



NEW CASTLE COUNTY COUNCIL LAND USE COMMITTEE MEETING

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

June 4, 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**

AGENDA

A. Meeting Call to Order

B. Approval of Minutes

C. Boards & Commissions Appointments

CONSENTING TO THE APPOINTMENT OF ANDREW HAYES TO THE CENTREVILLE DESIGN REVIEW & ADVISORY COMMITTEE

CONSENTING TO THE APPOINTMENT OF JOHN ORMSBY TO THE CENTREVILLE DESIGN REVIEW & ADVISORY COMMITTEE

D. Review/Discussion of Resolution(s)

R24-:PLAN OF THE GROVE AT BAYBERRY; ST. GEORGES HUNDRED; NORTHEAST OF THE INTERSECTION OF BOYD'S CORNER ROAD AND NORTH BAYBERRY PARKWAY; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO SUBDIVIDE THE PROPERTY INTO 176 AGE RESTRICTED LOTS UTILIZING THE OPEN SPACE PLANNED OPTION; ST ZONING; [APPLICATION 2021-0503](#); COUNCIL DISTRICT 12

Prime Sponsor(s): Mr. Bell

R24-:RESCINDING NEW CASTLE COUNTY RESOLUTION NO. 24-072 REGARDING THE CENTREVILLE COMMUNITY REDEVELOPMENT PLAN AND MANUAL OF DESIGN GUIDELINES AND A COTTAGE COMMUNITY DEVELOPMENT OPTION

Prime Sponsor(s): Ms. Hartley-Nagle

R24-:REPEALING RESOLUTION 24-072 WHICH AMENDED THE CENTREVILLE COMMUNITY REDEVELOPMENT PLAN AND MANUAL OF DESIGN GUIDELINES AND CREATED A COTTAGE COMMUNITY DEVELOPMENT OPTION

Prime Sponsor(s): Ms. Durham

E. Review/Discussion of Ordinance(s)

- F. Presentations
- G. Other
- H. Public Comment
- I. Adjournment

AGENDA POSTED: May 28, 2024

*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.

Primary Sponsor: Ms. Durham
Requested by: Executive Office
Date of Introduction: June 11, 2024

RESOLUTION NO. 24-

**CONSENTING TO THE APPOINTMENT OF ANDREW C. HAYES TO THE NEW
CASTLE COUNTY CENTREVILLE DESIGN REVIEW ADVISORY COMMITTEE**

1 **WHEREAS**, *New Castle County Code* Section 40.26.420 provides that County
2 Council may establish Hometown (HT) Overlay Zoning Districts that encompass the
3 boundaries of communities and neighborhoods that will be subject to a modification of
4 dimensional standards as set forth herein and by an approved Community
5 Redevelopment Plan; and
6

7 **WHEREAS**, *New Castle County Code* Section 40.26.440 provides that a Design
8 Review Advisory Committee (DRAC) shall be established pursuant to Section 40.30.450
9 for each Hometown Zoning Overlay District created; and
10

11 **WHEREAS**, *New Castle County Code* Section 40.30.450C also provides that “the
12 District Council person(s) in whose Councilmanic district a Hometown Overlay is found,
13 shall make recommendations to the County Executive who shall appoint members subject
14 to County Council consent”; and
15

16 **WHEREAS**, the County Executive has submitted for the advice and consent of
17 County Council the appointment of Andrew C. Hayes to the New Castle County
18 Centreville Design Review Advisory Committee.
19

20 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
21 Castle County that County Council hereby consents to the appointment of Andrew C.
22 Hayes to the New Castle County Centreville Design Review Advisory Committee for a
23 term to begin immediately upon adoption of this resolution and to expire on June 11,
24 2027.

Adopted by the County Council
of New Castle County on:

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

SYNOPSIS: Same as title.

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

Primary Sponsor: Ms. Durham
Requested by: Executive Office
Date of Introduction: June 11, 2024

RESOLUTION NO. 24-

**CONSENTING TO THE APPOINTMENT OF JOHN R. ORMSBY TO THE NEW
CASTLE COUNTY CENTREVILLE DESIGN REVIEW ADVISORY COMMITTEE**

1 **WHEREAS**, *New Castle County Code* Section 40.26.420 provides that County
2 Council may establish Hometown (HT) Overlay Zoning Districts that encompass the
3 boundaries of communities and neighborhoods that will be subject to a modification of
4 dimensional standards as set forth herein and by an approved Community
5 Redevelopment Plan; and
6

7 **WHEREAS**, *New Castle County Code* Section 40.26.440 provides that a Design
8 Review Advisory Committee (DRAC) shall be established pursuant to Section 40.30.450
9 for each Hometown Zoning Overlay District created; and
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11 **WHEREAS**, *New Castle County Code* Section 40.30.450C also provides that “the
12 District Council person(s) in whose Councilmanic district a Hometown Overlay is found,
13 shall make recommendations to the County Executive who shall appoint members subject
14 to County Council consent”; and
15

16 **WHEREAS**, the County Executive has submitted for the advice and consent of
17 County Council the appointment of John R. Ormsby to the New Castle County Centreville
18 Design Review Advisory Committee.
19

20 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
21 Castle County that County Council hereby consents to the appointment of John R.
22 Ormsby to the New Castle County Centreville Design Review Advisory Committee for a
23 term to begin immediately upon adoption of this resolution and to expire on June 11,
24 2027.

Adopted by the County Council
of New Castle County on:

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

SYNOPSIS: Same as title.

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

Prime Sponsor(s): Mr. Bell
Requested by: Department of Land Use
Date of introduction: June 11, 2024

RESOLUTION NO. 24-

PLAN OF THE GROVE AT BAYBERRY; ST. GEORGES HUNDRED; NORTHEAST OF THE INTERSECTION OF BOYD'S CORNER ROAD AND NORTH BAYBERRY PARKWAY; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO SUBDIVIDE THE PROPERTY INTO 176 AGE RESTRICTED LOTS UTILIZING THE OPEN SPACE PLANNED OPTION; ST ZONING; APPLICATION 2021-0503; COUNCIL DISTRICT 12

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 The Grove at Bayberry (Application No. 2021-0503-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 THE GROVE 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.

MEMORANDUM

To: Council President
Members of County Council
Council to Council
Clerk of County Council

From: Charuni Patibanda

Re: Application No. 2021-0503
The Grove at Bayberry
Record Major Land Development Plan

Date: May 23, 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, synopsis, and fiscal note are attached.

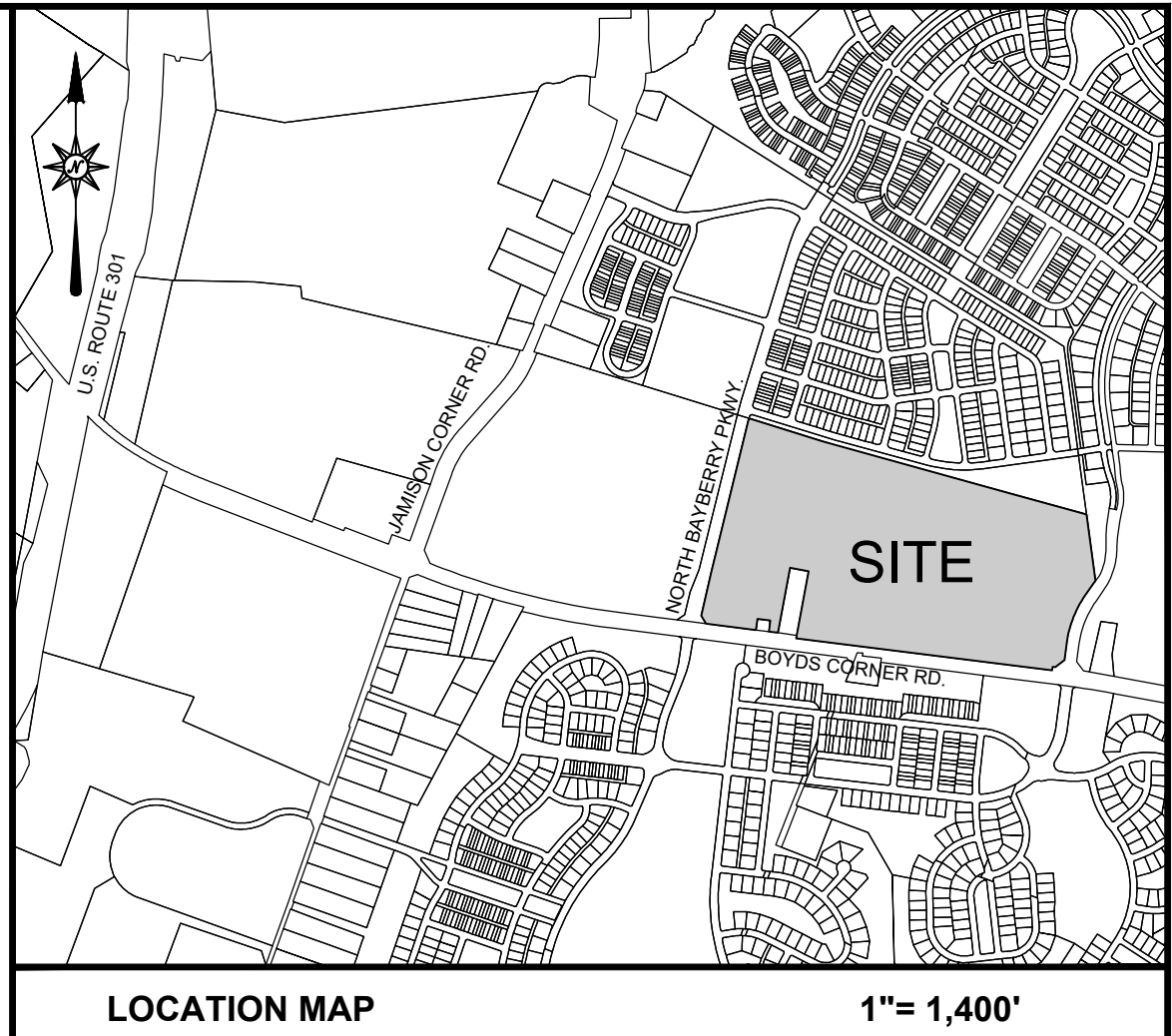
cc: Matthew Meyer, County Executive
Vanessa Phillips, Chief Administrative Officer
Brian Boyle, Senior Policy Director

Plan of The Grove at Bayberry; St. Georges Hundred; Northeast of the intersection of Boyd's Corner Road and North Bayberry Parkway; Major Land Development Plan that proposes to subdivide the property into 176 age restricted lots utilizing the open space planned option; ST zoning.

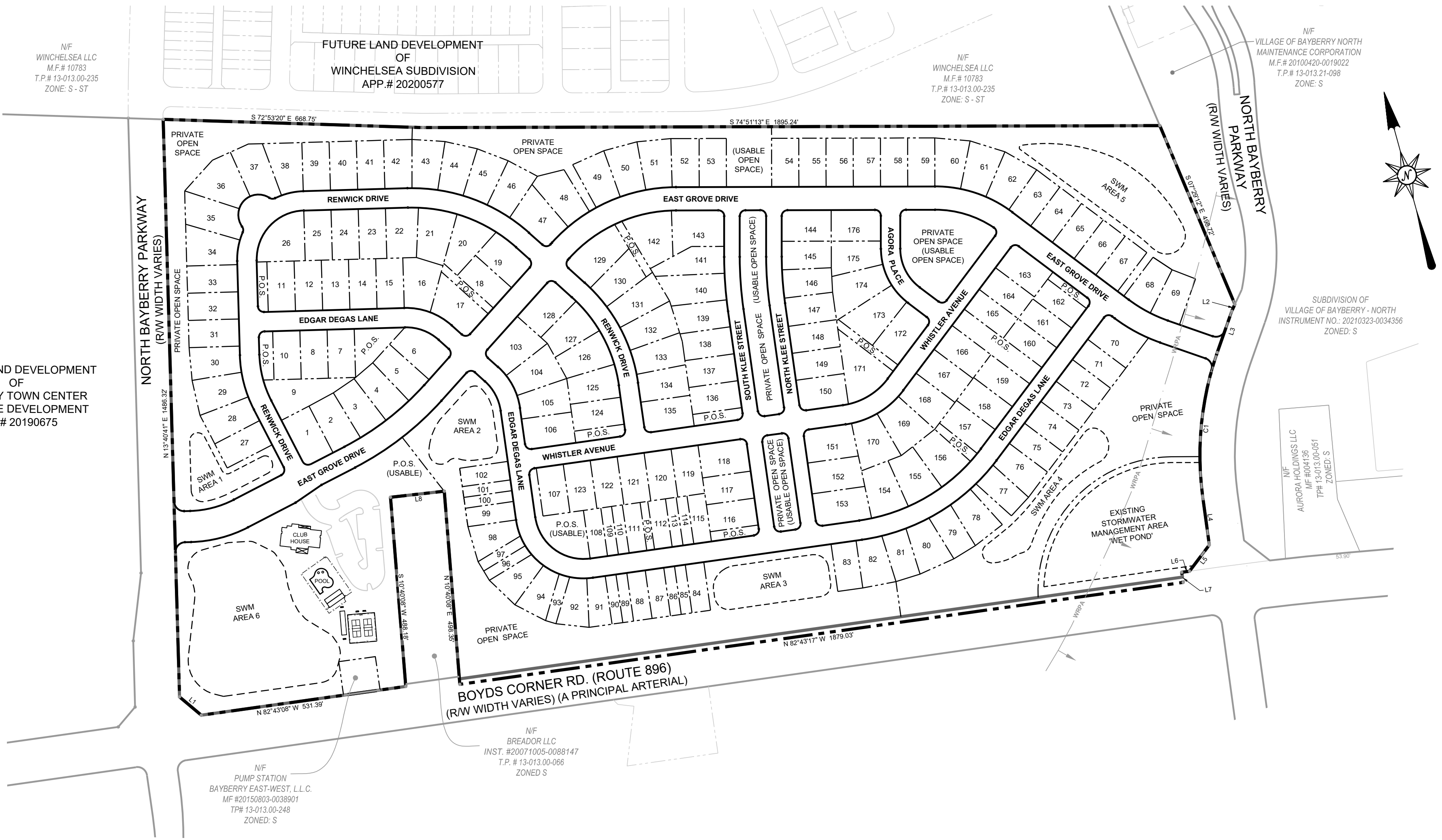
Synopsis: Same as title

Fiscal Note: 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.

RECORD MAJOR LAND DEVELOPMENT PLAN
FOR
THE GROVE AT BAYBERRY
ST. GEORGES HUNDRED - NEW CASTLE COUNTY, DELAWARE



- NOTES:**
- TAX PARCEL NUMBER(S):** 13-013.00-067 ; 13-013.00-248
 - ZONING DISTRICT DESIGNATION:** S (SUBURBAN)
EXISTING: ST (SUBURBAN TRANSITION) (OPEN SPACE PLANNED SUBDIVISION - AGE RESTRICTED OPTION)
APPROVED: PUMP/STATION PARCEL WILL REMAIN S (SUBURBAN) ZONING
 - OWNERSHIP AND SOURCE OF TITLE:** BAYBERRY EAST-WEST LLC
OWNER: 220 CONTINENTAL DRIVE, SUITE 410
NEWARK, DE 19713
D.R. INSTR.# 20131025 0068171
SOURCE OF TITLE:
 - SURVEY DATUM:** NAVD88
LOCAL BENCHMARK: FOUND CONCRETE MONUMENT @ WESTERN INTERSECTION OF THE NORTH SIDE OF BOYDS CORNER ROAD AND WEST SIDE OF NORTH BAYBERRY PARKWAY. ELEVATION 54.57.
 - NUMBER OF EXISTING MONUMENTS:** 3
NUMBER OF PROPOSED MONUMENTS: 14
 - WATER SUPPLIER:** ARTESIAN WATER
WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
 - SANITARY SEWER:** NEW CASTLE COUNTY
SEWERAGE IS SUBJECT TO THE APPROVAL OF DNREC AND THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, HIS SUCCESSORS OR ASSIGNS, SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN. PROPOSED SANITARY SEWER COLLECTION SYSTEM IS TO BE PUBLIC OWNED AND MAINTAINED BY NEW CASTLE COUNTY) GRAVITY SEWER SYSTEM TO PROPOSED PUMP STATION.
 - PROPOSED SEWER FLOWS:**
S.F. DETACHED LOTS: 300 GPD X 149 UNITS 44,700 GPD
S.F. ATTACHED LOTS: 250 GPD X 27 UNITS 6,750 GPD
300 MEMBER CLUB HOUSE: 2.5 GPD X 300 MEMBERS 750 GPD
TOTAL: 52,200 GPD
PEAK FLOW: (52,200 GPD X 4 X 1 DAY/1440 MIN.) 145 GPM
 - DEVELOPER/APPLICANT:** BAYBERRY TOWN CENTER LLC
220 CONTINENTAL DRIVE, SUITE 410
NEWARK, DE 19713
 - EXISTING LOTS AND/OR DWELLING UNITS:** 1
PROPOSED LOTS AND/OR DWELLING UNITS: 104 S.F. DETACHED VILLAGE DU'S (59%)
36 S.F. DETACHED LOT LINE 8,000 S.F. DU'S (21%)
9 S.F. DETACHED LOT LINE 7,300 S.F. DU'S (5%)
27 S.F. ATTACHED TOWN HOUSE DU'S (15%)
176 TOTAL DU'S - AGE RESTRICTED OPEN SPACE PLANNED SUBDIVISION OPTION
 - PROPOSED DENSITY:** 2.20 DU'S / ACRE
REQUIRED MODERATELY PRICED DWELLING UNITS (MPDU) = 10%
 - PARKING RATIONALE:** AGE-RESTRICTED RESIDENTIAL DEVELOPMENT
REQUIRED: 1.5 SPACE PER DU X 176 DU = 264
PROVIDED: 2.0 SPACE PER DU X 176 DU + 21 OVERFLOW SPACES = 373
CLUB HOUSE
REQUIRED (NO FOOD SERVICE): 6.0 SPACE PER 1,000 GFA X 5,262 GFA = 32
PROVIDED: 66 SPACES
BICYCLE PARKING
REQUIRED: 1 SPACE PER 10 PARKING SPACE X 66 PARKING SPACE = 7
PROVIDED: 7
- SEE SHEET 2 FOR CONTINUATION OF NOTES.



