

**Town of Slaughter Beach, Sussex County, Delaware**

**SUBDIVISION ORDINANCE**

December 29, 1977

TABLE OF CONTENTS  
SUBDIVISION ORDINANCE

		PAGE NUMBER
ARTICLE I	Purpose	1
ARTICLE II	Title	1
ARTICLE III	Definitions	2-5
ARTICLE IV	Procedure	6-11
ARTICLE V	Subdivisions – Required Documents	11-14
ARTICLE VI	Subdivisions – General Requirements and Design Standards	15-28
ARTICLE VII	Penalty	28
ARTICLE VIII	Special Provisions	28-29

## SUBDIVISION ORDINANCE

### TOWN OF SLAUGHTER BEACH, SUSSEX COUNTY DELAWARE

#### ARTICLE I

##### PURPOSE

These regulations are adopted in order .to promote and protect the public health, safety, convenience and general welfare, ensure the orderly growth and development of the Town, the conservation, protection and proper use of land, and adequate provision for housing, recreation, circulation, utilities, and services, safeguard the Town from undue future expenditure for the maintenance of streets and public spaces.

#### ARTICLE II

##### TITLE

These regulations shall be known and may be cited as "Slaughter Beach, Delaware, Land Subdivision Regulations of 1977."

#### ARTICLE III

##### DEFINITIONS

- A. Area: The extent of surface contained within the boundaries or extremities of land or building or sign. In computing building area, cornices, eaves, gutters, steps, and balconies are excluded.
- B. Bakery-Restaurants: An establishment whose primary function is the preparation of baked goods, provide retail carry-out facilities, and sit-down dining facilities for the serving of foods that have been prepared or processed only on the premises.
- C. Church: A building used for public worship by a congregation excluding buildings used exclusively for residential, educational, burial, recreational or other uses not normally associated with worship.
- D. Commission: The Planning Commission of the Town of Slaughter Beach, Delaware.
- E. Drainage Right-of-Way: The lands required for the installation of storm water sewers or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.
- F. Driveway: The vehicular method of entrance and egress to land use.

- G. Final Plat: The final map of all or a portion of the subdivision which is presented to the Council for final approval in accordance with these regulations and which, if approved, shall be filed with the proper county recording officer.
- H. Fire Station: That portion of a building used solely for the housing of fire fighting and auxiliary equipment.
- I. Hotel: A building having six or more rental rooms, without individual cooking facilities, for transient guests.
- J. Lot: A parcel or portion of land s separated from other parcels or portions by description as on a subdivision or record of survey map or by metes and bounds for purposes of sale, lease, or separate use.
- K. Minor Subdivision: Any subdivision containing not more than three lots fronting on an existing street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the master plan, official map, zoning ordinance or these Regulations. Any subsequent, additional subdivision, major or minor, which increases the total number of lots to more than three shall immediately classify that most recent and all previous subdivisions as one major subdivision.
- L. Motel: Overnight accommodations for automobile tourists in the form of rows of attached sleeping units, each with separate entrances, toilet facilities, and off-street parking space and facing upon a common open area; or a group of units for the accommodation of individuals or families, each with adjacent off-street parking space.
- M. Official Map: A map deemed to be conclusive with respect to the location and width of the street, public parks, and playgrounds, and drainage right-of-way shown thereon. pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street.
- N. Parking Lot, Institutional: An area used for the storage or parking of automobiles for any period of time. Such areas shall include schools, churches, clubs, and other similar institutional uses.
- O. Parking Space: Paved accommodation for the parking of a motor vehicle on a lot provided for restricted use in connection with a particular business or private enterprise, or as an adjunct to a housing development or private residence, whether operated or not. Such parking spaces may consist of parking lots, private garages, or other structures and accessories; they may be surface facilities or facilities above or under the ground. The net area of any one such parking space, exclusive of access or maneuvering area, shall be not less than two hundred (200) square feet.
- P Performance Guarantee: Any security which may be accepted in lieu of a requirement that certain improvements be made before the Council or other approving body approves a plat including performance bonds, escrow agreements and other similar collateral or surety agreements.

