

C. Future Land Use—Framework, Map, and Implementation

Overview

Overseeing the use of land in New Castle County to ensure the built and natural environments support the health, safety, and welfare of the community is a fundamental function of the Land Use Department. This is achieved in a range of ways from long-range planning, such as this NCC@2050 comprehensive plan, to the application and enforcement of the unified development code, building code, and other regulations. Notably, the future land use map and associated maps are the component of the comprehensive plan that hold legal status, according to State law. The Future Land Use Map directs land use policy and zoning changes.

Future Land Use Map and Zoning

The future land use plan designates general distribution, location, and the extent of the uses of land including residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land.

The future land use framework and plan also includes standards to be followed in the control and distribution of population densities and building and structure intensities; this is depicted in the Future Land Use Map (see *Map C-1*; the 2012 Future Land Use Map is included in Appendix A for reference).

While Future Land Use Map is the spatial embodiment of the Comprehensive Plan's vision, the Zoning Map is a spatial implementation mechanism prescribing site specific use and intensity (Gross Density for residential uses and Gross Floor Area Ratio for non-residential uses) regulations. As such it is imperative to understand the intent of each zoning district and the range in development intensity permitted.

A Brief Background on Zoning

One of the most common ways of influencing the character and quality of the community is through use-based (Euclidian) zoning. The theory behind this approach is to keep different, non-compatible uses such as homes and factories separate. In practice this type of traditional zoning has shown to have downsides, including separating uses that are compatible and leading to increased vehicles miles traveled and related consequences. Land use and development related policies, including zoning, have also had other problematic results (see Section M for Environmental and Social Justice) —some intentional, some not—and through this comprehensive plan there is opportunity to make corrections and improve on the past.

Other approaches to zoning exist and have been used to some extent in New Castle County, including hybrid and form-based zoning. These tend to focus more on form of the built environment rather than use, acknowledging the benefits of integrating different, but compatible uses, and the importance of form to high-quality places and livable communities.

In addition to land use and zoning policy, other agencies also influence the character of development (and redevelopment and preservation) in our communities. For example:

- Wastewater infrastructure is administered by the County Public Works Department and is a significant factor in defining where development can occur;
- Roads are administered by the Delaware Department of Transportation and the presence and design of roads can attract, enable, or deter certain types of development; and
- Land preservation programs are a function of a variety of government and non-government organizations, with two of the largest preservation resources in the county—the Delaware Agricultural Land Preservation Fund and Land and Water Conservation Fund—administered by the State. (The County and other non-profit organizations also play significant roles in land preservation, too.)

These issues are explored further in other elements of this plan, but it's important to understand the extent to which land use change in our communities is dependent on collaboration and coordination with many stakeholders.

Future Land Use Framework and Map Series

The Future Land Use Map is the product of public outreach and land use analysis. During the planning process, we evaluated four scenarios using both adopted projections from the Delaware Population Consortium¹ (2020) as well as Woods & Poole Economics, Inc.² These projections consider a spectrum of potential futures allocating jobs, population, and household growth across Traffic Analysis Zones (TAZs)³ to provide for a more localized understanding of land use and infrastructure needs.

Evaluation of existing conditions, current trends, and alternative future scenarios confirm opportunities to improve effective and efficient development patterns by focusing new development toward infill or redevelopment opportunities in appropriate locations, where substantial investment has already been made by both the public and private sectors, thereby minimizing adverse effects. For many of the key objectives evaluated, the efficiencies embodied in these locations could offset the impact of higher population and employment totals associated with economic growth. The analysis most importantly revealed that there will be sufficient capacity from a land use and infrastructure perspective to support projected growth as predicted by the DPC (at a minimum) and could accommodate much higher rates of growth should that occur. (See Appendix E for more detailed information on individual scenarios, methodologies, and findings) Building on the foundation of the draft community goals and objectives, the planning team devised a map of

¹ The Delaware Population Consortium (DPC) is a committee established in 1986, that annually prepares a single set of demographic projections for the State of Delaware. These projections have a long-term horizon of 30 years and include demographic data at the levels of state, county, and municipality. These projections are required to be used when comprehensive and infrastructure planning in the State of Delaware.

² Woods & Poole Economics, Inc. is a firm that specializes in long-term county economic data and demographic data projections. Woods & Poole's database for all U.S. counties contains projections for every year through 2050 for more than 900 variables. Woods & Poole has been making county projections since 1983.

³ Traffic Analysis Zones are areas established to provide a localized analysis on the transportation system. These are created by WILMAPCO with input from New Castle County, DelDOT and other agencies.

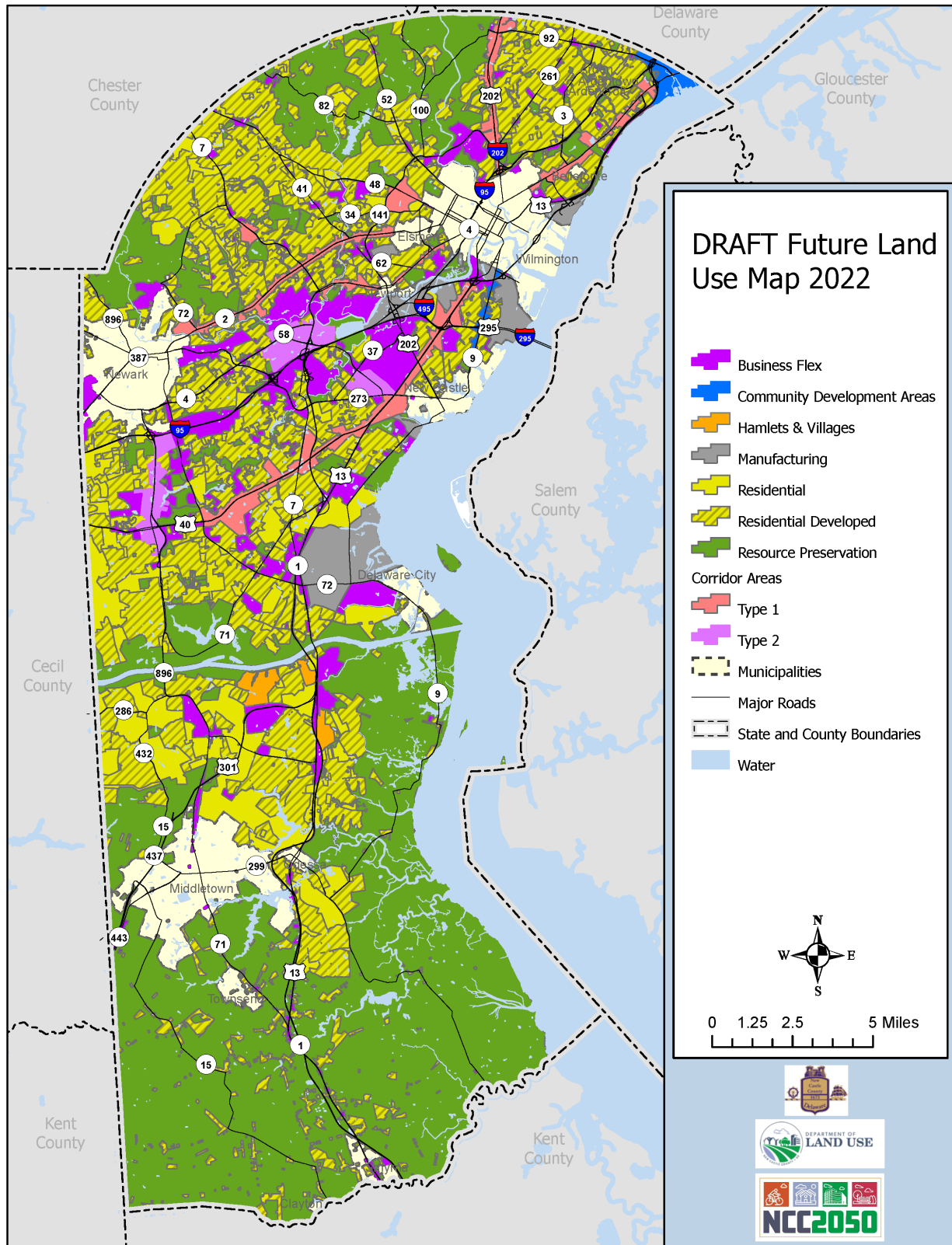
areas of anticipated change. The map was used along with engagement activities (interactive map exercise, questionnaire, and forum #2) to generate community conversation around the fundamental questions of “where do we want to grow and change?” and “where do we want to preserve?”

Through the planning process the following land use issues consistently were identified as necessary to be addressed through NCC@2050:

- The Future Land Use plan element needs to represent the desired future for communities across the county from areas that have had more localized planning efforts such as Community Master Plan areas to neighborhoods in need of protection and enhancement.
- The Future Land Use plan element needs to provide adequate flexibility for vibrant economic activity bringing good jobs to the area as well as address housing and recreational needs for all New Castle County residents.
- The Future Land Use plan should remain unaltered and rezonings need to be consistent with the map as adopted. Any changes to the Future Land Use Map should be the product of public planning process such as a Community Area Master Plan (CAMP) or at the 5-year evaluation of the Comprehensive Plan.
- Land use objectives, policy and regulations need to be accessible, clear, and predictable.
- The Future Land Use plan element needs to facilitate the adoption and implementation of form and design-based regulations in support of predictability and neighborhood preservation/character, as well as investment, development/redevelopment, and overall economic and fiscal health. (Apply in CAMPs and other target areas)

These strategies are detailed in subsequent pages.

Map C-1: Future Land Use Map



Resource Preservation



These areas include existing preserved lands as well as those appropriate for future preservation. Land within this district includes important environmental and agricultural resources as well as National Scenic Byway areas. Land Use policies shall discourage development and incentivize preservation of these resources.

This includes land with the following zoning classifications:

- Suburban District
- Suburban Estate District
- Suburban Reserve District
- Neighborhood Conservation District
- Historic District
- Any district created to meet the intent of the Resource and Agricultural Preservation District and implementation of the Goals and Objectives of the New Castle County Comprehensive Plan

Residential Districts

These are lands that are designated for residential and where appropriate mixed-use developments as well as supporting uses. The Future Land Use Map considers two categories:

-  Residential (Developed) – Land that is part of an existing development
-  Residential – Land that is not part of an existing established development

This includes land with the following zoning classifications:

- Suburban District
- Suburban Estate District
- Suburban Reserve District
- Neighborhood Conservation Districts
- Neighborhood Preservation Overlay District
- Historic District
- Any district created to meet the intent of the Residential District and implementation of the Goals and Objectives of the New Castle County Comprehensive Plan

The Comprehensive Plan encourages development in these areas where appropriate infrastructure is present.

Business Flex

These are areas of existing and potential nonresidential development. The County recognizes the importance that these job areas represent our continued viability, however, understand that over time the form and function of these sites is likely to change. While the County supports the evolution of these sites to meet future needs, Heavy Industrial uses are not permitted in this District.

The Business Flex District includes land zoned:

- Commercial Neighborhood District
- Commercial Regional District
- Office Neighborhood District
- Office Regional District
- Business Park District
- Economic Empowerment District
- Hometown Overlay District
- Historic District
- Industrial District
- Any future district created to meet the intent and of the Business Flex District and implementation of the Goals and Objectives of the New Castle County Comprehensive Plan

Manufacturing

The Manufacturing District includes all land currently engaged in Heavy Industrial uses. While manufacturing uses have been and will continue to be an important sector in our economy, they have in some cases had an adverse impact on adjacent neighborhoods. Any Land Development Plan, Rezoning, Variance or Special Use within this district shall consider the impact and effect on Social and Environmental Justice. Uses permitted in the Business Flex district should be evaluated as an appropriate transition from residential neighborhoods to heavy industrial uses.