BOUNDARY INFORMATION

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 34°31'14" W	73.16'
L2	S 40°10'58" W	19.51'
L3	S 34°32'09" W	112.58'
L4	S 07°32'09" W	124.62'
L5	S 52°23'38" W	84.64'
L6	N 82°44'52" W	20.00'
L7	S 07°15'08" W	26.16'
L8	N 81°08'41" W	136.07'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	800.00'	376.99'	373.51'	S 21°02'09" W

INDEX OF SHEETS

SHEET 1	INDEX PLAN
SHEET 2	NOTES & LEGEND
SHEETS 3-8	RECORD MAJOR LAND DEVELOPMENT PLANS
SHEET 9	CURVE AND LINE DATA

UNIT TYPE KEY

NUMBER OF UNITS	SYMBOL	UNIT TYPE
104 (59%)	(V)	VILLAGE LOT (UDC - VILLAGE)
45 (26%)	(LL)	LOT LINE (UDC - 8,000 S.F.) LOT LINE (UDC - 7,300 S.F.)
27 (15%)	(TH)	TOWNHOUSE LOT (UDC - TOWNHOUSE)
176 (100%)		TOTAL

PLAN PURPOSE

THE PURPOSE OF THIS PLAN IS TO:

- TO REZONE THE PROJECT PARCEL (T.P. 13-013.00-067) FROM SUBURBAN (S) TO SUBURBAN TRANSITION (ST) ZONING.
- TO SUBDIVIDE THE PROJECT PARCEL (T.P. 13-013.00-067) INTO 149 AGE RESTRICTED SINGLE FAMILY DETACHED LOTS AND 27 AGE RESTRICTED SINGLE FAMILY ATTACHED TOWNHOUSE LOTS (176 TOTAL LOTS) UTILIZING THE OPEN SPACE PLANNED SUBDIVISION OPTION WITHIN "ST" ZONE.
- TO CONSTRUCT A 5,262 S.F. G.F.A. CLUBHOUSE WITH PARKING AND AMENITIES (INCLUDING 576 S.F. MECHANICAL / BATHROOM BUILDINGS).

CERTIFICATE OF PLAN ACCURACY

I, DEV SITARAM, P.E., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEERING IN THE STATE OF DELAWARE, AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

Dev Sitaram
PROFESSIONAL ENGINEER
DATE: 04/16/2024



CERTIFICATE OF OWNERSHIP

BAYBERRY EAST-WEST L.L.C. HEREBY CERTIFIES THAT IT IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT ITS DIRECTION AND THAT IT AUTHORIZES THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

M. Shane Minner
M. SHANE MINNER, AUTHORIZED PERSON
DATE: 04-15-2024

CERTIFICATION OF PLAN APPROVAL

APPROVED _____ DATE _____ BY _____
GENERAL MANAGER FOR DEPT. OF LAND USE OF NEW CASTLE COUNTY

APPROVED _____ DATE _____ BY _____
COUNTY COUNCIL PRESIDENT FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

N.C.C. APPLICATION NO. 2021-0503
**INDEX PLAN
RECORD
MAJOR LAND DEVELOPMENT PLAN
FOR
THE GROVE AT BAYBERRY**
SITUATE IN: ST. GEORGES HUNDRED, NEW CASTLE COUNTY, DELAWARE

04-15-2024	YL	02-02-2024	YL	07-12-2023	URQ
PER NCC COMMENTS DATED 02-14-2024	PER NCC COMMENTS DATED 04-04-2023	PER NCC COMMENTS DATED 11-3-22	PER NCC COMMENTS DATED 1-5-23	PER NCC COMMENTS DATED 1-5-23	PER NCC COMMENTS DATED 1-5-23
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: 601 NORTH BAYBERRY PARKWAY & 935 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., U.R.Q.					
SCALE: 1" = 200'					
DATE: 9/23/2022					
SHEET: 1 OF 9					
DRAWING NO.: 2226.01- A01					

NOTES:

10. **SUBDIVISION / SITE DATA:**
GROSS AREA: 80.6735 AC±
R.O.W. DEDICATED ALONG BOYDS CORNER ROAD: 0.6042 AC ±
NET SITE AREA: 80.0693 AC ± (100%)
AREA IN LOTS: 36.6247 AC ± (45.7%)
AREA IN PUMP STATION LOT: 0.1897 AC ± (0.2%)
AREA IN RIGHT-OF-WAY: 13.4388 AC ± (16.8%)
AREA IN CLUBHOUSE LOT (USABLE OPEN SPACE): 3.0367 AC ± (3.8%)
AREA IN OTHER OPEN SPACE: 26.7794 AC ± (33.5%)
(INCLUDES 5.9233 AC. USABLE OPEN SPACE AND 0.01 AC. SWM AREA)
11. **FLOODPLAIN**
NO PORTION OF THE SITE LIES WITHIN THE FEMA 100 YR FLOODPLAIN, AS PER FLOOD INSURANCE RATE MAP NO. 10003C0243L DATED 1/22/2020.
12. **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 WILMINGTON, NEW CASTLE COUNTY DELAWARE 2 MAP OF 3, REVISED MARCH 2022. NO DISTURBANCE IS PROPOSED BY THIS PLAN, WITH THE EXCEPTION OF AN ESSENTIAL ACCESS.
A. RECHARGE AREA- WRPA (NET SITE AREA) = 2.88 ACRES
1. OPEN SPACE REQUIRED = 95% OR 1.44 ACRES
2. OPEN SPACE PROVIDED = 95% OR 2.73 ACRES
B. IMPERVIOUS COVER
1. ALLOWED = 20% OR 0.58 ACRES
2. PROPOSED = 4% OR 0.11 ACRES
a. STREETS AND SIDEWALKS = 0.11 ACRES
b. BUILDINGS AND DRIVEWAYS = 0.00 ACRES
TOTAL = 0.11 ACRES
13. **WETLANDS**
NO WETLANDS ARE LOCATED WITHIN THE PROJECT BOUNDARIES, AS VERIFIED BY A WETLANDS INVESTIGATION REPORT, DATED JUNE 21, 2021, PREPARED BY WatershedEco.
14. **CRITICAL NATURAL AREAS**
THE STATE INVENTORY OF NATURAL AREAS HAS BEEN EXAMINED AND NO CRITICAL NATURAL AREAS (CNA) EXIST ON SITE.
15. INTENTIONALLY LEFT BLANK.
16. **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, "AGREEMENT" IN INSTRUMENT NO. 20230614-0038792
C. THE DEVELOPER SHALL PROVIDE SIDEWALKS ALONG BOTH SIDES OF ALL INTERNAL STREETS (WITH EXCEPTION OF THOSE LOCATIONS WAIVED BY NCCOLU), AND AS NECESSARY THROUGH PARKING AREAS TO ENCOURAGE WALKING AND TO PROVIDE ACCESS TO ANY FUTURE TRANSIT SERVICE EXTENDED TO THE AREA.
17. **DEBRIS DISPOSAL**
NO DEBRIS SHALL BE BURIED ON THE SITE.
18. **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.
19. **LANDSCAPE PLAN**
A LANDSCAPE PLAN, PREPARED BY DESIGNS ETC. LAST DATED FEBRUARY 27, 2024 OR AS AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE RECORD PLAN.
20. **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 DWELLING (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.
21. **MAINTENANCE OF COMMON FACILITIES**
FOR MAINTENANCE OF THE COMMON FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION DATED APRIL 9, 2024, AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20240409-0022091.
22. **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 SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN 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.
23. **TOTAL LENGTH OF PUBLIC AND PRIVATE RIGHT-OF-WAYS:**
40' WIDE RIGHT-OF-WAY: 1,560 L.F. ±
50' WIDE RIGHT-OF-WAY: 6,468 L.F. ±
60' WIDE RIGHT-OF-WAY: 2,156 L.F. ±
80' WIDE RIGHT-OF-WAY: 860 L.F. ±
24. **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 RIGHT-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.
25. **EXISTING FIRE HYDRANTS:** 0
PROPOSED FIRE HYDRANTS: 12
26. **COASTAL ZONE**
THIS SITE DOES NOT LIE WITHIN DELAWARE'S COASTAL ZONE.
27. **AVIATION RESTRICTIONS**
THE U. S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, SHALL HAVE THE RIGHT AND AUTHORITY TO IMPLEMENT SUCH RESTRICTIONS AND SAFEGUARDS ON THE PREMISES AS MAY BE REASONABLE NECESSARY TO PROTECT THE SAFETY AND WELFARE OF THE PUBLIC.
28. **CONSERVATION EASEMENT**
ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICLE 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
29. **TOPOGRAPHY**
TOPOGRAPHY DEPICTED ON THIS PLAN WAS DERIVED FROM AERIAL AND FIELD SURVEY PERFORMED BY KARINS AND ASSOCIATES, JULY 2021.
30. **COMMUNITY POSTAL BOXES**
POSTAL BOXES SHALL BE INSTALLED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE UNITED STATES POSTAL SERVICE.
31. **LAND DEVELOPMENT IMPROVEMENT AGREEMENT**
ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDA), AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDA IS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON 12/7/2023, AT INSTRUMENT NO. 20231207-0081793.
32. **RIGHT OF ACCESS**
THE OWNER(S) OF THIS PROPERTY HEREBY GRANT(S) AND CONVEY(S) TO NEW CASTLE COUNTY AN EASEMENT(S) THAT PERPETUALLY CONVEY(S) THE RIGHT AND PRIVILEGE TO LAY, MAINTAIN, REPAIR, OPERATE, RELAY, AND REMOVE AT ANY TIME ITS PIPES AND APPURTENANCES, INCLUDING MANHOLES, LAMPHOUSES, AND CLEANOUTS, FOR THE SANITARY SEWER OR STORM SEWER SYSTEM WITH THE RIGHT OF INGRESS AND EGRESS TO AND FROM THE SAME, ON, OVER AND THROUGH A STRIP OF LAND, AS DEPICTED ON THIS RECORD PLAN, THE GRANTOR(S), THE HEIRS, EXECUTORS, ADMINISTRATORS, GRANTEES ANY ASSIGNS OF THIS PROPERTY, COVENANT(S) AND AGREE(S) THAT HE/SHE/IT/HEY SHALL NOT PLANT, ERRECT, OR CONSTRUCT AND MANNER OF TREE, SHRUB, BUSH, FENCE, STRUCTURE OR OTHER MAN-MADE IMPROVEMENT, EXCLUDING PAVING, WITHIN THE PERPETUAL EASEMENT(S) DEPICTED ON THIS PLAN. IF THE CONSTRUCTED HORIZONTAL SEWER MAIN LOCATION DEVIATES BY MORE THAN 2.5 FEET FROM THE DESIGN LOCATION, THE PROJECT MAY BE SUBJECT TO A RESUBDIVISION PLAN OR PIPE RELOCATION AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.
33. **NEW CASTLE COUNTY DRAINAGE CODE**
DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE NEW CASTLE COUNTY DRAINAGE CODE AND THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK.
34. **RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE FEE**
THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORM WATER MANAGEMENT FACILITY MAINTENANCE AND INSPECTIONS PURSUANT TO SECTION 40.27.230 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT OF \$120,000, AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS, SHALL BE FUNDED UPON THE ISSUANCE OF SEVENTY-FIVE (75) PERCENT OF THE BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION, OR PHASE THEREOF. THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.
35. **STORM SEWER VIDEO INSPECTION:**
STORM SEWER TO BE MAINTAINED BY THE MAINTENANCE CORPORATION SHALL BE VIDEO TAPED. THE VIDEO SHALL BE REVIEWED BY A PROFESSIONAL ENGINEER AND ANY ITEMS CITED IN THE REPORT REPAIRED OR REBUILT BY ACCEPTABLE METHODS TO MEET DELDOT REQUIREMENTS PRIOR TO SUBMISSION TO NCC FOR REVIEW AND ACCEPTANCE PRIOR TO TRANSFER TO THE MAINTENANCE CORPORATION.
36. **ADDRESSES**
ADDRESSES SHOWN ON THIS PLAN ARE AS ASSIGNED BY NEW CASTLE COUNTY GIS SERVICES.
37. **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.
38. **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 STEEP 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.
39. **VOLUNTARY SCHOOL ASSESSMENT**
VOLUNTARY SCHOOL ASSESSMENT IS NOT APPLICABLE FOR AGE-RESTRICTED COMMUNITY.

