

TOWN OF ODESSA
THE MAYOR AND COUNCIL OF THE TOWN OF ODESSA
ODESSA, DELAWARE 19730
ORDINANCE 2022-01

AN ORDINANCE TO AMEND ORDINANCE 97-1, THE ZONING ORDINANCE OF THE TOWN OF ODESSA, TO ESTABLISH THE “BP” BUSINESS PARK ZONING DISTRICT

WHEREAS, the Town of Odessa recognizes the need to amend the Zoning Ordinance from time to time;

WHEREAS, in order for the town to regulate and control uses in the zoning districts, it is necessary to amend the Zoning Ordinance to accommodate for those changes;

WHEREAS, the Town of Odessa desires to create a new zoning district to facilitate office, manufacturing, light industrial, warehousing, and ancillary uses supporting the primary uses intended therein to be known as a “Business Park District”.

NOW, THEREFORE, BE IT HEREBY ADOPTED, by the Town Council of the Town of Odessa, a majority thereof concurring in council duly met, as follows:

Amend Section 31: Definitions

- Add the following new definitions:

BUFFERYARD. A strip of land on the periphery of a property created to separate one type of land use or zoning district from another when they are incompatible or in conflict. Bufferyards include street bufferyards that protect the use from road related nuisances or screen undesirable uses.

FLOOR AREA RATIO, GROSS (GFAR). The total floor area of a building or structure divided by the lot area.

LOT AREA. The total acreage of a lot or parcel of land.

MINIMUM SITE AREA. The minimum site area is the minimum area required before any new uses may be permitted in the BP Zoning District as set forth in Table 87.4. In determining minimum site area requirements, contiguous parcels of the same zoning shall be considered in the calculation.

OPACITY. The measurement of the screening effectiveness of a bufferyard or fence expressed as the percent of vision that the screen blocks.

OPEN SPACE RATIO (OSR). The proportion of a development required to be left in open space not covered by any buildings, storage areas or impervious surfaces. It is determined by dividing the area in open space by the lot area.

SIGN AREA. The area of a sign includes the entire sign, together with all trim, moldings, battens, cappings and nailing strips which are attached and are a part of the sign proper or incidental to its decoration. Sign area shall exclude a sign company or owner nameplate or logo located on the apron of the sign not more than one (1) square foot in area. Signs which are composed of letters, words or representations only and which follow no square or rectangular pattern shall be considered to include in sign area a square or rectangle as drawn at the outer limits of the letters, words or representations.

SIGN, GROUND. A detached sign which shall include any sign supported by uprights, pylons, poles or braces placed upon or in or supported by the ground and not attached to any building.

SIGN, WALL. Any sign, not including a nameplate sign, erected against the wall of any building or displayed with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs shall include any business or advertising matter painted directly upon any wall.

STREET, EXPRESSWAY. Streets classified as Expressways on the most recent version of the New Castle County Functional Classification Map (published by the Delaware Department of Transportation) as further defined in the Department of Transportation Road Design Manual, Section 2.5.2. By way of example, State Route 1 is classified as an Expressway.

STREET, MINOR ARTERIAL/LOCAL. Minor Arterial Streets are streets that generally carry low traffic volumes over short distances. Local streets generally provide access to adjacent lots and connect to other local and/or collector streets. Streets classified as Minor Arterial and Local on the most recent version of the New Castle County Functional Classification Map (published by the Delaware Department of Transportation) as further defined in the Department of Transportation Road Design Manual, Section 2.5.2. By way of example, Route 299 is classified as a Minor Arterial Street and Mechanics Street is classified as a Local Street.

YARD, REAR. A yard extending the full width of the lot between the rear lot line and the parts of the principal building erected thereon. For a corner lot, the rear yard shall not extend beyond the building setback line on the side street.

YARD, SIDE. A yard between the parts of the principal building and the adjacent side line of the lot and extending from the front yard to the rear yard.

YARD, STREET. A yard extending the full width of the lot between the street line and the parts of the principal building erected thereon setting back from and nearest such street line.

Amend Section 40: Classes of Districts

- Add new zoning district: BP District: Business Park District

Amend Section 41: Official Zoning Map

- Section 41, line 2 “September 4, 1997” is deleted and replaced with “_____, 2022”

Create new Section 87: Business Park District as follows:

Section 87. Business Park (BP) District

87.1 Purpose and Intent

The Business Park (BP) District is intended to implement the Town of Odessa Comprehensive Plan by providing for office, manufacturing, light industrial, warehousing, and supporting ancillary uses therefor where heavier development would be inappropriate. Moderate to high intensities are permitted to achieve maximum land utilization. This development pattern provides a suburban transition character. The area is intended to attract business and industry.

87.1. Permitted Uses / Use Regulations

The following uses shall be permitted by right in the BP District:

1. Agricultural uses, including uses pursuant to Delaware law and including but not limited to commercial greenhouses and “indoor farming”
2. Clearing (limited to site construction, etc.)
3. Day care centers and preschools (subject to Section 87.2)
4. Ambulance, fire, police and rescue services and facilities (subject to Section 87.2)
5. Agricultural support and other rural services
6. Commercial lodging
7. Retail and services (subject to Section 87.2)
8. Craft alcohol production establishment (subject to Section 87.2)
9. Light vehicle service – vehicle and equipment service and repairs within buildings, car wash/detailing services
10. Restaurant, except drive thru restaurant (subject to Section 87.2)
11. Office
12. Light industry – limited intensity levels of manufacturing and assembly activities, storage, distribution services with associated offices, laboratory space and similar uses
13. Warehousing
14. Storage
15. Self Storage Facility (subject to Section 87.2)
16. Parking Structure (subject to Section 87.2)

87.2. Restrictions to Permitted Uses

The following permitted uses, set forth in Section 87.1 hereof shall be restricted as follows:

1. Clearing activities shall be limited to site construction, development and related activities.
2. Day care centers and preschools shall be limited by Lot Area to five percent (5%) of the Minimum Site Area as set forth in Table 87.4. In addition, no more than one day care or preschool shall be permitted for any Lot or contiguous parcels which are aggregated for purposes of determining Minimum Site Area. By way of example, 45 acres multiplied by 5% = 2.25 acres, or a minimum of 25 acres multiplied by 5% = 1.25 acres and no more than one facility.
3. Ambulance, fire, police and rescue service facilities will be limited by Lot Area to ten percent (10%) of the Minimum Site Area. By way of example, contiguous parcels of 45 acres x 10% = 4.5 acres, or Minimum 25 acres x 10% = 2.5 acres.

4. Retail and Service uses are limited by Lot Area to ten percent (10%) of Minimum Site Area. By way of example, contiguous parcels of 45 acres x 10% = 4.5 acres or Minimum 25 acres x 10% = 2.5 acres.
5. Craft alcohol production establishment is limited by Lot Area to five percent (5%) of Minimum Site Area, and by total number of facilities to no more than one such establishment for any Lot or contiguous parcels aggregated for purposes of determining Minimum Site Area. By way of example, 45 acres x 5% = 2.25 acres or Minimum 25 acres x 5% = 1.25 acres and not more than one facility.
6. Restaurants are limited by Lot Area to ten percent (10%) of Minimum Site Area and by number of facilities to no more than two (2) restaurants for any Lot or contiguous parcels aggregated for purposes of determining Minimum Site Area, provided such restriction shall not account for any restaurant establishments situated in permitted retail and service facilities. By way of example, 45 acres x 5% = 2.25 acres, or Minimum 25 acres x 5% = 1.25 acres and not more than two freestanding facilities.
7. Self storage facility shall be limited by Lot Area to five percent (5%) of Minimum Site Area, and by number of facilities to no more than one Self Storage Facility for any Lot or contiguous parcels aggregated for purposes of determining Minimum Site Area. By way of example, 45 acres x 5% = 2.25 acres or Minimum 25 acres x 5% = 1.25 acres and no more than one facility.
8. Parking structure is limited to an ancillary use in support of commercial lodging or office facilities constructed on one or more Lots or contiguous parcels aggregated for purposes of determining Minimum Site Area.

