

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

Delaware State Planning Coordination
122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Name of Municipality: NEW CASTLE COUNTY		PLUS 2009-06-02
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Date of Most Recently Certified Comprehensive Plan: July 31, 2007

Application Type:

Comprehensive Plan Amendment: NA

Ordinance: Ord. 09-037, Hamlet and Village Development Option

Other: NA

Comprehensive Plan Amendment or Municipal Ordinance prepared by:	
Address: Same as above	Contact Person:
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Please describe the submission:

This Ordinance adds the Smart Code development option to Chapter 40 of the *New Castle County Code*. The incorporation of the Smart Code requires amendments to a large number of Chapter 40 Articles and Sections. The amendment recognizes and fully supports the goals of Smart Code legislation including (1) preservation of open space and farmland, (2) provision of a variety of transportation choices, (3) requirement for mixed uses, (4) a range of housing opportunities and choices, (5) walkable neighborhoods, (6) distinctive and attractive communities for a strong sense of place, (7) predictable fair and cost effective development decisions, (8) development directed towards existing communities, and (9) compact building design and efficient infrastructure design. The amendment also limits this type of development option to the S (Suburban) zoning district and the hamlet and village option, but it is recognized that a more countywide approach along existing major transportation corridors and other infill and redevelopment areas may be appropriate in the future.

See attachment for more detail.

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Hamlet and Village Development Option

Background:

Comprehensive Plan Implementation:

Smart Growth Committee was formed in order to develop effective legislation for the implementation of the Comprehensive Plan Strategy Recommendations.

Committee Members:

Chairwoman Stephanie McClellan
Ralph Reeb – DelDOT
Vic Singer – NCC Civic League
Brad Killian – Delaware Greenways
Beverly Baxter – Committee of 100
Representatives Office of the State Fire Marshal
Department of Land Use Staff

Comp Plan Strategy Recommendations:

1. Build thriving communities by:
 - a) Revising mixed use regulations to provide a variety of mixed use centers in the infill and redevelopment area and the southern growth area;
 - b) Revising regulations relating to affordability and diversity of housing;
 - c) Incentivizing high tech and small businesses;
 - d) Implementing walkability and mobility friendly design standards;
 - e) Creating a mechanism for design guidelines tailored to specific mixed use areas; and
 - f) Revise regulations to facilitate the location of schools, parks, libraries and other public services in designated growth areas and centers.
2. Where needed, incorporate transitional building elements and buffers adjacent to existing development to alleviate abrupt differences in land use and density.
3. Remove barriers to encourage the consolidation of smaller parcels of land to enable more efficient redevelopment.
4. Revise the UDC to reduce permissible density when only single use commercial development is proposed along existing strip corridors identified for redevelopment. Increase density to encourage mixed use on transit corridors.
5. Review development standards to give new neighborhoods the incentive to include community schools, with sidewalks and bike paths to encourage non-motorized transportation.

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6. Promote infill and redevelopment to optimize existing infrastructure, focusing on transit corridors with a mix of housing to relieve the pressure of greenfield development.
7. Revise the UDC to act as an incentive for infill and redevelopment. This would maximize the use of existing infrastructure, supporting transit served areas with a mix of uses and more affordable housing.
8. Revise the UDC to improve walkability and interconnectivity and support mobility friendly development and design:
 - a. Reevaluate block length regulations to encourage walkability.
 - b. Require bicycle and pedestrian connections where street connections are not possible.
 - c. Identify and coordinate off site improvements to ensure a complete system of bike and pedestrian amenities as part of the plan review process.
 - d. Ensure that site design of commercial and employment buildings includes pedestrian oriented public spaces.
 - e. Reduce the maximum cul-de-sac length.
 - f. Require new development to maximize intermodal connection with the surrounding circulation system.
 - g. Reduce surface parking in transit served areas, provide incentives for shared and structured parking, adopt a maximum parking requirement and place more parking behind buildings.
 - h. Require the identification and creation of cross access easements between nonresidential parcels to be completed as part of the plan review process.
 - I. Encourage TOD development along transit corridors and near existing and planned commuter rail stations that support the efficient provision.
 - j. Encourage innovative strategies such as on-site day care, shuttle services and bus passes for residents and/or employees.
9. Evaluate and/or develop TIS and LOS standards for economic development, transfer of development rights, mixed-use development, affordable housing initiatives and multi-modal analysis.
10. Revise the Unified Development Code (UDC) regulations governing mixed-uses, villages and hamlets to promote development of mixed use centers in targeted locations.

Charge of the Committee:

Recommended strategies for the Smart Growth Committee to address included the following: revising the mixed use regulations to provide for a variety of mixed use centers; implementing walkability and mobility friendly design standards; design guidelines to specific mixed use areas; transitional building elements and buffers, referred to as community character; encourage mixed use on transit corridors, review development standards to give neighborhoods the incentive to include community schools with sidewalks and bike paths to encourage non-motorized transportation;

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improve walkability and interconnectivity and support mobility friendly development and design; and a rewrite of the UDC regulations regarding villages and hamlets to promote development of mixed use centers in targeted locations.

Article 25 - Hamlet and Village:

Committee members recommended beginning with revisions to the Hamlet and Village portion of the UDC.

Continuing to recognize the importance of creating places and enabling town development, New Castle County did include in the UDC an option that would allow hamlets and villages to be built. The option has, however, been underutilized. The follow reasons were identified as problems with the option which have inhibited its use:

- A lack of flexibility to meet market conditions
- The design guidelines (lack of flexibility)
- Significant acreage requirements
- Substantial buffers
- Limited by-right options of the mixture of units
- Lack of parametric in the style of the development

Most recently, a 2007 self-audit of the UDC (in cooperation with the Smart Growth Leadership Institute), the county determined that while the UDC has a variety of tools that mirror the principles of smart growth, however, the use of the tools were limited.

New Castle County's Continued Commitment

New Castle County's 2007 Comprehensive Plan Update affirmed the county's commitment to infill development, mixed-use development and promotion and utilization of the hamlet and village option. The county made this commitment based in part on the evidence that development with smaller lot sizes and pedestrian friendly design, located in close proximity to public services and facilities provides taxpayer's savings through more efficient service delivery. It further based its commitment on the evidence indicates that there are significant health and environmental benefits that come from a resident's ability to walk to nearby amenities.

The county has acknowledged that its commitment to achieving these development goals and reaping the benefits for residents and for the environment will require greater attention to overall design and integration of movement patterns than has been paid in previous efforts to promote town development. Specifically, the county has acknowledged the need for additional code provisions in order to realize the following:

- The preservation of open space, farmland, natural beauty and critical environmental areas

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- The provision of a variety of transportation choices
- Mixed land uses
- A range of housing opportunities and choices
- Walkable neighborhoods
- Distinctive, attractive communities with a strong sense of place
- Predictable, fair and cost effective development decisions
- Development that is directed towards existing communities
- Compact building design and efficient infrastructure design

Form Based Codes:

Many of the most-loved traditional towns were deliberately and thoughtfully planned. Cities, towns and villages evolved as compact, walkable, mixed-use places, because of their geography and because of the economic and circumstances of their time. However, over the past sixty years, places have evolved in a different form. Historically, zoning practices have separated uses and created standards that favor the automobile over the pedestrian. Euclidian zoning was not inclusionary, and increased sprawl.

Smart or Form Based Codes are tools that guides the form of the built environment to the resemble that of traditional neighborhoods, towns and villages. This form is compact, walkable, and mixed use, and it is meant to be comfortable, safe and ecologically sustainable. It allows a mix of uses within the neighborhood, reducing the dependence on automobiles. It preserves the form of urbanism and open lands.

The proposed Hamlet and Village development option is Transect-based. That means it organizes the natural, rural, suburban and urban landscape into categories of density, complexity in the same way the countryside relates to the traditional towns and villages we admire. The operating principle of the Transect is that certain forms belong in certain environments; for example, an apartment building is typically a more urban setting, while detached single family dwelling are more rural in nature. Some kinds of thoroughfares are urban, and some are rural. This does not limit choices; it expands them. Instead of one-size-fits-all development, it enables different patterns, without becoming a free for-all.

Form-based codes are drafted to achieve a community vision based on time-tested forms of urbanism.

Proposed Hamlet and Village Development Option:

New Castle County contracted with Place Makers to help develop a form based code. A local neighborhood survey was performed for New Castle County. The Smart Code was locally calibrated for New Castle County.

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Local Neighborhood Survey:

Land Use staff in coordination with Placemakers selected existing communities within New Castle County that closely represented the various transect descriptions.

Placemakers staff performed an on-site analysis of the selected communities.

- Private frontages were evaluated for setbacks, building height, lot sizes, lot coverage, outbuildings and use.
- Public frontages were evaluated for lane widths, speed, sidewalk widths, curb radius, parking, block lengths and planting widths.
- Densities, lot sizes and lot coverage were documented for each transect.

The Synoptic Survey results were incorporated into the proposed code.

Local Calibration:

The model code was evaluated to suite local conditions and findings. It was used as a template for the local neighborhood survey findings.

The smart code was incorporated into the current Hamlet and Village option of the code.

The proposed Hamlet and Village development is restricted to the S zoning district. Proposed projects must contain a minimum of 50 contiguous acres.

Transect Zones

Transect zones are geographic areas within a community (pedestrian shed) for which specific thresholds are established land use diversity, density, and the design of the public realm. The Transect Zones are:

- **T1-** (Natural) area intended for natural preservation (open space) exclusively
- **T2-** (Rural) areas intended for natural preservation, agricultural us, very low density or clustered residential development,
- **T3 -** (Sub-Urban) areas intended for clustered residential development with varying density
- **T4 -** (General Urban) areas intended for medium-high density residential development with lodging, retail, office and civic. Land Uses are “limited”.
- **T-5 -** (Urban Center) areas intended for high-density residential development with lodging, retail, office and civic. Land uses are “open”.

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Process:

Plans submitted in accordance with the proposed Hamlet and Village Division will follow the current review process, as outlined in Article 31 and Appendix 1 of the UDC.

A project must be zoned S and contain at least fifty contiguous acres to qualify for this by right development option.

Section 25.120 regulating plans will be required to demonstrate compliance with the following standards:

Pedestrian Sheds – determine the approximate boundaries and centers of the community types

Transect Zones – allocated by pedestrian shed according to the community type.

Civic Zones – assigned specific to various transects.

Thoroughfares – network shall be laid out, as approved by DelDOT

Density – calculated and assigned to various transects.

Transect zones are not zoning districts, but are applicable only to Section 25.120 development plans. The underlying NCC zoning districts will continue to be applicable to standards and regulations not addressed by the development plan.

Density

Density Calculation:

- All protected resources, as outlined in Article 10 shall be included in the T-1 zone as open space.
- All areas of the plan that are not part of T-1 shall be considered the net site area.
- The net site area shall be allocated to the various transect zones according to the parameters in Table 14.
- Table 14 outlines the required transects and a range for allocation of zones per pedestrian shed.
- Density is expressed in terms of housing units per acre.
- Within the percentage range shown in Table 14b for other functions, the housing units shall be exchanged for nonresidential units at a rate of 1,300 per a unit of net site density. Nonresidential uses include lodging, office, and retail.
- The housing and other functions for each transect is subject to further adjustment as limited by Table 10 and Table 11 (Example: T2,T3 retail use is restricted to one block corner location at the first story for each 300 dwelling units.)

09-0274-T

Introduced by: _____ John Cartier
Date of introduction: May 26, 2009

ORDINANCE NO. 09 – 037

**TO REVISE CHAPTER 40 OF THE *NEW CASTLE COUNTY CODE*
(ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE – UDC)
REGARDING THE SMART CODE DEVELOPMENT OPTION**

WHEREAS, the development patterns in New Castle County have largely followed the post WW II growth patterns found throughout the US that has encouraged suburban development that relies on single occupancy automobile transportation and regional shopping and employment centers; and

WHEREAS, this development pattern has been further encouraged by the traditional zoning and subdivision regulations that have been adopted and amended over the past 50-plus years; and

WHEREAS, New Castle County has made attempts to allow the creation of more town-like developments that would require basic services in and around residential housing through the creation of Diversified Planned Unit Developments (DPUD) and other development options designed to create mixed use, mixed density, and more walkable communities; and

WHEREAS, these past attempts have not created the desired walkable and integrated communities, but rather have continued to allow large lot developments dependent upon automobile transportation for all service needs largely because the past options continued to be voluntary and without the necessary and significant higher levels of density; and

WHEREAS, all of the New Castle County Comprehensive Development Plans and Updates since 1988 have promoted infill, compact growth and environmental protection but have failed to yield appropriate legislation to remedy the sprawl mentality that is so endemic within the New Castle County development community; and

WHEREAS, the 2007 Comprehensive Plan Update has affirmed the County's commitment to infill development, mixed use development, and the promotion and better utilization of the hamlet and village development option to permit smaller lot sizes, pedestrian friendly design, where residential uses can be in close proximity to public services and facilities which provide significant taxpayer savings; and

WHEREAS, New Castle County now recognizes that its commitment to achieving these development goals and reaping the benefits for residents and for the environment will require greater attention to overall design and significantly increased density with these new developments; and

WHEREAS, New Castle County recognizes and will fully support the goals of Smart Code legislation including (1) preservation of open space and farmland, (2) provision of a variety

of transportation choices, (3) requirement for mixed uses, (4) a range of housing opportunities and choices, (5) walkable neighborhoods, (6) distinctive and attractive communities for a strong sense of place, (7) predictable fair and cost effective development decisions, (8) development directed towards existing communities, and (9) compact building design and efficient infrastructure design; and

WHEREAS, it has been determined that the best approach to introducing this type of development option to the County is through the limited use of the hamlet and village option rather than a full scale approach along existing major transportation corridors and other infill and redevelopment areas; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. Chapter 40 of the *New Castle County Code* (Unified Development Code (UDC)) is hereby amended by deleting the material that is bracketed with strikethroughs and by adding the material that is underlined as set forth below.

Sec. 40.02.232. Suburban (S) District.

- A. This district permits a wide range of residential uses....
- B. This district permits moderate to high density development and a full range of residential uses in a manner consistent with providing a high quality suburban character. Significant areas of open space and/or landscaping shall be provided to maintain the balance between green space and buildings that characterize suburban character. The highest densities are permitted in designed communities, hamlets and villages, through the use of Smart Code techniques.
- C. This district is not intended to be used for fully developed areas...

Sec. 40.02.234. Suburban Reserve (SR) District.

- A. This district is intended....
- C. Incentives are provided for open space development to preserve land that can be farmed. [~~A full range of development forms from subdivisions to hamlets are provided.~~]
- D. A number of special provisions...

Division 40.03.100. Use regulations.

All land uses or structures shall be permitted in districts only as indicated in this Division. All permitted uses shall also include accessory uses and structures as defined in this Chapter. No use prohibited in a district shall be permitted under any circumstances. The following symbols are used in Table 40.03.110.

A. "Y" indicates a permitted use....

[F. "LV" indicates a use that is limited to hamlets or villages in the Suburban District pursuant to Article 25.]

Table 40.03.110 A GENERAL USE TABLE										Table 40.03.110 B GENERAL USE TABLE							Table 40.03.110 C GENERAL USE TABLE	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory, [LV=hamlet/village-only]										Zoning District (Suburban and Special Character)							Additional Standards (all districts)	
Land Use	* TN	ST	M M	ON	OR	CR	BP	I		CN	*** S	SE	** NC	HI	EX	SR	Parking	Limited & Special Use Standards
Agricultural										Agricultural							Agricultural	
....										
Residential										Residential							Residential	
....										
Commercial apartments	L	N	N	N	N	L	N	N		L	[LV] N	N	N	N	N	N	2.0/du.	Section 40.03.305
Hamlet	N	N	N	N	N	N	N	N		N	L	N	N	N	N	N	[1-0/du.] Division 40.25.100	Division 40.25.100
Village	N	N	N	N	N	N	N	N		N	L	N	N	N	N	N	[1-0/du.] Division 40.25.100	Division 40.25.100
....										
Commercial lodging	N	N	N	N	L	Y	L	N		Y	[LV] N	N	N	N	N	N	Table 40.03.522	Table 40.03.210
Commercial retail and service	L	N	N	N	L	Y	L	L		Y	[LV] N	N	N	N	N	N	Table 40.03.522	Table 40.03.210, Division 40.25.200
....										
Light automobile service	N	N	N	N	L	Y	L	Y		Y	[LV] N	N	N	N	N	N	Table 40.03.522	Section 40.03.317
Mixed use	L	N	N	L	L	L	N	N		L	[LV] N	N	N	N	N	N	Table 40.03.522	Section 40.03.318, Division 40.25.200
Restaurants	L	N	N	N	L	Y	L	L		Y	[LV] N	N	N	N	N	N	Table 40.03.522	Table 40.03.210, Division 40.25.200
Office	L	N	N	Y	Y	Y	Y	L		Y	[LV] N	N	N	L	N	N	Table 40.03.522	Table 40.03.210, Section 40.03.321, Division 40.25.200
....										
Recreation and Amusement										Recreation and Amusement							Recreation and Amusement	
....										
Recreation, high intensity	N	N	N	N	N	Y	S	S		L	[LV] N	N	N	N	L	N	Table 40.03.522	Table 40.03.210. In EX, see also Section 40.03.324
....										
Industrial Uses										Industrial Uses							Industrial Uses	
....										

Table 40.03.110 A GENERAL USE TABLE										Table 40.03.110 B GENERAL USE TABLE							Table 40.03.110 C GENERAL USE TABLE	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory, [LV=hamlet/village-only]										Zoning District (Suburban and Special Character)							Additional Standards (all districts)	
Land Use	* TN	ST	M M	ON	OR	CR	BP	I	CN	*** S	SE	** NC	HI	EX	SR	Parking	Limited & Special Use Standards	
Light industry	N	N	N	N	L	N	Y	Y	N	[L-V] N	N	N	Y	N	N	Table 40.03.522	Section 40.03.333	
....										

NOTES: * Refer to Article 25 for design standards for TN District.
 ** Refer to Section 40.02.241 for identification of permitted residential uses by specific NC zoning district.
 *** See Division 40.25.100 for Village and Hamlet Standards.

Sec. 40.03.305. Commercial apartments.

The commercial apartment(s) shall meet the following standards:

A. Apartments shall be designed....

~~[D. In the Suburban District, commercial apartments are only permitted in hamlets and villages, and shall have specifications for such included in the design guidelines.]~~

Sec. 40.03.520. Parking standards.

