



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

October 14, 2025

6:30 PM

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

AGENDA

A. Call to Order

- Moment of Silence
- Pledge of Allegiance
- Roll Call

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

°25-121: TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE" OR "UDC"), ARTICLE 3 ("USE REGULATIONS"), ARTICLE 4 ("DISTRICT AND BULK STANDARDS"), ARTICLE 11 ("TRANSPORTATION IMPACT"), AND ARTICLE 33 ("DEFINITIONS"), REGARDING TRUCK TERMINALS, WAREHOUSES, FULFILLMENT CENTERS AND DISTRIBUTION CENTERS

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

°25-122: COUNTY INITIATED REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 8 REGARDING THE FOLLOWING TAX PARCELS: BRANDYWINE HUNDRED: 06-024.00-249 (2507 Marsh Rd, County Parkland), 06-025.00-049 (3010 Fairhope Rd, Afton), 06-025.00-125 (3010 Fairhope Rd, The Timbers Sec 2), 06-025.00-140 (2667 Bittersweet Dr), 06-025.00-142 (2646 Cypress Rd), 06-025.00-221 (0 Valley Run Dr, Bechtel Subd), 06-025.00-234 (0 Valley Run Dr, Valley Run Sec 2), 06-025.00-235 (0 Valley Run Dr, Valley Run Sec 2), 06-026.00-004 (999 Woodstream Dr, Valley Run Sec 2), 06-035.00-236 (1201 Naamans Rd, Bechtel Subd), 06-035.00-240 (1301 Naamans Rd, Bechtel Subd), 06-036.00-012 (999 Woodstream Dr, Ramblewood), 06-046.00-074 (1106 Stonewood Ct, Darley Woods), 06-046.00-085 (898 Rockwell Rd, Longview Farms Sec 1), 06-047.00-044 (719 Plumtree Ln, Greentree Sec 3), 06-057.00-179 (300 Woodgreen Ct, Radnor Green Sec 3), 06-059.00-001 (100 Darley Rd), 06-059.00-002 (400 Lenape Way, Claymont Library), 06-059.00-018 (2 Denham Ave, Knollwood), 06-059.00-112 (31 Colby Ave, Knollwood), 06-059.00-119 (60 Balfour Ave, Knollwood), 06-070.00-043 (300 Woodgreen Ct, Radnor Green Sec 2), 06-070.00-044 (300

Woodgreen Ct, Radnor Green Sec 3),06-081.00-053 (1625 Marsh Rd, Forwood),06-081.00-085 (1615 Stoney Run Dr, Forwood),06-082.00-253 (607 Smyrna Ave, Top Of The Hill Apts),06-082.00-254 (927 Naudain Ave, Leshner Subd),06-083.00-094 (1012 Parkside Blvd, Claymont Heights),06-083.00-510 (927 Naudain Ave, Harvey Run),06-091.00-199 (1716 Shadybrook Rd, Greenmeadow),06-092.00-093 (20 Ridgeland Rd, Hawthorne Estates),06-092.00-101 (20 Ridgeland Rd, Lynnfield),06-092.00-174 (115 Marcella Rd, Webster Farm), 06-094.00-126 (2098 Prior Rd), 06-095.00-026 (607 Smyrna Ave, Hillendale), 06-095.00-354 (705 Naudain Ave, Claymont Heights 2), 06-095.00-484 (2220 Lincoln Ave, Greenmount), 06-104.00-001 (1218 Marsh Rd, Carrcroft Sec C), 06-104.00-231 (1239 Lakewood Dr, Carrcroft Crest), 06-105.00-161 (1805 Garfield Ave, Gwinhurst), 06-105.00-170 (1804 Garfield Ave, Gwinhurst), 06-106.00-062 (1805 Harrison Ave, Gwinhurst), 06-106.00-152 (20 N Park Dr, Gwinhurst), 06-106.00-153 (1806 Harrison Ave, Gwinhurst), 06-106.00-412 (13 Garrett Rd, Rolling Park), 06-106.00-424 (11 Devon Rd, Rolling Park), 06-106.00-481 (22 Winding Ln, Rolling Park), 06-113.00-239 (107 Timber Ln), 06-115.00-178 (9 Holly Hill Rd, Holly Hill), 06-115.00-206 (0 Holly Hill Rd, Holly Hill), 06-121.00-129 (1420 Talley Rd, Weldin Park Sec 2), 06-122.00-016 (4691 Washington St Ext, Rockwood Visitors Center), 06-122.00-080 (622 Shipley Rd, Hargraves Subd), 06-122.00-081 (301 Carr Rd, Rockwood Office Park), 06-130.00-004 (603 Rockwood Rd), 06-130.00-012 (4651 Washington St Ext, Rockwood Visitors Center), 06-146.00-596 (20 Clayton Ct, Edgemoor Gardens), 06-147.00-014 (610 River Rd, Camp Manito), 06-147.00-015 (610 River Rd, Jewish Federation Of Delaware), 06-147.00-020 (610 River Rd, Camp Manito), 06-059.00-045 (0 Denham Ave, Knollwood), 06-146.00-259 (720 Rysing Dr, Edgemoor Gardens), 06-146.00-619 (21 B S Cannon Dr, Edgemoor Gardens)

Prime Sponsor(s): Mr. Cartier

°25-123: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 13 ("STORMWATER MAINTENANCE DISTRICTS") REGARDING STORMWATER MAINTENANCE AND THE OAKS

Prime Sponsor(s): Mr. Tackett

°25-124: AMEND THE GRANTS BUDGET: APPROPRIATE \$32,345 IN FUNDING FROM THE STATE OF DELAWARE, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF SERVICES FOR AGING & ADULTS WITH PHYSICAL DISABILITIES TO THE AB JONES SENIOR CENTER ART LOVING SENIORS GRANT, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES

Prime Sponsor(s): Mr. Hollins, Mr. Street

Co-sponsor: Mr. Toole

°25-125: AMEND THE GRANTS BUDGET: APPROPRIATE \$30,000 FROM THE UNITED STATES DEPARTMENT OF JUSTICE TO THE ASSET FORFEITURE-FEDERAL GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

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

°25-126: AMEND THE GRANTS BUDGET: APPROPRIATE \$60,000 IN ACTUAL PROGRAM INCOME TO THE COMMUNITY POLICING GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

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

°25-127: AMEND THE FY2026 APPROVED OPERATING BUDGET: TRANSFER FUNDING FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE CONTRACTUAL SERVICES BUDGET LINE ITEM OF THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING TO PROVIDE FUNDING FOR THE TREE REMOVAL PROGRAM FOR SENIORS

Prime Sponsor(s): Mr. Smiley

°25-128: AMEND THE FY2026 APPROVED OPERATING BUDGET: APPROPRIATE \$900,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF LAW TO FUND ATTORNEY FEES AND

LITIGATION EXPERT WITNESSES

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°25-129: AMEND THE FY2026 APPROVED ANNUAL OPERATING BUDGET: APPROPRIATE \$300,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF FLEET OPERATIONS GRANTS AND FIXED CHARGES BUDGET LINE ITEM FOR A SETTLEMENT

Prime Sponsor(s): Mr. Cartier

E. Consent Calendar

R25-178(B): HONORING THE LIFE AND LEGACY OF MRS. SUZANNE BURNETTE MCMURRAY

Prime Sponsor(s): Mr. Street

R25-179: CELEBRATING *PEACE WEEK DELAWARE* AND ITS MISSION TO FOSTER A CULTURE OF PEACE AND JUSTICE

Prime Sponsor(s): Ms. Durham

NOTE: If an item on the Consent Calendar is objected to by a Council member, or a member of the public wishes to obtain additional information about the candidate or proposed legislation, or if a Councilmember intends to offer an amendment to a resolution, seek additional information, or state a conflict, it shall be removed from the Consent Calendar and voted upon separately.

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

R25-180: APPROVING REVISED CLASS SPECIFICATION ASSISTANT COUNTY ATTORNEY II PURSUANT TO *NEW CASTLE COUNTY CODE* SECTION 26.03.105(F)

Prime Sponsor(s): Ms. Williams-Johns

R25-181: 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

G. Time Sensitive Congratulatory/Honorary Resolutions**H. Presentations****I. Consideration of Ordinances**

°25-115: AMEND THE GRANTS BUDGET: APPROPRIATE \$36,983.00 FROM THE STATE OF DELAWARE, DEPARTMENT OF JUSTICE – SPECIAL LAW ENFORCEMENT ASSISTANCE FUND (SLEAF) TO THE SLEAF PROTECTIVE RIDING GEAR GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

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

°25-116: AMEND THE GRANTS BUDGET: AUTHORIZE THE COUNTY EXECUTIVE TO SIGN AN AGREEMENT AND APPROPRIATE \$98,444.46 FROM THE STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION TO BELVEDERE FIRE COMPANY COMMAND VEHICLE

GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY

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

°25-117: AMEND THE GRANTS BUDGET:APPROPRIATE FEDERAL FUNDS OF \$165,147.50 PROVIDED BY THE HEALTH FEDERATION OF PHILADELPHIA THROUGH THEIR AMERICORPS GRANT FUNDING TO THE NATIONAL HEALTH CORPS DELAWARE COMMUNITY HEALTH FELLOWSHIP 2023-2024 GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°25-118: AMEND THE GRANTS BUDGET:APPROPRIATE FEDERAL FUNDS OF \$145,650 PROVIDED BY THE HEALTH FEDERATION OF PHILADELPHIA THROUGH THEIR AMERICORPS GRANT FUNDING TO THE NATIONAL HEALTH CORPS DELAWARE COMMUNITY HEALTH FELLOWSHIP 2024-2025 GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE

Prime Sponsor(s): Mr. Smiley, Mr. Cartier

°25-119: AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND ADOPT THE REVISED CLASS SPECIFICATION OF PAYROLL SUPERVISOR FOR THE DEPARTMENT OF ADMINISTRATION, DIVISION OF FINANCE

Prime Sponsor(s): Ms. Williams-Johns

°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

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

°25-025: 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

J. Introduction/Consideration of Emergency Ordinances

K. Public Comment/Other

L. Motion to Adjourn

AGENDA POSTED: October 7, 2025

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

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing  Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart

device, or smart phone is : <https://zoom.us/j/377322142> You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: <https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars>

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

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

Prime Sponsor(s): Mr. Tackett, Ms. Kilpatrick
Requested by: Department of Land Use
Date of introduction: October 14, 2025

ORDINANCE NO. 25-021

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (“UNIFIED DEVELOPMENT CODE” OR “UDC”), ARTICLE 3 (“USE REGULATIONS”), ARTICLE 4 (“DISTRICT AND BULK STANDARDS”), ARTICLE 11 (“TRANSPORTATION IMPACT”), AND ARTICLE 33 (“DEFINITIONS”), REGARDING TRUCK TERMINALS, WAREHOUSES, FULFILLMENT CENTERS AND DISTRIBUTION CENTERS

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

6 **WHEREAS**, the State of Delaware adopted the *2022 Delaware State Freight*
7 *Plan*, which is incorporated by reference in the New Castle County Comprehensive
8 Development Plan, that identified the need for safe truck parking spaces and staging
9 areas; and
10

11 **WHEREAS**, the Federal Highway Administration’s *2022 Truck Parking*
12 *Development Handbook* identifies the importance of proximity of safe truck parking
13 spaces to major roadway corridors; and
14

15 **WHEREAS**, the Federal Highway Administration’s *2022 Truck Parking*
16 *Development Handbook* identifies recommended truck parking spaces, truck staging
17 spaces, and bathroom facilities for Fulfillment and Distribution Centers; and
18

19 **WHEREAS**, the safe truck parking spaces, accessible at all times, with
20 appropriate bathroom facilities provides an opportunity for truck drivers to comply with
21 the Federal Hours of Service Regulations, making the roads safer for all New Castle
22 County residents; and
23

24 **WHEREAS**, absent on site safe truck parking spaces with appropriate bathroom
25 facilities and truck staging spaces, truck drivers park on local roads; and
26

27 **WHEREAS**, land development applications for warehousing facilities have
28 increased in size and operational intensity beyond that which was anticipated when the
29 Unified Development Code was adopted in 1997; and
30

31 **WHEREAS**, recent land use and transportation trends have demonstrated the
32 need to clearly define fulfillment and distribution centers and differentiate them from
33 general warehousing to assure proper distancing from residential uses and to assure
34 that appropriate infrastructure is present to support the use.

35 **WHEREAS**, the New Castle County Comprehensive Plan guides development
36 and redevelopment to be sensitive to the context of neighboring residential
37 development; and
38

39 **WHEREAS**, the County recognizes the importance of updating its development
40 regulations to be consistent with, and implement, the New Castle County
41 Comprehensive Plan; and
42

43 **WHEREAS**, County Council has determined that the provisions of this Ordinance
44 substantially advance, and are reasonably and rationally related to, legitimate
45 government interests (i.e., promoting the health, safety, morals, convenience, order,
46 prosperity and/or welfare of the present and future inhabitants of this State).
47

48 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
49

50 **Section 1.** *New Castle County Code* Chapter 40 (Unified Development Code or
51 “UDC”), Article 3 (“Use Regulations”), Division 40.03.100 (“Use Regulations”), is hereby
52 amended by adding the material that is underscored and deleting the material that is
53 bracketed and stricken, as set forth below:

54 **Sec. 40.03.110. Use Table.**

55

56 Table 40.03.110 lists the type of uses...

Table 40.03.110A. General Use Table									Table 40.03.110B. General Use Table							Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory									Zoning District (Suburban and Special Character)							Additional Standards (all districts)	
Land Use	TN ¹	ST	MM	ON	OR	CR	BP	I	CN	S ³	SE	NC ²	HI	EX	SR	Parking	Limited & Special Use Standards
Industrial Uses									Industrial Uses							Industrial Uses	
Compost operations	N	N	N	N	N	N	N	L	N	N	N	N	L	L	S	Table 40.03.522	Section 40.03.336
Extraction	N	N	N	N	N	N	N	N	N	N	N	N	N	L	N	Table 40.03.522	Section 40.03.324 and Table 40.03.210
Heavy industry	N	N	N	N	N	N	N	N	N	N	N	N	S	N	N	Table 40.03.522	Section 40.03.323
Light industry	N	N	N	N	L	[S]L	L	Y	N	N	N	N	Y	Y	N	Table 40.03.522	Section 40.03.333 for OR, BP and CR Zoned Land Table 40.03.210 [for BP Zoned Land]
Recycling or storage	N	N	N	N	L	N	L	L	N	N	N	N	L	N	N	Table 40.03.522	Table 40.03.210
Utilities, maintenance facilities	N	N	N	N	Y	L	Y	Y	N	N	N	N	Y	N	N	Table 40.03.522	Section 40.03.312

Utility, minor	L	L	L	L	L	L	L	L		L	L	L	L	Y	Y	L		Table 40.03.522	Section 40.03.334
Utility, major	S	S	S	S	S	S	S	L		S	S	S	S	L	S	S		Table 40.03.522	Section 40.03.312
Solar energy system, large-scale	N	N	L	L	L	L	L	L		N	L	N	N	L	N	L		na.	Section 40.03.337
<u>Fulfillment or Distribution Centers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>L</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>L</u>	<u>L</u>	<u>N</u>		<u>Table 40.03.522</u>	<u>Table 40.03.210 Section 40.03.344</u>
<u>Truck Terminal</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>L</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>L</u>	<u>L</u>	<u>N</u>		<u>Table 40.03.522</u>	<u>Table 40.03.210 Section 40.03.345</u>
<u>Warehouse</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Y</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>N</u>		<u>Table 40.03.522</u>	<u>Section 40.03.430...</u>

Section 2. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 3 (“Use Regulations”), Division 40.03.200 (“Additional limited and special use standards”), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

Sec. 40.03.210. Buffering, location, bulk and scale standards.

Table 40.03.210 provides standards that increase the degree of buffering...

Table 40.03.210A. Limited and Special Use Standards						Table 40.03.210B. Limited and Special Use Standards						Table 40.03.210C. Limited and Special Use Standards
Buffer Standards						Locational or Dimensional Standards						Additional Standards
Bufferyards			Separation			Minimum				Maximum		
Land Use	Location	Increase Opacity or Width	Fence or Berm	Use Protected	Distance from Use to protected parcel	Spacing	Site Area	Road Access	Open Space	Lot Area	Height	Other
Industrial Uses						Industrial Uses						Industrial Uses
Compost operations												Section 40.03.336
Extraction	All	0.8 (150 ft.)	8 ft. berm	Residential	100 ft.*		25 ac.					Section 40.03.324 * 100' for Recreation, High Intensity Uses
Heavy industry												
Light industry	<u>Within 1,000 feet of a Residentially zoned parcel [and]</u>	0.3	Minimum 8 ft. berm	Residential and Schools	500 ft.*							Requirements for OR, BP, and CR Zoned Land

	or parcel with an established daycare center or School[s]												See Section 40.03.333 *500 ft. as measured to any Light Industrial building or structure
Recycling or storage	All exterior storage	0.3	8 ft. fence or 4 ft. berm										The use is a limited use in the OR and BP zoning districts only where there is no exterior storage, and all material is stored inside the buildings with impervious floors.
Utilities, minor													
Utilities, major	All exterior storage of heavy equipment and materials	0.3	4 ft. berm										
Utilities, maintenance facilities													
Fulfillment or Distribution Centers	Within 1,000 feet of a Residentially zoned parcel or parcel with an	0.4	Minimum 8 ft. berm	Residential and Schools	500 ft.*								See Section 40.03.344 *500 ft. as measured to any building or structure

	<u>established daycare center or School</u>												
<u>Truck Terminal</u>	<u>Within 1,000 feet of a Residentially zoned parcel or parcel with an established daycare center or School</u>	<u>0.4</u>	<u>Minimum 8 ft. berm</u>	<u>Residential and Schools</u>	<u>500 ft.*</u>								<u>See Section 40.03.345 *500 ft. as measured to any building or structure</u>

Section 3. *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 stricken, as set forth below:

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

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

Marijuana cultivation facility (NAICS 111419, NAICS 424590)...

~~...[Warehousing and storage facilities, including logistics services related to the distribution of goods (NAICS 493)]~~

- ~~[B. The only Light Industry use as defined in Section 40.33.270.D that is permitted in the CR zoning district is warehousing and storage facilities (NAICS 493). This use requires a special use permit and is subject to the following standards:~~

- ~~1. Property must be developed in accordance with Section 40.08.130.B.6.~~
- ~~2. The gross site area must be a minimum of forty (40) acres.~~
- ~~3. Where a warehousing and storage facility is adjacent to an existing residential use or residential zoning district, lighting shall be designed so that there is zero (0) footcandle at the property line of the residential area.~~
- ~~4. A noise study shall be completed and submitted as part of the special use application to evaluate potential noise impact on adjacent properties.~~
- ~~5. The special use application shall include a narrative identifying how the proposal addresses Table 2 of Appendix 7 with respect to the design principles for the applicable Character Area.]~~

Sec. 40.03.344. Fulfillment and Distribution Centers.

Fulfillment and Distribution Centers are subject to the following standards:

- A. Shall meet the requirements for large industrial structures in Section 40.26.260.
- B. Shall only take direct access from arterial or collector streets that have a minimum of sixty (60) feet of right-of-way and that can accommodate a minimum average annual daily traffic rate of 7,000 vehicles per day. Fulfillment and Distribution Centers may take access from roads or accessways within an industrial park provided that the industrial park takes access from an arterial or collector street meeting the requirements of this subsection.

C. In addition to meeting all the requirements of Article 11, anticipated trip generation for fulfillment and distribution centers shall be based on latest published ITE manual calculations:

1. Fulfillment centers are considered High-Cube Fulfillment-Sort.
2. Distribution Centers are considered High-Cube Parcel Hub Warehouse.

D. On sites with more than twenty-five (25) loading bays the development must include the following amenities, accessible at all times:

1. The site shall include a minimum of one (1) truck parking space a minimum of ten (10) feet by eighty (80) feet in dimension, and one (1) additional truck parking space for every five (5) loading bays.
2. The site shall include a minimum of one (1) bathroom stall within a permanent structure, connected to a wastewater disposal system, and an additional one (1) bathroom stall for every twenty-five (25) loading bays up to a maximum of ten (10).
3. The site shall include a minimum of one (1) shower stall within a permanent structure, connected to a wastewater disposal system, and an additional (1) shower stall for every fifty (50) loading bays up to a maximum of five (5).

Sec. 40.03.345. Truck Terminal.

Truck Terminals are subject to the following standards:

A. Shall only take direct access from arterial or collector streets that have a minimum of sixty (60) feet of right-of-way can accommodate a minimum average annual daily traffic rate of 7,000 vehicles per day. Truck terminals may take access from roads or accessways within an industrial park provided that the industrial park takes access from an arterial or collector street meeting the requirements of this subsection.

B. Where truck terminals are proposed to be within one thousand (1,000) feet to an existing residential use or residential zoning district the following design standards apply:

1. Lighting shall be designed so that there is zero (0) footcandle at the property line of the residential area.
2. Except for along lot lines internal to an existing office or industrial park or adjacent to existing industrial uses the bufferyards, street trees, berming, and on-lot landscaping must be upgraded, where appropriate, to mask the development.

- 162
- 163 3. The site shall be designed so that parking, loading, and circulation
- 164 minimize the glare from vehicular lights visible to neighboring residential
- 165 properties.
- 166
- 167 C. The site must be designed to minimize noise impact on neighboring properties.
- 168 A noise study must be submitted to evaluate this impact and to verify
- 169 consistency with Chapter 22 of the New Castle County Code.
- 170
- 171 D. In addition to meeting all the requirements of Article 11, anticipated trip
- 172 generation for fulfilment and distribution centers shall be based on latest
- 173 published ITE manual calculations for Intermodal Truck Terminal.
- 174
- 175 E. On sites with more than twenty-five (25) loading bays the development must
- 176 include the following amenities, accessible at all times:
- 177
- 178 1. The site shall include a minimum of one (1) truck parking space a
- 179 minimum of ten (10) feet by eighty (80) feet in dimension, and one (1)
- 180 additional truck parking space for every five (5) loading bays.
- 181
- 182 2. A minimum of five (5) percent of the required total tractor-trailer parking
- 183 spaces shall be reserved for outbound trucks required to layover or rest
- 184 due to federal hours of service regulations.
- 185
- 186 3. Parked trucks shall not leave engines idling unless required for safety or
- 187 weather-related reasons.
- 188
- 189 4. Electrical outlets shall be included in parking areas available for trucks to
- 190 utilize.
- 191
- 192 5. The site shall include a minimum of one (1) bathroom stall within a
- 193 permanent structure, connected to a wastewater disposal system , and an
- 194 additional one (1) bathroom stall for every twenty-five (25) loading bays,
- 195 up to a maximum of ten (10).
- 196
- 197 6. The site shall include a minimum of one (1) shower stall within a
- 198 permanent structure, connected to a wastewater disposal system, and an
- 199 additional (1) shower stall for every fifty (50) loading bays up to a
- 200 maximum of five (5).
- 201
- 202

203 **Section 4. New Castle County Code Chapter 40 (Unified Development Code or**

204 **“UDC”), Article 3 (“Use Regulations”), Division 40.03.400 (“Individual use standards”), is**

205 **hereby amended by adding the material that is underscored and deleting the material**

206 **that is stricken, as set forth below:**

207 **Sec. 40.03.430. Accessory uses, nonresidential.**

208
209 Nonresidential uses (not including agricultural uses) may have a variety of
210 accessory uses within the principal structure or in separate structures, provided they
211 meet the following standards:

212
213 A. *Uses.* ...

214 B. *General.* ...

215 C. *Fences.* A fence may not exceed eight (8) feet in height in a nonresidential
216 zoning district. To account for installation on sloping ground and any necessary
217 space between the ground and the bottom of the fence panels or materials, the
218 top of the fence panels, materials, and posts may not exceed nine (9) feet in
219 height when measured from the ground.

220
221 1. Where barbed or razor wire fence is used in a nonresidential zoning
222 district, a minimum three-tenths (0.3) opacity bufferyard shall be provided
223 between the fence and any street or residential use.

224
225 2. Notwithstanding the above, any fence or barrier required pursuant to a
226 provision of State or Federal law shall be constructed to meet the
227 applicable rule or standard.

228
229 D. ~~[Reserved]~~ *Warehouse.* A warehouse shall be no larger than thirty thousand
230 (30,000 SF) or thirty (30) percent of the built GFA for the principal use of the site,
231 whichever is greater.

232
233 E. *Community recycling bins.* ...

234
235 **Section 5. New Castle County Code Chapter 40** (Unified Development Code or
236 “UDC”), Article 4 (“District and Bulk Standards”), Division 40.04.100 (“District and Bulk
237 Standards”), is hereby amended by adding the material that is underscored and
238 deleting the material that is bracketed and stricken, as set forth below:

239
240 **Sec. 40.04.110. District and bulk standards.**

241
242 This Section contains the basic district standards applicable to all uses. Table 40.04.110
243 contains intensity, lot, bulk and exterior storage standards. These standards may be
244 modified by the Department pursuant to Article 26.

245
246 A. *Minimum open space ratio.* ...

247
248 B. *Site area* ...

249
250 C. *Maximum building height.* ...

251 D. *Minimum lot area.*

Table 40.04.110A. DISTRICT AND BULK STANDARDS								Table 40.04.110B. DISTRICT AND BULK STANDARDS								Table 40.04.110C. DISTRICT AND BULK STANDARDS	
District Standards								Lot, and Building Standards								Storage and Comments	
		Density		Floor Area Ratio				Minimum							Max.	Exterior Storage	Notes
Zoning District & Type	Min. OSR/LSR	Max. Gross	Max Net	Max. Gross	Max Net	Utilities (on-site, public)	Site Area	Lot Area	Lot Width (feet)	Front and Street Yards (feet)	Side Yard (feet)	Rear Yard (feet)	Paving street yard/ other yard (feet)	Unit Mix (%)	Build- ing Height (feet)	Percent of Lot Area	
...Industrial (I)								Industrial (I)								Industrial (I)	
Offices	0.20	na.	na.	0.50	0.83	P	5 ac.	1 ac.	100	40	0*	0**	40/10	na.	65/140***	5	* Minimum 20 foot side yard adjacent to residential uses or districts ** Minimum 50 foot rear yard adjacent to residential uses or districts *** For buildings over 65 feet, see Section 40.04.110 C. **** Minimum lot area not required in an approved Industrial Park
Commercial lodging	0.35	na.	na.	0.60	0.94	P	25 ac.	3 ac.	100	40	0*	0**	40/10	na.	50/140***	5	
Restaurants	0.15	na.	na.	0.16	0.20	P	25 ac.	1 ac.	100	40	0*	0**	40/10	na.	30	5	
Heavy retail and service	0.15	na.	na.	0.32	0.37	P	1 ac.	1 ac.	100	40	0*	0**	40/10	na.	60	50	
Industrial	0.15	na.	na.	0.48	0.57	P	1 ac.	1 ac.	100	40	0*	0**	40/10	na.	60/140***	50	
Fulfillment, Distribution Centers or Warehouses	0.15	na.	na.	0.48	0.57	P	20 ac.	20 ac.****	100	40	0*	0**	40/10	na.	60/140***	50	
Truck Terminal	0.15	na.	na.	0.30	0.38	P	10 ac.	1 ac.	100	40	20	20	40/10	na.	60/140***	50	
Other permitted uses	0.20	na.	na.	0.30	0.38	P	10 ac.	1 ac.	100	40	20	20	40/10	na.	60/140***	50	
Heavy Industrial (HI)								Heavy Industrial (HI)								Heavy Industrial (HI)	
Heavy industry	0.10	na.	na.	0.62	0.69	P	20 ac.	5 ac.	300	40	0*	0**	40/10	na.	90	no limit	* Minimum 20 foot side yard adjacent to residential uses or
Fulfillment, Distribution Centers or Warehouses	0.15	na.	na.	0.48	0.57	P	20 ac.	20 ac.***	100	40	0*	0**	40/10	na.	60/140***	50	

Truck Terminal	0.15	na.	na.	0.30	0.38	P	10 ac.		1 ac.	100	40	20	20	40/10	na.	60/ 140***		50	districts ** Minimum 50 foot rear yard adjacent to residential uses or districts *** Minimum lot area not required in an approved Industrial Park
Other industrial	0.10	na.	na.	0.51	0.57	P	20 ac.		5 ac.	300	40	0*	0**	40/10	na.	70		no limit	
Other permitted uses	0.10	na.	na.	0.34	0.38	P	5 ac.		2 ac.	150	40	20	20	40/10	na.	70		100	

254 **Sec. 40.04.111. Landscape and illumination standards.**

255 Bufferyard, landscaping standards and lighting standards are provided in Table 40.04.111.

Table 40.04.111 A. USE AND LOT STANDARDS							Table 40.04.111 B. USE AND LOT STANDARDS																	Table 40.04.111 C. USE AND LOT STANDARDS				
Zoning District & Development Type	Landscaping Plant Units per (See Division 40.23.100)			Bufferyard Opacity Standards			Bufferyard Opacity Standards (See Section 40.23.140)																	Street Tree Spacing (feet)	Max. Illumination/Height		Notes *NC6.5 or less includes NC5, NCap, NCga, NCh, NCsd, CNmm, and NCpud	
				Adjoining Streets			Adjoining District or Use (1) (No bufferyard shall be required where like zoning district and like developments options are adjacent)																		Illumination	Height		
	Lot	Acre Open Space	Parking Spaces	Arterial	Collector	Minor	SR	SE NC 2a	S	NC 40-10	ST	TN	MM	NC 6.5 or less*	ON	OR	CN	CR	BP	I	HI	EX	C=Cutoff fc=footcandles S=Semi-Cutoff		C=Cutoff ft=feet S=Semi-Cutoff			
Suburban Reserve (SR)							Suburban Reserve (SR)																	Suburban Reserve (SR)...				
...Industrial (I)							Industrial (I)																	Industrial (I)				
Offices	6/ac	5	1/30	0.5	0.5	0.5	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.2	0.2	0.3	0.2	0.2	-	-	-	50	C=12 fc S=10 fc	C=40 ft S=35 ft			
Industrial																												
Restaurants																												
Heavy retail and service																												
Fulfillment, Distribution Centers or Warehouses																												
Other permitted uses																												
Heavy Industrial (HI)							Heavy Industrial (HI)																	Heavy Industrial (HI)				
Heavy industry	6/ac	10	1/40	0.6	0.6	0.6	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.4	0.4	0.4	0.4	0.4	0.2	-	-	50	C=20 fc S=20 fc	C=50 ft S=45 ft			
Other industrial																												
Other permitted uses																												
Extraction (EX)							Extraction (EX)																	Extraction (EX)				
Extractive use and recreation high intensity	See Section 40.03.324						See Section 40.03.324																	50	C=20 fc S=20 fc	C=50 ft S=45 ft		
Other permitted uses	6/ac	10	1/40	0.6	0.6	0.6	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.4	0.4	0.4	0.4	0.2	0.2	-						
(1)In the event a proposed use adjoins another municipality, the bufferyard requirement shall be equal to the same opacity required as the most similar New Castle County Zoning District.																												

256

Section 6. New Castle County Code Chapter 40 (Unified Development Code or “UDC”), Article 11 (“Transportation Impact”), Division 40.11.130 (“Transportation capacity”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.11.130. - Traffic impact study requirements.

A. A traffic impact study shall be prepared by individuals or firms that perform traffic engineering and the study shall be reviewed and sealed by a professional engineer. The content and format of the study shall be as prescribed by Chapter 2 of DelDOT's Development Coordination Manual, or any amendments thereto, and include all of the following additional requirements:

1. The anticipated trip generation of the land use including vehicle trips and truck trips per day during the week and the weekend, and the a.m., p.m., and weekend peak hour trips generated by the proposed development.
2. New traffic counts will be required for all intersections in the area of influence of the proposed development. If other traffic impact studies have been done in the area within one (1) year, the traffic counts from these traffic impact studies or other traffic counts may be used with the approval of the Department and DelDOT. ...

Section 7. New Castle County Code Chapter 40 (Unified Development Code or “UDC”), Article 33 (“Definitions”), Division 40.33.100 (“Word Usage”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.33.130. Abbreviations.

The following abbreviations are used in this Chapter:

AASHTO	American Association of State Highway and Transportation ...
...GFAR	gross floor area ratio
ITE	<u>Institute of Transportation Engineers</u>
LDIA	Land Development Improvement Agreement...

Section 8. New Castle County Code Chapter 40 (Unified Development Code or “UDC”), Article 33 (“Definitions”), Division 40.33.200 (“Use definitions”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

Sec. 40.33.270. Industrial uses.

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

B. Distribution Center. Facilities designed to process large quantities of goods and distribute them to various locations including retailers, often in bulk (ITE 156). Distribution Centers do not ship directly to consumers.

C. Extraction. ...

D. Fulfillment Center. Facilities designed to process individual customer orders (sort), large box items (non-sort) including picking, packing, and shipping directly to the consumer (ITE 155).

E[G]. Heavy industry. ...

F[D]. Light industry. This category is designed to accommodate limited intensity levels of manufacturing and assembly activities, storage, warehousing, services, associated offices and similar uses. This includes the following uses:

Construction of buildings (NAICS 236) ...

[Warehousing and storage facilities, including logistics services related to the distribution of goods (NAICS 493)]...

G[E]. Recycling or storage. ...

H[F]. Solar energy system, large scale. ...

I. Truck Terminal. Structures and facilities used primarily to accommodate the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers or to vehicles of other types, in order to facilitate the transportation of such goods or chattels as origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods as well as for the dispatching, coordination, preparation; or for truck or truck-trailer parking or storage. (NAICS 4887490)

J[G]. Utility, major. ...

K[H]. Utility, minor. ...

L[I]. Utilities, maintenance facilities. ...