40. **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.
41. **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 \$1,289.00 PER LOT/UNIT SHOWN ON THIS PLAN OR SUBSEQUENT PLANS. (\$1,289.00 X 176 LOTS/UNITS = \$226,864.00)
42. **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 ESTABLISHED FOR THE SUBDIVISION.
CONSTRUCTION MAY NOT PROGRESS SEQUENTIALLY BY STAGE NUMBER.
43. **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 ANYWHERE A SANITARY SEWER LINE IS DESIGNATED FOR PUBLIC USE IN UNPAVED AREAS AND IS OUTSIDE A PUBLIC RIGHT OF WAY. A 20' WIDE PERMANENT EASEMENT, 10' OF EACH SIDE OF THE CENTER LINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER LINE IS DESIGNED FOR PUBLIC USE ON A PRIVATELY MAINTAINED PAVED AREAS, SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS. A 20' WIDE PERMANENT EASEMENT, 10' OF EACH SIDE OF THE CENTER LINE OF THE PIPE, SHALL BE CREATED WHERE A STORM SEWER LINE IS DESIGNED FOR PUBLIC USE OUTSIDE OF A PUBLIC RIGHT OF WAY. IF THE CONSTRUCTED HORIZONTAL SEWER MAIN LOCATION DEVIATED 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.
44. **GEOTECHNICAL EVALUATION:**
A GEOTECHNICAL EVALUATION HAS BEEN PERFORMED TO APPROXIMATE THE SEASONAL HIGH WATER TABLE (SHWT) ELEVATION(S) AND THE FOLLOWING LOTS REQUIRE FURTHER EVALUATION, AS IT PERTAINS TO THEIR LOWEST PROPOSED FLOOR ELEVATION PRIOR TO THE ISSUANCE OF A BUILDING PERMIT: TBD.
45. **WATERCOURSE EASEMENT:**
THE PARCELS THAT ARE PART OF THIS PLAN AND BAYBERRY TOWN CENTER ARE THE BENEFICIARY OF EASEMENTS AND ARE SUBJECT TO A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT PONDS AND FACILITIES LOCATED WITHIN THE SUBDIVISION OF THE VILLAGE OF BAYBERRY, SOUTH AS SET FORTH IN DECLARATION OF CROSS EASEMENT AND MAINTENANCE AGREEMENT DATED SEPTEMBER 19, 2006 AND RECORDED IN THE RECORDER OF DEEDS, IN AND FOR NEW CASTLE COUNTY, DELAWARE, IN INSTRUMENT NO. 20060920-0090341; A DECLARATION OF CROSS EASEMENT AND MAINTENANCE AGREEMENT DATED SEPTEMBER 19, 2006 AND RECORDED IN THE RECORDER OF DEEDS, IN AND FOR NEW CASTLE COUNTY, DELAWARE, IN INSTRUMENT NO. 20060920-0090343; AND A DECLARATION OF CROSS EASEMENT AND MAINTENANCE AGREEMENT DATED SEPTEMBER 19, 2006 AND RECORDED IN THE RECORDER OF DEEDS, IN AND FOR NEW CASTLE COUNTY, DELAWARE, IN INSTRUMENT NO. 20060920-0090343.
46. **AGE RESTRICTED COMMUNITY REQUIREMENTS:**
THIS DEVELOPMENT IS AN AGE RESTRICTED COMMUNITY SUBJECT TO DIVISION 40.07.700 AND TABLE 40.04.110 A OF THE N.C.C. CODE AND THE HOUSING FOR OLDER PERSONS ACT (HOPA) OF 1995 OF THE FEDERAL FAIR HOUSING ACT 42 U.S.C. 3601 ET. SEQ. AGE RESTRICTED UNITS SHALL CONTAIN ALL NECESSARY LIVING ARRANGEMENTS ON THE FIRST FLOOR. THIS SHALL INCLUDE AT LEAST ONE BEDROOM AND FULL SANITARY FACILITIES.
47. **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. 2880. 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 FEBRUARY 21, 1995. MICROFILM NO. 12301. ALSO IN PART THE TITLE SUBDIVISION REFERENCE THE EXHIBIT RECORDED JULY 11, 2007. INSTRUMENT NO. 20070711-0061965. 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. 20111110-0068304. ALSO IN PART THE RECORD RESUBDIVISION PLAN FOR BAYBERRY TOWN CENTER, DATED JUNE 3, 2015, AND RECORDED AUGUST 3, 2015 INSTRUMENT NUMBER 201508030308991, RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE.
48. **MPDU MANDATORY APPLICABILITY:**
IN ACCORDANCE WITH SECTION 40.07.510 OF THE UDC, AT LEAST TEN (10) PERCENT OF THE 176 UNITS CREATED BY THIS RECORD MAJOR SUBDIVISION PLAN SHALL BE PROVIDED AS MODERATELY PRICED DWELLING UNITS (MPDUs).
49. **CONTRIBUTION TO HOUSING TRUST FUND:**
A CONTRIBUTION SHALL BE MADE FOR ALL DWELLING UNITS THAT ARE NOT DESIGNATED AS MPDUs ON 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.
50. **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 (5 UNITS) OF BUILDING PERMITS FOR MPDUs;
2. FIFTY (50) PERCENT (88 UNITS) PENDING THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR TWENTY-FIVE (25) PERCENT (5 UNITS) OF THE MPDUs;
3. SEVENTY-FIVE (75) PERCENT (132 UNITS) PENDING THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR FIFTY (50) PERCENT (9 UNITS) OF THE MPDUs; AND,
4. NINETY (90) PERCENT (158 UNITS) PENDING THE ISSUANCE OF ONE HUNDRED (100) PERCENT (18 UNITS) OF BUILDING PERMITS FOR MPDUs.
B. PAYMENT IN-LIEU FEES SHALL BE PAYABLE AT THE SAME RATE AND SAME TIME MPDUs 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 IS MADE.
C. THE DEPARTMENT MAY ALLOW A VARIATION TO THE STOP LEVELS LISTED ABOVE AT THE REQUEST OF THE APPLICANT AND BASED GOOD CAUSE 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.
51. **HOMEOWNERSHIP MPDUs:**
A. MAXIMUM SALES PRICE (MSP). THE MSP SHALL BE ESTABLISHED FOR UNIT SIZE BASED ON PRESUMED HOUSEHOLD SIZE AND THE QUALIFYING LEVEL FOR THE APPLICANT. THE MSP SHALL BE REFLECTED ON ALLOWABLE SALES 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.

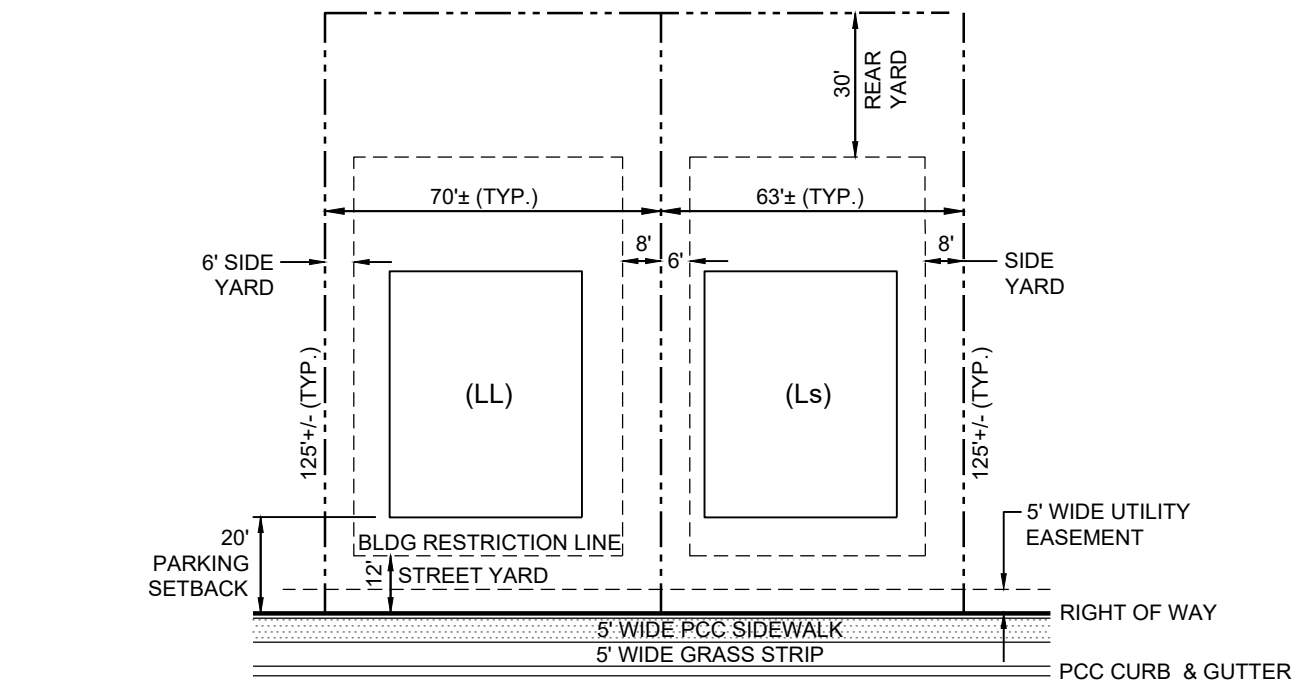
52. **MPDU MASTER DEVELOPMENT AGREEMENT:**
IN ACCORDANCE WITH SECTION 40.07.561 OF THE UDC, THE DEVELOPER SHALL EXECUTE A MASTER DEVELOPMENT AGREEMENT IN FAVOR OF NEW CASTLE COUNTY, WHICH SHALL BE RECORDED UPON APPROVAL OF THE COUNTY'S OFFICE OF LAW. THE MASTER DEVELOPMENT AGREEMENT DATED 12/22/2024 AND RECORDED IN THE OFFICE OF RECORDER OF DEEDS, IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20240129-0005753.
53. **MPDU STAGING PLAN:**
A STAGING PLAN, DATED 09-23-2022, 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.
54. **BUYER 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.
55. **SALES AND RENTAL AGREEMENT:**
A WRITTEN AGREEMENT DELINEATING THE TERMS AND CONDITIONS OF THE SALE OR RENTAL SHALL BE REQUIRED FOR EVERY SALE OR RENTAL OF A MPDU.
A. UNLESS APPROVED IN WRITING BY NEW CASTLE COUNTY, EACH SALES OR RENTAL AGREEMENT SHALL REFERENCE THAT THE DWELLING UNIT IS AN MPDU AND SUBJECT TO THE AFFORDABILITY CONTROLS CONTAINED IN THIS DIVISION.
B. ALL SALES AND RENTALS AGREEMENTS SHALL BE FORWARDED TO THE DEPARTMENT OF COMMUNITY SERVICES WITH THIRTY (30) DAYS OF EXECUTION FOR AS LONG AS THE AFFORDABILITY PERIOD APPLIES TO THE MPDU.
56. **VARIANCES:**
VARIANCES WERE GRANTED BY THE BOARD OF ADJUSTMENT ON 1/26/2023, APPLICATION NO. 2022-0490-A FOR THE FOLLOWING VARIANCES:
1. TO PERMIT 0.0 BUFFERYARD CAPACITY ALONG THE EASTERLY SIDE OF N. BAYBERRY PARKWAY RIGHT-OF-WAY LOCATED ON THE WESTERLY PORTION OF THE SUBJECT PROPERTY (0.3 BUFFERYARD CAPACITY REQUIRED). SEE UDC TABLE 40.04.111.A.
2. TO PERMIT 0.0 BUFFERYARD CAPACITY ALONG THE BOYDS CORNER ROAD RIGHT-OF-WAY (0.3 BUFFERYARD CAPACITY REQUIRED). SEE UDC TABLE 40.04.111.A.
3. TO PERMIT 0.0 BUFFERYARD CAPACITY ALONG THE WESTERLY SIDE OF N. BAYBERRY PARKWAY RIGHT-OF-WAY LOCATED ON THE EASTERLY PORTION OF THE SUBJECT PROPERTY (0.3 BUFFERYARD CAPACITY REQUIRED). SEE UDC TABLE 40.04.111.A.
4. TO PERMIT 0 STREET TREES ALONG THE BOYDS CORNER ROAD RIGHT-OF-WAY (64 STREET TREES REQUIRED). SEE UDC TABLE 40.04.111.A.
5. TO PERMIT 0 STREET TREES ALONG THE EASTERLY SIDE OF N. BAYBERRY PARKWAY RIGHT-OF-WAY LOCATED ON THE WESTERLY PORTION OF THE SUBJECT PROPERTY (12 STREET TREES REQUIRED). SEE UDC TABLE 40.04.111.C.
6. TO PERMIT 0 STREET TREES ALONG THE BOYDS CORNER ROAD RIGHT-OF-WAY (64 STREET TREES REQUIRED). SEE UDC TABLE 40.04.111.A.
7. TO PERMIT 0 STREET TREES ALONG THE WESTERLY SIDE OF N. BAYBERRY PARKWAY RIGHT-OF-WAY LOCATED ON THE EASTERLY PORTION OF THE SUBJECT PROPERTY (12 STREET TREES REQUIRED). SEE UDC TABLE 40.04.111.C.
8. TO PERMIT 0.0 BUFFERYARD CAPACITY ALONG THE WESTERLY SIDE LOT LINE LOCATED ALONG TAX PARCEL 13-013.00-06 (0.3 BUFFERYARD CAPACITY REQUIRED). SEE UDC TABLE 40.04.111.B.
9. TO PERMIT 0.0 BUFFERYARD CAPACITY ALONG THE EASTERLY SIDE LOT LINE LOCATED ALONG TAX PARCEL 13-013.00-06 (0.3 BUFFERYARD CAPACITY REQUIRED). SEE UDC TABLE 40.04.111.B.

DELDOT NOTES

REVISED 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 UNLESS 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 OWNER 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 COMPLETION 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.
b. DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
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 7. HORSESHOE DRIVEWAYS AND SECONDARY ENTRANCES REQUIRE ADDITIONAL DELDOT REVIEW AND SEPARATE PERMITTING. RESTRICTIONS AS DESCRIBED IN THE DCM CHAPTER 7 MAY PROHIBIT SOME SECONDARY ENTRANCE REQUESTS FROM BEING GRANTED.
8. 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.
9. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
10. 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 LAND USE 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.
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.
11. CONSTRUCTION WILL NOT BE PERMITTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED. SURETY HAS BEEN RECEIVED AND THE TRAFFIC SIGNAL AGREEMENT 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 A C/O APPROVAL FOR A COMMERCIAL ENTRANCE TO NCC UNTIL THE ENTRANCE(S) ARE COMPLETED TO THE SATISFACTION OF THE DEPARTMENT.

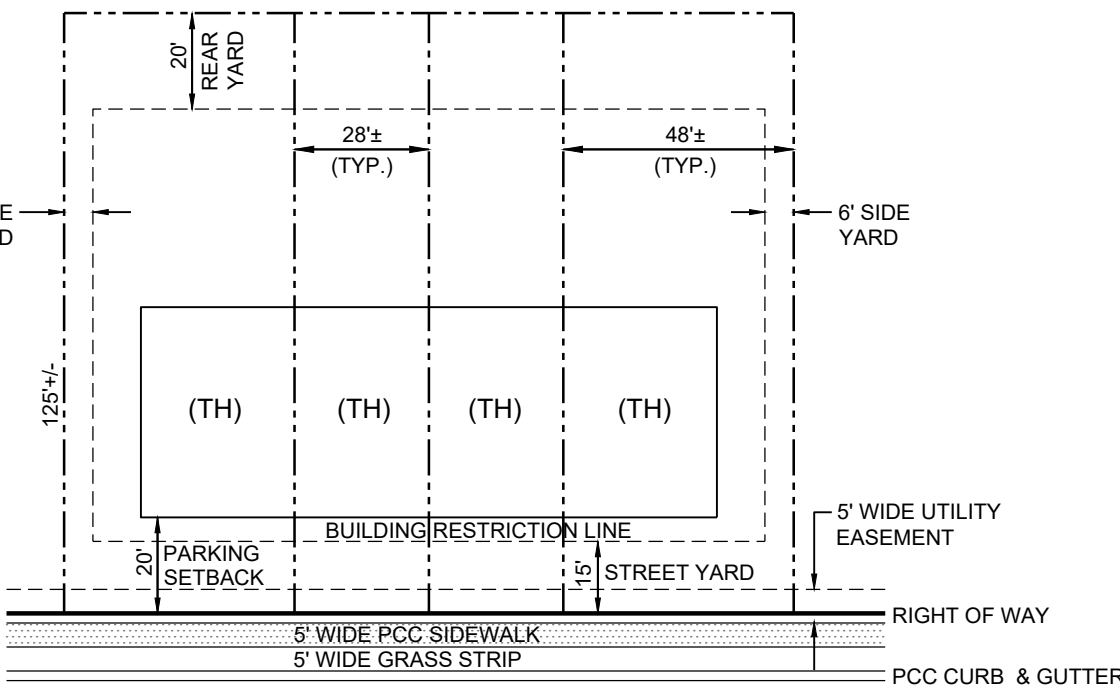
LEVEL OF INVESTMENT AREA - TRAFFIC IMPROVEMENT DISTRICT (TID):
THIS SITE LIES WITHIN A LEVEL 1 INVESTMENT AREA ACCORDING TO THE STATE OF DELAWARE 2020 STATE STRATEGIES FOR POLICIES AND SPENDING MAP AND IS LOCATED WITHIN THE SOUTHERN NEW CASTLE COUNTY TRAFFIC IMPROVEMENT DISTRICT.



