

1 **AN ORDINANCE TO DELETE CHAPTER 115, ARTICLE XVII**
2 **VACATION RETIREMENT – RESIDENTIAL PARK DISTRICT**
3 **SECTIONS 115-132 THROUGH 115-140 IN ITS ENTIRETY AND TO**
4 **INSERT ARTICLE XVII MASTER PLAN ZONE, SECTIONS 115-132**
5 **THROUGH 115-140 IN ITS PLACE.**

6 WHEREAS, Article XVII Vacation Retirement – Residential Park District is
7 a closed District and no land within Sussex County has been zoned with this
8 District classification and because it is a closed District no land can ever be zoned
9 to it in the future; and

10 WHEREAS Sussex County Council desires to replace Article XVII
11 Vacation Retirement – Residential Park District with a new Zoning District
12 identified as Article XVII Master Plan Zone; and

13 WHEREAS, the 2019 Sussex County Comprehensive Plan’s Future Land
14 Use Element states that the “Plan seeks to encourage the County’s most
15 concentrated forms of new development to Growth Areas, including most higher
16 density residential development and most commercial development” and
17 development designed in accordance with this Master Plan Community Zone can
18 be in accordance with this encouragement; and

19 WHEREAS, Master Planned development is appropriate in the Growth
20 Areas designated as the Coastal Area, Developing Area, Town Center Area, and
21 Commercial Area of the Future Land Use Map of the 2019 Comprehensive Plan
22 where adequate infrastructure is available; and

23 WHEREAS, Mixed-use residential and commercial developments can be
24 appropriate in the Coastal Area, Developing Area, Town Center Area, and
25 Commercial Area of the Future Land Use Map of the 2019 Comprehensive Plan
26 and the Master Plan Zone promotes such mixed-use development where
27 appropriate; and

28 WHEREAS, Strategy 4.4.1.5 of the Future Land Use Element of the 2019
29 Comprehensive Plan states that it is a goal of the County to “[e]ncourage master
30 planning for large-scale developments on large parcels or groups of parcels in the
31 Town Center, Coastal Area, Developing Area, and Commercial land use
32 classifications to provide flexibility in design” and this ordinance is in furtherance
33 of that Strategy; and

34 WHEREAS, this ordinance creating a Master Plan Zone within Sussex
35 County promotes the health, safety, and welfare of Sussex County.

36 NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

37 **Section 1. The Code of Sussex County, Chapter 115, is hereby amended to**
38 **delete Article XVII, Vacation Retirement – Residential District in its entirety**
39 **by deleting the language in brackets as follows:**
40

41 [§115-132 Purpose.

42 In order to encourage planned vacation, retirement and general residential park
43 developments which are compatible with the surrounding area and are
44 economically feasible and to achieve the goals of the Comprehensive Plan, the
45 Vacation-Retirement-Residential-Park District (VRP District) is hereby
46 established.

47 § 115-133 Superimposed district; effect on other provisions.

48 A. To enable the district to operate in harmony with the plan for land use and
49 population density embodied in these regulations, the VRP District is created as a
50 special district to be superimposed on other districts contained in these regulations
51 and is to be so designated by a special symbol for its boundaries on the Zoning
52 District Map.

53 B. Uses for this district shall be determined by the requirements and procedure set
54 forth in this article and shall prevail over other regulations or ordinances governing
55 the subdivision of land which may be in conflict herewith.

56 § 115-134 Minimum district area; leasing of lots.

57 A. The minimum area for a VRP District shall be 25 acres. In calculating the
58 minimum area for a district, measurement shall not include the area of any streets
59 or roads.

60 B. The lots in a VRP District shall be leased and shall not be sold as lots as long as
61 said land remains within a VRP District.

62 § 115-135 Required procedures; completion dates for stages of development.

63 A. Procedures for establishment of a VRP District and approval and amendment of
64 site plans are contained in Article XXVIII. Before any application is filed, the
65 applicant shall hold an informal conference with the Commission. The Park shall
66 follow all applicable procedures, standards and requirements of the ordinances and
67 regulations governing the subdivision of land. No building permit shall be issued

68 until a final plot of the proposed park or part thereof is approved, filed and
69 recorded.

