



NEW CASTLE COUNTY COUNCIL LAND USE COMMITTEE MEETING

Co-Chair: David Tackett, Eleventh District
Co-Chair: Janet Kilpatrick, Third District

April 2, 2024
3:00 PM

VIRTUAL ZOOM WEBINAR MEETING** &
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801

REVISED AGENDA II

A. Meeting Call to Order

B. Approval of Minutes

C. Review/Discussion of Resolution(s)

R24- :PLAN OF THE OVERLOOK AT BAYBERRY; ST. GEORGES HUNDRED; NORTH SIDE OF BOYDS CORNER ROAD, APPROXIMATELY 1400 FEET WEST OF JAMISON CORNER ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO REZONE PARCEL 13-013.00-002 FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION), SUBDIVIDE THE PARCEL INTO 137 SINGLE FAMILY DETACHED LOTS AND 38 SINGLE FAMILY ATTACHED LOTS (175 TOTAL LOTS) USING THE OPEN SPACE PLANNED SUBDIVISION OPTION, AND TO CONSTRUCT A 4,000 SQUARE FOOT CLUBHOUSE WITH ASSOCIATED IMPROVEMENTS; ST ZONING; [APPLICATION NO. 2021-0504-S/Z](#); COUNCIL DISTRICT 6 Introduced by: Mr. Carter

D. Review/Discussion of Ordinance(s)

°24-035: AMEND NEW CASTLE COUNTY CODE CHAPTER 7 ("PROPERTY MAINTENANCE CODE") Introduced by: Ms. George , Ms. Durham

E. Presentations

F. Other

- Rule to Show Cause Hearing presentation and discussion
- Travel Request--Councilman Toole, Washington, DC, "Communities in Action"

G. Public Comment

H. Adjournment

REVISED AGENDA II POSTED: April 1, 2024

REVISED AGENDA POSTED: April 1, 2024

AGENDA POSTED: March 26, 2024

*The revised agenda II was posted on April 1, 2024, less than 7 days, but more than 6 hours, in advance of the meeting, to remove the discussion of Logisticenter Project (R23-220) second referral letter discussion from the agenda.

The revised agenda was posted on April 1, 2024, less than 7 days, but more than 6 hours, in advance of the meeting to include the addition of a Council member travel request. The request to attend was not received by the traveler until March 28th. March 29th was a County holiday, making the first day available for posting April 1st. The item is time sensitive, as the event is scheduled for April 11th and travel arrangements need to be made, such that it cannot wait to be heard in the next regularly scheduled committee meeting day of April 9th.

The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 Del. C. Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a

telephone and video conference, utilizing  Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : <https://zoom.us/j/377322142> You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: <https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars>

Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at <https://www.nccode.org/2351/Agendas-and-Minutes> Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.

Prime Sponsor(s): Mr. Carter
Requested by: Department of Land Use
Date of introduction: April 9, 2024

RESOLUTION NO. 24-

PLAN OF THE OVERLOOK AT BAYBERRY; ST. GEORGES HUNDRED; NORTH SIDE OF BOYDS CORNER ROAD, APPROXIMATELY 1400 FEET WEST OF JAMISON CORNER ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO REZONE PARCEL 13-013.00-002 FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION), SUBDIVIDE THE PARCEL INTO 137 SINGLE FAMILY DETACHED LOTS AND 38 SINGLE FAMILY ATTACHED LOTS (175 TOTAL LOTS) USING THE OPEN SPACE PLANNED SUBDIVISION OPTION, AND TO CONSTRUCT A 4,000 SQUARE FOOT CLUBHOUSE WITH ASSOCIATED IMPROVEMENTS; ST ZONING; APPLICATION NO. 2021-0504-S/Z; COUNCIL DISTRICT 6

NOW, THEREFORE, BE IT RESOLVED, by and for the County Council of New Castle County that County Council hereby approves the following major land development plan, Plan of Overlook at Bayberry (Application No. 2021-0504-S/Z) as heretofore approved by the Land Use Department, and the President of County Council is hereby authorized to endorse her approval upon the following plan.

PLAN OF OVERLOOK AT BAYBERRY

St. Georges Hundred

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title

FISCAL IMPACT: This will have no immediately discernible fiscal impact on the county but, if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.



Department of Land Use

MEMORANDUM

TO: Council President
Members of County Council
Counsel to Council
Clerk of County Council

FROM: Charuni Patibanda

RE: Application Number 2021-0504-S/Z
The Overlook at Bayberry
Record Major Land Development Plan

DATE: March 25, 2024

Enclosed for Council's review and consideration of approval are paper prints of the above-referenced plan. The Department has determined that this proposal complies with all applicable requirements of the New Castle County Code.

A suggested title and synopsis are attached.

cc: Matthew Meyer, County Executive
Vanessa Phillips, Chief Administrative Officer
Brian Boyle, Senior Policy Director

Plan of The Overlook at Bayberry; St. Georges Hundred; North side of Boyds Corner Road, approximately 1400 feet west of Jamison Corner Road; Major Land Development Plan that proposes to rezone parcel 13-013.00-002 from S (Suburban) to ST (Suburban Transition), subdivide the parcel into 137 single family detached lots and 38 single family attached lots (175 total lots) using the open space planned subdivision option, and to construct a 4,000sf clubhouse with associated improvements; ST zoning; Council District 6.

Synopsis: Same as title

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|-----|---|-------------|---------------------|
| 3. | SUBDIVISION / SITE DATA: | | |
| | GROSS AREA: | | 71.907 AC± |
| | R.O.W. DEDICATED ALONG BOYDS CORNER ROAD: | | 0.796 AC± |
| | NET SITE AREA: | | 71.112 AC± |
| | AREA IN LOTS: | | 32.870 AC± (46%) |
| | AREA IN RIGHT-OF-WAY: | | 12.893 AC± (18%) |
| | AREA IN OPEN SPACE: | | 25.349 AC± (36%) |
| 4. | COMMUNITY AREA OPEN SPACE: | | 8.211 AC± |
| | USABLE OPEN SPACE: | | 4.215 AC± |
| | NATURAL RESOURCE OPEN SPACE: | | 12.923 AC± |
| | (INCLUDES 2.43 AC. SWM AREA) | | |
| 10. | FLOODPLAIN | | |
| | NO PORTION OF THE SITE LIES WITHIN THE FEMA 100 YR FLOODPLAIN, AS PER FLOOD INSURANCE RATE MAP NO. 'S' 10003C0240L & 10003C0243L DATED 1/22/2020. THE 100 YEAR NON-DELINEATED FLOODPLAIN PER NCC UDC SECTION 40.10.312(B) SHOWN ON THIS PLAN IS BASED ON A NON-DELINEATED FLOODPLAIN FLOOD ANALYSIS FOR THE OVERLOOK AT BAYBERRY DATED AUGUST 2023, PREPARED BY KARINS AND ASSOCIATES | | |
| 11. | WATER RESOURCE PROTECTION AREA (WRPA) | | |
| | A PORTION OF THE SITE LIES WITHIN THE WRPA AS PER THE "WATER RESOURCE PROTECTION AREAS FOR THE CITY OF NEWARK, CITY OF FLORENCE, NEW CASTLE COUNTY DELAWARE 2 MAP OF 3, REVISED MARCH 2022. | | |
| | A. RECHARGE AREA - WRPA (NET SITE AREA) | | = 12.36 ACRES |
| | 1. OPEN SPACE REQUIRED | | = 50% OR 6.18 ACRES |
| | 2. OPEN SPACE PROVIDED | | = 54% OR 6.68 ACRES |
| | B. IMPERVIOUS COVER | | |
| | 1. ALLOWED | | = 20% OR 2.47 ACRES |
| | 2. PROPOSED | | |
| | a. STREETS AND SIDEWALKS | | = 1.28 ACRES |
| | b. BUILDINGS AND DRIVEWAYS | | = 0.82 ACRES |
| | TOTAL | | = 2.10 ACRES OR 17% |
| 12. | WETLANDS | | |
| | THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDES INVESTIGATING SOILS, VEGETATION, AND HYDROLOGY. NO WETLANDS ARE LOCATED WITHIN THE PROJECT BOUNDARIES, AS VERIFIED BY A WETLAND INVESTIGATION REPORT, DATED JUNE 12, 2021, PREPARED BY WATERSHED ECO. | | |
| 13. | CRITICAL NATURAL AREAS | | |
| | THE STATE INVENTORY OF NATURAL AREAS HAS BEEN EXAMINED AND NO CRITICAL NATURAL AREAS (CNA) EXIST ON SITE. | | |
| 14. | DEED RESTRICTIONS | | |
| | AT THE TIME OF THIS PLAN SUBMITTAL THERE WERE NO DEED RESTRICTIONS ASSOCIATED WITH THIS PARCEL. | | |
| 15. | TRAFFIC IMPACT STUDY | | |
| | THIS PROJECT IS WITHIN THE SOUTHERN NEW CASTLE COUNTY TRANSPORTATION IMPROVEMENT DISTRICT (TID). | | |
| | FURTHER: | | |
| | A. THE DEVELOPER AGREES TO DEDICATE LANDS AS SHOWN ON THE PLAN ALONG BOYDS CORNER ROAD. | | |
| | B. THE DEVELOPER SHALL PERFORM ITS OBLIGATIONS FOR TRANSPORTATION IMPROVEMENTS AND OTHER MATTERS AS PROVIDED IN SOUTHERN NEW CASTLE COUNTY TRANSPORTATION IMPROVEMENT DISTRICT INFRASTRUCTURE RECOUPMENT AGREEMENT AS MAY BE AMENDED AS "AGREEMENT" RECORDED IN THE OFFICE OF RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DATED JUNE 14, 2023, INSTRUMENT NO. 20230614-0038799. | | |
| | C. THE DEVELOPER SHALL PROVIDE SIDEWALKS ALONG BOTH SIDES OF ALL INTERNAL STREETS (WITH EXCEPTION OF THOSE LOCATIONS WAIVED BY THE SUBDIVISION) AND AS NECESSARY THROUGH PARKING AREAS TO ENCOURAGE WALKING AND TO PROVIDE ACCESS TO ANY FUTURE TRANSIT SERVICE EXTENDED TO THE AREA. | | |
| 16. | DEBRIS DISPOSAL | | |
| | NO DEBRIS SHALL BE BURIED ON THE SITE. | | |
| 17. | IMPACT FEES | | |
| | THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE. AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL. | | |
| 18. | LANDSCAPE PLAN | | |
| | A LANDSCAPE PLAN, PREPARED BY DESIGNS ETC. LAST DATED 01/18/2024 OR AS AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE RECORD PLAN. | | |
| 19. | SIDEWALKS | | |
| | UNLESS OTHERWISE SPECIFIED ON THE PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE DWELLINGS (OR GROUP OF DWELLINGS FOR ATTACHED DWELLINGS) IN FRONT OF WHICH THEY ARE SHOWN. SIDEWALKS SHALL BE FIVE (5) FEET IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE. | | |
| 20. | MAINTENANCE OF COMMON FACILITIES | | |
| | FOR MAINTENANCE OF THE COMMON FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION DATED 02/22/2024, AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20240223-0011380. | | |
| 21. | UTILITY EASEMENTS | | |
| | A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSTANTIAL EASEMENT ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN OTHER THAN COMMON PROPERTY LINES FOR TOWNHOUSES, IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THE EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT. | | |
| 22. | TOTAL LENGTH OF PUBLIC AND PRIVATE RIGHT-OF-WAYS: | | |
| | 40' WIDE RIGHT-OF-WAY: | 1,086 L.F.± | |
| | 50' WIDE RIGHT-OF-WAY: | 7,587 L.F.± | |
| | 60' WIDE RIGHT-OF-WAY: | 2,494 L.F.± | |
| 23. | SUBDIVISION STREETS: | | |
| | A. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL. | | |
| | B. ALL RIGHTS-OF-WAY ARE INTENDED FOR DEDICATION TO PUBLIC USE. | | |
| | C. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING COMPLETION OF THE STREETS TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE. | | |
| | D. FOR ALL PROJECTS WITH PLANNED STREET INTERCONNECTIONS, A SIGN STATING "FUTURE INTERCONNECTION TO ADJOINING PROPERTY" SHALL BE LOCATED AT THE END OF THE STUB ROAD. | | |
| 24. | EXISTING FIRE HYDRANTS: 0 | | |
| | PROPOSED FIRE HYDRANTS: 11 | | |
| 25. | COASTAL ZONE | | |
| | THIS SITE DOES NOT LIE WITHIN DELAWARE'S COASTAL ZONE. | | |

- E. FAILURE TO IMPLEMENT ANY ACTION REQUIRED BY A RECORD PLAN NOTE SHALL BE DEEMED TO BE A VIOLATION OF THE RECORD PLAN, AND SHALL BE SUBJECT TO ALL PENALTIES AND REMEDIES CONTAINED IN DIVISION 40.31.900.