The Manufacturing District permits existing Heavy Industrial zoning and rezoning to the following zoning districts:

- Industrial District
- Business Park District
- Office Neighborhood
- Office Regional
- Economic Empowerment District
- Any district created to meet the intent and implementation of the Goals and Objectives of the New Castle County Comprehensive Plan

Community Development Areas

These are areas that have been studied by the completion of a Community Area Master Plan which prescribed guidance for land use policies for Claymont and Route 9. The County envisions additional areas to be evaluated as the result of the implementation of the 2022 Comprehensive Plan. While no existing use or zoning is made non-conforming within this district, land development plans within the district shall consider the following:

- Claymont – The Claymont Plan envisioned the redevelopment of the area to create a place that centers on built form, walkability, and other non-automotive forms of transportation. The train station will serve as an important anchor for future development. Any development and redevelopment along the corridor should focus on achieving these goals. Any Land Development Plan, Rezoning, Variance or Special Use within the study area should consider the impact and effect on creating a corridor that has appropriate built form and multimodal transportation opportunities of the request.
- Route 9 – The Route 9 Plan examined corridor development, multimodal transportation as well as Environmental and Social Justice issues. Any Land Development Plan, Rezoning, Variance or Special Use within the study area will consider the impact and effect on creating a multimodal corridor that has appropriate built form as well as the impact on Social and Environmental Justice.

Hamlets & Villages

These are areas that based on existing developments, land use analysis as well as community planning efforts have been determined to be appropriate for development in a manner consistent with the Hamlet and Village provisions of the Unified Development. All land development plans within those designated areas shall be consistent with the Hamlet and Village provisions at the time of submission. Developments using the Hamlet and Village provisions subsequent to the adoption of the 2022 New Castle County Comprehensive Development Plan, will be updated on the Future Land Use Map at either the five-year review opportunity or the formal update in 2032.

Corridor Areas

Over the next 30 years there will likely be significant changes in the form, function, and use of land, especially in areas with strong commercial potential, such as along major roadways in the county. Some areas currently designated as Residential Districts may in the future be appropriate venues for Business Flex uses. While no existing use or zoning is made non-conforming within this district, rezoning of land within the corridor areas shall be limited to the following designations and consider the following:

Type 1 (Commercial Corridor Development)

Zoning Districts

- Commercial Neighborhood
- Commercial Regional
- Office Neighborhood
- Office Regional

- Business Park
- Economic Empowerment District
- Any district created to meet the intent of the Type 1 (Commercial Corridor Development) and implementation of the Goals and Objectives of the New Castle County Comprehensive Plan

Considerations

- Type 1 corridors generally have a tight integration of jobs and services with adjacent residential neighborhoods. Future development should seek to bolster this relationship.
- Non-residentially zoned land and uses – All development and redevelopment of these sites should be orientated and designed in a manner that creates massing and design for the corridor consistent with the vision and provisions of the Guiding Principles in the Unified Development Code for Commercial Corridor Development.
- Residential Zoned Land and Uses – Residential land may continue to be used and developed for residential purposes, however, rezoning to permit uses allowed by the above zoning districts is appropriate when the proposed development is conducive in form and function to the Commercial Corridor Development (Guiding Principles) of adjacent non-residential land, while being sensitive to the context to neighboring residential development.
- Environmental, Agricultural and Historically significant land – Preservation shall be encouraged, and development shall be discouraged.

Type 2 (Employment-based Corridor Development)

Zoning Districts

- Commercial Regional
- Office Neighborhood
- Office Regional
- Business Park
- Industrial
- Economic Empowerment District
- Any district created to meet the intent of the Type 1 (Commercial Corridor Development) and implementation of the Goals and Objectives of the New Castle County Comprehensive Plan

Considerations

- Type 2 corridors generally have a regional impact regarding jobs and services. Future development should strengthen the impact and importance of these centers while being sensitive to the relationship the developments have on neighboring communities.
- Non-residentially zoned land and uses – Development and redevelopment of these sites should be orientated and designed in a manner that prioritizes less intensive

uses along the corridor with higher intensive uses being designed so as to minimize the overall impact on the corridor creating massing and design for the corridor consistent with the vision and provisions of the Guiding Principles in the Unified Development Code for Employment-based Corridor Development. Balance is essential for these corridors with a variety of uses supported from existing small retail establishments to regional shopping and logistic centers to business parks.

