NEW CASTLE COUNTY COUNCIL
LAND USE COMMITTEE MEETING

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

December 2, 2025
3:00 PM

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

AGENDA

A. Meeting Call to Order

B. Approval of Minutes

C. Review/Discussion of Resolution(s)

R25- : PLAN OF COUNTRY CLUB ESTATES; ST. GEORGES HUNDRED; NORTH SIDE OF CHURCHTOWN ROAD, APPROXIMATELY 3200 FT WEST OF BACK CREEK DRIVE; MAJOR LAND DEVELOPMENT PLAN THAT COMBINES TAX PARCELS 13-011.00-001, 002, 033, AND 163 INTO A SINGLE PARCEL TO CONSTRUCT AN OPEN SPACE PLANNED SUBDIVISION CONSISTING OF 96 SINGLE FAMILY DETACHED LOTS, 144 SINGLE FAMILY VILLAGE LOTS (99 AGE-RESTRICTED), 84 TOWNHOUSES, AND 216 MULTI-FAMILY APARTMENT UNITS WITH ASSOCIATED IMPROVEMENTS, INCLUDING PROPOSED CLUBHOUSES AND RECREATIONAL AREAS. THE PLAN RELIES ON A TRANSFER OF DEVELOPMENT RIGHTS (TDR) AND REFERENCES A MAXIMUM BASE YIELD OF 352 DWELLING UNITS, WITH AN ADDITIONAL 188 DWELLING UNITS, FOR A TOTAL OF 540 DWELLING UNITS; S AND S & H ZONING; APPLICATION NO. 2021-0287; COUNCIL DISTRICT 6.
Prime Sponsor(s): Mr. Carter

D. Review/Discussion of Ordinance(s)

°25-152: REVISE ZONING MAP: ST. GEORGES HUNDRED, NORTH SIDE CHURCHTOWN ROAD, 2,091 FEET WEST OF BACK CREEK DRIVE; REZONE TAX PARCEL 13-011.00-162 AND PORTION OF TAX PARCEL 13-011.00-033 FROM SUBURBAN (S) TO SUBURBAN (S) AND HISTORIC OVERLAY ZONE (H).
(The purpose of this Rezoning is to rezone 4.48 acres of tax parcel 13-011.00-162 and 0.52 acres of tax parcel 13-011.00-033 from suburban (S) to Suburban (S) and Historic Overlay Zone (H). App. 2021- 0287-S/Z.)
Prime Sponsor(s): Mr. Carter

°25-157: TO AMEND CHAPTER 7 (“PROPERTY MAINTENANCE CODE”) OF THE NEW CASTLE COUNTY CODE
Prime Sponsor(s): Ms. Kilpatrick, Mr. Tackett

°25-094: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), SECTION 40.27.540 (“CHANGES TO OPEN SPACE OR COMMON FACILITIES”) REGARDING PROPOSED PLAN CHANGES
Prime Sponsor(s): Mr. Caneco, Ms. Durham

°25-100: **(NOTE: THESE REZONINGS RELATE TO PUBLIC LANDS AND PUBLIC PARKS)** COUNTY INITIATED REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 2 REGARDING THE FOLLOWING TAX PARCELS: BRANDYWINE HUNDRED: 06-013.00-080 (2537 DARTMOUTH WOODS RD, DARTMOUTH WOODS), 06-013.00-260 (2412 RAMBLEWOOD DR, CHANNIN), 06-013.00-261 (2510 RAMBLEWOOD DR, CHANNIN), 06-014.00-019 (2708 TONBRIDGE DR, CHANNIN), 06-014.00-048 (2708 TONBRIDGE DR, LUHMANN PROPERTY), 06-014.00-168 (2708 TONBRIDGE DR, CHANNIN), 06-020.00-165 (3331 TUNISON DR, DEVONSHIRE SEC 1), 06-020.00-197 (3328 TUNISON DR, DEVONSHIRE SEC 1), 0602000229 (15 A AUSTIN RD, CHAPELCROFT), 06-020.00-245 (3319 SHIPLEY RD, CHAPELCROFT), 06-021.00-024 (26 A AUSTIN RD, CHAPELCROFT), 06-021.00-033 (2818 GRUBB RD, JESTER PARK), 06-021.00-035 (5 OLD POST CT, COUNTRY GATES), 06-022.00-081 (2122 WEATHERTON DR, BRANDYWOOD SEC 3), 06-022.00-126 (2132 A BRANDYWOOD DR, BRANDYWOOD SEC 3), 06-024.00-152 (2102 WREXHAM RD, NORTHCREST), 06-030.00-004 (3427 N ROCKFIELD DR, DEVONSHIRE SEC 1), 06-031.00-315 (0 BARLOW RD, JESTER PARK), 06-031.00-334 (2818 GRUBB RD, JESTER PARK), 06-032.00-168 (0 MAJESTIC DR, BRANDYWOOD SEC 1), 06-032.00-242 (2302 LIGHTHOUSE LN, BEACON HILL, 06-032.00-281 (2302 LIGHTHOUSE LN, BRANDYWOOD SEC 1), 06-032.00-306 (0 MAJESTIC DR, BRANDYWOOD SEC 1), 06-033.00-042 (2402 PENNINGTON DR, BRANDYWOOD SEC 1), 06-033.00-138 (0 PATWYNN RD, WYNNWOOD), 06-033.00-238 (2328 JAMAICA DR, KINGSRIDGE), 06-033.00-239 (2237 PATWYNN RD, WYNNWOOD), 06-033.00-240 (2246 INWOOD RD, LANCASHIRE), 06-041.00-184 (7 A PIERSON CT, PIERSON FARM), 06-041.00-209 (0 OFF PIERSON DR, PIERSON FARM), 06-042.00-016 (2695 E LANDSDOWNE DR, CARDIFF), 06-042.00-080 (2490 LANDON DR, CHALFONTE SEC 1), 06-043.00-202 (2011 LONGCOME DR, GRAYLYN CREST SEC 3), 06-043.00-202 (2011 LONGCOME DR, GRAYLYN CREST SEC 3), 06-045.00-022 (2211 A JAMAICA DR, HOLIDAY HILLS SEC 2), 06-052.00-183 (2506 N LORI LN, TARLETON), 06-052.00-217 (2433 SHIPLEY RD, TARLETON), 06-053.00-018 (2501 N LORI LN, WOODBINE), 06-053.00-105 (3000 SILVERSIDE RD, BONSALL SUBD), 06-055.00-174 (2099 WESTMINSTER DR, GRAYLYN CREST SEC 3), 06-064.00-033 (501 WHITBY DR), 06-065.00-227 (306 GOODLEY RD, MCDANIEL CREST), 06-065.00-259 (2429 SHELLPOT DR, MCDANIEL CREST), 06-065.00-312 (3199 DELWYNN DR, SURREY PARK), 06-067.00-237 (1212 WINDON DR, CHATHAM), 06-067.00-257 (1212 WINDON DR, GRAYLYN CREST SEC 2), 06-075.00-007 (1000 MT LEBANON RD), 06-076.00-160 (0 BLACK GATES RD), 06-077.00-274 (0 OFF CONCORD PIKE, FIRST UNITARIAN CHURCH), 06-079.00-010 (3324 COACHMAN RD, SURREY PARK), 06-080.00-108 (1910 GRAYWELL RD, GRAYLYN CREST SEC 4), 06-080.00-190 (1110 CRESTOVER RD, GRAYLYN CREST SEC 2), 06-088.00-018 (52 KERFOOT FARM RD, WOODBROOK SEC 3), 0608900011 (201 SHARPLEY RD, SHARPLEY SEC I), 06-090.00-052 (150 FAIRFAX BLVD, FAIRFAX), 06-090.00-571 (1108 PARKSIDE DR, OAK LANE MANOR), 06-091.00-154 (815 WILSON RD, NEW CASTLE COUNTY TALLEY DAY PARK), 06-099.00-002 (96 COUNTRY CLUB DR, WOODBROOK), 06-100.00-093 (15 A YORK RD, DEERHURST), 06-101.00-270 (1802 FAIRFAX BLVD, FAIRFAX), AND 06-128.00-151 (123 ROCKLAND CIR, ALAPOCAS II); CHRISTIANA HUNDRED: 07-022.00-031 (807 MT CUBA RD, TASH SUBD), 07-027.00-004 (3809 ARDLEIGH DR, GREENVILLE MANOR), 07-028.00-102 (49 STONEWOLD WAY, STONEWOLD), 07-030.30-085 (0 KENNETT PIKE, WESTOVER HILLS), 07-034.20-159 (2301 CENTERVILLE RD, TYBROOK), 07-034.20-315 (2512 TURNSTONE DR, BROOKMEADE SEC 1), 07-035.10-036 (2001 FAULKLAND RD,

WOODLAND PARK), 07-035.30-198 (1604 A MONTGOMERY RD, WILLOW RUN), 07-035.30-324 (1607 MONTGOMERY RD, WILLOW RUN), 07-035.30-339 (1201 E WILLOW RUN DR, WILLOW RUN), 07-035.40-157 (15 JEFFERSON AVE, WILLOW RUN SEC 2), 07-035.40-158 (1020 MONTGOMERY RD, OAK HILL), 07-035.40-275 (1315 CLIFFORD RD, OAK HILL), AND 07-035.40-284 (1320 CLIFFORD RD, OAK HILL); MILL CREEK HUNDRED: 08-032.20-258, (2825 NEWPORT GAP PIKE, BRANDYWINE SPRINGS MNR)
Prime Sponsor(s): Ms. Durham

E. Presentations

F. Other

G. Public Comment

H. Adjournment

AGENDA POSTED: November 25, 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 zoom Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : https://zoom.us/j/377322142 You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars

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

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

Prime Sponsor(s): Mr. Carter
Requested by: Department of Land Use
Date of introduction: November 18, 2025

RESOLUTION NO. 25-

PLAN OF COUNTRY CLUB ESTATES; ST. GEORGES HUNDRED; NORTH SIDE OF CHURCHTOWN ROAD, APPROXIMATELY 3200 FT WEST OF BACK CREEK DRIVE; MAJOR LAND DEVELOPMENT PLAN THAT COMBINES TAX PARCELS 13-011.00-001, 002, 033, AND 163 INTO A SINGLE PARCEL TO CONSTRUCT AN OPEN SPACE PLANNED SUBDIVISION CONSISTING OF 96 SINGLE FAMILY DETACHED LOTS, 144 SINGLE FAMILY VILLAGE LOTS (99 AGE-RESTRICTED), 84 TOWNHOUSES, AND 216 MULTI-FAMILY APARTMENT UNITS WITH ASSOCIATED IMPROVEMENTS, INCLUDING PROPOSED CLUBHOUSES AND RECREATIONAL AREAS. THE PLAN RELIES ON A TRANSFER OF DEVELOPMENT RIGHTS (TDR) AND REFERENCES A MAXIMUM BASE YIELD OF 352 DWELLING UNITS, WITH AN ADDITIONAL 188 DWELLING UNITS, FOR A TOTAL OF 540 DWELLING UNITS; S AND S & H ZONING; APPLICATION NO. 2021-0287; COUNCIL DISTRICT 6.

NOW, THEREFORE, BE IT RESOLVED, by and for the County Council of New Castle County that County Council hereby approves the following major land development plan, Plan of Country Club Estates (Application Number 2021-0287) as heretofore approved by the Land Use Department, and the President of County Council is hereby authorized to endorse her approval upon the following plan.

Country Club Estates
St. George's 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.

Marcus A. Henry
County Executive

David M. Culver
General Manager

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 2021-0287-S
Country Club Estates
Major Residential Land Development Record Plan

DATE: October 23, 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 Country Club Estates; St. Georges Hundred; North side of Churchtown Road, approximately 3200 ft west of Back Creek Drive; Major land development plan that combines tax parcels 13-011.00-001, 002, 033, and 163 into a single parcel to construct an Open Space Planned subdivision consisting of 96 single family detached lots, 144 single family village lots (99 age-restricted), 84 townhouses, and 216 multi-family apartment units with associated improvements, including proposed clubhouses and recreational areas. The plan relies on a transfer of development rights (TDR) and references a maximum base yield of 352 dwelling units, with an additional 188 dwelling units, for a total of 540 dwelling units; S and S & H zoning; Council District 6.

Synopsis: Same as title

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

SITE DATA

1. OWNER OF RECORD: COUNTRY CLUB ESTATES LLC (13-011.00-001, -002,-033 , -162 & -163)
105 FOULK ROAD
WILMINGTON, DE 19803
2. ENGINEER / SURVEYOR: BECKER MORGAN GROUP INC.
100 DISCOVERY BLVD, SUITE 102
NEWARK, DE 19713
(302) 369-3700
3. PROPERTY ADDRESS 0, 1339, 1349 CHURCHTOWN ROAD & 0 OLD TELEGRAPH ROAD
MIDDLETOWN, DE 19709 (UNINCORPORATED)
NEW CASTLE COUNTY
4. PARCEL I.D. NUMBERS: 13-011.00-001, 13-011.00-002, 13-011.00-033, 13-011.00-162, 13-011.00-163
5. DEED SUMMARY:

T.P. 13-011.00-001	20051213-0128564
T.P. 13-011.00-002	2284-187
T.P. 13-011.00-033	2659-93
T.P. 13-011.00-162 & 13-011.00-163	2511-73

6. MICROFILM REFERENCE: 13129
7. ZONING CLASSIFICATION: EXISTING: S - SUBURBAN / NEW CASTLE COUNTY
PROPOSED: S - SUBURBAN / NEW CASTLE COUNTY
8. PRESENT USE: AGRICULTURAL FARMLAND
9. NUMBER OF LOTS: EXISTING: 5 LOTS
PROPOSED: SINGLE FAMILY = 324 LOTS
MULTI-FAMILY APARTMENTS = 1 LOT
UTILITY LOT = 1 LOT
HISTORIC STRUCTURE = 1 LOT
AGE-RESTRICTED CLUBHOUSE = 1 LOT
TOTAL = 328 LOTS
10. PROPOSED USE: OPEN SPACE PLANNED SUBDIVISION
11. TOTAL SITE AREA:

T.P. 13-011.00-001	50.92 ACRES ±
T.P. 13-011.00-002	90.94 ACRES ±
NEW T.P. 13-011.00-033	90.66 ACRES ±
EXISTING T.P. 13-011.00-033	91.18 AC ±
REMOVED FROM T.P. 13-011.00-033	- 0.52 AC ±
NEW T.P. 13-011.00-162	5.00 ACRES ±
EXISTING T.P. 13-011.00-162	4.48 AC ±
ADDED FROM T.P. 13-011.00-033	+ 0.52 AC ±
T.P. 13-011.00-163	58.48 ACRES ±
TOTAL AREA =	**296.00 ACRES ±**

12. PROTECTED RESOURCES: TOTAL RESOURCE LAND: 296.00 ACRES ±
PROTECTED RESOURCE LAND: 161.84 ACRES ±
13. NET BUILDABLE SITE AREA: 110.51 ACRES ±
14. OPEN SPACE: REQUIRED: 271.49 ACRES x 0.50 = 135.75 ACRES ±
PROVIDED: 190.17 ACRES ± (TOTAL)
15. USEABLE OPEN SPACE: REQUIRED: 1 ACRE / 100 DU = 5.40 ACRES ±
PROVIDED: 24.16 ACRES ± (ACTIVE/COMMUNITY OPEN SPACE)
166.01 ACRES ± (INACTIVE/NATURAL OPEN SPACE)
16. TOTAL S.W.M. AREA: 11.79 ACRES ±
17. AREA BREAKDOWN:

SINGLE FAMILY LOT AREA:	
PUBLIC R.O.W.:	21.63 ACRES ±
LOT AREA:	57.26 ACRES ±
IMPERVIOUS AREA:	2.90 ACRES ±
OPEN SPACE / NATURAL AREA:	182.33 ACRES ± (EXCLUDING S.W.M. AREAS)
S.W.M. AREA:	11.73 ACRES ±
TOTAL AREA:	**275.85 ACRES ±**
MULTI-FAMILY APARTMENT LOT:	
IMPERVIOUS AREA:	7.25 ACRES ±
OPEN SPACE:	7.45 ACRES ± (EXCLUDING S.W.M. AREAS)
S.W.M. AREA:	0.00 ACRES ±
TOTAL AREA:	**14.70 ACRES ±**
UTILITY LOT	
IMPERVIOUS AREA:	0.09 ACRES ±
OPEN SPACE:	0.36 ACRES ±
TOTAL AREA:	**0.45 ACRES ±**
PARCEL #13-011.00-162	
IMPERVIOUS AREA:	0.60 ACRES ±
OPEN SPACE:	4.40 ACRES ±
TOTAL AREA:	**5.00 ACRES ±**

18. TDR CALCULATIONS: MAXIMUM BASE YIELD: 352 DU
ADDITIONAL TDR ALOTMENT: 188 DU (3 APT, BLDG, LOTS 1-6 & 130-240)
TOTAL PROPOSED DWELLING UNITS: 540 DU
AGE RESTRICTIVE TDRs: 99 DU (LOTS 139 - 237)
19. DENSITY CALCULATION: MAXIMUM GROSS DENSITY: 1,86 DU / ACRE
MAXIMUM NET DENSITY: 5,00 DU / ACRE
PROPOSED GROSS DENSITY: 540 DU / 296,00 ACRES = 1,82 DU / ACRE
PROPOSED NET DENSITY: 540 DU / 110,51 ACRES = 4,89 DU / ACRE
20. DWELLING UNIT MIX:

LOT TYPE	REQUIRED	PROVIDED
SINGLE FAMILY (10,000-12,000):	5% / 27 DU MIN,	6,1% / 33 DU
SINGLE FAMILY (12,000+):	40% / 216 DU MAX,	11,7% / 63 DU
SINGLE FAMILY VILLAGE:	5% / 27 DU MIN,	26,6% / 144 DU
TOWNHOUSES:	5% / 27 DU MIN,	15,6% / 84 DU
MULTI-FAMILY APARTMENTS:	40% / 216 DU MAX,	40,0% / 216 DU
TOTAL:		**540 DU**

21. SETBACKS:

SINGLE FAMILY (10K-12K & 12K+):		SINGLE FAMILY VILLAGE:	
STREET:	25 FT	STREET:	12 FT
SIDE:	6 FT	PARKING:	20 FT
REAR:	30 FT	SIDE:	6 FT
MAX HEIGHT:	36 FT	REAR:	25 FT
MIN LOT WIDTH:	80 FT (10,000-12,000)	MAX HEIGHT:	36 FT
	85 FT (12,000+)	MIN LOT WIDTH:	48 FT
TOWNHOUSES:		MULTI-FAMILY APARTMENTS:	
STREET:	15 FT	STREET:	25 FT
PARKING:	20 FT	PARKING:	15 FT
SIDE:	6 FT (END UNIT)	SIDE:	12 FT
REAR:	20 FT	REAR:	20 FT
MAX HEIGHT:	40 FT	MAX HEIGHT:	50 FT
MIN LOT WIDTH:	22 FT	MIN LOT WIDTH:	100 FT

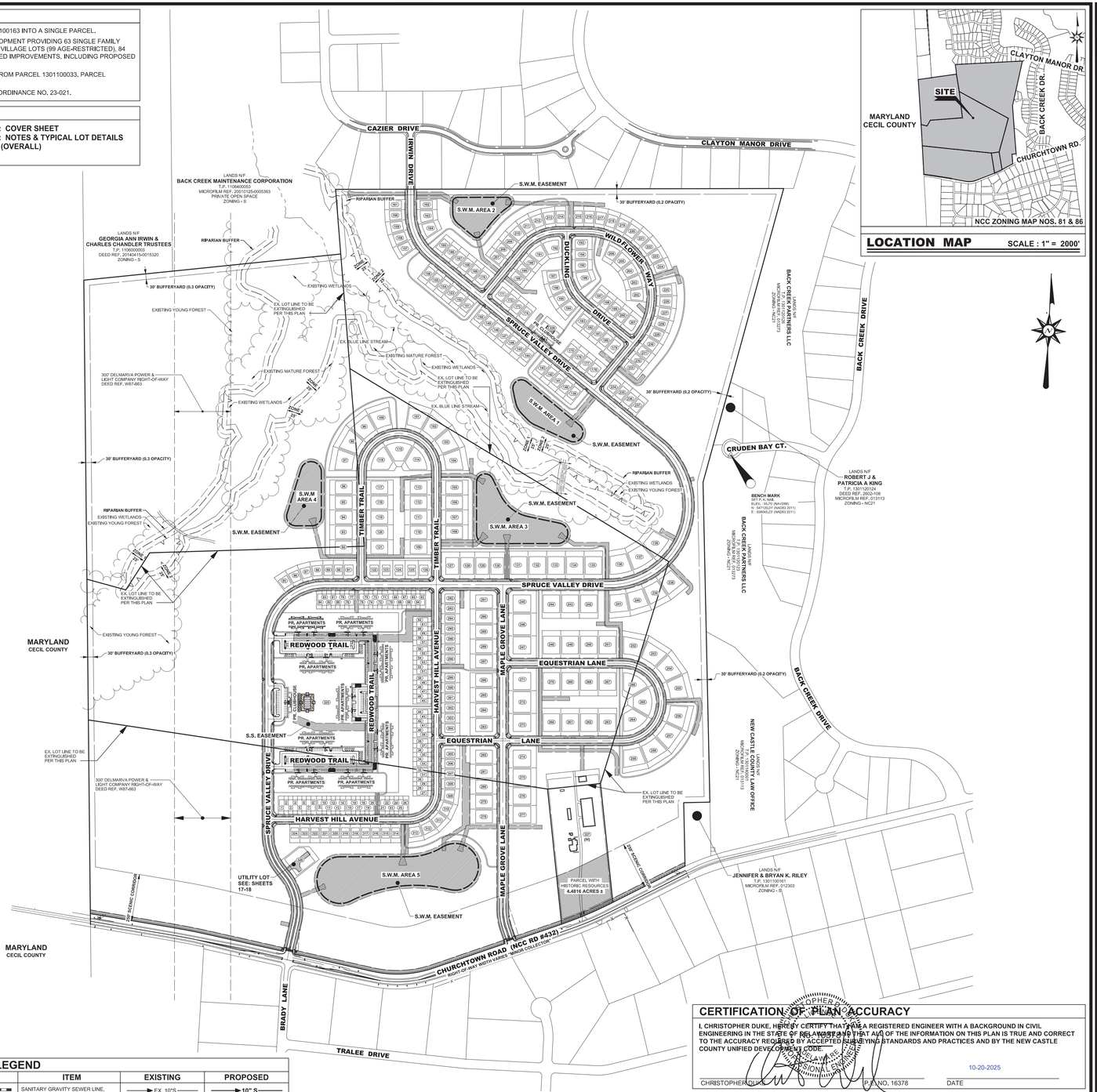
22. PARKING CALCULATIONS: REQUIRED PARKING:
FOR OPEN SPACE PLANNED RESIDENTIAL: 2,25 PER DU
2,25 x 225 DU = 507 SPACES
FOR AGE RESTRICTED RESIDENTIAL: 1,5 PER DU
1,50 x 99 DU = 149 SPACES
MULTI-FAMILY APARTMENTS: 1,5 PER 1 BEDROOM DU; 2,0 PER 2/3 BEDROOM DU; 2,25 PER 4 BEDROOM DU; 2,5 PER 5+ BEDROOM DU; 1 ADD'L GUEST SPACE PER 5 DU
1,5 x 85 (1 BEDROOM) DU = 127,5 SPACES
2,0 x 131 (2/3 BEDROOM) DU = 262 SPACES
216 DU / 5 = 43,2 SPACES
TOTAL APARTMENT PARKING = 433 SPACES
TOTAL REQUIRED: 1,089 SPACES
BIKE REQUIRED: 44 SPACES (433 SPACES / 10)
PROVIDED PARKING:
TOTAL PROVIDED: 1,089 SPACES
(ASSUMES 2 ON-LOT FOR EACH NON-APARTMENT DU, PLUS APARTMENT AREA PARKING SPACES)
BIKE PROVIDED: 45 SPACES
APARTMENT AREA CLUBHOUSE PARKING:
REQUIRED: 6 SPACES / 1,000 S.F. OF GROSS FLOOR AREA
= 6 x (5,000 S.F. / 1,000 S.F.) = 30 SPACES
PROVIDED: 30 SPACES
REQUIRED BICYCLE PARKING: 1 SPACE / 10 VEHICLE PARKING SPACES
= 30 SPACES / 10 = 3 SPACES
PROVIDED BICYCLE PARKING: 4 SPACES
OPEN SPACE PLANNED CLUBHOUSE PARKING:
REQUIRED: 6 SPACES / 1,000 S.F. OF GROSS FLOOR AREA
= 6 x (2,000 S.F. / 1,000 S.F.) = 12 SPACES
PROVIDED: 12 SPACES
REQUIRED BICYCLE SPACES: 1 SPACE / 10 VEHICLE PARKING SPACES
= 12 SPACES / 10 = 2 SPACES
PROVIDED BICYCLE SPACES: 2 SPACES
23. LINEAR FT, OF PUBLIC R,O,W,: TOTAL RIGHT-OF-WAY: 17,465,0 L.F, ±
60' RIGHT-OF-WAY: 8,632,5 L.F, ±
50' RIGHT-OF-WAY: 8,832,5 L.F, ±
24. IMPERVIOUS COVER: 45,46 ACRES ± = 15,36% COVERAGE
25. WRPA INFORMATION: RECHARGE AREA:
TOTAL AREA WITHIN WRPA: 296,00 ACRES ±
PERMITTED IMPERVIOUS WITHIN WRPA: 59,20 ACRES ± (20.00%)
PROPOSED IMPERVIOUS WITHIN WRPA: 45,46 ACRES ± (15,36%)
ROAD & SIDEWALK IMPERVIOUS: 16,66 ACRES ± (5,63%)
ON-LOT IMPERVIOUS*: 17,96 ACRES ±*(6,07%)
APARTMENT LOT IMPERVIOUS: 7,25 ACRES ± (2,45%)
OTHER IMPERVIOUS: 3,59 ACRES ± (1,21%)
* ACREAGE BASED ON THE MAXIMUM AMOUNTS OF PERMITTED ON-LOT IMPERVIOUS COVER AS OUTLINED IN GENERAL NOTE 6.3.1. ON SHEET 2 OF 16.
PERMITTED DISTURBANCE WITHIN WRPA: 148,00 ACRES ± (50%)
PROPOSED DISTURBANCE WITHIN WRPA: 139,32 ACRES ± (47,07%)
26. SURVEY DATUM: NGS MONUMENTS
VERTICAL: NAVD 88 - H38 HORIZONTAL: NAD 83 (2011) - CORS
27. MONUMENTATION: AS SHOWN
2 SET
28. TOTAL DISTURBED AREA: 148,68 ACRES ±
29. SOURCE OF WATER: TIDEWATER UTILITIES
30. SOURCE OF SEWER: NEW CASTLE COUNTY
31. SANITARY SEWER FLOWS: AVERAGE DAILY FLOW: 241 DETACHED DU'S x 300 GPD = 72,300 GPD
84 ATTACHED DU'S x 250 GPD = 21,000 GPD
216 APARTMENT DU'S x 200 GPD = 43,200 GPD
2 CLUBHOUSES x 300 GPD = 600 GPD
TOTAL = 137,100 GPD
PEAK DAILY FLOW: 137,100 GPD x 4(PEAK FACTOR) = 548,400 GPD

PLAN PURPOSE:

1. TO CONSOLIDATE PARCELS 1301100001, 1301100002, 1301100033, AND 1301100163 INTO A SINGLE PARCEL.
2. TO SUBDIVIDE THE PROJECT AREA INTO AN OPEN SPACE PLANNED DEVELOPMENT PROVIDING 63 SINGLE FAMILY (12,000+) LOTS, 33 SINGLE FAMILY (10,000-12,000) LOTS, 144 SINGLE FAMILY VILLAGE LOTS (99 AGE-RESTRICTED), 84 TOWNHOUSES, AND 216 MULTI-FAMILY APARTMENT UNITS WITH ASSOCIATED IMPROVEMENTS, INCLUDING PROPOSED CLUBHOUSES AND RECREATIONAL AREAS.
3. HISTORIC PARCEL 1301100162 TO INCREASE SIZE BY ADDING 0,52 ACRES FROM PARCEL 1301100033. PARCEL 1301100162 WILL NOW BE 5,00 ACRES IN TOTAL.
4. HISTORIC (H) OVERLAY ZONING CREATED FOR LOT 327 IN REFERENCE TO ORDINANCE NO. 23-021.

SHEET INDEX

1	MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN: COVER SHEET
2	MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN: NOTES & TYPICAL LOT DETAILS
3	MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN (OVERALL)
4 - 19	MAJOR RESIDENTIAL LAND DEVELOPMENT PLAN


CAZIER DRIVE
IRWIN DRIVE
CLAYTON MANOR DRIVE
LANDS N/F
BACK CREEK MAINTENANCE CORPORATION
T.P. 1106400053
MICROFILM REF. 20010125-0005363
PRIVATE OPEN SPACE
ZONING - S
LANDS N/F
GEORGIA ANN IRWIN & CHARLES CHANDLER TRUSTEES
T.P. 1106500023
DEED REF. 20140415-0015320
ZONING - S
RIPARIAN BUFFER
30' BUFFERYARD (0.3 OPACITY)
EXISTING YOUNG FOREST
EXISTING WETLANDS
EX. LOT LINE TO BE EXTINGUISHED PER THIS PLAN
EX. BLUE LINE STREAM
EXISTING MATURE FOREST
300' DELMARVA POWER & LIGHT COMPANY RIGHT-OF-WAY DEED REF., W87-663
ZONE 1
ZONE 2
ZONE 3
S.W.M. AREA 1
S.W.M. AREA 2
S.W.M. AREA 3
S.W.M. AREA 4
S.W.M. AREA 5
S.W.M. EASEMENT
S.S. EASEMENT
30' BUFFERYARD (0.2 OPACITY)
WILD FLOWER WAY
DUCKLING DRIVE
SPRUCE VALLEY DRIVE
TIMBER TRAIL
REDWOOD TRAIL
HARVEST HILL AVENUE
HARVEST HILL LANE
MAPLE GROVE LANE
EQUESTRIAN LANE
EQUESTRIAN LANE
CRUDEN BAY CT.
BACK CREEK DRIVE
LANDS N/F
BACK CREEK OWNERS LLC
T.P. 1301100124
DEED REF. 20140415-0015320
ZONING - NC21
BENCH MARK
667 FT.+/- N/A
ELEV.= 55.79' (NAVD88)
N - 590549.01' (NAD83 2011)
E - 590549.23' (NAD83 2011)
LANDS N/F
ROBERT J & PATRICIA A KING
T.P. 1301100124
DEED REF. 2002-108
MICROFILM REF. 013113
ZONING - NC21
LANDS N/F
NEW CASTLE COUNTY LAW OFFICE
T.P. 1301100181
MICROFILM REF. 012303
ZONING - S
LANDS N/F
JENNIFER & BRYAN K. RILEY
T.P. 1301100181
MICROFILM REF. 012303
ZONING - S
PARCEL WITH HISTORIC RESOURCES
4.4816 ACRES ±
UTILITY LOT
SEE: SHEETS 17-18
200' SCENIC CORRIDOR
CHURCHTOWN ROAD (NCC RD #432)
RIGHT-OF-WAY WIDTH VARIES, SENIOR COLLECTOR
BRADY LANE
TRALEE DRIVE
MARYLAND
CECIL COUNTY
MARYLAND
CECIL COUNTY
REDWOOD TRAIL
PR. APARTMENTS
PR. APARTMENTS
PR. APARTMENTS

GENERAL NOTES

1. BOUNDARY AND TOPOGRAPHIC SURVEY DATA SHOWN HEREON WAS COMPILED FROM A FIELD SURVEY PERFORMED BY BECKER MORGAN GROUP, INC, DOVER, DE, IN THE SUMMER OF 2015. PROJECT VERTICAL DATUM IS BASED ON DELAWARE STATE PLANE (NAVD 88) AND PROJECT HORIZONTAL DATUM IS BASED ON DELAWARE STATE PLANE (NAD83 (2011)), GPS DERIVED FROM N.G.S. CONTROL MONUMENTS.
2. THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION.
3. THE EXISTING UTILITIES SHOWN WERE TAKEN FROM THE BEST AVAILABLE RECORDS. THE CONTRACTOR SHALL CONTACT A PRIVATE UTILITY LOCATOR TO VERIFY THEIR EXACT LOCATION PRIOR TO THE START OF ANY CONSTRUCTION.
4. FLOODPLAIN: THE SITE IS NOT WITHIN THE 100-YEAR FLOODPLAIN AS SHOWN ON FIRM MAP PANEL *10003C0229L & 10003C0300K*, EFFECTIVE 01/22/2020.
5. WETLAND: WETLAND DELINEATION WAS COMPLETED BY WATERSHED ECO, NEWARK, DELAWARE AND IS BASED ON A SITE DELINEATION PREFORMED IN FEBRUARY OF 2021 BY JIM MCCULLEY (PWS 471). THE DELINEATION DETERMINED THERE ARE WETLANDS EXISTENT ON THE SITE.
6. WRPA: THIS AREA OF DEVELOPMENT IS LOCATED WITHIN A WATER RESOURCE PROTECTION AREA (WRPA) BASED ON REVIEW OF "MAPPING OF WATER RESOURCE PROTECTION AREAS FOR CITY OF NEWARK, CITY OF WILMINGTON, AND NEW CASTLE COUNTY, DELAWARE" MAP 2 OF 3, LAST REVISED MARCH 2022.
   6.1. TOTAL RECHARGE AREA: ± 296.00 AC.
   6.2. EXISTING IMPERVIOUS WITHIN RECHARGE AREA: ± 1.05 AC. (0.36% OF WRPA AREA)
   6.3. PROPOSED IMPERVIOUS WITHIN RECHARGE AREA: ± 45.37 AC. (15.33% OF WRPA AREA)
   6.3.1. THE FOLLOWING ASSUMED AREAS WERE USED TO CALCULATE THE MAXIMUM AMOUNT OF ON-LOT IMPERVIOUS COVER ANTICIPATED WITHIN THE WRPA RECHARGE AREA, AND ARE NOT INTENDED AS A SPECIFIC LOT LIMITATION:
      SINGLE FAMILY (12,000+): 3,500 S.F.±
      SINGLE FAMILY (10,000-12,000): 3,000 S.F.±
      SINGLE FAMILY VILLAGE: 2,500 S.F.±
      TOWNHOMES: 1,250 S.F.± (7,500 S.F. ± PER 6 PACK)
7. CRITICAL NATURAL AREAS: NO PORTION OF THIS SITE CONTAINS CRITICAL NATURAL AREAS PER THE DELAWARE INVENTORY OF NATURAL AREAS.
8. DEBRIS DISPOSAL: DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES, ANY SOLID WASTE FOUND DURING EXCAVATION MUST BE REMOVED AND PROPERLY DISCARDED.
9. TIDEWATER WATER: WATER SUPPLY IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DEPARTMENT OF PUBLIC HEALTH.
10. SANITARY SEWER: SEWERAGE IS SUBJECT TO THE APPROVAL OF THE NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS AT THE TIME OF APPROVAL OF THIS PLAN, SEWER CAPACITY EXISTED TO ACCOMMODATE THE ANTICIPATED FLOWS GENERATED BY THIS ADDITIONAL DEVELOPMENT. NEW CASTLE COUNTY HAS COMMITTED TO PROVIDE SEWER SERVICE IN ACCORDANCE WITH THE LAND DEVELOPMENT IMPROVEMENT AGREEMENT FOR THIS DEVELOPMENT. THE OWNER OF THIS PROPERTY, HIS SUCCESSORS OR ASSIGNS, SHALL BE RESPONSIBLE FOR EXTENDING SEWER SERVICE TO EACH LOT SHOWN ON OR CREATED BY THIS PLAN.
11. ALL HANDICAPPED PARKING DEMARCATION, STALLS, AND BUILDING ACCESSIBLE ROUTES SHALL COMPLY WITH THE "AMERICAN WITH DISABILITIES ACT".
12. THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENT FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
13. BEFORE THE CONTRACTOR CAN BEGIN CONSTRUCTION HE MUST OBTAIN THE PROPER PERMITS AND/OR APPROVALS FROM NEW CASTLE COUNTY (N.C.C.), DNREC, DELAWARE DEPARTMENT OF TRANSPORTATION (DELDOT), AND APPROPRIATE STATE AND COUNTY AGENCIES.
14. ALL CONSTRUCTION METHODS AND MATERIALS SHALL BE ACCORDING TO NEW CASTLE COUNTY AND THE STATE OF DELAWARE STANDARDS, NEW CASTLE COUNTY DEPARTMENT OF PUBLIC WORKS AND CONSTRUCTION SPECIFICATIONS.
15. UNLESS OTHERWISE DESCRIBED BY METES AND BOUNDS, OR BY MATHEMATICAL REFERENCE TO A PROPERTY LINE, A 40' WIDE SANITARY SEWER EASEMENT OR A 20' STORM DRAINAGE EASEMENT, 20' AND 10' RESPECTIVELY, ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY SEWER OR STORM SEWER IS DESIGNATED FOR PUBLIC USE IN UNPAVED AREAS AND IS OUTSIDE OF A DEDICATED PUBLIC RIGHT-OF-WAY. A 20' WIDE EASEMENT, 10' ON EACH SIDE OF THE CENTERLINE OF THE PIPE, SHALL BE CREATED WHERE A SANITARY 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 FEET FROM THE DESIGN LOCATION, THE PROPERTY MAY BE SUBJECT TO A RESUBDIVISION PLAN OR PIPE RELOCATION AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.
16. SIDEWALK: 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 (OR GROUP OF DWELLINGS FOR ATTACHED DWELLINGS) IN FRONT OF WHICH THEY ARE SHOWN. SIDEWALKS CONSTRUCTED WITHIN STREET RIGHT-OF-WAYS SHALL BE FIVE (5) FEET IN WIDTH AND CONSTRUCTED OF PORTLAND CEMENT CONCRETE.
17. NEW CASTLE COUNTY HAS THE RIGHT OF ACCESS TO THE SITE FOR THE PURPOSE OF OPERATING, MAINTAINING, AND REPAIRING THE SANITARY SEWER LINES CONTAINED WITHIN THE SEWER EASEMENTS SHOWN ON THIS PLAN.
18. NEW CASTLE COUNTY DRAINAGE CODE: DRAINAGE, EROSION AND SEDIMENT CONTROL, & STORMWATER MANAGEMENT SHALL BE IN ACCORDANCE WITH THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS & THE NEW CASTLE COUNTY DRAINAGE CODE.
19. A LANDSCAPE PLAN, PREPARED BY BECKER MORGAN GROUP, INC, LAST DATED 12 / 20 / 2024 OR AS AMENDED AND APPROVED IN WRITING BY THE DEPARTMENT OF LAND USE, IS HEREBY CONSIDERED A PART OF THE RECORD PLAN.
20. UTILITY EASEMENT: A SIX (6) FOOT WIDE EASEMENT ON EACH SIDE OF EACH SIDE AND REAR LOT LINE SHOWN ON THIS 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.
21. FOR MAINTENANCE OF THE COMMON FACILITIES INCLUDING PRIVATE OPEN SPACE, PRIVATE ALLEYWAYS, STORMWATER MANAGEMENT AREAS, ETC. SHOWN ON THE PLAN, SEE THE MAINTENANCE DECLARATION DATED JUNE 10, 2025 , AND OF RECORD IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, INSTRUMENT NO. 20250610-0038621 .
22. IMPACT FEE: THIS PLAN IS SUBJECT TO THE IMPACT FEE PROVISIONS OF CHAPTER 40, ARTICLE 14 OF THE NEW CASTLE COUNTY CODE, AS MAY BE AMENDED BY THE NEW CASTLE COUNTY COUNCIL.
23. ALL IMPROVEMENTS REQUIRED BY THIS PLAN AND THE NEW CASTLE COUNTY CODE SHALL BE SUBJECT TO THE LAND DEVELOPMENT IMPROVEMENT AGREEMENTS (LDIA'S), AND THE PERFORMANCE GUARANTEES INCORPORATED THEREIN. THE LDIA'S ARE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, ON MAY 5, 2025. AT INSTRUMENT NOS, 20250505-0029589 & 20250505-0029590.
24. SUBDIVISION STREETS AND STATE HIGHWAY ACCESS:
   24.1. ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION AND WILL BE SUBJECT TO ITS APPROVAL.
   24.2. ALL RIGHTS-OF-WAY ARE HEREBY DEDICATED FOR PUBLIC USE.
   24.3. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO THE PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE STATE. THE STATE ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT-OF-WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
   24.4. FOR ALL PROJECTS WITH PLANNED STREET INTERCONNECTIONS, A NOTE STATING "FUTURE INTERCONNECTION TO ADJOINING PROPERTY" SHALL BE ON THE PLAN.
   24.5. THE DEVELOPER OR ITS ASSIGNS SHALL, DURING CONSTRUCTION AND BEFORE THE FIRST LOT IS SOLD, INSTALL A STREET SIGN TO PROVIDE NOTICE TO POTENTIAL PURCHASERS OF PROPERTY ALONG A PROPOSED OR PLANNED INTERCONNECTING STREET THAT SAID INTERCONNECTION IS PLANNED OR PROPOSED. SUCH SIGNS SHALL BE OF A METAL DELDOT REGULATION STREET SIGN AND SHALL BE LOCATED AT THE END OF THE STUB STREET IN THE RIGHT-OF-WAY. THE SIGN SHALL INDICATE "STREET CONNECTION TO FUTURE DEVELOPMENT". AS WELL AS REFERENCE "NEW CASTLE COUNTY DEPARTMENT OF LAND USE" AND THE RESPECTIVE "INSTRUMENT NUMBER" OF THE RECORDED PLAN DEPICTING THE INTERCONNECTION. FOR PROJECTS WHERE THE INTERCONNECTING STREET IS NOT CONSTRUCTED UNTIL FUTURE PHASES, THE DEVELOPER SHALL MOVE THE SIGN AS NECESSARY (TO BE DETERMINED BY THE DEPARTMENT) TO THE END OF THE STUB STREET AS CONSTRUCTION OCCURS. THE SIGN SHALL BE REMOVED ONCE THE INTERCONNECTION IS MADE. PHOTOGRAPHIC PROOF OF INSTALLATION AND A SIGNED AFFIDAVIT MUST BE PROVIDED TO THE DEPARTMENT PRIOR TO ISSUANCE OF THE FIRST BUILDING PERMIT.
   24.6. THE DEVELOPER OR ITS ASSIGNS SHALL OBTAIN WRITTEN ACKNOWLEDGEMENT AS A PART OF ANY AGREEMENT OF SALE FROM A PROSPECTIVE HOMEBUYER AS TO AWARENESS OF THE POTENTIAL OR PLANNED STREET INTERCONNECTION.
   24.7. THE DEVELOPER AND/OR ITS ASSIGNS SHALL APPEND A NOTIFICATION TO EVERY NEW DEED IN EVERY NEW SUBDIVISION STATING THE NAME OF THE SUBDIVISION, THE INSTRUMENT NUMBER OF THE SUBDIVISION, AND THE NAME OF EVERY STREET IN THE SUBDIVISION FOR WHICH A FUTURE INTERCONNECTION IS PROPOSED OR PLANNED.
   24.8. THE DEVELOPER AND/OR ITS ASSIGNS SHALL NOTE ON THE RECORD PLAN THE PLANNED OR POTENTIAL STREET INTERCONNECTIONS AND THE AFOREMENTIONED REQUIREMENTS TO POST SIGNAGE, TO OBTAIN WRITTEN ACKNOWLEDGEMENT OF NOTICE OF THE PROPOSED CONNECTOR STREET, AND THE REQUIREMENT THAT THE DEVELOPER AND/OR ITS ASSIGNS FURNISH A COPY OF THE RECORD PLAN DEPICTING THE STREET INTERCONNECTION(S) TO EVERY HOMEBUYER IN THE SUBDIVISION.
   24.9. FAILURE TO IMPLEMENT ANY ACTION REQUIRED BY A RECORD PLAN NOTE SHALL BE DEEMED TO BE A VIOLATION OF THE RECORD PLAN, AND SHALL BE SUBJECT TO ALL PENALTIES AND REMEDIES CONTAINED IN DIVISION 40.31.900.
25. COMMUNITY POSTAL BOXES: POSTAL BOXES SHALL BE INSTALLED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE UNITED STATES POSTAL SERVICE.
26. THIS PROJECT HAS ACQUIRED THE FOLLOWING DEVELOPMENT RIGHTS:
   26.1. THIS PROJECT HAS ACQUIRED THE DEVELOPMENT RIGHTS OF 1 DEVELOPMENT RIGHT FROM PARCELS 13-009.00-010 AND 13-009.00-013 AS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, ON OCTOBER 12, 2022, AT INSTRUMENT # 20221012-0097589.
   26.2. THIS PROJECT HAS ACQUIRED THE DEVELOPMENT RIGHTS OF 184 DEVELOPMENT RIGHTS FROM PARCELS 13-009.00-015 AND 13-009.00-024 AS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, ON APRIL 10, 2025, AT INSTRUMENT # 20250410-0002344 .
   26.3. THIS PROJECT HAS ACQUIRED THE DEVELOPMENT RIGHTS OF 3 DEVELOPMENT RIGHTS FROM PARCELS 14-021.00-012 AS RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, ON JUNE 13, 2025, AT INSTRUMENT # 20250613-0039768 .
27. ALL EXISTING WELLS SHALL BE PLUGGED AND ALL SEPTIC SYSTEMS REMOVED THAT ARE LOCATED ON SITE. ALL REMOVAL AND PLUGS SHALL BE IN ACCORDANCE WITH DNREC REGULATIONS.
28. ALL STORM SEWER TO BE MAINTAINED BY THE MAINTENANCE CORPORATION TO BE VIDEOTAPED. THE VIDEO SHALL BE REVIEWED BY A PROFESSIONAL ENGINEER AND ANY ITEMS CITED IN THE REPORT REPAIRED OR REBUILT BY ACCEPTABLE METHODS TO MEET DELDOT REQUIREMENTS PRIOR TO SUBMISSION TO NCC FOR REVIEW AND ACCEPTANCE PRIOR TO TRANSFER TO THE MAINTENANCE CORPORATION.
29. A TIS HAS BEEN PERFORMED AND ALL APPLICABLE AGREEMENTS SHALL BE EXECUTED PRIOR TO ENTRANCE PLAN APPROVAL IN ORDER TO IMPLEMENT THE TIS RECOMMENDATIONS. THE STUDY WAS DONE BY BECKER MORGAN GROUP IN APRIL 2022 AND FINAL TIS WAS APPROVED ON AUGUST 12,2022, WITH THE FOLLOWING RECOMMENDATIONS:
   29.1. THE DEVELOPER SHALL IMPROVE THE STATE-MAINTAINED ROAD(S) ON WHICH THEY FRONT (CHURCHTOWN ROAD), WITHIN THE LIMITS OF THE SITE FRONTAGE, TO MEET DELDOT'S STANDARDS FOR THEIR FUNCTIONAL CLASSIFICATION AS FOUND IN SECTION 1.1 OF THE DEVELOPMENT COORDINATION MANUAL AND ELSEWHERE THEREIN. THE IMPROVEMENTS SHALL INCLUDE BOTH DIRECTIONS OF TRAVEL, REGARDLESS OF WHETHER THE DEVELOPER'S LANDS ARE ON ONE OR BOTH SIDES OF THE ROAD. FRONTAGE IS DEFINED IN SECTION 1 OF THE DEVELOPMENT COORDINATION MANUAL, WHICH STATES "THIS LENGTH INCLUDES THE LENGTH OF ROADWAY PERPENDICULAR TO LINES CREATED BY THE PROJECTION OF THE OUTSIDE PARCEL CORNERS TO THE ROADWAY." QUESTIONS ON OR APPEALS OF THIS REQUIREMENT SHALL BE DIRECTED TO THE DELDOT SUBDIVISION REVIEW COORDINATOR IN WHOSE AREA THE DEVELOPMENT IS LOCATED.
   29.2. THE DEVELOPER SHALL CONSTRUCT THE FULL-MOVEMENT SITE ACCESS A (WESTERN ACCESS) ON CHURCHTOWN ROAD, THE PROPOSED CONFIGURATION IS SHOWN IN THE TABLE BELOW, THIS PROPOSED SITE DRIVEWAY SHALL BE CONSTRUCTED DIRECTLY ACROSS FROM EXISTING BRADY LANE.