TYPICAL LOT LINE LOT DETAIL

SCALE: 1"=40'

DISTRICT AND BULK STANDARDS (LL)	DISTRICT AND BULK STANDARDS (Ls) (20% OF TOTAL REQUIRED)
VILLAGE MODE PER UDC SECTION 40.26.240(A)(1)	VILLAGE MODE PER UDC SECTION 40.26.240(A)(1)
LOT AREA: 8,000 S.F. (MIN.)	LOT AREA: 7,300 S.F. (MIN.)
LOT WIDTH: 65' (MIN.)	LOT WIDTH: 60' (MIN.)
STREET YARD: 12' (20' SETBACK FROM GARAGE TO SIDEWALK)	STREET YARD: 12' (20' SETBACK FROM GARAGE TO SIDEWALK)
SIDE YARD: 6' MIN. (14' AGGREGATE)	SIDE YARD: 6' MIN. (14' AGGREGATE)
REAR YARD: 30'	REAR YARD: 30'
BLDG. HT.: 36' (MAX.)	BLDG. HT.: 36' (MAX.)
TOTAL LOTS: 36 (20%)	TOTAL LOTS: 9 (5%)



TYPICAL TOWNHOUSE (TH) LOT DETAIL

SCALE: 1"=40'

DISTRICT AND BULK STANDARDS
LOT AREA: 2,200 S.F. (MIN.) (TABLE 40.04.112)
LOT WIDTH: 22' (MIN.) (SEE SECTION 40.04.121)
STREET YARD: 15' (20' SETBACK TO PARKING - SEE TABLE 40.04.112)
SIDE YARD: 6'
REAR YARD: 20'
BLDG. HT.: 40' (MAX.)
TOTAL LOTS: 27 (15%)

NATURAL RESOURCE PROTECTION TABLE				
NATURAL RESOURCE	TOTAL AREA	DISTURBED AREA	PROTECTION REQUIRED	PROTECTION PROVIDED
WRPA	2.88 AC.±	0.15 AC.±*	50%	95%

*0.30 AC. OF PERMITTED DISTURBANCE FOR STORMWATER MANAGEMENT AND DRAINAGE

EASEMENT TABLE

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)	NEW CASTLE COUNTY 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

TYPICAL VILLAGE (V) LOT DETAIL

SCALE: 1"=40'

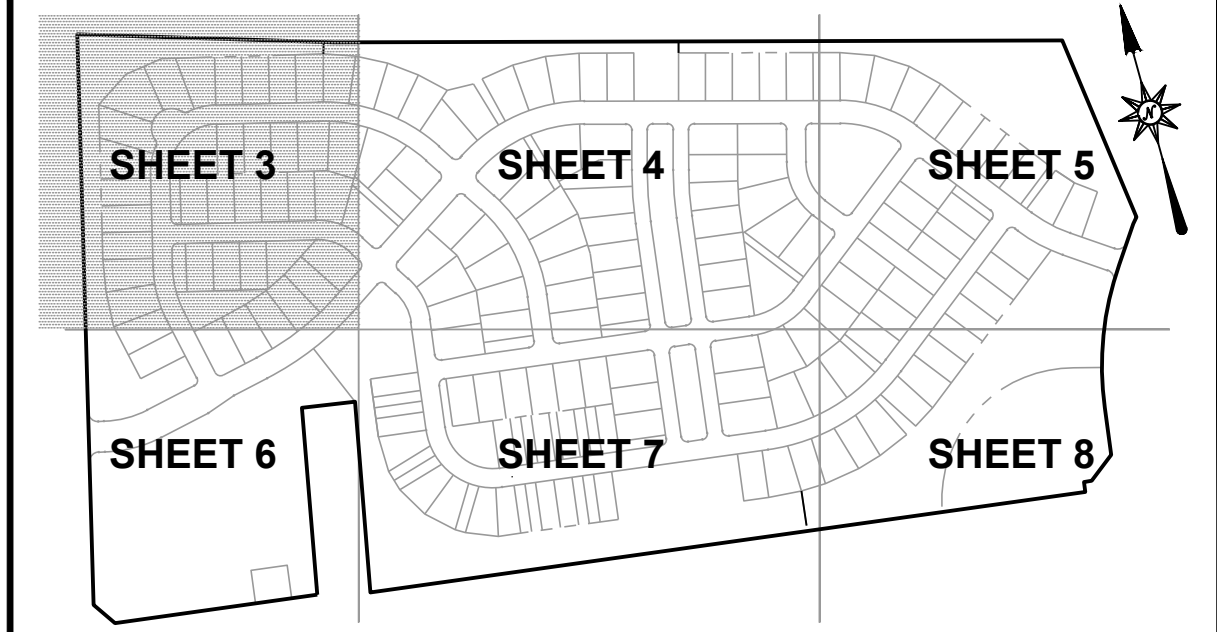
DISTRICT AND BULK STANDARDS
LOT AREA: 4,800 S.F. (MIN.)
LOT WIDTH: 48' (MIN.)
STREET YARD: 12' (20' SETBACK TO PARKING - SEE TABLE 40.04.112)
SIDE YARD: 6'
REAR YARD: 25'
BLDG. HT.: 36' (MAX.)
TOTAL LOTS: 104 (59%)
* WHERE A SIDE ENTRY GARAGE IS PROPOSED AS PART OF A RESIDENTIAL DWELLING, THE MINIMUM REQUIRED SIDE YARD SETBACK FOR ONLY THE GARAGE PORTION OF THE DWELLING, SHALL BE 30'.

N.C.C. APPLICATION NO. 2021-0503

NOTES AND LEGEND
RECORD
MAJOR LAND DEVELOPMENT PLAN
FOR

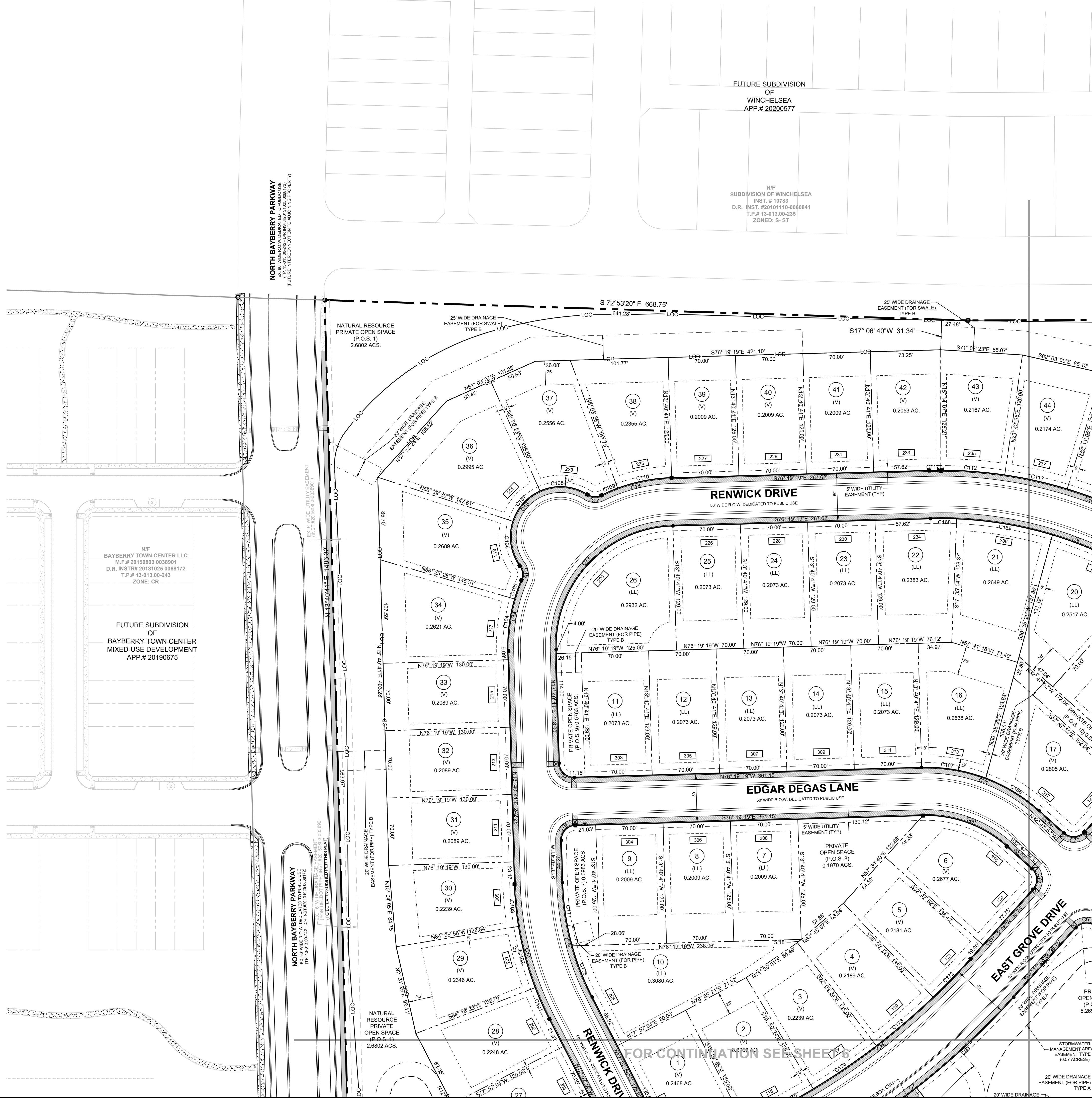
THE GROVE AT BAYBERRY
SITUATE IN: ST. GEORGES HUNDRED, NEW CASTLE COUNTY, DELAWARE

04-14-2024	02-02-2024	07-12-2023	date	checked	by
YL	YL	UNQ	checked	by	by
PER NCC COMMENTS DATED 05-14-2024	PER NCC COMMENTS DATED 11-3-22	PER NCC COMMENTS DATED 11-3-22	checked	by	by
OWNER: BAYBERRY EAST-WEST LLC 220 CONTINENTAL DRIVE, SUITE 410 NEWARK, DE 19713 PHONE: 302-254-0100	PROPERTY ADDRESS: 001 NORTH BAYBERRY PARKWAY & 935 BOYDS CORNER ROAD NEWARK, DE 19713 PHONE: 302-254-0100	17 POLLY DRUMMOND CENTER - SUITE 201 NEWARK, DELAWARE 19711 PHONE: (302) 369-2900 FAX: (302) 369-2975	SURVEY BY: KARINS AND ASSOCIATES		
DESIGNED BY: D.S., W.R.B.			SCALE: AS SHOWN		
DRAWN BY: W.R.B., F.D.S.			DATE: 9/23/2022 SHEET: 2 OF 9		
CHECKED BY: D.S., U.R.Q.			DRAWING NO.: 2226.01-A01 - DELDOT		



KEY MAP SCALE: 1" = 500'

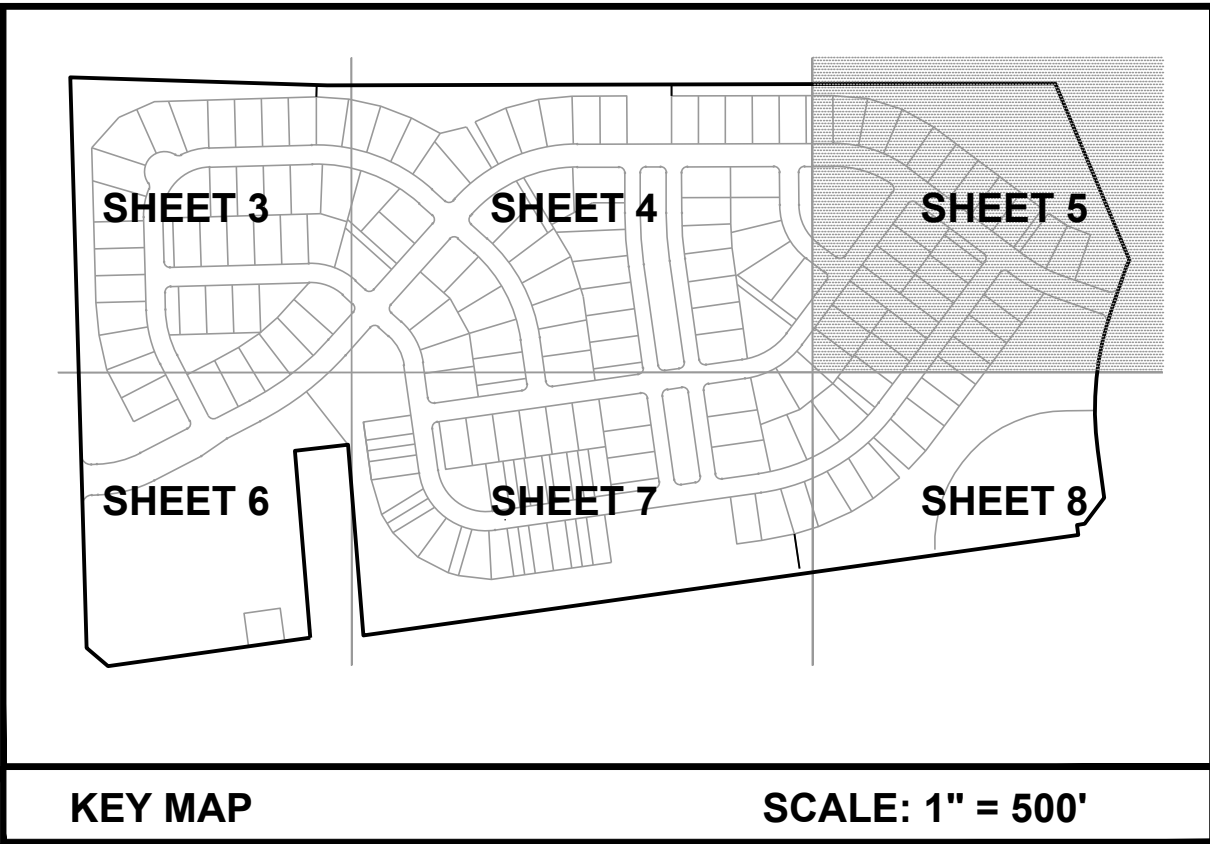
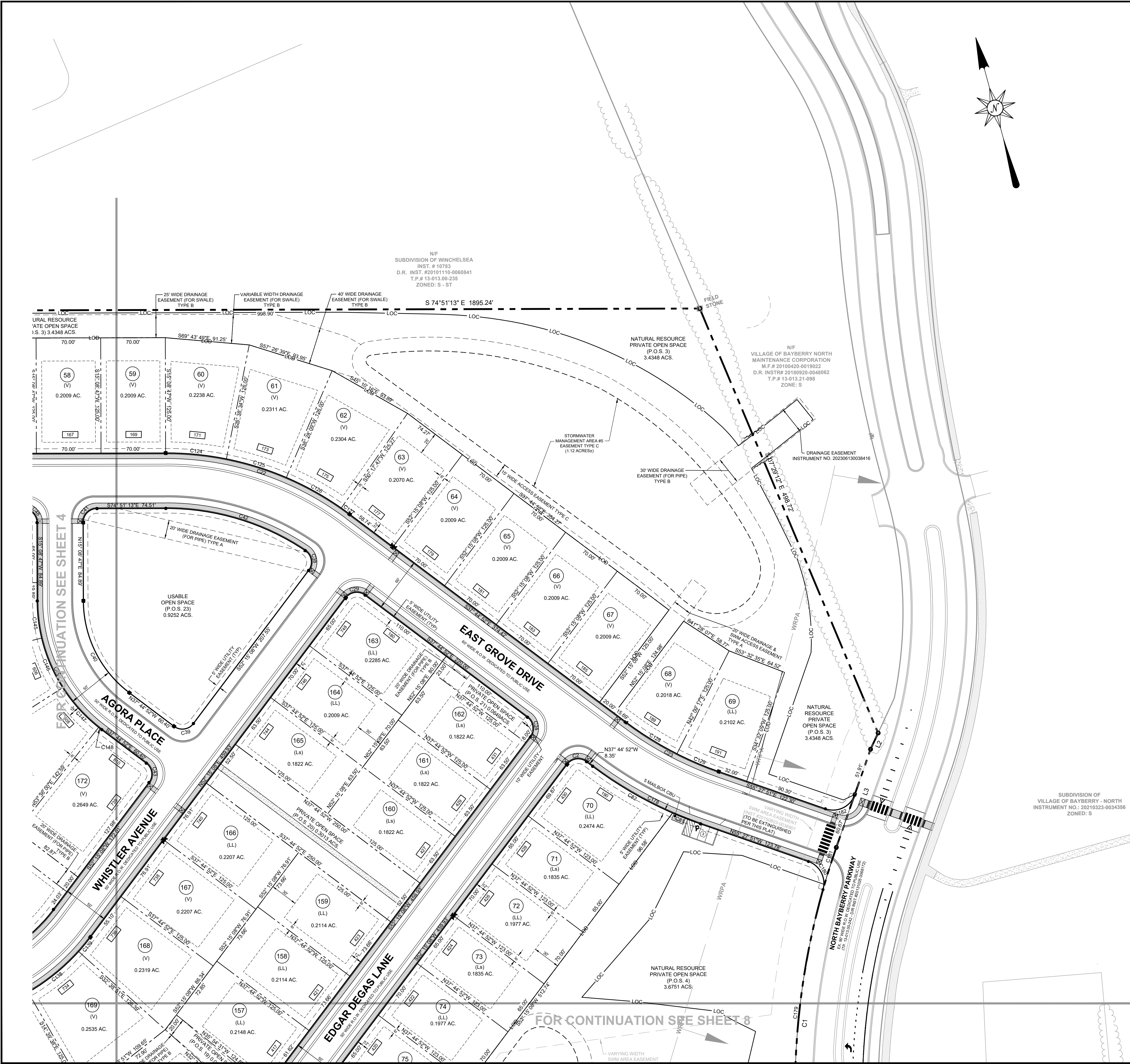
PROPOSED	LEGEND	EXISTING
	RIGHT OF WAY	
	LOT LINES	
	BUILDING RESTRICTION LINE	
	EASEMENT	
	LIMIT OF DISTURBANCE	
	LIMIT OF CONSTRUCTION	
	LOT NUMBER	
	P.C.C. CURB	
	5' WIDE P.C.C. SIDEWALK	
	DRAINAGEWAY	
	WATER RESOURCE PROTECTION AREA	



