



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

March 10, 2026
6:30 PM

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

AGENDA

A. Call to Order

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

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

°26-023: AMEND THE FY2026 CAPITAL PROGRAM AND BUDGET: APPROPRIATE \$1,031,000 IN FEDERAL FUNDING RECEIVED FROM THE COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS ACT OF 2026 TO THE DEPARTMENT OF PUBLIC WORKS, FLEET EQUIPMENT 2026 CAPITAL PROJECT
Prime Sponsor(s): Mr. Toole, Mr. Caneco

°26-024: AMEND THE GRANTS BUDGET: APPROPRIATE FUNDS OF \$91,500 FROM THE STATE OF DELAWARE COMMUNITY REDEVELOPMENT/REINVESTMENT FUND TO THE HOPE CENTER ELEVATOR RENOVATIONS GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING
Prime Sponsor(s): Mr. Hollins, Mr. Street

E. Consent Calendar

R26-048: HONORING THE LIFE AND LEGACY OF MS. MARCIA A. STARKS
Prime Sponsor(s): Mr. Street

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

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

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

G. Time Sensitive Congratulatory/Honorary Resolutions

R26-050: CONGRATULATING AND COMMENDING PARAMEDIC FIRST CLASS MICHAEL PATRICK O'SHAUGHNESSY ON HIS RETIREMENT FROM THE NEW CASTLE COUNTY EMERGENCY MEDICAL SERVICES DIVISION

Prime Sponsor(s): Ms. Williams-Johns, Mr. Toole, Mr. Caneco

R26-051: HONORING JEANNE KRESS IN RECOGNITION OF WOMEN'S HISTORY MONTH

Prime Sponsor(s): Ms. Williams-Johns

R26-052: CONGRATULATING THE MOUNT SALEM UNION AMERICAN METHODIST EPISCOPAL CHURCH ON THEIR 190TH ANNIVERSARY AND FAUCC

Prime Sponsor(s): Mr. Caneco

H. Presentations

I. Consideration of Ordinances

°26-019: AMEND THE GRANTS BUDGET: APPROPRIATE \$150,200 OF FEDERAL FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF VICTIMS OF CRIME THROUGH THE STATE OF DELAWARE, CRIMINAL JUSTICE COUNCIL TO THE PROJECT REACH GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

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

°26-020: (STATUS: TO BE TABLED) TO REVISE NEW CASTLE COUNTY CODE CHAPTER 6 ("BUILDING CODE") REGARDING ARTICLE 3 ("ADMINISTRATION") AND SCHEDULE OF PERMIT AND REVIEW FEES, AND NEW CASTLE COUNTY CODE CHAPTER 16 ("FIRE PREVENTION, PROTECTION AND ADMINISTRATION OF THE VOLUNTEER FIRE SERVICE ASSISTANCE FUND") ARTICLE 4 ("VOLUNTEER FIRE SERVICE ASSISTANCE FUND")

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

Co-sponsor(s): Mr. Toole

°26-021: AMENDING THE NEW CASTLE COUNTY CODE CHAPTER 14 ("FINANCE AND TAXATION"), ARTICLE 6 ("EXEMPTION FROM REAL PROPERTY TAXATION") TO EXTEND REAL PROPERTY TAX EXEMPTIONS FOR SURVIVING SPOUSES ELIGIBLE FOR LINE OF DUTY DEATH BENEFITS OR DEATH GRATUITY BENEFITS

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

°26-022: AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND CLASSIFIED SERVICE 40-HOUR WORKWEEK EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607, ELIMINATE THE CLASS SPECIFICATION OF OPERATIONS SERVICES MANAGER AND ADOPT THE CLASS SPECIFICATION OF CHIEF OF SEWER MAINTENANCE FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF SEWER OPERATIONS ADMINISTRATION

Prime Sponsor(s): Ms. Williams-Johns

SUBSTITUTE NO. 3 TO °25-101: (STATUS: TABLED) TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), ARTICLE 3 ("USE REGULATIONS") AND ARTICLE 33 ("DEFINITIONS") TO ESTABLISH STANDARDS FOR THE REVIEW, SITING, AND OPERATIONS OF DATA CENTERS

Prime Sponsor(s): Mr. Carter

Co-sponsor(s): Mr. Caneco, Ms. Durham, Mr. Cartier, Mr. Tackett

J. Introduction/Consideration of Emergency Ordinances

K. Public Comment/Other

L. Motion to Adjourn

AGENDA POSTED: March 3, 2026

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

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

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

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

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

Prime Sponsor(s): Mr. Toole, Mr. Caneco
Requested by: Public Safety
Date of introduction: March 10, 2026

ORDINANCE NO. 26-023

**AMEND THE FY2026 CAPITAL PROGRAM AND BUDGET: APPROPRIATE
\$1,031,000 IN FEDERAL FUNDING RECEIVED FROM THE COMMERCE, JUSTICE,
SCIENCE APPROPRIATIONS ACT OF 2026 TO THE DEPARTMENT OF PUBLIC
WORKS, FLEET EQUIPMENT 2026 CAPITAL PROJECT**

1 **WHEREAS**, New Castle County has received documentation certifying that the
2 Federal Commerce, Justice, Science Appropriations Act of 2026 (119th Congress of the
3 U.S.A., H.R. 6938, signed January 7, 2026) has appropriated \$1,031,000 to New Castle
4 County; and
5

6 **WHEREAS**, the funding will be used for the purchase and upfitting of eleven
7 additional police vehicles.
8

9 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
10

11 Section 1. The Capital Budget Ordinance for the fiscal year beginning July 1, 2025
12 is hereby amended by deleting the material that is stricken and adding the material that
13 is underscored on the attached Exhibit "A."
14

15 Section 2. The Capital Program Resolution for the fiscal year beginning July 1,
16 2025 is hereby amended by adding the material on the attached Exhibit "B," which shall
17 be considered underscored in its entirety.
18

19 Section 3. Federal funding in the amount of \$1,031,000 is appropriated to the
20 Department of Public Works, Fleet Equipment 2026 Capital Project for the purchase and
21 upfitting of eleven additional police vehicles.
22

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

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$1,031,000 in funding received from the Federal Commerce, Justice, Science Appropriations Act of 2026 (119th Congress of the U.S.A., H.R. 6938, signed January 7, 2026) to the Fleet Equipment 2026 Capital Project for the purchase and upfitting of eleven additional police vehicles.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2026 Capital Budget by appropriating \$1,031,000 in funding received from the Federal Commerce, Justice, Science Appropriations Act of 2026 (119th Congress of the U.S.A., H.R. 6938, signed January 7, 2026) to the Fleet Equipment 2026 Capital Project for the purchase and upfitting of eleven additional police vehicles.

The revised FY2026 Capital Budget amount for the Fleet Equipment 2026 Capital Project will be \$7,608,658.

The revised FY2026 New Castle County Capital Budget grand total will be \$105,234,345.

The purchase and upfitting of eleven additional police vehicles will increase operating expenses for the Department of Public Works by approximately \$101,200 annually which will be passed through to the Department of Public Safety through operating transfer charges starting in FY2028.

Acknowledged by the Chief Financial Officer February 26, 2026.

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2026

26-023

DEPARTMENT OF ADMINISTRATION

Human Capital Management Platform	\$	600,000
Land Use Information System		1,200,000
Reassessment 2024		2,000,000
Sewer and Tax Billing Replacement		2,300,000
Network Infrastructure Rearchitect and Upgrade		1,150,000
Subtotal	\$	7,250,000

DEPARTMENT OF COMMUNITY SERVICES

Appoquinimink Library Maker Space HVAC	\$	200,000
Carousel Park Indoor Arena Footing		100,000
Glasgow Library		150,000
Newark Library		400,000
Surratte Pool Renovations 2026		100,000
Subtotal	\$	950,000

DEPARTMENT OF COUNTY EXECUTIVE

Executive GF Capital Contingency	\$	675,000
Subtotal	\$	675,000

DEPARTMENT OF PUBLIC SAFETY

800MgHZ Communications Equipment 2026-2027	\$	400,000
Communications Upgrade 2026-2027		250,000
Public Safety Building Renovations		300,000
Public Safety Equipment 2026		136,000
Public Safety Vest Protection Program 2026		302,448
Subtotal	\$	1,388,448

DEPARTMENT OF PUBLIC WORKS

Facilities/Equipment

Building Rehabilitation 2026-2027	\$	3,500,000
Fleet Equipment 2021		(49,929)
Fleet Equipment 2022		(103,797)
Fleet Equipment 2023		(48,900)
Fleet Equipment 2024		(1,700,000)
Fleet Equipment 2026		
	6,577,658	7,608,658
Garage Renovations		2,500,000
General Roof Renovations		(75,000)
HVAC Replacement		2,800,000
Security 2021		500,000
Vehicle Lift System		56,000
Subtotal		
	13,956,032	\$ 14,987,032

EXHIBIT "A"
NEW CASTLE COUNTY
CAPITAL BUDGET - FY2026

26-023

DEPARTMENT OF PUBLIC WORKS (Continued)

Parks

Agricultural Preservation	\$ 1,000,000
Bechtel Park Improvements	750,000
Carousel Park	150,000
Game Court Improvements 2021	150,000
General Parkland Improvements PRE2021	(650,000)
General Parkland Improvements 2021	(1,000,000)
General Parkland Improvements 2024	800,000
Glasgow Regional Park	1,500,000
Middle Run Valley Reforestation	150,000
Open Space Preservation	1,500,000
Play Area Improvements 2026-2027	1,000,000
Rockwood Park	500,000
Southern Regional Park	1,000,000
Subtotal	\$ 6,850,000

Sewer/Stormwater

Airport Road System Rehabilitation	\$ 3,000,000
Asset Management	400,000
Christina River Force Main	22,000,000
Countywide Drainage Problems	850,000
DelDOT Coordination Project 2021	2,500,000
General Sewer Improvements	1,250,000
General Stormwater Improvements 2021	471,659
Manhole Rehabilitation	750,000
Market Street Rehab Bridge #9	(1,500,000)
Pump Station Rehab 2026-2027	1,500,000
Richardson Park Pump Station Upgrade	17,679,097
Sewer Fleet Equipment 2023	(22,233)
Sewer Fleet Equipment 2024	(600,000)
Sewer Fleet Equipment 2026	2,755,342
Sewer Repairs and Rehabilitation 2026-2027	4,200,000
Southern Sewer Service Area	6,500,000
Stoney Creek Basin Rehabilitation	600,000
Stormwater Basin Renovation II	2,500,000
Water Quality Improvement Plans	5,000,000
White Clay System Rehabilitation	3,300,000
Subtotal	\$ 73,133,865

CAPITAL BUDGET TOTAL

104,203,345	\$ 105,234,345
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EXHIBIT B

PROJECT PROFILES

PUBLIC WORKS - FACILITIES/EQUIPMENT

(continued)

Project Name (Number): Fleet Equipment 2026 (C302603)					
Description: Lease of heavy equipment, off-road equipment and vehicles.			Council Districts: All		
Funding Schedule					
	Bonds	Federal	State	Other	Total
Prior Authorizations	\$ -	\$ -	\$ -	\$ -	\$ -
FY2026	-	_____		6,577,658	<u>6,577,658</u>
		<u>1,031,000</u>		-	<u>7,608,658</u>
FY2027	-	-	-	8,286,153	8,286,153
FY2028	-	-	-	8,129,667	8,129,667
FY2029	-	-	-	7,715,890	7,715,890
FY2030	-	-	-	7,036,929	7,036,929
FY2031	-	-	-	6,574,985	6,574,985
Future Years	-	-	-	-	-
Total	<u>\$ -</u>	<u>\$ -</u>	\$ -	\$ 44,321,282	<u>\$ 44,321,282</u>
	<u>\$ -</u>	<u>\$ 1,031,000</u>			<u>\$ 45,352,282</u>
Available Authorizations:		\$ -			
Available Funding:		\$ -			
Operating Budget Impact:		<u>\$ -</u> <u>\$ -</u>			

*Available Authorizations / Funding as of February 28, 2025, net of obligations.

FY2026 Activity:

Maintain current leases and complete purchase of new vehicles for Public Safety and general government vehicles. Purchase an additional 11 police vehicles using Federal funding.

Future Activity:

Maintain current leases and complete purchase of new vehicles for Public Safety and general government vehicles.

Prime Sponsor(s): Mr. Hollins, Mr. Street
Requested by: Community Services
Date of introduction: March 10, 2026

ORDINANCE NO. 26-024

**AMEND THE GRANTS BUDGET:
APPROPRIATE FUNDS OF \$91,500 FROM THE STATE OF DELAWARE
COMMUNITY REDEVELOPMENT/REINVESTMENT FUND TO THE HOPE CENTER
ELEVATOR RENOVATIONS GRANT, WHICH IS ADMINISTERED BY THE
DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY
DEVELOPMENT AND HOUSING**

1 **WHEREAS**, New Castle County has received documentation certifying that the
2 State of Delaware Fiscal Year 2026 Bond and Capital Improvements Act (153rd General
3 Assembly, Senate Bill 200, signed into law July 1, 2025) has appropriated \$91,500 to
4 New Castle County from the Community Redevelopment/Reinvestment Fund; and
5

6 **WHEREAS**, the grant funding will be used to make repairs and improvements to
7 the HOPE Center's elevators; and
8

9 **WHEREAS**, the County Executive has determined that grants anticipated to be
10 received from the State Community Redevelopment/Reinvestment Fund will be sufficient
11 to cover the increase in the Grants Budget as hereinafter amended; and
12

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

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

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

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

28 Section 3. It is the intent of the County Council that the provisions of this Ordinance
29 shall be effective retroactive to July 1, 2025.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$91,500 in Community Redevelopment/Reinvestment Funds from the State of Delaware Fiscal Year 2026 Bond and Capital Improvements Act (153rd General Assembly, Senate Bill 200, signed into law July 1, 2025) to the HOPE Center Elevator Renovations Grant. These funds will be used to make repairs and improvements to the HOPE Center's elevators.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to July 1, 2025.

FISCAL NOTE: This Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget by \$91,500. The increase will affect FY2026 through FY2028 since the targeted program completion date for this grant is June 30, 2028. The full cost of the elevators' repairs is \$147,500 of which \$54,000 will be funded from the FY2024 Hope Center Capital Improvement and Transportation Grant and \$2,000 will be funded from the Hope Center Operating Budget.

Acknowledged by the Chief Financial Officer February 25, 2026.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	HOPE Center Elevator Renovations	Ordinance No.	26-024
PROGRAM TITLE:	HOPE Center Elevator Renovations		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ 91,500.00	\$ -	\$ 91,500.00
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 91,500.00	\$ -	\$ 91,500.00

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ -	\$ -	\$ -
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ 91,500.00	\$ -	\$ 91,500.00
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 91,500.00	\$ -	\$ 91,500.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2025
Estimated Program Completion:	6/30/2028
Other Grant Impact:	\$ 54,000.00
Operating Impact:	\$ 2,000.00
Ordinance Passed:	Date Revised:

PROGRAM DESCRIPTION:

Funding from the State of Delaware will provide for critical repairs to two (2) Hope Center elevators.

3/10/2026

RESOLUTION NO. R26 - 048

**HONORING THE LIFE AND LEGACY OF
MS. MARCIA A. STARKS**

1 **WHEREAS**, Marcia A. Starks was born on October 15, 1945 to the late Bruce
2 and Julia Vaughn; and
3

4 **WHEREAS**, Marcia was a dedicated and compassionate individual who pursued
5 excellence throughout her life. She began her career as a successful fashion model,
6 admired for her natural poise, and then shared her love of music as a member of the
7 Dees Gospel Choir, fostering confidence, creativity, and connection with other people;
8 and
9

10 **WHEREAS**, Marcia worked for the City of Wilmington, which she loved, for many
11 years as the Director of Constituent Services. Her leadership skills and creativity
12 became known by many, as she cared for all residents. She launched innovative
13 community initiatives such as the Community Service Fair, Senior Ball, Community
14 Clean Up, and the Neighborhood Beautification Project and more, bringing people
15 together and fostering a sense of community; and
16

17 **WHEREAS**, Marcia was cherished for her warm spirit, generosity, and her ability
18 to make everyone feel encouraged, uplifted and important; and
19

20 **WHEREAS**, Marcia is lovingly remembered by her four children, Devon, Tanya,
21 Keesha, and Vanessa, her nine grandchildren, Shawn, Jr., Arianna, Skylor, Micheal, Jr.,
22 Elijah, Jordan, Austin, Avery, and Salim, her only daughter-in-law Lynn, and her two
23 sons-in-law Shawn, Sr. and Micheal, Sr.; and
24

25 **WHEREAS**, Marcia will be remembered by the many lives she touched, her
26 spirit, the faithfulness and joy she shared, and the imprint she left on the City of
27 Wilmington, a true Wilmingtonian at heart.
28

29 **NOW THEREFORE, BE IT RESOLVED** by the County Council of New Castle
30 County that Council hereby honors the life and legacy of Ms. Marcia A. Starks and
31 extends its deepest sympathy to her family and friends accordingly.

Adopted by County Council of
New Castle County on: 03/10/2026

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

SYNOPSIS: Same as title

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

RESOLUTION NO. 26-050

**CONGRATULATING AND COMMENDING
PARAMEDIC FIRST CLASS MICHAEL PATRICK O'SHAUGHNESSY
ON HIS RETIREMENT FROM THE
NEW CASTLE COUNTY EMERGENCY MEDICAL SERVICES DIVISION**

1 **WHEREAS**, Paramedic First Class Michael Patrick O'Shaughnessy has served
2 the citizens of New Castle County for 30 years. He joined New Castle County on
3 March 18, 1996; and
4

5 **WHEREAS**, Paramedic First Class O'Shaughnessy obtained his paramedic
6 certification through the Medical Center of Delaware in 1998, becoming a Nationally
7 Registered Paramedic. He was later promoted to the rank of Paramedic First Class on
8 March 5, 2004; and
9

10 **WHEREAS**, throughout his distinguished career, he served at various stations,
11 including Station 3 in Newark and Pike Creek, Medic 6 in Glasgow, and Medic 9 in the
12 City of Newark. He further contributed to the Division through special assignments
13 such as the Response Grid Committee, the Sudden Cardiac Arrest Survivor Reunion
14 Committee, and the Vial of L.I.F.E. work group; and
15

16 **WHEREAS**, Paramedic First Class O'Shaughnessy's heroic actions and
17 dedication earned him numerous accolades, including a New Castle County Executive
18 Award for rescuing a victim from a house fire, eight Sudden Cardiac Arrest Save
19 Citations, and two Distinguished Unit Citations; and
20

21 **WHEREAS**, in addition to his professional service, he has been a devoted
22 community member, serving as an Ambulance Lieutenant for the Mill Creek Fire
23 Company, a Cub Scout leader, and annually portraying Santa Claus for the Meeting
24 House Hill Civic Association; and
25

26 **WHEREAS**, Michael Patrick O'Shaughnessy exemplifies the values of hard
27 work, compassion, and loyalty that are characteristic of a dedicated public servant.
28

29 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
30 Castle County that County Council hereby congratulates and commends Paramedic
31 First Class Michael Patrick O'Shaughnessy on his retirement and wishes him and his
32 family—including his wife Kelly, children Greg, Brian, and Mari-Kate, and grand-
33 daughter Logan—continued success in all future endeavors.

Adopted by County Council
of New Castle County on: 3/10/2026

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

SYNOPSIS: Same as title.