70 B. A date or dates for the completion of certain stages of development of the park
71 may be established by the Commission, provided that such date or dates shall be
72 set after taking into consideration various factors, such as the state of the economy,
73 the going rate of interest, the market acceptance of the park, the size of the park
74 and the quantity and quality of the proposed facilities, including roads and the
75 water and sewer system.

76 § 115-136 Review standards; conditions.

77 A. The Commission shall evaluate the park by the standards of the Comprehensive
78 Plan and recognized principles of civic design, land use planning and landscape
79 architecture.

80 B. The Commission may impose conditions regarding the layout, circulation and
81 performance of the park and, where applicable, may require that appropriate deed
82 restrictions be filed and recorded, enforceable by the Commission, for a period of
83 20 years from the date of recording.

84 § 115-137 Types and sizes of dwellings.

85 A. Completely factory-built manufactured homes no less than 660 square feet and
86 no more than 1,570 square feet in size and not more than 14 feet in height,
87 hereinafter referred to as "manufactured homes," excluding porches, decks,
88 breezeways and the like, and completely factory-built modular homes no less than
89 1,000 square feet in size and no more than 18 feet in height, hereinafter referred to
90 as "modular homes," shall be permitted in the park. The word "dwellings," as used
91 in this article, as the text requires, shall refer to both types of homes.

92 B. The size and height of a manufactured home or a modular home shall be
93 determined as of the date it is originally moved into the park and shall be based on
94 the dimensions as received from the manufacturer.

95 § 115-138 Minimum lot area; irregularly shaped lots; markers.

96 A. The minimum area of all lots shall be no less than 5,500 square feet, with a
97 minimum width of 50 feet for all typical lots. Atypical or irregular-shaped lots
98 shall be of such size as shall be approved by the Planning and Zoning Commission
99 upon submission of a survey therefor.

100 B. Corners of all lots shall be visibly marked and numbered by a permanent
101 marker.

102 § 115-139 Additional requirements.

103 A. There shall be no more than one dwelling and one accessory structure on any
104 one lot.

105 B. Manufactured homes may be placed on lots immediately adjacent to other
106 manufactured homes. Modular homes may be placed on lots immediately adjacent
107 to other modular homes. A modular home may be placed on a lot immediately
108 adjacent to a manufactured home; however, a manufactured home may not be
109 placed on a lot immediately adjacent to a modular home.

110 C. No part of any dwelling or any accessory structure shall be closer than 25 feet to
111 any front boundary line. Steps with related landing, not exceeding 28 feet of lot
112 coverage, may project four feet into the required setback.

113 D. No part of any dwelling, addition or accessory structure shall be closer than two
114 feet to any side or five feet to any rear boundary line; provided, however, that no
115 part of any dwelling, addition or accessory structure shall be closer than 15 feet to
116 any other dwelling, addition or accessory structure.

117 E. Central sewer and water supply facilities and electric connections shall be
118 provided.

119 F. All streets in the park shall have a right-of-way of at least 40 feet. No less than
120 24 feet in width of the streets shall be paved with three coats of surface treatment
121 (tar and chip) and shall be properly lighted. Additional road improvements, if
122 required by the Commission, shall be provided for proper and sufficient drainage.

123 G. Access to the park shall be from a major thoroughfare and shall be at least 50
124 feet in width. The number and location of access drives shall be controlled for
125 traffic, safety and protection of surrounding properties. No lot shall be designed for
126 direct access to a street outside the boundaries of the park.

127 H. The topography of the lots shall be such as to facilitate rapid drainage, and
128 adequate drainage facilities shall be provided.

129 I. Open spaces or areas left in their natural state shall be provided within the park
130 at a ratio of 300 square feet minimum per lot.

131 J. The park shall be surrounded by a landscaped strip of open space at least 50 feet
132 in width.

133 K. Two off-street parking spaces shall be provided on each lot.

134 L. Small retail businesses intended primarily for occupants of the park shall be
135 permitted within the park area. Grocery stores, automatic laundries, beauty shops
136 and similar uses are appropriate.

137 M. The occupier of each lot in the park shall provide receptacles for trash and
138 garbage which shall be so located and kept as not to be generally visible from any
139 interior road in the park, except on days when such receptacles may be placed out
140 for purposes of collection only.

