

ORDINANCE NO: A02-8

AN ORDINANCE TO AMEND CHAPTER 234 OF THE CODE OF THE TOWN OF BRIDGEVILLE, RELATING TO ZONING, TO ESTABLISH A RESIDENTIAL PLANNED COMMUNITY ZONING DISTRICT, BY AMENDING ARTICLE I, ARTICLE II, ARTICLE IV, ARTICLE V, ARTICLE VII AND ARTICLE XI AND ADDING TO ARTICLE VII: RESIDENTIAL PLANNED COMMUNITY DISTRICT; ARTICLE IX: ADMINISTRATION; AND ARTICLE XI: AMENDMENTS

WHEREAS, the Commissioners of Bridgeville have the power and jurisdiction to develop and adopt a comprehensive plan and such zoning ordinances as it shall deem necessary in order to preserve and protect the public health, safety, morals, beauty and good appearance of the Town and provide for the growth thereof; and

WHEREAS, the Comprehensive Plan adopted by the Commissioners of Bridgeville on February 11, 2002, by Ordinance A02-1, states that Bridgeville should encourage an appropriate amount of new residential and commercial growth that is compatible with the character of the Town and should seek developments that include needed services and facilities; and

WHEREAS, the Commissioners of Bridgeville recognize that Planned Communities are of benefit to the Town of Bridgeville, areas that may be annexed within its boundaries, and the region; and

WHEREAS, the Commissioners of Bridgeville recognize that the Office of State Planning Coordination, the Livable Delaware legislation, and the Sussex County Plan encourage development within or adjacent to municipal centers with infrastructure; and

WHEREAS, the Commissioners of Bridgeville are of the opinion that zoning regulations that permit mixed-use, planned communities would promote the health, safety, morals, beauty and good appearance of the Town and provide for the orderly growth of residential, commercial and retail uses within the Town, within future annexations of Bridgeville, and within the growth areas provided for by the Comprehensive Plan; and

WHEREAS, the Commissioners of Bridgeville desire to establish a Residential Planned Community (RPC) zoning district to provide the Town with the flexibility to encourage large-scale developments as a means of creating a superior living environment through unified, mixed-use developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF BRIDGEVILLE OF THE TOWN OF BRIDGEVILLE:

Section 1. Amend § 234-5, Subsection B, of the Code of Bridgeville by adding the following definition after "BUILDING LINE" and before "DWELLING":

CENTRAL SEWER SYSTEM – Centralized treatment facilities which provide a high-quality effluent using natural systems, such as land application, or mechanical systems, such as trickling filters, and does not mean community on-site systems having a septic or aerobic tank with a drain field.

Section 2. Amend § 234-6 of the Code of Bridgeville, entitled “Classes of districts”, as follows:

By deleting

For the purpose of this chapter, the Town of Bridgeville is hereby divided into four (4) classes of districts which shall be designated as follows:

- R-1 Residence District
- R-2 Residential Multifamily District
- C-1 Commercial District
- M-1 Manufacturing District

and substituting

For the purpose of this chapter, the Town of Bridgeville is hereby divided into five (5) classes of districts which shall be designated as follows:

- R-1 Residence District
- R-2 Residential Multifamily District
- C-1 Commercial District
- M-1 Manufacturing District
- RPC Residential Planned Community District

Section 3. Amend § 234-14 of the Code of Bridgeville, entitled “Use regulations”, as follows:

By deleting

- B. Multifamily dwellings, including garden apartments and townhouses.

and substituting

- B. Multifamily dwellings, including attached and semi-detached dwellings, garden apartments, apartments, condominiums and townhouses.

