



NEW CASTLE COUNTY COUNCIL LAND USE COMMITTEE MEETING

Co-Chair: David Tackett, Eleventh District

Co-Chair: Janet Kilpatrick, Third District

October 7, 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**

REVISED AGENDA

A. Meeting Call to Order

B. Approval of Minutes

C. Review/Discussion of Resolution(s)

R25-: PLAN OF HOCKESSIN STATION; MILL CREEK HUNDRED; EAST SIDE OF VALLEY ROAD, 850 FEET SOUTH OF EVANSON ROAD; MAJOR SUBDIVISION PLAN THAT SUBDIVIDES THE SUBJECT PARCELS INTO 143 LOTS, WITH ASSOCIATED SITE IMPROVEMENTS, UTILIZING THE OPEN SPACE PLANNED DEVELOPMENT OPTION, AND REMOVES DEED RESTRICTIONS FROM TAX PARCELS #08-012.00-033 AND #08-012.00-073; ST AND ST & H ZONING; [APPLICATION NUMBER 2021-0695-S/Z](#); COUNCIL DISTRICT 3
Prime Sponsor(s): Ms. Kilpatrick

D. Review/Discussion of Ordinance(s)

SUBSTITUTE NO. 1 TO °25-063: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 3 ("USE REGULATIONS"), REGARDING ADULT DAY CARE FACILITIES AND LIMITED USE STANDARDS FOR DAY CARE CENTERS

Prime Sponsor(s): Ms. Kilpatrick, Mr. Smiley

°25-120: AMEND NEW CASTLE COUNTY CODE CHAPTER 7 ("PROPERTY MAINTENANCE CODE"), SECTION 7.01.002 ("AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE"), AS AMENDED, SECTION PM 308 ("RUBBISH AND GARBAGE") AND CHAPTER 19 ("RESIDENTIAL RENTAL PROPERTIES"), ARTICLE 3 ("RENTAL CODE")

Prime Sponsor(s): Ms. Durham

°25-025: AMENDING NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), SECTION 40.31.114 ("RECORD PLAN REVIEW STAGE") RELATING TO NOTICE OF RECORD PLANS

Prime Sponsor(s): Mr. Caneco, Mr. Carter

E. Presentations**F. Other**

- Travel Request: Rachel Zara - IPA Planning Education Certificate Series, Dover, DE

G. Public Comment**H. Adjournment****REVISED AGENDA POSTED: September 30, 2025**

AGENDA POSTED: September 30, 2025

*The revised agenda was posted (7) seven days in advance of the meeting in compliance with 29 *Del. C.* Section 10004(e)(2).

The agenda was 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. Kilpatrick
Requested by: Department of Land Use
Date of introduction: October 14, 2025

RESOLUTION NO. 25-

PLAN OF HOCKESSIN STATION; MILL CREEK HUNDRED; EAST SIDE OF VALLEY ROAD, 850 FEET SOUTH OF EVANSON ROAD; MAJOR SUBDIVISION PLAN THAT SUBDIVIDES THE SUBJECT PARCELS INTO 143 LOTS, WITH ASSOCIATED SITE IMPROVEMENTS, UTILIZING THE OPEN SPACE PLANNED DEVELOPMENT OPTION, AND REMOVES DEED RESTRICTIONS FROM TAX PARCELS #08-012.00-033 AND #08-012.00-073; ST AND ST & H ZONING; APPLICATION NUMBER 2021-0695-S/Z; COUNCIL DISTRICT 3

1 **NOW, THEREFORE, BE IT RESOLVED**, by and for the County Council of New
2 Castle County that County Council hereby approves the following major land
3 development plan, Plan of Hockessin Station (Application No. 2021-0695-S/Z) as
4 heretofore approved by the Land Use Department, and the President of County Council
5 is hereby authorized to endorse her approval upon the following plan.

**HOCKESSIN STATION
Mill Creek Hundred**

Adopted by County Council of
New Castle County on: 10/14/25

Monique Williams-Johns
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.



New Castle County Department of Land Use

MEMORANDUM

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

FROM: David Culver

RE: Application Number 2021-0695-S/Z
Hockessin Station
Record Major Land Development Plan

DATE: September 26, 2025

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: Marcus Henry, County Executive
Mona Parikh, Chief Administrative Officer

Plan of Hockessin Station; Mill Creek Hundred; East side of Valley Road, 850 feet south of Evanson Road; Major Subdivision Plan that subdivides the subject parcels into 143 lots, with associated site improvements, utilizing the Open Space Planned development option, and removes deed restrictions from tax parcels #08-012.00-033 and #08-012.00-073; ST and ST & H zoning; Council District 3.

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.

SITE DATA

1. OWNER ADDRESS: TP# 08-012.00-033, -034, -035, -040, -073, AND -074
VRH LLC
220 CONTINENTAL DRIVE, SUITE 410
NEWARK, DE 19713
TP# 08-012.00-036 AND -037
HSD LLC
220 CONTINENTAL DRIVE, SUITE 410
NEWARK, DE 19713
2. TAX PARCEL NUMBERS: 08-012.00-033, 08-012.00-034, 08-012.00-035, 08-012.00-036, 08-012.00-037, 08-012.00-038, 08-012.00-039, 08-012.00-040, 08-012.00-073, 08-012.00-074, & 08-012.00-075
3. AREA OF PARCELS: 08-012.00-033: 7.624 AC.
08-012.00-034: 0.574 AC.
08-012.00-035: 0.844 AC.
08-012.00-036: 1.944 AC.
08-012.00-037: 15.114 AC.
08-012.00-038: 3.924 AC.
08-012.00-039: 3.514 AC.
08-012.00-040: 0.914 AC.
08-012.00-073: 19.004 AC.
08-012.00-074: 4.034 AC.
08-012.00-075: 0.864 AC.
TOTAL: 58.312 AC.
4. SOURCE OF TITLE: 08-012.00-033: DEED 20180112-0001911
08-012.00-034: DEED 20180112-0001912
08-012.00-035: DEED 20220111-0097332
08-012.00-036: DEED 20230126-0005756
08-012.00-037: DEED 20230126-0005756
08-012.00-038: DEED 20210107-0002776
08-012.00-039: DEED 20210107-0002780
08-012.00-040: DEED 20180119-0036376
08-012.00-073: DEED 20180112-0001911
08-012.00-074: DEED 20220111-0097332
08-012.00-075: DEED 20210107-0002784
5. ZONING: EXISTING: S (SUBURBAN), ON (COMMERCIAL NEIGHBORHOOD), AND I (INDUSTRIAL)
PROPOSED: ST (SUBURBAN TRANSITION) - OPEN SPACE PLANNED

REQUIRED:	DWELLING UNIT TYPE	SITE AREA	LOT AREA	LOT WIDTH	STREET YARD	SIDE YARD **	BUILDING SPACING	REAR YARD	BUILDING HEIGHT
	SINGLE FAMILY	12,000 SF	85 FT.	25'	6 FT.	N/A	30 FT.	36 FT.	36 FT.
	VILLAGE	6,000 SF	40 FT.	12/20 FT. **	6 FT.	N/A	25 FT.	36 FT.	36 FT.
	TWNS	3,000 SF	4,500 SF	48 FT.	20/20 FT. **	1' @ 8 FT.	12 FT.	25 FT.	36 FT.
	TOWN HOUSE	7,200 SF	2,200 SF	22 FT.*	15/20 FT. **	0.6 FT. (END UNIT)	10 FT.	20 FT.	40 FT.

* LOT WIDTH VARIABLE BY DEPTH
** SETBACK TO PARKING FROM SIDEWALK

6. LOTS: EXISTING: 11 LOTS / PROPOSED: 143 LOTS
7. DWELLING UNIT MIX: REQUIRED: 3 TOTAL UNIT TYPES (15% MIN, 60% MAX.)
PROVIDED: 4 TOTAL UNIT TYPES

DWELLING UNIT TYPE	NUMBER	% OF MIX
SINGLE FAMILY	3	2.1%
VILLAGE	12	8.4%
TWNS	22	15.4%
TOWNHOUSE	106	74.1%
TOTAL	143	100%

8. PARKING: REQUIRED: 34 SPACES (15 DETACHED DWELLING UNITS * 2.25 SPACES)
288 SPACES (128 ATTACHED DWELLING UNITS * 2.25 SPACES)
322 SPACES TOTAL
(PER SECTION 40.22.61 GARAGES MAY BE CONSIDERED AS REQUIRED OFF-SITE PARKING SPACES FOR ALL DETACHED HOUSING TYPES. FOR ATTACHED DWELLINGS, ONE (1) REQUIRED OFF-STREET PARKING SPACE MAY BE CONSIDERED WITHIN A GARAGE LOCATED ON THE SAME LOT.)
- PROVIDED: 60 SPACES (30 DRIVEWAY SPACES, 28 GARAGE SPACES + 2 SHARED SPACES)
435 SPACES (256 DRIVEWAY SPACES, 128 GARAGE SPACES + 51 SHARED SPACES)
495 SPACES TOTAL

ALL UNITS WILL HAVE AT LEAST (2) DRIVEWAY PARKING SPACES.
PARKING FOR DETACHED DWELLING UNITS WILL BE PROVIDED BY A MIX OF PARKING WITHIN GARAGES AS WELL AS DRIVEWAYS (9'x20' MIN. MEASURED FROM BACK EDGE OF SIDEWALK) IN FRONT OF EACH DWELLING UNIT. A GARAGE SPACE IS NOT USED FOR THE PARKING REQUIREMENT ON LOT 142.
PARKING FOR ATTACHED DWELLING UNITS WILL BE PROVIDED WITHIN DRIVEWAYS (9'x20' MIN. MEASURED FROM BACK EDGE OF SIDEWALK) IN FRONT OF EACH DWELLING UNIT AS WELL AS MIN. 1 PARKING SPACE WITHIN GARAGES. ADDITIONAL PARKING WILL BE PROVIDED IN THE SHARED PARKING AREAS (9'x18' TYPICAL).

9. AREA BREAKDOWN: LOT AREA: 16.77± ACRES (28.8%)
RIGHT-OF-WAY: 3.99± ACRES (6.8%)
OPEN SPACES: 36.25± ACRES (62.2%)
SUM AREAS: 1.30± ACRES (2.2%)
SUB TOTAL: 58.31± ACRES (100.0%)

10. WRPA: OPEN SPACE INCLUDES 1.43± AC OF ACTIVE RECREATION (REQUIRED 1.43± AC)
THE ENTIRE SITE LIES WITHIN THE COCKEYSVILLE FORMATION WATER RESOURCE PROTECTION AREA (WRPA) ACCORDING TO WRPA MAP 1 OF 3, DATED MARCH 2022.
SITE AREA WITHIN WRPA: 58.31 ± ACRES
PROPOSED DISTURBANCE WITHIN WRPA: 29.15± ACRES (50%)
PROPOSED IMPERVIOUS COVERAGE WITHIN WRPA: 11.66± ACRES (20%)

11. DATE OF SURVEY: AERIAL TOPOGRAPHIC SURVEY PERFORMED BY COOPER AERIAL SURVEYS CO., DATED DECEMBER 12, 2019. PARTIALLY UPDATED BY VANDERMARK & LYNCH, INC. THROUGH MARCH 2020 WITH SUPPLEMENTAL SURVEY BY CDA ENGINEERING, INC. THROUGH AUGUST 2021.
HORIZONTAL: NAD83 / VERTICAL: NAVD88
CDA POINT #1, RTH MAG NAIL FOUND, EL. 256.04±, N 649091.9479, E 574391.9739
12. DATUM: NAD83
13. BENCHMARK: CDA POINT #1, RTH MAG NAIL FOUND, EL. 256.04±, N 649091.9479, E 574391.9739
14. DEED RESTRICTIONS: THIS PLAN PROPOSES TO ELIMINATE THE EXISTING DECLARATION OF RESTRICTIONS, AS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON APRIL 27, 2007, INSTRUMENT # 20070426-0018792, FOLLOWING THE PROCEDURE OUTLINED IN SECTION 40.31.130 OF THE NEW CASTLE COUNTY CODE. THE DEED RESTRICTION CHANGE WAS APPROVED ON 12/20/2022, APPLICATION #2022-0623-DRG, RESOLUTION #23-034.

15. SEWER: NEW CASTLE COUNTY - SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS AT THE TIME OF APPROVAL OF THIS PLAN. SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, HIS SUCCESSORS OR ASSIGNS, SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
- SEWER FLOW: 4,500 GPD: SINGLE FAMILY DETACHED (15 UNITS @ 300 GPD) (LOTS 99-102 & LOTS 133-143)
32,000 GPD: SINGLE FAMILY ATTACHED (128 UNITS @ 250 GPD) (LOTS 1-98 & LOT 103-132)
36,500 GPD TOTAL (146,000 GPD PEAK)

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

17. FLOODPLAIN: A PORTION OF THIS SITE LIES WITHIN A FEMA 100-YEAR ZONE 'AE' FLOODPLAIN ACCORDING TO FLOOD INSURANCE RATE MAP #10003C0040L WITH AN EFFECTIVE DATE OF JANUARY 22, 2020.
THE LIMITS OF FLOODPLAIN OUTSIDE OF FEMA DELINEATED FLOOD AREAS ARE SHOWN AS DEPICTED ON "WATER RESOURCE PROTECTION AREAS FOR CITY OF NEWARK, CITY OF WILMINGTON, NEW CASTLE COUNTY, DELAWARE" MAP 1 OF 3, PREPARED BY THE WATER RESOURCE AGENCY FOR NEW CASTLE COUNTY DATED MARCH 2022 IN ACCORDANCE WITH UDC §10.302.6.3.

18. WETLANDS: A WETLANDS INVESTIGATION WAS CONDUCTED BY WATERSHED ECO LLC IN JANUARY 2020 IN ACCORDANCE WITH THE 1987 USACE WETLANDS DELINEATION MANUAL (Y-87-1) AND INTERIM REGIONAL SUPPLEMENT TO CORPS OF ENGINEERS WETLAND. WETLANDS WERE FOUND TO EXIST ON THE SITE AS DEPICTED ON THIS PLAN.

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

20. NATURAL RESOURCES:
- | PROTECTED RESOURCES | PROTECTION RATIO | TOTAL AREA* | DISTURBED AREA | PROTECTED AREA | PROTECTED RATIO |
|------------------------|------------------|-------------|----------------|----------------|-----------------|
| FLOODPLAIN** | 1.00 | 9.94 AC. | 0.10 AC.** | 9.84 AC. | 0.99*** |
| WETLANDS** | 1.00 | 5.82 AC. | 0.09 AC.** | 5.72 AC. | 1.00*** |
| RIPIARIAN BUFFERS** | 1.00 | 5.69 AC. | 0.33 AC.** | 5.36 AC. | 0.94*** |
| MATURE FOREST | 0.70 | 9.08 AC. | 0.22 AC. | 8.86 AC. | 0.98 |
| YOUNG FOREST | 0.50 | 3.32 AC. | 1.92 AC. | 1.4 AC. | 0.42*** |
| COCKEYSVILLE FORMATION | 0.50 | 58.31 AC. | 29.15 AC. | 29.15 AC. | 0.50 |

* TOTAL AREA - RESOURCES MAY OVERLAP
** PER SECTION 40.10.210, DISTURBANCE TO RIPIARIAN BUFFER IS PERMITTED WITHIN ZONE 2 FOR STORMWATER MANAGEMENT PRACTICES. DISTURBANCE TO FLOODPLAIN AND RIPIARIAN BUFFER IS PERMITTED FOR CONSTRUCTION OF SEWER, WATER, AND UTILITIES.
*** ADDITIONAL DISTURBANCE IS ALLOWED FOR REMOVAL OF EXISTING PAVING/BUILDING
**** PROPOSED YOUNG FOREST MITIGATION OF A RATIO OF 1.5:1 PER FORMER CODE SECTION 40.10.350

21. SUBDIVISION STREETS: ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DIVISION OF HIGHWAYS STANDARDS AND SHALL BE SUBJECT TO ITS APPROVAL. SEE SHEET 6 FOR TRAFFIC IMPACT STUDY (TIS) AND TRAFFIC REQUIREMENTS.

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

STORM SEWERS DESIGNATED TO BE MAINTAINED BY MAINTENANCE CORPORATION SHALL BE VIDEO-TAPED. THE VIDEO SHALL BE REVIEWED BY A PROFESSIONAL ENGINEER AND ANY ITEMS CITED IN THE REPORT REPAIRED OR RESULT BY ACCEPTABLE METHODS TO MEET DEEDOT REQUIREMENTS PRIOR TO SUBMISSION TO NCC FOR REVIEW AND ACCEPTANCE PRIOR TO TRANSFER TO THE MAINTENANCE CORPORATION.

22. PUBLIC ROADWAYS: 60' RIGHT OF WAY: 756'± L.F.
28' REDUCED WIDTH RIGHT OF WAY: 4,450'± L.F.
TOTAL LINEAR FEET OF STREETS: 5,256'± L.F.

