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Town of Odessa Planned Neighborhood Development District

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Section 85. Planned Neighborhood Development (PND) District

85.0 Purpose and Intent

- A. The Planned Neighborhood Development (PND) District is intended to implement the Town of Odessa Comprehensive Plan by providing for high-quality, larger-scale mixed use development where conventional zoning may be inappropriate. The PND District shall provide a blend of residential and commercial uses. Project planning is performed for the entire development rather than on an individual parcel basis.
- B. The PND District permits variation in residential and commercial development by allowing deviation in standards such as lot size, bulk requirements, permitted uses, and dwelling types in order to encourage high-quality design that incorporates the best architectural and community design features of Delaware and the Delmarva Peninsula from its colonial past to the mid 20th Century.

85.1 Effect on other provisions

- A. The development standards for the PND District shall be determined by the requirements and procedures set forth in this Section and shall prevail over conflicting requirements, including conflicting requirements of the Town of Odessa Subdivisions Ordinance.

85.2 Eligibility For PND Designation

No application for annexation and/or rezoning a land area to a PND designation shall be considered unless the following conditions are met:

- A. The PND designation is consistent with the land area's future land use designation within the Town of Odessa Comprehensive Plan; and
- B. The minimum land area for a PND District shall be twenty-five (25) acres. Areas smaller than twenty-five (25) acres may only be allowed PND designation provided the land will be incorporated into an existing PND; and
- C. The annexation and/or rezoning application for the land area may contain one or more parcels. The annexation and/or rezoning application for the land area shall be filed jointly by all owners of the involved land area.

85.3 Application, Review, and Approval Procedures

The following process shall be followed in filing and reviewing applications for annexation and/or rezoning, and development as a PND.

A. Preapplication Conference

The applicant shall confer with the Planning Commission regarding the proposed development. After such review and comment by the Planning Commission, the application for annexation and/or rezoning and preliminary plan review shall be submitted pursuant to this Section.

B. Intergovernmental Coordination

1. Compliance with PLUS.

No application for annexation and/or rezoning and preliminary plan review shall receive approval until the Office of State Planning Coordination has provided written comments to the Town of Odessa in accordance with the Preliminary Land Use Service (PLUS) as provided in Title 29, Chapter 92 of the *Delaware Code*, as amended. The applicant for annexation and/or rezoning and preliminary plan review shall be responsible for preparing and submitting all materials required for a PLUS review, in accordance with Title 29, Chapter 92 of the *Delaware Code*, as amended.

2. Referrals to Other Agencies.

The Planning Commission may request review and comment on an application for annexation and/or rezoning and preliminary plan review from pertinent State departments and agencies (such as Natural Resources and Environmental Control, Education, Transportation), New Castle County departments and agencies (particularly infrastructure providers), and any other appropriate party.

3. Before taking action on an application for annexation and/or rezoning and preliminary plan review, Mayor and Council shall allow sufficient time for the Office of State Planning Coordination, departments, and agencies to respond.

C. Fees

The Mayor and Council shall establish by resolution a schedule of fees, charges, and expenses (hereinafter collectively “fees”), and a collection procedure for applications and reviews associated with this Section. The schedule of fees shall be posted in the Town Office, and may be altered or amended by the Mayor and Council. No application will be accepted, reviewed, or approved until such time as the appropriate fees have been paid in full. Ongoing fees not billed upon application, such as legal expenses and the cost for review by technical consultants, shall be invoiced as the fees are incurred.

D. Application for Annexation and/or Rezoning and Preliminary Plan Review

1. The application for annexation and/or rezoning and preliminary plan review to a PND designation shall provide, at a minimum, the following details of the development in narrative and/or illustrative form:

- a) The Preliminary Master Design Standards Manual, as set forth in subsection 85.6-A of this Section, for purpose of showing that the proposed development fulfills the purpose, intent, and design standards of the PND. The manual shall address the following elements of the PND District as provided in the tables below:

Table 1. Design Principles in Mixed Residential Areas

Residential neighborhoods and their individual blocks, to the extent possible, shall contain a mixture of a variety of house and lot types and sizes to strengthen community interactions.
Different architectural styles shall be mixed to the extent practical and appropriate within any given block.
Porches are encouraged as an architectural feature, and, if provided, shall be sized to be functional social spaces with sufficient room to comfortably accommodate appropriate furniture and area for movement.