35. **ADDRESSES**
ADDRESSES SHOWN ON THIS PLAN ARE AS ASSIGNED BY NEW CASTLE COUNTY GIS SERVICES.

36. **PROVISION FOR TRESPASSING**
THE DEVELOPER SHALL BE PERMITTED TO TRESPASS ON ANY LOT FOR A PERIOD OF AT LEAST ONE YEAR AFTER A LOT IS SOLD FOR THE PURPOSES OF COMPLETING OVERALL SITE DRAINAGE AND/OR LANDSCAPING REQUIREMENTS.

37. **LIMIT OF DISTURBANCE**
THE LIMIT OF DISTURBANCE (LOD) AS SHOWN IS TO DELINEATE THE LIMIT OF THE INITIAL CONSTRUCTION, SO AS TO PRESERVE THE MAXIMUM NUMBER OF TREES AND KEEP SLOPES ON THE SITE. ON LOT RESOURCES ARE NOT PART OF THE REQUIRED PROTECTION LEVEL. UPON ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR EACH LOT, THE FINAL LOD WILL FOLLOW THE PROPERTY LINE.

38. **VOLUNTARY SCHOOL ASSESSMENT**
THE OWNERS SHALL PAY ANY VOLUNTARY SCHOOL ASSESSMENT REQUIRED BY TITLE 9, SECTION 2661(C) OF THE DELAWARE CODE, CALCULATED AT A PER UNIT BASIS AT THE TIME OF THE ISSUANCE OF THE FIRST BUILDING PERMIT AND IN AN AMOUNT DETERMINED PURSUANT TO TITLE 14 SECTION 103(C) OF THE DELAWARE CODE. PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY FOR ANY LOT OR UNIT SHOWN ON THIS PLAN, THE OWNER/DEVELOPER SHALL PROVIDE A CERTIFICATION FROM THE SECRETARY OF THE DEPARTMENT OF EDUCATION THAT THE VOLUNTARY SCHOOL ASSESSMENT FOR THAT LOT OR UNIT HAS BEEN PAID. A VOLUNTARY SCHOOL ASSESSMENT AGREEMENT WAS EXECUTED ON 12/21/2023 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON 01/08/2024. INSTRUMENT NO. 20240108-0001273.

39. **FIRE MARSHAL NOTE**
ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE MARSHAL PREVENTION REGULATIONS.
IF APPLICABLE: TOWNHOUSE AND DUPLEX UNITS SHARING A COMMON WALL(PARTY WALL) WHICH ARE GROUPED BY THIS PLAN SHALL BE SEPARATED BY A FIRE BARRIER WALL THAT MEETS THE PROVISIONS OF NFPA221. FIRE WALLS AND FIRE BARRIER WALLS SHALL HAVE A TWO (2) HOUR FIRE RESISTANCE RATING.

40. **OPEN SPACE MAINTENANCE ESCROW:**
PURSUANT TO SECTION 40.27.220 OF THE COUNTY CODE, THE DEVELOPER SHALL PLACE FUNDS IN AN INTEREST-BEARING ACCOUNT EQUIVALENT TO THE COST OF MAINTAINING THE PRIVATE OPEN SPACE AND COMMON FACILITIES FOR A TWO (2) YEAR PERIOD. THE AMOUNT SHALL BE \$957 PER LOT/UNIT SHOWN ON THIS PLAN OR SUBSEQUENT PLANS. (\$957X 175 LOTS/UNITS = \$167,475)

41. **ACTIVE RECREATION AREAS AND STRUCTURES RECREATIONAL FACILITIES**
ALL ACTIVE RECREATION AREAS AND STRUCTURED RECREATIONAL FACILITIES (CLUBHOUSES, PAVILIONS, ETC.) SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF FIFTY (50) PERCENT OF THE TOTAL BUILDING PERMITS WITHIN THE SUBDIVISION.
CONSTRUCTION MAY NOT PROGRESS SEQUENTIALLY BY PHASE NUMBER.

42. **SANITARY AND STORM EASEMENTS**
UNLESS OTHERWISE DESCRIBED BY METES AND BOUNDS, OR BY MATHEMATICAL REFERENCE TO A PROPERTY LINE, A 40' WIDE PERMANENT EASEMENT, 20' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNED FOR PUBLIC USE IN UNPAVED AREAS AND IS OUTSIDE OF A DEDICATED PUBLIC RIGHT OF WAY. A 20' WIDE PERMANENT EASEMENT, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER PIPE IS DESIGNED FOR PUBLIC USE IN PRIVATELY MAINTAINED PAVED AREAS, SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS. IF THE CONSTRUCTED HORIZONTAL SEWER MAIN LOCATION DEVIATES BY MORE THAN 2.5' FROM THE DESIGN LOCATION, THE PROJECT MAY BE SUBJECT TO A RESUBDIVISION PLAN OR PIPE LOCATION AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.

43. **GEOTECHNICAL EVALUATION:**
A GEOTECHNICAL EVALUATION HAS BEEN PERFORMED TO APPROXIMATE THE SEASONAL HIGH WATER TABLE (SHWT) ELEVATIONS(S) AND ALL LOTS REQUIRING FURTHER EVALUATION WITH SLAB-ON-GRADE CONSTRUCTION IS NOT PROPOSED, AS IT PERTAINS TO THEIR LOWEST PROPOSED FLOOR ELEVATION PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

44. **DOCUMENTATION OF ANNUAL CONSTRUCTION LIMITATIONS BASED ON THE GEOTECHNICAL EVALUATION OF THE SHWT ELEVATIONS(S) IS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE. ALL STRUCTURES PROPOSED WITH LOWEST FLOOR WITHIN 3-FEET OF THE ESTIMATED SHWT SHALL BE WATERPROOFED (UDC §40.22.130). NO LOWEST FLOOR SHALL BE CONSTRUCTED WITHIN 2 FEET OF THE ESTIMATED SHWT (UDC §40.22.220).**

45. **MPDU MANDATORY APPLICABILITY:**
IN ACCORDANCE WITH SECTION 40.07.510 OF THE UDC, AT LEAST FIFTEEN (15) PERCENT OF THE 175 UNITS CREATED BY THIS RECORD MAJOR LAND DEVELOPMENT PLAN SHALL BE PROVIDED AS MODERATELY PRICED DWELLING UNITS (MPDUs).

46. **CONTRIBUTION TO HOUSING TRUST FUND:**
A CONTRIBUTION SHALL BE MADE FOR ALL DWELLING UNITS THAT ARE NOT DESIGNATED AS THOUSAND AND AN ALL TRADITIONAL NEIGHBORHOOD HOUSING PROGRAM PLANS. THE CONTRIBUTION SHALL BE TWELVE (\$12.00) DOLLARS PER ONE THOUSAND (\$1,000) DOLLARS OF PERMIT CONSTRUCTION VALUATION AND SHALL BE PAYABLE AT THE TIME OF ISSUANCE OF A CERTIFICATE OF OCCUPANCY. ALL MONIES SHALL BE DEPOSITED IN THE HOUSING TRUST FUND.

47. **TIMING OF MPDU CONSTRUCTION AND PAYMENT:**
A. MPDUs SHALL BE MADE AVAILABLE FOR SALE CONCURRENTLY WITH THE MARKET RATE DWELLING UNITS FOR THE PROJECT. THE ISSUANCE OF BUILDING PERMITS FOR MARKET RATE DWELLING UNITS SHALL BE STOPPED AT THE LEVELS INDICATED BELOW.
1. TWENTY-FIVE (25) PERCENT (44 UNITS) PENDING THE ISSUANCE OF TWENTY-FIVE (25) PERCENT (7 UNITS) OF BUILDING PERMITS FOR MPDUs.
2. FIFTY (50) PERCENT (88 UNITS) PENDING THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR TWENTY-FIVE (25) PERCENT (7 UNITS) OF THE MPDUs.
3. SEVENTY-FIVE (75) PERCENT (132 UNITS) PENDING THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR FIFTY (50) PERCENT (14 UNITS) OF THE MPDUs; AND
4. NINETY (90) PERCENT (158 UNITS) PENDING THE ISSUANCE OF ONE HUNDRED (100) PERCENT (27 UNITS) OF BUILDING PERMITS FOR MPDUs.
B. PAYMENT-IN-LIEU FEES SHALL BE PAYABLE AT THE SAME PERCENTAGES AND AT THE SAME TIME THOUSAND WOULD HAVE BEEN MADE AVAILABLE. ISSUANCE OF BUILDING PERMITS SHALL BE STOPPED AT THE PERCENTAGES DESIGNATED IN SUBSECTION A UNTIL IT IS CONFIRMED THAT PAYMENT HAS BEEN MADE.
C. THE DEPARTMENT MAY ALLOW A VARIATION TO THE STOP LEVELS LISTED ABOVE AT THE REQUEST OF THE APPLICANT AND BASED GOOD CAUSES SHOWN AND UNFORESEEN CIRCUMSTANCES.
D. IF A PRIVATE, PUBLIC, FOR-PROFIT OR NON-PROFIT ORGANIZATION IS PROVIDING THE MPDUs SUBJECT TO A MEMORANDUM OF AGREEMENT WITH THE DEVELOPER, THE TIMING OF CONSTRUCTION OF THE MPDUs SHALL BE CONTROLLED BY THE MEMORANDUM OF AGREEMENT.

48. **HOMEOWNERSHIP MPDUs:**
A. MAXIMUM SALES PRICE (MSP). THE MSP SHALL BE ESTABLISHED FOR UNIT SIZE BASED ON PRESUMED HOUSEHOLD SIZE AND THE QUALIFYING LOT. THE LOT'S MARKET RATE TARGET MSP SHALL BE REFLECTED ON ALLOWABLE SALES PRICES PRICE CALCULATION CHARTS MAINTAINED BY THE DEPARTMENT OF COMMUNITY SERVICES.
B. AMI TARGETS. MPDUs DESIGNATED FOR HOMEOWNERSHIP SHALL BE MADE AVAILABLE TO HOMEOWNERS AT TWO INCOME LEVELS CALCULATED AS AMI.
1. NINETY (90) PERCENT AMI TARGET. FIFTY (50) PERCENT OF THE MPDUs SHALL BE AFFORDABLE TO QUALIFIED HOUSEHOLDS WITH HOUSEHOLD INCOME UP TO NINETY (90) PERCENT OF AMI.
2. SEVENTY-FIVE (75) PERCENT AMI TARGET. FIFTY (50) PERCENT OF THE MPDUs SHALL BE AFFORDABLE TO QUALIFIED HOUSEHOLDS WITH HOUSEHOLD INCOME UP TO SEVENTY-FIVE (75) PERCENT OF AMI.

49. **MPDU MASTER DEVELOPMENT AGREEMENT:**
IN ACCORDANCE WITH SECTION 40.07.561 OF THE UDC, THE DEVELOPER SHALL EXECUTE A MASTER DEVELOPMENT AGREEMENT IN FAVOR OF NEW CASTLE COUNTY, WHICH SHALL BE RECORDED UPON APPROVAL OF THE COUNTY'S OFFICE OF LAW. THE MASTER DEVELOPMENT AGREEMENT DATED 01/22/2022 AND RECORDED IN THE OFFICE OF RECORDER OF DEEDS, IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20240123-0005734.

50. **MPDU STAGING PLAN:**
A STAGING PLAN, DATED 3/20/2023, PREPARED BY KARINS AND ASSOCIATES, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE RECORD PLAN.

51. **BUYERS AGREEMENT**
PRIOR TO THE CONVEYANCE OF AN MPDU, THE BUYER SHALL EXECUTE A BUYERS AGREEMENT WITH NEW CASTLE COUNTY, ACKNOWLEDGING THE BUYER'S ACCEPTANCE AND UNDERSTANDING OF THE TERMS AND CONDITIONS OF OWNERSHIP SUBJECT TO THE TRADITIONAL NEIGHBORHOOD HOUSING PROGRAM.

51. **SUPERSEDES:**
THIS PLAN SUPERSEDES, IN PART, THE RECORD SUBDIVISION PLAN FOR BAKER FARMS, INC. DATED JANUARY 28, 1975 AND RECORDED APRIL 1, 1975 MICROFILM NO. 2890, ALSO IN PART, THE RECORD SUBDIVISION PLAN FOR BAKER FARMS, INC. DATED FEBRUARY 8, 1993 AND RECORDED MARCH 12, 1993 MICROFILM NO. 11595, ALSO, IN PART, THE RECORD MINOR LAND DEVELOPMENT PLAN FOR NEW CASTLE PRESBYTERY DATED JUNE 8, 1994 AND RECORDED JULY 11, 1994 MICROFILM NO. 1291, ALSO IN PART THE TITLE SUBDIVISION REFERENCE THE EXHIBIT RECORDED JULY 11, 2007, INSTRUMENT NO. 20070711-0061955, ALSO, IN PART, THE RECORD MAJOR SUBDIVISION AND LAND DEVELOPMENT PLAN FOR BAYBERRY TOWN CENTER, LAST DATED OCTOBER 6, 2011 AND RECORDED NOVEMBER 10, 2011 INSTRUMENT NO. 2011110-0068304, ALSO IN PART THE RECORD SUBDIVISION PLAN FOR BAYBERRY TOWN CENTER, DATED JUNE 3, 2015, AND RECORDED AUGUST 3, 2015 INSTRUMENT NUMBER 201508030038901, RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE.