- Q. Plot Plan, Preliminary and Final: Plans showing the location of streets, property lines, utilities, etc., submitted in the process of subdividing a tract of land in accordance with the Subdivision Regulations of the Town of Slaughter Beach.
- R. Preliminary Plat: The preliminary plat indicating the proposed layout of the subdivision which is submitted to the Slaughter Beach Council for consideration and tentative approval in accordance with these Regulations.
- S. Setback: An area extending the full width of the lot between the street right-of-way and the building setback line within which no buildings or parts of buildings may be erected.
- T. Setback Line or Building Setback Line: A line extending between the two side lot lines of a lot or parcel of land which is parallel to, and a stated distance from a street line.
- U. Sketch Plat: The sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of Article V of this Ordinance.
- V. Street: Any street, avenue, boulevard, road, lane, parkway, alley or other way which is an existing state, county or municipal roadway, or a street or way shown upon a plat heretofore approved pursuant to law or approved by official action or a street or way on a plat duly filed and recorded in the office of the County Clerk, and includes the land between the street lines, whether improved or unimproved, and may comprise lines. For the purpose of these Regulations, streets shall be classified as follows:
1. Major Streets: Those streets which are or may become the principal traffic arteries through the Town of Slaughter Beach or between major sections of the town.
  2. Collector Streets: Those streets which provide or will provide circulation within residential neighborhoods, and which provide access to the major street system.
  3. Minor Streets: Those streets designed primarily to provide access to abutting properties.
  4. Dead-End Street (or Cul-de-Sac): Street closed at one end and having only one connection with any other street.
  5. Half Street: Street paralleling the boundary of a subdivision and lying partly in an abutting tract.
- W. Street Right-of-Way: An area set aside or used as a means of ingress, egress or approach. No parts of private group parking areas, nor the driveways that service said parking areas, are to be classified as street rights-of-way.
- X. Structure: Any object constructed, erected, or attached to a fixed ground location.

- Y. Subdivider: Any person, firm, corporation, partnership or association or duly authorized agency who shall apply to the Council for approval of the layout of any subdivision.
- Z. Subdivision: The division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, or sale or building development; except that the following divisions shall not be considered subdivisions, provided , however, that no new streets or roads are involved: divisions of land for agricultural purposes where the resulting parcels are three acres or larger in size, division of property by testamentary or intestate provisions, or divisions of property upon court order. Subdivision also includes re-subdivision, and where appropriate to the context, relates to the process of subdividing or to the lands or territory divided.
- AA. Use: The purpose for which land, a structure, a sign, or a building is arranged designed, or intended, or for which either land, a structure, a sign or a building is or may be used, occupied or maintained.
- BB. Variance: An activity which is prohibited by this chapter, but may be granted by a special permit.

## ARTICLE V

### PROCEDURE

- A. Pre-Application
  1. Prior to the filing of an application for Conditional Approval, the Subdivider should meet in person with the Council, or their designated representative, to discuss the proposed subdivision so that the necessary subsequent steps may be undertaken with a clear understanding of the Council's attitude and requirements in matters of land development.
  2. Following this step, the Subdivider shall submit to the Council Pre-Application plans and data as specified in Article V, Section A. Said Pre-Application does not require any formal application nor any fee.
  3. Within five (5) days after the next regularly scheduled meeting of the Council following said Pre-Application the Council shall notify Subdivider whether his proposal is classified as a minor subdivision and that the plans and data as submitted do or do not meet the objectives of these Regulations, and if not, it shall state its reasons therefor. Minor subdivisions shall be designated by a majority vote of the Council and shall only include subdivision where no improvements, dedications or easements are required.
- B. Preliminary Plat

1. A Preliminary Plat and other documents, as specified in Article V, shall be prepared by the Subdivider in accordance with the general requirements and design standards specified in Article VI, and conforming to the conclusions reached by the Council with respect to the Pre-Application plan above.
2. Application for Conditional Approval of the Preliminary Plat shall be submitted in writing by the Subdivider to the Council together with the original and three (3) prints of the Preliminary Plat, and other specified documents at least ten(10) days prior to the meeting at which it is to be considered. The Council shall send one (1) print to the Town Engineer for his review and comments. If, in the opinion of the Council, the character of the subdivision (by reason of size or design) so warrants, it may hold a public hearing on the Preliminary Plat.
3. Since the provision of some public facilities and utilities are the responsibility of special districts, government, boards, agencies or utility companies, the Council or their representative shall direct the referral of proposed subdivision layouts to such agencies as may be involved. Distribution may include the following:
  - (a) The Chief Engineer of the State Highway Department.
  - (b) Town Fire Department.
  - (c) Delaware State Board of Health.
  - (d) Other agencies or jurisdictions involved.
4. The Council shall, within forty-five (45) days from the date of the submission of the Preliminary Plat, as submitted or modified, and, within five (5) days, shall notify the Subdivider in writing of its decision and state the conditions of approval, if any, the suggested modifications, if any, or the reason for disapproval of the Plat. Approval of the Preliminary Plat by the Council shall be expressed as Conditional Approval.
5. Any condition required by the Council shall be\_ noted on the origina1 and a print of the Preliminary Plat. The print shall be retained by the Council and the original shall be returned to the Subdivider who shall deliver two (2) prints of the signed original to the Council.
6. Conditional Approval of the Preliminary Plat, shall not constitute approval of any subsequent plat, rather 1t is an expression of approval of the general design submitted to be used as a guide to the preparation of the plat to be submitted to the Council for its approval. For the protection of the Subdivider, it is stressed that the Council's approval of the Preliminary Plat should be secured before undertaking of final survey s of streets and lots and final construction plans, and the start of any grading or street construction work must await approval by the Council of the Plat and of a grading plan. However, -in case of minor subdivisions, approval of the Preliminary Plat shall be equivalent to final approval and the Subdivider shall follow procedures set forth in paragraphs C7, C8, and C9 of this Article.