Table 2. Design Principles in Community Commercial Areas

Commercial use buildings may be connected but must retain fire separation as required by code.
Mixed-use buildings with residential units located above commercial uses are encouraged.
Community Commercial areas shall be designed around and shall have frontage on an internal main street that connects to the street system outside the district. Buildings within the area shall be organized in relation to this internal main street, to create a walkable connection among the different uses and buildings.
Off-street parking in Community Commercial areas shall be provided in a manner so that it is screened from the main right-of-way by buildings, landscaping or other means.
Off-street parking shall be screened from adjacent non-commercial uses and shall be located to the side or rear of buildings.
Off-street parking shall be shared by adjacent uses.
Service drives shall be designed and used for loading and trash collection.
Public areas for seating, gathering, and public amenities such as fountains, amphitheaters, display areas, public art, kiosks, and recreational activity shall be integrated into the district.

Table 3. Block and Street Design Principles

Private streets are prohibited.
Blocks, the aggregate of lots, tracts, alleys and lanes circumscribed by thoroughfares, may be square, elongated or irregular. Streets are to be planned using a grid pattern or loose network forming blocks.
Mid-block pathways should be used when appropriate to allow pedestrians to walk through the long side of each block.
Street trees shall be provided on both sides of every street.
On-street parking shall be provided on all streets.
The street layout should be based on a hierarchical system, using avenues or boulevards to link major destinations.
The plan, through its design, should seek to minimize vehicular speed and short-cutting while making walking and cycling safer, easier and more pleasant.
Alleys should be used wherever possible in order to place garages and utilities at the rear of lots so that the streetscape is maintained with house fronts and not dominated by garage doors and utility structures. If garage access from the front is used, then garages should be set back from the front wall of the house so as to limit the impact of the garage and cars parked in front of it on the streetscape. Townhouses with garages in the front are strongly discouraged.
Commercial and other buildings shall face the street with minimal setbacks, and parking should be located to the side or rear of all commercial buildings.

Table 4. Sidewalk Design Principles

Sidewalks are required on both sides of the street.
Sidewalks located within Mixed Residential Areas shall be a minimum of 4' wide and separated from the curb by a minimum of 4' grass strip. Sidewalks located within Community Commercial Areas shall be a minimum of 7' wide and separated from the curb by a minimum of 3' grass strip, or a 10' wide sidewalk with trees planted in grates within that part of the sidewalk which is 3' adjacent to the curb.

- b) A Conceptual Site Plan of the property or properties to be included in the PND, for the purpose of demonstrating that the proposed PND satisfies the requirements of this Section. The Conceptual Site Plan shall address the following elements of the proposed PND District:
- i. The general layout of Mixed Residential areas, Community Commercial areas, and Open Space areas within the PND, including the total acreage devoted to each area;
 - ii. The intended manner in which the property or properties shall be subdivided including the average lot area, dimensions of the average lot, the average street frontage, the dimensions of the average building envelope, the average height of the various types of buildings, and the setbacks of buildings (front, side, and rear);
 - iii. The general uses to be contained on each lot with the total gross square feet by use;
 - iv. The general layout of the streets, alleyways, and entrance(s) and the parts thereof proposed to be dedicated to the Town of Odessa or State of Delaware;
 - v. The general layout of sidewalks and other pedestrian pathways; and
 - vi. The location and layout of parking, including number of spaces.
- c) A statement from the applicant estimating the impacts that the PND will have on traffic in the Town of Odessa and on the Town of Odessa's revenues shall be included with the application for annexation and/or rezoning and preliminary plan review.

2. The application for annexation and/or rezoning and preliminary plan review shall be reviewed by the Planning Commission, Historic Commission, and Tree Commission for consistency with the goals, objectives, and standards of the Town of Odessa Comprehensive Plan and this Section. These commissions shall provide written recommendations to the Mayor and Council within sixty (60) days of receiving such application(s) and preliminary plan.

3. The Mayor and Council shall review the recommendations of said commissions (if provided) prior to taking any final action on the application for annexation and/or rezoning and preliminary plan review. Approval of the application for annexation and/or rezoning and preliminary plan review shall constitute approval of the preliminary plan. Approval of the preliminary plan shall be required in order for the property or properties to be considered for annexation and/or rezoning pursuant to subsection 85.3-E of this Section.

E. Procedures for Annexation and/or Rezoning

The property or properties shall be annexed and/or rezoned in accordance with the Town Charter and Code. The annexation shall be subject to an annexation agreement and the rezoning shall be subject to a development agreement which shall incorporate the application for annexation and/or rezoning and preliminary plan review, the Conceptual Site Plan, the Preliminary Master Design Standards Manual, and any other requirements of this Section.