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

RESOLUTION NO. 26-051

HONORING JEANNE KRESS IN RECOGNITION OF WOMEN'S HISTORY MONTH

1 **WHEREAS**, the celebration of Women's History Month provides an important
2 opportunity to recognize and honor the achievements, leadership, and lasting
3 contributions of women who strengthen our communities and inspire future generations;
4 and

5
6 **WHEREAS**, Jeanne Kress is a dedicated community advocate, entrepreneur,
7 and relationship builder who has made significant contributions to the economic vitality
8 and collaborative spirit of New Castle County; and

9
10 **WHEREAS**, as Senior Director at the New Castle County Chamber of
11 Commerce, Jeanne Kress oversees Sales and Emerging Enterprise initiatives, where
12 she champions economic growth, supports small businesses, and creates inclusive
13 opportunities that strengthen the regional business community; and

14
15 **WHEREAS**, Jeanne's professional journey reflects a diverse and accomplished
16 career spanning hospitality, aviation sales, event services, and small business
17 ownership, providing her with a unique perspective that benefits the entrepreneurs and
18 organizations she supports; and

19
20 **WHEREAS**, in 1994 she founded Sold on Hold, an innovative company that
21 helped businesses transform customer wait time into strategic marketing opportunities
22 through customized on-hold messaging, demonstrating her entrepreneurial vision and
23 creativity; and

24
25 **WHEREAS**, in 2016 Jeanne fulfilled a longtime dream by opening Belgian
26 Waffles, Coffee & Friends: The Perfect Blend, a welcoming café that quickly became a
27 cherished gathering place within the community; and

28
29 **WHEREAS**, demonstrating resilience and strong business acumen, she
30 successfully sold the café during the challenges of the COVID-19 pandemic, reflecting
31 adaptability, determination, and leadership during a time of economic uncertainty; and

32
33 **WHEREAS**, Jeanne's firsthand experience as a business owner fuels her
34 passion for supporting other entrepreneurs as they navigate growth, transition, and
35 success; and

36
37 **WHEREAS**, she is widely recognized for her ability to convene people and turn
38 conversations into action, connecting businesses, nonprofits, and community leaders to
39 build meaningful partnerships that benefit the broader community; and

40 **WHEREAS**, Jeanne Kress exemplifies the spirit of service, collaboration, and
41 leadership that strengthens New Castle County and its residents.
42

43 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of New Castle
44 County that County Council hereby recognizes Jeanne Kress during Women’s History
45 Month for her outstanding leadership, entrepreneurial spirit, and dedication to
46 strengthening the business and civic community of New Castle County; and
47

48 **BE IT FURTHER RESOLVED** that the County Council extends its sincere
49 appreciation for her continued commitment to fostering economic opportunity,
50 empowering small businesses, and building lasting partnerships that enrich our region.

Adopted by the County Council of
New Castle County on:

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

SYNOPSIS: Same as title.

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

RESOLUTION NO. 26-052

CONGRATULATING THE MOUNT SALEM UNION AMERICAN METHODIST EPISCOPAL CHURCH ON THEIR 190TH ANNIVERSARY AND FAUCC

WHEREAS, The Mount Salem Union American Methodist Episcopal (U.A.M.E.) Church of Delaware City has served as an immovable cornerstone of faith, resilience, and civic leadership within New Castle County. Mt. Salem U.A.M.E. stands as a testament to the pursuit of spiritual autonomy and a “foundation of faith and freedom” in Delaware. For 190 years, this congregation has not only maintained its sacred mission to nurture our community, spiritually, emotionally, and physically, but has also functioned as a vital sanctuary for justice and community empowerment within Delaware City; and

WHEREAS, in 1835, trustees Perry Reynolds, Noah Chambers, William Jones, Shadrach Boyer, and Solomon Dean acquired a half-acre parcel north of the current Branch Canal for the African Union Church. This \$80 investment established a vital sanctuary and cemetery for Polktown, distinguished as one of Delaware’s inaugural free Black settlements; and

WHEREAS, the land was part of a larger tract owned by the Newbold family, founders of Delaware City. The African Union Church became the cultural center of the community, facilitating religious services, communal assemblies, and civic engagement; and

WHEREAS, following the 1865 Convention of Churches, the congregation officially adopted the name Union American Church during a meeting on September 22, 1868. This transition included the election of a new board of trustees, comprising Joshua Seney, George Young, Joseph Boyer, George Shorter, and Henry Parker. By 1876, the congregation shifted its primary religious services to a chapel located on the grounds of Fort DuPont, maintaining an active presence at that site until 1931; and

WHEREAS, The Friends of the African Union Church Cemetery (FAUCC) was organized in 1996 to preserve and interpret a site of profound historical importance. Through the leadership of President, Reverend Marilyn Cale Turner and collaborative partnerships with the City of Delaware City and Mt. Salem U.A.M.E. Church, the organization ensures the continued protection of this formerly overlooked heritage site; and

WHEREAS, following pastoral appointments by Bishop Charles L. Amos in 2019, the congregation is currently served by Pastor Harriet Williams and Quarterly Conference Assignee Marilyn Cale Turner, with Linda Price managing the board of trustees. From 2020 to the present, Elder Marilyn Cale Turner has proudly served as Pastor of Mt. Salem U.A.M.E. Church.

NOW, THEREFORE, BE IT RESOLVED by and for the County Council of New Castle County that County Council hereby congratulates and recognizes The Mount Salem Union American Methodist Episcopal Church on their 190 years of hope, empowerment and outstanding service to the citizens of New Castle County.

Adopted by County Council of
New Castle County on:

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

SYNOPSIS: Same as title.

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

Prime Sponsor(s): Mr. Toole, Mr. Caneco
Requested by: Public Safety
Date of introduction: February 24, 2026

ORDINANCE NO. 26-019

AMEND THE GRANTS BUDGET:

**APPROPRIATE \$150,200 OF FEDERAL FUNDS FROM THE UNITED STATES
DEPARTMENT OF JUSTICE, OFFICE OF VICTIMS OF CRIME THROUGH THE STATE OF
DELAWARE, CRIMINAL JUSTICE COUNCIL TO THE PROJECT REACH GRANT, TO BE
ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE**

1 **WHEREAS**, federal funding in the amount of \$150,200 has been awarded from the
2 United States Department of Justice, Office of Victims of Crime through the State of
3 Delaware, Criminal Justice Council to the New Castle County Department of Public Safety,
4 Division of Police Project Reach Grant; and
5

6 **WHEREAS**, this program provides critical funding for the Division of Police in its
7 efforts to combat human trafficking operations; and
8

9 **WHEREAS**, this funding will be used by the New Castle County Department of
10 Public Safety, Division of Police for overtime for officers and victim service advocates
11 assigned to the drug and human trafficking unit, equipment needs for the human trafficking
12 unit, and provide direct emergency services and needs to victims; and
13

14 **WHEREAS**, the County Executive has determined that funds received are sufficient
15 to cover the increase in the Grants Budget as hereinafter amended; and
16

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

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

24 Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby
25 amended by adding the material on the attached "Exhibit A," which is considered to be
26 underscored in its entirety, which is attached hereto and made a part hereof.
27

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

32 Section 3. It is the intent of the County Council that the provisions of this Ordinance
33 shall be effective retroactive to January 1, 2026.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$150,200 in federal funding from the United States Department of Justice, Office of Victims of Crime through the State of Delaware, Criminal Justice Council to the Project Reach Grant. These funds will be used by the New Castle County Department of Public Safety, Division of Police for overtime of police officers and victims service advocates, equipment needs of human trafficking unit, and provide direct emergency services and needs to victims.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to January 1, 2026.

FISCAL NOTE: This Ordinance, if approved, will appropriate \$150,200 in federal funding from the United States Department of Justice, Office of Victims of Crime through the State of Delaware, Criminal Justice Council to the Project Reach Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$150,200. This increase will impact FY2026 and FY2027 as the estimated program completion date is September 30, 2026. There is a required County Match of \$50,936 which will be covered utilizing the salary and benefits associated with a Police Sergeant position within Department of Public Safety, Division of Police, Investigation Unit.

Acknowledged by the Chief Financial Officer February 10, 2026.

DEPARTMENT:	Public Safety	EXHIBIT:	"A"
GRANT TITLE:	Project REACH	Ordinance No.	26-019
PROGRAM TITLE:	Project REACH		

Revenue	Current	Change	Revised
Federal	\$ 150,200.00	\$ -	\$ 150,200.00
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 150,200.00	\$ -	\$ 150,200.00

Expense	Current	Change	Revised
Salaries and Wages	\$ 77,950.00	\$ -	\$ 77,950.00
Benefits	\$ 44,146.98	\$ -	\$ 44,146.98
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ 1,990.00	\$ -	\$ 1,990.00
Materials/Supplies	\$ 3,000.00	\$ -	\$ 3,000.00
Contractual Services	\$ -	\$ -	\$ -
Equipment	\$ 3,115.00	\$ -	\$ 3,115.00
Grants/Fixed Charges	\$ 19,998.02	\$ -	\$ 19,998.02
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 150,200.00	\$ -	\$ 150,200.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	1/1/2026
Estimated Program Completion:	9/30/2026
Operating Budget Impact:	\$ 50,936.00
Available in (ORG):	10200306
Ordinance Passed:	
Date Revised:	

PROGRAM DESCRIPTION:

Funding will be used by the Division of Police to improve the identification, engagement and recovery of child and youth victims of human trafficking in New Castle County through proactive investigations, trauma-informed outreach and immediate victim support services.

Prime Sponsor(s): Mr. Tackett, Ms. Kilpatrick
Co-sponsor(s): Mr. Toole
Requested By: Land Use
Date of introduction: February 24, 2026

ORDINANCE NO. 26-020

**TO REVISE NEW CASTLE COUNTY CODE CHAPTER 6 ("BUILDING CODE")
REGARDING ARTICLE 3 ("ADMINISTRATION") AND SCHEDULE OF PERMIT
AND REVIEW FEES, AND NEW CASTLE COUNTY CODE CHAPTER 16 ("FIRE
PREVENTION, PROTECTION AND ADMINISTRATION OF THE VOLUNTEER
FIRE SERVICE ASSISTANCE FUND") ARTICLE 4 ("VOLUNTEER FIRE
SERVICE ASSISTANCE FUND")**

1 **WHEREAS**, New Castle County is charged with the responsibility of ensuring the
2 health, safety, and welfare of the citizens of New Castle County; and
3

4 **WHEREAS**, New Castle County acknowledges and recognizes that it could not do
5 so without the contribution of time, effort and equipment of the twenty-one (21) organized
6 fire companies of New Castle County and their members; and
7

8 **WHEREAS**, the citizens of New Castle County are more secure in their person
9 and their property as a result of the efforts of the fire companies and their members; and
10

11 **WHEREAS**, the expense of providing for the fire service of New Castle County
12 continues to increase as the population, the number of visitors to the County's attractions
13 and the value of property in the County grows; and
14

15 **WHEREAS**, the General Assembly of the State of Delaware has authorized New
16 Castle County to impose a surcharge on building permits to be collected on behalf of and
17 paid to the twenty-one (21) organized fire companies in New Castle County; and
18

19 **WHEREAS**, the *New Castle County Code* provides for the administration and
20 enforcement of the regulations governing the building industry; and
21

22 **WHEREAS**, by the adoption of this ordinance the New Castle County Executive
23 and County Council intend to update the schedule of permit fee and
24 distribution/disbursement provisions contained in Chapter 6 and 16 of the *New Castle*
25 *County Code* to increase the aforementioned surcharge; and
26

27 **WHEREAS**, New Castle County Council finds that the provisions of this ordinance
28 are rationally and reasonably related to, substantially advance, and are narrowly tailored
29 to achieve its goal of protecting and preserving legitimate government interests, including,
30 but not limited to, the protection and preservation of the public health, safety, prosperity,
31 general welfare, and quality of life.

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

33
34 Section 1. *New Castle County Code*, Chapter 6 ("Buildings Code"), Schedule
35 of Permit and Review Fees, is hereby amended by adding the material that is
36 underscored and deleting the material that is stricken, as set forth below:

37
38 **SCHEDULE OF PERMIT AND REVIEW FEES**

39
40 **Building Permit**

41 Valuation fee:

42
43 For the first \$1,000 valuation or any part thereof up to \$1,000,000\$12.00

44
45 For each additional \$1,000 valuation in excess of \$1,000,000\$5.25

46
47 Minimum fee\$60.00

48
49 Zoning review fee: 10% of permit valuation fee

50
51 Minimum fee\$21.00

52
53 Maximum fee\$145.00

54
55 Certificate of Occupancy fee\$60.00

56
57 NCC ~~Volunteer~~ Fire Assistance Service Fund fee: 0.50% of permit
58 valuation fee

59
60 **Demolition Permit**

61 Per structure fee:

62
63 Residential structure, other than single family dwelling\$80.00

64
65 Single family dwelling and non-residential structures\$130.00

66
67 Historic review fee: 10% of permit valuation fee

68
69 Residential structure, other than single family dwelling\$8.00

70
71 Single family dwelling and non-residential structures\$13.00

72
73 **Mechanical or Plumbing Permit**

74
75 For the first \$1,000 valuation or any part thereof\$5.25

78
79 For each additional \$1,000 valuation or any part thereof\$5.25

80
81 Minimum fee\$65.00

82
83
84 **Sign Permit**

85
86 Valuation fee:

87
88 Per square foot of sign area\$1.00

89
90 Minimum fee\$90.00

91
92 Zoning review fee: 10% of permit valuation fee

93
94 Minimum fee\$21.00

95
96 Maximum fee\$145.00

97
98 **Additional plan review (Revision to Permit)**

99
100 For each additional \$1,000 valuation in excess of original valuation\$3.00

101
102 Minimum fee\$75.00

103
104 **Change of permit record**\$55.00

105
106 For each additional \$1,000 valuation or any part thereof\$10.00

107
108 **Permit extension**

109
110 Application fee\$80.00

111
112 **Expired permit fine**

113
114 Per offense\$100.00

115
116 **Working without a permit**

117
118 For residential work, except demolition permit work, performed by exempt owner
119 defined in Sec. 06.03.012(A):

120
121 Permit fee plus additional fee equal to the valuation fee or, permit fee if
122 valuation is inapplicable.
123

For work, except demolition permit work, performed by all others:

Permit fee plus additional fee equal to the valuation fee or, permit fee if valuation is inapplicable.

Minimum fee\$300.00

For all demolition permit work performed:

Permit fee plus additional per structure fee\$300.00

A person found in violation of demolition permit work performed on a historic contributing resource is subject to administrative penalties pursuant to Sec. 06.12.002(C)(9).

Section 2. *New Castle County Code* Chapter 16 ("Fire Prevention, Protection and Administration of the Volunteer Fire Service Assistance Fund"), Article 4 ("Volunteer Fire Service Assistance Fund"), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:-:

ARTICLE 4. ~~VOLUNTEER FIRE SERVICE ASSISTANCE FUND~~

Sec. 16.04.001. - Service charge.

Applications for building permits issued by New Castle County shall be subject to a surcharge of one half of one percent (.50%) of the residential ~~construction value~~ permit valuation, and of the first ~~ten (10)~~ million dollars (\$10,000,000.00) of ~~the commercial permit construction value valuation~~ as determined by the Department of Land Use of ~~New Castle County and Section 6.03.016 of the New Castle County Code~~, except that this surcharge shall not be added to building permits applied for by an organization exempt from tax under § 501(c)(3) of the Federal Internal Revenue Code which provides owner-occupied housing to low and moderate income households by rehabilitating residential properties and reselling said properties without profit, nor to the Delaware State Housing Authority nor to any applicant funded by the Delaware State Housing Authority. This surcharge is intended to establish a fund to provide financial assistance to the organized fire companies that are members of the New Castle County ~~Volunteer Firefighters Association ("NCCVFA") and have a contract with the County~~. This fund shall be known as the New Castle County ~~Volunteer Fire Service Assistance Fund~~.

Sec. 16.04.002. - Distribution of proceeds.

Proceeds of the New Castle County ~~Volunteer Fire Service Assistance Fund~~ shall be collected on a continuous basis by New Castle County and shall be disbursed twice annually on or before October 31st and April 30th of each year in equal shares to each of the twenty-one (21) fire companies that are members of the New Castle County ~~Volunteer Firefighters Association and have a contract with the County~~.

170
171 Section 3. **Inconsistent ordinances and resolutions repealed.** All
172 ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict
173 herewith are hereby repealed upon the effective date of this ordinance.
174

175 Section 4. **Effective date.** This Ordinance shall become effective immediately
176 upon passage by New Castle County Council and signature of the County Executive or
177 as otherwise provided in 9 *Del. C* § 1156 and shall only apply to building permits the
178 Department of Land Use issues on or after July 1, 2026.
179

180 Section 6. **Severability.** It is hereby declared to be the intention of the County
181 Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance
182 are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance
183 shall be declared unconstitutional or invalid by the valid judgment or decree of a court of
184 competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the
185 remaining phrases, clauses, sentences, paragraphs and sections of this ordinance. If
186 any provision of this ordinance is found to be unconstitutional or void, the applicable
187 former ordinances provision shall become effective and shall be considered as
188 continuations thereof, and not as new enactments regardless of if severability is possible.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This ordinance updates the title of Chapter 16, Article 4 to the Fire Service Fund and updates the Schedule of Permit and Review Fees of the New Castle County building code to include an increase in the surcharge amount on commercial building valuation for the New Castle County Fire Service Fund. The surcharge (on commercial building valuation) shall be increased from one half of one percent (.50%) of the first million dollars of the value the Department used to calculate the commercial permit valuation to one half of one percent (.50%) of the first ten (10) million dollars of value the Department used to calculate the commercial permit valuation. The surcharge shall not be added to building permits applied for by an organization exempt from tax under § 501(c)(3) of the Federal Internal Revenue Code which provides owner-occupied housing to low and moderate income households by rehabilitating residential properties and reselling said properties without profit, nor to the Delaware State Housing Authority nor to any applicant funded by the Delaware State Housing Authority. The ordinance revises section 16.04.001 to detail the calculation of the Fire Service Fund fees that are contained in the Schedule of Permit and Review Fees. The Fund will be distributed in equal shares to each of the twenty-one (21) fire companies that are members of the New Castle County Firefighters Association. The ordinance clarifies that a fire company must have a contract with the County to participate in distribution of the proceeds.

FISCAL NOTE: It is estimated that the surcharge provided for in this ordinance will generate an estimated additional \$1,040,000 annually based on the historical permit activity.

Acknowledged by the Chief Financial Officer February 13, 2026.

ORDINANCE NO. 26-021

AMENDING THE NEW CASTLE COUNTY CODE CHAPTER 14 ("FINANCE AND TAXATION"), ARTICLE 6 ("EXEMPTION FROM REAL PROPERTY TAXATION") TO EXTEND REAL PROPERTY TAX EXEMPTIONS FOR SURVIVING SPOUSES ELIGIBLE FOR LINE OF DUTY DEATH BENEFITS OR DEATH GRATUITY BENEFITS

WHEREAS, County Council recognizes that surviving spouses of individuals who suffer a death in the line of duty face many hardships, including financial distress; and

WHEREAS, both the State of Delaware and the Federal government provide some form of financial benefits upon certification of a line of duty death; and

WHEREAS, financial relief from real property taxation should be extended to qualifying surviving spouses; and

WHEREAS, County Council finds that the provisions of this Ordinance are rationally and reasonably related to its goal of protecting and preserving 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. *New Castle County Code* Chapter 14 ("Finance and Taxation"), Article 6 ("Exemption from Real Property Taxation"), Division 14.06.300 ("Property of the elderly and disabled"), is hereby amended by deleting the material stricken and adding the material underscored as set forth below.