APPROACH	EXISTING CONFIGURATION	PROPOSED CONFIGURATION
EASTBOUND CHURCHTOWN ROAD	ONE SHARED THROUGH/RIGHT-TURN LANE	ONE LEFT-TURN LANE AND ONE SHARED THROUGH/RIGHT-TURN LANE
WESTBOUND CHURCHTOWN ROAD	ONE SHARED LEFT-TURN/THROUGH LANE	ONE LEFT-TURN LANE, ONE THROUGH LANE, AND ONE RIGHT-TURN LANE
NORTHBOUND BRADY LANE	ONE SHARED LEFT/RIGHT-TURN LANE	ONE LEFT/THROUGH/RIGHT-TURN LANE
SOUTHBOUND SITE ACCESS A	APPROACH DOES NOT EXIST	ONE LEFT/THROUGH/RIGHT-TURN LANE

INITIAL RECOMMENDED MINIMUM TURN-LANE LENGTHS (EXCLUDING TAPERS) OF THE SEPARATE TURN LANES ARE LISTED BELOW. THE DEVELOPER SHALL COORDINATE WITH DELDOT'S DEVELOPMENT COORDINATION SECTION TO DETERMINE FINAL TURN-LANE LENGTHS AND OTHER DESIGN DETAILS DURING THE SITE PLAN REVIEW.

APPROACH	LEFT-TURN LANE	RIGHT-TURN LANE
EASTBOUND CHURCHTOWN ROAD	135 FEET *	N/A
WESTBOUND CHURCHTOWN ROAD	135 FEET *	240 FEET *
NORTHBOUND BRADY LANE	N/A	N/A
SOUTHBOUND SITE ACCESS A	N/A	N/A

* INITIAL TURN-LANE LENGTH BASED ON DELDOT'S AUXILIARY LANE WORKSHEET

   29.3. THE DEVELOPER SHALL CONSTRUCT THE FULL-MOVEMENT SITE ACCESS B (EASTERN ACCESS) ON CHURCHTOWN ROAD. THE PROPOSED CONFIGURATION IS SHOWN IN THE TABLE BELOW.

APPROACH	EXISTING CONFIGURATION	PROPOSED CONFIGURATION
EASTBOUND CHURCHTOWN ROAD	ONE THROUGH LANE	ONE LEFT-TURN LANE AND ONE THROUGH LANE
WESTBOUND CHURCHTOWN ROAD	ONE THROUGH LANE	ONE THROUGH LANE AND ONE RIGHT-TURN LANE
SOUTHBOUND SITE ACCESS B	APPROACH DOES NOT EXIST	ONE SHARED LEFT/RIGHT-TURN LANE

INITIAL RECOMMENDED MINIMUM TURN-LANE LENGTHS (EXCLUDING TAPERS) OF THE SEPARATE TURN LANES ARE LISTED BELOW. THE DEVELOPER SHALL COORDINATE WITH DELDOT'S DEVELOPMENT COORDINATION SECTION TO DETERMINE FINAL TURN-LANE LENGTHS AND OTHER DESIGN DETAILS DURING THE SITE PLAN REVIEW.

APPROACH	LEFT-TURN LANE	RIGHT-TURN LANE
EASTBOUND CHURCHTOWN ROAD	160 FEET *	N/A
WESTBOUND CHURCHTOWN ROAD	N/A	240 FEET *
SOUTHBOUND SITE ACCESS B	N/A	N/A

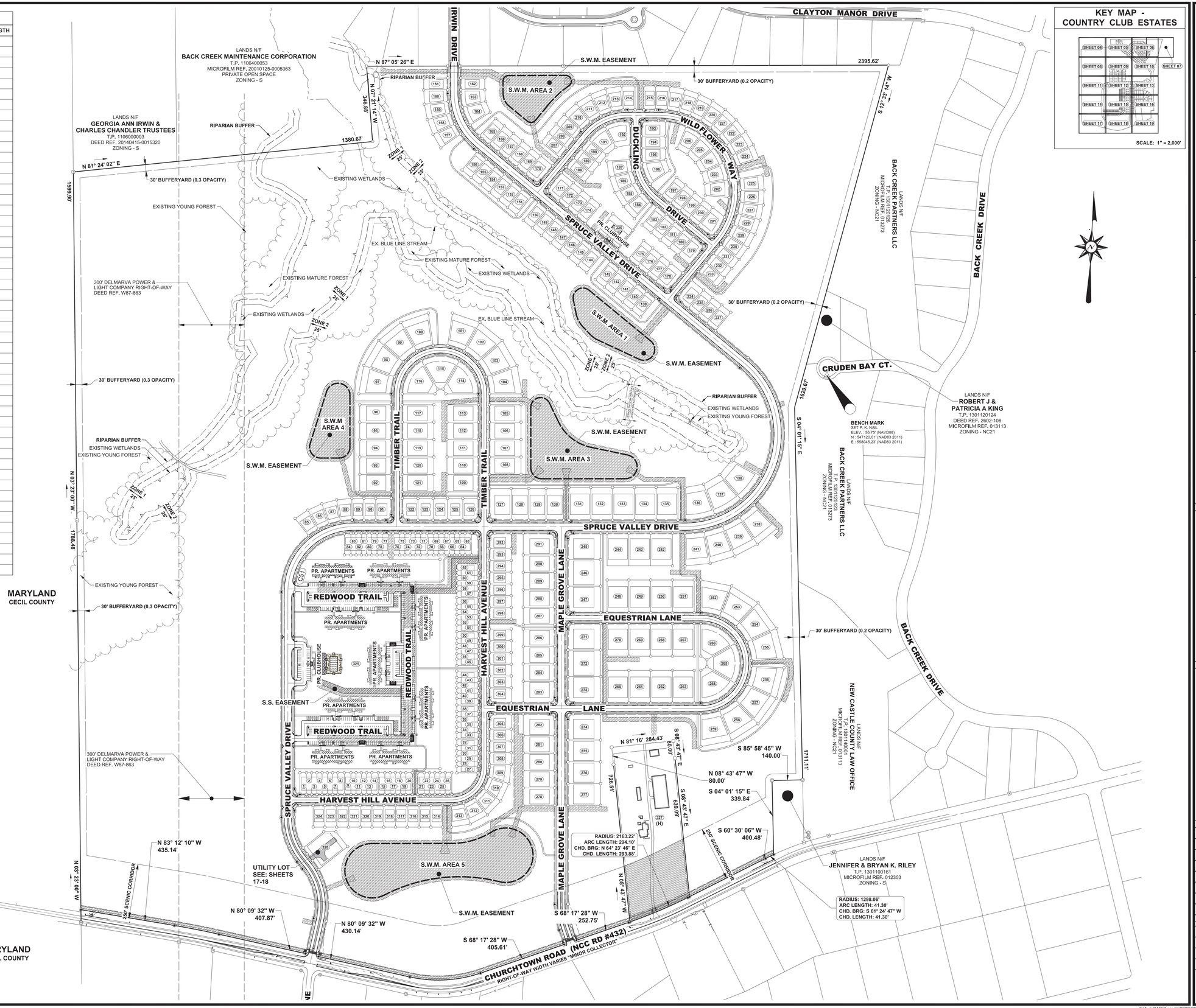
* INITIAL TURN-LANE LENGTH BASED ON DELDOT'S AUXILIARY LANE WORKSHEET

   29.4. THE DEVELOPER SHALL ENTER INTO A TRAFFIC SIGNAL AGREEMENT WITH DELDOT FOR THE INTERSECTION OF BOYDS CORNER ROAD AND RATLEDGE ROAD. THE AGREEMENT SHALL INCLUDE PEDESTRIAN SIGNALS, CROSSWALKS, INTERCONNECT, AND ITS EQUIPMENT SUCH AS CCTV CAMERAS AT DELDOT'S DISCRETION. THE DEVELOPER SHALL COORDINATE WITH DELDOT TO DETERMINE IF A CONTRIBUTION TO DELDOT'S TRAFFIC SIGNAL REVOLVING FUND (TSRF) IS AN OPTION.
   29.5. THE DEVELOPER SHALL COORDINATE WITH DELDOT REGARDING AN EQUITABLE SHARE CONTRIBUTION TOWARD DELDOT'S *SR 896 AND BETHEL CHURCH RD INTERCHANGE PROJECT*. THE AMOUNT OF THE CONTRIBUTION SHALL BE DETERMINED THROUGH COORDINATION WITH DELDOTS DEVELOPMENT COORDINATION SECTION.
   29.6. THE DEVELOPER SHALL ENTER INTO AN AGREEMENT WITH DELDOT TO CONSTRUCT OR PARTICIPATE IN THE CONSTRUCTION OF A SINGLE-LANE ROUNDABOUT AT THE INTERSECTION OF CHOPTANK ROAD AND ARMSTRONG CORNER ROAD AT A TIME TO BE DETERMINED BY DELDOT. THE ROUNDABOUT DESIGN SHALL FOLLOW *NCHRP: REPORT 672 2ND EDITION - ROUNDABOUTS: AN INFORMATION GUIDE*, DELDOT'S *ROAD DESIGN MANUAL*, AND DELDOT'S *DESIGN GUIDANCE MEMORANDUM NUMBER I-26* FOR ROUNDABOUTS. THE ROUNDABOUT SHALL ALSO BE DESIGNED TO ACCOMMODATE PEDESTRIANS AND BICYCLISTS. ADDITIONALLY, LIGHTING AT THE ROUNDABOUT SHALL BE EVALUATED PER DELDOT'S LIGHTING GUIDELINES. THE DEVELOPER SHALL COORDINATE WITH DELDOT'S DEVELOPMENT COORDINATION SECTION REGARDING THE AGREEMENT AND THE ROUNDABOUT DESIGN.
   29.7. THE DEVELOPER SHALL COORDINATE WITH DELDOT'S DEVELOPMENT COORDINATION SECTION REGARDING A ROADWAY INTERCONNECTION TO THE ADJACENT BACK CREEK RESIDENTIAL DEVELOPMENT. THE ROADWAY INTERCONNECTION WOULD CONNECT WITH THE EXISTING IRWIN DRIVE STUB STREET THAT WAS CONSTRUCTED IN THAT DEVELOPMENT ENDING AT THE SHARED PROPERTY LINE.
   29.8. THE FOLLOWING BICYCLE AND PEDESTRIAN IMPROVEMENTS SHALL BE INCLUDED:
      29.8.1. PER THE DELDOT DEVELOPMENT COORDINATION MANUAL SECTION 5.2.9.2., BICYCLE LANES ARE REQUIRED WHERE RIGHT-TURN LANES ARE BEING INSTALLED.

GENERAL NOTES (CONTINUED)

   29.8.2. APPROPRIATE BICYCLE SYMBOLS, DIRECTIONAL ARROWS, PAVEMENT MARKINGS,A ND SIGNING SHALL BE INCLUDED ALONG BICYCLE FACILITIES AND TURN LANES WITHIN THE PROJECT LIMITS.
   29.8.3. UTILITY COVERS SHALL BE MADE FLUSH WITH PAVEMENT.
   29.8.4. IF CLUBHOUSES OR OTHER COMMUNITY FACILITIES ARE CONSTRUCTED WITHIN THE SITE, BICYCLE PARKING SHALL BE PROVIDED NEAR BUILDING ENTRANCES. WHERE BUILDING ARCHITECTURE PROVIDED AN AWNING, OTHER OVERHANG, OR INDOOR PARKING, THE BICYCLE PARKING SHALL BE COVERED.
   29.8.5. A MINIMUM 15-FOOT WIDE PERMANENT EASEMENT FROM THE EDGE OF THE RIGHT-OF-WAY SHALL BE DEDICATED TO DELDOT WITHIN THE SITE FRONTAGE ALONG CHURCHTOWN ROAD.
   29.8.6. WITHIN THE EASEMENT ALONG THE CHURCHTOWN ROAD SITE FRONTAGE, A MINIMUM OF A 10-FOOT WIDE SHARED-USE PATH THAT MEETS CURRENT AASHTO AND ADA STANDARDS SHALL BE CONSTRUCTED. THE SHARED-USE PATH SHALL MEET AASTHO AND ADA STANDARDS AND SHALL HAVE A MINIMUM OF A FIVE-FOOT BUFFER FROM THE ROADWAY AT THE PROPERTY BOUNDARIES. THE SHARED-USE PATH SHALL CONNECT TO THE ADJACENT PROPERTY OR TO THE SHALL IN ACCORDANCE WITH DELDOT'S SHARED-USE PATH AND/OR SIDEWALK TERMINATION REFERENCE GUIDE DATED AUGUST 1, 2018. THE DEVELOPER SHALL COORDINATE WITH DELDOT'S DEVELOPMENT COORDINATION SECTION THROUGH THE PLAN REVIEW PROCESS TO DETERMINE THE DETAILS OF THE SHARED-USE PATH DESIGN AND CONNECTION/TERMINATIONS AT OR BEFORE BOTH BOUNDARY PROPERTIES.
   29.8.7. A SIDEWALK SHALL BE PROVIDED FROM THE NORTHERN SECTION OF THE COUNTRY CLUB ESTATES SITE TO THE ADJACENT BACK CREEK RESIDENTIAL DEVELOPMENT ENDING AT THE SHARED PROPERTY LINE, THE EXISTING IRWIN DRIVE STUB STREET INCLUDES SIDEWALKS ON BOTH SIDES OF THE STREET, AND TYING INTO THOSE SIDEWALKS IS RECOMMENDED. DETAILS OF THE RECOMMENDED SIDEWALK CONNECTION SHALL BE COORDINATED WITH DELDOT'S DEVELOPMENT COORDINATION SECTION.
   29.8.8. ADA COMPLIANT CURB RAMPS AND CROSSWALKS SHALL BE PROVIDED AT ALL PEDESTRIAN CROSSINGS, INCLUDING ALL SITE ENTRANCES, TTYPE 3 CURB RAMPS ARE DISCOURAGED.
   29.8.9. INTERNAL SIDEWALKS FOR PEDESTRIAN SAFETY AND TO PROMOTE WALKING AS A VIABLE TRANSPORTATION ALTERNATIVE SHALL BE CONSTRUCTED WITHIN THE DEVELOPMENT, THESE SIDEWALKS SHALL EACH BE A MINIMUM OF FIVE FEET WIDE (WITH A MINIMUM OF A FIVE-FOOT BUFFER FROM THE ROADWAY) AND SHALL MEET CURRENT AASHTO AND ADA STANDARDS. INTERNAL SIDEWALKS IN THE DEVELOPMENT SHALL CONNECT TO THE PROPOSED SHARED-USE PATH ALONG CHURCHTOWN ROAD.
   29.8.10. WHERE INTERNAL SIDEWALKS ARE LOCATED ALONGSIDE OF PARKING SPACES, A BUFFER SHALL BE ADDED TO PREVENT VEHICULAR OVERHANG ONTO THE SIDEWALK.
30. THIS PLAN SUPERSEDES IN PART, THE PLAN OF COUNTRY CLUB ESTATES DATED 08/02/2004 AND RECORDED ON 06/29/2006 IN THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, STATE OF DELAWARE, MICROFILM # 20060629000619321.
31. A PORTION OF THIS DEVELOPMENT IS AN AGE RESTRICTED COMMUNITY SUBJECT TO DIVISION 40.07.700 AND TABLE 40.04.11.A OF THE NEW CASTLE COUNTY CODE AND THE HOUSING FOR OLDER PERSONS ACT (HOPA) OF 1995 OF THE FEDERAL FAIR HOUSING ACT 42 U.S.C. 3601 ET. SEQ. AGE RESTRICTED UNITS (LOTS 139 TO 237) SHALL CONTAIN ALL NECESSARY LIVING ARRANGEMENTS ON THE FIRST FLOOR.
32. 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.
33. THE DEVELOPER SHALL HAVE ACCESS TO A PRIVATE LOT FOR A PERIOD OF AT LEAST ONE YEAR AFTER SAID LOT HAS BEEN SOLD FOR THE PURPOSE OF COMPLETING OVERALL SITE DRAINAGE AND/OR LANDSCAPING REQUIREMENTS.
34. A GEOTECHNICAL EVALUATION HAS BEEN PERFORMED TO APPROXIMATE THE SEASONAL HIGH WATER TABLE (SHWT) ELEVATION(S) AND THE FOLLOWING LOTS REQUIRE FURTHER EVALUATION, AS IT PERTAINS TO THEIR LOWEST PROPOSED FLOOR ELEVATION PRIOR TO THE ISSUANCE OF A BUILDING PERMIT: LOT 145-168, 170-174, 188, 193, & 207 (32 TOTAL LOTS),
35. DOCUMENT ANY CONSTRUCTION LIMITATIONS BASED ON THE GEOTECHNICAL EVALUATION OF THE SHWT ELEVATIONS PRIOR TO BUILDING PERMIT ISSUANCE. ALL STRUCTURES PROPOSED WITH LOWEST FLOOR WITHIN 3 FEET OF THE ESTIMATED SHWT SHALL BE WATERPROOFED (UDC 40.22.130). NO LOWEST FLOOR SHALL BE CONSTRUCTED WITHIN 2 FEET OF THE ESTIMATED SHWT (40.22.220).
36. THE OWNER/DEVELOPER SHALL PAY, TO NEW CASTLE COUNTY, FUNDS FOR RESIDENTIAL STORM WATER MANAGEMENT FACILITY MAINTENANCE AND INSPECTIONS PURSUANT TO SECTION 40.27.230 OF THE COUNTY CODE, THE FUNDS SHALL BE USED FOR THE COSTS ASSOCIATED WITH INSPECTIONS, LONG-TERM SEDIMENT CLEANOUT AND STRUCTURAL REPAIR AND RECONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES, AN AMOUNT OF $ 194,000.00 , 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, AND 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.
37. PURSUANT TO UDC 40.27.220, THE DEVELOPER SHALL PLACE FUNDS IN AN INTEREST BEARING ESCROW ACCOUNT EQUIVALENT TO THE COST OF MAINTAINING THE PRIVATE OPEN SPACE, PRIVATE ALLEYS, AND COMMON FACILITIES FOR A TWO (2) YEAR PERIOD, TO INCLUDE AN AMOUNT EQUAL TO TEN (10) PERCENT OF THE COST OF ACQUIRING AND INSTALLING THE LANDSCAPING. THE AMOUNT SHALL BE $423,645 ($1,307.55 PER LOT x 324 LOTS) AS SHOWN ON THIS PLAN OR SUBSEQUENT PLANS.
38. ALL ACTIVE RECREATION AREAS AND RECREATIONAL FACILITIES (CLUBHOUSES, PAVILIONS, ETC.) SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF FIFTY (50) PERCENT OF THE TOTAL BUILDING PERMITS WITHIN THE SUBDIVISION.
39. 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 LOCATED ON LOT 325 (MULTI-FAMILY APARTMENT LOT), INCLUDING STORMWATER CONVEYANCE SYSTEMS, BASINS, AND ALL COMPONENTS THEREOF, IDENTIFIED ON THE PLAN AND ALL WATERCOURSES FOR THE PURPOSE OF INSPECTING, EVALUATING AND MAINTAINING THE STORMWATER MANAGEMENT FACILITIES AND WATERCOURSES. THE EASEMENT SHALL EXTEND 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 PED

Curve Table				
CURVE	LENGTH	RADIUS	CHD. BEARING	CHD. LENGTH
C1	240.76'	270.00'	S15° 37' 27"E	232.87'
C2	294.27'	330.00'	N15° 37' 27"W	284.61'
C3	221.04'	330.00'	S21° 58' 52"E	216.93'
C4	180.85'	270.00'	N21° 58' 52"W	177.49'
C5	39.27'	25.00'	N42° 12' 29"E	35.36'
C6	39.27'	25.00'	S47° 47' 31"E	35.36'
C7	518.36'	330.00'	S42° 12' 29"W	466.69'
C8	265.08'	270.00'	S59° 04' 57"W	254.56'
C9	39.27'	25.00'	S42° 12' 29"W	35.36'
C10	39.27'	25.00'	S47° 47' 31"E	35.36'
C11	39.27'	25.00'	N42° 12' 29"E	35.36'
C12	39.27'	25.00'	N47° 47' 31"W	35.36'
C13	39.27'	25.00'	N47° 47' 31"W	35.36'
C14	39.27'	25.00'	S42° 12' 29"W	35.36'
C15	39.27'	25.00'	N47° 47' 31"W	35.36'
C16	39.27'	25.00'	N42° 12' 29"E	35.36'
C17	968.64'	395.00'	S16° 57' 23"W	743.54'
C18	1115.82'	455.00'	N16° 57' 12"E	856.50'
C19	39.27'	25.00'	N8° 18' 05"W	35.36'
C20	39.27'	25.00'	N81° 41' 55"E	35.36'
C21	39.27'	25.00'	S8° 18' 05"E	35.36'
C22	39.27'	25.00'	S81° 41' 55"W	35.36'
C23	290.16'	330.00'	S28° 06' 45"E	280.90'
C24	237.40'	270.00'	N28° 06' 45"W	229.83'
C25	196.35'	125.00'	N42° 12' 29"E	176.78'
C26	274.89'	175.00'	N42° 12' 29"E	247.49'
C27	39.27'	25.00'	N42° 12' 29"E	35.36'
C28	39.27'	25.00'	S47° 47' 31"E	35.36'
C29	550.70'	175.00'	S87° 12' 29"W	350.00'
C30	706.90'	225.00'	S87° 12' 30"W	450.00'
C31	119.95'	360.00'	S12° 20' 14"E	119.39'
C32	99.96'	300.00'	N12° 20' 14"W	99.50'
C33	39.27'	25.00'	S47° 47' 31"E	35.36'
C34	39.27'	25.00'	N42° 12' 29"E	35.36'
C35	39.27'	25.00'	N42° 12' 29"E	35.36'
C36	39.27'	25.00'	S47° 47' 31"E	35.36'
C37	39.27'	25.00'	S42° 12' 29"W	35.36'
C38	39.27'	25.00'	N47° 47' 31"W	35.36'
C39	573.34'	182.50'	N2° 47' 31"W	365.00'
C40	730.41'	232.50'	N2° 47' 31"W	465.00'
C41	39.27'	25.00'	N8° 18' 05"W	35.36'
C42	40.69'	25.00'	N80° 04' 16"E	36.35'
C43	716.05'	325.00'	N29° 40' 27"W	579.76'
C44	847.51'	375.00'	N28° 02' 48"W	678.31'
C45	39.27'	25.00'	S42° 12' 29"W	35.36'
C46	40.44'	25.00'	N49° 08' 00"W	36.17'
C47	187.81'	225.00'	S60° 36' 43"W	182.41'
C48	242.43'	275.00'	S61° 57' 12"W	234.65'
C49	242.43'	275.00'	N28° 02' 48"W	234.65'
C50	198.35'	225.00'	S28° 02' 48"E	191.99'
C51	159.04'	270.00'	S14° 04' 58"W	156.75'



KEY MAP - COUNTRY CLUB ESTATES

SCALE: 1" = 2,000'

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North Carolina
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910.341.7600

www.beckermorgan.com

CHRISTOPHER T. DYE LICENSE No. 16378 PROFESSIONAL ENGINEER

PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN (OVERALL)

0 100 200 400

SCALE: 1" = 200'

ISSUE	BLOCK	
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 3 OF 19

PROJECT NO.: 2020244.00
DATE: 12/14/2023
SCALE: 1" = 200'
DRAWN BY: T.D.G. | PROJ. MGR.: T.D.G.

SHEET

3 OF 19

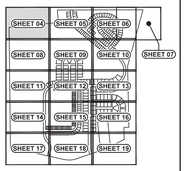
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LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY (12,000+)
SFS = SINGLE FAMILY (10,000-12,000)
VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

KEY MAP - COUNTRY CLUB ESTATES



SCALE: 1" = 2,000'

MARYLAND
CECIL COUNTY

LANDS N/F
GEORGIA ANN IRWIN &
CHARLES CHANDLER TRUSTEES
T.P. 1106400055
DEED REF. 20140415-0015320
ZONING - S

LANDS N/F
BACK CREEK MAINTENANCE CORPORATION
T.P. 1106400053
MICROFILM REF. 20010125-0005363
PRIVATE OPEN SPACE
ZONING - S

EXISTING BLUE LINE STREAM

ZONING - S
ZONING - S

N 81° 24' 02" E

FCM

1939.90'

30' BUFFERYARD (0.3 OPACITY)

ZONING - S
ZONING - S

30' BUFFERYARD (0.3 OPACITY)

300' DELMARVA POWER &
LIGHT COMPANY RIGHT-OF-WAY
DEED REF. W87-863

30' BUFFERYARD (0.3 OPACITY)

EXISTING WETLANDS

LIMIT OF EXISTING WETLANDS

ZONE 1
25'

ZONE 2
25'

EXISTING MATURE FOREST

LIMIT OF EXISTING MATURE FOREST

LIMIT OF EXISTING YOUNG FOREST

EXISTING YOUNG FOREST

LIMIT OF EXISTING MATURE FOREST

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CHRISTOPHER T. DIKE
LICENSE
No. 16378
PROFESSIONAL ENGINEER

PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 4 OF 19

PROJECT NO.: 2020244.00
DATE: 12/14/2023
SCALE: 1" = 40'
DRAWN BY: **T.D.G.** | PROJ. MGR.: **T.D.G.**

SHEET
4 OF 19

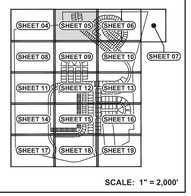
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LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY (12,000+)
SFS = SINGLE FAMILY (10,000-12,000)
VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

KEY MAP - COUNTRY CLUB ESTATES



SCALE: 1" = 2,000'

LANDS N/F
JEREMY F & MAUREEN E KOSCIELECKI
T.P. 1106400019
MICROFILM REF. 200101250005363
ZONING - S

LANDS N/F
RICHARD & FREDERICK HELLER
T.P. 1106400018
MICROFILM REF. 200101250005363
ZONING - S

LANDS N/F
ERIC T WILLIS JR & STEPHANIE PALMER-WILLIS
T.P. 1106400017
MICROFILM REF. 200101250005363
ZONING - S

LANDS N/F
MELISSA & FREDERICK HELLER
T.P. 1301110007
MICROFILM REF. 200101250005363
ZONING - S

LANDS N/F
ESTELA RIBADENEIRA
T.P. 1301110006
MICROFILM REF. 200101250005363
ZONING - S

LANDS N/F
DOMINICK & KAYCE SCIOLI
T.P. 1301110005
MICROFILM REF. 200101250005363
ZONING - S

LANDS N/F
RYAN E & JESSICA ESTOK
T.P. 1301110001
MICROFILM REF. 013989
ZONING - NC21

IRWIN DRIVE

PR. INTERCONNECTION TO BACK CREEK SUBDIVISION (SEE NOTES ON SHEET 2)

SPRUCE VALLEY DRIVE
60' R.O.W. (DEDICATED TO PUBLIC USE, STATE MAINTAINED)

WILDFLOWER WAY
60' R.O.W. (DEDICATED TO PUBLIC USE, STATE MAINTAINED)

L.O.D.

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (6,428 S.F. ±)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (4,626 S.F. ±)

15' WIDE EASEMENT FOR STORMWATER ACCESS BY NCC (2,785 S.F. ±)

30' BUFFERYARD (0.3 OPACITY)

RIPARIAN BUFFER

LIMIT OF EXISTING MATURE FOREST

STORMWATER MANAGEMENT AREA 2
47,952 S.F. (1.10 AC)

STORM WATER / STORM DRAIN EASEMENT TO BE MAINTAINED BY MAINTENANCE CORPORATION (58,108 S.F. ±)

5' WIDE ASPHALT PATH (TYP.)

3' WIDE DELDOT PERMANENT EASEMENT

DELDOT TYPE 2 P.C.C. CURB & GUTTER (TYP.)

5' WIDE P.C.C. SIDEWALK (TYP.)

LANDS N/F
BACK CREEK MAINTENANCE CORPORATION
T.P. 1106400053
MICROFILM REF. 20010125-0005363
PRIVATE OPEN SPACE
ZONING - S

EXISTING BLUE LINE STREAM

EX. LOT LINE TO BE EXTINGUISHED PER THIS PLAN

LIMIT OF EXISTING WETLANDS

EXISTING WETLANDS

LIMIT OF EXISTING MATURE FOREST

ZONE 1 25'
ZONE 2 25'

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CHRISTOPHER T. DIVELY — No. 16378 — DELAWARE PROFESSIONAL ENGINEER

PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

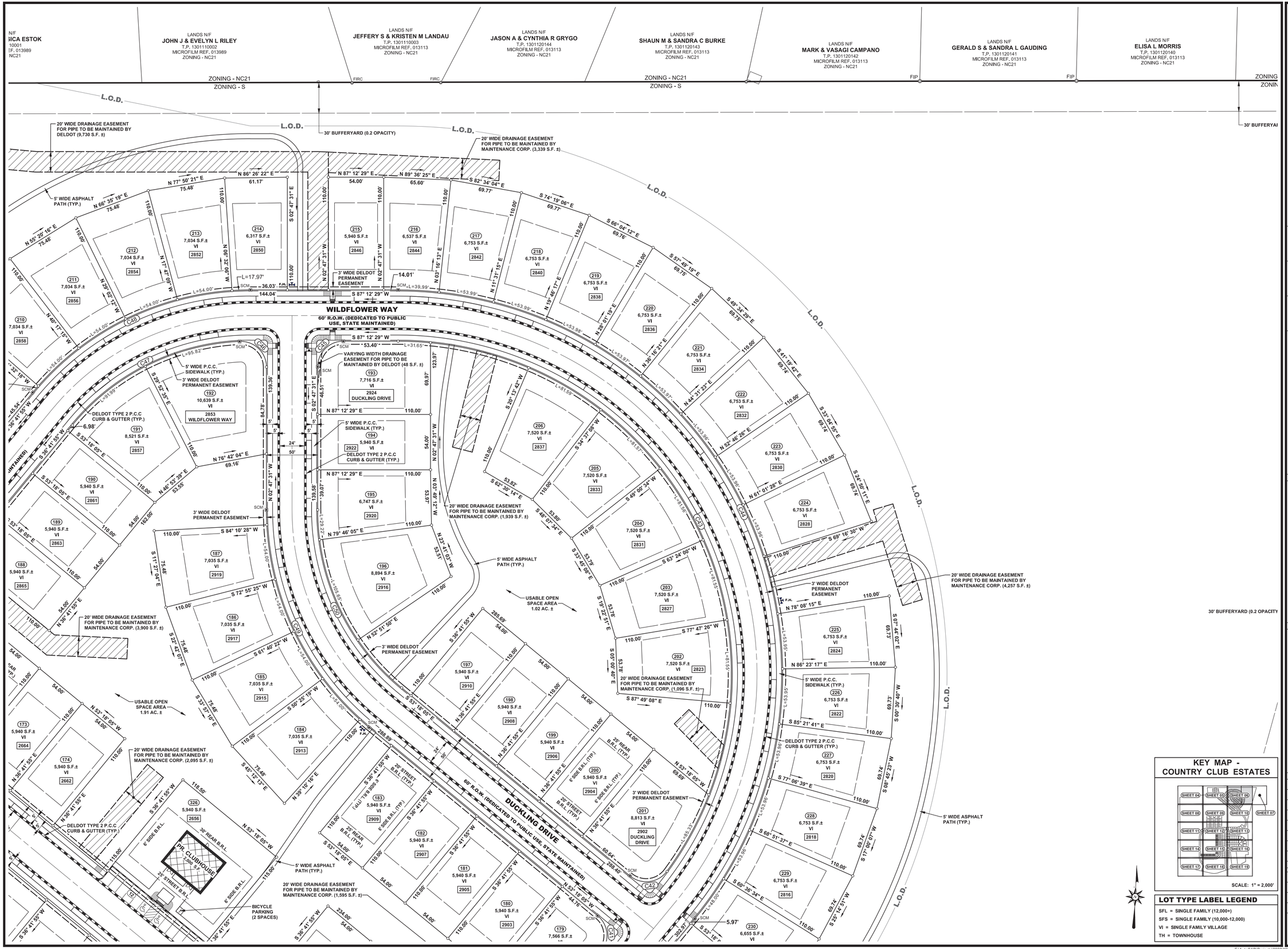
LAYER STATE: 4 OF 19

PROJECT NO.: 2020244.00
DATE: 12/14/2023
SCALE: 1" = 40'
DRAWN BY: T.D.G. | PROJ. MGR.: T.D.G.

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5 OF 19

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910.341.7600

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CHRISTOPHER J. DIRIENZO — LICENSE — No. 16378 — PROFESSIONAL ENGINEER — PROFESSIONAL ENGINEER

PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 4 OF 19

PROJECT NO.: 2020244.00
DATE: 12/14/2023
SCALE: 1" = 40'
DRAWN BY: T.D.G. PROJ. MGR.: T.D.G.

SHEET
6 OF 19

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KEY MAP - COUNTRY CLUB ESTATES

SCALE: 1" = 2,000'

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY (12,000+)
SFS = SINGLE FAMILY (10,000-12,000)
VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

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LANDS N/F
MARK & VASAGI CAMPANO
T.P. 1301120142
MICROFILM REF. 013113
ZONING - NC21

LANDS N/F
GERALD S & SANDRA L GAUDING
T.P. 1301120141
MICROFILM REF. 013113
ZONING - NC21

LANDS N/F
ELISA L MORRIS
T.P. 1301120140
MICROFILM REF. 013113
ZONING - NC21

LANDS N/F
WILLIAM W & MICHELLE GIBBONS
T.P. 1301120139
MICROFILM REF. 013113
ZONING - NC21

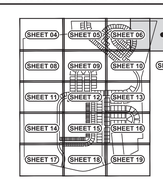
LANDS N/F
WILLIAM & MARIA GORGONE
T.P. 1301120138
MICROFILM REF. 013113
ZONING - NC21

FIP
FIP
ZONING - NC21
ZONING - S
2395.62'
S 12° 33' 14" W
30' BUFFERYARD (0.2 OPACITY)

L.O.D.
S 49° 34' 29" E 69.75'
110.00'
S 41° 19' 42" E 69.74'
110.00'
S 33° 04' 55" E 69.74'
110.00'
S 24° 50' 11" E 69.74'
110.00'
S 69° 16' 30" W
110.00'
N 61° 01' 28" E
N 52° 46' 26" E
C43 L=53.86'
L=53.86'
L=53.86'
L=53.86'
L=53.86'
L=53.86'
L=81.35'
222 6,753 S.F.± VI 2832
223 6,753 S.F.± VI 2830
224 6,753 S.F.± VI 2828
225 6,753 S.F.± VI 2824
226 6,753 S.F.± VI 2822
227 6,753 S.F.± VI 2820
228 6,753 S.F.± VI 2818
229 6,753 S.F.± VI 2816
230 6,655 S.F.± VI
5.97'
3' WIDE DELDOT PERMANENT EASEMENT
F.H.
N 76° 08' 15" E 110.00'
S 07° 44' 20" E 69.73'
N 86° 23' 17" E 110.00'
S 00° 30' 40" W 69.73'
S 85° 21' 41" E 110.00'
S 08° 45' 23" W 69.74'
S 77° 06' 39" E 110.00'
S 17° 00' 07" W 69.74'
S 68° 51' 37" E 110.00'
S 25° 14' 51" W 69.74'
S 60° 36' 34" E 110.00'
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (4,257 S.F. ±)
5' WIDE P.C.C. SIDEWALK (TYP.)
DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)
5' WIDE ASPHALT PATH (TYP.)

30' BUFFERYARD (0.2 OPACITY)
ZONING - S
ZONING - NC21
LANDS N/F
BACK CREEK PARTNERS LLC
T.P. 1301120126
MICROFILM REF. 013273
ZONING - NC21

KEY MAP - COUNTRY CLUB ESTATES



SCALE: 1" = 2,000'

LOT TYPE LABEL LEGEND

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SFS = SINGLE FAMILY (10,000-12,000)
VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

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CHRISTOPHER D. DIKE LICENSE No. 16378 DELAWARE PROFESSIONAL ENGINEER

PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80
SCALE: 1" = 40'

ISSUE BLOCK		
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: A OF 19

PROJECT NO.: 2020244.00
DATE: 12/14/2023
SCALE: 1" = 40'
DRAWN BY: T.D.G. | PROJ. MGR.: T.D.G.

SHEET
7 OF 19

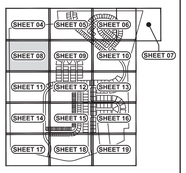
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LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY (12,000+)
SFS = SINGLE FAMILY (10,000-12,000)
VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

KEY MAP - COUNTRY CLUB ESTATES



SCALE: 1" = 2,000'

MARYLAND
CECIL COUNTY

30' BUFFERYARD (0.3 OPACITY)

300' DELMARVA POWER & LIGHT COMPANY RIGHT-OF-WAY DEED REF. W87-863

RIPARIAN BUFFER

LIMIT OF EXISTING MATURE FOREST

EXISTING MATURE FOREST

LIMIT OF EXISTING MATURE FOREST

EXISTING WETLANDS

LIMIT OF EXISTING WETLANDS

RIPARIAN BUFFER

EXISTING MATURE FOREST

LIMIT OF EXISTING WETLANDS

RIPARIAN BUFFER

LIMIT OF EXISTING MATURE FOREST

ZONE 1 25'

ZONE 2 25'

75'

L.O.D.

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CHRISTOPHER D. DIKE LICENSE No. 16378 PROFESSIONAL ENGINEER DELAWARE

PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE BLOCK		
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 4 OF 19

PROJECT NO.:	2020244.00
DATE:	12/14/2023
SCALE:	1" = 40'
DRAWN BY: T.D.G.	PROJ. MGR.: T.D.G.

SHEET

8 OF 19

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KEY MAP - COUNTRY CLUB ESTATES



SCALE: 1" = 2,000'

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY (12,000+)
SFS = SINGLE FAMILY (10,000-12,000)
VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

LIMIT OF EXISTING MATURE FOREST
EXISTING MATURE FOREST
EXISTING BLUE LINE STREAM
EX. LOT LINE TO BE EXTINGUISHED PER THIS PLAN
EXISTING WETLANDS
LIMIT OF EXISTING WETLANDS
RIPARIAN BUFFER
L.O.D.
5' WIDE ASPHALT PATH (TYP.)
ZONE 1 25'
ZONE 2 25'

146 5,940 S.F.± VI 2661
145 5,940 S.F.± VI 2659
2663
S 36° 41' 55" W 110.00'
N 53° 18' 05" W 54.00'

100 15,475 S.F.± SFL 2723
101 15,475 S.F.± SFL 2727
99 15,475 S.F.± SFL 2721
102 15,475 S.F.± SFL 2729
98 15,475 S.F.± SFL 2719
103 15,475 S.F.± SFL 2731
97 15,475 S.F.± SFL 2717
115 15,781 S.F.± SFL 2726
116 15,837 S.F.± SFL 2720
114 15,837 S.F.± SFL 2728
104 15,475 S.F.± SFL 2733

S 68° 30' 34" W 150.00'
S 46° 06' 15" W 132.63'
S 27° 45' 57" W 150.00'
N 11° 18' 17" W 150.00'
N 31° 40' 35" W 132.63'
N 52° 02' 54" W 150.00'
S 07° 23' 38" W 132.63'
N 72° 25' 12" W 150.00'
S 05° 43' 15" W 132.63'
N 74° 06' 36" W 150.00'
N 26° 05' 33" E 132.63'
N 53° 43' 17" W 150.00'
S 46° 27' 52" W 132.63'
N 33° 20' 59" W 150.00'
N 66° 50' 10" E 132.63'
N 12° 58' 07" W 554.98'

C30 L=80.00'
C29 L=183.30'
S 32° 47' 31" E
S 27° 12' 29" W
N 27° 26' 33" E 25.18'
S 33° 01' 35" E 25.18'
N 87° 12' 29" E 24.64'
150.36'

TIMBER TRAIL
50' R.O.W. (DEDICATED TO PUBLIC USE, STATE MAINTAINED)
SCM

96 11,600 S.F.± SFS 2713
117 11,600 S.F.± SFS 2714
113 11,600 S.F.± SFS 2738
95 11,600 S.F.± SFS 2711
118 11,600 S.F.± SFS 2712
112 11,600 S.F.± SFS 2740
105 11,600 S.F.± SFS 2737
106 11,600 S.F.± SFS 2739

6' SIDE B.R.L. (TYP.)
30' REAR B.R.L. (TYP.)
25' STREET B.R.L. (TYP.)
3' WIDE DELDOT PERMANENT EASEMENT
DELDOT TYPE 2 P.C.C. CURB & GUTTER (TYP.)
5' WIDE P.C.C. SIDEWALK (TYP.)
5' WIDE ASPHALT PATH (TYP.)
USABLE OPEN SPACE AREA 1.21 AC. ±
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (6,764 S.F. ±)
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (4,961 S.F. ±)
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (1,615 S.F. ±)
STORMWATER MANAGEMENT AREA 4 93,706 S.F. (2.15 AC)
STORM WATER / STORM DRAIN EASEMENT TO BE MAINTAINED BY MAINTENANCE CORPORATION (63,037 S.F. ±)
STORM WATER / STORM DRAIN EASEMENT TO BE MAINTAINED BY MAINTENANCE CORPORATION (118,507 S.F. ±)
STORMWATER MANAGEMENT AREA 3 96,139 S.F. (2.21 AC)

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CHRISTOPHER D. DIKE LICENSE No. 16378 PROFESSIONAL ENGINEER

PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80
SCALE: 1" = 40'

ISSUE	BLOCK	
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 4 OF 19

PROJECT NO.: 2020244.00
DATE: 12/14/2023
SCALE: 1" = 40'
DRAWN BY: T.D.G. | PROJ. MGR.: T.D.G.

SHEET
9 OF 19

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BICYCLE PARKING (2 SPACES)

9' X 18' PARKING STALL (TYP.)

5' WIDE P.C.C. SIDEWALK (TYP.)

5' WIDE ASPHALT PATH (TYP.)

3' WIDE DELDOT PERMANENT EASEMENT

WILDFLOWER WAY
60' R.O.W. (DEDICATED TO PUBLIC USE, STATE MAINTAINED)

2646 SPRUCE VALLEY DRIVE

2640 SPRUCE VALLEY DRIVE

2901 DUCKLING DRIVE

20' WIDE DRAINAGE EASEMENT FOR PIPE / OPEN CHANNEL TO BE MAINTAINED BY MAINTENANCE CORP. (3,631 S.F. ±)

STORM WATER / STORM DRAIN EASEMENT TO BE MAINTAINED BY MAINTENANCE CORPORATION (72,853 S.F. ±)

STORMWATER MANAGEMENT AREA 1
69,762 S.F. (1.60 AC)

DELDOT TYPE 2 P.C.C. CURB & GUTTER (TYP.)

