



NEW CASTLE COUNTY COUNCIL SPECIAL COUNCIL MEETING

August 5, 2025
3:00 PM

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

AGENDA

A. Call to Order

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

B. Announcements

C. Introduction of Ordinances

°25-100: **(NOTE: THESE REZONINGS RELATE TO PUBLIC LANDS AND PUBLIC PARKS)** COUNTY INITIATED REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 2 REGARDING THE FOLLOWING TAX PARCELS: BRANDYWINE HUNDRED: 06-013.00-080 (2537 DARTMOUTH WOODS RD, DARTMOUTH WOODS), 06-013.00-260 (2412 RAMBLEWOOD DR, CHANNIN), 06-013.00-261 (2510 RAMBLEWOOD DR, CHANNIN), 06-014.00-019 (2708 TONBRIDGE DR, CHANNIN), 06-014.00-048 (2708 TONBRIDGE DR, LUHMANN PROPERTY), 06-014.00-168 (2708 TONBRIDGE DR, CHANNIN), 06-020.00-165 (3331 TUNISON DR, DEVONSHIRE SEC 1), 06-020.00-197 (3328 TUNISON DR, DEVONSHIRE SEC 1), 0602000229 (15 A AUSTIN RD, CHAPELCROFT), 06-020.00-245 (3319 SHIPLEY RD, CHAPELCROFT), 06-021.00-024 (26 A AUSTIN RD, CHAPELCROFT), 06-021.00-033 (2818 GRUBB RD, JESTER PARK), 06-021.00-035 (5 OLD POST CT, COUNTRY GATES), 06-022.00-081 (2122 WEATHERTON DR, BRANDYWOOD SEC 3), 06-022.00-126 (2132 A BRANDYWOOD DR, BRANDYWOOD SEC 3), 06-024.00-152 (2102 WREXHAM RD, NORTHCREST), 06-030.00-004 (3427 N ROCKFIELD DR, DEVONSHIRE SEC 1), 06-031.00-315 (0 BARLOW RD, JESTER PARK), 06-031.00-334 (2818 GRUBB RD, JESTER PARK), 06-032.00-168 (0 MAJESTIC DR, BRANDYWOOD SEC 1), 06-032.00-242 (2302 LIGHTHOUSE LN, BEACON HILL, 06-032.00-281 (2302 LIGHTHOUSE LN, BRANDYWOOD SEC 1), 06-032.00-306 (0 MAJESTIC DR, BRANDYWOOD SEC 1), 06-033.00-042 (2402 PENNINGTON DR, BRANDYWOOD SEC 1), 06-033.00-138 (0 PATWYNN RD, WYNNWOOD), 06-033.00-238 (2328 JAMAICA DR, KINGSRIDGE), 06-033.00-239 (2237 PATWYNN RD, WYNNWOOD), 06-033.00-240 (2246 INWOOD RD, LANCASHIRE), 06-041.00-184 (7 A PIERSON CT, PIERSON FARM), 06-041.00-209 (0 OFF PIERSON DR, PIERSON FARM), 06-042.00-016 (2695 E LANDSDOWNE DR, CARDIFF), 06-042.00-080 (2490 LONDON DR, CHALFONTE SEC

1), 06-043.00-202 (2011 LONGCOME DR, GRAYLYN CREST SEC 3), 06-043.00-202 (2011 LONGCOME DR, GRAYLYN CREST SEC 3), 06-045.00-022 (2211 A JAMAICA DR, HOLIDAY HILLS SEC 2), 06-052.00-183 (2506 N LORI LN, TARLETON), 06-052.00-217 (2433 SHIPLEY RD, TARLETON), 06-053.00-018 (2501 N LORI LN, WOODBINE), 06-053.00-105 (3000 SILVERSIDE RD, BONSALE SUBD), 06-055.00-174 (2099 WESTMINSTER DR, GRAYLYN CREST SEC 3), 06-064.00-033 (501 WHITBY DR), 06-065.00-227 (306 GOODLEY RD, MCDANIEL CREST), 06-065.00-259 (2429 SHELLPOT DR, MCDANIEL CREST), 06-065.00-312 (3199 DELWYNN DR, SURREY PARK), 06-067.00-237 (1212 WINDON DR, CHATHAM), 06-067.00-257 (1212 WINDON DR, GRAYLYN CREST SEC 2), 06-075.00-007 (1000 MT LEBANON RD), 06-076.00-160 (0 BLACK GATES RD), 06-077.00-274 (0 OFF CONCORD PIKE, FIRST UNITARIAN CHURCH), 06-079.00-010 (3324 COACHMAN RD, SURREY PARK), 06-080.00-108 (1910 GRAYWELL RD, GRAYLYN CREST SEC 4), 06-080.00-190 (1110 CRESTOVER RD, GRAYLYN CREST SEC 2), 06-088.00-018 (52 KERFOOT FARM RD, WOODBROOK SEC 3), 0608900011 (201 SHARPLEY RD, SHARPLEY SEC I), 06-090.00-052 (150 FAIRFAX BLVD, FAIRFAX), 06-090.00-571 (1108 PARKSIDE DR, OAK LANE MANOR), 06-091.00-154 (815 WILSON RD, NEW CASTLE COUNTY TALLEY DAY PARK), 06-099.00-002 (96 COUNTRY CLUB DR, WOODBROOK), 06-100.00-093 (15 A YORK RD, DEERHURST), 06-101.00-270 (1802 FAIRFAX BLVD, FAIRFAX), AND 06-128.00-151 (123 ROCKLAND CIR, ALAPOCAS II); CHRISTIANA HUNDRED: 07-022.00-031 (807 MT CUBA RD, TASH SUBD), 07-027.00-004 (3809 ARDLEIGH DR, GREENVILLE MANOR), 07-028.00-102 (49 STONEWOLD WAY, STONEWOLD), 07-030.30-085 (0 KENNETT PIKE, WESTOVER HILLS), 07-034.20-159 (2301 CENTERVILLE RD, TYBROOK), 07-034.20-315 (2512 TURNSTONE DR, BROOKMEADE SEC 1), 07-035.10-036 (2001 FAULKLAND RD, WOODLAND PARK), 07-035.30-198 (1604 A MONTGOMERY RD, WILLOW RUN), 07-035.30-324 (1607 MONTGOMERY RD, WILLOW RUN), 07-035.30-339 (1201 E WILLOW RUN DR, WILLOW RUN), 07-035.40-157 (15 JEFFERSON AVE, WILLOW RUN SEC 2), 07-035.40-158 (1020 MONTGOMERY RD, OAK HILL), 07-035.40-275 (1315 CLIFFORD RD, OAK HILL), AND 07-035.40-284 (1320 CLIFFORD RD, OAK HILL); MILL CREEK HUNDRED: 08-032.20-258, (2825 NEWPORT GAP PIKE, BRANDYWINE SPRINGS MNR)
 Prime Sponsor(s): Ms. Durham

°25-101: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), ARTICLE 3 ("USE REGULATIONS") AND ARTICLE 33 ("DEFINITIONS") TO ESTABLISH STANDARDS FOR THE REVIEW, SITING, AND OPERATIONS OF DATA CENTERS
 Prime Sponsor(s): Mr. Carter
 Co-sponsor(s): Mr. Caneco, Mr. Toole, Ms. Durham, Mr. Cartier, Mr. Hollins

°25-102: AMEND THE FY2025 APPROVED OPERATING BUDGET: APPROPRIATE STATE OF DELAWARE FUNDING RECEIVED FOR THE NEW CASTLE COUNTY POLICE EMPLOYEE'S RETIREMENT SYSTEM TO THE DEPARTMENT OF PUBLIC SAFETY EMPLOYEE BENEFITS BUDGETARY LINE ITEM
 Prime Sponsor(s): Mr. Smiley, Mr. Cartier, Mr. Toole, Mr. Caneco

D. Consideration of Ordinances

°25-099: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 14 ("FINANCE AND TAXATION"), ARTICLE 5 ("ABATEMENT OF PROPERTY TAXES AND PENALTY") TO PROVIDE THE CHIEF FINANCIAL OFFICER AUTHORITY TO ABATE PENALTIES FOR ELIGIBLE RESIDENTIAL TAXPAYERS PARTICIPATING IN AN INSTALLMENT PAYMENT PLAN CAUSED BY INCREASED PROPERTY TAX LIABILITY FOLLOWING A COUNTY-WIDE REASSESSMENT OF REAL PROPERTY
 Prime Sponsor(s): Mr. Smiley

E. Public Comment/Other

F. Motion to Adjourn**AGENDA POSTED: July 29, 2025**

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

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a

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

Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at <https://www.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.

Prime Sponsor(s): Ms. Durham
Requested by: Land Use
Date of introduction: August 5, 2025

ORDINANCE NO. 25-100

COUNTY INITIATED REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 2 REGARDING THE FOLLOWING

TAX PARCELS: BRANDYWINE HUNDRED: 06-013.00-080 (2537 DARTMOUTH WOODS RD, DARTMOUTH WOODS), 06-013.00-260 (2412 RAMBLEWOOD DR, CHANNIN), 06-013.00-261 (2510 RAMBLEWOOD DR, CHANNIN), 06-014.00-019 (2708 TONBRIDGE DR, CHANNIN), 06-014.00-048 (2708 TONBRIDGE DR, LUHMANN PROPERTY), 06-014.00-168 (2708 TONBRIDGE DR, CHANNIN), 06-020.00-165 (3331 TUNISON DR, DEVONSHIRE SEC 1), 06-020.00-197 (3328 TUNISON DR, DEVONSHIRE SEC 1), 0602000229 (15 A AUSTIN RD, CHAPELCROFT), 06-020.00-245 (3319 SHIPLEY RD, CHAPELCROFT), 06-021.00-024 (26 A AUSTIN RD, CHAPELCROFT), 06-021.00-033 (2818 GRUBB RD, JESTER PARK), 06-021.00-035 (5 OLD POST CT, COUNTRY GATES), 06-022.00-081 (2122 WEATHERTON DR, BRANDYWOOD SEC 3), 06-022.00-126 (2132 A BRANDYWOOD DR, BRANDYWOOD SEC 3), 06-024.00-152 (2102 WREXHAM RD, NORTHCREST), 06-030.00-004 (3427 N ROCKFIELD DR, DEVONSHIRE SEC 1), 06-031.00-315 (0 BARLOW RD, JESTER PARK), 06-031.00-334 (2818 GRUBB RD, JESTER PARK), 06-032.00-168 (0 MAJESTIC DR, BRANDYWOOD SEC 1), 06-032.00-242 (2302 LIGHTHOUSE LN, BEACON HILL), 06-032.00-281 (2302 LIGHTHOUSE LN, BRANDYWOOD SEC 1), 06-032.00-306 (0 MAJESTIC DR, BRANDYWOOD SEC 1), 06-033.00-042 (2402 PENNINGTON DR, BRANDYWOOD SEC 1), 06-033.00-138 (0 PATWYNN RD, WYNNWOOD), 06-033.00-238 (2328 JAMAICA DR, KINGSRIDGE), 06-033.00-239 (2237 PATWYNN RD, WYNNWOOD), 06-033.00-240 (2246 INWOOD RD, LANCASHIRE), 06-041.00-184 (7 A PIERSON CT, PIERSON FARM), 06-041.00-209 (0 OFF PIERSON DR, PIERSON FARM), 06-042.00-016 (2695 E LANDSDOWNE DR, CARDIFF), 06-042.00-080 (2490 LANDON DR, CHALFONTE SEC 1), 06-043.00-202 (2011 LONGCOME DR, GRAYLYN CREST SEC 3), 06-043.00-202 (2011 LONGCOME DR, GRAYLYN CREST SEC 3), 06-045.00-022 (2211 A JAMAICA DR, HOLIDAY HILLS SEC 2), 06-052.00-183 (2506 N LORI LN, TARLETON), 06-052.00-217 (2433 SHIPLEY RD, TARLETON), 06-053.00-018 (2501 N LORI LN, WOODBINE), 06-053.00-105 (3000 SILVERSIDE RD, BONSALL SUBD), 06-055.00-174 (2099 WESTMINSTER DR, GRAYLYN CREST SEC 3), 06-064.00-033 (501 WHITBY DR), 06-065.00-227 (306 GOODLEY RD, MCDANIEL CREST), 06-065.00-259 (2429 SHELLPOT DR, MCDANIEL CREST), 06-065.00-312 (3199 DELWYNN DR, SURREY PARK), 06-067.00-237 (1212 WINDON DR, CHATHAM), 06-067.00-257 (1212 WINDON DR, GRAYLYN CREST SEC 2), 06-075.00-007 (1000 MT LEBANON RD), 06-076.00-160 (0 BLACK GATES RD), 06-077.00-274 (0 OFF CONCORD PIKE, FIRST UNITARIAN CHURCH), 06-079.00-010 (3324 COACHMAN RD, SURREY PARK), 06-080.00-108 (1910 GRAYWELL RD, GRAYLYN CREST SEC 4), 06-080.00-190 (1110 CRESTOVER RD, GRAYLYN CREST SEC 2), 06-088.00-018 (52 KERFOOT FARM RD, WOODBROOK SEC 3), 0608900011 (201 SHARPLEY RD, SHARPLEY SEC I),

06-090.00-052 (150 FAIRFAX BLVD, FAIRFAX), 06-090.00-571 (1108 PARKSIDE DR, OAK LANE MANOR), 06-091.00-154 (815 WILSON RD, NEW CASTLE COUNTY TALLEY DAY PARK), 06-099.00-002 (96 COUNTRY CLUB DR, WOODBROOK), 06-100.00-093 (15 A YORK RD, DEERHURST), 06-101.00-270 (1802 FAIRFAX BLVD, FAIRFAX), AND 06-128.00-151 (123 ROCKLAND CIR, ALAPOCAS II); **CHRISTIANA HUNDRED:** 07-022.00-031 (807 MT CUBA RD, TASH SUBD), 07-027.00-004 (3809 ARDLEIGH DR, GREENVILLE MANOR), 07-028.00-102 (49 STONEWOLD WAY, STONEWOLD), 07-030.30-085 (0 KENNETT PIKE, WESTOVER HILLS), 07-034.20-159 (2301 CENTERVILLE RD, TYBROOK), 07-034.20-315 (2512 TURNSTONE DR, BROOKMEADE SEC 1), 07-035.10-036 (2001 FAULKLAND RD, WOODLAND PARK), 07-035.30-198 (1604 A MONTGOMERY RD, WILLOW RUN), 07-035.30-324 (1607 MONTGOMERY RD, WILLOW RUN), 07-035.30-339 (1201 E WILLOW RUN DR, WILLOW RUN), 07-035.40-157 (15 JEFFERSON AVE, WILLOW RUN SEC 2), 07-035.40-158 (1020 MONTGOMERY RD, OAK HILL), 07-035.40-275 (1315 CLIFFORD RD, OAK HILL), AND 07-035.40-284 (1320 CLIFFORD RD, OAK HILL); **MILL CREEK HUNDRED:** 08-032.20-258, (2825 NEWPORT GAP PIKE, BRANDYWINE SPRINGS MNR)

1 **WHEREAS**, County Council adopted Substitute No. 2 to Ordinance No. 22-024 as
2 amended by Floor Amendment No. 1 (“New Castle County Comprehensive Plan” or “the
3 Plan”), on July 26, 2022, and the County Executive approved the Ordinance on August
4 4, 2022; and
5

6 **WHEREAS**, the Future Land Use Element and Map Series of the New Castle
7 County Comprehensive Plan designates proposed future general distribution, location
8 and extent of the uses of land consistent with goals, policies and measurable objectives
9 enumerated in the Plan; and
10

11 **WHEREAS**, Strategy 1.1.6 of the 2022 New Castle County Comprehensive Plan
12 reiterates that the County should consider the addition of a preservation zoning category,
13 and defines “Protected Open Space” as privately or publicly held land that has been
14 protected from future development; and
15

16 **WHEREAS**, the New Castle County Comprehensive Plan guides and encourages
17 preservation efforts to best protect important ecological habitats; and

18 **WHEREAS**, this County-initiated rezoning is intended to guide and control future
19 growth consistent with the spirit and intent of the Comprehensive Development Plan as
20 provided by State law; and

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

25 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
26

27 Section 1. The Zoning Maps of Brandywine Hundred, Christiana Hundred, and Mill
28 Creek Hundred are hereby amended by changing the zoning classification of the land
29 shown on attached Exhibit "A", Maps 1-24 dated July 15, 2025, as set forth therein.
30

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

Adopted by County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: Same as title.