FOR CONTINUATION SEE SHEET 4

N.C.C. APPLICATION NO. 2021-0503
RECORD
MAJOR LAND DEVELOPMENT PLAN
FOR
THE GROVE AT BAYBERRY
SITUATE IN: ST. GEORGES HUNDRED, NEW CASTLE COUNTY, DELAWARE

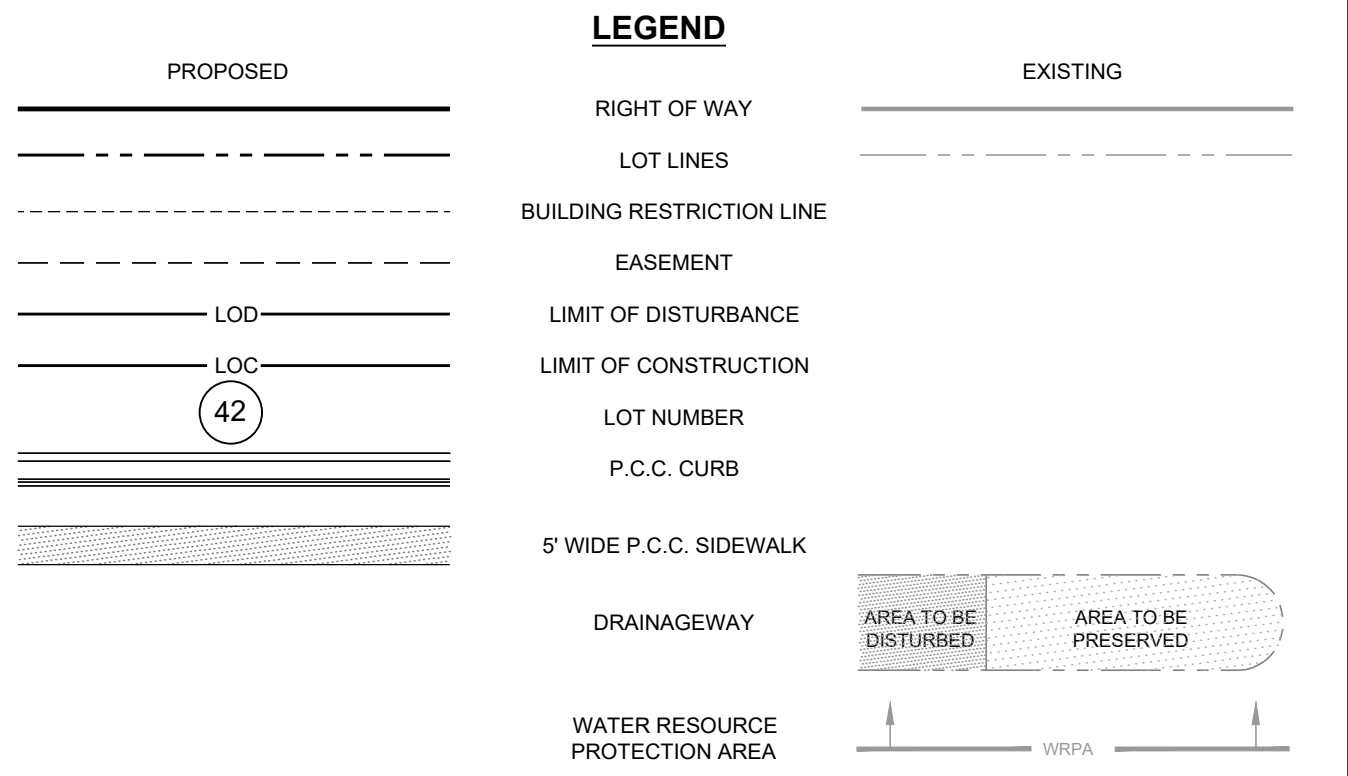
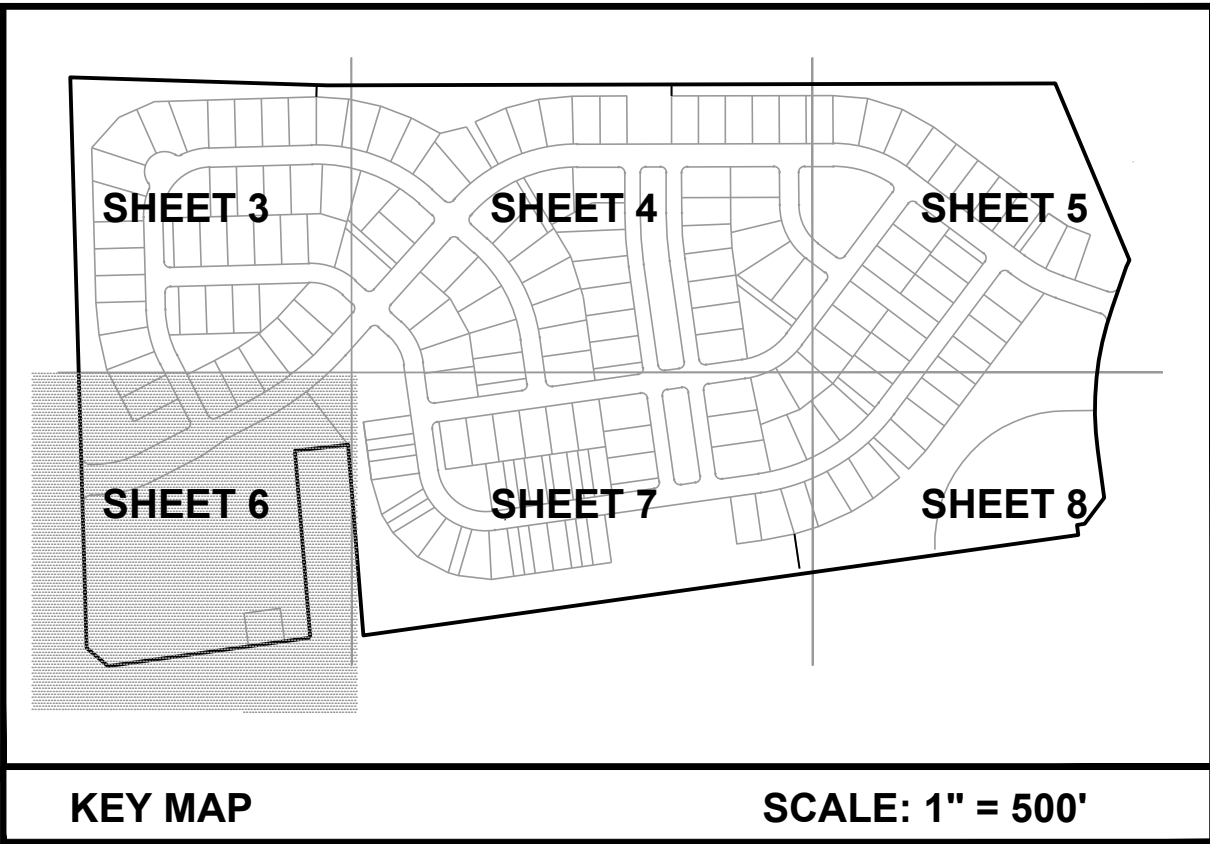
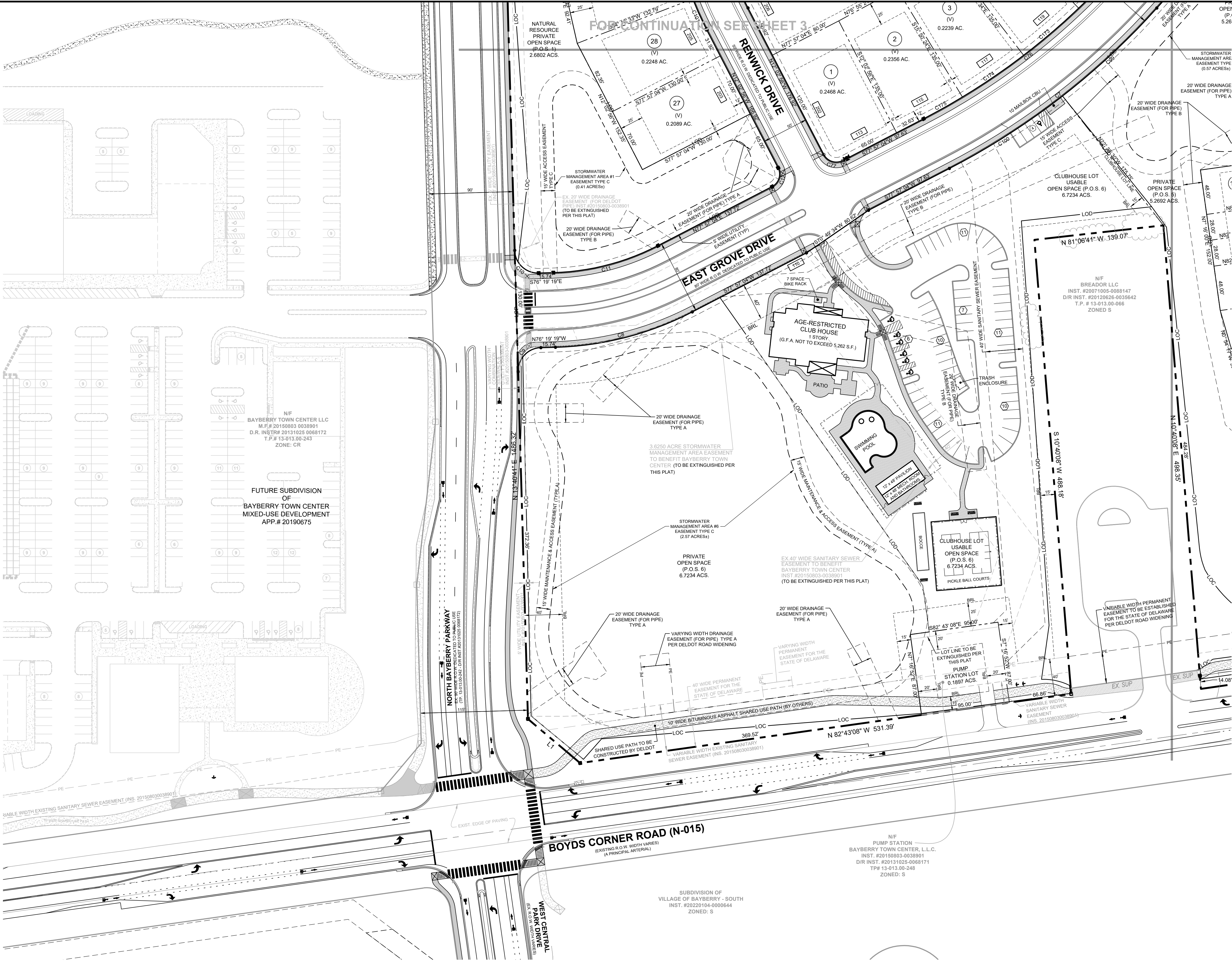
04-15-2024 Y.L. 04-15-2024 Y.L. 07-20-2023 U.R.Q. 07-12-2023 U.R.Q. 07-12-2023 U.R.Q.	PER NCC COMMENTS DATED 02-14-2023 PER NCC COMMENTS DATED 06-04-2023 PER NCC COMMENTS DATED 11-3-22 & DELOT COMMENTS DATED 1-5-23	invitations checked date	 Karins and Associates ENGINEERS • PLANNERS • SURVEYORS NEWARK, 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: 601 NORTH BAYBERRY PARKWAY & 935 BOYD'S CORNER ROAD MIDDLETOWN, DE 19709
SURVEY BY: KARINS AND ASSOCIATES			SCALE: 1" = 50'	
DESIGNED BY: D.S.			DATE: 9/23/2022 SHEET: 3 OF 9	
DRAWN BY: W.R.B., F.D.S.			DRAWING NO.: 2226.01- A03-A08	
CHECKED BY: D.S., U.R.Q.				



LEGEND	
PROPOSED	EXISTING
RIGHT OF WAY	LOT LINES
BUILDING RESTRICTION LINE	EASEMENT
LIMIT OF DISTURBANCE	LIMIT OF CONSTRUCTION
LOT NUMBER	P.C.C. CURB
5' WIDE P.C.C. SIDEWALK	DRAINAGEWAY
WATER RESOURCE PROTECTION AREA	AREA TO BE DISTURBED
	AREA TO BE PRESERVED
	WRPA

N.C.C. APPLICATION NO. 2021-0503
RECORD
MAJOR LAND DEVELOPMENT PLAN
FOR
THE GROVE AT BAYBERRY
SITUATE IN: ST. GEORGES HUNDRED, NEW CASTLE COUNTY, DELAWARE

