

**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:	
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Date of Most Recently Certified Comprehensive Plan: _____

Application Type:

Comprehensive Plan Amendment: _____

Ordinance: _____

Other: _____

Comprehensive Plan Amendment or Municipal Ordinance prepared by:	
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Please describe the submission:

Ordinance: Ord. 15-096, Regarding the Adoption of a New UDC Appendix 7 to Provide Guiding Principles for Development

The purpose of this ordinance is to add a new Appendix 7 to Chapter 40 of the *New Castle County Code* that will provide guiding principles for new development. This ordinance recognizes context areas that are consistent with the 2012 Comprehensive Plan, and general principles for site and building design that are appropriate for each context area. The ordinance recognizes and fully supports the design policies of the 2012 Comprehensive Plan, including: (1) walkable communities with a sense of place; (2) development design that respects the neighborhood context; and, (3) guiding design principles that are appropriate for each context area and that will better deliver the outcomes and goals provided in the 2012 Comprehensive Plan.

Ordinance: Ord. 15-097, Regarding the Establishment of a New Zoning Overlay District known as the Neighborhood Preservation Overlay District (NPOD)

The purpose of this ordinance is to revise Chapter 40 of the *New Castle County Code* to create a Neighborhood Preservation Overlay District (NPOD) to encourage economic development, placemaking, and healthy communities in a way that protects the character of existing residential neighborhoods. The amendment creates new standards for establishing neighborhood regulations, focusing on broad characteristics that provide neighborhood character including, but not limited to, building height, setbacks, massing, open space, and streetscape elements. An NPOD designation primarily is intended for neighborhoods dealing with issues of incompatible infill and structural alteration that could drastically change the appearance of residential neighborhoods and/or the streetscape and during the first three (3) years after the effective date of this Article will be limited to the initial study areas identified in the New Castle County Department of Land Use Action Plan and Work Program 2014/2015 dated October 7, 2014 (Pike Creek, Concord Pike, Route 9, Kirkwood Highway, Newark / Route 273 Corridor, and Claymont) and where a NPOD designation is supported by a WILMAPCO study.

Ordinance: Ord. 15-098, Regarding the Establishment of a New Zoning District known as the Economic Empowerment District (EED)

The purpose of this ordinance is to revise Chapter 40 of the *New Castle County Code* to create a new Economic Empowerment District (EED) to encourage more business and job rich and job retention businesses in the County. The amendment creates new standards and incentives for development including streamlining the review and approval process. The amendment recognizes and fully supports all the economic development goals and objectives of the New Castle County 2012 Comprehensive Development Plan, including (1) encouraging a diversified economic base, (2) encouraging the growth and development of high-technology business and other job rich and job retention businesses, and (3) preserving industrially zoned lands to support new industrial development ranging from small business incubator facilities to larger business organizations. The job rich and job retention businesses option is recognized as a desirable development option that will support economic development throughout the county.

Introduced by: Mr. Tackett, Mr. Reda
Date of introduction: September 29, 2015

ORDINANCE NO. 15-

**TO AMEND CHAPTER 40 OF THE *NEW CASTLE COUNTY CODE*
(ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”)
REGARDING THE ADOPTION OF A NEW APPENDIX 7
TO PROVIDE GUIDING PRINCIPLES FOR DEVELOPMENT**

WHEREAS, it is important to provide guidance for development and redevelopment within New Castle County, and;

WHEREAS, the guiding principles are designed to maintain our community’s character, protect our neighborhoods, and encourage sustainable development in a manner that ensures a high quality of life for all New Castle County residents now and in the future, and;

WHEREAS, the guiding principles will apply a framework to the 2012 Comprehensive Plan policies to new development in New Castle County, and;

WHEREAS, the guiding principles will provide guidance for applicants, neighborhoods, and land use administrators in New Castle County regarding land development, and;

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life.

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

Section 1. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), is hereby amended to establish a new Appendix 7 (“Guiding Principles”), as provided in the attached Exhibit A and as set forth as if all text in the attached Exhibit A is fully underlined.

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 2012 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 passage by New Castle County and signature of the County Executive or as otherwise provided in *9 Del. C § 1156*.

Approved on:

Adopted by County Council of
New Castle County on:

County Executive
New Castle County

President of County Council
New Castle County

SYNOPSIS: The purpose of this ordinance is to add a new Appendix 7 to Chapter 40 of the *New Castle County Code* that will provide guiding principles for new development. This ordinance recognizes context areas that are consistent with the 2012 Comprehensive Plan, and general principles for site and building design that are appropriate for each context area. The ordinance recognizes and fully supports the design policies of the 2012 Comprehensive Plan, including: (1) walkable communities with a sense of place; (2) development design that respects the neighborhood context; and, (3) guiding design principles that are appropriate for each context area and that will better deliver the outcomes and goals provided in the 2012 Comprehensive Plan.

FISCAL NOTE: This Ordinance has no discernable fiscal impact.

EXHIBIT A
UDC APPENDIX 7
GUIDING PRINCIPLES
(Pages 7-1 thru 7-43)

APPENDIX 7
Guiding Principles

Version 1.0

This document establishes general principles and expectations for development in New Castle County to encourage sustainable development. It establishes guidelines for building design, site design, and amenities. This Appendix is a companion to the 2012 Comprehensive Plan.

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Executive Summary

The Guiding Principles implement our community's vision for the future by providing guidance for development and redevelopment. These Principles are designed to maintain our community's character, protect our neighborhoods, manage our transportation systems, and encourage sustainable development in a suitable manner that ensures a high quality of life for all New Castle County residents now and in the future.

Purpose

Communities fundamentally define themselves by creating housing and social connectivity, ensuring mobility, assuring open space and public services, and facilitating a vibrant economy. How a community addresses these factors reflects its attitude toward the dignity of its residents and the importance it assigns to community planning. These Principles are about enhancing our already fantastic and unique County, and creating a New Castle County that excels in social, environmental and economic terms—a community that provides opportunities to everyone.

This document establishes principles to guide the development in New Castle County. These principles address building design, site design, and project amenities. This could become a guiding chapter for the Comprehensive Plan, a set of guidelines, or a similar document. The Department will use myriad information to update and formulate principles including the existing 2012 Comprehensive Plan, any area plans, and the County's ongoing public outreach.

Regional growth puts pressure on the County's transportation system, its corridors and its streets, increasing traffic burdens on the County. While the County cannot eliminate regional traffic, it can directly address its own. Simply put, congestion occurs when the number of motorists exceeds the roadway capacity to accommodate them. Where roads and automobiles provide the primary source of mobility, the result is congestion, design that is scaled to cars (such as large format retail buildings and extensive, front-loaded parking areas), and a transportation system that is planned and operated separately from land use.

These principles are intended to:

- Address a variety of situations, such as transit-oriented corridors and suburban commercial centers.
- Establish a vision that is appropriate to the pattern of growth and the County's future land development policies.
- Give applicants and County staff clear expectations about development outcomes, thereby streamlining the approval process and increasing certainty for both the applicant and surrounding neighborhoods.

Pursuant to the Delaware Quality of Life Act (9 *Del. C.* § 2651 *et seq.*), the County adopted a Comprehensive Plan in 2012. The Comprehensive Plan establishes the County's long-range policies for development. Those policies address land use, transportation, economic development, housing, and other factors associated with new growth and redevelopment in the County. The plan was developed after a series of public meetings and surveys, a comprehensive plan survey, visual preference survey, and transportation visual preference survey. This

document does not revisit the policies in the comprehensive plan. Instead, it implements the Comprehensive Plan policies by establishing processes and standards development review.

Creating a Sustainable Future

The Guiding Principles translate the community's desire to preserve the County's unique character into development that creates jobs, respects neighborhood character, provides quality design and amenities, and mitigates its impacts on infrastructure and the natural environment.

The Guiding Principles protect the County's neighborhoods and historic resources, expand open space, and create new opportunities for employment. They encourage:

- Amenities that serve residents and workers that occupy a development or redevelopment, such as civic spaces, recreational activities, and commercial activities within a convenient walk.
- Appropriately scaled neighborhood-serving uses.
- New development connected directly to available or planned transit, creating a multi-modal transportation system that incentivizes walking, biking and transit.
- Local-serving retail within walking distance of existing and new neighborhoods.

The Guiding Principles transform the County's auto-oriented roads into inviting streets with improved transit, wider sidewalks, and distinctive architecture, landscaping and neighborhood-friendly services. It requires new development to respect New Castle County's heritage with compatible and quality design, ensuring a sense of "place" where local residents will be attracted to live, work and shop. It seeks to reduce net new evening peak period vehicle trips in order to minimize congestion.

The Guiding Principles reshape traditional planning approaches to focus on neighborhood conservation, increased employment opportunities, and transportation management. These Guiding Principles respond to some recurring impacts of new development and redevelopment in the County such as:

- Increased traffic congestion.
- Commercial buildings that do not transition well to adjacent residential neighborhoods
- The need for affordable housing.
- Infill residential buildings which are out of scale with their existing neighborhoods.
- Architectural design that does not contribute to the County's community character
- The lack of green space, open space and landscaped boulevards.

Taken together, these factors demonstrate the urgent need to reshape traditional planning practices to ensure a future in which the character of the County is not only maintained, but enhanced.

Main Components of the Guiding Principles

The following summary provides the major Guiding Principles goals and policies:

- 1. Conserve Existing Neighborhoods.** The Guiding Principles protect the character of the County's residential neighborhoods and their local-serving commercial areas. Preserving New Castle County's distinctive residential neighborhoods is important to the health of the community. The Guiding Principles seeks to provide additional benefits to the neighborhoods for current and future generations to enjoy. The community's greatest concerns are the loss of neighborhood character, and the construction of larger-scale buildings without an appropriate neighborhood transition.

The Guiding Principles address these issues by combining incentives and disincentives. The Plan redirects residential market pressure away from existing neighborhoods by transforming existing commercial investment potential, at specific locations along transit corridors and districts, into incentives for new housing and employment opportunities. These new opportunities play a highly important strategic role in the preservation of existing neighborhoods by acting as a pressure-release valve for the extraordinary residential market forces.

As a disincentive, the Guiding Principles propose policies and programs to control the type of change occurring within existing neighborhoods. It does this through a series of conservation programs designed to act as a restraint on inappropriate investment. These programs include:

- Neighborhood Preservation Overlay Districts that protect neighborhood character without the level of ongoing review and process associated with the Hometown Overlay Districts or historic preservation regulations.
- Community Design Regulations that reshape building and site design
- An emphasis on Amenities for residents and workers that occupy new development and redevelopment.
- Modification of Development Standards to ensure that new development and redevelopment meets community expectations, while eliminating unnecessary regulatory barriers.

Additionally, through the Neighborhood Preservation Overlay District, the Guiding Principles provide a basis for new protections for character-defining structures which may not meet an historic landmark designation threshold. This does not require strict conformity to existing structures, but rather provides a basis for new development to be informed by a neighborhood's existing community character.

- 2. Promote Healthy Communities.** Development patterns impact public health from water and air pollution to its influence on human behavior, travel patterns, and physical activity. Research increasingly associates low-density, decentralized development with low levels of physical activity, obesity, and traffic fatalities. The Guiding Principles encourage compact, mixed use, and efficient development patterns that promote walking and biking, reduce automobile dependence, green stormwater management solutions, and access to healthy foods options.

- 3. Expand Housing Choices for County Residents and an Expanding Workforce.** The 2012 Comprehensive Plan provides for a more diverse market of livable housing options, expanding the supply of housing types so that people who work in the County can live here, and encourages homeownership. The Guiding Principles encourage new housing opportunities throughout the County in a way that enhances sustainability, creates complete neighborhoods with diverse, mixed incomes, and affordable housing along transit corridors.

The Guiding Principles incorporate a dual approach for preserving existing housing and creating new housing opportunities. The first is accomplished through conservation efforts that protect character within neighborhoods while accommodating a mix of compatible uses. These efforts include Neighborhood Conservation Overlay Districts with stronger, more transparent design standards.

The second approach is to encourage mixed use development along commercial corridors. This puts housing close to jobs, services and transit. The Guiding Principles encourage the private sector to produce more housing through new land use designations that offer incentives for providing housing in concert with lively and attractive open spaces, green pedestrian paths, bicycle facilities and local-serving uses within walking distance of amenities such as cafes, restaurants and retail.

- 4. Manage Transportation/Reduce Congestion.** To manage congestion, the Guiding Principles treat the entire County as an integrated transportation management sphere with aggressive requirements for trip reduction, transit enhancements, pedestrian and bike improvements, and shared parking. Mitigation should include tradeoffs that prioritize connectivity and multi-modal solutions over road widening, signalization or other improvements that keep people dependent on a single mode of transportation.

Future congestion is one of the most urgent and difficult issues for the County to address. Some of this difficulty is due to expanding growth throughout the region where land use and travel pattern decisions are beyond the County's control.

The Guiding Principles creates a framework for development that has a complete multi-modal transportation system that builds upon transit, multi-modal transportation options, and the timing and scale of development.

- 5. Increase Project Amenities.** Future buildings will be required to provide ground level open space and landscaping, trees and green connections. Auto-dominated boulevards will be reconfigured into more bicycle and pedestrian friendly routes with wider sidewalks, trees and landscaping.

Outdoor spaces such as streets, parks, plazas and pathways will provide opportunities for physical, social and cultural interaction to create a shared public environment available to everyone. Future development will enhance the County's inventory of open space and green connections by coordinating with adopted area or master plans. The Guiding

Principles encourage improved connections and pedestrian and bicycle pathways to local services and community amenities such as cafes and shops.

6. **Create a Sustainable Economy.** The County recognizes that it is well positioned for future growth, with one-third (1/3) of the nation's population within a five hundred (500) mile radius, an existing network of employers in growth fields, and access to major employment centers. The County acknowledges the importance of a fiscally healthy community with a strong economy.

The land use and transportation recommendations in these Principles support economically sound and sustainable growth into the future. They specifically encourage the economic sectors which support community services, healthcare, and local-serving businesses that contribute to the County's identity.

The continued support and expansion of these uses at key locations adjacent to transit will serve to ensure accessibility, maximize efficiency of urban infrastructure and services, and decrease reliance on automobile use. The 2014 *Economic Development Strategic Plan* identifies key target economic sectors including advanced materials, information technology, aerospace and defense, health care and life sciences, business/insurance/financial services, and agriculture. This provides key opportunities and corresponding land development strategies both north and south of the Canal.

7. **Require Community Benefits.** Traditional planning has long required development to meet minimum community benefit standards. The Guiding Principles propose a comprehensive approach to benefits designed to serve the community's core needs including new affordable housing opportunities, cultural and social facilities, employee housing, and the creation of quality "places."
8. **Ensure Quality Design and Urban Form.** The urban character and form of New Castle County is shaped by a combination of geographic features, historic development patterns, economic forces, and community values. These Principles reflect the community's values while creating new special places within the County.
9. **Manage change.** One of the most powerful new tools provided in the Guiding Principles is its comprehensive adaptive management of growth. This incorporates two key strategies which allow the County to control and direct future conditions to achieve community goals:
 - **The Location of Uses.** New development is directed to transit corridors and around future high capacity transit stations to capitalize on existing and future infrastructure and services. Coupled with Traffic Demand Management (TDM) and new housing, these areas will be complete neighborhoods where residents can walk and bike to nearby locations to meet their daily needs.

- **The Quality of the Built Environment.** Design policies and guidelines are established to shape new projects so that they enhance the County’s character. The Guiding Principles establish an urban design vision and policies for each character area that include identifying a building envelope that is compatible with its residential neighbors in scale, mass, step backs in building density and intensity and step downs in building height.