5' WIDE P.C.C. SIDEWALK (TYP.)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (4,409 S.F. ±)

15' WIDE EASEMENT FOR STORMWATER ACCESS BY NCC (2,250 S.F. ±)

3' WIDE DELDOT PERMANENT EASEMENT

60' R.O.W. (DEDICATED TO PUBLIC USE, STATE MAINTAINED)
SPRUCE VALLEY DRIVE

L.O.D.

ZONE 1 25'
ZONE 2 25'

EXISTING BLUE LINE STREAM

EXISTING MATURE FOREST

EXISTING YOUNG FOREST

EXISTING MATURE FOREST

EXISTING YOUNG FOREST

RIPARIAN BUFFER

EXISTING WETLANDS

LIMIT OF EXISTING WETLANDS

LIMIT OF EXISTING YOUNG FOREST

EXISTING BLUE LINE STREAM

5' WIDE P.C.C. SIDEWALK (TYP.)

DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (421 S.F. ±)

30' BUFFERYARD (0.2 OPACITY)

LANDS N/F
ROBERT J & PATRICIA A KING
T.P. 1301120124
MICROFILM REF. 013113
ZONING - NC21

LANDS N/F
BACK CREEK PARTNERS LLC
T.P. 1301120123
MICROFILM REF. 013273
ZONING - NC21

ZONING - S
ZONING - NC21

FIRC

BENCH MARK
SET P. K. NAIL
ELEV. : 55.75' (NAVD88)
N : 547120.01' (NAD83 2011)
E : 558045.23' (NAD83 2011)

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY (12,000+)
SFS = SINGLE FAMILY (10,000-12,000)
VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

KEY MAP - COUNTRY CLUB ESTATES

SHEET 04 · SHEET 05 · SHEET 06 · SHEET 07 · SHEET 08 · SHEET 09 · SHEET 10 · SHEET 11 · SHEET 12 · SHEET 13 · SHEET 14 · SHEET 15 · SHEET 16 · SHEET 17 · SHEET 18 · SHEET 19

SCALE: 1" = 2,000'

SCALE: 1" = 40'

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CHRISTOPHER J. DIKE LICENSE No. 16378 PROFESSIONAL ENGINEER

PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

ISSUE	BLOCK	
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 4 OF 15

PROJECT NO.:	**2020244.00**
DATE:	**12/14/2023**
SCALE:	**1" = 40'**
DRAWN BY: **T.D.G.**	PROJ. MGR.: **T.D.G.**

SHEET
10 OF 19

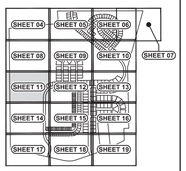
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LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY (12,000+)
SFS = SINGLE FAMILY (10,000-12,000)
VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

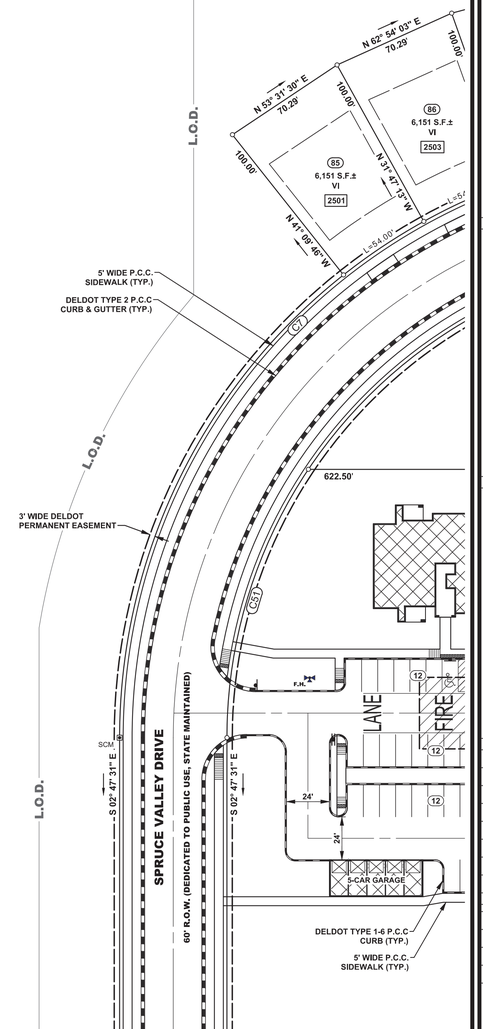
KEY MAP - COUNTRY CLUB ESTATES



SCALE: 1" = 2,000'

LIMIT OF EXISTING WETLANDS
EXISTING WETLANDS
RIPARIAN BUFFER
ZONE 2 25'
ZONE 1 25'
LIMIT OF EXISTING YOUNG FOREST
EXISTING YOUNG FOREST
EX. LOT LINE TO BE EXTINGUISHED PER THIS PLAN
L.O.D.
N 03° 32' 00" W 1784.48'
FCM
LIMIT OF EXISTING YOUNG FOREST
RIPARIAN BUFFER
EXISTING WETLANDS
LIMIT OF EXISTING WETLANDS
ZONE 1 25'
ZONE 2 25'
LIMIT OF EXISTING YOUNG FOREST
EXISTING YOUNG FOREST
LIMIT OF EXISTING YOUNG FOREST
30' BUFFERYARD (0.3 OPACITY)

MARYLAND
CECIL COUNTY



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PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80
SCALE: 1" = 40'

ISSUE	BLOCK	
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

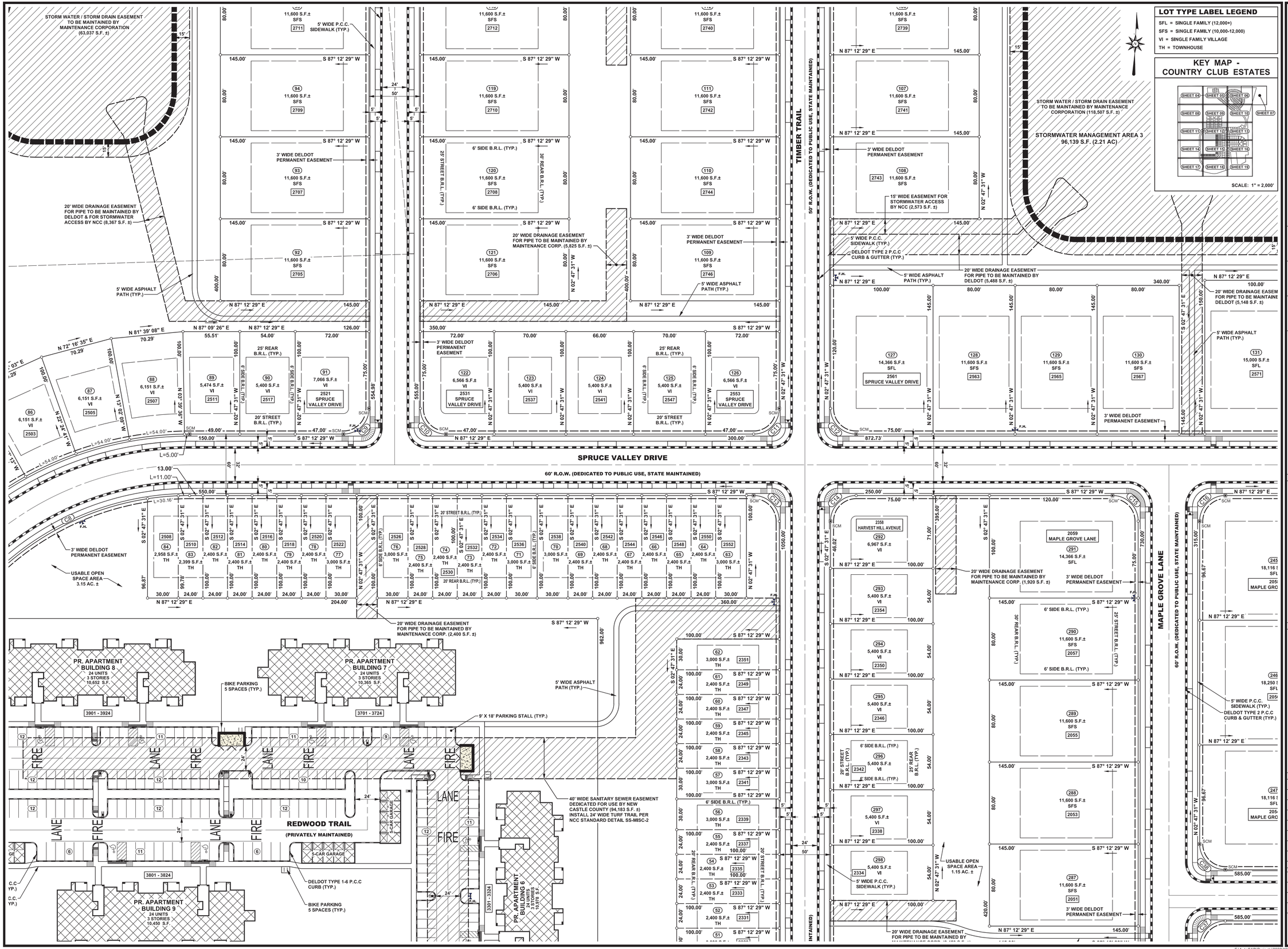
LAYER STATE: 4 OF 10

PROJECT NO.:	2020244.00
DATE:	12/14/2023
SCALE:	1" = 40'
DRAWN BY: T.D.G.	PROJ. MGR.: T.D.G.

SHEET
11 OF 19

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LICENSE
No. 16378
PROFESSIONAL ENGINEER

PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

ISSUE	BLOCK	
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

PROJECT NO.:	2020244.00
DATE:	12/14/2023
SCALE:	1" = 40'
DRAWN BY: T.D.G.	PROJ. MGR.: T.D.G.

SHEET
12 OF 19

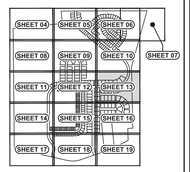
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LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY (12,000+)
SFS = SINGLE FAMILY (10,000-12,000)
VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

KEY MAP - COUNTRY CLUB ESTATES



SCALE: 1" = 2,000'

L.O.D.
STORM WATER / STORM DRAIN EASEMENT TO BE MAINTAINED BY MAINTENANCE CORPORATION (118,507 S.F. ±)
STORMWATER MANAGEMENT AREA 3
96,139 S.F. (2.21 AC)
EX. LOT LINE TO BE EXTINGUISHED PER THIS PLAN
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (9,293 S.F. ±)
5' WIDE ASPHALT PATH (TYP.)
ZONE 1
ZONE 2
25'
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (1,857 S.F. ±)
S 63° 44' 06" E 86.41'
N 36° 25' 20" E 86.41'
N 56° 44' 11" E 86.41'
N 77° 03' 03" E 86.41'
3' WIDE DELDOT PERMANENT EASEMENT
138 17,264 S.F.± SFL 2593
137 17,257 S.F.± SFL 2589
136 17,246 S.F.± SFL 2585
N 43° 25' 14" W
N 23° 08' 22" W
L=140.05'
5' WIDE P.C.C. SIDEWALK (TYP.)
DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)
3' WIDE DELDOT PERMANENT EASEMENT
S 47° 07' 03" E
L=88.00'
S 36° 52' 10" E
S 24° 37' 17" E
S 13° 52' 24" E
20' WIDE DRAINAGE EASEMENT FOR PIPE / OPEN CHANNEL TO BE MAINTAINED BY MAINTENANCE CORP. (4,197 S.F. ±)
238 15,155 S.F.± SFL 2590
239 15,155 S.F.± SFL 2588
240 15,155 S.F.± SFL 2586
241 15,155 S.F.± SFL 2584
S 48° 25' 24" W
S 59° 30' 17" W
S 70° 35' 10" W
S 81° 40' 03" W
116.83'
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (8,745 S.F. ±)
5' WIDE P.C.C. SIDEWALK (TYP.)
DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)
3' WIDE DELDOT PERMANENT EASEMENT
ZONING - NC21
ZONING - S
C(1)
C(2)
5'
32'
60'
F.H.
SCM
L.O.D.

29" E
100.00'
500.00'
DRAINAGE EASEMENT TO BE MAINTAINED BY 5,148 S.F. ±)
ASPHALT P.)
131 15,000 S.F.± SFL 2571
132 15,000 S.F.± SFL 2573
133 15,000 S.F.± SFL 2575
134 15,000 S.F.± SFL 2577
135 15,000 S.F.± SFL 2579
150.00'
30' REAR B.R.L. (TYP.)
6' SIDE B.R.L. (TYP.)
25' STREET B.R.L. (TYP.)
N 02° 47' 31" W
S 02° 47' 31" E
S 87° 12' 29" W
512.73'
SPRUCE VALLEY DRIVE
60' R.O.W. (DEDICATED TO PUBLIC USE, STATE MAINTAINED)
87° 12' 29" E
125.00'
245 18,116 S.F.± SFL 2058 MAPLE GROVE LANE
246 18,250 S.F.± SFL 2056
247 18,116 S.F.± SFL 2054 MAPLE GROVE LANE
121.67'
365.00'
" E
150.00'
WIDE P.C.C. EWALK (TYP.) OT TYPE 2 P.C.C & GUTTER (TYP.)
244 15,000 S.F.± SFL 2574
243 15,000 S.F.± SFL 2576
242 15,000 S.F.± SFL 2578
300.00'
USABLE OPEN SPACE AREA 2.35 AC. ±
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (955 S.F. ±)
5' WIDE ASPHALT PATH (TYP.)
20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (8,745 S.F. ±)
N 87° 12' 29" E
400.00'
248 15,000 S.F.± SFL 2162
249 15,000 S.F.± SFL 2160
250 15,000 S.F.± SFL 2158
251 15,000 S.F.± SFL 2156
252 16,826 S.F.± SFL 2150
253 16,826 S.F.± SFL 2148
254 16,826 S.F.± SFL 2146
6' SIDE B.R.L. (TYP.)
S 81° 55' 55" E 144.13'
S 60° 12' 43" E 144.13'
S 38° 29' 31" E 144.13'
N 18° 55' 41" E 88.14'
N 40° 36' 53" E 88.14'
L=88.14'
F.H.
SCM
EQUESTRIAN LANE
50' R.O.W. (DEDICATED TO PUBLIC USE, STATE MAINTAINED)
85.00'
50'
24'
5.00'
0.00'

LANDS N/F
BACK CREEK PARTNERS LLC
T.P. 1301120123
MICROFILM REF. 013273
ZONING - NC21

LANDS N/F
NEW CASTLE COUNTY LAW OFFICE
T.P. 1301140001
MICROFILM REF. 013113
ZONING - NC21

30' BUFFERYARD (0.2 OPACITY)

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

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North Carolina
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910.341.7600

www.beckermorgan.com

CHRISTOPHER D. DIKE LICENSE No. 16378 PROFESSIONAL ENGINEER DELAWARE

PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80
SCALE: 1" = 40'

ISSUE BLOCK		
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER/STATE: 4 OF 19

PROJECT NO.: 2020244.00
DATE: 12/14/2023
SCALE: 1" = 40'
DRAWN BY: T.D.G. | PROJ. MGR.: T.D.G.

SHEET
13 OF 19

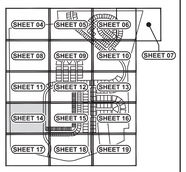
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LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY (12,000+)
SFS = SINGLE FAMILY (10,000-12,000)
VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

KEY MAP - COUNTRY CLUB ESTATES



SCALE: 1" = 2,000'

LIMIT OF EXISTING YOUNG FOREST

300' DELMARVA POWER & LIGHT COMPANY RIGHT-OF-WAY DEED REF. W87-863

EX. LOT LINE TO BE EXTINGUISHED PER THIS PLAN

30' BUFFERYARD (0.3 OPACITY)

300' DELMARVA POWER & LIGHT COMPANY RIGHT-OF-WAY DEED REF. W87-863

SIDEWALK (TYP.)
5' WIDE P.C.C. SIDEWALK (TYP.)
DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)
9' X 18' PARKING STALL (TYP.)
BICYCLE PARKING (4 SPACES)
3' WIDE DELDOT PERMANENT EASEMENT
L.O.D.
SPRUCE VALLEY DRIVE
60' R.O.W. (DEDICATED TO PUBLIC USE, STATE MAINTAINED)
812.00'
DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)
5' WIDE P.C.C. SIDEWALK (TYP.)
16
14
3000
PR. CLUBHOU
5,000 S.F.
24'
DELDOT TYPE 1-6 P.C.C CURB (TYP.)
F.H.
32'
60'
5'
5'
5'
5'
BLANKET EASEMENT FOR THE PURPOSES OF STORM DRAIN MAINTENANCE AND ACCESS ACROSS THE ENTIRETY OF LOT 325 BY THE MAINTENANCE CORP. SHALL BE ESTABLISHED PER THIS PLAT
793,228 S.F. ±)
3' WIDE DELDOT PERMANENT EASEMENT
5-CAR GARAGE
24'
12
12
24'
FIRE LANE
11
F.H.
USABLE OPEN SPACE AREA 3.15 AC. ±
N 87° 12' 29" E
516.00'
30.00'
24.00'
24.00'
24.00'
100.00'
S 02° 47' 31" E
1 3,000 S.F.± TH
2 2,400 S.F.± TH
3 2,400 S.F.± TH
4 2,4
2203
2205
2207
2209
N 02° 47' 31" W
905.00'
SCM
F.H.
100.00'
10
SCM
N 87° 12' 29" E
DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)
5' WIDE P.C.C. SIDEWALK (TYP.)
3' WIDE DELDOT PERMANENT EASEMENT
SPRUCE VALLEY DRIVE
60' R.O.W. (DEDICATED TO PUBLIC USE, STATE MAINTAINED)
L.O.D.
L.O.D.
L.O.D.
N 87° 12' 29" E
100.00'
SCM
32'
60'
1034.77'
N 02° 47' 31" W
29.77'
324
5,400 S.F.±
VI

BECKER MORGAN GROUP

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ENGINEERING

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CHRISTOPHER T. DIKE LICENSE No. 16378 PROFESSIONAL ENGINEER

PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 4 OF 19

PROJECT NO.:	2020244.00
DATE:	12/14/2023
SCALE:	1" = 40'
DRAWN BY: T.D.G.	PROJ. MGR.: T.D.G.

SHEET
14 OF 19

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PR. APARTMENT BUILDING 9
24 UNITS
3 STORIES
10,450 S.F.

BIKE PARKING
5 SPACES (TYP.)

USABLE OPEN SPACE AREA
3.28 AC. ±

BLANKET EASEMENT FOR THE PURPOSES OF STORM DRAIN MAINTENANCE AND ACCESS ACROSS THE ENTIRETY OF LOT 325 BY THE MAINTENANCE CORP. SHALL BE ESTABLISHED PER THIS PLAT
793,228 S.F. ±)

'ARKING
TYP.)

BICYCLE PARKING (4 SPACES)

PR. CLUBHOUSE
5,000 S.F.

325
14.70 AC.±

PR. APARTMENT BUILDING 5
24 UNITS
3 STORIES
10,365 S.F.
3301 - 3524

9' X 18' PARKING STALL (TYP.)
5' WIDE P.C.C. SIDEWALK (TYP.)

5-CAR GARAGE

REDWOOD TRAIL
(PRIVATELY MAINTAINED)

LANE
FIRE

24'

KEY MAP - COUNTRY CLUB ESTATES

SHEET 04 | SHEET 05 | SHEET 06 | SHEET 07
SHEET 08 | SHEET 09 | SHEET 10
SHEET 11 | SHEET 12 | SHEET 13
SHEET 14 | SHEET 15 | SHEET 16
SHEET 17 | SHEET 18 | SHEET 19

SCALE: 1" = 2,000'

5' WIDE ASPHALT PATH (TYP.)

40' WIDE SANITARY SEWER EASEMENT DEDICATED FOR USE BY NEW CASTLE COUNTY (94,183 S.F. ±)
INSTALL 24' WIDE TURF TRAIL PER NCC STANDARD DETAIL SS-MISC-2

1-6 P.C.C

12' X 24' DUMPSTER ENCLOSURE (TYP.)

40' WIDE SANITARY SEWER EASEMENT DEDICATED FOR USE BY NEW CASTLE COUNTY (94,183 S.F. ±)

URPOSES
CE AND
TY OF
E CORP.
HIS PLAT

PR. APARTMENT BUILDING 3
24 UNITS
3 STORIES
10,365 S.F.
3201 - 3224

BIKE PARKING
5 SPACES (TYP.)

DELDOT TYPE 1-6 P.C.C CURB (TYP.)

5' WIDE P.C.C. SIDEWALK (TYP.)

PR. APARTMENT BUILDING 4
24 UNITS
3 STORIES
10,450 S.F.
3401 - 3424

5-CAR GARAGE

REDWOOD TRAIL
(PRIVATELY MAINTAINED)

USABLE OPEN SPACE AREA
3.15 AC. ±

BIKE PARKING
5 SPACES (TYP.)

DELDOT TYPE 1-6 P.C.C CURB (TYP.)

EX. LOT LINE TO BE EXTINGUISHED PER THIS PLAN

5' WIDE ASPHALT PATH (TYP.)

PR. APARTMENT BUILDING 1
24 UNITS
3 STORIES
10,450 S.F.
3101 - 3124

PR. APARTMENT BUILDING 2
24 UNITS
3 STORIES
10,365 S.F.
3301 - 3324

40' WIDE SANITARY SEWER EASEMENT DEDICATED FOR USE BY NEW CASTLE COUNTY (94,183 S.F. ±)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (2,360 S.F. ±)

668.00'

N 02° 47' 31" W

HARVEST HILL AVENUE
50' R.O.W. (DEDICATED TO PUBLIC USE, STATE MAINTAINED)

S 87° 12' 29" W 695.00'

N 87° 12' 29" E 697.27'

S 02° 47' 31" E 468.00'

N 87° 12' 29" E 100.00'

S 87° 12' 29" W 156.00'

S 02° 47' 31" E 99.98'

N 87° 12' 29" E 97.27'

S 02° 47' 31" E 468.00'

N 87° 12' 29" E 100.00'

S 87° 12' 29" W 468.00'

N 02° 47' 31" W 4.00'

S 87° 12' 29" W 695.00'

HARVEST HILL AVENUE
50' R.O.W. (DEDICATED TO PUBLIC USE, STATE MAINTAINED)

N 87° 12' 29" E 100.00'

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (2,450 S.F. ±)

DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)

3' WIDE DELDOT PERMANENT EASEMENT

5' WIDE ASPHALT PATH (TYP.)

EQUESTRIAN LANE
50' R.O.W. (DEDICATED TO PUBLIC USE, STATE MAINTAINED)

MAPLE GROVE LANE
60' R.O.W. (DEDICATED TO PUBLIC USE, STATE MAINTAINED)

5' WIDE P.C.C. SIDEWALK (TYP.)

DELDOT TYPE 2 P.C.C CURB & GUTTER (TYP.)

3' WIDE DELDOT PERMANENT EASEMENT

VARIABLE WIDTH DRAINAGE EASEMENT TO BE MAINTAINED BY MAINTENANCE CORP. (19,152 S.F. ±)

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY DELDOT (6,004 S.F. ±)

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY (12,000+)
SFS = SINGLE FAMILY (10,000-12,000)
VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

BECKER MORGAN GROUP

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CHRISTOPHER D. DIRK
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No. 16378
DELAWARE
PROFESSIONAL ENGINEER

PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER/STATE: 4 OF 19

PROJECT NO.: 2020244.00
DATE: 12/14/2023
SCALE: 1" = 40'
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SHEET
15 OF 19

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50' R.O.W. (DEDICATED TO PUBLIC USE, STATE MAINTAINED)

EQUESTRIAN LANE

50' R.O.W. (DEDICATED TO PUBLIC USE, STATE MAINTAINED)

MAPLE GROVE LANE

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY (12,000+)
SFS = SINGLE FAMILY (10,000-12,000)
VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

KEY MAP - COUNTRY CLUB ESTATES

SCALE: 1" = 2,000'

ZONING - S
ZONING - S (H OVERLAY)
ZONING - NC21

BECKER MORGAN GROUP

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CHRISTOPHER L. DIKE LICENSE No. 16378 PROFESSIONAL ENGINEER

PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

SCALE: 1" = 40'

ISSUE	BLOCK	
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 4 OF 10

PROJECT NO.: 2020244.00
DATE: 12/14/2023
SCALE: 1" = 40'
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MARYLAND
CECIL COUNTY

300' DELMARVA POWER & LIGHT COMPANY RIGHT-OF-WAY DEED REF. W87-863

30' BUFFERYARD (0.3 OPACITY)

250' SCENIC CORRIDOR

A 20' WIDE PERMANENT EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE, AS PER THIS PLAT.

N 07° 23' 00" W

L.O.D.

SIRC

435.14'

STONE MASON/DIXON

N 83° 12' 10" W

SIRC

RADIUS: 3921.93'
ARC LENGTH: 208.36'
CHD. BRG: N 51° 40' 51" W
CHD. LENGTH: 208.33'

SIRC 407.87'

FCM

FCM

10FT WIDE SHARED USE PATH

CHURCHTOWN ROAD (NCC RD #432)
RIGHT-OF-WAY WIDTH VARIES "MINOR COLLECTOR"
DEDICATED TO PUBLIC USE, STATE MAINTAINED

± 7,740 L.F. TO CHOPTANK ROAD
± 1,515 L.F. TO OLD TELEGRAPH ROAD

MARYLAND
CECIL COUNTY

L.O.D.

1034.77'

32'

60'

SCM

N 02° 47' 31" W
29.77'

3' WIDE DELDOT PERMANENT EASEMENT

USABLE OPEN SPACE AREA
5.13 AC. ±

100

324
5,400 S.F.±
VI

2210

N 02° 47' 31" W

54.00'

594.00'

120.00'

C2

C3

6 SIDE B.R.L. (TYP.)

N 48° 49' 48" E

5' WIDE P.C.C. SIDEWALK (TYP.)

DELDOT TYPE 2 P.C.C. CURBS & GUTTER (TYP.)

N 41° 10' 12" W
40.75'

20' B.R.L. (TYP.)

S 41° 10' 12" E
40.75'

170.00'

C1

32'

6'

5'

5'

20' WIDE DRAINAGE EASEMENT FOR PIPE TO BE MAINTAINED BY MAINTENANCE CORP. (920 S.F. ±)

S 09° 55' 18" W

60'

SPRUCE VALLEY DRIVE

60' R.O.W. (DEDICATED TO PUBLIC USE, STATE MAINTAINED)

N 09° 55' 18" E

168.48'

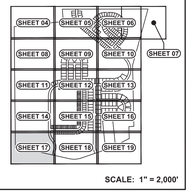
N 80° 09' 32" W

430.14'

0 20 40 80

SCALE: 1" = 40'

KEY MAP - COUNTRY CLUB ESTATES



SCALE: 1" = 2,000'

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY (12,000+)
SFS = SINGLE FAMILY (10,000-12,000)
VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

BECKER MORGAN GROUP

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CHRISTOPHER T. DYE LICENSE No. 16378 PROFESSIONAL ENGINEER DELAWARE

PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

ISSUE	BLOCK	
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

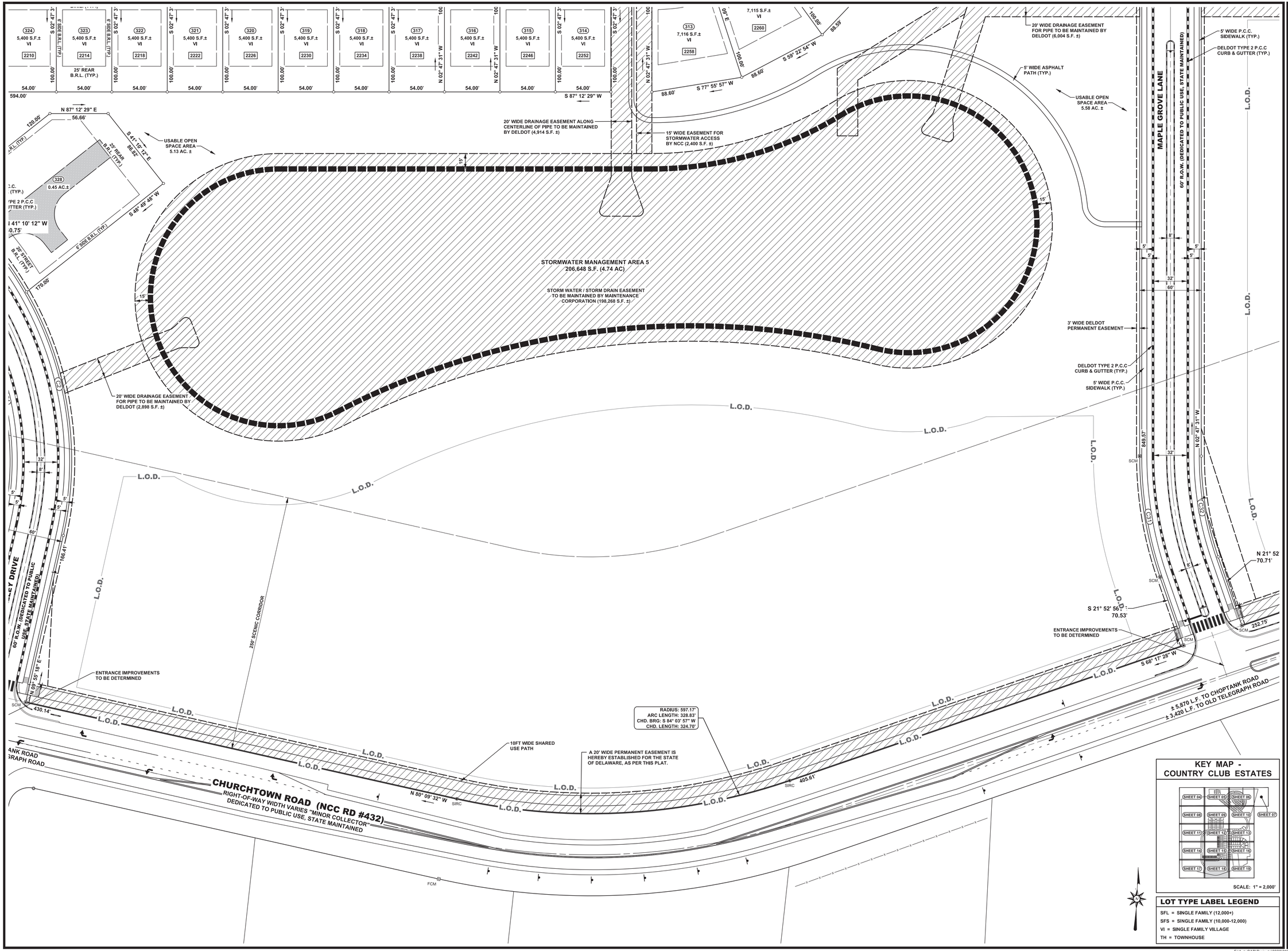
LAYER STATE: 4 OF 15

PROJECT NO.: 2020244.00
DATE: 12/14/2023
SCALE: 1" = 40'
DRAWN BY: **T.D.G.** PROJ. MGR.: **T.D.G.**

SHEET
17 OF 19

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KEY MAP - COUNTRY CLUB ESTATES

SCALE: 1" = 2,000'

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY (12,000+)
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TH = TOWNHOUSE

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PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE	BLOCK	
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER STATE: 4 OF 10

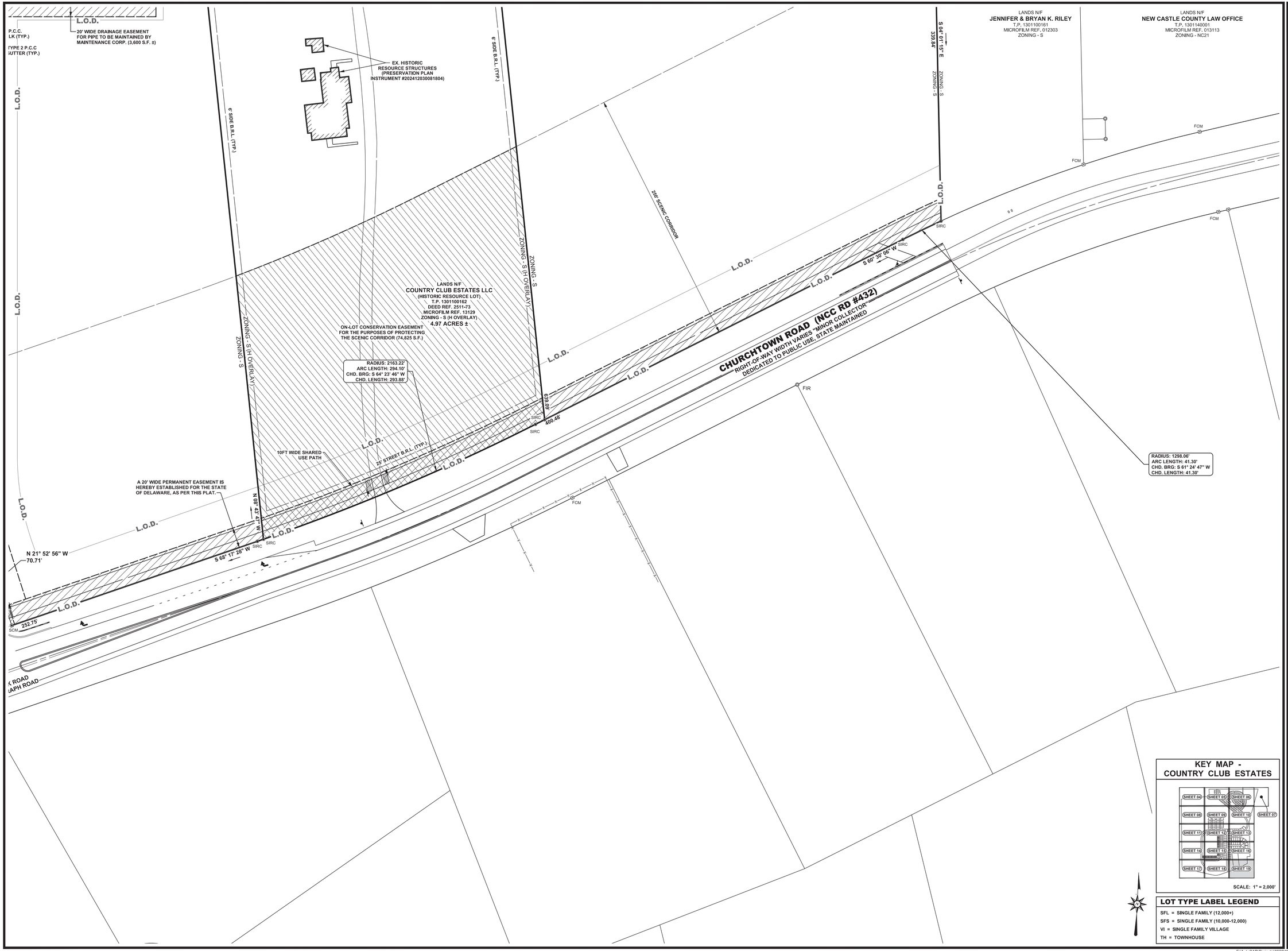
PROJECT NO.: 2020244.00
DATE: 12/14/2023
SCALE: 1" = 40'
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18 OF 19

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KEY MAP - COUNTRY CLUB ESTATES

SCALE: 1" = 2,000'

LOT TYPE LABEL LEGEND

SFL = SINGLE FAMILY (12,000+)
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VI = SINGLE FAMILY VILLAGE
TH = TOWNHOUSE

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PROJECT TITLE

APPLICATION NO. 2021-0287-S

COUNTRY CLUB ESTATES

CHURCHTOWN ROAD
ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DE

SHEET TITLE

MAJOR RESIDENTIAL LAND DEVELOPMENT RECORD PLAN

0 20 40 80

SCALE: 1" = 40'

ISSUE BLOCK		
13	10/20/25	AGENCY SUBMISSION
12	10/07/25	AGENCY SUBMISSION
11	09/17/25	AGENCY SUBMISSION
10	09/03/25	AGENCY SUBMISSION
9	07/25/25	AGENCY SUBMISSION
8	06/24/25	AGENCY SUBMISSION
7	03/03/25	AGENCY SUBMISSION
6	02/04/25	AGENCY SUBMISSION
MARK	DATE	DESCRIPTION

LAYER/STATE: 4 OF 19

PROJECT NO.: 2020244.00
DATE: 12/14/2023
SCALE: 1" = 40'
DRAWN BY: T.D.G. | PROJ. MGR.: T.D.G.

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19 OF 19

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Prime Sponsor(s): Mr. Carter
Requested by: Land Use Department
Date of introduction: November 18, 2025

ORDINANCE NO. 25-152

REVISE ZONING MAP: ST. GEORGES HUNDRED, NORTH SIDE CHURCHTOWN ROAD, 2,091 FEET WEST OF BACK CREEK DRIVE; REZONE TAX PARCEL 13-011.00-162 AND PORTION OF TAX PARCEL 13-011.00-033 FROM SUBURBAN (S) TO SUBURBAN (S) AND HISTORIC OVERLAY ZONE (H).

(The purpose of this Rezoning is to rezone 4.48 acres of tax parcel 13-011.00-162 and 0.52 acres of tax parcel 13-011.00-033 from suburban (S) to Suburban (S) and Historic Overlay Zone (H). App. 2021- 0287-S/Z.)

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

Section 1. The Zoning Map of St. Georges Hundred, as amended, is hereby further amended by changing the zoning classification of the land shown on attached Exhibits “A” and “L” dated 10/28/25, as set forth therein.

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

Adopted by County Council of
New Castle County on:

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

Approved on:

_____

Marcus A. Henry
County Executive
New Castle County

SYNOPSIS: Same as title.

FISCAL IMPACT: This rezoning ordinance will have no immediate discernable fiscal impact on the County, but if the parcel(s) rezoned is (are) developed in accordance with the new rezoning, there may be one or more indirect fiscal effects on New Castle County government, including, but not limited to, an increase in the assessed value of the property with a resultant increase in taxes collectible thereon, and an increased demand for county services.

PROPERTY MAP

EXHIBIT A
ZONING ORDINANCE AS INTRODUCED

APPLICANT: COUNTRY CLUB ESTATES LLC
PROPOSED REZONING: S TO
S WITH H

APPLICATION NO. 2021- 0287-S/Z

TAX PARCEL NO: 13-011.00-033
13-011.00-162



HUNDRED: ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DELAWARE

N

PERMANENT ORDINANCE NO. 25- 152
Date Adopted by County Council:
Date Approved by County Executive:

Scale: 1:4917
Prepared by: Matthew Rogers

Date: 10/28/2025

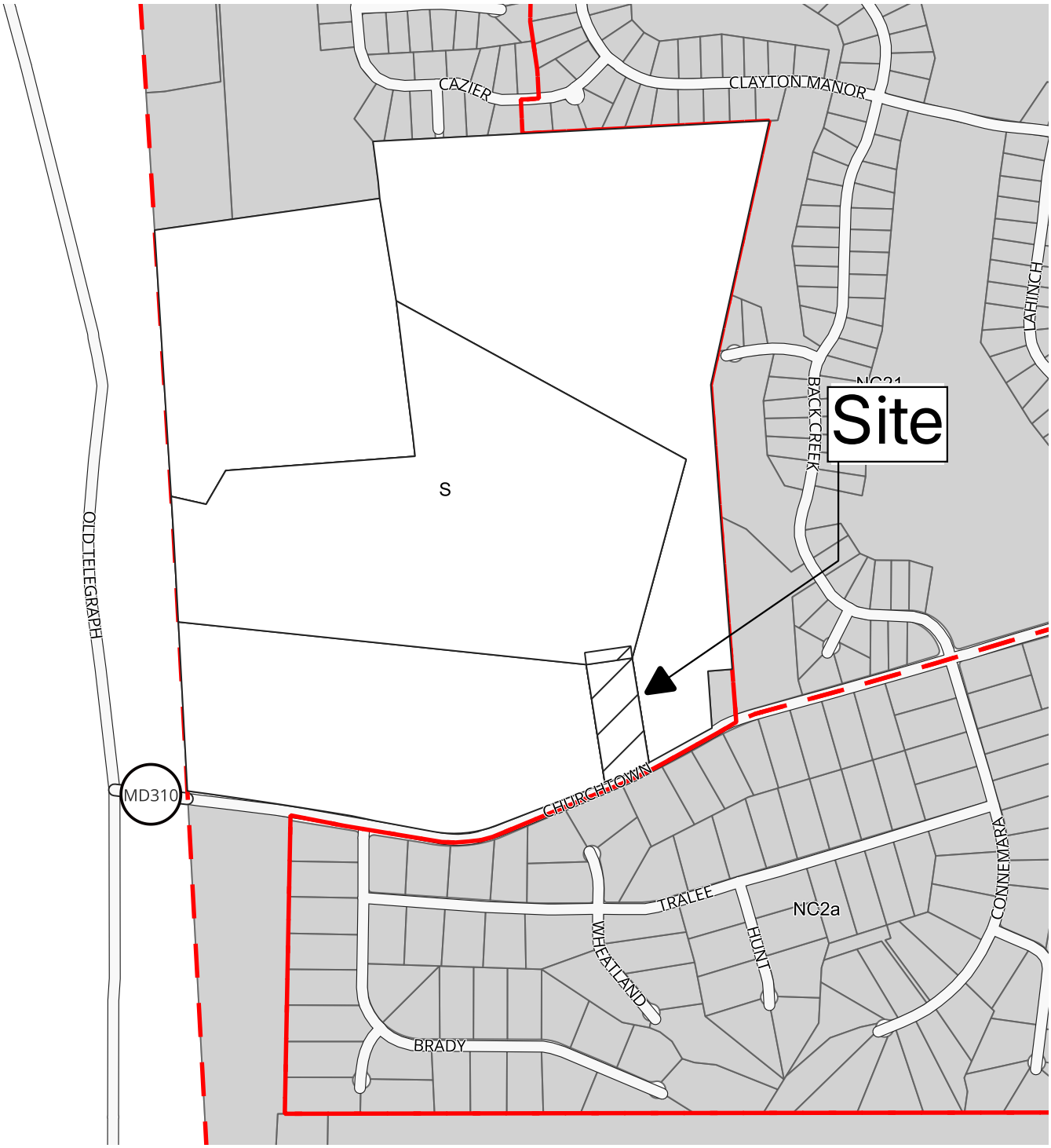
PROPERTY MAP

EXHIBIT L
ZONING ORDINANCE AS INTRODUCED

APPLICANT: COUNTRY CLUB ESTATES LLC
PROPOSED REZONING: S TO
S WITH H

APPLICATION NO. 2021- 0287-S/Z

TAX PARCEL NO: 13-011.00-033
13-011.00-162



HUNDRED: ST. GEORGES HUNDRED
NEW CASTLE COUNTY, DELAWARE

N

PERMANENT ORDINANCE NO. 25- 152
Date Adopted by County Council:
Date Approved by County Executive:

Scale: 1:10917
Prepared by: Matthew Rogers

Date: 10/28/2025

Prime Sponsor(s): Ms. Kilpatrick, Mr. Tackett
Requested by: Land Use
Date of introduction: November 25, 2025

ORDINANCE NO. 25-157

TO AMEND CHAPTER 7 ("PROPERTY MAINTENANCE CODE") OF THE NEW CASTLE COUNTY CODE

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

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

WHEREAS, New Castle County Council has adopted prior editions of the International Property Maintenance Code, together with certain amendments set forth in Chapter 7 of the New Castle County Code; and

WHEREAS, the County desires to modernize its code enforcement by adopting the 2024 edition of the International Code Council's International Property Maintenance Code, subject to localized amendments and to build upon established enforcement mechanisms, administrative structures, and community-sensitive provisions; and

WHEREAS, adopting the 2024 International Property Maintenance Code, as amended, will promote uniform enforcement, address local conditions, and further safeguard the public health, safety, and welfare of the residents of New Castle County; and

WHEREAS, the adoption of the 2024 International Property Maintenance Code will help ensure consistency with nationally recognized standards and best practices for property maintenance; and

WHEREAS, New Castle County Council finds that the provisions of this Ordinance substantially advance and are rationally and reasonably related to legitimate government interests including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life.

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

Section 1. The table of contents for *New Castle County Code* Chapter 7 ("Property Maintenance Code") is deleted in its entirety and replaced with the following, which shall be considered underlined in its entirety:

Chapter 7

PROPERTY MAINTENANCE

Article 1. Property Maintenance Code

Sec. 7.01.001. Adoption of the 2004 International Property Maintenance Code.
Sec. 7.02.002. Amendments to the 2024 International Property Maintenance Code.

Chapter 1. Scope and Administration.
Chapter 2. Definitions.
Chapter 3. General Requirements.
Chapter 4. Light, Ventilation and Occupancy Limitations.
Chapter 5. Plumbing Facilities and Fixture Requirements.
Chapter 6. Mechanical and Electrical Requirements.
Chapter 7. Fire Safety Requirements.
Chapter 8. Referenced Standards.

Article 2. Registration and Payment of Fees for Vacant Premises

Sec. 7.02.001. General.
Sec. 7.02.002. Registration requirement; registration statement.
Sec. 7.02.003. Annual registration renewal and registration fees; waiver of fees.
Sec. 7.02.004. Failure to register; registration by Department.
Sec. 7.02.005. Appeal rights.
Sec. 7.02.004. Duty to maintain property.
Sec. 7.02.007. Creation of line for unpaid charges, fees and penalties.

Section 2. *New Castle County Code* Chapter 7 ("Property Maintenance Code"), Article 1 ("Standards for Property Maintenance"), is deleted in its entirety and replaced with the following, which shall be considered underlined in its entirety.

ARTICLE I. PROPERTY MAINTENANCE CODE

Sec. 7.01.001. Adoption of the 2024 International Property Maintenance Code.

The 2024 International Property Maintenance Code, published by the International Code Council, Inc., is hereby adopted as the *New Castle County Property Maintenance Code,* for the control of premises, buildings and structures as herein provided. All the sections, conditions, and terms of the *2024 International Property Maintenance Code,* are hereby referred to, adopted and made a part of this Chapter as if fully set out herein, with the additions, insertions, deletions, and changes, as prescribed in Sec. 7.01.002.

Sec. 7.01.002. Amendments to the 2024 International Property Maintenance Code.

Certain sections and subsections of the *2024 International Property Maintenance Code*, adopted in Sec. 7.01.001, are amended as described herein.

CHAPTER 1. SCOPE AND ADMINISTRATION

PART 1 – SCOPE AND APPLICATION

SECTION 101–SCOPE AND GENERAL REQUIREMENTS

101.1 *Title* is amended by deleting the subsection in its entirety and substituting the following:

101.1 *Title.* The provisions adopted herein, including the *2024 International Property Maintenance Code*, as those provisions may be amended from time to time, shall be known as the *New Castle County Property Maintenance Code*, and hereafter referred to as "this code."

101.2 *Scope* is amended by deleting the subsection in its entirety and substituting the following:

101.2 *Scope and Jurisdiction.* This code shall apply to all existing residential and non-residential structures and premises located in unincorporated New Castle County and in any of the incorporated municipalities that opt to have New Castle County provide property maintenance code enforcement services. This code constitutes the minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants, the occupancy of existing structures and premises, and for the administration, enforcement and penalties.

A new subsection 101.5 is added as follows:

101.5 *Intent*. The provisions of this code shall be construed to ensure to the greatest extent possible the public health, safety and welfare insofar that they are impacted by the condition, use, and occupancy of buildings, structures, premises, equipment, and systems.

A new subsection 101.6 is added as follows:

101.6 *No liability created*. Nothing in this code shall create any liability for loss or damage resulting from the failure of the County to perform any responsibility set forth in this code or obligate the County to make any appropriation or expend any money for any purpose set forth in this code.

A new subsection 101.7 is added as follows:

101.7 *Representation and indemnification*. The code official, employees charged with administration and enforcement of this code, and members of the Board of License, Inspection and Review who are subject to a civil or criminal action arising from the performance of his or her duties shall have a right to representation and indemnification pursuant to *New Castle County Code* § 2.03.200 ("Indemnification of County officers and employees").

A new subsection 101.8 is added as follows:

101.8 *Time*. For the purposes of computing time, the following rules apply.

101.8.1 *Computation*. When the period is stated in days or a longer unit of time:

1. exclude the day of the event that triggers the period;

2. count every day, including intermediate Saturdays, Sundays, and any other day the County is closed for business; and

3. include the last day of the period, but if the last day is a Saturday, Sunday, or any other day on which the County is closed for business, the period continues to run until the end of the next day when the County is open for business.

101.8.2 *Additional time after service by mail*. Whenever a person responsible is required to do some act within a prescribed period after being served with a decision, notice, order or directive, and service is by first class mail, 3 days shall be added to the prescribed period. This provision shall not apply if a date for such act is explicitly provided in the decision, notice, order or directive.

A new subsection 101.9 is added as follows:

101.9 *Number.* A word importing only the singular number may extend and be applied to several persons or things, as well as to one person or thing; a word importing only the plural number may extend and be applied to one person or thing, as well as to several persons or things.

SECTION 102–APPLICABILITY

102.3 *Application of other codes* is amended by deleting the subsection in its entirety and substituting the following:

102.3 *Application of other codes.* Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the provisions of *New Castle*

County Code chapters 6, 12, 19, 38 and 40. Nothing in this code shall be construed to cancel, modify or set aside any provisions of chapter 40.

102.7 *Historic Buildings* is amended by deleting the subsection in its entirety and substituting the following:

102.7 *Historic Buildings*. The provisions of this code are not mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare and when the code provisions would otherwise affect the historic integrity of the structure, as determined in conjunction with the Historic Review Board. The provisions of this code shall not be construed to override statutes, laws, ordinances, rules or regulations with respect to the architectural or design integrity of buildings which have been designated as historic structures or which have historical significance, provided that such structures are maintained in good condition and repair and are not a threat to the health, welfare or safety of the occupants of the premises or the general public. This subsection is to be read and enforced in conjunction with subsection 102.7.1

A new subsection 102.7.1 is added as follows:

> 102.7.1 *Maintenance of property in historic overlay zoning districts–demolition by neglect.* The owner, lessee, or other person in charge of a structure or property in historic overlay zoning districts shall comply with all applicable codes, laws and regulations governing the maintenance of property, with the exception set forth in 102.7 (“Historic Buildings”). No officially designated historic structure or contributing structure on property within an historic overlay zoning district shall be allowed to deteriorate due to neglect by the owner, lessee or other person in charge. Demolition by neglect shall include any one or more of the following courses of action or inaction: a) deterioration of the structure's exterior to the extent that it creates or permits a hazardous or unsafe condition; b) deterioration of exterior walls or other vertical supports, roofs, chimneys, horizontal members, exterior wall elements including, but not limited to, wooden walls, brick, plaster or mortar to the extent that it adversely affects the character of the historic structure or could lead to irreversible damage to the structure; c) defective or insufficient weather protection for the exterior walls roofs foundations, doors and windows, including broken windows or doors and including lack of paint or other protective covering on exterior walls; or d) other appropriate property maintenance standards. The code official shall proactively inspect all properties subject to this subsection, twice annually, or as determined by the code official, from a list provided by the Historic Review Board, cite all violations as customary or as required in conjunction with the Historic Review Board as set forth above and promptly submit a written report on each violation with photographic documentation on each inspection to the Historic Review Board.

A new subsection 102.12 is added as follows:

102.12 *Effect upon suits, proceedings, rights, liabilities.* Nothing in this code shall be construed to affect any suit or proceeding pending in any court or any rights acquired or liability incurred or any causes of action acquired or existing, under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost impaired or affected by this code.

A new subsection 102.13 is added as follows:

102.13 *Savings clause.* This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

PART 2 – ADMINISTRATION AND ENFORCEMENT

SECTION 103–CODE COMPLIANCE AGENCY

103.1 *Creation of Agency* is amended by deleting the subsection in its entirety and substituting the following:

103.1 *The Department of Land Use Code Official*. The Department of Land Use shall be in charge in the implementation, administration, and enforcement of the provisions of this code. The General Manager of the Department of Land Use, or person designated by the General Manager, shall be the code official for all purposes described in this code.

103.2 *Appointment* is amended by deleting the subsection in its entirety and substituting the following:

103.2 *Official Records.* The Department of Land Use shall keep official records as required by law.

103.3 *Deputies* is amended by deleting the subsection in its entirety and substituting the following:

103.3 *Deputies*. The code official may designate inspectors, code enforcement officers, deputy code officials, hearing officers, and other Department employees the power to discharge any aspect of the code official's power and authority necessary for the proper administration and enforcement of this code.

SECTION–104 FEES

104.1 *Fees* is amended by deleting the subsection in its entirety and substituting the following:

104.1 *Administrative fees*. The code official is authorized to establish fees for activities and services performed by the Department related to the implementation, administration and enforcement of this code.

104.2 *Refunds* is amended by deleting the subsection in its entirety and substituting the following:

104.2 *Refunds and waivers*. The code official is authorized to refund or waive administrative fees, in whole or in part, pursuant to Department policies and procedures.

A new subsection 104.3 is added as follows:

104.3 *In forma pauperis (IFP) status*. Upon receipt of an Application to Proceed without Prepaying Fees or Costs, the code official is authorized to grant an applicant IFP status for good cause shown and pursuant to Department policies and procedures.

A new subsection 104.4 is added as follows:

104.4 *Appendix.* Administrative fees shall be as stated in the Appendix. The Appendix shall be maintained by the Department and shall be amended from time to time as deemed necessary by the code official. Notice of any change to the Appendix shall be published on the New Castle County website at least 30 calendar days before such change is to be effective.

SECTION 105–DUTIES AND POWERS OF THE CODE OFFICIAL

A new subsection 105.2.4 is added as follows:

105.2.4 *Approved materials and equipment*. Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

A new subsection 105.2.4.1 is added as follows:

105.2.4.1 *Materials and equipment reuse*. Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved.

105.5 *Notices and Orders* is amended by deleting the subsection in its entirety and substituting it with the following:

105.5 *Notices, orders and directives*. The code official is authorized to issue all necessary notices, orders and directives to ensure compliance with this code, a permit, certificate, or license issued by the code official, any report, detailed statement, or plan accepted and approved by the code official, and any written decision issued by the code official.

A new subsection 105.5.1 is added to read as follows:

105.5.1 *Corrections*. The code official may correct any mistake or error in a notice, order, directive, or decision arising from oversight or omission at any time on the code official's own initiative or upon the request of the person subject to the notice, order, directive or decision.

105.6 *(Official Records)* is amended by deleting it in its entirety and substituting it with the following:

105.6 *Inspections.* The code official is authorized to conduct inspections or to accept reports of inspections by agencies or individuals approved by the code official. Reports of such inspections shall be in writing and certified by a responsible officer of such approved agency or by the responsible individual.

105.6.1 *Approvals* is amended by deleting the subsection in its entirety.

105.6.2 *Inspections* is amended by deleting the subsection in its entirety.

105.6.3 *Code alternatives and modifications* is amended by deleting the subsection in its entirety.

105.6.4 *Tests* is amended by deleting the subsection in its entirety.

105.6.5 *Fees* is amended by deleting the subsection in its entirety.

105.7 *Liability* is amended by deleting the subsection in its entirety and substituting the following:

105.7 *Administrative enforcement*. The code official is authorized to enforce violations of this code through an administrative enforcement process.

Subsection 105.7.1 *Legal Defense* is amended by deleting the subsection in its entirety.

A new subsection 105.7.1 is added as follows:

105.7.1 *Corrective measures*. The code official is authorized to compel correction of violations by ordering the person responsible to make corrective measures and establishing a compliance date for the completion of corrective measures.

A new subsection 105.7.2 is added as follows:

105.7.2 *Extensions.* The code official is authorized to grant compliance date extensions, in writing, for justifiable cause.

A new subsection 105.7.3 is added as follows:

105.7.3 *Abatement.* The code official is authorized to abate violations of this code or employ the necessary labor and materials to abate violations.

A new subsection 105.7.4 is added as follows:

105.7.4 *Demolition.* The code official is authorized to demolish, or employ the necessary labor and materials to demolish, a building or structure that is so old, dilapidated or has become so out of repair and is dangerous, unsafe, unsanitary and otherwise unfit for human habitation or occupancy.

A new subsection 105.7.5 is added as follows:

105.7.5 *Code enforcement fees*. The code official is authorized to assess code enforcement fees for violations of this code.

A new subsection 105.7.5.1 is added as follows:

105.7.5.1 *Refunds and waivers*. The code official is authorized to refund or waive code enforcement fees, in whole or in part, pursuant to Department policies and procedures.

A new subsection 105.7.6 is added as follows:

105.7.6 *Not in Good Standing designation.* The code official is authorized to designate a person as “Not in Good Standing” when such person is delinquent in the payment of monies owed to the County or has been found to be in violation of this code.

A new subsection 105.7.7 is added as follows:

105.7.7 *Withholding Department services*. The code official is authorized to withhold any Department service, or place conditions and limitations on any Department service, requested by any person with a “Not in Good Standing” designation.

A new subsection 105.7.8 is added as follows:

105.7.8 *Notice of Unpermitted Structure or Structure Without a Certificate of Occupancy.* The code official is authorized to record a document in the New Castle County Office of the Recorder of Deeds documenting a violation of building without a permit or occupying a structure without a certificate of occupancy.

A new subsection 105.7.9 is added as follows:

105.7.9 *Administrative reviews and appeals*. The code official is authorized to establish review and appeal process wherein a person responsible who is aggrieved by a decision of the code official may seek review of the code official’s decision.

105.8 *Approved materials and equipment* is amended by deleting the subsection in its entirety and substituting the following:

105.8 *Judicial proceedings.* The code official is authorized to institute, or cause the County Attorney to institute, a judicial proceeding in a court of competent jurisdiction against any person violating the provisions of this code to prevent, restrain, correct, abate, remove, or enjoin any violation of the provisions of this code.

105.8.1 *Materials and equipment reuse* is amended by deleting the subsection in its entirety.

A new subsection 105.9 is added to read as follows:

105.9 *Incidental Authority.* The code official is authorized to exercise any duty or power granted by any other section of this code or any provision of the *New Castle County Code* and shall have those duties and powers incidental to or necessary for the exercise of any duty or power explicitly granted.

SECTION 106–MEANS OF APPEAL is deleted in its entirety.

A new SECTION 106 is added as follows:

SECTION 106–VIOLATIONS

106.1 *Violation*. It shall be a violation to construct, repair, maintain, occupy, or use a building, structure, premises, equipment, or system, or part thereof, in violation of this code, a notice or order of the code official, a permit, certificate, or license issued by the code official, any report, detailed statement, or plan accepted and approved by the code official.

106.2 *State of mind.* There is strict liability for violations of this code. It shall be unnecessary to prove the state of mind of person responsible regarding the failure to comply with any provision of this code. Lack of knowledge of a code requirement shall neither be a defense nor a mitigating factor when determining remedial measures or the imposition of fines or code enforcement fees.

106.3 *Administrative enforcement*. Any person violating the provisions of this code may be subject to the administrative enforcement proceedings and penalties provided in this code.

106.3.1 *Administrative penalties not exclusive of other administrative penalties.* The imposition of an administrative penalty shall not preclude the code official's authority to impose any other administrative penalty.

106.4. *Criminal enforcement.* In addition to, or in lieu of, proceeding with administrative enforcement for a violation of this code, a code enforcement officer may bring criminal charges in the Justice of the Peace Court by issuing a summons to a person the officer has reasonable grounds to believe has committed a violation or offense of this code. Only upon conviction shall the defendant have the right to appeal to the Court of Common Pleas.

106.4.1 *Dismissal of charges.* Any person subject to criminal proceedings under this code may avoid the same upon presenting sufficient evidence to the code enforcement officer to establish that the alleged violation has been corrected. If sufficient evidence is presented prior to trial, the County may enter a *nolle prosequi* with or without prejudice.

106.4.2 *Voluntary assessment*. Any summons issued by a code enforcement officer may provide that, in lieu of appearing in court, the offender may correct the offense(s) and remit a voluntary assessment of up to $200.00 for each offense cited. The summons may provide that each day such violation continues shall constitute a separate offense.

106.4.3 *Court imposed penalties.* Any person convicted of a violation of this code shall be subject to the following fines and may be subject to restitution or such other conditions as the court deems appropriate:

1. For the first conviction, the penalty shall be a fine of not less than $250.00 nor more than one thousand dollars $1,000.00.

2. For the second conviction for the same offense, the penalty shall be a fine of not less than $500.00, nor more than $2,500.00.

3. For all subsequent convictions for the same offense, the penalty shall be a fine of no less than $1,000.00 nor more $5,000.00. The unpaid fine amounts may be considered a tax lien and collected in the same manner as other County real estate taxes. "Fines" as used in this section shall also include any civil judgment awarded to the County thereof entered pursuant to 11 *Del. C.* § 4101 (Payment of fines, costs and restitution upon conviction), 25 *Del. C.* § 2901 et seq. (Liens of the State and/or its political subdivisions) or 9 *Del. C.* § 2907 et seq. (Abatement; creation of tax lien).

106.5 *Civil enforcement.* Any person violating the provisions of the code may be subject to a civil proceeding instituted by the County Attorney. In addition to available remedies at law, the County Attorney may apply for injunctive relief to prevent, abate, or enjoin any violation of the provisions of this code.

106.6 *Cost recovery/restitution*. In any administrative enforcement proceeding or judicial action, the County may seek the recovery of fines, code enforcement fees, actual damages, expert witness costs, court costs, prejudgment and post judgment interest, and

reasonable attorney fees. The violator shall also be responsible for costs incurred by the County in preventing, abating, or enjoining code violations and the costs of demolishing buildings and structures.

106.7 *Additional Remedies*. Administrative enforcement proceedings and the imposition of administrative enforcement measures shall not preclude the Attorney General, County Attorney, or code official from instituting appropriate criminal or civil actions or proceedings to prevent, enjoin or abate any violation of the code.

SECTION 107–VIOLATIONS is deleted in its entirety.

A new SECTION 107 is added as follows:

SECTION 107–ADMINISTRATIVE ENFORCEMENT PROCEEDINGS AND PENALTIES

107.1 *Decisions, notice, orders and directives*. The code official shall issue such decisions, notices, orders and directives necessary for proper administration and enforcement of this code.

107.1.1 *Removal of notices, orders, and placards*. Posted notices, orders, and placards affixed on any building, structure, or equipment by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

107.1.2 The removal of a notice, order or placard shall be a violation of this code and any person who defaces or removes a notice, order or placard without the approval of the code official shall be subject to the penalties provided by this section or a fine of up to $1,000 per occurrence.

107.1.3 The code official shall remove, or authorize the removal of notices, orders, and placards whenever the violation, defect or defects upon which the noticing action were based have been corrected

107.2 *Violation notice*. Whenever the code official determines that there has been a violation of this code, or has grounds to believe that a violation exists, a violation notice shall be issued to the person responsible.

107.2.1 *Exceptions*. A violation notice is not required in the following situations:

1. The violation is reoccurring and the person responsible was issued a violation notice for the same violation within the preceding one-year period calculated from the date of the violation notice.

2. The violation is continuous and the person responsible was issued a violation notice for the same violation regardless of the amount of time the violation remains uncorrected.

3. A violation exists or is reasonably believed to exist, because work is being done in an unsafe or dangerous manner, or jeopardizes the health, safety or welfare of the public, or is being done (or was done) in the absence of a necessary permit, license, or registration.

4. The code official issues a notice, order, or placard pursuant to Section 108 (Stop Work Order), Section 109 (Unsafe Structures and Equipment), or Section 110 (Emergency Measures).

107.2.2 *Content of Violation Notices.* Violation notices shall include the following information:

1. Description of the property sufficient for identification;

2. Statement of the violation;

3. Correction order or directive to eliminate the violation;

4. A reasonable time for correction of a violation. If no compliance date is stated in the notice, the compliance date shall be deemed 15 days from the date of service;

5. A statement of the right to seek an administrative review of the notice;

6. Notice that failure to timely comply with the correction order may result in the County taking corrective measures and the assessment of code enforcement fees; and

7. Notice of the County's right to file a lien against the property for unpaid code enforcement fees.

107.3 *Method of Service.* Decisions, notices, orders, and directives issued by the code official shall be deemed to be properly served where a copy thereof is served upon the person responsible in accordance with one of the following methods:

1. Personally.

2. By first class mail to the last known address of the person responsible.

3. By certified or registered mail to the last known address of the person responsible.

4. Posted at the entrance or in a conspicuous place in or about the premises, building or structure on the property where the violation(s) exist.

5. Leaving it in the possession of an adult in apparent or actual charge of the premises, building, or structure.

6. Delivered in any other manner as prescribed by law for legal service. Corporations may be served by delivering the notice to the corporation's registered agent.

7. Service of notice upon the authorized agent or legal representative of the person responsible shall constitute service upon the person responsible.

8. After a violation notice is issued pursuant to one of above methods, decisions, notices, orders and directives may be served via electronic mail at the request of the person responsible.

107.4 *Proof of Service*. The person responsible for service of the decision, notice, order or directive is authorized to certify the method and date of service.

107.5 *Compliance date extensions.* Application for an extension of a compliance date may be made in writing to the code official.

107.5.1 *Justifiable cause required*. The applicant must demonstrate justifiable cause and explain all pertinent surrounding circumstances including reasons for the delay, plans for completion, and what actions the applicant has taken to correct the problem.

107.5.2 *Approval and conditions*. Extensions shall be at the discretion of the code official and shall be in writing. The code official may set conditions on any extension granted.

107.5.3 *Extension Fee*. A fee as set forth in the Appendix shall be charged for each extension.

107.6 *Inspections*. The code official shall perform necessary inspections to determine whether a violation has been timely corrected.

107.6.1 *Reinspection fees*. The code official is authorized impose a reinspection fee for each inspection that confirms the violation has not been corrected by the compliance date.

107.6.1.1 *No charge for the first reinspection*. The code official may impose a reinspection fee for each inspection after the second inspection that confirms the existence of the violation.

107.6.1.2 *Exception* for *citation penalties*. The code official shall not impose a reinspection fee if the violation is subject to the citation process and a civil penalty has been issued for the violation.

107.6.2 *New violation*. Any new violation found during a reinspection shall be separately noticed. A continuing violation shall not be considered a new violation.

107.7 *Occupancy not required*. The code official may issue a violation notice and assess administrative penalties regardless of whether the property owner resides upon the property, and regardless of whether the property is developed, occupied, or is a vacant lot.

107.8 *Requesting administrative review of a violation notice*. Any person receiving a violation notice may contest the existence of the violation by timely requesting an administrative review within the following timeframe:

1. Within 10 days of the date of the violation notice for violations subject to citation.

2. For all other violations, by the compliance date stated in the violation notice or if no compliance date is specified, within 10 days of the date of the violation notice.

107.8.1 *Review*. Violation notices shall be contested in writing in accordance with the provisions of 107.9.4.2

107.8.2 *Fee*. The applicable application review fee is stated in the Appendix and shall be waived if the applicant prevails on all issues under review.

107.9 *Violations subject to the citation process*. The code official is authorized to assess a civil penalty for any violation of the following subsections of this code that remain uncorrected after 10 days following the issuance of a violation notice:

302.1 Sanitation.
302.4 Prohibited growth of grass and weeds.
302.7 Accessory Structures.
302.8.3 Inoperable or unregistered vehicles.
302.8.4 Oversized vehicle parking.
302.8.6 Parking of vehicles.
302.10 Outside storage of household items.
302.11 Outside storage of debris.
302.12 Encroachment on sidewalk.
302.16 Portable temporary storage units.
303.1 Swimming pools.
308.1 Accumulation.
308.2 Disposal of rubbish.

107.9.1 *Continuing violation*. A civil penalty may be issued for any subsequent 10-day period in which the violation exists until the violation is corrected. The code official shall not be required to issue more than one violation notice for a continuing violation unless there is a change in ownership of the property.

107.9.2 *Civil penalty amount*. If the violation remains uncorrected, the civil penalty amount may increase with each subsequent citation in the following amounts:

1. $50.00 for the first citation.

2. Up to $75.00 for a second citation for the same violation issued within one year of the date of the violation notice.

3. Up to $100.00 for subsequent citations issued for the same violation within one year of the date of the violation notice.

4. The amount due shall double if not paid within 30 calendar days from the date of the citation.

107.9.3 *Exempt property*. Maintenance corporations established to maintain private open space and common facilities in residential subdivisions shall not be issued citations.

107.9.4 *Administrative review*. The person responsible may seek an administrative review of the assessment of civil penalty through the citation process.

107.9.4.1 *Time.* The request for review shall be submitted within 10 days from the date of assessment of the civil penalty.

107.9.4.2 *Review*. The civil penalty shall be contested in writing.

1. A detailed written explanation including any relevant information or evidence must timely be submitted by mail, uploaded online, or hand delivered to the New Castle County Government Center c/o Hearing Officer.

2. After the application deadline but prior to the issuance of the written decision, the hearing officer may accept supplemented material at the hearing officer's discretion.

3. Administrative reviews shall occur by the hearing officer's examination of the person responsible' s written submission, the citation and any other notices relating to the citation, including attachments thereto, that were previously served upon the person responsible and public records.

4. An in-person hearing may be requested at the time of application for good cause shown and granted at discretion of the hearing officer or as matter of reasonable accommodation.

5. The hearing officer shall issue a written decision within 20 days of receipt of the request for review.

107.9.4.3 *Review Fee*. The applicable fee is stated in the Appendix and shall be waived if the applicant prevails on all issues under review.

107.10 *Administrative review prior to imposition of administrative enforcement measures.* The code official is authorized to impose the following administrative enforcement measures and penalties for any violation of this code.

107.10.1 *Hearing required*. The person responsible shall be provided an opportunity to be heard at an administrative hearing to contest the violation prior to the imposition of the following administrative enforcement measures.

107.10.2 *Virtual hearings*. Administrative hearings shall be conducted virtually subject to Department policies and procedures. The person responsible shall be provided the opportunity to participate by telephone.

107.10.3 *In-person hearings*. A request for an in-person hearing may be granted for good cause shown, as matter of reasonable accommodation, or at the discretion of the hearing officer.

107.10.4 *Conduct of hearing*. Administrative review proceedings are informal but may be subject to rules of procedure for the conduct of the proceedings.

1. The person responsible may be self-represented, represented by counsel, or may be assisted by a spokesperson.

2. The hearing officer shall hear testimony and accept evidence from the Department regarding the reasons for issuance of the notice that is under review. The person responsible shall be provided an opportunity to cross-examine witnesses concerning any evidence that is used to support the issuance of the notice. The person responsible shall then be provided an opportunity to demonstrate that the notice was issued erroneously. The hearing officer may question any witness at any time.

3. The hearing shall proceed if the person responsible fails to appear upon a showing by the Department that proper notice was provided.

107.10.5 *Dismissal of action*. The hearing officer may dismiss the administrative enforcement action upon finding:

1. The violation did not occur.

2. The violation was timely corrected.

3. The true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted.

4. The notice contains an error of fact or law.

5. The provisions of this code do not fully apply.

6. An equivalent or better form of construction is proposed.

107.10.6 *Review fee*. The applicable review fee is stated in the Appendix and shall be waived if the person responsible prevails on all issues under review.

107.10.7 *Administrative decisions*. If the administration enforcement action is not dismissed following an administrative review, the hearing officer shall issue a written decision and detail the reasons for any adverse action taken and or that may occur absent compliance. The decision shall contain:

1. findings relied on by the hearing officer when rendering the decision; and

2. directives for the correction of the violation (if applicable).

107.11 *Administrative enforcement measures*. After the issuance of a written decision, the code official is authorized to impose any of the following measures if the person responsible fails to timely comply with the code official directives or orders.

107.11.1 *Civil penalties*. The code shall be authorized to issue a penalty assessment notice.

1. *Civil penalty amount for unlawful removal.* The removal of a notice, order, or placard shall be subject to a $1,000 civil penalty per occurrence.

2. *Civil penalty amount.* For other code violations, each day a violation continues the amount per violation shall be up to $100.

107.11.2 *Abatement.* The code official is authorized to issue abatement orders and notices to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of a building, structure or premises. If the person responsible for a premises fails to comply with an abatement order or notice within the time prescribed, the code official may cause the abatement of the violation either through an available public agency or by contract or arrangement with private persons.

107.11.3 *Demolition*. The code official is authorized to issue demolition orders and notices where any building or structure is so old, dilapidated or has become so out of repair and is dangerous, unsafe, unsanitary and otherwise unfit for human habitation or occupancy. If the person responsible for a premises fails to comply with a demolition order or notice within the time prescribed, the code official may cause the structure to be demolished or removed, either through an available public agency or by contract or arrangement with private persons

107.11.4 *Cost recovery*. The code official is authorized to pursue the recovery and collection of costs for the abatement of a violation or demolition of a building or structure.

107.11.4.1 *Recoverable Costs*. The person responsible for the building, structure, premises, equipment, or system shall be responsible for:

1. Costs associated with investigation, removal, remediation, sampling, monitoring, of the violation including the costs of reports, studies, and opinions prepared by design professionals, the institution and maintenance of temporary safeguards or emergency repairs, restoration of unsafe buildings, structures, equipment or systems, abatement, and demolition ordered by the code official.

2. Administrative fees for processing vendor requests and providing vendor services.

107.11.4.2 *Property lien*. Upon completion of remedial work, the person responsible shall be provided the opportunity to reimburse the County for recoverable costs. If the person responsible fails to reimburse the County within 30 days after notice requesting reimbursement is sent, such amount may be charged against the real estate upon which abatement or demolition occurred. Liens may be collected by any available legal recourse.

107.11.5 *Designating an entity as Not in Good Standing.* The code official is authorized to issue a notice designating a person as Not in Good Standing when such person is delinquent in the payment of monies owed to the County or has been found to be in violation of this code

107.11.5.1 *Withholding Department services*. The code official is authorized to withhold any Department service, or place conditions and limitations on any Department service, requested by any person that holds a Not in Good Standing designation (“person designated.”)

107.11.5.2 *Refusal to issue any further building permits or certificates of occupancy.* The code official may refuse to grant any further building permits or certificates of occupancy to the person designated, to any corporation, partnership, joint venture, or other legal entity with which the person designated

has a controlling interest (controlling interest means the acquisition of sufficient dominance to determine the operational and financial policies of a corporation, partnership, committee, club or other organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit, including disposition of its assets or any interest representing more than 5% of a corporation, partnership, committee, club or other organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit), or to any business entity formed by the person designated in an attempt to circumvent the effect of this penalty. The code official is authorized to withhold additional permits only until the person designated remedies the code violations.

107.11.6 *Notice of Unpermitted Structure or Structure Without a Certificate of Occupancy.* The code official is authorized to record a document in the Office of the Recorder of Deeds in and for New Castle County documenting a violation of building without a permit or occupying a structure without a certificate of occupancy.

107.11.6.1 *Notice required*. The code official shall provide notice of the intent to record the document to the person responsible no less than 20 days prior to recordation. Separate notice shall not be required if the code official includes the intent to record a document in any order, directive or decision.

107.11.7 *Measures specific to abandoned vehicles*. The code official is authorized to remove or cause the removal of an abandoned vehicle from private property pursuant to subsection 302.8.4 ("Towing inoperable, unregistered or abandoned vehicles from private property").

107.11.8 *Measures stated in this code*. The code official is authorized to impose any other measure provided in this code.

107.12 *Unpaid code enforcement fees*. Unpaid code enforcement fees assessed by the code official may be collected in the same manner as property taxes pursuant to 25 *Del. C.* § 2901 ("Liens of taxes and other charges; Notice of Lien"), 9 *Del. C.* § 2907 ("Abatement; creation of tax lien"), *New Castle County Code* § 14.02.004 ("Collection of code enforcement fees"), and applicable County polices & procedures.

107.13 *In forma pauperis (IFP) status*. If an applicant is financially unable to pay an administrative fee, the applicant may request that the code official grant the applicant IFP status.

107.13.1 *IFP application*. The applicant must fully complete the Application to Proceed without Prepaying Fees and provide an affidavit that contains the following information and statements:

1. The affiant's identity, source, and amount of all of the affiant's income.

2. Household income including spouse's income.

3. All real and personal property owned either individually or jointly.

4. All cash or bank accounts held either individually or jointly, any dependents of the affiant.

5. All debts and monthly expenses of the affiant.

6. A statement that the information in the affidavit is true, correct, and complete and made under penalty of perjury.

7. A statement that the affiant agrees that intentionally omitting or falsifying information on the affidavit shall result in denial of the fee waiver request.

107.13.2 *Good cause shown*. The code official may request additional information or documentation from the applicant as the code official deems necessary to demonstrate the applicant's need for the fee waiver. An applicant's failure to demonstrate good cause or to provide requested information shall result in denial of the fee waiver request.

107.13.3 *Validity*. A fee waiver shall be valid through the continuation of the same matter. An applicant must submit a fee waiver request for each new matter.

107.14 *Stays of administrative enforcement measures*. A person responsible may request a stay of the imposition of administrative enforcement measures while a decision of the code official is undergoing administrative or judicial review. A written request must be submitted to the code official.

107.14.1 *Approval*. The stay shall be considered automatically approved on the day received by the code official unless the code official determines that granting the stay would jeopardize the health, safety or welfare of the public and notifies the applicant of the denial of the stay within 20 days of the stay request.

107.14.2 *Duration of stay*. The stay shall remain in place until the resolution of the administrative or judicial review of the matter and the expiration of any applicable appeal period.

107.14.3 *Operation of stay.* The code official shall not impose any administrative enforcement measures for the matter during the stay.

1. *Exception.* The code official may impose any administrative enforcement measure the code official determines is necessary to protect the health safety and welfare of the public.

107.14.4 *Limits of stay; no retroactivity*. A stay shall not operate to eliminate or reduce code enforcement fees incurred prior to placement of the stay or limit the

code official's authority to pursue enforcement regarding any other violation not specifically part of the matter under administrative or judicial review.

SECTION 108–STOP WORK ORDER

108.4 *Failure to comply* is amended by deleting the subsection in its entirety and substituting the following:

108.4 *Failure to comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to any of the enforcement actions available in this code.

SECTION 109–UNSAFE STRUCTURES AND EQUIPMENT

109.1.1 *Unsafe Structures* is amended by deleting the subsection in its entirety and substituting the following:

109.1.1 *Unsafe Structures.* An unsafe structure is one that is found to be hazardous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is dangerous. All unsafe structures shall be taken down and removed or made safe and secure as deemed necessary by the code official and as provided for in this code.

109.1.2 *Unsafe equipment* is amended by deleting the subsection in its entirety and substituting the following:

109.1.2 *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure. All equipment deemed unsafe by the code official shall not be operated after the date stated in the notice of violation unless the required repairs or changes have been made and the equipment has been approved.

109.1.3 *Structure unfit for human occupancy* is amended by deleting the subsection in its entirety and substituting the following:

109.1.3 *Structure unfit for human occupancy*. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard

to the occupants of the structure or to the public. All unfit structures shall be made fit and safe as deemed necessary by the code official and as provided for in this code.

109.1.4 *Unlawful structure* is amended is amended by deleting the subsection in its entirety and substituting the following:

109.1.4 *Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law. All unlawful structures shall be made lawful.

109.2 *Closing of vacant structures* is amended by deleting the subsection in its entirety and substituting the following:

109.2 *Closing of structures*. If the structure is unfit for human habitation and occupancy, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the person responsible to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and collected by any other legal resource.

109.4 *Notice* is amended by deleting the subsection in its entirety.

109.4.1 *Form* is amended by deleting the subsection in its entirety.

109.4.2 *Method of service* is amended by deleting the subsection in its entirety.

109.6 *Transfer of ownership* is amended by deleting the subsection in its entirety.

109.7.1 Placard removal is amended by deleting the subsection in its entirety.

A new subsection 109.8.1 is added to read as follows:

109.8.1 *Written approval necessary*. No structure or premises which has been declared as unsafe, unlawful, or unfit shall be occupied until the defects have been eliminated, written approval of the code official is obtained, and the placard is removed by the code official.

A new subsection 109.9.1 is added to read as follows:

109.9.1 *Costs*. In addition to any other remedy, upon failure of the person responsible to comply with the notice of violation within the time given, the code official is authorized to eliminate any violation, unsafe or unfit condition, or demolish any unsafe or unfit structure through any available public agency or by contract or

arrangement with private persons and the cost thereof shall be charged against the parcel and shall constitute a lien upon such real estate and may be collected by any other legal resource.

A new subsection 109.10 is added to read as follows:

109.10 *Restricted Entry*. Property owners, their representatives and contractors may enter a placarded property that has been declared as unsafe, unlawful, or unfit, from 7 a.m. to 7 p.m., solely to eliminate defects to make the premises habitable. Entry onto the property outside of these hours must be approved in advance in writing by the code official.

A new subsection 109.11 is added to read as follows:

109.11 *Rule to Show Cause hearing*. If an unsafe, unlawful, unfit or unsanitary condition is found in a building, structure, or upon the premises, the code official shall serve on the owner, agent, or person in control of the structure, a written notice that describes the condition deemed unsafe, unlawful, unfit or unsanitary and specifies the required repairs or improvements, or demolitions necessary to render the building, structure, or premises safe and secure. Such notice shall require the persons thus notified to appear within no more than 10 days at a specified time in the Department, to show cause why the said building, structure, or premises should not be made safe and secure or be repaired, improved, or demolished as deemed necessary by the code official.

SECTION 110–EMERGENCY MEASURES

A new subsection 110.1.1 is added to read as follows:

110.1.1 *Imminent danger of demolition by neglect of designated historic structures or contributing structures in historic overlay zoning districts.* If it is determined by the code official after consultation with, and a decision by, the Historic Review Board, that there is imminent danger of the loss of a designated historic structure or contributing structure or a feature that contributes to the historic integrity of a structure within a historic overlay zoning district via demolition by neglect, and after prior required notice and an opportunity to cure as set forth elsewhere in this code and in chapter 40 of the *New Castle County Code*, the County Attorney may be requested to seek injunctive relief deemed necessary and appropriate to preserve the structure and/or to pursue emergency repairs pursuant to this section.

110.6 *Hearing* is amended by deleting the subsection in its entirety and substituting the following:

110.6 *Hearing*. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon application to the code official, be afforded an administrative hearing.

SECTION 111–DEMOLITION

111.1 *General* is amended by deleting the subsection in its entirety and substituting the following:

111.1 *General*. When the code official determines that a structure is dangerous, unsafe, unsanitary, unlawful or otherwise unfit for human habitation or occupancy the following options are available to the code official:

1. The code official is authorized to order the owner or owner's authorized agent to make repairs sufficient to make the structure safe and sanitary. If there has been a cessation of repairs for a period of more than one year, the structure may be ordered demolished and removed.

2. The code official is permitted to order the owner or owner's authorized agent to demolish and remove the structure.

111.2 *Notices and orders* is amended by deleting the subsection in its entirety.

A new SECTION 112 is added as follows:

SECTION 112–TEMPORARY HOUSING

112 *Temporary Emergency Housing in a Residential District.* Temporary emergency housing may be placed in a residential district to provide temporary occupancy as living quarters for persons who have been displaced from their primary residence as the result of substantial damage thereto as the result of a declared natural disaster, subject to 302.8.6 ("Recreational vehicle") and 302.8.7 ("Parking of vehicles") and the following conditions:

1. The residential dwelling or dwelling unit, building, structure, or premises used as primary living quarters on the impacted parcel was lawfully established and has incurred such substantial damage as the result of a declared natural disaster to cause it to be deemed uninhabitable as determined by the code official based on verifiable evidence provided by the applicant to the code official. This may include an inspection report by an official of a federal or state agency or the code official.

2. Temporary emergency housing may be approved for placement on an impacted parcel for an initial term of 180 days. The permit fee associated with this temporary use only is waived. Within this initial term, a building permit must be applied for to repair the damage caused by the declared natural disaster to make the residential dwelling or dwelling unit, building, structure, or premises used as primary living quarters habitable. This building permit shall also serve as a temporary permit for temporary emergency housing. To obtain a permit, the

applicant shall file an application on a form furnished by the code official for that purpose.

3. Subsequent to the initial term of 180 days, the temporary emergency housing may be approved by the code official for additional extensions, without a charge therefore, of up to 90 days each for good cause as determined by the code official.

4. Only one temporary emergency housing unit may be placed on each impacted parcel, and the temporary emergency housing unit may only be occupied as temporary emergency primary living quarters by County residents who have been displaced from their primary residence on the impacted parcel as the result of a declared natural disaster.

5. Temporary emergency housing shall be subject to inspection as determined to be necessary by the code official to ensure compliance with this code and any other applicable law.

A new SECTION 113 is added as follows:

SECTION 113–APPEAL OF ADMINISTRATIVE DECISIONS

113.1 *The Board of License, Inspection and Review*. The Board shall hear and decide an appeal timely filed by any person aggrieved by the code official's final decision regarding the issuance, transfer, renewal, refusal, suspension, revocation, or cancellation of any County license, or regarding any notice, order or other action as a result of any County inspection affecting him or her directly.

113.2 *Application*. An application shall be filed with the code official within 20 days of the date the administrative decision is issued from which the appeal is made.

113.2.1 *Fee*. An appeal is not considered filed unless the appeal fee is paid, the code official previously granted the applicant IFP status in the matter, or a completed Application to Proceed without Prepaying Fees or Costs and affidavit consistent with the provisions of 107.13.1 ("IFP application") is submitted to the Board.

113.2.2 *Basis of appeal*. The application shall clearly identify the decision that is being appealed and the reasons for the appeal. The Applicant must demonstrate that the code official's action was arbitrary and capricious or contrary to law. The applicant should be prepared to demonstrate that:

1. the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted by the code official;

2. the code official made an error of fact or law;

3. the provisions of this code do not fully apply;

4. a civil penalty amount was calculated incorrectly; or

5. abatement costs were calculated incorrectly.

113.3 *Rules and procedures*. Persons appearing before the Board shall comply with Board's Rules of Procedure.

113.4 *Hearings*. All hearings shall follow the Board's Rules of Procedure. The Board shall hear any evidence which either party may desire to offer subject to reasonable time limits and relevance of the evidence to the issues properly before the Board.

113.5 *Authority on appeal*. The Board may affirm, modify, reverse, vacate or revoke the action from which the appeal was taken to it. The Board shall not have the authority to waive any requirement of the *New Castle County Code*.

113.6 *Written decision*. The Board shall render a written decision which shall be subject to review pursuant to the petitioner filing a petition for *writ of certiorari* with the Superior Court of Delaware.

113.7 *Costs of record preparation*. Any party seeking review of a Board decision by the Delaware Superior Court shall be responsible for the costs incurred by the Department for preparation of the record.

113.8 *IFP status*. The Board Chair may grant IFP status and waive the appeal fee and costs required by this section for good cause shown and consistent with Department policies and procedures. The Board Chair may request additional information or documentation from the applicant that the Chair deems necessary to demonstrate the applicant's need for the fee waiver. An applicant's failure to demonstrate good cause or to provide requested information shall result in denial of the fee waiver request.

CHAPTER 2. DEFINITIONS

SECTION 201–GENERAL

201.3 *Terms defined in other codes* is amended by deleting the subsection in its entirety and substituting the following:

201.3 *Terms defined in other codes*. Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, State of Delaware Fire Prevention Regulations, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, as adopted by New Castle County, or chapters 6, 12, 19, 38 or 40 of the *New Castle County Code*, such terms shall have the meanings ascribed to them as stated in those codes.

SECTION 202–GENERAL DEFINITIONS

SECTION 202–GENERAL DEFINITIONS is amended by adding the following definitions:

Accessory Structure. A building or structure detached from a principal building located on the same lot, and which is customarily incidental and subordinate to the principal use or building.

Accumulation. Any condition that includes the holding, storing, stockpiling, amassing, gathering or mere presence, without regard to whether the act of accumulating was done by the property owner or another with or without the permission of the property owner.

Administrative Hearing. A hearing held before the code official, or a hearing officer designated by the code official.

Boat. Any sailing vessel that is designed or intended to operate on any body of water and can be propelled by such motive power as oars, paddles, wind or engine.

Building Code Official. The code official.

Clear water. Storm water, groundwater, roof run-off, yard drainage, yard fountain, hot tub or pool drainage, pond overflow or any substance other than sanitary sewage.

Code Official. The General Manager of the Department of Land Use, or the person designated by the General Manager.

Code enforcement fees. Code enforcement fees include the following:

1. Citations and other civil penalties imposed by the code official.

2. Costs associated with investigation, removal, remediation, or abatement of violations including the costs of reports, studies, and opinions prepared by design professionals, the institution and maintenance of temporary safeguards or emergency repairs, restoration of unsafe buildings, structures, equipment or systems, or demolition ordered or deemed necessary by the code official.

3. Administrative fees required by this code.

4. Costs associated with the collection of bond proceeds.

Commercial business. Any enterprise other than an agricultural enterprise or industrial business and may include but is not limited to wholesale, retail and other mercantile activities, office buildings, hotel or motel structures, shopping centers and department

stores. The term "commercial business" also includes activities related to tourism and recreational facilities.

Condemn. To determine a structure or equipment to be unsafe or when a structure is found unfit for human occupancy, or unlawful.

Corrective maintenance. Maintenance to be undertaken following the detection of deterioration of the primary load bearing system or the façade with the goal of remediating conditions reported by the design professional.

Continuing violation. Any violation that remains uncorrected or where the same violation reoccurs within a twelve-month period.

County. New Castle County, Delaware.

Debris. Material which is stored externally and exposed to the elements or covered with tarps or plastic including, but is not limited to: indoor furniture, household items, goods, appliance, and appliance parts, inoperative or discarded machinery, automobiles, automobile parts, tires, airplane and helicopter parts, refuse, rubbish, garbage, trash or junk, broken concrete, bricks, blocks or other mineral matter, bottles and cans, scrap or discarded lumber, wood (other than stacked firewood for use on the premises), pallets, pipe, steel, paper, cardboard, insulation, and other building materials.

Demolish or demolition. The razing or destruction, whether entirely or in part, of a building, structure, site, or object. Demolition includes the removal of a building, structure, or object from its site, the removal or destruction of the facade or surface, or the alteration to such an extent that repair is not feasible or is so costly so as to be prohibitive, rendering the property unfit for use. Demolition shall also include demolition by neglect as defined in Chapter 40 of the *New Castle County Code*.

Department. The Department of Land Use.

Department of Land Use. The New Castle County Department of Land Use.

Department of Public Works. The New Castle County Department of Public Works.

Developed parcel. Any improved parcel of land that has one or more residential, office, commercial or industrial structures located thereon.

Disaster declaration. A formal statement by the President of the United States, the Governor of the State of Delaware, or the County Executive of New Castle County that a disaster or emergency situation exists within New Castle County, which may be referred to as a "declared natural disaster."

Domestic animal. A dog, cat, or other animal, the keeping of which is not otherwise prohibited, that has been raised or maintained in confinement or otherwise domesticated as to live in a tame condition.

Dumpster. Any container or bin capable of storing, transporting, receiving, hauling, or emptying over 150 gallons of garbage, trash, refuse, waste, or materials including, but not limited to, commercially available roll-off units.

Dwelling or Dwelling unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation excluding lodging facilities.

Façade. All areas on the exterior of a building including all exterior walls and exterior wall covering; without limitation, a façade further includes cornices, belt courses, corbels, terra cotta trim, wall facings, and other decorative features, parapets, architectural trim and embellishments, and all connected or attached appurtenances such as balconies and decks, and attached handrails, fire escapes, chimneys, hanging air conditioners, and window washing and exterior maintenance systems.

Family. Any number of individuals legally related through blood, marriage, adoption, or guardianship including individuals placed for foster care by an authorized agency, or up to four unrelated individuals living and cooking together and functioning as a single housekeeping unit using certain room and housekeeping facilities in common.

Good standing. At the time of a request of any service from the Department, an individual or legal entity is neither delinquent in the payment of monies owed to the County or has a pending, open, or unresolved violation of the New Castle County Code.

Grade plane. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building

Grass. Any of various plants having narrow leaves, hollow jointed stems, and spikes or clusters of membranous flowers borne in smaller spikelets.

In forma pauperis (IFP) status. A status granted by the code official or the Chair of the Board of License, Inspection or Review allowing an applicant to request an administrative hearing or appeal without paying the required administrative fee.

License. Any license, certificate, or permit required by statute, ordinance, or regulation to be obtained from any County department or board as a prerequisite to engaging in any activity.

New Castle County Register of Historic and Architectural Heritage. Any building that is listed on the National Register of Historic Places, or meets the criteria to be listed on the National Register of Historic Places, satisfies the criteria for designation as a historic resource in Chapter 40, Article 15 of the New Castle County Code or identified in the New Castle County Historic Sites working list contained in the Appendix of this code.

Not in Good Standing. A designation made by the code official upon a finding that an individual or legal entity is delinquent in the payment of monies owed to the County or has a pending, open, or unresolved violation of the New Castle County Code.

Noxious Weed. A plant species designated as noxious weeds by the State of Delaware, including, but not limited to, Johnsongrass *(Sorghum halepense),* Canadian Thistle *(Cirsium arvense),* Burcucumber *(Sicyos angulatus)* and Giant Ragweed *(Amrosia trifida).*

Oversized Vehicle. Any vehicle or off-highway vehicle (excluding recreational vehicles and boats) the length of which is greater than 240 inches or the width of which is over 84 inches or the height of which is over 84 inches or the weight of which exceeds eight thousand 8,000 pounds.

Owner's authorized agent. An individual or legal entity that the property owner has formally designated in writing or by agreement to act on the owner's behalf with specific authority. A tenant is not considered an owner's authorized agent. Property managers, licensed contractors, real estate agents, leasing agents and attorneys can act as an owner's authorized agent.

Parcel. A lot or piece of land separately identified by a tax assessment parcel number issued by the County.

Person. An individual, corporation, company, firm, partnership, association, or other business entity and any group acting as a unit including builder(s), developer(s), owner(s), or contractor(s).

Person responsible. A person having apparent or actual charge, care or control of the building, structure, premises, equipment, or system, or an authorized agent or legal representative or such person. The following persons shall be considered the person responsible:

1. Permit holder for violations of a permit or notices and orders related to a permit.

2. Licensee for violations of a license or notices and orders related to a license.

3. Property owner or owner's authorized agent for violations where a permit holder or licensee is not responsible or if responsibility is attributed to both the property owner and the permit holder or licensee.

Primary load bearing system ("PLBS"). The assemblage of structural components within a building comprised of columns, beams, and/or bracing that by contiguous interconnection form a path by which external and internal forces applied to the building are delivered to the foundation.

Recreational vehicle. A vehicle designed for or used as temporary living quarters for recreational, camping, vacation or travel use, or for temporary emergency housing as the result of a declared natural disaster (subject to Section 113., Section 202., and Sections 302.8.5. through 302.8.6.), including, but not limited to, house trailers, travel trailers, motor homes, self-propelled campers, or any other motor vehicle with permanent camper components. Living quarters shall include sleeping, cooking and lavatory facilities.

Residential district. Any property or group of properties designated by a residential zoning classification on the official New Castle County zoning maps.

Rubbish. Combustible and noncombustible waste materials and trash and debris, except garbage; the term shall include, but is not limited to, the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches (except in incorporated areas that have adopted a forest stewardship policy which encourages fallen trees, tree limbs and tree branches to remain for return to organic matter), yard trimmings, cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Self-contained portable toilets. One or more commercially manufactured or assembled self-contained toilet facility that is portable and is not designed or intended for connection to a sewer system with a standard connection. Portable toilets shall include, but not be limited to, water flush toilets or chemical toilets that have watertight, impervious pails or tanks containing a chemical solution placed immediately beneath the seat or urinal and a pipe or conduit connecting the riser with the tank.

Storage. The temporary storing, holding, keeping or stockpiling

Structure. That which is built or constructed or a portion thereof, including, but not limited to, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, swimming pools, towers, steps, walkways, tents or anything erected and framed to a structure or structural parts fastened, anchored or resting on a permanent foundation or on the ground.

System. Building systems such as mechanical, fuel gas, plumbing, sewer, on-lot septic, or similar systems, as well as public and private sewer systems including collection and transmission lines.

Temporary emergency housing. A recreational vehicle used for temporary occupancy as primary living quarters as the result of a declared natural disaster, as formally recognized by a disaster declaration, that has resulted in such severe damage as to

make a residential dwelling or dwelling unit, building, structure, or premises used as the primary residence temporarily uninhabitable, as determined by the Department.

Undeveloped parcel. Any unimproved or partially improved parcel which has no residential, office, commercial, or manufacturing/industrial buildings located thereon.

Unsafe. Buildings, structures or equipment that are unsanitary, or that are deficient due to inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or in which the structure or individual structural members meet the definition of “Dangerous” or that are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance shall be deemed unsafe. A vacant structure that is not secured against entry shall be deemed unsafe.

Vacant premises. Any premises intended for residential or commercial use which is not currently occupied or in use.

Weed. All grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Wooded. That portion of a parcel that is densely covered with growing trees, including but not limited to, a mature or young forest or critical natural are

CHAPTER 3. GENERAL REQUIREMENTS

SECTION 301–GENERAL

301.1 *Scope* is amended by deleting the subsection in its entirety and substituting the following:

301.1 *Scope.* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. This chapter is not intended to supersede any requirements of any other statute, law, ordinance, rule or regulation with respect to historic structure or premises.

SECTION 302–EXTERIOR PROPERTY AREAS

302.1 *Sanitation* is amended by deleting the subsection in its entirety and substituting the following:

302.1 *Sanitation*. Exterior property and premises shall be maintained in a clean, safe and sanitary condition, free from the accumulation of any feces. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition. The storage and use of horse manure shall be exempt from this provision.

302.4 *Weeds* is amended by deleting the subsection in its entirety and substituting the following:

302.4 *Prohibited growth of weeds and grass.*

302.4.1 *Undeveloped parcels.* Weeds and grass on undeveloped parcels adjacent to developed parcels shall be no greater than 8 inches high within 20 feet of any property line. Any parcel shown on a land development plan in any residential zoning district shall be considered a developed parcel if any lot located on the plan has received a certificate of occupancy.

302.4.2 *Developed parcels.* Weeds and grass on developed parcels shall be no more than 8 inches high; provided, however, on a parcel of land that is larger than 1 acre and has a building lot coverage of less than 5 percent, weeds and grass shall be no more than 8 inches high within 20 feet of any property line.

302.4.3 *Exceptions.* Weeds do not include:

1 shrubs and trees,

2. a wildflower meadow maintained and located no less than 10 feet from any property line, and

3. bamboo from the genera Phyllostachys, Pseudosasa, and Bambusa.

302.4.4 *Application of section to multiple adjacent undeveloped parcels*. If an owner holds title to more than 1 parcel and such parcels are adjacent to each other, sharing a common property line, such parcels may be considered as one parcel for purposes of the application of this section.

302.4.5 *Annual mowing required.* Notwithstanding any other provision of this code, an owner or possessor of a parcel shall be required to mow such parcel at least once a year, on or before September 30th, if such parcel contains a population of environmentally invasive plants, identified in Appendix III of chapter 40 of the *New Castle County Code* significant enough in volume, number or size to cause harm to neighboring properties.

302.4.6 *Application to agricultural parcels.* This section shall not apply to any parcel that is a farm or property used exclusively for agricultural purposes.

302.4.7 *Natural Resource Area Plan.* This section shall not apply to any parcel or portion thereof to the extent that it conflicts with a County or State approved plan, including, but not limited to, a landscape plan, record plan, reforestation plan or natural resource area management plan.

302.4.8 *Ornamental shrubs and trees.* Ornamental shrubs and trees shall be maintained in good order and condition.

302.4.8.1 *Trees*. Outside of wooded areas, all trees shall be free from dead limbs or branches, and dead trees shall be removed.

302.4.8.2 *Shrubbery*. All shrubbery shall be maintained so as not to encroach upon or extend beyond the line of any walkway or driveway. All shrubbery shall be trimmed from blocking any doors or hatchways.

302.4.9 *Noxious weeds.* Noxious weeds shall not be allowed to exceed 24 inches in height or to produce seed. Except as otherwise recommended by the Delaware Department of Agriculture, noxious weeds shall be controlled and/or eradicated through mowing and the proper application of an herbicide approved by the Delaware Department of Agriculture. Application shall occur between the rosette and bud stages (or boot stage for perennial grasses classified as weeds), but in no event later than May 30th of each year. Additional treatment shall be required later in the year as needed to control and/or eradicate the noxious weeds.

302.4.10 *Pollinator gardens and rain gardens.*

302.4.10.1 *General.* Pollinator gardens and rain gardens are encouraged in residential and commercial properties to foster water conservation, lower maintenance costs, prevent excessive herbicide use, and create habitat for wildlife and pollinators to enhance our natural ecosystem. This subsection does not supersede, or override rules and regulations set by home-owners associations, maintenance corporations, or other such organizations that serve a similar purpose.

302.4.10.2 Pollinator gardens must contain at least two pollinator-friendly species.

302.4.10.3 Plants used to make up a pollinator garden or rain garden shall come from the native plant lists maintained by the Delaware Department of Natural Resources and Environmental Control, and the Delaware Department of Agriculture.

302.4.10.4 Plants included in the “Plants to Avoid” list contained in the Appendix 3 of chapter 40 of the *New Castle County Code* are prohibited.

302.4.10.5 *Definitions.* The following words, terms, or phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Pollinator garden. A type of garden designed with the intent of growing specific nectar and pollen-producing plants, in a manner that attracts

pollinating insects known as pollinators. Pollinator gardens must include edging to differentiate from the surrounding landscape.

Rain garden. A type of planted area created to mimic a natural water retention area and is planted with a diversity of woody or herbaceous Vegetation, to which stormwater is directed to promote infiltration or evapotranspiration.

Garden edging. A durable material that creates a distinct separation from the adjacent surface.

302.4.10.6 *Setbacks.* Pollinator gardens and rain gardens must comply with the following setbacks:

1. Principal building*:* 3 feet.

2. Street yard*:* 10 feet.

3. Rear yard*:* 3 feet.

4. Side yard*:* 3 feet.

5 Corner lots*:* 25 feet of the property lines so as not to obstruct the visibility of pedestrian or vehicular traffic.

6. Measurement of the setback for pollinator gardens shall be to the edging material.

302.4.10.7 *Coverage.*

1. Pollinator gardens and rain gardens shall be no more than 25% of the area of the street yard of the principal building.

2. Pollinator gardens and rain gardens shall be no more than 50% of the area of the rear yard.

3. *Exception.* Pollinator gardens and rain gardens may exceed the above percentages if it is certified by the Delaware Nature Society as a pollinator benefiting garden or landscape. Setbacks and garden edging as defined in this section are required.

302.4.10.8 *Side yard limitation.*

1. Pollinator gardens and rain gardens are not permitted in the side yards.

2. *Exception*. Pollinator gardens and rain gardens may be permitted up to 25% of the area of the side yard if it is certified by the Delaware Nature

Society as a pollinator benefiting garden or landscape. Setbacks and garden edging as defined in this section are required.

302.4.10.9 *Garden Edging.*

302.4.10.8.1 Pollinator gardens are required to be delineated by edging.

302.4.10.8.2 Edging materials may include, but are not limited to: pavers, bricks, fencing, flexible strips, natural materials such as logs or stone.

302.4.10.10 *Maintenance*.

302.4.10.9.1 Rain gardens must be free of standing water 72 hours after a rain event.

302.4.10.9.2 Turf grass in excess of 8 inches does not constitute a pollinator garden.

302.4.10.9.3 Pollinator gardens and rain gardens shall not constitute a hazard to the public or surrounding parcels or cause injury or damage to persons or adjacent parcels, or harbor pests and rodents.

302.4.10.9.4 Notwithstanding any other section of this code, permissible plant species located within pollinator gardens or rain gardens may grow in excess of 8 inches in height. Invasive plants, including noxious weeds, are not permitted.

302.4.10.9.5 Areas surrounding pollinator gardens or rain gardens must be maintained and cared for consistently with all other limitations under this code.

302.4.11 *Application to wooded areas.* The provisions on high weeds and grass shall not apply to wooded areas including, but not limited to, young and mature forest and critical natural areas.

302.4.12 Bamboo from the genera Phyllostachys, Pseudosasa, and Bambusa shall not be permitted on any parcel except as provided below.

302.4.12.1 *Above-ground planters.* The root system of the bamboo plant must be entirely contained within an above-ground level planter, barrel, or other vessel of such design, material and location as to entirely prevent the spread/growth of the bamboo plant's root system beyond the container in which it is planted.

302.4.12.2 *In-ground bamboo.* The bamboo must be located at least 50 feet from any property line.

302.4.12.3 *Limited waiver for existing bamboo.* The property owner must secure a waiver from the code official allowing existing bamboo to continue to be maintained on the property in its current or proposed location. Such waiver only may be issued and shall remain valid only upon the submission of an application demonstrating compliance with all the following conditions.

302.4.12.3.1 The bamboo existed on the property prior to January 1, 2017;

302.4.12.3.2 The bamboo is kept and maintained within the applicant's property lines and does not encroach on an adjoining parcel unless the adjoining property owner is a co-applicant of the waiver request;

302.4.12.3.3 The applicant submits a survey, subject to the approval of the code official delineating the defined area in which the bamboo is to be maintained; and

302.4.12.3.4 The bamboo is maintained to prevent its spread outside of the defined area by a rhizome barrier or by regular cutting and trimming of the perimeter of the bamboo. Where a barrier is provided:

1. It shall be composed of a high-density polypropylene or polyethylene, 80 mil or heavier;

2. Each portion or sheet of the barrier shall overlap by no less than 12 inches to avoid breach and be secured or joined together by the use of adhesive designed for such purpose, stainless steel clamps or stainless steel closure strips designed for such barriers;

3. It shall be installed not less than 30 inches deep;

4. It shall be circular or oblong shaped;

5. Not less than 3 inches of the barrier shall protrude above ground level around the entire perimeter of the barrier;

6. It shall slant outward from the bottom to the top, and;

7. An alternative containment system may be used if a licensed landscape architect certifies that such barrier offers protection against the bamboo's spread equal or greater to the barrier herein described.

302.6 *Exhaust vents* is amended by deleting the subsection in its entirety.

302.7 *Accessory structures* is amended by deleting the subsection in its entirety and substituting the following:

302.7 *Accessory structures.* All accessory structures, including but not limited to detached garages, sheds, fences, gazebos and walls, shall be maintained structurally sound and in good repair.

302.8 *Motor vehicles* is amended by deleting the subsection in its entirety and substituting the following:

302.8 *Vehicles and parking.* The parking and storage of vehicles is subject to the provisions of this section.

302.8.1 *Definition of specific vehicles.* When a definition for a particular vehicle is not provided by this code, the definitions provided in 21 *Del. C. Section* 101 (Motor Vehicles) shall be used.

302.8.2 *Registered owner responsible for vehicle or off-highway vehicle.* A rebuttable presumption is hereby created that the person in whose name such vehicle or off-highway vehicle is registered as the owner, shall be prima facie responsible for any violation of this section. A violation notice or summons may be attached to an unattended vehicle or off-highway vehicle found in violation of this section.

302.8.3 *Inoperable or unregistered vehicles.* In any zoning district, it shall be unlawful to park, store, or permit to be parked or stored, other than in a fully enclosed permanent building, any vehicle that is inoperable or incapable of being legally operated on any public roadway. A rebuttable presumption is hereby created that any vehicle that does not visually display a valid registration and inspection decal is inoperable until such time as a valid registration is provided. Vehicles parked or stored in the following manner shall be exempt:

302.8.3.1 On farmland as defined in 9 *Del. C.* § 8330 ("Agricultural use land"), when such vehicles are used for agricultural purposes.

302.8.3.2 On land appropriately zoned and used as a junk yard provided all such vehicles are fully enclosed by a solid fence or wall of sufficient height to screen such vehicles from public view.

302.8.3.3 On land appropriately zoned and used for vehicle repair, parking is allowed for no more than 120 days.

302.8.3.4 Where such vehicles are being stored by police or other government agency.

302.8.3.5 On land appropriately zoned and used for vehicular sales, rentals or storage.

302.8.4 *Towing inoperable, unregistered or abandoned vehicles from private property.* In any zoning district, code enforcement officers will have joint authority with New Castle County police officers to enforce provisions for towing inoperable, unregistered or abandoned vehicles from private property consistent with 21 *Del. C.* § 4402 ("Enforcement; removal of abandoned vehicles; transfer thereof"). This section shall apply to any vehicle that is either inoperable, dismantled, wrecked, or which displays expired registration plates which are at least 30 days expired, or which displays no registration plates, or from which major components have been removed, or is in such a state of disrepair as to be incapable of being operated in the manner for which it is designed and is situated on private property.

302.8.4.1 *Notice Procedures for Towing Inoperable, Unregistered, or Abandoned Vehicles from Private Property*. If an abandoned vehicle is located on private property with the consent of the property owner or occupant, or if an abandoned vehicle is owned by the property owner or occupant, code enforcement officers may enter upon the property to determine vehicle ownership. The code enforcement officer shall send written notice by regular first lass mail to the vehicle owner's last known address, directing the owner to remove the inoperable, unregistered, or abandoned vehicle within 7 days of the mailing date. If the vehicle is not removed within 7 days, or if the owner cannot be located to receive written notice, the code enforcement officer shall issue a civil penalty and request a tow notice be mailed first class and posted to the vehicle. If the vehicle is not removed and/or registered within 10 days, the code enforcement officer shall request a Rule to Show Cause hearing. If the Rule to Show Cause hearing results in a decision favorable to the county, and the vehicle is not removed by the compliance date or if the owner cannot be located for the purpose of sending the written notice, then the code enforcement officer may enter upon the property where the vehicle is located and conspicuously affix thereto a sticker or tag showing the time and date of its affixing. The sticker will advise the owner that if the vehicle is not removed within 7 days, it will be towed. This section does not apply to any vehicle located on private property that is not visible from the street or road and does not constitute a nuisance, health hazard, or fire hazard.

302.8.4.1.1 *Notice specifications for towing inoperable unregistered or abandoned vehicles from private property.* The notice required by this section shall state that, if such vehicle is not so removed, it will be removed and stored in a storage area designated by the New Castle County Police Department at the owner's expense and thereafter it will be subject to disposal in accordance with law. Such notice shall also set forth verbatim the language in 21 *Del. C.* § 4414 ("Penalty; prima facie evidence of wilful abandonment; jurisdiction").

302.8.5 *Oversized vehicle parking*. Subject to the following exemptions, in any residential zoning district, it shall be unlawful to park, store, or permit to be parked or stored, other than in a fully enclosed permanent building, any vehicle or off-highway vehicle the length of which is greater than 240 inches or the width of which is over 84 inches or the height of which is over 84 inches or the weight of which

exceeds 8,000 pounds. Such vehicles parked or stored in the following situations shall be exempt from this section:

302.8.5.1 When such a vehicle is on the property in conjunction with service or work on the property. The vehicle may only remain on the property for the time required to complete such work or service. Examples include, but are not limited to, delivery trucks, utility vans, and moving trucks.

302.8.5.2 One oversized vehicle may be parked on a residential lot 2 acres or larger when completely screened from view of other residentially zoned properties and all streets by a fence, dwelling and/or buffer.

302.8.5.3 Up to 2 oversized vehicles may be parked on a residential lot 1 acre or larger in size, if the property has direct access to a collector or arterial street, and the vehicles are completely screened from view of other residentially zoned properties and all streets by a fence, dwelling and/or vegetative buffer.

302.8.6 *Recreational vehicle.* Except as provided in this code for temporary emergency housing, it shall be unlawful to reside in or connect a recreational vehicle to any public utilities which supply electric, water or gas and reside in such vehicle while on the property, subject to 302.8.6.1. Notwithstanding the above, a recreational vehicle being used as temporary emergency housing may connect to a public utility that supplies electric or water only. Such vehicle is prohibited from running a non-GFI electric cord from the home to the recreational vehicle, and may reside in such vehicle while on the impacted parcel. In addition, a vehicle being used as temporary emergency housing shall have a full hook-up to an approved potable water source, and must have a waste management plan to properly dispose of sewage. Disposal may include a temporary holding tank with a contract with a pumping company for regular pump outs. All recreational vehicles used as temporary emergency housing are to be adequately secured so as not to present a hazard, as determined by the Department, to persons or property in a high wind or flood event.

302.8.6.1 *Temporary Permit.* A person visiting a lot owner or occupant may park his or her recreational vehicle on the driveway or approved hardened and treated surface of the lot for a period not to exceed 14 days, except as provided in this code for temporary emergency housing as the result of a declared natural disaster in which case the temporary permit and the time periods shall be as set forth in Section 108 (“Stop Work Order”), provided a temporary permit from the Department is obtained. The temporary permit shall designate the individual to whom the permit is issued, the recreational vehicle to be parked, and the expiration date of the permit.

302.8.7 *Parking of vehicles.* In any residential zoning district, the parking or storage of any vehicle, recreational vehicle, or off-highway vehicle is prohibited, unless it is parked or stored on a hardened surface constructed of material treated or covered with brick, block, pavers, stone, concrete, asphalt or crushed decorative rock. The

surface must completely extend the entire length and width of the vehicle. This subsection is subject to the following exceptions:

1. When such vehicles are parked on land when the gross acreage of the lot exceeds 5 acres.

2. Construction vehicles provided they are on the lot where active construction is taking place, or on a lot adjacent or part of the development site thereto.

3. When the circumstances are such that, as the result of a declared natural disaster, a recreational vehicle is being utilized to provide temporary emergency housing.

302.8.8 Construction equipment shall not be parked or stored in residentially zoned areas, or on residential property in other zones, or on sites that have not been permitted or approved for such use. Construction equipment shall include, but is not limited to, cranes, backhoes, track hoes, bulldozers, skid steers, forklifts, tractors, excavators, graders, loaders, trenchers, scrapers, dump trucks, pavers, rollers, compactors, portable cement mixers, wheeled generators, and chippers.

302.8.9 Airplanes and helicopters, and parts of airplanes and helicopters, shall not be parked or stored on residentially zoned parcels or on properties being used for a residential use in other zones.

302.8.10 *Storage of Boats on Residential Zoned Properties.*

302.8.10.1 All parked or stored boats, personal watercraft, and/or accessory trailer must have current registration tags displayed in the required locations.

302.8.10.2 Inoperable/unregistered boats, personal watercrafts, and/or accessory trailers are not permitted to be parked or stored on residential zoned property other than in a fully enclosed permanent building.

302.8.10.3 Boats shall be stored upon a registered trailer which is suitable to transport the boat or on a commercially manufactured frame or stands, designed for storing boats.

302.8.10.4 Boats stored on stands or frames must be in the rear yard.

302.8.10.5 All trailers, stands and frames shall be stored upon a hardened and treated surface constructed of material, treated or covered with brick, block, pavers, stone, concrete, asphalt or crushed decorative rock. The surface must fully accommodate the size of the vehicle.

302.8.10.6 In residential zoning districts NC5, NC6.5 and NCTH boats 26 feet or longer (Class 2) and their trailers are not permitted to be stored or parked in the

street yard.

302.8.10.7 Boats and accessory trailers stored in any residentially zoned parcel may not extend into the right of way or block of the public sidewalk.

302.8.10.8 The term boats, personal watercraft and accessory trailer in this code does not include or pertain to canoes, kayaks, row boats, paddleboards or surfboards.

302.9 *Defacement of property* is amended by deleting the subsection in its entirety and substituting the following:

302.9 *Graffiti.* The exterior of all structures, rocks, vehicles, boats and trees shall be maintained free from graffiti. Graffiti means, without limitation, any letter, word, name, symbol, slogan, message, drawing, picture, writing, or other mark of any kind visible to the public that is illicitly drawn, painted, chiseled, scratched or etched. Structure shall include, but not be limited to, any wall, bridge, fence, gate, or building. This definition shall not include artistic stenciling or legal signage placed on a property with the permission of the owner of the property, or government sponsored murals.

302.9.1 *Display and Storage of and Signage for Graffiti Implements.*

302.9.1.1 *Definitions.* The following words, terms and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Aerosol paint container is any aerosol container that is adapted or made for the purpose of applying spray paint or other substances capable of defacing property.

Broad-tipped marker is any felt tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than ¼ of an inch, containing ink or other pigmented liquid that is not water soluble.

Graffiti implement is an aerosol paint container, broad-tipped marker, paint stick or graffiti stick.

Minor is any person under the age of 18 years.

Paint stick or graffiti stick is any device containing a solid form of paint, chalk, wax, epoxy or other similar substance capable of being applied to a surface by pressure and leaving a mark of at least ⅛ of an inch in width.

302.9.2 *Restrictions on Display and Storage.*

302.9.2.1. Every person who owns, conducts, operates, or manages a retail commercial establishment selling any type of graffiti implements shall store such implements in an area continuously observable, through direct visual observation or surveillance equipment, by employees of the retail establishment during the regular course of business.

302.9.2.2 In the event that a commercial retail establishment is unable to store the graffiti implements it sells in an area as provided above, the establishment shall store such implements in an area not accessible to the public in the regular course of business without employee assistance.

302.9.2.3 A minor who is an employee of a person who or an entity which is a vendor of graffiti implements may, during his or her duties, possess such implements, for purposes of lawful sale or transfer, but shall not purchase or obtain possession of the same for any other purpose.

302.9.2.4 No minor shall, at the time of purchase, as specified in this section, knowingly furnish fraudulent evidence of majority.

302.9.3 *Required Sign.* Every person who operates a retail commercial establishment selling any type of graffiti implements shall place a sign with a minimum height of 14 inches and a width of 12 inches, with lettering of at least ½ inch in height which is in clear public view at or near the display of such products and which states:

WARNING: IT IS ILLEGAL TO SELL OR DISTRIBUTE AEROSOL PAINT, PAINT STICKS OR BROAD-TIPPED MARKERS TO ANY PERSON UNDER THE AGE OF EIGHTEEN (18) YEARS. IT IS ILLEGAL FOR ANY PERSON UNDER THE AGE OF EIGHTEEN (18) YEARS TO POSSESS OR TO ATTEMPT TO PURCHASE SAME. IT IS ILLEGAL IF YOU ARE OVER EIGHTEEN (18) YEARS OF AGE FOR YOU TO PURCHASE AEROSOL PAINT, PAINT STICKS OR BROAD-TIPPED MARKERS FOR A PERSON UNDER EIGHTEEN (18) YEARS OF AGE IF YOU ARE NOT SUCH PERSON'S PARENT, GUARDIAN, SCHOOLTEACHER OR ART OR CRAFT INSTRUCTOR.

A new subsection 302.10 is added to read as follows.

302.10 *Outside storage of household items.* The outside storage of items designed and manufactured to be used and stored in an enclosed building is prohibited in any residential zoning district. Such items include, but are not limited to, the following: appliances or interior furniture, housewares, exercise equipment, plumbing fixtures, irrespective of age or condition.

A new subsection 302.11 is added to read as follows:

302.11 *Outside storage or accumulation of debris.* Except during active construction, the outside storage or accumulation of debris is prohibited in any residential zoning district.

302.11.1. *Forest stewardship policy for fallen trees and branches.* Fallen trees, tree limbs and branches shall not be considered rubbish or debris in incorporated areas which have adopted a forest stewardship program to return fallen trees, limbs and branches to organic matter and have the authority to enforce the program. This includes the Villages of Arden, Ardentown and Ardencroft in furtherance of their adopted forest stewardship program and pursuant to their authority under chapter 125, volume 56 Laws of Delaware.

302.12 *Encroachment on sidewalk.* In any zoning district it shall be the duty of the owner for a property to keep shrubbery trimmed so that it does not encroach upon or extend beyond the line of any sidewalk or public street and trim trees so that no branch extends below a height of 7 feet above the width of any sidewalk.

A new subsection 302.13 is added to read as follows:

302.13 *Dog or cat excrement.*

302.13.1 Any person who is the owner of, or has responsibility for, 1 or more dogs or cats shall take all reasonable measures to prevent accumulation of animal excreta in the area in which such animals are customarily kept. No owner shall allow animal excreta to accumulate to create obnoxious or offensive odors. Any person who fails to correct a violation of this subsection within 24 hours following receipt of notice of such violation and order by the code official or any person who opposes or impedes an officer or authorized agent or employee of the Department in the execution of his or her duties under this subsection shall be deemed to have violated this section.

302.13.2 Any person who is the owner of, or has responsibility for, 1 or more dogs or cats shall immediately remove, in a sanitary manner, any fecal matter deposited by such dog or cat upon any street, sidewalk or park or upon any property without the consent of the owner or tenant of such property. It shall not be a violation of this subsection if such fecal matter is removed within 1 hour. This subsection shall not apply to any person who because of loss or impairment of eyesight or other recognized Americans With Disabilities Act disability is accompanied by a guide dog described or any dog educated by a recognized training agency or school and which is used as a leader or guide.

302.13.3 The complaining party shall file a complaint in a court of competent jurisdiction. Section 302.13.2 shall only be enforced if the complaining party produces a witness to the act that constitutes a violation of this Section. It is not the intent of this section to require surveillance by the code official, the Delaware Office of Animal Welfare, a contracted agency, or any other County department or agency.

302.13.4 The code official or the Delaware Office of Animal Welfare shall have the authority to enforce 302.13.1.

302.13.5 Any person violating this section shall be subject to the penalties as provided in *New Castle County Code* § 1.01.009 ("General penalty; continuing violations").

A new subsection 302.14 is added to read as follows:

302.14 *Prohibited animals in certain residential areas.* It shall be unlawful for any owner, tenant or other person in control of a property to raise, breed, keep, feed, shelter or harbor a horse, cattle, sheep, goats, pigs, ducks, geese, waterfowl, guinea hens, chickens, turkeys, donkeys, quail, doves, llamas, raccoons, muskrats, non-domesticated mammals, game fowl, pigeons, pheasants, peacocks, foxes, minks, exotic animals, wild animals, game animals and other like animals on a parcel of land which is less than one acre in total area and located in any residentially zoned district, a diversified planned unit development or an MM zoned district.

302.14.1 *Exception: Educational programs.* This section shall not apply to the keeping, sheltering or harboring of animals in connection with bona fide educational programs run or overseen by a public or private elementary, middle or secondary school or college or university, or the Delaware Cooperative Extension Education Program, or the 4-H or the Newark Pigeon Club, Wilmington Homing Club or Delmarva Pigeon Club. Participation in the educational programs or pigeon clubs listed shall constitute an affirmative defense and must be renewed annually. Participation in a pigeon club is only an affirmative defense for the keeping, sheltering or harboring of pigeons.

A new subsection 302.15 is added as a new subsection.

302.15 *Portable temporary storage units.* In any residentially zoned district, the placement of a portable temporary storage unit for non-disposable items is allowed for temporary use by the occupant of the dwelling for 30 days or the time period for which there is an active building permit open on the property. Such portable storage units are subject to the following limitations.

302.15.1 A temporary storage units shall be set back a minimum of 3 feet from any property line and;

302.15.2 A temporary storage unit must be placed on either a hard concrete or asphalt surface and may displace one or more off-street parking spaces, provided there is adequate on-street parking.

302.15.2.1 *Exception.* If it is unfeasible to place a temporary storage unit on either a hard concrete or asphalt surface, it may be placed anywhere on the property provided it is set back a minimum of 3 feet from any property line.

302.15.3 The location of a temporary storage unit shall not affect the health, safety, or welfare of the neighborhood including, but not limited to, blocking access to a fire hydrant or obstructing the view of street intersections.

302.16 *Portable Toilets.* The temporary use of self-contained toilets shall be allowed to provide bathroom facilities for special events, construction and/or rehabilitation projects, and/or interruption of sewer service for emergencies or planned upgrades or repairs. For purposes of this subsection, temporary use means any use of 1 or more self-contained portable toilets for a period of 10 calendar days or less. The long-term use of portable toilets shall not be allowed as permanent sanitary facilities for residential or nonresidential use, or as secondary sewer facilities on existing developed lots. For purposes of this subsection, long-term use means any use of one or more self-contained portable toilets for a period of more than 10 consecutive calendar days.

SECTION 303–SWIMMING POOLS, SPAS AND HOT TUBS

303.1 *Swimming pools* is amended by deleting the subsection in its entirety and substituting the following:

303.1 *Swimming pools.* Swimming pools, whether above ground or in ground, shall be maintained in a clean and sanitary condition, and in good repair. Any pool that is not drained for winterization shall be covered.

303.1.1 Upon discovery of a violation of this section, the code official may immediately institute administrative enforcement proceedings or pursue an action in a court of competent jurisdiction. The code official may remedy the violation and seek indemnification of expenses incurred from the property owner. Corrective action includes, but shall not be limited to, draining and cleaning the pool, chemically treating the pool to control the growth of bacteria and algae, and covering the pool. Corrective action for any pool that is in violation of this section and that has been unused for a period of 3 years may include demolition of such pool or the dismantling and removal of such pool, as deemed appropriate by the code official.

303.1.2 *Cost recovery*. Any expense incurred by the code official under this section shall be paid by the owner of the property within 10 days after service of notice of the amount due. Failure to pay may result in:

1. The code official pursuing the recovery and collection of such expense pursuant to section 107.11.4 (“Cost recovery”).

2. The County pursuing an action in a court of competent jurisdiction for the recovery of such expense, together and with any penalty and/or interest, against the person responsible, and reasonable attorney fees.

303.2 *Enclosures* is amended by deleting the subsection in its entirety and substituting the following:

303.2 *Enclosures.* Private swimming pools, hot tubs and spas capable of holding more than 24 inches of water shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

303.2.1 *Exceptions.*

1. Spas or hot tubs equipped with a lockable safety cover that complies with ASTM F1346.

2. Private swimming pools equipped with a power safety cover that complies with ASTM F1346 and is in working condition using the control switch.

A new subsection 303.3 is added as follows:

303.3 *Prohibition of Pool Rentals in Residential Zoning Districts.* The purpose of this section is to preserve the residential nature of neighborhoods and protect the public health, safety and welfare by prohibiting the rental, lease, or commercial use of swimming pools located on residentially zoned properties.

303.3.1 *Definitions.*

Swimming pool. Any structure intended for swimming, recreational bathing, or wading that is capable of containing water over 24 inches deep, including in-ground, above-ground, and on-ground pools.

Rental or commercial use. The use of a swimming pool by any person or group in exchange for a fee, admission charge, or other form of compensation, including but not limited to hourly, daily, or event-based pool rentals, or use arranged through online platforms or applications.

303.3.2 *Prohibitions.*

1. No person shall rent, lease, or otherwise make available a swimming pool for compensation in any residential zoning district.

2. No person shall advertise or list a residential swimming pool for rent or for commercial use.

3. This prohibition shall apply regardless of whether the rental or commercial use is continuous, occasional, or temporary.

303.3.3 *Exceptions.* The following uses are not prohibited.

1. Use of a swimming pool by residents of the property and their invited guests.

2. Use of a swimming pool owned and operated by a community association, public entity, or private club that is legally permitted within the zoning district.

SECTION 304–EXTERIOR STRUCTURE

304.13 *Window, skylight and door frames* is deleted in its entirety and replaced with the following:

304.13 *Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight. Temporary boarding of windows, skylights doors and frames shall not exceed 90 days except that fire damaged structures may be boarded for 270 days.

304.17 *Guards for basement windows* is deleted in its entirety and replaced with the following:

304.17 *Guards for basement windows*. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents or other pests.

SECTION 305–INTERIOR STRUCTURE

SECTION 306–COMPONENT SERVICABILITY

SECTION 307–HANDRAILS AND GUARDRAILS

SECTION 308–RUBBISH AND GARBAGE

308.2 *Disposal of rubbish* is deleted in its entirety and replaced with the following:

308.2 *Disposal of rubbish.*

308.2.1 *Rubbish and garbage disposal containers.* Every occupant of a dwelling shall dispose of rubbish and garbage in a clean and sanitary manner by placing the rubbish and garbage in approved containers that are leakproof, covered, and

designed for outside garbage storage and disposal. The owner of the dwelling shall be responsible for providing the requisite rubbish and garbage containers.

308.2.2 *Containers*. The operator of every establishment producing rubbish and garbage shall provide, and always cause to be utilized, approved leakproof containers provided with close fitting covers for the storage of such materials until removed from the premises.

308.2.3 *Rubbish and garbage; removal.* Every owner of a residential rental property shall be responsible for providing tenants with regular rubbish and garbage removal services for the property. Compliance with the above obligations and the obligations set forth in 308.2.1 by every owner of a residential rental property shall be evidenced by way of the written verification that is required by chapter 19 of the *New Castle County Code.*

308.2.4 *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 may provide an affidavit.

308.2.5 *Appliances.* Doors and lids of refrigerators and other appliances must be removed or secured prior to disposal.

308.3 *Disposal of garbage* is deleted in its entirety and replaced with the following:

308.3 *Dumpsters.* In any residentially zoned district, the placement of dumpsters for disposable items is allowed for temporary use by the occupant of the dwelling for 30 days or the time period for which there is an active building permit open on the property. Such dumpster is subject to the following limitations:

1. The dumpster shall be set back a minimum of 3 feet from any property line;

2. Where feasible, the dumpster must be placed on a hard concrete or asphalt surface and may displace one or more off-street parking spaces, provided there is adequate on-street parking; and

3. The location of the dumpster shall not affect the health, safety and welfare of the neighborhood including, but not limited to, blocking access to a fire hydrant and obstructing the view of street intersections.

A new subsection 308.4 is added as follows:

308.4 *Commercial business.* Every owner, operator or occupant of a commercial business producing garbage or rubbish shall provide, and always cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal. It shall be unlawful for any

person to cause or allow unsightly litter or potentially dangerous materials to remain on any property under his or her control.

A new subsection 308.5 is added as follows:

308.5 *Food Establishments.* Every owner, operator or occupant of a Food Establishment (as defined by the North American Industrial Classification System or "NAICS" Code 722, as published by the Federal government) in which garbage is produced, accumulated or generated shall cause such waste to be removed from the premises no less frequently than twice weekly, at intervals no more frequently than 72 hours, during the period from April 15th to October 15th. If such waste is removed more frequently than twice weekly, the 72-hour interval shall not apply.

A new subsection 308.6 is added as follows:

308.6 *Rubbish and garbage containers; retrieval.* Within 14 business days of termination or conclusion of an agreement for residential rubbish and/or garbage removal, or where, based on the circumstances, the hauler otherwise reasonably has notice that their services are no longer needed, the hauler shall retrieve all rubbish and garbage containers issued by the hauler at the residential property. Any hauler that fails to comply with this section shall be subject to the following:

308.6.1 *First non-compliance* (i.e., failure to comply within 14 business days of agreement termination or conclusion), shall subject the hauler to a fine of $50.00 and may be subject to administrative penalties and fees established by this code.

308.6.2 *Continual non-compliance* which persists after 30 calendar days (from the date of the agreement termination or conclusion), in addition to the assessments set forth in 308.6.1, shall subject to a fine of $50 per calendar day while the non-compliance persists. The hauler also may be subject to administrative penalties and fees established by this code.

SECTION 309–PEST ELIMINATION

309.3 *Single occupant* is deleted in its entirety and replaced with the following:

309.3 *Single Owner*. The owner of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

309.5 *Occupant* is deleted in its entirety.

SECTION 310–ACCESSIBILITY

SECTION 311–STORM SHELTERS

SECTION 312 is added as a new section as follows:

SECTION 312–INSPECTIONS OF COVERED BUILDINGS

312.1 *General*. Maintaining the structural and façade integrity of a building or structure throughout its service life is paramount importance to ensure that the building or structure does not pose a threat to the public health, safety and welfare.

1. The exterior of a building and the façade shall be maintained in good repair, and be structurally sound and sanitary so as to not pose a threat to the public health, safety and welfare.

2. Structural and façade inspections for common interest properties, such as a condominium building, is necessary to ensure that the building or structure does not pose a threat to the public health, safety and welfare and to the occupants of such building or structure.

312.2 *Definitions.* The following definitions apply to this section.

Corrective maintenance. Maintenance to be undertaken following the detection of deterioration of the primary load bearing system or the façade with the goal of remediating conditions reported by the design professional.

Covered building. For purposes of a structural inspection, a residential building or a mixed use building that is, wholly or in part, residential and is a common interest community building, including, for example, a condominium or cooperative building, as such terms are defined in *25 Del. C.* ch. 81 (the "Delaware Uniform Common Interest Ownership Act" or "DUCIOA"), and has a primary load bearing system constructed of concrete, masonry, steel, or heavy timber, in addition to such buildings with structural slabs over unconditioned space.

Covered building. For purposes of a *façade inspection*, a residential building or a mixed use building that is, wholly or in part, residential and is a common interest community building, including, for example, a condominium or cooperative building as such terms are defined in DUCIOA, and is 4 stories or taller as measured from the lowest elevation of grade plane around the perimeter of the building, unless the building is 3 stories or less in which case only the balconies and decks on the second and third stories above grade plane shall be inspected.

Covered building owner. The owner, the owners' authorized agent, or the person having charge or control of a covered building.

Façade. All areas on the exterior of a building including all exterior walls and exterior wall covering; without limitation, a façade further includes cornices, belt courses, corbels, terra cotta trim, wall facings, and other decorative features, parapets, architectural trim and embellishments, and all connected or attached appurtenances

such as balconies and decks, and attached handrails, fire escapes, chimneys, hanging air conditioners, and window washing and exterior maintenance systems.

Primary load bearing system ("PLBS"). The assemblage of structural components within a building comprised of columns, beams, and/or bracing that by contiguous interconnection form a path by which external and internal forces applied to the building are delivered to the foundation.

312.3 *Primary load bearing system ("PLBS") inspections*. For each covered building, an initial structural inspection of the PLBS, which shall include inspection of the foundation, shall be performed in accordance with the most recently published American Society of Civil Engineers ("ASCE") *Guideline for Structural Condition Assessment of Existing Buildings* or other recognized equivalent standards by a design professional retained by the covered building owner to determine if conditions exist which potentially affect the structural capacity of the system. Initial PLBS inspections shall occur the earlier of the following dates.

312.3.1 Where the certificate of occupancy was issued prior to July 27, 2023:

1. by July 27, 2025; or

2. within sixty days after observable damage to the PLBS.

312.3.2 Where a certificate of occupancy was issued on or after July 27, 2023:

1. within 15 years of the date the certificate of occupancy was issued; or

2. within sixty days after observable damage to the PLBS.

312.4 *Structural report.* After a design professional has performed a required structural inspection, the design professional shall issue a written report describing the condition of the PLBS. The structural report shall:

1. Set forth with specificity all corrective maintenance or repairs necessary for the PLBS.

2. Determine when the subsequent inspection of the PLBS shall be performed.

3. Be prepared in accordance with protocol established by the most recently published ASCE or other recognized equivalent standards for the structural condition assessment of a covered building or a similar protocol by another nationally recognized structural engineering organization.

4. Provide any other information or guidance necessary to maintain the structural integrity of a covered building.

5. Provide additional detailed evaluations necessary to evaluate any observed concerns.

6. If the design professional's report concludes that corrective maintenance of the PLBS is needed, the report shall specify with reasonable detail the required corrective maintenance including the estimated timing and an engineering cost estimate for the work to be performed.

312.5 *Subsequent structural inspections*. Notwithstanding the design professional's initial inspection and report, subsequent structural inspections and reports shall be provided as set forth by the design professional's initial and preceding reports as follows:

312.5.1 *Timeframe*. The design professional will determine a reasonable period of time within which the next structural inspection will take place provided, however, that any subsequent inspection shall not occur:

1. More than 10 years after a preceding inspection during the first 20 years following issuance of a certificate of occupancy; or

2. More than 5 years after a preceding inspection if the covered building is more than 20 years old.

312.5.2 *Subsequent reports.* The design professional shall review the preceding structural report prior to undertaking a subsequent structural inspection of the covered building. After the design professional completes this review and inspection, the design professional will then issue a subsequent structural report which shall:

1. Make note of any new or progressive deterioration.

2. Set forth the corrective maintenance required to address any new or progressive deterioration.

3. Describe any additional, more detailed evaluations that must be performed to evaluate in greater detail any observed concerns.

4. Identify when the next inspection of the PLBS shall be performed, but in no case shall such time exceed the timeframes provided in 312.5.1.

312.6 *Façade inspections of covered buildings.* An initial facade inspection of a covered building shall be undertaken in accordance with the most recently published ASCE *Guideline for Condition Assessment of the Building Envelope* or other recognized equivalent standards by a design professional retained by the covered building owner to review the condition of the façade to determine if conditions exist that potentially affect the integrity of the façade components that are supported by the PLBS as well as the potential for deterioration of moisture protection systems such as visually observable

joints, flashings, and weeps that could lead to deterioration of the underlying building components. If conditions which do not pose an immediate threat of harm to people or property are identified as a result of the inspection, a more detailed evaluation must be performed. Initial façade inspections shall occur the earlier of the following dates.

312.6.1 Where the certificate of occupancy was issued prior to July 27, 2023:

1. by July 27, 2025; or

2. within sixty days after observable damage to the façade.

312.6.2 Where a certificate of occupancy was issued on or after July 27, 2023:

1. within 5 years of the date the certificate of occupancy was issued; or

2. within sixty days after observable damage to the façade.

312.7 *Façade report.* After the design professional has performed an initial façade inspection, the design professional shall issue a written report describing the condition of the façade. The inspection report shall:

1. Identify with specificity any required corrective maintenance or repairs, not of an unsafe and imminently hazardous nature which shall be addressed immediately, relating to both the condition of the façade as well as the weatherproofing of the façade.

2. Identify when the next inspection of the façade shall be performed, but in no event shall a subsequent inspection occur more than 5 years after the initial inspection.

3. Describe any additional evaluations necessary to further evaluate any observed conditions.

4. Be prepared in accordance with protocol established by the most recently published ASCE *Guideline for Condition Assessment of the Building Envelope*, or a similar protocol by another nationally recognized organization.

5. Provide any further information or guidance necessary to maintain the facade of a covered building.

6. If the design professional's report concludes that corrective maintenance of the façade is needed, which is not of an unsafe and imminently dangerous nature, the report shall specify with reasonable detail the required corrective maintenance including the estimated timing and an engineering cost estimate for the work to be performed.

312.8 *Subsequent façade inspections*. Notwithstanding the initial façade inspection and report, subsequent façade inspections and reports shall be provided.

312.8.1 *Timeframe.* The design professional will determine a reasonable time period within which the subsequent inspection shall occur, provided, however, that any subsequent inspection shall occur within 5 years of the preceding inspection.

312.8.2 *Subsequent reports*. The design professional shall review the preceding inspection report prior to undertaking subsequent inspections of the covered building. After the design professional completes this review and façade inspection, the design professional will then issue a subsequent inspection report which shall:

1. Identify any new or progressive deterioration.

2. Identify corrective maintenance necessary to address any new or progressive deterioration.

3. Describe any further evaluations that must be performed to more fully assess any observed conditions.

4. Identify when the next inspection of the façade shall be performed, but in no event shall a subsequent inspection occur more than 5 years after a proceeding inspection.

312.9 *Unsafe and imminently dangerous conditions.* If during any inspection, the design professional determines that an unsafe and imminently dangerous condition exists, necessary remedial steps to avoid harm to people or property shall immediately be taken by the covered building owner. The design professional or the covered building owner shall immediately notify the code official of the existence of any such condition so that appropriate action may be taken by the code official pursuant to sections 109 (“Unsafe structures and equipment”), 110 (Emergency measures), or 111 (“Demolition”).

312.10 *Reports to code official*. Written reports issued by the design professional shall be promptly provided to the code official.

312.11 *Reports to covered building's owner*. Written reports issued by the design professional shall be promptly provided to the covered building owner. The covered building owner shall make reports available to any resident of the covered building upon request and post reports in a prominent location in the building.

312.12 *Recordation of certain reports*. Written reports issued by the design professional shall be recorded in the Office of the Recorder of Deeds in and for New Castle County by the covered building owner or the design professional.

312.13 *Corrective measures.* The covered building owner shall undertake measures necessary to effectuate the corrective maintenance, including, but not limited to, engaging the services of a design professional licensed in the state and qualified in structural repairs or maintenance to create plans or specifications to implement the necessary corrective measures. The covered building owner shall cause any plans or specifications necessary to implement corrective measures to be filed with the Department.

312.14 *Costs.* Costs incurred by the Department relating to inspections of a covered building made under this section shall be recovered through a fee as determined by the code official, and shall be paid by the covered building owner.

312.15 *Department authority*. The Department is authorized to adopt policies and procedures to effectuate the intent and purpose of this section, and may create forms necessary for the implementation and administration of this section.

CHAPTER 4. LIGHT, VENTILATION, AND OCCUPANCY LIMITATIONS

CHAPTER 5. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

A new subsection 507.2 is added to read as follows:

507.2 *Discharge.* It shall be unlawful, on residential property, to cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of the premises owned or occupied by said person to discharge onto adjacent property other than as provided in subsections 507.2.1 and 507.2.2.

A new subsection 507.2.1 is added to read as follows:

507.2.1 *Exception.* Clear water may be legally discharged by any of the aforementioned mechanisms, provided that the point of discharge is in accordance with the following standards:

1. For a single family detached, duplex or end unit of any other dwelling type, the point of discharge, may not be closer than 5 feet from the side and rear property lines or closer than 10 feet from a public sidewalk or, in the absence of a public sidewalk, from the edge of the curb or roadbed; and provided a minimum 2 feet of pervious surface is located between the point of discharge and any property line over which the clear water may flow.

2. For an accessory structure, the point of discharge shall not be closer than 5 feet from the nearest property line.

3. For an attached interior dwelling unit, the point of discharge may be parallel to or away from the common property line so that it is not directed across adjacent properties.

A new subsection 507.2.2 is added as follows:

507.2.2 *Approved discharges*. Notwithstanding any other provision, it shall be lawful to discharge clear water into a drainage swale or other stormwater collection device, in accordance with a recorded water easement or approved drainage or water management plan, or with the approval of the appropriate government agency.

CHAPTER 6. MECHANICAL AND ELECTRICAL REQUIREMENTS

602.3 *Heat supply* is amended by deleting the subsection in its entirety and substituting the following:

602.3 *Heat supply*. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 to April 15 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

602.4 *Occupiable work spaces* is amended by deleting the subsection in its entirety and substituting the following:

602.4 *Occupiable work spaces*. Indoor occupiable work spaces shall be supplied with heat during the period from October 15 to April 15 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

604.1 *Facilities required* is amended by deleting the subsection in its entirety and substituting the following:

604.1 *Facilities required.* Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605. All electrical facilities, components, outlets, fixtures and equipment in occupied buildings must be supplied with electricity.

CHAPTER 7. FIRE SAFETY REQUIREMENTS

Chapter 7 *Fire Safety Requirements* is amended by deleting all references to "International Fire Code" and any reference to a particular section of the International Fire Code and replacing the deleted text with the words "Delaware State Fire Prevention Regulations."

CHAPTER 8. REFERENCED STANDARDS

Chapter 8 *Referenced Standards* is amended by deleting the references to "International Zoning Code" and "International Fire Code" that appear under the heading "ICC."

Chapter 8 *Referenced Standards* is amended by adding the following:

State of Delaware Regulations

Delaware State Fire Prevention Regulations, effective September 1, 2021, as may be amended from time to time.

Section 3. Inconsistent ordinances and resolutions repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith are hereby repealed upon the effective date of this ordinance.

Section 4. Continuation of existing ordinances and resolutions. The sections appearing in this ordinance, so far as they are in substance the same as those ordinances and resolutions adopted and included in the *New Castle County Code,* shall be considered as continuations thereof and not as new enactments.

Section 5. Continuation of existing institution, rights, and liabilities. The revisions of prior ordinances, resolutions, rules and regulations, provided for in this ordinance, shall not affect any act done, or any cause of action accruing or accrued or established, or any suit or proceeding and or commenced in any civil action, nor any plea, defense, bar or matter existing before the times when such revisions shall take effect; but the proceedings in every such case shall conform with this ordinances to the extent applicable.

Section 6. All the provisions of ordinances, resolutions, rules and regulations revised by this ordinance shall be deemed to have remained in force from the time when they began to take effect, so far as they may apply to any department, agency, office or trust or of any transaction or event of any limitation or any right or obligation or the construction of any contract already affected by such ordinances, resolutions, rules and regulations, notwithstanding the revisions of such provisions.

Section 7. No offense committed and no penalty or forfeiture incurred, under any of the ordinances, resolutions, rules and regulations revised by this ordinance and before the time when such revisions shall take effect shall be affected by such revisions.

Section 8. No such action or prosecution, pending on the effective date of the revisions provided in this ordinance, for any offense committed or for the recovery of any penalty or forfeiture incurred under any of the ordinances, resolutions, rules and regulations revised herein shall be abated or affected by such revisions, except that the proceedings in such action or prosecution shall conform with this ordinance to the extent applicable.

Section 9. The provisions in this ordinance shall not be constructed to abolish or impair existing remedies New Castle County or its officers or agencies relating to the remediation of any dangerous, unsafe, or unsanitary condition.

Section 10. Severability. It is hereby declared to be the intention of the County Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance. If any provision of this ordinance is found to be unconstitutional or void, the applicable former ordinance provisions shall become effective and shall be considered as continuations thereof and not as new enactments regardless if severability is possible.

Section 11. Other laws. The provisions of the Code shall not be deemed to nullify any provisions of local, state, or federal law except as stated in Section 2 above.

Section 12. Effective Date. This ordinance shall be effective on January 1, 2026.

Adopted by County Council of
New Castle Coumty 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 updates and revises the *New Castle County Property Maintenance Code*. Section 1 revises and updates the table of contents for Chapter 7 to clarify that Article 1 of Chapter 7 is the *Property Maintenance Code*. Section 2 adopts the 2024 *International Property Maintenance Code.* Section 2 also amends provisions of the adopted code and adds new provisions that are specific to New Castle County. This Ordinance will provide a unified and comprehensive set of regulations for property maintenance issues. This Ordinance also provides enforcement provisions that are consistent with due process requirements and that will allow the County to protect the health, safety and welfare of its residents.

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

Acknowledged by the Chief Financial Officer November 14, 2025.

Prime Sponsor(s): Mr. Caneco, Ms. Durham
Date of introduction: July 8, 2025

ORDINANCE NO. 25-094

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), SECTION 40.27.540 ("CHANGES TO OPEN SPACE OR COMMON FACILITIES") REGARDING PROPOSED PLAN CHANGES

WHEREAS, *New Castle County Code* Chapter 40, Article 27 establishes particular requirements and obligations relating to private open space and common facilities set aside as part of a subdivision or land development plan; and

WHEREAS, among these, Article 27 identifies the responsibilities and obligations of the developer and the maintenance corporation, both before and subsequent to conveyance by the developer of the open space; and

WHEREAS, Article 27 further provides that any plan submission that proposes changes to private open spaces or common facilities delineated on an existing plan must be accompanied by a petition that has been signed by the homeowners of at least two-thirds of the lots of the existing plan who have an interest in the private open space or common facilities; and

WHEREAS, Article 27 would benefit from clarification that the above-mentioned petition must be signed by the homeowners of at least two-thirds of the ***occupied*** lots of the existing plan who have an interest in the private open space or common facilities; and

WHEREAS, the *County Code* and, thus, the citizens of the County would benefit from the proposed clarifications to further enhance the Unified Development Code standards and procedures; 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"), Section 40.27.540 ("Changes to Open Space or Common Facilities") is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.27.540. - Changes to open space or common facilities.

A. Developer. If a plan proposes changes to private open spaces or common facilities delineated on an existing plan, a petition supporting the record plan changes shall be included with the submission. The petition shall be executed by the homeowners,

which shall not include a developer, of at least two-thirds ~~(⅔)~~ of the occupied lots of the existing plan having an interest in the private open space or common facilities. In DPUD's or phased developments, if the private open space or common facility is predominately designed for use by lot or homeowners of a delineated section or phase, consent of two-thirds ~~(⅔)~~ of the lot or homeowners of the occupied lots in the section or phase containing the private open space or community facility shall be required. The Department may allow substitutions of plant material on the landscape plan without a petition if the plant substitutions conform to the plant list in Appendix 3.

…

Section 2. Effective Date. This Ordinance shall become effective 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

Ssynopsis: This Ordinance, if enacted, would bring clarity to *New Castle County Code* Section 40.27.540 by making clear that, if a plan proposes changes to private open space or common facilities delineated on an existing plan, a petition supporting the record plan changes shall be included with the plan submission, and the petition must be executed by the individual homeowners, which shall not include the developer, of at least two-thirds of *the occupied lots* of the existing plan who have an interest in the private open space or common facilities.

FISCAL NOTE: There is no discernible fiscal impact.

Acknowledged by the Chief Financial Officer June 30, 2025.

DEPARTMENT OF LAND USE
RECOMMENDATION REPORT

Ordinance No. 25-094
Application No. 2025-0424-T
Changes to Open Space or Common Facilities

October 21, 2025

Sponsor: Councilman Caneco (District 12), Councilwoman Durham (District 2)

Description: To amend New Castle County Code, Chapter 40 ("Unified Development Code"), Section 40.27.540 ("Changes to Open Space or Common Facilities") regarding proposed plan changes.

EXECUTIVE SUMMARY

Ordinance 25-094 (Application 2025-0424-T) is an ordinance to amend the UDC to remove developers from petitions to change open space areas, only permitting homeowners of occupied lots to sign petitions as part of the 2/3rds requirement. The Department has identified several significant issues with Ordinance 25-094 as written including:

- The UDC have already been amended to specifically address concerns identified at the public hearing, protecting homeowners, while protecting the ability to make needed changes to stormwater facilities identified during the construction phase (Ordinances 18-020, 20-071, and 20-090)
- The ordinance could decrease the ability of developers to change housing unit types to meet market demand and build out a development.
- Due to cost, timing and State and County code compliance mandates, developers do not generally make changes to open space unless necessary for stormwater management, housing market changes (and still within the limits of the UDC), unforeseen field conditions or the desires of the residents (such as changes to the clubhouse amenities). Even in the examples provided at the Public Hearing, nearly 2/3rds of occupied households signed petitions requesting that the changes to open space be made.

The Department believes that there are always opportunities to provide additional protection to promised amenities, ensure developments build a community in a manner that meets the demands of the housing market, and account for the complex ownership models permitted within

developments. As is the case with any proposed ordinance by members of County Council, the Department of Land Use offers to assist the sponsor with any ordinance to ensure that the ordinance can be properly analyzed and vetted to accomplish the goals or to gain a better understanding of the process.

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 25-094.

DESCRIPTION

Ordinance 25-094 (Application 2025-0424-T) is an ordinance to amend the UDC to remove the developers right to vote in proportion to the number of lots they may own on petitions to change open space areas, only permitting homeowners of occupied lots to sign petitions as part of the 2/3^{rds} requirement.

BACKGROUND

For nearly a decade after the adoption of the Unified Development Code (1997), little changed in the turn over and construction of open space and amenities. Developers were required to provide funding in an interest-bearing escrow on or before the issuance of seventy-five (75) of the building permits within the development to fund the maintenance of private open space and amenities for a two (2) year period.

Ordinance 07-012 Private Open Space Turn Over[1]

The Department of Land Use reviewed and monitored the continued application of open space turn over provisions and identified clarifications, corrections, improvements and changes necessary to further enhance those regulations. One important area of clarification in Section 40.27.310 was:

> *All areas designated on the record plan as open space and/or common facilities including, but not limited to, streets or rights-of-way, parking areas, stormwater management facilities, drainage facilities, and active or passive recreation areas, shall be constructed by the developer of the subdivision, and/or any other person or entity that constructs dwelling units within the subdivision or improves the development site. Such responsibility shall be joint and several, and allocation of responsibility shall be determined by the individual persons or entities constructing dwelling units in the subdivision and by the developer.*

[1] Ordinance 07-012: https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86735C7182B4706D85563817799D75D9B52505F8F2FAF2C0E5&x=temp.pdf,Accessed 10/17/25)

Section 40.27.310 was additionally amended to require status reports of the construction of open space and amenities at 50% and 75% be submitted to the Department for review. Failure to comply with comments from the Department constituted a code violation against the developer.

Ordinance 07-012 additionally, for the first time, tied completion of open space and amenities to the total development. Open space and amenities were required to be completed prior to the issuance of 90% of the permits for building lots. The ordinance also permitted the Department to include additional requirements on plans that included phases.

Ordinance 09-066 Enhanced Review Process[2]

Ordinance 09-066 was adopted in October of 2009 with the expressed intent of shifting the subdivision review process for Major Land Development Plans and Rezonings from a three-step process to a two-step process and to account for the change from the Technical Advisory Committee (TAC) to Preliminary Land Use Service (PLUS) in the plan review process. In addition to those changes the County included Section 40.27.540 which brought property owners into the process of making changes to Open Space:

> *If a plan proposes changes to private open spaces or common facilities delineated on an existing plan, a petition supporting the record plan shall be included with the submission. The petition shall be executed by* ***at least two-thirds (2/3) of the lot owners of the existing plan having an interest in the private open space or common facilities****. In DPUD's or phased developments, if the private open space or common facility is predominately designed for use by lot owners of a delineated section or phase, consent of two-thirds (2/3) of the lot owners in the section or phase containing the private open space or community facility shall be required.*[3]

Public comment primarily focused on the plan review process changes, however those that referenced the new provisions for changes to open space were supportive of inclusion of property owners in the process, with the exception of the Committee of 100 who felt that the 2/3 requirement was too onerous for developers.[4] The UDC provisions related to making changes to open space remained unchanged until 2021, except for a minor change in 2018 that addressed active recreational areas and structure facilities.

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[2] Ordinance 09-066: https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86735C7182B4706D851B37877AC23C2B317A1ED82254F99697&x=temp.pdf,(Accessed 10/17/25)

[3] Ordinance 09-066, Enhanced Review Process: https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86735C7182B4706D851B37877AC23C2B317A1ED82254F99697&x=temp.pdf, (Accessed 10/9/25)

[4] Application 2009-391-T Public Comment: https://www3.newcastlede.gov/Project/details/default.aspx?ProjectKey=346961, (Accessed 10/9/25)

Ordinance 18-020 Subdivision and Land Development Review and Process[5]

Ordinance 18-020 was adopted in July of 2018 and included many important revisions and improvements to the subdivision and land development plan regulations. With respect to open space turn over provisions (Section 40.27.310) the ordinance included:

> *All active recreation areas and structured recreational facilities (clubhouses, pavilions, etc.) shall be completed prior to the issuance of fifty (50) percent of total building permits within the subdivision*

This ensured that **open space amenities are locked in and constructed prior to 50% of homes in a development being occupied.**

Ordinance 20-090 Open Space/Common Facility Turnover[6]

Ordinance 20-090 was adopted in April of 2021 seeking to improve and enhance the provisions related to turning over open space and common facilities to maintenance organizations, including the ability to turn over open space in a development in phases. Among other changes enacted by the ordinance, once open space is turned over to a community the required vote defaults to the rules established by the community's governing documents as opposed to the previously required 2/3 petition. This provides flexibility for the community to make changes to their open space areas and amenities after open space has been turned over, to meet the evolving needs based on the rules established by the community.

Ordinance 20-090 further revised Section 40.27.310 to read as follows:

> *The Department may not issue more than fifty (50) percent of the total dwelling unit permits within the subdivision until all active recreation areas and structured facilities (clubhouses, pavilions, historical structures etc.) have been turned over to the community.*

These changes further enhanced the provisions that required the completion of active recreation areas and amenities to require that those improvements be turned over to the maintenance organization before the Department is able to issue more than 50% of total building unit permits. Additionally, this amendment includes a requirement that historic structures slated to be preserved on a plan are preserved. This requirement builds on protections provided in Ordinance

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[5] Ordinance 18-020: https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86735C7182B4706D85F2D0B21F31A6FF6473F3E3BF55D65C8F&x=temp.pdf,(Accessed 10/17/25)

[6] Ordinance 20-090: https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86735C7182B4706D856C44D73CA7B998CECABC423A803B7F50&x=temp.pdf,(Accessed 10/17/25)

20-071 (see Analysis Section), and in part was the result of the demolition of the historic structure in the Village of Bayberry North, which was slated "to remain" on plans for the development.

Ordinance 25-094 Proposed Plan Changes

Ordinance 25-094 was introduced on July 8, 2025, to further revise the requirements to make changes to open space by only considering owners of occupied lots in the 2/3 petition requirement.

PLUS REVIEW (Preliminary Land Use Service)

The PLUS Report, dated September 22, 2025, contains comments from several State agencies. The Office of State Planning Coordination and other agencies provided no comments and had no objection to the approval of the ordinance.

PLANNING BOARD PUBLIC HEARING - *October 7, 2025*

County Councilman Caneco presented Ordinance 25-094 at the October 7th joint New Castle County Department of Land Use and Planning Board Public Hearing. During his presentation, he discussed the proposed changes to the requirements for making changes to open space. He described the motivation for the proposed change is that there is a "loophole" in the code that permits the developer to be considered in the petition for making changes to open space.

Councilman Caneco noted the Resubdivision Plan in the Village of Bayberry North (Application 2019-0554-S)[7] as an example of how this happens. He noted that in Bayberry North the developer was trying to change the open space requirements to take down an old farmhouse and put eight more houses instead and that the majority of homeowners actually were not getting a vote on this matter.[8]

Planning Board members had several questions and comments in response to the presentation. Mr. Snowden inquired about whether lessees would get a vote or the property owner. Mr. Caneco responded that his interpretation is that the property owner would vote. Mr. Cantrell inquired if the Developer gets 1 vote, or a vote for every lot that he owns. Mr. Caneco stated that today the developer gets a vote for every lot that he owns. Mr. Cantrell confirmed with Mr. Caneco that the proposed changes would only consider lots that are occupied. Mr. Ott inquired about the mechanism for curtailing developers from getting a vote. Mr. Caneco stated that since the

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[7] Application 2019-0554-S: https://www3.newcastlede.gov/Project/Details/Default.aspx?ProjectKey=657416 (Accessed 10/9/25)

[8] As indicated in the public record, online this is not factual: https://www3.newcastlede.gov/Project/Details/Default.aspx?ProjectKey=657416 (Accessed 10/9/25), See Applicant's Submissions and Correspondence/Applicants Miscellaneous – 5/30/2020

ordinance states occupied lots so it means if somebody's living in the house, they get a vote but if it's a half open or if it's under construction, they would not get a vote. Mr. Cantrell remarked that the ordinance gives the power to make changes to open space to the people that are permanent as opposed to developers that are more temporary in nature.

Public Comment

Support

No members of the public provided public comment in support of the ordinance at the public hearing.

Opposition

Two (2) members of the public (1) Jerome Heisler, Reybold Group, and (2) Frederick Mitsdarfer, Esq, Tarabicos Grosso, LLP spoke in opposition to the ordinance as written. Mr. Heissler explained the challenges to improving developments that the proposed changes would bring, including providing examples of such changes in several of his company's developments. He also provided an example of where a homeowner sought financial compensation for their signature on a petition. He further identified the proposed change as being a significant deterrent for development that would lead him to reconsider large developments in the county. Mr. Mitsdarfer thanked Councilman Caneco for meeting with him. He also echoed sentiment voiced by Mr. Heissler, and explained his concerns regarding consistency with Delaware Law, the Delaware Uniform Common Interest Ownership Act (DUCIOA).

Rebuttal

Mr. Caneco stated that he had reviewed State Law (Title 25) with his Counsel to Council and have not identified any case law that actually shows a conflict, and that any such concern would have to be litigated. He further noted that for drainage issues, developers would actually need to take a harder look when they made their actual record plans and submit it to the County about how their drainage plans actually work since this ordinance would now they put them in an uncomfortable position where they want to change because they did not do a proper planning and engineering of the site and actually submit a sufficient record plan.

He further stated that too much drainage was installed at the Enclave of Odessa, and noted that the developers of Bayberry North abused the process in making the change. He also acknowledged that every developer is different and that some are better than others. He further reiterated that it is his intent for the folks who live in their community should have their vote on how it is developed.

Comments received while the record was open

The Department received correspondence from Jerome Heisler, Reybold Group and Katie Dodge Gillis representing the Home Builders Association of Delaware (HBADE) in opposition to Ordinance 25-094. Mr. Heisler sent 2 emails to the Department; one dated October 6th which identified how the impacts of the ordinance would be antithetical to the goals in the Comprehensive Plan and made recommendations on how to alter the ordinance to bring it into compliance with the Comprehensive Plan, and one dated October 10th that provided examples of changes to open space within developments that he owns. Ms. Gills on behalf of the Home Builders Association of Delaware, identified the following as rationale for opposing the ordinance; (1) risk of a single homeowner derailing large projects, (2) chilling effect on investment and master-planned development, (3) inflexibility undermines planning adaptability, and (4) protections for homeowners already exist under DUCIOA.

ANALYSIS

The Department has long supported evaluating potential opportunities to improve the development code, making for more equitable and predictable outcomes from the subdivision review process and to protect the members of the public. Over the last sixteen (16) years the County has taken important action through amendments to the UDC to give homeowners a voice in alterations and improvements to open space in their community. The County has additionally further empowered these communities to make desirable changes to their open space after the developer has turned over the open space to the maintenance organization by deferring to the governing documents for the community, and processing those changes as Record Plan Modifications as opposed to a Resubdivision thereby significantly reducing the cost and time burden for communities.

In evaluating the changes proposed by the ordinance it is important to understand the reasoning for the proposed changes as well as well as the ramifications if adopted. At the Joint Department of Land Use and Planning Board Public Hearing Councilman Caneco identified two (2) developments as having served as the motivations for the proposed changes to the UDC; (1) The Village of Bayberry North, and (2) The Enclave at Odessa. Additionally, it is important for the public record be correct so that the Department, Planning Board, and County Council accurately consider applications before them.

For the Village of Bayberry North Open Space changes, Councilman Caneco, during his presentation, made several assertions regarding changes to open space approved by Application 2019-0554-S, which does not accurately reflect subdivision records. The Department did review these changes and offer the following:

1. While the applicant may have worked with the community prior to making a submission, the processing time for this application did not take multiple years, it was processed and approved in just under a year and a half from the time of initial submission, which is in line with the review time for minor land development and subdivision plans. The applicant

worked with the community to secure the required signed petitions from August of 2019 (Initial Exploratory Plan Review Letter) through May of 2020 (Date the petitions were submitted to the Department).[9]

2. The acreage of open space provided to the Village of Bayberry North was increased as a result of the plan from 176.365 acres (38.12%)[10] to 177.743 acres (38.42%)[11], while additional amenities were added including a multipurpose field, play area (Tot Lot), outdoor seating, and a pavilion. The developer additionally compensated the community by including an additional $40,000 toward upkeep of those amenities (as indicated in the signed petitions).

3. The number of lots did not increase by this plan, however Lot 757 and the adjacent open space lot were reconfigured eliminating Lot 757's lot frontage along Aububon Trail while increasing the lot's frontage along West Palladio Place. This did not increase the permitted density of the development.

    - Lot 757 was later subdivided under a separate application into 4 single family detached lots (not 8) along Palladio Place (Application 2021-0085-S), which is fewer than that permitted density for the development and increased the number of workforce housing units by 1.

4. The developer received 491 signed petitions of the 786 occupied homes, nearly 2/3rds (62.47%). The occupied homes that signed the petition also made up a majority of all lots (including those still owned by Blenheim Homes) in the development (51.63%).

5. Application 2019-0554-S included the demolition of the historic structures on Lot 757, which had previously been proposed to remain.

    - Previous plans for the Village of Bayberry North included a label that the structure was to remain, however there was no effort or plan to preserve the structure. As such, over the decade that followed the structure fell into a degraded condition through demolition by neglect. The Department, concerned about the preservation of historic structures, and to prevent historic structures on sites of major land development plans from being demolished by neglect (or otherwise), worked with Councilwoman Durham and drafted Ordinance 20-071. The ordinance was a near complete update of Article 15 – Historic Resources, that among other important changes included Section 40.15.310 - Preservation of historic resources on major land development plans. Section 40.15.310 requires that on major land

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[9] Application 2019-0554-S: https://www3.newcastlede.gov/Project/details/default.aspx?ProjectKey=657416 (Accessed 10/10/25)
[10] Instrument 201511060057596
[11] Instrument 202101210009095

development plans where the Historic Review Board determines there is a historic resource:

1. The parcel containing the historic resource must be rezoned H prior to recordation of the plan.

2. A detailed preservation plan be approved by the Department, noted on the plan and recorded at the Recorder of Deeds.

3. The developer provide a performance guarantee, held in escrow by the County. If the property is transferred to a maintenance organization or sold as a lot a new performance guarantee is required.

4. That the developer complete improvements on the structure throughout the construction of the development, permits are held at different stages until the improvements have been made.

5. The ordinance additionally established the Demolition by Neglect provisions enabling the County and funding repairs to structures with an Historic overlay that have been determined to be undergoing demolition by neglect. A lien is placed on the property until the cost of repairs is repaid.[12]

Councilman Caneco also cited issues at the Enclave at Odessa during his rebuttal. For the Enclave, there have been three recorded plans for the site (1) the original Record Plan (Application 2001-0594-S, Inst. 200402110016368), (2) a Resubdivision Plan that adjusted the types of housing units (Application 2008-0061-S, 200904140021184)[13], and (3) a Resubdivision Plan that change the housing unit mix consistent with a Board of Adjustment decision, replaced a walking path with 2 play areas (Application 2013-0327- S, Inst. 201701130002384)[14].

While neither of the recorded Resubdivision Plans proposed an increase in the number of lots or decrease in open space acreage the Department did review these changes and offer the following:

1. Application 2013-0327-S eliminated the proposed walking path and replaced it with 2 play areas and increased the usable/active open space area by 7 acres (no increase in the total open space acreage). The Department met with representatives of the community who

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[12] Ordinance 20-071: https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86735C7182B4706D857EF9C3ABED8B9494458A4A6B8AA3A470&x=temp.pdf, (Accessed 10/14/25)
[13] Application 2008-0061-S: https://www3.newcastlede.gov/Project/details/default.aspx?ProjectKey=302964. (Accessed 10/14/25)
[14] Application 2013-0327-S: https://www3.newcastlede.gov/Project/details/default.aspx?ProjectKey=455162, (Accessed 10/14/25)

voiced their desire for this change out of concern for the continued maintenance cost of the walking path. They also felt that the play areas would get more use.

2. During the review process the applicant submitted 92 signed petitions of the 151 occupied homes (60.93 %) within the Enclave at Odessa expressing their desire to make the changes to the open space area.

While the Departments of Land Use and Public Works have identified issues at the development regarding stormwater management and have worked with the developer and community to fix these issues, the changes proposed by this Ordinance could encumber a developer from rectifying those issues.

Concerns with Ordinance 25-094

The Department of Land Use has concerns with changes proposed by Ordinance 25-094 and the impact that they would have on the build out of communities. The following sections further examine these concerns.

1. *Important Changes to the UDC were made between 2018 and 2021 that Address Concerns Identified at the Public Hearing, Protecting Homeowners, while Protecting the Ability to Make Needed Changes to Stormwater Facilities*

The changes proposed in Ordinance 25-094 largely seek to rectify potential problems that were already addressed in three ordinances adopted between 2018 and 2021. Important protections for communities were added that include:

- Prior to 50% of the dwelling unit permits being issued **all active recreation areas and structured facilities** (clubhouses, pavilions, historical structures etc.) **must be constructed and have been turned over to the community**. By the time that a majority of households are occupied, all active open space areas and communities are completed, the community owns and determines if any changes are appropriate, not the developer. That said, the developer still has the flexibility make changes on stormwater management facilities and passive open space areas, if 2/3^{rds} of lot owners agree to those changes.

- When a historic resource is identified by the Historic Review Board as being historically significant, on a major land development plan, it is required to be rezoned to have an Historic Overlay, and have an approved and funded Preservation Plan. Today, historic structures, like those identified in the Village of Bayberry North would not be permitted to be demolished as part of a major subdivision.

Ordinance 25-094, as written would severely constrain developers the ability to change open space, amenities, and stormwater management facilities early in the build out of a development.

After the first lot is sold, the single owner would have the ability to prevent alterations to housing type changes (nearly all changes in unit type have associated changes to the lot size) and stormwater improvements to accommodate those lots (stormwater is largely addressed in the open space areas). This could impede the ability for developments to address improvements needed for conveyance of stormwater identified during the construction stage, and to adapt changes in the housing market during their construction phase thereby restricting a full build out. Not only could this have an impact on the diversity of housing types as well as the overall housing stock, but if not fully built out impact fees to provide increased services and infrastructure would not be collected. It was also noted that developers may retain power of attorney on newly sold units to allow them the ability to make these changes.

2. *Effects on improvements in developments, and the ability to adapt to market demands*

It has been the observation of the Department that developers make a substantial investment in new developments and do not make changes to open space areas on a whim or practice bait and switch tactics with respect to amenities. When plans are change through a Resubdivision Plan, normally at a substantial cost to the developer for new engineered drawings, they typically involve adjustments to the types of housing units (single family attached, multifamily, single family detached, etc...) based on the changing market demands, to correct stormwater or other conditions found during construction, or to fix unanticipated miscellaneous items. While adjustments in housing can be made, the development must still meet the unit mix requirements in the UDC (absent a variance). The developer, community, and County have interests in developments being built out and having housing units occupied. Open space amenities and improvements are tied to the build out of developments and should a development not accomplish build out, important amenities may be delayed.

The Department has long promoted that residents should have an important role in determining what, and if, improvements should be made in a development after a development is initially recorded. As discussed in the Background section of this report, up until 2009, developers had the ability to make changes to open space areas without requiring input from the residents. Ordinance 09-066, as indicated by the public record, recognized that as a development was completed and houses sold, that homeowners should have an increased voice in changes made to amenities and open space areas. The provisions adopted created a balance of the property rights of the developer with those who reside in that community requiring 2/3rds of all lot owners in a plan to agree to changes to open space and amenities, including the developer.[15]

3. *Existing Protections*

The Delaware Uniform Common Interest Ownership Act (DUCIOA) provide important protections with respect to disclosure of changes to open space areas, and amenities. The petition requirements in the Uniformed Development Code builds on those protections by creating a

[15] Application 2009-0391-T, Ord. 09-066: https://www3.newcastlede.gov/Project/details/default.aspx?ProjectKey=346961 , (Accessed 10/10/25)

balance between the interests of developer and residents within the community that prioritizes residents as the development gets built out.

Proposed amenities, and other improvements in open space areas, are financially planned and included in the Land Development Improvement Agreement, and have a performance guarantee (Section 40.31.820):

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

Making changes to an open space area requires a significant investment in time and money, as well as buy-in from residents and such changes are not made without a legitimate reason.

While the Department has significant concerns with the impact that Ordinance 25-094 could have on the diversity of housing stock (rental vs fee simple lots), affordable housing, and the balance between the property rights of the developer and residents within a community, it does see opportunities to improve this, as well as other provisions within the Code. The Department believes that there are opportunities to provide additional protections to promised amenities, ensure developments build out in a manner that meets the demands of the housing market, and account for the complex ownership models permitted within developments. As always, the Department of Land Use is available to work with the various parties in the civic and business community to review this, or any issue, and create ordinances to accomplish these goals.

Standards of Review

Pursuant to Section 40.31.420 of the New Castle County Code, in determining whether a text amendment shall be recommended or approved, all of 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.*

As discussed above, the changes proposed by Ordinance 25-094 removes the ability of the developer to have a vote on the development they are creating and making it difficult for developers to fully build out to meet the demands of the market. As such the proposed

changes are antithetical to Goals 4 and 17, and hinder the County's ability to achieve those goals:

> Goal 4 - Healthy, safe housing options throughout the County are diverse, meeting needs of people of all incomes, ages, abilities, and races, while maintaining design and form of the built environment that integrates with existing communities.
>
> > 4.1. Objective: Increase variety and range of price points of safe, quality housing options, in a diversity of locations.
> >
> > > 4.1.1. Strategy: Enable/encourage a greater range of housing types in residential zones...
>
> Goal 17- Development, infrastructure, and change is well-planned and coordinated, achieving sustainable and effective public investment in our communities.
>
> > 17.4 Objective: Provide improved emergency services; types of equipment and response time to meet future demands.

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 No. 25-094.

PLANNING BOARD RECOMMENDATION

At a business meeting held on October 21, 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 Mr. Ott, the Board voted to recommend **DENIAL** of Ordinance 25-094. The motion was adopted by a vote of 7-0-0-1 (In Favor: Cantrell, Cochran, Daigle, Drake, Ott, Snowden, Visvardis; In Opposition: None; Abstention: None; Absent: Gray).

Prior to the vote, Mr. Snowden commented that as an engineer, when working on a site, sometimes conditions are different from what you had anticipated during the planning process, regardless of having performed diligent effort on evaluating the site. He stated that it is important to have the opportunity to rectify those issues.

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

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.

10/28/25
David M. Culver date
General Manager
Department of Land Use

10/27/25
Robert Snowden date
Acting Chair
Planning Board

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

ORDINANCE NO. 25-100

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

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

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

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

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

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

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

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

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

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

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

Adopted by County Council of
New Castle County on:

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

Approved on:

_____
Marcus Henry
County Executive
New Castle County

SYNOPSIS: Same as title.

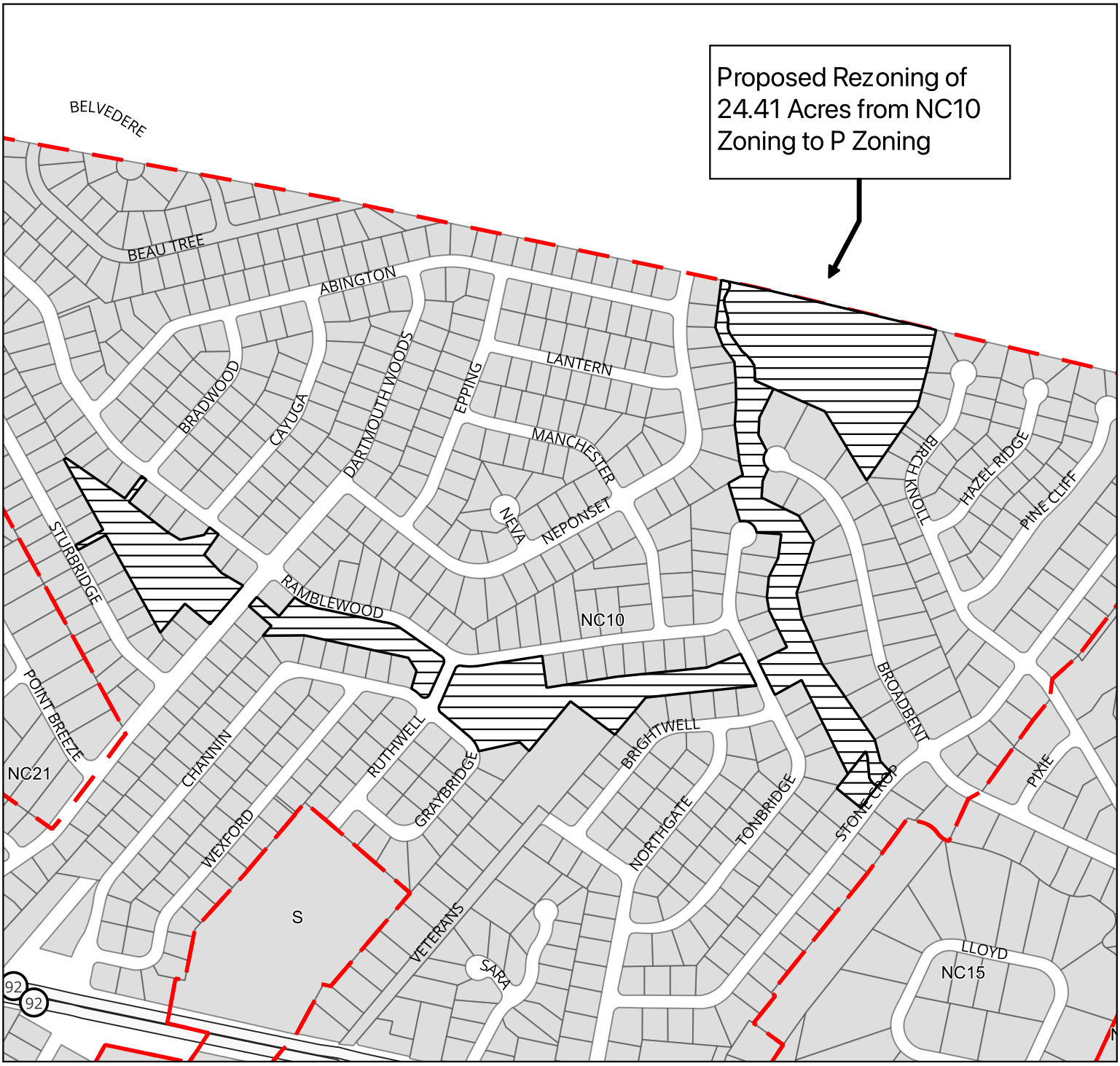
FISCAL IMPACT: There is no discernible fiscal impact with the adoption of this legislation.

