

ARTICLE
VII

SUBDIVISION AND LAND DEVELOPMENT

SECTION 1. Administrative Approvals

1.1 Minor subdivisions.

A minor subdivision is one that creates a total of four or fewer parcels of land (including any residual) either on an existing public roadway or on a private road and may be approved administratively, provided:

- A. All separate parcels in existence on July 01, 1990, shall be considered original tracts.
- B. Minor subdivisions shall be subject to the review process and procedures in 1.5 below.
- C. Minor subdivision plans shall contain all information as required by **Appendix M**, Administrative Plan Requirements, at the end of this Article.

1.2 Minor lot line adjustment.

A. Minor lot line adjustments or the sale or exchange of part of a lot between owners of adjacent lots for the purpose of small adjustments in boundaries may be approved administratively, provided:

- (1) The total area of the adjustment does not exceed 10% of the combined area of the lots affected by the adjustment;
- (2) No additional lots are created;
- (3) The adjusted lot line is approximately parallel with original lot line, when appropriate, or, if it is proposed to intersect with the original line, it does not significantly change the shape of the lots involved;
- (4) The owner submits a sketch plan for review and approval by the Code Official of the Town of Houston. The sketch plan may be a copy of the existing record plan and must contain all of the information as required by **Appendix M** at the end of this Article.

B. Approval of the sketch plan does not automatically transfer property. A separate deed must also be recorded simultaneously to transfer the property being conveyed.

C. The Code Official or their designee may permit an increase in the percentage of the combined area of the lots affected by the lot line adjustment following a request for such with justification from the applicant.

1.3 Consolidation of lots.

The consolidation of two or more lots may be approved administratively, provided:

- A. Any conditions applicable to any applicable original subdivision remain in full force and effect;
- B. The consolidation of lots, including those within major subdivisions, shall be recorded as provided in 1.5 below and may not be re-subdivided except through minor subdivision;

- C. A revised deed must also be recorded simultaneously with the consolidation describing the lots as one lot; and
- D. The owner submits a sketch plan for the review and approval by the Code Officer. The sketch plan may be a copy of the existing record plan, which must contain all information as required by **Appendix M** at the end of this Article.

1.4 Change in ownership, mortgage, or lease line.

The creation of mortgage, or lease line within a commercial, industrial, or multifamily residential lot does not require the approval of a new subdivision plan. At the owner's discretion, a plan depicting the creation or deletion of internal lots to reflect a new mortgage or lease line may be recorded after administrative approval, provided:

- A. All prior conditions of approval for the original subdivision remain in full force and effect;
- B. Any necessary cross-easements, covenants, or other deed restrictions necessary to perpetuate previous approvals must be executed prior to recording the record plat;
- C. The owner submits a sketch plan for the review and approval by the Code Officer. The sketch plan may be a copy of the existing record plan, which must contain all information as required by **Appendix M** at the end of this Article.

1.5 Process and procedures.

- A. The application must be submitted by the legal owner of the subject property, or a representative authorized by the legal owner, to the Town and must consist of the following:
 - (1) Two paper prints of the subdivision plan and any attachments, including the approved checklist;
 - (2) A review fee, which is established in **Chapter 175 Fees** the current fee schedule is on file on the town's website; www.townofhouston.com;
 - (3) In the case of a minor subdivision, for each proposed lot not served by public sewer, a site evaluation report approved by DNREC containing a plot drawing on a project plan or an approved septic system permit for each lot;
 - (4) Parcels created that do not meet the minimum requirements for building lots must be incorporated into an adjacent property. Such incorporation must be indicated on the plan and the following note shall be added to the plan: "The approval of this subdivision plan does not constitute a separate building lot but is intended to be combined with an adjacent property;"
 - (5) Neither landlocked parcels nor parcels not meeting the requirements for a buildable lot according to Chapter 550, Zoning, may be created without designation of conveyance to another parcel. A deed for the conveyance must be submitted with the record plan and recorded simultaneously with the plan;