Division 14.06.300. - Property of the elderly, and disabled, and spousal line of duty death or death gratuity beneficiaries.

Section 2. *New Castle County Code* Chapter 14 ("Finance and Taxation"), Article 6 ("Exemption from Real Property Taxation"), Division 14.06.300 ("Property of the elderly and disabled"), Section 14.06.301 ("Definitions") is hereby amended by adding the material underscored as set forth below.

Sec. 14.06.301. - Definitions.

The following words, terms, and phrases, when used in this Division, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Blindness means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye that is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees shall be considered for purposes of this definition as having a central visual acuity of 20/200 or less.

Death gratuity beneficiary means a surviving spouse of an armed service member as defined by 10 U.S.C. § 1475(a) or 10 U.S.C. § 1476 (a) who has received a death gratuity under 10 U.S.C. §§ 1478-1480.

44
45 *Disabled* means a person who is unable to engage in any substantial gainful activity by
46 reason of blindness or any other medically determinable physical or mental impairment that can
47 be expected to result in death or that has lasted or can be expected to last for a continuous
48 period of not less than twelve (12) months.

49
50 *Income* means adjusted gross income, as defined under the Internal Revenue Code of
51 1986 or any successor thereto, as amended from time to time, but excluding social security and
52 tier 1 railroad retirement benefits, plus the amount of capital gains excluded from such adjusted
53 gross income. For any fiscal year for which an exemption is claimed, income shall be the income
54 received during the calendar year immediately preceding the fiscal year for which exemption is
55 sought.

56
57 *Line of duty death beneficiary* means a surviving spouse of a covered person as defined
58 by 18 Del. C. § 6601(2) whose claim has been certified under 18 Del. C. § 6602.

59
60 *Resident* means one legally domiciled within the State as of July 1st of the fiscal year for
61 which exemption is sought. Mere seasonal or temporary residence within the State, of whatever
62 duration, shall not constitute domicile within the State. Absence from this State for a period of
63 twelve (12) months shall be prima facie evidence of abandonment of domicile in this State. The
64 burden of establishing domicile shall be upon the claimant.

65
66 *Spouse* includes a party to a civil union as codified under 13 Del. C. § 214.

67
68 Section 3. *New Castle County Code* Chapter 14 ("Finance and Taxation"), Article 6
69 ("Exemption from Real Property Taxation"), Division 14.06.300 ("Property of the elderly and
70 disabled"), Section 14.06.305 ("Full taxation of property after termination of exemption") is
71 hereby amended by adding the material underscored as set forth below.

72
73 **Sec. 14.06.305. - Full taxation of property after termination of exemption.**

- 74
75 A. When, because of the change in health or death of the eligible resident, transfer of
76 ownership, a change in marital status if the exemption was granted pursuant to
77 Section 14.06.307, or any other change in status, a property no longer qualifies for an
78 exemption granted under this Division, the exemption shall terminate at the end of the
79 current tax quarter. The tax on the property shall be deemed to be levied upon the
80 commencement of the next tax quarter and, if not paid, shall be subject to penalties
81 as prescribed by State law. The tax shall be prorated in accordance with 9 Del. C. §
82 8340 (Levy of tax and creation of a lien based on the supplemental assessment roll).

83
84 Section 4. *New Castle County Code* Chapter 14 ("Finance and Taxation"), Article 6
85 ("Exemption from Real Property Taxation"), Division 14.06.300 ("Property of the elderly and
86 disabled") is hereby amended by adding the material underscored as set forth below.

87
88 **Sec. 14.06.307. – Line of duty death exemptions.**

- 89
90 A. A person who is a line of duty death beneficiary as a surviving spouse under 18 Del.
91 C. §§ 6601-6602 is entitled to full exemption from county real property taxation,
92 proportionate to the percentage of the person's ownership interest in the property,
93 exclusive of any local light and ditch taxes or any stormwater maintenance fee
94 imposed under Section 13.01.005, if:

- 95
96 1. The person filed a line of duty death benefits claim with the Insurance
97 Commissioner, and the claim was certified by the Insurance Commissioner, and

2. The person meets all of the following:

- a. On or before June 1 of the year for which exemption is sought, the person submits to the Assessment Division an application on the prescribed form which shall include the certification of the line of duty death benefits claim.
- b. The certification of line of duty death benefits claim was issued on or after January 1, 2011.
- c. The house on the real property is the principal residence of the person seeking the exemption and the residence was solely owned by the decedent and upon the death of the decedent the person becomes the record title owner or held jointly by the decedent and the surviving spouse, and the person continues to maintain the property as the person's principal residence.
- d. The person either does not owe any taxes or sewer service charges collectible by New Castle County or is enrolled in an approved payment plan and has timely paid all payments and continues to do so until the payment plan is complete.

B. A person who is death gratuity beneficiary as a surviving spouse under 10 U.S.C. §§ 1475-80 is entitled to full exemption from county real property taxation, proportionate to the percentage of the person's ownership interest in the property, exclusive of any local light and ditch taxes or any stormwater maintenance fee imposed under Section 13.01.005, if:

1. The person filed a Claim Certification and Voucher for Death Gratuity Payment with the Department of Defense, and the claim was approved by the Department of Defense, and

2. The person meets all of the following:

- a. On or before June 1 of the year for which exemption is sought, the person submits to the Assessment Division an application on the prescribed form which shall include proof of the approval of the death gratuity payment.
- b. The approval of the death gratuity payment was issued on or after January 1, 2011.
- c. The house on the real property is the principal residence of the person seeking the exemption and the residence was solely owned by the decedent and upon the death of the decedent the person becomes the record title owner or held jointly by the decedent and the surviving spouse, and the person continues to maintain the property as the person's principal residence.
- d. The person either does not owe any taxes or sewer service charges collectible by New Castle County or is enrolled in an approved payment plan and has timely paid all payments and continues to do so until the payment plan is complete.

- 148 C. The line of duty death tax exemption shall remain in effect for 10 (ten) years, so long
149 as the person making the application maintains the real property for which the
150 exemption was granted as their principal residence.
- 151 D. A surviving spouse is no longer eligible to maintain the credit if they do any of the
152 following:
- 153
- 154 a. Remarry.
- 155
- 156 b. Stop being a titled owner of the qualified property.
- 157
- 158 c. No longer reside in the qualified property as their principal residence.
- 159
- 160 E. Exemption may be forfeited. For any exemption approved pursuant to Subsection A.
161 or B., if the person making the application fails to remain current on payment of any
162 taxes or sewer service charges in accordance with and for the duration of any
163 agreement between New Castle County and the person, at the discretion of the Office
164 of Finance the exemption shall be treated as having been forfeited by the person.

165 Section 5. This Ordinance shall become effective immediately upon its adoption by
166 County Council and approval by the County Executive, or as otherwise provided in 9 Del. C. §
167 1156.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This ordinance creates a full exemption from county real property taxation for spouses of individuals killed in the line of duty whose claim has been certified under 18 *Del. C.* ch. 66 or approved for a death gratuity payment under 10 U.S.C. §§ 1475-1480.

FISCAL NOTE: This exemption is estimated to have a potential impact to approximately ten taxpayers. Based on the assumptions of ten taxpayers with an average county tax bill of \$654.44, the estimated fiscal impact for FY2026 is \$6,544.40. FY2027 will be based on the recommended tax rate. All amounts are county taxes only and do not include school taxes due.

Acknowledged by the Chief Financial Officer on February 17, 2026.

ORDINANCE NO. 26-022

**AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED
SERVICE EMPLOYEES AND CLASSIFIED SERVICE 40-HOUR WORKWEEK
EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL
81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607, ELIMINATE THE CLASS
SPECIFICATION OF OPERATIONS SERVICES MANAGER AND ADOPT THE CLASS
SPECIFICATION OF CHIEF OF SEWER MAINTENANCE FOR THE DEPARTMENT OF
PUBLIC WORKS, DIVISION OF SEWER OPERATIONS ADMINISTRATION**

1 **WHEREAS**, the Department of Public Works, Division of Sewer Operations
2 Administration (the "Department") has determined that it is necessary to make
3 organizational changes to operate most effectively; and
4

5 **WHEREAS**, the Department decided to eliminate the class specification of
6 Operations Services Manager (Pay Grade 30) from County usage; and
7

8 **WHEREAS**, the Department submitted a new class specification for Chief of Sewer
9 Maintenance (Pay Grade 30); and
10

11 **WHEREAS**, the Human Resources Advisory Board, at its meeting on February 5,
12 2026, recommended that the class specification for the new position title of Chief of Sewer
13 Maintenance (Pay Grade 30) be added to the Pay Plan and Rates of Pay for Union 1607
14 40-Hour Workweek Employees; and
15

16 **WHEREAS**, the Chief Human Resources Officer concurs with the recommendation
17 of the Human Resources Advisory Board.
18

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

21 Section 1. The Class Specification for Operations Services Manager as set forth in
22 Exhibit "A" is eliminated.
23

24 Section 2. The Class Specification for Chief of Sewer Maintenance as set forth in
25 Exhibit "B" is adopted.
26

27 Section 3. The Pay Plan and Rates of Pay for Classified Service 40-Hour Workweek
28 Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-
29 CIO, Affiliate Local 1607, effective July 1, 2025 through June 30, 2026, is hereby amended
30 by adding the material that is underscored as set forth in Exhibit "C."
31

32 Section 4. The Pay Plan and Rates of Pay for Classified Service 40-Hour Workweek
33 Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-
34 CIO, Affiliate Local 1607, effective July 1, 2026, is hereby amended by adding the material
35 that is underscored as set forth in Exhibit "D."

36 Section 5. The Pay Plan and Rates of Pay for Non-Union Classified Service
37 Employees, effective July 1, 2025 through June 30, 2026, is hereby amended by removing
38 the material that is stricken as set forth in Exhibit "E".
39

40 Section 6. The Pay Plan and Rates of Pay for Non-Union Classified Service
41 Employees, effective July 1, 2026, is hereby amended by removing the material that is
42 stricken as set forth in Exhibit "F".
43

44 Section 7. This Ordinance shall become effective immediately upon its adoption by
45 County Council and approval by the County Executive, or as otherwise provided in 9 Del.
46 C. § 1156.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, eliminates the class specification of Operations Services Manager (Pay Grade 30) from County usage and removes it from the Pay Plan and Rates of Pay for Non-Union Classified Service Employees. This Ordinance also adopts the class specification of Chief of Sewer Maintenance (Pay Grade 30) and adds the position title to the Pay Plan and Rates of Pay for Classified Service 40-Hour Workweek Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607, as recommended by the Human Resources Advisory Board at their meeting on February 5, 2026. The Chief Human Resources Officer concurs with the recommendation.

FISCAL IMPACT: This Ordinance, if approved, eliminates the class specification Operations Services Manager (Pay Grade 30) from County usage and removes it from the Pay Plan and Rates of Pay for Non-Union Classified Service Employees. This Ordinance also adopts the class specification of Chief of Sewer Maintenance (Pay Grade 30) and adds the position title to the Pay Plan and Rates of Pay for Classified Service 40-Hour Workweek Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607.

There will be no discernible fiscal impact upon the adoption of this Ordinance.

Acknowledged by the Chief Financial Officer February 11, 2026.

EXHIBIT A

NEW CASTLE COUNTY GOVERNMENT

Number 0675

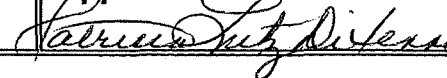
Page 1 of 2

CLASS SPECIFICATION

Date 05/01/03

Title: OPERATIONS SERVICES MANAGER

Approved:



GENERAL STATEMENT OF DUTIES: Manages and supervises the delivery of sanitary sewer services, including the operation and maintenance of the New Castle County sanitary sewer system, and coordinates the delivery of storm drainage services; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class applies technical and managerial knowledge and skills to the operation, maintenance, and rehabilitation of sanitary sewer facilities and the delivery of sanitary sewer and storm drainage services. Responsibilities include the direction and coordination of subordinate technical, supervisory, and support staff. This employee also performs administrative tasks in line with these responsibilities. Assignments are broad in scope and considerable independent judgement is required.

EXAMPLES OF WORK: (Illustrative only)

- Manages, assigns, schedules, and directs the activities of subordinates, technicians, survey personnel, inspectors, and support staff;
- Manages, plans, develops, and oversees the operations and maintenance of the New Castle County sanitary sewer system;
- Investigates and resolves complaints and service requests related to sanitary sewer services and storm drainage programs or projects;
- Prepares and administers the operating budget;
- Prepares capital budget and project cost estimates;
- Prepares specifications for materials, supplies, equipment, and contracted services;
- Reviews plans and specifications prepared by consultants;
- Authorizes work to be performed by New Castle County personnel and contract vendors, inspects work, and accepts work for final acceptance and payment;
- Coordinates sanitary sewer and storm drainage activities with the State of Delaware Department of Natural Resources and Environmental Control and the Department of Transportation;
- Responds to emergency calls involving the sanitary sewer system, including nights, weekends, and holidays;
- Attends, speaks at, and/or conducts various sanitary sewer and/or storm drainage service-related public meetings as the official representative of New Castle County;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service;
- Operates a data processing terminal, personal computer, and other related equipment in the course of the work.

NEW CASTLE COUNTY GOVERNMENT

Number 0675

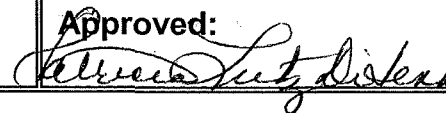
Page 2 of 2

Date 05/01/03

CLASS SPECIFICATION

Title: OPERATIONS SERVICES MANAGER

Approved:



REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Thorough knowledge of the principles and practices of operating, maintaining, and rehabilitating sanitary sewer and storm drainage systems; skill in the use of a personal computer including database, spreadsheet, and word processing software; ability to plan, layout, and direct work of subordinates; ability to plan projects and work schedules and prepare related estimates and specifications; ability to make comprehensive recommendations on complex situations; ability to establish and maintain effective working relationships with others; ability to communicate courteously and effectively, both verbally and in writing; ability to make effective presentations before groups; ability to pass a Class III County physical examination.

ACCEPTABLE EXPERIENCE AND TRAINING: At least five years professional experience specializing in the operation, maintenance, and rehabilitation of sanitary sewer, storm drainage, or public water supply systems and possession of a Bachelor's Degree from an accredited college or university with major course work in engineering or environmental science; or any equivalent combination of experience and training which provides the required knowledge, skills, and abilities.

ADDITIONAL REQUIREMENTS: Possession of a valid Delaware Class D driver's license or its equivalent.

HISTORY OF REVISIONS:

Established: 09/18/98
Revised: 05/01/03

NEW CASTLE COUNTY GOVERNMENT**Number** XXXX**Page** 1 of 2**CLASS SPECIFICATION****Date** XX/XX/XXXX**Title:** CHIEF OF SEWER MAINTENANCE**Approved:**

GENERAL STATEMENT OF DUTIES: Manages and supervises the operation and maintenance of the New Castle County gravity wastewater system; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class applies technical and managerial knowledge and skills to lead the operation and maintenance of the New Castle County wastewater collector and gravity transmission systems and the delivery of wastewater services to customers. Responsibilities include the direction and coordination of subordinate technical, supervisory, and administrative personnel and contractors. This role also involves administrative duties aligned with operational oversight. Assignments are broad in scope and considerable independent judgement is required.

EXAMPLES OF WORK: (Illustrative only)

- Manages the assignment, scheduling and direction of field activities related to the gravity wastewater system;
- Investigates and resolves complaints and customer service requests related to wastewater services;
- Prepares and administers the operating budget, supports preparation of the capital budget;
- Prepares specifications for materials, supplies, equipment, vehicles, and contracted services;
- Reviews plans and specifications prepared by consultants;
- Authorizes work to be performed by New Castle County operation and maintenance personnel and contract vendors, inspects work, and accepts work for final acceptance and payment;
- Coordinates regulated activities with the State of Delaware Department of Natural Resources and Environmental Control and the Department of Transportation as required;
- Responds to emergency calls involving the wastewater system, including nights, weekends, and holidays;
- Represents the Department of Public Works at public meetings;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal stakeholders are provided with the highest quality level of service;
- Commitment to safety protocols and environmental stewardship

NEW CASTLE COUNTY GOVERNMENT**Number** XXXX**Page** 1 of 2**Date** XX/XX/XXXX**CLASS SPECIFICATION****Title:** CHIEF OF SEWER MAINTENANCE**Approved:**

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Thorough knowledge of the principles and practices of operating, maintaining, and rehabilitating gravity wastewater systems; proficient in computerized maintenance management systems, database and spreadsheet tools, Geographic Information Systems, project management systems, and other Microsoft Office Suite applications; ability to analyze performance metrics and generate reports for data driven decision-making; ability to plan, organize, and direct work of subordinates; ability to plan projects, work schedules, and prepare related cost estimates and specifications; Strong analytical skills to make sound recommendations in complex situations; knowledge of regulatory compliance standards; ability to establish and maintain collaborative and effective working relationships with internal teams, contractors, and the public; excellent communication skills, both verbal and written, including the ability to deliver clear and effective presentations; ability to pass a Class III County physical examination.

ACCEPTABLE EXPERIENCE AND TRAINING: At least five years professional experience specializing in the operation, maintenance, and rehabilitation of wastewater, potable water, or storm drainage systems and possession of a Bachelor's Degree from an accredited college or university with major course work in engineering or environmental science; or any equivalent combination of experience and training which provides the required knowledge, skills, and abilities.

ADDITIONAL REQUIREMENTS: Possession of a valid Delaware Class D driver's license or its equivalent.