M. Warehouse. A building or part of a building used or intended to be used primarily for the storage of goods or chattels that are to be sold retail or wholesale from other premises and excludes Fulfillment and Distribution Centers. These establishments provide facilities to store goods and control the incoming flow of goods (received from suppliers, production centers, etc.) and the outgoing flow of goods. (NAICS 493)

Section 9. New Castle County Code Chapter 40 (Unified Development Code or "UDC"), Article 33 ("Definitions"), Division 40.33.300 ("General definitions"), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

347
348 **Division 40.33.300. General definitions.**
349

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

351
352 ... *Bulletin board*. See Sign, bulletin board.
353

354 *Business Park*. A development on a tract of land that contains a number of
355 separate buildings and uses, accessory and supporting uses, and open space
356 designed, planned, constructed, and managed on an integrated and coordinated basis.
357

358 ...*Hydrophytic vegetation*. Those plants which are adapted to life in saturated soil
359 conditions.
360

361 *Industrial Park*. A development on a tract of land that contains a number of
362 separate Industrial buildings and uses, accessory and supporting uses, and open space
363 designed, planned, constructed, and managed on an integrated and coordinated basis.
364

365 *Impervious surface ratio (ISR)*. The proportion of a development that is
366 impervious surface. It is determined by dividing the area in impervious surface by the
367 base site area. ...
368

369 **Section 9. Consistent with Comprehensive Development Plan.** New Castle
370 County Council finds that the provisions of this Ordinance are consistent with the spirit
371 and intent of the New Castle County Comprehensive Development Plan.
372

373 **Section 10. Inconsistent Ordinances and Resolutions Repealed.** All
374 ordinances or parts of ordinances and all resolutions or parts of resolutions that may be
375 in conflict herewith are hereby repealed except to the extent they remain applicable to
376 land use matters reviewed under previous Code provisions as provided in Chapter 40 of
377 the *New Castle County Code*.
378

379 **Section 11. Severability.** The provisions of this Ordinance shall be severable. If
380 any provision of this Ordinance is found by any court of competent jurisdiction to be
381 unconstitutional or void, the remaining provisions of this Ordinance shall remain valid,
382 unless the court finds that that the valid provisions of this Ordinance are so essentially
383 and inseparably connected with, and so dependent upon, the unconstitutional or void
384 provision that it cannot be presumed that County Council would have enacted the
385 remaining valid provisions, without the unconstitutional or void one, or unless the court
386 finds that the remaining valid provisions, standing alone, are incomplete and incapable
387 of being executed in accordance with the County Council's intent. If any provision of this
388 Ordinance or any zoning map or portion thereof is found to be unconstitutional or void,
389 all applicable former ordinances, resolutions, zoning maps or portions thereof shall
390 become applicable and shall be considered as continuations thereof as not as new
391 enactments regardless if severability is possible.
392

393 **Section 12. Effective Date.** This Ordinance shall become effective immediately
394 upon its adoption by County Council and approval by the County Executive or as

395 otherwise provided in 9 Del. C. § 1156 and shall only apply to Land Use applications
396 submitted after such date(s) unless the applicant by written request agrees to submit to
397 the provisions of this Ordinance.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus A. Henry
County Executive of New Castle County

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

Sec. 40.03.110. This amendment designates which zoning districts permit Truck Terminals, Fulfillment Centers, Distribution Centers, and warehouses. This amendment also revises light industry uses in the CR zoning district.

Sec. 40.03.210. This amendment revises Table 40.03.210 to include limited use standards for Truck Terminals, Fulfillment Centers and Distribution Centers.

Sec. 40.03.333. This amendment removes special use standards for warehousing and storage facilities in the OR and CR zoning district.

Sec. 40.03.344. This amendment provides limited and special use standards for Fulfillment and Distribution Centers.

Sec. 40.03.345. This amendment provides limited and special use standards for Truck Terminals.

Sec. 40.03.430. This amendment provides accessory use standards for warehouses.

Sec. 40.04.110. This amendment provides district and bulk standards for Fulfillment, Distribution Centers and Warehouses.

Sec. 40.04.111. This amendment provides landscape and illumination standards for Fulfillment and Distribution Centers.

Sec. 40.11.130. This amendment requires that a TIS includes truck trips per day.

Sec. 40.33.270. This amendment defines Truck Terminals, Fulfillment Centers, Distribution Centers and Warehouses and removes logistic services from the definition of light industrial use.

Sec. 40.33.300. This amendment defines business and industrial park and revises the definitions of subdivision regulations and zoning regulations.

ORDINANCE NO. 25-122

**COUNTY INITIATED REZONING - TO REVISE THE NEW CASTLE COUNTY
ZONING MAPS IN COUNTY COUNCIL DISTRICT 8 REGARDING THE FOLLOWING
TAX PARCELS:**

BRANDYWINE HUNDRED: 06-024.00-249 (2507 Marsh Rd, County Parkland), 06-025.00-049 (3010 Fairhope Rd, Afton), 06-025.00-125 (3010 Fairhope Rd, The Timbers Sec 2), 06-025.00-140 (2667 Bittersweet Dr), 06-025.00-142 (2646 Cypress Rd), 06-025.00-221 (0 Valley Run Dr, Bechtel Subd), 06-025.00-234 (0 Valley Run Dr, Valley Run Sec 2), 06-025.00-235 (0 Valley Run Dr, Valley Run Sec 2), 06-026.00-004 (999 Woodstream Dr, Valley Run Sec 2), 06-035.00-236 (1201 Naamans Rd, Bechtel Subd), 06-035.00-240 (1301 Naamans Rd, Bechtel Subd), 06-036.00-012 (999 Woodstream Dr, Ramblewood), 06-046.00-074 (1106 Stonewood Ct, Darley Woods), 06-046.00-085 (898 Rockwell Rd, Longview Farms Sec 1), 06-047.00-044 (719 Plumtree Ln, Greentree Sec 3), 06-057.00-179 (300 Woodgreen Ct, Radnor Green Sec 3), 06-059.00-001 (100 Darley Rd), 06-059.00-002 (400 Lenape Way, Claymont Library), 06-059.00-018 (2 Denham Ave, Knollwood), 06-059.00-112 (31 Colby Ave, Knollwood), 06-059.00-119 (60 Balfour Ave, Knollwood), 06-070.00-043 (300 Woodgreen Ct, Radnor Green Sec 2), 06-070.00-044 (300 Woodgreen Ct, Radnor Green Sec 3), 06-081.00-053 (1625 Marsh Rd, Forwood), 06-081.00-085 (1615 Stoney Run Dr, Forwood), 06-082.00-253 (607 Smyrna Ave, Top Of The Hill Apts), 06-082.00-254 (927 Naudain Ave, Leshner Subd), 06-083.00-094 (1012 Parkside Blvd, Claymont Heights), 06-083.00-510 (927 Naudain Ave, Harvey Run), 06-091.00-199 (1716 Shadybrook Rd, Greenmeadow), 06-092.00-093 (20 Ridgeland Rd, Hawthorne Estates), 06-092.00-101 (20 Ridgeland Rd, Lynnfield), 06-092.00-174 (115 Marcella Rd, Webster Farm), 06-094.00-126 (2098 Prior Rd), 06-095.00-026 (607 Smyrna Ave, Hillendale), 06-095.00-354 (705 Naudain Ave, Claymont Heights 2), 06-095.00-484 (2220 Lincoln Ave, Greenmount), 06-104.00-001 (1218 Marsh Rd, Carrcroft Sec C), 06-104.00-231 (1239 Lakewood Dr, Carrcroft Crest), 06-105.00-161 (1805 Garfield Ave, Gwinhurst), 06-105.00-170 (1804 Garfield Ave, Gwinhurst), 06-106.00-062 (1805 Harrison Ave, Gwinhurst), 06-106.00-152 (20 N Park Dr, Gwinhurst), 06-106.00-153 (1806 Harrison Ave, Gwinhurst), 06-106.00-412 (13 Garrett Rd, Rolling Park), 06-106.00-424 (11 Devon Rd, Rolling Park), 06-106.00-481 (22 Winding Ln, Rolling Park), 06-113.00-239 (107 Timber Ln), 06-115.00-178 (9 Holly Hill Rd, Holly Hill), 06-115.00-206 (0 Holly Hill Rd, Holly Hill), 06-121.00-129 (1420 Talley Rd, Weldin Park Sec 2), 06-122.00-016 (4691 Washington St Ext, Rockwood Visitors Center), 06-122.00-080 (622 Shipley Rd, Hargraves Subd), 06-122.00-081 (301 Carr Rd, Rockwood Office Park), 06-130.00-004 (603 Rockwood Rd), 06-130.00-012 (4651 Washington St Ext, Rockwood Visitors Center), 06-146.00-596 (20 Clayton Ct, Edgemoor Gardens), 06-147.00-014 (610 River Rd, Camp Manito), 06-147.00-015 (610 River Rd, Jewish Federation Of Delaware), 06-147.00-020 (610 River Rd, Camp Manito), 06-059.00-045 (0 Denham Ave, Knollwood), 06-146.00-259 (720 Rysing Dr, Edgemoor Gardens), 06-146.00-619 (21 B S Cannon Dr, Edgemoor Gardens)

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

5
6 **WHEREAS**, the Future Land Use Element and Map Series of the New Castle
7 County Comprehensive Plan designates proposed future general distribution, location
8 and extent of the uses of land consistent with goals, policies and measurable objectives
9 enumerated in the Plan; and

10
11 **WHEREAS**, Strategy 1.1.6 of the 2022 New Castle County Comprehensive Plan
12 reiterates that the County should consider the addition of a preservation zoning category,
13 and defines “Protected Open Space” as privately or publicly held land that has been
14 protected from future development; and

15
16 **WHEREAS**, the New Castle County Comprehensive Plan guides and encourages
17 preservation efforts to best protect important ecological habitats; and

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

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

27
28 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

29
30 Section 1. The Zoning Maps of Brandywine Hundred, Christiana Hundred, and Mill
31 Creek Hundred are hereby amended by changing the zoning classification of the land
32 shown on attached Exhibit “A”, Maps 1-10 dated August 25, 2025, as set forth therein.

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

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: Same as title.

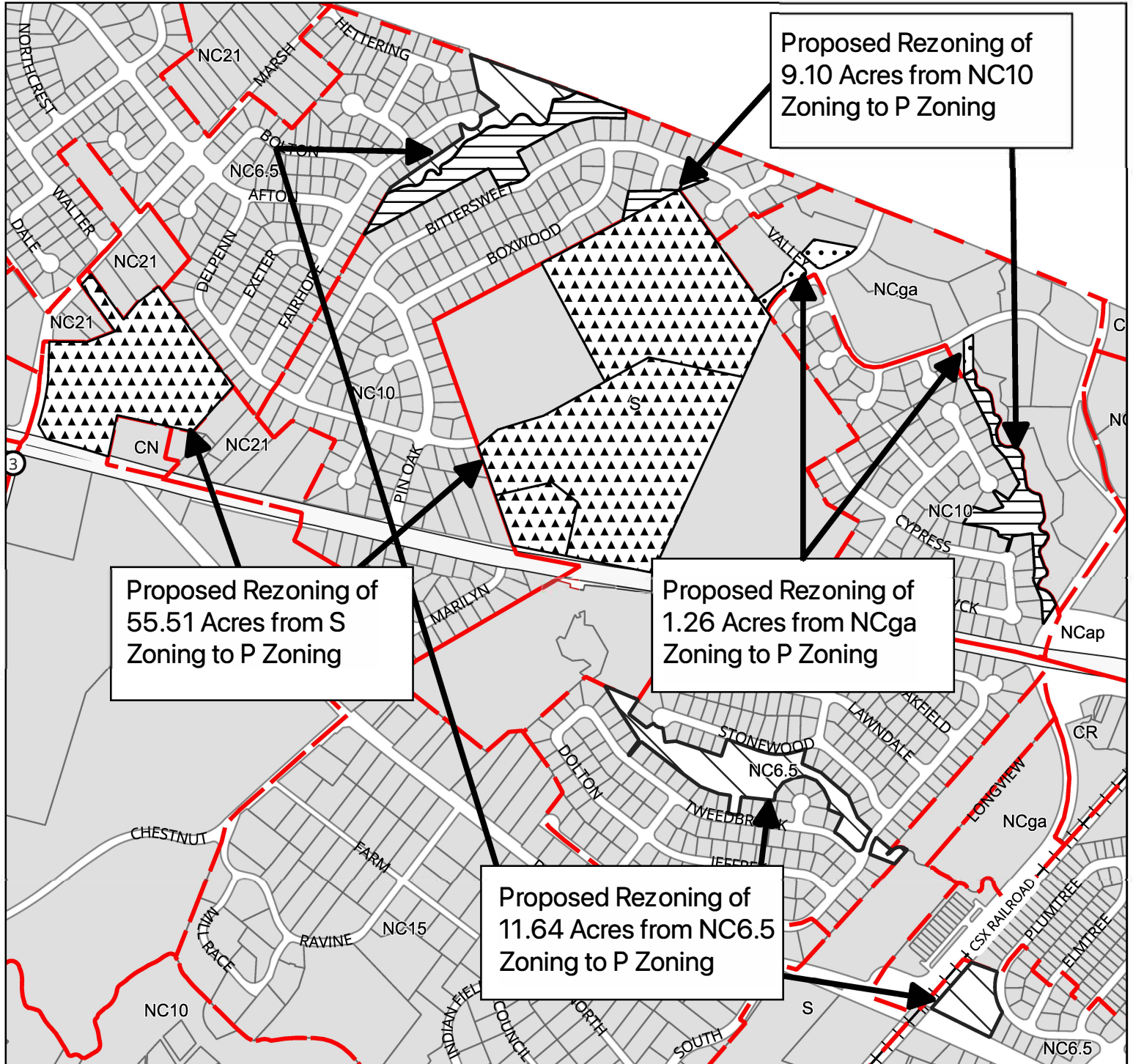
FISCAL IMPACT: There is no discernible fiscal impact with the adoption of this
legislation.

PROPERTY MAP

EXHIBIT A MAP 1 ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 06-024.00-249,
06-025.00-125, 06-025.00-140, 06-025.00-142,
06-025.00-221, 06-025.00-234, 06-025.00-235,
06-026.00-004, 06-035.00-236, 06-035.00-240,
06-046.00-074, 06-046.00-085, 06-047.00-044



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:9254
Prepared by: Matthew Rogers

Date: 8/25/2025

PERMANENT ORDINANCE NO. 25-122
Date Adopted by County Council: Date
Approved by County Executive:

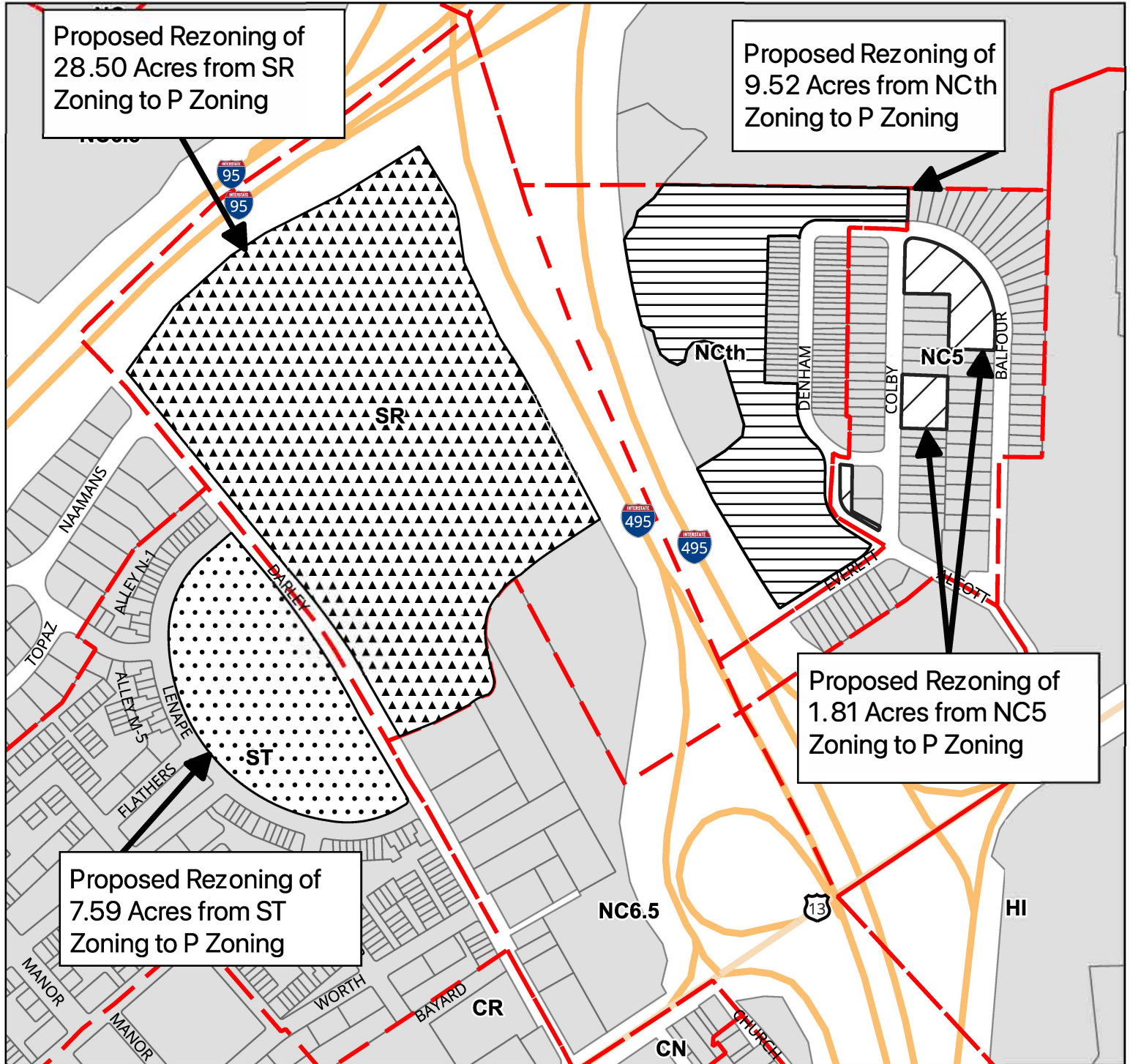
 NC10 to P
 ▲▲▲ S to P
 NC6.5 to P
 ●●● NCga to P

PROPERTY MAP

EXHIBIT A MAP 2 ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD
CONSERVATION (NCth & NC5), SUBURBAN
TRANSITION (ST), AND SUBURBAN RESERVE (SR)
TO PUBLICLY CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 06-059.00-001,
06-059.00-002, 06-059.00-018,
06-059.00-112, 06-059.00-119



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:4984
Prepared by: Matthew Rogers

Date: 8/25/2025



PERMANENT ORDINANCE NO. 25-122
Date Adopted by County Council: _____
Approved by County Executive: _____

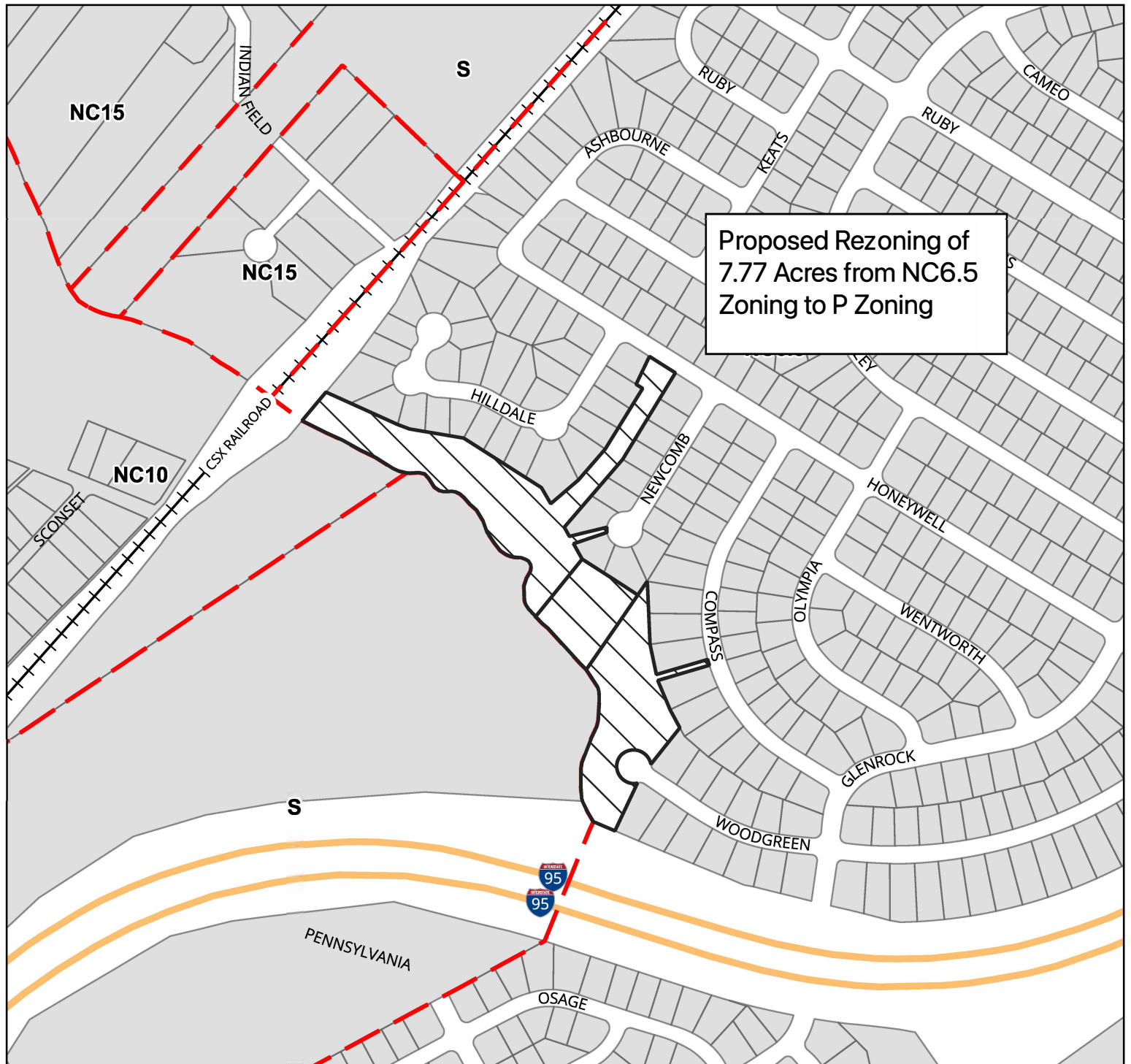
NC5 to P
 SR to P
 NCth to P
 ST to P

PROPERTY MAP

EXHIBIT A MAP 3
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 06-057.00-179,
06-070.00-043, 06-070.00-044



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:4996
Prepared by: Matthew Rogers

Date: 8/25/2025



PERMANENT ORDINANCE NO. 25-122
Date Adopted by County Council: Date
Approved by County Executive:

PROPERTY MAP

EXHIBIT A MAP 4 ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 06-082.00-253, 06-082.00-254,
06-083.00-094, 06-083.00-510, 06-094.00-126,
06-095.00-354, 06-095.00-484, 06-105.00-161,
06-105.00-170, 06-106.00-062, 06-106.00-152,
06-106.00-153, 06-106.00-412, 06-106.00-424,
06-106.00-481



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:9992
Prepared by: Matthew Rogers
Date: 8/25/2025

PERMANENT ORDINANCE NO. 25-122
Date Adopted by County Council:
Date Approved by County Executive:

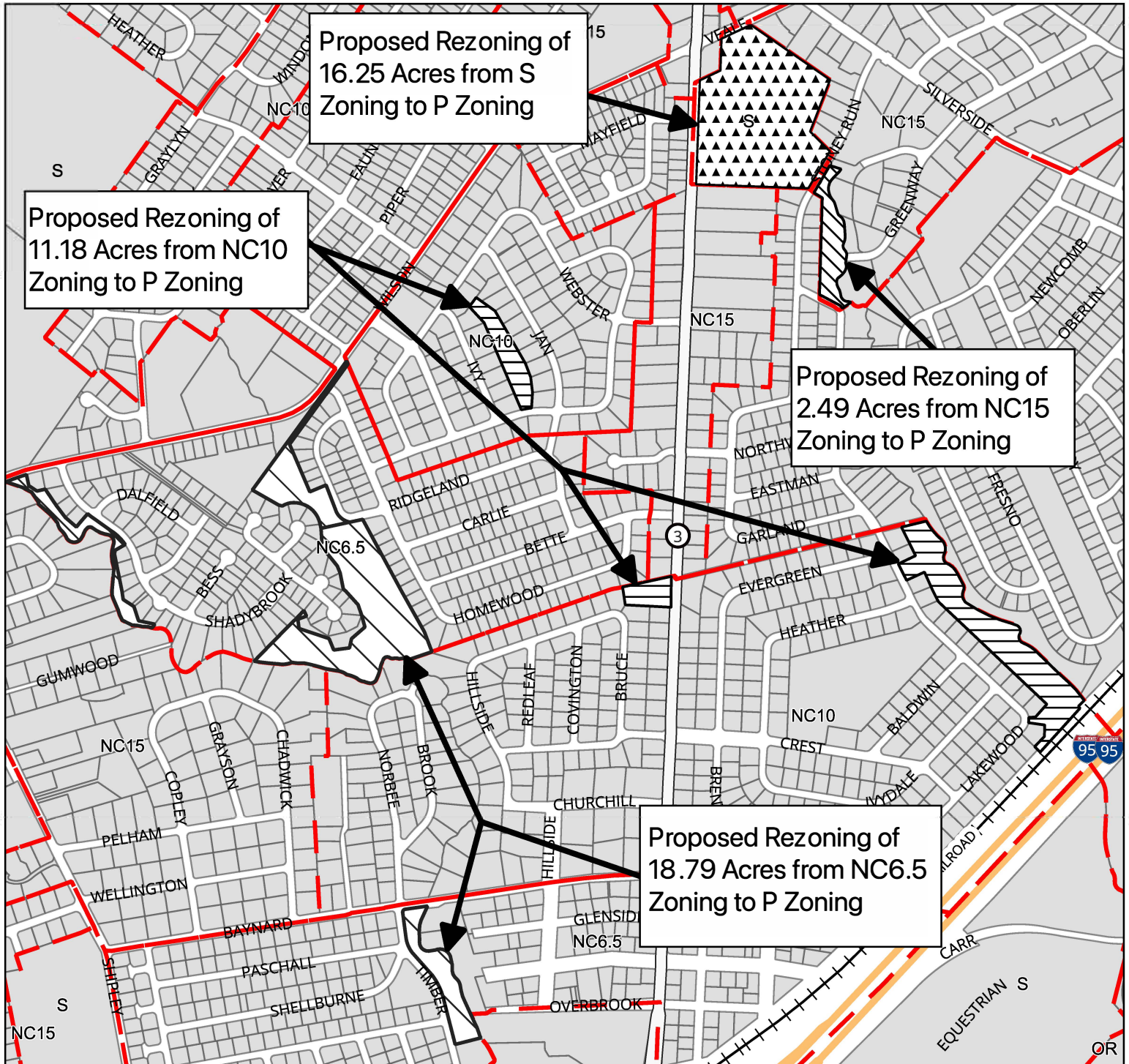
NC6.5 to P
 NCap to P
 S to P

PROPERTY MAP

EXHIBIT A MAP 5 ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 06-081.00-053,
06-081.00-085, 06-091.00-199,
06-092.00-093, 06-092.00-101,
06-092.00-174, 06-104.00-001,
06-104.00-231, 06-113.00-239



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:10992
Prepared by: Matthew Rogers

Date: 8/25/2025

PERMANENT ORDINANCE NO. 25-122
Date Adopted by County Council: Date
Approved by County Executive:

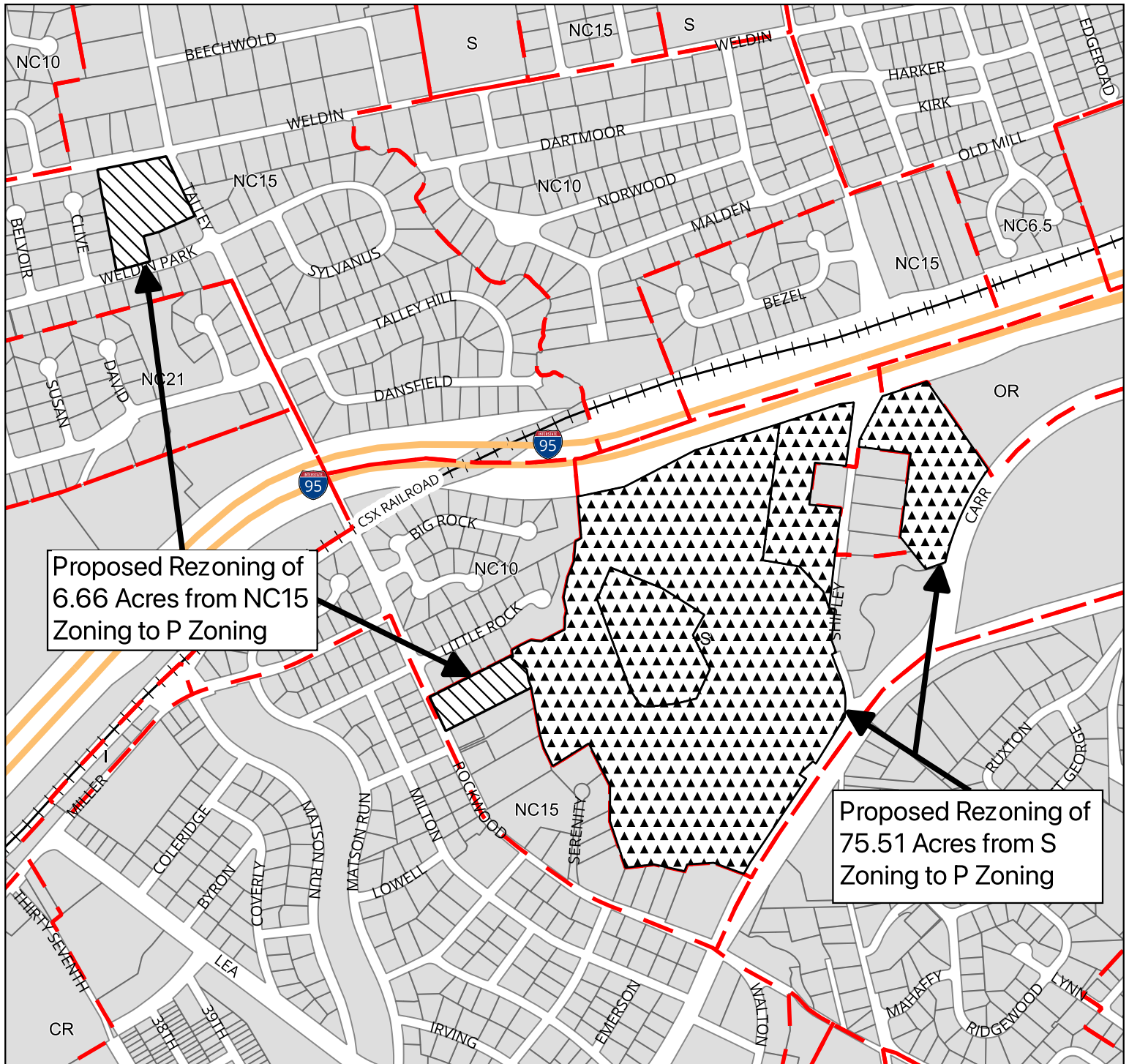
NC10 to P NC6.5 to P
NC15 to P S to P

PROPERTY MAP

EXHIBIT A MAP 6 ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 06-121.00-129,
06-122.00-016, 06-122.00-080, 06-122.00-081,
06-130.00-004, 06-130.00-012



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:8984
Prepared by: Matthew Rogers

Date: 8/25/2025



PERMANENT ORDINANCE NO. 25-122
Date Adopted by County Council:
Date Approved by County Executive:

-  NC15 to P
-  S to P

PROPERTY MAP

APPLICANT: NEW CASTLE COUNTY
 PROPOSED REZONING: NEIGHBORHOOD
 CONSERVATION (NC6.5 & NCth), SUBURBAN (S)
 AND COMMERCIAL REGIONAL (CR) TO PUBLICLY
 CONSERVED LANDS & PARKS (P)

EXHIBIT A MAP 7 ZONING ORDINANCE AS INTRODUCED

APPLICATION NO. 2025-_____-Z
 TAX PARCEL NO: 06-146.00-596,
 06-147.00-014, 06-147.00-015,
 06-147.00-020



HUNDRED: BRANDYWINE HUNDRED
 NEW CASTLE COUNTY, DELAWARE

Scale: 1:3992
 Prepared by: Matthew Rogers

Date: 8/25/2025



PERMANENT ORDINANCE NO. 25-122
 Date Adopted by County Council: Date
 Approved by County Executive:

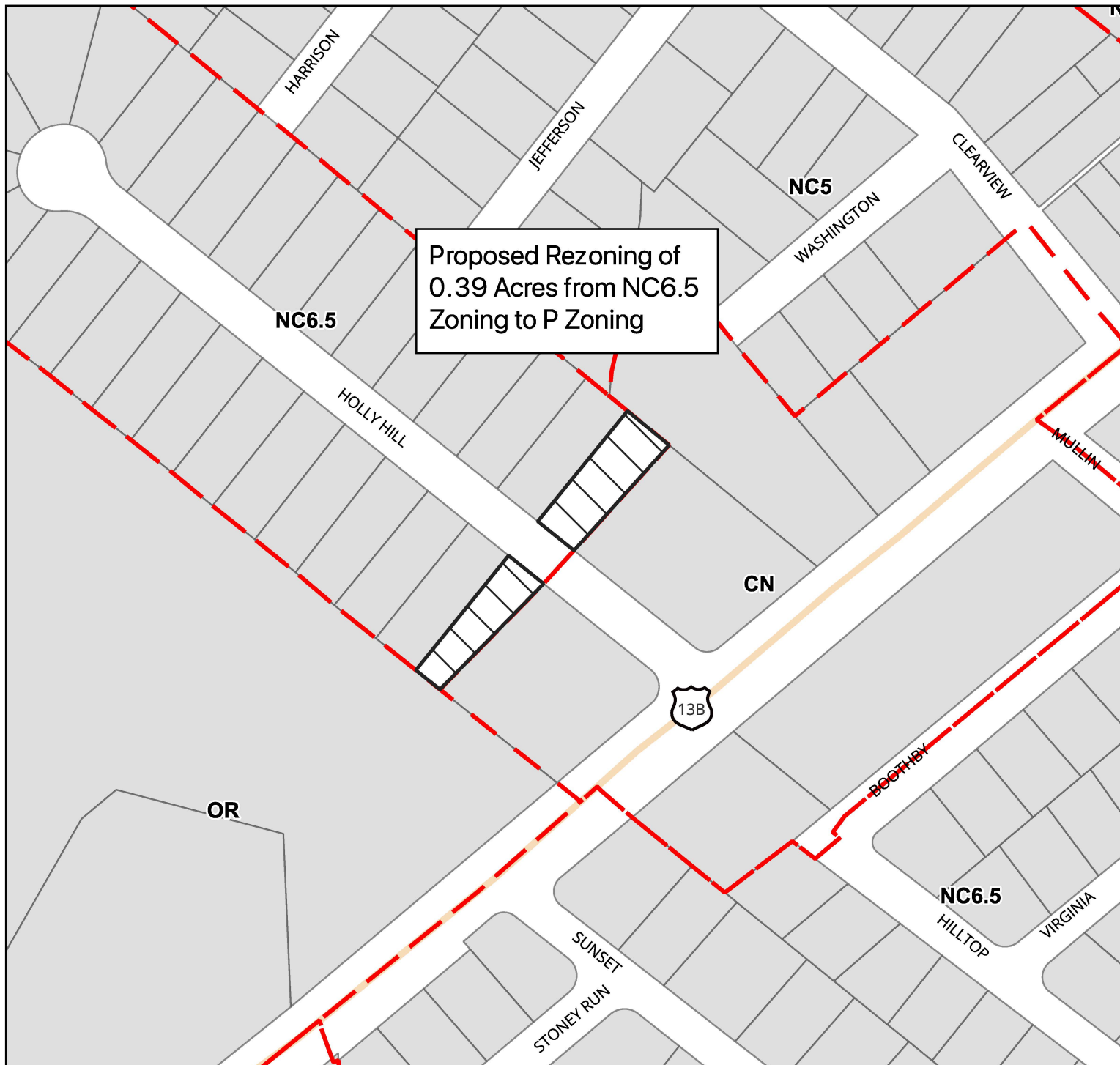
NC6.5 to P	NCth to P
S to P	CR to P

PROPERTY MAP

EXHIBIT A MAP 8
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 06-115.00-178,
06-115.00-206



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:1936
Prepared by: Matthew Rogers

Date: 8/25/2025



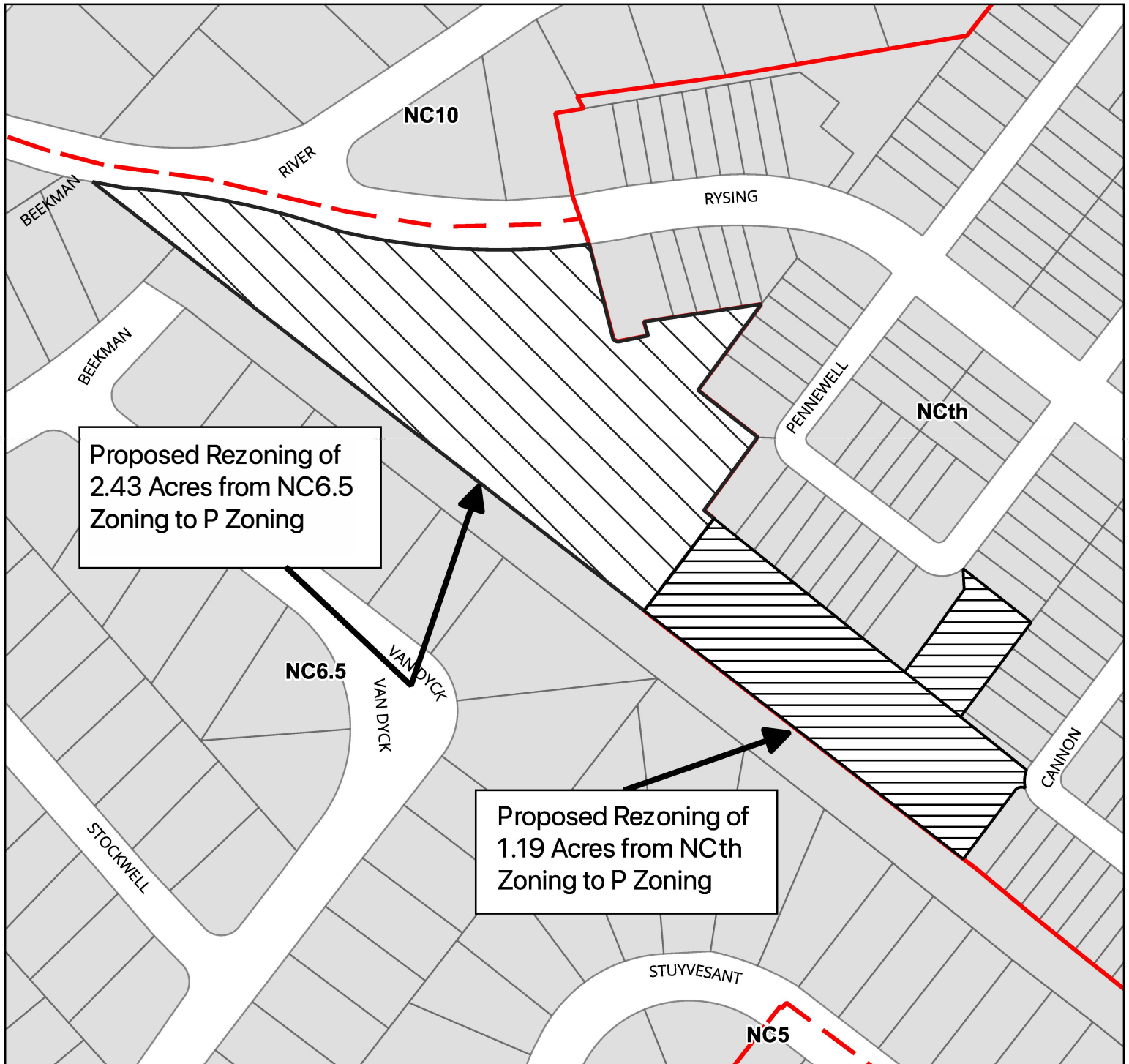
PERMANENT ORDINANCE NO. 25-122
Date Adopted by County Council: Date
Approved by County Executive:

PROPERTY MAP

EXHIBIT A MAP 9
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 06-146.00-259,
06-146.00-619



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:1650
Prepared by: Matthew Rogers

Date: 8/25/2025



PERMANENT ORDINANCE NO. 25-122
Date Adopted by County Council: Date
Approved by County Executive:

- NC6.5 to P
- NCth to P

PROPERTY MAP

EXHIBIT A MAP 10
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 06-059.00-045



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:844
Prepared by: Matthew Rogers

Date: 8/25/2025



PERMANENT ORDINANCE NO. 25-122
Date Adopted by County Council: Date
Approved by County Executive:

ORDINANCE NO. 25-123

**TO AMEND NEW CASTLE COUNTY CODE CHAPTER 13
("STORMWATER MAINTENANCE DISTRICTS") REGARDING
STORMWATER MAINTENANCE AND THE OAKS**

1 **WHEREAS**, stormwater is an important water resource which supports, among
2 other things, groundwater recharge for drinking water supplies and base-flow of streams;
3 and
4

5 **WHEREAS**, the requirements of the United States Environmental Protection
6 Agency and the Delaware Department of Natural Resources and Environmental Control
7 demand a comprehensive approach to stormwater management by New Castle County;
8 and
9

10 **WHEREAS**, the federal regulations and Delaware state regulations require the
11 County to implement and fund a program of stormwater controls that address discharges
12 from the County's regulated stormwater flows to local water bodies; and
13

14 **WHEREAS**, inadequate management of stormwater runoff throughout a
15 watershed can increase flood depths and velocities, contribute to erosion and sediment,
16 overtax the carrying capacity of existing streams and storm sewers, greatly increase the
17 cost of public facilities to convey and manage stormwater, undermine floodplain
18 management and flood reduction efforts in upstream and downstream communities,
19 reduce groundwater recharge, and impact other related water resource needs and
20 threaten public health and safety; and
21

22 **WHEREAS**, in order to establish, operate, enhance, and maintain an effective and
23 efficient stormwater management, ensure the continued effective operation of the system
24 through installation and best management practices, and to provide other services such
25 as appropriate inspections, asset management, and regulatory oversight associated with
26 stormwater and watershed management, sufficient and stable funding is required to fund
27 these public services; and
28

29 **WHEREAS**, given the above, New Castle County Council determined it to be in
30 the best interests of the County and its residents to create stormwater maintenance
31 districts to accomplish the above and, thereby, promote more attractive, safer, and
32 healthier neighborhoods; and
33

34 **WHEREAS**, County Council enacted *New Castle County Code* Chapter 13,
35 Sections 13.01.001 – 13.01.007 (by means of Ordinance No. 21-144), creating
36 stormwater maintenance districts to provide an alternative to and assist property owners
37 who are responsible for performing maintenance of stormwater management facilities
38 within residential and mixed-use subdivisions, and to relieve property owners of the
39 burden of the actual maintenance; and

40 **WHEREAS**, Chapter 13 provides that a maintenance organization responsible for
41 a stormwater management facility within a subdivision established prior to enactment
42 thereof may petition to establish a stormwater maintenance district (“SWD”), using forms
43 established by the Public Works Department (the “Department”); moreover, the
44 Department is authorized to determine whether a SWD should be established based on
45 a maintenance organization’s compliance with *New Castle County Code* Chapter 12,
46 Article 6 (“Stormwater Management Facility, Watercourse, and Drainage System
47 Maintenance”); and
48

49 **WHEREAS**, the stormwater management facility in The Oaks subdivision falls
50 under the County’s jurisdiction, and is, in the opinion of County government, necessary
51 for efficient and economical stormwater management; and
52

53 **WHEREAS**, by way of background, The Oaks maintenance corporation timely
54 petitioned the Department in 2025 for creation of a SWD; the petition (attached hereto
55 along with other supporting documentation) reflects the affirmative vote for inclusion in
56 the SWD program by The Oaks community; and
57

58 **WHEREAS**, the petition includes, among other things, the requisite description of
59 the area incorporated in the proposed SWD, a list of the community members and mailing
60 addresses, applicable parcel numbers, signatures of the community members by parcel,
61 and the individual votes, either yes or no, by community members; and
62

63 **WHEREAS**, the Department supports the petition, which awaits the approval of
64 County Council; and
65

66 **WHEREAS**, if County Council enacts this Ordinance, the SWD program will be
67 approved for the The Oaks community; subsequent to any approval by County Council,
68 all relevant information evidencing the establishment of the SWD will be recorded with
69 the Office of the Recorder of Deeds; and
70

71 **WHEREAS**, County Council has determined that the provisions of this Ordinance
72 substantially advance and are reasonably and rationally related to legitimate
73 government interests, including, but not limited to, promoting the public health, safety,
74 welfare, and quality of life of the present and future inhabitants of New Castle County,
75 generally, and The Oaks community, in particular.
76

77 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
78

79 Section 1. *New Castle County Code* Chapter 13 (“Stormwater Maintenance
80 Districts”) is hereby amended by adding the material that is underscored and deleting the
81 material that is stricken, as set forth below.
82

83 ...
84 Sec. 13.01.008. Stormwater maintenance districts - approved.

85 A. Following are the Stormwater Maintenance Districts approved by County Council:

86 1. Whispering Woods...

87 6. The Oaks.

88 Section 2. This Ordinance shall become effective upon its adoption by County
89 Council and approval by the County Executive, or as otherwise provided in 9 *Del. C. §*
90 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: By way of this proposed Ordinance, New Castle County Council approves a Stormwater Maintenance District in The Oaks community.

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

STORMWATER MAINTENANCE DISTRICT

Letter of Intent

Please fill out the form below and submit it along with a copy of the Maintenance Declaration and/or Bylaws for your subdivision to:

*New Castle County, Department of Public Works
Stormwater Maintenance District Program
187-A Old Churchmans Road
New Castle, DE 19720*

Or via email to: Stormwater@newcastlede.gov

I, Richard Houtz, submit this Letter of Intent to enroll
(PRINT NAME)
The Oaks in the New Castle County
(SUBDIVISION NAME)

Stormwater Maintenance District Program. I am authorized to act on behalf of the Maintenance Organization, and I understand that I will be the point of contact for this process.



I have enclosed a copy of the Maintenance Declaration and/or Bylaws for my subdivision.

s/ Richard Houtz

Signature¹

President

1/29/2025

Title/Role in the Maintenance Organization

Date

(302) 229-4384

rhoutz@me.com

Daytime Phone

Email

2 Split Rail Ln.

Newark

DE

19702

Mailing Address

City

State

Zip

¹To avoid the need for a scanner, you may digitally sign this document by typing your name as follows: “/s/ John Q. Public”



DEPARTMENT OF PUBLIC WORKS
187-A OLD CHURCHMANS ROAD
NEW CASTLE, DE 19720
(302) 395-5700

August 7, 2025

Tressler Teresa M
16 Split Rail Lane
Newark, DE 19702

**RE: The Oaks
Stormwater Maintenance District Program Vote**

Dear Property Owner:

According to our records, as a member of **The Oaks Maintenance Corporation**, you recently participated in a neighborhood petition process. The purpose of the petition was to determine the community's position on entering the New Castle County Stormwater Maintenance District Program. The County has received the results, and it was noted that **16 Split Rail Lane**, Tax Parcel No. **0903810443**, voted "YES" to entering a Stormwater Maintenance District.

If you, the property owner, did not vote as stated above, please contact me at Carolyn.Magnotti@newcastlede.gov within fifteen (30) days of the receipt of this letter. Should you have any questions or concerns, I can be reached at (302) 395-5789.

Thank you,

Carolyn M Magnotti
Environmental Program Manager I

190000 314.2 100. 352

Prepared by: Martha S. Gilman
510 Philadelphia Pike
Wilmington, DE 19809

Tax Parcel No. 09-038-00-002

MAINTENANCE DECLARATION

THIS DECLARATION, made this 1st day of October, 1992, by Francis A. and Mary A. Eastburn, hereinafter referred to as "Declarant".

WHEREAS, Declarant is the owner of a certain parcel of land situate in White Clay Creek Hundred, New Castle County and State of Delaware, being 8.82 acres, as shown on the Record Major Subdivision Plan of The Oaks prepared by Landmark Engineering, Inc. dated July 30, 1992, which land is designated for the construction of single family homes with appurtenant common areas; and

WHEREAS, Declarant desires to impose upon said lands and to bind themselves, their successors and assigns who are the owners of said parcel of land, to certain covenants.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the Declarant does covenant and declare that they shall hold and stand seized of all that certain parcel of land situate in White Clay Creek Hundred, New Castle County and State of Delaware, as it appears on the Record Major Subdivision Plan of The Oaks under and subject to the following covenants and agreements, which shall be covenants running with the land and which shall be binding upon the Declarant, their successors and assigns, for the benefit of all owners of lots appearing on said Plan of The Oaks, and for the benefit of New Castle County, a political subdivision of The State of Delaware.

1. In order that the common areas as set forth on said Plan shall be maintained in a good and proper condition, fit for their intended purposes and according to the provisions of Sections 20-70(c) and (d) of the New Castle County Code, there shall be organized as provided in Paragraph 2 hereof, a maintenance corporation whose members shall be record owners of lots shown on said Plan.

(a) The purchaser of any lot of land by the acceptance of a deed to said land, obligates and binds himself, his heirs and assigns, to become a member of the aforesaid maintenance corporation and to be bound by all of its rules and regulations.

and to be subject to all of the duties and obligations imposed by membership in said corporation.

(b) Each owner of any lot, by acceptance of a deed therefor, is deemed to covenant and agree to pay to the maintenance corporation when necessary, annual assessments or charges, such assessments to be fixed, established and collected from time to time as hereinafter provided, provided that all assessments must be fixed at a uniform rate for all lots. At the time of initial settlement on any lot within the subdivision, excluding conveyances in bulk to a successor developer, Declarant, on behalf of the maintenance corporation shall collect the equivalent of one (1) year of assessments for the maintenance costs associated with the maintenance of the common areas. The assessments levied by the maintenance corporation shall be used exclusively for the purpose of maintaining said common areas.

(c) An annual assessment, if necessary, shall be set by a majority vote of the members who are voting in person or by proxy at the annual meeting, and any special assessments shall be set by a majority vote of the members who are voting in person or by proxy at the annual meeting or at a meeting duly called for this purpose.

(d) Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of ten per centum (10%) per annum, and the maintenance corporation may bring an action at law against the owner personally obligated to pay the same, or foreclose the lien against the property, and interest, costs and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the common areas or abandonment of his lot.

(e) It is expressly agreed that the assessments referred to above shall be a lien or encumbrance on the land in respect to which said assessments are made and it is expressly stated that by acceptance of title to any of the land included in said tract the owner (not including mortgagee) from the time of acquiring title thereto shall be held to have covenanted and agreed to pay said assessments to the maintenance corporation, including prior unpaid assessments.

(f) By his acceptance of title, each owner shall be held to vest in the maintenance corporation the right and power in its own name, to take and prosecute all actions or suits, legal, equitable, or otherwise, which may be, in the opinion of the maintenance corporation, necessary or advisable for the

collection of such assessments.

(g) Said assessments shall be subordinate in lien to the lien of any mortgage or mortgages on any property which is subject to such charges regardless of when said mortgage or mortgages were created or when such charges accrued; provided that such subordination shall apply only to charges that shall have become payable prior to the passing of title under foreclosure, of such mortgage or mortgages, and the transferees shall not be liable for payment of any assessment accruing prior to said foreclosure, but nothing herein shall be held to affect the rights herein given to enforce the collection of such charges accruing after sale under foreclosure of such mortgage or mortgages; and provided, further, that such charges accruing after sale shall also be subordinate in lien to the lien of any further mortgage or mortgages which are placed on property subject to such charges, with the intent that no such charges shall at any time be prior in lien of any mortgage or mortgages whatsoever on such property.

(h) Declarant hereby grants to New Castle County, its successors and assigns, the right, privilege and authority to enter upon said premises and maintain said common areas at the expense of the owners of said lots. In the event that New Castle County elects to maintain the common areas as set forth above, all expenses of maintenance shall be assessed prorata against the owners of each lot, and shall be collectible by New Castle County in accordance with procedures adopted by New Castle County for that purpose, or in the manner set forth above in relation to collection by the maintenance corporation. The provisions of paragraph 1(g) above notwithstanding, any lien for such expenses or maintenance asserted by the County and filed with the Recorder of Deeds shall be a lien from the time of recording and shall have priority in relation to other liens, either general or special, including mortgages and other liens according to the time of recording of such liens in the proper office.

2. Declarant shall incorporate under the laws of the State of Delaware, prior to the conveyance of the first lot hereunder to a homeowner, a non-profit corporation to be known as a "maintenance corporation" for the benefit of all owners, which maintenance corporation shall be charged with the duty of maintaining said common areas in the condition required by this declaration and the aforesaid New Castle County Ordinance.

3. Prior to the completion or conveyance of seventy-five percent (75%) of the lots in The Oaks, as shown on said Plan or any resubdivision thereof, but not prior to the completion or conveyance of fifty percent (50%) of said lots (excluding conveyances of lots in bulk to a successor developer), Declarant

shall (a) transfer control of the Board of Directors for the maintenance corporation to the owners of lots in The Oaks and (b) convey good title to the common areas, free of liens (collectively the "Affirmative Acts"). Notwithstanding the foregoing, however, if more than fifty percent (50%) of the lots shown as aforesaid have been conveyed, the owners of a majority of lots may request or consent in writing to Declarant's performance of the Affirmative Acts, and Declarant may (but need not to, as it elects) do so before seventy-five percent (75%) of the lots have been conveyed.

4. The provisions of this declaration shall bind all of the lots shown on this plan, and shall apply to and govern all lots created by any subsequent plan which may supersede the Plan in whole or in part, and the owners of any such lots.

5. These covenants and restrictions shall be taken to be real covenants running with the land and binding thereon perpetually.

6. Declarant, for themselves, their successors and assigns, grants to the lot owners the free and uninterrupted use, of all the common areas as shown on the said Plan of The Oaks in common with others entitled thereto forever. Each lot owner, by acceptance of a deed, grants to all other lot owners, their guests, invitees, and licensees, the free and uninterrupted use of all the common areas and grants to the maintenance corporation the right to come upon any lot owner's lot for purposes of maintaining the common areas.

7. The following definitions are applicable hereto;

(a) "Corporation" shall mean and refer to the "maintenance corporation," its successors and assigns, and to proper named corporate entity to be formed as provided hereunder.

(b) "Lot" shall mean and refer to lots as shown on the said Record Major Subdivision Plan of The Oaks

(c) "Member" shall mean and refer to every person or entity who holds membership in the corporation.

(d) "Owner" shall mean and refer to the record owner of a fee simple title to the lots as shown on the said Plan of The Oaks.

(e) "Declarant" shall mean and refer to Francis A. and Mary A. Eastburn, their successors and assigns.

(f) "Common Areas" shall mean the private open space as shown on said Record Major Subdivision Plan of The Oaks, including the storm water management area within the private open space, and the sidewalks and landscaping within the private open space.

8. The foregoing covenants may not be modified, amended or altered in whole or in part, except by the consent of sixty (60) percent of the lot owners and of the New Castle County Council.

IN WITNESS WHEREOF, the said Francis A. and Mary A. Eastburn has duly executed this Maintenance Declaration as of the day and year first above written.

WITNESS:

Visually Insured
as to both

Francis A. Eastburn

Mary A. Eastburn

STATE OF DELAWARE

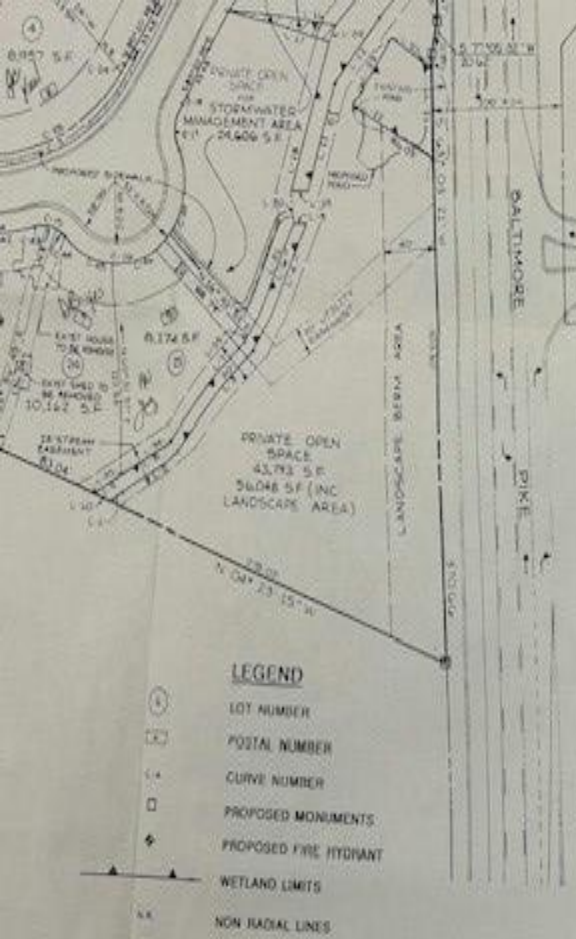
COUNTY OF NEW CASTLE

)
) ss:
)

BE IT REMEMBERED that on this 1st day of October, 1992, personally appeared before me, the Subscriber, a Notary Public for the State of Delaware, Francis A. and Mary A. Eastburn, parties to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed and that the signature of Francis A. and Mary A. Eastburn is in their own proper handwriting.

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

Notary Public
MERLE J. JONES, NOTARY
Term Expires: 2/20/93



1. NUMBER OF LOTS: 24
2. LAND AREA: 10.17 AC
3. SINGLE FAMILY UNITS: 24
4. IMPROVEMENTS FOR ADJACENT LOTS: 1.00 AC
5. IMPROVEMENTS FOR ADJACENT LOTS: 1.00 AC
6. IMPROVEMENTS FOR ADJACENT LOTS: 1.00 AC
7. DATE PLAN IS SUBMITTED BY: AND CHECKED WITH: REPRESENTATIVE OF RECORDING AGENCY: 1.00 AC
8. THIS PLAN IS SUBMITTED BY: AND CHECKED WITH: REPRESENTATIVE OF RECORDING AGENCY: 1.00 AC
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APPLICATION NO. 920375(3)
BLOCK MAP B-4-N

RECORD MAJOR SUBDIVISION PLAN
THE OAKS
WHITE CLAY CREEK HUNDRED - NEW CASTLE COUNTY
DELAWARE

SEATTLE - OWNER/DEVELOPER
GILMAN HOMES, INC.
200 PHILADELPHIA PIKE
WILMINGTON, DELAWARE 19801

0 50 100
FEET
GRAPHIC SCALE

REVISIONS: 1. 10-2-92
2. 10-2-92
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CERTIFICATION OF PLAN APPROVAL

APPROVED: 10-2-92
DATE: 10-2-92
BY: [Signature]
FOR DEPARTMENT OF PLANNING OF NEW CASTLE COUNTY

APPROVED: 10-2-92
DATE: 10-2-92
BY: [Signature]
FOR COUNTY COUNCIL OF NEW CASTLE COUNTY

LANDMARK ENGINEERING
CIVIL AND SITE ENGINEERING SPECIALISTS
ONE CORPORATE COMMONS • NEW CASTLE, DELAWARE



ORDINANCE NO. 25-124

**AMEND THE GRANTS BUDGET:
APPROPRIATE \$32,345 IN FUNDING FROM THE STATE OF DELAWARE,
DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF SERVICES
FOR AGING & ADULTS WITH PHYSICAL DISABILITIES TO THE AB JONES
SENIOR CENTER ART LOVING SENIORS GRANT, WHICH WILL BE
ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES,
DIVISION OF COMMUNITY RESOURCES**

1 **WHEREAS**, authorization is being sought for the appropriation of \$32,345 in
2 funding from the State of Delaware, Department of Health and Social Services, Division
3 of Services for Aging & Adults with Physical Disabilities to the Ab Jones Senior Center
4 Art Loving Seniors Grant; and
5

6 **WHEREAS**, the Art Loving Seniors Program will be a partnership between the
7 Absalom Jones Senior Center and The Art Studio location at the Absalom Jones
8 Community Center to implement a program that will support healthy aging, well-being and
9 aging in place through visual art workshops and provide access to professionally run art
10 classes specifically tailored to the needs of approximately 300 seniors; and
11

12 **WHEREAS**, the County Executive has determined that the revenue to be
13 appropriated shall be sufficient to cover the increase in the Grants Budget as hereinafter
14 amended; and
15

16 **WHEREAS**, Council has determined that the provisions of this Ordinance
17 substantially advance, and are reasonably and rationally related to, legitimate
18 government interests (i.e., promoting the health, safety, morals, convenience, order,
19 prosperity and/or welfare of the present and future inhabitants of this State).
20

21 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
22

23 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby
24 amended by adding the material on the attached Exhibit "A" which shall be considered
25 underscored in its entirety.
26

27 Section 2. This Ordinance shall become effective immediately upon its adoption
28 by County Council and approval by the County Executive, or as otherwise provided by 9
29 *Del. C. § 1156*.
30

31 Section 3. It is the intent of the County Council that the provisions of this Ordinance
32 shall be effective retroactive to September 22, 2025.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$32,345 in funding from the State of Delaware, Department of Health and Social Services, Division of Services for Aging & Adults with Physical Disabilities to the Ab Jones Senior Center Art Loving Seniors Grant which will be administered by the Department of Community Services, Division of Community Resources.

The Art Loving Seniors Program will be a partnership between the Absalom Jones Senior Center and The Art Studio location at the Absalom Jones Community Center to implement a visual art program for seniors that supports enrichment activities promoting social interaction, health and well-being, and aging in place.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to September 22, 2025.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$32,345 in funding from the State of Delaware, Department of Health and Social Services, Division of Services for Aging & Adults with Physical Disabilities to the Ab Jones Senior Center Art Loving Seniors Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget by \$32,345. This increase will affect FY2026 only since the targeted program completion date for this grant is June 30, 2026. There is no fiscal impact anticipated beyond FY2026. FY2024 funding was authorized in the amount of \$40,000.

Acknowledged by the Chief Financial Officer September 29, 2025.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	2026 Ab Jones Senior Center Art Loving Seniors	Ordinance No.	25-124
PROGRAM TITLE:	2026 Ab Jones Senior Center Art Loving Seniors		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 32,345.00	\$ -	\$ 32,345.00
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 32,345.00	\$ -	\$ 32,345.00

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 13,777.00	\$ -	\$ 13,777.00
Contractual Services	\$ 18,568.00	\$ -	\$ 18,568.00
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 32,345.00	\$ -	\$ 32,345.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	9/22/2025
Estimated Program Completion:	6/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:

PROGRAM DESCRIPTION:

The Art Loving Seniors Program will be a partnership between the Absalom Jones Senior Center and The Art Studio location at the Absalom Jones Community Center. The grant will support healthy aging, well-being and aging in place through visual art workshops and provide access to professionally run art classes specifically tailored to the needs of approximately 300 seniors.

10/14/2025

ORDINANCE NO. 25-125

**AMEND THE GRANTS BUDGET:
APPROPRIATE \$30,000 FROM THE UNITED STATES DEPARTMENT OF JUSTICE TO
THE ASSET FORFEITURE-FEDERAL GRANT, WHICH IS ADMINISTERED BY THE
DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE**

1 **WHEREAS**, authorization is being sought for the appropriation of \$30,000 from the
2 United States Department of Justice to the Asset Forfeiture-Federal Grant; and
3

4 **WHEREAS**, these funds will be used to purchase equipment for the Department of
5 Public Safety, Division of Police; and
6

7 **WHEREAS**, federal grant funding received is sufficient to cover the increase in the
8 Grants Budget as hereinafter amended; and
9

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

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

17 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby
18 amended by adding the material underscored and deleting the material bracketed and
19 stricken on the attached Exhibits "A".
20

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

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$30,000 from the United States Department of Justice to the Asset Forfeiture-Federal Grant, which is administered by the Department of Public Safety, Division of Police. These funds will be used to purchase equipment for the Division of Police.

The Department of Justice Asset Forfeiture Program, authorized in 1984, shares federal forfeiture proceeds with cooperating local law enforcement agencies. The program serves not only to deter crime, but also to provide valuable resources to local law enforcement agencies. The New Castle County Police actively participate in the program and have been approved to use the funding to offset the total cost of training, purchasing supplies, new police canines and other equipment.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$30,000 from the United States Department of Justice to the Asset Forfeiture-Federal Grant, which is administered by the Department of Public Safety, Division of Police. These funds will be used to purchase equipment for the Division of Police.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget totaling \$30,000. This increase will affect FY2026 and beyond since this is a continuous program. There is no anticipated fiscal impact on the Operating and/or Capital Budget.

Acknowledged by the Chief Financial Officer September 29, 2025.

DEPARTMENT:	Public Safety	EXHIBIT:	"A"
GRANT TITLE:	Asset Forfeiture - Federal Grant	Ordinance No.	25-125
PROGRAM TITLE:	Asset Forfeiture - Federal Grant		

Revenue	Current	Change	Revised
Federal	\$ 889,483.79	\$ 30,000.00	\$ 919,483.79
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ 24,986.24	\$ -	\$ 24,986.24
Total	\$ 914,470.03	\$ 30,000.00	\$ 944,470.03

Expense	Current	Change	Revised
Salaries and Wages	\$ 92,177.46	\$ -	\$ 92,177.46
Benefits	\$ 9,218.11	\$ -	\$ 9,218.11
Training/Civic Affairs	\$ 195,718.42	\$ 20,000.00	\$ 215,718.42
Communication/Utilities	\$ 45,891.39	\$ -	\$ 45,891.39
Materials/Supplies	\$ 71,110.28	\$ 1,500.00	\$ 72,610.28
Contractual Services	\$ 86,457.09	\$ -	\$ 86,457.09
Equipment	\$ 364,292.68	\$ 8,500.00	\$ 372,792.68
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ 48,695.00	\$ -	\$ 48,695.00
Operating Transfer Charges	\$ 909.60	\$ -	\$ 909.60
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 914,470.03	\$ 30,000.00	\$ 944,470.03

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 10/23/2000

Estimated Program Completion: Ongoing

Operating Budget Impact: Available in (ORG):

Ordinance Passed:	Date Revised:
11-040 <u>24-165</u>	4/27/2001 <u>11/19/2024</u>
12-065	6/12/2012
15-064	10/20/2015
21-070	6/17/2021
22-138	11/22/2022

PROGRAM DESCRIPTION:

The Department of Justice Asset Forfeiture Program helps prevent crime and also provides resources to state and local law enforcement agencies.

11/19/2024

10/14/2025

ORDINANCE NO. 25-126

**AMEND THE GRANTS BUDGET:
APPROPRIATE \$60,000 IN ACTUAL PROGRAM INCOME TO THE COMMUNITY
POLICING GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF
PUBLIC SAFETY, DIVISION OF POLICE**

1 **WHEREAS**, the County Executive has determined that funds received are sufficient to
2 cover the increase in the Grants Budget as hereinafter amended; and
3

4 **WHEREAS**, a Community Policing Grant was established to provide the New Castle
5 County Police additional funds related to the cost of overtime patrols in defined high crime
6 areas of the county and support the costs related to training, supplies, and equipment
7 associated with community related policing; and
8

9 **WHEREAS**, beginning in January 2016 a Community Policing Fee was added to the
10 hourly rate of the Contracted Police Duty Rate to provide funding for the Community Policing
11 Grant; and
12

13 **WHEREAS**, the actual program income collected from the community policing fee will
14 be transferred to the Community Policing Grant annually; and
15

16 **WHEREAS**, Council has determined that the provisions of this Ordinance substantially
17 advance, and are reasonably and rationally related to, legitimate government interests (i.e.,
18 promoting the health, safety, morals, convenience, order prosperity and/or welfare of the
19 present and future inhabitants of this State).
20

21 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
22

23 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby amended
24 by adding the material that is underscored and deleting the material that is bracketed and
25 stricken on the attached "Exhibit A."
26

27 Section 2. This Ordinance shall become effective immediately upon its adoption by
28 County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C. §*
29 1156.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$60,000.00 in actual program income to the Community Policing Grant. This funding will be used to further address community related concerns and issues.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$60,000.00 in actual program income to the Community Policing Grant, which is administered by the Department of Public Safety, Division of Police.

The Community Policing Grant was established to provide the New Castle County Police additional funds related to the cost of overtime patrols in defined high crime areas of the county and support the costs related to training, supplies, and equipment associated with community policing. Beginning in January 2016, a Community Policing Fee was added to the hourly rate of the Contracted Police Duty Rate to provide funding for the Community Policing Grant. The actual program income collected from the community policing fee is transferred to the Community Policing Grant annually.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$60,000.00. This increase will affect FY2026 and beyond since this is a continuous program. Previous program income funding was authorized in the amount of \$232,065.75. This appropriation will increase the aggregate amount to \$292,065.75. The Program Income balance after this appropriation will be \$117,973.84.

Acknowledged by the Chief Financial Officer September 29, 2025.

DEPARTMENT:	Public Safety	EXHIBIT:	"A"
GRANT TITLE:	Community Policing Grant	Ordinance No.	25-126
PROGRAM TITLE:	Community Policing Grant		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ 232,065.75	\$ 60,000.00	\$ 292,065.75
Other	\$ -	\$ -	\$ -
Total	\$ 232,065.75	\$ 60,000.00	\$ 292,065.75

Expense	Current	Change	Revised
Salaries and Wages	\$ 8,954.78	\$ -	\$ 8,954.78
Benefits	\$ 5,236.80	\$ -	\$ 5,236.80
Training/Civic Affairs	\$ 17,220.00	\$ 5,000.00	\$ 22,220.00
Communication/Utilities	\$ 7,360.00	\$ 5,000.00	\$ 12,360.00
Materials/Supplies	\$ 134,491.42	\$ 35,000.00	\$ 169,491.42
Contractual Services	\$ 23,149.00	\$ 12,500.00	\$ 35,649.00
Equipment	\$ 35,653.75	\$ 2,500.00	\$ 38,153.75
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 232,065.75	\$ 60,000.00	\$ 292,065.75

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 8/1/2016

Estimated Program Completion: ongoing

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

Ordinance Passed:	Date Revised:
18-002 <u>25-028</u>	2/20/2018 <u>3/25/2025</u>
18-121	12/11/2018
19-097	9/20/2019
22-009	1/25/2022

PROGRAM DESCRIPTION:

The Community Policing Grant supports the Department of Public Safety, Division of Police to further address community related concerns and issues.

3/25/2025

10/14/2025

ORDINANCE NO. 25-127

**AMEND THE FY2026 APPROVED OPERATING BUDGET:
TRANSFER FUNDING FROM THE GRANTS AND FIXED CHARGES BUDGET LINE
ITEM OF COUNTY COUNCIL TO THE CONTRACTUAL SERVICES BUDGET LINE ITEM
OF THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY
DEVELOPMENT AND HOUSING TO PROVIDE FUNDING FOR THE TREE REMOVAL
PROGRAM FOR SENIORS**

1 **WHEREAS**, the Senior Citizen Tree Program is for income eligible (80% Area Median
2 Income) senior homeowners in New Castle County to help with the removal of dead, dying
3 or damaged trees or significant debris from trees that was caused by storms; and
4

5 **WHEREAS**, the senior applicants will follow the same application process that is used
6 for the senior repair program and the homes have to be owner occupied; and
7

8 **WHEREAS**, County Council has budgeted funding available in the Grants and Fixed
9 Charges Budget Line Item; and
10

11 **WHEREAS**, New Castle County Council wishes to provide funding to the Department
12 of Community Services, Division of Community Development and Housing for the Tree
13 Removal Program for seniors; and
14

15 **WHEREAS**, the revenue measures heretofore adopted by the County Council are, in
16 the opinion of the County Executive, estimated to yield sums at least sufficient to balance the
17 proposed expenditures as set forth in the Annual Operating Budget as hereinafter amended.
18

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

21 Section 1. The Annual Operating Budget Ordinance for the fiscal year beginning July
22 1, 2025, is hereby amended by deleting the material that is stricken and adding the material
23 that is underscored on the attached Exhibit "A."
24

25 Section 2. The foregoing amendment shall be considered a part of the Annual
26 Operating Budget for the fiscal year beginning July 1, 2025 and shall be effective as though
27 incorporated initially in the Annual Operating Budget Ordinance.
28

29 Section 3. This Ordinance shall become effective immediately upon its adoption by
30 County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.*
31 § 1156.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will transfer \$10,000 from the County Council – Grants and Fixed Charges Budget Line Item to the Department of Community Services, Division of Community Development and Housing – Contractual Services Budget Line Item within the FY2026 Approved Operating Budget to provide funding to the Tree Removal Program for income eligible (80% Area Median Income) senior homeowners in New Castle County to help with the removal of dead, dying or damaged trees or significant debris from trees that was caused by storms.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2026 Approved Operating Budget by transferring \$10,000 from the County Council – Grants and Fixed Charges Budget Line Item to the Department of Community Services, Division of Community Development and Housing – Contractual Services Budget Line Item to provide funding to the Tree Removal Program for seniors.

This legislation will result in no increase to the FY2026 Approved Operating Budget as the legislation is a transfer of funds between Departments. There is no fiscal impact for FY2027 or FY2028.

Acknowledged by the Chief Financial Officer October 1, 2025.

EXHIBIT A1**COUNTY COUNCIL**

Salaries and Wages		\$	2,708,793
Benefits			1,525,869
Training and Civic Affairs			67,388
Communication and Utilities			16,274
Materials and Supplies			60,352
Contractual Services			255,947
Equipment			1,600
Grants and Fixed Charges	324,991		314,991
Operating Transfer Charges			195,519
Total	5,156,733	\$	<u>5,146,733</u>
Total Authorized Full-Time Positions	35		

COUNTY EXECUTIVE

Salaries and Wages		\$	2,305,318
Benefits			1,293,169
Training and Civic Affairs			41,978
Communication and Utilities			19,550
Materials and Supplies			22,136
Contractual Services			247,891
Equipment			1,000
Grants and Fixed Charges			223,396
Contingency			55,000
Operating Transfer Charges			112,454
Total		\$	<u>4,321,892</u>
Total Authorized Full-Time Positions	17		

DEPARTMENT OF ADMINISTRATION

Salaries and Wages		\$	14,072,608
Benefits			7,834,901
Training and Civic Affairs			191,125
Communication and Utilities			8,380,342
Materials and Supplies			156,573
Contractual Services			7,648,986
Equipment			428,395
Grants and Fixed Charges			3,985,350
Operating Transfer Charges			1,197,550
Operating Transfer Credits			(14,044,103)
Total		\$	<u>29,851,727</u>
Total Authorized Full-Time Positions	168		

EXHIBIT A2

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages		\$	28,756,814
Benefits			16,093,269
Training and Civic Affairs			45,445
Communication and Utilities			27,456,675
Materials and Supplies			4,962,521
Contractual Services			11,118,785
Equipment			511,758
Grants and Fixed Charges			1,249,759
Land and Structures			35,000
Operating Transfer Charges			4,840,573
Operating Transfer Credits			(7,876,371)
Total		\$	87,194,228
Total Authorized Full-Time Positions	389		

DEPARTMENT OF LAND USE

Salaries and Wages		\$	8,986,033
Benefits			5,031,240
Training and Civic Affairs			66,975
Communication and Utilities			103,015
Materials and Supplies			106,727
Contractual Services			1,520,609
Equipment			67,240
Grants and Fixed Charges			56,500
Operating Transfer Charges			1,071,279
Total		\$	17,009,618
Total Authorized Full-Time Positions	113		

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages		\$	13,653,916
Benefits			5,874,643
Training and Civic Affairs			18,920
Communication and Utilities			1,577,473
Materials and Supplies			1,628,039
Contractual Services	3,887,527		<u>3,897,527</u>
Equipment			26,919
Grants and Fixed Charges			3,235,149
Operating Transfer Charges			1,396,115
Operating Transfer Credits			(243,749)
Total	31,054,952	\$	<u>31,064,952</u>
Total Authorized Full-Time Positions	162		

EXHIBIT A3**DEPARTMENT OF PUBLIC SAFETY**

Salaries and Wages	\$	78,231,240
Benefits		43,444,049
Training and Civic Affairs		205,206
Communication and Utilities		992,877
Materials and Supplies		1,319,347
Contractual Services		2,458,322
Equipment		1,661,783
Grants and Fixed Charges		11,702,040
Operating Transfer Charges		8,501,518
Total	\$	148,516,382
Total Authorized Full-Time Positions		729

REGISTER OF WILLS

Salaries and Wages	\$	1,219,161
Benefits		669,258
Training and Civic Affairs		34,950
Communication and Utilities		10,257
Materials and Supplies		10,053
Contractual Services		62,715
Equipment		2,800
Operating Transfer Charges		97,749
Total	\$	2,106,943
Total Authorized Full-Time Positions		20

EXHIBIT A4

RECORDER OF DEEDS

Salaries and Wages	\$	1,377,085
Benefits		764,405
Training and Civic Affairs		40,170
Communication and Utilities		30,665
Materials and Supplies		12,398
Contractual Services		83,945
Equipment		6,150
Grants and Fixed Charges		18,350
Operating Transfer Charges		172,975
Total	\$	2,506,143
Total Authorized Full-Time Positions	23	

SHERIFF

Salaries and Wages	\$	1,482,722
Benefits		835,738
Training and Civic Affairs		29,452
Communication and Utilities		12,261
Materials and Supplies		21,259
Contractual Services		55,999
Equipment		5,000
Operating Transfer Charges		150,197
Total	\$	2,592,628
Total Authorized Full-Time Positions	21	

CLERK OF THE PEACE

Salaries and Wages	\$	538,617
Benefits		303,592
Training and Civic Affairs		9,600
Communication and Utilities		3,586
Materials and Supplies		8,754
Contractual Services		18,268
Equipment Replacement		0
Operating Transfer Charges		35,085
Total	\$	917,502
Total Authorized Full-Time Positions	7	

DEBT SERVICE

Debt Service	\$	47,892,496
Total	\$	47,892,496
Total Authorized Full-Time Positions		

EXHIBIT A5**ETHICS COMMISSION**

Salaries and Wages	\$	44,477
Benefits		4,092
Training and Civic Affairs		10,500
Communication and Utilities		1,745
Materials and Supplies		2,450
Contractual Services		235,747
Equipment		500
Operating Transfer Charges		6,796
Total	\$	306,307
Total Authorized Full-Time Positions	0	

COUNCIL CONTINGENCY

Contingency	\$	225,000
Total	\$	225,000
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY

Contingency	\$	419,604
Total	\$	419,604
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY

Contingency	\$	455,000
Total	\$	455,000
Total Authorized Full-Time Positions		

BENEFITS CONTINGENCY

Contingency	\$	2,250,000
Total	\$	2,250,000
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY

Personal Services - Salaries and Wages	\$	(6,107,378)
Personal Services - Employee Benefits	\$	(3,442,422)
Total	\$	(9,549,800)
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY

Contingency	\$	1,156,231
Total	\$	1,156,231

EXHIBIT A6**NEW CASTLE COUNTY**

Salaries and Wages		\$	147,269,406
Benefits			80,231,803
Training and Civic Affairs			761,709
Communication and Utilities			38,604,720
Materials and Supplies			8,310,609
Contractual Services	27,594,741		<u>27,604,741</u>
Equipment			2,713,145
Grants and Fixed Charges	20,795,535		<u>20,785,535</u>
Debt Service			47,892,496
Land and Structures			35,000
Contingency			4,560,835
Operating Transfer Charges			17,777,810
Operating Transfer Credits			(22,164,223)
<i>Sub-Total New Castle County</i>	<i>374,383,586</i>	\$	<u>374,383,586</u>
<i>Total Authorized Full-Time Positions</i>	<i>1,684</i>		

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF SEPTEMBER 9, 2025 (UNAUDITED)

Tax Stabilization Reserve Account	42,609,374
Sewer Rate Stabilization Reserve Account	10,355,693
General Fund Budget Reserve Account	46,910,980
Sewer Fund Budget Reserve Account	19,038,698
<i>Total Reserves:</i>	<u>118,914,745</u>

ORDINANCE NO. 25-128

**AMEND THE FY2026 APPROVED OPERATING BUDGET:
APPROPRIATE \$900,000 FROM THE GENERAL FUND TAX STABILIZATION
RESERVE ACCOUNT TO THE DEPARTMENT OF ADMINISTRATION, OFFICE OF LAW
TO FUND ATTORNEY FEES AND LITIGATION EXPERT WITNESSES**

1 **WHEREAS**, \$283,752 was included in the FY2026 Approved Operating Budget for
2 the Office of Law in Contractual Services for expenses related to retaining outside legal
3 counsel and litigation expert witnesses; and
4

5 **WHEREAS**, unforeseen litigation has resulted in the need for additional funding in
6 the amount of \$900,000 to support current and anticipated attorney fees for outside legal
7 counsel and litigation expert witnesses, through the end of the fiscal year; and
8

9 **WHEREAS**, the revenue measures heretofore adopted by the County Council, are,
10 in the opinion of the County Executive, estimated to yield sums at least sufficient to balance
11 the proposed expenditures as set forth in the Approved Annual Operating Budget as
12 hereinafter amended.
13

14 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
15

16 Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2025,
17 is hereby amended by deleting the material stricken and adding the material underscored
18 on the attached "Exhibit A."
19

20 Section 2. The foregoing amendment shall be considered a part of the Annual
21 Operating Budget for the fiscal year beginning July 1, 2025, and shall be effective
22 retroactively as though incorporated initially in the Annual Operating Budget.
23

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

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, amends the FY2026 Approved Operating Budget by appropriating \$900,000 from the General Fund Tax Stabilization Reserve Account to the Department of Administration, Office of Law Contractual Services Budget Line Item. These funds will support previously incurred and anticipated attorney fees for outside legal counsel.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2026 Approved Operating Budget by appropriating \$900,000 from the General Fund Tax Stabilization Reserve Account to the Department of Administration, Office of Law Contractual Services Budget Line Item. These funds will support previously incurred and anticipated attorney fees for outside legal counsel.

The revised FY2026 Approved Operating Budget will be \$375,283,586. Fiscal impact for future years will be determined on an as needed basis. The General Fund Tax Stabilization Reserve balance (unaudited) upon passage of this Ordinance will be \$41,709,374.

Acknowledged by the Chief Financial Officer September 10, 2025.

EXHIBIT A1

COUNTY COUNCIL

Salaries and Wages		\$	2,708,793
Benefits			1,525,869
Training and Civic Affairs			67,388
Communication and Utilities			16,274
Materials and Supplies			60,352
Contractual Services			255,947
Equipment			1,600
Grants and Fixed Charges			324,991
Operating Transfer Charges			195,519
Total		\$	5,156,733
Total Authorized Full-Time Positions	35		

COUNTY EXECUTIVE

Salaries and Wages		\$	2,305,318
Benefits			1,293,169
Training and Civic Affairs			41,978
Communication and Utilities			19,550
Materials and Supplies			22,136
Contractual Services			247,891
Equipment			1,000
Grants and Fixed Charges			223,396
Contingency			55,000
Operating Transfer Charges			112,454
Total		\$	4,321,892
Total Authorized Full-Time Positions	17		

DEPARTMENT OF ADMINISTRATION

Salaries and Wages		\$	14,072,608
Benefits			7,834,901
Training and Civic Affairs			191,125
Communication and Utilities			8,380,342
Materials and Supplies			156,573
Contractual Services	7,648,986		<u>8,548,986</u>
Equipment			428,395
Grants and Fixed Charges			3,985,350
Operating Transfer Charges			1,197,550
Operating Transfer Credits			(14,044,103)
Total	<u>29,851,727</u>	\$	<u>30,751,727</u>
Total Authorized Full-Time Positions	168		

EXHIBIT A2

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages	\$	28,756,814
Benefits		16,093,269
Training and Civic Affairs		45,445
Communication and Utilities		27,456,675
Materials and Supplies		4,962,521
Contractual Services		11,118,785
Equipment		511,758
Grants and Fixed Charges		1,249,759
Land and Structures		35,000
Operating Transfer Charges		4,840,573
Operating Transfer Credits		(7,876,371)
Total	\$	87,194,228
Total Authorized Full-Time Positions	389	

DEPARTMENT OF LAND USE

Salaries and Wages	\$	8,986,033
Benefits		5,031,240
Training and Civic Affairs		66,975
Communication and Utilities		103,015
Materials and Supplies		106,727
Contractual Services		1,520,609
Equipment		67,240
Grants and Fixed Charges		56,500
Operating Transfer Charges		1,071,279
Total	\$	17,009,618
Total Authorized Full-Time Positions	113	

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages	\$	13,653,916
Benefits		5,874,643
Training and Civic Affairs		18,920
Communication and Utilities		1,577,473
Materials and Supplies		1,628,039
Contractual Services		3,887,527
Equipment		26,919
Grants and Fixed Charges		3,235,149
Operating Transfer Charges		1,396,115
Operating Transfer Credits		(243,749)
Total	\$	31,054,952
Total Authorized Full-Time Positions	162	

EXHIBIT A3**DEPARTMENT OF PUBLIC SAFETY**

Salaries and Wages	\$	78,231,240
Benefits		43,444,049
Training and Civic Affairs		205,206
Communication and Utilities		992,877
Materials and Supplies		1,319,347
Contractual Services		2,458,322
Equipment		1,661,783
Grants and Fixed Charges		11,702,040
Operating Transfer Charges		8,501,518
Total	\$	148,516,382
Total Authorized Full-Time Positions		729

REGISTER OF WILLS

Salaries and Wages	\$	1,219,161
Benefits		669,258
Training and Civic Affairs		34,950
Communication and Utilities		10,257
Materials and Supplies		10,053
Contractual Services		62,715
Equipment		2,800
Operating Transfer Charges		97,749
Total	\$	2,106,943
Total Authorized Full-Time Positions		20

EXHIBIT A4**RECORDER OF DEEDS**

Salaries and Wages		\$	1,377,085
Benefits			764,405
Training and Civic Affairs			40,170
Communication and Utilities			30,665
Materials and Supplies			12,398
Contractual Services			83,945
Equipment			6,150
Grants and Fixed Charges			18,350
Operating Transfer Charges			172,975
Total		\$	2,506,143
Total Authorized Full-Time Positions	23		

SHERIFF

Salaries and Wages		\$	1,482,722
Benefits			835,738
Training and Civic Affairs			29,452
Communication and Utilities			12,261
Materials and Supplies			21,259
Contractual Services			55,999
Equipment			5,000
Operating Transfer Charges			150,197
Total		\$	2,592,628
Total Authorized Full-Time Positions	21		

CLERK OF THE PEACE

Salaries and Wages		\$	538,617
Benefits			303,592
Training and Civic Affairs			9,600
Communication and Utilities			3,586
Materials and Supplies			8,754
Contractual Services			18,268
Equipment Replacement			0
Operating Transfer Charges			35,085
Total		\$	917,502
Total Authorized Full-Time Positions	7		

DEBT SERVICE

Debt Service		\$	47,892,496
Total		\$	47,892,496
Total Authorized Full-Time Positions			

EXHIBIT A5

ETHICS COMMISSION

Salaries and Wages	\$	44,477
Benefits		4,092
Training and Civic Affairs		10,500
Communication and Utilities		1,745
Materials and Supplies		2,450
Contractual Services		235,747
Equipment		500
Operating Transfer Charges		6,796
Total	\$	306,307
Total Authorized Full-Time Positions	0	

COUNCIL CONTINGENCY

Contingency	\$	225,000
Total	\$	225,000
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY

Contingency	\$	419,604
Total	\$	419,604
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY

Contingency	\$	455,000
Total	\$	455,000
Total Authorized Full-Time Positions		

BENEFITS CONTINGENCY

Contingency	\$	2,250,000
Total	\$	2,250,000
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY

Personal Services - Salaries and Wages	\$	(6,107,378)
Personal Services - Employee Benefits	\$	(3,442,422)
Total	\$	(9,549,800)
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY

Contingency	\$	1,156,231
Total	\$	1,156,231

EXHIBIT A6**NEW CASTLE COUNTY**

Salaries and Wages		\$	147,269,406
Benefits			80,231,803
Training and Civic Affairs			761,709
Communication and Utilities			38,604,720
Materials and Supplies			8,310,609
Contractual Services	27,594,741		<u>28,494,741</u>
Equipment			2,713,145
Grants and Fixed Charges			20,795,535
Debt Service			47,892,496
Land and Structures			35,000
Contingency			4,560,835
Operating Transfer Charges			17,777,810
Operating Transfer Credits			(22,164,223)
<i>Sub-Total New Castle County</i>	<i>374,383,586</i>	\$	<u>375,283,586</u>
<i>Total Authorized Full-Time Positions</i>	<i>1,684</i>		

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF SEPTEMBER 9, 2025 (UNAUDITED)

Tax Stabilization Reserve Account	42,609,374	<u>41,709,374</u>
Sewer Rate Stabilization Reserve Account		10,355,693
General Fund Budget Reserve Account		46,910,980
Sewer Fund Budget Reserve Account		19,038,698
<i>Total Reserves:</i>	<i>118,914,745</i>	<u>118,014,745</u>

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Law
Date of introduction: October 14, 2025

ORDINANCE NO. 25-129

AMEND THE FY2026 APPROVED ANNUAL OPERATING BUDGET: APPROPRIATE \$300,000 FROM THE GENERAL FUND TAX STABILIZATION RESERVE ACCOUNT TO THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF FLEET OPERATIONS GRANTS AND FIXED CHARGES BUDGET LINE ITEM FOR A SETTLEMENT

WHEREAS, on April 24, 2023, Logan Aro ("Plaintiff") filed a personal injury suit in the Superior Court for the State of Delaware (*Logan Aro v. New Castle County, et al.*, C.A. No. N23C-04-200 MAA) alleging, *among other things*, that he was severely injured in a motor vehicle accident involving a New Castle County Public Works vehicle; and

WHEREAS, the County Attorney through the Office of Law provided representation to the County and the County employee; and

WHEREAS, recognizing the costs and uncertainty of litigation, the County, upon advice of counsel, has agreed with the Plaintiffs to settle the lawsuit, contingent on Council's approval of the funding of the settlement amount as effectuated by this ordinance; and,

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

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

Section 1. The Annual Operating Budget for the fiscal year beginning July 1, 2025, is hereby amended by adding the material on the attached "Exhibit A," which is considered to be underscored in its entirety.

Section 2. The foregoing amendment shall be considered a part of the Annual Operating Budget for the fiscal year beginning July 1, 2025, and shall be effective retroactively as though incorporated initially in the Annual Operating Budget.

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

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will amend the FY2026 Annual Operating Budget to fund the settlement of *Logan Aro v. New Castle County, et al.*, C.A. No. N23C-04-200 MAA in the amount of \$300,000.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2026 Approved Operating Budget by appropriating \$300,000 from the General Fund Tax Stabilization Reserve Account to the Department of Public Works, Division of Fleet Operations Grants and Fixed Charges Budget Line Item. These funds will support the settlement of *Logan Aro v. New Castle County, et al.*, C.A. No. N23C-04-200 MAA.

The revised FY2026 Approved Operating Budget will be \$374,683. Fiscal impact for future years will be determined on an as needed basis. The General Fund Tax Stabilization Reserve balance (unaudited) upon passage of this Ordinance will be \$42,309,374.

Acknowledged by the Chief Financial Officer September 29, 2025.

EXHIBIT A1**COUNTY COUNCIL**

Salaries and Wages	\$	2,708,793
Benefits		1,525,869
Training and Civic Affairs		67,388
Communication and Utilities		16,274
Materials and Supplies		60,352
Contractual Services		255,947
Equipment		1,600
Grants and Fixed Charges		324,991
Operating Transfer Charges		195,519
Total	\$	5,156,733
Total Authorized Full-Time Positions	35	

COUNTY EXECUTIVE

Salaries and Wages	\$	2,305,318
Benefits		1,293,169
Training and Civic Affairs		41,978
Communication and Utilities		19,550
Materials and Supplies		22,136
Contractual Services		247,891
Equipment		1,000
Grants and Fixed Charges		223,396
Contingency		55,000
Operating Transfer Charges		112,454
Total	\$	4,321,892
Total Authorized Full-Time Positions	17	

DEPARTMENT OF ADMINISTRATION

Salaries and Wages	\$	14,072,608
Benefits		7,834,901
Training and Civic Affairs		191,125
Communication and Utilities		8,380,342
Materials and Supplies		156,573
Contractual Services		7,648,986
Equipment		428,395
Grants and Fixed Charges		3,985,350
Operating Transfer Charges		1,197,550
Operating Transfer Credits		(14,044,103)
Total	\$	29,851,727
Total Authorized Full-Time Positions	168	

EXHIBIT A2

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages		\$	28,756,814
Benefits			16,093,269
Training and Civic Affairs			45,445
Communication and Utilities			27,456,675
Materials and Supplies			4,962,521
Contractual Services			11,118,785
Equipment			511,758
Grants and Fixed Charges	1,249,759		<u>1,549,759</u>
Land and Structures			35,000
Operating Transfer Charges			4,840,573
Operating Transfer Credits			(7,876,371)
Total	87,194,228	\$	<u>87,494,228</u>
Total Authorized Full-Time Positions	389		

DEPARTMENT OF LAND USE

Salaries and Wages		\$	8,986,033
Benefits			5,031,240
Training and Civic Affairs			66,975
Communication and Utilities			103,015
Materials and Supplies			106,727
Contractual Services			1,520,609
Equipment			67,240
Grants and Fixed Charges			56,500
Operating Transfer Charges			1,071,279
Total		\$	<u>17,009,618</u>
Total Authorized Full-Time Positions	113		

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages		\$	13,653,916
Benefits			5,874,643
Training and Civic Affairs			18,920
Communication and Utilities			1,577,473
Materials and Supplies			1,628,039
Contractual Services			3,887,527
Equipment			26,919
Grants and Fixed Charges			3,235,149
Operating Transfer Charges			1,396,115
Operating Transfer Credits			(243,749)
Total		\$	<u>31,054,952</u>
Total Authorized Full-Time Positions	162		

EXHIBIT A3**DEPARTMENT OF PUBLIC SAFETY**

Salaries and Wages	\$	78,231,240
Benefits		43,444,049
Training and Civic Affairs		205,206
Communication and Utilities		992,877
Materials and Supplies		1,319,347
Contractual Services		2,458,322
Equipment		1,661,783
Grants and Fixed Charges		11,702,040
Operating Transfer Charges		8,501,518
Total	\$	148,516,382
Total Authorized Full-Time Positions	729	

REGISTER OF WILLS

Salaries and Wages	\$	1,219,161
Benefits		669,258
Training and Civic Affairs		34,950
Communication and Utilities		10,257
Materials and Supplies		10,053
Contractual Services		62,715
Equipment		2,800
Operating Transfer Charges		97,749
Total	\$	2,106,943
Total Authorized Full-Time Positions	20	

EXHIBIT A4**RECORDER OF DEEDS**

Salaries and Wages	\$	1,377,085
Benefits		764,405
Training and Civic Affairs		40,170
Communication and Utilities		30,665
Materials and Supplies		12,398
Contractual Services		83,945
Equipment		6,150
Grants and Fixed Charges		18,350
Operating Transfer Charges		172,975
Total	\$	2,506,143
Total Authorized Full-Time Positions	23	

SHERIFF

Salaries and Wages	\$	1,482,722
Benefits		835,738
Training and Civic Affairs		29,452
Communication and Utilities		12,261
Materials and Supplies		21,259
Contractual Services		55,999
Equipment		5,000
Operating Transfer Charges		150,197
Total	\$	2,592,628
Total Authorized Full-Time Positions	21	

CLERK OF THE PEACE

Salaries and Wages	\$	538,617
Benefits		303,592
Training and Civic Affairs		9,600
Communication and Utilities		3,586
Materials and Supplies		8,754
Contractual Services		18,268
Equipment Replacement		0
Operating Transfer Charges		35,085
Total	\$	917,502
Total Authorized Full-Time Positions	7	

DEBT SERVICE

Debt Service	\$	47,892,496
Total	\$	47,892,496
Total Authorized Full-Time Positions		

EXHIBIT A5

ETHICS COMMISSION

Salaries and Wages	\$	44,477
Benefits		4,092
Training and Civic Affairs		10,500
Communication and Utilities		1,745
Materials and Supplies		2,450
Contractual Services		235,747
Equipment		500
Operating Transfer Charges		6,796
Total	\$	306,307
Total Authorized Full-Time Positions	0	

COUNCIL CONTINGENCY

Contingency	\$	225,000
Total	\$	225,000
Total Authorized Full-Time Positions		

EXECUTIVE CONTINGENCY

Contingency	\$	419,604
Total	\$	419,604
Total Authorized Full-Time Positions		

PERSONNEL CONTINGENCY

Contingency	\$	455,000
Total	\$	455,000
Total Authorized Full-Time Positions		

BENEFITS CONTINGENCY

Contingency	\$	2,250,000
Total	\$	2,250,000
Total Authorized Full-Time Positions		

ATTRITION CONTINGENCY

Personal Services - Salaries and Wages	\$	(6,107,378)
Personal Services - Employee Benefits	\$	(3,442,422)
Total	\$	(9,549,800)
Total Authorized Full-Time Positions		

ONE-TIME CONTINGENCY

Contingency	\$	1,156,231
Total	\$	1,156,231

EXHIBIT A6

NEW CASTLE COUNTY

Salaries and Wages		\$	147,269,406
Benefits			80,231,803
Training and Civic Affairs			761,709
Communication and Utilities			38,604,720
Materials and Supplies			8,310,609
Contractual Services			27,594,741
Equipment			2,713,145
Grants and Fixed Charges	20,795,535		<u>21,095,535</u>
Debt Service			47,892,496
Land and Structures			35,000
Contingency			4,560,835
Operating Transfer Charges			17,777,810
Operating Transfer Credits			(22,164,223)
Sub-Total New Castle County	374,383,586	\$	<u>374,683,586</u>
Total Authorized Full-Time Positions	1,684		

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF SEPTEMBER 9, 2025 (UNAUDITED)

Tax Stabilization Reserve Account	42,609,374	<u>42,309,374</u>
Sewer Rate Stabilization Reserve Account		10,355,693
General Fund Budget Reserve Account		46,910,980
Sewer Fund Budget Reserve Account		19,038,698
Total Reserves:	<u>118,914,745</u>	<u>118,614,745</u>

RESOLUTION NO. 25-178

**HONORING THE LIFE AND LEGACY OF
MRS. SUZANNE BURNETTE MCMURRAY**

1 **WHEREAS**, Suzann Burnette McMurray was born on March 25, 1949, to the late Gloria
2 and Robert Sturdivant; and
3

4 **WHEREAS**, Suzanne was a remarkable individual, she embarked on her journey of
5 dedication and service to Special Education for nearly four decades of uplifting children,
6 families, and communities through education and advocacy; and
7

8 **WHEREAS**, Suzanne earned both her bachelor's degrees in special education and her
9 master's degree in education with a focus on Curriculum and Instruction from Delaware State
10 University. She worked diligently to inspire early education for children; it was crucial. Her
11 unwavering pursuit of knowledge culminated in the attainment of her leadership roles, such as
12 Director of New Castle County Summer Food Program, Deputy Director at Hilltop Lutheran
13 Neighborhood Center, Supervisor of Early Childhood Assistance Program, Delaware Early
14 Childhood Center, and the State Director of Head Start with Collaboration within the New Jersey
15 Department of Education. Through each role, Suzanne became a champion for the cause of
16 Justice and Civil Liberties for our children, their family and civic communities; and
17

18 **WHEREAS**, Suzanne's profound commitment to fairness and social justice, fueled by
19 her compassionate spirit, compelled her to rise higher for esteemed positions with the Delaware
20 Head Start Association, Wilmington Healthy Start, Citizen Education Advisory Council,
21 Delaware State PTA Regional Vice Chairman, and the State Board of Education Desegregation
22 Advisory Committee; and
23

24 **WHEREAS**, Suzanne is lovingly remembered by her devoted husband, Dr. George
25 McMurray, her daughters, Jennifer and Monica; Son in-law Brian; and her heart overflowed for
26 her two grandchildren, Leorna and Prescott; Sisters, Aprylle and Charmaine; Brother in-law
27 Sam and her ex-husband Major Allen Burnette; and
28

29 **WHEREAS**, Suzanne's affiliations encompassed the Delaware Education of Young
30 Children, National Alliance of Black School Education, a proud active member of Alpha Kappa
31 Alpha Sorority, the NAACP, and was a current member of Epsilon Iota Omega Chapter of
32 Dover, Delaware. Her selfless dedicated service awarded her the Christiana Board of Education
33 Outstanding Citizen Award.
34

35 **NOW THEREFORE, BE IT RESOLVED** by the County Council of New Castle County
36 that Council hereby honors the life and legacy of Mrs. Suzanne Burnette McMurray and extends
37 its deepest sympathy to her family and friends accordingly.

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: There is no discernible impact upon the adoption of this resolution.

