

**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

<b>Name of Municipality: New Castle County Land Use Department</b>	
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**Date of Most Recently Certified Comprehensive Plan: June 11, 2012**

**Application Type:**

**Comprehensive Plan Amendment: Not applicable**

**Ordinance: Ord. 16-068, Regarding the Adoption of a New Appendix 7 to Provide Guiding Principles for Development**

**Other:** \_\_\_\_\_

<b>Comprehensive Plan Amendment or Municipal Ordinance prepared by:</b>	
<b>Address:</b>  ----- same as above -----	<b>Contact Person:</b>
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**Please describe the submission:**

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 Development. This ordinance recognizes context areas that are consistent with the Comprehensive Development 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 Comprehensive Development 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. It is anticipated that compliance with the Guiding Principles will result in land development that better achieves the outcomes and goals delineated in the Comprehensive Development Plan.

See attached Ordinance 16-068.

Introduced by: Mr. Tackett  
Date of introduction: June 14, 2016

**ORDINANCE NO. 16-068**

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40  
(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 general design guidelines to applicants, communities, and land use professionals that will serve as the framework for the design of land development and redevelopment within New Castle County; and

**WHEREAS**, the Guiding Principles for Development are designed to maintain the character of our communities, protect our neighborhoods, and encourage sustainable development in a manner that ensures a high quality of life for all New Castle County residents; and

**WHEREAS**, the Guiding Principles for Development will provide a framework to apply Comprehensive Development Plan policies to new development in New Castle County; and

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

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

Section 1. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”) is hereby amended by adopting a new Appendix 7 (“Guiding Principles for Development”), as provided in the attached Exhibit A, all of which shall be considered underscored.

Section 2. 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. 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 4. 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.

Adopted by County Council of  
New Castle County on:

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President of County Council  
of New Castle County

Approved on:

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County Executive  
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 Development. This ordinance recognizes context areas that are consistent with the Comprehensive Development 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 Comprehensive Development 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. It is anticipated that compliance with the Guiding Principles will result in land development that better achieves the outcomes and goals delineated in the Comprehensive Development Plan.

**FISCAL NOTE:** This Ordinance has no discernible fiscal impact.

EXHIBIT A  
UDC APPENDIX 7  
GUIDING PRINCIPLES FOR DEVELOPMENT

## APPENDIX 7. GUIDING PRINCIPLES FOR DEVELOPMENT

### 1. Purpose and Applicability.

A. This Appendix establishes general design principles and expectations for land development projects in New Castle County to encourage sustainable development. It establishes guidelines for building design, site design, and amenities. These guidelines serve as an advisory supplement to the Unified Development Code (UDC) and do not supersede or negate those laws. The Guiding Principles do not alter or replace the elements of the UDC, but offer a more detailed explanation of design when applying the UDC standards and regulations.

B. The Comprehensive Development Plan is a policy document that establishes the vision for growth and identifies long term goals, objectives, and strategies for accommodating and managing that growth. The UDC builds on the Comprehensive Development Plan by establishing standards, procedures, and minimum requirements that regulate and control the planning, subdivision, use, design, and development of land according to the strategies adopted in the Comprehensive Development Plan.

C. Additionally, Delaware's *Strategies for State Policies and Spending* ("State Strategies") delineate the strategy for infrastructure and service improvements and support development in a manner that makes the best use of natural and fiscal resources.

D. The Guiding Principles fully support the design policies in the Comprehensive Development Plan and the provisions in the State Strategies that promote healthy communities with a sense of place and site design that respects neighborhood context.

E. The Guiding Principles will apply to land development projects located in the five "character areas" defined below. Some properties within the County are not located in defined character areas and, therefore, will not be subject to these guidelines.

F. All applications subject to *New Castle County Code* section 40.31.113 should consult the Guiding Principles to assist in developing plans consistent with the County's existing community character and the adopted Comprehensive Development Plan. All applications required to be reviewed for consistency with the Comprehensive Development Plan would also be reviewed by the Department for implementation of the Guiding Principles.

G. The guidelines should be reviewed early in the applicant's site design process and inform the discussion of site design throughout the County's land development review process. Applicants who define the community's expectations in advance of the County's project review will have the advantage of devoting their resources toward refining an acceptable design rather than responding to concerns and criticisms throughout the process.

H. Applicants are strongly encouraged to meet with the surrounding community and civic organizations early in the design process to discuss incorporating provisions of the Guiding Principles and to assist in developing a plan that is sensitive to the character of the neighborhood.

I. Community members are encouraged to use the Guiding Principles when communicating with applicants to help foster development that is consistent with the character of their community. The Guiding Principles are a framework to assist applicants and the community in plan design.

**2. Character Areas.**

A. The Comprehensive Development Plan recognizes the importance of preserving the County’s unique character, encourages development that creates jobs, is sensitive to the neighboring communities’ character, provides quality design with ample amenities and minimizes development’s impact on the natural environment.

B. The Guiding Principles achieve the foregoing through dividing the County into five (5) Character Areas, consistent with the eight (8) future land use categories designated by the Comprehensive Development Plan: Residential Neighborhood, Mixed Residential Neighborhood, Corridor, Center, and New Community Development. For additional clarity, the relationship between zoning districts, future land use categories, and their corresponding character area designations, are shown below:

**Table 1  
Character Area Relationships**

<b>Zoning Districts</b>	<b>Strategies for State Policies and Spending Areas</b>	<b>Comprehensive Development Plan Future Land Use Categories</b>	<b>General Description</b>	<b>Guiding Principles Character Areas</b>
SE, SR, S, applicable NC districts	Levels 1, 2 & 3	Very Low Density Residential	<ul style="list-style-type: none"> <li>• 0-1 dwelling units/acre</li> <li>• Protect natural resources and preserve green fields</li> </ul>	Residential Neighborhood
S, ST applicable NC districts	Levels 1 & 2	Low Density Residential	<ul style="list-style-type: none"> <li>• 1-3 dwelling units/acre</li> <li>• Minimize new development until population and employment growth justifies expansion of the public sewer system</li> <li>• Protect natural resources and preserve green fields</li> </ul>	Residential Neighborhood
ST, TN, applicable NC districts	Levels 1 & 2	Medium Density Residential	2-8 dwelling units/acre	Residential Mixed Neighborhood
ST, TN, applicable NC districts	Levels 1 & 2	High Density Residential	> 8 dwelling units/acre	Residential Mixed Neighborhood

<b>Zoning Districts</b>	<b>Strategies for State Policies and Spending Areas</b>	<b>Comprehensive Development Plan Future Land Use Categories</b>	<b>General Description</b>	<b>Guiding Principles Character Areas</b>
HI	Levels 1 & 2	Heavy Industrial	Larger heavy industrial developments with access to rail lines or navigable marine waterways	<i>Not addressed – regulated by existing UDC standards</i>
CN, CR, ON, OR, BP, I, applicable NC Districts	Levels 1 & 2	Commercial/ Office/Industrial Development Area	<ul style="list-style-type: none"> <li>• Higher densities</li> <li>• Redevelopment or mixed use centers</li> <li>• Transit supportive</li> </ul>	Corridor Center
CN, CR, ON, OR, BP	Levels 1 & 2	New Community Development Area	<ul style="list-style-type: none"> <li>• Density goal 3-5 dwelling units per acre</li> <li>• Areas providing walkable, transit-supportive, community centers that transition to surrounding suburban areas</li> </ul>	New Community Development
SE, SR	Levels 2, 3 & 4	Resource & Rural Preservation	<ul style="list-style-type: none"> <li>• Minimize new development</li> <li>• Protect natural resources and preserve green fields</li> </ul>	<i>Not addressed – regulated by existing UDC standards</i>

C. The Comprehensive Development Plan has general policies for each of these future land use categories and calls for “smart growth” policies that emphasize community design, infrastructure management, and resource preservation. These are integrated with the future land use categories in Table 1.

D. The discussion below describes the Guiding Principles. The section for each future land use category includes the following elements:

1. *Vision.* The community’s vision for each development area consistent with the Comprehensive Development Plan. This statement describes the purpose of the category, and can be used to interpret and apply the Guiding Principles.
2. *Building Design.* The design and orientation of buildings, consistent with the quality and character of development envisioned for the category.
3. *Site Design.* The relationship between buildings, infrastructure, and site elements such as landscaping and civic spaces.
4. *Amenities.* Amenities that add value to the development and surrounding areas, such as civic spaces, recreational areas, and natural resource preservation.

