



NEW CASTLE COUNTY COUNCIL LAND USE COMMITTEE MEETING

Co-Chair: David Tackett, Eleventh District
Co-Chair: Janet Kilpatrick, Third District

March 19, 2024
3:00 PM

VIRTUAL ZOOM WEBINAR MEETING &
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801**

AGENDA

A. Meeting Call to Order

B. Approval of Minutes

C. Review/Discussion of Resolution(s)

R24- : PLAN OF TRADITIONS AT WHITEHALL; ST. GEORGES HUNDRED; SOUTH SIDE OF LOREWOOD GROVE ROAD, EAST OF RATLEDGE ROAD, WEST OF JAMISON CORNER ROAD; AMEND THE PREVIOUSLY RECORDED PLAN FOR THE TRADITIONS AT WHITEHALL BY MODIFYING NOTE 49 ON THE PLAN TO REQUIRE THE CONSTRUCTION OF A PEDESTRIAN PATH BETWEEN WHITEHALL VILLAGE 1 AND TRADITIONS AT WHITEHALL PRIOR TO THE ISSUANCE OF FIFTY (50) PERCENT OF BUILDING PERMITS WITHIN TRADITIONS AT WHITEHALL; S ZONING; [APPLICATION NO. 2018-0733-S](#); COUNCIL DISTRICT 6 Introduced by: Mr. Carter

R24- : PLAN OF BAYBERRY TOWN CENTER; ST. GEORGES HUNDRED; NORTHEAST OF THE INTERSECTION OF BOYD'S CORNER ROAD AND JAMISON CORNER ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A TITLE SUBDIVISION TO CONSTRUCT A MIXED USE DEVELOPMENT CONSISTING OF 279,655 SQUARE FEET OF NONRESIDENTIAL GROSS FLOOR AREA AND 145 DWELLING UNITS; CR ZONING; [APPLICATION NO. 2019-0675](#); COUNCIL DISTRICT 12 Introduced by: Mr. Bell

R24- : PLAN OF 2229 DUPONT PARKWAY; ST. GEORGES HUNDRED; SOUTHWESTERLY CORNER OF HYETTS CORNER ROAD AND DUPONT PARKWAY; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO CREATE TWO (2) TITLE SUBDIVISION LOTS AND CONSTRUCT 76,309 SQUARE FEET OF MINI-WAREHOUSE BUILDINGS, AN 890 SQUARE FOOT OFFICE AND A 28,000 SQUARE FOOT FLEX WAREHOUSE BUILDING; CR ZONING; [APPLICATION NO. 2021-0780](#); COUNCIL DISTRICT 12 Introduced by: Mr. Bell

R24- : PLAN OF LOT E - WAREHOUSE; NEW CASTLE HUNDRED; EAST SIDE OF PIGEON POINT ROAD, 1100 FEET SOUTH OF TERMINAL AVENUE; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO CONSTRUCT A 108,000 SQUARE FOOT WAREHOUSE; HI ZONING; [APPLICATION NO. 2021-0400](#); COUNCIL DISTRICT 10 Introduced by: Mr. Street

R24- : TO AMEND THE MAINTENANCE DECLARATION FOR FRENCH PARK TO MAKE CHANGES CONSISTENT WITH MODIFICATIONS TO THE SUBDIVISION OF FRENCH PARK Introduced by: Mr. Tackett

D. Review/Discussion of Ordinance(s)

°SUBSTITUTE NO. 1 TO 23-122: AMENDING NEW CASTLE COUNTY CODE CHAPTER 40 (THE "UNIFIED DEVELOPMENT CODE"), ARTICLE 22 ("DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING") AND ARTICLE 33 ("DEFINITIONS") RELATING TO LIGHT POLLUTION IN NEW CASTLE COUNTY Introduced by: Ms. Durham, Ms. George

E. Presentations

F. Other

G. Public Comment

H. Adjournment

AGENDA POSTED: March 12, 2024

*The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing  Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : <https://zoom.us/j/377322142> You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: <https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars>

Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at <https://www.nccode.org/2351/Agendas-and-Minutes> Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.

Prime Sponsor(s): Mr. Carter
Requested by: Department of Land Use
Date of introduction: March 26, 2024

RESOLUTION NO. 24-

**PLAN OF TRADITIONS AT WHITEHALL; ST. GEORGES HUNDRED; SOUTH SIDE OF
LOREWOOD GROVE ROAD, EAST OF RATLEDGE ROAD, WEST OF JAMISON
CORNER ROAD; AMEND THE PREVIOUSLY RECORDED PLAN FOR THE
TRADITIONS AT WHITEHALL BY MODIFYING NOTE 49 ON THE PLAN TO REQUIRE
THE CONSTRUCTION OF A PEDESTRIAN PATH BETWEEN WHITEHALL VILLAGE 1
AND TRADITIONS AT WHITEHALL PRIOR TO THE ISSUANCE OF FIFTY (50)
PERCENT OF BUILDING PERMITS WITHIN TRADITIONS AT WHITEHALL; S ZONING;
APPLICATION NO. 2018-0733-S; COUNCIL DISTRICT 6**

NOW, THEREFORE, BE IT RESOLVED, by and for the County Council of New
Castle County that County Council hereby amends the previously recorded plan for the
Traditions at Whitehall by modifying note 49 on the plan to require the construction of a
pedestrian path between Whitehall Village 1 and Traditions at Whitehall prior to the
issuance of fifty (50) percent of building permits within Traditions at Whitehall (Application
No. 2018-0733), as heretofore approved by the Land Use Department, and the President
of County Council is hereby authorized to endorse her approval upon the following plan.

**PLAN OF TRADITIONS AT WHITEHALL
St. Georges Hundred**

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title

FISCAL IMPACT: This will have no immediately discernible fiscal impact on the county
but, if the parcel is developed in accordance with this record plan, there may be one or
more fiscal effects on New Castle County government including, but not limited to, an
increase in the assessed value of the property with the resultant increase in taxes
collectible thereon and an increased demand for County services.

PETITION
To Amend Note 49 on the Major Plan for Traditions at Whitehall

The Major Land Development Plan for Traditions at Whitehall was recorded on October 21, 2020 in the Office of the Recorder of Deeds in and for New Castle County and State of Delaware as Instrument Number 20201021-0092891 (hereinafter the "Traditions Plan"), and includes the New Castle County Tax Parcel Numbers provided in "Exhibit A" attached hereto. New Orchard-Whitehall 7, LLC (the "New Orchard-Whitehall") is the developer of the Traditions at Whitehall and currently owns approximately 73 percent of the lots within the development.

New Orchard-Whitehall seeks to modify Note 49 on the Traditions Plan to require the construction of the pedestrian path between Whitehall Village 1 and Traditions at Whitehall prior to the issuance of 50 percent of building permits within Traditions at Whitehall.

Pursuant to Section 40.27.540 of the Unified Development Code ("UDC"), New Orchard-Whitehall, as the owner of more than two-thirds of the lots within the development, hereby petitions the New Castle County Department of Land Use to amend Note 49 on the Traditions Plan to read as follows:

- 49. THE DEVELOPER SHALL CONSTRUCT THE WALKING PATH CONNECTING THE DEVELOPMENT TO WHITEHALL-VILLAGE 1 PRIOR TO THE ISSUANCE OF FIFTY (50) PERCENT OF BUILDING PERMITS FOR HOMES WITHIN THE TRADITIONS AT WHITEHALL DEVELOPMENT.

NEW ORCHARD-WHITEHALL 7, LLC

By: 
Name: RICHARD JULIAN JR
Title: MANAGER
Date: 3/13/2024

Exhibit A

Traditions at Whitehall Tax Parcel Numbers:

1300333139
1300811125
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1300811292
1300811098
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Department of Land Use

MEMORANDUM

To: Council President
Members of County Council
Counsel to Council
Clerk of County Council

From: Charuni Patibanda, GM

Re: Application No. 2018-0733-S
Traditions at Whitehall
Record Plan Modification

Date: February 27, 2024

Enclosed for Council's review and consideration of approval are paper prints of the above-referenced plan. The Department has determined that this proposal complies with all applicable requirements of the New Castle County Code.

A suggested title, synopsis, and fiscal note are attached.

cc: Matthew S. Meyer, County Executive
Vanessa Phillips, Chief Administrative Officer

Plan of Traditions at Whitehall; St. Georges Hundred; South side of Lorewood Grove Road, east of Ratledge Road, west of Jamison Corner Road. Amend the previously recorded plan for the Traditions at Whitehall by modifying Note 49 on the plan to require the construction of a pedestrian path between Whitehall Village 1 and Traditions at Whitehall prior to the issuance of 50 percent of building permits within Traditions at Whitehall. S zoning. CD 6.

Synopsis: Same as title

Fiscal Note: This will have no immediately discernible fiscal impact on the county but, if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.

Prime Sponsor(s): Mr. Bell
Requested by: Department of Land Use
Date of introduction: March 26, 2024

RESOLUTION NO. 24-

PLAN OF BAYBERRY TOWN CENTER; ST. GEORGES HUNDRED; NORTHEAST OF THE INTERSECTION OF BOYD'S CORNER ROAD AND JAMISON CORNER ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A TITLE SUBDIVISION TO CONSTRUCT A MIXED USE DEVELOPMENT CONSISTING OF 279,655 SQUARE FEET OF NONRESIDENTIAL GROSS FLOOR AREA AND 145 DWELLING UNITS; CR ZONING; APPLICATION NO. 2019-0675; COUNCIL DISTRICT 12

NOW, THEREFORE, BE IT RESOLVED, by and for the County Council of New Castle County that County Council hereby. approves the following major land development plan, Plan of Bayberry Town Center (Application No. 2019-0675) as heretofore approved by the Land Use Department, and the President of County Council is hereby authorized to endorse her approval upon the following plan.

**PLAN OF BAYBERRY TOWN CENTER
St. Georges Hundred**

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title

FISCAL IMPACT: This will have no immediately discernible fiscal impact on the county but, if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.

MEMORANDUM

To: Council President
Members of County Council
Council to Council
Clerk of County Council

From: Charuni Patibanda

Re: Application No. 2019-0675
Bayberry Town Center
Record Major Land Development Plan

Date: March 12, 2024

Enclosed for Council's review and consideration of approval are paper prints of the above-referenced plan. The Department has determined that this proposal complies with all applicable requirements of the New Castle County Code.

A suggested title, synopsis, and fiscal note are attached.

cc: Matthew Meyer, County Executive
Vanessa Phillips, Chief Administrative Officer
Brian Boyle, Senior Policy Director

Plan of Bayberry Town Center; St. Georges Hundred; Northeast of the intersection of Boyd's Corner Road and Jamison Corner Road; Major Land Development Plan that proposes a title subdivision to construct a mixed use development consisting of 279,655 SF of nonresidential gross floor area and 145 dwelling units; CR zoning.

Synopsis: Same as title

Fiscal Note: This will have no immediately discernible fiscal impact on the county but, if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.

1. OWNER ADDRESS:	BAYBERRY TOWN CENTER, LLC. 220 CONTINENTAL DRIVE SUITE 410 NEWARK, DE 19713
2. TAX PARCEL NUMBER:	13-013.00-243
3. AREA OF PARCEL:	69.428± ACRES (DEDOT RIGHT OF WAY DEDICATION) -0.035± ACRES (TOTAL) 69.393± ACRES (TOTAL)
4. SOURCE OF TITLE:	D/R INSTR# 20130205-008172
5. ZONING:	OR (COMMERCIAL RESIDUAL) * PER ORDINANCE 20-012 MIXED-USE DEVELOPMENT OPTION

LOT AREA	LOT WIDTH	STREET YARD	SIDE YARD	REAR YARD	PAVING STREET/ OTHER YARD	BUILDING HEIGHT
1 AC.	100'	15'	20'	20'	25'/5'	50'

6. DATE OF SURVEY: TOPOGRAPHIC SURVEY PERFORMED BY AERIAL PHOTOGRAPHY AND FIELD VERIFIED BY LANDMARK ENGINEERING, INC. IN MARCH 2000.

MONUMENTS: EXISTING: 11 PROPOSED: 39

DATUM: HORIZONTAL: NAD83
VERTICAL: NAVD88

BENCHMARK: TOP OF CONCRETE MONUMENT @ NORTHEAST CORNER OF BAYBERRY NORTH SUBDIVISION
ELEVATION: 55.23

7. LOTS: EXISTING: 1 LOT
PROPOSED: 145 LOTS (RESIDENTIAL)
TOTAL: 147 LOT (COMMERCIAL TITLE SUBDIVISION LOTS)

8. GROSS FLOOR AREA: TOTAL GFA: 703,687± SF

NON-RESIDENTIAL:

RETAIL/RESTAURANT:	248,655± SF
OFFICE:	31,000± SF
SUB TOTAL:	279,655± SF

RESIDENTIAL:

145 UNITS TOWNHOUSE UNITS	424,032± SF
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9. AREA BREAKDOWN:

BUILDING FOOTPRINTS:	9.53± AC. (14%)
IMPERVIOUS SURFACES:	26.39± AC. (38%)
RIGHT-OF-WAY:	5.92± AC. (8%)
OPEN SPACE (INCLUDES SWM AREAS):	27.55± AC. (40%)
TOTAL:	69.39± AC. (100%)

10. PARKING: COMMERCIAL:

REQUIRED: 279,655± SF @ 3 SPACES / 1,000 SF = 839 SPACES

PROVIDED: 1,583 SPACES, INCLUDING 93 ADA SPACES

RESIDENTIAL:

REQUIRED: 145 ATTACHED DWELLING UNITS @ 2.25 SPACES / UNIT = 327 SPACES

(PER SECTION 40.22.611 GARAGES MAY BE CONSIDERED AS REQUIRED OFF-SITE PARKING SPACES FOR ALL DETACHED HOUSING TYPES FOR ATTACHED DWELLINGS, ONE (1) REQUIRED OFF-STREET PARKING SPACE MAY BE CONSIDERED WITHIN A GARAGE LOCATED ON THE SAME LOT.)

PROVIDED: 450 SPACES (225 DRIVEWAY SPACES, 225 GARAGE SPACES)
61 OVERFLOW SPACES, INCLUDING 53 ON STREET SPACES
511 TOTAL SPACES PROVIDED

BICYCLE PARKING: REQUIRED: 20 SPACES (1 PER 10 PARKING SPACES, 20 MAXIMUM)

LOADING BAYS: REQUIRED: 22 BAYS (20 RETAIL + 2 OFFICE)
PROVIDED: 12 BAYS (10 RETAIL + 2 OFFICE) (RETAIL LOADING SPACES ARE SHARED)

11. WATER SUPPLY: ARTESIAN WATER COMPANY - WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.

12. SANITARY SEWER: NEW CASTLE COUNTY - SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS. AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, HIS SUCCESSORS OR ASSIGNS, SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.

SEWER FLOW: 22,961 GPD (229,607± SF RETAIL/OFFICE/FITNESS x 0.1 GPD)
37,750 GPD (RESTAURANT @ 1,510 SEATS x @ 25 GPD/SEAT)
36,250 GPD (145 TOWNHOUSES x 250 GPD)

TOTAL PROPOSED: 96,961 GPD (AVG.) / 387,844 GPD (PEAK)

13. DEED RESTRICTIONS: THERE ARE NO PREVIOUS DEED RESTRICTIONS FOR THIS SITE FOR WHICH NEW CASTLE COUNTY IS PARTY TO.

14. WRPA: THIS SITE IS NOT WITHIN A WATER RESOURCE PROTECTION AREA (WRPA) ACCORDING TO WRPA MAP 2 OF 3, DATED MARCH 2022.

15. FLOODPLAIN: THIS SITE IS NOT WITHIN FEMA 100-YEAR FLOODPLAIN ACCORDING TO FLOOD INSURANCE RATE MAP #100030243L WITH AN EFFECTIVE DATE OF JANUARY 22, 2020.

16. WETLANDS: A WETLAND INVESTIGATION WAS PROVIDED BY WATERSHED ECO, LLC ON MAY 19, 2022 IN ACCORDANCE WITH THE 1987 USAGE WETLANDS DELINEATION MANUAL (1-87-1). NO WETLANDS WERE FOUND TO EXIST ON THE SITE.

17. CRITICAL NATURAL AREA: THE SITE IS NOT WITHIN A CRITICAL NATURAL AREA PER STATE INVENTORY OF NATURAL AREAS.

18. SUBDIVISION STREETS: ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO ITS APPROVAL.

ALL RIGHTS-OF-WAY ARE INTENDED FOR DEDICATION TO PUBLIC USE

SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING COMPLETION OF THE STREETS TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.

50' WIDE RIGHT OF WAY: 1,328± L.F. 64' WIDE RIGHT OF WAY: 1,025± L.F.
55' WIDE RIGHT OF WAY: 1,486± L.F. 80' WIDE RIGHT OF WAY: 829± L.F.

20. LIMIT OF DISTURBANCE: 75.0± ACRES

21. SUPERSEDES NOTE: THIS PLAN SUPERSEDES, IN PART, THE PLANS OF:

- THE RECORD MINOR SUBDIVISION PLAN FOR BAKER FARMS, INC. DATED JANUARY 28, 1975 AND RECORDED ON APRIL 1, 1975 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, MICROFILM #2890;
- THE RECORD MINOR SUBDIVISION PLAN FOR BAKER FARMS, INC. DATED FEBRUARY 8, 1993 AND RECORDED ON MARCH 12, 1993 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, MICROFILM #1595;
- THE RECORD MINOR LAND DEVELOPMENT PLAN FOR NEW CASTLE PRESBYTERY DATED JUNE 8, 1994 AND RECORDED ON FEBRUARY 21, 1995 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, MICROFILM #12301;
- THE RECORD MAJOR LAND DEVELOPMENT PLAN FOR BAYBERRY TOWN CENTER LAST DATED OCTOBER 1, 2009 AND RECORDED ON NOVEMBER 10, 2011 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT #20111110-0068304;
- THE RECORD RESUBDIVISION PLAN FOR BAYBERRY TOWN CENTER, LAST DATED JUNE 3, 2015 AND RECORDED ON AUGUST 3, 2015 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT #20150903-0038001.

22. DEBRIS DISPOSAL: NO DEBRIS SHALL BE BURIED ON THE SITE.

23. IMPACT FEES: THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE, AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

24. LANDSCAPE PLAN: A LANDSCAPE PLAN, PREPARED BY DESIGNS, ETC., LAST DATED 8/24/23, OR AS AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE RECORD PLAN.

25. SIDEWALKS: UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE DWELLING IN FRONT OF WHICH THEY ARE SHOWN. SIDEWALKS SHALL BE FIVE (5) FEET IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.

26. STORMWATER MAINTENANCE AGREEMENTS: THIS PARCEL IS SUBJECT TO A STORMWATER MAINTENANCE AGREEMENT FOR DEDOT SWM FACILITIES #829, #830, AND #832 ADJACENT TO JAMISON CORNER ROAD. THE STORMWATER MANAGEMENT AGREEMENT WAS RECORDED IN THE OFFICE OF RECORDER OF DEEDS, IN AND FOR NEW CASTLE COUNTY, DELAWARE ON 10/16/2017 AT INSTRUMENT #20170106-0053538.

THIS PARCEL IS SUBJECT TO A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT PONDS AND FACILITIES LOCATING WITHIN THE SUBDIVISION OF THE VILLAGE OF BAYBERRY - SOUTH, AS SET FORTH IN DECLARATION OF CROSS EASEMENT AND MAINTENANCE AGREEMENT DATED SEPTEMBER 19, 2006 AND RECORDED IN THE RECORDER OF DEEDS, IN AND FOR NEW CASTLE COUNTY, DELAWARE IN INSTRUMENT #20060920-0090341; A DECLARATION OF CROSS EASEMENT AND MAINTENANCE AGREEMENT DATED SEPTEMBER 19, 2006 AND RECORDED IN THE RECORDER OF DEEDS, IN AND FOR NEW CASTLE COUNTY, DELAWARE IN INSTRUMENT #20060920-0090342; AND A DECLARATION OF CROSS EASEMENT AND MAINTENANCE AGREEMENT DATED SEPTEMBER 19, 2006 AND RECORDED IN THE RECORDER OF DEEDS, IN AND FOR NEW CASTLE COUNTY, DELAWARE, IN INSTRUMENT #20060920-0090343.

27. UTILITY EASEMENT: A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THE EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.

28. LAND DEVELOPMENT IMPROVEMENT AGREEMENT: ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LOIA), AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LOIA IS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON _____ AT INSTRUMENT # _____

29. DRAINAGE: DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE NEW CASTLE COUNTY DRAINAGE CODE.

30. RIGHT OF ACCESS: NEW CASTLE COUNTY HAS THE RIGHT OF ACCESS TO THE SITE FOR THE PURPOSES OF OPERATING, MAINTAINING, AND REPAIRING SANITARY SEWER LINES CONTAINED WITHIN THE SEWER EASEMENTS SHOWN ON THIS PLAN.

31. VOLUNTARY SCHOOL ASSESSMENT: PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY FOR ANY LOT OR UNIT SHOWN ON THIS PLAN, THE OWNER/DEVELOPER SHALL PROVIDE A CERTIFICATION FROM THE SECRETARY OF THE DEPARTMENT OF EDUCATION THAT THE VOLUNTARY SCHOOL ASSESSMENT FOR THAT LOT OR UNIT HAS BEEN PAID.

A VOLUNTARY SCHOOL ASSESSMENT AGREEMENT WAS EXECUTED ON MAY 1, 2023, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON MAY 3, 2023 AT INSTRUMENT #20230503-0028486.