87.3. Permitted Signs

The following signs are permitted in the BP District:

1. Wall signs: Maximum sign area - 3 sq. ft. per lineal ft. of building wall to which it is attached (maximum 300 sq. ft.); Maximum number of signs: 1 wall sign per principal use.
 - A. A wall sign may not extend more than eighteen (18) inches from the wall to which it is attached.
 - B. A wall sign may not extend beyond the wall to which it is attached.
2. Ground sign: Maximum sign area - 100 sq. ft; Maximum Number of Signs per Lot: 1 ground sign per street frontage; Minimum Setback: 40 feet for signs 50 sq. ft. and over in area or over 18 ft. in height. 25 feet for signs less than 50 sq. ft. in area.
 - A. No ground sign greater than thirty-five (35) square feet in area shall be permitted within twenty (20) feet of any residential zoning district and no ground sign greater than fifty (50) square feet in area shall be permitted within forty (40) feet of any residential zoning district.
 - B. All ground signs shall have permanent foundations, shall be level and shall be constructed according to specifications approved by the Town of Odessa.
3. The following signs are permitted without limitation:

A. Instructional signs giving information strictly for the purpose of direction, safety or convenience of the general public such as signs which identify parking areas, entrances and exits, loading and no loading and the like, no to exceed 16 square feet in surface area and to be setback two (2) feet from street lines.

B. Signs required to be posted by law.

C. Signs established by governmental authorities, including but not limited to traffic regulation signs, public notice signs and signs required to be posted or maintained by law, government order, rule or regulation.

D. Address signs, not more than one for each principal building or use on a premises and not exceeding one hundred sixty (160) square inches in surface area, showing only the numerical address designations of the premises upon which they are maintained.

E. A temporary sign(s) indicating the sale, rental or lease of a structure or property, no greater than twelve (12) square feet in area, one permitted for each street frontage on which the property abuts.

F. A sign advertising the sale or rental of structures under construction upon the land which is under development no greater than one hundred (100) square feet in area. One sign permitted for each street frontage on which the property abuts.

G. A temporary sign to be placed on a property for a limited period of time to advertise for a grand opening, special event and the like shall be permitted for a period not to exceed one (1) month in any calendar year, with a maximum sign area of fifty (50) square feet in area and a maximum height of ten (10) feet and a minimum setback of twenty-five (25) feet.

H. A temporary sign identifying those engaged in construction limited to a maximum of sixty-four (64) square feet in area, a minimum twenty-five (25) foot setback from the street line with one (1) sign permitted per street frontage with a maximum of two (2) signs per construction site.

4. Neon signs and electronic variable message signs shall not be permitted in the BP District.

87.4. Area and Bulk Standards

The following regulations shall be observed:

Table 87.4 DISTRICT AND BULK STANDARDS PER USE				
Zoning District & Development Type	Min. OSR	Floor Area Ratio	Utilities	Minimum Site Area
		Max. Gross		
Business Park (BP)				
Offices	0.20	0.50	P	25 ac.
Commercial lodging	0.35	0.60	P	25 ac.
Industrial, Warehouse, Distribution	0.30	0.40	P	25 ac.
Restaurants	0.25	0.14	P	25 ac.
Other permitted uses	0.30	0.26	P	25 ac.

87.6 Setback and Height Regulations

Table 87.6 DISTRICT AND BULK STANDARDS Lot and Building Standards								
Zoning District & Development Type	Minimum							Maximum
	Lot Area	Lot Width (feet)	Street Yard/Expressway Street (feet)	Street Yard/Minor / Local Streets (feet)	Side Yard* (feet)	Rear Yard* (feet)	Unit Mix (%)	Building Height (feet)
Business Park (BP)								
Offices	5 ac.	150	40	40	20	20	na.	60
Commercial lodging	2 ac.	100	40	40	15	40	na.	60
Restaurants	2 ac.	150	40	40	20	20	na.	30
Industrial	2 ac.	150	90	120	70	20	na.	50
Parking Garage	2 ac.	150	90	120	70	20	na.	50
Self Storage	2 ac.	150	90	120	70	20	na.	50
Warehouse and Distribution	2 ac.	150	90	120	70	20	na.	50
Other permitted uses	2 ac.	150	40	40	20	20	na.	50

* Where a lot abuts a street along what would be considered the side or rear of the lot, the setback from the street will be per the street yard requirements set forth in this Table regardless of whether the part of the lot would otherwise be considered a side yard or a rear yard.

