



Unified Development Code

New Castle County
Delaware

SECTION 40.10.380 water RESOURCE PROTECTION AREA (WRPA)

- A. water resource protection areas are the Cocksylville Formation, Cocksylville Formation Drainage Area, wellheads, and recharge areas. All such areas are as depicted on the three (3) map series "water Resource Protections Areas for the City of Newark, City of Wilmington, New Castle County, Delaware," prepared by the water Resources Agency for New Castle County that is dated 1993, or as amended. These areas shall be protected as required by the following sections to protect the County's water resources from contamination and pollution and to insure adequate water quantity for future needs.
- B. No development shall be permitted to have more than twenty (20) percent impervious surface ratio unless an environmental impact assessment report certified by a State-registered professional geologist or professional engineer with a background in hydrogeology indicates that additional development would not endanger the public or the environment. All environmental impact assessment reports performed pursuant to this Section shall be reviewed in accordance with Section 40.10.385 and the procedures set forth in Article 30 and Article 31 for environmental impact assessment reports. The impervious surface ratio and open space ratio operate independently and are based on the base site area.
- C. The Department may permit the expansion of existing nonconforming sites within water Resource Protection Areas, which exceed the twenty (20) percent impervious cover standard, provided the proposed expansion of the site will reduce the existing impervious cover by a minimum of five (5) percent for sites of two (2) acres or less, a minimum of ten (10) percent for sites greater than two (2) acres and less than five (5) acres, and a minimum of twenty (20) percent for sites greater than five (5) acres and larger. As an alternative, the

Department may consider the contribution of like land by the applicant to be preserved in other water Resource Protection Areas. A conservation easement or the outright acquisition of the like land or resource shall occur which will prohibit the disturbance of the like land in perpetuity. Like lands are those lands within a Recharge or Wellhead WRPA that have infiltration rates that are equal to or greater than those found on the subject property. The minimum area of the restricted land shall be the area that would otherwise be required to reduce impervious surface on the site.

(Amended September 22, 1998 by Ordinance 98-080; amended December 14, 1999 by Ordinance 99-075; amended September 26, 2006 by Ordinance 06-060)