52. **STORM SEWER VIDEO INSPECTION**
PER SECTION 20.27.340E, ALL STORM SEWERS WITHIN PRIVATE OPEN SPACE REQUIRE VIDEO INSPECTION. A THIRD-PARTY PROFESSIONAL MUST CERTIFY THAT THE PRIVATE STORM SEWER AND STREETS ARE CONSTRUCTED IN COMPLIANCE WITH DELDOT STANDARDS. THE DEPARTMENT MUST FIND THE REPORT, AS-BUILT PLAN AND PIPE VIDEO ACCEPTABLE PRIOR TO THE INSPECTION OF THE OPEN SPACE.

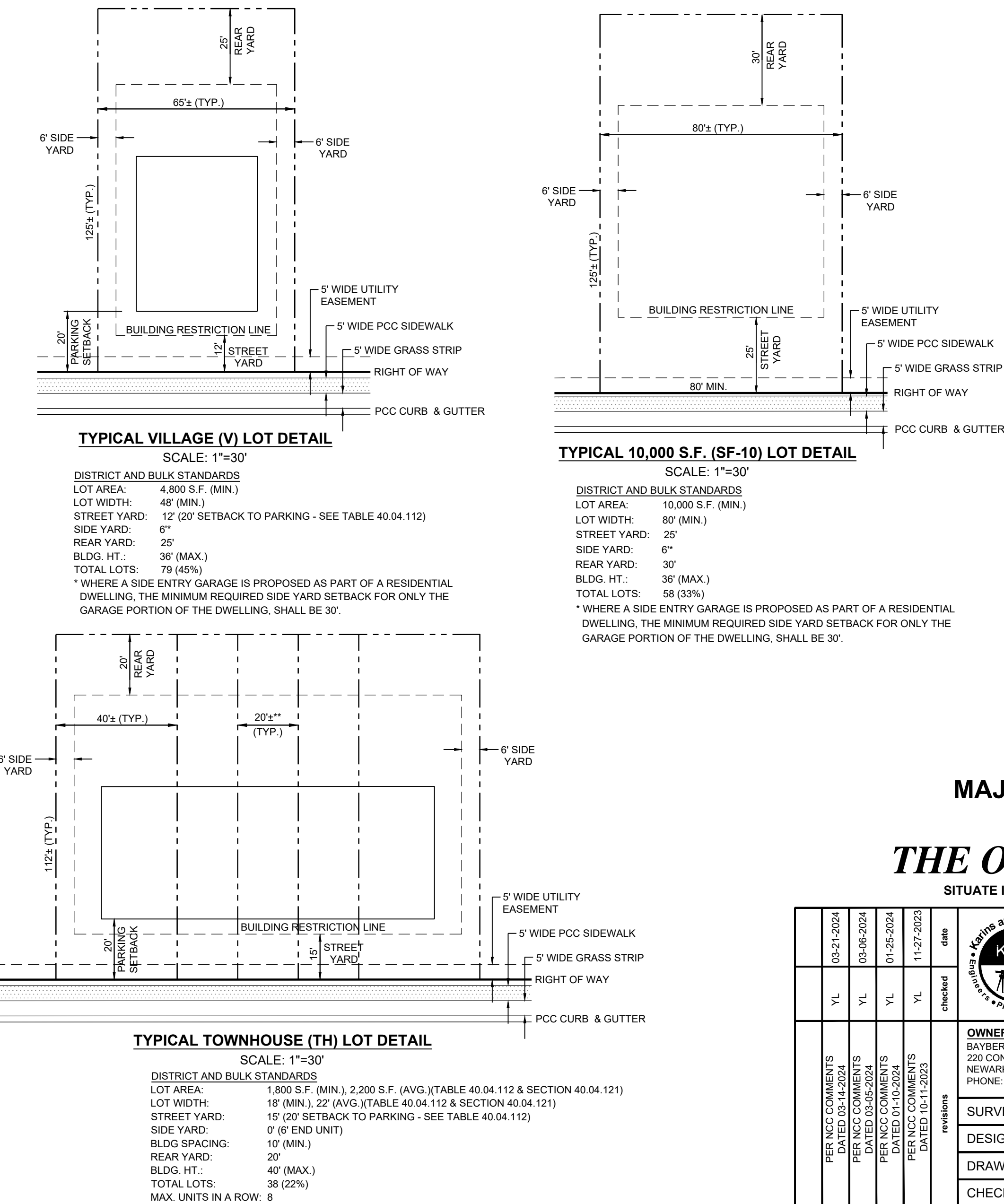
53. **PLANNING BOARD RECOMMENDATION (ORDINANCE 22-008) - CONDITIONAL APPROVAL**
THE FOLLOWING DESIGN STANDARDS SHALL APPLY:
A. A VARIETY OF ARCHITECTURAL STYLES AND MATERIALS SHALL BE INCORPORATED BETWEEN HOMES TO PROVIDE A VISUALLY ATTRACTIVE AND DIVERSE STREET SCAPE AND ELIMINATE REPETITION AND MONOTONY.
B. THROUGHOUT THE COMMUNITY, THE FRONT FACADES WILL INCORPORATE ARCHITECTURAL DETAILS SUCH AS COVERED FRONT ENTRANCES, PORCHES, BAY WINDOWS, DORMERS, GABLES, SHUTTERS AND/OR PROMINENT WINDOW TRIMS IN VARIOUS COMBINATIONS TO ARTICULATE INDIVIDUAL HOMES AND ENHANCE THE STREET SCAPE.
C. DETACHED SINGLE-FAMILY DWELLING GARAGES SHALL BE LOCATED IN LINE OR SETBACK BEHIND THE FRONT FACADE WHICH SHALL INCLUDE COVERED FRONT ENTRANCES AND PORCHES.

54. **BOARD OF ADJUSTMENT HEARING**
THE FOLLOWING VARIATIONS RECEIVED CONDITIONAL APPROVAL BY THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT AT THE DECEMBER 7, 2023, HEARING (APP. 2023-0593-A, DECISION FILED DECEMBER 27, 2023).
A. TO PERMIT 0.0 BUFFERYARD OPACITY ALONG THE BOYDS CORNER ROAD RIGHT-OF-WAY (0.3 BUFFERYARD OPACITY REQUIRED) SEE UDC TABLE 40.04.111.A.
B. TO PERMIT 0.0 BUFFERYARD OPACITY ALONG THE JAMISON CORNER ROAD RIGHT-OF-WAY (0.3 BUFFERYARD OPACITY REQUIRED) SEE UDC TABLE 40.04.111.B.
C. TO PERMIT 0 STREET TREES ALONG THE JAMISON CORNER ROAD RIGHT-OF-WAY (26 STREET TREES REQUIRED) SEE UDC TABLE 40.04.111.C.
D. TO PERMIT 0 STREET TREES ALONG THE BOYDS CORNER ROAD RIGHT-OF-WAY (38 STREET TREES REQUIRED) SEE UDC TABLE 40.04.111.C.
CONDITION:
THE LANDSCAPING SHALL BE CONSISTENT WITH THE RENDERINGS SUBMITTED INTO EVIDENCE.

REVISÉ MARCH 21, 2019

1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
2. NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY WHEN THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
3. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
4. UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
5. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE DELAWARE DEPARTMENT OF TRANSPORTATION (DELDOT) FOLLOWING THE ACCEPTANCE OF THE STREETS. DELDOT ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY DELDOT.
6. THE SIDEWALK AND SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR SHARED-USE PATH.
7. a. ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
8. b. DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
9. c. LOTS WILL BE PERMITTED TO HAVE ACCESS POINTS THAT COMPLY WITH THE DEVELOPMENT COORDINATION MANUAL (DCM) SPACING REQUIREMENTS OF CHAPTER 1 AND LIMITATIONS ON NUMBER OF ACCESS POINTS ESTABLISHED IN DCM CHAPTER 1. HORSESHOE DRIVEWAYS AND SECONDARY ENTRANCES REQUIRE ADDITIONAL DELDOT REVIEW AND SEPARATE PERMITTING. RESTRICTIONS AS DESCRIBED IN THE DCM CHAPTER 7 WILL PROHIBIT SOME SECONDARY ENTRANCE REQUESTS FROM BEING GRANTED.
10. TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
11. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
12. a. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS ON THE DEDICATED SUBDIVISION STREET RIGHT-OF-WAY IN ACCORDANCE WITH SECTION 3.2.4.1 OF THE DEVELOPMENT COORDINATION MANUAL, AND THE REQUIREMENTS OF THE LATEST AGENCY RIGHT-OF-WAY MONUMENTS SHALL BE PLACED ALONG THE RIGHT-OF-WAY LINES AT A MINIMUM ON ONE SIDE OF THE STREET AT EVERY CHANGE IN HORIZONTAL ALIGNMENT TO PROVIDE A PERMANENT REFERENCE FOR THE RE-ESTABLISHING THE CENTERLINE AND RIGHT-OF-WAY LINE.
13. b. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS, RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
14. c. CONSTRUCTION WILL NOT BE PERMITTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED, SURETY HAS BEEN RECEIVED AND THE TRAFFIC IMPROVEMENT IS COMPLETE. AT DELDOT'S DISCRETION, A TEMPORARY CONSTRUCTION ENTRANCE PERMIT MAY BE ISSUED FOR CLEARING, GRUBBING, TEMPORARY ENTRANCE CONSTRUCTION, BULK GRADING AND PERIMETER EROSION AND SEDIMENT CONTROLS UP TO THIRTY (30) DAYS PRIOR TO PLAN APPROVAL. NO BUILDING CONSTRUCTION WILL BE PERMITTED UNDER A TEMPORARY ENTRANCE CONSTRUCTION PERMIT. IF PLAN APPROVAL IS NOT RECEIVED WITHIN THIRTY (30) CALENDAR DAYS, ALL CONSTRUCTION ACTIVITIES SHALL BE STOPPED. DELDOT WILL NOT PROVIDE APPROVAL FOR A COMMERCIAL ENTRANCE TO NCC UNTIL THE ENTRANCE(S) ARE COMPLETED TO THE SATISFACTION OF THE DEPARTMENT.

THIS SITE LIES WITHIN A LEVEL 1 INVESTMENT AREA ACCORDING TO THE STATE OF DELAWARE 2020 STATE STRATEGIES FOR POLICIES AND SPENDING MAP AND IS LOCATED WITHIN THE SOUTHERN NEW CASTLE COUNTY TRAFFIC IMPROVEMENT DISTRICT.



DESCRIPTION OF EASEMENT		IN FAVOR OF	MAINTENANCE RESPONSIBILITY	
40' WIDE, AND VARIABLE WIDTH SANITARY SEWER EASEMENT		NEW CASTLE COUNTY	SEWER LINE - NEW CASTLE COUNTY GROUND SURFACE - PROPERTY OWNER AND/OR MAINTENANCE ORGANIZATION AS APPLICABLE	
TYPE A 20' WIDE AND VARIABLE WIDTH STORM DRAINAGE EASEMENTS (FOR PIPES THAT CONVEY DRAINAGE FROM DELDOT MAINTAINED RIGHT-OF-WAYS THROUGH PRIVATE OPEN SPACE)		DELDOT	STORM PIPE - DELDOT GROUND SURFACE - PROPERTY OWNER AND/OR MAINTENANCE ORGANIZATION AS APPLICABLE	
TYPE B 20' WIDE AND VARIABLE WIDTH STORM DRAINAGE EASEMENTS (FOR PIPES LOCATED IN PRIVATE OPEN SPACE OR WITHIN LOTS THAT DO NOT CONVEY DRAINAGE FROM DELDOT MAINTAINED RIGHT-OF-WAYS)		NEW CASTLE COUNTY	STORM PIPE - MAINTENANCE ORGANIZATION GROUND SURFACE - PROPERTY OWNER AND/OR MAINTENANCE ORGANIZATION AS APPLICABLE	
TYPE C IRREGULAR SHAPE SWM MAINTENANCE EASEMENT		NEW CASTLE COUNTY	MAINTENANCE ORGANIZATION	
5' WIDE SIDEWALK AND UTILITY EASEMENT		DELDOT AND UTILITY COMPANIES	PIPES AND UTILITIES - DELDOT AND/OR UTILITY COMPANY AS APPLICABLE GROUND SURFACE - PROPERTY OWNER AND/OR MAINTENANCE ORGANIZATION AS APPLICABLE	

NATURAL RESOURCE PROTECTION TABLE				
NATURAL RESOURCE	TOTAL AREA	DISTURBED AREA	PROTECTION REQUIRED	PROTECTION PROVIDED
RIPARIAN BUFFER	2.59 AC.±	0 AC. *	100%	100%
WRPA	12.36 AC.±	5.92 AC.± **	50%	52%
YOUNG FOREST	2.59 AC.±	1.05 AC.±	50%	60%

*0.32 AC. OF PERMITTED DISTURBANCE FOR STORMWATER MANAGEMENT AND OUTFALL

**2.84 AC. AC. OF PERMITTED DISTURBANCE FOR PICNIC AREA

DETAIL

D AS PART OF A RESIDENTIAL

RD SETBACK FOR ONLY THE

BE 30'.

N.C.C. APPLICATION NO. 2021-0504

NOTES AND LEGEND

RECORD

MAJOR LAND DEVELOPMENT PLAN

FOR

THE OVERLOOK AT BAYBERRY

SITUATE IN: ST. GEORGES HUNDRED, NEW CASTLE COUNTY, DELAWARE

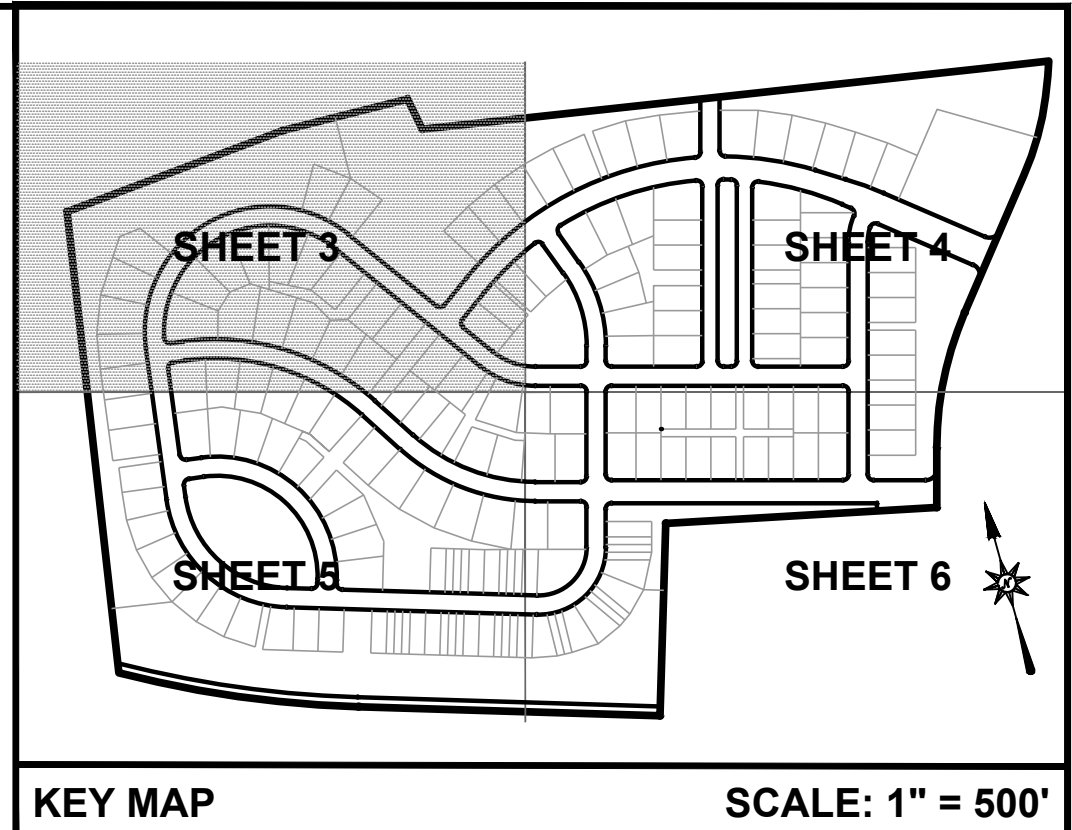
03-21-2024	05-09-2024	11-27-2023	date
YL	YL	YL	checklist
PER NCC COMMENTS DATED 03-05-2024	PER NCC COMMENTS DATED 01-15-2024	PER NCC COMMENTS DATED 10-11-2023	revisions

Karins and Associates
ENGINEERS • PLANNERS • SURVEYORS
NEWARK, DE & GEORGETOWN, DE
www.karinsengineering.com
17 POLLY DRUMMOND CENTER • SUITE 201
NEWARK, DELAWARE 19711
PHONE: (302) 369-2900 FAX: (302) 369-2975

OWNER:
BAYBERRY EAST-WEST LLC
220 CONTINENTAL DRIVE, SUITE 410
NEWARK, DE 19713
PHONE: 302-254-0100

PROPERTY ADDRESS:
701 BOYDS CORNER ROAD
MIDDLETOWN, DE 19709

SURVEY BY: KARINS AND ASSOCIATES		SCALE: AS SHOWN	
DESIGNED BY: D.S., W.R.B.		0 1 2	
DRAWN BY: W.R.B., F.D.S.		DATE: 7-18-2023	SHEET: 2 OF 2
CHECKED BY: D.S.		DRAWING NO.: 2226.03 - A02	



Easement Curve Table					
Curve #	Radius	Length	Delta	Chord Direction	Chord Length
EC1	15.00	5.59	21°12'22"	S41°34'36"E	5.56
EC2	855.00	22.33	1°29'48"	S60°30'55"W	22.33

Easement Line Table		
Line #	Direction	Length
E1	N5°54'37"E	27.27
E2	N16°26'49"W	52.10
E3	N3°27'43"E	55.93
E4	N86°32'13"W	20.00
E5	S3°27'43"W	57.19
E6	S23°27'04"W	50.59
E7	N5°54'37"E	25.10
E8	S84°05'23"E	54.99
E9	S73°05'50"E	99.56
E10	S16°54'10"W	20.00
E11	N73°05'50"W	77.51
E12	N30°53'55"W	29.78
E13	S27°28'13"W	78.72
E14	N62°31'47"W	20.00
E15	N27°28'13"E	89.83
E16	N30°53'55"W	17.39
E17	S55°54'07"E	58.11
E18	S34°05'53"W	20.00
E19	N55°54'07"W	68.05
E20	S65°18'19"W	144.00
E21	N31°22'37"W	88.52
E22	N56°59'20"W	106.96
E23	N33°00'40"E	20.00
E24	S56°59'20"E	111.51
E25	S31°22'37"E	75.28
E26	N65°18'19"E	124.03
E27	S30°53'55"E	20.12
E28	N53°25'45"E	244.93
E29	N28°00'51"W	20.23
E30	N53°25'45"E	243.90
E31	S30°53'55"E	20.10
E34	N5°00'15"E	20.00

N.C.C. APPLICATION NO. 2021-0504
RECORD
MAJOR LAND DEVELOPMENT PLAN
FOR
THE OVERLOOK AT BAYBERRY
SITUATE IN: ST. GEORGES HUNDRED, NEW CASTLE COUNTY, DELAWARE

03-24-2024
Y/L
PER NCC COMMENTS
DATED 03-14-2024
BY D.S., W.R.B.

03-06-2024
Y/L
DATED 03-06-2024
BY D.S., W.R.B.

01-25-2024
Y/L
PER NCC COMMENTS
DATED 01-05-2024
BY D.S., W.R.B.

11-27-2023
Y/L
PER NCC COMMENTS
DATED 03-11-2023
BY D.S., W.R.B.

09-28-2023
Y/L
PER DELDOT COMMENTS
DATED 08-31-2023
BY D.S., W.R.B.

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MIDDLETOWN, DE 19709

invitations

checked

date

03-24-2024

03-06-2024

01-25-2024

11-27-2023

09-28-2023

SURVEY BY: KARINS AND ASSOCIATES

DESIGNED BY: D.S., W.R.B.

DRAWN BY: W.R.B., F.D.S.

CHECKED BY: D.S.

SCALE: 1" = 50'

0 50' 100'

SHEET: 3 OF 7

DRAWING NO.: 2226.03 - A03

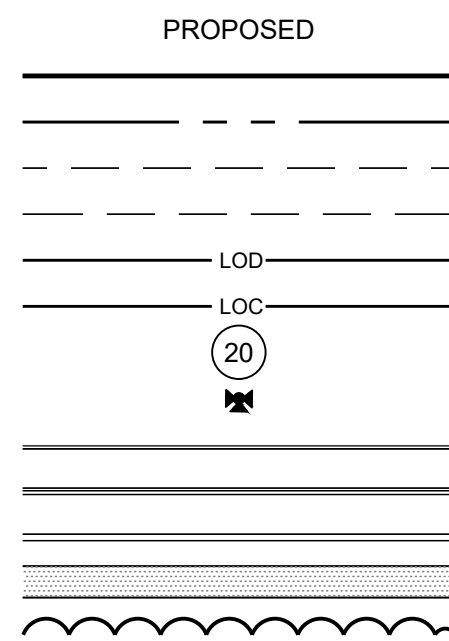
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Page 8 of 19

Easement Line Table		
Line #	Direction	Length
E32	N0° 14' 29"W	127.53
E33	N84° 59' 45"W	195.91
E34	N5° 00' 15"E	20.00
E35	S84° 59' 45"E	214.16
E36	S0° 14' 29"E	145.63
E37	S43° 28' 58"W	162.83
E38	S11° 00' 25"W	17.71
E39	S56° 49' 26"E	77.57
E40	S33° 10' 34"W	20.00
E41	N56° 49' 26"W	91.01
E42	N11° 00' 25"E	36.98
E43	N43° 28' 58"E	168.61
E44	N46° 38' 42"W	20.00
E45	N43° 21' 18"E	29.75
E46	S46° 38' 42"E	20.00
E47	S43° 21' 18"W	29.75
E48	S46° 38' 42"E	20.00
E49	N45° 01' 16"E	38.60
E50	S44° 58' 44"E	20.00
E51	S45° 01' 16"W	36.08

Easement Line Table		
Line #	Direction	Length
E52	S69° 57' 50"E	142.71
E53	S20° 02' 10"W	20.00
E54	N69° 57' 50"W	142.71
E55	N20° 02' 10"E	20.00
E56	S69° 57' 50"E	126.33
E57	S20° 02' 10"W	20.00
E58	S69° 57' 50"E	126.33
E59	N20° 02' 10"E	20.00
E60	S68° 02' 51"E	50.03
E61	N20° 02' 10"E	20.01
E62	S68° 02' 51"E	50.03
E63	S20° 02' 10"W	20.01
E64	S69° 57' 50"E	128.33
E65	N20° 02' 10"E	47.83
E66	S69° 57' 50"E	20.00
E67	S20° 02' 10"W	154.58
E68	N69° 57' 50"W	20.00
E69	N20° 02' 10"E	86.74
E70	N69° 57' 50"W	128.33
E71	S20° 02' 10"W	20.00

Easement Line Table		
Line #	Direction	Length
E72	N20° 02' 10"E	20.75
E73	S69° 57' 50"E	20.00
E74	N20° 02' 10"E	20.75
E75	N69° 57' 50"W	20.00
E76	N75° 02' 57"W	72.86
E77	N14° 57' 03"E	20.00
E78	S75° 02' 57"E	66.24
E142	N69° 32' 20"W	86.72

Easement Curve Table					
Curve #	Radius	Length	Delta	Chord Direction	Chord Length
EC3	855.00	20.00	1°20'25"	S89° 20' 32"W	20.00
EC4	795.00	20.16	1°27'10"	N52° 09' 14"W	20.16
EC5	325.00	21.07	3°42'53"	N03° 22' 19"W	21.07
EC13	15.00	19.64	75°00'08"	N37° 14' 21"W	18.26
EC14	795.00	71.98	5°11'14"	N77° 20' 03"W	71.95



LEGEND

RIGHT OF WAY

LOT LINES

BUILDING RESTRICTION LINES

EASEMENT

LIMITS OF DISTURBANCE

LIMITS OF CONSTRUCTION

LOT NUMBER

FIRE HYDRANT

P.C.C. CURB 1-6

P.C.C. INTEGRAL CURB AND GUTTER TYPE 3-8

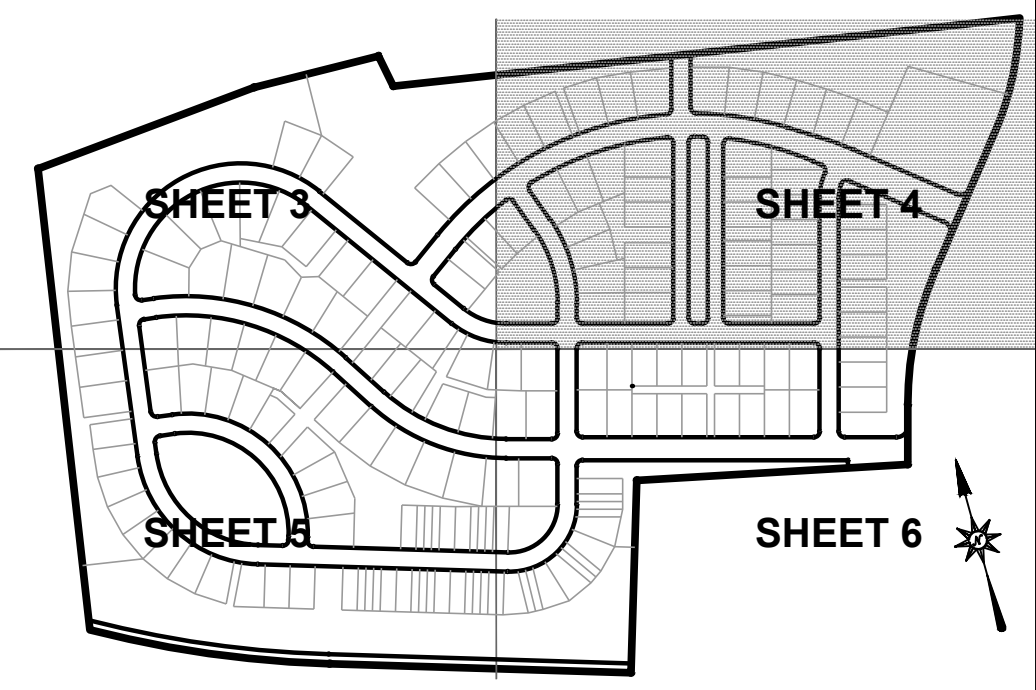
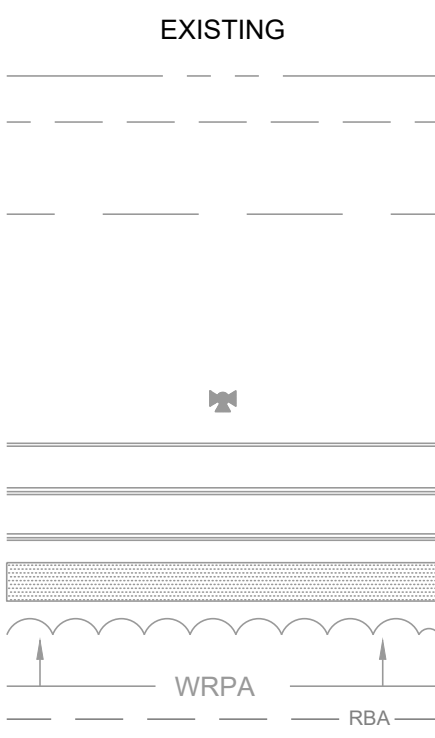
P.C.C. INTEGRAL CURB AND GUTTER TYPE 2

5' WIDE P.C.C. SIDEWALK

TREES / TREELINE

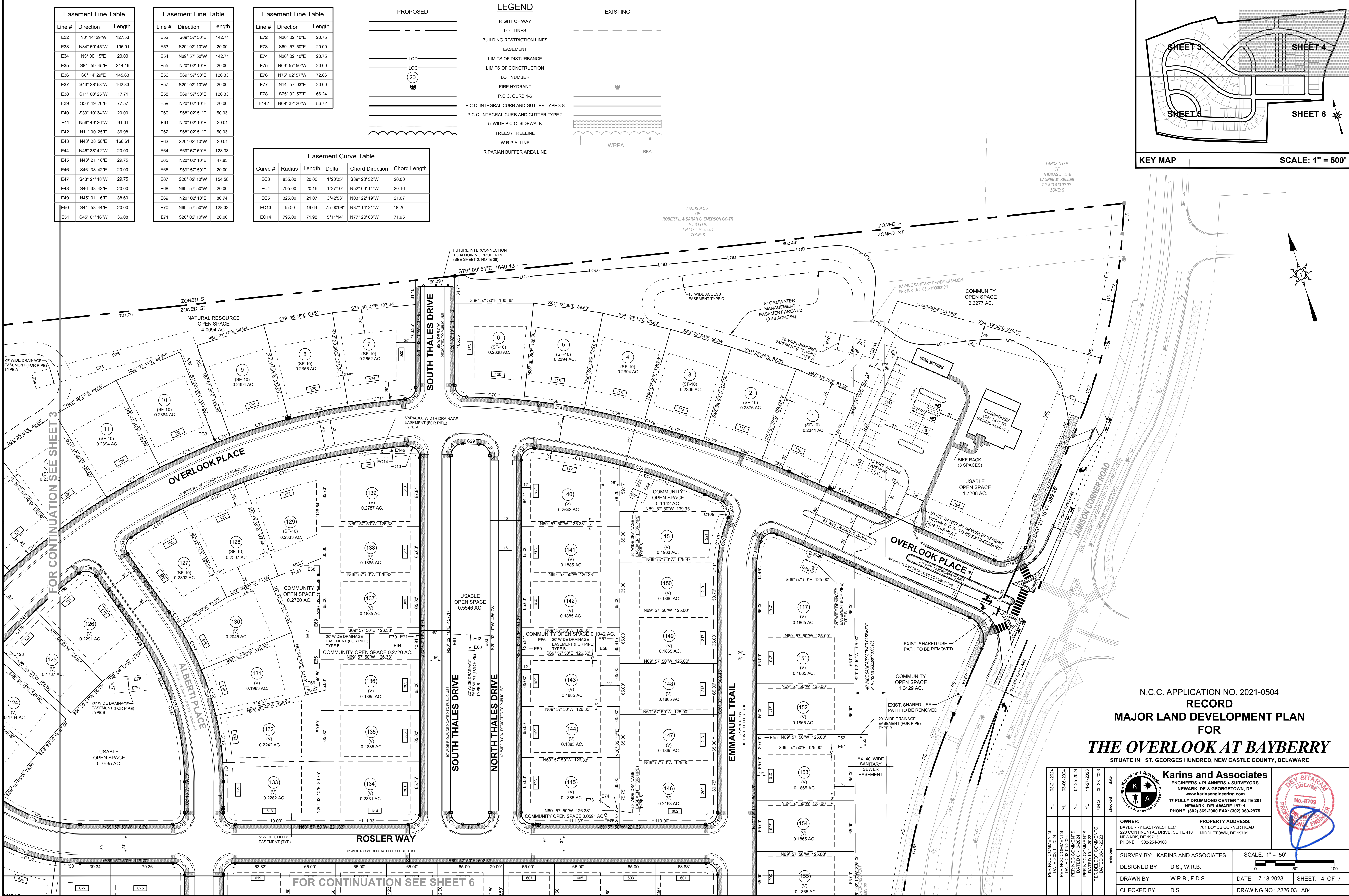
W.R.P.A. LINE

RIPIARIAN BUFFER AREA LINE



KEY MAP

SCALE: 1" = 500'