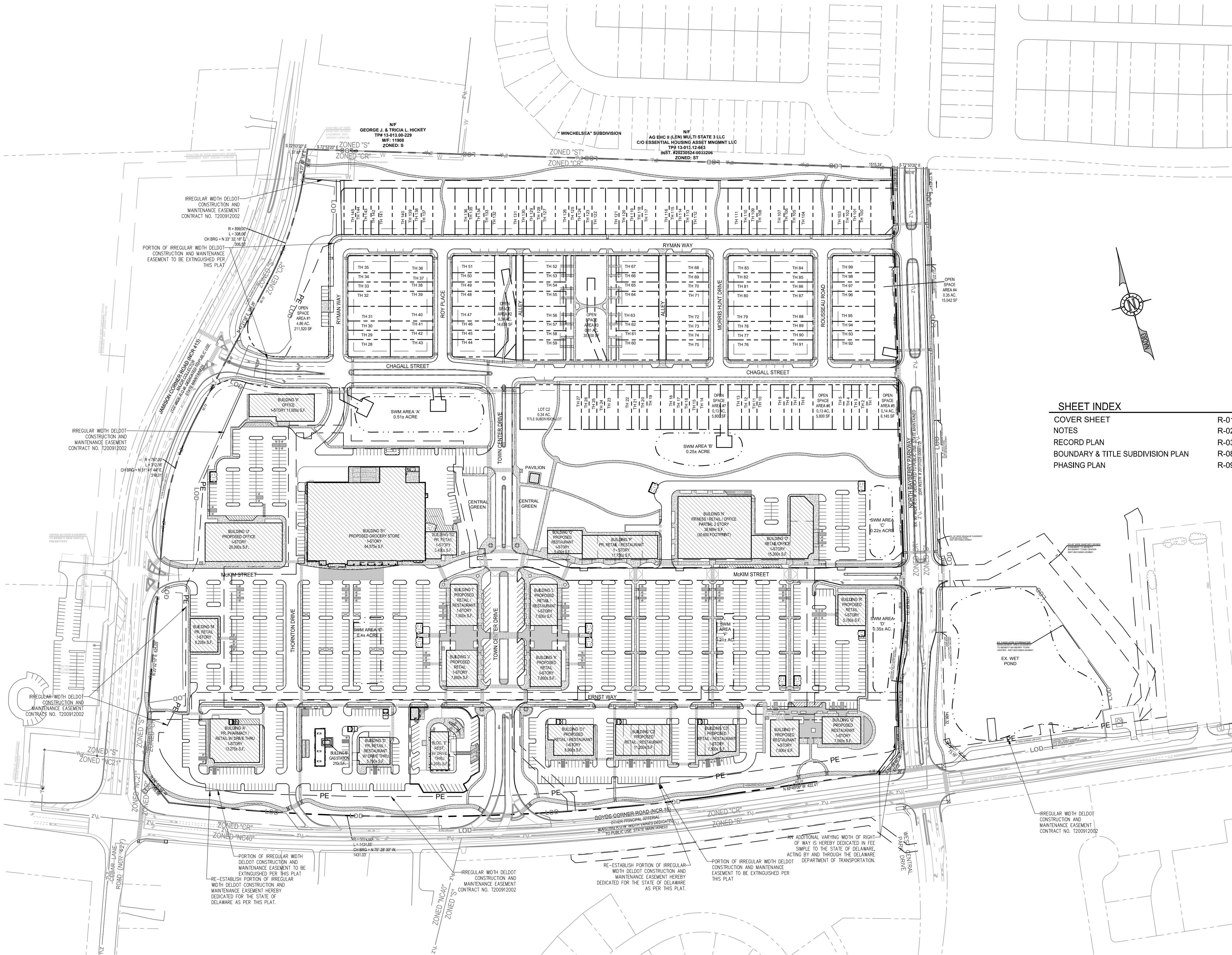
PURPOSE NOTE:

PURPOSE OF PLAN:

TO REVISE THE CURRENT RECORDED PLAN FOR BAYBERRY TOWN CENTER (LOT 2) WITH ASSOCIATED PARKING, AMENITIES, AND IMPROVEMENTS, AS FOLLOWS:

-DEVELOP THE PROPERTY UTILIZING THE "CR-MIXED-USE" DEVELOPMENT OPTION, THAT INCLUDES RESIDENTIAL DWELLING UNITS, FITNESS CENTER, OFFICE, RETAIL, AND RESTAURANT USE.

- ESTABLISH TITLE SUBDIVISION LINES TO ALLOW THE CONVEYANCE OF TITLE OF BOTH COMMERCIAL AND RESIDENTIAL BUILDINGS AND PARCELS PER UDC SECTION 40.31.713.



EXISTING	LEGEND	PROPOSED
---	PROPERTY LINE	---
---	ADJOURNER LINE	---
---	SETBACK/EASEMENT	---
---	SANITARY	---
---	STORM	---
---	CONCRETE CURB	---
---	FENCE	---
---	SANITARY MANHOLE	---
---	UTILITY POLE	---
---	FIRE HYDRANT	---
---	FIRE DEPARTMENT CONNECTION	---
---	LIMIT OF DISTURBANCE	---
---	ZONING	---
---	DEDOT CLEAR ZONE	---
---	STORMWATER MANAGEMENT	---
---	CONCRETE PAVING	---
---	ASPHALT PAVING	---
---	BUILDING	---

CERTIFICATION OF PLAN ACCURACY

I, COLMICILE DEASCANIS, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEERING IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.



3/5/24
DATE

PERIMETER BOUNDARY CERTIFICATION

THE PERIMETER BOUNDARY FOR THIS SITE SHOWN ON THESE PLANS IS AS DEPICTED AND CERTIFIED ON INSTRUMENT #20111110-0068304. THE RECORD MAJOR SUBDIVISION AND LAND DEVELOPMENT PLAN FOR BAYBERRY TOWN CENTER PREPARED BY KARINS AND ASSOCIATES.

CERTIFICATION OF PLAN APPROVAL

APPROVED _____ DATE _____ BY _____
GENERAL MANAGER FOR DEPARTMENT OF LAND USE OF NEW CASTLE COUNTY

APPROVED _____ DATE _____ BY _____
COUNCIL PRESIDENT FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

CERTIFICATION OF OWNERSHIP

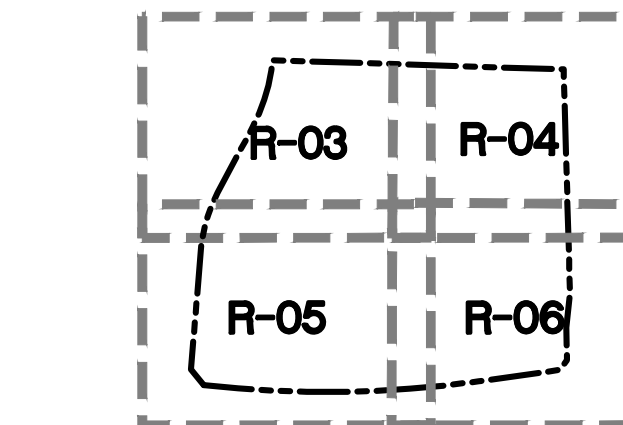
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT MY DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

M. Shane Minner
M. SHANE MINNER, AUTHORIZED MEMBER
BAYBERRY TOWN CENTER, LLC

3/5/24
DATE

LOCATION MAP

SCALE: 1"=800'



KEY MAP

REVISION	DATE
RECORD PLAN CHECK PRINT	11.23.22
DEDOT INITIAL STAGE SUBMISSION	11.23.22
RECORD PLAN CHECK PRINT	6.1.23
REVISED DEDOT INITIAL STAGE SUBMISSION	7.21.23
RECORD PLAN SUBMISSION	8.24.23
REVISED DEDOT INITIAL STAGE SUBMISSION	1.5.24
ISSUED FOR DEDOT LONOR APPROVAL	1.19.24
ISSUED FOR RECORDATION	3.5.24

CDA ENGINEERING INC.

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DRAWN BY:	EMT
CHECKED BY:	CD
PROJECT No.:	21.138.00
SCALE:	1"=200'
DATE:	11.3.22
CAD FILE:	

APPLICATION # 2019-0675

BAYBERRY TOWN CENTER MAJOR LAND DEVELOPMENT AND TITLE SUBDIVISION PLAN

ST. GEORGES HUNDRED NEW CASTLE COUNTY DELAWARE

RECORD MAJOR
LAND DEVELOPMENT PLAN

DRAWING NUMBER:

R-01

SITE DATA CONTINUED :

32. SWM. MAINTENANCE FUND:

THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR LONG TERM STORMWATER MAINTENANCE AND INSPECTION FUND PURSUANT TO SECTION 40.27.240 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS. AN AMOUNT OF \$12,800.00, SHALL BE FUNDED PRIOR TO RECEIVING THE FIRST CERTIFICATE OF OCCUPANCY. THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY UNTIL SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IS FURNISHED IN ACCORDANCE WITH THE REQUIREMENTS.

33. SWM ACCESS EASEMENT:

A STORMWATER MANAGEMENT ACCESS EASEMENT IN FAVOR OF NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS IS HEREBY CREATED ON, OVER, UNDER AND ACROSS THE ENTIRE AREA OF ALL STORMWATER MANAGEMENT FACILITIES INCLUDING, STORMWATER CONVEYANCE SYSTEMS, BASINS, AND ALL COMPONENTS THEREOF, IDENTIFIED ON THE PLAN AND ALL WATERCOURSES FOR THE PURPOSE OF INSPECTING, EVALUATING AND MAINTAINING THE STORMWATER MANAGEMENT FACILITIES AND WATERCOURSES. THE EASEMENT SHALL EXTEND 15' FROM THE OUTER EDGES OF EACH SUCH STORMWATER MANAGEMENT FACILITY. A GENERAL ACCESS EASEMENT IS HEREBY CREATED OVER AND ACROSS THE PROPERTY SHOWN ON THIS PLAN GRANTING NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS THE RIGHT, PRIVILEGE AND AUTHORITY TO ENTER UPON AND TRAVEL ACROSS THE PROPERTY TO EACH STORMWATER MANAGEMENT FACILITY. THE EASEMENTS HEREIN CREATED SHALL BE FOR PEDESTRIAN, VEHICULAR AND EQUIPMENT USE. IF NEW CASTLE COUNTY, ITS AGENTS OR ASSIGNS DETERMINES THAT MAINTENANCE IS REQUIRED TO A STORMWATER MANAGEMENT FACILITY, NEW CASTLE COUNTY SHALL PROVIDE NOTICE OF THE REQUIRED MAINTENANCE AND THE TIME FRAME IN WHICH SUCH MAINTENANCE SHALL BE COMPLETED TO THE PROPERTY OWNER OR RESPONSIBLE PARTY. NO NOTICE SHALL BE REQUIRED WHERE NEW CASTLE COUNTY PERFORMS MAINTENANCE WHERE THERE IS IMMINENT THREAT TO LIFE, HEALTH OR PROPERTY. IN THE EVENT NEW CASTLE COUNTY ELECTS TO MAINTAIN THE STORMWATER MANAGEMENT FACILITIES, ALL EXPENSES SHALL BE ASSESSED JOINTLY AND SEVERALLY AGAINST THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN.

34. VARIANCES:

VARIANCES WERE GRANTED BY THE BOARD OF ADJUSTMENT ON 2/27/2020 AND FILED ON 4/27/2020 (APPLICATION #2020-0073-A) FOR THE FOLLOWING VARIANCES: 1) TO PROVIDE A MAXIMUM OF 61% RESIDENTIAL GROSS FLOOR AREA; 2) TO PERMIT A GAS STATION; 3) TO PERMIT A STAND-ALONE RESTAURANT; 4) TO PERMIT RESTAURANT DRIVE-THROUGH FACILITIES; 5) TO PROVIDE A 0.0 BUFFERYARD ALONG THE BOYDS CORNER ROAD RIGHT-OF-WAY; 6) TO PROVIDE A 0.0 BUFFERYARD ALONG THE JAMSON CORNER ROAD RIGHT-OF-WAY, AND 7) TO PERMIT 12 LOADING BAYS.

35. POSTAL BOXES:

POSTAL BOXES SHALL BE INSTALLED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE UNITED STATES POSTAL SERVICES.

36. SEWER EASEMENT:

UNLESS OTHERWISE DESCRIBED BY METES AND BOUNDS, OR BY MATHEMATICAL REFERENCE TO A PROPERTY LINE, A 40' WIDE PERMANENT EASEMENT, 20' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE IN UNPAVED AREAS AND IS OUTSIDE OF A DEDICATED PUBLIC ROW. A 20' WIDE PERMANENT EASEMENT, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER PIPE IS DESIGNATED FOR PUBLIC USE IN PRIVATELY MAINTAINED PAVED AREAS, SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS. IF THE CONSTRUCTED HORIZONTAL SEWER MAIN LOCATION DEVIATES BY MORE THAN 2.5' FROM THE DESIGN LOCATION, THE PROJECT MAY BE SUBJECT TO A RESUBDIVISION PLAN OR PIPE LOCATION AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.

37. TRESPASS:

DEVELOPER SHALL HAVE THE RIGHT TO TRESPASS FOR A PERIOD OF AT LEAST ONE YEAR AFTER A LOT IS SOLD FOR THE PURPOSES OF COMPLETING OVERALL SITE DRAINAGE AND/OR LANDSCAPING REQUIREMENTS.

38. PRIVATE STREETS/ALLEYS:

- MAINTENANCE OF THE PRIVATE STREETS/ALLEYS SHOWN ON THE PLAN SHALL BE THE RESPONSIBILITY OF THE MANAGING OWNER PURSUANT TO THE DECLARATION OF EASEMENTS DESCRIBED IN NOTE 40.

- MAINTENANCE OF ALL STORM SEWER SYSTEMS WITHIN PRIVATE STREETS/ALLEYS SHALL BE THE RESPONSIBILITY OF THE MANAGING OWNER PURSUANT TO THE DECLARATION OF EASEMENTS DESCRIBED IN NOTE 40.

- ALL PRIVATE STREETS/ALLEYS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE MOST CURRENT DELDOT STANDARDS AND SPECIFICATIONS FOR ROADWAY DESIGN.

- DRIVEWAYS TO A PRIVATE STREET/ALLEY SHALL MEET DELDOT STANDARDS.

- A THIRD PARTY INSPECTOR IS REQUIRED TO BE RETAINED BY OWNER TO DOCUMENT THAT ALL PRIVATE STREETS/ALLEYS MEET DELDOT CONSTRUCTION SPECIFICATIONS. THIRD PARTY INSPECTOR SHALL PREPARE AND SUBMIT A REPORT TO DEPARTMENT OF LAND USE SUMMARIZING INSPECTIONS SIGNED AND SEALED BY A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF DELAWARE.

- ALL PRIVATE STREET/ALLEY SIGNAGE REQUIRED FOR SAFE INGRESS AND EGRESS TO A LOT SHALL BE INSTALLED PRIOR TO THE CERTIFICATE OF OCCUPANCY BEING ISSUED FOR ANY BUILDING.

- VIDEO VERIFYING ALL STORM SEWERS ARE IN GOOD CONDITION SHALL BE SUBMITTED TO THE DEPARTMENT FOR REVIEW AND APPROVAL PRIOR TO THE ACCEPTANCE OF THE OPEN SPACE (RESIDENTIAL) OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY OF BUILDINGS SERVICED BY THE STORM SEWER (MULTI-RESIDENTIAL).

39. GEOTECHNICAL EVALUATION:

A GEOTECHNICAL EVALUATION HAS BEEN PERFORMED TO APPROXIMATE THE SEASONAL HIGH WATER TABLE (SHWT) ELEVATIONS AND NO LOT REQUIRE FURTHER EVALUATION, AS IT PERTAINS TO THEIR LOWEST PROPOSED FLOOR ELEVATION PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

40. MAINTENANCE OF COMMON FACILITIES:

FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING ALL OPEN SPACE, PRIVATE STREETS AND ALLEYS, AND STORMWATER MANAGEMENT AREAS SHOWN ON THE PLAN, SEE THE DECLARATION OF EASEMENTS FOR ACCESS, PARKING, STORMWATER MANAGEMENT, AND UTILITIES DATED MARCH 4, 2024, AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. _____ (THE "DECLARATION OF EASEMENTS"). AND THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR BAYBERRY TOWN CENTER (SECTION III) DATED MARCH 4, 2024, AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. _____.

41. ADDRESSES:

COMMERCIAL ADDRESSES:

LOT 'C1' BUILDINGS

N 1065 MCKIM STREET

O 1081, 1083, & 1085 MCKIM STREET

P 1041, 1043, 1047, & 1049 MCKIM STREET

O 1025 MCKIM STREET

LOT 'C2' 1200 CHAGALL STREET

LOT 'C3' BUILDINGS

A 400 ERNST WAY

D 520 & 524 ERNST WAY

I 235 TOWN CENTER DRIVE

J 215 TOWN CENTER DRIVE

M 800 MCKIM STREET

S2 955 MCKIM STREET

965 MCKIM STREET

U 825 MCKIM STREET

V 1100 CHAGALL STREET

LOT 'C4' BUILDING

S1 935 MCKIM STREET

LOT 'C5' BUILDING

B 700 THORTON DRIVE

LOT 'C6' BUILDING

E 540 ERNST WAY

LOT 'C7' BUILDINGS

C1 610 & 614 ERNST WAY

C2 630, 632, 634, 636, 638, 640, & 642 ERNST WAY

C3 650, 652, 654, 656, & 658 ERNST WAY

F 670 ERNST WAY

G 690 ERNST WAY

K 200 TOWN CENTER DRIVE

L 220 TOWN CENTER DRIVE

R 1090 MCKIM STREET

TOWNHOUSE LOT ADDRESSES:

1 THRU 5 1270, 1268, 1266, 1264, & 1262 CHAGALL STREET

6 THRU 9 1258, 1256, 1254, & 1252 CHAGALL STREET

10 THRU 13 1248, 1246, 1244, & 1242 CHAGALL STREET

14 THRU 18 1238, 1236, 1234, 1232, & 1230 CHAGALL STREET

19 THRU 22 1226, 1224, 1222, & 1220 CHAGALL STREET

23 THRU 27 1216, 1216, 1214, 1212, & 1210 CHAGALL STREET

28 THRU 35 1302, 1304, 1306, 1308, 1310, 1312, 1314, & 1316 RYMAN WAY

36 THRU 43 1515, 1513, 1511, 1509, 1507, 1505, 1503, & 1501 ROY PLACE

44 THRU 51 1502, 1504, 1506, 1508, 1510, 1512, 1514, & 1516 ROY PLACE

52 THRU 55 1352, 1354, 1356, & 1358 RYMAN WAY

56 THRU 59 1204, 1205, 1203, & 1201 CHAGALL STREET

60 THRU 63 1221, 1223, 1225, & 1227 CHAGALL STREET

64 THRU 67 1376, 1376, 1374, & 1372 RYMAN WAY

68 THRU 75 1615, 1613, 1611, 1609, 1607, 1605, 1603, & 1601 MORRIS HUNT DRIVE

76 THRU 83 1602, 1604, 1606, 1608, 1610, 1612, 1614, & 1616 MORRIS HUNT DRIVE

84 THRU 91 1715, 1713, 1711, 1709, 1707, 1705, 1703, & 1701 ROUSSEAU ROAD

92 THRU 99 1702, 1704, 1706, 1708, 1710, 1712, 1714, & 1716 ROUSSEAU ROAD

100 THRU 103 1427, 1425, 1423, & 1421 RYMAN WAY

104 THRU 111 1415, 1413, 1411, 1409, 1407, 1405, 1403, & 1401 RYMAN WAY

112 THRU 136 1389, 1387, 1385, 1383, 1381, 1379, 1377, 1375, 1373, 1371, 1369, 1367, 1365, 1363, 1361, 1359, 1357, 1355, 1353, 1351, 1349, 1347, 1345, 1343, & 1341 RYMAN WAY

137 THRU 145 1337, 1335, 1333, 1331, 1329, 1327, 1325, 1323, & 1321 RYMAN WAY

BOYDS CORNER ROAD IMPROVEMENTS BY OTHERS
DELDOT RECORD PLAN GENERAL NOTES: (REV. 3/21/19)

1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
2. NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
3. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
4. UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
5. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE DELAWARE DEPARTMENT OF TRANSPORTATION (DELDOT) FOLLOWING THE ACCEPTANCE OF THE STREETS. DELDOT ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY DELDOT.
6. PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17 §131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
7. THE SIDEWALK AND SHARED USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR SHARED-USE PATH.
8. ALL RESIDENTIAL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
9. DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
10. LOTS WILL BE PERMITTED TO HAVE ACCESS POINTS THAT COMPLY WITH THE DEVELOPMENT COORDINATION MANUAL (DOM) SPACING REQUIREMENTS OF CHAPTER 1 AND LIMITATIONS ON NUMBER OF ACCESS POINTS ESTABLISHED IN DOM CHAPTER 7. HORSESHOE DRIVEWAYS AND SECONDARY ENTRANCES REQUIRE ADDITIONAL DELDOT REVIEW AND SEPARATE PERMITTING, RESTRICTIONS AS DESCRIBED IN THE DOM CHAPTER 7 MAY PROHIBIT SOME SECONDARY ENTRANCE REQUESTS FROM BEING GRANTED.
11. TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
12. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
13. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
14. CONSTRUCTION WILL NOT BE PERMITTED UNTIL CONSTRUCTION PLANS HAVE BEEN APPROVED. SURETY HAS BEEN RECEIVED AND THE TRAFFIC SIGNAL AGREEMENT IS COMPLETE. AT DELDOT'S DISCRETION, A TEMPORARY CONSTRUCTION ENTRANCE PERMIT MAY BE ISSUED FOR CLEARING, GRUBBING, TEMPORARY ENTRANCE CONSTRUCTION, BULK GRADING AND PERIMETER EROSION AND SEDIMENT CONTROLS UP TO THIRTY (30) DAYS PRIOR TO PLAN APPROVAL. NO BUILDING CONSTRUCTION WILL BE PERMITTED UNDER A TEMPORARY ENTRANCE CONSTRUCTION PERMIT. IF PLAN APPROVAL IS NOT RECEIVED WITHIN THIRTY (30) CALENDAR DAYS, ALL CONSTRUCTION ACTIVITIES SHALL BE STOPPED. DELDOT WILL NOT PROVIDE A C/O APPROVAL FOR A COMMERCIAL ENTRANCE TO NCC UNTIL THE ENTRANCE(S) ARE COMPLETED TO THE SATISFACTION OF THE DEPARTMENT.
15. THIS COMMERCIAL PARCEL HAS DIRECT FRONTAGE ALONG BOYDS CORNER ROAD (NCR 15), WHICH HAS A FUNCTIONAL CLASSIFICATION OF PRINCIPAL ARTERIAL/FREEWAY/INTERSTATE AS DEFINED BY THE STATE OF DELAWARE'S DEPARTMENT OF TRANSPORTATION. PER SECTION 3.6.1 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DOM), IT IS THE DEVELOPER'S RESPONSIBILITY TO EVALUATE NOISE LEVELS AND THEIR IMPACTS ON PROPOSED DEVELOPMENT, FOR PROJECTS ADJACENT TO EXISTING TRANSPORTATION FACILITIES WITH THIS FUNCTIONAL CLASSIFICATION. ROADWAYS WITH THIS CLASSIFICATION CAN BE EXPECTED TO GENERATE ELEVATED LEVELS OF ROAD AND TRAFFIC RELATED NOISE. SIMILAR TO WHAT CAN BE EXPECTED IN URBAN AREAS, A DETAILED NOISE ANALYSIS PER DOM 3.6 IS TYPICALLY RECOMMENDED TO HELP CAUSE THE ACTUAL IMPACTS THAT ROADWAY RELATED NOISE MAY HAVE ON VARIOUS POTENTIAL LAND-USES (SUCH AS THOSE DESCRIBED IN DOM FIGURE 3.6.3-A: NOISE ABATEMENT CRITERIA), WITH THE INCLUSION OF THIS NOTE, THE DEVELOPER IS ACKNOWLEDGING THAT THE PROPOSED SITE AND/OR BUILDING LOCATION CAN BE EXPECTED TO EXCEED THE SPECIFIC MAXIMUM NOISE LEVELS FOR CERTAIN COMMERCIAL AND NON-RESIDENTIAL USES AS SHOWN IN DOM FIGURE 3.6.3-A. THE DEVELOPER'S WAIVER OF THE NOISE ANALYSIS AND REVIEW OF POTENTIAL NOISE MITIGATION MEASURES ARE SUPPORTED BY THE INFEASIBILITY OF APPLYING NOISE MITIGATION MEASURES, BASED ON ENGINEERING CONSIDERATIONS AND FACTORS THAT WOULD LIMIT THE ABILITY TO ACHIEVE SUBSTANTIAL NOISE REDUCTION, RELATED TO THE COMMERCIAL USE OF THE SITE AND/OR BUILDINGS. THIS WAIVER ACKNOWLEDGES THAT THE DECIBEL LEVEL FOR THIS PARCEL MAY EXCEED THE APPLICABLE LIMITS FOR SOME CURRENT OR FUTURE PROPOSED USES. THE USE OF THIS NOTE SIGNIFIES THE SUBDIVISION ENGINEER'S CONCURRENCE WITH WAIVING THE DEVELOPER'S COMPLETION OF A DETAILED NOISE STUDY AND SUBSEQUENT REVIEW OF RESULTING NOISE ABATEMENT FINDINGS OR MITIGATION MEASURES. ANY FUTURE COMPLAINTS RELATING TO EXISTING OR FUTURE NOISE LEVELS IMPACTING PROPOSED USES ON THIS SITE AND ALONG THIS EXISTING TRANSPORTATION FACILITY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER OR LAND OWNER OR BOTH.
16. THIS PROJECT IS LOCATED IN THE SOUTHERN NEW CASTLE COUNTY TRANSPORTATION IMPROVEMENT DISTRICT (TID). THE TID RECORDMENT AGREEMENT WAS RECORDED ON JULY 17, 2015 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE, AT INSTRUMENT # 20150717-0036612.

