

**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. 13-055 Regarding Improvements to the Village and Hamlet Provisions. A text amendment to Chapter 40 (“UDC”), Article 25 (“Design”) of the New Castle County Code.**

**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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<b>Maps Prepared by: NA.</b>	
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	<b>E-mail Address:</b>

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**Please describe the submission:**

The purpose of this text amendment is to revise the existing village and hamlet development design options contained in *New Castle County Code* division 40.25.100 *et.seq.* to facilitate the village and hamlet development option in New Castle County. More specifically, the changes revise certain specifications and design provisions to incorporate the local calibrations necessary and desirable for New Castle County.

See attached Ordinance 13-055.

Introduced by: Mr. Reda, Mr. Tackett  
Date of introduction: June 25, 2013

**ORDINANCE NO. 13 - 055**

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”), ARTICLE 25 (“DESIGN”), REGARDING IMPROVEMENTS TO THE VILLAGE AND HAMLET PROVISIONS**

**WHEREAS**, on December 31, 1997, New Castle County Council adopted and the County Executive approved Chapter 40 of the *New Castle County Code*, commonly referred to and known as the Unified Development Code or “UDC”; and

**WHEREAS**, on October 13, 2009, New Castle County adopted Ordinance 09-037 to incorporate core smart growth design principals within the Unified Development Code to guide the development of mixed use, compact and walkable communities in New Castle County; and

**WHEREAS**, it has been determined that minor modifications and calibrations are necessary to the smart growth design principles contained in the Unified Development Code to provide practical opportunities for the village and hamlet development option in New Castle County; and

**WHEREAS**, the proposed modifications and calibrations to the village and hamlet provisions are fully supported by the goals and objectives of model smart code legislation and the New Castle County 2012 Comprehensive Plan Update; 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 25 (“Design”), Division 40.25.110 (“General to all plans”), Section 40.25.113 (“Waivers and variances”), is hereby amended by adding the material that is underscored and deleting the material that is stricken and bracketed, as set forth below:

**Sec. 40.25.113. Waivers and variances.**

- A. There shall be two (2) types of deviation....
- E. The following standards and requirements shall not be available for waivers:
  - 1. [~~Reserved.~~]

[2.] The required provision of rear alleys and rear lanes.

[3.] [~~The minimum base residential densities.~~]

[4]2. The permission to build accessory buildings.

[5]3. The minimum requirements for parking.

Section 2. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 25 (“Design”), Division 40.25.120 (“Hamlet and village plans”), Section 40.25.121 (“Instructions”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed, as set forth below:

**Sec. 40.25.121. Instructions.**

A. The use of this Division for new projects....

B. Projects proposed in this Division must be zoned Suburban (S) and may be located south of the C&D Canal, west of US 13, east of the Norfolk and Southern Railroad spur and generally north of Marl Pit Road and be served by public sewer.

C. Section 40.25.210 plans shall include a regulating plan consisting of....

1. Transect zones.
2. Civic [~~zones~~] areas.
3. Thoroughfare network....

F. Prior to Section 40.25.120 plan approval, the developer shall establish or identify the appropriate organization that shall be responsible for owning, maintaining and managing all civic areas that are intended to be shared among multiple communities. Cross-access and maintenance agreements for shared civic areas shall be established as required by the Department. Article 27 shall apply to this development option to the extent practicable. However, due to the unique design features of the village and hamlet development option, the Department may approve alternative ownership and maintenance arrangements for the civic areas. All forms shall be approved by the Department and the Office of Law prior to recordation.

Section 3. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 25 (“Design”), Division 40.25.120 (“Hamlet and village plans”), Section 40.25.122 (“Sequence of community design”), is hereby amended by adding the material that is underscored and deleting the material that is stricken and bracketed, as set forth below:

**Sec. 40.25.122. Sequence of community design.**

- A. The site shall be structured using one (1) or several pedestrian sheds....
- D. Civic [~~zones~~] areas shall be assigned according to Section 40.25.125....

Section 4. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 25 (“Design”), Division 40.25.120 (“Hamlet and village plans”), Section 40.25.125 (“Civic zones”), is hereby amended by adding the material that is underscored and deleting the material that is stricken and bracketed, as set forth below:

**Sec. 40.25.125. Civic [~~zones~~] areas.**

A. *General.*

~~[1.]~~ Civic [~~zones~~] areas dedicated for community or public use shall be required for each community and designated on the Section 40.25.120 plan as [~~C~~]civic [~~S~~]spaces (CS), [~~and~~] [~~C~~]civic [~~B~~]buildings (CB) or civic parking (CP) areas.

~~[2.]~~ Civic spaces [~~zones~~] are [~~public~~] sites permanently dedicated to open space.

~~2~~ ~~[3.]~~ Civic [~~B~~]building [~~zones~~] areas are sites dedicated for buildings generally operated by governmental or not-for-profit organizations dedicated to culture, education, religion, government, recreation, transit and municipal parking, or for other similar uses approved by the Department.

~~3~~ ~~[4.]~~ [~~Reserved.~~] Civic parking areas are off-street and off-lot parking areas or structures owned, maintained, and shared by two (2) or more lot owners. Lot owners may purchase shares of, or lease undesignated spaces within civic parking areas in order to satisfy the requirements of Section 40.25.136. However, civic parking areas shall be available for transient use by the general public.

~~4.~~ Civic buildings and civic parking areas are not required in each community, but may be included at the developer’s option. Civic buildings and civic parking areas shall be designated in the Section 40.25.120 plan.