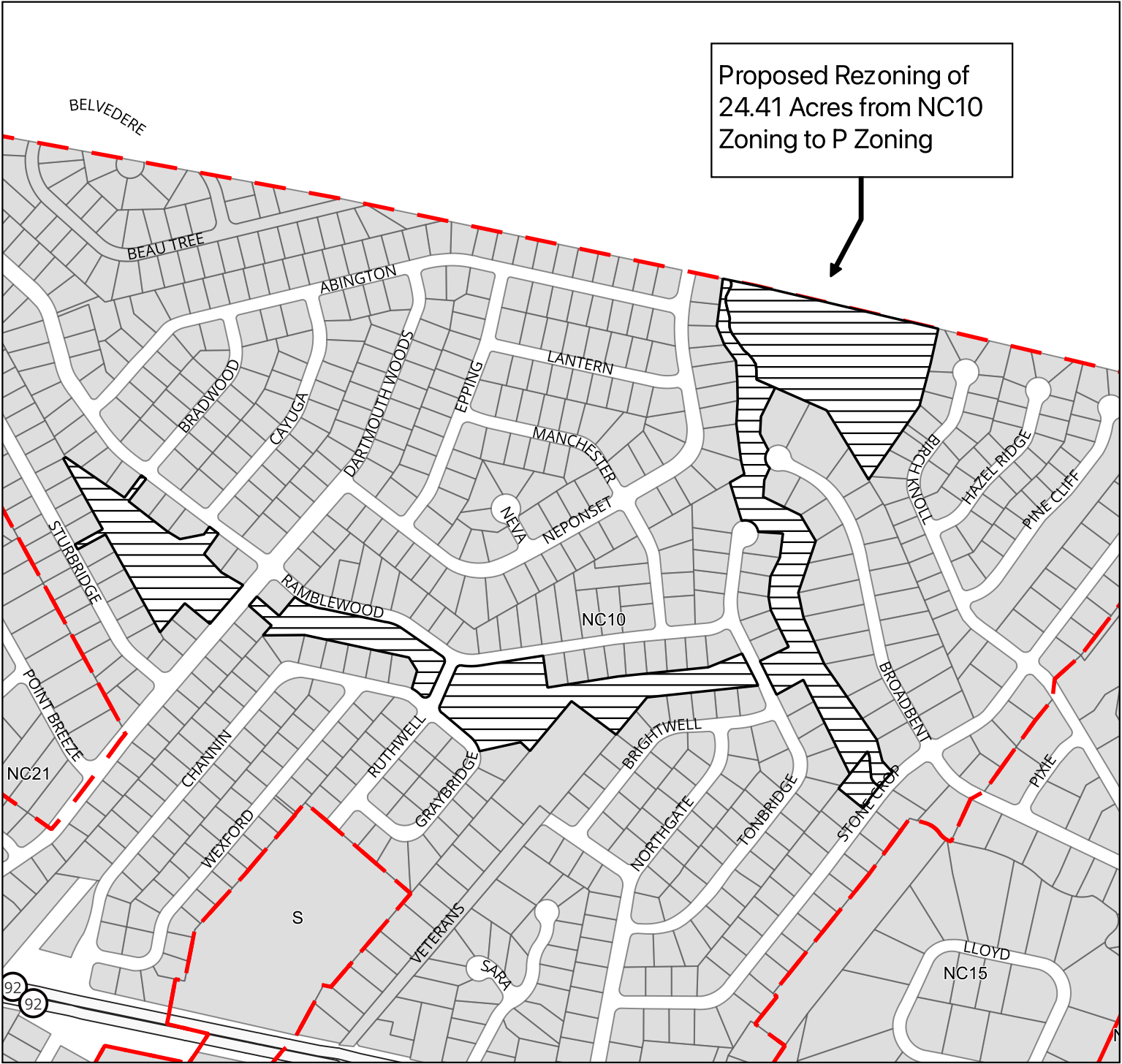
FISCAL IMPACT: There is no discernible fiscal impact with the adoption of this legislation.

PROPERTY MAP

EXHIBIT A MAP 1
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC-10) TO PUBLICLY
CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-S/Z
TAX PARCEL NO: 06-013.00-080,
06-013.00-260, 06-013.00-261,
06-014.00-019, 06-014.00-048,
06-014.00-168



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:6603
Prepared by: Matthew Rogers

Date: 7/15/2025



PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

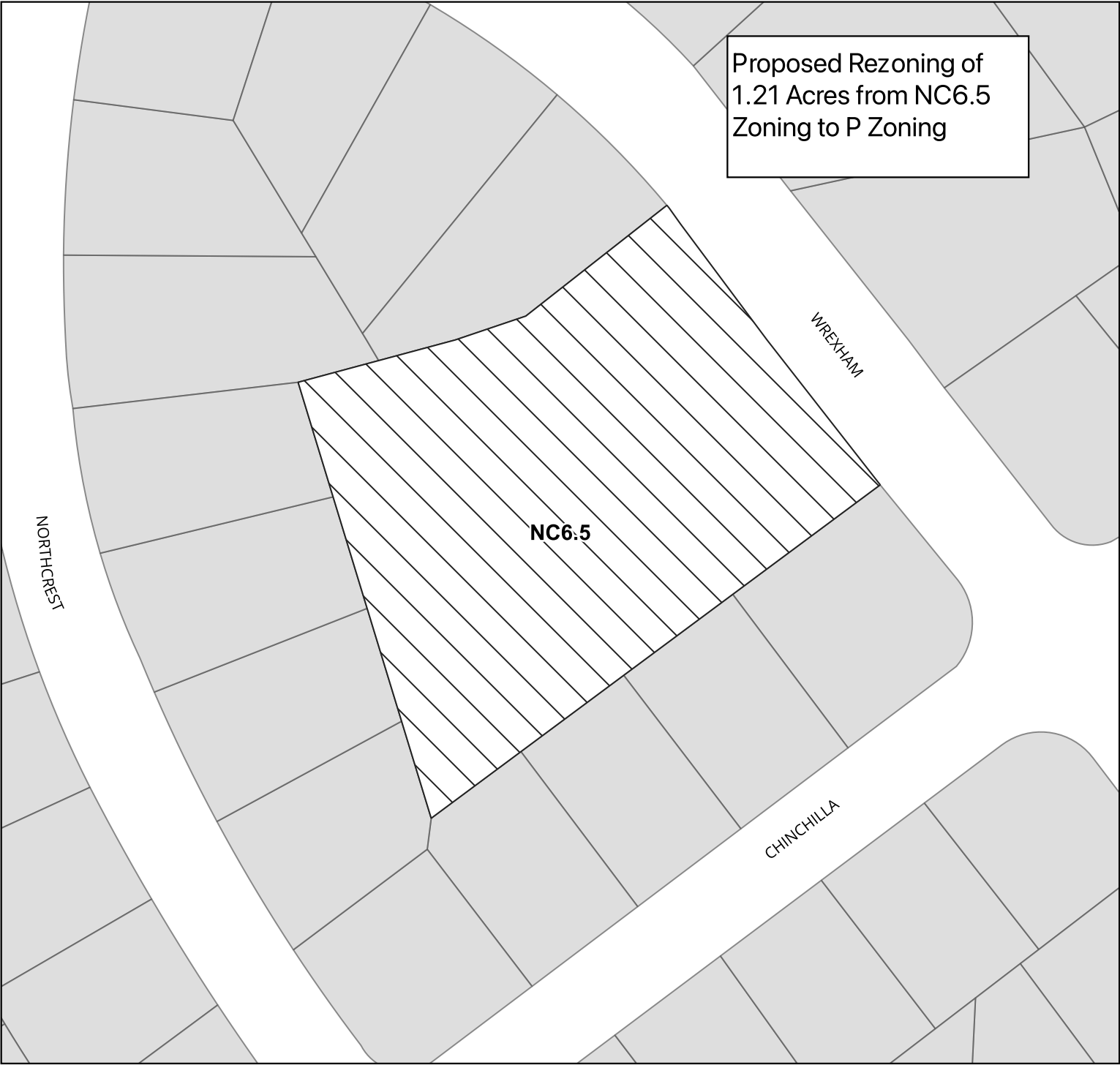
 NC10 to P

PROPERTY MAP

EXHIBIT A MAP 2
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC6.5) TO PUBLICLY
CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-S/Z
TAX PARCEL NO: 06-024.00-152



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:904
Prepared by: Matthew Rogers

Date: 7/15/2025



PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

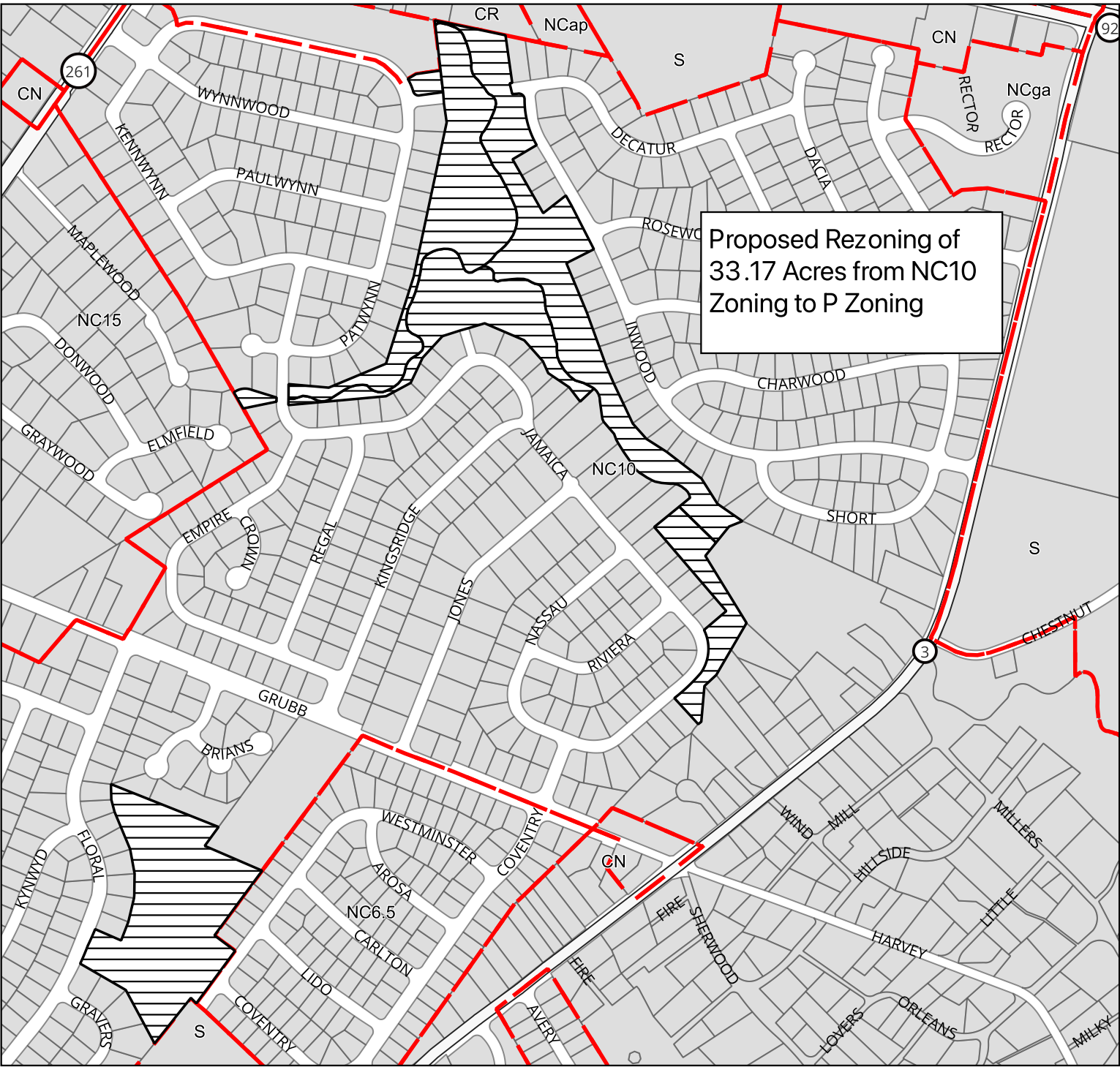
 NC6.5 to P

PROPERTY MAP

EXHIBIT A MAP 3
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC6.5) to PUBLICLY CONSERVED
LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-S/Z
TAX PARCEL NO: 06-033.00-138,
06-033.00-238, 06-033.00-239,
06-033.00-240, 06-045.00-022,
06-055.00-174



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:7309
Prepared by: Matthew Rogers

Date: 7/15/2025



PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

 NC10 to P

PROPERTY MAP

EXHIBIT A MAP 4 ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC6.5, NC10, & NC15) TO
PUBLICLY CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-S/Z
TAX PARCEL NO: 06-022.00-081,
06-022.00-126, 06-043.00-202,
06-032.00-168, 06-032.00-281,
06-032.00-306, 06-033.00-042,
06-032.00-242, 06-032.00-281



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:7309
Prepared by: Matthew Rogers
Date: 7/15/2025



PERMANENT ORDINANCE NO. 25100
Date Adopted by County Council:
Date Approved by County Executive:

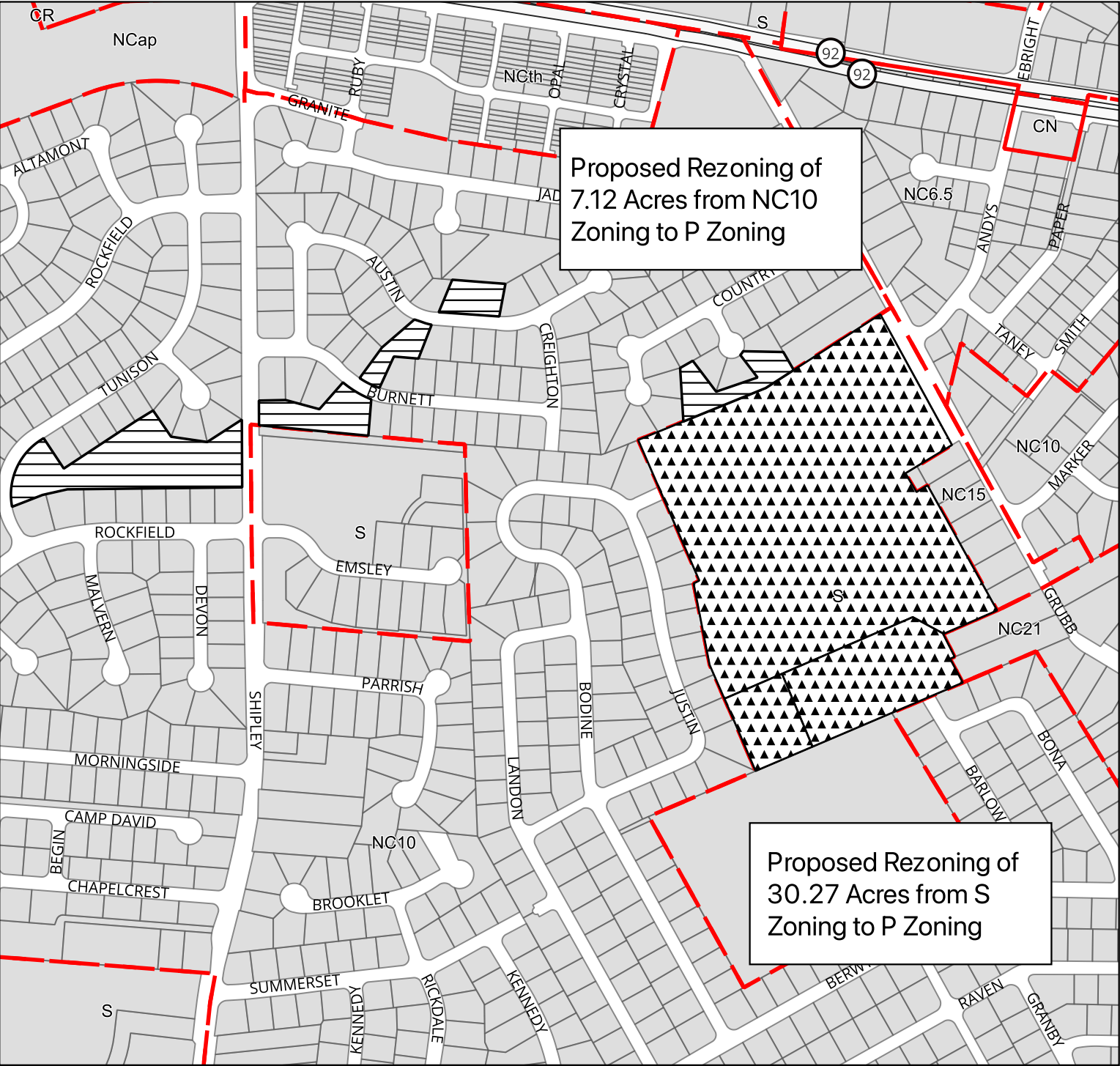
-  NC10 to P
-  NC15 to P
-  NC6.5 to P

PROPERTY MAP

EXHIBIT A MAP 5
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC10) & SUBURBAN (S) TO
PUBLICLY CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-S/Z
TAX PARCEL NO: 06-020.00-197,
06-020.00-229, 06-020.00-245,
06-021.00-024, 06-021.00-035,
06-021.00-033, 06-031.00-315,
06-031.00-334



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:6309
Prepared by: Matthew Rogers

Date: 7/15/2025

PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

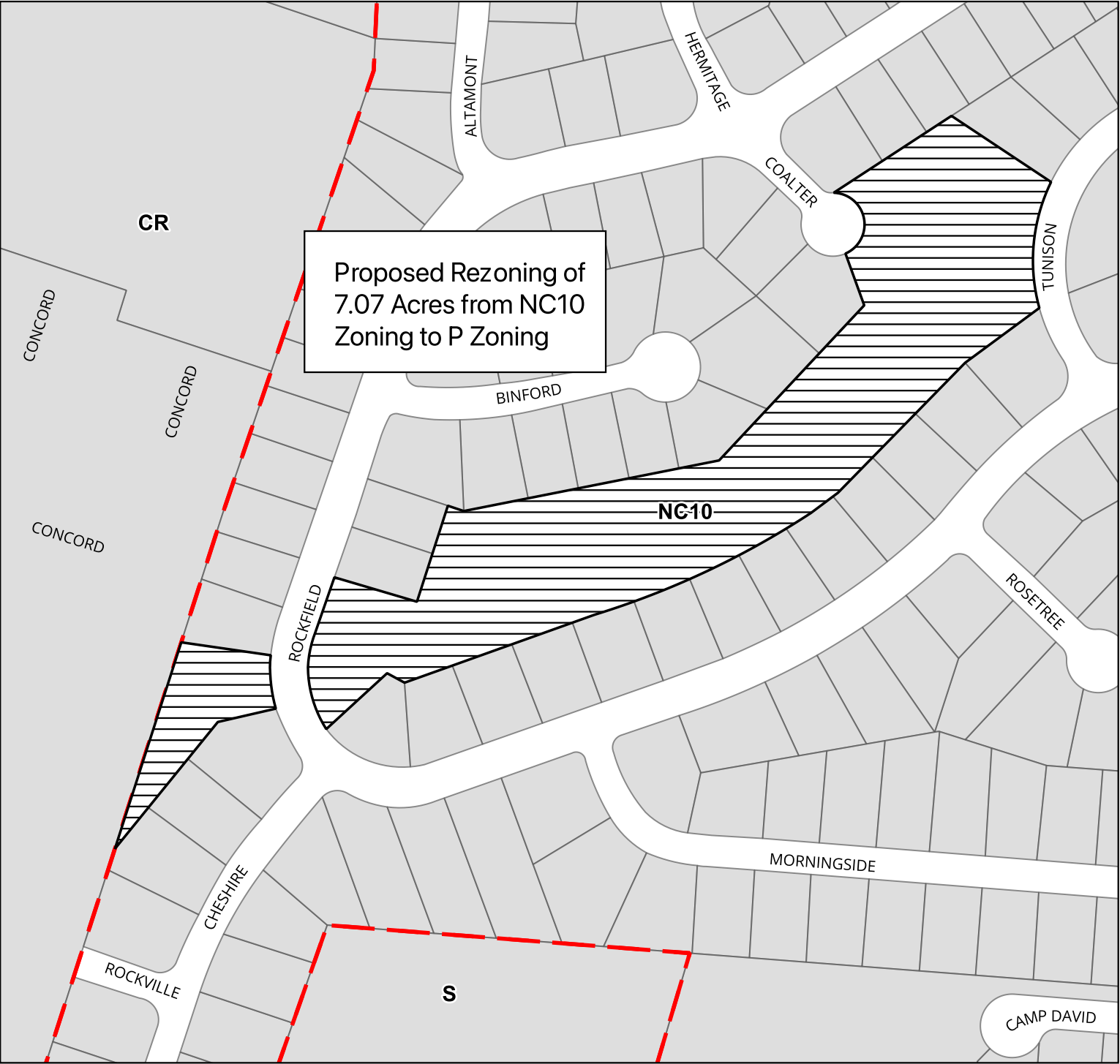
- NC10 to P
- S to P

PROPERTY MAP

EXHIBIT A MAP 6
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC10) TO PUBLICLY
CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 06-020.00-165,
06-030.00-004



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:2654
Prepared by: Matthew Rogers

Date: 7/15/2025



PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

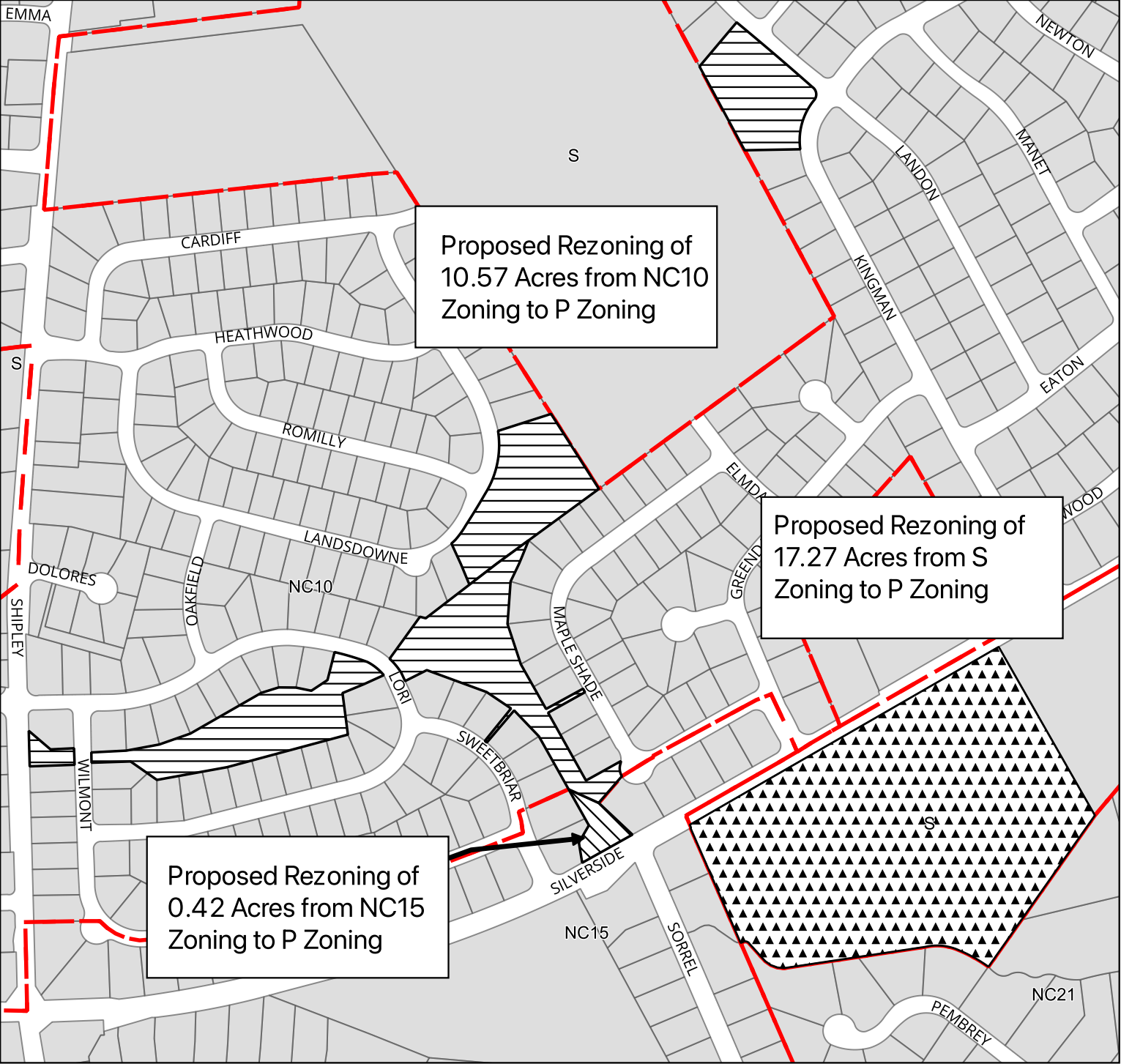
 NC10 to P

PROPERTY MAP

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC10 & NC15) & SUBURBAN (S)
TO PUBLICLY CONSERVED LANDS & PARKS (P)

EXHIBIT A MAP 7
ZONING ORDINANCE AS INTRODUCED

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 06-042.00-080,
06-042.00-016, 06-052.00-183,
06-053.00-018, 06-052.00-217,
06-053.00-018, 06-053.00-105



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:5204
Prepared by: Matthew Rogers

Date: 7/15/2025



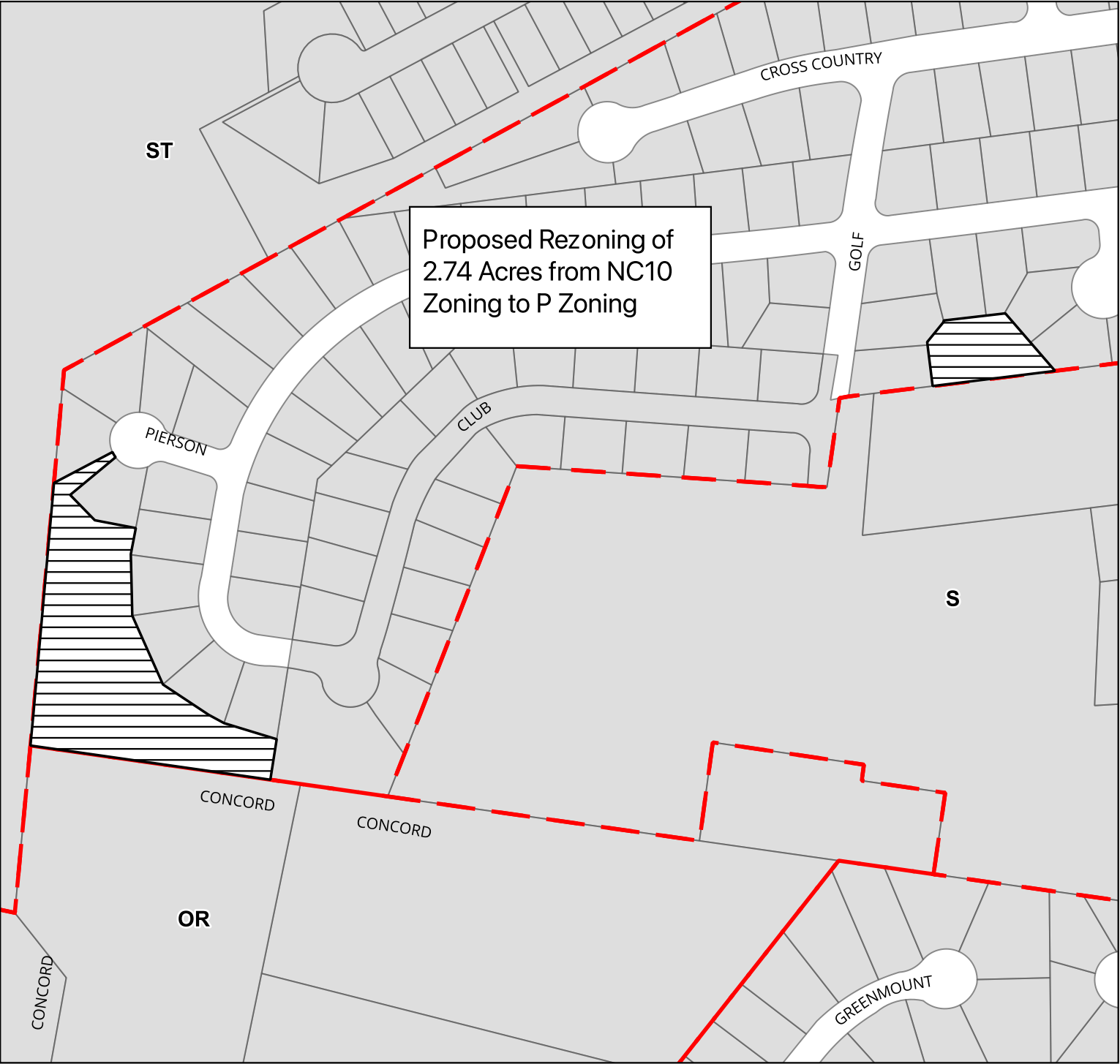
PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

- NC10 to P
- NC15 to P
- S to P

PROPERTY MAP

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC10) TO PUBLICLY
CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 06-041.00-184,
06-041.00-209



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:2952
Prepared by: Matthew Rogers

Date: 7/15/2025



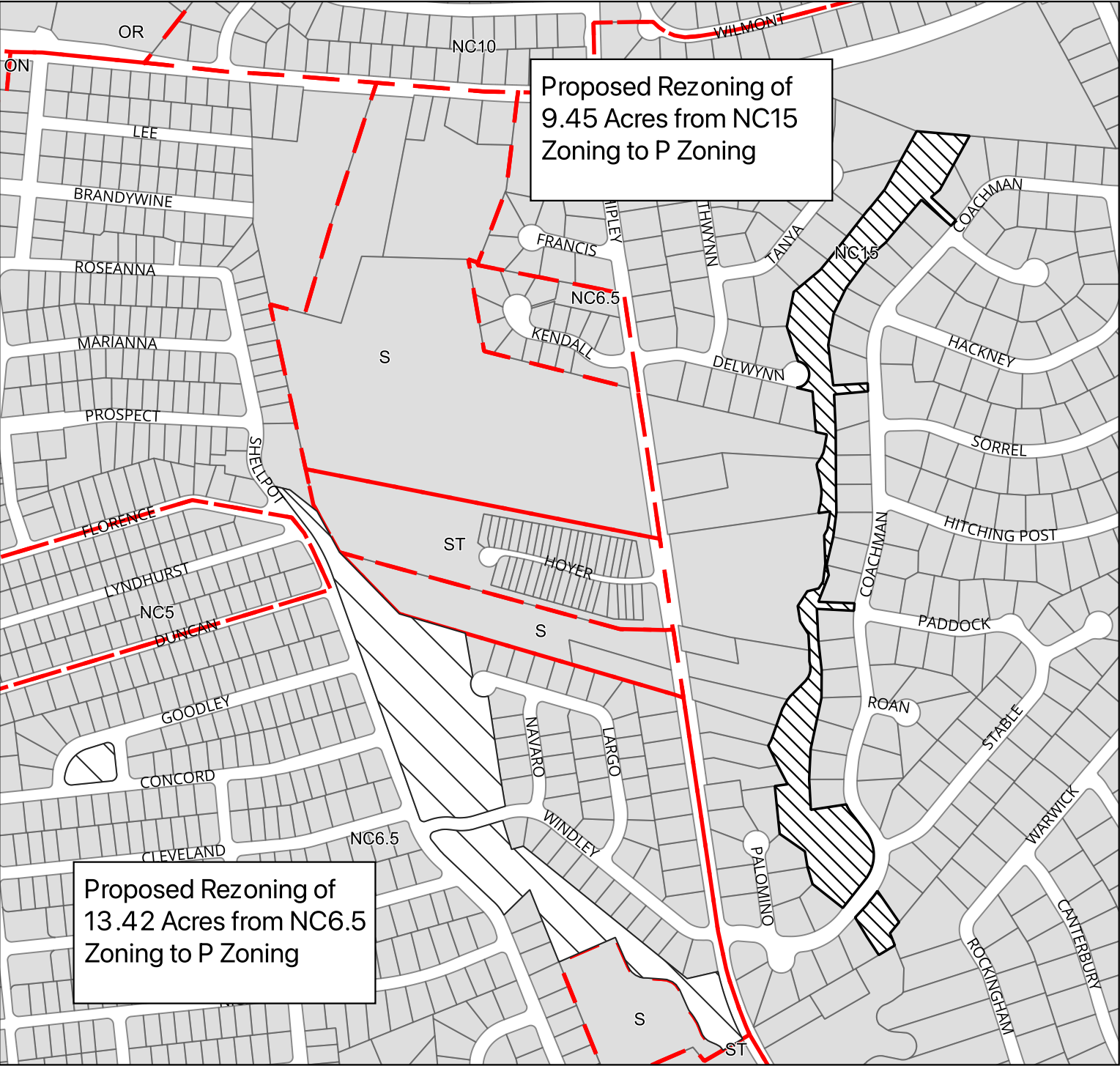
PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

 NC10 to P

PROPERTY MAP

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC6.5 & NC15) to PUBLICLY
CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 06-065.00-312,
06-079.00-010, 06-065.00-227,
06-065.00-259



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:6509
Prepared by: Matthew Rogers

Date: 7/15/2025



PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

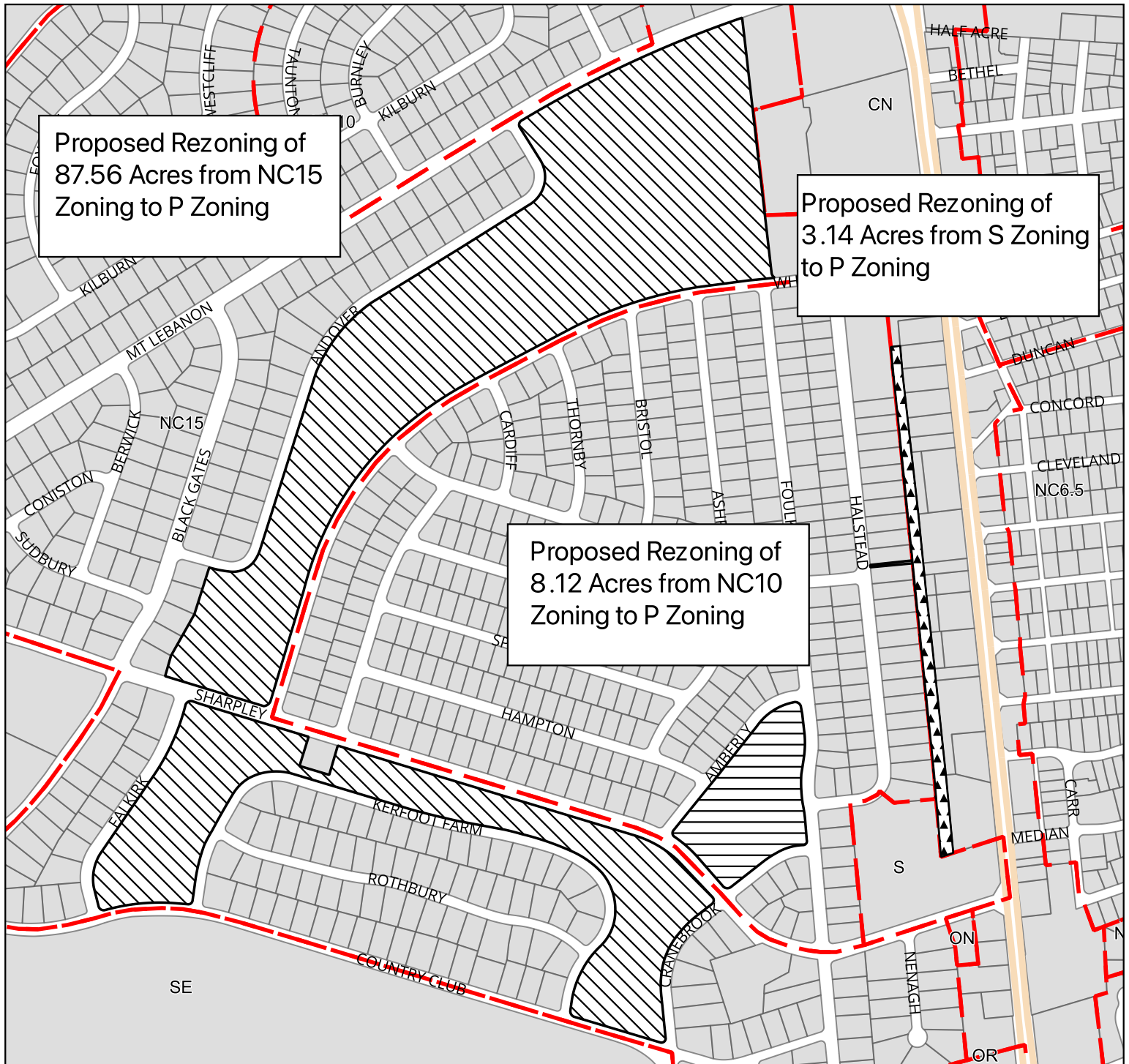
-  NC15 to P
-  NC6.5 to P

PROPERTY MAP

EXHIBIT A MAP 10 ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC10 & NC15) & SUBURBAN (S)
TO PUBLICLY CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 06-077.00-274,
06-077.00-274, 06-089.00-011,
06-064.00-033, 06-088.00-018



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:8409
Prepared by: Matthew Rogers

Date: 7/15/2025



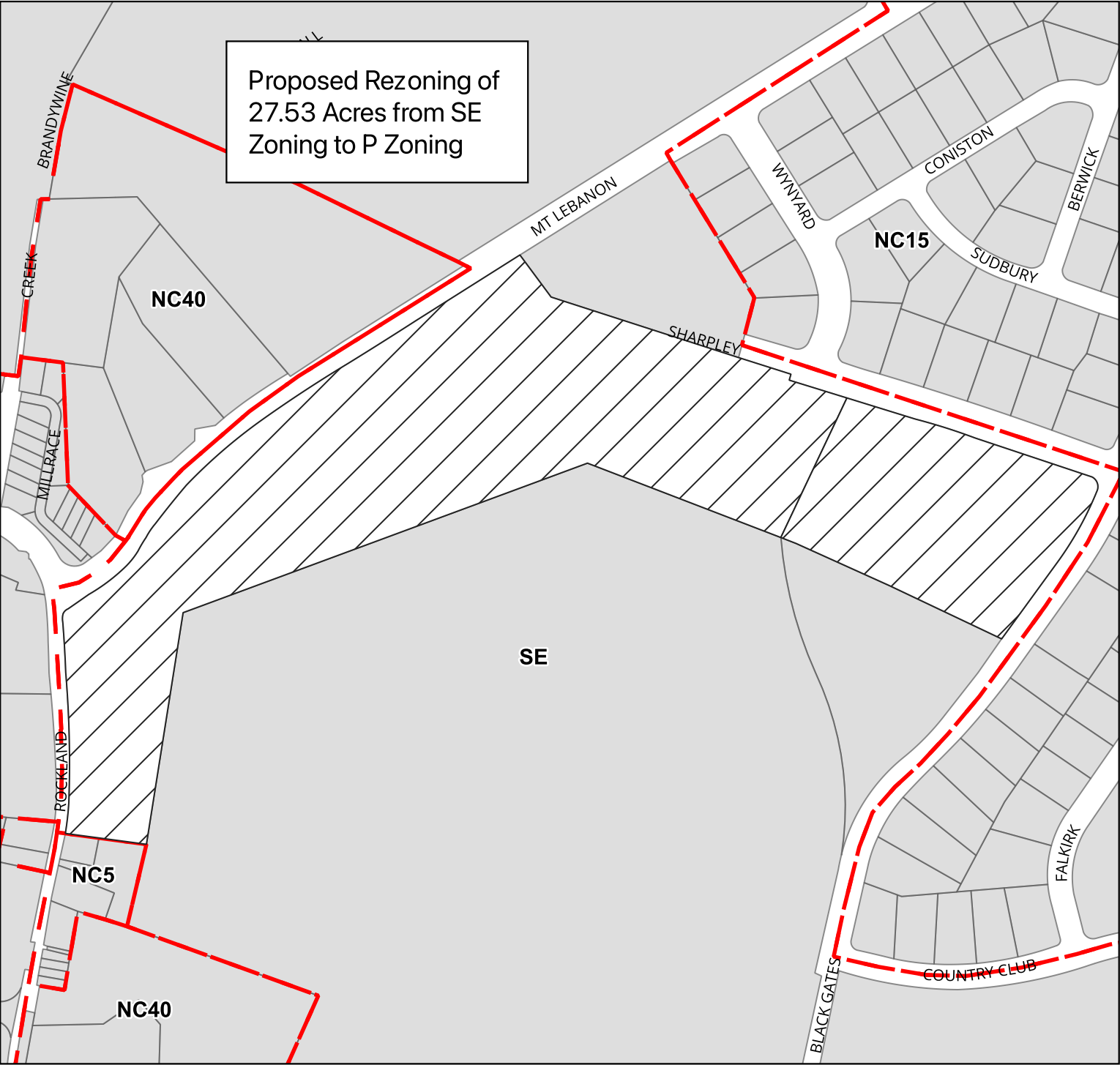
PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

- NC10 to P
- NC15 to P
- S to P

PROPERTY MAP

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: SUBURBAN ESTATE (SE)
TO PUBLICLY CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 06-075.00-007,
06-076.00-160



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:4304
Prepared by: Matthew Rogers

Date: 7/15/2025



PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

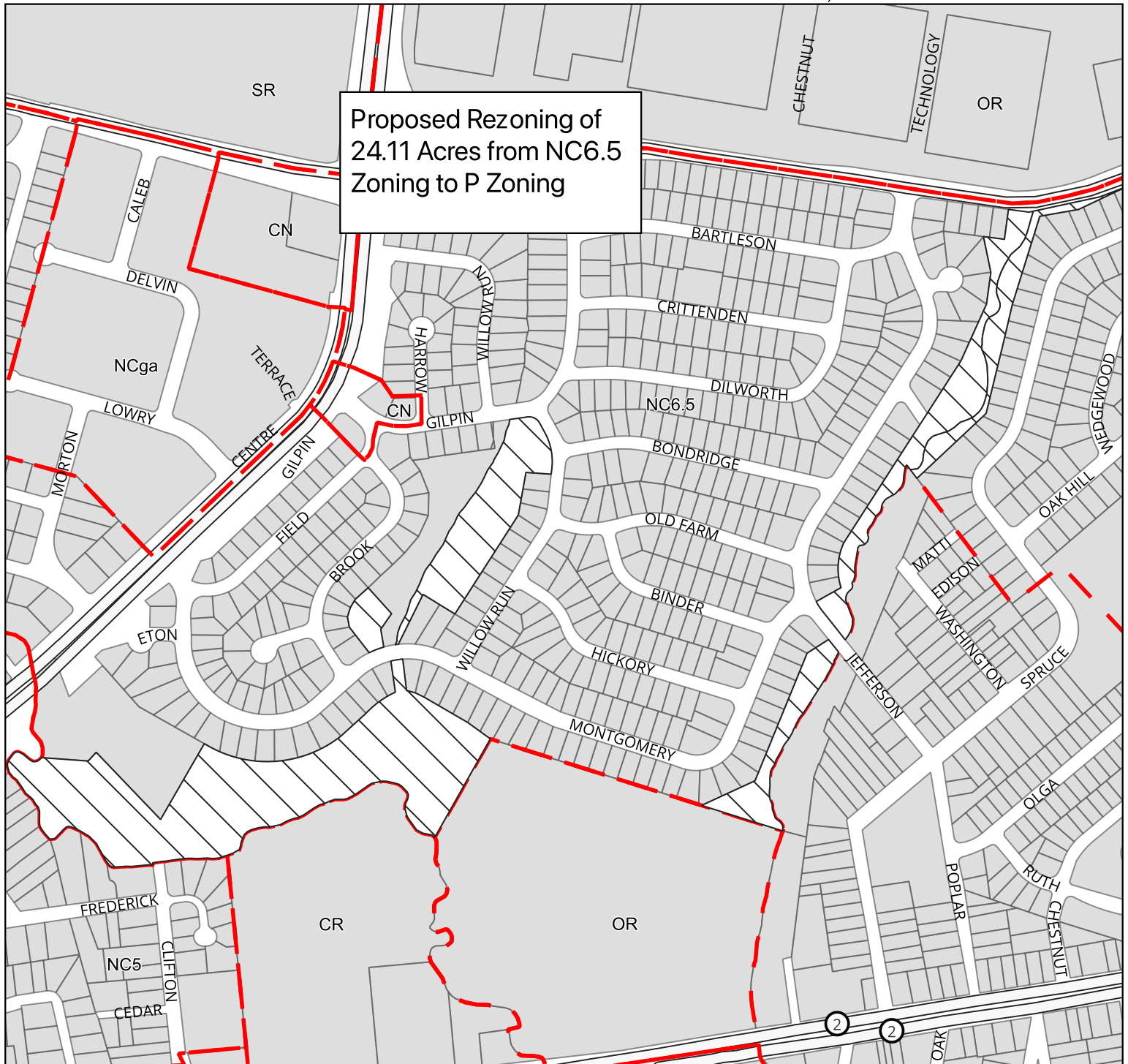
 SE to P

PROPERTY MAP

EXHIBIT A MAP 12
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC6.5) TO PUBLICLY
CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 07-035.30-324,
07-035.30-339, 07-035.40-157,
07-035.40-158, 07-035.30-198,
07-035.40-275, 07-035.40-284



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:6517
Prepared by: Matthew Rogers

Date: 7/15/2025



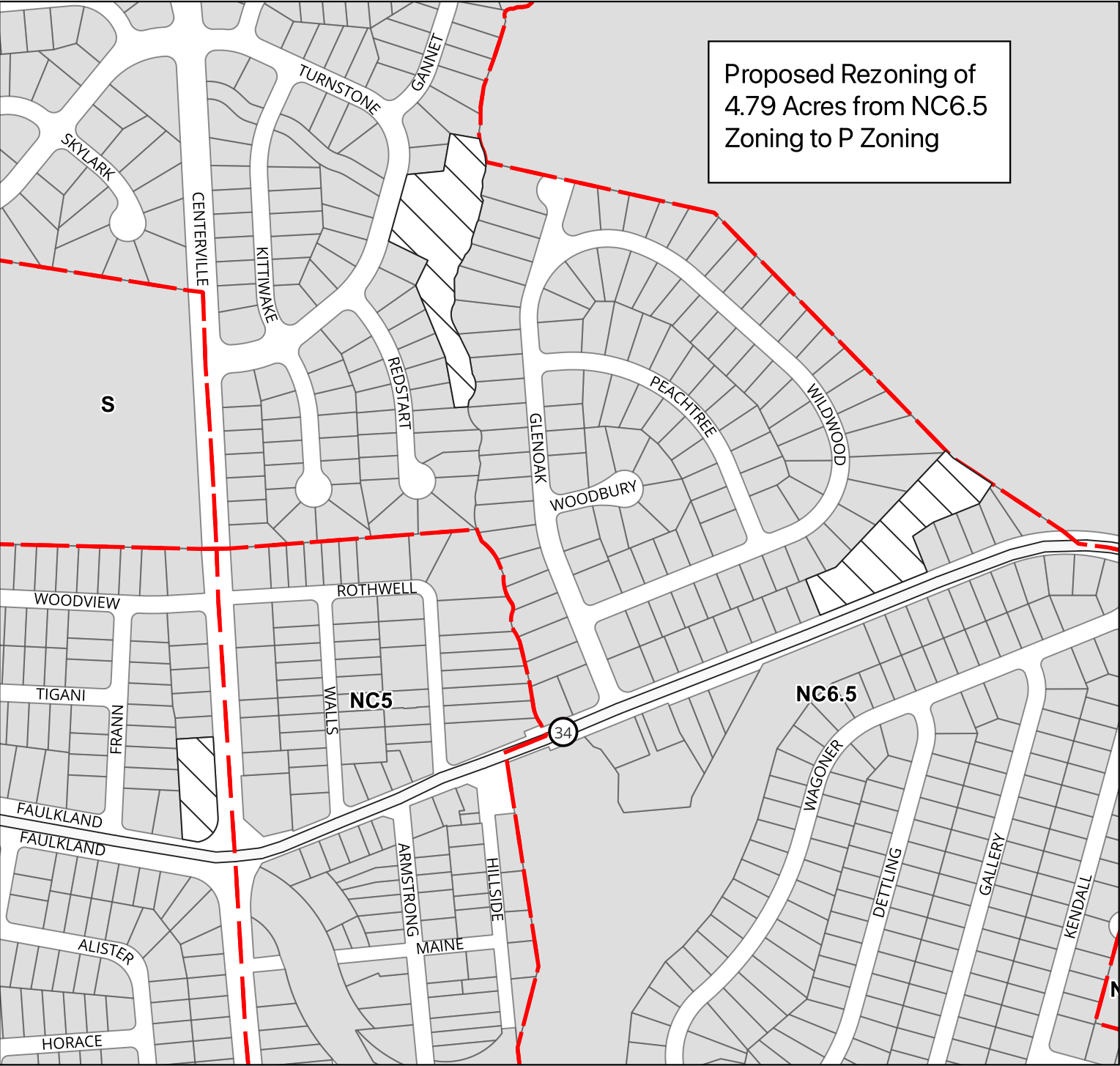
PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

 NC6.5 to P

PROPERTY MAP

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC6.5) TO PUBLICLY
CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 07-034.20-159,
07-034.20-315, 07-035.10-036



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:4809
Prepared by: Matthew Rogers

Date: 7/15/2025

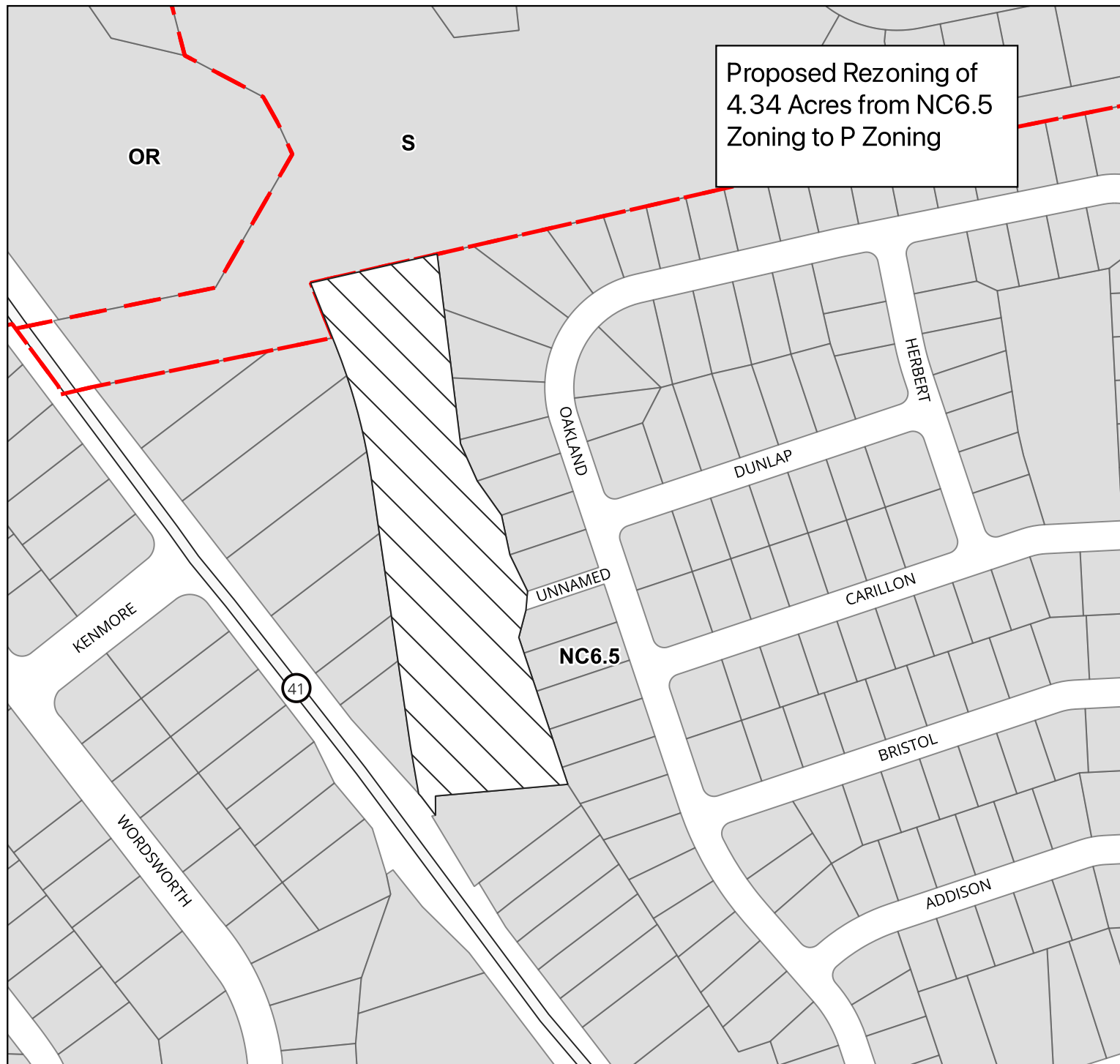


PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

 NC6.5 to P

EXHIBIT A MAP 14
ZONING ORDINANCE AS INTRODUCED

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 08-032.20-258



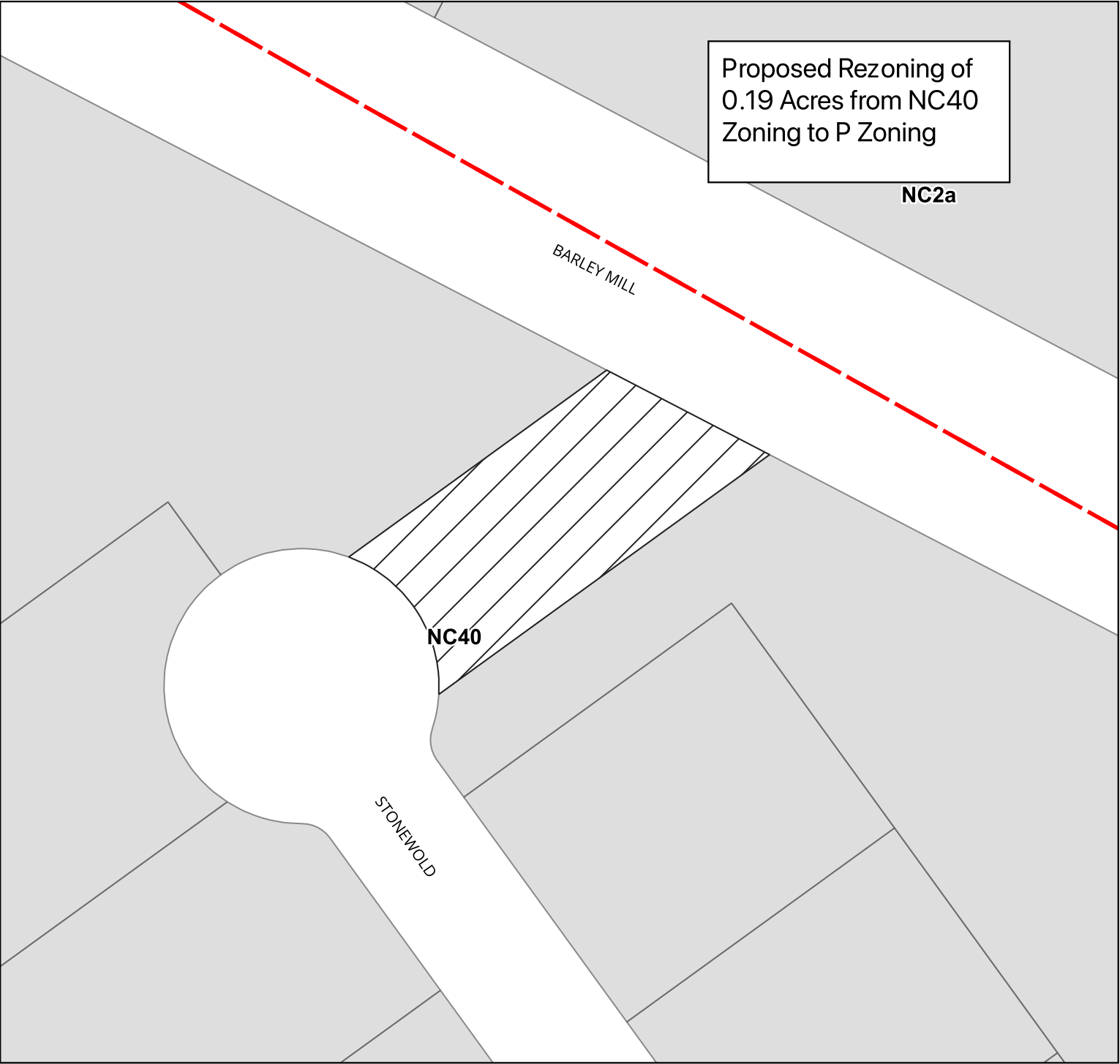
PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

NC6.5 to P

PROPERTY MAP

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC40) TO PUBLICLY
CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 07-028.00-102



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:637
Prepared by: Matthew Rogers

Date: 7/15/2025



PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

 NC40 to P

PROPERTY MAP

EXHIBIT A MAP 16
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC6.5 & NC10) TO PUBLICLY
CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 06-067.00-237,
06-080.00-108, 06-067.00-257,
06-080.00-190



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:4884
Prepared by: Matthew Rogers

Date: 7/15/2025



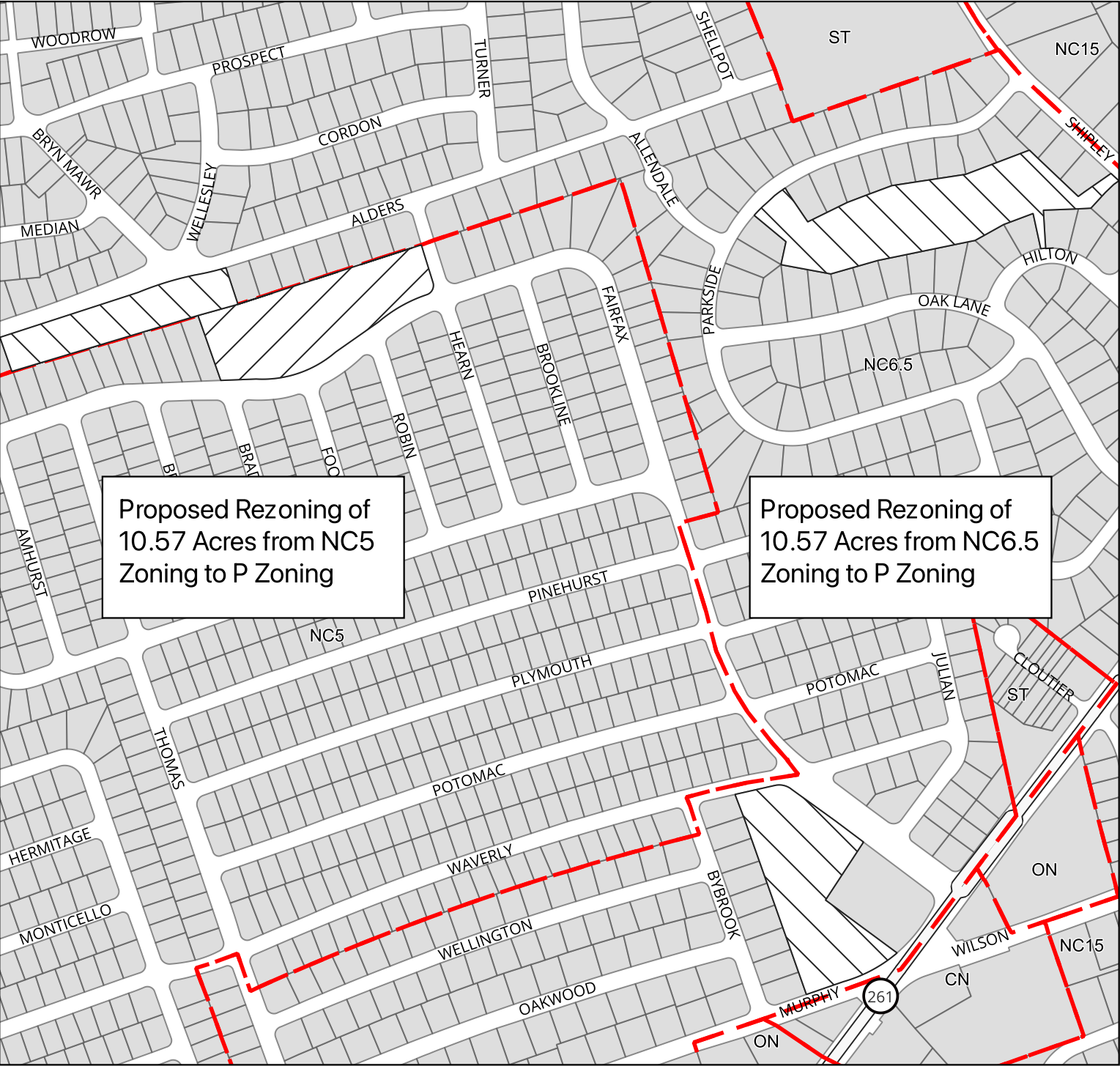
PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