Section 4. Amend § 234-18 of the Code of Bridgeville, entitled "Use Regulations", as follows:

By deleting

- H. Mortuary.
- I. Theater, excluding open-air theater.
- J. Bank, chain stores, grocery stores, five-and-ten-cent stores and shopping centers.
- K. Private school, hospital, club, lodge.
- L. Hand or automatic self-service laundry, dry-cleaning or clothes pressing agency, provided that no inflammable agents are used.
- M. Baker or confectionery shop for the production of articles to be sold only at retail on the premises.
- N. The following uses when authorized by the Board of Adjustment as a special exception in accordance with §§ 234-32 and 234-37:
 - (1) Place of amusement, recreation or assembly, other than a theater, when conducted completely within a building.
 - (2) Plumbing, heating, glazing, painting, paperhanging, roofing, ventilating and electrical contractor, blacksmith shop, carpentry, soldering, welding and other general service shop, provided that all processing activities shall, if located on the ground floor, be not less than twenty (20) feet from the front of the building and shall be effectively screened from the front portion of the building by a wall or partition.
 - (3) Adult entertainment establishments defined in 4 Del. C § 1602, provided that in no event shall such business be located within the same building or in separate buildings less than 1,500 feet from each other; provided that in no event shall such business be located within 1,000 feet of any residence regardless of how such property is zoned, unless a majority of the residents and property owners less than 1,000 feet away shall approve; and provided further, that such business is not located within one (1) mile from a church, school, hospital or similar institution. Distances shall be measured from property line to property line.
- O. Any use of the same general character as any of the above permitted uses, provided that no use which is noxious or hazardous shall be permitted except in accordance with § 234-32.

P. Accessory use on the same lot with and customarily incidental to any of the above permitted uses, including signs when erected and maintained in accordance with the provisions of Article VIII of this chapter.

Q. Wholesale business establishment.

R. Warehouse or storage within a completely enclosed building for retail stores or for products of manufacturing uses permitted in M-1 Manufacturing Districts.

S. Custom shop for making articles or products sold at retail on the premises, such as custom clothing, art, needlework and handweaving.

T. Newspaper publishing, job printing or bookbinding establishment.

U. Repair shop for household and personal goods, such as clocks and watches, jewelry, musical instruments, radios and other household appliances.

V. Animal hospital.

W. Use car lot.

X. Creamery or ice cream manufacturing, ice plant, scrapple plant.

Y. Monument works.

Z. Outdoor place of amusement, recreation or assembly.

AA. Yard for storage, sale and distribution of coal or building materials, when enclosed within a solid fence of not less than six (6) feet in height, but not including a junkyard, salvage, automobile or other wrecking yard.

BB. Trailer (mobile home) sales agency.

and substituting

H. Gasoline station and convenience store.

I. Mortuary.

J. Theater, excluding open-air theater.

K. Bank, chain stores, grocery stores, five-and-ten-cent stores and shopping centers.

L. Private school, hospital, club, lodge.

- M. Hand or automatic self-service laundry, dry-cleaning or clothes pressing agency, provided that no inflammable agents are used.
- N. Baker or confectionery shop for the production of articles to be sold only at retail on the premises.
- O. Professional services, such as accounting, architecture, chiropractic medicine, dentistry, engineering, financial institutions and services, insurance, land planning, law, medicine and real estate.
- P. The following uses when authorized by the Board of Adjustment as a special exception in accordance with §§ 234-32 and 234-37:
 - (1) Place of amusement, recreation or assembly, other than a theater, when conducted completely within a building.
 - (2) Plumbing, heating, glazing, painting, paperhanging, roofing, ventilating and electrical contractor, blacksmith shop, carpentry, soldering, welding and other general service shop, provided that all processing activities shall, if located on the ground floor, be not less than twenty (20) feet from the front of the building and shall be effectively screened from the front portion of the building by a wall or partition.
 - (3) Adult entertainment establishments defined in 4 Del. C § 1602, provided that in no event shall such business be located within the same building or in separate buildings less than 1,500 feet from each other; provided that in no event shall such business be located within 1,000 feet of any residence regardless of how such property is zoned, unless a majority of the residents and property owners less than 1,000 feet away shall approve; and provided further, that such business is not located within one (1) mile from a church, school, hospital or similar institution. Distances shall be measured from property line to property line.
- Q. Any use of the same general character as any of the above permitted uses, provided that no use which is noxious or hazardous shall be permitted except in accordance with § 234-32.
- R. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, including signs when erected and maintained in accordance with the provisions of Article VIII of this chapter and drive-up or drive-through windows.
- S. Wholesale business establishments, retail outlet or regional retail stores and shopping centers.
- T. Warehouse or storage within a completely enclosed building for retail stores or for products of manufacturing uses permitted in M-1 Manufacturing Districts.