141 § 115-140 Closed district.

142 As of the date of adoption of this amendment, the VRP District shall be considered
143 a closed district and shall not be applied to any additional lands in Sussex County.
144 The district and its various provisions and regulations shall continue to exist as
145 they apply to a VRP District legally established under the procedures of this
146 chapter.]

147
148 **Section 2. The Code of Sussex County, Chapter 115, is hereby amended to**
149 **establish Article XVII, “Master Plan Zone” §§115-132 through 115-140 by**
150 **inserting the italicized language as follows:**

151
152 **§ 115-132 Purpose and Intent.**

153 *The intent of the Master Plan Zone (“MPZ”) is to create a walkable, bikeable and*
154 *pedestrian-friendly, economically viable professional, commercial and mixed-use*
155 *neighborhood that is superior in design to a standard residential subdivision,*
156 *commercial site plan, or combination of both. Its intent is also to preserve and*
157 *enhance the natural landscape and buffer the development from adverse external*
158 *influences. The provisions of this Article are intended to encourage greater*
159 *integration of land-uses and diversity of lot sizes than is permitted under other*
160 *provisions of Chapter 99 and this Chapter 115. It may provide design flexibility*
161 *that will aid in the fulfillment of Sussex County’s Comprehensive Plan. Lastly, it*
162 *will promote greater interconnectivity of roadways and coordination with DelDOT*
163 *for new state-maintained roadways within a large-scale development.*

164
165 **§ 115-133 Definitions.**

166 **General Overall Master Plan:** A document composed of a set of maps of a
167 subject property and a Master Manual that reflects a Master Plan. The
168 General Overall Master Plan is to be submitted to the Planning and Zoning
169 Commission and Sussex County Council as materials to support the rezoning
170 of a land area for development as an MPZ. The General Overall Master Plan
171 shall designate the Areas identified in Section 115-137 and shall include a
172 Spatial Distribution Plan.

173 **Implementation Manual:** A document prepared in narrative and graphic form
174 that describes all details of the development relative to the elements reflective
175 of the design principles of this Article and the specific requirements of Section
176 115-135. This should include, but is not limited to, details of the design
177 elements of the project such as architectural standards, relationships between
178 uses and different scales of buildings, parking and open spaces. It shall also
179 contain an explanation of how the Manual conforms to the approved General
180 Overall Master Plan and the Master Manual. All subsequent plan review and
181 development activities shall be governed by the Implementation Manual.

182 **Implementation Plan:** A document composed of a set of maps and an
183 Implementation Manual that describes the anticipated physical development of
184 a property. The document shall conform with the General Overall Master Plan
185 and the Master Manual and should reflect the design principles of this Article
186 and the Implementation Manual.

187 **Master Manual:** A document prepared in narrative and graphic form that
188 explains the concepts behind the implementation of the proposed Master Plan
189 Zone on the parcel or parcels and in the community. It should identify the
190 concepts and approaches to each of the elements and types of uses identified in
191 Sections 115-135 and 138.

192 **Spatial Distribution Plan:** A Plan showing how the overall density is
193 allocated throughout the MPZ. Resembling a topographic rendering (i.e., lines
194 demarcating 2 units per acre, 4 units per acre, 6 units per acre, etc.), this Plan
195 shall show the densities of individual areas within the MPZ. The intent of this
196 Plan is to visually show how the MPZ density is designed, taking into account
197 factors including, but not limited to: (a) lower density development radiating
198 away from higher density development at the interior of the MPZ; (b) the
199 location of higher densities along main roadways within the MPZ; (c) the
200 relationship with the location and type of development along the outside
201 perimeter of the MPZ; or (d) such other planning factors that may be relevant.