F. *Application for Final Plan Review after Annexation and/or Rezoning.*

1. The elements of the Final Plan shall include the following:
 - a) A Final Site Plan consisting of the following items:
 - i. All information required for a Subdivision Plan as set forth in the Town of Odessa Subdivisions Ordinance (to the extent applicable);
 - ii. The final program of uses including building footprints for commercial/office uses and buildable envelope for residential portions, building height, and total square feet by use and housing type;
 - iii. The final layout of Mixed Residential Areas, Community Commercial Areas, and Open Space Areas within the PND, including the total acreage devoted to each area;
 - iv. The final layout of the streets, alleyways, and entrance(s) and the parts thereof proposed to be dedicated to the Town of Odessa or State of Delaware;
 - v. The final layout of sidewalks and other pedestrian pathways; and
 - vi. The final location and layout of parking, including number of spaces.
 - b) The Final Master Design Standards Manual, as set forth in subsection 85.6-B of this Section, for purpose of showing the development pattern, materials, dimensions, and architectural styles.
2. The Planning Commission, Historic Commission, and Tree Commission shall review the Final Plan for consistency with the purpose and intent of the approved annexation and/or development agreement, including the Preliminary Master Design Standards Manual and the Conceptual Site Plan. These commissions shall provide written recommendations to the Mayor and Council. The Mayor and Council shall review the recommendations of said commissions prior to taking any final action on the petition. The commissions shall provide written comments within sixty (60) days of notice of final plan review.
3. Each application for final plan review shall be heard by Mayor and Council for final action on the application for final plan review and approval.
4. The Mayor and Council shall act to approve the Final Plan once it has determined that the Final Plan is consistent with the purpose and intent of the approved annexation and/or development agreement, including the Preliminary Master Design Standards Manual and the Conceptual Site Plan.
5. The approved Final Plan shall grant the applicant the same authority as an approved subdivision plot plan.
6. The Final Plan, including the Final Design Standards Manual and Final Site Plan, once approved by the Mayor and Council, shall constitute an agreement by the applicant to follow the standards and guidelines contained therein during the design, construction and maintenance of land developed according to the PND District regulations. It is a formal acknowledgement of the applicant's commitment to heed the purpose and intent of the PND District regulations.

7. Any material departure from the approved Final Plan without approval by the Mayor and Council shall be cause for revocation of any building permits for that work which is inconsistent with the Final Plan. Any material change in an approved Final Plan shall be submitted for approval in accordance with this subsection. At minimum, material change shall include change in the following:

- a) A change in the proposed use of any portion of the land in excess of two percent (2%), including open space, except an increase in open space of up to twenty percent (20%) shall not be considered material;
- b) A change in residential density and use types in excess of two percent (2%), except that reductions in density of up to 10% shall not be considered material;
- c) A change in commercial density in excess of two percent (2%), except that reductions in density of up to 10% shall not be considered material;
- d) A change in street or sidewalk layout and entrance locations (minor alignment changes shall not be considered material);
- e) Overall architectural style and building patterns and the layout of buildings on lots (minor changes necessitated by detailed engineering considerations in site design shall not be considered material).

G. Expiration and Extension.

1. Approval of a Final Plan submitted under the provisions of this Section shall expire two years after the date of such approval.
2. Mayor and Council may grant a one-time extension, at its sole discretion, based on a presentation by the applicant at a meeting of Mayor and Council and on the information provided by the applicant concerning reasons why the project was unable to proceed in a timely manner. The period of such extension shall be for a period of one year.

H. Recordation upon Final Plan Approval.

Upon Final Plan approval, the following documents shall be recorded with the New Castle County Recorder of Deeds:

1. The final subdivision plan;
2. The final site plan;
3. The Final Master Design Standards Manual.

I. Bonds & Guaranties.

1. Performance Bond or Guaranty Required. As a condition of approval of Final Plans, the Mayor and Council may require the applicant to post a performance bond or other form of guaranty, including a letter of credit, for any infrastructure improvements required by this Section. The amount of such performance bond or other form of guaranty shall be sufficient to construct the infrastructure improvements and shall be in a form acceptable to the Mayor and Council. The amount of such bond shall be no less than the cost of such improvements. Infrastructure improvements include streets, roads, surface drainage facilities, erosion and sedimentation control facilities, water supply facilities, sanitary sewer facilities, open space and

parks, other common area improvements, and/or infrastructure improvements deemed necessary by Mayor and Council.

J. Schedule of Construction.

When approving a Final Plan, the Planning Commission may recommend and Mayor and Council may adopt a schedule of construction. If such a schedule is adopted, no permits for construction shall be issued except in accordance with the adopted schedule. Where single-family and multi-family dwellings types are part of the development or where nonresidential uses are part of the development, the schedule of construction may require concurrent construction of a given type, number or use in proportions recommended by the Planning Commission and adopted by Town Council. Amendments to the schedule of construction may be requested by the applicant and are subject to the approval of Mayor and Council.