- (6) For minor subdivisions, letters of "no objection to recordation" must be submitted or a stamp of approval must be on the record plat from, but not limited to, the following agencies:
 - (a) The Kent Conservation District;
 - (b) The Delaware Department of Transportation.
 - (7) Any additional information that the Town deems pertinent to this subdivision plan.
- B. The Code Official or designee may waive any submission requirement, design standard, or required improvement whether contained in this section or elsewhere in ARTICLE VII that is not applicable to the application or where it can be shown that strict compliance with the standards of this chapter would result in extraordinary hardship to the applicant because of unusual topography or other conditions which are not self-imposed or that these conditions would result in inhibiting the achievement of the objectives of these regulations. Such waiver shall be a minimal easing of the requirements and may not have the effect of nullifying the intent and purpose of this chapter or Chapter 550, Zoning, or be contrary to the goals and objectives of the Comprehensive Plan. The applicant shall make any request to waive a submission requirement in writing and submit it with the application with justification for said waiver. Should the Code Official or designee deny such a waiver request, the applicant shall have the opportunity to apply to the Town for consideration of the waiver at the next available business meeting agenda. All approved waivers shall be noted on the record plat.
 - C. If the subdivision plan is approved by the Town, the plan will be signed by the Code Official or designee and returned to the applicant for recordation. One copy of the approved plan will be kept on file in the Town.
 - D. A final record plat must be submitted to Department within 90 days after sketch plan approval or the sketch plan is no longer valid.
 - E. If the Code Official or designee does not approve the subdivision, the Mayor or designee shall furnish the applicant with a written statement of explanation.
 - F. Transactions involving acquisitions of public rights-of-way pursuant to 17 Del. C. 137 and all land acquired by the exercise of the power of eminent domain or by voluntary agreement in lieu of the exercise of the power of eminent domain are exempt from the provisions of this article.

Amended (06/02/2016)

SECTION 2. Major Subdivision Process

2.1 Major Subdivision Process

There are three primary stages in a site plan process: concept, preliminary and final. The Town Engineer services may be contracted and provided as requested by the Town Council on a case by case basis.

A. CONCEPT STAGE. The purpose of the concept stage is to provide the Town Council with the opportunity to informally review a development proposal prior to the substantial commitment of time and expense on the part of the applicant in preparing a site plan.

- (1) The applicant shall submit to the Town Council and/or his/her designee a concept plan and an application for review.
- (2) Within 30 days of receiving the application and concept plan, the Town Council and/or his/her designee or Town representative shall review it for completeness.
 - (a) If the submission is incomplete, the Town Council and/or his/her designee or Town representative shall notify the applicant within 30 days, in writing, indicating the deficiencies.
 - (b) If the submission is complete, the Town Council and/or his/her designee or Town representative shall accept the application and concept plan submittal.
- (3) The Town Council and/or his/her designee shall refer the concept plan to the appropriate individuals or agencies for review, comment and/or approval prior to submitting it to the Town Council.
- (4) The applicant shall attend a meeting with the Town Council and/or his/her designee. The purpose of the meeting shall be to provide the Town with an opportunity to address issues or concerns with the concept plan, identify any impact studies that may be required and provide direction to the applicant on the scope of such studies.
- (5) The applicant shall provide a list of all owners of property adjoining within two-hundred (200) feet from the subject property. The applicant shall submit written notice to all owners of property adjoining and immediately across the street from the subject property. Such written notice shall state the date, time, place and subject matter of the meeting to discuss the concept subdivision plan and the name of the applicant. Such notice shall be sent by first class mail and postmarked not less than seven days before the day of the meeting.
- (6) The Town Council shall hold one meeting on the concept plan to receive an informational briefing on the plan and the anticipated issues and impacts related thereto. The Town Council shall take no action to approve or disapprove a concept plan.

The public can provide comments during the conceptual subdivision plan process to ensure the concerns and/or recommendations are considered prior to the actual design of the project.

Should the Town Council determine that the development project represented by the concept plan may have substantial impact on the physical, economic or social environment, the Town Council may hold more than one meeting on the concept plan.

Purpose of Town Council meeting. At its meeting on the concept plan, the Town Council shall:

- (a) Evaluate applicant's submission, presentation, its discussion with the applicant and comments/reports.
- (b) Review the concept plan with regard to the following:
 - 1- General suitability of the site for the type, size and location of development proposed.
 - 2- General suitability of the design with regard to topography, drainage, soils, natural features and surrounding land use, recreational lands and streets.
 - 3- General compatibility with the Zoning Code and the Comprehensive Plan.
 - 4- General adequacy of public facilities and services impacted by the proposed subdivision.
 - 5- Road and sidewalk configuration and circulation.
 - 6- Method and suitability of access.
 - 7- Type of water and sewerage service and stormwater management practices.
 - 8- Land planning techniques.
 - 9- Required studies.

B. PRELIMINARY STAGE. After completing the concept stage, the applicant shall submit an application for preliminary subdivision plan for review. The purpose of the preliminary subdivision review stage is to provide a basis for the Town Council to grant conditional approval of a proposed subdivision in order to minimize changes and revisions which might otherwise be necessary on the final subdivision plan.