RESOLUTION NO. 25-179

**CELEBRATING *PEACE WEEK DELAWARE* AND ITS MISSION TO FOSTER A
CULTURE OF PEACE AND JUSTICE**

1 **WHEREAS**, *Peace Week Delaware* is a statewide, volunteer-led nonprofit initiative
2 whose mission is “to foster a culture of peace and justice throughout the State by
3 celebrating the work of peacemakers in our communities”; and
4

5 **WHEREAS**, from October 11-19, 2025, *Peace Week Delaware* will host a series of
6 free, nonpartisan events and actions across the State to raise awareness, inspire
7 collective action, and build connections among individuals and organizations committed
8 to nonviolence, justice, and cooperation, and
9

10 **WHEREAS**, *Peace Week Delaware* was founded in 2016 by members of the
11 Movement for a Culture of Peace, uniting diverse community groups, faith organizations,
12 and nonprofits; and
13

14 **WHEREAS**, the inaugural *Peace Week* included 41 events spread across all three
15 Counties of Delaware, and subsequent years have expanded participation, deepened
16 collaboration, strengthened community bonds, and amplified voices for justice is peace;
17 and
18

19 **WHEREAS**, *Peace Week Delaware* is celebrating its 10th Anniversary by planting 10
20 new Peace Poles throughout the state of Delaware, linking local peacemaking efforts with
21 peacemakers around the world; and
22

23 **WHEREAS**, *Peace Week Delaware*, in collaboration with over 30 participating
24 organizations has shown by example how a commitment to peace through camaraderie
25 is achievable when proper effort is instilled; and
26

27 **WHEREAS**, New Castle County reaffirms its encouragement of education, initiative
28 action, and collaboration in the name of peace in which *Peace Week Delaware* continues
29 to harbor.
30

31 **NOW, THEREFORE, BE IT RESOLVED**, by and for the County Council of New
32 Castle County that County Council hereby honors and celebrates the contributions of
33 *Peace Week Delaware*, and hereby proclaims the week of October 11-19, 2025 as *Peace*
34 *Week Delaware*, expressing gratitude for their relentless efforts in promoting harmony and
35 security in our County.

Adopted by County Council
of New Castle County on:

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

SYNOPSIS: Same as title.

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

Prime Sponsor(s): Ms. Williams-Johns
Requested by: Administration/HR
Date of introduction: October 14, 2025

RESOLUTION NO. 25-180

**APPROVING REVISED CLASS SPECIFICATION ASSISTANT COUNTY ATTORNEY
II PURSUANT TO NEW CASTLE COUNTY CODE SECTION 26.03.105(F)**

1 **WHEREAS**, the *New Castle County Code*, Section 26.03.105 (F), mandates that
2 any change in a position description for a position in either the classified or unclassified
3 service at a pay grade of 28 or above shall be submitted to the County Council for its
4 approval before the change may take effect; and
5

6 **WHEREAS**, the Human Resources Advisory Board at its meeting on September
7 4, 2025, recommended the revisions to the class specifications for the position title of
8 Assistant County Attorney II; and
9

10 **WHEREAS**, the Chief Human Resources Officer concurs with the
11 recommendation of the Human Resources Advisory Board.
12

13 **NOW, THEREFORE, BE IT RESOLVED** by and for the Council of New Castle
14 County that County Council hereby approves the revised class specification for the
15 position of Assistant County Attorney II as set forth in "Exhibit A."

Adopted by the County Council of
New Castle County on:

Monique Williams-Johns
President of County Council
New Castle County

SYNOPSIS: This Resolution updates the class specification for the position of Assistant County Attorney II. A new date will be assigned to the specification to designate when the changes were made in accordance with the *New Castle County Code*. This change was reviewed and recommended by the Human Resources Advisory Board at their meeting on September 4, 2025. The Chief Human Resources Officer concurs with their recommendation.

FISCAL IMPACT: There will be no discernable fiscal impact upon the adoption of this Resolution.

Acknowledged by the Chief Financial Officer September 6, 2025.

NEW CASTLE COUNTY GOVERNMENT

Number 1553

Page 1 of 1

Date 07/15/08

CLASS SPECIFICATION

Title: ASSISTANT COUNTY ATTORNEY II

Approved:

GENERAL STATEMENT OF DUTIES: Performs specialized professional and confidential legal work for New Castle County; performs legal work as required by the County Attorney, County Solicitor, First Assistant County Attorney, or their designee(s) and as required by the assigned area of expertise; and assumes an increasing leadership role.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class independently performs responsible and confidential specialized legal work involving advice, assistance and representation and recommends improvements to business or legal processes of New Castle County. Also prepares and argues the County's position in litigation, provides legal counsel to departments and agencies as required, and conducts legal research in areas as assigned by the County Attorney, ~~or~~ County Solicitor, First Assistant County Attorney, or their designee.

EXAMPLES OF WORK: (Illustrative Only)

- Provides legal advice and assistance;
- Represents New Castle County on assigned matters;
- Works with assigned department to implement training;
- Conducts research, handles litigation, drafts legal documents and performs other legal work required for area(s) of representation or as assigned by the supervising attorney;
- Represents boards or commissions as assigned;
- Functions as lead counsel on more significant cases;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service;
- Operates a personal computer and other related equipment in the course of work.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES: Excellent legal research and writing skills; excellent interpersonal skills and the ability to independently interact with and advise department managers and employees; knowledge of government law; knowledge of current board and court rules and the rules of evidence and procedure; ability to communicate courteously and effectively both verbally and in writing; ability to interpret and apply laws, ordinances, policies and procedures.

MINIMUM QUALIFICATIONS: ~~At least five (5) years of progressively responsible experience in the field of law, to include at least three (3) years of prior work with New Castle County; at least three (3) years experience in litigation before courts or administrative boards, or other cumulatively comparable experience; graduation from an accredited law school; and membership in good standing in the Delaware Bar.~~ At least five (5) years admission to the Delaware Bar and consistently responsive and responsible experience in the field of law, including substantial and meaningful experience in directly litigating or managing litigation before courts or administrative boards, or other cumulatively comparable experience; graduation from an accredited law school; and current membership in good standing in the Delaware Bar.

ADDITIONAL QUALIFICATIONS: Ability to pass a Class III County physical examination and background check.

HISTORY OF REVISIONS:
Established: 07/15/08

Prime Sponsor(s): Ms. Kilpatrick
Requested by: Department of Land Use
Date of introduction: October 14, 2025

RESOLUTION NO. 25-181

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:

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.

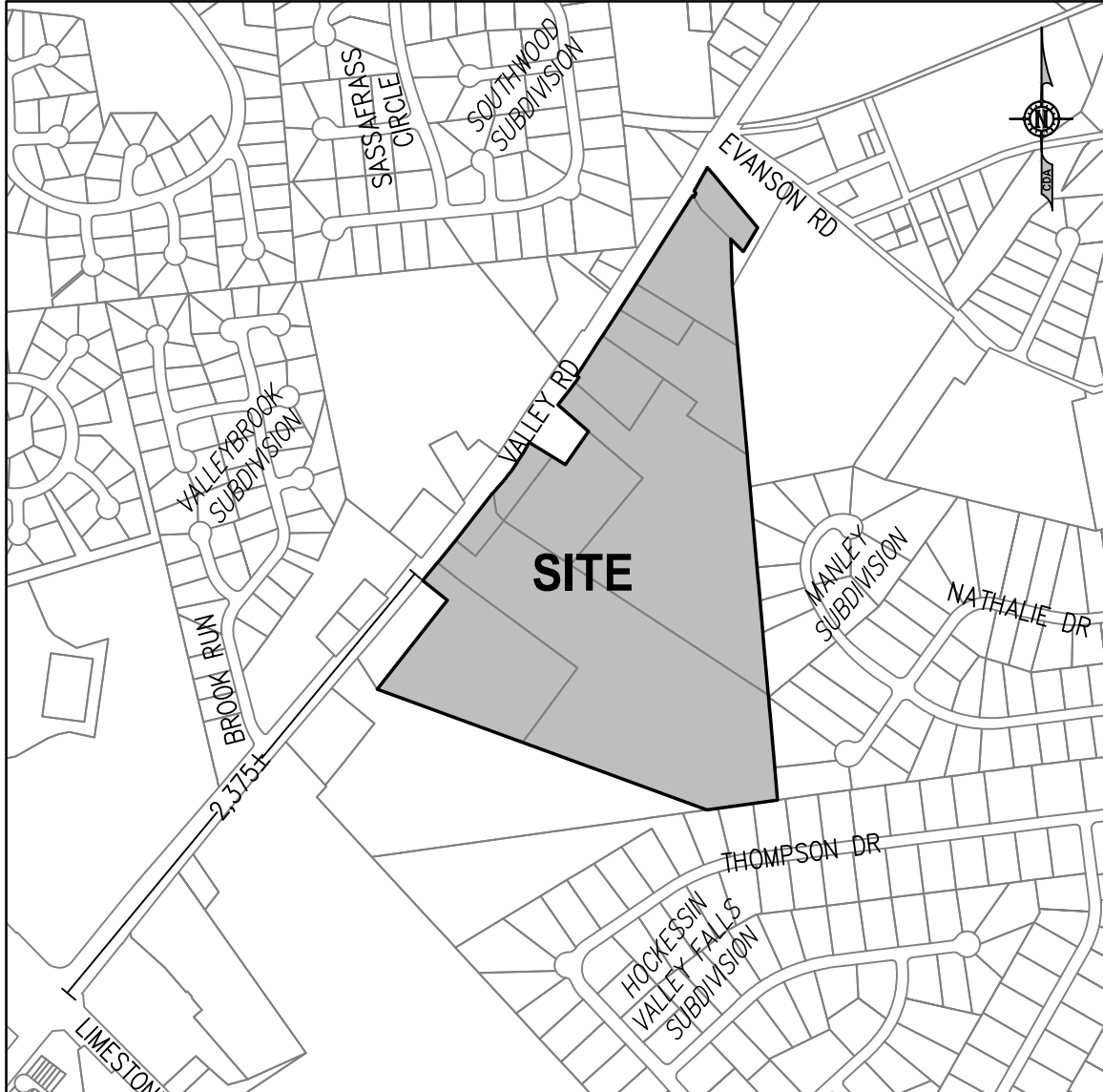
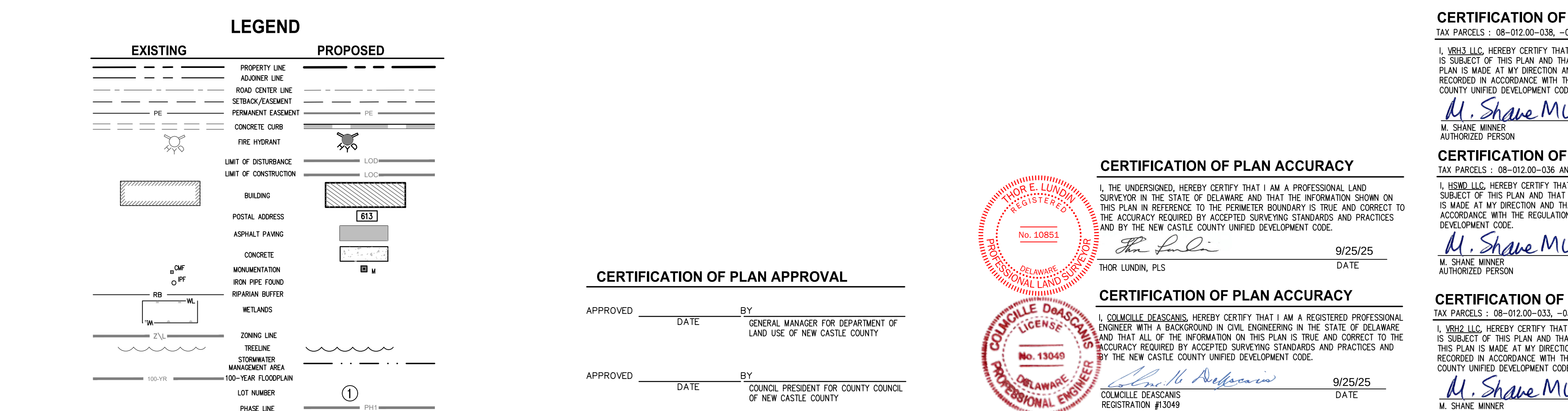
cc: Marcus Henry, County Executive
Mona Parikh, Chief Administrative Officer

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.

3. LIMIT OF DISTURBANCE: 29.15± ACRES
4. DEBRIS DISPOSAL: NO DEBRIS SHALL BE BURIED ON THE SITE.
5. IMPACT FEES: THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 COUNTY CODE, AS MAY BE AMENDED BY NEW CASTLE COUNTY COUNCIL.
6. LANDSCAPE PLAN: A LANDSCAPE PLAN, PREPARED BY DESIGNS, ETC., LAST DATED 9/11/2015, OR AS AMENDED BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE PLAN.



LOCATION MAP
NCC ZONING MAP #13

SCALE: 1"=800'

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 RECORDED	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
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SCALE: 1" = 150'

DATE: SEPTEMBER 24, 2025

0' 75' 150' 300'

1" = 150'

APPLICATION # 2021-0695

LOCKESSIN STATION

PROGRESSIN STATION

RECORD

MAJOR SUBDIVISION PLAN

MILL CREEK HUNDRED NEW CASTLE COUNTY DELAWARE

RECORD

DRAWING TITLE: **MAJOR SUBDIVISION PLAN**

DRAWING NUMBER: REC-01

Page 90 of 1

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. TO CONTROL FOR CONSTRUCTION ACTIVITIES TO EXACERBATE THE POTENTIAL FOR SUBSIDENCE, THE REPORT RECOMMENDS: - DIRECT STORMWATER AWAY FROM BUILDINGS, PARKING AREAS, AND OTHER STRUCTURES; - LIMIT STORMWATER RECHARGE FACILITIES TO UNDEVELOPED AREAS; - TREAT RUNOFF FOR QUALITY MANAGEMENT PRIOR TO RECHARGE; - MAINTAIN THE EXISTING COVERAGE OF LOW-PERMEABILITY SOILS OVER THE CARBONATE SAND; - LIMIT THE TIMEFRAME THAT EXCAVATIONS ARE LEFT OPEN AND DIVERT RUNOFF FROM OPEN EXCAVATIONS; - USE LOW-PERMEABILITY SOILS FOR BACKFILL NEAR/AGAINST STRUCTURES; - NO STORAGE, MAINTENANCE, USE OR SALE OF HAZARDOUS SUBSTANCES AS REQUIRED BY UDC DIVISION 40.10.600. - IF SHIMHOLES ARE ENCOUNTERED DURING CONSTRUCTION, A GEOTECHNICAL ENGINEER SHOULD IMMEDIATELY BE NOTIFIED SO THAT RECOMMENDATIONS CAN BE PROVIDED REGARDING HOW TO PROCEED.
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.	50. ENVIRONMENTAL COVENANT:	AN ENVIRONMENTAL COVENANT WAS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY ON 7/19/2018 AT INSTRUMENT #20180718-0026193 CONCERNING TAX PARCELS #08-012.00-033, 08-012.00-073, AND 08-012.00-034. SEE ENVIRONMENTAL COVENANT FOR LIMITATIONS TO GROUNDWATER WITHDRAWAL AND GROUND DISTURBANCE AND FOR COMPLIANCE WITH CONTAMINATION MATERIALS MANAGEMENT PLAN AND LONG TERM STEWARDSHIP PLAN, OR AS AMENDED LATER BY DNREC.
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.	51. HISTORIC REVIEW BOARD:	THE NEW CASTLE COUNTY HISTORIC REVIEW BOARD RECOMMENDED CONDITIONAL APPROVAL FOR APPLICATION #2022-0209-H ON JUNE 7, 2022, WITH THE FOLLOWING CONDITIONS: 1. PROVIDE AN INTERPRETIVE SIGN A MINIMUM OF 2'X2' IN SIZE ALONG THE SHARED USE PATH ADJACENT TO VALLEY ROAD THAT IS ACCESSIBLE TO THE PUBLIC REGARDING THE HISTORIC SIGNIFICANCE OF THE SITE AS IT RELATES TO THE BELTON (BULLAH) V. GEBHART CASE. 2. THE OWNER IS ENCOURAGED TO REFURBISH THE BARN STRUCTURE. IF THE BARN STRUCTURE IS DEMOLISHED AND AN ACCESSORY STRUCTURE IS TO BE CONSTRUCTED, IT SHALL BE REQUIRED TO BE BUILT WITH SIMILAR LOCATION, MATERIALS AND DESIGN TO THE PHASE 1 BLOCK OF THE EXISTING BARN. IN ADDITION, THE SPIGOT SHALL BE PLACED IN ITS ORIGINAL POSITION, WHICH IS AT THE BARN. 3. PROVIDE MEASURED DRAWINGS AND DOCUMENTATION OF THE EXISTING COMPLEX STRUCTURES, INCLUDING THE DWELLING INTERIOR, IN ACCORDANCE WITH THE HISTORIC AMERICAN BUILDINGS SURVEY (HABS) AS REQUIRED BY SECTION 40.15.310.B.2 OF THE NEW CASTLE COUNTY CODE. 4. PROVIDE A SCHEDULE FOR LONG TERM MAINTENANCE THAT INCLUDES THE FREQUENCY OF INSPECTIONS TO BE COMPLETED BY THE PROPERTY OWNER AS REQUIRED BY SECTION 40.15.310.B.3.C OF THE NEW CASTLE COUNTY CODE. 5. PROVIDE A LANDSCAPE DESIGN THAT PROVIDES AN OPEN VIEW OF THE HOUSE AND SITE FROM THE SHARED USE PATHWAY AND THE ROAD.
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.	52. PRESERVATION PLAN:	A PRESERVATION PLAN, DATED JULY 21, 2025, AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT #20250903-0063084, WAS PREPARED FOR THE HISTORIC RESOURCES ON THE SUBJECT PROPERTY BASED ON HISTORIC REVIEW BOARD APPLICATION #2022-0209-H. A. THE DEVELOPER MUST PROVIDE A PERFORMANCE GUARANTEE IN THE AMOUNT OF TWENTY (20) PERCENT OF THE AGGREGATE COST ESTIMATE CONTAINED IN THE PRESERVATION PLAN FOR THE SHORT-TERM MAINTENANCE AND RESTORATION OF THE EXISTING HISTORIC RESOURCE(S). SEE THE SHORT-TERM MAINTENANCE AND RESTORATION AGREEMENT DATED 9/25/25, AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT # 20250925-0069022. B. THE DEVELOPER MUST COMPLETE THE SHORT-TERM MAINTENANCE OBLIGATIONS CONTAINED IN THE PRESERVATION PLAN PRIOR TO THE DEPARTMENT ISSUING THE FIRST DWELLING UNIT PERMIT. C. THE DEVELOPER MUST COMPLETE THE RESTORATION OBLIGATIONS CONTAINED IN THE PRESERVATION PLAN PRIOR TO THE ISSUANCE OF FIFTY (50) PERCENT OF THE DWELLING UNIT PERMITS. D. ANY CHANGES TO THE PRESERVATION PLAN MUST RECEIVE APPROVAL FROM THE HISTORIC REVIEW BOARD.
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.	53. MPOU STAGING PLAN:	A STAGING PLAN, DATED 9/17/25, PREPARED BY CDA ENGINEERING, INC. OR AS LATER AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE RECORD PLAN.
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.		
35. VOLUNTARY SCHOOL ASSESSMENT:			
36. CONSERVATION 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 PURPOSES OF INSPECTING, EVALUATING AND MAINTAINING THE STORMWATER MANAGEMENT FACILITIES AND WATERCOURSES. THE EASEMENT SHALL EXTEND 15' FROM THE OUTER EDGES OF EACH SUCH STORMWATER MANAGEMENT FACILITY. A GENERAL ACCESS EASEMENT IS HEREBY CREATED OVER AND ACROSS THE PROPERTY SHOWN ON THIS PLAN GRANTING NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS THE RIGHT, PRIVILEGE, AND AUTHORITY TO ENTER UPON AND TRAVEL ACROSS THE PROPERTY TO EACH STORMWATER MANAGEMENT FACILITY. THE EASEMENTS HEREIN CREATED SHALL BE FOR PEDESTRIAN, VEHICULAR AND EQUIPMENT USE. IF NEW CASTLE COUNTY, ITS AGENTS OR ASSIGNS DETERMINES THAT MAINTENANCE IS REQUIRED TO A STORMWATER MANAGEMENT FACILITY, NEW CASTLE COUNTY SHALL PROVIDE NOTICE OF THE REQUIRED MAINTENANCE AND THE TIME FRAME IN WHICH SUCH MAINTENANCE SHALL BE COMPLETED TO THE PROPERTY OWNER OR RESPONSIBLE PARTY. NO NOTICE SHALL BE REQUIRED WHERE NEW CASTLE COUNTY PERFORMS MAINTENANCE WHERE THERE IS IMMINENT THREAT TO LIFE, HEALTH OR PROPERTY. IN THE EVENT NEW CASTLE COUNTY ELECTS TO MAINTAIN THE STORMWATER MANAGEMENT FACILITIES, ALL EXPENSES SHALL BE ASSESSED JOINTLY AND SEVERALLY AGAINST THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN.		
37. SIM. MAINTENANCE FUND:	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.		
38. SIM. 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 PURPOSES OF INSPECTING, EVALUATING AND MAINTAINING THE STORMWATER MANAGEMENT FACILITIES AND WATERCOURSES. THE EASEMENT SHALL EXTEND 15' FROM THE OUTER EDGES OF EACH SUCH STORMWATER MANAGEMENT FACILITY. A GENERAL ACCESS EASEMENT IS HEREBY CREATED OVER AND ACROSS THE PROPERTY SHOWN ON THIS PLAN GRANTING NEW CASTLE COUNTY, ITS AGENTS AND ASSIGNS THE RIGHT, PRIVILEGE, AND AUTHORITY TO ENTER UPON AND TRAVEL ACROSS THE PROPERTY TO EACH STORMWATER MANAGEMENT FACILITY. THE EASEMENTS HEREIN CREATED SHALL BE FOR PEDESTRIAN, VEHICULAR AND EQUIPMENT USE. IF NEW CASTLE COUNTY, ITS AGENTS OR ASSIGNS DETERMINES THAT MAINTENANCE IS REQUIRED TO A STORMWATER MANAGEMENT FACILITY, NEW CASTLE COUNTY SHALL PROVIDE NOTICE OF THE REQUIRED MAINTENANCE AND THE TIME FRAME IN WHICH SUCH MAINTENANCE SHALL BE COMPLETED TO THE PROPERTY OWNER OR RESPONSIBLE PARTY. NO NOTICE SHALL BE REQUIRED WHERE NEW CASTLE COUNTY PERFORMS MAINTENANCE WHERE THERE IS IMMINENT THREAT TO LIFE, HEALTH OR PROPERTY. IN THE EVENT NEW CASTLE COUNTY ELECTS TO MAINTAIN THE STORMWATER MANAGEMENT FACILITIES, ALL EXPENSES SHALL BE ASSESSED JOINTLY AND SEVERALLY AGAINST THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN.		
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. MPOUs 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 MPOUs; 2. FIFTY (50) PERCENT PENDING THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR TWENTY-FIVE (25) PERCENT (6 UNITS) OF THE MPOUs; 3. SEVENTY-FIVE (75) PERCENT PENDING THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR FIFTY (50) PERCENT (11 UNITS) OF THE MPOUs; AND 4. NINETY (90) PERCENT PENDING THE ISSUANCE OF ONE HUNDRED (100) PERCENT (22 UNITS) OF BUILDING PERMITS FOR MPOUs.		
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 #2022-0208-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.B); 4) TO PROVIDE A 0.0 BUFFERYARD OPACITY ALONG THE EASTERLY PROPERTY LINE (0.3 OPACITY REQUIRED PER UDC TABLE 40.04.111.B); 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.A). 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 #2024-0208-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.		
45. ACTIVE RECREATION:	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.		
46. SEWER EASEMENT:	UNLESS OTHERWISE DESCRIBED BY METES AND BOUNDS, OR BY MATHEMATICAL REFERENCE TO A PROPERTY LINE, A 40' WIDE PERMANENT EASEMENT, 20' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE IN UNPAVED AREAS AND IS OUTSIDE OF A DEDICATED PUBLIC ROW. A 20' WIDE PERMANENT EASEMENT, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER PIPE IS DESIGNATED FOR PUBLIC USE IN PRIVATELY MAINTAINED PAVED AREAS, SUCH AS PARKING LOTS, PRIVATE STREETS OR DRIVEWAYS. IF THE CONSTRUCTED HORIZONTAL SEWER MAIN LOCATION DEVIATES BY MORE THAN 2.5' FROM THE DESIGN LOCATION, THE PROJECT MAY BE SUBJECT TO A RESUBDIVISION PLAN OR PIPE LOCATION AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.		
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.E). THE LOWEST FLOOR SHALL BE CONSTRUCTED A MINIMUM OF 2- FEET ABOVE THE SHWT (NCCG §12.03.003.)		

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

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

APPLICATION # 2021-0695

HOCKESSIN STATION

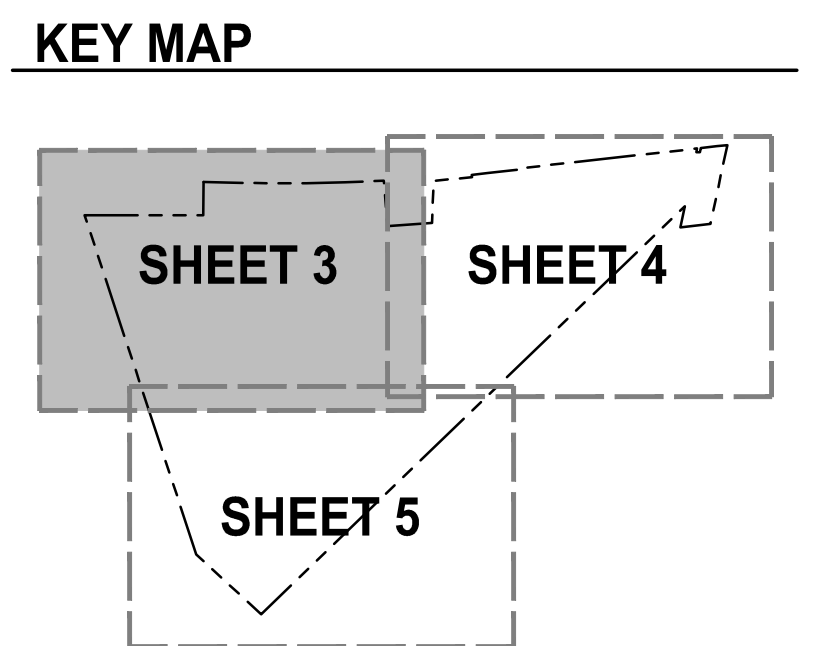
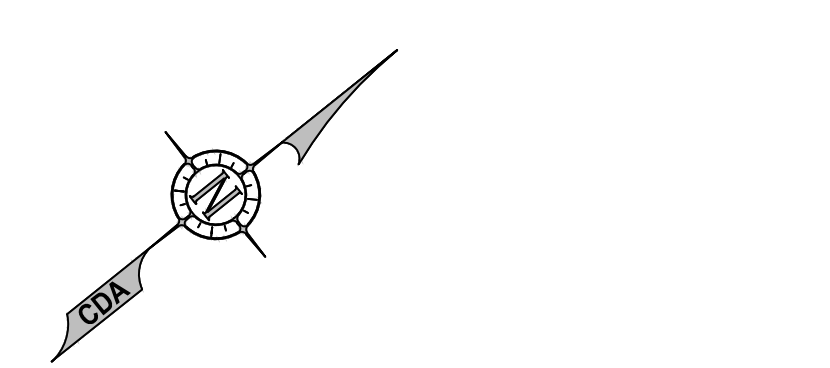
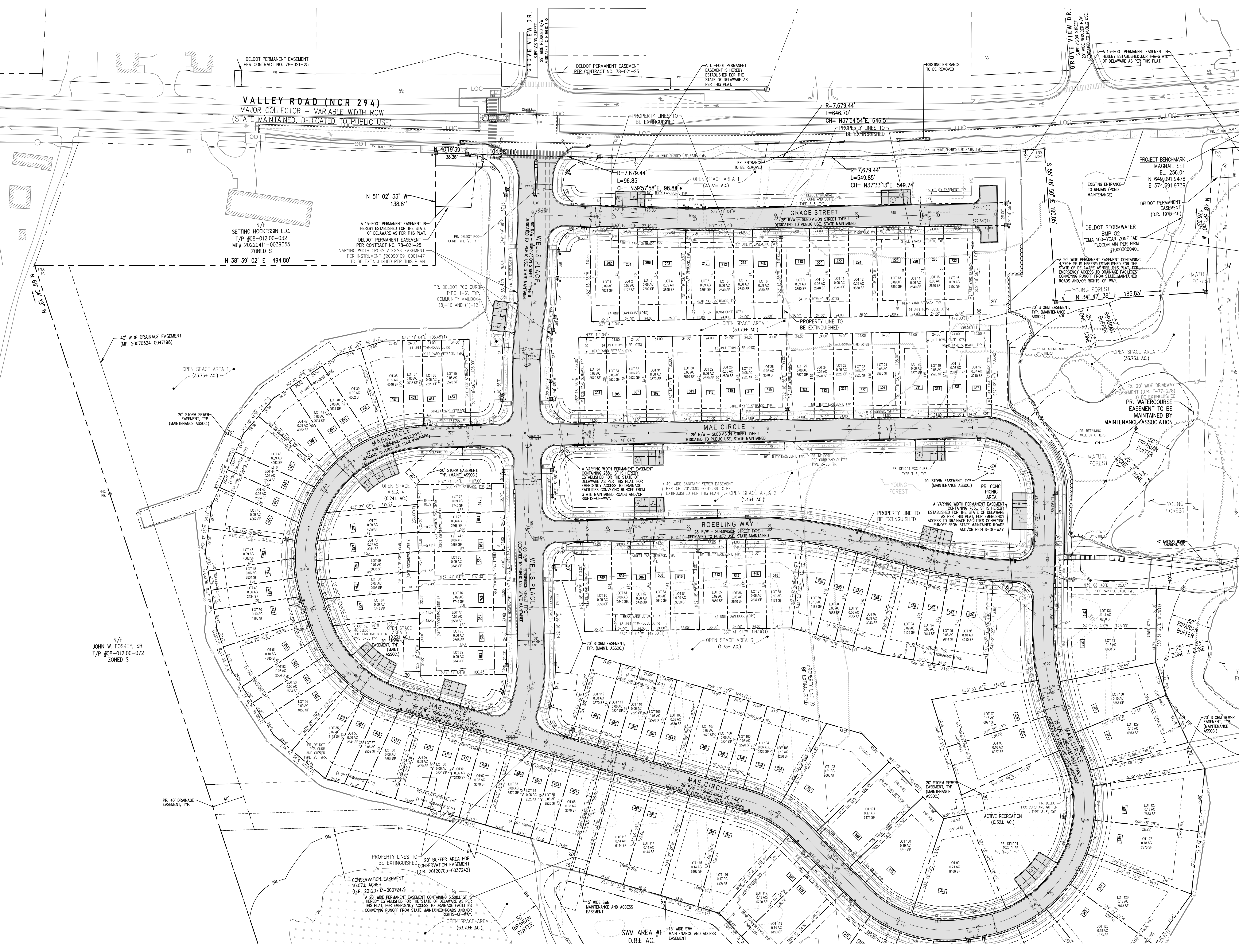
RECORD
MAJOR SUBDIVISION PLAN

MILL CREEK HUNDREDNEW CASTLE COUNTYDELAWARE

RECORD
MAJOR SUBDIVISION PLAN

DRAWING TITLE:

DRAWING NUMBER:

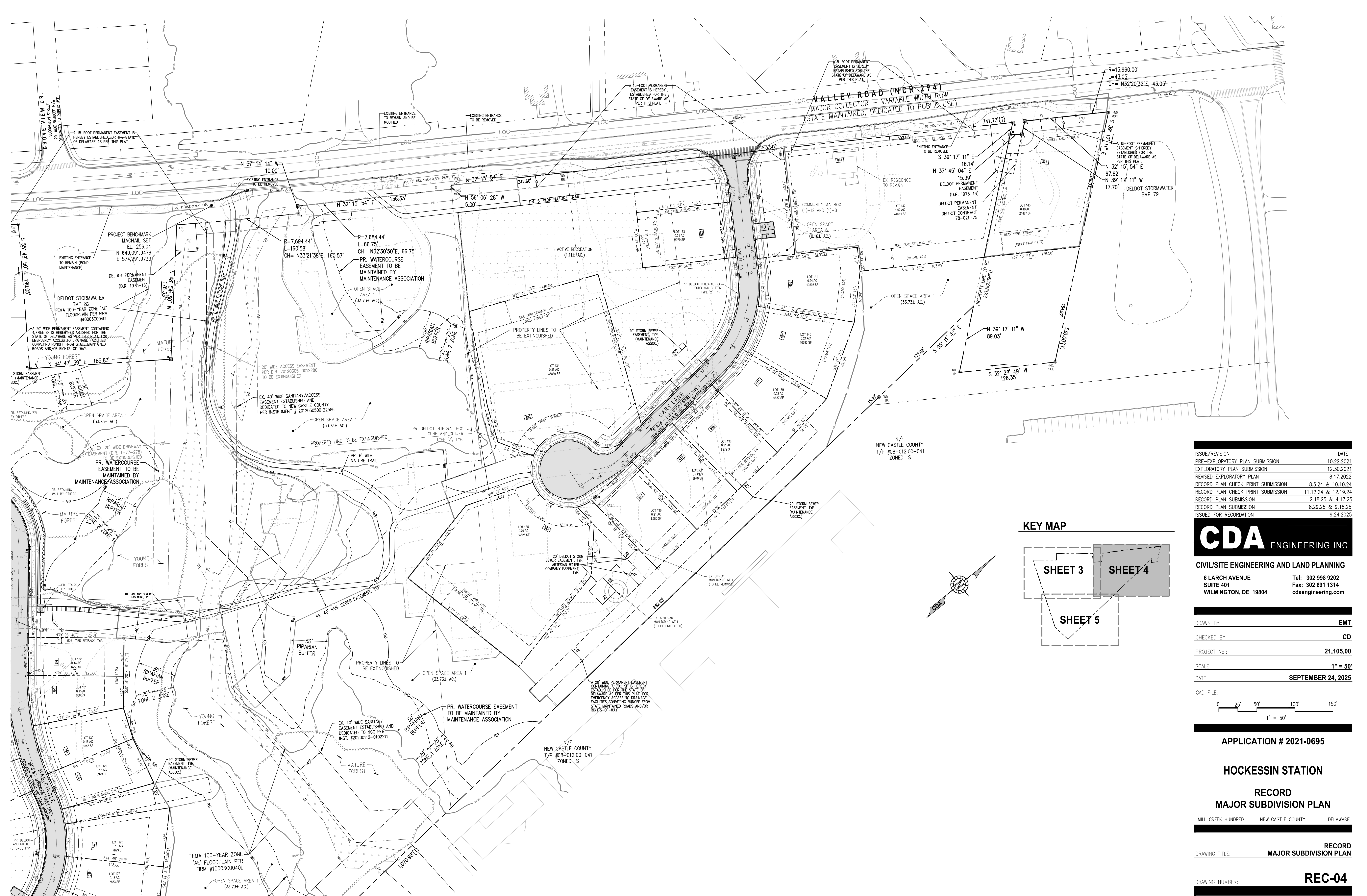


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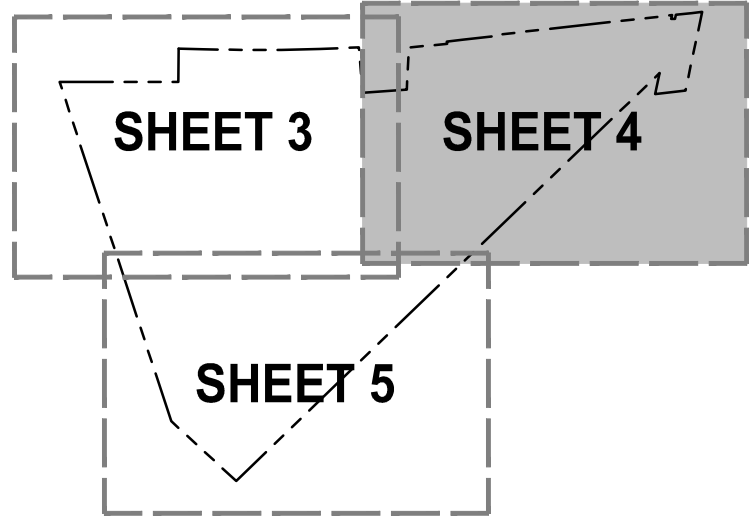
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APPLICATION # 2021-0695
HOCKESSIN STATION
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MAJOR SUBDIVISION PLAN
MILL CREEK HUNDRED NEW CASTLE COUNTY DELAWARE
RECORD
MAJOR SUBDIVISION PLAN
DRAWING TITLE:
DRAWING NUMBER:
REC-03



KEY MAP



ISSUE/REVISION	DATE
PRE-EXPLORATORY PLAN SUBMISSION	10.22.2021
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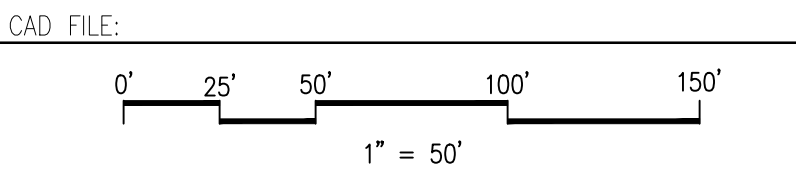
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APPLICATION # 2021-0695

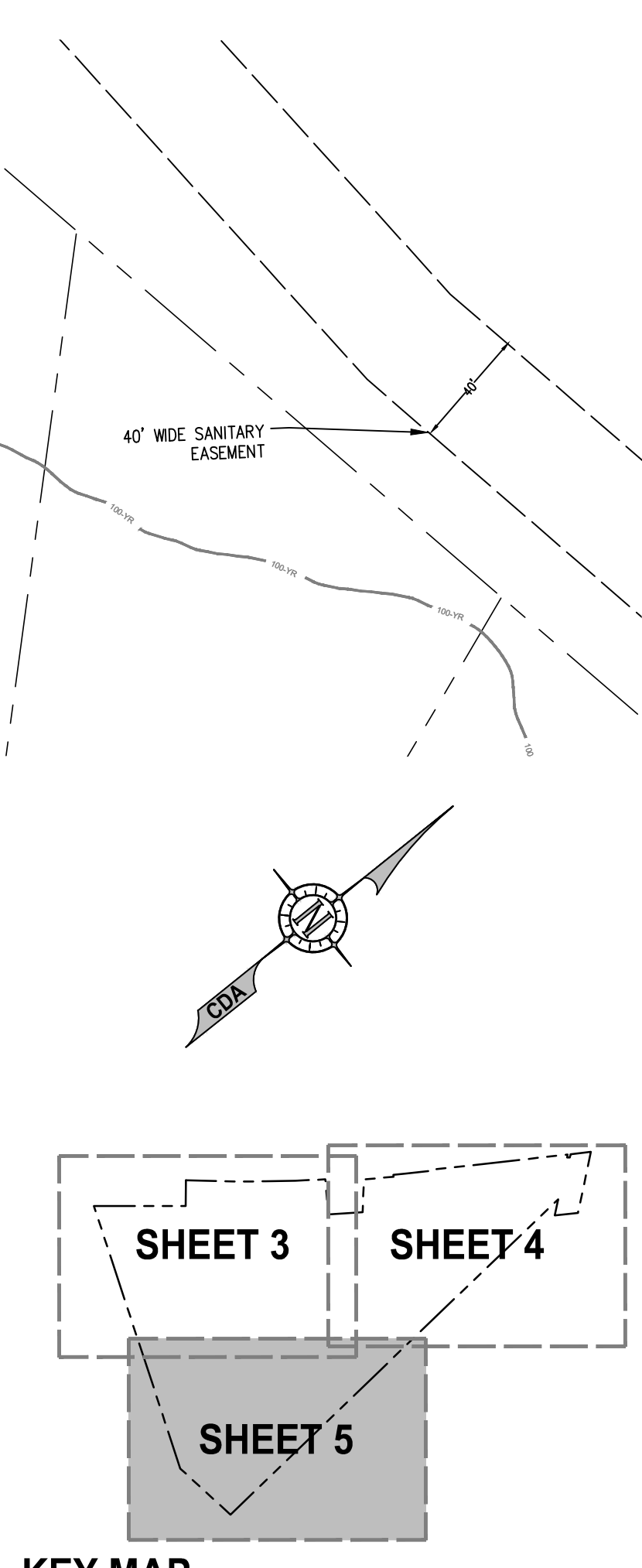
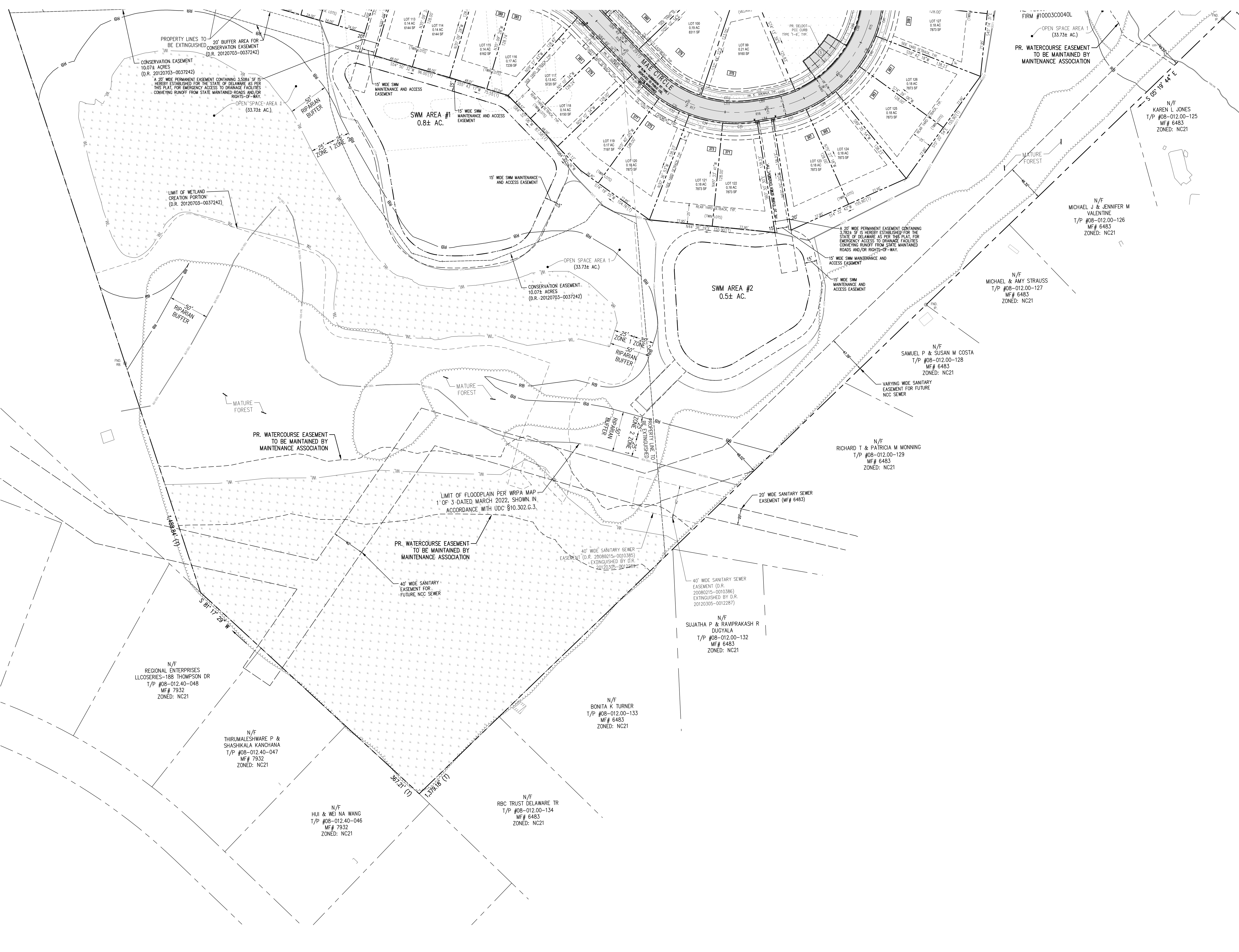
HOCKESSIN STATION

RECORD
MAJOR SUBDIVISION PLAN

MILL CREEK HUNDRED NEW CASTLE COUNTY DELAWARE

DRAWING TITLE: RECORD
MAJOR SUBDIVISION PLAN

DRAWING NUMBER: REC-04



ISSUE/REVISION	DATE
PRE-EXPLORATORY PLAN SUBMISSION	10.22.2021
EXPLORATORY PLAN SUBMISSION	12.30.2021
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RECORD PLAN SUBMISSION	8.29.25 & 9.18.25
ISSUED FOR RECORDATION	9.24.2025

CDA

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DRAWN BY:

EMT

CHECKED BY:

CD

PROJECT No.:

21.105.00

SCALE:

1" = 50'

DATE:

SEPTEMBER 24, 2025

CAD FILE:

0' 25' 50' 100' 150'

1" = 50'

APPLICATION # 2021-0695

HOCKESSIN STATION

RECORD
MAJOR SUBDIVISION PLAN

MILL CREEK HUNDREDNEW CASTLE COUNTYDELAWARE

DRAWING TITLE:RECORD
MAJOR SUBDIVISION PLAN

DRAWING NUMBER:REC-05

Line Table			Line Table			Line Table		
Line #	Length	Direction	Line #	Length	Direction	Line #	Length	Direction
L1	114.14'	N52° 18' 56"W	L21	105.00'	S52° 18' 56"E	L41	106.77'	N05° 26' 11"E
L2	113.09'	N53° 18' 56"W	L22	105.00'	S52° 18' 56"E	L42	112.95'	N02° 00' 31"W
L3	112.05'	N52° 18' 56"W	L23	105.00'	S52° 18' 56"E	L43	107.74'	N27° 00' 31"W
L4	110.00'	N52° 18' 56"W	L24	105.00'	S52° 18' 56"E	L44	106.07'	N27° 00' 31"W
L5	110.00'	N52° 18' 56"W	L25	105.00'	S52° 18' 56"E	L45	105.00'	N35° 09' 28"W
L6	110.00'	N52° 18' 56"W	L26	105.00'	S52° 18' 56"E	L46	105.00'	N35° 09' 28"W
L7	110.00'	N52° 18' 56"W	L27	105.00'	S52° 18' 56"E	L47	105.00'	N35° 09' 28"W
L8	110.00'	N52° 18' 56"W	L28	105.00'	S52° 18' 56"E	L48	105.00'	N35° 09' 28"W
L9	110.00'	N52° 18' 56"W	L29	106.90'	S52° 18' 56"E	L49	105.00'	N35° 09' 28"W
L10	110.00'	N52° 18' 56"W	L30	106.77'	S84° 57' 13"E	L50	105.00'	N35° 09' 28"W
L11	110.00'	N52° 18' 56"W	L31	105.00'	S84° 57' 13"E	L51	117.50'	S33° 32' 08"W
L12	110.00'	N52° 18' 56"W	L32	106.77'	S84° 57' 13"E	L52	123.84'	S33° 32' 08"W
L13	105.00'	S52° 18' 56"E	L33	106.77'	N62° 36' 05"E	L53	126.10'	S33° 32' 08"W
L14	105.00'	S52° 18' 56"E	L34	105.00'	N62° 36' 05"E	L54	124.06'	S33° 32' 08"W
L15	105.00'	S52° 18' 56"E	L35	106.77'	N62° 36' 05"E	L55	107.00'	N37° 41' 04"E
L16	105.00'	S52° 18' 56"E	L36	106.77'	N30° 09' 23"E	L56	107.00'	N37° 41' 04"E
L17	105.00'	S52° 18' 56"E	L37	105.00'	N30° 09' 23"E	L57	107.00'	N37° 41' 04"E
L18	105.00'	S52° 18' 56"E	L38	106.77'	N30° 09' 23"E	L58	107.00'	N37° 41' 04"E
L19	105.00'	S52° 18' 56"E	L39	106.77'	N05° 26' 11"E	L59	107.00'	N37° 41' 04"E
L20	105.00'	S52° 18' 56"E	L40	105.00'	N05° 26' 11"E	L60	107.00'	N37° 41' 04"E

Line Table			Line Table		
Line #	Length	Direction	Line #	Length	Direction
L61	110.00'	N52° 18' 56"W	L81	105.00'	S35° 09' 28"E
L62	110.00'	N52° 18' 56"W	L82	15.97'	N44° 37' 03"W
L63	110.00'	N52° 18' 56"W	L83	33.18'	S69° 34' 19"E
L64	110.00'	N52° 18' 56"W	L84	20.00'	S29° 29' 30"W
L65	110.00'	N52° 18' 56"W	L85	15.97'	S44° 37' 03"E
L66	110.00'	N52° 18' 56"W	L86	33.25'	S49° 49' 36"E
L67	109.52'	N52° 18' 56"W	L87	33.18'	S69° 34' 19"E
L68	110.31'	N36° 38' 35"W	L88	29.03'	S50° 51' 20"E
L69	111.41'	N36° 38' 35"W	L89	20.00'	S29° 29' 30"W
L70	112.13'	N36° 38' 35"W			
L71	110.53'	N41° 09' 25"W			
L72	109.97'	N41° 09' 25"W			
L73	110.93'	N41° 09' 25"W			
L74	105.51'	S35° 09' 28"E			
L75	105.00'	S35° 09' 28"E			
L76	105.00'	S35° 09' 28"E			
L77	105.00'	S35° 09' 28"E			
L78	105.00'	S35° 09' 28"E			
L79	105.00'	S35° 09' 28"E			
L80	105.00'	S35° 09' 28"E			

Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord Length
C1	78.41'	50.00'	S85° 15' 01"W	70.62
C2	71.21'	530.00'	N48° 28' 00"W	71.16
C3	47.12'	30.00'	N07° 18' 56"W	42.43
C4	307.00'	164.00'	N15° 56' 36"W	284.10
C5	0.91'	164.00'	N37° 31' 34"E	0.91
C6	24.10'	164.00'	N33° 09' 31"E	24.08
C7	21.98'	164.00'	N35° 06' 33"E	21.97
C8	22.35'	164.00'	N17° 21' 55"E	22.33
C9	24.09'	164.00'	N09° 15' 14"E	24.06
C10	24.09'	164.00'	N00° 50' 20"E	24.06
C11	22.35'	164.00'	N07° 16' 20"W	22.33
C12	22.35'	164.00'	N15° 04' 47"W	22.33
C13	24.09'	164.00'	N23° 11' 28"W	24.06
C14	24.09'	164.00'	N31° 36' 22"W	24.06
C15	22.35'	164.00'	N39° 43' 55"E	22.33
C16	22.35'	164.00'	N47° 31' 29"W	22.33
C17	24.09'	164.00'	N55° 36' 10"W	24.06
C18	24.09'	164.00'	N64° 03' 03"W	24.06
C19	3.76'	164.00'	N68° 54' 55"W	3.76
C20	159.11'	164.00'	N82° 38' 07"E	152.94

Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord Length
C21	18.82'	164.00'	S72° 51' 37"E	18.81
C22	24.09'	164.00'	S80° 21' 22"E	24.06
C23	24.09'	164.00'	S88° 46' 16"E	24.06
C24	22.35'	164.00'	N83° 07' 04"E	22.33
C25	22.35'	164.00'	N75° 18' 37"E	22.33
C26	24.09'	164.00'	N67° 11' 56"E	24.06
C27	23.33'	164.00'	N58° 58' 01"E	23.31
C28	71.17'	136.00'	S69° 49' 59"W	70.36
C29	60.60'	136.00'	S67° 36' 25"W	60.10
C30	10.57'	136.00'	S82° 35' 52"W	10.57
C31	158.38'	164.00'	N57° 09' 28"E	152.30
C32	30.03'	164.00'	N79° 54' 41"E	29.99
C33	42.78'	164.00'	N86° 51' 31"E	42.66
C34	42.78'	164.00'	N51° 54' 43"E	42.66
C35	42.78'	164.00'	N36° 57' 55"E	42.66
C36	305.85'	164.00'	N23° 56' 07"W	263.42
C37	42.78'	164.00'	N22° 01' 06"E	42.66
C38	42.78'	164.00'	N07° 04' 18"E	42.66
C39	42.78'	164.00'	N07° 52' 30"W	42.66
C40	42.78'	164.00'	N22° 49' 18"W	42.66

Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord Length
C41	42.78'	164.00'	N37° 46' 06"W	42.66
C42	42.78'	164.00'	N52° 42' 55"W	42.66
C43	20.00'	164.00'	N63° 40' 56"W	19.99
C44	29.18'	164.00'	N72° 16' 09"W	29.12
C45	155.44'	336.00'	S64° 06' 32"E	154.06
C46	20.89'	336.00'	S75° 34' 52"E	20.89
C47	65.90'	336.00'	S88° 10' 52"E	65.79
C48	66.63'	336.00'	S96° 52' 55"E	66.52
C49	2.02'	336.00'	S51° 01' 42"E	2.02
C50	133.67'	94.00'	N88° 24' 19"E	122.69
C51	16.38'	94.00'	N42° 40' 31"E	16.36
C52	47.12'	30.00'	N82° 41' 04"E	42.43
C53	63.15'	470.00'	S48° 28' 00"E	63.10
C54	48.19'	530.00'	S47° 13' 19"E	48.17
C55	47.12'	30.00'	S04° 49' 36"E	42.43
C56	22.33'	514.00'	S38° 55' 44"W	22.33
C57	21.11'	486.00'	N38° 55' 44"E	21.11
C58	56.22'	25.00'	S75° 24' 08"E	45.10
C59	44.14'	50.00'	S14° 18' 49"W	42.72
C60	47.12'	30.00'	S07° 18' 56"E	42.43