10. Promote a Sustainable Environment. These principles promote development that lowers greenhouse gas emissions and urban heat islands.

**How to Use this Document:
Applicability**

This chapter introduces land use designation with a vision, a general description of land uses and the development parameters. Greater detail as to the meaning of the elements of design and amenities resulting from application of these Principles is provided in other chapters, including the design and amenity types chapters.

The land use designations in these Principles differ from zoning districts in that they are more general and typically do not include specific allowances and prohibitions of uses or detailed dimensional requirements such as front and side setbacks or parking standards. The heights, densities and intensities in the Guiding Principles generally establish the outside parameters for zoning regulations.

Each of the land use designations is composed of the following:

- A vision describing the purpose of the designation
- A description of the broad categories of desired land uses
- A summary of the development parameters for each designation (except for the broader Neighborhoods category)

The guidelines in this document should be addressed as early as possible in the development approval process, to avoid surprises and delays. Conditions that respond to these Principles will be incorporated into the record plan.

These principles establish guidelines, not hard standards. They define the County’s expectations for new community design, but recognize that those expectations play out in various ways for different sites. The application of these guidelines will require case-by-case review. The current Comprehensive Plan guidelines and standards provide very general policies that are more appropriate to the formulation of development standards in capital investments than the application of development decisions for specific sites. This document bridges that gap by providing clear principles that applicants and neighborhoods can rely on when testing development proposals.

This document also streamlines the processing and approval of projects. By defining the community’s expectations in advance of the application process, developers can allocate their

resources to implementing these guidelines rather than responding to ad-hoc concerns about density, traffic, or other recurring issues. Because the parameters are set out clearly in this document, neighborhoods have assurance about the form, character, and intensity of developments that occur next door. This balances the County’s expectations about character and community design with its objectives for growth and economic development.

The Guiding Principles in this document focus on community form. This is a product of several key elements: site design, building design, project amenities, and mitigation. These features overlap as well. For example, a project with access to high-capacity transit, with a network of walkable streets and building design features that encourage walkability and multimodal access should require little, if any, roadway mitigation.

**Development Context:
When and How do the Guiding Principles Apply?**

The Guiding Principles depend upon a development’s location in the County, its comprehensive plan classification, and the neighborhood surrounding it. The context is based on functional planning areas, drawing from the County’s existing land development policies. This ensures that the package of building design, site layout, and amenities associated with new development is appropriate to its context. To accomplish this, the Guiding Principles divide the county into broad planning areas that reflect the policies of the 2012 Comprehensive Plan and related County and regional planning documents.

The 2012 Comprehensive Plan continues the framework of prior comprehensive plans that divide the county into eight (8) Comprehensive Plan future land use categories, including four (4) residential, three (3) nonresidential or mixed-use areas, and a rural planning area. These areas, along with their corresponding Character Area designation, are shown in Table 1 below:

Table 1 - *Future Land Use Categories*

	Future Land Use Category	Policies	WILMAPCO Category	Character Area
Existing Community	Very Low Density Residential	0-1 dwelling units/acre	Community	Residential Neighborhood
	Low Density Residential	<ul style="list-style-type: none"> • 1-3 dwelling units/acre • Minimize new development until population and employment growth justifies expansion of the public sewer system • Sending area for Transfers of Development Rights 	Developing	Residential Neighborhood
	Medium Density Residential	3-9 dwelling units/acre	Community	Mixed Neighborhood
	High Density Residential	> 9 dwelling units/acre	Community	Mixed Neighborhood
	Heavy Industrial	Larger heavy industrial developments with access to rail lines or navigable marine waterways	Community	not addressed – regulated by UDC
	Commercial/Office/Industrial Development Area¹	<ul style="list-style-type: none"> • Higher densities • Redevelopment or mixed use centers 	Core	Corridor /Center/Corridor Center - Employment Base

¹ Formerly the Community Redevelopment Area.

Future Land Use Category	Policies	WILMAPCO Category	Character Area
New Community Development Area	<ul style="list-style-type: none"> Transit supportive 	Core	Rural Mixed Use
	<ul style="list-style-type: none"> density goal 3-5 dwelling units per acre areas providing walkable, transit-supportive, mixed-use centers will have higher densities and transition to lower density surrounding suburban areas 		
Resource & Rural Preservation	<ul style="list-style-type: none"> Minimize new development Sending area for Transfers of Development Rights 	Rural	-- <i>(addressed by existing UDC standards including Suburban Reserve district and Transfer of Development Rights)</i>

The 2012 Comprehensive Plan has general policies for each of these future land use categories, but they do suggest a pattern of development associated with a given package of development standards and amenities. The 2012 Comprehensive Plan calls for “smart growth” policies that emphasize community design, infrastructure management, and resource preservation.

WILMAPCO’s Regional Transportation Plan (RTP) and its Transportation Investment Areas (TIA) also create a useful framework for urban form. These TIA’s are categorized as:

Center	Highest concentration of population and/or employment.
Core	Densely settled population and employment patterns.
Community	Areas with well-established land uses and development patterns; growth and development pressures are expected to be moderate.
Developing	Areas where land uses and development patterns are not yet set and where they continue to emerge.
Rural	Areas where limited growth and development exist or are expected.

These are integrated with the future land use categories in Table 1 - *Future Land Use Categories*.

The discussion below describes the Guiding Principles in a readable format. The section for each future land use category includes the following elements:

- **Vision:** the community’s vision for each development area consistent with the Comprehensive Plan. This statement describes the purpose of the category, and can be used to interpret and apply the Guiding Principles.
- **Building Design:** the design and orientation of buildings, consistent with the quality and character of development envisioned for the category.
- **Site Design:** the relationship between buildings, infrastructure, and site elements such as landscaping and civic spaces.

- **Amenities:** amenities that add value to the development and surrounding areas, such as civic spaces, recreational areas, and natural resource preservation.

Guiding Principles and Character Areas

The Guiding Principles establish six (6) character areas based on the 2012 Comprehensive Plan: Residential Neighborhoods, Residential Mixed Neighborhoods, Center, Corridor, Corridor / Center-Employment Based, and Rural Mixed Use. The Heavy Industrial and Resource & Rural Preservation categories are not addressed here because they are regulated by the UDC, and do not require the kind of design and amenity regulations established in these Guiding Principles.

The following table summarizes the Guiding Principles for each character area:

Table 2 - Summary of Design Principles

	Residential Neighborhood	Mixed Neighborhood	Corridor	Center	Corridor / Center – Employment Based	Rural Mixed Use
<i>Vision</i>	Primarily Single-Family detached, low densities	Mix of residential types, from high density single family to apartments, with small scale commercial.	Mix of commercial and employment-based uses with supportive residential.	High intensity commercial and employment-based uses with integrated residential.	Employment-based campus	Mix of commercial or employment-based uses; may include supportive residential.
Building:						
Façade Expression	No special considerations except in HomeTown or Neighborhood Preservation districts	Highly articulated façade with a high level of transparency	Highly articulated façade with a high level of transparency, with more flexible standards away from the corridor	Highly articulated façade with a high level of transparency, with flexible standards for designated “B” streets	Moderately articulated façade, with a moderate level of transparency	Moderately articulated façade with transparency, with flexible standards for designated “B” streets
Orientation	No special considerations except in HomeTown or Neighborhood Preservation districts	Front-facing entry element (porch, stoop, etc.)	High level of ground floor pedestrian interest and transparency with front-facing entries (canopy, courtyard, etc.)	High level of ground floor pedestrian interest and transparency with front-facing entries (canopy, courtyard, etc.)	Buildings may be oriented to street or common law and	Accessible by vehicles with ground floor pedestrian interest and transparency internal to the development
Transition Adjacent to Single-Family	No special considerations	Lower scale adjacent to Residential Neighborhoods	Lower scale adjacent to Residential Neighborhoods	Lower scale adjacent to Residential Neighborhoods	Lower scale adjacent to Residential Neighborhoods	Lower scale adjacent to Residential Neighborhoods
Site:						
Building Placement	Buildings located to allow for front and rear yards	Buildings located near the sidewalk edge or set back	Buildings located near the sidewalk edge	Buildings located near the sidewalk edge	Buildings set back from the sidewalk edge	Buildings set back from the sidewalk edge or along sidewalks at exterior
Parking	No special considerations	Parking dispersed in small modules / Quantity limited	Parking located to the rear or side of buildings in small modules / Quantity limited	Parking located to the rear of buildings in small modules / Quantity limited	Parking set back from the sidewalk edge in landscaped lots / Sufficient quantity	Parking set back from the sidewalk edge in landscaped lots / Sufficient quantity
Pedestrian & Bicycle Circulation	Sidewalks and paths provide multi-modal connections	Sidewalks and paths provide multi-modal connections	Buildings are connected to the street & transit / Sidewalks, bike lanes and multi-modal	Buildings are connected to the street & transit / Sidewalks, bike lanes and multi-modal;	Multi-modal paths and sidewalks connect buildings and parking	Multi-modal paths and sidewalks connect buildings and parking

	Residential Neighborhood	Mixed Neighborhood	Corridor	Center	Corridor / Center – Employment Based	Rural Mixed Use
			paths connect to greenways and neighborhoods	paths connect to greenways & neighborhoods		
Vehicular Circulation	Streets provide sufficient connectivity / Narrow drive lanes for new subdivisions	Narrow drive lanes / Street provide sufficient connectivity	Narrow drive lanes / limited curb cuts / Off-street connections between parcels	Narrow drive lanes / limited curb cuts / Off-street connections between parcels	Narrow drive lanes / limited curb cuts / Off-street connections between parcels	Narrow drive lanes / limited curb cuts / Off-street connections between parcels
Stormwater Management	Consider green solutions such as rain gardens and bioretention. Integrate green and LID design with parks and open space areas.	May include engineered or green technology. pervious surfaces, bioretention or low impact design in public spaces and surface parking areas.	Consider integrating		Consider land cover, topography, and soil types as paramount factors when determining site design. Consider green solutions such as rain gardens and bioretention areas.	
Amenities:						
Open / Civic Spaces	High level of passive open space oriented around natural features	Open space primarily provided as patios and courtyards + Limited urban landscaping to promote pedestrian orientation and reduce visual impacts of parking	Some open space provided as patios and courtyards + Significant landscaping to reduce visual impacts of parking and enhance community image	Significant perimeter landscaping to enhance community image	Significant perimeter landscaping where adjoining other uses	Significant perimeter landscaping or transition in scale where adjoining other uses

The following pages establish principles for designing communities in each of the character areas.

Residential Neighborhoods

Comprehensive Plan Future Land Use Categories

- Very Low Density Residential
- Low Density Residential

Vision

The Residential Neighborhood designations are for New Castle County's predominantly single-family neighborhoods. This designation applies to areas consisting primarily of single family dwellings on individual lots and preserves and protects the existing character and state of the residential neighborhood. Typical uses include single family housing, parks, and compatible uses such as schools and daycare centers. The Guiding Principles' vision is to protect the residential neighborhoods from encroaching commercial uses and incompatible development that would compromise the quality of life and character of these areas. This directs residential investment pressure away from the neighborhoods to mixed use or transit-oriented Corridors and Centers and provides a broad array of neighborhood conservation measures to control the pace and type of change within existing residential areas. This distributes traffic in a way that is more efficient, and supports the development of alternative transportation modes. However, at an appropriate scale and design, neighborhood-serving retail, service and institutional uses should be located close to these neighborhoods.

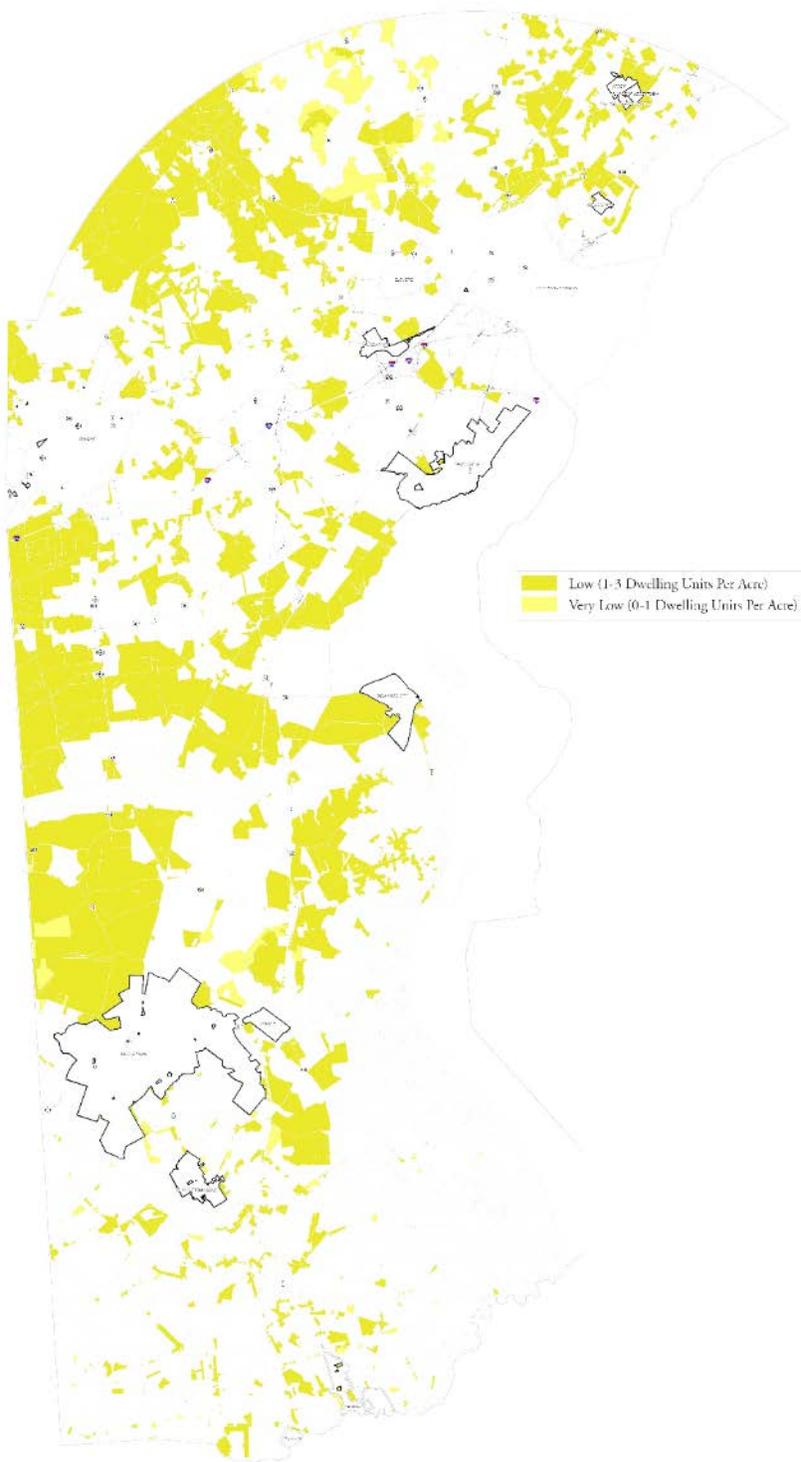
2012 Comprehensive Plan Future Land Use Categories

Low Density Residential (1-3 Dwelling Units Per Acre) &
Very Low (0-1 Dwelling Units Per Acre)

Zoning Districts

S Suburban, SE Suburban Estate, SR Suburban Reserve

Figure 1- Residential Neighborhood Character Areas (Source: 2012 Comprehensive Plan)



Building Design

Building design is not directly regulated unless a Traditional Neighborhood, Hometown Overlay, Hamlet or Village district applies and establishes design regulations. Height and maximum allowable density are as set out in the UDC for the Suburban (S), Suburban Estate (SE), and Suburban Reserve (SR) districts.