202 **§ 115-134 Eligibility Requirements.**

203 No land area shall be zoned MPZ unless the following conditions are met:

- 204 a) *The entire land area of the MPZ must exceed 200 acres;*
- 205 b) *The MPZ shall include at least 20% of the land area designated to*
206 *non-residential use;*
- 207 c) *The residential density of the entire MPZ shall not exceed 12 units*
208 *per acre (excluding Tidal Wetlands);*
- 209 d) *The land area shall have access to an existing or planned arterial or*
210 *collector road;*
- 211 e) *The land area shall be served by adequate existing or planned*
212 *infrastructure, including central sewer and water;*
- 213 f) *The land area may contain a single or multiple parcels. The rezoning*
214 *application for the land area shall be filed jointly by all owners of the*
215 *involved land area;*
- 216 g) *A finding by the Planning Commission and Sussex County Council*
217 *that the proposed MPZ location is generally consistent with the*
218 *Comprehensive Plan; and*
- 219 h) *The “Purposes of Regulations” set forth in Title 9, Chapter 69,*
220 *Section 6904 of the Delaware Code shall be satisfied.*
- 221 (i) *At least 20% of all multifamily dwellings shall be set aside as SCRP*
222 *units governed by Chapter 72.*

223 **§ 115-135 Design and Development Principles and Standards.**

224 *The following standards and principles of design and development shall apply to*
225 *the MPZ:*

226
227 A. *Bulk standards including setback, lot area, height, parking, signs, and*
228 *landscaping shall be governed by the approved Master Manual and shall prevail*
229 *over conflicting requirements of this Chapter and Chapter 99.*

230
231 B. *The MPZ design principles below shall be reflected in the Spatial*
232 *Distribution Plan, the Implementation Plan, the General Overall Master Plan, and*
233 *the Implementation Manual, consistent with the purpose and intent section of this*
234 *Article.*

235 1. *The design for the entire zone shall follow an environmentally*
236 *sustainable approach to development. To accomplish this, the design shall*
237 *take advantage of natural drainage patterns on site and minimize*
238 *unnecessary earthmoving, erosion, tree clearance and other disruption of*

239 *the natural environment. Existing vegetation and habitats shall be preserved*
240 *wherever possible. Where extensive natural tree cover and vegetation do not*
241 *exist or cannot be preserved on the site, landscaping shall be undertaken in*
242 *order to enhance the appearance of the development, screen streets and*
243 *parking areas, and enhance the privacy of private dwellings. Native plant*
244 *species shall be used whenever possible and practical. Natural drainage*
245 *systems shall be preserved wherever possible. Where natural drainage*
246 *systems do not exist, drainage patterns shall be developed similar to the*
247 *natural pattern to the extent practical.*

248 *2. Development shall be compatible with existing historic buildings,*
249 *landscapes and urban design within or adjacent to the zone. Any existing*
250 *cultural resources shall be analyzed for creative preservation and/or*
251 *adaptive reuse in the new development.*

252 *3. Permanent, publicly accessible Open Space outside of individual lots*
253 *comprising a minimum of ten percent (10%) of the land area shall be*
254 *provided in the MPZ. Land owned by government or non-profit entities that*
255 *is included in the approved Implementation Plan and is open to the public*
256 *may count toward this requirement. At least one-half of the minimum*
257 *required open space land must be free of wetlands or storm water*
258 *management areas containing permanently standing water in order to be*
259 *readily accessible and usable for active and passive recreation. Significant*
260 *natural features shall be incorporated into permanent public open space*
261 *whenever possible. A portion of the permanent public open space shall be*
262 *designed as a contiguous area to provide access throughout the full project*
263 *site and a portion shall be interspersed within all areas so as to provide*
264 *access from the surrounding neighborhood, active recreation space and/or a*
265 *visual amenity.*

266 *4. Open space within residential areas shall be oriented to the fronts of*
267 *the buildings. Isolated open spaces in the rear of properties are*
268 *discouraged.*

269 *5. Landscape plantings in parks, greens or significant open spaces shall*
270 *create an immediate positive visual impact on the community.*

271 *6. The MPZ shall have a pedestrian walkway and/or bicycle system*
272 *through the open spaces that connects to the street system or connects a*
273 *series of open spaces. Bicycle parking/locking facilities should be provided*
274 *in public spaces as appropriate.*

275 7. *The design of streets shall form a connected system with dimensions*
276 *and speed reasonable to serve the development and adjacent properties and*
277 *roadways, but also to create an environment that is friendly to pedestrians*
278 *and bicycle riders.*

279 8. *Service alleys shall be used throughout the development whenever*
280 *practical, particularly in areas with attached and multiple family dwellings.*
281 *Garbage storage and pick up areas shall be located along alleys where they*
282 *exist. Driveway access may be from the street or an alley, if an alley is*
283 *provided.*