This Division requires off-street parking areas for land uses except in hamlet or village development options where Division 40.25.100 shall govern and in the Traditional Neighborhood District where on-street parking is credited. These requirements lessen congestion on streets and ensure an adequate supply of parking and loading spaces for customers within a reasonable distance.

Sec. 40.03.525. On-street parking.

~~[In the hamlet or village center or]~~ For commercial uses in the Traditional Neighborhood (TN) District, the developer may deduct from the required parking....

Sec. 40.04.110. District and bulk standards.

This Section contains the basic district standards applicable to all uses. Table 40.04.110 contains intensity, lot, bulk and exterior storage standards. These standards may be modified by the Department pursuant to Article 26.

Table 40.04.110 A. DISTRICT AND BULK STANDARDS		Table 40.04.110 B. DISTRICT AND BULK STANDARDS					Table 40.04.110 A. DISTRICT AND BULK STANDARDS							
Zoning District & Development Type	District Standards				Min. Site Area	Lot, and Building Standards					Notes			
	Min. OSR / LSR	Density		Floor Area Ratio		Utilities (on-site, public)	Minimum					Exterior Storage		
		Max. Gross	Max. Net	Max. Gross			Max. Net	Lot Area	Lot Width (feet)	Street Yard (feet)			Side Yard (feet)	Rear Yard (feet)
Suburban Reserve (SR)														
													Suburban Reserve (SR)	
Suburban (S)														
													Suburban (S)	
Hamlet See Division 40.25.100	[0-55]	[4-50]	[5-60]	[na-]	[na-]	P	[na-]	[na-]	[na-]	See [Table 40.04.112] Division 40.25.100			[5] See Division 40.25.100	
Village See Division 40.25.100	[0-60]	[4-80]	[6-00]	[na-]	[na-]	P	[na-]	[na-]	[na-]	See [Table 40.04.112] Division 40.25.100			[5] See Division 40.25.100	
DPUD -- See Adopted Ordinance and Resolution for each DPUD														

Sec. 40.04.112. Lot standards for other housing types.

Housing types used in open space planned developments[~~-, hamlets, villages,~~] and for attached or multi-family housing is contained in Table 40.04.112. Housing types and lot configurations are illustrated in Figure 40.04.111.

Sec. 40.04.130. Dwelling unit mix requirements.

All open space planned developments[~~hamlets, and villages~~] shall meet the mix requirements (Table 40.04.130) regarding the number of different dwelling unit types....

Sec. 40.05.421. Residential capacity calculation.

Table 40.05.421 provides the procedure for calculating the residential use's capacity based on natural resources. Table 40.05.422 shall be used to determine nonresidential uses. Calculations shall be rounded down to a whole dwelling unit in determining the capacity of the site.

<i>Table 40.05.421</i> RESIDENTIAL CAPACITY CALCULATION			
	Take Base Site Area (Table 40.05.420 Step 1)		= _____ ac.
	Subtract Total Resource Land (Table 40.05.420 Step 3)		- _____ ac.
	Equals Total Unrestricted Land		= _____ ac.
Step 1	Multiply by Usability Factor	Suburban Reserve	0.015
		Suburban Estate (includes NC2a)	0.022
		Suburban – Single-family and Open Space (includes NC40, NC21 and NC15)	0.049
		Suburban – Hamlet Village	0.072
		Suburban Transition (includes all other NC districts)	0.154
		Traditional Neighborhood	0.150
		Manufactured Homes	0.136
		Equals Usable Land	
	Add Protected Resource Land (Table 40.05.420 Step 4)		+ _____ ac.
	Equals Site Protected Land		= _____ ac.
.....			

Division 40.06.000. Applicability.

A. With regard to Section 40.06.060 Schedule of Sign Restrictions, the following rules shall govern:

1. Neighborhood Conservation....
7. Commercial or employment areas in hamlets[~~5~~] and villages, or commercial areas in a TN District shall be considered as business districts and regulated as C-1 Districts.

8. ~~[Employment areas in hamlets or villages shall be considered as office/industrial districts and regulated as O-1 Districts.]~~

~~[9.]~~ All signs in ~~[hamlets, villages, or]~~ TN Districts shall be limited more strictly pursuant to the design guidelines which are required as part of the plan approval process in order to meet the character of the area.

B. Signs in the State right-of-way....

Sec. 40.07.221. Suburban Districts.

In the Suburban Reserve and the Suburban Districts the maximum amount of development on a parcel shall be limited as follows....

A. The density of development shall not exceed that permitted by the site capacity calculation in Article 5. If the transfer is from SR to S then the provisions of Section 40.07.220B shall apply.

B. On the property where development is to be concentrated, the standards in Table 40.07.221 for open space and density shall not be exceeded.

Table 40.07.221			
<i>Development Type</i>	<i>Minimum OSR</i>	<i>Maximum Gross Density</i>	<i>Maximum Net Density</i>
SR - Open Space Subdivision	0.45	0.43	0.80
S - Open Space Planned	0.35	1.86	5.00
[S—Hamlet]	[0.45]	[2.10]	[5.60]
[S—Village]	[0.50]	[2.15]	[6.00]
[S—Village (employment bonus; see Division 40.07.500)]	[0.50]	[2.25]	[6.50]

Sec. 40.07.222. Transfers for concurrency purposes.....

Division 40.07.500. ~~[Village employment bonus.]~~ Reserved.

~~[Sec. 40.07.510. Eligibility.]~~

~~[In the Suburban Village, the provision of a regional employment center as part of the overall village design is beneficial to the County. If a site develops as an employment center it shall be~~

~~eligible to receive the Stage 2 employment bonus. If the development meets the following standards, it shall be awarded a bonus.]~~

~~[A. An area equal to at least four (4) percent of the Village area over and above the by-right design, shall be designed as a high intensity employment center]~~

~~[B. The employment shall:]~~

~~[1. Be in manufacturing or services—sectors 31, 32, 33, 51, 52, 54, 55, 56, and 62 of the NAICS code;]~~

~~[2. Pay average wages of at least one hundred ten (110) percent of the County average; and]~~

~~[3. Be predominantly in multi-story buildings with no exterior processing or storage permitted.]~~

~~[C. The area shall be within one half (0.5) mile of at least twenty five (25) percent of the village residential units and within two (2.0) miles of eighty five (85) percent of the dwelling units.]~~

~~[D. It shall be linked by major walking and bicycle trail systems to the residential areas.]~~

~~[E. Automobile access to the area shall not be through residential areas.]~~

~~[F. A phasing plan that maintains a ratio of jobs to dwelling units shall be provided and enforced through the bonus and record plan process. This phasing plan shall specifically be tied to the two (2) bonus stages shown in Table 40.25.130. The staging plan shall limit density to the provision of the employment as specified in Section 40.07.520.]~~

~~[Sec. 40.07.520. Village employment bonus.]~~

~~[The bonus for providing a mixed-use village shall be a modification of the standards in Articles 4 and 5. The density of the Suburban Village shall be increased to a maximum gross of two (2.0) dwelling units per acre. If the site develops as an employment center and very large employment is achieved, then the density can be increased to two and fifteen one hundredths (2.15) dwelling units per acre. In either case, the bonus is contingent on meeting the employment standards in Table 40.25.130 and other criteria in Article 25. The open space ratio will be reduced from six tenths (0.6) to fifty five hundredths (0.55).]~~

Division 40.07.600. Infill Development Bonus.

Sec. 40.14.240. Park land requirement.

The Department, in consultation with the Department of Special Services, may approve on-site donations of land as meeting in whole or in part the impact fee requirements contained in this

Article. In the Traditional Neighborhood, [~~hamlets, and villages,~~] all the community open space shall be credited towards the parkland requirement.

Sec. 40.20.210. Blocks.

Standards for blocks in subdivisions shall be as follows:

- A. Where possible, blocks shall be laid out....
- D. In the Traditional Neighborhood districts, [~~hamlets, and villages,~~] a grid or other formal system is desired in which open spaces are integrated into the block design. Exceptions would be made for green spaces along drainage or stream channels, or where other natural resources make the grid difficult or cost prohibitive. Alleys are considered desirable for these areas where lot sizes are less than twenty thousand (20,000) square feet in area.

Sec. 40.20.220. Lots.

Sec. 40.20.230. Streets.

All new streets....

- I. *Alleys.*
 - 1. Alleys are prohibited in subdivisions of single-family detached residences, except in the TN district [~~and in Hamlets or Villages in the S and SR districts~~].
 - 2. Alleys may be permitted....

Division 40.24.000. Purpose.

In addition to those subdivisions permitted by this Chapter, this Special Subdivisions Article has been provided to encourage the preservation of agricultural areas [~~and the creation of mixed-use villages and hamlets~~].

Sec. 40.24.010. Types of special subdivisions.

The authorized special subdivisions and their purposes are as listed below and shown in Figure 40.24.010.

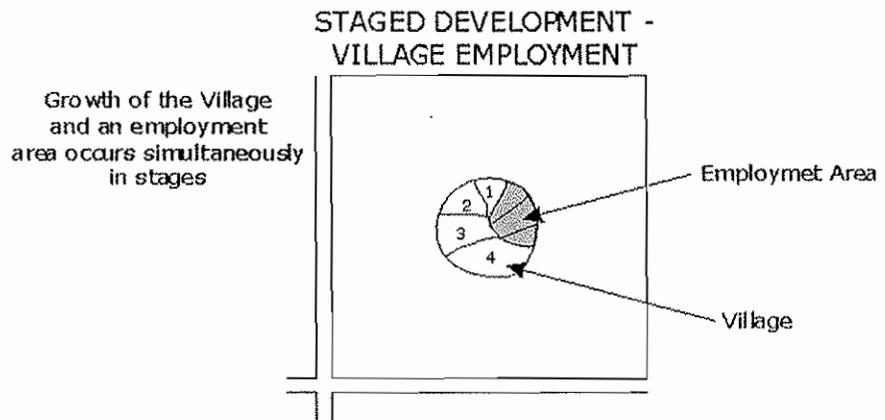
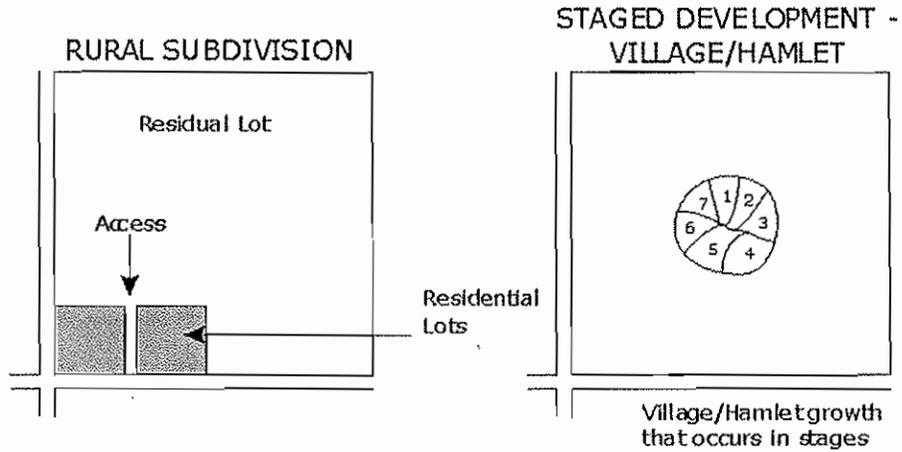
- A. *Rural subdivision.* This subdivision provides limited development....
- [~~B. *Staged Development (Village).* The village option provides a substantial density bonus for developments with a high level of employment (see Section 40.07.330). The staged development is a phasing of the development that will be required to achieve the density~~

bonus. The staged development links the residential density to a specific plan for non-residential growth.]

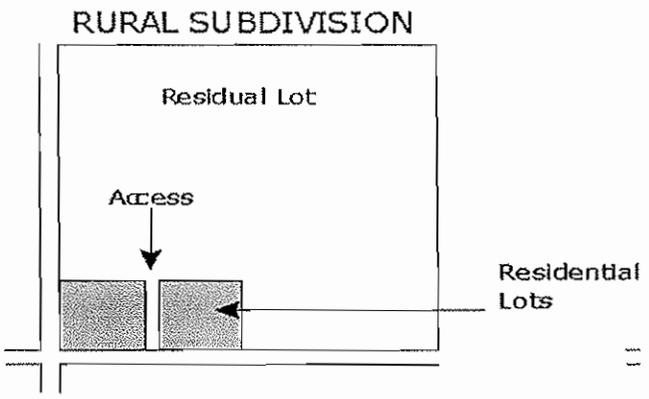
Figure 40.24.010 SPECIAL SUBDIVISIONS

(remove existing figure and keep only the drawing that applies to rural subdivision)

[



]



Division 40.24.200. ~~[Village-staged-development]~~ Reserved.

~~[The village-suburban with bonus option (Table 40.25.130) is available only to developments where the employment-to-population ratio is above the level specified in Table 40.25.130. Where employment is established prior to housing, monitoring the actual achievement of this is easy. More likely, the development will seek to begin with residential uses; in this case, plan phases will be required to be staged so that residential development cannot reach the higher densities unless actually accompanied by the employment. A staging plan shall be approved with the preliminary plan by the Department.]~~

~~[Sec. 40.24.210. Village development plan.]~~

~~[All villages shall submit a staging or phasing plan as a part of the preliminary plan. A village employment bonus option shall also show a plan of phases that will be eliminated so as to remain within the base density should the employment not materialize.]~~

~~[Sec. 40.24.220. Staging plan.]~~

~~[The staging plan shall address the following:]~~

~~[A. *Employment staging limits.* The staging for a village seeking the employment bonus shall be proposed by the developer and approved by the Department subject to the following criteria:]~~

- ~~[1. The first stage may contain no more than fifteen (15) percent of the total residential without containing employment generating uses, commercial or industrial.]~~
- ~~[2. Phases shall set forth specific proportions of residential and employment for the phase. However, in no event shall a phase be approved that would result in the density exceeding that of a village without a bonus until one hundred ten (110) percent of the maximum employment floor area as provided in Table 40.25.130.]~~
- ~~[3. The employment facilities in prior phase, individually and collectively, shall actually be in place before additional phases are approved. This shall be measured by occupancy rates that are to be set forth in the staging plan.]~~
- ~~[4. The phasing shall be made part of a development agreement approved by both the developer and County.]~~

~~[B. *Village staging limits.* All other villages shall have staging plans that meet the following:]~~

- ~~[1. The first stages may contain no more than twenty-five (25) percent of the total residential without containing employment generating uses, commercial or industrial.]~~

- [2. ~~No more than eighty (80) percent residential shall be permitted without commercial and employment reaching eighty (80) percent of the minimum required.~~]
- [3. ~~The employment facilities in prior phase, individually and collectively, shall actually be in place before additional phases are approved. This shall be measured by occupancy rates that are to be set forth in the staging plan.~~]
- [4. ~~The phasing shall be made part of a development agreement approved by both the developer and County.]~~
- [C. ~~Plan approvals. If occupancy rates are significantly behind schedule, the Department may refuse approval of residential plans in a stage until the occupancy rates demonstrate the developer can meet employment targets. Phases with additional employment may be approved. Where occupancy rates of the non-residential space are at rates equal to full occupancy in other areas of the County, the targets shall be considered met.]~~
- [D. ~~Changes in use. If there is a change in the mix of land uses upon which employment was predicted that is lowering the employee resident ratio significantly, the Department may reduce the build-out proportionately to meet the target.~~]

Article 25. DESIGN

Division 40.25.000. Purpose.

- A. This Article addresses the design standards to be applied to specific uses and general subdivisions. It also provides regulations to ensure the quality of development and prevent monotony. Villages, hamlets, and the Traditional Neighborhood (TN) district all require special design controls if they are to be successful.
- B. In traditional communities and neighborhoods around the nation as well as in the County, buildings were built incrementally in small numbers so blocks developed over an extended period. The result is a great diversity in scale, style, and detail. Modern development practices often result in large numbers of mass produced housing that is often monotonous and has given large areas of the County a less than desirable character. Article 25 addresses the design issues of various developments.

~~[Sec. 40.25.110. Hamlet and village standards.]~~

~~[Hamlets and villages require the approval of a concept plan that ensures all the provisions of these Sections are met so the design and land use mix actually creates a village or hamlet rather than a planned development that has a greater density. The concept plan is submitted at the exploratory plan submittal. These design criteria must be met to be eligible for these development options. Preliminary design guidelines shall be part of this concept plan.]~~

[~~Sec. 40.25.120. Hamlet and village size.~~]

[A. ~~Hamlets and villages shall be built to a minimum size as shown in Table 40.25.120.~~]

[B. ~~When either gets beyond a maximum size, a second community, typically another hamlet or village shall be built within the boundaries of the development and separated by rural open space.]~~

Table 40.25.120 Hamlet and Village Minimum Size		
<i>Community Type</i>	<i>Minimum Dwelling Units</i>	<i>Maximum Dwelling Units in</i>
Hamlet	900	1,200
Village	1,800	2,200

[~~Sec. 40.25.130. Land uses.~~]

[~~Hamlets and villages shall be divided into two major areas: the development area containing the commercial, residential, and employment areas, and the rural open space. The development area shall be divided into the center or commercial area, employment area, and community open space, with the remainder being residential as shown in Figure 40.25.130. Villages shall have an area for employment opportunities. The areas involved for each of the uses shall be determined as indicated in Table 40.25.130 by multiplying the proposed number of dwelling units by the area.~~]

[~~Figure 40.25.130]~~

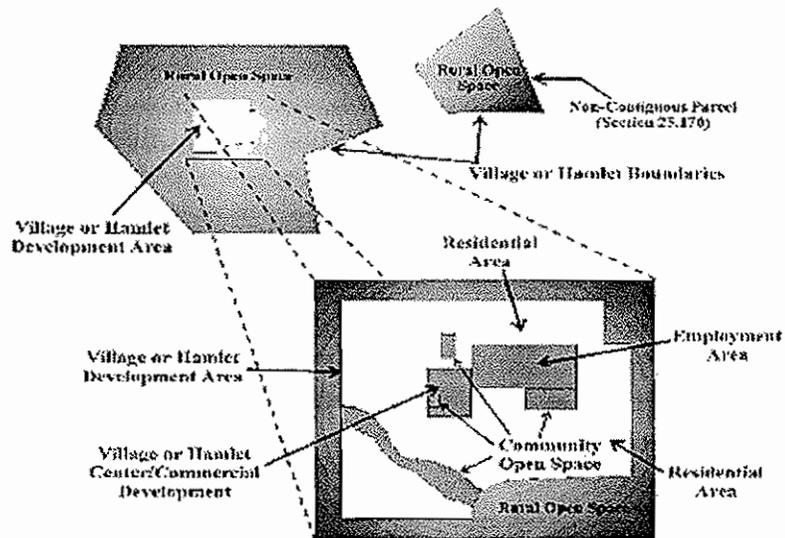


Table 40.25.130 Land Use Requirements (Square feet per Dwelling Unit)				
<i>Development Type</i>	<i>Center GFA (Office, Service & Retail)*</i>		<i>Employment Area GFA (Office, Industrial)**</i>	
	<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>
Hamlet	10	45	0	100
Village	10	55	100	200
Village stage 1 Bonus	10	60	200	500
Village stage 2 Bonus	10	70	500	1500

* Home businesses and home occupations are excluded from totals.
** Cottage Industries are excluded from totals.