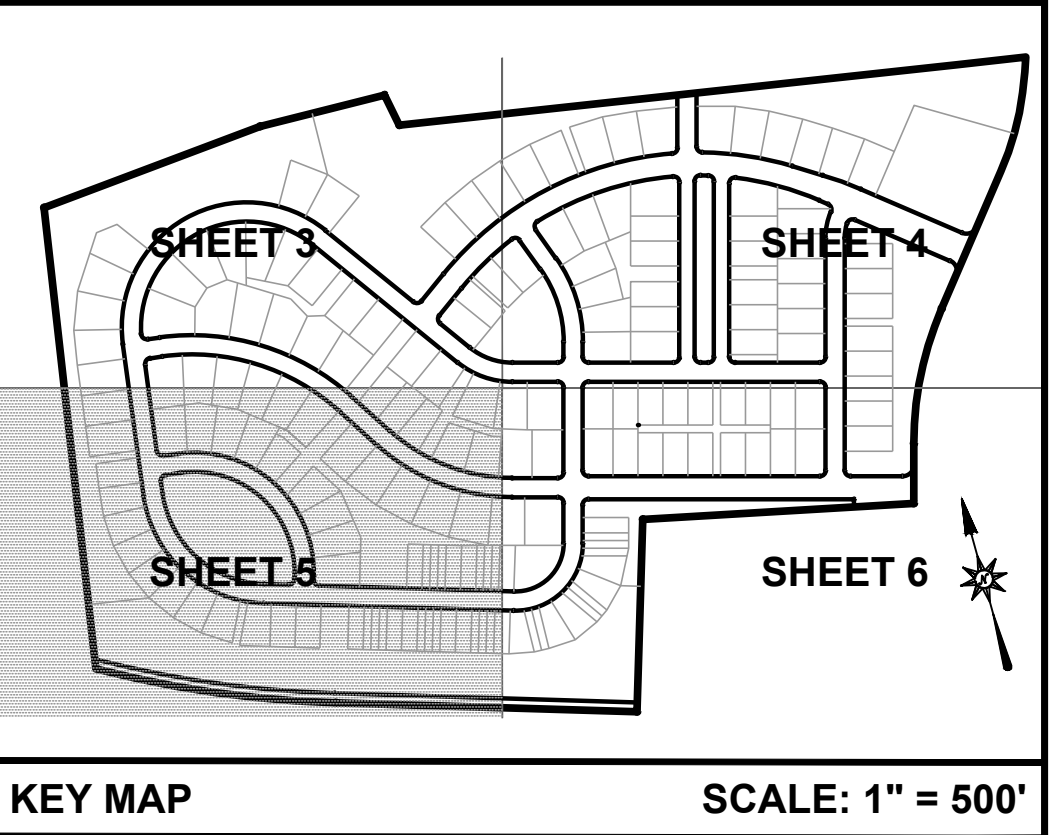


LANDS N.O.F.
OF
THOMAS E. III &
LAUREN M. KELLER
T.P.#13-003-00-004
ZONE: S

LANDS N.O.F.
OF
ROBERT L. & SARAH C. EMERSON CO-TR
M.F.#12110
T.P.#13-003-00-004
ZONE: S

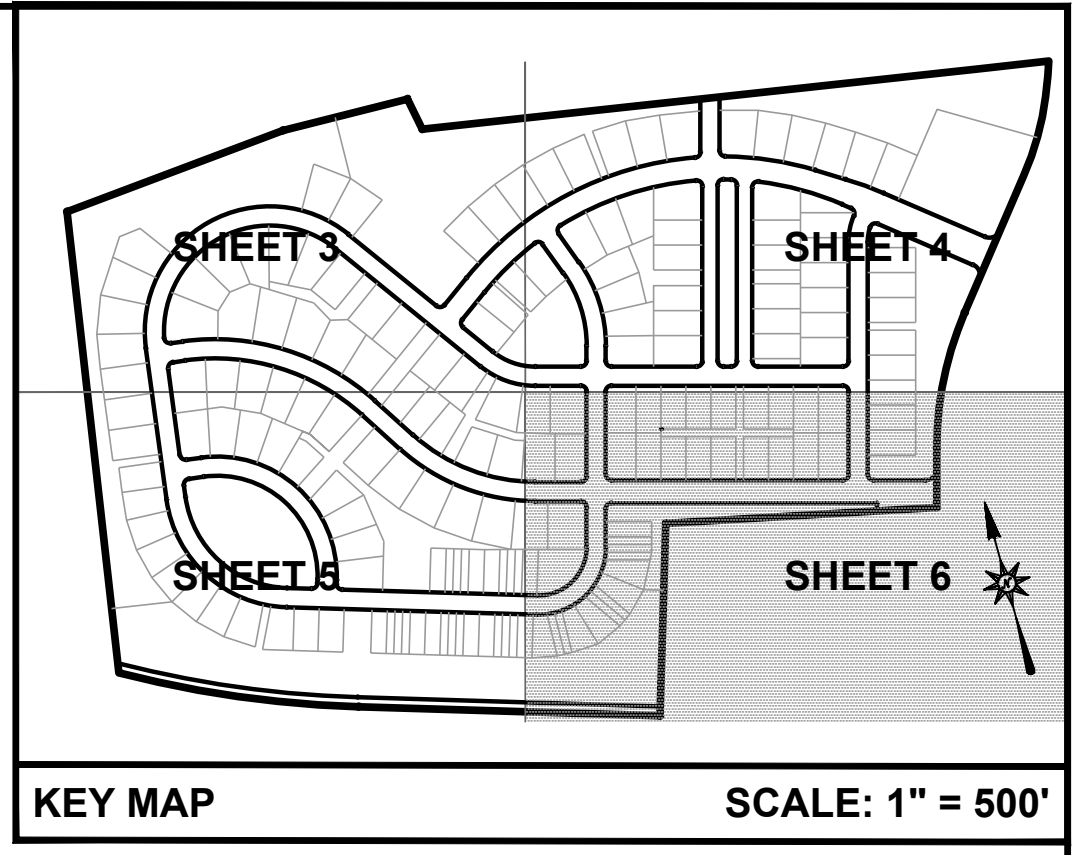
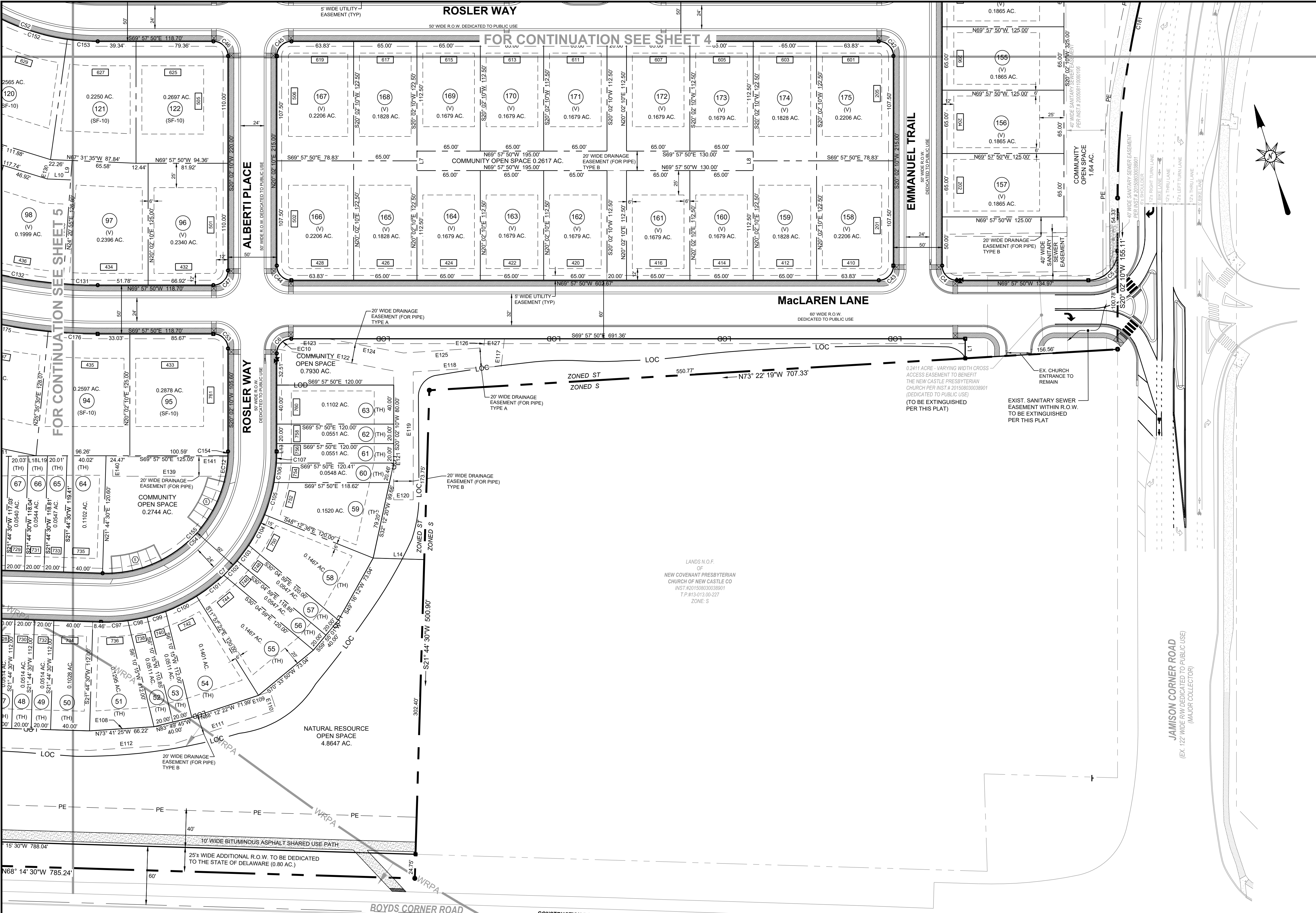
N.C.C. APPLICATION NO. 2021-0504
RECORD
MAJOR LAND DEVELOPMENT PLAN
FOR
THE OVERLOOK AT BAYBERRY
SITUATE IN: ST. GEORGES HUNDRED, NEW CASTLE COUNTY, DELAWARE

PER NCC COMMENTS DATED 03-24-2024 BY: YL CHECKED: YL DATE: 03-06-2024		PER NCC COMMENTS DATED 01-03-2024 BY: YL CHECKED: YL DATE: 01-27-2023		PER DELDOT COMMENTS DATED 08-31-2023 BY: YL CHECKED: YL DATE: 09-28-2023		OWNER: BAYBERRY EAST-WEST LLC 220 CONTINENTAL DRIVE, SUITE 410 NEWARK, DELAWARE 19713 PHONE: 302-254-0100		PROPERTY ADDRESS: 701 BOYDS CORNER ROAD MIDDLETOWN, DE 19709		SURVEY BY: KARINS AND ASSOCIATES		SCALE: 1" = 50'	
DESIGNED BY: D.S., W.R.B.		DATE: 7-18-2023		SHEET: 4 OF 7		DRAWN BY: W.R.B., F.D.S.		CHECKED BY: D.S.		DRAWING NO.: 2226.03 - A04			



Line #	Direction	Length
E79	N28° 00' 51"W	20.23
E78	N26° 17' 12"E	127.64
E80	N27° 24' 21"W	289.81
E81	N60° 15' 59"W	117.22
E82	N29° 44' 01"E	20.20
E83	S80° 15' 59"E	105.26
E84	N12° 31' 42"E	135.17
E85	N66° 15' 30"W	20.26
E86	N12° 31' 42"E	140.72
E87	N27° 24' 21"W	289.83
E88	S61° 46' 42"W	105.86
E89	S61° 46' 43"W	105.14
E90	N28° 00' 51"W	67.98
E91	N61° 59' 09"E	20.00
E92	S28° 00' 24"E	68.00
E93	N26° 17' 30"E	127.60
E94	S28° 00' 24"E	20.00
E95	S44° 10' 24"W	112.64
E96	S19° 24' 56"W	101.98
E97	N19° 24' 56"E	102.22
E98	N44° 10' 24"E	124.64
E99	S77° 44' 20"E	115.25
E100	N12° 15' 40"E	149.39
E101	S77° 44' 20"E	24.30
E102	S17° 15' 40"W	169.39
E103	N77° 44' 20"W	135.25
E104	S17° 15' 40"W	20.00
E105	S30° 44' 22"W	116.01
E106	S68° 15' 30"E	421.00
E107	S68° 15' 30"E	280.71
E113	S68° 15' 30"E	728.07
E114	S68° 15' 30"E	726.07
E115	S30° 44' 22"W	139.43
E128	N46° 42' 37"E	120.46
E129	S32° 47' 46"E	139.88
E130	S37° 12' 14"W	20.00
E131	S52° 47' 46"E	123.54
E132	N46° 42' 37"E	104.16
E143	S71° 11' 28"E	111.80

		Karins and Associates ENGINEERS • PLANNERS • SURVEYORS NEWARK, DE & GEORGETOWN, VA www.karinsengineering.com 17 POLLY DRUMMOND CENTER • SUITE 201 NEWARK, DELAWARE 19711 PHONE: (302) 369-2900 FAX: (302) 369-2975					
09-21-2024	YL	09-26-2024	YL	11-27-2024	YL	09-29-2023	URQ
PER NCC COMMENTS DATED 03-14-2024		PER NCC COMMENTS DATED 03-14-2024		PER NCC COMMENTS DATED 03-14-2024		PER NCC COMMENTS DATED 03-14-2024	
PER NCC COMMENTS DATED 08-31-2023		PER NCC COMMENTS DATED 08-31-2023		PER NCC COMMENTS DATED 08-31-2023		PER NCC COMMENTS DATED 08-31-2023	
OWNER: BAYBERRY EAST-WEST LLC 220 CONTINENTAL DRIVE, SUITE 410 NEWARK, DE 19713 PHONE: 302-254-0100				PROPERTY ADDRESS: 701 BOYDS CORNER ROAD MIDDLETOWN, DE 19709			
SURVEY BY: KARINS AND ASSOCIATES						SCALE: 1" = 50' 	
DESIGNED BY: D.S., W.R.B.							
DRAWN BY: W.R.B., F.D.S.						DATE: 7-18-2023	
CHECKED BY: D.S.						SHEET: 5 OF 7	
DRAWING NO.: 2226.03 - A05							



Easement Curve Table				
Curve #	Radius	Length	Delta	Chord Direction
EC10	15.00	19.03	72°41'11"	S73°41'34"W
EC12	125.00	20.18	9°14'54"	N27°08'10"E

Easement Line Table		
Line #	Direction	Length
E108	S73°41'25"E	78.40
E109	S88°12'22"E	112.70
E110	N1°47'38"E	20.00
E111	S88°12'22"E	115.24
E112	S73°41'25"E	81.90
E117	N26°38'27"E	28.38
E118	S73°37'37"E	90.51
E119	N20°02'10"E	131.18
E120	S69°57'50"E	20.00
E121	S20°02'10"W	132.11
E122	S69°16'53"E	121.42
E123	S69°57'50"E	37.72
E124	N59°16'53"W	78.64
E125	N73°37'37"W	82.55
E126	S26°38'27"W	9.37
E127	S69°57'50"E	20.13
E139	S69°57'50"E	115.59
E140	S20°02'10"W	20.00
E141	N69°57'50"W	118.08

N.C.C. APPLICATION NO. 2021-0504
RECORD
MAJOR LAND DEVELOPMENT PLAN
FOR
THE OVERLOOK AT BAYBERRY
SITUATE IN: ST. GEORGES HUNDRED, NEW CASTLE COUNTY, DELAWARE

PROPOSED	LEGEND	EXISTING
	RIGHT OF WAY	
	LOT LINES	
	BUILDING RESTRICTION LINES	
	EASEMENT	
	LIMITS OF DISTURBANCE	
	LIMITS OF CONSTRUCTION	
	LOT NUMBER	
	FIRE HYDRANT	
	P.C.C. CURB 1-6	
	P.C.C. INTEGRAL CURB AND GUTTER TYPE 3-8	
	P.C.C. INTEGRAL CURB AND GUTTER TYPE 2	
	5' WIDE P.C.C. SIDEWALK	
	TREES / TREE LINE	
	W.R.P.A. LINE	
	RIPIARIAN BUFFER AREA LINE	

PER NCC COMMENTS
DATED 05-14-2023
BY: [Signature]
DATE: 03-05-2024

PER NCC COMMENTS
DATED 01-05-2024
BY: [Signature]
DATE: 10-11-2023

PER BELDOT COMMENTS
DATED 08-31-2023

Y.L.
03-21-2024

Y.L.
03-06-2024

Y.L.
01-25-2024

Y.L.
11-27-2023

URQ
09-26-2023

checked

date

OWNER:
BAYBERRY EAST-WEST LLC
220 CONTINENTAL DRIVE, SUITE 410
NEWARK, DE 19713
PHONE: 302-254-0100

PROPERTY ADDRESS:
701 BOYDS CORNER ROAD
MIDDLETOWN, DE 19709

SURVEY BY: KARINS AND ASSOCIATES

DESIGNED BY: D.S., W.R.B.

DRAWN BY: W.R.B., F.D.S.

CHECKED BY: D.S.

SCALE: 1" = 50'

0 50' 100'

DATE: 7-18-2023

SHEET: 6 OF 7

DRAWING NO.: 2226.03 - A06

Karins and Associates
ENGINEERS • PLANNERS • SURVEYORS
NEWARK, DE & GEORGETOWN, DE
www.karinsengineering.com
17 POLLY DRUMMOND CENTER • SUITE 201
NEWARK, DELAWARE 19711
PHONE: (302) 369-2900 FAX: (302) 369-2975

Line Table		
Line #	Direction	Length
L1	S20° 02' 10"W	20.08
L2	N46° 38' 42"W	24.74
L3	S69° 57' 50"E	20.00
L4	S20° 02' 10"W	39.38
L5	S21° 44' 30"W	10.62
L6	N21° 44' 30"E	10.62
L7	N20° 02' 10"E	20.00
L8	S20° 02' 10"W	20.00
L9	S24° 20' 55"W	19.95
L10	N67° 40' 55"W	24.17
L11	N71° 09' 44"W	68.33
L12	S46° 59' 19"E	20.09
L13	N20° 02' 10"E	8.09
L14	S68° 15' 30"E	52.42
L15	S23° 43' 18"W	39.14