### **3. Guiding Principles and Character Areas.**

A. The Guiding Principles align five (5) character areas to the future land use categories in the Comprehensive Development Plan: Residential Neighborhood, Mixed Residential Neighborhood, Center, Corridor, and New Community Development. 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.

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

**Table 2  
Summary of Design Principles**

	<b>Residential Neighborhood</b>	<b>Mixed Residential Neighborhood</b>	<b>Corridor</b>	<b>Center</b>	<b>New Community Development</b>
<b>Vision</b>	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	Mix of commercial or employment-based uses; may include supportive residential
<b>Building:</b>					
<b>Façade Design</b>	No special considerations except in Home Town 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 transparency, with flexible standards for designated “B” streets
<b>Orientation</b>	No special considerations except in Home Town 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.)	Accessible by vehicles with ground floor pedestrian interest and transparency internal to the development
<b>Transition Adjacent to Single-Family</b>	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
<b>Site:</b>					
<b>Building Placement</b>	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 or along sidewalks at

					exterior
<b>Parking</b>	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
<b>Pedestrian &amp; Bicycle Circulation</b>	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 paths connect to greenways and neighborhoods	Buildings are connected to the street & transit / sidewalks, bike lanes and multi-modal; paths connect to greenways & neighborhoods	Multi-modal paths and sidewalks connect buildings and parking
<b>Vehicular Circulation</b>	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
<b>Stormwater Management</b>	Stormwater management practices should be integrated into site features such as rooftops, landscape islands, and paved areas, to intercept and retain rainfall runoff throughout the site in order to mimic pre-developed hydrology and reduce overall development costs associated with high land value.				

<b>Amenities:</b>					
<b>Open / Civic Spaces</b>	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 or transition in scale where adjoining other uses

#### 4. Residential Neighborhood.

##### A. Vision

1. The Residential Neighborhood designation is for New Castle County's predominantly single-family neighborhoods. The designation applies to areas consisting primarily of single family dwellings on individual lots and is intended to preserve and protect 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.

2. The 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 incompatible development away from the neighborhoods to Corridor, Center, and New Community Development character areas and provides a broad array of neighborhood conservation measures to control the pace and type of change within existing residential areas.
3. At an appropriate scale and design, however, neighborhood-serving retail, service and institutional uses should be located close to these neighborhoods.

B. *Building Design*. Height and maximum allowable density are as set out in the UDC for the Suburban (S), Suburban Estate (SE), Suburban Reserve (SR) and applicable Neighborhood Conservation (NC) and Suburban Transition (ST) districts. Building design generally is not regulated in these districts unless specifically mentioned in the UDC.

C. *Site Design*

1. Site design is regulated by the UDC.
2. Connectivity
  - a. The street network for new subdivisions should meet or exceed the DelDOT connectivity standards.
  - b. For traffic mitigation, applicants should prioritize connectivity, pedestrian, bicycle and transit improvements over widening streets (see “General Concepts – Transportation & Connectivity”).
  - c. Pedestrian and bicycle infrastructure improvements should connect neighborhoods with compatible retail, services, institutional uses, and other neighborhoods.

D. *Amenities*. Amenity Types: See Table 3. Menu of Amenities.

## 5. Mixed Residential Neighborhood

A. *Vision*

1. 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 Comprehensive Development Plan and are primarily located north of the Canal. While the Comprehensive Development 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 affordable housing.
2. 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 permitted only in TN-zoned parcels.

3. 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.

#### B. *Building Design*

1. Make the building visually and architecturally pleasing by varying the height, color, setbacks, materials, texture, landscaping, trim and roof shape.
2. Orientation
  - a. 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.
  - b. 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.
  - c. For multifamily buildings under 4 stories in height, dwelling units facing public or internal streets should include balconies with a minimum dimension of 30 square feet and a minimum depth of 6 feet.
  - d. Multifamily buildings exceeding 4 stories may be located only on a corridor with a ground floor commercial use, or in a Center within ¼ mile of a transit stop.
  - e. Vertical integration of uses is encouraged only in TN-zoned parcels. Where retail uses are established, they should be placed at street level. Office and residential uses should occupy the rear or upper stories.
3. Mass
  - a. Overall height of structure(s) should be similar to the predominant height of other buildings in the neighborhood.
  - b. Arrange buildings in a cohesive and planned manner through at least 1 of the following methods:

- i. 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.
    - ii. 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 1 building, consider configuring the building around a courtyard or creating several smaller civic spaces or areas of open space each near a separate entry.
  - e. 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.
  - f. 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.

#### 4. Articulation / Modulation

- a. 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.
- b. 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 a variety of items and/or structures that provide visual relief.
- c. Three (3) or more of the following methods of articulation should be used such that the combination of features project a residential character:
  - i. Balcony, bay window, porch, patio, deck, or clearly defined entry for each interval of up to 40 feet.
  - ii. Lighting fixture, trellis, canopy or prominent ornamental tree (at least 15 feet high at maturity) or other landscape feature within each interval.
  - iii. 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.

- iv. Use of material variations such as contrasting colors, brick or metal banding, or textural changes.
  - v. Artwork or building ornamentation, such as mosaics, murals, decorative masonry or metal patterns or grillwork, sculptures, or similar items that provide visual relief.
- d. Buildings greater than 160 feet in length should incorporate a prominent central feature, such as a courtyard.
- e. 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.
- f. 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).
5. Windows and Entryways
- a. 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.
  - b. 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.
  - c. Enhance views, provide natural surveillance, and make spaces feel larger by maximizing the number of windows that face the street.

### C. *Site Design*

- 1. Where possible, buildings should locate near, and provide a continuous pedestrian connection to, shops and schools and within 1/4 mile of a bus or transit stop and/or within 1/2 mile of commuter rail stations, if possible.
- 2. Building – Street relationships
  - a. Buildings should form a street edge along all interior streets, and either a street edge or buffer along public streets.

- i. The buffer may include common open space or civic spaces as described below.
    - ii. The development should not include high fences.
  - b. 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.
  - c. 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.
  - d. Provide a central location for common facilities, such as open space, community rooms and laundries.
3. Parking
  - a. Place parking lots at rear or side of the site to allow a majority of dwelling units to front on the street.
  - b. Build multiple small parking lots instead of one large lot.
  - c. Place parking lot(s) in proximity to dwelling units.
  - d. Separate bicycle and pedestrian paths from vehicular traffic.
4. Connectivity
  - a. The street network for new subdivisions should meet or exceed the DeIDOT connectivity standards.
  - b. For traffic mitigation, applicants should prioritize connectivity, pedestrian and transit improvements over widening streets.
  - c. Provide pedestrian and bicycle access to adjacent uses with pedestrian walkways or crossings and bicycle infrastructure.
  - d. Accessory structures and uses. Permitted accessory structures and uses should not be placed within 50 feet of the Street Zone, excluding stormwater management and other environmental amenities.

#### D. Amenities

1. Amenity Space Required
  - a. Total usable amenity space on a site having five or more dwelling units should include at least 200 square feet per dwelling unit. This can be met by any combination of private outdoor building space and common open space.

- b. Private outdoor building space. To satisfy the outdoor building space requirement, private open space should be on a patio or porch with a minimum depth of 8 feet or balcony with a minimum depth of 6 feet.

2. Amenity Types: See Table 3 Menu of Amenities.

## **6. Corridor**

### *A. Vision*

1. Corridors link neighborhoods, communities and commercial uses together. Character Areas designated as Corridor will transform from underutilized and auto-oriented streets into diverse and attractive pedestrian-friendly streets that support local-serving retail, public spaces and a diversity of housing types. Streets with a variety of uses provide an environment to step down new development in height and mass adjacent to residential neighborhoods, while accommodating a variety of uses and amenities. The Corridor designation is applied to areas of streets (“Corridor Roadways”) that are envisioned to transition from general commercial into higher-intensity development areas. The Corridor designation preserves areas for uses that provide a job base within office, industrial and manufacturing business sectors that form a center of economic activity for the County.
2. The Corridor designations define the activity along the existing corridors of the County. New development will require community amenities (such as open space) and neighborhood-compatible uses, such as appropriately scaled office uses.
3. There are two types of Corridor developments: Commercial and Employment-based. In order to provide design flexibility, all Corridor developments should include “A” and “B” 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 uses, this includes retail, office, residential and institutional uses as permitted by zoning. Buildings along “A” streets are aligned to the sidewalk and include a high-level of design quality. 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 as permitted by zoning.
4. Employment-based Corridor developments may include business campus environments that are built as traditional suburban business campuses. These areas provide space for continued employment activities to ensure a robust economy essential 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 and encourage new office and employment-based development where appropriate.