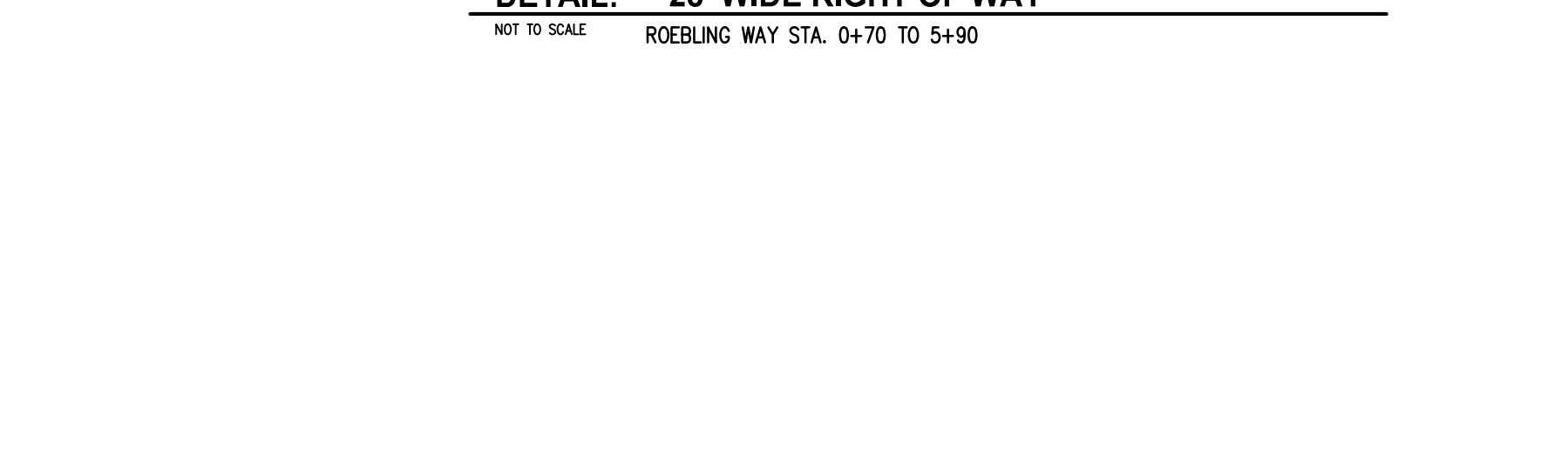
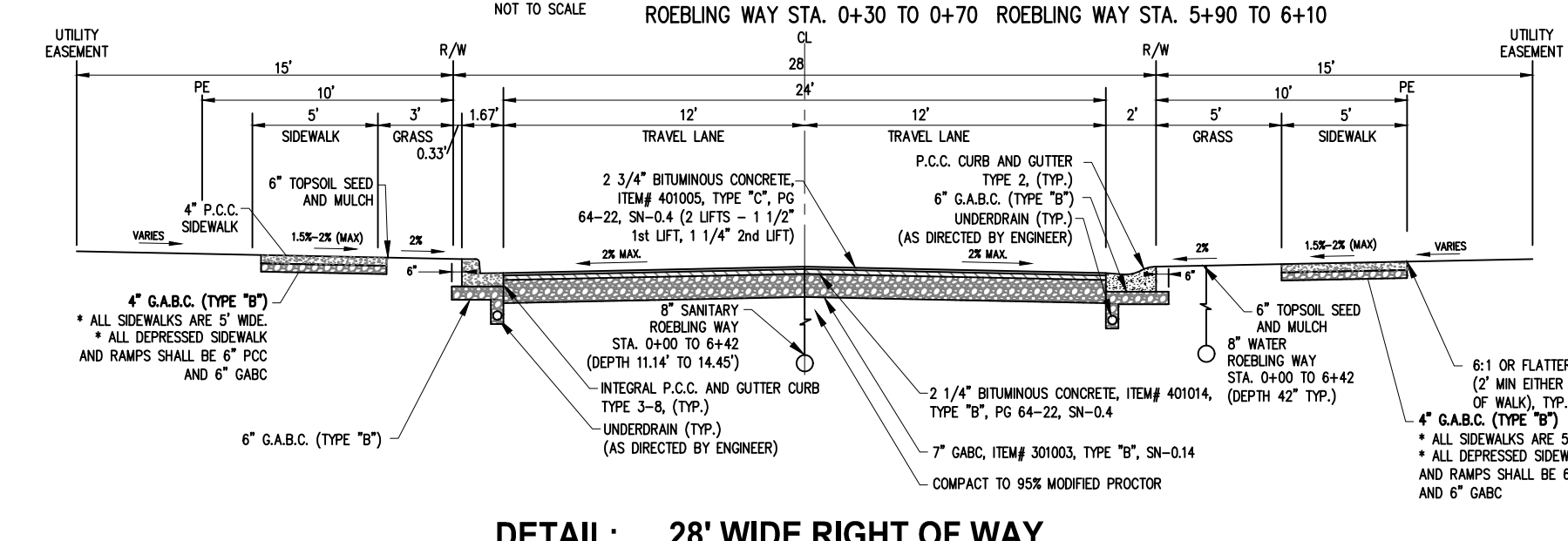
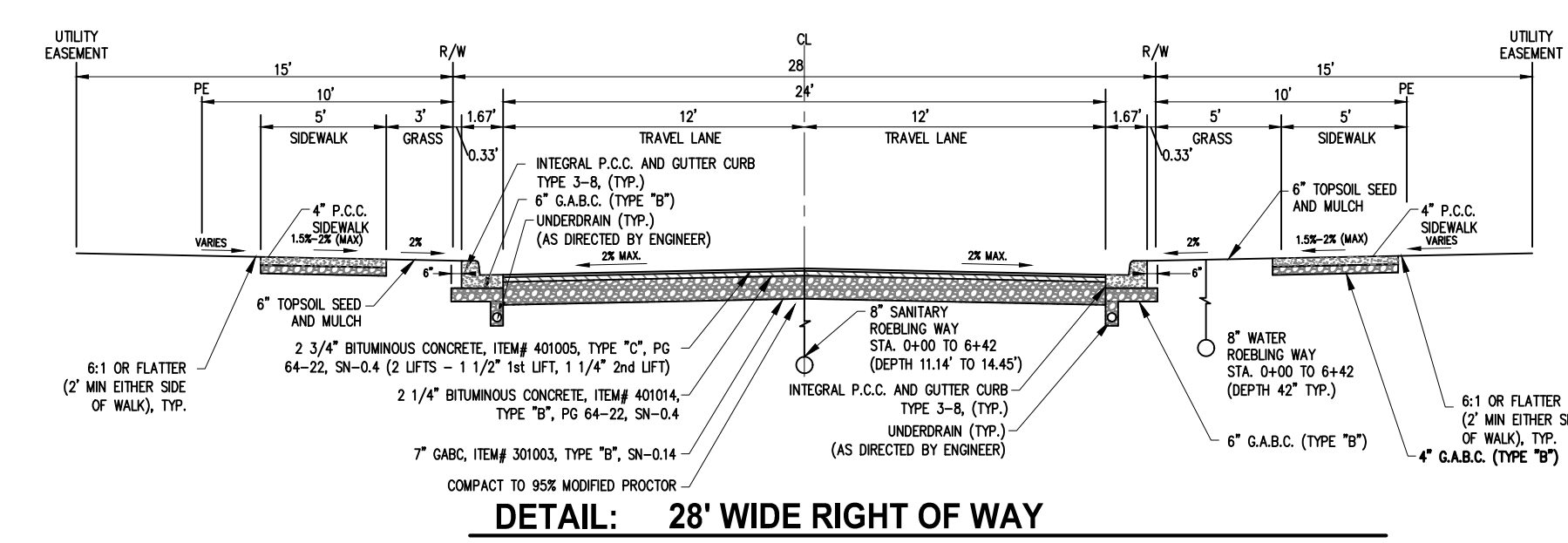
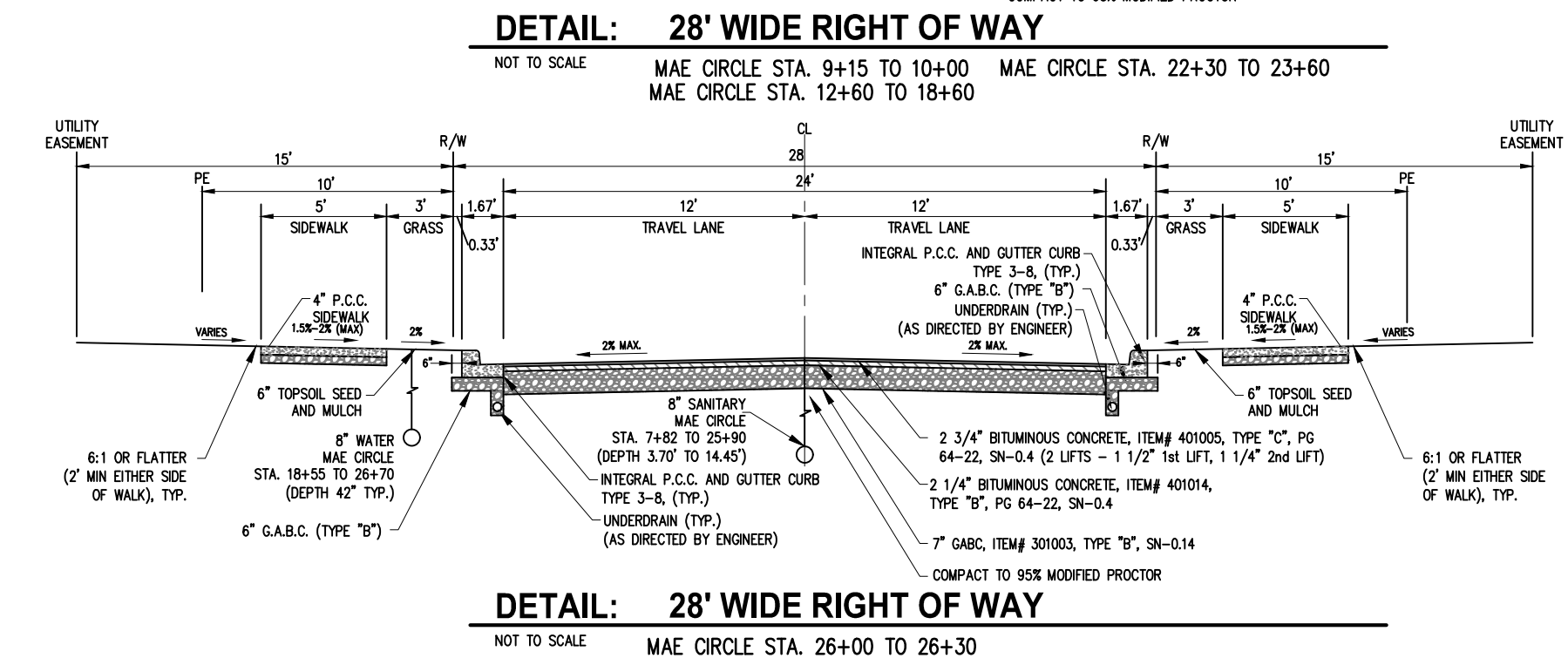
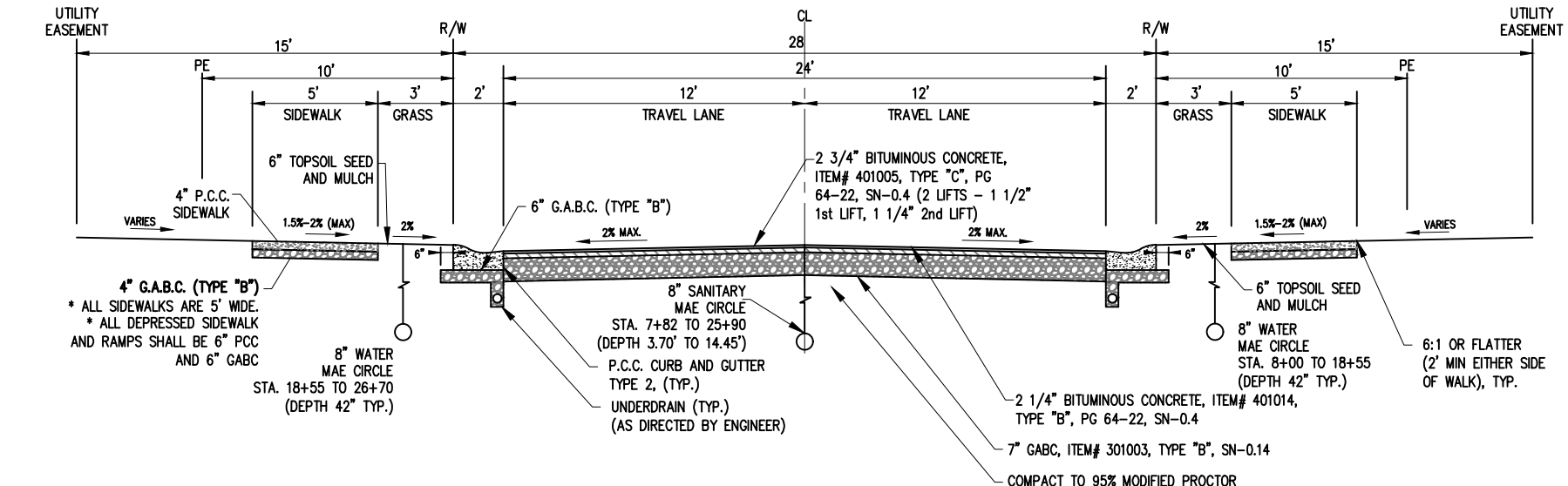
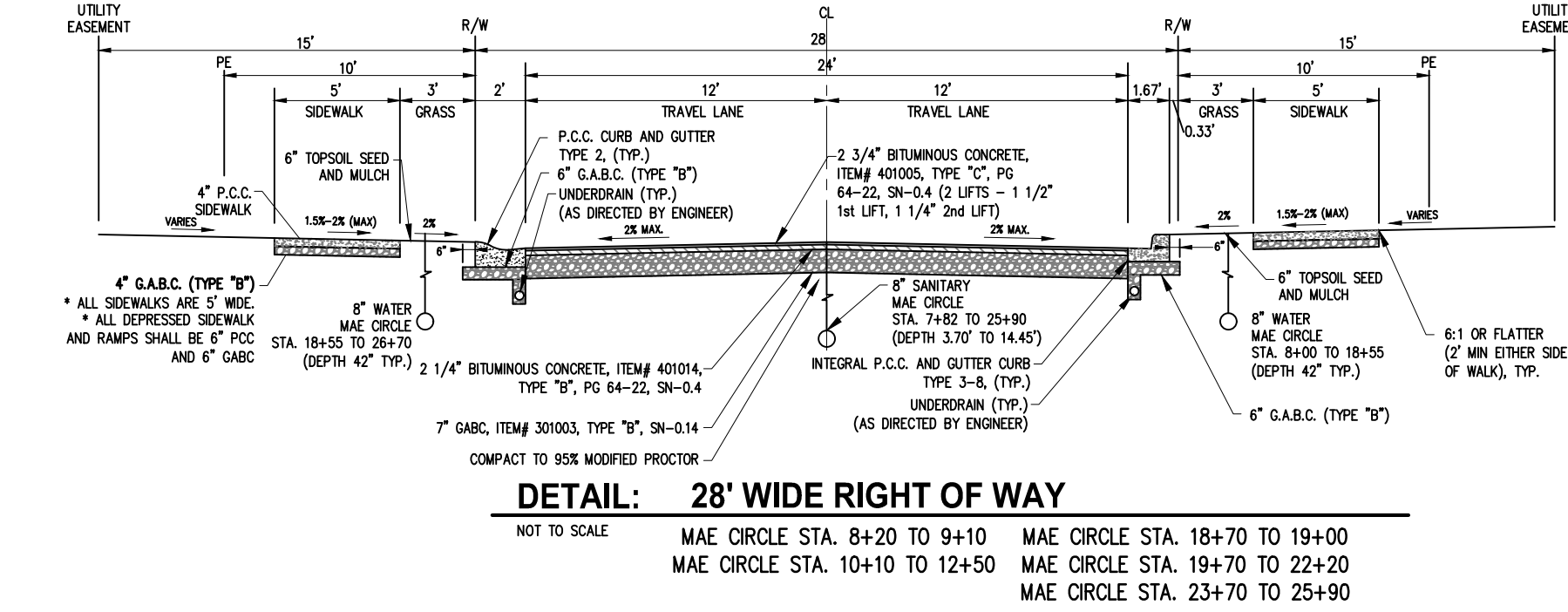
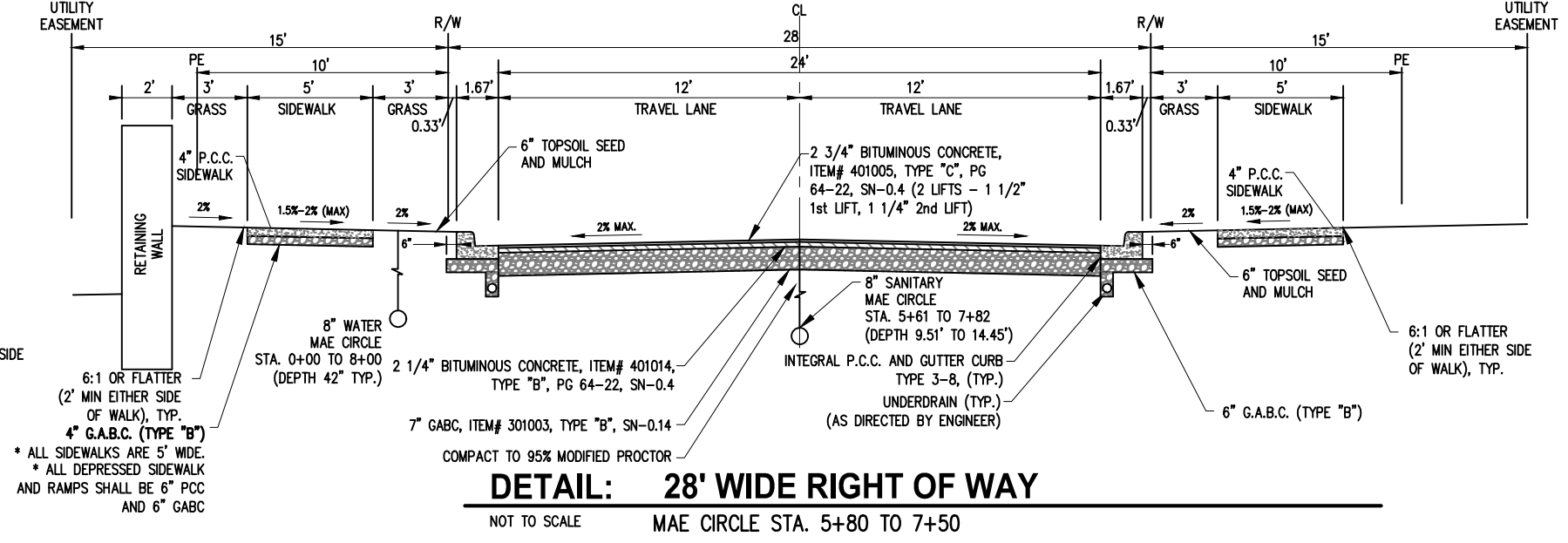
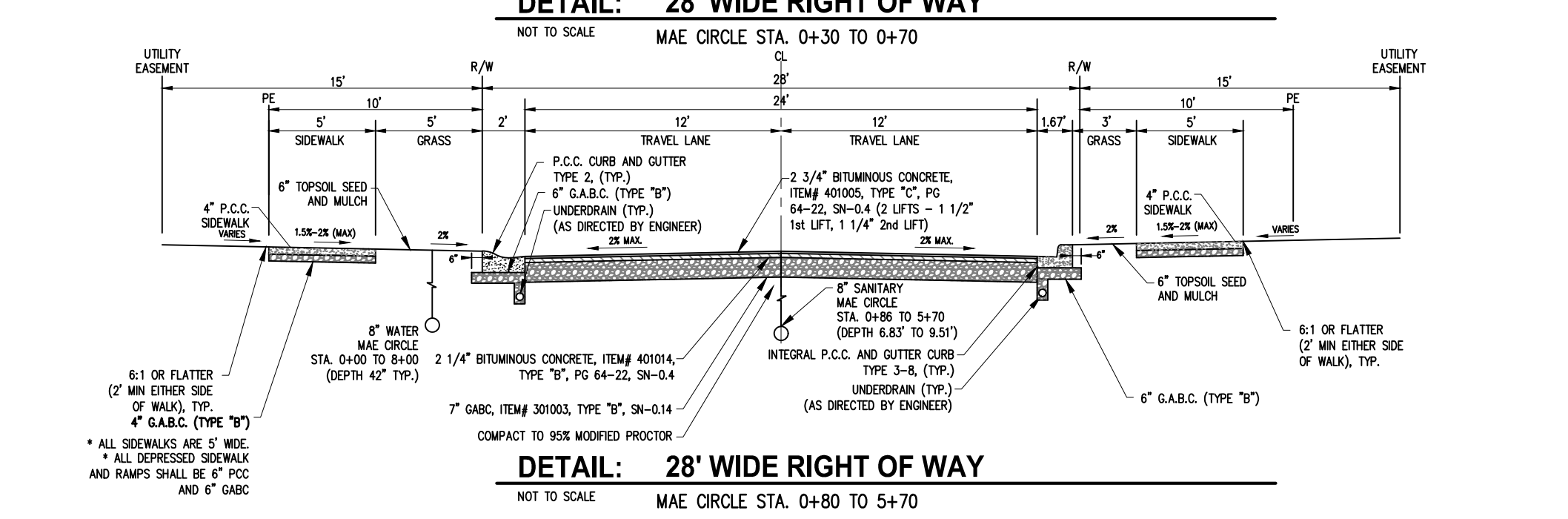
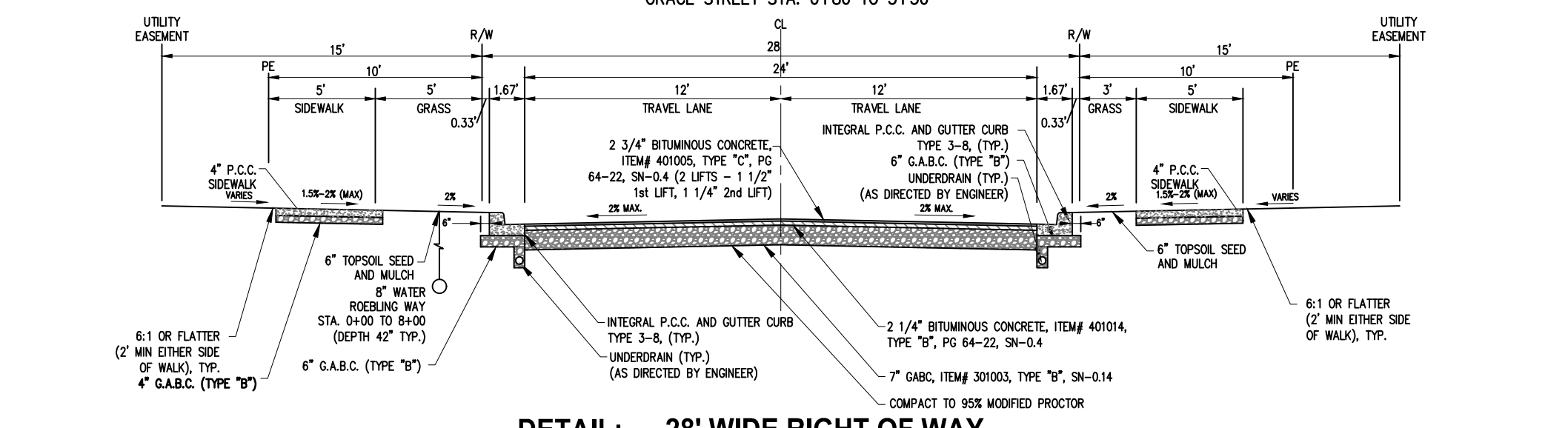
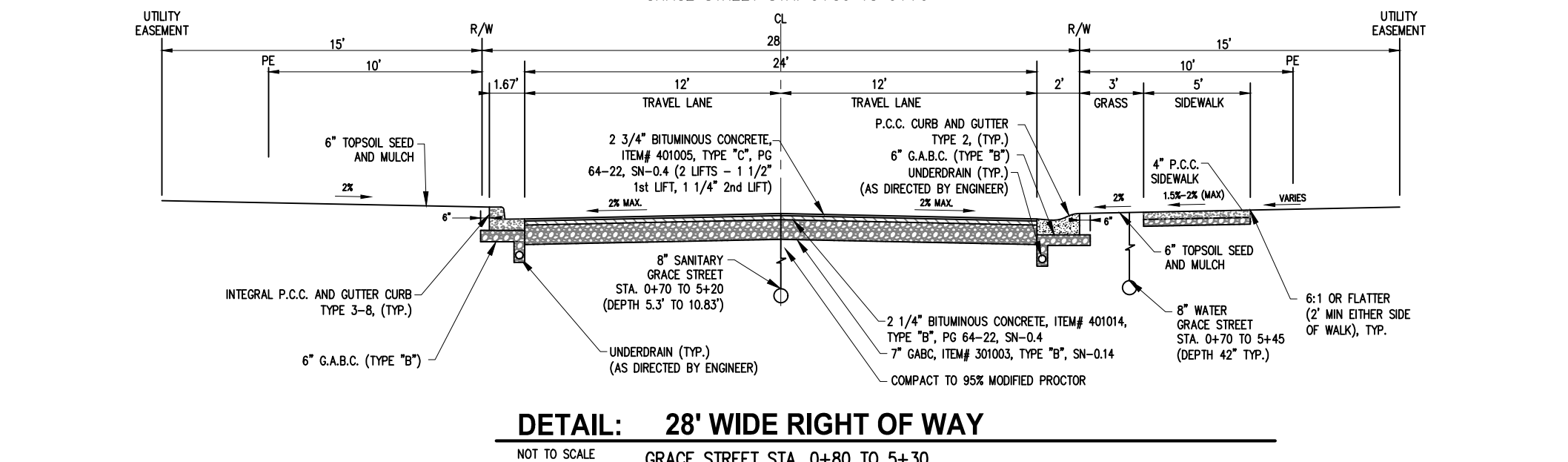
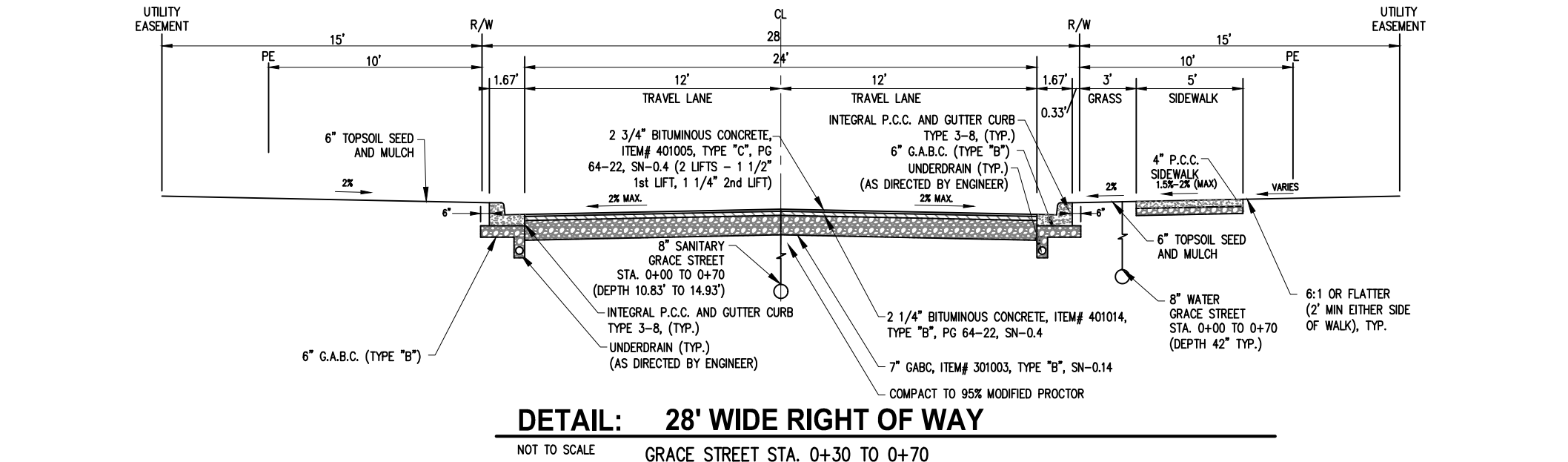
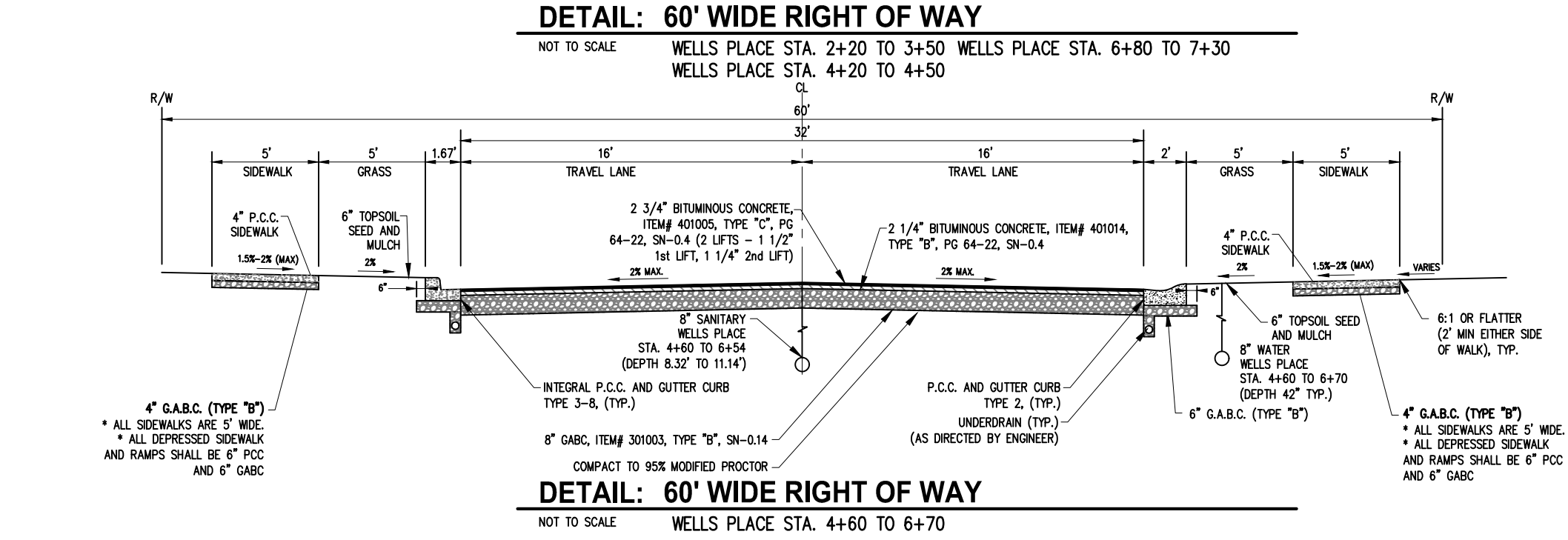
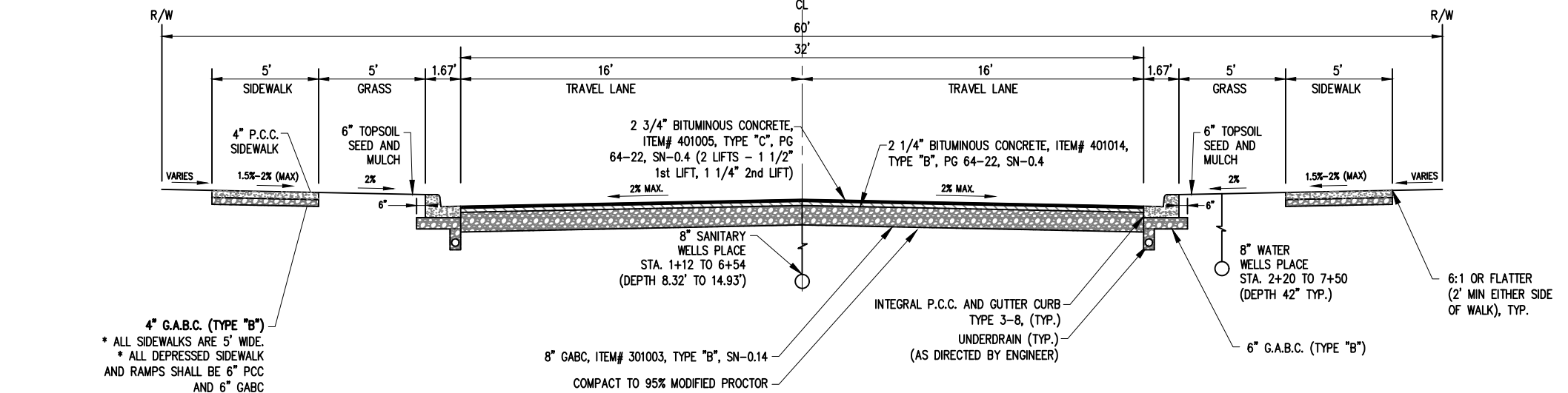
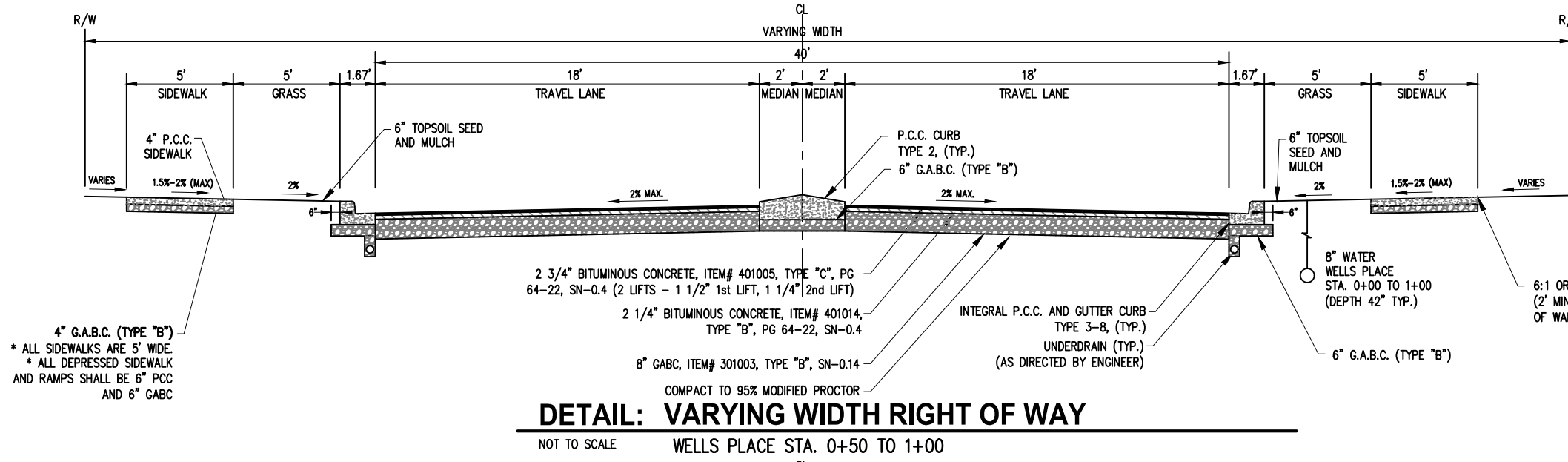
Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord Length
C61	47.12'	30.00'	N82° 41' 04"E	42.43
C62	140.60'	514.00'	N45° 31' 14"E	140.16
C63	112.55'	486.00'	N46° 43' 21"E	112.30
C64	39.68'	25.00'	N05° 23' 02"W	35.65
C65	105.35'	66.00'	S83° 12' 44"W	94.52
C66	47.12'	30.00'	S82° 41' 04"W	42.43
C67	254.59'	136.00'	S15° 56' 38"E	219.01
C68	153.33'	136.00'	S05° 23' 07"W	145.34
C69	36.73'	136.00'	S34° 39' 05"E	36.62
C70	24.33'	136.00'	S47° 30' 50"E	24.30
C71	24.04'	136.00'	S57° 42' 07"E	24.01
C72	16.16'	136.00'	S66° 10' 07"E	16.15
C73	131.94'	136.00'	N82° 38' 07"E	126.83
C74	10.12'	136.00'	S71° 42' 17"E	10.12
C75	121.82'	136.00'	N80° 30' 09"E	117.78
C76	47.57'	30.00'	N09° 25' 12"E	42.74
C77	34.17'	120.00'	N44° 08' 32"W	34.05
C78	22.67'	120.00'	N41° 24' 50"W	22.63
C79	11.50'	120.00'	N49° 34' 14"W	11.49
C80	47.12'	30.00'	S07° 18' 56"E	42.43

Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord Length
C81	132.94'	486.00'	S45° 31' 14"W	132.52
C82	21.50'	486.00'	S38° 57' 07"W	21.50
C83	46.12'	486.00'	S42° 56' 17"W	46.10
C84	45.90'	486.00'	S48° 21' 43"W	45.88
C85	19.42'	486.00'	S52° 12' 44"W	19.42
C86	120.26'	514.00'	N46° 39' 15"E	119.99
C87	16.48'	514.00'	N52° 26' 17"E	16.48
C88	24.01'	514.00'	N50° 10' 52"E	24.01
C89	24.01'	514.00'	N47° 30' 18"E	24.01
C90	31.62'	514.00'	N44° 24' 17"E	31.61
C91	24.14'	514.00'	N41° 17' 49"E	24.14
C92	38.92'	25.00'	S84° 32' 52"W	35.11
C93	168.40'	364.00'	S64° 06' 32"E	166.90
C94	67.60'	364.00'	S56° 10' 33"E	67.50
C95	45.50'	364.00'	S65° 04' 37"E	45.47
C96	45.50'	364.00'	S72° 14' 20"E	45.47
C97	9.80'	364.00'	S76° 35' 28"E	9.80
C98	253.63'	136.00'	N23° 56' 07"W	218.44
C99	221.07'	136.00'	N30° 47' 42"W	197.52
C100	32.57'	136.00'	N22° 37' 56"E	32.49

Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord Length
C111	131.34'	136.00'	N57° 09' 28"E	128.29
C112	65.91'	136.00'	N43° 22' 34"E	65.27
C113	65.43'	136.00'	N71° 02' 32"E	64.80
C114	85.82'	164.00'	S69° 49' 59"W	84.84
C115	46.68'	164.00'	S76° 40' 11"W	46.52
C116	26.22'	164.00'	S83° 56' 07"W	26.19
C117	12.92'	164.00'	S57° 05' 56"W	12.91
C118	46.93'	30.00'	S80° 20' 19"E	42.29
C119	52.77'	180.00'	N43° 55' 04"W	52.58
C120	43.84'	49.25'	N83° 14' 01"W	42.40
C121	124.71'	136.00'	N31° 27' 54"W	120.39
C122	38.27'	25.00'	N38° 39' 31"E	34.64
C123	233.62'	50.00'	S51° 20' 29"E	72.11
C124	98.16'	50.00'	S26° 16' 18"W	83.14
C125	35.40'	50.00'	S50° 15' 07"E	34.67
C126	72.77'	50.00'	N67° 46' 25"E	66.51
C127	21.32'	50.00'	N13° 51' 56"E	21.16
C128	5.97'	50.00'	N01° 46' 22"W	5.97
C129	150.39'	164.00'	N31° 27' 54"W	145.17
C130	44.90'	164.00'	N13° 02' 20"W	44.76

Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord Length
C131	60.42'	164.00'	N31° 26' 15"W	60.08
C132	45.06'	164.00'	N49° 51' 48"W	44.92
C133	35.25'	50.00'	S37° 32' 26"E	34.52

ROADWAY ALIGNMENT LINE TABLE		
Line #	Length	Direction
R1	189.64'	S49° 49' 36"E
R3	15.97'	S44° 37' 03"E
R5	350.16'	S52° 18' 56"E
R7	42.67'	S35° 09' 28"E
R8	187.49'	N40° 10' 24"E
R10	360.97'	N37° 41' 04"E
R11	557.95'	N37° 41' 04"E
R13	165.07'	S50° 51' 20"E
R16	20.00'	S29° 29' 30"W
R18	101.29'	S84° 49' 28"W
R20	298.84'	S54° 50' 32"W
R21	148.53'	S54° 50' 32"W
R23	33.18'	N69° 34' 19"W
R25	126.77'	N37° 41' 04"E
R26	270.11'	N37° 41' 04"E
R28	79.50'	N53° 21' 25"E
R30	31.41'	N39° 08' 40"E



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.

- THE DEVELOPER SHALL IMPROVE VALLEY ROAD WITHIN THE LIMITS OF THEIR FRONTAGE TO MEET DELDOT'S STANDARDS FOR THEIR FUNCTIONAL CLASSIFICATION. FOUND IN SECTION 1.1 OF THE DEVELOPMENT COORDINATION MANUAL AND ELSEWHERE THEREIN. THE IMPROVEMENTS SHALL INCLUDE BOTH DIRECTIONS OF TRAVEL, REGARDLESS OF WHETHER THE DEVELOPER'S LANDS ARE ON ONE OR BOTH SIDES OF THE ROAD. FRONTAGE IS DEFINED IN SECTION 1.1 OF THE DEVELOPMENT COORDINATION MANUAL, WHICH STATES: THIS LENGTH INCLUDES THE LENGTH OF THE ROADWAY PERPENDICULAR TO LINES CREATED BY THE PROJECTION OF THE OUTSIDE PARCEL CORNERS TO THE ROADWAY. QUESTIONS ON OR APPEALS OF THIS REQUIREMENT SHALL BE DIRECTED TO THE DELDOT SUBDIVISION REVIEW COORDINATOR IN WHOSE AREA THE DEVELOPMENT IS LOCATED.
- THE DEVELOPER SHALL MAINTAIN THE UNSIGNALIZED FULL ACCESS FOR THE PROPOSED HOCKESSIN STATION DEVELOPMENT ALONG VALLEY ROAD, APPROXIMATELY 1,000 FEET EAST OF THE INTERSECTION WITH BROOK RUN, OPPOSITE THE EXISTING VALLEY GROVE ENTRANCE. THE INTERSECTION SHALL BE CONSISTENT WITH THE LANE CONFIGURATIONS SHOWN IN THE TABLE BELOW.

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 MUTD STANDARDS. THE DEVELOPER SHALL SUBMIT A PLAN TO DEVELOPMENT COORDINATION SECTION DEPICTING THE PROPOSED STRIPING.

- THE DEVELOPER SHALL CONSTRUCT AN UNSIGNALIZED FULL ACCESS FOR THE PROPOSED HOCKESSIN STATION DEVELOPMENT ALONG VALLEY ROAD, APPROXIMATELY 1,000 FEET EAST OF THE INTERSECTION WITH BROOK RUN. THE INTERSECTION SHALL BE CONSISTENT WITH THE LANE CONFIGURATIONS SHOWN IN THE TABLE BELOW.

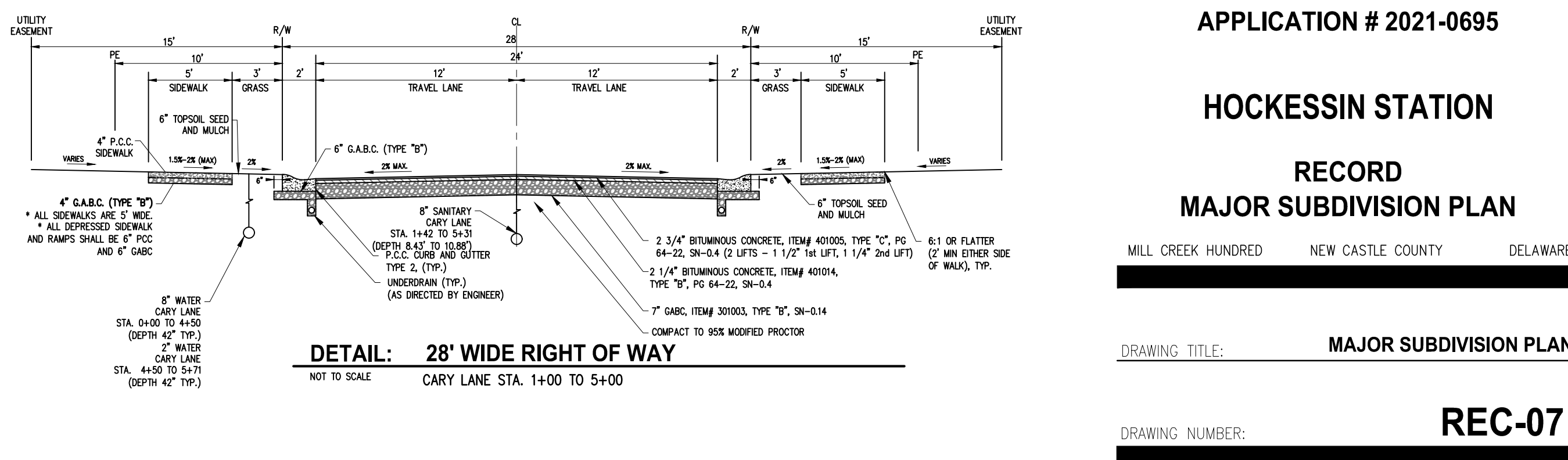
Approach	Current Configuration	Proposed Configuration
Eastbound Valley Road	One through lane	One through lane and one right turn lane
Westbound Valley Road	One through lane	One shared left turn/through lane
Northbound Site Entrance B	Approach does not exist	One shared left turn/right turn lane

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 AREA. WITHIN 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 TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHALL BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- 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. HORSESHOE 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

Prime Sponsor(s): Mr. Toole, Mr. Caneco
Requested by: Public Safety
Date of introduction: September 23, 2025

ORDINANCE NO. 25-115

AMEND THE GRANTS BUDGET:

APPROPRIATE \$36,983.00 FROM THE STATE OF DELAWARE, DEPARTMENT OF JUSTICE – SPECIAL LAW ENFORCEMENT ASSISTANCE FUND (SLEAF) TO THE SLEAF PROTECTIVE RIDING GEAR GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

1 **WHEREAS**, funding has been awarded from the State of Delaware, Department of
2 Justice-Special Law Enforcement Assistance Fund (SLEAF), to the New Castle County
3 Department of Public Safety SLEAF Protective Riding Gear Grant; and
4

5 **WHEREAS**, this funding will be used by the New Castle County Department of
6 Public Safety, Division of Police for the purchase of Protective Riding Gear for the Motor
7 Unit to be used by the Police Department; and
8

9 **WHEREAS**, the County Executive has determined that funds received are
10 sufficient to cover the increase in the Grants Budget as hereinafter amended; and
11

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

17 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
18

19 Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby
20 amended by adding the material on the attached "Exhibit A," which is considered to be
21 underscored in its entirety.
22

23 Section 2. This Ordinance shall become effective immediately upon its adoption
24 by County Council and approval by the County Executive, or as otherwise provided by 9
25 *Del. C. § 1156*.
26

27 Section 3. It is the intent of the County Council that the provisions of this
28 Ordinance shall be effective retroactive to June 10, 2025.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$36,983.00 from the State of Delaware, Department of Justice-Special Law Enforcement Assistance Fund (SLEAF) to the SLEAF Protective Riding Gear Grant. These funds will be used by the New Castle County Department of Public Safety, Division of Police for the purchase of Protective Riding Gear for the Motor Unit.