23. LIMIT OF DISTURBANCE: 29.15± ACRES

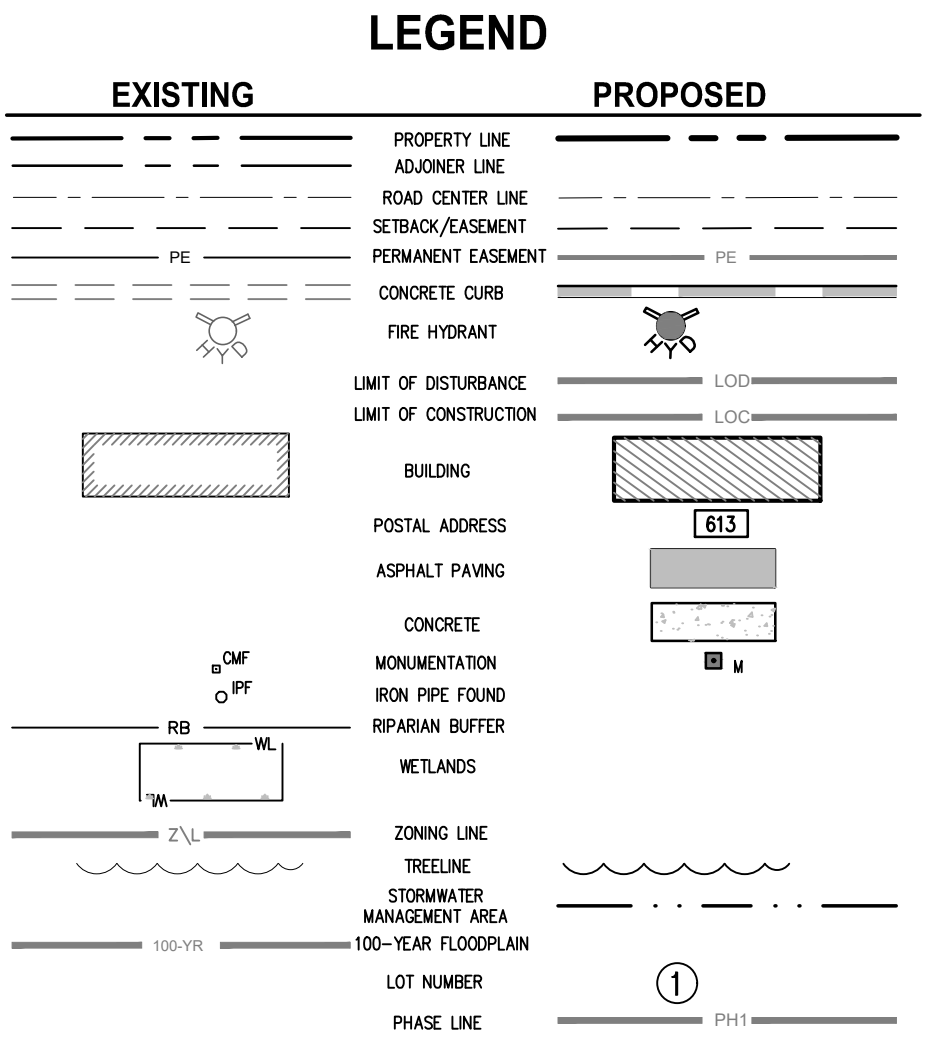
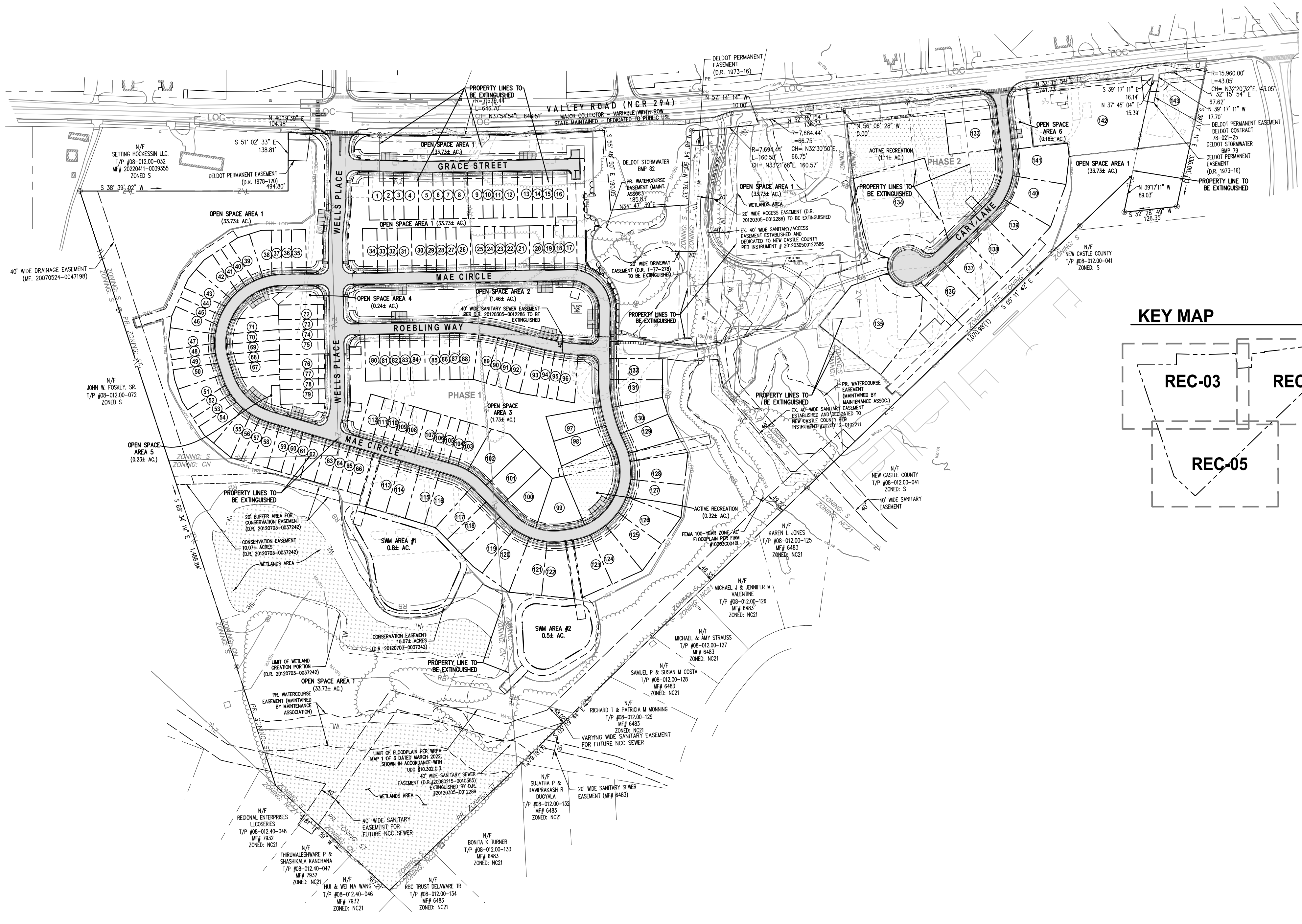
24. DEBRIS DISPOSAL: NO DEBRIS SHALL BE BURIED ON THE SITE.
THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE, AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.

25. IMPACT FEES: A LANDSCAPE PLAN, PREPARED BY DESIGNS, ETC., LAST DATED 9/11/25, OR AS AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE RECORD PLAN.

26. LANDSCAPE PLAN: SEE SHEET R-02 FOR CONTINUATION OF NOTES

PURPOSE NOTE:

- PURPOSE OF PLAN: 1) TO REZONE TAX PARCELS #08-012.00-033 THRU -040 AND #08-012.00-073 THRU -075 TO 'ST' (SUBURBAN TRANSITION) ZONING AND A PORTION OF TAX PARCEL #08-012.00-039 (PROPOSED LOT 142) TO 'ST' AND 'Y' (HISTORIC OVERLAY) ZONING PER ORDINANCE #022-128;
2) TO SUBDIVIDE THE SUBJECT PARCELS INTO 143 LOTS, WITH ASSOCIATED SITE IMPROVEMENTS, UTILIZING THE OPEN SPACE PLANNED DEVELOPMENT OPTION UNDER THE PROPOSED 'ST' ZONING; AND
3) TO REMOVE DEED RESTRICTIONS FROM TAX PARCELS #08-012.00-033 AND #08-012.00-073.



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

CERTIFICATION OF PLAN ACCURACY

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE AND THAT THE INFORMATION SHOWN ON THIS PLAN IN REFERENCE TO THE PERIMETER BOUNDARY IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE NEW CASTLE COUNTY UNITED DEVELOPMENT CODE.

THOR LUNDIN, PLS 9/25/25
DATE

CERTIFICATION OF PLAN ACCURACY

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

COUNCILLE DEASCANIS 9/25/25
REGISTRATION #13049 DATE

CERTIFICATION OF OWNERSHIP

TAX PARCELS : 08-012.00-038, -039, AND -075

I, VRH LLC, HEREBY CERTIFY 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 MY DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNITED DEVELOPMENT CODE.

M. Shane Minner 9/25/25
M. SHANE MINNER DATE
AUTHORIZED PERSON

CERTIFICATION OF OWNERSHIP

TAX PARCELS : 08-012.00-036 AND -037

I, HSDM LLC, HEREBY CERTIFY 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 MY DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNITED DEVELOPMENT CODE.

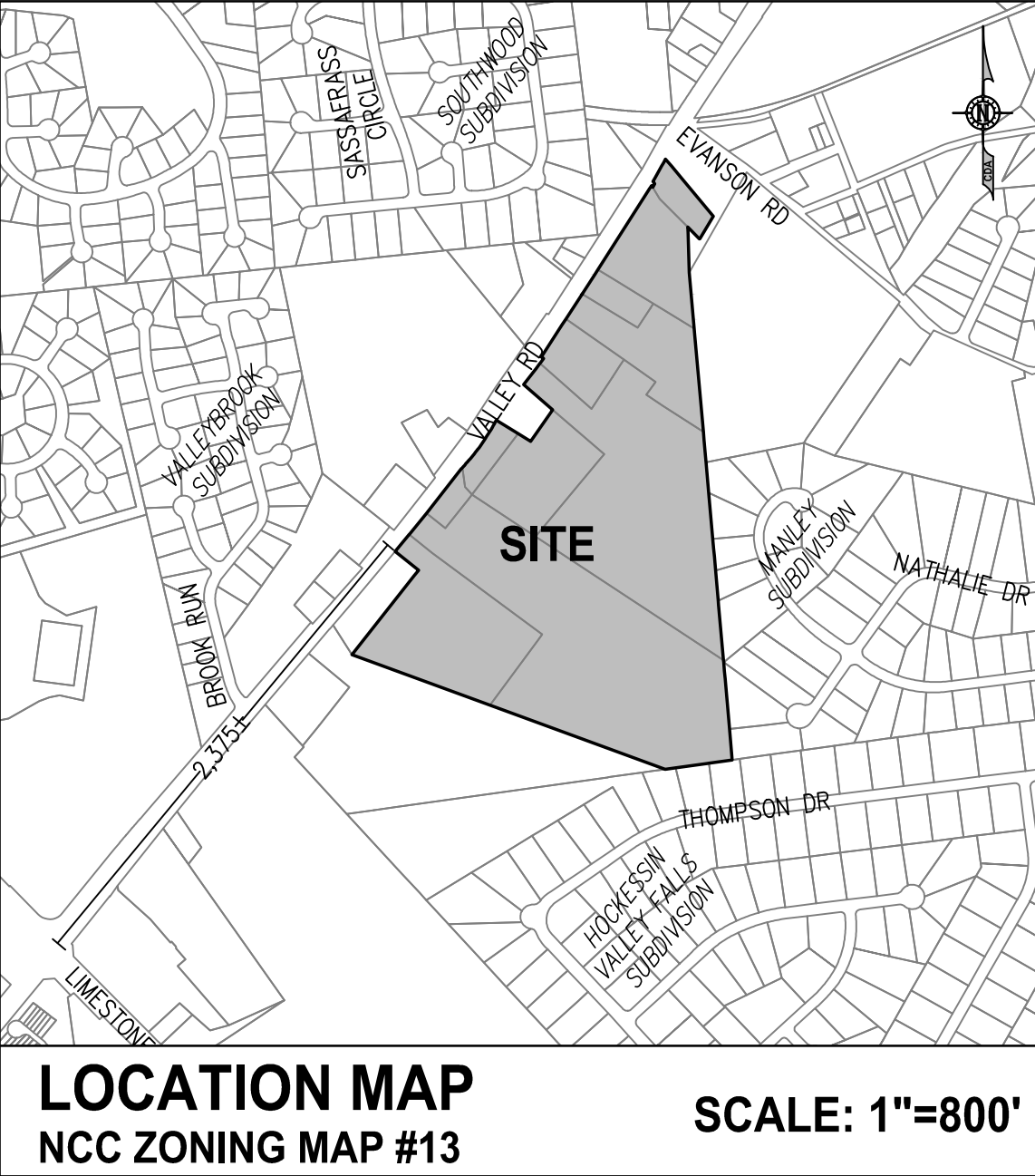
M. Shane Minner 9/25/25
M. SHANE MINNER DATE
AUTHORIZED PERSON

CERTIFICATION OF OWNERSHIP

TAX PARCELS : 08-012.00-033, -034, -035, -040, -073, AND -074

I, VRH LLC, HEREBY CERTIFY 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 MY DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF THE NEW CASTLE COUNTY UNITED DEVELOPMENT CODE.

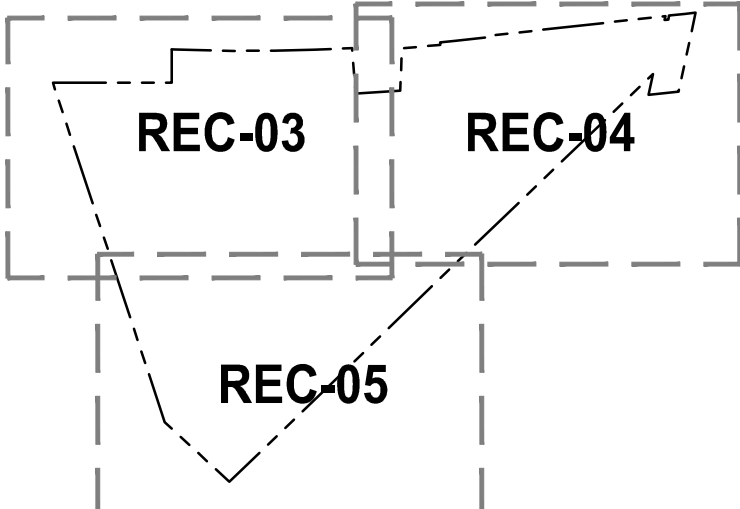
M. Shane Minner 9/25/25
M. SHANE MINNER DATE
AUTHORIZED PERSON



LOCATION MAP
NCC ZONING MAP #13

SCALE: 1"=800'

KEY MAP



ISSUE/REVISION	DATE
PRE-EXPLORATORY PLAN SUBMISSION	10.22.2021
EXPLORATORY PLAN SUBMISSION	12.30.2021
REVISED EXPLORATORY PLAN	8.17.2022
RECORD PLAN CHECK PRINT SUBMISSION	8.5.24 & 10.10.24
RECORD PLAN CHECK PRINT SUBMISSION	11.12.24 & 12.19.24
RECORD PLAN SUBMISSION	2.18.25 & 4.17.25
RECORD PLAN SUBMISSION	8.29.25 & 9.18.25
ISSUED FOR RECORDATION	9.24.2025

CDA ENGINEERING INC.

CIVIL/SITE ENGINEERING AND LAND PLANNING

6 LARCH AVENUE Tel: 302.998.9202
SUITE 401 Fax: 302.691.1314
WILMINGTON, DE 19804 cdaengineering.com

DRAWN BY: EMT

CHECKED BY: CD

PROJECT No.: 21.105.00

SCALE: 1" = 150'

DATE: SEPTEMBER 24, 2025

CAD FILE:

APPLICATION # 2021-0695

HOCKESSIN STATION

RECORD
MAJOR SUBDIVISION PLAN

MILL CREEK HUNDRED NEW CASTLE COUNTY DELAWARE

RECORD
MAJOR SUBDIVISION PLAN

DRAWING NUMBER: REC-01

SITE DATA CONTINUED :