284 9. *Residential neighborhoods and their individual blocks, to the extent*
285 *possible, shall contain a mixture of a variety of house and lot types and sizes*
286 *to strengthen community interactions.*

287 10. *Nonresidential uses in a primarily residential area shall be of a*
288 *character, size, scale and design to compliment a mixed sustainable*
289 *community.*

290

291 **§ 115-136 Permitted Uses.**

292 *In an MPZ, and subject to any conditions of approval imposed upon the MPZ and*
293 *General Master Plan, only those uses that are permitted in the LI-1 Limited*
294 *Industrial District, the L-2 Light Industrial District and the HI-1 Heavy Industrial*
295 *District shall be prohibited. Provided, however, that all non-residential uses shall*
296 *be of a superior design that is consistent with the Purpose and Intent of the MPZ.*
297 *The design and integration shall be reflected in the approved Implementation*
298 *Manual and the General Overall Master Plan.*

299

300 **§ 115-137 Areas Within the MPZ**

301 *In addition to the areas that are primarily residential within the MPZ, the*
302 *following areas are encouraged to facilitate mixed uses and sub-planning within*
303 *the entire MPZ project. Provided, however, that the total acreage set aside for the*
304 *following areas shall not exceed fifty percent (50%) of the entire MPZ:*

305

306 **1. Neighborhood Commercial Area.**

307 *A Neighborhood Commercial Area is optional in an MPZ, subject to the additional*
308 *requirements below. Its purpose is to provide a range of commercial/retail,*
309 *business/office and other non-residential services supportive of the residential*
310 *character of the MPZ. Residential use in the district, including that of upper*

311 *floors, is encouraged. The following design principles shall be reflected in the*
312 *Implementation Manual for the neighborhood commercial area:*

313

314 *A. Building height shall be no greater than fifty (50) feet. Buildings may be*
315 *connected but must retain fire separation. Mixed-use buildings are encouraged.*

316

317 *B. The Neighborhood Commercial Area shall be designed around and shall have*
318 *frontage on an internal main street that connects to the street and road system*
319 *outside of the MPZ. It is preferred that such “main streets” shall become State*
320 *maintained roadways. Buildings within the Area shall be organized in relation to*
321 *this internal main street to create a walkable connection among the different uses*
322 *and buildings.*

323

324 *C. Off-street parking shall be provided in a manner so that it is screened from the*
325 *right of way by buildings, landscaping or other means. Off-street parking shall be*
326 *screened from adjacent non-commercial uses and consideration should be given to*
327 *locating parking to the side or rear of the building. Off-street parking may be*
328 *shared by adjacent uses.*

329

330 *D. Service drives shall be designed and used for loading and trash collection.*

331

332 *E. Public areas for seating, gathering, and public amenities such as fountains,*
333 *amphitheaters, display areas, public art, kiosks, and recreational activity shall be*
334 *integrated into the area.*

335

336 *F. To promote walkability within the MPZ generally and the Neighborhood*
337 *Commercial Area specifically, no restaurants with drive-through service or retail*
338 *uses with drive-through service shall be permitted. Banking services with drive-*
339 *through services shall be permitted.*

340

341 *2. Professional Office, Medical and Financial Area.*

342 *A Professional Office, Medical and Financial Area is optional in the MPZ, subject*
343 *to the additional requirements below. Its purpose is to provide a range of*
344 *professional, medical, and financial office space with the opportunity to*
345 *incorporate a variety of residential uses. Residential use of part of such areas is*
346 *encouraged to make them more active and secure after the workday is over.*

347

348 A. *Building height shall be no greater than fifty (50) feet. Buildings may be*
349 *connected but must retain fire separation and have a distinct connection. Mixed-*
350 *use buildings are encouraged.*

351
352 B. *The Professional Office, Medical, and Financial Area shall be designed*
353 *around a through street or streets which connect to the street and road system*
354 *outside the area and also interconnect within the overall plan. Buildings within the*
355 *Area shall be organized in relation to this internal main street to create a*
356 *walkable connection among the different uses and buildings.*

