

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination
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Date of Most Recently Certified Comprehensive Plan: October 2003 (Amended September 11, 2006)

Application Type:

Comprehensive Plan Amendment: _____

Ordinance: Cluster Development District (CDD) Overlay

Other: _____

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Please describe the submission:

The Town of Cheswold is defining an overlay for R-3 zoned parcels which would cluster residential designs with associated public services. This overlay would guide the development of large-scale, unified, mixed-style residential developments to better protect and preserve open space and natural resources.

Cluster Development District (CDD) Overlay

Introduction: September 11, 2006

Adoption: April __, 2007

Ordinance 2007-##

Article 6. Zoning Districts and Zoning Map

Section 6-1. Establishment of Zoning Districts

A Base Zones

Table 6-1

CHANGES (strikeouts being removed; underlines being added)

Zoning District	Designation	Typical Kinds of Uses in Zone
Residential	R-1 Old Town Residential	Single family dwellings and home based or neighborhood businesses, located in the historic center of the original Town.
	R-2 1 & 2-Family Residential	Single family, duplexes, and single-family semi-detached dwellings and institutional uses such as schools, churches, or municipal buildings.
	R-3 1, 2 & 3- Family Residential & Townhouse Residential	Uses permitted in R-2 plus age-defined communities, townhomes and multi-family dwellings, including apartments. <u>Also clustered residential designs with associated public services.</u>
	R-4 Manufactured Home Park & Trailer Park	For Manufactured Homes and Existing Trailer Parks
Commercial	C-1 Neighborhood Business	Small scale commercial uses that can meet setback & off-street parking requirements
	C-2 Highway Commercial	Commercial located on arterials; also for large-scale shopping centers and uses that are not appropriate in Neighborhood Business (C-1) or require substantial buffering from residential uses.
Industrial	I-1 Light Industrial	Light or small-scale industrial uses, and other uses such as Warehousing and mini-storage.
	I-2 Heavy Industrial & Extraction	Heavier or larger industrial uses. Outdoor storage of materials is discouraged, however accessory uses for storage are allowed. Towers for communications.

Section 6-3 Overlay Zones

B List of Overlay Zones

CHANGES (strikeouts being removed; underlines being added)

~~3. Cluster Development (a.k.a. Lot Averaging) District (CDD)~~
RESERVED

3. Cluster Development District (CDD) Overlay

The purpose of the Cluster Development overlay is to provide for large-scale, unified, mixed-style residential developments that use innovative design as a means of ensuring open space and natural and cultural resource protection and preservation. See Article 7, Section 2.J.

Also,

Article 7. Use Regulations

CHANGES (strikeouts being removed; underlines being added)

Section 7-2, Specific Requirements by District and Overlay Zone

J Cluster Development District (CDD) Overlay

1. Definitions

Active Open Space: See Section 12-9. Active Open Space and Recreation

Sensitive Drainage Area(s): The total area within the proposed CDD overlay district that includes the FEMA 100-year flood zone and National Wetlands Inventory delineations of tidal and non-tidal wetlands.

Estimated Development Area: An area calculated for design that equals the area of the proposed CDD overlay district less the Sensitive Drainage Area(s).

Estimated Residential Area: An area calculated for design purposes that equals sixty percent (60%) of the Estimated Development Area and is used exclusively for residential lots.

Estimated Residual Area: An area calculated for design purposes that equals forty percent of the Estimated Development area and is used for active open space, roadways and other infrastructure.

Gross Residential Density: The total number of all residential units divided by the total CDD overlay area.

Residential Lot: For the purposes of the CDD overlay, residential lot is the area of land required for each residential unit. Lot area is required for each unit regardless of housing type.

2. Authorization and Intent

a. The Town Council may establish a CDD Overlay permitting the development of land in accordance with the standards and procedures set forth in this Article for properties zoned R-3.

b. The overlay shall apply to the entire tax parcel. The overlay may not be applied for only a portion of a tax parcel. Split zoning is not permitted.

c. The minimum CDD overlay area shall be 30 acres.

c. Approval of a CDD District constitutes a commitment by the applicant to develop the subject property in accordance with the variety and arrangement of land uses and the resulting density ranges authorized in the CDD approval process.

d. Dimensional and Density Standards shall apply regardless of land ownership method, that is, condominium or rental or other legal forms shall be treated as fee-simple or subdivision for design and development plan review.

