

ORDINANCE NO. 2629

AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III AND VI, §§99-5, 99-18 AND 99-31, OF THE CODE OF SUSSEX COUNTY REGARDING STREETS, STREET DESIGN STANDARDS AND INSPECTIONS AND CLOSEOUT PROCEDURES

WHEREAS, Chapter 99 of the Code of Sussex County contains certain technical requirements for the design, submission and subsequent approval of Final Site Plans for subdivisions, including the provision for the approval of the Sussex Conservation District; and

WHEREAS, at the direction of the Sussex County Engineering Department, the street design requirements contained in Chapter 99 of the Code of Sussex County were revised and improved through the adoption of Ordinance Number 2489; and

WHEREAS, after implementation of Ordinance Number 2489 the Sussex County Engineering Department recognized that further, minor, modifications or corrections are necessary with regard to street design standards and inspection and closeout procedures; and

WHEREAS, Sussex County Council has determined that the minor modifications and/or corrections set forth in this Ordinance are appropriate and necessary to carry out the original intent of Ordinance Number 2489; and

WHEREAS, Sussex County Council has determined that the provisions of this Ordinance promote the health, safety and welfare of Sussex County and its residents, property owners and visitors.

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1.** The Code of Sussex County, Chapter 99, Article I, §99-5 “Definitions” is hereby amended by deleting the language in [brackets] in the definition of “STREET (GENERAL)” within the Section as follows:

**§99-5 Definitions.**

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**STREET (GENERAL)** A public or private thoroughfare which affords the principal means of access to abutting properties, whether designated as a “freeway”, “expressway”, “highway”, “road”, “avenue”, “boulevard”, “lane”, “place”, “circle” or however otherwise designated. [The minimum width of a street right of way shall be 50 feet.]

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**Section 2.** The Code of Sussex County, Chapter 99, Article III, §99-18 “Street Design Standards” is hereby amended by deleting the language in brackets and inserting the italicized and underlined language as follows:

**§ 99-18. Street design standards.**

- A. Construction plans shall be prepared by a registered Delaware professional engineer or a licensed Delaware land surveyor.
- B. Streets dedicated to public use shall be designed and constructed in accordance with standards established by the Delaware Department of Transportation, Division of Highways.
- C. All entrances to the subdivision from a public street shall be designed and constructed in accordance with standards established by the Delaware Department of Transportation. A letter of no objection or other appropriate entrance approval from the Delaware Department of Transportation shall be required prior to final approval of the plan.
- D. Private streets to be initially maintained by the developer and ultimately the owners of lots within the development may be designed and constructed in accordance with Subsection B or must comply with the following standards:
  - D. Road Geometry.

All roads regulated by Sussex County shall meet fire access requirements as required pursuant to the Delaware State Fire Prevention Regulations (DSFPR).

1. Road Width.

- a. The minimum clear/unobstructed road width when using curb and gutter shall be 24 feet measured *in the case of a vertical curb* from face of curb to face of curb, *and in the case of a rolled curb from flowline to flowline*. The curb and gutter shall meet the DelDOT Standard Construction Details, latest edition, or stone set in place.
- b. The minimum clear/unobstructed road width when using open drainage shall be 24 feet.
- c. The minimum clear/unobstructed road width for one-way traffic shall be 14 feet.
- d. See Sub-Section 7 in this Section E for additional information regarding on-street parking.

2. Centerline Radii.

- a. The minimum centerline radii for all roads posted at 17 MPH or less shall be 50 feet.
- b. The centerline for roads posted higher than 17 MPH shall be increased using the AASHTO (American Association of State Highway and Transportation Officials) Green Book for normal crown roads.

3. Minimum and Maximum Longitudinal Slope.

- a. The minimum slope for a curbed street is [0.50%] 0.30%.
- b. The minimum slope for an open ditch street is [0.30%] 0.50%.
- c. The minimum slope across a flowline is 0.50% unless a concrete valley gutter is used.
- d. The maximum longitudinal slope for all roads shall be 10%.
- e. Vertical curves are required when the algebraical longitudinal slope difference is greater than 1.00%.

4. Cul-de-Sacs.

- a. No Island: The minimum radius for cul-de-sacs without an internal Island is 38 feet.
- b. Island: The paved area of a cul-de-sac with an internal grass island shall be 14 feet wide for one-way traffic and 20 feet for two-way traffic. The outer and inner radii shall be able to accommodate a ladder truck and subject to approval by the State Fire Marshal's Office.
- c. [No cul de sac or additional turn-around area shall be required for a dead end street that is less than 300 feet in length measured from the nearest approved turn-around area.] Cul de sacs are required for dead end streets: (i) greater than 300 feet in length as measured from the nearest turnaround area; or (ii) that serve more than 4 dwellings.

