NEW CASTLE COUNTY COUNCIL
COUNCIL MEETING

April 9, 2024
6:30 PM

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

AGENDA

A. Call to Order

- **Moment of Silence**
- **Pledge of Allegiance**
- **Roll Call**

B. Approval of Minutes

C. Announcements

FY2025 COUNTY EXECUTIVE CERTIFICATION MEMO

D. Introduction of Ordinances

°24-044: AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 2 ("ADMINISTRATION") RELATING TO CONTRACTS AND FUNDS Introduced by: Mr. Smiley

°24-045: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE $2,223,018 OF SEWER RATE STABILIZATION RESERVE TO THE DEPARTMENT OF PUBLIC WORKS SEWER FUND COMMUNICATION AND UTILITIES BUDGET LINE ITEM FOR SEWER SERVICE Introduced by: Mr. Sheldon, Mr. Carter

°24-046: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE $1,800,000 IN ROOM RENTAL FEES AND $626,115 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT (HOPE CENTER SUB-FUND) TO THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING TO FUND HOPE CENTER OPERATIONS Introduced by: Mr. Hollins, Mr. Street

°24-047: AMEND THE GRANTS BUDGET: APPROPRIATE $26,576.00 FROM THE STATE OF DELAWARE, DEPARTMENT OF JUSTICE – SPECIAL LAW ENFORCEMENT ASSISTANCE FUND (SLEAF) TO THE SLEAF FUMING CABINET GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE Introduced by: Mr. Bell, Ms. Hartley-Nagle

°24-048: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 22 (“OFFENSES AND MISCELLANEOUS PROVISIONS”), SECTION 22.02.008 (“NOISE CONTROL”) RELATING TO REFUSE Introduced by: Ms. Kilpatrick

°24-049**:** TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”), ARTICLE 3 (“OFFICERS AND EMPLOYEES”) TO MODIFY CERTAIN FEES CHARGED BY NEW CASTLE COUNTY SHERIFF’S OFFICE Introduced by: Mr. Smiley, Mr. Cartier

°24-050: THE ANNUAL REVENUE ORDINANCE OF NEW CASTLE COUNTY FOR FISCAL YEAR 2025 BEGINNING JULY 1, 2024 Introduced by: Mr. Smiley, Mr. Cartier

°24-051**:** CALCULATION OF SEWER SERVICE CHARGES EFFECTIVE JULY 1, 2024 FOR FISCAL YEAR 2025 Introduced by: Mr. Smiley, Mr. Cartier

°24-052: AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF NEW CASTLE COUNTY FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS APPROVED IN THE FISCAL YEAR 2025 CAPITAL BUDGET Introduced by: Mr. Smiley, Mr. Cartier

°24-053: THE CAPITAL BUDGET ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 Introduced by: Mr. Smiley, Mr. Cartier

°24-054: ADOPT THE ANNUAL OPERATING BUDGET OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2024 Introduced by: Mr. Smiley, Mr. Cartier

°24-055: AMEND THE FY2025 APPROVED OPERATING BUDGET: REALLOCATE $8,000,000 FROM THE REASSESSMENT RESERVE ACCOUNT TO THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT AND APPROPRIATE FUNDING FOR PAY PLAN INCREASES FOR ALL CERTIFIED POLICE CLASSIFICATIONS Introduced by: Mr. Smiley, Mr. Cartier

°24-056: AMEND THE PAY PLANS AND RATES OF PAY FOR ALL CERTIFIED POLICE CLASSIFICATIONS Introduced by: Ms. Hartley-Nagle

°24-057: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (“UNIFIED DEVELOPMENT CODE” OR “UDC”), ARTICLE 3 (“USE REGULATIONS”), ARTICLE 7 (“TRANSFER OF DEVELOPMENT RIGHTS AND OTHER INCENTIVES AND BONUSES”), ARTICLE 8 (“NONCONFORMING SITUATIONS”), ARTICLE 22 (“DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING”), ARTICLE 31 (“PROCEDURES AND ADMINISTRATION”) AND ARTICLE 33 (“DEFINITIONS”), REGARDING DEVELOPMENT AND REDEVELOPMENT Introduced by: Mr. Tackett, Ms. Kilpatrick

°24-058: AMENDING THE 2022 COMPREHENSIVE DEVELOPMENT PLAN UPDATE FOR NEW CASTLE COUNTY AND RELATED FUTURE LAND USE MAP Introduced by: Mr. Carter, Ms. Durham

°24-059: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), SECTION 40.03.410 (“ACCESSORY USES, RESIDENTIAL”) RELATING TO FENCE STANDARDS Introduced by: Mr. Cartier

E. Reports from Select and Special Committees

F. Consent Calendar

R24-090: CONGRATULATING COOPER PEDICONE ON ACHIEVING THE RANK OF EAGLE SCOUT Introduced by: Mr. Tackett

NOTE: If an item on the Consent Calendar is objected to by a Council member, or a member of the public wishes to obtain additional information about the candidate or proposed legislation, or if a

Councilmember intends to offer an amendment to a resolution, seek additional information, or state a conflict, it shall be removed from the Consent Calendar and voted upon separately.

G. Presentations

H. Consideration of Resolutions Removed from the Consent Calendar and Other Resolutions

R24-091: RESOLUTION APPROVING THE ISSUANCE OF CERTAIN BONDS OR NOTES BY FIVE POINTS FIRE COMPANY Introduced by: Mr. Toole

R24-092: (STATUS: TO BE TABLED UNTIL MAY 28, 2024) ADOPTING THE NEW CASTLE COUNTY CAPITAL PROGRAM FOR FISCAL YEAR 2025 THROUGH 2030 Introduced by: Mr. Smiley, Mr. Cartier

R24-093:PLAN OF THE OVERLOOK AT BAYBERRY; ST. GEORGES HUNDRED; NORTH SIDE OF BOYDS CORNER ROAD, APPROXIMATELY 1400 FEET WEST OF JAMISON CORNER ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO REZONE PARCEL 13-013.00-002 FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION), SUBDIVIDE THE PARCEL INTO 137 SINGLE FAMILY DETACHED LOTS AND 38 SINGLE FAMILY ATTACHED LOTS (175 TOTAL LOTS) USING THE OPEN SPACE PLANNED SUBDIVISION OPTION, AND TO CONSTRUCT A 4,000 SQUARE FOOT CLUBHOUSE WITH ASSOCIATED IMPROVEMENTS; ST ZONING; APPLICATION NO. 2021-0504-S/Z; COUNCIL DISTRICT 6 Introduced by: Mr. Carter

R24-094: (STATUS: TO BE TABLED UNTIL MAY 28, 2024) TO SET NEW CASTLE COUNTY'S FISCAL YEAR 2025 CONTRIBUTION RATE FOR THE COUNTY'S PENSION PLANS Introduced by: Mr. Smiley, Mr. Cartier

R24-088: (STATUS: TABLED) 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

R23-220: (STATUS: TABLED) PLAN OF LOGISTICENTER AT NEW CASTLE COUNTY; ST. GEORGES HUNDRED; SOUTHWESTERLY CORNER OF ROUTE 301 AND JAMISON CORNER ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A 1,409,850 SF WAREHOUSE AND A 962,000 SF WAREHOUSE WITH ASSOCIATED SITE IMPROVEMENTS; BP ZONING; APPLICATION NO. 2021-0470; COUNCIL DISTRICT 6 Introduced by: Mr. Carter

I. Consideration of Ordinances

°24-035: AMEND NEW CASTLE COUNTY CODE CHAPTER 7 ("PROPERTY MAINTENANCE CODE") Introduced by: Ms. George , Ms. Durham, Mr. Cartier

°24-036: AMEND *NEW CASTLE COUNTY CODE*, CHAPTER 2 AND CHAPTER 26, BY REALLOCATING THE ADMINISTRATION OF THE PENSION AND RETIREMENT SYSTEM FROM THE OFFICE OF HUMAN RESOURCES TO THE OFFICE OF FINANCE WITHIN THE DEPARTMENT OF ADMINISTRATION Introduced by: Mr. Cartier, Mr. Smiley

º24-037: AMEND THE GRANTS BUDGET: APPROPRIATE $137,650.40 IN ACTUAL PROGRAM INCOME AND $100,000.00 IN ANTICIPATED PROGRAM INCOME TO THE SUMMER RECREATION CAMPS GRANT Introduced by: Mr. Hollins, Mr. Street

°24-038: AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607 FOR THE CLASS SPECIFICATION OF ASSISTANT

PROCUREMENT AGENT FOR THE DEPARTMENT OF ADMINISTRATION, DIVISION OF TECHNOLOGY AND ADMINISTRATIVE SERVICES Introduced by: Ms. Hartley-Nagle

°24-039: AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE $299,595 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF PUBLIC SAFETY, GRANTS TO FIRE COMPANIES GRANTS AND FIXED CHARGES BUDGET LINE ITEM Introduced by: Mr. Smiley, Mr. Cartier, Mr. Bell, Ms.Hartley-Nagle

SUBSTITUTE NO. 3 TO °23-122: (STATUS: TABLED) 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

J. Time Sensitive Congratulatory/Honorary Resolutions

K. Introduction/Consideration of Emergency Ordinances

L. Public Comment/Other

M. Motion to Adjourn

AGENDA POSTED: April 2, 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 ZOOM 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.nccde.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.

MATTHEW MEYER
COUNTY EXECUTIVE
@NCCDE

87 READS WAY
NEW CASTLE, DE 19720
(302) 395-5118
mmeyer@nccde.org

MEMORANDUM

TO: President and Members of County Council

FROM: Matthew Meyer
County Executive

DATE: April 9, 2024

SUBJECT: Certification Memorandum

Pursuant to 9 *Del. C.* § 1158(c), I hereby certify to County Council the estimated yield from each item of revenue to be used in balancing the Fiscal Year 2025 Operating Budget.

GENERAL FUND ESTIMATES

REAL ESTATE TAXES	
Initial Annual Levy / Quarterly Adds	$138,830,000
Prior Year Taxes	850,000
Tax Penalties	575,000
Real Estate Taxes	**$140,255,000**
REALTY TRANSFER TAX	**$33,250,000**
HOTEL TAX	**$2,800,000**
SERVICE CHARGES AND FEES	
911 Reporting Fees	$1,111,705
Deeds and Instruments	6,158,000
Emergency Communications Reimbursement	209,400
FOIA Requests, Internet Printing/Copies	67,960
Impact Fees	400,000
Library Fines and Fees	95,000
Maintenance Corporation Fees	100,000
Miscellaneous Charges/Fees	332,700
Plan and Subdivision Reviews	1,320,000
Police Reports/Fines	507,500
Property Maintenance Fines/Fees	2,150,500
Recreation	1,480,466
Sheriff	1,750,000
Wills	3,721,150
Zoning Fees/Reviews	537,800
Service Charges and Fees	**$19,942,181**

LICENSES AND PERMITS	
Building Permits	$5,290,000
Business Licenses	750,000
Contractor Licenses	392,000
Marriage Licenses	260,000
Other Permits	672,000
Plumbing Permits	1,050,000
Licenses and Permits	**$8,414,000**
INVESTMENT INCOME, MISCELLANEOUS, RENTALS AND SALE OF ASSETS	
Interest Earnings	$7,020,400
Miscellaneous Fees and Income	3,438,276
Rentals and Sale of Assets	862,486
Investment Income, Miscellaneous, Rentals and Sale of Asset	**$11,321,162**
INTERGOVERNMENTAL REVENUES	
Department of Justice	$1,000,000
Payment in-lieu of Taxes / Donations	80,000
Realty Transfer Tax Fee	1,142,000
Indirect Cost Recovery	150,000
State Paramedic Reimbursement	8,075,500
RZEDB Interest Reimbursement	130,185
Intergovernmental Revenues	**$10,577,685**
USES OF AVAILABLE CASH BALANCES	$22,361,126
Subtotal: Sources of Funds	**$248,921,154**
LESS: INTERFUND CAPITAL TRANSFER	(7,811,421)
APPROPRIATED GENERAL FUND RESOURCES	***$241,109,733***

SPECIAL FUND ESTIMATES

Sewer Fund	
Sewer Service Charges	$74,745,745
Delinquent Charges	5,000,000
Capital Recovery Fees	9,164,080
F.O.G. Program Fees	120,000
Interest Earnings	1,000,000
Miscellaneous Fees and Income	179,000
Plans Review	428,000
RZEDB Interest Reimbursement	871,240
Septic Waste Hauler Fees	573,000
Stormwater/Groundwater Fees	1,080,000
Stormwater Maintenance Districts	56,945
Survey and Inspection Fees	241,700
Wastewater Discharge Fees	211,000
Subtotal - Sources of Sewer Fund Resources	**$93,670,710**
LESS: INTERFUND CAPITAL TRANSFER	(4,754,754)
Subtotal - Appropriated Sewer Fund Resources	**$88,915,956**
Street Light Fund	
Street Light Revenues	$7,877,484
Uses of Available Cash Balance	619,045
Subtotal - Appropriated Street Light Fund Resources	**$8,496,529**
Crossing Guard Fund	
School Crossing Guard Tax	$3,868,690
Uses of Available Cash Balance	37,000
Subtotal - Appropriated Street Light Fund Resources	**$3,905,690**
APPROPRIATED SPECIAL FUND RESOURCES	***$101,318,175***
TOTAL APPROPRIATED OPERATING BUDGET RESOURCES	**$342,427,908**

Reserve Accounts as of March 31, 2024	
Tax Stabilization Reserve Account	$63,193,549
Sewer Rate Stabilization Reserve Account	7,482,353
General Fund Budget Reserve Account	44,592,418
Sewer Fund Budget Reserve Account	18,872,304
Total Reserve Accounts as of March 31, 2024	**$134,140,624**

Prime Sponsor(s): Mr. Smiley
Date of Introduction: April 9, 2024

ORDINANCE NO. 24-044

AMENDING *NEW CASTLE COUNTY CODE* CHAPTER 2 ("ADMINISTRATION") RELATING TO CONTRACTS AND FUNDS

WHEREAS, the authority to appropriate funds, including towards contracts and agreements, resides within New Castle County Council, the legislative body of New Castle County government; and

WHEREAS, appropriated funds are to be used for the explicit purpose and use for which they were approved by County Council, unless otherwise subsequently approved; and

WHEREAS, it appears that clarity to this process would be helpful; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance and are reasonably and rationally related to legitimate government interests, including promotion of the public health, safety, welfare, and quality of life of present and future inhabitants of New Castle County.

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

Section 1. *New Castle County Code* Chapter 2 ("Administration"), Section 2.02.004 ("Approval of Contracts by County Council") is hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.

Sec. 2.02.004. - Approval of contracts by County Council.

A. *Prospective contract information…*

B. *Information regarding awarded contracts below $50,000*…

C. No contract which requires the approval of County Council shall be executed, nor shall any work be started there under, until approved by resolution of County Council. The following contracts shall require the approval of County Council:…

D. No contract executed on behalf of the County shall contain an "evergreen" provision whereby such contract would essentially renew itself without a specific ending date. Contracts may contain renewal provisions that permit an extension of the contract with the express, written agreement of both parties to the contract.

E. No funds approved by County Council in relation to a specific capital project and/or contract or agreement, or a specific use may be utilized for and/or transferred to another project, contract or agreement, or use without the explicit prior approval of County Council.

F. No contract or agreement relating to or including public arts may be entered into by New Castle County and/or the New Castle County Arts Commission without prior explicit approval of County Council. Furthermore, no County funds shall be directed or re-directed from another project or purpose to use for public arts or by the Arts Commission for any projects, contracts or agreements, and/or uses without the explicit prior approval of County Council.

Section 2. This Ordinance shall become effective upon passage by New Castle County Council and approval of the County Executive, or as otherwise provided in 9 *Del. C*. § 1156.

Adopted by the 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: This ordinance clarifies that no funds approved by New Castle County Council in relation to a specific capital project or contract, and/or a specific use may be utilized for and/or transferred to another project, contract, or use without the explicit prior approval of County Council. Additionally, this ordinance clarifies that no contract or agreement relating to or including public arts may be entered into by New Castle County and/or the New Castle County Arts Commission without prior explicit approval of County Council. Furthermore, no County funds may be directed or re-directed from another project or purpose to use for public arts or by the Arts Commission for any projects, contracts or agreements, and/or uses without the explicit prior approval of County Council.

FISCAL NOTE: There is no discernible fiscal impact upon the adoption of this legislation.

Prime Sponsor(s): Mr. Sheldon, Mr. Carter
Requested by: Public Works
Date of introduction: April 9, 2024

ORDINANCE NO. 24-045

AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE $2,223,018 OF SEWER RATE STABILIZATION RESERVE TO THE DEPARTMENT OF PUBLIC WORKS SEWER FUND COMMUNICATION AND UTILITIES BUDGET LINE ITEM FOR SEWER SERVICE

WHEREAS, New Castle County is responsible for 80% of the Wilmington Waste Treatment Plant operating costs; and

WHEREAS, the budget is set based upon the City of Wilmington's Operating Budget for the plant and each fiscal year there is a true up of the prior years actual costs; and

WHEREAS, during Fiscal Year 2024, the County paid the FY2023 true up which was not budgeted causing a shortfall in the department's budget line; and

WHEREAS, funding in the amount of $2,223,018 is needed for the May and June monthly sewer charge fee; and

WHEREAS, the revenue measures heretofore adopted by the County Council, are, in the opinion of the County Executive, estimated to yield sums at least sufficient to balance the proposed expenditures as set forth in the Approved Sewer Fund Annual Operating Budget as hereinafter amended.

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

Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2023, is hereby amended by deleting the material stricken and adding the material underscored on the attached "Exhibit A."

Section 2. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 2023, and shall be effective retroactively as though incorporated initially in the Annual Operating Budget.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by 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
New Castle County

SYNOPSIS: This Ordinance, if approved, will amend the FY2024 Approved Operating Budget by appropriating $2,223,018 from the Sewer Rate Stabilization Reserve to the Department of Public Works Sewer Fund Communication and Utilities Budget Line Item for sewer service.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Approved Operating Budget by appropriating $2,223,018 from the Sewer Rate Stabilization Reserve to the Department of Public Works Sewer Fund Communication and Utilities Budget Line Item for sewer service.

The revised FY2024 Approved Operating Budget will be $335,516,376. Fiscal impact for future years will be determined on an as-needed basis. The Sewer Fund Tax Stabilization Reserve balance (unaudited) upon passage of this Ordinance will be $6,261,142.

COUNTY COUNCIL			
Salaries and Wages		$	2,428,665
Benefits			1,428,590
Training and Civic Affairs			75,776
Communication and Utilities			17,849
Materials and Supplies			61,406
Contractual Services			253,148
Equipment			1,600
Grants and Fixed Charges			415,880
Operating Transfer Charges			162,309
Total		***$***	***4,845,223***
Total Authorized Full-Time Positions	***35***		
COUNTY EXECUTIVE			
Salaries and Wages		$	1,777,524
Benefits			1,045,578
Training and Civic Affairs			31,904
Communication and Utilities			18,399
Materials and Supplies			19,535
Contractual Services			526,540
Equipment			1,000
Grants and Fixed Charges			1,140,525
Contingency			9,500
Operating Transfer Charges			82,016
Total		***$***	***4,652,521***
Total Authorized Full-Time Positions	***16***		
DEPARTMENT OF ADMINISTRATION			
Salaries and Wages		$	12,203,612
Benefits			8,338,475
Training and Civic Affairs			132,625
Communication and Utilities			8,309,564
Materials and Supplies			157,505
Contractual Services			6,843,162
Equipment			387,056
Grants and Fixed Charges			3,925,350
Operating Transfer Charges			1,163,553
Operating Transfer Credits			(12,098,321)
Total		***$***	***27,445,578***
Total Authorized Full-Time Positions	***172***		

DEPARTMENT OF PUBLIC WORKS			
Salaries and Wages			$ 24,597,539
Benefits			14,348,323
Training and Civic Affairs			52,527
Communication and Utilities		~~24,784,106~~	27,007,124
Materials and Supplies			4,972,810
Contractual Services			10,598,055
Equipment			475,133
Grants and Fixed Charges			1,193,757
Land and Structures			35,000
Operating Transfer Charges			4,845,206
Operating Transfer Credits			(7,438,785)
Total		***~~78,463,671~~***	***$ 80,686,689***
Total Authorized Full-Time Positions	***384***		
DEPARTMENT OF LAND USE			
Salaries and Wages			$ 8,375,178
Benefits			4,899,879
Training and Civic Affairs			68,665
Communication and Utilities			111,337
Materials and Supplies			112,807
Contractual Services			1,586,618
Equipment			48,540
Grants and Fixed Charges			56,500
Operating Transfer Charges			1,136,835
Operating Transfer Credits			(803,217)
Total			***$ 15,593,142***
Total Authorized Full-Time Positions	***118***		
DEPARTMENT OF COMMUNITY SERVICES			
Salaries and Wages			$ 11,772,687
Benefits			5,320,582
Training and Civic Affairs			27,392
Communication and Utilities			1,012,976
Materials and Supplies			1,398,563
Contractual Services			2,283,206
Equipment			24,317
Grants and Fixed Charges			3,110,149
Operating Transfer Charges			1,232,337
Operating Transfer Credits			(190,829)
Total			***$ 25,991,380***
Total Authorized Full-Time Positions	***160***		

DEPARTMENT OF PUBLIC SAFETY		
Salaries and Wages		$ 67,203,955
Benefits		39,141,888
Training and Civic Affairs		178,869
Communication and Utilities		1,032,202
Materials and Supplies		1,020,497
Contractual Services		2,194,206
Equipment		1,471,072
Grants and Fixed Charges		6,492,175
Operating Transfer Charges		7,298,634
Total		***$ 126,033,498***
Total Authorized Full-Time Positions	***711***	

REGISTER OF WILLS		
Salaries and Wages		$ 1,111,172
Benefits		634,647
Training and Civic Affairs		35,275
Communication and Utilities		12,374
Materials and Supplies		9,925
Contractual Services		61,175
Equipment		4,143
Operating Transfer Charges		85,180
Total		***$ 1,953,891***
Total Authorized Full-Time Positions	***20***	

RECORDER OF DEEDS			
Salaries and Wages		$	1,232,844
Benefits			712,707
Training and Civic Affairs			40,170
Communication and Utilities			30,977
Materials and Supplies			9,315
Contractual Services			93,801
Equipment			1,150
Grants and Fixed Charges			18,350
Operating Transfer Charges			148,002
Total		$	***2,287,316***
Total Authorized Full-Time Positions	***23***		

SHERIFF			
Salaries and Wages		$	1,260,692
Benefits			737,678
Training and Civic Affairs			29,452
Communication and Utilities			16,189
Materials and Supplies			21,259
Contractual Services			55,999
Equipment			5,000
Operating Transfer Charges			144,938
Total		***$***	***2,271,207***
Total Authorized Full-Time Positions	***21***		

CLERK OF THE PEACE			
Salaries and Wages		$	474,736
Benefits			279,250
Training and Civic Affairs			14,130
Communication and Utilities			5,168
Materials and Supplies			5,424
Contractual Services			30,043
Equipment Replacement			6,000
Operating Transfer Charges			31,776
Total		***$***	***846,527***
Total Authorized Full-Time Positions	***7***		

DEBT SERVICE			
Debt Service		$	45,540,069
Land and Structures			
Contingency			
Intragovernmental Service Charges			
Intragovernmental Service Credits			
Total		***$***	***45,540,069***
Total Authorized Full-Time Positions			

ETHICS COMMISSION			
Salaries and Wages		$	38,000
Benefits			3,385
Training and Civic Affairs			10,500
Communication and Utilities			1,922
Materials and Supplies			2,450
Contractual Services			290,642
Equipment			500
Operating Transfer Charges			6,699
Total		***$***	***354,098***
Total Authorized Full-Time Positions	***0***		
COUNCIL CONTINGENCY			
Contingency		$	250,000
Total		***$***	***250,000***
Total Authorized Full-Time Positions			
EXECUTIVE CONTINGENCY			
Contingency		$	0
Total		***$***	***0***
Total Authorized Full-Time Positions			
PERSONNEL CONTINGENCY			
Contingency		$	455,000
Total		***$***	***455,000***
Total Authorized Full-Time Positions			
ATTRITION CONTINGENCY			
Personal Services - Salaries and Wages		$	(4,293,340)
Personal Services - Employee Benefits		$	(2,525,429)
Total		***$***	***(6,818,769)***
Total Authorized Full-Time Positions			
ONE-TIME CONTINGENCY			
Contingency		$	1,212,003
Total		***$***	***1,212,003***

NEW CASTLE COUNTY		
Salaries and Wages		$ 128,183,264
Benefits		74,365,553
Training and Civic Affairs		697,285
Communication and Utilities	~~35,353,063~~	37,576,081
Materials and Supplies		7,791,496
Contractual Services		24,816,595
Equipment		2,425,511
Grants and Fixed Charges		16,352,686
Debt Service		45,540,069
Land and Structures		35,000
Contingency		1,926,503
Operating Transfer Charges		16,337,485
Operating Transfer Credits		(20,531,152)
Sub-Total New Castle County	***~~333,293,358~~***	***$ 335,516,376***
Total Authorized Full-Time Positions 1,667		

RESERVE ACCOUNTS AS OF MARCH 12, 2024		
Tax Stabilization Reserve Account (Unaudited)		72,358,702
Sewer Rate Stabilization Reserve Account (Unaudited)	~~8,484,160~~	6,261,142
General Fund Budget Reserve Account		44,592,418
Sewer Fund Budget Reserve Account		18,872,304
Total Reserves:	***~~144,307,584~~***	***142,084,566***

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: April 9, 2024

ORDINANCE NO. 24-046

AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE $1,800,000 IN ROOM RENTAL FEES AND $626,115 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT (HOPE CENTER SUB-FUND) TO THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING TO FUND HOPE CENTER OPERATIONS

WHEREAS, the Department of Community Services hired Hersha Management "the vendor" to provide property management and operational services for the Hope Center in 2021; and

WHEREAS, the vendor has being receiving revenue and paying for the operational costs from a checking account opened on behalf of New Castle County by the vendor; and

WHEREAS, the revenue received and expended from the checking account must be recorded in the County's annual financial statements and the County's financial system; and

WHEREAS, appropriations in the amount of $2,426,115 are necessary to record the revenues and reflect the expenditures for the operations of the Hope Center for FY2024 to comply with County Code; and

WHEREAS, funding in the amount of $1,800,000 will come from room rental fees and $626,115 will come from the General Fund Stabilization Reserve Account (Hope Center Sub-fund); and

WHEREAS, the revenue measures heretofore adopted by the County Council, are, in the opinion of the County Executive, estimated to yield sums at least sufficient to balance the proposed expenditures as set forth in the Approved Annual Operating Budget as hereinafter amended.

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

Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2023, is hereby amended by deleting the material stricken and adding the material underscored on the attached "Exhibit A."

Section 2. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 2023, and shall be effective retroactively as though incorporated initially in the Annual Operating Budget.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by 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
New Castle County

SYNOPSIS: This Ordinance, if approved, amends the FY2024 Approved Operating Budget by appropriating $1,800,000 from room rental fees and $626,115 from the General Fund Tax Stabilization Reserve Account (Hope Center Subfund) to the Department of Community Services, Division of Community Development and Housing. These funds are needed to fund the operations at the Hope Center.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Approved Operating Budget by appropriating $1,800,000 from room rental fees and $626,115 from the General Fund Tax Stabilization Reserve Account (Hope Center Subfund) to the Department of Community Services, Division of Community Development and Housing. These funds are needed to fund the operations at the Hope Center.

The revised FY2024 Approved Operating Budget will be $335,719,473. Fiscal impact for future years will be determined on an as needed basis. The General Fund Tax Stabilization Reserve balance (unaudited) upon passage of this Ordinance will be $71,732,587.

COUNTY COUNCIL		
Salaries and Wages		$ 2,428,665
Benefits		1,428,590
Training and Civic Affairs		75,776
Communication and Utilities		17,849
Materials and Supplies		61,406
Contractual Services		253,148
Equipment		1,600
Grants and Fixed Charges		415,880
Operating Transfer Charges		162,309
Total		***$ 4,845,223***
Total Authorized Full-Time Positions	***35***	

COUNTY EXECUTIVE		
Salaries and Wages		$ 1,777,524
Benefits		1,045,578
Training and Civic Affairs		31,904
Communication and Utilities		18,399
Materials and Supplies		19,535
Contractual Services		526,540
Equipment		1,000
Grants and Fixed Charges		1,140,525
Contingency		9,500
Operating Transfer Charges		82,016
Total		***$ 4,652,521***
Total Authorized Full-Time Positions	***16***	

DEPARTMENT OF ADMINISTRATION		
Salaries and Wages		$ 12,203,612
Benefits		8,338,475
Training and Civic Affairs		132,625
Communication and Utilities		8,309,564
Materials and Supplies		157,505
Contractual Services		6,843,162
Equipment		387,056
Grants and Fixed Charges		3,925,350
Operating Transfer Charges		1,163,553
Operating Transfer Credits		(12,098,321)
Total		***$ 27,445,578***
Total Authorized Full-Time Positions	***172***	

DEPARTMENT OF PUBLIC WORKS			
Salaries and Wages		$	24,597,539
Benefits			14,348,323
Training and Civic Affairs			52,527
Communication and Utilities			24,784,106
Materials and Supplies			4,972,810
Contractual Services			10,598,055
Equipment			475,133
Grants and Fixed Charges			1,193,757
Land and Structures			35,000
Operating Transfer Charges			4,845,206
Operating Transfer Credits			(7,438,785)
Total		***$***	***78,463,671***
Total Authorized Full-Time Positions	***384***		
DEPARTMENT OF LAND USE			
Salaries and Wages		$	8,375,178
Benefits			4,899,879
Training and Civic Affairs			68,665
Communication and Utilities			111,337
Materials and Supplies			112,807
Contractual Services			1,586,618
Equipment			48,540
Grants and Fixed Charges			56,500
Operating Transfer Charges			1,136,835
Operating Transfer Credits			(803,217)
Total		***$***	***15,593,142***
Total Authorized Full-Time Positions	***118***		
DEPARTMENT OF COMMUNITY SERVICES			
Salaries and Wages		$	11,772,687
Benefits			5,320,582
Training and Civic Affairs	~~27,392~~		27,692
Communication and Utilities	~~1,012,976~~		1,181,476
Materials and Supplies	~~1,398,563~~		1,539,563
Contractual Services	~~2,283,206~~		4,399,521
Equipment			24,317
Grants and Fixed Charges			3,110,149
Operating Transfer Charges			1,232,337
Operating Transfer Credits			(190,829)
Total	***~~25,991,380~~***	***$***	***28,417,495***
Total Authorized Full-Time Positions	***160***		

DEPARTMENT OF PUBLIC SAFETY		
Salaries and Wages		$ 67,203,955
Benefits		39,141,888
Training and Civic Affairs		178,869
Communication and Utilities		1,032,202
Materials and Supplies		1,020,497
Contractual Services		2,194,206
Equipment		1,471,072
Grants and Fixed Charges		6,492,175
Operating Transfer Charges		7,298,634
Total		***$ 126,033,498***
Total Authorized Full-Time Positions	***711***	

REGISTER OF WILLS		
Salaries and Wages		$ 1,111,172
Benefits		634,647
Training and Civic Affairs		35,275
Communication and Utilities		12,374
Materials and Supplies		9,925
Contractual Services		61,175
Equipment		4,143
Operating Transfer Charges		85,180
Total		***$ 1,953,891***
Total Authorized Full-Time Positions	***20***	

RECORDER OF DEEDS			
Salaries and Wages		$	1,232,844
Benefits			712,707
Training and Civic Affairs			40,170
Communication and Utilities			30,977
Materials and Supplies			9,315
Contractual Services			93,801
Equipment			1,150
Grants and Fixed Charges			18,350
Operating Transfer Charges			148,002
Total		$	***2,287,316***
Total Authorized Full-Time Positions	***23***		

SHERIFF			
Salaries and Wages		$	1,260,692
Benefits			737,678
Training and Civic Affairs			29,452
Communication and Utilities			16,189
Materials and Supplies			21,259
Contractual Services			55,999
Equipment			5,000
Operating Transfer Charges			144,938
Total		***$***	***2,271,207***
Total Authorized Full-Time Positions	***21***		

CLERK OF THE PEACE			
Salaries and Wages		$	474,736
Benefits			279,250
Training and Civic Affairs			14,130
Communication and Utilities			5,168
Materials and Supplies			5,424
Contractual Services			30,043
Equipment Replacement			6,000
Operating Transfer Charges			31,776
Total		***$***	***846,527***
Total Authorized Full-Time Positions	***7***		

DEBT SERVICE			
Debt Service		$	45,540,069
Land and Structures			
Contingency			
Intragovernmental Service Charges			
Intragovernmental Service Credits			
Total		***$***	***45,540,069***
Total Authorized Full-Time Positions			

ETHICS COMMISSION			
Salaries and Wages		$	38,000
Benefits			3,385
Training and Civic Affairs			10,500
Communication and Utilities			1,922
Materials and Supplies			2,450
Contractual Services			290,642
Equipment			500
Operating Transfer Charges			6,699
Total		***$***	***354,098***
Total Authorized Full-Time Positions	***0***		
COUNCIL CONTINGENCY			
Contingency		$	250,000
Total		***$***	***250,000***
Total Authorized Full-Time Positions			
EXECUTIVE CONTINGENCY			
Contingency		$	0
Total		***$***	***0***
Total Authorized Full-Time Positions			
PERSONNEL CONTINGENCY			
Contingency		$	455,000
Total		***$***	***455,000***
Total Authorized Full-Time Positions			
ATTRITION CONTINGENCY			
Personal Services - Salaries and Wages		$	(4,293,340)
Personal Services - Employee Benefits		$	(2,525,429)
Total		***$***	***(6,818,769)***
Total Authorized Full-Time Positions			
ONE-TIME CONTINGENCY			
Contingency		$	1,212,003
Total		***$***	***1,212,003***

NEW CASTLE COUNTY		
Salaries and Wages		$ 128,183,264
Benefits		74,365,553
Training and Civic Affairs	~~697,285~~	697,585
Communication and Utilities	~~35,353,063~~	35,521,563
Materials and Supplies	~~7,791,496~~	7,932,496
Contractual Services	~~24,816,595~~	26,932,910
Equipment		2,425,511
Grants and Fixed Charges		16,352,686
Debt Service		45,540,069
Land and Structures		35,000
Contingency		1,926,503
Operating Transfer Charges		16,337,485
Operating Transfer Credits		(20,531,152)
Sub-Total New Castle County	***~~333,293,358~~***	***$ 335,719,473***
Total Authorized Full-Time Positions 1,667		

RESERVE ACCOUNTS AS OF MARCH 12, 2024		
Tax Stabilization Reserve Account (Unaudited)	~~72,358,702~~	71,732,587
Sewer Rate Stabilization Reserve Account (Unaudited)		8,484,160
General Fund Budget Reserve Account		44,592,418
Sewer Fund Budget Reserve Account		18,872,304
Total Reserves:	***~~144,307,584~~***	***143,681,469***

Prime Sponsor(s): Mr. Bell, Ms. Hartley-Nagle
Requested by: Public Safety/Police
Date of introduction: April 9, 2024

ORDINANCE NO. 24-047

**AMEND THE GRANTS BUDGET:
APPROPRIATE $26,576.00 FROM THE STATE OF DELAWARE, DEPARTMENT OF JUSTICE – SPECIAL LAW ENFORCEMENT ASSISTANCE FUND (SLEAF) TO THE SLEAF FUMING CABINET GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE**

WHEREAS, funding has been awarded from the State of Delaware, Department of Justice-Special Law Enforcement Assistance Fund (SLEAF), to the New Castle County Department of Public Safety SLEAF Fuming Cabinet Grant; and

WHEREAS, this funding will be used by the New Castle County Department of Public Safety, Division of Police for the purchase of a Fuming Cabinet to be used by the Evidence Detection Unit (EDU); and

WHEREAS, the County Executive has determined that funds received are sufficient to cover the increase in the Grants Budget as hereinafter amended; and

WHEREAS, Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order prosperity and/or welfare of the present and future inhabitants of this State).

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

Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby amended by adding the material on the attached “Exhibit A,” which is considered to be underscored in its entirety.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to December 13, 2023.

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
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $26,576.00 from the State of Delaware, Department of Justice-Special Law Enforcement Assistance Fund (SLEAF) to the SLEAF Fuming Cabinet Grant. These funds will be used by the New Castle County Department of Public Safety, Division of Police for the purchase of a Fuming Cabinet to be used by the Evidence Detection Unit (EDU).

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to December 13, 2023.

FISCAL NOTE: This Ordinance, if approved, will appropriate $26,576.00 from the State of Delaware, Department of Justice-Special Law Enforcement Assistance Fund (SLEAF) to the SLEAF Fuming Cabinet Grant. These funds will be used by the New Castle County Department of Public Safety, Division of Police for the purchase of a Fuming Cabinet to be used by the Evidence Detection Unit (EDU).

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of $26,576.00. This increase will impact FY2024 only, since the targeted program completion date of this award is June 30, 2024. There will be no fiscal impact beyond FY2024 as a result of this grant award.

DEPARTMENT: Public Safety **EXHIBIT:** "A"

GRANT TITLE: SLEAF Fuming Cabinet **Ordinance No. 24-047**

PROGRAM TITLE: SLEAF Fuming Cabinet

Revenue	Current	Change	Revised
Federal	$ -	$ -	$ -
State	$ 26,576.00	$ -	$ 26,576.00
County	$ -	$ -	$ -
Program Income	$ -	$ -	$ -
Other	$ -	$ -	$ -
Total	$ 26,576.00	$ -	$ 26,576.00

Expense	Current	Change	Revised
Salaries and Wages	$ -	$ -	$ -
Benefits	$ -	$ -	$ -
Training/Civic Affairs	$ -	$ -	$ -
Communication/Utilities	$ -	$ -	$ -
Materials/Supplies	$ -	$ -	$ -
Contractual Services	$ -	$ -	$ -
Equipment	$ 26,576.00	$ -	$ 26,576.00
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ -	$ -	$ -
Operating Transfer Credits	$ -	$ -	$ -
Total	$ 26,576.00	$ -	$ 26,576.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 12/13/2023

Estimated Program Completion: 6/30/2024

The Local Match: **Found in (ORG):**

Ordinance Passed: **Date Revised:**

PROGRAM DESCRIPTION:

Funding will allow for the purchase of a Fuming Cabinet to be used by the Evidence Detection Unit (EDU).

4/9/2024

Prime sponsor(s): Ms. Kilpatrick
Date of introduction: April 9, 2024

ORDINANCE NO. 24-048

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 22 ("OFFENSES AND MISCELLANEOUS PROVISIONS"), SECTION 22.02.008 ("NOISE CONTROL") RELATING TO REFUSE

WHEREAS, limiting noise disturbances within New Castle County is vitally important to maintaining a high quality of life in our neighborhoods; and

WHEREAS, it is important that New Castle County adopt and robustly enforce noise regulations in residential areas in the County to ensure the safety and welfare of its residents; and

WHEREAS, given the noise that is produced when garbage and rubbish (*i.e.*, refuse) are collected, it is important that regulations related thereto are thoughtful and consistent; and

WHEREAS, the permissible time frame for garbage and rubbish collection in residential neighborhoods currently allowed under *County Code* is inconsistent with the time frame established under State law; and

WHEREAS, it is important that the provisions of *County Code* be consistent with, and not conflict with, the *Delaware Code* and related regulations which govern garbage and rubbish collection; and

WHEREAS, it is in the best interests of New Castle County and its residents that the County consistently regulate noise disturbances in residential areas in a manner that preserves the welfare, safety, and integrity of neighborhoods in New Castle County.

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

Section 1. *New Castle County Code* Chapter 22 ("Offenses and Miscellaneous Provisions"), Section 22.02.008 ("Noise Control") is hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.

Sec. 22.02.008. - Noise Control.

…

B. *Noise disturbances prohibited.*

2. *Specific prohibitions.* It shall be unlawful for any person to make, continue or cause to be made or continued any noise disturbances in the County in any of the following manners:

i. Refuse *compacting vehicles.* Operating or permitting to be operated any motor vehicle which can compact refuse and which creates, during the compacting cycle, a sound pressure level in excess of ~~ninety-four (94)~~ 94 dB(A) when measured at ~~fifty (50) feet~~ 50' from any point of the vehicle or operating such a vehicle between the hours of ~~8:30~~ 10:00 p.m. and ~~6:00~~ 7:00 a.m. the following day in residential districts.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by 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: This Ordinance amends *New Castle County Code* Section 22.02.008, Noise Control, regarding refuse collection and the permissible time period for such collection to ensure that the provisions in the *New Castle County Code* are consistent with the provisions mandated in the *Delaware Code* and related regulations.

FISCAL NOTE: There is no discernible fiscal impact with the adoption of this Ordinance.

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Sheriff's Office
Date of introduction: April 9, 2024

ORDINANCE NO. 24-049

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 ("ADMINISTRATION"), ARTICLE 3 ("OFFICERS AND EMPLOYEES") TO MODIFY CERTAIN FEES CHARGED BY NEW CASTLE COUNTY SHERIFF'S OFFICE

WHEREAS, pursuant to 9 *Del. C.* § 8733(d) and 10 *Del. C.* § 8702(c) the fees charged by the Sheriff in any sheriff's sale must be approved by County Council; and

WHEREAS, County Council's approval of such fees is reflected in *New Castle County Code* Chapter 2 ("Administration"), Article 3 ("Officers and Employees"), Division 2.03.000("Generally"), Section 2.03.005 ("Fees for Sheriff's Office"); and

WHEREAS, the Sheriff has identified changes to *New Castle County Code* Chapter 2 ("Administration"), Article 3 ("Officers and Employees"), Division 2.03.000 ("Generally"), Section 2.03.005 ("Fees for Sheriff's Office") that are necessary to conform that provision to current practices, to adjust for increases in service costs and to consolidate the fee schedule.

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

Section 1. *New Castle County Code* Chapter 2 ("Administration"), Article 3 ("Officers and Employees"), Division 2.03.000 ("Generally"), Section 2.03.005 ("Fees for Sheriff's Office"), is hereby amended by adding the material that is underscored and deleting the material that is stricken as set forth below:

Sec. 2.03.005. Fees for Sheriff's Office.

The fees of the Sheriff, for the services specified, shall be as follows:

~~A. In cases in the Superior Court of the State.~~

~~1.For serving writ of summons and complaint on each defendant at separate address .....$30.00. For each additional defendant at same address .....5.00~~

~~2.For serving amended complaint, alias summons and complaint, and for each subsequent pluries summons and complaint thereafter .....30.00~~

~~3.For levying on goods and chattels and making inventory, causing appraisement, and making return .....50.00Additional service beyond one (1) hour (per deputy per hour) .....50.00~~

~~4.For serving and returning subpoena to give evidence or to bring papers for each person summoned both in civil or criminal actions for the first such filing and subsequent filing .....15.00~~

~~5.A reasonable allowance for the expense of keeping goods and chattels seized upon execution or attachment as made by the Court. .....~~

~~6.For serving alias scire facias sur mortgage (includes postage) .....40.00~~
~~Additional defendant at same address (includes postage) .....20.00~~

~~7.For set up and services performed in executing a writ of replevin .....75.00~~
~~Additional service beyond one (1) hour (per deputy per hour) .....50.00~~

~~8.Four (4) percent on amount of the winning bid when selling goods and chattels on execution, except that the amount paid under this Subsection shall not be less than fifty dollars ($50.00).~~

~~9.For levying upon lands and tenements for each address .....50.00~~

~~10.Such costs, charges, fees, premiums, and allowances as shall be fixed and determined by the various vendors and the Sheriff for the following: (i) advertising sale of lands and tenements; (ii) advertising in two (2) newspapers and handbills under 10 Del. C. § 4973 (Notice of public sale of real estate); (iii) advertising, selling or auctioning, under order of a court or a judge, goods and chattels, lands and tenements.~~

~~11.Four (4) percent on amount of the winning high bid when selling lands and tenements on execution, except that the total amount paid under this Subsection shall not exceed ten thousand dollars ($10,000.00) and shall not be less than five hundred dollars ($500.00).~~

~~Purchase deposits shall be twenty (20) percent on a mortgage foreclosure and full payment (one hundred (100) percent) at the time of a monition sale, and shall be non-refundable, unless otherwise ordered by the Court.~~

~~The Sheriff's Office will retain five hundred dollars ($500.00) of any deposit that is forfeited under court order.~~

~~The Sheriff's Office will retain five hundred dollars ($500.00) of any deposit where final payment is not received on or before the stated due date.~~

~~12.Such fees as allowed by the Court for forcible entry and detainer.~~

~~13.The same fees as for like services upon execution process generally for executing a writ or levying costs of a contested election for the General Assembly.~~

~~14.For serving each writ, process or notice on behalf of any State agency .....$15.00~~

~~15.For a copy (paper or electronic) of the Sheriff sale list .....20.00~~

~~16.Auctioneer fee, when applicable, for each sale performed during the Sheriff sale .....30.00~~

~~17.There shall be no mileage fees charged in connection with any Superior Court case charges.~~

~~18.For serving and returning attachment fieri facias on each defendant (per address) .....30.00~~

~~19.For services performed in executing a writ of possession or ejectment .....100.00. Additional service beyond one (1) hour (per deputy per hour) .....50.00~~

~~20.For the service of a civil capias, to be levied upon the law firm or individual requesting the capias .....50.00~~

~~21.Pre-paid deposit by a plaintiff requesting an execution sale of real property, with costs to be assessed against the deposit: 355.00/362.50 (depending upon location of property).~~

~~22.For photocopies or electronic delivery (per page) .....1.00~~

~~23.Special services: For an extra deputy sheriff (including vehicle, per deputy per hour) .....50.00~~

~~24.For scheduling and executing a goods and chattels sale (inclusive; charged whether the property is stayed or sold) .....100.00 Additional service beyond one (1) hour (per deputy per hour) .....50.00~~

~~25.For scheduling and executing a lands and tenements Sheriff sale, one hundred fifty dollars ($150.00) to be charged against the three hundred fifty-five dollar ($355.00) or three hundred sixty-two dollar and fifty cent ($362.50) deposit when the property is scheduled for sale; charged whether the property is stayed or sold.~~

A. In cases in the Superior, Chancery, and Common Pleas Courts of the State of Delaware.

1. For serving writ of summons and complaint on each defendant at separate address…..$40.00
   For each additional defendant at same address…..$10.00

2. For serving amended complaint, alias summons and complaint, and for each subsequent pluries summons and complaint thereafter…..$40.00
   For each additional defendant at same address…..$10.00

3. For serving any alias scire facias sur action (includes postage)…..$50.00. Additional defendant at same address (includes postage)…..$25.00

4. For serving and returning restraining order or subpoena to give evidence or to bring papers both in civil or criminal actions for the first such filing and subsequent filing (per person/entity summoned)…..$20.00

5. For set up and services performed in executing a writ of replevin…..$100.00. Additional service beyond one (1) hour (per deputy per hour)…..$75.00

6. For services performed in executing a writ of possession or ejectment….100.00. Additional service beyond one (1) hour (per deputy per hour)…..$75.00

7. For serving and returning fieri facias action (wage/garnishment/attachment) on each defendant (per address)…..$40.00

8. For levying on goods and chattels and making inventory, and making return….. $75.00. Additional service beyond one (1) hour (per deputy per hour)…..$75.00

9. A reasonable allowance for the expense of keeping goods and chattels seized upon execution or attachment as made by the Court.

10. For levying upon lands and tenements for each address…..$50.00

11. Such fees as allowed by the Court for forcible entry and detainer.

12. For scheduling and executing a goods and chattels sale (inclusive; charged whether the property is stayed or sold)…..$100.00. Additional service beyond one (1) hour (per deputy per hour)….. $75.00

13. Four (4) percent on amount of the winning bid when selling goods and chattels on execution, except that the amount paid under this Subsection shall not be less than fifty dollars…..$50.00

14. Pre-paid deposit by a plaintiff requesting an execution sale of real property, with costs to be assessed against the deposit…..$350.00 - $375.00 (depending upon location of property and advertising costs)

15. For scheduling and executing a lands and tenements Sheriff sale….. $175.00 (to be charged against the $350.00 to $375.00 deposit when the property is scheduled for sale; charged whether the sale is stayed or property sold).

16. Such costs, charges, fees, premiums, and allowances as shall be fixed and determined by the various vendors and the Sheriff for the following: (i) advertising sale of lands and tenements; (ii) advertising in two (2) newspapers and handbills under 10 Del. C. § 4973 (Notice of public sale of real estate); (iii) advertising, selling or auctioning, under order of a court or a judge, goods and chattels, lands and tenements.

17. Auctioneer fee, when applicable, for each sale performed during the Sheriff sale…..$30.00

18. Four (4) percent on amount of the winning high bid when selling lands and tenements on execution, except that the total amount paid under this Subsection shall not be less than $700.00 and shall not exceed $15,000.00.

Purchase deposits shall be twenty (20) percent on mortgage foreclosure and judgment and full payment at the time of a monition (tax) sale, and shall be non-refundable, unless otherwise ordered by the Court.

The Sheriff's Office will be paid $500.00 where the sheriff sale is set aside, for any reason, by the court.

The Sheriff's Office will receive $500.00 of any deposit where final payment is not received from the Buyer/Assignee on or before the stated due date.

19. Service Fee for executing an assignment of bid 0.25% of the high bid amount with a minimum of $125.00 (per assignment).

20. For serving each writ, process or notice on behalf of any State agency…..$20.00

21. For the service of a civil capias, to be levied upon the law firm or individual requesting the capias…..$100.00

22. The same fees as for like services upon execution process generally for executing a writ or levying costs of a contested election for the General Assembly.

23. There shall be no mileage charged in connection with any case charges.

24. Special services: For an extra deputy sheriff (including vehicle, per deputy per hour)…..$75.00

25. Additional compensation to be allowed by the court for other extra services.

26. For photocopies or electronic delivery (per page)…..$1.00

27. For a copy (paper or electronic) of the Sheriff sale list…..$20.00

~~B. In cases in the Chancery Court of the State.~~

~~1. Serving and returning restraining order or subpoena in Chancery (per defendant)….$15.00~~

~~2. For serving writ of summons and complaint on each defendant at separate addresses….30.00~~
~~For each additional defendant at same address….5.00~~

~~3. For serving an amended document, alias document, and for each subsequent pluries document….30.00~~

~~4. For photocopies or electronic delivery (per page)….1.00~~

~~5. Additional compensation to be allowed by the Chancellor for other extra services.~~

~~6. Such costs, charges, fees, premiums, and allowances as shall be fixed and determined by the various vendors and the Sheriff for the following: (i) advertising sale of lands and tenements; (ii) advertising in two (2) newspapers and handbills under 10 Del. C. § 4973 (Notice of public sale of real estate); (iii) advertising, selling or auctioning, under order of a court or judge, goods and chattels, lands and tenements.~~

~~7. Four (4) percent on amount of the winning high bid when selling lands and tenements on execution, except that the total amount paid under this Subsection shall not exceed ten thousand dollars ($10,000.00) and shall not be less than five hundred dollars ($500.00).~~

~~Purchase deposits shall be twenty (20) percent on mortgage foreclosure and full payment at the time of a monition sale, and shall be non-refundable, unless otherwise ordered by the Courts.~~

~~The Sheriff's Office will retain five hundred dollars ($500.00) of any deposit that is forfeited under court order.~~

~~The Sheriff's Office will retain five hundred dollars ($500.00) of any deposit where final payment is not received on or before the stated due date.~~

~~8. Such fees as allowed by the Court for forcible entry and detainer.~~

~~9. Auctioneer fee, when applicable, for each sale performed during the Sheriff sale….30.00~~

~~10. For services performed in executing a writ of possession or ejectment…100.00~~
~~Additional services beyond one (1) hour (per deputy per hour)….50.00~~

~~11. Pre-paid deposit by a plaintiff requesting an execution sale of real property, with costs to be assess against the deposit: 355.00/362.50 (depending upon location of property)….~~

~~12. For scheduling and executing a lands and tenements Sheriff sale, one hundred fifty dollars ($150.00) to be charged against the three hundred fifty five dollar ($355.00) or three~~

~~hundred sixty two dollar and fifty cent ($362.50 375.00) deposit when the property is scheduled for sale; charged whether the property is stayed or sold.~~

~~C. In cases in the Court of Common Pleas~~

1. ~~For serving writ of summons and complaint on each defendant at separate addresses….$30.00~~
   ~~Additional defendant at same address….5.00~~

2. ~~For serving writ of alias summons and complaint for each subsequent pluries summons and complaint thereafter….30.00~~
   ~~Additional defendant at same address….5.00~~

3. ~~For levying on goods and chattels or lands and tenements and making inventory, causing appraisement, and making return….50.00~~
   ~~Additional service beyond one (1) hour (per deputy per hour)….50.00~~

4. ~~For serving and returning subpoena to give evidence or to bring papers for each person summoned both in civil or criminal actions for the first such filing and each subsequent filing on the same person in the same case….15.00~~

5. ~~There shall be no mileage charged in connection with the Court of Common Pleas case charges….~~

6. ~~For services performed in executing a writ of possession or ejectment….100.00~~
   ~~Additional service beyond one (1) hour (per deputy per hour)….50.00~~

7. ~~For photocopies or electronic delivery (per page)….1.00~~

8. ~~Special services: For an extra deputy sheriff (including vehicle, per deputy per hour)….50.00~~

9. ~~For scheduling and executing a goods and chattels sale (inclusive; charged whether the property is stayed or sold)….~~100.00
   ~~For each additional deputy per hour….50.00~~

10. ~~For serving and returning attachment fieri facias on each defendant per address….30.00~~

11. ~~For set up and services performed in executing a writ of replevin….75.00~~
    ~~Additional service beyond one (1) hour (per deputy per hour)….50.00~~

~~D~~B. In cases from a court not within the State of Delaware.

1. Serving and processing writs from other states within the United States (per address; includes affidavit of service)…..~~$75.00~~ $85.00
   Additional defendants at same address…..~~5.00~~ $10.00

2. Serving and processing writs from the territories of the United States or outside of the United States (per address; includes affidavit of service)…..~~90.00~~ $105.00
   Additional defendants at same address…..~~5.00~~ $10.00

~~E~~C. All other services and documents not specifically enumerated in this Section….~~$30.00~~ $40.00

~~F~~D. Collections fees for returned payments.

1. Ther Sheriff shall assess and collect from the presenter a fee of thirty-five dollars ($35.00) whenever it is presented with a payment that is returned for any reason by the financial institution upon which it was drawn.

2. If the Sheriff incurs any costs in the collection of a returned payment, the Sheriff shall levy a charge in the full amount of those costs, plus a fee of ten dollars ($10.00) to cover direct and indirect costs of administration.

3. In addition to these charges, the presenter shall be responsible for the payment of all costs or other fees charged by the County Sheriff, the Prothonotary, or the clerk of any court for the filing, service, satisfaction, or other activity in any legal action relating to the collection of returned payments.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Section 3. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with County Council's intent.

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
New Castle County

SYNOPSIS: The Sheriff has recommended these changes to adjust for increases in service costs and to consolidate the fee schedule of our current practices.

FISCAL NOTE: This Ordinance, if adopted, will generate approximately $190,000 in additional annual revenue.

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Finance
Date of introduction: April 9, 2024

ORDINANCE NO. 24-050

THE ANNUAL REVENUE ORDINANCE OF NEW CASTLE COUNTY FOR FISCAL YEAR 2025 BEGINNING JULY 1, 2024

WHEREAS, it has been certified to the County Council that the total value of all real property in the County which has been assessed and is subject to taxation is $20,222,702,917 net of tax abatements.

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

Section 1. A tax upon all of the real property in New Castle County is hereby established and levied at the rate of 25.23 cents for each one hundred dollars of assessed valuation (based on 100 percent of July 1, 1983 fair market value) for the fiscal year beginning July 1, 2024, and ending June 30, 2025, to pay the costs of the General Operating Budget.

Section 2. A tax upon the real property in the following listed areas of New Castle County at the following listed rates for each one hundred dollars of assessed valuation is hereby established and levied for the fiscal year beginning July 1, 2024, and ending June 30, 2025, to pay costs under the Local Service Function Budget.

Location	Tax Rate in Cents Per $100 of Assessed Valuation
Arden	48.55
Ardencroft	49.07
Ardentown	49.67
Bellefonte	53.87
Delaware City	24.15
Elsmere	13.82
Middletown	5.18
Newark	0.00
New Castle	8.85
Newport	11.13
Odessa	11.13
Townsend	7.38
Wilmington	0.00
Those portions of New Castle County not within any of the following incorporated municipalities	55.31

Section 3. A tax upon the real property in the light districts in New Castle County established pursuant to 9 *Del. C.* c. 21, is hereby established and levied for light districts at the following rates for each one hundred dollars of assessed valuation for the fiscal year beginning July 1, 2024, and ending June 30, 2025 to pay the cost of street and highway illumination:

Light Code	Light District Installations	Tax Rate in Cents Per $100 of Assessed Valuation
High Pressure Sodium (HPS) Units		
TRL1	Cobra (formerly Incandescent)	1.230
TRLA	Cobra (formerly Mercury)	9.830
TRLQ	Metal Pole	17.320
TRLC	Traditionaire	13.640
TRLT	Limited Installation	6.700
TRLU	Turn of the Century	14.290
Light Emitting Diode (LED) Units		
TRLO	Cobra	10.980
TRLM	Traditionaire	18.300
TRLN	Granville	20.840

Section 4. A tax upon the full annual cost established pursuant to 9 *Del. C.* § 1339, is hereby established and levied for crossing guards by school district at the following rates for the fiscal year beginning July 1, 2024, and ending June 30, 2025.