### *B. Building Design*

1. *Orientation*

- a. Buildings should be oriented to the Corridor Roadway. 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.
- b. New buildings on property adjacent to the Corridor Roadway, or entry streets perpendicular to the Corridor Roadway, should have a minimum façade height to ensure the visual definition of the street space.

2. Frontage - Entry elements are as follows:

Entry Element	Definition	Commercial Corridor Development		Employment-based Corridor Development
		“A” Streets	“B” Streets	
<b>Awning/Canopy</b>	Use of an awning or canopy above transparent glass windows or other ground floor pedestrian interest areas.	■	■	■
<b>Balcony</b>	An unenclosed platform that projects from the wall of a building a minimum of 6’ and is surrounded by a railing, balustrade, or parapet.	■	■	■
<b>Courtyard</b>	A court, patio or other indentation in the building façade with a minimum depth of 6’ – building entry doors may face onto the patio from any direction.	■	■	■
<b>Gallery/Arcade</b>	Roofed (or partially roofed), arcade, gallery, veranda or pergola elements that are not enclosed on more than two sides.	■	■	■
<b>Front porch</b>	A roofed but unenclosed entry element with a minimum depth of 8’.	■	■	
<b>Stoop</b>	A raised and unenclosed (may be roofed) landing	■	■	

and stairway.

**Projected entry** An exterior entry that extends from the front of the building plane, and has a height and width in scale to the dimensions of the building, such that its presence clearly indicates a primary entrance.



**Recessed entry** An entry that recesses into the front of the building plane, and has a height and width in scale to the dimensions of the building, such that its presence clearly indicates a primary entrance. A Recessed Entry can be integrated with the building's roof plane.



3. Mass. Development should maximize human- scale elements and community benefits while providing a transition between these uses and surrounding neighborhoods.
4. Articulation
  - a. Avoid blank walls facing the street on buildings.
  - b. Along “A” streets in Corridor developments, building facades facing a street that are longer than fifty-feet (50’) should change visibly in height, wall plane projection or setback (minimum of 12-inch setback) and materials or color a maximum of every forty-feet (40’) along the axis facing the street.
5. Windows and Entryways. Along “A” Streets in Corridor developments, the ground floor should include between 65 to 90% glazing and entryways.

C. *Site Design*

1. A Corridor is configured around a Corridor Roadway and an interior street network where lots have sufficient depth, with high quality development concentrated along the entryway to the development.
2. A Corridor is divided into 3 subareas:
  - a. The Corridor Zone is generally located within 50 feet of the existing or planned primary access right-of-way.
  - b. The Street Zone includes all areas outside of the Corridor Zone generally located within 50 feet of any other public street other than the primary access right away.

c. The Interior Zone includes all remaining areas outside of the Corridor Zone and Street Zone.

### 3. Building – Street relationships

a. The aggregate length of “B” Streets on an application should not constitute the majority of the total length of all streets within a proposed Corridor project.

b. 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 in accordance with UDC dimensional standards.

c. Maximum setbacks should generally place buildings along sidewalks or courtyards or other civic spaces that have a direct connection to sidewalks.

d. The project plan should identify a “frontage build-out” (the area within the maximum setback that is occupied by a building frontage) of 60% to 80% along “A” streets and the Corridor Zone to ensure that building walls occupy the area within the maximum setback.

### 4. Parking

a. Parking areas should be located outside of the Corridor Zone.

b. In the Interior Zone and along “A” streets, parking areas should be located principally to the rear of buildings, interior to a block, or within parking structures.

c. Along “A” streets, parking structures should include storefronts or other active space at the street level.

d. Along “A” streets and in Employment-based Corridor projects, build multiple small parking lots instead of one large lot.

e. Separate bicycle and pedestrian paths from vehicular traffic.

### 5. Connectivity

a. In Commercial Corridor projects:

i. Streets should meet or exceed the DeIDOT connectivity standards. For traffic mitigation, applicants should prioritize connectivity, pedestrian and transit improvements over widening streets.

ii. Street, pathway or sidewalk stubs within public right-of-way or public access easements on properties that abut the proposed development parcel should be connected to the proposed development parcel in-kind.

- iii. Blocks should have sides greater than 240 feet and less than 600 feet with a total perimeter generally not to exceed 1,800 feet.
  - b. In Employment-based Corridor projects:
    - i. The applicant should provide a transportation management plan that includes methods to minimize traffic during peak travel hours.
    - ii. Street, pathway or sidewalk stubs within public right-of-way or public access easements on properties that abut the proposed development parcel should be connected to the proposed development parcel.
6. Accessory Structures and Uses
- a. Permitted accessory structures and uses should not be placed within 50 feet of the Street Zone excluding stormwater management and other environmental amenities.
  - b. In the Interior or Street Zones of a Commercial Corridor project, gas pumps or drive-through facilities are allowed only on lots with frontage on “B” streets.
  - c. Along “A” streets, drive-through facilities are allowed only in mid-block locations with a minimum separation of 500 feet in all directions from another drive-through facility or, for uses sharing a common parcel boundary, lease line etc., via an integrated and interconnected common drive-through facility with cross-access easements and sharing of cartway access as necessary.
  - d. All drive-throughs should be well-screened from the “A” street and placed toward the rear of buildings.
  - e. Dumpsters should be located in the rear yard and placed inside enclosures with building materials that match the principal structure.
- D. *Amenities*. Amenity Types: See Table 3 Menu of Amenities.

## **7. Center**

### *A. Vision*

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

amenities, such as open space, and neighborhood-compatible uses, such as appropriately scaled office uses.

2. There are two types of Center developments: Commercial and Employment-based. Commercial Centers include commercial–retail, institutional, or employment-based uses such as offices and residential uses. Commercial 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 office. Others have a more urban character with a greater intensity and include more opportunities for housing. As with Corridors, the development in the Center should 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. Employment-based Centers may include business campus environments that are built in a more urban style than a traditional business campus. They are home to corporate, technology, institutional and other providers of high quality employment, typically in a single building or multi-structure office campus environment. These Centers provide critical space essential to a robust and growing economy in the County. The Guiding Principles land use designations support the continuation of existing employment activities and encourage new office employment-based development where feasible and appropriate.

**B. Building Design**

1. *Orientation*

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

2. *Frontage* - Permitted entry elements are as follows:

Entry Element	Definition	Commercial Center Development		Employment-based Center Development
		“A” Streets	“B” Streets	
<b>Awning/Canopy</b>	Use of an awning or canopy above transparent glass windows or other ground floor pedestrian interest areas.	■	■	■
<b>Balcony</b>	An unenclosed platform that projects from the wall of a building a minimum of 6’ and is surrounded by a railing,	■	■	■

balustrade, or parapet.

<b>Courtyard</b>	A court, patio or other indentation in the building façade with a minimum depth of 6' – building entry doors may face onto the patio from any direction.	■	■	■
<b>Gallery/Arcade</b>	Roofed (or partially roofed), arcade, gallery, veranda or pergola elements that are not enclosed on more than two sides.	■	■	■
<b>Front porch</b>	A roofed but unenclosed entry element with a minimum depth of 8'.	■	■	
<b>Stoop</b>	A raised and unenclosed (may be roofed) landing and stairway.	■	■	
<b>Projected entry</b>	An entry that extends exterior from the front of the building plane, and has a height and width in scale to the dimensions of the building, such that its presence clearly indicates a primary entrance.		■	■
<b>Recessed entry</b>	An entry that recesses into the front of the building plane, and has a height and width in scale to the dimensions of the building, such that its presence clearly indicates a primary entrance. A Recessed Entry can be integrated with the building's roof plane.		■	■

### 3. Mass

- a. New buildings should step down in relationship to the scale and character of adjacent neighborhoods and include a diversity of uses and housing types designed to complement and serve the existing residential neighborhoods.
- b. A ground floor along an "A" Street in a Center development should include a minimum eleven (11) foot clear height for retail and service uses and nine (9) 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.

### 4. Articulation

- a. Avoid blank walls facing the street on buildings.
  - b. Along “A” streets in Center 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) and materials or colors a maximum of every forty (40) feet along the axis facing the street.
5. Windows and Entryways. Along “A” Streets in Center developments, the ground floor should include between 65% to 90% glazing (i.e., transparent glass) and entryways.