5. Alternative Turn Arouds.

The following alternative turn arounds are permitted:

- a. Those listed in the DSFPR.
- b. A looped road that meets DSFPR.
- c. Alternative accesses not listed above that meets DSFPR.
- d. The maximum length of a dead end street (as measured from the nearest approved turn-around area) shall [be] neither exceed 300 feet without an additional alternative turnaround nor serve more than 4 dwellings.

6. Cross Slope.

- a. The road cross slope can be a normal crown, super elevated or reverse crown.
- b. The maximum cross slope shall be 4%.
- c. The minimum cross slope shall be 2%.

7. On-Street Parking

- a. On street parking shall be prohibited within the following locations:
  - (1) 15 feet of both sides of a fire hydrant and marked in accordance with DSFPR.
  - (2) 20 feet of a traffic control device (i.e. stop sign / signal).
  - (3) 10 feet of the Point of Tangent / Point of Curvature of an intersection.
  - (4) 10 feet of a crosswalk.
  - (5) 10 feet of a driveway.

- b. These on-street parking requirements shall not affect nor be calculated as part of the parking requirements of Chapter 115, Section 162.A and B.

8. Right-of-Way *and/or* Access Easements

*Rights of way shall be used in major subdivisions. Access easements shall be used in developments where all of the underlying land of the development will be held in common ownership.* The right-of-way or access easements for non-State-Maintained Roads shall be:

- a. Placed [1 foot] *3 feet* behind the back of curb [if a sidewalk is not required].
- [b. Placed 1 foot behind the back of sidewalk if a sidewalk is required].
- [c.]*b.* Placed 1 foot behind the 10-year storm water surface of roadside swales.

9. Sidewalks.

Sidewalks [required to be installed by Code or by project approval] shall satisfy the following requirements:

- a. They shall be placed within the right of way or deeded easement *in favor of the owner of the common elements.*
- b. A Sidewalk can be adjacent to the travel lane using additional pavement that can be added but must be differentiated from the travel lane using demarcation every 300 feet.
- c. If the sidewalk is to be located between the parking space(s) and the roadway, the parking space shall extend a minimum of 18 feet beyond the edge of the sidewalk.
- d. For projects with open drainage (with or without grass strips) the sidewalk must be placed along the edge of the travel lane.
- e. Sidewalks must have 5 feet of clear width.
- f. Sidewalks that are not constructed adjacent to the travel lane using additional pavement must be constructed using a 4,000 PSI mix with fibre mesh.

- g. All sidewalks must have a minimum cross slope of 1% [in any direction] and a 2% maximum cross slope.
- h. All sidewalk expansion joints shall consist of rubber or other non-biodegradable material approved by the Sussex County Engineer or his or her designee.
- i. All sidewalks adjacent to curbing shall have expansion joints that are sealed and caulked with materials approved by the Sussex County Engineer or his or her designee.
- j. Street crosswalk markings shall be placed at intersections and mid-block crossings where Average Daily Traffic Counts are equal to or greater than 1,000.

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**Section 3.** The Code of Sussex County, Chapter 99, Article VI, §99-31 “Inspections, Closeout Procedures and Fees” is hereby amended by deleting the language in brackets and inserting the italicized language in subsection E thereof as follows:

**§99-31 Inspections, Closeout Procedures and Fees.**

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E. Project Close-Out Procedures.

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- (3) If sidewalk or driveway apron damage is evident as determined by the County Engineer or his or her designee the following repairs are required:
  - [a. If a vertical crack is less than 1/32 of an inch wide then the curb is acceptable.
  - b. If a vertical crack is more than 1/32 of an inch wide then the crack must be sawcut and filled with a backer rod and sealant.
  - c. If the curb is chipped with a width and or height 2 inches or less and less than ¼ inches deep then the chip must be patched with a sealant.

d. If there are more than 6 chips and / or 3 vertical cracks or a total of 6 chips and vertical cracks within a 4 foot section of concrete then the concrete must be replaced from joint to joint.]

[e] *a.*\_\_\_\_\_ If there is a vertical difference greater than ¼ inch at a joint, then the [concrete] sidewalk must be preplaced from joint to joint.

[f] *b.*\_\_\_\_\_ If replacement is required, the concrete shall be saw cut and replaced in a minimum of 4 foot sections [at the joints] beginning at a joint.

[g] *c.*\_\_\_\_\_ As new technology emerges it may be considered as a method to repair or replace [curb] sidewalk. One such example includes [milling] grinding a section of [curb] sidewalk adjacent to [the roadway] a vertical separation.

[h] *d.*\_\_\_\_\_ The County Engineer or his or her designee may require concrete core samples.

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**Section 4.** Effective Date.

This Ordinance shall become effective upon adoption.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2629 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 5TH DAY OF FEBRUARY 2019.

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ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL