



RE-ZONING 101

One of a series of fact sheets on the topic of Comprehensive Planning and Zoning in New Castle County.



The Unified Development Code (UDC), Article 31, spells out detailed procedures and standards for all New Castle County (NCC) Re-Zonings.

For more information, go to: <http://czo.nccde.org>



COMPREHENSIVE PLANNING & ZONING

Cities and counties across the USA prepare comprehensive land use plans and zoning ordinances to ensure that community development proceeds in an orderly and environmentally appropriate manner over time.

New Castle County's Comprehensive Plan sets forth the proper location for housing and job-generating uses such as offices, manufacturing and industry, and identifies the best places to locate grocery stores, retail shops, schools, parks and open spaces, and community facilities such as meeting places and government buildings. The Comprehensive Plan also provides direction for connecting these land uses through roads and highways, bicycle and pedestrian paths, and public transit.

The County's Comprehensive Plan is based on an analysis of current and future population and employment projections and an estimate of how much land is needed for infill development, redevelopment and preservation to serve that population.

A companion to the Comprehensive Plan, the **County's Zoning Code** provides: (i) a detailed regulatory framework for each land use type and specifies the density and intensity of building and development; (ii) site design requirements to ensure environmental resource protection and compatibility with surrounding neighborhoods; and (iii) standards which all buildings and structures must meet to ensure quality and safety for all building occupants.



NCC's RE-ZONING PROCESS

The Comprehensive Plan estimates future conditions, and at least every 10 years, the Plan and its corresponding Zoning Code may be adjusted in response to changing conditions and circumstances. In such cases, re-zoning of County land may be necessary due to new economic

conditions that render a specific land use infeasible or technologically obsolete, and/or shifting community needs and priorities.

New Castle County employs a 7-step re-zoning process.

1

Pre-Application Sketch Plan Review



All re-zonings begin with a meeting between representatives of the County's Department of Land Use (DLU) and the applicant and/or developer. The proposed concept plan is reviewed and discussed and key planning issues are identified such as site design, designated areas for development, open space and conservation, and best management practices.

Applicants are highly encouraged to meet with community members to identify issues and potential solutions to minimize disturbance and impacts on surrounding properties.

Any additional technical studies that might be required must be completed before Exploratory Plan approval.

2

Exploratory Plan Review



The applicant/developer submits an "Exploratory Plan" for review by the DLU and the Office of State Planning Preliminary Land Use Service (PLUS). The PLUS process aims to identify and mitigate potential impacts of development that might affect areas beyond County boundaries, align state and local land use plans and improve the state's overall response time.

The Unified Development Code also requires the DLU to work with the Delaware Department of Transportation (DEL-DOT) to determine if the cumulative impact of the proposed re-zoning requires additional highway improvements.

Finally, a public notice issued by the applicant is also required.

For more information, go to: <http://stateplanning.delaware.gov/plus/>

3

Exploratory Plan Review by County Council



The County's DLU provides an initial review report to County Council identifying any key issues relating to code compliance or other factors to be considered by the applicant.

If the Exploratory Plan is in "general compliance with the Code," a re-zoning ordinance is introduced at County Council. This signals that the applicant intends to proceed and public hearings are then scheduled to hear the re-zoning request.

4

Public Hearing



The County's DLU and the Planning Board conduct a joint public hearing allowing the applicant to address the requirements for a zoning map amendment.

[See box below]

The public record remains open for 30 calendar days after the public hearing to allow for additional public comment. The public is invited to comment at the hearing, by email, or in writing.

5

Planning Board Meeting



The Planning Board reviews the Exploratory Plan final report hearing testimony and DLU's recommendation, and provide its recommendation to County Council. The PB may recommend approval, conditional approval, or denial of the rezoning. Specific findings of fact resulting from the PLUS report, the public hearing, and Department analysis will be documented.

The Recommendation Report, including an acceptable Exploratory Plan, is then transmitted to County Council for consideration.

6

County Council Re-Zoning Hearing and Final Decision



County Council holds a public hearing and makes a final determination to approve or disapprove the re-zoning. If the re-zoning is approved, the applicant may submit construction plans for review and approval.

A simple majority of seven votes of County Council is required to approve the re-zoning when the Department recommends approval. Nine votes are required to approve the re-zoning if the Department recommends disapproval. The County Executive may veto or sign the re-zoning.

If County Council adopts the re-zoning based on the Exploratory Plan, the applicant may proceed to the Record Plan review stage. The Record Plan must be in general conformance with the development as described on the approved Exploratory Plan and include letters of approval from DelDOT, State Fire Marshall, and the County's Land Use Engineering section.

7

Documentation



The final plan is recorded and the County's zoning map is revised.

Once approved, the applicant has up to 36 months to complete construction plans and get their Record Plan recorded. The County's DLU issues a Record Plan Review Report. The Record Plan is forwarded to County Council for another public hearing before the County Council provides consent. If there are technical compliance-related questions on the Record Plan, Council may send the plan back to the DLU twice (if needed) before a resolution approving the Record Plan is heard and voted upon. Once approved, the Applicant has 60 months from the Record Plan recordation date to commence construction or the Plan will sunset.

THE RE-ZONING PROPOSAL MUST DEMONSTRATE:

- A** Consistency with the Comprehensive Development Plan;
- B** Consistency with the character of surrounding neighborhoods;
- C** Consistency with zoning and use of nearby properties;
- D** Suitability of the property for the uses for which it has been proposed or restricted.
- E** How it affects nearby properties; and
- F** Compliance with DLU Recommendations.