]

[~~Sec. 40.25.131. Residential.~~]

[~~The residential areas of the hamlets and villages are the areas not designated as center or employment areas or community open space. They are intended to be various types of single-family detached dwellings (Table 40.04.112). While multi-family is permitted, the majority of multi-family units are expected to occur in mixed use structures or commercial apartments in the hamlet or village. All other multi-family shall be in multiplex structures designed to appear to be large single-family structures. The required mix between these types is indicated in Table 40.25.131. Only where increased employment is assured, may the County approve higher levels of multi-family or attached housing.~~]

Table 40.25.131 Percent Residential Dwelling Units		
<i>Residential Type</i>	<i>Hamlet</i>	<i>Village</i>
Maximum multi-family, including village or hamlet center	10%	20%
Maximum multi-family in residential area	10%	20%
Maximum attached single-family	15%	25%
Maximum multi-family and attached single-family	20%	45%

]

~~[Sec. 40.25.132. Village or hamlet centers.]~~

~~[Hamlets and villages are required to limit commercial development to their centers. Such areas shall be designated in the concept plan as hamlet or village. The County may require phasing of the development to ensure the commercial area is produced. The following regulations shall govern commercial development.]~~

~~[A. *Hamlets.* Hamlet commercial uses shall all be in a hamlet center and shall conform to the following:]~~

- ~~[1. Commercial uses in the hamlet center shall be limited to: neighborhood retail, office, restaurants, service businesses, bed and breakfasts, and home businesses.]~~
- ~~[2. Bed and Breakfasts may have accessory uses which shall be on the same lots as the bed and breakfast and shall be limited to the following: restaurant, general store, and specialty retail where at least fifty (50) percent of the products sold are hand made. The owner/operator may also have offices, or service business. All accessory uses shall meet the following:]~~
 - ~~[a. The accessory use does not exceed eight hundred (800) square feet.]~~
 - ~~[b. The facility is operated and owned by the owner or manager of the bed and breakfast.]~~
 - ~~[c. The design guidelines for the community containing design provisions for the accessory use.]~~
 - ~~[d. No more than one (1) employee who is a non-family member.]~~
- ~~[3. The limits of commercial use are contained in Table 40.25.130]~~
- ~~[4. All commercial or home business uses shall be buildings having a minimum of two (2) stories. The maximum floor area at ground floor of any commercial use in the hamlet shall be six thousand (6,000) square feet. If the non-residential uses are to occupy only the first floor, then commercial apartments or apartments shall be installed above. At least thirty (30) percent of the center's floor area shall be for residential uses.]~~
- ~~[5. The minimum setback for commercial buildings shall be increased to fifteen (15) feet unless the zero setback of Table 40.04.110 shall be specifically approved in the concept plan for the design and landscaping of the hamlet center. In either case, the setback line shall be a build-to-line.]~~
- ~~[6. Drive-in uses are prohibited.]~~

~~[7. The hamlet concept plan shall be encouraged to make provision for light auto service in the center, with specific design guidelines and sites designated for that specific use. The design guidelines shall strictly limit signs to a character that is in harmony with the hamlet. Buffering and design will also ensure these uses fit into the community. These lots must not be used for other uses unless at buildout, users cannot be found.]~~

~~[B. *Villages.* All commercial uses and home businesses permitted in Table 40.03.110 shall be in the center. The following rules shall govern the commercial area.]~~

~~[1. Commercial uses in the village shall be limited to: commercial retail, office, home furnishings & appliances, services, commercial lodging, restaurants, bed and breakfasts, and home businesses. Light auto service is permitted as indicated in item 6 below.]~~

~~[2. The permitted floor area of the commercial area shall be as indicated in Table 40.25.130]~~

~~[3. The developer may select as a setback line for the village commercial area either the sidewalk or a line at least eight (8) feet into the lot from the sidewalk. The setback shall be a build to line defined in the design guide for the community. The Design Guidelines shall include specifications for the inclusion of sidewalk eating areas.]~~

~~[4. All commercial buildings shall be at least two (2) stories. If the non-residential uses are to occupy only the first floor, then commercial apartments or apartments shall be installed above. At least thirty (30) percent of the center's floor area shall be for residential uses.]~~

~~[5. Drive-in uses are prohibited.]~~

~~[6. The village concept plan shall be encouraged to make provision for light auto service in the center, with specific design guidelines and sites designated for that specific use. The design guidelines shall strictly limit signs to a character that is in harmony with the village. Buffering and design will also ensure these uses fit into the community. These lots must not be used for other uses unless at buildout, users cannot be found.]~~

~~[Sec. 40.25.133. *Employment area.*]~~

~~[Villages shall have an employment area and hamlets may designate an employment area which shall be identified on the concept plan. The County may require phasing of the development to ensure the employment area is produced. The following regulations shall govern employment areas.]~~

[A. ~~Hamlets. The hamlet employment area shall be limited to an urban form of business area permitting office, service, and small light industries. For home businesses and cottage industry the following shall apply:]~~

~~[1. If an area is designed to attract business, the following are required:]~~

~~[a. Design guidelines must be established to present traditional street facades and screen truck and industrial traffic.]~~

~~[b. The total floor area of the employment area shall be as indicated in Table 40.25.130.]~~

~~[c. Access should be by a collector road with access restricted to or from residential areas of the hamlet.]~~

~~[2. Where cottage industry is permitted, the following shall be met:]~~

~~[a. Up to four (4) percent of the residential lots, exclusive of the center, may be designated as permitting both home businesses and cottage industry.]~~

~~[b. The developer shall submit design standards for the location of such uses if they are to be in accessory buildings on the residential lot.]~~

~~[c. For cottage industry, the minimum setback shall be twelve (12) feet or another standard approved with the concept plan.]~~

~~[d. Cottage industry areas shall be specified and located where they do not disrupt the general residential character of the village or put truck traffic through residential areas.]~~

[B. ~~Villages. Villages shall be permitted to have employment areas for both offices and services, and industrial uses as limited uses as indicated in Table 40.03.110. Such areas shall be permitted as follows:]~~

~~[1. Villages shall provide a separate employment area for industrial use or cottage industry.]~~

~~[2. Design guidelines must be established to present traditional street facades and screen truck and industrial traffic.]~~

~~[3. The total floor area of the employment area shall be as indicated in Table 40.25.130.]~~

~~[4. Access should be by a collector road, and restricted from residential areas of the village.]~~

- [5. ~~Limited commercial retail, restaurants, and light auto service uses are also permitted in the employment area, provided:~~]
- [a. ~~Commercial retail and restaurants are limited to a total of no more than fifteen (15) percent of the floor area of a office/service building.]~~
 - [b. ~~Freestanding restaurants may be permitted provided they are located to serve both the employment area and the rest of the village with customers able to walk or ride bicycles. Further, the plans shall limit the sites for this use to no more than one (1) percent of the total floor area for the employment center.]~~
 - [c. ~~Light automobile service shall be permitted only at the edges of the employment area on major collectors where they serve the work force of the employment area, and will not be a nuisance to any residential area. The design guidelines shall strictly limit signs to a character that is harmonious within the village. Buffering and design will also ensure these uses fit into the community. These sites, once designated, must not be used for other uses unless at buildout, users cannot be found.]~~
- [6. ~~Where cottage industry is to be permitted, it shall be considered in the design of the employment area subject to the following.]~~
- [a. ~~The cottage industry shall have designated areas where it serves as a transition from the employment area to other areas.]~~
 - [b. ~~The developer shall submit design standards for the location of such uses if they are to be in accessory buildings on the residential lot.]~~
 - [c. ~~For cottage industry, the minimum setback shall be twelve (12) feet or another standard approved with the concept plan.]~~

[Sec. 40.25.140. Hamlet or village development area.]

~~[The hamlet or village development area is the portion of the total site area not required by Table 40.04.110 to be open space. All non-farm dwellings shall be located within this area. It may have a residential area, commercial area or hamlet/village and employment area.]~~

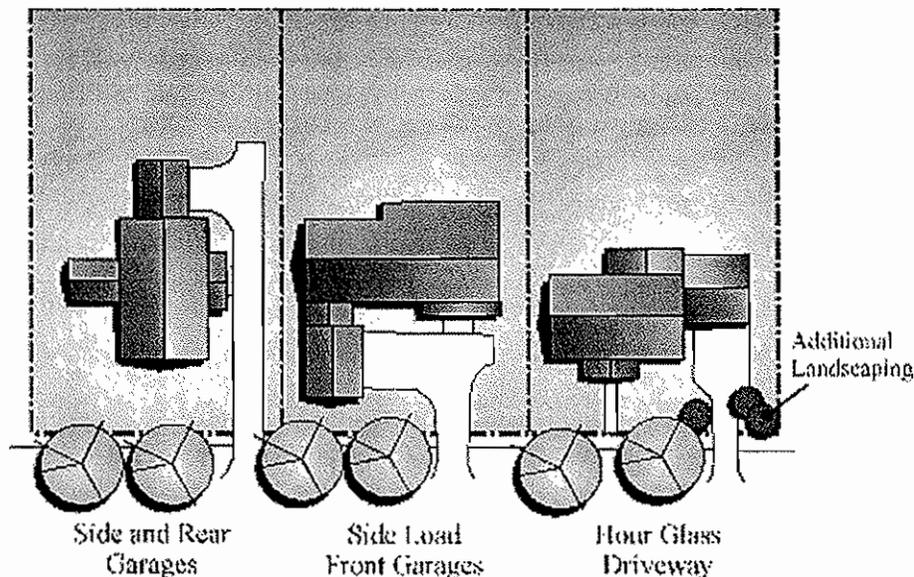
- [A. ~~All hamlets shall have at least three (3) of the housing types listed in Table 40.04.110 B. Hamlets and villages shall meet the standards of Section 40.25.110 . Farmsteads, single-family lots with more than fifteen thousand (15,000) square feet, and commercial apartments, shall not be considered as counting towards the minimum number of types.]~~
- [B. ~~Where topography, site size and shape permits, the site should be developed using a grid or other formal pattern. The vehicular access to units should be via alleys. This permits the rather narrow building fronts to be free from driveways and garage doors. Where this~~

is impossible, the following shall be used to reduce the impact of drives and garages (Figure 40.25.140):]

- [1. Garages located to side and rear with a drive of no more than ten (10) feet in width providing access.]
- [2. Side load front garages shall be used on at least forty (40) percent of lots where the garage is not to the rear of the lot.]
- [3. Hour-glass driveway design with one plant unit per driveway shall be used on all other front loading garages.]

[Figure 40.25.140]

[VEHICULAR GARAGE ACCESS]



- [C. All dwellings except existing or new farmsteads shall be in the hamlet or village development area. The farmsteads shall meet the definition of this Code. New farm buildings shall be separated from the limits of the hamlet or village development area by at least four hundred (400) feet. Farmsteads shall have conservation easements that prohibit further subdivision or housing.]
- [D. The following setback standards have been established from property lines or where an existing arterial road runs through the hamlet or village, except as provided in Table 40.25.140.D. The minimum setback from the road right-of-way to the edge of the development area shall comply with Table 40.25.140 D.]

[

Table 40.25.140. D MINIMUM SETBACKS (feet)		
<i>Road Type</i>	<i>Hamlet</i>	<i>Village</i>
Property line	600'	800'
Property line with hedgerow	500'	650'
Property line with forest	300'	400'
Arterial	800'	600'
Arterial with hedgerow	500'	400'
Collector	400'	300'*
Collector with hedgerow	200'	100'
* Collectors may run through the village subject to design approval and transportation planning approval.		

]

[E. ~~The Department may approve limited frontage on an existing arterial where it is deemed essential to the successful development of the village. However, no typical strip commercial uses will be permitted and design guidelines will have to demonstrate that the area will function as an integral part of the village's character.~~]

[Sec. 40.25.150. Community open space.]

~~[Each hamlet or village shall provide a minimum amount of community open space that is designed and located to be accessible and usable for the residents. The community open space land may be contained or partially contained within the hamlet or village development area. It may also surround the development area. Six (6) types of community open spaces: greens, parkways, resource corridors, parks, buffers, rural corridors; are permitted and shall conform to the following standards.]~~

[A. ~~Area. The community open space area shall be counted as part of the minimum open space required by Table 40.04.111. The area of the community open space within the hamlet or village development area shall meet the following minimum standards:~~]

[1. ~~Hamlet: Sixteen (16) percent of open space.]~~

[2. ~~Village: Fourteen (14) percent of open space.]~~

- ~~[3. *Village with employment bonus.* Sixteen (16) percent of open space.]~~
- ~~[4. At least fifty (50) percent of the community open space shall be of types B and C below. Only a small percentage should be of types E and F so that the majority of the community open space is within development area.]~~
- ~~[B. *Greens.* Greens are internal central spaces surrounded on at least three (3) sides by the hamlet or village development area. The minimum area in this type shall be twenty thousand (20,000) square feet with a minimum dimension of one hundred (100) feet. Such areas shall be designed to permit recreational and/or social use by the community.]~~
- ~~[C. *Parkway.* A divided street with open space in the center is considered a parkway. The minimum dimension of such areas shall be forty (40) feet, with a minimum area of ten thousand (10,000) square feet. Such areas shall be designed to permit passive recreational use by the community. Active recreation shall be permitted only where the area and traffic flows are such that it may safely be used for that purpose. Smaller parkways, islands, and cul-de-sac islands may count towards the open space provided they cumulatively do not constitute more than ten (10) percent of the total community open space.]~~
- ~~[D. A total of at least fifty (50) percent must be in B or C above. The intent is that most of the community open space is in the community development area.]~~
- ~~[E. *Resource corridors.* Resource corridors are open space areas along a natural feature such as a stream, vegetation, or topographic feature. Passive recreational use and trails shall be provided in such areas at a minimum.]~~
- ~~[F. *Parks.* Park areas shall be designed to provide a range of active and passive recreational opportunities for the development's residents.]~~
- ~~[G. *Buffers.* Buffers are on the outside edge of the development area and may provide trails, passive or active recreation, or natural open space.]~~
- ~~[H. *Structures.* Formal activity areas should be built into open spaces. These include fountains, formal gardens and sitting areas, gazebos or similar facilities. These should serve the residents and provide a sense of identity to the various open spaces.]~~

[Sec. 40.25.160. Rural open space.]

~~[All open space not within hamlet or village development areas shall be considered rural open space. Except as provided in this Section, such open space shall not be part of individual lots. The following rules govern rural open space:]~~

- ~~[A. All rural open space shall have easements running in favor of the County, preserving it as agricultural land, natural land, rural corridors, spray irrigation facilities for the hamlet or village, or some combination thereof.]~~

- [B. Rural corridors shall be established in the rural open space. Such corridors shall include pedestrian or bicycle access through the rural open spaces that link villages or hamlets to each other or to regional or County parks or trail systems.]
- [C. Where lots in excess of forty (40) acres are laid out in accordance with this Section, the land in the open space easement shall be counted as rural open space if:]
 - [1. The lots have a maximum of a three (3) acre building pad and lawn envelope that is within the hamlet or village development boundary; and]
 - [2. The remainder of the lot is under an easement in favor of the County restricting it to natural, or agricultural use.]

[Sec. 40.25.170. Noncontiguous development.]

[The entire area of the hamlet or village need not be contiguous, provided the following standards are met:]

- [A. Each noncontiguous parcel is greater than one hundred (100) acres. These parcels may be farmsteads, agricultural land, or land in resource protection. No residential uses or subdivision shall be permitted.]
- [B. The sum of land in noncontiguous parcels constitutes no more than twenty (20) percent of the total site area of the hamlets over seven hundred (700) acres. Villages shall not have more than ten (10) percent of the total site area in non-contiguous parcels.]
- [C. The parcel is separated from the rest of the site area by no more than one half (0.5) mile. All distances shall be measured at the shortest point-to-point line.]

Division 40.25.100. Hamlet and Village Design.

Sec, 40.25.105. Purpose.

The 2007 New Castle County Comprehensive Development Plan Update recognized that while the UDC has made great strides to improving the quality of development and the protection of natural resources in New Castle County since its adoption in December 1997, the ability of the hamlet and village options as written to incorporate and embrace the core principle focus of smart growth development was lacking. The standards and design criteria in this Division now support and sustain the following ten (10) principles of smart growth development.

- A. Provide and encourage for a variety of transportation choices.

- B. Encourage and create mix land use.
- C. Create a range of housing choices and opportunities.
- D. Create walkable neighborhoods.
- E. Encourage community and stakeholder collaboration.
- F. Foster distinctive, attractive communities with a strong sense of place.
- G. Make development decision predictable, fair and cost effective.
- H. Preserve open space, farmland, natural beauty and critical environmental areas.
- I. Strengthen and direct development towards existing communities.
- J. Take advantage of compact building design and efficient transportation design.

Sec. 40.25.110. General to all plans.

Sec. 40.25.111. Applicability.

- A. Provisions in this Division of Chapter 40 of the *New Castle County Code* are activated by "shall" when required and "should" when recommended.
- B. The provisions of this Division, when in conflict, shall take precedence over other Divisions and Sections in Chapter 40 of the *New Castle County Code*.
- C. Chapter 40 of the *New Castle County Code* shall continue to be applicable to standards and regulations not covered by this Division. The nonresidential standards in Table 40.10.010 resource protection standards in Article 10 Environmental Standards shall apply to village and hamlet development.
- D. Section 40.25.150 Definitions, contains regulatory language that is integral to this Division. Those terms not defined in either Section 40.25.150 or Article 33, Definitions shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those used elsewhere in Chapter 40 of the *New Castle County Code*, those of this Division shall take precedence.