27. SUPERSEDES NOTE:	THIS PLAN SUPERSEDES, IN PART, THE PLANS OF: • VALLEY ROAD HALL RECORD RESUBDIVISION PLAN PREPARED BY VANDEMARK & LYNCH, INC. DATED NOVEMBER 12, 2008 AND RECORDED ON JANUARY 9, 2009 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, MICROFILM #20090109-0001447; • THE PLAN OF PHILIP J. LAFERTY AND MARJORIE H. HYN RECORD MINOR SUBDIVISION PLAN PREPARED BY MANLEY WHITE, DATED FEBRUARY 24, 1972 AND RECORDED ON AUGUST 9, 1972 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, MICROFILM #20061; • THE PLAN OF JOHN J. MCCRELLIS II RECORD MINOR SUBDIVISION PLAN PREPARED BY MANLEY WHITE, DATED AUGUST 22, 1972 AND RECORDED ON SEPTEMBER 18, 1972 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, MICROFILM #2116; • THE PLAN OF JAMES AND REBECCA BLACKBURN RECORD MINOR SUBDIVISION PLAN PREPARED BY MANLEY WHITE, DATED NOVEMBER 25, 1973 AND RECORDED ON APRIL 24, 1975 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, MICROFILM #2914.	49. SUBSIDENCE AREA:	LAND DEVELOPMENT PLANS IN SUBSIDENCE AREAS SHALL INCLUDE A REPORT BY A PROFESSIONAL GEOLOGIST, REGISTERED IN THE STATE, EVALUATING THE VULNERABILITY OF THE SUBSURFACE TO SUBSIDENCE (SHIMHOLES). APPLICANTS SHALL SUBMIT PERCOLATION TESTS, SOIL BORINGS, OR OTHER SIMILAR TESTS OR DATA TO SUPPORT THEIR FINDINGS. THIS REPORT MAY BE SUBMITTED BY THE DEPARTMENT TO THE DELAWARE GEOLOGICAL SURVEY FOR REVIEW AND COMMENT. THE REPORT AND PLAN SHALL BE SUFFICIENT TO ESTABLISH TO THE SATISFACTION OF THE DEPARTMENT THAT THE CONSTRUCTION METHODS TO BE EMPLOYED WILL BE ADEQUATE TO MINIMIZE THE POTENTIAL FOR SUBSIDENCE. IF ADDITIONAL DATA OR INVESTIGATION OF SITE CONDITIONS IS REQUIRED BEFORE THE DEPARTMENT CAN FORMULATE A DECISION, THE DEPARTMENT SHALL HAVE THE AUTHORITY TO REQUIRE ADDITIONAL PERCOLATION TESTS, SOIL BORINGS, OR OTHER SIMILAR TESTS OR DATA BE PROVIDED BY THE APPLICANT. REFER TO THE SUBSIDENCE POTENTIAL EVALUATION FOR HOCKESSIN STATION PREPARED BY TEN BEARS ENVIRONMENTAL DATED 3/7/25, AND SUMMARIZED BELOW. WHILE SOME POTENTIAL FOR DISSOLUTION OF SUBSURFACE MATERIALS EXISTS AT THE SITE DUE TO THE PRESENCE OF SOLUBLE CARBONATE MINERALS DEEP IN THE GROUND, IT WAS DETERMINED THAT THE SUBSIDENCE POTENTIAL ON THE SITE IS MINIMAL DUE TO SEVERAL FACTORS: – SITE SURFACE SOILS ARE FINE-GRAINED AND CLAYEY, INHIBITING INFILTRATION OF RAINFALL; – NON-CARBONATE SOIL AND FILL GENERALLY OVER 10 FEET THICK COVER THE SITE SURFACE; – CARBONATE MINERALS ARE NOT CURRENTLY PRESENT NEAR THE GROUND SURFACE; – GROUNDWATER IS GENERALLY OVER 20 FEET DEEP AND, AS SUCH, DOES NOT FLUCTUATE WITHIN THE ZONE OF PROPOSED STRUCTURES.
28. SIDEWALKS:	UNLESS OTHERWISE SPECIFIED ON THIS PLAN, SIDEWALKS SHALL BE INSTALLED IN THE LOCATIONS SHOWN ON THIS PLAN PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE DWELLING IN FRONT OF WHICH THEY ARE SHOWN. SIDEWALKS SHALL BE FIVE (5) FEET IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.		
29. MAINTENANCE DECLARATION:	FOR MAINTENANCE OF THE COMMON FACILITIES AND OPEN SPACE AREAS SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION DATED 11/5/2024, AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT #20241107-0075430.		
30. UTILITY EASEMENT:	A 6 FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN THE PLAN, AND ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SUBSEQUENTLY ESTABLISHED WITHIN THE AREA SHOWN ON THIS PLAN IS HEREBY DEDICATED TO BE AVAILABLE FOR ANY UTILITY USE, PROVIDED THAT WHERE ANY LOT LINE IS ELIMINATED THE EASEMENT ALONG SAID LOT LINE SHALL BE EXTINGUISHED EXCEPT AS TO UTILITIES THEN EXISTING IN SAID EASEMENT.		
31. 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 12/12/2024, AT INSTRUMENT #20241212-0084395.		
32. DRAINAGE:	DRAINAGE, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH THE NEW CASTLE COUNTY DRAINAGE CODE.		
33. MONUMENTS:	EXISTING : 5  FND MON, 5  FND IP, 5  FND RB. PROPOSED : 69  FND RB.		
34. ACCESS:	NEW CASTLE COUNTY HAS THE RIGHT OF ACCESS TO THE SITE FOR THE PURPOSES OF OPERATING, MAINTAINING, AND REPAIRING SANITARY SEWER LINES CONTAINED WITHIN THE SEWER EASEMENTS SHOWN ON THIS PLAN. 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 10/3/2024, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON 10/4/2024 AT INSTRUMENT #20241004-0068639. 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. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORMWATER MANAGEMENT FACILITY MAINTENANCE AND INSPECTIONS PURSUANT TO UDC §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 STORMWATER MANAGEMENT FACILITIES. AN AMOUNT OF \$27,500.00, 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. 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 FULFILLING OF INSPECTING, EVALUATING AND MAINTAINING THE STORMWATER MANAGEMENT FACILITIES AND WATERCOURSES. THE EASEMENT SHALL EXTEND 15' FROM THE OUTER EDGES OF EACH SUCH STORMWATER MANAGEMENT FACILITY. A GENERAL ACCESS EASEMENT IS HEREBY CREATED OVER AND ACROSS THE PROPERTY SHOWN ON THIS PLAN GRANTING NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS THE RIGHT, PRIVILEGE, AND AUTHORITY TO ENTER UPON AND TRAVEL ACROSS THE PROPERTY TO EACH STORMWATER MANAGEMENT FACILITY. THE EASEMENTS HEREBY CREATED SHALL BE FOR PEDESTRIAN, VEHICULAR AND EQUIPMENT USE. IF NEW CASTLE COUNTY, ITS AGENTS OR ASSIGNS DETERMINES THAT MAINTENANCE IS REQUIRED TO A STORMWATER MANAGEMENT FACILITY, NEW CASTLE COUNTY SHALL PROVIDE NOTICE OF THE REQUIRED MAINTENANCE AND THE TIME FRAME IN WHICH SUCH MAINTENANCE SHALL BE COMPLETED TO THE PROPERTY OWNER OR RESPONSIBLE PARTY. NO NOTICE SHALL BE REQUIRED WHERE NEW CASTLE COUNTY PERFORMS MAINTENANCE WHERE THERE IS IMMINENT THREAT TO LIFE, HEALTH OR PROPERTY. IN THE EVENT NEW CASTLE COUNTY ELECTS TO MAINTAIN THE STORMWATER MANAGEMENT FACILITIES, ALL EXPENSES SHALL BE ASSESSED JOINTLY AND SEVERALLY AGAINST THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN.		
38. SWM ACCESS EASEMENT:	A STORMWATER MANAGEMENT ACCESS EASEMENT IN FAVOR OF NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS IS HEREBY CREATED ON, OVER, UNDER AND ACROSS THE ENTIRE AREA OF ALL STORMWATER MANAGEMENT FACILITIES INCLUDING, STORMWATER CONVEYANCE SYSTEMS, BASINS, AND ALL COMPONENTS THEREOF, IDENTIFIED ON THE PLAN AND ALL WATERCOURSES FOR THE FULFILLING OF INSPECTING, EVALUATING AND MAINTAINING THE STORMWATER MANAGEMENT FACILITIES AND WATERCOURSES. THE EASEMENT SHALL EXTEND 15' FROM THE OUTER EDGES OF EACH SUCH STORMWATER MANAGEMENT FACILITY. A GENERAL ACCESS EASEMENT IS HEREBY CREATED OVER AND ACROSS THE PROPERTY SHOWN ON THIS PLAN GRANTING NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS THE RIGHT, PRIVILEGE, AND AUTHORITY TO ENTER UPON AND TRAVEL ACROSS THE PROPERTY TO EACH STORMWATER MANAGEMENT FACILITY. THE EASEMENTS HEREBY CREATED SHALL BE FOR PEDESTRIAN, VEHICULAR AND EQUIPMENT USE. IF NEW CASTLE COUNTY, ITS AGENTS OR ASSIGNS DETERMINES THAT MAINTENANCE IS REQUIRED TO A STORMWATER MANAGEMENT FACILITY, NEW CASTLE COUNTY SHALL PROVIDE NOTICE OF THE REQUIRED MAINTENANCE AND THE TIME FRAME IN WHICH SUCH MAINTENANCE SHALL BE COMPLETED TO THE PROPERTY OWNER OR RESPONSIBLE PARTY. NO NOTICE SHALL BE REQUIRED WHERE NEW CASTLE COUNTY PERFORMS MAINTENANCE WHERE THERE IS IMMINENT THREAT TO LIFE, HEALTH OR PROPERTY. IN THE EVENT NEW CASTLE COUNTY ELECTS TO MAINTAIN THE STORMWATER MANAGEMENT FACILITIES, ALL EXPENSES SHALL BE ASSESSED JOINTLY AND SEVERALLY AGAINST THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN.		
39. MPOU APPLICABILITY:	IN ACCORDANCE WITH UDC §40.07.510, 22 OF THE 143 UNITS (AT LEAST 15%) CREATED BY THIS RECORD MAJOR SUBDIVISION PLAN SHALL BE PROVIDED AS MODERATELY PRICED DWELLING UNITS (MPOU'S). IN ACCORDANCE WITH UDC §40.07.530, A CONTRIBUTION TO THE HOUSING TRUST FUND SHALL BE PROVIDED. TIMING OF MPOU CONSTRUCTION SHALL BE IN ACCORDANCE WITH UDC §40.07.543. MPOU'S 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 PENDING THE ISSUANCE OF TWENTY-FIVE (25) PERCENT (6 UNITS) OF BUILDING PERMITS FOR MPOU'S; 2. FIFTY (50) PERCENT PENDING THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR TWENTY-FIVE (25) PERCENT (6 UNITS) OF THE MPOU'S; 3. SEVENTY-FIVE (75) PERCENT PENDING THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR FIFTY (50) PERCENT (11 UNITS) OF THE MPOU'S; AND 4. NINETY (90) PERCENT PENDING THE ISSUANCE OF ONE HUNDRED (100) PERCENT (22 UNITS) OF BUILDING PERMITS FOR MPOU'S.		
40. MPOU MASTER DEVELOPMENT AGREEMENT:	IN ACCORDANCE WITH UDC §40.07.561, 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 12/9/2024 WAS RECORDED IN THE OFFICE OF RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, ON 1/15/2025 AT INSTRUMENT #20250115-0003245.		
41. TRADITIONAL NEIGHBORHOOD HOUSING PROGRAM:	THIS APPLICATION IS SUBJECT TO ALL PROVISIONS OF DIVISION 40.07.500 OF THE UDC THAT ARE APPLICABLE TO A MAJOR RESIDENTIAL SUBDIVISION WITH REZONING.		
42. VARIANCES:	VARIANCES WERE GRANTED BY THE BOARD OF ADJUSTMENT ON 10/6/22 AND FILED ON 10/14/22, APPLICATION #2022-0288-A, FOR THE FOLLOWING VARIANCES: 1) TO PROVIDE A MINIMUM OF 10.2% VILLAGE UNITS (15% REQUIRED PER UDC TABLE 40.04.130); 2) TO PROVIDE A MAXIMUM OF 72.1% TOWNHOUSE UNITS (60% REQUIRED PER UDC TABLE 40.04.130); 3) TO PROVIDE A 0.0 BUFFERYARD OPACITY ALONG THE SOUTHERLY PROPERTY LINE (0.3 OPACITY REQUIRED PER UDC TABLE 40.04.111.8); 4) TO PROVIDE A 0.0 BUFFERYARD OPACITY ALONG THE EASTERLY PROPERTY LINE (0.3 OPACITY REQUIRED PER UDC TABLE 40.04.111.8); 5) TO PROVIDE A 0.0 BUFFERYARD OPACITY ALONG THE VALLEY ROAD RIGHT-OF-WAY (0.3 OPACITY REQUIRED PER UDC TABLE 40.04.111.1). SUBJECT TO THE FOLLOWING CONDITIONS: 1) LANDSCAPING PROVIDED SHALL BE GENERALLY CONSISTENT WITH THE EXHIBITS ENTERED INTO EVIDENCE AT THE HEARING, AS MAY BE AMENDED BY THE DEPARTMENT; AND, 2) BUILDING ELEVATIONS SHALL BE GENERALLY CONSISTENT WITH THE ARCHITECTURAL RENDERINGS ENTERED INTO EVIDENCE AT THE HEARING, AS MAY BE AMENDED BY THE DEPARTMENT. VARIANCES WERE GRANTED BY THE BOARD OF ADJUSTMENT ON 8/2/24 AND FILED ON 9/3/24, APPLICATION #2024-0288-A, FOR THE FOLLOWING VARIANCES: 1) TO PROVIDE 8.4% VILLAGE UNITS (15% MINIMUM REQUIRED PER UDC TABLE 40.04.130); 2) TO PROVIDE 74.1% TOWNHOUSE UNITS (60% MAXIMUM REQUIRED PER UDC TABLE 40.04.130); SUBJECT TO THE FOLLOWING CONDITIONS: 1) LANDSCAPING PROVIDED SHALL BE GENERALLY CONSISTENT WITH THE EXHIBITS ENTERED INTO EVIDENCE AT THE HEARING, AS MAY BE AMENDED BY THE DEPARTMENT; AND, 2) BUILDING ELEVATIONS SHALL BE GENERALLY CONSISTENT WITH THE ARCHITECTURAL RENDERINGS ENTERED INTO EVIDENCE AT THE HEARING, AS MAY BE AMENDED BY THE DEPARTMENT.		
43. TRESPASS:	DEVELOPER SHALL HAVE THE RIGHT TO TRESPASS FOR A PERIOD OF AT LEAST ONE YEAR AFTER A LOT IS SOLD FOR THE PURPOSES OF COMPLETING OVERALL SITE DRAINAGE AND/OR LANDSCAPING REQUIREMENTS.		
44. MAINTENANCE ESROW:	PURSUANT TO UDC §40.27.220, THE DEVELOPER SHALL PLACE FUNDS IN AN INTEREST BEARING ESROW ACCOUNT EQUIVALENT TO THE COST OF MAINTAINING THE PRIVATE OPEN SPACE, PRIVATE ALLEYS, AND COMMON FACILITIES FOR A TWO (2) YEAR PERIOD PLUS AN AMOUNT EQUAL TO TEN (10) PERCENT OF THE COST OF ACQUIRING AND INSTALLING THE LANDSCAPING. THE AMOUNT SHALL BE \$128,321 ((\$962 + \$265) PER LOT X 143 LOTS) AS SHOWN ON THIS PLAN OR SUBSEQUENT PLANS. ALL ACTIVE RECREATION AREAS AND STRUCTURED RECREATIONAL FACILITIES (CLUBHOUSES, PAVALONS, ETC.) SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF FIFTY (50) PERCENT OF THE TOTAL BUILDING PERMITS WITHIN THE SUBDIVISION. UNLESS OTHERWISE DESCRIBED BY METES AND BOUNDS, OR BY MATHEMATICAL REFERENCE TO A PROPERTY LINE, A 40' WIDE PERMANENT EASEMENT, 20' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE IN UNPAVED AREAS AND IS OUTSIDE OF A DEDICATED PUBLIC ROW. A 20' WIDE PERMANENT EASEMENT, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER PIPE IS DESIGNATED FOR PUBLIC USE IN PRIVATELY MAINTAINED PAVED AREAS, SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS. IF THE CONSTRUCTED HORIZONTAL SEWER MAIN LOCATION DEVIATES BY MORE THAN 2.5' FROM THE DESIGN LOCATION, THE PROJECT MAY BE SUBJECT TO A RESUBDIVISION PLAN OR PIPE LOCATION AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.		
47. DRAINAGE EASEMENT MAINTENANCE:	MAINTENANCE OF STORM DRAINAGE EASEMENTS WITHIN THE RIGHT-OF-WAY AND ASSOCIATED DOWNSTREAM OUTFALL SHALL BE THE RESPONSIBILITY OF DELODT, AS SHOWN ON PLANS. MAINTENANCE OF ALL STORMWATER MANAGEMENT FACILITIES AND DRAINAGE EASEMENTS THAT DO NOT CONVEY RUNOFF FROM STATE MAINTAINED ROADS SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, HOMEOWNER'S ASSOCIATION, OR BOTH (NOT STATE MAINTAINED).		
48. GEOTECHNICAL EVALUATION:	A GEOTECHNICAL EVALUATION HAS BEEN PERFORMED TO APPROXIMATE THE SEASONAL HIGH WATER TABLE (SHWT) ELEVATIONS) AND NO LOTS REQUIRE FURTHER EVALUATION, 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). THE DEPARTMENT MAY PROHIBIT EASEMENTS WHERE SEVERE GROUNDWATER CONDITIONS EXISTING (UDC §40.22.220.6). THE LOWEST FLOOR SHALL BE CONSTRUCTED A MINIMUM OF 2- FEET ABOVE THE SHWT (NCCG §12.03.003.3).		

ISSUE/REVISION

DATE

PRE-EXPLORATORY PLAN SUBMISSION	10.22.2021
EXPLORATORY PLAN SUBMISSION	12.30.2021
REVISED EXPLORATORY PLAN	8.17.2022
RECORD PLAN CHECK PRINT SUBMISSION	8.5.24 & 10.10.24
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RECORD PLAN SUBMISSION	2.18.25 & 4.17.25
RECORD PLAN SUBMISSION	8.29.25 & 9.18.25
ISSUED FOR RECORDATION	9.24.2025

CDA

ENGINEERING INC.

CIVIL/SITE ENGINEERING AND LAND PLANNING

6 LARCH AVENUE

SUITE 401

WILMINGTON, DE 19804

Tel: 302.998.9202

Fax: 302.691.1314

cdaengineering.com

DRAWN BY:	EMT
CHECKED BY:	CD
PROJECT No.:	21.105.00
SCALE:	
DATE:	SEPTEMBER 24, 2025
CAD FILE:	

APPLICATION # 2021-0695

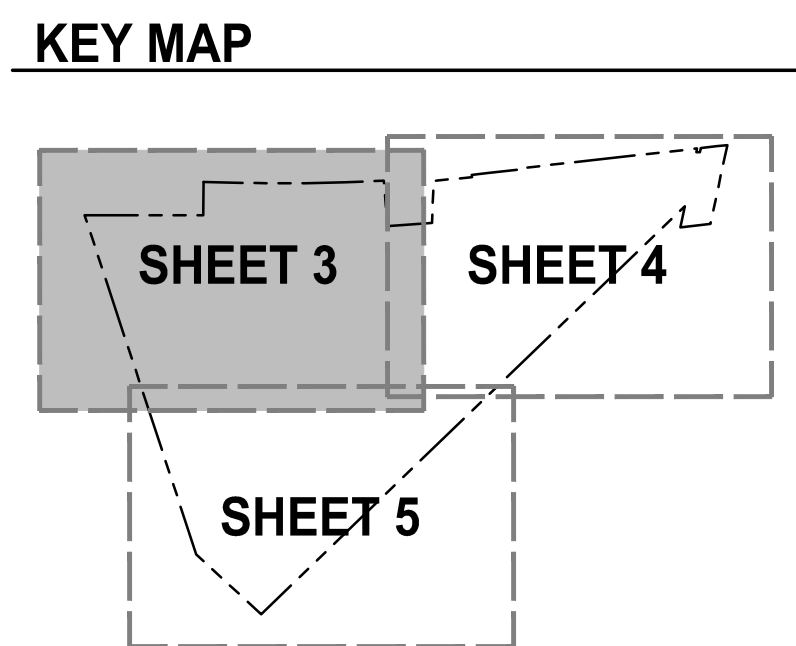
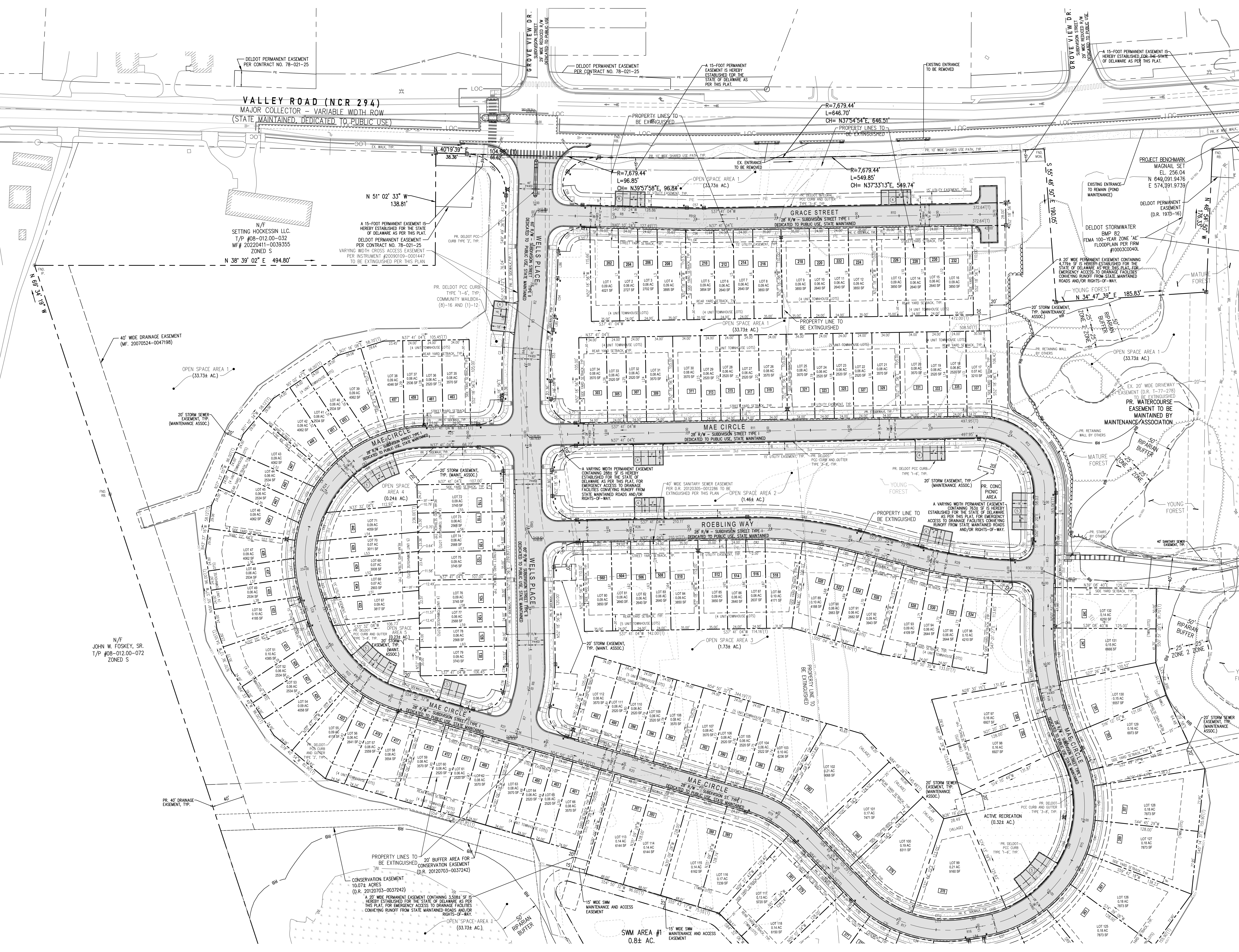
HOCKESSIN STATION