7. Conditional approval shall confer upon the applicant the following right for a three-year period from the date of approval:
  - (a) That the general terms and conditions under which the preliminary approval was granted will not be changed.
  - (b) That the said applicant may submit on or before the expiration date the whole or part of said plat for final approval.

C. Final Plat

1. The Final Plat shall conform substantially to the Preliminary Plat approved by the Council and, if desired by the Subdivider, it may constitute only that portion of the approved Preliminary Plat which he proposes to record and develop at the time, provided, however, that said portion conforms to all requirements of these Regulations.
2. The Final Plat and other documents as specified in Article V shall be prepared by the Subdivider in accordance with the general requirements and design standards specified in Article VI.
3. Application for approval of the Final Plat shall be submitted in writing by the Subdivider to the Council together with the original and three (3) prints of the Plat at least ten (10) days prior to the meeting at which it is to be considered, together with receipt from the Town Clerk of a filing fee of twenty-five dollars (\$25.00) per lot for each of the first ten (10) lots, twenty dollars (\$20.00) for each of the next ten (10) lots, fifteen dollars (\$15.00) for each of the next ten (10) lots, and ten dollars (\$10.00) per lot thereafter. The minimum fee shall be twenty-five dollars (\$25.00).
4. Prior to the approval of the Final Plat, the Council shall hold a public hearing to be advertised in a newspaper of general circulation at least seven (7) days prior thereto. At least five (5) days prior to the hearing the subdivider shall notify by mail all property owners within two hundred 200 feet of the extreme limits of the subdivision as their names appear on the municipal tax record and provide the Council with post office return receipt for all letters. Said notice shall state the time and place of hearing, a brief description of the subdivision and that a copy of said subdivision has been filed with Town Clerk for public inspection. Following said hearing, and within forty-five (45) days from the date of submission of the Final Plat, the Council shall approve or disapprove said Final Plat, and within five (5) days, shall notify the Subdivider in writing of its decision and state the conditions of approval, if any, the required modifications, if any, or the reasons for disapproval. Approval of the Plat, shall not become final until the provisions of paragraphs 5 and 6 below have been complied with.
5. The Subdivider shall follow the procedures set forth in paragraph (a).
  - a) Construction plans for the required improvements prepared in accordance with Article VI, Section H, hereof shall be submitted to the Town Engineer on sheets 22 inches by 38 inches in size. Not later



than ten (10) days after approval of said plans, the Town Engineer shall send to the Council, in duplicate, an estimate of the cost of construction of said improvements in accordance with the approved plans. The Council shall send one copy of said estimate to the Subdivider, who shall then file with the Council a performance bond in the amount specified, conditioned upon the completion by the Subdivider of the required improvements to the satisfaction of the Town Engineer within not more than three (3) years from the date of the bond. Said bond shall be approved as to sufficiency by the Town Engineer and, after being approved by the Town Solicitor as to form, manner and surety, shall be filed by the Council with the Town Clerk.

Said bond may be renewed by the Council upon application within the said three (3) year period, and upon findings by the Council such facts as will justify a further extension of time to complete the required improvements. The bond shall be filed prior to date of the Final Plat approval; otherwise, said approval shall become null and void.

6. Upon filing of an approved performance bond with the Town Clerk, the Chairman and one member of the Council shall sign the original and one print of the Final Plat as approved by the Council. Such Final Approval shall in no way constitute a commitment of acceptance by the Town of the dedication of any street, highway, park or other public open space. To secure said acceptance by the Town, the Subdivider shall address a written request to the Town Council, in care of the Town Clerk.
7. When all improvements are completed to the satisfaction of the Town Engineer and when the Subdivider makes application for dedication or cession of streets and other public areas and easements, such application shall be accompanied by a maintenance bond in the amount determined by the Planning Council upon the advice of the Town Engineer to be adequate to assure the satisfactory condition of the initial improvements for a period of one (1) year following their completion. Such bond shall be satisfactory to the Town Solicitor as to form, sufficiency, manner of execution, and surety.
8. The approved Final Plat shall be filed and recorded in the County Clerk's office within ninety (90) days from the date of Final Approval by the Council; otherwise, said approval shall become null and void, unless an extension of time is applied for and granted by the Council within the said ninety (90) day period.
9. After filing the Final Plat with the County Recorder of Deeds office, the Subdivider shall enter the county file number and date of filing on one (1) lithoprint of the Plat on tracing cloth and three black or blue line prints on white paper, and shall deliver them to the Council, together with one (1) print of the Final Plat reduced to a scale of four hundred (400) feet to the inch and one to an exact scale of fifty (50) feet to the inch, if requested by the Council. The Council shall deliver two (2) prints to the Town Building

Inspector and the print scale of fifty (50) feet to the inch to the Town Manager.