3. Purpose

- a. To encourage creative and flexible site design that is sensitive to natural features and adapts to the natural topography; and
- b. To decrease or minimize non-point source pollution impacts by reducing the amount of impervious surfaces in site development; and
- c. To promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines need to be extended or by reducing the length of streets; and
- d. to provide opportunities for social interaction and walking to local services and in active open space areas.

4. Use Requirements

- a. CDD overlay is primarily residential in nature.
- b. Minimum permitted gross residential density shall be 4.0 dwellings units per acre.
- c. Maximum permitted gross residential density shall be 8.0 dwelling units per acre.
- d. Project development plan must include at least two (2) styles of dwelling units. As examples: a combination of single-family detached and semi-detached , or a combination of single-family, townhomes and multi-family. See Article 2. Definitions, Dwelling.

5. Permitted Uses and Structures

- a. All principal and accessory uses permitted for the underlying R-3 zone shall be permitted.
- b. See Table 7-1, R-3 1, 2 & 3-Family Residential and Townhouse Residential, Table 8-4 and Table 8-5 Permitted Projections into Required Yards.

6. Cluster Design Required. Residential Density and Dimensional Standards

- a. required lot area per Dwelling Unit shall be reduced from R-3 standards to the following:

Table 7-2 Lot requirements under Cluster Development District Overlay

	Sq.Ft./ unit	DU's (1)	Sq.Ft. (1)
SF Homes	5000	-	-
Duplex	2500	-	-
Triple	2000	-	-
Townhouse	2000	-	-
Multi-Family	2000	-	-
Totals (1)			

(1) These items will be proposed by the applicant and will be unique for each CDD Overlay project.

b. Required dimensional standards for residential units shall be modified for those of the R-3 zone as follows:

Table 7-3 Dimensional Standards for the Cluster Development District Overlay

	<u>Single Family</u>	<u>2-Family (Duplex)</u>	<u>Triple Attached</u>	<u>Townhouse</u>	<u>Multi-family</u>
<u>Lot Standards</u>				<u>Per building block</u>	<u>Per building</u>
<u>Number of DU/building</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>8</u>	<u>18</u>
<u>Street Frontage (ft. min.)</u>	<u>80</u>	<u>80</u>	<u>60</u>	<u>20 per DU plus 20 ft.</u>	<u>60</u>
<u>Lot width at front building line (ft. min.)</u>	<u>80</u>	<u>80</u>	<u>60</u>	<u>n/a</u>	<u>n/a</u>
<u>Setbacks</u>					
<u>Front Yard (ft., min)</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Side Yard (ft., min)</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>10</u>	<u>15</u>
<u>One</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>20</u>	<u>30</u>
<u>Sum of Both</u>					
<u>Rear Yard (ft., min.)</u>	<u>25</u>	<u>25</u>	<u>20</u>	<u>20</u>	<u>30</u>
<u>Maximum Building Height</u>					
<u>Stories</u>	<u>2 ½</u>	<u>2 ½</u>	<u>2 ½</u>	<u>3</u>	<u>3</u>
<u>Feet</u>	<u>35</u>	<u>35</u>	<u>35</u>	<u>38</u>	<u>38</u>
<u>Maximum Building Coverage (% of Lot)</u>	<u>70%</u>	<u>70%</u>	<u>70%</u>	<u>65%</u>	<u>Building plus parking 55%</u>

c. Active Open Space requirements shall be increased to 420 sq. ft. per dwelling unit.