- (1) The applicant shall submit to the Town Council and/or his/her designee a preliminary subdivision plan and an application for review.
- (2) Within 30 days of receiving the application and preliminary subdivision plan, the Town Council and/or his/her designee or Town representative shall review it for completeness.
 - (a) If the submission is incomplete, the Town Council and/or his/her designee or Town representative shall notify the applicant within 30 days, in writing, indicating the deficiencies.
 - (b) If the submission is complete, the Town Council and/or his/her designee or Town representative shall accept the application and concept plan submittal.
- (3) The Town Council and/or his/her designee shall refer the preliminary plan to the appropriate individuals or agencies for review, comment and/or approval prior to submitting it to the Town Council Regular Meeting.

- (4) Town Council's examination. The Town Council shall examine the proposed subdivision with respect to the arrangement of lots, rights-of-way, traffic and vehicular/pedestrian circulation patterns and safety (internal and external), utilities, drainage, community facilities (existing or proposed), surrounding development (existing or future), the preservation of trees and historic sites, protection of natural environmental features and processes, provision for open space, street lighting, recreational needs, safety of residents and neighbors, landscaping, architecture, compatibility within Town of Houston standards.
- (5) Town Council action. The Town Council shall take action to approve, approve with conditions, disapprove or table pending further investigation and/or the receipt of certain additional information. The Town Council shall take no action until the following has occurred:
 - (a) The Town Council and/or his/her designee have accepted as complete the subdivision plan and the report of the applicant's engineer.
 - (b) The Town Council and/or his/her designee have submitted findings in writing to the Town Council.
 - (c) The Town Engineer has submitted findings in writing to the Town Council.
 - (d) The applicant has submitted any impact studies that may be required and which have been reviewed by from the Town Council and/or his/her designee, Town Engineer or other appropriate Town official.
 - (e) Comments from appropriate agencies and individuals have been requested and sufficient time has been provided for such agencies and individuals to provide comments.
 - (f) Any required concept plan review fees have been paid.
- (6) No public hearing shall be required but may be called at the option of the Town Council.
- (7) Action within three meetings. Where a quorum is present, the Town Council shall take action within three regularly scheduled meetings following acceptance of the application. The Town Council shall furnish a written statement to the applicant and Town Council indicating the action taken.
- (8) Action by Town Council. Following a decision on the application by the Town Council, the application shall be forwarded to the Town Council for certification of the Town Council's action. At its discretion, the Town Council may hold an additional public hearing on the application. The

Town Council shall take action to approve, approve with conditions, disapprove, and revert back to the Town Council with reasons or table pending further investigation and/or the receipt of certain additional information.

- (9) Preliminary approval is not final approval. Approval of the preliminary subdivision plan shall constitute conditional approval as to character and intensity, but shall not constitute approval of the final plan or authorize sale of lots or construction of buildings.
- (10) Plan compliance. The preliminary subdivision plan and all information and procedures relating thereto shall in all respects comply with these regulations, except where variations there from have been specifically authorized in writing by the Town Council.
- (11) Zoning district classification. If an application involves a request for a change in zoning district classification, the Town Council may not undertake, until rezoning is determined, formal consideration of the preliminary subdivision plan.

C. FINAL STAGE. The purpose of final approval is to confirm and certify that all conditions of preliminary approval have been met, to prepare and/or execute all necessary agreements and to otherwise finalize the subdivision plan and related engineering drawings for official recordation and development. Final subdivision approval is an administrative action, and as such shall be signed and sealed by the Mayor or his/her designee to approve the subdivision and/or agreement.

- (1) After the Town Council's approval of a preliminary subdivision plan, the applicant shall prepare and the Town shall review a final subdivision plan meeting the submittal requirements of the Town of Houston.
- (2) In addition to meeting the technical requirements of the Town of Houston, contents of final subdivision plan, the final subdivision submittal shall include:
 - (a) A drawing intended for record, incorporating those changes or additions required by the Town Council in its approval of the preliminary subdivision plan.
 - (b) Improvement construction plans for the sections to be recorded.
 - (c) Reports of the applicant's engineer and estimates of costs.
 - (d) Any required impact studies.
 - (e) Information required for the preparation of a legal description to the streets and other areas to be dedicated to public use.
 - (f) If any applicant is a partnership, the name and address of each individual composing the partnership, including all limited partners.
 - (g) If any applicant is a corporation, the name and address of each stockholder owning more than 10% of the stock of the corporation, the name and address of each office holder and the name and

address of each member of the board of directors or other governing body.