~~5.~~ All civic areas shall have an underlying transect zone, and the acreage of civic areas shall be calculated as part of the allocation of pedestrian sheds required by Section 40.25.140 Table 14 (a).

B. Civic [~~zones~~] areas specific to T1 and T2 zones. Civic buildings and civic spaces within T1 natural and T2 rural zones shall be permitted pursuant to Table 40.10.210.

C. Civic [~~space (CS)]~~ areas specific to T3-T5 zones.

1. Each pedestrian shed shall assign at least five (5) percent of its urbanized area to civic spaces and/or civic building areas. Thoroughfares and civic parking areas shall not be included within this calculation.
  2. Civic spaces shall be designed as generally described in Table 40.25.140 13a-13e distributed throughout transect zones as described in Table 40.25.140 14.
  3. ~~[Those portions of the T1 natural zone that occur within a development parcel shall be part of the civic space allocation and shall conform to the civic space types specified in Table 13a or 13b.]~~
  - [4.] Each pedestrian shed shall contain at least one (1) main civic space. The main civic space shall be within eight hundred (800) feet of the geographic center of each pedestrian shed, unless topographic conditions, pre-existing thoroughfare alignments or other existing circumstances prevent such location. A main civic space shall conform to one (1) of the types specified in Table 40.25.140 13b, 13c, or 13d.
  - [5]4. Each civic space shall have a minimum of fifty (50) percent of its perimeter enfronting a thoroughfare, except for playgrounds and rambles.
  - [6]5. Parks may be permitted in transect zones T4 and T5.
  6. Rambles shall be permitted as civic spaces, but only if the five (5) percent minimum civic space is satisfied by other types in Section 40.25.140 Table 40.25.140 13.
- D. *Civic building[~~s~~] areas specific to T3-T5 zones.*
1. Civic building [~~sites~~] areas shall not occupy more than twenty (20) percent of the area of each pedestrian shed.
  2. Civic building [~~sites~~] areas should be located within or adjacent to a civic space, or at the axial termination of a significant thoroughfare.
  3. [~~Reserved~~] Civic building areas shall be designed as generally described in Table 40.25.140 13f.

Section 5. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 25 (“Design”), Division 40.25.120 (“Hamlet and village plans”), Section 40.25.126 (“Thoroughfare standards), is hereby amended by adding the material that is underscored and deleting the material that is stricken and bracketed, as set forth below:

**Sec. 40.25.126. Thoroughfare standards.**

The purpose of these thoroughfare standards is to serve as a guide for the design....

A. *General.*

1. Thoroughfares are intended for use....
7. Each lot shall enfront a vehicular thoroughfare, except that twenty (20) percent of the lots within each transect zone may enfront a passage or sidewalk.
8. Thoroughfares along a designated B-grid....

C. *Public frontages.*

1. *General to all zones T1, T2, T3, T4, T5....*
3. *Specific to zones T4, T5.* The introduced landscape shall consist primarily of durable species tolerant of soil compaction.
  - a. Rear lanes or rear alleys shall be required in T4 and T5.
  - b. The provisions of Section 40.04.240 shall not be applicable to T4 and T5 transect zones.
4. *Specific to zone T4.* The public frontage....

Section 6. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 25 (“Design”), Division 40.25.130 (“Building scale plans”), Section 40.25.134 (“Building configuration”), is hereby amended by adding the material that is underscored and deleting the material that is stricken and bracketed, as set forth below:

**Sec. 40.25.134. Building configuration.**

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

1. The private frontage of buildings shall conform....
4. Stories may not exceed fourteen (14) feet in height from finished floor to finished ceiling, except for a first floor commercial function, which shall be a minimum of ten (10) [~~eleven (11)~~] feet, with a maximum of twenty-five (25) feet. A single floor level exceeding fourteen (14) feet, or twenty-five (25) feet at ground level, shall be counted as two (2) stories. Mezzanines extending beyond thirty-three (33) percent of the floor area shall be counted as an additional story.
5. In a parking structure or garage....

E. *Specific to zone T5.*

1. To the extent permitted by DelDOT....

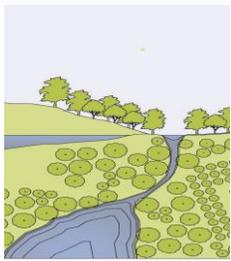
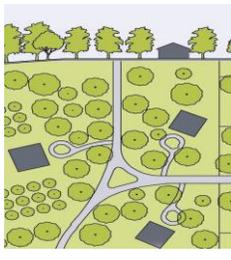
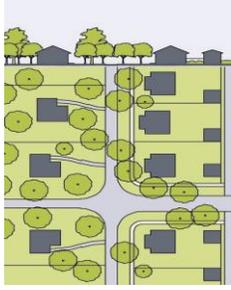
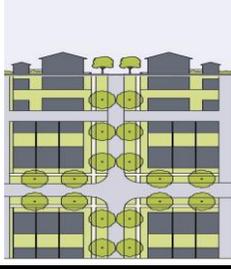
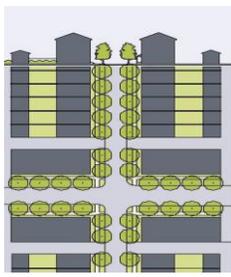
~~[6. A first level residential or lodging function shall be raised a minimum of two (2) feet from average sidewalk grade; or in the alternative may be designed in such a way so as to provide privacy for the residential use from the public frontage.]~~

