

REVISED COMPARISON OF CURRENT LAW AND 2 NEW REDEVELOPMENT PROPOSALS
July 18, 2011

Requirements	Current Law	Weiner 11-026 Sub2	Reda/Tackett 11-020	Reda/Tackett 11-020 Sub1
Paper Redevelopment Allowed	No—has to be at least 50% demolition of existing GFA, but with credit for unbuilt GFA	No—existing structures must be vacant, blighted, polluted, abandoned with existing GFA or former GFA demolished by at least 50%	Yes—100% credit for previously recorded but unbuilt SF	No, but there is credit for all previously built structures, even if they have long been torn down
Sunsetting of Plans	Yes—for a site built under a prior code plan, the plan must not have sunsetted in order to be eligible for redevelopment. Plans sunset after 5 years except minors and partially built plans.	Yes, same as current law, but clarifying that even a partially built plan must demolish 50% of existing structures to qualify as redevelopment.	No—any recorded plan eligible for paper redevelopment regardless of whether it has otherwise sunsetted (i.e., no longer effective)	Normally a plan loses its non-conforming status if all the buildings are destroyed and no rebuilding takes place for 10 years. This appears to create an exception to the loss of non-conforming status
Site Improvement Required?	Proportional compliance required of at least 400%	Proportional compliance required of at least 400% or more if some GFA on redevelopment plan is new	Yes—in an amount equal to the percentage of approved but unbuilt GFA—as determined by Department	Same as current law but if plan requires variances, does not qualify as redevelopment
Traffic Study Required?	No	All major plans require a Traffic Impact Study if a change of use or expansion of floor area is proposed unless peak hour trips will drop and the adjacent land is not zoned Suburban Reserve. Fewer plans qualify as minors.	No, DeIDOT can't require a TIS for redevelopment plans under MOU between DeIDOT and NCC (TOAs don't count trips or require intersection improvements)	Worse than original draft. TIS or TOA required only if DeIDOT or County requests. (TOAs don't determine LOS at supporting intersections or require intersection improvements)
Traffic Improvements Required?	No, except to site itself (i.e. entrance for operational purposes).	Before CO's issue, the 3 closest intersections must be brought up to LOS "D" or better at developer's expense	No, unless DeIDOT requires, even if intersection is E or F	Intersections operating at "D" or worse need not be improved even if development increases traffic area
Traffic Standards for Intersections	No	3 closest intersections have to operate at "D" or better plus operational improvements implemented	Just can't make intersections "worse"; no way to tell where intersections operating now without TIS and no deadline to implement required improvements	No change from previous draft, except specific references to LOS "E" and "F" added
Community Character Protection	No	Must be accounted for in plans	No	No change
Process/Public Input	General Manager signature only for minors, normal plan review process for others. Plans skip from exploratory to record, so no Planning Board hearing unless they propose more than 70,000 new GFA.	All plans proposing changes in use are major plans. Planning Board must hold a public hearing and issue a recommendation re plan compliance with "redevelopment" objectives and criteria. Unbuilt GFA does not qualify a plan as "minor"	No public hearing for any paper redevelopment which is processed as a minor plan. No public hearing on whether a plan proposing all unbuilt GFA plus 50,000 more meets all criteria for redevelopment	No change
New GFA allowed	All established GFA plus 50,000 subject to reduction if DeIDOT	No, unless it is in the same use category as the existing square	No GFA reduction based on DeIDOT recommendation	No change

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Protection of Ag. Lands and Open Space	<p>recommends.</p> <p>No restriction on use of agricultural lands for redevelopment</p>	<p>footage or processed as a major plan</p> <p>Farmed lands would not qualify as eligible for “redevelopment,” nor existing open space except to give priority to important historic or natural resource protection on the site and to accommodate the 50,000 density bonus redevelopment plans receive (if no other options for expansion exist)</p>	<p>DeIDOT recommendation on GFA reduction removed</p>	<p>Farmland and open space can be “redeveloped” without limit risking further litigation similar to Stopyra case; DeIDOT restriction on GFA restored, but without TIS, no DeIDOT involvement in LOS of intersections.</p>

Terminology:

- CO = certificate of occupancy
- GFA = gross floor area
- LOS = level of service (how long one normally has to wait at an intersection, “A” being the shortest amount of time, “F” being the longest)
- MOU = Memorandum of Understanding between DeIDOT and NCC regarding traffic improvements and development
- NCC = New Castle County
- TIS = Traffic Impact Study—studies intersection level of service and requires improvements
- TOA = Traffic Operational Analysis—studies improvements to a site to make new ingress and egress safe