- NC10 to P
- NC6.5 to P

PROPERTY MAP

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC5 & NC6.5) TO PUBLICLY
CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 06-090.00-052,
06-101.00-270, 06-090.00-571



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:5369
Prepared by: Matthew Rogers

Date: 7/15/2025



PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

- NC5 to P
- NC6.5 to P

PROPERTY MAP

EXHIBIT A MAP 18
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC2a) TO PUBLICLY
CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 07-022.00-031



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:2721
Prepared by: Matthew Rogers

Date: 7/15/2025



PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

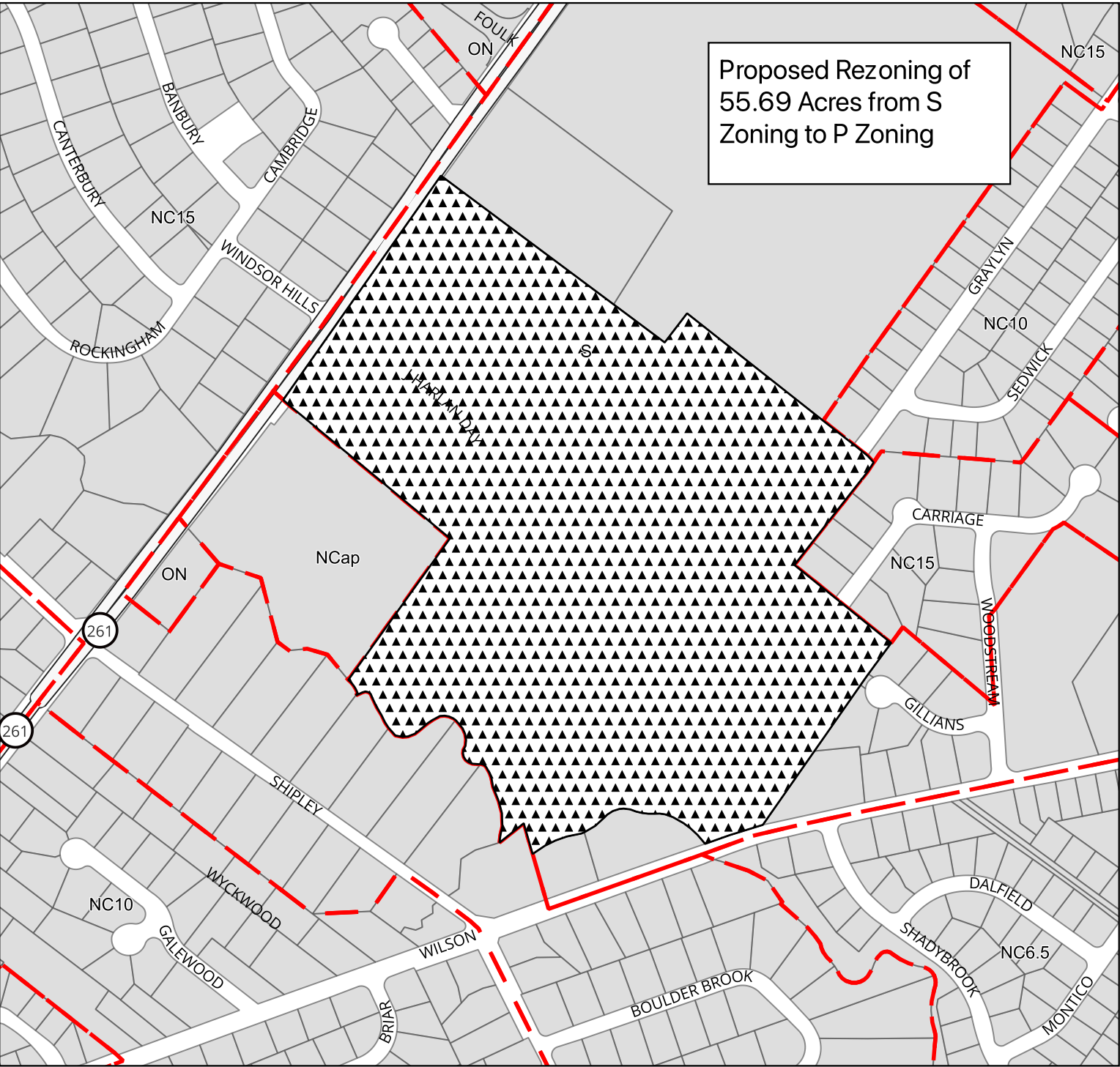
 NC2a to P

PROPERTY MAP

EXHIBIT A MAP 19
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: SUBURBAN (S) TO
PUBLICLY CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 06-091.00-154



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:5384
Prepared by: Matthew Rogers

Date: 7/15/2025



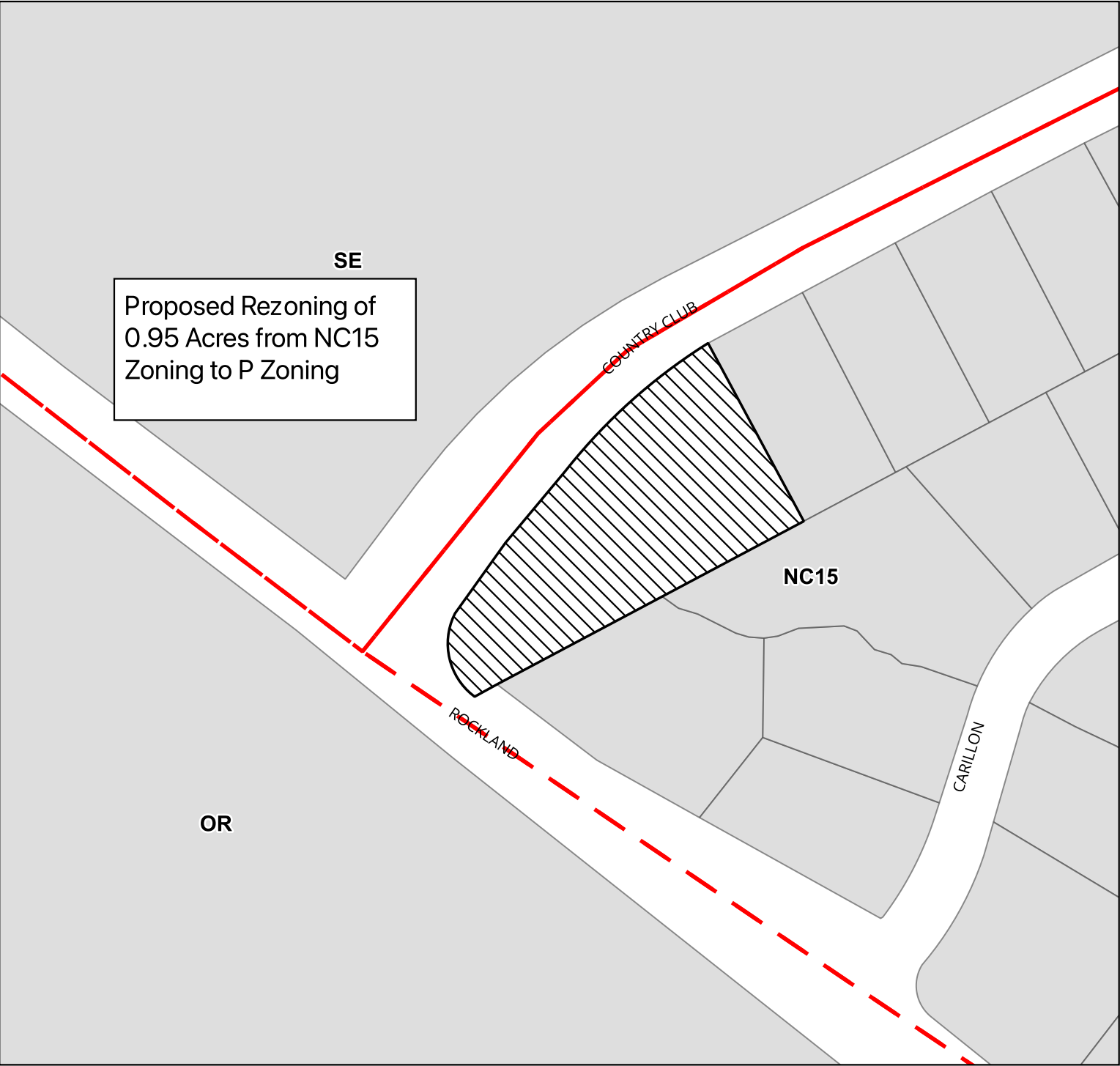
PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

 S to P

PROPERTY MAP

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC15) TO PUBLICLY
CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 06-099.00-002



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:1442
Prepared by: Matthew Rogers

Date: 7/15/2025



PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

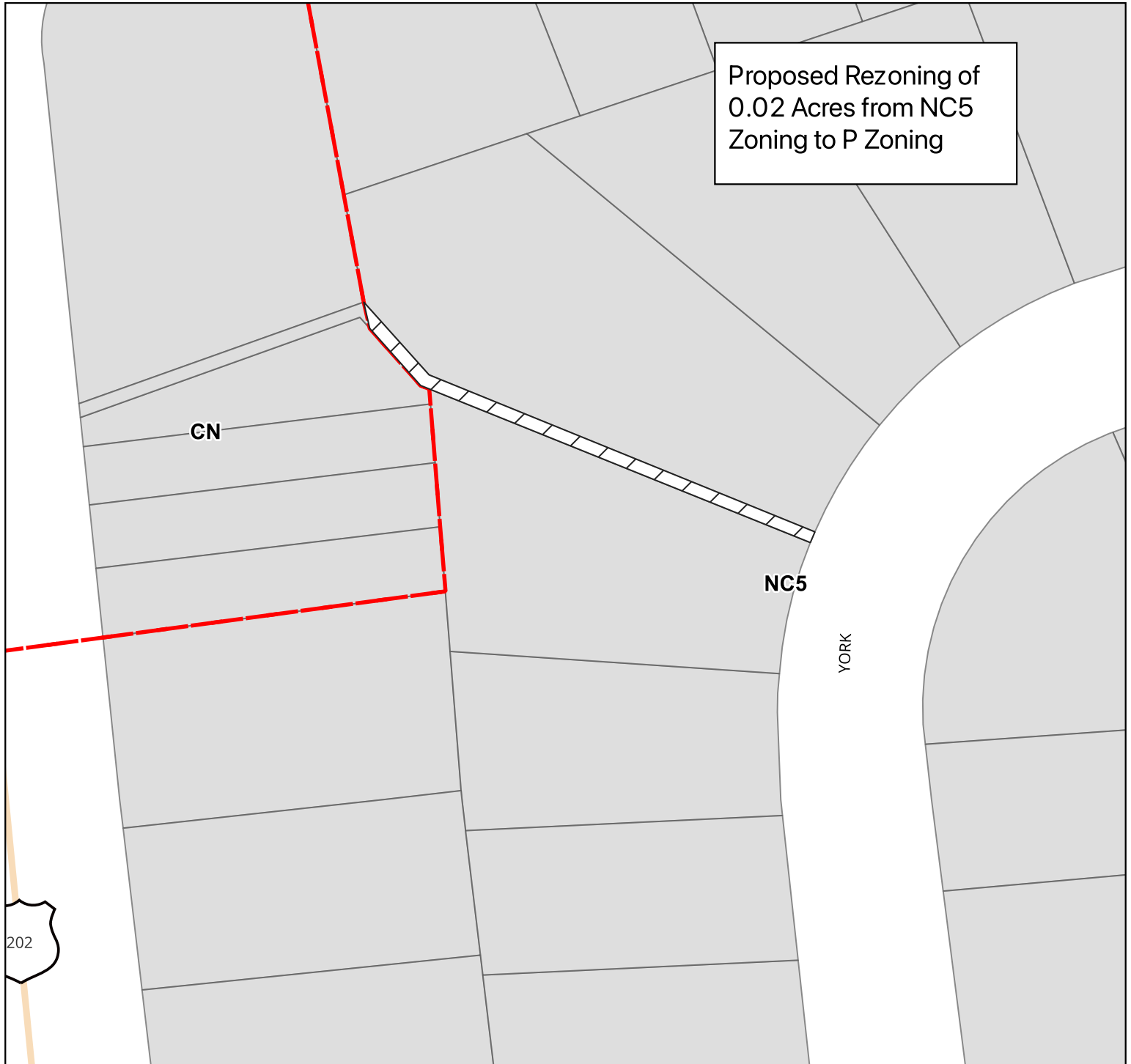
 NC15 to P

PROPERTY MAP

EXHIBIT A MAP 21
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC5) TO PUBLICLY CONSERVED
LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 06-100.00-093



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:561
Prepared by: Matthew Rogers