C. *Site Design*

1. A Center is configured around a street network, with high quality development concentrated along the entryway to the development or a designated “A” Street.
2. A Center is divided into 2 sub-areas:
  - a. The Street Zone includes all areas generally located within 50 feet of any public street that provides access to the development.
  - b. The Interior Zone includes all remaining areas outside of the Street Zone.
3. Building – Street relationships
  - a. The aggregate length of “B” Streets on an application should not exceed 40% of the total length of all streets within a proposed Center development.
  - b. Buildings should form a street edge along all public and interior “A” streets.
  - c. The applicant should identify minimum and maximum setbacks along all “A” streets.
  - d. Maximum setbacks should generally place buildings along sidewalks or courtyards or other civic spaces that have a direct connection to sidewalks.
  - e. The project should identify a “frontage build-out” of 60 to 80% along “A” streets to ensure that building walls occupy the area within the maximum setback.
4. Parking
  - a. 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.
  - b. Along “A” streets and in employment based centers, build multiple small parking lots instead of one large lot.

- c. Separate bicycle and pedestrian paths from vehicular traffic.
- d. Designate "vehicle free areas" for bicycle and pedestrian safety and enjoyment.

## 5. Connectivity

### a. In Commercial Center projects:

- i. Streets should meet or exceed the DelDOT connectivity standards.
- ii. For traffic mitigation, applicants should prioritize connectivity, pedestrian and transit improvements over widening streets
- iii. Street, pathway or sidewalk stubs 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.
- iv. Blocks should have sides greater than 240 feet and less than 600 feet with a total perimeter generally not to exceed 1,800 feet.

### b. In Employment-based Center projects:

- i. The applicant should provide a transportation management plan that includes ways to minimize traffic during peak travel hours.
- ii. Street, pathway or sidewalk stubs 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.

## 6. Accessory Structures and Uses

a. Permitted accessory structures and uses should not be placed within 50 feet of the Street Zone; excluding stormwater management and other environmental amenities.

b. In the Interior zone of a Commercial Center, gas pumps or drive-through facilities are allowed only on lots with frontage on "B" streets.

c. Along "A" streets, drive-through facilities are allowed only in mid-block locations with a minimum separation of 500 feet in all directions from another drive-through facility or, for uses sharing a common parcel boundary, lease line etc., via an integrated and interconnected common drive-through facility with cross-access easements and sharing of cartway access as necessary.

d. All drive-throughs should be well-screened from the "A" street and placed toward the rear of buildings.

e. Dumpsters should be located in the rear yard and placed inside enclosures with building materials that match the principal structure.

D. *Amenities*. Amenity Types: See Table 3 Menu of Amenities.

## 8. New Community Development

### A. *Vision*

1. New Community Development is the character 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 development in a smaller geographic area reduces the size of the area that must be served by infrastructure, thereby decreasing development expenditures that are reflected in the cost of living for residents.
2. 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.

### B. *Building Design*

#### 1. Orientation

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

#### 2. Frontage - Entry elements are as follows:

		“A” Streets	“B” Streets
<b>Awning/Canopy</b>	Use of an awning or canopy above transparent glass windows or other ground floor pedestrian interest areas.	■	■
<b>Balcony</b>	An unenclosed platform that projects from the wall of a building a minimum of 6’ and is surrounded by a railing, balustrade, or parapet.	■	■
<b>Courtyard</b>	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.	■	■
<b>Gallery/Arcade</b>	Roofed (or partially roofed), arcade, gallery, veranda or pergola elements that are not enclosed on more than two sides.	■	■

<b>Front porch</b>	A roofed but unenclosed entry element with a minimum depth of 8'.	■	■
<b>Stoop</b>	A raised and unenclosed (may be roofed) landing and stairway.	■	■
<b>Projected entry</b>	An entry that extends exterior from the front of the building plane, and has a height and width in scale to the dimensions of the building, such that its presence clearly indicates a primary entrance.		■
<b>Recessed entry</b>	An entry that recesses into the front of the building plane, and has a height and width in scale to the dimensions of the building, such that its presence clearly indicates a primary entrance. A Recessed Entry can be integrated with the building's roof plane.		■

3. Mass. New buildings should step down in relationship to the scale and character of neighborhoods and agricultural lands and include a diversity of uses and housing types designed to complement and serve existing neighborhoods.

4. Articulation

a. Avoid blank walls facing the street on buildings.

b. 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 12 inch setback) and materials or color a maximum of every forty (40) feet along the axis facing the street.

5. Windows and Entryways. Along “A” Streets in New Community Development, the ground floor should include between 65% to 90% glazing and entryways.

C. *Site Design*

1. A new development in this Character Area is configured around a street network, with high-quality development concentrated along the entryway to the development or an “A” street. A New Community is divided into 2 sub-areas:

a. The Street Zone includes all areas located generally within 50 feet of any public street that provides access to the development.

b. The Interior Zone is all areas outside of the Street Zone.

2. Stormwater management practices should be integrated into site features such as rooftops, landscape islands, and paved areas, to intercept and retain rainfall runoff throughout the site in order to mimic pre-developed hydrology and reduce overall development costs associated with high land value.

### 3. Building – Street relationships

- a. The aggregate length of “B” Streets on an application should not constitute the majority all streets within a proposed Future Community Development.
- b. Buildings should form a street edge along all public and interior “A” streets.
- c. The applicant should identify minimum and maximum setbacks along all “A” streets.
- d. Maximum setbacks should generally place buildings along sidewalks or courtyards or other civic spaces that have a direct connection to sidewalks.
- e. The project should identify a “frontage build-out” (the area within the maximum setback that is occupied by a building frontage) of 60 to 80% along “A” streets to ensure that building walls occupy the area within the maximum setback.

### 4. Parking

- a. Parking areas should be located outside of the street zone.
- b. 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.
- c. Along “A” streets, parking structures should include storefronts or other active space at the street level.
- d. Along “A” streets and in employment based centers, build multiple small parking lots instead of one large lot.
- e. Separate bicycle and pedestrian paths from vehicular traffic.

### 5. Connectivity

- a. Streets should meet or exceed the DeIDOT connectivity standards.
- b. For traffic mitigation, applicants should prioritize connectivity, pedestrian and transit improvements over widening streets.
- c. Blocks should have sides greater than 240 feet and less than 600 feet with a total perimeter generally not to exceed 1,800 feet.

### 6. Accessory Structures and Uses

- a. Permitted accessory structures and uses should not be placed within 50 feet of the Street Zone; excluding stormwater management and other environmental amenities.
- b. In the Interior zone, gas pumps or drive-through facilities are allowed only on lots with frontage on “B” streets.
- c. Along “A” streets, drive-through facilities are allowed only in mid – block locations with a minimum separation of 500 feet in all directions from another drive-through facility or, for uses sharing a common parcel boundary, lease line etc., via an integrated and interconnected common drive-through facility with cross-access easements and sharing of cartway access as necessary.
- d. All drive-throughs should be well-screened from the “A” street and placed toward the rear of buildings.
- e. Dumpsters should be located in the rear yard and placed inside enclosures with building materials that match the principal structure.

D. *Amenities*. Amenity Types: See Table 3 Menu of Amenities.

## 9. General Concepts

### A. *Transportation and connectivity*.

1. 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.
2. One important aspect of this relationship is the connectivity ratio, which measures street connectivity by dividing the number of street links by the number of nodes (see *DelDOT Development Coordination Manual*). The result is a performance standard that measures the relative connectivity of a street network.
3. A traditional grid provides the highest connectivity ratio and, therefore, a generally more efficient distribution of traffic.

B. *Protect natural habitat*. The County encourages development practices that preserve forests, limit forest fragmentation, maintain or expand buffers along wetlands and streams, protect critical natural habitat, and provide public access to surrounding natural habitats.

C. *Safeguard water quality*. Site and building design should encourage increased infiltration and vegetated surfaces, and reduced impervious area. To provide effective urban runoff and contamination migration, the County encourages Low Impact Development (LID) designs for stormwater management.

D. *Reduce greenhouse gas (GHG) emissions and improve air quality.* In order to reduce GHG emissions associated with development, the County encourages energy efficiency improvements in the built environment and infrastructure, along with renewable energy resources in buildings, infrastructure, and transportation.

E. *Conserve existing neighborhoods.* The Guiding Principles protect the character of the County's residential neighborhoods and their local serving commercial areas.

