

**The Town of Laurel, Sussex County,  
Delaware**

**TOWN OF LAUREL  
SUBDIVISION AND LAND  
DEVELOPMENT PROJECT  
REGULATIONS**

**Prepared for:  
The Mayor and Town Council  
Of The Town of Laurel**

**Prepared by:  
The Town of Laurel Planning and Zoning Commission**

**Under a Livable Delaware Grant  
From the Delaware Office of State Planning  
Coordination**

**Adopted March 17, 2008**

**Town of Laurel, Sussex County, Delaware**  
**Town of Laurel Subdivision and Land Development Project Regulations**

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**Whereas**, in order to promote and guide the planned growth of the Town of Laurel and the Greater Laurel Area, the Mayor and Town Council of the Town of Laurel has prepared the Laurel of Delaware: The 2004 Greater Laurel Comprehensive Plan, adopted by Ordinance 2004-14, dated October 4, 2004, a new Town of Laurel Zoning Ordinance, adopted by Ordinance 2004-17, dated January 3, 2005 and a Utility Construction and Repair Ordinance, Chapter 157 of the Town Code, dated April 4, 2005; and,

**Whereas**, the Mayor and Town Council of Laurel is committed to implementing the Comprehensive Plan and its vision for the future of our community, as follows:

*Named for a flowering plant that has symbolized achievement since antiquity, Laurel will be a Garden City of southern Delaware. It will build on its deep roots in agriculture. It will develop the quality of its municipal services for citizens, taxpayers, neighbors, businesses and visitors. It will grow in new ways. It will honor its character as a family town and its heritage as the capital of the Broad Creek Greenway. Its rich relationship with its farming countryside will be protected by a surrounding Greenbelt. Its legacy as a Town founded in the Nanticoke Creek Watershed will be honored. Its connection to Route 13 as a business boulevard will be realized. Its role as a residential center and marketplace in Sussex County will be fulfilled through good partnerships and planning. Its citizens will take pride in the way it maintains its legacy while it builds for a vibrant future. It will truly be a Laurel of Delaware.*

**Whereas**, the Mayor and Town Council of Laurel now wishes to establish goals, standards, requirements and procedures for the regulation of Subdivision and Land Development projects consistent with the Comprehensive Plan and Zoning Ordinance; and

**Whereas**, the new Subdivision and Land Development Project Regulations are hereby adopted by Ordinance No. 2008-3, and will become Chapter 145, of the Town of Laurel Town Code, in order to provide Laurel with the best of contemporary Subdivision and Land Development Project Regulations; and,

**Whereas**, the Mayor and Town Council of Laurel repealed and deleted in its entirety the existing Town of Laurel Subdivision Regulations adopted on June 7, 1971 and amended on March 18, 2003 and,

**Whereas**, the Mayor and Town Council of the Town of Laurel desires to encourage well-designed, high quality, economically successful and efficiently constructed subdivisions and land development projects, whether of a residential, business or mixed-use character, to ensure compatibility with the character of Laurel in pattern, scale, materials and design, and to facilitate an orderly, streamlined, fair, and progressive approach to development; and

**Whereas**, the Mayor and Town Council of the Town of Laurel desires to attract and retain economic investment and activity that supports public services for residents, businesses and visitors; and

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**Whereas**, the Mayor and Town Council of the Town of Laurel desires to ensure fairness in the processing of subdivision and land development applications, and to process applications in a streamlined and efficient manner; and,

**Whereas**, the Mayor and Town Council of the Town of Laurel desires to coordinate the design of subdivision and land development projects with future annexations into the Town of Laurel, including the coordination of these regulations with the use of the Town's Large Parcel Development Zoning Overlay District; and,

**Whereas**, the Mayor and Town Council of the Town of Laurel desires to review the fiscal costs and benefits of proposed subdivisions, in order to ensure that future growth is fiscally beneficial for the Town of Laurel; and,

**Whereas**, the Mayor and Town Council of the Town of Laurel desires to regulate subdivision and land development projects to ensure the provision, timing and funding of adequate public services and facilities, including coordination with planning and zoning services, economic development, town administration, parks and recreation, street lighting and upkeep, and police protection; coordination with the Laurel Fire Department, Inc. and the Town of Laurel water and sewer systems; and,

**Whereas**, the Mayor and Town Council of the Town of Laurel desires to ensure that approved subdivisions and land development projects will be funded and completed in compliance with the approvals given by the Town; and,

**Whereas**, the Mayor and Town Council of the Town of Laurel desires to apply the principles of continuous street patterns; clustering and site design to provide open space, provision of sites for community facilities, the protection of natural and cultural features, the provision of public access and the use of neotraditional development techniques consistent with Laurel's heritage; and

**Whereas**, the Mayor and Town Council of the Town of Laurel desires to offer the community the opportunity to participate in and comment on the design, timing and regulation of subdivisions and land development in the Town of Laurel; and,

**Whereas**, the Mayor and Town Council of the Town of Laurel desires to ensure timely coordination with other agencies which have responsibilities for aspects of subdivision and land development project approvals, including non-profit, county and state agencies;

**NOW THEREFORE BE IT ORDAINED**, that the Mayor and Town Council of the Town of Laurel hereby adopts the Town of Laurel Subdivision and Land Development Project Regulations.

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**ARTICLE 1 - GENERAL PROVISIONS**

**Section 1.0 Title**

These regulations shall officially be known, cited, and referred to as Town of Laurel Subdivision and Land Development Project Regulations of The Town of Laurel, Sussex County, Delaware.

**Section 1.1 Policy**

1. It is declared to be the policy of the Town of Laurel to consider the subdivision of land and land development projects to be subject to regulation by the Town pursuant to the Town of Laurel Town Charter, Laurel of Delaware: The 2004 Greater Laurel Comprehensive Plan, The Town of Laurel Zoning Ordinance, The Town of Laurel Utility Construction and Repair Ordinance, and applicable laws and regulations of Sussex County, the State of Delaware and The United States of America.
2. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist or are committed by proper instruments and provision has been made for the creation of open space and recreational facilities, conservation of natural and cultural resources, drainage and runoff, water, sewerage, schools, parks, pedestrian and vehicular circulation and related services and improvements.
3. The existing and proposed public improvements shall conform to standards contained in the Town Charter, Comprehensive Plan, Zoning Ordinance, Utility Ordinance and applicable building, maintenance and housing codes and environmental regulations.

**Section 1.2 Purpose**

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety and general welfare of the Town and to preserve the character and beauty of Laurel.
2. To guide the future growth and development of the Town in accordance with the Comprehensive Plan and Zoning Ordinance.
3. To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger and to prevent overcrowding of the land and undue traffic congestion.
4. To protect the character and social and economic stability of all parts of the Town and encourage the beneficial development of the community through planning for the timing and sequencing of development, orderly residential and non-residential

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- development, adequate public services and facilities, provision of open space and protection of natural and cultural resources.
5. To ensure the availability of adequate transportation facilities including streets, alleys, bikeways, pedestrian paths, sidewalks, entrances, access ways, turning and deceleration lanes, traffic signals and signage, and interconnectivity with existing Town, County, and State roads.
  6. To conserve the value of land throughout the Town and the value of buildings and improvements upon the land, and to minimize conflicts among the uses of land and buildings.
  7. To preserve the natural beauty, waterways and topography of the Town.
  8. To establish reasonable standards of design and procedures for subdivisions and land development projects in order to further the orderly layout and use of land and ensure proper legal descriptions and monumenting.
  9. To ensure that public facilities, services and sites are available concurrently or committed and scheduled in coordination with development and will have sufficient capacity to serve the project and that the community will not be required to bear more than its fair share of the cost of providing facilities and services by requiring the developer to pay fees, furnish land, construct and dedicate public facilities or land areas and ensure that the development provides its fair share of the capital facilities needed by the project.
  10. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the watertable and to encourage the wise use and management of natural resources in order to preserve the integrity, stability, and beauty of the community and the value of its lands.
  11. To preserve the natural beauty, waterways and topography of the Town and to safeguard these features.
  12. To provide for open space through creative and efficient design in strict accordance with the the density control standards established by the Zoning Ordinance.
  13. To remedy problems created by inappropriately subdivided lands, premature subdivision, excess subdivision, partial or incomplete subdivision and scattered and low-grade subdivision.
  14. To coordinate subdivision and land development regulation with policies and procedures for annexation and the use of the Town's Large Parcel Development Zoning Overlay District.
  15. To consider the fiscal impact of new development on the costs of providing public services in the review and approval process.

**Section 1.3 Authority**

The Town of Laurel Planning and Zoning Commission and the Mayor and Town Council of the Town of Laurel are vested with the authority to review, approve, conditionally approve and disapprove applications for the subdivision of land and land development projects, including sketch, preliminary and final plans, and to grant variances, exceptions and waivers of conditions in accordance with this Ordinance, and with the provisions of

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the Code of the Town of Laurel, the Town of Laurel Zoning Ordinance and Delaware law.

**Section 1.4 Jurisdiction**

1. These regulations apply to all subdivisions of land and land development projects located within the corporate limits of the Town of Laurel.
2. No land may be subdivided through the use of any legal description other than a plan approved by the Town of Laurel Planning and Zoning Commission in accordance with these regulations and any such subdivision not approved by the Planning and Zoning Commission in accordance with these regulations shall be null and void.
3. Building permits or certificates of occupancy issued for any parcel or lot created by subdivision or a land development project after the effective date of this Ordinance shall be in compliance with these regulations.

**Section 1.5 Interpretation, Conflict, and Separability**

1. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted. Public Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
2. Separability. If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Town Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

**Section 1.6 Saving Provision**

These regulations shall not be construed as abating any action now pending under, or by virtue of, any prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Town under any section or provision existing at the time of adoption of these regulations, or as



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vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the Town except as shall be expressly provided for in these regulations.

**Section 1.7 Amendments**

For the purpose of protecting the public health, safety, and general welfare, the Planning and Zoning Commission may from time to time propose amendments to these regulations which shall then be submitted for approval, approval with modification or disapproval by the Town Council by ordinance at a public meeting following public notice and a public hearing.

**Section 1.8 Public Purpose**

Regulation of the subdivision and development of land and the attachment of reasonable conditions to land subdivision and development are an exercise of valid police power delegated by the state to the Town. The developer has the duty to comply with reasonable conditions set forth by the the Planning and Zoning Commission for the design, dedication, improvement, guarantee of improvements, and restrictive use of the land to conform to the physical and economic development of the Town and the health, safety, and general welfare of future lot owners in the subdivision and the community in general.