Date: 7/15/2025

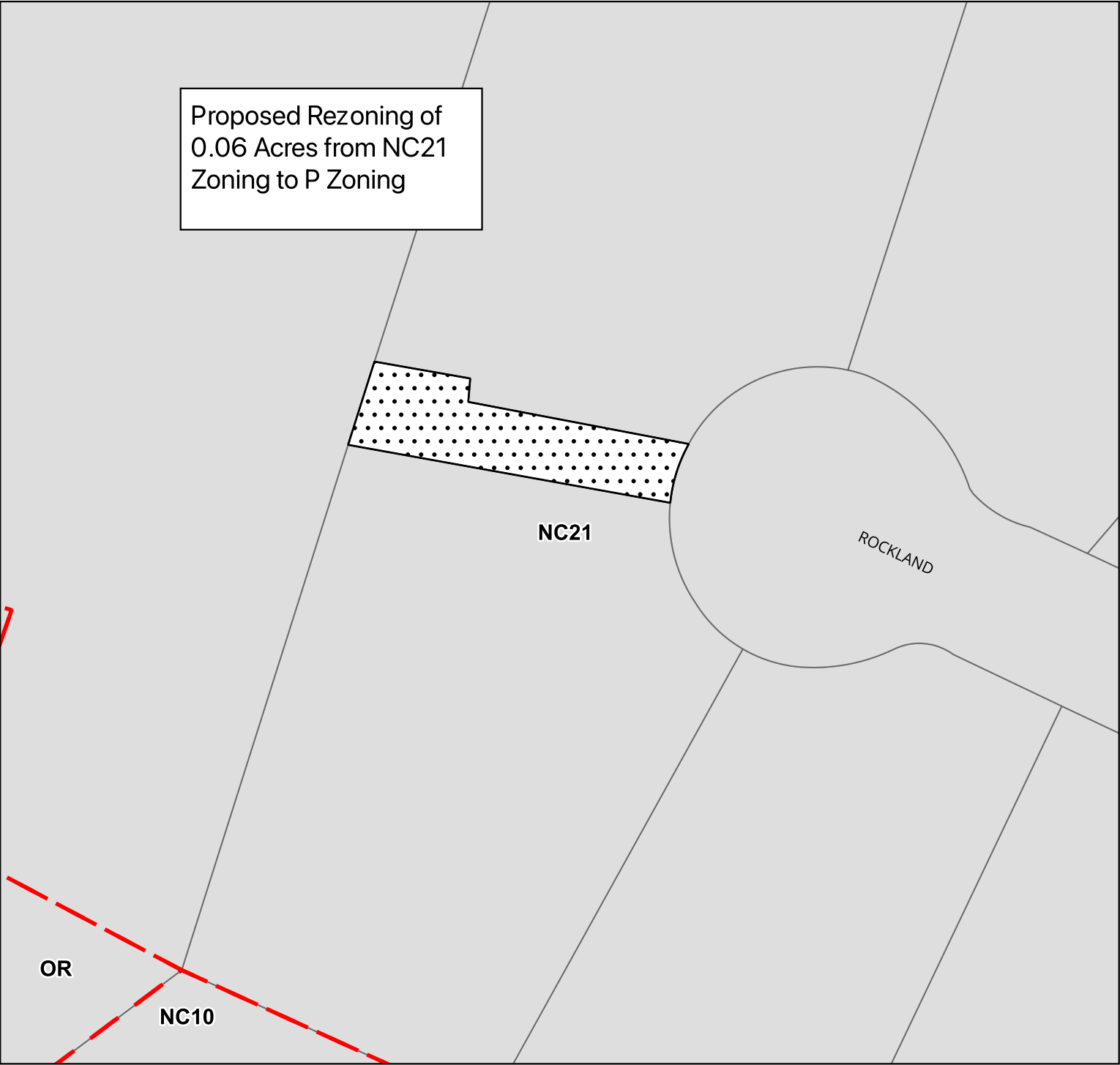


PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

 NC5 to P

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC21) TO PUBLICLY
CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 06-128.00-151



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:561
Prepared by: Matthew Rogers

Date: 7/15/2025



PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

 NC21 to P

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC15) TO PUBLICLY
CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-S/Z
TAX PARCEL NO: 07-027.00-004



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:861
Prepared by: Matthew Rogers

Date: 7/15/2025



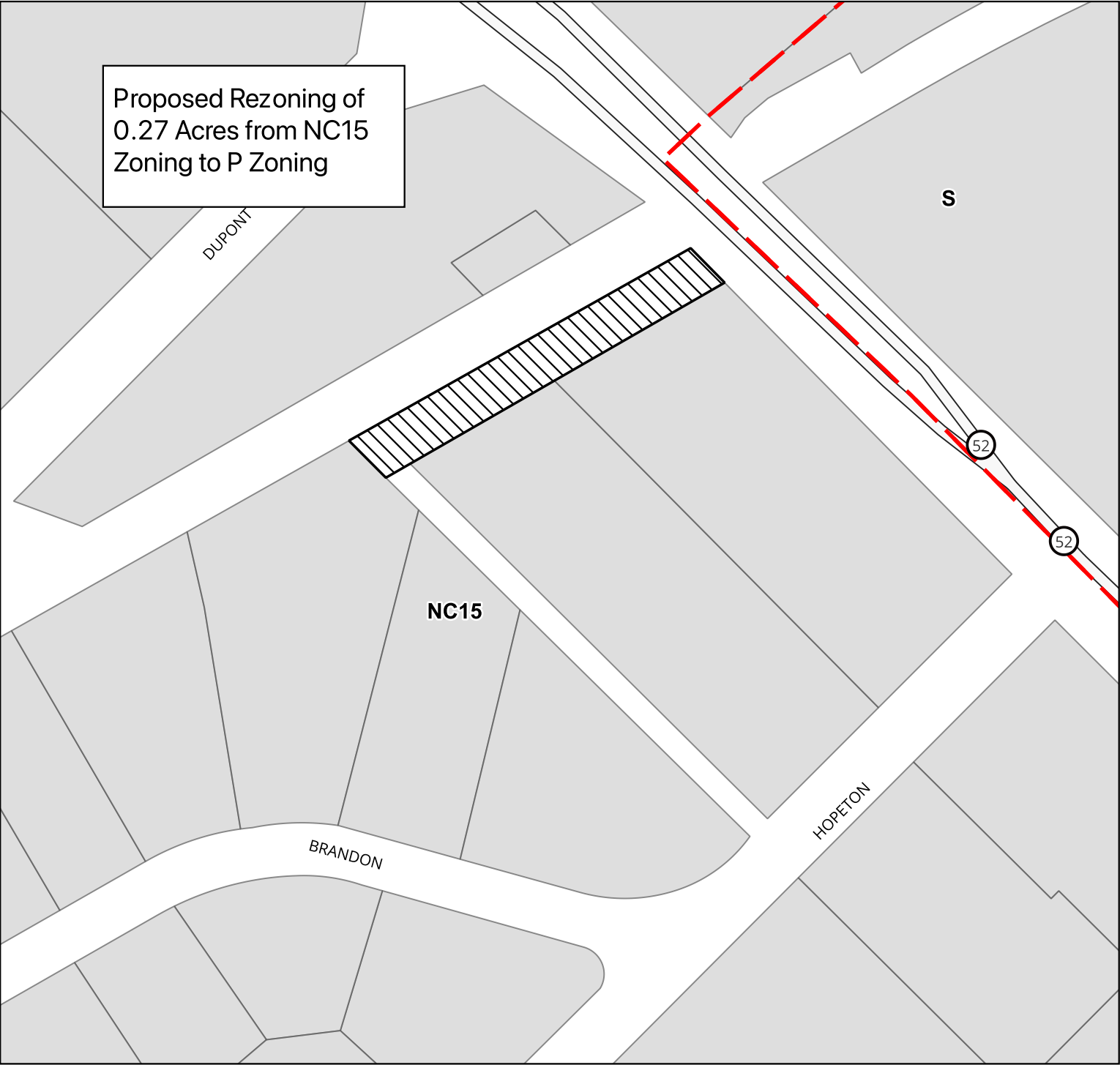
PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

 NC15 to P

PROPERTY MAP

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NC15) TO PUBLICLY
CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-XXXX-Z
TAX PARCEL NO: 07-030.30-085



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:1321
Prepared by: Matthew Rogers

Date: 7/15/2025



PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
Date Approved by County Executive:

 NC15 to P

Prime Sponsor(s): Mr. Carter
Co-sponsor(s): Mr. Caneco, Mr. Toole,
Ms. Durham, Mr. Cartier,
Mr. Hollins
Date of introduction: August 5, 2025

ORDINANCE NO. 25-101

TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 3 (“USE REGULATIONS”) AND ARTICLE 33 (“DEFINITIONS”) TO ESTABLISH STANDARDS FOR THE REVIEW, SITING, AND OPERATIONS OF DATA CENTERS

1 **WHEREAS**, New Castle County has received an unprecedented proposal for a large-
2 scale data center campus, totaling approximately 6 million square feet; and
3

4 **WHEREAS**, the County currently lacks comprehensive, specific zoning and
5 development regulations tailored to the unique infrastructure demands, environmental
6 impacts, and operational characteristics of hyperscale data centers; and
7

8 **WHEREAS**, data centers are distinct from other industrial and commercial uses due
9 to their high energy consumption, large-scale backup power systems, significant water
10 usage, and potential impacts on surrounding communities through noise, heat, and traffic;
11 and
12

13 **WHEREAS**, technological advancements have precipitated the growth of data
14 centers nationwide, expediting the need for provisions to guide responsible development
15 and mitigate impacts; and
16

17 **WHEREAS**, it is in the public interest to proactively regulate data center development
18 to ensure compatibility with surrounding land uses and to protect the health, safety, and
19 welfare of New Castle County residents; and
20

21 **WHEREAS**, data centers share many characteristics with heavy industry, particularly
22 in terms of energy consumption, building scale, and noise leading to zoning and
23 classification complexities best handled as a separate category of use; and
24

25 **WHEREAS**, the County seeks to encourage economic development while also
26 preserving community character, promoting sustainability, safeguarding public infrastructure
27 capacity, and minimizing land use conflicts; and
28

29 **WHEREAS**, County Council has determined that the provisions of this Ordinance
30 substantially advance, and are reasonably and rationally related to legitimate government
31 interests.
32

33 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
34

35 **Section 1.** *New Castle County Code Chapter 40 (“Unified Development Code”),*
36 *Article 3 (“Use Regulations”), Division 40.03.110 (“Use Regulations”) is hereby amended by*
37 *adding the material that is underscored and deleting the material that is stricken, as set forth*
38 *below.*

Sec. 40.03.110. – Use table.

Table 40.03.110 lists the type of uses permitted in each district. Refer to Division 40.33.200 for definitions of the various use categories and their components. Should a use not be identified in Table 40.03.110, an interpretation pursuant to Section 40.31.520 can be requested. Table 40.03.522 lists the specific parking requirements for several general uses listed in Table 40.03.110. Limited and special use standards are contained in Table 40.03.210 and Division 40.03.300. See Article 4 for district, lot, bulk and other standards.

Table 40.03.110A. General Use Table									Table 40.03.110B. General Use Table								Table 40.03.110C. 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	P	Parking	Limited & Special Use Standards
Agricultural									Agricultural								Agricultural ...	
Industrial Uses									Industrial Uses								Industrial Uses	
Compost operations	N	N	N	N	N	N	N	L	N	N	N	N	L	L	S	N	Table 40.03.522	Section 40.03.336
<u>Data Centers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Table 40.03.522</u>	<u>Table 40.03.210</u> <u>Section 40.03.343</u>
Extraction	N	N	N	N	N	N	N	N	N	N	N	N	N	L	N	N	Table 40.03.522	Section 40.03.324 and Table 40.03.210 ...

49 **Section 2. New Castle County Code Chapter 40** (“Unified Development Code”),
50 Article 3 (“Use Regulations”), Section 40.03.210 (“Buffering, location, bulk and scale
51 standards”), is hereby amended by adding the material that is underscored and deleting
52 the material that is stricken, as set forth below.

53
54 **Sec. 40.03.210. - Buffering, location, bulk and scale standards.**

55
56 Table 40.03.210 provides standards that increase the degree of buffering, govern the
57 location, and reduce the bulk or scale of limited or special uses. The meaning of the
58 different categories contained in the Table is established as follows:

59
60 A. *Location. ...*

61
62 K. *Other. ...*

Table 40.03.210A. Limited and Special Use Standards						Table 40.03.210B. Limited and Special Use Standards						Table 40.03.210C. Limited and Special Use Standards
	Buffer Standards					Locational or Dimensional Standards						Additional Standards
	Bufferyards			Separation		Minimum				Maximum		
Land Use	Location	Increase Opacity or Width	Fence or Berm	Use Protected	Distance from Use to protected parcel	Spacing	Site Area	Road Access	Open Space	Lot Area	Height	Other
Agricultural ...						Agricultural						Agricultural ...
Industrial Uses						Industrial Uses						Industrial Uses
Compost operations												Section 40.03.336
<u>Data Centers</u>	<u>Within 1,000 feet of a residentially zoned parcel or parcel with an established daycare center or school</u>	<u>0.4</u>	<u>Minimum 8 ft. berm</u>	<u>Residential and schools</u>	<u>1,000 ft.</u>							<u>See Section 40.03.343 *1,000 as measured to any building or structure</u>
Extraction	All	0.8 (150 ft.)	8 ft. berm	Residential	100 ft. *		25 ac.					Section 40.03.324 * 100' for Recreation, High Intensity Uses ...

Section 3. *New Castle County Code* Chapter 40 (“Unified Development Code”), 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 stricken, as set forth below.

Sec. 40.03.333. - Light Industry uses in OR and CR zoning districts.

- A. Light Industry uses as defined in Subsection 40.33.270.~~E~~ D are considered Limited Uses in the OR zoning district, except that the following uses require a special use permit:

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 Subsection 40.33.270.~~E~~ D.

Sec. 40.03.343. – Data centers.

In addition to the requirements of Section 40.31.430, the following requirements apply to any data center development and/or the cumulative expansions of existing data center in excess of 20,000 square feet:

- A. The site shall be designed to minimize noise impact on neighboring residential properties and shall not exceed 55 dB(A) at the sending property line. A noise study shall be submitted to evaluate this impact and to verify consistency with Chapter 22 of the *New Castle County Code* and the study shall include all generators and any other equipment that will be utilized on the site as part of the calculation.
- B. No portion of the proposed data center building or accessory uses shall be within 1,000 ft. from any residential zoning district.
- C. Except for lot lines along an existing office or industrial park or adjacent to an existing industrial use, the bufferyards, street trees, berming and landscaping shall be upgraded, where appropriate to mask the development. The buildings shall meet the requirements for large industrial structures in Section 40.26.260.
- D. Lighting shall be designed so that there is zero (0) footcandles at the property line of the neighboring residential area.
- E. In addition to meeting all the requirements of Article 11, anticipated trip generation for a data center shall be based on the latest published ITE manual

calculations. Data Centers shall not be converted to any use that exceeds the approved Transportation Improvement Study (TIS) or equivalent study, for the site unless another TIS or equivalent study is completed and approved in accordance with all other provisions of the Chapter.

- F. Open-loop or once-through cooling is prohibited unless reclaimed water is used.
- G. All generators shall be Tier IV or utilize natural gas with Selective Catalytic Reduction (SCR) systems unless the applicant can demonstrate another technology that is more efficient with less impact on the environment.
- H. Any energy storage system utilized for this use shall be a Battery Energy Storage System ("BESS") unless the applicant can demonstrate another technology that is more efficient with less impact on the environment and must employ fire-safe technologies as determined and approved by the State Fire Marshall's Office.
- I. All new or expanded facilities shall submit documentation outlining the operation of the building as a LEED Gold or equivalent certification and providing the Total Usage Efficiency ("TUE"), the comprehensive metric for evaluating the overall energy efficiency of a system considering both the energy used by the IT equipment and the supporting infrastructure, with a minimum TUE of 1.15 should be provided unless operational issues are documented and accepted to vary this minimum.
- J. All data centers must be designed for future integration with onsite or communal microgrid components that include various energy generation sources, energy storage systems, a distribution network, a control system, and metering/billing systems.
- K. Applicants must submit a statement of coordination with the local electric utility and demonstrate the availability of sufficient grid capacity, or provide onsite generation that meets or exceeds projected load.
- L. Annual Report, Enforcement and Compliance. The operator of the data center shall supply an annual report, as found in Appendix 9, to the Department of Land Use indicating compliance with all applicable local, state and federal regulations. Land Use shall retain the right to request additional information and establish procedures for inspections, monitoring, and enforcement of compliance with this section. Non-compliant facilities will be subject to Division 40.31.900 and/or any other remedy available.

Section 4. New Castle County Code Chapter 40 ("Unified Development Code"), Article 33 ("Definitions"), Section 40.33.270 is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

- A. Compost operations (NAICS 325314). ...

B. *Data Center.* A facility composed of networked computers, servers, storage systems, and telecommunications equipment used for data processing, storage, and distribution (NAICS 518210).