8. Environmental Protections and Open Space

a. Each CDD development plan shall be designed to use the open space required for design to separate more intensely constructed areas from flood plains, wetlands, agricultural lands protected through purchased development rights or conservation easements.

b. Each CDD development plan shall limit to the greatest extent practicable the clearing of wooded uplands by including existing wooded uplands within required open space design areas.

c. Provisions of Article 12 shall be in effect, however Active Open Space requirements shall be increased to 420 sq. ft. per dwelling unit.

d. Under the CDD Overlay neither wetlands nor flood plain may be counted toward the required Active Open Space acreage, although these may be incorporated into the design of active open space areas.

9. Other Development Standards

Except as noted elsewhere under Cluster Development District, the provisions of the following Articles apply to CDD developments

- Article 9. Subdivision Design and Layout;
- Article 10. Streets, Sidewalks, Curbs, and Gutters;
- Article 11. Utilities;
- Article 12. Environment and Open Space;
- Article 13. Signs, and
- Article 14. Parking Standards.

Also,

Article 12. Environmental and Open Space

Section 12-4 Excellent Recharge Area

CHANGES (strikeouts being removed; underlines being added)

B Regulations Governing Development (~~RESERVED~~)

1. Identification on Plans

- a. Development Plans shall delineate the locations of excellent recharge areas. A statement by a qualified professional shall be provided, verifying the accuracy of the delineation.
- b. If a tract proposed for development contains no excellent recharge areas, the plan shall include a statement affirming this from an experienced, qualified professional.

2. The developer shall provide documentation as to measures taken to safeguard excellent recharge areas.

Also,

Article 12. Environmental and Open Space

Section 12-9 Active Open Space and Recreation

CHANGES (strikeouts being removed; underlines being added)

E. Land Dedications

1. Each dedication shall be usable open space that is of suitable size, dimension, topography and general character for the purpose. Land is considered usable open space if it meets the following criteria.

- a. It is not encumbered with any substantial structure.
- b. It is not encumbered by use restrictions imposed after any state or federal environmental clean up actions that would prevent use of the area.
- c. It is not devoted to use as a roadway, parking area or sidewalk.
- d. It is left in one or more of the following states at the time of development.
 - (i) If wooded, it is left in its natural, undisturbed state except for cutting of trails for walking, jogging or biking.
 - (ii) If not wooded, it is landscaped for ball fields, picnic areas, or similar facilities or is properly vetted and landscaped with the objecting of creating a wooded area.
 - (iii) It is capable of being used and enjoyed for the purposes of informal and unstructured recreation and relaxation.

(iv) It is legally and practically accessible to the residents of the development out of which the required open space is taken.

(v) No more than 25% of the land lies within a 100-year floodplain or floodway.

2. The dedicated area shall be shown and marked on the subdivision plat “Dedicated for Park and Recreation Purposes.”

Also,

Article 12. Environmental and Open Space

Section 12-11 Maintenance of Open Space and Recreation Areas

CHANGES (strikeouts being removed; underlines being added)

Section 12-11 Maintenance of Open Space and Recreation Areas

A. Generally Not Dedicated to the Town

1. The recreation facilities and open space to the dedicated under this Article shall not be dedicated to the public.

2. They shall remain under the ownership and control of the developer, his/her successor, a homeowners’ association or similar legal entity.

B. Homeowners’ Associations

1. Before any lot in a development is sold, provision shall be made for the establishment of a homeowners’ association or similar legal entity that:

a. _____ Has clear legal authority to maintain and exercise control over common areas and recreational facilities, and .

b. _____ Has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of the common areas and facilities.

2. The Town shall review documents pertaining to the establishment and maintenance of each homeowners’ association or similar legal entity, as part of the development approval process.

C. When Public Dedication is Appropriate

1. The Town may require land dedication for public purposes, including but not limited to, schools and fire stations.

2. The Town shall use the following criteria to determine when land shall be dedicated to public use.

a. _____ When a need has been specifically included in the Cheswold Comprehensive Plan.

b. _____ When the Town’s adopted capital improvements plan or budget has identified a need.

c. _____ When the type of development proposed in a subdivision requires such a facility.

d. _____ When land of a public facility is recommended for location within the Town of Cheswold by the adopted plans or capital improvements programs of the State of Delaware, Kent County or federal governments.