Curve Table					
Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C1	30.00	47.12	90°00'00"	S01° 38' 42"E	42.43
C2	15.00	25.07	95°46'36"	N85° 28' 00"E	22.26
C3	125.00	38.27	17°32'33"	N28° 48' 26"E	38.12
C4	15.00	23.56	90°00'00"	N24° 57' 50"W	21.21
C5	30.00	47.12	90°00'00"	S65° 02' 10"W	42.43
C6	15.00	23.56	90°00'00"	S65° 02' 10"W	21.21
C7	175.00	280.10	91°42'20"	N65° 53' 20"E	251.14
C8	325.00	456.73	80°31'10"	S27° 59' 55"E	420.06
C9	325.00	776.20	136°50'25"	S80° 40' 52"W	604.44
C10	15.00	23.56	90°00'00"	S75° 53' 55"E	21.21
C11	855.00	691.26	46°19'23"	S82° 15' 46"W	672.58
C12	15.00	22.35	85°23'18"	N62° 43' 49"E	20.34
C13	15.00	23.39	89°20'17"	N24° 37' 59"W	21.09
C14	855.00	237.99	15°56'53"	N61° 19' 41"W	237.22
C15	900.00	105.39	6°42'32"	N49° 59' 58"W	105.32
C16	30.00	47.12	90°00'00"	S88° 21' 18"W	42.43
C17	777.00	104.25	7°41'13"	S39° 30' 42"W	104.17
C18	777.00	162.01	11°56'47"	S29° 41' 41"W	161.72
C19	15.00	23.48	89°40'37"	N01° 48' 23"W	21.15
C20	175.00	70.24	22°59'45"	S31° 32' 03"W	69.77
C21	15.00	23.56	90°00'00"	N65° 02' 10"E	21.21
C22	15.00	23.56	90°00'00"	S24° 57' 50"E	21.21
C23	15.00	25.39	96°59'58"	S68° 32' 09"W	22.47
C24	795.00	226.44	16°19'10"	N54° 48' 17"W	225.68
C25	15.00	23.08	88°09'35"	N24° 02' 37"W	20.87
C26	15.00	23.56	90°00'00"	N65° 02' 10"E	21.21
C27	15.00	23.56	90°00'00"	S24° 57' 50"E	21.21
C28	15.00	23.66	90°22'15"	S65° 13' 18"W	21.28
C29	795.00	20.39	1°28'10"	N68° 51' 30"W	20.39
C30	15.00	24.81	94°46'35"	N27° 21' 08"W	22.08
C31	15.00	23.56	90°00'00"	N65° 02' 10"E	21.21
C32	15.00	23.56	90°00'00"	S24° 57' 50"E	21.21
C33	375.00	232.31	35°29'42"	N02° 17' 19"E	228.62
C34	15.00	24.52	93°39'11"	S31° 22' 03"W	21.88
C35	795.00	375.54	27°03'56"	N88° 16' 23"W	372.06
C36	15.00	24.14	92°13'35"	N61° 34' 20"W	21.62
C37	325.00	201.34	35°29'42"	N02° 17' 19"E	198.13
C38	15.00	23.56	90°00'00"	N65° 02' 10"E	21.21
C39	175.00	119.32	39°03'55"	S50° 25' 52"E	117.02
C40	15.00	23.56	90°00'00"	S14° 06' 05"W	21.21
C41	795.00	183.34	13°12'48"	S65° 42' 29"W	182.93
C42	15.00	23.56	90°00'00"	S24° 57' 50"E	21.21
C43	15.00	23.56	90°00'00"	S65° 02' 10"W	21.21
C44	15.00	23.56	90°00'00"	N24° 57' 50"W	21.21
C45	15.00	23.56	90°00'00"	N65° 02' 10"E	21.21
C46	15.00	23.56	90°00'00"	S24° 57' 50"E	21.21
C47	15.00	23.56	90°00'00"	S65° 02' 10"W	21.21
C48	475.00	347.78	41°56'59"	S48° 59' 20"E	340.06
C49	623.00	540.68	49°43'29"	N52° 52' 35"W	523.87
C50	15.00	24.66	94°10'40"	N30° 39' 00"W	21.97
C51	275.00	636.73	132°39'45"	S82° 46' 12"W	503.74
C52	225.00	153.41	39°03'55"	S50° 25' 52"E	150.45
C53	15.00	23.56	90°00'00"	N24° 57' 50"W	21.21
C54	125.00	200.07	91°42'20"	N65° 53' 20"E	179.39
C55	15.00	23.56	90°00'00"	S23° 15' 30"E	21.21
C56	311.00	539.98	99°28'50"	N27° 59' 55"W	474.66
C57	15.00	23.56	90°00'00"	S32° 44' 20"E	21.21
C58	15.00	23.56	90°00'00"	S57° 15' 40"W	21.21
C59	573.00	497.28	49°43'29"	N52° 52' 35"W	481.82
C60	525.00	384.38	41°56'59"	S48° 59' 20"E	375.86

Curve Table					
Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C61	15.00	23.56	90°00'00"	N66° 44' 30"E	21.21
C62	275.00	386.47	80°31'10"	S27° 59' 55"E	355.44
C63	15.00	23.56	90°00'00"	S57° 15' 40"W	21.21
C64	261.00	453.16	99°28'50"	N27° 59' 55"W	398.35
C65	900.00	37.66	2°23'51"	N47° 50' 37"W	37.66
C66	900.00	67.73	4°18'42"	N51° 11' 54"W	67.71
C68	855.00	78.20	5°14'25"	N56° 29' 13"W	78.17
C69	855.00	78.20	5°14'25"	N61° 43' 39"W	78.17
C70	855.00	73.93	4°57'16"	N66° 49' 29"W	73.91
C71	855.00	73.40	4°55'07"	S77° 02' 06"E	73.38
C72	855.00	78.20	5°14'25"	S82° 06' 52"E	78.17
C73	855.00	78.20	5°14'25"	S87° 21' 17"E	78.17
C74	855.00	20.34	1°21'48"	N89° 20' 36"E	20.34
C75	855.00	77.85	5°13'02"	N86° 03' 11"E	77.83
C76	855.00	78.20	5°14'25"	N80° 49' 28"E	78.17
C77	855.00	78.20	5°14'25"	N75° 35' 03"E	78.17
C78	855.00	78.17	5°14'18"	N70° 20' 41"E	78.14
C79	855.00	78.17	5°14'18"	N65° 06' 22"E	78.14
C80	855.00	50.52	3°23'08"	N60° 47' 39"E	50.51
C81	325.00	63.05	1°10'653"	S36° 27' 21"E	62.95
C82	325.00	74.45	13°07'29"	S48° 34' 32"E	74.29
C83	325.00	376.66	66°24'13"	S88° 20' 24"E	355.93
C84	325.00	74.45	13°07'29"	N51° 53' 45"E	74.29
C85	325.00	74.45	13°07'29"	N38° 46' 16"E	74.29
C86	325.00	74.45	13°07'29"	N25° 38' 46"E	74.29
C87	325.00	38.70	6°49'22"	N15° 40' 21"E	38.68
C88	325.00	29.46	5°11'39"	N09° 39' 50"E	29.45
C89	325.00	61.04	10°45'39"	N01° 41' 11"E	60.95
C90	325.00	61.04	10°45'39"	N09° 04' 27"W	60.95
C91	325.00	61.04	10°45'39"	N19° 50' 06"W	60.95
C92	325.00	61.04	10°45'39"	N30° 35' 45"W	60.95
C93	325.00	61.04	10°45'39"	N41° 21' 23"W	60.95
C94	325.00	61.04	10°45'38"	N52° 07' 02"W	60.95
C95	325.00	20.00	3°31'35"	N59° 15' 38"W	20.00
C96	325.00	41.04	7°14'04"	N64° 38' 28"W	41.01
C97	175.00	27.51	9°00'30"	N72° 45' 45"W	27.49
C98	175.00	20.04	6°33'45"	N80° 32' 52"W	20.03
C99	175.00	20.04	6°33'45"	N87° 06' 37"W	20.03
C100	175.00	35.32	11°33'52"	S83° 49' 34"W	35.26
C101	175.00	35.32	11°33'52"	S72° 15' 42"W	35.26
C102	175.00	20.04	6°33'45"	S63° 11' 53"W	20.03
C103	175.00	20.04	6°33'45"	S56° 38' 09"W	20.03
C104	175.00	35.32	11°33'52"	S47° 34' 20"W	35.26
C105	175.00	34.35	11°14'49"	S36° 10' 00"W	34.30
C106	175.00	20.17	6°36'14"	S27° 14' 28"W	20.16
C107	175.00	11.92	3°54'11"	S21° 59' 16"W	11.92
C108	15.00	15.37	58°43'24"	N17° 17' 00"W	14.71
C109	15.00	8.10	30°57'13"	N27° 33' 18"E	8.01
C110	175.00	58.93	19°17'34"	N33° 23' 08"E	58.65
C111	175.00	11.31	3°42'11"	N21° 53' 16"E	11.31
C112	795.00	111.66	8°02'49"	N58° 56' 27"W	111.56
C113	795.00	114.78	8°16'21"	N50° 46' 52"W	114.68
C114	375.00	24.59	3°45'25"	S18° 09' 27"W	24.59
C115	375.00	60.80	9°17'25"	S11° 38' 02"W	60.74
C116	375.00	61.78	9°26'21"	S02° 16' 10"W	61.71
C117	375.00	61.78	9°26'21"	S07° 10' 11"E	61.71
C118	375.00	23.36	3°34'11"	S13° 40' 27"E	23.36
C119	795.00	75.40	5°26'03"	S80° 54' 40"W	75.37
C120	795.00	85.36	6°09'08"	S86° 42' 16"W	85.32
C121	795.00	103.29	7°26'40"	N86° 29' 51"W	103.22

Curve Table					
Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C122	795.00	111.49	8°02'05"	N78° 45' 28"W	111.39
C123	325.00	201.34	35°29'42"	N02° 17' 19"E	198.13
C124	325.00	201.34	35°29'42"	N02° 17' 19"E	198.13
C125	175.00	119.32	39°03'55"	S50° 25' 52"E	117.02
C126	175.00	119.32	39°03'55"	S50° 25' 52"E	117.02
C127	795.00	183.34	13°12'48"	S65° 42' 29"W	182.93
C128	795.00	183.34	13°12'48"	S65° 42' 29"W	182.93
C129	795.00	183.34	13°12'48"	S65° 42' 29"W	182.93
C130	795.00	183.34	13°12'48"	S65° 42' 29"W	182.93
C131	475.00	35.75	4°16'45"	N67° 48' 28"W	35.74
C132	475.00	91.45	11°01'52"	N60° 08' 09"W	91.31
C133	475.00	91.45	11°01'52"	N49° 06' 17"W	91.31
C134	475.00	39.33	4°44'39"	N41° 13' 01"W	39.32
C135	475.00	70.75	8°32'01"	N34° 34' 41"W	70.68
C136	475.00	19.04	2°17'50"	N29° 09' 46"W	19.04
C137	623.00	23.99	2°12'23"	N29° 07' 03"W	23.99
C138	623.00	86.11	7°55'10"	N34° 10' 49"W	86.04
C139	623.00	85.88	7°53'54"	N42° 05' 22"W	85.81
C140	623.00	83.52	7°40'51"	N49° 52' 45"W	83.46
C141	623.00	79.75	7°20'05"	N57° 23' 13"W	79.70
C142	623.00	89.74	8°15'10"	N65° 10' 50"W	89.66
C143	623.00	91.68	8°25'55"	N73° 31' 23"W	91.60
C144	275.00	120.97	25°12'16"	N29° 02' 28"E	120.00
C145	275.00	110.22	22°57'48"	N53° 07' 30"E	109.48
C146	275.00	110.22	22°57'48"	N76° 05' 18"E	109.48
C147	275.00	105.88	22°03'39"	S81° 23' 59"E	105.23
C148	275.00	106.67	22°13'27"	S59° 15' 26"E	106.00
C149	275.00	82.78	17°14'47"	S39° 31' 19"E	82.46
C150	225.00	23.05	5°52'13"	S33° 50' 01"E	23.04
C151	225.00	26.78	6°49'13"	S40° 10' 44"E	26.77
C152	225.00	72.31	18°24'50"	S52° 47' 46"E	72.00
C153	225.00	31.26	7°57'40"	S65° 59' 00"E	31.24
C154	125.00	4.40	2°01'02"	N21° 02' 41"E	4.40
C155	125.00	195.67	89°41'18"	N66° 53' 51"E	176.30
C156	311.00	46.94	8°38'55"	S17° 25' 03"W	46.90
C157	311.00	59.90	11°02'06"	S07° 34' 32"W	59.81
C158	311.00	59.90	11°02'06"	S03° 27' 34"E	59.81
C159	311.00	57.08	10°31'00"	S14° 14' 07"E	57.00
C160	311.00	46.17	8°30'22"	S23° 44' 48"E	46.13
C161	311.00	61.51	11°19'55"	S33° 39' 56"E	61.41
C162	311.00	61.51	11°19'51"	S44° 59' 49"E	61.40
C163	311.00	61.50	11°19'51"	S56° 19' 41"E	61.40
C164	311.00	61.50	11°19'51"	S67° 39' 32"E	61.40
C165	311.00	23.96	2°24'52"	S75° 31' 54"E	23.96
C166	573.00	52.70	5°16'09"	N75° 06' 16"W	52.68
C167	573.00	90.82	9°04'52"	N67° 55' 45"W	90.72
C168	573.00	88.43	8°50'33"	N58° 58' 03"W	88.34
C169	573.00	87.54	8°45'10"	N50° 10' 11"W	87.45
C170	573.00	88.32	8°49'53"	N41° 22' 39"W	88.23
C171	573.00	89.48	8°56'52"	N32° 29' 17"W	89.39
C172	525.00	82.30	8°58'55"	N32° 30' 16"W	82.22
C173	525.00	83.45	9°06'27"	N41° 32' 59"W	83.36
C174	525.00	83.48	9°06'40"	N50° 39' 33"W	83.40
C175	525.00	84.24	9°11'37"	N59° 48' 42"W	84.15
C176	525.00	50.90	5°33'20"	N67° 11' 10"W	50.89
C178	2843.26	632.50	12°44'44"	S61° 53' 08"E	631.19
C179	855.00	7.65	0°30'47"	S53° 36' 38"E	7.65
C180	777.00	266.25	19°38'01"	N33° 32' 18"E	264.95
C181	889.00	361.82	23°19'08"	S31° 41' 44"W	359.32
C182	2868.12	631.62	12°37'04"	N61° 55' 59"W	630.34