- U. Custom shop for making articles or products sold at retail on the premises, such as custom clothing, art, needlework and handweaving.
- V. Newspaper publishing, job printing or bookbinding establishment.
- W. Repair shop for household and personal goods, such as clocks and watches, jewelry, musical instruments, radios and other household appliances.
- X. Animal hospital.
- Y. Used car lot.
- Z. Creamery or ice cream manufacturing, ice plant, scrapple plant.
- AA. Monument works.
- BB. Outdoor place of amusement, recreation or assembly, including golf courses, tennis courts, swimming pools and lakes for fishing or boating.
- CC. Yard for storage, sale and distribution of coal or building materials, when enclosed within a solid fence of not less than six (6) feet in height, but not including a junkyard, salvage, automobile or other wrecking yard.
- DD. Trailer (mobile home) sales agency.

Section 5. Amend § 234-33 of the Code of Bridgeville, entitled "Off-street parking space", by adding the following lettered paragraph (C):

- C. The Town recognizes that, with respect to mixed-use developments permitted in the RPC District, the inflexible application of the parking standards may result in a development with parking space far in excess of its needs. This situation wastes money as well as space that could more desirably be used for valuable development or environmentally useful open space. Therefore, during approval of a preliminary site plan or a building permit for construction that does not require site plan approval, the Town Commissioners may permit deviations from the presumptive requirements of subsection A above and may require more or allow less parking as may be deemed appropriate during the process of site plan review. In determining whether or not it is appropriate to allow such deviations, the applicant shall have the burden of supplying evidence that such a change is warranted. This evidence shall include the applicant's experience with the same use in other jurisdictions, alternate standards (and an assessment of their adequacy) for the same use in other communities, and/or a suggested standard by a nationally-recognized authority in parking (e.g. The Institute of Transportation Engineers, American Planning Association, etc.).

Section 6. Amend § 234-55 of the Code of Bridgeville, entitled “Amendment by Town Commissioners”, by adding the following text after the first sentence, which ends with “... the Zoning Map” and before the third sentence, which begins with “No such amendment ...”:

Any such amendment may be initiated by resolution of the Town Commissioners, by motion of the Planning Commission or by petition of property owner(s) in accordance with § 234-56 or § 234-57-A.

Section 7. Amend Chapter 234 of the Code of Bridgeville by adding the following provisions immediately after Section 24:

ARTICLE _____
RPC Residential Planned Community District

§ 234-24-A. Purpose.

In order to encourage large-scale developments as a means of creating a superior living environment through unified, mixed-use developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan, the RPC District is hereby established.

§ 234-24-B. Use regulations.

Uses permitted in an RPC District under this Article shall be as follows:

- A. Uses, accessory uses and signs permitted in any residential district in accord with the additional requirements and specific provisions of this Article.
- B. Uses permitted in the C-1 District by § 234-18(B)-(F), (H), (J)-(O), (Q)-(S), (U), (W) and (BB), and accessory uses and signs relating to such uses, in accordance with the additional requirements and specific provisions of this Article. Such uses shall be situated and designed to be compatible with existing and reasonably anticipated development in the surrounding neighborhood in terms of size, scale and appearance.
- C. Special exception uses permitted in either the R-1, R-2 or C-1 Districts and conditional uses in accord with the procedures, standards and specifications of Article X, the conditional use provisions of Article __ [*established by Ordinance No. A02-2, June 10, 2002*] and the additional requirements of this Article.

§ 234-24-C. Superimposed district; effect on other provisions.

- A. To enable the district to operate in harmony with the plan for land use and population density embodied in this Chapter and the Comprehensive Plan, the RPC District is

created as a special district to be superimposed on other districts contained in these regulations and is to be so designated by a special symbol for its boundaries on the Zoning Map.

- B. The housing types, minimum lot requirements, maximum height, minimum yard requirements and accessory uses and accessory signs shall be determined by the requirements and procedure set forth in this Article, which shall prevail over conflicting requirements of these regulations or ordinances governing the subdivision of land.