357
358 C. *Off street parking shall be provided in a manner so that it is screened from*
359 *the right of way by buildings, landscaping or other means. Off street parking shall*
360 *be screened from adjacent noncommercial uses and consideration should be given*
361 *to locating parking to the side or rear of the building. Off street parking may be*
362 *shared among the adjacent uses.*

363
364 D. *Service drives for loading and trash collection are encouraged.*

365
366 E. *Public areas for seating, gathering, and public amenities, such as fountains,*
367 *amphitheaters, display areas, public art, kiosks, and recreational activities, shall*
368 *be integrated into the Area.*

369
370 3. *Civic Area.*
371 *A Civic Area is optional in the MPZ, subject to the additional requirements below.*
372 *Its purpose is to provide a range of civic uses including government buildings,*
373 *education buildings, libraries, meeting halls, museums, recreational facilities,*
374 *places of worship, or other similar cultural, civic or social uses with the*
375 *opportunity to incorporate a variety of residential uses. Residential use of part of*
376 *such areas is encouraged to make them more active and secure after the workday*
377 *is over.*

378
379 A. *The MPZ may have one or more Civic Areas, but the total acreage*
380 *dedicated to the areas shall not exceed ten percent (10%) of the total MPZ.*

381
382 B. *Building height shall be no greater than fifty (50) feet. Buildings may be*
383 *connected but must retain fire separation and have a distinct connection. Mixed-*
384 *use buildings are encouraged.*

385

386 C. *The Civic Area shall be designed around a through street or streets which*
387 *connect to the street system outside the area and also interconnect within the*
388 *overall plan. Buildings within the Area shall be organized in relation to this*
389 *internal main street to create a walkable connection among the different uses and*
390 *buildings.*

391
392 D. *Off street parking shall be provided in a manner so that it is screened from*
393 *the right of way by buildings, landscaping or other means. Off street parking shall*
394 *be screened from adjacent noncommercial uses and consideration should be given*
395 *to locating parking to the side or rear of the building. Off street parking may be*
396 *shared among the adjacent uses.*

397
398 E. *Service drives for loading and trash collection are encouraged.*

399
400 F. *Public areas for seating, gathering, and public amenities, such as fountains,*
401 *amphitheaters, display areas, public art, kiosks, and recreational activities, shall*
402 *be integrated into the Area.*

403
404 **§ 115-138 Master Manual.**

405 A. *The Master Manual, once approved by County Council, shall constitute an*
406 *agreement by the landowner/developer to follow the standards and guidelines*
407 *contained therein during the design, construction and maintenance of land*
408 *developed according to this Article. The Master Manual also establishes the*
409 *nature and identity of the community for potential future residents prior to its*
410 *completion. The Master Manual addresses a series of items pertaining to the*
411 *physical character of the MPZ development.*

412
413 B. *The Master Manual shall consist of a brief written and graphic description*
414 *of the landowner/developer's proposed approach to the MPZ as a whole and it*
415 *shall address the Areas and types of uses set forth in Section 115-137. The*
416 *architectural, lighting, signage and landscape examples may be vignettes of styles*
417 *with graphic and narrative descriptions for this submission. The purpose of the*
418 *Master Manual is to insure that the owner/developer gives adequate thought to the*
419 *nature of a MPZ designation and understands the impacts of such a designation*
420 *on site development; and it provides a way for the County to be involved early in*
421 *the planning process to confirm that the Purpose and Intent of this Article will be*
422 *followed.*

423

424 C. *The Master Manual shall address the items listed in Section 115-135*
425 *“Design and Development Principles and Standards” through evidence of*
426 *substantive research and physical guidelines. The extensive use of photographs,*
427 *drawings and other graphic methods is strongly encouraged. The results of this*
428 *work may be organized in a manner that best represents the*
429 *landowner/developer's intent as long as all the items are substantively addressed.*

430

431 D. *The following items are required to be included in the Master Manual:*

432

433 1. *Nearby developed precedents - a discussion and illustration of local*
434 *and regional precedents in the design of the County's existing*
435 *neighborhoods, communities, buildings, and landscape and how they will be*
436 *reflected in the proposed development.*

437

438 2. *Existing natural features – plans showing existing natural features*
439 *including topography, soils, wetlands, drainage, vegetation and any*
440 *potential limitations on development as a result of these features.*