Crossing Guard Rates	Tax Rates in Cents Per $100 of Assessed Valuation
Appoquinimink School District	2.402
Brandywine (Area I)	2.180
Christina (Area III)	1.874
Colonial (Area IV)	2.345
Red Clay (Area II)	2.148

Section 5. Fees and charges not specified in this Ordinance shall be heretofore or hereafter established.

Section 6. Fees, fines, forfeitures, penalties, assessments, charges, receipts and income, together with needed reserves and available cash balances, shall be included in the receipts of New Castle County as collected during the fiscal year beginning July 1, 202, and ending June 30, 2025.

Section 7. The effective date for the provisions in this Ordinance shall be July 1, 2024.

Section 8. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 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
New Castle County

SYNOPSIS: This Ordinance is the Annual Revenue Ordinance for Fiscal Year 2025.

Section 1 establishes a General Operating property tax rate in New Castle County.

Section 2 establishes the Local Service Function property tax rates in the listed areas of New Castle County.

Section 3 establishes the tax rates in the light districts of New Castle County.

Section 4 establishes the tax rates for school crossing guards.

Section 5 provides that fees and charges not specifically addressed in this Ordinance can be established at some future time.

Section 6 provides that other receipts and funding sources shall be included in the revenue of New Castle County collected during Fiscal Year 2025 to be used in accordance with the budget Ordinance.

FISCAL NOTE: This Ordinance proposes Fiscal Year 2025 tax rates which in conjunction with other anticipated sources of revenue are estimated to yield sufficient revenue to balance the proposed Fiscal Year 2025 Operating Budget.

These proposed real property tax rates applied to estimated taxable assessments and estimated quarterly additions (net of exemptions) are anticipated to yield approximately $138,830,997.

The proposed light district tax rates, as cited in Section 3, are anticipated to yield revenues of $7,877,485. These revenues, together with prior year tax collections and the use of available cash balances, are estimated to support direct street lighting expenses plus overhead.

The proposed school crossing guard tax rates, as set forth in Section 4, are anticipated to yield revenues of $3,868,690. These revenues, together with prior year tax collections and the use of available cash balances, are estimated to support direct crossing guard expenses plus overhead.

This Ordinance, as proposed, has no explicit fiscal impact upon the next two fiscal years as the rates are legislated annually by County Council.

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Finance
Date of introduction: April 9, 2024

ORDINANCE NO. 24-051

CALCULATION OF SEWER SERVICE CHARGES EFFECTIVE JULY 1, 2024 FOR FISCAL YEAR 2025

WHEREAS, in accordance with *New Castle County Code* Chapter 38 ("Utilities"), Article 2 ("Sewers and Sewage Disposal"), Division 38.02.500 ("Sewer services charges"), Section 38.02.503 ("Schedule generally"), County Council must adopt applicable unit charges for sewer service.

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

Section 1. County Council adopts the following sewer unit charges for Fiscal Year 2025:

The following unit charges shall be effective other than for certain contract users:

$5.034399/1000 gallons flow rate (q)
$0.416813/lb. BOD (b)
$0.566035/lb. SS (s)

The rates for certain contract users shall be as follows:

$3.422731/1000 gallons flow rate (q)
$0.416813/lb. BOD (b)
$0.566035/lb. SS (s)

The Equivalent Dwelling Unit (EDU) rates shall be as follows:

Meter Size	EDU	Fixed Charge @ $100 / EDU
1/2" or 5/8"	1.0	$25*
3/4"	1.5	$150
1"	2.5	$250
1 1/2"	5.0	$500
2.0	8.0	$800
3.0	15.0	$1,500
4.0	25.0	$2,500
6.0	50.0	$5,000
8.0	80.0	$8,000
10.0	115.0	$11,500
* For Fiscal Year 2025, the base rate of $100/EDU has been discounted by 75% for meters up to 5/8".		

Section 2. Pursuant to Section 38.02.503.F., the annual minimum charge for sewer service shall be fifty-six dollars ($56.00).

Section 3. The effective date for the provisions in this Ordinance shall be July 1, 2024.

Section 4. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Adopted by Council of
New Castle County on:

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

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance establishes sewer service charges effective July 1, 2024, for Fiscal Year 2025.

FISCAL NOTE: This Ordinance proposes the adoption of the Fiscal Year 2025 sewer user rates which, in conjunction with other related sources of revenue, are estimated to yield sufficient revenue to balance the Fiscal Year 2025 sewer fund budget.

If adopted, this Ordinance would establish a Fiscal Year 2025 composite (flow $5.034399 + (BOD $0.416813 X 1.2510 (flow factor) = $0.5214325) + (SS $0.566035 X 1.5429 (flow factor) = $0.8733356)) residential flow rate of $6.42917 per 1,000 billable gallons. The composite rate remains unchanged from the FY2023 composite rate.

The rates contained in this Ordinance would, if adopted, be applied to all user classes, including $7,400,000 for EDU as follows:

User Classification	**Number of Users**	**Gross Billing**
Residential	126,374	$36,595,282
Industrial	21	$10,500,000
Commercial	3,787	$15,600,052
Apartment	227	$9,000,000
Contract	5	$6,200,000
Gross Billing	**129,967**	**$77,895,334**
Less Allowance for Delinquent Accounts		($3,149,589)
Net Billing		**$74,745,745**

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Finance
Date of introduction: April 9, 2024

ORDINANCE NO. 24-052

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF NEW CASTLE COUNTY FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS APPROVED IN THE FISCAL YEAR 2025 CAPITAL BUDGET

WHEREAS, Chapter 22 of Title 9 of the *Delaware Code*, as amended, authorizes New Castle County to plan, acquire, purchase, construct, reconstruct, improve, better, extend, maintain and operate sewerage systems therein defined, and the County Council of New Castle County has determined to extend existing sewerage systems now maintained by the County by rehabilitating and constructing local sewer projects and to improve existing sewer systems, pump stations, treatment plant sites, and facilities; and,

WHEREAS, Chapter 39 of Title 7 of the *Delaware Code*, as amended, authorizes New Castle County to carry out preventive and control measures and works of improvement for the prevention of erosion, floodwater, and sediment damages, and the County Council of New Castle County determines to construct, improve, and develop stormwater courses and facilities; and,

WHEREAS, Section 1163 of Title 9 of the *Delaware Code* authorizes New Castle County to issue bonds to finance the cost of any object, program or purpose for which New Castle County may raise, appropriate or expend money, and the County Council of New Castle County determines to expend money for various facilities and services; and,

WHEREAS, Subchapter III, of Chapter 13 of Title 9 of the *Delaware Code*, as amended, authorizes New Castle County to develop plans for buildings/facilities, parks, open spaces, natural areas and greenways within the County. Said plans provide for the acquisition of land for the development of parks and recreation facilities and the improvement and development of existing parks and buildings/facilities. The County has deemed it necessary to implement such plans for development and improvements.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS: (10/13^{ths} of all the members elected to the County Council concurring therein):

Section 1. New Castle County shall authorize the issuance of its negotiable bonds in the maximum aggregate net principal amount of $21,461,546 to finance projects approved in the FY2025 Capital Budget (the maximum aggregate principal amount of the bonds to be issued for each purpose is set out in the following schedule):

PURPOSE	BOND AUTHORIZATIONS MAXIMUM AGGREGATE PRINCIPAL AMOUNT
(A) Sanitary Facilities/Stormwater	$ 9,366,878
(B) Facilities/Equipment	2,019,708
(C) Parks	7,725,000
(D) Community Services	1,925,000
(E) Administration	425,000
TOTAL BOND AUTHORIZATIONS	**$21,461,546**

Section 2. The monies raised by the issuance of the bonds hereby authorized after the payment of the charges and expenses connected with the preparation, sale, and issuance thereof shall be held in separate accounts and shall be expended only for the purposes for which said bonds have been authorized, or for the payment of the principal of, and interest on, temporary loans made in anticipation of the sale of such bonds.

Section 3. The effect of the bonded indebtedness hereby authorized upon the total bonded indebtedness of New Castle County is as shown on the attached fiscal note, Exhibit "A".

Section 4. It is hereby determined and declared that the normal life of said improvements is not less than three (3) years (§ 1163 of Title 9 of the *Delaware Code*).

Section 5. In accordance with Treasury Reg. § 1.150-2, the County hereby states its intentions that a portion of the proceeds of the bonds authorized hereunder will be used to reimburse itself for expenditures paid prior to the date of issuance of the bonds. All capitalized terms used herein and not otherwise defined have the same meaning as ascribed to them in Treasury Reg. § 1.150-2.

All original expenditures to be reimbursed will be capital expenditures (as defined in Treasury Reg. Sec. 1.150-1(b)) and other amounts permitted to be reimbursed pursuant to Treasury Reg. Sec. 1.150-2(d)(3) and (f). The County intends to reimburse the original expenditures through the County's incurrence of debt to be evidenced by the bonds. The description of the type and use of the property for which the original expenditure to be fully or partially reimbursed is to be paid is: costs relating to the projects as defined in Section 3 hereof. The maximum principal amount of the bonds to be issued to reimburse the costs of said projects paid prior to their issuance and to complete said projects is a net $21,461,546 including the costs of issuance of the bonds.

Once the bonds are issued, the County shall allocate bond proceeds to reimburse a prior expenditure by making the allocation on its books and records maintained with respect to the bonds; provided that such costs to be reimbursed were paid not more than 60 days prior to the date hereof. Such allocations shall specifically identify the actual original expenditure to be reimbursed. Such allocations shall occur not later than 18 months after the later of (i) the date on which the original expenditure is paid, or (ii) the date the project is placed in service or abandoned, but in no event more than 3 years after the original expenditure is paid. If the bonds are issued before the expiration of the period prescribed in the preceding sentence, then the reimbursement allocation shall occur not later than the date of bonds are issued.

The bond proceeds used to reimburse the County for original expenditures will not be used within 1 year after the allocation in a manner that results in the creation of replacement proceeds (as defined in Treasury Reg. § 1.148-1) for the bonds authorized hereunder or for other bonds. The County will not use the proceeds of bonds to reimburse, refinance or refund an original expenditure paid by another obligation (either tax-exempt or taxable).

Section 6. Continuing Disclosure. The County covenants for the benefit of holders of any bonds that it issues in the public markets, whether pursuant to this Ordinance or otherwise, that, so long as any such bonds are outstanding, it will file, or cause to be filed, all financial information, operating data and notices of events, actions or failure to act, with such persons and entities and at such times as may be necessary to comply with the requirements of Rule 15c2-12(b) (5) of the Securities Exchange Act of 1934 with respect to such bonds. The Chief Financial Officer shall by Resolution adopted in connection with the issuance of such bonds specify the specific actions that the County shall be obligated to undertake to comply with this Section. Upon approval of the

County Executive, the Chief Financial Officer is hereby authorized to take such other actions, by contract with a fiscal agent or otherwise, as such official shall deem appropriate to cause the County to comply with this Section.

Section 7. The effective date for the provisions in this Ordinance shall be July 1, 2024.

Section 8. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 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
New Castle County

SYNOPSIS: This Ordinance will authorize New Castle County to issue bonds in the net amount of $21,461,546 to finance projects approved in the Fiscal Year 2025 Capital Budget.

FISCAL NOTE: See attached Exhibit “A” for fiscal impact of this Ordinance.

EXHIBIT "A"

FISCAL NOTE: This Ordinance will authorize County Bonds in the maximum aggregate principal amount (net of issuance costs) of $21,461,546.

The fiscal impact of this Ordinance, if approved, is demonstrated on a pro-forma basis below:

Previous Authorizations	Principal	Interest	Total
Authorized and Issued Bonds [1](2/28/2024)	$504,120,000	$150,805,997	$654,925,997
Authorized and Unissued Bonds (2/28/2024)	131,383,970	55,181,267[2]	186,565,237
Total Previous Authorizations	635,503,970	205,987,264	841,491,234
Proposed Net Authorizations [3] by the Ordinance	21,461,546	9,013,849[2]	30,475,395
Total Previous Authorizations and Proposed Net Authorizations	$656,965,516	$215,001,113	$871,966,629

The following State Revolving Fund loans are not included in the above totals:

Authorized and Issued Bonds (2/28/2024)	$24,418,970	$4,242,573[4]	$28,661,543
Authorized and Unissued Bonds (2/28/2024)	31,084,630	10,504,253[4]	41,588,883
Total Previous Authorizations	$55,503,600	$14,746,826	$70,250,426

[1] These amounts have been adjusted to reflect retired principal and interest through 4/30/24.
[2] Interest is computed at 4.0 percent.
[3] Assuming a constant principal amount of $1,073,077 over a term of twenty years, total debt service for the $21,461,546 would be $30,475,395.
[4] Interest is based on estimated future repayment schedules. Interest rates for various loans are 2.00, 2.394 and 2.601 percent.

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Finance
Date of introduction: April 9, 2024

ORDINANCE NO. 24-053

THE CAPITAL BUDGET ORDINANCE OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2024

WHEREAS, Chapter 22 of Title 9 of the *Delaware Code*, as amended, authorizes New Castle County to plan, acquire, purchase, construct, reconstruct, improve, better and extend, and maintain and operate sewerage systems therein defined, and the County Council of New Castle County has determined to extend existing sewerage systems now maintained by the County by rehabilitating and constructing local sewer projects and to improve existing sewer systems, pump stations, treatment plant sites, and facilities; and

WHEREAS, Chapter 39 of Title 7 of the *Delaware Code*, as amended, authorizes New Castle County to carry out preventive and control measures and works of improvement for the prevention of erosion, floodwater, and sediment damages, and the County Council of New Castle County determines to construct, improve, and develop stormwater courses and facilities; and

WHEREAS, Section 1163 of Title 9 of the *Delaware Code* authorizes New Castle County to issue bonds to finance the cost of any object, program or purpose for which New Castle County may raise, appropriate or expend money, and the County Council of New Castle County determines to expend money for various facilities and services; and

WHEREAS, Subchapter III, Chapter 13 of Title 9 of the *Delaware Code*, as amended, authorizes New Castle County to develop plans for buildings/facilities, parks, open spaces, natural areas and greenways within the County. Said plans provide for the acquisition of land for the development of parks and recreation facilities and the improvements and development of existing parks and buildings/facilities. The County has deemed it necessary to implement such plans for development and improvements.

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

Section 1. Exhibit "A", entitled "Capital Budget – FY2025" consisting of two (2) pages, dated March 31, 2024, attached hereto and made a part hereof, is hereby adopted as the Capital Budget of New Castle County for the fiscal year beginning July 1, 2024, and ending June 30, 2025.

Section 2. The projects listed on Exhibit "B," entitled “Projects to Sunset Fiscal Year End 2024” will sunset in accordance with Key Financial Policy (KFP) #1 on June 30, 2024. All unexpended appropriations and bond authorizations on June 30, 2024, will be deauthorized. Any encumbrances will remain open until liquidated.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Section 4. The effective date for the provisions in this Ordinance shall be July 1, 2024.

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
New Castle County

SYNOPSIS: This Ordinance is the Capital Budget Ordinance for the Fiscal Year 2025, authorizing capital spending of $34,207,715 for 46 County projects. This Ordinance also will deauthorize the projects on Exhibit "B" and the corresponding available appropriations and bond authorizations on June 30, 2024.

FISCAL NOTE: The Capital Budget Ordinance for Fiscal Year 2025 authorizes capital spending of $34,207,715 for various projects. A companion Ordinance authorizing the issuance of General Obligation Bonds of $21,461,546 to fund the Capital Budget must be adopted.

In addition, this Ordinance sunsets 8 capital projects, effective June 30, 2024. Projects are listed on Exhibit “B”.

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2025

DEPARTMENT OF ADMINISTRATION

Firewall Replacement	$	425,000
Subtotal	$	425,000

DEPARTMENT OF COMMUNITY SERVICES

Appoquinimink Library	$	54,482
Glasgow Library		150,000
Newark Library		4,700,000
Rockwood Museum		175,000
Surratte Pool Renovations		50,000
Subtotal	$	5,129,482

DEPARTMENT OF PUBLIC SAFETY

Public Safety Equipment	$	136,000
Public Safety Vest Protection Program		264,515
Subtotal	$	400,515

DEPARTMENT OF PUBLIC WORKS

Facilities/Equipment

Electric Vehicle Infrastructure	$	2,019,708
Fleet Equipment 2022		(450,000)
Fleet Equipment 2023		(1,900,000)
Fleet Equipment 2024		49,590
Fleet Equipment 2025		6,510,906
Subtotal	$	6,230,204

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2025

DEPARTMENT OF PUBLIC WORKS *(Continued)*

Parks

Agricultural Preservation	$	1,500,000
Bechtel Park Improvements		2,250,000
Game Court Improvements Pre-2021		(106,744)
Game Court Improvements 2021		181,744
General Parkland Improvements 2024-2025		750,000
Greenway Systems		1,000,000
Open Space Preservation		1,000,000
Southern Regional Park		4,400,000
Subtotal	$	10,975,000

Sewer/Stormwater

Airport Road System Rehabilitation	$	2,500,000
Brandywine Hundred South Rehabilitation Phase I		(450,000)
Christiana Pump Station Upgrade		(500,000)
Christina River Force Main		1,000,000
Countywide Drainage Problems		(500,000)
Delaware City Industrial Sewer Expansion		(2,500,000)
Delaware City Treatment Plant Rehab		(500,000)
DelDOT Coordination Project 2021		(500,000)
General Sewer Improvements		1,000,000
Glasgow Area Sewer Improvements		(400,000)
Holloway Terrace Outfall Replace		(1,000,000)
Public Works Complex		400,000
Pump Station Rehab 2024-2025		500,000
Septage Receiving Station Ugprade		300,000
Sewer Fleet Equipment 2022		(3,051)
Sewer Fleet Equipment 2023		(764,800)
Sewer Fleet Equipment 2025		2,665,366
Sewer Repairs and Rehabilitation 2024-2025		2,000,000
Stormwater Basin Renovation II		1,500,000
Terminal Avenue System Rehabilitation		(500,000)
Water Farm #1 System Rehabilitation		300,000
Water Quality Improvement Plans		2,400,000
White Clay System Rehabilitation		4,100,000
Subtotal	$	11,047,515

CAPITAL BUDGET TOTAL	**$**	**34,207,715**

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Finance
Date of introduction: April 9, 2024

ORDINANCE NO. 24-054

ADOPT THE ANNUAL OPERATING BUDGET OF NEW CASTLE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2024

WHEREAS, County Council has adopted revenue measures which together with any reserves and available cash balances shall, in the opinion of the County Executive, be estimated to yield sums at least sufficient to balance the proposed expenditures as set forth herein.

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

Section 1. County Council hereby ordains that the taxes and other revenue measures which the County Executive has certified as yielding sufficient revenue, together with any reserves and available cash balances, serve to balance the Annual Operating Budget of New Castle County for the fiscal year beginning July 1, 2024, and ending June 30, 2025.

Section 2. Exhibit "A," entitled "Departmental Operating Budget," consisting of six (6) pages, attached hereto and made a part hereof, is adopted as the Annual Operating Budget of Appropriations to the respective departments, offices, reserves and services for the fiscal year beginning July 1, 2024, and ending June 30, 2025.

Section 3. Exhibit "B," entitled "Operating Budget Components," consisting of one (1) page, attached hereto and made a part hereof, representing the component budgets encompassed by the "Departmental Operating Budget" for the fiscal year beginning July 1, 2024, and ending June 30, 2025.

Section 4. As the County Council has done in all past years, by and through the budget hearing, review, and adoption process undertaken for the FY2025 budget, the County Council hereby confirms its review and approves the schedule of fees established by the Department of Land Use set forth in, *inter alia*, Appendix 2 of Chapter 40 of the *New Castle County Code* (“the UDC”). The County Council also confirms and clarifies that through the budget hearing, review, and adoption process, it has reviewed and approved the schedule of fees established by the Department of Land Use in all prior budget years, and the County hereby confirms, clarifies, and ratifies its previous approvals of the fee schedules heretofore established by the Department of Land Use.

Section 5. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* § 1156.

Section 6. The effective date for the provisions in this Ordinance shall be July 1, 2024.

Adopted by Council of
New Castle County on:

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

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance authorizes the Annual Operating Budget of New Castle County for the fiscal year beginning July 1, 2024 and ending June 30, 2025.

Exhibit "A" provides a summary of appropriations to departments, row offices, reserves and non-departmental operating budgets.

Exhibit "B" provides the component budgets (i.e. General Operating, Local Service Function, Sewer, Crossing Guard and Street Lighting) encompassed by Exhibit "A."

FISCAL NOTE: This Ordinance embodies, by detailed appropriation, by object of expenditure for each department and office (Exhibit "A") as required by State Law, and, by component budgets supported by various revenue measures (Exhibit "B"), the County's Annual Operating Budget for Fiscal Year 2025.

The fiscal impact of this Ordinance is the authorization to expend $342,427,908 in Fiscal Year 2025 and to legislate the amounts within New Castle County’s reserve accounts.

This Ordinance has no explicit impact on subsequent fiscal years, as the Operating Budget is legislated annually by County Council.

EXHIBIT "A"

DEPARTMENTAL OPERATING BUDGET

COUNTY COUNCIL			
Salaries and Wages		$	2,552,351
Benefits			1,493,866
Training and Civic Affairs			70,388
Communication and Utilities			17,483
Materials and Supplies			62,776
Contractual Services			256,588
Equipment			1,600
Grants and Fixed Charges			440,233
Operating Transfer Charges			175,627
Total		***$***	***5,070,912***
Total Authorized Full-Time Positions	***35***		

COUNTY EXECUTIVE			
Salaries and Wages		$	2,033,684
Benefits			1,190,296
Training and Civic Affairs			31,904
Communication and Utilities			16,798
Materials and Supplies			22,236
Contractual Services			148,565
Equipment			1,000
Grants and Fixed Charges			43,000
Contingency			55,000
Operating Transfer Charges			105,264
Total		***$***	***3,647,747***
Total Authorized Full-Time Positions	***17***		

DEPARTMENT OF ADMINISTRATION			
Salaries and Wages		$	12,986,061
Benefits			7,506,461
Training and Civic Affairs			132,825
Communication and Utilities			8,258,220
Materials and Supplies			162,673
Contractual Services			6,855,976
Equipment			392,900
Grants and Fixed Charges			3,932,350
Operating Transfer Charges			1,142,324
Operating Transfer Credits			(12,812,422)
Total		***$***	***28,557,368***
Total Authorized Full-Time Positions	***168***		

DEPARTMENT OF PUBLIC WORKS		
Salaries and Wages	$	27,135,440
Benefits		15,765,968
Training and Civic Affairs		45,445
Communication and Utilities		26,068,271
Materials and Supplies		4,565,701
Contractual Services		10,843,698
Equipment		483,333
Grants and Fixed Charges		1,192,757
Land and Structures		35,000
Operating Transfer Charges		4,574,405
Operating Transfer Credits		(7,722,122)
Total	***$***	***82,987,896***
Total Authorized Full-Time Positions 389		

DEPARTMENT OF LAND USE		
Salaries and Wages	$	8,156,971
Benefits		4,742,077
Training and Civic Affairs		66,975
Communication and Utilities		111,242
Materials and Supplies		101,727
Contractual Services		1,447,909
Equipment		44,940
Grants and Fixed Charges		56,500
Operating Transfer Charges		1,061,595
Total	***$***	***15,789,936***
Total Authorized Full-Time Positions 112		

DEPARTMENT OF COMMUNITY SERVICES		
Salaries and Wages	$	12,519,168
Benefits		5,565,327
Training and Civic Affairs		18,560
Communication and Utilities		1,069,498
Materials and Supplies		1,429,039
Contractual Services		2,214,606
Equipment		18,900
Grants and Fixed Charges		3,235,149
Operating Transfer Charges		1,175,272
Operating Transfer Credits		(225,977)
Total	***$***	***27,019,542***
Total Authorized Full-Time Positions 162		

DEPARTMENT OF PUBLIC SAFETY			
Salaries and Wages		$	71,332,068
Benefits			40,954,368
Training and Civic Affairs			206,456
Communication and Utilities			1,008,304
Materials and Supplies			1,069,526
Contractual Services			2,251,228
Equipment			1,660,283
Grants and Fixed Charges			7,278,357
Operating Transfer Charges			7,843,655
Total		***$***	***133,604,245***
Total Authorized Full-Time Positions	***728***		

REGISTER OF WILLS			
Salaries and Wages		$	1,159,211
Benefits			660,186
Training and Civic Affairs			34,950
Communication and Utilities			12,209
Materials and Supplies			10,053
Contractual Services			62,715
Equipment			2,800
Operating Transfer Charges			82,214
Total		***$***	***2,024,338***
Total Authorized Full-Time Positions	***20***		

RECORDER OF DEEDS			
Salaries and Wages		$	1,256,525
Benefits			723,402
Training and Civic Affairs			40,170
Communication and Utilities			33,689
Materials and Supplies			12,398
Contractual Services			82,718
Equipment			6,150
Grants and Fixed Charges			18,350
Operating Transfer Charges			162,265
Total		$	***2,335,667***
Total Authorized Full-Time Positions	***23***		
SHERIFF			
Salaries and Wages		$	1,380,772
Benefits			804,406
Training and Civic Affairs			29,452
Communication and Utilities			14,993
Materials and Supplies			21,259
Contractual Services			55,999
Equipment			5,000
Operating Transfer Charges			142,020
Total		***$***	***2,453,901***
Total Authorized Full-Time Positions	***21***		
CLERK OF THE PEACE			
Salaries and Wages		$	483,477
Benefits			282,975
Training and Civic Affairs			9,600
Communication and Utilities			5,484
Materials and Supplies			8,754
Contractual Services			18,268
Equipment Replacement			6,000
Operating Transfer Charges			30,824
Total		***$***	***845,382***
Total Authorized Full-Time Positions	***7***		
DEBT SERVICE			
Debt Service		$	45,778,427
Total		***$***	***45,778,427***
Total Authorized Full-Time Positions			

ETHICS COMMISSION		
Salaries and Wages	$	40,200
Benefits		4,181
Training and Civic Affairs		10,500
Communication and Utilities		1,898
Materials and Supplies		2,450
Contractual Services		235,747
Equipment		500
Operating Transfer Charges		6,360
Total	***$***	***301,836***
Total Authorized Full-Time Positions 0		
COUNCIL CONTINGENCY		
Contingency	$	250,000
Total	***$***	***250,000***
Total Authorized Full-Time Positions		
EXECUTIVE CONTINGENCY		
Contingency	$	600,000
Total	***$***	***600,000***
Total Authorized Full-Time Positions		
PERSONNEL CONTINGENCY		
Contingency	$	455,000
Total	***$***	***455,000***
Total Authorized Full-Time Positions		
ATTRITION CONTINGENCY		
Personal Services - Salaries and Wages	$	(6,164,693)
Personal Services - Employee Benefits	$	(3,608,135)
Total	***$***	***(9,772,828)***
Total Authorized Full-Time Positions		
ONE-TIME CONTINGENCY		
Contingency	$	478,539
Total	***$***	***478,539***

NEW CASTLE COUNTY		
Salaries and Wages	$	134,871,235
Benefits		76,085,378
Training and Civic Affairs		697,225
Communication and Utilities		36,618,089
Materials and Supplies		7,468,592
Contractual Services		24,474,017
Equipment		2,623,406
Grants and Fixed Charges		16,196,696
Debt Service		45,778,427
Land and Structures		35,000
Contingency		1,838,539
Operating Transfer Charges		16,501,825
Operating Transfer Credits		(20,760,521)
Sub-Total New Castle County	***$***	**342,427,908**
Total Authorized Full-Time Positions 1,682		

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF JUNE 30, 2024	
Tax Stabilization Reserve Account	63,193,549
Sewer Rate Stabilization Reserve Account	7,482,353
General Fund Budget Reserve Account	44,592,418
Sewer Fund Budget Reserve Account	18,872,304
Total Reserves:	**134,140,624**

OPERATING BUDGET COMPONENTS
FISCAL YEAR 2025

General Operating Budget	$	106,039,101
Local Service Function Budget		135,070,632
Sewer Fund		88,915,956
Street Light Fund		8,496,529
Crossing Guard Fund		3,905,690
Recommended Operating Budget	**$**	**342,427,908**

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration
Date of introduction: April 9, 2024

ORDINANCE NO. 24-055

AMEND THE FY2025 APPROVED OPERATING BUDGET: REALLOCATE $8,000,000 FROM THE REASSESSMENT RESERVE ACCOUNT TO THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT AND APPROPRIATE FUNDING FOR PAY PLAN INCREASES FOR ALL CERTIFIED POLICE CLASSIFICATIONS

WHEREAS, County Council established the Reassessment Reserve Account via Ordinance 19-016 on March 14, 2019; and

WHEREAS, County Council approved the transfer of $26,640,000 from the General Fund Tax Stabilization Reserve Account to the Reassessment Reserve Account via Ordinance 21-014 on March 16, 2021; and

WHEREAS, the estimated balance of the Reassessment Reserve Account will be $10,000,000 upon completion of the current reassessment project, including the appeal process; and

WHEREAS, approval is requested to transfer $8,000,000 from the Reassessment Reserve Account to the General Fund Tax Stabilization Reserve Account; and

WHEREAS, approval is also requested to appropriate $8,000,000 from the General Fund Tax Stabilization Reserve Account to fund pay plan increases for all certified police classifications effective July 1, 2024; and

WHEREAS, the revenue measures heretofore adopted by the County Council, are, in the opinion of the County Executive, estimated to yield sums at least sufficient to balance the proposed expenditures as set forth in the Approved FY2025 Annual Operating Budget as hereinafter amended.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS: (10/13^{ths} of all the members elected to the County Council concurring therein):

Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2024, is hereby amended by deleting the material stricken and adding the material underscored on the attached “Exhibit A.”

Section 2. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 2024, and shall be effective retroactively as though incorporated initially in the Annual Operating Budget.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by 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
New Castle County

SYNOPSIS: This Ordinance, if approved, reallocates $8,000,000 from the Reassessment Reserve Account to the General Fund Tax Stabilization Reserve Account. This Ordinance further amends the FY2025 Approved Operating Budget by appropriating $8,000,000 from the General Fund Tax Stabilization Reserve Account to the Department of Public Safety, Division of Police Salaries and Benefits Budget Line Items. These funds are needed to fund pay plan increases for all certified police classifications.

FISCAL NOTE: This Ordinance, if approved, reallocates $8,000,000 from the Reassessment Reserve Account to the General Fund Tax Stabilization Reserve Account. This Ordinance further amends the FY2025 Approved Operating Budget by appropriating $8,000,000 from the General Fund Tax Stabilization Reserve Account to the Department of Public Safety, Division of Police Salaries and Benefits Budget Line Items. These funds are needed to fund pay plan increases for all certified police classifications.

The revised FY2025 Approved Operating Budget will be $350,427,908. The Reassessment Reserve Account balance upon passage of this Ordinance will be $2,000,000. The General Fund Tax Stabilization Reserve balance upon passage of this Ordinance will be $63,193,549.

COUNTY COUNCIL		
Salaries and Wages	$	2,552,351
Benefits		1,493,866
Training and Civic Affairs		70,388
Communication and Utilities		17,483
Materials and Supplies		62,776
Contractual Services		256,588
Equipment		1,600
Grants and Fixed Charges		440,233
Operating Transfer Charges		175,627
Total	***$***	***5,070,912***
Total Authorized Full-Time Positions 35		

COUNTY EXECUTIVE		
Salaries and Wages	$	2,033,684
Benefits		1,190,296
Training and Civic Affairs		31,904
Communication and Utilities		16,798
Materials and Supplies		22,236
Contractual Services		148,565
Equipment		1,000
Grants and Fixed Charges		43,000
Contingency		55,000
Operating Transfer Charges		105,264
Total	***$***	***3,647,747***
Total Authorized Full-Time Positions 17		

DEPARTMENT OF ADMINISTRATION		
Salaries and Wages	$	12,986,061
Benefits		7,506,461
Training and Civic Affairs		132,825
Communication and Utilities		8,258,220
Materials and Supplies		162,673
Contractual Services		6,855,976
Equipment		392,900
Grants and Fixed Charges		3,932,350
Operating Transfer Charges		1,142,324
Operating Transfer Credits		(12,812,422)
Total	***$***	***28,557,368***
Total Authorized Full-Time Positions 168		

DEPARTMENT OF PUBLIC WORKS		
Salaries and Wages	$	27,135,440
Benefits		15,765,968
Training and Civic Affairs		45,445
Communication and Utilities		26,068,271
Materials and Supplies		4,565,701
Contractual Services		10,843,698
Equipment		483,333
Grants and Fixed Charges		1,192,757
Land and Structures		35,000
Operating Transfer Charges		4,574,405
Operating Transfer Credits		(7,722,122)
Total	***$***	***82,987,896***
Total Authorized Full-Time Positions 389		

DEPARTMENT OF LAND USE		
Salaries and Wages	$	8,156,971
Benefits		4,742,077
Training and Civic Affairs		66,975
Communication and Utilities		111,242
Materials and Supplies		101,727
Contractual Services		1,447,909
Equipment		44,940
Grants and Fixed Charges		56,500
Operating Transfer Charges		1,061,595
Total	***$***	***15,789,936***
Total Authorized Full-Time Positions 112		

DEPARTMENT OF COMMUNITY SERVICES		
Salaries and Wages	$	12,519,168
Benefits		5,565,327
Training and Civic Affairs		18,560
Communication and Utilities		1,069,498
Materials and Supplies		1,429,039
Contractual Services		2,214,606
Equipment		18,900
Grants and Fixed Charges		3,235,149
Operating Transfer Charges		1,175,272
Operating Transfer Credits		(225,977)
Total	***$***	***27,019,542***
Total Authorized Full-Time Positions 162		

DEPARTMENT OF PUBLIC SAFETY			
Salaries and Wages		~~71,332,068~~	$ 77,332,068
Benefits		~~40,954,368~~	42,954,368
Training and Civic Affairs			206,456
Communication and Utilities			1,008,304
Materials and Supplies			1,069,526
Contractual Services			2,251,228
Equipment			1,660,283
Grants and Fixed Charges			7,278,357
Operating Transfer Charges			7,843,655
Total		***~~133,604,245~~***	***$ 141,604,245***
Total Authorized Full-Time Positions	***728***		
REGISTER OF WILLS			
Salaries and Wages			$ 1,159,211
Benefits			660,186
Training and Civic Affairs			34,950
Communication and Utilities			12,209
Materials and Supplies			10,053
Contractual Services			62,715
Equipment			2,800
Operating Transfer Charges			82,214
Total			***$ 2,024,338***
Total Authorized Full-Time Positions	***20***		

RECORDER OF DEEDS			
Salaries and Wages		$	1,256,525
Benefits			723,402
Training and Civic Affairs			40,170
Communication and Utilities			33,689
Materials and Supplies			12,398
Contractual Services			82,718
Equipment			6,150
Grants and Fixed Charges			18,350
Operating Transfer Charges			162,265
Total		$	***2,335,667***
Total Authorized Full-Time Positions	***23***		
SHERIFF			
Salaries and Wages		$	1,380,772
Benefits			804,406
Training and Civic Affairs			29,452
Communication and Utilities			14,993
Materials and Supplies			21,259
Contractual Services			55,999
Equipment			5,000
Operating Transfer Charges			142,020
Total		***$***	***2,453,901***
Total Authorized Full-Time Positions	***21***		
CLERK OF THE PEACE			
Salaries and Wages		$	483,477
Benefits			282,975
Training and Civic Affairs			9,600
Communication and Utilities			5,484
Materials and Supplies			8,754
Contractual Services			18,268
Equipment Replacement			6,000
Operating Transfer Charges			30,824
Total		***$***	***845,382***
Total Authorized Full-Time Positions	***7***		
DEBT SERVICE			
Debt Service		$	45,778,427
Total		***$***	***45,778,427***
Total Authorized Full-Time Positions			

ETHICS COMMISSION		
Salaries and Wages	$	40,200
Benefits		4,181
Training and Civic Affairs		10,500
Communication and Utilities		1,898
Materials and Supplies		2,450
Contractual Services		235,747
Equipment		500
Operating Transfer Charges		6,360
Total	***$***	***301,836***
Total Authorized Full-Time Positions 0		
COUNCIL CONTINGENCY		
Contingency	$	250,000
Total	***$***	***250,000***
Total Authorized Full-Time Positions		
EXECUTIVE CONTINGENCY		
Contingency	$	600,000
Total	***$***	***600,000***
Total Authorized Full-Time Positions		
PERSONNEL CONTINGENCY		
Contingency	$	455,000
Total	***$***	***455,000***
Total Authorized Full-Time Positions		
ATTRITION CONTINGENCY		
Personal Services - Salaries and Wages	$	(6,164,693)
Personal Services - Employee Benefits	$	(3,608,135)
Total	***$***	***(9,772,828)***
Total Authorized Full-Time Positions		
ONE-TIME CONTINGENCY		
Contingency	$	478,539
Total	***$***	***478,539***

NEW CASTLE COUNTY			
Salaries and Wages	~~134,871,235~~	$	140,871,235
Benefits	~~76,085,378~~		78,085,378
Training and Civic Affairs			697,225
Communication and Utilities			36,618,089
Materials and Supplies			7,468,592
Contractual Services			24,474,017
Equipment			2,623,406
Grants and Fixed Charges			16,196,696
Debt Service			45,778,427
Land and Structures			35,000
Contingency			1,838,539
Operating Transfer Charges			16,501,825
Operating Transfer Credits			(20,760,521)
Sub-Total New Castle County	***~~342,427,908~~***	***$***	**350,427,908**
Total Authorized Full-Time Positions ***1,682***			

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF JUNE 30, 2024	
Tax Stabilization Reserve Account	63,193,549
Sewer Rate Stabilization Reserve Account	7,482,353
General Fund Budget Reserve Account	44,592,418
Sewer Fund Budget Reserve Account	18,872,304
Total Reserves:	**134,140,624**

Prime Sponsor(s): Ms. Hartley-Nagle
Requested by: Administration
Date of introduction: April 9, 2024

ORDINANCE NO. 24-056

AMEND THE PAY PLANS AND RATES OF PAY FOR ALL CERTIFIED POLICE CLASSIFICATIONS

WHEREAS, the County Executive has recommended amendments to the Pay Plan and Rates of Pay for Fraternal Order of Police, New Castle County Lodge No. 5 to reflect wage increases for certified police classifications; and

WHEREAS, the County Executive has recommended amendments to the Pay Plan and Rates of Pay for Fraternal Order of Police, New Castle County Lodge No. 5 (Police Executive Staff) to reflect wage increases for police executive staff classifications; and

WHEREAS, the County Executive has recommended amendments to the Pay Plan and Rates of Pay for Non-Union Unclassified Service Employees of the Executive Office to reflect wage increases for the Chief of Police classification.

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

Section 1. The Pay Plan and Rates of Pay for Fraternal Order of Police, New Castle County Lodge No. 5 as set forth in Exhibit “A”, amended by adding the material that is underscored and deleting the material that is stricken for Fiscal Years 2024 and 2025.

Section 2. The Pay Plan and Rates of Pay for Fraternal Order of Police, New Castle County Lodge No. 5 (Police Executive Staff) as set forth in Exhibit “B”, amended by adding the material that is underscored and deleting the material that is stricken for Fiscal Years 2024 and 2025.

Section 3. The Pay Plan and Rates of Pay for Non-Union Unclassified Service Employees of the County Executive as set forth in Exhibit “C”, effective July 1, 2024, is hereby amended by adding the material that is underscored and deleting the material that is stricken.

Section 4. The Pay Plan and Rates of Pay for Non-Union Unclassified Service Employees of the County Executive as set forth in Exhibit “D”, effective July 1, 2025, is hereby amended by adding the material that is underscored and deleting the material that is stricken.

Section 5. The Pay Plan and Rates of Pay for Non-Union Unclassified Service Employees of the County Executive as set forth in Exhibit “E”, effective July 1, 2026, is hereby amended by adding the material that is underscored and deleting the material that is stricken.

Section 6. This Ordinance shall be effective upon adoption by New Castle County Council and approval of the County Executive.

Section 7. It is the intent of the County Council that the provisions of this Ordinance shall be effective July 1, 2024.

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
New Castle County

SYNOPSIS: This Ordinance, if approved, amends the Pay Plan and Rates of Pay for Fraternal Order of Police, New Castle County Lodge No. 5; the Pay Plan and Rates of Pay for Fraternal Order of Police, New Castle County Lodge No. 5 (Police Executive Staff); and the Pay Plan and Rates of Pay for Non-Union Unclassified Service Employees of the County Executive for the Chief of Police effective July 1, 2024 by providing a 10% increase to all steps.

FISCAL IMPACT: This Ordinance, if approved, amends the Pay Plan and Rates of Pay for Fraternal Order of Police, New Castle County Lodge No. 5; the Pay Plan and Rates of Pay for Fraternal Order of Police, New Castle County Lodge No. 5 (Police Executive Staff); and the Pay Plan and Rates of Pay for Non-Union Unclassified Service Employees of the County Executive for the Chief of Police effective July 1, 2024 by providing a 10% increase to all steps.

The estimated fiscal impact on the Operating Budget for (Salaries/Wages $6,000,000 and Benefits $2,000,000) are as follows:

FY2025	$8,000,000
FY2026	$8,160,000
FY2027	$8,160,000

PAY PLAN AND RATES OF PAY FOR
FRATERNAL ORDER OF POLICE, NEW CASTLE COUNTY LODGE NO. 5

Effective **7/1/2022**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	Completion of Year 18	Completion of Year 21
POLICE OFFICER	24	54,169	56,878	59,722	62,711	65,844	69,137	72,594	76,224	80,035	84,036	86,557	89,154
CORPORAL	25	56,878	59,722	62,711	65,844	69,137	72,594	76,224	80,035	84,036	88,239	90,886	93,613
SENIOR CORPORAL	26	59,722	62,711	65,844	69,137	72,594	76,224	80,035	84,036	88,239	92,651	95,430	98,293
MASTER CORPORAL	27	62,711	65,844	69,137	72,594	76,224	80,035	84,036	88,239	92,651	97,284	100,203	103,209
SERGEANT	29	69,137	72,594	76,224	80,035	84,036	88,239	92,651	97,284	102,147	107,254	110,472	113,786
SR. SERGEANT	30	72,594	76,224	80,035	84,036	88,239	92,651	97,284	102,147	107,254	112,618	115,996	119,476
LIEUTENANT	31	76,224	80,035	84,036	88,239	92,651	97,284	102,147	107,254	112,618	123,880	127,596	131,424
SR. LIEUTENANT	32	80,035	84,036	88,239	92,651	97,284	102,147	107,254	112,618	123,880	130,074	133,976	137,996

Effective **7/1/2023**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	Completion of Year 18	Completion of Year 21
POLICE OFFICER	24	55,524	58,300	61,215	64,278	67,490	70,865	74,409	78,130	82,035	86,137	88,721	91,383
CORPORAL	25	58,300	61,215	64,278	67,490	70,865	74,409	78,130	82,035	86,137	90,445	93,159	95,953
SENIOR CORPORAL	26	61,215	64,278	67,490	70,865	74,409	78,130	82,035	86,137	90,445	94,967	97,816	100,751
MASTER CORPORAL	27	64,278	67,490	70,865	74,409	78,130	82,035	86,137	90,445	94,967	99,716	102,708	105,789
SERGEANT	29	70,865	74,409	78,130	82,035	86,137	90,445	94,967	99,716	104,701	109,936	113,234	116,631
SR. SERGEANT	30	74,409	78,130	82,035	86,137	90,445	94,967	99,716	104,701	109,936	115,433	118,896	122,463
LIEUTENANT	31	78,130	82,035	86,137	90,445	94,967	99,716	104,701	109,936	115,433	126,977	130,786	134,710
SR. LIEUTENANT	32	82,035	86,137	90,445	94,967	99,716	104,701	109,936	115,433	126,977	133,326	137,326	141,446

Effective **7/1/2024**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	Completion of Year 18	Completion of Year 21
POLICE OFFICER	24	~~56,912~~	~~59,757~~	~~62,746~~	~~65,885~~	~~69,178~~	~~72,637~~	~~76,269~~	~~80,083~~	~~84,086~~	~~88,291~~	~~90,939~~	~~93,668~~
		72,637	72,637	72,637	72,637	76,269	80,082	84,086	88,291	92,705	97,341	100,261	103,269
CORPORAL	25	~~59,757~~	~~62,746~~	~~65,885~~	~~69,178~~	~~72,637~~	~~76,269~~	~~80,083~~	~~84,086~~	~~88,291~~	~~92,706~~	~~95,487~~	~~98,352~~
		72,637	72,637	72,637	76,269	80,082	84,086	88,291	92,705	97,341	102,208	105,274	108,432
SENIOR CORPORAL	26	~~62,746~~	~~65,885~~	~~69,178~~	~~72,637~~	~~76,269~~	~~80,083~~	~~84,086~~	~~88,291~~	~~92,706~~	~~97,341~~	~~100,262~~	~~103,269~~
		72,637	72,637	76,269	80,082	84,086	88,291	92,705	97,341	102,208	107,318	110,537	113,854
MASTER CORPORAL	27	~~65,885~~	~~69,178~~	~~72,637~~	~~76,269~~	~~80,083~~	~~84,086~~	~~88,291~~	~~92,706~~	~~97,341~~	~~102,209~~	~~105,276~~	~~108,434~~
		72,637	76,269	80,082	84,086	88,291	92,705	97,341	102,208	107,318	112,684	116,064	119,546
SERGEANT	29	~~72,637~~	~~76,269~~	~~80,083~~	~~84,086~~	~~88,291~~	~~92,706~~	~~97,341~~	~~102,209~~	~~107,319~~	~~112,684~~	~~116,065~~	~~119,546~~
		80,082	84,086	88,291	92,705	97,341	102,208	107,318	112,684	118,318	124,234	127,961	131,800
SR. SERGEANT	30	~~76,269~~	~~80,083~~	~~84,086~~	~~88,291~~	~~92,706~~	~~97,341~~	~~102,209~~	~~107,319~~	~~112,684~~	~~118,319~~	~~121,869~~	~~125,525~~
		84,086	88,291	92,705	97,341	102,208	107,318	112,684	118,318	124,234	130,446	134,359	138,390
LIEUTENANT	31	~~80,083~~	~~84,086~~	~~88,291~~	~~92,706~~	~~97,341~~	~~102,209~~	~~107,319~~	~~112,684~~	~~118,319~~	~~130,151~~	~~134,056~~	~~138,077~~
		88,291	92,705	97,341	102,208	107,318	112,684	118,318	124,234	136,657	143,490	147,795	152,229
SR. LIEUTENANT	32	~~84,086~~	~~88,291~~	~~92,706~~	~~97,341~~	~~102,209~~	~~107,319~~	~~112,684~~	~~118,319~~	~~130,151~~	~~136,659~~	~~140,759~~	~~144,982~~
		92,705	97,341	102,208	107,318	112,684	118,318	124,234	136,657	143,490	150,665	155,185	159,840

Effective **7/1/2025**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	Completion of Year 18	Completion of Year 21
POLICE OFFICER	24	~~58,334~~	~~61,251~~	~~64,314~~	~~67,532~~	~~70,907~~	~~74,453~~	~~78,176~~	~~82,085~~	~~86,189~~	~~90,498~~	~~93,213~~	~~96,009~~
		74,453	74,453	74,453	74,453	78,176	82,084	86,189	90,498	95,023	99,774	102,767	105,850
CORPORAL	25	~~61,251~~	~~64,314~~	~~67,532~~	~~70,907~~	~~74,453~~	~~78,176~~	~~82,085~~	~~86,189~~	~~90,498~~	~~95,024~~	~~97,875~~	~~100,811~~
		74,453	74,453	74,453	78,176	82,084	86,189	90,498	95,023	99,774	104,763	107,906	111,143
SENIOR CORPORAL	26	~~64,314~~	~~67,532~~	~~70,907~~	~~74,453~~	~~78,176~~	~~82,085~~	~~86,189~~	~~90,498~~	~~95,024~~	~~99,775~~	~~102,768~~	~~105,851~~
		74,453	74,453	78,176	82,084	86,189	90,498	95,023	99,774	104,763	110,001	113,301	116,700
MASTER CORPORAL	27	~~67,532~~	~~70,907~~	~~74,453~~	~~78,176~~	~~82,085~~	~~86,189~~	~~90,498~~	~~95,024~~	~~99,775~~	~~104,765~~	~~107,908~~	~~111,145~~
		74,453	78,176	82,084	86,189	90,498	95,023	99,774	104,763	110,001	115,501	118,966	122,535
SERGEANT	29	~~74,453~~	~~78,176~~	~~82,085~~	~~86,189~~	~~90,498~~	~~95,024~~	~~99,775~~	~~104,765~~	~~110,002~~	~~115,501~~	~~118,966~~	~~122,535~~
		82,084	86,189	90,498	95,023	99,774	104,763	110,001	115,501	121,276	127,340	131,160	135,095
SR. SERGEANT	30	~~78,176~~	~~82,085~~	~~86,189~~	~~90,498~~	~~95,024~~	~~99,775~~	~~104,765~~	~~110,002~~	~~115,501~~	~~121,277~~	~~124,916~~	~~128,663~~
		86,189	90,498	95,023	99,774	104,763	110,001	115,501	121,276	127,340	133,707	137,718	141,849
LIEUTENANT	31	~~82,085~~	~~86,189~~	~~90,498~~	~~95,024~~	~~99,775~~	~~104,765~~	~~110,002~~	~~115,501~~	~~121,277~~	~~133,405~~	~~137,407~~	~~141,529~~
		90,498	95,023	99,774	104,763	110,001	115,501	121,276	127,340	140,074	147,077	151,490	156,034
SR. LIEUTENANT	32	~~86,189~~	~~90,498~~	~~95,024~~	~~99,775~~	~~104,765~~	~~110,002~~	~~115,501~~	~~121,277~~	~~133,405~~	~~140,076~~	~~144,278~~	~~148,606~~
		95,023	99,774	104,763	110,001	115,501	121,276	127,340	140,074	147,077	154,431	159,064	163,836

Ordinance 22-078
Ordinance 24-xxx (Effective 7/1/2024)

EXHIBIT B

PAY PLAN AND RATES OF PAY FOR
FRATERNAL ORDER OF POLICE, NEW CASTLE COUNTY LODGE NO. 5
POLICE EXECUTIVE STAFF

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	Completion of Year 18	Completion of Year 21
POLICE CAPTAIN	1	107,192	117,912	123,807	129,997	136,497	143,323	150,488	155,003	159,653
POLICE MAJOR	2	117,912	123,807	129,997	136,497	143,323	150,488	158,012	162,752	167,635
DEPUTY CHIEF OF POLICE	3	123,807	129,997	136,497	143,323	150,488	158,012	165,913	170,890	176,017

Effective: 07/01/2022 - 6/30/2023

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	Completion of Year 18	Completion of Year 21
POLICE CAPTAIN	1	109,872	120,860	126,902	133,247	139,910	146,906	154,251	158,878	163,645
POLICE MAJOR	2	120,860	126,902	133,247	139,910	146,906	154,251	161,962	166,821	171,826
DEPUTY CHIEF OF POLICE	3	126,902	133,247	139,910	146,906	154,251	161,962	170,060	175,162	180,417

Effective: 07/01/2023 - 6/30/2024

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	Completion of Year 18	Completion of Year 21
POLICE CAPTAIN	1	~~112,619~~	~~123,881~~	~~130,074~~	~~136,578~~	~~143,407~~	~~150,578~~	~~158,107~~	~~162,850~~	~~167,736~~
		124,163	136,579	143,408	150,579	158,108	166,013	174,314	179,543	184,929
POLICE MAJOR	2	~~123,881~~	~~130,074~~	~~136,578~~	~~143,407~~	~~150,578~~	~~158,107~~	~~166,011~~	~~170,992~~	~~176,121~~
		136,579	143,408	150,579	158,108	166,013	174,314	183,029	188,520	194,176
DEPUTY CHIEF OF POLICE	3	~~130,074~~	~~136,578~~	~~143,407~~	~~150,578~~	~~158,107~~	~~166,011~~	~~174,312~~	~~179,541~~	~~184,928~~
		143,408	150,579	158,108	166,013	174,314	183,029	192,181	197,946	203,885

Effective: 07/01/2024 - 6/30/2025

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	Completion of Year 18	Completion of Year 21
POLICE CAPTAIN	1	~~115,435~~	~~126,978~~	~~133,326~~	~~139,992~~	~~146,993~~	~~154,343~~	~~162,060~~	~~166,921~~	~~171,929~~
		127,267	139,994	146,993	154,343	162,060	170,163	178,671	184,032	189,552
POLICE MAJOR	2	~~126,978~~	~~133,326~~	~~139,992~~	~~146,993~~	~~154,343~~	~~162,060~~	~~170,162~~	~~175,266~~	~~180,524~~
		139,994	146,993	154,343	162,060	170,163	178,671	187,605	193,233	199,030
DEPUTY CHIEF OF POLICE	3	~~133,326~~	~~139,992~~	~~146,993~~	~~154,343~~	~~162,060~~	~~170,162~~	~~178,670~~	~~184,030~~	~~189,551~~
		146,993	154,343	162,060	170,163	178,671	187,605	196,985	202,895	208,982

Effective: 07/01/2025

Ordinance 23-003
Ordinance 24-xxx (Effective 7/1/2024)

PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE

EXHIBIT C

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
LEGAL SECRETARY	17	36,676	38,510	40,436	42,457	44,580	46,809	49,150	51,607	54,188	56,897
ETHICS COMMISSION ADMIN ASST	20	42,458	44,581	46,810	49,151	51,609	54,189	56,898	59,744	62,730	65,867
EXECUTIVE ASSISTANT I	22	46,809	49,150	51,607	54,188	56,897	59,743	62,729	65,866	69,159	72,617
OFFICE OF LAW PARALEGAL	24	51,609	54,189	56,898	59,744	62,730	65,867	69,160	72,618	76,249	80,062
PARALEGAL TO THE COUNTY ATTORNEY	25	54,190	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066
EXECUTIVE ASSISTANT II LAW ENFORCEMENT TECHNICIAN	26 26	56,899	59,745	62,732	65,868	69,161	72,619	76,250	80,063	84,066	88,269
COMPLAINTS OFFICER	27	59,744	62,730	65,867	69,160	72,618	76,249	80,062	84,065	88,268	92,682
EXECUTIVE ASSISTANT III STAFF DIRECTOR	30 30	69,161	72,619	76,250	80,063	84,066	88,269	92,683	97,317	102,183	107,292
ASSISTANT COUNTY ATTORNEY I	32	76,252	80,065	84,068	88,271	92,685	97,319	102,185	107,294	112,658	118,291
ASSISTANT COUNTY ATTORNEY II DIRECTOR OF COMMUNICATIONS EXECUTIVE ASSISTANT IV	34 34 34	84,067	88,270	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414
DIRECTOR OF REDEVELOPMENT	36	92,684	97,318	102,184	107,293	112,657	118,290	124,204	130,414	136,934	143,781
CHIEF HUMAN RESOURCES OFFICER CHIEF OF TECHNOLOGY AND ADMIN SERVICES COMMUNITY SERVICES DEPT. GEN. MANAGER	38 38 38	102,185	107,294	112,658	118,291	124,206	130,416	136,937	143,784	150,974	158,523
COUNTY SOLICITOR	39	107,295	112,659	118,293	124,207	130,417	136,938	143,785	150,975	158,524	166,449
CHIEF FINANCIAL OFFICER CHIEF OF STAFF COUNTY ATTORNEY DEPUTY CHIEF ADMINISTRATIVE OFFICER DIRECTOR OF PUBLIC SAFETY LAND USE DEPARTMENT GENERAL MANAGER POLICY DIRECTOR FOR THE COUNTY EXECUTIVE PUBLIC WORKS DEPARTMENT GENERAL MGR.	40 40 40 40 40 40 40 40	112,658	118,291	124,206	130,416	136,937	143,783	150,973	158,522	166,447	174,769
CHIEF OF POLICE	41	~~125,167~~ 137,997	~~131,426~~ 144,896	~~137,996~~ 152,141	~~144,896~~ 159,748	~~152,141~~ 167,736	~~159,749~~ 176,123	~~167,736~~ 184,929	~~176,122~~ 194,175	~~184,929~~ 203,884	~~194,175~~ 214,078
PART-TIME ATTORNEY (hourly rate)		42.42	44.54	46.77	49.11	51.57	54.15	56.86	59.70	62.69	65.82
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY											
CHIEF ADMINISTRATIVE OFFICER		109,439	123,665	131,085	138,951	154,235	161,946	170,043	178,545	187,472	196,846

BOARD AND COMMISSIONERS RATES OF PAY

JUDGEMENT COMMISSIONERS	$9.25 PER HOUR
MEMBER, BOARD OF ADJUSTMENT	$100 PER REGULAR MEETING AND $100 PER SPECIAL MEETING
MEMBER, BOARD OF ASSESSMENT REVIEW	$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS $25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY.
MEMBER, HISTORIC REVIEW BOARD	$100 PER REGULAR MEETING AND $100 PER SPECIAL MEETING
MEMBER, HUMAN RESOURCES ADVISORY BOARD	$100 PER MEETING
MEMBER, PLANNING BOARD	$100 PER REGULAR MEETING AND $100 PER SPECIAL MEETING
MEMBER, POLICE ACCOUNTABILITY BOARD	$100 PER REGULAR MEETING AND $100 PER SPECIAL MEETING

Effective: 07/01/2024 (Ordinance 23-063)
Revised: 07/01/2024 (Ordinance 23-086)
Revised: 07/01/2023 (Ordinance 23-148)
Revised: 07/01/2024 (Ordinance 24-xxx)

PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE

EXHIBIT D

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
LEGAL SECRETARY	17	37,593	39,473	41,447	43,519	45,695	47,980	50,379	52,898	55,543	58,320
ETHICS COMMISSION ADMIN ASST	20	43,520	45,696	47,981	50,380	52,900	55,544	58,321	61,238	64,299	67,514
EXECUTIVE ASSISTANT I	22	47,980	50,379	52,898	55,543	58,320	61,237	64,298	67,513	70,888	74,433
OFFICE OF LAW PARALEGAL	24	52,900	55,544	58,321	61,238	64,299	67,512	70,889	74,434	78,156	82,064
PARALEGAL TO THE COUNTY ATTORNEY	25	55,545	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168
EXECUTIVE ASSISTANT II	26	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476
LAW ENFORCEMENT TECHNICIAN	26										
COMPLAINTS OFFICER	27	61,238	64,299	67,514	70,889	74,434	78,156	82,064	86,167	90,475	95,000
EXECUTIVE ASSISTANT III	30	70,891	74,435	78,157	82,065	86,168	90,476	95,001	99,750	104,738	109,975
STAFF DIRECTOR	30										
ASSISTANT COUNTY ATTORNEY I	32	78,159	82,067	86,170	90,478	95,003	99,752	104,740	109,977	115,475	121,249
ASSISTANT COUNTY ATTORNEY II	34	86,169	90,477	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675
DIRECTOR OF COMMUNICATIONS	34										
EXECUTIVE ASSISTANT IV	34										
DIRECTOR OF REDEVELOPMENT	36	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,358	147,376
CHIEF HUMAN RESOURCES OFFICER	38	104,740	109,977	115,475	121,249	127,312	133,677	140,361	147,379	154,749	162,487
CHIEF OF TECHNOLOGY AND ADMIN SERVICES	38										
COMMUNITY SERVICES DEPT. GEN. MANAGER	38										
COUNTY SOLICITOR	39	109,978	115,476	121,251	127,313	133,678	140,362	147,380	154,750	162,488	170,611
CHIEF FINANCIAL OFFICER	40	115,475	121,249	127,312	133,677	140,361	147,378	154,748	162,486	170,609	179,139
CHIEF OF STAFF	40										
COUNTY ATTORNEY	40										
DEPUTY CHIEF ADMINISTRATIVE OFFICER	40										
DIRECTOR OF PUBLIC SAFETY	40										
LAND USE DEPARTMENT GENERAL MANAGER	40										
POLICY DIRECTOR FOR THE COUNTY EXECUTIVE	40										
PUBLIC WORKS DEPARTMENT GENERAL MGR.	40										
CHIEF OF POLICE	41	~~128,297~~ 141,447	~~134,712~~ 148,518	~~141,446~~ 155,945	~~148,519~~ 163,742	~~155,945~~ 171,929	~~163,743~~ 180,526	~~171,930~~ 189,552	~~180,526~~ 199,029	~~189,553~~ 208,981	~~199,030~~ 219,430
PART-TIME ATTORNEY (hourly rate)		43.48	45.65	47.93	50.33	52.85	55.49	58.26	61.17	64.23	67.44
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY											
CHIEF ADMINISTRATIVE OFFICER		112,175	126,757	134,363	142,425	158,091	165,995	174,295	183,009	192,159	201,768

BOARD AND COMMISSIONERS RATES OF PAY

JUDGEMENT COMMISSIONERS	$9.25 PER HOUR
MEMBER, BOARD OF ADJUSTMENT	$100 PER REGULAR MEETING AND $100 PER SPECIAL MEETING
MEMBER, BOARD OF ASSESSMENT REVIEW	$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS $25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY.
MEMBER, HISTORIC REVIEW BOARD	$100 PER REGULAR MEETING AND $100 PER SPECIAL MEETING
MEMBER, HUMAN RESOURCES ADVISORY BOARD	$100 PER MEETING
MEMBER, PLANNING BOARD	$100 PER REGULAR MEETING AND $100 PER SPECIAL MEETING
MEMBER, POLICE ACCOUNTABILITY BOARD	$100 PER REGULAR MEETING AND $100 PER SPECIAL MEETING

Effective: 07/01/2025 (Ordinance 23-063)
Revised: 07/01/2025 (Ordinance 23-086)
Revised: 07/01/2023 (Ordinance 23-148)
Revised: 07/01/2025 (Ordinance 24-xxx)

PAY PLAN AND RATES OF PAY FOR NON-UNION UNCLASSIFIED SERVICE EMPLOYEES OF THE EXECUTIVE OFFICE

EXHIBIT E

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
LEGAL SECRETARY	17	38,533	40,460	42,484	44,607	46,838	49,180	51,639	54,221	56,932	59,778
ETHICS COMMISSION ADMIN ASST	20	44,608	46,839	49,181	51,640	54,223	56,933	59,780	62,769	65,907	69,202
EXECUTIVE ASSISTANT I	22	49,180	51,639	54,221	56,932	59,778	62,768	65,906	69,201	72,661	76,294
OFFICE OF LAW PARALEGAL	24	54,223	56,933	59,780	62,769	65,907	69,202	72,662	76,295	80,110	84,116
PARALEGAL TO THE COUNTY ATTORNEY	25	56,934	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323
EXECUTIVE ASSISTANT II	26	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738
LAW ENFORCEMENT TECHNICIAN	26										
COMPLAINTS OFFICER	27	62,769	65,907	69,202	72,662	76,295	80,110	84,116	88,322	92,737	97,375
EXECUTIVE ASSISTANT III	30	72,664	76,296	80,111	84,117	88,323	92,738	97,377	102,244	107,357	112,725
STAFF DIRECTOR	30										
ASSISTANT COUNTY ATTORNEY I	32	80,113	84,119	88,325	92,740	97,379	102,246	107,359	112,727	118,362	124,281
ASSISTANT COUNTY ATTORNEY II	34	88,324	92,739	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017
DIRECTOR OF COMMUNICATIONS	34										
EXECUTIVE ASSISTANT IV	34										
DIRECTOR OF REDEVELOPMENT	36	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,867	151,061
CHIEF HUMAN RESOURCES OFFICER	38	107,359	112,727	118,362	124,281	130,495	137,019	143,871	151,064	158,618	166,550
CHIEF OF TECHNOLOGY AND ADMIN SERVICES	38										
COMMUNITY SERVICES DEPT. GEN. MANAGER	38										
COUNTY SOLICITOR	39	112,728	118,363	124,283	130,496	137,020	143,872	151,065	158,619	166,551	174,877
CHIEF FINANCIAL OFFICER	40	118,362	124,281	130,495	137,019	143,871	151,063	158,617	166,549	174,875	183,618
CHIEF OF STAFF	40										
COUNTY ATTORNEY	40										
DEPUTY CHIEF ADMINISTRATIVE OFFICER	40										
DIRECTOR OF PUBLIC SAFETY	40										
LAND USE DEPARTMENT GENERAL MANAGER	40										
POLICY DIRECTOR FOR THE COUNTY EXECUTIVE	40										
PUBLIC WORKS DEPARTMENT GENERAL MGR.	40										
CHIEF OF POLICE	41	~~128,297~~ 141,447	~~134,712~~ 148,518	~~141,448~~ 155,945	~~148,520~~ 163,742	~~155,946~~ 171,929	~~163,743~~ 180,526	~~171,930~~ 189,552	~~180,527~~ 199,029	~~189,553~~ 208,981	~~199,031~~ 219,430
PART-TIME ATTORNEY (hourly rate)		44.57	46.80	49.14	51.60	54.18	56.89	59.73	62.72	65.86	69.15
EXECUTIVE AND ADMINISTRATIVE RATES OF PAY											
CHIEF ADMINISTRATIVE OFFICER		114,980	129,926	137,723	145,986	162,044	170,145	178,653	187,585	196,963	206,813

BOARD AND COMMISSIONERS RATES OF PAY

JUDGEMENT COMMISSIONERS	$9.25 PER HOUR
MEMBER, BOARD OF ADJUSTMENT	$100 PER REGULAR MEETING AND $100 PER SPECIAL MEETING
MEMBER, BOARD OF ASSESSMENT REVIEW	$100 PER MEETING FOR ANY MEETING LASTING NOT MORE THAN SIX (6) HOURS PLUS $25 PER HOUR FOR EVERY HOUR OVER SIX THAT A MEMBER SPENDS HEARING APPEALS IN A SINGLE DAY.
MEMBER, HISTORIC REVIEW BOARD	$100 PER REGULAR MEETING AND $100 PER SPECIAL MEETING
MEMBER, HUMAN RESOURCES ADVISORY BOARD	$100 PER MEETING
MEMBER, PLANNING BOARD	$100 PER REGULAR MEETING AND $100 PER SPECIAL MEETING
MEMBER, POLICE ACCOUNTABILITY BOARD	$100 PER REGULAR MEETING AND $100 PER SPECIAL MEETING

Effective: 07/01/2026 (Ordinance 23-063)
Revised: 07/01/2026 (Ordinance 23-086)
Revised: 07/01/2023 (Ordinance 23-148)
Revised: 07/01/2026 (Ordinance 24-xxx)

Prime Sponsor(s): Mr. Tackett, Ms. Kilpatrick
Requested by: Land Use
Date of introduction: April 9, 2024

ORDINANCE NO. 24-057

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 3 ("USE REGULATIONS"), ARTICLE 7 ("TRANSFER OF DEVELOPMENT RIGHTS AND OTHER INCENTIVES AND BONUSES"), ARTICLE 8 ("NONCONFORMING SITUATIONS"), ARTICLE 22 ("DRAINAGE, UTILITIES, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING"), ARTICLE 31 ("PROCEDURES AND ADMINISTRATION") AND ARTICLE 33 ("DEFINITIONS"), REGARDING DEVELOPMENT AND REDEVELOPMENT

WHEREAS, County Council adopted Substitute No. 2 to Ordinance No. 22-024 as amended by Floor Amendment No. 1 ("New Castle County Comprehensive Plan" or "the Ordinance"), on July 26, 2022, and the County Executive approved the Ordinance on August 4, 2022; and

WHEREAS, the Concord Pike (US 202) Corridor Master Plan and the New Castle County Comprehensive Plan identify the need for revisions to the redevelopment provisions in the Unified Development Code and recommend context sensitive development design that is consistent with the Guiding Principles for Development; and

WHEREAS, the New Castle County Comprehensive Plan encourages redevelopment of industrial land, strip malls, office parks, and other "greyfields" to strengthen community cohesion, environmental quality, fiscal productivity, and quality of life; and

WHEREAS, the New Castle County Comprehensive Plan calls on the County to enact land use policies and regulations that incentivize infill and redevelopment in and around job centers; and

WHEREAS, the New Castle County Comprehensive Plan guides development and redevelopment to be sensitive to the context of neighboring residential development; and

WHEREAS, existing redevelopment provisions in the Unified Development Code are not applicable for developments that require variances, thereby reducing potential economic and design improvements in the County; and

WHEREAS, the County recognizes the importance of updating its development regulations to be consistent with, and implement, the New Castle County Comprehensive Plan; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

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

Section 1. *New Castle County Code* Chapter 40 ("Unified Development Code or "UDC"), Article 3 ("Use Regulations"), Division 40.03.100 ("Use Regulations"), is hereby amended by adding the material that is underscored, as set forth below:

Sec. 40.03.110. Use table.

Table 40.03.110 lists the type…

Table 40.03.110 A GENERAL USE TABLE									*Table 40.03.110 B GENERAL USE TABLE*							*Table 40.03.110 C GENERAL USE TABLE*	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory,									*Zoning District (Suburban and Special Character)*							*Additional Standards (all districts)*	
Land Use	** TN*	*ST*	*MM*	*ON*	*OR*	*CR*	*BP*	*I*	*CN*	**** S*	*SE*	*** NC*	*HI*	*EX*	*SR*	*Parking*	*Limited & Special Use Standards*
Commercial									**Commercial**							**Commercial**	
…Mixed use	L	N	N	L	L	L	N	N	L	N	N	N	N	N	N	Table 40.03.522	Section 40.03.318, Division 40.25.200
Multifamily conversion	L	N	N	L	L	L	N	N	L	N	N	N	N	N	N	Table 40.03.522	Section 40.03.340
Restaurants…	L	N	N	N	L	Y	L	L	Y	N	N	N	N	N	N	Table 40.03.522	Table 40.03.210, Division 40.25.200
Public interest and special events	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Table 40.03.522	Section 40.03.330
Temporary miscellaneous sales	L	N	N	N	N	L	N	N	L	N	N	N	N	N	N	Table 40.03.522	Table 40.03.210, Section 40.03.331

NOTES: * Refer to Article 25 for design standards for TN District.
** Refer to Section 40.02.241 for identification of permitted residential uses by specific NC zoning district.
*** See Division 40.25.100 for Village and Hamlet Standards.

Section 2**.** *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 3 ("Use Regulations"), Division 40.03.300 ("Additional limited and special use standards"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.03.318. Mixed uses

[~~All mixed uses shall meet the following requirements~~] Mixed use is intended to facilitate development that is planned, designed and managed as an integrated development comprised of residential and nonresidential uses oriented to a pedestrian precinct and

intended to provide convenient shopping, employment and residential opportunities while reducing vehicular trip generation. For all proposed mixed uses, the following apply:

A. The mixed use development shall include a minimum of five (5) dwelling units comprising a minimum of twenty-five (25) percent or a maximum of [~~fifty~~]seventy-five ([~~50~~]75) percent of the total gross floor area on the site.

B. In addition to the residential requirements above, mixed use development shall include a minimum of three (3) different uses [~~from at least two (2) of the following land use categories: Commercial retail and service, Section 40.33.240 (E); Office, Section 40.33.240 (L); Restaurant, Section 40.33.240 (K); Craft alcohol production establishment (CAPE), Section 40.33.240 (M); Institutional neighborhood, Section 40.33.230 (E); Public Service, Section 40.33.230 (H)~~]. Gas stations, single use (e.g. stand-alone or pad site) restaurants, and restaurants with drive through service [~~shall~~]must not [~~be permitted in~~] exceed ten (10) percent of GFA within a mixed use development.

C. Residential uses shall provide outdoor areas…

D. In the OR and ON zoning districts, [~~a minimum of sixty-seven (67) percent of the nonresidential gross floor area of the mixed use development~~]at least 25 percent (25%) of the total gross floor area and at least 50 percent (50%) of the nonresidential gross floor area of the mixed use development shall consist of office uses.

E. A CAPE shall include a tasting room…

F. Loading areas shall not be oriented toward a public street…

G. In districts where mixed uses are specifically permitted, a density bonus is contained in Table 40.04.110.

…

Sec. 40.03.340. Multifamily conversion.

Multifamily conversions are intended to facilitate and encourage the redevelopment of existing office and commercial sites and increase the diversity in housing opportunities in the county where supporting infrastructure exists. The following requirements apply to all multifamily conversions:

A. A multifamily conversion is not permitted on a parcel that is within one thousand (1,000) feet of a Heavy Industry zoned parcel or a parcel with a Heavy Industry Use as defined in Section 40.33.270.C.

B. Excluding mixed use developments, legally existing commercial or office GFA may be converted to apartments or residential condominiums subject to Section 40.31.711.

C. A land development application that proposes new GFA as part of a multifamily conversion is reviewed under the standards for "other permitted use" in the underlying zoning district set forth in Table 40.04.110, and is reviewed in accordance with the process and standards for a Resubdivision Plan, a Minor Land Development Plans or a Major Land Development Plan.

D. Multifamily conversion may yield one dwelling unit for every eight hundred (800) square feet of GFA. The average size of an apartment or residential condominium unit in a multifamily conversion must be at least eight hundred (800) square feet of GFA .

E. At least two hundred (200) square feet of yard space, balcony, deck space or roof top area for each apartment or residential condominium unit must be provided.

F. A multifamily conversion is required to provide Moderately Priced Dwelling Units in accordance with Article 7.

Section 3. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 7 ("Transfer of Development Rights and Other Incentives And Bonuses"), Division 40.07.500 ("Traditional Neighborhood Housing Program"), is hereby amended by adding the material that is underscored, as set forth below:

Sec. 40.07.510. Mandatory applicability.

Required Moderately Priced Dwelling Units ("MPDUs"). MPDUs shall be required subject to the following conditions.

A. On all rezoning applications …

E. This Section shall not apply to the acreage …

F. On a multifamily conversion application proposing twenty-five (25) or more residential units, ten (10) percent of all units must be set aside as MPDUs.

…

Sec. 40.07.560. Affordability period and controls.

MPDUs shall remain subject to the restrictions contained in this division for a ten (10) year affordability period calculated from the date of first sale. MPDUs established by a multifamily conversion must remain subject to the restrictions contained in this division for a fifteen (15) year affordability period calculated from the date of first sale or rental of each unit. All resales during the affordability period shall be subject to the following restrictions…

Section 4. *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 7 ("Transfer of Development Rights and Other Incentives And Bonuses"), Division 40.07.600 ("Infill development bonus"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Division 40.07.600. [~~Infill d~~]Development bonuses.

This Division provides incentives for [~~infill and mixed-use type~~] developments that combat sprawl, enhance the viability of older [~~neighborhoods~~]commercial areas, provide employment opportunities, or encourage transit use.

Sec. 40.07.610. Eligibility.

[~~Areas designated by the Department for infill~~] The following development types shall be eligible for a development bonus. [~~The infill development shall be for one (1) of five (5) types:~~]

A. [~~Mixed uses development. Mixed uses sites are zoned CR, ON, OR, BP, or I. The frontage adjoining the site must be in nonresidential use for a total distance of one thousand (1,000) feet including the site.~~

~~B. Redevelopment. Refer to Subsection 40.08.130.B.6 for qualification standards and the process for review and approval of redevelopment sites.~~]

Community Development. These sites are located in areas identified by the Comprehensive Plan as Community Development Areas.

[~~C~~]B.[~~*Infill*~~]*Corridor Redevelopment*. These sites are [~~zoned S, ST, or TN. Individual properties shall have a site size able to accommodate twenty-five (25) dwelling units at the open space planned development~~]nonresidential zoned sites located in Type 1 Commercial Corridor Development Areas.

[~~D~~]C.*Transit oriented infill*. …

[~~E~~]D.*Employment infill*. …

Sec. 40.07.620. [~~Mixed use bonus.~~

~~A mixed use development in a generally nonresidential area shall be permitted subject to an increase in the floor area as a result of permitting. In districts where mixed uses are specifically permitted, a bonus is contained in Table 40.04.110. If mixed uses are not permitted in the district, they shall be permitted as a bonus to encourage infill development.~~

~~A. Uses with at-grade parking. If the use incorporates at-grade parking, the following shall be used to calculate the new intensity of use.~~

~~1. The landscaped surface ratio shall be reduced by multiplying by eighty-five hundredths (0.85), while keeping the landscape planting requirements at the same number of plants as would have been the case without the area reduction. The reduced landscape surface ratio cannot be less than that required to protect natural resources, Table 40.05.420.~~

~~2. The developer shall calculate the parking ratios for each use and follow Section 40.22.616 for reduced parking with mixed uses.~~

~~3. The project shall be allowed one (1) additional story to exceed the floor area ratio by the area of that floor and to exceed the height requirement of Table 40.04.110. The floor area increase shall be measured at the top floor.~~

~~B. Uses with structured parking.~~

~~1. Shall conform to 1 and 2 above.~~

~~2. The project shall be allowed two (2) additional stories to exceed the floor area ratio by the area of those floors, and to exceed the height requirement of Table 40.04.110. The floor area increase shall be measured at the top floor.~~]

Community Development incentive.

Except for uses identified in Section 40.33.270, a land development plan in an area identified as a Community Development Area and consistent with the Community Area Master Plan Key Recommendations in the Comprehensive Plan are eligible for the Community Development incentive. The following apply to land a development plan that includes the Community Development incentive:

A. A nonresidential land development plan is reviewed as a redevelopment plans under Section 40.08.130.B.6 without the requirement to demolish GFA.

B. The permitted density or floor area ratio is increased by fifteen (15) percent.

C. The minimum open space ratio or landscape surface ratio in Article 4, Table 40.04.110A is reduced to 0.15.

D. The development must include elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7.

…

Sec. 40.07.640. [~~Infill bonus~~]Corridor Redevelopment incentive.

[~~Infill development may receive an eight (8) percent bonus where the developer uses land that has remained undeveloped for a period of at least twenty-five (25) years, and there are no utility, transportation, or environmental constraints. The Department in coordination with the Historic Review Board shall use the following standards in determining whether to grant the bonus~~] Corridor Redevelopment occurs on developed nonresidential land identified by the Comprehensive Development Plan as a Type 1 Commercial Corridor Development Area. The following apply to land development plans that include the Corridor Redevelopment incentive:

A. [~~In no case shall the open space required by Article 5 be reduced~~] A nonresidential land development plan is reviewed as a redevelopment plan under Section 40.08.130.B.6 without the requirement to demolish GFA.

B. [~~The site shall meet all capacity constraints of Article 5.~~]

[~~C.~~]The development [~~scale, design, and landscaping is compatible and enhances the character of the neighborhood~~]must include elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7.

Section 5**.** *New Castle County Code* Chapter 40 ("Unified Development Code" or "UDC"), Article 8 ("Nonconforming Situations"), Division 40.08.100 ("General Regulations"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.08.130. Alterations, enlargements, or extensions.

A. Nonconforming use. …

B. Nonconforming building, structure, or situation. A nonconforming building, structure or situation other than a nonconforming use may be enlarged, extended or replaced only as provided below:

1. Extension or enlargement…

2. Alteration. …

3. Restoration. …

4. Replacement or repair. …

5. Reconstruction. …

6. Redevelopment and Brownfields.

a. *Purpose.* Redevelopment is intended to facilitate and encourage the continued viability of previously developed land by granting a credit for [~~both~~]extractive use sites, [~~and~~]Brownfields, [~~; and for sites with legally existing gross floor area (GFA) that has been demolished by more than fifty (50) percent of its GFA. New construction may be configured or located elsewhere on the site although~~] and nonconforming nonresidential sites. The rehabilitation or restoration of existing structures is highly recommended. [~~Improvements to select design elements shall be incorporated that acknowledge the unique characteristics of each previously developed site. The record plan shall indicate that the plan has been reviewed and approved according to the redevelopment standards in this section with improvements to design elements noted on plan.~~] Redevelopment is also intended to facilitate and encourage the improvement of former or existing extractive use or Brownfield sites that may lack any current or prior GFA.[~~A site capacity analysis pursuant to Division 40.05.400 may be required to determine permitted GFA for extractive use sites.~~]

b. *Applicability.* [~~The standards of this section are limited to r~~]Redevelopment [~~to~~]of nonresidential uses and sites [~~are~~]is subject to the following:[~~. The standards of this section shall apply only to sites that have been: (i) designated as a Brownfield; (ii) developed under the Former Code; (iii)~~

~~developed prior to adoption of New Castle County development regulations; or, (iv) are former or existing extractive use sites.~~]

i. The site and all buildings on the site [~~shall~~]must be first evaluated for historical significance [~~pursuant to~~]under Article 15.

ii. The applicant [~~shall be~~]is permitted to utilize all [~~of the~~]legally established [~~square footage~~]GFA for the site [~~provided that said square footage~~]if the GFA is existing or has existed on the site. Unbuilt GFA may not be utilized.

iii. Except as otherwise provided in Subsection B.6.b.iv below, for Commercial Neighborhood (CN) and Office Neighborhood (ON) zoned sites, at least fifteen (15) percent of built GFA that is not determined to be historically significant must be demolished. For all other zoning districts, at least fifty (50) percent built GFA that is not determined to be historically significant must be demolished.

iv. Legally existing GFA on extractive use, Brownfield, or nonresidential sites identified by the Comprehensive Plan as either a Community Development Area or Type 1 Commercial Corridor Development Area need not be demolished for the site to be eligible for redevelopment.

v. For [~~office or commercial~~]nonresidential zoned sites that are currently used for residential purposes and abut residentially zoned property, the applicant must provide the entire required buffer against the residential land.

vi. The redevelopment of a site [~~pursuant to~~]under Subsection 40.08.130 B.6. permits the continuation of certain nonconforming situations, but prohibits the creation of any new nonconformity or the expansion of an existing nonconformity. In the event a plan proposes development that does not otherwise comply with this Chapter [~~resulting in an application for a variance, the provisions of Subsection 40.08.130 B.6. shall not be applicable and the owner/developer shall instead apply for all variances necessary to develop the property.~~], the applicant may submit a variance application, if the plan includes elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7.

vii. Levels of proportional compliance are required to meet or exceed the provisions provided for in Subsection B.6.e. In lieu of this section, an applicant may choose to redevelop the site in full compliance with the UDC.

viii. For sites requiring fifty (50) or more parking spaces, the maximum parking permitted for a redevelopment plan is one hundred and fifteen (115) percent of the minimum parking required by this Chapter.

ix. For land identified by the Comprehensive Development Plan as a Corridor Area, the property owner must include elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7.

x. The record plan must indicate that the plan has been reviewed and approved according to the redevelopment standards in this section with improvements to design elements noted on plan.

c. *Redevelopment plans.* Redevelopment plans shall be reviewed as minor or major land development plans as defined in Article 33 unless the following criteria apply:

i. Minor redevelopment land development.

(a) The plan proposes GFA…

(b) The plan proposes credit …

(c) The creation of a business park or industrial park regardless of the number of lots or square footage [~~unless it is in conflict with Subsection B.6.e.7~~].

ii. Major redevelopment land development —With net increase.

[~~(a)~~] The plan proposes credit for legally established GFA plus additional new GFA of greater than fifty thousand (50,000) square feet but not to exceed the permitted FAR in Table 40.04.110 and provided no special studies are needed.

[~~(b) Major land development plans that are not subject to a rezoning may proceed directly to record plan submission following exploratory plan approval. A PLUS hearing shall be scheduled during the exploratory plan review stage.~~]

d. *Review process…*

e. *Design element improvements*. Improvements toward further code compliance…

i. The exploratory sketch plan [~~shall~~]must identify …

ii. The Department may require …

iii. For a Brownfield site, [~~T~~]the applicant [~~shall submit~~]must provide documentation from DNREC identifying and confirming the status [~~Brownfield~~]of the site as part of the exploratory plan submission [~~prior to review~~].

iv. [~~A site resource capacity analysis need not be conducted (see Section 40.05.050 A).~~]

[~~v.~~] The redevelopment of a Brownfield site in a floodplain [~~shall~~]must comply …

v[~~i~~]. [~~All i~~]Impact fees [~~as~~]are only required for GFA that exceeds existing legally established GFA on the site [~~by Article 14 shall be waived~~] (see Article 14 [~~Table 40.14.210~~]).

vi[~~i~~]. An operational analysis or a traffic impact study [~~shall be~~]is required if requested by DelDOT or the Department. Proposed development that exceeds the legally approved GFA is subject to DelDOT transportation impact standards, and the County may limit or restrict development to less GFA if that is recommended by DelDOT. As a result, DelDOT may require transportation improvements as a condition of its letter of no objection. For major plans or rezonings, [~~I~~] if an existing Level of Service (LOS) is A, B, C, or D, the proposed development may not cause that LOS to become E or F. If the existing LOS is E, the proposed development may not cause that LOS to become F.

vii[~~i~~]. The redevelopment of a site within six hundred sixty (660) feet …

f. *Permitted uses for Brownfields.* The I (Industrial) zoning district office use restriction of Section 40.03.321 shall not apply. General office uses will be permitted without limitation. [~~Mixed use development shall be permitted in the I zoning district subject to the same standards for mixed use in the OR zoning district including Section 40.03.318 and Tables 40.04.110 and 111.~~] In the HI [~~D~~]district, the applicant may utilize the standards for lot size and setbacks from the I district. All uses permitted in the I district [~~except for mixed use~~], including office use as enumerated above, shall be permitted in the HI district.

g. *Density bonuses.* A redevelopment density bonus in any zoning district not to exceed twenty-five (25) percent of the maximum nonresidential GFA or multifamily dwelling density allowed in Table 40.04.110 A or twenty-five (25) percent of the legally established nonresidential GFA or multifamily dwelling density on the site, whichever is greater, [~~shall be~~]is permitted. Any redevelopment project that includes a density bonus as provided for in this Section shall be reviewed and evaluated [~~pursuant to Section 40.25.410~~] under Appendix 7, Guiding Principles.

h. *Annual report.* The Department [~~and the Redevelopment Office~~] shall provide County Council with an annual report on the use and effectiveness of the redevelopment section which shall be discussed at a Council Committee Meeting open to the public. The annual report may also recommend amendments to this Division and this Chapter based upon the success or failure of redevelopment plans to meet stated goals and objectives.

7. Bridge reconstruction…

TABLE 40.08.130 B *Work Table to Calculate Value of Individual Design Element Improvements and Total Aggregate Percent Improvement for Redevelopment Land Development Plans*					
(a) *Improvement Design Elements (at least four (4) separate design element improvements shall be made.)*	*(b)* *UDC Site Specific Requirements and Standards*	*(c)* *Current or Existing Situation*	*(d)* *Proposed Improvement to Existing Situation*	*(e)* *Percent Improvement (d/b)*	*(f)* *Comments*
Parking					
Number of required spaces…					
* Architectural					
** Guiding Principles					
* Energy efficient design					
Other					
Other					
Other					
Total Aggregate Percent Improvement (column e), must exceed four hundred (400) percent =					
** Maximum allowable percent improvement for these elements is 50%.* *** Not applicable for plans subject to Sections 40.08.130.B.6.b.vi and ix.*					

Section 6. *New Castle County Code* Chapter 40 (“Unified Development Code” or “UDC”), Article 22 (“Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting”), Division 40.22.610 (“Parking and Loading”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.22.615. Parking Reduction

Where a unique situation is proposed or exists which will not generate the need for as many parking spaces as required by this Article, the applicant may petition the Department to authorize such reduction. The request for a parking reduction shall include a parking demand and needs analysis (PDNA) as described in this subsection which shall be submitted to the Department for review and approval. The Department

shall be authorized to grant a reduction to the parking requirements when a PDNA shows that the requirements, as applied to the particular use, would exceed the minimum necessary to conveniently serve the customers, clients, visitors and employees. [~~The components of a~~]A PDNA must include [~~at least~~] the following components:

A. A narrative discussion ...

D. Proposed means of parking/traffic mitigation …

E. With the exception of plans where the Comprehensive Plan identifies a site as being in either a Type 1 Commercial Corridor Development or Community Development Area, and includes elements of building design, site design and amenities identified in the applicable Character Area set forth in Appendix 7, [~~T~~]the number of required parking spaces reduced by an approved PDNA, [~~no longer required as a result of the PDNA analysis and the uses proposed~~] must [~~still~~]be shown on-site as potential parking to accommodate future parking needs. [~~should~~]If the proposed uses identified in the PDNA change [~~and~~] the reductions granted will no longer be applicable.

Section 7. *New Castle County Code* Chapter 40 (“Unified Development Code” or “UDC”), Article 31 (“Procedures and Administration”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.31.320. Applications generally.

A. *Forms*…

E. *Withdrawal of application*. …

F. *Public notice of land development plans*.

1. *Online notice*. The Department shall post the receipt of all major and minor land development plans and Resubdivision Plans on a web page established for legal notices on the County's website within five (5) days of the receipt of a completed application.

2. *Posted notice*. The applicant shall erect a posted notice sign for all major and minor land development plans and Resubdivision Plans within ten (10) days of submission of a completed initial exploratory sketch plan to the Department. …

…

Sec. 40.31.711. Resubdivision plan.

Proposed revisions to previously recorded plans and previously platted parcels that will not result in any new lots or additional gross floor area shall be considered resubdivisions and shall be reviewed as minor plans for any of the following purposes:

A. Lot line changes….

F. Amendments to notes…

G. Multifamily conversions proposed under Section 40.03.340.B.

…

Sec. 40.31.820. Land Development Improvement Agreement (LDIA).

Except for minor residential subdivisions or plans for which a governmental entity is the applicant or property owner, all improvements contemplated in minor or major land development plans as required by this Chapter for sewer, drainage and detention, as well as for other improvements such as stormwater management facilities, parking, curbing, paving, sidewalks, open space improvements and common facilities, property monuments, earthwork, lighting, landscaping and bufferyards (except for replacement of on-lot residential landscaping), and any other improvements required by this Chapter ("the Improvements") shall be subject to a performance guarantee.

A. The developer's engineer shall submit an itemized cost estimate for [~~water, sewer, storm drainage, detention, lighting, any off-site~~] the I[i]mprovements, [~~and any other improvements required by this Chapter~~]. The designers of the [~~landscapes, buffers, and/or other i~~]Improvements shall submit cost estimates. Valid bids from contractors may be substituted for cost estimates. The Department shall review all bids, checking for consistency with similar bids or public bids to ensure they are reasonable.

B. In the alternative, [~~the~~]a formula as established by the Department may be used in lieu of cost estimates.

C. The developer [~~shall~~] must establish a performance guarantee acceptable to the County to guarantee and warrant the costs of constructing [~~and/~~]or reconstructing all improvements shown on the record plan. The performance guarantee shall be provided in one [~~(1)~~]of two [~~(2)~~] ways:

1. The developer may submit the performance guarantee prior to plan recordation. In accordance with the construction phasing plan, the performance guarantee may be tied to the cost of the [~~i~~]Improvements for phases of the minor or major land development plans, as shown on such plans, in which case a surety in the amount of one hundred twenty (120) percent for a particular phase [~~shall~~]must be available upon recordation of the record plan and subsequent phase sureties posted at the time of pre-construction request or building permit; or

2. In lieu of Subsection C.1, the developer [~~shall~~]must, prior to plan recordation, submit a performance guarantee in the sum of five thousand dollars ($5,000.00). The developer shall then submit the full performance guarantee under Subsection C.1., prior to the preconstruction meeting or building permit application. An annual administrative fee [~~of two hundred fifty dollars ($250.00) shall be~~] is required in an amount set forth in Appendix 2 until the full performance guarantee is provided.

D. The performance guarantee [~~shall~~]must remain posted with the Department until such time that all open space and common facilities have been inspected and

receive final approval and in accordance with the construction phasing plan. The amount of the surety shall be required [~~and determined~~] by the Department in the amount of one hundred twenty (120) percent of the [~~cost estimates and/or the cost of completing the open space and common facilities and in accordance with the construction phasing plan~~]dollar amount calculated under Subsection A or B above.

1. [~~The surety shall be reduced to the amount of the maintenance guarantee as outlined below and the remainder returned to the developer after the completed work has been~~] After all open space and common facilities have been constructed and approved by the Departments of Public Works and Land Use, the surety may be reduced or released.

2. The maintenance guarantee amount will be equal to twenty (20) percent of the [~~cost of constructing the stormwater management facilities~~] performance guarantee provided under Subsection A or B above and [~~shall~~]will serve as the maintenance guarantee that all improvements are free from defects for a minimum of five (5) years after the date of the Department of Public Works' inspection and acceptance of the final improvement to be constructed. The Department of Public Works may extend the maintenance guarantee period as deemed necessary by the General Manager as defects are discovered. The purpose of this surety is to ensure that the facilities are designed and constructed to function as intended.

3. All reductions in the amount or releases of the letter of credit or other surety [~~shall~~]must be approved by the General Manager of the Department of Public Works.

E. Each [~~surety~~]performance guarantee provided prior to plan recordation [~~shall~~]must be for a period of not less than three (3) years, unless a longer time is requested by the Department.

F. The bond, letter of credit or other surety [~~shall~~]must be executed by the applicant and a corporate surety or financial institution licensed to do business in the State that is not associated with the developer.

G. Prior to the approval of a minor or major land development plan, the LDIA must be reviewed and approved by the County and recorded in the Office of the Recorder of Deeds.

Section 8. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 33 ("Definitions"), Division 40.33.300 ("General definitions"), is hereby amended by adding the material that is underscored, as set forth below:

Division 40.33.300. General definitions.

This Division contains the definition of words used in this Chapter. …

Abandonment. That the use, structure, or sign…

Minor land development. A plan that proposes one (1) or more of the following:

A. A subdivision of land resulting in five (5) lots or less and not creating new street rights-of-way.

B. Except for single-family dwellings and accessory structures …

C. Any major utility except electric power generating facilities. …

D. A minor utility that is…

E. Large scale solar energy systems.

Motor vehicle. For purposes of Section 40.03.440…

Mulch operations. A process that results in a product …

Multifamily Conversion. The conversion of office or commercial GFA to apartments or residential condominium units.

Multi-modal transportation. The availability or use of more than one …

National Geodetic Vertical Datum (NGVD). Elevations referenced …

Section 9. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 10. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 11. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions, without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof as not as new enactments regardless if severability is possible.

Section 12. Effective Date. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive or as otherwise provided in 9 *Del. C.* § 1156 and shall only apply to Land Use applications

submitted after such date(s) unless the applicant by written request agrees to submit to the provisions of this Ordinance.

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
New Castle County

SYNOPSIS: The following is a summary of the revisions contained in this ordinance broken down by *New Castle County Code* Division or Section number.

Sec. 40.03.110. This amendment establishes which zoning districts permit Multifamily Conversions.

Sec. 40.03.318. This amendment clarifies that the density bonus for mixed use development is located in Table 40.04.110, allows ten percent of a mixed use development to gas stations, single use (e.g. stand-alone or pad site) restaurants, and restaurants with drive through service, adjusts the minimum percent of nonresidential gross floor area from 67% to 50%, and requires a minimum of 25% of GFA to consist of office uses in the OR and ON zoning districts.

Sec. 40.03.340. This amendment establishes Limited Use standards for Multifamily Conversions.

Sec. 40.07.510. This amendment requires 10% of all units be MPDUs on any multifamily conversion application proposing 25 or more residential units.

Sec. 40.07.560. This amendment sets an affordability period for MPDUs established by a Multifamily conversion to be 15 years.

Sec. 40.07.610. This amendment eliminates redundant language regarding Mixed Use and Redevelopment bonuses, establishes eligibility for density bonuses associated with community development and replaces the infill bonus with the Type 1 Commercial Corridor Development Area bonus.

Sec. 40.07.620. This amendment eliminates mixed use bonus language that is addressed elsewhere in the code. This amendment also establishes a bonus and standards for development in areas identified a Community Development Area and consistent with the Community Area Master Plan Key Recommendations in the Comprehensive Plan.

Sec. 40.07.640. This amendment redefines the Infill bonus to be the Corridor Redevelopment incentive. This amendment also establishes review standards and limits the bonus locations to the Type 1 Commercial Corridor Development Areas identified in the Comprehensive Plan.

Sec. 40.08.130. This amendment clarifies the section caption, clarifies that nonconforming uses are not included among the nonconforming situations that may be expanded, clarifies that enlargements less than 1,000 square feet GFA must comply with this Chapter, provides that enlargements in certain districts greater than 5,000 square feet GFA must be brought into proportional compliance, expands the use of redevelopment provisions to CN and ON sites demolished more than fifteen percent of GFA, and breaks up large paragraphs into subparagraphs. Paragraph B.6 clarifies that nonresidential sites rendered nonconforming may also qualify for redevelopment, that extractive use and brownfield sites without demolished GFA may qualify, that—when required—only fifteen percent of GFA must be demolished in CN and ON zoned sites, that the percentage of GFA to be demolished is determined exclusive of historically significant GFA to promote historic preservation, provides that redevelopment plans may now seek variances if the plan complies with Appendix 7 with respect to design principles for the Character Area, and establishes a parking maximum. Table 40.08.130 is expanded to include Guiding Principles and energy efficient design. Additionally, this amendment clarifies that GFA proposed by a redevelopment plan exceeding the legally approved GFA is subject to traffic impact standard, and that DelDOT may require transportation improvements for major plans or rezonings that decrease Level of Service to a certain extent.

Sec. 40.22.615. This amendment provides that parking spaces eliminated as a result of the PDNA analysis on a nonresidential development plan need not be depicted on a plan where certain requirements are met.

Sec. 40.31.320. This amendment expands online and posted notification requirements to include Resubdivision Plans.

Sec. 40.31.711. This amendment identifies multifamily conversions proposed under Section 40.03.340.B as Resubdivision Plans.

Sec 40.31.820. This amendment clarifies that 20% of the performance guarantee is to be reserved as a maintenance guarantee, that the developer may either reduce its surety or provide a new surety to serve as the maintenance guarantee, references Appendix 2 for the annual fee and provides minor edits for readability.

Sec. 40.33.300. This amendment defines multifamily conversions and revises the definition for Minor Land Development to include Large Scale Solar Energy Systems.

FISCAL NOTE: There is no discernible fiscal impact upon the adoption of this Ordinance.

Prime Sponsor(s): Mr. Carter, Ms. Durham
Date of Introduction: April 9, 2024

ORDINANCE NO. 24-058

AMENDING THE 2022 COMPREHENSIVE DEVELOPMENT PLAN UPDATE FOR NEW CASTLE COUNTY AND RELATED FUTURE LAND USE MAP

WHEREAS, New Castle County is responsible for land use planning and regulation in the County; and

WHEREAS, the Quality of Life Act (9 *Del. C.* §§ 2651-2662) invests the County with the authority and responsibility to plan for future development and growth in the County, and to update the County's Comprehensive Plan to guide such future development and growth (9 *Del.* C. § 2653); and

WHEREAS, the Quality of Life Act requires that the Comprehensive Plan include a future land use plan element and map; and

WHEREAS, the vision of the Comprehensive Plan is given effect through the future land use map; and

WHEREAS, the Comprehensive Plan may include other elements "as may be peculiar to and/or necessary for the area concerned…" (9 *Del. C*. § 2656(h)); and

WHEREAS, New Castle County government strives to ensure the highest quality of life for the County and its residents through open, transparent, and collaborative actions that are responsive to community needs and concerns; and

WHEREAS, proposed updates to the Comprehensive Plan should: follow land use processes of both the State of Delaware and New Castle County, take into account public input and professional planner guidance, be submitted to the Office of State Planning Coordination's Preliminary Land Use Process, be heard by the Planning Board and receive a joint recommendation from the Board and the Department of Land Use, be submitted to the State Cabinet Committee on State Planning, be heard before County Council's Land Use Committee, and be subject to consideration during a meeting of County Council - - - a process that typically takes several months; and

WHEREAS, a Comprehensive Plan was adopted by the County on November 9, 1988, and Comprehensive Plan Updates were subsequently adopted on January 2, 1997, March 25, 2002, July 24, 2007, April 24, 2012, and July 26, 2022; and

WHEREAS, the recent efforts to conduct comprehensive rezonings in connection with the Comprehensive Plan Updates approved in 2022 have brought to light a significant disconnect between the Comprehensive Plan and the vision for the County held by many of its residents; and

WHEREAS, the ongoing conflict with communities and their respective views crystallizes that the future land use map(s) for certain parcel-specific areas, for example, the Wilmington Friends School (previously proposed "Incyte") property, the Delaware City Refinery properties, the Jamison Corner Road properties, and the Port Penn area properties commonly referred to as the "Union Carbide properties," should be amended to revert to their prior category designation, away from the more recent business flex designation; and

WHEREAS, consistent with the above, the amendments proposed in attached Exhibit A will return the lands identified therein back into consistency with the State Strategy Level of Service Maps; and

WHEREAS, furthermore, the proposed amendments will bring the Comprehensive Plan's future land use element and official zoning map into compliance with the Quality of Life Act; and

WHEREAS, County Council, consistent with *New Castle County Code* Chapters 28 and 40, proposes the specific amendments to the future land use map as referenced below and identified specifically in Exhibit A.

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

Section 1. The 2022 Comprehensive Plan Updates for New Castle County and the Future Land Use Map related to the specific parcels identified on Exhibit A, which is attached hereto and made a part hereof as if fully set forth herein, all of which shall be considered underlined, is amended by the future land use designations for the parcels as reflected on Exhibit A.

Section 2. This Ordinance shall become effective upon passage by New Castle County Council and approval of the County Executive, or as otherwise provided in 9 *Del. C*. § 1156.

Adopted by the 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: Same as title.

FISCAL NOTE: There is no discernible fiscal impact upon the adoption of this legislation.

Exhibit A

Parcel	Owner	Address	Current Future Land Use Map designation pursuant to the 2022 Plan Updates:	Updated Future Land Use Map designation, as amended by this Ordinance:
0613600028	Wilmington Friends School	20 Granite Rd, Wilmington, DE 19803	Business Flex	Residential
1004500012	Del City Refinery	0 River Rd, New Castle, DE 19720	Business Flex	Residential/ Resource Preservation
1004900073	Del City Refinery	0 River Rd, New Castle, DE 19720	Business Flex	Residential
1004900074	Noel Wagner	1042 S Dupont Hwy, New Castle, DE 19720	Business Flex	Residential
1005000007	Mountain of Fire and Miracles Ministry	1421 River Rd, New Castle, DE 19720	Business Flex	Residential
1005000008	Del City Refinery	0 River Rd, New Castle, DE 19720	Business Flex	Residential
1005000009	Del City Refinery	0 River Rd, New Castle, DE 19720	Business Flex	Residential
1005000013	F. Frisby	1426 River Rd, New Castle, DE 19720	Business Flex	Residential
1202100003	Del City Refinery	4667 Wrangle Hill Rd, New Castle, DE 19720	Business Flex/Resource Preservation/ Residential	Residential/ Resource Preservation
1300400001	Parkway Gravel	1870 Dupont Pky, Middletown, 19709	Business Flex/Resource Preservation	Residential/ Resource Preservation
1300900001	Parkway Gravel	381 Port Penn Rd, Middletown, 19709	Business Flex/Resource Preservation	Residential/ Resource Preservation
1300800002	Welfare Foundation	715 Jamison Corner Rd, Middletown, 19709	Business Flex	Residential
1300800058	Welfare Foundation	710 Hyetts Corner Rd, Middletown, 19709	Business Flex	Residential

Prime sponsor(s): Mr. Cartier
Date of introduction: April 9, 2024

ORDINANCE NO. 24-059

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), SECTION 40.03.410 ("ACCESSORY USES, RESIDENTIAL") RELATING TO FENCE STANDARDS

WHEREAS, well maintained fences provide security and privacy to neighbors; and

WHEREAS, fences, if not properly constructed and maintained, can become an eyesore or, worse, cause injury to the public; and

WHEREAS, it is important that New Castle County adopt clear fence regulations in residential areas to ensure the safety and welfare of the residents of New Castle County; and

WHEREAS, it is in the best interests of New Castle County and its residents that the County regulate various aspects of fences in residential areas to ensure the safety, welfare, and visual integrity of New Castle County.

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

Section 1. *New Castle County Code* Chapter 40 ("Unified Development Code"), Section 40.03.410 ("Accessory Uses, Residential") is hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.

Sec. 40.03.410. - Accessory uses, residential.

Residential uses may have accessory buildings and accessory uses provided they conform to the following standards:

…

~~E. *Fences.* Fences may be permitted in all yards and all yard setbacks and shall be constructed of materials specifically designed for fences and may not include barbed or razor wire. Fence panels and fence materials may not exceed six (6) feet in height. To account for installation on sloping ground and any necessary space between the ground and the bottom of the fence panels or materials, the top of the fence panels, materials, and posts may not exceed seven (7) feet in height when measured from the ground, except as permitted in Subsection G.~~

E. ***Fences***. Fences are permissible in all yards and all yard setbacks, subject to the following regulations.

1. ***Maximum height***. Fences must be no more than 6' in height, except as otherwise set forth herein. In zoning designations NC5, NC6.5, NC10, and NC15, the maximum permissible fence height in the street yard is 4'.

2. ***Approved fencing material***. Fences must be constructed of approved materials, including: wood, brick, decorative masonry, stone, wrought iron, manufactured vinyl, aluminum, and PVC fence material.

3. ***Prohibited fencing material***. No fence shall be constructed of sheet or corrugated metal, plywood, concrete masonry unit block (with the exception of use for a retaining wall), or other materials not manufactured or designed for the primary purpose of fence construction. Furthermore, metal prongs or spikes not designed and manufactured as part of a fence section are prohibited. Barbed or razor wire is prohibited for fence construction.

4. ***Installation***. When constructed on sloping ground, a fence may be installed on an incline or in stepped sections. To account for installation on sloping ground and any necessary space between the ground and the bottom of the fence panels or materials, the top of the fence panels, materials, and posts may not exceed 7' in height when measured from the ground, except as permitted in Subsection G.

5. ***Maintenance***. Fences must be maintained in good condition, structurally sound and safe, and shall not by reason of age, decay, accident, or otherwise be allowed to become and remain in a state of disrepair so as to be a nuisance or cause blight, or present a potential injury or threat to the public;

   a. Dilapidated fences shall be repaired or replaced in accordance with provisions of this Division.

   b. The property owner shall maintain each fence, including any fence existing prior to adoption of this section, at all times, in a state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frames and fastenings free from deterioration, termite infestation, rot, rust, or loosening, and able to withstand at all times the wind pressure for which they were designed.

6. ***Visibility triangle***. All walls and fences located on a corner lot shall comply with any applicable visibility sight triangles as provided for in this Chapter.

7. Nothing in this Section is intended to waive any restrictions otherwise applicable under Ch. 7 (Property Maintenance Code). Moreover, the regulations set forth herein are not intended to override validly adopted deed restrictions.

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by 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: This Ordinance amends *New Castle County Code*, Section 40.03.410 ("Accessory Uses, Residential") to provide clarity regarding standards applicable to fences in residential areas, including permitted and prohibited fence materials and maintenance.

FISCAL NOTE: There is no discernible fiscal impact with the adoption of this Ordinance.

Prime Sponsor(s): Mr. Tackett
Date of introduction: April 9, 2024

RESOLUTION NO. 24-090

CONGRATULATING COOPER PEDICONE ON ACHIEVING THE RANK OF EAGLE SCOUT

WHEREAS, the Boy Scouts of America Troop #252 of Newark, Delaware and the Boy Scouts of America have a long and honorable history in both New Castle County and the State of Delaware; and

WHEREAS, the rank of Eagle Scout is the highest attainable progress award and is only given when a scout has met strict character, service, and leadership requirements; and

WHEREAS, Scout Cooper Pedicone, having shown that he meets the requirements to advance and having been examined by an Eagle Scout Board of Review; and

WHEREAS, Mr. Pedicone designed and installed an outdoor literacy trail at Odyssey Charter School in Wilmington, DE for his Eagle Scout Project. This entailed installing 16 posts, each with a sheet of plywood and plexiglass, which the school can use to display books for the elementary students to read; and

WHEREAS, Cooper earned 27 merit badges, and has served his troops in the leadership positions of Den Chief, Instructor, Librarian, and Patrol Leader; and

WHEREAS, he also attended the 2023 National Scout Jamboree and served as Patrol Leader; and

WHEREAS, Cooper is a senior at Paul M. Hodgson Vocational Technical High School; and

NOW, THEREFORE BE IT RESOLVED by and for the Council of New Castle County that it hereby recognizes and honors Cooper Pedicone for achieving the rank of Eagle Scout and wishes him much success in his future endeavors.

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

Prime Sponsor(s): Mr. Toole
Requested by: County Council
Date of introduction: April 9, 2024

RESOLUTION NO. 24-091

RESOLUTION APPROVING THE ISSUANCE OF CERTAIN BONDS OR NOTES BY FIVE POINTS FIRE COMPANY

WHEREAS, FIVE POINTS FIRE COMPANY (the "Company") is a fire company organized and existing under the laws of the State of Delaware; and

WHEREAS, the Company has provided and continues to provide firefighting services to an area within New Castle County, Delaware (the "County"); and

WHEREAS, the Company plans to issue tax-exempt bonds/notes in a par amount not to exceed $950,000 (the "Bonds") to finance 1) the purchase of a $600,000 Pierce Sabre Pumper Fire Truck and 2) $350,000 for renovations to the firehouse property located at 209 S. Maryland Avenue, Wilmington, Delaware 19804 (the "Project") both for a period of 10 years; and

WHEREAS, it is the intent of the Company that the interest on the Bonds qualify for exclusion from gross income of the owners thereof for federal income tax purposes pursuant to Sections 103 and 150 of the *Internal Revenue Code* of 1986 (26 U.S.C.), as amended (the "Code"); and

WHEREAS, pursuant to Sections 103 and 147 of the Code, interest on the Bonds will not qualify for exclusion from gross income of the owners thereof for federal income tax purposes unless the issuance of the Bonds is approved by the applicable elected representative of a governmental unit with which the Company has entered into an agreement, after a public hearing to consider the issuance of the Bonds has been conducted, following the requisite public notice; and

WHEREAS, the County and the Company entered into an Agreement dated April 9, 2024 (the "Agreement") pursuant to which the Company agreed, among other things, to provide exclusive firefighting services to the area of the County described therein and such agreement remains in effect as of the date hereof. Territory Agreement attached hereto; and

WHEREAS, notice of the requisite public hearing was published on April 2, 2024 on the County's website pursuant to I.R.C. § 1.147(f)–1(d); and

WHEREAS, on April 9, 2024, the Council conducted a public hearing at its Finance Committee Meeting on behalf of the Company for the purpose of considering the issuance of the Bonds.

NOW THEREFORE BE IT RESOLVED by and for the County Council of New Castle County hereby approves the issuance of the Bonds by FIVE POINTS FIRE COMPANY in a maximum aggregate principal amount not to exceed $950,000 to finance the Project, and that such Bonds shall be an obligation of the Company and shall never be a debt of the County and the County shall not be liable for any payment on such Bonds.

BE IT FURTHER RESOLVED that the approval is for the sole purpose of qualifying the interest payable on the Bonds of the Company for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to Section 103 of the *Internal Revenue Code* of 1986 (26 U.S.C.), as amended.

Adopted by County Council of
New Castle County on:

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

SYNOPSIS: This Resolution approves of the issuance of tax-exempt bonds/notes in a par amount not to exceed $950,000 in order to finance 1) the purchase of a $600,000 Pierce Sabre Pumper Fire Truck and 2) $350,000 for renovations on the firehouse property located at 209 S. Maryland Avenue, Wilmington, Delaware 19804.

FISCAL NOTE: The bonds or notes of the Company will be debt of the Company and not of the County. The County's approval of the issuance by the Company of bonds or notes of the Company will have no fiscal impact on the County.

TERRITORY AGREEMENT

THIS AGREEMENT is made as of this ____ day of _____, 2024 (the "Effective Date") by and between **NEW CASTLE COUNTY, DELAWARE** (the "County"), a municipality and political subdivision of the State of Delaware (the "State"), and the **FIVE POINTS FIRE COMPANY NO. 1** (the "Company"), a non-profit corporation of the State.

WHEREAS, the Company has provided fire protection and prevention services to the County as currently regulated pursuant to State law (the "Area"); and

WHEREAS, the County and the Company both desire to continue in this relationship; and

WHEREAS, the Company desires to borrow funds to refinance an existing real estate loan; and

WHEREAS, under Section 150 of the *Internal Revenue Code* of 1986 (26 U.S.C.), as amended, in order for the borrowing to be accorded favorable federal income tax treatment, the Company must have a written agreement with the County to furnish firefighting services to the Area.

NOW THEREFORE, in consideration of their mutual promises and obligations, the parties hereto, intending to be legally bound, hereby agree as follows:

i) The Company shall continue to provide and furnish fire protection, fire prevention and firefighting services to the Area from the Effective Date of this Agreement on a volunteer basis.

ii) The County shall continue to allow the Company to provide and furnish fire protection, fire prevention and firefighting services to and within the Area from the Effective Date hereof.

iii) The County acknowledges that the Company is the exclusive fire department for the Area established pursuant to State law by the State Fire Prevention

Commission and shall not enter into a written agreement with any other person or entity for the provision of firefighting services to or within the Area except in compliance with mutual aid agreements with the Company and in compliance with applicable State law.

iv) The parties hereto agree that the Area shall automatically change and conform if any changes are required thereto pursuant to 16 *Del. C.* § 6607.

v) The parties hereto acknowledge that 16 *Del. C.* § 6607 vests in the State Fire Prevention Commission the power and the authority to determine whether any new fire companies or substations shall be authorized in the State, to prohibit the suspension of fire protection services in the State, to confirm the established geographical boundaries of areas served by all existing fire companies in the State and to resolve boundary disputes between or among such fire companies in the State. Notwithstanding any provision in this Agreement to the contrary, the County is not hereby assuming any power, authority or responsibility with respect to any of the aforementioned powers or authority of the State Fire Prevention Commission.

vi) The provisions of this Agreement shall be binding on the successors of the parties hereto.

vii) The rights, privileges and obligations of the parties hereto shall not be assignable.

viii) This Agreement shall not be nor be implied to be a waiver of any limitation of the liability of the Company or the County as provided by statute or otherwise.

ix) This Agreement shall continue in effect for a period of ten (10) years from the Effective Date. Thereafter, it shall continue on a year to year basis unless and until terminated by either party in writing delivered to the other party at least thirty (30) days before the expiration of that current term.

x) The Company hereby agrees to defend, indemnify and save the County and its officers, employees and agents harmless from and against, all liabilities, losses, damages, costs and expenses (including reasonable attorneys' fees), causes of action, suits, claims, demands and judgments of any nature arising from or in connection with its entry into this Agreement.

xi) This Agreement may be executed in one or more counterparts, any or all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands and seals the day and year first above written.