10. The Subdivider shall secure the assessment lot and house numbers from the Town Building Inspector.
11. Upon receipt of notification from the Council that a satisfactory performance bond has been filed with the Town Clerk, the Building Inspector may issue building permits within the approved Final Plat, upon his finding that the plans and data submitted are in full compliance with all requirements of the Zoning Ordinance and all other applicable codes and ordinances.
12. Upon receipt of notification from the Town Engineer that the required improvements have been satisfactorily installed and that a satisfactory maintenance bond has been approved by the Town Solicitor and filed with the Town clerk, the Council shall advise the Town Clerk that the performance bond filed in connection with the approved Plat may be released.

## ARTICLE V

### SUBDIVISIONS - REQUIRED DOCUMENTS

#### A. Sketch Plats and Data

1. Sketch Plat on topographic map shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch may be a freehand pencil sketch made directly on a print of the topographic map.
2. General Subdivision Information shall describe or out- line the existing conditions of the site and the pro- posed development as necessary to supplement the re- quired drawing s. This information may include data on zoning, existing covenants, land characteristics, and information describing subdivision proposals such as number of residential lots, typical lot width and depth, building types and sizes, price range, business areas, playgrounds, parks and other public areas, protective covenants, utilities and street improvements.

#### B. Preliminary Plat and Data

The following documents shall be submitted for Conditional Approval:

1. Preliminary Plat, legibly drawn in ink or pencil on tracing paper or cloth, in sheets not exceeding thirty (30) by forty (40) inches, at a scale not smaller than one hundred (100) feet to the inch, and showing:
  - (a) Proposed subdivision name, acreage, date, north point, scale, name and address of owner, subdivider and engineer or surveyor. and lot

and block number or numbers of the tract being sub- divided and Town of Slaughter Beach, Delaware.

- (b) Names of owners and property lines of abutting property, and the names of abutting subdivisions.
  - (c) Boundaries of the property, easements, building lines, areas subject to flooding, buildings, watercourses, marshes, rock outcrops, wooded areas, single trees with a diameter of six (6) inches or more (measured 3 feet above the base of the trunk), and other significant existing features on the property to be subdivided.
  - (d) Width and location of any streets or other public ways, sidewalks and other paving or places existing or shown on the Official Map and Master Plan within or adjacent to the property to be subdivided.
  - (e) Location of existing sewers, watermains, culverts, drains and manholes on the property, with pipe sizes, grades and direction of flow.
  - (f) Existing and proposed contours at intervals of one (1) foot or less, referred to a datum specified by the Town Engineer.
  - (g) Approximate location and dimensions of lots, easements and public or community areas.
  - (h) Approximate location of proposed water lines, valves and hydrants, and sanitary sewer lines with profiles indicating connections with existing lines or alternate means of water supply or sewage disposal and treatment.
  - (i) Storm drainage plan, showing approximate location of proposed storm sewage lines, bridges and culverts, and the preliminary design of said bridges and culverts.
  - (j) Proposed street names.
  - (k) Cross-sections and profiles indicating grades of proposed streets showing width of roadway, location and width of sidewalk, and location and size of utility lines.
  - (l) Zoning Districts. in and adjacent to the property to be subdivided.
  - (m) Proposed building setback line and any proposed building locations.
  - (n) Types and locations of proposed street trees.
2. When the application covers only a part of the applicant's entire holding, a map of the entire tract, drawn at a scale of not less than two hundred (200) feet to the inch showing an outline of platted area with its proposed street system and the probable future street system in the remaining portion of the tract.

3. Copy of such covenants or deed restrictions as are intended to cover all or any part of the tract.
4. A vicinity sketch at a scale of B OO feet to the inch shall be drawn on or shall accompany the Preliminary Layout. This shall show all existing subdivisions and the street and tract lines or acreage parcels of land within at least one (1) mile of the proposed subdivisions, together with the names of record owners of any parcels between it and the nearest existing highway or thoroughfare. It shall show the proposed land use and suggested layout in any adjoining properties which will produce the most advantageous development of the entire area.

C. Final Plat and Data

The following documents shall be submitted for Final Plat Approval:

1. Final Plat, legibly drawn in in ink on tracing cloth, in sheets not exceeding thirty (30) by forty (40) inches, and at a scale not smaller than fifty (50) feet to the inch. When more than one sheet in required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers.