HISTORY OF REVISIONS:

Established:

Revised:

**PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 40-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
BUILDING MAINTENANCE SUPERVISOR	23	57,576	60,453	63,477	66,653	69,986	73,485	77,159	81,018	85,069	89,323	93,790
GARAGE SUPERVISOR	23											
MASTER MECHANIC	23											
PROPERTY MAINTENANCE TECHNICIAN	23											
 BUILDINGS SUPERVISOR	25	63,477	66,653	69,986	73,485	77,159	81,018	85,069	89,323	93,789	98,477	103,401
MASTER ELECTRONICS TECHNICIAN	25											
PARKS FORESTRY TECHNICIAN	25											
PROPERTY SUPERVISOR	25											
PUBLIC WORKS EQUIPMENT COORDINATOR	25											
 FACILITY MAINTENANCE SUPERVISOR	28	73,484	77,159	81,018	85,068	89,321	93,790	98,479	103,404	108,572	114,001	119,700
SUPERINTENDENT OF SEWER MAINTENANCE	28											
SUPERVISOR OF CONSTRUCTION SUPPORT	28											
 CHIEF OF FACILITY MAINTENANCE	30	80,832	84,875	89,120	93,575	98,253	103,169	108,327	113,744	119,429	125,401	131,670
<u>CHIEF OF SEWER MAINTENANCE</u>												

Effective: 07/01/2025 (Ordinance 24-089)

Revised: 11/25/2025 (Ordinance 25-138)

Revised: xx/xx/xxxx (Ordinance xx-xxx) - CHIEF OF SEWER MAINTENANCE

**PAY PLANS AND RATES OF PAY FOR CLASSIFIED SERVICE 40-HOUR WORKWEEK EMPLOYEES
REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607**

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
BUILDING MAINTENANCE SUPERVISOR	23	59,015	61,964	65,064	68,319	71,736	75,322	79,088	83,043	87,196	91,556	96,135
GARAGE SUPERVISOR	23											
MASTER MECHANIC	23											
PROPERTY MAINTENANCE TECHNICIAN	23											
 BUILDINGS SUPERVISOR	 25	 65,064	 68,319	 71,736	 75,322	 79,088	 83,043	 87,196	 91,556	 96,134	 100,939	 105,986
MASTER ELECTRONICS TECHNICIAN	25											
PARKS FORESTRY TECHNICIAN	25											
PROPERTY SUPERVISOR	25											
PUBLIC WORKS EQUIPMENT COORDINATOR	25											
 FACILITY MAINTENANCE SUPERVISOR	 28	 75,321	 79,088	 83,043	 87,195	 91,554	 96,135	 100,941	 105,989	 111,286	 116,851	 122,693
SUPERINTENDENT OF SEWER MAINTENANCE	28											
SUPERVISOR OF CONSTRUCTION SUPPORT	28											
 CHIEF OF FACILITY MAINTENANCE	 30	 82,853	 86,997	 91,347	 95,915	 100,709	 105,749	 111,035	 116,588	 122,415	 128,536	 134,962
<u>CHIEF OF SEWER MAINTENANCE</u>												

Effective: 07/01/2026 (Ordinance 24-089)

Revised: 11/25/2025 (Ordinance 25-138)

Revised: xx/xx/xxxx (Ordinance xx-xxx) - CHIEF OF SEWER MAINTENANCE

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

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

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

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

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

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

*Effective: 07/01/2025 (Ordinance 23-063)**Revised: 07/01/2025 (Ordinance 23-086)**Revised: 08/29/2023 (Ordinance 23-097)**Revised: 08/01/2023 (Ordinance 23-126)**Revised: 07/07/2022 (Ordinance 24-013)**Revised: 10/8/2024 (Ordinance 24-148 and Ordinance 24-149)**Revised: 10/8/2024 (Ordinance 24-151) - Add Step 11**Revised: 11/19/2024 (Ordinance 24-160)**Revised: 02/24/2025 (Ordinance 25-016)**Revised: 04/11/2025 (Ordinance 25-031)**Revised: 11/25/2025 (Ordinance 25-144)**Revised: xx/xx/xxxx (Ordinance 26-009) - County Assessor (Pending Council Approval)**Revised: xx/xx/xxxx (Ordinance xx-xxx) - Strike Operations Services Manager*

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

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

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

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

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

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

Effective: 07/01/2026 (Ordinance 23-063)
Revised: 07/01/2026 (Ordinance 23-086)
Revised: 08/29/2023 (Ordinance 23-097)
Revised: 08/01/2023 (Ordinance 23-126)
Revised: 07/07/2022 (Ordinance 24-013)
Revised: 10/8/2024 (Ordinance 24-148 and Ordinance 24-149)
Revised: 10/8/2024 (Ordinance 24-151) - Add Step 11
Revised: 11/19/2024 (Ordinance 24-160)
Revised: 02/24/2025 (Ordinance 25-016)
Revised: 04/11/2025 (Ordinance 25-031)
Revised: 11/25/2025 (Ordinance 25-144)
Revised: xx/xx/xxxx (Ordinance 26-009) - County Assessor (Pending Council Approval)
Revised: xx/xx/xxxx (Ordinance xx-xxx) - Strike Operations Services Manager

**NEW CASTLE COUNTY
MINUTES OF HUMAN RESOURCES ADVISORY BOARD MEETING**

February 5, 2026

Board Members Present:

Valencia L. Brown, J.D., Chair
Nakishia Williams Bailey, Member

Board Members Absent:

None

Others Present:

Dusty Blakey – Office of Human Resources
Candy Boayue – Office of Human Resources
Yiannis Floropoulos – Office of Human Resources
Laura McDermott – Office of Human Resources
Carol Meadows – Office of Human Resources
Jacquelyn Moore – Office of Human Resources
Patricia Purnell – Office of Human Resources
Christopher Shetzler – Office of Human Resources
Michael Begatto – Community Services Department
Kenneth Dunn – Executive Office
Carla Geiersbach – Office of Finance
Dawn Morrison – Office of Finance
Kellie Kemble – Land Use Department
Iran Garcia-Domenech – Office of Law, Attorney representing the Board
Aysha Gregory – Office of Law
Maria Knoll – Office of Law, Attorney representing Human Resources
Cleon Cauley – Public Works
JulieAnne Cross – Public Works
Paul Frese – Public Works
Michael Heverin – Public Works
Ha Nguyen – Public Works
Kevin Penozza – Public Works
Robert Roff – Public Works
John Spence – Public Works
Jason Zern – Public Works

The meeting was held on Thursday, February 5, 2026, in-person and by Teams video and audio conference, in the Managers Room, New Castle County Government Center, 87 Reads Way, New Castle, Delaware. Board Chair Valencia Brown called the meeting to order at 8:40 a.m. Dr. Brown introduced herself and asked those present in the room and on the call to introduce themselves.

Dr. Brown read the first Agenda item (listed below).

1. Approval of Meeting Minutes of January 8, 2026

Board Member Nakishia Williams Bailey made a motion to approve the meeting minutes of January 8, 2026. Board Chair Valencia Brown seconded the motion, thanking the staff that the

minutes are always done so well. All board members voted in favor of the motion. The motion passed.

Dr. Brown read the next Agenda item.

2. Approval of Human Resources Advisory Board Annual Report 2025

Board Chair Lynn Brown thanked the staff for putting this together. Board Member Nakishia Williams Bailey made a motion to approve the Human Resources Advisory Board Annual Report for 2025. Board Chair Valencia Brown seconded the motion. All board members voted in favor of the motion. The motion passed.

Dr. Brown read the next Agenda item.

3. Recommendation of new class specification of Chief of Sewer Maintenance (Pay Plan and Rates of Pay for Classified Service 40-Hour Workweek Employees Represented by the DE Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607) Pay Grade 30 (\$80,832 to \$131,670)

Jason Zern, Sr. Manager Public Works, spoke. The new position, Chief of Sewer Maintenance, is kind of a rejuvenation of an old position that once was with Public Works. Back about 25-26 years ago, we went with a different spec called Operation Services Manager. It was equivalent, but it was a merit position. The intent is to directly replace Operation Services Manager with the Chief of Sewer Maintenance position. The position, as the title infers, maintains and is responsible for the maintenance of our sewer system. It is a highly responsible position. I think the budget is almost \$10 million for which they are responsible. They lead an organization of approximately 50 employees. All those employees are 40-hour work week employees, which is why this position is also 40 hours. If you remember back in the fall, we came before the HRAB to transition positions from 35-hour work weeks to 40-hour work weeks. This position is very similar in nature to that transition. It is very much in line with the department and in line with the responsibilities of very similar positions. We did tweak the language from the Operation Services Manager a little bit. That position hadn't been revised since 2003, so we updated the spec, changed the title, but really it serves as a direct replacement for that position. We did provide an organization chart so you can see where it fits within the department. We did review the spec with the 1607 Union, and they had no objections to this new position.

Dr. Brown asked about doing this work before we revamped and reinstituted this position. Mr. Zern replied that two of the former Operation Services Managers were here today. Kevin Penoza, and before him it had been Rob Roff. Kevin was recently promoted to Division Manager, the Sewer Operations Manager, so they would report directly to Kevin. Dr. Brown thanked Mr. Zern for the presentation.

Board Member Nakishia Williams Bailey made a motion to approve the Recommendation of new class specification of Chief of Sewer Maintenance. Board Chair Valencia Brown seconded the motion. All board members voted in favor of the motion. The motion passed.

Board Chair Valencia Brown adjourned the Human Resources Advisory Board meeting at 8:51 a.m.

FLOOR AMENDMENT NO. 1 TO SUBSTITUTE NO. 3 ORDINANCE NO. 25-101

Substitute No. 3 to Ordinance No. 25-101, Section 9, is amended by adding the material that is underlined and by deleting the material with strikethroughs and highlighted, as follows.

Section 9. Effective Date and Applicability. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive or as otherwise provided in 9 Del. C. § 1156- provided, however that:

1. This Ordinance shall not apply to any Minor or Major plan (including resubdivision plans) that were pending County approval prior to the adoption date of this Ordinance.

2. This Ordinance shall also not apply to any resubdivision plan (or any other "land use application" as defined in 40.33.300 of Chapter 40 of the New Castle County Code) submitted to the County after the adoption date of this Ordinance that relies upon any Minor or Major Plan (including resubdivision plans) that were pending County approval prior to the adoption date of this Ordinance.

3. All future data center uses, buildings, structures and/or situations grandfathered from the applicability of this Ordinance as provided above in this Section 9 and all data center uses existing as of the adoption date of this Ordinance, shall remain lawful in all respects and in no case considered non-conforming uses, buildings, structures or situations.

SYNOPSIS: Floor Amendment No.1 to Substitute No. 3 to 25-101 clarifies that this Ordinance will apply only to Minor and Major land development plan applications submitted after adoption of this Ordinance, and not plans pending approval. Further, all future "land use applications" relying upon a pending Minor and Major land development plan application are also exempt from this Ordinance's applicability, regardless of submission date. Any future data center projects that are grandfathered pursuant to this Ordinance, or that already exist as of the adoption date of this Ordinance, will be considered legal uses in all respects, and not treated as non-confirming uses, buildings, structures or situations after the adoption date of this Ordinance. However, this Ordinance's grandfathering provisions shall not apply to any non-data center uses, buildings, structures or situations constructed or established pursuant to a previously County approved record plan prior to the adoption date of this Ordinance. So as not to risk or otherwise comprise future lending to New Castle County property owners, the

legally conforming language was included to help ensure this Ordinance does not prohibit the reconstruction or reestablishment of existing data centers or any grandfathered data center uses, buildings, structures or situations destroyed or otherwise demolished, in whole or in part, after the effective date of this Ordinance.

FLOOR AMENDMENT NO. 2 TO SUBSTITUTE NO. 3 TO ORDINANCE NO. 25-101

1 Substitute No. 3 to Ordinance No. 25-101 is amended at lines 284 – 286, Section 9.
2 *Effective Date* of the ordinance by adding the material that is underlined and highlighted
3 in yellow and by deleting the material with strikethroughs and highlighted in red, as
4 follows.

5
6 **Section 9. Effective Date.** Upon its adoption by County Council and approval by
7 the County Executive, or as otherwise provided in 9 Del. C. § 1156, this Ordinance is
8 effective retroactive to introduction thereof on August 5, 2025, which is the date notice
9 was provided that this Ordinance would be pending. Council Rule 2.2.6 notwithstanding,
10 it is the express legislative intent that the provisions of this Ordinance apply to all land
11 use applications submitted to New Castle County after August 5, 2025. Council expressly
12 waives the provisions of Council Rule 2.2.6 for this Ordinance. Furthermore, it is the
13 further intent of County Council that this Ordinance is also subject to the *pending*
14 *ordinance doctrine* as articulated in *Covington v. Bd. of Adjustment of Rehoboth Beach*,
15 2016 WL 7242581 (Del. Super. Dec. 14, 2016), aff'd, 170 A.3d 779 (Del. 2017), and other
16 precedent.

17
18 ~~Section 9. Effective Date. This Ordinance shall become effective immediately upon~~
19 ~~its adoption by County Council and approval by the County Executive or as otherwise~~
20 ~~provided in 9 Del. C. § 1156.~~

SYNOPSIS: This floor amendment strikes the current language proposed in Substitute No. 3 regarding the Effective Date and inserts in its place the language originally proposed.

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

SUBSTITUTE NO. 3 TO ORDINANCE NO. 25-101

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

1 **WHEREAS**, New Castle County currently lacks comprehensive, specific zoning
2 and development regulations tailored to the unique infrastructure demands,
3 environmental impacts, and operational characteristics of data centers; and
4

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

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

14 **WHEREAS**, it is in the public interest to proactively regulate data center
15 development to ensure compatibility with surrounding land uses and to protect the health,
16 safety, and welfare of County residents; and
17

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

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

26 **WHEREAS**, data centers are unique land uses that involve large-scale electrical
27 infrastructure, water-intensive cooling systems, and extensive impervious coverage; and
28

29 **WHEREAS**, data centers typically utilize backup diesel generators, aboveground
30 and underground fuel storage tanks, cooling towers, and large volumes of electronic and
31 battery equipment that may pose environmental, public health, and safety risks if left
32 abandoned or unmaintained; and
33

34 **WHEREAS**, advances in information technology, server design, and power
35 delivery may cause individual data center facilities to become obsolete within a relatively
36 short operating lifespan, resulting in the risk of abandonment of specialized facilities that
37 are not easily adapted to other uses; and

38
39 **WHEREAS**, the County has a responsibility to protect the public health, safety,
40 and welfare of its citizens by ensuring that abandoned or obsolete facilities are properly
41 removed and that sites are restored to a safe and stable condition; and
42

43 **WHEREAS**, financial assurance requirements for decommissioning are a well-
44 established land use tool in other industries with significant environmental or
45 infrastructure impacts, including telecommunications towers, wind and solar energy
46 projects, and mining operations; and
47

48 **WHEREAS**, requiring a decommissioning plan and associated financial assurance
49 for data centers will ensure that the County and its taxpayers are not burdened with the
50 cost of restoring sites and remediating environmental impacts in the event of
51 abandonment; and
52

53 **WHEREAS**, County Council has determined that the provisions of this Ordinance
54 substantially advance, and are reasonably and rationally related to legitimate government
55 interests.
56

57 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
58

59 **Section 1.** *New Castle County Code* Chapter 40 (“Unified Development Code”),
60 Article 3 (“Use Regulations”), Division 40.03.110 (“Use Regulations”) is hereby amended
61 by adding the material that is underscored and deleting the material that is stricken, as
62 set forth below.
63

64 **Sec. 40.03.110. – Use table.**
65

66 Table 40.03.110 lists the type of uses permitted in each district. Refer to Division
67 40.33.200 for definitions of the various use categories and their components. Should a
68 use not be identified in Table 40.03.110, an interpretation pursuant to Section 40.31.520
69 can be requested. Table 40.03.522 lists the specific parking requirements for several
70 general uses listed in Table 40.03.110. Limited and special use standards are contained
71 in Table 40.03.210 and Division 40.03.300. See Article 4 for district, lot, bulk and other
72 standards.

Table 40.03.110A. General Use Table										Table 40.03.110B. General Use Table								Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory										Zoning District (Suburban and Special Character)								Additional Standards (all districts)	
Land Use	TN*	ST	MM	ON	OR	CR	BP	I		CN	S**	SE	NC**	HI	EX	SR	P	Parking	Limited & Special Use Standards
Agricultural										Agricultural								Agricultural ...	
Industrial Uses										Industrial Uses								Industrial Uses	
Compost operations	N	N	N	N	N	N	N	L		N	N	N	N	L	L	S	N	Table 40.03.522	Section 40.03.336
<u>Data Centers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>Table 40.03.522</u>	<u>Table 40.03.210 Section 40.03.343</u>
Extraction	N	N	N	N	N	N	N	N		N	N	N	N	N	L	N	N	Table 40.03.522	Section 40.03.324 and Table 40.03.210 ...

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

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

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

A. *Location.* ...

K. *Other.* ...

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

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

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

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

Sec. 40.03.340. - Multifamily conversion.

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

- A. A multifamily conversion is not permitted on a parcel that is within one thousand (1,000) feet of a heavy industry zoned parcel or a parcel with a heavy industry use as defined in Subsection 40.33.270.~~G~~ D.

Sec. 40.03.343. – Data Centers.

In addition to the requirements of Section 40.31.430, the following requirements apply to every data center development or the cumulative expansion of an existing data center in excess of 20,000 square feet:

- A. The site shall be designed to minimize noise impact on neighboring residential properties and shall not generate noise levels that exceed the predevelopment noise level. A noise study shall be submitted to evaluate this impact and to verify consistency with Chapter 22 of the *New Castle County Code*.
- B. No portion of the proposed data center building shall be located within 1,000 feet of a residential district. The Department may approve data center structures located less than 1,000 feet, but no closer than 500 feet from a residential district, provided that noise levels generated will not exceed the allowable noise levels permitted in this section. The Department will require submission of a site-specific noise study demonstrating that the combined effectiveness of the selected measures will ensure compliance with this section.
- C. Except for lot lines along an existing office or industrial park or adjacent to an existing industrial use, the bufferyards, street trees, berming and landscaping shall be upgraded, where appropriate to mask the development. The buildings shall meet the requirements for large industrial structures in Section 40.26.260.
- D. In addition to meeting all the requirements of Article 11, anticipated trip generation for a data center shall be based on the latest published ITE manual calculations. Data centers shall not be converted to any use that exceeds the

approved Transportation Improvement Study (TIS) or equivalent study, for the site unless another TIS or equivalent study is completed and approved in accordance with all other applicable provisions of this Chapter.

E. Open-loop or once-through cooling is prohibited unless reclaimed water is used.

F. All generators shall be Tier IV or other technologies that the applicant can demonstrate as being more efficient and have less impact on the environment.

G. Any energy storage system proposed as part of the data center should be based upon best practices for energy storage and efficiency and have less impact on the environment. Energy storage systems must employ fire-safe technologies as determined and approved by the State Fire Marshall's Office.

H. All new or expanded facilities shall submit documentation outlining the operation of the building as a LEED certified building.

I. All data centers must reserve an area for future integration with onsite or communal microgrid components that include various energy generation sources, energy storage systems, a distribution network, a control system, and metering/billing systems.

J. Abandonment.

1. The operator or property owner shall provide written notice to the Department whenever the data center is out of active operation for more than 6 months. Data centers that cease to operate for 1 year or longer will be considered abandoned.

2. The operator or property owner shall either recommence operations and schedule a site inspection with the Department to verify that all use requirements are still satisfied or shall remove all equipment and systems within 6 months of being considered abandoned.

3. Within 2 years of being considered abandoned, the data center site shall be either restored to its predevelopment condition and inspected by the Department, or the property owner shall submit a land use application consistent with this Chapter to establish a new use for the site. Failure to comply with the requirements of this section shall authorize, but not require, the County to remove the data center and, when abandoned, restore the site to its predevelopment condition and charge the property owner as set forth in Subsection K.

K. Financial assurance. Prior to issuance of a building permit, the operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of 100% of the anticipated cost of removal of all associated site improvements and restoration of the site to its predevelopment condition when the data center has been abandoned. Financial assurances for data centers are subject to the following:

190 1. The operator or property owner shall provide a decommissioning report that
191 includes the following:

- 192
- 193 a. An inventory of components installed on the site.
- 194
- 195 b. Expected lifetime of the facility.
- 196
- 197 c. Decommissioning sequence.
- 198
- 199 d. Decommissioning cost estimate based on RSMeans or other
200 software or methodology approved by the Department.
- 201

202 2. The financial assurance shall remain in full force and effect while the data
203 center remains in place and operating, and shall be renewed every 5 years
204 and revised as necessary to adjust for inflation and any change in the cost
205 for decommissioning.

206

207 L. Annual Report, Enforcement and Compliance. The operator or property owner of
208 the data center shall supply an annual report to the Department indicating
209 compliance with all applicable local, state and federal regulations.