F. *Promote healthy communities.* The Guiding Principles encourage compact, mixed-use, and efficient development patterns that promote walking and biking in an effort to reduce automobile trips.

G. *Expand housing choices.* The Guiding Principles encourage varied housing types throughout the County in a way that enhances sustainability, creates complete neighborhoods with diverse, mixed income, and affordable housing along transit corridors, while accommodating a mix of compatible uses.

H. *Support a sustainable economy.* The Guiding Principles support economically sound and sustainable growth. The continued support and expansion of these uses at locations adjacent to transit will serve to ensure accessibility, maximize efficiency of urban infrastructure and services, and decrease reliance on automobile use.

I. *Stormwater management.*

1. Existing site characteristics, such as land cover, topography, and soil types should be the focus of 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.
2. Stormwater management practices should be integrated into site features such as rooftops, landscape islands, and paved areas, to intercept and retain rainfall runoff throughout the site in order to mimic pre-developed hydrology and reduce overall development costs associated with high land value.

## **10. Amenities.**

A. 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.

B. 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 ¼ mile).

**Table 3  
Menu of Amenities**

<b>Category</b>	<b>Description / Standards</b>
<b>Porches, Balconies, or Patios</b>	An exterior extension or projection from a residential building or residential floor of a mixed-use building that is open on at least one side, but does not allow public access.
<b>Stormwater Management, Low-Impact Design</b>	Stormwater management practices should be integrated into site features such as rooftops, landscape islands, and paved areas, to intercept and retain rainfall runoff throughout the site in order to mimic pre-developed hydrology and reduce overall development costs associated with high land value.
<b>Protected Resource Land</b>	Natural resource areas included in the calculation of the “Calculation For Total Protected Land” (See <i>New Castle County Code</i> section 40.05.420).
<b>Greenway</b>	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 <i>New Castle County Code</i> 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.
<b>Agricultural Preserve</b>	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.
<b>Community Garden</b>	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.
<b>Park</b>	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.
<b>Green</b>	Common open space available for unstructured recreational use with landscaping consisting of grassy areas, trees, shrubs, and other landscaping.
<b>Water Bodies</b>	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.
<b>School sites</b>	School sites, including library sites, and outside hard surface recreational areas ancillary to the school, excluding the area devoted to buildings.
<b>Historical / Cultural sites</b>	An existing building or structure that has historical or cultural significance may be located in a common open space and open to the public.

<b>Category</b>	<b>Description / Standards</b>
<b>Plaza</b>	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.
<b>Square</b>	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"> <li>• Bounded by streets on at least one side and pedestrian walkways on at least 2 sides, or</li> <li>• Not bounded by streets, but accessible to the public.</li> </ul>
<b>Courtyard</b>	A courtyard is a contiguous open area allowing public access that is: <ul style="list-style-type: none"> <li>• Surrounded on at least two sides by building walls with entryways, and</li> <li>• At relatively even grade with respect to the surrounding topography.</li> </ul>
<b>Pedestrian Pathway</b>	A walkway and/or easily identifiable building or lot pass-through that contains window displays intended for general public access. Pedestrian pathways can connect between public or private streets.
<b>Boulevard Pathways</b>	A unique style of pathway that is either integrated into the median of a boulevard-style street or is located along either side of a boulevard-style street with a significant amount of green (per definition above). The entire median and/or landscaped pathway area along each side of the street is counted as open space, except for curb or parking areas.
<b>Active Recreation</b>	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 pathways, 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.
<b>Golf Course</b>	A golf course that is open to the public. This does not include uses solely dedicated to driving ranges, miniature golf courses, or similar commercial enterprises.

**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

<b>Name of Municipality: New Castle County Land Use Department</b>	
<b>Address:</b>  <b>87 Reads Way New Castle, DE 19720</b>	<b>Contact Person: George Haggerty</b>
	<b>Phone Number: 302-395-5455</b>
	<b>Fax Number: 302-395-5443</b>
	<b>E-mail Address: krbieri@nccde.org</b>

**Date of Most Recently Certified Comprehensive Plan: June 11, 2012**

**Application Type: Text Amendment**

**Comprehensive Plan Amendment: Not applicable**

**Ordinance: Ord. 16-066, Regarding the Establishment of a New Zoning District to be known as the Economic Empowerment District (EED) (2015-0653-T).**

**Other:** \_\_\_\_\_

<b>Comprehensive Plan Amendment or Municipal Ordinance prepared by:</b>	
<b>Address:</b>  ----- same as above -----	<b>Contact Person:</b>
	<b>Phone Number:</b>
	<b>Fax Number:</b>
	<b>E-mail Address:</b>

<b>Maps Prepared by: NA.</b>	
<b>Address:</b>	<b>Contact Person:</b>
	<b>Phone Number:</b>
	<b>Fax Number:</b>
	<b>E-mail Address:</b>

**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

**Please describe the submission:**

The purpose of this ordinance is to revise Chapter 40 of the *New Castle County Code* to create a new zoning district to encourage business and foster job rich and job retention businesses in the County. The ordinance will allow the creation of an Economic Empowerment District (EED) that will create new standards and incentives for development within the EED including streamlining the review and approval process. The ordinance recognizes and fully supports the economic development goals and objectives of the New Castle County Comprehensive Development Plan, specifically: (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) encouraging the use of land for new industrial development ranging from small business incubator facilities to larger business organizations. Targeting job rich and job retention businesses is recognized as a desirable development option that will support economic development throughout the County.

See attached Ordinance 16-066.

Introduced by: Mr. Tackett  
Date of introduction: June 14, 2016

**ORDINANCE NO. 16-066**

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

**WHEREAS**, it is important to continue to coordinate and facilitate proposals to retain and expand existing businesses, while also attracting new businesses to New Castle County; and

**WHEREAS**, the economic development portion of the New Castle County Comprehensive Plan and the New Castle County Economic Development Strategic Plan 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 land use regulation to successfully compete in a global marketplace; and

**WHEREAS**, the establishment of an Economic Empowerment Zoning District (EED) is intended to facilitate the growth and development of high-technology businesses, job rich businesses and businesses with high job retention rates and to support new industry ranging from small business incubator facilities to large business organizations; and

**WHEREAS**, New Castle County land use regulations must be sensitive to the evolving needs of businesses while providing a regulatory tool that fosters 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 (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

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

Section 1. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 2 (“Establishment of Zoning Districts”), Division 40.02.200 (“Statement of purpose and intent of districts”), Section 40.02.240 (“Special districts”) is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

**Sec. 40.02.240. Special districts.**

A. [ ~~Four (4) of the special districts are applied to existing development areas and t~~Intensive uses. Two (2)[~~of the~~] special districts were created to allow a limited amount of Heavy Industry (HI) and Extraction (EX).

B. Existing neighborhoods. The Neighborhood Conservation (NC) district applies to neighborhoods or planned areas whose character is already set by existing uses and lotting, and which should be protected or conserved. The Diversified Planned Unit Development (DPUD) district is only for existing DPUD developments.

C. The Economic Empowerment District (EED). The EED allows the creation of zoning regulations for an identified area based upon a set of guidelines, procedures and permitted uses to accommodate development consistent with the County’s Comprehensive Plan and the 2014 Economic Development Strategic Plan, as those plans may be amended or updated.

D. Overlay zones. The Historic (H) [~~D~~]district is an overlay [~~district~~]zone to preserve the County's historic heritage. The Hometown (HT) Overlay district may be used for communities built before zoning regulations were established (pre-1954) and with a unique development pattern that does not conform to existing zoning standards.

Section 2. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 2 (“Establishment of Zoning Districts”), Division 40.02.200 (“Statement of purpose and intent of districts”), is hereby amended to establish a new Section 40.02.246 (“Economic Empowerment (EED) District”), as set forth below, by adding the material that is underscored:

**Sec. 40.02.246. Economic Empowerment District (EED).**

A. The Economic Empowerment District (EED) is intended to create a master planned, campus-like setting consisting of target industry uses as identified in the 2014 Economic Development Strategic Plan, as may be amended or updated, comprising corporate headquarters, high technology offices, research and/or light assembly centers, or master planned employment centers.

B. The EED also may be used to transition existing industrial/office campuses to accommodate the expansion or re-use of target industries with streamlined reviews.

C. The ordinance establishing each EED will clearly define anticipated future uses and create development standards and design features to facilitate long-term, sustainable job growth for the County at that location, while protecting surrounding neighborhoods.