§ 234-24-D. Minimum district area.

- A. The minimum area for an RPC District under this Article shall be as follows:

- (1) In the R-1 District: 40 acres.

- (2) In the R-2 District: 10 acres.

- (3) In any residential district if the only development proposed is single-family detached dwellings: 10 acres.

- B. In calculating the minimum area for an RPC District, the measurement shall not include the area of any dedicated streets or alleys.

§ 234-24-E. Ownership.

The land in an RPC District need not be under single ownership, provided that proper assurances are given, through the procedures contained in this Article or elsewhere in these regulations, that the project can be successfully completed.

§ 234-24-F. Required procedures.

The procedure for establishment of an RPC District is contained in Article XI. The procedures for approval and amendment of RPC site plans are contained in Article IX. The proposed development shall follow all applicable procedures, standards and requirements of the ordinance or ordinances and regulations governing the subdivision of land, except as otherwise provided by this Article. No building permit shall be issued until a final site plan of the proposed development or part thereof is approved, filed and recorded.

§ 234-24-G. Concurrent establishment with other districts. Establishment upon annexation.

- A. An application for approval of an RPC District may be processed concurrently with separate applications for establishment of other districts in accordance with regulations applicable to those districts. Establishment of the district boundaries shall be in accordance with the procedures specified in § 234-24-F.
- B. An application for approval of an RPC District may be processed concurrently with a petition for annexation. Establishment of the district boundaries shall be in accordance with the procedures specified in § 234-24-F, except as otherwise provided by this Section. If an application for approval of an RPC District is submitted for processing concurrently with a petition for annexation, the Town Commissioners shall review the submittal and hold the public hearing on the RPC District petition prior to the special annexation election required by the Town Charter. If the Town Commissioners approve (with or without modifications) the RPC District petition and the special election approves the annexation, the Town Commissioners shall enact an ordinance:
 - 1. amending the official Town Zoning Map to provide the newly annexed property with an underlying zoning classification that is consistent with the Comprehensive Plan; and
 - 2. approving the RPC District petition and amending the official Town Zoning Map indicating that RPC District zoning is superimposed on the subject site for further allowing for any approved zoning amendments, variances, special uses and/or conditional uses.

§ 234-24-H. Review standards; conditions.

- A. The Town Commissioners shall review the conformity of the proposed development with the standards of the Comprehensive Plan and recognized principles of civic design, land use planning and landscape architecture.
- B. The Town Commissioners shall ensure an appropriate relationship between uses of high intensity or height within the RPC District and uses of low intensity or height, existing or future, outside the proposed RPC District and, to this end, may establish regulations for minimum lot and yard sizes and maximum height of structures located inside of and near the boundaries of the RPC District.

§ 234-24-I. Maximum permitted area of commercial uses.

To encourage the development of land in well-planned, mixed use communities, the maximum permitted area of commercial uses, excluding recreational uses which are available for use by

residents of the RPC District and which may be available for use by the public (such as fitness centers, golf courses, tennis courts, swimming pools and lakes), shall not exceed the lesser of:

- A. Twenty percent (20%) of the residential development area of an RPC District, or
- B. The area calculated as follows:
 - (1) One (1) acre for the first one hundred (100) dwelling units in the planned community; and
 - (2) Two (2) acres for the second one hundred (100) dwelling units in the planned community; and
 - (3) Four (4) acres for each additional one hundred (100) dwelling units in the planned community.

The residential development area shall be determined by subtracting the area set aside for churches, schools, and state wetlands as defined by the Delaware Department of Natural Resources and Environmental Control regulations and maps as promulgated pursuant to Chapter 66, Title 7, of the Delaware Code, as the chapter appears upon the date of the adoption of this Article, from the total area of the RPC District.

§ 234-24-J. Number of dwelling units permitted.

The Town Commissioners shall establish the number of dwelling units permitted at the time an RPC District is established. At a minimum, the number of dwelling units permitted shall be not less than 3.5 units per acre of residential development area as defined by § 234-24-I. The Town Commissioners shall have authority to permit increased residential density provided that the number of dwelling units permitted is consistent with the Comprehensive Plan.