Site Design

Site design is regulated by the UDC. In addition:

- The street network for new subdivisions should meet or exceed the DelDOT connectivity standards. For traffic mitigation, applicants should prioritize connectivity, pedestrian, bicycle and transit improvements over widening streets (see “General Concepts – Transportation and Connectivity”).
- Site layout and design should consider low impact development and green technology best management practices, such as rain gardens and bioretention areas.

Amenities

Amenity Space Required

The UDC includes a number of provisions for open space:

- The district regulations establish an “open space ratio” (OSR) for all zoning districts along with a Landscape Surface Ratio (LSR) for non-residential development (§ 40.04.110). The required open space must be provided outside of residential lots. The open space ratio includes both natural resources and community amenities. The OSR does not apply to small subdivisions (up to 5 lots). The OSR varies by use and district. For single-family development, the OSR ranges from five (5) percent in the SR district to forty-five (45) to sixty (60) percent for open space subdivisions in the SR, SE and S districts. For non-residential development, the OSR ranges from ten (10) percent in the Industrial district to forty-five (45) to fifty (50) percent for mixed use, office, retail, and other uses in the CN district. Landscaping is required in open space areas (§ 40.04.210), with existing natural vegetation preserved and four (4) plant units per acre for most other areas (§ 40.04.231). UDC 40.10.210 and 40.10.400 regulate the uses that may occur in required open space, depending on the type of area protected. For example, stormwater management practices are allowed in Natural Resource Area Open Space but not in wetlands or riparian buffer (zone 1), sinkholes, or steep slopes. Scenic corridors with landscaping or existing forests, with widths ranging from fifty (50) to four hundred (400) feet (or six hundred (600) feet for agriculture areas of at least thirty (30) acres), are required for some major subdivision and land development plans (§ 40.04.240).
- The subdivision regulations (§ 40.20.225) requires one (1) acre of useable open space per one hundred (100) dwelling units, or approximately four hundred thirty-five (435) square feet per dwelling unit, for all “all major residential developments.” This section includes requirements for the design, function and connectivity of open space, and requires both natural and community open space areas.
- The UDC allows “Open Space Subdivisions” in the “S” (Suburban) and “SR” (Suburban Reserve) districts. There are 2 options, with only Option 1 allowed in the SR district.

- Open space is required for individual uses, such as manufactured home parks (recreational areas within required open space), bed and breakfast (fifty (50) percent open space), and resorts seventy-five (75) percent).
- Applicants are required to protect natural resource areas. Some of these are counted as open space, while others (such as impervious surface limits in water resource protection areas) are independent of the open space requirements. Open space may be included in drainageways (§ 40.10.360), and all floodplains must be incorporated in the required open space (§ 40.10.313). Steep slopes may be used as open space (§ 40.10.340). Existing vegetation or forested areas may count towards landscaping requirements (§ 40.23.250).
- The Hamlet and Village Regulations build on the gross, principally natural open space categories in the base zoning districts by creating open and civic space typologies ranging from resource corridors to more formal spaces such as greens, parkways, parks, and structural spaces such as gazebos.

Residential Neighborhoods should be enhanced with pedestrian improvements (such as sidewalks or trails), trees and landscaping. Pedestrian improvements should connect neighborhoods with compatible retail, services, institutional uses, and other neighborhoods. In addition, development should consider integrating low impact design or green technology with open space and recreational amenities.

Amenity Types

See – Table 3 – *Menu of Amenities*.

Mixed Residential Neighborhoods

- | | |
|-----------------------------------|-------------------------------------|
| 2012 Comprehensive Plan | • <i>Medium Density Residential</i> |
| Future Land Use Categories | • <i>High Density Residential</i> |

Vision

This category applies to the High (9-plus dwelling units per acre) and Medium (3-9 dwelling units per acre) Density Residential land use categories. These are identified as existing communities in the Plan and are primarily located north of the Canal. While the Comprehensive Plan identifies few policies specific to these land use categories, they do encourage a diverse range of housing near employment and commercial areas and transit, and to accommodate affordable housing.

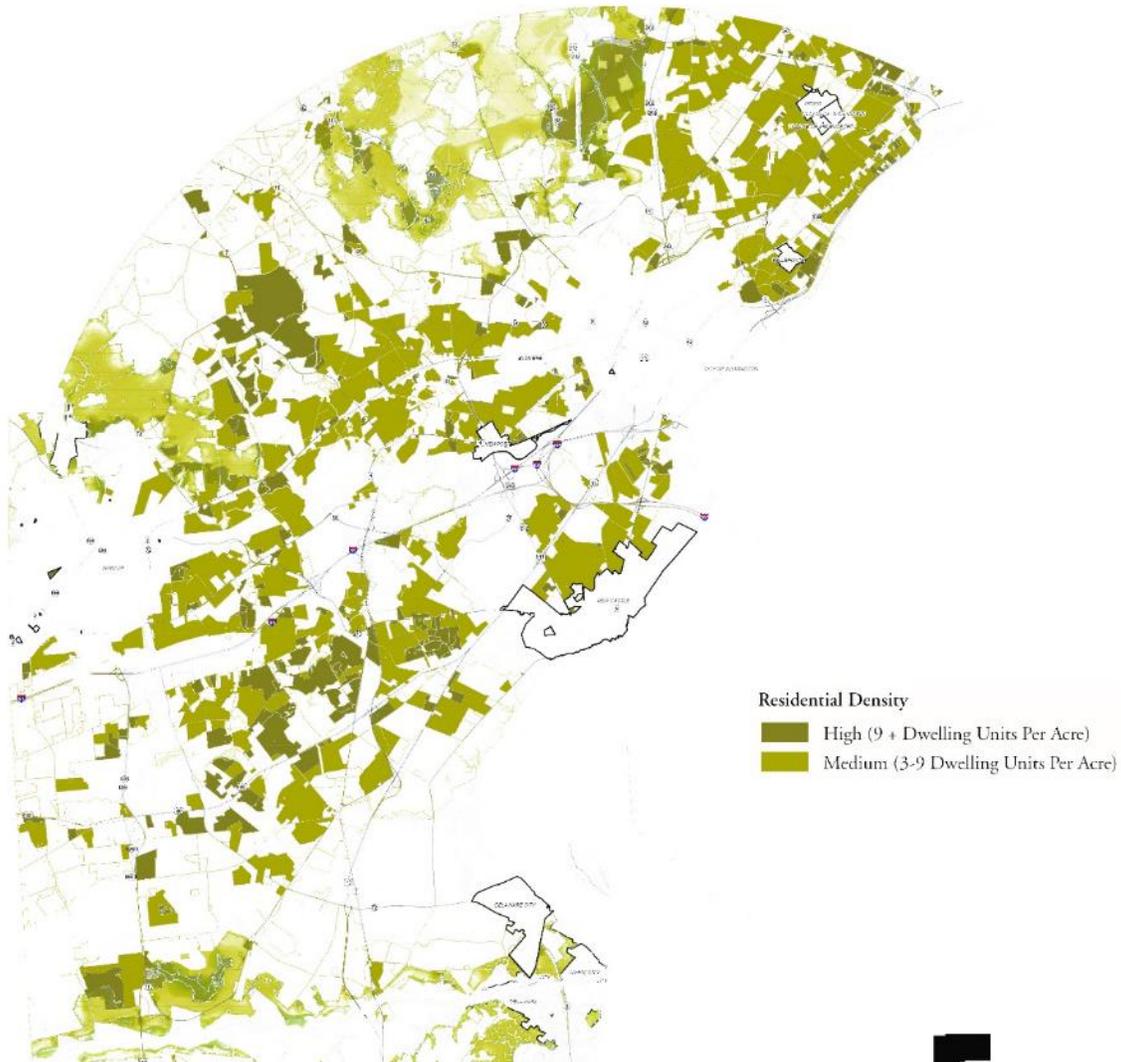
This designation is applied primarily to areas with a mix of housing types, including multi-family housing. It is intended to preserve and protect the existing character and state of the residential neighborhood. Typical uses include low and medium-scale apartments, semi-detached, twin, atrium, weak-link and townhouse types and quadraplexes. Pedestrian-oriented retail, institutional and commercial amenities are either located onsite or within walking distance of the neighborhoods.

New development will transition in mass and scale to adjacent structures in residential neighborhoods in a way that protects the neighborhood’s aesthetic quality and livability. New development will provide open space or recreational amenities for residents.

- | | |
|-----------------------------------|------------------------------------------------------|
| 2012 Comprehensive Plan | Medium Density Residential, High Density Residential |
| Future Land Use Categories | |

-
- | | |
|-------------------------|----------------------------------------------------------------------------------------------------------------|
| Zoning Districts | S Suburban (Village/Hamlet), ST Suburban Transition, TN Traditional Neighborhood, NC Neighborhood Conservation |
|-------------------------|----------------------------------------------------------------------------------------------------------------|

Figure 2 - Mixed Residential Character Areas (Source: 2012 Comprehensive Plan)



Building Design

Make the building visually and architecturally pleasing by varying the height, color, setback, materials, texture, landscaping, trim and roof shape.

Orientation

The building should be oriented to the public street with a prominent entrance and clear connection to the public sidewalk. The primary entrance of the building should be located on the facade facing the street.

When physical site limitations such as topography, existing trees or other natural features prevent the main entrance from being located on the street-facing facade, the building may be oriented to a courtyard with a prominent pedestrian entrance and clear connection to the public sidewalk.

For multifamily buildings under four (4) stories in height, dwelling units facing public or internal streets should include balconies with a minimum dimension of thirty (30) square feet and a minimum depth of eight (8) feet.

Multifamily buildings exceeding four (4) stories may be located only on a corridor with a ground floor commercial use, or in a Center within one-quarter (1/4) mile of a transit stop.

Vertical mixed uses are encouraged. Where retail uses are established, they should be placed at street level and office and residential uses occupying the rear or upper stories.

Mass

1. Overall height of structure(s) should be similar to the predominant height of other buildings in the neighborhood, as determined by the Department, unless a Neighborhood Preservation or Hometown Overlay district provides for redevelopment at greater height and density.
2. Arrange buildings in a cohesive and planned manner through at least one (1) of the following methods:
 - a. Avoid box-like forms with large, unvaried roofs by using a variety of building forms and roof shapes (This may be accomplished by creating clusters of units, variations in height, setback, and roof shape). Divide large multi-building developments into several smaller usable areas, each with individually designed open space, children's play areas, internal circulation, and parking.
 - b. Break up the façade of horizontal buildings into smaller components by using vertical adjacent structures.
 - c. Configure several buildings around a courtyard.
 - d. In a development with one (1) building, configure the building around a courtyard or create several smaller civic spaces or areas of open space each near a separate entry.
3. Relate size and bulk of project so that it is consistent with buildings in the immediate neighborhood. Reduce the apparent size of new buildings and create visual interest through architectural form and detailing.
4. Building facades should be articulated with architectural elements that break up long blank walls, add visual interest, and enhance the character of the neighborhood. Vertical articulation should occur at intervals of no more than forty (40) feet.

Articulation / Modulation

1. Relate first floor to the street and insure that it is consistent with the first floors in neighboring buildings. If close to the street, raise level of first floor slightly to maintain privacy.

2. Avoid blank walls facing the street on buildings. If blank walls are unavoidable, decorate with artwork, display cases, vines, and good quality durable materials. Artwork may include mosaics, murals, decorative masonry or metal patterns or grillwork, sculptures, or similar items that provide visual relief.
3. Three (3) or more of the following methods of articulation should be used such that the combination of features project a residential character:
 - a. Provide a balcony, bay window, porch, patio, deck, or clearly defined entry for each interval of up to forty (40) feet.
 - b. Provide, a lighting fixture, trellis, a canopy or prominent ornamental tree (at least fifteen (15) feet high at maturity) or other landscape feature within each interval.
 - c. Provide architectural features (“modulations”) such as setbacks, indentations, overhangs, projections, cornices, bays, canopies, or awnings. Building modulations should be a minimum of two (2) feet in depth and two (2) feet in width. The sum of the modulation depth and modulation width should be no less than eight (8) feet.
 - d. Use of material variations such as contrasting colors, brick or metal banding, or textural changes.
 - e. Artwork or building ornamentation, such as mosaics, murals, decorative masonry or metal patterns or grillwork, sculptures, or similar items that provide visual relief.
4. No more than four (4) consecutive uniform modulations (as described in subsection 3 above) should be used. Buildings greater than one hundred sixty (160) feet in length should provide a prominent central feature, such as a courtyard.
5. Front facades incorporating a variation in building setback should include within the setback such architectural elements as covered or recessed building entries, plazas or courtyards, or seating and planting areas.
6. Roof lines should be varied through dormers, architectural focal points (such as peaks, towers, gables, domes, barrel vaults or roof line trellis structures), variations or steps in roof height or detail (such as cornices parapets, pitched roofs or full mansards, terraced roofs (with balconies, roof gardens, or patios).

Windows and Entryways

1. Provide entryway elements such as porches, stoops, or courtyards that are oriented to public or private streets. Rear entries should be oriented to rear yards or common open space, and not to public streets.

2. Windows should provide relief, detail and variation on the facade through the use of visible trim and architectural styling that lends human scale to the façade.
3. Enhance views, provide natural surveillance, and make spaces feel larger by maximizing the number of windows that face the street.

Site Design

Where possible, buildings should locate near, and provide a continuous pedestrian connection to, shops and schools and within one-quarter (1/4) mile of bus or light rail transit stop (within one-half (1/2) mile of heavy commuter rail) if possible.

Building – Street relationships

Buildings should form a street edge along all interior streets, and either a street edge or buffer along public streets.

- The buffer may include common open space or civic spaces as described below.
- The development should not include high fences (greater than three (3) feet tall) or bare paved driveways along the frontage.

Maintain existing setback patterns. Except for corner lots or where prohibited by the UDC, buildings should not project in front or behind the average setback line of the block.

The rear of buildings should not face public streets unless unique topography or some other unavoidable situation requires this orientation, and a visual buffer is provided along the public street.

Provide a central location for common facilities, such as open space, community rooms and laundries.

Incorporate crime prevention through environmental design (CPTED) principles that provide:

- Natural access control through clearly placed signs and entrances, natural surveillance such as through street-facing windows.
- Minimizing of blank walls along streets, and adequate lighting, and territorial reinforcement through physical attributes that express ownership and a hierarchy of public, semi-private and private spaces.

Parking

Place parking lots at rear or side of the site to allow a majority of dwelling units to front on the street.

Build multiple small parking lots instead of one (1) large lot.

Plant trees and shrubs to soften the overall impact of parking areas and provide shade and noise reduction.

Place parking lot in proximity to dwelling units to allow for casual surveillance.

Separate bicycle and pedestrian paths from vehicular traffic.

Designate "vehicle free areas" for bicycle and pedestrian safety and enjoyment.

Connectivity

The street network for new subdivisions should meet or exceed the DeIDOT connectivity standards. For traffic mitigation, applicants should prioritize connectivity, pedestrian and transit improvements over widening streets.

Provide pedestrian and bicycle access to adjacent uses with pedestrian walkways or crossings and bicycle infrastructure.

Accessory Structures (gas pumps, dumpsters, etc)

See UDC § 40.03.431.

Amenities

Amenity Space Required

Total usable amenity space on a site having three or more dwelling units should include at least two hundred (200) square feet per dwelling unit. This can be met by any combination of private outdoor building space and common open space.

Private outdoor building space. To satisfy the outdoor building space requirement, private open space should be on a patio or balcony with a minimum depth of eight (8) feet.

Amenity Types

See – Table 3 – *Menu of Amenities*.