- (3) Conference with Town officials. Upon request, the applicant shall meet with the Town Council and/or his/her designee and Town Engineer regarding the applicant's preparation of:
 - (a) Improvement construction plans.
 - (b) The report of the applicant's engineer.
 - (c) Estimates of cost, including costs to be borne in whole or in part by the Town.
 - (d) Subdivision and/or public works agreements.
- (4) The Town Engineer shall submit to the Town Council and/or his/her designee or Town representative a report to inform the Town Council and/or his/her designee or Town representative of findings and recommendations regarding the complete subdivision application and the improvement construction plans, including such comments as he/she may deem appropriate.
- (5) The Town Council and/or his/her designee shall certify that the complete subdivision application and related plans comply with all requirements of the subdivision regulations. Deviations, if any, from subdivision regulations shall be noted and qualified. If specified conditions or stipulations of the preliminary approval are not met in revised plans, the Town Council and/or his/her designee shall return the subdivision plan to the applicant.
- (6) Applicant responsible for costs. In addition to other costs to be borne by the applicant pursuant to this article, the applicant shall be responsible for all costs associated with the review and inspection of the subdivision.
- (7) The Code Official and/or his/her designee shall submit the completed final subdivision plan application to the Town Council upon certifying that each of following steps is completed:
 - (a) All review and approvals have been completed and documentation of such approvals provided.
 - (b) Improvement construction plans have been submitted to the Town and approved by the Town Engineer.
 - (c) A subdivision and/or public works agreement has been prepared and is pending consideration by the Town Council. Said agreement shall be executed and acknowledged by the applicant and all persons having any interest in the title to the subdivision and shall, by its terms, constitute a covenant running with the land and are binding upon the persons signing the agreement and their successors and assigns.
 - (d) Appropriate fees have been paid pursuant to the Town of Houston ordinances.
- (8) The Town Council shall approve, approve with conditions, deny or table the subdivision and/or public works agreement. Upon approval of the

subdivision and/or public works agreement, the Town Council shall review the submission by the Code Official and/or his/her designee and confirm the Town Council's and/or his/her designee's certification.

- (9) Written notification of action. The Town Council and/or his/her designee shall promptly notify, in writing, the applicant of the action taken by the Town Council, with copies to the Town Engineer and the Town .
- (10) Plan to designate part to be recorded. The final approved subdivision plan shall show distinctly the part to be recorded, certified by the applicant, the applicant's engineer, the Town Engineer and the Town Council and/or his/her designee.
 - (a) The required wording for certification of the applicant, the applicant's engineer, and the Town Engineer will be provided by the Town Engineer.
 - (b) The required certifications for the Mayor or other authorized members of the Town Council will also be provided by the Town Engineer.
- (11) Entrance permits. The Town Council and/or his/her designee shall not certify the completion of the final subdivision plans unless an entrance approval plan, if required by the Department of Highways and Transportation of the State of Delaware, is received by the developer and made a part of the subdivision application.

D. SUBDIVISIONS DEVELOPED AND RECORDED IN SECTIONS

- (1) Improvement plan and cost estimates limited to sections to be recorded. If the subdivision is to be developed and recorded in sections, the applicant shall prepare the items to be recorded.
- (2) Overall land dedication and improvements may be required. If the subdivision is to be developed and recorded in sections, the Town Council and Town Council may still require that the applicant dedicate and/or improve some portion of land intended for the use of the entire planned subdivision and make such dedication and/or improvement or some subset of such dedication and/or improvement accessible and usable when the first or any proceeding section thereof is to be recorded. In such a case, this issue shall be addressed in the subdivision and/or public works agreement all the items shall be addressed as appropriate. It shall be the purpose of this provision to ensure that new residents of a subdivision receive, within a reasonable time, the benefits of planned dedications and/or improvements.
- (3) If the subdivision is to be developed and recorded in sections, the certification of the Town Council and/or his/her designee, if favorable, shall be in two parts as follows:
 - (a) Approval with respect to the subdivision plan in its entirety.
 - (b) Approval with respect to the subdivision plan section or sections presently to be recorded.

- (4) Preliminary approval a prerequisite. Approval by the Town Council of a preliminary subdivision plan in its entirety shall be a prerequisite to the certification of final site plan approval and execution of a subdivision and/or public works agreement regarding a section or sections to be recorded. Such preliminary approval of a subdivision plan shall impose no obligation on approved deferred sections.
- (5) Supplemental application considered on merits. Each supplemental application for a deferred section will be considered on its merits after the items have been presented for a review by the Town Council and/or his/her designee, Town Engineer and Town Council. Preliminary approval in all cases shall be subject to the five-year limitation provided in the succeeding subsection.
- (6) Supplemental application for deferred sections. A supplemental application, in a form to be prescribed by Town Council and/or his/her designee, shall be submitted by the applicant as each deferred section, in turn, is proposed for recording. The procedure for handling a sectional supplemental application, if presented within five years following the date of the preliminary approval of the subdivision plan, shall be the same as for an original subdivision application, to begin, however, with conferences with the Town Council and/or his/her designee and Town Engineer instead of processing the application from beginning. If a lapse of more than five years shall occur, the Town Council, at its discretion, may reconsider the unrecorded section or sections of a subdivision plan and require such alterations, changes or modification therein as it may deem appropriate.