§ 234-24-K. Minimum lot area and width.

Detached single-family dwelling lots established within the development shall have a minimum lot area of not less than 5,000 square feet and a minimum lot width of not less than 50 feet. Notwithstanding any provision herein to the contrary, any lot that is not connected to a central sewer system, as defined by § 234-5, shall have a minimum area of 3/4 acre.

§ 234-24-L. Requirements regarding parking and streets and driveways.

Off-street parking shall be provided in accordance with the requirements of this Chapter. Design and improvements of parking lots and garages shall also conform to these regulations and other applicable regulations or ordinances. Design, arrangement and improvement of streets and driveways shall conform to the ordinance or ordinances and regulations governing the subdivision of land.

§ 234-24-N. Schedule of construction.

During the review of an RPC preliminary site plan, the applicant may present and the Town Commissioners may adopt a schedule of construction phases. If such a schedule is adopted, permits for construction will be issued in accordance with the adopted schedule. Upon written request by the applicant, any schedule of construction adopted by the Town Commissioners may be amended in the same manner as a minor amendment pursuant to § 234-41-D.

§ 234-24-O. Incorporation of additional land area.

If, after approval of a Concept Plan and establishment of an RPC District, the permit holder desires to incorporate additional or after-acquired adjacent land area into the development plan, an informal conference with the Town Commissioners shall be requested pursuant to § 234-24-F for the purpose of outlining the scope of the application. If an application is filed for inclusion approval, the general procedural requirements of this article shall apply, with the application being deemed an application to extend or amend an existing RPC. Any application for an extension or an amendment of an RPC District to incorporate additional land area into a previously approved plan shall be considered under the procedures for the establishment of a new RPC District. If the application to extend or amend is approved, the boundaries of the initial RPC District shall be extended to include the additional land area, and all area-dependent provisions of this Article, such as maximum commercial area (§ 234-24-I) and number of residential dwelling units (§ 234-24-J), shall be aggregated between and among the initial RPC District area and all subsequently incorporated land area.

Section 8. Amend Chapter 234 of the Code of Bridgeville by adding the following provisions immediately after Section 41:

§ 234-41-A. Procedure for RPC District site plan approval.

Where the provisions of this chapter require the submittal of site plans for RPC Districts, the following schedule of procedure shall apply:

- A. A preliminary site plan for each phase of development shall be filed with Town Commissioners. If the Town Commissioners approved a schedule of construction phases pursuant to § 234-24-N, a preliminary site plan may include more than one phase of development, but the applicant shall not be required to file one preliminary site plan showing all phases of construction. Each preliminary site plan shall comply with the requirements of § 234-41-B and may be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the Town Commissioners. The number of copies of the plan to be submitted shall be determined by the Town Commissioners.
- B. The Town Commissioners shall hold a public hearing on the preliminary site plan and shall review the preliminary site plan for compliance with the Comprehensive Plan and

the RPC Concept Plan approved by the Town Commissioners, in accordance with the provisions of § 234-24-H. The Town Commissioners shall approve, modify or disapprove of the preliminary site plan. The Town Commissioners' decision shall set forth findings of fact on which the decision is based. Such findings shall describe how the preliminary site plan meets the standards and objectives stated in this Chapter and the Comprehensive Plan and whether the preliminary site plan is consistent with the approved Concept Plan for the RPC District.

- C. All public hearings required by this Section shall provide parties in interest and citizens an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the Town.
- D. The Town Commissioners shall maintain a copy of all approved preliminary site plans, but shall not record such plans.
- E. A final site plan shall be filed with the Town Commissioners. Each final site plan shall comply with the requirements of § 234-41-C and may be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the Town Commissioners. If the Town Commissioners approved a schedule of construction phases, the first of the final site plans need cover only the designated initial construction phase, with an additional final site plan for each of the scheduled succeeding construction phases. The Town Commissioners may permit changes in the boundaries of construction phases insofar as the changes do not incorporate area that is not part of an approved preliminary site plan(s).
- F. The Town Commissioners shall review the final site plan for compliance with the requirements of the RPC District, preliminary site plan approval(s) and this Chapter. The applicant shall revise the final site plan in accordance with the requirements of the Town Commissioners and shall place said plan on record after approval by the Town Commissioners.
- G. No public hearing shall be required for approval of any final site plan unless a change in the final site plan significantly alters a material provision of the approved preliminary site plan(s) encompassing the area of the final site plan.
- H. Upon approval of a final site plan, the Town Commissioners may require a contract with safeguards approved by the Town Attorney guaranteeing completion of public improvements within the subject phase in a period to be specified by the Town Commissioners. Such contract shall be filed with the Town prior to issuance of construction permits for the area of the final site plan.