Section 7. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 25 (“Design”), Division 40.25.140 (“Standards and tables”), Table 40.25.140(1) (“Transect Zone Descriptions”), Table 40.25.140(4B) (“Public Frontages – Specific”), Table 40.25.140(8) (“Building Configuration”), Table 40.25.140(9) (“Building Disposition”), Table 40.25.140(11) (“Parking Calculations”), Table 40.25.140(12) (“Specific Function and Use”), Table 40.25.140(13) (“Civic Space”) and Table 40.25.140(14) (“Smart Code Summary”), Table 40.25.140(15A) (“Form Based Code Graphics – T3 Transect Zone”), Table 40.25.140(15B) (“Form Based Code Graphics – T4 Transect Zone”), Table 40.25.140(15C) (“Form Based Code Graphics – T5 Transect Zone”), is hereby amended by adding the material that is underscored and deleting the material that is stricken and bracketed, as set forth below:

**Sec. 40.25.140. Standards and tables.**

- Table 40.25.140 1. Transect Zone Descriptions
- Table 40.25.140 4 B. Public Frontages – Specific
- Table 40.25.140 7. Private Frontages
- Table 40.25.140 8. Building Configuration
- Table 40.25.140 9. Building Disposition
- Table 40.25.140 12. Specific Function and Use
- Table 40.25.140 13. Civic ~~[Space]~~ Areas
- Table 40.25.140 14. Smart Code Summary
- Table 40.25.140 15 A. Form Based Code Graphics – T3 Transect Zone
- Table 40.25.140 15 B. Form Based Code Graphics – T4 Transect Zone
- Table 40.25.140 15 C. Form Based Code Graphics – T5 Transect Zone

*Table 40.25.140 1. Transect Zone Descriptions  
(This table describes the intent of each transect zone.)*

<i>Transect Zone</i>	<i>Picture</i>	<i>Description Type</i>	
T1 - Natural		General character	Natural landscape with some agricultural use
		Building placement	Not applicable
		Frontage types	Not applicable
		Typical building height	Not applicable
		Type of civic space	Parks, greenways
T2 - Rural		General character	Primarily agricultural with woodland and scattered buildings
		Building placement	Variable setbacks
		Frontage types	Not applicable
		Typical building height	1 to 2 story
		Type of civic space	Parks, greenways
T3 - Suburban		General character	Lawns, and landscaped yards surrounding detached single-family houses; pedestrians occasionally
		Building placement	Large and variable front and side yard setbacks
		Frontage types	Porches, fences, naturalistic tree planting
		Typical building height	1 to 2 story with some 3 story
		Type of civic space	Parks, greenways
T4 – General Urban		General character	Mix of houses, townhouses and small apartment buildings, with scattered commercial activity; balance landscape and buildings; presence of pedestrians
		Building placement	Shallow to medium front and rear yard setbacks
		Frontage types	Porches, fences, dooryards
		Typical building height	2 to 3 story with a few taller mixed use buildings
		Type of civic space	Squares, greens
T5 – Urban Center		General character	Shops mixed with townhouses, larger apartment houses, offices workplaces, and civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity
		Building placement	Shallow setbacks or none; building oriented to street defining a street wall
		Frontage types	Stoops, shopfronts, galleries
		Typical building height	[3] 2 to 5 story with some [variation] single story limited to 20% of units and nonresidential GFA
		Type of civic space	Parks, plazas and squares, median landscaping

**Table 40.25.140 4 B. Public Frontages – Specific**  
*(This table assembles prescriptions and dimensions for the public frontage elements – curbs, walkways and planters – relative to specific thoroughfare types within transect zones. Locally appropriate planting species should be filled in to the calibrated code.)*  
*For illustrative purposes only. Subject to DelDOT approval.*

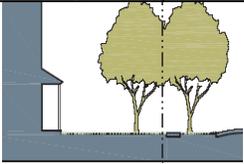
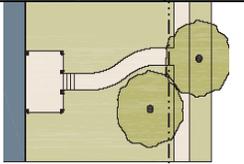
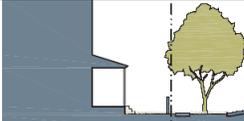
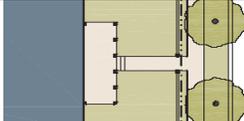
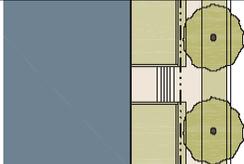
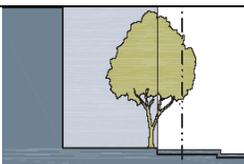
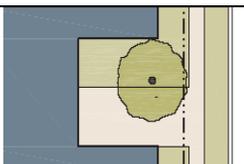
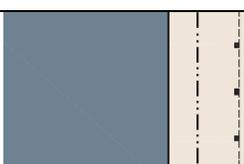
Transect Zone	T1, T2, T3	T1, T2, T3	T3, T4	T4, T5	T5	T5
Public Frontage Type	HW and RD	RD and ST	ST, DR, and AV	ST, DR, AV, and BV	CS, DR, AV, and BV	CS, DR, AV, and BV
<b>Assembly:</b> The principal variables are the type and dimension of curbs, walkways, planters and landscape.						
Total width	16-24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