D. The EED will complement and enhance features of the UDC with respect to bulk and area standards and design guidelines that require more specificity to accommodate the unique types of development and uses anticipated within an EED.

Section 3. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”) is hereby amended to establish a new Article 17 (“Economic Empowerment District”), Division 40.17.000 (“Purpose”), Division 40.17.100 (“Applicability”), Division 40.17.200 (“Zoning designation and development review process”) and Division 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 the Economic Empowerment District (EED) to facilitate employment uses and complimentary accessory uses in a master planned, campus-like setting. Uses shall consist of targeted industries as identified by the 2014 Economic Development Strategic Plan, as may be amended or updated, and shall consist of corporate headquarters, high technology offices, research and/or light assembly centers, or master planned employment centers.

B. The EED implements the Comprehensive Plan and the 2014 Economic Development Strategic Plan, as those plans may be amended or updated, by:

1. Clearly defining uses that implement the County’s economic development priorities; and
2. Creating 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 shall have a separate designation and shall have a set of guidelines to accommodate development or reuse of land located within that EED. Each EED district establishes development standards that apply to development in that district. Development standards shall be part of the ordinance that is approved by County Council. UDC standards that apply to the site prior to adoption of the ordinance designating an EED shall continue to apply to the development unless those standards are replaced or modified in the EED ordinance.

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

1. Site capacity and concurrency calculations (Article 5) – site carrying capacity shall be based on the applicable bulk and area standards from Table 40.04.110, using the zoning district and use category that most closely matches the proposed development.
2. Environmental standards (Article 10).
3. Transportation impact (Article 11) – except that the applicant must annotate and evaluate the estimated gross floor area of future buildings for a traffic analysis and if required, a traffic impact study shall be completed and reviewed by DeDOT and the Department of Land Use prior to any EED being approved by County Council.
4. Sewer and water impact (Article 12).
5. Impact fees (Article 14).
6. Minimum required bufferyards along any boundary with a residential (ST, S, SE, SR, TN, MM, or NC) zoning district.

**Sec. 40.17.102. EED designation criteria.**

The County may apply an EED to areas of the County only where the development meets the criteria provided in this section.

A. Parcel size. The minimum parcel size for an EED is ten (10) acres. However, the County Council may approve an EED of between five (5) and ten (10) acres if:

1. At least ninety (90) percent of the total floor area within the proposed EED consists of target industries as identified in Sec. 40.17.301.A.2;
2. At least twenty-five (25) percent of the projected trips are reduced through the use of transportation demand management (TDM) measures (see 40.17.302.E); and
3. The EED is not rezoned from any residential district.

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

C. The EED is consistent the County’s policies to attract target industries (see *Economic Development Strategic Plan*, September 2014, as may be amended, revised, or updated).

D. Boundaries.

1. All land within the district boundary shall be contiguous.
2. County Council may expand the boundaries of the proposed EED to include additional contiguous land if it finds that the modification meets the purpose of the proposed EED.

E. Guiding principles. The applicant is encouraged to consult The New Castle County Guiding Principles.

F. Overlapping districts. An EED may overlap an overlay zone; however, the EED or conditions of approval do not supersede the requirements of any overlay zone.

G. Use allocation for target industries. The allocation of gross floor area (GFA) for a proposed EED shall comply with the following percentages:

1. 80% of GFA for target industries for projects up to 100,000 SF GFA.
2. 85% of GFA for target industries for projects from 100,001 SF to 500,000 SF GFA.
3. 90% of GFA for target industries for projects over 500,000 SF GFA.

**Division 40.17.200. Zoning designation and development review process.**

**Sec. 40.17.201. Zoning authority.**

An ordinance shall be required to establish each EED. The ordinance establishing an EED shall identify the boundaries, establish development and design standards for the EED, and contain a designation distinguishing the EED from other EEDs.

**Sec. 40.17.202. Initiation procedures.**

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

1. The Department; or
2. Submission of an application signed by owners of one hundred (100) percent of the property within the proposed EED.

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 and including a list of all tax parcel numbers within the proposed EED; and
3. Statement of justification describing how the application meets the EED designation criteria, and why the rezoning would promote the best interest of the economy, surrounding neighborhood, and the County.

C. Pre-application sketch plan review/conference. In addition to the requirements of Section 40.31.112 of this Chapter, the following is required:

1. A site plan that demonstrates compliance with the proposed design standards; and
2. Building elevations or architectural sketches that demonstrate compliance with the proposed design standards . The applicant shall provide building elevations before the final exploratory plan report is prepared, and those elevations must be made part of the public record for at least 30 days before the public meeting at which the County Council renders a decision.

**Sec. 40.17.203. Rezoning procedure for EED.**

A. Property owner/stakeholder meeting. The applicant is strongly encouraged to engage the community at the earliest possible moment. The applicant shall arrange for an area-wide meeting to inform the community about the EED after the pre-application sketch plan review conference. The applicant shall complete the area-wide meeting before submitting the exploratory plan.

B. EED planning process. The applicant shall prepare the required studies, reports and draft development and design standards per Division 40.17.300.

C. After the Department determines that the application is complete and the area-wide meeting has occurred, notice of the rezoning shall be provided in accordance with Article 31.

D. Procedure.

1. Department shall authorize the application to be heard by PLUS upon receiving a complete submission.
2. The Department shall schedule a public hearing before the Planning Board pursuant to Article 31 after the Department has prepared the draft EED ordinance.
3. The EED ordinance shall be subject to the requirements and procedures contained in Article 31 for rezoning applications and shall include conditions of approval that incorporate the development and design standards.

E. Findings. County Council may adopt an EED ordinance upon finding:

1. The rezoning meets the standards in Section 40.31.410 (standards for zoning map amendment);
2. The EED meets the designation criteria above; and
3. The applicant has demonstrated that it has adequately mitigated traffic concerns through a traffic impact study (if required) provided pursuant to Article 11.

F. Expiration.

1. The applicant shall secure exploratory sketch plan approval and commence construction of approved floor area within five (5) years from the effective date of the rezoning or it will become subject to the sunset provisions of Section 40.01.130. County Council may establish a different time limit in the rezoning conditions. The Department may initiate a rezoning to the former zoning classification if the applicant does not submit a timely exploratory sketch plan.
2. If commencement of construction does not occur on at least 20% of the approved floor area within five (5) years from the effective date of the rezoning:
  - a. the applicant shall file an updated traffic impact study based on the conditions identified in Sec. 40.11.130 at that time. The Department shall approve, approve with conditions or disapprove the traffic impact study before any further minor land development plan or building permit is approved for the project; and
  - b. The applicant shall obtain new water capacity calculations pursuant to Section 40.05.310 and verification that sewer capacity will be available pursuant to Section 40.05.320.

**Sec. 40.17.204. Development review.**

A. After the EED is approved, any submission shall be reviewed as a minor land development plan and must comply with the EED ordinance that was approved by County Council.

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

1. Building elevation drawings prepared by a registered architect for each proposed structure;
2. Conceptual drawings of sections through the site illustrating existing and proposed grades, as well as the relationship of different site features;
3. Conceptual landscape, stormwater management, open space and amenity plans; and
4. The identification of the total floor area to be allocated to the required target industry as outlined in Section 40.17.102.F.

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 EED, 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 EED, the Department shall not approve the exploratory sketch plan and shall identify the specific development and design standards of non-compliance.

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

**Division 40.17.300. Development standards.**

**Sec. 40.17.301. Applicability.**

A. The development standards established in this division and any condition of the EED approval shall apply to all minor land development plans and building permits issued within the designated EED.

**Sec. 40.17.302. Permitted uses.**

A. The conditions of EED approval will identify the allowable uses permitted in the EED. Uses not specifically 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>	
	<small>(The total floor area of all uses or any combination thereof, designated with “%” below shall not exceed the designated percentage of the total project floor area)</small>
<u>Residential</u>	
<u>Commercial apartments</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>	<small>Refer to Section 40.17.102.F for the required percentages for target industries</small>
<u>Commercial lodging</u>	<u>Y (10%)</u>
<u>Commercial retail and service</u>	<u>Y (10%)</u>
<u>Corporate guest house</u>	<u>Y (10%)</u>
<u>Restaurants</u>	<u>Y (5%)</u>
<u>Office/ business, insurance and financial services *</u>	<u>Y</u>

<u>EED District Uses</u>	
<u>Y=permitted, N=prohibited, L=limited, S=special use review, A=accessory</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>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>
* <u>Land uses marked with an asterisk are defined more specifically in subsection 2, below.</u>	

2. The following industrial classifications (defined in the NAICS or as further provided below) shall be considered target industries for the purpose of satisfying the use allocation requirements of Section 40.17.102:

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 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 gross floor area shall be designated as part of each EED ordinance.