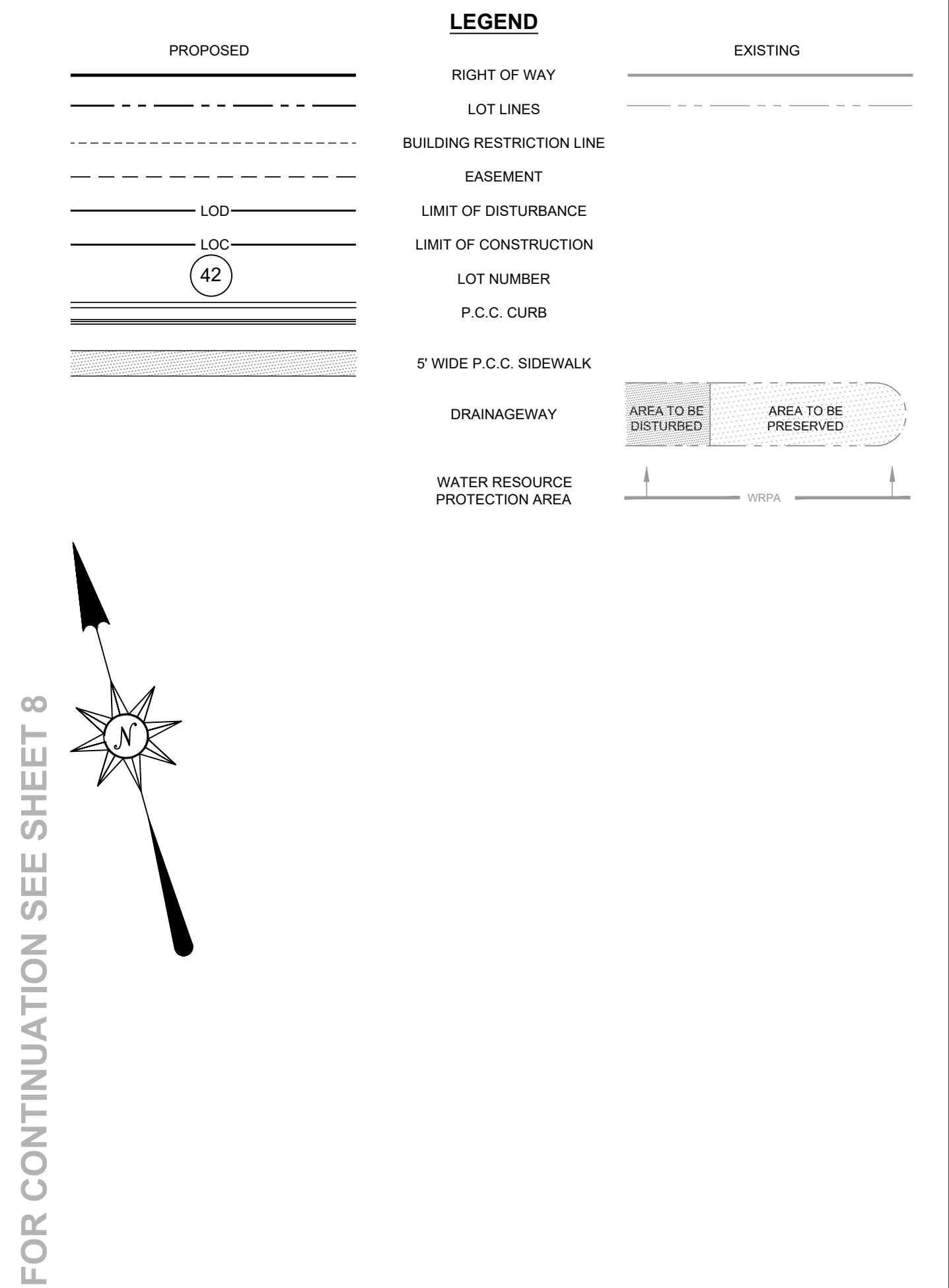
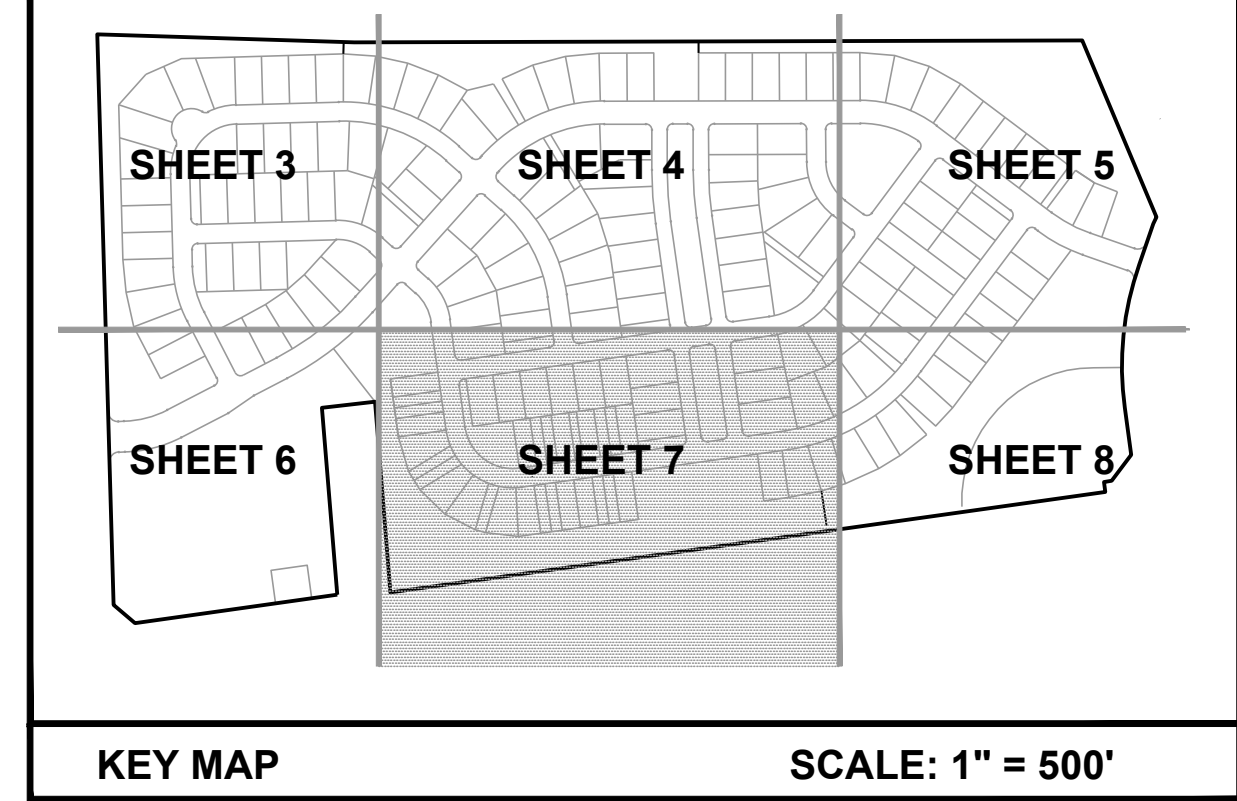
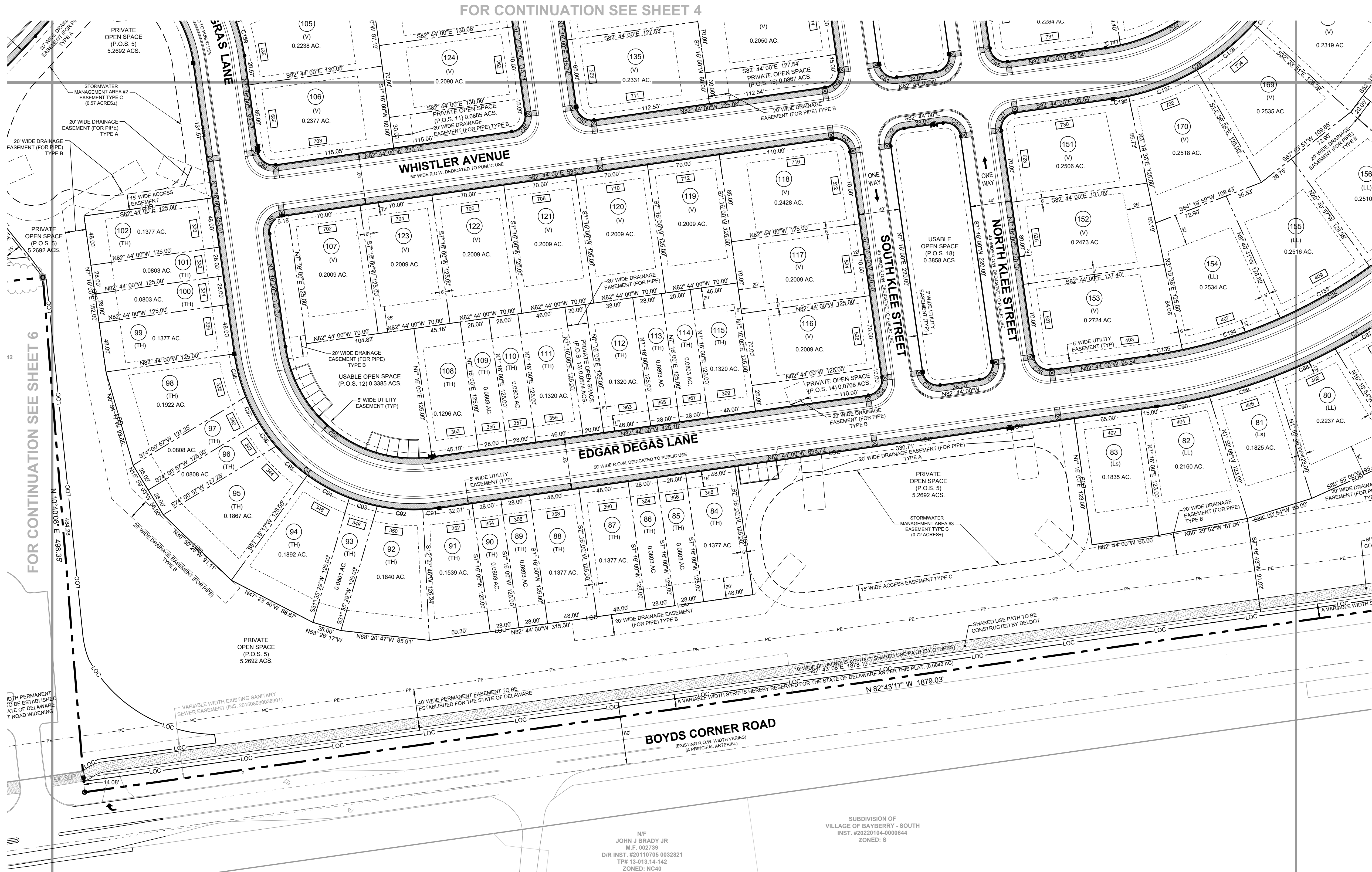
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YL		YL		URQ		URQ		checked	
PER NCC COMMENTS DATED 02-14-2023		PER NCC COMMENTS DATED 02-14-2023		PER NCC COMMENTS DATED 02-14-2023		PER NCC COMMENTS DATED 11-13-22 & DELDOT COMMENTS DATED 04-17-2023		revisions	
K A A </									



FOR CONTINUATION SEE SHEET 7

N.C.C. APPLICATION NO. 2021-0503
RECORD
MAJOR LAND DEVELOPMENT PLAN
FOR
THE GROVE AT BAYBERRY
SITUATE IN: ST. GEORGES HUNDRED, NEW CASTLE COUNTY, DELAWARE

04-15-2024	02-02-2024	07-20-2023	07-12-2023	date	 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
YL	YL	URQ	URQ	checked	
PER NCC COMMENTS DATED 02-14-2023	PER NCC COMMENTS DATED 06-04-2023	PER NCC COMMENTS DATED 04-12-2023	PER NCC COMMENTS, DATED 11-3-22 & DELOOT COMMENTS DATED 1-5-23	revisions	
OWNER: BAYBERRY EAST-WEST LLC 220 CONTINENTAL DRIVE, SUITE 410 NEWARK, DE 19713 PHONE: 302-254-0100				PROPERTY ADDRESS: 601 NORTH BAYBERRY PARKWAY & 935 BOYD'S CORNER ROAD MIDDLETOWN, DE 19709	
SURVEY BY: KARINS AND ASSOCIATES				SCALE: 1" = 50' 	
DESIGNED BY: D.S.					
DRAWN BY: W.R.B./F.D.S.					
CHECKED BY: D.S., U.R.Q.					
DATE: 9/23/2022				SHEET: 6 OF 9	
DRAWING NO.: 2226.01-A03-A08					



N.C.C. APPLICATION NO. 2021-0503

RECORD

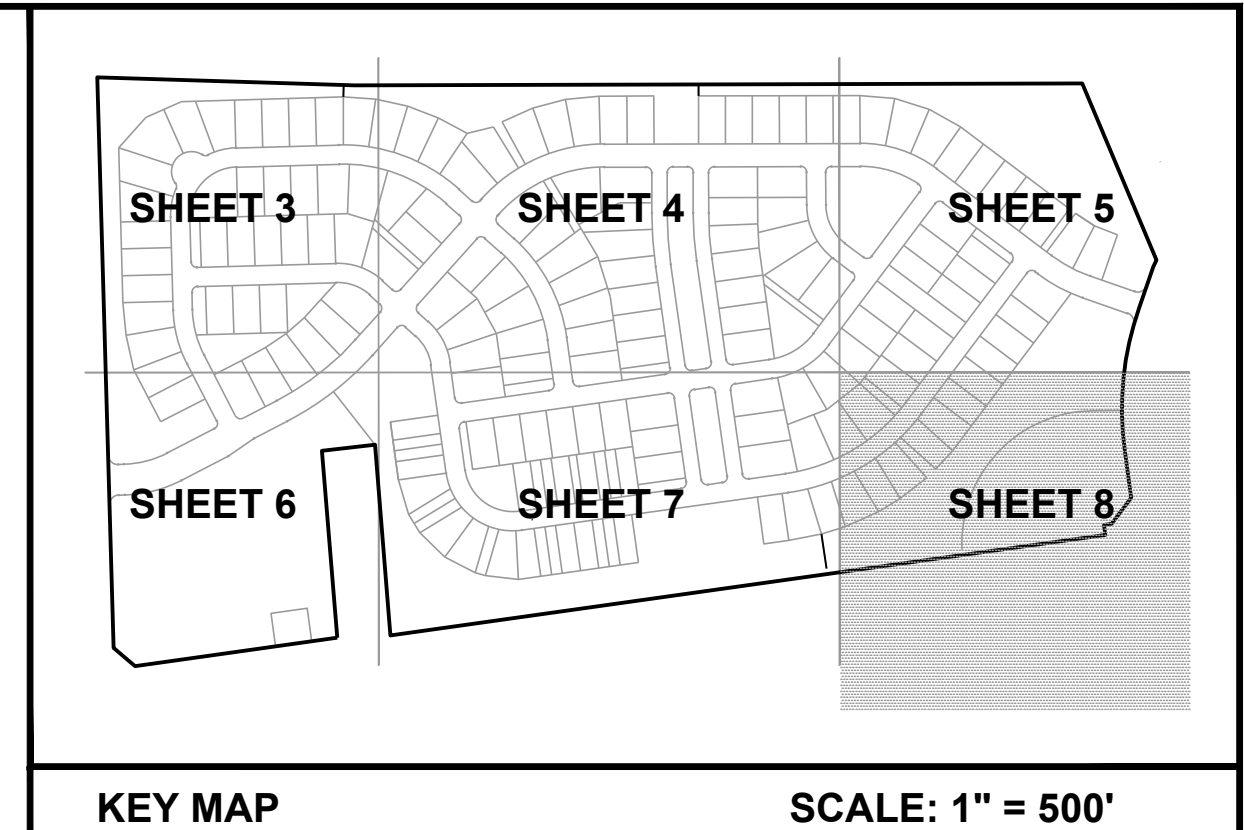
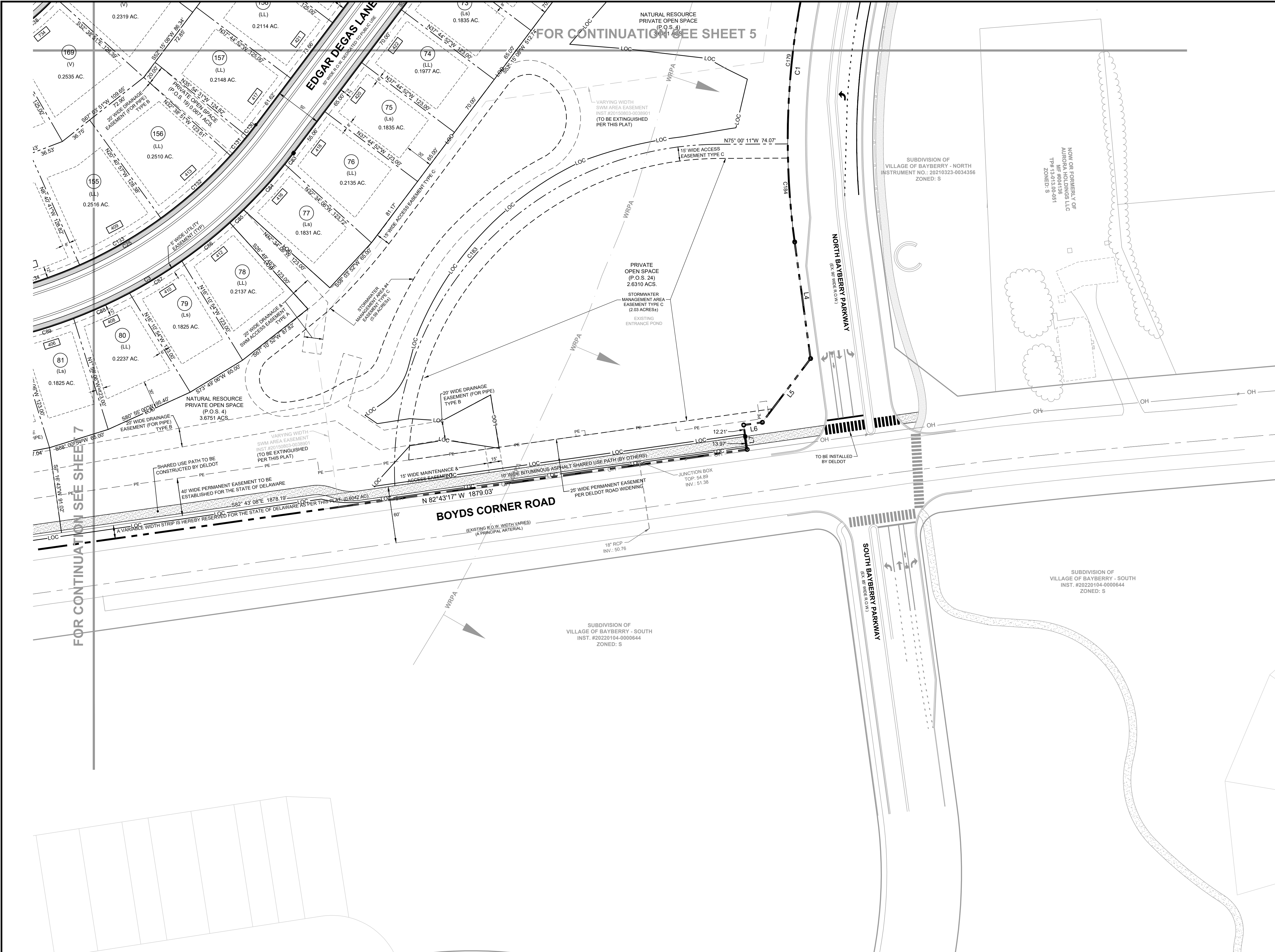
MAJOR LAND DEVELOPMENT PLAN