**Landscape:** See Section [40.04.111] 40.25.138 for landscaping standards.

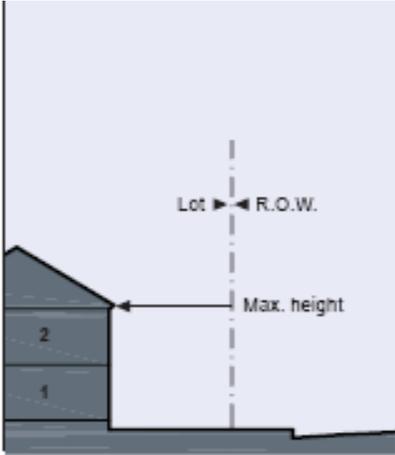
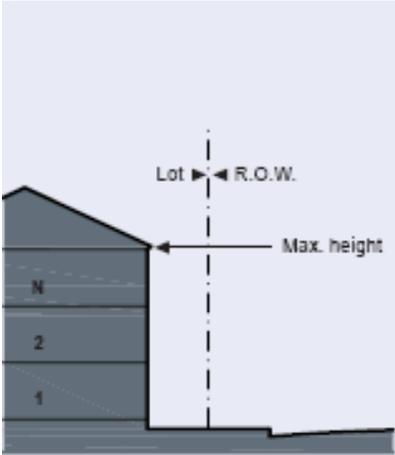
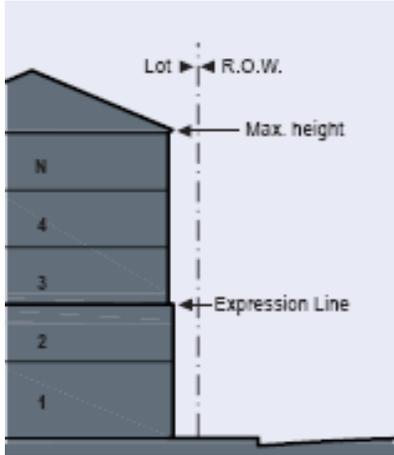
**Lighting:** See Section 40.04.111 for lighting standards.

Table 40.25.140 7. Private Frontages

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

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

*Table 40.25.140 8. Building Configuration  
 (This table shows the configurations for different building heights for each  
 Transect Zone. Recess lines and expression lines shall occur on higher buildings as shown.  
 N = maximum height as specified in Table 14K.)*

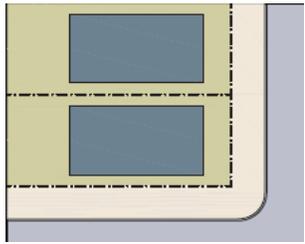
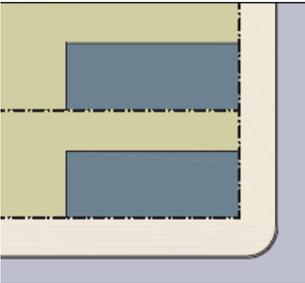
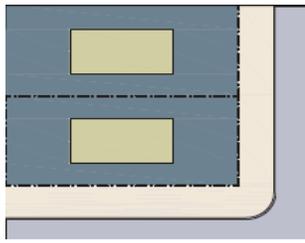
T2 and T3 Transect Zones	T4 Transect Zone	T5 Transect Zone
		

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

2. Stories may not exceed fourteen (14) feet in height from finished floor to finished ceiling, except for a first floor commercial function, which shall be a minimum of ~~eleven (11)~~ ten (10) feet, with a maximum of twenty-five (25) feet.

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

*Table 40.25.140 9. Building Disposition  
(This table approximates the location of the structure relative to the boundaries of each individual lot, establishing suitable basic building types for each Transect zone)*

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

*Table 40.25.140 12. Specific Function and Use  
(This table expands the categories of Table 10 to delegate  
specific functions and uses within Transect Zones)*

■ – permitted by right

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

*Table 40.25.140 12. Specific Function and Use  
(This table expands the categories of Table 10 to delegate  
specific functions and uses within Transect Zones)*

■ – permitted by right

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

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

Table 40.25.140 13. Civic [Space] Areas

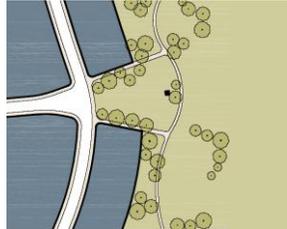
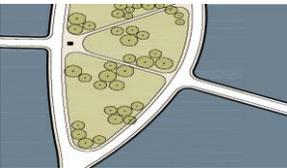
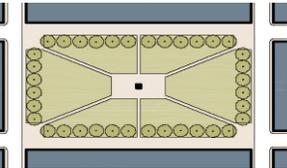
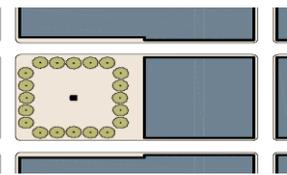
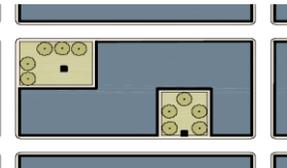
<p>T1 T2 T3</p>	<p><b>a. Park:</b> A natural preserve available for unstructured recreation. A park may be independent of surrounding building frontages. Its landscape shall consist of paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be lineal, following the trajectories of natural corridors. The minimum size shall be 8 acres. Larger parks may be approved by waiver as special districts in all zones</p>	
<p>T3 T4 T5</p>	<p><b>b. Green:</b> An open space available for unstructured recreation. A green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. The minimum size shall be <math>\frac{1}{2}</math> <u>1/4</u> acre and the maximum size shall be 8 acres.</p>	
<p>T4 T5</p>	<p><b>c. Square:</b> An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontage. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares. The minimum size shall be <math>\frac{1}{2}</math> <u>1/4</u> acre and the maximum size shall be 5 acres.</p>	
<p>T5</p>	<p><b>d. Plaza:</b> An open space available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets. The minimum size shall be <math>\frac{1}{2}</math> <u>1/4</u> acre and the maximum size shall be 2 acres.</p>	
<p>T1 T2 T3 T4 T5</p>	<p><b>e. Playground:</b> An open space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.</p>	
<p>T3 T4 T5</p>	<p><b>f. Civic building [zone] area:</b> A civic [space] area containing a building or structure permitted in accordance with Section 40.25.125 A 3. A civic building [zone] area shall comply with all limitations, requirements, and metrics of its underlying transect with the exceptions that (1) the maximum lot size shall be 10 acres; (2) rear lanes and/or rear alleys are not mandatory unless required by the Department; (3) there shall be no maximum lot width; (4) there shall be no maximum front setback requirement in the T4 and T5 transects; and (5) there shall be no minimum frontage buildout requirement in the T4 and T5 transects.</p>	<p>[picture deleted]</p>