NEW CASTLE COUNTY, DELAWARE,
a municipality and political subdivision of
the State of Delaware

By: _____
Matthew Meyer
New Castle County Executive

FIVE POINTS FIRE COMPANY NO. 1,
a Delaware non-profit corporation

By: _____

Name: _____

Title: _____

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Finance
Date of introduction: April 9, 2024

RESOLUTION NO. 24-092

ADOPTING THE NEW CASTLE COUNTY CAPITAL PROGRAM FOR FISCAL YEAR 2025 THROUGH 2030

WHEREAS, the projects listed on Exhibit "A" are submitted for continuance in accordance with Key Financial Policy (KFP) #1 and accordingly are included in the Fiscal Year 2025 Capital Program; and

WHEREAS, the projects listed on Exhibit "B" will sunset in accordance with KFP #1 on June 30, 2024. All such projects will no longer be active projects and accordingly are deleted from the Fiscal Year 2025 Capital Program.

NOW, THEREFORE, BE IT RESOLVED, by and for the County Council of New Castle County that County Council hereby approves the Capital Program for New Castle County for the Fiscal Years 2025 through 2030, beginning July 1, 2024, per the attached capital program and budget book entitled "New Castle County Capital Program and Budget: Fiscal Year 2025-2030."

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle

President of County Council
of New Castle County

SYNOPSIS: This Resolution adopts a six-year capital program for the fiscal period beginning July 1, 2024.

FISCAL NOTE: This Resolution would approve the Capital Program of New Castle County for the six fiscal years from July 1, 2024 through June 30, 2030 as required by the State Code. The "New Castle County Capital Program and Budget – Fiscal Year 2025-2030 – Approved" provides detail for these projects and projects previously authorized.

Additionally, this Resolution would sunset 8 projects with no anticipated savings. These projects will no longer be active projects and accordingly are deleted from the Fiscal Year 2025 Capital Program.

The Capital Program for FY2025 through FY2030 as submitted indicates that planned capital uses/sources of funds for the years FY2025 through FY2030 would be:

USES:			**SOURCES:**		
	FY2025	$ 34,207,715		Bonds	$296,871,546
	FY2026	$ 91,588,643		State	$ 5,195,878
	FY2027	$ 83,670,492		General	$ 55,453,888
	FY2028	$ 77,382,984		Sewer	$ 27,960,166
	FY2029	$ 50,985,753		Other	$ 2,741,356
	FY2030	$ 50,387,246			
	TOTAL	**$388,222,833**		**TOTAL**	**$388,222,833**

EXHIBIT "A"
NEW CASTLE COUNTY
Projects for Continuance
Fiscal Year 2025

PROJECT	PROJECT NUMBER
DEPARTMENT OF ADMINISTRATION	
Firewall Replacement	C122501
DEPARTMENT OF COMMUNITY SERVICES	
Appoquinimink Library	C400329
Glasgow Library	C402501
Newark Library	C402301
Rockwood Museum	C402502
Surratte Pool Renovations II	C402004
DEPARTMENT OF PUBLIC SAFETY	
Public Safety Equipment	C201607
Public Safety Vest Protection Program	C201509
DEPARTMENT OF PUBLIC WORKS	
Facilities/Equipment	
Electric Vehicle Infrastructure	C302421
Fleet Equipment 2022	C302203
Fleet Equipment 2023	C302303
Fleet Equipment 2024	C302403
Fleet Equipment 2025	C302503
Parks	
Agricultural Preservation	C300330
Bechtel Park Improvements	C302424
Game Court Improvements	C300510
Game Court Improvements 2021	C302108
General Parkland Improvements 2024-2025	C302404
Greenway Systems	C300515
Open Space Preservation	C302201
Southern Regional Park	C300336

EXHIBIT "A"
NEW CASTLE COUNTY
Projects for Continuance
Fiscal Year 2025

PROJECT	PROJECT NUMBER
DEPARTMENT OF PUBLIC WORKS *(Continued)*	
Sewer/Stormwater	
Airport Road System Rehabilitation	C301702
Brandywine Hundred South Rehab Phase I	C300218
Christiana Pump Station Upgrade	C300615
Christina River Force Main	C300705
Countywide Drainage Problems	C300413
Delaware City Industrial Sewer Expansion	C301716
Delaware City Treatment Plant Rehabilitation	C300004
DelDOT Coordination Project 2021	C302112
General Sewer Improvements	C300622
Glasgow Area Sewer Improvements	C301102
Holloway Terrace Outfall	C301801
Public Works Complex	C300107
Pump Station Rehabiliation 2024-2025	C302414
Septage Receiving Station Upgrade	C300708
Sewer Fleet Equipment 2022	C302213
Sewer Fleet Equipment 2023	C302313
Sewer Fleet Equipment 2025	C302513
Sewer Repairs and Rehabilitation 2024-2025	C302411
Stormwater Basin Renovation II	C301305
Terminal Avenue System Rehabilitation	C301707
Water Farm 1 System Rehabilitation	C301714
Water Quality Improvement Plans	C301903
White Clay System Rehabilitation	C301710

EXHIBIT "B"
NEW CASTLE COUNTY
Projects to Sunset Fiscal Year End 2024

DEPARTMENT OF PUBLIC WORKS

C300616	Electrical Power Distribution Upgrade	Complete
C301403	Middle Run Valley Bicycle Skills	Complete
C302423	Public Safety Parking Lot Lighting	Complete
C300106	Pump Station Rehab Pre2021	Complete
C302114	Pump Station Rehab 2021	Complete
C302113	Sewer Fleet Equipment 2021	Complete
C302213	Sewer Fleet Equipment 2022	Complete
C302111	Sewer Repairs and Rehabilitation 2021	Complete

Prime Sponsor(s): Mr. Carter
Requested by: Department of Land Use
Date of introduction: April 9, 2024

RESOLUTION NO. 24-093

PLAN OF THE OVERLOOK AT BAYBERRY; ST. GEORGES HUNDRED; NORTH SIDE OF BOYDS CORNER ROAD, APPROXIMATELY 1400 FEET WEST OF JAMISON CORNER ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES TO REZONE PARCEL 13-013.00-002 FROM S (SUBURBAN) TO ST (SUBURBAN TRANSITION), SUBDIVIDE THE PARCEL INTO 137 SINGLE FAMILY DETACHED LOTS AND 38 SINGLE FAMILY ATTACHED LOTS (175 TOTAL LOTS) USING THE OPEN SPACE PLANNED SUBDIVISION OPTION, AND TO CONSTRUCT A 4,000 SQUARE FOOT CLUBHOUSE WITH ASSOCIATED IMPROVEMENTS; ST ZONING; APPLICATION NO. 2021-0504-S/Z; COUNCIL DISTRICT 6

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 Overlook at Bayberry (Application No. 2021-0504-S/Z) 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 OVERLOOK AT BAYBERRY
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.

Matthew S. Meyer
County Executive

Charuni Patibanda
General Manager

Department of Land Use

MEMORANDUM

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

FROM: Charuni Patibanda

RE: Application Number 2021-0504-S/Z
The Overlook at Bayberry
Record Major Land Development Plan

DATE: March 25, 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 and synopsis are attached.

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

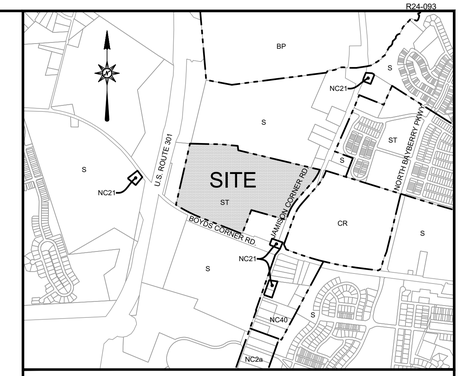
Plan of The Overlook at Bayberry; St. Georges Hundred; North side of Boyds Corner Road, approximately 1400 feet west of Jamison Corner Road; Major Land Development Plan that proposes to rezone parcel 13-013.00-002 from S (Suburban) to ST (Suburban Transition), subdivide the parcel into 137 single family detached lots and 38 single family attached lots (175 total lots) using the open space planned subdivision option, and to construct a 4,000sf clubhouse with associated improvements; ST zoning; Council District 6.

Synopsis: Same as title

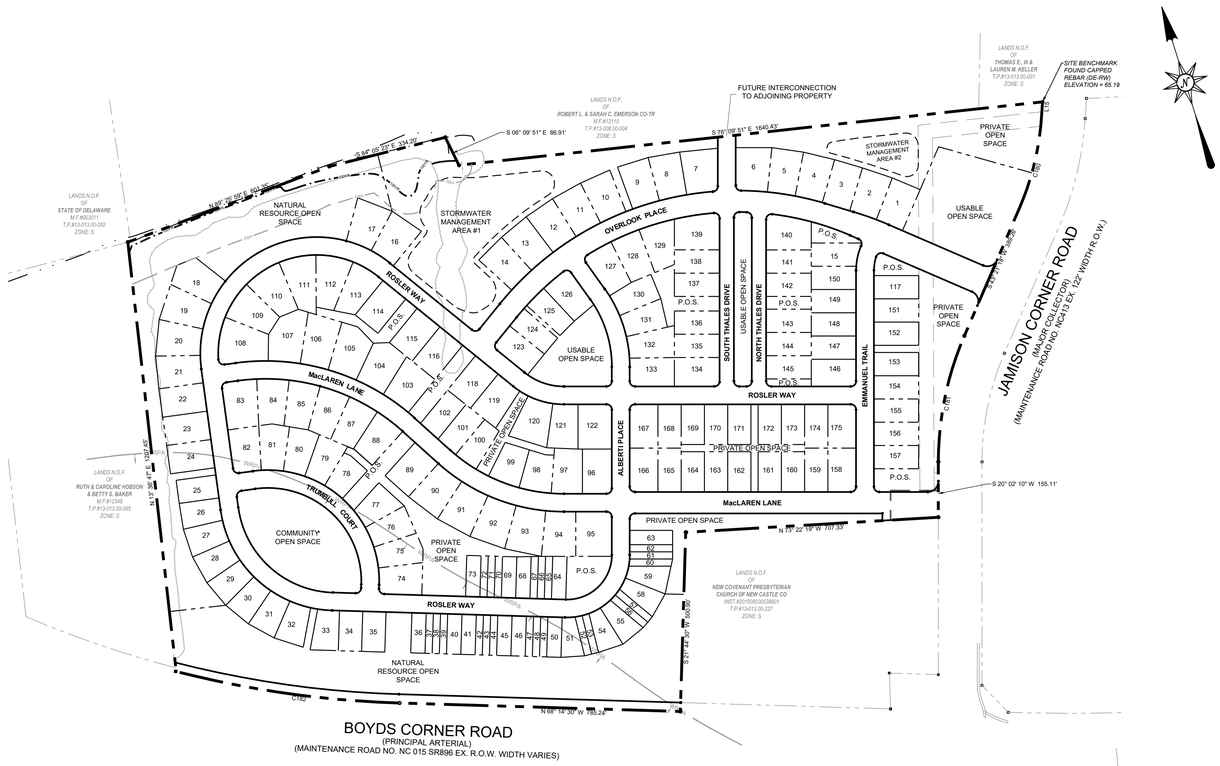
RECORD MAJOR LAND DEVELOPMENT PLAN
FOR

THE OVERLOOK AT BAYBERRY

ST. GEORGES HUNDRED - NEW CASTLE COUNTY, DELAWARE



LOCATION MAP NCC ZONING MAP NO. 88 1"= 1,400'



NOTES:

1. **TAX PARCEL NUMBER(S):** 13-013.00-002

2. **ZONING DISTRICT DESIGNATION**:
   EXISTING ZONING: S (SUBURBAN)
   PROPOSED ZONING: ST (SUBURBAN TRANSITION)
   (OPEN SPACE PLANNED SUBDIVISION)

3. **OWNERSHIP AND SOURCE OF TITLE**:
   OWNER: BAYBERRY EAST-WEST LLC
   220 CONTINENTAL DRIVE, SUITE 410
   NEWARK, DE 19713
   SOURCE OF TITLE: D.R. INSTR.# 202210190100085

4. **SURVEY DATUM**: NAD83 AND NAVD88
   LOCAL BENCHMARK: FOUND CAPPED REBAR ON THE NORTHEAST CORNER OF TAX PARCEL 13-013.00-002. ELEVATION= 65.19
   NUMBER OF EXISTING MONUMENTS: 3 (■)
   NUMBER OF PROPOSED MONUMENTS: 61 (□)

5. **WATER SUPPLIER**: ARTESIAN WATER
   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.

6. **SANITARY SEWER**: NEW CASTLE COUNTY
   SEWERAGE IS SUBJECT TO THE APPROVAL OF DNREC AND 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 THE 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. PROPOSED SANITARY SEWER COLLECTION SYSTEM IS TO BE PUBLIC (OWNED AND MAINTAINED BY NEW CASTLE COUNTY)

   PROPOSED SEWER FLOWS:

SINGLE FAMILY DETACHED LOTS:	300 GPD X 137 UNITS	41,100 GPD
SINGLE FAMILY ATTACHED LOTS:	250 GPD X 38 UNITS	9,500 GPD
300 MEMBER CLUB HOUSE:	2.5 GPD X 300 MEMBERS	750 GPD
TOTAL		51,350 GPD
PEAK FLOW:	(51,350 GPD X 4 X 1 DAY/1440 MIN.)	143 GPM

7. **EXISTING LOTS AND/OR DWELLING UNITS:** 1

   PROPOSED LOTS AND/OR DWELLING UNITS: 77 SINGLE FAMILY DETACHED VILLAGE DU'S (44%)
   60 SINGLE FAMILY DETACHED 10,000 S.F. DU'S (34%)
   38 SINGLE FAMILY ATTACHED TOWN HOUSE DU'S (22%)
   175 TOTAL DU'S - OPEN SPACE PLANNED OPTION

   PROPOSED DENSITY: 2.46 DU'S/ACRE

8. **PARKING RATIONALE**:
   SINGLE FAMILY DETACHED:
   REQUIRED: 2.25 SPACES PER DU x 137 DU= 309 SPACES
   PROVIDED: 3.0 SPACES PER DU x 137 DU= 411 SPACES
   SINGLE FAMILY ATTACHED:
   REQUIRED: 2.25 SPACES PER DU x 38 DU= 86 SPACES
   PROVIDED: 2.0 SPACES PER DU x 38 DU+ 20 OVERFLOW PARKING= 96 SPACES
   CLUBHOUSE
   REQUIRED: 6 SPACES PER 1,000 S.F. x 4,000 S.F. = 24 SPACES
   PROVIDED: 27 SPACES
   BICYCLE PARKING
   REQUIRED: 1 SPACE PER 10 PARKING SPACES x 27 SPACES = 3 SPACES
   PROVIDED: 3 SPACES

BOUNDARY INFORMATION

LINE TABLE

LINE	BEARING	DISTANCE
L15	S 23°43'18" W	39.14'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C180	777.00'	266.25'	264.95'	S 33° 32' 18" W
C181	889.00'	361.82'	359.32'	S 31° 41' 44" W
C182	2868.12'	631.62'	630.34'	N 61° 55' 59" W

UNIT TYPE KEY		
NUMBER OF UNITS	SYMBOL	UNIT TYPE
79 (45%)	(V)	VILLAGE LOT (UDC - VILLAGE)
58 (33%)	(SF-10)	SF-10,000 LOT (UDC - SINGLE FAMILY DETACHED > 10,000 S.F.)
38 (22%)	(TH)	TOWNHOUSE LOT (UDC - TOWNHOUSE)
175 (100%)		TOTAL

INDEX OF SHEETS

SHEET 1	INDEX PLAN
SHEET 2	NOTES & LEGEND
SHEETS 3-6	MAJOR LAND DEVELOPMENT PLANS
SHEET 7	LINE AND CURVE DATA

PLAN PURPOSE

THE PURPOSE OF THIS PLAN IS TO:

1) TO REZONE THE PROJECT PARCEL (T.P. 13-013.00-002) FROM SUBURBAN (S) TO SUBURBAN TRANSITION (ST) ZONING.

2) TO SUBDIVIDE THE PROJECT PARCEL (T.P. 13-013.00-002) INTO 137 SINGLE FAMILY DETACHED LOTS AND 38 SINGLE FAMILY ATTACHED LOTS (175 TOTAL LOTS) UTILIZING THE OPEN SPACE PLANNED SUBDIVISION OPTION WITHIN "ST" ZONE.

3) TO CONSTRUCT A 4,000 S.F. CLUBHOUSE WITH PARKING AND OTHER AMENITIES AROUND IT.

CERTIFICATE OF OWNERSHIP

BAYBERRY EAST-WEST LLC, HEREBY CERTIFIES THAT IT IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT ITS DIRECTION AND THAT IT AUTHORIZES THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE.

M. Shane Minner 3-21-2024
M. SHANE MINNER, AUTHORIZED PERSON DATE

CERTIFICATE OF PLAN ACCURACY

I, DEV SITARAM, PE., 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.

DEV SITARAM LICENSE No. 8799 DELAWARE PROFESSIONAL ENGINEER

03/21/2024
PROFESSIONAL ENGINEER DATE

CERTIFICATION OF PLAN APPROVAL

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

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

N.C.C. APPLICATION NO. 2021-0504

INDEX PLAN
RECORD
MAJOR LAND DEVELOPMENT PLAN
FOR

THE OVERLOOK AT BAYBERRY

SITUATE IN: ST. GEORGES HUNDRED, NEW CASTLE COUNTY, DELAWARE

revisions	checked	date
PER NCC COMMENTS DATED 03-14-2024	Y'L	03-21-2024
PER NCC COMMENTS DATED 03-01-2024	Y'L	03-06-2024
PER NCC COMMENTS DATED 01-10-2024	Y'L	01-25-2024
PER NCC COMMENTS DATED 10-11-2023	URQ	11-27-2023
PER DNREC COMMENTS DATED 08-31-2023	URQ	09-28-2023

Karins and Associates
ENGINEERS ♦ PLANNERS ♦ SURVEYORS
NEWARK, DE & GEORGETOWN, DE
www.karinsengineering.com
17 POLLY DRUMMOND CENTER * SUITE 201
NEWARK, DELAWARE 19711
PHONE: (302) 369-2900 FAX: (302) 369-2975

DEV SITARAM LICENSE No. 8799 DELAWARE PROFESSIONAL ENGINEER

OWNER: BAYBERRY EAST-WEST LLC, 220 CONTINENTAL DRIVE, SUITE 410, NEWARK, DE 19713, PHONE: 302-254-0100

PROPERTY ADDRESS: 701 BOYDS CORNER ROAD, MIDDLETOWN, DE 19709

SURVEY BY: KARINS AND ASSOCIATES	SCALE: 1" = 200' (0, 200', 400')
DESIGNED BY: D.S., W.R.B.	
DRAWN BY: W.R.B., F.D.S.	DATE: 7-18-2023 SHEET: 1 OF 7
CHECKED BY: D.S.	DRAWING NO.: 2226.03 - A01

© KARINS ENGINEERING, INC. 2023

NOTES:

9. **SUBDIVISION / SITE DATA:**

GROSS AREA:	71.907 AC±
R.O.W. DEDICATED ALONG BOYDS CORNER ROAD:	0.795 AC.±
NET SITE AREA:	71.112 AC.±
AREA IN LOTS:	32.870 AC.± (46%)
AREA IN RIGHT-OF-WAY:	12.893 AC.± (18%)
AREA IN OPEN SPACE:	25.349 AC.± (36%)
COMMUNITY AREA OPEN SPACE:	8.211 AC.±
USABLE OPEN SPACE:	4.215 AC.±
NATURAL RESOURCE OPEN SPACE:	12.923 AC.±
(INCLUDES 2.43 AC. SWM AREA)	

10. **FLOODPLAIN**
NO PORTION OF THE SITE LIES WITHIN THE FEMA 100 YR FLOODPLAIN, AS PER FLOOD INSURANCE RATE MAP NO.'S 10003C0240L & 10003C0243L DATED 1/22/2020. THE 100 YEAR NON-DELINEATED FLOODPLAIN PER NCC UDC SECTION 40.10.312(B) SHOWN ON THIS PLAN IS BASED ON A NON-DELINEATED FLOODPLAIN FLOOD ANALYSIS FOR THE OVERLOOK AT BAYBERRY DATED AUGUST 2023, PREPARED BY KARINS AND ASSOCIATES.

11. **WATER RESOURCE PROTECTION AREA (WRPA)**
A PORTION OF THE SITE LIES WITHIN THE WRPA AS PER THE "WATER RESOURCE PROTECTION AREAS FOR THE CITY OF NEWARK, CITY OF WILMINGTON, NEW CASTLE COUNTY DELAWARE 2 MAP OF 3, REVISED MARCH 2022.

A. RECHARGE AREA - WRPA (NET SITE AREA)	=	12.36 ACRES
1. OPEN SPACE REQUIRED	=	50% OR 6.18 ACRES
2. OPEN SPACE PROVIDED	=	54% OR 6.68 ACRES
B. IMPERVIOUS COVER		
1. ALLOWED	=	20% OR 2.47 ACRES
2. PROPOSED		
a. STREETS AND SIDEWALKS	=	1.28 ACRES
b. BUILDINGS AND DRIVEWAYS	=	0.82 ACRES
TOTAL	=	2.10 ACRES OR 17%

12. **WETLANDS**
THE SITE WAS INVESTIGATED FOR WETLANDS IN ACCORDANCE WITH THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL (TECHNICAL REPORT Y-87-1) WHICH INCLUDES INVESTIGATING SOILS, VEGETATION, AND HYDROLOGY. NO WETLANDS ARE LOCATED WITHIN THE PROJECT BOUNDARIES, AS VERIFIED BY A WETLAND INVESTIGATION REPORT, DATED JUNE 12, 2021, PREPARED BY WATERSHED ECO.

13. **CRITICAL NATURAL AREAS**
THE STATE INVENTORY OF NATURAL AREAS HAS BEEN EXAMINED AND NO CRITICAL NATURAL AREAS (CNA) EXIST ON SITE.

14. **DEED RESTRICTIONS**
AT THE TIME OF THIS PLAN SUBMITTAL THERE WERE NO DEED RESTRICTIONS ASSOCIATED WITH THIS PARCEL.

15. **TRAFFIC IMPACT STUDY**
THIS PROJECT IS WITHIN THE SOUTHERN NEW CASTLE COUNTY TRANSPORTATION IMPROVEMENT DISTRICT (TID).
FURTHER:
A. THE DEVELOPER AGREES TO DEDICATE LANDS AS SHOWN ON THE PLAN ALONG BOYDS CORNER ROAD.
B. THE DEVELOPER SHALL PERFORM ITS OBLIGATIONS FOR TRANSPORTATION IMPROVEMENTS AND OTHER MATTERS AS PROVIDED IN SOUTHERN NEW CASTLE COUNTY TRANSPORTATION IMPROVEMENT DISTRICT INFRASTRUCTURE RECOUPMENT AGREEMENT AS MAY BE AMENDED AS "AGREEMENT", RECORDED IN THE OFFICE OF RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DATED JUNE 14, 2023, INSTRUMENT No. 20230614-0038799.
C. THE DEVELOPER SHALL PROVIDE SIDEWALKS ALONG BOTH SIDES OF ALL INTERNAL STREETS (WITH EXCEPTION OF THOSE LOCATIONS WAIVED BY NCCDLU), AND AS NECESSARY THROUGH PARKING AREAS TO ENCOURAGE WALKING AND TO PROVIDE ACCESS TO ANY FUTURE TRANSIT SERVICE EXTENDED TO THE AREA.

16. **DEBRIS DISPOSAL**
NO DEBRIS SHALL BE BURIED ON THE SITE.

17. **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.

18. **LANDSCAPE PLAN**
A LANDSCAPE PLAN, PREPARED BY DESIGNS ETC. LAST DATED 01/18/2024 OR AS AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE RECORD PLAN.

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

20. **MAINTENANCE OF COMMON FACILITIES**
FOR MAINTENANCE OF THE COMMON FACILITIES SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION DATED 02/22/2024, AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20240223-0011380.

21. **UTILITY EASEMENTS**
A 6' FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN OTHER THAN COMMON PROPERTY LINES FOR TOWNHOUSES, 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.

22. **TOTAL LENGTH OF PUBLIC AND PRIVATE RIGHT-OF-WAYS:**

40' WIDE RIGHT-OF-WAY:	1,086 L.F.±
50' WIDE RIGHT-OF-WAY:	7,587 L.F.±
60' WIDE RIGHT-OF-WAY:	2,494 L.F.±

23. **SUBDIVISION STREETS:**
A. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO THEIR APPROVAL.
B. ALL RIGHTS-OF-WAY ARE INTENDED FOR DEDICATION TO PUBLIC USE.
C. 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.
D. FOR ALL PROJECTS WITH PLANNED STREET INTERCONNECTIONS, A SIGN STATING "FUTURE INTERCONNECTION TO ADJOINING PROPERTY" SHALL BE LOCATED AT THE END OF THE STUB ROAD.

24. **EXISTING FIRE HYDRANTS: 0**
PROPOSED FIRE HYDRANTS: 11

25. **COASTAL ZONE**
THIS SITE DOES NOT LIE WITHIN DELAWARE'S COASTAL ZONE.

26. **AVIATION RESTRICTIONS**
THE U. S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, SHALL HAVE THE RIGHT AND AUTHORITY TO IMPLEMENT SUCH RESTRICTIONS AND SAFEGUARDS ON THE PREMISES AS MAY BE REASONABLE NECESSARY TO PROTECT THE SAFETY AND WELFARE OF THE PUBLIC.

27. **CONSERVATION EASEMENT**
ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICLE 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.

28. **TOPOGRAPHY**
TOPOGRAPHY DEPICTED ON THIS PLAN WAS DERIVED FROM AN AERIAL SURVEY AND VERIFIED BY A FIELD SURVEY PERFORMED BY KARINS AND ASSOCIATES, JULY 2021.

29. **COMMUNITY POSTAL BOXES**
POSTAL BOXES SHALL BE INSTALLED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE UNITED STATES POSTAL SERVICE.

30. **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 (LDIA), AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA IS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON 02/16/2024, AT INSTRUMENT NO. 20240216-0010179."

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

32. **NEW CASTLE COUNTY DRAINAGE CODE**
DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE NEW CASTLE COUNTY DRAINAGE CODE AND THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL'S DELAWARE SEDIMENT AND STORMWATER REGULATIONS AND THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK.

33. **RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE FEE**
THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORM WATER MANAGEMENT FACILITY MAINTENANCE AND INSPECTIONS PURSUANT TO SECTION 40.27.230 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES. AN AMOUNT OF $103,500, AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS, SHALL BE FUNDED UPON THE ISSUANCE OF SEVENTY FIVE (75) PERCENT OF THE BUILDING PERMITS FOR THE LOTS IN THE SUBDIVISION, OR PHASE THEREOF. THE DEPARTMENT OF LAND USE SHALL WITHHOLD THE ISSUANCE OF ANY ADDITIONAL BUILDING PERMITS UNTIL THE DEPARTMENT OF LAND USE IS FURNISHED WITH SATISFACTORY WRITTEN PROOF THAT THE FUNDS HAVE BEEN PAID TO NEW CASTLE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS.

34. **STREET CONNECTION**
A. THE DEVELOPER AND/OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE THE FIRST LOT IS SOLD, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS OF PROPERTY ALONG A PROPOSED OR PLANNED INTERCONNECTING STREET THAT SAID INTERCONNECTION IS PLANNED OR PROPOSED. SUCH SIGNS SHALL BE OF METAL DELDOT REGULATION STREET SIGN AND SHALL BE PLACED AT THE END OF THE STUB STREET IN THE RIGHT-OF-WAY. THE SIGN SHALL INDICATE "STREET CONNECTION TO FUTURE DEVELOPMENT." THE SIGN SHALL ALSO REFERENCE "NEW CASTLE COUNTY DEPARTMENT OF LAND USE" AND THE RESPECTIVE "INSTRUMENT NUMBER" OF THE RECORDED PLAN DEPICTING THE INTERCONNECTION. FOR PROJECTS WHERE THE INTERCONNECTING STREET IS NOT CONSTRUCTED UNTIL FUTURE PHASES, THE DEVELOPER SHALL MOVE THE SIGN AS NECESSARY (TO BE DETERMINED BY THE DEPARTMENT OF LAND USE) TO THE END OF THE STUB STREET AS CONSTRUCTION OCCURS. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE. PHOTOGRAPHIC PROOF OF INSTALLATION AND A SIGNED AFFIDAVIT MUST BE PROVIDED TO THE DEPARTMENT PRIOR TO ISSUANCE OF THE FIRST BUILDING PERMIT.

B. THE DEVELOPER AND/OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PERSPECTIVE HOME BUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.

C. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN EVERY NEW SUBDIVISION STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.

D. THE DEVELOPER AND /OR ITS ASSIGNS SHALL NOTE ON THE RECORD PLAN THE PLANNED OR POTENTIAL STREET INTERCONNECTIONS AND THE AFOREMENTIONED REQUIREMENTS TO POST SIGNAGE, TO OBTAIN WRITTEN ACKNOWLEDGEMENT OF NOTICE OF THE PROPOSED CONNECTOR STREET, AND THE REQUIREMENT THAT THE DEVELOPER AND /OR ITS ASSIGNS FURNISH A COPY OF THE RECORD PLAN DEPICTING THE STREET INTERCONNECTION(S) TO EVERY HOME BUYER IN THE SUBDIVISION.

E. FAILURE TO IMPLEMENT ANY ACTION REQUIRED BY A RECORD PLAN NOTE SHALL BE DEEMED TO BE A VIOLATION OF THE RECORD PLAN, AND SHALL BE SUBJECT TO ALL PENALTIES AND REMEDIES CONTAINED IN DIVISION 40.31.900.

35. **ADDRESSES**
ADDRESSES SHOWN ON THIS PLAN ARE AS ASSIGNED BY NEW CASTLE COUNTY GIS SERVICES.

36. **PROVISION FOR TRESPASSING**
THE DEVELOPER SHALL BE PERMITTED TO TRESPASS ON ANY LOT 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.

37. **LIMIT OF DISTURBANCE**
THE LIMIT OF DISTURBANCE (LOD) AS SHOWN IS TO DELINEATE THE LIMIT OF THE INITIAL CONSTRUCTION, SO AS TO PRESERVE THE MAXIMUM NUMBER OF TREES AND STEEP SLOPES ON THE SITE. ON-LOT RESOURCES ARE NOT PART OF THE REQUIRED PROTECTION LEVEL. UPON ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR EACH LOT, THE FINAL LOD WILL FOLLOW THE PROPERTY LINE.

38. **VOLUNTARY SCHOOL ASSESSMENT**
THE OWNERS SHALL PAY ANY VOLUNTARY SCHOOL ASSESSMENT REQUIRED BY TITLE 9, SECTION 2661(C) OF THE DELAWARE CODE, CALCULATED ON A PER UNIT BASIS AT THE TIME OF THE ISSUANCE OF THE FIRST BUILDING PERMIT AND IN AN AMOUNT DETERMINED PURSUANT TO TITLE 14 SECTION 103(C)OF THE DELAWARE CODE. 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 12/21/2023 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON 01/08/2024, INSTRUMENT NO. 20240108-0001273.

39. **FIRE MARSHAL NOTE**
ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE MARSHAL PREVENTION REGULATIONS.
IF APPLICABLE: TOWNHOUSE AND DUPLEX UNITS SHARING A COMMON WALL(PARTY WALL) WHICH ARE GROUPED BY THIS PLAN SHALL BE SEPARATED BY A FIRE BARRIER WALL THAT MEETS THE PROVISIONS OF NFPA221. FIRE WALLS AND FIRE BARRIER WALLS SHALL HAVE A TWO (2) HOUR FIRE RESISTANCE RATING.

40. **OPEN SPACE MAINTENANCE ESCROW:**
PURSUANT TO SECTION 40.27.220 OF THE COUNTY CODE, THE DEVELOPER SHALL PLACE FUNDS IN AN INTEREST-BEARING ACCOUNT EQUIVALENT TO THE COST OF MAINTAINING THE PRIVATE OPEN SPACE AND COMMON FACILITIES FOR A TWO (2) YEAR PERIOD. THE AMOUNT SHALL BE $957 PER LOT/UNIT SHOWN ON THIS PLAN OR SUBSEQUENT PLANS. ($957X 175 LOTS/UNITS = $167,475)

41. **ACTIVE RECREATION AREAS AND STRUCTURES RECREATIONAL FACILITIES**
ALL ACTIVE RECREATION AREAS AND STRUCTURED RECREATIONAL FACILITIES (CLUBHOUSES, PAVILIONS, ETC.) SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF FIFTY (50) PERCENT OF THE TOTAL BUILDING PERMITS WITHIN THE SUBDIVISION.
CONSTRUCTION MAY NOT PROGRESS SEQUENTIALLY BY PHASE NUMBER.

42. **SANITARY AND STORM EASEMENTS**
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 RIGHT OF WAY. 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 DESIGNED 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.

43. **GEOTECHNICAL EVALUATION:**
A GEOTECHNICAL EVALUATION HAS BEEN PERFORMED TO APPROXIMATE THE SEASONAL HIGH WATER TABLE (SHWT) ELEVATION(S) AND ALL LOTS REQUIRE FURTHER EVALUATION WHERE SLAB-ON-GRADE CONSTRUCTION IS NOT PROPOSED, AS IT PERTAINS TO THEIR LOWEST PROPOSED FLOOR ELEVATION PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

DOCUMENTATION OF ANY/ALL CONSTRUCTION LIMITATIONS BASED ON THE GEOTECHNICAL EVALUATION OF THE SHWT ELEVATION(S) IS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE. ALL STRUCTURES PROPOSED WITH LOWEST FLOOR WITHIN 3-FEET OF THE ESTIMATED SHWT SHALL BE WATERPROOFED (UDC §40.22.130). NO LOWEST FLOOR SHALL BE CONSTRUCTED WITHIN 2 FEET OF THE ESTIMATED SHWT (UDC §40.22.220).

44. **MPDU MANDATORY APPLICABILITY:**
IN ACCORDANCE WITH SECTION 40.07.510 OF THE UDC, AT LEAST FIFTEEN (15) PERCENT OF THE 175 UNITS CREATED BY THIS RECORD MAJOR LAND DEVELOPMENT PLAN SHALL BE PROVIDED AS MODERATELY PRICED DWELLING UNITS (MPDU'S).

45. **CONTRIBUTION TO HOUSING TRUST FUND:**
A CONTRIBUTION SHALL BE MADE FOR ALL DWELLING UNITS THAT ARE NOT DESIGNATED AS MPDUs ON ALL TRADITIONAL NEIGHBORHOOD HOUSING PROGRAM PLANS. THE CONTRIBUTION SHALL BE TWELVE ($12.00) DOLLARS PER ONE THOUSAND ($1,000) DOLLARS OF PERMIT CONSTRUCTION VALUATION AND SHALL BE PAYABLE AT THE TIME OF ISSUANCE OF A CERTIFICATE OF OCCUPANCY. ALL MONIES SHALL BE DEPOSITED IN THE HOUSING TRUST FUND.

46. **TIMING OF MPDU CONSTRUCTION AND PAYMENT:**
A. MPDUs SHALL BE MADE AVAILABLE FOR SALE CONCURRENTLY WITH THE MARKET RATE DWELLING UNITS FOR THE PROJECT. THE ISSUANCE OF BUILDING PERMITS FOR MARKET RATE DWELLING UNITS SHALL BE STOPPED AT THE LEVELS INDICATED BELOW:
   1. TWENTY-FIVE (25) PERCENT (44 UNITS) PENDING THE ISSUANCE OF TWENTY-FIVE (25) PERCENT (7 UNITS) OF BUILDING PERMITS FOR MPDUs;
   2. FIFTY (50) PERCENT (88 UNITS) PENDING THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR TWENTY-FIVE (25) PERCENT (7 UNITS) OF THE MPDUs;
   3. SEVENTY-FIVE (75) PERCENT (132 UNITS) PENDING THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR FIFTY (50) PERCENT (14 UNITS) OF THE MPDUs; AND,
   4. NINETY (90) PERCENT (158 UNITS) PENDING THE ISSUANCE OF ONE HUNDRED (100) PERCENT (27 UNITS) OF BUILDING PERMITS FOR MPDUs.

B. PAYMENT-IN-LIEU FEES SHALL BE PAYABLE AT THE SAME PERCENTAGE AND AT THE SAME TIME MPDUs WOULD HAVE BEEN MADE AVAILABLE. ISSUANCE OF BUILDING PERMITS SHALL BE STOPPED AT THE PERCENTAGES DESIGNATED IN SUBSECTION A UNTIL IT IS CONFIRMED THAT PAYMENT IS MADE.

C. THE DEPARTMENT MAY ALLOW A VARIATION TO THE STOP LEVELS LISTED ABOVE AT THE REQUEST OF THE APPLICANT AND BASED GOOD CAUSE SHOWN AND UNFORESEEN CIRCUMSTANCES.

D. IF A PRIVATE, PUBLIC, FOR-PROFIT OR NON-PROFIT ORGANIZATION IS PROVIDING THE MPDUs SUBJECT TO A MEMORANDUM OF AGREEMENT WITH THE DEVELOPER, THE TIMING OF CONSTRUCTION OF THE MPDUs SHALL BE CONTROLLED BY THE MEMORANDUM OF AGREEMENT.

47. **HOMEOWNERSHIP MPDUs:**
A. MAXIMUM SALES PRICE (MSP). THE MSP SHALL BE ESTABLISHED FOR UNIT SIZE BASED ON PRESUMED HOUSEHOLD SIZE AND THE QUALIFYING LEVEL FOR THE APPLICABLE AMI TARGET. THE MSP SHALL BE REFLECTED ON ALLOWABLE SALES PRICE CALCULATION CHARTS MAINTAINED BY THE DEPARTMENT OF COMMUNITY SERVICES.
B. AMI TARGETS. MPDUs DESIGNATED FOR HOMEOWNERSHIP SHALL BE MADE AVAILABLE TO HOMEOWNERS AT TWO INCOME LEVELS CALCULATED AS AMI.
   1. NINETY (90) PERCENT AMI TARGET. FIFTY (50) PERCENT OF THE MPDUs SHALL BE AFFORDABLE TO QUALIFIED HOUSEHOLDS WITH HOUSEHOLD INCOME UP TO NINETY (90) PERCENT OF AMI.
   2. SEVENTY-FIVE (75) PERCENT AMI TARGET. FIFTY (50) PERCENT OF THE MPDUs SHALL BE AFFORDABLE TO QUALIFIED HOUSEHOLDS WITH HOUSEHOLD INCOME UP TO SEVENTY-FIVE (75) PERCENT OF AMI.

48. **MPDU MASTER DEVELOPMENT AGREEMENT:**
IN ACCORDANCE WITH SECTION 40.07.561 OF THE UDC, THE DEVELOPER SHALL EXECUTE A MASTER DEVELOPMENT AGREEMENT IN FAVOR OF NEW CASTLE COUNTY, WHICH SHALL BE RECORDED UPON APPROVAL OF THE COUNTY'S OFFICE OF LAW. THE MASTER DEVELOPMENT AGREEMENT DATED 01/22/2024 AND RECORDED IN THE OFFICE OF RECORDER OF DEEDS, IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20240129-0005734.

49. **MPDU STAGING PLAN:**
A STAGING PLAN, DATED 2/20/2023, PREPARED BY KARINS AND ASSOCIATES, OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE RECORD PLAN.

50. **BUYERS AGREEMENT**
PRIOR TO THE CONVEYANCE OF AN MPDU, THE BUYER SHALL EXECUTE A BUYERS AGREEMENT WITH NEW CASTLE COUNTY, ACKNOWLEDGING THE BUYER'S ACCEPTANCE AND UNDERSTANDING OF THE TERMS AND CONDITIONS OF OWNERSHIP SUBJECT TO THE TRADITIONAL NEIGHBORHOOD HOUSING PROGRAM.

51. **SUPERSEDES:**
THIS PLAN SUPERSEDES, IN PART, THE RECORD SUBDIVISION PLAN FOR BAKER FARMS, INC. DATED JANUARY 28, 1975 AND RECORDED APRIL 1, 1975 MICROFILM NO. 2890, ALSO, IN PART, THE RECORD SUBDIVISION PLAN FOR BAKER FARMS, INC. DATED FEBRUARY 8, 1993 AND RECORDED MARCH 12, 1993 MICROFILM NO. 11595, ALSO, IN PART, THE RECORD MINOR LAND DEVELOPMENT PLAN FOR NEW CASTLE PRESBYTERY DATED JUNE 8, 1994 AND RECORDED FEBRUARY 21, 1995 MICROFILM NO. 12301, ALSO IN PART THE TITLE SUBDIVISION REFERENCING THE EXHIBIT RECORDED JULY 11, 2007, INSTRUMENT NO. 20070711-0061955, ALSO, IN PART, THE RECORD MAJOR SUBDIVISION AND LAND DEVELOPMENT PLAN FOR BAYBERRY TOWN CENTER, LAST DATED OCTOBER 6, 2011 AND RECORDED NOVEMBER 10, 2011 INSTRUMENT NO. 20111110-0068304, ALSO IN PART THE RECORD RESUBDIVISION PLAN FOR BAYBERRY TOWN CENTER, DATED JUNE 3, 2015, AND RECORDED AUGUST 3, 2015 INSTRUMENT NUMBER 201508030038901, RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE.

52. **STORM SEWER VIDEO INSPECTION**
PER SECTION 40.27.340E, ALL STORM SEWERS WITHIN PRIVATE OPEN SPACE REQUIRE VIDEO INSPECTION. A THIRD-PARTY PROFESSIONAL MUST CERTIFY THAT THE PRIVATE STORM SEWER AND STREETS ARE CONSTRUCTED IN COMPLIANCE WITH DELDOT STANDARDS. THE DEPARTMENT MUST FIND THE REPORT, AS-BUILT PLAN AND PIPE VIDEO ACCEPTABLE PRIOR TO THE INSPECTION OF THE OPEN SPACE.

53. **PLANNING BOARD RECOMMENDATION (ORDINANCE 22-008) - CONDITIONAL APPROVAL**
THE FOLLOWING DESIGN STANDARDS SHALL APPLY:
A. A VARIETY OF ARCHITECTURAL STYLES AND MATERIALS SHALL BE INCORPORATED BETWEEN HOMES TO PROVIDE A VISUALLY ATTRACTIVE AND DIVERSE STREET SCAPE AND ELIMINATE REPETITION AND MONOTONY.
B. THROUGHOUT THE COMMUNITY, THE FRONT FACADES WILL INCORPORATE ARCHITECTURAL DETAILS SUCH AS COVERED FRONT ENTRANCES, PORCHES, BAY WINDOWS, DORMERS, GABLES, SHUTTERS AND/OR PROMINENT WINDOW TRIMS IN VARIOUS COMBINATIONS TO ARTICULATE INDIVIDUAL HOMES AND ENHANCE THE STREET SCAPE.
C. DETACHED SINGLE-FAMILY DWELLING GARAGES SHALL BE LOCATED IN LINE OR SETBACK BEHIND THE FRONT FACADE WHICH SHALL INCLUDE COVERED FRONT ENTRANCES AND PORCHES.

54. **BOARD OF ADJUSTMENT HEARING**
THE FOLLOWING VARIANCES RECEIVED CONDITIONAL APPROVAL BY THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT AT THE DECEMBER 7, 2023, HEARING (APP. 2023-0563-A, DECISION FILED DECEMBER 27, 2023):
A. TO PERMIT 0.0 BUFFERYARD OPACITY ALONG THE BOYDS CORNER ROAD RIGHT-OF-WAY (0.3 BUFFERYARD OPACITY REQUIRED) SEE UDC TABLE 40.04.111.A.
B. TO PERMIT 0.0 BUFFERYARD OPACITY ALONG THE JAMISON CORNER ROAD RIGHT-OF-WAY (0.3 BUFFERYARD OPACITY REQUIRED) SEE UDC TABLE 40.04.111.A.
C. TO PERMIT 0 STREET TREES ALONG THE JAMISON CORNER ROAD RIGHT-OF-WAY (26 STREET TREES REQUIRED) SEE UDC TABLE 40.04.111.C.
D. TO PERMIT 0 STREET TREES ALONG THE BOYDS CORNER ROAD RIGHT-OF-WAY (35 STREET TREES REQUIRED) SEE UDC TABLE 40.04.111.C.
CONDITION:
THE LANDSCAPING SHALL BE CONSISTENT WITH THE RENDERINGS SUBMITTED INTO EVIDENCE.

DELDOT GENERAL RECORD PLAN NOTES

REVISED MARCH 21. 2019

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. 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.
7. a. ALL LOTS SHALL H

LEGEND

PROPOSED		EXISTING
	RIGHT OF WAY	
	LOT LINES	
	BUILDING RESTRICTION LINES	
	EASEMENT	
LOD	LIMITS OF DISTURBANCE	
LOC	LIMITS OF CONCTRUCTION	
20	LOT NUMBER	
	FIRE HYDRANT	
	P.C.C. CURB 1-6	
	P.C.C INTEGRAL CURB AND GUTTER TYPE 3-8	
	P.C.C INTEGRAL CURB AND GUTTER TYPE 2	
	5' WIDE P.C.C. SIDEWALK	
	TREES / TREELINE	
	W.R.P.A. LINE	WRPA
	RIPARIAN BUFFER AREA LINE	RBA


LANDS N.O.F. OF ROBERT L. & SARAH C. EMERSON CO-TR M.F.#12110 T.P.#13-008.00-004 ZONE: S
LANDS N.O.F. OF RUTH & CAROLINE HOBSON & BETTY S. BAKER M.F.#12348 T.P.#13-013.00-065 ZONE: S
S06° 09' 51"E 86.91'
S84° 05' 23"E 194.57'
139.82'
194.57'
N89° 25' 59"E 601.35'
100YR
ZONED S
ZONED ST
NON-DELINEATED FLOODPLAIN
NATURAL RESOURCE OPEN SPACE 4.0094 AC.
NATURAL RESOURCE OPEN SPACE 4.0494 AC.
15' WIDE ACCESS EASEMENT TYPE C
VARIABLE WIDTH DRAINAGE EASEMENT (FOR PIPE) TYPE B
20' WIDE DRAINAGE EASEMENT (FOR PIPE) TYPE A
STORMWATER MANAGEMENT EASEMENT AREA #1 (1.97 ACRES±)
50' RIPARIAN BUFFER
ZONE 1
ZONE 2
RBA
LOD
S48° 34' 32"E 102.88'
N34° 51' 15"E 126.00'
S55° 08' 45"E 126.00'
N71° 08' 45"W 126.00'
S55° 54' 37"W 163.97'
S71° 51' 46"E
N71° 08' 45"W 126.00'
N65° 06' 22"E 89.57'
N70° 20' 41"E 89.57'
N72° 35' 03"E 89.60'
N27° 28' 13"W 125.00'
N30° 53' 55"W 125.00'
N37° 30' 47"W 125.00'
N62° 31' 47"E 20.00'
S27° 28' 13"E 78.72'
S30° 53' 55"E 82.00'
S59° 06' 05"W 82.00

Easement Line Table		
Line #	Direction	Length
E32	N0° 14' 29"W	127.53
E33	N84° 59' 45"W	195.91
E34	N5° 00' 15"E	20.00
E35	S84° 59' 45"E	214.16
E36	S0° 14' 29"E	145.63
E37	S43° 28' 58"W	162.83
E38	S11° 00' 25"W	17.71
E39	S56° 49' 26"E	77.57
E40	S33° 10' 34"W	20.00
E41	N56° 49' 26"W	91.01
E42	N11° 00' 25"E	36.98
E43	N43° 28' 58"E	168.61
E44	N46° 38' 42"W	20.00
E45	N43° 21' 18"E	29.75
E46	S46° 38' 42"E	20.00
E47	S43° 21' 18"W	29.75
E48	S46° 38' 42"E	20.00
E49	N45° 01' 16"E	38.60
E50	S44° 58' 44"E	20.00
E51	S45° 01' 16"W	36.08

Easement Line Table		
Line #	Direction	Length
E52	S69° 57' 50"E	142.71
E53	S20° 02' 10"W	20.00
E54	N69° 57' 50"W	142.71
E55	N20° 02' 10"E	20.00
E56	S69° 57' 50"E	126.33
E57	S20° 02' 10"W	20.00
E58	S69° 57' 50"E	126.33
E59	N20° 02' 10"E	20.00
E60	S68° 02' 51"E	50.03
E61	N20° 02' 10"E	20.01
E62	S68° 02' 51"E	50.03
E63	S20° 02' 10"W	20.01
E64	S69° 57' 50"E	128.33
E65	N20° 02' 10"E	47.83
E66	S69° 57' 50"E	20.00
E67	S20° 02' 10"W	154.58
E68	N69° 57' 50"W	20.00
E69	N20° 02' 10"E	86.74
E70	N69° 57' 50"W	128.33
E71	S20° 02' 10"W	20.00

Easement Line Table		
Line #	Direction	Length
E72	N20° 02' 10"E	20.75
E73	S69° 57' 50"E	20.00
E74	N20° 02' 10"E	20.75
E75	N69° 57' 50"W	20.00
E76	N75° 02' 57"W	72.86
E77	N14° 57' 03"E	20.00
E78	S75° 02' 57"E	66.24
E142	N69° 32' 20"W	86.72

Easement Curve Table					
Curve #	Radius	Length	Delta	Chord Direction	Chord Length
EC3	855.00	20.00	1°20'25"	S89° 20' 32"W	20.00
EC4	795.00	20.16	1°27'10"	N52° 09' 14"W	20.16
EC5	325.00	21.07	3°42'53"	N03° 22' 19"W	21.07
EC13	15.00	19.64	75°00'08"	N37° 14' 21"W	18.26
EC14	795.00	71.98	5°11'14"	N77° 20' 03"W	71.95

PROPOSED

LOD

LOC

20

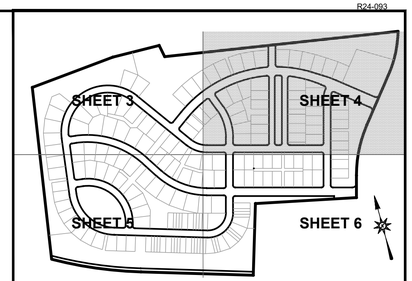
EXISTING

LEGEND

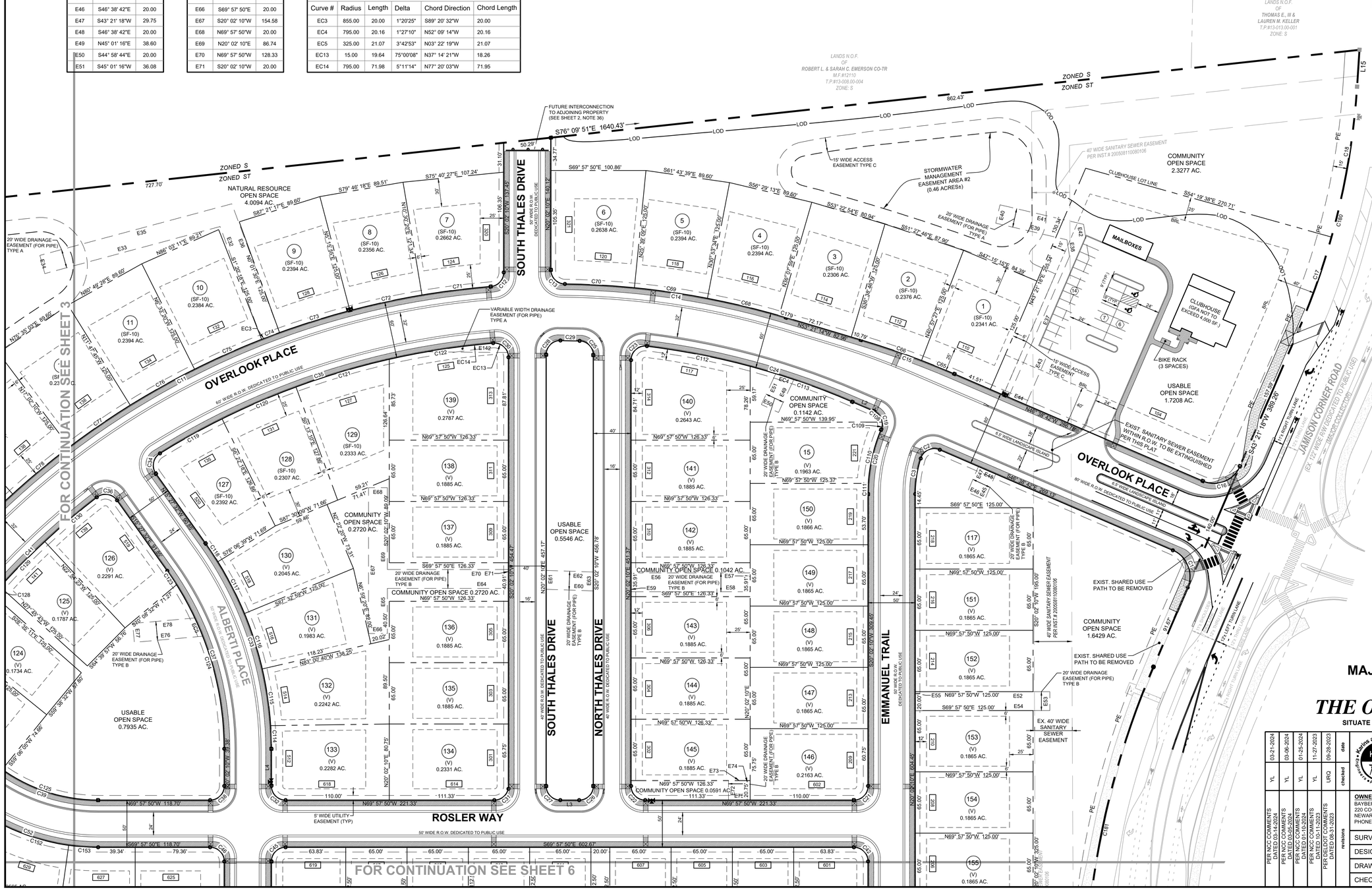
- RIGHT OF WAY
- LOT LINES
- BUILDING RESTRICTION LINES
- EASEMENT
- LIMITS OF DISTURBANCE
- LIMITS OF CONCTRUCTION
- LOT NUMBER
- FIRE HYDRANT
- P.C.C. CURB 1-6
- P.C.C INTEGRAL CURB AND GUTTER TYPE 3-8
- P.C.C INTEGRAL CURB AND GUTTER TYPE 2
- 5' WIDE P.C.C. SIDEWALK
- TREES / TREELINE
- W.R.P.A. LINE
- RIPARIAN BUFFER AREA LINE

WRPA

RBA



KEY MAP SCALE: 1" = 500'



N.C.C. APPLICATION NO. 2021-0504

RECORD

MAJOR LAND DEVELOPMENT PLAN

FOR

THE OVERLOOK AT BAYBERRY

SITUATE IN: ST. GEORGES HUNDRED, NEW CASTLE COUNTY, DELAWARE

revisions	checked	date
PER NCC COMMENTS DATED 03-14-2024	YL	03-21-2024
PER NCC COMMENTS DATED 03-06-2024	YL	03-06-2024
PER NCC COMMENTS DATED 01-10-2024	YL	01-25-2024
PER NCC COMMENTS DATED 10-11-2023	YL	11-27-2023
PER NCC COMMENTS DATED 08-31-2023	URQ	09-28-2023

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PROPERTY ADDRESS:
701 BOYDS CORNER ROAD
MIDDLETOWN, DE 19709

DEV SITARAM — LICENSE No. 8799 — PROFESSIONAL ENGINEER — DELAWARE

SURVEY BY: KARINS AND ASSOCIATES	SCALE: 1" = 50' (0, 50', 100')
DESIGNED BY: D.S., W.R.B.	
DRAWN BY: W.R.B., F.D.S.	DATE: 7-18-2023 SHEET: 4 OF 7
CHECKED BY: D.S.	DRAWING NO.: 2226.03 - A04

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FOR CONTINUATION SEE SHEET 3

FOR CONTINUATION SEE SHEET 6

MacLAREN LANE

TRUMBULL COURT

ROSLER WAY

BOYDS CORNER ROAD
(PRINCIPAL ARTERIAL)
(EX. VARIABLE WIDTH R/W)

CONSTRUCTION BASELINE

COMMUNITY OPEN SPACE
1.6072 AC.

USABLE OPEN SPACE
1.1461 AC.

NATURAL RESOURCE OPEN SPACE
4.0494 AC.

NATURAL RESOURCE OPEN SPACE
4.8647 AC.

LANDS N.O.F.
OF
RUTH & CAROLINE HOBSON
& BETTY S. BAKER
M.F. #12348
T.P.#13-013.00-065
ZONE: S

ZONED S

ZONED ST

38' WIDE PERMANENT EASEMENT
PER CONTRACT NO. T200712002

24'± WIDE ADDITIONAL R.O.W. TO BE DEDICATED
TO THE STATE OF DELAWARE (0.80 AC.)