FOR

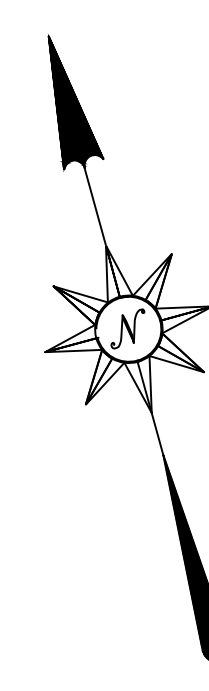
THE GROVE AT BAYBERRY

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

04-15-2024	YL	02-02-2024	YL	07-20-2023	URQ	07-12-2023	URQ	checked	date
PER NCC COMMENTS DATED 02-14-2023		PER NCC COMMENTS DATED 06-04-2023		PER NCC COMMENTS DATED 04-12-2023		PER NCC COMMENTS DATED 11-23-22		revisions	
OWNER: BAYBERRY EAST-WEST LLC 220 CONTINENTAL DRIVE, SUITE 410 NEWARK, DE 19713 PHONE: 302-254-0100									PROPERTY ADDRESS: 601 NORTH BAYBERRY PARKWAY & 935 BOYD'S CORNER ROAD MIDDLETOWN, DE 19709
SURVEY BY: KARINS AND ASSOCIATES									SCALE: 1" = 50'
DESIGNED BY: D.S.									DATE: 9/23/2022
DRAWN BY: W.R.B., F.D.S.									SHEET: 7 OF 9
CHECKED BY: D.S., U.R.Q.									DRAWING NO.: 2226.01- A03-A08



LEGEND	
PROPOSED	EXISTING
RIGHT OF WAY	LOT LINES
BUILDING RESTRICTION LINE	EASEMENT
LIMIT OF DISTURBANCE	LIMIT OF CONSTRUCTION
LOT NUMBER	P.C.C. CURB
5' WIDE P.C.C. SIDEWALK	DRAINAGEWAY
WATER RESOURCE PROTECTION AREA	AREA TO BE DISTURBED
	AREA TO BE PRESERVED



N.C.C. APPLICATION NO. 2021-0503

RECORD

MAJOR LAND DEVELOPMENT PLAN

FOR

THE GROVE AT BAYBERRY

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

04-15-2024	YL	02-02-2024	YL	07-20-2023	URQ	07-12-2023	URQ
PER NCC COMMENTS DATED 02-14-2023		PER NCC COMMENTS DATED 02-14-2023		PER DELDOT COMMENTS DATED 05-04-2023		PER NCC COMMENTS DATED 11-3-22	PER DELDOT COMMENTS DATED 11-5-23
invitations				checked	checked	date	
OWNER: BAYBERRY EAST-WEST LLC 220 CONTINENTAL DRIVE, SUITE 410 NEWARK, DE 19713 PHONE: 302-254-0100				PROPERTY ADDRESS: 601 NORTH BAYBERRY PARKWAY & 935 BOYD'S CORNER ROAD MIDDLETOWN, DE 19709			
SURVEY BY: KARINS AND ASSOCIATES				SCALE: 1" = 50'			
DESIGNED BY: D.S.				DATE: 9/23/2022			
DRAWN BY: W.R.B., F.D.S.				SHEET: 8 OF 9			
CHECKED BY: D.S., U.R.Q.				DRAWING NO.: 2226.01- A03-A08			

Curve Table					
Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C1	800.00	376.99	27°00'00"	N21° 02' 09"E	373.51
C2	15.00	23.56	90°00'00"	S82° 44' 52"E	21.21
C3	525.00	412.47	45°00'52"	N74° 45' 34"E	401.94
C4	175.00	274.89	90°00'00"	S37° 44' 00"E	247.49
C5	125.00	87.41	40°03'53"	S12° 45' 56"E	85.64
C6	15.00	23.56	90°00'00"	S77° 47' 52"E	21.21
C7	780.00	282.47	20°44'57"	N67° 34' 36"E	280.93
C8	340.00	152.67	25°43'36"	S89° 11' 07"E	151.39
C9	25.00	39.27	90°00'00"	N58° 40' 41"E	35.36
C10	25.00	39.27	90°00'00"	N31° 19' 19"W	35.36
C11	260.00	116.74	25°43'36"	N89° 11' 07"W	115.77
C12	15.00	23.56	90°00'00"	S32° 57' 04"W	21.21
C13	325.00	145.93	25°43'36"	S00° 48' 53"W	144.71
C14	175.00	75.58	24°44'45"	S26° 03' 03"W	75.00
C15	15.00	15.39	58°46'27"	S09° 02' 12"W	14.72
C16	52.00	143.45	158°03'25"	S58° 40' 41"W	102.10
C17	15.00	15.39	58°46'27"	N71° 40' 50"W	14.72
C18	175.00	75.58	24°44'45"	N88° 41' 42"W	75.00
C19	450.00	341.84	43°31'27"	N54° 33' 36"W	333.68
C20	15.00	23.56	90°00'00"	N77° 47' 52"W	21.21
C21	430.00	359.82	47°56'39"	S81° 10' 27"W	349.41
C22	330.00	213.71	37°06'21"	N56° 18' 03"W	210.00
C23	370.00	114.41	17°42'59"	S46° 36' 22"E	113.95
C24	15.00	23.56	90°00'00"	S07° 15' 08"W	21.21
C25	475.00	373.18	45°00'52"	N74° 45' 34"E	363.66
C26	15.00	23.56	90°00'00"	N37° 44' 00"W	21.21
C27	15.00	23.56	90°00'00"	N52° 16' 00"E	21.21
C28	225.00	176.77	45°00'52"	N74° 45' 34"E	172.26
C29	15.00	23.56	90°00'00"	S82° 44' 52"E	21.21
C30	15.00	23.56	90°00'00"	S52° 16' 00"W	21.21
C31	15.00	23.56	90°00'00"	N37° 44' 00"W	21.21
C32	15.00	23.56	90°00'00"	N52° 16' 00"E	21.21
C33	15.00	23.56	90°00'00"	S37° 44' 00"E	21.21
C34	15.00	23.56	90°00'00"	N52° 16' 00"E	21.21
C35	125.00	196.35	90°00'00"	S37° 44' 00"E	176.78
C36	15.00	23.56	90°00'00"	S52° 16' 00"W	21.21
C37	15.00	23.56	90°00'00"	N37° 44' 00"W	21.21
C38	15.00	24.38	93°07'48"	S05° 41' 14"W	21.78
C39	15.00	23.56	90°00'00"	N82° 44' 52"W	21.21
C40	125.00	115.40	52°53'39"	N11° 18' 03"W	111.34
C41	15.00	23.56	90°00'00"	N60° 08' 47"E	21.21
C42	270.00	160.11	33°58'33"	S57° 51' 57"E	157.77
C43	15.00	23.56	90°00'00"	S07° 15' 08"W	21.21
C44	175.00	137.49	45°00'52"	N74° 45' 34"E	133.98
C45	15.00	23.56	90°00'00"	N37° 44' 00"W	21.21
C46	872.00	119.92	7°52'47"	S11° 12' 24"W	119.83
C47	15.00	23.56	90°00'00"	N60° 08' 47"E	21.21
C48	15.00	23.56	90°00'00"	S29° 51' 13"E	21.21
C49	175.00	161.56	52°53'39"	S11° 18' 03"E	155.88
C50	15.00	23.56	90°00'00"	S52° 16' 00"W	21.21
C51	15.00	23.56	90°00'00"	N37° 44' 00"W	21.21
C52	980.00	134.77	7°52'47"	N11° 12' 24"E	134.67
C53	15.00	23.56	90°00'00"	N60° 08' 47"E	21.21
C54	15.00	23.56	90°00'00"	S29° 51' 13"E	21.21
C55	912.00	125.42	7°52'47"	S11° 12' 24"W	125.32
C56	15.00	23.56	90°00'00"	S52° 16' 00"W	21.21
C57	15.00	23.56	90°00'00"	N37° 44' 00"W	21.21
C58	425.00	297.19	40°03'53"	N12° 45' 56"W	291.17
C59	15.00	23.56	90°00'00"	N12° 12' 08"E	21.21
C60	370.00	309.61	47°56'39"	S81° 10' 27"W	300.66
C61	15.00	23.56	90°00'00"	S29° 51' 13"E	21.21
C62	1020.00	140.28	7°52'47"	S11° 12' 24"W	140.16
C63	15.00	23.56	90°00'00"	S52° 16' 00"W	21.21
C64	15.00	23.56	90°00'00"	N37° 44' 00"W	21.21
C65	175.00	122.37	40°03'53"	N12° 45' 56"W	119.89

Curve Table					
Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C66	15.00	23.56	90°00'00"	N12° 12' 08"E	21.21
C67	15.00	23.56	90°00'00"	S77° 47' 52"E	21.21
C68	375.00	262.22	40°03'53"	N12° 45' 56"W	256.91
C69	15.00	23.56	90°00'00"	N12° 12' 08"E	21.21
C70	15.00	23.56	90°00'00"	S77° 47' 52"E	21.21
C71	175.00	132.94	43°31'27"	N54° 33' 36"W	129.76
C72	15.00	23.56	90°00'00"	S31° 19' 19"E	21.21
C73	125.00	196.35	90°00'00"	S58° 40' 41"W	176.78
C74	400.00	303.86	43°31'27"	N54° 33' 36"W	296.60
C75	15.00	23.56	90°00'00"	N12° 12' 08"E	21.21
C76	720.00	260.74	20°44'57"	N67° 34' 36"E	259.32
C77	15.00	23.56	90°00'00"	S57° 02' 56"E	21.21
C78	275.00	123.48	25°43'36"	S00° 48' 53"W	122.44
C79	15.00	23.56	90°00'00"	S58° 40' 41"W	21.21
C80	125.00	94.95	43°31'27"	N54° 33' 36"W	92.69
C81	430.00	32.39	4°18'59"	S53° 18' 22"E	32.39
C82	430.00	100.57	13°24'00"	S44° 26' 52"E	100.34
C83	525.00	14.94	1°37'49"	N53° 04' 03"E	14.94
C84	525.00	65.04	7°05'54"	N57° 25' 54"E	65.00
C85	525.00	20.07	2°11'24"	N62° 04' 33"E	20.07
C86	525.00	65.04	7°05'54"	N66° 43' 12"E	65.00
C87	525.00	65.04	7°05'54"	N73° 49' 06"E	65.00
C88	525.00	65.04	7°05'54"	N80° 55' 00"E	65.00
C89	525.00	65.04	7°05'54"	N88° 00' 54"E	65.00
C90	525.00	52.25	5°42'10"	S85° 35' 04"E	52.23
C91	175.00	15.87	5°11'46"	S80° 08' 07"E	15.87
C92	175.00	44.32	14°30'38"	S70° 16' 55"E	44.20
C93	175.00	28.03	9°10'38"	S58° 26' 17"E	28.00
C94	175.00	46.13	15°06'15"	S46° 17' 50"E	46.00
C95	175.00	41.40	13°33'15"	S31° 58' 05"E	41.30
C96	175.00	28.12	9°12'25"	S20° 35' 15"E	28.09
C97	175.00	28.12	9°12'25"	S11° 22' 51"E	28.09
C98	175.00	42.90	14°02'38"	S00° 14' 41"W	42.79
C99	780.00	138.26	10°09'23"	N62° 16' 49"E	138.08
C100	780.00	144.21	10°35'34"	N72° 39' 17"E	144.00
C101	325.00	35.88	6°19'29"	S08° 53' 11"E	35.86
C102	325.00	65.94	11°37'31"	S00° 05' 18"W	65.83
C103	325.00	44.11	7°46'37"	S09° 47' 22"W	44.08
C104	175.00	54.67	17°53'53"	S22° 37' 37"W	54.44
C105	175.00	20.92	6°50'52"	S35° 00' 00"W	20.90
C106	52.00	48.73	53°41'32"	S06° 29' 44"W	46.97
C107	52.00	43.40	47°49'07"	S57° 15' 04"W	42.15
C108	52.00	51.32	56°32'46"	N70° 34' 00"W	49.26
C109	175.00	18.35	6°00'26"	S81° 56' 09"W	18.34
C110	175.00	57.23	18°44'18"	N85° 41' 28"W	56.98
C111	450.00	12.23	1°33'26"	N75° 32' 36"W	12.23
C112	450.00	66.56	8°28'29"	N70° 31' 38"W	66.50
C113	450.00	66.56	8°28'29"	N62° 03' 09"W	66.50
C114	450.00	66.56	8°28'29"	N53° 34' 40"W	66.50
C115	450.00	66.56	8°28'29"	N45° 06' 11"W	66.50
C116	450.00	63.36	8°04'04"	N36° 49' 54"W	63.31
C117	430.00	57.93	7°43'10"	S61° 03' 43"W	57.89
C118	430.00	67.90	9°02'51"	S69° 26' 44"W	67.83
C119	430.00	20.00	2°39'52"	S75° 18' 05"W	19.99
C120	430.00	67.90	9°02'52"	S81° 09' 27"W	67.83
C121	430.00	68.17	9°05'01"	N89° 46' 37"W	68.10
C122	430.00	68.13	9°04'40"	N80° 41' 46"W	68.06
C123	430.00	9.78	1°18'13"	N75° 30' 20"W	9.78
C124	330.00	66.21	11°29'47"	N69° 06' 19"W	66.10
C125	330.00	68.11	11°49'35"	N57° 26' 39"W	67.99
C126	330.00	68.12	11°49'38"	N45° 37' 02"W	68.00
C127	330.00	11.27	1°57'21"	N38° 43' 33"W	11.26
C128	370.00	65.21	10°05'51"	N42° 47' 48"W	65.12
C129	370.00	49.20	7°37'08"	N51° 39' 17"W	49.16
C130	475.00	15.25	1°50'21"	S53° 10' 18"W	15.25

Curve Table					
Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C131	475.00	27.04	3°15'40"	S55° 43' 19"W	27.03
C132	475.00	99.19	11°57'54"	S63° 20' 06"W	99.01
C133	475.00	99.52	12°00'17"	S75° 19' 11"W	99.34
C134	475.00	99.52	12°00'17"	S87° 19' 28"W	99.34
C135	475.00	32.67	3°56'25"	N84° 42' 12"W	32.66
C136	225.00	15.47	3°56'25"	S84° 42' 12"E	15.47
C137	225.00	70.64	17°59'13"	N84° 19' 59"E	70.35
C138	225.00	70.64	17°59'13"	N66° 20' 46"E	70.35
C139	225.00	20.03	5°06'01"	N54° 48' 08"E	20.02
C140	175.00	123.01	40°16'31"	S72° 33' 24"W	120.50
C141	175.00	14.48	4°44'21"	N85° 06' 10"W	14.47
C142	872.00	13.03	0°51'21"	N07° 41' 41"E	13.03
C143	872.00	73.35	4°49'09"	N10° 31' 57"E	73.32
C144	872.00	33.55	2°12'16"	N14° 02' 39"E	33.55
C145	175.00	40.58	13°17'06"	S08° 30' 14"W	40.49
C146	175.00	58.66	19°12'16"	S07° 44' 28"E	58.38
C147	175.00	58.21	19°03'24"	S26° 52' 18"E	57.94
C148	175.00	4.12	1°20'52"	S37° 04' 26"E	4.12
C149	425.00	21.92	2°57'21"	N05° 47' 20"E	21.92
C150	425.00	63.91	8°36'59"	N00° 00' 10"E	63.85
C151	425.00	64.02	8°37'53"	N08° 37' 16"W	63.96
C152	425.00	64.06	8°38'10"	N17° 15' 17"W	64.00
C153	425.00	63.96	8°37'23"	N25° 53' 04"W	63.90
C154	425.00	19.30	2°36'07"	N31° 29' 49"W	19.30
C155	370.00	146.32	22°39'30"	N68° 31' 53"E	145.37
C156	370.00	20.16	3°07'17"	N81° 25' 16"E	20.16
C157	370.00	131.27	20°19'41"	S86° 51' 15"E	130.59
C158	370.00	11.86	1°50'11"	S75° 46' 19"E	11.86
C159	175.00	33.23	10°52'42"	N01° 49' 40"E	33.18
C160	175.00	58.37	19°06'40"	N13° 10' 01"W	58.10
C161	175.00	30.77	10°04'31"	N27° 45' 37"W	30.73
C162	375.00	14.97	2°17'12"	S31° 39' 16"E	14.97
C163	375.00	96.79	14°47'19"	S23° 07' 01"E	96.52
C164	375.00	95.06	14°31'29"	S08° 27' 36"E	94.81
C165	375.00	55.40	8°27'52"	S03° 02' 04"W	55.35
C166	175.00	64.98	21°16'30"	S43° 26' 07"E	64.61
C167	175.00	67.96	22°14'57"	S65° 11' 51"E	67.53
C168	400.00	27.27	3°54'23"	N74° 22' 08"W	27.27
C169	400.00	101.16	14°29'22"	N65° 10' 15"W	100.89
C170	400.00	110.96	15°53'39"	N49° 58' 44"W	110.61
C171	400.00	64.47	9°14'02"	N37° 24' 53"W	64.04
C172	720.00	56.06	4°27'39"	N59° 25' 57"E	56.40
C173	720.00	77.63	6°10'39"	N64° 45' 07"E	77.59
C174	720.00	79.61	6°19'10"	N71° 00' 11"E	79.37
C175	720.00	47.64	3°47'29"	N76° 03' 20"E	47.63
C176	275.00	57.09	11°53'44"	S06° 06' 03"E	56.99
C177	275.00	66.38	13°49'52"	S06° 45' 45"W	66.22
C178	400.00	132.96	17°42'59"	S46° 36' 12"E	132.43
C179	800.00	224.95	16°06'40"	N23° 03' 09"E	224.21
C180	25.00	37.77	86°34'20"	S12° 10' 41"E	34.28
C181	800.00	47.86	3°25'40"	N32° 49' 18"E	47.85
C182	25.00	39.27	90°00'00"	N79° 32' 09"E	35.36
C183	344.28	55.32	92°35'03"	S56° 42' 17"W	49.74
C184	800.00	104.18	7°27'40"	N11° 15' 59"E	104.10