Table 40.25.140 14. Smart Code Summary

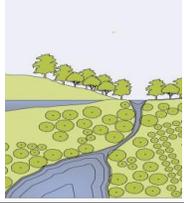
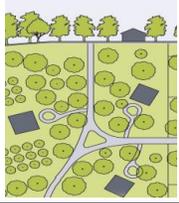
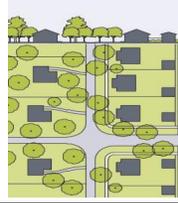
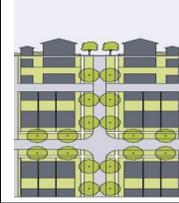
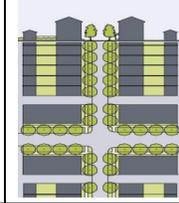
					
	T1 - Natural Zone	T2 - Rural zone	T3 - Suburban zone	T4 - General urban zone	T5 - Urban center zone
<b>a. Allocation of zones per pedestrian shed</b>					
Hamlet requires	35%	No minimum	10-30%	20-40%	0-5%
Village requires	No minimum	No minimum	10-30%	30-60%	10-30%
<b>b. <u>Maximum</u> [Base] residential density, see Section 40.25.127</b>					
By right	Not applicable	1 unit /20 ac. avg.	6 units/ac. gross	12 units/ac. gross	27 units/ac. gross
(Reserved)					
Other functions	By variance	By variance	[5-] 15% <u>max.</u>	[20-] 30% <u>max.</u>	[30-]50% <u>max.</u>
<b>c. Block size</b>					
Block perimeter	No maximum	No maximum	3000 ft. max.	2400 ft. max.	2000 ft. max.
<b>d. Thoroughfares (reserved, requires DelDOT review and approval</b>					
<b>e. Civic spaces, see table 13</b>					
Park	permitted	permitted	permitted	<u>not permitted</u>	<u>not permitted</u>
Green/ramble	not permitted	not permitted	permitted	permitted	permitted
Square	not permitted	not permitted	not permitted	permitted	permitted
Plaza	not permitted	not permitted	not permitted	not permitted	permitted
Playground	permitted	permitted	permitted	permitted	permitted
<b>f. Lot occupation (building disposition)</b>					
Lot width	Not applicable	Not applicable	72' min. 120'max.	18' min.96' max.	15' min. 180'max.
[Lot] Building coverage	Not applicable	Not applicable	60% max.	70% max.	80% max.
<b>g. Setbacks – principal building (building disposition)</b>					
Front setback (principal)	Not applicable	36' min.	24' min.	6' min. 20' max.	0' min. [42]20' max.
Front setback (secondary)	Not applicable	24' min	16' min.	6' min. 20' max.	0' min. [42]20' max.
Side setback	Not applicable	24' min	10' total	0' min.	0' min. 24' max.
Rear setback	Not applicable	24' min.	12' min.	3' min.	3' min.
Frontage buildout	Not applicable	Not applicable	40% min.	60% min.	80% min.

Table 40.25.140 14. Smart Code Summary

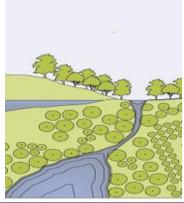
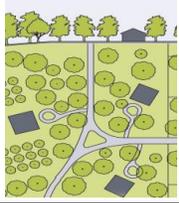
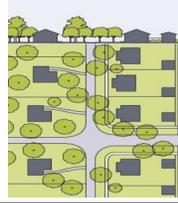
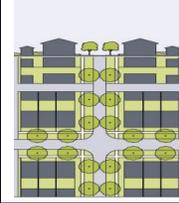
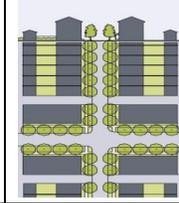
					