E. COMPLETION GUARENTEE REQUIRED. As a condition of approval of improvement construction plans, the applicant shall post a completion guaranty for any improvements required by the application of this chapter, in a form acceptable to the Town Solicitor. Where a public agency other than the Town Council has the authority to require completion guaranties, but in the determination of the Town Council those guaranties are not adequate to ensure completion of improvements, the Town Council may require additional guaranties in accordance with this subsection.

F. CERTIFICATION. The Town Council and/or his/her designee shall certify final approval on the final subdivision plan, which shows distinctively the part to be recorded. Two copies of the signed and approved plan shall be transmitted to the Town Council and/or his/her designee for incorporation in the agreement with the developer; the other signed and approved copy shall be retained by the Town for its records. The Town Council and/or his/her designee shall sign the required certification or certifications, as the case may be; certification to be according to the following:

- (1) For a subdivision plan approved by the Town Council, to be recorded and developed in its entirety:

"It hereby is certified that this subdivision plan was granted final approval by the Town Council of the Town of Houston, Delaware, on _____, and accordingly is eligible for recording in the office of the Recorder of Deeds for Kent County, Delaware."

- (2) For a subdivision plan approved to be recorded and developed in sections, certification on separate plans as follows:

- (a) On a subdivision plan for entire development granted preliminary approval by the Town Council:

"It hereby is certified that this subdivision plan was granted preliminary approval valid for five years by the Town Council of the Town of Houston, Delaware, on _____, subject to presentation to the Town Council of successive sections thereof to be considered for final approval. Only such sections hereof as may be granted specific Town Council final approval and so certified by the Town Council or Town representative shall be eligible for recording in the office of the Recorder of Deeds for Kent County, Delaware.

- (b) On a subdivision plan distinctively showing the section or sections thereof approved by the Town Council to be recorded and developed:

"It hereby is certified that the section or sections of this subdivision plan distinctively shown hereon as the part to be recorded were granted final approval by the Town Council of Town of Houston, Delaware, on _____, and, accordingly, the section or sections so shown are eligible for recording in the office of the Recorder of Deeds for Kent County, Delaware.

G. STANDARD CONDITIONS OF APPROVAL. Final approval of each subdivision application shall be subject to the following standard conditions:

- (1) Performance of construction improvement program. Performance shall be in strict accordance with approved plans and specific actions complete in every respect. If any less than the completed section shall be constructed by the developer, that part shall be completed in that it will connect one existing street to another and that both intersections shall be completed. No dead-end street shall be acceptable unless designed under the classification of "cul-de-sac." All work started shall be completed within two years or approved extension thereof by resolution of the Town Council on recommendations of the Town Engineer and Town Council and/or his/her designee or Town representative.

- (2) Release of liens. Within 90 days after completion of the construction improvement program for such section or subsection, of a release of liens with respect to the construction improvement program shall be submitted.
- (3) Insurance. Certification of general liability insurance with a minimum of \$1,000,000 per occurrence, providing full protection of the Town, its officials and employees against all damages or claims for damages occurring directly or indirectly by reason of the construction improvement program, shall be filed with the Town Council and/or his/her designee or Town representative before commencement of any work related to the subdivision application.
- (4) Recordation. The developer shall record in the office of the Recorder of Deeds for Kent County, at his/her expense, the final subdivision plan, bearing the certification and provide proof of the recordation to the Department of Planning and Zoning within 90 days following the Town Council's approval.
- (5) Conveyance in fee simple. A deed conveying fee simple land to the Town of Houston of all sewers, streets, roads, parklands and other areas dedicated to public use within the section or subsection shall be executed and delivered to the Town within 90 days after complete performance of the construction improvement program for such section or subsection.
- (6) Guarantee of improvements. The developer shall warrant all improvements for a period of one year after complete performance of the construction improvement program, and the Town shall hold 10% of any surety paid until this one-year period is elapsed.
- (7) Work completed in compliance. Work, grading, excavation, construction, erection or building shall be commenced or done within the subdivision only, pursuant to final approval; in full compliance with all of the conditions of such approval; after execution of the necessary agreements and approval of all plans required under the subdivision regulations; in full compliance with the subdivision regulations, applicable building code provisions, the applicable zoning code provisions and all other applicable ordinances of the Town of Houston and Kent County, and the laws of the State of Delaware; and after issuance of all applicable permits which shall be in effect.