DELDOT SIGNAL AGREEMENT NOTE:

THE DEVELOPER SHALL ENTER INTO A TRAFFIC SIGNAL AGREEMENT WITH DELDOT FOR THE INTERSECTIONS OF JAMISON CORNER ROAD (N413) AND CHAGALL STREET (SITE ENTRANCE).

REVISION

DATE

RECORD PLAN CHECK PRINT

11.3.22

DELDOT INITIAL STAGE SUBMISSION

11.23.22

RECORD PLAN CHECK PRINT

6.1.23

REVISED DELDOT INITIAL STAGE SUBMISSION

7.21.23

RECORD PLAN SUBMISSION

8.24.23

REVISED DELDOT INITIAL STAGE SUBMISSION

1.5.24

ISSUED FOR DELDOT LONOR APPROVAL

1.19.24

ISSUED FOR RECORDATION

3.5.24

CDA

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DATE:	11.3.22
CAD FILE:	-

0'100'200'400'600'

1"=200'

APPLICATION # 2019-0675

BAYBERRY
TOWN CENTER

MAJOR LAND DEVELOPMENT
AND TITLE SUBDIVISION PLAN

ST. GEORGES HUNDRED NEW CASTLE COUNTY DELAWARE

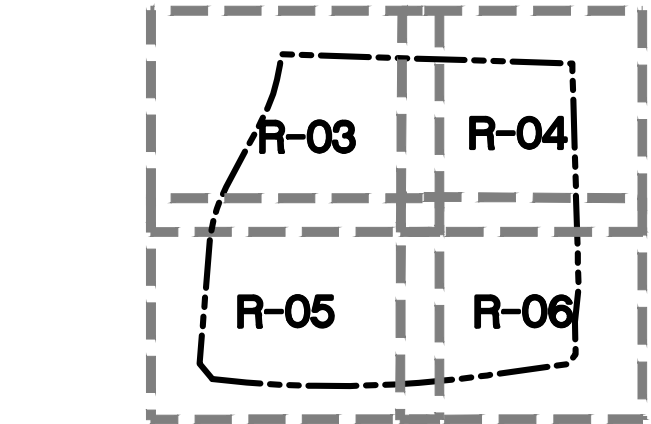
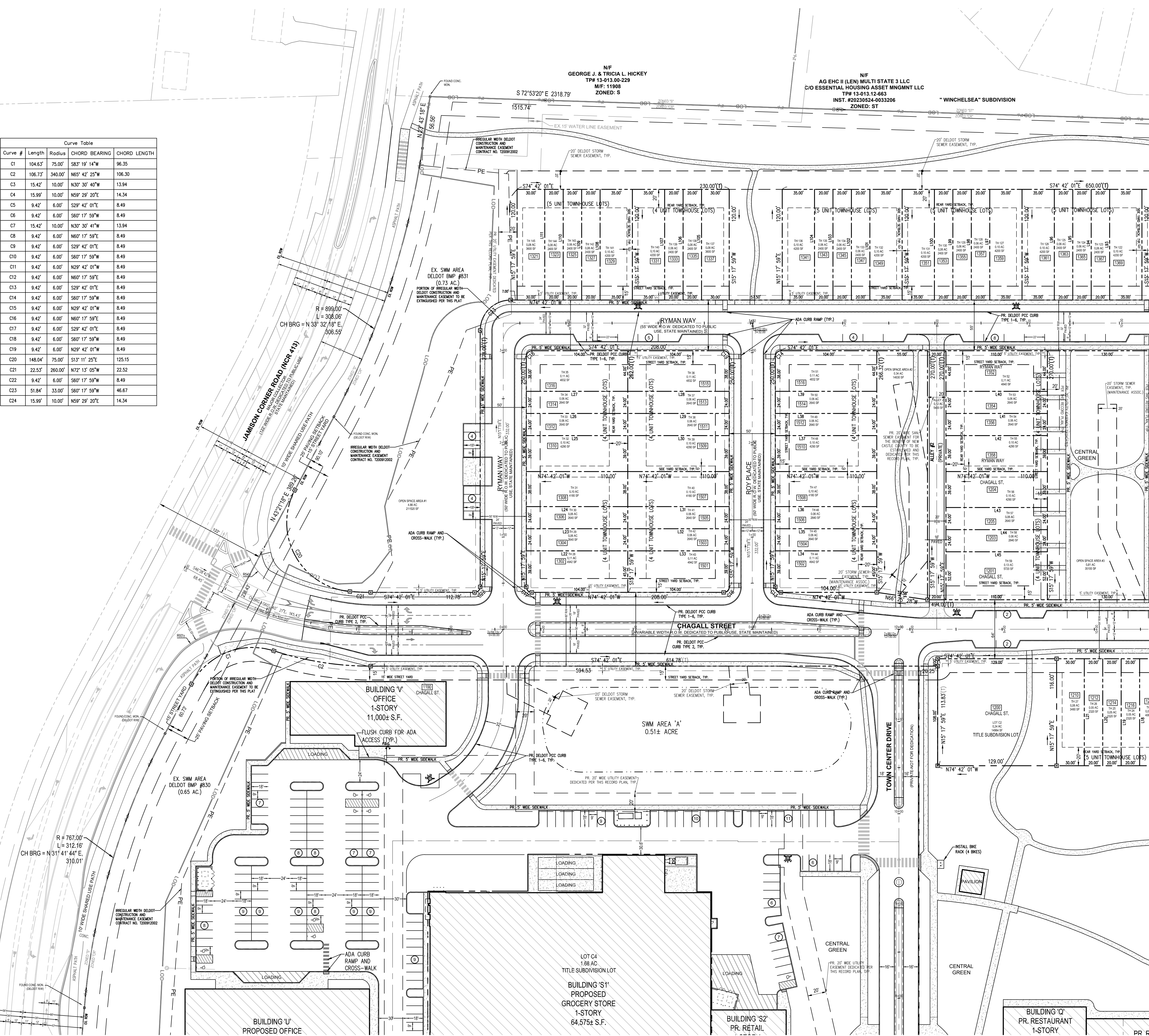
RECORD MAJOR
LAND DEVELOPMENT PLAN

DRAWING NUMBER: R-02

Line Table			Line Table			Line Table		
Line #	Length	Direction	Line #	Length	Direction	Line #	Length	Direction
L1	116.00'	S15° 17' 59"W	L21	116.00'	S15° 17' 59"W	L41	110.00'	N74° 42' 01"W
L2	116.00'	S15° 17' 59"W	L22	110.00'	N74° 42' 01"W	L42	110.00'	N74° 42' 01"W
L3	116.00'	S15° 17' 59"W	L23	110.00'	N74° 42' 01"W	L43	110.00'	N74° 42' 01"W
L4	116.00'	S15° 17' 59"W	L24	110.00'	N74° 42' 01"W	L44	110.00'	N74° 42' 01"W
L5	116.00'	S15° 17' 59"W	L25	110.00'	N74° 42' 01"W	L45	110.00'	N74° 42' 01"W
L6	116.00'	S15° 17' 59"W	L26	110.00'	N74° 42' 01"W	L46	110.00'	N74° 42' 01"W
L7	116.00'	S15° 17' 59"W	L27	110.00'	N74° 42' 01"W	L47	110.00'	N74° 42' 01"W
L8	116.00'	S15° 17' 59"W	L28	110.00'	N74° 42' 01"W	L48	110.00'	N74° 42' 01"W
L9	116.00'	S15° 17' 59"W	L29	110.00'	N74° 42' 01"W	L49	110.00'	N74° 42' 01"W
L10	116.00'	S15° 17' 59"W	L30	110.00'	N74° 42' 01"W	L50	110.00'	N74° 42' 01"W
L11	116.00'	S15° 17' 59"W	L31	110.00'	N74° 42' 01"W	L51	110.00'	N74° 42' 01"W
L12	116.00'	S15° 17' 59"W	L32	110.00'	N74° 42' 01"W	L52	110.00'	N74° 42' 01"W
L13	116.00'	S15° 17' 59"W	L33	110.00'	N74° 42' 01"W	L53	110.00'	N74° 42' 01"W
L14	116.00'	S15° 17' 59"W	L34	110.00'	N74° 42' 01"W	L54	110.00'	N74° 42' 01"W
L15	116.00'	S15° 17' 59"W	L35	110.00'	N74° 42' 01"W	L55	110.00'	N74° 42' 01"W
L16	116.00'	S15° 17' 59"W	L36	110.00'	N74° 42' 01"W	L56	110.00'	N74° 42' 01"W
L17	116.00'	S15° 17' 59"W	L37	110.00'	N74° 42' 01"W	L57	110.00'	N74° 42' 01"W
L18	116.00'	S15° 17' 59"W	L38	110.00'	N74° 42' 01"W	L58	110.00'	N74° 42' 01"W
L19	116.00'	S15° 17' 59"W	L39	110.00'	N74° 42' 01"W	L59	110.00'	N74° 42' 01"W
L20	116.00'	S15° 17' 59"W	L40	110.00'	N74° 42' 01"W	L60	110.00'	N74° 42' 01"W

Line Table			Line Table			Line Table		
Line #	Length	Direction	Line #	Length	Direction	Line #	Length	Direction
L61	110.00'	N74° 42' 01"W	L81	120.00'	N15° 17' 59"E	L101	120.00'	N15° 17' 59"E
L62	110.00'	N74° 42' 01"W	L82	120.00'	N15° 17' 59"E	L102	120.00'	N15° 17' 59"E
L63	110.00'	N74° 42' 01"W	L83	120.00'	N15° 17' 59"E	L103	120.00'	N15° 17' 59"E
L64	110.00'	N74° 42' 01"W	L84	120.00'	N15° 17' 59"E	L104	120.00'	N15° 17' 59"E
L65	110.00'	N74° 42' 01"W	L85	120.00'	N15° 17' 59"E	L105	120.00'	N15° 17' 59"E
L66	110.00'	N74° 42' 01"W	L86	120.00'	N15° 17' 59"E	L106	120.00'	N15° 17' 59"E
L67	110.00'	N74° 42' 01"W	L87	120.00'	N15° 17' 59"E	L107	120.00'	N15° 17' 59"E
L68	110.00'	N74° 42' 01"W	L88	120.00'	N15° 17' 59"E	L108	120.00'	N15° 17' 59"E
L69	110.00'	N74° 42' 01"W	L89	120.00'	N15° 17' 59"E	L109	120.00'	N15° 17' 59"E
L70	110.00'	N74° 42' 01"W	L90	120.00'	N15° 17' 59"E	L110	120.00'	N15° 17' 59"E
L71	110.00'	N74° 42' 01"W	L91	120.00'	N15° 17' 59"E	L111	120.00'	N15° 17' 59"E
L72	110.00'	N74° 42' 01"W	L92	120.00'	N15° 17' 59"E			
L73	110.00'	N74° 42' 01"W	L93	120.00'	N15° 17' 59"E			
L74	110.00'	N74° 42' 01"W	L94	120.00'	N15° 17' 59"E			
L75	110.00'	N74° 42' 01"W	L95	120.00'	N15° 17' 59"E			
L76	120.00'	N15° 17' 59"E	L96	120.00'	N15° 17' 59"E			
L77	120.00'	N15° 17' 59"E	L97	120.00'	N15° 17' 59"E			
L78	120.00'	N15° 17' 59"E	L98	120.00'	N15° 17' 59"E			
L79	120.00'	N15° 17' 59"E	L99	120.00'	N15° 17' 59"E			
L80	120.00'	N15° 17' 59"E	L100	120.00'	N15° 17' 59"E			

Curve Table				
Curve #	Length	Radius	CHORD BEARING	CHORD LENGTH
C1	104.63'	75.00'	S83° 19' 14"W	96.35
C2	106.73'	340.00'	N65° 42' 25"W	106.30
C3	15.42'	10.00'	N30° 30' 40"W	13.94
C4	15.99'	10.00'	N59° 29' 20"E	14.34
C5	9.42'	6.00'	S29° 42' 01"E	8.49
C6	9.42'	6.00'	S60° 17' 59"W	8.49
C7	15.42'	10.00'	N30° 30' 41"W	13.94
C8	9.42'	6.00'	N60° 17' 59"E	8.49
C9	9.42'	6.00'	S29° 42' 01"E	8.49
C10	9.42'	6.00'	S60° 17' 59"W	8.49
C11	9.42'	6.00'	N29° 42' 01"W	8.49
C12	9.42'	6.00'	N60° 17' 59"E	8.49
C13	9.42'	6.00'	S29° 42' 01"E	8.49
C14	9.42'	6.00'	S60° 17' 59"W	8.49
C15	9.42'	6.00'	N29° 42' 01"W	8.49
C16	9.42'	6.00'	N60° 17' 59"E	8.49
C17	9.42'	6.00'	S29° 42' 01"E	8.49
C18	9.42'	6.00'	S60° 17' 59"W	8.49
C19	9.42'	6.00'	N29° 42' 01"W	8.49
C20	148.04'	75.00'	S13° 11' 25"E	125.15
C21	22.53'	260.00'	N72° 13' 05"W	22.52
C22	9.42'	6.00'	S60° 17' 59"W	8.49
C23	51.84'	33.00'	S60° 17' 59"W	46.67
C24	15.99'	10.00'	N59° 29' 20"E	14.34



KEY MAP

REVISION	DATE
RECORD PLAN CHECK PRINT	11.3.22
DELDOT INITIAL STAGE SUBMISSION	11.23.22
RECORD PLAN CHECK PRINT	6.1.23
REVISED DELDOT INITIAL STAGE SUBMISSION	7.21.23
RECORD PLAN SUBMISSION	8.24.23
REVISED DELDOT INITIAL STAGE SUBMISSION	1.5.24
ISSUED FOR DELDOT LONOR APPROVAL	1.19.24
ISSUED FOR RECORDATION	3.5.24

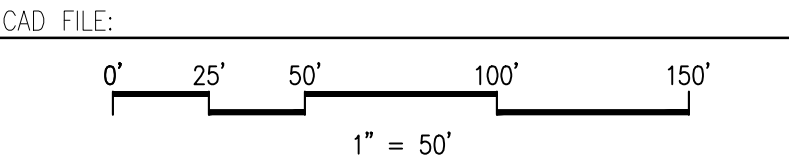
CDA ENGINEERING INC.

CIVIL/SITE ENGINEERING AND LAND PLANNING

6 LARCH AVENUE
SUITE 401
WILMINGTON, DE 19804

Tel: 302.998.9202
Fax: 302.691.1314
cdaengineering.com

DRAWN BY:	EMT
CHECKED BY:	CD
PROJECT No.:	21.138.00
SCALE:	1"=50'
DATE:	11.3.22



APPLICATION # 2019-0675

BAYBERRY TOWN CENTER

MAJOR LAND DEVELOPMENT AND TITLE SUBDIVISION PLAN

ST. GEORGES HUNDRED NEW CASTLE COUNTY DELAWARE

RECORD MAJOR LAND DEVELOPMENT PLAN

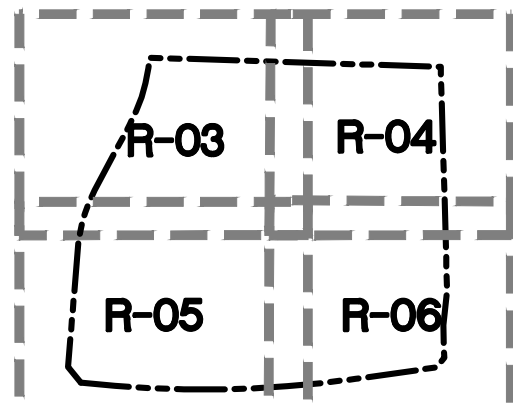
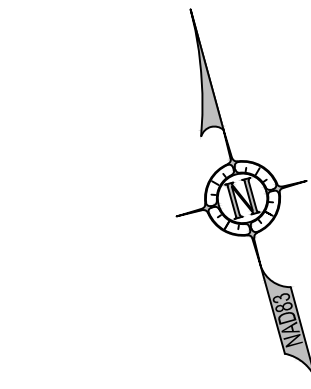
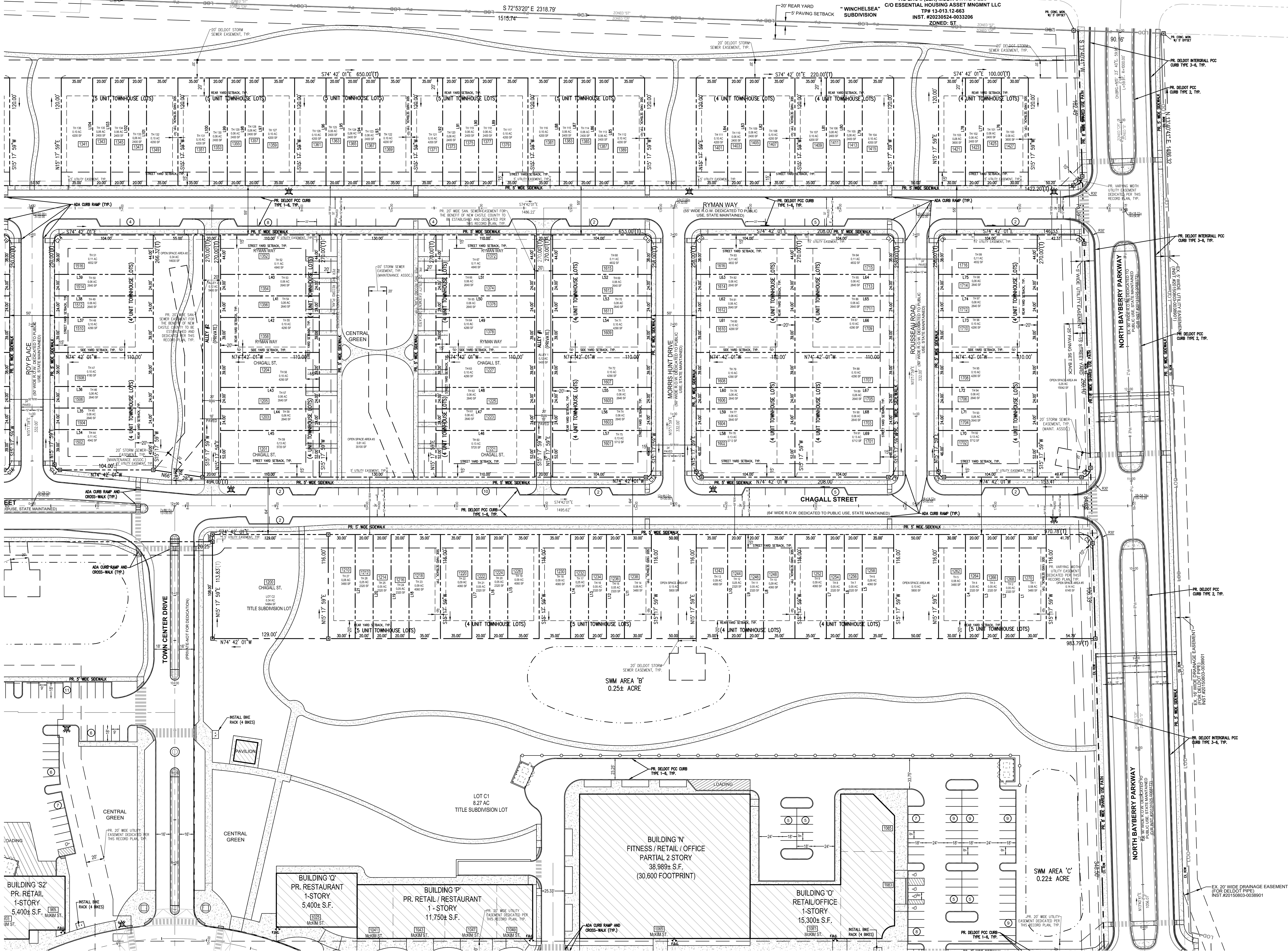
DRAWING NUMBER:

R-03

N/F
GEORGE J. & TRICIA L. HICKEY
TP# 13-013.00-229
N/F
AG EHC II (LEN) MULTI STATE 3 LLC
C/O ESSENTIAL HOUSING ASSET MNGMT LLC
TP# 13-013.12-663
INST. #20230524-0033206
ZONED: S

"WINCHELSEA" SUBDIVISION

N/F
AG EHC II (LEN) MULTI STATE 3 LLC
C/O ESSENTIAL HOUSING ASSET MNGMT LLC
TP# 13-013.12-663
INST. #20230524-0033206
ZONED: ST



KEY MAP

REVISION	DATE
RECORD PLAN CHECK PRINT	11.3.22
DELDOT INITIAL STAGE SUBMISSION	11.23.22
RECORD PLAN CHECK PRINT	6.1.23
REVISED DELDOT INITIAL STAGE SUBMISSION	7.21.23
RECORD PLAN SUBMISSION	8.24.23
REVISED DELDOT INITIAL STAGE SUBMISSION	1.5.24
ISSUED FOR DELDOT LONOR APPROVAL	1.19.24
ISSUED FOR RECORDATION	3.5.24

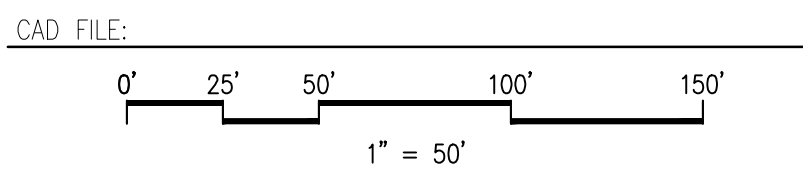
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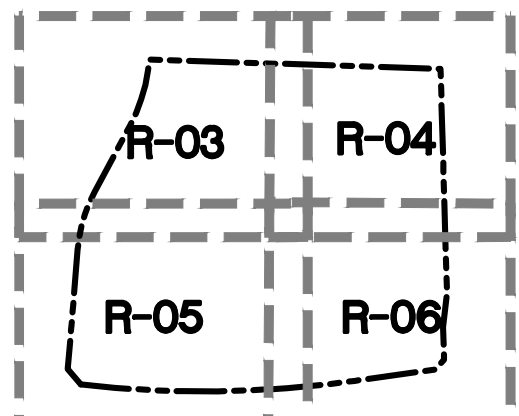
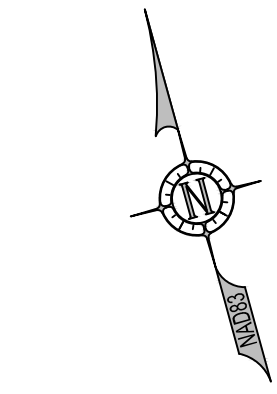
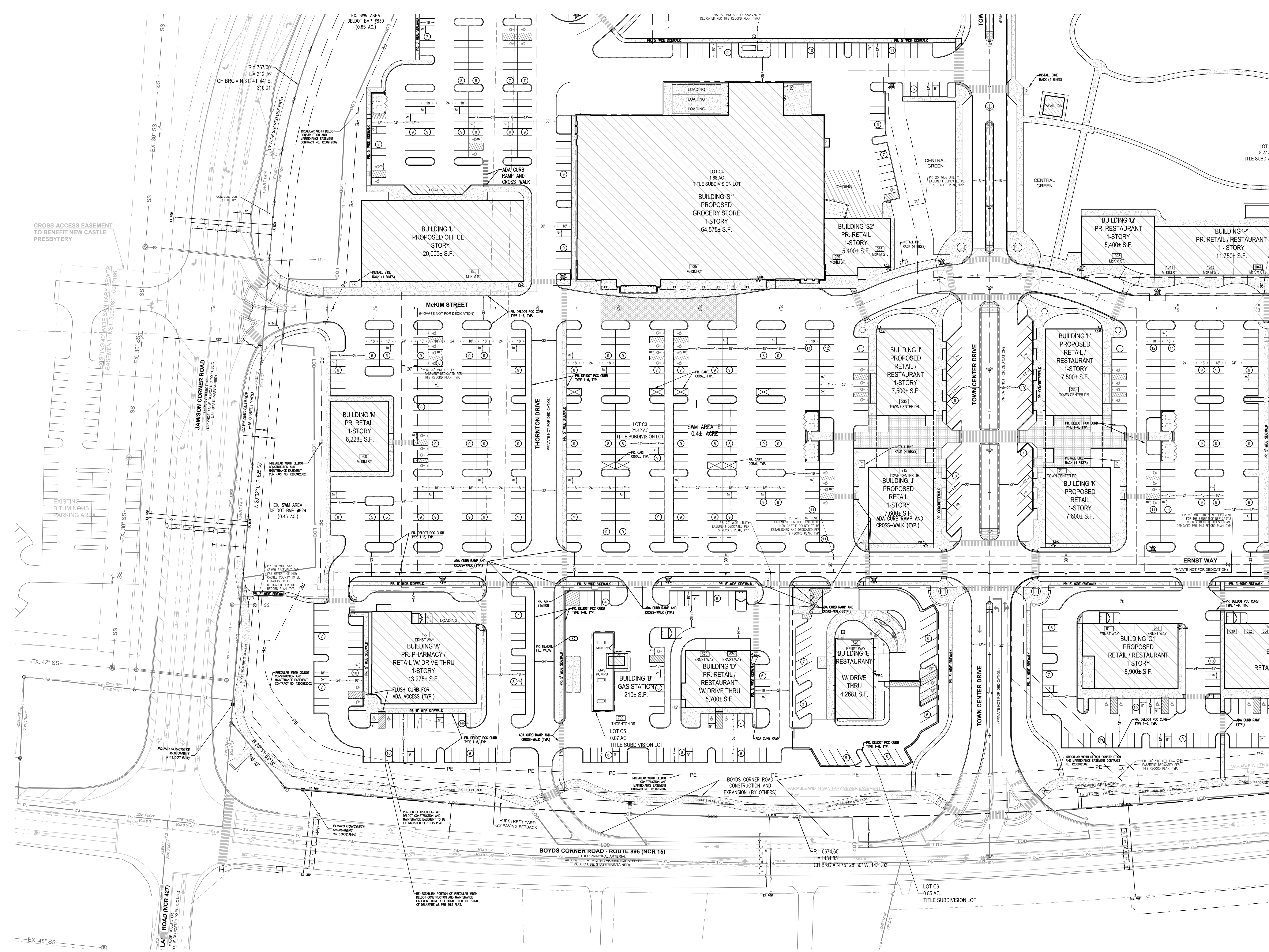
BAYBERRY TOWN CENTER

MAJOR LAND DEVELOPMENT AND TITLE SUBDIVISION PLAN

ST. GEORGE'S HUNDRED NEW CASTLE COUNTY DELAWARE

RECORD MAJOR LAND DEVELOPMENT PLAN

DRAWING NUMBER: **R-04**



KEY MAP

REVISION	DATE
RECORD PLAN CHECK PRINT	11.3.22
DELDOT INITIAL STAGE SUBMISSION	11.23.22
RECORD PLAN CHECK PRINT	6.1.23
REVISED DELDOT INITIAL STAGE SUBMISSION	7.21.23
RECORD PLAN SUBMISSION	8.24.23
REVISED DELDOT INITIAL STAGE SUBMISSION	1.5.24
ISSUED FOR DELDOT LONOR APPROVAL	1.19.24
ISSUED FOR RECORDATION	3.5.24

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cdaengineering.com

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CHECKED BY:	CD
PROJECT No.:	21.138.00
SCALE:	1"=50'
DATE:	11.3.22
CAD FILE:	

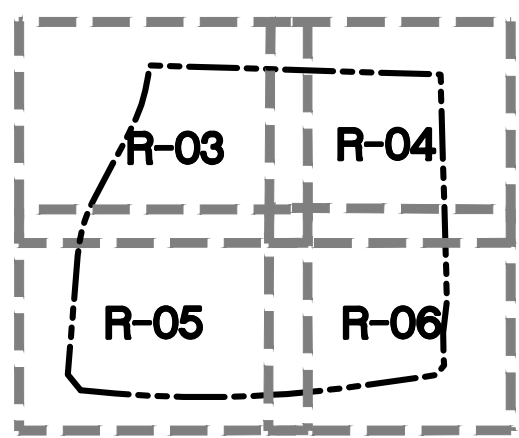
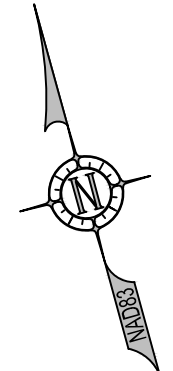
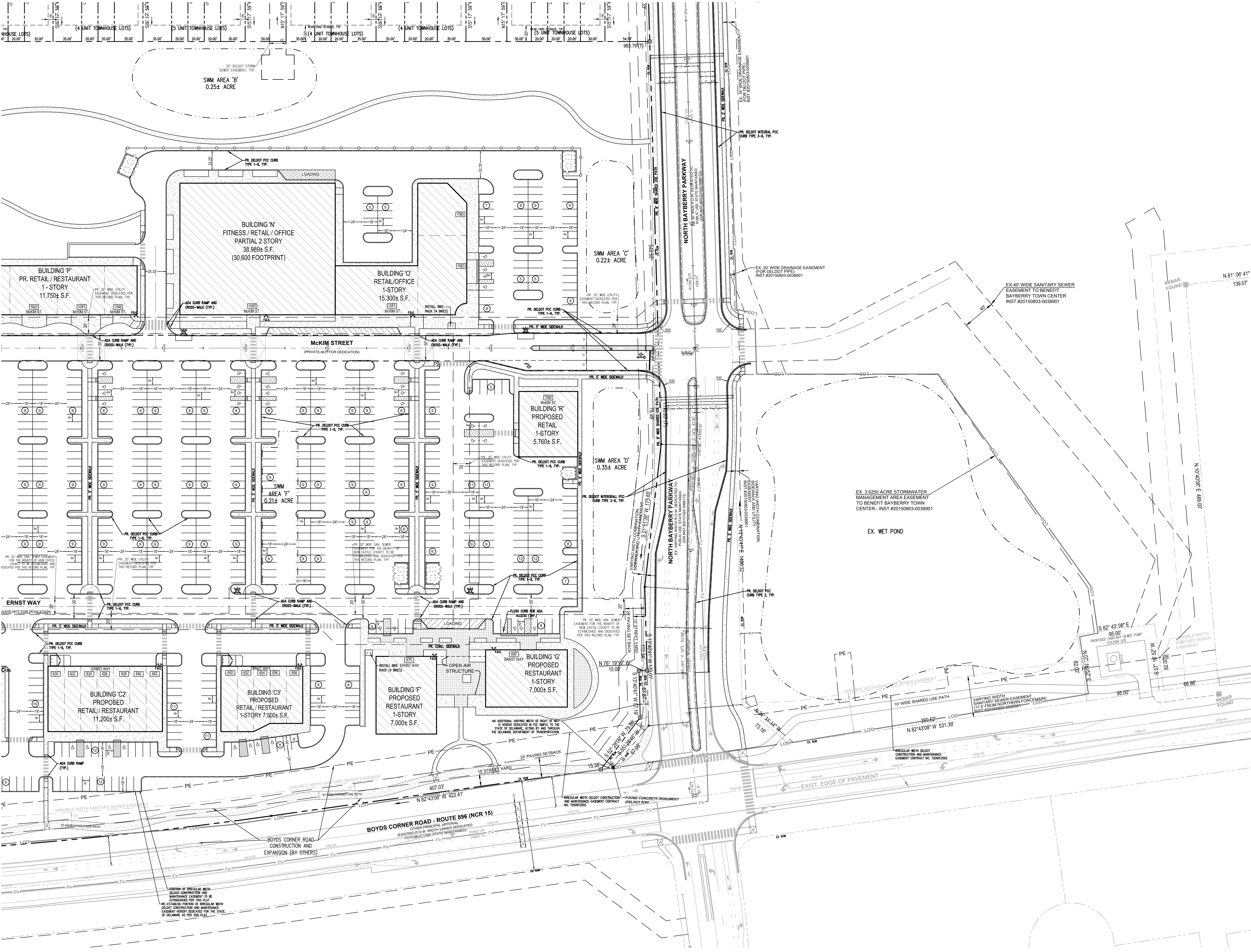
APPLICATION # 2019-0675 BAYBERRY TOWN CENTER MAJOR LAND DEVELOPMENT AND TITLE SUBDIVISION PLAN

ST. GEORGES HUNDRED NEW CASTLE COUNTY DELAWARE

RECORD MAJOR
LAND DEVELOPMENT PLAN

DRAWING NUMBER:

R-05



KEY MAP

REVISION	DATE
RECORD PLAN CHECK PRINT	11.3.22
DELDOT INITIAL STAGE SUBMISSION	11.23.22
RECORD PLAN CHECK PRINT	6.1.23
REVISED DELDOT INITIAL STAGE SUBMISSION	7.21.23
RECORD PLAN SUBMISSION	8.24.23
REVISED DELDOT INITIAL STAGE SUBMISSION	1.5.24
ISSUED FOR DELDOT LONOR APPROVAL	1.19.24
ISSUED FOR RECORDATION	3.5.24

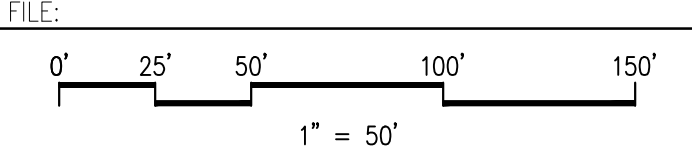
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APPLICATION # 2019-0675

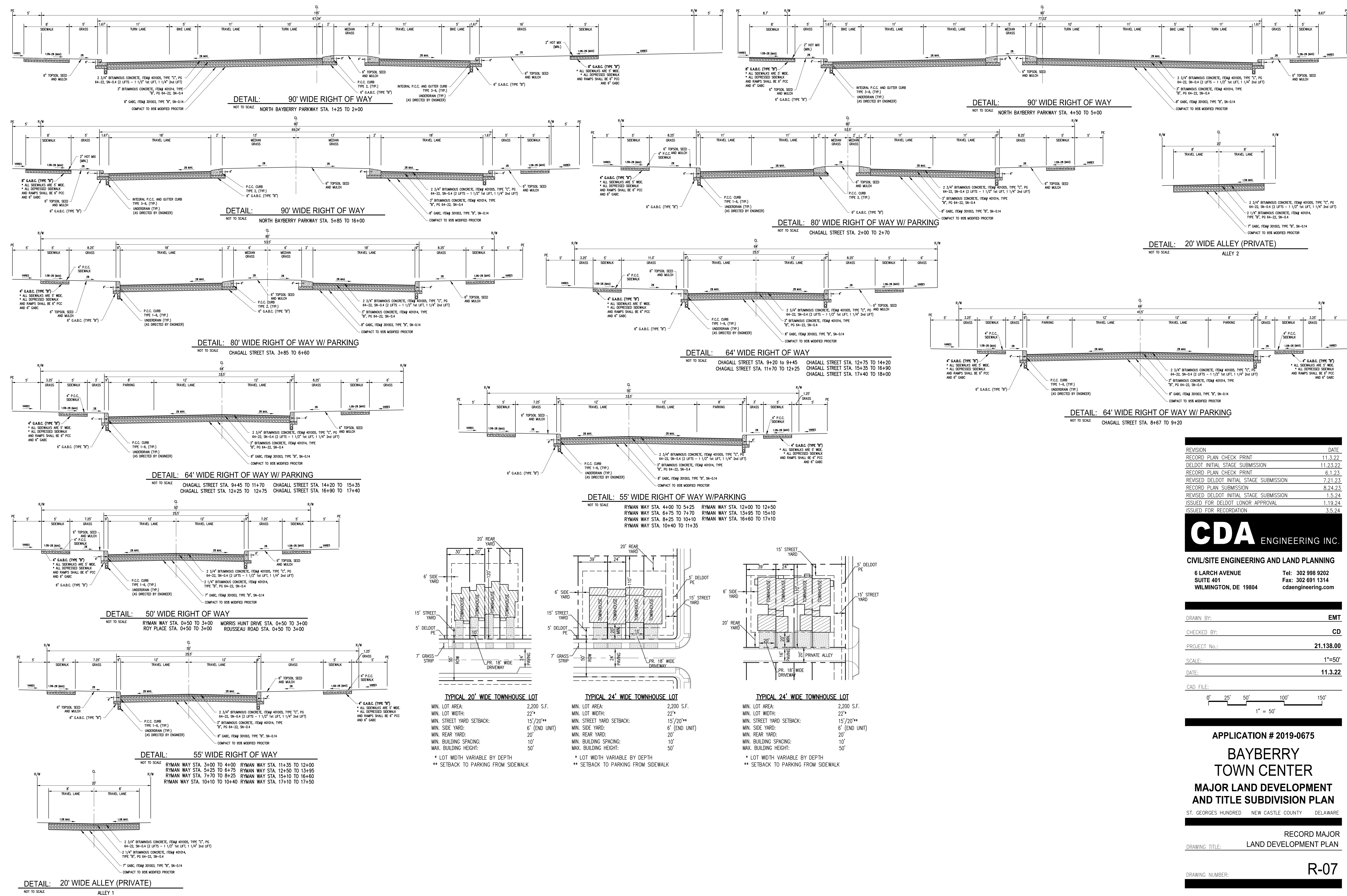
BAYBERRY TOWN CENTER

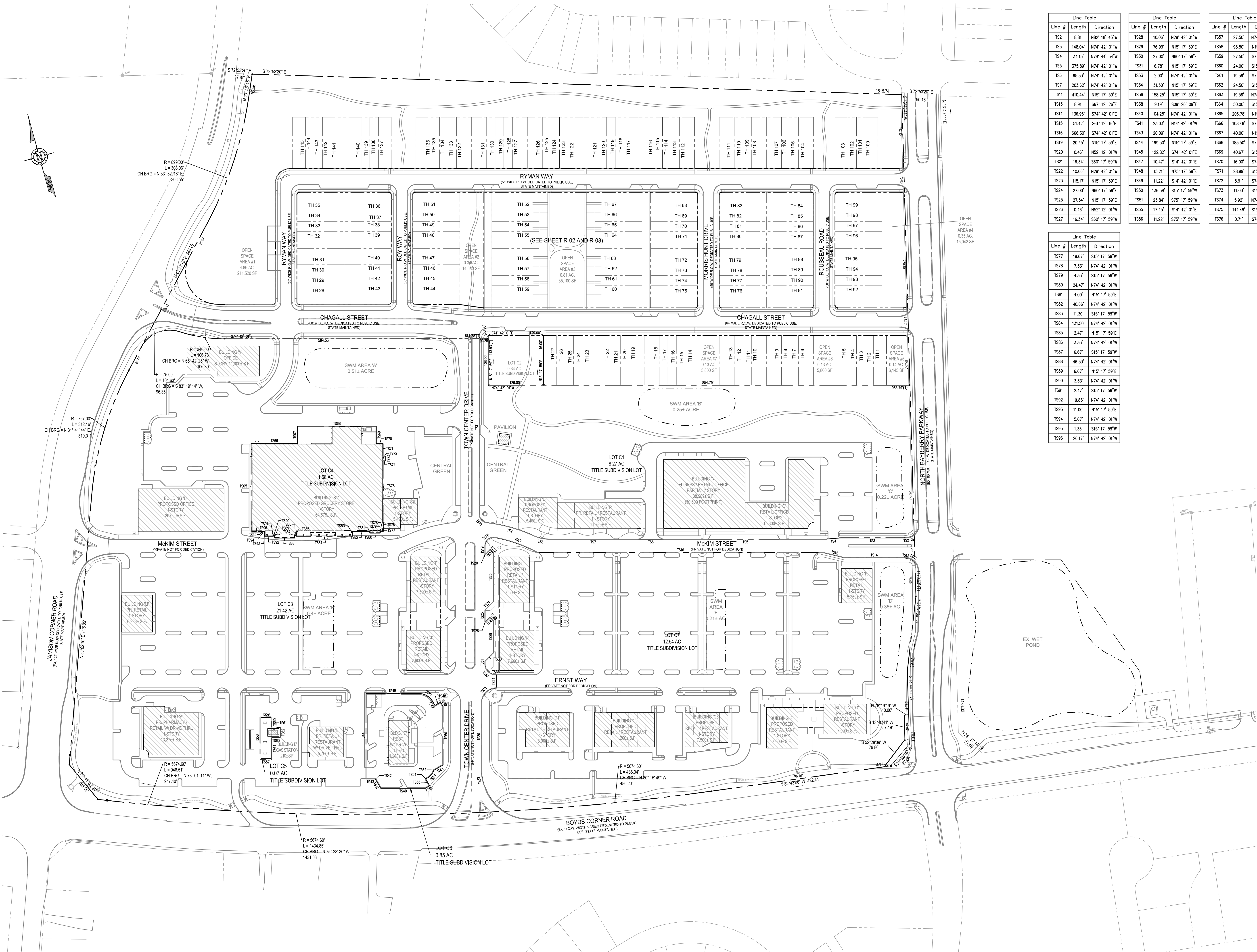
MAJOR LAND DEVELOPMENT AND TITLE SUBDIVISION PLAN

ST. GEORGE'S HUNDRED NEW CASTLE COUNTY DELAWARE

RECORD MAJOR LAND DEVELOPMENT PLAN

DRAWING NUMBER: R-06





Line Table		
Line #	Length	Direction
TS2	8.81'	N82° 18' 43"W
TS3	148.04'	N74° 42' 01"W
TS4	34.13'	N79° 44' 34"W
TS5	375.89'	N74° 42' 01"W
TS6	65.33'	N74° 42' 01"W
TS7	203.62'	N74° 42' 01"W
TS11	410.44'	N15° 17' 59"E
TS13	8.91'	S67° 12' 28"E
TS14	136.96'	S74° 42' 01"W
TS15	51.42'	S61° 12' 16"E
TS16	666.30'	S74° 42' 01"E
TS19	20.45'	N15° 17' 59"E
TS20	0.46'	N52° 12' 01"W
TS21	16.34'	S60° 17' 59"W
TS22	10.06'	N29° 42' 01"W
TS23	115.17'	N15° 17' 59"E
TS24	27.00'	N60° 17' 59"E
TS25	27.54'	N15° 17' 59"W
TS26	0.46'	N52° 12' 01"W
TS27	16.34'	S60° 17' 59"W

Line Table		
Line #	Length	Direction
TS28	10.06'	N29° 42' 01"W
TS29	76.99'	N15° 17' 59"E
TS30	27.00'	N60° 17' 59"E
TS31	6.78'	N15° 17' 59"E
TS33	2.00'	N74° 42' 01"W
TS34	31.50'	N15° 17' 59"E
TS36	158.25'	N15° 17' 59"E
TS38	9.19'	S09° 26' 09"E
TS40	104.25'	N74° 42' 01"W
TS41	23.03'	N14° 42' 01"W
TS43	20.09'	N74° 42' 01"W
TS44	199.50'	N15° 17' 59"E
TS45	122.82'	S74° 42' 01"E
TS47	10.47'	S14° 42' 01"E
TS48	15.21'	N75° 17' 59"E
TS49	11.22'	S14° 42' 01"E
TS50	136.58'	S15° 17' 59"W
TS51	23.84'	S75° 17' 59"W
TS55	17.45'	S14° 42' 01"E
TS56	11.22'	S75° 17' 59"W

Line Table		
Line #	Length	Direction
TS57	27.50'	N74° 42' 01"W
TS58	98.50'	N15° 17' 59"E
TS59	27.50'	S74° 42' 01"E
TS60	24.00'	S15° 17' 59"W
TS61	19.56'	S74° 42' 01"E
TS62	24.50'	S15° 17' 59"W
TS63	19.56'	N74° 42' 01"W
TS64	50.00'	S15° 17' 59"W
TS65	206.78'	N15° 17' 59"E
TS66	108.46'	S74° 42' 01"E
TS67	40.00'	N15° 17' 59"E
TS68	183.50'	S74° 42' 01"E
TS69	40.67'	S15° 17' 59"W
TS70	16.00'	S74° 42' 01"E
TS71	28.99'	S15° 18' 46"W
TS72	5.91'	S74° 42' 01"E
TS74	5.92'	N74° 42' 01"W
TS75	144.49'	S15° 18' 46"W
TS76	0.71'	S74° 42' 01"E

Line Table		
Line #	Length	Direction
TS77	19.67'	S15° 17' 59"W
TS78	7.33'	N74° 42' 01"W
TS79	4.33'	S15° 17' 59"W
TS80	24.47'	N74° 42' 01"W
TS81	4.00'	N15° 17' 59"E
TS82	40.66'	N74° 42' 01"W
TS83	11.30'	S15° 17' 59"W
TS84	131.50'	N74° 42' 01"W
TS85	2.47'	N15° 17' 59"E
TS86	3.33'	N74° 42' 01"W
TS87	6.67'	S15° 17' 59"W
TS88	46.33'	N74° 42' 01"W
TS89	6.67'	N15° 17' 59"E
TS90	3.33'	N74° 42' 01"W
TS91	2.47'	S15° 17' 59"W
TS92	19.83'	N74° 42' 01"W
TS93	11.00'	N15° 17' 59"E
TS94	5.67'	N74° 42' 01"W
TS95	1.33'	S15° 17' 59"W
TS96	26.17'	N74° 42' 01"W

Curve Table				
Curve #	Length	Radius	CHORD BEARING	CHORD LENGTH
TS1	16.56'	28.33'	S80° 58' 50"W	16.33'
TS8	38.30'	89.25'	N62° 24' 24"W	38.01'
TS9	113.80'	359.63'	N59° 10' 40"W	113.32'
TS10	27.33'	19.28'	N27° 35' 53"W	25.10'
TS12	20.68'	28.33'	S46° 17' 28"E	20.23'
TS17	106.59'	340.84'	S55° 17' 37"E	106.16'
TS18	33.75'	19.25'	N65° 31' 25"E	29.59'
TS32	36.09'	24.25'	N29° 42' 01"W	34.29'
TS35	53.80'	34.25'	N60° 17' 59"E	48.44'
TS37	42.42'	98.25'	N02° 55' 55"E	42.09'
TS39	61.01'	108.33'	S25° 34' 15"E	60.21'
TS42	3.40'	3.25'	N44° 42' 01"W	3.25'
TS46	36.79'	38.00'	S44° 42' 01"E	38.00'
TS52	2.25'	3.25'	S55° 28' 25"W	2.20'
TS53	25.92'	31.75'	S59° 01' 55"W	25.20'
TS54	2.12'	1.25'	S33° 51' 29"W	1.87'

REVISION	DATE
RECORD PLAN CHECK PRINT	11.3.22
DELDOT INITIAL STAGE SUBMISSION	11.23.22
RECORD PLAN CHECK PRINT	6.1.23
REVISED DELDOT INITIAL STAGE SUBMISSION	7.21.23
RECORD PLAN SUBMISSION	8.24.23
REVISED DELDOT INITIAL STAGE SUBMISSION	1.5.24
ISSUED FOR DELDOT LONOR APPROVAL	1.19.24
ISSUED FOR RECORDATION	3.5.24

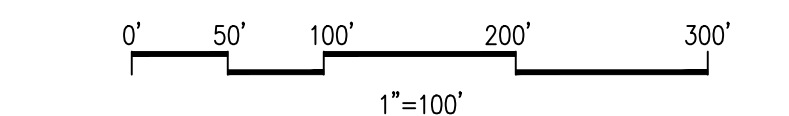
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**BAYBERRY
TOWN CENTER**

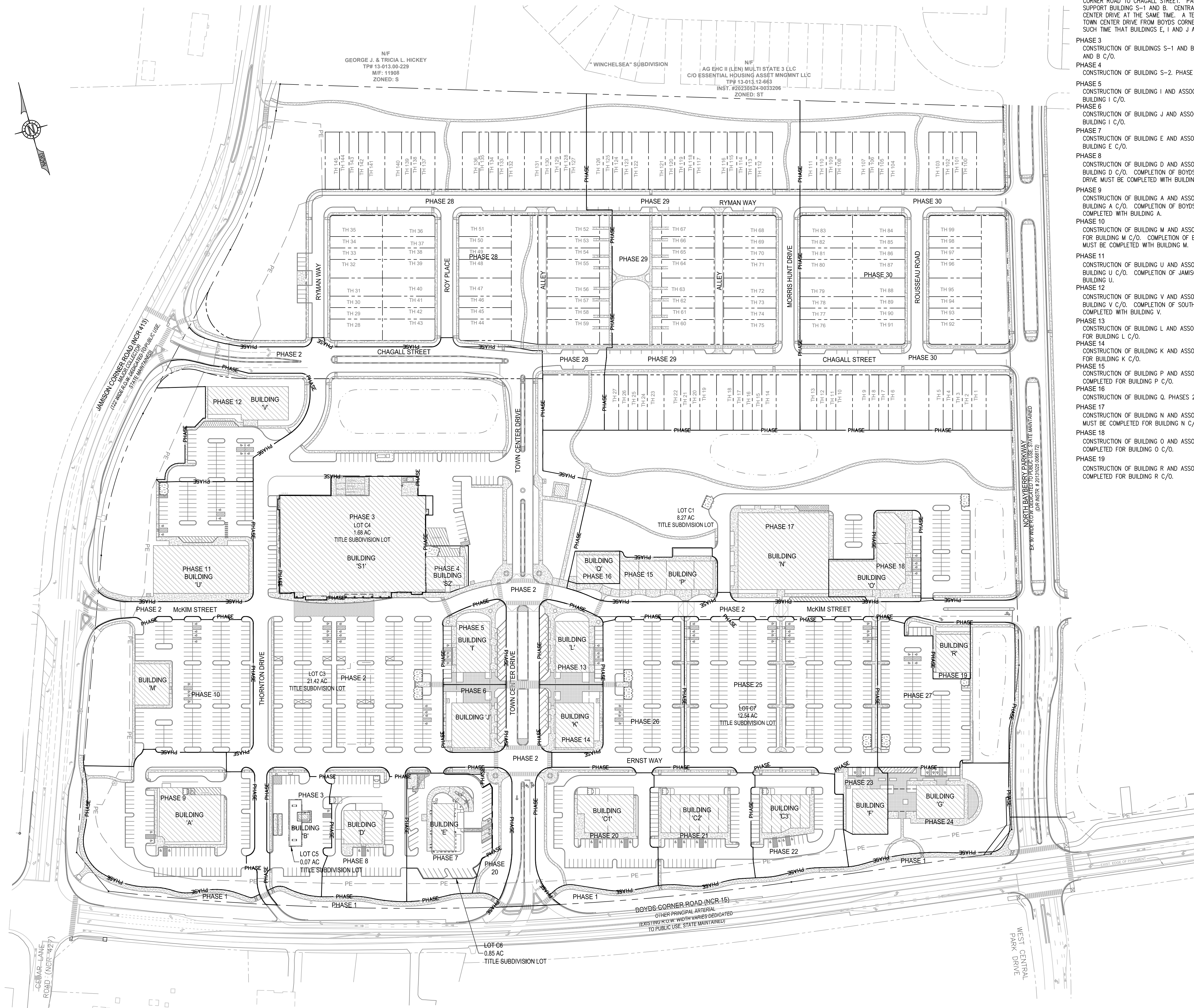
**MAJOR LAND DEVELOPMENT
AND TITLE SUBDIVISION PLAN**

ST. GEORGE'S HUNDRED NEW CASTLE COUNTY DELAWARE

BOUNDARY &
TITLE SUBDIVISION PLAN

DRAWING NUMBER:

R-08



- PHASE 1
TEMPORARY ROAD WIDENING AND SHARED USE PATH WITHIN PE ALONG ROAD FRONTAGE.
- PHASE 2
CONSTRUCTION OF NORTH BAYBERRY PARKWAY TO MCKIM STREET, MCKIM THROUGH TO JAMISON CORNER ROAD, CHAGALL STREET UP TO TOWN CENTER DRIVE, AND TOWN CENTER DRIVE FROM BOYDS CORNER ROAD TO CHAGALL STREET. PARKING AND STORMWATER FACILITIES TO BE INSTALLED TO SUPPORT BUILDING S-1 AND B. CENTRAL GREEN TO BE CONSTRUCTED ON BOTH SIDES OF TOWN CENTER DRIVE AT THE SAME TIME. A TEMPORARY ASPHALT WALKWAY WILL BE CONSTRUCTED ALONG TOWN CENTER DRIVE FROM BOYDS CORNER ROAD TO MCKIM STREET DURING CONSTRUCTION UNTIL SUCH TIME THAT BUILDINGS E, I AND J ARE COMPLETED FOR PEDESTRIAN SAFETY.
- PHASE 3
CONSTRUCTION OF BUILDINGS S-1 AND B. PHASE 2 MUST BE COMPLETED FOR BUILDINGS S-1 AND B C/O.
- PHASE 4
CONSTRUCTION OF BUILDING S-2. PHASE 2 MUST BE COMPLETED FOR BUILDING S-2 C/O.
- PHASE 5
CONSTRUCTION OF BUILDING I AND ASSOCIATED PARKING. PHASE 2 MUST BE COMPLETED FOR BUILDING I C/O.
- PHASE 6
CONSTRUCTION OF BUILDING J AND ASSOCIATED PARKING. PHASE 2 MUST BE COMPLETED FOR BUILDING I C/O.
- PHASE 7
CONSTRUCTION OF BUILDING E AND ASSOCIATED PARKING. PHASE 2 MUST BE COMPLETED FOR BUILDING E C/O.
- PHASE 8
CONSTRUCTION OF BUILDING D AND ASSOCIATED PARKING. PHASE 2 MUST BE COMPLETED FOR BUILDING D C/O. COMPLETION OF BOYDS CORNER ROAD BUFFER AND WEST SIDE OF TOWN CENTER DRIVE MUST BE COMPLETED WITH BUILDING D.
- PHASE 9
CONSTRUCTION OF BUILDING A AND ASSOCIATED PARKING. PHASE 2 MUST BE COMPLETED FOR BUILDING A C/O. COMPLETION OF BOYDS CORNER ROAD/JAMISON CORNER ROAD BUFFER MUST BE COMPLETED WITH BUILDING A.
- PHASE 10
CONSTRUCTION OF BUILDING M AND ASSOCIATED PARKING. PHASES 2 AND 9 MUST BE COMPLETED FOR BUILDING M C/O. COMPLETION OF BOYDS CORNER ROAD/JAMISON CORNER ROAD BUFFER MUST BE COMPLETED WITH BUILDING M.
- PHASE 11
CONSTRUCTION OF BUILDING U AND ASSOCIATED PARKING. PHASE 2 MUST BE COMPLETED FOR BUILDING U C/O. COMPLETION OF JAMISON CORNER ROAD BUFFER MUST BE COMPLETED WITH BUILDING U.
- PHASE 12
CONSTRUCTION OF BUILDING V AND ASSOCIATED PARKING. PHASE 2 MUST BE COMPLETED FOR BUILDING V C/O. COMPLETION OF SOUTH SIDE OF CHAGALL STREET OPEN SPACE MUST BE COMPLETED WITH BUILDING V.
- PHASE 13
CONSTRUCTION OF BUILDING L AND ASSOCIATED PARKING. PHASES 2 AND 26 MUST BE COMPLETED FOR BUILDING L C/O.
- PHASE 14
CONSTRUCTION OF BUILDING K AND ASSOCIATED PARKING. PHASES 2 AND 26 MUST BE COMPLETED FOR BUILDING K C/O.
- PHASE 15
CONSTRUCTION OF BUILDING P AND ASSOCIATED LOADING. PHASES 2, 17, 25, AND 26 MUST BE COMPLETED FOR BUILDING P C/O.
- PHASE 16
CONSTRUCTION OF BUILDING Q. PHASES 2, 17, 25, AND 26 MUST BE COMPLETED FOR BUILDING Q C/O.
- PHASE 17
CONSTRUCTION OF BUILDING N AND ASSOCIATED PARKING AND OPEN SPACE. PHASES 2 AND 25 MUST BE COMPLETED FOR BUILDING N C/O.
- PHASE 18
CONSTRUCTION OF BUILDING O AND ASSOCIATED PARKING. PHASES 2, 17, 25, AND 27 MUST BE COMPLETED FOR BUILDING O C/O.
- PHASE 19
CONSTRUCTION OF BUILDING R AND ASSOCIATED PARKING. PHASES 2, 25, AND 27 MUST BE COMPLETED FOR BUILDING R C/O.

- PHASE 20
CONSTRUCTION OF BUILDING C-1 AND ASSOCIATED PARKING. PHASES 2, 25, AND 26 MUST BE COMPLETED FOR BUILDING C-1 C/O.
- PHASE 21
CONSTRUCTION OF BUILDING C-2 AND ASSOCIATED PARKING. PHASES 2, 25, AND 26 MUST BE COMPLETED FOR BUILDING C-2 C/O.
- PHASE 22
CONSTRUCTION OF BUILDING C-3 AND ASSOCIATED PARKING. PHASES 2, 25, AND 26 MUST BE COMPLETED FOR BUILDING C-3 C/O.
- PHASE 23
CONSTRUCTION OF BUILDING F AND ASSOCIATED PARKING. PHASES 2, 25, 26 AND 27 MUST BE COMPLETED FOR BUILDING F C/O.
- PHASE 24
CONSTRUCTION OF BUILDING G AND ASSOCIATED PARKING. PHASES 2, 25, 26 AND 27 MUST BE COMPLETED FOR BUILDING G C/O.
- PHASE 25
CONSTRUCTION OF PARKING AND STORMWATER FACILITIES. PHASE 25 MUST BE COMPLETED FOR BUILDING P, Q, N, Q, R, C-1, C-2, C-3, F, AND G C/O.
- PHASE 26
CONSTRUCTION OF PARKING AND ACCESS. PHASE 26 MUST BE COMPLETED FOR BUILDING L, K, P, Q, C-1, C-2, C-3, F, AND G C/O.
- PHASE 27
CONSTRUCTION OF PARKING AND ACCESS. PHASE 27 MUST BE COMPLETED FOR BUILDING O, R, F, AND G C/O.
- PHASE 28
CONSTRUCTION OF TOWNHOUSE LOTS #28 THRU #59 AND LOTS #127 THRU #145. PHASE 2 MUST BE COMPLETED FOR BUILDING PERMITS IN PHASE 28.
- PHASE 29
CONSTRUCTION OF TOWNHOUSE LOTS #14 THRU #27, LOTS #60 THRU #75, AND LOTS #112 THRU #120. PHASES 2 AND 28 MUST BE COMPLETED FOR BUILDING PERMITS IN PHASE 29.
- PHASE 30
CONSTRUCTION OF TOWNHOUSE LOTS #1 THRU #13 AND LOTS #76 THRU #111. PHASES 2, 28 AND 29 MUST BE COMPLETED FOR BUILDING PERMITS IN PHASE 30.
- SEWER INSPECTION
CERTIFICATION OF OCCUPANCY WILL NOT BE ISSUED FOR THE TOWNHOUSE UNITS 1 THRU 145, COMMERCIAL BUILDINGS C2, C3, F, G, N, Q, P, Q, AND R UNTIL THE RESPECTIVE DOWNSTREAM GRAVITY SEWER, PUMP STATION, AND FORCEMAIN AS-BUILTS FOR THIS PORTION OF THE SITE HAVE BEEN RECEIVED, REVIEWED, APPROVED, AND THE SANITARY SEWER CONSTRUCTION HAS BEEN ACCEPTED BY NEW CASTLE COUNTY.

REVISION	DATE
RECORD PLAN CHECK PRINT	11.3.22
DELDOT INITIAL STAGE SUBMISSION	11.23.22
RECORD PLAN CHECK PRINT	6.1.23
REVISED DELDOT INITIAL STAGE SUBMISSION	7.21.23
RECORD PLAN SUBMISSION	8.24.23
REVISED DELDOT INITIAL STAGE SUBMISSION	1.5.24
ISSUED FOR DELDOT LONOR APPROVAL	1.19.24
ISSUED FOR RECORDATION	3.5.24

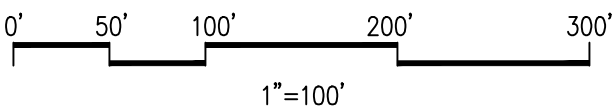
CDA ENGINEERING INC.

CIVIL/SITE ENGINEERING AND LAND PLANNING

6 LARCH AVENUE
SUITE 401
WILMINGTON, DE 19804

Tel: 302.998.9202
Fax: 302.691.1314
cdaengineering.com

DRAWN BY:	EMT
CHECKED BY:	CD
PROJECT No.:	21.138.00
SCALE:	1"=100'
DATE:	11.3.22
CAD FILE:	



APPLICATION # 2019-0675

BAYBERRY TOWN CENTER

MAJOR LAND DEVELOPMENT AND TITLE SUBDIVISION PLAN

ST. GEORGES HUNDRED NEW CASTLE COUNTY DELAWARE

DRAWING TITLE: PHASING PLAN

DRAWING NUMBER: R-09

Prime Sponsor(s): Mr. Bell
Requested by: Department of Land Use
Date of introduction: March 26, 2024

RESOLUTION NO. 24-

PLAN OF 2229 DUPONT PARKWAY; ST. GEORGES HUNDRED; SOUTHWESTERLY CORNER OF HYETTS CORNER ROAD AND DUPONT PARKWAY; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO CREATE TWO (2) TITLE SUBDIVISION LOTS AND CONSTRUCT 76,309 SQUARE FEET OF MINI-WAREHOUSE BUILDINGS, AN 890 SQUARE FOOT OFFICE AND A 28,000 SQUARE FOOT FLEX WAREHOUSE BUILDING; CR ZONING; APPLICATION NO. 2021-0780; COUNCIL DISTRICT 12

NOW, THEREFORE, BE IT RESOLVED, by and for the County Council of New Castle County that County Council hereby. approves the following major land development plan, Plan of 2229 DuPont Parkway (Application No. 2019-0780) as heretofore approved by the Land Use Department, and the President of County Council is hereby authorized to endorse her approval upon the following plan.

**PLAN OF 2229 DUPONT PARKWAY
St. Georges Hundred**

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title

FISCAL IMPACT: This will have no immediately discernible fiscal impact on the county but, if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.

MEMORANDUM

To: Council President
Members of County Council
Council to Council
Clerk of County Council

From: Charuni Patibanda

Re: Application No. 2021-0780
2229 DuPont Parkway
Record Major Land Development Plan

Date: February 20, 2024

Enclosed for Council's review and consideration of approval are paper prints of the above-referenced plan. The Department has determined that this proposal complies with all applicable requirements of the New Castle County Code.

A suggested title, synopsis, and fiscal note are attached.

cc: Matthew Meyer, County Executive
Vanessa Phillips, Chief Administrative Officer
Brian Boyle, Senior Policy Director

Plan of 2229 DuPont Parkway; St. Georges Hundred; Southwesterly corner of Hyetts Corner Road and DuPont Parkway; Major Land Development Plan that proposes to create two (2) title subdivision lots and construct 76,309 SF of mini-warehouse buildings, an 890 SF office and a 28,000 SF flex warehouse building; CR zoning.

Synopsis: Same as title

Fiscal Note: This will have no immediately discernible fiscal impact on the county but, if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.

Prime Sponsor(s): Mr. Street
Requested by: Department of Land Use
Date of introduction: March 26, 2024

RESOLUTION NO. 24-

**PLAN OF LOT E - WAREHOUSE; NEW CASTLE HUNDRED; EAST SIDE OF PIGEON
POINT ROAD, 1100 FEET SOUTH OF TERMINAL AVENUE; MAJOR LAND
DEVELOPMENT PLAN THAT PROPOSES TO CONSTRUCT A 108,000 SQUARE FOOT
WAREHOUSE; HI ZONING; APPLICATION NO. 2021-0400; COUNCIL DISTRICT 10**

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New
Castle County that County Council hereby. approves the following major land development
plan, Plan of Lot E - Warehouse (Application No. 2019-0400) as heretofore approved by
the Land Use Department, and the President of County Council is hereby authorized to
endorse her approval upon the following plan.