Center

2012 Comprehensive Plan Future Land Use Categories

- *Commercial/Office/Industrial
Development Area*

Vision

Centers are gathering places situated within neighborhoods or at the edges of adjoining neighborhoods or communities. Centers offer access to retail and services, civic and public benefit uses such as schools, churches and post offices, employment and, in some cases, residential options as well. The mixed-use Center designation allows for the creation of a vibrant concentration of goods and services, multi-family housing, and community gathering and public spaces at strategic locations such as arterial street intersections are areas served by high-frequency transit lines. Areas designated as Mixed-Use Centers transform into vibrant, highly walkable areas with broad, pedestrian-friendly sidewalks, trees, landscaping and local-serving uses.

There are two (2) types of centers in this character area: mixed-use centers and employment based centers. Mixed-use centers include both commercial (retail, institutional, or employment-based uses such as offices) and residential uses. Mixed-use centers range in character and intensity. Some are small-scale, draw from the surrounding neighborhoods, and have limited amounts of housing as well as some creative office. Others have a more urban character with a greater intensity and include more opportunities for housing. In order to provide design flexibility, mixed-use centers may include “A” and “B” streets. Buildings along “A” streets are aligned to the sidewalk and include a high level of design quality. Development along “B” streets is more flexible, with some front loaded parking and large format retail that can anchor development on the “A” streets.



← An "A" Street is a street with frontage that is restricted to building types and uses that promote pedestrian activity, and which benefit from pedestrian and/or transit access.

A "B" Street is a street that permits front-loaded surface parking, retail and service uses, and single-story buildings. A "B" designation may include large format retail or similar uses that anchor the overall development, or as part of a phased development plan.



Figure 3 - "A" v. "B" Streets

Employment based centers may include business campus environments that are built in a more urban style than a traditional business campus.² These areas provide space for continued employment activities to ensure a robust economy that is essential in order for the County to continue to provide the high level of public services that the community expects. The Guiding Principles land use designations allow for the continuation of existing employment activities.

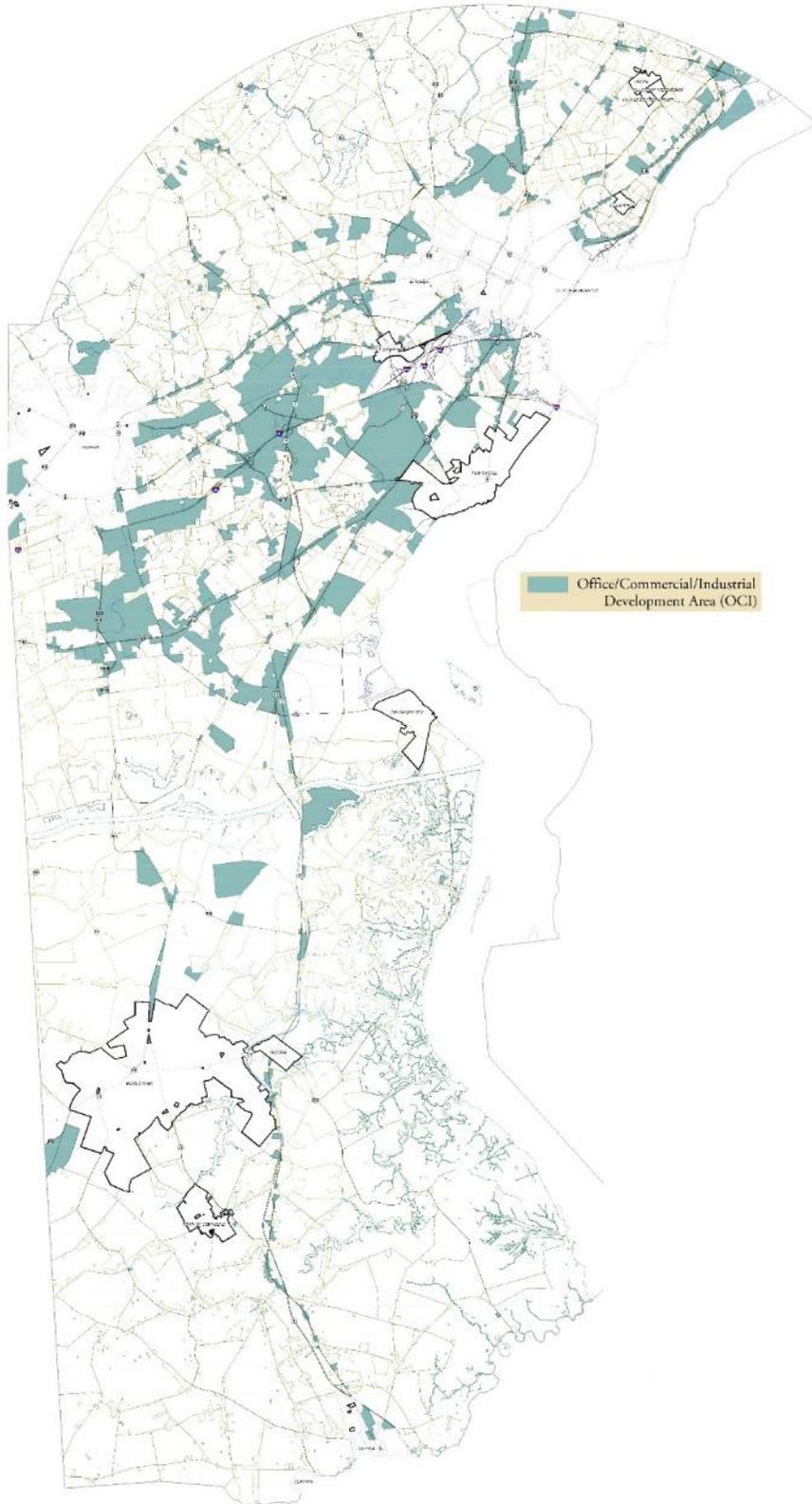
**2012 Comprehensive Plan
Future Land Use Categories
Zoning Districts**

Commercial/Office/Industrial Development Area

ON Neighborhood Office, OR Regional Office, CR Regional Commercial, CN Commercial Neighborhood, BP Business Park

² The "Corridor" designation is appropriate for a more suburban style campus development.

Figure 4 - Center and Corridor Character Areas (Source: 2012 Comprehensive Plan)



Within Mixed Use Centers, the following mix of uses is required:

Use Category	Minimum Floor Area	Maximum Floor Area
Residential / Lodging / Short-Term Rental <i>(includes residential area of Mixed Use Buildings)</i>	15%	40%
Commercial / Mixed Use <i>(includes non-residential area of Mixed Use Buildings)</i>	60%	80%
Public/Civic/Institutional	n/a	20%
Light Industrial / Production	n/a	20%

**Building Design
Orientation**

Buildings should be oriented to a public or private street, or to a civic space as defined in Table 3 – *Menu of Amenities*.

New buildings on property adjacent to an existing public street should have a minimum façade height to ensure the visual definition of the street space, to be defined in the UDC.

Frontage

Permitted entry elements are as follows:

Entry Element	Definition	Mixed Use Center		Employment Centers
		“A” Streets	“B” Streets	
Awning/Canopy	Use of an awning or canopy above transparent glass windows or other ground floor pedestrian interest areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courtyard	A court, patio or other indentation in the building façade at least 6’ deep – building entry doors may face onto the patio from any direction.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gallery/arcade	Roofed (or partially roofed), arcade, gallery, veranda or pergola elements that are not enclosed on more than two sides.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Front porch	A roofed but unenclosed entry element with a minimum depth of 8’.	<input type="checkbox"/>	<input type="checkbox"/>	

Stoop	A raised and unenclosed (may be roofed) landing and stairway.	<input type="checkbox"/>	<input type="checkbox"/>
Projected entry	An office or retail-type entry that extends exterior from the front wall plane, and has a width that is evident as a building entrance.	<input type="checkbox"/>	<input type="checkbox"/>
Recessed entry	An entry that recesses into the front of the building plane, and extends vertically at least 15 feet or to the top of the front elevation, and has a continuous width of at least 12 feet at all points along the required vertical dimension. A Recessed Entry is integrated with the building's roof plane.	<input type="checkbox"/>	<input type="checkbox"/>

Mass

New buildings should step down in relationship to the scale and character of adjacent low-density neighborhoods and include a diverse mix of uses and housing types designed to complement and serve the existing residential neighborhood.

A ground floor along an “A” Street in a Mixed Use Center should include a minimum twelve (12) foot clear height for retail and service uses and ten (10) foot clear height for residential and office/research and development uses. In order to ensure that a useable amount of floor area is included under the clear height, this height should be maintained for minimum depth of twenty (20) feet from the front façade.

Articulation

Avoid blank walls facing the street on buildings. Along “A” streets in Mixed Use Centers, building facades facing a street that are longer than fifty (50) feet should change visibly in height, wall plane projection or setback (minimum of twelve (12) inch setback), materials, or color a maximum of every forty (40) feet along the axis facing the street.

Windows and Entryways

Along “A” Streets in Mixed Use Centers, the ground floor should include between sixty-five (65) percent to ninety (90) percent glazing (i.e., transparent glass) and entryways.

Site Design

A Center is configured around a street network, with high quality development concentrated along the entryway to the development or a designated “A” Street. A Center is divided into two (2) subareas:

1. The Street Zone, including all areas within fifty (50) feet of any public street that provides access to the development.
2. The Interior Zone, including all areas outside of the Street Zone.

Building – Street relationships

The aggregate length of “B” Streets on an application should not exceed thirty-five (35) percent of the total length of all streets within a proposed Mixed Use Center.

Buildings should form a street edge along all public and interior “A” streets. The applicant should identify minimum and maximum setbacks along all “A” streets. Maximum setbacks should generally place buildings along sidewalks or courtyards or other civic spaces that have a direct connection to sidewalks. The exploratory plan should identify a “frontage buildout” of sixty (60) to eighty (80) percent along “A” streets to ensure that building walls occupy the area within the maximum setback.

Parking

Parking areas should be located outside of the street zone. In the Interior zone and along “A” streets, parking areas should be located principally to the rear of buildings, interior to a block, or parking structures. Along “A” streets, parking structures should include storefronts or other active space at the street level.

Along “A” streets and in employment based centers, build multiple small parking lots instead of one large lot.

Plant trees and shrubs to soften the overall impact of parking areas and to provide shade and noise reduction.

Separate bicycle and pedestrian paths from vehicular traffic.

Designate "vehicle free areas" for bicycle and pedestrian safety and enjoyment.

Where allowed by the UDC, the Department may reduce required parking to account for multimodal site access, internal trip capture, or the sharing of parking between uses with different peak parking periods.

Connectivity

In Mixed-Use Centers:

- Streets should meet or exceed the DeIDOT connectivity standards, with a connectivity ratio of at least 1.7 preferred.
- For traffic mitigation, applicants should prioritize connectivity, pedestrian and transit improvements over widening streets
- Stub streets, pathways or sidewalks within public ROW or public access easements on properties that abut the proposed development parcel should be connected to the proposed development parcel in-kind.
- Blocks should not exceed an average length of five hundred (500) feet.

In Employment-based Centers:

- The applicant should provide a transportation management plan that includes ways to minimize traffic during peak travel hours.

Accessory Structures (gas pumps, dumpsters, etc.)

Gas pumps, drive-through facilities, and dumpsters should be located outside of the street zone.

In the Interior zone of a Mixed-Use Center, gas pumps or drive-through facilities are allowed only on lots with frontage on “B” streets. Along “A” streets, drive-through facilities are allowed only in mid – block locations with a minimum separation of one thousand (1000) feet from another drive-through facility.

Dumpsters may be placed only in the rear yard or, where visible from the public right-of-way, inside enclosures with building materials that match the principal structure.

Amenities**Amenity Space Required**

Total usable amenity space should include at least two-tenths (0.2) square feet per one thousand (1,000) square feet. This can be met by any combination of private open space and common open space.

Amenity Types

See – Table 3 – *Menu of Amenities*.

Corridor

2012 Comprehensive Plan Future Land Use Categories

Commercial/Office/Industrial Development Area

Zoning Districts

*ON Neighborhood Office, OR Regional Office, CN
Commercial Neighborhood, CR Regional
Commercial, BP Business Park*

Vision

Corridors link neighborhoods, communities and the County together. Areas designated as Corridor transform from underutilized and auto-oriented sections of the streets into vibrant, diverse and attractive pedestrian-friendly streets that support local-serving retail spaces and a diversity of housing types. Mixed-use streets provide an environment to step down in height and mass to adjacent residential neighborhoods and accommodate a variety of local-serving uses. The Corridor designation is applied to areas of streets (“Corridor Streets”) that are envisioned to transition from general commercial into higher-intensity mixed-use areas.

The Corridor designation preserves space for uses that provide a job base, affordable space for office, industrial and manufacturing businesses, and a center of economic activity for the County.

The Corridor designations define the activity along the existing corridors of the County. The designations allow for the transformation of the auto-oriented roads into vibrant, diverse and attractive streets that support local-serving retail, public spaces and a diversity of housing types. New development will require community amenities (such as open space) and neighborhood compatible uses such as small floorplate office uses. Larger floorplate uses are limited to campus style development in the Economic Empowerment District.

There are two (2) types of corridor developments: Mixed-Use and Corridor Center – Employment Base. As with Centers, the development may include both “A” and “B” streets to offer design flexibility while ensuring that the development provides high design quality along streets with both vehicular and pedestrian traffic.

Within Mixed Use corridor developments, the following mix of uses is required:

Use Category	Minimum Floor Area	Maximum Floor Area
Residential / Lodging / Short-Term Rental <i>(includes residential area of Mixed Use buildings)</i>	0%	50%
Commercial / Mixed Use <i>(includes non-residential area of Mixed Use buildings)</i>	45%	85%
Public/Civic/Institutional		
Light Industrial / Production	0%	15%

Building Design

Orientation

Buildings should be oriented to the Corridor Street. Interior to the development, buildings along “A” streets should be oriented to a public street, private street or drive, or to a civic space as defined in Table 3 – *Menu of Amenities*.

New buildings on property adjacent to the Corridor Street, or entry streets perpendicular to the corridor Street, should have a minimum façade height to ensure the visual definition of the street space, to be defined in the UDC.

Frontage

Entry elements are as follows:

Entry Element	Definition	Mixed Use Development		Employment Development
		“A” Streets	“B” Streets	
Awning/Canopy	Use of an awning or canopy above transparent glass windows or other ground floor pedestrian interest areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courtyard	A court, patio or other indentation in the building façade at least 6’ deep – building entry doors may face onto the patio from any direction.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gallery/arcade	Roofed (or partially roofed), arcade, gallery, veranda or pergola elements that are not enclosed on more than two sides.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Front porch	A roofed but unenclosed entry element with a minimum depth of 8’.	<input type="checkbox"/>	<input type="checkbox"/>	
Stoop	A raised and unenclosed (may be roofed) landing and stairway.	<input type="checkbox"/>	<input type="checkbox"/>	
Projected entry	An office or retail-type entry that extends exterior from the front wall plane, and has a width that is evident as a building entrance.		<input type="checkbox"/>	<input type="checkbox"/>
Recessed entry	An entry that recesses into the front of the building plane, and extends vertically at least 15 feet or to the top of the front elevation, and has a continuous width of at least 12 feet at		<input type="checkbox"/>	<input type="checkbox"/>

all points along the required vertical dimension. A Recessed Entry is integrated with the building's roof plane.

Mass

Development should maximize human- scale elements and community benefits while providing a sensitive transition between these uses and surrounding neighborhoods. Buildings that share a property line with a residentially-zoned property should set back from the property line as required by the UDC, or at least:

- Ten (10) feet from the abutting residential property line; and
- To assure privacy and access to sunlight and air for the adjacent residential use, all new buildings and additions to existing buildings should not project, except for permitted projections, beyond a building envelope commencing at twenty-five (25) feet in height above the property line abutting the residential property or where there is an alley abutting the residentially-designated property, the centerline of the alley, and from that point, extending at a forty-five (45) degree angle from vertical towards the interior of the site.