H. COMPLIANCE WITH CONDITIONS OF APPROVAL. Upon receiving notice that the Town approved the final subdivision plan, the applicant, now referred to as "developer," shall confer with the Town regarding compliance with conditions of approval and, in turn, regarding all construction procedures and reports until final acceptance by the Town Council of the completed construction improvements and formal release by the Town Council of the developer's completion guaranty.

I. TOWN COUNCIL APPROVAL OF MODIFICATION TO APPROVED PLAN. If the developer wishes to alter the final subdivision plan after final approval and before any lot or unit in said subdivision is sold, leased or the subject of a contract of sale or lease, to change the location or size of any utility line, to create additional lots, to change the location of any lot without increasing the number of lots within the subdivision or to change the location of lot lines because of excessive topography or similar type of development problem, the developer must obtain the approval of the Town Council, but no public hearing shall be required to be held so long as the intent of the original subdivision, as determined by the Town Council, is not substantially changed; provided, however, that in making such alterations, no lot or tract of land shall be smaller than the minimum dimensions required by the ordinances of the Town of Houston, for the district in which the subdivision is located or for the use which is to be made of the land, all easements reserved for utilities and drainage are preserved without change and no lot is created which does not abut a street. In the case of an alteration, as described herein, the developer shall develop a subdivision plan and submit said plan for the approval of the Town Council, and such plan shall be recorded as a revised final plan of the subdivision with the approval of the Town Council noted thereon.

SECTION 3. Contents of Subdivision Plan

3.1 Conceptual Subdivision Review Requirements

Contents of concept subdivision submittal. The concept plan package shall meet the requirements as to content and organization as may be established by the Town Council and/or his/her designee or Town representative and at minimum shall include the following:

- A. PROJECT CONCEPT PLAN: a scaled drawing showing the proposed arrangement of lots and rights-of-way on a survey of the project boundaries. It shall show the project layout, proposed and existing land uses, open spaces, circulation routes and points of access to the adjacent street network and main design features. If phasing is proposed, a master plan for entire project shall be shown. Drawings shall be 24 inches by 36 inches. The scale will be no less detailed than one inch equals 100 feet. The plan shall show adjacent streets and adjacent property owners. A vicinity map at a scale of no less detailed than one inch equals 1,000 feet shall be included which shows the location with respect to neighborhood streets.
- B. PROJECT AREA SCHEMATIC: A scaled drawing or GIS aerial photograph showing the main features of the project in relationship within the neighborhood. Included in the drawing shall be existing infrastructure within at least 1,000 feet, including streets, intersections, water, sanitary sewers and storm drains. The scale shall be no less detailed than one inch equals 400 feet. Drawings shall be no larger than 24 inches by 36 inches.

- C. **SITE INVESTIGATION REPORT:** The intent of the site investigation report is to provide readily available information in a brief narrative format to assist the applicant and the Town in their initial evaluation of the proposed development. The report shall provide information and data on the physical and environmental characteristics of the site, the proposed number of lots, uses and utility demands, anticipated impacts of the proposed development on neighboring properties, area infrastructure and services, recreational resources and other public facilities, and compliance with the Town of Houston. The site investigation report shall follow the format established by the Town Council and/or his/her designee or Town representative, as may be amended from time to time, and shall address the following:
- (1) Site data summary chart: Tax Map and parcel number, Town Council case numbers and prior approvals, Board of Adjustments case number and prior approvals, zoning classification, proposed zoning, allowable density, proposed density, total site area, flood zone, wetlands (state and federal), number of proposed lots, number of proposed units and types, availability of utilities, zoning setback requirements, zoning lot size requirements, maximum building height allowed by zoning, open space required and proposed, and use of open space; provide breakdown for each phase or land use as appropriate.
 - (2) Land use overview: provide narrative of existing site conditions and provide legible copy of Kent County soil map with outline of property sketched on it; describe existing context and highlight any issues regarding marginal siting conditions, including topography, hydric soils, existing drainage patterns, standing water, culverts, ditches, wetlands or sensitive areas.
 - (3) Town of Houston Comprehensive Land Use Plan compliance: provide narrative of designated land use and how project will be consistent with the Land Use Plan.
 - (4) Traffic access overview: provide narrative of existing roads, lanes, width, material, condition, curb, sidewalk and off-site improvements needed to accommodate the project. If project is known to require a DelDOT traffic study, provide summary information and study schedule.
 - (5) Utility demands and services overview: provide narrative of sanitary sewer, public water, gas, electric, cable and describe any off-site improvements needed. If privately owned and maintained facilities or open spaces are proposed, provide sample covenants clause and describe management structure.