**Sec. 40.17.303. Design standards.**

A. Design standards shall be approved as part of each EED ordinance. 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, as approved by County Council. In addition to regulations, each EED shall include design guidelines standards.

B. The design standards for the EED shall include the following minimum elements governing the physical characteristics and features of all property (public or private) within the proposed district:

Building height in feet and 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 locations

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

Pedestrian scale and walkability  
Street furniture  
Design standards not otherwise listed

C. 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 cast stone 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. A building material not listed above may be permitted by the Department if it is similar to the other materials in the same category with regard to durability and quality, appearance, and compatibility with the architectural style of neighboring buildings.
4. 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.

D. Transportation demand management.

1. The conditions of approval shall include trip reduction/transportation demand management (TDM) measures where possible to reduce the number of vehicle trips to and from the site.
2. If transit is available, the site shall be designed to provide access to transit facilities or provide features that enhanced access to the transit.

3. If transit is not currently available, pull-in-pull-out infrastructure must be provided along the frontage or access road to the development so that bus transit can be provided at a later time.

E. Retail and restaurant uses. Retail and restaurant uses in an 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 and restaurant 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 and restaurant 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;
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;
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; or
4. The use includes building materials and architectural features that are similar to or compatible with adjacent buildings. The following features must match those of adjacent buildings:
  - a. Frontage types,
  - b. Roofline features such as cornices and eaves,
  - c. Window styles and proportions,
  - d. Primary building materials, and
  - e. Spacing of entryways, projections, and other vertical elements of the façade at the ground level.
5. Signage associated with retail and restaurant buildings shall not be visible from any public right-of-way.

F. The EED ordinance, as approved by County Council, 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 4. **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 5. **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 6. **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*.

Adopted by County Council of  
New Castle County on:

---

President of County Council  
of New Castle County

Approved on:

---

County Executive  
New Castle County

**SYNOPSIS:** The purpose of this ordinance is to revise Chapter 40 of the *New Castle County Code* to create a new zoning district to encourage business and foster job rich and job retention businesses in the County. The ordinance will allow the creation of an Economic Empowerment District (EED) that will create new standards and incentives for development within the EED including streamlining the review and approval process. The ordinance recognizes and fully supports the economic development goals and objectives of the New Castle County Comprehensive Development Plan, specifically: (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) encouraging the use of land for new industrial development ranging from small business incubator facilities to larger business organizations. Targeting job rich and job retention businesses is recognized as a desirable development option that will support economic development throughout the County.

**FISCAL NOTE:** This ordinance has no discernable fiscal impact.

**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

<b>Name of Municipality: New Castle County Land Use Department</b>	
<b>Address:</b>  <b>87 Reads Way New Castle, DE 19720</b>	<b>Contact Person: George Haggerty</b>
	<b>Phone Number: 302-395-5455</b>
	<b>Fax Number: 302-395-5443</b>
	<b>E-mail Address: krbieri@nccde.org</b>

**Date of Most Recently Certified Comprehensive Plan: June 11, 2012**

**Application Type: Text Amendment**

**Comprehensive Plan Amendment: Not applicable**

**Ordinance: Ord. 16-067, Regarding the Establishment of a New Overlay Zoning District to be known as the Neighborhood Preservation Overlay District (NPOD) (2015-0652-T)**

**Other:** \_\_\_\_\_

<b>Comprehensive Plan Amendment or Municipal Ordinance prepared by:</b>	
<b>Address:</b>  ----- same as above -----	<b>Contact Person:</b>
	<b>Phone Number:</b>
	<b>Fax Number:</b>
	<b>E-mail Address:</b>

<b>Maps Prepared by: NA.</b>	
<b>Address:</b>	<b>Contact Person:</b>
	<b>Phone Number:</b>
	<b>Fax Number:</b>
	<b>E-mail Address:</b>

# 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

## **Please describe the submission:**

The purpose of this ordinance is 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 ordinance creates new standards for establishing 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 is primarily intended for neighborhoods dealing with issues of incompatible infill and structural alteration that could change the appearance of residential neighborhoods and/or the streetscape. During the first three (3) years after the effective date of this Article, NPOD designations will be limited to the initial study areas identified in the *New Castle County Department of Land Use Action Plan & Work Program 2014/2015* dated October 7, 2014 (Pike Creek, Concord Pike, Route 9, Kirkwood Highway, Newark / Route 273 Corridor, and Claymont) and where the designation is supported by a WILMAPCO study.

See attached Ordinance 16-067.

**ORDINANCE NO. 16-067**

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40  
(ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”)  
REGARDING THE ESTABLISHMENT OF A  
NEW OVERLAY ZONING DISTRICT TO BE 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 and placemaking in a way that protects and complements the character of existing residential neighborhoods and that also promotes healthy communities; and

**WHEREAS**, transitional standards between commercial and employment-based land uses and existing residential neighborhoods can enhance protection of those neighborhoods from the deleterious impacts of new growth while accommodating economic development; and

**WHEREAS**, the County has determined that the development of regulations that would require new development to blend with existing and proximate neighborhoods is a viable way to achieve effective, balanced regulations that protect neighborhood character; and

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

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

Section 1. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 2 (“Establishment of Zoning Districts”), Division 40.02.200 (“Statement of purpose and intent of districts”), is hereby amended to establish a new Section 40.02.247 (“Neighborhood Preservation Overlay (NPOD) District”), as set forth below, by adding the material that is underscored:

**Sec. 40.02.247. Neighborhood Preservation Overlay District (NPOD).**

**A. The Neighborhood Preservation Overlay District (NPOD) designation is intended for residential communities that are dealing with issues of infill and proximate nonresidential development or redevelopment that could have a deleterious impact on the residential areas.**

B. Once established, the NPOD will encourage economic development, placemaking, and healthy communities in a way that protects the character of existing neighborhoods.

C. The NPOD will establish complementary development regulations and standards that will focus on the existing residential neighborhood character and emphasize compatible building heights, setbacks, massing, building orientation, off-street parking, roof line and pitch, signs, lighting, open space, and streetscape elements.

D. As an overlay zone, the NPOD will complement and enhance many of the generic features of the UDC to provide additional standards and design features to protect and safeguard the established surrounding residential community.

Section 2. *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 establish a Neighborhood Preservation Overlay District (NPOD) for maintaining the distinctive physical qualities of existing neighborhoods. An NPOD designation is intended to provide a regulatory tool for communities concerned with issues of incompatible infill and structural alteration that could inappropriately change the appearance or character of residential neighborhoods or the streetscape. 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 compatible with the scale and character of the existing neighborhood.

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

### **Division 40.16.100. Applicability.**

#### **Sec. 40.16.101. Classification.**

A. The NPOD is an overlay zoning designation that provides additional standards to the underlying zoning district. The underlying zoning district specifies permitted land uses.

B. An NPOD must include at least one residential zoning district and may include all or part of any nonresidential zoning district.

C. 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 shall apply.

D. 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.

E. 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 & Work Program, 2014/2015*, dated October 7, 2014 (areas include: Pike Creek, Concord Pike, Route 9, Kirkwood Highway, Newark/Route 273 Corridor, and Claymont) and where an NPOD designation is supported by a WILMAPCO study.

F. An NPOD may only be placed upon residential subdivisions approved prior to December 31, 1997.

**Sec. 40.16.102. NPOD designation criteria.**

To be designated as an NPOD, the area shall meet the following criteria:

A. Required Residential Component.

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 be located within:
  - a. A residential zoning district; and
  - b. A medium, low, or very low residential density future land use category in the Comprehensive Development Plan.

B. Site Area. Minimum site area shall include at least one (1) block and consist of least ten (10) acres.

C. Boundaries. All land within the district boundary shall be contiguous and shall not be separated by an interstate, freeway, or expressway as identified on the DelDOT New Castle County Functional Classification Map.