PROPERTY MAP

EXHIBIT A MAP 1
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:6603
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

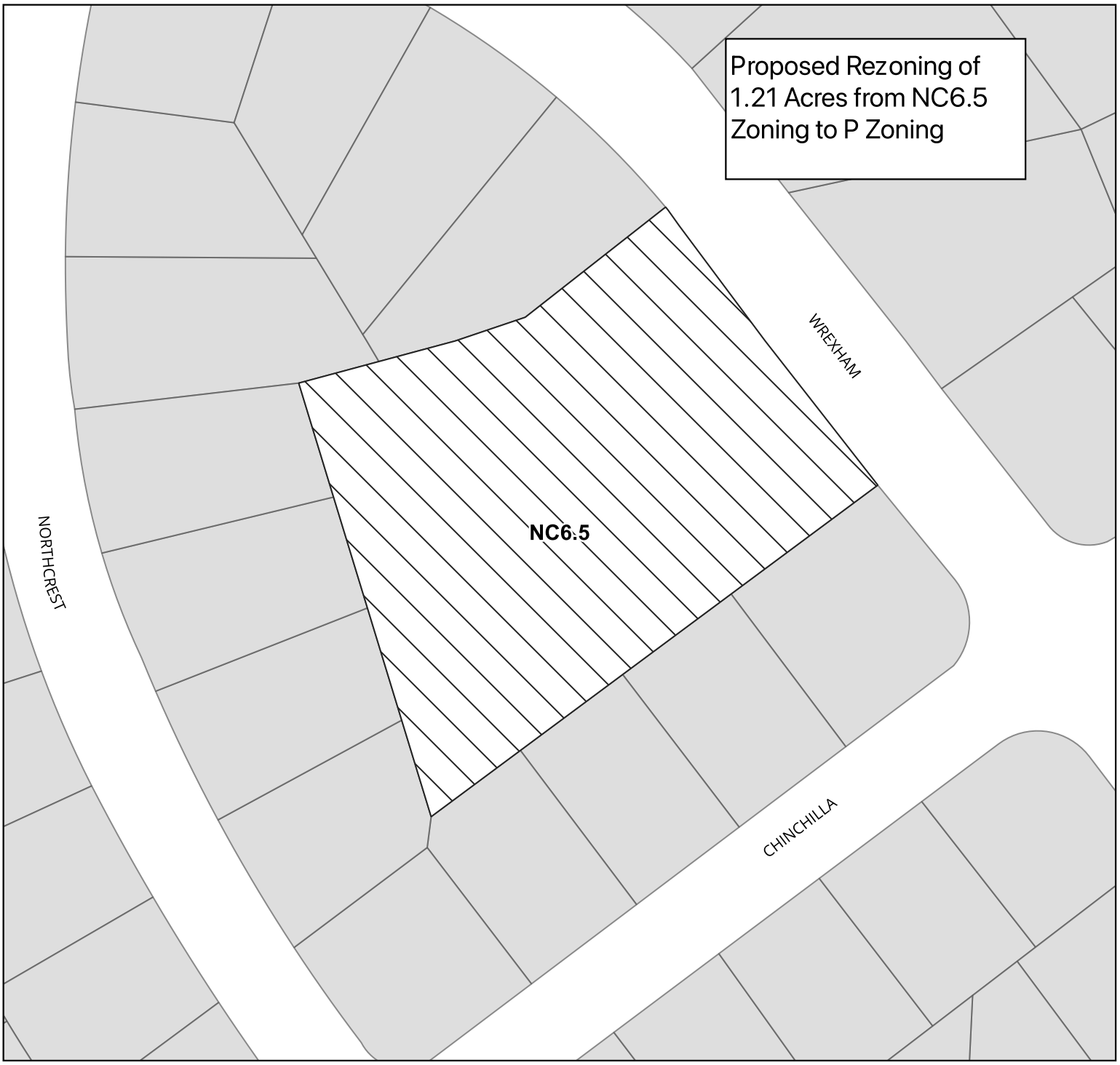
NC10 to P

PROPERTY MAP

EXHIBIT A MAP 2
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:904
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

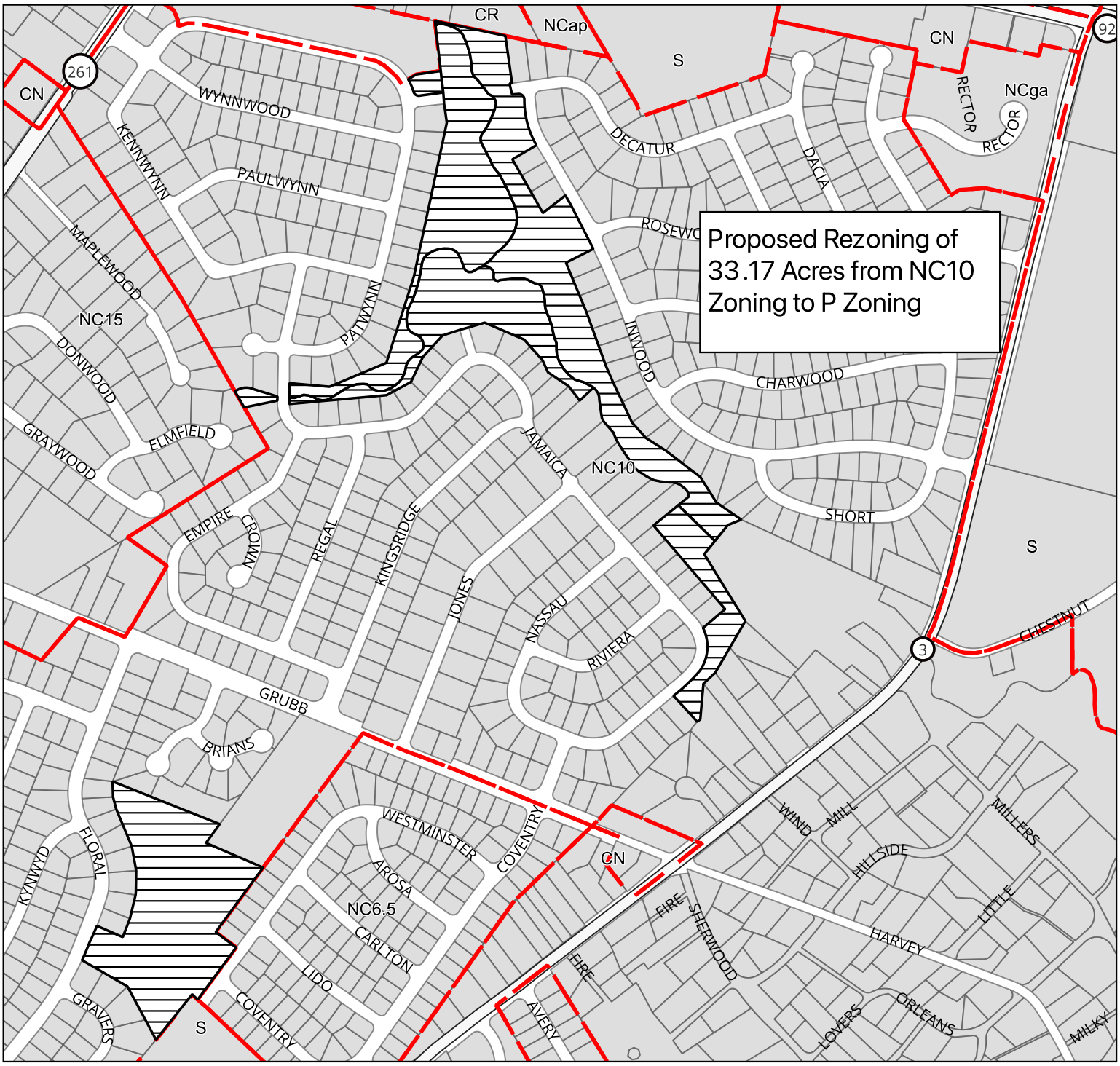
NC6.5 to P

PROPERTY MAP

EXHIBIT A MAP 3
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:7309
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

NC10 to P

PROPERTY MAP

EXHIBIT A MAP 4
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:7309
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

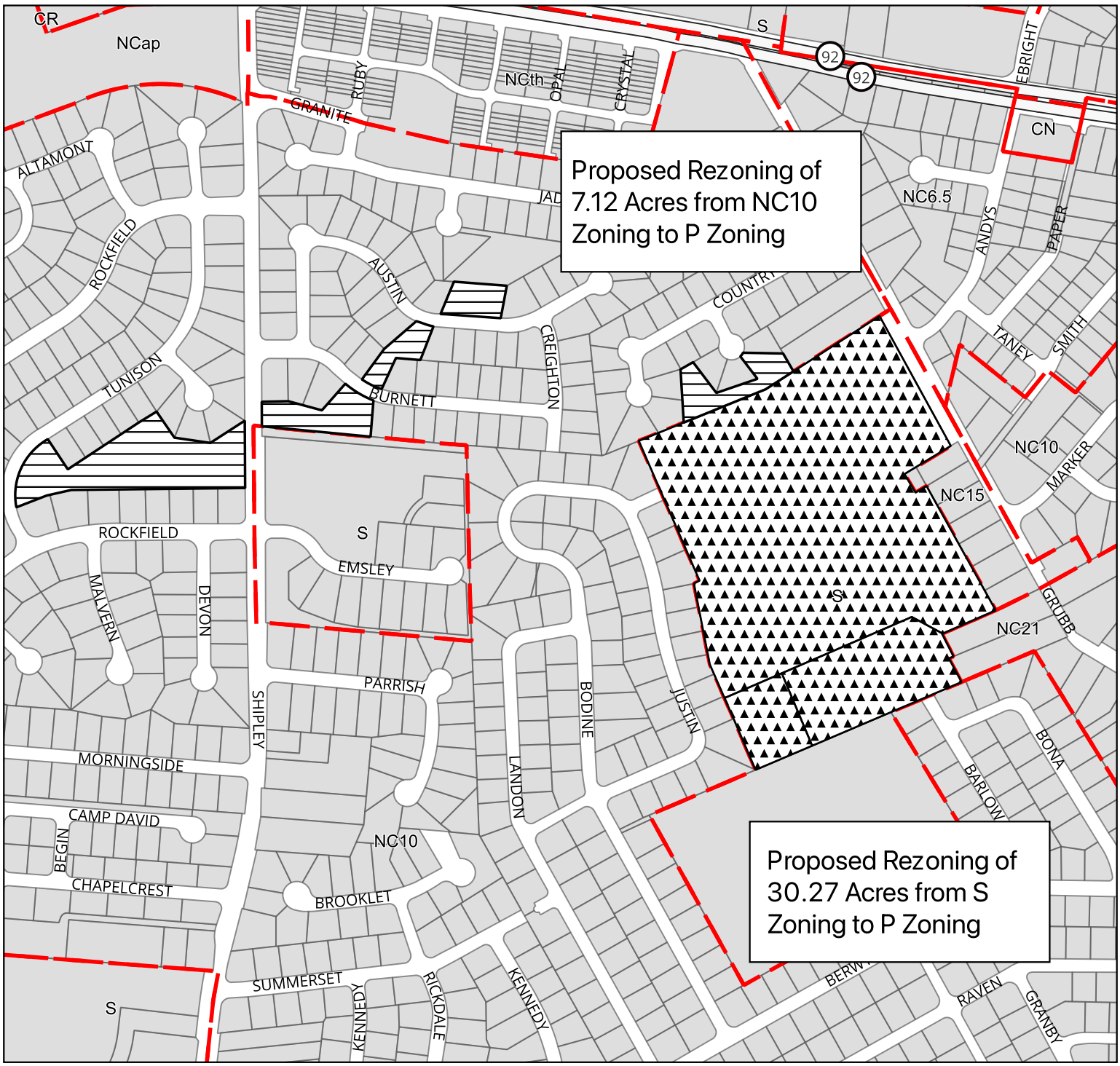
NC10 to P
NC15 to P
NC6.5 to P

PROPERTY MAP

EXHIBIT A MAP 5
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:6309
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

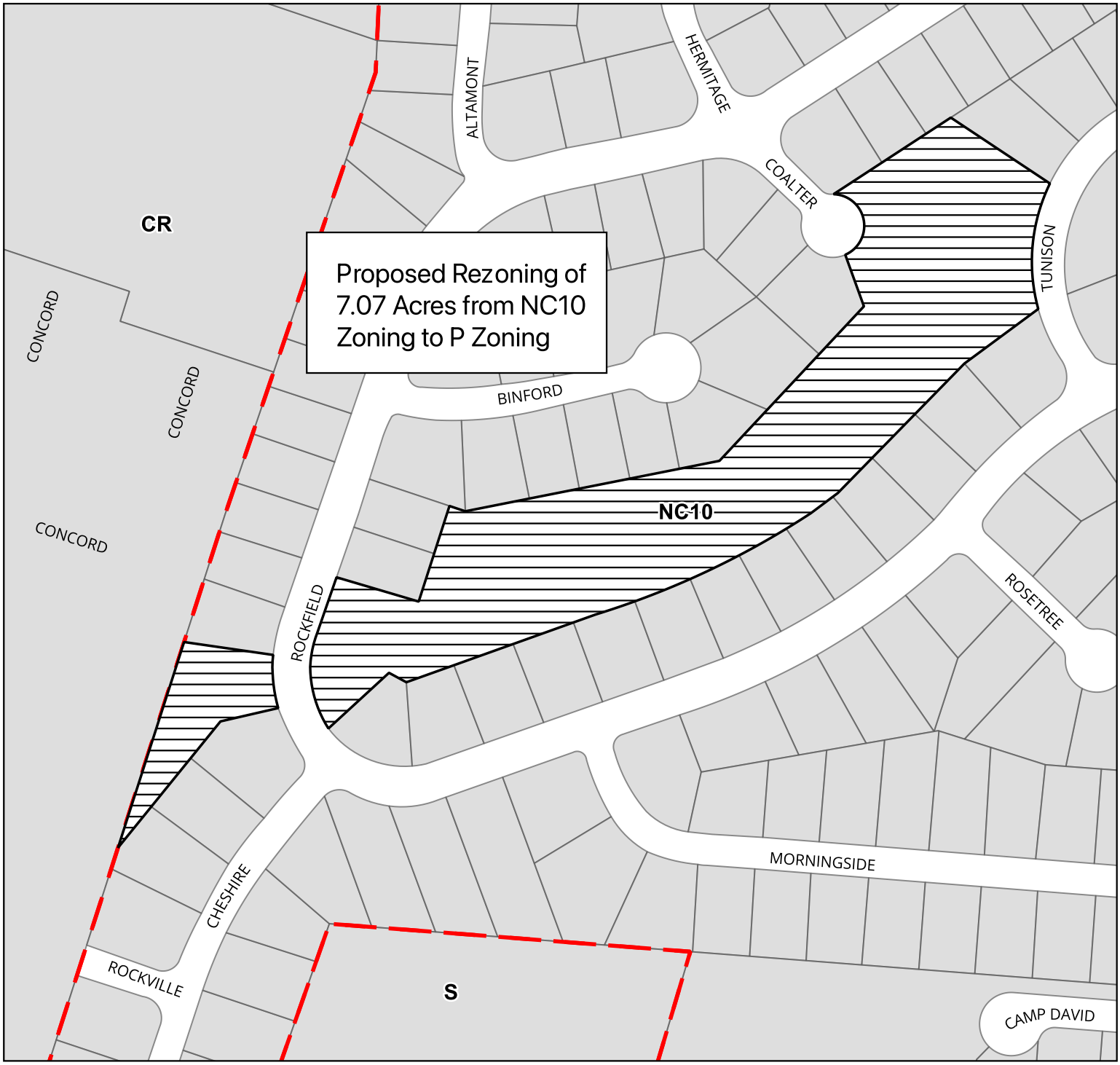
NC10 to P
S to P

PROPERTY MAP

EXHIBIT A MAP 6
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:2654
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

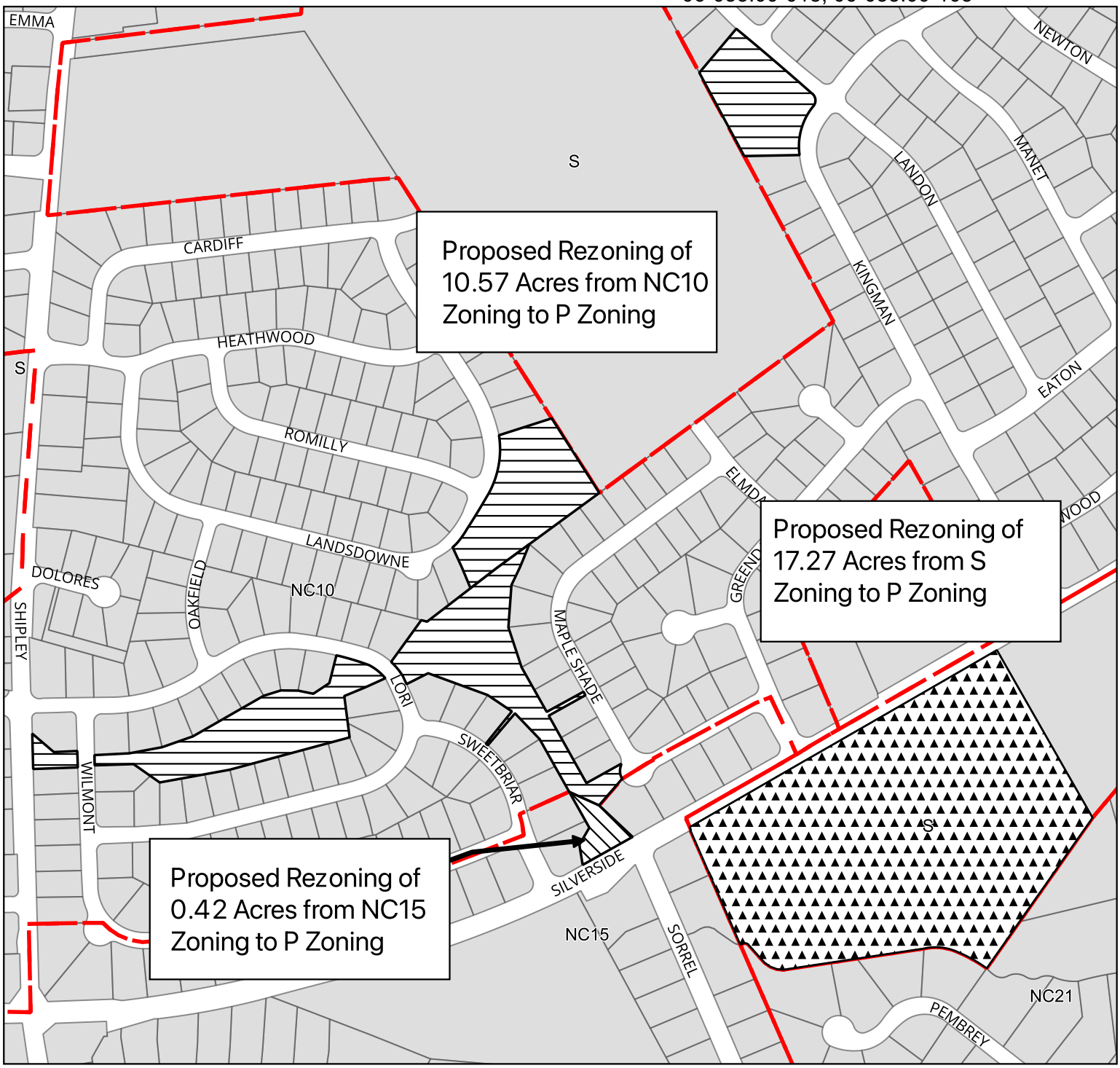
NC10 to P

PROPERTY MAP

EXHIBIT A MAP 7
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:5204
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

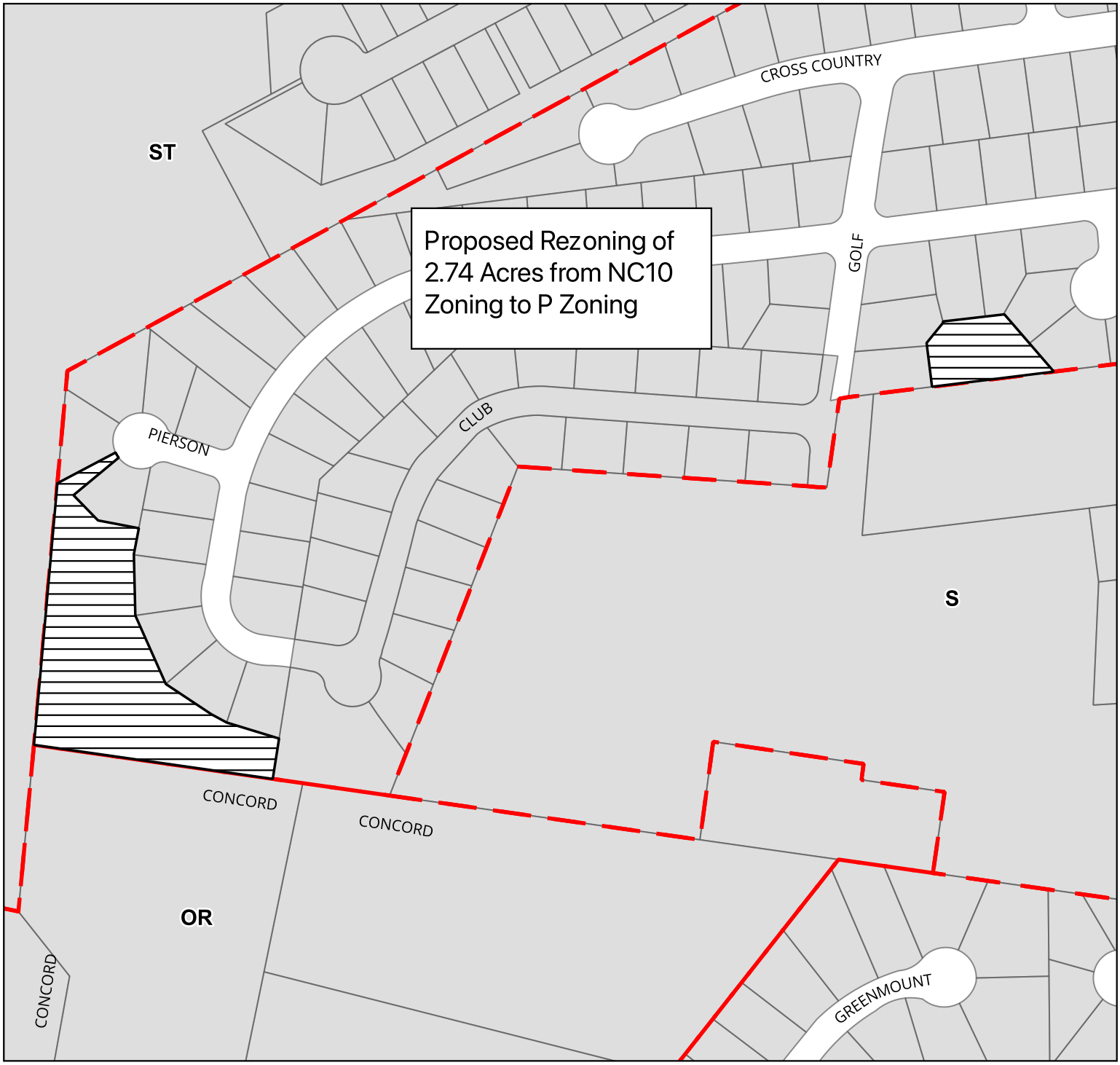
NC10 to P
NC15 to P
S to P

PROPERTY MAP

EXHIBIT A MAP 8
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:2952
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

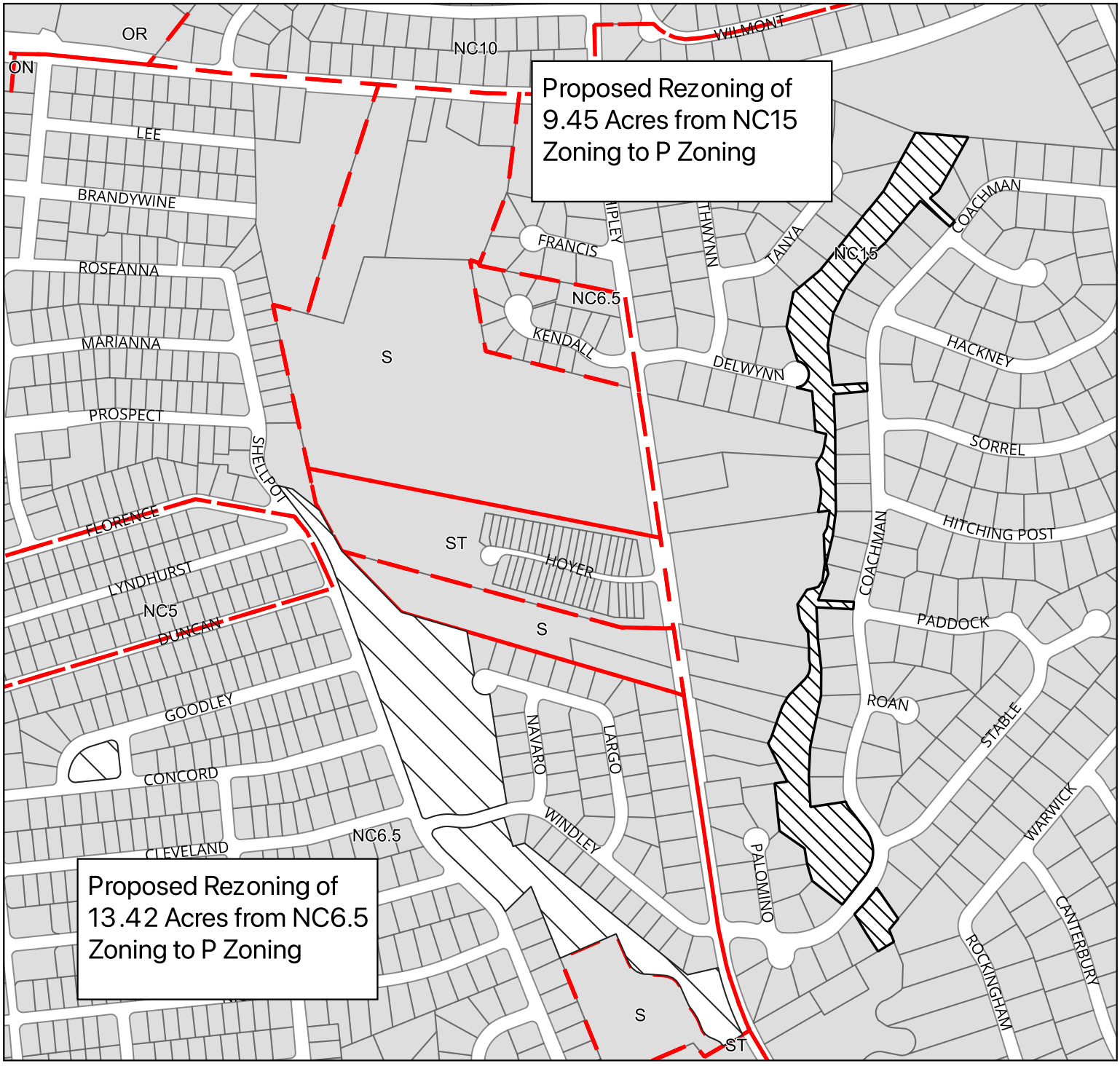
NC10 to P

PROPERTY MAP

EXHIBIT A MAP 9
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:6509
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

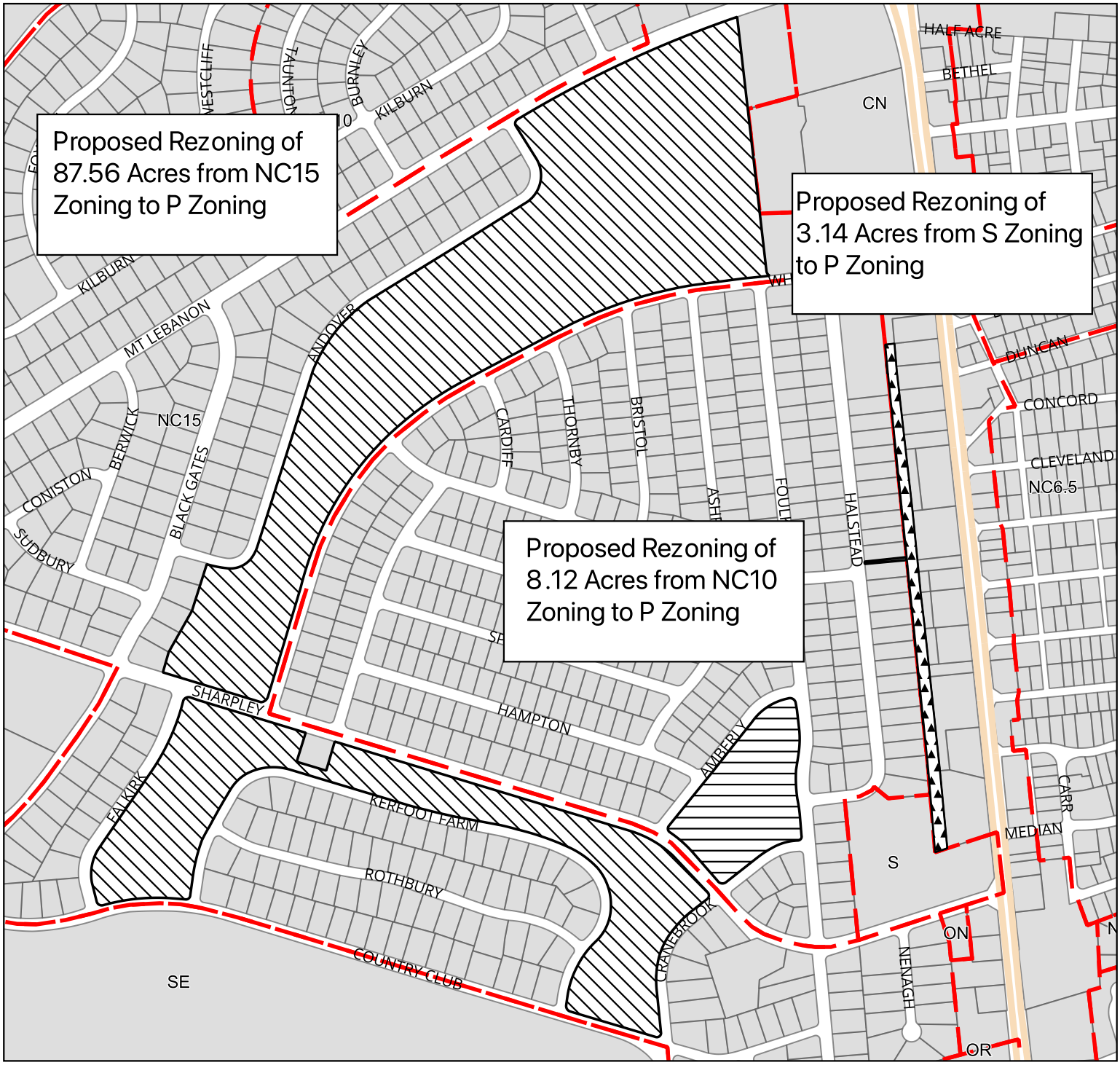
NC15 to P
NC6.5 to P

PROPERTY MAP

EXHIBIT A MAP 10
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:8409
Prepared by: Matthew Rogers

Date: 7/15/2025

N

PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
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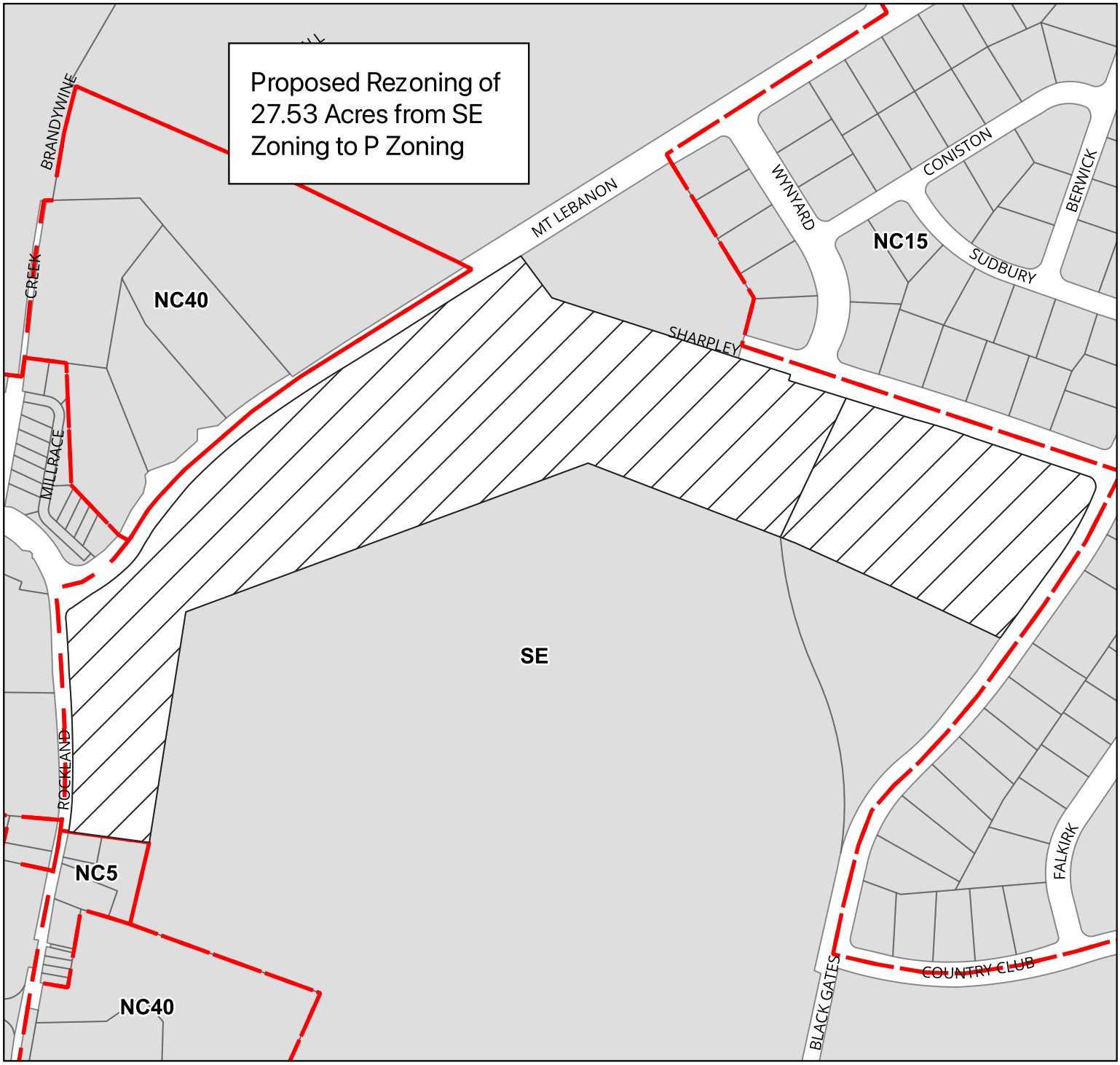
NC10 to P
NC15 to P
S to P

PROPERTY MAP

EXHIBIT A MAP 11
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:4304
Prepared by: Matthew Rogers

Date: 7/15/2025

N

PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
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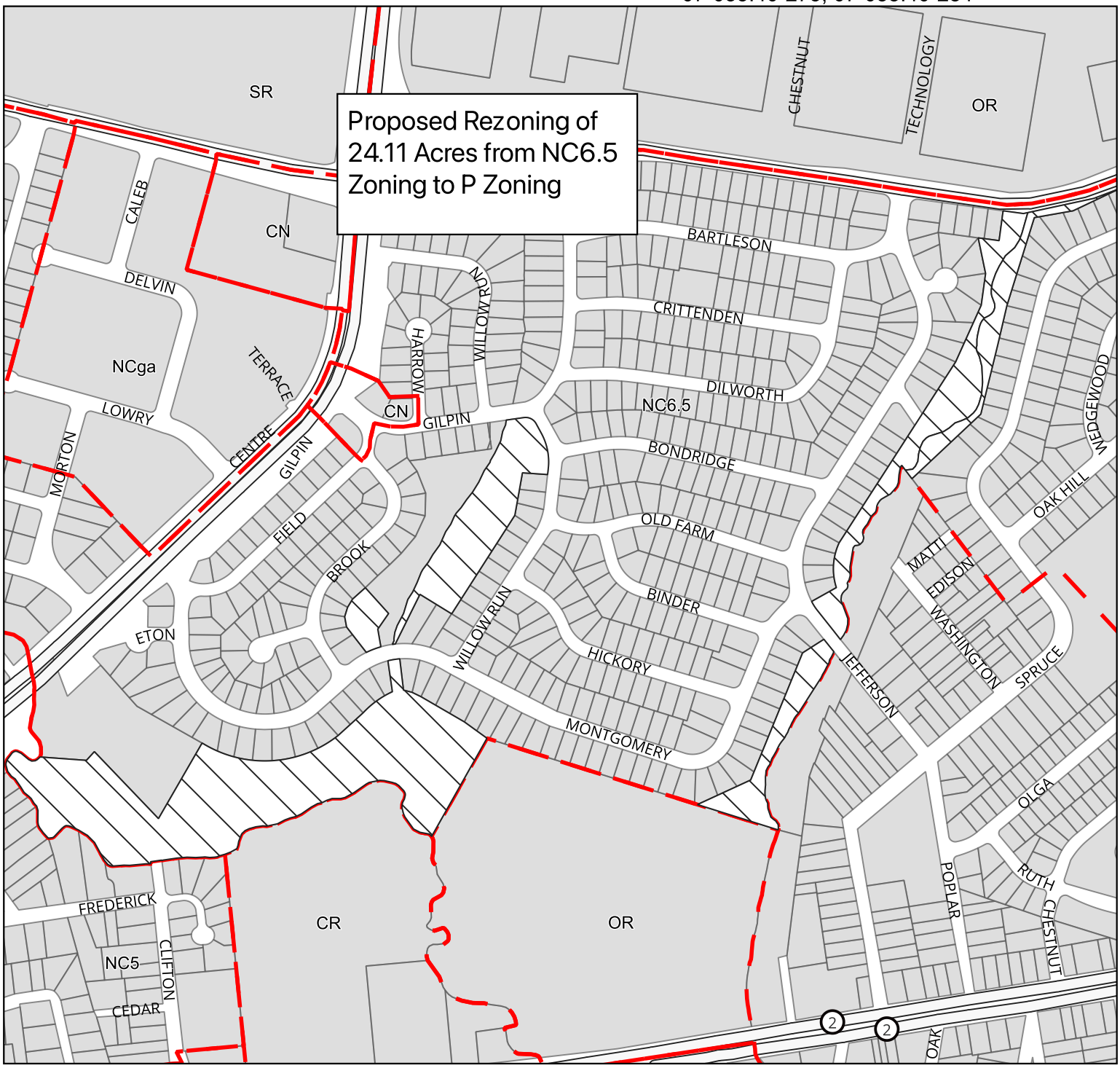
SE to P

PROPERTY MAP

EXHIBIT A MAP 12
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:6517
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

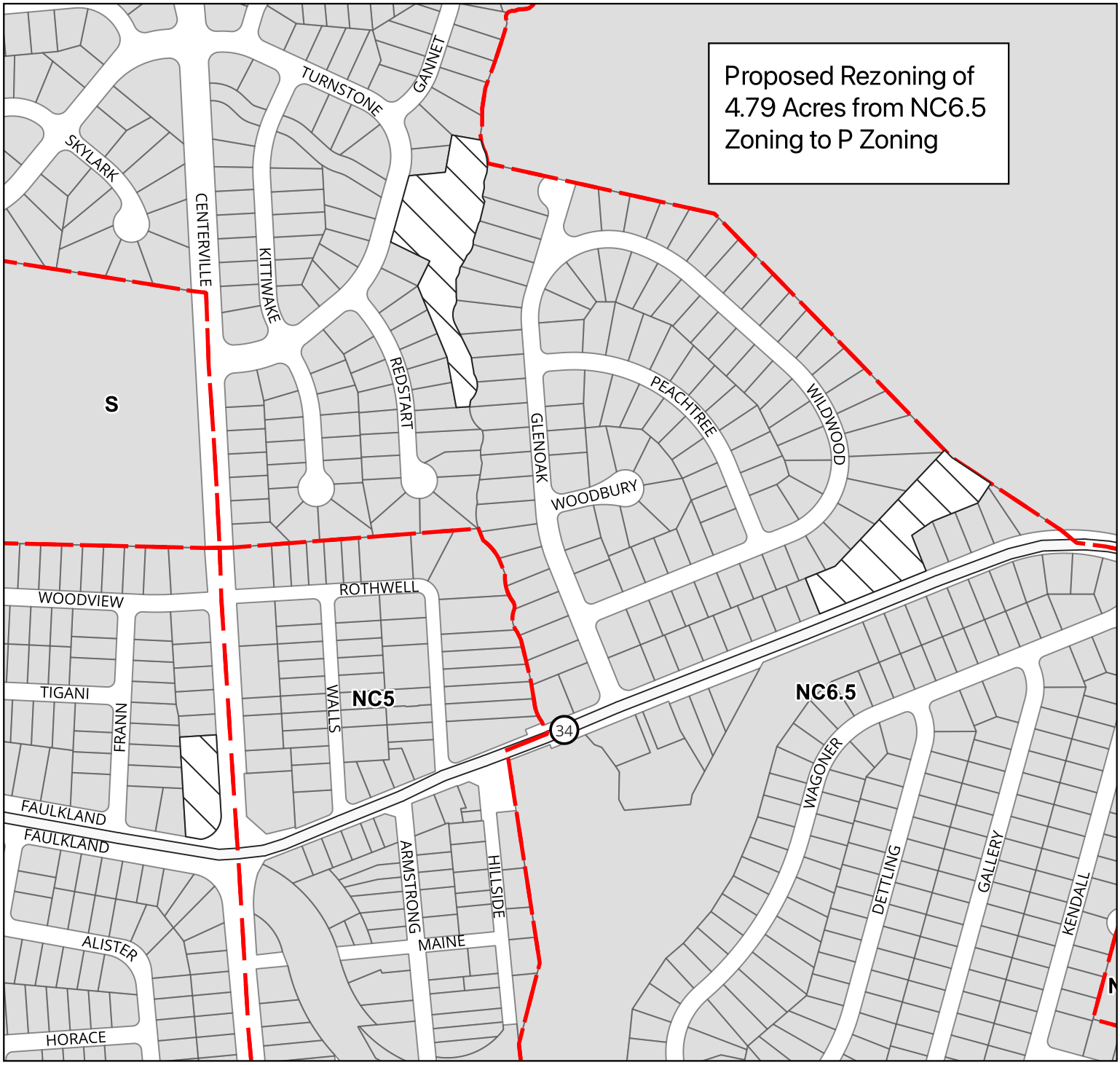
NC6.5 to P

PROPERTY MAP

EXHIBIT A MAP 13
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:4809
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

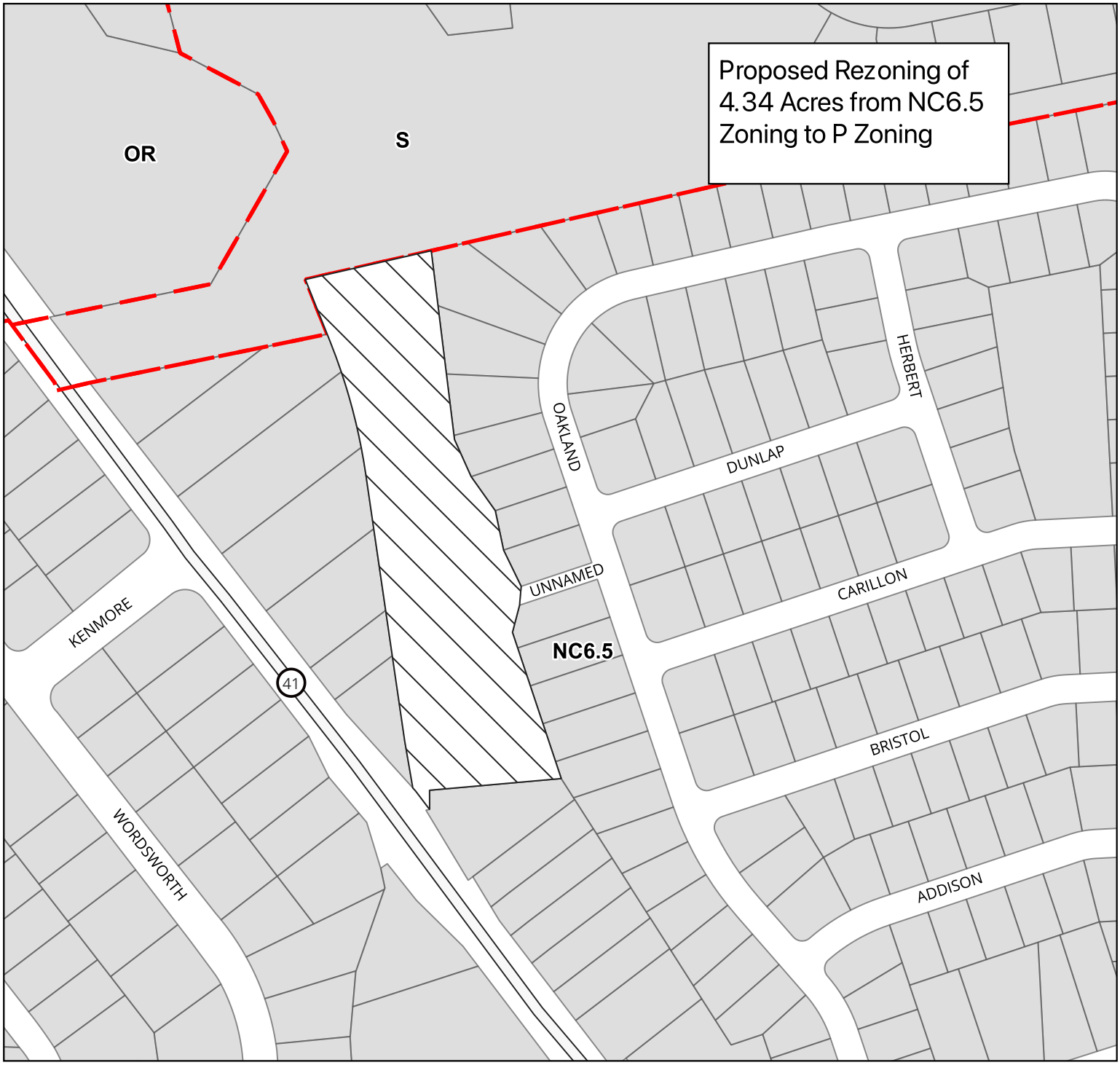
NC6.5 to P

PROPERTY MAP

EXHIBIT A MAP 14
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:2904
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

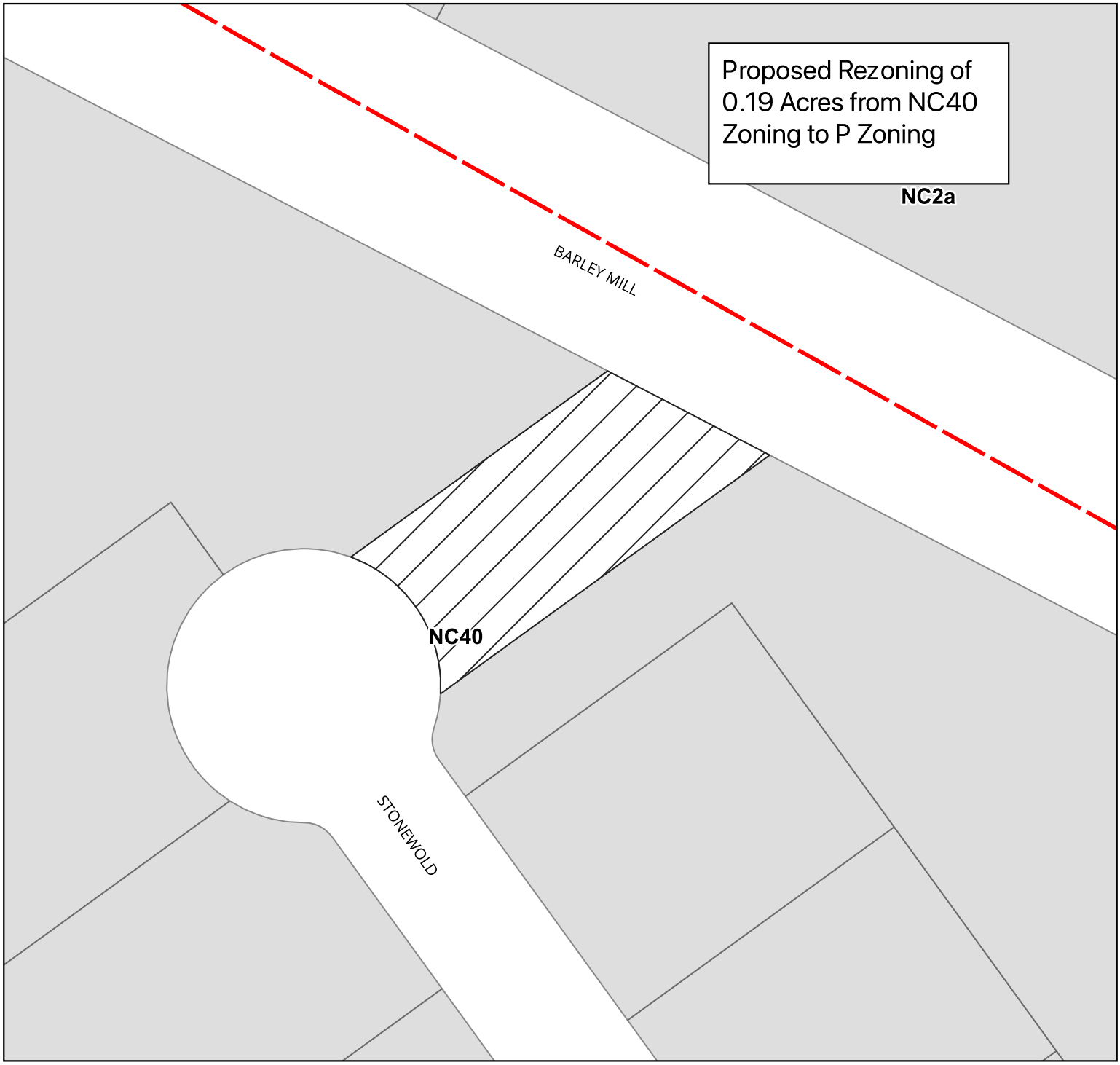
NC6.5 to P

PROPERTY MAP

EXHIBIT A MAP 15
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:637
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