Sec. 40.25.112. Process.

All plans submitted in accordance of this Division shall be processed pursuant to Article 31, Procedures and Administration and Appendix 1 of Chapter 40 of the New Castle County Code.

Sec. 40.25.113. Waivers and variances.

- A. There shall be two types of deviation from the requirements of this Division: waivers and variances.
- B. A waiver is a ruling that would permit a practice that is not consistent with a specific provision of this Division but is justified by purpose of this Division. The Department shall have the authority to approve or disapprove administratively a request for a waiver pursuant to standards promulgated by the Department. When a particular standard is waived or the requirements are reduced, the Department shall require that a note be placed on the record plan identifying the reasons why a particular standard was reduced or waived.
- C. A variance is any ruling on a deviation other than a waiver. Variance applications shall be heard by the Planning Board pursuant to the standards and processes of Section 40.31.452 through Section 40.31.455.
1. During the processing of the plan and prior to recordation or during a resubdivision to change or modify the design of the project all variances shall be considered a subdivision variance and shall be heard and decided by the planning board.
 2. Any dimensional variance requests subsequent to recordation of the plan for an individual lot by a property owner shall be considered a zoning variance and heard and decided by the board of adjustment.
- D. The request for a waiver or variance shall not subject the entire application to public hearing, but only that portion necessary to rule on the specific issue requiring the relief.
- E. The following standards and requirements shall not be available for waivers:
1. Reserved.
 2. The required provision of rear alleys and rear lanes.

3. The minimum base residential densities.
4. The permission to build accessory buildings.
5. The minimum requirements for parking.

Sec. 40.25.120. Hamlet and village plans.

Sec. 40.25.121. Instructions.

- A. The use of this Division for new projects containing at least fifty (50) contiguous acres shall be available by right.
- B. Projects proposed by this Division must be located within and served by Water Farm II Sewer Service Area.
- C. Section 40.25.120 plans shall include a regulating plan consisting of one or more maps showing the following, in compliance with the standards described in this Division:
 1. Transect zones.
 2. Civic zones.
 3. Thoroughfare network.
 4. Special requirements, if any.
 5. Requested waivers or variances, if any.
- D. The developer shall make a financial contribution to the Housing Trust Fund for all market rate priced dwelling units in accordance with Section 40.07.313. Dwelling units which are priced for low-income and /or moderate income households will not be subject to the contribution requirement.

Sec. 40.25.122. Sequence of community design.

- A. The site shall be structured using one or several pedestrian sheds, responding to existing conditions, adjacent developments, connecting thoroughfares, and natural features. The

site or any community within it may be smaller than its pedestrian shed.

- B. The pedestrian sheds shall determine the approximate boundaries and centers of the community types.
- C. Transect zones shall be allocated by pedestrian shed according to the applicable community type in Section 40.25.123.
- D. Civic zones shall be assigned according to Section 40.25.125.
- E. The thoroughfare network shall be laid out according to Section 40.25.126.
- F. Density shall be calculated according to Section 40.25.127.
- G. Remnants of the site outside the pedestrian sheds shall be assigned to transect zones or civic space.

Sec. 40.25.123. Community types.

A. Hamlet.

- 1. A hamlet shall be structured by a minimum of one (1) standard pedestrian shed and shall consist of no fewer than fifty (50) acres and no more than one hundred (100) acres.
- 2. A hamlet shall include transect zones as allocated on Table 14. A minimum of thirty-five (35) percent of the community shall be permanently allocated to a T1 Natural Zone and/or T2 Rural Zone.

B. Village.

- 1. A village shall be structured by one (1) or more standard or linear pedestrian sheds and shall be no fewer than one hundred (100) acres.
- 2. A village shall include transect zones as allocated on Table 14.
- 3. Larger sites shall be designed and developed as multiple communities, each subject to the individual transect zone requirements for its type as allocated on Table 14. The simultaneous planning of adjacent parcels is encouraged.

4. In the T-4 General Urban Zone, a minimum residential mix of three (3) building disposition types (none less than twenty (20) percent) shall be required, selected from Table 9.

C. Reserved.

Sec. 40.25.124. Transect zones.

A. Transect zones shall be assigned and mapped on each Section 40.25.120 plan according to the percentages allocated on Table 14.

B. A transect zone may include any of the elements indicated for its T-Zone number throughout this Division, in accordance with the metric standards summarized in Table 14.

C. Transect zones are not zoning districts, but are applicable only to the Section 40.25.120 development plan. The underlying New Castle County zoning districts will continue to be applicable to standards and regulations not addressed by the development plan.

Sec. 40.25.125. Civic zones.

A. General.

1. Civic zones dedicated for public use shall be required for each community and designated on the Section 40.25.120 plan as Civic Space (CS) and Civic Building (CB).

2. Civic space zones are public sites permanently dedicated to open space.

3. Civic building zones are sites dedicated for buildings generally operated by governmental or not-for-profit organizations dedicated to culture, education, religion, government, recreation, transit and municipal parking, or for other similar uses approved by the Department of Land Use.

4. Reserved.

B. Civic zones specific to T1 & T2 zones. Civic buildings and civic spaces within T1 natural and T2 rural zones shall be permitted pursuant to Table 40.10.210, Uses in

Required Open Spaces.

C. Civic space (CS) specific to T3-T5 zones.

1. Each pedestrian shed shall assign at least five (5) percent of its urbanized area to civic space.
2. Civic spaces shall be designed as generally described in Table 13 distributed throughout transect zones as described in Table 14.
3. Those portions of the T1 natural zone that occur within a development parcel shall be part of the civic space allocation and shall conform to the civic space types specified in Table 13a or 13b.
4. Each pedestrian shed shall contain at least one main civic space. The main civic space shall be within eight hundred (800) feet of the geographic center of each pedestrian shed, unless topographic conditions, pre-existing thoroughfare alignments or other existing circumstances prevent such location. A main civic space shall conform to one (1) of the types specified in Table 13b, 13c, or 13d.
5. Each civic space shall have a minimum of fifty (50) percent of its perimeter fronting a thoroughfare, except for playgrounds.
6. Parks may be permitted in transect zones T4 and T5.

D. Civic buildings (CB) specific to T3-T5 zones.

1. Civic building sites shall not occupy more than twenty (20) percent of the area of each pedestrian shed.
2. Civic building sites should be located within or adjacent to a civic space, or at the axial termination of a significant thoroughfare.
3. Reserved.

Sec. 40.25.126. Thoroughfare standards.

The purpose of these thoroughfare standards is to serve as a guide for the design of the hamlet and/or village plan. Final thoroughfare standards shall be as approved by DelDOT. Items that

are not in the right-of-way are subject to New Castle County approval.

A. General.

1. Thoroughfares are intended for use by vehicular, bicycle and pedestrian traffic and to provide access to lots and open spaces.
2. Thoroughfares shall generally consist of vehicular lanes and public frontages.
3. Thoroughfares shall be designed in context with the urban form and desired design speed of the transect zones through which they pass. The public frontages of thoroughfares that pass from one (1) transect zone to another shall be adjusted accordingly or, alternatively, the transect zone may follow the alignment of the thoroughfare to the depth of one (1) lot, retaining a single public frontage throughout its trajectory.
4. Within the most rural zones (T1 and T2) pedestrian comfort shall be a secondary consideration of the thoroughfare. Design conflict between vehicular and pedestrian generally shall be decided in favor of the vehicle. Within the more urban transect zones (T3 through T5) pedestrian comfort shall be a primary consideration of the thoroughfare. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
5. The thoroughfare network shall be designed to define blocks not exceeding the size prescribed in Table 14. The perimeter shall be measured as the sum of lot frontage lines.
6. All thoroughfares shall terminate at other thoroughfares, forming a network. Internal thoroughfares shall connect when feasible to those on adjacent sites. Cul-de-sacs may be permitted to accommodate specific site conditions only.
7. Each lot shall enfront a vehicular thoroughfare, except that twenty (20) percent of the lots within each transect zone may enfront a passage.
8. Thoroughfares along a designated B-grid may be exempted by waiver from one (1) or more of the specified public frontage or private frontage requirements.
9. Standards for paths and bicycle trails shall be a minimum of five (5) foot paved surface. For multi-use paths, the Department may require wider paths.

B. Vehicular lanes.

1. Thoroughfares may include vehicular lanes in a variety of widths for parked and for moving vehicles, including bicycles.
2. A bicycle network consisting of bicycle trails, bicycle routes and bicycle lanes should be provided throughout as defined in Section 40.25.150 Definitions of Terms. The community bicycle network shall be connected to existing or proposed regional networks wherever possible.

C. Public frontages.

1. General to all zones T1, T2, T3, T4, T5.
 - a. The public frontage contributes to the character of the transect zone, and includes the types of sidewalk, curb, planter, bike lanes and street trees.
 - b. Public frontages shall be designed as shown in Table 4A and Table 4B.
 - c. Within the public frontages, the prescribed types of public planting and public lighting shall be as shown in Table 4A and Table 4B, and in Section 40.04.111, Landscape and Illumination Standards. The spacing for street trees may be adjusted to accommodate specific site conditions.
2. Specific to zones T1, T2, T3.
 - a. The public frontage shall include trees of various species, naturalistically clustered, as well as understory.
 - b. The introduced landscape shall consist primarily of native species requiring minimal irrigation, fertilization and maintenance.
3. Specific to zones T4, T5. The introduced landscape shall consist primarily of durable species tolerant of soil compaction.
4. Specific to zone T4. The public frontage shall include trees planted in a regularly-spaced allee pattern of single or alternated species with shade canopies of a height that, at maturity, clears at least one story.

5. Specific to zone T5. The public frontage shall include trees planted in a regularly-spaced allee pattern of single species with shade canopies of a height that, at maturity, clears at least one (1) story. At retail frontages, the spacing of the trees may be irregular, to avoid visually obscuring the shopfronts.

Sec. 40.25.127. Density calculations.

- A. All areas of the Section 40.25.120 plan site that are not part of T-1 shall be considered cumulatively the net site area. The net site area shall be allocated to the various transect zones according to the parameters specified in Table 14a. All protected resources from Article 10 of this chapter shall be included in T-1.
- B. Density shall be expressed in terms of housing units per acre as specified for the area of each transect zone by Table 14b. For purposes of density calculation, the transect zones include the thoroughfares.
- C. Reserved.
- D. Within the percentage range shown on Table 14b for other functions, the housing units specified on Table 14b shall be exchanged at the following rates:
 1. For lodging: two (2) bedrooms for each unit of net site area density.
 2. For office or retail: one thousand three hundred (1300) square feet for each unit of net site area density.
- E. The housing and other functions for each transect zone shall be subject to further adjustment at the building scale as limited by Table 10 and Table 11 and Section 40.25.130.

Sec. 40.25.128. Special requirements.

- A. A Section 40.25.120 plan shall designate any of the following special requirements:
 1. A differentiation of the thoroughfares as A-grid and B-grid. Buildings along the A-grid shall be held to the highest standard of this Code in support of pedestrian activity. Buildings along the B-grid may be designed for more automobile-oriented standards. The frontages assigned to the B-grid shall not exceed thirty

(30) percent of the total length of frontages within a pedestrian shed.

2. Designations for mandatory and/or recommended retail frontage requiring or advising that a building provide a shopfront at sidewalk level along the entire length of its private frontage. The shopfront shall be no less than seventy (70) percent glazed in clear glass and shaded by an awning overlapping the sidewalk as generally illustrated in Table 7. The first floor shall be confined to retail use through the depth of the second layer.
3. Designations for mandatory and/or recommended gallery frontage, requiring or advising that a building provide a permanent cover over the sidewalk, either cantilevered or supported by columns. The gallery frontage designation may be combined with a retail frontage designation.
4. Reserved.
5. Reserved.
6. Designations for mandatory and/or recommended terminated vista locations, requiring or advising that the building be provided with architectural articulation of a type and character that responds visually to the location, as approved by the Department.
7. A designation for cross block passages, requiring that a minimum eight (8) foot wide pedestrian access be reserved between buildings.

Sec. 40.25.130. Building scale plans.

Sec. 40.25.131. Instructions.

Lots and buildings located within Section 40.25.120 plans subject to this Division shall be subject to the requirements of Sections 40.25.132 through 40.25.139.

Sec. 40.25.132. Reserved.

Sec. 40.25.133. Building disposition.

- A. Specific to zone T2. Building disposition setback shall be a minimum of twenty-five (25) feet off the public frontage. Side yard setbacks shall be a minimum of ten (10) feet and

rear yard setbacks shall be a minimum of twenty (20) feet.

B. Specific to zones T3, T4, T5.

1. Newly platted lots shall be dimensioned according to Table 14f and Table 15.
2. Building disposition types shall be as shown in Table 9.
3. Buildings shall be disposed in relation to the boundaries of their lots according to Table 14g and Table 15.
4. One (1) principal building at the frontage, and one (1) outbuilding to the rear of the principal building, may be built on each lot.
5. Lot coverage by building shall not exceed that recorded in Table 14f and Table 15.
6. Facades shall be built parallel to a rectilinear principal frontage line or to the tangent of a curved principal frontage line, and along a minimum percentage of the frontage length at the setback, as specified on Table 14g and Table 15.
7. Setbacks for principal buildings shall be as shown in Table 14g and Table 15.
8. Rear setbacks for outbuildings shall be a minimum of twelve (12) feet measured from the centerline of the rear alley or rear lane easement. in the absence of rear alley or rear lane, the rear setback shall be as shown in Table 14h and Table 15.
9. Encroachments shall not project into a ROW, except to the extent permitted by DelDOT.

C. Specific to zone T4. A minimum residential housing mix of three (3) types (none less than twenty (20) percent shall be required in the T4 zone.

D. Specific to zone T5. The principal entrance shall be on a frontage line.

Sec. 40.25.134. Building configuration.

A. General to zones T2, T3, T4, T5.

1. The private frontage of buildings shall conform to and be allocated in accordance with Table 7 and Table 14i.
 2. Buildings on corner lots shall have two (2) private frontages. Prescriptions for the parking layers (Tables 15 and 16) pertain only to the principal frontage. Prescriptions for the first layer pertain to both frontages.
 3. Building heights and setbacks shall conform to Table 8 and Table 14j.
 4. Stories may not exceed fourteen (14) feet in height from finished floor to finished ceiling, except for a first floor commercial function, which shall be a minimum of eleven (11) feet, with a maximum of twenty-five (25) feet. A single floor level exceeding fourteen (14) feet, or twenty-five (25) feet at ground level, shall be counted as two (2) stories. Mezzanines extending beyond thirty-three (33) percent of the floor area shall be counted as an additional store.
 5. In a parking structure or garage, each level counts as a single story regardless of its relationship to habitable stories.
 6. Height limits do not apply to attics or raised basements, masts, belfries, clock towers, chimney flues, water tanks, or elevator bulkheads.
 7. Encroachments shall not project into a ROW, except to the extent permitted by DeIDOT.
- B. Specific to zones T2, T3, T4, T5. The minimum size of a dwelling within a principal building shall be three hundred (300) square feet in interior space. Outbuildings may be any size.
- C. Specific to zone T3.
1. No portion of the private frontage may encroach the sidewalk, unless permitted by DeIDOT.
 2. Open porches may encroach the first layer fifty (50) percent of its depth.
 3. Balconies and bay windows may encroach the first layer twenty-five (25) percent of its depth.

D. Specific to zone T4.

1. Balconies, open porches and bay windows may encroach the first layer fifty (50) percent of its depth.
2. To the extent permitted by DeIDOT, awnings may encroach the sidewalk to within two (2) feet of the curb but must clear the sidewalk vertically by at least eight (8) feet.

E. Specific to zone T5.

1. To the extent permitted by DeIDOT, awnings, arcades, and galleries may encroach the sidewalk to no closer than two (2) feet of the curb but must clear the sidewalk vertically by at least eight (8) feet.
2. Stoops, lightwells, balconies, bay windows, and terraces may encroach the first layer one hundred (100) percent of its depth. To the extent permitted by DeIDOT, balconies and bay windows may encroach the sidewalk twenty-five (25) percent of its depth.
3. Loading docks shall not be permitted on frontages.
4. In the absence of a building facade along any part of a frontage line, a streetscreen shall be built co-planar with the facade.
5. Streetscreens should be between three and one-half (3.5) and eight (8) feet in height. The streetscreen may be replaced by a hedge. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.
6. A first level residential or lodging function shall be raised a minimum of two (2) feet from average sidewalk grade; or in the alternative may be designed in such a way so as to provide privacy for the residential use from the public frontage.

Sec. 40.25.135. Building function.

- A. General to zones T2, T3, T4, T5. Buildings in each transect zone shall conform to the functions on Table 10 and Table 12 and Table 14k. Uses not permitted by Table 12, may be permitted if the underlying zoning district permits such use as a permitted, limited use, or special use and subject to the same standards and limitations.

- B. Specific to zones T2, T3. Accessory functions of restricted lodging or restricted office shall be permitted within an outbuilding. See Table 10.
- C. Specific to zones T4, T5. Accessory functions of limited lodging or limited office shall be permitted within an outbuilding. See Table 10.
- D. Specific to zone T5.
 - 1. First story commercial functions shall be permitted.
 - 2. Reserved.

Sec. 40.25.136. Parking and density calculations.

- A. Specific to zones T2, T3. Buildable density on a lot shall be determined by the actual parking provided within the lot as applied to the functions permitted in Table 10.
- B. Specific to zones T4, T5.
 - 1. Buildable density on a lot shall be determined by the sum of the actual parking calculated as that provided: (1) within the lot; (2) along the parking lane corresponding to the lot frontage; and, (3) by purchase or lease from a civic parking reserve within the pedestrian shed, if available.
 - 2. The actual parking may be adjusted upward according to the shared parking factor of Table 11 to determine the effective parking. The shared parking factor is available for any two (2) functions within any pair of adjacent blocks.
 - 3. Based on the effective parking available, the density of the projected function may be determined according to Table 10.
 - 4. Reserved.
 - 5. The total density within each transect zone shall not exceed that specified by an approved Section 40.25.120 plan.
 - 6. Accessory units do not count toward density calculations.

7. Liner buildings less than thirty (30) feet deep and no more than two (2) stories shall be exempt from parking requirements.

C. Parking space maximums for any transect zone. Table 11 provides a limit to the maximum number of parking spaces that may be provided on-site.

Sec. 40.25.137. Parking location standards.