441

442 3. *Circulation and transportation - classification and illustration of a*
443 *system of roads, streets, alleys, parking areas and pedestrian and bicycle*
444 *routes that creates an integrated network serving the MPZ development and*
445 *links it to adjacent areas. Detailed design standards and illustrations for*
446 *each component of the system are required. A plan of the circulation*
447 *systems shall be included along with a Master Transportation Plan*
448 *approved by DelDOT.*

449

450 4. *Uses – an overall program of uses showing general use locations and*
451 *the locations of Neighborhood Commercial Areas, Professional Office,*
452 *Medical and Financial Areas and Civic Areas and the acreage or square*
453 *footage of each type of use or Area.*

454

455 5. *Building lots - a classification and illustration of the full range of*
456 *proposed lot types, sizes and setbacks, locations of potential accessory*
457 *buildings, and access by auto and foot. A plan of their location throughout*
458 *the development shall be included.*

459

460 6. *Density – the total residential density of the entire MPZ, in*
461 *accordance with the Spatial Distribution Plan.*

462

- 463 7. *Housing Types - The housing types, broken down by area within the*
464 *MPZ as appropriate.*
465
- 466 8. *Buildings - a classification of the full range of buildings, residential,*
467 *commercial, office or mixed, to be constructed including detailed guidelines*
468 *addressing their architectural character and essential required elements,*
469 *such as size, height, composition and massing, windows, doors, porches,*
470 *roof design, fenestration, and all materials. A plan of their location by use*
471 *type throughout the development shall be included.*
472
- 473 9. *Accessory structures - detailed design guidelines for accessory*
474 *structures including, but not limited to, fences, sheds, pools, garages,*
475 *gazebos shall be included and compatible with the MPZ design principles.*
476
- 477 10. *Open spaces - a classification of a system of landscaped open spaces*
478 *(in addition to private yards) with a plan of the network created by the open*
479 *spaces and pedestrian and bicycle circulation systems.*
480
- 481 11. *Landscape design - a palette of hard (paving) and plant materials*
482 *along with street furniture, major focal elements and ornamentation shall be*
483 *provided. These shall be located on a plan of the development. Details of*
484 *plant species and hard materials shall be included.*
485
- 486 12. *Stormwater management – a preliminary design of anticipated*
487 *stormwater management areas.*
488
- 489 13. *Lighting design - placement of public and private lighting throughout*
490 *the development and design of the lighting fixtures, globes, illumination*
491 *patterns and intensities.*
492
- 493 14. *Signage – a preliminary design including the typical size, type, height*
494 *and placement of all sign for public and private uses within the MPZ.*
495
- 496 15. *Coastal Area – if the MPZ is within the Coastal Area, the Master*
497 *Manual shall include the information required by Section 115-134B.(2).*
498
- 499 15. *Application and administration - a presentation of the manner in*
500 *which the Master Manual requirements and guidelines will be administered*
501 *and enforced on behalf of the developer. The roles and responsibilities of*

502 *the developer, builders and homeowners and/or homeowners' association in*
503 *overall administration of the Manual's requirements shall be addressed.*

504
505 *16. Sussex County Engineer Approval – the approval by the Sussex*
506 *County Engineer of the street, sidewalk and drainage designs to be utilized*
507 *in the MPZ.*

508
509 **§ 115-139 Procedure.**
510 *An application for rezoning of a land area to an MPZ shall be required to obtain*
511 *approvals as follows:*

512 *A. Application for an MPZ rezoning and General Overall Master Plan review.*
513 *After an application is received, but prior to any further action being taken with*
514 *regard to it, the applicant shall meet with the Director and the County Engineer*
515 *for a preliminary review of the MPZ and the General Overall Master Plan and the*
516 *Master Manual for compliance with the Design and Development Principles and*
517 *Standards of Section 115-135, the requirements of Section 115-138, the other*
518 *requirements and guidelines of this Article, and incorporating their land planning*
519 *experience and technical knowledge. This shall be a collaborative effort to refine*
520 *the application and design of the MPZ.*