	T1 - Natural Zone	T2 - Rural zone	T3 - Suburban zone	T4 - General urban zone	T5 - Urban center zone
<b>h. Setbacks – outbuilding (building disposition)</b>					
Front setback	Not applicable	40' min. + bldg. setback	20' min. + bldg. setback	24' min. + bldg. setback	40' max. from rear property line
Side setback	Not applicable	12' min.	3' or 6'	0' min. or 3'	0' min.
Rear setback	Not applicable	12' min.	3' min.	3'	3' max.
<b>i. Building disposition, see Table 9</b>					
Edgeyard	permitted	permitted	permitted	permitted	[ <del>Not</del> ] permitted
Sideyard	not permitted	not permitted	not permitted	permitted	permitted
Rearyard	not permitted	not permitted	not permitted	permitted	permitted
Courtyard	not permitted	not permitted	not permitted	not permitted	permitted
<b>j. Private frontages, see Table 7 (building configuration)</b>					
Common yard	not applicable	permitted	permitted	<u>not</u> permitted	not permitted
Porch and fence	not applicable	not permitted	permitted	permitted	[ <del>not</del> ] permitted
Terrance or L.C.	not applicable	not permitted	not permitted	permitted	permitted
Forecourt	not applicable	not permitted	not permitted	permitted	permitted
Stoop	not applicable	not permitted	not permitted	permitted	permitted
Shopfront and Awning	not applicable	not permitted	not permitted	permitted	permitted
Gallery	not applicable	not permitted	not permitted	permitted	permitted
Arcade	not applicable	not permitted	not permitted	not permitted	permitted
<b>k. Building configuration, see Table 8</b>					
Principal building	Not applicable	2 stories max.	2 stories max.	3 stories max.	5 stories max. [ <del>2 min.</del> ]
Outbuilding	Not applicable	2 stories max.	2 stories max.	2 stories max.	2 stories max.
<b>l. Building function, see Table 10 and Table 12</b>					
Residential	Not applicable	Restricted use	Restricted use	Limited use	Open use
Lodging	Not applicable	Restricted use	Restricted use	Limited use	Open use
Office	Not applicable	Restricted use	Restricted use	Limited use	Open use
Retail	Not applicable	Restricted use	Restricted use	Limited use	Open use

Table 40.25.140 15 A. Form Based Code Graphics – T3 Transect Zone

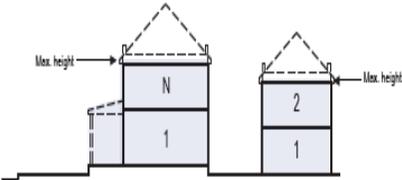
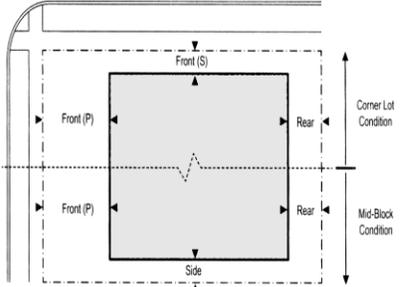
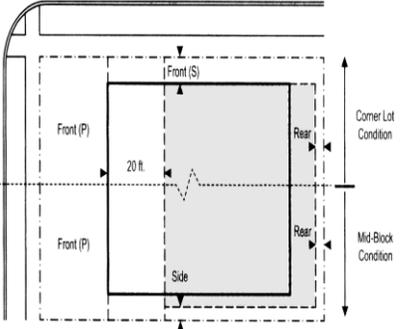
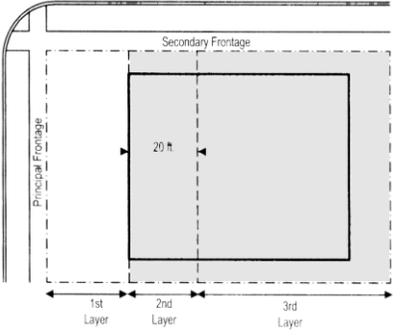
	<p><b>Building Configuration</b></p> <ul style="list-style-type: none"> <li>• Building height shall be measured in number of stories, excluding attics and raised basements.</li> <li>• Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor commercial function which shall be a minimum of [44] 10 ft. with a maximum of twenty-five (25) feet.</li> <li>• Height shall be measured to the eave or roof deck as specified on Table 8.</li> </ul>																													
<p>Building Function (see Table 10 and Table 12)</p>	<p><b>Setbacks – Principal Building</b></p> <ul style="list-style-type: none"> <li>• The facades and elevations of principal buildings shall be distanced from the lot lines as shown.</li> <li>• Facades shall be built along the principal frontage to the minimum specified width in the table.</li> </ul>																													
<table border="1"> <tr> <td>residential</td> <td>Restricted use</td> </tr> <tr> <td>lodging</td> <td>Restricted use</td> </tr> <tr> <td>office</td> <td>Restricted use</td> </tr> <tr> <td>retail</td> <td>Restricted use</td> </tr> <tr> <td colspan="2">Building configuration (see table 8)</td> </tr> <tr> <td>principal building</td> <td>2 stories max.</td> </tr> <tr> <td>outbuilding</td> <td>2 stories max.</td> </tr> <tr> <td colspan="2">Lot occupation</td> </tr> <tr> <td>Lot width</td> <td>72' min. 120' max.</td> </tr> <tr> <td>[Lot] building coverage</td> <td>60% max.</td> </tr> </table>	residential	Restricted use	lodging	Restricted use	office	Restricted use	retail	Restricted use	Building configuration (see table 8)		principal building	2 stories max.	outbuilding	2 stories max.	Lot occupation		Lot width	72' min. 120' max.	[Lot] building coverage	60% max.	<p><b>Setbacks – Outbuilding</b></p> <ul style="list-style-type: none"> <li>• The elevation of the outbuilding shall be distanced from the lot lines as shown</li> </ul>									
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Table 40.25.140 15 B. Form Based Code Graphics – T4 Transect Zone