**Section 1.9 Variances, Exceptions and Waivers of Conditions**

- A. General. Upon findings of the Planning & Zoning Commission 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 unnecessary hardship or exceptional practical difficulties, the Planning & Zoning Commission may vary or waive the requirements of these regulations provided that such variances shall not be detrimental to the public health, safety or general welfare or have the effect of nullifying the intent and purpose of these regulations.
- B. Conditions. In varying or waiving certain requirements the Planning and Zoning Commission may specify such conditions as will, in its judgement, secure substantially the objectives of the requirements so varied or waived.
- C. Procedures. A petition for a variance, exception, or waiver of conditions shall be submitted in writing by the subdivider at the time when the preliminary plan is filed for the consideration of the Planning and Zoning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

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**Section 1.10 Enforcement, Violations, and Penalties**

- A. General
- a. It shall be the duty of the Code Enforcement Officer of the Town of Laurel to enforce these requirements and to bring to the attention of the Town any violations of these regulations.
  - b. Where a subdivision is being developed in phases no owner, or agent of an owner, of any parcel of land located in a proposed subdivision or land development project shall transfer or sell any part of the parcel before a final plan of that phase of the subdivision or land development project has been approved by the Planning and Zoning Commission in accordance with the provisions of the regulations and filed with the Sussex County Recorder of Deeds. Where an owner, or agent of the owner seeks to sell the entire proposed subdivision or land development project prior to approval of a final plan, the new owner must submit a new application or modify the existing application, as directed by the Planning and Zoning Commission.
  - c. The unapproved subdivision of any lot or any parcel of land by use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.
  - d. No building permit shall be issued for the construction or alteration of any building or structure located on a lot or plan subdivided or sold in violation of the provisions of these regulations, nor shall the Town have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.
- B. Violations and Penalties. Any person who violates any of these regulations shall be subject to a fine in accordance with these regulations.
- C. Civil Enforcement. Any person aggrieved by any violation of this ordinance (including the Town, the Planning and Zoning Commission, or any private citizen) may bring an action in law or in equity seeking enforcement of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a lot, building, structure or premises. These remedies shall be in addition to the penalties described above. In any such action the Town shall be entitled to its attorneys' fees and court costs.

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**ARTICLE 2 - DEFINITIONS**

**Section 2.0 Usage**

1. For the purpose of these regulations, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth in this Article.
2. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.

**Section 2.1 Definitions**

**ADEQUATE PUBLIC FACILITIES** - Facilities determined to be capable of supporting and servicing the physical area, density of development and designated requirements of the proposed subdivision as reasonably determined by the Town Council.

**ADJUSTED TRACT AREA** - The total area of the site minus sub-areas occupied by wetlands, floodplains, significant slopes of 15% or more, and the amount of land set aside for road right-of-ways.

**AFFORDABLE HOUSING** - Housing that is affordable to very low-income, low-income, or moderate-income persons as defined by the Department of Housing and Urban Development and is maintained for occupancy for such very low-income, low-income, or moderate-income person(s) for a period of not less than thirty (30) years through the use of a covenant or deed restriction, a development agreement, or by transferring an interest to a state or Town housing agency or recognized nonprofit housing organization.

**ALLEY** - A public or private right-of-way primarily designed to serve as secondary access to the side or rear frontage of those properties whose principal frontage is on some other street.

**APPLICANT** - The owner or contract purchaser of land proposed to be subdivided or developed or its representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

**CLUSTERING IN NEW SUBDIVISION PROJECTS AND DWELLING GROUPS** - Clustering gathers together buildings on the portions of a site most appropriate for building. It leaves the other portions open and clear of buildings. The open space should occur on the portions where there are natural features that should be protected or even enhanced. In clustering, the Planning and Zoning Commission is authorized to encourage the modification of the density requirements of the Zoning Ordinance. The overall gross density (based on the total area of the site) must still conform to the standard set by the Zoning Ordinance for the applicable zoning district(s), based on minimum lot size. However, after clustering one portion of the site will have a higher density and others a lower density or no density at all. Approval for clustering occurs at the time of Zoning,

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Subdivision and Site Plan Approval. Its purpose is to achieve flexibility of design in order to promote the most appropriate development of land, the conservation of open space, the economical provision of streets and utilities, the preservation of cultural resources and the protection of the natural environment.

**CODE ENFORCEMENT OFFICER** – The officer to administer these regulations and Town zoning regulations, and to assist administratively the Planning and Zoning Commission and Town Council.

**COMMUNITY ASSOCIATION** - A homeowners or condominium association or organization which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision or land development project - be it a lot, parcel site, unit plot, condominium, or any other interest - is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of the expenses of the association which may become a lien against the lot, parcel, unit, condominium or other interest of the member.

**CONDOMINIUM** - A building or group of buildings, in which residential, commercial or industrial units are owned individually while the structure, common areas and facilities are owned jointly by all the owners on a proportional basis as provided in the Delaware Unit Property Act, 25 Del.C. Chapter 22.

**DENSITY, GROSS RESIDENTIAL** - The number of dwelling units per acre in a proposed development, computed by dividing the number of dwelling units which the applicant proposes to construct by the total number of acres in the Adjusted Tract Area proposed for development.

**DEVELOPER** - Any landowner, agent, or other person who makes or causes to be made an application for approval of a site development plan. Also includes any landowner, agent or other person who files an application for subdivision approval.

**DEVELOPMENT** - The improvement of one (1) or more parcels of land; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; or any use or extension of the use of land for residential, commercial, industrial or other purposes, including the opening, widening or extension of any street or streets and the division or allocation of land as open space or for easements for the extension and maintenance of public sewer, water supply, storm drainage or other public facilities.

**FLOODPLAIN** - The low lands adjoining the channel of a creek, stream or watercourse, pond, lake or other body of standing water, which have been or may be inundated by water rising from a creek or stream, rainwater and/or floodwater. The channel of a stream or watercourse is a part of the flood plain in accordance with the National Flood Insurance Program (NFIP) as administered by the Federal Emergency Management Agency (FEMA).

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**IMPERVIOUS SURFACES** - Those that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete or asphalt shall be considered “impervious surfaces” within this definition. In addition, other areas determined by the Engineer of The Town of Laurel to be impervious within the meaning of this definition will also be classed as “impervious surfaces”.

**LAND DEVELOPMENT PROJECT** -- A land development that does not result in the creation of separate lots for sale or lease to individuals.

**LARGE PARCEL, PLANNED UNIT OR PLANNED RESIDENTIAL DEVELOPMENTS** -- Large Parcel, Planned Unit or Planned Residential Developments have two or more of the following characteristics: They occur on large parcels of land three acres or more in size. They occur on sites under the unified development control of a single development entity. They occur in two or more phases over a period of years. They involve master plans to illustrate each phase of development within an overall concept. They involve mixed-uses. Large Parcel, Planned Unit or Planned Residential regulations take the form of floating zones and overlay districts in which the basic permitted uses are those allowed by the underlying zoning use districts. This development and zoning technique is voluntary and is applied for by the development entity that controls the site.

**LOT** - A parcel of land considered as a separate unit, devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use or ownership, and the customary accessories and open spaces belonging to the same and which abuts and is accessible from a private or public street.

**MIXED-USE DEVELOPMENT** - Mixed-use development is characterized by combining two or more principal uses (such as retail, entertainment, office, residential, lodging and civic/cultural/recreation) that are mutually supporting; by a significant physical and functional integration of project components, including uninterrupted pedestrian connections; and by development in conformance with a coherent plan that stipulates the type and scale of uses, permitted densities and related items.

**NEOTRADITIONAL, OR NEW URBANIST, DESIGN** - Emphasizes a mixture of principal uses rather than only one variation and clustering in densities, traditional street and block patterns, interior streets with smaller widths, more continuous and rectilinear street patterns, streetscapes with rows of facades and front porches close to the street, careful design of alleys and courtyards, continuity of sidewalks, walking trails, paths and other pedestrian-friendly ways, use of vertical curbs, planting of street trees in rows, traditional block configurations, use of town squares, plazas, commons and other open spaces, zero-lot line or small setbacks (as in older villages), transit stops and shelters, landscaped buffers, gateway entrances and treatment of development edges. Neotraditional design emulates traditional village and neighborhood development and is hence referred to as “neotraditional”. “New Urbanist” refers to urban designs which respect village and town development patterns. In subdivision and land development

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project regulations, New Urbanism emphasizes urban block sizes, keeping streets in scale with building development and open spaces, having continuous connecting streets and pedestrian and bicycle facilities, and reserving sites with important vistas for civic buildings.

**OPEN SPACE** – Any parcel or area of land or water that provides light and air and is designed, dedicated or used for active or passive recreational, environmental, scenic, farming, forestry and/or conservation purposes. Open space is not developed with principal or major buildings. It may include, but is not limited to, decorative planting, preservation of natural areas, forests, vegetation and landscaping, watercourses and waterbodies, walkways or trails for hiking and biking, recreation areas, minor structures for recreational uses, squares, meadows, parks and playgrounds.

**OWNER** - The record owners of the fee or a vendee in possession, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided or developed.

**PUBLIC IMPROVEMENT** - Any drainage ditch, roadway, park, sidewalk, curb, pedestrian way, off-street parking area, storm water, sanitary water, water production, storage, treatment, or distribution facilities, traffic control devices, street signs, or any part or component thereof, or other facility for which the Town may ultimately assume responsibility for maintenance and operation, or which may effect an improvement for which Town responsibility is established.

**REGULATIONS** - The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols, contained or referred to in this Ordinance.

**RESUBDIVISION** - Any change in a map of an approved or recorded subdivision plat that affects any street, lot or facility layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**STREET** – Any public vehicular way that is (1) an existing state, county or town roadway; (2) designed in accordance with Town specifications and dedicated to the Town, shown upon an approved final plan pursuant to law and duly filed and recorded with the Sussex County Recorder of Deeds or (3) shown on the Official Map or Comprehensive Plan of the Town. These Subdivision and Land Development Project Regulations require that all streets in subdivision and land development projects be dedicated to the Town as public streets. New streets shall be continuous with the existing public street system of the Town, and cul-de-sacs avoided to the fullest extent possible.

**STREETSCAPE** - A design term referring to all of the elements that constitute the physical makeup of a street and that, as an entity, define its character, including street paving; street furniture; landscaping, including trees, shrubs and flowers; building

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facades, porches, awnings and marquees; signs, and lighting. Streetscape is an integral element of streets.

**SUBDIVISION** - Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and nonresidentially zoned land, whether by deed, devise, intestacy, lease, map, plat, or other recorded instrument. Subdivision includes resubdivision and condominium creation or conversion.

**SUBDIVIDER** - Any person who, having an interest in land causes it, directly or indirectly, to be divided into a subdivision.

**SUBDIVISION PLAN** - The final plat, map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning and Zoning Commission for approval and which, if approved, may be submitted to the Sussex County Recorder of Deeds.

**SUBDIVISION, MAJOR** - A major subdivision is a subdivision of two (2) or more lots that involves new streets, the extension of municipal water, sewer, or stormwater services, new public improvements or the development of more than 3,000 square feet of non-residential space, or that significantly affects development of the remainder of the property or adjoining properties. It also includes a subdivision of five (5) or more lots fronting on an existing public street, or having access to a public street, that does not involve a new street, the extension of municipal water, sewer, or stormwater services or new public improvements.