10' WIDE BITUMINOUS ASPHALT SHARED USE PATH

0.7950 AC.

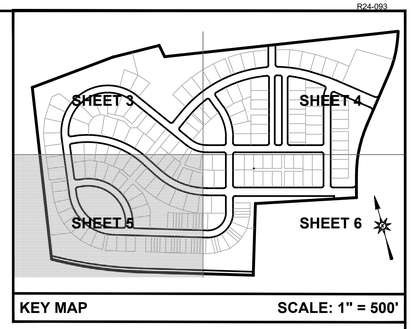
20' WIDE DRAINAGE EASEMENT (FOR PIPE) TYPE A

20' WIDE DRAINAGE EASEMENT (FOR PIPE) TYPE B

VARIABLE WIDTH DRAINAGE EASEMENT (FOR PIPE) TYPE B

5' WIDE UTILITY EASEMENT (TYP)

50' WIDE R.O.W. DEDICATED TO PUBLIC USE



KEY MAP SCALE: 1" = 500'

Easement Curve Table

Curve #	Radius	Length	Delta	Chord Direction	Chord Length
EC6	311.00	20.02	3°41'19"	N25° 47' 34"W	20.02
EC7	275.00	20.43	4°15'25"	S58° 51' 16"E	20.43
EC8	261.00	21.40	4°41'55"	N25° 00' 29"W	21.40
EC9	325.00	20.00	3°31'35"	S59° 15' 38"E	20.00
EC11	475.00	20.00	2°24'45"	S41° 11' 17"E	20.00
EC15	275.00	34.92	7°16'31"	S64° 37' 14"E	34.90
EC16	15.00	16.31	62°18'55"	N80° 35' 02"E	15.52

Easement Line Table

Line #	Direction	Length
E29	N28° 00' 51"W	20.23
E79	N62° 17' 29"E	127.64
E80	N27° 24' 21"W	289.81
E81	N60° 15' 59"W	117.22
E82	N29° 44' 01"E	20.00
E83	S60° 15' 59"E	105.26
E84	N12° 31' 42"E	135.17
E85	N68° 15' 30"W	20.26
E86	N12° 31' 42"E	140.72
E87	N27° 24' 21"W	290.93
E88	S61° 46' 42"W	105.86
E89	S61° 46' 43"W	105.14
E90	N28° 00' 51"W	67.98
E91	N61° 59' 09"E	20.00
E92	S28° 00' 24"E	68.00
E93	N62° 17' 30"E	127.60
E94	S28° 00' 51"E	20.00
E95	S44° 10' 24"W	112.64
E96	S19° 24' 56"W	101.98
E97	N19° 24' 56"E	102.22
E98	N44° 10' 24"E	124.64
E99	S77° 44' 20"E	115.25
E100	N12° 15' 40"E	149.39
E101	S77° 44' 20"E	20.00
E102	S12° 15' 40"W	169.39
E103	N77° 44' 20"W	135.25
E104	S12° 15' 40"W	20.00
E105	S30° 44' 22"W	116.01
E106	S68° 15' 30"E	421.71
E107	S68° 15' 30"E	280.00
E113	S68° 15' 30"E	726.07
E114	S68° 15' 30"E	726.07
E115	S30° 44' 20"W	139.43
E128	N48° 42' 37"E	120.46
E129	S52° 47' 46"E	139.88
E130	S37° 12' 14"W	20.00
E131	S52° 47' 46"E	123.54
E132	N48° 42' 37"E	104.16
E143	S71° 11' 28"E	111.80

LEGEND

PROPOSED		EXISTING
	RIGHT OF WAY	
	LOT LINES	
	BUILDING RESTRICTION LINES	
	EASEMENT	
LOD	LIMITS OF DISTURBANCE	
LOC	LIMITS OF CONCTRUCTION	
20	LOT NUMBER	
	FIRE HYDRANT	
	P.C.C. CURB 1-6	
	P.C.C INTEGRAL CURB AND GUTTER TYPE 3-8	
	P.C.C INTEGRAL CURB AND GUTTER TYPE 2	
	5' WIDE P.C.C. SIDEWALK	
	TREES / TREELINE	
	W.R.P.A. LINE	WRPA
	RIPARIAN BUFFER AREA LINE	RBA

N.C.C. APPLICATION NO. 2021-0504

RECORD
MAJOR LAND DEVELOPMENT PLAN
FOR
THE OVERLOOK AT BAYBERRY

SITUATE IN: ST. GEORGES HUNDRED, NEW CASTLE COUNTY, DELAWARE

date	checked	revisions
03-21-2024	YL	PER NCC COMMENTS DATED 03-14-2024
03-06-2024	YL	PER NCC COMMENTS DATED 02-28-2024
01-25-2024	YL	PER NCC COMMENTS DATED 01-18-2024
11-27-2023	YL	PER NCC COMMENTS DATED 10-31-2023
09-28-2023	URQ	PER DELDOT COMMENTS DATED 08-31-2023

Karins and Associates
ENGINEERS • PLANNERS • SURVEYORS
NEWARK, DE & GEORGETOWN, DE
www.karinsengineering.com
17 POLLY DRUMMOND CENTER * SUITE 201
NEWARK, DELAWARE 19711
PHONE: (302) 369-2900 FAX: (302) 369-2975

OWNER:
BAYBERRY EAST-WEST LLC
220 CONTINENTAL DRIVE, SUITE 410
NEWARK, DE 19713
PHONE: 302-254-0100

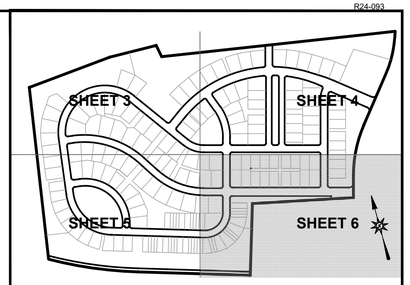
PROPERTY ADDRESS:
701 BOYDS CORNER ROAD
MIDDLETOWN, DE 19709

DEV SITARAM — LICENSE No. 8799 — PROFESSIONAL ENGINEER

SURVEY BY: KARINS AND ASSOCIATES	SCALE: 1" = 50'
DESIGNED BY: D.S., W.R.B.	
DRAWN BY: W.R.B., F.D.S.	DATE: 7-18-2023 SHEET: 5 OF 7
CHECKED BY: D.S.	DRAWING NO.: 2226.03 - A05

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R24-093



KEY MAP SCALE: 1" = 500'

Easement Curve Table					
Curve #	Radius	Length	Delta	Chord Direction	Chord Length
EC10	15.00	19.03	72°41'11"	S73° 41' 34"W	17.78
EC12	125.00	20.18	9°14'54"	N27° 08' 10"E	20.15

Easement Line Table		
Line #	Direction	Length
E108	S73° 41' 25"E	78.40
E109	S88° 12' 22"E	112.70
E110	N1° 47' 38"E	20.00
E111	S88° 12' 22"E	115.24
E112	S73° 41' 25"E	81.90
E117	N26° 38' 27"E	28.38
E118	S73° 37' 37"E	90.51
E119	N20° 02' 10"E	131.18
E120	S69° 57' 50"E	20.00
E121	S20° 02' 10"W	132.11
E122	S59° 16' 53"E	121.42
E123	S69° 57' 50"E	37.72
E124	N59° 16' 53"W	78.64
E125	N73° 37' 37"W	82.55
E126	S26° 38' 27"W	9.37
E127	S69° 57' 50"E	20.13
E139	S69° 57' 50"E	115.59
E140	S20° 02' 10"W	20.00
E141	N69° 57' 50"W	118.08

FOR CONTINUATION SEE SHEET 4

FOR CONTINUATION SEE SHEET 5

ROSLER WAY

ALBERTI PLACE

EMMANUEL TRAIL

MacLAREN LANE

ROSLER WAY

BOYDS CORNER ROAD
(EX. VARIABLE WIDTH R/W DEDICATED TO PUBLIC USE)
(PRINCIPAL ARTERIAL)

JAMISON CORNER ROAD
(EX. 122' WIDE R/W DEDICATED TO PUBLIC USE)
(MAJOR COLLECTOR)

COMMUNITY OPEN SPACE 0.2617 AC.

COMMUNITY OPEN SPACE 1.64 AC.

COMMUNITY OPEN SPACE 0.7930 AC.

COMMUNITY OPEN SPACE 0.2744 AC.

NATURAL RESOURCE OPEN SPACE 4.8647 AC.

0.2411 ACRE - VARYING WIDTH CROSS ACCESS EASEMENT TO BENEFIT THE NEW CASTLE PRESBYTERIAN CHURCH PER INST.# 201508030038901 (DEDICATED TO PUBLIC USE)
(TO BE EXTINGUISHED PER THIS PLAT)

EXIST. SANITARY SEWER EASEMENT WITHIN R.O.W. TO BE EXTINGUISHED PER THIS PLAT

EX. CHURCH ENTRANCE TO REMAIN

LANDS N.O.F. OF NEW COVENANT PRESBYTERIAN CHURCH OF NEW CASTLE CO
INST.#201508030038901
T.P.#13-013.00-227
ZONE: S

CONSTRUCTION BASELINE

LEGEND

PROPOSED		EXISTING
	RIGHT OF WAY	
	LOT LINES	
	BUILDING RESTRICTION LINES	
	EASEMENT	
LOD	LIMITS OF DISTURBANCE	
LOC	LIMITS OF CONCTRUCTION	
20	LOT NUMBER	
	FIRE HYDRANT	
	P.C.C. CURB 1-6	
	P.C.C INTEGRAL CURB AND GUTTER TYPE 3-8	
	P.C.C INTEGRAL CURB AND GUTTER TYPE 2	
	5' WIDE P.C.C. SIDEWALK	
	TREES / TREELINE	
WRPA	W.R.P.A. LINE	WRPA
	RIPARIAN BUFFER AREA LINE	RBA

N.C.C. APPLICATION NO. 2021-0504

RECORD MAJOR LAND DEVELOPMENT PLAN FOR

THE OVERLOOK AT BAYBERRY

SITUATE IN: ST. GEORGES HUNDRED, NEW CASTLE COUNTY, DELAWARE

revisions	checked	date
PER NCC COMMENTS DATED 03-14-2024	YL	03-21-2024
PER NCC COMMENTS DATED 03-06-2024	YL	03-06-2024
PER NCC COMMENTS DATED 01-15-2024	YL	01-25-2024
PER NCC COMMENTS DATED 10-11-2023	YL	11-27-2023
PER DEL DOT COMMENTS DATED 08-31-2023	URQ	09-28-2023

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PROPERTY ADDRESS:
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SURVEY BY: KARINS AND ASSOCIATES	SCALE: 1" = 50'
DESIGNED BY: D.S., W.R.B.	
DRAWN BY: W.R.B., F.D.S.	DATE: 7-18-2023 SHEET: 6 OF 7
CHECKED BY: D.S.	DRAWING NO.: 2226.03 - A06

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Line Table

Line #	Direction	Length
L1	S20° 02' 10"W	20.08
L2	N46° 38' 42"W	24.74
L3	S69° 57' 50"E	20.00
L4	S20° 02' 10"W	39.38
L5	S21° 44' 30"W	10.62
L6	N21° 44' 30"E	10.62
L7	N20° 02' 10"E	20.00
L8	S20° 02' 10"W	20.00
L9	S24° 20' 55"W	19.95
L10	N67° 40' 55"W	24.17
L11	N71° 09' 44"W	68.33
L12	S46° 59' 19"E	20.09
L13	N20° 02' 10"E	8.09
L14	S68° 15' 30"E	52.42
L15	S23° 43' 18"W	39.14

Curve Table

Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C1	30.00	47.12	90°00'00"	S01° 38' 42"E	42.43
C2	15.00	25.07	95°46'36"	N85° 28' 00"E	22.26
C3	125.00	38.27	17°32'33"	N28° 48' 26"E	38.12
C4	15.00	23.56	90°00'00"	N24° 57' 50"W	21.21
C5	30.00	47.12	90°00'00"	S65° 02' 10"W	42.43
C6	15.00	23.56	90°00'00"	S65° 02' 10"W	21.21
C7	175.00	280.10	91°42'20"	N65° 53' 20"E	251.14
C8	325.00	456.73	80°31'10"	S27° 59' 55"E	420.06
C9	325.00	776.20	136°50'25"	S80° 40' 52"W	604.44
C10	15.00	23.56	90°00'00"	S75° 53' 55"E	21.21
C11	855.00	691.26	46°19'23"	S82° 15' 46"W	672.58
C12	15.00	22.35	85°23'18"	N62° 43' 49"E	20.34
C13	15.00	23.39	89°20'17"	N24° 37' 59"W	21.09
C14	855.00	237.99	15°56'53"	N61° 19' 41"W	237.22
C15	900.00	105.39	6°42'32"	N49° 59' 58"W	105.32
C16	30.00	47.12	90°00'00"	S88° 21' 18"W	42.43
C17	777.00	104.25	7°41'13"	S39° 30' 42"W	104.17
C18	777.00	162.01	11°56'47"	S29° 41' 41"W	161.72
C19	15.00	23.48	89°40'37"	N01° 48' 23"W	21.15
C20	175.00	70.24	22°59'45"	S31° 32' 03"W	69.77
C21	15.00	23.56	90°00'00"	N65° 02' 10"E	21.21
C22	15.00	23.56	90°00'00"	S24° 57' 50"E	21.21
C23	15.00	25.39	96°59'58"	S68° 32' 09"W	22.47
C24	795.00	226.44	16°19'10"	N54° 48' 17"W	225.68
C25	15.00	23.08	88°09'35"	N24° 02' 37"W	20.87
C26	15.00	23.56	90°00'00"	N65° 02' 10"E	21.21
C27	15.00	23.56	90°00'00"	S24° 57' 50"E	21.21
C28	15.00	23.66	90°22'15"	S65° 13' 18"W	21.28
C29	795.00	20.39	1°28'10"	N68° 51' 30"W	20.39
C30	15.00	24.81	94°46'35"	N27° 21' 08"W	22.08
C31	15.00	23.56	90°00'00"	N65° 02' 10"E	21.21
C32	15.00	23.56	90°00'00"	S24° 57' 50"E	21.21
C33	375.00	232.31	35°29'42"	N02° 17' 19"E	228.62
C34	15.00	24.52	93°39'11"	S31° 22' 03"W	21.88
C35	795.00	375.54	27°03'56"	N88° 16' 23"W	372.06
C36	15.00	24.14	92°13'35"	N61° 34' 20"W	21.62
C37	325.00	201.34	35°29'42"	N02° 17' 19"E	198.13
C38	15.00	23.56	90°00'00"	N65° 02' 10"E	21.21
C39	175.00	119.32	39°03'55"	S50° 25' 52"E	117.02
C40	15.00	23.56	90°00'00"	S14° 06' 05"W	21.21
C41	795.00	183.34	13°12'48"	S65° 42' 29"W	182.93
C42	15.00	23.56	90°00'00"	S24° 57' 50"E	21.21
C43	15.00	23.56	90°00'00"	S65° 02' 10"W	21.21
C44	15.00	23.56	90°00'00"	N24° 57' 50"W	21.21
C45	15.00	23.56	90°00'00"	N65° 02' 10"E	21.21
C46	15.00	23.56	90°00'00"	S24° 57' 50"E	21.21
C47	15.00	23.56	90°00'00"	S65° 02' 10"W	21.21
C48	475.00	347.78	41°56'59"	S48° 59' 20"E	340.06
C49	623.00	540.68	49°43'29"	N52° 52' 35"W	523.87
C50	15.00	24.66	94°10'40"	N30° 39' 00"W	21.97
C51	275.00	636.73	132°39'45"	S82° 46' 12"W	503.74
C52	225.00	153.41	39°03'55"	S50° 25' 52"E	150.45
C53	15.00	23.56	90°00'00"	N24° 57' 50"W	21.21
C54	125.00	200.07	91°42'20"	N65° 53' 20"E	179.39
C55	15.00	23.56	90°00'00"	S23° 15' 30"E	21.21
C56	311.00	539.98	99°28'50"	N27° 59' 55"W	474.66
C57	15.00	23.56	90°00'00"	S32° 44' 20"E	21.21
C58	15.00	23.56	90°00'00"	S57° 15' 40"W	21.21
C59	573.00	497.28	49°43'29"	N52° 52' 35"W	481.82
C60	525.00	384.38	41°56'59"	S48° 59' 20"E	375.86

Curve Table

Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C61	15.00	23.56	90°00'00"	N66° 44' 30"E	21.21
C62	275.00	386.47	80°31'10"	S27° 59' 55"E	355.44
C63	15.00	23.56	90°00'00"	S57° 15' 40"W	21.21
C64	261.00	453.16	99°28'50"	N27° 59' 55"W	398.35
C65	900.00	37.66	2°23'51"	N47° 50' 37"W	37.66
C66	900.00	67.73	4°18'42"	N51° 11' 54"W	67.71
C68	855.00	78.20	5°14'25"	N56° 29' 13"W	78.17
C69	855.00	78.20	5°14'25"	N61° 43' 39"W	78.17
C70	855.00	73.93	4°57'16"	N66° 49' 29"W	73.91
C71	855.00	73.40	4°55'07"	S77° 02' 06"E	73.38
C72	855.00	78.20	5°14'25"	S82° 06' 52"E	78.17
C73	855.00	78.20	5°14'25"	S87° 21' 17"E	78.17
C74	855.00	20.34	1°21'48"	N89° 20' 36"E	20.34
C75	855.00	77.85	5°13'02"	N86° 03' 11"E	77.83
C76	855.00	78.20	5°14'25"	N80° 49' 28"E	78.17
C77	855.00	78.20	5°14'25"	N75° 35' 03"E	78.17
C78	855.00	78.17	5°14'18"	N70° 20' 41"E	78.14
C79	855.00	78.17	5°14'18"	N65° 06' 22"E	78.14
C80	855.00	50.52	3°23'08"	N60° 47' 39"E	50.51
C81	325.00	63.05	11°06'53"	S36° 27' 21"E	62.95
C82	325.00	74.45	13°07'29"	S48° 34' 32"E	74.29
C83	325.00	376.66	66°24'13"	S88° 20' 24"E	355.93
C84	325.00	74.45	13°07'29"	N51° 53' 45"E	74.29
C85	325.00	74.45	13°07'29"	N38° 46' 16"E	74.29
C86	325.00	74.45	13°07'29"	N25° 38' 46"E	74.29
C87	325.00	38.70	6°49'22"	N15° 40' 21"E	38.68
C88	325.00	29.46	5°11'39"	N09° 39' 50"E	29.45
C89	325.00	61.04	10°45'39"	N01° 41' 11"E	60.95
C90	325.00	61.04	10°45'39"	N09° 04' 27"W	60.95
C91	325.00	61.04	10°45'39"	N19° 50' 06"W	60.95
C92	325.00	61.04	10°45'39"	N30° 35' 45"W	60.95
C93	325.00	61.04	10°45'39"	N41° 21' 23"W	60.95
C94	325.00	61.04	10°45'38"	N52° 07' 02"W	60.95
C95	325.00	20.00	3°31'35"	N59° 15' 38"W	20.00
C96	325.00	41.04	7°14'04"	N64° 38' 28"W	41.01
C97	175.00	27.51	9°00'30"	N72° 45' 45"W	27.49
C98	175.00	20.04	6°33'45"	N80° 32' 52"W	20.03
C99	175.00	20.04	6°33'45"	N87° 06' 37"W	20.03
C100	175.00	35.32	11°33'52"	S83° 49' 34"W	35.26
C101	175.00	35.32	11°33'52"	S72° 15' 42"W	35.26
C102	175.00	20.04	6°33'45"	S63° 11' 53"W	20.03
C103	175.00	20.04	6°33'45"	S56° 38' 09"W	20.03
C104	175.00	35.32	11°33'52"	S47° 34' 20"W	35.26
C105	175.00	34.35	11°14'49"	S36° 10' 00"W	34.30
C106	175.00	20.17	6°36'14"	S27° 14' 28"W	20.16
C107	175.00	11.92	3°54'11"	S21° 59' 16"W	11.92
C108	15.00	15.37	58°43'24"	N17° 17' 00"W	14.71
C109	15.00	8.10	30°57'13"	N27° 33' 18"E	8.01
C110	175.00	58.93	19°17'34"	N33° 23' 08"E	58.65
C111	175.00	11.31	3°42'11"	N21° 53' 16"E	11.31
C112	795.00	111.66	8°02'49"	N58° 56' 27"W	111.56
C113	795.00	114.78	8°16'21"	N50° 46' 52"W	114.68
C114	375.00	24.59	3°45'25"	S18° 09' 27"W	24.59
C115	375.00	60.80	9°17'25"	S11° 38' 02"W	60.74
C116	375.00	61.78	9°26'21"	S02° 16' 10"W	61.71
C117	375.00	61.78	9°26'21"	S07° 10' 11"E	61.71
C118	375.00	23.36	3°34'11"	S13° 40' 27"E	23.36
C119	795.00	75.40	5°26'03"	S80° 54' 40"W	75.37
C120	795.00	85.36	6°09'08"	S86° 42' 16"W	85.32
C121	795.00	103.29	7°26'40"	N86° 29' 51"W	103.22

Curve Table

Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C122	795.00	111.49	8°02'05"	N78° 45' 28"W	111.39
C123	325.00	201.34	35°29'42"	N02° 17' 19"E	198.13
C124	325.00	201.34	35°29'42"	N02° 17' 19"E	198.13
C125	175.00	119.32	39°03'55"	S50° 25' 52"E	117.02
C126	175.00	119.32	39°03'55"	S50° 25' 52"E	117.02
C127	795.00	183.34	13°12'48"	S65° 42' 29"W	182.93
C128	795.00	183.34	13°12'48"	S65° 42' 29"W	182.93
C129	795.00	183.34	13°12'48"	S65° 42' 29"W	182.93
C130	795.00	183.34	13°12'48"	S65° 42' 29"W	182.93
C131	475.00	35.75	4°18'45"	N67° 48' 28"W	35.74
C132	475.00	91.45	11°01'52"	N60° 08' 09"W	91.31
C133	475.00	91.45	11°01'52"	N49° 06' 17"W	91.31
C134	475.00	39.33	4°44'39"	N41° 13' 01"W	39.32
C135	475.00	70.75	8°32'01"	N34° 34' 41"W	70.68
C136	475.00	19.04	2°17'50"	N29° 09' 46"W	19.04
C137	623.00	23.99	2°12'23"	N29° 07' 03"W	23.99
C138	623.00	86.11	7°55'10"	N34° 10' 49"W	86.04
C139	623.00	85.88	7°53'54"	N42° 05' 22"W	85.81
C140	623.00	83.52	7°40'51"	N49° 52' 45"W	83.46
C141	623.00	79.75	7°20'05"	N57° 23' 13"W	79.70
C142	623.00	89.74	8°15'10"	N65° 10' 50"W	89.66
C143	623.00	91.68	8°25'55"	N73° 31' 23"W	91.60
C144	275.00	120.97	25°12'16"	N29° 02' 28"E	120.00
C145	275.00	110.22	22°57'48"	N53° 07' 30"E	109.48
C146	275.00	110.22	22°57'48"	N76° 05' 18"E	109.48
C147	275.00	105.88	22°03'39"	S81° 23' 59"E	105.23
C148	275.00	106.67	22°13'27"	S59° 15' 26"E	106.00
C149	275.00	82.78	17°14'47"	S39° 31' 19"E	82.46
C150	225.00	23.05	5°52'13"	S33° 50' 01"E	23.04
C151	225.00	26.78	6°49'13"	S40° 10' 44"E	26.77
C152	225.00	72.31	18°24'50"	S52° 47' 46"E	72.00
C153	225.00	31.26	7°57'40"	S65° 59' 00"E	31.24
C154	125.00	4.40	2°01'02"	N21° 02' 41"E	4.40
C155	125.00	195.67	89°41'18"	N66° 53' 51"E	176.30
C156	311.00	46.94	8°38'55"	S17° 25' 03"W	46.90
C157	311.00	59.90	11°02'06"	S07° 34' 32"W	59.81
C158	311.00	59.90	11°02'06"	S03° 27' 34"E	59.81
C159	311.00	57.08	10°31'00"	S14° 14' 07"E	57.00
C160	311.00	46.17	8°30'22"	S23° 44' 48"E	46.13
C161	311.00	61.51	11°19'55"	S33° 39' 56"E	61.41
C162	311.00	61.50	11°19'51"	S44° 59' 49"E	61.40
C163	311.00	61.50	11°19'51"	S56° 19' 41"E	61.40
C164	311.00	61.50	11°19'51"	S67° 39' 32"E	61.40
C165	311.00	23.96	4°24'52"	S75° 31' 54"E	23.96
C166	573.00	52.70	5°16'09"	N75° 06' 16"W	52.68
C167	573.00	90.82	9°04'52"	N67° 55' 45"W	90.72
C168	573.00	88.43	8°50'33"	N58° 58' 03"W	88.34
C169	573.00	87.54	8°45'10"	N50° 10' 11"W	87.45
C170	573.00	88.32	8°49'53"	N41° 22' 39"W	88.23
C171	573.00	89.48	8°56'52"	N32° 29' 17"W	89.39
C172	525.00	82.30	8°58'55"	N32° 30' 18"W	82.22
C173	525.00	83.45	9°06'27"	N41° 32' 59"W	83.36
C174	525.00	83.48	9°06'40"	N50° 39' 33"W	83.40
C175	525.00	84.24	9°11'37"	N59° 48' 42"W	84.15
C176	525.00	50.90	5°33'20"	N67° 11' 10"W	50.89
C178	2843.26	632.50	12°44'44"	S61° 53' 08"E	631.19
C179	855.00	7.65	0°30'47"	N53° 36' 38"W	7.65
C180	777.00	266.25	19°38'01"	N33° 32' 18"E	264.95
C181	889.00	361.82	23°19'08"	S31° 41' 44"W	359.32
C182	2868.12	631.62	12°37'04"	N61° 55' 59"W	630.34

N.C.C. APPLICATION NO. 2021-0504

LINE AND CURVE DATA RECORD MAJOR LAND DEVELOPMENT PLAN FOR

THE OVERLOOK AT BAYBERRY

SITUATE IN: ST. GEORGES HUNDRED, NEW CASTLE COUNTY, DELAWARE

date	checked	revisions
03-21-2024	YL	PER NCC COMMENTS DATED 03-14-2024
03-06-2024	YL	PER NCC COMMENTS DATED 02-28-2024
01-25-2024	YL	PER NCC COMMENTS DATED 01-10-2024
11-27-2023	YL	PER NCC COMMENTS DATED 10-11-2023
09-28-2023	URQ	PER NCC COMMENTS DATED 08-31-2023

Karins and Associates
ENGINEERS • PLANNERS • SURVEYORS
NEWARK, DE & GEORGETOWN, DE
www.karinsengineering.com
17 POLLY DRUMMOND CENTER * SUITE 201
NEWARK, DELAWARE 19711
PHONE: (302) 369-2900 FAX: (302) 369-2975

DEV SITARAM LICENSE No. 8799 PROFESSIONAL ENGINEER DELAWARE

OWNER:
BAYBERRY EAST-WEST LLC
220 CONTINENTAL DRIVE, SUITE 410
NEWARK, DE 19713
PHONE: 302-254-0100

PROPERTY ADDRESS:
701 BOYDS CORNER ROAD
MIDDLETOWN, DE 19709

SURVEY BY: KARINS AND ASSOCIATES	SCALE:
DESIGNED BY: D.S., W.R.B.	
DRAWN BY: W.R.B., F.D.S.	DATE: 7-18-2023 SHEET: 7 OF 7
CHECKED BY: D.S.	DRAWING NO.: 2226.03 - A07

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Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Finance
Date of introduction: April 9, 2024

RESOLUTION NO. 24-094

TO SET NEW CASTLE COUNTY'S FISCAL YEAR 2025 CONTRIBUTION RATE FOR THE COUNTY'S PENSION PLANS

WHEREAS, *New Castle County Code* Section 26.04.603 ("Actuarial valuations and appropriations") requires that the actuary appointed by the Employees' Retirement System Board of Trustees (hereinafter "Board") determine the normal cost of the Plan required to meet the actuarial cost of current service and the total unfunded accrued liability of the various County pension programs established by *New Castle County Code* Article 4 ("Pensions"); and

WHEREAS, the County's contribution to fund the various County pension programs for each fiscal year shall be a percentage of covered payroll approved by the Board and by resolution of County Council; such contributions shall be determined by sound and reasonable actuarial practices and based on the most recent actuarial valuation pursuant to Section 26.04.603; and

WHEREAS, specifically, the recommendation for the four primary County pension plans is 35.10% of covered payroll and $76,982 for the School crossing guards' pension plan, for a total contribution rate of 37.32%; and

WHEREAS, at its meeting on March 20, 2024, the Board voted to accept the actuary's recommendations; and

WHEREAS, in accordance with Title 11 *Delaware Code* Chapter 88 (Delaware County and Municipal Police/Firefighter Pension Plan) and *New Castle County Code* Section 26.04.501*,* the State of Delaware estimated that the County's Fiscal Year 2025 contribution for police officers in the Delaware County and Municipal Police/Firefighter Pension Plan to be 14.98% of payroll; the estimated County contribution for police officers in the Employees' retirement system is 2.08% of payroll.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby sets and authorizes the contribution for participants in the Alternate pension plan, the Employees' retirement system, the County employees' pension plan, and the County 2011 pension plan to be 35.10% of covered payroll; the School crossing guards' pension plan to be $76,982; the estimated contribution to the Delaware County and Municipal Police/Firefighter Pension Plan to be 14.98% of covered payroll; and the estimated contribution to the Employees' retirement system for Police Officers in the pension plan to be 2.08% of covered payroll for Fiscal Year 2025.

Adopted by County Council of
New Castle County on:

_____
Karen Hartley-Nagle
President of County Council

SYNOPSIS: This Resolution accepts the recommendation of the Employees' Retirement System Board of Trustees for the percentage of covered payroll funding of the County's primary pension plans for Fiscal Year 2025.

FISCAL NOTE: *New Castle County Code* Section 26.04.603 requires that, on the basis of reasonable actuarial assumptions and tables approved by the Board of Trustees, the actuary shall determine the normal cost of the plan required to meet the actuarial cost of current service and the total unfunded accrued liability of the various County pension programs.

This Resolution, if approved, would change the total County Pension Contribution Rate, for the four primary County pension plans and the School Crossing Guards' pension plan from 35.30% to 37.32%. The total cost to the County for all pension plan contributions, including the County's contribution to the Delaware County and Municipal Police/Firefighter Pension Plan is estimated to be $33,030,390.

The County's contributions to the following plans are as follows:

Delaware County and Municipal Police/Firefighter Pension Plan (State Pension Plan):	$6,382,084
School Crossing Guards' Pension Plan (County Pension Plan):	76,982
Employee Retirement System, Alternate Pension Plan, County Employees' Pension Plan, and County 2011 Pension Plan (County Pension Plan):	26,571,324
Total County Contribution to All Pension Plans:	**$33,030,390**

The overall pension contribution rate of 37.32% for the four primary County pension plans and the School Crossing Guards' pension plan will remain constant for Fiscal Year 2025. However, the rates provided for the Police Pension Plan may vary since the State of Delaware adjusts them accordingly.

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

RESOLUTION NO. 24-088

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.

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

GENERAL NOTES:

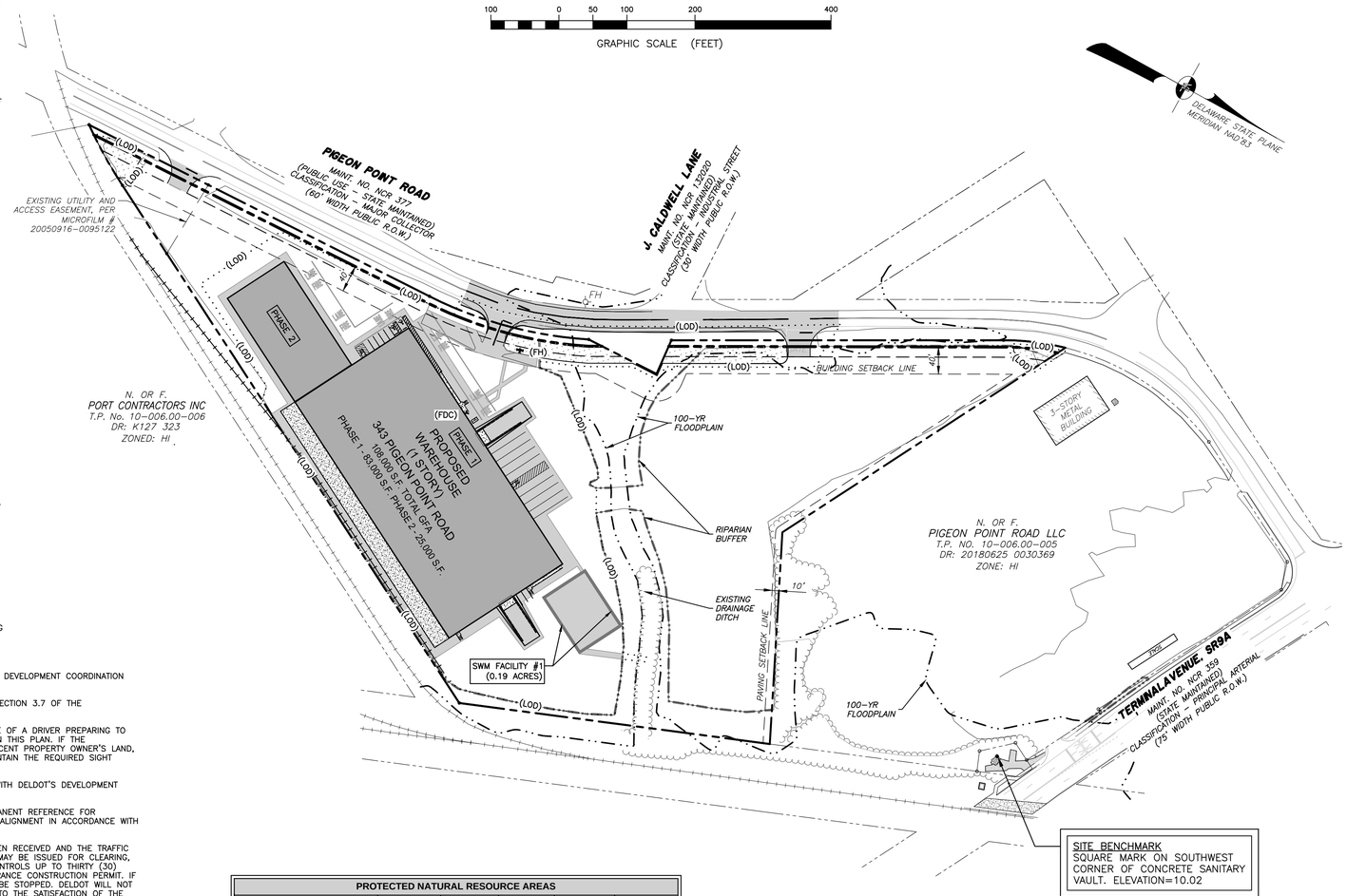
1. THERE ARE NO WETLANDS ON THIS SITE AS DETERMINED BY A FIELD INVESTIGATION BY WATERSHED ECO, LLC, ON FEBRUARY 16, 2019, UPDATED APRIL 26, 2021.
2. AS SCALED FROM THE NATIONAL FLOOD INSURANCE RATE MAP NUMBER 10003C0158K, WITH AN EFFECTIVE DATE OF FEBRUARY 4, 2015, THIS PROPERTY LIES PARTIALLY WITHIN THE 1% ANNUAL CHANCE FLOODPLAIN.
3. THIS SITE DOES NOT LIE WITHIN A WATER RESOURCE PROTECTION AREA AS DEPICTED ON THE MAP ENTITLED "WATER RESOURCE PROTECTION AREAS FOR CITY OF NEWARK, CITY OF WILMINGTON, NEW CASTLE COUNTY, DELAWARE" MAP 1 OF 3, DATED 1987, LAST REVISED MARCH 2022.
4. THE STATE INVENTORY OF NATURAL AREAS HAS BEEN EXAMINED AND NO CRITICAL NATURAL AREAS WERE FOUND TO EXIST ON THIS SITE.
5. BULK AREAS:

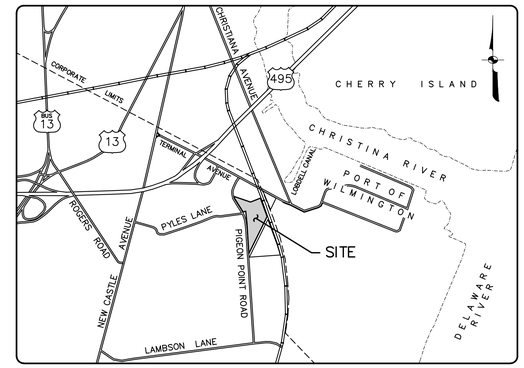
	EXISTING	PROPOSED
BUILDING COVERAGE:	0 ± ACS.	2.479± ACS. (108,000± SF.)
PAVING/IMPERVIOUS COVERAGE:	9.658± ACS.	9.431± ACS. (INCLUDES 8,400 SF SWM AREA)
OPEN	1.521± ACS.	1.435± ACS.
R.O.W DEDICATION	0 ± ACS.	0.313± ACS.
TOTAL	11.179± ACS.	10.866± ACS.

6. EXISTING GROSS FLOOR AREA (TO REMAIN): 0± S.F.
   PROPOSED GROSS FLOOR AREA: 108,000± S.F.
7. THERE WILL BE NO DEBRIS DISPOSAL ON THIS SITE.
8. THIS PLAN MAY BE 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.
9. ANY AREA DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICLE 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE.
10. A LANDSCAPE PLAN PREPARED BY VANDEMARK & LYNCH, INC., DATED MARCH 21, 2022 OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE IS HEREBY CONSIDERED TO BE PART OF THIS PLAN.
11. THE IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA), AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN. THE LDIA WAS RECORDED _____, IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY AS INSTRUMENT NUMBER _____.
12. DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE NEW CASTLE COUNTY DRAINAGE CODE.
13. ALL FIRE LANES, HYDRANTS, SPRINKLERS, STANDPIPE CONNECTIONS, AND FIRE EXITS SHALL BE MARKED AND PROTECTED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PREVENTION REGULATIONS.
14. ON AUGUST 17, 2022 THE DEPARTMENT OF LAND USE GRANTED A WAIVER REQUEST FROM THE PARKING LOT DESIGN STANDARDS FOR CURBING PURSUANT TO SECTION 40.22.610.B OF THE NEW CASTLE COUNTY CODE.
15. THE LOCATION OF THE EXISTING PAVING IDENTIFIED ON THIS PLAN DOES NOT COMPLY WITH DIMENSIONAL REGULATIONS IN EFFECT AT THE TIME OF APPROVAL. PAVING MAY OR MAY NOT HAVE NONCONFORMING STATUS UNDER THE PROVISIONS OF CHAPTER 40 OF THE NEW CASTLE COUNTY CODE. RECORDATION OF THIS PLAN DOES NOT CONSTITUTE VERIFICATION OF NONCONFORMING STATUS.
16. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR LONG TERM STORMWATER MAINTENANCE AND INSPECTION FUND PURSUANT TO UDC SECTION 40.27.240 OF THE COUNTY CODE. THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS. AN AMOUNT OF $4,800.00 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.
17. 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 FEET 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 RESPONSIBILITY 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 ASSIGNED JOINTLY AND SEVERALLY AGAINST THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN.
18. THE FOLLOWING VARIANCES FOR APPLICATION 2021-0764-A WERE APPROVED BY THE NEW CASTLE COUNTY BOARD OF ADJUSTMENT ON FEBRUARY 10, 2022.
    A. TO PERMIT PAVING 0' FROM THE PIGEON POINT ROAD R.O.W. (40' MINIMUM SETBACK REQUIRED)
    B. TO PERMIT PAVING 0' FROM THE SOUTHEASTERLY PROPERTY LINE. (10' MINIMUM SETBACK REQUIRED)
    C. TO PERMIT A 0.1 BUFFERYARD OPACITY ALONG THE PIGEON POINT ROAD R.O.W. (A 0.6 OPACITY BUFFERYARD IS REQUIRED)
    D. TO PERMIT 11 STREET TREES ALONG PIGEON POINT ROAD R.O.W. (27 STREET TREES REQUIRED)
    E. TO PERMIT 0 ON-LOT PLANT UNITS. (6 PLANT UNITS PER ACRE, 66.48 TOTAL PLANT UNITS REQUIRED)
    F. TO PERMIT 0 PARKING SPACE PLANT UNITS. (1.5 TOTAL PLANT UNITS REQUIRED)
    G. TO PROVIDE 0 LANDSCAPE PARKING ISLANDS FOR MORE THAN 12 CONSECUTIVE PARKING SPACES IN A ROW. (ONE LANDSCAPE ISLAND PER 12 CONSECUTIVE SPACES REQUIRED WHEN MORE THAN 40 PARKING SPACES PROVIDED)

DELDOT RECORD PLAN – GENERAL NOTES (REVISED MARCH 21, 2019)

1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) 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 (DCM).
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. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
5. 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 AT PROPERTY CORNERS AND AT EACH CHANGE IN THE RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
6. 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.
7. ISSUANCE OF A CERTIFICATE OF OCCUPANCY C/O FOR PHASE 1 SHALL REQUIRE ALL RIGHT-OF-WAY IMPROVEMENTS SHOWN ON THIS PLAN EXCEPT THE MILL AND OVERLAY AND ASSOCIATED STRIPING IMPROVEMENTS OF PIGEON POINT ROAD BETWEEN SITE ENTRANCES 2&3. SAID OVERLAY AND STRIPING SHALL BE COMPLETED WITHIN ONE HUNDRED AND EIGHTY DAYS (180) CALENDAR DAYS AFTER RECEIPT OF DEPARTMENT NOTIFICATION OF SUBSTANTIAL COMPLETION OF THE REGIONAL DRAINAGE IMPROVEMENTS WITHIN THE PROPOSED OVERLAY LIMITS.





LOCATION PLAN SCALE: 1" = 800'

SITE DATA:

1. OWNER: DELPORT HOLDING COMPANY (SUCCESSORS IN INTEREST TO CHEYENNE PROPERTIES INC.) 529 TERMINAL AVE. NEW CASTLE, DE 19720
2. SITE ADDRESS: 343 PIGEON POINT ROAD NEW CASTLE, DE 19720
3. TAX PARCEL NO.: 10-006.00-024
4. SOURCE OF TITLE: D.R. 1947-82
5. AREA: EXISTING 11.179 ± ACRES; R.O.W TO BE DEDICATED - 0.313 ± ACRES; PROPOSED 10.866 ± ACRES
6. ZONING: HI – HEAVY INDUSTRY
   FRONT SETBACK: 40 FEET (40 FEET TO PARKING)
   SIDE SETBACK: 0 FEET (10 FEET TO PARKING)
   REAR SETBACK: 0 FEET (10 FEET TO PARKING)
   LOT WIDTH: 300 FEET
   BUILDING HEIGHT: 70 FEET (MAXIMUM)
   (LOT STANDARDS FROM TABLE 40.04.110: HI OTHER INDUSTRIAL)
7. USE: EXISTING: LIGHT INDUSTRY (STORAGE)
   PROPOSED: LIGHT INDUSTRY (WAREHOUSE/STORAGE)
8. MONUMENTS: EXISTING: 0 ⌖ PROPOSED: 4 ⌖ (SEE SHEET 2)
9. SOURCE OF TOPOGRAPHY: FIELD SURVEY BY VANDEMARK & LYNCH, INC., SEPTEMBER AND OCTOBER 2018 AND FEBRUARY 2019.
10. DATUM: HORIZONTAL – DELAWARE STATE PLANE NAD 83
    VERTICAL – NAVD 88
    ELEVATIONS FOR THIS SITE WERE ESTABLISHED FROM STATIC G.P.S. OBSERVATIONS, REFERENCED TO NGS CORS STATIONS.
11. SITE BENCHMARK: SQUARE MARK ON SOUTHWEST CORNER OF CONCRETE SANITARY VAULT. ELEV.=10.02
12. WATER: CITY OF WILMINGTON – 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.
13. 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 THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, ITS SUCCESSORS OR ASSIGNS, SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
14. PARKING RATIONAL:
    PARKING REQUIRED: 5 P.S. + (0.5 P.S. / 1,000 S.F. OF G.F.A.) (108,000 S.F. OF G.F.A.) = 59 PARKING SPACES

TOTAL PARKING PROVIDED:		
EXISTING	0	SPACES
PROPOSED	9	SPACES (INC. 2 H.C.) + 8 12'x60' LOADING SPACES
FUTURE	51*	SPACES
TOTAL	60	SPACES

    BICYCLE PARKING: 1 BICYCLE SPACE PER 10 PARKING SPACES: 6 BICYCLE SPACES REQUIRED
    *THE DEPARTMENT HAS DETERMINED THAT AT THE TIME OF RECORDATION OF THIS PLAN, 8 PARKING SPACES ARE ACCEPTABLE FOR THE PROPOSED USE. THE DEPARTMENT RESERVES THE RIGHT TO RE-EVALUATE PARKING NEEDS AND REQUIRE STRIPING OF THE FUTURE PARKING, PRIOR TO A CHANGE IN USE, ISSUANCE OF A BUILDING PERMIT FOR FUTURE PHASES OF DEVELOPMENT, AND/OR MATERIAL CHANGES TO SITUATIONS AND REPRESENTATION OUTLINED IN THE PARKING DEMAND AND NEEDS ANALYSIS, DATED NOVEMBER 9, 2021.
15. PROJECTED SANITARY SEWER FLOWS:
    WAREHOUSE 59 EMPLOYEES X 12.5 GPD: 738 GPD (AVERAGE)
    738 GPD X 4: 2,950 GPD (PEAK)
16. AREA OF DISTURBANCE: 6.4± ACRES
17. FIRE HYDRANTS: ⌖FH (1) EXISTING ⌖(FH) (1) PROPOSED
18. DELDOT INVESTMENT LEVEL: 1
19. THIS SITE IS NOT LOCATED WITHIN A DELDOT TRANSPORTATION IMPROVEMENT DISTRICT.

PURPOSE NOTE:

THE PURPOSE OF THIS PLAN IS TO:

A. CONSTRUCT A 108,000 SQUARE FOOT WAREHOUSE AND MAINTAIN THE EXISTING STORAGE YARD.
B. DEDICATE AN ADDITIONAL 10-FEET OF RIGHT-OF-WAY ALONG PIGEON POINT ROAD TO THE STATE OF DELAWARE.

PROTECTED NATURAL RESOURCE AREAS

NATURAL RESOURCES	TOTAL AREA (ACS)	DISTURBED AREA (ACS)	PROTECTED AREA (ACS)	PROTECTION RATIO REQUIRED	PROTECTION RATIO PROVIDED
10.87± ACRES TOTAL (9.47 ACRES EXCLUSIVE OF PROTECTED RESOURCES)					
1. FLOODPLAIN / FLOODWAY	0.69 ACS.	0.00 ACS.	0.69 ACS.	1.00	1.00
2. RIPARIAN BUFFER	0.71 ACS.	0.00 ACS.	0.71 ACS.	1.00	1.00
BASED ON HI (HEAVY INDUSTRIAL) ZONING DISTRICT AREAS ARE MEASURED WITH NO OVERLAP WITH OTHER RESOURCES WHILE UTILIZING THE MOST PROTECTED RESOURCE.					

SPECIAL NOTE: THE NATURAL RESOURCES LISTED ABOVE AND INDICATED ON THE PLAN SHALL BE PROTECTED BY A CONSERVATION EASEMENT AND REMAIN IN ITS NATURAL STATE.

LEGEND:

EXISTING		PROPOSED
—— — ——	PROPERTY LINE	———
—— — ——	ADJACENT PROPERTY LINE	N/A
— —— —	EASEMENT	— — —
— — — —	BUILDING SETBACK LINE	N/A
▨	BUILDING	▩
⋰⋰⋰	CONCRETE	⋰⋰⋰
———	PAVEMENT	▩
⊢⊢⊢⊢	RAIL	⊢⊢⊢⊢
N/A	LIMITS OF DISTURBANCE	····· (LOD) ·····
—·—·—	100 YEAR FLOODPLAIN / CONSERVATION EASEMENT	N/A
—··—··—	RIPARIAN BUFFER / CONSERVATION EASEMENT	N/A

SHEET INDEX

SHEET TITLE	SHEET NO.
INDEX PLAN AND NOTES	1
RECORD PLAN	2

CERTIFICATION OF OWNERSHIP

I, THE UNDERSIGNED, HEREBY CERTIFY THAT DELPORT HOLDING COMPANY (SUCCESSORS IN INTEREST TO CHEYENNE PROPERTIES, INC.) IS THE OWNER OF THE PROPERTY WHICH IS THE SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT ITS DIRECTION AND THAT IT AUTHORIZES THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.

OWNER

PRINTED NAME DATE

DELPORT HOLDING COMPANY
529 TERMINAL AVENUE
NEW CASTLE, DE 19720

CERTIFICATION OF PROFESSIONAL ENGINEER

I, THE UNDERSIGNED, 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.

5.30.2023
SIGNATURE AND DATE

DOUGLAS M. EITELMAN, PE#15860
PRINTED NAME

DOUGLAS M. EITELMAN LICENSE No. 15860 DELAWARE PROFESSIONAL ENGINEER

CERTIFICATION OF PLAN APPROVAL

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

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

NO.	DATE	REVISION	BY	APPROVED
C	05.26.23	PER NCC & DELDOT COMMENTS	MJC	DME
B	01.30.23	PER DELDOT COMMENTS	NJD/MJC	DME
A	5.11.22	ISSUED FOR REVIEW	DME	DME

VANDEMARK & LYNCH, INC. IS NOT RESPONSIBLE FOR ANY MODIFICATION MADE TO THIS PLAN AND/OR CADD FILE WITHOUT ITS WRITTEN AUTHORIZATION.

VANDEMARK & LYNCH, INC.
ENGINEERS – PLANNERS – SURVEYORS
4305 MILLER ROAD
WILMINGTON, DE 19802/(302) 764-7635
WWW.VDLENG.COM

SURVEYED BY: J. WRFEL	FILE NAME 24850.01-RECORD-01	REVISION C	SHEET 1 OF 2
COMPUTED BY: K. GOLDSTONE	PERMANENT FILE 110/350	QA REVIEW	SIZE L
PROJECT MANAGER D. EITELMAN	APPROVED BY SEAL IS NOT VALID UNLESS RED OR EMBOSSED		1
DRAWN BY: N. DONLON			

PROPOSED PAVEMENT MARKING

15' WIDE PERMANENT EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT

MILL AND OVERLAY EXISTING ENTRANCE

AN ADDITIONAL 10' OF RIGHT-OF-WAY IS HEREBY DEDICATED IN FEE SIMPLE TO THE STATE OF DELAWARE, ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF TRANSPORTATION. (0.313 ACRES TOTAL)

DELAWARE STATE PLANE MERIDIAN, NAD'83

PROPOSED MONUMENT (TYP.)

LANDSCAPE AREA

MAINTAIN EXISTING ENTRANCE 1

EXISTING UTILITY AND ACCESS EASEMENT, PER MICROFILM # 20050916-0095122

FUTURE 15 PARKING SPACES

PIGEON POINT ROAD
MAINT. NO. NCR 337
(PUBLIC USE - STATE MAINTAINED)
CLASSIFICATION - MAJOR COLLECTOR
(60' WIDTH PUBLIC R.O.W.)

CALDWELL LANE
MAINT. NO. NCR 132020
CLASSIFICATION INDUSTRIAL
(50' WIDTH PUBLIC R.O.W.)

FULL DEPTH ASPHALT EXISTING ENTRANCE 2

PROPOSED PAVEMENT MARKING

PROPOSED SEWER LATERAL TIE-IN

PROPOSED WATER SERVICES TIE-IN

RE-STRIPE CENTERLINE PAVEMENT MARKINGS AFTER MILL & OVERLAY

LANDSCAPE AREA

PROPOSED PAVEMENT MARKING

MILL AND OVERLAY EXISTING ENTRANCE

AN ADDITIONAL 10' OF RIGHT-OF-WAY IS HEREBY DEDICATED IN FEE SIMPLE TO THE STATE OF DELAWARE, ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF TRANSPORTATION. (0.313 ACRES TOTAL)

PHASE 2 PROPOSED 25,000 SQ. FT. WAREHOUSE

9'x18' PARKING SPACE (TYP.)

ADA RAMP

1" WATER SERVICE

8" FIRE SERVICE

BICYCLE PARKING (6 SPACES)

RAMP TO GARAGE DOOR

(8) 12x60 LOADING SPACES

8" WATER SERVICE

6-FOOT WIDE FULL DEPTH SHOULDER REPAIR BETWEEN ENTRANCE 2&3

MILL AND OVERLAY PIGEON POINT ROAD. (LIMITS AS SHOWN)

100-YR FLOODPLAIN

FUTURE 15 PARKING SPACES

LIMITS OF DISTURBANCE (TYP.)

RIPARIAN BUFFER

RESERVED FOR FUTURE RAIL SIDING (COORDINATE WITH NORFOLK SOUTHERN)

FUTURE RAIL SERVICE LOADING DOCK (SEE STRUCTURAL PLANS)

ADA RAMP

RAMP TO GARAGE DOOR

SWM FACILITY #1

LIMITS OF DISTURBANCE (TYP.)

FUTURE 29 PARKING SPACES

100-YR FLOODPLAIN

N. OR F.
PORT CONTRACTORS INC
T.P. No. 10-006.00-006
ZONED: HI

N. OR F.
PIGEON POINT ROAD LLC
T.P. NO. 10-006.00-005
ZONE: HI

NORFOLK SOUTHERN RAILROAD

PARCEL LINE DATA		
LINE No.	BEARING	DISTANCE
L1	N2°12'04"W	560.55'
L2	N1°56'14"W	111.78'
L3	S84°49'46"W	54.22'
L4	N28°57'04"W	488.41'
L5	S62°04'14"E	496.80'
L6	N64°26'56"E	311.94'
L7	S21°26'09"E	460.47'
L8	S28°00'26"W	908.28'
L10	N1°56'14"W	22.10'
L13	S84°49'46"W	9.90'
L15	S62°04'14"E	13.84'
L16	S62°04'14"E	482.96'

PARCEL CURVE DATA			
CURVE No.	RADIUS	LENGTH	CHORD
C1	602.96'	244.16'	N13°48'06"W 242.50'
C2	379.26'	91.86'	N22°00'44"W 91.64'
C3	697.13'	101.86'	S32°11'36"W 101.77'
C6	697.13'	85.59'	N31°31'28"E 85.54'
C7	697.13'	16.28'	N35°42'38"E 16.27'

LEGEND

EXISTING		PROPOSED
	PROPERTY LINE	
	BUILDING SETBACK LINE	N/A
	EASEMENT	
	BUILDING	
	CONCRETE	
	ASPHALT PAVEMENT	
N/A	ASPHALT MILL AND OVERLAY SITE ENTRANCES	
N/A	ASPHALT MILL & OVERLAY PIGEON POINT ROAD	
	P.C.C. CURB	
	FENCE	
N/A	CONC. BOLLARD	(B)
	BRUSH LINE	N/A
FH	FIRE HYDRANT	(FH)
WV	WATER VALVE	(WV)
W	WATER LINE	(W)
S	SANITARY SEWER LINE	(S)
SMH	SANITARY SEWER MANHOLE	N/A
CO	SANITARY SEWER CLEANOUT	(CO)
	100 YEAR FLOODPLAIN / CONSERVATION EASEMENT	N/A
	RIPARIAN BUFFER / CONSERVATION EASEMENT	N/A
	RAIL	
N/A	LIMITS OF DISTURBANCE	(LOD)
N/A	RIGHT OF WAY MONUMENT	PMON

APPLICATION NO. 2021-0400

RECORD
MAJOR LAND DEVELOPMENT PLAN
LOT E WAREHOUSE

PIGEON POINT ROAD

NEW CASTLE HUNDRED NEW CASTLE COUNTY DELAWARE

SCALE: 1"=50' MAY 26, 2022

50 0 25 50 100 200

GRAPHIC SCALE (FEET)

NO.	DATE	REVISION	BY	APPROVED
C	05.26.23	PER NCC & DELDOT COMMENTS	MJC	DME
B	01.30.23	PER DELDOT COMMENTS	NJD/MJC	DME
A	05.11.22	ISSUED FOR REVIEW	DME	DME

VANDEMARK & LYNCH, INC. IS NOT RESPONSIBLE FOR ANY MODIFICATION MADE TO THIS PLAN AND/OR CADD FILE WITHOUT ITS WRITTEN AUTHORIZATION.

VANDEMARK & LYNCH, INC.
ENGINEERS – PLANNERS – SURVEYORS
4305 MILLER ROAD
WILMINGTON, DE 19802/(302) 764-7635
WWW.VDLENG.COM

SURVEYED BY: J. WIRFEL
COMPUTED BY: K. GOLDSTONE
PROJECT MANAGER: D. EITELMAN
DRAWN BY: N. DONLON

FILE NAME: 24850.01-RECORD-02
REVISION: C
SHEET: 2 OF 2
PERMANENT FILE: 110/350
QA REVIEW:
SIZE: L
APPROVED BY:
SEAL IS NOT VALID UNLESS RED OR EMBOSSED

2

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.

Prime Sponsor(s): Mr. Carter
Requested by: Land Use Department
Date of introduction: November 28, 2023

RESOLUTION NO. 23-220

PLAN OF LOGISTICENTER AT NEW CASTLE COUNTY; ST. GEORGES HUNDRED; SOUTHWESTERLY CORNER OF ROUTE 301 AND JAMISON CORNER ROAD; MAJOR LAND DEVELOPMENT PLAN THAT PROPOSES A 1,409,850 SF WAREHOUSE AND A 962,000 SF WAREHOUSE WITH ASSOCIATED SITE IMPROVEMENTS; BP ZONING; APPLICATION NO. 2021-0470; COUNCIL DISTRICT 6

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 Logisticenter at New Castle County (Application No. 2021-0470), 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 LOGISTICENTER AT NEW CASTLE COUNTY
St. Georges Hundred

Adopted by County Council of
New Castle County on:

_____
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. 2021-0470
Logisticenter at New Castle County
Record Major Land Development Plan

Date: November 9, 2023

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 Logisticenter at New Castle County; St. Georges Hundred; Southwesterly corner of Route 301 and Jamison Corner Road; Major Land Development Plan that proposes a 1,409,850 SF warehouse and a 962,000 SF warehouse with associated site improvements; BP 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.