**PLAN OF LOT E - WAREHOUSE
New Castle Hundred**

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title

FISCAL IMPACT: This will have no immediately discernible fiscal impact on the county
but, if the parcel is developed in accordance with this record plan, there may be one or
more fiscal effects on New Castle County government including, but not limited to, an
increase in the assessed value of the property with the resultant increase in taxes
collectible thereon and an increased demand for County services.

MEMORANDUM

To: Council President
Members of County Council
Council to Council
Clerk of County Council

From: Charuni Patibanda

Re: Application No. 2021-0400
Lot E – Warehouse
Record Major Land Development Plan

Date: March 1, 2024

Enclosed for Council's review and consideration of approval are paper prints of the above-referenced plan. The Department has determined that this proposal complies with all applicable requirements of the New Castle County Code.

A suggested title, synopsis, and fiscal note are attached.

cc: Matthew Meyer, County Executive
Vanessa Phillips, Chief Administrative Officer
Brian Boyle, Senior Policy Director

Plan of Lot E - Warehouse; New Castle Hundred; East side of Pigeon Point Road, 1100 feet south of Terminal Avenue; Major Land Development Plan that proposes to construct a 108,000 SF warehouse; HI zoning.

Synopsis: Same as title

Fiscal Note: This will have no immediately discernible fiscal impact on the county but, if the parcel is developed in accordance with this record plan, there may be one or more fiscal effects on New Castle County government including, but not limited to, an increase in the assessed value of the property with the resultant increase in taxes collectible thereon and an increased demand for County services.

APPLICATION NO. 2021-0400

RECORD MAJOR LAND DEVELOPMENT PLAN

FOR

LOT E - WAREHOUSE

343 PIGEON POINT ROAD

NEW CASTLE HUNDRED NEW CASTLE COUNTY DELAWARE

SCALE: 1"=100' MAY 26, 2022

- Page 34 of 6

Primary Sponsor(s): Mr. Tackett
Requested by: Land Use Department
Date of introduction: March 26, 2024

RESOLUTION NO. 24-087

**TO AMEND THE MAINTENANCE DECLARATION FOR FRENCH PARK
TO MAKE CHANGES CONSISTENT WITH MODIFICATIONS
TO THE SUBDIVISION OF FRENCH PARK**

1 **WHEREAS**, Salem Church Associates (“Declarant”) recorded that certain
2 Maintenance Declaration of French Park Maintenance Corporation, dated March 11, 2013
3 and of record in the Office of the Recorder of Deeds in and for New Castle County, Delaware
4 (the “Recorder’s Office”) at Instrument No. 20130315-0016953 (the “Original Declaration”) in
5 conjunction with an application to subdivide a parcel of land situate in New Castle Hundred,
6 New Castle County, State of Delaware, containing approximately 100.46 +/- acres of land (the
7 “Property”), as shown on that Record Major Land Development Plan of French Park prepared
8 by Karins & Associates and of record in the Recorder’s Office at Instrument No. 20130612-
9 0037656 (the “Plan”); and

10
11 **WHEREAS**, French Park LLC, successor in interest to Declarant (“French Park”), is in
12 the process of further subdividing the Property as shown on that certain Record Minor Land
13 Development and Title Subdivision Plan prepared by Karins and Associates, Application No.
14 2020-0064-S, dated March 22, 2021, last revised May 25, 2023, as may be amended from
15 time to time (the “Subsequent Plan”) and intended to be recorded in the Recorder’s Office;
16 and

17
18 **WHEREAS**, to accommodate the changes to French Park as shown on the
19 Subsequent Plan, French Park proposes to execute a First Amendment to Maintenance
20 Declaration of French Park Maintenance Corporation; and

21
22 **WHEREAS**, the Department of Land Use (the “Department”) and the Office of Law
23 recommend in favor of amending the Original Declaration currently encumbering the Property,
24 consistent with the purposes stated herein; and

25
26 **WHEREAS**, *New Castle County Code* Section 40.31.130.G provides that upon receipt
27 of a recommendation report from the Department and Office of Law, County Council shall
28 schedule a hearing and render a decision by resolution. A simple majority or seven (7) votes
29 shall be required to approve the resolution when the Department recommends approval. A
30 two thirds (2/3) majority or nine (9) votes shall be required to approve the resolution when the
31 Department recommends disapproval; and

32
33 **WHEREAS**, pursuant to Section 40.31.130.I, an amendment of a declaration of
34 restrictions established solely to provide for the maintenance of open spaces and other
35 common facilities shall be exempt from the public hearing process.

36 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New Castle
37 County that County Council hereby approves this First Amendment to Maintenance
38 Declaration for French Park Maintenance Corporation, attached hereto as Exhibit "A", having
39 received a favorable recommendation from the Department and the Office of Law and being
40 a deed restriction exempt from the public hearing process as an amendment of a declaration
41 of restrictions established solely to provide for the maintenance of open spaces and common
42 facilities pursuant to Section 40.31.130.I of the *New Castle County Code*.

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

SYNOPSIS: Same as title

FISCAL IMPACT: There is no discernible fiscal impact with the adoption of this resolution.

Tax Parcel Nos. : 11-019.10-002 through 11-019.10-145
Prepared by/Return to:
Saul Ewing LLP (PJS)
1201 N. Market Street, Suite 2300
P.O. Box 1266
Wilmington, DE 19899-1266

**FIRST AMENDMENT
TO
MAINTENANCE DECLARATION OF
FRENCH PARK MAINTENANCE CORPORATION**

THIS AMENDMENT TO DECLARATION (“Amendment”), is made this 9th day of January, 2024, by French Park LLC, successor in interest to Salem Church (Delaware) Associates, hereinafter referred to as Declarant.

WHEREAS, Declarant is the owner of those certain parcels of land located in New Castle Hundred, New Castle County, State of Delaware, as shown on that certain Record Major Subdivision and Land Development Plan for French Park, prepared by Karins & Associates, dated October 19, 2011, recorded on June 12, 2013 at Instrument No. 20130612-0037656 (the “Plan”); and

WHEREAS, in connection with the Plan, Declarant recorded a Maintenance Declaration of the French Park Maintenance Corporation dated March 11, 2013 and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware on March 15, 2013 at Instrument No. 20130315-0016953 (the “Declaration”); and

WHEREAS, Declarant is in the process of resubdividing the lands shown on the Plan as shown on that certain Record Minor Land Development and Title Subdivision Plan prepared by Karins and Associates, dated March 22, 2021, last revised May 25, 2023, Application No. 2020-0064-S which has yet to be recorded but intended to be so in the Office of the Recorder of Deeds, New Castle County, Delaware (the “Subsequent Plan”); and

WHEREAS, Declarant desires to amend the Declaration in connection with the modifications made to the Plan by the Subsequent Plan.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Declarant does hereby amend the Declaration, as follows:

1. The provisions of the Declaration shall apply only to those lands as more specifically described in Exhibit "A" attached hereto and made a part hereof.
2. The language of Paragraph 1(b) of the Declaration is amended to add the following language at the end of the Paragraph: "During the period of Declarant control, the annual average common expense liability of each Lot, exclusive of optional user fees and any insurance premiums, but including without limitation any liability for the maintenance of the Common Facilities under the Declaration, shall not exceed the cap specified in Section 81-118(a)(2) of the Delaware Uniform Common Interest Ownership Act ('DUCIOA'), subject to any adjustment to that amount permitted by Section 81-118(b)(2) of DUCIOA".
3. The definition for "Common Facilities" set forth in Paragraph 5(f) of the Declaration is hereby amended by deleting the language in its entirety and replacing it with the following language: "Common Facilities" shall mean and refer to all private open space to serve the townhouse lots shown on the Plan being Tax Parcel Nos. 11-019.10-002, 11-019.10-003, 11-019.10-050 and 11-019.10-112 and including but not limited to stormwater management facilities and recharge systems, landscaping, parking areas, rights-of-way, easements, monuments and markers and other improvements located within such private open space".
4. The remaining terms and conditions of the Declaration not otherwise modified by this Amendment to Declaration shall remain in full force and effect.
5. This Amendment shall be governed by the laws of the State of Delaware.

{Signatures appear on the following page}

IN WITNESS WHEREOF, the said French Park LLC, has caused its name by John J. Yannacone, its Manager, to be hereunto set, the day and year first above written.

FRENCH PARK LLC

Linda Mizika
Witness

By: John J. Yannacone (SEAL)
Name: John J. Yannacone
Title: Manager

STATE OF DELAWARE)
) ss.
COUNTY OF NEW CASTLE)

BE IT REMEMBERED that on this 9th day of January, 2024, personally appeared before me, the Subscriber, a notary public for the State of Delaware, John J. Yannacone, Manager of French Park LLC, a limited liability company existing under the laws of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said company, that the signature of the Manager thereto is in his own proper handwriting was duly authorized by a resolution of the members of said company.

GIVEN under my hand and seal of office, the day and year aforesaid.

Mary E Stroock
Notary Public
Print Name: MARY E STROCK
My Commission Expires: 5-26-25

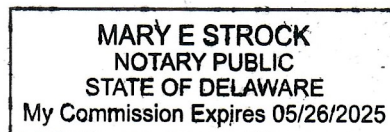


EXHIBIT "A"

ALL those certain French Park Town House Lots and Associated Open Space Tracts being situate in Pencader Hundred, New Castle County, State of Delaware, being part of the Subdivision of "FRENCH PARK" as shown on the Record Minor Land Development and Title Subdivision Plan for "FRENCH PARK" prepared by Karins and Associates, Professional Engineers and Land Surveyors, Drawing No. 1663-A01, consisting of 6 Sheets, dated March 22, 2021, being more particularly bounded and described as follows to wit:

BEGINNING at a point on the easterly side of Bellac Way (26' wide Reduced R/W): said point being the southwesterly end of a 27.00 feet radius junction curve joining the said easterly side of Bellac Way with the southerly side of Burgundy Road (60' wide R/W); thence, from said point of Beginning: continuing along the easterly side of Bellac Way, along a line in common with "French Park LLC Apartment Lot A2 (Tax Parcel No. 11-019.10-146)" by the following two (2) described courses and distances: 1) South 07°-24'-35" West, 24.31 feet, to a point of curvature, and 2) southwesterly, along a 163.00 feet radius curve to the right, said curve having a chord bearing of South 10°-54'-26" West and a chord distance 19.89 feet, an arc length of 19.90 feet, to a corner in common with Lot 110; thence, along a line in common with Lot 110, South 65°-53'-15" East 112.33 feet, to a corner; thence along a line in common with Lot 110 through Lot 99, in descending order, South 24°-06'-45" West, 282.00 feet to a corner in common with lands designated "French Park LLC Apartment Lot A2 (Tax Parcel No. 11-019.10-146)"; thence, along a line in common with lands designated "French Park LLC Apartment Lot A2 (Tax Parcel No. 11-019.10-146)", South 08°-57'-10" West, 848.42 feet, to a corner in common with lands now or formerly "New Castle County"(Tax Parcel No. 11-019.00-013)"; thence, along a line in common with lands now or formerly "New Castle County"(Tax Parcel No. 11-019.00-013)"; North 81°-02'-50" West 2,481.37 feet, to a corner in common with lands now or formerly "Carolee P. Hepner & Burton F. II Pyle" (Tax Parcel No. 11-018.00-018)"; thence, along a line in common with lands now or formerly "Carolee P. Hepner & Burton F. II Pyle" (Tax Parcel No. 11-018.00-018)", by the following two (2) described courses and distances: 1) North 17°-01'-14" East 646.06 feet, to a point, and 2) North 18°-32'-22" East 1,300.14 feet, to the centerline of a stream "Muddy Run Creek" being a common line with lands now or formerly of Mary R. Gooden (Tax Parcel No. 11-015.00-003); thence, along the centerline of a stream "Muddy Run Creek" being a common line with lands now or formerly of Mary R. Gooden and lands designated now or formerly Cedar Farms Subdivision (MF No. 8637); thence, thereby, in a general southeasterly direction, approximately 1,022 feet to a corner in common with lands designated "Apartment Lot B2 (Tax Parcel No. 11-019.10-001)" said course being further described by the following seven (7) tie lines: 1) South 64°-56'-10" East 128.34 feet, to a corner, 2) South 88°-49'-42" East 104.14 feet, to a corner, 3) South 37°-50'-37" East 76.55 feet, to a corner, 4) North 76°-32'-49" East 57.51 feet, to a corner, 5) South 46°-23'-31" East 126.68 feet, to a corner, 6) North 87°-48'-14" East 169.45 feet, to a corner, 7) South 83°-49'-33" East 340.50 feet, to a corner, lands designated "Apartment Lot B2 (Tax Parcel No. 11-019.10-001); thence,

along a line in common with lands designated "Apartment Lot B2 (Tax Parcel No. 11-019.10-001), South 05°-00'-25" East 301.41 feet, to a corner in common with Lot 13; thence, thereby, along a line in common with Lot 13 through Lot 1, in descending order, South 15°-12'-10" West 323.00 feet, to a corner in common with lands designated "Private Open Space (Parcel POS 1 (0.140 Acres))" (Tax Parcel No. 11-019.10-003); thence, along a line in common with lands designated "Private Open Space (Parcel POS 1 (0.140 Acres))" (Tax Parcel No. 11-019.10-003) South 29°-26'-21" West 67.21 feet, to a point in common with the north side of the aforesaid northerly side of Burgundy Road; thence, along a line in common with the aforesaid northerly Burgundy Road, southeasterly, along a 1230.00 feet radius curve to the right, said curve having a chord bearing of South 60°-04'-32" East and a chord distance 20.83 feet, an arc length of 20.83 feet, to a point of tangency; thence, crossing from the northerly side of Burgundy Road to the southerly side of Burgundy Road, S 30°24'35" W 60.00', to a point on the southerly side of Burgundy Road; thence, along a line in common with the southerly side of Burgundy Road, northwesterly, along a 1170.00 feet radius curve to the left, said curve having a chord bearing of North 70°-39'-04" West and a chord distance 448.94 feet, an arc length of 451.74 feet, to a point of curvature, the northeasterly end of a 27.00 feet radius junction curve joining the southerly side of Burgundy Road with the aforesaid said easterly side of Bellac Way, thence, along the said 27.00 feet radius junction curve joining the southerly side of Burgundy Road with the easterly side of Bellac Way, Southwesterly and to the right, said curve having a chord bearing of South 24°-59'-56" West and a chord distance of 16.32 feet, an arc length of 16.58, to the point and place of Beginning. Containing within said described metes and bounds 37.9998 acres of land, be the same more or less.



Department of Land Use

February 22, 2024

**In reply, refer to:
2023-0413-MD
Maintenance Declaration Amendment for French Park Subdivision**

Nellie Hill, Clerk of Council
County Council of New Castle County
800 French Street, City/County Building
Wilmington, DE 19801

David Tackett, New Castle County Councilman
800 French Street, City/County Building
Wilmington, DE 19801

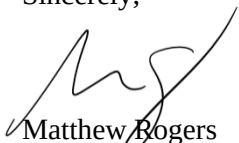
Dear Ms. Hill and Councilman Carter:

Pursuant to Section 40.31.130.I (Deed Restriction Change Exceptions) of the New Castle County Code, both the Department of Land Use and Office of Law are required to review proposed amendments to maintenance declarations of private open space, common facilities, cross access easements for the development. The French Park Maintenance Corporation (French Park LLC, formerly Salem Church Associates) has been working with Pamela J. Scott, Esq. to amend the Maintenance Declaration for the French Park Development, dated March 11, 2013.

The Department received a request from Pamela J. Scott on behalf of French Park LLC to amend the maintenance declaration to; (1) update the Declarant to French Park LLC from Salem Church Associates, (2) revise the definition of "Common Facilities" to limit to only those common facilities associated with the townhouse lots in the subdivision, and (3) to include a revised description of the property to which the Declaration applies to be limited to the townhouse lots and townhouse common facilities. These revisions are necessary for plan approval of application 2020-0064-S.

Both the Office of Law and the Department of Land Use have reviewed the proposed amendment to the maintenance declaration for the French Park Development and recommend that County Council adopt a resolution approving such amendment. The applicant should contact New Castle County Council to prepare and schedule the appropriate resolution for approval.

Sincerely,



Matthew Rogers
Planner III

Enclosure

CC: Adam Singer, Esq.
Charuni Patibanda, General Manager
Antoni Sekowski, Assistant General Manager
Janet Vinc, Planning Manager
Pamela J. Scott, Esq.

SUBSTITUTE NO. 2 TO ORDINANCE NO. 23-122

**AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 40
(THE “UNIFIED DEVELOPMENT CODE”), ARTICLE 22 (“DRAINAGE, UTILITIES,
SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING”)
AND ARTICLE 33 (“DEFINITIONS”) RELATING TO LIGHT POLLUTION
IN NEW CASTLE COUNTY**

1 **WHEREAS**, New Castle County recognizes the importance of energy
2 conservation as a means of achieving energy independence, reducing unnecessary
3 expenses, and reducing any negative environmental impact of energy generation; and
4

5 **WHEREAS**, the use of artificial outdoor lighting has proliferated in New Castle
6 County, resulting in a disruption to the natural patterns of wildlife and substantial negative
7 environmental impacts, increases in health implications, and wasted energy; and
8

9 **WHEREAS**, night skies are considered an air quality-related value under the *Clean*
10 *Air Act Amendments of 1977*, and air quality, in turn, affects the quality of the night sky;
11 and
12

13 **WHEREAS**, light trespass from night lighting fixtures has increased dramatically,
14 negatively impacting the natural environment and the quality of life of people in the
15 County by, among other things, reducing night sky visibility and enjoyment for citizens
16 and visitors alike; and
17

18 **WHEREAS**, exposure to artificially extended daytime light is resulting in numerous
19 problems to our citizens, including sleep deprivation, fatigue, anxiety, stress, and other
20 health problems; and
21

22 **WHEREAS**, vast amounts of money have been and continue to be wasted on
23 outdoor lighting; importantly, in contrast, proper and more efficient outdoor lighting
24 provides an appropriate amount of light... not too little and not too much; and
25

26 **WHEREAS**, limiting energy use and redirecting lighting to point downward, or in
27 a manner that substantially reduces disturbance to surrounding properties and/or night
28 sky light pollution will reduce energy costs, and provide a more natural environment for
29 wildlife and the residents of the County; and
30

31 **WHEREAS**, light pollution has been documented as a leading cause of insect
32 decline, through exhaustion, collision, incineration or increased predation, and which
33 cascades then into ecosystem decline, as well as negative impacts to birds, wildlife and
34 even fish as described by the [National Wildlife Federation](#); and

35 **WHEREAS**, inexpensive night lighting fixtures are readily available and are
36 designed to direct light only where it is needed, distribute light more efficiently and
37 effectively, and thereby reduce glare, power consumption, and cost; and
38

39 **WHEREAS**, although artificial light at night has revolutionized the way we live
40 and work outdoors, it has come at a price, and as the [International Dark-Sky](#)
41 [Association](#) has documented, when used indiscriminately, outdoor lighting can
42 disrupt wildlife, impact human health, waste money and energy, contribute to climate
43 change, and block our view of the universe; and
44

45 **WHEREAS**, County Council has determined that the provisions of this Ordinance
46 will substantially advance, and are reasonably and rationally related to, legitimate
47 government interests by promoting the health, safety, prosperity, and welfare of the
48 citizens of New Castle County.
49

50 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
51

52 Section 1. *New Castle County Code* Ch. 40 (the "Unified Development Code"),
53 Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section
54 40.22.720 ("Lighting Standards") is hereby amended by adding the material that is
55 underscored and deleting the material that is stricken, as set forth below.
56

57 **Sec. 40.22.720. – Lighting ~~standards~~Standards.**

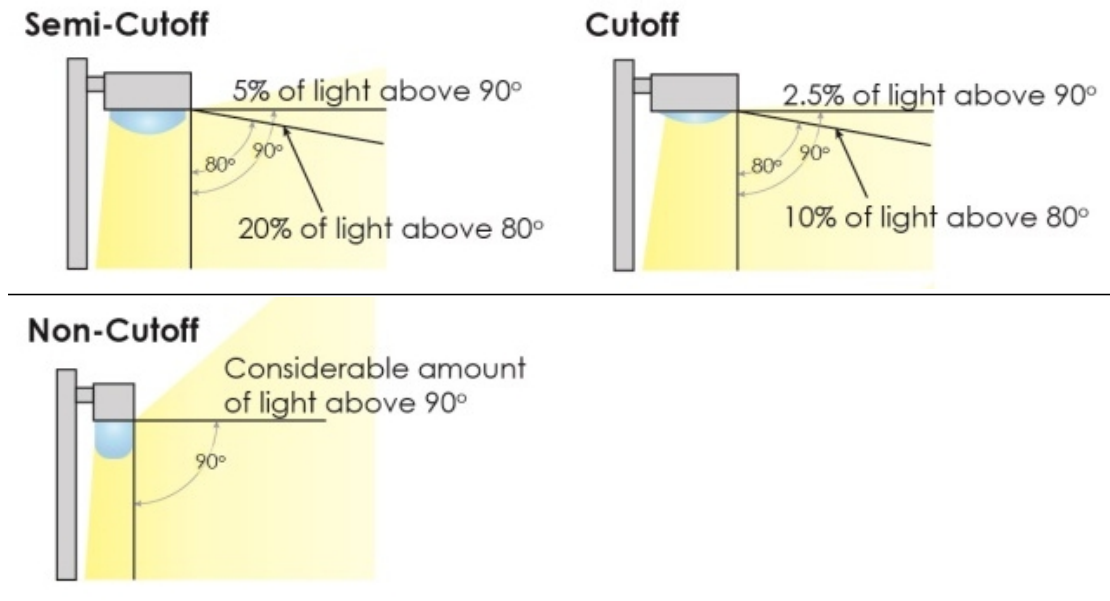
58 A. ~~Two (2) types of light~~ Light fixtures ~~sources,~~ or luminaires, luminaires are available
59 in different types including (See Figure 40.22.720):

- 60 1. ~~One (1) is a~~ Non-cutoff fixtures
- 61 2. ~~Semisemi-cutoff fixture, directing fixtures which direct the light to partially~~
62 limit view of the light source, or luminaire. The second is a and
- 63 3. Full cutoff fixtures which shield~~fixture, shielding the light source from view~~
64 and prevent any upward light. Full cut-off is the condition where
65 the light emitted from the fixture does not extend upward beyond its bottom.