FISCAL NOTE: This Ordinance, if approved, will appropriate \$36,983.00 from the State of Delaware, Department of Justice-Special Law Enforcement Assistance Fund (SLEAF) to the SLEAF Protective Riding Gear Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$36,983.00. This increase will impact FY2026 only and the estimated program completion date is June 30, 2026. There is no fiscal impact to the Operating Budget.

Acknowledged by the Chief Financial Officer September 6, 2025.

DEPARTMENT:	Public Safety	EXHIBIT:	"A"
GRANT TITLE:	SLEAF Protective Riding Gear	Ordinance No.	25-115
PROGRAM TITLE:	SLEAF Protective Riding Gear		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 36,983.00	\$ -	\$ 36,983.00
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 36,983.00	\$ -	\$ 36,983.00

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ 36,983.00	\$ -	\$ 36,983.00
Contractual Services	\$ -	\$ -	\$ -
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 36,983.00	\$ -	\$ 36,983.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	6/10/2025
Estimated Program Completion:	6/30/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:

PROGRAM DESCRIPTION:

Funds will allow for the purchase of Protective Riding Gear for the Public Safety, Division of Police Motor Unit.

ORDINANCE NO. 25-116

AMEND THE GRANTS BUDGET:

**AUTHORIZE THE COUNTY EXECUTIVE TO SIGN AN AGREEMENT AND
APPROPRIATE \$98,444.46 FROM THE STATE OF DELAWARE, DEPARTMENT OF
TRANSPORTATION TO BELVEDERE FIRE COMPANY COMMAND VEHICLE
GRANT FOR THE DEPARTMENT OF PUBLIC SAFETY**

1 **WHEREAS**, funding has been awarded from the State of Delaware, Department of
2 Transportation to the Belvedere Fire Company Command Vehicle Grant; and
3

4 **WHEREAS**, authorization is requested for the County Executive to sign the agreement
5 with the State of Delaware, Department of Transportation; and
6

7 **WHEREAS**, New Castle County will use the pass-through grant funding for the
8 purchase of a command vehicle for the Belvedere Fire Company; and
9

10 **WHEREAS**, the County Executive has determined that funds received are sufficient
11 to cover the increase in the Grants Budget as hereinafter amended; and
12

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

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

20 Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby
21 amended by adding the material on the attached "Exhibit A," which is considered to be
22 underscored in its entirety.
23

24 Section 2. This Ordinance shall become effective immediately upon its adoption by
25 County Council and approval by the County Executive, or as otherwise provided by 9 *Del. C.* §
26 1156.
27

28 Section 3. It is the intent of the County Council that the provisions of this Ordinance
29 shall be effective retroactive to August 20, 2025.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will authorize the County Executive to sign an agreement and appropriate \$98,444.46 from the State of Delaware, Department of Transportation to the Belvedere Fire Company Command Vehicle Grant.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to August 20, 2025.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$98,444.46 from the State of Delaware, Department of Transportation to the Belvedere Fire Company Command Vehicle Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$98,444.46. This increase will impact FY2026 through FY2029, since the targeted program completion date of this award is June 30, 2029. There is no fiscal impact on the Operating Budget.

Acknowledged by the Chief Financial Officer September 6, 2025.

DEPARTMENT:	Public Safety	EXHIBIT:	"A"
GRANT TITLE:	Belvedere Fire Company Command Vehicle	Ordinance No.	25-116
PROGRAM TITLE:	Belvedere Fire Company Command Vehicle		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 98,444.46	\$ -	\$ 98,444.46
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 98,444.46	\$ -	\$ 98,444.46

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ -	\$ -	\$ -
Equipment	\$ 98,444.46	\$ -	\$ 98,444.46
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 98,444.46	\$ -	\$ 98,444.46

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	8/20/2025
Estimated Program Completion:	6/30/2029
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:

PROGRAM DESCRIPTION:

New Castle County Department of Public Safety will use this pass-through grant funding for the purchase of a Command Vehicle for the Belvedere Fire Company.

9/23/2025

ORDINANCE NO. 25-117

**AMEND THE GRANTS BUDGET:
APPROPRIATE FEDERAL FUNDS OF \$165,147.50 PROVIDED BY THE HEALTH
FEDERATION OF PHILADELPHIA THROUGH THEIR AMERICORPS GRANT
FUNDING TO THE NATIONAL HEALTH CORPS DELAWARE COMMUNITY HEALTH
FELLOWSHIP 2023-2024 GRANT, WHICH IS ADMINISTERED BY THE
DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE**

1 **WHEREAS**, the grant funding provided by Health Federal of Philadelphia through
2 their AmeriCorps grant funds will help support the operation of the National Health Corp
3 Delaware Community Health Fellowship Program; and
4

5 **WHEREAS**, the National Health Corp Delaware Community Health Fellowship
6 Program has the goal to foster healthy communities by providing those who need it
7 most with opportunities to be trained and serve as community health workers, digital
8 health navigators and medical interpreters at selected host sites; and
9

10 **WHEREAS**, these AmeriCorps funds are being used in concert with New Castle
11 County's SLFRF funding to support this program; and
12

13 **WHEREAS**, the County Executive has determined that grants anticipated to be
14 received will be sufficient to cover the increase in the Grants Budget as hereinafter
15 amended; and
16

17 **WHEREAS**, Council has determined that the provisions of this Ordinance
18 substantially advance, and are reasonably and rationally related to, legitimate
19 government interests (i.e., promoting the health, safety, morals, convenience, order,
20 prosperity and/or welfare of the present and future inhabitants of this State).
21

22 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
23

24 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby
25 amended by adding the material on the attached Exhibits "A", which shall be considered
26 underscored in its entirety.
27

28 Section 2. This Ordinance shall become effective immediately upon its adoption
29 by County Council and approval by the County Executive, or as otherwise provided by 9
30 *Del. C. § 1156*.
31

32 Section 3. It is the intent of the County Council that the provisions of this
33 Ordinance shall be effective retroactive to September 9, 2023.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate federal funds of \$165,147.50 provided by the Health Federation of Philadelphia through their AmeriCorps grant funding to the National Health Corps Delaware Community Health Fellowship 2023-2024 Grant, which will be administered by the Department of Administration, Office of Finance. These funds will help support the operation of the National Health Corps Delaware Community Health Fellowship Program, which has the goal to foster healthy communities by providing those who need it most with opportunities to be trained and serve as community health workers, digital health navigators and medical interpreters at selected host sites.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to September 9, 2023.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating federal funds of \$165,147.50 provided by the Health Federation of Philadelphia through their AmeriCorps grant funding to the National Health Corps Delaware Community Health Fellowship 2023-2024 Grant, which will be administered by the Department of Administration, Office of Finance. These AmeriCorps funds are being used in concert with New Castle County's SLFRF funding to support this program.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$165,147.50. This increase will impact FY2024 through FY2026 since the targeted program completion date for this grant is September 8, 2025. There is no fiscal impact to the Operating Budget.

Acknowledged by the Chief Financial Officer September 6, 2025.

DEPARTMENT:	County Executive	EXHIBIT:	"A"
GRANT TITLE:	National Health Corps DE Community Health Fellowship 2023-2024	Ordinance No.	25-117
PROGRAM TITLE:	National Health Corps DE Community Health Fellowship 2023-2024		

Revenue	Current	Change	Revised
Federal	\$ 165,147.50	\$ -	\$ 165,147.50
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 165,147.50	\$ -	\$ 165,147.50

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ 165,147.50	\$ -	\$ 165,147.50
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 165,147.50	\$ -	\$ 165,147.50

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	9/9/2023
Estimated Program Completion:	9/8/2025
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:

PROGRAM DESCRIPTION:

The grant monies provided by Health Federation of Philadelphia via their AmeriCorps grant funds will help support the operation of the National Health Corp Delaware Community Health Fellowship Program, which has the goal to foster healthy communities by providing those who need it most with opportunities to be trained and serve as community health workers, digital health navigators and medical interpreters at selected host sites. These AmeriCorps funds are being used in concert with New Castle County's SLFRF funding to support this program.

9/23/2025

Prime Sponsor(s): Mr. Smiley, Mr. Cartier
Requested by: Administration/Finance
Date of introduction: September 23, 2025

ORDINANCE NO. 25-118

**AMEND THE GRANTS BUDGET:
APPROPRIATE FEDERAL FUNDS OF \$145,650 PROVIDED BY THE HEALTH
FEDERATION OF PHILADELPHIA THROUGH THEIR AMERICORPS GRANT
FUNDING TO THE NATIONAL HEALTH CORPS DELAWARE COMMUNITY HEALTH
FELLOWSHIP 2024-2025 GRANT, WHICH IS ADMINISTERED BY THE
DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE**

1 **WHEREAS**, the grant funding provided by Health Federal of Philadelphia through
2 their AmeriCorps grant funds will help support the operation of the National Health Corp
3 Delaware Community Health Fellowship Program; and
4

5 **WHEREAS**, the National Health Corp Delaware Community Health Fellowship
6 Program has the goal to foster healthy communities by providing those who need it
7 most with opportunities to be trained and serve as community health workers, digital
8 health navigators and medical interpreters at selected host sites; and
9

10 **WHEREAS**, these AmeriCorps funds are being used in concert with New Castle
11 County's SLFRF funding to support this program; and
12

13 **WHEREAS**, the County Executive has determined that grants anticipated to be
14 received will be sufficient to cover the increase in the Grants Budget as hereinafter
15 amended; and
16

17 **WHEREAS**, Council has determined that the provisions of this Ordinance
18 substantially advance, and are reasonably and rationally related to, legitimate
19 government interests (i.e., promoting the health, safety, morals, convenience, order,
20 prosperity and/or welfare of the present and future inhabitants of this State).
21

22 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
23

24 Section 1. The Grants Budget as adopted by Ordinance No. 75-173 is hereby
25 amended by adding the material on the attached Exhibits "A", which shall be considered
26 underscored in its entirety.
27

28 Section 2. This Ordinance shall become effective immediately upon its adoption
29 by County Council and approval by the County Executive, or as otherwise provided by 9
30 *Del. C. § 1156*.
31

32 Section 3. It is the intent of the County Council that the provisions of this
33 Ordinance shall be effective retroactive to September 9, 2024.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate federal funds of \$146,650 provided by the Health Federation of Philadelphia through their AmeriCorps grant funding to the National Health Corps Delaware Community Health Fellowship 2024-2025 Grant, which will be administered by the Department of Administration, Office of Finance. These funds will help support the operation of the National Health Corps Delaware Community Health Fellowship Program, which has the goal to foster healthy communities by providing those who need it most with opportunities to be trained and serve as community health workers, digital health navigators and medical interpreters at selected host sites.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to September 9, 2024.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating federal funds of \$146,650 provided by the Health Federation of Philadelphia through their AmeriCorps grant funding to the National Health Corps Delaware Community Health Fellowship 2024-2025 Grant, which will be administered by the Department of Administration, Office of Finance. These AmeriCorps funds are being used in concert with New Castle County's SLFRF funding to support this program.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$146,650. This increase will impact FY2025 and FY2026 since the targeted program completion date for this grant is December 31, 2025. There is no fiscal impact to the Operating Budget.

Acknowledged by the Chief Financial Officer September 6, 2025.

DEPARTMENT:	County Executive	EXHIBIT:	"A"
GRANT TITLE:	National Health Corps DE Community Health Fellowship 2024-2025	Ordinance No.	25-118
PROGRAM TITLE:	National Health Corps DE Community Health Fellowship 2024-2025		

Revenue	Current	Change	Revised
Federal	\$ 146,650.00	\$ -	\$ 146,650.00
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 146,650.00	\$ -	\$ 146,650.00

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ 146,650.00	\$ -	\$ 146,650.00
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 146,650.00	\$ -	\$ 146,650.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	9/9/2024
Estimated Program Completion:	12/31/2025
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:

PROGRAM DESCRIPTION:

The grant monies provided by Health Federation of Philadelphia via their AmeriCorps grant funds will help support the operation of the National Health Corp Delaware Community Health Fellowship Program, which has the goal to foster healthy communities by providing those who need it most with opportunities to be trained and serve as community health workers, digital health navigators and medical interpreters at selected host sites. These AmeriCorps funds are being used in concert with New Castle County's SLFRF funding to support this program.

9/23/2025

ORDINANCE NO. 25-119

**AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED
SERVICE EMPLOYEES AND ADOPT THE REVISED CLASS SPECIFICATION OF
PAYROLL SUPERVISOR FOR THE DEPARTMENT OF ADMINISTRATION,
DIVISION OF FINANCE**

1 **WHEREAS**, the Department of Administration, Division of Finance has
2 determined the class specification and Pay Grade for the Payroll Supervisor needs to
3 be updated to reflect the work currently being performed; and
4

5 **WHEREAS**, it is recommended by the Department that the Pay Grade for the
6 class specification of Payroll Supervisor be changed from Pay Grade 29 to Pay Grade
7 30; and
8

9 **WHEREAS**, the Human Resources Advisory Board at its meeting on August 6,
10 2025, reviewed and recommended to change the revisions to the class specification for
11 Payroll Supervisor and changing from Pay Grade 29 to Pay Grade 30 on the Pay Plan
12 and Rates of Pay for Non-Union Classified Service Employees; and
13

14 **WHEREAS**, the Chief Human Resources Officer concurs with the
15 recommendation of the Human Resources Advisory Board.
16

17 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
18

19 Section 1. The revised Class Specification for Payroll Supervisor is adopted as
20 set forth in Exhibit "A".
21

22 Section 2. The Pay Plan and Rates of Pay for Non-Union Classified Service
23 Employees, effective July 1, 2025 through June 30, 2026, is hereby amended by adding
24 the material that is underscored and deleting the material that is stricken as set forth in
25 Exhibit "B."
26

27 Section 3. The Pay Plan and Rates of Pay for Non-Union Classified Service
28 Employees, effective July 1, 2026, is hereby amended by adding the material that is
29 underscored and deleting the material that is stricken as set forth in Exhibit "C."
30

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

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, changes the Pay Grade for the position title of Payroll Supervisor from Pay Grade 29 to Pay Grade 30 on the Pay Plan and Rates of Pay for Non-Union Classified Service Employees, and adopts the revised class specifications, as recommended by the Human Resources Advisory Board at their meeting on August 6, 2025. The Chief Human Resources Officer concurs with the recommendation.

FISCAL IMPACT: This Ordinance, if approved, changes the Pay Grade for the position title of Payroll Supervisor from Pay Grade 29 to Pay Grade 30 on the Pay Plan and Rates of Pay for Non-Union Classified Service Employees, and adopts the revised class specification, as recommended by the Human Resources Advisory Board. The Chief Human Resources Officer concurs with the recommendation.

There is currently one filled position with the title of Payroll Supervisor. The estimated fiscal impact (Salaries/Wages and Benefits) of reclassifying the employee currently in this position is estimated to be \$8,417 in FY2026, \$11,316 in FY2027 and \$11,316 in FY2028.

Acknowledged by the Chief Financial Officer September 8, 2025.

NEW CASTLE COUNTY GOVERNMENT

Number 0214

25-119

Page 1 of 3

CLASS SPECIFICATION

Date 5/15/23

Title: PAYROLL SUPERVISOR

Approved:



GENERAL STATEMENT OF DUTIES: Performs professional supervisory work related to the County's centralized payroll operation; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class performs a variety of professional and supervisory tasks associated with all aspects of payroll activities for County employees. This employee supervises accounting functions in the preparation, processing, maintenance, verification, and reconciliation of payroll records for County personnel. Work involves the exercise of judgement in the application of prescribed policies, procedures, laws, and regulations. This is a confidential position dealing with sensitive payroll-related matters. This employee is supervised by an Accounting and Fiscal Manager or other designated supervisor.

EXAMPLES OF WORK: (Illustrative only)

- Supervises the daily activities of the payroll unit with adherence to personnel and administrative policies, collective bargaining agreements, County Code, Federal and State laws and other financial regulations;
- Reviews, analyzes, and evaluates systems, policies, procedures, programs and services and makes recommendations for changes needed to ensure effectiveness and improve services;
- Conducts research, prepares reports and makes recommendations regarding fiscal activities as they relate to the centralized payroll and human resource information system;
- Investigates, researches and analyzes problems and complaints and makes appropriate recommendations; assists Human Resources in researching payroll information related to complaints and grievances that Human Resources is researching;
- Supervises, trains, and instructs employees; assigns, coordinates and supervises the work of professional, technical and support staff and monitors the progress of work and special projects;
- Reviews work of assigned staff for completeness, accuracy and conformance with County policies, procedures, ordinances, labor contracts, federal regulations and state regulations;
- Supervises and coordinates payroll administration and employee ~~data-based~~ database maintenance functions on a County-wide basis in conjunction with Human Resources to include attendance and time entry records, leaves of absence, pay plan updates, vacation and sick leave updates, payroll and hours adjustments and resolves related problems.
- Supervises and coordinates activities relating to Payroll systems in conjunction with other divisions within the Department of Administration (Finance, IS, HR);
- Prepares quarterly Workers Compensation estimates;
- Works in conjunction with Human Resources to ensure employees are paid correctly based on updated pay plans, classifications, and retro pays.
- Prepares reports, briefs and correspondence for the CFO, Accounting, independent auditors, and others;
- Prepares quarterly IRS filings, DOL quarterly filings, garnishments, deduction registers, loan repayments;
- Prepares 1099R's;
- Prepares W-2s;

NEW CASTLE COUNTY GOVERNMENT

Number 0214

25-119

Page 2 of 3

Date 5/15/23

CLASS SPECIFICATION

Title: PAYROLL SUPERVISOR

Approved:



- Monitors and evaluates personnel performance, prepares performance evaluations, and conducts performance appraisal discussions; Recommends training for subordinates;
- Reviews and approves employee leave requests;
- Recommends appropriate progressive discipline as necessary;
- Provides technical assistance and advice to payroll timekeepers and fiscal personnel in other departments;
- Responsible for enrolling and maintaining time reporter records and security access;
- Monitors all phases of payroll calculations each week;
- Reviews gross-to-net transactions, reconciliations and analysis;
- Reviews all final payroll registers and participates in the verification of the general ledger interface;
- Develops monthly statistical reports and schedules used to maintain the integrity of the data stored in the Payroll and Human Resources Information System for management use;
- Updates and maintains various payroll tables within the Payroll and Human Resources Information Systems;
- Assists Information Systems with Payroll and Human Resources Information System updates, upgrades, and enhancements by performing parallel tests and analyzing results; works directly with selected vendor to ensure any upgrades or new systems conform to the needs and requirements of the County;
- Formulates and updates written procedures and guidelines for the payroll staff used as training tools and to strengthen internal controls for the department and County-wide;
- Reconciles the payroll clearing account and liability accounts on a monthly basis;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service;
- Operates a personal computer and other related equipment in the course of the work.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Thorough knowledge of the principles and practices of payroll operations and tax regulations; thorough knowledge of accounting principles and practices; a strong understanding of an automated payroll system; a strong working knowledge of financial databases, information systems and electronic payment systems; ability to supervise the work of others; good knowledge of government organization, procedures and system analysis; good knowledge of office management practices and procedures; ability to understand and follow complex oral and written directions; ability to conduct research, draw conclusions and make recommendations to management; ability to make decisions in accordance with laws, ordinances, regulations, and established policies; ability to prepare clear, concise reports; ability to communicate courteously and effectively, both verbally and in writing; ability to maintain confidentiality in all aspects of the work; ability to establish and maintain courteous and effective working relationships with management, employees, vendors and outside agencies.

MINIMUM QUALIFICATIONS: At least three (3) years of experience in payroll operations; and possession of a Bachelor's Degree from an accredited college or university with major course work in business, accounting, or finance; or an equivalent combination of education, experience and training directly related to the required knowledge, skills, and abilities.

PREFERRED QUALIFICATIONS: Three (3) years of experience working with the Payroll and Human Resources Information System.

NEW CASTLE COUNTY GOVERNMENT**Number** 0214

25-119

Page 3 of 3**Date** 5/15/23**CLASS SPECIFICATION****Title:** PAYROLL SUPERVISOR**Approved:**

ADDITIONAL REQUIREMENTS: Ability to pass a Class II County physical examination and background check.

HISTORY OF REVISIONS:

Established: 11/02/12

Revised: 08/04/17

Revised: 05/15/23

PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
SENIOR SERVICES TRANS. PROGRAM COORD.	16	35,803	37,592	39,472	41,446	43,518	45,693	47,977	50,376	52,895	55,540	58,317
INSURANCE CLAIMS ASSISTANT	17	37,593	39,473	41,447	43,519	45,695	47,980	50,379	52,898	55,543	58,320	61,236
SENIOR SERVICES CENTER DIRECTOR	18	39,474	41,448	43,520	45,696	47,981	50,380	52,900	55,544	58,321	61,238	64,300
CONFIDENTIAL ASSISTANT HUMAN RESOURCES ASSISTANT	20	43,520	45,696	47,981	50,380	52,900	55,544	58,321	61,238	64,299	67,514	70,889
FINANCE INFORMATION SPECIALIST FIRE/MEDICAL COMMUNICATIONS SUPERVISOR POLICE COMMUNICATIONS SUPERVISOR VICTIM'S ASSISTANCE OFFICE COORDINATOR	22	47,980	50,379	52,898	55,543	58,320	61,237	64,298	67,513	70,888	74,433	78,155
REGISTER IN CHANCERY OFFICE ADMINISTRATOR STORMWATER INSPECTION SUPERVISOR	23	50,378	52,897	55,542	58,319	61,236	64,297	67,512	70,887	74,432	78,154	82,061
CRIME ANALYST LAND USE PARALEGAL PUBLIC INFORMATION SPECIALIST REAL ESTATE COORDINATOR	24	52,900	55,544	58,321	61,238	64,299	67,514	70,889	74,434	78,156	82,064	86,167
CUSTOMER INFO. AND ASSISTANCE SUPV. POLICE ACCREDITATION COORDINATOR	25	55,545	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476
ASSISTANT COMMUNITY SERVICES ADMIN. ASSISTANT LAND USE ADMINISTRATOR ENVIRONMENTAL ENGINEER I HUMAN RESOURCES TECHNICIAN INSURANCE ADMINISTRATOR LAW OFFICE ADMINISTRATOR	26	58,322	61,239	64,301	67,515	70,891	74,435	78,157	82,065	86,168	90,476	95,000
COMMUNITY GOVERNING ADMINISTRATOR SPORTS AND ATHLETICS ADMINISTRATOR	27	61,238	64,299	67,514	70,889	74,434	78,156	82,064	86,167	90,475	95,000	99,749
ENVIRONMENTAL ADMINISTRATOR FACILITIES PROJECT MANAGER FISCAL AND POLICY ANALYST LAND USE SERVICES ADMINISTRATOR LAND USE SERVICES ADMINISTRATOR, EMPLOYEE ENGAGEMENT AND HIRING SUPPORT PUBLIC WORKS PROGRAM MANAGER STORMWATER PROGRAM COORDINATOR	28	64,299	67,514	70,889	74,434	78,156	82,064	86,167	90,475	95,000	99,749	104,737
PAYROLL SUPERVISOR	29	67,516	70,892	74,436	78,158	82,066	86,169	90,477	95,002	99,751	104,739	109,976
BENEFITS ADMINISTRATOR COMMUNITY SERVICES ADMINISTRATOR EMPLOYEE RELATIONS SPECIALIST HUMAN RESOURCES ADMINISTRATOR LAND USE ADMINISTRATOR OPERATIONS SERVICES MANAGER PARKS DEVELOPMENT PLANNER <u>PAYROLL SUPERVISOR</u> PENSION ADMINISTRATOR SENIOR FISCAL AND POLICY ANALYST TRANSPORTATION PLANNER	30	70,891	74,435	78,157	82,065	86,168	90,476	95,001	99,750	104,738	109,975	115,474
DEVELOPMENT FACILITATOR PROPERTY ASSESSMENT SERVICES MANAGER	31	74,439	78,160	82,068	86,171	90,479	95,004	99,753	104,742	109,979	115,477	121,251

PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
DEPARTMENT FINANCE OFFICER	32	78,159	82,067	86,170	90,478	95,003	99,752	104,740	109,977	115,475	121,249	127,312
INFORMATION SYSTEMS ASSISTANT MANAGER												
LICENSING MANAGER												
MANAGEMENT AND PRODUCTIVITY MANAGER												
PLANNING MANAGER												
SENIOR FINANCIAL OFFICER												
ACCOUNTING AND FISCAL MANAGER	34	86,169	90,477	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,359
ASSISTANT LAND USE MANAGER												
CHIEF OF SPECIAL PROJECTS												
COMMUNITY SERVICES MANAGER												
ENGINEERING SERVICES MANAGER												
INFORMATION SYSTEMS MANAGER												
INSURANCE AND LOSS CONTROL MANAGER												
INTERNAL SERVICES MANAGER												
PARKS DIVISION MANAGER												
PENSION PROGRAM MANAGER												
SEWER OPERATIONS MANAGER												
STORMWATER & ENVIRONMENTAL PROGS. MGR												
TREASURY MANAGER												
FINANCE LEGAL OFFICER	35	90,478	95,003	99,752	104,740	109,977	115,475	121,249	127,312	133,677	140,361	147,379
HUMAN RESOURCES MANAGER												
DEPUTY CHIEF FINANCIAL OFFICER	36	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,358	147,376	154,745
FIRST ASSISTANT COUNTY ATTORNEY												
PUBLIC WORKS SENIOR MANAGER												
DEPUTY CHIEF OF TECHNOLOGY												

NON-UNION CLASSIFIED SERVICE EMPLOYEES OF EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL SERVICES

ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	32	83,144	87,050	91,155	95,463	99,986	104,738	109,725	114,962	120,459	126,234	132,546
CHIEF OF EMERGENCY COMMUNICATIONS	36	99,525	104,275	109,261	114,499	119,997	125,770	131,832	138,198	144,881	151,899	159,495
CHIEF OF EMERGENCY MEDICAL SERVICES	38	112,278	117,516	123,014	128,787	134,849	141,216	147,900	154,918	162,287	170,024	178,526

Effective: 07/01/2025 (Ordinance 23-063)
Revised: 07/01/2025 (Ordinance 23-086)
Revised: 08/29/2023 (Ordinance 23-097)
Revised: 08/01/2023 (Ordinance 23-126)
Revised: 07/07/2022 (Ordinance 24-013)
Revised: 10/8/2024 (Ordinance 24-148 and Ordinance 24-149)
Revised: 10/8/2024 (Ordinance 24-151) - Add Step 11
Revised: 11/19/2024 (Ordinance 24-160)
Revised: 02/24/2025 (Ordinance 25-016)
Revised: 04/11/2025 (Ordinance 25-031)
Revised: xx/xx/xxxx (Ordinance 25-xxx) Payroll Supervisor PG 29 to PG 30

PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
SENIOR SERVICES TRANS. PROGRAM COORD.	16	36,699	38,532	40,459	42,483	44,606	46,836	49,177	51,636	54,218	56,929	59,775
INSURANCE CLAIMS ASSISTANT	17	38,533	40,460	42,484	44,607	46,838	49,180	51,639	54,221	56,932	59,778	62,767
SENIOR SERVICES CENTER DIRECTOR	18	40,461	42,485	44,608	46,839	49,181	51,640	54,223	56,933	59,780	62,769	65,908
CONFIDENTIAL ASSISTANT HUMAN RESOURCES ASSISTANT	20	44,608	46,839	49,181	51,640	54,223	56,933	59,780	62,769	65,907	69,202	72,662
FINANCE INFORMATION SPECIALIST FIRE/MEDICAL COMMUNICATIONS SUPERVISOR POLICE COMMUNICATIONS SUPERVISOR VICTIM'S ASSISTANCE OFFICE COORDINATOR	22	49,180	51,639	54,221	56,932	59,778	62,768	65,906	69,201	72,661	76,294	80,109
REGISTER IN CHANCERY OFFICE ADMINISTRATOR STORMWATER INSPECTION SUPERVISOR	23	51,638	54,220	56,931	59,777	62,767	65,905	69,200	72,660	76,293	80,108	84,113
CRIME ANALYST LAND USE PARALEGAL PUBLIC INFORMATION SPECIALIST REAL ESTATE COORDINATOR	24	54,223	56,933	59,780	62,769	65,907	69,202	72,662	76,295	80,110	84,116	88,322
CUSTOMER INFO. AND ASSISTANCE SUPV. POLICE ACCREDITATION COORDINATOR	25	56,934	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738
ASSISTANT COMMUNITY SERVICES ADMIN. ASSISTANT LAND USE ADMINISTRATOR ENVIRONMENTAL ENGINEER I HUMAN RESOURCES TECHNICIAN INSURANCE ADMINISTRATOR LAW OFFICE ADMINISTRATOR	26	59,781	62,770	65,909	69,203	72,664	76,296	80,111	84,117	88,323	92,738	97,375
COMMUNITY GOVERNING ADMINISTRATOR SPORTS AND ATHLETICS ADMINISTRATOR	27	62,769	65,907	69,202	72,662	76,295	80,110	84,116	88,322	92,737	97,375	102,243
ENVIRONMENTAL ADMINISTRATOR FACILITIES PROJECT MANAGER FISCAL AND POLICY ANALYST LAND USE SERVICES ADMINISTRATOR LAND USE SERVICES ADMINISTRATOR, EMPLOYEE ENGAGEMENT AND HIRING SUPPORT PUBLIC WORKS PROGRAM MANAGER STORMWATER PROGRAM COORDINATOR	28	65,907	69,202	72,662	76,295	80,110	84,116	88,322	92,737	97,375	102,243	107,356
PAYROLL SUPERVISOR	29	69,204	72,665	76,297	80,112	84,118	88,324	92,739	97,378	102,245	107,358	112,726
BENEFITS ADMINISTRATOR COMMUNITY SERVICES ADMINISTRATOR EMPLOYEE RELATIONS SPECIALIST HUMAN RESOURCES ADMINISTRATOR LAND USE ADMINISTRATOR OPERATIONS SERVICES MANAGER PARKS DEVELOPMENT PLANNER PAYROLL SUPERVISOR PENSION ADMINISTRATOR SENIOR FISCAL AND POLICY ANALYST TRANSPORTATION PLANNER	30	72,664	76,296	80,111	84,117	88,323	92,738	97,377	102,244	107,357	112,725	118,361
DEVELOPMENT FACILITATOR PROPERTY ASSESSMENT SERVICES MANAGER	31	76,300	80,114	84,120	88,326	92,741	97,380	102,247	107,361	112,729	118,364	124,283

PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
DEPARTMENT FINANCE OFFICER INFORMATION SYSTEMS ASSISTANT MANAGER LICENSING MANAGER MANAGEMENT AND PRODUCTIVITY MANAGER PLANNING MANAGER SENIOR FINANCIAL OFFICER	32	80,113	84,119	88,325	92,740	97,379	102,246	107,359	112,727	118,362	124,281	130,495
ACCOUNTING AND FISCAL MANAGER ASSISTANT LAND USE MANAGER CHIEF OF SPECIAL PROJECTS COMMUNITY SERVICES MANAGER ENGINEERING SERVICES MANAGER INFORMATION SYSTEMS MANAGER INSURANCE AND LOSS CONTROL MANAGER INTERNAL SERVICES MANAGER PARKS DIVISION MANAGER PENSION PROGRAM MANAGER SEWER OPERATIONS MANAGER STORMWATER & ENVIRONMENTAL PROGS. MGR TREASURY MANAGER	34	88,324	92,739	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,868
FINANCE LEGAL OFFICER HUMAN RESOURCES MANAGER	35	92,740	97,379	102,246	107,359	112,727	118,362	124,281	130,495	137,019	143,871	151,064
DEPUTY CHIEF FINANCIAL OFFICER FIRST ASSISTANT COUNTY ATTORNEY PUBLIC WORKS SENIOR MANAGER DEPUTY CHIEF OF TECHNOLOGY	36	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,867	151,061	158,614

NON-UNION CLASSIFIED SERVICE EMPLOYEES OF EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL SERVICES

ASSISTANT CHIEF OF EMERG. COMMUNICATIONS	32	85,223	89,226	93,434	97,850	102,486	107,356	112,469	117,836	123,471	129,391	135,860
CHIEF OF EMERGENCY COMMUNICATIONS	36	102,014	106,882	111,993	117,362	122,997	128,915	135,128	141,653	148,504	155,697	163,483
CHIEF OF EMERGENCY MEDICAL SERVICES	38	115,085	120,454	126,090	132,007	138,221	144,747	151,598	158,791	166,345	174,275	182,990

*Effective: 07/01/2026 (Ordinance 23-063)**Revised: 07/01/2026 (Ordinance 23-086)**Revised: 08/29/2023 (Ordinance 23-097)**Revised: 08/01/2023 (Ordinance 23-126)**Revised: 07/07/2022 (Ordinance 24-013)**Revised: 10/8/2024 (Ordinance 24-148 and Ordinance 24-149)**Revised: 10/8/2024 (Ordinance 24-151) - Add Step 11**Revised: 11/19/2024 (Ordinance 24-160)**Revised: 02/24/2025 (Ordinance 25-016)**Revised: 04/11/2025 (Ordinance 25-031)**Revised: xx/xx/xxxx (Ordinance 25-xxx) Payroll Supervisor PG 29 to PG 30*

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.

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:

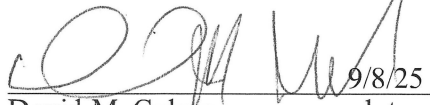
Mr. Snowden asked the Department explain the reason for recommending that the distance be increased from five hundred (500) feet to one thousand (1,000) feet between new day care centers and retail marijuana stores. Mr. Rogers explained that the change was the result of the Governor's veto of SB 75¹,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

9/8/25
date


Robert Snowden
Acting Chair
Planning Board

9/8/25
date

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

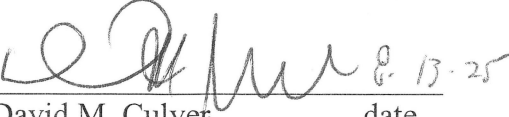
⁶ Average time that Record Major Land Development spent in the review and approval process for plans recorded between 1/1/2024 and 6/16/2025.

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