A. General to zones T2, T3, T4, T5.

1. Parking shall be accessed by rear alleys or rear lanes, when such are available on the regulating plan.

2. Open parking areas shall be masked from the frontage by a building or Streetscreen.

3. Reserved.

B. Specific to zones T2, T3.

1. Open parking areas shall be located at the second and third lot layers, except that driveways, drop-offs and unpaved parking areas may be located at the first lot Layer.

2. Garages shall be located at the third lot layer except that side- or rear-entry types may be allowed in the first or second lot layer by waiver.

C. Specific to zones T3, T4. Driveways at frontages shall be no wider than ten (10) feet in the first Layer.

D. Specific to zone T4. All parking areas and garages shall be located at the second or third layer.

E. Specific to zone T5.

1. All parking lots, garages, and parking structures shall be located at the second or third lot layer.

2. Vehicular entrances to parking lots, garages, and parking structures shall be no

wider than twenty-four (24) feet at the frontage.

3. Pedestrian exits from all parking lots, garages, and parking structures shall be directly to a frontage line (i.e., not directly into a building) except underground garage levels which may be exited by pedestrians directly into a building.
4. Parking structures on A-grids shall have liner buildings lining the first and second stories.
5. Bicycle parking shall be provided pursuant to Section 40.03.527 and as part of the public streetscape at locations approved by the Department

Sec. 40.25.138. Landscape standards.

A. General to zones T2, T3, T4, T5.

1. Impermeable surface shall be confined to the ratio of lot coverage specified in Table 14f.
2. Perimeter buffers of 0.3 opacity shall be established except where like developments exist. An addition 0.1 opacity parking buffer is also required.

B. Specific to zones T2, T3.

1. The first layer may not be paved, with the exception of driveways as specified in Section 40.25.137.
2. Landscaping standards shall be pursuant to Section 40.04.111.

C. Specific to T4. A minimum of one (1) tree shall be planted within the first layer for each thirty (30) feet of frontage line or portion thereof.

D. Reserved.

E. Specific to zone T5. Landscaping shall be required for all parking lots and shall require a four (4) foot high masonry wall, fence, or landscape screen.

Sec. 40.25.139. Reserved.

Sec. 40.25.140. Standards and tables.

Table 2. Reserved. (*Sector/Community Allocation*)

Table 3A. Reserved. (*Vehicular Lane Dimensions*)

Table 3B. Reserved. (*Vehicular Lane and Parking Assemblies*)

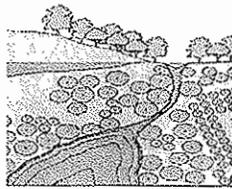
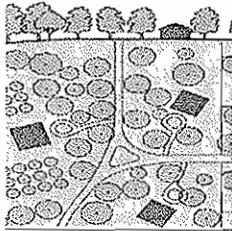
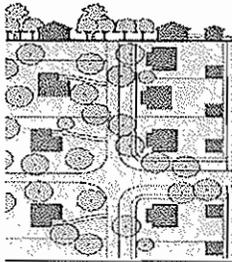
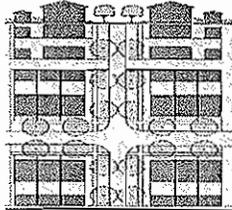
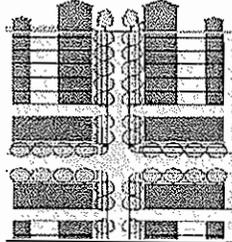
Table 3C. Reserved. (*Thoroughfare Assemblies*)

Table 5. Reserved. (*Public Lighting*)

Table 6. Reserved. (*Public Planting*)

Table 16. Reserved. (*Special District Standards*)

*Table 1. Transect Zone Descriptions
(This table describes the intent of each transect zone.)*

<u>Transect Zone</u>	<u>Picture</u>	<u>Description Type</u>	
T1 - Natural		<u>General character</u>	<u>Natural landscape with some agricultural use</u>
		<u>Building placement</u>	<u>Not applicable</u>
		<u>Frontage types</u>	<u>Not applicable</u>
		<u>Typical building height</u>	<u>Not applicable</u>
		<u>Type of civic space</u>	<u>Parks, greenways</u>
T2 - Rural		<u>General character</u>	<u>Primarily agricultural with woodland and scattered buildings</u>
		<u>Building placement</u>	<u>Variable setbacks</u>
		<u>Frontage types</u>	<u>Not applicable</u>
		<u>Typical building height</u>	<u>1 to 2 story</u>
		<u>Type of civic space</u>	<u>Parks, greenways</u>
T3 - Suburban		<u>General character</u>	<u>Lawns, and landscaped yards surrounding detached single-family houses; pedestrians occasionally</u>
		<u>Building placement</u>	<u>Large and variable front and side yard setbacks</u>
		<u>Frontage types</u>	<u>Porches, fences, naturalistic tree planting</u>
		<u>Typical building height</u>	<u>1 to 2 story with some 3 story</u>
		<u>Type of civic space</u>	<u>Parks, greenways</u>
T4 - General Urban		<u>General character</u>	<u>Mix of houses, townhouses and small apartment buildings, with scattered commercial activity; balance landscape and buildings; presence of pedestrians</u>
		<u>Building placement</u>	<u>Shallow to medium front and rear yard setbacks</u>
		<u>Frontage types</u>	<u>Porches, fences, dooryards</u>
		<u>Typical building height</u>	<u>2 to 3 story with a few taller mixed use buildings</u>
		<u>Type of civic space</u>	<u>Squares, greens</u>
T5 - Urban Center		<u>General character</u>	<u>Shops mixed with townhouses, larger apartment houses, offices workplaces, and civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity</u>
		<u>Building placement</u>	<u>Shallow setbacks or none; building oriented to street defining a street wall</u>
		<u>Frontage types</u>	<u>Stoops, shopfronts, galleries</u>
		<u>Typical building height</u>	<u>3 to 5 story with some variation</u>
		<u>Type of civic space</u>	<u>Parks, plazas and squares, median landscaping</u>

*Table 4A. Public Frontages - General
(The public frontage is the area between the private lot line and the edge of the vehicular lands.
Dimensions are given in Table 4B.)*

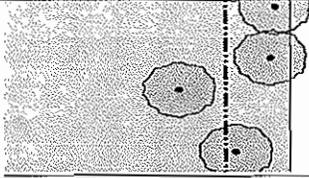
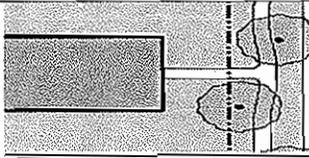
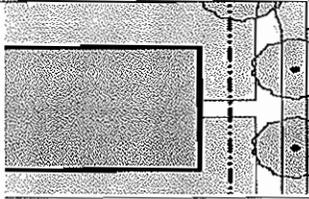
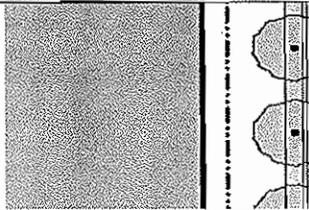
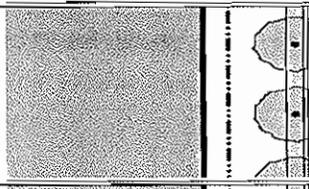
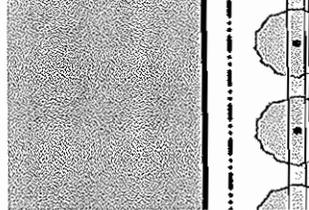
Transect Zones	Thoroughfare Types	Plan	
		Lot	R.O.W.
		Private Frontage	Public Frontage
<u>T1</u> <u>T2</u> <u>T3</u>	a. Highway (HW): This frontage has open swales drained by percolation, bicycle trails and no parking. The landscaping consists of the natural condition or multiple species arrayed in naturalistic clusters. Buildings are buffered by distance or berms		
<u>T1</u> <u>T2</u> <u>T3</u>	b. Road (RD): This frontage has open swales drained by percolation and a walking path or bicycle trail along one (1) or both sides and yield parking. The landscaping consists of multiple species arrayed in naturalistic clusters.		
<u>T3</u> <u>T4</u> <u>T5</u>	c. (ST) for street: This frontage has raised curbs drained by inlets and sidewalks separated from the vehicular lanes by individual or continuous planters, with parking on one (1) or both sides. The landscaping consists of street trees or a single or alternating species aligned in a regularly spaced alley.		
<u>T3</u> <u>T4</u> <u>T5</u>	d. (DR) for drive: This frontage has raised curbs drained by inlets and a wide sidewalk or paved path along one (1) side, related to greenway or waterfront. It is separated from the vehicular lanes by individual or continuous planters. The landscaping consists of street trees of a single or alternating species aligned in a regularly spaced alley.		
<u>T3</u> <u>T4</u> <u>T5</u>	e. (AV) for avenue: This frontage has raised curbs drained by inlets and wide sidewalks separated from the vehicular lanes by a narrow continuous planter with parking on both sides. The landscaping consists of a single tree species aligned in a regularly spaced alley.		
<u>T5</u>	f. (CS) (AV) for commercial street or avenue: This frontage has raised curbs drained by inlets and very wide sidewalks along both sides separated from the vehicular lanes by separate tree wells with grates and parking on both sides. The landscaping consists of a single tree aligned with regular spacing where possible but clears the storefront entrances.		
<u>T3</u> <u>T4</u> <u>T5</u>	g. (BV) for boulevard: This frontage has slip roads on both dies. It consists of raised curbs drained by inlets and sidewalks along both sides, separated from the vehicular lanes by planters. The landscaping consists of double rows of a single tree species aligned in a regularly spaced alley.		

Table 4B. Public Frontages – Specific
(This table assembles prescriptions and dimensions for the public frontage elements – curbs, walkways and planters – relative to specific thoroughfare types within transect zones. Locally appropriate planting species should be filled in to the calibrated code.)
For illustrative purposes only. Subject to DelDOT approval.

Transect Zone	T1, T2, T3	T1, T2, T3	T3, T4	T4, T5	T5	T5
Public Frontage Type	HW and RD	RD and ST	ST, DR, and AV	ST, DR, AV, and BV	CS, DR, AV, and BV	CS, DR, AV, and BV
Assembly: The principal variables are the type and dimension of curbs, walkways, planters and landscape.						
Total width	16-24 feet	12-24 feet	12-18 feet	12-18 feet	18-24 feet	18-30 feet
Curb: The detailing of the edge of the vehicular pavement, incorporating drainage.						
Type	open swale	open swale	raised curb	raised curb	raised curb	raised curb
Radius	10-30 feet	10-30 feet	5-20 feet	5-20 feet	5-20 feet	5-20 feet
Walkway: The pavement dedicated exclusively to pedestrian activity.						
Type	path optional	path	sidewalk	sidewalk	sidewalk	sidewalk
Width	n/a	4-8 feet	4-8 feet	4-8 feet	12-20 feet	12-30 feet
Planter: The layer which accommodates street trees and other landscaping.						
Arrangement	clustered	clustered	regular	regular	regular	opportunistic
Species	multiple	multiple	alternating	single	single	single
Planter type	continuous swale	continuous swale	continuous planter	continuous planter	continuous planter	tree well
Planter width	8-16 feet	8-16 feet	8-12 feet	8-12 feet	4-6 feet	4-6 feet
Landscape: See Section 40.04.111 for landscaping standards.						
Lighting: See Section 40.04.111 for lightening standards.						

Table 7. Private Frontages

(The private frontage is the area between the building facades and the lot lines . Encroachments shall not project into a ROW, except to the extent permitted by DelDOT.)

Transect Zones	Private frontage character	Section		Plan	
		Lot	ROW	Lot	ROW
		Private frontage	Public frontage	Private frontage	Public frontage
<u>T2</u> <u>T3</u>	Common yard: A planted frontage wherein the facade is set back substantially from the frontage line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep setback provides a buffer from the higher speed thoroughfares.				
<u>T3</u> <u>T4</u>	Porch and fence: A planted frontage wherein the facade is set back from the frontage line with an attached porch permitted to encroach. A fence at the frontage line maintains street spatial definition. Porches shall be no less than eight (8) feet deep.				
<u>T4</u> <u>T5</u>	Terrace or lightwell: A frontage wherein the facade is set back from the frontage line by an elevated terrace or a sunken lightwell. This type buffers residential uses from urban sidewalks and removes the private yard from public encroachment. Terraces are suitable for conversion to outdoor cafes. (Syn.: dooryard).				
<u>T4</u> <u>T5</u>	Forecourt: A frontage wherein a portion of the facade is close to the frontage line and the central portion is setback. The forecourt created is suitable for vehicular. This type should be allocated in conjunction with other frontage types. Large trees within the forecourt may overhang the sidewalks.				
<u>T4</u> <u>T5</u>	Stoop: A frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground floor residential use.				
<u>T4</u> <u>T5</u>	Shopfront: A frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has a substantial glazing on the sidewalk level and an awning that should overlap the sidewalk to within two (2) feet of the curb. Syn.: retail frontage.				
<u>T4</u> <u>T5</u>	Gallery: A frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than ten (10) feet wide and should overlap the sidewalk to within two (2) feet of the curb.				

Table 8. Building Configuration

(This table shows the configurations for different building heights for each Transect Zone. Recess lines and expression lines shall occur on higher buildings as shown. N = maximum height as specified in Table 14K.)

<u>T2 and T3 Transect Zones</u>	<u>T4 Transect Zone</u>	<u>T5 Transect Zone</u>

1. Building height shall be measured in number of stories, excluding attics and raised basements. Height limits also do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads and similar structures.

2. Stories may not exceed fourteen (14) feet in height from finished floor to finished ceiling, except for a first floor commercial function, which shall be a minimum of eleven (11) feet, with a maximum of twenty-five (25) feet.

3. Height shall be measured from the average enfronting sidewalk grade to the uppermost eave of a main pitched roof (not of a dormer), or to the uppermost roof deck (not the top of parapet) of a flat roof.

Table 9. Building Disposition

(This table approximates the location of the structure relative to the boundaries of each individual lot, establishing suitable basic building types for each Transect zone)

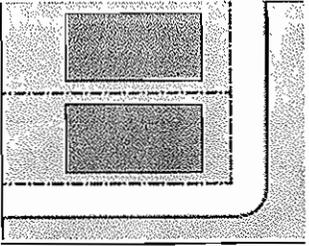
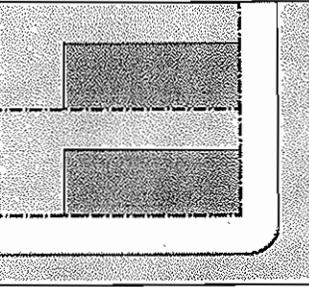
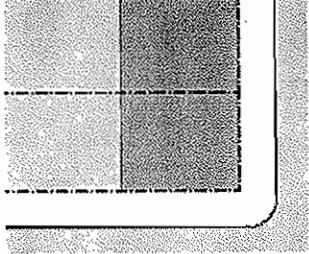
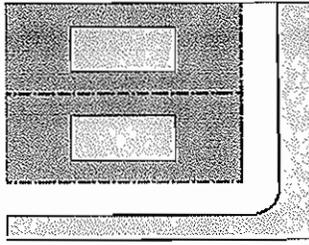
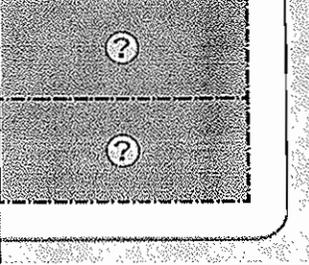
<u>Transect Zone</u>	<u>Yard</u>	<u>Illustration</u>
<p><u>T2</u> <u>T3</u> <u>T4</u></p>	<p>a. EDGEYARD: Specific types – single family house, cottage, villa, estate house, urban villa. A building that occupies the center of its lot with setbacks on all sides. This is the least urban of types as the front yard sets it back from the frontage, while the side yards weaken the spatial definition of the public thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well-placed backbuilding and/or outbuilding.</p>	
<p><u>T4</u> <u>T5</u></p>	<p>b. SIDEYARD: Specific types – Charleston single house, double house, zero lot line house, twin. A building that occupies one side of the lot with the setback to the other side. A shallow frontage setback defines a more urban condition. If the adjacent building is similar with a blank party wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a sideyard house abuts a neighboring sideyard house, the type is known as a twin or double house. Energy costs, and sometimes noise, are reduced by sharing a party wall in this disposition.</p>	
<p><u>T4</u> <u>T5</u></p>	<p>c. REARYARD: Specific types – Townhouse, rowhouse, live-work unit, loft building, apartment house, mixed use block, flex building, perimeter block. A building that occupies the full frontage, leaving the rear of the lot as the sole yard. This is a very urban type as the continuous façade steadily defines the public thoroughfare. The rear elevations may be articulated for functional purposes. In its residential form, this type is the rowhouse. For its commercial form, the rear yard can accommodate substantial parking.</p>	
<p><u>T5</u></p>	<p>d. COURTYARD: Specific types – patio house. A building that occupies the boundaries of its lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.</p>	
<p><u>SD</u></p>	<p>e. SPECIALIZED: A building that is not subject to categorization. Buildings dedicated to manufacturing and transportation are often distorted by the trajectories of machinery. Civic building, which may express the aspirations of institutions, may be included.</p>	

Table 10. Building Function - General

(This table categorizes building functions within transect zones. Parking requirements are correlated to function intensity. For specific function and use permitted by right, see Table 12)