- Residential Zoned Land and Uses - Residential land may continue to be used and developed for residential purposes, however, rezoning to permit uses allowed by the above zoning districts is appropriate when the proposed development is conducive in form and function to the Employment-based Corridor Development (Guiding Principles) of adjacent non-residential land while being sensitive to the context to neighboring residential development.
- Environmental, Agricultural and Historically significant land – Preservation shall be encouraged, and development shall be discouraged

Future Land Use Density and Intensity

While Future Land Use Map is the spatial embodiment of the Comprehensive Plan's vision, the Zoning Map is the spatial implementation mechanism prescribing site specific use and intensity (Gross Density for residential uses and Gross Floor Area Ratio for non-residential uses) regulations. As such it is imperative to understand the intent of each zoning district and the range in development intensity permitted.

Existing Zoning Districts

- The **Suburban Transition District** allows high quality moderately high-density development (Gross Density: 3.69-8.00 dwelling units per acre) with a full range of residential and limited nonresidential uses (Gross Floor Area Ratio up to 0.30). Developments in this district are to have a suburban transition character, encouraging pedestrian linkages in addition to automobile access.
- The **Suburban District** is a residential district designated for growth areas in the Comprehensive Development Plan. The district is intended primarily for moderate density (Gross Density: 0.67-1.56 dwelling units per acre) with a high-quality suburban character, and significant areas of open space and/or landscaping maintaining the balance between green space and buildings. The district also permits hamlets and villages, which are planned communities (Whitehall) having a greater range of permitted uses and higher residential densities by employing Smart Code techniques.
- The **Suburban Estate District** is a residential district designed to preserve the low density (Gross Density: 0.41-0.44 dwelling units per acre) character of northern New Castle County. While some areas may have access to public water service, the district is not serviced by public sewer. Landscaping and other development design aspects serve to enhance or preserve the character of the area and preserve the views of the landscape.
- The **Suburban Reserve District** is a residential district not currently planned for sewer, that is designed to preserve the countryside character of the area. Residential development is permitted at a very low density (Gross Density: 0.17-0.30)

dwelling units per acre), so as to not foreclose on agricultural preservation and the ultimate sewerage of the area.

- The **Manufactured Mobile Home District** allows the creation of manufactured home parks having a suburban transition. Residential development in this district is permitted at a medium density of (Gross Density up to 4.7 dwelling units per acre).
- **Neighborhood Conservation Districts** (NC2a, NC40, NC21, NC15, NC10, NC6.5, NC5, NCap, NCga, NCth, NCsd, NCmm and NCpud) - These districts protect the residential character of existing neighborhoods and developments, designed using zoning and subdivision regulations that predate the Unified Development Code (adopted 12/31/97). Since development regulations evolved during the years that many of these developments were planned, they have a range of intensities and uses (Gross Density: generally, between 0.41 and 20.80 dwelling units per acre).
- **Hometown Overlay Districts** perpetuate and enhance the character of early settlement areas, hamlets, villages, and pre-World War II subdivisions ensuring that infill, redevelopment, and changes to the zoning pattern are compatible with the existing community. Each district has a community redevelopment plan, and design review advisory committee, that ensure development is sensitive to land use, intensity, dimensional characteristics, signage and site design are compatible with and complimentary to residential neighborhoods.
- **Historic Overlay Districts** are designed to preserve and protect buildings, structures, sites, objects, districts and landscape features of historic, architectural, cultural, archeological, educational and aesthetic merit are public necessities and are in the interest of the health, prosperity and general welfare of all citizens of the County.
- The **Traditional Neighborhood District** is intended to be predominantly residential with a traditional urban neighborhood character. This is accomplished through design standards that encourage pedestrian activity and appropriate built form. Residential development is permitted at a medium density (Gross density: 4.39-6.00 dwelling units per acre), and mixed-use facilities are encouraged (Gross Floor Area Ratio: 0.40). No land is currently zoned Traditional Neighborhood.
- The **Commercial Neighborhood District** allows a variety of small-scale commercial uses having a suburban character, with a scale and intensity of the development (Gross Floor Area Ratio ranges from 0.18-0.35) by ensuring that uses primarily serve the surrounding residential neighborhoods while not promoting strip commercial development that serves highway traffic or regional uses.
- The **Office Neighborhood District** allows small scale office uses providing for professional and administrative offices in a park-like setting whose character is suburban transition (Gross Floor Area Ratio ranges from 0.24-0.50) and designed to provide a setting that is generally compatible with most of the County's residential areas.
- The **Industrial District** allows light industry uses as well as to a limited extent other uses that include offices, retail establishments and restaurants (Gross Floor Area Ratio ranges from 0.16-0.60). The district does not permit heavy industrial uses.
- The **Commercial Regional District** allows for community and regional commercial services (Gross Floor Area Ratio ranges from 0.28-1.00) providing for a variety of uses ranging from mixed-use to heavy retail. Developments should be located near transit and should be designed to promote pedestrian circulation.