85.4 Deviation from PND Standards

A. Purpose and Scope of Deviations from PND Standards.

1. Purpose: In order to afford the applicant sufficient flexibility to design a high-quality New Urbanist community, waivers from the requirements of this Section may be granted pursuant to the procedures and required findings set forth in this subsection.
2. Scope: Except for the following development standards and design principles, waivers may be considered and granted for all PND District development standards and design principles:
 - a) The maximum land area devoted to Commercial Uses, including off-street parking areas (see subsection 85.5-A);
 - b) The maximum land area devoted to Civic or Institutional Uses within a Community Commercial Area (see subsection 85.5-A);
 - c) The maximum ground floor area of permitted tenants within a Community Commercial Area (see subsection 85.5-A, Table 7);
 - d) The list of permitted uses within the PND District (see subsection 85.5-A);
 - e) Environmental Protection Standards (see subsection 85.5-B);
 - f) Infrastructure Standards (see subsection 85.5-D);
 - g) The minimum land area devoted to Open Space Areas (see subsection 85.5-A)

B. Waiver Request Application Process.

1. An application for a waiver from the requirements of this Section shall contain, to the extent applicable, the following components:
 - a) The subsection (or part thereof) for which a waiver is being sought, including, if applicable, the specific development standard(s) and/or design principle(s);
 - b) A description of the area(s) and/or lot(s) within the PND District for which a waiver is sought;
 - c) A description of the alternative development standards and/or design principles that the applicant is proposing to govern the development of this area(s) and/or lot(s);

- d) A description of why the waiver(s) is necessary in order to fulfill the Purpose and Intent of Subsection 85.0 of the PND District.
2. An application for a waiver from this Section shall be subject to the following procedures:
 - a) An application for a waiver may be submitted at any time prior to the recordation of the documents specified in subsection 85.3-H.
 - b) The application for a waiver shall be submitted to both the Planning Commission and Mayor and Council.
 - c) The Planning Commission shall review the application for a waiver and shall provide a recommendation to Mayor and Council for approval or disapproval of the waiver based on the satisfaction of the required findings for granting a waiver request, as specified in subsection 85.4-C. For applications requesting more than one waiver, each waiver request shall be individually considered for review and approval.
 - d) Upon the Planning Commission providing a recommendation on the application for a waiver, the Mayor and Council shall review and approve the application for a waiver if the required findings for granting a waiver request, as specified in subsection 85.4-C, are satisfied. For applications requesting more than one waiver, each waiver request shall be individually considered for review and approval.
 - e) A request for a waiver shall be approved and granted to the applicant when the Mayor and Council have acted to approve the waiver.
 - f) For those areas and/or lots for which waivers are approved, development may proceed, upon recordation of the waiver, according to the alternative development standards and/or design principles stipulated and approved during this waiver approval process.

C. Required Findings for Granting a Waiver Request.

1. That the waiver will result in development in harmony with the Purpose and Intent of the PND District in subsection 85.0.
2. That the waiver will result in development that does not create dangers to health and safety, and does not create offensive noise, vibrations, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from development occurring according to the development standards and/or design principles for which a waiver is sought.
3. That the waiver will result in development in harmony with the general character of the proposed neighborhood considering density, design, bulk, and scale of proposed new structures.
4. That the waiver will result in development that is not detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties.
5. That the waiver will result in development that complies with all other applicable standards, laws, and regulations.

85.5 Development Standards and General Design Principles

A. Permitted Uses and General Design Principles in the PND District

A PND District shall include a Mixed Residential Area or areas, a Community Commercial Area or areas, and Open Space Areas as identified below.

1. **Mixed Residential Areas:** A mix of residential dwelling types is required within a PND. Single-family detached dwellings must comprise a minimum of sixty percent (60%) of the total number of residential units in a PND, but may not account for more than seventy-five percent (75%) of the total number of residential units in a PND. The following uses are permitted within a PND Mixed Residential Area:

- a) Single-family, detached dwellings
- b) Duplex dwellings
- c) Townhouse dwellings

Table 5. Dimensional and Density Standards in Mixed Residential Areas

Standard	Single-family detached	Duplex	Townhouse
Lot Standards			
Minimum Lot Area per Dwelling Unit (square feet)	3,600	1,300	1,300
Minimum Façade Width (feet)	15	15	Interior 15 End 15
Minimum Lot width (per unit) at front building line (feet)	30	20	Interior 15 End 20
Minimum Setbacks—Principal Building (ft)			
Minimum Front Yard	10	4	4
Minimum Side Yard	3	3	Interior 0 End 5
Minimum Rear Yard	30	30	30
Maximum Lot Coverage	75%	90%	95%
Maximum Building Height (feet)	45	45	45
Maximum Density	8 dwelling units per acre of PND area devoted to Mixed Residential Area		