LEGEND

PROPERTY LINE
SET BACK LINE
LIMIT OF DISTURBANCE
ZONING BOUNDARY LINE
BUILDING LINE
CURB
CONCRETE PAVEMENT
30 PARKING SUBTOTAL
(10) PARKING COUNT
DOORWAY
SIGN
BOLLARD
PROPOSED FIRE HYDRANT
TREE LINE
FHA 100 YEAR FLOODPLAIN
RIPARIAN BUFFER
WETLAND
EXISTING CONCRETE MONUMENT
MON PROPOSED CONCRETE MONUMENT
EXISTING TREE

NOTES:

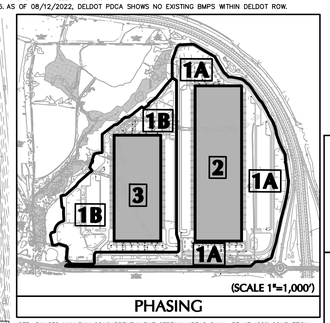
1. THIS PLAN SUPERSEDES, IN ENTIRETY, THE RECORD MINOR LAND DEVELOPMENT PLAN FOR DELMARVA POWER & LIGHT CO, SUMMIT POWER STATION, DATED 4/17/1975 AND RECORDED IN SEPTEMBER OF 1975 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, MICROFILM NO. 3011.
2. SURVEY INFORMATION IS BASED ON A PLAN ENTITLED ALTA–NSPS LAND TITLE SURVEY FOR LANDS TO BE CONVEYED TO DPML JAMISON CORNER, LLC PREPARED BY APEX ENGINEERING INCORPORATED, DATED 4/22/2021, AND LAST REVISED 6/7/2021.
3. A WETLAND INVESTIGATION WAS PERFORMED FOR THIS SITE BY WATERSHED ECO ON FEBRUARY 2, 2021 AND CONFIRMED BY TEN BEARS ENVIRONMENTAL LLC. WETLANDS WERE FOUND TO EXIST ON A PORTION OF THE PARCEL.
4. THE SITE IS NOT WITHIN A CRITICAL NATURAL AREA ACCORDING TO THE STATE INVENTORY OF NATURAL AREAS.
5. THE SITE IS NOT LOCATED WITHIN ANY WATER RESOURCE PROTECTION AREA (WRPA) ACCORDING TO THE WATER RESOURCE PROTECTION AREA FOR CITY OF NEWARK, CITY OF WILMINGTON, NEW CASTLE COUNTY, DELAWARE MAP 2 OF 3, LAST REVISED MARCH 2022.
6. FLOOD LINE DELINEATION AS PER REVISION TO FLOOD RATE MAP FOR NEW CASTLE COUNTY DELAWARE AND INCORPORATED AREAS, FEMA CASE NO. 23-03-0452P.
7. ANY AREAS DESIGNATED FOR PROTECTION AS A NATURAL RESOURCE PURSUANT TO ARTICLE 10 OF THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE IS HEREBY PROTECTED BY A CONSERVATION EASEMENT THAT SHALL RUN IN PERPETUITY FOR THE BENEFIT OF NEW CASTLE COUNTY. ANY AREA ON THIS PLAN DELINEATED AS A CONSERVATION EASEMENT SHALL REMAIN IN ITS NATURAL STATE, EXCLUSIVE OF ANY REFORESTATION REQUIRED BY THE COUNTY.
8. NO DEBRIS IS TO BE BURIED ON THIS SITE.
9. ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED AND MAINTAINED IN ACCORDANCE WITH THE STATE OF DELAWARE FIRE PROTECTION REGULATIONS.
10. STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) DELAWARE SEDIMENT AND STORMWATER REGULATIONS EFFECTIVE DATE JANUARY 23, 1991, AMENDED FEBRUARY 11, 2019 (OR AS LATER AMENDED), THE DELAWARE STORMWATER RUNOFF MANAGEMENT MODEL (SUDRM) VERSION v2.51 – 220414 (OR AS THEN AMENDED) AND NEW CASTLE COUNTY DRAINAGE CODE EFFECTIVE APRIL 23, 2023 (OR LATER AS AMENDED).
11. UNLESS OTHERWISE SPECIFIED ON THE PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. SIDEWALKS SHALL BE FIVE (5) FEET IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
12. 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.
13. ALL COMMON FACILITIES, INCLUDING, BUT NOT LIMITED TO PAVED AREAS, SIDEWALKS, CURBING, LANDSCAPING, OPEN SPACE, STORMWATER MANAGEMENT AREAS AND/OR DRAINAGE FACILITIES SHALL BE KEPT IN GOOD REPAIR AND MAINTAINED IN A SAFE AND SANITARY CONDITION IN ACCORDANCE WITH THE NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE.
14. A STORMWATER MANAGEMENT ACCESS EASEMENT IN FAVOR OF NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS IS HEREBY CREATED ON, OVER AND ACROSS THE ENTIRE AREA OF ALL STORMWATER MANAGEMENT FACILITIES INCLUDING, STORMWATER CONVEYANCE SYSTEMS, BASINS, AND ALL COMPONENTS THEREOF, IDENTIFIED ON THIS PLAN AND ALL WATERCOURSES FOR THE PURPOSES 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 EASEMENT 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 JOINTLY AND SEVERALLY AGAINST THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN.
15. PROPOSED LANDSCAPING SHALL NOT INTERFERE WITH SIGHT DISTANCE LINES.
16. PROTECTED RESOURCE AREAS PER NEW CASTLE COUNTY UNIFIED DEVELOPMENT CODE SECTION 40.10.000 ARE TO REMAIN IN THEIR NATURAL STATE WITHIN THE CONSERVATION EASEMENT.
17. (A) A 40–FOOT SANITARY EASEMENT OR A 20–FOOT STORM DRAINAGE EASEMENT, 20–FOOT OR 10–FOOT RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED, WHEREVER A STORM OR SANITARY SEWER IS DESIGNED FOR PUBLIC USE IN UNPAVED AREAS AND IS OUTSIDE OF THE DEDICATED PUBLIC RIGHT–OF–WAY. A 20–FOOT WIDE EASEMENT ONE FOOT (1') ON EACH SIDE OF THE CENTERLINE OF THE PIPE SHALL BE CREATED WHERE A SANITARY SEWER PIPE IS DESIGNED FOR PUBLIC USE IN PRIVATELY MAINTAINED PAVED AREAS, SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS. IF THE CONSTRUCTED HORIZONTAL SEWER PIPE IS MORE THAN 5' DEEP OR MORE THAN 5' FEET FROM THE DESIGN LOCATION, THE PROJECT MAY BE SUBJECT TO A RESUBDIVISION PLAN OR PIPE RELOCATION AS DETERMINED BY THE DEPARTMENT OF SPECIAL SERVICES.
(B) NEW CASTLE COUNTY HAS THE RIGHT OF ACCESS TO THE SITE FOR THE PURPOSES OF OPERATING, MAINTAINING AND REPAIRING THE SANITARY SEWER LINES CONTAINED WITHIN THE SEWER EASEMENTS SHOWN ON THIS PLAN.
18. ADDRESSES ARE AS ASSIGNED BY THE NEW CASTLE COUNTY GIS SERVICES.
19. THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, SHALL HAVE THE RIGHT AND AUTHORITY TO IMPLEMENT SUCH RESTRICTIONS AND SAFEGUARDS ON THE PREMISES AS MAY BE REASONABLE NECESSARY TO PROTECT THE SAFETY AND WELFARE OF THE PUBLIC.
20. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT STANDARDS AND REGULATIONS FOR SUBDIVISIONS STREETS AND STATE HIGHWAY ACCESS AND SHALL BE SUBJECT TO ITS APPROVAL.
21. 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 WITHIN THE CONSTRUCTION PLAN SET. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT–OF–WAY OF THE PROJECTS ON TO 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.
22. THE SIDEWALK ALONG THE FRONTAGE OF THE SUBJECT PARCEL 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 FOR THE SIDEWALK.
23. THE DEVELOPER SHALL BE RESPONSIBLE 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.
24. THE DEVELOPER SHALL PRESERVE ALL TREES ON THIS SITE EXCEPT WHERE NECESSARY TO CONSTRUCT BUILDINGS, PARKING ACCESS WAYS, RECREATIONAL FACILITIES AND DRAINAGE FACILITIES AS APPROVED. EXISTING PLANT MATERIALS DESIGNATED TO REMAIN ON THIS PLAN OR THE LANDSCAPE PLAN SHALL BE PRESERVED AND PROPERLY PROTECTED DURING CONSTRUCTION. IN THE CASE OF UTILITY RIGHTS–OF–WAY AND EASEMENTS, ANY DISTURBED AREA SHALL BE REPLANTED SO AS TO ACHIEVE A GUARANTEE OF NATURAL VEGETATION COVER.
25. NEW CASTLE COUNTY AND THE STATE OF DELAWARE ARE GRANTED BLANKET EASEMENTS ACROSS AISLEWAYS, PARKING AREAS, PRIVATE ACCESSWAYS AND ALL COMMON AREAS CREATED BY THIS FOR THE INSPECTION OF STORMWATER MANAGEMENT AREAS AND STORMWATER FACILITIES LOCATED ON THIS SITE.
26. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT (LDIA) AND THE PERFORMANCE GUARANTEE INCORPORATED THEREIN, THE LDIA IS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON FEBRUARY 7, 2023, AT INSTRUMENT NO. 20230207–0007985.
27. PLAN IS SUBJECT TO THE FOLLOWING GENERAL EXCEPTIONS (PER TITLE COMMITMENT #31607–13 BY FIRST AMERICAN TITLE INSURANCE DATED MARCH 8, 2021):
   a. DECLARATION RECORDED MARCH 6, 1974 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD X, VOLUME 86, PAGE 607. (APPLICABLE)
   b. DECLARATION RECORDED MARCH 9, 1983 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD K, VOLUME 121, PAGE 258. (APPLICABLE)
   c. DECLARATION RECORDED MARCH 9, 1983 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD K, VOLUME 121, PAGE 263. (APPLICABLE)
   d. DECLARATION RECORDED JUNE 18, 1995 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 247, PAGE 200. (APPLICABLE)
   e. AGREEMENT RECORDED DECEMBER 1, 1972 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD B, VOLUME 87, PAGE 778. (APPLICABLE)
   f. RIGHT OF WAY TO DELMARVA POWER & LIGHT COMPANY RECORDED MAY 28, 1963 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD E, VOLUME 71, PAGE 34. (NOT APPLICABLE)
   g. RIGHT OF WAY TO DELMARVA POWER & LIGHT COMPANY AND THE DIAMOND STATE TELEPHONE COMPANY RECORDED AUGUST 23, 1977 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD R, VOLUME 90, PAGE 557.(NOT APPLICABLE)
   h. EASEMENT TO DELMARVA POWER & LIGHT COMPANY RECORDED MARCH 2, 1990 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 1002, PAGE 66. (NOT APPLICABLE)
   i. UTILITY EASEMENT AGREEMENT TO DELMARVA POWER & LIGHT COMPANY RECORDED FEBRUARY 21, 1991 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 1143, PAGE 0031. (NOT APPLICABLE)
   j. EASEMENT AGREEMENT RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD G, VOLUME 74, PAGE 326. (NOT APPLICABLE)
   k. PERMANENT EASEMENT AGREEMENT RECORDED JUNE 10, 1980 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 1045, PAGE 186. (NOT APPLICABLE)
   l. AGREEMENT WAIVE, TERMINATE AND EXTINGUISH RIGHT OF FIRST REFUSAL RECORDED MARCH 2, 2000 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 2792, PAGE 7. (APPLICABLE)
   m. RIGHT OF WAY CONTAINED IN DEED RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED RECORD W, VOLUME 90, PAGE 217. (NOT APPLICABLE)
   n. RIGHT OF WAY CONTAINED IN DEED RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN DEED BOOK 189, PAGE 140. (NOT APPLICABLE)
   o. PROPOSED FUTURE RIGHT–OF–WAY & DEVELOPMENT AGREEMENT RECORDED DECEMBER 11, 2018 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN INSTRUMENT NO. 20181211–0067903. (NOT APPLICABLE)
   p. CERTIFIED ABSTRACT OF CONDEMNATION PROCEEDINGS RECORDED MARCH 14, 2013 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN INSTRUMENT NO. 20130314–0016702. (APPLICABLE)
   q. CERTIFIED ABSTRACT OF CONDEMNATION PROCEEDINGS RECORDED FEBRUARY 4, 2014 IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN INSTRUMENT NO. 20140204–0004649. (APPLICABLE)
   r. MATTERS AS SET FORTH IN SUBDIVISION PLAT RECORDS D IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE IN MICROFILM NO. 3011. (APPLICABLE)
28. A LANDSCAPE PLAN, PREPARED BY LANGAN ENGINEERING, LAST DATED 11/4/2022 OR AS AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED PAT OF THE RECORD PLAN.
29. THE DEVELOPER SHALL MAINTAIN THE RIGHT TO TRESPASS ON THE PROPERTY FOR A TIME PERIOD OF AT LEAST ONE YEAR AFTER THE LOT IS SOLD FOR PURPOSES OF COMPLETING THE OVERALL REQUIRED SITE DRAINAGE AND LANDSCAPING IMPROVEMENTS.
30. 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 $16,000 SHALL BE FUNDED PRIOR TO RECEIVING THE FIRST CERTIFICATE OF OCCUPANCY. THE DEPARTMENT OF LAND USES 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.
31. BUILDING PERMITS SHALL BE REVIEWED IN ACCORDANCE WITH THE STANDARDS OF SECTION 40.26.260 OF THE NEW CASTLE COUNTY CODE (NCCC). REFER TO THE ARCHITECTURAL NARRATIVE FROM MORRIS JAMES, LLP DATED SEPTEMBER 28, 2022 AND THE PROPOSED BUILDING RENDERINGS CONTAINED THEREIN.

NATURAL RESOURCE AREA IMPACT TABLE:

NATURAL RESOURCE	REQUIRED PROTECTION LEVEL	TOTAL AREA OF RESOURCE (AC)	REQUIRED PROTECTED LAND	PROPOSED DISTURBANCE	PROPOSED PROTECTED LAND
WETLAND	1.00	17.13 AC.	17.13 AC.	0.000 AC.	17.13 AC
RIPARIAN BUFFER	1.00	10.97 AC.	10.97 AC.	0.00AC.	10.97 AC
FLOODPLAIN	1.00	10.60 AC.	10.60 A.C	0.00 AC.	10.60 AC
FORESTS (YOUNG)	0.20	42.82 AC.	8.56 AC	8.79 AC.	34.03 AC
DRAINAGEWAY	0.0	4.92 AC.	0 AC.	4.92 AC.	0 AC.

DELDOT NOTES (REV. 03/21/2019):

1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS 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 (INDICATE ONE) WITHIN 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 DEVELOPMENT COORDINATION MANUAL.
5. 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.
6. 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.
7. DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
8. 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.
9. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT–OF–WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
10. 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.
11. 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.
12. THIS COMMERCIAL PARCEL HAS DIRECT FRONTAGE ALONG O JAMISON CORNER ROAD, 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 (DCM): 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 DCM 3.6 IS TYPICALLY RECOMMENDED TO HELP GAUGE THE ACTUAL IMPACTS THAT ROADWAY RELATED NOISE MAY HAVE ON VARIOUS POTENTIAL LAND–USES (SUCH AS THOSE DESCRIBED IN DCM 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 DCM 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.
13. THE OWNER/DEVELOPER SHALL ENTER INTO THE SNCC TID INFRASTRUCTURE RECOUPMENT AGREEMENT, AND PAY THE TID FEE PRIOR TO ISSUANCE OF THE BUILDING PERMITS. CREDIT AGAINST TID FEES OWED FOR REQUIRED FRONTAGE IMPROVEMENTS WILL BE DETERMINED, DOCUMENTED, AND GRANTED, IN ACCORDANCE WITH THE TERMS OF THIS INFRASTRUCTURE RECOUPMENT AGREEMENT DATED 10/19/21 AND THE TRANSPORTATION IMPROVEMENT DISTRICT AND OFFSITE IMPROVEMENTS MEMORANDUM DATED 4/20/22. THIS DOCUMENT HAS BEEN RECORDED WITH NEW CASTLE COUNTY AND THE INSTRUMENT NUMBER IS 20211104–0127815.
   13.1. THE DEVELOPER SHALL IMPROVE THE STATE–MAINTAINED ROAD(S) ON WHICH THEY FRONT, WITHIN THE LIMITS OF THEIR FRONTAGE, TO MEET DELDOT'S STANDARDS FOR THEIR FUNCTIONAL CLASSIFICATION AS FOUND IN SECTION 1.1 OF THE DEVELOPMENT COORDINATION MANUAL AND ELSEWHERE THEREIN. THE IMPROVEMENTS SHALL INCLUDE BOTH DIRECTIONS OF TRAVEL, REGARDLESS OF WHETHER THE DEVELOPER'S LANDS ARE ON ONE OR BOTH SIDES OF THE ROAD. FRONTAGE IS DEFINED IN SECTION 1 OF THE DEVELOPMENT COORDINATION MANUAL, WHICH STATES 'THIS LENGTH INCLUDES THE LENGTH OF ROADWAY PERPENDICULAR TO LINES CREATED BY THE PROJECTION OF THE OUTSIDE PARCEL CORNERS TO THE ROADWAY.' QUESTIONS OR APPEALS OF THIS REQUIREMENT SHOULD BE DIRECTED TO THE DELDOT SUBDIVISION REVIEW COORDINATOR IN WHOSE AREA THE DEVELOPMENT IS LOCATED.
   13.2. THE DEVELOPER SHALL ENTER INTO A SIGNAL AGREEMENT WITH DELDOT FOR THE INTERSECTION OF THE NORTH MOST SITE ENTRANCE/SCOTT RUN COMMERCE CENTER NORTH ENTRANCE AND JAMISON CORNER ROAD (NEW CASTLE ROAD 413). THE DEVELOPER SHOULD DISCUSS THE DETAILS OF THIS AGREEMENT WITH DELDOT'S TRAFFIC SECTION.
   13.3. THE DEVELOPER SHALL ENTER INTO A SIGNAL AGREEMENT WITH DELDOT FOR THE INTERSECTION OF THE SOUTH MOST SITE ENTRANCE/SCOTT RUN COMMERCE CENTER SOUTH ENTRANCE AND JAMISON CORNER ROAD (NEW CASTLE ROAD 413). THE DEVELOPER SHOULD DISCUSS THE DETAILS OF THIS AGREEMENT WITH DELDOT'S TRAFFIC SECTION.
14. DATUM/BENCHMARK: NAVD88 BENCHMARK IS CONCRETE MONUMENT SET IN THE RIGHT OF WAY FOR JAMISON CORNER ROAD ON THE NORTH EAST SIDE OF THE SUBJECT PROPERTY AT ELEVATION 68.87.
15. AS OF 08/12/2022, DELDOT PDCA SHOWS NO EXISTING BMPS WITHIN DELDOT ROW.



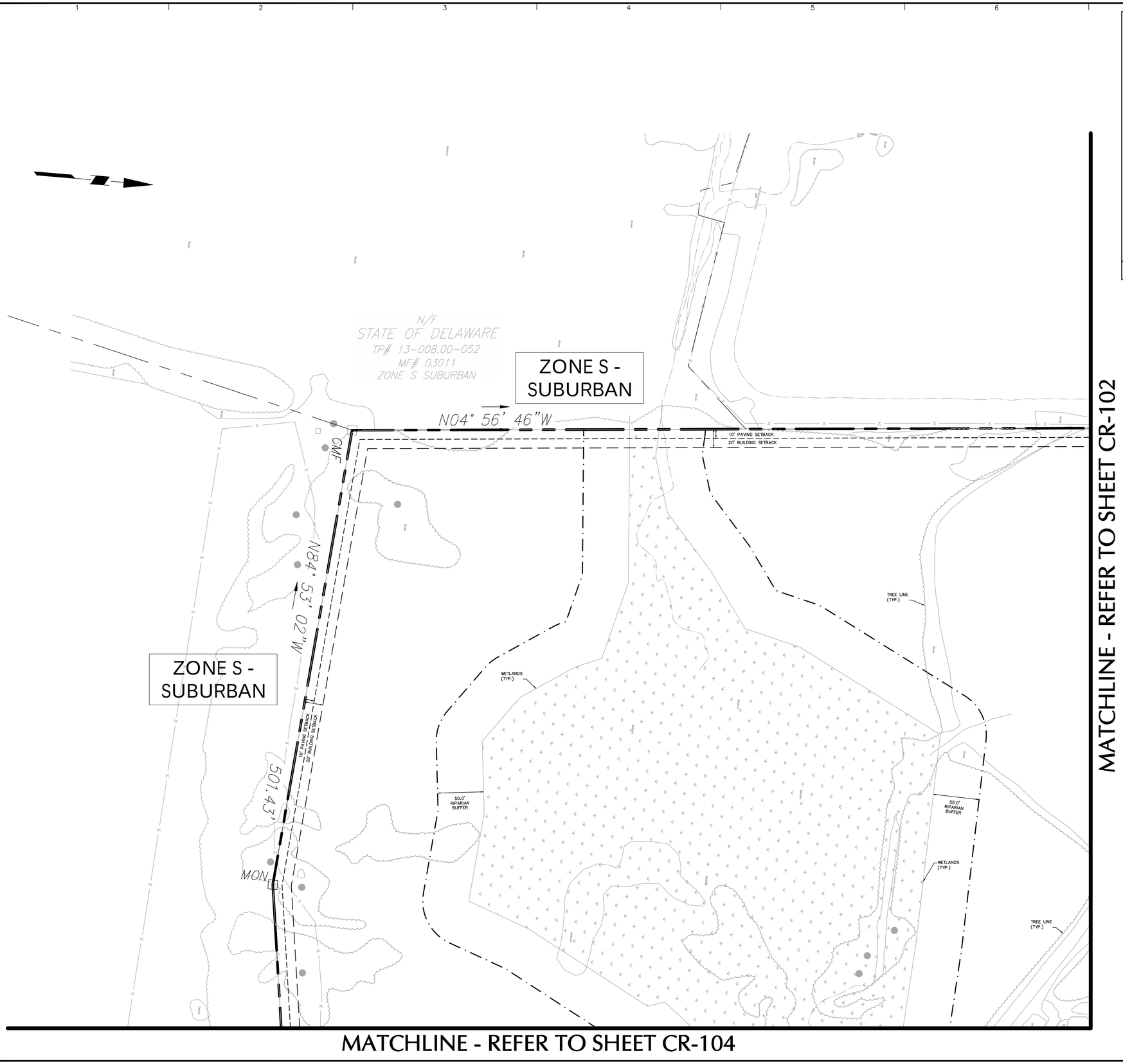
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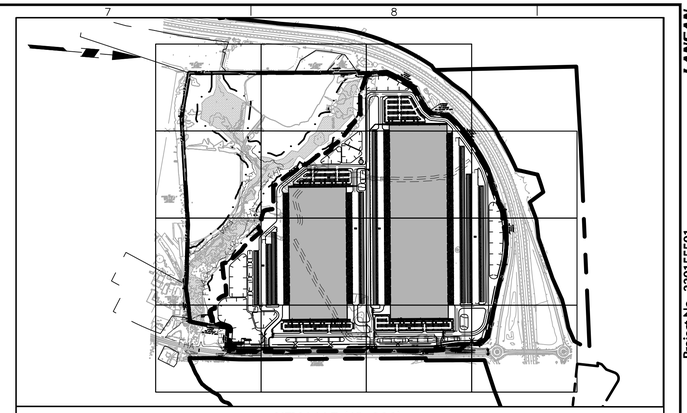
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NOTE: PHASES MAY RUN CONCURRENTLY BUT CERTAIN AREAS SHALL BE AT 100% COMPLETION PRIOR TO CERTIFICATE OF OCCUPANCIES AS DESCRIBED BELOW.

1. PHASE 1 INCLUDES THE COMMENCEMENT OF CONSTRUCTION OF ALL ON–SITE IMPROVEMENTS INCLUDING THE PROPOSED STORMWATER MANAGEMENT FACILITIES, SITEWORK, UTILITIES, LANDSCAPING AND LIGHTING. PORTIONS OF THE SITE AROUND THE PERIMETERS OF THE BUILDINGS WILL BE USED FOR BUILDING CONSTRUCTION STAGING AND WILL BE BROUGHT TO SUBGRADE ELEVATION, SEEDED AND STABILIZED. THESE AREAS MAY NOT BE FULLY COMPLETED (FINAL PAVING, LANDSCAPING, AND STRIPING) UNTIL NEAR THE END OF BUILDING CONSTRUCTION. ALL FINAL PAVING, LANDSCAPING AND STRIPING WILL BE COMPLETED PRIOR TO CERTIFICATE OF OCCUPANCY AND THE AREA FOR EACH BUILDING IS SHOWN IN SUBSET PHASE 1A AND 1B.
2. PHASE 1A REPRESENTS THE AREAS THAT WILL BE AT FINAL COMPLETION PRIOR TO CERTIFICATE OF OCCUPANCY FOR BUILDING 1.
3. PHASE 1B REPRESENTS THE AREAS THAT WILL BE AT FINAL COMPLETION PRIOR TO CERTIFICATE OF OCCUPANCY FOR BUILDING 2.
4. PHASE 2 INCLUDES THE CONSTRUCTION OF THE PROPOSED BUILDING 1. ALL PHASE 1A SITEWORK SHALL BE COMPLETED PRIOR TO CERTIFICATE OF OCCUPANCY.
5. PHASE 3 INCLUDES THE CONSTRUCTION OF THE PROPOSED BUILDING 2. ALL PHASE 1B SITEWORK SHALL BE COMPLETED PRIOR TO CERTIFICATE OF OCCUPANCY.

MAP: ZONING M





KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- 30 PARKING SUBTOTAL
- (10) PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
- MON PROPOSED CONCRETE MONUMENT

Date	Description	No.
11/2/23	REVISED PER FLOODPLAIN UPDATE	7.
6/15/23	REVISED PER FLOODPLAIN UPDATE	6.
1/23/23	REVISED PER COUNTY COMMENTS	5.
11/05/22	REVISED PER COUNTY COMMENTS	4.
9/30/22	REVISED PER COUNTY COMMENTS	3.
8/05/22	REVISED PER COUNTY COMMENTS	2.
5/12/22	REVISED PER COUNTY COMMENTS	1.

BRIAN M. CONLON REGISTERED No. 13413 DELAWARE PROFESSIONAL ENGINEER

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

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LOGISTICENTER AT NEW CASTLE COUNTY

TAX PARCEL 13-008.00-003

APPLICATION # 2021-0470
EXPLORATORY MAJOR LAND DEVELOPMENT PLAN
ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

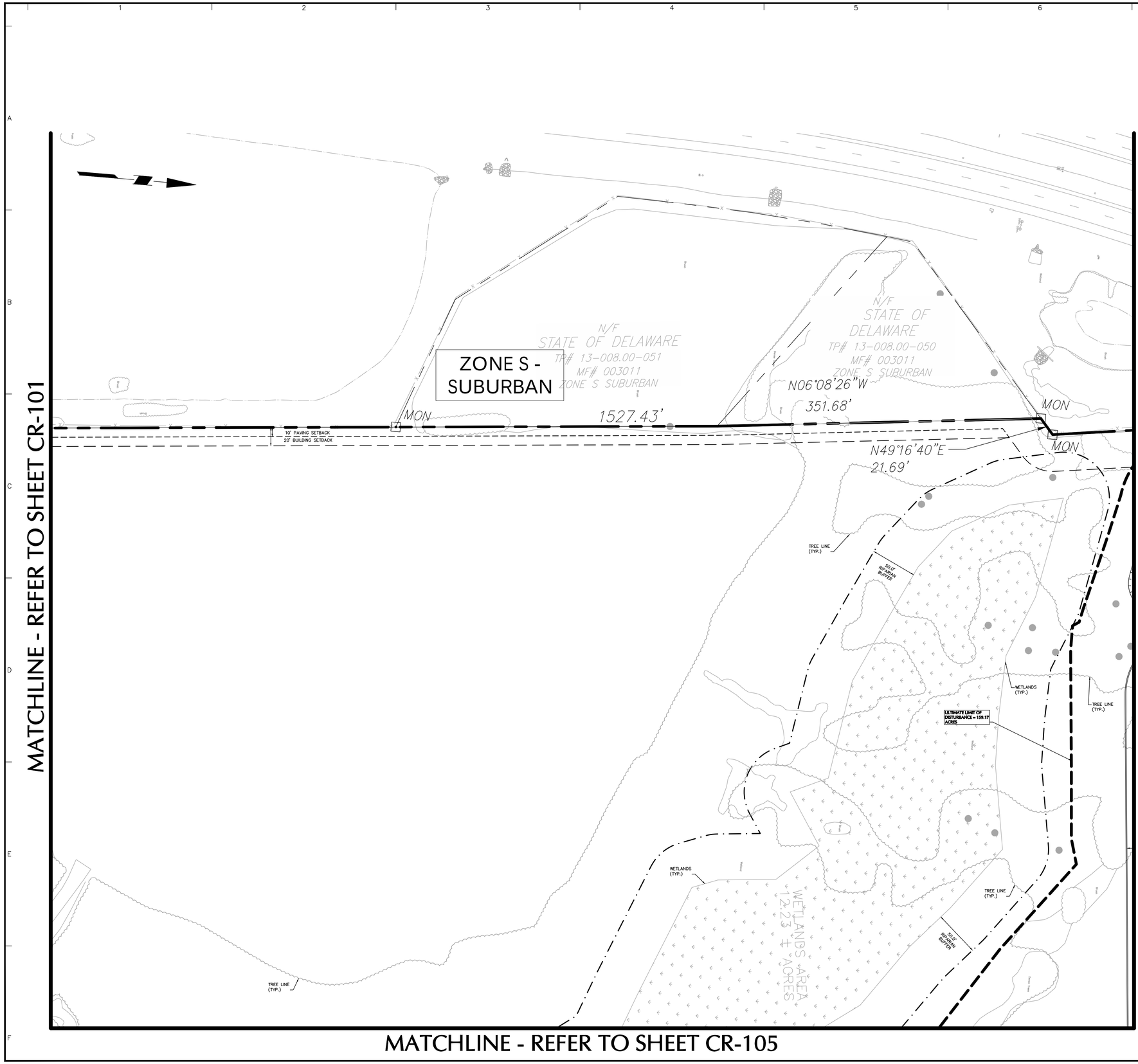
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Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-101

Sheet 2 of 16

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1.	REVISED PER COUNTY COMMENTS	5/12/22

REVISIONS

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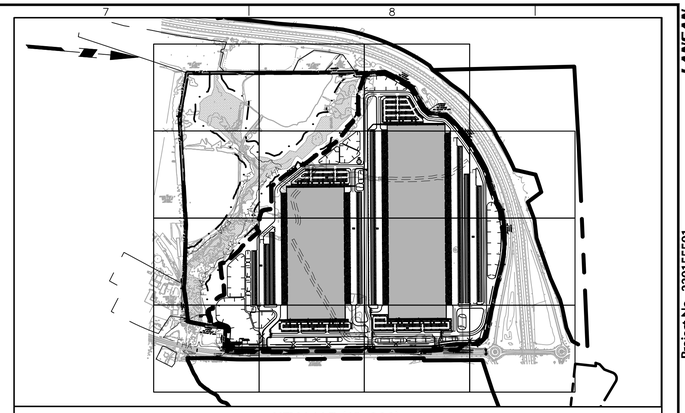
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Sheet 3 of 16

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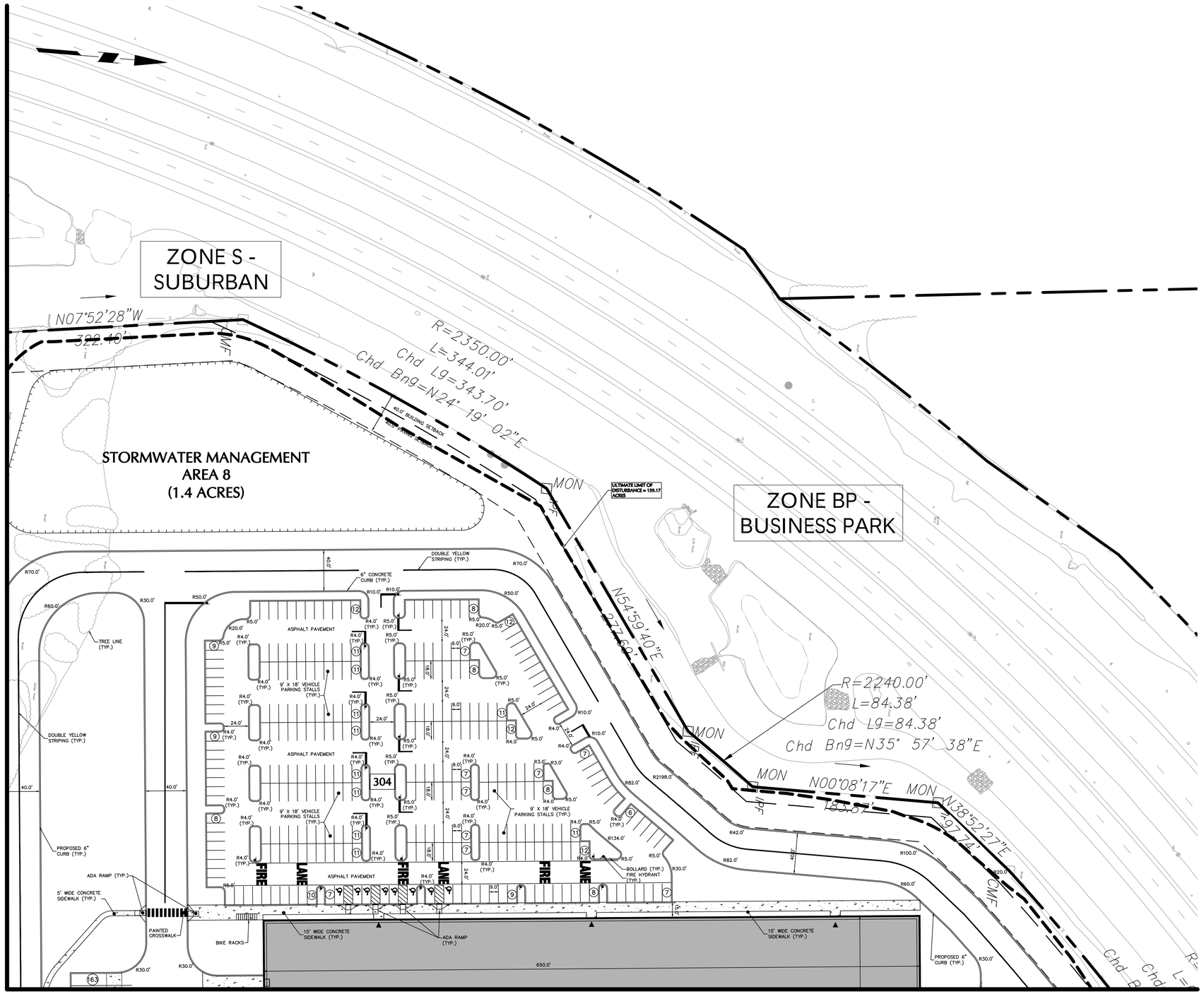
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Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-103

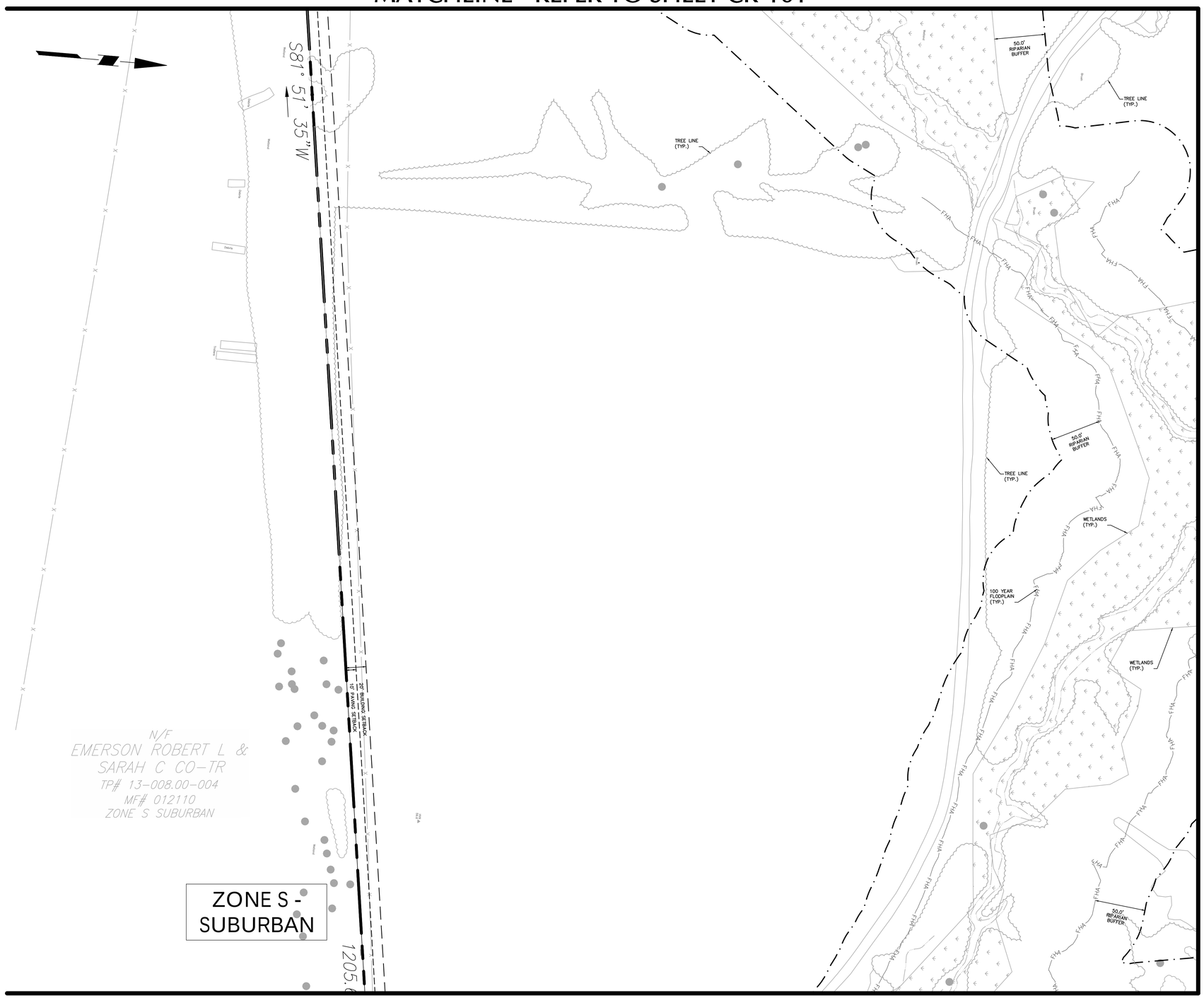
Sheet 4 of 16

LANGAN
Project No. 220155501

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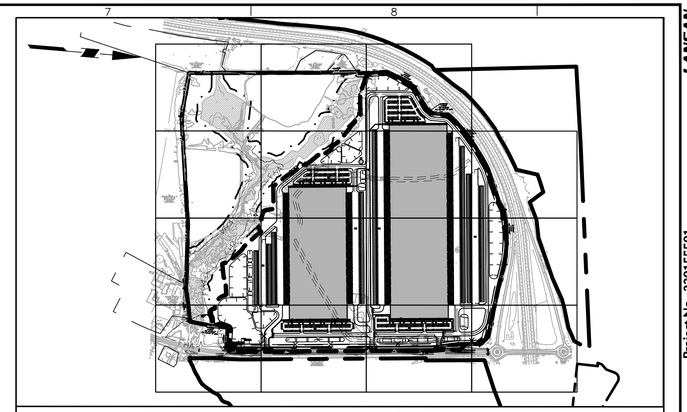
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MATCHLINE - REFER TO SHEET CR-101



MATCHLINE - REFER TO SHEET CR-105

MATCHLINE - REFER TO SHEET CR-108



KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL (30)
- PARKING COUNT (10)
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT (CMF)
- PROPOSED CONCRETE MONUMENT (MON)

Date	Description	No.
11/2/23	REVISED PER FLOODPLAIN UPDATE	7.
6/15/23	REVISED PER FLOODPLAIN UPDATE	6.
1/23/23	REVISED PER COUNTY COMMENTS	5.
11/05/22	REVISED PER COUNTY COMMENTS	4.
9/30/22	REVISED PER COUNTY COMMENTS	3.
8/05/22	REVISED PER COUNTY COMMENTS	2.
5/12/22	REVISED PER COUNTY COMMENTS	1.

REVISIONS

BRIAN M. CONLON REGISTERED No. 13413 PROFESSIONAL ENGINEER STATE OF DELAWARE

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

LANGAN
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T: 215.845.8900 F: 215.845.8901 www.langan.com

LOGISTICENTER AT NEW CASTLE COUNTY

TAX PARCEL 13-008.00-003

APPLICATION # 2021-0470
EXPLORATORY MAJOR LAND DEVELOPMENT PLAN
ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

STOP! "CALL BEFORE YOU DIG!"

SCALE: 1 INCH = 50 FEET (50 0 25 50)

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-104

Sheet 5 of 16

LANGAN

Project No. 220155501

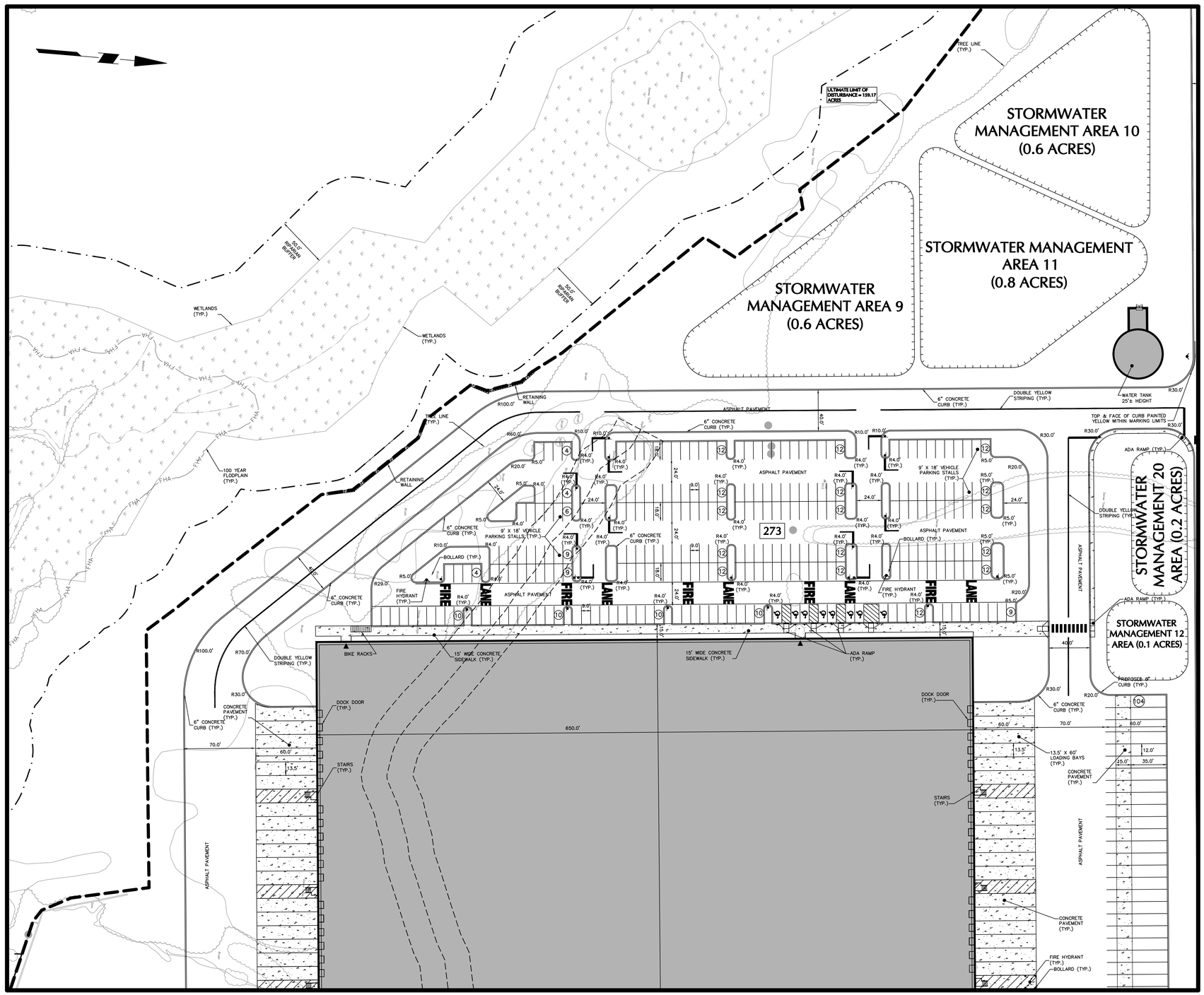
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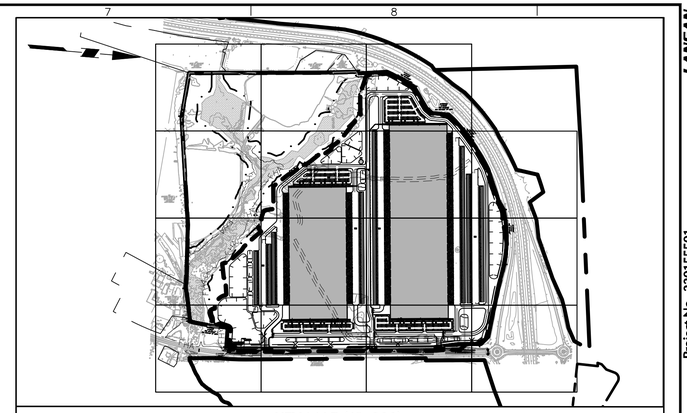
MATCHLINE - REFER TO SHEET CR-102

MATCHLINE - REFER TO SHEET CR-104

MATCHLINE - REFER TO SHEET CR-106

MATCHLINE - REFER TO SHEET CR-109





KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL
- PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT

No.	Date	Description
7.	11/2/23	REVISED PER FLOODPLAIN UPDATE
6.	6/15/23	REVISED PER FLOODPLAIN UPDATE
5.	1/23/23	REVISED PER COUNTY COMMENTS
4.	11/05/22	REVISED PER COUNTY COMMENTS
3.	9/30/22	REVISED PER COUNTY COMMENTS
2.	8/05/22	REVISED PER COUNTY COMMENTS
1.	5/12/22	REVISED PER COUNTY COMMENTS

REVISIONS

BRIAN M. CONLON REGISTERED No. 13413 PROFESSIONAL ENGINEER STATE OF DELAWARE

SIGNATURE DATE SIGNED

BRIAN M. CONLON
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TAX PARCEL 13-008.00-003

APPLICATION # 2021-0470
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ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

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Miss Utility of Delmarva

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STOP! CALL BEFORE YOU DIG!

50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-105

Sheet 6 of 16

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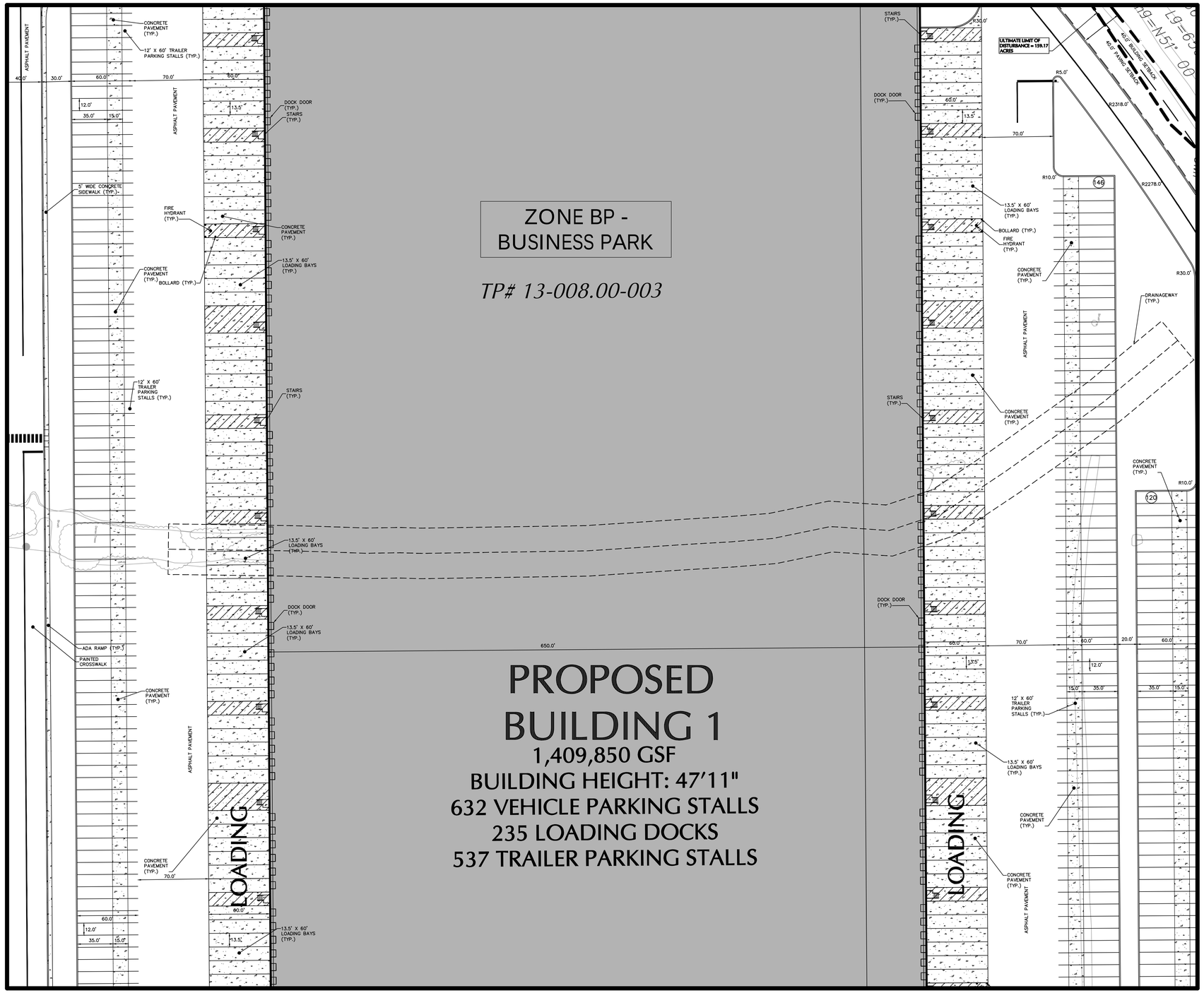
Project No. 220155501

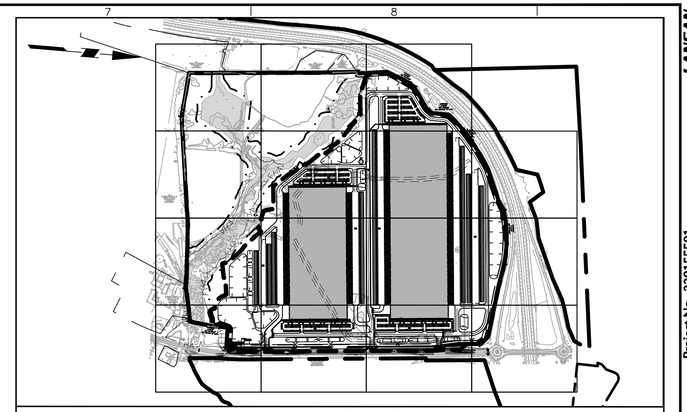
MATCHLINE - REFER TO SHEET CR-103

MATCHLINE - REFER TO SHEET CR-105

MATCHLINE - REFER TO SHEET CR-107

MATCHLINE - REFER TO SHEET CR-110





LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL
- PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
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- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT

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9/30/22	REVISED PER COUNTY COMMENTS	3.
8/05/22	REVISED PER COUNTY COMMENTS	2.
5/12/22	REVISED PER COUNTY COMMENTS	1.