§ 234-41-B. Preliminary site plan requirements.

- A. The preliminary site plan shall show the north point, scale and date.

B. The preliminary site plan shall show the following:

- (1) Plans shall show the seal and signature of a registered Delaware land surveyor or registered professional engineer, and all drawings shall be on sheets no larger than twenty-four by thirty-six (24 x 36) inches and at a scale of not more than 100 feet to one inch.
- (2) Geographical location, showing existing zoning district boundaries.
- (3) Proposed changes in zoning, if any.
- (4) Existing topographic contours at one-foot intervals, unless waived by the Town Commissioners as clearly unnecessary to review the project or proposal.
- (5) The location and nature of all proposed construction, excavation or grading, including but not limited to buildings, streets and utilities.
- (6) The approximate number of dwelling units to be included in each type of housing: single-family dwellings, two-family dwellings, townhouses, apartments of three stories and under and apartments over three stories.
- (7) Proposed buildings and structures, with dimensions, setbacks and heights designated.
- (8) The approximate use, location and size of nonresidential areas, if any (commercial or municipal uses, parking and loading areas or other).
- (9) The approximate location and size of open space areas and recreational areas, if any.
- (10) The approximate location of point of ingress and egress to existing public highways.
- (11) The number of construction phases proposed, if any, with the plot showing the approximate boundaries of each phase and the proposed completion date of each phase.

§ 234-41-C. Final site plan requirements.

- A. The final site plan shall comply with all existing laws, regulations and ordinances governing the approval of subdivisions and provide sufficiently accurate dimensions and construction specifications to provide the data necessary for the issuance of construction permits. The final site plan shall show the North point, scale and date. The scale shall be as specified in § 234-41-B.

B. The final site plan shall show the following:

- (1) The proposed title of the project, the names of the engineer, architect, designer or landscape architect and the developer and the seal and signature of a registered Delaware land surveyor or registered professional engineer.
- (2) The geographical location, showing the existing zoning district and boundaries; the boundaries of the property involved, the location of all existing easements and property lines, existing streets, buildings or waterways and other existing physical features in the project; and the location and sizes of sanitary and storm sewers, water mains, culverts and other underground structures in or near the project.
- (3) The number of dwelling units to be included in each type of housing: single-family dwellings, two-family dwellings, townhouses, apartments of three stories and under, and apartments over three stories.
- (4) The location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, parking and loading areas, including numbers of parking and loading spaces, outdoor lighting systems, storm drainage and sanitary facilities.
- (5) The location of proposed lots, setback lines and easements and proposed reservations for parks, parkways, playgrounds, municipal or school sites and open spaces.
- (6) The location, with respect to each other and to lot lines, and height of all proposed buildings and structures, accessory and main, or major excavations. The locations should be drawn to scale, and full dimensioning is required.
- (7) The floor plans and representative elevations of the several dwelling types and other buildings, as may be necessary.
- (8) The location, height and material of all fences, walls, screen planting and landscaping.
- (9) The proposed location and character of nonresidential uses, commercial or recreational uses, accessory or main.
- (10) The location, character, size, height and orientation of proposed signs.
- (11) A tabulation of the total number of acres in the project, the number of residential development acres and the percentage thereof proposed to be devoted to the several dwelling types, commercial uses, other nonresidential uses, off-street parking, streets, parks, schools and other reservations.

(12) A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre of residential development area.

(13) The location of all wetlands (both state and federal) shall be indicated by legal description with bearings and distances with each flag point numbered. A signed and dated statement by an experienced qualified professional shall be provided verifying the accuracy of the delineation. If the site contains no wetlands, then the plan must contain the appropriate statement from the same professional. Building lots containing wetlands shall be identified by a notation stating, "Construction activities within these sites may require a permit from the United States Army Corps of Engineers or the State of Delaware."