2. **Community Commercial Areas:** Mixed use areas containing commercial uses, as identified below, shall be included within the PND. The inclusion of civic or institutional uses, as identified below, is strongly encouraged within the PND. All proposed residential uses in the PND should be within approximately one half (0.5) mile from proposed commercial and civic uses. The maximum land area devoted to Commercial Uses, including off-street parking areas, shall not exceed twenty-five percent (25%) of the gross PND tract area. If included in a PND, the maximum land area devoted to Civic or Institutional Uses shall not exceed twenty-five percent (25%) of the gross PND tract area. Subject to the review and approval process stipulated in 85.5-A(3), the following uses shall be permitted within a PND Community Commercial Area:

- a) Commercial Uses
 - 1) Offices for professional, medical, religious, charitable and administrative services

- 2) Financial institutions, credit unions and banks
 - 3) Barbershops and beauty shops, including nail salons and spas
 - 4) Medical clinics, treatment centers, and urgent care centers
 - 5) Veterinary care facilities
 - 6) Studios for art, music, dance, workshops and any retail sales related thereto
 - 7) Retail food stores including, but not limited to, bakeries, candy and convenience stores, grocery and meat markets
 - 8) Restaurants, excluding “drive thru”
 - 9) Retail sales and service, and specialty stores
 - 10) Indoor repair and service, with no outdoor storage
 - 11) Antique shop
 - 12) Bookstore
 - 13) Dry cleaners
 - 14) Hotels
 - 15) Liquor or wine establishments
 - 16) Residential units located above commercial uses
 - 17) Fitness centers
 - 18) Daycare centers
 - 19) Child learning centers
- b) Civic or Institutional Uses
- 1) Municipal offices and community meeting facilities
 - 2) Libraries and museums
 - 3) Post offices
 - 4) Public and private elementary schools
 - 5) Kindergartens and early childhood centers

Table 6. Dimensional and Density Standards for Residential Uses in Community Commercial Areas

Standard	Residential Units Above Commercial Use
Lot Standards	
Minimum Lot Area per Dwelling Unit (square feet)	N/A
Street Frontage (feet)	N/A
Lot width at front building line (feet)	N/A
Setbacks—Principal Building (feet)	
Front Yard	N/A
Side Yard	
One Side	N/A
Sum of Both	N/A
Rear Yard	N/A
Maximum Lot Coverage	N/A
Maximum Building Height (feet)	N/A
Minimum Living Space Per Unit (square feet)	800

Table 7. Dimensional and Density Standards for Commercial and Civic or Institutional Uses in Community Commercial Areas

Standard	Commercial, Civic, or Institutional Uses
The maximum ground floor area (sq. ft.) of any two commercial tenants, excluding hotels, in PND District shall not exceed:	17,500 each
The maximum ground floor area (sq. ft.) of any remaining commercial tenant(s), excluding hotels, in PND District shall not exceed:	10,000 each
The maximum ground floor area (sq. ft.) of a hotel use in PND District shall not exceed:	40,000
The maximum ground floor area (sq. ft.) of any one permitted civic or institutional use in PND District shall not exceed:	60,000
The maximum ground floor area (sq. ft.) of any remaining civic or institutional use in PND District shall not exceed:	10,000
Setbacks—Principal Building (ft.)	
Front Yard	None Required
Side Yard	None Required
Rear Yard	20
Maximum Building Height (ft.)*	50

* One principal building may be up to 60' in height. Architectural elements like cupolas, "bell" towers", etc. may exceed maximum building height upon approval of the Planning Commission.

3. Review and Approval Process for Uses in the Community Commercial Area. The uses listed in 85.5-A(2) are permitted subject to the following review and approval process:

- a) The Historic Commission shall review each proposed use within a PND Community Commercial Area and shall issue a Historic Review Certificate for each proposed use, provided that the following findings are satisfied:
 - 1) Required Finding 1. The proposed use is of a size and scale consistent with the historic character of the Town of Odessa.
 - 2) Required Finding 2. The proposed use is sensitive in content to the historic importance of the Town of Odessa.
- b) Mayor and Council shall approve by resolution each proposed use within a PND Community Commercial Area, provided that the following findings are satisfied:
 - 1) Required Finding 1. The proposed use is consistent with the Purpose and Intent of the PND District (85.0) and is consistent with the Final Plan governing the PND in question, if that Final Plan has already been approved by Mayor and Council.
 - 2) Required Finding 2. A Historic Review Certificate has been issued by the Historic Commission for the proposed use.