USE	T2 T3	T4	T5
<u>a. RESIDENTIAL</u>	Restricted residential: The number of dwellings on each lot is restricted to one within a principal building and one within an accessory building, with 2.0 parking places for each. Both dwellings shall be under single ownership. The habitable area of the accessory dwelling shall not exceed 500 square feet.	Limited residential: The number of dwellings on each lot is limited by the requirement of 1.5 parking spaces for each dwelling, a ratio which may be reduced according to the shared parking standards (See Table 11).	Open residential: The number of dwellings on each lot is limited by the requirement of 1.0 parking places for each dwelling, a ratio which may be reduced according to the shared parking standards (See Table 11)
<u>b. LODGING</u>	Restricted lodging: The number of bedrooms available on each lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom, up to five, in addition to the parking requirement for the dwelling. The lodging must be owner-occupied. Food service may be provided in the a.m. The maximum length of stay shall not exceed ten days.	Limited lodging: The number of bedrooms available on each lot for lodging is limited by the requirement of 1.0 assigned parking places for each bedroom, up to twelve, in addition to the parking requirements for the dwelling. The lodging must be owner occupied. Food service may be provided in the a.m. The maximum length of stay shall not exceed ten days.	Open lodging: The number of bedrooms on each lot for lodging is limited by the requirement of 1.0 assigned parking place for each bedroom. Food service may be provided at all times. The area allocated for food service shall be calculated and provided with parking according to retail function.
<u>c. OFFICE</u>	Restricted office: The building area available for office use on each lot is restricted to the first story of the principal or accessory building and by the requirement of 3.0 assigned parking places per 1000 square feet of net office space in addition to the parking requirements for each dwelling.	Limited office: The building area available for office use on each lot is limited to the first story of the principal building and/or the accessory building, and by the requirement of 3.0 assigned parking spaces per 1000 square feet of net office space in addition to the parking requirements for each dwelling	Open office: The building area available for office use on each lot is limited by the requirement of 2.0 assigned parking places per 1000 square feet of net office space.
<u>d. RETAIL</u>	Restricted retail The building area available for retail use is restricted to one block corner location at the first story for each 300 dwelling units and by the requirement of 4.0 assigned parking places per 1000 square feet of net retail space in addition to the parking requirement of each dwelling. The specific use shall be further limited to neighborhood store, or food service seating no more than 20.	Limited retail: The building area available for retail use is limited to the first story of buildings at corner locations, not more than one per block, and by the requirement of 4.0 assigned parking places per 1000 square feet of net retail space in addition to the parking requirement of each dwelling. The specific use shall be further limited to neighborhood store, or food service seating no more than 40.	Open retail: The building area available for retail use is limited by the requirement of 3.0 assigned parking places per 1000 square feet of net retail space. Retail spaces under 1500 square feet are exempt from parking requirements.
<u>e. CIVIC</u>	See Table 12	See Table 12	See Table 12
<u>f. OTHER</u>	See Table 12	See Table 12	See Table 12

Table 11 Parking Calculations

(The required parking table summarizes the minimum parking requirements of Table 10 for each site or, conversely, the amount of building allowed on each site given the parking available)

	<u>T2 T3</u>	<u>T4</u>	<u>T5</u>
<u>Residential</u>	<u>2.0/dwelling</u>	<u>1.5/dwelling</u>	<u>1.0/dwelling</u>
<u>Lodging</u>	<u>1.0/bedroom</u>	<u>1.0/bedroom</u>	<u>1.0/bedroom</u>
<u>Office</u>	<u>3.0/1000 sq. ft.</u>	<u>3.0/1000 sq. ft.</u>	<u>2.0/1000 sq. ft.</u>
<u>Retail</u>	<u>4.0/1000 sq. ft.</u>	<u>4.0/1000 sq. ft.</u>	<u>3.0/1000 sq. ft.</u>
<u>Civic</u>	<u>To be determined by special studies</u>		
<u>Other</u>	<u>To be determined by special studies</u>		

Shared Parking Factor

<u>Function</u>	<u>Residential</u>	<u>Lodging</u>	<u>Office</u>	<u>Retail</u>
<u>Residential</u>	<u>1.0</u>	<u>1.1</u>	<u>1.4</u>	<u>1.2</u>
<u>Lodging</u>	<u>1.1</u>	<u>1.0</u>	<u>1.7</u>	<u>1.3</u>
<u>Office</u>	<u>1.4</u>	<u>1.7</u>	<u>1.0</u>	<u>1.2</u>
<u>Retail</u>	<u>1.2</u>	<u>1.3</u>	<u>1.2</u>	<u>1.0</u>

Maximum Number of Parking Places

(The numbers presented in Tables 10 and 11 are minimum requirements for the specific uses. A property owner is permitted to provide more parking places, however, the maximum number of parking places shall not exceed the following:

<u>Use</u>	<u>Percent increase over minimum required</u>
<u>Lodging</u>	<u>30%</u>
<u>Office</u>	<u>15%</u>
<u>Retail</u>	<u>20%</u>

*Table 12. Specific Function and Use
(This table expands the categories of Table 10 to delegate
specific functions and uses within Transect Zones)*

■ – permitted by right

Use	T 1	T 2	T 3	T 4	T 5	Use	T 1	T 2	T 3	T 4	T 5
a. Residential						f. Other: agriculture					
Mixed use block					■	Grain storage	■	■			
Flex building				■	■	Livestock pen	■				
Apartment building				■	■	Greenhouse	■	■			
Live/work unit			■	■	■	Stable	■	■			
Row house				■	■	Kennel		■			
Twin house				■	■						
Courtyard house				■	■	f. Other: Automotive					
Sideyard house			■	■	■	Gasoline					
Cottage			■	■		Automobile service					
House		■	■	■		Truck maintenance					
Villa		■				Drive-through facility					
Accessory unit		■	■	■	■	Rest stop	■	■			
						Roadside stand	■	■			
b. Lodging						Billboard					
Hotel (no room limit)					■	Shopping center					
Inn (up to 12 rooms)				■	■	Shopping mall					
Bed and Breakfast		■	■	■	■						
S.R.O. hotel						f. Other: civil support					
School dormitory				■	■	Fire station			■	■	■
						Police station				■	■
c. Office						Cemetery					
Office building				■	■	Funeral home		■			
Live/work unit			■	■	■	Hospital					■
						Medical clinic				■	■
d. Retail						f. Other: education					
Open-market building			■	■	■	College					■
Retail building				■	■	High school				■	■
Display gallery				■	■	Trade school					■
Restaurant				■	■	Elementary school			■	■	■
Kiosk				■	■	Other – childcare center		■	■	■	■
Push cart					■						
Liquor selling est.				■	■						
Adult entertainment						f. Other: industrial					
						Heavy industrial facility					
e. Civic						Light industrial facility					
Bus shelter			■	■	■	Truck depot					
Conference center					■	Laboratory facility					

*Table 12. Specific Function and Use
(This table expands the categories of Table 10 to delegate
specific functions and uses within Transect Zones)*

■ – permitted by right

<u>Use</u>	<u>T</u> <u>1</u>	<u>T</u> <u>2</u>	<u>T</u> <u>3</u>	<u>T</u> <u>4</u>	<u>T</u> <u>5</u>	<u>Use</u>	<u>T</u> <u>1</u>	<u>T</u> <u>2</u>	<u>T</u> <u>3</u>	<u>T</u> <u>4</u>	<u>T</u> <u>5</u>
<u>Exhibition center</u>						<u>Water supply facility</u>					
<u>Fountain/public art</u>		■	■	■	■	<u>Sewer and waste facility</u>					
<u>Library</u>				■	■	<u>Electric substation</u>	■	■	■	■	■
<u>Live theater</u>					■	<u>Wireless transmitter</u>	■	■			
<u>Movie theater</u>					■	<u>Cremation facility</u>					
<u>Museum</u>					■	<u>Warehouse</u>					
<u>Outdoor auditorium</u>		■	■		■	<u>Produce storage</u>					
<u>Parking structure</u>					■	<u>Mini-storage</u>					
<u>Passenger terminal</u>					■						
<u>Playground</u>		■	■	■	■						
<u>Sports stadium</u>											
<u>Surface parking lot</u>				■	■						
<u>Religious assembly</u>		■	■	■	■						

Other uses listed as permitted, limited, or permitted by special use within the S zoning district per Table 40.03.110 may be additional permitted uses within the various transects.

Table 13. Civic Space

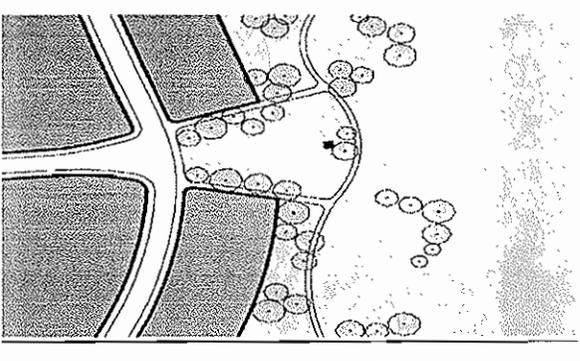
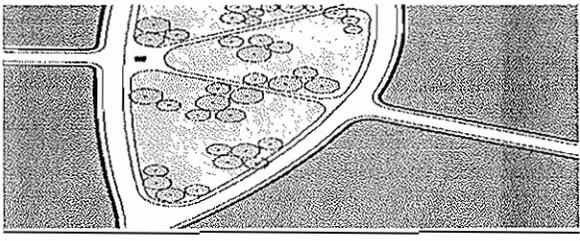
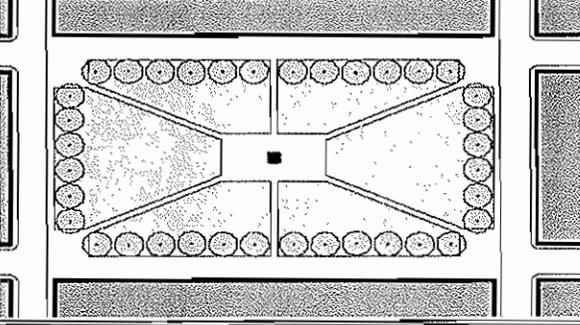
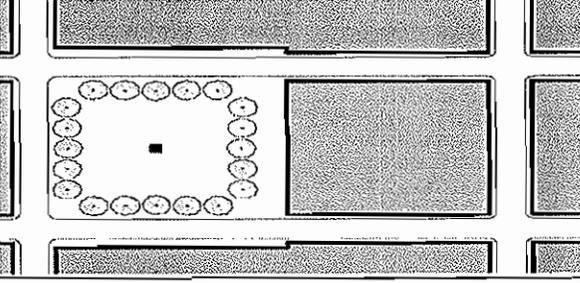
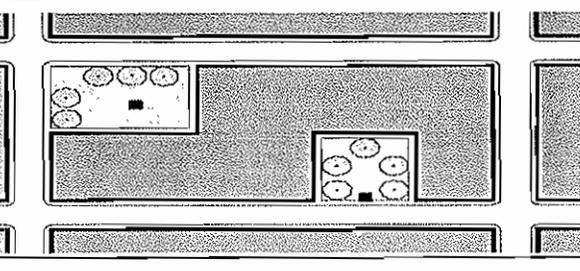
<p>T1 T2 T3</p>	<p>a. Park: A natural preserve available for unstructured recreation. A park may be independent of surrounding building frontages. Its landscape shall consist of paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 8 acres. Larger parks may be approved by waiver as special districts in all zones</p>	
<p>T3 T4 T5</p>	<p>b. Green: An open space available for unstructured recreation. A green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be 1/2 acre and the maximum size shall be 8 acres.</p>	
<p>T4 T5</p>	<p>c. Square: An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontage. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares. The minimum size shall be 1/2 acre and the maximum size shall be 5 acres.</p>	
<p>T5</p>	<p>d. Plaza: An open space available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be 1/2 acre and the maximum size shall be 2 acres.</p>	
<p>T1 T2 T3 T4 T5</p>	<p>e. Playground: An open space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.</p>	

Table 14. Smart Code Summary

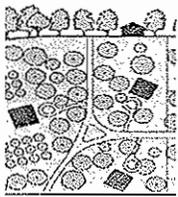
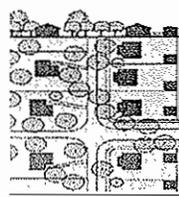
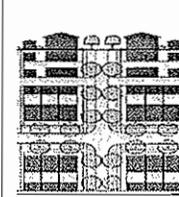
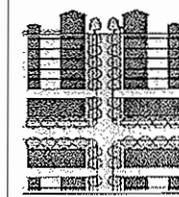
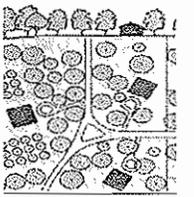
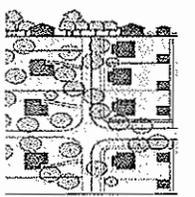
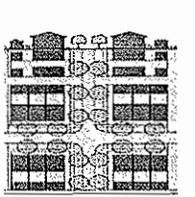
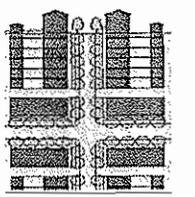
					
	<u>T1 - Natural Zone</u>	<u>T2 - Rural zone</u>	<u>T3 - Suburban zone</u>	<u>T4 - General urban zone</u>	<u>T5 - Urban center zone</u>
a. Allocation of zones per pedestrian shed					
<u>Hamlet requires</u>	<u>35%</u>	<u>No minimum</u>	<u>10-30%</u>	<u>20-40%</u>	<u>0-5%</u>
<u>Village requires</u>	<u>No minimum</u>	<u>No minimum</u>	<u>10-30%</u>	<u>30-60%</u>	<u>10-30%</u>
b. Base residential density, see Section 40:25.127					
<u>By right</u>	<u>Not applicable</u>	<u>1 unit /20 ac. avg.</u>	<u>6 units/ac. gross</u>	<u>12 units/ac. gross</u>	<u>27 units/ac. gross</u>
<u>(Reserved)</u>					
<u>Other functions</u>	<u>By variance</u>	<u>By variance</u>	<u>5-15%</u>	<u>20-30%</u>	<u>30-50%</u>
c. Block size					
<u>Block perimeter</u>	<u>No maximum</u>	<u>No maximum</u>	<u>3000 ft. max.</u>	<u>2400 ft. max.</u>	<u>2000 ft. max.</u>
d. Thoroughfares (reserved, requires DelDOT review and approval)					
e. Civic spaces, see table 13					
<u>Park</u>	<u>permitted</u>	<u>permitted</u>	<u>permitted</u>	<u>permitted</u>	<u>permitted</u>
<u>Green</u>	<u>not permitted</u>	<u>not permitted</u>	<u>permitted</u>	<u>permitted</u>	<u>permitted</u>
<u>Square</u>	<u>not permitted</u>	<u>not permitted</u>	<u>not permitted</u>	<u>permitted</u>	<u>permitted</u>
<u>Plaza</u>	<u>not permitted</u>	<u>not permitted</u>	<u>not permitted</u>	<u>not permitted</u>	<u>permitted</u>
<u>Playground</u>	<u>permitted</u>	<u>permitted</u>	<u>permitted</u>	<u>permitted</u>	<u>permitted</u>
f. Lot occupation (building disposition)					
<u>Lot width</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>72' min. 120' max.</u>	<u>18' min. 96' max.</u>	<u>15' min. 180' max.</u>
<u>Lot coverage</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>60% max.</u>	<u>70% max.</u>	<u>80% max.</u>
g. Setbacks – principal building (building disposition)					
<u>Front setback (principal)</u>	<u>Not applicable</u>	<u>36' min.</u>	<u>24' min.</u>	<u>6' min. 20' max.</u>	<u>0' min. 12' max.</u>
<u>Front setback (secondary)</u>	<u>Not applicable</u>	<u>24' min</u>	<u>16' min.</u>	<u>6' min. 20' max.</u>	<u>0' min. 12' max.</u>
<u>Side setback</u>	<u>Not applicable</u>	<u>24' min</u>	<u>10' total</u>	<u>0' min.</u>	<u>0' min. 24' max.</u>
<u>Rear setback</u>	<u>Not applicable</u>	<u>24' min.</u>	<u>12' min.</u>	<u>3' min.</u>	<u>3' min.</u>
<u>Frontage buildout</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>40% min.</u>	<u>60% min.</u>	<u>80% min.</u>

Table 14. Smart Code Summary

					
	<u>T1 - Natural Zone</u>	<u>T2 - Rural zone</u>	<u>T3 - Suburban zone</u>	<u>T4 - General urban zone</u>	<u>T5 - Urban center zone</u>

h. Setbacks – outbuilding (building disposition)

<u>Front setback</u>	<u>Not applicable</u>	<u>40' min. + bldg. setback</u>	<u>20' min. + bldg. setback</u>	<u>24' min. + bldg. setback</u>	<u>40' max. from rear property line</u>
<u>Side setback</u>	<u>Not applicable</u>	<u>12' min.</u>	<u>3' or 6'</u>	<u>0' min. or 3'</u>	<u>0' min.</u>
<u>Rear setback</u>	<u>Not applicable</u>	<u>12' min.</u>	<u>3' min.</u>	<u>3'</u>	<u>3' max.</u>

i. Building disposition, see Table 9

<u>Edgevard</u>	<u>permitted</u>	<u>permitted</u>	<u>permitted</u>	<u>permitted</u>	<u>Not permitted</u>
<u>Sidevard</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>permitted</u>	<u>permitted</u>
<u>Rearyard</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>permitted</u>	<u>permitted</u>
<u>Courtyard</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>permitted</u>

j. Private frontages, see Table 7 (building configuration)

<u>Common yard</u>	<u>Not applicable</u>	<u>permitted</u>	<u>permitted</u>	<u>permitted</u>	<u>Not permitted</u>
<u>Porch and fence</u>	<u>Not applicable</u>	<u>Not permitted</u>	<u>permitted</u>	<u>permitted</u>	<u>Not permitted</u>
<u>Terrance or L.C.</u>	<u>Not applicable</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>permitted</u>	<u>permitted</u>
<u>Forecourt</u>	<u>Not applicable</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>permitted</u>	<u>permitted</u>
<u>Stoop</u>	<u>Not applicable</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>permitted</u>	<u>permitted</u>
<u>Shopfront and Awning</u>	<u>Not applicable</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>permitted</u>	<u>permitted</u>
<u>Gallery</u>	<u>Not applicable</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>permitted</u>	<u>permitted</u>
<u>Arcade</u>	<u>Not applicable</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>Not permitted</u>	<u>permitted</u>

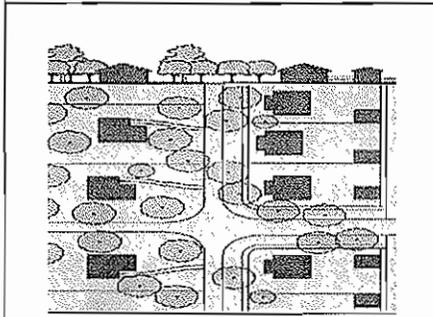
k. Building configuration, see Table 8

<u>Principal building</u>	<u>Not applicable</u>	<u>2 stories max.</u>	<u>2 stories max.</u>	<u>3 stories max.</u>	<u>5 stories max., 2 min.</u>
<u>Outbuilding</u>	<u>Not applicable</u>	<u>2 stories max.</u>	<u>2 stories max.</u>	<u>2 stories max.</u>	<u>2 stories max.</u>

l. Building function, see Table 10 and Table 12

<u>Residential</u>	<u>Not applicable</u>	<u>Restricted use</u>	<u>Restricted use</u>	<u>Limited use</u>	<u>Open use</u>
<u>Lodging</u>	<u>Not applicable</u>	<u>Restricted use</u>	<u>Restricted use</u>	<u>Limited use</u>	<u>Open use</u>
<u>Office</u>	<u>Not applicable</u>	<u>Restricted use</u>	<u>Restricted use</u>	<u>Limited use</u>	<u>Open use</u>
<u>Retail</u>	<u>Not applicable</u>	<u>Restricted use</u>	<u>Restricted use</u>	<u>Limited use</u>	<u>Open use</u>

Table 15 A. Form Based Code Graphics – T3 Transect Zone



Building Function (see Table 10 and Table 12)

residential	Restricted use
lodging	Restricted use
office	Restricted use
retail	Restricted use

Building configuration (see table 8)

principal building	2 stories max.
outbuilding	2 stories max.