The Final Plan shall show:

- (a) Subdivision name, date, north point, scale, and Town of Slaughter Beach, Delaware.
- (b) Certification of title showing ownership, name, address and signature of record owner.
- (c) Names of owners and property lines of abutting land.
- (d) Seal and license number of a professional engineer or surveyor and his certification as to the accuracy of the survey and Final Plat.
- (e) Primary control points, or descriptions and "ties" to said control points, to which all dimensions, angles, bearings and similar data on the Final Plan shall be referred, as directed by the Town Engineer, to enable the immediate determination of the location, bearings and length of every line shown on the Final Plat and their reproduction upon the ground.
- (f) Boundaries of the property: building or set- back lines and proposed building when required by the Council, lines of streets, lots, reservations easements and lands to be dedicated to public use; lengths and bearings of all straight lines; radii, lengths and bearings, tangent distances, and radial bearing of all curves. All lengths shall be in feet and decimals of a foot, and all bearings shall be given to the nearest ten seconds unless other- wise specified by the Town Engineer. The error of closure shall not exceed one (1) to ten (10) thousand.
- (g) Area of each lot in square feet.

- (h) Location of all permanent monuments, as specified by the Town Engineer. Monument lines shall have a closure error of not more than 1:10,000.
  - (i) Proposed street names.
  - (j) Designation, purpose and area in square feet of all lands to be dedicated or reserved for public use.
  - (k) Notation of dedication to the Town of all streets, public sites or open spaces shown on the Plat.
  - (l) Construction drawings as required in Article VI, Section I, hereof.
- 2. Deeds of cession of streets, rights-of-way, easements, and any land for public use; copies of agreements, covenants or other documents showing the manner in which areas to be reserved for the common use of the residents of the subdivision are to be maintained; all certified as to their legal sufficiency by the Town Solicitor.
  - 3. Planting plans showing types and location of street trees.

## ARTICLE VI

### SUBDIVISION - GENERAL REQUIREMENTS AND DESIGN STANDARDS

The following shall be deemed to be minimum requirements and shall be varied or waved by Council only under circumstances set forth in Article VII, Section A:

#### A. General

- 1. The subdivision plat shall conform to design standards that will encourage good development patterns within the municipality. Where either or both an official map or master plan has or have been adopted, the sub-division shall conform to the proposals and conditions shown thereon. The streets, drainage rights-of-way, school sites, public parks and playgrounds shown on an officially adopted master plan or official map shall be considered in approval of subdivision plats. Where no master plan or official map exists, streets and drainage rights-of-way shall be shown on the Final Plat and " shall be such as lend themselves to the harmonious developments of the Town and enhance the public welfare in accordance with the following design standards.

#### B. Streets

1. The arrangement of streets not shown on the master plan or official map shall be such as to provide for the appropriate extension of existing streets.
2. Dead-end streets (cul-de-sacs) shall not be longer than 600 feet, and shall provide a turnaround at the end with a radius of not less than 80 feet and tangent whenever possible to the right side of the street. If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.
3. No street shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name. Proposed street names shall be submitted to the Planning Council.
4. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 70 degrees. T-intersections shall not enter the same street, regardless of direction of entry, with less than 150 feet between centerlines.
5. Changes in grade shall be connected by vertical curves sufficient to provide adequate sight distance.
6. Schedule of Street Design Standards. (See Table 1 on Page 17.)

#### C Encasements

Where a subdivision is traversed by a watercourse, drainageway, channel, pipe or stream, there shall be provided a storm water easement or drainage right-of-way, of such width as will be adequate for the purpose, in accordance with requirements specified by the Town Engineer. Parallel streets or parkways may be required in relation thereto.

#### D. Lots

1. Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance.
2. Insofar as is practical, side lot lines shall be at right angles to straight streets, and radial to curved streets.
3. Where extra width has been dedicated for widening or existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
4. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions, erosion conditions, or similar circumstances, the Planning Council may, after adequate investigation, withhold approval of such lots.
5. All grading of the subdivision shall be in accordance with the final plan.

6. Only those trees shall be removed as shall be necessary to permit construction of streets, driveways and dwellings and other authorized structures.

E. Public Use and Service Areas

1. Easements along rear property lines or elsewhere for utility installation may be required. Such easements shall be at least twelve (12) feet wide and located in consultation with the companies of municipal departments concerned.
2. Where a subdivision is traversed by a watercourse, drainage right-of-way conforming substantially with the lines off such watercourse, and such further width or construction, or both, as will be adequate for the purpose.
3. Natural features such as trees, hilltops and views shall be preserved whenever possible in designing any subdivision containing such features.

F. Design of Residential Units

In order to preserve and ensure the harmonious relationship of residential units to the comprehensive neighborhood pattern, no major subdivision shall be approved until the planned construction (including front, side and rear elevations) of residential units has been reviewed and approved by the Planning Council in accordance with the standards enumerated below, or unless a waiver of these requirements as been granted by the Planning Council as provided for elsewhere in these Regulations.

