

**Sussex County Partnering Committee Report  
December 2011**

I have a short report for Sussex County. Attached is a copy of the Subdivision Bonding Ordinance Modification that has been introduced by County Councilman Sam Wilson. The public Hearing for this Ordinance is December 15<sup>th</sup> at 6:00 pm at Sussex County Planning & Zoning in Georgetown.

This ordinance allows owners of property to construct subdivision improvements without paying for performance bonds or letters of credit pending no lots may be transferred or building permits applied for prior to acceptance of the improvements by Sussex County. This ordinance should help some land development projects by negating the need to pay for Irrevocable Commercial Letters of Credit and Performance Bonds for 125% of the construction cost and post them with Sussex County. The caveat is, if no bond is posted, the construction must be completed and accepted by the County prior to the land being released for property transfer and application for building permits. I plan to attend and speak in favor of the ordinance.

The previous ordinances for Administrative/Staff approval of minor subdivisions and minor setback variances, I mentioned at previous ACEC meetings, have not been introduced for a vote by the County Council.

**R. Stephen McCabe, PE**

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Introduced: 11-1-11

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 99, SECTION 99-32, OF THE CODE OF SUSSEX COUNTY TO ALLOW A LANDOWNER TO PERFORM SITEWORK OR CONSTRUCT CERTAIN IMPROVEMENTS WITHOUT POSTING A BOND OR PERFORMANCE GUARANTY**

WHEREAS, the Code of Sussex County, with regard to Subdivision and other land developments, prohibits the construction of improvements or site work on a tract of land or development unless a bond or similar performance guaranty; and

WHEREAS, the Sussex County Council desires to allow a landowner to construct certain improvements, sitework, utilities, etc. on land owned by that landowner without posting a bond or other performance guaranty, provided that no residential Building Permit shall be issued until the work is completed or a Bond or other Performance Guaranty is provided to Sussex County; and

WHEREAS, this Ordinance Amendment promotes the health, safety and welfare of residents of Sussex County, and promotes the orderly growth of the County; and

WHEREAS, additions to the Code of Sussex County are underlined;

NOW, THEREFORE,

The County Council of Sussex County hereby ordains:

Chapter 99, Section 99-32 of the Code of Sussex County is hereby amended to add a new subsection D immediately following subsection C:

**99-32 Bonds and Guarantees**

D Notwithstanding the preceding subparts of this Section, no performance bond or other guaranty shall be required for improvements required by the application of this Chapter upon lands owned by the party seeking to construct the improvements. Provided however, that no lots shall be sold or transferred and no residential Building Permits or Zoning Permits shall be issued until: (i) all required improvements are constructed and approved; or (ii) a bond or guaranty is posted in accordance with subparts A, B and C of this Section.

**SYNOPSIS:** This carves out an exception to the land development bonding requirements for a landowner constructing improvements on his or her own land. But, no lots can be transferred and no Building Permits will be issued until the work is complete or the guaranties are provided.