**SUBDIVISION, MINOR** - A minor subdivision is a subdivision of not more than four (4) lots that fronts on an existing public street or has access to a public street, that does not involve any new street, the extension of municipal water, sewer, or stormwater services, new public improvements or the development of more than 3,000 square feet of non-residential space and does not significantly affect development of the remainder of the property or adjoining property.

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**ARTICLE 3 – MINOR SUBDIVISIONS**

**Section 3.0 Characteristics of Minor and Major Subdivisions**

These Regulations differentiate between Minor and Major Subdivisions according to the following definitions:

SUBDIVISION, MINOR - A minor subdivision is a subdivision of not more than four (4) lots that fronts on an existing public street or has access to a public street, that does not involve any new street, the extension of municipal water, sewer, or stormwater services, new public improvements or the development of more than 3,000 square feet of non-residential space and does not significantly affect development of the remainder of the property or adjoining property.

SUBDIVISION, MAJOR - A major subdivision is a subdivision of two (2) or more lots that involves new streets, the extension of municipal water, sewer, or stormwater services, new public improvements or the development of more than 3,000 square feet of non-residential space, or that significantly affects development of the remainder of the property or adjoining properties. It also includes a subdivision of five (5) or more lots fronting on an existing public street, or having access to a public street, that does not involve a new street, the extension of municipal water, sewer, or stormwater services or new public improvements.

**Section 3.1 Requirements for Minor Subdivisions**

1. Application for approval of a Minor Subdivision, as herein defined, shall be made on forms available from the Town and shall be submitted to the Code Enforcement Officer at least ten (10) days prior to the next regular meeting of the Planning and Zoning Commission.
2. The application shall be accompanied by a fee in the amount specified by Resolution of the Town Council.
3. The Subdivider shall supply one (1) scaled, dimensioned and surveyed reproducible mylar drawing and seven (7) prints of the plan of the proposed subdivision and abutting streets. The plan shall clearly show lot lines, building locations, landscaped areas, pedestrian walks, easements and special site features of the types identified in Section 4.B. The reproducible and prints of the subdivision plan shall be submitted to the Code Enforcement Officer at the time of application for approval.
4. The Code Enforcement Officer shall retain one copy of the subdivision plan for public view and shall submit the application and remaining plans to the Secretary of the Planning and Zoning Commission within two (2) business days of receipt of the application.
5. The Planning and Zoning Commission shall make its decision upon the application within forty-five (45) days of submission after reviewing the application. Within five (5) days of making its decision, the Planning and Zoning Commission shall notify the applicant in writing by certified mail, with return



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- receipt, of the decision, any conditions or modification required, or the reasons for disapproval.
6. Upon approval of the Minor Subdivision by the Planning and Zoning Commission, the Chairman or designee of the Planning and Zoning Commission shall sign the approved plan on the reproducible mylar drawing and three (3) print copies. The approved reproducible drawing and one signed print copy shall be returned to the Subdivider. One signed print shall be retained by the Planning and Zoning Commission. One signed print shall be turned over to the Code Enforcement Officer.
  7. The Subdivider shall file the signed plastic film copy of the subdivision plan with the County Recorder of Deeds within ninety (90) days from the date of approval. The Planning and Zoning Commission for good cause, upon request of the Subdivider, may extend the time for recording the plan for a period not to exceed another ninety (90) days. If the approved Minor Subdivision plan is not filed with the Sussex County Recorder of Deeds within a (90) day period or an extended period agreed upon with the Planning and Zoning Commission for stated reasons, the approval shall become null and void.
  7. If the Planning and Zoning Commission disapproves a Minor Subdivision, a copy of the reasons for disapproval together with the reproducible drawing of the plan shall be returned by certified mail, with return receipt, to the applicant. The reasons for disapproval shall be remedied prior to resubmission of the application.
  8. If any person shall be aggrieved by the action of the Planning and Zoning Commission, an appeal in writing to the Town Council may be taken within ten (10) days after the date of the action of the Planning and Zoning Commission. A public hearing shall be conducted. After such hearing the Town Council may affirm, modify, or reverse the action of the Planning and Zoning Commission by a recorded vote of a majority of its members. The findings and reasons for the disposition of the appeal shall be stated on the records of the Town Council, which shall provide a copy to the Planning and Zoning Commission and a copy to the applicant.

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**ARTICLE 4 – MAJOR SUBDIVISION SUBMISSION REQUIREMENTS**

**Section 4.0 Sketch Plan Submissions**

- A. A Sketch Plan will be submitted by the applicant for discussion with the Planning and Zoning Planning and Zoning Commission, Town Manager and staff and the Code Enforcement Officer. Sketch Plan submission is to help develop a better understanding of the property and its development.
- B. The Sketch Plan should include the following information.
  - 1. Name and address of the owner and the applicant.
  - 2. Name and address of the professional engineer, surveyor, planner, architect, landscape architect or site designer responsible for preparing the plan.
  - 3. Graphic scale (not greater than 1" = 200 ft) showing general dimensions and a north arrow.
  - 4. Tract boundaries sufficient to locate the tract on a map of the Town.
  - 5. The zoning use and overlay district or districts affecting the development of the property and its immediate environs.
  - 6. Streets on and adjacent to the tract, both existing and proposed.
  - 7. The approximate location of any wetlands, areas within the 100-year floodplain or areas with slopes greater than 15%.
  - 8. Archeological, historic, and topographical features including fields, pastures, meadows, wooded areas, trees with diameters of twelve (12) inches or more, hedgerows, other significant vegetation, soil types, ponds, ditches, drains, dumps, storage tanks, streams within two hundred (200) feet of the tract, existing rights-of-way, easements and cultural features such as structures, foundations, walls, wells, trails, historic sites and abandoned roads or trails.
  - 9. A diagrammatic layout showing the concept for land development and conservation of open space.
  - 10. A diagrammatic street and lot layout.
  - 11. The general proposed locations of buildings and structures, access, circulation and parking and other improvements.
  - 12. A description of the proposed method of connection with the Town of Laurel water and sewer systems, methods of storm water management, and electric service.
  - 13. If annexation is proposed, a location map showing the tract in relationship to current Town boundaries.

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**Section 4.1 Preliminary Plan Submission Requirements**

Preliminary Plans are required for major subdivisions and land development projects. The Preliminary Plan shall provide the name and address of the owner of the property and the applicant, if different, plus the following:

**A. Preliminary Plan Submission Requirements**

1. The Preliminary Plan shall include the following elements, which may be combined:
  - a. A site map showing location in relationship to the overall Town
  - b. A site analysis describing existing resources
  - c. A conservation and open space plan
  - d. A streets and trails plan
  - e. A house and buildings plan
  - f. A lots plan
  - g. A utilities plan
  - h. A storm water management plan
  - i. A preliminary improvements plan
  - j. Any supporting studies and reports.

**B. Drafting Standards**

1. The plan shall be drawn to a scale of either 1"=100' or 1"=200'.
2. Dimensions shall be in feet
3. Each sheet shall be numbered and shall provide a legend indicating existing and proposed features
4. All plans submitted shall be on sheets no larger than 34" x 44" or smaller than 17" x 22", and preferably on standard sized sheets (24" x 36").
5. One scaled, dimensioned and surveyed reproducible mylar drawing and ten (10) copies shall be provided to the Town.

**C. Plan Requirements**

The following plans and maps shall bear the name, signature, address, and telephone number of the engineer, land surveyor or landscape architect responsible for preparing the plan or map.

**1. Site Map**

A map showing the location of the proposed subdivision within its neighborhood context. For sites under 100 acres in area, the site map shall be at a scale not less than 1"= 200' and shall show the relationship of the property to natural and man-made features within 1,000 feet of the site. For sites of

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100 acres or more, the scale shall be 1" = 400', and shall show the above relationships within 2,000 feet of the site. The features that shall be shown on the Site Map include topography (from U.S.G.S. maps), streams, wetlands (from maps published by the U.S. Fish & Wildlife Service, the U.S.D.A. Natural Resources Conservation Service, DNREC or the Army Corps of Engineers), woodlands over one-half acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements, rights of way, public lands and land under conservation easements.

**2. Site Analysis**

A Site Analysis shall be prepared and shall include maps, photographs, or text or a combination of same to describe existing conditions, both on the proposed site and within 500 feet around it.

The Town shall review the Plan for accuracy, conformance with ordinances and regulations and impact upon physical and cultural resources. Such plans shall be prepared at the scale of 1" = 100' or 1" = 200'. Standard sized sheets are preferred. The following information shall be included:

- a. A vertical aerial photograph enlarged to a scale of no less than 1 inch = 400 feet, with the site boundaries clearly marked.
- b. Topography determined by photogrammetry or interpolated from U.S.G.S. maps. The determination of contour intervals shall be made by the Planning and Zoning Commission. Slopes steeper than 15 percent shall be indicated.
- c. The location and delineation of wetlands, 100-year floodplains, ponds, streams, ditches, drains, and drainage swales.
- d. Vegetative cover conditions on the property according to cover type including cultivated land, meadows, pastures, old fields, hedgerows, woodlands and wetlands and trees with a caliper of twelve inches or more.
- e. Soil types, as mapped by the Sussex Conservation District in the published most current Sussex County, Delaware Soil Survey, and accompanying data for each soil type including its drainage characteristics and suitability for construction.
- f. Ridgelines and watershed boundaries.
- g. An analysis showing the location and extent of views into the property from public roads trails, prime farmlands, public forests or other conservation lands.
- h. Significant man-made features including streets, driveways, farm roads, forest roads, buildings, foundations, walls, wells, drainage fields, land fills, and utilities.
- j. Locations of historically and archeologically significant sites or structures, including walls, earthworks and graves.

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- k. Locations of trails that have been in public use.
- l. Easements and other encumbrances of property recorded with the Sussex County Recorder of Deeds.
- m. The total acreage of the tract and the Adjusted Tract Area (ATA – the total area of the tract minus areas occupied by wetlands, floodplains and significant slopes of 15% or more, and street right of ways as described in Section 6.2) with supporting calculations.