BRIAN M. CONLON REGISTERED No. 13413 PROFESSIONAL ENGINEER DELAWARE

SIGNATURE DATE SIGNED

BRIAN M. CONLON
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ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

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Miss Utility of Delmarva

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50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-106

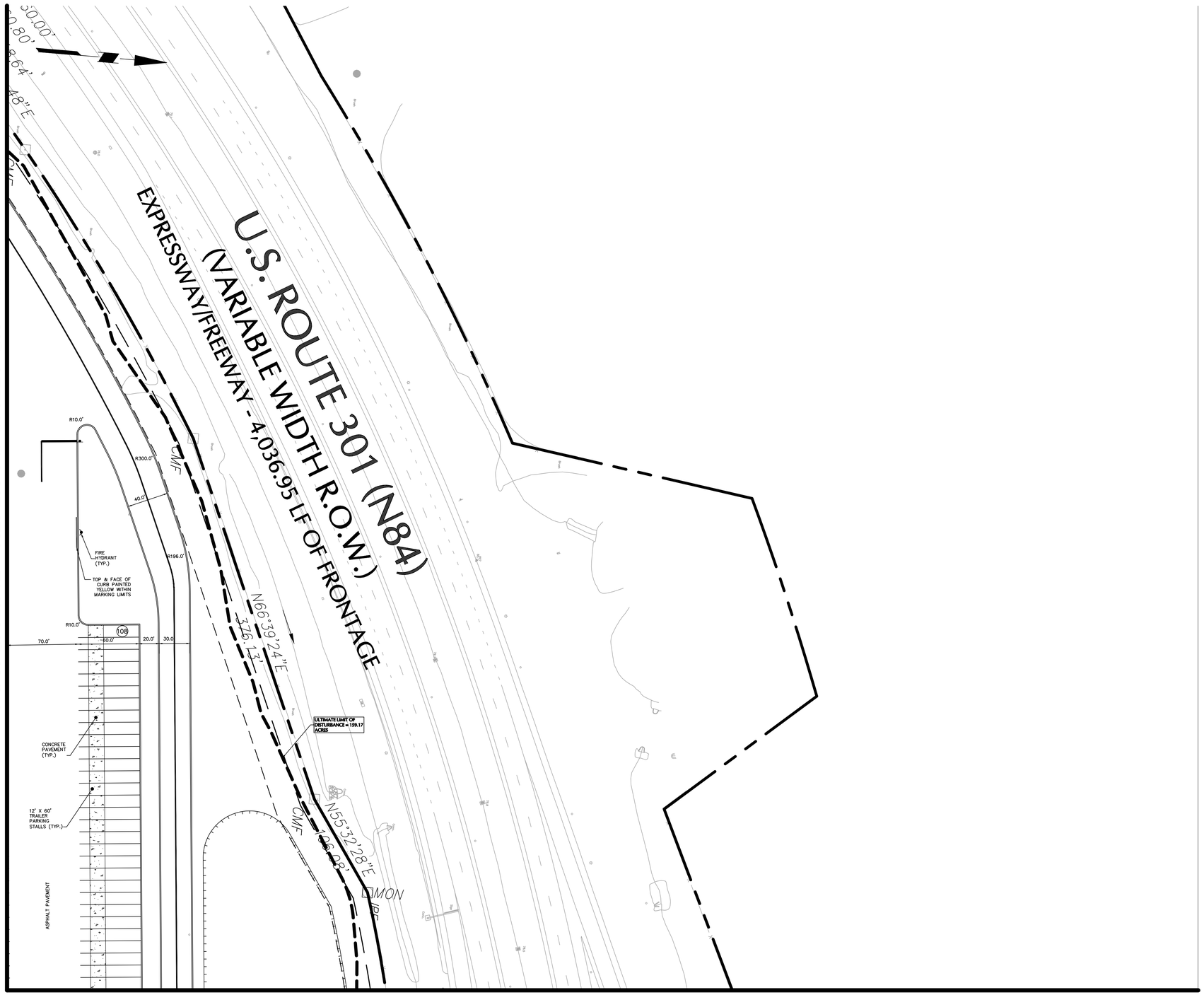
Sheet 7 of 16

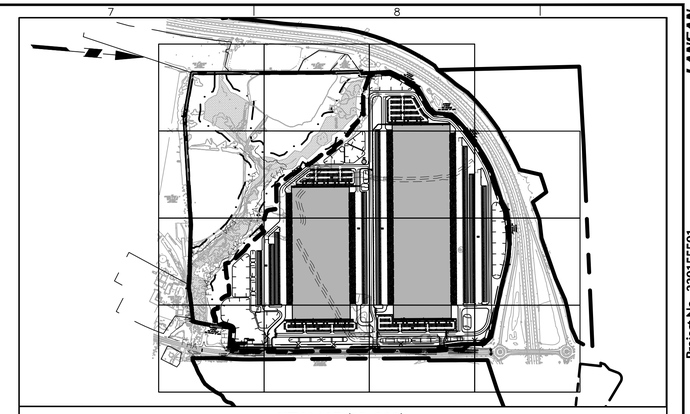
Project No. 220155501

LANGAN

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KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL
- PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT

No.	Description	Date
7.	REVISED PER FLOODPLAIN UPDATE	11/2/23
6.	REVISED PER FLOODPLAIN UPDATE	6/15/23
5.	REVISED PER COUNTY COMMENTS	1/23/23
4.	REVISED PER COUNTY COMMENTS	11/05/22
3.	REVISED PER COUNTY COMMENTS	9/30/22
2.	REVISED PER COUNTY COMMENTS	8/05/22
1.	REVISED PER COUNTY COMMENTS	5/12/22

REVISIONS

BRIAN M. CONLON
REGISTERED
No. 13413
PROFESSIONAL ENGINEER
STATE OF DELAWARE

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

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LOGISTICENTER AT NEW CASTLE COUNTY

TAX PARCEL 13-008.00-003

APPLICATION # 2021-0470
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ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-107

Sheet 8 of 16

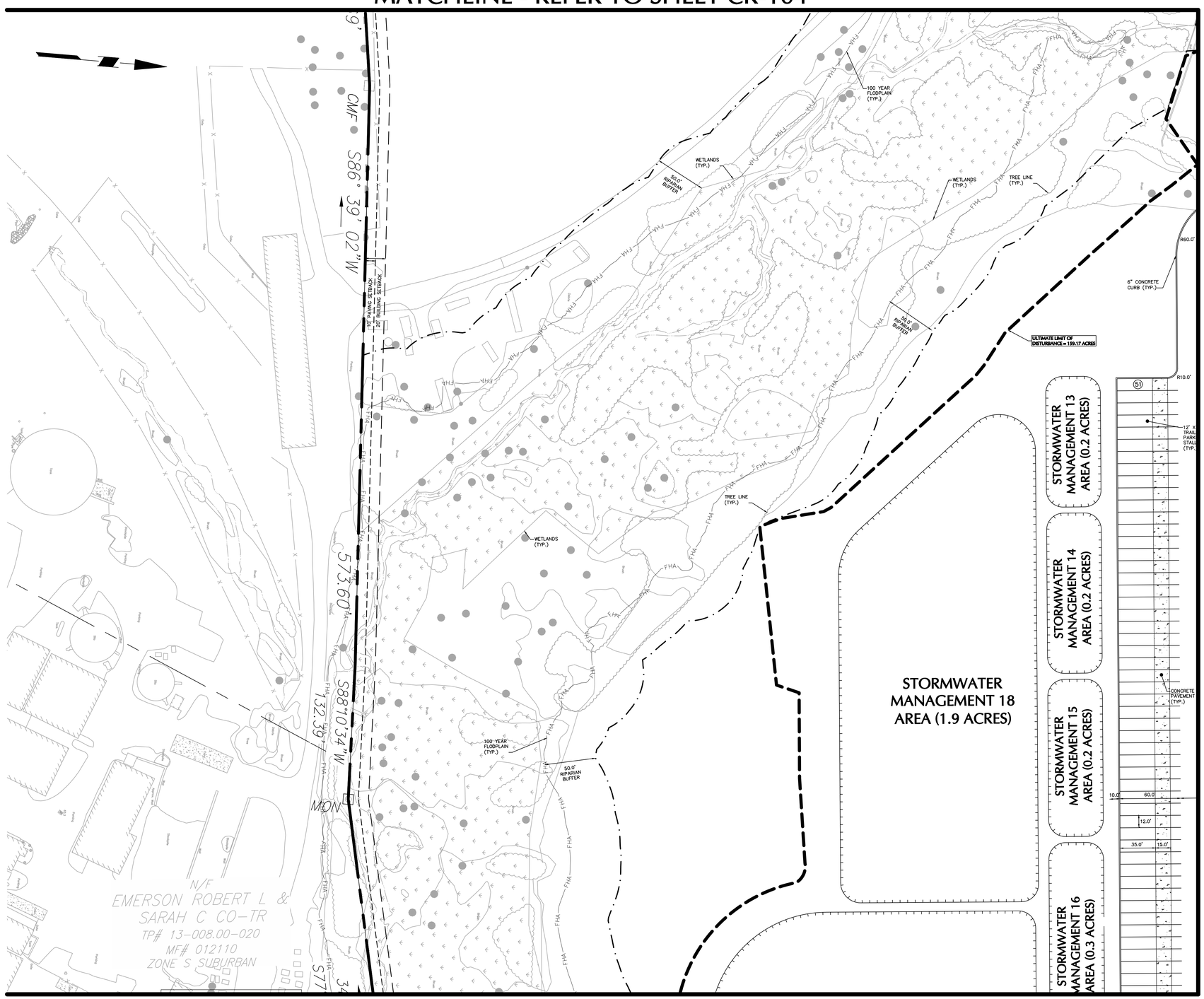
© 2020 Langan

Filename: c:\bms\langan-pw-01\d0113861\220155501-0302-CR101-0102.DWG Date: 11/2/2023 Time: 12:28 User: tholmes Style Table: Langan.stb Layout: EXP-107

LANGAN

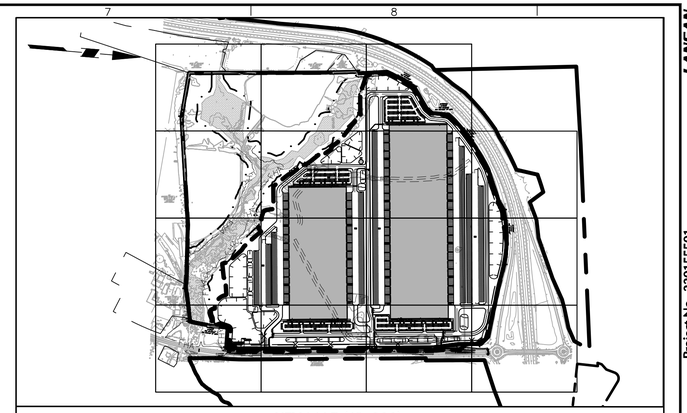
Project No. 220155501

MATCHLINE - REFER TO SHEET CR-104



MATCHLINE - REFER TO SHEET CR-109

MATCHLINE - REFER TO SHEET CR-112



KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- FHA FHA 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- 30 PARKING SUBTOTAL
- (10) PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
- MON PROPOSED CONCRETE MONUMENT

No.	Date	Description
7.	11/2/23	REVISED PER FLOODPLAIN UPDATE
6.	6/15/23	REVISED PER FLOODPLAIN UPDATE
5.	1/23/23	REVISED PER COUNTY COMMENTS
4.	11/05/22	REVISED PER COUNTY COMMENTS
3.	9/30/22	REVISED PER COUNTY COMMENTS
2.	8/05/22	REVISED PER COUNTY COMMENTS
1.	5/12/22	REVISED PER COUNTY COMMENTS

BRIAN M. CONLON REGISTERED No. 13413 DELAWARE PROFESSIONAL ENGINEER

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

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LOGISTICENTER AT NEW CASTLE COUNTY

TAX PARCEL 13-008.00-003

APPLICATION # 2021-0470
EXPLORATORY MAJOR LAND DEVELOPMENT PLAN
ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-108

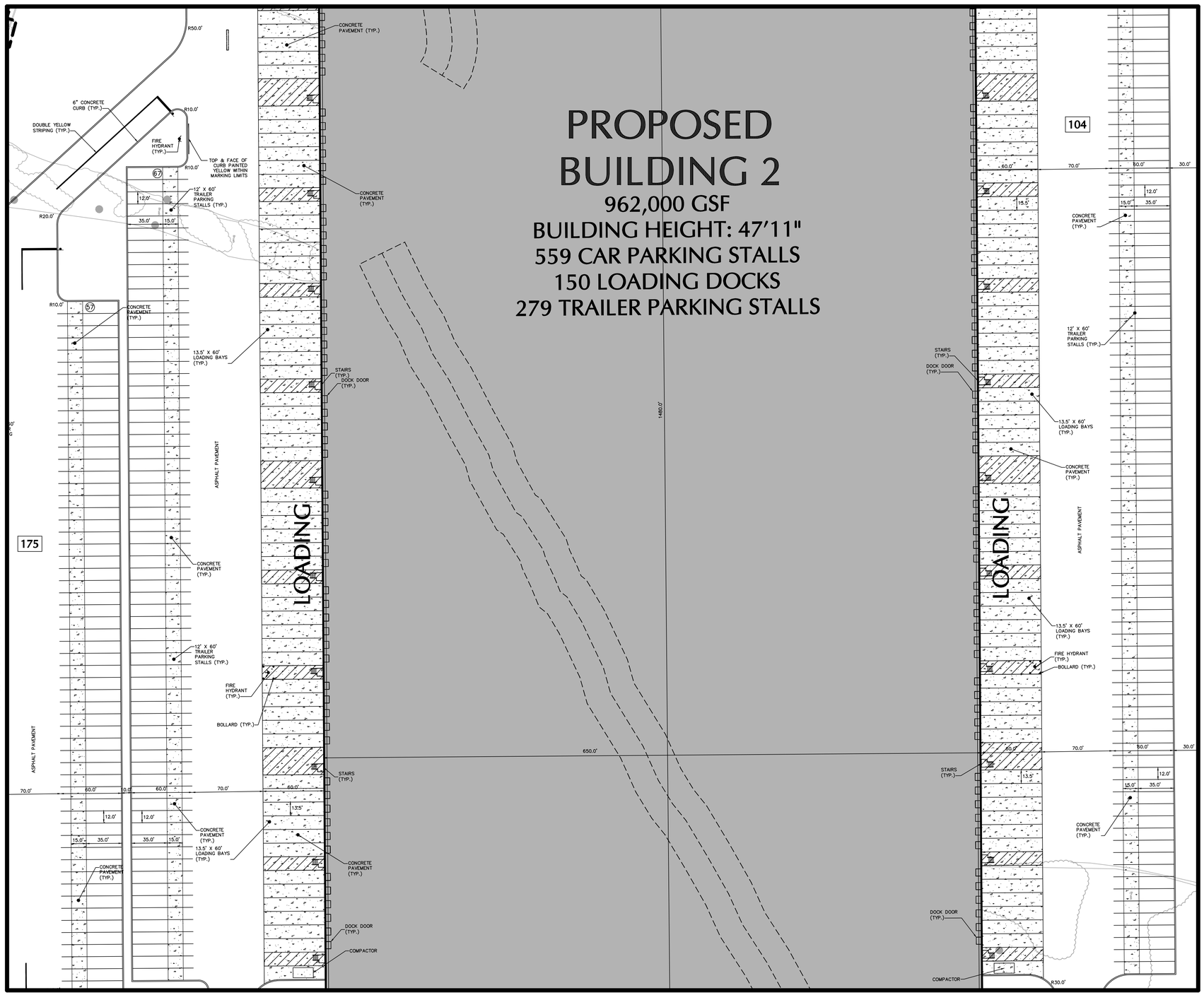
Sheet 9 of 16

LANGAN

Project No. 220155501

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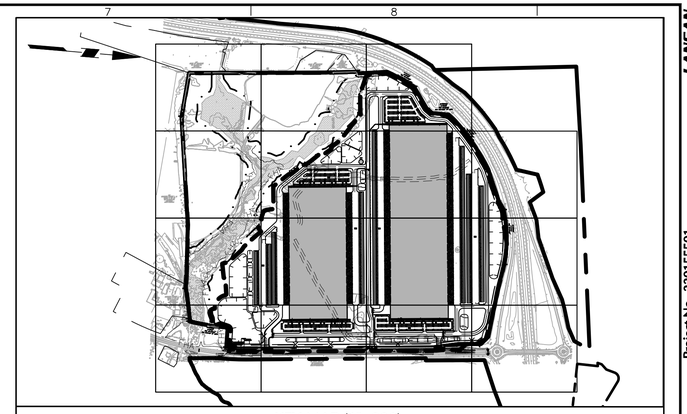
MATCHLINE - REFER TO SHEET CR-105



MATCHLINE - REFER TO SHEET CR-108

MATCHLINE - REFER TO SHEET CR-110

MATCHLINE - REFER TO SHEET CR-113



KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL
- PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
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Date	Description	No.
11/2/23	REVISED PER FLOODPLAIN UPDATE	7.
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8/05/22	REVISED PER COUNTY COMMENTS	2.
5/12/22	REVISED PER COUNTY COMMENTS	1.

BRIAN M. CONLON REGISTERED No. 13413 DELAWARE PROFESSIONAL ENGINEER

SIGNATURE DATE SIGNED

BRIAN M. CONLON
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NEW CASTLE COUNTY **DELAWARE**

Drawing Title

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Miss Utility of Delmarva

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50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	**220155501**
Date	**31 JANUARY 2022**
Drawn By	**TFH**
Checked By	**BMC**

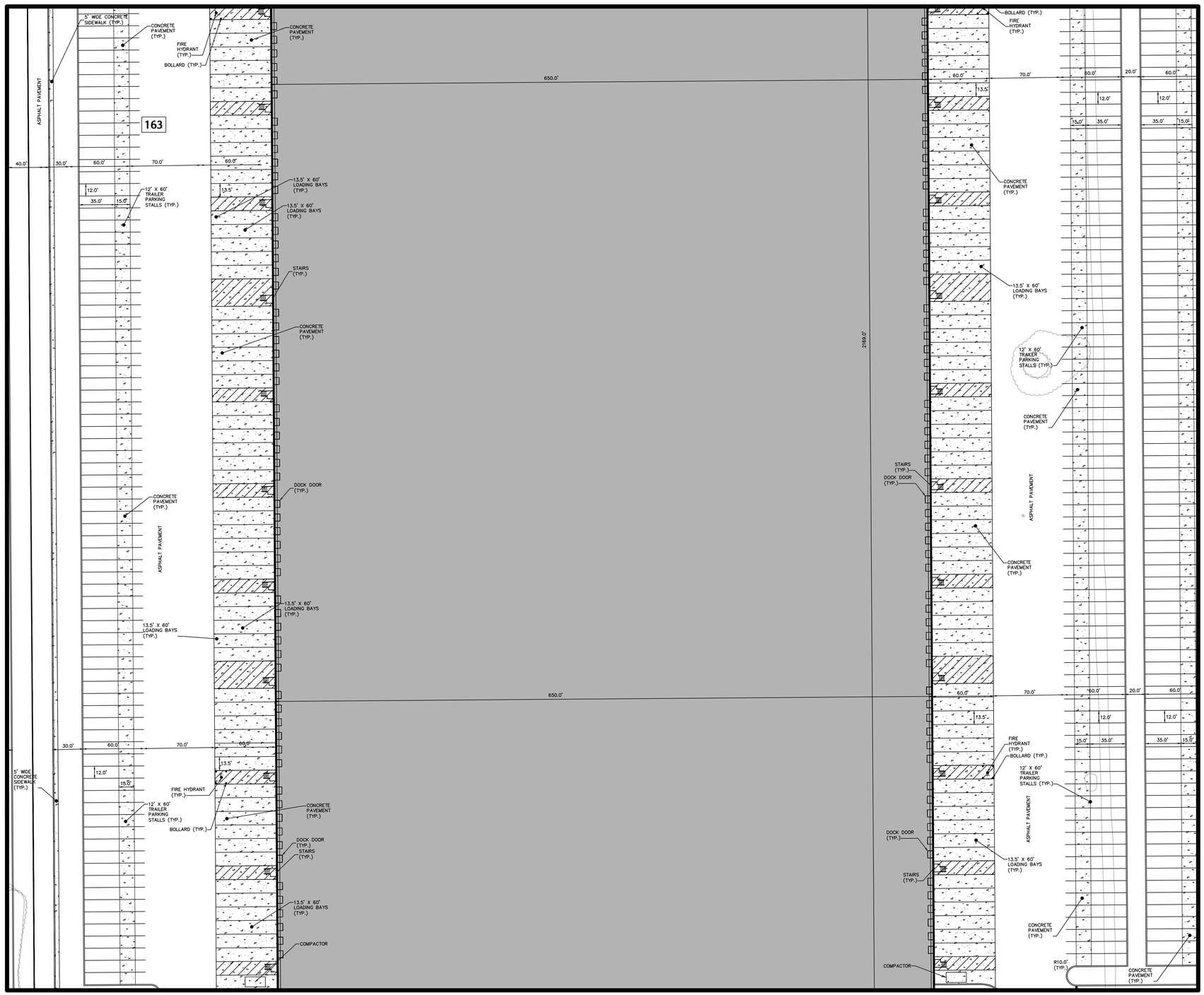
CR-109

Sheet 10 of **16**

Project No. 220155501

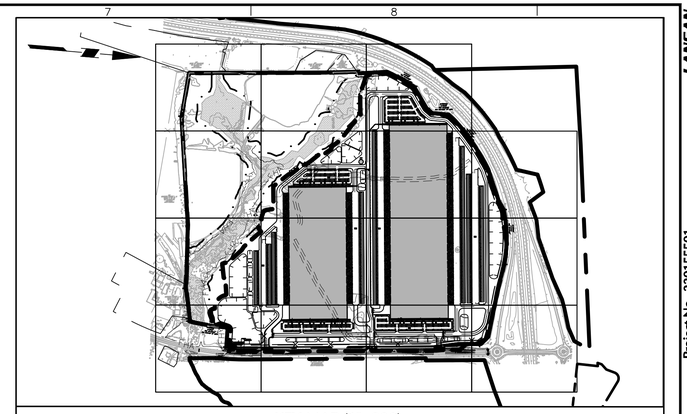
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MATCHLINE - REFER TO SHEET CR-114



MATCHLINE - REFER TO SHEET CR-109

MATCHLINE - REFER TO SHEET CR-111



KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL
- PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
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- SIGN
- STORMWATER MANAGEMENT AREA
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1/23/23	REVISED PER COUNTY COMMENTS	5.
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9/30/22	REVISED PER COUNTY COMMENTS	3.
8/05/22	REVISED PER COUNTY COMMENTS	2.
5/12/22	REVISED PER COUNTY COMMENTS	1.

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SIGNATURE DATE SIGNED

BRIAN M. CONLON
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ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

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Miss Utility of Delmarva

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SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-110

Sheet 11 of 16

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Project No. 220155501

MATCHLINE - REFER TO SHEET CR-107

MATCHLINE - REFER TO SHEET CR-110

MATCHLINE - REFER TO SHEET CR-115

STORMWATER MANAGEMENT 7 AREA
(2.6 ACRES)

ULTIMATE LIMIT OF DISTURBANCE = 159.17 ACRES

R=1495.00'
L=618.84'
Chd Lg=614.43'
Chd Brg=N84° 34' 23"E

S80°40'01"E 296.25'

S83°34'06"E 207.10'

40.0' BUILDING SETBACK

40.0' PARKING SETBACK

CMF

IPF

MON

374

70.0' 60.0' 20.0' 30.0'
12.0'
15.5' 35.0'

ASPHALT PAVEMENT

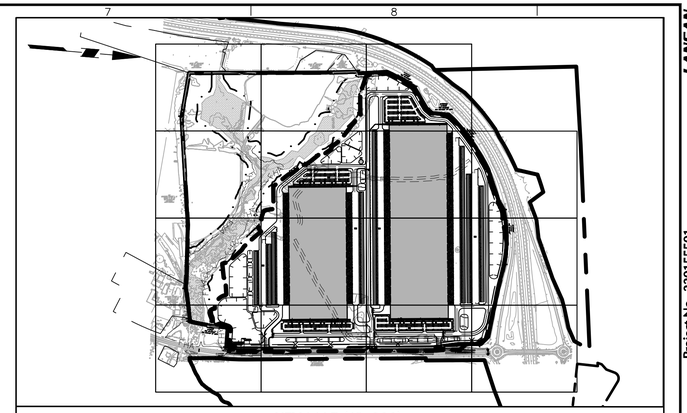
12' X 60' TRAILER PARKING STALLS (TYP.)

CONCRETE PAVEMENT (TYP.)

R10.0' (TYP.)

FIRE HYDRANT (TYP.)

R30.0'



KEY MAP (1"=800)

LEGEND

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- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL (30)
- PARKING COUNT (10)
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
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- EXISTING CONCRETE MONUMENT (CMF)
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9/30/22	REVISED PER COUNTY COMMENTS	3.
8/05/22	REVISED PER COUNTY COMMENTS	2.
5/12/22	REVISED PER COUNTY COMMENTS	1.

BRIAN M. CONLON REGISTERED No. 13413 DELAWARE PROFESSIONAL ENGINEER

SIGNATURE DATE SIGNED

BRIAN M. CONLON
PROFESSIONAL ENGINEER DE Lic. No. 13413

LANGAN
Langan Engineering and Environmental Services, Inc.
1818 Market Street, Suite 3300
Philadelphia, PA 19103
T: 215.845.8900 F: 215.845.8901 www.langan.com

LOGISTICENTER AT NEW CASTLE COUNTY

TAX PARCEL 13-008.00-003

APPLICATION # 2021-0470
EXPLORATORY MAJOR LAND DEVELOPMENT PLAN
ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

RECORD MAJOR LAND DEVELOPMENT PLAN

Miss Utility of Delmarva

Call 1.800.282.8555 in Delaware (DE) and 1.800.441.8355 in Maryland (MD)

STOP - CALL BEFORE YOU DIG

50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No. **220155501**
Date **31 JANUARY 2022**
Drawn By **TFH**
Checked By **BMC**

CR-111

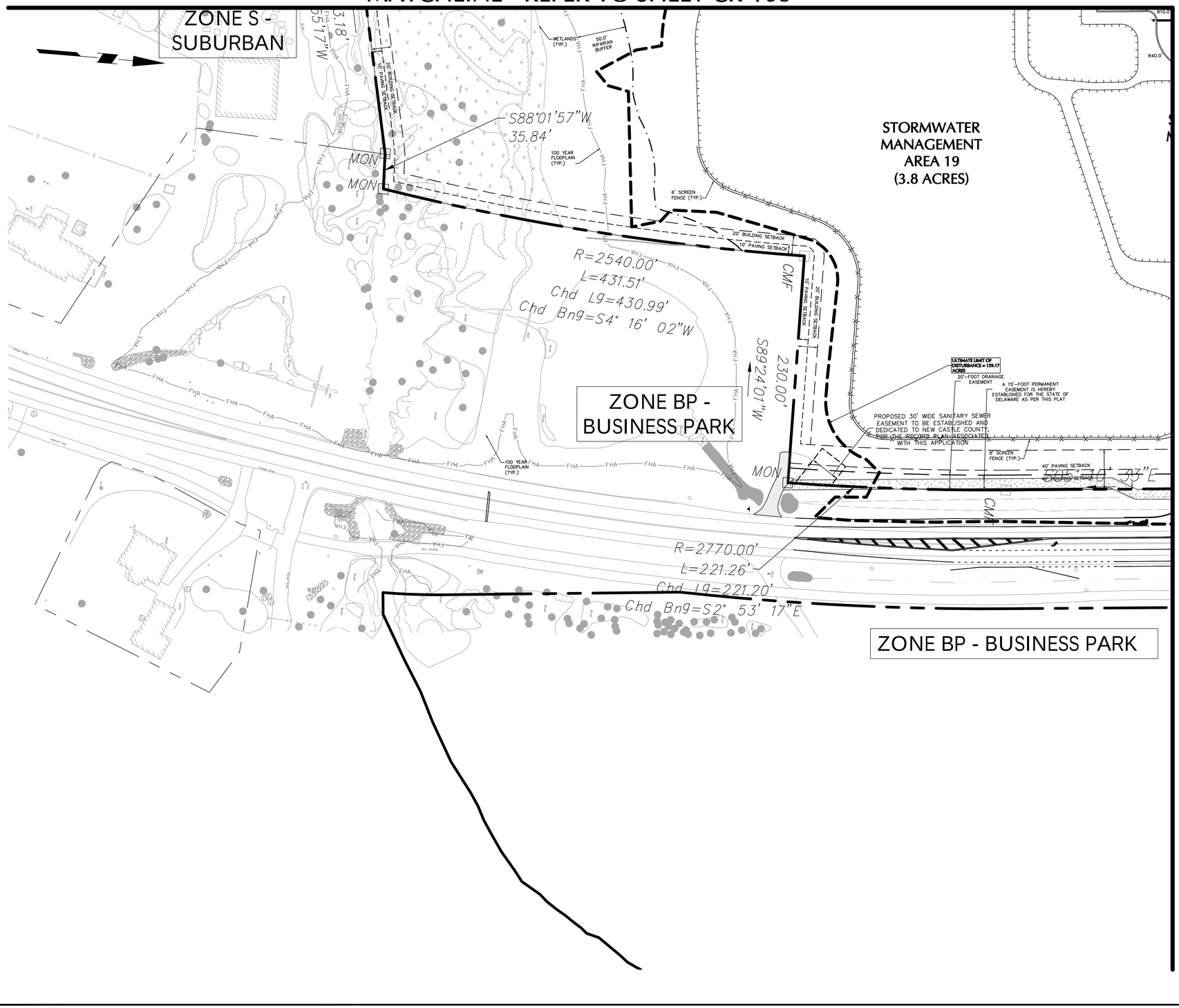
Sheet 12 of **16**

LANGAN
Project No. 220155501

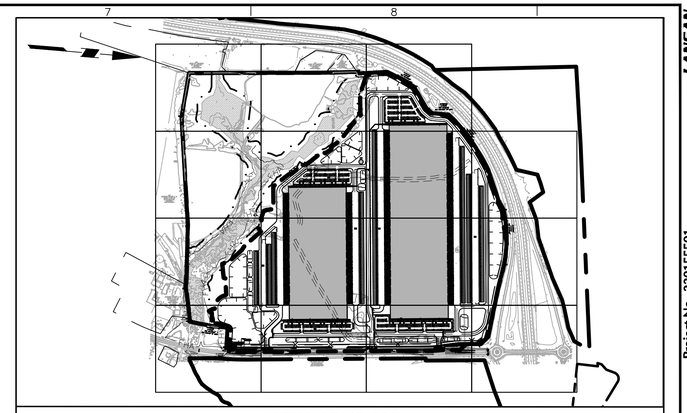
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MATCHLINE - REFER TO SHEET CR-108



MATCHLINE - REFER TO SHEET CR-113



KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL
- PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT

Date	Description	No.
11/2/23	REVISED PER FLOODPLAIN UPDATE	7.
6/15/23	REVISED PER FLOODPLAIN UPDATE	6.
1/23/23	REVISED PER COUNTY COMMENTS	5.
11/05/22	REVISED PER COUNTY COMMENTS	4.
9/30/22	REVISED PER COUNTY COMMENTS	3.
8/05/22	REVISED PER COUNTY COMMENTS	2.
5/12/22	REVISED PER COUNTY COMMENTS	1.

BRIAN M. CONLON REGISTERED No. 13413 PROFESSIONAL ENGINEER DELAWARE

SIGNATURE DATE SIGNED

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TAX PARCEL 13-008.00-003

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ST. GEORGES HUNDRED
NEW CASTLE COUNTY **DELAWARE**

Drawing Title

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Miss Utility of Delmarva

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50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
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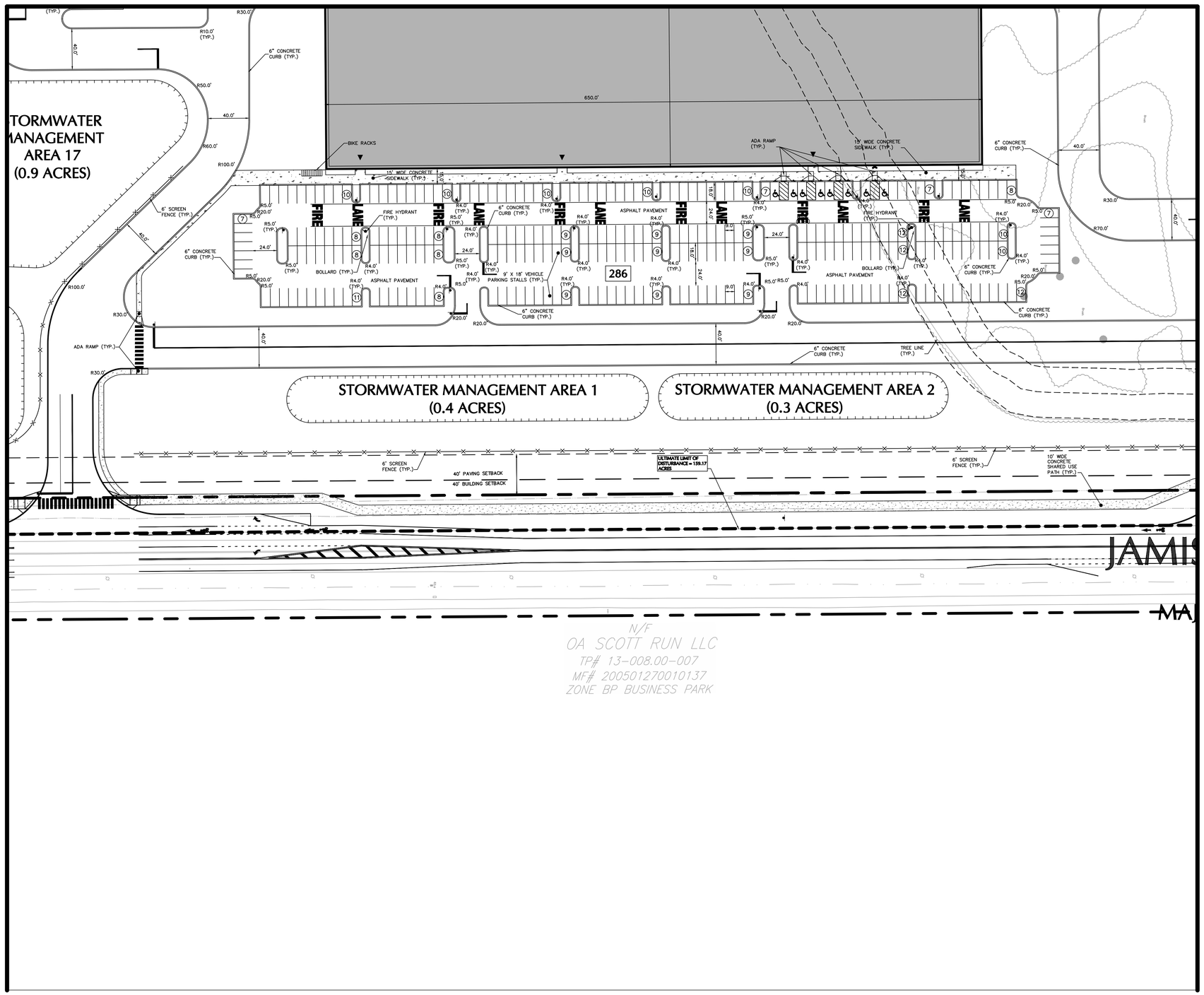
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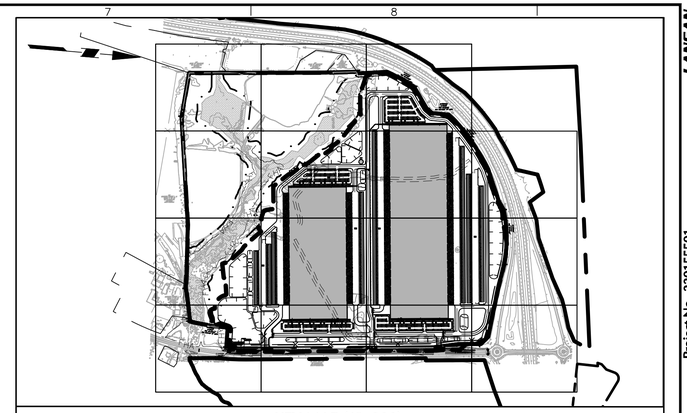
Sheet 13 of 16

Project No. 220155501

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MATCHLINE - REFER TO SHEET CR-109





KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL
- PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT

Date	Description	No.
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6/15/23	REVISED PER FLOODPLAIN UPDATE	6.
1/23/23	REVISED PER COUNTY COMMENTS	5.
11/05/22	REVISED PER COUNTY COMMENTS	4.
9/30/22	REVISED PER COUNTY COMMENTS	3.
8/05/22	REVISED PER COUNTY COMMENTS	2.
5/12/22	REVISED PER COUNTY COMMENTS	1.

REVISIONS

BRIAN M. CONLON REGISTERED No. 13413 PROFESSIONAL ENGINEER STATE OF DELAWARE

SIGNATURE DATE SIGNED

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Drawing Title

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50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-113

Sheet 14 of 16

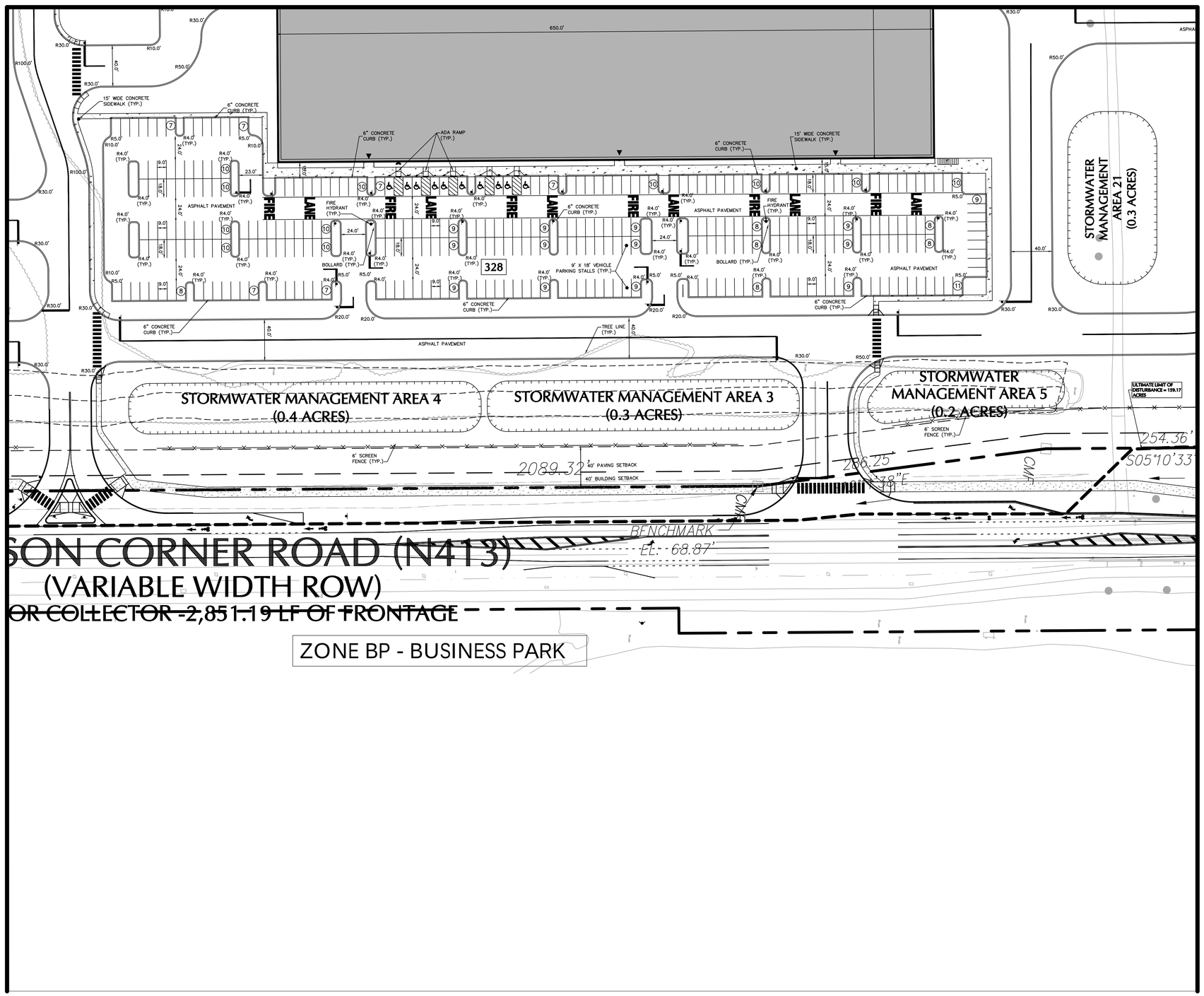
LANGAN

Project No. 220155501

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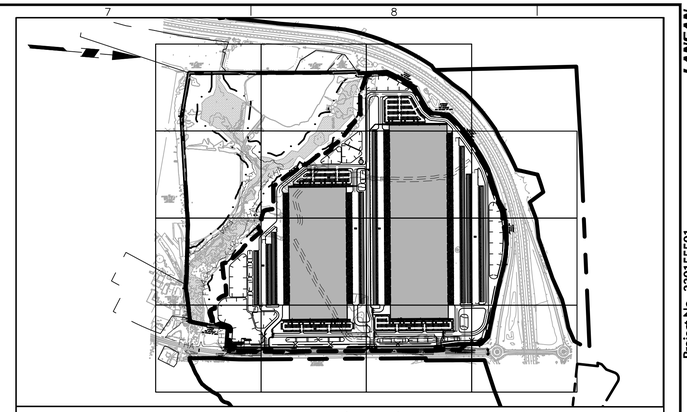
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MATCHLINE - REFER TO SHEET CR-110



MATCHLINE - REFER TO SHEET CR-113

MATCHLINE - REFER TO SHEET CR-115



KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL
- PARKING COUNT
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT
- PROPOSED CONCRETE MONUMENT

No.	Description	Date
7.	REVISED PER FLOODPLAIN UPDATE	11/2/23
6.	REVISED PER FLOODPLAIN UPDATE	6/15/23
5.	REVISED PER COUNTY COMMENTS	1/23/23
4.	REVISED PER COUNTY COMMENTS	11/05/22
3.	REVISED PER COUNTY COMMENTS	9/30/22
2.	REVISED PER COUNTY COMMENTS	8/05/22
1.	REVISED PER COUNTY COMMENTS	5/12/22

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SIGNATURE DATE SIGNED

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NEW CASTLE COUNTY **DELAWARE**

Drawing Title

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SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-114

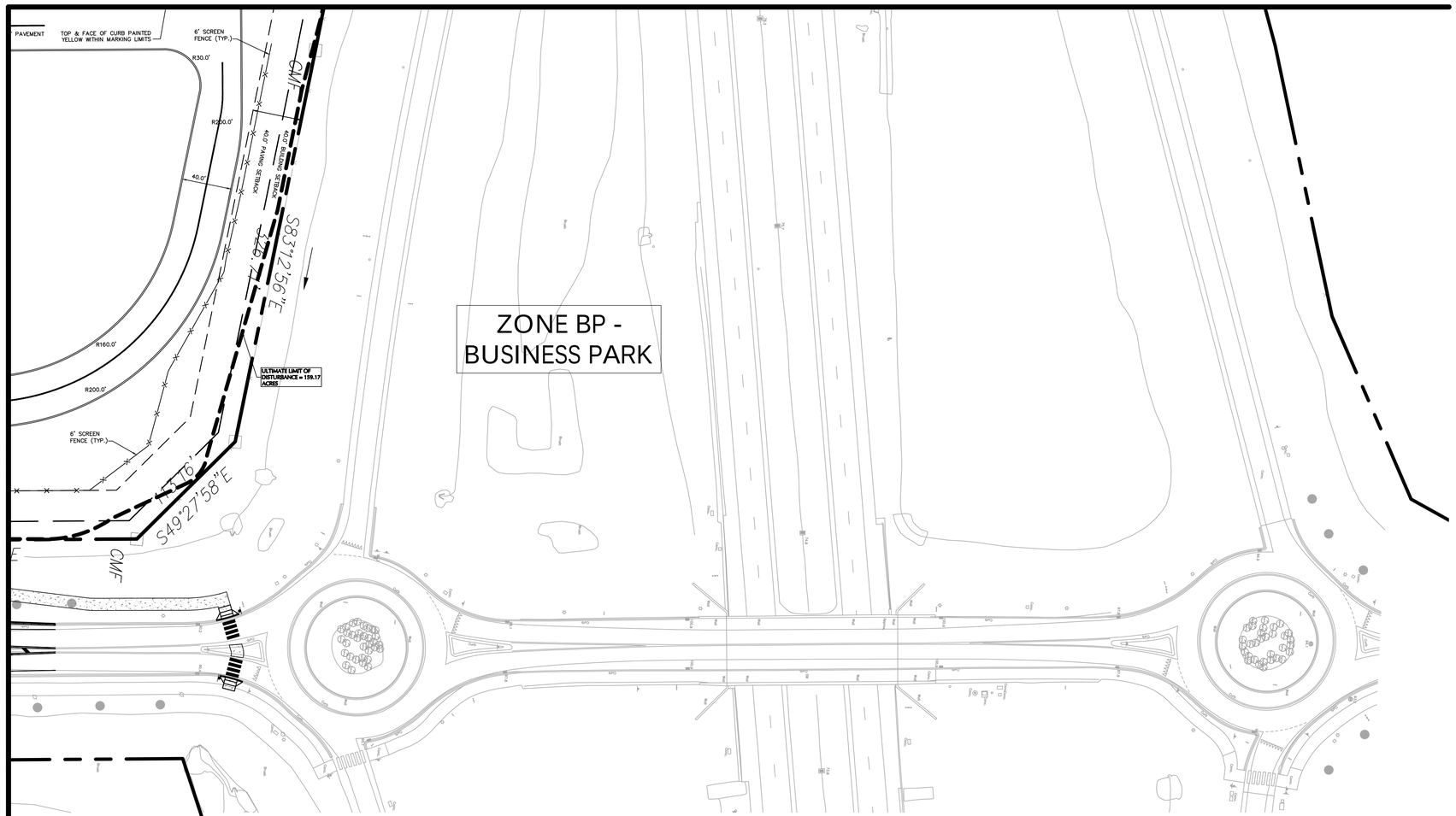
Sheet 15 of 16

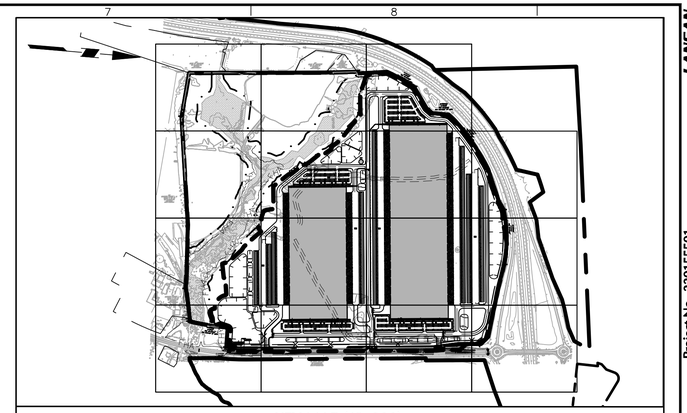
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LANGAN Project No. 220155501

MATCHLINE - REFER TO SHEET CR-111

MATCHLINE - REFER TO SHEET CR-114





KEY MAP (1"=800)

LEGEND

- PROPERTY LINE
- SET BACK LINE
- LIMIT OF DISTURBANCE
- ZONING BOUNDARY LINE
- TREE LINE
- 100 YEAR FLOODPLAIN
- RIPARIAN BUFFER
- WETLAND
- EXISTING TREE
- BUILDING LINE
- CURB
- PARKING SUBTOTAL (30)
- PARKING COUNT (10)
- DOORWAY
- FIRE DEMARCATION
- PROPOSED FIRE HYDRANT
- CURB
- BOLLARD
- CONCRETE
- SIGN
- STORMWATER MANAGEMENT AREA
- EXISTING CONCRETE MONUMENT (CMF)
- PROPOSED CONCRETE MONUMENT (MON)

Date	Description	No.
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11/05/22	REVISED PER COUNTY COMMENTS	4.
9/30/22	REVISED PER COUNTY COMMENTS	3.
8/05/22	REVISED PER COUNTY COMMENTS	2.
5/12/22	REVISED PER COUNTY COMMENTS	1.

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SIGNATURE DATE SIGNED

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50 0 25 50
SCALE: 1 INCH = 50 FEET

Project No.	220155501
Date	31 JANUARY 2022
Drawn By	TFH
Checked By	BMC

CR-115

Sheet 16 of 16

Project No. 220155501

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Filename: c:\bms\langan-pw-01\d0113861\220155501-0302-CR101-0102.DWG Date: 11/2/2023 Time: 12:30 User: tholmes Style Table: Langan.stb Layout: EXP-115

Prime Sponsor(s): Ms. George, Ms. Durham
Co-sponsor(s): Mr. Cartier
Date of introduction: March 26, 2024

SUBSTITUTE NO. 1 TO ORDINANCE NO. 24-035

AMEND *NEW CASTLE COUNTY CODE* CHAPTER 7
("PROPERTY MAINTENANCE CODE")

WHEREAS, New Castle County recognizes the balance between property owners' interest in having managed turfgrass landscapes and the need to create policies to encourage the preservation, restoration, and management of native plant communities and wildlife habitats that include habitats that promote the health of pollinators within the County; and

WHEREAS, a variety of landscapes adds to the biodiversity and richness to the quality of life in New Castle County; and

WHEREAS, allowing property owners to plant and maintain pollinator gardens with native plants and pollinator habitats can prevent the introduction of toxic pesticides, herbicides, fertilizers, and other pollutants into the environment; and

WHEREAS, pollinator gardens and rain gardens are landscaping techniques that conserve water, lower maintenance costs, provide pollution prevention, and create habitat for wildlife and pollinators and enhance our natural ecosystem; and

WHEREAS, pollinator gardens and rain gardens include flora and other features that tend to attract and sustain wildlife and pollinators; are designed to attract native fauna; use natural biological principles to return rainwater to the soil; and to filter rainwater of excess nutrients, reducing or eliminating the need for supplemental water from irrigation; and

WHEREAS, pollinators, including bees, butterflies and other insects, hummingbirds, and other birds, are essential to the pollination of countless plants and trees; and

WHEREAS, lawns and gardens consisting of native plant species provide high-quality forage for pollinators; and

WHEREAS, creating a sustainable home for pollinators directly impacts our County's ability to grow crops such as: strawberries, peaches, asparagus, and tomatoes; and

WHEREAS, New Castle County Council finds that the provisions of this Ordinance are rationally and reasonably related to and substantially advance its goal of protecting and preserving legitimate government interests, including the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life of New Castle County and its residents;

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

Section 1. *New Castle County Code* Chapter 7 ("Property Maintenance Code"), Article 1 ("Standards For Property Maintenance"), is hereby amended by adding the material that is underscored, as set forth below.

ARTICLE 1. – STANDARDS FOR PROPERTY MAINTENANCE.

Sec. 7.01.002. Amendments to the International Property Maintenance Code.

CHAPTER 3. GENERAL REQUIREMENTS

Section PM 302.4.9. Noxious Weeds

…

Section PM 302.4.9.1. Exception for pollinator gardens and rain gardens.

Section PM 302.4.9.1.1. General. Pollinator gardens and rain gardens are encouraged on residential and commercial properties in order to foster water conservation, lower maintenance costs, prevent excessive herbicide use, and create habitat for wildlife and pollinators to enhance our natural ecosystem. This subsection does not supersede, or override rules and regulations set by home-owners associations, maintenance corporations, or other such organizations that serve a similar purpose.

a. Pollinator gardens must contain at least two pollinator-friendly species.

b. All plants used to make up a pollinator garden or rain garden shall come from the native plant lists maintained by the Delaware Department of Natural Resources and Environmental Control, and the Delaware Department of Agriculture.

c. Plants included in the "Plants to Avoid" list contained in the Appendix 3 of Chapter 40 of this *Code* are prohibited.

Section PM 302.4.9.1.2. Definitions. The following words, terms, or phrases, when used in the Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Pollinator garden means a type of garden designed with the intent of growing specific nectar and pollen-producing plants, in a manner that attracts pollinating insects known as pollinators. Pollinator gardens must include edging to differentiate from the surrounding landscape.

Rain garden means a type of planted area created to mimic a natural water retention area and is planted with a diversity of woody or herbaceous Vegetation, to which stormwater is directed to promote infiltration or evapotranspiration.

Garden edging means a durable material that creates a distinct separation from the adjacent surface.

Section PM 302.4.9.1.3. *Setbacks*. Pollinator gardens and rain gardens must comply with the following setbacks:

a. Principal building: three (3) feet

b. Street yard: ten (10) feet

c. Rear yard: three (3) feet

d. Side yard: three (3) feet

e. Corner lots: pollinator gardens and rain gardens cannot be within twenty-five (25) feet of the property lines on corner lots so as not to obstruct the visibility of pedestrian or vehicular traffic.

f. Measurement of the setback for pollinator gardens shall be to the edging material.

Section PM302.4.9.1.4. Size.

a. Street yard and rear yard requirements.

1. Pollinator gardens and rain gardens shall be no more than twenty-five percent (25%) of the area of the street yard of the principal building.

2. Pollinator gardens and rain gardens shall be no more than fifty percent (50%) of the area of the rear yard.

Exception: Pollinator gardens and rain gardens may exceed the above percentages if it is certified by the Delaware Nature Society as a pollinator benefiting garden or landscape. Setbacks and garden edging as defined in this section are required.

b. Side yard requirements. Pollinator gardens and rain gardens are not permitted in the side yards.

Exception: Pollinator gardens and rain gardens may be permitted up to twenty-five percent (25%) of the area of the side yard if it is certified by the Delaware Nature Society as a pollinator benefiting garden or landscape. Setbacks and garden edging as defined in this section are required.

Section PM 302.4.9.1.5. Garden Edging.

a. Pollinator gardens are required to be delineated by edging.

b. Edging materials may include, but are not limited to: pavers, bricks, fencing, flexible strips, natural materials such as logs or stone.

Section PM 302.4.9.1.6. Maintenance.

a. Rain gardens must be free of standing water seventy-two (72) hours after a rain event.

e. Turf grass in excess of eight (8) inches does not constitute a pollinator garden.

f. Pollinator gardens and rain gardens shall not constitute a hazard to the public or surrounding parcels or cause injury or damage to persons or adjacent parcels, or harbor pests and rodents.

g. Notwithstanding any other section of this *Code*, permissible plant species located within pollinator gardens or rain gardens may grow in excess of eight (8) inches in height. Invasive plants, including noxious weeds, are not permitted.

h. Areas surrounding pollinator gardens or rain gardens must be maintained and cared for consistent with all other limitations under this *Code*, including Section PM 302.4.

Section 2. Inconsistent ordinances and resolutions repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed upon the effective date of this Ordinance.

Section 3. Effective date of the provisions of the Ordinance. This Ordinance shall become effective immediately upon adoption by New Castle County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Section 4. Continuation of existing ordinances and resolutions. The sections appearing in this Ordinance, so far as they are in substance the same as those ordinances and resolutions adopted and included in the *New Castle County Code*, shall be considered as continuations thereof and not as new enactments.

Section 5. Continuation of existing institutions, rights, and liabilities. The revisions of prior ordinances, resolutions, rules and regulations, provided for in this Ordinance, shall not affect any act done, or any cause of action accruing or accrued or established, or any suit or proceeding had or commenced in any civil action, nor any plea, defense, bar or matter existing before the time when such revisions shall take effect; but the proceedings in every such case shall conform with this ordinance to the extent applicable.

All the provisions of ordinances, resolutions, rules and regulations revised by this Ordinance shall be deemed to have remained in force from the time when they began to take effect, so far as they may apply to any department, agency, office or trust, or of any transaction or event of any limitation or any right or obligation or the construction of any contract already affected by such ordinances, resolutions, rules and regulations, notwithstanding the revisions of such provisions. No offense committed and no penalty or forfeiture incurred, under any of the ordinances, resolutions, rules and regulations revised by this Ordinance and before the time when such revisions shall take effect shall be affected by such revisions.

No action or prosecution, pending the effective date of the revisions provided in this Ordinance, for any offense committed or for the recovery of any penalty or forfeiture incurred under any of the ordinances, resolutions, rules and regulations revised herein shall be abated or affected by such revisions, except that the proceedings in such action or prosecution shall conform with this Ordinance if applicable.

The provisions in this Ordinance shall not be construed to abolish or impair existing remedies available to New Castle County or its officers or agencies relating to the remediation of any dangerous, unsafe, or unsanitary condition.

Section 6. Severability. It is hereby declared to be the intention of the County Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance. If any provision of this Ordinance is found to be unconstitutional or void, the applicable former ordinance provisions shall become effective and shall be considered as continuations thereof and not as new enactments regardless if severability is possible.

Section 7. Other laws. The provisions of this Ordinance shall not be deemed to nullify any provisions of local, state, or federal law except as stated above.

Adopted by County Council of
New Castle County on:

_____
Karen Hartly-Nagle
President of County Council
of New Castle County

Approved on:

_____

Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance allows for lots to be maintained using alternatives to turfgrass that will act as robust forage areas for pollinators, rain gardens to sequester and filter rainwater, and habitat for wildlife using native plants, trees, and cultivars from the approved plant lists.

Substitute No. 1. The following changes are including in Substitute No. 1:

Section PM 302.4.9.1.1. This amendment clarifies that this ordinance does not impact the rules and regulations set by home-owners associations, maintenance corporations, or other such organizations that have legal limitations on pollinator gardens and rain gardens.

Section PM 302.4.9.1.1.b This amendment clarifies all plants in a pollinator garden or rain garden be selected from the native plant lists maintained by the Delaware Department of Natural Resources and Environmental Control, and the Delaware Department of Agriculture.

FISCAL NOTE: There is no discernible fiscal impact.

Prime Sponsor(s): Ms. George, Ms. Durham
Co-sponsor(s): Mr. Cartier
Date of introduction: March 26, 2024

ORDINANCE NO. 24-035

AMEND *NEW CASTLE COUNTY CODE* CHAPTER 7 ("PROPERTY MAINTENANCE CODE")

WHEREAS, New Castle County recognizes the balance between property owners' interest in having managed turfgrass landscapes and the need to create policies to encourage the preservation, restoration, and management of native plant communities and wildlife habitats that include habitats that promote the health of pollinators within the County; and

WHEREAS, a variety of landscapes adds to the biodiversity and richness to the quality of life in New Castle County; and

WHEREAS, allowing property owners to plant and maintain pollinator gardens with native plants and pollinator habitats can prevent the introduction of toxic pesticides, herbicides, fertilizers, and other pollutants into the environment; and

WHEREAS, pollinator gardens and rain gardens are landscaping techniques that conserve water, lower maintenance costs, provide pollution prevention, and create habitat for wildlife and pollinators and enhance our natural ecosystem; and

WHEREAS, pollinator gardens and rain gardens include flora and other features that tend to attract and sustain wildlife and pollinators; are designed to attract native fauna; use natural biological principles to return rainwater to the soil; and to filter rainwater of excess nutrients, reducing or eliminating the need for supplemental water from irrigation; and

WHEREAS, pollinators, including bees, butterflies and other insects, hummingbirds, and other birds, are essential to the pollination of countless plants and trees; and

WHEREAS, lawns and gardens consisting of native plant species provide high-quality forage for pollinators; and

WHEREAS, creating a sustainable home for pollinators directly impacts our County's ability to grow crops such as: strawberries, peaches, asparagus, and tomatoes; and

WHEREAS, New Castle County Council finds that the provisions of this Ordinance are rationally and reasonably related to and substantially advance its goal of protecting and preserving legitimate government interests, including the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life of New Castle County and its residents;

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Rain garden means a type of planted area created to mimic a natural water retention area and is planted with a diversity of woody or herbaceous Vegetation, to which stormwater is directed to promote infiltration or evapotranspiration.

Garden edging means a durable material that creates a distinct separation from the adjacent surface.

Section PM 302.4.9.1.3. *Setbacks*. Pollinator gardens and rain gardens must comply with the following setbacks:

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c. Rear yard: three (3) feet

d. Side yard: three (3) feet

e. Corner lots: pollinator gardens and rain gardens cannot be within twenty-five (25) feet of the property lines on corner lots so as not to obstruct the visibility of pedestrian or vehicular traffic.

f. Measurement of the setback for pollinator gardens shall be to the edging material.

Section PM302.4.9.1.4. Size.

a. Street yard and rear yard requirements.

1. Pollinator gardens and rain gardens shall be no more than twenty-five percent (25%) of the area of the street yard of the principal building.

2. Pollinator gardens and rain gardens shall be no more than fifty percent (50%) of the area of the rear yard.

Exception: Pollinator gardens and rain gardens may exceed the above percentages if it is certified by the Delaware Nature Society as a pollinator benefiting garden or landscape. Setbacks and garden edging as defined in this section are required.

b. Side yard requirements. Pollinator gardens and rain gardens are not permitted in the side yards.

Exception: Pollinator gardens and rain gardens may be permitted up to twenty-five percent (25%) of the area of the side yard if it is certified by the Delaware Nature Society as a pollinator benefiting garden or landscape. Setbacks and garden edging as defined in this section are required.

Section PM 302.4.9.1.5. Garden Edging.

a. Pollinator gardens are required to be delineated by edging.

b. Edging materials may include, but are not limited to: pavers, bricks, fencing, flexible strips, natural materials such as logs or stone.

Section PM 302.4.9.1.6. Maintenance.

a. Rain gardens must be free of standing water seventy-two (72) hours after a rain event.

e. Turf grass in excess of eight (8) inches does not constitute a pollinator garden.

f. Pollinator gardens and rain gardens shall not constitute a hazard to the public or surrounding parcels or cause injury or damage to persons or adjacent parcels, or harbor pests and rodents.

g. Notwithstanding any other section of this *Code*, permissible plant species located within pollinator gardens or rain gardens may grow in excess of eight (8) inches in height. Invasive plants, including noxious weeds, are not permitted.

h. Areas surrounding pollinator gardens or rain gardens must be maintained and cared for consistent with all other limitations under this *Code*, including Section PM 302.4.

Section 2. Inconsistent ordinances and resolutions repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed upon the effective date of this Ordinance.