Articulation

Avoid blank walls facing the street on buildings. Along “A” streets in mixed-use developments, building facades facing a street that are longer than fifty (50) feet should change visibly in height, wall plane projection or setback (minimum of twelve (12) inch setback), materials, or color a maximum of every forty (40) feet along the axis facing the street.

Windows and Entryways

Along “A” Streets in Mixed Use developments, the ground floor should include between sixty-five (65) to ninety (90) percent glazing and entryways.

Site Design

A Corridor is configured around a Corridor Street and an interior street network where lots have sufficient depth, with high quality development concentrated along the entryway to the development. A Corridor is divided into three (3) subareas:

1. The Corridor Zone, located within one hundred (100) feet of the existing or planned primary access right-of-way.
2. The Street Zone, including all areas outside of the Corridor Zone located within fifty (50) feet of any other public street other than the primary access right away.
3. The Interior Zone, including all areas outside of the Corridor Zone or Street Zone.

Building – Street relationships

The aggregate length of “B” Streets on an application should not exceed forty-five (45) percent of the total length of all streets within a proposed Mixed Use Center.

Buildings should form a street edge along the Corridor Zone and “A” streets in the Street Zone. The applicant should identify minimum and maximum setbacks along all “A” streets. Maximum setbacks should generally place buildings along sidewalks or courtyards or other civic spaces that have a direct connection to sidewalks. The land development plan should identify a “frontage buildout” (the area within the maximum setback that is occupied by a building frontage) of sixty (60) to eighty (80) percent along “A” streets and the Corridor Zone to ensure that building walls occupy the area within the maximum setback.

Parking

Parking areas should be located outside of the Corridor Zone. In the Interior Zone and along “A” streets, parking areas should be located principally to the rear of buildings, interior to a block, or and parking structures. Along “A” streets, parking structures should include storefronts or other active space at the street level.

Along “A” streets and in employment based centers, build multiple small parking lots instead of one (1) large lot.

Plant trees and shrubs to soften the overall impact of parking areas and to provide shade and noise reduction.

Separate bicycle and pedestrian paths from vehicular traffic.

Where allowed by the UDC, the Department may reduce required parking to account for multimodal site access, internal trip capture, or the sharing of parking between uses with different peak parking periods.

Connectivity

In Mixed-Use Developments:

- Streets should meet or exceed the DelDOT connectivity standards, with a connectivity ratio of at least one and five-tenths (1.5) preferred. For traffic mitigation, applicants should prioritize connectivity, pedestrian and transit improvements over widening streets. To create an incentive to improve connectivity, the Department may waive this requirement if the streets are arranged in a grid type pattern connected to surrounding uses and has narrower streets with good pedestrian, bicycle and transit capacity.
- Blocks should not exceed an average length of five hundred (500) feet.

In Corridor Center – Employment Base:

- Streets should achieve a connectivity ratio of at least one and one-tenth (1.1); or,
- If the existing streets are below the required level of service (LOS) or the application would cause a reduction in the required LOS, the applicant should provide a

transportation management plan to include in the conditions of approval that includes ways to minimize traffic during peak travel hours.

Accessory Structures (gas pumps, dumpsters, etc)

Gas pumps, drive-through facilities, and dumpsters should be located outside of the street zone.

In the Interior or Street Zones of a Mixed-Use Center, gas pumps or drive-through facilities are allowed only on lots with frontage on “B” streets. Along “A” streets, drive-through facilities are allowed only in mid – block locations with a minimum separation of one thousand (1,000) feet from another drive-through facility.

Dumpsters are permitted only in the rear yard or, where visible from the public right-of-way, inside enclosures with building materials that match the principal structure.

Amenities

Amenity Space Required

Total usable amenity space should include at least one-quarter (0.25) square feet per one-thousand (1,000) square feet. This can be met by any combination of private open space and common open space.

Amenity Types

See – Table 3 – *Menu of Amenities*.

Rural Mixed Use

**2012 Comprehensive Plan
Future Land Use Categories**

New Community Development Area³

Vision

Rural Mixed Use is the focus area of new growth south of the C & D Canal, and includes those areas currently served by sewer and the proposed first-phase expansion of the Southern Sewer Service Area. Directing growth to these areas avoids land consumption and provides a fiscally responsible, compact development pattern. Accommodating more homes and businesses in a smaller geographic area reduces the size of the area that must be served by infrastructure, thereby increasing cost efficiencies that are reflected in the cost of living for residents.

**2012 Comprehensive Plan
Future Land Use Categories**

New Community Development Area

Zoning Districts

ON Neighborhood Office, OR Regional Office, CR Regional Commercial, CN Commercial Neighborhood, BP Business Park

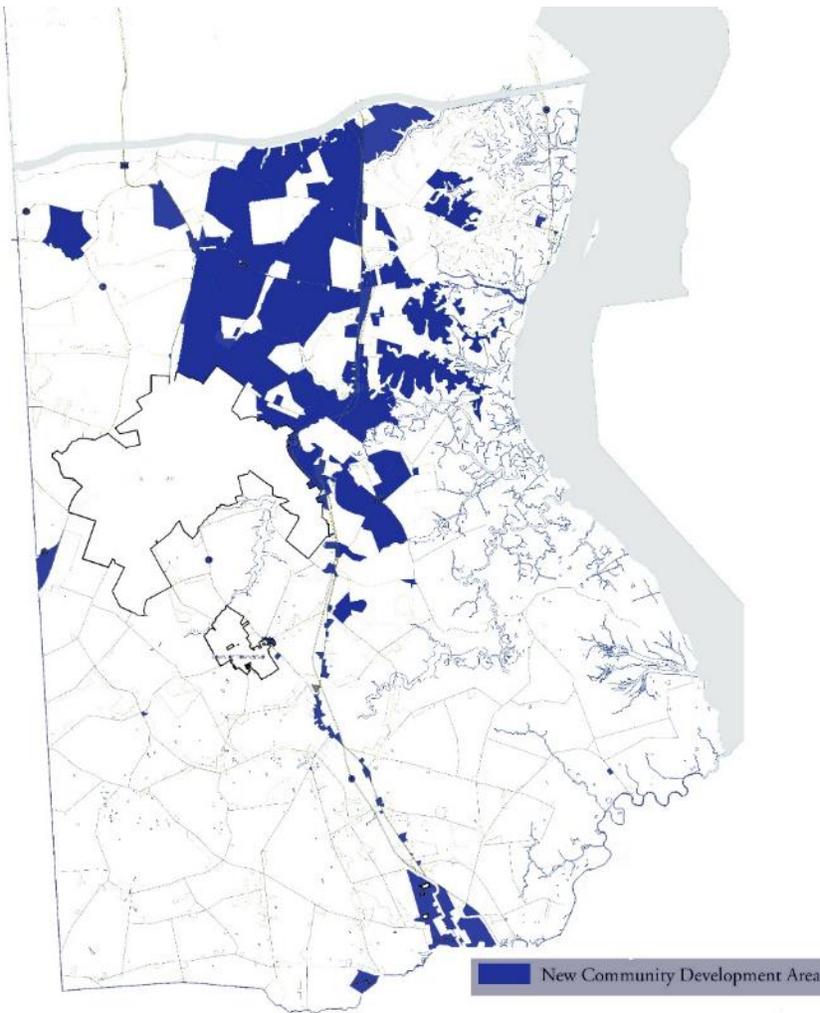
The following mix of uses is required:

Use Category	Minimum Floor Area	Maximum Floor Area
Residential / Lodging / Short-Term Rental <i>(includes residential area of Mixed Use buildings)</i>	10%	50%
Commercial / Mixed Use <i>(includes non-residential area of Mixed Use buildings)</i>	50%	80%
Public/Civic/Institutional		
Light Industrial / Production	n/a	20%

The development may include both “A” and “B” streets to offer design flexibility while ensuring that the development provides high design quality along streets with both vehicular and pedestrian traffic.

³ The New Community Development Area as depicted in Figure 5 is subject to revision due to the expiration of land development plans outside of the Central Core and changes to the Southern Sewer Service Areas.

Figure 5 - New Community Character Areas (Source: 2012 Comprehensive Plan)



Building Design

Orientation

Buildings should be oriented to a public or private street, or to a civic space as defined in Table 3 – *Menu of Amenities*.

New buildings on property adjacent to an existing public street should have a minimum façade height to ensure the visual definition of the street space, to be defined in the UDC.

Frontage

Entry elements are as follows:

		“A” Streets	“B” Streets
Awning/Canopy	Use of an awning or canopy above transparent glass windows or other ground floor pedestrian interest areas.	<input type="checkbox"/>	<input type="checkbox"/>
Courtyard	A court, patio or other indentation in the building façade at least 6’ deep – building entry doors may face onto the patio from any direction.	<input type="checkbox"/>	<input type="checkbox"/>
Gallery/arcade	Roofed (or partially roofed), arcade, gallery, veranda or pergola elements that are not enclosed on more than two sides.	<input type="checkbox"/>	<input type="checkbox"/>
Front porch	A roofed but unenclosed entry element with a minimum depth of 8’.	<input type="checkbox"/>	<input type="checkbox"/>
Stoop	A raised and unenclosed (may be roofed) landing and stairway.	<input type="checkbox"/>	<input type="checkbox"/>
Projected entry	An office or retail-type entry that extends exterior from the front wall plane, and has a width that is evident as a building entrance.		<input type="checkbox"/>
Recessed entry	An entry that recesses into the front of the building plane, and extends vertically at least 15 feet or to the top of the front elevation, and has a continuous width of at least 12 feet at all points along the required vertical dimension. A Recessed Entry is integrated with the building’s roof plane.		<input type="checkbox"/>

Mass

New buildings should step down in relationship to the scale and character of adjacent low-density neighborhoods and agricultural lands and include a diverse mix of uses and housing types designed to complement and serve the existing residential neighborhood.

A ground floor along an “A” Street should include a minimum twelve (12) foot clear height for retail and service uses and ten (10) foot clear height for residential and office/research and development uses. In order to ensure that a useable amount of floor area is included under the clear height, this height should be maintained for minimum depth of twenty (20) feet from the front façade.

Articulation

Avoid blank walls facing the street on buildings. Along “A” streets, building facades facing a street that are longer than fifty (50) feet should change visibly in height, wall plane projection or setback (minimum of twelve (12) inch setback), materials, or color a maximum of every forty (40) feet along the axis facing the street.

Windows and Entryways

Along “A” Streets in Mixed Use Centers, the ground floor should include between sixty-five (65) to ninety (90) percent glazing and entryways. Building elevations and glazing and entryway calculations should be provided in building elevations in the exploratory and record plan submittals.

Site Design

A New Community is configured around a street network, with high quality development concentrated along the entryway to the development or a designated Main Street. A New Community is divided into two (2) subareas:

1. The Street Zone, including all areas within fifty (50) feet of any public street that provides access to the development.
2. The Interior Zone, including all areas outside of the Street Zone.

In the Interior Zone, consider low impact development and green technology best management practices, such as rain gardens and bioretention areas.

Building – Street relationships

The aggregate length of “B” Streets on an application should not exceed forty (40) percent of the total length of all streets within a proposed Mixed Use Center.

Buildings should form a street edge along all public and interior “A” streets. The applicant should identify minimum and maximum setbacks along all “A” streets. Maximum setbacks should generally place buildings along sidewalks or courtyards or other civic spaces that have a direct connection to sidewalks. The exploratory plan or subdivision plat should identify a “frontage buildout” (the area within the maximum setback that is occupied by a building frontage) of sixty (60) to eighty (80) percent along “A” streets to ensure that building walls occupy the area within the maximum setback.

Parking

Parking areas should be located outside of the street zone. In the Interior zone and along “A” streets, parking areas should be located principally to the rear of buildings, interior to a block, or and parking structures. Along “A” streets, parking structures should include storefronts or other active space at the street level.

Along “A” streets and in employment based centers, build multiple small parking lots instead of one (1) large lot.

Plant trees and shrubs should be arranged to soften the overall impact of parking areas and to provide shade and noise reduction. Consider low impact design (LID) or green technology in parking areas to treat runoff at its source, minimize runoff volumes, and to mimic natural drainage patterns.

Separate bicycle and pedestrian paths from vehicular traffic.

Where allowed by the UDC, the Department may reduce required parking to account for multimodal site access, internal trip capture, or the sharing of parking between uses with different peak parking periods.

Connectivity

Streets should meet or exceed the DelDOT connectivity standards, with a connectivity ratio of at least one and five-tenths (1.5) preferred. For traffic mitigation, applicants should prioritize connectivity, pedestrian and transit improvements over widening streets. The Department may waive this requirement if the streets are arranged in a grid type pattern.

Blocks should not exceed an average length of six hundred (600) feet.

Accessory Structures (gas pumps, dumpsters, etc)

Gas pumps, drive-through facilities, and dumpsters should be located outside of the street zone.

In the Interior Zone, gas pumps or drive-through facilities are allowed only on lots with frontage on “B” streets. Along “A” streets, drive-through facilities are allowed only in mid-block locations with a minimum separation of fifteen hundred (1,500) feet from another drive-through facility.

Dumpsters are permitted only in the rear yard or, where visible from the public right-of-way, inside enclosures with building materials that match the principal structure.

Amenities

Amenity Space Required

Total usable amenity space should include at least thirty-five hundredths (0.35) square feet per one thousand (1,000) square feet. This can be met by any combination of private open space and common open space.

Amenity Types

See – Table 3 – *Menu of Amenities*.

General Concepts

Transportation & Connectivity

Transportation infrastructure provides mobility and shapes urban form. These Guiding Principles recognize the relationship between the County's transportation network and its relationship to land development patterns. In particular, the guiding principles for each character area provide for narrowing traffic lanes in order to reduce speed, avoid speed bumps, ease pedestrian crossings, and provide space for bike lanes or wider sidewalks.

The connectivity ratio measures street connectivity by dividing the number of street links (the travelled portion of a road between intersections) by the number of nodes (intersections, the bulb of a cul-de-sac, or dead ends) (see *DelDOT Development Coordination Manual* § 3.5). The result is a performance standard that measures the relative connectivity of a street network. While a traditional grid provides the highest level of connectivity and an efficient distribution of traffic, a connectivity ratio allows for a variety of network types. This gives designers significant flexibility in creating projects that meet their market needs and consumer preferences, while maintaining the functional integrity of the street network.

To provide flexibility while improving pedestrian infrastructure, pedestrian connections to streets are counted as links. In addition, external connections to existing or planned streets are not counted as nodes. This creates an incentive for applicants to connect their streets with existing or planned development, thereby improving the distribution of traffic.

Stormwater Management

On "greenfield" sites in Residential Neighborhoods, Rural Mixed Use and along Corridors, consider existing site characteristics, such as land cover, topography, and soil types when determining the design of new development. Also, as the fundamental initiative of stormwater management, volume reduction through infiltration, is best accomplished when runoff is treated near its source, the need to incorporate a variety of stormwater management practices throughout the site is essential.

Amenities

The following amenities are defined for purposes of the Guiding Principles for each Character Area. The amenity requirements for each Character Area define which amenities are counted, and the ratio by which they are counted.

Amenities must be adequately sized for their use and accessible to all community residents. They should also be located within a reasonable walking distance of most of the lots in the community (a typical walking distance of one-quarter (1/4) mile). They should not be hidden or obstructed by lots, arterial or collector roads, or similar obstructions.