C. *B. Extraction.* ...

D. *C. Heavy industry.* ...

E. *D. Light industry.* ...

F. *E. Recycling or .* ...

G. *F. Solar energy system, large scale.* ...

H. *G. Utility, major.* ...

I. *H. Utility, minor.* ...

J. *I. Utilities, maintenance facilities.* ...

Section 5. 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 6. 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 7. 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 8. 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:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus A. Henry
County Executive
of 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 updates the use table to establish which zoning districts permit the Data Center use as a Special Use.

Sec. 40.03.210. This amendment updates the Limited and Special Use Standards Table to include Data Center uses.

Sec. 40.03.333. This amendment updates references to the definition of Light Industrial uses based on changes proposed to Section 40.33.270.

Sec. 40.03.340. This amendment updates references to the definition of Heavy Industry uses based on changes proposed to Section 40.33.270.

Sec. 40.03.343. This amendment includes Special Use standards for Data Center uses.

Section 40.33.270. This amendment defines Data Center uses.

FISCAL NOTE: This Ordinance will have no discernible fiscal impact.

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Mr. Toole, Mr. Caneco
Requested by: Admin/Finance
Date of introduction: August 5, 2025

ORDINANCE NO. 25-102

**AMEND THE FY2025 APPROVED OPERATING BUDGET:
APPROPRIATE STATE OF DELAWARE FUNDING RECEIVED FOR THE NEW CASTLE
COUNTY POLICE EMPLOYEE'S RETIREMENT SYSTEM TO THE DEPARTMENT OF
PUBLIC SAFETY EMPLOYEE BENEFITS BUDGETARY LINE ITEM**

1 **WHEREAS**, New Castle County receives pension contributions from the State of
2 Delaware for the New Castle County Police Employee's Retirement System; and
3

4 **WHEREAS**, the revenue measures heretofore adopted by the County Council are, in the
5 opinion of the County Executive, estimated to yield sums at least sufficient to balance the
6 proposed expenditures as set forth in the Annual Operating Budget as hereinafter amended.
7

8 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
9

10 Section 1. The Annual Operating Budget Ordinance for the fiscal year beginning July 1,
11 2024, is hereby amended by deleting the matter stricken and adding the matter underscored on
12 the attached Exhibit "A".
13

14 Section 2. The foregoing amendment shall be considered a part of the Annual Operating
15 Budget for the fiscal year beginning July 1, 2024 and shall be effective as though incorporated
16 initially in the FY2024 Annual Operating Budget Ordinance.
17

18 Section 3. This Ordinance shall become effective immediately upon its adoption by
19 County Council and signature of the County Executive, or as otherwise provided in 9 *Del. C.* §
20 1156.
21

22 Section 4. It is the intent of the County Council that the provisions of this Ordinance shall
23 be effective retroactive to June 30, 2025.

Adopted by County Council
of New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance will appropriate \$3,009,823.20 of revenue received from the State of Delaware to the New Castle County Department of Public Safety Employee Benefits Budgetary Line Item. New Castle County receives pension contributions from the State of Delaware for the New Castle County Police Employee's Retirement System.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to June 30, 2025.

FISCAL NOTE: This Ordinance, if approved will appropriate \$3,009,823.20 of revenue received from the State of Delaware to the New Castle County Department of Public Safety Employee Benefits Budgetary Line Item.

Prior to 1996, New Castle County would deposit the revenue received from the State directly to the Pension Trust Fund. Upon the passage of Governmental Accounting Standards Board Statement # 24 (GASB 24), the County was required to record all on-behalf payments in the General Fund as revenue and expense the proceeds to the General Fund. The revenue is then recorded in the Pension Trust Fund.

The fiscal impact of this Ordinance, if approved, would increase the Employee Benefits line of the Department of Public Safety by \$3,009,823.20.

The fiscal impact in subsequent years will be contingent upon any change by the State of Delaware in regards to the police pension program.

Acknowledged by the Chief Financial Officer July 16, 2025.

Overview of the Police Pension Funding from the State:

Police Officers hired subsequent to January 31, 1993 become members of the State of Delaware's County and Municipal Police/Firefighter's Pension Plan (C/M Plan). The pension contribution rate is established annually by the C/M Plan's actuary.

Since at least 1990, the County receives distributions of tax proceeds from the State of Delaware for County police (*18 Del. C. 707*). The State of Delaware funds distributions through a special tax levied on gross insurance premiums. The tax proceeds are deposited into a special fund, managed by the State Board of Pension Trustees and distributed based on two components:

1. Under *18 Del. C. 708 (b)*, the State Board of Pension Trustees allocates the special fund deposits based on eligibility and proportionately distributes the funds on a per capita basis based on the total number of state, county and municipal police entitled to benefits from an annual registry in accordance with *18 Del. C. 709(a)*. Funds are distributed to the proper officers of the state, county or municipal police department or bureau. Distribution takes place twice annually, on or before June 30 and December 31.
2. Under *18 Del. C. 708 (c)*, the allocation of the special fund for "state police" provides post-retirement increases for retired county and municipal police and firefighters. The State Board of Pension Trustees allocates these funds on a per capita basis to the account of each eligible county or municipality upon the annual registry in accordance with *18 Del. C. 709(b)*. Any county or municipality wishing to grant a post-retirement increase from the special fund shall submit a proposal to the State Board of Pension Trustees. In addition, prior to the implementation of such increase, the County must deposit into the special fund sufficient funds to cover 25% of the total actuarial cost of such increase.

COUNTY COUNCIL

Salaries and Wages		\$	2,502,060
Benefits			1,464,432
Training and Civic Affairs			87,104
Communication and Utilities			18,693
Materials and Supplies			35,660
Contractual Services			255,088
Equipment			14,580
Grants and Fixed Charges			348,221
Operating Transfer Charges			175,627
Total		\$	4,901,465
Total Authorized Full-Time Positions	35		

COUNTY EXECUTIVE

Salaries and Wages		\$	2,315,184
Benefits			1,190,296
Training and Civic Affairs			51,178
Communication and Utilities			21,637
Materials and Supplies			19,836
Contractual Services			333,922
Equipment			7,223
Grants and Fixed Charges			638,000
Contingency			1,707
Operating Transfer Charges			105,264
Total		\$	4,684,247
Total Authorized Full-Time Positions	17		

DEPARTMENT OF ADMINISTRATION

Salaries and Wages	\$	12,801,592
Benefits		7,410,198
Training and Civic Affairs		137,998
Communication and Utilities		8,288,872
Materials and Supplies		181,928
Contractual Services		7,821,586
Equipment		523,161
Grants and Fixed Charges		3,972,098
Operating Transfer Charges		1,143,524
Operating Transfer Credits		(12,812,422)
Total	\$	29,468,535
Total Authorized Full-Time Positions		168

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	\$	25,362,106
Benefits		14,728,052
Training and Civic Affairs		45,445
Communication and Utilities		26,468,271
Materials and Supplies		4,917,279
Contractual Services		10,847,289
Equipment		508,481
Grants and Fixed Charges		1,193,025
Land and Structures		54,700
Operating Transfer Charges		4,574,405
Operating Transfer Credits		(7,722,122)
Total	\$	80,976,931
Total Authorized Full-Time Positions		389

DEPARTMENT OF LAND USE

Salaries and Wages	\$	7,994,998
Benefits		4,647,275
Training and Civic Affairs		59,575
Communication and Utilities		111,242
Materials and Supplies		103,127
Contractual Services		1,429,294
Equipment		74,555
Grants and Fixed Charges		56,500
Operating Transfer Charges		1,061,595
Total	\$	15,538,161
Total Authorized Full-Time Positions		112

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages	\$	12,734,648
Benefits		5,580,637
Training and Civic Affairs		24,141
Communication and Utilities		1,473,021
Materials and Supplies		1,600,614
Contractual Services		3,841,213
Equipment		34,474
Grants and Fixed Charges		3,251,065
Operating Transfer Charges		1,174,095
Operating Transfer Credits		(225,977)
Total	\$	29,487,931
Total Authorized Full-Time Positions		162

DEPARTMENT OF PUBLIC SAFETY

Salaries and Wages		\$	73,434,429
Benefits	40,673,121		<u>43,682,944</u>
Training and Civic Affairs			164,155
Communication and Utilities			1,040,163
Materials and Supplies			1,490,737
Contractual Services			2,131,317
Equipment			1,773,283
Grants and Fixed Charges			8,345,222
Operating Transfer Charges			7,843,655
Intragovernmental Service Credits			
Total	136,896,082	\$	<u>139,905,905</u>
Total Authorized Full-Time Positions	727		

REGISTER OF WILLS

Salaries and Wages		\$	1,131,352
Benefits			643,880
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		\$	<u>1,980,173</u>
Total Authorized Full-Time Positions	20		

RECORDER OF DEEDS

Salaries and Wages		\$	1,202,298
Benefits			691,663
Training and Civic Affairs			40,170
Communication and Utilities			29,829
Materials and Supplies			10,573
Contractual Services			98,478
Equipment			9,975
Grants and Fixed Charges			18,350
Operating Transfer Charges			162,265
Total		\$	<u>2,263,601</u>
Total Authorized Full-Time Positions	23		

SHERIFF

Salaries and Wages	\$	1,353,771
Benefits		788,603
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	\$	2,411,097
Total Authorized Full-Time Positions	21	

CLERK OF THE PEACE

Salaries and Wages	\$	477,910
Benefits		279,717
Training and Civic Affairs		9,600
Communication and Utilities		4,484
Materials and Supplies		8,754
Contractual Services		23,268
Equipment Replacement		2,000
Operating Transfer Charges		30,824
Total	\$	836,557
Total Authorized Full-Time Positions	7	

DEBT SERVICE

Debt Service	\$	45,578,427
Total	\$	45,578,427
Total Authorized Full-Time Positions		

ETHICS COMMISSION

Salaries and Wages	\$	42,200
Benefits		4,181
Training and Civic Affairs		10,464
Communication and Utilities		2,134
Materials and Supplies		2,450
Contractual Services		235,747
Equipment		300
Operating Transfer Charges		6,360
Total	\$	303,836
Total Authorized Full-Time Positions		0

COUNCIL CONTINGENCY

Contingency	\$	152,673
Total	\$	152,673
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY

Contingency	\$	0
Total	\$	0
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY

Contingency	\$	105,500
Total	\$	105,500
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY

Personal Services - Salaries and Wages	\$	0
Personal Services - Employee Benefits	\$	0
Total	\$	0
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY

Contingency		\$	11,880
Total		\$	<u>11,880</u>

NEW CASTLE COUNTY

Salaries and Wages		\$	141,352,548
Benefits	78,102,055		<u>81,111,878</u>
Training and Civic Affairs			694,232
Communication and Utilities			37,485,548
Materials and Supplies			8,402,270
Contractual Services			27,135,916
Equipment			2,955,832
Grants and Fixed Charges			17,822,481
Debt Service			45,578,427
Land and Structures			54,700
Contingency			271,760
Operating Transfer Charges			16,501,848
Operating Transfer Credits			(20,760,521)
Sub-Total New Castle County	<u>355,597,096</u>	\$	<u>358,606,919</u>
Total Authorized Full-Time Positions	1,681		

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF JUNE 24, 2025

Tax Stabilization Reserve Account		61,495,003
Sewer Rate Stabilization Reserve Account		5,620,512
General Fund Budget Reserve Account		45,312,006
Sewer Fund Budget Reserve Account		18,734,142
Total Reserves:		<u>131,161,663</u>

ORDINANCE NO. 25-099

**TO AMEND NEW CASTLE COUNTY CODE CHAPTER 14 ("FINANCE AND TAXATION"),
ARTICLE 5 ("ABATEMENT OF PROPERTY TAXES AND PENALTY") TO PROVIDE THE
CHIEF FINANCIAL OFFICER AUTHORITY TO ABATE PENALTIES FOR ELIGIBLE
RESIDENTIAL TAXPAYERS PARTICIPATING IN AN INSTALLMENT PAYMENT PLAN
CAUSED BY INCREASED PROPERTY TAX LIABILITY FOLLOWING A COUNTY-WIDE
REASSESSMENT OF REAL PROPERTY.**

1 **WHEREAS**, New Castle County has recently completed a County-wide reassessment of
2 property values that assessed all properties at their July 1, 2024 fair market value; and
3

4 **WHEREAS**, the *New Castle County Code* prohibits the abatement of penalties "where a
5 taxable is participating in an installment payment arrangement with the Office of Finance"; and
6

7 **WHEREAS**, County Council and the County Administration wish to ensure that residential
8 property owners that incur increases in property tax liability following a County-wide
9 reassessment are able to mitigate some of the financial hardship by entering into payment plans
10 with the New Castle County Office of Finance without being subject to penalties and additional
11 financial burden as a result of the County-wide reassessment; and
12

13 **WHEREAS**, County Council may allow an abatement of or discount upon any County
14 penalty required to be collected by the County.
15

16 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
17

18 Section 1. *New Castle County Code* Chapter 14 ("Finance and Taxation"), Article 5
19 ("Abatement of Property Taxes and Penalty"), Section 14.05.002(A) is hereby amended by
20 adding the material that is underscored as follows:
21

22 10. Notwithstanding the prohibition in Section 14.05.002(B)(3), where the Chief Financial
23 Officer approves a taxpayer's application for a written installment payment plan due to economic
24 hardship following a County-wide reassessment. For the purpose of administering this
25 subsection, "economic hardship" means that the taxpayer experienced an increase in residential
26 property tax liability of no less than \$50 when compared to the amount invoiced by New Castle
27 County for that taxable in the prior tax year. A written installment payment plan authorized by
28 this subsection:
29

- 30
- 31 a) may only abate penalties associated with a property that is zoned for residential
32 use and is owned and occupied by the taxpayer,
33
- 34 b) must require that the taxpayer make full and complete payment of property
35 taxes in no greater than three (3) installment payments as determined by the
36 Office of Finance,
37
- 38 c) must require that the taxpayer make full, final, and complete payment of taxes
39 within the remaining tax year,

- 40 d) must require that penalties shall not be abated if the taxpayer fails to timely
41 make payment as required by the written installment payment plan, and
42
43 e) may not be offered to any applicant who:
44
45 (i) owes any taxes, fines, or sewer service charges collectible by New
46 Castle County, or
47
48 (ii) is in default of an approved payment plan for taxes, fines, or sewer
49 service charges.
50

51 Section 3. This Ordinance shall become effective immediately upon its adoption by
52 County Council and signature of the County Executive, or as otherwise provided in 9 *Del. C. §*
53 1156.

Adopted by County Council
of New Castle County on:

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance defines economic hardship in the context of an increase in tax liability following a County-wide property reassessment and authorizes the Chief Financial Officer to abate penalties that accrue when a taxpayer experiencing economic hardship enters a written installment payment plan. The Chief Financial Officer may only abate such penalties through a written installment payment plan that complies with the requirements of this Ordinance.

FISCAL NOTE: This Ordinance, if approved, is estimated to result in approximately 9,400 qualified County tax payment plan applicants during the six-month period, with a total penalty revenue estimated at \$130,443 for Fiscal Year 2026. However, these funds were not included as anticipated revenue in the FY26 Operating Budget so it would not be a reduction to the budget. It is anticipated staffing needs to process applications and adjust accounts would require the addition of a Delinquent Account Collector at an estimated cost of a .8 FTE at \$66,171 for salary and benefits for FY26 from the reassessment capital project. There are no anticipated costs for FY27 or FY28 as it is a one-year program.

Acknowledged by the Chief Financial Officer 7/23/25