C. The Town Commissioners may establish additional requirements for final site plans and may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project. If a preliminary site plan is approved by the Town Commissioners without the inclusion of a particular requirement, that requirement is deemed to be waived.

§ 234-41-D. Amendments and additions to site plans.

The procedure for amendment of an approved RPC District or an approved RPC preliminary or final site plan shall be the same as for a new application, except that minor amendments of an approved Concept Plan or preliminary site plan or of conditions attached to an approved RPC District may be approved by the Town Commissioners at a regular meeting after a written report by the Director of Development and without a public hearing, provided that such change or amendment:

- A. Does not alter a recorded RPC final site plan;
- B. Does not conflict with the specific requirements of this chapter;
- C. Does not significantly change the general character or content of an approved development plan or use;
- D. Applies to an approved condition originating with the Commission and not the Town Commissioners;
- E. Has no appreciable effect on adjoining or surrounding property;
- F. Does not result in any substantial change of major external access points;
- G. Does not increase the approved number of dwelling units or height of buildings; and
- H. Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

The phrase "minor amendments" shall not include changes to the boundaries of an approved RPC District, but may include changes to: the location, number or types of uses; number of dwelling units; location or method of providing public services or utilities; and other similar amendments.

Section 9. Amend Chapter 234 of the Code of Bridgeville by adding the following provisions immediately after Section 57:

§ 234-57-A. Procedure for RPC District approval.

- A. The Town Commissioners may establish an RPC District permitting the development of land in accordance with the plans and schedule submitted as provided by this Section. RPC District approval constitutes a commitment by the petitioner to develop the subject property in a specific arrangement of land uses at a specific range of densities. Although RPC District approval also constitutes an approval by the Town of the concept for development, no building or construction may occur within the RPC District and no permits may be issued until a final site plan for the area to be developed has been submitted, approved and recorded as provided in § 234-41-A.
- B. The procedure for approval of an RPC District is as follows:
 - 1. Preapplication Conference – The petitioner shall present the development concept to the Town Commissioners during an informal preapplication conference. The Town Commissioners may request representatives from any Town, County and State agencies to attend such conference.
 - 2. Submission of the items required of an RPC District petitioner as identified by the “Submission Requirements” provisions of this Section.
 - 3. The Town Commissioners shall hold a public hearing on the RPC District petition in accordance with the procedures and requirements of § 234-55. The Town Commissioners shall approve, modify, or disapprove the petition. In the case of approval, or approval with modification, the Town Commissioners shall enact an ordinance approving the petition and amending the official Town Zoning Map indicating that RPC District zoning is superimposed on the subject site for further allowing for any approved zoning amendments, variances, special uses and/or conditional uses. The Town shall maintain a file containing a complete copy of the petition and Concept Plan, as approved.
 - 4. The Town Commissioners' decision shall set forth findings of fact on which the decision is based. Such findings shall describe how the petition meets the standards and objectives stated in this Chapter and the Comprehensive Plan.
 - 5. The petitioner shall submit a preliminary site plan within three (3) years of the effective date of the ordinance establishing the RPC District. If the Town Commissioners approved a phased schedule of construction, the preliminary site plan may encompass more than one phase of development. If the petitioner fails to submit a preliminary site plan for at least the initial phase of development within the time specified, all map amendments authorized by the Town Commissioners shall revert back to the original, underlying zoning designation(s) affixed to the subject property. The Town Commissioners may permit extension

of the filing date upon written request by the petitioner stating the reasons for the delay.

6. The Town Commissioners may require such special conditions as it may deem necessary to insure conformance with the objectives and standards established in this Chapter and the Comprehensive Plan.