87.7 Exterior Storage

No more than ten percent (10%) of a lot may be used for exterior storage purposes to ensure an environment that encourages a mix of major employment generating uses.

87.8 Landscaping

For any use within the BP District, a Landscape Plan shall be required to be submitted to and approved by the Town. The Landscape Plan shall show an undulating landscape berm around the use, appropriate in height and width, with a sufficient mix of landscape plants to provide an opacity of 0.3 between the proposed use and any minor or local street, and between the proposed use and any residentially zoned property and/or public park. Additionally, decorative fencing shall be provided along the front of any minor arterial street and/or public park.

87.9 Lighting Standards

Table 87.9 USE AND LOT STANDARDS			
Zoning District & Development Type	Street Tree Spacing (feet)	Maximum Illumination/Height	
		Illumination C=Cutoff c=foot candles S=Semi-Cutoff	Height C=Cutoff ft.=feet S=Semi-Cutoff
Business Park (BP)			
Offices, commercial lodging	50	C=12 fc S=10 fc	C=30 ft. S=25 ft.
Industrial, Warehouse, Distribution			
Restaurants			
Other permitted uses			

87.10 Off Street Loading Requirements

Minimum number of required loading bays:

1. For retail stores, restaurants, and storage warehouses, the number of bays shall be provided as follows:

A. One (1) bay for buildings with five thousand and one (5,001) to fifteen thousand square feet of gross floor area (“GFA”).

B. Two (2) bays for buildings with fifteen thousand and one (15,001) to fifty thousand (50,000) square feet of GFA.

C. one (1) additional bay for each additional twenty thousand (20,000) square feet of GFA, not to exceed four (4) required bays.

D. For buildings smaller than five thousand one (5,001) square feet, loading shall take place such that access to the site and fire lanes is not impeded.

2. For office buildings, the number of loading bays shall be provided, as follows:

A. One (1) bay for buildings with ten thousand one (10,001) to fifty thousand (50,000) square feet of GFA.

B. One (1) additional bay for each additional fifty thousand (50,000) square feet of GFA, not to exceed three (3) required bays.

C. For buildings smaller than ten thousand one (10,001) square feet, loading shall take place such that access to the site and fire lanes is not impeded.

3. For manufacturing and industrial uses, the number of bays required may vary due to the specific nature of the facility and shall be determined by the Town of Odessa from documentation submitted by the developer.

4. Where an owner/developer or the Town of Odessa believe the loading requirements specified in Subsections 1. or 2. are inappropriate for the proposed use, a special study citing similar uses and based on a detailed analysis of the loading requirements of the proposed use may be submitted at the owner/developer's expense.

87.11 Off-street parking requirements

1. Minimum Parking requirements. Table 87.11 specifies the minimum number of parking spaces required for each use type. When the number of required off-street parking spaces results in a fractional space, the fractional space shall be counted as one (1) parking space. If several uses occupy a single parcel or building, the off-street parking and loading requirement shall be the additive total for all these parcel's or building's uses, however, in the case of shopping centers with more than ten thousand (10,000) square feet of GFA, the parking requirements shall be based only on the total GFA regardless of use. Uses not listed shall have their parking requirements determined by the Town of Odessa based on most similar uses(s) or parking studies of similar uses in the region.

2. Changes in Use. For purposes of accommodating changes in use or tenancy in an existing shopping center of over ten thousand (10,000) square feet GFA, legal nonconforming parking provided on the site and the recorded plan if applicable, shall be considered adequate for purposes of required parking.