ORDINANCE NO. 24-035

**AMEND NEW CASTLE COUNTY CODE CHAPTER 7
("PROPERTY MAINTENANCE CODE")**

1 **WHEREAS**, New Castle County recognizes the balance between property
2 owners' interest in having managed turfgrass landscapes and the need to create
3 policies to encourage the preservation, restoration, and management of native plant
4 communities and wildlife habitats that include habitats that promote the health of
5 pollinators within the County; and

6
7 **WHEREAS**, a variety of landscapes adds to the biodiversity and richness to the
8 quality of life in New Castle County; and

9
10 **WHEREAS**, allowing property owners to plant and maintain pollinator gardens
11 with native plants and pollinator habitats can prevent the introduction of toxic pesticides,
12 herbicides, fertilizers, and other pollutants into the environment; and

13
14 **WHEREAS**, pollinator gardens and rain gardens are landscaping techniques that
15 conserve water, lower maintenance costs, provide pollution prevention, and create
16 habitat for wildlife and pollinators and enhance our natural ecosystem; and

17
18 **WHEREAS**, pollinator gardens and rain gardens include flora and other features
19 that tend to attract and sustain wildlife and pollinators; are designed to attract native
20 fauna; use natural biological principles to return rainwater to the soil; and to filter
21 rainwater of excess nutrients, reducing or eliminating the need for supplemental water
22 from irrigation; and

23
24 **WHEREAS**, pollinators, including bees, butterflies and other insects,
25 hummingbirds, and other birds, are essential to the pollination of countless plants and
26 trees; and

27
28 **WHEREAS**, lawns and gardens consisting of native plant species provide high-
29 quality forage for pollinators; and

30
31 **WHEREAS**, creating a sustainable home for pollinators directly impacts our
32 County's ability to grow crops such as: strawberries, peaches, asparagus, and
33 tomatoes; and

34
35 **WHEREAS**, New Castle County Council finds that the provisions of this
36 Ordinance are rationally and reasonably related to and substantially advance its goal of
37 protecting and preserving legitimate government interests, including the protection and
38 preservation of the public health, safety, prosperity, general welfare, and quality of life of
39 New Castle County and its residents;

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

41
42 Section 1. *New Castle County Code* Chapter 7 (“Property Maintenance Code”),
43 Article 1 (“Standards For Property Maintenance”), is hereby amended by adding the
44 material that is underscored, as set forth below.

45
46 **ARTICLE 1. – STANDARDS FOR PROPERTY MAINTENANCE.**

47 **Sec. 7.01.002. Amendments to the International Property Maintenance Code.**

48 **CHAPTER 3. GENERAL REQUIREMENTS**

49 Section PM 302.4.9. Noxious Weeds

50 ...

51 *Section PM 302.4.9.1. Exception for pollinator gardens and rain gardens.*

52 *Section PM 302.4.9.1.1. General.* Pollinator gardens and rain gardens are
53 encouraged on residential and commercial properties in order to foster water
54 conservation, lower maintenance costs, prevent excessive herbicide use, and
55 create habitat for wildlife and pollinators to enhance our natural ecosystem.

- 56 a. Pollinator gardens must contain at least two pollinator-friendly species.
57 b. All plants used to make up a pollinator garden or rain garden shall come
58 from the native plant lists maintained by the Delaware Department of
59 Natural Resources and Environmental Control.
60 c. Plants included in the “Plants to Avoid” list contained in the Appendix 3 of
61 Chapter 40 of this Code are prohibited.

62 *Section PM 302.4.9.1.2. Definitions.* The following words, terms, or phrases,
63 when used in the Section, shall have the meanings ascribed to them in this
64 subsection, except where the context clearly indicates a different meaning:

65 *Pollinator garden* means a type of garden designed with the intent of
66 growing specific nectar and pollen-producing plants, in a manner that
67 attracts pollinating insects known as pollinators. Pollinator gardens must
68 include edging to differentiate from the surrounding landscape.

69 *Rain garden* means a type of planted area created to mimic a natural
70 water retention area and is planted with a diversity of woody or
71 herbaceous Vegetation, to which stormwater is directed to promote
72 infiltration or evapotranspiration.

73 *Garden edging* means a durable material that creates a distinct separation
74 from the adjacent surface.

75 *Section PM 302.4.9.1.3. Setbacks.* Pollinator gardens and rain gardens must
76 comply with the following setbacks:

- 77 a. Principal building: three (3) feet
78 b. Street yard: ten (10) feet
79 c. Rear yard: three (3) feet
80 d. Side yard: three (3) feet
81 e. Corner lots: pollinator gardens and rain gardens cannot be within twenty-
82 five (25) feet of the property lines on corner lots so as not to obstruct the
83 visibility of pedestrian or vehicular traffic.

f. Measurement of the setback for pollinator gardens shall be to the edging material.

Section PM302.4.9.1.4. Size.

a. Street yard and rear yard requirements.

1. Pollinator gardens and rain gardens shall be no more than twenty-five percent (25%) of the area of the street yard of the principal building.

2. Pollinator gardens and rain gardens shall be no more than fifty percent (50%) of the area of the rear yard.

Exception: Pollinator gardens and rain gardens may exceed the above percentages if it is certified by the Delaware Nature Society as a pollinator benefiting garden or landscape. Setbacks and garden edging as defined in this section are required.

b. Side yard requirements. Pollinator gardens and rain gardens are not permitted in the side yards.

Exception: Pollinator gardens and rain gardens may be permitted up to twenty-five percent (25%) of the area of the side yard if it is certified by the Delaware Nature Society as a pollinator benefiting garden or landscape. Setbacks and garden edging as defined in this section are required.

Section PM 302.4.9.1.5. Garden Edging.

a. Pollinator gardens are required to be delineated by edging.

b. Edging materials may include, but are not limited to: pavers, bricks, fencing, flexible strips, natural materials such as logs or stone.

Section PM 302.4.9.1.6. Maintenance.

a. Rain gardens must be free of standing water seventy-two (72) hours after a rain event.

e. Turf grass in excess of eight (8) inches does not constitute a pollinator garden.

f. Pollinator gardens and rain gardens shall not constitute a hazard to the public or surrounding parcels or cause injury or damage to persons or adjacent parcels, or harbor pests and rodents.

g. Notwithstanding any other section of this Code, permissible plant species located within pollinator gardens or rain gardens may grow in excess of eight (8) inches in height. Invasive plants, including noxious weeds, are not permitted.

h. Areas surrounding pollinator gardens or rain gardens must be maintained and cared for consistent with all other limitations under this Code, including Section PM 302.4.

Section 2. Inconsistent ordinances and resolutions repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed upon the effective date of this Ordinance.

Section 3. Effective date of the provisions of the Ordinance. This Ordinance shall become effective immediately upon adoption by New Castle County Council and approval by the County Executive, or as otherwise provided in 9 Del. C. § 1156.

Section 4. Continuation of existing ordinances and resolutions. The sections appearing in this Ordinance, so far as they are in substance the same as those ordinances and resolutions adopted and included in the *New Castle County Code*, shall be considered as continuations thereof and not as new enactments.

Section 5. Continuation of existing institutions, rights, and liabilities. The revisions of prior ordinances, resolutions, rules and regulations, provided for in this Ordinance, shall not affect any act done, or any cause of action accruing or accrued or established, or any suit or proceeding had or commenced in any civil action, nor any plea, defense, bar or matter existing before the time when such revisions shall take effect; but the proceedings in every such case shall conform with this ordinance to the extent applicable.

All the provisions of ordinances, resolutions, rules and regulations revised by this Ordinance shall be deemed to have remained in force from the time when they began to take effect, so far as they may apply to any department, agency, office or trust, or of any transaction or event of any limitation or any right or obligation or the construction of any contract already affected by such ordinances, resolutions, rules and regulations, notwithstanding the revisions of such provisions. No offense committed and no penalty or forfeiture incurred, under any of the ordinances, resolutions, rules and regulations revised by this Ordinance and before the time when such revisions shall take effect shall be affected by such revisions.

No action or prosecution, pending the effective date of the revisions provided in this Ordinance, for any offense committed or for the recovery of any penalty or forfeiture incurred under any of the ordinances, resolutions, rules and regulations revised herein shall be abated or affected by such revisions, except that the proceedings in such action or prosecution shall conform with this Ordinance if applicable.

The provisions in this Ordinance shall not be construed to abolish or impair existing remedies available to New Castle County or its officers or agencies relating to the remediation of any dangerous, unsafe, or unsanitary condition.

Section 6. Severability. It is hereby declared to be the intention of the County Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance. If any provision of this Ordinance is found to be unconstitutional or void, the applicable former ordinance provisions shall become effective and shall be considered as continuations thereof and not as new enactments regardless if severability is possible.

Section 7. Other laws. The provisions of this Ordinance shall not be deemed to nullify any provisions of local, state, or federal law except as stated above.

Adopted by County Council of
New Castle County on:

Karen Hartly-Nagle
President of County Council
of New Castle County

Approved on:

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance allows for lots to be maintained using alternatives to turfgrass that will act as robust forage areas for pollinators, rain gardens to sequester and filter rainwater, and habitat for wildlife using native plants, trees, and cultivars from the approved plant lists.

FISCAL NOTE: There is no discernible fiscal impact.

NEW CASTLE COUNTY

TRAVEL & TRAINING EXPENSE FORM

EMPLOYEE NAME Brandon Toole	TELEPHONE 302-395-8341
TITLE Councilman, District 1	DEPARTMENT County Council
DESTINATION Washington, D.C.	OCA - GRANT/PROJECT 10100
DATES 4/11/2024	
PURPOSE Whitehouse Invitation Communities in Action: Building a Better Delaware	

Dates	4/11/2024							TOTALS	
TRANSPORTATION									
Airfare								-	2001
Trainfare	\$185.00							185.00	2002
Taxi & Shuttle								-	2003
Tolls								-	2005
Parking								-	2006
Total	\$ 185.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 185.00	
MILEAGE									
Actual miles									
Allowable Rate	0.655	0.655	0.655	0.655	0.655	0.655	0.655		
Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	2004
LODGING									
Hotel								-	2010
Telephone								-	2030
Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
MEALS									
Number of days (overnight travel):		Rate per day:		79		Maximum meal allowance:			
Actual meal costs	59.25							59.25	
Less than full day:									
Breakfast								-	
Lunch								-	
Dinner								-	
Total	\$ 59.25	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 59.25	2020
MISCELLANEOUS									
Conference Fees								-	2101
Seminar Fees								-	2102
ATM Fees								-	2007
Tips								-	2007
Books, Tapes, Etc								-	4101
Auto Rental								-	2008
Other								-	
Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
SUMMARY	\$ 244.25	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 244.25	
Expense Explanations:								Less Pre-payments: Less Charges paid by NCC: Due Employee:	
								\$ 244.25	
<i>Explanation continued on attachment: yes() no()</i>									

I hereby certify that these expenses, incurred by me on official New Castle County business, are reimbursable in accordance with current policies and have not been reimbursed, except where indicated.

REVIEW AND APPROVAL:

Employee Signature _____ Date _____

Type or print legibly - - Attach approval, receipts and original brochures.
Reference Administrative Policy #1
Form updated March 2006.

Supervisor's Signature _____ Date _____

I certify that all expenses are in compliance with all policies and Executive Orders.

General Manager's Signature _____ Date _____

VENDOR NUMBER:

VOUCHER NUMBER:

VE

NEW CASTLE COUNTY
DRAFT--TRAVEL & TRAINING EXPENSE FORM
Business Meal Meetings and Entertainment Detail - Cont'd

Employee Name:	<u>Brandon Toole</u>	Travel Dates:	<u>4/11/2024</u>
Title:	<u>Councilman, District 1</u>	Travel Location:	<u>Washington, D.C.</u>
Department:	<u>County Council</u>	OCA-Grant/Project:	<u></u>

Communities in Action: Building a Better Delaware at the White House on **Thursday, April 11.**

Communities in Action: Building a Better Delaware is part of a White House series that will feature local elected officials and community leaders working on behalf of their communities to create opportunities and improve people's everyday lives. The meeting will be held in-person at the White House and will highlight the Biden-Harris Administration's investments and impacts in communities across Delaware. *Participants should plan to arrive by 12:30 PM EDT and to remain at the White House until approximately 5:00 PM EDT.*