4. **Open Space Areas:** The area devoted to Open Space Areas shall comprise a minimum of twelve-and-one-half percent (12.5%) of the gross PND tract area. The size, location, and configuration of open space areas must provide adequate access to residents and enable appropriate access for maintenance. Long, thin or inaccessible areas of open space should be avoided. Open Space Areas in a PND District may be designed according to the standards for types of open space identified in Table 8 and shall consist of at least two of the six types of open space identified in Table 8. The following design principles shall apply to all Open Space Areas in a PND District.

- a) All Open Space Areas shall be free of wetlands or stormwater management areas containing permanently standing water, in order to be readily accessible and usable for active and passive recreation.
- b) Significant natural features shall be incorporated into permanent public open space whenever possible.
- c) Open space areas shall be arranged to maintain contiguity with other designated open space areas or similar areas on adjacent lands in order to ensure the potential for a contiguous open space network throughout the Town.
- d) All open space shall be open to the use of residents or dedicated to the Town of Odessa as public parkland upon mutual agreement between the Town and the applicant.

Table 8. PND Open Space Types

<p>Squares: Squares are areas for passive recreational use. They shall be bounded by streets on a minimum of three sides or 75% of the perimeter. The minimum size for a square shall be 500 square feet. The maximum size for a square shall be one acre. Squares are encouraged to be planted parallel to all street right-of-ways with one tree species planted a minimum of 10 feet on center and at a maximum of 30 feet on center. Geometrical tree planting layouts for internal plantings are encouraged.</p>
<p>Parks: Parks may be designed for passive and/or active recreational use. Parks are encouraged to be enclosed by streets on all sides. The minimum size for a park shall be one acre and the maximum size shall be 3 acres. Maximum park size may exceed 3 acres if through design the park creates a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake, high ground, significant stands of trees)</p>
<p>Forecourts: Forecourts are open space areas which act as buffers between residential buildings and non-residential buildings or streets. Forecourts are entirely bounded by streets. It is recommended that forecourts be planted to all street right-of-ways with one tree species. Such plantings shall be a minimum of 10 feet on center and a maximum of 30 feet on center.</p>
<p>Plazas: Plazas are open areas typically located adjacent to a civic or commercial building. Plazas function as gathering places and may incorporate a variety of non-permanent activities such as vendors and display stands. Plazas shall be level, stepped, or gently sloping (less than 5% grade). A minimum size of 2,000 square feet and maximum size of 30,000 square feet is recommended, but a plaza may be smaller or larger depending on the building or facility design. At no time shall a plaza's horizontal length or width be greater than three times the height of surrounding buildings. Plazas may be left unplanted. If planted, trees should form the geometric frame of the plaza space. Spacing should be a minimum of 10 feet on center and a maximum of 30 feet on center.</p>
<p>Parkways: Parkways are open spaces designed to incorporate natural settings such as creeks and significant stands of trees within a neighborhood. Parkways are to be entirely bounded by streets or pedestrian right-of-ways. Parkways differ from parks and squares in that their detailing is natural (i.e. informally planted). Parkways are used for walking, jogging, or bicycling. In addition, small scale recreational features such as a playground area or soccer field are appropriate in parkways.</p>
<p>Greenbelts: Greenbelts run along the perimeter of a neighborhood and serve to buffer a neighborhood from surrounding non-compatible uses such as a highway corridor or industrial district. Greenbelts are left natural but may include walking trails. In addition, schools located adjacent to greenbelts can provide all recreational and athletic fields within the greenbelt.</p>

5. Interpretation of Uses

- a) General. A use not specifically listed as a permitted use in any area of the PND District is prohibited unless determined similar in accordance with Subsection ii. below.
- b) Determination of Similar Uses. A determination that a use is similar to a use permitted by right shall be considered an expansion of the use regulations of the district and not as a variance applying to a particular situation. Any use found similar shall be included in the list of uses permitted by right.
- c) Application
 - i. All applications for permits involving uses not specifically listed among the uses permitted by right in the PND District shall be submitted to the Planning Commission.
 - ii. The Planning Commission shall have the authority to determine that a use is similar to a use permitted by right.
- d) Standards Governing the Determination of Similar Use
 - i. That the use closely resembles and contains the same characteristics as the classification to which it is to be added; and
 - ii. That the use does not create dangers to health and safety, and does not create offensive noise, vibrations, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from other uses listed in the classification to which it is to be added; and
 - iii. That the use does not create traffic to a greater extent than the other uses listed in the classification to which it is to be added.

6. Accessory Structures Permitted

Customary accessory structures are permitted when located on the same lot as the principal structures.