521 *Thereafter, each application for a rezoning to an MPZ shall be heard by the*
522 *Planning Commission for a recommendation to the County Council, which will*
523 *make the final action on the MPZ, the General Overall Master Plan and the*
524 *Master Manual. The Commission may recommend, and County Council may*
525 *impose, conditions upon the MPZ Zoning and/or the approval of the General*
526 *Overall Master Plan and Master Manual.*

527 *The application for rezoning to a MPZ shall include, in addition to the Eligibility*
528 *Requirements of Section 115-134, the following:*

- 529 *1. A narrative on the nature of the applicant's interest in the*
530 *development;*
- 531 *2. A narrative explaining the manner in which the application conforms*
532 *to the Purpose and Intent of this Article;*
- 533 *3. The development team involved in the proposed development;*
- 534 *4. A General Overall Master Plan; and*
- 535 *5. A narrative Master Manual;*

536 *B. Application for Implementation Plan Review. After an MPZ, General Overall*
537 *Master Plan and Master Manual is approved by County Council, the Commission*
538 *shall review the MPZ Implementation Plan and Implementation Manual. The*
539 *Implementation Plan and Implementation Manual shall abide by and match the*
540 *approved General Overall Master Plan and the Master Manual incorporated*
541 *therein. The submission for the individual Areas as described in Section 115-137*
542 *may be considered separately by the Commission. The Director shall determine*
543 *whether any Implementation Plan and Implementation Manual submitted meet the*
544 *minimum requirements of this Article and Section, including but not limited to the*
545 *requirements, elements and principles of the General Overall Master Plan, the*
546 *Master Manual and the Comprehensive Plan prior to submitting the application to*
547 *the Commission for review. The Commission may approve the Implementation*
548 *Plan and the Implementation Manual once it has determined that they meet the*
549 *purpose and intent of this Article and Chapter and the approved General Overall*
550 *Master Plan.*

551 *All elements of any Implementation Plan shall include the following:*

- 552 *1. The Implementation Manual.*
- 553 *2. Detailed plans of existing natural features showing topography, soils,*
554 *drainage and vegetation.*
- 555 *3. Detailed plans of the proposed building locations, actual street, road*
556 *and transportation networks, parking areas with counts, recreation and*
557 *open space with area calculations, stormwater management and a phasing*
558 *plan.*
- 559 *4. Final program of uses including building footprints for*
560 *commercial/office uses and buildable envelope for residential portions,*
561 *building height, and total square feet by use and housing type.*
- 562 *5. The proposed development pattern, materials, dimensions and*
563 *architectural styles as shown in the Master Manual.*

564 *Once approved, the Implementation Plan shall be considered as an approved*
565 *Preliminary Site Plan in accordance with Sections 115-220 and Chapter 99, as*
566 *appropriate.*

567 *C. Action Following Implementation Plan Approval. Following*
568 *Implementation Plan approval, the Director shall perform an administrative*
569 *review of subsequent Final Site Development Plans for compliance with the*
570 *approved Implementation Plan in accordance with the following:*

571 1. *Site development plan: the approval of Final Site Development Plans*
572 *for areas or phases within the MPZ shall adhere to the Final Site Plan*
573 *process and requirements set forth in Section 115-221.*

574 2. *Implementation Plan amendments: The Director will entertain only*
575 *minor, clarifying amendments to the plans or the Master Manual in*
576 *considering a Final Site Development Plan. Minor amendments may*
577 *include, but are not limited to, the addition of a material for landscaping,*
578 *adjustments to the specific street or alley placement of less than 50 feet, or*
579 *change in location of structures in an active recreation space. Any major*
580 *amendments, as determined by the Director, will be required to be approved*
581 *by the Planning Commission. Provided, however, that amendments that are*
582 *inconsistent with the approved MPZ, General Overall Master Plan and*
583 *Master Manual shall require an amendment to both following a public*
584 *hearing before the Commission and County Council.*

585 3. *The development of the site in accordance with the Implementation*
586 *Plan and Final Site Development Plan shall be subject to all applicable*
587 *bonding requirements set forth in Chapters 99 and 115.*

588 4. *The approved Implementation Plan and Final Site Development Plan*
589 *shall be rendered null and void if substantial construction is not commenced*
590 *thereon within five years of the approval thereof.*

591
592 **§ 115-140. (Reserved).**