**3. Design Process**

In preparing Preliminary Plans, applicants are encouraged to follow a four-step design process to lay out proposed conservation and open space lands, streets and trails, house and building sites and lot lines, as described below.

a. Step 1: Conservation and Open Space Lands

- 1) The percentage and acreage of conservation and open space land shall be calculated by the applicant and submitted as part of the Sketch Plan (if provided) and/or Preliminary Plan in accordance with these Subdivision Regulations, the Zoning Ordinance and Comprehensive Plan.
- 2) The delineation of conservation and open space land shall reflect the principles of the Comprehensive Plan and Zoning Ordinance and shall include wetlands, floodplains, steep slopes and, if applicable, riparian buffers to protect the edges of watercourses.
- 3) It shall be the goal in subdivision and land development plans for sites larger than 3 acres to set aside a minimum of 30% of the Adjusted Tract Area as conservation and open space lands.

b. Step 2: Streets and Trails

A streets and trails plan shall be designed to provide vehicular, bicycle and pedestrian access to the subdivision or development. Crossing environmentally sensitive areas such as wetlands and floodplains should be avoided. Streets shall be designed to respect the traditional streetscapes of Laurel; to create new parks, squares, vistas and open spaces; to accomplish continuity with Laurel's existing street system; to facilitate access to homes in other parts of the tract; to interconnect neighborhoods with each other and with the Town Center and to minimize the use of cul-de-sacs. The development of trails that connect with the Broad Creek Greenway Trail, as a feature of the Nanticoke River – Broad Creek Greenway Corridor, is encouraged.

c. Step 3: House and Other Building Sites

House and other building sites shall be located based on the proposed conservation and open space lands, streets and trails, views and topography, soils and historical and cultural resources. House and other

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building sites should be located a minimum of 50 feet from wetlands, watercourses and floodplain areas, but may be required to be wider depending on natural conditions.

d. Step 4: Lot Lines

Upon completion of the preceding steps, lot lines should be drawn in keeping with the overall design and the use, density and dimensional requirements of the Zoning Ordinance.

**4. Preliminary Improvements Plan**

A Preliminary Improvements Plan shall be prepared for all major subdivision and land development projects that require the development of improvements. The Improvements Plan shall include:

- a. Proposed lot lines, lot areas, existing and proposed easements and rights-of-way and the boundaries of existing and proposed conservation and open space lands.
- b. The location, alignment, width and tentative names of proposed streets and rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate connections with adjoining developed or undeveloped areas and preliminarily-engineered profiles for proposed streets.
- c. The location of proposed swales, drainage easements, stormwater, runoff control, and other drainage management facilities.
- d. The proposed layout of connections to the Town of Laurel sewer system, based upon coordination with the Department of Public Works.
- e. The proposed layout of connections to the Town of Laurel water system, including the conceptual layout of proposed distribution facilities including water mains, fire hydrants, treatment facilities or storage tanks.
- f. A limit-of-disturbance line designed to protect existing vegetation.
- g. The locations and dimensions of any proposed open space, playgrounds, public buildings, public areas and other parcels of land proposed to be dedicated or reserved for public use.
- h. If land to be subdivided lies partly in or abuts unincorporated portions of Sussex County, the applicant shall submit information concerning the location and conceptual design of streets, the layout and size of lots and proposed improvements on the unincorporated land, if any. The design shall provide for a smooth and practical transition between incorporated and unincorporated land.
- i. If the applicant proposes to construct improvements in phases, a delineation of proposed sections and a schedule of proposed phases with deadlines for completion.

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- j. Typical street cross-section drawing(s) for all proposed streets shall be provided, including details describing pavement thickness, crowning, curbing and construction materials.
- k. Utilities and Easements.
  - 1) Exact locations of existing utility easements and approximate locations of proposed utility easements.
  - 2) The approximate layout of proposed sanitary and storm sewers and location of all inlets and culverts and any proposed connections with existing facilities.
  - 3) The tentative location of sewage and water facilities.
- l. The approximate location of proposed shade trees, plus locations of existing vegetation to be retained.
- m. A signature block for the Planning and Zoning Commission shall be provided on the right-hand side of the Preliminary Improvements Plan.

**5. Studies and Reports**

If required by the Town, typically in cases involving large subdivision and land development proposals with more than 25 lots, or smaller development projects where impacts could be significant, the Preliminary Plan submission shall include one or more of the following studies to assist in determining the impact of the project:

- a. A sewer and/or water engineering report
- b. A groundwater protection and/or aquifer recharge study
- c. An erosion and sedimentation control plan
- d. A traffic impact study
- e. A community association document
  - 1) A Community Association Document in form suitable for recording and approved by the Town Attorney, also known as a Homeowner's Association Document or a Condominium Association Document, shall be provided for all subdivision and land development applications which propose lands or facilities to be used or owned in common by the residents of the subdivision or owner(s) of the land development and not deeded to the Town.
  - 2) The elements of the Community Association Document shall include, but shall not necessarily be limited to the following:
    - a) A map and description of lands and facilities to be owned by the Community Association.
    - b) Statements setting forth the powers, duties, and responsibilities of the Association, including services to be provided.

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- c) A Declaration of Covenants, Conditions and Restrictions, giving perpetual easement to the lands and facilities owned by the Association. The Declaration shall be a legal document that provides for automatic Association membership for all owners in the subdivision or land development that describes the manner in which owners participate in the Association, including voting, elections, and meetings. It shall give power to the Association to own and maintain common property and to make and enforce rules.
- d) Statements prescribing the process by which Association decisions are reached and its authority to act.
- e) Statements requiring each owner within the subdivision or land development to become a member of the Community Association.
- f) Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
- g) Requirements for all owners to provide a pro rata share of the cost of the operations of the Community Association.
- h) A process of collection and enforcement to obtain funds from owners who fail to comply.
- i) A process for transition of control of the Association from the developer to unit owners.
- j) Statements describing how the lands and facilities of the Association will be insured, including limit of liability.
- k) Provisions for the dissolution of the Association, in the event that it should need to be dissolved.
- l) A management plan describing how the lands, facilities and services of the Association shall be managed.
- m) A provision granting the Town standing (but not the obligation) to enforce compliance with all conditions, covenants, and restrictions contained within the community association document.



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**D. Preliminary Engineering Certification**

Prior to approval of the Preliminary Plan, the applicant shall submit to the Planning and Zoning Commission a written certification from an engineer licensed to practice in the State of Delaware stating that, except for those waivers, variances, or exceptions noted in the certification, the proposed layout of conservation and open space lands, streets and trails, houses and other buildings and lots complies with the Town's zoning and subdivision ordinances. This certification requirement provides the Planning and Zoning Commission with assurance that the proposed plan will be accomplished within the Town's current regulations. The certification shall also note any waivers needed to implement the plan as drawn.

**Section 4.2 Final Plan Submission Requirements**

The Final Plan shall conform to the Preliminary Plan, including any conditions specified by the Town in Preliminary Plan approval. The following requirements apply to Final Plans.

**A. Drafting Standards**

The drafting standards specified in Section 4.1.B shall apply to the Final Plan.

**B. Site Analysis**

The Site Analysis specified in Section 4.1.C.2 shall be modified as necessary in the proposed Final Plan, consistent with the conditions of Preliminary Plan approval.

**C. Final Conservation and Open Space Plan**

The Conservation and Open Space Plan shall be modified as necessary in the Final Plan consistent with the conditions of Preliminary Plan approval.

**D. Final Improvements Construction Plan**

Where public or private improvements other than monuments and street traffic signs are to be required for any major subdivision or land development project, a Final Improvements Construction Plan and Specifications prepared by a registered professional engineer shall be filed setting forth the precise nature and location of the work and engineering data necessary for its completion. The Final Improvements Construction Plan and Specifications shall be subject to approval by the Planning and Zoning Commission as a prerequisite to approval of the Final Plan. The Improvements Construction Plan shall conform to the following standards and contain the following information:

1. All required information relating to existing features and resources on the site.
2. Detailed profile sheets for all proposed streets and trails within the tract.
3. If required, details and specifications for streetlights to be installed, together with the necessary contract for street light installation for approval by the Town Council.

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4. Detailed design of any stormwater management facilities that are required.
5. Final design of all developer-provided sewer facilities to connect with the Town of Laurel sewer system, including, but not limited to, sewer mains, manholes, pumping stations, and sewage treatment facilities, subject to approval by the Town Engineer (or the Town's designee) and Department of Public Works.
6. Final design of all developer-provided water facilities to connect with the Town of Laurel water system, including, but not limited to, storage tanks, treatment facilities, pumps, mains, loops, valves, and hydrants, subject to approval by the Town Engineer (or the Town's designee) and Department of Public Works.
7. Detailed designs for all other improvements as required by this ordinance to include a grading plan and identify the location of all utilities and the easements reserved for utilities and drainage.

**E. Final Storm Water Management and Erosion Control Plan**

Plans and specifications for stormwater management, erosion control and aquifer recharge, as required, shall be provided.

**F. Community Association Ownership and Management Plan**

Where a Community Association is to be established, the precise boundaries, acreage, and proposed ownership of Association areas shall be shown. A narrative shall be prepared indicating how and who will manage the areas, facilities and services of the Association, including provisions for reasonable public access.

**G. Final Landscape Plan**

A final Landscape Plan shall be provided indicating types, sizes and species of native trees and plants to be used for landscaping and their placement, installation, warranty and maintenance. The plan shall warrant that invasive species will not be used in landscaping and that measures will be taken to eliminate invasive species if discovered during construction or thereafter. It is recommended that applicants refer to *Landscaping with Native Plants in the Middle Atlantic Region*, by Elizabeth Dupont, Chadds Ford, PA: The Brandywine Conservancy, 1978 and *Street Tree Factsheets*, edited by Henry D. Gerhold, Norman L. Lacasse and Willet N. Wandell, Municipal Tree Restoration Program, Penn State College of Agricultural Sciences, 1993. Applicants should also consult with the Urban Forester in the Delaware Department of Agriculture.

**H. Additional Approvals, Certificates and Documents**

1. All offers of dedication of land or structures and all declarations, easements and covenants governing the reservation and maintenance of undedicated open space shall be in a form satisfactory to the Town Council.

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2. A copy of such deed restrictions, easements, covenants and declarations that are to be imposed upon the property. All such documents shall be in a form satisfactory to the Town Council.

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**ARTICLE 5 – MAJOR SUBDIVISION PROCESSING PROCEDURES**

**Section 5.0 General**

- A. All subdivision and land development plans shall first be submitted to the State of Delaware - State Office of Planning for a “PLUS” review and shall be subject to the “PLUS” process/statute. All preliminary and final major subdivision and land development plans shall be referred to and reviewed by the Planning and Zoning Commission and subsequently submitted to the Town Council with a recommendation of approval, approval with conditions or disapproval. Any application not processed as required herein shall be null and void.
- B. Overview of Procedures: These following steps shall be taken. They may be combined at the discretion of the Planning and Zoning Commission:
1. Pre-Application Meeting
  2. Site Analysis
  3. Site Inspection by the Planning and Zoning Commission
  4. Sketch Plan Submission and Review
  5. Preliminary Plan: Determination of Completeness; Preliminary Conservation and Open Space Plan; sewage and water system Connection Plans reviewed and approved by the Town Engineer (or the Town’s designee), Department of Public Works; Review by the Code Enforcement Officer; DelDOT; Sussex County Health Department; Sussex County Conservation District; Laurel Fire Department, Inc., Town of Laurel Police Department; Approval by the Planning and Zoning Commission. For projects involving the subdivision of land into 100 or more lots or houses, or the development of 50,000 square feet or more of non-residential space, structures or buildings, review by the State of Delaware Office of State Planning Coordination and its PLUS Committee is required.
  6. Final Plan, Preparation: Incorporation of all Preliminary Plan Approval Conditions and documentation of all other agency approvals, as applicable.
  7. Final Plan, Submission: Determination of Completeness, Review, and Approval
  8. Planning and Zoning Commission signatures
  9. Recording of approved Final Plan with the Sussex County Recorder of Deeds

**B. Review**

1. Major Subdivisions and Land Development Projects are subject to all review procedures specified in this article.
2. When an application includes only a portion of a landowner's tract, or when such portion is contiguous to an adjoining tract under separate ownership by the landowner, a sketch layout shall be included showing the future potential

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subdivision of the contiguous lands to ensure that future subdivision can be accomplished in accordance with current codes. Submission and review of this sketch layout shall not constitute approval of the future subdivision. Applicants should consult with the Office of State Planning Coordination.