RESOLUTION NO. 24-

**RESCINDING NEW CASTLE COUNTY RESOLUTION NO. 24-072
REGARDING THE CENTREVILLE COMMUNITY REDEVELOPMENT PLAN
AND MANUAL OF DESIGN GUIDELINES
AND A COTTAGE COMMUNITY DEVELOPMENT OPTION**

1 **WHEREAS**, the 1997 New Castle County Comprehensive Plan Update
2 recognized that the existing patterns of development and community design within older
3 communities were unable to be perpetuated by existing zoning standards; and
4

5 **WHEREAS**, later Comprehensive Development Plan Updates recommended that
6 these traditional communities needed to be protected and enhanced; and
7

8 **WHEREAS**, in 2002 New Castle County began a local planning program to work
9 with communities on planning initiatives; and
10

11 **WHEREAS**, the Centreville Hometown Overlay text amendment then was adopted
12 to support planning initiatives by providing enabling legislation for the creation of
13 community redevelopment plans and design guidelines to modify existing standards to
14 better suit the community and encourage redevelopment; and
15

16 **WHEREAS**, thereafter, County Council approved a Community Redevelopment
17 Plan and Design Guidelines Manual for the Centreville Hometown Overlay Zoning District,
18 and Council then approved the rezoning of the County's Official Zoning Maps and
19 established the Centreville Hometown Overlay Zoning District; and
20

21 **WHEREAS**, *New Castle County Code* requires that the Community
22 Redevelopment Plan identify how the development is compatible with the community
23 character or in harmony with the community fabric; moreover, it is to encourage
24 maintaining the rhythm of the existing community by, for example, recognizing
25 streetscape contexts involving building, scale, mass, height, setbacks, and texture of
26 facades, while avoiding a Plan that merely replicates architectural styles that result in
27 an unintended monotonous or artificial appearance; and
28

29 **WHEREAS**, the most recent Comprehensive Plan Update reinforced the
30 desirability of allowing Hometown Overlay Zoning Districts to pursue amendments to
31 guidelines to facilitate the goals of the Hometown Overlay; and
32

33 **WHEREAS**, among other things, *County Code* Sec. 40.26.430 requires that the
34 Plan be determined by and consistent with the goals and objectives of the community and
35 have broad-based support of the community; and
36

37 **WHEREAS**, in February 2024, Council considered certain proposed amendments
38 to Centreville's Community Redevelopment Plan and Design Guidelines Manual; and

39 **WHEREAS**, several parties, including the Kennett Pike Association (“KPA”), one
40 of at least two local community umbrella groups, conveyed their support of Ordinance No.
41 24-072, on behalf of the community; and
42

43 **WHEREAS**, based on the above and other statements to Council that the
44 Resolution was supported by and had the requisite community support, County Council
45 enacted Resolution No. 24-072, allowing for the Centreville Hometown Zoning Overlay to
46 be amended, and modifying the Design Guidelines to allow for cottage communities within
47 the Village of Centreville; and
48

49 **WHEREAS**, notwithstanding the above, on May 19, 2024, KPA submitted a letter
50 to Council stating that it supported Resolution No. 24-072 based on information that has
51 turned out to be inaccurate; and
52

53 **WHEREAS**, consequently, the Board of KPA has unanimously voted to retract its
54 support for the changes proposed in Resolution No. 24-072 and KPA has requested that
55 County Council reverse its approval of Resolution No. 24-072; and
56

57 **WHEREAS**, given the above and the concerns raised by many in the community
58 regarding the negative impact to the character and harmony in Centreville resulting from
59 Council's approval of Resolution No. 24-072 and the cottage community development
60 option, County Council has determined that it is in the best interests of the Centerville
61 community to rescind Resolution No. 24-072 and thereby revert the Centreville
62 Community Redevelopment Plan and Manual of Design Guidelines to their state
63 immediately prior to County Council's approval of Resolution No. 24-072.
64

65 **NOW, THEREFORE, BE IT RESOLVED** by the County Council in and for New
66 Castle County that the County Council of New Castle County hereby rescinds Resolution
67 No. 24-072 allowing for a cottage community development option in Centreville, and
68 reverts the Centreville Community Redevelopment Plan and Manual of Design Guidelines
69 to their state immediately prior to County Council's approval of Resolution No. 24-072.

Adopted by County Council of
New Castle County on:

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

SYNOPSIS: By way of this Resolution, New Castle County Council rescinds Resolution
No. 24-072 allowing for a cottage community development option in Centreville and
reverts the Centreville Community Redevelopment Plan and Manual of Design Guidelines
to their state immediately prior to County Council's approval of Resolution No. 24-072.

FISCAL IMPACT: There is no discernable fiscal impact upon the adoption of this
resolution.

RESOLUTION NO. 24-

**REPEALING RESOLUTION 24-072 WHICH AMENDED THE
CENTREVILLE COMMUNITY REDEVELOPMENT PLAN
AND MANUAL OF DESIGN GUIDELINES AND
CREATED A COTTAGE COMMUNITY DEVELOPMENT OPTION**

1 **WHEREAS**, at the request of the Centreville Civic Association (CCA), the County
2 initiated a community planning process for the Centreville Village area which was
3 established with and Advisory Committee and design guidelines; and
4

5 **WHEREAS**, the Centreville Design Review Advisory Committee is designed to
6 provide broad, flexible guidance for Centreville village and ensure that any plan
7 proposed for the area does not take away any existing property rights; and
8

9 **WHEREAS**, the Centreville Village Plan is supported by the local community and
10 demonstrates the value of the community planning initiative; and
11

12 **WHEREAS**, the DRAC design guidelines do not contain specific and detailed
13 instructions on how each parcel should be developed or redeveloped; and
14

15 **WHEREAS**, all applications shall be submitted to the New Castle County Land
16 Use Department which, in turn, shall notify the DRAC; and
17

18 **WHEREAS**, a public meeting shall be held by the DRAC and the Department;
19 and
20

21 **WHEREAS**, the public may make suggestions or recommendations for desired
22 revisions to the DRAC and the DRAC will advise the Department of its
23 recommendations; and
24

25 **WHEREAS**, the DRAC's role is strictly advisory and final authority remains with
26 the County Land Use Department and County Council; and
27

28 **WHEREAS**, the Department may initiate proactive rezoning of land within the
29 Centreville DRAC overlay zone to facilitate proposed development that conforms to the
30 Community Redevelopment Plan and/or Design Guidelines Manual (Sec. 40.26.450);
31 and
32

33 **WHEREAS**, Resolution 24-072 was passed by New Castle County Council, on
34 February 27, 2024, based on the recommendation of the Department of Land Use; and
35

36 **WHEREAS**, many members of the Centreville community have since expressed
37 the need for the opportunity to provide additional public comment and input on any such
38 changes to the Centreville Design Guidelines; and

39 **WHEREAS**, the long inactive Centreville Design Review Advisory Committee is in
40 the process of being reconstituted and will soon be able to provide a forum to facilitate
41 community conversations and make suggestions or recommendations for desired
42 revisions.

43
44 **NOW, THEREFORE, BE IT RESOLVED** by the County Council in and for New
45 Castle County that the County Council of New Castle County hereby repeals the
46 modifications to the Centreville Community Manual of Design Guidelines as adopted
47 through Resolution 24-072 to establish the option for development of cottage
48 communities therein.

49
50 This resolution will take effect immediately upon its adoption.

Adopted by County Council of
New Castle County on:

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

SYNOPSIS: This Resolution repeals the modification of the Centreville Manual of Design Guidelines in order to remove the Cottage Community Design Guidelines as embodied in R24-072.

FISCAL IMPACT: There is no discernable fiscal impact upon the adoption of this legislation.

**~~PROPOSED AMENDMENTS TO THE CENTREVILLE
VILLAGE PLAN/HOMETOWN ZONE (HT) OVERLAY~~**

~~Cottage Community~~

- A. ~~*Purpose.* The purpose of this section is to establish guidelines for the development of a Cottage Community or Communities within the Village of Centreville to:~~
- ~~1. Provide housing types that are responsive to changing household demographics (e.g., retirees, young people entering the workforce, small families, single parent households, single person households, dual owner households);~~
 - ~~2. Provide more opportunities for housing alternatives within the Village of Centreville;~~
 - ~~3. Encourage creation of additional functional usable open space within Centreville;~~
 - ~~4. Promote neighborhood interaction and safety through design; and~~
 - ~~5. Ensure compatibility with neighboring uses within the Village of Centreville.~~
- B. ~~*Applicability.* The New Castle County Department of Land Use may approve a Cottage Community in a11 Zoning Districts within the Village of Centreville (Hometown Overlay).~~
- C. ~~*Procedures.* Applications for Cottage Community approval shall be made in accordance with the procedures for approval of plans under the New Castle County Unified Development Code.~~
- D. ~~*Density Requirements*~~
- ~~1. The maximum density shall be ten (10) cottage units per developable acre of land.~~
- E. ~~*Dimensional Requirements*~~
- ~~1. A Cottage Community may be developed with dwelling units on separate lots, a single lot, or a combination thereof, and may establish the ownership by lot, condominium or a combination thereof.~~

~~These guidelines are intended to supplant and/or supplement the UDC and specifically HT Overlay Community Redevelopment Plan and Design Guidelines for Centreville adopted by New Castle County by Resolution 07-183 (as amended by Oral Amendment No. 1).~~

- ~~2. Dwelling units shall be separated by a minimum of ten (10) feet from the side edge of one building to another. Where attached architectural features such as eaves, window bays, etc. project into the space between residences, the ten (10) foot separation shall be measured from the outside edge of these features.~~
- ~~3. Dwelling units not abutting or oriented towards a right-of-way shall front the common open space.~~
- ~~4. The first floor area of each cottage unit shall not exceed 1150 gross square feet (footprint) not inclusive of any garage, porch or deck area. Total gross floor area of each unit shall not exceed 2050 square feet~~
- ~~5. Dimensional requirements for porches shall comply with Subsection H.2. Porches.~~
- ~~6. The distance between the front building edge and the right of way or the edge of the common space shall be at least ten (10) feet.~~
- ~~7. The building height for all structures shall not exceed thirty-five (35) feet.~~
- ~~8. Dwelling units shall have a minimum 6:12 roof pitch. Portions of a roof with a pitch less than 6:12 shall be limited to architectural features such as dormers, porch roofs, and shed roofs.~~
- ~~9. Accessory dwelling units are not allowed within a Cottage Community.~~

~~F. Common Open Space~~

- ~~1. A minimum of 250 square feet of common open space shall be provided per dwelling. However, not less than 3,000 square feet of common area shall be provided regardless of number of dwelling units.~~
- ~~2. No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than 20 feet, unless part of a pathway or trail.~~
- ~~3. Required common open space shall be divided into no more than two separate areas per cluster of dwelling units.~~
- ~~4. Common open spaces shall have dwelling units that face each other across the common open space.~~
- ~~5. Common open space shall be designed for passive or active recreational use. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas, or gardens. Where feasible, common open space shall include amenities such as seating, landscaping, trails, gazebos, outdoor cooking facilities, covered shelters, or ornamental water features.~~

6. ~~Stormwater drainage facilities, wells and/or septic system(s) may be located within the common open space so long as same meet applicable state and local standards.~~

7. ~~All dwelling units shall have dedicated access ways to the common open spaces.~~

~~G. Private Open Space.~~

1. ~~Intent. A sense of community requires the right balance of personal privacy. Private open space is an essential component of this balance. A 'front' yard creates a transition between public and private spaces, while a 'side' or 'back' yard offers increased seclusion.~~

2. ~~Location. A semi-public transition zone and semi-private porch shall separate the main entrance to the dwelling from the common open space or street. This transition zone should include some combination of fencing, plantings, and/or railings, none of which may exceed 36 inches in height. Private open space may be located in the side and/or rear yards.~~

3. ~~Size. Each residential unit shall be provided with a minimum of 200 square feet of usable private open space. Such open space requirements may be met with a combination of front, side or rear yard locations.~~

~~H. Cottage Building and Fence Design Standards. In addition to the dimensional regulations set forth herein.~~

1. ~~Variety in Building Design. The same combination of building elements, features, and treatments shall not be repeated on individual dwelling units for more than one-third of the total dwelling units in a Cottage Community. Dwelling units with the same combination of features and treatments shall not be located adjacent to each other. The following building design features are required:~~

- ~~• Variation in general architectural elevation and size~~
- ~~• Predominant wall materials shall be or have the appearance of wood, brick or stone, or stucco, shall be made of a paintable material, and may be painted or coated in a nonmetallic finish. Vinyl siding materials are prohibited unless such products have the appearance of natural wood (i.e. CertainTeed Signature Cedar Impressions Siding products or AZEK paintable trim material)~~
- ~~• Visual variety shall be created between adjacent structures by varying elements such as roof brackets, dormers, bay windows and attached trellis elements.~~

~~2. Porches~~

~~a) Cottage housing units shall have a covered porch off the primary entrance oriented to the common open space or the public street right of way as applicable.~~

b) ~~The required front porch shall have a minimum sixty (60) square feet in area with a minimum dimension of eight (8) feet.~~

c) ~~Open, covered porches may encroach the required front yard and common space setbacks for a maximum of eight (8) feet.~~

3. ~~All mechanical equipment shall be located along either the rear or side facade of a cottage dwelling unit. Screening is required on all exposed sides using continuous shrubs or fences that complement the materials, colors, and finishes of the dwelling unit. Fences shall be at least six (6) inches higher than the equipment being screened.~~

4. ~~Fences. All fences interior to the development shall be no more than thirty-six (36) inches in height. Fence materials shall be or have the appearance of natural materials, such as wood, brick or stone, shall be made of a paintable material (i.e. Azek, Walpole Outdoor Fence products), and may be painted or coated in a nonmetallic finish. Chain link fencing is prohibited. Fencing for mechanical screening may exceed this height requirement, but in no case shall the fence exceed six (6) feet in height.~~

~~I. Parking~~

1. ~~A minimum of 1 parking space per dwelling unit shall be provided for the entire cottage community. A maximum of 2 parking spaces per dwelling unit is allowed. Parking spaces located within garages and driveways may count towards this requirement. Any parking spaces in excess of 1 per dwelling unit shall be designed with pervious materials such as pervious pavement, porous asphalt, gravel surfaces, grass or other similar pervious options.~~

2. ~~Parking for individual dwelling units shall be combined into an individual facility or into a parking cluster of two or more spaces in order to facilitate housing clusters that are oriented to common open space areas.~~

3. ~~Garage doors shall not be oriented towards a public right-of-way (i.e. street).~~

4. ~~Garages and carports shall not be located between the common open space and the dwelling units.~~

5. ~~Surface parking lots shall be broken into sub-lots where feasible and appropriately include landscape islands within and between them.~~

6. ~~Parking in the form of garages, carports, or surface lots may occupy no more than 40 percent of site frontage on a public right-of-way, except in the case of an alley, in which case no restriction applies.~~
7. ~~Where a parking space is provided in a garage driveway, such as a tandem parking space, the minimum dimension required is nine (9) feet by twenty (20) feet. Parking is not permitted in a garage driveway if this dimension is not provided.~~

~~J. Common Area Maintenance~~

1. ~~Cottage developments shall be required to form a maintenance association and establish a maintenance declaration in accordance with provisions of the UDC applicable to residential subdivisions. All common areas shall be protected against further development and unauthorized alteration in perpetuity by appropriate plan notations.~~

- ~~K. Stormwater Management. All applications shall be required to meet State of Delaware Stormwater Management Regulations unless variances thereto have been sought and secured.~~