1. The residential unit shall be of such character, quality or architectural design and construction materials as will ensure:
  - (a) That the proposed structure will be in keeping with the general character of the area in which it is located.
  - b) That the proposed structure will have a harmonious relationship to the surrounding residential units within 500 feet thereof.
  - (c) That the proposed structure will have a harmonious relationship to the comprehensive community plan.
  - (d) That the proposed structure is not likely to produce any of the harmful effects which lead to neighborhood degeneration and blight with attendant deterioration of conditions affecting the health, safety, morals, and general welfare or the Town or large.
2. The front facade for each residential unit shall be substantially different. from the front facade of any existing or planned residential unit within three (3) lots in either direction on the same side of the street from any portion of the above-described lots; in case of corner lots, the side and rear elevations of any existing or planned residential unit or any other corner lot at the same street intersection. To be deemed substantially different, the facade or side and rear elevation thereof, as the case may be, must be different n at least three of the following five respects:

- (a) The relative location of a garage, if attached a portion, if any, or any other such structural appurtenance with respect to the residential unit itself.
- (b) The relative location or type of windows and doors.
- (c) The type or pitch of the roof
- (d) The type or color of siding material.
- (e) The type of roofing material, or the color thereof, or the pattern.

G. Improvements

1. Prior to the submission of the final plat to the Council, the developer or owner shall obtain from the Town Engineer an estimate of all such improvements or uncompleted portions thereof in accordance with the requirements and specifications - in this Section, together with an estimate of any damage to any existing accepted streets abutting the proposed subdivision, which may be caused by reason of work performed in said subdivision.

As a condition to the final approval of the final plat by the governing body, a performance guarantee as required in Article IV, C5(a) shall be posted.

2. Required improvements: Prior to the granting of final approval, the subdivider shall have installed or shall have furnished to the governing body performance guarantees or the ultimate installation of the following:
  - (a) Streets. All public streets shall be constructed and graded and provided with surfacing in keeping with the following standards and specifications:
    - (1) Subgrades. All top soil shall be stripped from the proposed subgrade. The subgrade when completed shall be true to the lines, grades and cross-sections given on the plan accompanying the road profile. After the profile has been shaped correctly, it shall be brought to a firm, unyielding surface by rolling the entire surface with a three-wheel power roller weighing not less than ten (10) tons. All soft and spongy places shall be excavated to such depth as shall be necessary to stabilize the foundation of the road and refill solidly with subbase consisting of broken stone, broken slag, gravel, suitable earth or sand as directed by the Town Engineer. All loose rock or boulders shall be removed or broken off six (6) inches below the subgrade surface. All stumps and roots shall be removed in their entirety. This shall be done before completing the rolling of the entire surface of the subgrade.
    - (2) Embankments (fills). Embankments shall be formed of suitable material placed in successive layers of not more than twelve (12) inches in depth for the full width of the cross-section, and shall be compacted by distributing uniformly over each



succeeding layer, or by rolling with a ten-ton roller as directed by the Town Engineer, to a compaction sufficient to prevent settling. Stumps trees, rubbish, and other unsuitable materials of substance shall not be placed in the fill. The fill shall be allowed to thoroughly settle before constructing the pavement upon it and must be approved by the Town Engineer.

- (3) Underdrains. Underdrains shall be installed where the character and composition of the earth in the roadbed itself of adjacent terrain renders such installation necessary. These underdrains shall consist of vitrified tile, perforated metal pipe or porous wall concrete pipe, to be of a minimum diameter of six inches (6") and to be laid in the bottom of a trench at such depth and width as shall then be filled with clean washing gravel of broken stone or other equivalent porous material approved by the Town Engineer. The stone shall be covered with a layer of salt hay minimum of one inch (1") thick and the remainder of the trench filled with suitable earth properly compacted.

Foundation Courses. No pavement shall be laid unless the subgrade has been thoroughly inspected by the Town Engineer and approved by him.

- (4) Foundation course shall be constructed of soil aggregate type 5, class A, which shall be compacted to a depth of six inches (6"). Prior to the application of the wearing surface, the foundation course shall be treated with a surface treatment, consisting of asphaltic oil for the appropriate season of the year, at a rate satisfactory to the Town Engineer.
- (5) Wearing Surface. The surface course shall be bituminous concrete type SM or FABC with a minimum thickness of not less than two inches (2"). The bituminous concrete shall be laid with a power operated paving machine.
- (6) Width of Pavement. Pavement shall be installed from curb to curb except in unusual conditions of terrain and where otherwise required as determined by the Town Engineer.
- (7) Materials: Inspection and General Requirements
  - (aa) The work shall be inspected throughout the course of construction by the Town Engineer or his duly authorized representatives, who shall be notified in writing twenty-four (24) hours before any work is started or continued.
  - (bb) The requirements herein shall be considered as minimum requirements for street improvements. Where

special circumstances or condition of drain- age, terrain, character of soil or otherwise, require different construction or materials, such construction or materials shall be determined by the Town Engineer.

(cc) All subsurface utilities shall be in- stalled prior to the application of the wearing surface on the streets.

(b) Storm Drains -- Cross Drains (Pipe Culverts)

- (1) Storm drains, culverts, catch basins and other drainage structures required shall be installed in each subdivision in accordance with the map submitted to the Council in accordance with Article IV hereof.
- (2) These drains or culverts shall consist of sections of cast iron full bituminous treatment corrugated multi plate or reinforced concrete pipe having a bell and spigot joint, slip joint with an approved patented rubber gasket to exclude infiltration.
- (3) Culverts or drains shall be constructed as specified herein below. The location, length, depth, grade, type, and size of pipe shall be designated on the plans indicated herein except where unusual or exceptional soil or other conditions are discovered at the time of construction, which are not provided for in the plans, in which case such construction shall be determined by the Town Engineer. Trenches shall be bridged at all street crossings, intersecting streets, public and private entrances in such a manner that traffic will not be interrupted.
- (4) The Contractor shall have sufficient quantity of timber and equipment constantly on hand for planking, sheet piling, fencing or shoring and adequate pumping apparatus to meet all requirements of construction for use in case of accident or emergency.
- (5) All trenches for culverts, drains or french drains shall be excavated at least nine inches (9") wider than external diameter of the pipe to be used therein.
- (6) When rock is encountered, it shall be removed to at least six inches (6") below the grade line, the trench then being filled with earth to the grade and from the pipe and thoroughly tamped.
- (7) The pipe shall be laid on a firm bed and the bottom of the trench shall be excavated to the line and grade given or directed by the Town Engineer. The bottom of the excavation shall have the shape and dimensions of the lower half of the pipe. When rock is encountered and removed from the trench as specified, this excess depth shall be refilled with suitable materials and tamped thoroughly.

- (8) The pipe shall be laid and all joints shall be treated as determined by the Town Engineer.
  - (9) The filling around the pipe shall be made in layers with approved materials free from rock, and each layer shall be tamped thoroughly around and over the pipe.
  - (10) Where indicated or directed, old pipe or insufficient sized culverts shall be removed and re-lain, extended or renewed in the same manner as specified above for new pipe culverts or drains.
  - (11) Easement of a width sufficient to allow proper maintenance but in no case less than twelve feet (12') shall be provided for the out-letting of all drains pipe lines, etc., to streams, existing storm drains, or other legal drainage courses. These easements shall be granted to the Town in writing subject to the approval of the Town Solicitor.
  - (12) Combination drains shall be installed where the character and composition of the earth in the roadbed itself or adjacent terrain renders such installation necessary. The bottom one-third of the pipe shall be caulked with jute or equivalent material and the pipe shall be laid in a stone bed for a depth equal to one-half (1/2) the diameter of the pipe. The trench shall be filled in the same manner as described in Section 2(a) (3) above.
- (c) Street Signs. Appropriate street signs shall be installed by the developer at the intersection of all streets in conformity with Town specifications and approved by the Town Engineer as to location.
- (d) Curbing
- (1) Curbing shall be constructed on both sides of all streets shown on all major sub- divisions and shall be required on minor subdivisions in accordance with the standards prescribed herein for the requirements of sidewalks in the case of minor subdivisions.
  - (2) The concrete to be used shall be Class B, proportioned and thoroughly mixed as follows:

One part Portland Cement, one and three- quarters (1-3/4) parts of sand and three and one-half (3-1/2) parts of clean, hard, broken stone or gravel with sufficient water to make its consistency such that the mortar clings to the coarse aggregate but not to exceed four (4) gallons of water per sack of cement. The curb shall be laid in a workmanlike manner as directed by the Town Engineer.

- (e) **Shade Trees.** Subdivider shall be required to plant such number of trees as shall be necessary when taking into consideration existing trees, to provide at least one (1) tree every fifty (50) feet in front yards. Such trees shall be a minimum of two and one-half inches (2-1/2") in diameter measured one foot (1') from the butt. No tree shall be planted less than twenty-five feet (25') from an existing or proposed street light or street intersection. The subdivider shall be responsible for the care and/or replacement of such trees for a period of three (3) years from the date of approval.
- (f) **Topsoil Protection.** Topsoil moved during the course of construction shall be redistributed to provide at least six inches (6") of cover to all areas of the subdivision and shall be stabilized by seeding or planting. Said seeding and planting must have attained a growth sufficient to stabilize the soil before section will be considered as being complied with. No topsoil shall be removed from the subdivision site.
- (g) **Monuments and Iron Stakes.** After all finished grading, the developer shall install a solid iron stake not less than one inch (1") and thirty inches (30') in length on all lot corners.
- (h) **Permanent stone or concrete monuments shall be accurately placed in the boundary (perimeter) of the property being subdivided at the intersection of all lines forming angles and at changes in direction of lines; except, that when streams or other watercourses are property boundaries, monuments shall be offset and shall be connected with full described tie lines and the stream boundary line shall include a plus or minus distance.**
  - (1) If an adjacent property owner refuses to permit a boundary (perimeter) monument to be placed or if a planting or structure obstructs the location where a boundary monument is to be placed, the monument may be offset and shall be connected fully described tie lines.
  - (2) The placement of all monuments shall be supervised by a registered land surveyor and the scored point, by an indented cross in the top of the monument, or drill hole, not to exceed one quarter (1/4) inch in diameter, shall coincide exactly with the point of intersection of the lines being monumented.
  - (3) Monuments shall be set with their top level with the finished grade of the surrounding ground.
- (i) **Sanitary Sewage Disposal**
  - (1) Sanitary sewage disposal shall be accompanied in accordance with the Council Regulations.
  - (2) If the subdivision is inaccessible to public sanitary sewers, the Council shall require the subdivider to obtain from the Delaware