- (6) Stormwater management overview: provide narrative of types of conveyance and management and a summary of any off-site improvements needed.
- (7) Construction phasing overview: provide narrative of time of construction and estimate the number of anticipated zoning compliance certificates per year.
- (8) Economic impact: provide narrative of anticipated construction cost of infrastructure and buildings, fees and dedications; discuss estimated zoning compliance certificate fees, transfer fees, impact fees, tax revenues, employment opportunities and tax assessments.
- (9) Architectural theme: provide illustrations and/or narrative of overall design concepts.
- (10) Provide narrative of recreational needs and opportunities.
- (11) Attach "ability to serve" letters: provide letters from utility providers other than the Town of Houston (water, sewer, gas, communications, emergency, fire and ambulance).
- (12) Provide a copy of the letter of notification to the local school board for residential developments.

D. Optional site inspection. Following the applicant's concept plan submittal and before the Town Council meeting, the Town Council may inspect the site of the proposed development.

- (1) Applicants, their site designers and the landowner are encouraged to accompany the Town Council.
- (2) The purpose of the site inspection is to familiarize the Town Council with the property's existing conditions and special features, to identify area-wide and site design issues and to provide an informal opportunity to view neighborhood conditions, potential layout of streets, stormwater management facilities, open spaces, buildings and other items that may assist in the evaluation of a submitted concept plan.
- (3) Comments made by the Town Council and/or his/her designee shall be interpreted as being only suggestive at the site inspection. No formal recommendations or official decisions shall be made at the site inspection.
- (4) Site inspections shall adhere, to the extent possible, with standard notice requirements for Town Council meetings.

3.2 Preliminary Subdivision Review Requirements

- A. Development and submission. A preliminary subdivision plan to show the nature and extent of all contemplated improvements and lot subdivisions, to be developed from a concept plan to the Town
- B. The applicant is responsible for preparing the preliminary subdivision plan. The plan shall be submitted as a multiple-sheet document with drawings on sheets no larger than 24 inches by 36 inches and at a scale no less detailed than one inch equals 100 feet.
- C. It is recommended that the order of plan sheets of the preliminary site plan be as follows below. The Town Council and/or his/her designee may waive certain sheets that are clearly not applicable to the project under review. The Town Council and/or his/her designee may authorize variations in the order of plan sheets, if all of the required information has been provided as follows:
 - (1) Title sheet.
 - (2) Record plat(s) (see requirements for subdivision record plats).
 - (3) G-1 general sheet (general notes, site data notes, etc.).
 - (4) Key plan and overview plan (for large projects with multiple sheets).
 - (5) Site and grading plans horizontal (conforming to requirements for construction improvement plans).
 - (6) Utility plans horizontal conforming to requirements for construction improvements plans. (For scale of one inch equals 20 feet, grading and utilities may be combined on same drawing. For scale of one inch equals 30 feet or one inch equals 40 feet or greater, provide separate drawings for grading and utilities where needed for clarity.)
 - (7) Sediment and stormwater management plans, to include horizontal location, contours, inflow pipes, outfall, amenities, paths, buffers and forestation areas, if applicable.
 - (8) Pump station details, if applicable (may be left blank for preliminary subdivision plan submittal).
 - (9) Sewer and water details using standards where applicable and available (may be left blank for preliminary subdivision plan submittal).
 - (10) Landscape and lighting plan, including location and type of signage, if known during the preliminary subdivision plan review as this item is required during the final submittal.
 - (11) Architectural elevations (all sides), 24 inches by 36 inches, by registered architect.
 - (12) Electrical/Mechanical, where applicable (may be left blank for preliminary subdivision plan submittal).

D. Preliminary subdivision plan contents.

- (1) The preliminary subdivision plan shall show the North point, scale, date, and the following:
 - (a) The seal and signature of a registered Delaware land surveyor and/or licensed engineer, as appropriate.
 - (b) Revision block on each sheet to accurately disclose any drawing revisions made after the first submittal for preliminary subdivision plan review.
 - (c) A key and overview plan for multistage projects.
 - (d) Geographical location, showing existing zoning district boundaries.
 - (e) Existing and proposed changes in zoning classification on the site and adjacent sites.
 - (f) Existing topographic contours at a minimum of one-half-foot intervals unless waived by the Town Council and/or his/her designee as clearly unnecessary to review the project or proposal.
 - (g) The location and nature of all proposed construction, excavation or grading, including but not limited to buildings, streets and utilities.
 - (h) A landscape and lighting plan, including location and type of signage, if applicable.
 - (i) If applicable, a parking plan, showing all off-street parking, related driveways, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required by the zoning district.
 - (j) Information as may be required by the Town Council to determine compliance with adopted design standards.
 - (k) Cross-sections for streets and curbing; all existing and proposed streets and easements, including widths.
 - (l) Approximate location of point of ingress and egress to existing public highways; if ingress or egress is onto a state-maintained roadway, an accompanying letter of no objection from the Department of Transportation.
 - (m) All existing easements of any kind; if easements are to be granted, a separate easement plat. (May be included in record plat.)
 - (n) The number of construction phases proposed, if any, with the site plan showing the approximate boundaries of each phase, and the anticipated completion date of each phase.
 - (o) A tabulation of total number of acres in the project, gross or net, as required in the district regulations, and the percentage thereof proposed to be devoted to the several dwelling types, commercial uses, other nonresidential uses, off-street parking, streets, parks, schools and other

reservations.