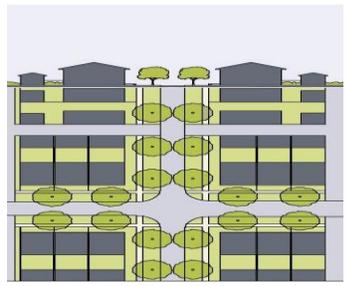
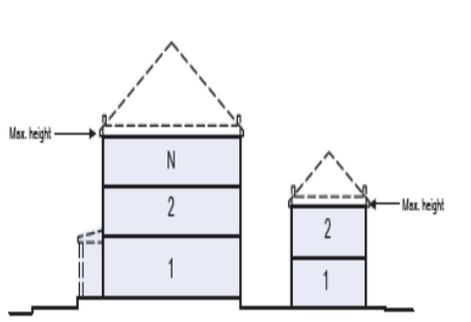
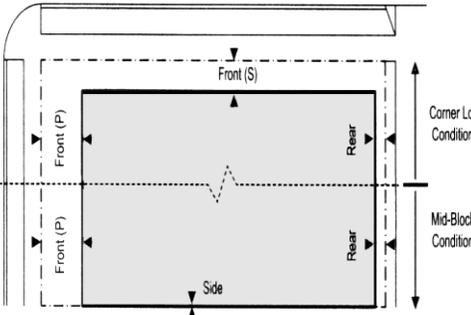
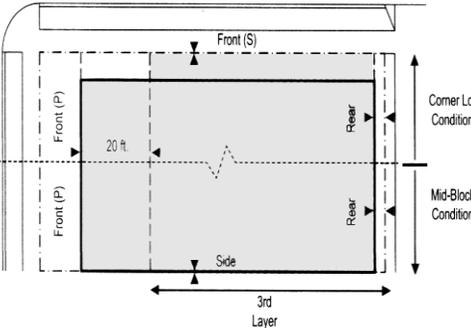
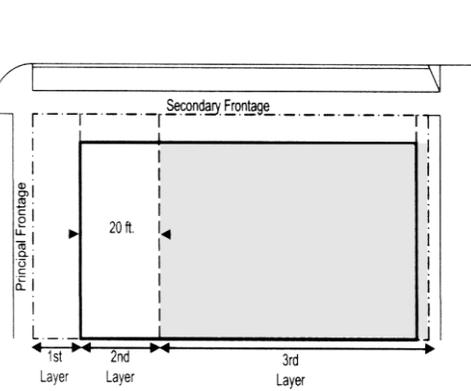
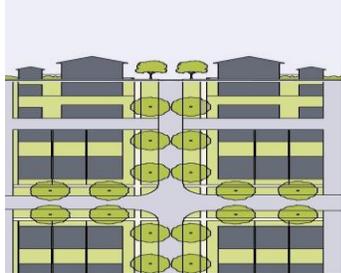
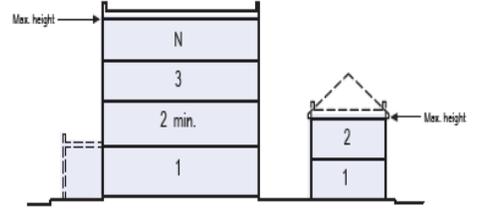
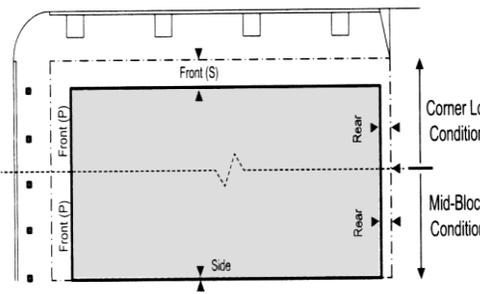
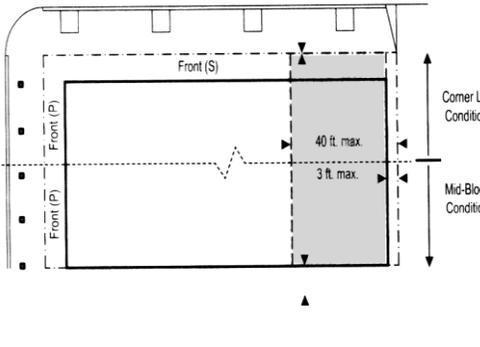
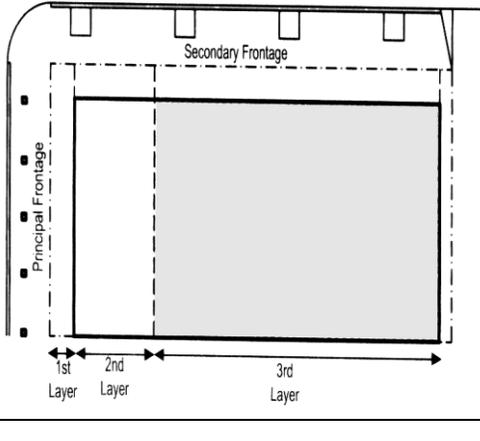
	<p><b>Building Configuration</b></p> <ul style="list-style-type: none"> <li>• Building height shall be measured in number of stories, excluding attics and raised basements.</li> <li>• Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor commercial function which shall be a minimum of [4+]<u>10</u> ft. with a maximum of twenty-five (25) feet.</li> <li>• Height shall be measured to the eave or roof deck as specified on Table 8.</li> </ul>																									
<table border="1"> <tr> <td colspan="2">Building Function (see Table 10 and Table 12)</td> </tr> <tr> <td>residential</td> <td>Limited use</td> </tr> <tr> <td>lodging</td> <td>Limited use</td> </tr> <tr> <td>office</td> <td>Limited use</td> </tr> <tr> <td>retail</td> <td>Limited use</td> </tr> </table>	Building Function (see Table 10 and Table 12)		residential	Limited use	lodging	Limited use	office	Limited use	retail	Limited use	<p><b>Setbacks – Principal Building</b></p> <ul style="list-style-type: none"> <li>• The facades and elevations of principal buildings shall be distanced from the lot lines as shown.</li> <li>• Facades shall be built along the principal frontage to the minimum specified width in the table.</li> </ul>															
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Table 40.25.140 15 C. Form Based Code Graphics – T5 Transect Zone