Lot occupation

Lot width	72' min. 120' max.
Lot coverage	60% max.

Building disposition (see Table 9)

Edgeyard	Permitted
Sideyard	Not permitted
Rearyard	Not permitted
Courtyard	Not permitted

Setbacks – principal building

Front setback (P)	24' min.
Front setback (S)	16' min.
Side setback	30' total
Rear Setback	12' min. *
Frontage buildout	40% min. at setback

Setbacks - outbuilding

Front setback	20' min. + bldg. setback
Side setback	3' or 6'
Rear setback	3' min.

Private frontages (see Table 7)

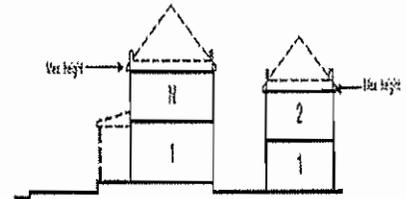
Common lawn	permitted
Porch and fence	permitted
Terrace or L. C.	Not permitted
Forecourt	Not permitted
Stoop	Not permitted
Shopfront and awning	Not permitted
Gallery	Not permitted

* or 15' from center line of alley.

Graphics are illustrative only. Refer to metrics for setback and height information.

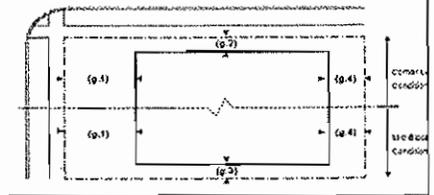
Building Configuration

- Building height shall be measured in number of stories, excluding attics and raised basements.
- Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor commercial function which shall be a minimum of 11 ft. with a maximum of twenty-five (25) feet.
- Height shall be measured to the cave or roof deck as specified on Table 8.



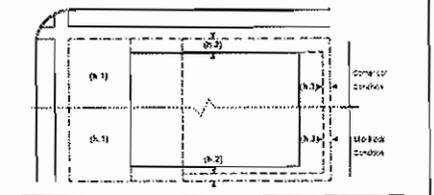
Setbacks – Principal Building

- The facades and elevations of principal buildings shall be distanced from the lot lines as shown.
- Facades shall be built along the principal frontage to the minimum specified width in the table.



Setbacks – Outbuilding

- The elevation of the outbuilding shall be distanced from the lot lines as shown



Parking Placement

- Uncovered parking spaces may be provided within the 2nd and 3rd layer as shown in the diagram (see Table 17).
- Covered parking shall be provided within the 3rd layer as shown in the diagram (see Table 17).
- Trash containers shall be stored within the 3rd layer.

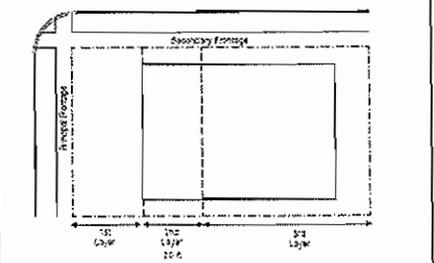


Table 15 B. Form Based Code Graphics – T4 Transect Zone

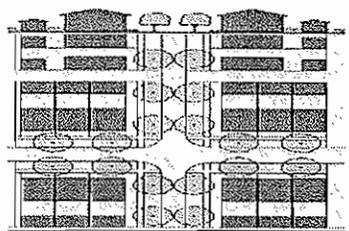
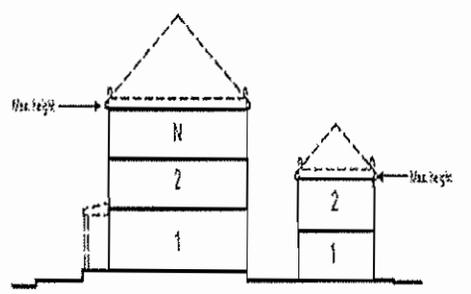
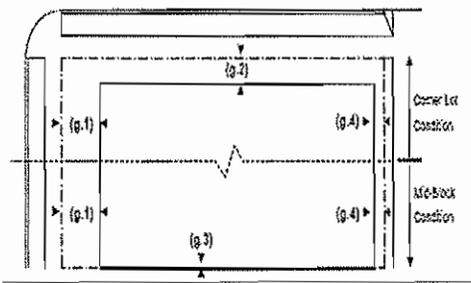
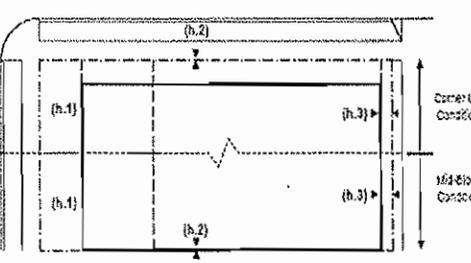
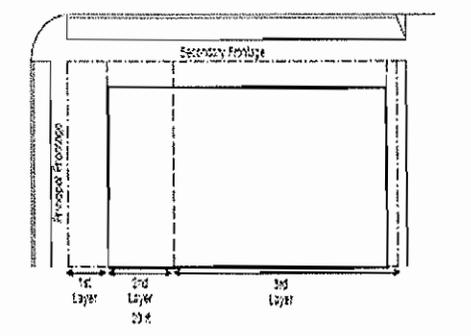
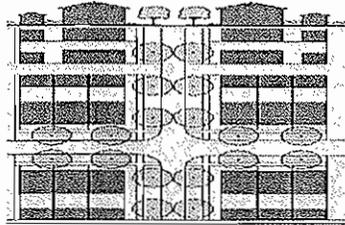
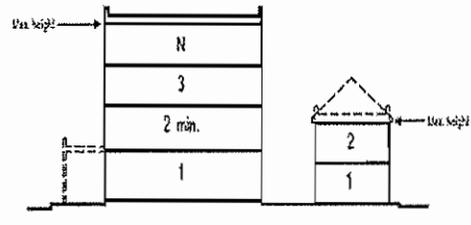
	<p>Building Configuration</p> <ul style="list-style-type: none"> • Building height shall be measured in number of stories, excluding attics and raised basements. • Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor commercial function which shall be a minimum of 11 ft. with a maximum of twenty-five (25) feet. • Height shall be measured to the eave or roof deck as specified on Table 8. 																					
<p>Building Function (see Table 10 and Table 12)</p> <table border="1"> <tr><td>residential</td><td>Limited use</td></tr> <tr><td>lodging</td><td>Limited use</td></tr> <tr><td>office</td><td>Limited use</td></tr> <tr><td>retail</td><td>Limited use</td></tr> </table>	residential	Limited use	lodging	Limited use	office	Limited use	retail	Limited use	<p>Setbacks – Principal Building</p> <ul style="list-style-type: none"> • The facades and elevations of principal buildings shall be distanced from the lot lines as shown. • Facades shall be built along the principal frontage to the minimum specified width in the table. 													
residential	Limited use																					
lodging	Limited use																					
office	Limited use																					
retail	Limited use																					
<p>Building configuration (see table 8)</p> <table border="1"> <tr><td>principal building</td><td>3 stories max., 2 min</td></tr> <tr><td>outbuilding</td><td>2 stories max.</td></tr> </table> <p>Lot occupation</p> <table border="1"> <tr><td>Lot width</td><td>18' min. 96' max.</td></tr> </table>	principal building	3 stories max., 2 min	outbuilding	2 stories max.	Lot width	18' min. 96' max.	<p>Setbacks – Outbuilding</p> <ul style="list-style-type: none"> • The elevation of the outbuilding shall be distanced from the lot lines as shown 															
principal building	3 stories max., 2 min																					
outbuilding	2 stories max.																					
Lot width	18' min. 96' max.																					
<p>Lot coverage</p> <table border="1"> <tr><td>Lot coverage</td><td>70% max.</td></tr> </table> <p>Building disposition (see Table 9)</p> <table border="1"> <tr><td>Edgeyard</td><td>Permitted</td></tr> <tr><td>Sideyard</td><td>Permitted</td></tr> <tr><td>Rearyard</td><td>Permitted</td></tr> <tr><td>Courtyard</td><td>Not permitted</td></tr> </table> <p>Setbacks – principal building</p> <table border="1"> <tr><td>Front setback (P)</td><td>6' min, 20' max</td></tr> <tr><td>Front setback (S)</td><td>6' min, 20' max</td></tr> <tr><td>Side setback</td><td>0' min</td></tr> <tr><td>Rear Setback</td><td>3' min.*</td></tr> <tr><td>Frontage buildout</td><td>60% min. at setback</td></tr> </table>	Lot coverage	70% max.	Edgeyard	Permitted	Sideyard	Permitted	Rearyard	Permitted	Courtyard	Not permitted	Front setback (P)	6' min, 20' max	Front setback (S)	6' min, 20' max	Side setback	0' min	Rear Setback	3' min.*	Frontage buildout	60% min. at setback	<p>Parking Placement</p> <ul style="list-style-type: none"> • Uncovered parking spaces may be provided within the 2nd and 3rd layer as shown in the diagram (see Table 17). • Covered parking shall be provided within the 3rd layer as shown in the diagram (see Table 17). • Trash containers shall be stored within the 3rd layer. 	
Lot coverage	70% max.																					
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Rear Setback	3' min.*																					
Frontage buildout	60% min. at setback																					
<p>Setbacks – outbuilding</p> <table border="1"> <tr><td>Front setback</td><td>24' min. + bldg. setback</td></tr> <tr><td>Side setback</td><td>0' min or 3'</td></tr> <tr><td>Rear setback</td><td>3' min.</td></tr> </table> <p>Private frontages (see Table 7)</p> <table border="1"> <tr><td>Common lawn</td><td>not permitted</td></tr> <tr><td>Porch and fence</td><td>permitted</td></tr> <tr><td>Terrace or L. C.</td><td>permitted</td></tr> <tr><td>Forecourt</td><td>permitted</td></tr> <tr><td>Stoop</td><td>permitted</td></tr> <tr><td>Shopfront and awning</td><td>permitted</td></tr> <tr><td>Gallery</td><td>Not permitted</td></tr> </table>	Front setback	24' min. + bldg. setback	Side setback	0' min or 3'	Rear setback	3' min.	Common lawn	not permitted	Porch and fence	permitted	Terrace or L. C.	permitted	Forecourt	permitted	Stoop	permitted	Shopfront and awning	permitted	Gallery	Not permitted	<p>* or 15' from center line of alley. Graphics are illustrative only. Refer to metrics for setback and height information.</p>	
Front setback	24' min. + bldg. setback																					
Side setback	0' min or 3'																					
Rear setback	3' min.																					
Common lawn	not permitted																					
Porch and fence	permitted																					
Terrace or L. C.	permitted																					
Forecourt	permitted																					
Stoop	permitted																					
Shopfront and awning	permitted																					
Gallery	Not permitted																					

Table 15 C. Form Based Code Graphics – T5 Transect Zone



Building Configuration

- Building height shall be measured in number of stories, excluding attics and raised basements.
- Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor commercial function which shall be a minimum of 11 ft. with a maximum of twenty-five (25) feet.
- Height shall be measured to the eave or roof deck as specified on Table 8.
- Expression lines shall be as shown on Table 8



Building Function (see Table 10 and Table 12)

residential	Open use
lodging	Open use
office	Open use
retail	Open use

Building configuration (see table 8)

principal building	5 stories max., 2 min
outbuilding	2 stories max.

Lot occupation

Lot width	18' min. 180' max.
Lot coverage	80% max.

Building disposition (see Table 9)

Edgeyard	Not permitted
Sideyard	Permitted
Rearyard	Permitted
Courtyard	Permitted

Setbacks – principal building

Front setback (P)	0' min. 12' max
Front setback (S)	0' min. 12' max
Side setback	0' min. 24' max
Rear Setback	3' min. *

Frontage buildout

Frontage buildout	80% min. at setback
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Setbacks – outbuilding

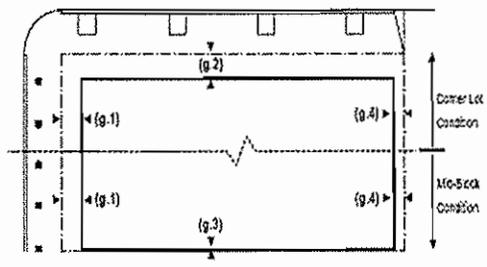
Front setback	40' min from rear prop.
Side setback	0' min
Rear setback	3' max.

Private frontages (see Table 7)

Common lawn	not permitted
Porch and fence	Not permitted
Terrace or L. C.	permitted
Forecourt	permitted
Stoop	permitted
Shopfront and awning	permitted
Gallery	Not permitted
Arcade	Permitted

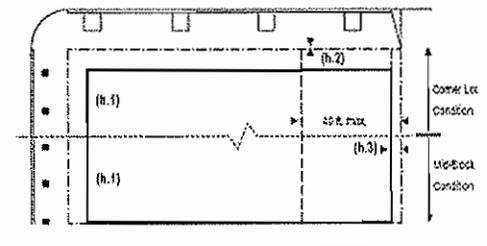
Setbacks – Principal Building

- The facades and elevations of principal buildings shall be distanced from the lot lines as shown.
- Facades shall be built along the principal frontage to the minimum specified width in the table.



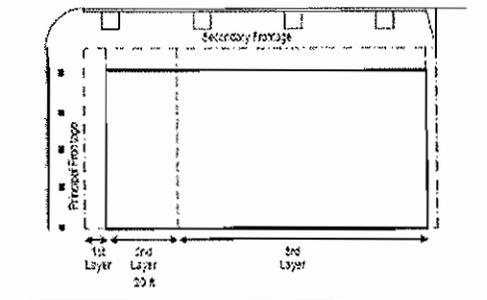
Setbacks – Outbuilding

- The elevation of the outbuilding shall be distanced from the lot lines as shown



Parking Placement

- Uncovered parking spaces may be provided within the 3rd layer as shown in the diagram (see Table 17).
- Covered parking shall be provided within the 3rd layer as shown in the diagram (see Table 17).
- Trash containers shall be stored within the 3rd layer.

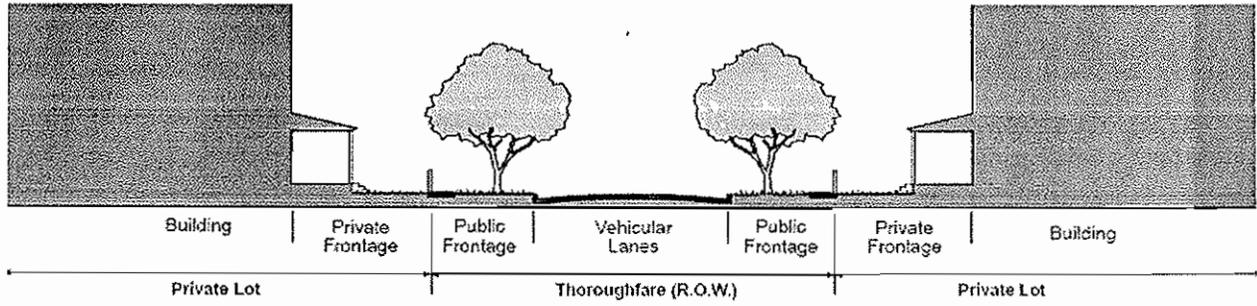


* or 15' from center line of alley.

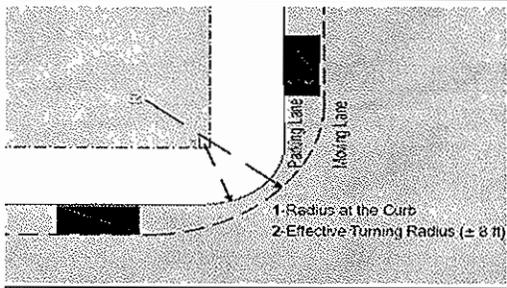
Graphics are illustrative only. Refer to metrics for setback and height information.

Table 17. Definitions Illustrated

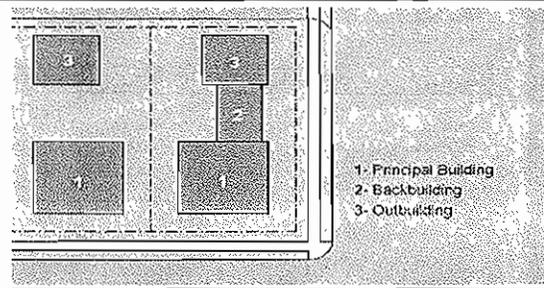
Thoroughfare and Frontages



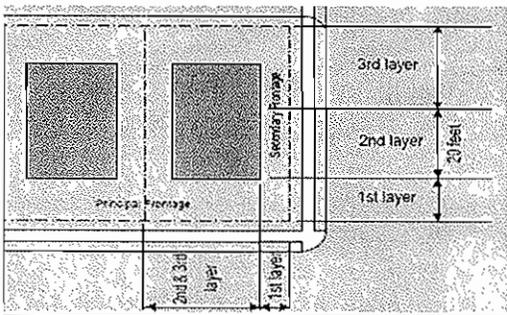
Turning Radius



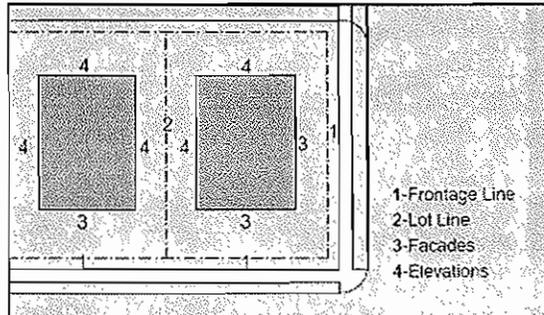
Building Disposition



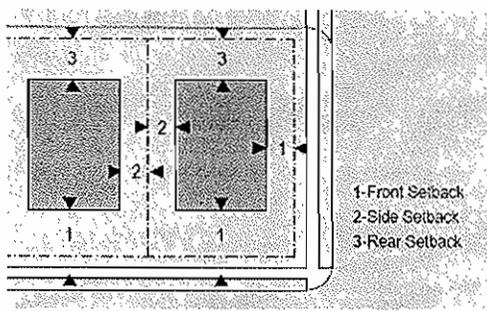
Lot Layers



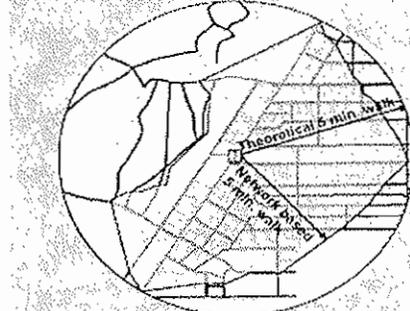
Frontage and Lot Lines



Setback Designations



Network Pedestrian Shed



Sec. 40.25.150. Definitions.