Table 87.11. OFF-STREET PARKING FOR SPECIFIC USES		
Uses	Parking Spaces Required	
	Per 1,000 sf of Gross Floor Area	Other Standard
PARKING STANDARDS		
Fire station	---	4 per vehicle bay plus 10/1000 sf of public assembly area
Day care, kindergarten, preschool	3.5	---
Police station	4.0	---
Post office	5.0	---
General office	3.5	---
Government offices	4.0	---
Medical	4.5	---
Bank/financial	3.0	plus 3 stacking spaces per drive-in window
General retail	4.0	up to and including 50,000 sf. of GFA ---
	3.0	greater than 50,000 sf. of GFA
Craft alcohol production establishment	---	9 spaces per 1,000 sf. of tasting room, retail areas, and 25% of the GF of all outdoor seating areas; plus 5 spaces minimum plus 0.5 spaces per 1,000 sf. of GFA for manufacturing, warehouse, and storage.
General light auto service	1.5	or 4 per bay, whichever is greater

Table 87.11. OFF-STREET PARKING FOR SPECIFIC USES		
Uses	Parking Spaces Required	
	Per 1,000 sf of Gross Floor Area	Other Standard
PARKING STANDARDS		
Carwashes (single car, automatic bay)	2.0	plus 6 stacking spaces per bay and 1 drying
Carwashes (multiple car, automatic bay)	4.0	plus 12 stacking spaces per bay and 2 drying
Carwash (self-wash bay)	---	3 per bay
Personal service businesses	4.0	---
Restaurants	8.0	plus parking for one-quarter of the area of outdoor seating
Hotel, motel	---	1 per guest room, plus requires spaces for restaurant, lounge, banquet and meeting room facilities as they may exist
Bed & breakfast	---	1 per guest room, plus 2 per du.
Vehicle repair/service	1.0	or 4 per bay, whichever is greater
Mini-warehouses/self-storage	---	3.5 spaces per 1000 sf. of GFA of sales/rental office
Warehouse, storage establishment, wholesaling, manufacturing or industrial establishment	---	5 space minimum plus 0.5 per 1000 sf. of GFA

87.12 Special Study

Whenever a developer or the Town believes the parking requirements are inappropriate for the proposed use and provides a reasonable explanation, a special study conducted by a transportation planner or engineer citing similar uses and based on a detailed analysis of peak hour parking of the proposed use may be submitted at the developer's expense. The Town may substitute or rely on the special study for that specific property.

87.13 Handicapped parking

The number and minimum dimensions of handicapped parking spaces shall be consistent with the requirements found in the Americans with Disabilities Act.

87.14 Parking Structures.

The intent of this Section is to regulate the mass, scale, visibility and overall aesthetic appearance of a parking structure in order to ensure its context sensitivity with the surrounding community.

1. A parking structure shall be permitted on any parcel which would otherwise allow at grade parking.
2. A parking structure shall be subject to the same bulk and area requirements as the principal use for which it is designed to serve as found in Table 87.6.
3. A parking structure shall be required to meet the following site design standards addressing visibility, mass and scale:
 - A. Architectural design and massing shall be consistent with the adjacent building(s) and the surrounding communities in both proportion and scale.
 - B. Façade elevations shall utilize articulation and materials to complement the adjacent building(s).
 - C. Ramps and decks shall be screened from view by way of architectural design.
 - D. Pedestrian entrances shall have building features that are human-scaled.
 - E. Where a parking structure is adjacent to an existing residential use or residential zoning district, the design shall incorporate transitional elements to minimize negative impacts to the surrounding community, including:
 - i. Lighting shall be designed so that there is zero (0) foot candle at the property line of the residential area.
 - ii. Vehicular access and egress shall be located to minimize impact to the residential area.

Public Hearing: 4/4/22

First Reading: 4/4/22

Final Passage: _____

Voice Vote:

John Freeman,
 Betts Jackson,
 Ed Pollard,
 Lionel Hynson,
 Harvey Smith,

TOWN OF ODESSA

Mayor

Attest:

Secretary