	<p><b>Building Configuration</b></p> <ul style="list-style-type: none"> <li>• Building height shall be measured in number of stories, excluding attics and raised basements.</li> <li>• Stories may not exceed 14 feet in height from finished floor to finished ceiling, except for a first floor commercial function which shall be a minimum of <del>14</del> 10 ft. with a maximum of twenty-five (25) feet.</li> <li>• Height shall be measured to the eave or roof deck as specified on Table 8.</li> <li>• Expression lines shall be as shown on Table 8</li> </ul>																							
<p>Building Function (see Table 10 and Table 12)</p> <table border="1"> <tr><td>residential</td><td>Open use</td></tr> <tr><td>lodging</td><td>Open use</td></tr> <tr><td>office</td><td>Open use</td></tr> <tr><td>retail</td><td>Open use</td></tr> </table>	residential	Open use	lodging	Open use	office	Open use	retail	Open use	<p><b>Setbacks – Principal Building</b></p> <ul style="list-style-type: none"> <li>• The facades and elevations of principal buildings shall be distanced from the lot lines as shown.</li> <li>• Facades shall be built along the principal frontage to the minimum specified width in the table.</li> </ul>															
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Section 8. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 25 (“Design”), Division 40.25.145 (“Sign Standards”) is hereby amended by adding the material that is underscored as set forth below:

**Sec. 40.25.145. Application of Division 40.06.000 Applicability, Sign Regulations for hamlet and village developments.**

A. Zoning district sign standards for development approved pursuant to the hamlet and village design standards of Division 40.25.100.

1. Commercial uses in hamlets and villages shall be subject to the sign standards for CN districts.
2. Office uses in hamlets and villages shall be subject to the sign standards in ON districts.
3. Residential and institutional uses shall be subject to the sign standards for residential uses.
4. All signs in hamlets and villages may be limited more strictly pursuant to the design guidelines which are required as part of the plan approval process in order to meet the character of the area.
5. For multiple-use in multi-story buildings within hamlet and village developments, commercial and office building signs shall be no higher than the sill line of the second floor windows. Where a wall of such building contains no windows, signs may be placed anywhere upon that facade.

B. *Comprehensive Village and Hamlet Signage Plan.* The purpose of the Comprehensive Signage Plan is to encourage village and hamlet developments to remove the clutter and unorganized signage that has historically occurred in this County and to establish consistent, logical, and equitable signage for the development. As an alternative to the generic assignment of institutional, commercial, and office use sign to certain zoning districts per subparagraph A above, the owner or developer of the hamlet and village development may choose to design and submit a Master or Common Signage Plan for the entire development.

1. The signage plan shall specify standards for consistency among all signs to be erected on the property and shall include standards related to: color scheme, lettering or graphic style, lighting, location of each sign on the building(s), material, sign proportions, setbacks, height limits, numbers of permitted signs per building, lot or use. The signage plan shall apply to all property within the proposed village and hamlet development. No lot or area within the confines of the development may be excluded or exempt.
2. Upon approval by the Department, the comprehensive signage plan shall be considered a part of the record plan for the village and hamlet development. It may be amended only upon approval of the Department.

Section 9. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 25 (“Design”), Division 40.25.150 (“Definitions”) is hereby amended by adding the material that is underscored and deleting the material that is bracketed, as set forth below:

**Sec. 40.25.150. Definitions.**

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

*A-grid.* Cumulatively, those thoroughfares....

*Civic building.* A building operated by governmental or not-for-profit organizations dedicated to arts, culture, education, religion, recreation, government, transit, and municipal parking, or for other similar uses as determined by the Department.

*Civic building area (CB).* Sites dedicated for civic buildings.

*Civic parking [~~reserve~~] area (CP).* Parking structure or parking lot within a quarter- mile of the site that it serves. These off-street and off-lot parking areas or structures are owned, maintained, and shared by two (2) or more lot owners. Civic parking areas shall also be available for transient use by the general public.

*Civic space (CS).* An outdoor area devoted for community or public use. Civic space types....

~~[*Civic zone.* A designation for public sites dedicated for civic buildings and civic space.]~~

*Public frontage.* The area between....

*Ramble.* A civic space type for unstructured recreation, and occurring mid-block. A ramble is spatially defined by rear lanes or alleys and the rear yard of the perimeter buildings. The minimum size is one-quarter (1/4) and the maximum size is five (5) acres.

*Rear alley (RA).* A vehicular way located....

Section 10. 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 11. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 12. 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 13. Effective Date. This ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 Del. C. § 1156.

Approved on:

Adopted by County Council of  
New Castle County on:

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County Executive

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President of County Council

**SYNOPSIS:** The purpose of this text amendment is to revise the existing village and hamlet development design options contained in *New Castle County Code* section 40.25.100 *et seq.* to facilitate the village and hamlet development option in New Castle County. More specifically, the changes revise certain specifications and design provisions to incorporate the local calibrations necessary and desirable for New Castle County.

**FISCAL NOTE:** There will be no discernible fiscal impact upon the adoption of this legislation.