**Section 5.1 Sketch Plan Submission and Review**

**A. Applicability**

A diagrammatic sketch plan shall be submitted to the Planning and Zoning Commission. Submission of a Sketch Plan does not constitute formal filing of a plan with the Town and does not commence the official plan review period.

**B. Sketch Plan Review**

1. Copies of a diagrammatic Sketch Plan should be submitted to the Town during normal business hours for distribution to the Town Manager and staff, Planning and Zoning Commission and Code Enforcement Officer. This should occur at least seven (7) days prior to the Planning and Zoning Commission meeting at which the Sketch Plan is to be discussed.
2. The Planning and Zoning Commission shall review the Sketch Plan in accordance with the Comprehensive Plan, Zoning Ordinance, Utility Ordinance and these Subdivision and Land Development Regulations. Its review shall informally advise the applicant of the extent to which the proposed subdivision or land development project conforms to the goals and standards of Town Ordinances. The review shall include:
  - a. The location of all areas proposed for land disturbance (streets, foundations, yards, water and sewer facilities, and storm water management areas) with respect to features of natural or cultural significance;
  - b. The goal for continuous street connections with existing streets, other proposed streets and potential future development on adjacent parcels;
  - c. Proposed building density and impervious coverage.

The Planning and Zoning Commission shall provide written comments to the applicant.

**C. Pre-Application Meeting**

A pre-application meeting between the applicant, the site designer, and the Planning and Zoning Commission to introduce the applicant to the Town's comprehensive plan, zoning, subdivision and utility ordinances, discuss project objectives and schedule a site inspection, future meetings and submission deadlines.

**D. Site Analysis**

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The purpose of the Site Analysis is to familiarize all parties with existing conditions. Applicants are encouraged to provide the Site Analysis prior to or at the site inspection. It should provide a basis for the design to be shown on the Sketch Plan, or the Preliminary Plan, if the Sketch Plan is not submitted.

**E. Site Inspection**

After preparing the Site Analysis, a site inspection shall be conducted by the Town Manager and staff and Code Enforcement Officer. Applicants, their site designers, and the landowner, if different than the developer, are encouraged to participate in the site inspection.

**Section 5.2 Submission of Preliminary Plan Documents**

**A. Preliminary Plan**

1. The Preliminary Plan shall include all information required for Sketch Plans including the Site Analysis.
2. The applicant shall complete and sign the application form provided by the Town and shall accompany such application form with the type and number of plans, documents and other submissions required and the appropriate filing fee(s) established by the Town Council. The applicant must identify the name, address and telephone number of the record holder of legal title to the land involved (if different from the applicant), the nature of the applicant's interest in the land (whether holder of legal title or otherwise), and the name, address, and telephone number of the agent, if any. No application shall be deemed filed unless all requirements have been met and all fees paid in full.
3. The deadlines for submission of Preliminary Plans shall be as follows: Applicants shall submit ten copies of a Preliminary Plan to the Planning and Zoning Commission at least 21 days prior to the date of the next regularly scheduled Planning and Zoning Commission meeting. All applications shall be accompanied by full payment of required fees, performance bonds and escrow deposits, as required by the Planning and Zoning Commission. The Town shall note the date of receipt of the application and fees and shall forward copies of the plan to the involved agencies identified in these Regulations.
4. The Planning and Zoning Commission shall review the application for completeness and determine if all required materials and fees have been submitted. If the application is not complete, the applicant shall be notified in writing within fifteen (15) days. The applicant must respond in writing within thirty (30) days for the items which are incomplete or the application will be deemed withdrawn by the applicant. If no such notice is given to the applicant, then the review process shall proceed as follows. The review shall take no more than ninety (90) days following the date of the next regular meeting of the Planning and Zoning Commission following the date upon which the application was filed. If the next regular meeting occurs more than thirty (30) days after the filing of the application, the said ninety (90) day

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period shall be measured from the thirtieth day following the day the application was filed. The applicant and the Town may agree to extend this time requirement.

**Section 5.3 Review of Preliminary Plan**

**A. Planning and Zoning Commission Review**

1. The Planning and Zoning Commission shall review the plan and any recommendations made by local, county, state and federal agencies, the general public or groups to determine conformance of the plan with Town Ordinances. The Planning and Zoning Commission shall then conduct a public hearing on each Preliminary Plan application after fifteen (15) days minimum public notice is published in a newspaper of general circulation.
2. After such review, the Planning and Zoning Commission shall document its findings and mail a copy of said report to the applicant within 15 days.
3. If the Planning and Zoning Commission and the applicant agree that the review period shall be extended for a period of 30 or more days in order to provide sufficient time to submit required materials and complete the Planning and Zoning Commission review, a written agreement to this effect shall be signed in duplicate. The Planning and Zoning Commission and the applicant will retain copies. Such an extension shall be entered into for specific reasons relating to the review process, including but not limited to providing sufficient time for the Town to receive written comments or reports from the Code Enforcement Officer or other involved agencies or to allow the applicant additional time to revise its application documents.

**Section 5.4 Final Plan Documents**

- A. No later than one year after approval of a Preliminary Plan, a Final Plan and all supplementary data shall be officially submitted to the Town. It shall conform to the Preliminary Plan as previously reviewed by the Planning and Zoning Commission and shall incorporate the conditions set by the Planning and Zoning Commission in its approval of the Preliminary Plan. No application shall be deemed filed unless all requirements have been met, a Payment & Performance Bond, with approved surety, in form and amount approved by the Town Attorney, has been submitted, and all fees paid in full.
- B. The Planning and Zoning Commission may permit submission of the Final Plan in phases, each covering a reasonable portion of the entire development as shown on the approved Preliminary Plan; provided that the first Final Plan phase shall be submitted no later one (1) year after approval of the Preliminary Plan. Each subsequent phase shall be submitted within one (1) year of approval of the previous phase, provided that all phases are submitted within three (3) years after the date of Preliminary Plan approval.
- C. Unless the filing deadline is waived or extended by the Planning and Zoning Commission, failure to make timely submission of final plans shall render a

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Preliminary Plan void, and the applicant shall then be required to file a new application and fee for Preliminary Plan approval.

- D. Official submission of the Final Plan to the Planning and Zoning Commission shall consist of:
1. Ten (10) copies of the Final Plan and supporting data to enable proper distribution and review.
  2. Copies of all applications made or notices provided to local, county, state and federal agencies as required by these regulations or by the provisions of any governing Federal, State or County law or regulation, by or on behalf of the applicant, for permits, certifications, approvals or waivers required or sought for either subdivision or land development as proposed in the Preliminary Plan or in the Final Plan.
  3. The Final Plan and supporting data shall be submitted together with the required fees and escrow deposit as required by the Planning and Zoning Commission.

**Section 5.5 Review Of Final Plan**

**A. General**

1. The Final Plan shall conform in all important respects to the Preliminary Plan as previously reviewed and approved and shall incorporate all modifications and revisions required by the Planning and Zoning Commission.
2. The Final Plan and supporting data shall comply with the provisions of this Ordinance and those of the Zoning and Utility Ordinances. Failure to do so shall be cause for denying the plan or, in situations where only minor details are missing and when the official approval deadline allows, tabling plan approval pending corrections.

**B. Planning and Zoning Commission Review**

1. The Planning and Zoning Commission will review the Final Plan and the recommendations of any reviewing entities to determine its conformance with all applicable requirements.
2. No recommendations shall be made by the Planning and Zoning Commission until the Town has received the written reports of agencies specified in this Ordinance, provided that if these reports are not received within forty-five (45) days after transmittal of the Final Plan to these agencies, then the Planning and Zoning Commission may act without having received and considered such reports.
3. Once all requirements are met, the Final Plan shall be placed on the agenda of the Planning and Zoning Commission for final approval.
4. If the Final Plan is not approved, the decision shall specify the defects found in the plan, shall describe the requirements that have not been met, and shall, in each case, cite the provisions of these Regulations relied upon.



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5. Unless the applicant agrees in writing to extend the time period for decision, the Planning and Zoning Commission shall render a decision on all Final Plans within the time limitations specified in this ordinance.
6. The decision of the Planning and Zoning Commission shall be in writing and shall be mailed to the applicant within thirty (30) days.

**C. Conditions of Final Plan Approval**

Approval of any Final Plan shall be subject to the following conditions:

1. The applicant shall execute a Subdivision or Land Development Project Agreement in accordance with the requirements of these Regulations, verifying that it agrees to construct all required improvements and common amenities, and further verifying that it guarantees completion and maintenance of these improvements and amenities through a performance bond or alternative surety instrument in a form acceptable to the Town Attorney and the Planning and Zoning Commission.
2. The landowner agrees, if requested, to tender to the Town such deeds, easements, and bills of sale, in form acceptable to the Town Attorney, sufficient to convey title, ownership, and/or possession of all public improvements to the Town following completion, inspection, and certification of such public improvements as satisfactory for acceptance by the Town, together with related Maintenance Bonds as provided in this ordinance. The Planning and Zoning Commission may require that the applicant provide a certificate from a duly licensed title insurance company certifying that the title to be conveyed is good and marketable, free of all liens and encumbrances, except utility easements, before any property is accepted by the Town.
3. Whenever the landowner is providing conservation and open space land as part of the development, an easement in perpetuity restricting the open space from further subdivision or development shall be executed between the landowner, in a form acceptable to the Town Attorney, and the Town.
4. The landowner shall submit to the Planning and Zoning Commission all required permits, guarantees of completion and approvals or waivers from agencies having jurisdiction over ancillary matters necessary to effect the subdivision or land development, such as the Federal, state and County agencies cited in this Ordinance.

**D. Procedure for Subdivisions When Future Resubdivision is Indicated.**

Whenever land is subdivided and the subdivision plan shows one or more lots containing more than one (1) acre of land and there is reason to believe that such lots eventually will be resubdivided, the Planning and Zoning Commission may require that the applicant allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of streets may be made a requirement of plat approval.

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**ARTICLE 6 - CONSERVATION AND OPEN SPACE STANDARDS**

**Section 6.0 Applicability**

The standards for Conservation and Open Space Lands, as set forth in this Article, shall apply to all subdivision and land developments in the Town.

**Section 6.1 Planning and Design Standards**

**A. General Standards to Minimize Adverse Impacts**

All subdivisions and land developments shall avoid or minimize adverse impacts to the Town's natural, cultural and historic resources, as defined below.

**B. Groundwater Resources**

The Town wishes to ensure that its groundwater resources are protected in order to protect the environment and provide safe and sufficient water supply for residents and businesses, as provided in Subchapter VI of 7 Del. C, Chapter 60 (Source Water Protection).

The following activities shall be minimized:

- a. Disturbance to watercourses, ditches, streams and drainage swales.
- b. Disturbance to year-round wetlands and areas with seasonally high water tables, poorly drained soils and surface water concentration.
- c. Because of their limitations, streams, swales and other lowland areas warrant designation as conservation and open space lands. They may also require adjoining riparian buffer lands to be included in Conservation and Open Space areas, to be determined by an analysis of protection requirements on a case-by-case basis.

**C. Woodlands**

Woodlands occur throughout the Town, often in association with watercourses and wetlands, floodplains and significant slopes.

1. Woodland conditions within the Town vary with respect to species, composition, age, stocking, and health. They range from relatively recent post-agricultural young stands to more mature mixed-age forests. Most woodland in the Town represents one or more of the following resources:
  - a. As soil stabilizers to control erosion into nearby streams, ponds, impoundments and roads. A closely related function is their enhancement of ground water recharge.
  - b. As a means of ameliorating harsh microclimatic conditions in both summer and winter.
  - c. As a source of wood products, i.e., poles, saw timber, veneer and firewood.
  - d. As habitats for woodland birds, mammals and other wildlife.

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- e. As recreation resources for walkers, equestrians, picnickers and other related outdoor activities.
  - f. As visual buffers between areas of development and adjacent roads and properties.
2. Because of their resource values, woodlands on any tract proposed for subdivision or land development should be evaluated by the applicant to determine the extent to which such woodlands should be designated as Conservation and Open Space or development lands. Evaluation criteria shall include:
  - a. Configuration and size.
  - b. Present conditions.
  - c. Site potential, i.e., the site's capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics.
  - d. Ecological functions: i.e., in protecting slopes, erodible soils, maintaining stream quality and providing for wildlife habitats.
  - e. Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.
3. The evaluation of the tract's woodlands shall be undertaken by a forester, landscape architect, horticulturist or another qualified professional acceptable to the Town.
4. In designing a subdivision and land development plan for any tract, the applicant shall be guided by the following standards:
  - a. Healthy woodlands exceeding one acre shall be preserved and designated as Conservation and Open Space areas to the maximum extent possible.
  - b. Subdivisions shall be designed to preserve woodlands along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, under story and canopy vegetation.
  - c. Disturbance or removal of woodlands occupying environmentally sensitive areas shall be undertaken only when approved by the Planning and Zoning Commission and only on a limited, selective basis to minimize adverse impacts. This shall include, but not necessarily be limited to, vegetation performing soil stabilizing functions on wet soils, stream banks and sloping lands.
  - d. No clearing or earth disturbance (except for soil analysis) shall be permitted on a site before the completion of subdivision and land development agreements.

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**D. Significant Slopes**

Moderately to steeply sloping lands (15 percent or greater) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads are detrimental to water quality and aquatic life, and a potential hazard to public safety.

1. All grading and earthmoving on slopes exceeding 15 percent shall be minimized.
2. Grading or earthmoving on sloping lands shall not result in earth cuts or fills where the highest vertical dimension exceeds six feet.

**E. Significant Natural Areas and Features**

Natural areas containing rare or endangered plants and animals, as well as other features of natural significance, exist throughout the Town. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features identified by the Comprehensive Plan or by the applicant's Site Analysis, by incorporating them into proposed Conservation and Open Space areas and avoiding their disturbance in areas proposed for development.

**F. Cultural and Historic Structures and Sites**

The Town's history began with the Leni Lenape and Nanticoke Indians centuries ago and extended through colonial agriculture and trade, residential, cultural and industrial development in the late 18th and 19th centuries. Many of the Town's historic structures and sites have been extensively researched and remain intact.

Plans requiring subdivision and land development approval should be designed to protect existing historic resources. The protection of a historic resource should consider the conservation of the landscape immediately associated with and significant to that resource.

**G. Trails**

1. When a subdivision or land development project is traversed by or abuts an existing trail customarily used by pedestrians, the Town Council may request that the applicant make provisions for continued recreational use of the trail.
2. The applicant may alter the course of the trail within the tract for which development is proposed under the following conditions:
  - a. The points at which the trail enters and exits the tract remain unchanged.
  - b. The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture.
  - c. The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.
3. When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located.

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4. The land area permanently designated for trails for public use may be credited as part of Conservation and Open Space lands.
5. Trail improvements shall demonstrate adherence to principles of quality trail design.
6. Trails shall have a vertical clearance of no less than ten (10) feet.
7. Width of the trail surface may vary depending upon type of use to be accommodated, should be no less than three (3) feet or greater than six (6) feet.
8. No trail shall be designed with the intent to accommodate motorized vehicles.

**Section 6.2 Calculation of Adjusted Tract Acreage (ATA)**

**A. Method of Calculation**

For Major Subdivisions and Land Development Projects, Conservation and Open Space lands and Development Areas shall be delineated according to the procedure illustrated below, using as an example a “hypothetical” 50-acre subdivision or land development parcel.

Total Tract Area	50 acres
Adjusted Tract Area (ATA)	40 acres
<b>Minimum Conservation and Open Space Areas:</b>	
Constrained Land (Primary Cons. Area)	10 acres
Add	
Secondary Conservation Areas (30% of ATA)	<u>12 acres</u>
Total Conservation Area	22 acres
Development Area (56% of ATA)	28 acres

1. The Primary Conservation Area consists of Environmentally Constrained Lands, including Wetlands, Floodplain Areas and Steep Slopes of 15% or more. The Primary Conservation Area is subtracted from the Total Tract Area to result in the Adjusted Tract Area (ATA).
2. The Secondary Conservation Area consists of areas for passive or active recreational and open space use, constituting a minimum of 30% of the Adjusted Tract Acreage (ATA).
3. The Development Area consists of the difference between the Total Tract Area and the Total of the Primary and Secondary Conservation Areas.

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**Section 6.3 Standards For Site Preparation and Cleanup**

**A. Conservation Practices During Site Preparation and Clean-Up**

1. Protection of Vegetation from Mechanical Injury. Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields or other significant vegetation or site features, the Town may require that the limit of disturbance be delineated and existing vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of and shall be maintained throughout the period of construction activity.
2. Protection of Vegetation from Grading Change. Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.
3. Protection of Vegetation from Excavations.
  - a. When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized.
  - b. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.
4. Protection of Topsoil.
  - a. No topsoil shall be removed from the site.
  - b. Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site.
  - c. Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized by hydro seeding on slopes of less than ten percent, and by sodding, hydroseeding, or riprap on slopes exceeding ten percent.
  - d. Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when the revegetation of exposed ground is difficult.
5. Native Plants.
  - a. Native plants shall be used in planting.
  - b. If non-native, invasive species are discovered on the site, they will be removed.

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**ARTICLE 7 – DESIGN STANDARDS**

**Section 7.0 Purpose**

- A. This article is established to encourage the creation of major subdivisions and land development projects developments consistent with Laurel’s character. The design standards are mandatory as to town goals and objectives.
- B. In order to ensure that new development in the Town will be compatible with historic building patterns, the standards herein are proposed to guide the location, scale and character of such new major subdivision and land development projects.

**Section 7.1 Lot and Building Location and Design**

**A. Lot and Building Standards**

- 1. All lots should front onto a public street or a dedicated open space.
- 2. It is the goal of the Town that a majority of new buildings have gable roofs with pitches of between 8/12 and 12/12, and that the orientation of gable ends be mixed, with some ridgelines parallel to the street and others perpendicular to the street.

**B. Building Design Standards**

- 1. New commercial buildings should be either traditional in their architectural character, or be a contemporary expression of traditional styles and forms, respecting the scale, proportion and character of town shops. The massing of larger commercial buildings should be softened in a variety of ways, including the use of projecting and recessed sections to reduce their apparent overall bulk and volume.
- 2. Buildings should not be less than one and one-half stories in height, and at least half the buildings in any single development for commercial, mixed-use and institutional buildings should be two stories in height, with respect to average ground grade along front building lines.
- 3. Buildings should generally be designed with traditional sloping roofs and overhanging eaves. Desired roof materials include shingle (both wood and asphalt composition) and metal formed to resemble "standing seams." Roof color should be traditional. The use of dormers and gables is encouraged to provide visual interest.
- 4. Exterior wall materials should include stucco, wood clapboarding (including vinyl or aluminum imitation clapboard siding), native stone, or brick of a shape, color and texture very similar to that found in the historic towns of Sussex County.
- 5. Shop front design shall be based upon historic examples in the area, with large display windows having low sills and high lintels. Awnings without interior

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illumination are encouraged, and all signs should be of wood or metal, preferably with dark background colors and light-colored lettering.

6. Landscaping around commercial buildings and their parking lots should emphasize native species trees, shrubs and flowers to reduce maintenance, help ensure longevity. Species should be selected on the basis of their visual interest at different times of the year (spring blossoms, summer foliage, autumnal berries, winter bark and foliage). Examples of appropriate shrub selections include viburnum, laurel, lilac, clethra (sweet pepperbush), winterberry, chokeberry, holly and red-osier dogwood. Interesting non-native shrub species that are recommended include: caryopteris (bluebeard), pyrocantha (firethorn), winged euonymus (burning bush), and spirea.

**C. Building Design Standards**

1. Single-family homes on smaller lots of less than 10,000 square feet should generally be designed so that a majority is oriented with their gable-ends facing the street. It is recommended that at least one-third of the houses have a front porch raised a minimum of eighteen inches above ground level.
2. Homes should be located at or within ten (10) feet of side lot lines if that side either has no windows, or windowsills that are at least 64 inches above the finished floor elevation. Such design allows houses to be located off-center on their lots, so that one side yard may be larger and therefore provide more usable outdoor space.
3. Residences housing more than one family should be designed to emulate traditional buildings of this nature in Towns in the County, or shall be designed to resemble large single-family residences.
4. Stucco and painted wood clapboard siding are encouraged, as are pitched roofs with slopes between 8/12 and 12/12. Building styles, shapes and materials should be varied.
5. If garages, carports or other accessory structures designed for accessory parking of automobiles in residential areas are front-loaded (i.e., having their large entry door facing the street), they shall generally be set back at least five (5) feet further from the front property line than the foremost facade of the principal building facing the front property.
6. Off-street parking for multi-family residences shall generally be located at the rear of the lot or in garages accessed by lanes or alleys.

**Section 7.2 Streets and Streetscape Design**

**A. Street Design**

1. New streets proposed to be created as a part of any development proposal should be integrated closely with the Town's Comprehensive Plan. The mandatory standards as set forth in the **Town of Laurel Utility Ordinance** and DelDot "Rules & Regulations for Subdivision Streets" shall be adhered to.



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2. Rectilinear street layouts are generally preferred, with occasional diagonal elements to enhance visual interest, although curvilinear layouts should be acceptable when designed to interconnect and to produce terminal vistas of protected open space or prominent structures.
3. Streets should be aligned so that their terminal vistas are of greens or other open space, or civic or institutional buildings, wherever possible. Where this is not possible, every effort should be made to terminate those streets with buildings of above-average size, whose architecture should be encouraged to be special in one way or another.
4. Streets should be interconnected as far as practicable (employing cul-de-sacs only where essential), and they may also be supplemented with back lanes or alleys. Where cul-de-sacs are deemed to be unavoidable, continuous pedestrian circulation should be provided for by connecting sidewalks that link the end of the cul-de-sac with the next street (or open space).
5. To the greatest extent practicable, streets should be designed to have maximum lengths of 600 feet between intersections, and maximum lengths of 1,200 feet before terminating at three-way "T" intersections or angling off in a diagonal direction. Blocks greater than 600 feet long should generally be provided with cross-block pedestrian connections at mid-block locations.
6. Streets should be laid out to promote pedestrian circulation and ease of access from all points in the Residential Areas and between the Residential or Mixed Use Area and the Town Center.
7. Mandatory easements shall be reserved to permit streets to be extended to allow adjoining properties to be connected in the future, if so desired
8. Collector streets should generally connect existing municipal roads to central greens in each district.

**B. Street and Shade Trees**

1. The coordinated planting of deciduous shade trees within the right-of-way of all streets is encouraged a central unifying feature.
2. Such trees should be 3" to 3.5" in diameter, measured at chest height, when planted, and should be spaced at intervals no greater than forty feet along both sides of each street, including arterial roads, but not including rear access lanes or alleys.
3. Species should be selected that:
  - a. Cast moderate shade to dense shade in summer;
  - b. Are long-lived (over 60 years);
  - c. Achieve a mature height of at least 50 feet;
  - d. Are tolerant of pollution and direct or reflected heat;

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- e. Require little maintenance, by being mechanically strong (not brittle) and insect-and disease-resistant;
- f. Are able to survive two years with no irrigation after establishment; and
- g. Are of native origin, provided they meet the above criteria

Among the species recommended are sycamore or London Plane, sweet gum, red maple, green ash, Shademaster golden locust, littleleaf linden and Village Green Zelkova.

**C. Streetscape Standards**

1. Shade trees should generally be planted in planting strips at least four feet wide, located between the pavement or curb and the continuous sidewalk or footpath.
2. Sidewalks shall be constructed along all streets on which on-street parking is provided, and in front of civic, institutional and community uses.
3. In commercial areas and in areas where lot sizes are 10,000 sq. ft. or less, space for on-street parking should be provided in parking lanes parallel to curbs.
4. Buildings in mixed use and commercial areas should generally be located close together with minimal-side yard areas in order to form a fairly continuous row of building facades.

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**ARTICLE 8 -- GUARANTEES OF COMPLETION, INSPECTIONS AND  
MAINTENANCE OF IMPROVEMENTS**

**Section 8.0 General Procedure and Fees**

The Town of Laurel shall provide for the inspection of required improvements during construction to ensure satisfactory completion by the Applicant. The applicant shall reimburse the Town (monthly, on an on-going basis) for its actual costs, plus 20% to cover the Town's administrative costs, to employ a qualified engineer to conduct such inspections. No building permits or certificates of occupancy shall be issued until all fees are paid. If the Department of Public Works finds upon inspection that one or more of the required improvements have not been constructed in accordance with the Town's construction standards and specifications, the applicant shall be responsible for properly remedying deficiencies and completing the improvements. The Code Enforcement Officer shall give notice of such defects or violations to the developer.

**Section 8.1 Guarantees of Completion and Maintenance**

A. Purpose

Guarantees of Completion shall be provided to ensure proper completion, installation, maintenance of, and payment for required street, utility and other improvements. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the developer.

B. Application

Before the recording of final subdivision plans, or as a condition of final site plan approval, the Planning and Zoning Commission may require and shall accept in accordance with the standards adopted by ordinance the following guarantees:

1. The furnishing of a Performance and Payment Bond, in a form acceptable to the Town Attorney and secured by appropriate surety acceptable to the Town, in an amount not to exceed 150 percent of the cost of installation for improvements;
2. Provision for a maintenance guarantee for a period not to exceed two (2) years after final acceptance of the improvement, in an amount not to exceed 15 percent of the cost of the improvement. In the event that other governmental agencies or public utilities will own the utilities to be installed, or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Planning and Zoning Commission for such utilities or improvements. The Town must be provided with a copy of such other performance or maintenance bond.

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3. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Planning and Zoning Commission.
4. Upon substantial completion of all required improvements, the developer may notify the Planning and Zoning Commission in writing, by certified mail, of the completion or substantial completion of improvements, and shall send a copy to the Town Manager and staff. The Town, its engineer, Department of Public Works and the Code Enforcement Officer shall be notified, on an on-going basis, at various and appropriate stages of construction and shall inspect all improvements and shall file a detailed report, in writing, with the Planning and Zoning Commission indicating either approval, approval with conditions, or disapproval of the improvements with a statement of reasons for any conditions or disapproval. The actual or estimated cost of the improvements as approved, modified or rejected shall be set forth.
5. The governing body shall either approve, approve with conditions, or disapprove the improvements on the basis of the report of the Town Engineer, Department of Public Works, or Code Enforcement Office and shall notify the developer in writing, by certified mail, of the contents of the report and the action not later than thirty (30) days after receipt of the notice from the developer of the completion of the improvements. If the developer has not been provided with the Town Council's decision within 30 days, the developer must notify the Town, in writing, by certified mail, of the failure to provide the report. If the Town has still not rendered a decision 30 days after the Town's receipt of that notice the improvements will be deemed approved and the surety discharged and the obligor and surety, if any, shall be released from all liability pursuant to such performance guarantee for such improvements.
6. Where partial approval is granted, the developer shall be released from all liability except for that portion of improvements not yet approved.

**C. Performance and Maintenance Mechanisms**

As required by the Planning and Zoning Commission and Town Council, performance and maintenance guarantees shall be provided by a variety of means including, but not limited to, the following:

1. Performance bond. The applicant may obtain a performance bond from a surety bonding company authorized to do business in Delaware.
2. Letter of credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable financial institution.
3. Escrow account. The applicant shall deposit cash, or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank.

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4. First Lien Mortgage on real estate having an appraised value of at least 150 % of the amount of the bond. This method may be utilized by an applicant by placing a first mortgage lien in favor of the Town on some other property owned by the applicant.

**Section 8.2 Release or Reduction of Security**

- A. Certificate of Satisfactory Completion. The Town Council will not accept dedication of required improvements, nor release nor reduce the amount of any security posted by the subdivider until the Town Engineer (or the Town's designee) has submitted a certificate stating that all required improvements have been satisfactorily completed and until: (1) the applicant's engineer or surveyor has certified to the Department of Public Works, through submission of a detailed "as-built" survey plan of the subdivision, indicating location, dimensions, materials, and other information required by the Planning and Zoning Commission or Town's Engineer (or the Town's designee), that the design, layout, line and grade and construction of all public improvements is in accordance with construction plans for the subdivision, and (2) a Mechanic's Lien Affidavitt and/or Release of Mechanic's Liens has been furnished to and approved by the Town Attorney indicating that the improvements have been completed, are ready for dedication to the Town, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation by the Planning and Zoning Commission, Department of Public Works, and Town Attorney, the Town Council shall thereafter accept the improvements for dedication in accordance with the established procedure.
- B. The subdivider shall, as a condition precedent to acceptance of any subdivision improvement by the town, furnish the town with a maintenance bond or irrevocable letter of credit, in form acceptable to the Town Attorney and in an amount equal to twenty-five percent (25%) of the then-current market cost of labor and material of the improvements for which dedication is sought, to guarantee the condition, maintenance and repair of all such improvements for a period of one (1) year from the date of their acceptance, in writing, by the town.
- C. Reduction of Escrowed Funds and Security. If the security posted by the subdivider was a cash escrow, the amount of that escrow shall be reduced upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. In no event shall a cash escrow be reduced below twenty-five per cent (25%) of the principal amount. Funds held in the escrow account shall not be released to the subdivider, in whole or in part, except upon express written instructions of the Town Attorney. At the end of the maintenance and warranty periods, all escrowed funds, if any, shall be released to the subdivider. If the security provided by the subdivider was a letter of credit, the Town Attorney shall execute waivers of the Town's right to draw funds under the credit upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was

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accepted bears to the total cost of public improvements for the subdivision. In no event shall waivers be executed that would reduce the security below twenty-five percent (25%) of its original amount.

**Section 8.3 Maintenance of Improvements**

The developer shall be required to maintain all required public improvements on the individual subdivided lots and to provide for snow removal on streets and sidewalks until acceptance of the improvements by the Town Council. If there are any certificates of occupancy on a street not dedicated to the Town, the Town may on twelve (12) hours notice plow the street or effect emergency repairs and charge those costs to the developer.

**Section 8.4 Deferral or Waiver of Required Improvements**

- A. The Planning and Zoning Commission may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not requisite to the interests of the public health, safety, and general welfare, or are inappropriate because of the inadequacy or non-existence of connecting facilities. Any determination to defer or waive the provision of any public improvement must be made on the record and the reasons for the deferral or waiver also shall be expressly made on the record.
- B. Whenever it is deemed necessary by the Planning and Zoning Commission to defer the construction of any improvement required under these regulations because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or other reasons, the subdivider shall pay his share of the costs of the future improvements to the Town prior to signing of the final subdivision plan by the Chairperson of the Planning and Zoning Commission, or the developer may execute a separate subdivision improvement agreement secured by a performance bond or letter of credit guaranteeing completion of the deferred improvements upon demand of the Town.

**Section 8.5 Issuance of Building Permits and Certificates of Occupancy**

**Certificate of occupancy**

- A. The extent of street improvement shall be adequate for vehicular access by the prospective occupant(s) and by police and fire equipment prior to the issuance of a certificate of occupancy. The developer shall, at the time of the offer of dedication, submit a performance bond or monies in escrow to the Town in a sum determined by the Department of Public Works for the necessary final improvement of the street.
- B. No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) be less than two (2) lots, for the final two (2) lots of a subdivision, until all public improvements required by the Planning and Zoning

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Commission for the subdivision have been fully completed and the Town has accepted the developer's offer(s) to dedicate the improvements.