Section 3. Effective date of the provisions of the Ordinance. This Ordinance shall become effective immediately upon adoption by New Castle County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Section 4. Continuation of existing ordinances and resolutions. The sections appearing in this Ordinance, so far as they are in substance the same as those ordinances and resolutions adopted and included in the *New Castle County Code*, shall be considered as continuations thereof and not as new enactments.

Section 5. Continuation of existing institutions, rights, and liabilities. The revisions of prior ordinances, resolutions, rules and regulations, provided for in this Ordinance, shall not affect any act done, or any cause of action accruing or accrued or established, or any suit or proceeding had or commenced in any civil action, nor any plea, defense, bar or matter existing before the time when such revisions shall take effect; but the proceedings in every such case shall conform with this ordinance to the extent applicable.

All the provisions of ordinances, resolutions, rules and regulations revised by this Ordinance shall be deemed to have remained in force from the time when they began to take effect, so far as they may apply to any department, agency, office or trust, or of any transaction or event of any limitation or any right or obligation or the construction of any contract already affected by such ordinances, resolutions, rules and regulations, notwithstanding the revisions of such provisions. No offense committed and no penalty or forfeiture incurred, under any of the ordinances, resolutions, rules and regulations revised by this Ordinance and before the time when such revisions shall take effect shall be affected by such revisions.

No action or prosecution, pending the effective date of the revisions provided in this Ordinance, for any offense committed or for the recovery of any penalty or forfeiture incurred under any of the ordinances, resolutions, rules and regulations revised herein shall be abated or affected by such revisions, except that the proceedings in such action or prosecution shall conform with this Ordinance if applicable.

The provisions in this Ordinance shall not be construed to abolish or impair existing remedies available to New Castle County or its officers or agencies relating to the remediation of any dangerous, unsafe, or unsanitary condition.

Section 6. Severability. It is hereby declared to be the intention of the County Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance. If any provision of this Ordinance is found to be unconstitutional or void, the applicable former ordinance provisions shall become effective and shall be considered as continuations thereof and not as new enactments regardless if severability is possible.

Section 7. Other laws. The provisions of this Ordinance shall not be deemed to nullify any provisions of local, state, or federal law except as stated above.

Adopted by County Council of
New Castle County on:

_____
Karen Hartly-Nagle
President of County Council
of New Castle County

Approved on:

_____
Matthew Meyer
County Executive
New Castle County

SYNOPSIS: This Ordinance allows for lots to be maintained using alternatives to turfgrass that will act as robust forage areas for pollinators, rain gardens to sequester and filter rainwater, and habitat for wildlife using native plants, trees, and cultivars from the approved plant lists.

FISCAL NOTE: There is no discernible fiscal impact.

Prime Sponsor(s): Mr. Cartier, Mr. Smiley
Requested by: Administration
Date of introduction: March 26, 2024

ORDINANCE NO. 24-036

AMEND *NEW CASTLE COUNTY CODE*, CHAPTER 2 AND CHAPTER 26, BY REALLOCATING THE ADMINISTRATION OF THE PENSION AND RETIREMENT SYSTEM FROM THE OFFICE OF HUMAN RESOURCES TO THE OFFICE OF FINANCE WITHIN THE DEPARTMENT OF ADMINISTRATION

WHEREAS, the County has determined that it is in the best interest of the County that the Pension Section be relocated from the Office of Human Resources to the Office of Finance; and

WHEREAS, as part of the relocation of the Pension Section, the direct supervision of the Pension Section and its employees will transfer from the Chief Human Resources Officer to the Chief Finance Officer; and

WHEREAS, *New Castle County Code* Chapter 2 ("Administration), Article 5 ("Departments and Offices"), Sections 2.05.503 ("Office of Finance"), and 2.05.506 ("Employees Retirement System Board of Trustees – Officers and their duties"), and *New Castle County Code* Chapter 26 ("Human Resources"), Article 1 ("In General"), Section 26.01.006 ("Duties of the Chief Human Resources Officer") must be amended to delineate this change in supervision, and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

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

Section 1. *New Castle County Code* Chapter 26 ("Human Resources"), Article 1 ("In General"), Section 26.01.006 ("Duties of the Chief Human Resources Officer"), is hereby amended by deleting the material that is bracketed and stricken, as set forth below:

<u>Sec. 26.01.006. - Duties of Chief Human Resources Officer.</u>

The Chief Human Resources Officer, as Executive Manager of the Human Resources Office, shall be responsible for the proper conduct of all administrative affairs of the Office and for the execution and maintenance of the County human resources program. The Chief Human Resources Officer shall:

A. Encourage and exercise leadership in the development of effective human resources administration within County departments;
B. Provide leadership in negotiations and other proceedings involving labor-management relations;
C. Recommend revisions to the merit system rules and regulations to the Human Resources Advisory Board for approval;
D. Foster and develop, in cooperation with department managers and others, programs for the improvement of employee effectiveness;
E. Make an annual report regarding the work of the Office and prepare and adopt such forms, reports and procedures as he or she may consider necessary and desirable to carry out the purposes and provisions of this Chapter;
F. Select such employees and assistants as may be necessary to carry out this Chapter within limitations of the annual budget and merit system rules and regulations~~;~~.
~~G. [Administer the pension and retirement system of the County under the terms of Article 4 of this Chapter.]~~

Section 2. *New Castle County Code* Chapter 2 ("Administration"), Article 5 ("Departments and Offices"), Section 2.05.503 ("Office of Finance"), is hereby amended by adding the material that is underscored, as set forth below:

Sec. 2.05.503. - Office of Finance.

The Office of Finance, managed by the Chief Financial Officer, who shall be qualified for the position by education, training, and experience, may perform the following functions:

A. Prepare tax rolls and bills, including those required by any municipality, school district, or special district lying within or partially within the County if so authorized by law or such districts;
B. Collect all taxes, license and permit fees, and other moneys that may be due to or receivable by the County, or any of its offices, department, or boards, provided that the Chief Financial Officer may, by rule, authorize the receipt of moneys directly by offices, departments, or boards, or may assign employees of departments to make such collections;
C. Collect, when directed or authorized by law, all taxes, license and permit fees, and other moneys that may be receivable by the State, or by any public office, department, or board not subject to the provisions of this Code;
D. Institute proceedings for the sale of taxable property upon which taxes are not paid within the period prescribed by law;
E. Issue appropriate bills, assist in the issuance and servicing of indebtedness in connection with assessable improvements, and be responsible for the collection, custody, and payment of all moneys in connection therewith;
F. Issue receipts for moneys collected by the Office;
G. Maintain the treasury of the County, and deposit the moneys belonging thereto or in the custody thereof in any depository bank, to the credit of the County;

H. Designate, with the approval of County Council, the bank or banks to be used as County depositories and require them to fulfill all conditions prescribed by law or ordinance;
I. Invest funds deemed by the Chief Financial Officer available for temporary investment in such obligations or in such manner as the County Executive may authorize;
J. Assist in the issuance of all general and special bonds or other evidence of indebtedness of the County and service such debt in accordance with law and terms of indentures relating thereto;
K. Make disbursements and payments of claims that it finds to be in correct amount, and justly due, and in accordance with prior authorizations adopted under the terms of the title or other State law;
L. Prepare payrolls and supervise the preparation of related documents;
M. Prepare and issue all checks;
N. Keep accurate and complete accounts of all receipts and disbursements;
O. Provide information pertaining to the financial affairs of the County;
P. Perform such other functions as may be required of the Chief Financial Officer by this title, or other State law, or which may be assigned in writing by the County Executive~~.~~;
Q. Administer the pension and retirement system of the County under the terms of Article 4 of Chapter 26, including overseeing and supervising the Pension Section staff.

Section 3. *New Castle County Code* Chapter 2 ("Administration"), Article 5 ("Departments and Offices"), Section 2.05.506 ("Employees Retirement System Board of Trustees – Officers and their duties"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 2.05.506. Employees Retirement System Board of Trustees—Officers and their duties.

The Employees' Retirement System Board of Trustees shall have the following officers whose duties shall be prescribed by bylaws to be adopted by the Board as part of its rules and regulations:

A. A Chairperson shall be appointed as provided in Subsection 2.05.505.A.4.d and a Vice-chairperson shall be elected from its members.
B. The Administrative Manager of the pension program shall be the Chief [~~Human Resources~~] Financial Officer.
C. The Chief Financial Officer shall be Treasurer of the program and shall have custody of its monies and securities. All expenditures by the program shall be made by the Treasurer upon authorization of the Board. Nothing in this Subsection shall be construed to prohibit the Board from entering into an agency agreement which requires the agent to adhere to the investment policy set by the Board; to report to the Board any order to sell or purchase any security, investment or other property of the fund; and to deliver to the Board any property of the fund held by it without prior notice when instructed to do so.

D. The County Attorney shall be Legal Counsel to the Board and shall represent the Board in all litigation affecting the program.

E. An Actuary shall be appointed to serve as technical advisor in the administration of the system on matters pertaining to the technical and actuarial aspects thereof.

Section 4. This ordinance shall become effective immediately upon its adoption by County Council and approval by 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: This Ordinance, if approved, amends Chapter 2 and Chapter 26 of the New Castle County Code for the purpose of realigning the responsibilities of the Office of Human Resources and the Office of Finance regarding the Pension Section. Specifically, the Chief Financial Officer, instead of the Chief Human Resources Officer, shall be the individual tasked with administering the County's employees' pension and retirement system, and will oversee and supervise the Pension Section staff.

FISCAL NOTE: This Ordinance, if approved, has no discernible fiscal impact.

NEW CASTLE COUNTY
MINUTES OF HUMAN RESOURCES ADVISORY BOARD MEETING

March 7, 2024

Board Members Present:
Valencia L. Brown, Esq., Chair
Nakishia Williams Bailey, Member

Board Members Absent:
None

Others Present:
Jacqueline Jenkins – Office of Human Resources
Candy Boayue – Office of Human Resources
Karen Brown – Office of Human Resources
Leonette Davis-Collins – Office of Human Resources
April Martin – Office of Human Resources
Maya Matthews – Office of Human Resources
Carol Meadows - Office of Human Resources
Patricia Purnell – Office of Human Resources
Kathleen Raduszewski – Office of Human Resources
Patricia Rothman – Office of Human Resources
Maria Knoll – Office of Law
Judith Mitchell – Office of Law
Joanna Finnigan – Office of Finance
LaTonya Frieson-Jones – Office of Finance
Dawn Morrison – Office of Finance
Michael Hojnicki – Purchasing Department
Frank Penta – Purchasing Department

The meeting was held on Thursday, March 7, 2024, in-person and by Teams video and audio conference, in the Managers Room, New Castle County Government Center, 87 Reads Way, New Castle, Delaware. Board Chair Valencia Brown called the meeting to order at 8:55 a.m. Dr. Brown introduced herself and asked those present in the room and on the call to introduce themselves.

Dr. Brown then read the first Agenda item (listed below).

1. Approval of Meeting Minutes from February 1, 2024

Board Member Nakishia Williams Bailey made a motion to approve the February 1, 2024 minutes as presented. Board Chair Valencia Brown seconded the motion. All board members voted in favor of the motion. The motion passed.

Dr. Brown read the next Agenda item.

2. Approval of 2023 Annual Report

Board Member Nakishia Williams Bailey made a motion to approve the 2023 Annual Report as presented. Board Chair Valencia Brown seconded the motion. All board members voted in favor of the motion. The motion passed.

Dr. Brown read the next Agenda item.

3. Recommendation of revised class specification for Assistant Procurement Agent (Pay Plan and Rates of Pay for Employees Represented by AFSCME Local 1607) from Pay Grade 20 ($40,411 to $62,694 per year) to Pay Grade 21 ($42,432 to $65,828)

Michael Hojnicki, Chief of Technology and Administrative Services thanked the Board for the opportunity to present the updates to this job specification. He explained that the position was entry level in the Office of Procurement and would be a chance for individuals to learn about the operation and have the opportunity for future growth in another position. They updated this job specification based on its vacancy and looked at how it compared to others in the offices. There were some inconsistencies corrected, such as supervising office staff that work with the team and projects. The lower pay grade office assistant position lists "supervising office staff" so they added that item to the job class. In addition, they were looking at new ways of registering vendors and providing more assistance. There is a new focus on improving their supplier diversity to work with the small business enterprise coordinator. This position specifically would work with that team to register vendors, register NCC, answer questions about the registration process, and work on some annual bids as part of the learning path. Based on job changes and responsibility, Mr. Hojnicki asked the Board for approval to increase the paygrade from 20 to 21, in order to post this class spec and start another person in their career.

Dr. Brown had some minor cosmetic changes to the class specification in regard to preventing job seekers from thinking they must have a certain skill set (MUNIS); and substituting another word for "straightforward" in the Examples of Work: "manages straightforward annual bid contracts".

Board Member Nakishia Williams Bailey made a motion to approve the recommendation of revised class specification for Assistant Procurement Agent for the pay plan and rates as written on the Agenda from Pay Grade 20 to Pay Grade 21.

Board Chair Valencia Brown seconded the motion. All board members voted in favor of the motion. The motion passed.

The Chair thanked Mr. Hojnicki for the presentation and for recognizing the need to revise this class specification.

Board Member Nakishia Williams Bailey made a motion to adjourn the meeting at 9:05 am. An audio recording of this meeting is on file with the Office of Human Resources.

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: March 26, 2024

ORDINANCE NO. 24-037

**AMEND THE GRANTS BUDGET:
APPROPRIATE $137,650.40 IN ACTUAL PROGRAM INCOME AND $100,000.00 IN ANTICIPATED PROGRAM INCOME TO THE SUMMER RECREATION CAMPS GRANT**

WHEREAS, the Summer Recreation Camp Program provides low- and moderate-income children with the opportunity to attend a summer camp program; and

WHEREAS, one-third of campers receive financial aid from Federal and County funds; and

WHEREAS, the County Executive anticipates that funds from actual and anticipated program income will be sufficient to fund the Grants Budget hereinafter amended; and

WHEREAS, the revenue measures heretofore adopted by the County Council are, in the opinion of the County Executive, estimated to yield sums at least sufficient to balance the proposed expenditures as set forth in the Annual Operating Budget as hereinafter amended.

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

Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended by deleting the material bracketed and stricken and by adding the material underscored on the attached Exhibit "A."

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by 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
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate $137,650.40 in actual program income and $100,000.00 in anticipated program income to the Summer Recreation Camps Grant which is administered by the Department of Community Services, Division of Community Resources.

FISCAL NOTE: The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget by $237,650.40. FY2023 funding was authorized in the amount $64,800 in New Castle County funding and $188,803.66 in actual and anticipated program income. This increase will affect FY2024 and beyond since this is a continuous program. The Department will be utilizing the current program income balance of $137,650.40 and anticipates receiving an additional $100,000.00.

DEPARTMENT: Community Services **EXHIBIT:** "A"

GRANT TITLE: Summer Recreation Camps **Ordinance No.** 24-037

PROGRAM TITLE: Summer Recreation Camps

Revenue	Current	Change	Revised
Federal	$ 7,079.00	$ -	$ 7,079.00
State	$ -	$ -	$ -
County	$ 194,400.00	$ -	$ 194,400.00
Program Income	~~$ 572,461.59~~	$ 237,650.40	$ 810,111.99
Other	$ 7,550.00	$ -	$ 7,550.00
Total	~~$ 781,490.59~~	$ 237,650.40	$ 1,019,140.99

Expense	Current	Change	Revised
Salaries and Wages	~~$ 495,931.08~~	$ 167,920.28	$ 663,851.36
Benefits	~~$ 49,662.86~~	$ 14,954.98	$ 64,617.84
Training/Civic Affairs	~~$ 1,690.00~~	$ 400.00	$ 2,090.00
Communication/Utilities	~~$ 8,369.11~~	$ 3,600.00	$ 11,969.11
Materials/Supplies	~~$ 68,667.28~~	$ 7,000.00	$ 75,667.28
Contractual Services	~~$ 145,708.88~~	$ 43,775.14	$ 189,484.02
Equipment	$ 1,665.02	$ -	$ 1,665.02
Grants/Fixed Charges	$ -	$ -	$ -
Land and Structures	$ -	$ -	$ -
Contingency	$ -	$ -	$ -
Operating Transfer Charges	$ 9,796.36	$ -	$ 9,796.36
Operating Transfer Credits	$ -	$ -	$ -
Total	~~$ 781,490.59~~	$ 237,650.40	$ 1,019,140.99

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 7/1/2005

Estimated Program Completion: ongoing

The Local Match: **Found in (ORG):**

Ordinance Passed/Date Revised:

05-049	May 2005	12-114	November 2012
05-135	December 2005	13-094	December 2013
06-049	April 2006	14-121	November 2014
07-045	April 2007	16-131	November 2016
08-042	April 2008	18-047	May 2018
09-033	April 2009	19-031	March 2019
09-097	October 2009	20-025	April 2020
10-077	July 2010	21-058	April 2021
10-104	October 2010	22-049	April 2022
11-112	December 2011	23-044	April 2023

PROGRAM DESCRIPTION:

The New Castle County Summer Recreation Camps Grant will serve children in New Castle County from June through September 2024.

Prime Sponsor(s): Ms. Hartley-Nagle
Requested by: Administration/HR
Date of introduction: March 26, 2024

ORDINANCE NO. 24-038

AMEND THE PAY PLAN AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607 FOR THE CLASS SPECIFICATION OF ASSISTANT PROCUREMENT AGENT FOR THE DEPARTMENT OF ADMINISTRATION, DIVISION OF TECHNOLOGY AND ADMINISTRATIVE SERVICES

WHEREAS, the Department of Administration, Division of Technology and Administrative Services has determined the class specification for Assistant Procurement Agent needs to be updated to reflect the work currently being performed; and

WHEREAS, it is recommended that the Pay Grade for the class specification Assistant Procurement Agent be changed from Pay Grade 20 to Pay Grade 21; and

WHEREAS, the Human Resources Advisory Board at its meeting on March 7, 2024, reviewed the revisions to the class specification for Assistant Procurement Agent and recommended the change from Pay Grade 20 to Pay Grade 21 on the Pay Plan and Rates of Pay for Classified Service Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607; and

WHEREAS, the Chief Human Resources Officer concurs with the recommendation of the Human Resources Advisory Board.

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

Section 1. The Pay Plan and Rates of Pay for Classified Service Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607, effective July 1, 2022, is hereby amended by adding the material that is underscored and deleting the material that is stricken as set forth in Exhibit “A.”

Section 2. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156.

Section 3. It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to December 21, 2023.

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
New Castle County

SYNOPSIS: This Ordinance, if approved, changes the Pay Grade for the position title of Assistant Procurement Agent from Pay Grade 20 to Pay Grade 21 on the Pay Plan and Rates of Pay for Classified Service Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607, as recommended by the Human Resources Advisory Board.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to December 21, 2023.

FISCAL IMPACT: This Ordinance, if approved, changes the Pay Grade for the position title of Assistant Procurement Agent from Pay Grade 20 to Pay Grade 21 on the Pay Plan and Rates of Pay for Classified Service Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607, as recommended by the Human Resources Advisory Board.

There is currently one vacant position with the title of Assistant Procurement Agent. There will be no discernible fiscal impact upon the adoption of this Ordinance.

EXHIBIT A
PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
CLERK	12	27,354	28,721	30,157	31,664	33,245	34,908	36,654	38,486	40,411	42,432
SURVEYOR ASSISTANT	12										
ADMINISTRATIVE SERVICES TECHNICIAN	14	30,157	31,664	33,245	34,908	36,654	38,486	40,411	42,432	44,553	46,780
AUTOMOTIVE PARTS CLERK	14										
CLERK TYPIST	14										
COMPUTER OPERATOR I	14										
JUNIOR ADMINISTRATIVE AIDE	14										
KEY OPERATOR	14										
MICROFILM TECHNICIAN	14										
PUBLIC SAFETY AIDE	14										
ACCOUNT CLERK I	15	31,664	33,245	34,908	36,654	38,486	40,411	42,432	44,553	46,780	49,121
CUSTOMER SERVICES COORDINATOR	15										
DRAFTING TECHNICIAN I	15										
INTERLIBRARY LOAN ASSISTANT	15										
LIBRARY ASSISTANT	15										
COMPUTER OPERATOR II	16	33,245	34,908	36,654	38,486	40,411	42,432	44,553	46,780	49,121	51,578
SURVEY INSTRUMENT OPERATOR	16										
ACCOUNT CLERK II	17	34,908	36,654	38,486	40,411	42,432	44,553	46,780	49,121	51,578	54,157
COURT CLERK	17										
DEPUTY I	17										
PRINCIPAL LIBRARY ASSISTANT	17										
SECRETARY	17										
STOREKEEPER	17										
PUBLIC WORKS DATA TECHNICIAN	17										
DISPATCHER	18	36,654	38,486	40,411	42,432	44,553	46,780	49,121	51,578	54,157	56,864
GRAPHIC ARTS DESIGNER	18										
MAINTENANCE PROGRAM TECHNICIAN	18										
RADIO COMMUNICATOR	18										
SANITARY MAINTENANCE TECHNICIAN	18										
TREASURY CUSTOMER SERVICE REPRESENTATIVE	18										
ACCOUNT CLERK III	19	38,486	40,411	42,432	44,553	46,780	49,121	51,578	54,157	56,864	59,707
ADMINISTRATIVE AIDE	19										
ASSESSMENT TECHNICIAN	19										
ASSESSOR I	19										
BUDGET OFFICE ASSISTANT	19										
LIBRARY SPECIALIST	19										
PARTY CHIEF	19										
PERMIT PROCESS TECHNICIAN	19										
~~ASSISTANT PROCUREMENT AGENT~~	~~20~~	40,411	42,432	44,553	46,780	49,121	51,578	54,157	56,864	59,707	62,694
BUILDING AND SITE INSPECTOR	20										
CERTIFIED ASSESSOR I	20										
COMMUNITY DEVELOPMENT HOUSING INSPECTOR	20										
CUSTOMER INFORMATION & ASSISTANCE SPECIALIST	20										
CUSTOMER SERVICE AND INFORMATION TECHNICIAN	20										
DELINQUENT ACCOUNT COLLECTOR	20										
DEPUTY II	20										
DRAFTING TECHNICIAN II	20										
GRAPHIC ARTS DESIGNER II	20										
HOUSING PROGRAM ASSISTANT	20										
MAINTENANCE OFFICE ADMINISTRATOR	20										
PAYROLL ASSISTANT I	20										
PLAN EXAMINER	20										
PUBLIC WORKS INSPECTOR	20										
SANITARY SEWER INFORMATION SPECIALIST	20										
SENIOR OFFICE ASSISTANT	20										
SENIOR SANITARY MAINTENANCE TECHNICIAN	20										
VICTIM'S ASSISTANCE OFFICER	20										

EXHIBIT A
PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10
ASSISTANT PROCUREMENT AGENT	21	42,432	44,553	46,780	49,121	51,578	54,157	56,864	59,707	62,694	65,828
CERTIFIED PERMIT PROCESS TECHNICIAN	21										
CODE ENFORCEMENT OFFICER	21										
CONSTRUCTION INSPECTOR	21										
DRAFTING TECHNICIAN III	21										
ENVIRONMENTAL ANALYST	21										
PLUMBING AND MECHANICAL CODE SUPERVISOR	21										
RIGHT-OF-WAY AGENT	21										
ACCOUNTANT I	22	44,553	46,780	49,121	51,578	54,157	56,864	59,707	62,694	65,828	69,122
ASSESSOR II	22										
GEOGRAPHIC INFORMATION SYSTEMS TECHNICIAN	22										
HOUSING REHABILITATION SPECIALIST I	22										
OPERATIONS SPECIALIST	22										
SCHOOL CROSSING GUARD SUPERVISOR	22										
ACCOUNTING OPERATIONS ASSISTANT	23	46,780	49,121	51,578	54,157	56,864	59,707	62,694	65,828	69,122	72,577
CENTRAL RECEIVING SUPERVISOR	23										
CENTRAL SERVICES TECHNICIAN	23										
CERTIFIED ASSESSOR II	23										
CERTIFIED BUILDING AND SITE INSPECTOR	23										
CERTIFIED PLAN EXAMINER	23										
CERTIFIED PLUMBING & MECHANICAL PLAN EXAMINER	23										
CERTIFIED PROPERTY MAINTENANCE & HOUSING INSPECT	23										
COMPLAINTS SPECIALIST	23										
CONSTRUCTION INSPECTION SUPERVISOR	23										
EQUESTRIAN PROGRAM COORDINATOR	23										
HOUSING REHABILITATION SPECIALIST II	23										
SURVEY PARTIES SUPERVISOR	23										
TREASURY ASSOCIATE	23										
CHIEF RIGHT-OF-WAY AGENT	24	49,121	51,578	54,157	56,864	59,707	62,694	65,828	69,122	72,577	76,206
CUSTOMER SERVICES SPECIALIST	24										
GEOGRAPHIC INFORMATION SYSTEMS SPECIALIST	24										
PUBLIC WORKS CONTRACTS OFFICER	24										
SITE INSPECTIONS SUPERVISOR	24										
STAFF ENGINEER	24										
ACCOUNTANT II	25	51,578	54,157	56,864	59,707	62,694	65,828	69,122	72,577	76,206	80,015
CHIEF CONSTRUCTION INSPECTOR	25										
CHIEF FIELD SUPERVISOR	25										
EQUESTRIAN PROGRAM SUPERVISOR	25										
PROCUREMENT AGENT	25										
SUPERINTENDENT OF WASTEWATER TREATMENT	25										
CIVIL ENGINEER I	26	54,157	56,864	59,707	62,694	65,828	69,122	72,577	76,206	80,015	84,017
DRAFTING AND DESIGN SUPERVISOR	26										
ENVIRONMENTAL PROGRAM MANAGER I	26										
GEOGRAPHIC INFORMATION SYSTEMS ANALYST	26										
PAYROLL ASSISTANT II	26										
PROGRAMMER ANALYST	26										
ARCHITECT	28	59,707	62,694	65,828	69,122	72,577	76,206	80,015	84,017	88,217	92,627
CIVIL ENGINEER II	28										
ENVIRONMENTAL PROGRAM MANAGER II	28										
SENIOR PROCUREMENT AGENT	28										
SEWER MANAGEMENT ENGINEER	28										
SENIOR APPLICATION ENGINEER	28										
CHIEF OF FACILITY MAINTENANCE	30	65,828	69,122	72,577	76,206	80,015	84,017	88,217	92,627	97,260	102,125
CHIEF OF PROJECT MANAGEMENT	30										
CIVIL ENGINEER III	30										
ENVIRONMENTAL PROGRAM MANAGER III	30										
PUBLIC WORKS PROJECT ADMINISTRATOR	30										
CHIEF OF DRAINAGE OPERATIONS	32	72,577	76,206	80,015	84,017	88,217	92,627	97,260	102,125	107,231	112,592
CHIEF OF SITE MANAGEMENT	32										

Effective: 07/01/2022 (Ordinance 20-072)
Revised: 03/16/2021 (Ordinance 21-016)
Revised: 07/25/2022 (Ordinance 22-093)
Revised: 05/09/2023 (Ordinance 23-047)
Revised: 06/16/2023 (Ordinance 23-057)
Revised: 09/06/2023 (Ordinance 23-096)
Revised: 09/06/2023 (Ordinance 23-098)
Revised: xx/xx/xxxx (Ordinance xx-xxx)

Prime Sponsor(s): Mr. Smiley, Mr. Cartier, Mr. Bell, Ms. Hartley-Nagle
Requested by: Councilman Bell
Date of introduction: March 26, 2024

ORDINANCE NO. 24-039

AMEND THE FY2024 APPROVED OPERATING BUDGET: APPROPRIATE $299,595 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF PUBLIC SAFETY, GRANTS TO FIRE COMPANIES GRANTS AND FIXED CHARGES BUDGET LINE ITEM

WHEREAS, New Castle County wishes to increase the Department of Public Safety in the amount of $299,595 which represents a 5.69% increase to Fire Company Grants and $30,000 for county-wide Special Operations; and

WHEREAS, the revenue measures heretofore adopted by the County Council, are, in the opinion of the County Executive, estimated to yield sums at least sufficient to balance the proposed expenditures as set forth in the Approved Annual Operating Budget as hereinafter amended.

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

Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2023, is hereby amended by deleting the material stricken and adding the material underscored on the attached “Exhibit A.”

Section 2. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 2023, and shall be effective retroactively as though incorporated initially in the Annual Operating Budget.

Section 3. This Ordinance shall become effective immediately upon its adoption by County Council and approval by 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
New Castle County

SYNOPSIS: This Ordinance, if approved, amends the FY2024 Approved Operating Budget by appropriating $299,595 from the General Fund Tax Stabilization Reserve Account to the Department of Public Safety, Grants to Fire Companies Grants and Fixed Charges Budget Line Item.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2024 Approved Operating Budget by appropriating $299,595 from the General Fund Tax Stabilization Reserve Account to the Department of Public Safety, Grants to Fire Companies Grants and Fixed Charges Budget Line Item.

The revised FY2024 Approved Operating Budget will be $333,592,953. The General Fund Tax Stabilization Reserve balance (unaudited) upon passage of this Ordinance will be $72,059,107.

COUNTY COUNCIL			
Salaries and Wages		$	2,428,665
Benefits			1,428,590
Training and Civic Affairs			75,776
Communication and Utilities			17,849
Materials and Supplies			61,756
Contractual Services			253,148
Equipment			1,600
Grants and Fixed Charges			415,880
Operating Transfer Charges			161,959
Total		***$***	***4,845,223***
Total Authorized Full-Time Positions	***35***		
COUNTY EXECUTIVE			
Salaries and Wages		$	1,777,524
Benefits			1,045,578
Training and Civic Affairs			31,904
Communication and Utilities			18,198
Materials and Supplies			19,736
Contractual Services			526,540
Equipment			1,000
Grants and Fixed Charges			1,140,525
Contingency			9,500
Operating Transfer Charges			82,016
Total		***$***	***4,652,521***
Total Authorized Full-Time Positions	***16***		
DEPARTMENT OF ADMINISTRATION			
Salaries and Wages		$	12,203,612
Benefits			8,338,475
Training and Civic Affairs			130,625
Communication and Utilities			8,309,564
Materials and Supplies			154,247
Contractual Services			6,848,812
Equipment			387,056
Grants and Fixed Charges			3,925,350
Operating Transfer Charges			1,163,161
Operating Transfer Credits			(12,098,321)
Total		***$***	***27,389,598***
Total Authorized Full-Time Positions	***172***		

DEPARTMENT OF PUBLIC WORKS		
Salaries and Wages	$	24,597,539
Benefits		14,348,323
Training and Civic Affairs		48,427
Communication and Utilities		24,790,006
Materials and Supplies		4,971,010
Contractual Services		10,542,075
Equipment		475,133
Grants and Fixed Charges		1,193,757
Land and Structures		35,000
Operating Transfer Charges		4,845,206
Operating Transfer Credits		(7,438,785)
Total	***$***	***78,407,691***
Total Authorized Full-Time Positions 384		

DEPARTMENT OF LAND USE		
Salaries and Wages	$	8,375,178
Benefits		4,899,879
Training and Civic Affairs		68,665
Communication and Utilities		111,337
Materials and Supplies		112,807
Contractual Services		1,573,983
Equipment		61,175
Grants and Fixed Charges		56,500
Operating Transfer Charges		1,136,835
Operating Transfer Credits		(803,217)
Total	***$***	***15,593,142***
Total Authorized Full-Time Positions 118		

DEPARTMENT OF COMMUNITY SERVICES		
Salaries and Wages	$	11,772,687
Benefits		5,320,582
Training and Civic Affairs		27,392
Communication and Utilities		1,012,976
Materials and Supplies		1,398,563
Contractual Services		2,283,206
Equipment		24,317
Grants and Fixed Charges		3,110,149
Operating Transfer Charges		1,232,337
Operating Transfer Credits		(190,829)
Total	***$***	***25,991,380***
Total Authorized Full-Time Positions 160		

DEPARTMENT OF PUBLIC SAFETY			
Salaries and Wages			$ 67,203,955
Benefits			39,141,888
Training and Civic Affairs			178,869
Communication and Utilities			1,032,202
Materials and Supplies			1,020,497
Contractual Services			2,194,206
Equipment			1,471,072
Grants and Fixed Charges		~~6,492,175~~	6,791,770
Operating Transfer Charges			7,298,634
Total		***~~126,033,498~~***	***$ 126,333,093***
Total Authorized Full-Time Positions	***711***		
REGISTER OF WILLS			
Salaries and Wages			$ 1,111,172
Benefits			634,647
Training and Civic Affairs			35,275
Communication and Utilities			12,374
Materials and Supplies			9,925
Contractual Services			61,175
Equipment			4,143
Operating Transfer Charges			85,180
Total			***$ 1,953,891***
Total Authorized Full-Time Positions	***20***		

RECORDER OF DEEDS			
Salaries and Wages		$	1,232,844
Benefits			712,707
Training and Civic Affairs			40,170
Communication and Utilities			30,977
Materials and Supplies			9,315
Contractual Services			93,801
Equipment			1,150
Grants and Fixed Charges			18,350
Operating Transfer Charges			148,002
Total		$	***2,287,316***
Total Authorized Full-Time Positions	***23***		

SHERIFF			
Salaries and Wages		$	1,260,692
Benefits			737,678
Training and Civic Affairs			29,452
Communication and Utilities			16,189
Materials and Supplies			21,259
Contractual Services			55,999
Equipment			5,000
Operating Transfer Charges			144,938
Total		***$***	***2,271,207***
Total Authorized Full-Time Positions	***21***		

CLERK OF THE PEACE			
Salaries and Wages		$	474,736
Benefits			279,250
Training and Civic Affairs			14,130
Communication and Utilities			5,168
Materials and Supplies			5,424
Contractual Services			30,043
Equipment Replacement			6,000
Operating Transfer Charges			31,776
Total		***$***	***846,527***
Total Authorized Full-Time Positions	***7***		

DEBT SERVICE			
Debt Service		$	45,540,069
Land and Structures			
Contingency			
Intragovernmental Service Charges			
Intragovernmental Service Credits			
Total		***$***	***45,540,069***
Total Authorized Full-Time Positions			

ETHICS COMMISSION			
Salaries and Wages		$	38,000
Benefits			3,385
Training and Civic Affairs			10,500
Communication and Utilities			1,922
Materials and Supplies			2,450
Contractual Services			290,642
Equipment			500
Operating Transfer Charges			6,699
Total		***$***	***354,098***
Total Authorized Full-Time Positions	***0***		
COUNCIL CONTINGENCY			
Contingency		$	250,000
Total		***$***	***250,000***
Total Authorized Full-Time Positions			
EXECUTIVE CONTINGENCY			
Contingency		$	0
Total		***$***	***0***
Total Authorized Full-Time Positions			
PERSONNEL CONTINGENCY			
Contingency		$	455,000
Total		***$***	***455,000***
Total Authorized Full-Time Positions			
ATTRITION CONTINGENCY			
Personal Services - Salaries and Wages		$	(4,293,340)
Personal Services - Employee Benefits		$	(2,525,429)
Total		***$***	***(6,818,769)***
Total Authorized Full-Time Positions			
ONE-TIME CONTINGENCY			
Contingency		$	1,267,983
Total		***$***	***1,267,983***

NEW CASTLE COUNTY		
Salaries and Wages		$ 128,183,264
Benefits		74,365,553
Training and Civic Affairs		691,185
Communication and Utilities		35,358,762
Materials and Supplies		7,786,989
Contractual Services		24,753,630
Equipment		2,438,146
Grants and Fixed Charges	~~*16,352,686*~~	16,652,281
Debt Service		45,540,069
Land and Structures		35,000
Contingency		1,982,483
Operating Transfer Charges		16,336,743
Operating Transfer Credits		(20,531,152)
Sub-Total New Castle County	~~***333,293,358***~~	***$*** **333,592,953**
Total Authorized Full-Time Positions ***1,667***		

RESERVE ACCOUNTS AS OF FEBRUARY 27, 2024		
Tax Stabilization Reserve Account (Unaudited)	~~72,358,702~~	72,059,107
Sewer Rate Stabilization Reserve Account (Unaudited)		8,484,160
General Fund Budget Reserve Account		44,592,418
Sewer Fund Budget Reserve Account		18,872,304
Total Reserves:	~~**144,307,584**~~	**144,007,989**

Prime Sponsor(s): Ms. Durham, Ms. George
Date of introduction: August 29, 2023

SUBSTITUTE NO. 4 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

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, this Ordinance applies to nonresidential land development applications only; 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 has been documented as a leading cause 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, light trespass, 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 *DarkSky International* 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~~Standards~~.

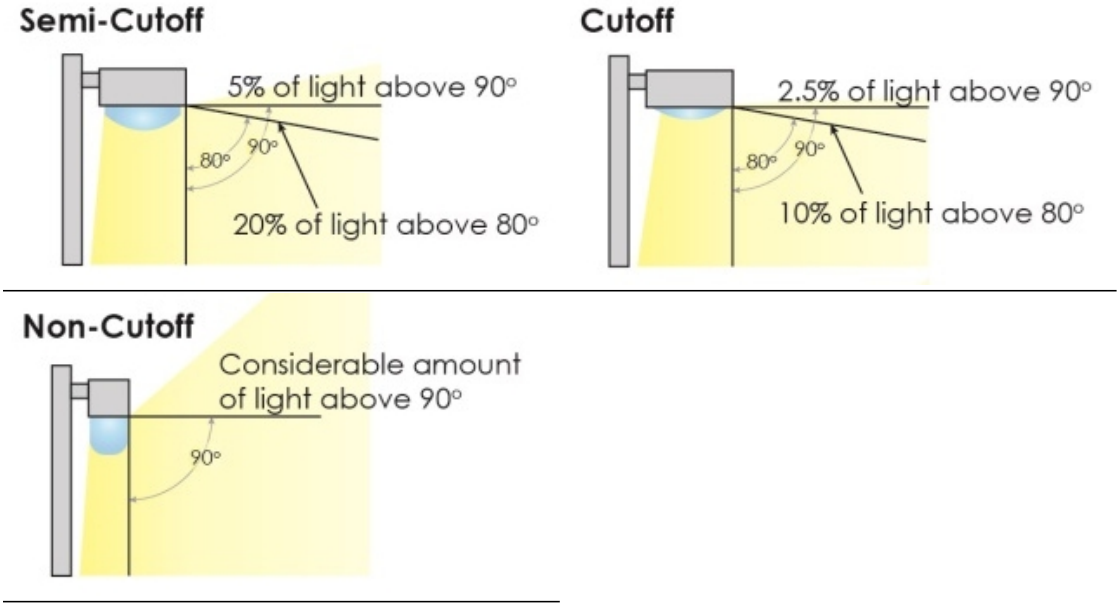
A. ~~Two (2) types of light~~ Light fixtures ~~sources~~, or luminaires, ~~luminaries~~ are available in different types including (*See* Figure 40.22.720):~~.~~

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

Non-cutoff fixtures are prohibited. 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 ~~LUMINARIE~~

~~40-22-720~~



~~Luminaire with cut-off less than 90 deg.~~

B. All luminaire output is to be aimed downward and shall meet Illuminating Engineering Society ("IES") full-cutoff/fully shielded criteria where possible, and have no direct uplight.

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 from the non-residential use 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 technologies that meet or exceed the energy efficiency of LEDs.~~

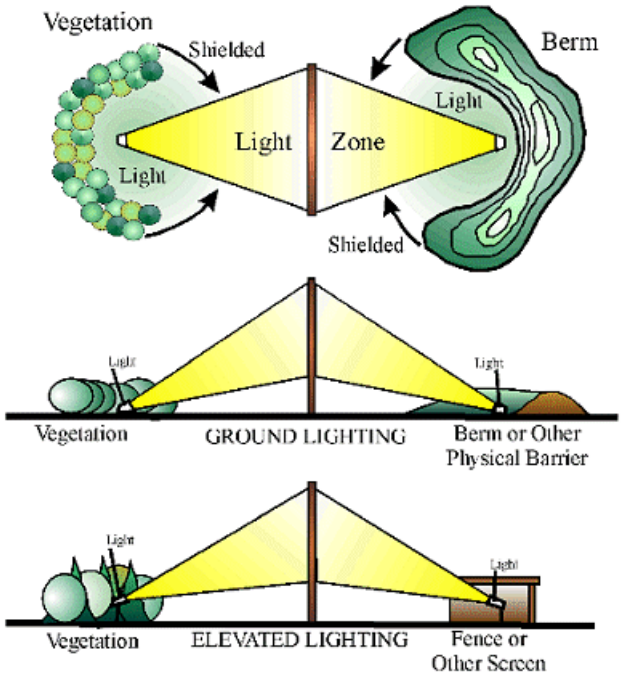
Section 2. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.741 ("Sign lighting, shielded spotlights") is hereby amended by adding the material that is underscored and deleting the material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

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

A. Spotlights and floodlights ~~Shielded~~ shall be screened by ~~evergreen landscaping,~~ walls, berms, and/or cutoff shielding so the light source is not visible off site. ~~All shielded spots in plans submitted after January 1, 2022 shall utilize LED or other luminaire 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 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.

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.~~

BC. All exterior lights depicted in lighting plans~~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 ninety (90) degrees above nadir (horizontal) no more than 2.5% of lamp lumens and no more than 10% of lamp lumens at or above 80% 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 90° (horizontal), no more than 5% of lamp lumens, and no more than 20% of light at or above 80°. *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.

The preceding Substitute (No. 3) amended the proposed Ordinance with clarifications regarding LED bulbs and other technologies and their efficacy and energy efficiency.

Substitute No. 4 to Ordinance No. 23-122 amends the proposed original Ordinance by further clarifying lighting standards, including application to spot lights and flood lights, and narrowed the application of the new standards.

FISCAL NOTE: There is no discernible fiscal impact.

Prime Sponsor(s): Ms. Durham, Ms. George
Date of introduction: August 29, 2023

SUBSTITUTE NO. 3 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

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 has been documented as a leading cause 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, light trespass, 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 DarkSky International 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~~Standards~~.

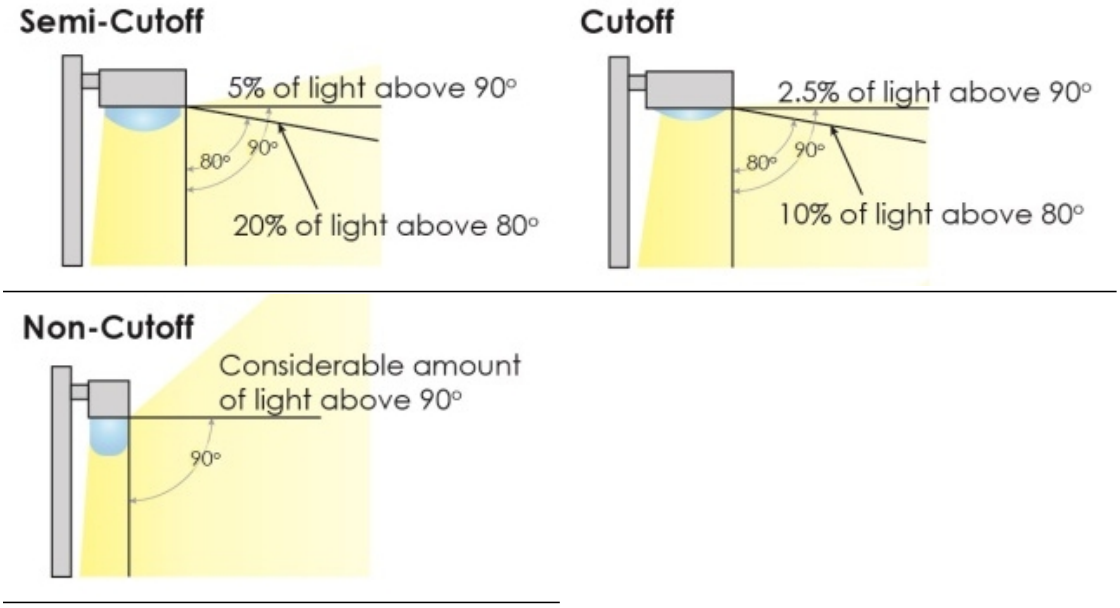
A. ~~Two (2) types of light~~ Light fixtures ~~sources~~, or luminaires, ~~luminaries~~ are available in different types including (*See* Figure 40.22.720):~~.~~

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

Non-cutoff fixtures are prohibited. 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 ~~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 from the non-residential use 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 technologies that meet or exceed the energy efficiency of LEDs.~~

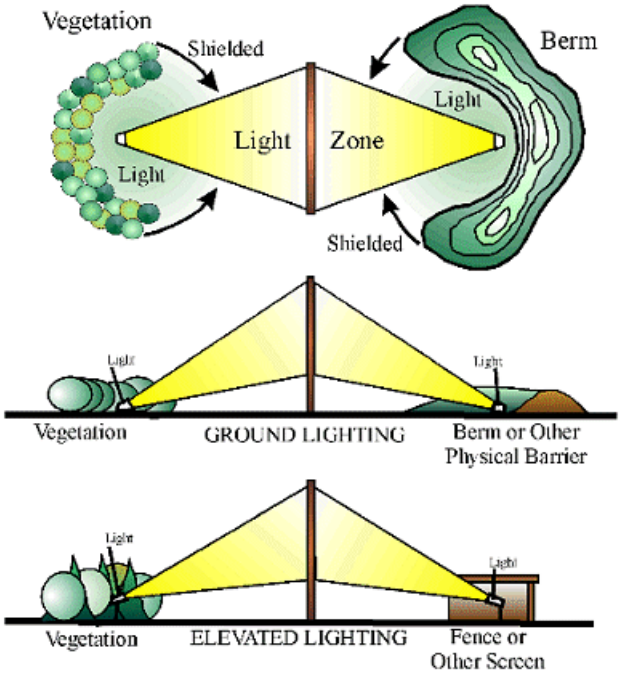
Section 2. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.741 ("Sign lighting, shielded spotlights") is hereby amended by adding the material that is underscored and deleting the material 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 in plans submitted after January 1, 2022 shall utilize LED or other luminaire 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.~~

B~~C~~. 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.

C~~D~~. 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.

Substitute No. 3 to Ordinance No. 23-122 amends the proposed ordinance with clarifications regarding LED bulbs and other technologies and their efficacy and energy efficiency.

FISCAL NOTE: There is no discernible fiscal impact.

Prime Sponsor(s): Ms. Durham, Ms. George
Date of introduction: August 29, 2023

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

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 has been documented as a leading cause 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~~Standards~~.

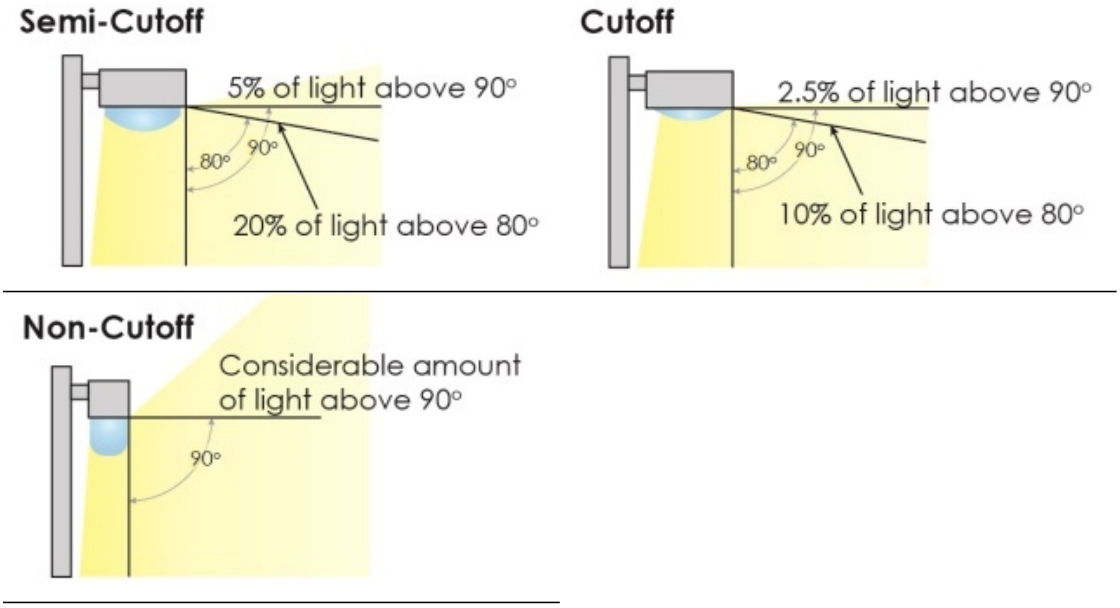
A. ~~Two (2) types of light~~ Light fixtures ~~sources~~, or luminaires, ~~luminaries~~ are available in different types including (*See* Figure 40.22.720):~~.~~

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

Non-cutoff fixtures are prohibited. 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 ~~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.

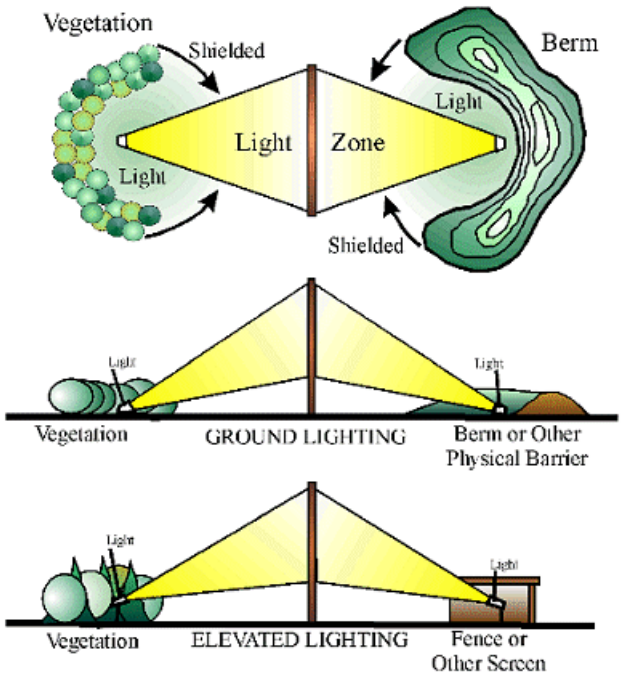
Section 2. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.741 ("Sign lighting, shielded spotlights") is hereby amended by adding the material that is underscored and deleting the material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

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.~~

B~~C~~. 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.

C~~D~~. 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.

Prime Sponsor(s): Ms. Durham, Ms. George
Date of introduction: August 29, 2023

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

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 has been documented as a leading cause 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.

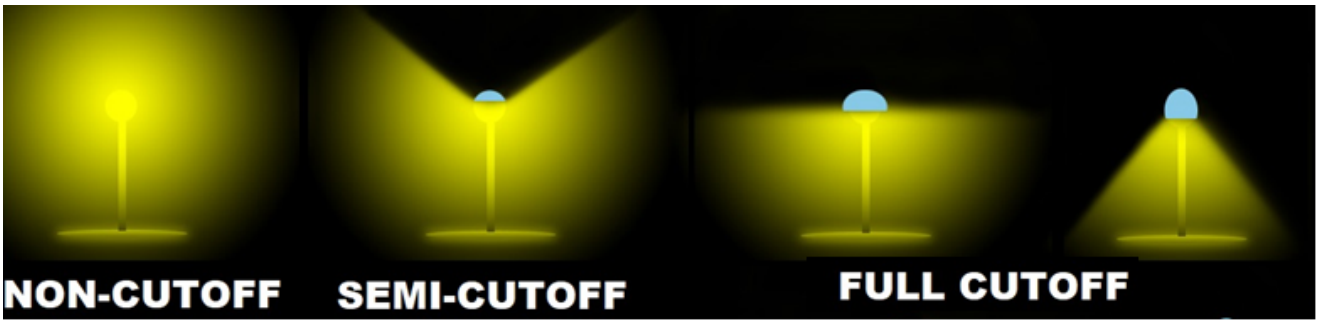
Sec. 40.22.720. – Lighting standards~~Standards~~.

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

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

Non-cutoff fixtures are prohibited. 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 ~~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~~ 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.

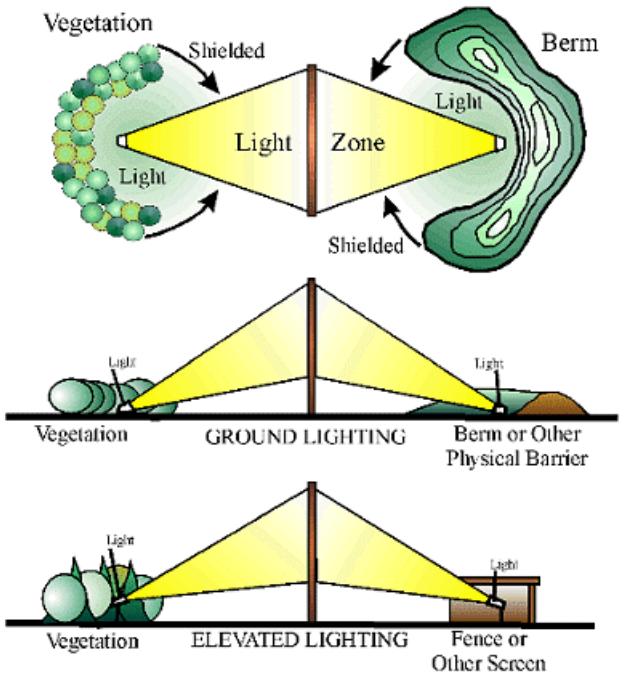
Sec. 40.22.741. - Sign lighting, ~~shielded~~ spotlights and floodlights.

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.~~

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) ≤ 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. 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, SEPTIC SYSTEMS, PARKING, LOADING, AND LIGHTING") 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.

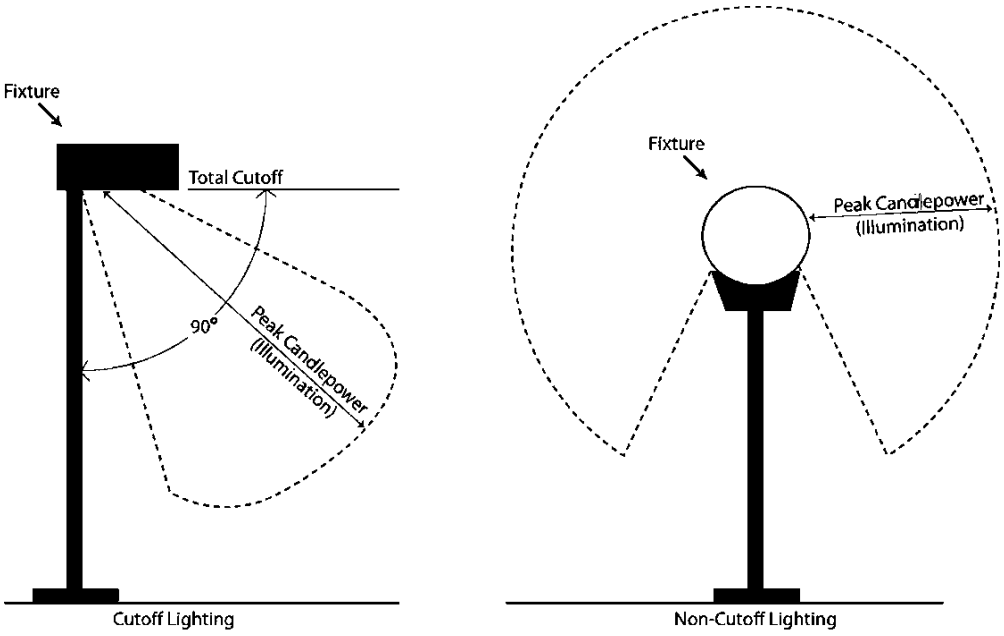
NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

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 ~~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 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.

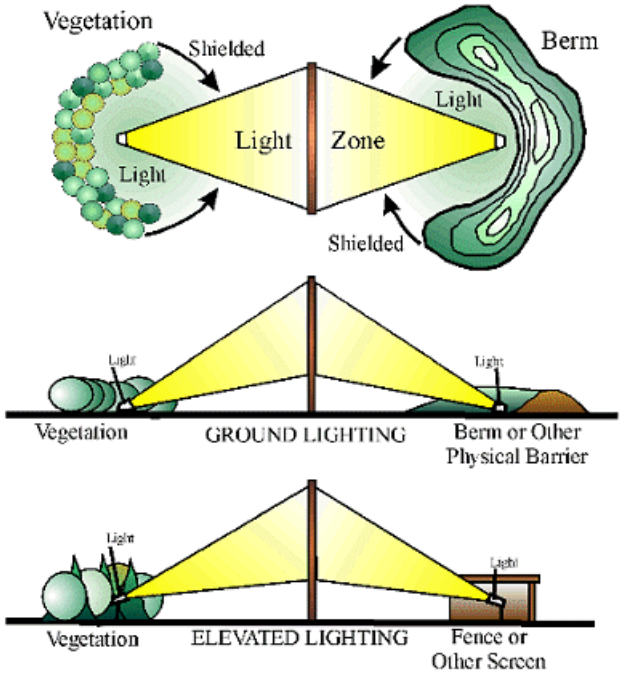
Section 2. *New Castle County Code* Ch. 40 ("Unified Development Code"), Article 22 ("Drainage, Utilities, Septic Systems, Parking, Loading, and Lighting"), Section 40.22.741 ("Sign lighting, shielded spotlights") is hereby amended by adding the material that is underscored and deleting the material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

Sec. 40.22.741. - Sign lighting, ~~shielded~~ 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 45º 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) ≤ 3000K; S/P (Scotopic/Photopic) ratio ≤ 1.2) to minimize blue light emission.

C~~D~~. 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.

Matthew S. Meyer
County Executive

Charuni Patibanda
General Manager

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 initiative[1]. 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.

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[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