B. Environmental Standards

Standards governing development in environmentally sensitive locations in a PND District, such as wellhead areas, water recharge areas, and floodplain areas, shall be as set forth in articles of this ordinance, as amended, dealing with development in such areas. No development in a PND District shall be approved if the environmental standards specified in other articles of this ordinance are not satisfied.

C. Parking Standards

Parking and loading requirements in the PND District shall be as set forth in the Off-Street Parking and Loading Article of this ordinance, as amended, except for as noted in this Section.

1. Location of Parking

- a) Off-street parking shall be located to the side or rear of all commercial and institutional buildings
- b) A parking lot may not be adjacent to or opposite a street intersection

2. Parking area landscaping and screening

- a) All parking and loading areas fronting streets or sidewalks and all parking and loading areas abutting residential districts or uses shall provide:

- i. A landscaped area at least three (3) feet wide along the street or sidewalk.
 - ii. Screening at least three (3) feet in height and not less than 50% opaque.
 - iii. One tree for each twenty-five (25) linear feet of parking lot frontage.
- b) Parking area interior landscaping. Green space in the form of landscape islands and/or peninsulas is required to break up rows of parking spaces as follows:
- i. If the total number of parking spaces is less than 100 the minimum requirement is:
 - a. Islands at both ends of each row of parking (minimum of 9' X 18')
 - b. One island or peninsula (minimum of 9' X 18') for every 10 contiguous spaces
 - c. No more than 2 continuous bays (60' width) without a 9' wide island separating the 2 bays from additional parking bays or drive aisles
 - d. Minimum of one (1) 2-1/2" caliper shade tree 12' in height shall be provided per 200 square feet of interior green space
 - ii. If the total number of parking spaces is 100 spaces or greater the minimum requirement is:
 - a. Islands at both ends of each row of parking (minimum of 9' X 18')
 - b. One island or peninsula (minimum of 9' X 18') for every 12 contiguous spaces
 - c. No more than 3 continuous bays (60' width) without a 9' wide island separating the 2 bays from additional parking bays or drive aisles
 - d. Minimum of one (1) 2-1/2" caliper shade tree 12' in height shall be provided per 200 square feet of interior green space

3. On-Street Parking

- a) Adjacent on-street parking may apply toward the minimum parking requirements for commercial and institutional uses.

Table 9. Minimum Parking Requirements Specific to the PND District

Use	Required Off-Street Parking Spaces
All commercial and institutional uses permitted within the PND, except for public and private elementary schools, kindergartens and early childhood centers, and those uses provided for elsewhere within this table	One off-street parking space per five hundred (500) square feet of gross floor area
Hotels	0.6 off-street parking spaces for each guest room plus one off-street parking space for each three employees
Residential units located above commercial uses	One-and-a-half (1.5) off-street parking spaces per dwelling unit
Single-family, detached and Duplex dwellings	Two (2) off-street parking spaces per dwelling unit
Townhouse dwelling	Two (2) off-street parking spaces per dwelling unit

D. *Infrastructure Standards*

1. Wastewater Facilities

Connection to a sanitary sewer collection and transmission system shall be required for each lot and each principal use within a PND District.

2. Drinking Water Facilities

Connection to a community water supply and distribution system shall be required for each lot and each principal use within a PND District. The source of supply may be municipal or private.

3. Public Utilities

a) General

- i. Provision shall be made for each lot and principal use in the PND District to be connected to those utility services available in the Town of Odessa at the time of development or subdivision.
- ii. Developers shall provide required utilities at their expense and dedicate them to the Town or other entity as applicable.

b) Location. The developer shall install underground service connections to the street property line of each platted lot at his/her expense.

c) Easements

- i. Easements shall be provided for public and private utilities.
- ii. The developer and the applicable utility companies shall coordinate the establishment of utility easements established in adjoining properties.

d) Electric and Telecommunications

- i. Electrical and telephone wires and cables, both main and service lines, shall be placed underground in accord with the rules and specifications of the Public Service Commission laws on utility service in developments.
- ii. All main underground cables that are within the right-of-way of a street shall be located as specified by the Town of Odessa or DelDOT, where they have jurisdiction. Underground electric and telephone lines may be located in front yards. Where alleys are used, the utilities should, if possible, be located in the alleys.

e) Gas or Other Underground Utilities. Gas or other underground utilities should be planned in coordination with other utilities and easements for all utility locations.

f) Lighting

Any lighting shall be directed towards the ground of the property it is intended to illuminate and shall not shine avoidable amounts of light on adjacent properties or create conditions of glare for adjacent properties.