66 Non-cutoff fixtures are prohibited. The maximum permitted illumination and ~~the maximum~~
67 ~~permitted luminaire height~~ are set forth in Table 40.04.111.

Figure 40.22.720
TYPES OF LUMINAIRE LUMINARIE

40-22-720



Luminaire with cut-off less than 90 deg.

- B. Regardless of whether the surface to be lit is primarily horizontal or non-horizontal, all luminaire output is to be aimed downward where possible, have no direct uplight, and shall meet Illuminating Engineering Society ("IES") full-cutoff/fully shielded criteria. In addition, luminaires shall have an IES Backlight Uplight Glare ("BUG") rating of at least B2-U0-G2, but a luminaire with a rating of B1-U0-G1 is preferred
- C. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent, 10-watt LED, or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.
- D. When a nonresidential use is adjacent to a residential zoning district or use, the maximum illumination shall not exceed one-tenth (0.1) foot candle as measured at the residential property line. ~~Non-cutoff street lights shall only be permitted if required by DeIDOT. All light sources or luminaires that are installed pursuant to a plan submitted after January 1, 2022 shall utilize LEDs or other luminaire light emitting technologies that meet or exceed the energy efficiency of LEDs.~~

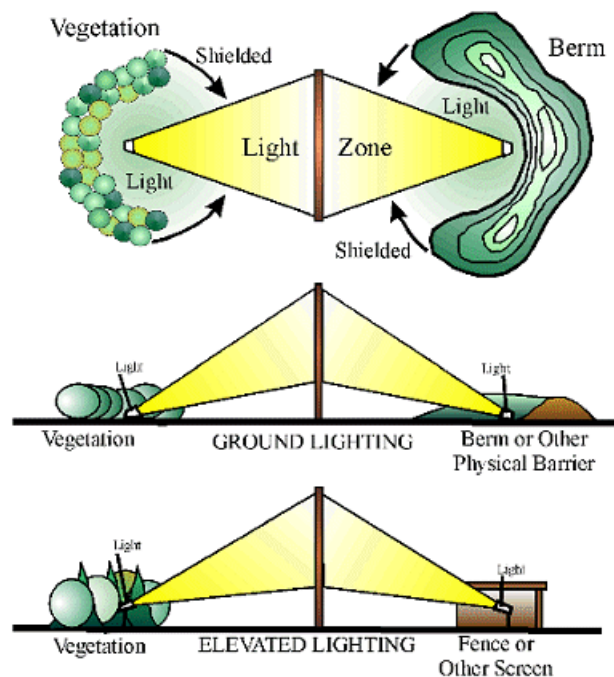
Section 2. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.741 ("Sign lighting, shielded spotlights") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.22.741. - Sign lighting, shielded spotlights and floodlights.

A. Spotlights and floodlights ~~Shielded spots~~ shall be screened by ~~evergreen landscaping, walls, berms, and/or cutoff shielding~~ so the light source is not visible off site. All ~~shielded spots spotlights and floodlights~~ in ~~plans submitted after January 1, 2022~~ shall utilize LED or other luminaire light emitting technologies that are at least as energy efficient as LED. In most cases, a combination of cutoff shielding and a landscape or other feature will be needed to provide the necessary screening. Figure 40.22.741 provides an example of how this objective is to be accomplished.

B. Spotlights and floodlights are to be installed and aimed so that they do not project their output onto neighboring residential properties, past the object being illuminated, skyward, or onto a public roadway. Spotlights and floodlights installed above grade on residential properties shall not be aimed out more than 45 degrees from straight down. When a spotlight or floodlight creates glare, as viewed from a neighboring residential property, it shall be re-aimed and/or fitted with a shielding device, if not already in place, to block the direct view of the glare from neighboring residences.

Figure 40.22.741
SHIELDED SPOTLIGHTS FOR SIGNS



C. Vegetation screens must not be the primary means for shielding. Rather, glare control shall be achieved primarily through the use of means such as full cutoff/fully shielded luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.

D. Spotlights and floodlights with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard nondirectional 40-watt incandescent, 6-watt LED, or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.

E. Flag poles. It is preferred that flag poles not be illuminated at dark and, instead, that the traditional raising of the flag after dawn and lowering of the flag before sunset be followed. However, if a flag is illuminated during the hours of darkness, it is preferred that it be done so from above, and in such case the luminaire should shine down at 90 degrees and be fully shielded. The total number of lumens output from any luminaire mounted on top of a flag pole is limited to 2500 lumens.

Section 3. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.750 ("Lighting, Generally") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.22.750. Lighting, generally.

~~A. Exterior lights for nonresidential uses shall be shielded, shaded, or directed so that light intensity and glare shall not adversely affect neighboring residential property owners or passing motorists, and emit no upward light. Such lighting shall be considered to adversely affect another person when such lighting would disturb a person of normal sensibilities.~~

AB. Exterior lights in residential areas shall be shielded, shaded, or directed, as best as is reasonably possible, so that light intensity and glare shall not adversely affect neighboring property owners, pedestrians, or passing motorists, consistent with Sec. 40.22.720., and emit no upward light. Such lighting shall be considered to adversely affect someone when the lighting would disturb a person of normal sensibilities. All exterior lights in residential areas in plans submitted after January 1, 2022 shall utilize LED or other luminaire light emitting technologies that are at least as energy efficient as LED. Such lighting shall be considered to adversely affect another person when such lighting would disturb a person of normal sensibilities.

BG. All exterior lights for nonresidential uses in plans submitted after January 1, 2022 shall utilize LED or other luminaire light emitting technologies that are at least as energy efficient as LEDs, having a light source efficacy of no less than 90 lumens per watt, and utilize "warm-white" or filtered LEDs (Correlated Color Temperature (CCT) ≤ 3000K; S/P (Scotopic/Photopic) ratio ≤ 1.2) to minimize blue light emission.

CD. Because of the higher luminous efficiency of LEDs and potential environmental and ecological impacts and cost savings, plans for exterior lighting should strive to avoid over-lighting.

Section 4. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 33 ("Definitions"), Division 40.33.300 ("General Definitions") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

~~Cutoff-type luminaire. An outdoor lighting fixture, or luminaire, with shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than ninety (90) degrees.~~

Cutoff fixture. An outdoor lighting fixture or luminaire with intensity at or above 90 degrees above nadir (horizontal) no more than two and one-half (2.5) percent of lamp lumens and no more than ten (10) percent of lamp lumens at or above eighty degrees. See Figure 40.22.720.

~~Luminaire, cutoff-type. See Cutoff-type luminaire.~~

~~Cutoff angle. The angle, formed by a line drawn from the light source to the ground, and a line perpendicular to the ground from the light source, above which no light is emitted.~~

Cutoff angle of a luminaire. The angle of an outdoor light fixture or luminaire, measured up from the nadir (i.e., straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.

~~Semi cut-off. A luminaire light distribution is designated as semi cut-off when the candlepower per one thousand (1,000) lamp lumens does not numerically exceed fifty-five (55) (50) lumens or five (5) percent at an angle of ninety (90) degrees above nadir and two hundred twenty (220) (200) lumens or twenty (20) percent at an angle of eighty (80) degrees above nadir. This applies to any lateral angle around the luminaire. An outdoor lighting fixture or luminaire with intensity at or above ninety (90) degrees above nadir (horizontal) no more than five (5) percent of lamp lumens, and no more than twenty (20) percent of lamp lumens at or above eighty (80) degrees above nadir. See Figure 40.22.720.~~

Section 5. This Ordinance shall become effective on September 1, 2024, following passage by New Castle Council and approval of the County Executive, or as otherwise provided in 9 Del. C. § 1156.

Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

Matthew Meyer
County Executive
of New Castle County

SYNOPSIS: The original Ordinance proposes changes which include revising *New Castle County Code* Chapter 40, Article 22 to provide more strategic and intentional light direction, instead of, for example, use of vegetative screens as the primary source of light shielding. The Ordinance also proposes supporting changes to definitions in Chapter 40, Article 33.

Improving energy usage and directing lighting only to where needed will limit light pollution, disruption of natural environmental patterns, negative health implications, and the cost of energy in New Castle County. Furthermore, vegetative screens can easily die or be damaged or seasonal in nature, and, when this occurs, are not always replaced in a timely manner and/or adequately meet their needs.

Finally, vegetative screens can be part of the solution, but, for the reasons noted above, shall not be the primary means of shielding light. This Ordinance shall become effective on September 1, 2024.

This Substitute No. 2 to Ordinance No. 23-122 amended the original ordinance by: clarifying in Section 40.22.720 the different types of luminaires or lighting fixtures and updating Figure 40.22.720; clarifying the language relating to spotlights and floodlights at Section 40.22.741; and refining the requirements to illuminate a flag and flag pole when dark, among other changes.

FISCAL NOTE: There is no discernible fiscal impact.

SUBSTITUTE NO. 1 TO ORDINANCE NO. 23-122

**AMENDING NEW CASTLE COUNTY CODE CHAPTER 40
(THE “UNIFIED DEVELOPMENT CODE”), ARTICLE 22 (“DRAINAGE, UTILITIES,
SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING”)
AND ARTICLE 33 (“DEFINITIONS”) RELATING TO LIGHT POLLUTION
IN NEW CASTLE COUNTY**

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2 conservation as a means of achieving energy independence, reducing unnecessary
3 expenses, and reducing any negative environmental impact of energy generation; and
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6 County, resulting in a disruption to the natural patterns of wildlife and substantial negative
7 environmental impacts, increases in health implications, and wasted energy; and
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9 **WHEREAS**, night skies are considered an air quality-related value under the *Clean*
10 *Air Act Amendments of 1977*, and air quality, in turn, affects the quality of the night sky;
11 and
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13 **WHEREAS**, light trespass from night lighting fixtures has increased dramatically,
14 negatively impacting the natural environment and the quality of life of people in the
15 County by, among other things, reducing night sky visibility and enjoyment for citizens
16 and visitors alike; and
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18 **WHEREAS**, exposure to artificially extended daytime light is resulting in numerous
19 problems to our citizens, including sleep deprivation, fatigue, anxiety, stress, and other
20 health problems; and
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22 **WHEREAS**, vast amounts of money have been and continue to be wasted on
23 outdoor lighting; importantly, in contrast, proper and more efficient outdoor lighting
24 provides an appropriate amount of light... not too little and not too much; and
25

26 **WHEREAS**, limiting energy use and redirecting lighting to point downward, or in
27 a manner that substantially reduces disturbance to surrounding properties and/or night
28 sky light pollution will reduce energy costs, and provide a more natural environment for
29 wildlife and the residents of the County; and
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32 decline, through exhaustion, collision, incineration or increased predation, and which
33 cascades then into ecosystem decline, as well as negative impacts to birds, wildlife and
34 even fish as described by the [National Wildlife Federation](#); and

35 **WHEREAS**, inexpensive night lighting fixtures are readily available and are
36 designed to direct light only where it is needed, distribute light more efficiently and
37 effectively, and thereby reduce glare, power consumption, and cost; and
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39 **WHEREAS**, although artificial light at night has revolutionized the way we live
40 and work outdoors, it has come at a price, and as the [International Dark-Sky](#)
41 [Association](#) has documented, when used indiscriminately, outdoor lighting can
42 disrupt wildlife, impact human health, waste money and energy, contribute to climate
43 change, and block our view of the universe; and
44

45 **WHEREAS**, County Council has determined that the provisions of this Ordinance
46 will substantially advance, and are reasonably and rationally related to, legitimate
47 government interests by promoting the health, safety, prosperity, and welfare of the
48 citizens of New Castle County.
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50 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
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52 Section 1. *New Castle County Code* Ch. 40 (the “Unified Development Code”),
53 Article 22 (“Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting”), Section
54 40.22.720 (“Lighting Standards”) is hereby amended by adding the material that is
55 underscored and deleting the material that is stricken, as set forth below.
56

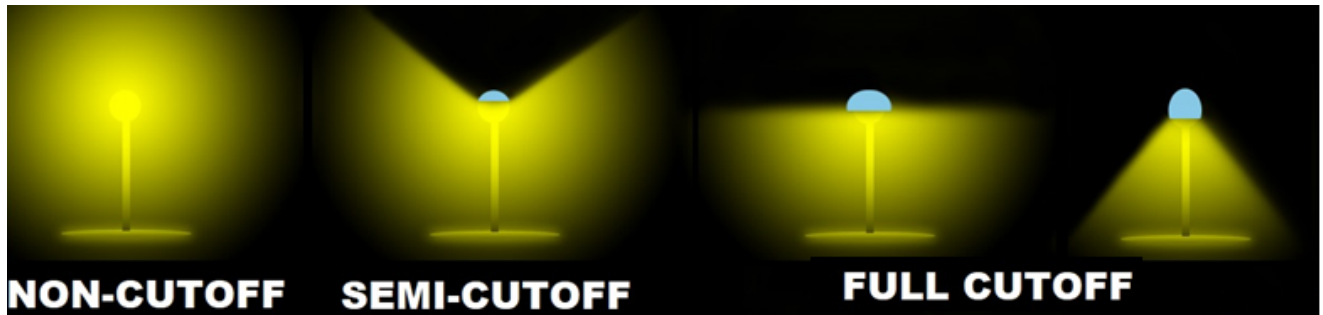
57 **Sec. 40.22.720. – Lighting ~~standards~~Standards.**

58 A. ~~Two (2) types of light~~ Light fixtures sources, or luminaires, luminaires are available
59 in different types including (See Figure 40.22.720)::-

- 60 1. ~~One (1) is a~~ Non-cutoff fixtures
- 61 2. ~~Semisemi-cutoff fixture, directing fixtures which direct the light to partially~~
62 limit view of the light source, or luminaire. The second is a and
- 63 3. Full cutoff fixtures which shield~~fixture, shielding the light source from view~~
64 and prevent any upward light. Full cut-off is the condition where
65 the light emitted from the fixture does not extend upward beyond its bottom.

66 Non-cutoff fixtures are prohibited. The maximum permitted illumination and ~~the maximum~~
67 ~~permitted-luminaire height~~ are set forth in Table 40.04.111.

Figure 40.22.720
TYPES OF LUMINAIRE LUMINARIE



40-22-720
Luminaire with cut-off less than 90 deg.

- B. Regardless of whether the surface to be lit is primarily horizontal or non-horizontal, all luminaire output is to be aimed downward where possible, have no direct uplight, and shall meet Illuminating Engineering Society (“IES”) full-cutoff/fully shielded criteria. In addition, luminaires shall have an IES Backlight Uplight Glare (“BUG”) rating of at least B2-U0-G2, but a luminaire with a rating of B1-U0-G1 is preferred
- C. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent, 10-watt LED, or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.
- D. When a nonresidential use is adjacent to a residential zoning district or use, the maximum illumination shall not exceed one-tenth (0.1) foot candle as measured at the residential property line. Non-cutoff street lights shall only be permitted if required by DelDOT. All light sources or luminaires that are installed pursuant to a plan submitted after January 1, 2022 shall utilize LEDs or other luminaire light emitting technologies that meet or exceed the energy efficiency of LEDs.

Section 2. *New Castle County Code* Ch. 40 (“Unified Development Code”), Article 22 (“Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting”), Section 40.22.741 (“Sign lighting, shielded spotlights”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

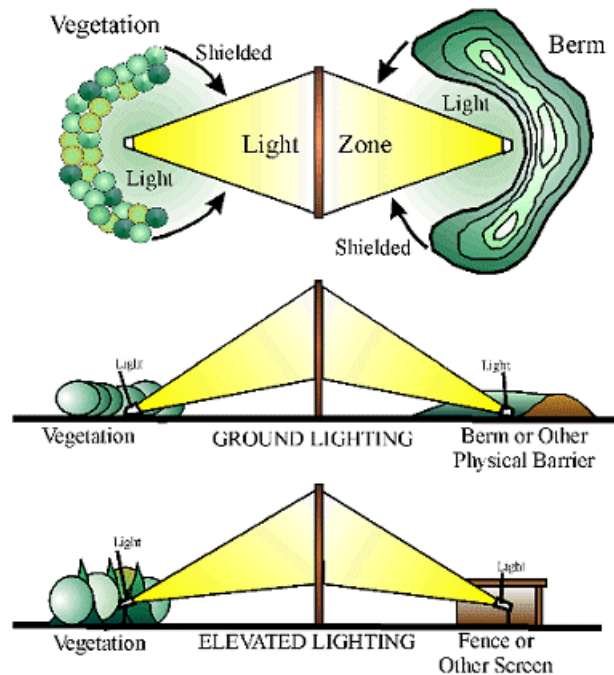
Sec. 40.22.741. - Sign lighting, shielded spotlights and floodlights.

- A. Spotlights and floodlights ~~Shielded spots~~ shall be screened by evergreen landscaping, walls, berms, and/or cutoff shielding so the light source is not visible off site. All ~~shielded spots~~ spotlights and floodlights in plans submitted after January 1, 2022 shall utilize LED or other luminaire light emitting technologies that are at least as energy efficient as LED. In most cases, a combination of cutoff

shielding and a landscape or other feature will be needed to provide the necessary screening. Figure 40.22.741 provides an example of how this objective is to be accomplished.

- B. Spotlights and floodlights are to be installed and aimed so that they do not project their output onto neighboring residential properties, past the object being illuminated, skyward, or onto a public roadway. Spotlights and floodlights installed above grade on residential properties shall not be aimed out more than 45 degrees from straight down. When a spotlight or floodlight creates glare, as viewed from a neighboring residential property, it shall be re-aimed and/or fitted with a shielding device, if not already in place, to block the direct view of the glare from neighboring residences.

Figure 40.22.741
SHIELDED SPOTLIGHTS FOR SIGNS



- C. Vegetation screens must not be the primary means for shielding. Rather, glare control shall be achieved primarily through the use of means such as full cutoff/fully shielded luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.
- D. Spotlights and floodlights with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard nondirectional 40-watt incandescent, 6-watt LED, or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.

122 E. *Flag poles.* It is preferred that flag poles not be illuminated at dark and, instead,
123 that the traditional raising of the flag after dawn and lowering of the flag before
124 sunset be followed. However, if a flag is illuminated during the hours of darkness,
125 it is preferred that it be done so from above, and in such case the luminaire should
126 shine down at 90 degrees and be fully shielded. The total number of lumens output
127 from any luminaire mounted on top of a flag pole is limited to 2500 lumens.

128 Section 3. *New Castle County Code* Ch. 40 (“Unified Development Code”), Article
129 22 (“Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting”), Section
130 40.22.750 (“Lighting, Generally”) is hereby amended by adding the material that is
131 underscored and deleting the material that is stricken, as set forth below.

132 **Sec. 40.22.750. Lighting, generally.**

133 ~~A. Exterior lights for nonresidential uses shall be shielded, shaded, or directed so that~~
134 ~~light intensity and glare shall not adversely affect neighboring residential property~~
135 ~~owners or passing motorists, and emit no upward light. Such lighting shall be~~
136 ~~considered to adversely affect another person when such lighting would disturb a~~
137 ~~person of normal sensibilities.~~

138 AB. Exterior lights in residential areas shall be shielded, shaded, or directed, as best as
139 is reasonably possible, so that light intensity and glare shall not adversely affect
140 neighboring property owners, pedestrians, or passing motorists, consistent with
141 Sec. 40.22.720., and emit no upward light. Such lighting shall be considered to
142 adversely affect someone when the lighting would disturb a person of normal
143 sensibilities. All exterior lights in residential areas in plans submitted after January
144 1, 2022 shall utilize LED or other luminaire light emitting technologies that are at
145 least as energy efficient as LED. Such lighting shall be considered to adversely
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147 sensibilities.

148 BC. All exterior lights for nonresidential uses in plans submitted after January 1, 2022
149 shall utilize LED or other luminaire light emitting technologies that are at least as
150 energy efficient as LEDs, having a light source efficacy of no less than 90 lumens
151 per watt, and utilize “warm-white” or filtered LEDs (Correlated Color Temperature
152 (CCT) ≤ 3000K; S/P (Scotopic/Photopic) ratio ≤ 1.2) to minimize blue light emission.

153 CD. Because of the higher luminous efficiency of LEDs and potential environmental and
154 ecological impacts and cost savings, plans for exterior lighting should strive to avoid
155 over-lighting.

156
157 Section 4. *New Castle County Code* Ch. 40 (“Unified Development Code”), Article
158 33 (“Definitions”), Division 40.33.300 (“General Definitions”) is hereby amended by adding
159 the material that is underscored and deleting the material that is stricken, as set forth
160 below.

161 ...

~~Cutoff-type luminaire. An outdoor lighting fixture, or luminaire, with shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than ninety (90) degrees.~~

Cutoff fixture. An outdoor lighting fixture or luminaire with intensity at or above 90 degrees above nadir (horizontal) no more than two and one-half (2.5) percent of lamp lumens and no more than ten (10) percent of lamp lumens at or above eighty degrees. See Figure 40.22.720.

~~Luminaire, cutoff-type. See Cutoff-type luminaire.~~

~~Cutoff angle. The angle, formed by a line drawn from the light source to the ground, and a line perpendicular to the ground from the light source, above which no light is emitted.~~

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Adopted by County Council of
New Castle County on:

Karen Hartley-Nagle
President of County Council
of New Castle County

Approved on:

Matthew Meyer
County Executive
of New Castle County

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Finally, vegetative screens can be part of the solution, but, for the reasons noted above, shall not be the primary means of shielding light. This Ordinance shall become effective on September 1, 2024.

This Substitute No. 1 to Ordinance No. 23-122 amended the original ordinance by: clarifying in Section 40.22.720 the different types of luminaires or lighting fixtures and updating Figure 40.22.720; clarifying the language relating to spotlights and floodlights at Section 40.22.741; and refining the requirements to illuminate a flag and flag pole when dark, among other changes.

FISCAL NOTE: There is no discernible fiscal impact.