210

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

215

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

217

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

221

222 ~~C~~ B. *Extraction.* ...

223

224 ~~D~~ C. *Heavy industry.* ...

225

226 ~~E~~ D. *Light industry.* ...

227

228 ~~F~~ E. *Recycling or .* ...

229

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

231

232 ~~H~~ G. *Utility, major.* ...

233

234 ~~I~~ H. *Utility, minor.* ...

235

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

237

Section 5. New Castle County Code Chapter 40 (“Unified Development Code”), Article 33 (“Definitions”), Section 40.33.300 (“General Definitions”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Abandonment. ...

Closed-loop cooling system. A closed-loop cooling system is one where the cooling medium is contained within a piping circuit for reuse.

Open-loop cooling system or once-through cooling system. An open-loop cooling system is one with a cooling method in which water is withdrawn from a surface, groundwater, or public supply source, passed through heat-exchange equipment to absorb heat, and the effluent is then discharged to a surface water body, re-injected into the ground, or discharged into a wastewater treatment system. Open-loop systems typically rely on continuous withdrawals and discharges, frequently resulting in greater thermal or environmental impacts including higher consumptive use of water resources.

Reclaimed water. Water that has been treated to meet specific quality standards, making it safe for a beneficial reuse. This can include treated effluent from wastewater treatment facilities and remediation activities.

Section 6. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 7. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 8. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions, without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the County Council’s intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof and not as new enactments regardless if severability is possible.

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

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus A. Henry
County Executive
of New Castle County

SYNOPSIS: The following is a summary of the revisions that were proposed in the Ordinance, broken down by *New Castle County Code* Division or Section number.

Sec. 40.03.110. The amendment updates the use table to establish which zoning districts permit the data center as a Special Use.

Sec. 40.03.210. The amendment updates the Limited and Special Use Standards Table to include data center uses.

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

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

Sec. 40.03.343. The amendment includes Special Use standards for data center uses.

Section 40.33.270. The amendment defined data center uses.

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

Sec. 40.03.110. The amendment further updated the use table to establish which zoning districts permit the data center as a Special Use.

Sec. 40.03.343. The amendment clarified that data centers must comply with State and Federal regulations and allows the Department to permit applicants to substitute other technologies that the applicant has demonstrated as being more efficient and have less impact on the environment. The amendment also included decommissioning, abandonment, and financial assurance provisions for data centers.

Section 40.33.300. The amendment defines closed-loop cooling systems, open-loop cooling systems, and reclaimed water.

Substitute No. 2. The following changes were included in Substitute No. 2:

Sec. 40.03.210. The amendment referenced Section 40.03.343.B regarding the distancing requirements between data center structures and protected uses.

Sec. 40.03.343. The amendment clarified that noise level restrictions are for those generated by the data center. The amendment also allowed the Department to approve data center structures located less than 1,000 ft. from a residential zoning district, provided that noise levels generated do not exceed the allowable noise levels permitted in Chapter 22 of the *New Castle County Code*. However, no portion of the proposed data center building or accessory uses are permitted within 500 ft. of a residential district.

The amendment changed the effective date of the ordinance to be the date that the ordinance is adopted by County Council and approved by the County Executive.

Substitute No. 3. The following changes are included in Substitute No.3:

Section 40.03.343 has been amended as follows:

1. Clarifies the noise level standards
2. Removes the suggested noise attenuation techniques
3. Removes the Lighting standards since they are found in other Sections
4. Removes the natural gas system requirement for generators
5. Removes the Battery Energy Storage System requirement
6. Requires new or expanded buildings to be LEEDS certified
7. Clarifies areas for onsite or communal microgrid components must be reserved, not designed
8. Removes Sections for State coordination, compliance with State and Federal laws
9. Makes formatting changes to correct subsection citations
10. Modifies the Annual Report requirement

**FLOOR AMENDMENT NO. 1 TO
SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101**

Substitute No. 2 to Ordinance No. 25-101 is amended at line numbers, 71, 87, and 111 through 263, by adding the material that is underlined and highlighted in yellow and by deleting the material with strikethroughs and highlighted in red, as follows.

Table 40.03.110. - Use table.

Table 40.03.110A. General Use Table										Table 40.03.110B. General Use Table										Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory										Zoning District (Suburban and Special Character)										Additional Standards (all districts)	
Land Use	TN *	ST	MM	ON	OR	CR	BP	I		C N	S ...	SE	NC ..	HI	EX	SR	P			Parking	Limited & Special Use Standards
Agricultural										Agricultural										Agricultural ...	
Industrial Uses										Industrial Uses										Industrial Uses	
Compost operations	N	N	N	N	N	N	N	L		N	N	N	N	L	L	S	N			Table 40.03.522	Section 40.03.336
Data Centers	N	N	N	NL	NL	NL	NL	SL		NL	N	N	N	SL	SL	N	N			Table 40.03.522	Table 40.03.210 Section 40.03.343
Extraction	N	N	N	N	N	N	N	N		N	N	N	N	N	L	N	N			Table 40.03.522	Section 40.03.324 and Table 40.03.210 ...

Table 40.03.210A. Limited and Special Use Standards

Table 40.03.210A. Limited and Special Use Standards						Table 40.03.210B. Limited and Special Use Standards						Table 40.03.210C. Limited and Special Use Standards			
Buffer Standards						Locational or Dimensional Standards						Additional Standards			
Bufferyards						Separation		Minimum				Maximum			
Land Use	Location	Increase Opacity or Width	Fence or Berm	Use Protected	Distance from Use to protected parcel	Spacing	Site Area	Road Access	Open Space	Lot Area	Height	Other			
Agricultural ...						Agricultural						Agricultural ...			
Industrial Uses						Industrial Uses						Industrial Uses			
Compost operations												Section 40.03.336			
Data Centers	Within 4,000 500 feet of a residentially zoned parcel or parcel with an established daycare center or school	0.4	Minimum 8 ft. berm	Residential and established daycare center and schools	500 ft. *							See Section 40.03.343 * See Section 40.03.343.B			
Extraction	All	0.8 (150 ft.)	8 ft. berm	Residential	100 ft. *		25 ac.					Section 40.03.324 * 100' for Recreation, High Intensity Uses ...			

13 **Sec. 40.03.343. – Data Centers.**

14
15 In addition to the requirements of Section 40.31.430~~26.430~~, the following
16 requirements shall apply to any proposed data center development or ~~the cumulative~~
17 ~~expansion of an existing data center in excess of two hundred 20,000 thousand square~~
18 ~~feet~~ additions larger than two hundred thousand (200,000) square feet of GFA:

19
20 ~~A. The site shall be designed to minimize noise impact on neighboring residential~~
21 ~~properties and shall not generate noise levels that exceed 55 db(A) or db(C) at the~~
22 ~~sending property line if the predevelopment noise level is below those levels. If the~~
23 ~~predevelopment noise exceeds those levels, no net increase in the existing noise level~~
24 ~~shall be permitted. A noise study shall be submitted to evaluate this impact and to verify~~
25 ~~consistency with Chapter 22 of the New Castle County Code and the study shall include~~
26 ~~all generators and any other equipment that will be utilized on the site as part of the~~
27 ~~calculation.~~

28
29 ~~B~~A. No portion of the proposed data center building or accessory uses shall be located
30 within 1,000 500 feet of a residential zoning district. However, the Department may
31 approve data center structures or accessory uses located less than 500 feet from a
32 residential zoning district, but no closer than required setbacks in the applicable zoning
33 district, upon review and determination that noise levels generated will not exceed the
34 allowable noise levels permitted in Chapter 22 of the New Castle County Code. In
35 granting any such approval distance of less than 500 feet, the Department may require
36 submission of a site-specific noise study demonstrating that the combined effectiveness
37 of the selected measures (noise attenuation and screening techniques, including, but not
38 limited to, a berm) will ensure compliance with the noise performance standards
39 contained in Chapter 22. ~~However, as a limited exception, the Department may approve~~
40 ~~data center structures or accessory uses located less than 1,000 feet, but no closer than~~
41 ~~500 feet, from a residential zoning district, upon review and determination that noise~~
42 ~~levels generated will not exceed the allowable noise levels permitted in this section. The~~
43 ~~Department may require submission of a site-specific noise study demonstrating that the~~
44 ~~combined effectiveness of the selected measures will ensure compliance with the noise~~
45 ~~performance standards set forth herein. Acceptable noise attenuation and screening~~
46 ~~techniques, including, but not limited to, the following measures, may be considered by~~
47 ~~the Department in evaluating compliance:~~

- 48
49 1. ~~Generator Acoustic Enclosures: fully enclosed or “super-silent” housings~~
50 ~~constructed of brick, masonry, or other acceptable materials with~~
51 ~~comparable sound transmission ratings.~~
52 2. ~~Acoustic Louvers and Duct Liners: designed to minimize tonal and airflow~~
53 ~~noise associated with ventilation or cooling systems.~~
54 3. ~~Sound Absorptive Panels: installed within cooling yards, generator~~
55 ~~buildings, or perimeter walls to reduce reflected noise.~~
56 4. ~~Porous Absorptive Cladding: such as mineral wool cores with perforated~~
57 ~~metal facings to dampen exterior surface reflections.~~
58 5. ~~Vibration Isolation Systems: including spring and neoprene isolators to~~
59 ~~prevent structure-borne noise transmission from generators, chillers, or~~
60 ~~HVAC units.~~
61 6. ~~Acoustic Fencing and Walls: solid or composite barriers with a minimum~~

sound Transmission Class (STC) rating of 35, extending fully above the line of sight between the noise source and the property line.

7. ~~Building Orientation and Shielding: siting of data center buildings or equipment yards so that structures themselves block direct noise paths towards residential or institutional uses.~~

8. ~~Enhanced Landscaping and Earth Berms: incorporation of vegetation, berms, and mounded terrain to provide additional passive sound attenuation and visual screening.~~

C. ~~Except for lot lines along an existing office or industrial park or adjacent to an existing industrial use, the bufferyards, street trees, berming and landscaping shall be upgraded, where appropriate to mask the development. The buildings shall meet the requirements for large industrial structures in Section 40.26.260.~~

D. ~~Lighting shall be designed so that there is zero (0) footcandles at the property line of the neighboring residential area.~~

EB. In addition to meeting all the requirements of Article 11...

FC. Open-loop or once-through cooling is prohibited unless...

G. ~~All generators shall be Tier IV or utilize natural gas with Selective Catalytic Reduction (SCR) systems. The Department may permit applicants to substitute other technologies that the applicant can demonstrate as being more efficient and have less impact on the environment.~~

H. ~~Any energy storage system utilized for this use shall be Battery Energy Storage System ("BESS"). The Department may permit applicants to substitute other technologies that the applicant can demonstrate as being more efficiency and have less impact on the environment. Energy storage systems must employ fire-safe technologies as determined and approved by the State Fire Marshal's Office.~~

I. ~~All new expanded facilities shall submit documentation outlining the operation of the buildings as a LEED Gold or equivalent certification and providing the Total Usage Efficiency ("TUE"), the comprehensive metric for evaluating the overall energy efficiency of a system considering both the energy used by the IT equipment and the supporting infrastructure, with a minimum TUE of 1.15 must be provided unless operational issues are documented and accepted to vary this minimum.~~

JD. All data centers must be designed for future integration...

KE. Applicant must submit a statement of coordination with local electric utility...

LF. Applicants must submit a statement of coordination with DNREC Water Allocation Program...

MG. Data Centers must comply with all State and Federal requirements...

NH. Abandonment. ...

111	
112	 . Financial Assurance. ...
113	
114	 . Annual Report. ...

SYNOPSIS: *Floor Amendment No. 2 revises Table 40.03.110 to require that Data Centers in the “I”, “HI” and “EX” zoning districts be subject to Limited review rather than Special Use review, and changes Data Centers in the “ON”, “OR”, “CR”, “BP” and “CN” zoning districts from a prohibited use to a use subject to Limited review as such districts permit Data Centers in the current UDC.*

The amendment also updates Section 40.03.343 to require that proposed Data Center developments or additions greater than two hundred thousand (200,000) square feet of gross floor area comply with Section 40.26.430 (Large Industrial Structures). Additionally, it eliminates various requirements that are already addressed elsewhere in the UDC or are more appropriately addressed by the Building Code.

The amendment also revises Table 40.03.210A by reducing the distance between residential uses and Data Center developments from 1,000 feet contained in the originally introduced ordinance to 500 feet, or, in the alternative, grants the Department the discretion to approve a setback less than 500 feet when it is satisfied current noise standards contained in Chapter 22 will be satisfied through other methods such as berming.

Prime Sponsor(s): Mr. Toole
Date of Introduction: November 18, 2025

**FLOOR AMENDMENT NO. 2 TO
SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101**

Substitute No. 2 to Ordinance No. 25-101 is hereby amended in the **WHEREAS** portion of the ordinance by striking the **WHEREAS** provisions that appears at line numbers 41-44, and 46-49 in their entirety.

SYNOPSIS: This floor amendment proposes that the **WHEREAS** provisions currently appearing at line numbers 41-44, and 46-49 be deleted in their entirety.

**FLOOR AMENDMENT NO. 3 TO
SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101**

Substitute No. 2 to Ordinance No. 25-101 is hereby amended at **line number 71**, Table 40.03.110A. by striking the reference in the upper columns to the designations in the columns in the second, lower line.

Data Centers	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>			Table 40.03.522	Table 40.03.210 Section 40.03.343
<u>Proposed Change</u>					<u>L</u>	<u>S</u>	<u>L</u>	<u>L</u>					<u>L</u>	<u>L</u>			Table 40.03.522	Table 40.03.210 Section 40.03.343

SYNOPSIS: This floor amendment proposes that the language currently appearing at line 71 be amended to reflect the language appearing in the lower row and highlighted as reflected in the **proposed change** row to reflect the language highlighted in **red and yellow**.

**FLOOR AMENDMENT NO. 4 TO
SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101**

Substitute No. 2 to Ordinance No. 25-101 is hereby amended at **line number 87**, Table 40.03.210A. by striking the reference in the third column to opacity of “0.4” and replacing it with **“0.3”**.

<u>Data Centers</u>	<u>Within 1,000 feet of a residentially zoned parcel or parcel with an established daycare center or school</u>	<u>0.4</u> 0.3	<u>Minimum 8 ft. berm</u>	<u>Residential and established daycare center and schools</u>	<u>500 ft.*</u>						
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SYNOPSIS: This floor amendment proposes that the *Increase Opacity or Width* requirement be amended from 0.4 to **0.3**.

Prime Sponsor(s): Mr. Toole
Date of Introduction: November 18, 2025

**FLOOR AMENDMENT NO. 5 TO
SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101**

Substitute No. 2 to Ordinance No. 25-101 is hereby amended at line numbers 188-193 by deleting the material there appearing as identified with strikethroughs and red below.

~~and providing the Total Usage Efficiency ("TUE"), the comprehensive metric for evaluating the overall energy efficiency of a system considering both the energy used by the IT equipment and the supporting infrastructure, with a minimum TUE of 1.15 must be provided unless operational issues are documented and accepted to vary this minimum~~

SYNOPSIS: This floor amendment proposes that the language currently appearing at line numbers 188-193, as highlighted in red above, be stricken.

**FLOOR AMENDMENT NO. 6 TO
SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101**

Substitute No. 2 to Ordinance No. 25-101 is hereby amended at line numbers 212-263 (Section N. *Abandonment*, Section O. *Financial assurance*, and Section P. *Annual Report*.) by deleting the material there appearing in its entirety.

~~N.—Abandonment.~~

~~1.—The operator or property owner shall provide written notice to the Department whenever the Data Center is out of active operation for more than six (6) months. Any Data Center that ceases to operate for one (1) year or longer is considered abandoned.~~

~~2.—The operator or property owner shall either recommence operation and schedule a site inspection with the Department to verify that all use requirements are still intact or shall remove all equipment and systems within six (6) months of being considered abandoned.~~

~~3.—Within two (2) years of being considered abandoned, the Data Center site shall be either restored to its predevelopment condition and inspected by the Department, or the property owner shall submit a land use application consistent with this Chapter to establish a new use for the site. Failure to comply with the requirements of this section shall authorize, but not require, the County to remove the Data Center and, when abandoned, restore the site to its predevelopment condition and charge the property owner as set forth in Subsection O. below.~~

~~O.—Financial assurance. Prior to issuance of a building permit, the operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its predevelopment condition when the Data Center has been abandoned. Financial assurances for Data Centers are subject to the following:~~

~~1.—The applicant shall provide a decommissioning report that includes the following components:~~

~~a.—An inventory of components installed on the site.~~

~~b.—Expected lifetime of the facility.~~

~~c.—Decommissioning sequence.~~

d. ~~Decommissioning cost estimate based on RSMeans or other software or methodology approved by the Department.~~

2. ~~The financial assurance shall remain in full force and effect while the Data Center remains in place and operating, and shall be renewed every five (5) years and revised as necessary to adjust for inflation and any change in the cost for decommissioning.~~

P. ~~Annual Report, Enforcement and Compliance. The operator of the Data Center shall supply an annual report, as found in Appendix 9, to the Department indicating compliance with all applicable local, state and federal regulations. The Department shall reserve the right to request additional information and establish and update procedures for inspections, monitoring, and enforcement of compliance with this section. Non-compliant facilities will be subject to Division 40.31.900 or any other remedy available.~~

SYNOPSIS: This floor amendment proposes that the language currently appearing at line numbers 212-263 (Section N. *Abandonment*, Section O. *Financial assurance*, and Section P. *Annual Report*) be stricken in its entirety.

Prime Sponsor(s): Ms. Kilpatrick
Date of Introduction: November 18, 2025

FLOOR AMENDMENT NO. 7 TO SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101

1 Substitute No. 2 to Ordinance No. 25-101 is amended at line numbers 347 through 349
2 by adding the material that is underlined and highlighted in yellow and by deleting the
3 material with strikethroughs and highlighted in red, as follows
4

5 **Sec. 9. Effective Date.** This Ordinance shall become effective immediately upon its
6 adoption by County Council and approval by the County Executive, but shall only apply
7 to Minor and Major land development plan applications (including, but not limited to
8 preapplication sketch plans) submitted to the County after its adoption date, unless the
9 applicant, by written request, agrees to submit to the provisions of this Ordinance. All
10 resubdivision plan applications are exempted from this Ordinance regardless of the
11 submission date to the County. Any future Data Center use, buildings and/or structures
12 exempted from the applicability of this Ordinance shall be a lawful use in all respects and
13 in no case considered a non-conforming use, building(s), structure(s) or situation(s).

SYNOPSIS: *Floor Amendment No. 2 also clarifies that this Ordinance will take effect immediately upon adoption and will apply only to new Minor and Major land development plan applications (including preapplication sketch plans) submitted after adoption, unless an applicant requests otherwise in writing; all subdivision plan applications are exempt, regardless of submission date; and, any future data center projects that are exempted from this Ordinance will be considered fully legal and not treated as non-confirming uses.*

Prime Sponsor(s): Ms. Kilpatrick
Date of Introduction: December 9, 2025

FLOOR AMENDMENT NO. 8 TO SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101

Substitute No. 2 to Ordinance No. 25-101 is amended at line numbers 347 through 349 by adding the material that is underlined and highlighted in yellow and by deleting the material with strikethroughs and highlighted in red, as follows

Sec. 9. Effective Date. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 Del C 1156, and, shall only apply to Minor and Major land development plan applications that identify a data center as a potential use (including, but not limited to preapplication sketch plans) as submitted to the County ,after its adoption date. Resubdivision plan applications revising any grandfathered Minor or Major land development applications (resulting from the preceding sentence) shall remain exempt from this Ordinance regardless of its submission date, unless the applicant, by written request, agrees to submit to the provisions of this Ordinance. Any future data center uses, buildings, structures and/or situations grandfathered from the applicability of this Ordinance, shall remain lawful in all respects and in no case considered non-conforming uses, buildings, structures or situations.