RECORD
MAJOR SUBDIVISION PLAN

MILL CREEK HUNDRED NEW CASTLE COUNTY DELAWARE

RECORD
MAJOR SUBDIVISION PLAN

DRAWING NUMBER: REC-02

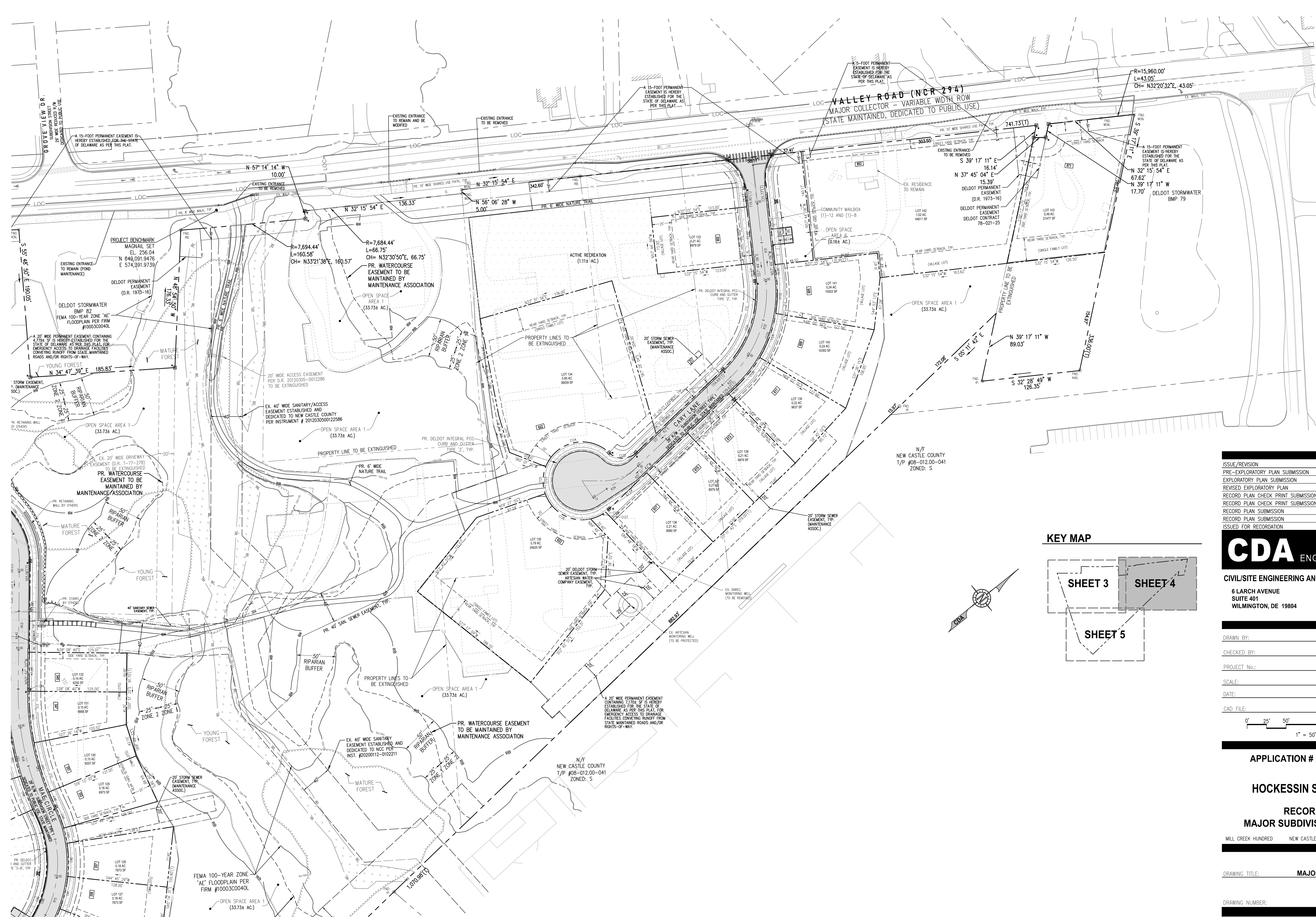


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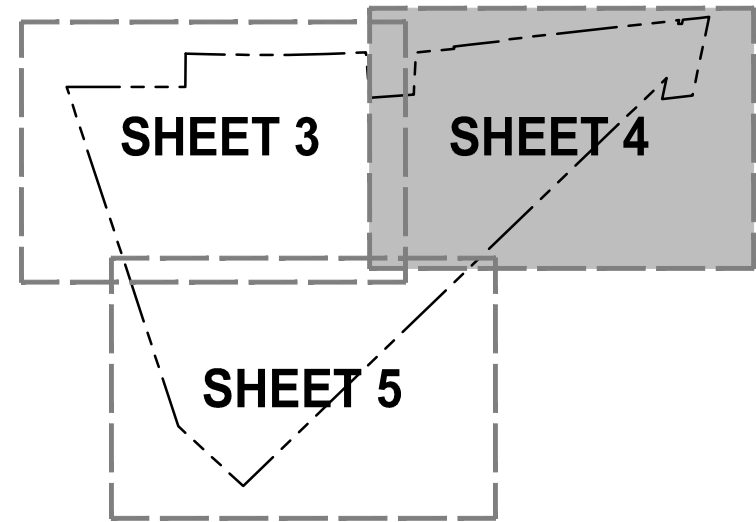
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SUITE 401
WILMINGTON, DE 19804
Tel: 302.998.9202
Fax: 302.691.1314
cdaengineering.com

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CAD FILE:	

APPLICATION # 2021-0695
HOCKESSIN STATION
RECORD
MAJOR SUBDIVISION PLAN
MILL CREEK HUNDRED NEW CASTLE COUNTY DELAWARE
RECORD
MAJOR SUBDIVISION PLAN
DRAWING TITLE:
DRAWING NUMBER:
REC-03



KEY MAP



ISSUE/REVISION	DATE
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CDA ENGINEERING INC.

CIVIL/SITE ENGINEERING AND LAND PLANNING

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SUITE 401
WILMINGTON, DE 19804

Tel: 302.998.9202
Fax: 302.691.1314
cdaengineering.com

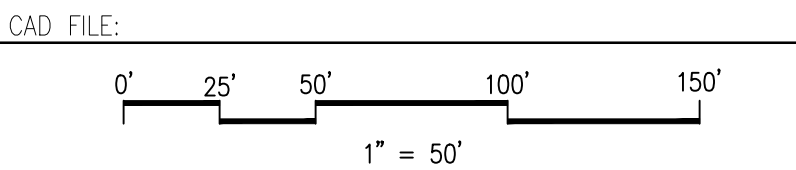
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PROJECT No.: **21.105.00**

SCALE: **1" = 50'**

DATE: **SEPTEMBER 24, 2025**



APPLICATION # 2021-0695

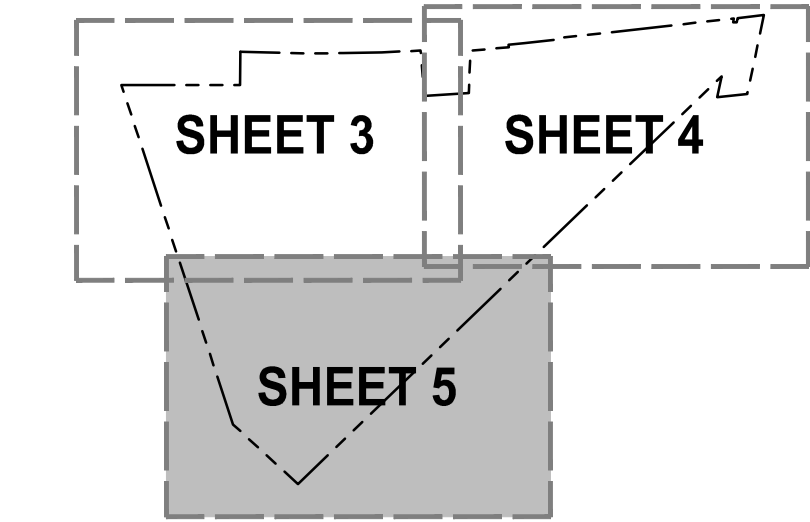
HOCKESSIN STATION

RECORD
MAJOR SUBDIVISION PLAN

MILL CREEK HUNDRED NEW CASTLE COUNTY DELAWARE

DRAWING TITLE: **RECORD
MAJOR SUBDIVISION PLAN**

DRAWING NUMBER: **REC-04**



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CIVIL/SITE ENGINEERING AND LAND PLANNING

6 LARCH AVENUE
SUITE 401
WILMINGTON, DE 19804

Tel: 302 998 9202
Fax: 302 691 1314
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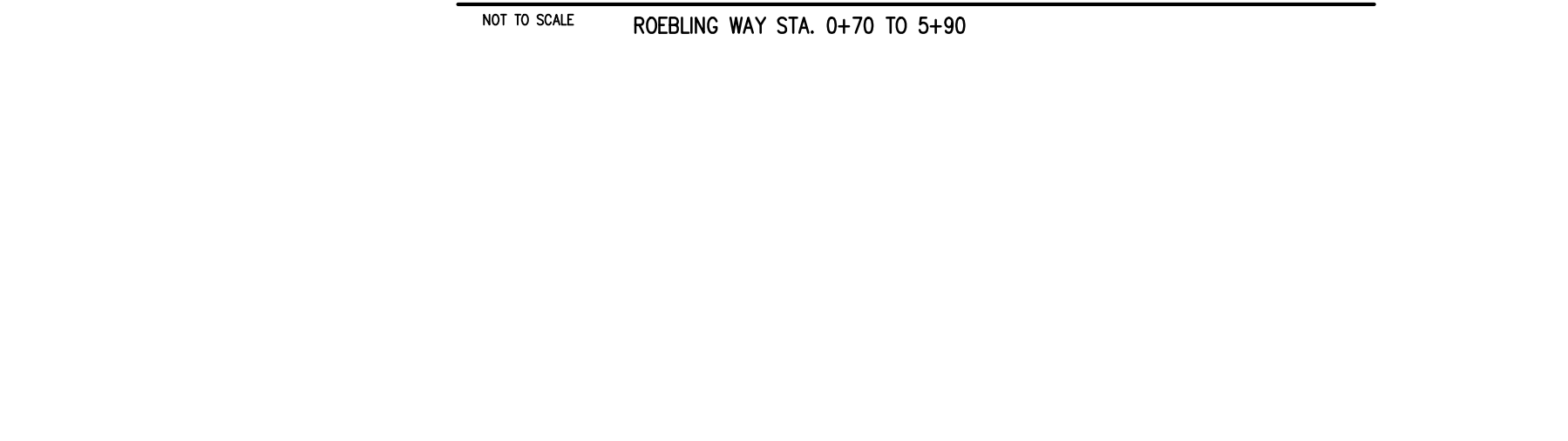
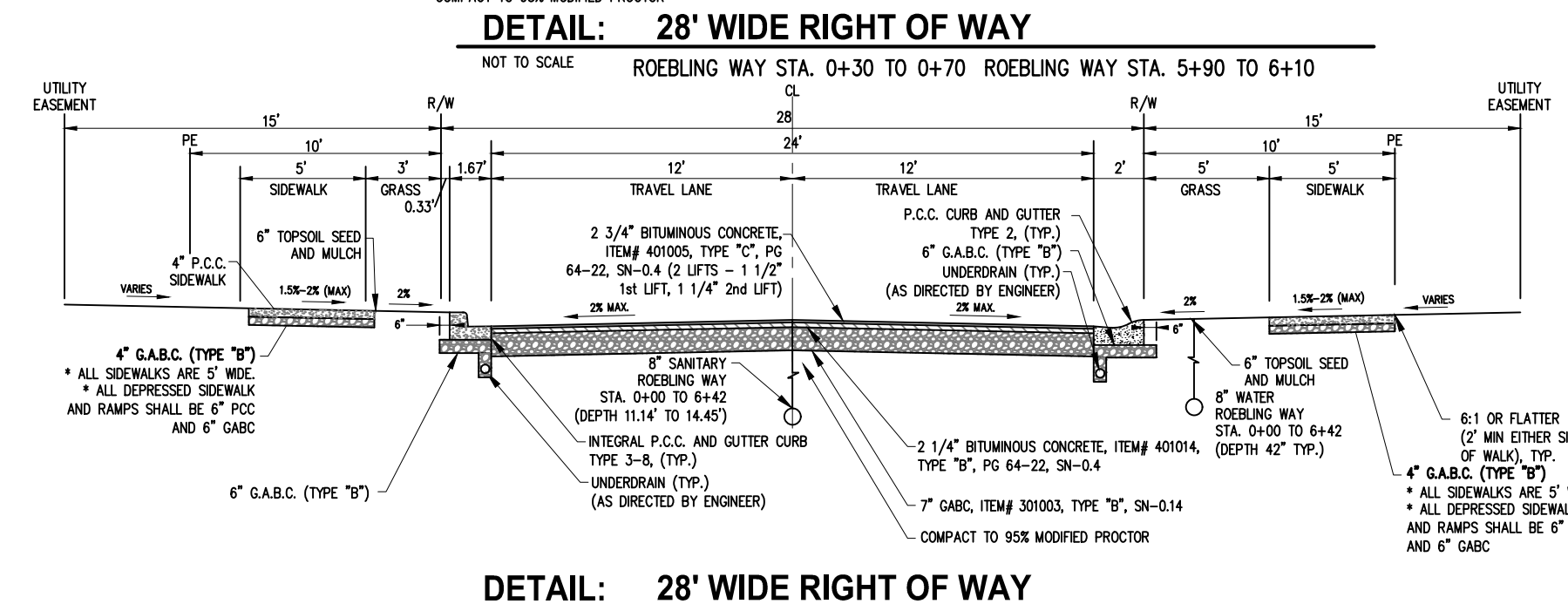
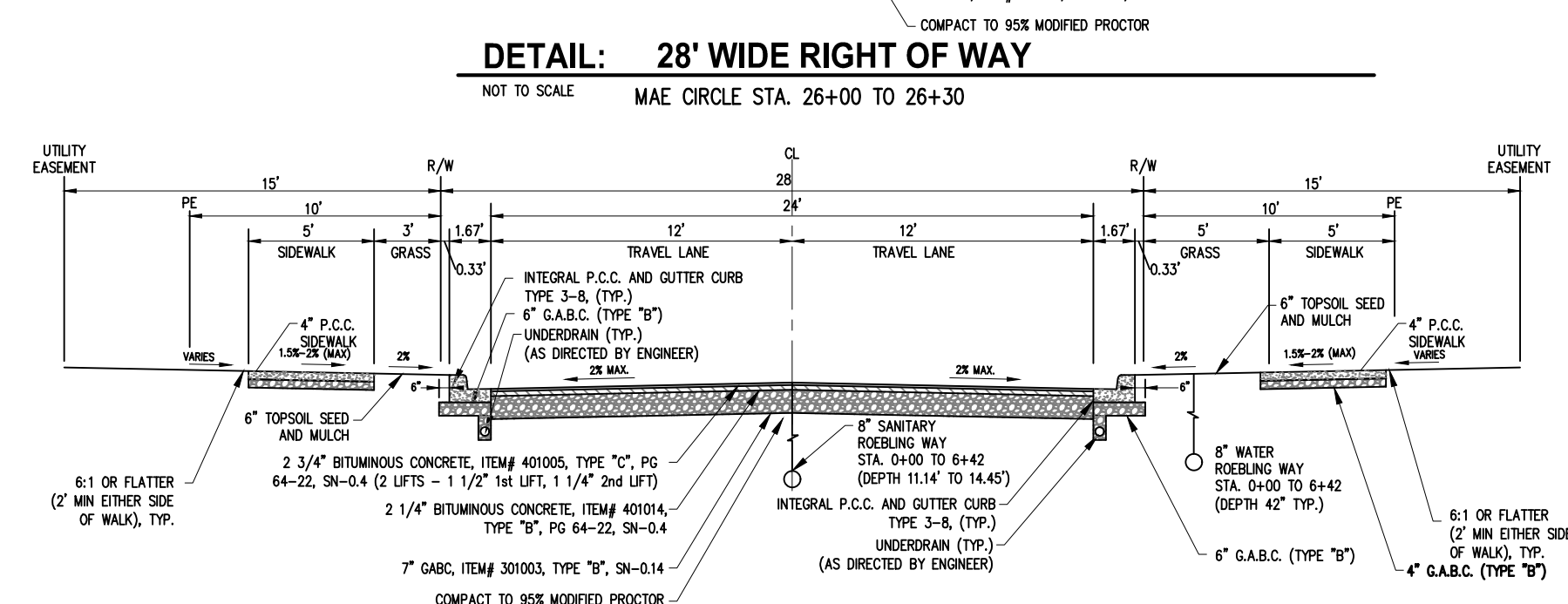
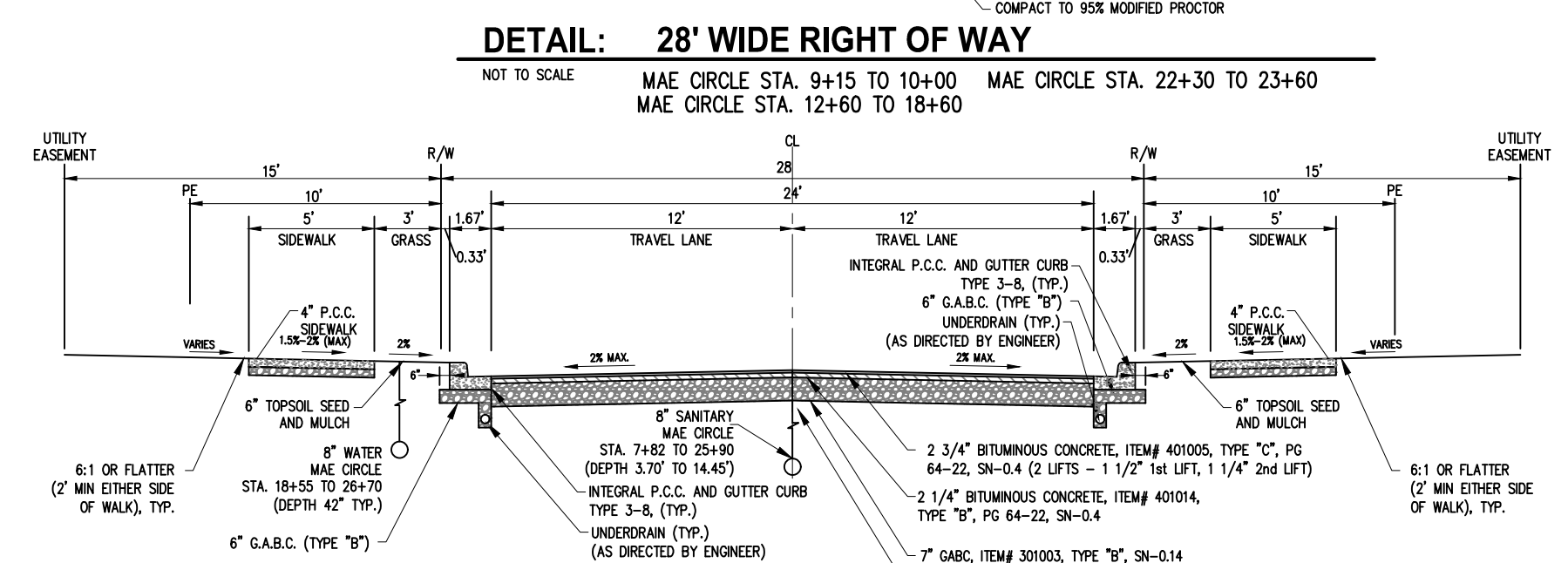
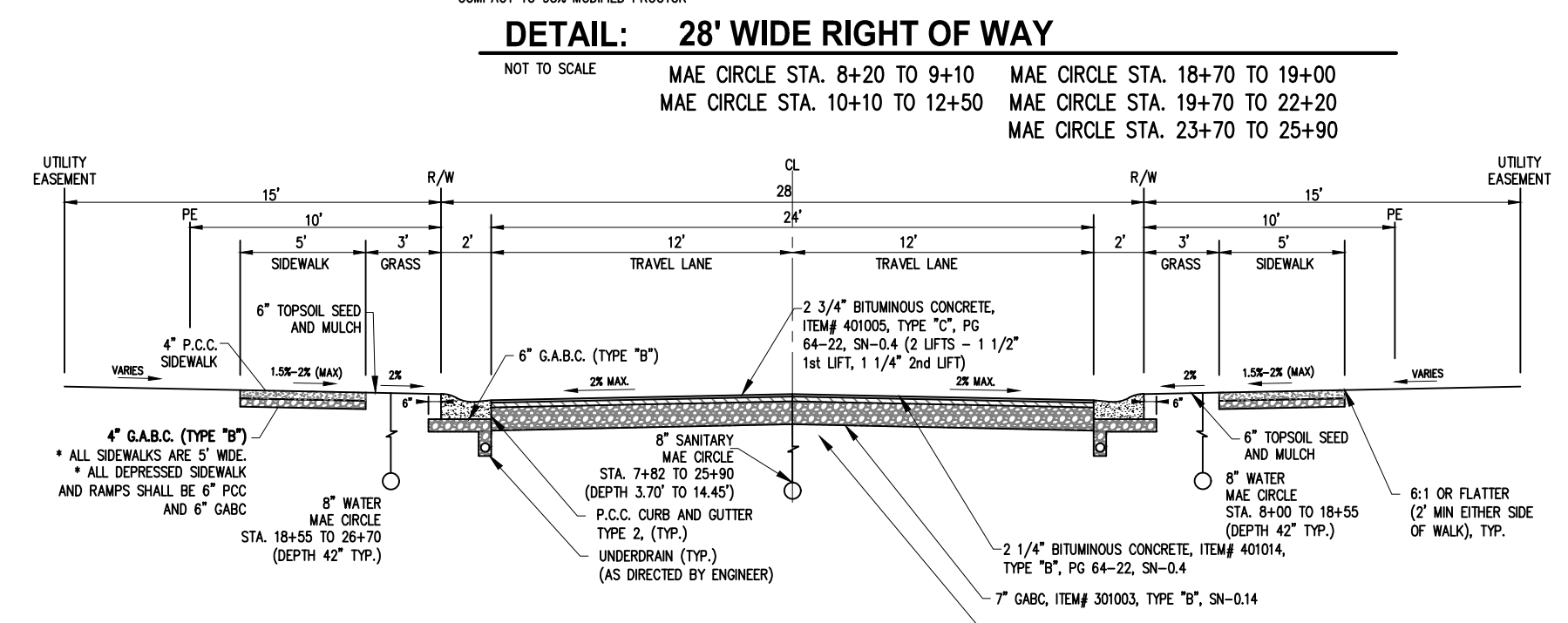
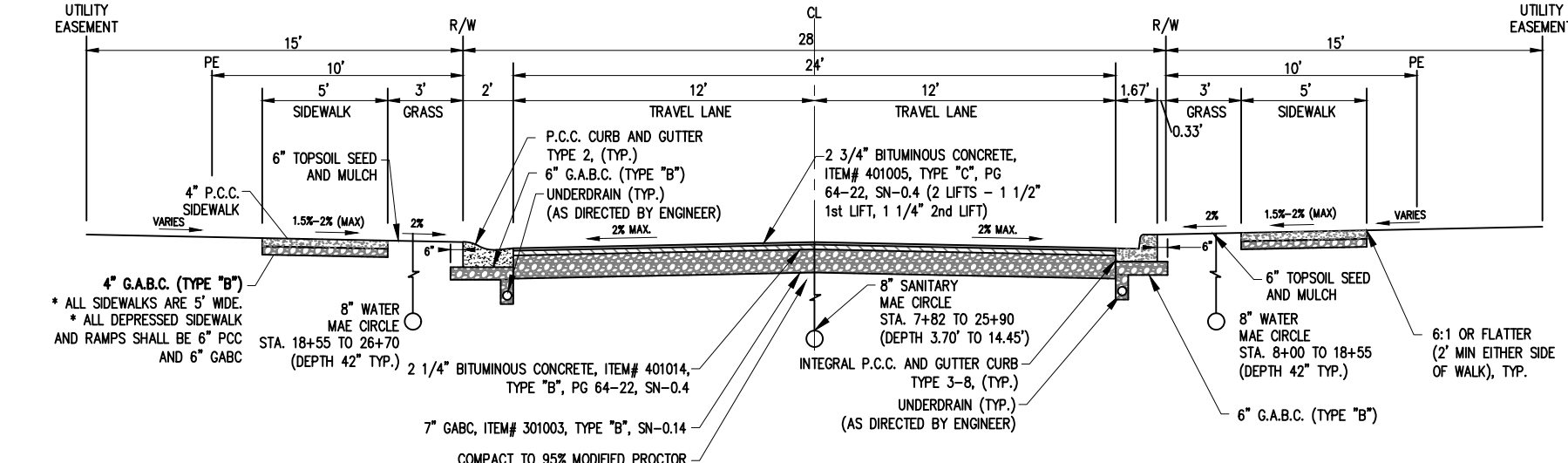
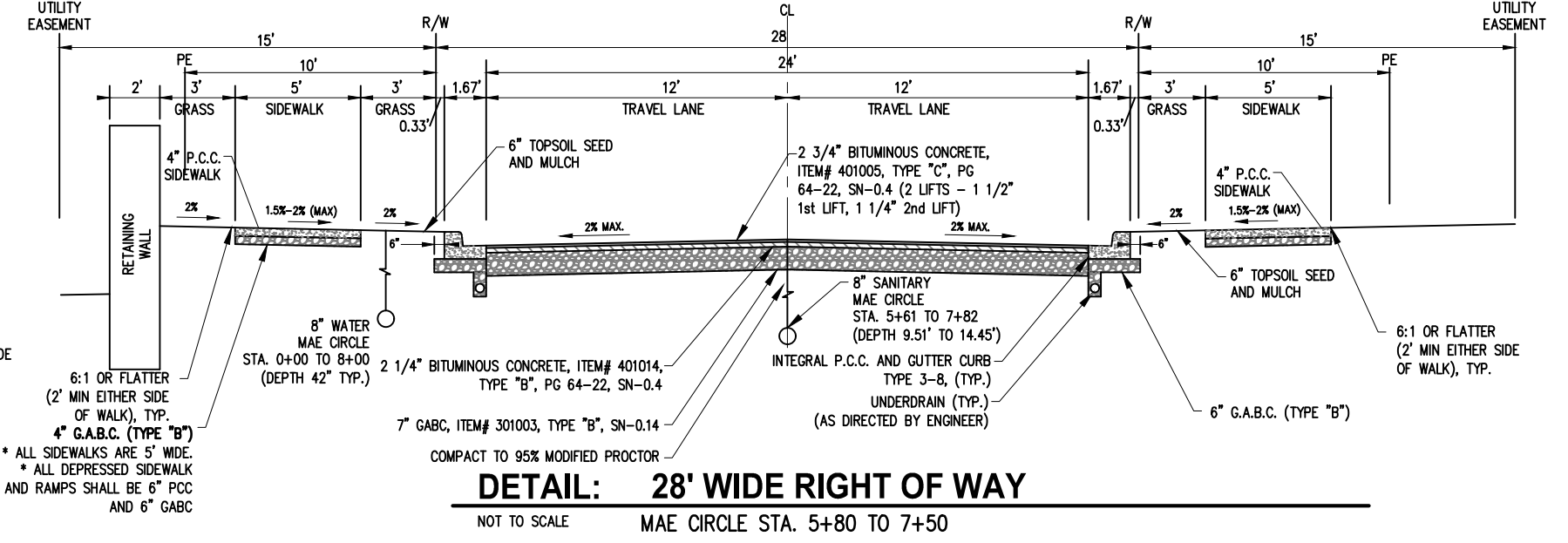
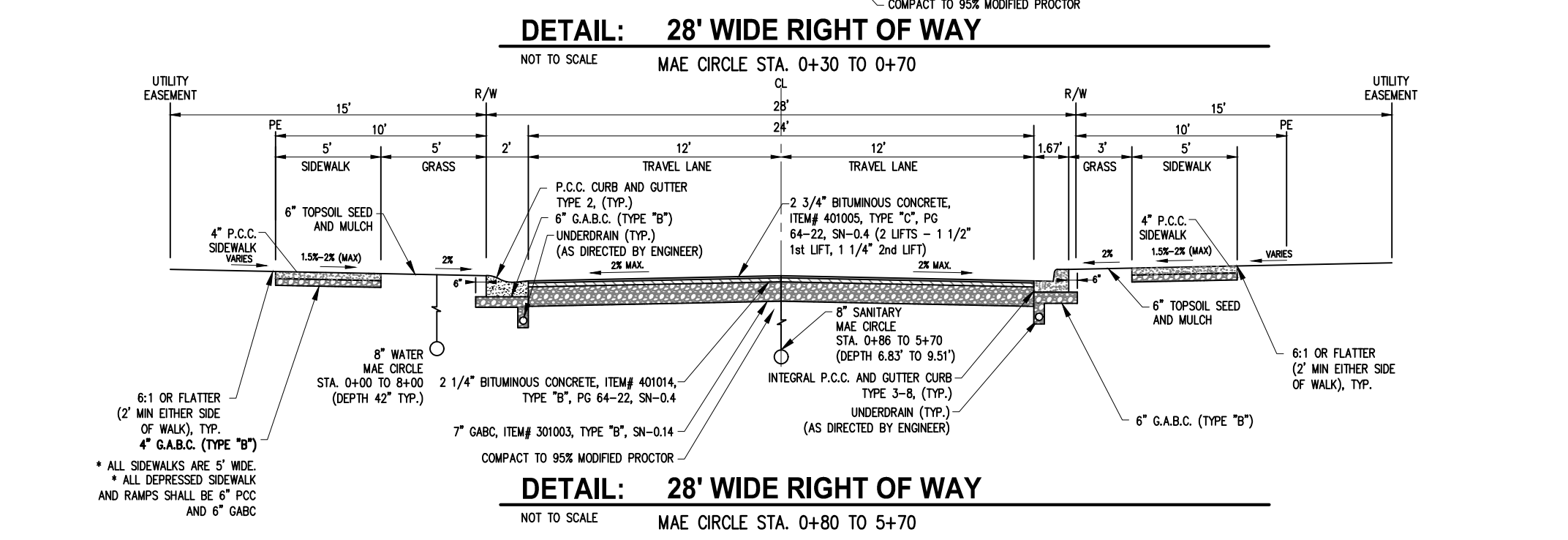
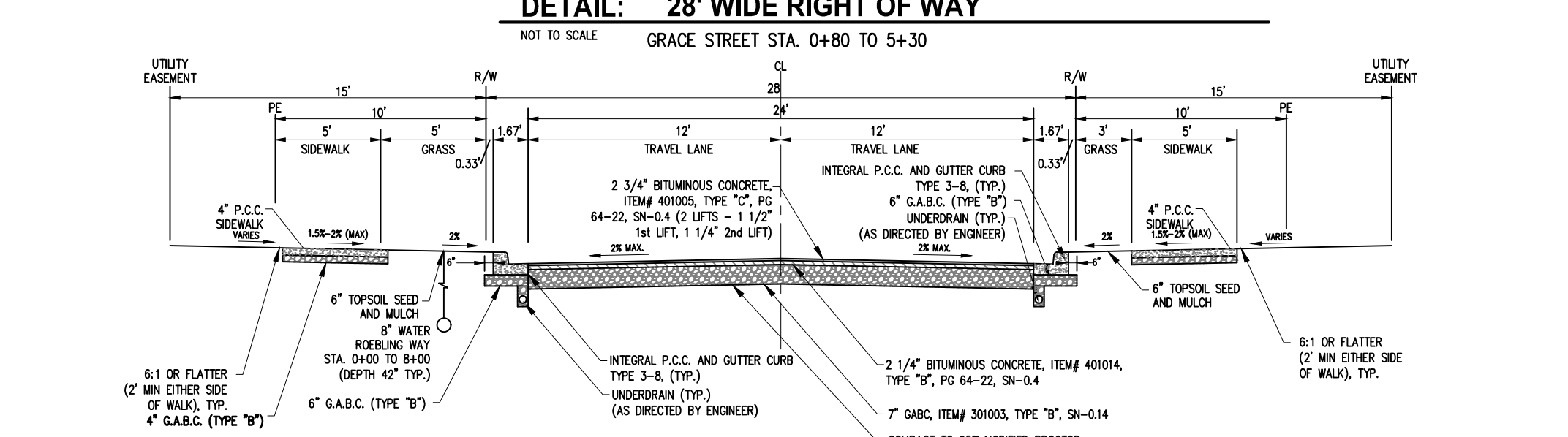
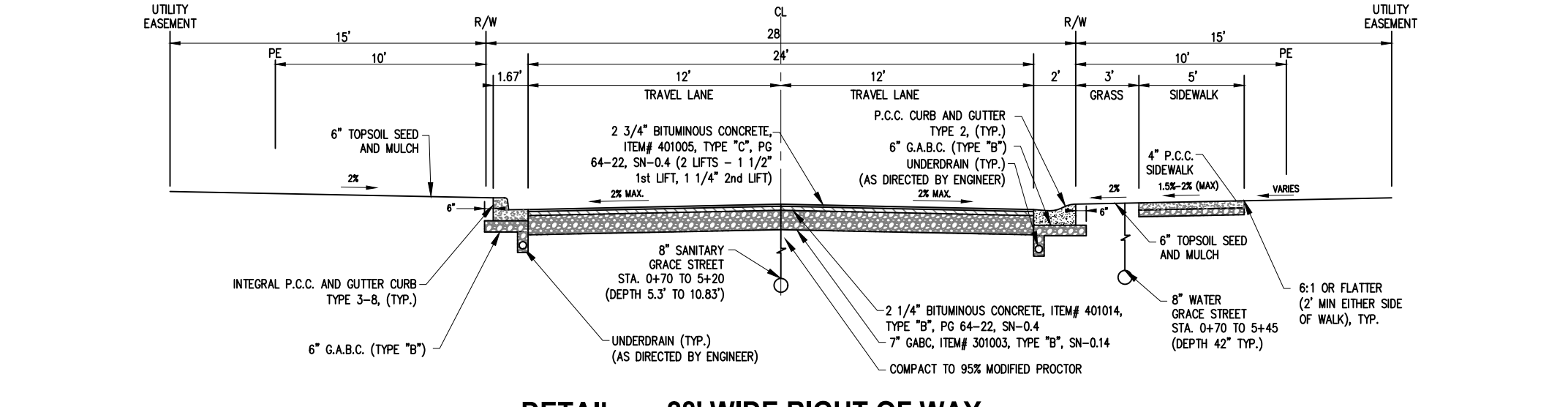
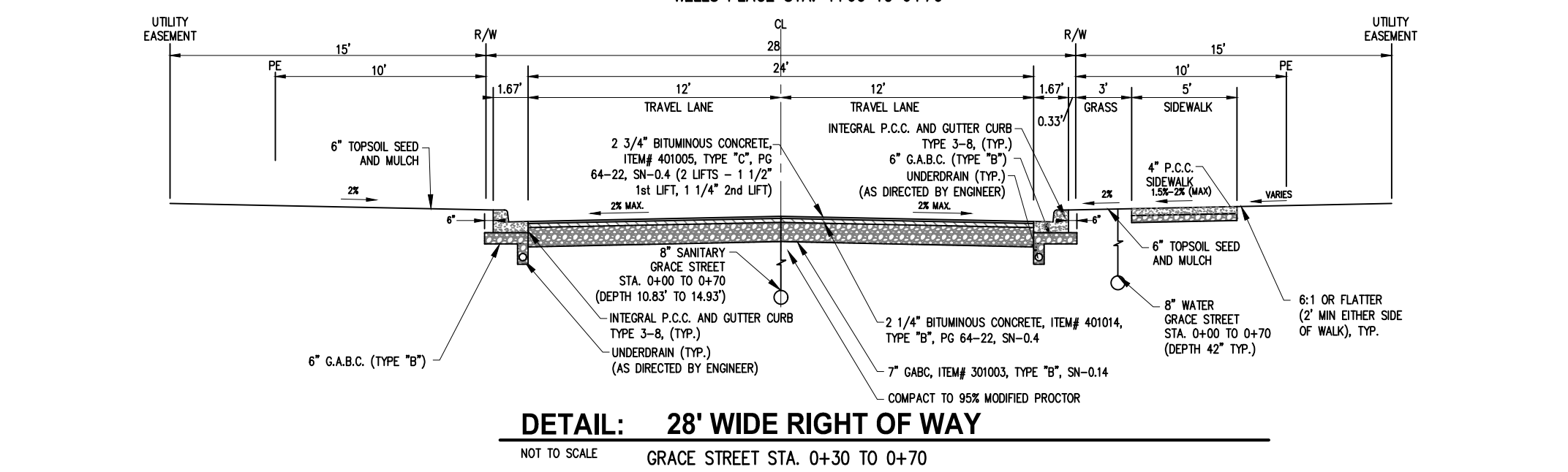
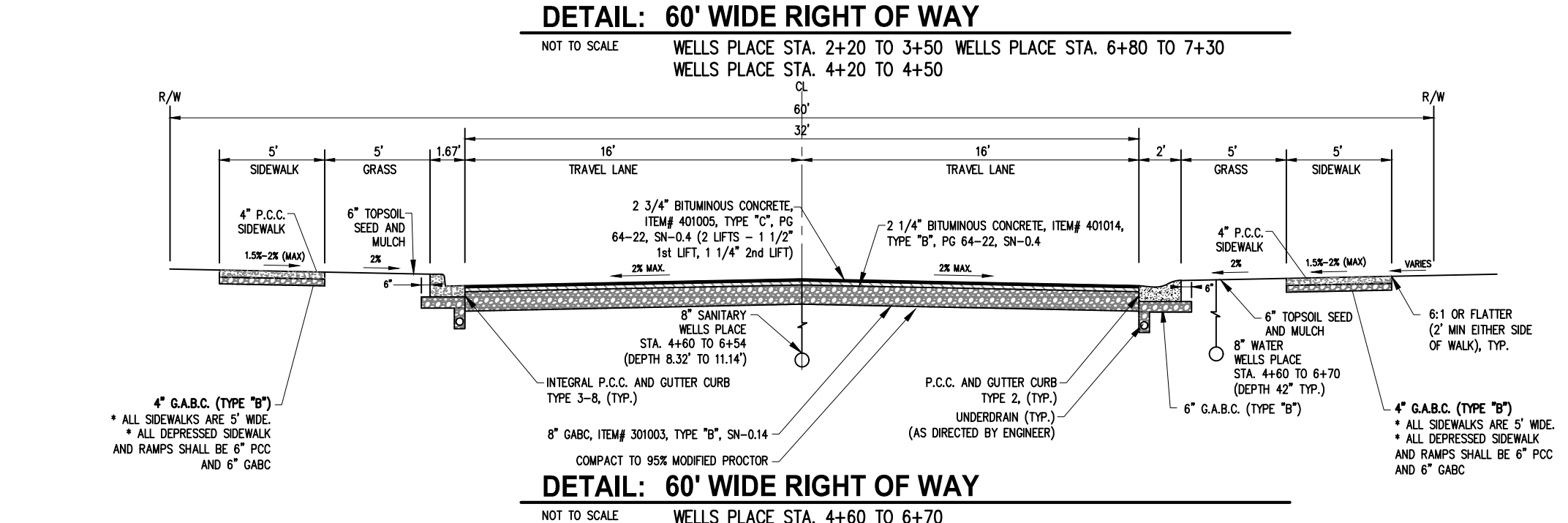
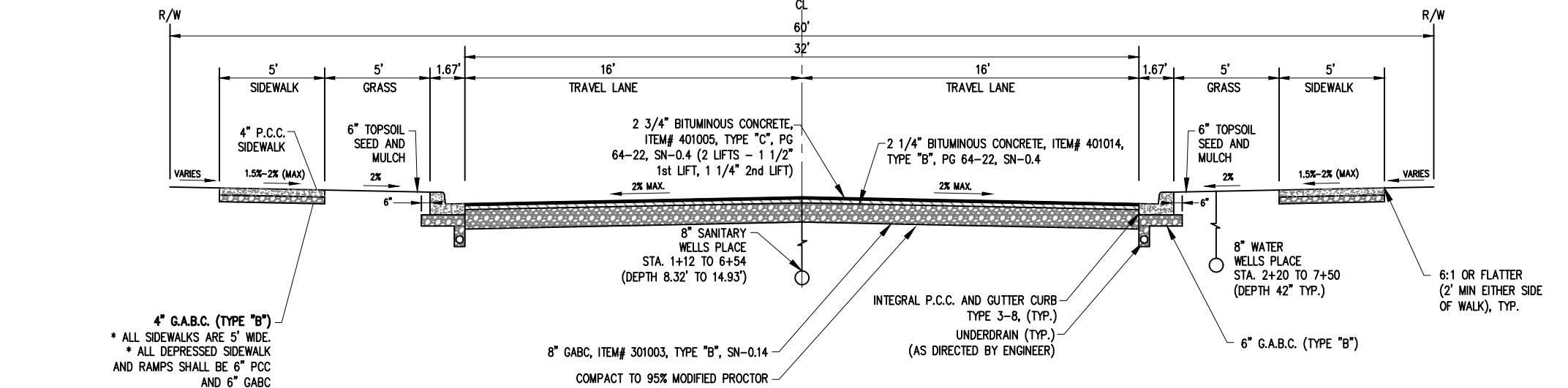
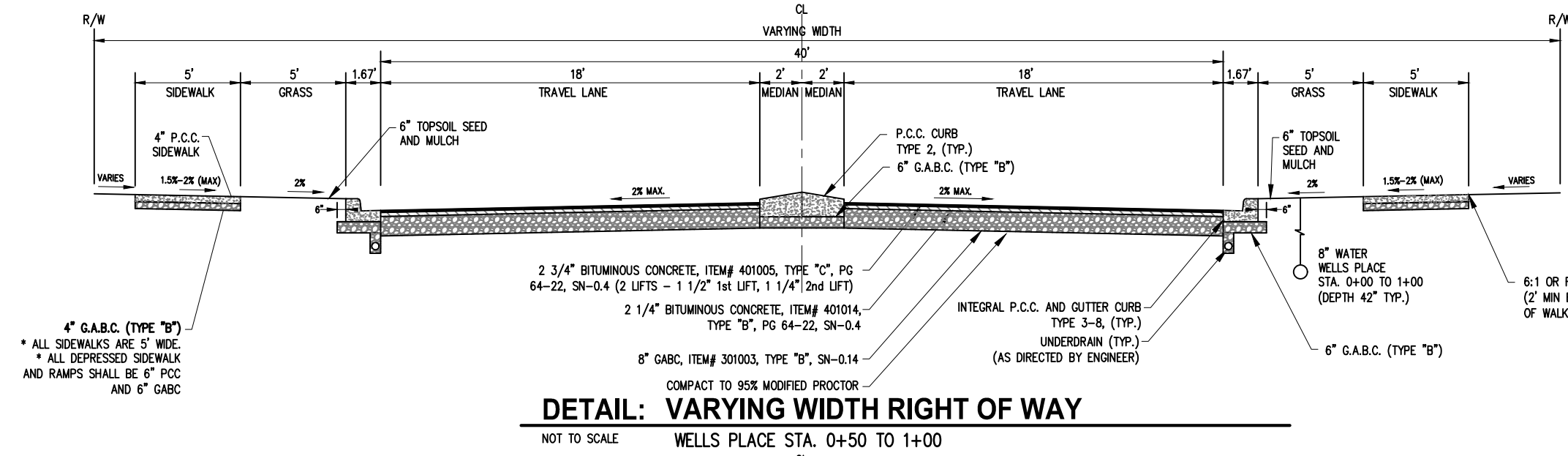
0' 25' 50' 100' 150'