State Department of Natural Resources and Environmental Control and the County Department of Public Works certificates of approval of the sewage disposal facilities proposed.

- (3) Where on-site sanitary sewage disposal facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary length of tile field at a safe distance from and at a lower elevation than the proposed building(s).
- (4) A community sanitary sewage disposal system shall be permitted only upon approval of the Council, and the State Department of Natural Resources and Environmental Control.
- (5) Wherever individual on-site sanitary sewage disposal systems are utilized within the subdivision, the subdivider shall either install such facilities or shall require by deed restriction or otherwise) as a condition of the sale of each lot or parcel within the subdivision, that such facilities shall be installed by the purchaser of such a lot or parcel at the time that a principal building is constructed thereon, in accordance with appropriate regulations.
- (6) In all cases of residential subdivisions containing lots of less than two acres in area, intending to utilize septic tank sewage systems, the plotting of the sub divisions, shall be such as to facilitate the eventual extension of sanitary sewer service, should such become necessary.

(j) Water Supply

- (1) Subdivisions shall utilize a public or semipublic water distribution system for water supply where geographical location and accessibility to a common water source make this type of system possible. The design and installation of such public or semi-public system shall be subject to the approval of the appropriate State agencies; and the main sizes shall meet the specifications of the Middle Department of Fire Underwriters as determined by the State. Fire Marshal.
- (2) Where the subdivider proposes that individual onsite water supply systems be utilized within the subdivision, the subdivider shall either install such facilities or shall require (by deed restrictions or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that the facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building(s) is constructed thereon, in accordance with appropriate State regulations.

- (3) Where individual on-site water supply systems are to be utilized, each lot shall be of a size and shape to allow safe location of such a system.
- (k) General requirements. Said utilities may be required to be located along the rear property lines with easements as provided in these Regulations. All utility installations shall be connected with a public utility system if available, and shall be adequate for all present and probable future development of the subdivision.

All of the above listed improvements shall be subject to inspection and approval of the Town Engineer who shall be notified in writing by the developer at least twenty-four (24) hours prior to the start of each phase of construction. No underground installation shall be covered until inspected and approved.

- 3. No construction work on the above-required improvements shall commence without the Town Engineer being notified in advance of such proposed construction, and such notice shall be given by the subdivider at least twenty-four (24) hours before the commencement of said work.
- 4. Procedure on Acceptance of Public Improvements. When the subdivider has constructed and installed the streets, drainage facilities, curbs, side-walks, street signs, monuments and other improvements in accordance with Town regulations, standards and specifications and desired the Town Engineer to make an inspection of the said improvements. Accompanying this request, the subdivider shall submit an "as built" plan showing the subsurface utilities such as drains, combination drains, sanitary sewage disposal systems, both public and individual water lines and on control valves, gas lines, telephone conduits, monuments property iron markers and any other utility installed but not shown on the original engineering detail plan.

## ARTICLE VII

### PENALTY

If, before final approval has been obtained, any person transfers or sells or agrees to sell, as owner or agent, any land which forms a part of a subdivision on which, by ordinance, the Planning Council and the governing body is required to act, such person shall be subject to a fine not to exceed two hundred (200) dollars or to imprisonment for not more than thirty (30) days and each parcel plot or lot so disposed of shall be deemed a separate violation.

ARTICLE VIII  
SPECIAL PROVISIONS

A. Severability

Should any section or provision of the regulations contained herein, or as amended hereafter, be declared by a court of competent jurisdictions to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared. to be invalid.

B. Administration

1. Upon .the findings of the Council or Town Council that due to special conditions peculiar to a subdivision or a site, certain requirements of these Regulations are inappropriate, or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the Town Council may vary or waive said requirements; provided that such variance or waiver shall not be detrimental to the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of the official map, the Zoning Ordinance, the Development Plan or these Regulations. In varying or waiving certain requirements, the Council may specify such conditions as will, in its judgement secure substantially the objectives of the requirements, so varied or waived.
2. All ordinances or parts of. ordinances other. than the Zoning Ordinance of the Town of Slaughter Beach which are inconsistent with the provisions of these Regulations are hereby repealed to the extent of such inconsistency.
3. These Regulations shall take effect upon its publication and pas sage according to law.