NC40 to P

PROPERTY MAP

EXHIBIT A MAP 16
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:4884
Prepared by: Matthew Rogers

Date: 7/15/2025

N

PERMANENT ORDINANCE NO. 25-100
Date Adopted by County Council:
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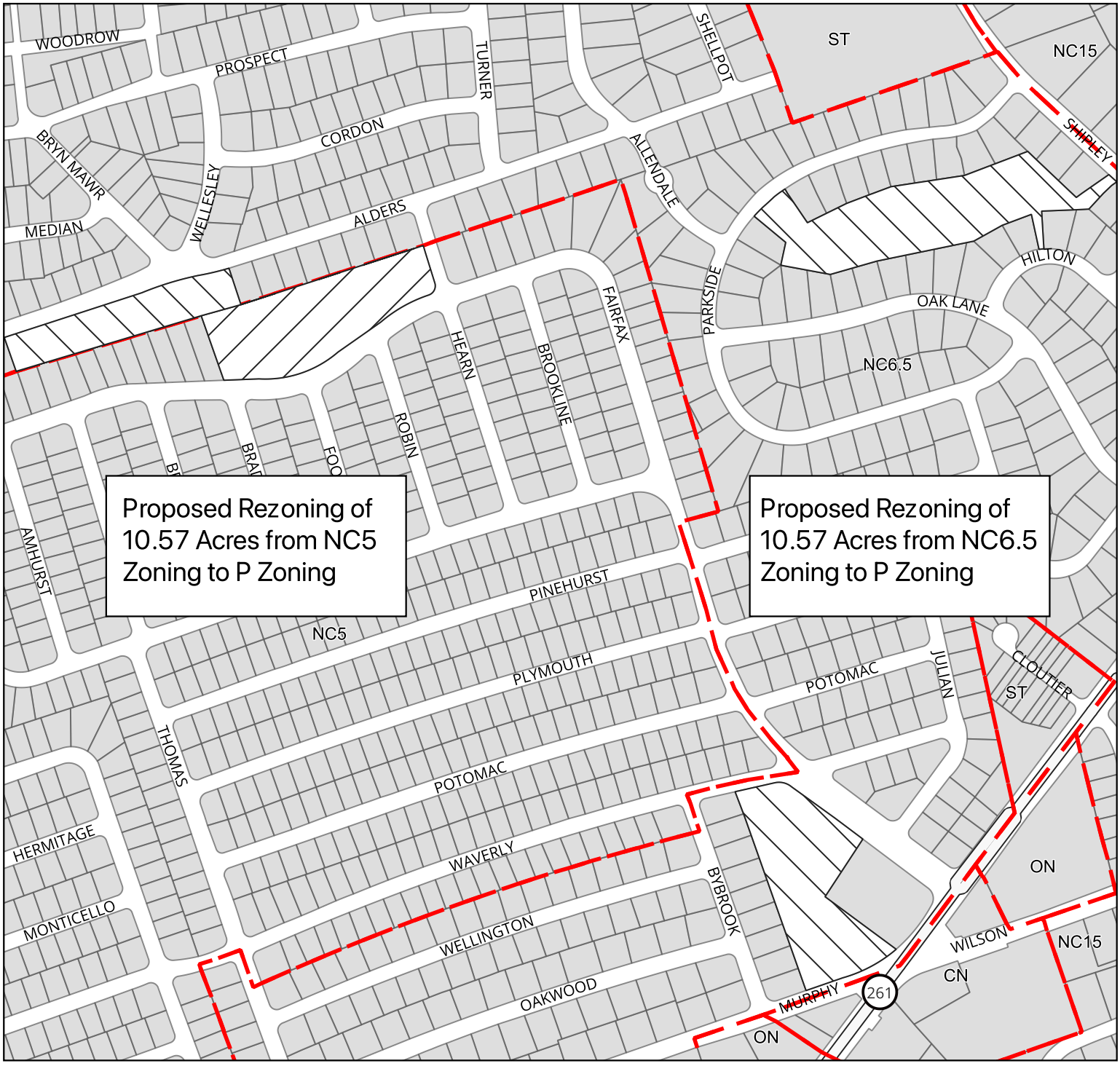
NC10 to P
NC6.5 to P

PROPERTY MAP

EXHIBIT A MAP 17
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:5369
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

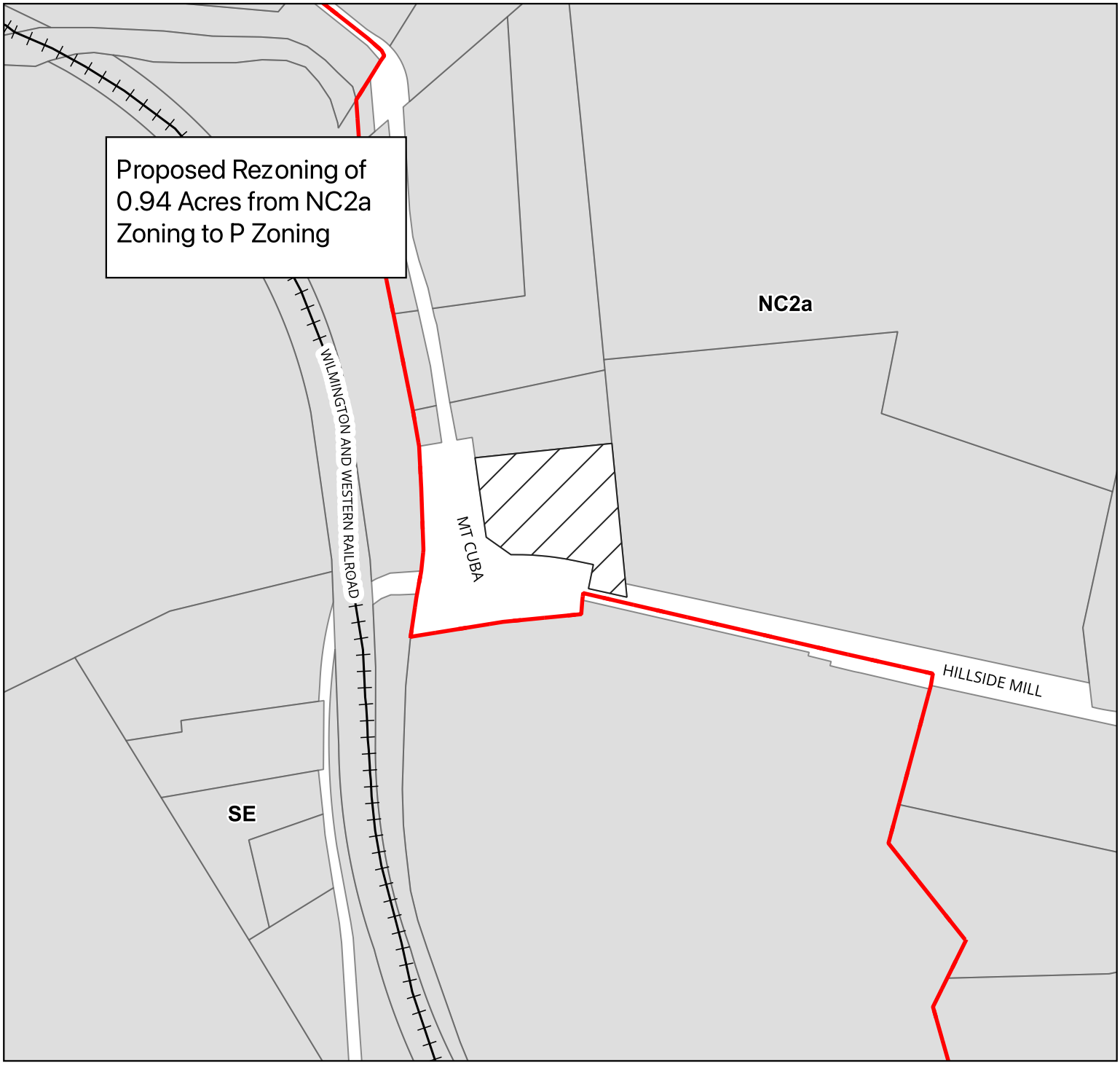
NC5 to P
NC6.5 to P

PROPERTY MAP

EXHIBIT A MAP 18
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:2721
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

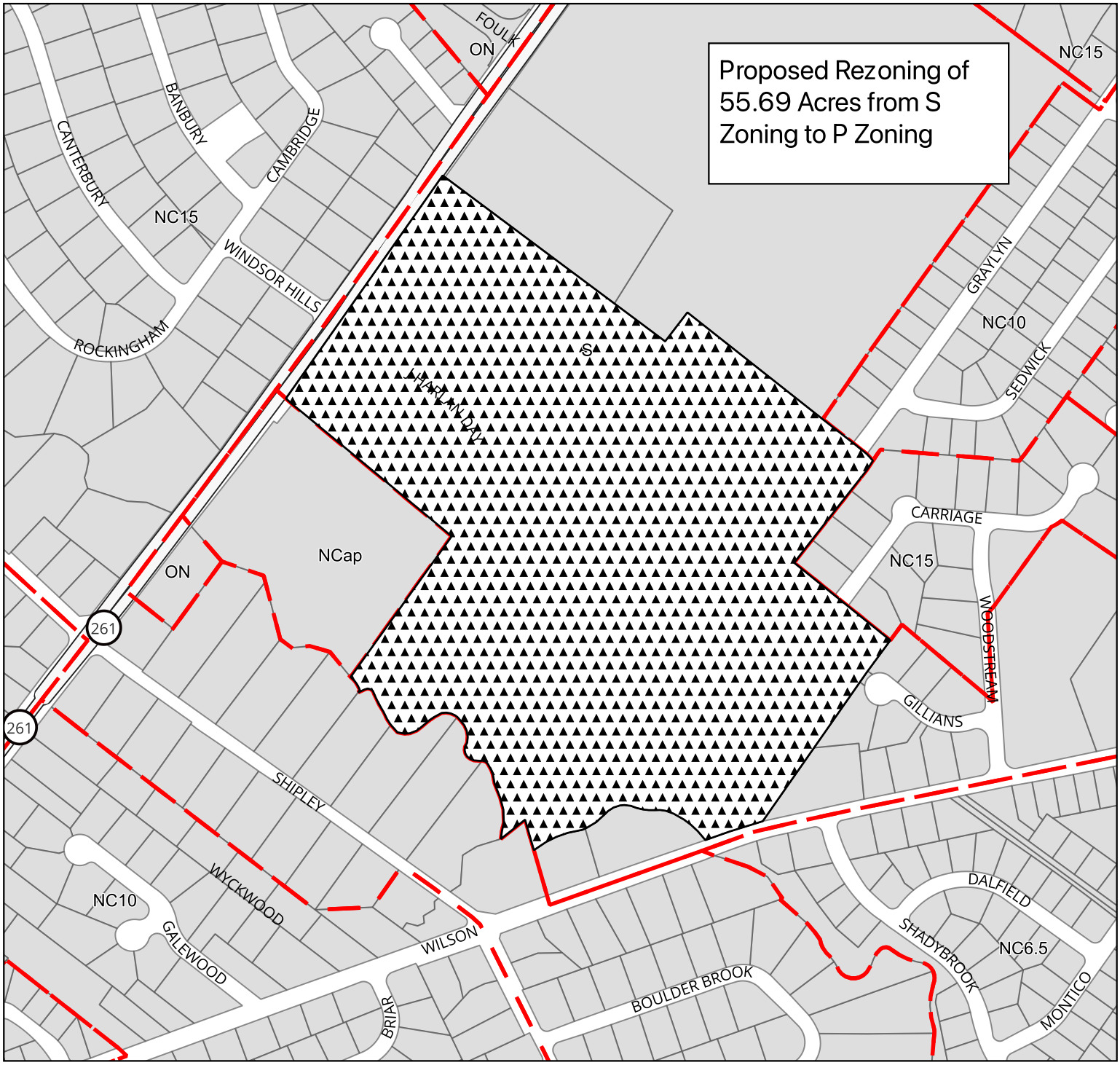
NC2a to P

PROPERTY MAP

EXHIBIT A MAP 19
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:5384
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

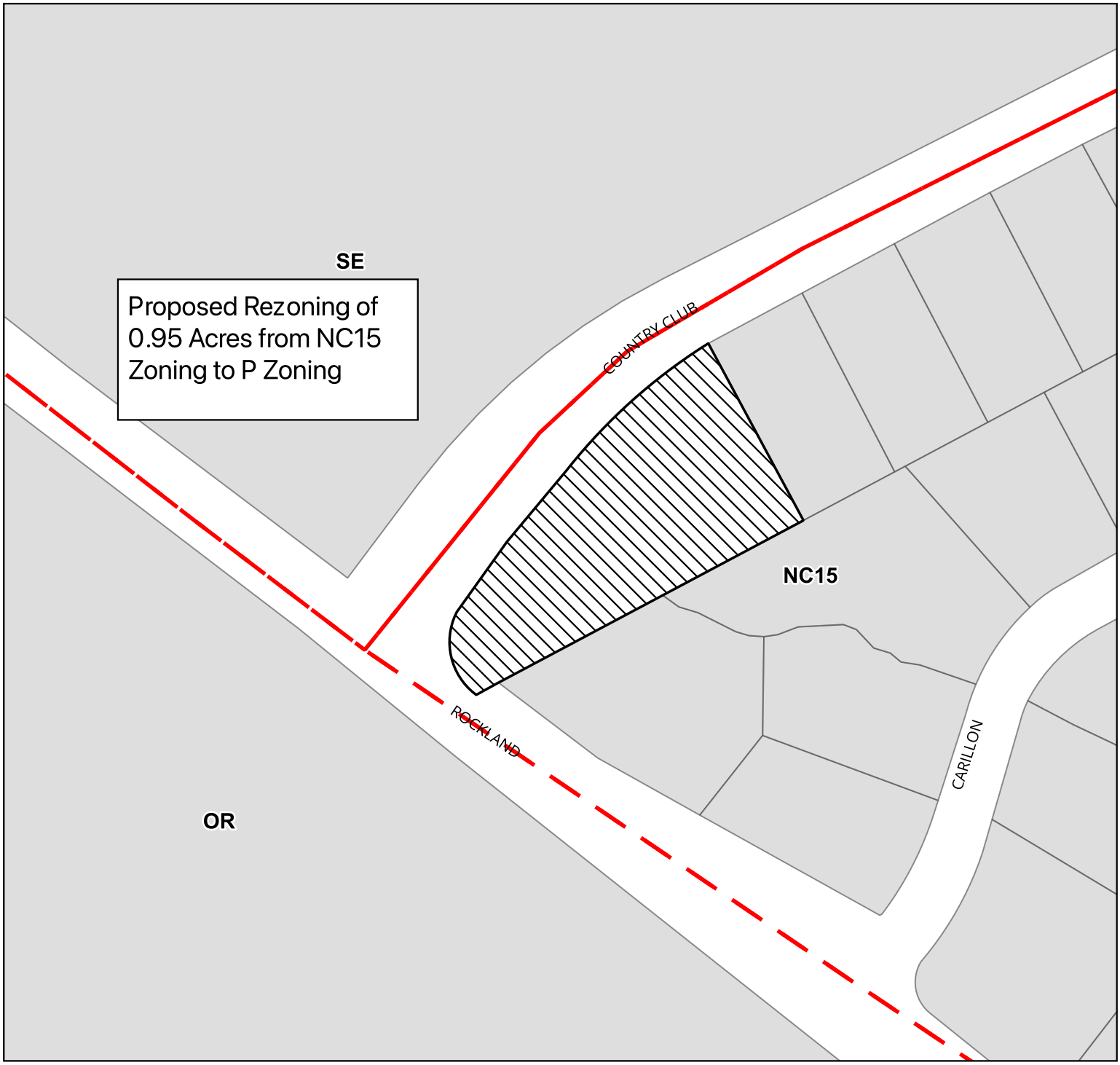
S to P

PROPERTY MAP

EXHIBIT A MAP 20
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:1442
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

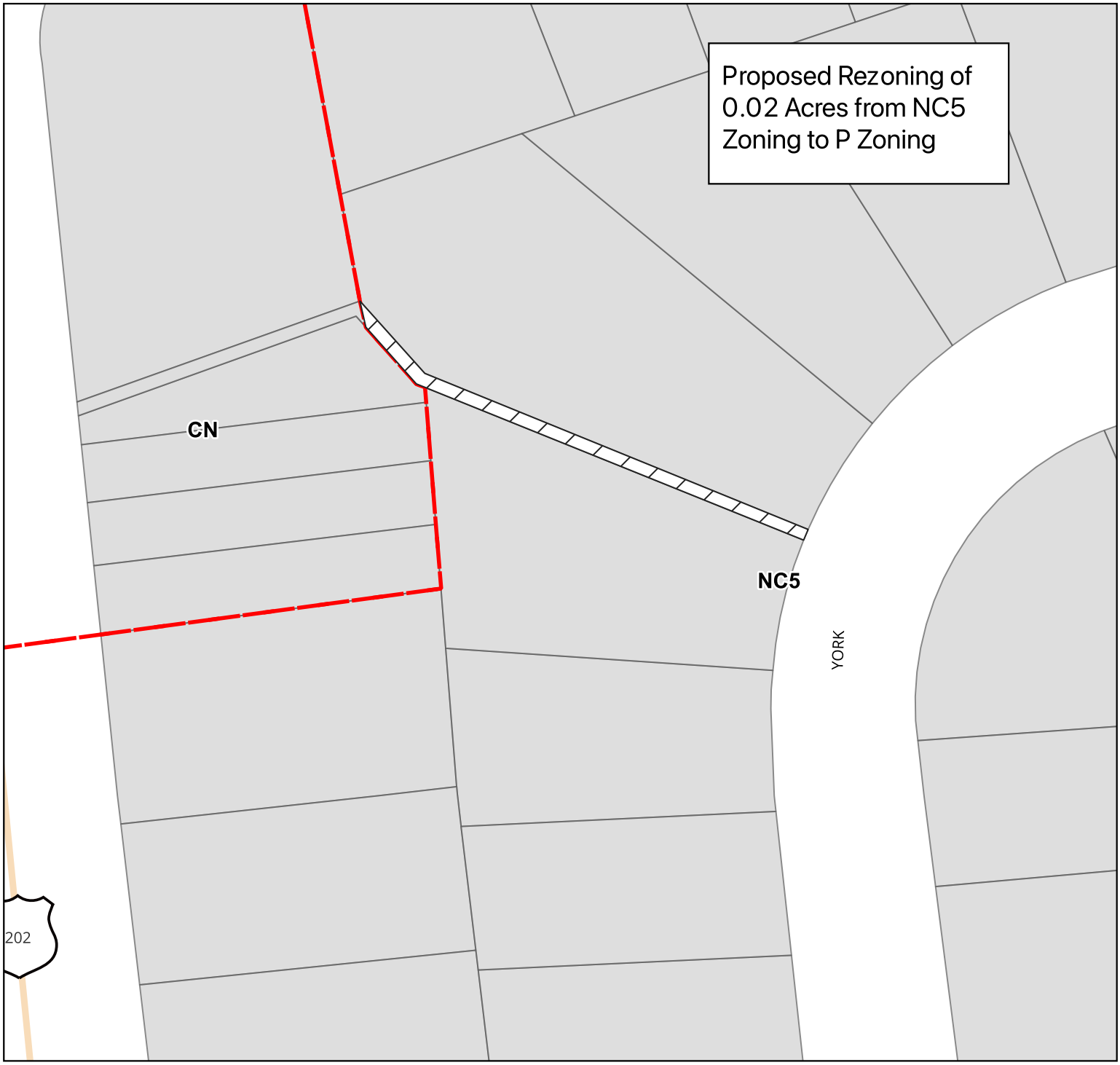
NC15 to P

PROPERTY MAP

EXHIBIT A MAP 21
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:561
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

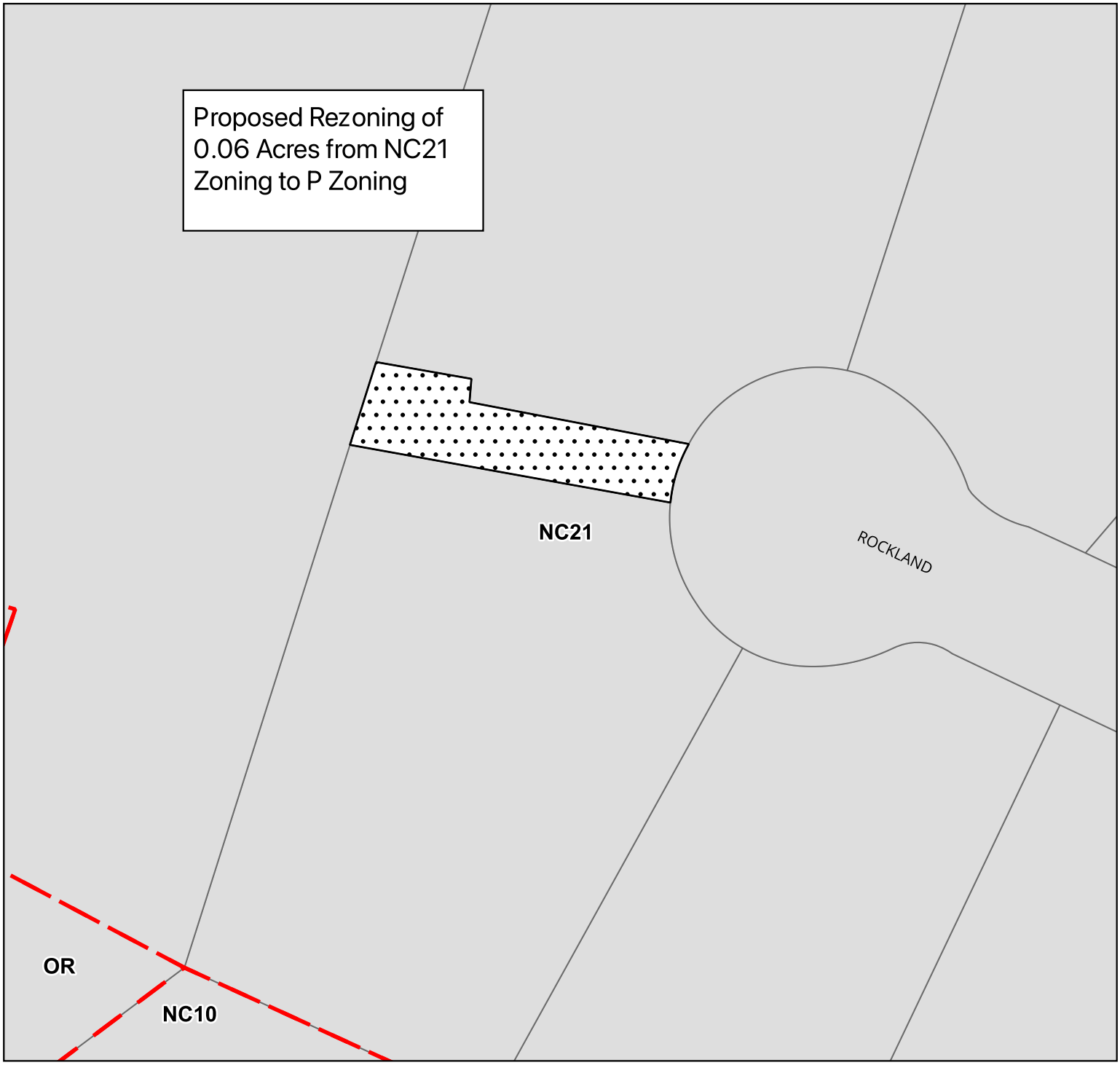
NC5 to P

PROPERTY MAP

EXHIBIT A MAP 22
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:561
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

NC21 to P

PROPERTY MAP

EXHIBIT A MAP 23
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:861
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

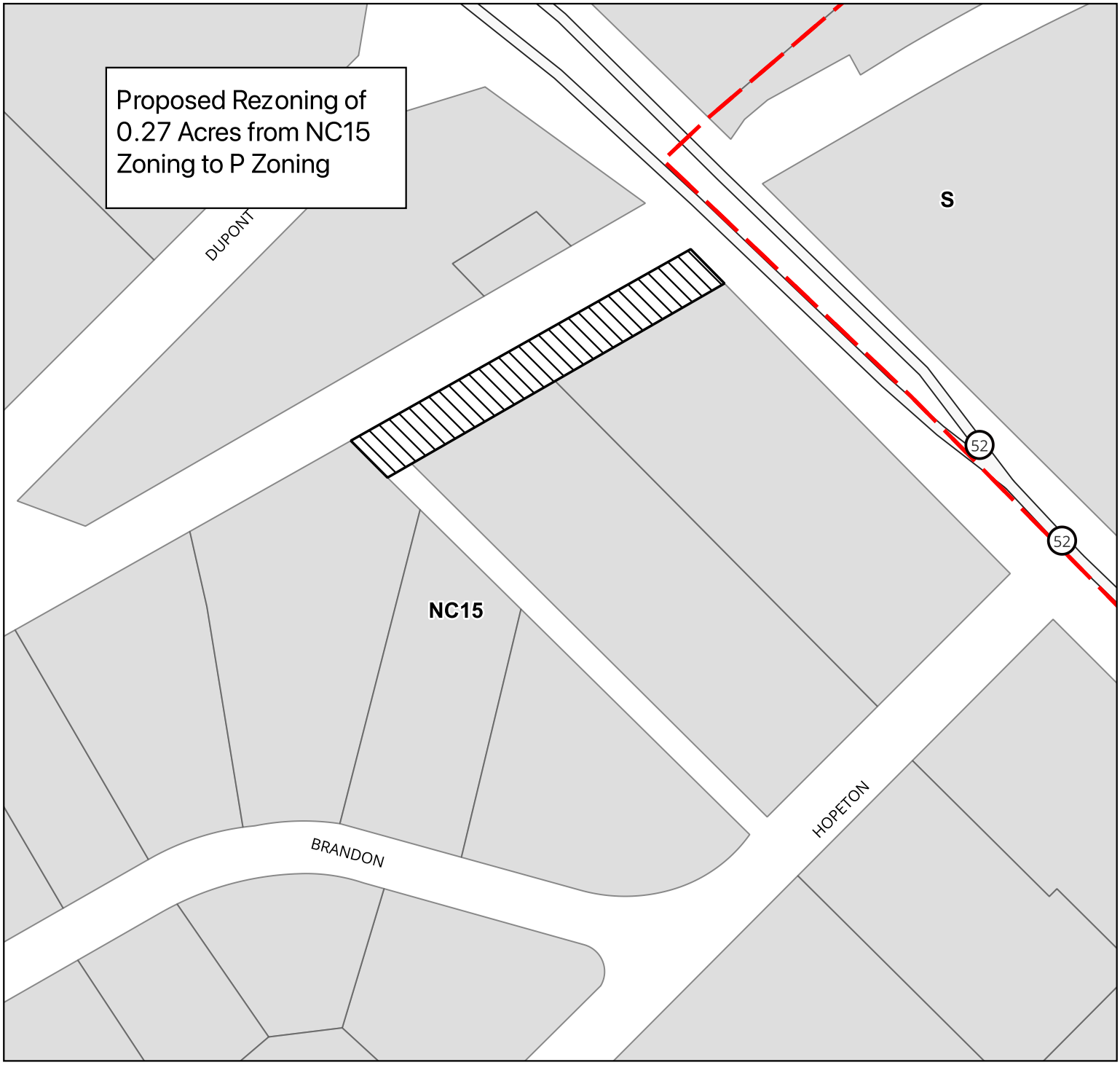
NC15 to P

PROPERTY MAP

EXHIBIT A MAP 24
ZONING ORDINANCE AS INTRODUCED

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

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



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:1321
Prepared by: Matthew Rogers

Date: 7/15/2025

N

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

NC15 to P

JOINT DEPARTMENT OF LAND USE / PLANNING BOARD RECOMMENDATION

Ordinance No. 25-100
Application No. 2025-0475-Z
County Council District 2 – Rezoning of County-owned Land to P-Zoning

October 21, 2025

Sponsor: Councilwoman Durham (District 2)

Description: Revise the New Castle County Zoning Maps in County Council District 2 regarding county-owned land

EXECUTIVE SUMMARY

Adopted in March of 2025, Ordinance 24-130 established a new zoning district, Publicly Conserved Lands & Parks District (P). This zoning district designation would be required for County Owned properties, and available for governmentally owned properties (at the request of the owner) that are publicly protected and identified as protected in perpetuity for the public benefit. The district's intent is to provide a clearer picture of permanently protected, publicly conserved lands and parks in New Castle County.

Application 2025-0475-Z (Ordinance 25-100) proposes to amend the County's official zoning map to rezone County-owned parks and open space in County Council District 2 to the newly established P Zoning District. The subject 75 parcels are:

06-013.00-080 (2537 Dartmouth Woods Rd, Dartmouth Woods); 06-065.00-227 (306 Goodley Rd, Mcdaniel Crest); 06-013.00-260 (2412 Ramblewood Dr, Channin); 06-065.00-259 (2429 Shellpot Dr, Mcdaniel Crest); 06-013.00-261 (2510 Ramblewood Dr, Channin); 06-065.00-312 (3199 Delwynn Dr) Surrey Park); 06-014.00-019 (2708 Tonbridge Dr, Channin); 06-067.00-237 (1212 Windon Dr, Chatham); 06-014.00-048 (2708 Tonbridge Dr, Luhmann Property); 06-067.00-257 (1212 Windon Dr, Graylyn Crest Sec 2); 06-014.00-168 (2708 Tonbridge Dr, Channin); 06-075.00-007 (1000 Mt Lebanon Rd); 06-020.00-165 (3331 Tunison Dr, Devonshire Sec 1); 06-076.00-160 (0 Black Gates Rd); 06-020.00-197 (3328 Tunison Dr, Devonshire Sec 1); 06-077.00-274 (0 Off Concord Pike, First Unitarian Church); 06-020.00-229 (15 A Austin Rd, Chapelcroft); 06-079.00-010 (3324 Coachman Rd, Surrey Park); 06-020.00-245 (3319 Shipley Rd, Chapelcroft); 06-080.00-108 (1910 Graywell Rd, Graylyn Crest Sec 4); 06-021.00-024 (26 A Austin Rd, Chapelcroft); 06-080.00-190 (1110 Crestover Rd, Graylyn Crest Sec 2); 06-021.00-033 (2818 Grubb Rd, Jester Park); 06-088.00-018 (52 Kerfoot Farm Rd, Woodbrook Sec 3); 06-021.00-035 (5 Old Post Ct, Country Gates); 06-089.00-011 (201 Sharpley Rd, Sharpley Sec I); 06-022.00-081 (2122 Weatherton Dr, Brandywood Sec 3); 06-090.00-052 (150 Fairfax Blvd, Fairfax); 06-022.00-126

(2132 A Brandywood Dr, Brandywood Sec 3); 06-090.00-571 (1108 Parkside Dr, Oak Lane Manor); 06-024.00-152 (2102 Wrexham Rd, Northcrest); 06-091.00-154 (815 Wilson Rd, New Castle County Talley Day Park); 06-030.00-004 (3427 N Rockfield Dr, Devonshire Sec 1); 06-099.00-002 (96 Country Club Dr, Woodbrook); 06-031.00-315 (0 Barlow Rd, Jester Park) 06-100.00-093 (15 A York Rd, Deerhurst); 06-031.00-334 (2818 Grubb Rd, Jester Park) 06-101.00-270 (1802 Fairfax Blvd, Fairfax); 06-032.00-168 (0 Majestic Dr, Brandywood Sec 1) 06-128.00-151 (123 Rockland Cir, Alapocas II); 06-032.00-242 (2302 Lighthouse Ln, Beacon Hill 07-022.00-031 (807 Mt Cuba Rd, Tash Subd); 06-032.00-281 (2302 Lighthouse Ln, Brandywood Sec 1); 07-027.00-004 (3809 Ardleigh Dr, Greenville Manor); 06-032.00-306 (0 Majestic Dr, Brandywood Sec 1); 07-028.00-102 (49 Stonewold Way, Stonewold); 06-033.00-042 (2402 Pennington Dr, Brandywood Sec 1); 07-030.30-085 (0 Kennett Pike, Westover Hills); 06-033.00-138 (0 Patwynn Rd, Wynnwood); 07-034.20-159 (2301 Centerville Rd, Tybrook); 06-033.00-238 (2328 Jamaica Dr, Kingsridge); 07-034.20-315 (2512 Turnstone Dr, Brookmeade Sec 1); 06-033.00-239 (2237 Patwynn Rd, Wynnwood); 07-035.10-036 (2001 Faulkland Rd, Woodland Park) 06-033.00-240 (2246 Inwood Rd, Lancashire); 07-035.30-198 (1604 A Montgomery Rd, Willow Run); 06-041.00-184 (7 A Pierson Ct, Pierson Farm); 07-035.30-324 (1607 Montgomery Rd, Willow Run); 06-041.00-209 (0 Off Pierson Dr, Pierson Farm); 07-035.30-339 (1201 E Willow Run Dr, Willow Run); 06-042.00-016 (2695 E Landsdowne Dr, Cardiff); 07-035.40-157 (15 Jefferson Ave, Willow Run Sec 2); 06-042.00-080 (2490 Landon Dr, Chalfonte Sec 1); 07-035.40-158 (1020 Montgomery Rd, Oak Hill); 06-043.00-202 (2011 Longcome Dr, Graylyn Crest Sec 3); 07-035.40-275 (1315 Clifford Rd, Oak Hill); 06-043.00-202 (2011 Longcome Dr, Graylyn Crest Sec 3); 07-035.40-284 (1320 Clifford Rd, Oak Hill); 06-045.00-022 (2211 A Jamaica Dr, Holiday Hills Sec 2); 08-032.20-258, (2825 Newport Gap Pike, Brandywine Springs Mnr); 06-052.00-183 (2506 N Lori Ln, Tarleton); 06-053.00-105 (3000 Silverside Rd, Bonsall Subd); 06-052.00-217 (2433 Shipley Rd, Tarleton); 06-055.00-174 (2099 Westminster Dr, Graylyn Crest Sec 3); 06-053.00-018 (2501 N Lori Ln, Woodbine); 06-064.00-033 (501 Whitby Dr).

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E *of the Unified Development Code*, the Future Land Use map, comments received from outside agencies, and comments received from the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal. Therefore, the Department of Land Use recommends **APPROVAL** of the rezoning application.

DESCRIPTION

Application 2025-0475-Z (Ordinance 25-100) proposes to amend the County's official zoning map to rezone County-owned parks and open space in County Council District 2 to the newly established P Zoning District. A list of subdivisions with parks and open space proposed to be rezoned to P Zoning in this rezoning are as follows (a full list of parcels can be found above):

Alapocas II	Beacon Hill	Bonsall Subdivision
Brandywine Springs Manor	Brandywood Section 1	Brandywood Section 3
Brookmeade Section 1	Cardiff	Chalfonte Section 1

Channin	Chapelcroft	Chatham
Country Gates	Dartmouth Woods	Deerhurst
Devonshire Section 1	Devonshire Section 1	Fairfax
First Unitarian Church	Graylyn Crest Section 2	Graylyn Crest Section 3
Graylyn Crest Section 3	Graylyn Crest Section 4	Greenville Manor
Holiday Hills Section 2	Jester Park	Kingsridge
Lancashire	Luhmann Property	McDaniel Crest
Northcrest	Oak Hill	Oak Lane Manor
Pierson Farm	Sharpley Section 1	Stonewold
Surrey Park	Talley Day Park	Tarleton
Tash Subdivision	Tybrook	Westover Hills
Willow Run	Willow Run Section 2	Woodbine
Woodbrook	Woodbrook Section 3	Woodland Park
Wynnwood		

BACKGROUND

The history of rezoning processes dates to the 1950s. Subsequent sections examine how State and County codes evolved over time.

Establishment of Zoning & the Rezoning Process

The process and set of standards established in Delaware State Code for rezonings has largely been unchanged since 1951. On June 5, 1951, the State of Delaware granted the Levy Court of New Castle County the authority to adopt zoning regulations and provided a process and legal notice requirements for the establishment and amendment of zoning maps. The process required that the Levy Court establish a Zoning Plan, have a public hearing with the Zoning Commission with notice at least 15 days prior to the hearing in the newspaper of general circulation in the County and adoption by the Levy Court. The process for amendments to the zoning map largely mirrored that of establishing zoning, except for reducing the notice requirement to seven days prior to the Zoning Commission hearing.[1] New Castle County adopted zoning regulations in September of 1954.

Rezonings in New Castle County

Since the adoption of zoning in 1954, all changes to New Castle County's zoning map have fundamentally followed the process that was originally established in 1951, whether for 1 or 100,000 parcels. The utility of these rezonings ranged from larger initiatives, such as the adoption of the UDC, Diversified Planned Unit Developments, Hometown and Historic Overlays to smaller

[1] Zoning Enabling Legislation: https://legis.delaware.gov/SessionLaws/Chapter?id=33182 Dillon's Rule additional reading: https://www.planning.org/planning/2020/mar/tools-legal-lessons/

initiatives such as to legalize existing uses or to support the subsequent recordation of a plan that provides for important residential and nonresidential development.

2022 Update to the New Castle County Comprehensive Plan

The 2022 Update to the New Castle County Comprehensive Plan (The Plan)[2] was the product of more than two years of extensive public outreach. During that process, the Department made extensive efforts to reach out and garner public feedback on not only the overall Goals/Objectives/Strategies expressed in the plan, but also the Future Land Use map and Element. As a result of these efforts, Strategy 1.1.6 was created to consider the establishment of a preservation zoning category.

Ordinance 24-130 Zoning District for Publicly Owned Conserved Land and Public Parks

Adopted in March of 2025, Ordinance 24-130 established a new zoning district, Publicly Conserved Lands & Parks District (P). This zoning district designation would be required for properties that are publicly protected and identified as protected in perpetuity for the public benefit. The district's intent is to provide a clearer picture of permanently protected, publicly conserved lands and parks in New Castle County.

Ordinance 25-100 County Council District 2 – Rezoning of County-owned Land to P-Zoning

The proposed ordinance would rezone 75 parcels located within County Council District 2 consisting of County-owned parks and open space to the Publicly Conserved Lands & Parks District (P) established in Ordinance 24-130.

PLUS REVIEW (Preliminary Land Use Service)

The text amendment that established P Zoning (Ord. 24-130) was reviewed at a PLUS meeting held on August 28, 2024.

The PLUS Review Letter, dated September 23, 2024, includes comments from the Office of State Planning and Coordination, who commended New Castle County for their continued work on establishing the Publicly Conserved Lands & Parks District (P) and requested a collaboration with DNREC regarding concerns over State-Owned public lands.[3] The Department of Natural Resources

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[2] New Castle County Comprehensive Plan 2050:
https://ssl02.nccde.org/gisfiles/Images/NCC2050/Comp%20Plan%20Final%20Draft/Complete%20Plan%20Final%20Draft%20%2006272022.pdf

[3] PLUS Report:
https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86C5E68CE881F951C2C65831502A6D587F61602538894DF47B&x=temp.pdf

and Environmental Control (DNREC) additionally commended New Castle County's effort to preserve natural open space through the establishment of the proposed zoning district. DNREC listed concerns regarding potential restrictions in DNREC operations on state-owned lands and asked that state-owned lands are explicitly exempt from the changes outlined in Table 40.03.110 of the Unified Development Code. The State Historic Preservation Office (SHPO) recommended that the ordinance consider making the proposed zoning district apply to publicly owned land that includes areas of cultural or heritage preservation. DelDOT, DEMA and DE State Fire Marshal noted that they did not have any comments or objection to approval of the proposed ordinance.

PLANNING BOARD PUBLIC HEARING – *September 2, 2025*

*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use and hyperlinked below.[4]

Presentation

Matthew Rogers, Planner for the Department of Land Use, presented the *Ordinance 25-100*, discussing parcels located in County Council District 2 proposed for rezoning to the Publicly Conserved Lands & Parks District (P) designation. He mentioned that the Ordinance 24-130 first established the P Zoning District and was adopted on March 25th, 2025. Mr. Rogers stated that the properties identified are all County-owned open space and park properties, a majority of which were created under former code (pre-1997) where it was more common in practice for New Castle County to maintain ownership, and current code dictates these types of open space parcels be maintained and privately owned by the communities they serve. He also mentions that these properties are solely County-owned and any proposals for P Zoning on State and Federal lands will come at the request of the respective property owners. He proceeded to show the exhibit maps for all of the affected properties and explained the neighborhoods and locations of each cluster of parcels.

There were no questions from the members of the Planning Board.

Public Comment

Dale Swain spoke favorably of the P Zoning District and mentioned that public lands should be properly classified in the zoning code.

Councilwoman Durham mentioned the importance in preserving these public open spaces and to have these spaces better represented within County zoning maps.

John Dente raised concerns over the intent of the proposed rezonings.

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[4] September 2, 2025, Planning Board Public Hearing: https://www.newcastlede.gov/agendacenter

Rebuttal

Matthew Rogers addressed Mr. Dente's concerns stating that the spaces are intended to continue being open space and park areas. If there were any intended development, a land development plan and sign posting would be required. He proceeded to discuss Councilwoman Durham's concerns over public utilities located within P Zoned parcels mentioning that some existing open space parcels are already utilized for public utility purposes and the P Zoning ordinance does not prohibit the County from providing public utility services within P zoned parcels.

ANALYSIS

Application 2025-0475-Z (Ordinance 25-100) proposes to amend the County's official zoning map to rezone County-owned parks and open space in County Council District 2 to the newly established P Zoning District, consistent with Ordinance 24-130 (adopted in March of 2025) which established the Publicly Conserved Lands & Parks District (P), and require County owned properties that are publicly protected and identified as protected in perpetuity for the public benefit to be rezoned to P.

These parcels[5] are all located within County Council District 2, which encompasses parts of North Wilmington communities along Rt 202 and Foulk Road and extending west through Centerville ending at Creek Road.[6] North Wilmington is characterized by a number of older subdivisions (ca. 1940-1960s) where it was standard practice for planned open space areas and neighborhood parks to be owned by New Castle County; differing from the subdivision open space practices found in the Unified Development Code (UDC) today. To this day, New Castle County owns and maintains a number of parks and open space areas within these neighborhoods, explaining the sheer number of parcels identified within this rezoning ordinance.

Standards of Review

Pursuant to Section 40.31.410 of the New Castle County Code, in determining whether an amendment to the zoning map shall be recommended or approved, the following factors shall be considered:

A. *Consistency with the Comprehensive Development Plan and the purposes of this Chapter.*

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[5] Draft Ordinance 25-100 (Including Exhibit Maps): https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86C5E68CE881F951C21A9828D4D9C8ADF947AB66B2ADAE1CD8&x=temp.pdf

[6] Map of Council Districts: https://www.newcastlede.gov/562/Council-Districts

This ordinance implements Strategy 1.1.6 of the 2022 Comprehensive Development Plan by proposing the subject 75 parcels be rezoned to the Publicly Conserved Lands & Parks District (P). The establishment of P Zoning on these parcels will better identify and emphasize the protection and preservation of these existing open space and park parcels.

B. *Consistency with the character of the neighborhood.*

All 75 parcels identified in the rezoning are currently public parks and open space. The P Zoning designation will not change the use of these parcels.

C. *Consistency with zoning and use of nearby properties.*

These properties were initially designed to serve as parks and open space areas within the communities they are located. P Zoning designation will not change the residential open space or parkland nature of the areas.

D. *Suitability of the property for the uses for which it has been proposed or restricted.*

These properties were initially designed to serve as parks and open space areas within the communities they are located. P Zoning designation will not change the residential open space or parkland nature of the areas.

E. *Effect on nearby properties.*

These properties were initially designed to serve as parks and open space areas within the communities they are located. P Zoning designation will not change the residential open space or parkland nature of the areas.

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E *of the Unified Development Code*, the Future Land Use Map, the comments received from outside agencies, and the comments received by the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal. Therefore, the Department of Land Use recommends **APPROVAL** of Ordinance 25-100.

PLANNING BOARD RECOMMENDATION

At a business meeting held on October 21, 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 Jonathan Cochran and seconded by Neal Cantrell, the Board voted to recommend **APPROVAL** of application 2025-0475-Z as recommended by the Department of Land Use. The motion

was adopted by a vote of 6-0-1-1 (In Favor: Cantrell, Cochran, Daigle, Drake, Snowden, Visvardis; In Opposition: None; Abstention: Robert Ott; Absent: Gray).

Prior to the vote, the following discussion occurred:

Alec Davis read the Department of Land Use recommendation into the record.

Ruth Visvardis asked if the P-Zoning district was considered residential or not and whether the P-Zoning designation would affect data centers. David Culver (Land Use) mentioned that the P-Zoning District won't affect data center developments and explained that the P-Zoning designation was created to acknowledge public open space and parks properties. Further rezoning of parks and open space to P-Zoning will occur in other County Council Districts.

STATUTORY GUIDELINES
In the phraseology of 9 Delaware Code Section 2603(a), the Department finds that this rezoning will promote the convenience, order and welfare of the present and future inhabitants of this State.

10-28-25
David M. Culver date
General Manager
Department of Land Use

10/24/25
Robert Snowden date
Acting Chair
New Castle County Planning Board