption

**Ordinance LC21-06
Suitability of Basements**

An Ordinance to amend Kent County Code, Vol. II, Chapter 187, Subdivision and Land Development, as amended by revising Article X – Required Improvements, §187-53, Minimum Requirements, Item B, Surface drainage facilities and erosion and sedimentation control in order to establish standards regarding the suitability of basements within major subdivisions.

THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1. That the Kent County Code, Vol. II, Chapter 187, Subdivision and Land Development, as amended by revising Required Improvements, §187-53, Minimum Requirements, Item B, Surface drainage facilities and erosion and sedimentation control is hereby amended by deleting the bracketed language shown with strike through marks and adding the following underlined language:

B. Drainage facilities and erosion and sedimentation control.

(1) The subdivision shall be provided with such storm drains, culverts, drainageways, or other works as are necessary to collect and manage surface and concentrated stormwater originating on or flowing across the subdivision, in order to prevent inundation and damage to streets, lots, and buildings.

(2) All surface drainage facilities and erosion and sedimentation control measures shall be in accordance with the state agency having jurisdiction.

(3) Lots shall be located and configured to provide positive drainage and prevent any nuisance flooding that would restrict reasonable use from occurring anywhere within the lot or on any adjacent lot or adjoining property.

(4) All drainage and stormwater management facilities not maintained by DelDOT shall be maintained by an approved homeowners' association or maintenance organization.

(5) Wherever practicable, and particularly outside of the designated growth zone, the County encourages the use of vegetated swales and

biofiltration devices as key components of stormwater management plans.

(6) In cases of major subdivisions, basements shall be no lower than the permanent water surface elevation of the closest stormwater management facility as shown on the approved Sediment and Stormwater Plan or adjacent wetlands. All new major subdivisions shall include an evaluation by a Delaware licensed professional engineer that determines the suitability of basements and recommendations of minimum basement elevations. The evaluation shall be submitted prior to final plan approval.

Section 2. Severability.

The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Section 3. Effective Date.

This ordinance shall become effective upon the date of adoption and shall be applicable to all subdivision and land development proposals for which a pre-applications conference has not been conducted.

ADOPTED BY THE LEVY COURT OF KENT COUNTY,
DELAWARE

President, Kent County Levy Court

This _____ day of _____, 20__

ATTEST: _____
Clerk of the Peace

Synopsis: The ordinance establishes standards regarding the suitability of basements within major subdivisions.