Introduced by: Ms. Durham, Ms. George
Date of introduction: August 29, 2023

ORDINANCE NO. 23-122

**AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 40
(THE “UNIFIED DEVELOPMENT CODE”), ARTICLE 22 (“DRAINAGE, UTILITIES,
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AND ARTICLE 33 (“DEFINITIONS”) RELATING TO LIGHT POLLUTION
IN NEW CASTLE COUNTY**

WHEREAS, New Castle County recognizes the importance of energy conservation as a means of achieving energy independence, reducing unnecessary expenses, and reducing any negative environmental impact of energy generation; and

WHEREAS, the use of artificial outdoor lighting has proliferated in New Castle County, resulting in a disruption to the natural patterns of wildlife and substantial negative environmental impacts, increases in health implications, and wasted energy; and

WHEREAS, night skies are considered an air quality-related value under the *Clean Air Act Amendments of 1977*, and air quality, in turn, affects the quality of the night sky; and

WHEREAS light trespass from night lighting fixtures has increased dramatically, negatively impacting the natural environment and the quality of life of people in the County by, among other things, reducing night sky visibility and enjoyment for citizens and visitors alike; and

WHEREAS, exposure to artificially extended daytime light is resulting in numerous problems to our citizens, including sleep deprivation, fatigue, anxiety, stress, and other health problems; and

WHEREAS, vast amounts of money have been and continue to be wasted on outdoor lighting; importantly, in contrast, proper and more efficient outdoor lighting provides an appropriate amount of light... not too little and not too much; and

WHEREAS, limiting energy use and redirecting lighting to point downward, or in a manner that substantially reduces disturbance to surrounding properties and/or night sky light pollution will reduce energy costs, and provide a more natural environment for wildlife and the residents of the County; and

WHEREAS, light pollution is now documented as one of the leading causes of insect decline, through exhaustion, collision, incineration or increased predation, and which cascades then into ecosystem decline, as well as negative impacts to birds, wildlife and even fish as described by the [National Wildlife Federation](#); and

WHEREAS, inexpensive night lighting fixtures are readily available and are designed to direct light only where it is needed, distribute light more efficiently and effectively, and thereby reduce glare, power consumption, and cost; and

WHEREAS, although artificial light at night has revolutionized the way we live and work outdoors, it has come at a price, and as the [International Dark-Sky Association](#) has documented, when used indiscriminately, outdoor lighting can disrupt wildlife, impact human health, waste money and energy, contribute to climate change, and block our view of the universe; and

WHEREAS, County Council has determined that the provisions of this Ordinance will substantially advance, and are reasonably and rationally related to, legitimate government interests by promoting the health, safety, prosperity, and welfare of the citizens of New Castle County.

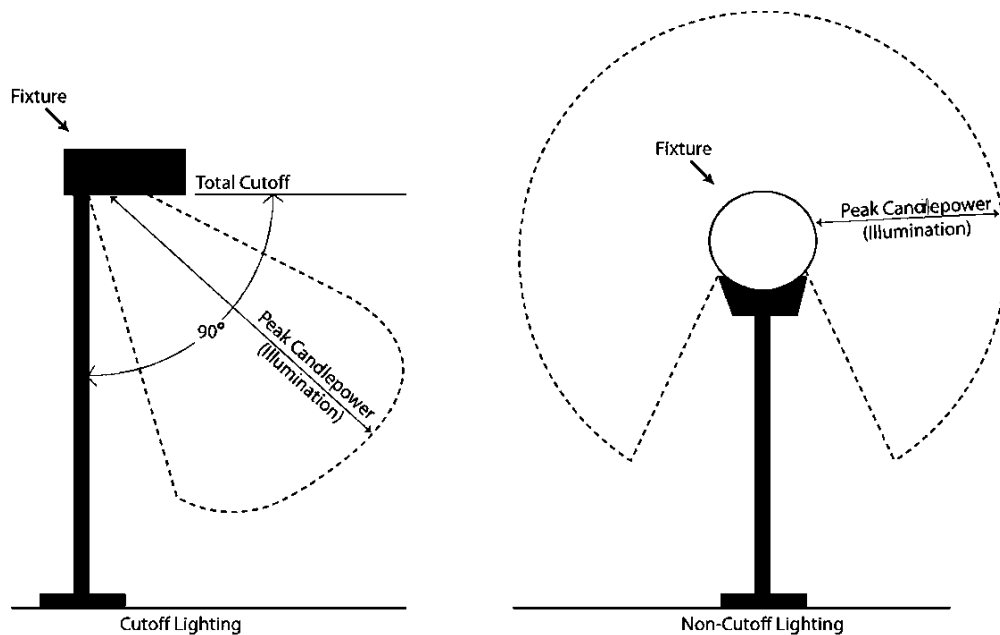
NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Ch. 40 (the “Unified Development Code”), Article 22 (“Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting”), Section 40.22.720 (“Lighting Standards”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.22.720. - Lighting Standards.

- A. Various ~~Two (2)~~-types of light ~~fixtures-sources~~ or luminaires ~~luminaries~~ are available (*See* Figure 40.22.720). One ~~(1)~~ is a semi-cutoff fixture, directing the light to limit view of the light source or luminaire. Another ~~The second~~ is a cutoff fixture, fully shielding the light source from view. The maximum permitted illumination and the maximum permitted luminaire height are set forth in Table 40.04.111.

Figure 40.22.720
TYPES OF LUMINAIRE LUMINAIRE



40-22-720

Luminaire with cut-off less than 90 deg.

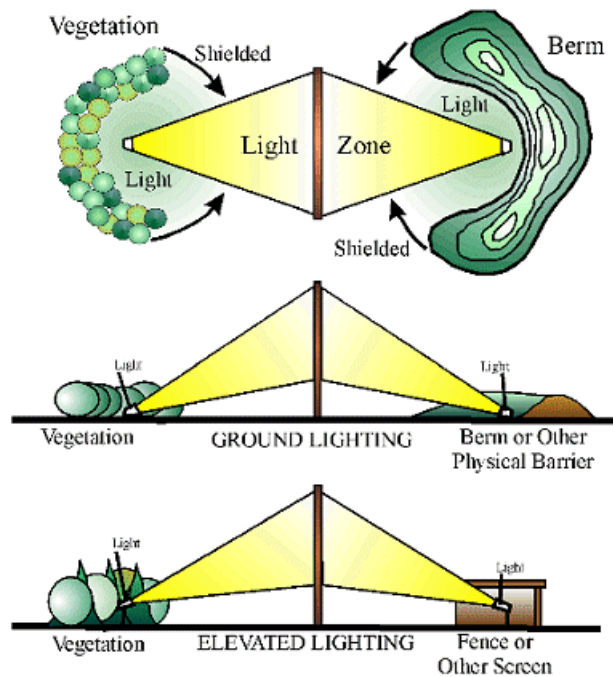
- B. Regardless of whether the surface to be lit is primarily horizontal or non-horizontal, all luminaire output is to be aimed downward where possible, have no direct uplight, and shall meet Illuminating Engineering Society (“IES”) full-cutoff/fully shielded criteria. In addition, luminaires shall have an IES Backlight Uplight Glare (“BUG”) rating of at least B2-U0-G2, but a luminaire with a rating of B1-U0-G1 is preferred and shall be utilized if available.
- C. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent, 10-watt LED, or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.
- D. When a nonresidential use is adjacent or very near to a residential zoning district or use, the maximum illumination shall not exceed one-tenth (0.1) foot candle measured line of sight at the residential property line. ~~Non-cutoff street lights shall only be permitted if required by DelDOT. All light sources or luminaires that are installed pursuant to a plan submitted after January 1, 2022 shall utilize LEDs or other luminaire light emitting technologies that meet or exceed the energy efficiency of LEDs.~~

Section 2. *New Castle County Code* Ch. 40 (“Unified Development Code”), Article 22 (“Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting”), Section 40.22.741 (“Sign lighting, shielded spotlights”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.22.741. - Sign lighting, ~~shielded-spots~~ spotlights and floodlights.

- A. Spotlights and floodlights ~~Shielded spots~~ spotlights shall be screened by ~~evergreen landscaping~~, walls, berms, and/or cutoff shielding so the light source is not visible off site. All ~~shielded spots~~ spotlights and floodlights ~~in plans submitted after January 1, 2022~~ shall utilize LEDs or other ~~luminaire~~ light emitting technologies that are at least as energy efficient as LEDs. In most cases, a combination of cutoff shielding and a landscape or other feature will be needed to provide the necessary screening. Figure 40.22.741 provides an example of how this objective is to be accomplished.
- B. In addition, spotlights and floodlights are to be installed and aimed so that they do not project their output onto neighboring residential properties, past the object being illuminated, skyward, or onto a public roadway, as best as is reasonably possible. Spotlights and floodlights installed above grade on residential properties shall not be aimed out more than 45° from straight down. When a spotlight or floodlight creates glare, as viewed from a neighboring residential property, it shall be re-aimed and/or fitted with a shielding device, if not already in place, to block the direct view of the glare from neighboring residences.

Figure 40.22.741
SHIELDED SPOTLIGHTS FOR SIGNS



- C. Vegetation screens must not be the primary means for shielding. Rather, glare control shall be achieved primarily through the use of means such as full cutoff/fully shielded luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.
- D. Spotlights and floodlights with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard nondirectional 40-watt incandescent, 6-watt LED, or 10-watt compact fluorescent lamp, are exempt from the requirements of this Section.
- E. Flag poles. It is preferred that flagpoles not be illuminated and that the traditional raising of the flag after dawn and lowering of the flag before sunset be followed. However, a flag may be displayed if properly illuminated from above during the hours of darkness. The luminaire must shine down at 90° and be fully shielded. The total number of lumens output from any luminaire mounted on top of a flagpole is limited to 2500 lumens.

Section 3. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.750 ("Lighting, Generally") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.22.750. Lighting, generally.

- A. ~~Exterior lights for nonresidential uses shall be shielded, shaded, or directed so that light intensity and glare shall not adversely affect neighboring residential property owners or passing motorists, and emit no upward light. Such lighting shall be considered to adversely affect another person when such lighting would disturb a person of normal sensibilities.~~

~~AB.~~ Exterior lights in residential areas shall be shielded, shaded, or directed, as best as is reasonably possible, so that light intensity and glare shall not adversely affect neighboring property owners, pedestrians, or passing motorists, consistent with Sec. 40.22.720., and emit no upward light. Such lighting shall be considered to adversely affect someone when the lighting would disturb a person of normal sensibilities. All exterior lights in residential areas in plans submitted after January 1, 2022 shall utilize LED or other luminaire light emitting technologies that are at least as energy efficient as LEDs. Such lighting shall be considered to adversely affect another person when such lighting would disturb a person of normal sensibilities.

BC. All exterior lights for nonresidential uses in plans submitted after January 1, 2022 shall utilize LED or other luminaire light emitting technologies that are at least as energy efficient as LEDs, having a light source efficacy of no less than 90 lumens per watt, and utilize "warm-white" or filtered LEDs (Correlated Color Temperature (CCT) $\leq$ 3000K; S/P (Scotopic/Photopic) ratio $\leq$ 1.2) to minimize blue light emission.

~~CD.~~ Because of the higher luminous efficiency of LEDs and potential environmental and ecological impacts and cost savings, plans for exterior lighting should strive to avoid over-lighting.

Section 4. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 33 ("Definitions"), Division 40.33.300 ("General Definitions") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

...

~~Cutoff type luminaire. An outdoor lighting fixture, or luminaire, with shields, reflectors, or refractor panels which direct and cut off the light at an angle that is less than ninety (90) degrees.~~

Cutoff fixture. An outdoor lighting fixture or luminaire with intensity at or above 90° (horizontal) no more than 2.5% of lamp lumens and no more than 10% of lamp lumens at or above 80°. See Figure 40.22.720.

~~Luminaire, cutoff-type. See Cutoff-type luminaire.~~

~~Cutoff angle. The angle, formed by a line drawn from the light source to the ground, and a line perpendicular to the ground from the light source, above which no light is emitted.~~

Cutoff angle of a luminaire. The angle of an outdoor light fixture or luminaire, measured up from the nadir (i.e., straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.

Section 5. This Ordinance shall become effective on July 1, 2024, following passage by New Castle Council and approval of the County Executive, or as otherwise provided in 9 Del. C. § 1156.

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive
of New Castle County

SYNOPSIS: This Ordinance proposes changes which include revising *New Castle County Code* Chapter 40, Article 22 to provide more strategic and intentional light direction, instead of, for example, use of vegetative screens as the primary source of light shielding. The Ordinance also proposes supporting changes to definitions in Chapter 40, Article 33.

Improving energy usage and directing lighting only to where needed will limit light pollution, disruption of natural environmental patterns, negative health implications, and the cost of energy in New Castle County. Furthermore, vegetative screens can easily die or be damaged or seasonal in nature, and, when this occurs, are not always replaced in a timely manner and/or adequately meet their needs.

Finally, vegetative screens can be part of the solution, but, for the reasons noted above, should not be the primary means of shielding light. This Ordinance shall become effective on July 1, 2024

FISCAL NOTE: There is no discernible fiscal impact.



Department of Land Use

**DEPARTMENT OF LAND USE &
PLANNING BOARD DECISION**

**Ordinance 23-122
Application 2023-0467-T
Lighting**

January 30, 2024

Sponsor: Councilwoman Dee Durham, Council District 2

Description: To amend New Castle County Code, Chapter 40 (the "Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), and Article 33 ("Definitions") relating to light pollution in New Castle County

EXECUTIVE SUMMARY

Application 2023-0467-T (Ordinance 23-122) is a text amendment to the Unified Development Code (UDC) that proposes changes to code language that deal with lighting regulations for new land development plans. According to the ordinance's sponsor, the proposed changes are to align the County Code with the goals of the Dark Skies initiative¹. As noted in the whereas statements of the ordinance, the use of artificial outdoor lighting can result in disruptions to the natural patterns of wildlife as well as potential negative environmental impacts and wasted energy. The ordinance seeks to encourage the strategic use of light fixtures that have appropriate qualities, such as location and directionality, to mitigate impacts of artificial and outdoor lighting proposed for new land development applications.

The Department has considered the Standards for Text Amendment provided in Section 40.31.420 of the UDC and recommends **CONDITIONAL APPROVAL** of the proposed ordinance with the following condition:

1. The ordinance's sponsor continues to coordinate with the Department of Land Use on minor revisions to the proposed language to ensure clarity and conciseness regarding implementation and enforcement.

DESCRIPTION

Ordinance 23-122 proposes to revise language primarily included in Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting") and Division 40.22.700 ("Exterior Lighting Standards") to clarify existing provisions regarding lighting for new land development plans. The modifications require the use of lighting fixtures that are either semi-cutoff or total cut-off to provide enhanced shielding of artificial light with a specific Backlight Uplight Glare ("BUG") rating. Additionally, the

¹ <https://www.fws.gov/project/dark-skies-initiative>

ordinance establishes requirements for the use and orientation of floodlights. Finally, the ordinance proposes changes to Article 33 (“Definitions”) to revise the terminology and definitions for a *cutoff fixture*² and *cutoff angle of a luminaire*³.

BACKGROUND

In May of 2023, Councilwoman Dee Durham expressed interest to the Department of Land Use in reviewing and revising exiting lighting standards provided in the UDC to align with the Dark Skies Initiative. The initiative is run by the US Department of Fish and Wildlife to help preserve and protect the continuation of natural processes that are often impacted by the use of artificial, outdoor lighting. As noted in the testimony provided at the public hearing, Councilwoman Durham consulted with Barry Johnson of the Pennsylvania Outdoor Lighting Council to examine existing language for consistency with goals of the Dark Skies Initiative, and to propose revisions to the UDC for consistency. As part of the ordinance’s production, Councilwoman Durham preliminarily consulted with the Department regarding the language of the proposed ordinance and how it would impact the land development process and enforcement of the code provisions.

As currently written, the UDC requires that new land development plans utilize semi-cutoff or total cutoff fixtures and orient lighting on a site in such a manner that illumination at a shared property line between a commercial and residential use does not exceed 0.1 foot-candles. To provide for an enhanced review of lighting conditions proposed on a subject site, Ordinance 23-122 proposes to also require that fixtures utilized provide an IES Backlight Uplight Glare (“BUG”)⁴ rating of at least B2-U0-G2 (and notes that a luminaire with a rating of B1-U0-G1 is preferred). Ordinance 23-122 also includes the addition of language to ensure that spotlights and floodlights used to illuminate signage are shielded from shining upward or on adjacent properties by requiring cutoff or fully shielded luminaires.

The ordinance clarifies that outdoor light fixtures with an aggregate rated lamp output of 500 lumens are exempt from the provisions. Overall, the goal of the ordinance is to eliminate upward or intrusive artificial lighting that may impact natural patterns as well as neighboring property owners.

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

The proposed text amendment was reviewed at a PLUS meeting held on September 27, 2023. The PLUS letter, dated October 25, 2023, includes comments from the Office of State Planning and Coordination, who noted that they have no concerns or objections on the proposed ordinance. The letter notes that there are no concerns from DNREC, DelDOT, DEMA, SHPO, or the DE State Fire Marshal.

² “An outdoor lighting fixture or luminaire with intensity at or above 90° (horizontal) no more than 2.5% of lamp lumens and no more than 10% of lamp lumens at or above 80°.”

³ “The angle of an outdoor light fixture or luminaire, measured up from the nadir (i.e., straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) is not visible.”

⁴ BUG ratings were developed by the Illuminating Engineering Society (IES) to be used as a system to evaluate and specify the optical performance of outdoor light fixtures. The rating is broken into three (3) components:

- Backlight (B) – the amount of light from a luminaire projecting in the rearward direction
- Uplight (U) – the amount of light projected in the upward direction
- Glare (G) – the visual discomfort caused by glare from the luminaire from different vantage points

PLANNING BOARD PUBLIC HEARING – December 5, 2023

*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use.

Councilwoman Dee Durham, the ordinance's sponsor, spoke on behalf of the application. Ms. Durham provided a brief background on the Dark Skies Initiative, noting that she had a long interest in helping improve the code to help mitigate impacts of bright lights and their impacts. She stated that she was able to work with the Pennsylvania Outdoor Lighting Council as well as the Department of Land Use on the ordinance. She noted the various ways light pollution impacts humans, animals, and wildlife populations as well as there is a significant amount of wasted energy. She spoke to the existing requirements of the code and stated that the proposed ordinance would expand on those provisions.

The Board had no questions.

Councilwoman Valerie George spoke in favor of the application. She thanked Councilwoman Durham for bringing the legislation forward and noted that lighting is something that the County needs to consider as we continue to grow.

A member of the public over Zoom noted their support for the ordinance, noting that they had just visited Tucson, Arizona which was a low-light city and how exciting it was to see the skies.

ANALYSIS

The Department of Land Use is supportive of enhancing the provisions of the UDC to align with the Dark Skies Initiative, while also ensuring the use of artificial light has limited impact on surrounding neighborhoods and wildlife. Ordinance 23-122 largely modifies existing language and requirements already included in the UDC, expanding on fixture details to meet Dark Skies Initiative goals.

In consult with the ordinance's sponsor, the Department has identified a few minor edits in the ordinance that are recommended for revision to ensure clarity and conciseness. Specifically, the Department has concern regarding the IES BUG rating requirement included in the proposed 40.22.720.B of the ordinance and recommends that it be revised to a simple Uplight rating of U0. Backlight and Glare values are more dependent on the location of a fixture on the site (i.e. along a property line vs. in the middle of a parking area), which are already reviewed through the foot-candle values on lighting plans currently required by the provisions of the UDC. The Department believes that the goals and objectives of the proposed ordinance can still be achieved by regulating the Uplight value of a BUG rating only, while also ensuring developers have an adequate selection of fixtures to utilize.

Standards for Text Amendment – Section 40.31.420 of the New Castle County Code

Pursuant to Section 40.31.420 of the New Castle County Code, in determining whether a text amendment shall be recommended or approved, all the following factors shall be considered:

A. *Implementation of a new portion of the Comprehensive Development Plan.*

N/A

B. Implementation and achievement of the Comprehensive Plan's goals and objectives.

The 2022 Comprehensive Plan calls for the protection and restoration of the environment. The goals of the proposed ordinance work toward mitigating existing and future air, water, land light and sound pollution while continuing to monitor for air, water, land, light, and noise pollution concerns that might trigger protective actions.

C. Consistency with the provisions of this Chapter and the standards for similar uses.

Ordinance 23-122 expands on and clarifies the existing lighting provisions, identifying specific criteria and measures to limit uplighting.

D. Necessity to respond to State and/or Federal legislation.

N/A

E. Flexibility in meeting the objectives of this Chapter.

N/A

F. Changes to conditions, interpretations, and/or clarifications to existing language for new uses.

Ordinance 23-122 provides enhanced guidance for the use of artificial light in new land development projects.

G. Consideration of specific problems found in this Chapter.

N/A

DEPARTMENT OF LAND USE RECOMMENDATION

The Department has considered the Standards for Text Amendment provided in Section 40.31.420 *of the New Castle County Code* and comments received from other agencies. Based on this analysis, the Department recommends **CONDITIONAL APPROVAL** of the proposed ordinance with the following condition:

1. The ordinance's sponsor continues to coordinate with the Department of Land Use on minor revisions to the proposed language to ensure clarity and conciseness regarding implementation and enforcement.

PLANNING BOARD RECOMMENDATION

At a business meeting held on January 30, 2024, the Planning Board considered the recommendation offered by the Department of Land Use. On a motion made by Mr. Snowden and seconded by Ms.

Visvardis, the Board voted to recommend **CONDITIONAL APPROVAL** of the proposed ordinance with the following condition:

- 1. The ordinance’s sponsor continues to coordinate with the Department of Land Use on minor revisions to the proposed language to ensure clarity and conciseness regarding implementation and enforcement.

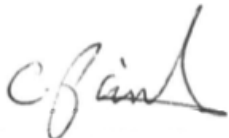
The motion was adopted by a vote of 5-0-0-3 (In Favor: Peterson, Visvardis, Snowden, Gray, Cochran; In Opposition: None; Abstention: None; Absent Drake, Daigle, Cahill-Krout:).

Prior to the vote the following discussion occurred:

Ms. Hatch read the Department of Land Use into the record. Ms. Gray inquired if the ordinance discussed white light versus blue light. Christoper Jackson, Planner III, noted that the standards for lighting temperature would remain.

STATUTORY GUIDELINES

In the phraseology of 9 Delaware Code Section 2603 (a), the Department of Land Use finds that this rezoning would promote the convenience, order, and welfare of the present and future inhabitants of this state.



02/26/2024

Charuni Patibanda date

General Manager

Department of Land Use



02/23/2024

Karen Peterson date

Chair

Planning Board