85.6 Design Standards Manuals

A. Preliminary Master Design Standards Manual

To the extent possible, the Preliminary Master Design Standards Manual shall consist of a brief written and graphic description of the applicant's proposed approach to each of the development standards and design principles in section 85.3-D(1)(a) and those items listed in subsection 85.6-C. The architectural, lighting, signage and landscape examples may be vignettes of styles with graphic and narrative descriptions for this submission. The purpose of the Preliminary Master Design Standards Manual is to insure that the applicant gives adequate thought to the nature of a PND designation and understands the impacts of such a designation on site development; and it provides a way for the Town to be involved early in the planning process to confirm that the purpose and intent of the PND District regulations will be addressed.

B. Final Master Design Standards Manual

The Final Master Design Standards Manual shall address the development standards and design principles in section 85.3 and those items listed in subsection 85.6-C through evidence of substantive research and physical guidelines. The extensive use of photographs, drawings and other graphic methods is strongly encouraged. The results of this work may be organized in a manner that best represents the applicant's intent as long as all the items are substantively addressed. The purpose of the Final Master Design Standards Manual is to substantively demonstrate the design principles and physical guidelines that will govern the final development of the PND site.

C. Contents of Design Standards Manuals

The following items are required to be included in the Final Master Design Standards Manuals:

1. *Historical precedents* - a discussion and illustration of local and regional precedents in the design of the Town of Odessa's traditional neighborhoods, communities, buildings, and landscape and how they will be reflected in the proposed development.
2. *Buildings* - a classification of the full range of buildings, residential, commercial, office or mixed, to be constructed, including detailed guidelines addressing their architectural character and essential required elements, such as size, composition and massing, windows, doors, porches, roof design, fenestration, and all materials. A plan of their location by use type throughout the development shall be included.
3. *Accessory structures* - detailed design guidelines for accessory structures including, but not limited to, fences, sheds, pools, garages, gazebos shall be included and compatible with the PND design principles.
4. *Landscape design* - a palette of hard (paving) and plant materials along with street furniture, major focal elements and ornamentation shall be provided. These shall be located on a plan of the development. Details of plant species and hard materials shall be included.
5. *Lighting design* - placement of public and private lighting throughout the development and design of the lighting fixtures, globes, illumination patterns and intensities.

6. *Signage* - provide the design, size, height and placement of all signs for public and private uses in the neighborhood. Include standards for street signs, parking signs, fire lanes, and signs for businesses in residential, office and commercial districts.
7. *Application and administration* - a presentation of the manner in which the Master Design Standards Manual requirements and guidelines will be administered and enforced on behalf of the developer. The roles and responsibilities of the developer, builders and homeowners and/or homeowners' association in overall administration of Master Design Standards Manual requirements shall be addressed.
8. *Architectural Design Principles* - Because of the higher density permitted within the PND District, structures in such communities are expected to achieve a higher standard of community and architectural design. PND districts should be designed with architectural diversity and character in mind to provide a high level of design quality in the built environment. Developers, architects, and designers are to be afforded flexibility to meet the challenge of designing attractive, higher density communities but are compelled to follow the design standards in this Section. The following standards apply to all buildings:
 - a) *Building Orientation and Facade.*
 - i. The principal building facade of proposed buildings should be oriented toward the primary street frontage, and in the same direction as the majority of existing buildings on the frontage street. Proposed buildings on corner properties should reflect a public facade on both street frontages.
 - ii. In designing new buildings, consideration should be given to the dominant architectural features of existing buildings in the immediate vicinity, as applicable. However, strict adherence to existing architectural styles is not the predominant goal of this ordinance. Existing architecture should be utilized as a frame of reference for proposed architecture, but should not be the sole design template in every instance.
 - iii. Large expanses of blank walls are to be avoided. The public façade shall incorporate windows and primary doorway entrance along the street frontage, as well as projecting elements such as eaves, cornices, canopies, projecting bays, shadow lines and overhangs.
 - b) *General Architectural Characteristics.*
 - i. *Building Proportions.* Consideration should be given to proportional attributes including overall height-to-width ratios of existing building facades, doors, windows, projecting canopies, and other architectural features, found in adjacent existing buildings.
 - ii. *Building Mass and Scale.* Facades of new buildings should incorporate, but not mimic, the sense of lightness or weight exhibited in the architecture of existing buildings on neighboring properties and should incorporate similar proportions of solids (i.e. siding, blank walls, etc.) to voids (i.e. windows, door openings, etc.).
 - iii. *Materials.* The Plan shall incorporate durable exterior surface materials complementary with the color, texture, size, and scale of exterior materials reflected on existing buildings in the immediate vicinity.
 - iv. *Roofs.* The general roof shape, ridge and eave heights, and material characteristics proposed shall be visually compatible with these same attributes expressed in existing buildings in the immediate vicinity.