SYNOPSIS: *Floor Amendment No. 2 also clarifies that this Ordinance will take effect immediately upon adoption, or as otherwise provided in 9 Del C 1156, and will apply only to new Minor and Major land development plan applications (including preapplication sketch plans) submitted after adoption, unless an applicant requests otherwise in writing; all subdivision plan applications are exempt, regardless of submission date; and, any future data center projects that are exempted from this Ordinance will be considered fully legal and not treated as non-confirming uses.*

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

SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101

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

1 **WHEREAS**, New Castle County currently lacks comprehensive, specific zoning
2 and development regulations tailored to the unique infrastructure demands,
3 environmental impacts, and operational characteristics of data centers; and
4

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

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

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

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

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

26 **WHEREAS**, Data Centers are unique land uses that involve large-scale electrical
27 infrastructure, water-intensive cooling systems, and extensive impervious coverage; and
28

29 **WHEREAS**, Data Centers typically utilize backup diesel generators, aboveground
30 and underground fuel storage tanks, cooling towers, and large volumes of electronic and
31 battery equipment that may pose environmental, public health, and safety risks if left
32 abandoned or unmaintained; and

33 **WHEREAS**, advances in information technology, server design, and power
34 delivery may cause individual Data Center facilities to become obsolete within a relatively
35 short operating lifespan, resulting in the risk of abandonment of specialized facilities that
36 are not easily adapted to other uses; and

37 **WHEREAS**, the County has a responsibility to protect the public health, safety,
38 and welfare by ensuring that abandoned or obsolete facilities are properly removed and
39 that sites are restored to a safe and stable condition; and
40

41 **WHEREAS**, financial assurance requirements for decommissioning are a well-
42 established land use tool in other industries with significant environmental or
43 infrastructure impacts, including telecommunications towers, wind and solar energy
44 projects, and mining operations; and
45

46 **WHEREAS**, requiring a Decommissioning Plan and associated financial
47 assurance for Data Centers will ensure that the County and its taxpayers are not
48 burdened with the cost of restoring sites and remediating environmental impacts in the
49 event of abandonment; and
50

51 **WHEREAS**, County Council has determined that the provisions of this Ordinance
52 substantially advance, and are reasonably and rationally related to legitimate government
53 interests.
54

55 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
56

57 **Section 1.** *New Castle County Code* Chapter 40 (“Unified Development Code”),
58 Article 3 (“Use Regulations”), Division 40.03.110 (“Use Regulations”) is hereby amended
59 by adding the material that is underscored and deleting the material that is stricken, as
60 set forth below.
61

62 **Sec. 40.03.110. – Use table.**
63

64 Table 40.03.110 lists the type of uses permitted in each district. Refer to Division
65 40.33.200 for definitions of the various use categories and their components. Should a
66 use not be identified in Table 40.03.110, an interpretation pursuant to Section 40.31.520
67 can be requested. Table 40.03.522 lists the specific parking requirements for several
68 general uses listed in Table 40.03.110. Limited and special use standards are contained
69 in Table 40.03.210 and Division 40.03.300. See Article 4 for district, lot, bulk and other
70 standards.

Table 40.03.110A. General Use Table									Table 40.03.110B. General Use Table								Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory									Zoning District (Suburban and Special Character)								Additional Standards (all districts)	
Land Use	TN *	ST	MM	ON	OR	CR	BP	I	C N	S ***	SE	NC **	HI	EX	SR	P	Parking	Limited & Special Use Standards
Agricultural									Agricultural								Agricultural ...	
Industrial Uses									Industrial Uses								Industrial Uses	
Compost operations	N	N	N	N	N	N	N	L	N	N	N	N	L	L	S	N	Table 40.03.522	Section 40.03.336
<u>Data Centers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>Table 40.03.522</u>	<u>Table 40.03.210</u> <u>Section 40.03.343</u>
Extraction	N	N	N	N	N	N	N	N	N	N	N	N	N	L	N	N	Table 40.03.522	Section 40.03.324 and Table 40.03.210 ...

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

77
78 **Sec. 40.03.210. - Buffering, location, bulk and scale standards.**
79

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

83
84 A. *Location. ...*

85
86 K. *Other. ...*

Table 40.03.210A. Limited and Special Use Standards						Table 40.03.210B. Limited and Special Use Standards						Table 40.03.210C. Limited and Special Use Standards
	Buffer Standards					Locational or Dimensional Standards						Additional Standards
	Bufferyards			Separation		Minimum				Maximum		
Land Use	Location	Increase Opacity or Width	Fence or Berm	Use Protected	Distance from Use to protected parcel	Spacing	Site Area	Road Access	Open Space	Lot Area	Height	Other
Agricultural ...						Agricultural						Agricultural ...
Industrial Uses						Industrial Uses						Industrial Uses
Compost operations												Section 40.03.336
<u>Data Centers</u>	<u>Within 1,000 feet of a residentially zoned parcel or parcel with an established daycare center or school</u>	<u>0.4</u>	<u>Minimum 8 ft. berm</u>	<u>Residential and established daycare center and schools</u>	<u>500 ft.*</u>							<u>See Section 40.03.343</u> <u>* See Section 40.03.343.B</u>
Extraction	All	0.8 (150 ft.)	8 ft. berm	Residential	100 ft. *		25 ac.					Section 40.03.324 * 100' for Recreation, High Intensity Uses ...

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

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

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

Sec. 40.03.340. - Multifamily conversion.

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

- A. A multifamily conversion is not permitted on a parcel that is within one thousand (1,000) feet of a heavy industry zoned parcel or a parcel with a heavy industry use as defined in Subsection 40.33.270.~~G~~ D.

Sec. 40.03.343. – Data Centers.

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

- A. The site shall be designed to minimize noise impact on neighboring residential properties and shall not generate noise levels that exceed 55 dB(A) or dB(C) at the sending property line if the predevelopment noise level is below those levels. If the predevelopment noise exceeds those levels, no net increase in the existing noise level shall be permitted. A noise study shall be submitted to evaluate this impact and to verify consistency with Chapter 22 of the *New Castle County Code* and the study shall include all generators and any other equipment that will be utilized on the site as part of the calculation.
- B. No portion of the proposed data center building or accessory uses shall be located within 1,000 feet of a residential zoning district. However, as a limited exception, the Department may approve data center structures or accessory uses located less than 1,000 feet, but no closer than 500 feet, from a residential zoning district, upon review and determination that noise levels generated will not exceed the allowable noise levels permitted in this section. The Department may require submission of a site-specific noise study demonstrating that the combined effectiveness of the selected measures will ensure compliance with the noise performance standards set forth herein. Acceptable noise attenuation and screening techniques, including, but not limited to, the following measures, may be considered by the Department in evaluating compliance:

1. Generator Acoustic Enclosures: fully enclosed or “super-silent” housings constructed of brick, masonry, or other acceptable materials with comparable sound transmission ratings.
 2. Acoustic Louvers and Duct Liners: designed to minimize tonal and airflow noise associated with ventilation or cooling systems.
 3. Sound-Absorptive Panels: installed within cooling yards, generator buildings, or perimeter walls to reduce reflected noise.
 4. Porous Absorptive Cladding: such as mineral-wool cores with perforated metal facings to dampen exterior surface reflections.
 5. Vibration Isolation Systems: including spring and neoprene isolators to prevent structure-borne noise transmission from generators, chillers, or HVAC units.
 6. Acoustic Fencing and Walls: solid or composite barriers with a minimum Sound Transmission Class (STC) rating of 35, extending fully above the line of sight between the noise source and the property line.
 7. Building Orientation and Shielding: siting of data center buildings or equipment yards so that structures themselves block direct noise paths toward residential or institutional uses.
 8. Enhanced Landscaping and Earth Berms: incorporation of vegetation, berms, and mounded terrain to provide additional passive sound attenuation and visual screening.
- C. Except for lot lines along an existing office or industrial park or adjacent to an existing industrial use, the bufferyards, street trees, berming and landscaping shall be upgraded, where appropriate to mask the development. The buildings shall meet the requirements for large industrial structures in Section 40.26.260.
- D. Lighting shall be designed so that there is zero (0) footcandles at the property line of the neighboring residential area.
- E. In addition to meeting all the requirements of Article 11, anticipated trip generation for a data center shall be based on the latest published ITE manual calculations. Data Centers shall not be converted to any use that exceeds the approved Transportation Improvement Study (TIS) or equivalent study, for the site unless another TIS or equivalent study is completed and approved in accordance with all other applicable provisions of this Chapter.
- F. Open-loop or once-through cooling is prohibited unless reclaimed water is used.
- G. All generators shall be Tier IV or utilize natural gas with Selective Catalytic Reduction (SCR) systems. The Department may permit applicants to substitute other technologies that the applicant can demonstrate as being more efficient and have less impact on the environment.
- H. Any energy storage system utilized for this use shall be a Battery Energy Storage System (“BESS”). The Department may permit applicants to substitute other technologies that the applicant can demonstrate as being more efficient and have less impact on the environment. Energy storage systems must employ fire-safe technologies as determined and approved by the State Fire Marshall’s Office.

- I. All new or expanded facilities shall submit documentation outlining the operation of the building as a LEED Gold or equivalent certification and providing the Total Usage Efficiency ("TUE"), the comprehensive metric for evaluating the overall energy efficiency of a system considering both the energy used by the IT equipment and the supporting infrastructure, with a minimum TUE of 1.15 must be provided unless operational issues are documented and accepted to vary this minimum.
- J. All data centers must be designed for future integration with onsite or communal microgrid components that include various energy generation sources, energy storage systems, a distribution network, a control system, and metering/billing systems.
- K. Applicants must submit a statement of coordination with the local electric utility and demonstrate the availability of sufficient grid capacity, or provide onsite generation that meets or exceeds projected load.
- L. Applicants must submit a statement of coordination with DNREC Water Allocation Program and Water Supply Coordinating Council and demonstrate the availability of sufficient water supply to meet or exceed projected water use.
- M. Data Centers must comply with all State and Federal requirements including but not limited to water supply coordination, cooling water discharges, emission standards, and air quality monitoring.
- N. Abandonment.
1. The operator or property owner shall provide written notice to the Department whenever the Data Center is out of active operation for more than six (6) months. Any Data Center that ceases to operate for one (1) year or longer is considered abandoned.
 2. The operator or property owner shall either recommence operation and schedule a site inspection with the Department to verify that all use requirements are still intact or shall remove all equipment and systems within six (6) months of being considered abandoned.
 3. Within two (2) years of being considered abandoned, the Data Center site shall be either restored to its predevelopment condition and inspected by the Department, or the property owner shall submit a land use application consistent with this Chapter to establish a new use for the site. Failure to comply with the requirements of this section shall authorize, but not require, the County to remove the Data Center and, when abandoned, restore the site to its predevelopment condition and charge the property owner as set forth in Subsection O. below.
- O. Financial assurance. Prior to issuance of a building permit, the operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure

235 payment of one hundred (100) percent of the anticipated cost of removal of all
236 associated site improvements and restoration of the site to its predevelopment
237 condition when the Data Center has been abandoned. Financial assurances for
238 Data Centers are subject to the following:

- 239
- 240 1. The applicant shall provide a decommissioning report that includes the
241 following components:
- 242
- 243 a. An inventory of components installed on the site.
- 244
- 245 b. Expected lifetime of the facility.
- 246
- 247 c. Decommissioning sequence.
- 248
- 249 d. Decommissioning cost estimate based on RSMeans or other software or
250 methodology approved by the Department.
- 251
- 252 2. The financial assurance shall remain in full force and effect while the Data
253 Center remains in place and operating, and shall be renewed every five (5)
254 years and revised as necessary to adjust for inflation and any change in the
255 cost for decommissioning.
- 256
- 257 P. Annual Report, Enforcement and Compliance. The operator of the Data Center
258 shall supply an annual report, as found in Appendix 9, to the Department
259 indicating compliance with all applicable local, state and federal regulations. The
260 Department shall reserve the right to request additional information and establish
261 and update procedures for inspections, monitoring, and enforcement of
262 compliance with this section. Non-compliant facilities will be subject to Division
263 40.31.900 or any other remedy available.

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

268

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

270

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

274

275 ~~C~~ B. *Extraction.* ...

276

277 ~~D~~ G. *Heavy industry.* ...

278

279 ~~E~~ D. *Light industry.* ...

280

281 ~~F~~ E. *Recycling or .* ...

282

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

284
285 H G . *Utility, major.* ...

286
287 I H . *Utility, minor.* ...

288
289 J I . *Utilities, maintenance facilities.* ...

290
291 **Section 5. New Castle County Code Chapter 40** (“Unified Development Code”),
292 Article 33 (“Definitions”), Section 40.33.300 (“General Definitions”) is hereby amended by
293 adding the material that is underscored and deleting the material that is stricken, as set
294 forth below.

295
296 *Abandonment.* ...

297
298 *Closed channel.* A conveyance system not open to the atmosphere (usually, but
299 not always, pipe).

300
301 *Closed-Loop Cooling System.* A Closed-Loop Cooling System is one where the
302 cooling medium is contained within a piping circuit for reuse.

303
304 *Coastal high hazard area or special flood hazard area subject to high velocity wave*
305 *action.* ...

306
307 *Opacity.* The measurement of the screening effectiveness of a bufferyard or fence
308 expressed as the percent of vision that the screen blocks.

309
310 *Open-Loop Cooling System or Once-Through Cooling System.* An Open-Loop
311 Cooling System is one with a cooling method in which water is withdrawn from a surface,
312 groundwater, or public supply source, passed through heat-exchange equipment to
313 absorb heat, and the effluent is then discharged to a surface water body, re-injected into
314 the ground, or discharged into a wastewater treatment system. Open-loop systems
315 typically rely on continuous withdrawals and discharges, frequently resulting in greater
316 thermal or environmental impacts including higher consumptive use of water resources.

317
318 *Reclaimed Water.* Water that has been treated to meet specific quality standards,
319 making it safe for a beneficial reuse. This can include treated effluent from wastewater
320 treatment facilities and remediation activities.

321
322 *Open space.* ...

323 **Section 6. Consistent with Comprehensive Development Plan.** New Castle
324 County Council finds that the provisions of this Ordinance are consistent with the spirit
325 and intent of the New Castle County Comprehensive Development Plan.

326
327 **Section 7. Inconsistent Ordinances and Resolutions Repealed.** All ordinances
328 or parts of ordinances and all resolutions or parts of resolutions that may be in conflict
329 herewith are hereby repealed except to the extent they remain applicable to land use

330 matters reviewed under previous Code provisions as provided in Chapter 40 of the *New*
331 *Castle County Code*.
332

333 **Section 8. Severability.** The provisions of this Ordinance shall be severable. If
334 any provision of this Ordinance is found by any court of competent jurisdiction to be
335 unconstitutional or void, the remaining provisions of this Ordinance shall remain valid,
336 unless the court finds that that the valid provisions of this Ordinance are so essentially
337 and inseparably connected with, and so dependent upon, the unconstitutional or void
338 provision that it cannot be presumed that County Council would have enacted the
339 remaining valid provisions, without the unconstitutional or void one, or unless the court
340 finds that the remaining valid provisions, standing alone, are incomplete and incapable of
341 being executed in accordance with the County Council's intent. If any provision of this
342 Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all
343 applicable former ordinances, resolutions, zoning maps or portions thereof shall become
344 applicable and shall be considered as continuations thereof and not as new enactments
345 regardless if severability is possible.
346

347 **Section 9. Effective Date.** This Ordinance shall become effective immediately
348 upon its adoption by County Council and approval by the County Executive or as
349 otherwise provided in 9 *Del. C.* § 1156.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus A. Henry
County Executive
of New Castle County

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

Sec. 40.03.110. This amendment updates the use table to establish which zoning districts permit the Data Center as a Special Use.

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

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

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

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

Section 40.33.270. This amendment defines Data Center uses.

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

Sec. 40.03.110. This amendment further updates the use table to establish which zoning districts permit the Data Center as a Special Use.

Sec. 40.03.343. This amendment clarifies that Data Centers must comply with State and Federal regulations and allows the Department to permit applicants to substitute other technologies that the applicant has demonstrated as being more efficient and have less impact on the environment. This amendment also includes decommissioning, abandonment, and financial assurance provisions for Data Centers.

Section 40.33.300. This amendment defines Closed-Loop Cooling Systems, Open-Loop Cooling Systems, and Reclaimed Water.

Substitute No. 2. The following changes are included in Substitute No. 2:

Sec. 40.03.210. This amendment references Section 40.03.343.B regarding the distancing requirements between Data Center Structures and protected uses.

Sec. 40.03.343. This amendment clarifies that the noise level restrictions are for noises generated by the Data Center and accessory uses. This amendment also allows the Department to approve Data Center structures and accessory uses located less than 1,000 ft. from a residential zoning district, provided that noise levels generated do not exceed the allowable noise levels permitted in Chapter 22 of the *New Castle County Code*, provided however, that no portion of the proposed data center building or accessory uses shall be within 500 ft. of a residential zoning district line.

This amendment changes the effective date of the ordinance to be the date that the ordinance is adopted by County Council and approved by the County Executive or as otherwise provided in 9 *Del. C.* § 1156.

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

Prime Sponsor(s): Mr. Carter
Co-sponsor(s): Mr. Caneco, Mr. Tackett
Ms. Durham, Mr. Cartier

Date of Introduction: August 5, 2025

SUBSTITUTE NO. 1 TO ORDINANCE NO. 25-101

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

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

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

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

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

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

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

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

29 **WHEREAS**, Data Centers are unique land uses that involve large-scale electrical
30 infrastructure, water-intensive cooling systems, and extensive impervious coverage; and
31

32 **WHEREAS**, Data Centers typically utilize backup diesel generators, aboveground
33 and underground fuel storage tanks, cooling towers, and large volumes of electronic and
34 battery equipment that may pose environmental, public health, and safety risks if left
35 abandoned or unmaintained; and

36 **WHEREAS**, advances in information technology, server design, and power
37 delivery may cause individual Data Center facilities to become obsolete within a relatively
38 short operating lifespan, resulting in the risk of abandonment of specialized facilities that
39 are not easily adapted to other uses; and
40

41 **WHEREAS**, the County has a responsibility to protect public health, safety, and
42 welfare by ensuring that abandoned or obsolete facilities are properly removed and that
43 sites are restored to a safe and stable condition; and
44

45 **WHEREAS**, financial assurance requirements for decommissioning are a well-
46 established land use tool in other industries with significant environmental or
47 infrastructure impacts, including telecommunications towers, wind and solar energy
48 projects, and mining operations; and
49

50 **WHEREAS**, requiring a Decommissioning Plan and associated financial
51 assurance for Data Centers will ensure that the County and its taxpayers are not
52 burdened with the cost of restoring sites and remediating environmental impacts in the
53 event of abandonment; and
54

55 **WHEREAS**, County Council intends that the pending ordinance doctrine apply to
56 restrict the acceptance of land development applications submitted after the introduction
57 of this Ordinance that would otherwise be prohibited by the provisions of this Ordinance;
58 and
59

60 **WHEREAS**, County Council has determined that the provisions of this Ordinance
61 substantially advance, and are reasonably and rationally related to legitimate government
62 interests.
63

64 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
65

66 **Section 1.** *New Castle County Code* Chapter 40 (“Unified Development Code”),
67 Article 3 (“Use Regulations”), Division 40.03.110 (“Use Regulations”) is hereby amended
68 by adding the material that is underscored and deleting the material that is stricken, as
69 set forth below.
70

71 **Sec. 40.03.110. – Use table.**
72

73 Table 40.03.110 lists the type of uses permitted in each district. Refer to Division
74 40.33.200 for definitions of the various use categories and their components. Should a
75 use not be identified in Table 40.03.110, an interpretation pursuant to Section 40.31.520
76 can be requested. Table 40.03.522 lists the specific parking requirements for several
77 general uses listed in Table 40.03.110. Limited and special use standards are contained
78 in Table 40.03.210 and Division 40.03.300. See Article 4 for district, lot, bulk and other
79 standards.