1" = 50'

HOCKESSIN STATION

MILL CREEK HUNDRED NEW CASTLE COUNTY DELAWARE

DRAWING NUMBER: REC-05



DELDOT TRAFFIC IMPACT STUDY (TIS) NOTES

A TRAFFIC IMPACT STUDY (TIS) WAS PREPARED BY LANDMARK SCIENCE AND ENGINEERING FOR THIS PLAN. DELDOT REVIEWED THIS TIS AND APPROVED THE RECOMMENDATIONS BELOW IN A LETTER DATED JUNE 16, 2022.

Approach	Current Configuration	Proposed Configuration
Eastbound Valley Road	One shared left turn/through lane and one right turn lane	No change
Westbound Valley Road	One left turn lane, one through lane, and one right turn lane	No change
Northbound Site Entrance A	One shared left turn/through/right turn lane	No change
Southbound Valley Grove Entrance	One shared left turn/through/right turn lane	No change

BASED ON DELDOT'S DEVELOPMENT COORDINATION MANUAL, THE RECOMMENDED MINIMUM STORAGE LENGTH (EXCLUDING TAPER) OF THE EASTBOUND VALLEY ROAD RIGHT TURN LANE IS 190 FEET AND THE RECOMMENDED MINIMUM STORAGE LENGTH (EXCLUDING TAPER) OF THE WESTBOUND VALLEY ROAD LEFT TURN LANE IS 120 FEET. THE EXISTING EASTBOUND RIGHT TURN LANE IS APPROXIMATELY 200 FEET AND THE WESTBOUND LEFT TURN LANE IS APPROXIMATELY 120 FEET. AS SUCH, THE EXISTING STORAGE LENGTHS SHALL BE MAINTAINED. THE PROJECTED QUEUES FROM THE HCS ANALYSIS CAN BE ACCOMMODATED WITHIN THE EXISTING STORAGE LENGTHS. THE STRIPING AT THE ENTRANCE SHALL BE IMPROVED TO MEET MUTED STANDARDS. THE DEVELOPER SHALL SUBMIT A PLAN TO DEVELOPMENT COORDINATION SECTION DEPICTING THE PROPOSED STRIPING.

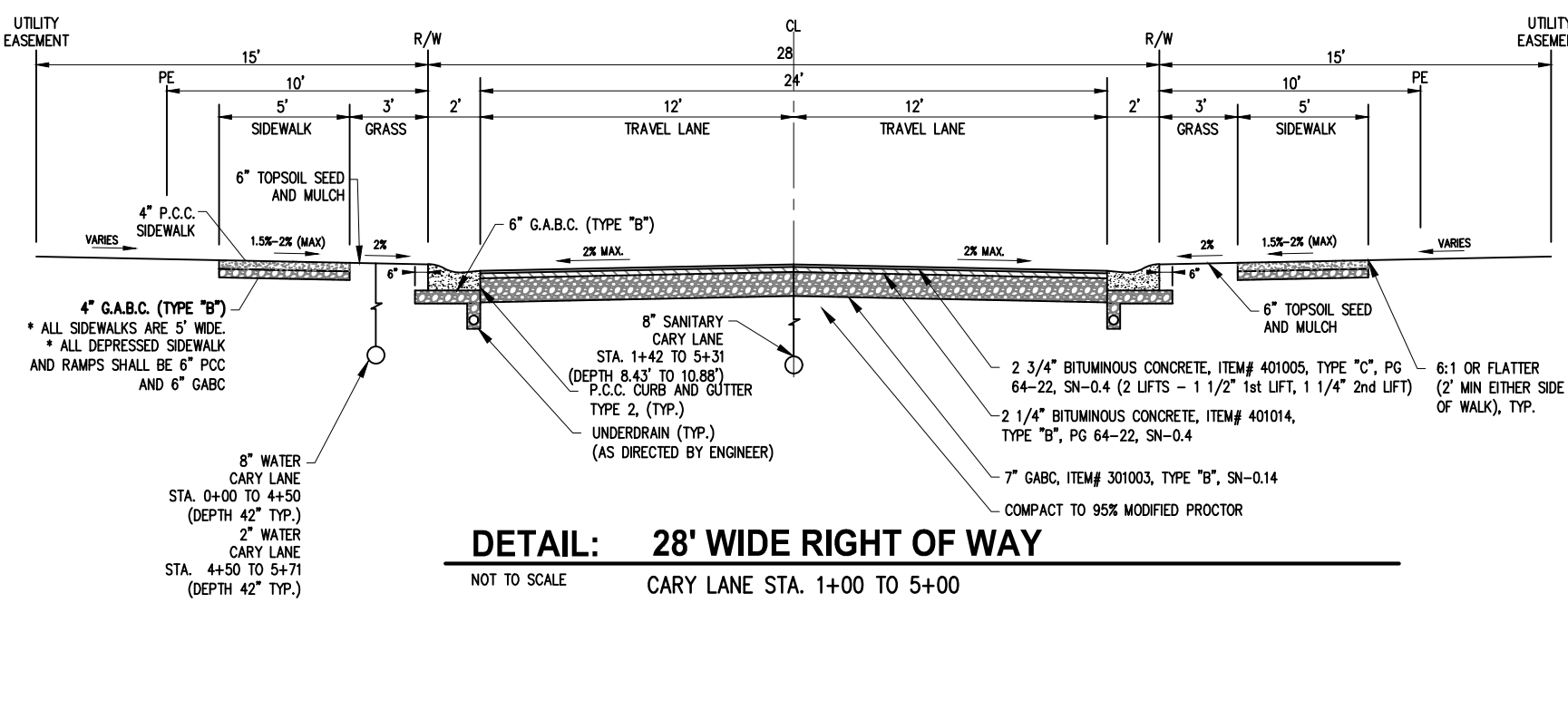
Approach	Current Configuration	Proposed Configuration
Eastbound Valley Road	One through lane	One through lane and one right turn lane
Westbound Valley Road	One through lane	One shared left turn/through lane
Northbound Site Entrance B	Approach does not exist	One shared left turn/right turn lane

BASED ON DELDOT'S DEVELOPMENT COORDINATION MANUAL, THE RECOMMENDED MINIMUM STORAGE LENGTH (EXCLUDING TAPER) OF THE EASTBOUND VALLEY ROAD RIGHT TURN LANE IS 110 FEET. THE PROJECTED QUEUES FROM THE HCS ANALYSIS CAN BE ACCOMMODATED WITHIN THE RECOMMENDED STORAGE LENGTHS.

- THE FOLLOWING BICYCLE, PEDESTRIAN, AND TRANSIT IMPROVEMENTS SHALL INCLUDE:
 - A MINIMUM OF FIFTEEN-FOOT WIDE PERMANENT EASEMENT FROM THE EDGE OF THE RIGHT-OF-WAY SHALL BE DEDICATED TO DELDOT TO ENTER THE ROADWAY. THE EASEMENT SHALL BE DEDICATED TO THE EASEMENT. THE DEVELOPER SHALL IMPROVE THE EXISTING SHARED-USE PATH (SUP) TO MEET CURRENT ASHRAE AND ADA STANDARDS. ADDITIONALLY, THE DEVELOPER SHALL VERIFY IF THE EXISTING SUP IS A MINIMUM 10-FOOT WIDE AND IF THE PAVEMENT NEEDS TO BE REPLACED. A MINIMUM FIVE-FOOT SETBACK SHALL BE MAINTAINED FROM THE EDGE OF THE PAVEMENT TO THE SUP. IF FEASIBLE, THE SUP SHALL BE PLACED BEHIND UTILITY POLES AND STREET TREES SHALL BE PROVIDED WITHIN THE BUFFER AREA. THE DEVELOPER SHALL COORDINATE WITH DELDOT'S DEVELOPMENT COORDINATION SECTION DURING THE PLAN REVIEW PROCESS TO IDENTIFY THE DESIGN OF THE SUP.
 - AT LEAST ONE INTERNAL CONNECTION OF A SIDEWALK OR SUP IN THE VICINITY OF SITE ENTRANCE A AND SITE ENTRANCE B FROM THE SUP ALONG VALLEY ROAD SHALL BE PROVIDED.
 - ADA COMPLIANT CURB RAMPS AND MARKED CROSSWALKS SHALL BE PROVIDED ALONG THE SITE ENTRANCES.
 - MINIMUM FIVE-FOOT WIDE BICYCLE LANES SHALL BE INCORPORATED IN THE RIGHT TURN LANE AND SHOULDER ALONG THE VALLEY ROAD APPROACHES TO SITE ENTRANCE A AND SITE ENTRANCE B.
 - UTILITY COVERS SHALL BE MOVED OUTSIDE OF ANY DESIGNATED BICYCLE LANES AND ANY PROPOSED SIDEWALKS/SUP OR SHALL BE FLUSH WITH THE PAVEMENT.

DELDOT RECORD PLAN GENERAL NOTES: (REV. 3/21/19)

- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE DETRIMENTAL TO THE SIGHT DISTANCE. 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.
- 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.
- 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.
- 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.
- ALL RESIDENTIAL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET. TWO EXISTING RESIDENTIAL LOTS WILL MAINTAIN THEIR EXISTING ACCESS FROM VALLEY ROAD.
- DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
- LOTS WILL BE PERMITTED TO HAVE ACCESS POINTS THAT COMPLY WITH THE DEVELOPMENT COORDINATION MANUAL (DCM) SPACING REQUIREMENTS OF CHAPTER 1 AND LIMITATIONS ON NUMBER OF ACCESS POINTS ESTABLISHED IN DCM CHAPTER 7. ACCESSORY ENTRANCE AND SECONDARY ENTRANCES REQUIRE ADDITIONAL DELDOT REVIEW AND SEPARATE PERMITTING. RESTRICTIONS AS DESCRIBED IN THE DCM CHAPTER 7 MAY PROHIBIT SOME SECONDARY ENTRANCE REQUESTS FROM BEING GRANTED.
- 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.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS ON THE DEDICATED SUBDIVISION STREET RIGHT-OF-WAY IN ACCORDANCE WITH SECTION 3.2.4 OF THE DEVELOPMENT COORDINATION MANUAL AND THE REQUIREMENTS OF THE LAND USE AGENCY. RIGHT-OF-WAY MONUMENTS SHALL BE PLACED ALONG THE RIGHT-OF-WAY LINES, AT A MINIMUM ON ONE SIDE OF THE STREET AT EVERY CHANGE IN HORIZONTAL ALIGNMENT TO PROVIDE A PERMANENT REFERENCE FOR THE RE-ESTABLISHING THE CENTERLINE AND RIGHT-OF-WAY LINE.
- 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 CLEANING, GRABBING, 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 OCCUPY UNTIL THE ENTRANCE(S) ARE COMPLETED TO THE SATISFACTION OF THE DEPARTMENT.
- THE PORTIONS OF THE DRAINAGE DESIGN AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXEMPTED PORTIONS OF THE STORM DRAIN SYSTEM AND/OR DRAINAGE EASEMENTS.



ISSUE/REVISION	DATE
PRE-EXPLORATORY PLAN SUBMISSION	10.22.2021
EXPLORATORY PLAN SUBMISSION	12.30.2021
REVISED EXPLORATORY PLAN	8.17.2022
RECORD PLAN CHECK PRINT SUBMISSION	8.5.24 & 10.10.24
RECORD PLAN CHECK PRINT SUBMISSION	11.12.24 & 12.19.24
RECORD PLAN SUBMISSION	2.18.25 & 4.17.25
RECORD PLAN SUBMISSION	8.29.25 & 9.18.25
ISSUED FOR RECORDATION	9.24.2025

CDA

ENGINEERING INC.

CIVIL/SITE ENGINEERING AND LAND PLANNING

6 LARCH AVENUE
SUITE 401
WILMINGTON, DE 19804

Tel: 302.998.9202
 Fax: 302.691.1314
 cdaengineering.com

DRAWN BY:	EMT
CHECKED BY:	CD
PROJECT No.:	21.105.00
SCALE:	AS NOTED
DATE:	SEPTEMBER 24, 2025
CAD FILE:	

APPLICATION # 2021-0695

HOCKESSIN STATION RECORD MAJOR SUBDIVISION PLAN

MILL CREEK HUNDRED NEW CASTLE COUNTY DELAWARE

DRAWING TITLE: MAJOR SUBDIVISION PLAN

DRAWING NUMBER: REC-07

SUBSTITUTE NO. 1 TO ORDINANCE NO. 25-063

TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE” OR “UDC”), ARTICLE 3 (“USE REGULATIONS”), REGARDING ADULT DAY CARE FACILITIES AND LIMITED USE STANDARDS FOR DAY CARE CENTERS

WHEREAS, the State of Delaware Administrative Code, Title 16, Section 3360 defines and sets regulations appropriate for Adult Day Care Facilities; and

WHEREAS, the Limited Use Standards for day care centers were created to provide protection for children; and

WHEREAS, since the adoption of the Unified Development Code additional protections have been added to limit the location of uses from day care centers, day care centers can locate adjacent retail marijuana stores and adult uses; and

WHEREAS, the County recognizes the importance of updating its zoning and development regulations to recognize differences in the protections needed for adult and child day care centers; 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 40.03.300 (“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. 40.03.309. Institutional, neighborhood.

Except for sites licensed by the State of Delaware Department of Health and Social Services as an Adult Day Care facility, the establishment of a day care center is permitted subject to conformance with the following requirements:

A. ~~[Day care center. The use shall have a minimum of]~~The minimum lot size is
one (1) acre.

B[4]. State licensing requirements shall be met, including those pertaining to building, fire, safety and health codes.

C[2]. Outdoor play or activity areas shall be fenced or otherwise enclosed on all sides, as approved by the Department, and shall consist of developable lands,

but shall not include driveways or parking areas. A one-tenth (0.1) opacity bufferyard shall be required around the play area, unless bufferyard standards are otherwise required by this Chapter.

D[3]. The circulation pattern of the parking area shall be designed to provide a safe and convenient pedestrian access from all parking spaces to the entrance of the facility.

E[4]. No portion of the day care center shall be located within five hundred (500) feet of any ~~[gasoline pumps, underground or other storage of explosive materials]~~, package store, bar or tavern, or other similar incompatible uses.

F. Any on-site propane or any other petroleum product storage tanks must be stored underground, except for petroleum containers used for routine property maintenance.

G. No portion of the day care center shall be located within one thousand (1,000) feet of an established retail marijuana store.

H[5]. When a day care facility is located in a shopping center or shares parking and/or access with other commercial uses, the parking area shall function independently of and physically separate from the general parking and circulation pattern of the other stores or businesses. The day care facility shall be in either the end unit of the multiple occupancy building or a separate structure. These standards shall not apply to day care facilities located within developments consisting solely of office uses.

I[6]. In residential districts, no structural or decorative changes that will alter the exterior residential character of an existing residential structure used for a day care center shall be permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood.

Section 2. 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 3. 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 4. 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 5. 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.

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. 40.03.309. This amendment exempts Adult Day Care facilities State of Delaware Department of Health and Social Services from the additional Limited Use standards for day care centers. This amendment additionally removes the distancing limitation from gas stations and adds a requirement for gasoline and petroleum storage tanks to be stored underground consistent with Delaware State Code. This amendment also prohibits locating a day care center on a parcel, in an office or industrial park where substances are stored in quantities that exceed the federal standards for toxic and hazardous substances (29 CFR 1910). This amendment also includes distancing limitations from adult uses and retail marijuana stores.