Unless otherwise provided in the UDC, amenities are not counted as floor area for purpose of computing the maximum floor area ratio (FAR) for the applicable zoning district.

Table 3 - Menu of Amenities

Category	Description / Standards
Stormwater Management, Low-Impact Design	Stormwater treatment that replicates the predevelopment hydrograph by increasing infiltration volume. Examples include Bioretention, rain gardens, or similar features that involve vegetated treatment. For purposes of the amenity requirements in these Principles, this does not include porous pavement or cisterns.
Porches, Balconies, or Patios	An exterior extension or projection from a residential building/residential floor of a mixed-use building that is open on at least one side, but may not allow public access.
Protected Resource Land	Natural resource areas included in the calculation of the “Calculation For Total Protected Land” (UDC 40.05.420).
Greenway	A series of connected natural areas (including areas protected by state or federal law) such as ravines, creeks, streams, woodlands, floodplains, or protected tree canopy (see UDC Chapter 40, Article 10, Environmental Standards) that connect buildings or gathering spaces with trail systems, or that buffer the site from streets or neighboring areas.
Agricultural Preserve	An area designated for active farming in the form of crop cultivation, the keeping of livestock, farm stands, or equestrian facilities. Agricultural Preserves protect areas of agricultural and rural heritage and promote compatible active agricultural operations.
Community Garden	A site operated and maintained by an organization or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for personal use, consumption, donation or off site sale of items grown on the site.
Park	Open space areas improved with lawns and trees, playground equipment or other active open space improvements, and that are primarily open to the sky. These may be surrounded by street frontages and building frontages, but this is not required.
Green	Common open space available for unstructured recreation, its landscaping consisting of grassy areas, trees, shrubs, and other landscaping.
Wet areas	Unpaved lakes, ponds, streams, or creeks, including stormwater retention basins that are designed so that at least 20% percent of the abutting shoreline is accessible for the common use of the development. The accessible shoreline must have at least 300 feet of frontage on a street.
School sites	School sites, including library sites, and outside hard surface recreational areas ancillary to the school, excluding the area devoted to buildings.
Historical / Cultural sites	An existing building or structure that has historical or cultural significance may be located in a common open space and open to the public.

Category	Description / Standards
Plaza	An open area with seating that is adjacent to, or part of, a building. A Plaza may be combined with the Courtyard. Plazas function as gathering places and may incorporate a variety of non-permanent activities such as vendors and display stands. A plaza requires a minimum depth and width of 10 feet and a minimum total area of 300 sq. feet.
Square	Areas that are improved with a combination of lawn, landscaping and seating areas, and that are accessible to the public or the project's tenants or customers. A Square should be : <ul style="list-style-type: none"> • bounded by streets on at least one side and pedestrian walkways on at least 2 sides, or • not bounded by streets, but accessible to the public.
Courtyard	A courtyard is a contiguous open area allowing public access that : <ul style="list-style-type: none"> • is surrounded on at least two sides by building walls with entryways, and • is at grade.
Pedestrian Pathway	A protected walkway or easily identifiable building or lot pass-through that contains window displays and are intended for general public access. Pedestrian pathways connect public or private streets.
Boulevard Pathways	Pathways that are integrated into the median of a street. The entire median is counted as open space, except for curbs or parking areas.
Active Recreation	A recreational facility that is not dependent upon a specific environmental or natural resource, which is developed with recreation and support facilities that can be provided anywhere for the convenience of the user. Activity-based recreation areas include, but are not limited to bicycle trails, baseball or softball fields, football or soccer fields, basketball courts, swimming pools, clubhouses, equestrian facilities, jogging courses, and tennis courts. This does not include commercial fitness centers or gyms.
Golf Course	A golf course that is open to the public. This does not include driving ranges, miniature golf courses, or similar commercial enterprises.

Conclusion

These Guiding Principles provide a framework to apply the 2012 Comprehensive Plan policies to new development in New Castle County. They are intended to provide guidance for applicants, neighborhoods, and Land Use permit administrators. They respond to the context of each site based upon common thematic characteristics and basic elements of urban form. These principles protect existing neighborhoods from incompatible development, while ensuring that the County accommodates future growth and economic development in a streamlined, predictable way.

These principles will also provide guidance for further amendments to the County's Unified Development Code. However, some concepts will need further refinement in future years as they are applied to development in corridors, neighborhoods, and mixed-use centers.

Introduced by: Mr. Tackett, Mr. Reda
Date of introduction: September 29, 2015

ORDINANCE NO. 15-

**TO AMEND CHAPTER 40 OF THE *NEW CASTLE COUNTY CODE*
(ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”),
REGARDING THE ESTABLISHMENT OF A NEW ZONING OVERLAY DISTRICT
KNOWN AS THE NEIGHBORHOOD PRESERVATION OVERLAY DISTRICT (NPOD)**

WHEREAS, New Castle County has many residential neighborhoods with distinctive design characteristics, and:

WHEREAS, the County desires to encourage economic development, placemaking, and healthy communities in a way that protects the character of existing residential neighborhoods, and;

WHEREAS, the County has determined that the development of regulations for individual neighborhoods following a planning process for those neighborhoods is a viable way to achieve effective, balanced regulations that protect neighborhood character, and;

WHEREAS, transitional standards between commercial, employment-based or mixed-use development and existing residential neighborhoods are intended to protect those neighborhoods while accommodating future growth, and;

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life.

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

Section 1. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”) is hereby amended to establish a new Article 16 (“Neighborhood Preservation Overlay District”), new Divisions 40.16.000 (“Purpose”), 40.16.100 (“Applicability”), 40.16.200 (“Zoning designation and development review process”) and 40.16.300 (“Development standards), and associated new division sections as underlined and set forth below:

ARTICLE 16. NEIGHBORHOOD PRESERVATION OVERLAY DISTRICT (NPOD)

Division 40.16.000. Purpose.

The purpose of this Article is to create regulations to establish a Neighborhood Preservation Overlay District (NPOD) for maintaining the distinctive physical qualities of existing neighborhoods. The purposes of this Article are to:

A. Identify neighborhoods with distinctive and cohesive physical characteristics and establish a process and criteria for determining NPOD boundaries that will encompass those characteristics.

B. Develop and adopt unique regulations for each NPOD that will maintain, strengthen, and enhance the neighborhood's distinctive qualities by requiring development, redevelopment, and infill projects to be designed in a way that will be compatible with the scale and character of the neighborhood. The NPOD shall encourage development to be compatible in scale and character with existing neighborhoods.

C. Provide the framework for establishing neighborhood regulations, focusing on broad characteristics that provide neighborhood character including, but not limited to, building height, setbacks, massing, open space, and streetscape elements.

D. An NPOD designation primarily is intended for neighborhoods dealing with issues of incompatible infill and structural alteration that could drastically change the appearance of residential neighborhoods and/or the streetscape.

Division 40.16.100. Applicability.

Sec. 40.16.101. Policy.

A. Neighborhood Preservation Overlay District (NPOD).

1. The NPOD is an overlay zoning designation that provides additional standards in addition to the underlying zoning district. The underlying zoning district specifies permitted land uses.
2. The NPOD must include at least one residential zoning district and may include all or part of any nonresidential zoning district.
3. If there is a conflict between the NPOD regulations (including this Article and any NPOD Conservation Plan) and the underlying zoning district, the NPOD regulations apply.

B. District classifications. For purposes of this Article, Neighborhood Conservation (NC), Suburban Reserve (SR), Suburban Estate (SE), Suburban (S), Suburban Transition (ST), and Traditional Neighborhood (TN) districts are considered residential districts. All other districts are considered nonresidential districts.

C. Limit on designations. Applications for an NPOD during the first three (3) years after the effective date of this Article will be limited to the initial study areas identified in the New Castle County Department of Land Use Action Plan and Work Program 2014/2015, dated October 7, 2014 (Pike Creek, Concord Pike, Route 9, Kirkwood Highway, Newark / Route 273 Corridor, and Claymont), and where an NPOD designation is supported by a Wilmington Area Planning Council (WILMAPCO) study.

Sec. 40.16.102. Classification.

To be designated as a NPOD, the area must meet the following criteria.

A. Residential.

1. At least fifty (50) percent of the parcels within the proposed overlay district shall have a residential use, and
2. At least fifty (50) percent of the land area within the proposed overlay district shall:
 - a. be located within the ST, S, SE, SR, TN, or NC zoning districts, and
 - b. within a Medium, Low, or Very Low Residential Density Future Land Use Category in the 2012 Comprehensive Plan.

B. Minimum site area. The area must include at least:

1. Ten (10) acres, and
2. One (1) block.

C. Boundaries.

1. All land within the district boundary shall be contiguous, but shall not be separated by an interstate, or freeway/expressway identified on the Delaware Department of Transportation (DelDOT) New Castle County Functional Classification Map.
2. Additionally, proposed NPODs only are applicable to pre-Unified Development Code neighborhoods (neighborhoods approved prior to December 31, 1997).

D. Improvements. At least seventy-five (75) percent of the lots in the proposed district must be improved with habitable principal buildings.

E. Distinctive features.

1. The area within the residential districts of the proposed NPOD shall possess the following distinctive features that create a cohesive, identifiable neighborhood character:

<u>At least two (2) of the following features:</u>	<u>And at least one (1) of the following features:</u>
<u>Scale, size, type of construction, or distinctive building materials reflecting a concentration of structures of similar scale, period of construction and/or use of materials characteristic of the style of construction.</u>	<u>Natural or open space features such as topography, streams, creek beds, parks, hillsides, or gardens.</u>
<u>Lot layouts, setbacks, street layouts, or alleys providing a similarity of siting characteristics of a single period or style of construction.</u>	<u>Streetscape features, such as trees, landscaping, sidewalks, lighting, or overall street character.</u>
<u>Architectural features, such as a concentration of structures reflecting a repetition of treatment of stylistic elements, such as roofs, porches, windows, wall articulation, and building ornamentation.</u>	<u>Predominantly residential land use patterns with neighborhood serving commercial uses.</u>

2. The nonresidential districts within the proposed NPOD shall:

- a. Possess the features described in subsection 1, above, and
- b. be contiguous to at least one (1) residential district.

3. Exclusion. A NPOD shall not include properties in a designated Historic or Hometown Overlay district or overlap another NPOD. This does not prohibit the establishment of a NPOD with an individually listed historic property that is not in an historic district.

Sec. 40.16.103. Determination of Eligibility.

A. The Planning Board will determine the eligibility of a NPOD application pursuant to the standards and procedures in this Article. The Planning Board will review the application and the Department’s initial analysis, and determine whether the application is eligible for NPOD designation based on the following criteria:

- 1. Clear documentation of distinctive characteristics shared by properties within the proposed boundaries and why they are worthy of conservation; and
- 2. Consistency with the Comprehensive Plan goals and policies; and
- 3. The degree to which the proposed NPOD promotes the New Castle County Guiding Principles.

B. The Planning Board must find all of the following in order to recommend designation of a NPOD:

1. The proposed NPOD application meets the designation criteria of this Division;
2. The properties within the proposed boundaries are recognizable as a distinct area with shared characteristics that are not present in the surrounding area; and
3. The proposed NPOD possesses physical features that contribute towards a recognizable identity and therefore warrants further study.

C. The Planning Board or Department may recommend the modifications of proposed NPOD boundaries if it finds that the modification meets the purpose of the proposed NPOD.

D. If the Planning Board determines that an application does not meet the criteria as described above, it will send its written determination to the applicant.

Division 40.16.200. Zoning designation and development review process.

Sec. 40.16.201. Zoning authority.

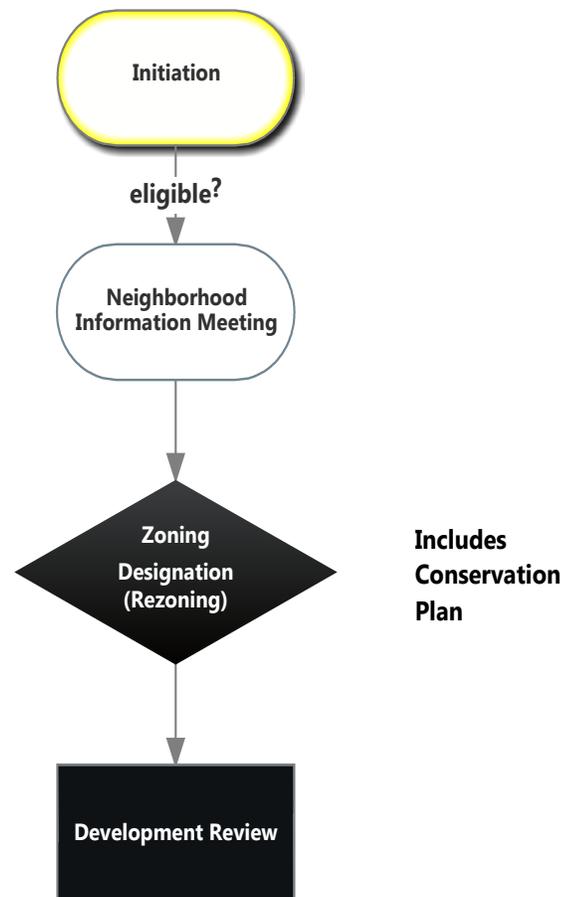
A separate ordinance is required to designate each NPOD. Each overlay district ordinance shall include a NPOD Conservation Plan which identifies the designated boundaries, establishes regulations for that overlay district, and demonstrates consistency with the 2012 Comprehensive Land Use Plan.

Sec. 40.16.202. Initiation Procedures.

A. Initiation. The establishment of a NPOD may be initiated by:

1. The Department; or
2. A resolution of intention approved by the Planning Board; or
3. An application signed by property owners representing at least two-thirds (2/3) of the parcels within the proposed district and supported by the official neighborhood association or maintenance association, and that is submitted to the Department accompanied by an application that meets the requirements of this Article. Only one (1) property owner signature per parcel is required.

Figure 1 Overview of NPOD Process



B. Application contents. An application shall be accompanied by the required filing fee and shall include the following information:

1. Applicants' names, contact information, and signatures;
2. Precise boundaries indicated on a map;
3. Name and addresses of all property owners in the proposed district, including tax parcel numbers;
4. List of neighborhood associations including homeowners associations within the proposed district and available contact information;
5. Statement of justification including:
 - a. Description of the neighborhood and/or property characteristics and features worthy of conservation, including any specimen trees and other landscape features.
 - b. Description of how the application meets NPOD criteria and why that designation would promote the best interest of the neighborhood and the County; and
6. Documentation, such as photographs, histories, and other material supporting the neighborhood characteristics.

Sec. 40.16.203. Neighborhood Preservation Overlay District Planning Process.

A. Neighborhood information meeting.

1. Upon determination of eligibility by the Planning Board, the Department shall notify all residents and property owners within the proposed NPOD boundaries, informing them of the application and the review and approval process.
2. The applicants shall arrange for a neighborhood-wide meeting to inform the community about the NPOD and the program requirements. This will occur prior to the Planning Board public hearing.
3. Compliance with Division 40.31.300 for notice of public hearings is required.

B. Neighborhood/community meeting notice requirement.

1. Written notices shall be sent by mail or email to all property owners of record within the proposed NPOD boundaries.
2. The notice of meetings shall also be available on the County website.

C. Planning process.

1. The Department shall work with the applicant to further define the neighborhood's unique character and identify conservation solutions, including appropriate regulations and incentives.
2. The applicant shall prepare needed studies, reports and draft appropriate conservation criteria.

Sec. 40.16.204. Adoption procedures.

A. Procedure.

1. Upon the Department's determination that the NPOD application is acceptable, the Department will prepare the draft NPOD ordinance and will schedule public hearings before the Planning Board pursuant to Article 31.
2. Adoption of the NPOD shall comply with Division 40.31.100 for rezonings. The Department shall prepare a draft zoning map for the NPOD.