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

E. Distinctive Features. The area within the residential districts of the proposed NPOD shall create a cohesive identifiable neighborhood character that possesses the following distinctive features:

<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, parks, 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 commercial uses serving surrounding neighborhoods.</u>

F. Nonresidential districts. The nonresidential districts within the proposed NPOD shall:

1. Possess the features described in subsection E above; and
2. Be contiguous to the residential districts.

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

H. Applicability of other provisions. The NPOD shall not affect any of the following standards, all of which supersede the requirements of this section or any conditions of any NPOD conservation plan:

1. Environmental standards (Article 10).
2. Transportation impact (Article 11).
3. Sewer and water impact (Article 12).
4. Site capacity and concurrency calculations (Article 5) – site carrying capacity shall be based on the applicable bulk and area standards from Table 40.04.110.
5. Impact fees (Article 14).

6. Any other requirements of the UDC that are not specifically superseded by this Article or an NPOD conservation plan.

### **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 an NPOD conservation plan that identifies the designated boundaries, establishes regulations for the specific NPOD overlay district, and demonstrates consistency with the Comprehensive Development Plan.

#### **Sec. 40.16.202. Initiation procedures.**

The establishment of an NPOD may be initiated by:

A. The Department; or

B. By submission of an application to the Department. The application shall include:

1. A petition executed by at least two-thirds (2/3) of the property owners within the proposed district and containing an acknowledgement of support from any official neighborhood, homeowner or maintenance association whose membership consists of persons owning property within the proposed district. The petition shall include the names, addresses, and tax parcel numbers of all property owners in the proposed district.
2. Required filing fee.
3. Applicants' names, contact information, and signatures.
4. Precise boundaries indicated on a map.
5. List of neighborhood, homeowner or maintenance associations whose membership consists of persons owning property within the boundaries of the proposed district including available contact information.
6. Statement of justification including:
  - a. Description of the neighborhood and property characteristics and features worthy of conservation, including any specimen trees and other landscape features; and
  - b. Description of how the application meets NPOD criteria and why that designation would promote the best interest of the neighborhood and the County.
7. Photographs, histories, and/or other supporting material documenting the neighborhood characteristics.

**Sec. 40.16. 203. Determination of eligibility.**

A. The Planning Board will determine the eligibility of an NPOD application pursuant to the standards and procedures in this Article. The Planning Board will, at a business meeting, review an 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 Development Plan goals and policies; and
3. The degree to which the proposed NPOD designation would promote the New Castle County Guiding Principles.

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

1. The proposed NPOD application meets the designation criteria of Division 40.16.101;
2. The properties within the proposed boundaries are recognizable as a distinct area with shared characteristics; 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, it will send its written determination to the applicant.

**Sec. 40.16. 204. NPOD planning process.**

A. Neighborhood information meeting.

1. Upon determination of eligibility by the Planning Board, the Department shall notify, or require the applicant to notify, all property owners within the proposed NPOD boundaries informing them of the application and the review and approval process.
2. The applicant 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.

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. At least ten (10) days before the neighborhood information meeting, the Department shall post, or require the applicant to post, a sign that provides a statement that an NPOD is proposed for the designated neighborhood, the Department's phone number and email contact, and the date, time, and location of any neighborhood information meeting. The Department shall update, or require the applicant to update, the sign to include the date, time, and location, at least ten (10) days before any Planning Board or County Council public hearing. The Posted Notice provisions of 40.31.340.B. shall apply to this subsection.
3. The notice of meetings also shall 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 and reports and draft appropriate conservation criteria per Division 40.16.300.

**Sec. 40.16. 205. Adoption procedures.**

A. Procedure. Upon the Department's determination that the NPOD application is acceptable, the Department will prepare the draft NPOD ordinance and will schedule a public hearing before the Planning Board pursuant to Article 31.

B. Rezoning. Adoption of the NPOD shall comply with Division 40.31.100 for rezonings. The Department shall prepare a draft zoning map for the NPOD.

C. 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.

D. NPOD Conservation Plan. The adopted NPOD shall include an NPOD conservation plan.

**Sec. 40.16. 206. Development review.**

A. Land use applications for property within a designated 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 with the NPOD conservation plan, the application shall be denied.

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 an 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, or signage; and
2. Permitted additions, alterations, relocation or rehabilitation to the street facades of existing buildings, structures, foundations, signs, public art, or outdoor apparatus or equipment.

D. The NPOD conservation plan shall not apply to ordinary repairs and maintenance.

E. Required elements. The NPOD conservation plan shall include the minimum following elements governing the physical characteristics and features of all property (public or private) within the proposed district:

Building height in feet and 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 40.16.302

Garage entrance location

Off-street parking and loading requirements

Ground level open space requirements

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
- Lighting
- Driveways and sidewalks
- Satellite dishes, utility boxes
- Street trees
- Paving patterns
- Hardscape covering
- Porch designs
- Street furniture
- Public art
- 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, including changes, modification or reductions of:

1. Parking requirements;
2. Landscape surface ratio or the location, opacity, width, area or design of buffer yards;
3. Open space ratios and the design or permissible uses of open space;
4. Lot area required for zoning districts within the NPOD;
5. Required yards; or
6. Other UDC provisions unless specifically prohibited by this Article and that will not result in an 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 an NPOD and within one

hundred (100) feet of a residential zoning district shall employ the following techniques to ensure compatibility with surrounding development, including adjacent residential development.

A. Similar building setback.

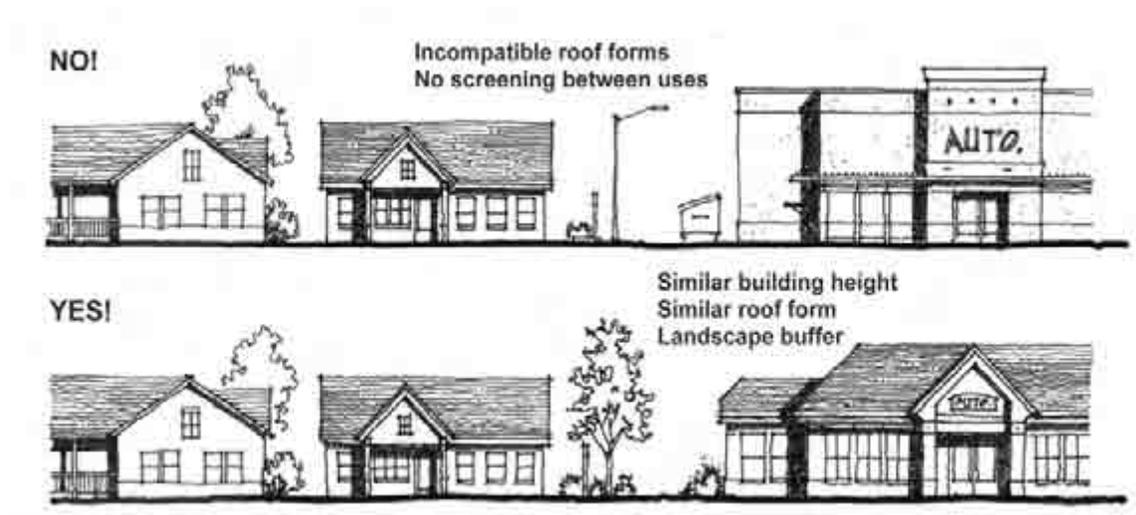
B. Similar roof form.

C. Horizontal breaks in the street/building façade, as well as vertical breaks, shall be designed to occur as part of the building composition and shall not occur randomly.

D. 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 1.

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



E. Green/open space transitions to ensure compatibility between the commercial development and surrounding development, such as:

1. Small green spaces, courts, squares, parks, plazas, and similar spaces that can also function as community gathering places.
2. Existing natural features as transitions, including natural differences in topography (not retaining walls), streams, existing stands of trees, and similar features.

F. Compatible building height between residential and nonresidential and multifamily developments.

Section 3. **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 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.

Adopted by County Council of  
New Castle County on:

\_\_\_\_\_  
President of County Council  
of New Castle County

Approved on:

\_\_\_\_\_  
County Executive  
New Castle County

**SYNOPSIS:** The purpose of this ordinance is 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 ordinance creates new standards for establishing 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 is primarily intended for neighborhoods dealing with issues of incompatible infill and structural alteration that could change the appearance of residential neighborhoods and/or the streetscape. During the first three (3) years after the effective date of this Article, NPOD designations will be limited to the initial study

areas identified in the *New Castle County Department of Land Use Action Plan & Work Program 2014/2015* dated October 7, 2014 (Pike Creek, Concord Pike, Route 9, Kirkwood Highway, Newark / Route 273 Corridor, and Claymont) and where the designation is supported by a WILMAPCO study.

**FISCAL NOTE:** This Ordinance has no discernable fiscal impact.