Table 40.03.110A. General Use Table									Table 40.03.110B. General Use Table								Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory									Zoning District (Suburban and Special Character)								Additional Standards (all districts)	
Land Use	TN *	ST	MM	ON	OR	CR	BP	I	CN	S ***	SE	NC **	HI	EX	SR	P	Parking	Limited & Special Use Standards
Agricultural									Agricultural								Agricultural ...	
Industrial Uses									Industrial Uses								Industrial Uses	
Compost operations	N	N	N	N	N	N	N	L	N	N	N	N	L	L	S	N	Table 40.03.522	Section 40.03.336
<u>Data Centers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>Table 40.03.522</u>	<u>Table 40.03.210</u> <u>Section 40.03.343</u>
Extraction	N	N	N	N	N	N	N	N	N	N	N	N	N	L	N	N	Table 40.03.522	Section 40.03.324 and Table 40.03.210 ...

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

86
87 **Sec. 40.03.210. - Buffering, location, bulk and scale standards.**

88
89 Table 40.03.210 provides standards that increase the degree of buffering, govern the
90 location, and reduce the bulk or scale of limited or special uses. The meaning of the
91 different categories contained in the Table is established as follows:

92
93 A. *Location.* ...

94
95 K. *Other.* ...

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

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

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

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

Sec. 40.03.340. - Multifamily conversion.

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

- A. A multifamily conversion is not permitted on a parcel that is within one thousand (1,000) feet of a heavy industry zoned parcel or a parcel with a heavy industry use as defined in Subsection 40.33.270.~~G~~ D.

Sec. 40.03.343. – Data Centers.

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

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

approved Transportation Improvement Study (TIS) or equivalent study, for the site unless another TIS or equivalent study is completed and approved in accordance with all other applicable provisions of this Chapter.

- F. Open-loop or once-through cooling is prohibited unless reclaimed water is used.
- G. All generators shall be Tier IV or utilize natural gas with Selective Catalytic Reduction (SCR) systems. The Department may permit applicants to substitute other technologies that the applicant can demonstrate as being more efficient and have less impact on the environment.
- H. Any energy storage system utilized for this use shall be a Battery Energy Storage System ("BESS"). The Department may permit applicants to substitute other technologies that the applicant can demonstrate as being more efficient and have less impact on the environment. Energy storage systems must employ fire-safe technologies as determined and approved by the State Fire Marshall's Office.
- I. All new or expanded facilities shall submit documentation outlining the operation of the building as a LEED Gold or equivalent certification and providing the Total Usage Efficiency ("TUE"), the comprehensive metric for evaluating the overall energy efficiency of a system considering both the energy used by the IT equipment and the supporting infrastructure, with a minimum TUE of 1.15 must be provided unless operational issues are documented and accepted to vary this minimum.
- J. All data centers must be designed for future integration with onsite or communal microgrid components that include various energy generation sources, energy storage systems, a distribution network, a control system, and metering/billing systems.
- K. Applicants must submit a statement of coordination with the local electric utility and demonstrate the availability of sufficient grid capacity, or provide onsite generation that meets or exceeds projected load.
- L. Applicants must submit a statement of coordination with DNREC Water Allocation Program and Water Supply Coordinating Council and demonstrate the availability of sufficient water supply to meet or exceed projected water use.
- M. Data Centers must comply with all State and Federal requirements including but not limited to; water supply coordination, cooling water discharges, emission standards, and air quality monitoring.
- N. Abandonment.
 - 1. The operator or property owner shall provide written notice to the Department whenever the Data Center is out of active operation for more than six (6) months. Any Data Center that ceases to operate for one (1) year or longer is considered abandoned.

- 195 2. The operator or property owner shall either recommence operation and
196 schedule a site inspection with the Department to verify that all use
197 requirements are still intact or shall remove all equipment and systems
198 within six (6) months of being considered abandoned.
199
200 3. Within two (2) years of being considered abandoned, the Data Center site
201 shall be either restored to its predevelopment condition and inspected by
202 the Department, or the property owner shall submit a land use application
203 consistent with this Chapter to establish a new use for the site. Failure to
204 comply with the requirements of this section shall authorize, but not require,
205 the County to remove the Data Center and, when abandoned, restore the
206 site to its predevelopment condition and charge the property owner as set
207 forth in Subsection O. below.
208

209 O. Financial assurance. Prior to issuance of a building permit, the operator or
210 property owner shall provide a bond, surety, letter of credit, or other financial
211 assurance in a form and amount acceptable to the Department to secure
212 payment of one hundred (100) percent of the anticipated cost of removal of all
213 associated site improvements and restoration of the site to its predevelopment
214 condition when the Data Center has been abandoned. Financial assurances for
215 Data Centers are subject to the following:
216

- 217 1. The applicant shall provide a decommissioning report that includes the
218 following components:
219
220 a. An inventory of components installed on the site.
221
222 b. Expected lifetime of the facility.
223
224 c. Decommissioning sequence.
225
226 d. Decommissioning cost estimate based on RSMeans or other software or
227 methodology approved by the Department.
228
229 2. The financial assurance shall remain in full force and effect while the Data
230 Center remains in place and operating, and shall be renewed every five (5)
231 years and revised as necessary to adjust for inflation and any change in the
232 cost for decommissioning.
233

234 P. Annual Report, Enforcement and Compliance. The operator of the Data Center
235 shall supply an annual report, as found in Appendix 9, to the Department
236 indicating compliance with all applicable local, state and federal regulations. The
237 Department shall reserve the right to request additional information and establish
238 and update procedures for inspections, monitoring, and enforcement of
239 compliance with this section. Non-compliant facilities will be subject to Division
240 40.31.900 or any other remedy available.

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

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

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

C B. Extraction. ...

D G. Heavy industry. ...

E D. Light industry. ...

F E. Recycling or

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

H G. Utility, major. ...

I H. Utility, minor. ...

J I. Utilities, maintenance facilities. ...

Section 5. New Castle County Code Chapter 40 (“Unified Development Code”), Article 33 (“Definitions”), Section 40.33.300 (“General Definitions”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Abandonment. ...

Closed channel. A conveyance system not open to the atmosphere (usually, but not always, pipe).

Closed-Loop Cooling System. A Closed-Loop Cooling System is one where the cooling medium is contained within a piping circuit for reuse.

Coastal high hazard area or special flood hazard area subject to high velocity wave action. ...

Opacity. The measurement of the screening effectiveness of a bufferyard or fence expressed as the percent of vision that the screen blocks.

Open-Loop Cooling System or Once-Through Cooling System. An Open-Loop Cooling System is one with a cooling method in which water is withdrawn from a surface, groundwater, or public supply source, passed through heat-exchange equipment to absorb heat, and the effluent is then discharged to a surface water body, re-injected into

the ground, or discharged into a wastewater treatment system. Open-loop systems typically rely on continuous withdrawals and discharges, frequently resulting in greater thermal or environmental impacts including higher consumptive use of water resources.

Reclaimed Water. Water that has been treated to meet specific quality standards, making it safe for a beneficial reuse. This can include treated effluent from wastewater treatment facilities and remediation activities.

Open space. ...

Section 6. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 7. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 8. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions, without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof and not as new enactments regardless whether severability is possible.

Section 9. Effective Date. Upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156, this Ordinance is effective retroactive to introduction thereof on August 5, 2025, which is the date notice was provided that this Ordinance would be pending. Council Rule 2.2.6 notwithstanding, it is the express legislative intent that the provisions of this Ordinance apply to all land use applications submitted to New Castle County after August 5, 2025. Council expressly waives the provisions of Council Rule 2.2.6 for this Ordinance. Furthermore, it is the intent of County Council that this Ordinance is also subject to the *pending ordinance doctrine* as articulated in *Covington v. Bd. of Adjustment of Rehoboth Beach*, 2016 WL 7242581, at *5 (Del. Super. Dec. 14, 2016), *aff'd*, 170 A.3d 779 (Del. 2017), and other precedent.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus A. Henry
County Executive
of New Castle County

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

Sec. 40.03.110. This amendment updates the use table to establish which zoning districts permit the Data Center as a Special Use.

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

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

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

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

Section 40.33.270. This amendment defines Data Center uses.

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

Sec. 40.03.110. This amendment further updates the use table to establish which zoning districts permit the Data Center as a Special Use.

Sec. 40.03.343. This amendment clarifies that Data Centers must comply with State and Federal regulations and allows the Department to permit applicants to substitute other technologies that the applicant has demonstrated as being more efficient and have less impact on the environment. This amendment also includes decommissioning, abandonment, and financial assurance provisions for Data Centers.

Section 40.33.300. This amendment defines Closed-Loop Cooling Systems, Open-Loop Cooling Systems, and Reclaimed Water.

This amendment clarifies the effective date in accordance with Delaware's *Pending Ordinance Doctrine*.

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

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

ORDINANCE NO. 25-101

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

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

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

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

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

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

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

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

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

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

33
34
35 **Section 1.** *New Castle County Code Chapter 40 (“Unified Development Code”),*
36 *Article 3 (“Use Regulations”), Division 40.03.110 (“Use Regulations”) is hereby amended by*
37 *adding the material that is underscored and deleting the material that is stricken, as set forth*
38 *below.*

Sec. 40.03.110. – Use table.

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

Table 40.03.110A. General Use Table									Table 40.03.110B. General Use Table								Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory									Zoning District (Suburban and Special Character)								Additional Standards (all districts)	
Land Use	TN *	ST	MM	ON	OR	CR	BP	I	CN	S ***	SE	NC **	HI	EX	SR	P	Parking	Limited & Special Use Standards
Agricultural									Agricultural								Agricultural ...	
Industrial Uses									Industrial Uses								Industrial Uses	
Compost operations	N	N	N	N	N	N	N	L	N	N	N	N	L	L	S	N	Table 40.03.522	Section 40.03.336
<u>Data Centers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Table 40.03.522</u>	<u>Table 40.03.210</u> <u>Section 40.03.343</u>
Extraction	N	N	N	N	N	N	N	N	N	N	N	N	N	L	N	N	Table 40.03.522	Section 40.03.324 and Table 40.03.210 ...

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

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

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

59
60 A. *Location. ...*

61
62 K. *Other. ...*

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

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

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

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

Sec. 40.03.340. - Multifamily conversion.

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

- A. A multifamily conversion is not permitted on a parcel that is within one thousand (1,000) feet of a heavy industry zoned parcel or a parcel with a heavy industry use as defined in Subsection 40.33.270.~~E~~ ~~D~~.

Sec. 40.03.343. – Data centers.

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

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

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

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

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

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

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

C. *B. Extraction.* ...

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

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

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

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

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

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

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

Section 5. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 6. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 7. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions, without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof as not as new enactments regardless if severability is possible.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C. § 1156* and shall only apply to Land Use applications submitted after such date(s) unless the applicant, by written request, agrees to submit to the provisions of this Ordinance.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus A. Henry
County Executive
of New Castle County

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

Sec. 40.03.110. This amendment updates the use table to establish which zoning districts permit the Data Center use as a Special Use.

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

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

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

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

Section 40.33.270. This amendment defines Data Center uses.

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



New Castle County Department of Land Use

DEPARTMENT OF LAND USE
RECOMMENDATION REPORT

Ordinance 25-101
Application 2025-0486-T
Data Centers

October 21, 2025

Sponsor: Councilman David Carter (District 6)

Description: Amending New Castle County Code Chapter 40 ("Unified Development Code"), Article 3 ("Use Regulations"), and Article 33 ("Definitions") to establish standards for the review, siting, and operations of data centers.

EXECUTIVE SUMMARY

The Unified Development Code has had standards for Information Services and data processing (NAICS 51 which include Data Centers) dating back to 1998. Originally Data Centers were considered an Office Use permitted by-right in all non-residential zoning districts. The definition was broadened to also consider Data Centers as a Light Industrial Use, maintaining them as a by-right use in industrial zoning districts (HI & I) after limitations were placed on Office Uses in industrial districts. At the time, based on the size, nature of their operation, and impact on nearby properties, the provisions made sense. Traditionally, Data Centers served as an accessory use to support a principal office use or as an individual industrial use typically within an industrial park. As the technology has changed over the past decade, these facilities began to increase in size and placed additional demands on the infrastructure. The electrical demand for data centers across the United States, alone, well surpasses the full electrical demand for data centers of a decade ago, let alone in 1998. Data Centers, as with many other uses, have evolved over time and as such, regulations for these centers need to be revisited.

Application 2025-0486-T (Ordinance 25-101), is a text amendment to amend New Castle County Code to further define data center uses and set Special Use standards to address the specific challenges identified in other municipalities that have considered and approved modern Data Center facilities. Proposed changes to the ordinance presented as a draft substitute to Ordinance 25-101 incorporate specific feedback from the Public Service Commission, DNREC, and other State Agencies at the PLUS hearing and in subsequent communications. The recommended changes also incorporate important protections identified as best practices in other jurisdictions.

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the New Castle County Code and comments received from other agencies and the public. Based on this analysis, the Department recommends **Conditional Approval** of Ordinance 25-101 with the condition that County Council considers the proposed changes in the draft substitute to Ordinance 25-101.

DESCRIPTION

Application 2025-0486-T (Ordinance 25-101), is a text amendment to amend New Castle County Code to further define data center uses and set Special Use standards.

BACKGROUND

Ordinance 97-172 Unified Development Code

On December 31, 1997, New Castle County adopted the Unified Development Code (UDC) (Ordinance 97-172) and categorizes Data Centers under Information Industries (NAICS 51) as a Light Industry use pursuant to Section 40.33.270.D of the UDC. Per Table 40.03.110 ("GENERAL USE TABLE"), Light Industry uses were permitted within the Office Regional (OR), Business Park (BP), Industrial (I), and Heavy Industry (HI) zoning districts.

Ordinance 98-080 Omnibus

On September 22, 1998, New Castle County adopted Ordinance 98-080 amended the definition of Office Uses to include Information services and data processing (NAICS 514), which in combination with the existing Light Industry use definition permitted Data Centers in every nonresidential zoning district.

Ordinance 99-075 Omnibus

On December 14, 1999, New Castle County adopted Ordinance 99-075 which created Limited Use standards (Section 40.03.333) for Light Industry uses limiting the types of Light Industry uses which are permitted within OR zoning districts.

Ordinance 08-096 Consolidation of Employment Related Uses within the OR, BP, and I Zoning Districts

On December 9, 2008, New Castle County adopted Ordinance 08-096 which redefined specific Light Industry uses as Special Uses within Section 40.03.333 of the UDC and establishing maximum height limitations on specific buildings within 100 feet of residential property lines (Section 40.04.110C).

Ordinance 21-065 Substitute No.1 to Ordinance No. 21-065

On September 9, 2021, New Castle County adopted Substitute No.1 to Ordinance 21-065 which limited Light Industry uses within CR zoning districts to warehousing and storage facilities (NAICS 493) as a Special Use and additional standards set pursuant to Section 40.03.333.B of the UDC.

Ordinance 23-104 Regarding Development, Redevelopment, Large Industrial Structures and Heavy Retail and Service Uses

On January 25, 2024, New Castle County adopted Substitute No. 1 to Ordinance 23-104 which set Limited Use standards for Light Industry uses within BP zoning including distance requirements and design elements when located adjacent to residential uses pursuant to Tables 40.03.110 and 40.03.210 of the UDC. Standards around large industrial structures (Section 40.26.260) changed to apply to a lower gross floor area (GFA) threshold of proposed large industrial structures. These design elements included but were not limited to: landscaping and berm requirements along non-industrial uses, lighting requirements along residential uses, reduction of noise impacts, building design, and other associated improvements.

Ordinance 25-101 Data Centers

Ord. 25-101 was introduced on August 5, 2025, and proposed data centers as a distinct classification of industrial use in Table 40.03.110 of the UDC. The ordinance sets data centers as a Special Use within Industrial (I) and Heavy Industry (HI) zoning districts as well as creates Limited Use standards such as buffering and screening requirements from residential, noise regulations, energy and water usage requirements, and other additional requirements.

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

The proposed text amendment was reviewed at the PLUS meeting held on September 3, 2025.

The PLUS Review Letter, dated September 5, 2025, includes comments from the Office of State Planning and Coordination, who had no objections. The Public Service Commission (PSC) expressed concerns over the impacts of large data centers and referenced a current petition to the PSC to apply a large load tariff on interconnections larger than 25MW. The PSC had no concerns with the proposed ordinance in terms of land use and environmental issues, however stated that any energy-related requirements should be regulated by the PSC. The Department of Natural Resources and Environmental Control (DNREC) cited concerns over water and energy use, air quality, and noise mitigation. DNREC stated that water usage should be coordinated with the New Castle County Subcommittee of the Water Supply Coordinating Council and that plans should detail any proposed discharging of waters. They mention that data centers could impact the energy adequacy, grid reliability and cost and recommend requirements for coordination with the local utility, emphasis on Battery Energy Storage Systems, and consistency with the State Energy Plan. In terms of air quality, DNREC suggested limitations for on-site generators, limitations on transportation emissions, preconstruction permits, and pre-application air quality modeling. DNREC agreed with the proposed noise limitations in Ord. 25-101. All other State agencies had no comment on the subject ordinance.

PLANNING BOARD PUBLIC HEARING – October 7, 2025

*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use.¹

Councilman David Carter presented the ordinance. He started by highlighting the key impacts of data centers on various aspects such as; land use, water use, noise pollution, air emissions, and energy use. He reviewed statistics on energy use and the goals of responsible data center siting, infrastructure and environmental standards. He presented to the Planning Board a proposed substitute ordinance which was drafted in response to PLUS comments received in September as well as additional research, and summarized the key provisions of the substitute ordinance including but not limited to: Special Use requirements, noise limitations, setback requirements from residential, standards for backup power, cooling, energy, microgrid requirements, and other associated standards. Councilman Carter proceeded to address the comments received by PLUS, outline a decommissioning process for all proposed data centers, and provide details on the application of the proposed ordinance on data center projects if adopted.