B. Findings. NPOD designation may be adopted by ordinance of the County Council only if it finds that the designation criteria of this Division are met.

C. NPOD Conservation Plan. The adopted NPOD shall include a NPOD Conservation Plan.

Sec. 40.16.205. Development review.

A. Land use applications for property within a designated NPOD received after the effective date of the NPOD shall comply with the adopted NPOD Conservation Plan. The application shall include a note indicating that the site is within the NPOD.

B. The Department shall review all land use applications within the designated NPOD to determine compliance with the NPOD Conservation Plan.

C. If the Department determines that the land use application does not conform to the NPOD Conservation Plan, the application shall be denied and the Department will issue a Notification of Non-Compliance.

D. The applicant may appeal the Department's determination to the Board of Adjustment for a final determination.

Division 40.16.300. Development standards.

Sec. 40.16.301. NPOD Conservation Plan.

A. Each NPOD shall contain standards that supplement, replace or modify the base zoning district standards in order to protect and preserve the features critical to the neighborhood.

B. The applicant shall include a NPOD Conservation Plan which shall be approved as part of the zoning ordinance creating the NPOD.

C. The NPOD Conservation Plan shall include:

1. Design standards for new construction or placement of any building, structure, foundation, sign, public art or outdoor apparatus or equipment (including visible utility boxes or mechanical equipment; commercial trucks; commercial lawn or landscaping equipment, but not including lawnmowers or hand tools; playground equipment; or sports equipment); and
2. Permitted additions, alterations, relocation or rehabilitation to the street facades of existing buildings, structures, foundations, sign, public art, or outdoor apparatus or equipment.

D. The NPOD Conservation Plan shall not apply to those activities which constitute ordinary repair and maintenance.

E. The design standards for the NPOD Conservation Plan shall be consistent with the Guiding Principles (see Appendix 7) and include the minimum following elements governing the physical characteristics and features of all property (public or private) within the proposed district:

Building height, number of stories,

Building size, massing (frontage, entrance location/features),

Lot size, coverage,

Setbacks,

Building orientation,

General site planning (primary, ancillary structures),

Density or floor area ratio standards for transitional areas between nonresidential and residential districts,

Transitional features between non-residential development in residential neighborhoods consistent with Section 40.16.302 below,

Garage entrance location,

Off-street parking and loading requirements,

Ground level open space requirements, and

Roof line and pitch.

F. Optional standards. The design standards may include any of the following elements:

Signage,
Architectural style and details,
Building materials,
Front window, dormer size and location,
Landscaping,
Fences and walls,
Entrance lighting,
Driveways and sidewalks,
Satellite dishes, utility boxes,
Street trees,
Paving patterns,
Hardscape covering,
Porch designs,
Street furniture,
Public art, and
Design standards in addition to those listed above.

G. The NPOD Conservation Plan may be amended or revised when an alternative design would better achieve the objective of a standard in the NPOD Conservation Plan. The amendment may be initiated by the applicant or the Department and be approved by resolution of County Council after Planning Board public hearing and recommendation.

H. The NPOD ordinance may include incentives to encourage conservation within the NPOD such as:

1. Reductions in minimum parking requirements,
2. Changes in the landscape surface ratio or the location, opacity, width, area or design of bufferyards,
3. Changes in the open space ratio and the design or permissible uses of open space,
4. Reductions in the minimum site area required for zoning districts within the NPOD,
5. Reductions in the required yard or minimum lot area, or
6. Any other regulatory incentives that do not increase the density, building height, or floor area ratio to an extent greater than permitted by the underlying zoning district.

Sec. 40.16.302. Transitional standards.

Unless any of these standards are modified by the NPOD Conservation Plan, all nonresidential or multi-family buildings or portions of buildings located within a NPOD and within one hundred (100) feet of a residential district shall be:

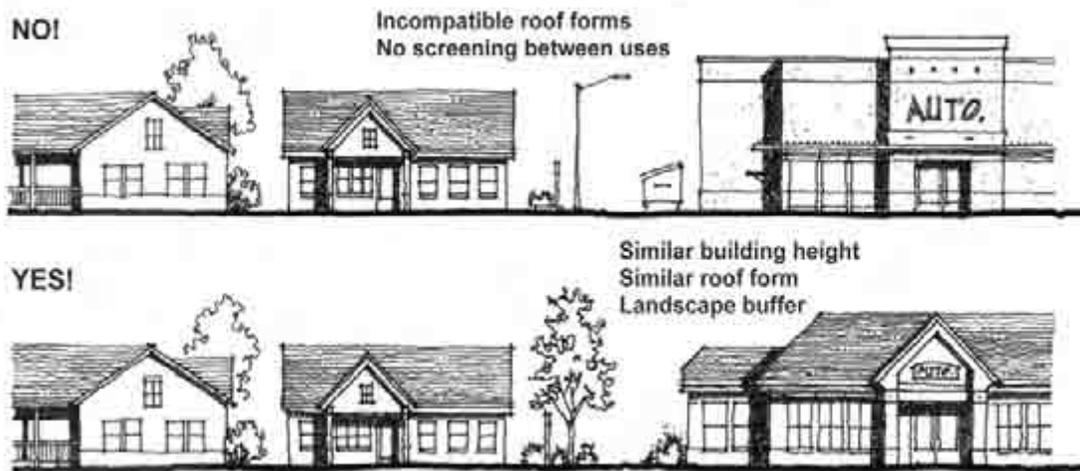
A. Limited to thirty-five (35) feet or two (2) stories in height, or the maximum building height required for buildings over fifty (50) feet within one hundred (100) feet of single-family detached or single-family attached dwellings (see Division 40.04.100); and

B. Employ at least three (3) of the following techniques to ensure compatibility with surrounding development, including adjacent residential development:

1. Use similar building setback,
2. Use similar roof form,
3. Mitigate the larger mass of commercial buildings by breaking facades into distinct modules at least once every fifty (50) feet, or
4. Use front-to-front building orientations, especially with commercial uses that are pedestrian-intensive (e.g., restaurants, banks). Other building-to-building orientations may be used except that a back-to-front building orientation is not an acceptable transition tool.

Figure 2.

Non-residential development shall employ transition techniques to ensure compatibility with surrounding development, including adjacent residential development



5. Provide green/open space transitions to ensure compatibility between the commercial development and surrounding development, such as:
 - a. Use small green spaces, courts, squares, parks, plazas, and similar spaces that also may function as community gathering places.

- b. Use existing natural features as transitions, including natural differences in topography (not retaining walls), streams, existing stands of trees, and similar features.

Figure 3.

Commercial developments may use small green spaces, courts, squares, parks, plazas, and similar spaces that also can function as community gathering places to provide transition and ensure compatibility with surrounding non-commercial uses.



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 passage by New Castle County and signature of the County Executive or as otherwise provided in *9 Del. C § 1156*.

Approved on:

Adopted by County Council of
New Castle County on:

County Executive
New Castle County

President of County Council
New Castle County

SYNOPSIS: The purpose of this ordinance is to revise Chapter 40 of the *New Castle County Code* to create a Neighborhood Preservation Overlay District (NPOD) to encourage economic development, placemaking, and healthy communities in a way that protects the character of existing residential neighborhoods. The amendment creates new standards for establishing neighborhood regulations, focusing on broad characteristics that provide neighborhood character including, but not limited to, building height, setbacks, massing, open space, and streetscape elements. An NPOD designation primarily is intended for neighborhoods dealing with issues of incompatible infill and structural alteration that could drastically change the appearance of residential neighborhoods and/or the streetscape and during the first three (3) years after the effective date of this Article will be limited to the initial study areas identified in the New Castle County Department of Land Use Action Plan and Work Program 2014/2015 dated October 7, 2014 (Pike Creek, Concord Pike, Route 9, Kirkwood Highway, Newark / Route 273 Corridor, and Claymont) and where a NPOD designation is supported by a WILMAPCO study.

FISCAL NOTE: This Ordinance has no discernable fiscal impact.

Introduced by: Mr. Tackett, Mr. Reda
Date of introduction: September 29, 2015

ORDINANCE NO. 15 –

**TO AMEND CHAPTER 40 OF THE *NEW CASTLE COUNTY CODE*
(ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”)
REGARDING THE ESTABLISHMENT OF A NEW ZONING DISTRICT
KNOWN AS THE ECONOMIC EMPOWERMENT DISTRICT (EED)**

WHEREAS, it is important to continue to coordinate and expedite proposals to retain and expand existing corporations within New Castle County, and:

WHEREAS, the economic development portion of the 2012 New Castle County Comprehensive Plan Update encourages business investment that advances productivity, innovation, technology, and entrepreneurship, and;

WHEREAS, the competition to draw and encourage high-technology and other clean industries is especially intense in today’s economy, and;

WHEREAS, New Castle County must be innovative in its approach to local zoning and subdivision regulations to successfully compete in a regional marketplace, and;

WHEREAS, the establishment of an Economic Empowerment Zoning District (EED) is intended to encourage the growth and development of high-technology businesses and other job rich and job retention businesses and to preserve industrially zoned lands and thus support new industrial development ranging from small business incubator facilities to large business organizations; and,

WHEREAS, New Castle County regulations must be sensitive to the special needs of businesses while fostering healthy communities, and;

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life.

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

Section 1. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”) is hereby amended to establish a new Article 17 (“Economic Empowerment District”), new Divisions 40.17.000 (“Purpose”), 40.17.100 (“Applicability”), 40.17.200 (“Zoning designation and development review process”) and 40.17.300 (“Development standards) and associated new division sections as underlined and set forth below:

ARTICLE 17. ECONOMIC EMPOWERMENT DISTRICT (EED)

Division 40.17.000. Purpose.

A. This Article establishes an Economic Empowerment District (EED) to facilitate primarily non-retail employment uses in a master planned "campus" setting. Uses shall include targeted industries as identified by the 2014 Economic Development Strategic Plan and shall include corporate headquarters, high-technology offices, research and/or light assembly centers, or master planned mixed use employment centers with offices as the dominant use.

B. The EED implements the 2012 Comprehensive Plan and the 2014 Economic Development Strategic Plan by:

1. Clearly defining uses that implement the County's economic development priorities, and
2. Creating standards and policy tradeoffs (such as alternative parking or landscaping calculations and customized design standards) that facilitate employment sectors which create long term, sustainable job growth for the County while protecting surrounding neighborhoods, and
3. Establishing a clear and predictable path to approval for the target industries identified in the EED regulations.

Division 40.17.100. Applicability.

Sec. 40.17.101. Classification.

A. The EED is a Special District.

B. Each EED district is unique and shall have a separate and distinct set of guidelines to accommodate development or redevelopment in the district. The district establishes alternative development standards and processes that supersede the standards that generally apply to development in the district. UDC standards that are not replaced or specifically referenced in the district continue to apply to development in the district.

C. The EED does not affect the following standards, all of which supersede the requirements of this section or any conditions of an EED approval:

1. Environmental standards (Article 10),
2. Transportation impact requirements (Article 11),
3. Sewer and water impact requirements (Article 12),
4. School capacity (Division 40.05.200),
5. Required bufferyards along any boundary with a residential (ST, S, SE, SR, MM, TN, or NC) zoning district, and

6. Any other requirements of the UDC that are not specifically superseded by this section or a condition of EED approval.

Sec. 40.17.102. EED Designation Criteria.

To be zoned as an EED, the site must meet the following criteria:

A. Parcel size. The minimum parcel size for an EED is five (5) acres.

B. Location.

1. The area or site within the proposed district must access a collector or arterial street, and be located within one-quarter (1/4) mile of a bus stop or one-half (1/2) mile of a commuter rail station.

2. The EED is appropriate for designation along Route 9 or the Claymont Community Redevelopment Area and legacy campuses or industrial sites. The County may apply the EED to other areas of the County pursuant to the planning process set out under “Designation Procedure for Economic Empowerment District,” in Section 40.17.203.

3. The application must be consistent with the following as amended:

a. The 2012 Comprehensive Plan goals and policies; and

b. The County’s policies to attract target industries (see 2014 Economic Development Strategic Plan; and

c. The New Castle County *Guiding Principles*.

C. Boundaries.

a. All land within the district boundary shall be contiguous.

b. The County Council may modify the boundaries of the proposed EED if it finds that the modification meets the purpose of the proposed EED.

D. Overlapping districts. An EED shall not overlap another EED but may overlap another overlay district (i.e. Historic, Hometown, etc.). However, the EED or conditions of approval do not supersede the requirements of any Historic or Hometown Overlay district.

E. Use allocation. At least eighty (80) percent of the gross floor area within the EED shall include those target industries referenced in the development standards as outlined in Division 40.17.300.

Division 40.17.200. Zoning designation and development review process.

Sec. 40.17.201. Zoning authority.

Separate ordinances are required to designate each EED. Each EED shall identify the designated boundaries, establish development and design standards for that district, and be consistent with the 2012 Comprehensive Plan.

Sec. 40.17.202. Initiation procedures.

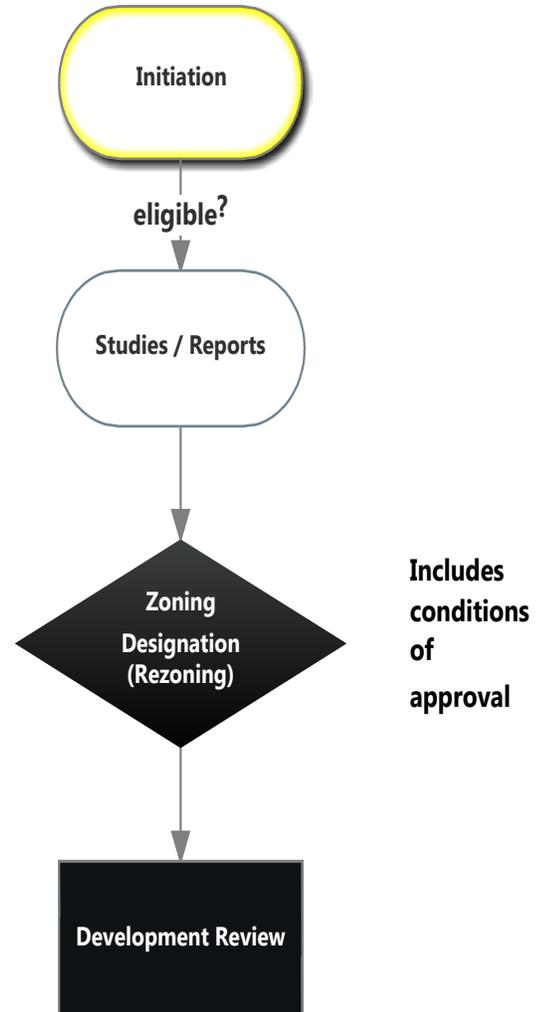
A. Initiation. The establishment of an EED may be initiated by:

1. The department; or
2. An application signed by one hundred (100) percent of property owners within the proposed EED. Only one (1) property owner signature per parcel is required.

B. Application contents. An application relating to designation criteria shall be accompanied by the required filing fee and shall include the following information:

1. Applicants' names, contact information, and signatures;
2. Precise boundaries indicated on a map and including a list of all tax parcel numbers within the proposed EED;
3. A site plan and building elevations that demonstrate compliance with the proposed design standards;
4. A statement of justification describing how the application meets EED criteria and why the rezoning would promote the best interest of the neighborhood and the County.

Figure 1 Overview of EED Process



Sec. 40.17.203. Designation procedure for Economic Empowerment District (EED).