- The **Office Regional District** accommodates large regional employment centers that are primarily office employment together with support type uses including mixed-use (Gross Floor Area Ratio ranges from 0.14-0.71). Transit stop facilities are incorporated into the development to reduce automobile traffic on surrounding roads. Mixed use structures are permitted for the same reason.
- The **Business Park District** allows high-quality business park character with a variety of uses including office, manufacturing, light industrial, warehousing, and uses that support them at a moderate to high intensity (Gross Floor Area Ratio ranges from 0.14-0.60).
- The **Heavy Industry District** is intended to provide for industrial and heavy industrial uses, typically having access to rail lines or navigable marine waterways in addition to roadways (Gross Floor Area Ratio ranges from 0.34-0.69).
- The **Extraction District** allows mining, quarry operations, recreational activities and industrial uses (Gross Floor Area Ratio ranges from 0.01-0.15).
- The **Economic Empowerment District** is intended to create a master planned, campus-like setting consisting of target industry uses as identified in the 2014 Economic Development Strategic Plan, as may be amended or updated, comprising corporate headquarters, high technology offices, research and/or light assembly centers, or master planned employment centers. It can be used to transition existing industrial/office campuses to accommodate the expansion or re-use of target industries with streamlined reviews. No land is currently zoned as an Economic Empowerment District.
- The **Neighborhood Preservation Overlay District** intended for residential communities that are dealing with issues of infill and proximate nonresidential development or redevelopment that could have a deleterious impact on the residential areas, while encouraging economic development, placemaking, and healthy communities in a way that protects the character of existing neighborhoods. No land is currently zoned as a Neighborhood Preservation Overlay District.

Other Key Implementation Strategies

Predictability

The 1997, and subsequent updates to the New Castle County Comprehensive Development Plan have sought to bring predictability to future development of the county for residents as well as developers. One important implementation tool for this was the adoption of the Unified Development Code, which consolidated the zoning and subdivision codes into one cohesive volume. The establishment of the suburban zoning districts (Suburban Reserve, Suburban Estate, Suburban and Suburban Transition) to replace largely undeveloped residential land (Formerly R-1 – R-4) provides a character description for future development understandable to residents.

- Suburban Reserve land is former R-2 land not currently planned for sewer designed to preserve the countryside character of the area. Developments within this district are designed so that each residential dwelling unit generally consumes between about 3.34 and 5.89 acres (including lot and open space acreage).
- Suburban Estate land is primarily land zoned R-1-A and R-2 land that is not intended to receive sewer service in the future. Developments within this district are designed

so that each residential dwelling unit generally consumes between about 2.44 and 2.28 acres (including lot and open space acreage).

