

Byways Ordinance 22-071 (Substitute 1)

NCC Department of Land Use Protection Strategy for Scenic Byways, Watershed Areas, and Villages

10/24/22

They say good things come to those who wait. Or is it to those who are persistent? Or both?

Last Tuesday night, New Castle County Council unanimously approved Substitute 1 to Proposed Ordinance 22-071 sponsored by Councilwoman Dee Durham and co-sponsored by Councilmembers Carter, Kilpatrick, and Hollins. Seven years in the making, the Byways ordinance embodies the vision set out by the Brandywine Valley National Scenic Byway Partnership in 2015. The Partnership formed a team to pursue the goal of protecting the Brandywine Byway's most significant features and was represented by 13 representatives from the community. They identified threats to the Byway's intrinsic qualities and in 2017 sent a proposal entitled the "Brandywine Valley National Scenic Byway Design Guidelines," to New Castle County officials.

A community task force worked with the New Castle County Land Use Department since then to develop the first iteration of the ordinance which focused on both the Red Clay and Brandywine Byways. Councilman Bob Weiner was an early proponent, working together with unflagging leadership from John Danzeisen (President, Kennett Pike Association and Co-Chair, Brandywine Valley National Scenic Byway Partnership), Gary Linarducci (Co-Chair, Brandywine Valley National Scenic Byway Partnership), Mary Roth (Executive Director, Delaware Greenways), and area resident/advocate Patricia Hobbs. When finally introduced and reviewed by the Planning Board in the fall of 2020, some concerns were identified which led to a rethinking of the ordinance's methodology. Ultimately, a simpler approach was finalized in early 2022, and the ordinance was broadened to also include the full New Castle County segments of the Harriet Tubman and Bayshore Byways.

On October 11th, Substitute 1 to 22-072 finally had all of the kinks worked out and, backed by significant community advocacy, was passed unanimously by County Council. The Byways Protection Ordinance is a significant conservation ordinance which enhances protections of the six defined intrinsic qualities of New Castle County byways: scenic, historic, archaeological, cultural, natural, and/or recreational.

This innovative new ordinance adopts development standards, protection of scenic viewsheds and the other intrinsic byway qualities, and review procedures for a 660' swath of land on either side of the four County-recognized byways, including:

- Reduces parking requirements by up to 25% for development along designated byways, and allowing waivers of parking lot design standards for environmental or scenic preservation
- Provides a limitation of building height for nonresidential buildings that are situated on properties adjacent to designated byways.
- Enhances landscaping and buffering requirements along scenic corridors
- Limits/controls types of signage
- Addresses enhanced building and site design
- Encourages underground utility lines.
- Requires a Viewshed Plan for all development subject to the scenic corridor standards.
- Includes recommended setbacks for residential and commercial projects along a designated byway
- Limits industrial scale solar energy systems within 660 feet of a designated byway.

We are proud of New Castle County's leadership in what this ordinance accomplishes and hope that other jurisdictions will use it as a template to assist in protecting their byways from resource loss and insensitive development. Special thanks to New Castle County Land Use Department General Manager Richard Hall, Land Use Department staff Antoni Sekowski and Christopher Jackson, and project planning consultant John Gaadt for seeing this initiative through to adoption.