Questions from the Planning Board:

Robert Snowden inquired if data center projects would require Special Use permits or be considered by-right. Councilman Carter mentioned that each data center project would require a Special Use permit and have to follow the criteria and standards for a Special Use pursuant to the UDC. Mr. Snowden asked if the substitute ordinance proposed intergovernmental coordination to which Councilman Carter confirmed that the substitute would require approvals from the applicable regulating agencies. Robert Ott questioned the average lifespan of a data center. Councilman Carter detailed the energy issues of existing data centers throughout the country and noted the technology and equipment changes. Neal Cantrell asked about the low frequency noise and potential impacts on surrounding communities, and Councilman Carter stated that the standards for the proposed setbacks was based on existing requirements in other jurisdictions as well as established setbacks in the UDC. Ruth Visvardis inquired about the meaning of “residential zones” when discussing the 1,000-foot setback requirement to which Councilman Carter clarified it meant residential zoning districts found in the UDC. Air quality due to backup generator usage was a point of concern for Mr. Cantrell and Councilman Carter stated that air quality standards and monitoring are subject to DNREC’s regulations. Councilman Carter explained the PLUS process and coordination with the State of Delaware agencies on the details of the ordinance which resulted in some of the conditions presented in the substitute ordinance. Mr. Cantrell cited the supplemental report submitted by Councilman Carter which outlined the potential issues ongoing with data centers in Virginia which sources energy from PJM same as Delaware.²

A conversation occurs between Councilman Carter and Mr. Cantrell regarding energy generation

¹ October 7, 2025 Planning Board Public Hearing: <https://www.newcastlede.gov/agendacenter>

² Councilman David Carter’s Supplemental Report:
<https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86C5E68CE881F951C292813E0C92628E37A7864BB0E463459C&x=temp.pdf>

concerns for existing data centers located in Virginia and New Jersey and the impacts on energy consumption and cost in Delaware. Mr. Ott asked about any issues with existing data centers in regard to internet data transfer capacity to which Councilman Carter had mentioned Delaware had invested in a very robust fiber optic internet infrastructure which exceeds the data transfer capacity needed for the needs of large-scale data center projects.

Public Comment:

Over 200 people attended the public hearing (online and in-person) 49 of which spoke on the ordinance. Of those who spoke, most of the speakers supported the ordinance stating that the proposed regulations would provide much needed guardrails for the community from any proposed data center projects. Many in attendance expressed concern over data centers and their impacts on the community, citing concerns over environmental and energy impacts. Those in opposition to the ordinance expressed doubts over the additional restrictions on noise, regulations on data centers, and the impact on Delaware's economy.

The Department of Land Use received email correspondence from 12 residents in support, 3 in opposition, and 2 general comments of Ordinance 25-101 during the written public comment period.³ Written public comment mostly paralleled the concerns of data center developments that were mentioned during the public hearing and expressed support of the additional standards proposed in the ordinance. Comments in opposition to the ordinance included concerns over; the effective date (Pending Ordinance Doctrine), additional regulations limiting the construction of data centers, water capacity, the proposed decommissioning and noise standards. The general comments included sentiment that including regulations pertaining to dB(C) is unnecessary, and that it is important for these projects to include agreements to use local union workers.

ANALYSIS

As identified in public comment, and discussed in the Background section of this report, Information Center and data processing (Data Centers) are defined and permitted within the Unified Development Code. Since 1998 Data Centers have been permittable as a by-right use (either Industrial or Office Use) in all nonresidential zoning districts, including those to transition from more intense uses to residential uses (Office Neighborhood and Commercial Neighborhood) limited only by the site capacity restrictions for each zoning district.⁴ The permissive nature in the UDC was intentional since data centers either served in an accessory capacity within a larger office or industrial building at sites like 3 Boulden Circle,⁵ or as individual industrial uses within an industrial park such as 501 Bear Christiana Rd & 4001 Governor Printz Blvd (Bank One Core Data Center 1 & 2)⁶.

³ Project #20250486: <https://www3.newcastlede.gov/project/details/default.aspx?ProjectKey=832887>

⁴ Application 2025-0473-V: <https://www3.newcastlede.gov/Project/details/default.aspx?ProjectKey=832143> , (Accessed 10/15/25)

⁵ 3 Boulden Circle: <https://www3.newcastlede.gov/parcel/details/default.aspx?ParcelKey=86869> , (Accessed 10/15/25)

⁶ Application 2003-0001-S: <https://www3.newcastlede.gov/Project/details/default.aspx?ProjectKey=122344> & Application 2004-0372-S: <https://www3.newcastlede.gov/Project/details/default.aspx?ProjectKey=155142> , (Accessed 10/15/25)

Over the past decade, much like the shift from general warehousing to the logistic/fulfilment facility led by the growth in ecommerce, Data Centers have grown exponentially to serve the growing needs for technology and artificial intelligence. Not only has the technology expanded past what was originally conceived as information services and data processing in the UDC, but with increased demands in processing so to have the impacts on our electrical grid, environment, and nearby communities, Ordinance 25-101 was drafted to continue to permit development of data centers, while providing needed protections for nearby communities and the environment as a whole. The ordinance, as introduced, provided:

1. Defines Data Centers as an Industrial Use limited to Industrial (I) and Heavy Industry (HI) zoning districts, as opposed to being both an Office and Industrial use permitted in the Office Neighborhood (ON), Commercial Neighborhood (CN), Office Regional (OR), Commercial Regional (CR) Business Park (BP), Industrial (I), Heavy Industry (HI), and Extractive Use (EX).

Under the existing provisions the primary limiting factor on siting, from a land use regulatory standpoint, are the permitted gross floor area (GFA) based on site capacity and availability of adequate utilities (electric and water). As discussed, earlier Data Centers have changed significantly in size and nature of their operation. When facilities are accessory or ancillary to permissible office uses (as opposed to the principal use), their size and impact on infrastructure and the surrounding community is low, however as a principal use, they are more industrial in nature.

2. Establishes Special Use standards specifically tailored to impacts of Data Centers.

Ordinance 25-101 includes specific standards to mitigate impacts Data Centers serving as the principal use including:

- Limitations noise level at the property line
- Distancing requirements from residential zoning district lines
- Increased buffering and landscaping
- Limitations on conversion to other uses based on traffic impact – Data Centers generate a low volume of traffic
- Prohibition of open-loop or once-through as a means of cooling – eliminates the warming of our natural waterways, thereby protecting vulnerable ecological habitats
- Requirements for backup power supplies to have minimal impact on the environment and adjacent communities, both generators and battery energy storage systems
- Requirement that the buildings to be built to meet LEED Gold standards or better

- Requirement that sites be designed to be long term viable with the potential to be modified to provide onsite or communal microgrid components that include various energy generation sources, energy storage systems, a distribution network, a control system, and metering/billing systems
- Requirements for applicants to submit a statement of coordination with utility companies and an annual report for the operation.

As with Special Uses that include use specific standards, the requirements are largely objective and measurable, not unlike that of Limited Uses which is reviewed by the Department. Data Centers, as they have evolved, based on size and impact on the surrounding community and environment, present unique conditions with respect to their relationship to the community.⁷ As such, being a Special Use, Data Centers will not only gain a public hearing at the Board of Adjustments, but will need to be evaluated based on the following additional standards:

- The use meets the requirements of Division 40.03.300 (Limited and Special Use Standards).
- The use is consistent with the Comprehensive Development Plan.
- The use is compatible with the character of the land in the immediate vicinity.
- The design minimizes the adverse effects, including visual impact on adjacent lands.
- The use minimizes adverse impacts on the environment or government services.
- The intensity of the use shall not exceed that permitted by Article 5. A lower intensity may be mandated based upon the record.⁸

These standards are combined with the Board of Adjustment's ability to establish site specific conditions and restrictions to:

- Ensure the special use is developed as presented in drawings, exhibits, and assertions made at the public hearing.
- Ensure the general purposes, goals, and objectives of the Comprehensive Development Plan and this Chapter are met.
- Prevent or minimize the adverse effects from the proposed use and development on other properties in the neighborhood, and on the public health, safety, and general welfare.⁹

The additional standards and conditions afforded by the Special Use Permit process provides a powerful motivation for developers of Data Centers to work with neighboring communities and to

⁷ Section 40.31.430.A – Standards for a Special Use Permit

⁸ Section 40.31.430.B – Standards for a Special Use Permit

⁹ Section 40.31.431 – Conditions and Restrictions

minimize their impact, bolstered by conditions and restrictions tailored to specific sites to be sensitive and mindful of surrounding communities and environmental resources.

At the October 7 Planning Board Public Hearing, Councilman Carter discussed several changes to Ordinance 25-101 that could be included in a substitute ordinance. While the record was open, Mr. Carter submitted into the record a draft of a substitute ordinance for consideration, which included the following:

- Expands the zoning districts that allow Data Centers as a Special Use to include the Extractive Use (EX) district – Extractive uses are industrial in nature, and should a site meet the requirements set forth in Ordinance 25-101, the use would be appropriate
- Includes considerations for dB(C) as opposed to just dB(A) – This factors not just frequencies evaluated by dB(A) (representative of the sensitivity of the human ear), but also the impact of low frequency noises as evaluated by dB(C).
- Allows the Department to permit applicants to substitute alternative backup power supplies (battery and generators) if those supplies are demonstrated to be more efficient and have less of an impact on the environment.
- Requires submission of a statement of coordination with DNREC Water Allocation Program and Water Supply Coordinating Council and demonstrate the availability of sufficient water supply to meet or exceed projected water use
- Clarifies the requirement to comply with State and Federal requirements
- Sets standards for abandoning, decommissioning and financial assurances – This assures that if a facility ceases to operate for a year that either a new permitted use is established in the facility, or the restored to its predevelopment condition, assuring that as the technology and hard infrastructure needs evolve and become more efficient these sites are not left vacant.
- Sets the effective date to the date of introduction, thereby preventing applications made after its introduction from avoiding the standards specifically designed for Data Centers as a use, including in zoning districts that would not allow Data Centers as a use should the ordinance be adopted.

The Department has reviewed the Ordinance 25-101, the proposed changes in the draft substitute to the ordinance, as well as public comment (in support, opposition, and general comments). Concerns were brought in correspondence from Joseph Fitzgerald on behalf of the Delaware Contractors Association, Delaware State Chamber of Commerce, Associated Business and Contractors and New Castle County Chamber of Commerce, voiced concerns that designating Data Centers as a Special Use and including “unnecessary and unduly robust regulation” sends the wrong message. He additionally voiced opposition with the effective date being the date of Ordinance’s introduction, which was echoed and expanded on by Shawn Tucker, Esq. Mr. Tucker

argues that Data Centers have been around since 1945, which he asserted expanded substantially in the 2000's (25 years ago), and that they are already regulated today, albeit as a "by-right" use in the OR, CR, BP and I (his letter omits that it is also a by-right use in the ON and CN districts).

Uses are designated as Special Uses, not to discourage the use, but **when they "present unique conditions with respect to their relationship to the community."** There are thirteen uses designated in Table 40.03.110 as Special Uses including:

- Adult Uses
- Agricultural Support and Other Rural Services
- Airports
- Composting Operations
- Exterior Lighting for Outdoor Recreational Uses
- Heavy Industry
- Heavy Retail and Service
- High Intensity Recreation
- Light Industry
- Major Utilities
- Parking Structures
- Protective Care
- Retail Marijuana Stores

These uses typically include objective standards specific to the potential impact of each use, but more importantly provide the public an opportunity to evaluate the impact that the use would have adjacent communities and the consistency with the Comprehensive Plan. The Department agrees that information services and data processing (Data Centers) existed in the county, however, we would argue that the size and impact are dramatically different than early facilities or even at the early years of the internet revolution (early 2000s). While electrical consumption is not a perfect measure of total impacts (it doesn't account for environmental impacts outside of the generation and transmission of electricity) the change is proportionate. Between 2014 and 2016 the annual cumulative electrical demand from data centers was roughly 60 TWh. By 2018 the consumption had increased by more than 26% to 76TWh (1.9% of the total energy consumed in the United States). Between 2018 and 2023 cumulative electrical demand from Data Centers rose by 131.6% to 176 TWh (4.4% of all electricity consumed in the United States). This was all before the release of programs such as ChatGPT 4, Microsoft Copilot, and Google Gemini. Forecasts expect as high as 580 TWh to be needed per year to support Data Centers (about 12% of all

electric demand in the United States)¹⁰

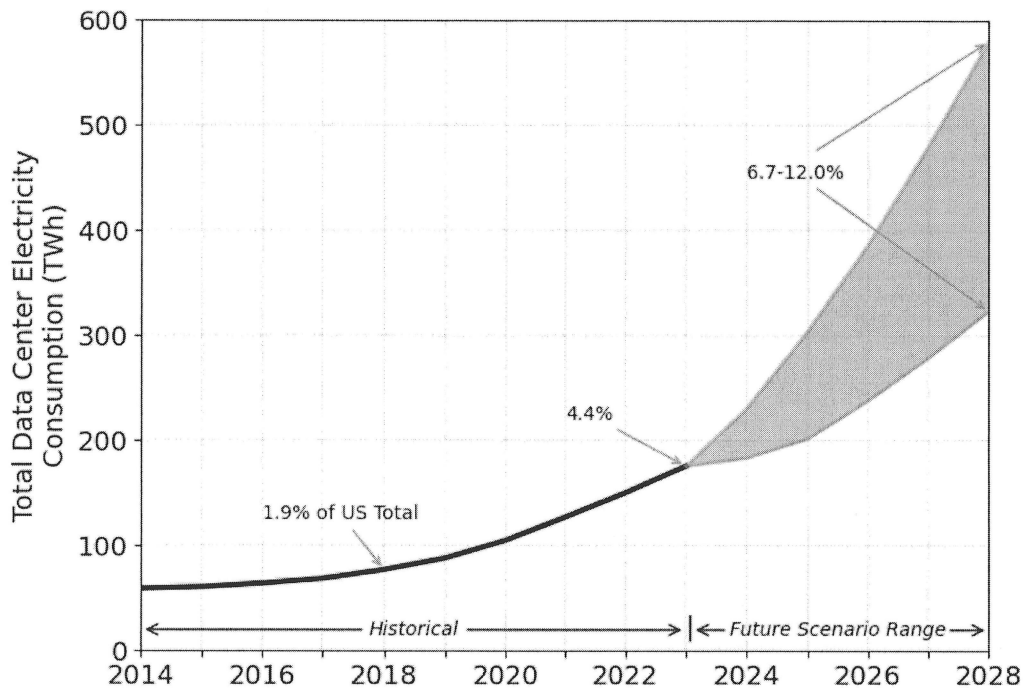


Figure ES-1. Total U.S. data center electricity use from 2014 through 2028.

These facilities typically consume roughly 50% of their electrical demand on equipment operation and 38%-40% on cooling systems.¹¹ Cooling systems not only consume electricity but also exchange heat to local waterbodies if not a closed loop system. It was recommended that any regulations be a product of coordination with DNREC, which the Department of Land Use concurs. Ordinance 25-101 was presented to PLUS on September 3, 2025. DNREC provided thoughtful comments and recommendations at the hearing. They also continued to work with Councilman Carter recommending additional standards which were incorporated into the Draft Substitute to Ordinance 25-101.

¹⁰ 2024 United States Data Center Energy Usage Report, Berkley Lab Energy Analysis & Environmental Impacts Division: <https://eta-publications.lbl.gov/sites/default/files/2024-12/lbnl-2024-united-states-data-center-energy-usage-report.pdf?stream=top>, Accessed (10/16/2025)

¹¹ Data Centers and Their Energy Consumption: Frequently Asked Questions, Congressional Research Service, August 26, 2025: <https://www.congress.gov/crs-product/R48646>, (Accessed 10/16/2025)

Standards for Text Amendment – Section 40.31.420 of the New Castle County Code

Pursuant to Section 40.31.420 of the New Castle County Code, in determining whether a text amendment shall be recommended or approved, all the following factors shall be considered:

A. Implementation of a new portion of the Comprehensive Development Plan.

N/A

B. Implementation and achievement of the Comprehensive Plan's goals and objectives.

The changes proposed by Ordinance 25-101 will help the County achieve several important goals and objectives in the Comprehensive Plan including:

Objective 3.1 of the Comprehensive Plan:

Continue to ensure water services and drinkable water supply is sufficient to meet demand.

Setting standards and defining “Closed-Loop Cooling Systems” to ensure the recycled use of water (or usage of reclaimed water) to ensure the protection, quality, and conservation of water supply to New Castle County residents. Continue to coordinate with the local water utilities to ensure minimal impact on the needs of the community.

Objective 13.2 of the Comprehensive Plan:

Strengthen/improve resiliency in the face of climate change threats through changes to the built environment (infrastructure, transportation, etc.) so to minimize risk and impacts to all people and communities.

Ordinance 25-101 proposes various protections from the impacts of data center operation including but not limited to: noise, setbacks from residential zoning, lighting, water and energy usage, and emissions.

Objective 16.1 of the Comprehensive Plan:

Increase diversity of engagement in community planning activities of all county residents regardless of age, race, income, native language, abilities, etc.

Ordinance 25-101 proposes to define data centers as a Special Use within industrial zoning districts requiring all proposed data center uses to seek a Special Use permit from the Board of Adjustment. This process not only ensures projects to demonstrate the standards for Special Use permits (Section

40.31.430 of the UDC), but in addition ensures an opportunity for public comment at the Board of Adjustment.

Objective 17.1 of the Comprehensive Plan:

Planning/investment decisions integrate across governments and jurisdictions

Ordinance 25-101 sets requirements that the applicant provide applicable jurisdictional approvals and permits from Local/State/Federal agencies. Applicants are to submit a statement of coordination with the local electric utility to demonstrate sufficient grid capacity, provide a statement of coordination with DNREC Water Allocation Program and Water Supply Coordinating Council to demonstrate sufficient water supply, and proof of compliance with all State and Federal requirements relating to data center impacts.

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

Large Industrial Structure Standards (Section 40.26.260 of the UDC)

Some design requirements proposed in Ordinance 25-101 are currently applied to large industrial structures such as berming, lighting standards, and noise impact. This ordinance proposes noise impacts along shared residential property lines, zero footcandle lighting requirement along residential property lines, and a minimum eight-foot berm to screen the site.

Large-scale Solar Energy System Standards (Section 40.03.337 of the UDC)

The needs and demands for data center real estate is difficult to predict with rapidly changing technology. To ensure that a developed data center site will be restored to its predevelopment condition, changes proposed in a draft substitute to Ordinance 25-101 outlines a decommissioning requirement to ensure data center developments do not create an undue impact on the surrounding community after ceasing operation unless the property owner submits a land use application to establish a new use for the site. A financial assurance is put in place prior to the issuance of a building permit to cover one hundred percent of the anticipated cost of removal in instances of site abandonment. This process is currently utilized for large-scale solar energy systems as these systems may be temporary in nature (about 10-25 years).

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 **Conditional Approval** of Ordinance 25-101 with the condition that County Council considers the proposed changes in the draft substitute to Ordinance 25-101.

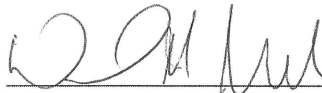
PLANNING BOARD RECOMMENDATION

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. Cantrell and seconded by Ms. Visvardis, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 25-101 as subject to the condition recommended by the Department of Land Use. The motion was adopted by a vote of 6-1-0-1 (In Favor: Cantrell, Daigle, Drake, Ott, Snowden, Visvardis; In Opposition: Cochran; Abstention: None; Absent: Gray).

Prior to the vote, there were no 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 promotes the convenience, order and welfare of the present and future inhabitants of this State.

 10/21/25

David M. Culver date
General Manager
Department of Land Use

 10/21/25

Robert Snowden date
Acting Chair
Planning Board