Substitute No. 1. The following changes are included in Substitute No. 1:

Sec. 40.03.309. This amendment increases the proposed distance between day care centers and retail marijuana stores from five hundred (500) feet to one thousand (1,000) feet consistent with requirements in Section 40.03.341.

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

ORDINANCE NO. 25-063

TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE” OR “UDC”), ARTICLE 3 (“USE REGULATIONS”), REGARDING ADULT DAY CARE FACILITIES AND LIMITED USE STANDARDS FOR DAY CARE CENTERS

1 **WHEREAS**, the State of Delaware Administrative Code, Title 16, Section 3360
2 defines and sets regulations appropriate for Adult Day Care Facilities; and

3
4 **WHEREAS**, the Limited Use Standards for day care centers were created to
5 provide protection for children; and

6
7 **WHEREAS**, since the adoption of the Unified Development Code additional uses
8 have been added to limit the location of said uses from day care centers, such as retail
9 marijuana stores; and

10
11 **WHEREAS**, the County recognizes the importance of updating its zoning and
12 development regulations to recognize differences in the protections needed for adult and
13 child day care centers; and

14
15 **WHEREAS**, County Council has determined that the provisions of this Ordinance
16 substantially advance, and are reasonably and rationally related to, legitimate
17 government interests (i.e., promoting the health, safety, morals, convenience, order,
18 prosperity and/or welfare of the present and future inhabitants of this State).

19
20 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

21
22 **Section 1.** *New Castle County Code* Chapter 40 (“Unified Development Code” or
23 “UDC”), Article 3 (“Use Regulations”), Division 40.03.300 (“Additional Limited and Special
24 Use Standards”), is hereby amended by adding the material that is underscored and
25 deleting the material that is bracketed and stricken, as set forth below:

26
27 **Sec. 40.03.309. Institutional, neighborhood.**

28
29 Except for sites licensed by the State of Delaware Department of Health and Social
30 Services as an Adult Day Care facility, the establishment of a day care center is
31 permitted subject to conformance with the following requirements:

32
33 A. ~~[Day care center. The use shall have a minimum of]~~The minimum lot size is
34 one (1) acre.

35
36 B[4]. State licensing requirements shall be met, including those pertaining to
37 building, fire, safety and health codes.

38
39 C[2]. Outdoor play or activity areas shall be fenced or otherwise enclosed on all
40 sides, as approved by the Department, and shall consist of developable lands,

but shall not include driveways or parking areas. A one-tenth (0.1) opacity bufferyard shall be required around the play area, unless bufferyard standards are otherwise required by this Chapter.

D[3]. The circulation pattern of the parking area shall be designed to provide a safe and convenient pedestrian access from all parking spaces to the entrance of the facility.

E[4]. No portion of the day care center shall be located within five hundred (500) feet of any ~~gasoline pumps, underground or other storage of explosive materials~~, package store, bar or tavern, or other similar incompatible uses.

F. Any on-site propane or any other petroleum product storage tanks must be stored underground, except for petroleum containers used for routine property maintenance.

G. No portion of the day care center shall be located within five hundred (500) feet of an established retail marijuana store.

H. [5]. When a day care facility is located in a shopping center or shares parking and/or access with other commercial uses, the parking area shall function independently of and physically separate from the general parking and circulation pattern of the other stores or businesses. The day care facility shall be in either the end unit of the multiple occupancy building or a separate structure. These standards shall not apply to day care facilities located within developments consisting solely of office uses.

I. [6]. In residential districts, no structural or decorative changes that will alter the exterior residential character of an existing residential structure used for a day care center shall be permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood.

Section 2. 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 3. 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 4. 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 5. 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.

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. 40.03.309. This amendment exempts Adult Day Care facilities State of Delaware Department of Health and Social Services from the additional Limited Use standards for day care centers. This amendment additionally removes the distancing limitation from gas stations and adds a requirement for gasoline and petroleum storage tanks to be stored underground. This amendment also includes distancing limitations from retail marijuana stores.

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



New Castle County Department of Land Use

**DEPARTMENT OF LAND USE
RECOMMENDATION REPORT**

**Ordinance 25-063
Application 2025-0333-T
Day Care Centers**

September 2, 2025

Sponsor: Councilwoman Janet Kilpatrick (District 3), Councilman George Smiley (District 7)

Description: Amending New Castle County Code Chapter 40 ("Unified Development Code" or "UDC"), Article 3 ("Use Regulations"), regarding adult day care facilities and limited use standards for day care centers.

EXECUTIVE SUMMARY

Ordinance 25-063 proposes several changes to the Day Care Center standards in Section 40.03.309 of the Unified Development Code (UDC) including; removing limitation on the siting of Adult Daycare Centers, replacing the 500-foot buffer from gas stations with a requirement for on-site propane or any other petroleum product storage tanks be stored underground, and establishing a 500-foot buffer from retail marijuana stores. The proposed changes are grounded in the knowledge accumulated over the past 27 years of daycare development and the variances considered by the New Castle County Board of Adjustment. Existing daycare center provisions were formulated to address concerns for providing safe childcare facilities, however included adult care facilities as well. Removing the limited use standards for adult care facilities will allow for more conveniently located sites while not adversely impacting our aging population. Replacing the distancing requirement from gas stations and replacing it with requirements for on-site propane and petroleum tanks to be stored underground preserves protections for children, while increasing the number of eligible sites to provide childcare. The proposed buffering requirement from retail marijuana stores is consistent with the concerns identified when the County adopted provisions for retail marijuana stores.

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the New Castle County Code and comments received from other agencies and the public. Based on this analysis, the Department recommends **Conditional Approval** of Ordinance 25-063 with the condition that the County Council considers increasing the buffer distance between new day care centers and retail marijuana stores from five hundred (500) feet to one thousand (1,000) feet.

DESCRIPTION

Application 2025-0333-T (Ordinance 25-063), is a text amendment to amend New Castle County Code regarding adult day care facilities and limited use standards for day care centers found in Section 40.03.309 of the UDC.

BACKGROUND

Ordinance 97-172 Unified Development Code

On December 31, 1997, New Castle County adopted the Unified Development Code (UDC) (Ordinance 97-172) and set Limited Use standards for Day Care Centers in Section 40.03.309 of the UDC.

Ordinance 98-062 Omnibus

On September 22, 1998, New Castle County adopted Ordinance 98-062 which added opacity requirements for play areas and day care center locations within multiple occupancy buildings.

Ordinance 99-075 Omnibus

On December 14, 1999, New Castle County adopted Ordinance 99-075 which removed multiple occupancy requirements for office complexes.

Ordinance 06-060 Omnibus

On September 26, 2006, New Castle County adopted Ordinance 06-060 which created a requirement for improved pedestrian and vehicular circulation for Day Care Centers.

Ordinance 25-063 Day Care Centers

Ord. 25-063 was introduced on May 27, 2025, proposing a changes in buffering distances and limited use standards for Adult Day Care Centers and requirements for storage of on-site petroleum.

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

The proposed text amendment was reviewed at a PLUS meeting held on June 25, 2025.

The PLUS Review Letter, dated July 24, 2025, includes comments from the Office of State Planning and Coordination, who had no objections. All other State agencies had no comment on the subject ordinance.

PLANNING BOARD PUBLIC HEARING – August 5, 2025

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

Matthew Rogers (Land Use) presented the ordinance. He outlined the different types of day cares that exist within the Unified Development Code (UDC) and that the proposed Ordinance 25-063 is only addressing the standards regarding Day Care Centers (Institutional Neighborhood). He proceeded to provide a summary of the changes in Day Care Center regulations since the adoption of the UDC. He then details the changes to Day Care Center requirements proposed by Ord. 25-063 which include: removing buffering distance and limited use standards for Adult Day Care Centers, additional storage requirements for on-site propane and other petroleum products, removal of the 500 foot buffer from gas stations, and addition of a 500 foot buffer from retail marijuana stores. David Culver (Land Use) clarifies that the buffer from marijuana retail is based on pending State legislation and is subject to change at County Council based on State requirements.

Questions from the Planning Board:

There were no questions from the Planning Board.

Public Comment:

There were no public comments.

ANALYSIS

Ordinance 25-063 proposes several important improvements to the to the Limited Use Standards for Day Care Centers (Institutional Neighborhood uses) including:

- Removes limitation on the siting of Adult Daycare Centers
- Replaces the 500-foot buffer from gas stations with a requirement for on-site propane or any other petroleum product storage tanks be stored underground (excluding petroleum containers used for routine property maintenance)
- Establishes a 500-foot buffer from retail marijuana stores

The proposed changes are grounded in the knowledge accumulated over the past 27 years of daycare development and the variances considered by the New Castle County Board of Adjustment. As discussed at the Planning Board Public hearing, the daycare center provisions were formulated to address concerns for providing safe childcare facilities, however included adult care facilities as well. Removing the limited use standards for adult care facilities will allow for more conveniently located sites while not adversely impacting our aging population. Replacing the distancing requirement from gas stations and replacing it with requirements for on-site propane and petroleum tanks to be stored underground preserves protections for children, while increasing the number of eligible sites to provide childcare. The proposed

buffering requirement from retail marijuana stores is consistent with the concerns identified when the County adopted provisions for retail marijuana stores.

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 changes proposed by Ordinance 25-063 will help the County achieve several important goals and objectives in the Comprehensive Plan including:

Objective 4.2 of the Comprehensive Plan:

Increase proximity of quality housing to other daily needs throughout the county, especially jobs and quality education, to support overall cost of living affordability. ...

Increasing the number of eligible sites for adult care and childcare facilities, while retaining and enhancing important protections for children, will increase the proximity of these vital services to a larger number of neighborhoods.

Objective 5.2 of the Comprehensive Plan:

Achieve a diverse and supportive business ecosystem.

Expanding opportunities for child and adult care facilities not only directly provides rewarding job opportunities, it also allows parents (and children with respect to adult care) more convenient opportunities to both provide care for family members while actively participating in the workforce.

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

N/A

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

N/A

E. Flexibility in meeting the objectives of this Chapter.

Section 40.01.015.C calls on us to ... *provide for desirable growth and employment opportunities*. As stated above expanding child and adult care opportunities, while providing important protections will both directly increase job opportunities and better provide for family members to both remain employed and provide needed care for family members.

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

N/A

G. *Consideration of specific problems found in this Chapter.*

N/A

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the New Castle County Code and comments received from other agencies and the public. Based on this analysis, the Department recommends **Conditional Approval** of Ordinance 25-063 with the condition that the County Council considers increasing the buffer distance between new day care centers and retail marijuana stores from five hundred (500) feet to one thousand (1,000) feet.

PLANNING BOARD RECOMMENDATION

At a business meeting held on September 2, 2025, the Planning Board considered the recommendation provided by the Department of Land Use as well as comments from outside agencies and the public. On a motion made by Mr. Daigle and seconded by Ms. Visvardis, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 25-063 as subject to the condition recommended by the Department of Land Use. The motion was adopted by a vote of 6-0-0-1 (In Favor: Cantrell, Cochran, Daigle, Drake, Snowden, Visvardis; In Opposition: None; Abstention: None; Absent: Gray).

Prior to the vote, the following discussion occurred:

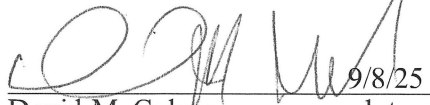
Mr. Snowden asked the Department explain the reason for recommending that the distance be increased from five hundred (500) feet to one thousand (1,000) feet between new day care centers and retail marijuana stores. Mr. Rogers explained that the change was the result of the Governor's veto of SB 75¹, which would have limited distancing requirements for retail marijuana stores to at most five hundred (500) feet.

There were no other comments or questions by Planning Board members.

¹ DE SB75 | 2025-2026 | 153rd General Assembly, <https://legiscan.com/DE/bill/SB75/2025> (Accessed 9/5/25)

STATUTORY GUIDELINES

In the phraseology of 9 Delaware Code Section 2603(a), the Department finds that this text amendment promotes the convenience, order and welfare of the present and future inhabitants of this State.


David M. Culver 9/8/25
General Manager date
Department of Land Use


Robert Snowden 9/8/25
Acting Chair date
Planning Board

ORDINANCE NO. 25-120

TO AMEND NEW CASTLE COUNTY CODE CHAPTER 7 (“PROPERTY MAINTENANCE CODE”), SECTION 7.01.002 (“AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE”), AS AMENDED, SECTION PM 308 (“RUBBISH AND GARBAGE”) AND CHAPTER 19 (“RESIDENTIAL RENTAL PROPERTIES”), ARTICLE 3 (“RENTAL CODE”)

1 **WHEREAS**, New Castle County is charged with the responsibility to protect the health,
2 safety and welfare of its citizens; and

3 **WHEREAS**, The Department of Land Use administers and enforces regulations
4 pertaining to the condition and maintenance of property, structures and buildings to eliminate or
5 prevent unsafe, unhealthy, unsanitary or substandard living conditions; and

6 **WHEREAS**, Consistent and routine removal of garbage and rubbish is essential
7 to the health and enjoyment of any property, especially rental properties; and
8

9 **WHEREAS**, “Garbage” is animal or vegetable waste resulting from the handling,
10 preparation, cooking, and consumption of food; and
11

12 **WHEREAS**, “Rubbish” is combustible and noncombustible waste materials and
13 trash and debris, *except garbage*; it includes residue from the burning of wood, coal,
14 and other combustible materials, paper, rags, cartons, boxes, wood, rubber, leather,
15 tree branches... yard trimmings, cans, metals, mineral matter, glass, dust, and other
16 similar materials (emphasis added); and
17

18 **WHEREAS**, the Code needs clarification and consistency as to the owner’s similar
19 obligations in relation to removal of rubbish and garbage; and
20

21 **WHEREAS**, in addition, the establishment of a transparent and efficient process
22 to verify that owners are satisfying their obligations is for the benefit of the County and all
23 residents; and
24

25 **WHEREAS**, New Castle County Council finds that the provisions of this Ordinance
26 are rationally and reasonably related to and substantially advance its goal of protecting
27 and preserving legitimate government interests, including the protection and preservation
28 of the public health, safety, prosperity, general welfare, and quality of life of New Castle
29 County and its residents.
30

31
32 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
33

34 Section 1. *New Castle County Code* Chapter 7 (“Property Maintenance Code”),

Section 7.01.002 ("Amendments to the International Property Maintenance Code"), as amended, Section PM 308 ("Rubbish and Garbage") is hereby amended by adding the material that is underscored and deleting the material with strike throughs or as otherwise referenced, as set forth below.

Section PM 308 *Rubbish and Garbage*, is amended by modifying Section 308.2.2, *Rubbish and garbage – removal*.

Section PM 308.2.2 Rubbish and garbage - removal. Every owner of a residential rental property shall be responsible for ~~providing for~~ ensuring tenants have regular rubbish and garbage removal services for the property. Compliance with the above obligations and the obligations set forth in subsection PM 308.2.1 by every owner of a residential rental property shall be evidenced by way of the written verification that is required under subsection 19.03.001.H.

Exception: Written verification is not required for apartment complexes, condominium communities and similar subdivisions that provide common dumpsters for tenants. Property owners in communities with a sole source trash service provider can provide a written affidavit.

Section 2. *New Castle County Code* Chapter 19 ("Residential Rental Properties"), Article 3 ("Rental Code") is hereby amended by adding the material that is underscored and deleting the material with strike throughs or as otherwise referenced, as set forth below.

...

Sec. 19.03.001. – Registration; requirements; information collected; written verification.

...

1. Submission by the owner or designee thereof of a written verification in a manner and in a form to be designated by the Department. The written verification shall be supported by, for example and without limitation, a current contract between the owner, tenant or designee thereof and the person or business providing the rubbish and garbage removal services, and any other relevant information or records that conclusively show that the owner or designee thereof is satisfying its obligations by providing the requisite containers and owner, tenant or designee thereof is providing removal services for rubbish and garbage as referenced under subsection 308.2.2 of the *Property Maintenance Code* (Ch. 7), as amended.

APPENDIX

NEW CASTLE COUNTY TENANTS' RIGHTS GUIDE

Unless an emergency situation exists, your first step for reporting any problem in your

80 rental unit should always be to contact your landlord. You may contact your landlord by
81 telephone or in person but you must always put your complaints in writing...

Problem	Minimal Standard	Where to Call for Complaints
<u>Garbage/Rubbish</u>	All exterior property and premises and the interior of every rental unit shall be free from accumulation of garbage or rubbish. Every occupant shall dispose of rubbish and garbage in a clean and sanitary manner and place it in an approved container. It is the responsibility of the property owner or designee thereof to provide approved rubbish and garbage containers, in addition to ensuring tenants have garbage and rubbish removal services for the property.	Landlord New Castle County Department of Land Use – (302) 395-5555

82 Section 3. The provisions of this Ordinance shall take effect immediately after
83 passage by New Castle County Council and approval by the County Executive.

84
85 Section 4. The provisions of this Ordinance are prospective in nature. This
86 Ordinance is not intended to, nor shall it interfere with the terms of any then-existing rental
87 agreement in place as of the time the provisions of this Ordinance take effect.

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
of New Castle County

SYNOPSIS: This Ordinance clarifies the obligations of a residential rental property owner under *New Castle County Code* to ensure tenants have garbage and rubbish removal services, establishes standards and a uniform process by which every owner shall confirm compliance with its obligations under the *Property Maintenance Code* (Chapter 7), Section PM 308 *Rubbish and Garbage*, as amended, by submission of the written verification required under the proposed subsection 19.03.001.H.

After the provisions of this Ordinance take effect, and subject to the limitations identified below, the written verification is to be produced at the time of initial application for a rental permit, at the time of application to renew the rental permit, and/or upon request by a Code Official.

The provisions of the Ordinance shall take effect immediately after passage by New Castle County Council and approval by the County Executive.

FISCAL NOTE: There is no discernible fiscal impact.

Prime Sponsor(s): Mr. Caneco, Mr. Carter
Date of introduction: March 25, 2025

ORDINANCE NO. 25-025

**AMENDING NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED
DEVELOPMENT CODE"), SECTION 40.31.114 ("RECORD PLAN REVIEW STAGE")
RELATING TO NOTICE OF RECORD PLANS**

1 **WHEREAS**, *New Castle County Code* Section 40.31.114 establishes specific
2 requirements for approval of a record plan, including approval by the Department of Land
3 Use (Department), the Delaware Department of Transportation, and other agencies; and
4

5 **WHEREAS**, after receiving the necessary departmental and agency approvals, a
6 major record plan must then be submitted to New Castle County Council for its approval;
7 and
8

9 **WHEREAS**, *County Code* Section 40.31.114 provides that, after the Department
10 forwards a major plan to County Council, Council must schedule the major plan for the
11 next Council meeting, at which the plan must be approved or tabled and referred to the
12 Department; and
13

14 **WHEREAS**, if the plan is referred back to the Department, then, after receiving
15 questions from Council, the Department must provide findings and a recommendation
16 that the plan be approved, in which case County Council must approve the plan at its next
17 meeting which provides Council with at least 7 days' notice of the Department's
18 recommendation, unless a second referral is made, in which case Council must approve
19 the plan at its next meeting following the second approval that provides Council with at
20 least 7 days' notice of the Department's recommendation. Alternatively, the Department
21 may rescind its prior plan approval for noncompliance, in which case County Council shall
22 withdraw the proposed resolution of plan approval; and
23

24 **WHEREAS**, the notice of potentially only 7 days currently afforded in Section
25 40.31.114 is insufficient and must be improved; in fact, among the benefits of this
26 proposed Code revision is that it ensures additional time to identify and resolve any issues
27 earlier in the process; 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, including promoting the health, safety, and welfare of present and future
32 inhabitants of New Castle County.