C. Submission Requirements.

1. Petition— A written petition for establishment of an RPC District signed by the owners, and contract purchasers, if any, of the property that is the subject of the petition.
2. Fee – A fee, established by the Town Commissioners, to cover costs incurred by the Town for review of the RPC District proposal.
3. Narrative describing the following:
 - (a) Statement of present and proposed ownership of all land within the development;
 - (b) Overall objectives of the proposed RPC and a statement of how the proposed Residential Planned Community corresponds to and complies with the goals and objectives of this Chapter and the Comprehensive Plan;
 - (c) Proposed site development information, including:
 - i. Total acreage of subject property;
 - ii. Description of proposed land uses, including residential, commercial, institutional, recreational, open space and pedestrian and traffic circulation;
 - iii. Approximate number of dwelling units, densities of residential areas and anticipated population; and
 - iv. Acres allocated to each proposed use;
 - (d) Method of providing sewer and water service and other utilities, such as, but not limited to, telephone, gas, and electric services;
 - (e) Method of providing storm drainage;
 - (f) Method of and responsibility for maintenance of open areas, private streets, recreational amenities, and parking areas;
 - (g) School availability;
 - (h) Method for evaluating and minimizing impacts to environmentally sensitive areas, as identified by existing federal, state and local inventories;
 - (i) General description of the architectural and landscape elements on the perimeter of the planned development; and
 - (j) Development schedule indicating:
 - i. The phase(s) in which the project will be developed with emphasis on area, density, use, and public facilities to be developed during each phase. General design of each phase shall be shown on the Concept Plan and through supporting graphic material.
 - ii. Approximate commencement date of construction and length of time for construction of proposed project and for each phase thereof.

- iii. If different land use types are to be included within the RPC District, the schedule should include the mix of uses anticipated to be built in each phase.
4. Concept Plan – A graphical presentation, prepared at a scale that permits the plan to be shown on one sheet not smaller than twenty-four by thirty-six (24 x 36) inches and not longer than thirty-six by forty-eight (36 x 48) inches. The scale of the Concept Plan shall provide for a clear understanding of the development proposal. The Plan shall indicate the concept of the development with refinements to indicate the overall land use pattern, general circulation system, open space or park system, and major features of the development. This Section does not require a detailed site plan of buildings, utilities, streets and parking, etc. The Concept Plan shall include:
- (a) Boundary lines and dimensions of the subject site;
 - (b) Existing and proposed easements—general location and purpose;
 - (c) Major external points of access;
 - (d) General pattern of pedestrian and automobile circulation;
 - (e) Land use patterns proposed for the subject site, illustrating the approximate areas and distribution of the various uses; and
 - (f) Map data, including proposed name of development, name of site planner, north arrow, scale, date of preparation.
5. Environmental Information – The following data identifying existing natural and environmental site conditions shall be presented graphically at the same scale as the Concept Plan:
- (a) Topography - A topographic map, if possible, underlying the Concept Plan, at a minimum of one (1) foot contour intervals;
 - (b) Floodplain - Information from the most current source specified by the Town indicating the location and extent of the regulatory floodplain;
 - (c) Soils - Information from the most current U.S. Department of Agriculture—Soil Conservation Service Soils Catalog indicating the location and species of soils. If said information is not available, soil borings may be submitted; and
 - (d) Approximate location and extent of existing vegetation and wetlands, as identified by existing federal, state and local inventories.
- D. The Town Commissioners may impose conditions regarding the layout and design of the proposed development and, where applicable, may require that appropriate deed restrictions be filed to assure compliance with the development plan.

Section 10. Note: References herein to sections of the Code of the Town of Bridgeville in *bold italic* text are to provisions established by this Ordinance. The provisions established by Sections 7 through 9 of this Ordinance are identified, for ease of reference, in *bold italics* by the

existing Code section after which they are intended to be codified, followed by a capital letter. These provisions, and internal references thereto, are intended to be appropriately renumbered during codification.

Section 11. Effective Date. This ordinance shall become effective upon its adoption by a majority of all members elected to the Commission present and voting.

9/9/02
First Reading

9/30/02
Second Reading

9/30/02
Adopted

COMMISSIONERS OF BRIDGEVILLE

Joseph A. Conway
Commission President

Margaret W. Sippe
Commission Secretary

Synopsis

This ordinance establishes a Residential Planned Community (RPC) zoning district, which provides the Commissioners of Bridgeville with flexibility to permit well-planned, mixed-use developments.