- Suburban land is that which is designated as growth areas in the Comprehensive Development Plan. Developments within this district are designed so that each residential dwelling unit generally consumes between about 1.50 and 0.65 acres (including lot and open space acreage).
- Suburban Transition is land is largely former R-3 & R-4 zoned land as well as land seen as a transition from higher density or intensity residential or nonresidential uses to a lower density suburban character. Developments within this district are designed so that each residential dwelling unit generally consumes between about 0.27 and 0.125 acres (including lot and open space acreage).

The County also replaced cluster development option⁴ with performance zoning.⁵ Prior to the adoption of the Unified Development Code (December 31, 1997), most of the County was zoned a variation of R-1 or R-2 (SNCC residential land was exclusively zoned R-2). R-2 land was permitted to develop as a cluster development, provided infrastructure was present, and that the property was not encumbered by protected resources at a density of 1.60 du/acre.⁶ Cluster developments, regardless of size could develop using any or all the following housing types:

- Single family detached homes,
- One-family semidetached dwelling located on its own individual lot,
- One-family attached dwelling (row or townhouse) located on its own individual lot within a building group.⁷

The Suburban District

- Reduced maximum density for developments, without a bonus, to 1.30 dwelling units/acre (1.56 for Age Restricted Open Space Planned Developments).
- Set a threshold of 50 acres to develop single family attached dwelling units or apartments (Open Space Planned). These developments require a mix of single family detached and attached units.
- Established provisions for Smart Code development (Hamlets and Villages) allowing for a mix of uses and increased density in appropriate areas.

⁴ The cluster development option was a development option under the Former Code (New Castle County Zoning and Subdivision Code immediately prior to the Adoption of the Unified Development Code) that provided alternative zoning regulations permitting residential development to take a more compact form in order to preserve and maintain substantial portions of the county's existing open areas.

⁵ Performance zoning, also called impact zoning or flexible zoning, is an alternative technique to conventional zoning. Rather than establishing specific area and bulk standards within zoning districts to govern development, performance zoning regulates the design and location of a use based on the characteristics of a particular site to support development. Under performance zoning, municipalities replace conventional zoning districts with performance criteria to guide development. The result can be an increase in the range of uses that may be permitted and additional control over the effects of the land use. Landowners and developers are provided greater flexibility on how to meet performance zoning standards.

⁶ Former Code Section 40-80, page II-9

⁷ Ibid., page II-13

While the principles described above are easy for a planner or engineer to understand, the concepts and jargon are not accessible for folks who have occupations outside of the planning profession. Moving forward we should seek out opportunities to educate the public as to the density and intensity of uses permitted in districts throughout the county. Two efforts that we initiated in the past few years are the Planning 101 Course⁸ and New Castle County Resident Toolbox.⁹

Additionally, changes to the zone should be explored that make the best use of open space requirements, review allowable uses and densities, and expand Hamlet and Village type developments where appropriate.

Flexibility, Form Based Code

The 2022 Future Land Use Map/Element was constructed with the knowledge that the Unified Development Code will need to be amended to meet the needs of the county moving forward. To achieve the vision of this plan we need to seek to expand the utilization of Smart Code provisions, evaluate the potential for Form Based Zoning (where appropriate) and employ innovative planning approaches to addressing land use challenges. While we see the need for these tools, we will seek consultation and coordination New Castle County residents, experts in the field and consideration of parking, market and housing studies.

Changing our Current Practices

As discussed earlier in this element, 37 properties, roughly 565 acres of land, have had their future land use designation changed since the adoption of the 2012 Update to the New Castle County Comprehensive Development Plan. While the Future Land Use Map as proposed has been designed to minimize such occurrences, inevitably there will instances where a change or an amendment is merited. This should not be a common practice, but one that in rare instances permits the County to be nimble, adjusting to unforeseen economic and housing conditions. The Future Land Use Map, as conceived by Delaware State Code, drives zoning and any change to the future land map should be the product of careful consideration.

⁸ Free course designed in collaboration with the University of Delaware.
<https://canvas.instructure.com/enroll/999BFE>

⁹ <https://nccde.maps.arcgis.com/apps/MapSeries/index.html?appid=50430efdf9544bba81e529d7d0392852>