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

35 Section 1. *New Castle County Code* Chapter 2 ("Administration"), Section
36 40.31.114 ("Record plan review stage") is hereby amended by adding the material that is
37 underscored and deleting the material with strikethroughs, as set forth below.
38

39 **Sec. 40.31.114. Record plan review stage.**

40 ...

41 **D. *Council consent.***

- 42 1. For major plans, the record plan shall be forwarded to County Council for its
43 consent. ~~Upon receipt of the plan,~~ In addition to any necessary public hearings,
44 County Council shall schedule the matter for its next public meeting hearing that
45 is at least 28 days after receipt of the major plan by the Clerk of Council, and may
46 take one (1) of the following actions at the public meeting:

- 47 a. Adopt a resolution approving the record major plan; or
48 b. Table and refer the plan back to the Department, no more than twice, with
49 specific questions relating to technical compliance with this Chapter, State or
50 federal constitutional requirements or any other statute or ordinance for
51 which compliance is required. Upon receipt of a Department
52 recommendation reaffirming approval of the plan, County Council shall adopt
53 the resolution of approval, unless a second referral is made because of
54 additional questions or concerns. Upon receipt of the Department's
55 recommendation reaffirming approval of the plan after review of any
56 additional concerns raised by County Council, Council shall adopt the
57 resolution of approval.

- 58 2. County Council may use any one (1) or more of the above options subject to the
59 limitations contained in each subparagraph.

60 **E. *Action upon receipt of County Council referral.*** Upon receipt of specific questions
61 from County Council, the Department shall respond with its findings and a
62 recommendation. The recommendation shall be one (1) of the following:

- 63 1. That the plan be approved, in which case County Council shall adopt the
64 resolution of plan approval at its next scheduled meeting which provides Council
65 with at least ~~seven (7)~~ 28 days' notice of the Department's findings and
66 recommendation, unless a second referral is made, in which case Council shall
67 adopt the resolution of plan approval at its next scheduled meeting following the
68 second approval which provides Council with at least ~~seven (7)~~ 28 days' notice
69 of the Department's findings and recommendation.
- 70 2. That the Department has rescinded its previous approval of the plan for
71 noncompliance, in which case County Council shall withdraw the resolution of
72 plan approval.

73 Section 2. This Ordinance shall become effective immediately upon its adoption
74 by County Council and approval by the County Executive, or as otherwise provided in
75 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
of New Castle County

SYNOPSIS: This Ordinance provides a more appropriate time frame for notice of a major record plan coming before New Castle County Council for its consideration and approval.

FISCAL NOTE: This Ordinance, if approved, will have no fiscal impact.



New Castle County Department of Land Use

**DEPARTMENT OF LAND USE
RECOMMENDATION REPORT**

**Ordinance 25-025
Application 2025-0180-T
County Council Consideration of Record Plans**

June 17, 2025

Sponsor: Councilman Kevin Caneco (District 12), Councilman David Carter (District 6)

Description: Amending New Castle County Code Chapter 40 ("Unified Development Code"), Section 40.31.114 ("Record Plan Review Stage") relating to notice of record plans

EXECUTIVE SUMMARY

Ordinance 25-025 proposes several changes to the Record Plan Review Stage specifically related to scheduling of Major Land Development Plans for County Council meetings. The ordinance proposes extending the time to 28 days after receipt of a Major Land Development Plan by Council and its scheduling at the next County Council public hearing. The Ordinance additionally proposes to extend the minimum time between receiving a response from the Department of Land Use and adoption of the resolution of plan approval.

Major Land Development Plans that progress to the Record Plan Review stage undergo an extensive review process, allowing Council Members and the public to evaluate submissions and seek clarification from the Department and relevant state agencies.

- The Department notifies the district Council Member when a plan is proposed upon initial submission. Throughout the process, the Department makes every effort to meet with Council and the community to discuss the plan.
- The Department posts new plan submissions¹ and active plans² on its website arranged by council district.
- When a plan is scheduled for a public hearing, the Department notifies all property owners by US Mail within 300 feet of the subject parcel as well as the district Council Member. This process is repeated should the plan require review from multiple county boards (i.e., Planning Board, Board of Adjustment, Historic Review Board, Resource Protection Area Technical Advisory Committee). Meeting notices are also placed on the county website, emailed through county listserv, advertised through the Department's monthly public newsletter (County Connect), and advertised through social media channels (i.e., Facebook, Instagram). Planning Board public

¹ New Plans: <https://www.newcastlede.gov/299/New-Plans> (Accessed 6/15/25)

² Active Plans: <https://www.newcastlede.gov/410/Active-Plans> (Accessed 6/15/25)

hearing notices are also advertised in the New Journal newspaper on applicable Sundays. The public is invited to attend these meetings (in-person and virtually) and is welcome to provide comment.

- Major Land Development Plans are submitted for review by the State of Delaware Preliminary Land Use Service (PLUS) Committee. The public is free to attend this meeting (in-person and virtually) and is welcome to provide comment.
- The Department also strongly encourages the applicants of all Major Land Development Plans to arrange information sessions for nearby civic and homeowners associations so that the public is able to ask questions and/or express concerns directly to the applicant in an informal setting in the community.
- After reviewing the plan for compliance with the Unified Development Code and incorporating State of Delaware PLUS and public feedback as suitable, the Department makes a request to the Council Member for the plan to be placed on a Council Land Use Committee Public Hearing agenda. The public is free to attend this meeting (in-person and virtually) and is welcome to provide comment.
- After reviewing the plan in Council Land Use Committee Public Hearing for compliance with the Unified Development Code and incorporating State of Delaware PLUS and public feedback as suitable, the Department makes a request to the Council Member for the plan to be placed on a full County Council Meeting Public Hearing agenda. The public is free to attend this meeting (in-person and virtually) and is welcome to provide comment.
- If County Council has specific questions relating to technical compliance with regulations, they can refer the plan back to the Department up to two (2) times.

As written, the ordinance could extend the plan review process by as much as four months after the Department determines a plan complies with County and State regulations.

The best opportunity to review, voice concerns, and recommend changes to a plan is during the review process, not at the *Council consent* stage. While there are opportunities for Council to refer a plan back to the Department of Land Use (no more than twice) "with specific questions relating to technical compliance with this Chapter, State or federal constitutional requirements or any other statute or ordinance for which compliance is required," the Code states that "Council shall adopt the resolution of approval." The Department welcomes opportunities to work with County Council to develop policy that expands on current efforts, creating better dialogue and better addressing a council member's concerns.

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the New Castle County Code and comments received from other agencies and the public. Based on this analysis, the Department recommends **DENIAL** of Ordinance 25-025.

DESCRIPTION

Application 2025-0180-T (Ordinance 25-025), is a text amendment to the Unified Development Code (UDC) that proposes various changes to Record Plan review procedures along with language changes in Section 40.31.114.

BACKGROUND

Ordinance 97-172 Unified Development Code

On December 31, 1997, New Castle County adopted the Unified Development Code (UDC) (Ordinance 97-172). With the adoption of the UDC, Section 40.31.114 related to Record Plan submission.

Ordinance 98-080 Revisions to the Unified Development Code

On June 30, 1998, New Castle County adopted Ordinance 98-080 which affirmed the practice of the Department approving Minor Land Development plans for County Council in Section 40.31.114 of the Unified Development Code.

Ordinance 99-075 Revisions to the Unified Development Code

On December 14, 1999, New Castle County adopted Ordinance 99-075 which required two-thirds of lot owners within a subdivision to vote for changes in open space or common facilities in Section 40.31.114 of the Unified Development Code.

Ordinance 01-112 New Castle County Code Republication

On January 18, 2011, New Castle County adopted Ordinance 10-113 which provided procedural changes relating to TAC report expiration to Section 40.31.114 of the Unified Development Code.

Ordinance 06-060 Revisions to the Unified Development Code

On May 23, 2006, New Castle County adopted Ordinance 06-060 which added DelDOT, State Fire Marshal and Engineering Section approvals as part of the Department review/approval process in Section 40.31.114 of the Unified Development Code.

Ordinance 09-037 Smart Code Development Option

On May 26, 2009, New Castle County adopted Ordinance 09-037 which provided minor language changes to Section 40.31.114 of the Unified Development Code.

Ordinance 09-066 Revision of the Subdivision and Land Development Review and Approval Process

On July 28, 2009, New Castle County adopted Ordinance 09-066 which created the Record Plan review stage, along with minor language changes to Section 40.31.114 of the Unified Development Code. Prior to the adoption of this ordinance, Section 40.31.114 pertained to Record Plan submission procedures.

Ordinance 10-113 New Castle County Code Republication

On January 18, 2011, New Castle County adopted Ordinance 10-113 which provided minor language changes to Section 40.31.114 of the Unified Development Code.

Ordinance 25-025 County Council Consideration of Record Plans

Ord. 25-025 was introduced on March 25, 2025, proposing a changes in County Council procedures and timeline after receipt of a major record plan or County Council referrals, and minor language changes.

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

The proposed text amendment was reviewed at a PLUS meeting held on April 23, 2024.

The PLUS Review Letter, dated May 20, 2025, includes comments from the Office of State Planning and Coordination, who had no objections. All other State agencies had no comment on the subject ordinance.

PLANNING BOARD PUBLIC HEARING – June 3, 2025

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

Councilman David Carter, the ordinance's co-sponsor, presented the application's case. He outlined the ordinance's purpose to extend the notice period for County Council to review record plans from seven to twenty-eight days. He emphasized that the current seven-day period is insufficient for County Council to thoroughly examine record plans before Council meetings, thereby hindering public awareness due to the notice timelines.

Questions from the Planning Board:

Robert Snowden asked about the length of time proposed by Ord. 25-025 and how it compares to similar processes in the other two Counties in Delaware. Councilman Carter explains that the other Counties' processes are more "open-ended" whereas the UDC has very specific guidelines. Leah Gray inquired if the proposed ordinance has received any feedback from other members of County Council. Councilman Carter mentions that among the Council Members he has spoken to regarding the ordinance, they have been supportive of the change. Neal Cantrell asked if the proposed 28 days is too short of time for County Council review of record plans. Councilman Carter responded that based on his experience that 28 days is sufficient for a Council member to review a record plan and identify any major issues. Ruth Visvardis

asked for clarification on whether the days were calendar days or business days. Councilman Carter clarified that he intends for it to be calendar days.³

Public Comment:

Two members of the public commented in person with no comments made from online attendees. Dale Swain spoke in support of the ordinance and on the difficulties for the public to follow the development process. Peter Yingst mentioned some concerns over the rigidity of the procedures outlined in the ordinance and asked if any exceptions would be considered for specific circumstances.

ANALYSIS

Ordinance 25-025 proposes several changes to the Record Plan Review Stage specifically related to scheduling of Major Land Development Plans for County Council meetings. The proposed changes include extending the time to 28 days after receipt of a Major Land Development Plan by Council and its scheduling at the next County Council public hearing. The Ordinance additionally proposes to extend the minimum time between receiving a response from the Department of Land Use and adoption of the resolution of plan approval. The sponsors of Ordinance 25-025 stated that the necessity for the ordinance stem from a need for added time to review plans prior to conducting a meeting to adopt the resolution of approval.

Major Land Development Plans that progress to the Record Plan Review stage undergo an extensive review process, allowing Council Members and the public to evaluate submissions and seek clarification from the Department and relevant state agencies.

- The Department notifies the district Council Member when a plan is proposed upon initial submission. Throughout the process, the Department makes every effort to meet with Council and the community to discuss the plan.
- The Department posts new plan submissions⁴ and active plans⁵ on its website arranged by council district.
- When a plan is scheduled for a public hearing, the Department notifies all property owners by US Mail within 300 feet of the subject parcel as well as the district Council Member. This process is repeated should the plan require review from multiple county boards (i.e., Planning Board, Board of Adjustment, Historic Review Board, Resource Protection Area Technical Advisory Committee). Meeting notices are also placed on the county website, emailed through county listserv, advertised through the Department's monthly public newsletter (County Connect), and

³ Section 40.33.300 defines days as working days, calendar days need to be specified as such.

⁴ New Plans: <https://www.newcastlede.gov/299/New-Plans> (Accessed 6/15/25)

⁵ Active Plans: <https://www.newcastlede.gov/410/Active-Plans> (Accessed 6/15/25)

advertised through social media channels (i.e., Facebook, Instagram). Planning Board public hearing notices are also advertised in the New Journal newspaper on applicable Sundays. The public is invited to attend these meetings (in-person and virtually) and is welcome to provide comment.

- Major Land Development Plans are submitted for review by the State of Delaware Preliminary Land Use Service (PLUS) Committee. The public is free to attend this meeting (in-person and virtually) and is welcome to provide comment.
- The Department also strongly encourages the applicants of all Major Land Development Plans to arrange information sessions for nearby civic and homeowners associations so that the public is able to ask questions and/or express concerns directly to the applicant in an informal setting in the community.
- After reviewing the plan for compliance with the Unified Development Code and incorporating State of Delaware PLUS and public feedback as suitable, the Department makes a request to the Council Member for the plan to be placed on a Council Land Use Committee Public Hearing agenda. The public is free to attend this meeting (in-person and virtually) and is welcome to provide comment.
- After reviewing the plan in Council Land Use Committee Public Hearing for compliance with the Unified Development Code and incorporating State of Delaware PLUS and public feedback as suitable, the Department makes a request to the Council Member for the plan to be placed on a full County Council Meeting Public Hearing agenda. The public is free to attend this meeting (in-person and virtually) and is welcome to provide comment.
- If County Council has specific questions relating to technical compliance with regulations, they can refer the plan back to the Department up to two (2) times.

As written the ordinance could add an additional four (4) months minimum to the plan review process after the Department of Land Use and State agencies have determined that a plan complies with County and State regulations.

The best opportunity to review, voice concerns, and recommend changes to a plan is during the review process, not at the *Council consent* stage. While there are opportunities for Council to refer a plan back to the Department of Land Use (no more than twice) “with specific questions relating to technical compliance with this Chapter, State or federal constitutional requirements or any other statute or ordinance for which compliance is required,” the Code states that “Council shall adopt the resolution of approval.” The Department welcomes opportunities to work with County Council to develop policy that expands on current efforts, creating better dialogue and better addressing a council member’s concerns.

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.*

N/A

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

N/A

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.*

N/A

G. *Consideration of specific problems found in this Chapter.*

N/A

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the New Castle County Code and comments received from other agencies and the public. Based on this analysis, the Department recommends **DENIAL** of Ordinance 25-025.

PLANNING BOARD RECOMMENDATION

At a business meeting held on June 17, 2025, the Planning Board considered the recommendation provided by the Department of Land Use as well as comments from outside agencies and the public. On a motion made by Ms. Drake and seconded by Ms. Gray, the Board voted to recommend **DENIAL** of Ordinance 25-025 as recommended by the Department of Land Use. The motion was adopted by a vote of 4-1-0-3 (In Favor: Cochran, Drake, Gray, Visvardis; In Opposition: Cantrell; Abstention: None; Absent: Cahill-Krout, Daigle, Snowden).

Prior to the vote, the following discussion occurred:

Matthew Rogers, planner for the Department of Land Use read the Department of Land Use recommendation into the record.

Ms. Gray inquired about the Department's primary objection to the changes proposed in the ordinance. Mr. Rogers explained that the primary objection was when during the review process the additional time would occur. He further explained that on average Major Land Development Plans proceed to recordation after 1,331 days (3.65 years)⁶, and that during that time there are ample opportunities for the Department, County Council and the applicant to discuss potential concerns regarding a plan. He further explained that during that time the plan had not only been subject to a public hearing prior to Exploratory Plan approval (while at the beginning of the process includes the final TIS), as well as verified for compliance with County, State, and Federal regulations. In addition to this, Mr. Rogers explained that there are 2 opportunities to table and refer a plan back to the Department if they have specific questions regarding a plan's compliance with County, State, and Federal regulations, however they are obligated by Code to "Adopt a Resolution approving the record major plan."⁷ He concluded stating that the best time to address concerns and effectuate change in a plan is during the prescribed review process. Ms. Visvardis inquired about the time duration between when a Major Land Development Plan had its public hearing at the Planning Board and when County Council considered it for consent. Mr. Rogers explained that that time duration was typically between 2 and 2.5 years. Ms. Visvardis stated that based on the way the ordinance was presented she was under the impression that County Council had between a week and a month after the Planning Board hearing to consider the plan. Mr. Cantrell had Mr. Rogers reexplain the timeline for plan processing. Mr. Rogers explained that the process was designed to provide the public and Planning Board an early opportunity to provide feedback and voice concerns to an applicant in order to effectuate communication, compromise and potential alterations to a plan. Antoni Sękowski, Assistant Land Use Manager explained that a useful analogy is that the plan is reviewed as a two dimensional model, lines on paper up until the Planning Board Hearing during and after which the third dimension is considered (design, stormwater, etc....). Mr. Cantrell inquired about the cost, "financial or otherwise" if the ordinance was adopted, based on the time that it could add to the process. Mr. Rogers explained that the Department could not speculate on the expense to a developer/property owner, but that it would not impact Departmental costs. Mr. Cantrell stated that you have to balance the cost to the developers resulting from the added time with the advantage of

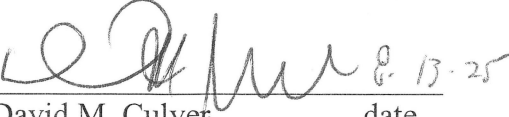
⁶ Average time that Record Major Land Development spent in the review and approval process for plans recorded between 1/1/2024 and 6/16/2025.

⁷ Section 40.31.114.D & E - provides requirements for consent and approval of Record Major Land Development Plans.

building additional time for Council. Mr. Rogers responded that County Council has the opportunity to review and voice concerns throughout the process. Mr. Cantrell further asked if the Department's rationale for denial was the impact on developers. Mr. Sekowski disputed the assertion and referred to the rationale discussed in the recommendation and presentation, which focused on the plan review process, and the existing opportunities to participate in the planning process. Mr. Cochran asked if there are just two council members that are looking to "push" the ordinance through and the others are not. Mr. Cantrell stated that that would not be a "fair statement." Mr. Cochran stated that the plan review process already is lengthy. Mrs. Visvardis stated that council members could attend the Planning Board and other public hearings. Mr. Rogers reiterated the Department's outreach to members when a plan is received and prior to holding a public hearing. He further expressed the Department's openness to working on policy with council members should they wish to meet and discuss plans during the planning process. Ms. Drake asked the Department to further clarify how the UDC differentiates calendar days vs working days. Mr. Rogers explained that if the word "days" is not accompanied by calendar it is specifically defined as working days. Ms. Gray inquired if the only time that County Council would not have adequate time to review a plan is if they had not read the plan during the existing process. Mr. Sekowski stated that the Department couldn't make that statement. Ms. Gray reaffirmed with the Department that the Ordinance would not impact Minor Land Development Plans.

STATUTORY GUIDELINES

In the phraseology of 9 Delaware Code Section 2603(a), the Department finds that this text amendment does not promote the convenience, order and welfare of the present and future inhabitants of this State.


David M. Culver 8/13/25
General Manager date
Department of Land Use


Robert Snowden 8/13/25
Acting Chair date
Planning Board

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