**Section 8.6 Sunsetting Provisions; Substantial Completion**

- A. Any large land development, major subdivision or site plan approval granted by the Town of Laurel Planning and Zoning Commission subsequent to the effective date of these Subdivision Regulations shall be rendered null and void if substantial construction is not commenced, maintained and completed within a reasonable time period commencing upon the date of recordation of the approved final plan. In addition, any large land development, major subdivision or site plan approval granted by the Town of Laurel Planning and Zoning Commission on or before the effective date of these Subdivision Regulations shall be rendered null and void if substantial construction is not commenced, maintained, and completed within a reasonable time period commencing upon the effective date of these Subdivision Regulations. Recordation of the Final Plan as approved by the Planning and Zoning Commission must occur within one (1) year after the date of Final Plan approval. In the case that a Final Plan approval was granted on or before the effective date of these Subdivision Regulations, recordation of the Final Plan as approved by the Planning and Zoning Commission must occur with one (1) year after the effective date of these Subdivision Regulations. For subdivisions with less than one hundred (100) units, and land development projects with less than fifty thousand (50,000) square feet of non-residential space, construction must be substantially complete within three (3) years after recordation. For subdivisions with one hundred (100) or more units, and land development projects with more than fifty thousand (50,000) square feet or more of non-residential space, construction must be maintained at a steady pace each year after recordation and be substantially complete within five (5) years after recordation.
- B. For purposes of this section, the term "substantially complete" shall mean that all necessary permits required for construction have been obtained, and the construction of public improvements, sale of lots and construction of residential dwelling units and non-residential space has been at least 75% completed, as determined by inspection by the Code Enforcement Officer and review by the Planning and Zoning Commission.

**Section 8.7 Revocation and Stop Work Orders; Appeals**

At any time when the Code Enforcement Officer finds that construction is being undertaken in violation of any provision of these Subdivision and Land Development Project Regulations, the Code Enforcement Officer may issue a stop-work order and revoke the final plan approval under which the work is being performed. Prior to issuing a stop-work order or revoking a building permit, the Code Enforcement Officer shall provide written notice of the violation to the property owner. The written notice will

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specify the section of these Regulations which has been violated. Appeal from the decision of the Code Enforcement Officer shall be to the Town Council.

**ARTICLE 9 - FEES**

By resolution, the Town Council of Laurel shall establish fees in connection with this Ordinance.



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**ARTICLE 10 - RESUBDIVISION AND LAND READJUSTMENT**

**Section 10.0 Resubdivision of Land**

A. Procedure for Resubdivision. Whenever a developer desires to resubdivide an already approved final subdivision plan, the developer shall first obtain approval for the resubdivision or land readjustment by the same procedures prescribed for the subdivision of land.

B. Resubdivision includes:

1. Any change in any street layout or any other public improvement;
2. Any change in any lot line;
3. Any change in the amount of land reserved for public use or the common use of lot owners;
4. Any change in any easements shown on the approved plan.

C. Waiver. The Planning and Zoning Commission, after an application for resubdivision that includes an express request for waiver, shall publish notice of the application in a local newspaper of general circulation and shall provide personal notice to property owners in the subdivision. The notice shall include:

1. The name and legal description of the subdivision affected by the application;
2. The proposed changes in the final subdivision plan;
3. The place and time at which the application and any accompanying documents may be reviewed by the public;
4. The place and time at which written comments on the proposed subdivision may be submitted by the public; and
5. The place and time of the public meeting at which the Planning and Zoning Commission will consider whether to approve, conditionally approve, or disapprove the proposed resubdivision and express waiver requested. No sooner than thirty (30) days and no later than forty-five (45) days after notice is published, the Planning and Zoning Commission shall consider the application for resubdivision at a public meeting and shall approve, conditionally approve, or disapprove the application.

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**Section 10.1 Plan Vacation (Plan Termination)**

- A. Owner Initiated Plan Vacation. The owner or owners of lots in any approved subdivision, including the developer, may petition the Planning and Zoning Commission to vacate the plan with respect to their properties. The petition shall be filed in triplicate on forms provided by the Planning and Zoning Commission and one (1) copy shall be referred to the Town Council by the Planning and Zoning Commission.
1. Notice and Hearing. The Planning and Zoning Commission shall publish notice in a local newspaper of general circulation and provide personal notice of the petition for vacation to all owners of property within the affected subdivision and shall state in the notice the time and place for a public hearing on the vacation petition. The public hearing shall be no sooner than thirty (30) and no later than forty-five (45) days after the published and personal notice.
  2. Criteria. The Planning and Zoning Commission shall approve the petition for vacation on such terms and conditions as are reasonable to protect public health, safety, and welfare; but in no event may the Planning and Zoning Commission approve a petition for vacation if it will materially injure the rights of any nonconsenting property owner or any public rights in public improvements unless expressly agreed to by the Town Council.
  3. Recordation of Revised Plan. Upon approval of any petition for vacation, the Planning and Zoning Commission shall direct the petitioners to prepare a Revised Final Subdivision Plan in accordance with these regulations. The Revised Final Subdivision Plan may be recorded only after having been signed by the Chairperson of the Planning and Zoning Commission and the Town Attorney.
- B. Developer Initiated Vacation. When the developer of the subdivision, or its successor, owns all of the lots in the subdivision, the developer or successor may petition for vacation of the subdivision plan and the petition may be approved, conditionally approved, or disapproved at a regular public meeting of the Planning and Zoning Commission subject to the criteria in Section 5.5. The petition shall be made in triplicate on forms provided by the Planning and Zoning Commission at least thirty (30) days prior to a regular Planning and Zoning Commission public meeting and the Planning and Zoning Commission shall refer one (1) copy of the petition to the Town Council. Regardless of the Planning and Zoning Commission's action on the petition, the developer or its successor will have no right to a refund of any monies, fees, or charges paid to the Town nor to the return of any property or consideration dedicated or delivered to the Town except as may have previously been agreed to by the Planning and Zoning Commission, the Town Council, and the developer.

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C. Government Initiated Plan Vacation.

1. General Conditions. The Planning and Zoning Commission may, on its own initiative, vacate the plat of an approved subdivision when:
  - a. No lots within the approved subdivision have been sold within two (2) years from the date that the plan was signed by the Chairperson of the Planning and Zoning Commission;
  - b. The developer has breached a subdivision improvement agreement and the Town is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the developer or its successor;
  - c. The plan has been of record for more than five (5) years and the Planning and Zoning Commission determines that the further sale of lots within the subdivision presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the developer or its successor.
2. Procedure. Upon any motion of the Planning and Zoning Commission to vacate the plan of any previously approved subdivision, in whole or in part, the Planning and Zoning Commission shall publish notice in a newspaper of general circulation and provide personal notice to all property owners within the subdivision and shall also provide notice to the Town Council. The notice shall state the time and place for a public hearing on the motion to vacate the subdivision plan. The public hearing shall be no sooner than thirty (30) and no later than forty-five (45) days from the date of the published and personal notice.
3. Recordation of Notice. If the Planning and Zoning Commission adopts a resolution vacating a plan in whole, it shall record a copy of the resolution with the Sussex County Recorder of Deeds. If the Planning and Zoning Commission adopts a resolution vacating a plan in part, it shall record a copy of the resolution as described above and cause a Revised Final Subdivision Plan to be recorded which shows that portion of the original subdivision plan that has been vacated and that portion that has not been vacated.

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**ARTICLE 11 – ADOPTION**

This Subdivision Ordinance of The Town of Laurel was adopted by the Mayor and Town Council of the Town of Laurel on the 17<sup>th</sup> day of March 2008 and is effective immediately.

**THE TOWN OF LAUREL**

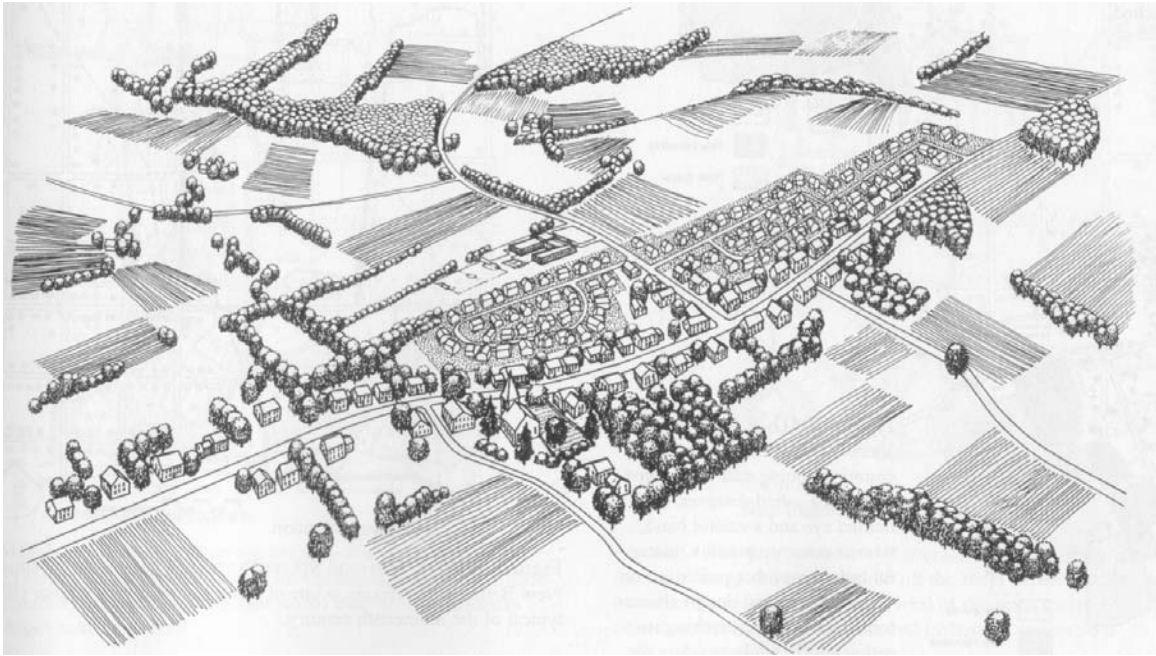
BY: \_\_\_\_\_  
MAYOR

ATTEST \_\_\_\_\_  
SECRETARY

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**PRINCIPLES AND GOALS  
FOR MAJOR SUBDIVISIONS AND LAND DEVELOPMENT PROJECTS**

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**“FILLING IN AND ROUNDING OUT”**  
Sensitively Expanding a Town Through Contiguous Growth



**STREET TREES & PUBLIC SPACES**  
Keeping a Town Appearance



**MAINTAINING TOWN DESIGN**

**Through Continuous Streets, Contiguous Development and Open Space**