A. Property owner/stakeholder meeting.

1. After the Department determines that the application is complete, notice of the rezoning shall be provided in accordance with Article 31.
2. The applicant shall arrange for an area-wide meeting to inform the community about the EED per UDC neighborhood pre-meeting requirements.

B. EED planning process. The applicant shall prepare the required studies, reports and draft development and design standards.

C. Procedure.

1. After the Department has prepared the draft EED ordinance, it will schedule a public hearing before the Planning Board pursuant to Article 31.
2. The ordinance adopting the EED shall include conditions of approval that incorporate the development and design standards.

D. Notice. Adoption of the EED shall comply with the notice requirements for a rezoning.

E. Findings. An EED may be adopted by ordinance of the County Council if the proposed EED meets the designation criteria above, the standards for a zoning map amendment, and demonstrates that it has adequately mitigated traffic concerns through a traffic impact study provided pursuant to Article 11.

F. Expiration. The applicant shall file an exploratory sketch plan for at least the initial phase of the development within five (5) years from the effective date of the rezoning or it will become subject to the sunseting standards. The County Council may establish a different time limit in the rezoning conditions. The County may initiate a rezoning to the former zoning classification if the applicant does not submit a timely exploratory sketch plan.

Sec. 40.17.204. Development review.

A. After the EED is approved, all subsequent submissions shall be reviewed as minor land development plans.

B. In addition to the information required for a minor land development plan application, the exploratory sketch plan shall include:

1. Building elevation drawings for each proposed structure; and
2. At least two (2) drawings of sections through the site illustrating existing and proposed grades, as well as the relationship of different site features.

3. The identification of at least eighty (80) percent of the total floor area to be allocated to the required target industry.

C. The Department shall review the exploratory sketch plan to determine compliance with the development and design standards adopted for the district.

D. If the Department determines that the exploratory sketch plan conforms to the development and design standards adopted for the district, it shall approve the exploratory sketch plan.

E. If the Department determines that the exploratory sketch plan does not conform to the development and design standards adopted for the district, the Department shall not approve the exploratory sketch plan and will issue a Notification of Non-Compliance, identifying the specific development and design standards violated.

F. After the applicant obtains exploratory sketch plan approval, the applicant may proceed to record plan review.

G. The applicant may appeal the Department's determination. For appeal applications; the Department makes a recommendation to the Planning Board (PB); the PB holds a public hearing and makes a recommendation to County Council; the County Council holds a public hearing and makes a decision which can be appealed to the Delaware Superior Court. After an EED has been approved and established, an applicant may appeal a Department decision on any zoning interpretation for the EED through the Board of Adjustment (BOA), which then may be appealed to the Delaware Superior Court.

Division 40.17.300. Development standards.

Sec. 40.17.301. Permitted uses.

A. The conditions of EED approval will designate the uses permitted in the EED. Uses not listed in the conditions of approval are not allowed in the EED. Required uses, permitted uses, limited uses, special uses and allocation of uses by floor area shall be approved as part of the ordinance creating the EED.

1. The conditions of EED approval may include any of the following uses:

<u>EED District Uses</u>	
<u>Y=permitted, N=prohibited, L=limited, S=special use review, A=accessory</u>	
<u>Residential</u>	<u>(up to twenty (20) percent of the total floor area, not to exceed 1.5 dwelling units per 10,000 square feet of non-residential floor area)</u>
<u>Commercial apartments</u>	<u>Y</u>
<u>Village</u>	<u>Y</u>
<u>Institutional</u>	
<u>Schools</u>	<u>Y</u>
<u>Colleges</u>	<u>Y</u>
<u>Institutional, regional</u>	<u>Y</u>
<u>Healthcare and life sciences (including hospitality) *</u>	<u>Y</u>
<u>Commercial</u>	<u>(The total floor area of all commercial uses designated with "<20%" below shall not exceed 20% of the total project floor area)</u>
<u>Commercial lodging</u>	<u>Y (<20%)</u>
<u>Commercial retail and service</u>	<u>Y (<20%)</u>
<u>Corporate guest house</u>	<u>Y (<20%)</u>
<u>Mixed use</u>	<u>Y (<20%)</u>
<u>Restaurants</u>	<u>Y (<20%)</u>
<u>Office/ business, insurance and financial services *</u>	<u>Y</u>
<u>Recreation and amusement</u>	<u>(The total floor area of all recreation and amusement uses listed shall not exceed 10% of the total project floor area)</u>
<u>Recreation, high intensity</u>	<u>L</u>
<u>Recreation, low intensity</u>	<u>L</u>
<u>Industrial and employment uses</u>	
<u>Heavy industry</u>	<u>Y</u>
<u>Light industry</u>	<u>Y</u>
<u>Advanced materials *</u>	<u>Y</u>
<u>Information technologies *</u>	<u>Y</u>

<u>EED District Uses</u>	
<u>Y=permitted, N=prohibited, L=limited, S=special use review, A=accessory</u>	
<u>Aerospace and defense *</u>	<u>Y</u>
<u>Farm management services *</u>	<u>Y</u>
<u>Utilities, minor</u>	<u>Y</u>
<u>Utilities, major</u>	<u>Y</u>
<u>Other uses</u>	
<u>Commercial communication towers</u>	<u>L</u>
<u>Community recycling bins</u>	<u>A</u>
<u>Exterior lighting for outdoor recreational uses</u>	<u>S</u>
<u>Park and ride facility</u>	<u>Y</u>
* Land uses marked with an asterisk are defined more specifically in subsection 2, below.	

2. At least eighty (80) percent of the total floor area within the EED shall include the following target industries (defined in the NAICS or as further provided below):

a. Advanced materials. Advanced materials include establishments that process new materials or existing materials that have been modified so as to have different atomic and structural properties leading to very different characteristics and suitability for different applications and purposes, that provide superior performance. The advanced materials sector includes business or management methodologies, research and development, manufacturing processes, and products made from those materials. Materials may include metals, polymers, ceramics, fabrics and textiles, glasses and composites, or additional materials customarily included within this industry category. Advanced Materials include any of the following categories:

Textile and Fabric Finishing and Fabric Coating Mills (NAICS 3133)

Other Textile Product Mills (NAICS 3149)

Converted Paper Product Manufacturing (NAICS 3222)

Plastic Product Manufacturing (NAICS 3261)

Rubber Product Manufacturing (NAICS 3262)

Offices or research and development functions associated with and accessory to the uses listed above, including any of the following: (NAICS 54199, 55, 6117, 4885, 7113-7115, 8132-8133, 8134, 8139, 921, 92211, 92213, 92219, 923-928)

Accounting, Tax Preparation, Bookkeeping, and Payroll Services (NAICS 5412)

Architectural, Engineering, and Related Services (NAICS 5413)

Specialized Design Services (NAICS 5414)

Computer Systems Design and Related Services (NAICS 5415)
Management, Scientific, and Technical Consulting Services (NAICS 5416)
Scientific Research and Development Services (NAICS 5417)
All Other Professional, Scientific, and Technical Services (NAICS 54199)
Management of Companies and Enterprises (NAICS 551)
Office Administrative Services (NAICS 5611)
All Other Professional, Scientific, and Technical Services (NAICS 54199)

b. Information technology.

Custom Computer Programming Services (NAICS 514511)
Computer Systems Design Services (NAICS 541512)
Computer Facilities Management Services (NAICS 541513)
Data analytic processes for business and government applications (NAICS 548210)

c. Aerospace and defense.

Small Arms, Ordnance, and Ordnance Accessories Manufacturing (NAICS 332994)
Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing (NAICS 334220)
Space Research and Technology (NAICS 927)
National Security (NAICS 92811)
Other Support Activities for Air Transportation (NAICS 48819)

d. Healthcare and life sciences.

Ambulatory Health Care Services (NAICS 621)
Hospitals (NAICS 622)
Nursing and Residential Care Facilities (NAICS 623)
Social Assistance (NAICS 624)

e. Business, insurance and financial services.

Commercial Printing (except Screen and Books, includes digital printing, manifold business forms printing) (NAICS 323111)
Data Processing, Hosting, and Related Services (including internet service providers, web search portals) (NAICS 518)
Non-depository credit intermediation (NAICS 5222)
Activities related to credit intermediation (NAICS 5223)
Securities, commodity contracts, and other financial investments and related activities (NAICS 523)
Insurance carriers and related activities (NAICS 524)
Funds, trusts, and other financial vehicles (NAICS 525)
Activities related to real estate (NAICS 5313)
Lessors of nonfinancial intangible assets (NAICS 533)
Legal services (NAICS 5411)
Accounting, tax preparation, bookkeeping, and payroll services (NAICS 5412)
Architectural, engineering, and related services (NAICS 5413)
Specialized design services (NAICS 5414)
Computer systems design and related services (NAICS 5415)

Management, scientific, and technical services (NAICS 5416)
Advertising and related services (NAICS 5418)
Marketing research and public opinion polling (NAICS 54191)
Commercial photography (NAICS 541922)

f. Agriculture.

Farm management services (NAICS 115116)

B. Use allocation. Required uses, permitted uses, limited uses, and allocation of uses by floor area shall be approved as part of the ordinance creating the EED.

Sec. 40.17.302. Design standards.

A. Design standards shall be approved as part of each established EED. The EED shall identify what is critical to attract target industries with an appropriate level of design and amenities, and may require additional and/or modified standards. In addition to regulations, each EED shall include design standards.

B. The design standards for the EED shall be consistent with the Guiding Principles (see Appendix 7) and include the minimum following elements governing the physical characteristics and features of all property (public or private) within the proposed district:

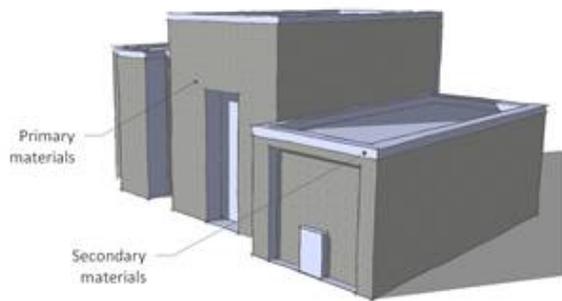
Building height, number of stories,
Building size, massing (frontage, entrance location/features),
Building orientation,
General site planning (primary, ancillary structures),
Floor area ratio (FAR),
Lot size and coverage (LSR),
Setbacks,
Architectural style and details,
Landscaping,
Off-street and on-street parking requirements,
Off-street loading requirements,
Fences and walls,
Block design and layout,
Ground level open space requirements,
Garage entrance location,
Building materials,
Driveways and sidewalks,
Street trees,
Lighting standards for safety and security,
Paving patterns, hardscape covering, and roadway and/or streetscape layout and design,
Signage,
Street furniture, and
Design standards not otherwise listed.

C. Optional standards. The design standards may include any of the following elements:

- Front window, dormer size and location,
- Entrance lighting,
- Satellite dishes, and
- Utility boxes.

D. Building materials.

1. Building materials are divided into primary and secondary materials. Building exteriors facing and visible from an adjacent public street shall be composed predominantly of primary materials, with any secondary materials limited to accents or subordinate elements of the façade. Additional materials not listed below are permitted if the County Council determines, as a condition of rezoning, that they are similar in appearance and quality to the listed materials.



2. Permitted primary and secondary materials are as follows:

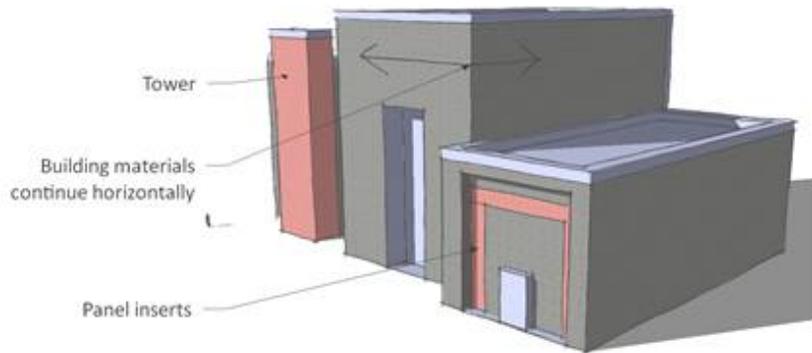
Primary Materials

- Brick – solid or modular
- Concrete masonry units – split faced, or burnished
- Precast concrete
- Concrete tilt-wall
- Glass – clear
- Glass – architectural panels
- Metal panels
- Native stone (or synthetic equivalent)
- Tile masonry / terra cotta
- Stucco / EIFS (reinforced)

Secondary Materials

- Brick - panel/veneer, imprint or overlay systems
- Cement fiber board / cementitious siding
- Concrete masonry units (flush/plain, split faced or burnished)
- Gypsum Reinforced Fiber Concrete
- Metal panels
- Pre-cast concrete (for trim and cornice elements only)
- Cast stone
- Wood or cementitious siding
- Composite Wood Trim
- Fiber reinforced plastic

3. Wall materials shall be consistent horizontally (i.e., joints between different materials shall be horizontal and continue around corners) except for panel inserts (up to fifteen (15) percent of facade) and/or towers, chimneys and piers.



4. A building material not listed above is permitted if it is similar to the other materials in the same category with regard to:

- a. Durability and quality,
- b. Appearance, and
- c. Compatibility with the architectural style of neighboring buildings.

E. Transportation demand management. The conditions of approval shall include trip reduction/transportation demand management (TDM) measures where possible to reduce the number of vehicle trips to the site.

F. Retail uses. Retail uses in the EED shall be functionally integrated with the EED targeted uses so that they are accessible within walking distance from the buildings or structures devoted to the EED targeted uses. The retail uses shall be oriented so that they are internal to the site and are designed to serve employees working at the site rather than the general public. The standard is met if the retail uses are:

- 1. Located in a building that is accessed by an internal street, and not a collector or arterial street along the site's frontage or external boundaries; and
- 2. Located in a building that is attached as a wing wall, by a breezeway, or similar architectural feature, or is located on the same block or within one hundred fifty (150) feet of a building, that includes the EED targeted uses; and
- 3. Located within a building that is connected to other buildings containing EED targeted uses by a sidewalk or pedestrian path. The sidewalk or pedestrian path may be included as part of the internal street network or integrated with landscaping, and
- 4. The use includes building materials and architectural features that are similar to or compatible with adjacent multi-story buildings. At least two (2) of the following features must match those of adjacent multi-story buildings:
 - a. Frontage types,
 - b. Roofline features such as cornices and eaves,
 - c. Window styles and proportions,

- d. Primary building materials, or
- e. Spacing of entryways, projections, and other vertical elements of the façade at the ground level.

G. The EED ordinance may include incentives (such as alternative parking or landscaping calculations and customized design standards) that are appropriate and encourage economic development within the EED. The designation of an EED does not preclude other regulatory or tax incentives for an applicant, property owner, or business within the EED.

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 2012 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 passage by New Castle County and signature of the County Executive or as otherwise provided in *9 Del. C § 1156*.

Approved on:

Adopted by County Council of
New Castle County on:

County Executive
New Castle County

President of County Council
New Castle County

SYNOPSIS: The purpose of this ordinance is to revise Chapter 40 of the *New Castle County Code* to create a new Economic Empowerment District (EED) to encourage more business and job rich and job retention businesses in the County. The amendment creates new standards and

incentives for development including streamlining the review and approval process. The amendment recognizes and fully supports all the economic development goals and objectives of the New Castle County 2012 Comprehensive Development Plan, including (1) encouraging a diversified economic base, (2) encouraging the growth and development of high-technology business and other job rich and job retention businesses, and (3) preserving industrially zoned lands to support new industrial development ranging from small business incubator facilities to larger business organizations. The job rich and job retention businesses option is recognized as a desirable development option that will support economic development throughout the county.

FISCAL NOTE: This Ordinance has no discernable fiscal impact.