- (p) Number of dwelling units to be included by type of housing: apartments of three stories and under; apartments over three stories; single-family dwellings; townhouses; and two-family dwellings; the overall project density in dwelling units per acre, gross or net, as required by district regulations.
 - (q) Approximate location and size of recreational areas and other open spaces.
 - (r) Existing vegetation, proposed removal of vegetation and proposed replacement of vegetation.
 - (s) If applicable, location, type, size and height of fencing, retaining walls and screen planting.
- (2) The Town Council may waive a particular requirement for preliminary subdivision plans if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.

E. Report of Applicant's Engineer

- (1) The submittal shall also include a report from the applicant's engineer. It shall include:
 - (a) Suitability of land for subdivision development.
 - (b) Flood level.
 - (c) Total area within boundaries.
 - (d) Total area in lots, number of lots, average lot size.
 - (e) Total area in streets, roads, etc.
 - (f) Total area in open spaces provided for public use, parks, playgrounds and recreational areas.
 - (g) Total number of lots and their approximate dimensions, clearly indicating on the plot that part which it is desired to record and showing in a distinctive manner, such as light dotted lines, the ultimate future plans as proposed.
 - (h) Latest Town assessment of property and an estimate thereof after the development is divided. The estimated assessments comparative to similar projects may be obtained at the Kent County Assessment Division and calculated using the Town's current tax rate for:
 - [1] Land.
 - [2] Buildings.
 - (i) Approximate location of any proposed off-site extensions or upgrades to water mains, sewers and paved streets:
 - [1] For the part to be recorded.
 - [2] For the ultimate future plan.

- (2) PLUS comments, if applicable. At or prior to submitting a preliminary subdivision plan, the applicant shall provide the Department of Planning and Zoning with the written comments from the Delaware Office of State Planning Coordination Preliminary Land Use Service (PLUS), if applicable. A copy of the itemized letter to the Office of State Planning responding to all PLUS comments shall be provided.

3.3 Final Subdivision Review Requirements

The applicant is responsible for preparing the final subdivision plan. The final site plan shall comply with all existing laws, regulations and ordinances governing the approval of subdivision plans and provide sufficiently accurate dimensions and construction specifications to provide the data necessary for the issuance of construction permits.

- A. In addition to meeting the submittal requirements of a preliminary subdivision plan, the final subdivision plan shall meet all specific plan submittal requirements of the Town of Houston.
- B. Submittals shall demonstrate compliance with any conditions of site plan approval and shall include all necessary approvals from any local, county, state and federal agency.
- C. As a condition of final subdivision plan approval, the Town Council may establish additional submittal requirements for a final plan, and may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.
- D. Final subdivision plan submittals shall adhere to the order of plan sheets required under preliminary subdivision review section, with any additional required details and plan drawings inserted in the order prescribed by the Town Council and/or his/her designee.
- E. Certificates. The approved subdivision plan, showing distinctively that part to be recorded, shall contain the following certificates:
 - (1) Certificate of the applicant's engineer or surveyor that the plan represents a survey made by him or her and that dimensions and geodetic details are correct.
 - (2) The subdivision plan shall bear the following notarized certification, signed by the developer and all persons having any proprietary interest in the planning of the subdivision.

"It is hereby certified that the undersigned are the owner and developers of the land shown on this subdivision plot plan and that the streets, lanes, avenues and park areas hereon shown with the section approved for development are dedicated for the general use of the traveling public and for the use of the abutting property owners. This dedication shall impose neither duty nor obligation upon the Town of Houston respecting the maintenance and improvement of the dedicated streets, lanes, avenues and park areas, unless otherwise agreed by the Town of Houston."

- (3) Certification of the Town Council and/or his/her designee or Town representative that the plan conforms to the approved subdivision regulations.
- (4) Certification of the Mayor or other authorized member of the Town Council that the plan has met with the approval of the Town Council as provided.

- F. Recording. After such certification, but in no case prior to, the subdivision plan or approved section or sections thereof shall be recorded by the developer in the office of Recorder of Deeds for Kent County. A copy of the recorded plan showing evidence of recording shall be attached to the agreement. Recording fees shall be paid by the developer.