This Section provides definitions for terms in this Division that are technical in nature or that otherwise may not reflect a common usage of the term. All definitions appearing in Article 33, Chapter 40 of the New Castle County Code shall be applicable to this Article, except to the extent of inconsistency with any definitions appearing in this Section.

A-grid. Cumulatively, those thoroughfares that by virtue of their pre-existing pedestrian-supportive qualities, or their future importance to pedestrian connectivity, are held to the highest standards prescribed by this Code. (See *B-grid*).

Allee. A regularly spaced and aligned row of trees usually planted along a thoroughfare or path.

Arcade. A private frontage conventional for retail use wherein the facade is a colonnade that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage line.

Attic. The interior part of a building contained within its roof structure.

Avenue (AV). A thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.

B-grid. Cumulatively, those thoroughfares that by virtue of their use, location, or absence of pre-existing pedestrian-supportive qualities, may meet a standard lower than that of the A-grid.

Backbuilding. A single-story structure connecting a principal building to an outbuilding.

Base density. The number of dwelling units per acre before adjustment for other functions. (See *density*.)

Bicycle lane (BL). A dedicated lane for cycling within a moderate-speed vehicular thoroughfare, demarcated by striping.

Bicycle route (BR). A thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.

Bicycle trail (BT). A bicycle way running independently of a vehicular thoroughfare.

Block. The aggregate of private lots, passages, rear alleys and rear lanes, circumscribed by thoroughfares.

Block face. The aggregate of all the building facades on one side of a block.

Boulevard (BV). A thoroughfare designed for high vehicular capacity and moderate speed, traversing an urbanized area. Boulevards are usually equipped with slip roads buffering sidewalks and buildings.

Civic. A term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

Civic building. A building operated by governmental or not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

Civic parking reserve. Parking structure or parking lot within a quarter-mile of the site that it serves.

Civic space. An outdoor area dedicated for public use. Civic space types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping and their enfronting buildings. See Table 13.

Civic zone. A designation for public sites dedicated for civic buildings and civic space.

Commercial. The term collectively defining workplace, office, retail, and lodging functions.

Common destination. An area of focused community activity, usually defining the approximate center of a pedestrian shed. It may include without limitation one or more of the following: a civic space, a civic building, a commercial center, or a transit station, and may act as the social center of a neighborhood.

Common yard. A planted private frontage wherein the facade is set back from the frontage line. It is visually continuous with adjacent yards. See Table 7.

Community type. A regulatory category defining the physical form, density, and extent of a settlement. The two (2) community types addressed in this Code are hamlet and village.

Configuration. The form of a building, based on its massing, private frontage, and height.

Corridor. A lineal geographic system incorporating transportation and/or greenway trajectories. A transportation corridor may be a lineal transect zone.

Cottage. An edgeward building type. A single-family dwelling, on a regular lot, often shared with an accessory building in the back yard.

Courtyard building. A building that occupies the boundaries of its lot while internally defining one or more private patios. See Table 9.

Curb. The edge of the vehicular pavement that may be raised or flush to a swale. It usually incorporates the drainage system. See Table 4A and Table 4B.

Density. The number of dwelling units within a standard measure of land area.

Design speed. The velocity at which a thoroughfare tends to be driven without the constraints of signage or enforcement. There are four (4) ranges of speed: very low - below twenty (20) MPH;

low - twenty (20) to twenty-five (25) MPH; moderate - twenty-five (25) to thirty-five (35) MPH; high - above thirty-five (35) MPH. Lane width is determined by desired design speed. See Table 3A.

Developable areas. Lands other than those in T-1.

Disposition. The placement of a building on its lot. See Table 9.

Dooryard. A private frontage type with a shallow setback and front garden or patio, usually with a low wall at the frontage line. See Table 7.

Drive. A thoroughfare along the boundary between an urbanized and a natural condition, usually along a waterfront, park, or promontory. One (1) side has the urban character of a thoroughfare, with sidewalk and building, while the other has the qualities of a road or parkway, with naturalistic planting and rural details.

Driveway. A vehicular lane within a lot, often leading to a garage.

Edgeyard building. A building that occupies the center of its lot with setbacks on all sides. See Table 9.

Effective parking. The amount of parking required for mixed use after adjustment by the shared parking factor. See Table 11.

Effective turning radius. The measurement of the inside turning radius taking parked cars into account.

Elevation. An exterior wall of a building not along a frontage line.

Encroachment. Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, or above a height limit.

Enfront. To place an element along a frontage, as in “porches enfront the street.”

Estate house. An edgeyard building type. A single-family dwelling on a very large lot of rural character, often shared by one (1) or more accessory buildings.

Expression line. A line prescribed at a certain level of a building for the major part of the width of a facade, expressed by a variation in material or by a limited projection such as a molding or balcony. See Table 8.

Façade. The exterior wall of a building that is set along a frontage line.

Forecourt. A private frontage wherein a portion of the facade is close to the frontage line and the central portion is set back. See Table 7.

Frontage. The area between a building facade and the vehicular lanes, inclusive of it's built and planted components. Frontage is divided into private frontage and public frontage. See Table 4A and Table 7.

Frontage line. A lot line bordering a public frontage. facades facing frontage lines define the public realm and are therefore more regulated than the elevations facing other lot lines. See Table 17.

Function. The use or uses accommodated by a building and its lot, categorized as restricted, limited, or open, according to the intensity of the use. See Table 10 and Table 12.

Gallery. A private frontage conventional for retail use wherein the facade is aligned close to the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk. See Table 7.

Green. A civic space type for unstructured recreation, spatially defined by landscaping rather than building frontages. See Table 13.

Greenway. An open space corridor in largely natural conditions which may include trails for bicycles and pedestrians.

Hamlet. A community type structured by a standard pedestrian shed oriented toward a common destination such as a general store, meeting hall, schoolhouse, or church.

Highway. A rural and suburban thoroughfare of high vehicular speed and capacity. This type is allocated to the more rural transect zones (T1, T2 and T3).

Layer. A range of depth of a lot within which certain elements are permitted.

Lightwell. A private frontage type that is a below-grade entrance or recess designed to allow light into basements. See Table 7.

Liner building. A building specifically designed to mask a parking lot or a parking structure from a frontage.

Live-work. A mixed use unit consisting of a commercial and residential function. The commercial function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity or industry.

Lot width. the length of the principal frontage line of a Lot.

Main civic space. The primary outdoor gathering place for a community. The main civic space is often, but not always, associated with an important civic building.

Manufacturing. Premises available for the creation, assemblage and/or repair of artifacts, using table-mounted electrical machinery or artisanal equipment, and including their retail sale.

Mixed use. Multiple functions within the same building through superimposition or adjacency, or in multiple buildings within the same area by adjacency.

Net site area. All developable land within a site including thoroughfares but excluding land allocated as civic zones.

Network pedestrian shed. A pedestrian shed adjusted for average walk times along thoroughfares.

Open space. Land intended to remain undeveloped; it may be reserved for civic space.

Park. A civic space type that is a natural preserve available for unstructured recreation. See Table 13.

Parking structure. A building containing one or more stories of parking above grade.

Passage (PS). A pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages.

Path (PT). A pedestrian way traversing a park or rural area, with landscape matching the contiguous open space, ideally connecting directly with the urban sidewalk network.

Pedestrian shed. An area that is centered on a common destination. Its size is related to average walking distances for the applicable community type. Pedestrian sheds are applied to structure communities.

Pedestrian shed, linear. A pedestrian shed that is elongated along an important mixed use corridor such as a main street. A linear pedestrian shed extends approximately one-quarter (1/4) mile from each side of the corridor for the length of its mixed use portion. The resulting area is shaped like a lozenge.

Pedestrian shed, long. A pedestrian shed that is an average one-half (1/2) mile radius or two thousand six hundred forty (2640) feet, used when a transit stop (bus or rail) is present or proposed as the common destination. A long pedestrian shed represents approximately a ten (10) minute walk at a leisurely pace. It is applied to structure an RCD community type.

Pedestrian shed, standard. A pedestrian shed that is an average one-quarter (1/4) mile radius or one thousand three hundred twenty (1320) feet, about the distance of a five (5) minute walk at a leisurely pace.

Planter. The element of the public frontage which accommodates street trees, whether continuous or individual.

Plaza. A civic space type designed for civic purposes and commercial activities in the more urban transect zones, generally paved and spatially defined by building frontages.

Principal building. The main building on a lot, usually located toward the frontage

Principal entrance. The main point of access for pedestrians into a building.

Principal frontage. On corner lots, the private frontage designated to bear the address and principal entrance to the building, and the measure of minimum lot width. Prescriptions for the parking layers pertain only to the principal frontage. Prescriptions for the first layer pertain to both frontages of a corner lot.

Private frontage. The privately held layer between the frontage line and the principal building facade. See Table 7.

Public frontage. The area between the curb of the vehicular lanes and the frontage line. See Table 4A and Table 4B.

Rear alley (RA). A vehicular way located to the rear of lots providing access to service areas, parking, and outbuildings and containing utility easements. Rear alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll curbs at the edges.

Rear lane (RL). A vehicular way located to the rear of lots providing access to service areas, parking, and outbuildings and containing utility easements. Rear lanes may be paved lightly to driveway standards. The streetscape consists of gravel or landscaped edges, has no raised curb, and is drained by percolation.

Rearyard building. A building that occupies the full frontage line, leaving the rear of the lot as the sole yard. See Table 9.

Recess line. A line prescribed for the full width of a facade, above which there is a stepback of a minimum distance, such that the height to this line (not the overall building height) effectively defines the enclosure of the enfronting public space. See Table 8.

Regulating plan. A zoning map or set of maps that shows the transect zones, civic zones, and special requirements if any, of areas subject to, or potentially subject to, regulation by the hamlet/village in this Division.

Retail Frontage. Frontage designated on a regulating plan that requires or recommends the provision of a shopfront, encouraging the ground level to be available for retail use.

Road. A local, rural and suburban thoroughfare of low-to-moderate vehicular speed and capacity. This type is allocated to the more rural transect zones (t1, T2, and T3).

Rowhouse. A single-family dwelling that shares a party wall with another of the same type and occupies the full frontage line.

Secondary frontage. On corner lots, the private frontage that is not the principal frontage. As it affects the public realm, its first layer is regulated.

Setback. The area of a lot measured from the lot line to a building facade or elevation that is maintained clear of permanent structures.

Shared parking factor. An accounting for parking spaces that are available to more than one (1) function. See Table 11.

Shopfront. A private frontage conventional for retail use, with substantial glazing and an awning, wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. See Table 7.

Sidewalk. The paved section of the public frontage dedicated exclusively to pedestrian activity.

Sideyard building. A building that occupies one side of the lot with a setback on the other side. This type can be a single or twin depending on whether it abuts the neighboring house. See Table 9.

Slip road. An outer vehicular lane or lanes of a thoroughfare, designed for slow speeds while inner lanes carry higher speed traffic, and separated from them by a planted median.

Specialized building. A building that is not subject to residential, commercial, or lodging classification. See Table 9.

Square. A civic space type designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees, formally disposed. See Table 13.

Stepback. A building setback of a specified distance that occurs at a prescribed number of stories above the ground. See Table 8.

Stoop. A private frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance. See Table 7.

Story. A habitable level within a building, excluding an attic or raised basement.

Street. A local urban thoroughfare of low speed and capacity.

Streetscreen. A freestanding wall built along the frontage line, or coplanar with the facade. It may mask a parking lot from the thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

Substantial modification. An alteration to a building that is valued at more than fifty (50) percent of the replacement cost of the entire building, if new.

Terminated vista. A location at the axial conclusion of a thoroughfare. A building located at a terminated vista designated on a regulating plan is required or recommended to be designed in response to the axis.

Thoroughfare. A way for use by vehicular and pedestrian traffic to provide access to lots and open spaces, consisting of vehicular lanes and the public frontage.

Townhouse. See rearward building.

Transect. A cross-section of the environment showing a range of different habitats. The rural-urban transect of the human environment used in the hamlet/village code is divided into five (5) transect zones. These zones describe the physical form and character of a place, according to the density and intensity of its land use and urbanism.

Transect zone (T-Zone). One (1) of five (5) zones on a land development plan regulated by the hamlet and village provisions of Division 40.25.100. Transect zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those of the private lot and building and public frontage.

Turning radius. The curved edge of a thoroughfare at an intersection, measured at the inside edge of the vehicular tracking. The smaller the turning radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn.

Work-live. A mixed use unit consisting of a commercial and residential function. It typically has a substantial commercial component that may accommodate employees and walk-in trade. The unit is intended to function predominantly as work space with incidental residential accommodations that meet basic habitability requirements.

Yield. Characterizing a thoroughfare that has two (2) way traffic but only one (1) effective travel lane because of parked cars, necessitating slow movement and driver negotiation.

Division 40.25.200. Traditional Neighborhood Design

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Sec. 40.25.230. Residential design.

The residential development is intended to provide the character of an urban neighborhood having rather formal open spaces serving as focal points. The residential development shall meet the following design criteria.

- A. *Roads and subdivision layout.* Where topography....
- B. *Open space.* The open space in traditional neighborhoods is primarily a formal open space of squares, greens, or other formal open spaces.
 - 1. *Greens.* Greens are internal central spaces surrounded on at least three (3) sides by the [~~hamlet or village~~] development area. The minimum area in this type shall be twelve thousand (12,000) square feet with a minimum dimension of sixty (60) feet. Such areas shall be designed to permit recreational and/or social use by the community.
 - 2. *Parkway*.....

Sec. 40.26.240. Modification of housing type.

This Code provides a variety of building types to insure diversity. Market or design constraints may be such that modification of building types may be permitted in order to achieve the desired character or meet market demands. The following modifications are expressly permitted.

- A. *Lot line and village units.* These lots have different sizes....
- B. *Build-to and setback lines.* The standards are designed to be used in small scale subdivisions where each subdivision in the district has common standards. In the Traditional Neighborhood[~~, hamlets, and villages~~] or developments having over three hundred (300) dwelling units the Department may change these standards according to the following:
 - 1. Where design guidelines for the entire community in the Traditional Neighborhood[~~, hamlet or village~~] suggest a different setback or build to line, and this is done to achieve a specific look it may be permitted, provided
 - a. The setback does not result in greater exposure of the automobile to the streetscape.
 - b. The change does not result in a loss of landscaping to soften the street facades.
 - c. The change does not alter the urban character of the Traditional Neighborhood, an alternative may be used throughout the development.
 - [d. ~~In hamlets and villages, two different types may be used to transition from center to the edge of the community.~~]

Sec. 40.31.113. Rezoning/preliminary plan application.

- A. *Applicability.* Applications for rezonings must be submitted by the established deadline for the triannual rezoning process. Preliminary plans without a rezoning....
- B. *Submission requirements.* The applicant shall submit a preliminary plan pursuant to the requirements of Appendix 1, including the applicable fee. The applicant shall provide all TAC agencies with copies of the rezoning application, preliminary plan and any required studies or reports. In the Traditional Neighborhood (TN) District, [~~and in hamlets and villages;~~] the design guideline for the entire development for architecture, signs, landscaping, streets, and public spaces shall be submitted.
- C. *Department and TAC review and report.* The Department....

Sec. 40.31.114. Record plan submission.

Record plan submissions shall not be accepted if the date of Department receipt is greater than one (1) year from the date of the exploratory plan review letter....

- A. *Submission requirements.* The applicant shall submit a record plan pursuant to the requirements in Appendix 1, including the applicable fee. Any agreements, surety, maintenance declarations or any other legal documents required by this Chapter shall also be submitted.
 - 1. If the plan proposes changes....
 - 2. In the Traditional Neighborhood (TN) District [~~and in hamlets and villages~~] the final design guideline for the entire development for architecture, signs, landscaping, streets, and public spaces shall be submitted.
- B. *Department review/approval.* If the plan and all supporting....

Sec. 40.33.220. Residential uses.

- A. *Single-family detached*....
- H. *Hamlet.* This is a special type of planned development that permits an extreme cluster with very extensive open space that is a freestanding community with residential, and a central place where commercial uses are permitted pursuant to the regulations of this Chapter.
- I. *Village.* This type of development is similar to a hamlet, permitting a cluster-style development with a community commercial district providing employment opportunities, pursuant to the regulations of this Chapter.
- J. *Group home*....

Section 2. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 3. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 4. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof and not as new enactments regardless if severability is possible.

Section 5. Effective Date. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive.

Approved on:

Adopted by County Council of
New Castle County on:

County Executive

President of County Council
New Castle County

SYNOPSIS: This Ordinance adds the Smart Code development option to Chapter 40 of the *New Castle County Code*. The incorporation of the Smart Code requires amendments to a large number of Chapter 40 Articles and Sections. The amendment recognizes and fully supports the goals of Smart Code legislation including (1) preservation of open space and farmland, (2) provision of a variety of transportation choices, (3) requirement for mixed uses, (4) a range of housing opportunities and choices, (5) walkable neighborhoods, (6) distinctive and attractive communities for a strong sense of place, (7) predictable fair and cost effective development decisions, (8) development directed towards existing communities, and (9) compact building design and efficient infrastructure design. The amendment also limits this type of development option to the S (Suburban) zoning district and the hamlet and village option, but it is recognized that a more countywide approach along existing major transportation corridors and other infill and redevelopment areas may be appropriate in the future.

FISCAL NOTE: